

SECTION III

WATERFRONT REVITALIZATION PROGRAM

POLICIES

DEVELOPMENT POLICIES

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

POLICY 1A REVITALIZE THE NORTHERN END OF TONAWANDA ISLAND (THE FORMER INTERNATIONAL PAPER SITE), THE FORMER TONAWANDA IRON WORKS SITE ON THE MAINLAND, THE VACANT NIAGARA MOHAWK POWER CORPORATION (NMPC) SITE, AND OTHER MAJOR VACANT PARCELS ON TONAWANDA ISLAND AND ALONG THE NIAGARA RIVER.

POLICY 1B REVITALIZE THE CITY'S DOWNTOWN AREA.

The revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the City without consuming valuable open space in other portions of the waterfront. Redevelopment of these areas will also serve as a magnet for other development activities along the Niagara River corridor and on Tonawanda Island, as well as in areas adjacent to downtown.

The following guidelines will be used to review actions for consistency with this policy as it pertains to any future development of the areas covered under Policies 1A and 1B.

- a. Priority should be given to uses which are enhanced by or dependent on a location adjacent to the water.
- b. The action should enhance existing and anticipated uses. For example, State hazardous waste cleanup funds for the NMPC site should be given priority over sites with similar characteristics but located outside this policy area.
- c. The action should serve as a catalyst for private investment in the area.
- d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. 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.
- f. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base. For example, 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 views of the water and, at a minimum, must not affect these views in an insensitive manner. This

guideline applies to the Tonawanda Iron Works site, the NMPC site and those areas downtown south of Sweeney Street.

- h. The action should have the potential to improve the possibilities for multiple uses on the site. This guideline does not apply to the downtown area.

If an action is proposed to take place outside of the areas covered by this policy, and is either within the City of North Tonawanda or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the area covered by this policy. 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 deterioration of that area covered by this policy.

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

POLICY 2A PROVIDE FOR A MIX OF WATER-RELATED COMMERCIAL AND RECREATION USES ALONG THE NIAGARA RIVER.

There is a finite amount of waterfront space available in the City for recreational marinas, boat storage and spin-off uses which are enhanced by such activities. The Niagara River area offers unique opportunities for water-related uses.

The traditional method of land allocation (i.e. the real estate market), with or without local land-use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to the State's coastal waters. To ensure that such "water-dependent" uses can continue to be accommodated within the City, State and City agencies will avoid undertaking, funding, or approving non-water-dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses; furthermore, State and City agencies will utilize appropriate existing programs to encourage water-dependent activities.

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

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities).
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing).
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities).
4. Structures needed for navigational purposes (for example: locks, dams, lighthouses).
5. Flood and erosion protection structures (for example: breakwaters, bulkheads).

6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards).
7. Uses requiring large quantities of water for processing and cooling purposes (for example: sewer and water treatment plants, fish processing plants).
8. Scientific/educational activities which, by their nature, require access to coastal waters.
9. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (e.g. parking lots, snack bars, first aid stations, short-term storage facilities). Although these uses must be near the given water-dependent use, they should, as much as possible, be sited inland from the water-dependent use rather than on the shore.

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, although not at the expense of water-dependent uses. A water-enhanced use is defined as a use that has no critical dependence on a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if these were adjacent to, or had visual access to, the waterfront. A restaurant which uses good site design to take advantage of a waterfront view is an example of a water-enhanced use.

If there is no immediate demand for a water-dependent use along the Niagara River, 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, and non-permanent structures are uses or facilities which would likely be considered as "temporary" non-water dependent uses.

Specific water-dependent and water-enhanced uses to be accommodated within the City's waterfront area are described in Section IV, Proposed Uses. New water-dependent and water-enhanced uses to be developed within the City's waterfront area are to be sited and designed, so that they enhance, or at least do not detract from the surrounding area. Consideration should be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should be employed, so that water-dependent uses and adjacent uses will complement one another. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources. In addition, to help ensure the future availability of waterfront land for water-dependent uses, consideration should be given in the siting and design of any developments on land adjacent to the water to the reservation of land suitable to accommodate the long-term space needs of water-dependent uses, for example, by devoting such land to open space of temporary non-water-dependent uses.

POLICY 3 THE STATE COASTAL POLICY REGARDING MAJOR PORTS IS NOT APPLICABLE TO THE CITY OF NORTH TONAWANDA.

POLICY 4 THE STATE COASTAL POLICY REGARDING SMALL HARBORS IS NOT APPLICABLE TO THE CITY OF NORTH TONAWANDA.

