

# **Village of Lewiston**

## **Local Waterfront Revitalization Program**

**Adopted:**

**Village of Lewiston Board of Trustees, December 18, 1989**

**Approved:**

**NYS Secretary of State Gail S. Shaffer, February 26, 1991**

**Concurred:**

**U.S. Office of Ocean and Coastal Resources Management, April 24, 1991**

This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization and Coastal Resources Act of 1981 (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a Routine Program Implementation has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, 162 Washington Avenue, New York 12231.



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER  
SECRETARY OF STATE

FEB. 26 1991

Honorable Marilvn Toohey  
Mayor  
Village of Lewiston  
145 North Fourth Street  
Lewiston, New York 14092

Dear Mayor Toohey:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, I have approved the Village of Lewiston's Local Waterfront Revitalization Program (LWRP). The Village is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

I will notify State agencies shortly that I have approved the Village's LWRP and will provide them a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the Lewiston LWRP.

Again, I would like to commend the Village of Lewiston on its efforts to develop the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Gail S. Shaffer', written in a cursive style.

Gail S. Shaffer

GSS:gn

Resolution of the Village Board of Trustees  
Adopting the Lewiston Local Waterfront Revitalization Program

WHEREAS, the Village of Lewiston entered into a contract with the New York State Department of State, dated July 29, 1983 for preparation of a Local Waterfront Revitalization Program; and

WHEREAS, a Draft Local Waterfront Revitalization Program (DLWRP) was prepared under said contract with the guidance of Wendel Engineers, P.C.;

WHEREAS, a Draft Environmental Impact Statement (DEIS) was prepared for the Local Waterfront Revitalization Program in accordance with the requirements of Part 617 of the implementing regulations of Article 8, of the Environmental Conservation Law; and

WHEREAS, a DLWRP and DEIS were referred to appropriate local, county, State and federal agencies in accordance with State and federal requirements; and

WHEREAS, a Final Environmental Impact Statement (FEIS) was prepared and accepted by the Mayor and Village Board of Trustees as complete on November 20, 1989

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Village Board of Trustees of the Village of Lewiston, New York, that the Local Waterfront Revitalization Program for the Village of Lewiston is hereby approved and adopted.

Resolution passed at a regular meeting of the Village Board of Trustees on December 18, 1989.

I herein certify this is a true and correct copy of said resolution.

  
Village Clerk-Treasurer



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL OCEAN SERVICE  
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
Washington, D.C. 20235

APR 24 1991

George Stafford  
Director  
Division of Coastal Resources  
and Waterfront Revitalization  
Department of State  
162 Washington Street  
Albany, N.Y. 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the Village of Lewiston Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a Routine Program Implementation (RPI) change. We received comments from eight Federal agencies, none objecting to incorporating the LWRP as a RPI. This approval assumes you will make no further changes to the document in addition to the ones submitted.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the Village of Lewiston after you publish notice of our approval.

Sincerely,

  
James P. Lawless  
Acting Director



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**SECTION I**

**WATERFRONT REVITALIZATION AREA BOUNDARY**

**A. LWRA BOUNDARY**

The boundaries of the Village's Local Waterfront Revitalization Area (LWRA) are as follows:

- o The LWRA boundary first contacts the Village from the north at the confluence of the eastern and northern limits of the Village, commonly delineated as the Village Line;
- o The boundary runs easterly along the northern Village Line to the east right-of-way line of Second Street (known as State Route 18F), where it intersects with the Village Line; then,
- o Southerly along the east right-of-way line of Second Street to the north right-of-way line of Oneida Street; then,
- o Easterly along the north right-of-way line of Oneida Street to the east right-of-way line of Fourth Street; then,
- o Southerly along the east right-of-way line of Fourth Street across Tuscarora Street and to the southern right-of-way line of Tuscarora Street; then,
- o Easterly along the southern right-of-way line of Tuscarora Street to a point approximately 390 feet east of the eastern right-of-way line of Seventh Street (not surveyed) coincident with the southeast corner of Parcel No. 3178, as recorded in the Niagara County Clerk's Office, Lockport, New York (Liber 1671, page 21); then,
- o Generally northeasterly along the eastern property lines of Parcels No. 3178 and 3177, as recorded above, to the intersection of the east property line of Parcel No. 3177 with the south right-of-way line of Seneca Street, approximately 24 feet west of the west right-of-way line of South Eighth Street; then,
- o Generally easterly along the south right of way line of Seneca Street to the intersection with the centerline of Robert Moses Parkway right of way; then,
- o Generally southwesterly following the centerline of the Robert Moses Parkway right of way to the Town of Lewiston line; then,
- o Westerly along the Village/Town of Lewiston line to the Village waterside boundary; then
- o Northerly along the Village Waterside Boundary to the northern limit of the Village at the Village/Town line, to the point of beginning.

**B. WATERSIDE BOUNDARY**

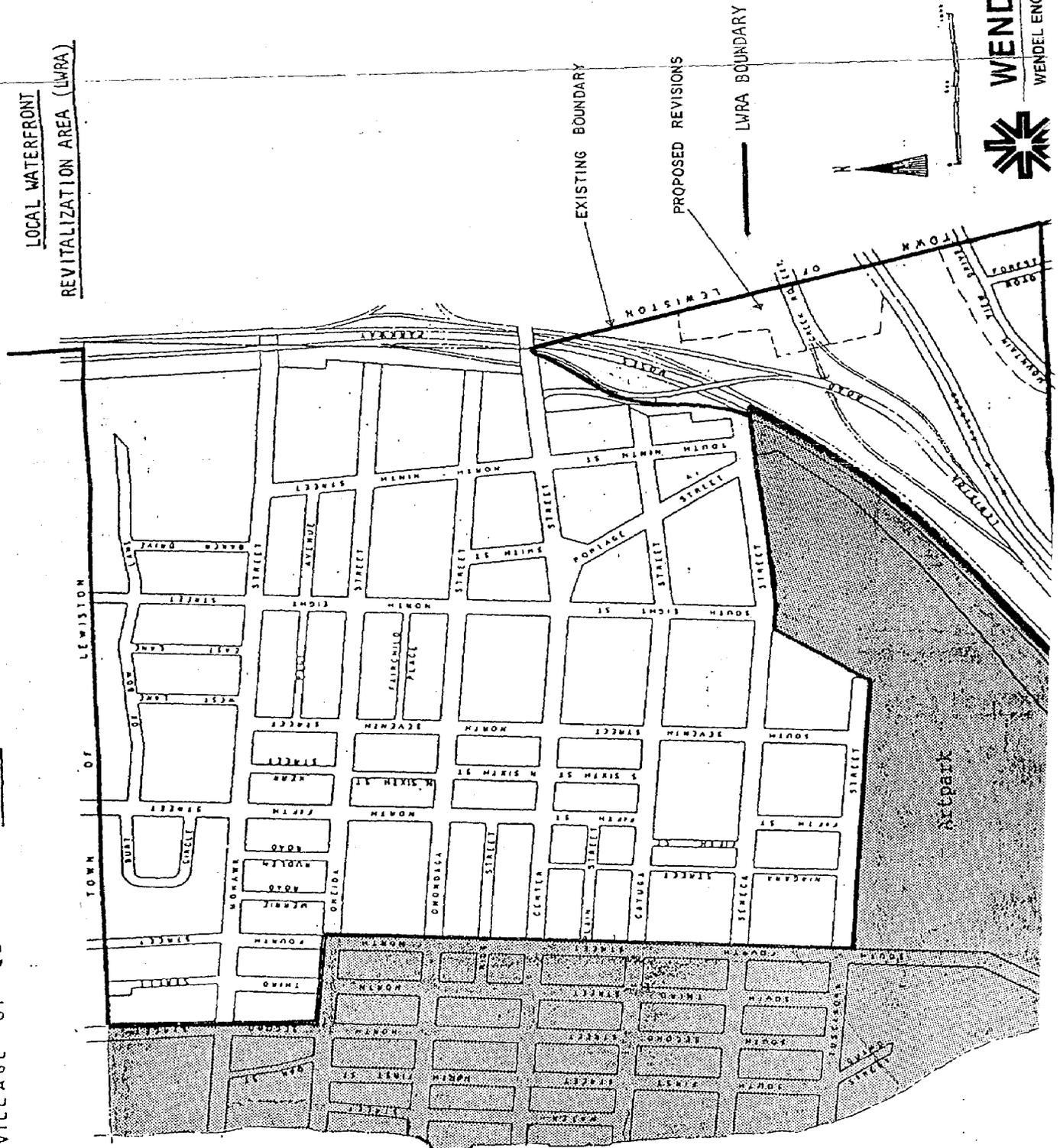
The waterside boundary of the LWRA is established by the waterside boundary of the Village. This boundary is coterminous with the New York State/ United States Border with Canada which is located in the Niagara River.

See Figure 1, which graphically displays the LWRP boundary.

VILLAGE OF LEWISTON - FIGURE 1

SECTION 1

LOCAL WATERFRONT  
REVITALIZATION AREA (LWRA)



**SECTION II**

**INVENTORY AND ANALYSIS**

## A. HISTORICAL DEVELOPMENT

The Lower Niagara River and Lewiston area historically played a key role in the commerce and growth of the Niagara Frontier. Early Indians vied for the control of Great Lakes access afforded by the River and established important settlements in the vicinity. The old Lewiston Trail, which followed Center Street in the Village, traversed the ridge of pre-historic Lake Iroquois and was the major Indian transportation route and trade artery between the Niagara Frontier and the Mohawk Valley.

Recorded activities of European explorers can be traced to 1615 when Stephen Brule, an interpreter for the French explorer Champlain, visited the Neuter Indians and spent the winter in the area. He was followed by numerous traders and explorers, who established Lewiston as the primary transfer point of goods through the area via the Niagara Portage around the falls (which have since receded to their present location six miles down river). The first trading post was established in 1720 by Chaubert Joncaire, a French trader, and in 1764, Captain John Montessor built the first tram railway in America to transport goods up the Niagara Escarpment. The natural landing point at Lewiston and the western terminus of the Lewiston Trail to Albany made the community a major frontier trading settlement, with a thriving portage business, before 1800.

In 1798, the Village of Lewiston was created by the New York State Legislature when the State Surveyor was requested to survey and establish a village of one square mile opposite Queenston, Ontario in honor of New York's Governor Lewis. In 1811, Lewiston became a major port as the Niagara Customs House was moved to the Lewiston docks from Fort Niagara. By 1817, lake steamers were arriving at the Lewiston docks at the foot of Center Street. The population of the Village grew to over 6,000, nearly twice the current population, with development spreading out from the center of the waterfront.

Although waterfront commerce declined greatly with the completion of the Erie Canal, and subsequently the Welland Canal, lake freight via steamers to Toronto and the St. Lawrence River was still important into the early 1900's. The growth of the railroads in America further diminished the activity of lake commerce, but supported the growth of tourism and recreation in the area. Lake steamers continued to carry passengers from Lewiston until 1938, when ice jams destroyed the docks. The Great Gorge Scenic Railway from Niagara Falls to Lewiston ran to the docks (with its adjacent hotels) until the 1930's.

Although tourism remains the primary industry of the Village, the historic waterfront is no longer the center of this activity or village life. Recently, however, with improved water quality and increased recreational use of Lake Ontario and the Niagara River, the natural landing point at Lewiston, providing rare access along the steeply embanked Niagara River gorge, has taken on renewed importance. Today, there are new opportunities for restoring the Village's historical association with the Niagara River in traditional and new ways.

## **B. WATER AND LAND RESOURCES**

### **1. Niagara River/Lake Ontario Area**

The lower Niagara River is a swift, north flowing water course that is the spillway between Lakes Erie and Ontario. As the major outlet for the upper Great Lakes, it provides critical water level adjustments and acts as the control for Lake Erie elevations. It empties into Lake Ontario and on through the St. Lawrence Seaway System to the Atlantic Ocean. Average mean water elevation is 248-249 feet (International Datum) above sea level at Lewiston. However, maximum daily fluctuations recorded at the Niagara Power Station (Power Authority of the State of New York) can be three feet above Lake Ontario (mean elevation of 243-247 feet) at the mouth of the River according to the U.S. Army Corps of Engineers. This results in a maximum daily variation in river water level from 244-250 feet at Lewiston, or a six-foot level change that must be compensated for in any in-water or shoreline improvements.

The Niagara River runs through a steep gorge near Lewiston and is well protected from wind and storm action. This creates nearly continuous calm water, excellent for boating and water activities. These activities increase even more when Lake Ontario and the mouth of the River are roughened by winds, as the area acts as a safe harbor large enough to support numerous water sports (sailing, water skiing, fishing, etc.). In addition, the River is widened at Lewiston (due to the original location of the falls at the Niagara Escarpment that created a splash pool at Lewiston) which provides a natural refuge from the swift river current. Water flow is actually up-river at the Lewiston shore, creating a safe shelter for boat launching and landing. It also provides a protected area for spawning of perch and smelt just north of the Lewiston docks. The River is about 1,300 feet wide at this point and approximately 120-180 feet deep. This offers excellent navigational waters that attracted the early lake steamers to Lewiston in the 1800's.

### **2. Water Quality**

The quality of Lower Niagara River water is partially dependent upon point sources and runoff from upstream uses in the entire Great Lakes System. As the River is a spillway of the system above Lake Ontario, much of the pollutants are carried from the upper lakes and move through the River. Recent problems associated with River pollution include seasonal algae bloom in Lake Erie and the East Branch of the Niagara River, occasional industrial discharges into the upper river (reference: "Niagara River Toxics Report") and possible leachate from toxic landfills into the drainage system, including the river upstream. The swift-running current of the Niagara River currently creates sufficient dilution and transmission of potential pollutants to reduce problems of water quality or sedimentation. Sediment samples taken off the Lewiston dock for a NYSDEC permit for dock renovation (Permit #932-07-0080; March, 1983) indicated total halogenated organics (THO) and mercury levels dramatically below allowable standards: THO samples-0.13 parts per million; mercury levels-0.11 parts per million; NYSDEC standard is 50 parts per million. Oxygen levels in the lower River are near saturation and are excellent for fish support.

Water quality is an important concern to the Village in support of fishing and recreation opportunities. The River is currently designated Class A -Special (International Boundary Waters) and should be retained as such to preserve this natural resource. The major concerns along the Village shoreline include bank erosion and urban runoff. A section of the shoreline between Onondaga and Center Streets (south of the docks) is unprotected and subject to erosion and should be bulkheaded to reduce further deterioration. Bulkheads south of Center Street may need to be repaired. In addition, overland runoff from the LWRA exits indiscriminately into the Niagara River at numerous points. They often carry urban pollutants (salt, dust, settled particulates) and should be better managed. A drainage study of road/residential runoff into the River is required to insure that recreation opportunities and critical fish habitats are not compromised.

### 3. Water Uses/Classification

Lewiston is one of the older communities in Western New York and has been developed for many years. As a result of historical changes in commerce and land use, the waterfront has become underutilized and somewhat neglected. To help assess opportunities for new waterfront uses, off-shore areas have been classified as either River Channel, Transition Waters, or Shoreline Waters and existing water uses and activities within each area have been inventoried (Figure 2).

#### a. River Channel

The Niagara River Channel is well off the shoreline of Lewiston and represents swift-running waters designated as navigable by the U.S. Army Corps of Engineers. Typical uses include boating, fishing, access to Lake Ontario and other river locales, and municipal water supply (farther up-river above the Falls). The channel is quite deep and no longer used for commercial purposes, but provides active recreational and pleasure uses to the area. Local fishing includes perch, smelt, salmon, trout and bass.

#### b. Transition Waters

The Transition Waters of the River are defined as the area between shore-line facilities and the channel from the area of Cayuga Street to Oneida Street, inclusive. It is a refuge from the river channel where water flow reverses, creating a mild up-river eddy and protected boat landing opportunity. The area is fully accessible by deep water as the river bottom slopes off very sharply from the shore (formed by the ancient plunge pool of the original Falls). No significant shoaling or siltation is known to exist in this area. In the northern portion of this area lies a fish spawning area that is highly favored for fishing (perch, smelt).

Major activities in the Transition Waters are varied. Powered and non-powered boats use the waters for access to shoreline facilities. Off-shore fishing is frequent in this area as in on-shore fishing from the banks, docks and pier. During the summer season, it is not unusual

to find children swimming in these waters and/or jumping from adjacent docks. In addition, there is high-speed boating and water skiing, including a ski-jump maintained by a local water ski club and anchored in the water during the main season (May -September).

Many of these uses tend to be inconsistent with one another. The use of high-speed boats and water skiing often conflicts with fishing, non-powered boating or sailing and boat launching/access to shoreline facilities. Most power boat activities conflict with swimming in the area and may pose a substantial hazard to the safety of those in the water. A resolution of incompatible uses and some segregation is required to accommodate the range of activities, and not totally compromise or endanger one for the sake of the other. Of key importance, also, is the preservation of the fish spawning area to protect the resource that currently draws the bulk of patrons to Lewiston and its waterfront.

c. Shoreline Waters

Shoreline waters are defined as the area immediately adjacent to the shoreline. This area extends for over 5,600 feet and is where land and water uses interact most heavily. It includes important natural and man-made features which need to be considered in planning for the waterfront.

According to maps provided by the NYS Office of General Services, most of the nearshore area within the Village of Lewiston is owned by the State of New York. In 1895, however, the State made four "beneficial enjoyment grants" which generally convey full ownership rights to upland property owners, provided that the underwater lands were subsequently conveyed to these owners. Ownership rights, however, do not exempt owners from local, State, and Federal regulations governing the use of the underwater lands or the waters flowing over these lands.

According to the OGS maps, the four underwater parcels, all of which are adjacent to the shoreline, include: (1) a parcel extending for the entire length of the block between the Oneida and Onondaga streets right-of-ways, about 465 feet, and extending off-shore for 125 feet on the north side and 100 feet on the south side; (2) a parcel extending south of the Seneca Street right-of-way for approximately 260 feet and extending off-shore for about 120 feet; (3) a small parcel, 67 1/2 feet by 119 feet, located just north of the Tuscarora Street right-of-way; and (4) a parcel located between the Tuscarora and Fourth Streets right-of-ways, which extends for 935 feet at the shoreline and extends off-shore for 100 feet on the north side and 73 1/2 feet off the south side. (Note that the location of these parcels with respect to the shoreline may have been altered with changes in the shoreline from erosion, filling or other factors and can only be determined by a property survey).

LWRA WATER RESOURCES/CLASSIFICATION

VILLAGE OF LEWISTON - FIGURE 2

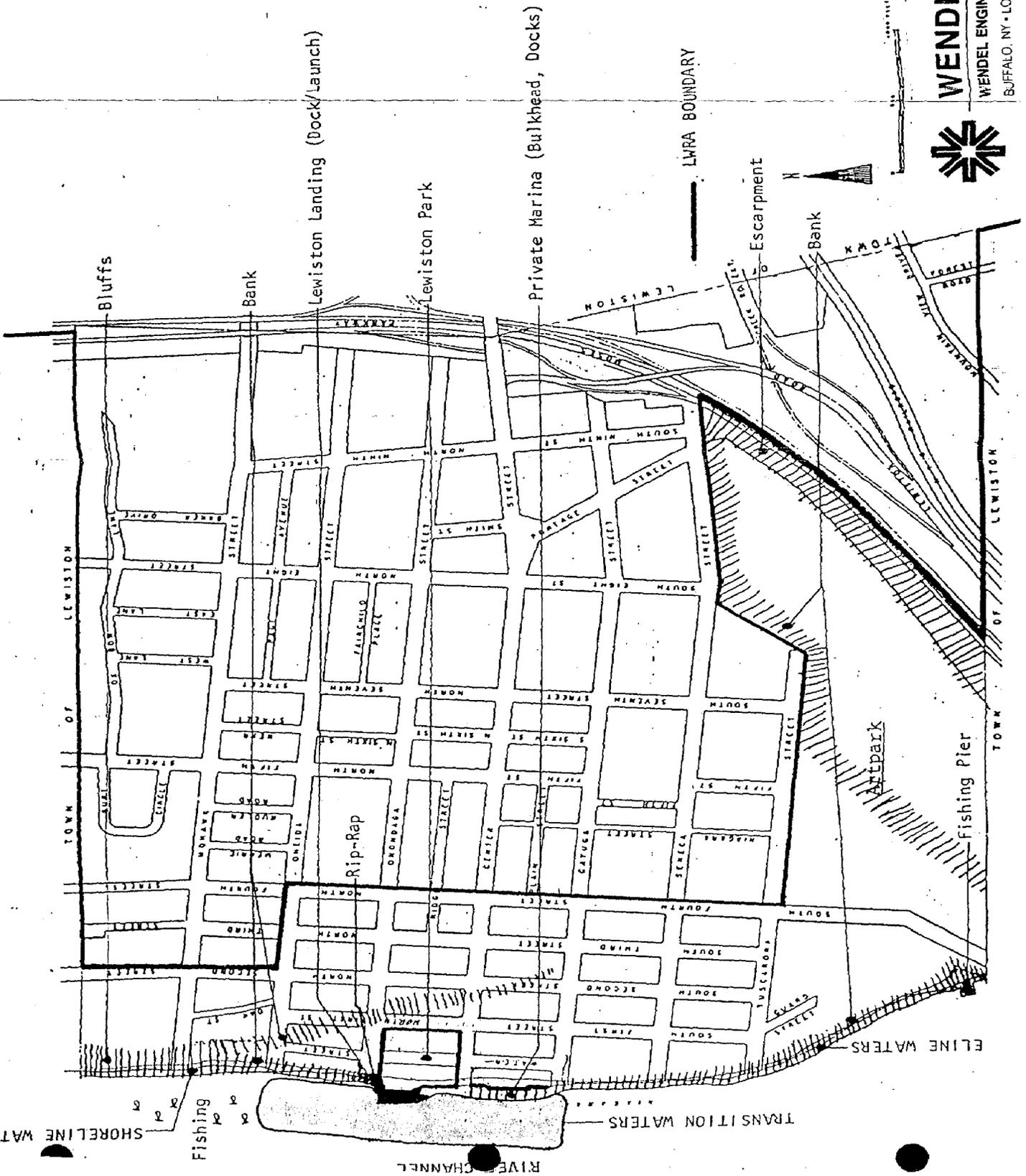
SHORELINE WATERS

Fishing

RIVER CHANNEL

TRANSITION WATERS

ELINE WATERS



WENDEL

WENDEL ENGINEERS P.C.  
BUFFALO, NY • LOCKPORT, NY

Steep banks crown the shoreline north of Onondaga Street and south of Cayuga Street, limiting the development and potential for development of in-water structures. The northern portion of the shoreline above Onondaga Street currently contains no in-water or shoreline structures. Valuable fish spawning beds exist in and adjacent to this area, making it an important sport fishing resource (see also the Fish and Wildlife chapter, below). The area, which is accessible only by boat, is best preserved for fish production. The lands adjacent to the shoreline are privately owned (except for paper street ends) and there is some potential for development of private docking and mooring facilities by adjacent upland property owners. Such facilities need to be properly planned, designed and constructed so as to ensure boating safety, boat access to public facilities at Lewiston Landing, protection of fish resources, and preservation of the natural erosion protection and scenic features of the shoreline bluffs.

