



## **Town of Hamburg Local Waterfront Revitalization Program**

### **LWRP**

Adopted:

Town of Hamburg Town Board, March 23, 1987

Approved:

NYS Secretary of State, Gail S. Shaffer, June 3, 1989

Concurred:

U.S. Office of Ocean and Coastal Resource Management, February 13, 1990

### **LWRP Amendment#1**

Adopted:

Town of Hamburg Town Board, May 23, 2011

Approved:

NYS Secretary of State, Cesar A. Perales, March 9, 2012

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### **LWRP Amendment#2**

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Town of Hamburg Town Board, ..... , 2026

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U.S. Office for Coastal Management, .....

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DRAFT

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**GLOSSARY**

<b>AOC</b> – Area of Concern
<b>AQI</b> – Air Quality Index
<b>CDBG</b> – Community Development Block Grants
<b>DASNY</b> – Dormitory Authority of the State of New York
<b>DPW</b> – Department of Public Works
<b>EAF</b> – Environmental Assessment Form
<b>ECL</b> – NYS Environmental Conservation Law
<b>ECSWCD</b> – Erie County Soil & Water Conservation District
<b>EIS</b> – Environmental Impact Statement
<b>EPA</b> – US Environmental Protection Agency
<b>EPF</b> – NYS Environmental Protection Fund
<b>ESD</b> – NYS Empire State Development
<b>EV</b> – Electric Vehicle
<b>FEMA</b> – US Federal Emergency Management Agency
<b>FIRM</b> – Flood Insurance Rate Map
<b>FWA</b> – NYS Freshwater Wetlands Act
<b>GBNRTC</b> – Greater Buffalo Niagara Regional Transportation Council
<b>HMA</b> – Harbor Management Area
<b>I&amp;I</b> – Inflow and infiltration
<b>LWCF</b> – Land and Water Conservation Fund
<b>LWRP</b> – Local Waterfront Revitalization Program
<b>NDZ</b> – No Discharge Zone
<b>NEPA</b> – National Environmental Policy Act
<b>NFIP</b> – National Flood Insurance Program
<b>NPS</b> – National Park Service

**NWI – National Wetland Inventory**

**NYCRR – New York Code of Rules and Regulations**

**NYS – New York State**

**NYS DEC – New York State Department of Environmental Conservation**

**NYS DOS – New York State Department of State**

**NYS DOT – New York State Department of Transportation**

**NYS OGS – New York State Office of General Services**

**NYS OPRHP – New York State Office of Parks, Recreation and Historic Preservation**

**NYSEG – New York State Electric and Gas Corporation**

**NYSERDA – New York State Energy Research and Development Authority**

**REDC – Regional Economic Development Council**

**SEQR – State Environmental Quality Review**

**SFHA – Special Flood Hazard Area**

**TMDL – Total Maximum Daily Load**

**USACE – United States Army Corps of Engineers**

**USFWS – United States Fish and Wildlife Service**

**WAC – Waterfront Advisory Committee**

**WNY – Western New York**

**WNYLC – Western New York Land Conservancy**

**WRA – Waterfront Revitalization Area**

## INTRODUCTION



A Local Waterfront Revitalization Program (LWRP) is a local plan that sets the vision and policies for waterfront revitalization and natural resource preservation within a municipality's Waterfront Revitalization Area (WRA), which includes a set of municipal land use controls and a municipal management structure for overseeing implementation of the LWRP. An LWRP is prepared and implemented with guidance from the New York State Department of State (NYSDOS) and potential financial assistance in the form of grants from the New York State Environmental Protection Fund and other State or federal funding sources. An LWRP articulates actions and policies for waterfront revitalization and natural resource preservation supported by municipal and State legislation for the unique features and conditions of the municipal WRA. An LWRP typically proposes projects that boost environmental protection and economic development, protect valuable water resources, and improve public waterfront accessibility.

This LWRP establishes a process to ensure that all actions proposed within the Town of Hamburg WRA occur consistent with the LWRP policies. It provides communities an opportunity to secure State funds and technical assistance to develop a unique framework to revitalize the waterfront area. The LWRP contains seven sections detailing different aspects of the Hamburg WRA, and appendices that include local laws supporting the implementation of the LWRP policies, as well as excerpts from other plans that support the implementation of LWRP policies and projects. Section I - Waterfront Revitalization Area Boundary provides a detailed narrative

and graphic description of the Hamburg Waterfront Revitalization Area (WRA) boundary. Section II - Inventory and Analysis of existing local conditions describes the existing resources and conditions within the Hamburg WRA, as well as an analysis of the opportunities and constraints facing the Hamburg WRA. Section III - LWRP Policies presents the LWRP Policies along with policy explanations offering details regarding the implementation of each policy within the Hamburg WRA. These policies are based on the economic, environmental, and cultural characteristics of the Town, and aim to establish a balance between economic development and preservation of the existing natural and cultural resources and prevent adverse effects on the waterfront resources. The policies serve as the basis for local and State consistency determinations for actions proposed within the Hamburg WRA. No policy is more significant than another. These policies are implemented by State regulations and programs, as well as, relevant Town of Hamburg laws. Section IV - Proposed Land and Water Uses and Proposed Projects describes proposed long-term land and water uses within the WRA. This section also includes proposed short and long-term projects the Town would like to pursue to revitalize lands and protect natural resources in the WRA. The proposed uses and initiatives outlined in this section have the potential to enrich the Hamburg WRA by building on the unique character of the community. Section V - Techniques for Implementation of the Local Program describes the local laws, management structure, and financial resources necessary to implement the LWRP policies and vision. Section VI - State and Federal Actions and Programs Likely to Affect Implementation consists of a list of State actions and programs that must be undertaken in a manner consistent with the Town of Hamburg's LWRP, as well as a description of specific State actions necessary to further implementation of the LWRP. Section VII - Local Commitment and Consultation summarizes the actions taken by the Town to obtain local input and support for the development of this LWRP, and the efforts made by the Town to involve and/or inform other agencies regarding the development and content of its LWRP.

The Town of Hamburg LWRP will affect and be affected by the actions of adjacent municipalities, and State and county agencies. Appendix A - LWRP Consistency Review Law includes the local law that provides the local legal framework for the implementation of LWRP policies and the municipal management structure for the implementation of the LWRP and related Waterfront Assessment Form (WAF).

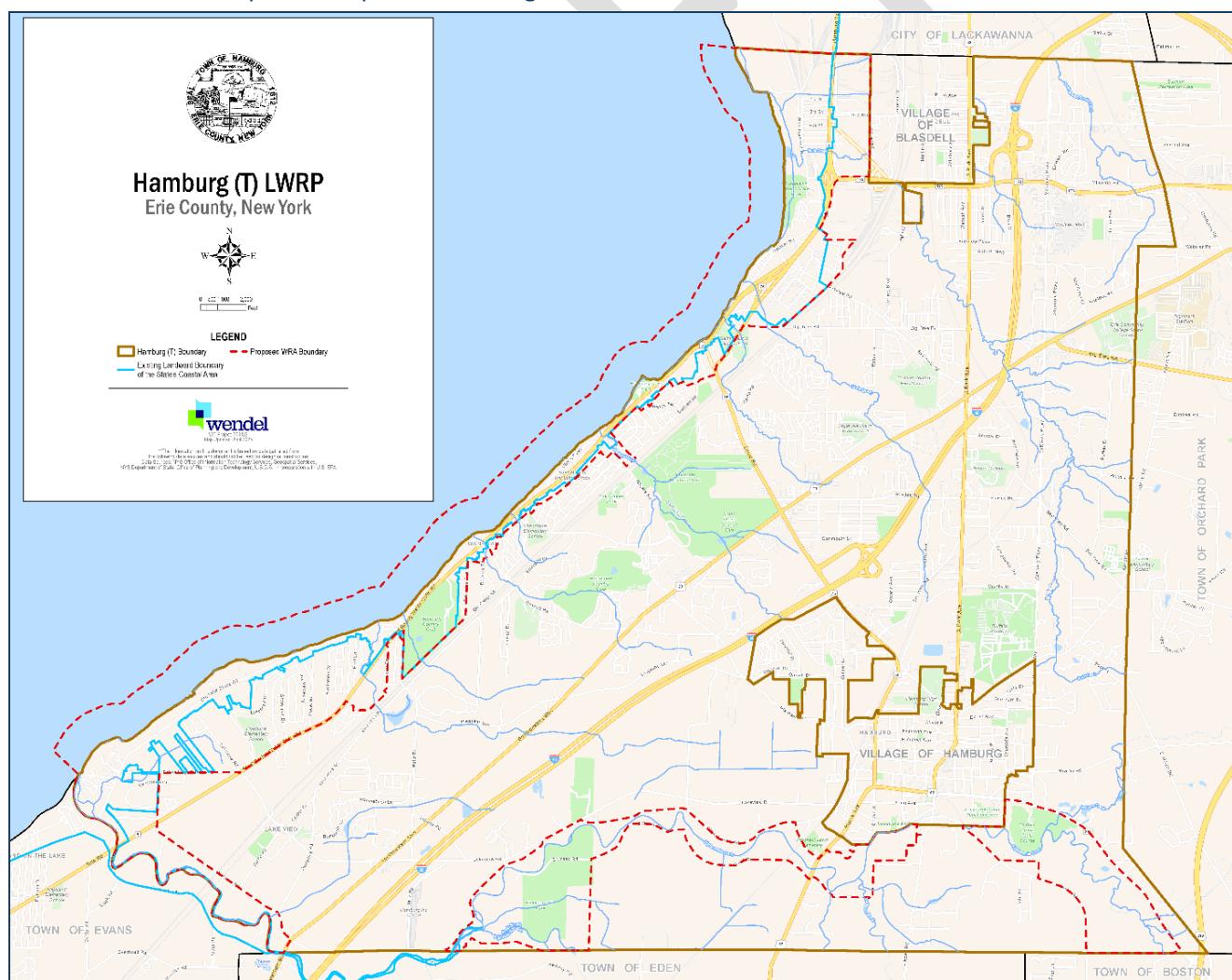
## SECTION 1 – TOWN OF HAMBURG WATERFRONT REVITALIZATION AREA BOUNDARY

### 1.1 Waterfront Revitalization Area Boundary

The proposed Town of Hamburg Waterfront Revitalization Area (WRA) expands the Hamburg WRA approved in 2012 to encompass the entire existing coastal area within the town, including the Eighteen Mile Creek Significant Coastal Fish and Wildlife Habitat, the brownfield area on the northwestern side of the town, the portion of the Eighteen Mile Creek that is a designated inland waterway, and additional land and water uses that impact the water quality of Lake Erie and other waterfront resources.

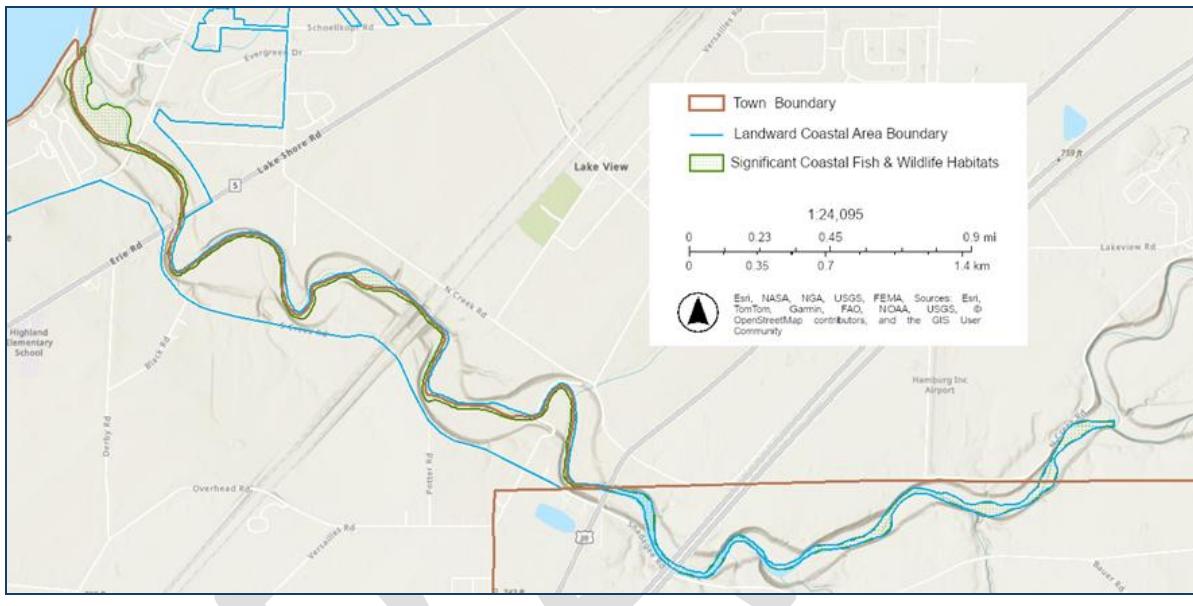
The red dashed line on Map 1.1 – Proposed Hamburg Waterfront Revitalization Area represents the boundary of the proposed WRA, the light blue continuous line shows the existing landward boundary of the current coastal area within the municipal boundaries of the Town of Hamburg, while the brown continuous line shows the town's municipal boundary with neighboring towns and the Village of Hamburg.

**Map 1.1 –Proposed Hamburg Waterfront Revitalization Area**



The western portion of the Eighteen Mile Creek, starting at the confluence of the southern and northern branches of the creek and ending where the creek waters discharge in Lake Erie, is the designated Eighteen Mile Creek Significant Coastal Fish and Wildlife Habitat (SCFWH) and part of the New York State's coastal area. The continuous light blue line in Figure 1.1 – Coastal Segments of the Eighteen Mile Creek shows the currently approved landward boundary of the coastal area along the creek and justifies the proposed boundary of the Coastal Hamburg WRA that will be introduced and described later in this section.

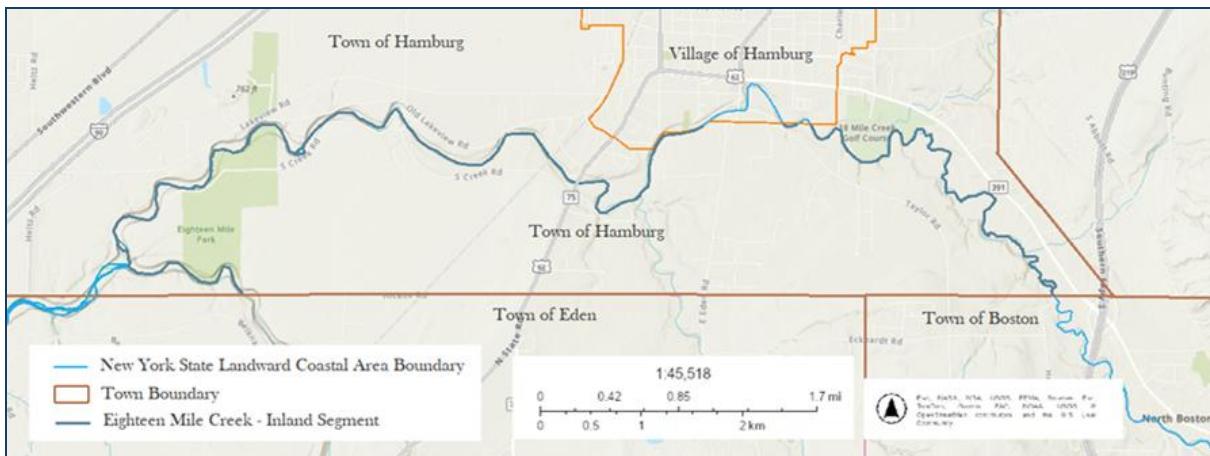
**Figure 1.1 – Coastal Segments of the Eighteen Mile Creek**



The eastern portion of the Eighteen Mile Creek designated as an inland waterway starts at the confluence of the southern and northern branches of the creek and ends where the creek intersects the municipal boundary with the Town of Boston. This portion of the Eighteen Mile Creek designated as an inland waterway is listed in Section §911 of Article 42 of the Executive Law. The continuous gray line in Figure 1.2 – Inland Segments of the Eighteen Mile Creek shows the segments of the Eighteen Mile Creek within the Town of Hamburg municipal boundary that help define and justify the extent of the boundary of the Inland Hamburg WRA that will be introduced and described later in this section.