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

The purpose of this policy is to direct new development, particularly large scale development, in the coastal area to locations in close proximity or within areas of concentrated development, where infrastructure and public services are adequate, and where environmental conditions are suitable for development.

The City of North Tonawanda is an area of concentrated development where infrastructure and public services are generally adequate to support future land uses and development, as specified in the proposed uses and projects for the waterfront area (see Section IV). However, certain capital improvements may be needed for the public sewer facilities servicing the Tonawanda Iron Works site, and areas along Sweeney Street.

Those City, State, and Federal agencies charged with allocating funds for such facilities should give high priority to these needs, so that full advantage may be taken of opportunities for promoting waterfront development.

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

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

For specific types of development activities and in areas suitable for such development, local, State and Federal agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives are not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and programs are synchronized with the procedures of other agencies at each level 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 for facilitating a particular type of development and will not jeopardize the integrity of regulatory objectives.

FISHING AND WILDLIFE POLICIES

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

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.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law SS 27-0901.3 as follows:

Hazardous waste means a 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 (6 NYCRR Part 371) has been adopted by the NYS 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 environments, particularly into the City's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the City'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 points and non-point sources, and not identified as hazardous wastes, but controlled through other State laws.

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES. 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 EXPAND RECREATIONAL USE OF FISH RESOURCES IN THE LITTLE RIVER,
NIAGARA RIVER BETWEEN GRATWICK-RIVERSIDE PARK AND FISHERMAN'S
PARK, AND ALONG THE BARGE CANAL-EAST SUB-AREA.

The educational and recreational value of coastal areas having a significant concentration of fish resources is of extreme importance to the general public. This is especially true in the eastern section of the Barge Canal, Little River, and that portion of the Niagara River between Gratwick-Riverside Park and Fisherman's Park. The latter areas represent high-quality fishing spots within close proximity to City residential neighborhoods and downtown. The combination of these factors represents a unique opportunity for public enjoyment.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish resources and 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, Federal, and City agencies as they determine the consistency of their proposed action with the above policy.

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

References should also be made to the review guidelines for Policies 2A and 21B.

POLICY 10 THE STATE COASTAL POLICY REGARDING COMMERCIAL FISHING IS NOT
APPLICABLE TO THE CITY OF NORTH TONAWANDA.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

The State Coastal Policy, which applies only to State-designated Structural Hazard Areas and Federally designated floodways within Flood Hazard Areas, is not applicable in the City of North Tonawanda, since no Structural Hazard Areas or floodways are found in the North Tonawanda waterfront area.

POLICY 11A BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THOSE AREAS DESIGNATED AS SPECIAL FLOOD HAZARD AREAS SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING.

The following public purposes are advanced by the successful implementation of this policy:

1. Protect human life and health.
2. Minimize expenditures of public money for costly flood control projects.
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. Minimize prolonged business interruptions.
5. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges, located in areas of special flood hazard.
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
7. Ensure that potential buyers are notified that property is in an area of special flood hazard.
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

This policy applies to those areas designated as special flood hazard areas by the Federal Emergency Management Administration (FEMA) and displayed on the City's Flood Insurance Rate Map, dated January 6, 1982. The following provides a list of those major areas subject to this policy. It is not a complete list, however.

1. Wardell Boatyard area on the mainland.
2. Ashland property on the Niagara River on the mainland.
3. Portions of Smith Boys Marina on the east side of the Little River on the mainland.

4. Portions of the former Tonawanda Iron Works site on the mainland.
5. Fire training tower area on Tonawanda Island.
6. Portions of Taylor Devices on Tonawanda Island.
7. Portions of the former International Paper site on Tonawanda Island.
8. Area east of Seymour Street Bridge abutment in the downtown area.
9. Portions of the area between Sweeney Street and the Canal from Main Street to the Botanical Gardens.

Guidelines for reviewing proposed actions for consistency with this policy include the following:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Ensure that any alteration of natural floodplains, stream channels and natural protective barriers which would help accommodate or channel flood waters is properly controlled.
4. Ensure that any filling, grading, dredging and other development which may increase flood damage is properly controlled.
5. Prevent the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

When human lives may be endangered by major waterfront storms, all necessary emergency preparedness measures shall be taken, including disaster preparedness planning.

POLICY 12 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF EROSION NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE WITHIN THE CITY OF NORTH TONAWANDA.

