

**Town of Tonawanda  
Local Waterfront Revitalization Program  
Amendment**

***Adopted:***  
Tonawanda Town Board, (date)

***Approved:***  
NYS Secretary of State Randy A. Daniels, (date)

**TOWN OF TONAWANDA  
LOCAL WATERFRONT REVITALIZATION PROGRAM  
AMENDMENT**

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*Note: This Amendment affects only the sections of the Town of Tonawanda LWRP listed in this Table of Contents. All other sections of the original LWRP (Adopted by Town of Tonawanda April 1993) remain in effect. In particular, the reader is directed to the original LWRP for all policies not listed here.*

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## **I WATERFRONT BOUNDARY**

### **Existing Waterfront Boundary**

The existing Town of Tonawanda Waterfront Revitalization Area includes all lands and water encompassed within the following boundary:

Beginning at a point on the Town of Tonawanda/City of Tonawanda border 1,000 feet east of the eastern right-of-way of River Road (State Route 266), the Waterfront Revitalization Area Boundary proceeds southerly along a line 1,000 feet east of and parallel to the eastern right-of-way of River Road, following this line to the Town of Tonawanda/City of Buffalo border; then southwest and south along the Town Line into the Niagara River; then northerly along the Town Line in the Niagara River to its junction with the City of Tonawanda Line, then southeasterly along the Town Line to the point of beginning.

There is a small area representing an extension of a corridor along Two Mile Creek from the City of Tonawanda to the Youngmann Highway which is also part of the Town's Waterfront Revitalization Area. The boundary of this segment is as follows:

Beginning at the intersection of the western right-of-way of Two Mile Creek Road and the Town of Tonawanda/City of Tonawanda border, the boundary proceeds south along the Two Mile Creek Road R.O.W. to the north right-of-way of the Youngmann Highway (Interstate 290); then east along this R.O.W. to a point 100 feet east of the centerline of Two Mile Creek; then north along a line 100 feet east of and parallel to the Creek centerline to the Town of Tonawanda/City of Tonawanda border; then westerly along the municipal border to the point of beginning.

### **Proposed Waterfront Boundary**

The proposed amended Town of Tonawanda Waterfront Revitalization Area includes all lands and water encompassed within the following boundary:

Beginning at a point on the Town of Tonawanda/City of Tonawanda border 500 feet east of the eastern right-of-way of River Road (State Route 266), the Waterfront Revitalization Area Boundary proceeds southerly along a line 500 feet inland of and parallel to the eastern right-of-way of River Road, following this line to the Town of Tonawanda border with the City of Buffalo; then southwest and south along the Town Line into the Niagara River; then northerly along the Town Line in the Niagara River to its junction with the City of Tonawanda Line, then southeasterly along the Town Line to the point of beginning.

The boundary of the extension along Two Mile Creek will remain unchanged.

### **Justification for Change to Waterfront Boundary**

Prior to the preparation of the Town's Local Waterfront Revitalization Program, the original State designated coastal boundary was bounded by River Road. The existing approved LWRP extended the boundary 1000 feet inland from River Road in order to provide greater protection of waterfront resources, particularly views and aesthetics along the River Road corridor. The choice of 1000 feet was related to the expected relocation of River Road. It is now clear that River Road will not be relocated. As a result, the depth is unnecessarily deep, requiring a high level of landscaping and other requirements on properties not visible from River Road. The change to a 500 foot distance will maintain protection for development fronting on River Road, while enabling greater flexibility farther away from the roadway. Protection of the River Road corridor will be accomplished through changes of the town's zoning ordinance including a River Road Zoning Overlay.

### 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 WATERFRONT AREA BETWEEN THE NORTHERN LIMIT OF THE ERIE COUNTY WATER AUTHORITY PROPERTY TO THE SOUTHERN LIMIT OF THE COUNTY-OWNED ISLE VIEW PARK FOR A MIX OF USES, WITH AN EMPHASIS ON WATER-DEPENDENT AND WATER-RELATED USES ON THE SHORELINE.

**POLICY 1B** WHEREEVER FEASIBLE CONSOLIDATE INDUSTRIAL OPERATIONS TO MAXIMIZE PUBLIC ACCESS.

(POLICY 1C-DELETED)

The waterfront region in the Town of Tonawanda is in a period of transition. The area has a strong industrial heritage, but it is increasingly focused on waterfront recreational and scenic purposes. The Riverwalk, Isle View Park, Niawanda Park, Veteran's Park, Fireman's Park, Aqua Lane Park, the Town Boat Launch and the Two-Mile Creek Greenway are some of the recreational assets in or near the Town's waterfront region. These amenities have increased public access and open space in the region, and are helping to change the character of the area. Former environmental concerns have largely been addressed.

The area is ready for redevelopment in a new context—one that recognizes the importance of industrial and commercial uses, but that also increasingly accommodates recreational use, public access to the waterfront and the aesthetic potential of the area.

The Southern Sector of the Tonawanda waterfront is essentially fully developed in active uses. Redevelopment is not likely to occur in this sector for the foreseeable future. The Central and Northern Sectors of the Tonawanda waterfront do contain vacant and underutilized parcels which offer important opportunities for redevelopment. The appropriate revitalization of the once-dynamic waterfront industrial corridor represents an effective means to regain the public's positive perception of their shoreline. It will also serve to increase the marketability of vacant, underutilized sites by improving land use compatibility, the visual environment, and the economic potential of the area.

Water-dependent uses will be given priority for location immediately adjacent to the shoreline wherever feasible, with water-enhanced uses having secondary priority. For the upland portion of the waterfront revitalization area (east of River Road) water-enhanced and non-water-dependent uses are allowable. All development within 500 feet of River Road will conform to design standards proposed in the River Road Overlay to minimize negative impacts and enhance the visual character of the area.

Water-dependent uses encouraged along the shoreline of the Central and the Northern Sectors include: recreational uses such as parklands, trails, docks, fishing facilities or picnic areas; marinas or yacht clubs; commercial excursion or fishing charter boat facilities; boatyard or boat storage facilities; and water-dependent industrial activities, such as water-intakes.

Water-enhanced uses appropriately included in the mix of allowed uses in the Northern Sector include support services to the water-based recreational assets in the area, such as small-scale retail operations, restaurants, visitor centers/interpretative facilities, or lodging. Any development along the shoreline in the Northern Sector must be scaled to respect the physical and environmental limits of the site, as well as the aesthetic qualities of the waterfront.

In the Central Sector, which is more industrial in nature and where developable water-side parcels are larger, water-dependent or water-enhanced uses will receive priority and be encouraged, but a greater variety of uses may be allowed, including some light industrial uses and business offices.