Town of Hamburg Local Waterfront Revitalization Program

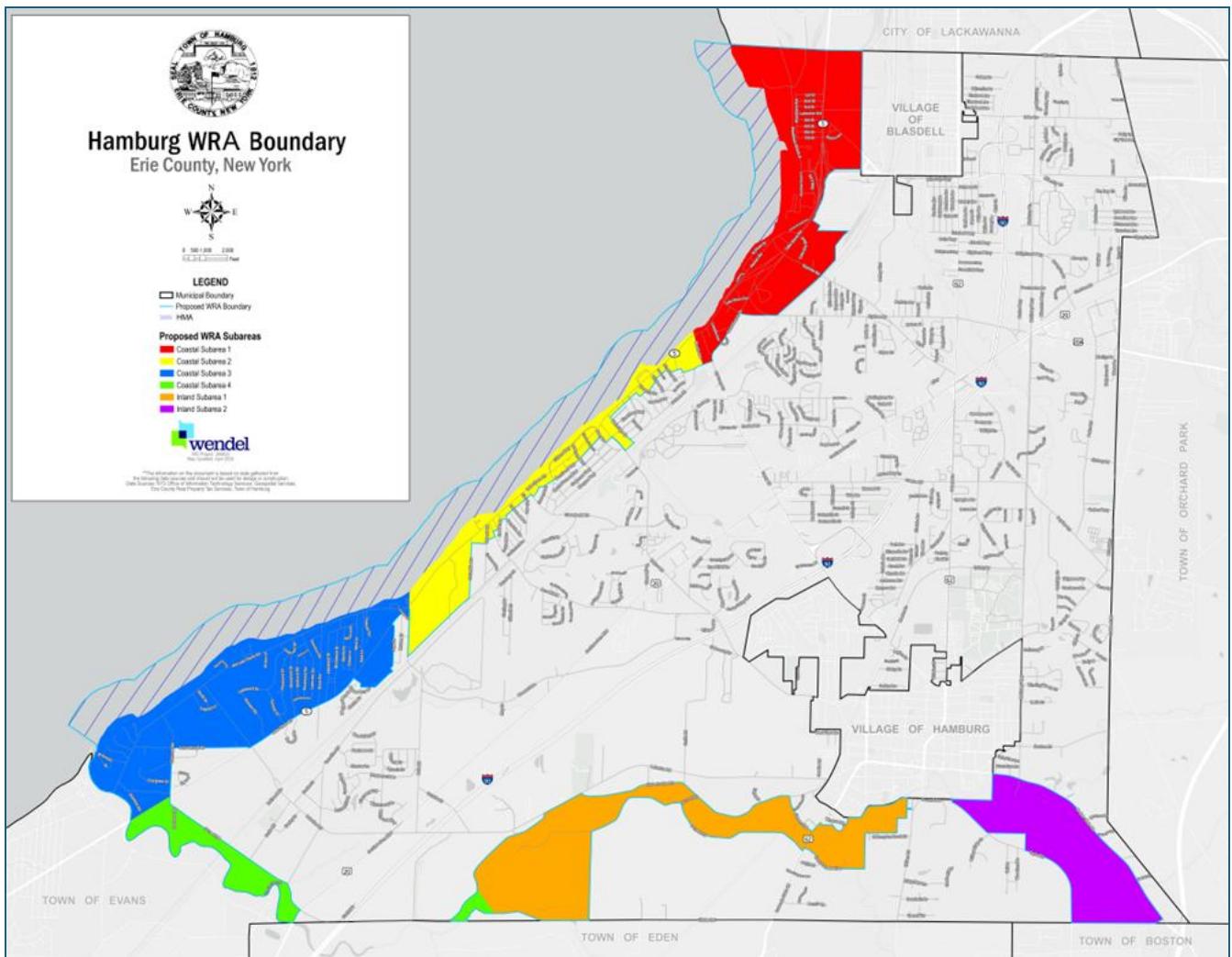
Figure 1.2 – Inland Segments of Eighteen Mile Creek



The designations of different segments of Eighteen Mile Creek within the Town of Hamburg municipal boundary determined the division of the proposed town of Hamburg WRA into the Coastal Hamburg WRA and Inland Hamburg WRA. The Coastal Hamburg WRA includes the designated SFCWH illustrated on Figure 1.1. The Coastal Hamburg WRA is the portion of the State's coastal area within the Town of Hamburg. The Inland Hamburg WRA includes the portion of the creek designated as an inland waterway and illustrated on Figure 1.2. The Inland Hamburg WRA is not part of the State's coastal area within the Town of Hamburg.

Accordingly, the proposed Town of Hamburg WRA is divided into a coastal portion or the Coastal Hamburg WRA, which is further subdivided into four upland subareas and the harbor management area, and an inland portion or the Inland Hamburg WRA, which is further subdivided into two subareas, as illustrated on Map 1.1 – Subareas of the Proposed Town of Hamburg WRA.

**Map 1.2 – Subareas of the Proposed Town of Hamburg WRA**



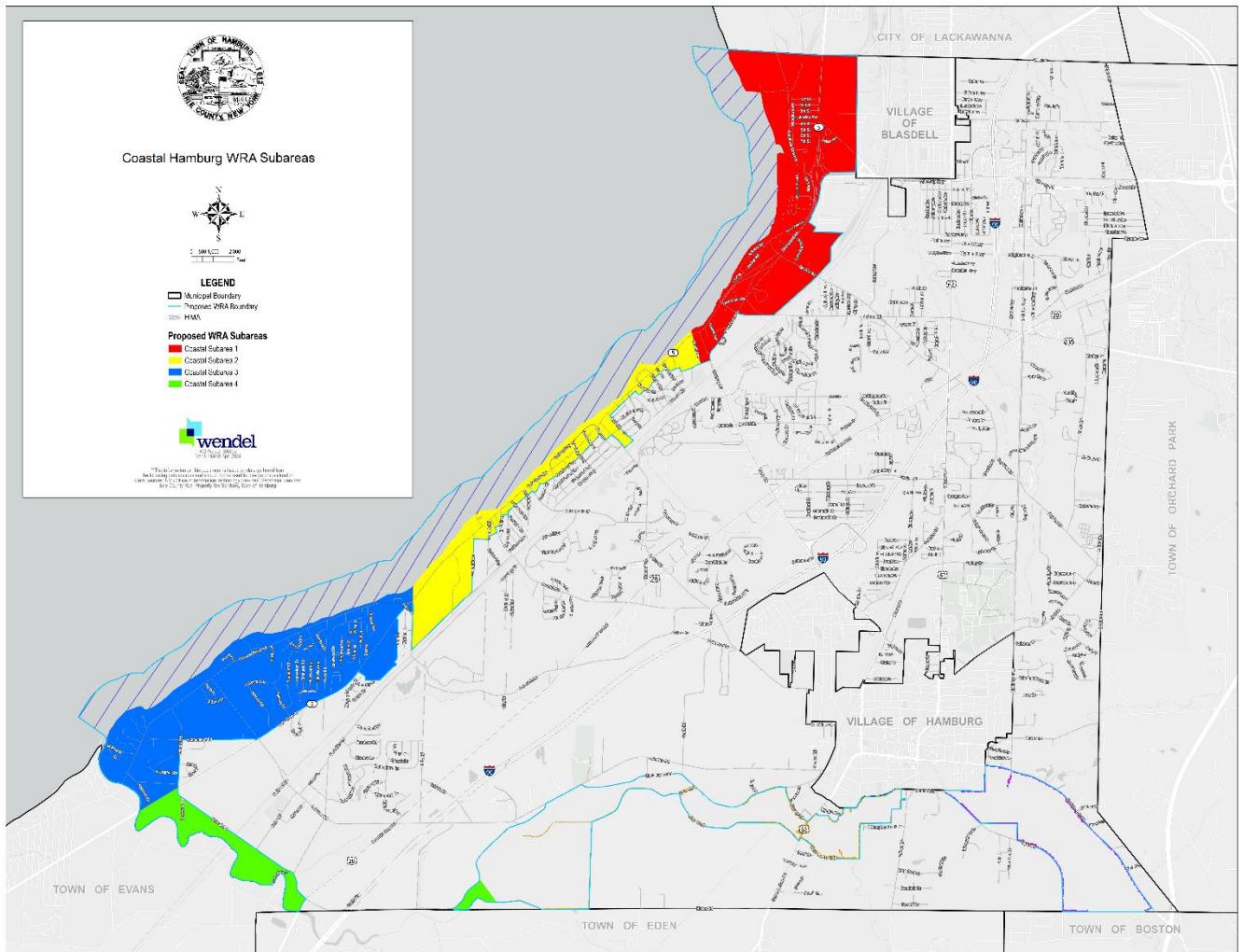
The proposed Town of Hamburg WRA encompasses local and State parks, a series of land and water uses that impact the town's waterfront and its character, freshwater wetlands, segments of Lake Erie tributaries, floodplains, the Erie County wastewater facility, the designated Eighteen Mile Creek Significant Coastal Fish and Wildlife Habitat, and a 1,500-feet wide strip of Lake Erie along the shoreline. Details regarding the natural and cultural resources located within the proposed Hamburg WRA are presented and examined in Section 2 - Inventory and Analysis of Existing Conditions within the Hamburg WRA.

The waterside boundary of the New York State Coastal Management Area (NYS coastal area) is not modified by the proposed Town of Hamburg WRA.

#### **Boundary of the Coastal Hamburg WRA**

The coastal portion of the proposed Town of Hamburg Waterfront Revitalization Area will be called Coastal Hamburg WRA. As illustrated on Map 1.2 and Map 1.3, the Coastal Hamburg WRA is subdivided into 4 subareas and the Harbor Management Area.

**Map 1.3 – Coastal Hamburg WRA Subareas**



The Coastal Hamburg WRA expands landward the portion of the New York State Coastal Management Area (NYS coastal area) within the Town of Hamburg, to encompass future land uses proposed for a brownfield area in the northern side of the town, the entire Eighteen Mile Creek Significant Coastal Fish and Wildlife Habitat (SCFWH) and resources adjacent to the creek that are impacted by flood and uses that could impact the water quality of the creek. The waterside boundary of the New York State Coastal Management Area (NYS coastal area) is not modified by the boundary of the Coastal Hamburg WRA covered by this LWRP.

The Harbor Management Area (HMA) within the Hamburg WRA is located within the Coastal Hamburg WRA and encompasses a 1,500 feet wide strip of Lake Erie along the shore, as illustrated on Map 1.2 – Subareas of the Proposed Town of Hamburg WRA. Section 2 of this LWRP describes, maps, and examines existing conditions within the HMA.

## Coastal Hamburg WRA Subarea 1

*Map 1.1A- Coastal Hamburg WRA Sub-Area 1 Boundary*



- I. The boundary of the Coastal Hamburg WRA of the proposed Hamburg WRA begins at the point of intersection of the mean high waterline of Lake Erie and the Town of Hamburg boundary with the City of Lackawanna, as shown below in Map 1.1A.
- II. Then, the boundary of the Coastal Hamburg WRA proceeding in an easterly direction along the said municipal boundary to the point of intersection with the western boundary of the Village of Blasdell.
- III. At this point, the boundary of the Coastal Hamburg WRA Subarea 1 proceeds south, along the boundary with the Village of Blasdell, to a point of intersection with southern right-of-way of Mile Strip Road Expressway (NYS Route 179), where it turns west.
- IV. From here, the boundary continues along the northern right-of-way of Mile Strip Road Expressway (NYS Route 179) to the intersection with the eastern right-of-way boundary of Lake Shore Road (NYS Route 5).

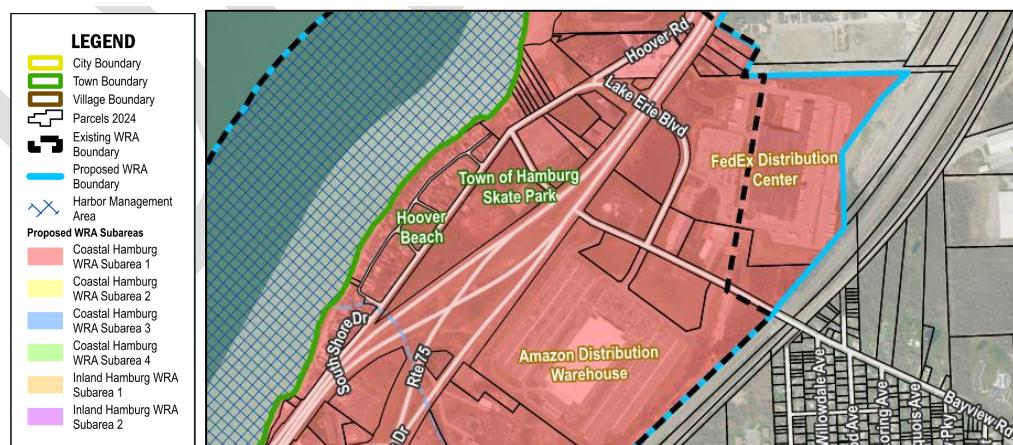
V. At the intersection with Lake Shore Road (NYS Route 5), the boundary proceeds in a southwesterly direction, following the eastern right-of-way of Lake Shore Road (NYS Route 5) to the intersection with the northeastern property line of tax parcel 159.00-2-5, approximately 920 feet before Lake Erie Boulevard intersects Lake Shore Road (NYS Route 5), as illustrated in Figure 1.3.

*Figure 1.3- Coastal Hamburg WRA Boundary along tax parcels 159.00-2-5 and 159.00-2-6*



VI. Then, the boundary continuing to the southeast for approximately 450 feet along the northern property line of tax parcel 159.00-2-5, before turning southwest and continuing for another 290 feet along the rear property line of tax parcels 159.00-2-5, 159.00-2-6 and 159.00-2-7, to a point of intersection with the property line of tax parcel 159.00-1-32.11 (the FedEx Distribution Center).

*Figure 1.4- Coastal Hamburg WRA Boundary along tax parcels 159.00-1.32.11 and 159.00-1-33.21.*



VII. Then following the boundary of tax parcel 159.00-1.32.11 to the east, then southwest, then southeast, and then southwest to the point of intersection with the eastern property line for tax parcel 159.00-1-33.21.

- VIII. Then continuing in a southwesterly direction along this property line for approximately 585 feet, to the intersection with Bayview Road, approximately 60 feet west of the Penn Central Railroad tracks.
- IX. At this point, the boundary continues along the eastern property boundary for tax parcel 159.00-1-36, and follows this property boundary in a southwesterly direction for approximately 1,930 feet to the intersection with the property line for tax parcel 159.00-1-1.111.

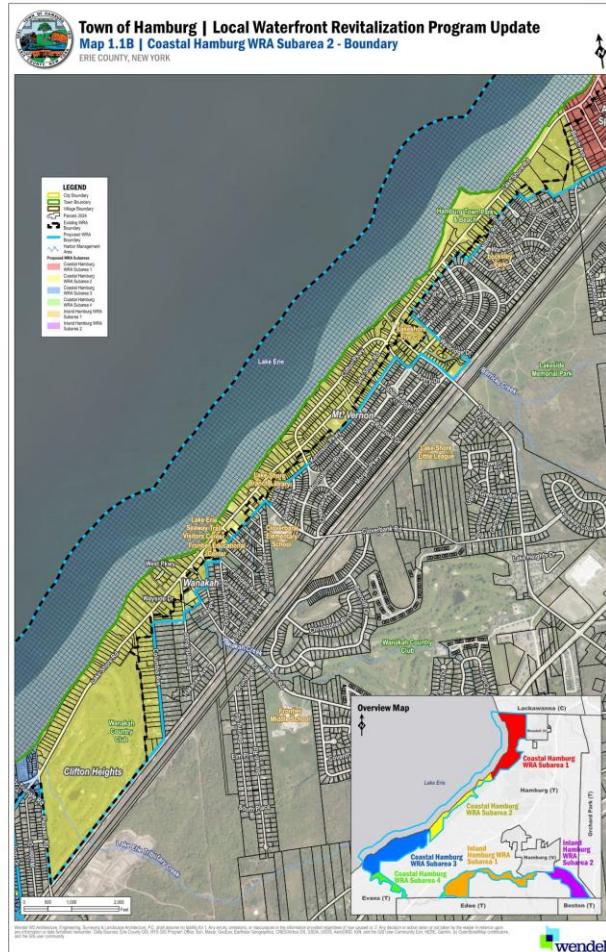
*Figure 1.5- Coastal Hamburg WRA Boundary along tax parcels 159.00-1-36 and 159.00-1-1.111*



- X. The boundary then continues for approximately 815 feet to the southwest along the property line of tax parcel 159.00-1-1.111 to the intersection with the furthest extent of the right of way of Big Tree Road; then proceeding to the west for approximately 1,565 feet to the intersection with the right of way of State Route 75 (Saint Francis Drive).
- XI. The boundary then proceeds to the southwest, following the eastern right of way of State Route 75 (St. Francis Drive) for approximately 2,250 feet, where it then becomes Camp Road.
- XII. The boundary then heads in a southeasterly direction along the right of way of Camp Road for approximately 310 feet to the intersection with Durham Road, where it continues for approximately 495 feet to the southwest along the right-of-way of Durham to the intersection with the right-of-way of Beach Ave.

Coastal Hamburg WRA Subarea 2

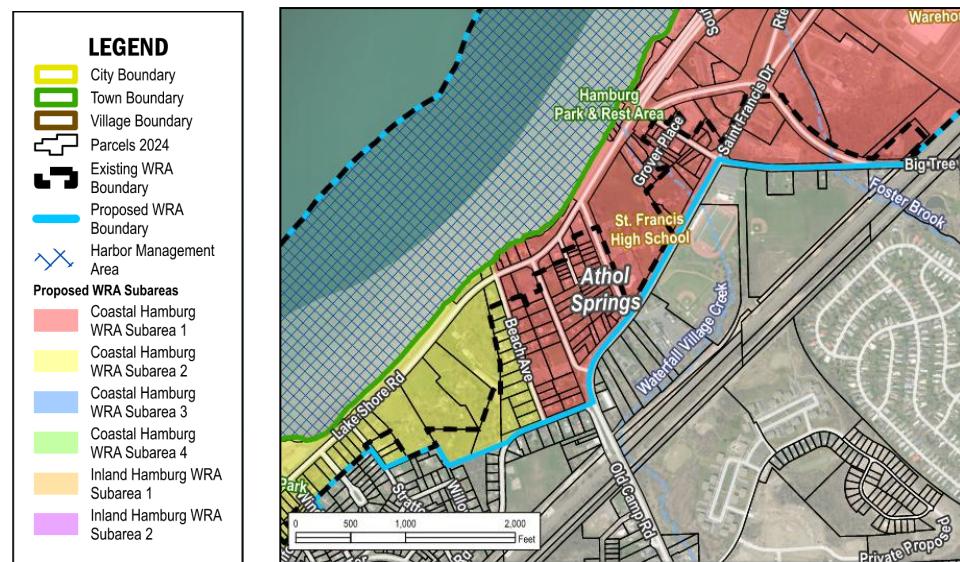
Map 1.1B- Coastal Hamburg WRA Sub-Area 1 Boundary



- I. Here, the boundary of Coastal Hamburg WRA Subarea 2 follows the right-of-way of Durham Road past Beach Ave, to the intersection with the property line of tax parcel 159.17-1-16.1 as shown in Figure 1.6 below.