The southern portion of the shoreline below Cayuga Street is bordered by Artpark and privately owned lands. A public fishing pier, providing limited shore fishing, is located within Artpark. No other in-water or shoreline structures exist in this area. The area is not easily accessible, but like the northern portion of the shoreline, has some potential for development of private docking and mooring facilities by adjacent property owners.

The shoreline between Cayuga and Onondaga Streets is the most accessible portion of the waterfront and contains public and private boat docking facilities. The shoreline is protected by bulkheads. The public docks, a double boat launch, and bulkheading at Lewiston Landing (north of center street) are of recent construction and in excellent condition. The facilities are used year-round for fishing and boat launching. The area to the south of Lewiston Landing presents the best opportunity along the Lewiston shoreline for public and/or private expansion of boat docking facilities. (See the Public Access and Recreation chapter for further description.)

#### 4. Natural Resources

##### a. Geography

The Village of Lewiston lies in the western part of Niagara County at the base of the Niagara Escarpment. It is part of the Iroquois Plain which stretches from the Escarpment to Lake Ontario and covers the entire northern half of Niagara County. The Plain is gently rolling near the Village and varies in elevation from 245 feet above sea level at the Lake to 600 feet at the Escarpment. The Escarpment is composed of mixed sandstones (Whirlpool, Grimsby and Thorold), capped by Lockport Dolomite, while the Iroquois Plain is Queenston Shale which underlies the entire area about 1,200 feet thick. These formations are generally overlain with glacial till and/or sandy, fine-textured soil of moderate to poor drainage characteristics. The Niagara Escarpment and Iroquois Plain are the northernmost geologic features of the region (Figure 3).

The Niagara Escarpment runs through the southwest portion of the Village of Lewiston and forms a dramatic backdrop to the community. The Escarpment at Lewiston was the original location of Niagara Falls, which eventually receded to its current position six miles to the south. The majority of the Village is built on the flat plain below the Escarpment which falls off toward the Niagara River near the waterfront. Most of the waterfront is bordered by steep bluffs of one hundred feet or more, with the exception of the area at the base of Center Street, known as the Lewiston Landing. Water access at this point has been a historical resource that initiated the formation of the community. Waterfront elevations range from 246.5 feet at the River to 350 feet along the western LWRA boundary and as high as 550 feet at the top of the Escarpment. Soils tend to be deep and moderately well-drained (Lacustrine Sand deposits) in the LWRA and deep, poorly-drained (Rhinebeck/Ovid) in the rest of the Village. Occasional outcroppings of glacial boulders embedded in a shale/red clay mixture occur in the LWRA within Artpark.

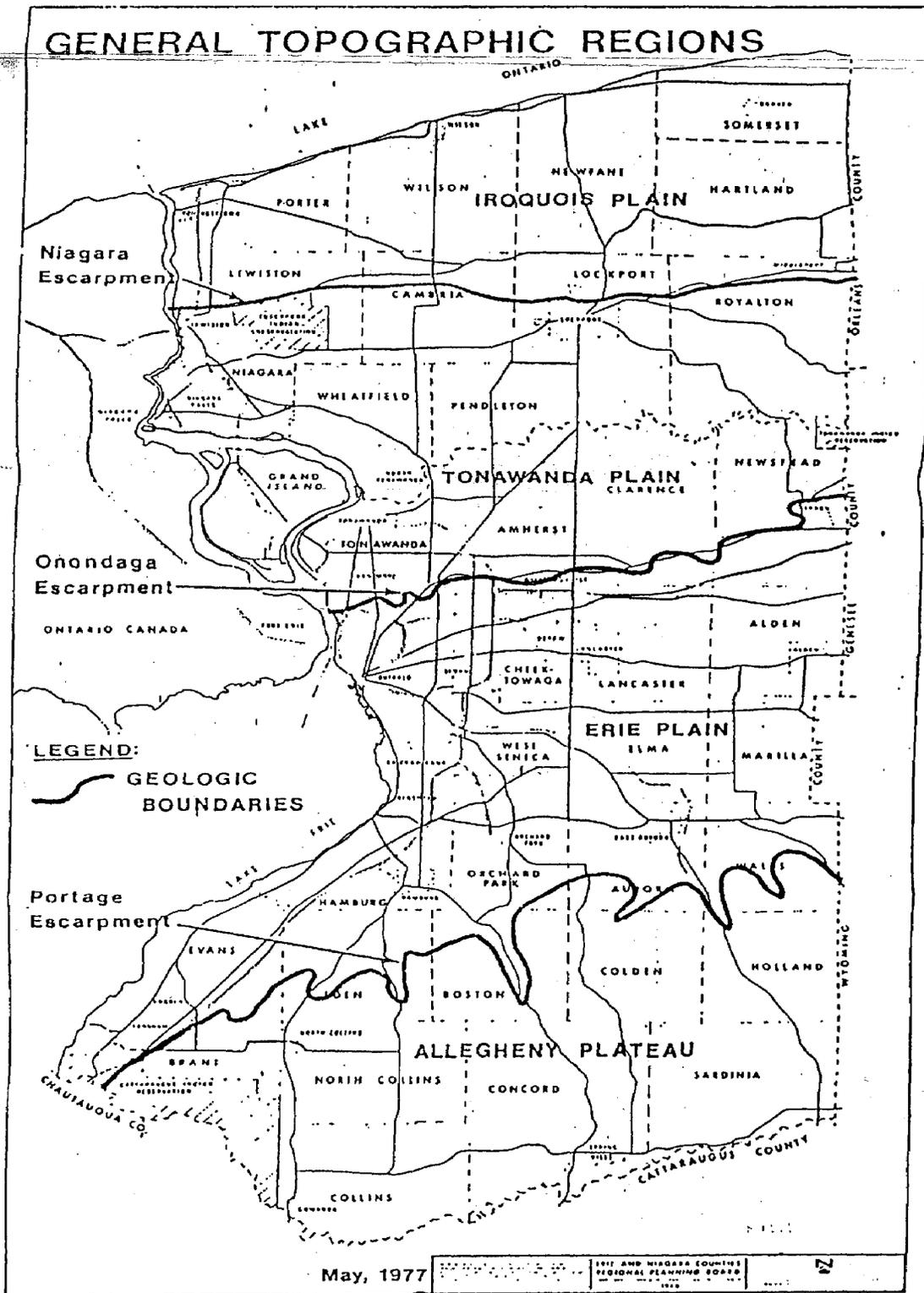
The majority of the Village drains to the Niagara River via overland flow and inadequate street ditching. Soils possess generally poor drainage characteristics and are subject to moderate erosion near the waterfront, due to steep slopes and their shale/clay composition. Development within the LWRA is limited by soil composition and best restricted to residential and recreation uses.

b. Vegetation

Niagara County is in the Oak-Hickory forest biome indigenous to most of Western New York. Characteristic species include Red Maple, Beech, Hemlock, White Oak, Elm, Chestnut, Hickory and a variety of other oaks and hickories. A number of plants that are on the New York State list of protected species occur in Niagara County and include the showy Calciphilic group found along the Niagara River Gorge. Common species occasionally found in wooded areas or along bluffs include Butterfly-Weed, American Bittersweet, various fern (Buckhorn, Curly-Grass, Maidenhair, Salvinia, Walking-Leak, Woodsia, etc.), Blue-Bottles, Golden-Seal, Lily, Cardinal Flower, Wild Crabapple, Bloodroot and Trillium.

Lewiston is an integral part of county flora groups. However, since the Village is mostly developed, many of the species indigenous to the area are not found and their propagation has been diminished. The only valuable forest areas in the Village coincide with the steep slopes encountered along the Escarpment, waterfront and between First and Third Streets (Onondaga to Cayuga, along inland slope). These areas are mostly unsuitable for urban development and have retained some mature trees and natural vegetation. These slope areas also present the primary land forms within the Village that offer diversity and represent a substantial natural resource in the coastal area.

FIGURE 3



c. Fish and Wildlife

Fish: The lower Niagara River is one of the best fishing spots in Western New York, offering year-round game and pan fishing, numerous annual fishing derbies and excellent warmwater/coldwater fisheries. The lower one-mile (near Lake Ontario) is fine spawning for smallmouth bass and panfish (perch, blackbass and smelt in abundance). Significant seasonal game fish include coldwater species (stocked coho, chinook and steelhead salmon; rainbow and brown trout) and warmwater species (northern pike, bass and walleye). The stocked species have had a favorable effect on the sport fishing industry, replacing the blue pike and lake sturgeon which are classified as endangered. Although numerous fish kills have been recorded in Erie and Niagara Counties (NYSDEC, 1970-1976), no significant losses have been noted along the Lower Niagara River.

Lewiston's waters are renowned for local panfish species and contain smelt and perch habitat just north of the boat landing in the Niagara River that is important in attracting game fishing to the area. The nearby river gorge also is one of the best game fishing spots for area anglers. Varieties of perch and smelt are caught on-shore at the Village, while off-shore game fishing makes the landing an active boat launch site, year-round.

Fowl: The Lower Niagara River area is an excellent habitat for many local and migratory birds and waterfowl. The open river (year-round) and steep bluffs offer summer and winter refuge and good feeding conditions for gulls and various waterfowl species. Herring, Ring-billed, Bonapartes' and other gull species are commonly found in abundance in the river gorge and along the lower river area. Wintering waterfowl populations (NYSDEC winter survey, 1970-1976 indicated an average of 2,135 on the Lower Niagara River) include the Black Duck, Mallard, Scaup, Canvasback, Bufflehead, Merganser and other species. These species are continually threatened by up-river pollution that affects both summer and winter waterfowl. The shores of the Niagara River also provide modest habitat for small birds and pheasant. Although the Village is urban in character, many species such as the sparrow and various songbirds occupy the wooded areas in limited numbers. Among the endangered species that may occasionally migrate through the area are the American and Arctic Peregrin Falcon and the Bald Eagle.

Wildlife: The Village of Lewiston contains no significant animal population, although deer, fox and other mammals are known to exist in many parts of Niagara County. Undeveloped lands along the shoreline in the southern part of the LWRA (Artpark) and south of the Village provide refuge for bird and waterfowl and are also likely to contain a variety of indigenous mammals including opossum, raccoon, skunk, chipmunk, squirrel, rabbit, mice, moles and other small animals. The only endangered animal that might occur in the area is the Indiana Bat, known to have existed as isolated individuals in Western New York.

d. Flooding, Erosion, and Wetlands

The Lewiston shoreline has a very small flood-prone area, as determined by the Federal Emergency Management Agency. The only likely inland area of potential inundation is the gully in Artpark near the south Village line. This is the only portion of the waterfront unprotected by steep slopes along the shore where flood waters can encroach on adjacent property. Major flooding in the Village in past years has been attributed to ice jams in the River that caused ice levels to rise nearly seventy feet over normal water elevations. These events have been significantly reduced by the installation of the ice boom at the mouth of the River in Buffalo. The ice boom successfully limits down river ice accumulation and mitigates flood and erosion damage and keeps the Lower Niagara relatively ice-free most of the year. Flooding of the magnitude described above has not occurred in over 20 years and not since the ice boom has been utilized.

Shoreline erosion has not been significant in Lewiston, but has resulted from two main causes - deterioration of the occasionally exposed shale/clay slopes near the waterfront and ice damage from winter jams. While ice jams have been curtailed by use of the ice boom up river, the demise of local shale to red clay requires stabilization and vegetation cover to retard erosion damage. Any disturbance of slope areas need to be accompanied by adequate pitching and appropriate tree/ground cover and restoration of exposed slopes, especially near the waterfront.

The Village contains no designated wetlands within its boundaries, based on County surveys by NYSDEC. No significant wet areas are identified.

e. Climate and Air Quality

Climatic conditions in Lewiston are heavily influenced by the prevailing westerly winds and weather patterns. These typically produce summer circulation systems from the Gulf of Mexico and winter circulation systems from Canada. The proximity of Lakes Erie and Ontario tend to moderate temperature in the area and also increases annual precipitation from additional local air moisture. Local data is collected nearby at the U.S. Weather Bureau Stations in Lockport (440 feet elevation, initiated 1891) and Buffalo Airport (705 feet elevation, initiated 1870). The Lockport station collects temperature, precipitation, wind and snowfall.

Average annual precipitation in Lewiston is twenty-nine inches, which includes an average sixty-five inches of snowfall per year (6.5 equivalent inches of water). Annual snowfall is among the lowest in the region, which increases substantially to the south to a maximum average of 140 inches in southern Erie County. Snow accumulation occurs primarily from December through February and annual thaws in March and April can occasionally create significant runoff in combination with spring storms. Average annual temperature at Lockport is 47.3

degrees, with a maximum of 103.0 degrees and a minimum of -24.0 degrees having been recorded. Based on data recorded at Buffalo, average annual humidity is 80% at sunrise and 64% in the early afternoon. Cloud cover occurs approximately 47% of the time during the year, with March to October being the predominantly sunny periods.

Air quality in Lewiston is monitored by New York stations in Lockport and Niagara Falls and a Niagara County station in the Village of Lewiston. The Village is in regional classification area Level II for suspended and settleable emission particulates, which comprise the major air quality elements related to public health. Total particulates must not exceed 100 tons per year in accordance with U.S. EPA standards.

Suspended particulates make up the bulk of total particulates and are critical due to their potential respirability and, therefore, harm to health. NYSDEC data reported in April, 1977 indicated that the Lewiston monitor provided an annual geometric mean of 49 ug/m<sup>3</sup> (1975-1976) which is well below the standard of 65 ug/m<sup>3</sup> for Level II classified areas. Nearby monitoring stations active from 1970-1976 demonstrated a continual decline in suspended particulates recorded. Settleable particulates represent dustfall in the air which, although a nuisance, are not as critical to public health. Monitors in 1974 and 1975 (30 day periods) produced annual geometric means of 0.33 ug/m<sup>3</sup> and 0.44 ug/m<sup>3</sup>, respectively, which exceeded the standard of 0.40 ug/m<sup>3</sup> in 1975. Combined total particulates have not been known to be exceeded in Lewiston at any time.

Mobile source pollutants are not considered a problem in Lewiston, as most regional monitors do not exceed existing air quality standards and critical levels are mitigated through improved vehicle equipment by 1985. Acid rain presents recurrent problems in the entire region from sources outside the area.

## 5. Human/Cultural Resources

### a. Demography

The population of the Village of Lewiston is relatively static, having increased only slightly, by 1.0 percent, from 3,292 in 1970 to 3,326 in 1980. A recent projection (September, 1985) by the Erie and Niagara Counties Regional Planning Board (Population Disaggregation for Transportation Purpose) for the year 2010 shows a small rise in population to 3,382, an increase of 1.6 percent over the 1980 population.

Median age in the Village is a relatively high 35.0 years, compared to a County-wide average of 29.0 years in 1980; 656 persons, or 19.7 percent, were 62 or older in 1980. Because of the high concentration of elderly, the number of persons per household, 2.58 in 1980, is lower than the County average. Of the 1,250 households in the Village, 73%

were family households (married couples with or without children) and 27% were non-family households.

In 1980, some 50% of the population was in the labor force; unemployment was 7.34% of the labor force. To a considerable extent, a large proportion of the employed, 45.2%, were executive, administrators, managers, professionals or administrative support, included clerical works.

This high concentration of managerial-type personnel is reflected in the median household income of \$21,489 in 1980. Two-worker families accounted for 59.3% of all families, which, combined with the status of the employed group, helps explain the relatively high household income. As a corollary, owner households had a mean income of \$30,153 while, for the renters, household income was \$18,096 in 1980.

Median educational level was high, 12.0 years. Some 86.2% of all pupils in primary and secondary schools were in public schools. The average number of school children per household was 0.7.

The mean value of owner-occupied units was \$47,859 and median rent was \$291 monthly, in 1980.

## **6. Land Uses and Physical Conditions**

The Village of Lewiston contains 640 acres, or one square mile. Detailed land use data was collected in 1968 for the Lewiston Master Plan and updated in 1975 from LUNR maps. Categories from these surveys are shown in Table 1, and have not substantially changed. Urban uses (residential, commercial and roads) represent nearly 70% of Village development, while public, institutional and recreational uses total over 18%. Useful vacant land (not on steep slopes) is less than 10% of total land and no agricultural uses exist in the Village. The only major land use changes since 1968 have been the development of Artpark and the conversion of an elementary school for a Village Hall at Fourth and Onondaga Streets. Lewiston is considered a stable, established community of predominantly residential character.

Total acreage in the LWRA is 211 acres, which is 33.0% of total Village land. The LWRA (Figure 4) is similar to the Village in land use, but has a higher share of public/institutional uses and lower percentages of urban uses (Table 2). Most of the Village public/institutional space (75.6%) is in the LWRA. While the bulk of this is in Artpark (50 acres), it also includes the Village Hall, Lewiston Landing and wooded areas along the waterfront.

The low roadway percentage of the LWRA relative to the Village (23% of total acreage versus 33% Village-wide) demonstrates the potential access problems that plague the waterfront. The center of the Village's commercial district is located outside of the LWRA toward the eastern end of Center Street, but commercial uses extend along Center Street to the LWRA boundary at Fourth Street. Commercial development in the LWRA is concentrated in the two-block area east of First Street and south of Center Street.

the majority of open space/vacant land coincides with steep slopes that are restrictive to construction. The difficult terrain of the LWRA has been, and continues to be, a major factor shaping land uses and development. Most of the shoreline is bordered by very steep, 30-100 foot banks. Another steep slope crosses the waterfront area diagonally from approximately Mohawk Street at the river to the intersection of Seneca and Fourth Streets, causing the breaks in the grid pattern of the streets through this area. While the two blocks along the shoreline between Cayuga and Onondaga Streets to First Street is the most accessible portion of the waterfront from both the water and the land (via Center Street), the area is still relatively steep and hilly. Development on the west sides of both First Street and Water Street sits on top of the steep banks which traverse this area.

Lewiston's development began at the foot of Center Street along the narrow band of relatively accessible waterfront which gave the economic incentive for growth. As development spread, it was concentrated on the more suitable flats between the hill at the waterfront and the Niagara Escarpment. This has left the LWRA as mostly residential and public space. It is anticipated that the area along Water Street can be used for concentrated waterfront development to capitalize on the natural attributes of the area and the extensive tourist trade. The principal impediments are the lack of adequate public and private recreational facilities and the lack of visible access between the central area of the Village and the waterfront. While little developable vacant land exists in the Water Street - Center Street area, much of the existing development is underutilized or inappropriate for waterfront activities.

a. Shoreline Uses and Conditions

This portion of the LWRA comprises the entire shoreline of the Village from First Street to the Niagara River. The shoreline area encompasses 5,630 linear feet, devoted to a variety of public and private uses. Only the 1,190 feet at the end of Center Street is directly accessible and currently useable. Approximately 710 feet of this area (north of Center Street to Onondaga Street) is under public ownership and contains the Lewiston Landing, a new boat launch and docking facility built on the site of the historical landing area.

Lewiston Landing is part of a partially developed Village park, currently referred to as Lewiston Landing Waterfront Park. Current uses of the park are limited to the dock area (west of Water Street) and include fishing, passive recreation (walks, benches), boat launching and, occasionally, swimming. An abandoned coal silo (1,000+ square feet) stands next to the landing against the bank. Although the launch and bulkhead are new, the silo is deteriorated, detracting from the attractiveness of the area. The top of the bank to Water Street is also publicly-owned and used for roadside parking for trailered and non-trailered vehicles.

The adjacent block east of Water Street is also largely publicly-owned. The Village's Department of Public Works garage, abandoned sewage treatment plant, pump station, and storage building occupy most of the block. Two residences are located in the northeastern corner of the

block. Existing plans call for this block to be developed as part of the Lewiston Landing Waterfront Park (see below, Public Access and Recreation).

Immediately south of Center Street is a private marina, set on finger docks along 460 feet of wooden bulkhead. This is the only water-dependent use located in the Village aside from the Lewiston Landing boat launch and dock and the Artpark fishing pier. About 30+ boat slips are available and boats are repaired and stored along the waterfront. Access is provided via a marginal gravel road at the end of Center Street which is posted private. A few deteriorated buildings exist and the entire area lacks attractiveness.

The marina property is leased to the current operator by the owners of the Riverside Inn, which is located at the top of the bank on the east side of Water Street. Originally a waterfront hotel built in 1870 to take advantage of lake travel and tourism, the Riverside Inn is now a fine restaurant and a locally identified historic site. While in generally good condition, the building needs some exterior work and its setting would benefit from improved landscaping. Commercial, water-enhanced uses extend into the block to the west of Water Street and south of Center Street. Uses included: a motel in fair condition; the Village Inn, a popular tavern and locally identified historic site; a private parking lot that accommodates area patrons; and a few residences fronting on First Street.

Because of its proximity to the Lewiston Landing Waterfront Park and its accessibility, this two-block area is critical to realizing the full potential of the Village's waterfront area. Although development is limited by the hilly topography, developable land is not utilized to best advantage. Given the Village's existing and planned investment in the park and the growing interest in waterfront property throughout this region, it is reasonable to assume that private investment will be attracted to the area. While such investment should be encouraged, development should be planned to physically and visually complement the Lewiston Landing Waterfront Park, to extend public access, to preserve and upgrade the existing marina facilities, and to provide commercial services which support recreational uses and tourism. These objectives may be best accomplished through some form of cooperative, public-private efforts.

North and south of the two-block boat launch and dock area are residential units or undevelopable banks. North of Onondaga Street are ten single-family units, one of which is in deteriorated condition. Immediately north is the Oneida Street right-of-way controlled by the Village. Beyond the right-of-way, the steep river bank makes construction exceedingly difficult. Water Street is the only access, dead-ending 475 feet north of Onondaga Street. Nevertheless, there is some potential for development in this area, as demonstrated by past proposals to develop townhouse condominiums. North of Mohawk Street is the Niagara Frontier Bible Institute, which is well-maintained, extends eastward to Second Street and includes a locally identified

historic site known as DeChantal Hall. Although the property has the potential for conversion to higher density uses, the Bible Institute is expected to maintain its facilities here for the foreseeable future.

The shoreline area south of the Cayuga Street right-of-way is also occupied by residential uses. Approximately twenty single family residences are located along First Street and a few multiple units are located on Guard Street. About two-thirds of the residences on First Street need minor improvements, which would improve the attractiveness of the shoreline. These range from simple painting to exterior repairs and landscaping. South of the Guard Street development, the shoreline area is within Artpark, which is controlled by the Niagara Frontier Parks Commission (see below, Public Access and Recreation, for further description).