Uses along the shoreline within the waterfront revitalization area boundaries shall be subject to the following standards:

1. The maximum building height for structures located west of River Road in the Northern Sector is 35 feet. Structures shall be located on a site in a manner that preserves views of the Niagara River from public roadways and lands.
2. All buildings, parking lots and outdoor storage areas shall be set back a minimum of 50 feet from the shoreline of the Niagara River, unless it is impracticable to do so. Trails, docks or piers, boat launch facilities, water-intake facilities, and structures associated with public park purposes may be located closer to the shoreline.
3. Landscaping shall be used to enhance the appearance of development, supply a visual break of the built environment and screen loading docks, storage areas and similar features.
4. Existing natural features and vegetation, including mature trees, shall be incorporated into site design to the maximum extent practicable.

In addition to the specific standards listed above, the following guidelines will be used to review actions for consistency with this policy:

1. The action should enhance existing and anticipated uses. For example, utility systems should be designed and constructed so as to serve the potential needs for desired mixed use development (i.e. recreation, commercial, light industrial)
2. The action should serve as a catalyst to private investment in the area.
3. The action should improve the deteriorated condition of the sites 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.
4. The action must lead to development which is compatible with the future plans for the area, with consideration given to scale, architectural style, density and intensity of use.
5. The action should have the potential to improve the existing economic base of the community, and at a minimum, must not jeopardize this base.
6. The action should improve adjacent and upland views of the water, and at a minimum, must not affect these views in an insensitive manner.
7. The action should have the potential to improve the possibilities for multiple uses on the sites.
8. The action should not have potential for depreciating the value of nearby sites and should be fully compatible with existing or future planned nearby uses.

If an action is proposed by a state or federal agency to take place outside of the areas covered by this policy, 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 undertaking 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 the waterfront area, or the County's Isle View Park.

Refer to Policies 2, 21, 22, 25, 37, Part IV, and Appendix A for additional standards and guidelines.

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

Within the Town of Tonawanda waterfront, there are many existing public and private water-dependent uses. These uses include marinas, water-intake facilities for industrial uses, the Huntley power station, Town and County boat launch sites. There are also many water-enhanced uses, such as the River Walk and parks. The Town supports and encourages the continuation of these uses.

In addition to existing uses, the following shall be considered appropriate water-dependent uses for the Town of Tonawanda waterfront:

1. Uses which depend upon the utilization of resources found in coastal waters (for example: fishing)
2. Recreational uses which depend on access to coastal waters (for example: fishing boating, wildlife viewing)
3. Flood and erosion protection structures (for example: breakwaters, bulkheads)
4. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards)
5. Industrial activities that depend upon access to coastal waters (for example: access to dockage, water for cooling)
6. Scientific/educational activities which, by their nature, require access to coastal waters
7. Support facilities which are necessary for the successful functioning of permitted water-dependent uses, including parking lots, interpretive centers, parks, snack bars)

In the northern sector of the waterfront, recreational uses and related support services shall be the preferred development type. Industrial and resource dependent uses are more appropriately located in the southern and southern portion of the central sector. The proposed zoning for the waterfront district will facilitate the siting of water-dependent uses along the shoreline, by allowing some these uses by right in appropriate locations.

The Town can benefit from facilitating the location and expansion of water-dependent uses in its waterfront. However, the large amount of vacant and available waterfront land does not warrant limiting allowable uses exclusively to water-dependent facilities. Water-dependent uses will be given priority on waterfront lands, but compatible water-enhanced and non-water-dependent uses will be permitted to locate in the waterfront area, in accordance with Policies 1 and 1A. Lands within the designated waterfront revitalization area that do not have waterfront access are not restricted to water-dependent or water-enhanced uses, but should be compatible in style and nature with surrounding uses.

The following standards shall apply to the siting of marinas within the Tonawanda waterfront:

1. Marinas shall be located and designed to minimize adverse impacts on coastal fish and wildlife habitats of local and statewide significance. They shall also be located to minimize adverse impacts on regulated freshwater wetlands.
2. Marinas shall be located in areas where the minimum physical attributes required by marinas already exist and where minimal initial and subsequent maintenance dredging will be required. Such physical attributes include natural depths at or exceeding minimal navigable depths, low rates of sediment transport, and sufficient water movement to promote flushing.

3. Sites selected for new marinas shall contain adequate upland to accommodate associated facilities and accessory uses. Expansion of existing marinas is dependent upon the availability of adequate upland to accommodate the expansion.
4. Marinas shall be adequately landscaped to provide a park-like setting.
5. Pumpout facilities shall be provided in accordance with Policy 34.
6. Marinas shall be designed to maximize flushing to prevent possible accumulation of contaminants that could lower the quality of coastal waters.
7. New marinas must be sited and/or designed with adequate protection against boat wakes caused by existing boat traffic.
8. Marina design shall include provision for control of stormwater to prevent direct runoff from undeveloped portions of the site directly into coastal waters.
9. Marina design shall minimize interference with public use of underwater lands and the water surface.

The following standards shall apply to facilities providing boat maintenance service:

1. Boat maintenance activities, including washing, sanding, painting, draining bilge water and servicing motors shall not discharge waste water or other substances into any waterbody, nor shall any waste materials be disposed of in such a manner that they run overground and into a waterbody.
2. Dismantled boats, engines, all parts or supplies, goods, materials, refuse, garbage or debris shall be fully screened from view from public roads and from the waterside.

Refer to Policies 1, 1A, 19, 20, 21, 22, 25, 37, Part IV, and Appendix A for additional standards.

## **FLOODING AND EROSION POLICIES**

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

**POLICY 11A BUILDINGS AND OTHER STRUCTURES WITHIN SPECIAL FLOOD HAZARD AREAS, INCLUDING AREAS IDENTIFIED AS SPECIAL FLOOD HAZARDS ON THE FLOOD INSURANCE STUDY MAPS FILED FOR THE TOWN OF TONAWANDA DATED NOVEMBER 12, 1982 OR ANY SUBSEQUENT UPDATES TO THESE FLOOD INSURANCE MAPS, WILL BE SITED SO AS TO MINIMIZE DAMAGE TO PROPERTY AND HUMAN LIFE.**

Within the Town of Tonawanda waterfront area, the Niagara River flood hazard areas, or 100-year floodplains, have been designated on the official Flood Insurance Maps, prepared for the Town by the Federal Emergency Management Agency. The floodplain areas are shown on Map 10.

There are no designated coastal erosion hazard areas within the Town's waterfront.

The public health and welfare is threatened by flooding, and there is a public interest in providing protection against flooding, which can result in significant public and private cost and endangerment of human life.

In the Tonawanda waterfront, any new development or substantial improvements shall be sited outside the flood hazard area, or shall be raised above the base floodplain level.

Any permitted uses built within the area designated as the 100-year floodplain shall be flood proof, according to the following guidelines:

**A. Anchoring**

All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

**B. Construction materials and methods**

1. All new construction and substantial improvements shall be constructed using methods and practices that minimize potential flood damage.
2. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
3. Base flood elevation data shall be provided for all subdivision proposals and for other proposed developments which contain at least five (5) acres.

**C. Subdivision Proposals:**

1. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
2. On-site waste disposal systems shall be located as to avoid impairment or contamination from flooding.