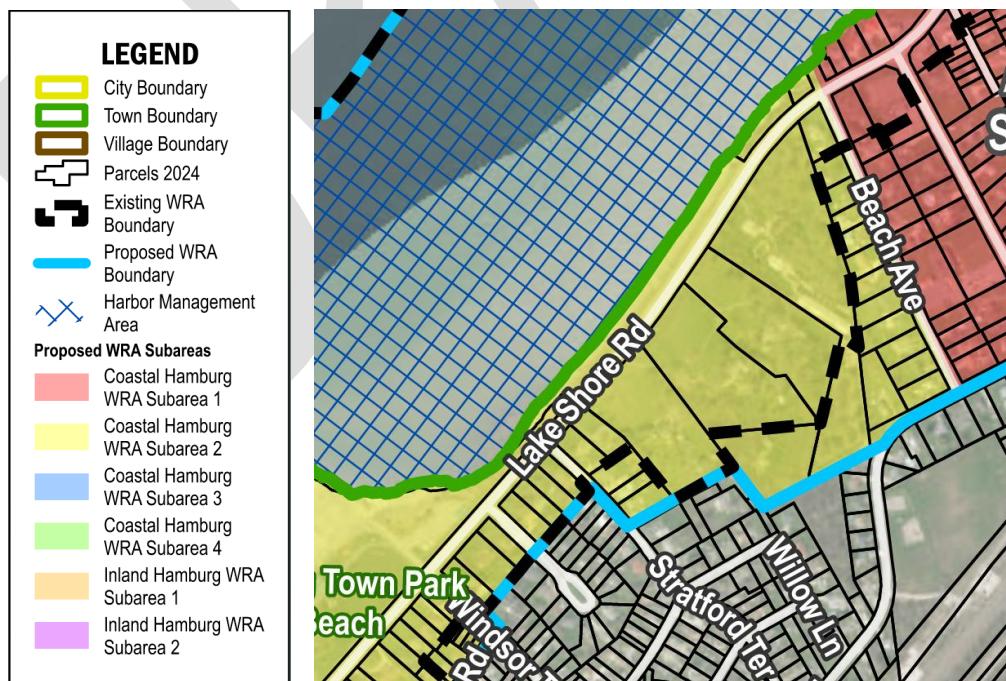
## Town of Hamburg Local Waterfront Revitalization Program

Figure 1.6 – Coastal Hamburg WRA Boundary along St. Francis Drive and tax parcel 159.17-1-16.1, Willow Lane, and tax parcel 159.17-1-17



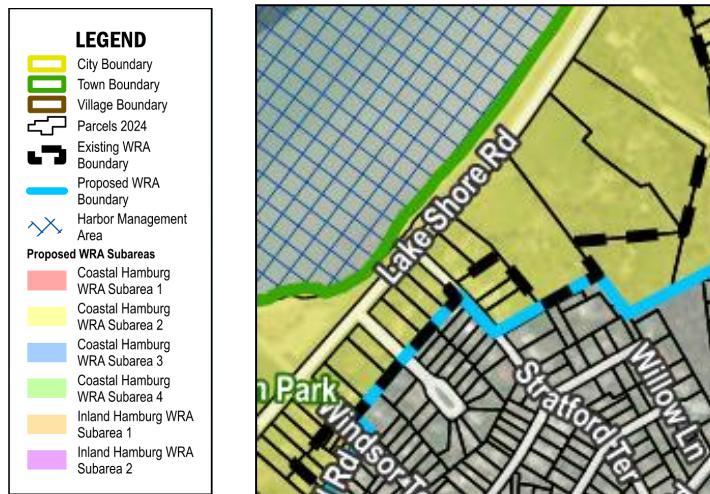
- II. The boundary then follows the southerly property line of tax parcel 159.17-1-16.1 and the adjoining property line of tax parcel 159.17-1-17 for an approximate distance of 520 feet, where it then continues in a northwesterly direction to the northern property line of tax parcel 170.05-2-4.1, as shown in Figure 1.6 above.
- III. The boundary then continues northwest where it connects with and continues along the northwestern property line of tax parcel 170.05-2-14, following this property line to the point where it turns to the southwest, as shown in Figure 1.7 below.

Figure 1.7 – Coastal Hamburg WRA Boundary along tax parcel 170.05-2-4.1 and 170.05-2-14



IV. Here the boundary heads northwest where it connects with and follows the property line for tax parcel 170.05-2-18, for a combined distance of approximately 540 feet, to the southwestern right-of-way of Stratford Terrace.

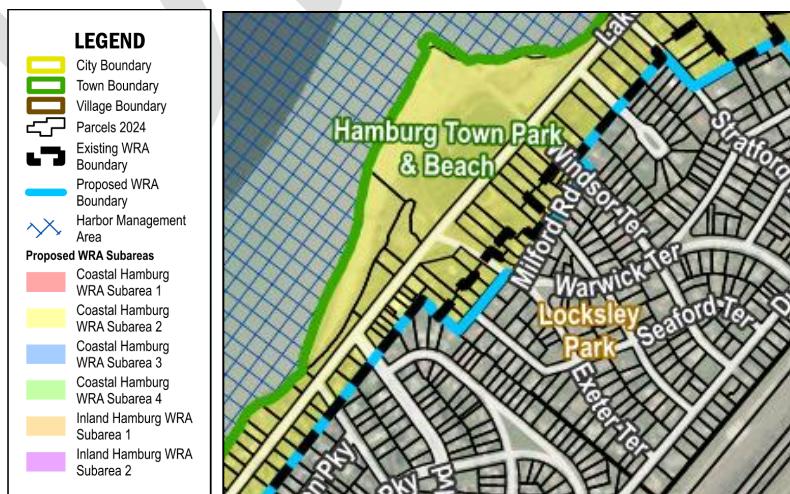
Figure 1.8 – Coastal Hamburg WRA Boundary along tax parcel 170.05-2-18 and Stratford Terrace



V. Then following the southwestern right-of-way of Stratford Terrace for approximately 230 feet to a point located approximately 250 feet inland from the southeastern right-of-way of Lake Shore Road; then continuing in a southwesterly direction along this setback line for approximately 740 feet to the right-of-way of Windsor Terrace.

VI. Then heading to the southeast along the right-of-way of Windsor Terrace to the intersection with Milford Terrace, then proceeding along the right-of-way of Milford Terrace to the intersection with Warwick Terrace, where the boundary turns to the northwest and follows the right-of-way of Warwick Terrace to the intersection with Milford Road.

Figure 1.9 – Coastal Hamburg WRA Boundary along Milford Road and tax parcel 170.05-13-24.21



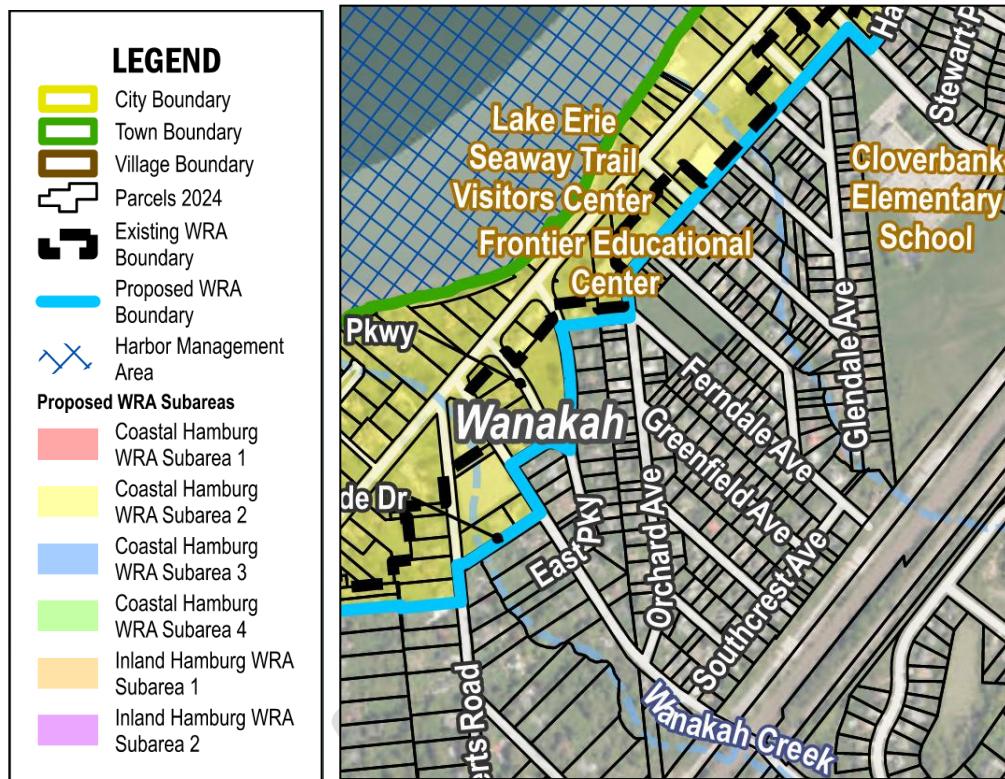
- VII. The boundary then proceeds to the southwest following the right-of-way of Milford Road to the intersection with the southeastern property line for tax parcel 170.05-13-24.21, and then follows this property line for approximately 225 feet to a point located 120 feet inland from the southeastern right-of-way of Lake Shore Road.
- VIII. The boundary then continues in a southwesterly direction along this measured setback line, for approximately 1,625 feet, to the right-of-way of Walbridge Drive.
- IX. The boundary then heads in a southeastern direction along the right-of-way of Walbridge Drive to the intersection with tax parcel 169.12-3-17, then following the eastern and southeastern property lines of this tax parcel to Berrick's Creek, crossing the creek, and aligning with and following the southeastern property line of tax parcel 169.12-3-18, for approximately 540 feet, to the intersection with the right-of-way of Rogers Road.

Figure 1.10 – Coastal Hamburg WRA Boundary along Rogers Road and tax parcel 169.12-3-18



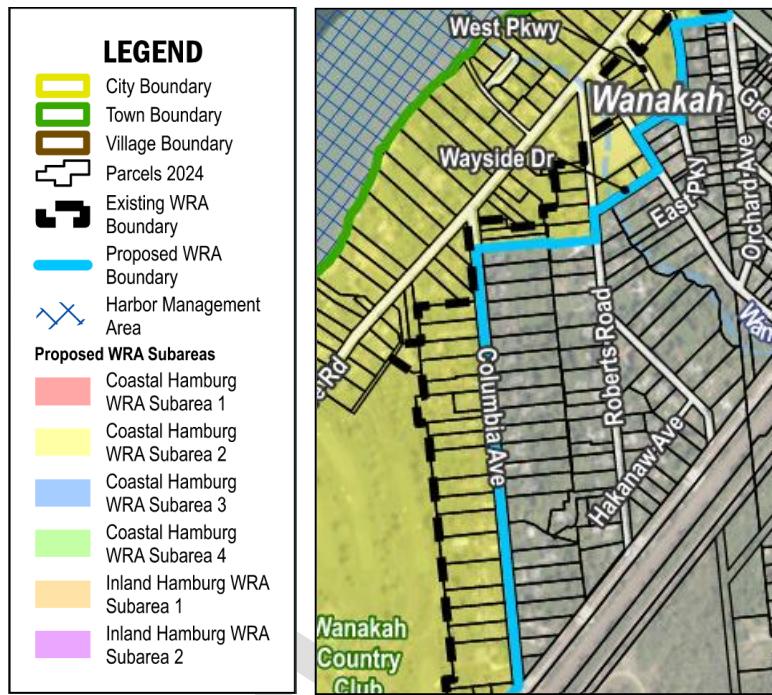
- X. The boundary then heads to the southwest along the right-of-way of Rogers Road to the intersection with Mt. Vernon Blvd., then following the right-of-way of Mt. Vernon Blvd. to the intersection with Avery Drive.
- XI. The boundary then follows the right-of-way of Avery Drive to the northwest to intersect with Kennison Parkway, then following the right-of-way of Kennison Parkway to the intersection with Hall Drive.
- XII. At Hall Drive the boundary turns to the southwest, following the right-of-way of Hall Drive to the intersection with Cloverbank Road, then heading to the northwest along the right-of-way of Cloverbank Road to the intersection with right-of-way of Orchard Avenue where the boundary turns to the southwest and then south, along the right-of-way, to a point where it intersects with the southern property line of tax parcel 169.19-13-13.

Figure 1.11 – Coastal Hamburg WRA Boundary along Orchard Avenue and tax parcel 169.19-13-13



- XIII. The boundary then heads to the west along this property line for a measured distance of 110 feet to intersect with the rear property line of tax parcel 169.19-13-30; then following this tax parcel line to the south for approximately 10 feet.
- XIV. Here the boundary turns to the west, following for approximately 150 feet the southern property line of tax parcel 169.19-13-30, to the intersection with East Parkway.
- XV. The boundary then follows the right-of-way of East Parkway to the intersection with West Parkway, then heads west along the right-of-way of West Parkway to the intersection with Amsdell Road. At Amsdell Road, the boundary heads south-southeast along the right-of-way of this roadway to the intersection with Wayside Drive.
- XVI. The boundary then turns to the southwest, following the right-of-way of Wayside Drive to the intersection with Roberts Road; then turns to the south and follows the right-of-way of Roberts Road to the point of intersection with the southern property line of tax parcel 181.06-3-2.

Figure 1.12 – Coastal Hamburg WRA Boundary along Roberts Road and tax parcel 181.06-3-2



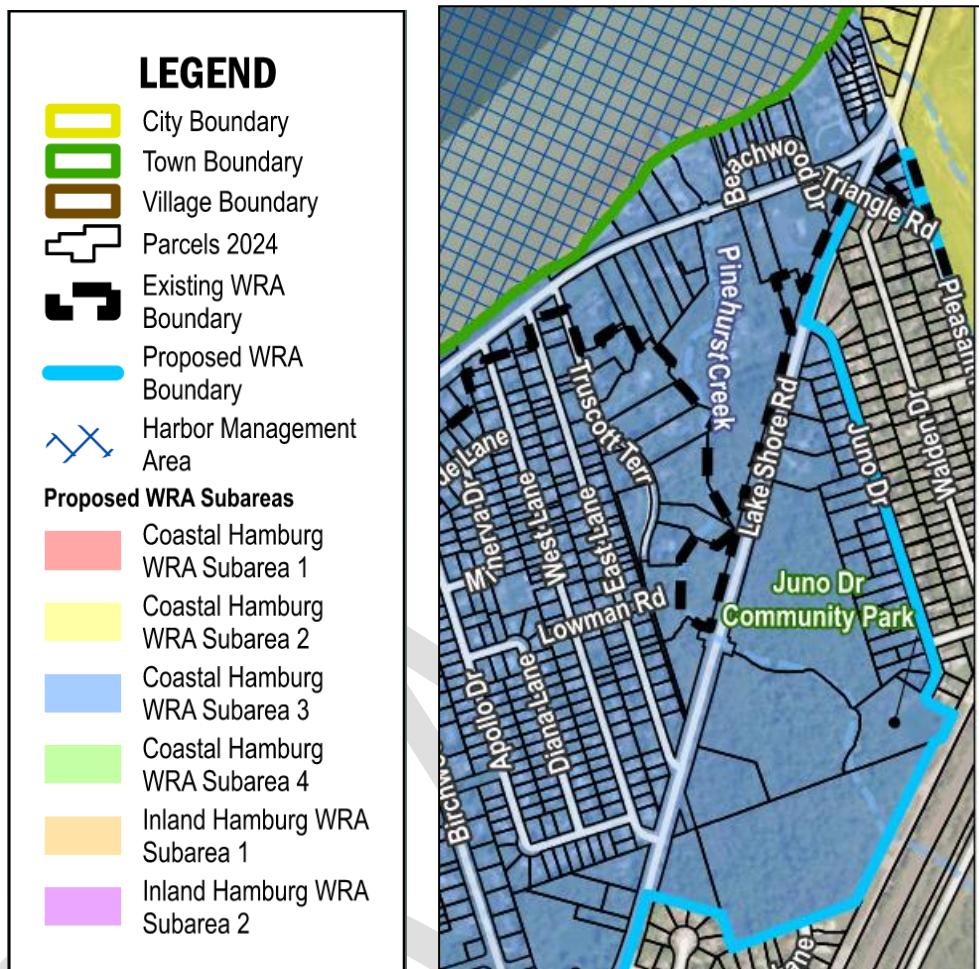
XVII. The boundary then heads west along this property line for approximately 245 feet to align with the southern property line of tax parcel 181.06-3-38; then continues west for approximately 372 feet to intersect with the right-of-way of Columbia Avenue.

XVIII. Here the boundary turns to the south following the right-of-way of Columbia Avenue to its terminus, where the boundary then turns to the southwest to follow the southeastern property boundary of the Wanakah Country Club to the intersection with Pleasant Avenue.

### Coastal Hamburg WRA Subarea 3

- I. The boundary then heads to the north to intersect with Triangle Road, then follows the right-of-way of Triangle Road to the northwest to the intersection with Lake Shore Road.
- II. Here the boundary turns to the southwest, following the right-of-way of Lake Shore Road to the intersection with Juno Drive, then follows the right-of-way of Juno Drive in a southeasterly direction to a point of intersection with the northeastern property line of tax parcel 181.13-4-31.

Figure 1.13 – Coastal Hamburg WRA Boundary along Juno Drive and tax parcel 181.13-4-31



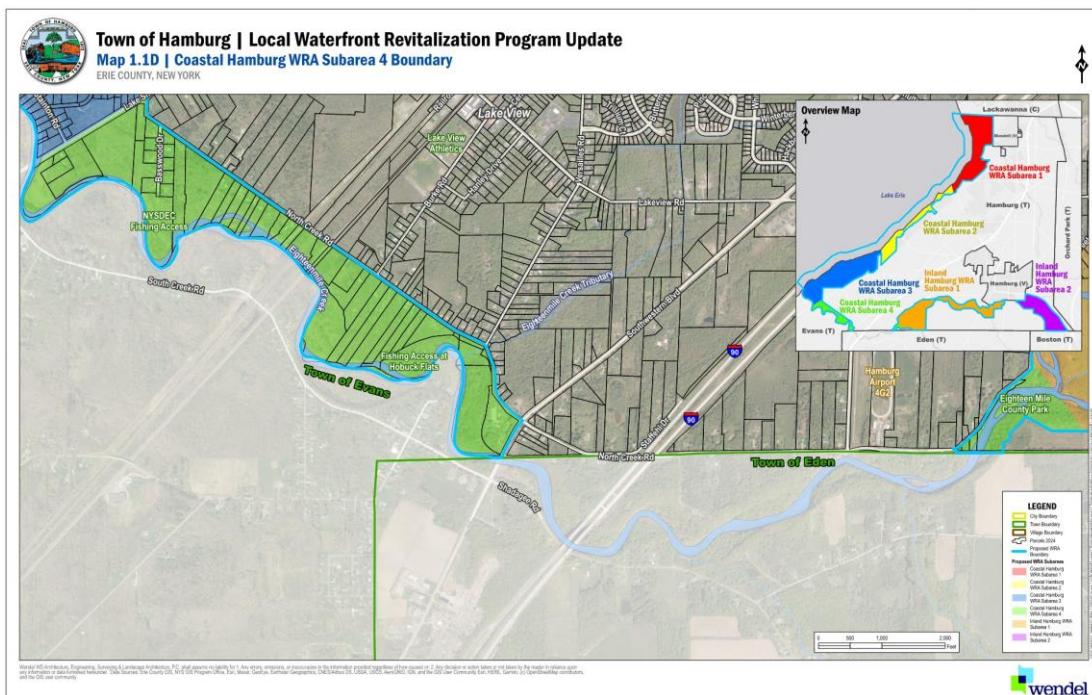
- III. The boundary then continues to the southeast along this property line for an approximate distance of 165 feet, then turns to the southwest and continues along this property boundary for an approximate distance of 135 feet and then turns to the west, continuing for an approximate distance of 55 feet to the point of intersection with tax parcel 181.00-1-5.11.
- IV. The boundary then heads to the southwest, for an approximate distance of 900 feet, where it turns west to follow the southern property line of tax parcel 181.00-1-5.11 for an approximate distance of 675 feet; then heads to the north, continuing along this tax parcel line for an approximate distance of 185 feet to the point of intersection with the southeastern property line of tax parcel 181.0-1-2.
- V. Here the boundary turns to the north and continues for an approximate distance of 385 feet to the intersection with Lake Shore Road, then heads to the southwest along the right-of-way of Lake Shore Road to the intersection with Schoellkopf Road; then continuing in a southwesterly direction along the right-of-way of Schoellkopf Road to the intersection with Eckhardt Road.