Table 3 summarizes the uses and conditions along the shoreline. Figure 5 summarizes the LWRA Land Resources

b. Upland Uses and Conditions

The area east of First Street is occupied primarily by stable residential uses. Notable exceptions are the Village Hall and adjacent playground, located between Onondaga and Ridge Streets and Fourth and Second Streets, and Artpark. An undeveloped pathway, known as the Onondaga Trail, follows the Onondaga Street right-of-way from the intersection of Second and Onondaga Streets down the hill to First Street. If improved, this trail could provide pedestrian access and an attractive open space link between the Lewiston Landing Waterfront Park and the Village Hall and playground.

More important for realizing the potential economic benefits of public and private waterfront investment is the need to better link the waterfront area to the Village's Center Street commercial district to the east and to Artpark to the south. The residential character of the upland portion of the waterfront area combined with its topographic features physically and visually isolates the central shoreline area. Center Street, First Street, and Fourth Street offer the best opportunities for defining east-west and north-south linkages.

Several methods of establishing such linkages along these corridors are possible; however, because the community wishes to maintain the residential character of this area, any such efforts need to be compatible with continuing residential use. The establishment of bed and breakfast facilities, particularly in the transitional area bounded by First, Onondaga, Fourth, and Cayuga Streets, would help link the commercial uses at the Waterfront with the Center Street commercial district. These facilities are permitted under the current zoning and, properly regulated, would be compatible with residential uses, while providing additional accommodations for visitors to the Lewiston area. Additional opportunities for establishing better linkages are discussed below under Public Access and Recreation.

**TABLE 1**  
**Existing Land Use**  
**Village of Lewiston, New York**

<u>Uses</u>	<u>Acres</u>	<u>Percent Total Acres</u>
<b>Residential</b>	<b>200.8 Acres</b>	<b>31.4%</b>
<b>Single-Family</b>	<b>187.9</b>	
<b>Two-Family</b>	<b>6.7</b>	
<b>Multi-Family</b>	<b>6.2</b>	
<b>Commercial</b>	<b>35.2 Acres</b>	<b>5.5%</b>
<b>Retail</b>	<b>29.6</b>	
<b>Service</b>	<b>4.4</b>	
<b>Professional Offices</b>	<b>1.2</b>	
<b>Public/Institutional</b>	<b>118.4 Acres</b>	<b>18.2%</b>
<b>Public Buildings</b>	<b>3.2</b>	
<b>Parks/Recreation</b>	<b>97.2</b>	
<b>Churches, Other</b>	<b>15.6</b>	
<b>Open Space (Vacant Woodland)</b>	<b>76.1</b>	<b>11.9%</b>
<b>Streets and Roads</b>	<b>211.5 Acres</b>	<b>33.0%</b>
<b>TOTAL</b>	<b>640.0 Acres</b>	<b>100.0%</b>

**TABLE 2**  
**Existing LWRA Land Uses**  
**Village of Lewiston, New York**

<u>Uses</u>	<u>Acres</u>	<u>Percent of Total LWRP Acres</u>	<u>Percent of Village Acres</u>
<b>Residential</b>	<b>47.5 Acres</b>	<b>22.5%</b>	<b>7.4%</b>
<b>Commercial</b>	<b>7.2</b>	<b>3.4</b>	<b>1.1</b>
<b>Public/Institutional</b>	<b>88.0</b>	<b>41.7</b>	<b>13.8</b>
<b>Open Space</b>	<b>19.6</b>	<b>9.3</b>	<b>3.0</b>
<b>Street/Roads</b>	<b>48.7</b>	<b>23.1</b>	<b>7.6</b>
<b>TOTAL</b>	<b>211.0</b>	<b>100.0%</b>	<b>33.0%</b>

TABLE 3

Waterfront Use Inventory  
Village of Lewiston, New York

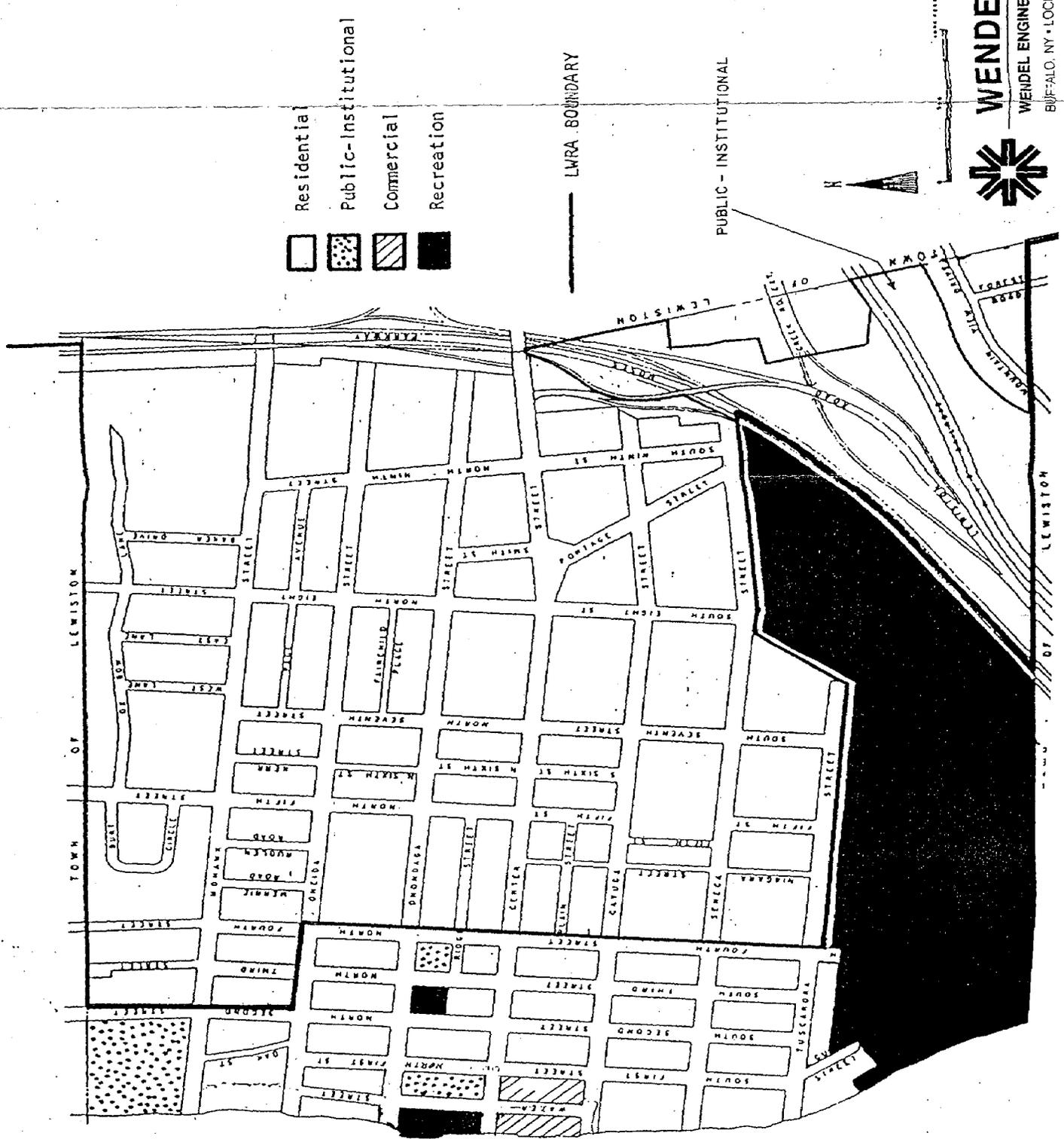
<u>Waterfront Section</u>	<u>Land Use</u>	<u>Square Footage</u>	<u>General Condition</u>	<u>In-Water Structure</u>
<u>Shoreline:</u>				
North Village Line to Onondaga Street	Residential (10) <sup>1</sup>	15,200	Good	
Onondaga Street to Center Street	Municipal (3) Residential(10) <sup>2</sup>	8,200 6,350	Fair-Poor Poor	Bulkhead, Public Launch
Center Street to Cayuga Street	Marina (5) Commercial (3)	1,200 8,100	Poor Good	Private Finger Docks
Cayuga Street to Artpark	Residential (21)	32,500	Fair-Poor	-
Artpark/ South Village Line	Park/Open Space	-	Excellent	Fishing Pier
	Total	<u>71,550</u>		

1- Numbers in parentheses are total structures

2- Located upland between First and Second Streets

VILLAGE OF LEWISTON - FIGURE 4

LWRA LAND USE



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c. Waterfront Revitalization Target Area

Opportunities for enhancing the use of the Village's waterfront focused on the four block area west of First Street between Onondaga and Cayuga streets; therefore, the Village's revitalization efforts should also be concentrated on this "target area". The area is accessible from both the land and water, one of the few such sites along the Niagara River below Niagara Falls. The Village has already made a substantial public investment in the area in the construction of the new Lewiston Landing boat launch and docks. Use of these facilities by residents and visitors for boating and fishing can be expected to increase. Completion of the upland portion of the Lewiston Landing Waterfront park would increase the recreational uses of the area and improve the area's attractiveness, thereby encouraging further improvement and expansion of private recreation and related commercial uses in the two block area south of Center Street. This private development would, then, directly increase the contribution of the area to the Village's economy and tax base. The increased use and amenities of the area would also be expected to benefit businesses throughout the Village. Increased use and development in this area, however, must be carefully planned and designed, so as to be compatible with surrounding residential uses and ensure the preservation of important natural and scenic resources. Figure 5 shows the Waterfront Revitalization Target Area, as well as other significant land resources of the waterfront area.

d. Zoning

The Village is fully zoned and contains a range of residential and commercial categories (Figure 6). Commercial zoning is concentrated along Center and Portage Streets and residential and open space districts occupy the rest of the community. Similarly, the LWRA is predominantly residential and open space.

The principal residential class is R-1a providing for medium-density, single-family residences on 6,500 square foot lots. This runs up to the shoreline north and south of the landing with only a small area between Cayuga and Center Streets left for complementary waterfront commercial development (zoned restricted business and currently containing a restaurant, a tavern, and a motel). Open space zoning includes the landing and adjacent area, Artpark and identified linkages up the hill to Center Street and the Village Hall on Fourth. The entire shoreline is also zoned open space.

Although most of the zoning is compatible with existing uses in the LWRA, it does not promote water-dependent activities or encourage the integration of primary economic uses on Center Street. The residential zoning between Center and Onondaga Streets tends to isolate the landing from the rest of the community and to subject residents to recreation/tourist oriented traffic destined for the waterfront. This zoning around the Lewiston Landing also inhibits the development of critical support facilities for waterfront activities. Prospective upland development that would normally capitalize on the economic opportunity

afforded by the landing is restricted. In addition, the open space designation is not formally accommodated within the ordinance, but rather appears to be a public reservation of land. While this does insure access, it does not encourage recreational development or provide for support facilities to create new opportunities. The effect of this zoning has not been destructive, in that natural waterfront limitations (wooded slopes) have preserved future opportunities. However, neither has it provided incentives for general or concentrated development to take advantage of the waterfront resources.

e. Historical/Archaeological Resources

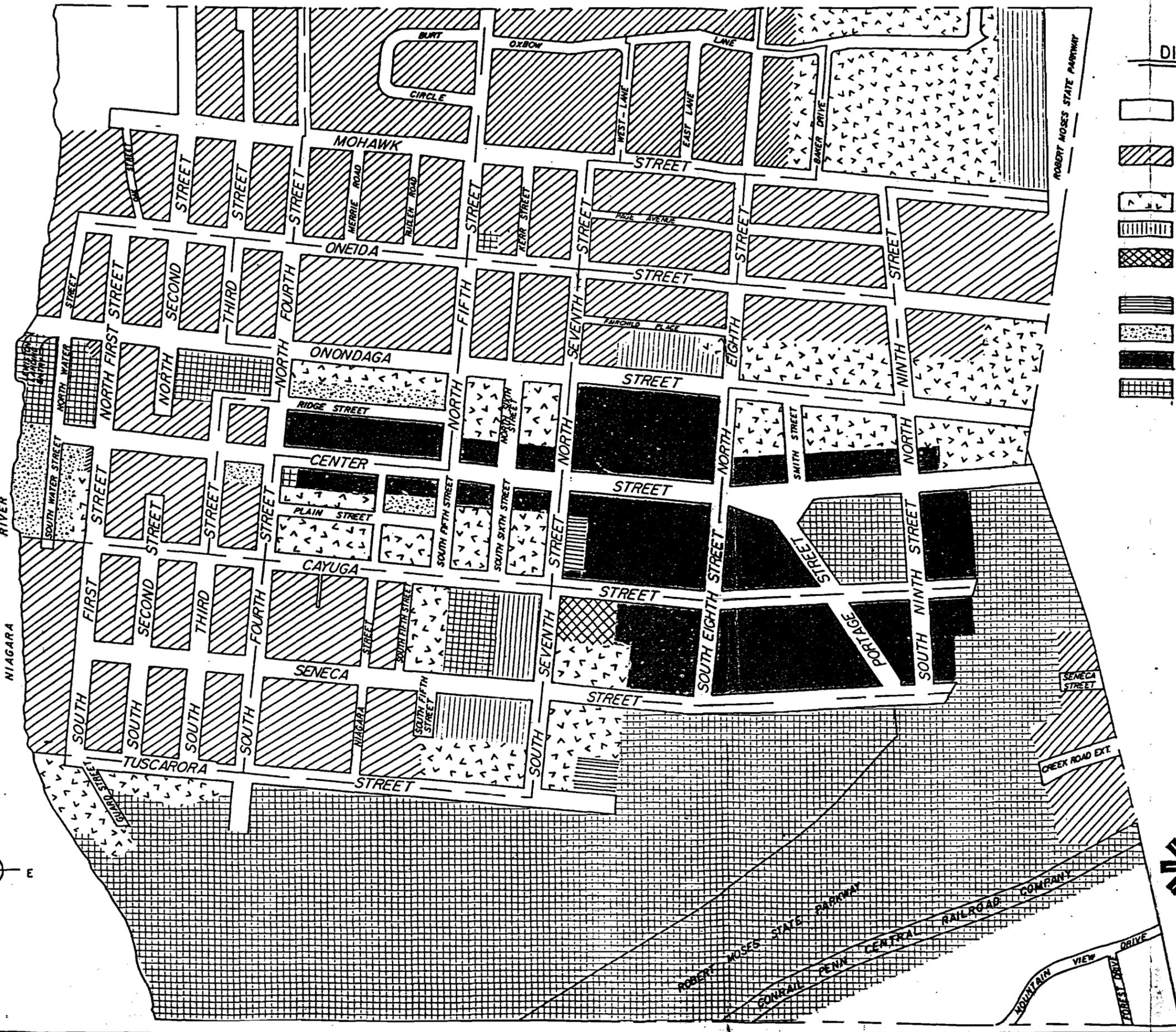
The Village of Lewiston has been referred to as "the most historic square mile in America".

The vestiges of Lewiston's history still remain in many parts of the Village and provide a substantial resource of local and national importance. Center Street is the location of the old Lewiston Trail which traversed the ridge of pre-historic Lake Iroquois. This became a primary location for early structures, since 1800's goods arriving at the Center Street Locks had to be portaged up the hill to Fourth Street and move along Center Street to other destinations. Figure 7 identifies the major sites of local and national historic significance in or adjacent to the LWRA. Many more interesting, older (but not designated) structures exist along Center Street, Plain Street and Ridge Street.

The following three sites are listed on the National Register of Historic Places as compiled by the U.S. Department of Interior, Heritage Conservation and Recreation Services:

- **Frontier House at 460 Center Street (Registry No. PH0040118; 7/8/84)** - built in 1824 by Benjamin Barton, it was known as the finest hotel west of Albany and hosted many famous guests; it is well preserved today as a restaurant and museum (restored in 1964).
- **Lewiston Portage Landing Site in Artpark (registry No. Ph0040134; 7/1874)** - original site of early trade access to the Niagara Frontier and the Niagara Portage (approximately 1626).
- **Lewiston Mound at Artpark (Registry No. PH0040126; 7/26/74)** - early indian burial site, carbon dated to 160 A.D. and site of pre-historic mammoth/mastodon finds.

The other sites shown on Figure 7 have been identified by the Village Historic Preservation Commission as locally important sites. Barton Hill and the Fairbanks House, two homes at the top of the hill at Center Street, were built by prominent community leaders. About 1815 Barton Hill was the site of American gun placements during the War of 1812 and bears a State of New York historical marker commemorating the Battle of Queenston Heights, October 1812 (placed 1901). Both are well-maintained, attractive properties.



- DISTRICTS**
-  R-1 RESIDENTIAL, SINGLE FAMILY LOW DENSITY
  -  R-1A RESIDENTIAL, SINGLE FAMILY MEDIUM DENSITY
  -  R-2 RESIDENTIAL, TWO FAMILY
  -  R-3 RESIDENTIAL, MULTI-FAMILY
  -  R-4 RESIDENTIAL, MULTI-FAMILY PROFESSIONAL
  -  R-5 RESIDENTIAL, TOWNHOUSE
  -  R-B RESTRICTED BUSINESS
  -  B-1 GENERAL BUSINESS
  -  O-P OPEN AND PUBLIC SPACE

ZONING MAP

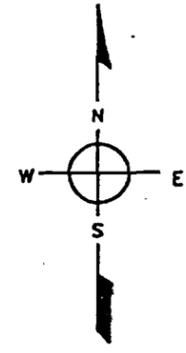


VILLAGE OF LEWISTON  
NIAGARA COUNTY, NEW YORK

OCTOBER 1967



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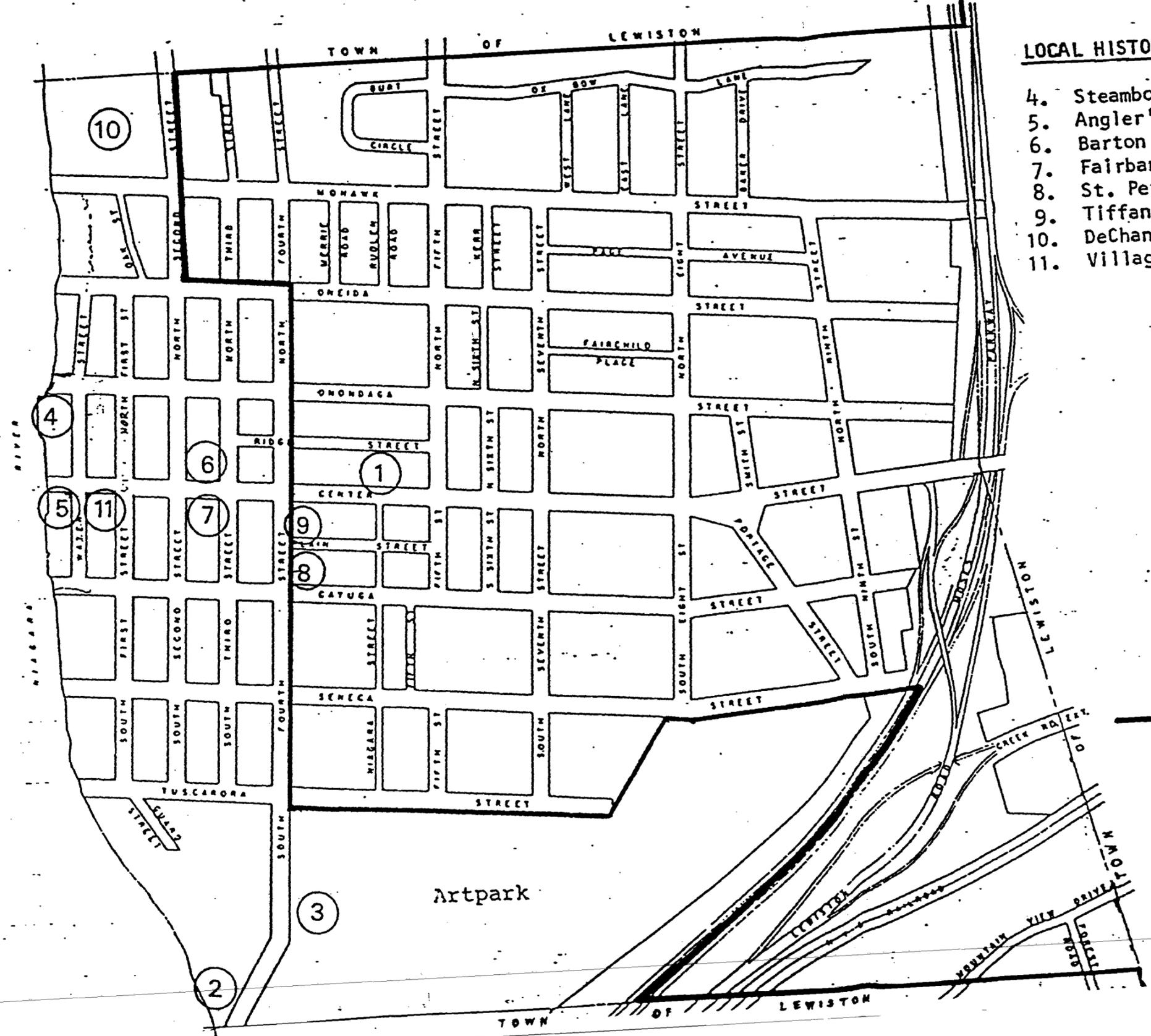
VILLAGE OF LEWISTON - FIGURE 7

NATIONAL HISTORIC SITES

- 1. Frontier House (1824)
- 2. Lewiston Landing (1626)
- 3. Lewiston Mound (160 A.D.)

LOCAL HISTORIC SITES

- 4. Steamboat Docks (1817)
- 5. Angler's Retreat (1870)
- 6. Barton Hill (1815)
- 7. Fairbanks House (1815)
- 8. St. Peters Church (1901)
- 9. Tiffany Shop (1840)
- 10. DeChantal Hall (1848)
- 11. Village Inn (1840)



— LWRA BOUNDARY



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Angler's Retreat (now the Riverside Inn), DeChantal Hall (now the Niagara Frontier Bible School), and the Village Inn are also notable historic buildings located in the waterfront area. Used for non-residential purposes, they are in good condition. The site of the original steamboat docks is also identified on Figure 7 because of the dock's historical association with the Village's development. None of the original structures remain, however.

Adjacent to the waterfront area, the Village Historic Preservation Commission has identified a historic area that encompasses Center, Plain and Cayuga Streets from Fourth Street to Fifth Street. St. Peter's Church and the Tiffany Shop, shown on Figure 7, are two significant contributing buildings located in this area.

While the structures in this area have been subjected to enough modification to reduce their potential for designation as a national district, they still offer a complement to nearby LWRA activities.

f. Public Access and Recreation

The lower Niagara River is a major recreation area for sport fishing and boating, attracting thousands to the area annually. The 1983 Fisheries Development Plan for Niagara County documented the dramatic growth and impact of sport fishing in the area (Niagara County Department of Economic Development and Planning, 1984). It indicated a rise in fishing demand of nearly four-fold (\$2.6 million revenues to over \$10 million annually) by 1985 and the need for improvement in County boating and fishing facilities to accommodate current and anticipated demand.