**D. Specific Standards**

In all areas within the waterfront revitalization area that are designated as special flood hazard areas where the base flood elevation data have been provided as set forth in the Town's Flood Damage Prevention Law, the following standards are required:

1. *Residential construction:* In most areas within the waterfront revitalization area, residential housing is not an allowed use. If any new residential construction or substantial improvement of any residential structure were to occur within an area of special flood hazard in the waterfront revitalization area, the lowest floor, including basement shall be elevated to or above the base flood elevation.
2. *Nonresidential construction:* New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities shall:
  - a. be flood proof so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - b. have structure components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - c. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

Where human lives may be endangered by major lake storms, all necessary emergency preparedness measures shall be taken, including disaster preparedness planning. In response to

a flood event or severe coastal storm, municipal and other agencies shall follow those procedures outlined in the Town's adopted Disaster Preparedness Plan.

## IV PROPOSED LAND AND WATER USES AND PROJECTS

The Town of Tonawanda first prepared its Local Waterfront Revitalization Program in the early 1990's. Since that time, changed circumstances have affected the feasibility and desirability of proposed land and water uses for the waterfront area included in that document, particularly for the Northern and Central Sectors of the waterfront. In 2001, the Town decided that previous plans were not effectively achieving their goals for redevelopment of the Tonawanda waterfront, and a new land use study was commissioned to reassess the issue. The land use study focuses on the northern and central sectors of the Tonawanda waterfront. These are the areas where there are significant parcels available for development or redevelopment. Land uses in the southern sector are more fixed, and no significant changes are anticipated in the foreseeable future.

The study was guided by a steering committee representing a variety of interests, including Town and County governments, several Town Departments, the Town Planning Board, the Town Environmental Commission, local and county economic development officials and the New York State Department of State. Meetings with various interest groups and the public were also held to receive additional input. The result of this effort is the proposed new land and water uses section as outlined in Section B below.

### A. RECENT REPORTS

The Tonawanda riverfront has been the focus of numerous studies dating back many years and yielding a wealth of data about this area. The first step of the land use planning study was to conduct a literature review of existing reports and data. This ensured that the land use plan is based on a solid understanding of previous plans and recommendations for the waterfront. Some of the reports have retained more relevance than others, but all provide important insights into planning successes and failures in the area.

A brief summary of the earlier reports and the data they contain is contained here.

1. ***Comprehensive Development Plans and Strategy for Expansion of Fire Tower Industrial Park***, 1985, by Saratoga Associates with Economic Research Associates. This report addresses the Fire Town Industrial Park area, and the approximately 500 acres to its north, encompassing most of the waterfront area north of the Grand Island Bridges. The report is in three sections. The first section examines industrial development trends locally and in the region, in order to recommend a target strategy for the area. The second section proposes a Land Use plan for the area, while the third section provides a financing analysis for the development of the land.

The Land Use plan divides the area into three primary zones. Zone 1, the area along the River Road corridor, is identified as an area for light industry, ideally focusing on office and service industries. Zone 2, south of Rattlesnake Creek and north of the Fire Tower Industrial Park, is designated for general industrial use, including light and heavy industries. Zone 3 is Fire Tower Industrial Park. The report contains many recommendations regarding access, standards, landscaping, buffers and other issues that remain relevant.

2. ***The Waterfront Region Master Plan- Town of Tonawanda***<sup>1</sup>, 1992, by Waterfront Master Plan Consulting Team (Halcyon Real Estate Advisors, Sasaki Associates and Nutter Associates). It

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<sup>1</sup> The report is in two volumes: Volume I includes the main project information. Volume II- Appendices provides more detailed information/calculations for the market, cost-benefit, and project cost assumptions. It also provides the text of proposed regulations (zoning, site plan, subdivision regulations). The Executive Summary is included in Volume I and is also bound as a separate document.

builds upon the recommendations that the Horizons Commission made in 1991 for the Tonawanda waterfront. This plan, like the Horizons Plan, recommends a mix of uses along the waterfront, including residential, recreational, commercial, industrial and retail based land uses. Six target projects were identified: River Road relocation; riverfront residential development; three office/light industrial projects; and two recreational projects (Cherry Farm and a Riverfront Park north of the Grand Island Bridge.) The report recommends revisions to the Town's zoning regulations, based on the premise that the proposed land uses (including the relocation of River Road) would be implemented.

The realignment of River Road north of the Grand Island Bridge was the most dramatic recommendation, and was considered a key priority. By moving the roadway 1000 feet inland, additional waterfront land was to be made available for the riverfront residential development. The logic was to capitalize on the added value of a waterfront location, the excellent views from the bluffs, and the presence of residential neighborhoods to the north in the City of Tonawanda (although these neighborhoods would not be adjacent to the proposed housing). The relocation of the roadway was to be paid for by public funds, estimated to be \$5.4 million in 1991, not including the costs of acquiring the necessary rights-of-way. A decade later, it is clear that these funds will not become available, and any proposed housing development in this area is unlikely.

The report proposes office and light industrial uses on the east side of the relocated River Road. Two target projects were identified: the Isle View site, which had first priority; and a "Thruway Commerce Center" on River Road adjacent to the I-190. It was estimated these developments would support a total of over 5.3 million square feet in office, light industrial, and a small amount of convenience retail space. Additional light industrial space was proposed for the east side of River Road south of the Bridges. The remainder of the area was proposed to be open space or mixed use development.

Much of the information in this report is dated, or was specific to the development proposals and is no longer relevant (e.g. project feasibility analyses, cost-benefit analyses, market conditions). However, the report includes extensive background data on existing conditions (e.g. environmental conditions, transportation facilities, utilities), as well as information on possible site plans, sub-area development guidelines, design standards, etc. which remain useful.

3. ***The Town of Tonawanda Waterfront Traffic Study***, 1996, by Bettigole Andrews and Clark, Inc. It is a detailed traffic study for the River Road corridor. It was commissioned in order to investigate potential means of providing improved access to three major open areas: along the waterfront from Sawyer Avenue north to the City of Tonawanda border; the North Youngmann Commerce Center Area,<sup>2</sup> and the Isle View site.<sup>3</sup> The Bettigole study analyzes the potential traffic impacts and estimated costs of various alternatives for providing access to these sites.

The report contains extensive data on existing traffic conditions, including traffic counts, peak volumes, Levels of Service (LOS) for roadways and intersections, accidents, etc. It also provides projections of future traffic estimates, based on the proposed land uses summarized in the *Waterfront Region Master Plan* report. Eight alternative highway systems were devised, including one that did *not* assume the relocation of River Road. Traffic conditions for each of these alternatives were calculated. On the basis of this analysis, specific traffic and safety problems were identified. Additional alternative highway systems were also analyzed, and remediation measures were proposed to address problem areas. All alternatives were premised on the proposed land uses of the earlier reports, and as these assumptions change, the accuracy of the analysis is compromised. However, the report provides valuable insight into preferred traffic

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<sup>2</sup> This area is bounded by the railroad, the power lines, Two Mile Creek Road, and I-290. It is sometimes referred to as the "Mudflats" site.