VI. The boundary then turns to the southeast, following the right-of-way of Eckhardt Road, to again intersect with Lake Shore Road.

### Coastal Hamburg WRA Subarea 4

- I. At this point, the boundary extends across Lake Shore Road and continues to the southeast along the right-of-way of North Creek Road to the intersection with Southwestern Boulevard.
- II. Then the boundary heads generally south along the right-of-way of Southwestern Boulevard to the municipal boundary line between the Town of Hamburg and the Town of Eden, in the vicinity of where the Eighteen Mile Creek corridor extends fully into the Town of Eden.

**Map 1.1D – Waterfront Revitalization Area Boundary – Coastal Hamburg Sub Area 4**



III. The Coastal Hamburg WRA boundary reappears at the intersection of North Creek Road with the boundary of the Town of Eden and continues along the northwestern property line of parcel 194.00-5-7.1 (Eighteen Mile Creek County Park).

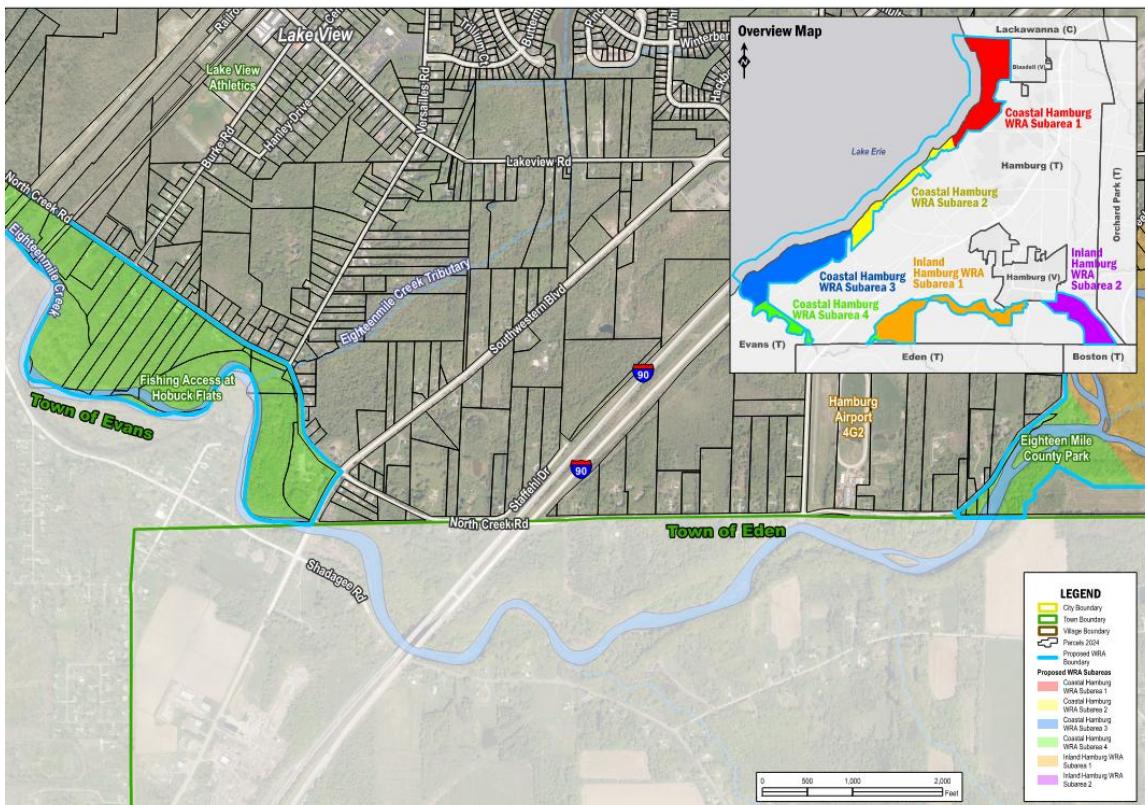
## Town of Hamburg Local Waterfront Revitalization Program

Figure 1.14 – Coastal Hamburg WRA Boundary along Southwestern Boulevard



- IV. At this point the Coastal Hamburg WRA continues across the South Branch of Eighteen Mile Creek to the southern property line of parcel 194.00-5-7.1 (Eighteen Mile Creek County Park), where it connects with the intersection with the boundary with the Town of Eden, then continues along the boundary of the Town of Eden to the ending point of parcel 194.00-5-7.1 where it disappears.
- V. The Coastal Hamburg WRA boundary recommences at the point of intersection of the boundary of Town of Hamburg with the Towns of Evans and Eden, then continues along the boundary with the Town of Evans, through Eighteen Mile Creek, to the point where the creek outlets at the mean high-water line of Lake Erie.

Figure 1.15 – Boundary of the Coastal Hamburg WRA at the intersection of municipal boundaries



- VI. From this point, Coastal Hamburg WRA boundary continues for 1,500 feet into the Lake, along the municipal boundary between the Town of Evans and the Town of Hamburg, before it turns in a general northeast direction, continuing at a measured distance of

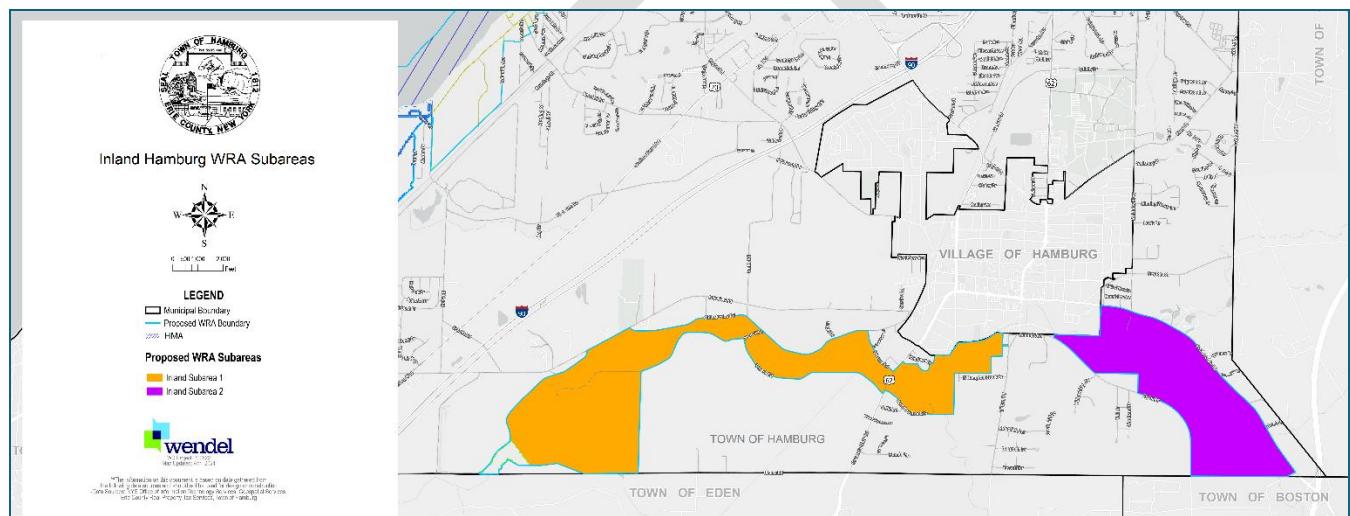
1,500 feet from the mean highwater line along the shoreline to the point of intersection with the waterside extension of the municipal boundary with the City of Lackawanna.

VII. The Hamburg Coastal boundary then proceeds in an easterly direction along this municipal boundary to the point where it intersects with the extension of the Town of Hamburg corporate boundary from the mean high waterline of Lake Erie, which is the point of beginning for the boundary of the coastal portion of the Hamburg WRA, which this LWRP identifies it as the Coastal Hamburg WRA.

### **Boundary of the Inland Hamburg WRA**

The inland portion of the proposed Town of Hamburg Waterfront Revitalization Area, expanding along the designated inland segments of the Eighteen Mile Creek, will be called the Inland Hamburg WRA. As illustrated on Map 1.2 and Map 1.4, the Inland Hamburg WRA is subdivided into two self-contained sections situated southwest and southeast of the Village of Hamburg.

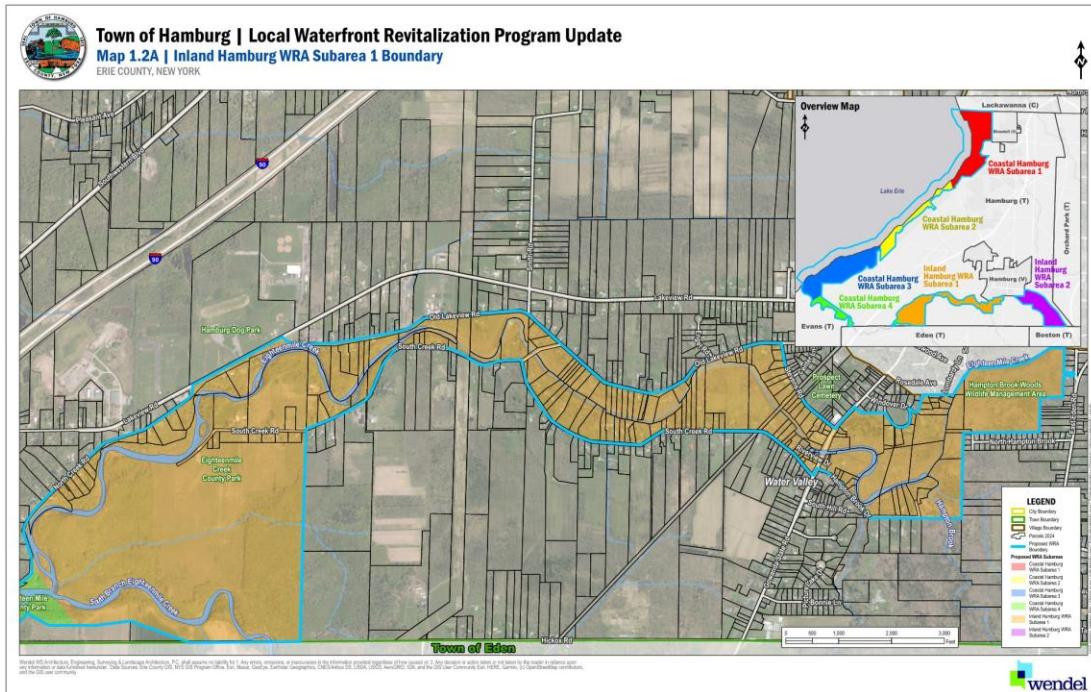
**Map 1.4 – Inland Hamburg WRA Subareas**



The Inland Hamburg WRA encompasses the segments of the Eighteen Mile Creek that are part of the designated inland waterway, flood risk areas along the creek, wetlands, and County and Town parks.

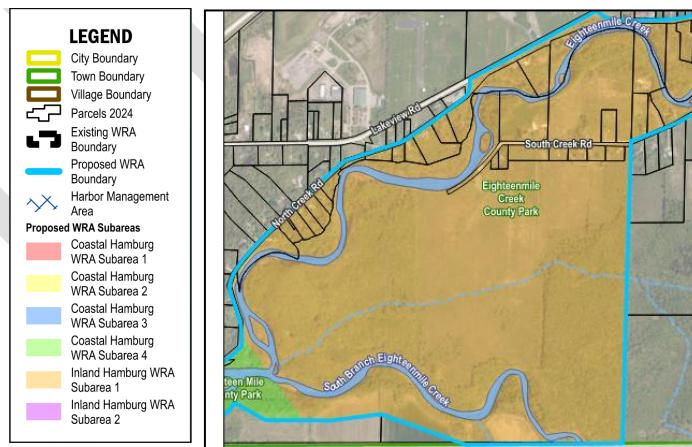
## Inland Hamburg WRA Subarea 1

**Map 1.2A –Inland Hamburg WRA Subarea 1 Boundary**



The Inland Hamburg WRA Subarea 1, which is located west of the Village of Hamburg, begins at the point where the boundary of Eighteen Mile County Park intersects with eastern right-of-way of North Creek Road and continues in a northeasterly direction along North Creek Road to the intersection with Lakeview Road.

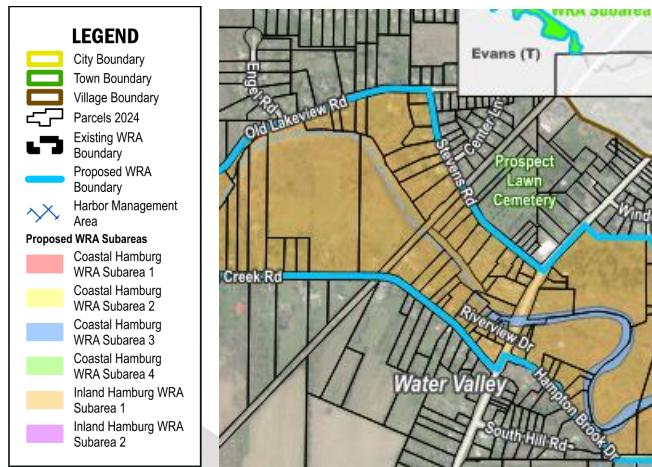
**Figure 1.16 – Boundary of the Inland Hamburg WRA along County Park**



- I. Then, the boundary proceeds to the northeast along the right of way of Lakeview Road to the intersection with Old Lakeview Road and continuing generally east along the right of way of Old Lakeview Road to the intersection with Stevens Road.

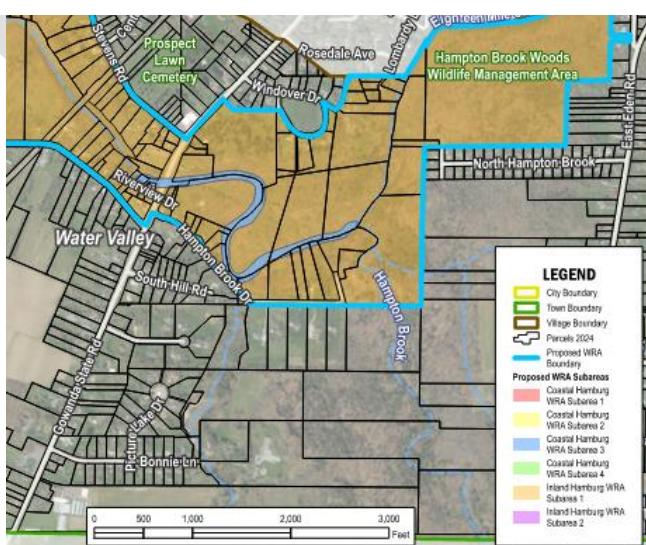
- II. The boundary then heads to the southeast along the right of way of Stevens Road to the intersection with Gowanda State Road.
- III. Here the boundary turns to the northeast following the southeastern right-of-way line of Gowanda State Road to the point of intersection with northern property line of Prospect Lawn Cemetery.

**Figure 1.17 – Boundary of the Inland Hamburg WRA along Prospect Lawn Cemetery**



- IV. Then the boundary follows this property line to the southeast and east to the point of intersection with the right-of-way of Windover Drive.
- V. Here the boundary continues along Windover Drive to the south, east, and north, before continuing along the right-of-way of Windover Drive to the east and then north to the point of intersection with the municipal boundary between the Town of Hamburg and Village of Hamburg.
- VI. The boundary then proceeds along the municipal boundary to the east, northeast and east to the point of intersection with the eastern property line of the Hampton Brook Woods Wildlife Management Area (WMA).