At present, there are few public facilities along the lower Niagara River providing access for fishing and boating. Boat launches exist at Fort Niagara (public ramp at the mouth of the river), Youngstown (a small natural harbor near the mouth of the river), and Lewiston (double-wide public ramp). The Village of Lewiston's facility is the only up-river boat launch providing access to game fishing in the river gorge and offering virtually year-round sheltered river access. On-shore fishing opportunities exist at the above locations plus at the fishing pier in Artpark and at the Joseph Davis State Park (about mid-way between Lewiston and the river mouth).

The Village's boat launch is part of the planned Lewiston Landing Park, which was created in 1976 when, with funds from the NYS Division of Housing and Community Renewal, the Village purchased 2.25 acres of riverfront property. Together with other Village-owned land, this created an eight-acre site, suitable for development as a water-related park and recreation facility. In 1980, initial design work was completed with a grant from the National Endowment for the Arts. Since then, construction has been completed on a new dock and double-wide (20 foot) boat launch, a shoreline retaining wall with a walkway on top, boat slips to accommodate 14-20 medium-sized boats, handicapped parking, and landscaping which includes plantings specially selected

to control erosion caused by run-off. The boat launch, which was opened in 1983, is used almost year-round and is heavily used during the prime boating and fishing seasons.

Work which remains to be done would extend the park to First Street between Onondaga Street and Center Street, providing additional facilities for year-round recreational pursuits, improving circulation and access, and creating an attractive setting for the boat launch and dock. Most of the existing structures occupying the site, which are in fair to poor condition, would have to be demolished. This requires relocating the DPW garage to a new facility and making alternative arrangements for handling the sewer overflow currently diverted to the old sewer treatment plant. Only the abandoned coal silo and the new pump station would be retained as part of the park.

Completion of the park would provide needed support facilities for users of the existing boating and fishing facilities, increase the opportunities for recreational use of the waterfront area by adding facilities for other recreational activities (e.g., picnicking and ice skating), and generally accomplish the redevelopment of an underutilized and unattractive, yet critical, waterfront site. The Village is committed to implementing the second phase of the park's development and is actively pursuing sources of funding.

The only other existing public recreation facility in the Village of Lewiston, which has access to the Niagara River, is Artpark. Artpark was developed by the State of New York on lands owned by PASNY. It is also partially located in the Town of Lewiston, although its major facilities and entrances are located within the Village. Artpark is intended primarily to be a cultural, educational, and passive recreation resource for residents of, and visitors to, the State. Facilities include a performing arts center, amphitheater, and support facilities. Facilities also include a fishing pier, as previously noted, and nature trails. Artpark's location on a steep slope descending from the Niagara Escarpment affords excellent views of the river area. Artpark is also a sensitive archeological area and includes two nationally designated historic sites, the Lewiston Indian Burial Mound and the Lewiston Portage Landing Site. Over 250,000 people are estimated to visit Artpark each year.

The development of Artpark has helped to attract significant numbers of visitors to the Lewiston area and has benefitted local businesses and governments. It is expected that the performing and visual arts will continue to be the emphasis of programming for Artpark. There are additional opportunities, however, for cooperative efforts which could support the Village's waterfront revitalization efforts, as well as the recreational use of Artpark. Activities are programmed at Artpark only from Memorial Day to Labor Day. Although the grounds are open year round, facilities are closed and off-season use is limited. In addition, there is currently little joint promotion of facilities and activities and little physical connection between Artpark and the Village's central waterfront area, although both the State and Village have expressed

interest in better coordination. There are several low-cost opportunities for coordinating Artpark's facilities and activities with the Village's waterfront development projects which would enhance the use of and benefits derived from both. One of the best of these opportunities is to develop self-guided walking tours (for example, from Artpark along First Street to the Lewiston Landing Waterfront Park), connecting the historical, scenic, and recreational points of interest in Artpark and the Village.

Route 18F through Lewiston, designated as part of the Seaway Trail, is a major scenic route for tourists travelling along the lower Niagara River and is a substantial source of tourism activity in the Village. This route forms the eastern boundary of the LWRA, but does not directly access the waterfront, nor is the waterfront visible from it because of the steep slopes. Better signage and/or visible linkage is needed to better capitalize on existing tourist activity and attract potential users to new recreation and recreation-related facilities on the waterfront. Center Street and Onondaga Street (for pedestrian access) seem to offer the best opportunities for providing this linkage.

Center Street provides the only direct vehicular access to the shoreline and is marked at Fourth Street by a gateway-like entrance for Lewiston Landing. The entrance marker, however, could benefit from improved landscaping and lighting and the addition of a motif more clearly indicating that Lewiston Landing is on the riverfront. The Lewiston Businessman's and Professional Association recently has had an attractive waterfront logo designed and has installed visitor-oriented signs using this logo. This has helped considerably to provide useful linkages between the Lewiston Landing area and the major transportation routes through the Village and should improve access to the waterfront area.

The Onondaga Street right-of-way between First and Second Streets, which is undeveloped because of the steep slope, is currently used as a pedestrian pathway. This pathway, which provides access from the Village Hall and adjacent playground at Onondaga and Second Streets to the Lewiston Landing and the area proposed for park development, could be developed to provide a defined open-space connection and an easier to use pedestrian accessway between the two park areas.

Other publicly-owned lands in the LWRA consist primarily of other paper street right-of-ways and street-ends. Since the street-ends extend to the river, they possess some potential for increasing shoreline access, which is severely restricted by the steep banks lining the shoreline, with the exception of the two-block area from Onondaga to Cayuga streets. The street-ends are open to public use and the Village Board has recently taken the position of retaining all street-ends in public ownership and discontinuing the past practice of leasing select locations to private groups; however, surrounding residential uses and extremely difficult physical characteristics mitigate against developing most of the street-ends for public access or recreation purposes. This is not the case for the Onondaga, Center, and Cayuga

street-ends, which have the potential to be integrated into the redevelopment of the central riverfront area for recreation and recreation-related uses.

Table 4 below summarizes the ownership and accessibility characteristics of shoreline property (that is, property adjacent to the Niagara River).

TABLE 4

Shoreline Ownership and Accessibility  
Village of Lewiston, New York

<u>Ownership</u>	<u>Location</u>	<u>Footage</u>	<u>Percent</u>	<u>Accessi- bility</u>
Public (Local and State Gov't)	Lewiston Landing and Street Ends	1,210 Feet	21.5%	Open
Artpark	South Waterfront	1,150	20.4	Limited Season- ably
Private	Marina at Center Street; Private Residences	2,750	48.9	Closed
Institutional (Private)	North Waterfront	520	9.2	Closed

g. Visual/Aesthetic Resources

The Village has some dramatic visual resources that should be preserved as crucial components of waterfront development. These primarily include the Niagara Gorge with its steep bluffs and turbulent waters, and the Niagara Escarpment which is heavily wooded and represents a unique natural land form in the area. There are also steep wooded banks along the shoreline and scenic river vistas that are part of the local attraction to the Village.

Probably the most outstanding vista in Niagara County (other than Niagara Falls) is the panorama available from the Robert Moses Parkway in the southeast corner of the Village, along with the Escarpment. This location provides an unobstructed view of the Village, lower river, Canada and Lake Ontario beyond. The City of Toronto across Lake Ontario is visible on clear days and nights. While only available to motorists and residents of Lewiston Heights atop the Escarpment, it offers breath-taking scale and an overall perspective of the Village atmosphere characteristic of Lewiston. This is a better promotion than any sign or advertisement and should not be compromised by future development. The opportunities for safely viewing this scene from the Robert Moses Parkway could be improved by providing a scenic overlook off both sides of the parkway above Artpark.

Another excellent land-side vantage point is the intersection of Center and Fourth Streets. To the south is a vista of the Lewiston-Queenston Bridge set against the bluffs of the Niagara Gorge and to the west is a view of Queenston Heights in Canada as it appeared to the American forces during the War of 1812. A more extensive vista of the Niagara Gorge is visible from the shoreline in Artpark. Visitors to the area are continually subjected to excellent views along the river (bluffs, powerhouse, bridge, etc.), due to Artpark's open character and this opportunity could be further developed with viewing areas and access trails.

Many local views are afforded within Lewiston, due to the vantage points created by the slopes near the river. Two ridges, one along the shoreline and one along Third Street (Onondaga to Cayuga), provide views of the river and development below. Most of the land is residential and limited in access, however, the Village park/playground at Third and Onondaga Streets (behind Village Hall) is well sited to take advantage of this local vista and could be further developed to capitalize on its visual potential.

The in-water aesthetics of the shoreline is, again, quite dramatic, in that an observer on the river can see either the Niagara Gorge with its bluffs or the wooded slopes of the Village rising from the river to the Escarpment. Currently, however, the poor condition of some properties near the Lewiston Landing detracts from both the land-side and in-water views of the waterfront.

This area, which is the most accessible portion of the shoreline, presents an abandoned silo, municipal garage and deteriorating marina as the focal point of the Village waterfront view. These need extensive structural and landscaping improvements to be attractive to area visitors and encourage usage of the waterfront. In addition, new development in this area should be carefully sited to improve the visual qualities of the waterfront and preserve the vistas available from higher elevations within the Village. Wooded areas should be preserved to provide aesthetic appeal to the shoreline and soften the character of nearby urban development.

## **7. Community Services/Infrastructure**

### **a. Transportation**

The Village of Lewiston has excellent highway access to nearby cities via the Robert Moses Parkway (limited-access expressway to Niagara Falls and Buffalo via I-190) and N.Y. Route 104 (Ridge Road to Lockport). These two arterials interchange at the Village line and exit onto Center Street (Route 104 extended). Center Street is the major east-west highway in the Village, is the center of community activity, and links the Robert Moses Parkway on the east and the Lewiston Landing at the waterfront on the west and contains the majority of all commercial development in the Village. Center Street is also part of Route 18F, the

designated New York State Seaway Trail. Following Center, Fourth, Oneida and Second Streets, Route 18F attracts numerous tourists annually to the scenic Niagara River drive between Lewiston and Lake Ontario.

Internal circulation within the Village is accommodated by six collector streets to residential uses and community generators. Mohawk and Cayuga Streets provide additional east-west circulation, while Fourth, Fifth, Eighth and Portage Streets provide north-south circulation and access to major land uses. Portage and Fourth Streets are the entrances to Artpark and are heavily utilized by theater patrons and tourists throughout the season. Village streets occupy 211 acres of land and comprise 33 percent of total land use. The Village is laid out in a grid pattern and land is fully accessible by local streets. Principal traffic generators include Artpark, commercial development along Center Street and the boat launch at the landing on the waterfront (Figure 8).

The circulation system is in good condition with pavement adequate for traffic conditions. However, Center Street is the only road with sidewalks and others have substantial shoulder and drainage problems. Some residential streets have been installed in the past to open up large blocks and these are quite narrow (Ridge, Plain, Niagara, Page, Fairchild, etc.). Since road drainage also handles adjacent land uses, improvements are needed to create a Village drain relief system.

Public transit services exist from Niagara Falls to Lewiston via regularly scheduled bus service. The route follows Lewiston Road and Center Street and loops around Fourth Street to link the Village with Mount St. Mary's Hospital, Niagara University and other regional bus routes. There is no rail service in Lewiston, although regular Amtrak service exists out of Niagara Falls.

b. Parking

Public parking in the LWRA is at a premium, especially near the landing and boat launch. Only eight to ten spaces exist on the landing, while approximately 75 to 100 spaces are designated on Water Street (including a private, gravel parking lot), some for trailers. This promotes some conflicts between parking and vehicular access on Water Street and taxes on-street residential parking on adjacent streets during seasonal uses. Other public spaces exist at the Village Hall on Fourth and Onondaga Streets (20 to 30 space) and numerous spaces at Artpark (Figure 8). However, neither of these are adequately linked to the prime waterfront area (Lewiston Landing) and offer only marginal use at this time. Facilities at Artpark are currently inadequate during performances, as extensive overflow is encountered on Village streets. Future improvements in waterfront activities and access will depend on adequate parking increases proximate to new development.

c. Water Distribution/Supply

Until the Spring of 1983, the entire Village of Lewiston received its potable water supply from two services - the City of Niagara Falls and the Niagara County Water Authority. Due to supply and distribution difficulties experienced by the City, all potable water is now supplied by the County Water Authority. The Village's residential and commercial users consume an average of 360,000 gallons per day and public water is available to all residences and commercial establishments.

The Village of Lewiston owns and maintains all distribution lines within its corporate boundary. Supply and distribution has been adequate to meet demand. Water supplied to the Village is metered daily for billing purposes and to monitor system loss. The area within the coastal zone is serviced by a complete distribution system (Figure 9). The system is generally adequate to support future development at prevalent densities. The Village performs routine line maintenance and replacement as required.

d. Wastewater Collection and Treatment

The Village of Lewiston, including the area within the coastal boundary is completely serviced by a separate wastewater collection system. All residential and commercial establishments are serviced. The total Village system consists of approximately 77,000 linear feet of sewer. The sanitary sewer system within the coastal boundary consists primarily of vitrified tile, gravity sewer, and ranges from thirty to fifty years old (Figure 10). All wastewater flows generated in the coastal area are tributary to a pump station and pumped over the Escarpment to a metering pit prior to connection to the Town of Lewiston's sewer system. Until early 1981, the Village of Lewiston treated its sewage at a primary treatment facility located at the Department of Public Works facilities. Treated sewage was discharged directly into the Niagara River. In 1981, the Village terminated treatment at its facility and began conveying all wastewater flows generated in the Village to the Town of Lewiston for treatment. The Village is included in the Lewiston Master Sewer Improvement Area (LMSIA), which includes the Towns of Lewiston and Porter and Village of Youngstown.

The Village of Lewiston's participation in the LMSIA required termination of treatment at their existing facility with the addition of a new pump station and interceptor sewer to convey wastes to the Town's system. The Village no longer operates its wastewater treatment plant. In the early stages of the operation of the LMSIA, the Village used their treatment plant as an overflow structure when the Town's treatment facility experienced excessive flows.

With improved wastewater treatment plant operations and sewer improvements throughout the district, overflows have been essentially eliminated. The Village no longer utilizes their former treatment facility and it is scheduled for demolition in the future. Any subsequent development must provide adequate access and land for a pump station. Overflow storage, if needed, is planned for inclusion with the new public works garage in the Village.

Conveyance of Village wastewater flows to the Town facility has resulted in two positive impacts in the coastal area. First, effluent quality from the Town's facility is substantially improved over the Village's old facility, resulting in improved overall water quality. Second, with the eventual demolition of the former treatment plant, additional land area will be available for Village use.

The sanitary sewer system is a vital part of the coastal areas' infrastructure. The existing system has the capacity to support present and future development. The Village supports a continual and rigorous system maintenance and rehabilitation to ensure system efficiency. All wastewater collection system additions and improvements are designed and constructed in accordance with "10 States Standards", Niagara County Health Department, and NYSDEC Standards.

e. Storm sewer system

Stormwater drainage within the Village of Lewiston, including the area within the coastal zone boundary, is accomplished through a system of closed conduits, open ditches, and generalized overland run-off. The stormwater collection system is a separate system with no known cross connections to the sanitary sewer system. Because of the relatively steep slopes in the coastal area, localized flooding and ponding is not prevalent. There are at least two known locations where stormwater conduits discharge directly to the Niagara River. The Village Public Works Department maintains all roadside ditches and will install drainage piping at the request of residents and businesses for a nominal fee. The closed piping is installed in rights-of-way where landowners prefer piping over open ditching.

One problem in the coastal area caused by uncontrolled overland run-off is bank erosion at various locations. Through structural modifications and improved management practices, this problem can be alleviated. However, further detailed study of existing drainage is needed to determine more specifically the best methods for improving the drainage system. All major drainage improvements are designed according to the Stormwater Design Manual published by the Erie-Niagara Regional Planning Board and are generally based on a ten-year storm.

f. Community Services

Health services are concentrated in Mount St. Mary's, a Catholic hospital located in the Town of Lewiston. Other nearby hospital facilities are in Niagara Falls, about six miles south of the Village.

The Village has its own Police Department, while the Village and the Town share costs for the Volunteer Fire Company, Lewiston Fire Company No. 1. The Village pays on a contractual basis for the costs of operating the Fire Company and also pays for insurance for the Fire Company.

g. Solid Waste Management

Solid Waste collection is the responsibility of the Village of Lewiston. The Department of Public Works collects both municipal and resident debris and garbage. No burning is allowed in the Village. All waste is disposed of at the Model Cities facilities in the Town of Lewiston under private contract. The contract contains no disposal restrictions and the facility possesses sufficient capacity for current and anticipated Village needs.

h. Hazardous Waste Site

The New York State Department of Environmental Conservation has indicated that the Stauffer Chemical-Art Park Site is within the Village of Lewiston coastal area. The inactive hazardous waste disposal site (Site Code #932049) is a landfill of approximately one acre located off of 4th Street in Artpark and was used for waste disposal from 1953 to 1969. An unknown quantity of asbestos, graphite, cinders, reactor bindings, scrap sulphur and metal, and silicon, zirconium and titanium oxides were disposed of at this site (NYS DEC Inactive Hazardous Waste Disposal Report, P. 9-397). Most the wastes had been covered by 1979, and soil samples collected in 1982 by the USGS indicated the presence of organic compounds of 20 parts per billion (ppb) for soil and one ppb for water. A State Superfund Phase investigation has been completed by the Niagara County Health Department and the US EPA, and this indicated heavy metal and organic contaminants in soil and surface water.

i. Fiscal Resources

For 1983-84, the Village's total budget was \$1,375,133, of which property tax payments were \$267,329. Total assessed or full value (properties in Niagara County went on a full value basis for 1983-84) was \$70,349,707. The tax rate was \$3.80 per \$1,000 of full value for 1983-84, or \$190 for an average \$50,000 home.

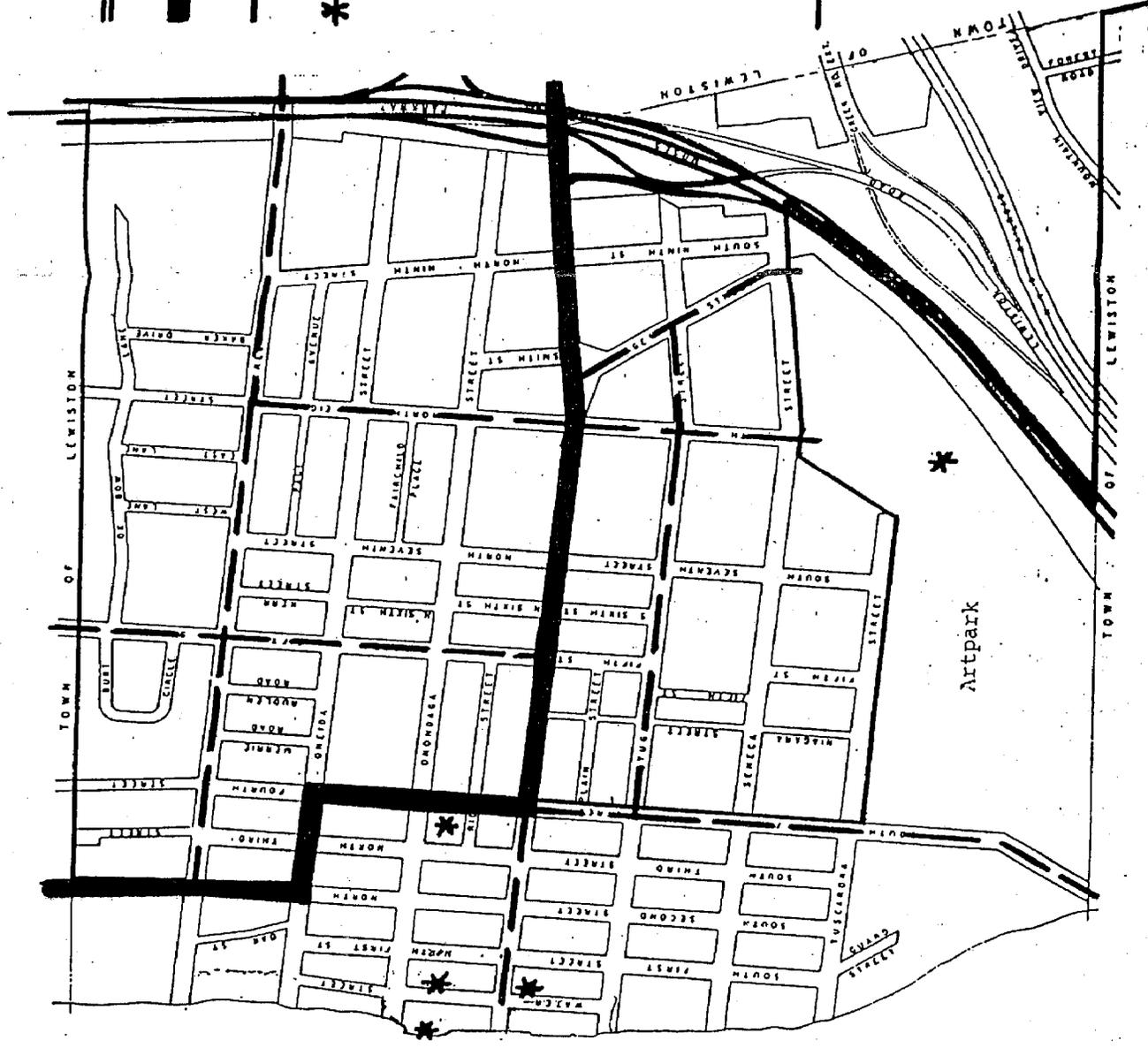
The Village had adequate taxing power for the 1983-84 fiscal year. Taxing power was \$1,019,012, while the tax levy was \$267,329; the constitutional tax margin was \$751,683.

In terms of debt limit, the Village can borrow up to seven percent of five-year average full value, or about \$3,100,000. As of June 1, 1983, outstanding debt was \$311,550 or 10.0 percent of the debt limit. Based on an opinion by the State Comptroller on January 26, 1983, \$800,000 of Bond Anticipation Notes for Sanitary Sewers were excluded from the debt limit.