<sup>3</sup> This area is bounded by River Road, the power lines, the City of Tonawanda boundary and Two Mile Creek Road. It is sometimes referred to as "300-acres".

alternatives, and where major problems may occur, particularly in areas where there is substantial similarity in intensity and scale of proposed land uses.

One area where the report made recommendations was the on- and off-ramps for the I-190 at the Grand Island Bridges. These recommended measures were adopted and implemented by the New York State Department of Transportation in the course of their reconstruction of I-190, improving access and traffic flow in this area.

4. ***River Road & I-190 Industrial Redevelopment Corridor Study***, 2000, by Bergmann Associates. The purpose of the study was to help promote development in the area of Tonawanda bounded by the I-190 south of the Grand Island Bridges. The report contains base data for this area (e.g. zoning, land use, type and capacity of infrastructure), and refers to a database of information about each parcel (owner, address, acreage and use), although the full database was not included in the report. A series of interviews with major businesses and agencies supplemented the data review.

The report summarizes assets and constraints, and makes recommendations regarding how to improve the development potential of area. The existing zoning is identified as one of the primary major obstacles to development in this area. The report concludes with the identification of four “Key Project Areas” and a summary of estimated costs and benefits to development.

5. ***Sites Analysis and Development Strategies for Erie and Niagara Counties*** (draft November 2001) prepared for Buffalo-Niagara Enterprise by Deloitte & Touche with Fantus. The draft of this report analyzes the development readiness of a number of sites in the Buffalo-Niagara region, including five sites in Tonawanda. Three of the sites are those identified in the Bergmann report. The other two are located north of the Grand Island Bridges, and therefore out of the study area for the earlier report. Four of the five sites are at least partially within the waterfront zone. The ranking factors for the Site Analysis report were targeted for specific industry clusters, and therefore did not cover a full range of potential users.<sup>4</sup> Based on the development standards used in the report, however, two sites (North Youngmann Commerce Center and the River Road/Isle View site) were considered “viable” on a first-cut analysis, and investigated further. The report summarizes the advantages and constraints of these two sites, and suggests the best target industries. Neither site made the final selection, but they were identified as having future potential. Two other sites in Tonawanda were selected as “alternative” sites. Their characteristics did not meet the development requirements of the target industries at this time, although this did not preclude future development potential. One site, the former Roblin Steel property (currently known as Niagara River World), was rejected as having too many constraints for near-term redevelopment, at least for the target industries.

## **B. PROPOSED LAND AND WATER USES**

As noted above, the Town of Tonawanda undertook a land use study for the waterfront region in 2001-2002. The study process included a review of past studies, regulations and issues, and a thorough assessment of existing conditions, including infrastructure, existing land use, environmental features and concerns, and market indicators. Wherever possible, the data was mapped in a GIS format to facilitate analysis. These factors comprised the opportunities and constraints that determined feasible development options for the waterfront.

The waterfront region in the Town of Tonawanda is in a period of transition. The area has a strong industrial heritage, but it is increasingly focused on waterfront recreational and scenic purposes. The Riverwalk, Isle View Park, Niawanda Park, Veteran’s Park, Fireman’s Park, Aqua Lane Park, the Town Boat Launch and the Two-Mile Creek Greenway are some of the recreational assets in or near

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<sup>4</sup> The target industries were Information Technology, Research and Development (Medical Tech), Medical Device Manufacturing, Back Office Operations, and Warehousing and Distribution.

the Town's waterfront region. These amenities have increased public access and open space in the region, and are helping to change the character of the area. Former environmental concerns have largely been addressed. The area is ready for redevelopment in a new context—one that recognizes the importance of industrial and commercial uses, but that also increasingly accommodates recreational use, public access to the waterfront and the aesthetic potential of the area.

## 1. Southern Sector

The Southern sector includes lands south of Sheridan Drive in the Town of Tonawanda, including Strawberry Island. As noted above, most of the land uses in the southern sector of the waterfront are longstanding uses that are proposed to continue. Many are in public use, including the New York State Thruway, Aqua Lane Park, the Town Boat Launch, Strawberry Island and the Town's Water Treatment Plant. The industrial uses in this sector, such as General Motors, are major employers that are vital to the regional economy, and the Town supports continuation of these uses. These public and industrial uses are expected to continue into the foreseeable future. A small area near the City of Buffalo border is a stable residential neighborhood, bordered by a small commercial strip on the west side of River Road. While some redevelopment may occur in this area, it is expected it would be small scale and replaced by similar uses.

Land use recommendations in this sector are to maintain and improve existing uses. It is recommended that additional improvements to parkland and the Riverwalk through this sector be made, focusing on improving the availability and quality of public access. An example of the type of use to be promoted is the Sherwood-Two Mile Creek Greenway, which would create a link between the Two Mile Creek trail and the Riverwalk. Aesthetic improvements to existing trails and parklands and continued upgrading of facilities are also recommended.

## 2. Central Sector

This sector of the waterfront extends from Sheridan Drive on the south to the Grand Island Bridges. The southern portion of this sector is characterized by industrial uses, dominated by the Huntley Power Station property. It is anticipated that any development that occurs south of Sawyer Avenue will be industrial in nature. Over the long term, it is recommended that the residential area along Sawyer Avenue gradually transition to light industrial and commercial uses. The area from the northern boundary of the Niagara River World site south to the Huntley Power Station is a transition area between the heavily industrial lands of the southern portion of the waterfront and the more mixed uses to the north. It is recommended that new development in this area be focused on light industrial and commercial business. Mixed uses (commercial, parkland, retail and light industrial) should be encouraged in the northern portion of the central sector, including a proposed park at the Cherry Farm site. Recommendations for specific sites are as follows:

- a. **James Avenue:** Lands east of River Road along James Avenue, currently owned by NOCO, should be developed as small-scale businesses and industries, including industrial-services operations such as tool and die manufacturers and repair services. This type of development would be consistent with adjacent developed land uses. Only a small portion of this area falls within the waterfront revitalization area boundary.
- b. **Niagara River World:** This is a large (62-acres) site in one ownership. Redevelopment of the site is complicated by the presence of infrastructure and foundations from former users, and environmental concerns. It has a number of assets for industrial development, including an excess capacity of infrastructure, docking facilities, and good connections to the interstate transportation system. Recommended land use is as a mixed-use facility, primarily industrial in nature. Water-dependent industrial uses are strongly encouraged on the riverfront portion of the parcel. Care will be taken that any development located along River Road maintain high design and landscaping standards.