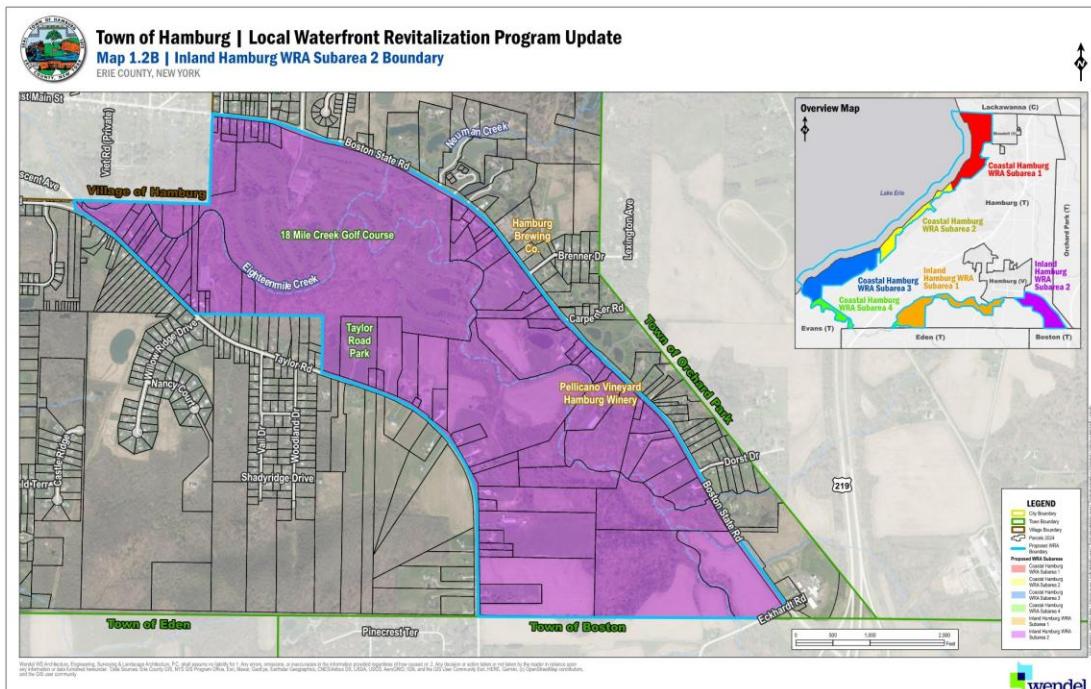
**Figure 1.18 – Boundary of the Inland Hamburg WRA along the Town's boundary with the Village of Hamburg and the Hampton Brook Woods Wildlife Management Area**



- VII. Then turning generally east, then south, then west, then south, then west, then south and west again, along the outer property lines of the State-owned WMA to the point of intersection with the southern right-of-way line of Hampton Brook Drive.
- VIII. Then proceeding west and then northwest along the right-of-way Hampton Brook Drive to the intersection with Gowanda State Road.
- IX. The boundary then heads generally south for approximately 150 feet to intersect with the right-of-way of South Creek Road.
- X. The boundary then follows the right-of-way of South Creek Road to the west and northwest, then west again at the “T” intersection, continuing to the point of intersection with the eastern property line of Eighteen Mile County Park, as illustrated in Figure 1.16 – Boundary of the Inland Hamburg WRA along County Park.
- XI. Here the boundary follows the eastern property line of the park to the south, and then east along the southern property lines of the park for an approximate distance of 4,250 feet.
- XII. At this point the boundary turns to the northwest, heading across the Eighteen Mile Creek corridor and back to the point of beginning.

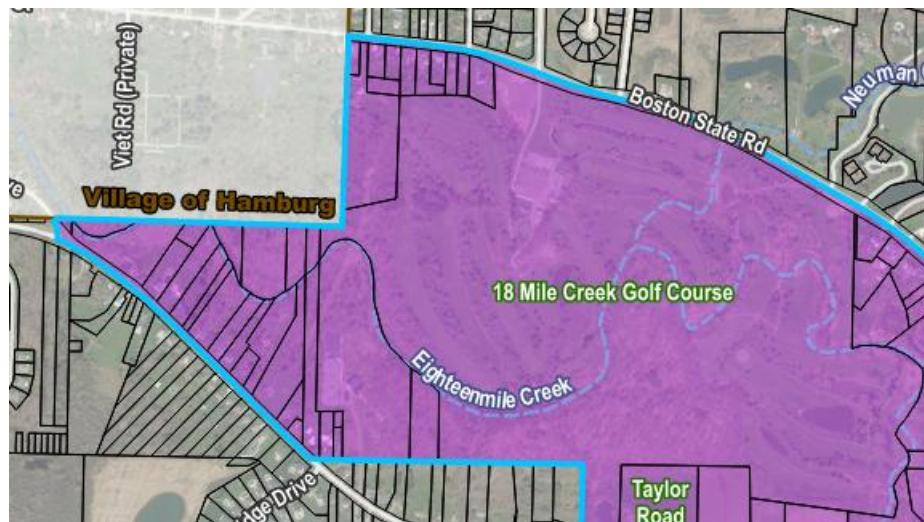
Inland Hamburg WRA Subarea 2

Map 1.2B – Inland Hamburg WRA Subarea 2 Boundary



- I. The inland waterway boundary for second self-contained portion of the WRA begins at the intersection of the right-of-way of Boston State Road and the municipal boundary between the Town of Hamburg and Village of Hamburg.

Figure 1.19 – Boundary of the Inland Hamburg WRA along Boston State Road, the Eighteen Mile Creek Golf Course, and tax parcels 196.00-1-20, 196.00-1-21, 196.14-2-7.1, 196.14-2-8, and 196.14-2-9



- II. The boundary then follows Boston State Road to the east and southeast to the intersection with the right-of-way of Eckhardt Road.
- III. Here the boundary heads to the southwest along Eckhardt Road to the intersection with the municipal boundary between the Town of Hamburg and Town of Boston, then proceeding west along this municipal boundary to the intersection with the right-of-way of Taylor Road.
- IV. Here the boundary heads north and then northwest along the right-of-way of Taylor Road to the intersection with the property boundary for Eighteen Mile Creek Golf Course.
- V. The boundary then heads to the north and then west along the property line for the golf course for approximately 930 feet, continuing west along the rear property boundaries of tax parcels 196.00-1-20, 196.00-1-21, 196.14-2-7.1, 196.14-2-8, and 196.14-2-9 for approximately 810 feet to intersect again with the right-of-way of Taylor Road, as shown in Figure 1.19 above.
- VI. Here the boundary heads to the northwest along the right-of-way of Taylor Road to the intersection with the right-of-way of Crescent Avenue, following this line generally north for approximately 140 feet to the municipal boundary between the Town of Hamburg and the Village of Hamburg.

VII. Here the boundary follows the municipal boundary to the east and then north to the point of beginning.

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## **1.2 Existing Waterfront Revitalization Area Boundary**

The boundary of the Town of Hamburg Local Waterfront Revitalization Area approved in 2012<sup>1</sup> encompasses all of the land area along the Lake Erie shoreline, as shown on Map 1A, 1B and 1C, and follows an inland boundary as noted below.

Beginning at the point where the mean high-water line of Lake Erie intersects with the corporate boundary between the Town of Hamburg and the City of Lackawanna, the boundary proceeds due east along this line to Lake Shore Road (NYS Route 5). At this point, the boundary turns to the south and then southwest, following Lake Shore Road to its intersection with Old Lake Shore Road, encompassing all of the lands west of this roadway, certain properties situated east of Lake Shore Road to the north of Beach Avenue that have frontage along Lake Shore Road, and all of the properties located southwest of Beach Avenue that are situated south and east of Lake Shore Road.

At the intersection of Lake Shore Road and Old Lake Shore Road, the boundary then follows Old Lake Shore Road in a southwesterly direction, to the northern shoreline of Eighteen Mile Creek, which is also the corporate boundary between the Town of Hamburg and the Town of Evans. The boundary encompasses all those lands located north and west of Old Lake Shore Road and all of the properties, situated to the south and east, that have frontage along Old Lake Shore Road.

At the intersection of Lake Shore Road and the right-of-way of Eighteen Mile Creek, the boundary turns to the northwest, following the right-of-way of the creek to the point of the mean high-water line of Lake Erie. From this point, the boundary proceeds out over the surface waters of Lake Erie for a distance of 1,500 feet; the boundary then turns sharply to the north – northeast and then northwest, continuing at a measured distance of 1,500 feet from the shoreline, to a point where it intersects with the municipal boundary between the Town of Hamburg and the City of Lackawanna; then proceeding in an easterly direction along the municipal boundary to a point where it intersects with the extension of the Town of Hamburg corporate boundary from the mean high water line of Lake Erie, which is the point of origin for the local waterfront revitalization boundary.

The above description reflects minor modifications to the Local Waterfront Revitalization Area boundary described in the original LWRP approved in 1989.

### **Sub-Areas Boundaries**

To more effectively manage and plan for the diverse conditions of the Town of Hamburg's coastal area, which is geographically long and narrow, the LWRA has been broken down into three Sub-Areas. These Sub Areas are identified on Maps 1A, 1B, and 1C, and are described as follows (specific land uses found in these sub areas are described in Section II of the LWRP).

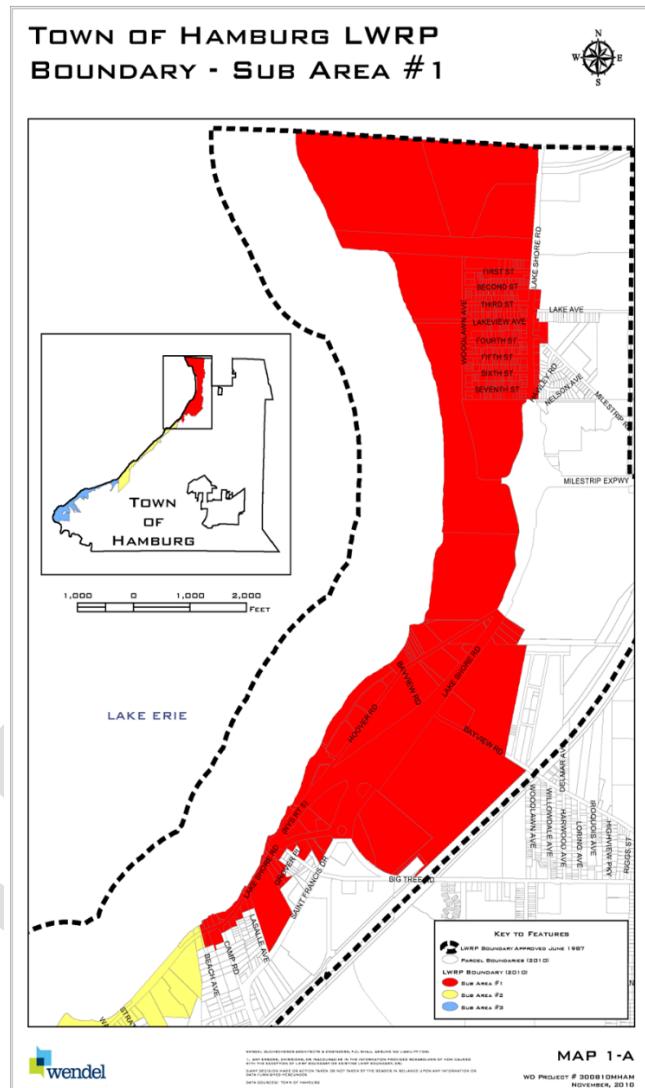
#### **Sub-Area 1 – Northern Shoreline Area**

Sub-Area 1 is the northern-most portion of waterfront in the Town, which has a character that differs from the other two sub areas. This area extends south from the boundary between the Town of Hamburg and the City of Lackawanna to Beach Avenue (see Map 1A). Sub-Area 1

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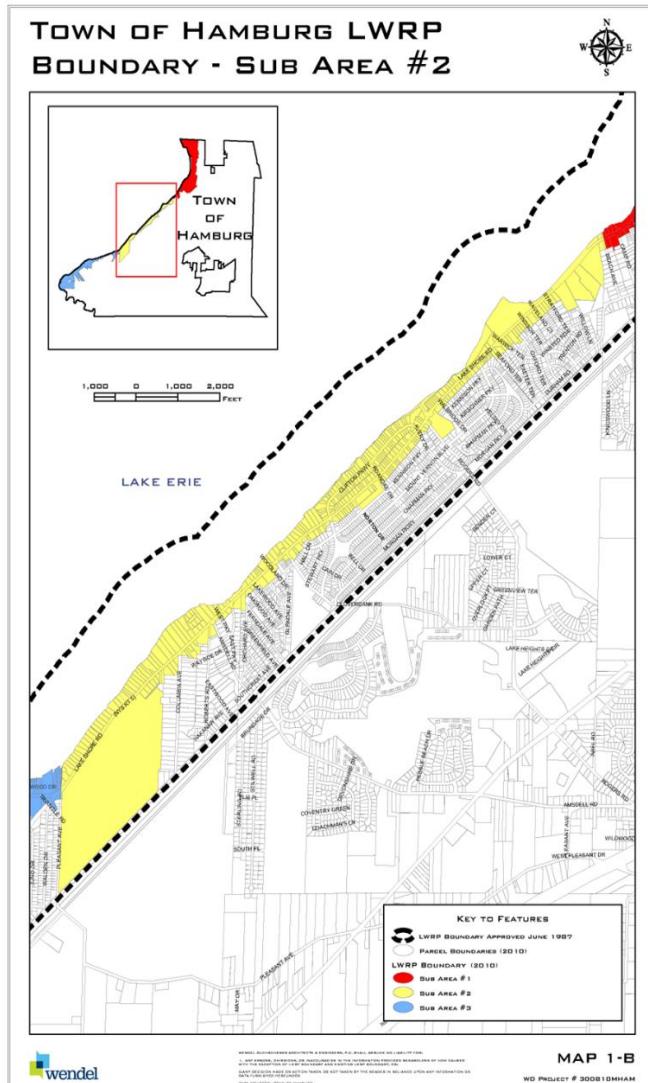
<sup>1</sup> Hamburg LWRP approved in 2012 is posted at <https://dos.ny.gov/location/town-hamburg-local-waterfront-revitalization-program>

includes a mix of land uses and a number of larger properties that border NYS Route 5, with shoreline area that is close to sea level. This area encompasses Woodlawn Beach State Park. Also included are two distinct residential areas, those being the Bayview (Hoover Beach) and Woodlawn neighborhoods, and a portion of the Athol Springs community.



### Sub-Area 2 – Central Shoreline Area

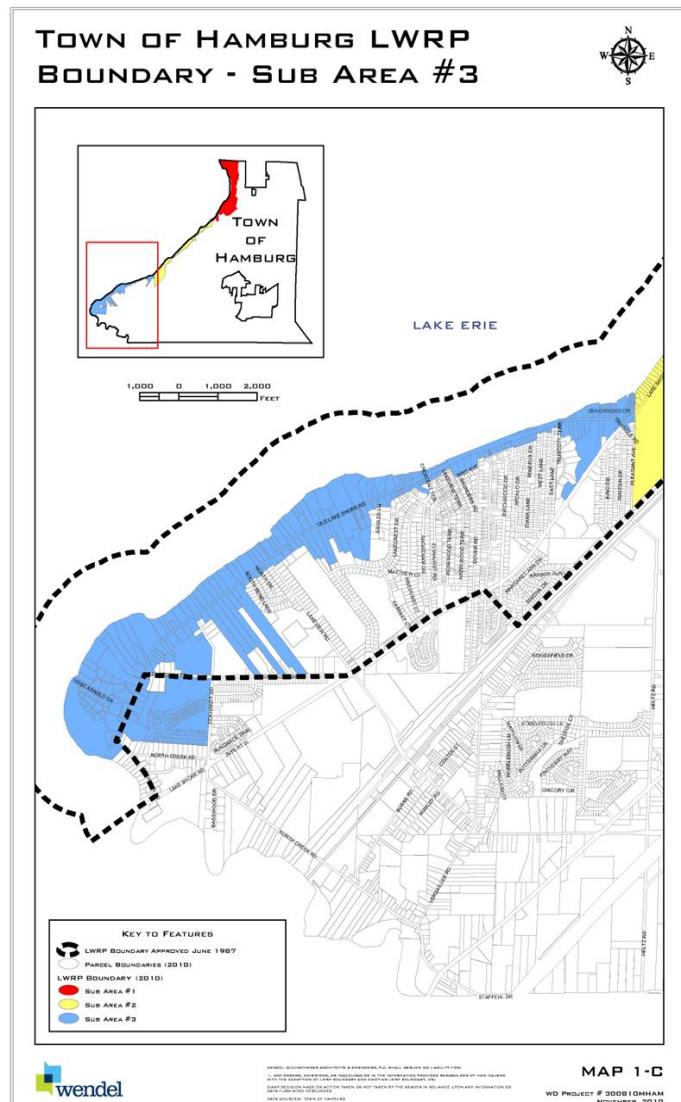
Sub-Area 2 extends southwest along Lake Shore Road from Beach Avenue to the split with Old Lake Shore Road (see Map 1B). This area consists primarily of a mix of residential and commercial uses on small lots, and some estate properties. Sub-Area 2 includes the Town Beach property and the Wanakah Country Club. Characteristics along the shoreline are different than what is found in Sub-Area 1, with an increase in shoreline elevations, the prominence of bluffs, and generally a limited extent of beachfront. This area includes portions or all of a number of neighborhood enclaves, including Locksley Park, Mt. Vernon, Clover Bank, Wanakah and Clifton Heights.



### **Sub-Area 3 – Southern Shoreline Area**

Sub-Area 3 extends southwest along Old Lake Shore Road to Eighteen Mile Creek (see Map 1C). This sub area is almost entirely residential in nature, with a larger number of estate sized properties, which differentiates it from Sub-Areas 1 and 2. This area includes the Pinehurst and Walden Cliffs communities. The shoreline terrain in Sub-Area 3 is increasing more rugged, with steep bluffs in many places. The southern extent of this sub area includes the mouth of Eighteen Mile Creek.

## Town of Hamburg Local Waterfront Revitalization Program



## **SECTION II – INVENTORY AND ANALYSIS**

Section 2 of the LWRP provides a comprehensive inventory and analysis of the existing man-made, natural and cultural resources within the Town of Hamburg Waterfront Revitalization Area (WRA) described and mapped in Section 1. It also shapes the Town's vision for its WRA and is the basis for the uses and projects described in Section 4 of the LWRP.

The motto of the Town of Hamburg is “The Town that Friendship Built”. Hamburg is built around and comprised of a variety of neighborhoods, shopping areas, parks and open space, and places of industry and commerce. The Town has a long expanse of waterfront along Lake Erie and recreational assets that provide opportunities for public access, health, and enjoyment. The availability of quality natural resources and infrastructure services, are other factors that add to the quality of life in the community. The vision for the waterfront in the Town of Hamburg is founded on these principles:

- Cultivate and protect the strong and healthy neighborhoods and hamlets in the Hamburg WRA;
- Strengthen connections between resources and communities;
- Protect and enhance environmental and cultural resources;
- Respect agriculture and incorporate it into future land use planning;
- Encourage a strong economic base and sustainable future;
- Focus on reuse and revitalization and maintain necessary community resources and infrastructure systems; and
- Regulate, control and protect, invest in, and encourage growth in the waterfront that supports these principles.

### **2.1 Regional Setting, Historic Context and Community Characteristics**

The Town of Hamburg is located in the eastern-central portion of Erie County, New York (see Map 2), and is situated between the City of Lackawanna to the north, Town of Orchard Park to the east, and the Towns of Boston, Eden and Evans to the south. The Town shares its western border with approximately nine miles of the Lake Erie shoreline. The Town encompasses over 41 square miles in land area and is considered one of the “Southtowns” of the Buffalo metropolitan area.