VILLAGE OF LEWISTON - FIGURE 8

LWRA: TRANSPORTATION AND PARKING

- Expressway
- Arterial
- Collector
- Parking Lot



LWRA BOUNDARY

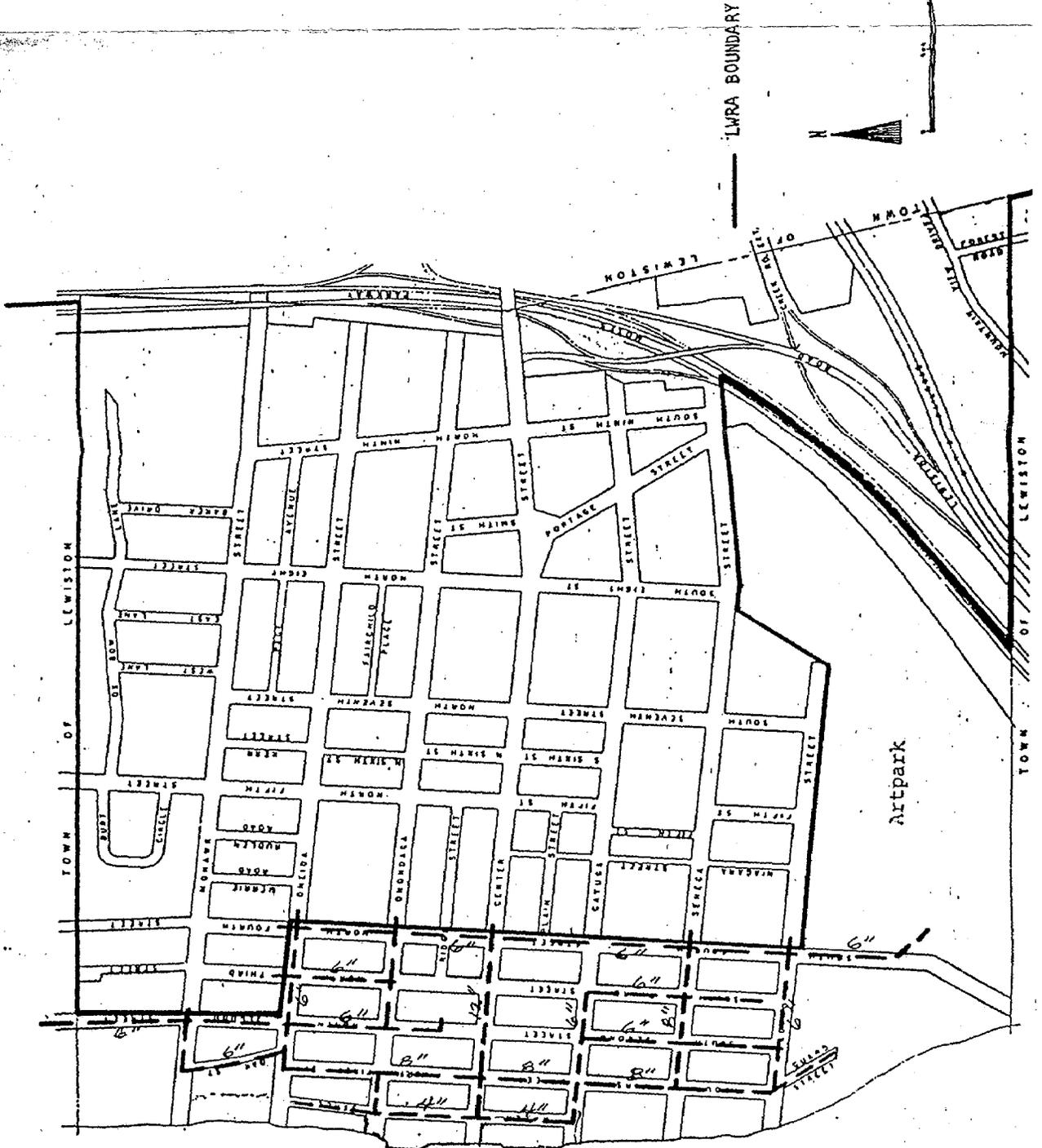


**WENDEL**  
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LMRA WATER LINES

VILLAGE OF LEWISTON - FIGURE 9



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**SECTION III**

**STATE AND LOCAL COASTAL POLICIES**

## STATE AND LOCAL LWRP 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.

**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.

**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.**

**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.**

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.

**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

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.

**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.

**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 that are 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 systemwide 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.

- 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, 19, 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 a recognition that some risk is acceptable in the use of recreation facilities.

**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.**

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.

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

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 of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement 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 resources 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.**

#### 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.

**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

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.

**POLICY 26**            **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF IMPORTANT AGRICULTURAL LAND IS NOT APPLICABLE TO LEWISTON.**

**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, archeologic 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 sludges 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 sludges from the LMSIA facility are 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.

**POLICY 44**            **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF WETLANDS IS NOT APPLICABLE TO LEWISTON.**

**SECTION IV**

**PROPOSED LAND AND WATER USES  
AND PROPOSED PUBLIC AND PRIVATE PROJECTS**

## A. PROPOSED LAND AND WATER USES

The Lewiston Local Waterfront Revitalization Area (LWRA) has been evaluated and planned to preserve sensitive natural features and complement existing development, while enhancing recreational and tourist use of waterfront resources. Existing land uses in the LWRA are residential with commercial and recreation facilities located at the waterfront on either side of Center Street. These include Lewiston Landing, a private marina, a restaurant, a tavern, a motel and parking facilities. Proposed uses reinforce this land use pattern. Water-dependent recreation uses are to be improved and expanded in the most accessible area of the shoreline (Cayuga to Onondaga Streets) with more intensive, supporting recreation and commercial uses proposed for the adjacent upland area. Low-density residential and public (Artpark) uses are to be maintained in the remainder of the waterfront area, reflecting the topographical development constraints of the area and helping to preserve the open space and scenic values of the area.

The LWRA is divided into five sub-areas for convenience in describing proposed uses. The five sub-areas or sections (see Figure 11 for map of sections) are as follows:

Waterfront Revitalization Target Area-The Target Area includes Lewiston Landing Waterfront Park (First Street between Center and Onondaga Streets to the shoreline) and the adjacent blocks west of First Street between Center Street and the line of Cayuga Street.

Section 1 (North of the Target Area)-The entire portion of the LWRA from Onondaga Street north to the Village Line.

Section 2 (East of the Target Area)-The area between Cayuga and Onondaga Streets east of the Target Area to Fourth Street (the LWRA boundary).

Section 3 (South of the Target Area)-The area south of Cayuga Street to Tuscarora Street from Fourth Street (the LWRA boundary) to the waterfront, including residential development on the south side of Tuscarora Street and around Guard Street.

Section 4 (Artpark)-The portion of the LWRA south of Seneca and Tuscarora Streets dominated by Artpark. It also includes the public lands, devoted primarily to transportation uses, which are east of Artpark.

### 1. Waterfront Revitalization Target Area

Opportunities for enhancing the use of the Village's waterfront are focused in the four block area west of First Street between Onondaga and Cayuga Streets; therefore, the Village's revitalization efforts should also be concentrated on this "target area".

This area represents the prime waterfront development area. Proposed uses focus on improving access to the water and expanding water-dependent tourism/recreation uses. In the block west of Water Street between Onondaga and Center Streets where the Lewiston Landing is located, the existing water-dependent recreation uses, providing public boat launching, boat docking and

fishing facilities, are to be maintained along the shoreline. The adjacent blocks east to First Street are designated for further development as the Lewiston Landing Waterfront Park.

Water-dependent recreation uses are also proposed for the shoreline area south of Lewiston Landing (Center to Cayuga Streets). The rehabilitation and expansion of existing private marina/docking facilities is encouraged; however, any major development or improvement of uses is also to provide public shoreline access as compatible with private uses. Marina uses are meant to include riverside operation and premises for mooring, docking, renting, storing, or servicing of boats and for sales of boating supplies as an accessory use.

Proposed uses for the adjacent upland areas (east to First Street between Center and Cayuga Streets) are recreation-and tourist-oriented commercial services which will complement public and private investment in water-related facilities. These include restaurants and inns, overnight accommodations (hotel, motel, tourist home, or bed and breakfast residence), and retail/service facilities complementary to water-related recreation and tourist uses.

Proposed in-water uses for the waterfront target area include fishing piers, boat launches and docks, and navigational transition/access to on-shore facilities. Swimming and speed-boating are conflicting uses in these transitional waters and are excluded.

The undeveloped street-ends at Onondaga, Center, and Cayuga Streets are to be retained in public ownership and used for access or waterfront expansion.

## **2. North of Target Area**

The section of the LWRA from Onondaga Street to the Village Line is bordered by steep bluffs along the shoreline and traversed by another steep slope from Second Street to the northwest corner of the LWRA (see Inventory and Analysis, Figure 2). Existing residential uses are well established and opportunity for new development is limited. Uses proposed for this area, except for the block north of Mohawk Street, are medium density (6-7 units/acre) single-family residences; compatible public, quasi-public and institutional uses (churches, schools, private clubs, health facilities, etc.); and commercial uses limited to home occupations, personal services and bed and breakfast residences.

The block north of Mohawk Street is now occupied by the Niagara Frontier Bible Institute. The property includes DeChantal Hall, which is listed on the National Register of Historic Sites (see Inventory and Analysis, Figure 7). While no change in use is expected for the foreseeable future, conversion to low-density (2 units/acre) single-family residences would be acceptable. The public, quasi-public, institutional, and limited commercial uses listed above, excluding bed and breakfast residences, would also be acceptable in this area. To the extent practicable and permitted by law, any change of use should preserve DeChantal Hall and maintain its historic character and an appropriate setting.

The shoreline of this section of the LWRA is to be preserved as open space to control encroachment of structures and conserve the wooded bluffs. In-water structures are to be limited to mooring and docking for boats owned by the adjacent upland property owner.

The undeveloped-street ends at Oneida and Mohawk Streets are to be retained in public ownership and preserved as open space.

### 3. East of Target Area

This section is an important transitional area, linking the Target Area, the Center Street business district, and other community facilities and containing the crossroads of access to the waterfront. Center Street is the major tourist entrance to the Village and, similarly, represents the most viable tie to the Target Area. The Center and Fourth Street intersection is a highly visible connection with the Seaway Trail (Route 18F, the State Touring Route) and can be the major entrance to the waterfront. To the north, the Onondaga Street right-of-way provides a pedestrian link between the Village Hall and playground and the Target Area. Finally, First Street provides the major north-south access, connecting the Target Area to Artpark. While access to the waterfront along these corridors can be improved (see Proposed Projects), care must be taken to provide such access in a manner compatible with the existing residential uses which are the predominant uses in this section.

The proposed uses for this section are primarily medium density single-family residences and compatible uses, as described above for the Target Area. Neighborhood business uses and mixed business/residential uses are allowed along the south side of Center Street between Third and Fourth Streets. The establishment of bed and breakfast residences is particularly encouraged throughout this section to provide needed accommodations for visitors and a connection in uses between the Target Area and the Center Street business district.

### 4. South of Target Area

Reflecting the existing land use pattern, proposed uses for this section are primarily medium density single-family residences and compatible uses, as described above for Section 1. Two-family residences may be accommodated in the area along Tuscarora and Guard Streets. Seneca and Tuscarora street-ends are to be retained in Village ownership for open space. Since shoreline access is difficult at best, pedestrian travel is to be accommodated via First Street. Vehicular access is proposed along Fourth Street to Artpark. The shoreline is to be preserved as open space to protect the steep banks lining the area. In-water structures are to be limited to mooring and docking for boats owned by the adjacent upland property.

### 5. Artpark

The Artpark section of the LWRA is proposed for continued cultural uses oriented toward existing visual and performing arts. Expansion of recreational uses, however, are also envisioned to complement the LWRA, including the development of passive recreation opportunities along the waterfront (natural and scenic trails), promotion of fishing uses along the shore, preservation of historic sites,

improvement of scenic access along the Robert Moses Parkway, and expansion of parking facilities to support uses.

The transportation corridors to the east of Artpark are expected to continue to be used for transportation purposes. Should transportation uses be abandoned, lands will be preserved as open space or dedicated to public uses. Development in this area may not breach, alter or damage the Niagara Escarpment.

## **B. WATERFRONT PRESERVATION AND REVITALIZATION STRATEGY**

There are a variety of activities necessary to achieve the policies and purposes of the Village's LWRP. Some of these are projects described in more detail in Section IV, Proposed Public and Private Projects; others are types of implementation activities, described in more detail in Section V, Local Implementation Techniques. The following summarizes all of these activities as an overall strategy for preservation and revitalization of the Village's waterfront resources.

### **LWRA - WIDE ACTIVITIES**

1. Undertake comprehensive study of LWRA drainage (source, outfall, overland flow and impact on the waterfront and the river) and detailed development program for improving drainage.
2. Improve the visibility, public awareness, and use of the Village waterfront.
  - a) Improve entry signage at Center and Fourth Streets and landscaping along Center Street between Fourth and Water Streets (See Project 1).
  - b) Identify historic sites/structures (plaque, marker) in the LWRA and create a walking tour/trail in the Village. (See Project 2).
  - c) Sponsor a seasonal fishing derby.
  - d) Promote and advertise waterfront facilities in local and State recreation and tourism literature and improve coordination and promotion of events with Artpark.

### **WATERFRONT REVITALIZATION TARGET AREA**

3. Complete Lewiston Landing Waterfront Park (See Project 3).
4. Improve shoreline access and boating facilities between Center and Cayuga Streets. (See Project 4).
5. Expand and improve commercial facilities (retail, lodging, etc.) to complement water-dependent uses in the south section of the Target Area. (See Project 5).
6. Undertake river study - detailed analysis of river bottom, current, flow and generally foreshore conditions to determine acceptable extent of in-water structures (marinas, etc.) and navigation to docks.



## SECTION 1 - NORTH OF TARGET AREA

7. Undertake study of fish breeding grounds off-shore to better define the characteristics, the extent of the habitat and to determine the potential for improvement and expansion.
8. Maintain existing land use pattern and densities and preserve sensitive natural features (slopes and bluffs) through land use and development regulation.

## SECTION 2 - EAST OF TARGET AREA

9. Improve pedestrian pathway along the Onondaga Street right-of-way between Second and First Streets to provide open space link and better pedestrian access to Lewiston Landing Park and upgrade playground and parking facilities at the Village Park (Third/Onondaga) for visitors to area. (See Project 6).
10. Encourage rehabilitation of waterfront residences, particularly in the First Street area.

## SECTION 4 - ARTPARK AREA

11. Improve opportunities for year-round use of Artpark grounds for recreation purposes (hiking, cross-county skiing, scenic access, touring historic/geological sites, fishing) and improve parking facilities for summer events.
12. Develop scenic overlooks along the Robert Moses Parkway (both sides) above Artpark. (See Project 7).

## C. PROPOSED PUBLIC AND PRIVATE PROJECTS

Project locations are shown on Figure 14.

### **PROJECT 1 - CENTER STREET LANDSCAPING AND ENTRY SIGNAGE IMPROVEMENT PROJECT**

While the main vehicular and pedestrian entry point to the LWRA at the intersection of Center and Fourth Streets is currently marked, the entry needs to be better highlighted and made more attractive. This project intends to clearly make this intersection the "front door" to the waterfront area by improving the landscaping around the markers and providing better lighting. (Estimated cost \$3,500; one month to implement).

In this manner, the out-of-town motorist can be made aware of activities beyond this point. It will also serve as a reminder to Village residents and beautify the intersection.

As the major vehicular and pedestrian link between the Village Center and the Lewiston Landing Waterfront Park, Center Street between Fourth and Water Streets

should be an attractive magnet of green space and streetscape to encourage the visitation and use of waterfront development. The 1,000+ feet from Fourth down to Water Street should be tree-lined and landscaped at intersections to create an attractive setting for the scenic vista of the Niagara River available from atop the hill at Third Street. This would require about fifty trees and shrubs and a four-foot stabilized pedestrian path at a cost of approximately \$15,000. Appropriate hearty species in the urban setting of Western New York include Norway and Red Maple, Radiant Crab Apple, Linden, Ginko, Honeylocust, Barberry and Juniper.

#### PROJECT 2 - CREATION OF HISTORICAL, CULTURAL, SCENIC WALKING TOURS

The abundant resources of the Village of Lewiston offer excellent opportunities for the attraction of area tourists through identification and consolidation of historic, scenic and cultural sites in the LWRA.

Such sites include:

- The Barton House (Center and Third);
- The Fairbanks House (Center and Third);
- The Riverside Inn/Anglers Retreat (Water Street);
- Lewiston Landing Docks (foot of Center Street);
- Indian Burial Mound (Artpark);
- Lewiston Landing Gully (Artpark);
- Joncaire Cabin Site (Artpark);
- Scovell Knoll (Artpark).

These sites should be appropriately marked with a marker or plaque to identify their date and significance. Coordinated with other Village sites by the Lewiston Historical Society, they would form the basis for a walking tour of the area's history promoting awareness and exposure to LWRA resources. Similar tours could also be assembled by the Chamber of Commerce in concert with Artpark, based on geologic and natural formations in the area and the dramatic scenic vistas available from numerous vantage points in the LWRA. Production of appropriate literature should be developed for distribution at State and local tourism offices, retail facilities, and Artpark.

#### PROJECT 3 - COMPLETION OF LEWISTON LANDING WATERFRONT PARK

The completion of the Lewiston Landing Waterfront Park is the most crucial project in the development of the Lewiston waterfront and represents the provision of new water-dependent and water-related facilities to encourage recreation and tourism activities. The project focuses on the narrow portion of the shoreline that offers water access and traditional uses consistent with the objectives of the LWRP. Primary objectives of the project include improved access to the Lower Niagara River, improved facilities for boating and fishing, vehicular and pedestrian circulation, active and passive recreation opportunities and support services (parking, renovation of the existing coal silo for restrooms and bait/tackle, dockside services, etc.) in a scenic, attractive setting.

The 1983 Fisheries Development Plan for Niagara County outlined the dramatic growth and impact of sport fishing in the area (Niagara County Department of Economic Development and Planning, 1984). It indicated a rise in fishing demand of nearly four-fold (\$2.6 million revenues to over \$10 million, annually) by 1985 and the need for improvement in County boating/fishing facilities in response. The Plan identified the intended improvements in Lewiston Landing boat launching facilities and the viable bank fishing opportunities there. Clearly, the potential exists for increased fishing in the area and appropriate facilities to accommodate anticipated demand.

The construction or renovation of waterside facilities for the park has been completed. These include a double-wide boat launch, docks, fishing pier, waterfront bulkhead and walkway. The next phase of the park's development will provide support facilities and active recreation uses in upland areas and utilize the topography of the site to create a scenic environment that complements waterfront uses.

Major changes in the existing development will be required to complete the park. As shown in Figure 12, the site is mostly owned by the Village, but currently underutilized and in poor condition. Structures include an abandoned coal silo, three dilapidated shacks (since removed), an abandoned sewer treatment plant (replaced by Town facilities), a public works garage in fair condition (to be demolished and relocated), a storage building, a new sewerage pump station and two residences in fair condition. These structures would have to be either renovated, relocated or demolished to accommodate site improvements, as many were found to be infeasible for use. Only the coal silo and pump station are recommended for renovation and use as part of the project plan.

The following elements are included in the proposal for upland development:

(Supporting Graphics - Figure 12)

- Removal of three shacks (completed) and storage building.
- Removal of DPW Garage and Sewer Treatment Plant.
- Acquisition and removal of two residences (to provide land for future park/parking expansion).
- Construction of site facilities (picnic areas along the waterfront, recreation equipment atop bank, ice rink/wading pool and park building).
- Rehabilitation of the abandoned coal silo for snack bar, bait/tackle shop, restrooms and observation deck.
- Completion of site improvements (landscaping, paths, stairs, lighting, signage, drainage and parking, for additional trailered and non-trailered vehicles).

The completion of the Waterfront Park is estimated to cost approximately \$825,000 including detailed design and engineering studies necessary to advance the project. Depending on the availability of funding, it is estimated that the park will be completed over the next 4-5 years. Again, depending on funding availability, the upland development may be phased, beginning with the renovation of the abandoned coal silo.

#### PROJECT 4 - IMPROVEMENT OF SHORELINE ACCESS AND BOATING FACILITIES BETWEEN CENTER AND CAYUGA STREETS

The deteriorating condition of in-water docks, shore walls and upland structures along the waterfront immediately south of Lewiston Landing indicates the need for rehabilitation to improve underutilized facilities and guarantee public access. The lands on which these activities would take place are currently in State ownership, and the Village will need to obtain a lease of this area in order to proceed with the proposed projects. These include reconstruction of 500 feet of shore wall, replacement of catwalks, and construction of a walkway along the shore to the Cayuga Street right-of-way. Appropriate landscaping and lighting would accompany walkway facilities. Replacement of docks would enhance mooring capabilities (currently at thirty slips) and promote water-dependent activities. The slips are currently used for charter fishing and retail boats. This is a complementary use to the Lewiston Landing and renovation of facilities may encourage expansion.

Upland facilities need improvement, including the access road and two structures utilized for marina service and repair. Since the property is privately owned, improvements must be accommodated via a negotiated agreement, an easement for assisted improvement or acquisition with leaseback operations. It is critical that renovation and continuation of these uses be obtained as a viable commercial venture. The marina service, repair and storage services are appropriately located to support public facilities at Lewiston Landing and should continue at this site. Potential expansion of dockage, pump-out facilities and marine fuel availability should be included (if feasible) in the rehabilitation of this section of the waterfront.

Improvements include shore wall, finger docks, walkway, access road improvement, parking for vehicles, dockside facilities, landscaping, signage and lighting. These will cost about \$350,000 and require two years to implement (scheduled 1986-1988). Structural rehabilitation and exterior site improvement will require another \$50,000, for a total project cost of \$400,000.

#### PROJECT 5 - EXPANSION OF SUPPORTING COMMERCIAL FACILITIES

The Lewiston Landing Waterfront Park (Project 3) and adjacent boat facilities along the waterfront (Project 4) will provide substantial water-dependent uses in the area, but not provide any significant income-producing activity or support services to accommodate patrons. Demand for retail and commercial facilities will exist, but not be directly satisfied by projects described above. The upland portion of the Waterfront Target Area east of First Street and south of Center Street is ideally suited for water-enhanced development in that Water Street accesses the property and prospective facilities would sit atop the embankment overlooking the river, park and marina.

A potential development site west of Water Street is afforded excellent proximity to the waterfront to complement uses there and is not otherwise suitable for water-dependent activities due to topographic limitations. Appropriate uses in this site include a restaurant, an inn to accommodate boaters and travelers, a few shops or boutiques oriented around a nautical theme (fishing gear, sportswear, boat equipment) and tourist goods and services. Adequate land exists along Water Street for about 15,000 square feet of retail/commercial space. An additional 5,000 square feet are available if structures are constructed over the embankment providing access to both Water Street and the marina level below (15-20 feet). These facilities would cost approximately \$750,000 to \$1,000,000 and would complement area uses, as well as the Riverside Inn, already located on Water Street. Construction would take only one year, but the development should be scheduled following park/marina project implementation to insure a viable market for retail facilities. The project would be privately financed and developed.