- c. **East side of River Road across from Niagara River World:** These parcels are not vacant, but occupied by active, industrial uses that are expected to continue over the near term. Over the long-term, it is recommended that efforts be made to relocate the heavy uses occupying River Road frontage to less visible locations outside the waterfront revitalization boundary. Given adjacent areas, the site is likely to remain industrial, but redevelopment can take better advantage of rail and highway access, and have fewer negative impacts to the environmental and visual character of the area. Parcels on the east side of River Road are located a significant distance from the waterfront in this area, and non-water-related uses are appropriate. However, the visual impacts to the waterfront area should be considered in any redevelopment efforts, with an emphasis on improving landscaping, façades and other aesthetic features.
- d. **Cherry Farm:** This 57-acre site is a beautiful and strategically located parcel which offers excellent scenic views along a shoreline that extends nearly one-half mile along the River. Although it formerly contained low levels of hazardous wastes, the site has been successfully remediated, with provisions that facilitate its redevelopment as a park. The Town funded a park site master plan that includes nature trails through its 18 acres of natural wetlands, an interpretive center, and other recreational improvements. The trail system is designed to link into the Riverwalk to extend shoreline access. The Town is fully supportive of redevelopment of this site as a regional State Park.
- e. **Parcels adjacent to Cherry Farm:** The parcel to the south of the Cherry Farm site is vacant. Any development proposal for this site should take into account potential impacts on the Cherry Farm parcel, and be compatible with the proposed park. A trucking company currently occupies the parcel to the north of Cherry Farm. This is not a water-dependent or water-enhanced use, and ideally should be relocated to the non-waterfront side of River Road. As a viable business and an important component of Tonawanda's economy, the company should not be displaced, but if it becomes feasible at some point in the future, relocation should be supported. Location on the inland side of River Road would be acceptable.

### 3. Northern Sector

This sector has the greatest potential for successful redevelopment, away from its industrial past to a new image and identity. While the proposed waterfront revitalization area extends from the River to 500 feet east of the eastern right-of-way of River Road, land use plans for this sector encompass the entire area bounded on the north by the northern Town border, on the east by Military Road, and on the south by the Youngmann Expressway (I-290). Much of this land is vacant or underutilized, and includes significant acreage available for redevelopment. The long-term goal is to redevelop this area with a focus on recreational amenities, high quality commercial development and increased public access.

Isle View Park and the Riverwalk set the image for the waterside development. Development should be concentrated on public access and parkland, with some limited commercial activity (e.g. small snack bar). On the east side of River Road, a mix of land uses is proposed, including commercial, office, retail, and research and development within the waterfront revitalization area, and light industrial and warehousing on the properties that are farther inland. Along River Road, the focus is on higher quality development (office park and highway retail). In contrast to former land use plans, residential development is not seen as an appropriate use in this area. Earlier plans for residential use were premised on the relocation of River Road to the east, which is no longer a viable option. The proximity to industrial uses and the potential for environmental issues further mitigate against the possibility of residential development in this area. Open space and possible public access along Rattlesnake Creek are recommended.

Recommendations for specific sites are as follows:

- a. **Grand Island Bridges parcel- waterfront:** This vacant, wooded site is approximately 10 acres in size. To the north of this area is an active water-dependent industrial use (dockage for oil tankers) separating the site from Isle View Park. Environmental issues (floodplains and wetlands) limit the amount development that is feasible. The site has excellent access and visibility from the Thruway. It is located directly on the Riverwalk, and provides excellent views of the River. A riverfront park in this location would fill in a gap in the ribbon of greenspace along the River from Niawanda in the City of Tonawanda to the proposed Cherry Farm Park to the south. Some limited ancillary park-related commercial development, such as a visitor center, small-scale convenience retail or a restaurant, is possible. Any development that occurs in this location should be a water-dependent or water-enhanced use, and provide for public access.
- b. **Grand Island Bridges parcel-inland:** This site is located immediately north of the Grand Island Bridges on the east side of River Road. It is approximately 25 acres in size. Its high visibility and ease of access from the interstate system makes it an attractive location for highway-related retail activity, such as a truck depot or restaurant. Its proximity to the bridge toll plazas and the presence of oil storage tanks at the rear of the parcel limit its use for higher-value development. A new commercial use at this location would provide a transition between the industrial uses at the rear of the parcel and the more recreational-oriented uses (existing and proposed) on the opposite side of River Road. Any new development on this site should maintain high design standards, including a buffer to screen the oil tanks, and the site plan should include accommodations for pedestrians and bicyclists.
- c. **Isle View Site:** This site fronts River Road on the inland side across from Isle View Park. It is primarily vacant, and has excellent potential for redevelopment. Rattlesnake Creek bisects the property, running approximately parallel to River Road. The frontage property, which is within the waterfront revitalization area, is proposed as a high quality office park with some related commercial development. To maximize the value and appeal of the location, the site plan should establish strong visual and physical linkages to trails and parks adjacent to the site. For example, Rattlesnake Creek and its associated wetlands should be maintained as open space, possibly with limited trail access connecting to the Two-Mile Creek trail system. This will help establish a new image for the area, distinct from the industrial nature of the waterfront to the south, and provide additional access to waterfront assets.

The site is very large, extending over 200 acres inland. Although the interior portions of the site are not within the waterfront revitalization area, they are adjacent and were included in the land use planning efforts, along with the vacant parcel known as the North Youngmann Commerce Park, across Town Mile Creek Road from the Fire Tower Industrial Park. These properties are proposed for light industrial development, including warehousing and flex-type space.

For any development to occur at the Isle View site, some site improvements, including improved roadway access and the extension of utilities to the interior of the site would be required. Coordination of multiple owners or site consolidation would also be needed. Most likely a public-private partnership will be required to effectively accomplish land use plans for this site.

- d. **Landfill sites:** The Seaway Landfill, adjacent to the waterfront revitalization area, is inactive. Eventually, as the closure process is completed, it may be suitable for low-intensity recreational uses such as walking trails and open space. The Town landfill, although outside the boundaries of the waterfront area, could be redeveloped in a similar manner. Such reuse is encouraged, as it will help reinforce the transition of the Tonawanda waterfront to a more recreational-oriented area. It will also further public access and provide a more attractive neighboring use for planned adjacent uses.

- e. **River Road Corridor Improvements:** To successfully change the image of the area and promote waterfront revitalization, it is very important that any new development be carefully implemented. Techniques such as adequate buffers, high design standards and careful site planning will be utilized to ensure a high quality of development.

For all properties located along River Road, measures to help improve the visual image of the area are proposed. This is true for small, individual uses as well as more large-scale projects. Aesthetics and streetscape issues help set the tone for the area. Detailed site-specific landscape plans were made for all River Road frontages south of the bridges in 1991. These plans can serve as a basis for consideration for other properties along River Road. Also, to the extent feasible, current owners (including the NYS Thruway Authority) should be encouraged to invest in improvements and landscaping.

In addition, there are several uses along the waterfront which are not water-dependent or water-enhanced, or which do not complement the character that the Town is attempting to establish in this area. Over time, as opportunities are presented, it should be a policy to encourage these uses to relocate and be replaced with more compatible uses.

These recommendations are designed as a guideline for the types of development that are most appropriate for each location. They are not intended to preclude consideration of other types of development that are compatible with the Town's goals for this area and the policies of the LWRP. The intent of these proposed uses is to create a vital, active mix of uses in the waterfront region that are economically sound, promote public access, and improve the visual and physical character of the area.