POLICY 13 THE STATE COASTAL POLICY REGARDING CONSTRUCTION OF EROSION PROTECTION STRUCTURES IS NOT APPLICABLE WITHIN THE CITY OF NORTH TONAWANDA.

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.

Erosion and flooding are processes which occur naturally. However, by their actions, people 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 shorelands, thus increasing their rate of recession; and the failure to observe proper drainage or land restoration practices, thereby causing run-off and erosion and weakening of shorelands. See review guidelines for Policy 11.

POLICY 15 MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

POLICY 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG-TERM MONETARY AND OTHER COSTS, INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

Public funds can be used for a variety of purposes on the City's shoreline. This policy recognizes the public need for the protection of human life and existing 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 requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL 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 INSTALLATION OF SAND FENCING AND DRAINING; (iii) THE RESHAPING OF BLUFFS; AND (iv) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

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

This policy shall apply to the planning, siting and design of proposed activities and development located in special flood-hazard areas, 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 and 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.

Non-structural measures shall include, but are not limited to, the following:

1. Avoidance of damage from flooding by the siting of buildings outside the hazard area.
2. Flood-proofing of buildings or their elevation above the base flood level.

See Policy 11.

GENERAL POLICY

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

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

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC, WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL

RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

POLICY 19A PROTECT AND MAINTAIN THE TYPES OF ACCESS TO GRATWICK-RIVERSIDE PARK, MAYOR'S PARK, BOTANICAL GARDENS, AND STATE-OWNED RECREATION AREAS (I.E. NON-VACANT LAND) ALONG THE BARGE CANAL.

POLICY 19B IMPROVE ACCESS TO THE SERVICE DRIVE LAUNCH RAMPS AND CITY BOAT DOCKS.

Existing public water-related recreation resources and facilities within the City of North Tonawanda includes: Gratwick-Riverside Park, Fisherman's Park, Mayor's Park, Service Drive Launch Ramp, City docks, Botanical Gardens, and State-owned recreation areas. It is essential that public access to these facilities be maintained, where adequate, or be improved, where needed.

Policy 19A indicates those facilities where existing access is adequate and shall be maintained.

Policy 19B provides a policy direction for the City relative to improving access at the Service Drive Launch Ramps, City Docks, and Fisherman's Park. Reference should be made to Section II-L 'Circulation and Access' for a further description of the access needs.

The following guidelines will be used in determining the consistency of a proposed action with Policy 19.

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. In particular, existing access to and from Gratwick-Riverside Park, which is on private lands leased by the City, may be reduced or eliminated upon a determination by the City that such action is in the general public interest, or upon termination of the lease by the private owner.

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 coastal lands and waters.
- b. Public water-related recreation resources or facilities see Policies 19A and 19B.

- c. Public lands or facilities - lands or facilities held by State or City in fee-simple or less-than-fee-simple ownership and to which the public has access or could have access, including underwater lands. This includes the vacant, undeveloped State land along the Barge Canal.
 - 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 (e.g. Mayor's Park).
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities. An example is difficult pedestrian crossings to waterfront parks across River Road.
 - (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instances of public transportation to a public water-related recreation resource or facility), except where the Niagara Frontier Transportation Authority 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 levels.
 - 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 (e.g. major improvements to River Road), 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 (e.g. State land along Barge Canal), 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 State 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 boundary 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.

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

Publicly owned lands within the City of North Tonawanda that are adjacent to the water's edge are shown on Figures 10 and 11 in Section II. Most of these lands, as described in Section II, are currently devoted to public recreation uses and provide existing access to public lands and waters. Lands lying under the waters of the Niagara River, Little River, and Barge Canal are generally owned by New York State.

While publicly owned lands shall be retained in public ownership, traditional sales of easements on underwater lands to adjacent onshore property owners is 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. Also, public use of such publicly owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such uses would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

Guidelines for reviewing any action for consistency with this policy are as follows:

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the

future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

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 public water-related recreation resources and facilities.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.
2. The existing level of public access within public coastal 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 the shoreline and along the coast 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 State 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.
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 boundary 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 the coastal lands and 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.

RECREATION POLICIES

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

POLICY 21A EXISTING WATER-DEPENDENT AND WATER-ENHANCED RECREATIONAL FACILITIES AT FISHERMAN'S PARK AND THE BOTANICAL GARDENS SHALL BE EXPANDED, CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES.