## Town of Hamburg Local Waterfront Revitalization Program

### Map 2 - Regional Setting



The Town of Hamburg has experienced overall change, transitioning from a mostly rural community to a suburban community. Currently, the Town is a second ring suburb of the Buffalo metropolitan area, where suburban residential and commercial development are increasing, while active farming and rural land uses are decreasing. Development trends that have occurred in the Town over the last few decades have changed overall land use patterns and produced a mixture of residential, commercial, recreational, and light industrial uses, particularly in the north and northwestern portions of the Town. The continued growth and development of the Town, as a whole, has impacted the waterfront and has necessitated the need to update the policies and implementation strategy of the Hamburg LWRP, which was originally adopted by the Town in March of 1987 and amended in 2012.

Numerous shopping centers and strip commercial and retail development located along major roadways to service surrounding residential subdivisions. Industrial use has shifted from heavy manufacturing to light manufacturing, distribution facilities, and service-oriented businesses. Unlike other communities in Western New York, this growth and change has contributed to continued increases in population. While the rate of growth has slowed, it has been continuous. The Town reflects both the rural and urban nature of a transitioning community.

The geographic location within the Buffalo metropolitan area, the natural topography and existence of hamlets and incorporated villages have impacted the location of different types of land use in the Town. In addition to several prominent residential neighborhoods, the hamlets that contribute to the character of the area, include Woodlawn, Athol Springs, and Wanakah.

## **2.2 Overview of Past and Ongoing Planning Efforts Impacting the WRA**

There have been several plans, projects and initiatives that are pertinent to the Town of Hamburg. This discussion provides an overview of these efforts.

### **Town of Hamburg Comprehensive Plan**

An update to the Town of Hamburg Comprehensive Plan<sup>2</sup> was completed and adopted in 2023. The update to this town-wide land use plan examines current conditions and established refreshed goals for community planning. The guiding principles that are the foundation of the updated Comprehensive Plan are consistent with the State's coastal policies that will be reflected in this LWRP.

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<sup>2</sup> <https://www.townofhamburgny.gov/DocumentCenter/View/258/Hamburg-Comprehensive-Plan---December-2022-PDF>

Figure 2.1 - Town of Hamburg Comprehensive Plan Guiding Principles

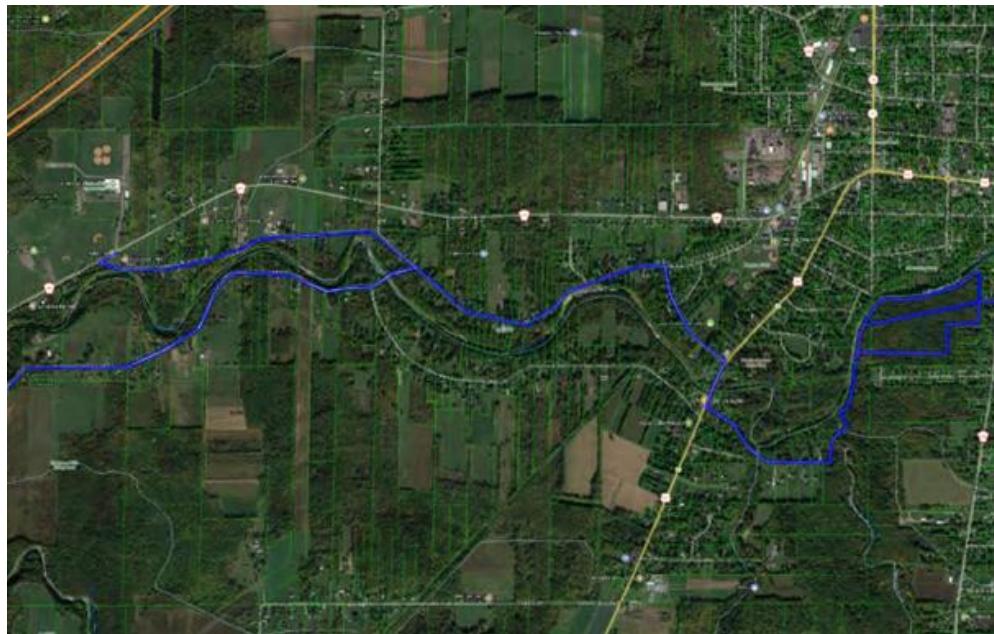


*Source: Town of Hamburg Comprehensive Plan, 2022*

### Hamburg Multimodal Trails Master Plan

The Hamburg Multimodal Trails Master Plan is a 2017 initiative prepared by the Town and Village of Hamburg to develop a comprehensive regional trail network, connecting the Town and Village with surrounding communities and providing recreational access to the Lake Erie waterfront, as well as recreational resources located in the Inland Hamburg WRA. The plan consists of ten proposed trail components designed to improve connectivity, boost economic development through increased tourism and quality of life, and create a continuous segment of a regional trail system.

Figure 2.2 - Village of Hamburg to Eighteen Mile Creek Park to Lakeview Recreation Site Trail



Source: Hamburg Multimodal Trails Master Plan, 2017

### **Town of Hamburg Town-wide Drainage Study**

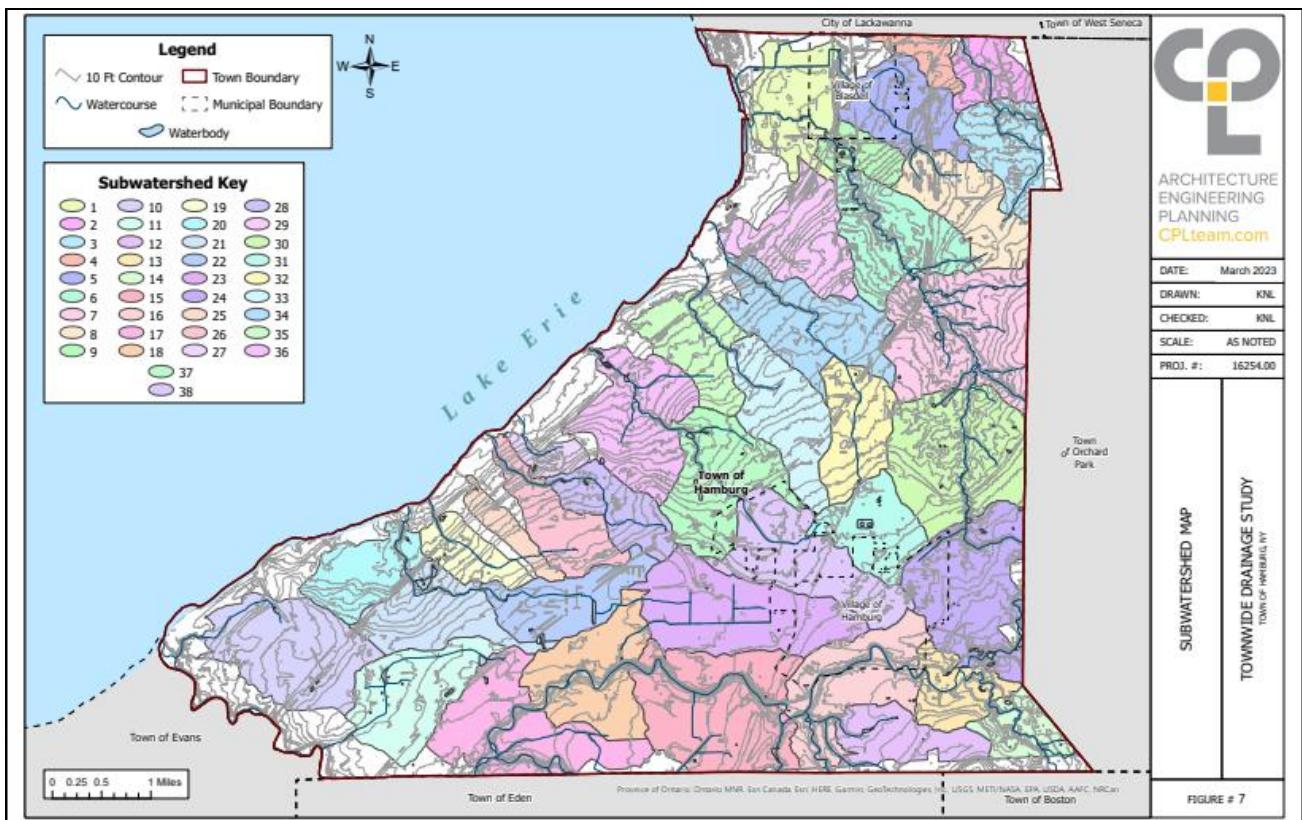
This report<sup>3</sup> was completed in 2023 and includes the findings of a drainage study that recommends implementation of a collection of stormwater management tools to be used for the planning and evaluation of future land development projects within the Town. This study determined that the general direction of streams and stormwater flows trends from east to west, into Lake Erie. Existing drainage infrastructure was found to be doing a moderate job of conveying flow throughout the Town. Issues with flooding generally occurs close to the shoreline of Lake Erie. The underground stormwater drainage system in multiple areas was found to be deteriorated, limiting the flow of stormwater runoff in the Wanakah area, along Lakeshore Road, just north of Eighteen Mile Creek; and in the Athol Springs area, in the northern portion of the coastal WRA. Also, most of the culverts that extend beneath the railway corridor along the eastern boundary of the coastal portion of the WRA show crumbling concrete and exposed rebar. Generally, flooding across the Town is caused by undersized culverts, crushed culvert inlets and outlets, a collection of debris and sediment, and vegetation growth along drainage paths. This study recommends the redesign of stormwater infrastructure in the Town. Periodic cleanup of ditches and trimming of vegetation is also recommended.

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<sup>3</sup> <https://www.townofhamburgny.gov/DocumentCenter/View/12775/Town-Wide-Drainage-Study-PDF?bidId=>

## Town of Hamburg Local Waterfront Revitalization Program

Figure 2.3 – Town of Hamburg Drainage Study



Source: Town of Hamburg Townwide Drainage Study; CPL, March 2023.

### Town of Hamburg Active Mobility Action Plan

The Town of Hamburg recently completed an Active Mobility Action Plan to invest in safer streets for pedestrians and cyclists, with a focus on improving connectivity and creating opportunities for active transportation. Led by Go Bike Buffalo, the Plan identified priority areas through community input and aims to implement infrastructure improvements, new policies, and community-lead advocacy to improve mobility in the Town. The recommendations in the Plan will be utilized to secure potential grant funding to implement the proposed projects, which could include sidewalks, pedestrian accommodations, and multi-use trails, ensuring people of all ages and abilities can move about the community safely and easily.

Figure 2.4 – Town of Hamburg Active Mobility Action Plan



### **Town of Hamburg Parks & Recreation Master Plan**

The Town's Parks and Recreation Master Plan was prepared in 2017. The Master Plan includes a detailed inventory and assessment of 11 Town-owned parks and recreational assets in the community. This Plan includes an inventory database that enables the Town to keep the park system data up to date. This Plan is an asset management tool to help guide Town investments for keeping the park system in good condition. Four of the 11 parks surveyed in this Plan fall within the WRA. The Town Park and Beach Park and Woodlawn Beach State Park are located on Lake Erie shoreline, in the coastal portion of the WRA. Eighteen Mile Creek County Park, the Town of Hamburg Eighteen Mile Creek Golf Course, and Taylor Road Park are located in the inland portion of the WRA.

Figure 2.5 – Town of Hamburg Recreation Class

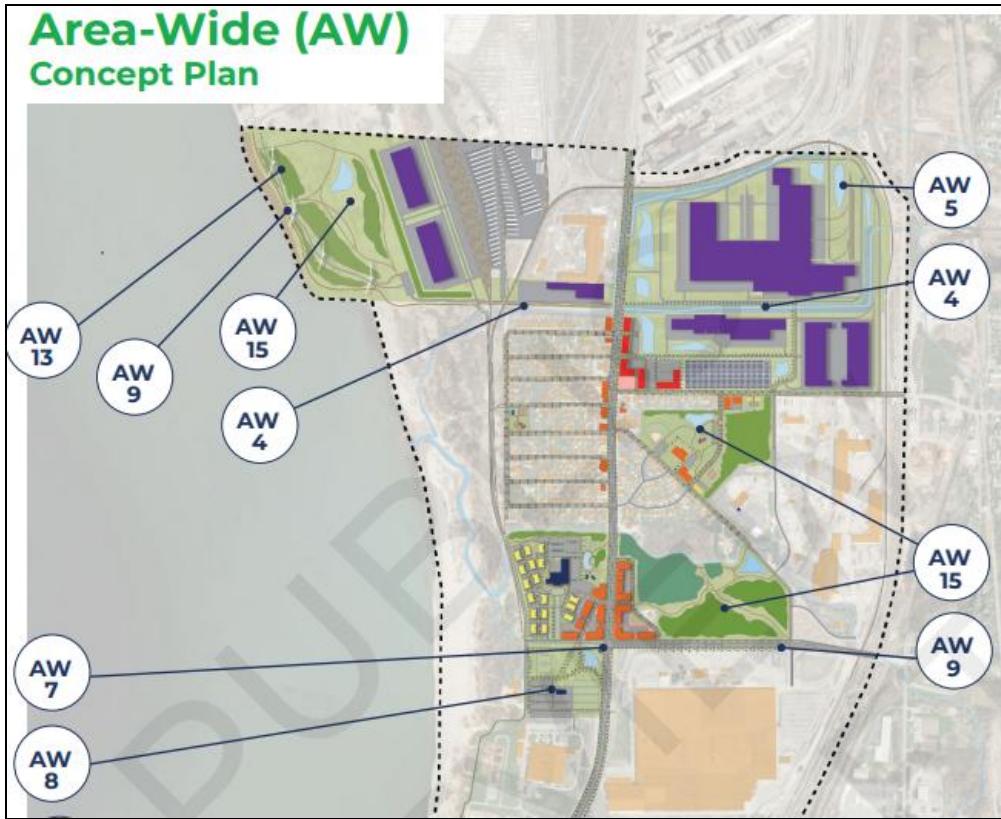


Source: [www.townofhamburgny.gov/Recreation](http://www.townofhamburgny.gov/Recreation)

### **Town of Hamburg Brownfield Opportunity Area Plan**

The Town of Hamburg Brownfield Opportunity Area (BOA) Plan is a community-driven initiative designed to revitalize an historically-industrial area along the Lake Erie waterfront that has suffered from decades of contamination, disinvestment, and economic decline. This Plan is focused on the northern portion of Coastal Hamburg WRA Subarea 1, and leverages the BOA Program to identify, assess, and prepare contaminated (brownfield) sites for redevelopment. This Plan is focused on transforming the area into a vibrant, economically-diverse, and environmentally sustainable community. This project will investigate needs and opportunities for a 450-acre residential and commercial area adjacent to the former Bethlehem Steel facility. This area falls within the WRA, and proposed projects and land uses will be consistent with the LWRP policies. The goal of the BOA study is to revitalize this historic neighborhood with a mix of economic development, waterfront redevelopment, multi-modal connectivity, and brownfield remediation. The BOA Plan will be used by the Town of Hamburg and partnering agencies to guide public investment and align resources. Its components include a detailed analysis of current conditions and strategic recommendations to support revitalization and redevelopment.

Figure 2.6 - Woodlawn Gateway Brownfields Opportunity Area Plan Area-Wide Concept Plan



Source: Woodlawn Gateway Brownfields Opportunity Area Plan; September, 2025.

### Analysis of Impediments to Fair Housing Choice

Communities receiving United States Department of Housing and Urban Development (HUD) grants are required to analyze impediments to fair housing choice within their jurisdictions at least once every five years, and create a set of action plans to mitigate identified impediments. The preparation of the Analysis of Impediments Inventory (AI) involves extensive data collection and analysis, with significant outreach to community stakeholders, including organizations and agencies that provide housing and housing related services. The AI identifies key highlights of socio-economic and demographic changes within Erie County and the grantee communities, impediments to fair housing choice, and key action plans to mitigate the identified impediments are discussed. The Towns of Amherst and Hamburg experienced an increase in population from 2010 to 2017, in contrast with the other participating communities. Segregation has decreased in most of the County over the past 30 years; however, uneven distribution of populations by race and ethnicity remain—especially in the suburban communities of Erie County—and levels of segregation have been ticking upward since 2010. Linkages exist between areas of concentrated race and ethnicity and concentrated poverty. Instances of racially or ethnically concentrated areas of poverty occur in all six communities subject to this AI. Despite only modest changes in countywide population since 2017, the number of housing units across Erie County continues to increase. Most new homes are single family homes in the suburban

communities. Rent has increased faster than income; however, median rent remains below or near HUD fair market rent across bedrooms for the most part. Erie County continues to struggle with poverty, especially concentrated poverty in City of Buffalo and inner ring suburban neighborhoods and communities adjacent to Buffalo city limits. Job creation is largely happening in the suburban communities, such as the Town of Hamburg, creating a disconnect between jobs and affordable housing.

The Town of Hamburg Fair Housing Ordinance was amended in 2016. The law affirmatively furthers fair housing through the provision of a density bonus for projects that include affordable housing, requiring affordable units in multi-family development, and a restriction on the clustering of affordable units. The ordinance also provides protections against discrimination related to housing to ensure fair housing within the community. The ordinance prohibits discrimination based on race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation, military status or because the person has a child or children.

### **Western New York Regional Economic Development 2023 Strategic Plan**

The Western New York Regional Economic Development Strategic Plan is a comprehensive plan first prepared on behalf of the Western New York Regional Economic Development Council in 2011, with the latest update coming in November of 2023. It is intended to create a more dynamic and sustainable economy for the region. The Plan represents the Smart Growth strategy for the region and reflects the values, perspectives, and aspirations of the people in the Western New York community.

Figure 2.7 – Economic Drivers graphic from Western New York REDC 2023 Strategic Plan



*Source: Western New York 2023 Strategic Plan. REDC.*

The Plan is aimed at making fundamental improvements in the economy to ensure sustainable and long-term growth in jobs and income in the five-county area, and to contribute to the resurgence of the broader economy of New York State.