The revitalization of Tonawanda' waterfront will be a challenge, requiring a long-term commitment and cooperative action on the part of both the public and the private sector. However, there is significant potential to transform key portions of the waterfront into attractive and productive new uses.

### **C. Proposed Projects**

#### **1. Cherry Farm Park**

The Town remains committed to implementing the Cherry Farm Park Master Plan, and will continue to take steps to bring this project to fruition. This will increase public access, and implement policy 21A.

#### **2. River Walk- Further Improvements/landscaping**

The River Walk has been a successful project which has opened public access along the length of the waterfront in Tonawanda. The Town, in conjunction with the County, is committed to continuing to improve the aesthetics of the trail, and to provide additional spurs and linkages.

#### **3. Sherwood-Two Mile Creek Greenway**

The Town, in conjunction with Erie County, is in the process of implementing the Sherwood-Two Mile Creek Greenway. This trail system will extend the existing Two-Mile Creek Trail, extending it through the Praxair property, along Sheridan Drive, and connecting to the Riverwalk at the foot of Sheridan. This will complete a loop trail, and expand the public's ability to use and enjoy waterfront resources.

#### **4. River Road Corridor Improvements**

Instituting aesthetic improvements along River Road will improve the visual character of the waterfront region in the Town of Tonawanda. This will require cooperation with landowners

and developers, and enforcement on the part of the Town of the standards and requirements provided in the new zoning regulations.

**5. Niagara River World redevelopment**

This is the responsibility of the private owner of this site. The Town will remain in communication with the landowner and the Tonawanda Development Corporation to determine how they can facilitate redevelopment of this site.

**6. Town Boat Launch Improvements**

The Town will support expansion and improvements to the Town Boat Launch on Aqua Lane to improve the public access to the water. Continued upgrades and improvements can be instituted overtime increasing the different types of water usage in the area.

**7. Aqua Lane Improvements**

The Town supports private business activities, additional improvements, and enhanced aesthetics in the Aqua Lane area.

**8. Riverfront Park**

The Town supports adding public trails, reserving the wetlands, and allowing limited commercial development in the area, in order to increase public access. Also the Town will consider the potential incorporation of adjacent lands into the park area.

**9. Isle View Park Extension**

The Town will support continued upgrading and improvements to Isle View Park.

**10. Strawberry Island**

The Town will support State efforts for reclamation and preservation of Strawberry Island.

**11. Isle View Development**

The Town will encourage the consolidation of parcels to facilitate economic development efforts within the Isle View development site area on the inland side of River Road. The Town will also consider other actions supportive of economic development efforts, such as assistance with extending infrastructure, or offering economic development zone incentives for development on the site.

**12. Huntley Station- Visual Improvements**

**V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM**

**A. EXISTING LOCAL LAWS AND REGULATIONS**

The Town of Tonawanda has several local laws and regulations that help implement the provisions of the LWRP. The following discussion briefly describes existing implementation mechanisms, and lists additional mechanisms that can be used to achieve local policy objectives.

**1. Building, Plumbing and Electrical Standards (Chapter 54)**

This local law requires that all development be connected to sanitary sewers, and that any wastes entering the sewer system will be diluted or neutralized to meet the requirements of

the Sewers Law (Chapter 165). The size, materials, location and other specifications of sewer lines are controlled to ensure proper disposal of wastes and prevent polluted waters from entering public waters. Regulations governing stormwater drainage are also provided. This law helps to implement LWRP provisions for maintaining and improving water quality, and minimizing environmental degradation from wastes.

**2. Drainage Control Law (Chapter 73)**

This law is intended to plan for the present and future use of natural drainageways and watercourses in the Town of Tonawanda. It prohibits improper drainage, unwise diversion, use or obstruction of streams or natural drainage courses without approval. All owners and occupants of property are required to keep any natural drainageway clear and unobstructed. This law helps implement policies that protect and restore ecological resources, and helps to minimize damages from flooding.

**3. Environmental Quality Review (Chapter 76)**

This law establishes a procedure to incorporate environmental factors into town planning, review and decision-making processes. It requires that any action other than those classified as Type II must fully comply with the SEQRA requirements of this Chapter (Chapter 76) and Part 617 of Title 6 of NYCRR.

**4. Flood Damage Prevention Law (Chapter 92)**

This local law minimizes the likelihood of property damage due to flooding by strictly controlling development in areas where flooding may occur. As currently written, the law prohibits all development except parks, flood protection structures and municipal facilities in areas designated as 100-year floodplains. The Town is considering changes to this law to allow additional permitted uses within the floodplain if they conform to strict standards of construction designed to minimize potential property and personal damage due to flooding. If the change is adopted, the requirements will be consistent with the standards provided in Policy 11.

The law implements LWRP policies by controlling the siting of buildings and structures to minimize property and personal damage due to flooding. In conformance with the National Flood Insurance Program, and to qualify for participation in this program, the law mandates that all uses, including utilities, be located and constructed to minimize or eliminate flood damage. A development permit is required prior to development. No development is allowed within the floodway, unless a technical evaluation demonstrates that it will not result in any increase in flood levels during the occurrence of the base flood discharge. The statute also sets forth penalties for offenses.

**5. Local Waterfront Revitalization (Local Consistency Law) (Chapter 129)  
**(See Appendix B)****

The Local Consistency Law for the Town of Tonawanda requires that all Type I and Unlisted Actions (as defined by the SEQRA implementing regulations) directly undertaken, approved or funded by the Town will be reviewed by the Town Board for consistency with the Town of Tonawanda LWRP. No actions may be implemented unless the Town Board finds that the actions are consistent with policies and purposes of the LWRP, and certifies their consistency. By adopting this local law, the Town has established a legal framework for reviewing actions within the LWRA, and has committed itself and its agents to comply with the provisions of the LWRP.

**6. Sewers Ordinance (Chapter 165)**

The Sewer Ordinance regulates wastewater disposal procedures in the Town of Tonawanda. The law classifies and regulates industrial and non-industrial discharges and establishes permit and pre-treatment requirements. All developments used for human occupancy, employment, recreation or other purposes must connect to public sewers. No sewage or other polluted waste may be discharged to any sewer or any natural outlet unless it has been treated to fall within acceptable standards. The law specifies what types of wastes are prohibited and restricted. The Sewer Ordinance prohibits any discharge of any sewage or other polluted waters to any natural outlet within the Town, except where suitable treatment has been provided or where a federal national pollutant discharge elimination system (NPDES) permit has been duly issued and is currently valid for such discharge. The statute enumerates many types of wastes that are prohibited, including any which would cause the effluent from the sewage treatment plant to be unable to meet clean water standards. The statute also provides the Town the right to restrict any discharges it deems may pollute the receiving stream. The Town is authorized to refuse wastes, require pretreatment of wastes, control the quantities or rate of discharge, or require payments to offset the additional cost of treating wastes that do not comply with these standards. The discharge of stormwater, groundwater, roof runoff, subsurface drainage and other non-polluted waters or wastes into sewers or a natural outlet is subject to approval by the Town Plumbing Inspector. Such waters may not be discharged into sanitary sewers if a closed storm sewer is available. This law implements policies that protect and improve water resources, and minimize environmental degradation from solid waste and hazardous substances and wastes.