The east side of Water Street (Center to Cayuga Streets) is in appropriate proximity to the waterfront to provide additional support services. The block already contains a tavern, a motel and a large gravel private parking lot. Paving of the parking lot for waterfront visitors and associated water-enhanced commercial development is proposed for the area. The existing lot could accommodate 100 vehicles at a cost of \$250,000 (public estimate), or 50 vehicles and 10,000 square feet of retail/service development at \$575,000, depending on tourist and recreational demand. The improved parking lot and commercial development, if any, would be privately financed and developed.

#### PROJECT 6 - IMPROVEMENT OF "ONONDAGA TRAIL" AND VILLAGE PLAYGROUND

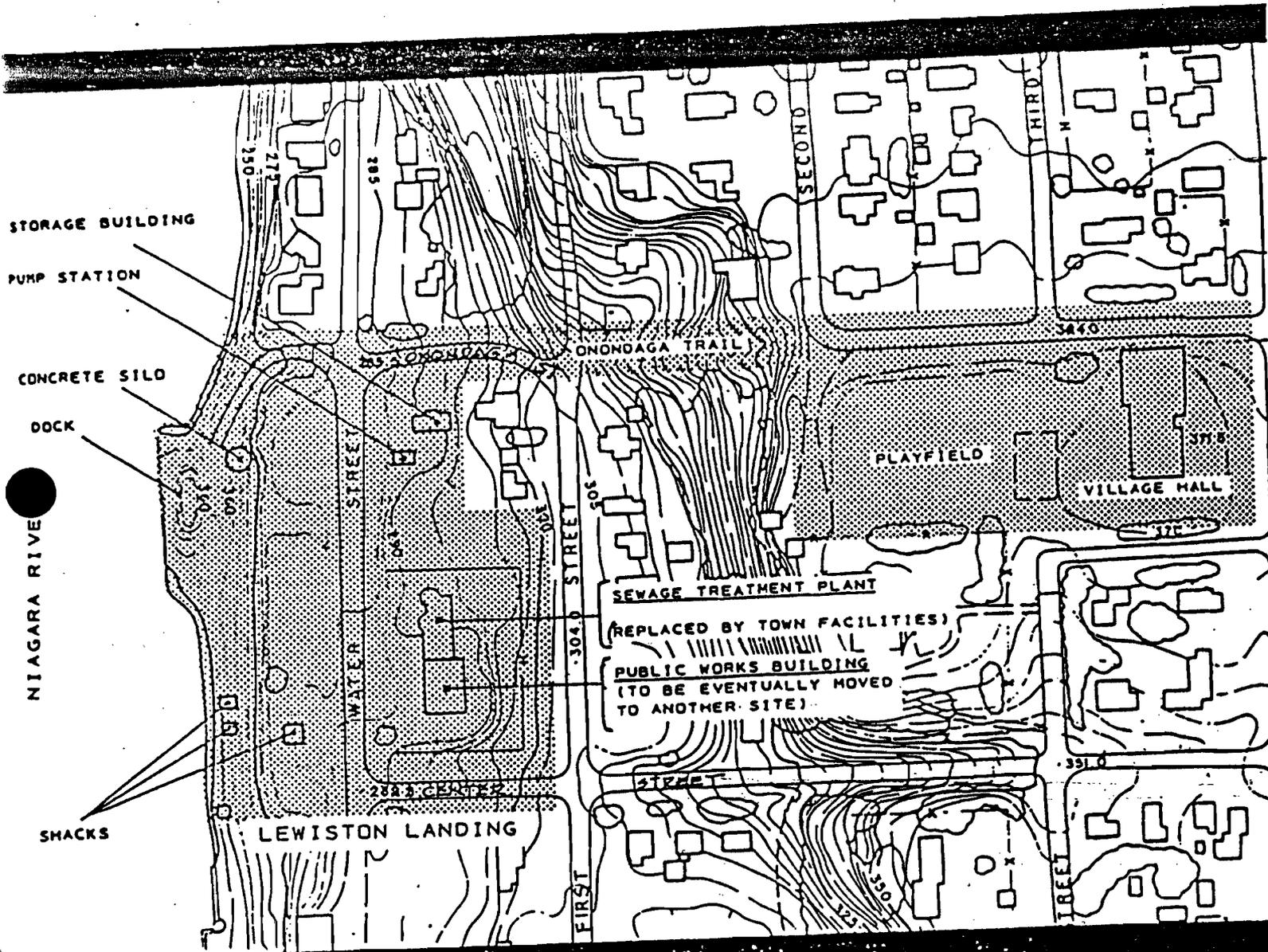
Improvement of the existing pedestrian pathway along the Onondaga Street right-of-way between First and Second Streets and facilities at the Village playground at Onondaga and Second Streets is proposed to further improve access to the Waterfront Target Area and strengthen the connections between the Waterfront Area and the center of the Village. Improvements would include updated play equipment for children, paths, benches, parking, landscaping, lighting, approximately 400 feet of stairs and walkway down the slope (through trees), and direction signage both on - and off-site. Site development and parking for approximately 30 vehicles will cost about \$33,000.

The project would be developed by the Village over a two-year period and will require Federal assistance to complete.

#### PROJECT 7 - ROBERT MOSES PARKWAY SCENIC OVERLOOKS

One of the most dramatic vistas of the Niagara River occurs in Lewiston along the Robert Moses Parkway above Artpark. This portion of the Parkway commands a view of the American and Canadian landscape and a substantial part of the Lower Niagara River. Many motorists often pull off along the shoulder of the road to observe the view and enjoy the scenic vista from this vantage point. As a result, it is proposed that a scenic turnout off both sides of the parkway be developed by the New York State Department of Transportation for implementation. This project would not only capitalize on a major regional vista, but also provide visibility and exposure to Artpark and the Lewiston Waterfront to attract tourism and promote LWRP efforts. Cost of this project has not been estimated.

FIGURE 12



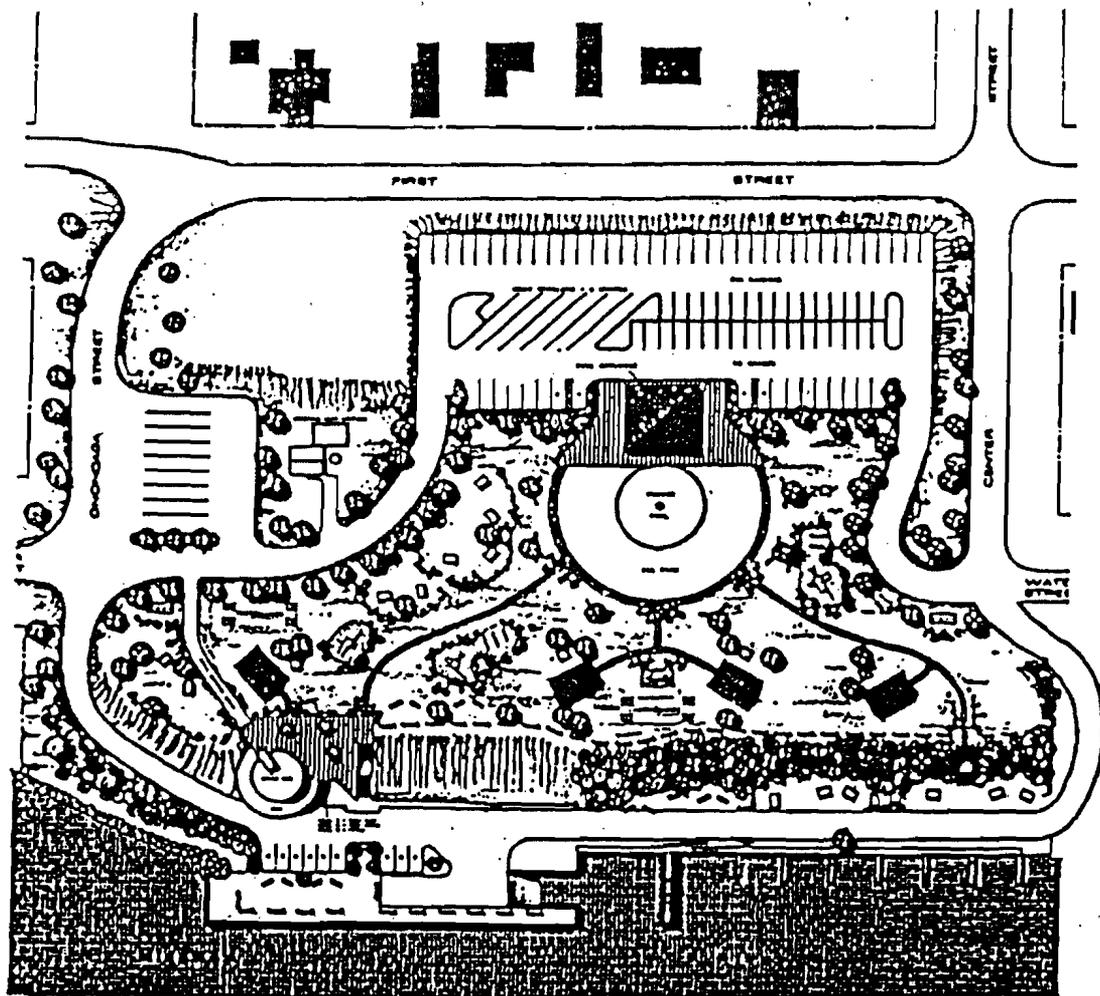
## existing land use

Lewiston Landing Waterfront Park Site  
and Adjacent Lands

NOTE: SHADED AREAS ARE VILLAGE-OWNED



FIGURE 13



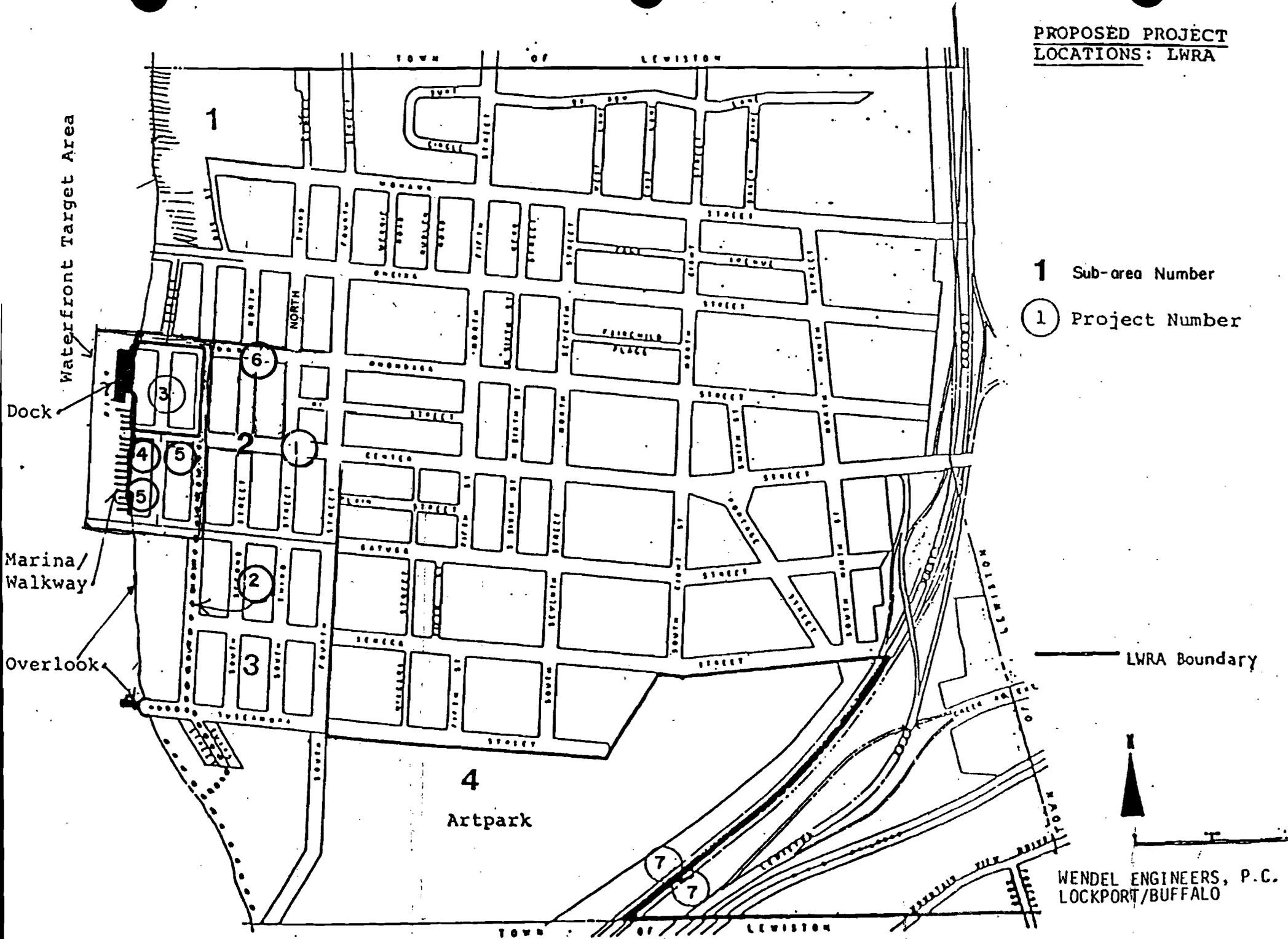
# LEWISTON LANDING

WATERFRONT PARK

village of **LEWISTON**  
niagara county, new york

WENDEL ENGINEERS, P.C.  
LOCKPORT/BUFFALO, NEW YORK

PROPOSED PROJECT LOCATIONS: LWRA



1 Sub-area Number

① Project Number

— LWRA Boundary



WENDEL ENGINEERS, P.C.  
LOCKPORT/BUFFALO

**SECTION V**

**TECHNIQUES FOR LOCAL IMPLEMENTATION**

**A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP**

**1. Existing Local Laws/Regulations**

**Freedom of Information Regulation (Chapter 2, Article IV of the Village Codes; 9-1-74).**

Guarantees access to public documents and designates the Clerk-Treasurer as the Village records officer. As such, this regulation will provide for public availability of LWRP documents and issue access to information on the generation of the program.

**Fire Prevention and Protection Ordinance (Chapter 98; 1972).**

Establishes fire regulations and procedures within the Village. Specifically, a section of the code limits the storage, manufacture and transportation of explosives, flammable liquids, liquified petroleum gases, chemicals and other hazardous agents in accordance with the 1970 American Insurance Association Fire Prevention Code. As many such agents are transported through Lewiston, designated routes are established to protect Village residents (Creek Road Extension and Route 104 South).

The Ordinance prohibits the storage and transport of hazardous materials within the LWRA. It also furthers the policies of the LWRP by protecting coastal resources through restriction/limitation of hazardous substances.

**Solid Waste Management Ordinance (Chapter 9, Article II; 1974).**

Provides for the control and disposal of solid waste and the promotion of resource recovery. The Ordinance encourages energy recovery and furthers LWRP policies on solid waste management and water quality through restriction of waste collection and disposal.

**Parks and Recreation Ordinance (Chapter 13; 1980)**

The Ordinance provides for the use and operation of Village parks and establishes recreation regulations. It also creates the Village Parks, Recreation and Conservation Board, which has the power to plan, establish policy, maintain an open-space index, develop capital improvements and advise the Village Board on environmental matters affecting park, recreation and conservation. The Board works in cooperation with the Planning Board in reviewing development applications.

As part of the review process for use and development in accordance with zoning, the Board will help implement the LWRP in environmental reviews of actions within the LWRA. The Board will also advise on development and management of the Lewiston Landing Park, which is the focal point of waterfront revitalization.

**Planning Regulations (Chapter 15; 1966, 1975).**

Provides for creation of the Planning Commission and establishment of local environmental quality review and historic preservation review. The Planning Commission has specific responsibilities for review of actions by referral of the Village Board and approval of development plans within the Village. Article IV provides for environmental quality review of all public and private actions (including municipal actions, decisions) in accordance with the State Environmental Quality Review Act and is administered by the Village Board of Trustees.

Chapter 15 provides review procedures and authority for consideration of actions within the LWRA. As proposed for modification, the Chapter will provide the legal authority for consistency with the LWRP and ensure that local actions are bound by LWRP policies and provisions.

**Sewers and Sewage Disposal Regulation (Chapter 20, Article II; 1979).**

Provides for restrictions of sewer discharge into a water course, industrial waste permits, discharge limitations and treatment standards consistent with NYSDEC regulations. These regulations will enhance water quality policies of the LWRP in protecting coastal waters and aid in implementing local actions consistent with State regulations.

**Subdivision Regulations and Zoning Ordinance (Appendix A and B of the Village Codes; 1973).**

These local regulations provide for the regulation of land use, development and land improvements within the Village. The Subdivision Regulations contain street, utility and land improvement standards consistent with public development requirements. It also contains design criteria for the layout of streets, lots, blocks, etc. in accordance with natural features and the accommodation of land for public purposes. The Zoning Ordinance provides for use and development control of parcels, bulk regulations, overall design, yard and lot coverage requirements. Regulations include special provisions for flood hazard areas and parcels along the Niagara River and other natural features. Both include detailed review procedures. Preliminary approval of development plans is given by the Planning Commission and final approval by the Village Board of Trustees.

These regulations establish the procedures and authority for development approval in the LWRA. The standards contained therein provide applicable elements for the advancement of LWRP policies (development, natural resources, waterfront protection from flood/erosion, water quality, wetlands) and the review of coastal actions.

**2. Additional Local Laws and Regulations Adopted to Implement the LWRP**

**Planning Regulations (Proposed Amendments; Article II and IV).**

Article II amendments expand the powers and duties of the Planning Commission to include review and evaluation of coastal actions for consistency with

the LWRP policies and purposes. The Commission has, by law, advisory responsibilities to the Village Board of Trustees. This article establishes the executive authority for review of actions in the LWRA. The Planning Commission provides its advice and recommendations to the Village Board for consideration in determining the consistency of the proposed action with the LWRP.

Article IV amendments provide for the coordinated review of all actions within the LWRA as part of the local environmental quality review process. It incorporates a coastal assessment of actions subject to SEQRA review and establishes criteria for evaluation of LWRP consistency. The amendments ensure that Type I and Unlisted actions undertaken in the LWRA will be consistent with the LWRP.

The text of these amendments are set forth in Appendix A.

**Zoning Ordinance (Adopted Amendments; Appendix B).**

In order to reflect provisions of the LWRP, the following elements of the Ordinance were amended:

- 1) Purposes;
- 2) Creation of a new Waterfront Development District for water-related uses;
- 3) Amendment to the General Provisions to protect scenic vistas and
- 4) Amendment to the O-P District (Open and Public District) to provide for conservation and protection of the Village Shoreline.

The modifications provide for additional use restrictions in the LWRA and accommodate critical development opportunities on the waterfront. The amendments enforce LWRP policies through development review and zoning compliance.

The text of these amendments are set forth in Appendix B.

**B. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP**

In addition to adopting and enforcing the above legislation, the Village government will need to undertake several actions to implement the LWRP. Other actions necessary to implement the LWRP need to be undertaken primarily by private groups or other public agencies. Many actions require the cooperation of different levels of government, community groups, or the business community. The Village, however, usually must take the lead in initiating actions which will implement the LWRP.

**1. Local Government Actions**

Completion of Lewiston Landing Waterfront Park (See Section IV, Project 3) - Completion of the park is the most crucial part of the LWRA redevelopment,

necessary to create a waterfront attraction and provide the impetus for adjacent private improvements. The Village will be primarily responsible for furthering the project, including securing sufficient funding from State and Federal sources. The first step is preparation of an updated and detailed master plan for the upland park development. Other actions which may proceed simultaneously include: (1) completion of feasibility and design studies for the re-use of the abandoned coal silo, (2) demolition of sewage treatment plant (contingent upon alternative provisions for overflows), (3) identification of relocation site/building for the DPW garage, and (4) negotiation for acquisition of the two residences at First and Onondaga Streets.

Center Street entry sign and landscaping (See Section IV, Project 1)-the Village intends to complete this work with Village funds within a year of the LWRP approval.

Improvement of Shoreline Access and Boating Facilities South of Lewiston Landing (See Section IV - Project 4) - Action on this project will follow initiation of the Lewiston Landing Waterfront Park development. A detailed strategy is needed for accomplishing both public and private improvements.

Improvement of "Onondaga Trail" (See Section IV - Project 6) - Action on this project also will follow the development of the Lewiston Landing Waterfront Park. The Village will need to identify and apply for State and/or Federal funding as the first step in undertaking this project.

Development of Robert Moses Parkway Scenic Overlooks (See Section IV, Project 7) - The Village will enlist the assistance of the NYS Department of State in pursuing discussions with the NYS Department of Transportation on the implementation of this project. The project, however, is of less immediate importance to the overall implementation of the LWRP than those listed above.

Comprehensive Drainage Study - A detailed study of the existing drainage system is needed to address problems of stormwater and overland runoff which affect shoreline erosion and Niagara River water quality. As part of this study, detailed planimetric and topographic maps will need to be prepared. (These maps will then be available for use in future planning and project reviews). The study will be undertaken by the Village as funds are available and will include development of a specific program for improving the drainage system.

Niagara River Study - Lewiston Landing and its transition waters provide excellent shelter for boat launching and mooring, due to the coastal protection it offers from river currents and channel flow in the river. Water near the shore in this area actually ebbs and, at times, reverses flow, creating a safe harbor. The high surrounding walls of the gorge also protect the area from wind and frequently is sought by lake boaters when there are wind-driven waves and storms. The extent of this "calm water" phenomenon is unknown, but may provide a unique opportunity for expansion of boating facilities.

In order to properly assess the potential for marina docks and moorings, a joint study of river conditions is proposed, with the U.S. Army Corps of Engineers

and the New York State Department of Environmental Conservation. The study would address river depths and water levels, bottom conditions, current, navigation and overall limitations to marina development. The result will provide definitive information on the extent of this phenomenon, types and sizes of dock facilities applicable, and the feasibility of expansion of marina development in the Target Area.

Establishment of Waterfront Coordinating Committee - Many of the actions necessary to implement the LWRP either can be best undertaken by private groups or other public agencies or involve coordinating the efforts of a combination of groups or agencies. To further the implementation of these actions, the Village Board intends to establish a coordinating committee or task force made up of representatives of the various groups which can assist in implementing the Village's LWRP, including the Lewiston Historical Society, the Lewiston Businessman's and Professional Association, the Chamber of Commerce and the Angler's Association. Artpark management will also be invited to participate and other interested public agencies, such as the Niagara County Cooperative Extension, may also be involved. The purpose of this committee will be specifically to pursue the implementation of those actions described below by mobilizing and coordinating the resources of the community. (The committee will not be involved in the project review processes established by the LWRP.) The establishment of this committee will supplement the limited staff resources of the Village and help ensure that those actions necessary to implement the LWRP will be carried out.