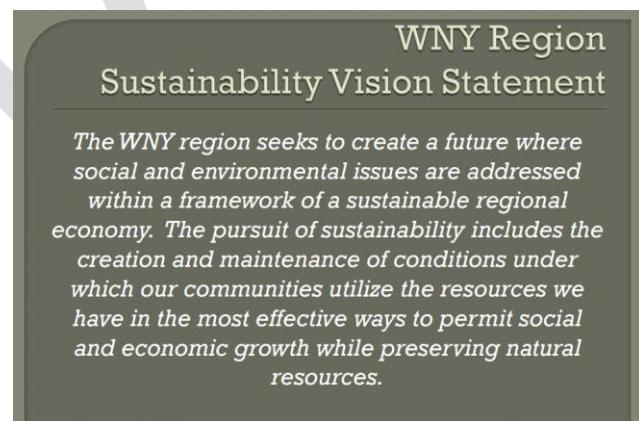
The region's distinctive resources and geographic location are strengthened by the reestablished regional priorities. WNY has made significant investments in locations, people, and industries that are essential to a sustainable economic future over the past ten years by building on these and emerging strengths, such as expanding population segments, new entrepreneurs, and a robust tech workforce. Investments in placemaking, which creates accessible job centers, sustainable infrastructure, and livable communities, workforce development, which targets job training and talent attraction, and innovation, which invests in the support networks that draw entrepreneurs and guarantee a diverse and healthy business environment, all help to advance key industries in tradable sectors.

The Town of Hamburg's Goals and the recommendations of this Plan are aligned with the strategy of this Plan. The Town has targeted areas for job readiness and encourages entrepreneurship through some of the creative zoning tools (see land use section and recommendations). Smart Growth is defined as growth in accordance with a well-reasoned Plan that acknowledges and supports regional initiatives.

### **Western New York Regional Sustainability Plan**

The Western New York Regional Sustainability Plan was prepared in 2013 for the New York State Energy Research and Development Authority (NYSERDA) under the Cleaner, Greener Communities (CGC) program. It was developed to create a future where social and environmental issues in the five-county region are addressed within the framework of a sustainable regional economy. The Plan promotes the creation and maintenance of conditions under which Western New York communities utilize their resources in the most effective ways to permit social and economic growth, while preserving natural resources.

Figure 2.8 – WNY Regional Sustainability Vision Statement



*Source: Western NY Regional Sustainability Plan; 2013.*

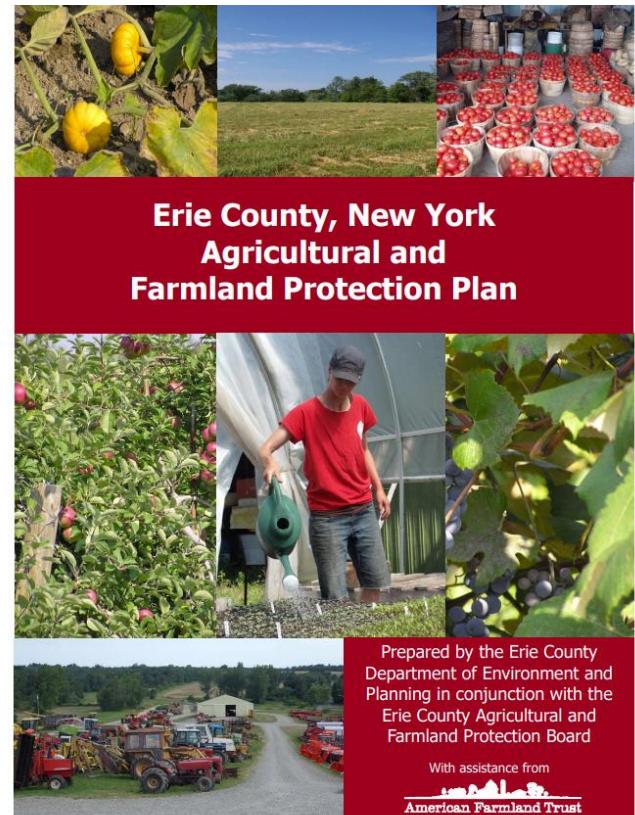
The Plan serves as a planning resource for the WNY Regional Economic Development Council (REDC), the five WNY counties, and the hundreds of local communities that are covered in the plan. It identifies a wide range of priority projects and programs for energy conservation and efficiency, production of renewable energy, and innovations that promote economic development. It also sets goals for promoting more efficient land use, improved transportation, better management of solid waste and water resources, and protection and promotion of agriculture and forestry. The goals of the Sustainability Plan are consistent with the Town's Comprehensive Plan, and with the policies of the LWRP.

### **Erie County Agriculture and Farmland Protection Plan**

The Erie County Agriculture and Farmland Protection Plan was developed by the Erie County Agricultural and Farmland Protection Board in 1998; an update to this plan was developed by the American Farmland Trust in 2012. The preparation of this plan was made possible through grant funding from the New York State Agricultural and Farmland Protection Program, which is administered by the State Department of Agriculture and Markets.

The goal of the Erie County agricultural and Farmland Protection Plan strategy is to maintain a productive, open landscape that is viable for future generations and that does not preclude more intensive activity when the demand exists. It also sets forth strategies to promote and expand markets for agricultural products. The findings in the plan indicate that Erie County has diverse, productive, vital farms that are located near a sizable population. The County benefits from prime farm soils, a climate that is moderated by Lake Erie, and farmers with years of experience, as well as new farmers who are eager to take on the challenge of agriculture. Additionally, a growing interest in local farms and farm products has boosted agriculture as a visible economic driver that is creating new opportunities for farming in both urban and rural areas of Erie County.

Figure 2.9 – Erie County Agricultural and Farmland Protection Plan



### Erie County Parks Master Plan

The Erie County Parks Master Plan Update (2019) is a comprehensive plan for the County's parks. It was first prepared in 1961 and has been updated every 15 years thereafter. The current Plan inventories the County's extensive park system and provides recommendations to preserve, enhance, and improve the existing system assets and landscaping setting. Due to the diversity and variety of the County parks, a park classification system was developed to serve as a guide for future management and use. The classifications include Heritage Parks, Waterfront Parks, Special Purpose Parks (e.g., golf, camping), Conservation Parks, and Forest Management Areas.

There is one County-owned Park located within the Town of Hamburg WRA. Located on the southern edge of Hamburg between the fork of the North Branch and South Branch of the Creek, Eighteen Mile Creek Park is a 466-acre County-owned Park. The Plan defines Eighteen Mile Creek as a Conservation Park, due to its undeveloped nature. The center of the park is accessible only via South Creek Road, a narrow, two-lane town road. The area around the property is largely rural, with a few newer residences and housing developments nearby.

Figure 2.10 - Erie County Parks Master Plan Eighteen Mile Creek Park Recommendation



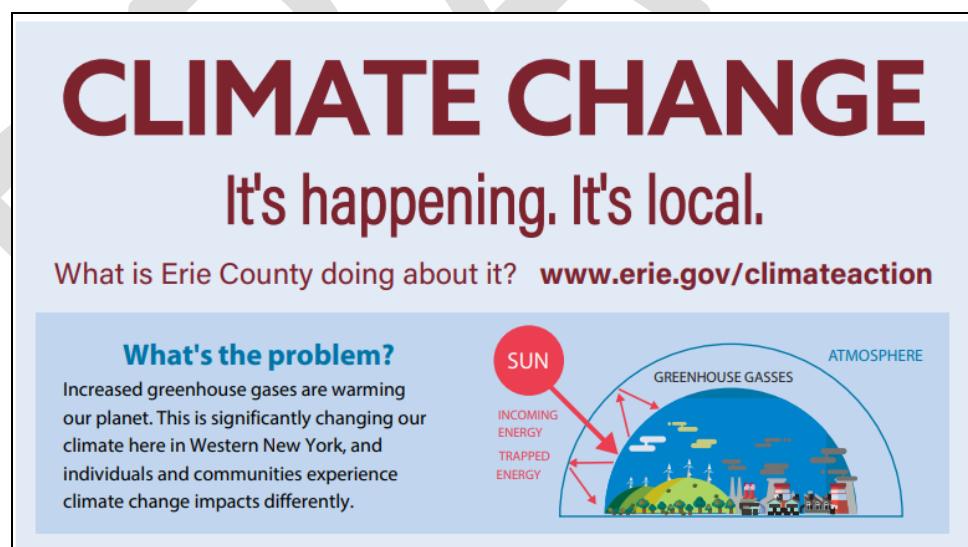
Source: Erie County Parks Master Plan; 2019.

Access is extremely difficult to reach the Creek, and parking is currently extremely limited, however, this portion of the Creek is a popular fishing location. While the park's landscape character is dramatically marked by a 60'-deep gorge cut by Eighteen Mile Creek, most of the Park's land above the gorge and between the two branches of the creek is very flat. The Erie County Parks Master Plan calls for maintaining the natural setting, improving the health of Eighteen Mile Creek, minimal trail enhancements, and creating connectivity to the surrounding areas.

### **Erie County Community Climate Action Plan**

In 2023, Erie County prepared the Community Climate Action Plan as their green initiative to take actions to reduce greenhouse gas emissions, adjust to rising temperatures, and help the community adapt to climate change and create a more sustainable region. This Plan is focused on creating opportunities to address climate change while also protecting residents, creating jobs, protecting productive farmland, and addressing issues of inequity. The Plan outlines goals, strategies, and actions that Erie County can take, whether directly or indirectly, to address this important issue. Additionally, the Plan was developed with assistance from stakeholders with significant community input. In order to be inclusive of the Community's ideas of how to address climate change, the Plan is comprehensive and aspirational.

Figure 2.11 – Erie County Community Climate Action Plan Graphic



Source: Erie County Community Climate Action Plan; 2023.

### **Moving Forward - Buffalo Niagara – 2050**

The Greater Buffalo Niagara Regional Transportation Council (GBNRTC) in conjunction with community partners and regional stakeholders, developed Moving Forward - Buffalo Niagara 2050 in May 2018, with an update in 2024. This plan is the region's long-range transportation plan that examines a new way of planning for transportation - the way we commute and how we travel to work, ways we connect to shopping and schools, and how we generally move throughout the region. It takes a fresh approach for solving present and future transportation challenges in the region and establishes a framework for guiding future decisions. It focuses on ways to create a more efficient, greener, smarter, and sustainable transportation system for future generations. Moving Forward 2050 also aims to accelerate recent progress by modernizing and expanding bikeways and greenway trails throughout the two-county region and to neighboring trail networks in Ontario Canada, the Genesee Finger Lakes region, and Cattaraugus and Chautauqua counties.

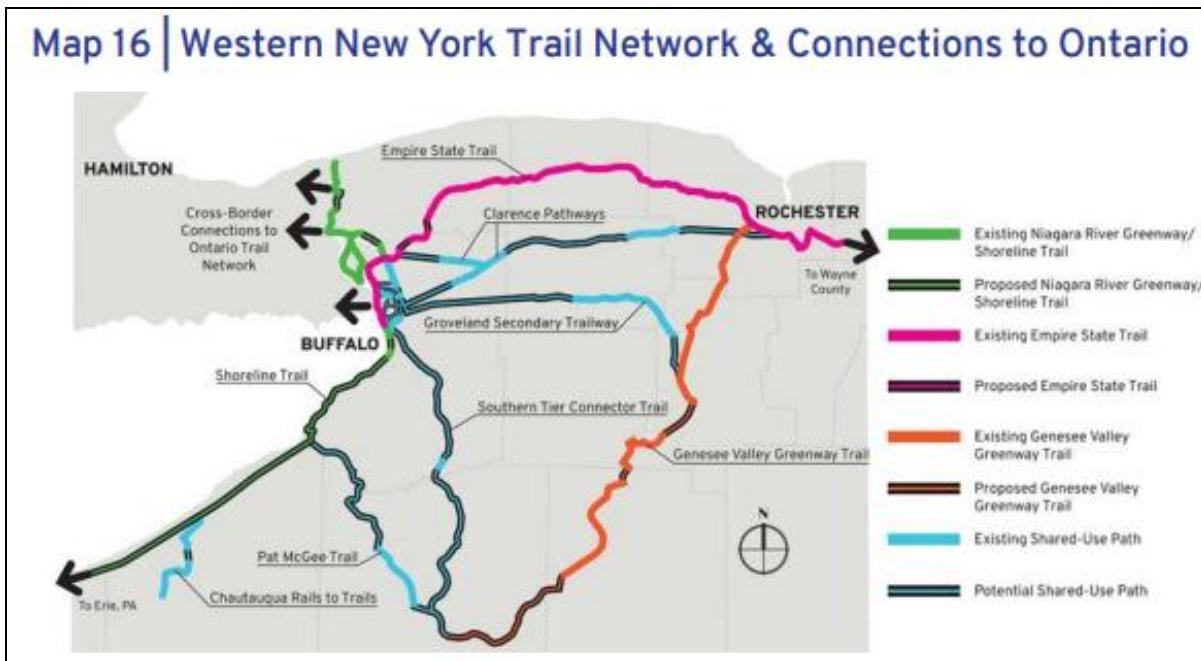
Figure 2.12 – Moving Forward-Buffalo Niagara 2050 5 Big Ideas



### Bike Buffalo Niagara Regional Bicycle Master Plan – 2020

The Greater Buffalo Niagara Regional Transportation Council (GBNRTC) prepared the Bike Buffalo Niagara Plan to guide the development of a comprehensive network of on-street and off-street pathways, bike lanes, greenway trails and other facilities that safely connects neighborhoods to key destinations. This Plan identifies current and future desired conditions for bicycling in the region. It serves as a guide for GBNRTC, state agencies, regional counties, municipalities, advocacy groups, and private businesses and foundations to work together to provide a transportation system that safely accommodates bicyclists in a coordinated and holistic manner. It is an action-oriented document that is designed to help bridge the gap between current conditions and what residents and visitors envision for safe, equitable, comfortable and connected bicycling facilities, both on-road and off. Expanding bicycling opportunities for residents and visitors has increasingly become a regional priority. Bike Buffalo Niagara emphasizes and reinforces the direction established in Moving Forward 2050, the region's metropolitan transportation plan, and other relevant planning documents to provide a safe and comfortable environment for bicycle travel and promote bicycle use as a sustainable and healthy mode of transportation.

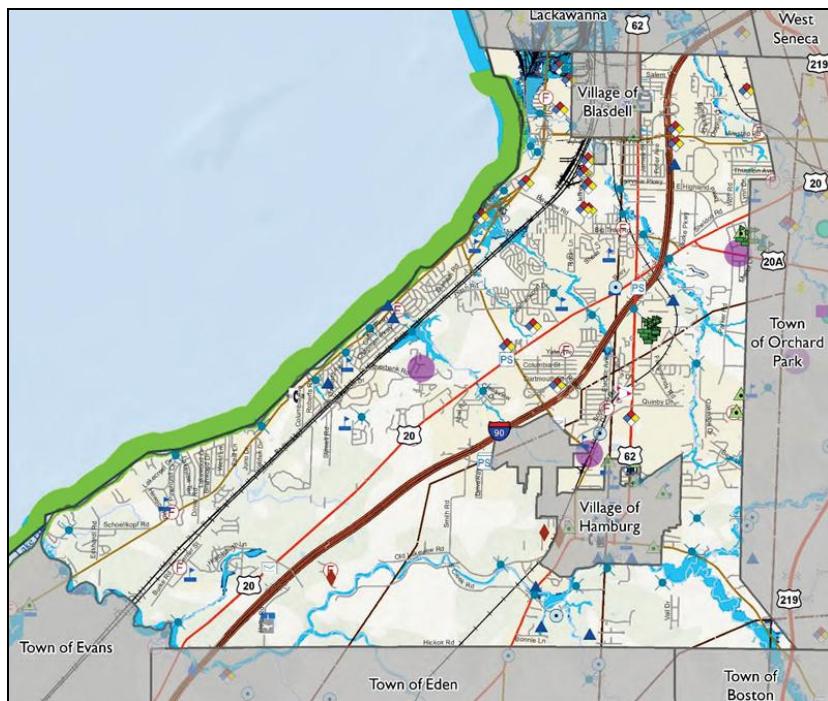
Figure 2.13 – Bike Buffalo Niagara Regional Bike Master Plan WNY Trail Network Graphic



### 2022 Multi-Jurisdictional All-Hazard Mitigation Plan

This plan was developed by Erie County as an update to the 2015 Hazard Mitigation Plan to enhance the County's ability to manage emergency situations, with the focus on rapidly and adequately responding in order to minimize injury and speed recovery. The purpose of this Plan is to protect people and structures and minimize the costs of disaster response and recovery. Erie County and 46 jurisdictions, including the Town of Hamburg, actively participated in this update. It consists of three components: disaster prevention and mitigation, disaster response, and disaster recovery. The All-Hazards Mitigation Plan defines roles and responsibilities in prevention, response, and recovery, including a detailed chain of command during an emergency. The plan places an emphasis on the role of local jurisdictions as first-line responders but identifies the key role that County departments play in the process. The Plan points out the importance of land use controls and development regulations in hazard-prone areas (e.g., floodplain development) for disaster avoidance and minimization.

Figure 2.14 - Town of Hamburg Hazard Area Extent and Location Map



Source: Erie County All Hazard Mitigation Plan, 2022

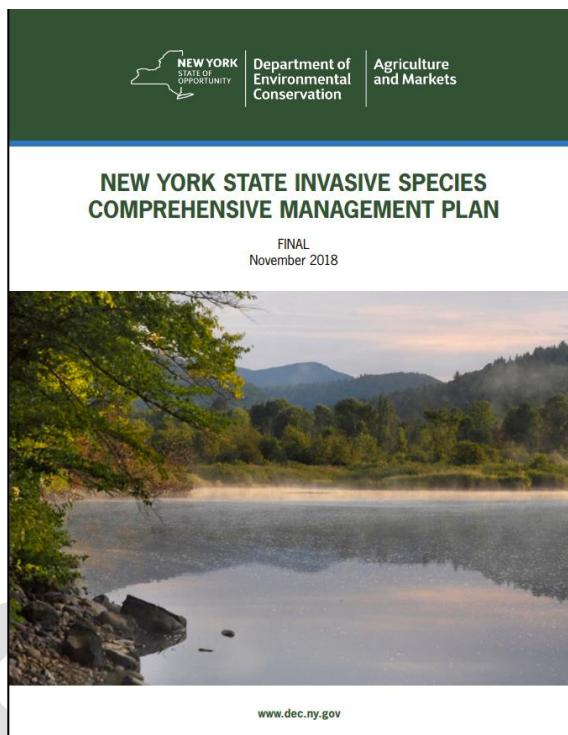
### New York State Invasive Species Comprehensive Management Plan

To address the risks posed by invasive species, the NYSDEC has developed the Invasive Species Comprehensive Management Plan, as directed in Title 17 of the Environmental Conservation Law Article 9, to encompass all current and future invasive species and ecosystem types found across New York State. The goal of the Invasive Species Comprehensive Management Plan, which was finalized in November 2018, is to help minimize the introduction, establishment and proliferation of invasive species thereby limiting potential negative impacts. This plan positions New York State to continue its role as a leader in the management of invasive species and protect our natural resources for future generations. This plan is framed around eight focus area initiatives:

- Setting priorities for invasive species management and advance preparedness
- Engaging and informing the public
- Advance prevention and early detection
- Improving the response to invasive species
- Recovering ecosystem resilience, and
- Evaluating success.