POLICY 21B NEW WATER-RELATED RECREATIONAL OPPORTUNITIES SHALL BE DEVELOPED ALONG THE BARGE CANAL RIGHT-OF-WAY, ON TONAWANDA ISLAND, AND ALONG THE NIAGARA RIVER SHORELINE, CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF COASTAL RESOURCES AND THE DEMAND FOR SUCH FACILITIES.

The City's waterfront is its most important outdoor recreation resource. Its appeal and significance creates several concerns. Principal among these is determining how the demand for waterfront recreation can be met while ensuring that other land and water use needs will be accommodated and that the natural resource base will be protected. Most specific concerns include: conflicts with other uses; overview of existing waterfront recreation area; deficiency of water-based recreation in urban areas; conservation of historic and cultural resources; the particular needs of recreational boating and fishing; and the desire to promote the private sector's role in recreation.

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

Existing water-related recreational facilities at Gratwicke Park, the City Docks adjacent to the Packett Center, the Service Drive Boat Launch, and Mayor's Park shall be retained. With respect to Gratwicke Park, continued public use of this facility is proposed following the toxic waste clean-up for the site.

Existing water-related recreational facilities at Fisherman's Park and the Botanical Gardens shall be expanded. Fisherman's Park, located along the Niagara River shoreline to the south of the City's wastewater treatment plant, is to be expanded through the installation of 50-75 linear feet of docks and various site improvements. Such docking would serve as small boat moorings, as well as fishing overlooks. Improvements to the Botanical Gardens, located along the Barge Canal, will consist of the reconstruction and expansion of deteriorated boat launching ramps, as well as installation of small boat docking facilities.

New water-related recreation opportunities will be developed along the Barge Canal Right-Of-Way, on Tonawanda Island, and along the Niagara River waterfront. Additional passive parkland, such as pedestrian trails and picnic areas, shall be developed along the Barge Canal Right-Of-Way, consistent with demand and in cooperation with New York State. Also, a public fishing dock shall be developed on Tonawanda Island adjacent to the Little River on the site of the Niagara County Fire Training facility.

With respect to recreational boating, existing private marinas and supporting uses along the waterfront shall be preserved and expansion permitted, based on site conditions and anticipated impacts. As previously noted in the Inventory and Analysis Section, a demand exists throughout the region for additional boating facilities. The presence of numerous vacant

land tracts along the Niagara River shoreline provides for the siting of additional water-dependent recreational facilities. The siting of these uses, however, will be done in a manner which avoids negative impacts on local fishing resources, water quality, visual quality, and archaeologically sensitive areas. In addition, boating facilities shall include adequate parking, park-like surroundings, rest rooms, and pump-out facilities. The provision of new public boating facilities is essential in meeting the demand, but such public actions should avoid competition with private boating development.

Consistent with demand and the protection of other important natural, historic, and cultural resources, water-related (i.e. water-dependent and water-enhanced) recreation 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 uses, including water-enhanced recreation uses. Determining a priority among water-dependent recreation uses and other water-dependent uses will require a case by case analysis.

POLICY 22 DEVELOPMENT WHEN LOCATED ADJACENT TO THE SHORE WILL PROVIDE FOR WATER-RELATED RECREATION WHENEVER SUCH USE IS COMPATIBLE WITH REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES, AND IS COMPATIBLE WITH THE PRIMARY PURPOSE OF THE DEVELOPMENT.

POLICY 22A DEVELOPMENT OF THE LARGE (5 ACRES OR MORE) VACANT PARCELS ALONG THE NIAGARA RIVER MAINLAND AND TONAWANDA ISLAND WILL PROVIDE FOR WATER-RELATED RECREATION AS A MULTIPLE USE, WHENEVER SUCH USE IS APPROPRIATE IN LIGHT OF THE PRIMARY PURPOSE OF THE DEVELOPMENT.

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, to the greatest extent permitted by existing law, provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen. As stated in Policy 22A, the large vacant parcels adjacent to the Niagara River on the mainland and Tonawanda Island, are especially suitable for the provision of water-related recreation as a multiple use. 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*, large residential subdivisions or complexes (50 or more units), shopping centers, and office buildings.

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

Prior to taking action relative to any development in the City, State agencies should consult with the State Office of Parks, Recreation, and

Historic Preservation (OPRHP) and with the City to determine appropriate recreation uses. The agency should provide OPRHP and the City with the opportunity to participate in project planning.

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 percent of total project cost.

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

Whenever a proposed development would be consistent with LWRP policies and the development, through the provision of recreation and other multiple uses, could significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore.