## 2. Private Actions

Study of Fish Breeding Grounds - The fishing opportunities in the Lewiston area are one of the primary attractions of waterfront activities. Anglers are attracted year-round due to fishing and boating opportunities off Lewiston Landing and in the area. While the local habitat generally stretches from Onondaga Street north to the Village line off the shoreline, its condition, depth, character and density need better evaluation. It is proposed that a study be undertaken to determine more specifically the existing extent and characteristics of the fish habitat, evaluate the feasibility of improving fish breeding opportunities, and define any additional preservation measures needed. The study is currently to involve the Angler's Association, but may also involve the Cooperative Extension Association of Niagara County and the New York State Department of Environmental Conservation who conducts fish stocking programs in the Lower Niagara River and Lake Ontario. It is expected that the study would take about six months to complete and should be scheduled early in the implementation process to determine relevant costs and options for waterfront improvement.

Seasonal Fishing Derby - The fishing resources in Lewiston are excellent, providing for sheltered year-round access to Lower Niagara River game fish and shoreline panfish. Trout, perch, smelt and salmon are frequently caught in the area. Lewiston's unique boat launching and fishing facilities should be promoted to encourage awareness and use of the waterfront. The Village should investigate the joint sponsorship of an annual Lower Niagara River fishing derby with the Niagara County Cooperative Extension and area merchants to promote fishing opportunities.

Rehabilitation of Waterfront Residences - A number of residences in the LWRA, particularly along the shoreline were identified as needing minor improvements to enhance the attractiveness/aesthetics of the waterfront. Private initiative in rehabilitation through awareness of the LWRP and land use stabilization is required to achieve this action. This effort will enhance the visual quality of the LWRA and help implement those policies.

LWRA Promotion - The lack of awareness and visibility of Lewiston's coastal resources (Artpark, Lewiston Landing, The Seaway Trail, etc.) prompted the need for a definitive promotional program to capitalize on LWRP improvements and efforts. The involvement of the Lewiston Historical Society, Lewiston Businessman's and Professional Association and others in concert with Artpark, New York State, etc. would provide greatly needed identity, complementary efforts and expanded attractiveness to the entire LWRA. Privately financed promotional literature and coordinated advertising with State and local organizations would increase awareness of the Lewiston Waterfront and generate usage of coastal facilities.

### **C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP**

LWRP management capitalizes on existing responsibilities and legal authorities, where possible, to avoid municipal complexity and consolidate review activities. Generally, the local laws dealing with zoning and environmental review/SEQRA are utilized as they represent both traditional procedures accepted by the community and, simultaneously, State and Federal coordination of actions within the Village. These procedures have been enhanced through local ordinances (see appendix of proposed local law) to accommodate LWRP implementation and insure compliance with local LWRP policies and program.

#### **1. Lead Agency/Designated LWRP Officer**

The Lead Agency responsible for overall management of the LWRP and coordination of review procedures is the Village Board of Trustees. The Board is responsible for local environmental quality review determinations and zoning decisions and, as such, is the appropriate agency for coastal assessment and LWRP implementation. The Board is assisted in this task by the Mayor, Planning Commission, Zoning Officer, Building Inspector and such other departments as may be required to adequately carry out the LWRP.

The designated LWRP official is the Village Mayor who coordinates Board functions and responsibilities and is the key organizational position within the Village government. Actions in the LWRA will be submitted to the Village Clerk for scheduling of Board consideration and coordination of review procedures, as appropriate.

#### **2. Summary of Specific Responsibilities for Implementation of the LWRP**

Mayor and Village Board of Trustees (5 elected members; 4-year terms). As the executive and legislative head of the Village, the Mayor and Board of Trustees are responsible for municipal decision-making, fiscal programming and administrative implementation. The Board carries the legislative authority of zoning and local actions, while the Mayor has the authority for execution of Village policy and directive through the staff.

For the LWRP, the Board is responsible for consistency determinations and the Mayor is responsible for the review process of LWRP consistency through staff evaluation and enforcement of LWRP policy through Village regulations. The Board obtains advice from such appointed Boards as is deemed appropriate in the evaluation of proposed LWRP actions and consults the Planning Commission on all actions requiring a determination of consistency with the LWRP.

Planning Commission (5 members appointed by the Mayor; 2-year terms). The Planning Commission is an advisory body to the Board of Trustees and has preliminary approval authority for site plans and subdivisions. The Commission may also, upon request by Board resolution, advise the Board on waterfront improvements, public structures and public actions in the Village.

The Commission is responsible for evaluating actions within the LWRA and advising the Board as to their consistency with the LWRP. All actions that must be accompanied by a Waterfront Assessment Form (Type I, Unlisted Actions) are referred to the Commission and evaluated for completeness and consistency with the LWRP and reported back to the Board with the Commission's recommendations.

Historic Preservation Commission (7 members appointed by the Village Board; 5-year terms). The Commission is responsible for review of historic resources within the LWRA and provides the Planning Commission with an evaluation of actions within the LWRA that affect historic structures or sites.

Mayor (Elected) - The Mayor and/or the Mayor's designee are responsible for receipt of the Waterfront Assessment Form (WAF) and the coordination and scheduling of reviews for the evaluation of LWRP consistency. As the designated LWRP official, the Mayor makes WAF's available, determines which projects will require a WAF, schedules administrative reviews with the various boards/commissions, and handles the notification of the NYSDOS/other affected agencies if any questions on the WAF are answered "yes". The Mayor also issues a Certificate of Consistency with the LWRP as authorized by the Village Board of Trustees.

Zoning Officer/Building Inspector (appointed) - The Zoning Officer is responsible for the certification of use in accordance with the Zoning Ordinance. No zoning permit shall be issued in the LWRA for an action subject to a determination of consistency that does not have a Certificate of Consistency with the LWRP. The Zoning Officer is charged with enforcement of LWRP uses in accordance with the Zoning Ordinance and the consistency determination process.

The Building Inspector receives applications for building permits, permits in flood hazard areas and Certificates of Occupancy. Applications for permits in the LWRA are referred to the Mayor or the Mayor's designee to determine the need for a consistency review. No permit or certificate shall be issued until an evaluation of the action has been made, if necessary, in accordance with consistency determination procedures. The Building Inspector will also enforce the LWRP by monitoring compliance with approved provisions and

restrain from issuance of a Certificate of Occupancy on development not in compliance with the LWRP and/or conditions established by the Village Board of Trustees pursuant to a consistency determination.

**3. Procedures for Management of the LWRP**

The procedures to be established for consideration of local actions and those for review of Federal and State actions are similar in the Village of Lewiston. The process utilizes local environmental quality established pursuant to Article 8 of the New York State Environmental Conservation Law - commonly titled the State Environmental Quality Review Act (SEQRA) and Part 617 of 6NYCRR. The regulatory requirements of SEQRA and the procedural requirements embodied in Chapter 15, Article IV of the Village Code (as proposed for amendment) provide for the review and assessment of actions in the Lewiston LWRA and the determination of consistency with LWRP policies. All departments and boards of the Village are bound by these regulations. The assessment of private uses also relies on the Zoning Ordinance, which includes considerations of the LWRP in evaluating applications in the LWRA.

Every project or action subject to the local environmental quality review will be accompanied by a Waterfront Assessment Form (WAF) submitted to the Mayor or the Mayor's designee. Those actions that are identified as Type II under SEQRA definitions are excluded from consistency. Actions in the LWRA that are identified as Type I or Unlisted under SEQRA are submitted by the Mayor/Mayor's designee for consideration by the Board of Trustees. The Mayor/Mayor's designee shall also refer each WAF to the Planning Commission for evaluation of consistency with LWRP policies.

The Planning Commission will make a recommendation to the Village Board of Trustees and may obtain such information and reports from departments, local boards/- commissions, state agencies and/or the applicant as is necessary to adequately consider the action. The Commission will make a report of their findings and recommendations to the Village Board. The Village Board of Trustees will make a determination based on the submitted WAF and Planning Commission evaluations and issue a Certificate of Consistency on those actions that comply with the LWRP. No approval to fund, proceed or grant a permit for an action will be issued without a Certificate of Consistency.

Compliance of implementation will be monitored by appropriate Village departments (Building Inspector, Director of Public Works, etc.). Any problems will be reported to the Mayor for consideration by the Board of Trustees and the assignment of punitive action, if necessary.

**4. Review of Proposed State and Federal Actions**

Proposed State and Federal actions to be located within the LWRA will be reviewed in accordance with guidelines established by the New York State Department of State, and set forth in Appendix C.

#### **D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP**

The financial resources of the Village of Lewiston are limited and the Village must depend on outside assistance and private initiative for successful waterfront revitalization. The Village has concentrated on manageable projects and actions that will generate complementary private development and promote interest in the waterfront. Village participation in the Lewiston Landing Waterfront Park, shoreline access and local actions that will precipitate use and improvement of the coastal area is the focus of the Lewiston resources. However, the completion of these and other projects cannot be accomplished without financial incentives and assistance from both the public and private sector to compensate for the physical and economic difficulties of the area. This section summarizes the identified funding sources anticipated to aid in the LWRP implementation. ( See also Table 5.)

Projects costs for LWRP activities are estimated at \$2.8 million (TABLE 5), excluding land acquisition and design/engineering/contingency costs (30%). Approximately \$1.5 million in private resources and \$1.3 million in public resources will be required to complete the development program. The Village of Lewiston also anticipates participation by the Power Authority of the State of New York in waterfront actions.

This would be part of a final settlement for lands and construction of the power plant adjacent to Artpark (south). Although not finalized, discussions center on relocation of DPW facilities to accommodate the waterfront park and assistance with park development.

It is also anticipated that pedestrian linkages and tourism promotion in the LWRA would include assistance from Artpark (New York State Office of Parks and Recreation). Such actions would be of mutual interest and would require nominal participation. In addition, it is expected that the Niagara River Study would be implemented by the U.S. Army Corps of Engineers and the NYSDEC. These agencies have specific responsibilities for the use and navigability of Niagara River waters and such a study would cooperatively add to their body of knowledge.

Private actions in the LWRA include promotional efforts (coordinated with Artpark), promotion of Bed and Breakfast establishments, rehabilitation of waterfront residences (\$14,000 total) and the Fish Habitat Study. The study anticipates NYSDEC and Niagara County Cooperative Extension participation for fish stocking, management and improvement.

#### **MANAGEMENT OF THE LWRP**

The Village of Lewiston will assume prime responsibilities for planning, coordination, review and enforcement of the LWRP. Since these management functions rely on existing networks and municipal structures for implementation, no additional resources are required.

However, the preparation, design and engineering of public actions is not included in current costs and may easily exceed Village capabilities. Lewiston will need to seek additional assistance for up to \$200,000 to adequately finalize the scope of costs of these activities.

TABLE 5  
PROJECT SCHEDULES AND RESOURCES  
VILLAGE OF LEWISTON

LWRP PROJECTS:	IMPLEMENTATION SCHEDULE	ESTIMATED COST	FUNDING RESOURCES
Lewiston Landing Entrance Signage	1986	\$ 3,500	1
Center Street Landscaping	1986	15,000	1
LNRA Walking Tours	1985-1986	--	6
Waterfront Park	1987 - 89	825,000	2
Marina Rehabilitation/Boat Services	1987 - 89	400,000	2
Commercial Rehab/Expansion	1988 - 91	1,000,000	4
Commercial Expansion/Parking (Water Street)	1989 - 91	575,000	5
Playground "Onondaga Trail" Link	1987 - 88	33,000	2/3
Robert Moses Parkway Scenic Overlook	1988 - 90	--	NYS DOT
<b>SUBTOTAL</b>		<b>\$ 2,851,500</b>	
<b>30% Design and Contingencies</b>		<b>\$ 855,450</b>	
1.) Village of Lewiston Resources 2.) Federal Grant/Village Match 3.) State Grant/Village Match 4.) Private Resources 5.) Private/Village 6.) Private/Public Resources			



**SECTION VI**

**STATE AND FEDERAL PROGRAMS LIKELY TO AFFECT IMPLEMENTATION**

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

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and Federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and Federal consistency requirements may be obtained from the NYS Department of State.

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

**A. LIST OF STATE AND FEDERAL ACTIONS AND PROGRAMS WHICH SHOULD BE UNDERTAKEN IN A MANNER CONSISTENT WITH LWRP:**

**1. State Agencies**

**OFFICE FOR THE AGING**

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

**DEPARTMENT OF AGRICULTURE AND MARKETS**

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

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY**

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

## DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Letter Approval for Certificate of Need
  - 2.02 Operating Certificate (Alcoholism Facility)
  - 2.03 Operating Certificate - Community Residence
  - 2.04 Operating Certificate (Outpatient Facility)
  - 2.05 Operating Certificate (Sobering-Up Station)

## COUNCIL ON THE ARTS

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

## DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
  - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
  - 1.09 Authorization Certificate (Investment Company Branch)
  - 1.10 Authorization Certificate (Investment Company Change of Location)
  - 1.11 Authorization Certificate (Investment Company Charter)
  - 1.12 Authorization Certificate (Licensed Lender Change of Location)
  - 1.13 Authorization Certificate (Mutual Trust Company Charter)
  - 1.14 Authorization Certificate (Private Bank Charter)
  - 1.15 Authorization Certificate (Public Accommodation Office -Banks)
  - 1.16 Authorization Certificate (Safe Deposit Company Branch)
  - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
  - 1.18 Authorization Certificate (Safe Deposit Company Charter)
  - 1.19 Authorization Certificate (Savings Bank Charter)
  - 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
  - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
  - 1.22 Authorization Certificate (Savings and Loan Association Branch)
  - 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
  - 1.24 Authorization Certificate (Savings and Loan Association Charter)
  - 1.25 Authorization Certificate (Subsidiary Trust Company Charter)

- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

**BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY (regional agency)**

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

**DEPARTMENT OF COMMERCE**

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

**DEPARTMENT OF CORRECTIONAL SERVICES**

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

**DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

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

**EDUCATION DEPARTMENT**

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License
  - 2.04 Registered Manufacturer of Drugs and/or Devices
  - 2.05 Registered Pharmacy Certificate
  - 2.06 Registered Wholesaler of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate

**ENERGY PLANNING BOARD AND ENERGY OFFICE**

- 1.00 Preparation and revision of the State Energy Master Plan.

**NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

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

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
- 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities
  - 4.05 Resource recovery and solid waste management capital projects
  - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental quality Bond Act of 1972, including:
- (a) Water quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:
- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
  - 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
  - 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
  - 9.04 Permit for Burial of Radioactive Material

- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to construct: A Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System
- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities
- 9.09 Certificate to possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Air Permit
- 9.26 Permit to Plug and Abandon (a non-commercial oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)
- 9.32 Digger's Permit (Shellfish)
- 9.33 License of Menhaden Fishing Vessel
- 9.34 License for Non-Resident Food Fishing Vessel
- 9.35 Non-Resident Lobster Permit
- 9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.37 Permits to Take Blue-Claw Crabs
- 9.38 Permit to Use Pond or Trap Net
- 9.39 Resident Commercial Lobster Permit
- 9.40 Shellfish Bed Permit
- 9.41 Shellfish Shipper's Permits
- 9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversion for) Power
- 9.45 Approval of Well System and Permit to Operate
- 9.46 Permit - Article 15, (Protection of Water) - Dam
- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf

- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.49 Permit - Article 15, Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District approvals
- 9.54 River Regulatory District approvals
- 9.55 Well Drilling Certificate of Registration
- 9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.57 Septic Tank Cleaner and Industrial Waste Collector Permit
- 9.58 Approval of Plans for Wastewater Disposal Systems
- 9.59 Certificate of Approval of Realty Subdivision Plans
- 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.64 Permit Granted (for Use of State Maintained Flood Control Land)
- 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.66 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.

11.00 Preparation and revision of Continuous Executive Program Plan.

12.00 Preparation and revision of Statewide Environmental Plan.

13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program

15.00 Urban Forestry Program

16.00 Urban Wildlife Program

**ENVIRONMENTAL FACILITIES CORPORATION**

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

**FACILITIES DEVELOPMENT CORPORATION**

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

## OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants or easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

## DEPARTMENT OF HEALTH

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

## DIVISION OF HOUSING AND COMMUNITY RENEWAL and its subsidiaries and affiliates

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program

- 2.08 Special Needs Demonstration Projects
- 2.09 Urban Initiatives Grant Program
- 2.10 Urban Renewal Programs

3.00 Preparation and implementation of plans to address housing and community renewal needs.

#### **HOUSING FINANCE AGENCY**

1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.

#### **JOB DEVELOPMENT AUTHORITY**

1.00 Financing assistance programs for commercial and industrial facilities.

#### **MEDICAL CARE FACILITIES FINANCING AGENCY**

1.00 Financing of medical care facilities.

#### **OFFICE OF MENTAL HEALTH**

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

2.00 Permit and approval programs:

- 2.01 Operating Certificate (Community Residence)
- 2.02 Operating Certificate (Family Care Homes)
- 2.03 Operating Certificate (Inpatient Facility)
- 2.04 Operating Certificate (Outpatient Facility)

#### **OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

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

2.00 Permit and approval programs:

- 2.01 Establishment and Construction Prior Approval
- 2.02 Operating Certificate Community Residence
- 2.03 Outpatient Facility Operating Certificate

#### **DIVISION OF MILITARY AND NAVAL AFFAIRS**

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

#### **NATURAL HERITAGE TRUST**

1.00 Funding program for natural heritage institutions.

**NIAGARA FALLS BRIDGE COMMISSION (regional agency)**

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

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY (regional agency)**

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

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

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services programs.
- 10.00 Urban Cultural Parks Program.

**POWER AUTHORITY OF THE STATE OF NEW YORK**

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

**NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

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

**DEPARTMENT OF SOCIAL SERVICES**

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

**DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

**STATE UNIVERSITY CONSTRUCTION FUND**

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

## STATE UNIVERSITY OF NEW YORK

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

## DIVISION OF SUBSTANCE ABUSE SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of Approval (Substances Abuse Services Program)

## DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Barge Canal
  - (e) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities

- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
  - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
  - 4.06 Highway Work Permits
  - 4.07 License to Operate Major Petroleum Facilities
  - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
  - 4.09 Permits for Use and Occupancy of N.Y. State Canal Lands except Regional Permits (Snow Dumping)
  - 4.10 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program-Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

**URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Construction, rehabilitation, expansion, or demolition of residential, commercial, industrial, and civic facilities and the funding of such activities, including but not limited to actions under the following programs:
- (a) Tax-Exempt Financing Program
  - (b) Lease Collateral Program
  - (c) Lease Financial Program
  - (d) Targeted Investment Program
  - (e) Industrial Buildings Recycling Program

**DIVISION OF YOUTH**

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

2. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, breakwaters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoil disposal or other purposes.
- 3.00 Selection of open water disposal sites.

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- 4.00 Expansion, abandonment, designation of anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

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

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors

Act of 1899 (33 U.S.C. 404, 405).

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

## **DEPARTMENT OF ENERGY**

### **Economic Regulatory Commission**

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the National Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- 2.00 Exemptions from prohibition orders.

### **Federal Energy Regulatory Commission**

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

## **ENVIRONMENTAL PROTECTION AGENCY**

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.

- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

#### DEPARTMENT OF INTERIOR

##### Fish and Wildlife Services

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

##### Mineral Management Service

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

#### INTERSTATE COMMERCE COMMISSION

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

#### NUCLEAR REGULATORY COMMISSION

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

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

##### Federal Aviation Administration

- 3.00 Permits and licenses for construction, operation or alteration of airports.

## FEDERAL ASSISTANCE\*

### DEPARTMENT OF AGRICULTURE

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

### DEPARTMENT OF COMMERCE

- 11.300 Economic Development - Grants and loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment assistance Program-Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

**DEPARTMENT OF INTERIOR**

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

**DEPARTMENT OF TRANSPORTATION**

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

**GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

**COMMUNITY SERVICES ADMINISTRATION**

49.002 Community Action  
49.011 Community Economic Development  
49.013 State Economic Opportunity Offices  
49.017 Rural Development Loan Fund  
49.018 Housing and Community Development (Rural Housing)

**SMALL BUSINESS ADMINISTRATION**

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

**ENVIRONMENTAL PROTECTION AGENCY**

66.001 Air Pollution Control Program Grants  
66.418 Construction Grants for Wastewater Treatment Works  
66.426 Water Pollution Control - State and Areawide Water Quality  
Management Planning Agency  
66.451 Solid and Hazardous Waste Management Program Support Grants  
66.452 Solid Waste Management Demonstration Grants  
66.600 Environmental Protection Consolidated Grants Program Support  
Comprehensive Environmental Response, Compensation and  
Liability (Super Fund)

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

**B. FEDERAL AND STATE ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP**

**1. Federal Actions and Programs**

**a. Department of Defense Army Corps of Engineers  
(direct Federal Activities and development projects)**

1. Participate/assist in Niagara River navigational study.
2. Assessment of erosion conditions along shoreline and recommended remedial action

**b. Department of Commerce  
(Federal Assistance)**

1. 11.30 Economic Development-Grants and Loans for Public Works and Development Facilities for infrastructure in the LWRA.

**c. Small Business Administration  
(Federal Assistance)**

1. 59.012 Small Business Loans-relocation and new business formation assistance for waterfront retail development.

**2. State Actions and Programs**

**a. Office of General Services**

1. Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy lands.

**b. Department of Environmental Conservation**

1. Study of fish habitat and improvement/expansion.
2. Land and Water Conservation Fund-access and park expansion for waterfront facilities (Lewiston Landing Waterfront Park).

**c. Office of Parks, Recreation & Historic Preservation**

1. Funding assistance for park preservation and development of waterfront access.
2. Improvement of Artpark access complementing waterfront activities (hiking, historic markers, parking, etc.).
3. Coordination of State/Artpark tourism promotion with Lewiston Landing activities/programs (Seaway Trail, Artpark brochures, state tourism).

**d. Department of State**

1. Pedestrian trail assistance.
2. Funding assistance for marine expansion, park improvements, street and water access.

**e. Department of Transportation**

1. Signage and waterfront identification improvement to Robert Moses Parkway.
2. Scenic Overlook on Robert Moses Parkway.

**f. Power Authority of the State of New York**

1. Financial assistance for preparation and development of the Lewiston Landing Waterfront Park.

**SECTION VII**

**CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE,  
REGIONAL AND LOCAL AGENCIES**

**A. CONSULTATION WITH AFFECTED AGENCIES - NARRATIVE**

The consultation procedures employed during the preparation of the Local Waterfront Revitalization Program is outlined in this section. Federal, State, regional and local agencies and groups bring a broad array of interest and requirements to bear on the LWRP process. Issues requiring coordination and interface between the Village's program and each agency include: regulatory review and permit authority; funding review and participation; design review and revision authority; and technical advisory inputs. The consultation process is a two-step process - one of identification of projects, actions and programs, the other - the establishment of procedures to coordinate on-going projects, actions and implementation strategies with affected agencies. It is not the intent of this section to identify every Federal, State, regional and local agency, no matter how obscure or narrow its regulatory focus. Rather, this section identifies the major and significant projects, programs and actions (Tasks 4 and 5) and those agencies with the most direct involvement from the regulatory, administrative, and financial perspectives.