**7. Smoke and Air Pollution (Chapter 173)**

This chapter regulates the emission of smoke and air pollution in the Town of Tonawanda. The emission of dense smoke is prohibited, and other types of emissions, such as dust, soot, cinders, fly ash, noxious acids, vapors, fumes or gases, are regulated. Any and all installations which involve or affect the discharge of fumes into the atmosphere are subject to review and approval. Approval is also required to construct, alter or use any fuel- or refuse-burning plants, equipment or devices, which must meet certain standards specified in the law. A certificate of operation is required for such to operate, with annual inspections to ensure continued compliance. This law implements policies pertaining to air quality.

**8. Soil Removal (Chapter 179)**

This law prohibits any excavation, removal or storage of earth, sand, gravel, rock, topsoil or other similar material, except for excavation necessary for construction of improvements, without the approval of the Town Engineer or Supervising Building Inspector. Any excavated area must have an approved ground cover for protection from erosion. No excavation may affect town drainage facilities, water mains, sewer lines or streets without approval of the Town Engineer or Supervising Building Inspector, and no surface water or stormwater shall be discharged directly into municipal facilities or drainage systems without approval. This law implements flooding and erosion policies, water quality policies and protection of ecological resources.

**9. Solid Waste Management (Chapter 181)**

This law establishes requirements for solid waste management, including regulation of types of wastes to be collected and the establishment of a curbside recycling program. It defines what materials are to be recycled, and specifies the proper preparation and disposal methods to be utilized. It prohibits the collection of hazardous wastes. This law implements policies that pertain to environmental quality.

## **10. Trees and Shrubs (Chapter 197)**

This law requires that maintenance, planting, care, removal and other activities related to trees or shrubs located within the Town's rights-of-way on any public street outside the limits of the Village of Kenmore are the responsibility of the Superintendent of Highways of the Town of Tonawanda. Replacement trees shall be planted whenever a tree has been removed or destroyed. Intentional damage to public trees is prohibited, and the statute requires adequate protective barriers around public trees that are in danger of injury due to construction. This law protects natural resources within the LWRA and the Town.

## **B. PROPOSED LOCAL LAWS NECESSARY TO IMPLEMENT THE LWRP**

To implement the policies and provisions of the Town of Tonawanda Local Waterfront Revitalization Program, the following amendments shall be made to the Town Code. In particular, the Town Zoning Ordinance and Zoning Map shall be revised.

### **1. Zoning Law (Chapter 215)**

Existing zoning in the waterfront region does not effectively direct development in the waterfront region of the Town. Changing circumstances dictate that the vision upon which the zoning districts are premised is no longer viable. For example, the Waterfront Residential district is viable only if River Road was relocated, which is no longer being considered. Provisions intended to strictly control development are seen as too restrictive. The types of uses that are allowed are limited, and virtually all development requires a special use permit. Particularly in the southern district, zoning boundaries split large parcels, complicating development plans. All these factors contributed to stagnation, inhibiting development, particularly in areas where redevelopment is already a challenge. Other areas of the Town are experiencing redevelopment, while essentially no new private development is occurring along the waterfront.

The zoning districts for the waterfront region in the Town of Tonawanda have been rewritten to implement the provisions of this proposed amendment to the Town's LWRP. In essence, the new zoning ordinance repeals the former waterfront zoning districts (W-1, W-2, W-R and W-ID), and creates new waterfront districts consisting of the Waterfront Mixed Use (WMU), Office/Research and Development Use District (O-RD), Retail-Highway Commercial Use District (RHC) and a new Waterfront Industrial District (WID). Boundaries of the new districts were based on a new land use plan prepared for the waterfront district, and do not correspond to the boundaries of the previous districts. In addition, a River Road Overlay district is proposed to manage growth and provide additional standards for development for properties fronting on River Road. These zoning districts apply to the northern and central sectors of the waterfront revitalization area. Zoning remains unchanged in the southern sector, which is essentially fully developed.

The Waterfront Mixed Use District (W-MU) is proposed on the shore of the Niagara River, extending from the northern border of the Town of Tonawanda with the City of Tonawanda, southward to the northern boundary of the parcel currently occupied by Niagara River World. It incorporates lands between the Niagara River and River Road. District regulations permit a variety of public and private water-related park uses, marinas, boatyards, hotels, retail stores and restaurants and other water-related commercial activities. Water-dependent facilities, such as docks or pipelines, are allowed as a specially permitted use, if they are accessory to an industrial development in the adjacent WID or G-I districts. Provisions within the district ensure that views are protected and that pedestrian access is encouraged.

The Office/Research and Development Use District (O-RD) is proposed on the land side of River Road at the northern end of the waterfront district. This district allows a variety of commercial uses, such as offices, laboratories, or research and development facilities. Additional uses, such as restaurants, retail, lodging, schools and a limited amount of

warehousing are allowed with a special use permit. Development must be set back a minimum of 50 feet from Rattlesnake Creek and its tributaries. The provision of pedestrian access is encouraged in the required open space.

The Retail-Highway Commercial Use District (RHC) is proposed on the land side of River Road between the O-RD district and the Grand Island Bridges. Allowed uses include restaurants, retail stores, motels and other commercial uses. It is designed primarily to provide for highway-related uses while protecting pedestrian access and promoting higher design standards.

The Waterfront Industrial District (WID) is proposed to allow controlled industrial development at appropriate locations in the waterfront area. Permitted uses include public and private parkland, light industry, wholesale businesses, warehousing, research facilities, offices and other business and professional uses. Development must be set back a minimum of 50 feet from Two-Mile Creek, Rattlesnake Creek and their tributaries, with public access encouraged in the buffer area.

In addition, a River Road Zoning Overlay is proposed for properties that front on River Road within the waterfront revitalization area. The intent of the Overlay is to better manage and accommodate business growth along the River Road corridor in a manner that improves visual character, protects adjoining environmental resources and enhances the character of the area as an important gateway to the Town of Tonawanda and its waterfront. The Overlay, which is divided into three subareas to reflect varying character along the corridor, supplements the underlying zoning districts by requiring additional design and landscaping standards for development within the Overlay area.

Under the proposed zoning, only uses which are preferred are allowed by-right. Uses which are acceptable, but require greater controls must receive special use permits. To promote future flexibility, other uses not specifically listed may be allowed with a special use permit, if the Town Board, in consultation with the Planning Board, deems them consistent with the purpose and intent of the district, and compatible with other permitted uses. Under existing zoning districts, virtually all non-park uses require special use permits, which tends to inhibit private sector investment in the waterfront region.

The proposed regulations provide standards for landscaping, fencing, parking, storage and other design issues. For properties in the WMU district, which encompasses the waterfront side of River Road for all of the northern and most of the central sectors of the waterfront revitalization area, setbacks from the Niagara River (50 feet) and viewshed protections are incorporated. Height, front setbacks and lot coverage requirements are set for all waterfront districts.