Reference should also be made to Policy 21B.

HISTORIC AND SCENIC QUALITY POLICIES

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

POLICY 23A PROTECT THE RIVIERA THEATRE.

POLICY 23B PROTECT THE ARCHAEOLOGICAL SITES IDENTIFIED AS THE BUFFALO "P" SITE, STEPHEN WHITE SITE, AND THE TONAWANDA ISLAND MOUND SITE.

POLICY 23C ENHANCE THE CITY'S HERITAGE AS A WORLD-RENOWNED LUMBER MILLING CENTER.

Among the most valuable of the State's and City's man-made resources are those of historic significance. The protection of these resources must involve a recognition of their importance by all agencies. As described within the 'Environmental Condition' chapter of the Inventory and Analysis, identified historic resources within the City's waterfront area include the following: the Riviera Theatre, which is listed on the National Register of Historic Places; two structures of local significance, the Packett Inn and the Sperry Rand Corporation building (former Allan Herschell Plant); and three (3) zones of archaeological sensitivity (see Figure 16 for locations).

The City will promote the rehabilitation and adoptive re-use of historic structures, when appropriate. In addition, prior to undertaking major construction activities in the identified areas of potential archaeological significance, 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.

All practicable means to protect the areas noted in Policy 23A and Policy 23B shall be undertaken to protect the above-cited historic resources and prevent an adverse change to them or impacts on them.

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 the areas covered by this policy. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of the Theatre and 3 sites, 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 areas that would be incompatible with the objective or preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the areas. 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 action.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any of the historic resources identified above if they are officially certified as being imminently dangerous to life or public health.

Implementation of Policy 23C requires actions other than review guidelines. Reference should be made to Section V for a description of the implementation techniques.

POLICY 24 THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE WITHIN THE CITY OF NORTH TONAWANDA.

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 PROTECT THE SCENIC VISTAS ALONG SWEENEY STREET AND RIVER ROAD.

The location of the City adjacent to the Upper Niagara River and Barge Canal requires a commitment to ensure the visibility of the River and Canal to area residents. The River and Canal are public resources whose scenic quality must be preserved and utilized.

The recreational boating traffic, sunsets, and scenic vistas of the City of Tonawanda and Town of Grand Island visible offshore from North Tonawanda have local significance.

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

- ' Siting structures and other development, such as power lines and signs, back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.
- ' Clustering or orienting structures to retain views, save open space and provide visual organization to a development.
- ' Incorporating sound, existing structures (especially historic buildings) into the overall development scheme.
- ' Removing deteriorated and/or degrading elements (especially unused railroad bridges).
- ' Maintaining boathouses along the Canal in an attractive and sound condition.
- ' Continuing existing State Policy regarding new permits for boathouses along the Canal.
- ' Maintaining or adding vegetation to provide interest, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters.
- ' Using appropriate materials, in addition to vegetation, to screen unattractive elements.
- ' Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE WITHIN THE CITY OF NORTH TONAWANDA.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.

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 any new facilities. The directives for determining this are set forth in the New York State Energy Law. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That 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 City of North Tonawanda, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the coastal area are made consistent with the policies and purposes of the Local Waterfront Revitalization Program.

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

Prior to undertaking actions required for ice management, an assessment must be made on the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats in the Upper Niagara River, offshore of the City of North Tonawanda, flood levels and damage, and rates of shoreline erosion damage.

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.

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.

State Policy recognizes the need to develop new indigenous energy sources. It also recognizes that such development may endanger the environment. Among the various energy sources being examined are those which may be found on the Outer Continental Shelf (OCS) or in Lake Erie. The State has been encouraging the wise development of off-shore energy resources in a manner that will ensure the environmental safety of such activities, protect important coastal resources, and protect public water supplies.

WATER AND AIR RESOURCES POLICIES

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

POLICY 30A POINT SOURCE DISCHARGE OF POLLUTANTS AT THE MUNICIPAL WASTEWATER TREATMENT PLANT AND CORRESPONDING THREE OVERFLOW POINTS INTO THE NIAGARA RIVER WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

POLICY 30B POINT SOURCE DISCHARGE OF POLLUTANTS INTO THE LITTLE RIVER FROM OCCIDENTAL-DUREZ, AND BATTENFELD GREASE AND OIL CORPORATION SHALL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and groundwater, but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into the Niagara River, Barge Canal, and Little River, and those which pass through the City's sewage treatment system before reaching the Niagara River.