**B. CONSULTATION WITH AFFECTED AGENCIES - PROCEDURE**

Those Federal, State, Regional and Local Agencies most likely to be affected by Village LWRP actions and programs were identified at the start of the LWRP process. A mailing list was developed and notices of all Citizen's Advisory Committee meetings and public meetings were sent to those agencies (and names) on the mailing list. Agencies were encouraged to attend any and all meetings. As LWRP products were developed and submitted, affected agencies were notified by mail - if requested, copies of any tasks were sent to the agency requesting a draft submittal. Task 4 - Proposed Land and Water Uses and Proposed Public and Private Projects was sent to every agency on the mailing list. This Task provided the agency with a definitive list of projects and identified those projects which would require their review, input, permitting, etc.

The structure (constituency) of the LWRP Citizen's Advisory Committee facilitated coordination with affected local agencies, groups and divisions of the Village's government. Members of the Citizen's Committee contained a Village Trustee (Chairman), Chairman of the Village's Planning, Zoning, Historic Preservation, and Parks and Recreation Boards, the Village Clerk-Treasurer, and representatives from the Lewiston Professional and Businessman's Association, Lower Niagara River Angler's Associations, and the Executive Director of Artpark. This Board structure permitted firm linkages between the proposed project and actions and the diverse requirements and participation level by many local agencies and groups to be established - members of the Committee could coordinate LWRP programs and objectives, with their respective boards, commissions and groups.

Throughout the Task 8 process - Obtaining Local Commitment, at Citizen's Advisory Committee meetings, public meetings, and Village Board Meetings the interface between projects/actions and agency coordination, participation and regulatory review was discussed. A special Citizen's Advisory Committee Meeting was conducted for the sole purpose of enabling affected agencies to comment on the initial draft of the LWRP and state their position regarding regulatory and permit authority, funding participation, project review requirements, and level of consultation assistance during planning, design and implementation for various projects and actions. The meeting was structured to permit each agency to comment on its

position and requirements, followed by a question and answer period. Four agencies (the New York State Department of Environmental Conservation, the Power Authority of the State of New York, Niagara County Planning Department, and Niagara County Cooperative Extension), attended and spoke at the meeting; two agencies (Erie and Niagara Counties Regional Planning Board and Niagara County Highway Department) either telephoned a response or corresponded.

It should be noted that much of the interface and coordination with regulatory agencies is well advanced. The focal or target project, the Lewiston Landing Waterfront Park, required permit issuance from both the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers, and financial assistance and coordination from the New York State Department of Environmental Conservation and the New York State Office of Parks, Recreation, and Historic Preservation. The coordination and consultation with the affected agencies was initiated prior to preparation of the LWRP. This process has been integrated into future developmental actions that may arise from the LWRP.

### **C. CONSULTATION WITH AFFECTED AGENCIES - FOCUS**

The agencies, groups and departments consulted with, and the major focus of involvement and consultation is summarized below:

#### **1. FEDERAL**

- a. Entity: U.S. Army Corps of Engineers
- b. Focus: Permit issuance and review authority for in-water and waterside actions/projects.

#### **2. STATE**

- a. Entity: New York State Department of Environmental Conservation.
- b. Focus:
  - Permits for in-water and waterside work.
  - State Environmental Quality Review Act-reviews/positive and negative declarations.
  - Environmental reviews/permits for air and water emissions.
  - Funding Programs/Design Review, for waterfront improvements (Lake Access Program).
  - Fish Stocking program and habitat enhancement.
- a. Entity: New York State Office of Parks, Recreation and Historic Preservation (Niagara Frontier State Parks and Recreation Commission).
- b. Focus:
  - Funding programs such as Land and Water Conservation Fund (administered for Federal government) for waterfront park funding.
  - Development reviews for recreational and historical improvements/enhancements consistent with OPR Policy

- a. Entity: Power Authority of the State of New York
- b. Focus: - Financial assistance for recreational improvements (Federal Energy Regulatory Commission).  
- Coordination of expansion programs and potential impact on LWRA.

- a. Entity: New York State Department of Transportation
- b. Focus: - Regulations affecting, and support of scenic overlook.  
- Signage placement (tourism)

- a: Entity: Artpark
- b: Focus: Tourism linkages with waterfront park

- a: Entity: Seaway Trail Commission
- b: Focus: Public Awareness and tourism campaigns

### 3. REGIONAL

- a: Entity: Erie and Niagara Counties Regional Planning Board
- b: Focus: Consistency with area-wide objectives for economic, recreational, and environmental considerations

- a: Entity: Niagara County Planning and Industrial Development
- b: Focus: Consistency with County Planning goals and objectives. Financial and Planning assistance in comprehensive waterfront plan and programs

- a: Entity: Niagara County Cooperative Extension
- b: Focus: Technical and advisory assistance for waterfront implementation plans and programs (ie - erosion control measures, others).

- a: Entity: Niagara County Highway Department
- b: Focus: Regulations regarding signage and improvements, (incl. drainage) along Route 18F - Seaway Trail-Right-of-Way.

### 4. LOCAL

#### Village of Lewiston - Public

- a: Entity: Village Board of Trustees
- b: Focus: - Ultimate approval, implementation and administration of LWRP.  
- Management and implementation structure.  
- Lead Agency for SEQR actions.  
- Chief financial agent/source/administrator for public actions and projects.  
- Program reporting and documentation for LWRP consistency.

- a: Entity: Village Planning Board
- b: Focus: - Site plan reviews/approvals  
- LWRP Consistency reviews

a: Entity: Village Zoning Board of Appeals  
b: Focus: Consistency with Zoning requirements, and waterfront district appeals).

a: Entity: Parks, Recreation and Conservation Board  
b: Focus: Advisory for recreational and conservation actions in LWRA.

a: Entity: Historic Preservation Commission  
b: Focus: Advisory - review of actions in LWRA for consistency with Program and historic preservation objectives.

#### Village of Lewiston - Private Groups

a: Entity: Lewiston Professional and Businessman's Association  
b: Focus: - Advertising and awareness campaigns (signage, advertising).  
- Sponsorship of waterfront activities (ie- fishing derby).

a: Entity: Niagara River Angler's Association  
b: Focus: - Advisory - technical consultation on fisheries development, improvements and access.

#### Town of Lewiston - Public

a: Entity: Town of Lewiston  
b: Focus: Consultation on programs of joint Town/Village involvement and benefit.

The above public and private agencies and groups represent those most significantly impacted by proposed programs and actions.

#### **D. REVIEW OF DRAFT LWRP BY STATE, FEDERAL AND LOCAL AGENCIES**

The Draft LWRP (with Draft EIS) was reviewed and approved by the Village Board and forwarded to the NYS Department of State (DOS). The DOS then initiated a 60-day review of the Draft LWRP/DEIS pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and State Environmental Quality Review Act. Copies of the Draft LWRP and DEIS were distributed by DOS to all potentially affected State and Federal agencies, Niagara County, adjacent waterfront municipalities, and the Erie and Niagara Counties Regional Planning Board. Comments received on the Draft LWRP/DEIS were reviewed by DOS and the Village and resultant changes were made to the LWRP, which are detailed in the Final Environmental Impact Statement.

**SECTION VIII**  
**OBTAINING LOCAL COMMITMENT**

A. OBTAINING LOCAL COMMITMENT

1. Local Waterfront Revitalization Program Citizens Advisory Committee (LWRPCAC).

The Mayor of the Village established an LWRP CAC at the start of the program development. The CAC consists of nine members, made up of local citizenry with varying interests, a Village Trustee to head the CAC and serve as liaison to the Village Board and various department heads in Village government.

2. LWRP CAC Organizational Meeting/Role/Schedule

A CAC organizational meeting was held on Tuesday, November 22, 1983. All CAC members were in attendance.

- Introduction for Preparing the LWRP Document
- List of State Coastal Policies

The following Village submittals:

- Preliminary Application - Local Waterfront Revitalization Program
- Work Programs (With Task Description and Products)

At the organizational meeting the CAC was instructed as to their duties, responsibilities and task assignments. The CAC served as a reviewing body, making comments on task submittals, furnishing background data for various tasks and providing input to each task's development. The CAC was informed that their role was clearly one of an advisory nature and not decision making. Program elements and policy changes can only be suggested, reviewed or modified by the CAC - ultimate authority lies with the Village Board.

B. RESOURCE LOCATIONS/MATERIALS

The Village maintains a library of all task materials developed for the LWRP. Materials will be made available for public review at the Village municipal building and at the Village's Public Library. All task submittals, pertinent correspondence, meeting notes, agendas and summaries, and public agency comments will be placed in these libraries and continually updated.

C. DEVELOPING SUPPORT FOR LWRP AMONG AGENCIES, ORGANIZATIONS AND THE GENERAL PUBLIC

1. Meetings

A minimum of four CAC meetings were held during preparation of key tasks. Two general public meetings and a public hearing at the conclusion of the LWRP were held for SEQR requirements and formal adoption of the program. All meetings were open to the public and interested groups. Meetings were advertised and summary notes of any action(s) made.

## 2. Documentation

The Village documented all public participation activities. Documentation activities range from posting notices, meeting agendas and attendance sheets to supplying summaries of meetings and responses to CAC members, outside agencies, interested groups and the Village Board itself. Some of the methods utilized to obtain involvement of local groups were through advertisement of meetings in local publications, mailing list notification, notice posting and CAC member's invitations to special interest group members, etc.

### D. LOCAL COMMITMENT

The public participation activities for an effective LWRP must be viewed as a two part process. Initially, the program required the creation of the public participation "mechanisms". The mechanisms include CAC formation, meeting schedules, role assignments and formats for public notification and involvement. This first phase established the foundation for the more important aspect of public participation (obtaining local commitment), in that it established the continual and dynamic process for public input. Throughout the program, continual and orderly public participation was planned.

The Village Board has embraced the purpose and intent of the LWRP. As the governing body of the Village, they are responsible for ultimate approval and implementation of the LWRP. The Board takes an active interest in the LWRP Program and the Mayor has designated a Village Trustee to serve as chairman of the CAC. This provides the linkage necessary from the advisory CAC to the decision making Village Board.

### E. PUBLIC PARTICIPATION RESPONSIVENESS SECTION

This section contains a summary of the meetings that were conducted during the LWRP and the topics covered. The primary vehicle for obtaining local commitment centered on the meeting and reporting process of the Citizen's Advisory Committee Meetings. These meetings were held informally and all mailing list members were invited. Because of the membership of the Advisory Committee the feedback to the Village Board and other units of local government was greatly enhanced. The procedure for each meeting involved prior submittal of Task(s) to be reviewed, a meeting notice (mailed), agenda and sign-in sheet. Task submittals were discussed at each meeting, followed by a discussion of upcoming Tasks. The Committee members were asked to participate and provide information for upcoming tasks so that their input could be incorporated in those products. Each meeting was summarized and the results of the meeting and program status were routinely reported to the Village Board.

To date, one public informational meeting was held, four Citizen's Advisory Committee Meetings, two briefings and review sessions with the Village Board (status reports were issued at several Board Meetings), and routine consultation with affected agencies occurred throughout program development.

A summary of the meetings held and topics covered follows:

Meeting: LWRP Scoping Meeting - Albany  
Date: November 14, 1983  
Purpose/Topic: Establish LWRP schedule, submittal dates and requirements, objectives and budget.  
Attendees: Village Clerk, Engineers, and NYSDOS Representative

Meeting: CAC Meeting No. 1  
Date: November 22, 1983  
Purpose/Topic: Explanation of the LWRP process, the role of the CAC, description of tasks and products, due dates and budgets. At this meeting the LWRP instructions (DOS) were handed out to each member along with the Informational Packet.

Meeting: CAC Meeting No. 2  
Date: January 10, 1984  
Purpose/Topic: Review Task 1 (Inventory), discuss boundary area and revisions, prioritize 44 coastal policies to establish local relevance. Initiated discussion on projects/programs.

Meeting: CAC Meeting No. 3  
Date: February 21, 1985  
Purpose/Topic: Reviewed revised boundary and completed coastal policy statements. Finalized projects and programs including a detailed discussion of coastal street ends.

Meeting: Review Session No. 1 - Village Board  
Date: October 1, 1984  
Purpose/Topic: Initiate discussion and dialogue on management and implementation strategies including zoning, code revisions, assignment of roles and responsibilities.

Meeting: Review Session No. 2 - Village Board  
Date: November 5, 1984  
Purpose/Topic: Review the projects and programs (Task 4) with Village Board and management/implementation strategy outline issues for upcoming Public Information Meeting.

Meeting: Public Informational Meeting No. 1  
Date: December 4, 1984  
Purpose/Topic: Public informational meeting to present results of Tasks 1-4 and receive input. All LWRP tasks and objectives were discussed, with in depth discussion of first four tasks. The Meeting was advertised in the Village's official newspaper, the Niagara Gazette. A public informational hand-out was supplied (See Attachment No. 2).

Meeting: CAC Meeting No. 4 - Special (Consultation with affected agencies).  
Date: April 25, 1985  
Purpose/Topic: Review of Task 6 and 7. Guest speakers from invited agencies presented their respective agencies viewpoints, concerns and requirements.

**APPENDIX A**

**AMENDMENTS TO VILLAGE PLANNING REGULATIONS**

**AMENDMENT (DRAFT)**

To the:

Village of Lewiston Planning Ordinance  
(Chapter 15 of the Village Code)

regarding:

NYSDOS Local Waterfront Revitalization Program  
for the Village of Lewiston

**ARTICLE II. PLANNING COMMISSION**

**Section 15-19. Powers and duties.**

- (e) The Planning Commission shall be responsible for review and evaluation of proposed actions in the coastal area of the Village in accordance with Article IV of this Chapter. The Planning Commission shall evaluate the consistency of the proposed action with the policies and purposes of the adopted Local Waterfront Revitalization Program (LWRP) for the Village of Lewiston and shall provide its considerations and recommendations to the Village Board of Trustees for final determination and certification of consistency with the LWRP.

re-enumerate (e) to (f) and (f) to (g)

**ARTICLE IV. ENVIRONMENTAL QUALITY REVIEW OF CERTAIN ACTIONS**

**Section 15-73. Definitions.**

Local Waterfront Revitalization Area (LWRA) shall mean that portion of the New York State Coastal Area within the Village of Lewiston as delineated in the Village of Lewiston Local Waterfront Revitalization Program.

Local Waterfront Revitalization Program (LWRP) shall mean the local program to implement the New York State Coastal Management Program within the Village of Lewiston as adopted by the Village Board of Trustees and as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act of 1981.

WAF shall mean Waterfront Assessment Form.

**Section 15-74. Compliance with article required; exceptions.**

No decision to carry out or approve an action other than an action listed in section 15-75 (b) (c) of this article or section 617.13 of 6 NYCRR...

**Section 15-75. Classification of actions.**

- (b) Consistent with Part 617 of Title 6 NYCRR and the criteria therein,

those actions similar to the actions listed in Section 617.13 of Title 6

NYCRR as Type I actions, but not specifically identified are classified as unlisted actions and may have a significant effect on the environment as determined in accordance with Section 617.11 of the Title 6 NYCRR.

- (c) Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the actions listed in Section (617.12) 617.13 of...

re-enumerate (b) to (c)

#### **Section 15-76. Application and Statement.**

In the event that an action will occur within or will impact the LWRA a WAF shall be completed and filed with the Board of Trustees. The WAF, and any additional material as may be necessary to explain the nature and extent of the action, shall be required prior to the Board of Trustees determination of significance pursuant to Title 6 NYCRR.

#### **Section 15-79. Determination on application**

- (a) ..... The determination shall state whether such proposed action may or will not have a significant effect on the environment or the coastal resources of the Village.
- (b) If the Board of Trustees determines that the proposed action is not an exempt action, or an action listed in Section 15-75 (c) of this article or Section 617.13 of Title 6 NYCRR as a Type II action and that it will not have significant effect on the environment, the Board of Trustees shall prepare, file and circulate such determination as provided in Section 617.10 (b) of Title 6 NYCRR and thereafter the proposed action may be processed without further regard to this article. The determination shall include certification as to consistency with the policies and purposes of the LWRP for those actions subject to a WAF. Certification shall include a review and evaluation of the action in accordance with Article II of this Chapter and a determination that the proposed action is consistent with the policies and purposes of the LWRP based on the following criteria:
  - (1) The action will not substantially hinder the achievement of any of the policies and purposes of the LWRP and whenever practicable will advance one or more such policies; or
  - (2) If the action will substantially hinder the achievement of any policy or purpose of the LWRP, then the action may be determined to be consistent to the maximum extent practicable with the LWRP provided that: (i) no reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such policy or purpose, (ii) the action will minimize all adverse effects on such policy or purpose to the maximum extent practicable, (iii) the action will advance one or more of the LWRP policies and purposes, and (iv) the action will result in an overriding local, regional or statewide public benefit.

The action shall not be directly undertaken, funded, or approved by the Village

board or any department, office, other body or officer of the Village, unless the action has been determined to be consistent with the policies and purposes of the LWRP.

- (c) If the Board of Trustees determines that the proposed action may have a significant effect on the environment or the coastal area, the Board of Trustees shall prepare, file and circulate such determination as provided in Section 617.10 (b) of Title 6 NYCRR; and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this article and Part 617 of the Title 6 NYCRR.

**Section 15-80. Draft environmental impact statement - Preparation.**

- (c) When an action will occur within or will impact the LWRA, the draft environmental impact statement shall include an identification of the applicable policies and purposes of the LWRP and a discussion of the effects of the action on such policies and purposes.

**Section 15-83. Effect of determination that proposed action will not have significant effect on environment.**

If, on the basis of a draft environmental impact statement or a public hearing thereon the Board of Trustees determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this article, except that for actions subject to a WAF, a certification of the consistency of the action with the policies and purposes of the LWRP shall be made in the manner and according to the criteria provided in section 15-79 (b) of this Article.

**Section 15-87. Findings to be made upon decision to carryout or approve actions; filing of copy.**

- (b) For actions subject to a WAF, the written determination shall include a certification of the consistency of the action with the policies and purposes of the LWRP made in a manner and according to the criteria provided in Section 15-79 (b) of this article.

re-enumerate (b) to (c)

**Section 15-88. Maintenance of files of notices, statements, certificates and written determinations required.**

The Village shall maintain files open for public inspection of all notices of completion, draft and final environmental impact statements, certifications of consistency with Local Waterfront Revitalization Program policies and written determinations prepared or caused to be prepared by the Board of Trustees.

**APPENDIX B**

**AMENDMENTS TO VILLAGE ZONING ORDINANCE**

To the:

Village of Lewiston Zoning Ordinance  
(Appendix B of the Village Code)

regarding:

NYSDOS Local Waterfront Revitalization Program for the Village of Lewiston

**SECTION 1. Purposes and Interpretation**

- C. The provisions and regulations of this Ordinance, and interpretations thereof, shall be made in accordance with the objectives of the Village of Lewiston Comprehensive Master Plan (1977) and consistent with the policies and purposes of the Village of Lewiston adopted Local Waterfront Revitalization Program (1986) for the purposes of promoting the public health, safety, convenience, order, prosperity and general welfare of the community and protecting and enhancing the coastal resources of the community.

**SECTION 3. Establishment of districts**

W-D District (added): Waterfront Development District

**SECTION 9: District regulations**

- E. RB District: Restricted Business.

Delete f. Boat liveries or marinas upon premises in the RB District which abut the Niagara River subject to the following:

1. Such activity or use shall be subject to the provisions of section bR of this appendix.

re-enumerate g to f.

- F. W-D District: Waterfront Development District

1. Permitted principal uses subject to the requirements of Section 10R.

a. Uses which depend on proximity, access and/or utilization of the water including, but not limited to, the following:

- i. Boat liveries and marinas.
- ii. Boat and boating accessories service, repair, sales and rental.
- iii. Fishing and tackle equipment and supplies sales.
- iv. Flood and erosion protection structures.

- b. Uses which are enhanced by a waterfront location and proximity to water-dependent uses including, but not limited to, the following:
  - i. Tourist facilities (restrooms, snackbars, information areas, cultural and recreation facilities).
  - ii. Restaurants and eating establishments.
  - iii. Hotels and motels.
  - iv. Bed and breakfast residences, tourist homes.
  - v. Retail and service facilities complementary to the above uses.
- c. Other water-related uses which, in the opinion of the Zoning Board of Appeals, are similar in nature to those permitted above and are consistent with the adopted Village of Lewiston Local Waterfront Revitalization Program.

2. Permitted accessory uses.

- a. Parking areas in accordance with Section 12.
- b. Temporary boat and boating equipment storage.
- c. Signs in accordance with Section 13.
- d. Other accessory uses incidental to those permitted above.

- G. O-P District: Open and Public District - the intent of the district is to delineate publicly owned and/or open areas and protect the Village shoreline. No use, structure or accessory use or structure shall be undertaken along the shoreline that will contribute to flooding and erosion or inhibit public control efforts, permanently reduce existing access, substantially reduce public vistas or jeopardize coastal resources in accordance with the adopted Local Waterfront Revitalization Program for the Village of Lewiston.

**SECTION 10. General Provisions and permitted modifications.**

A. Preservation of Natural Features

- 5. Existing natural features such as trees, brooks, drainage channels and views/vistas shall be retained. Whenever such features interfere with the proposed uses of such property, a retention of the maximum amount of such features consistent with the use of the property shall be required. No use shall be undertaken which eliminates or substantially reduces the view/vista of an existing property due to height, bulk or orientation of structure.

R. Development Plan Procedures and Regulations.

4. Standards for review. In making a determination the following standards shall be utilized.

a. General Standards.

iii. The proposed development is in conformance with the general intent of the Comprehensive Master Plan and consistent with the policies and purposes of the Village of Lewiston Local Waterfront Revitalization Program.

**APPENDIX C**  
**GUIDELINES FOR REVIEW OF PROPOSED**  
**STATE AND FEDERAL ACTIONS**

**NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM**

**Guidelines for Notification and Review of State Agency Actions  
Where Local Waterfront Revitalization Programs are in Effect**

**I. PURPOSES OF GUIDELINES**

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

**II. DEFINITIONS**

- A. Action means:
  - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
  - 2. Occurring within the boundaries of an approved LWRP; and
  - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
  - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;

2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
  3. That will result in an overriding regional or statewide public benefit.
- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

### **III. NOTIFICATION PROCEDURE**

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
  1. Shall fully describe the nature and location of the action;
  2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
  3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

### **IV. LOCAL GOVERNMENT REVIEW PROCEDURE**

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.

- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

#### **V. RESOLUTION OF CONFLICTS**

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
  - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
  - 2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

**PROCEDURAL GUIDELINES FOR COORDINATING  
NYS DEPARTMENT OF STATE (DOS) & LWRP  
CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS**

**DIRECT ACTIONS**

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

**PERMIT AND LICENSE ACTIONS**

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.

5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the program coordinator.

#### FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.