In addition to the requirements contained in the district regulations, all development within 500 feet of the right-of-way of River Road must conform to additional design and aesthetic regulations contained in the River Road Overlay district. This district is intended to better manage and accommodate growth along River Road, improve the visual character of the waterfront area along its main access road, and provide additional protection to environmental resources. Recognizing that the character of the River Road corridor varies along its length, the Overlay establishes three separate subareas, and design regulations are tailored to each subarea.

By allowing preferred uses by right, the proposed districts encourage appropriate development along the waterfront. The regulations provide sufficient flexibility to promote new investment in the waterfront area in Tonawanda. The types of allowed uses were based on goals for the waterfront and policies of the LWRP, balanced with a realistic understanding of local and regional development trends as voiced by local economic development specialists and real estate professionals. They are, therefore, supportive of realistic,

achievable redevelopment. At the same time, the regulations contain enough standards and guidelines to provide for attractive, high quality development. Structures must be scaled to be appropriate to the capacity of the site.

The proposed zoning regulations give precedence to water-dependent or water-enhanced uses on properties located along the river. Permitted uses in the Waterfront Mixed Use district that encompasses all of the riverfront from Niagara River World north include water-dependent uses such as parklands, docks, fishing facilities, marina, boatyards and boat storage facilities, commercial excursion and charter fishing boat facilities. Water-enhanced uses that are allowed include visitor centers, lodging and small-scale retail stores and restaurants, with the intent that these commercial uses act as support services for visitors to the recreational assets in the area. The Waterfront Industrial District encourages water-dependent or water-enhance industrial or commercial uses on lands located along the Niagara River. Other waterfront zoning districts that allow a greater variety of uses are located on the inland side of River Road and not adjacent to coastal waters. By allowing preferred uses by right, the proposed zoning regulations simplify permitting procedures required for approval of development proposals in the waterfront area while still providing adequate protections.

## **2. Zoning Map Revisions**

As discussed above, there are significant changes proposed to the districts and their boundaries. Map 7 depicts proposed new zoning districts, and the boundaries of the River Road Overlay district. Zoning district boundaries were determined through the process of developing a land use plan for the northern waterfront region.

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

### **1. Official Overall LWRP Coordination:**

The Town Board is the Lead Agency for all LWRP activities, and the Town Supervisor is designated as the local official responsible for overall management and coordination of the LWRP. Successful implementation of the Local Waterfront Revitalization Program will require the participation of the Town Board, the Planning Board, the Environmental Review Committee, the Engineering Department and the Building Department.

### **2. LWRP Management Process**

The Local Consistency Law dictates that any action which is a Type I or Unlisted action within the coastal area must have a Waterfront Assessment Form (WAF) prepared.

When an application for approval or funding comes before any agency, department, office of other body of the Town of Tonawanda, the applicant shall fill out a WAF. The agency receiving the WAF shall provide it, with all relevant supporting documentation (maps, EAFs, plans, etc.), to the Town Board within ten days of its submission. The Town Board has thirty days to make a determination of consistency, unless an EIS is being prepared, in which case the SEQRA requirements supercede this timeline. The Town Board has the authority, in issuing a ruling on consistency, to impose practicable and reasonable conditions on any action to ensure its consistency.

### **3. LWRP Management Responsibilities**

A number of agencies and departments are directly involved in ensuring that consistency reviews are completed for projects within the Local Waterfront Revitalization Area (LWRA). These agencies, with their responsibilities are:

- a. Town Planning Board is authorized to review and submit comments on applications for site plan review in the LWRA.
- b. Town Building Department, which reviews all applications for site plan review, shall be responsible for providing WAFs to individuals desiring to undertake certain work within the district pursuant to the Town Zoning Ordinance requirements. The Building Department shall require applicants to provide a completed WAF for consistency with the LWRP.
- c. Environmental Review Committee, reviews all Type I and unlisted actions as defined by SEQRA regulations, and shall evaluate consistency with the LWRP.
- d. Town Engineering Department shall provide waterfront assessment forms to applicants proposing activities within the coastal zone pursuant to SEQRA requirements.
- e. Town Board has the authority to certify all actions subject to SEQRA requirements within the coast zone as to their consistency with the LWRP.

#### **4. Consistency Provision for Local Actions**

All proposed Type I and Unlisted actions as defined by the State Environmental Quality Review Act within the Waterfront Revitalization Area will be subject to scrutiny by the Town Board for consistency with adopted waterfront policies.

#### **5. Local Review of Proposed State and Federal Actions**

Any proposed State and federal actions within the Town of Tonawanda's waterfront revitalization area are subject to review in accordance with the guidelines established by the New York State Department of State, as set forth in Appendix C.

#### **6. Project Implementation**

The Town of Tonawanda will work with the Town of Tonawanda Development Corporation (TTDC) to coordinate implementation of key projects for the waterfront area. As the local governmental entity, the Town Board and its several departments will be responsible for the exercise of powers and contribution of resources (i.e. staff and funding) in their respective jurisdictions (e.g. community development, engineering, parks and recreation, building). The TTDC, as the Town's primary economic development agency, will function as the main catalyst for business and industrial development, including the possible extension of economic development zone benefits, as appropriate, to new development within the waterfront area.

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

The implementation of the proposed projects identified under Section IV will take a mix of funding from private and public sectors. The Town has successfully accomplished many valuable projects in its waterfront area, and will continue to pursue outside funding sources and creative financing mechanisms to assist in its efforts to revitalize the Town of Tonawanda waterfront. Potential funding sources include economic development funds, parks development funds, and transportation funding for enhancements and trails.

The Town is committed to directly funding portions of the proposed projects, including the extension of water lines to interior lands to facilitate commercial and light industrial development in the lands identified for this use. The Town will also seek additional grant funding, particularly for important public access projects, such as Cherry Farm Park.

## **VI STATE ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION**

State actions will affect and be affected by implementation of the LWRP. Under State Law certain State 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 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 that 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 Act (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 LWRP's. Similarly, Federal agency actions and program 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 list 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 agency actions that are necessary for 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 discusses State and Federal assistance needed to implement the LWRP.

### **A. STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE LWRP**

#### **1. Department of State**

Funding approval for LWRP implementation of various planning, design and construction projects, through the Environmental Protection Fund.

#### **2. Office of General Services**

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

#### **3. New York State Department of Transportation**

Development of additional transportation enhancement and trails in the waterfront region and development of the Strawberry Island artificial reef.

#### **4. New York State Department of Environmental Conservation**

Development of Strawberry Island artificial reef, and funding approval for grants available through the Environmental Protection Fund and Clean Water/ Clean Air Bond Act for water quality priorities.

**5. Empire State Development /Empire State Development Corporation**

Assistance with economic development efforts, including the possible revision of Empire Zone boundaries.

**6. Office of Parks, Recreation, and Historic Preservation**

Funding approval under programs such as the Land and Water Conservation Fund and the Clean Water/Clean Air Bond Act for development of waterfront parkland.