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

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards

are reviewable at least every three years for possible revision or amendment. The City of North Tonawanda's Local Waterfront Revitalization Program and State coastal management policies shall be factored into the review process for the Barge Canal, Niagara River, and Little River. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The existing water quality classifications in the City of North Tonawanda, as identified on Figures 16 and 17 of the Inventory and Analysis Section, are appropriate to the existing and proposed land and water uses of the waterfront area and should be maintained. There are no waters overburdened with contaminants within the City's waterfront area.

POLICY 32 THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO THE CITY OF NORTH TONAWANDA.

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 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF SEWER OVERFLOWS INTO THE BARGE CANAL VIA THE STORM SEWER SYSTEM.

Best management practices include structural methods of preventing or mitigating pollution caused by the undersizing of sewer pipes in sections adjacent to the Barge Canal sub-areas. At present, this is not a serious problem in the City; however, the municipality will closely monitor development in the overflow areas to ensure that the problem is not increased. This policy applies only to the Barge Canal sub-areas.

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.

The discharge of sewage, garbage, rubbish, and other solids and liquid materials from watercraft and marinas into the State's waters is regulated. Within the City's waterfront area priority will be given to the enforcement of this law in the area of public water supply intakes which need particular protection from contamination by vessel wastes. Also, specific effluent standards for marina toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

POLICY 35 DREDGING AND DREDGE SPOILS 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.

Dredging often proves to be essential for waterfront revitalization, maintaining navigation channels at sufficient depth, and pollutant removal.

Such dredging projects, however, may adversely affect water quality and scenic resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the spoil disposal site.

State dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulation developed pursuant to Environmental Conservation Law (Articles 15, 24, 25 and 34).

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

POLICY 36A ACTIVITIES RELATED TO THE STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS SHALL BE PROHIBITED IN THE BARGE CANAL-EAST, BARGE CANAL-WEST, AND DOWNTOWN SUB-AREAS (I.E. LAND ONLY), AS WELL AS ON TONAWANDA ISLAND AND THE NIAGARA RIVER SUB-AREAS (I.E. LAND ONLY), WHICH BORDER THE LITTLE RIVER.

The storage of petroleum products and hazardous materials is prohibited within the waterfront. All activities within the City's waterfront area which are subject to this policy shall furthermore comply with all applicable State and Federal regulations.

POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SPOILS INTO COASTAL WATERS.

Best management practices used to reduce these sources of pollution include soil erosion control practices and surface drainage control techniques.

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.

Surface water is the source of drinking water in the City of North Tonawanda and therefore must be protected. Most of the City's waterfront area is served by a municipal sanitary sewer system. North Tonawanda has sophisticated water treatment and wastewater treatment plants. All commercial and industrial discharges are regulated by State and Federal Law.

POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREA 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.

Policy 39A THE STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, SHALL BE PROHIBITED WITHIN THE COASTAL ZONE.

The definition of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes. The term "hazardous waste" is defined under Policy 8. Hazardous wastes include unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic.

No storage, treatment or disposal of solid wastes is permitted in the City of North Tonawanda waterfront area. Any transportation of solid wastes in the waterfront must comply with State and Federal regulations and ensure the protection of the City's coastal resources.

POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.

There are no major steam generating facilities located within or planned for the City's waterfront area. The siting of such facilities is subject to the jurisdiction of the State Board on Electric Generation Siting and the Environment. The State Board on Electric Generation Siting and the Environment must consider a number of factors when reviewing a proposed site for facility construction. One of these factors is that the facility "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters." The effects of thermal discharges on water quality and aquatic organisms are considered by the Siting Board, when evaluating an applicant's request to construct a new steam electric generating facility.

Existing industrial facilities are located within and near the City's waterfront area and new facilities may be developed in the future. Effluent discharges from industrial facilities are subject to State regulations, which ensure the protection of fish and wildlife and the maintenance of State water quality standards.

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.

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

To the extent possible, the State Implementation Plan will be consistent with the lands and water use policies of this LWRP. Conversely, program

decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

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.

The policies of the State and City's Local Waterfront Revitalization Program concerning proposed land and water uses will be taken into account prior to any action to change prevention of significant deterioration land classifications in the coastal area or adjacent area.

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

The City's Local Waterfront Revitalization Program incorporates the State's policies on acid rain. As such, the program 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 PRESERVATION AND PROTECTION OF TIDAL AND FRESHWATER WETLANDS IS NOT APPLICABLE TO THE CITY OF NORTH TONAWANDA.