Each initiative includes recommended actions to guide management activities of State agencies and to align the priorities of regional and local natural resource managers to State-level actions.

Figure 2.15 – NYS Invasive Species Comprehensive Management Plan



### **Regional Niagara River / Lake Erie Watershed Management Plan**

The “Healthy Niagara” Niagara River/Lake Erie Watershed Management Plan is a multi-phased planning effort, which focuses on assessing the current conditions, trends, and major contributors to water quality conditions in the Niagara River watershed. The plan provides watershed stakeholders and citizens with current information on the health of the watershed, recommends what can be done to improve water quality, and informs citizens as to how they can be involved in watershed protection and restoration. The Niagara River watershed is approximately 903,000 acres and consists of eleven sub-watersheds in Erie, Niagara, Genesee, Wyoming, and Orleans counties.

The sub-watersheds that are in Hamburg include Eighteen Mile Creek and Smokes Creek. The Town of Hamburg shares similar goals with The Niagara River Watershed Management Plan, in relation to best management practices for both watersheds. These goals include:

- Updating and Upgrading Septic Systems
- Incorporating Green and Living Infrastructure
- Developing Stream Stabilization Techniques
- Adding Vegetation
- Promoting Community Education and Engagement

These goals are also consistent with the LWRP policies. Town of Hamburg will use the Niagara River Watershed Management Plan to help with evaluating current water resources in the Town, identifying all the contributing factors, issues and trends affecting those water resources, setting goals for improvement, and developing strategies to meet those goals, as well implementing the plan's strategies, and tracking their progress and effectiveness.

Figure 2.16 - Prioritized Sub Watersheds



### **Cooperative Science and Monitoring Initiative**

The *Cooperative Science and Monitoring Initiative* (CSMI) is a bi-national effort that rotates through the Great Lakes on a five-year cycle, coordinating scientific monitoring and research to better understand the Great Lakes ecosystem. CSMI informs Great Lakes management programs, such as the Lakewide Action and Management Plans (LAMPs) and the Great Lakes Fishery Commission's Lake Committees, as well as provinces, states, and tribes in support of U.S. and Canadian Great Lakes Water Quality Agreement commitments.

Figure 2.17 – Cooperative Science and Monitoring Initiative Great Lakes Restoration Graphic



### **1994 Town of Hamburg Open Space and Recreation Plan**

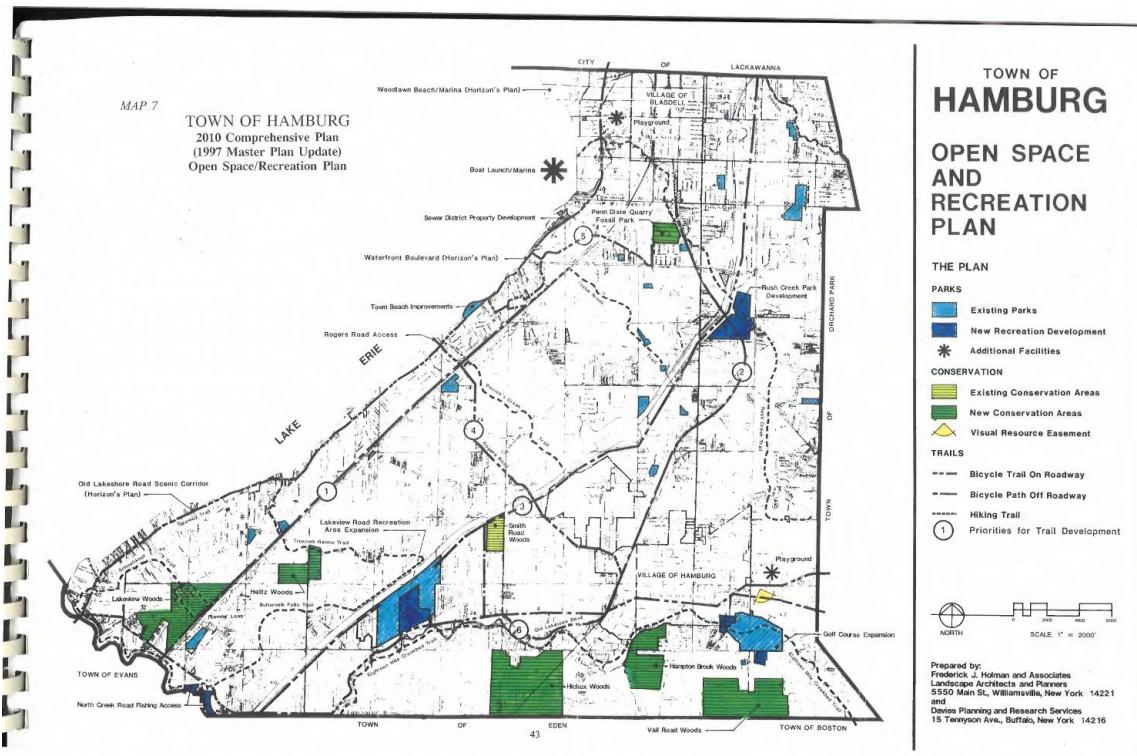
The 1994 Town of Hamburg Open Space and Recreation Plan identifies priority areas for natural resources and open space protection. The plan serves as a guide for preserving natural areas and was later incorporated into the Town's Comprehensive Plan.

Key details from the 1994 plan include:

- Focus on natural resources: The plan identifies important natural resources and open spaces within the community.
- Protection mechanism: To preserve identified lands, the plan recommends mandatory cluster development for new subdivisions located in areas with important natural resources.
- Future zoning: In 2002, the Town created the PR (Parks and Recreation) zoning district for recreation and open space to more easily regulate and acquire park lands in the future.

## Town of Hamburg Local Waterfront Revitalization Program

Figure 2.18 – Town of Hamburg Open Space and Recreation Plan Mapping



### 2.3 Demographic and Economic Profiles

The 2020 Census indicates that the population of the Town of Hamburg is currently 60,085 persons.<sup>4</sup> The population of the Town has increased since 2010, when there was a population of 56,936. The current figure represents a 5.5% increase from 2010 figures. Population density is highest in and around the Villages, and along the Lake Erie shoreline. The southern portion of the Town is less developed.

The average household size in the Town has been slowly declining. The average household size decreased from 2.5 persons per household in 2000 to 2.3 persons per household in 2020 (see Figure 1). The percentage of family households has slowly declined, with 65.6% of all households being family households in 2010 vs. 62.2% in 2020. Non-family households, which consist of unrelated persons living together or one-person households, are slightly increasing. The population is slowly becoming more racially diverse, with 97.0% reported as white in 2010 vs. 92.3% in 2020. The Town's population is getting older, with the median age of the increasing from 41.7

<sup>4</sup> The WRA boundary does not correspond to US Census geography and therefore, the demographic discussion includes the entire Town.

years old in 2010 to 45.5 years old in 2020. The percentage of people over the age of 65 has also seen an increase (15.2% in 2010 to 20.6% in 2020).

In 2020, the total number of housing units in the Town of Hamburg was reported at 26,993 (US Census). This represents an approximately 9.3% increase over the number of housing units that were reported in the 2010 Census (24,692 units). As of the 2020 ACS 5-year estimates<sup>5</sup>, most of the housing stock in the Town was comprised of single-family, detached homes (69.0%); 3.2% was reported as single-family attached housing, 25.0% were reported as structures with two or more dwelling units, with another 2.8% being reported as mobile homes (2020 ACS 5-Year Estimates).

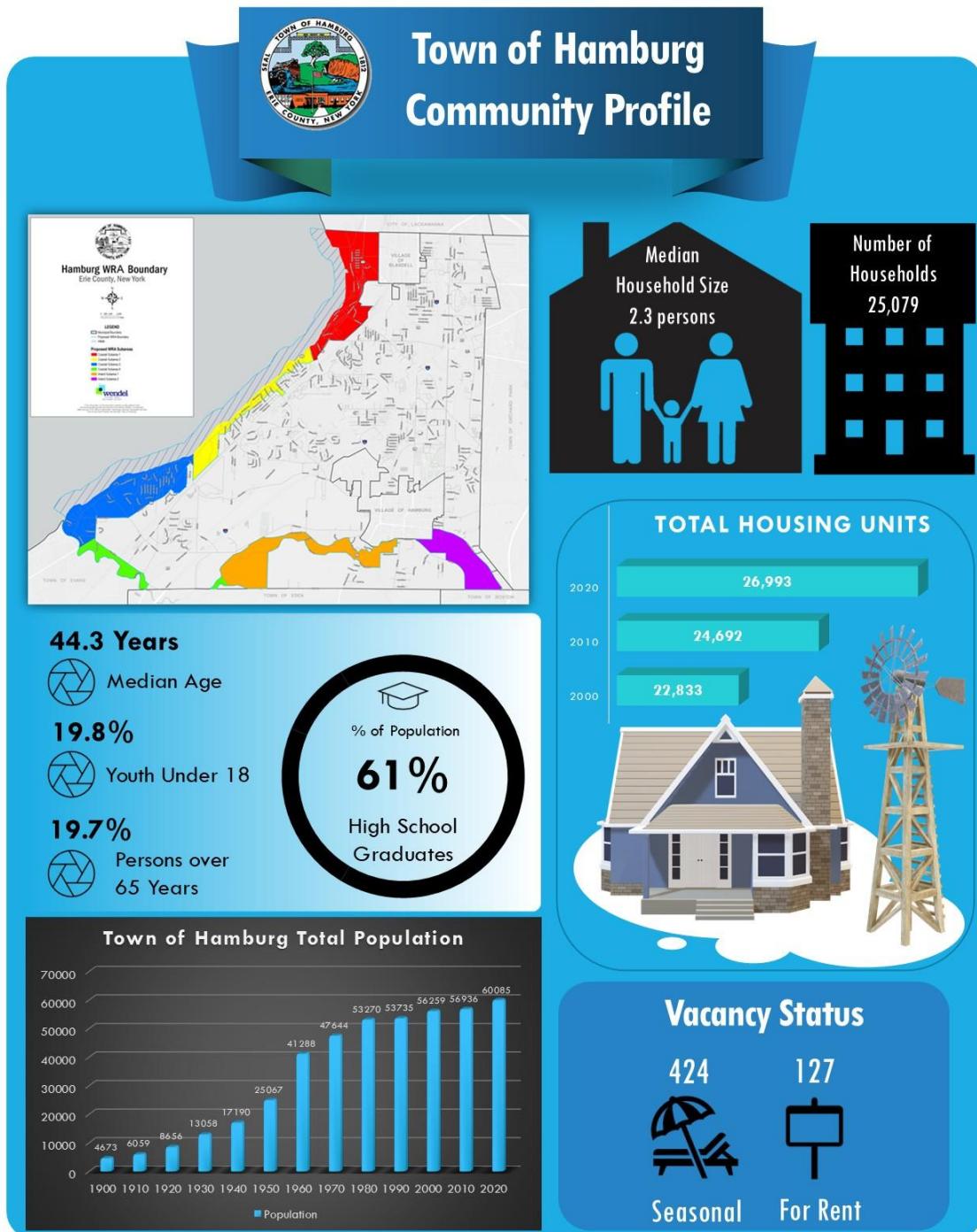
As of the 2020 ACS Estimates, approximately 95.3% of the housing stock was occupied. Of the occupied units, 18,899 units (73.8%) were owner occupied and 6834 units (26.2%) were rentals. The percentage of renter occupied housing has fluctuated since 2000, which was at 25.8%, and then decreased in 2010, which was reported at 23.5%. The age of the housing stock is mixed, with approximately 37.8% of the homes being built prior to 1960 (17.7% pre-1940), and over 85.0% built before 2000. Only 14.3% of the dwellings in the Town (3877 units) were built between 2000 and 2019. The median value of a home in 2010 was reported at \$133,300, and \$173,200 in 2020.

In 2020, the estimated median household income in Hamburg was \$68,913; median family income was reported at \$92,391. The data from US Census suggests that income for both individual households and families in the Town has been on the rise over the past several decades. Hamburg has an educated workforce, with 61.3% of the total population earning a high school diploma and over 34.4% earning a bachelor's degree or higher. In 2020, approximately 65.1% of the Town's population who were over the age of 16 years old was estimated to be in the civilian workforce, and the unemployment rate was reported at 2.1%.

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<sup>5</sup> The American Community Survey (ACS) is an ongoing survey that covers a broad range of topics about social, economic, demographic, and housing characteristics of the U.S. population. The 5-year estimates from the ACS are "period" estimates that represent data collected over a period of time.

Figure 2.19 – Town of Hamburg Community Profile Graphic



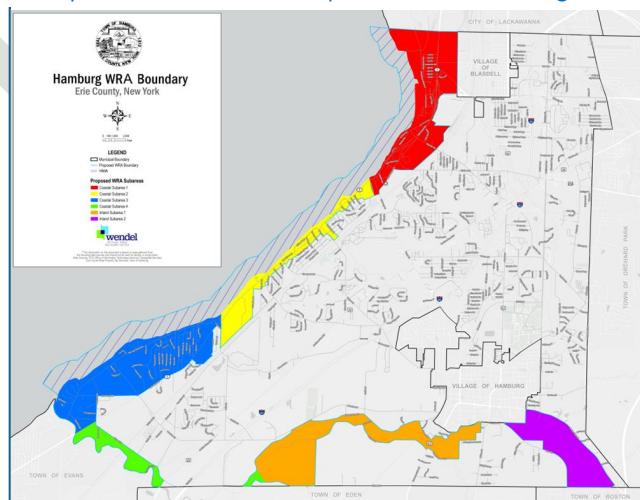
## 2.4 Existing Land Use in the Coastal and Inland Portions of the Town of Hamburg WRA

As described in Section 1, the Town of Hamburg WRA includes two distinct areas of coverage:

- The *Coastal Zone*, which stretches along the Lake Erie shoreline and the lower section of the Eighteen Mile Creek corridor that extends from the mouth of the creek at Lake Erie to the location where the creek bifurcates into the north and south branches (note that the creek flows in and out of the Town of Eden in this area of the WRA). This portion of the Coastal Zone (Coastal Hamburg WRA Subarea 4) encompasses the Eighteen Mile Creek Significant Fish and Wildlife Habitat (see Section 2.14).
- The State-designated *Inland Waterway* (Section §911 of Article 42 of the NYS Executive Law) follows the main and northern branches of the Eighteen Mile Creek corridor from the location where the creek bifurcates generally east through much of the Town.

The Coastal Zone portion of the WRA is broken into four Subareas on the upland (referred to as Coastal Hamburg WRA Subareas) and includes the waterside that extends 1,500 feet out over the surface waters of Lake Erie. The Inland Waterway portion of the WRA encompasses two self-contained Subareas (referred to as the Inland Hamburg WRA Subareas) that are located west and east of the Village of Hamburg. The individual Subareas for the Coastal Zone and Inland area are briefly described below and shown below in Map 1.2.

**Map 1.2 - Subareas of the Proposed Town of Hamburg WRA**



Land use in the waterfront area of the Town of Hamburg WRA is primarily a mix of residential, industrial, commercial, public and community services, parks and recreation, conservation lands, and open space (see Maps 3A – 3F). Total land area in the WRA (Figure 2.20) is approximately 3,952.9 acres (2,529.6 acres in the Coastal Zone and 1,423.3 acres in Eighteen Mile Creek Inland Waterway area). The Coastal Subareas include a mix of commercial, light industrial, residential, public and community service, vacant land, and parkland/conservation area. Coastal Hamburg WRA Subarea 1 has the greatest mix of land uses; the other three subareas are primarily developed with residential uses. The Inland Hamburg WRA Subareas includes a mix of rural residential uses, parkland and conservation area, public/community services, and vacant lands, with a limited number of commercial land uses. The breakdown of land use in the WRA is outlined in Figure 2.20.

Figure 2.20 - Existing Land Use Breakdown by Category and Subarea

Figure - Existing Land Use by Subarea (approx. acres)								
Parcel Land Use	C-SA 1	C-SA 2	C-SA 3	C-SA 4	I-SA 1	I-SA 2	Total	Percent
No Data	0.0	0.0	0.7	0.0	0.0	0.0	0.7	0.02
Agricultural (100's)	0.0	0.0	0.0	0.0	40.6	162.8	203.4	5.15
Residential (200's)	83.0	191.4	687.3	91.7	297.2	150.1	1500.6	37.96
Vacant land (300's)	171.0	22.8	313.9	16.0	44.3	48.7	616.7	15.60
Commercial (400's)	131.6	11.9	1.6	7.2	12.0	0.0	164.3	4.16
Recreation & entertainment (500's)	105.9	147.9	0.0	0.0	0.4	184.9	439.1	11.11
Community Services (600's)	20.0	14.7	31.1	0.0	11.8	0.0	77.6	1.96
Industrial (700's)	260.5	0.0	0.0	0.0	0.0	0.0	260.5	6.59
Public services (800's)	94.8	1.3	1.8	5.6	5.9	0.0	109.4	2.77
Wild, forested, conservation lands and public lands (900's)	0.0	1.5	11.2	103.2	464.7	0.0	580.6	14.69
<b>TOTAL</b>	<b>866.8</b>	<b>391.5</b>	<b>1047.5</b>	<b>223.7</b>	<b>876.9</b>	<b>546.4</b>	<b>3952.9</b>	<b>100.00</b>

### Land Uses Within the Coastal Hamburg WRA

#### Coastal Hamburg WRA Subarea 1

Coastal Hamburg Subarea 1 includes the northern extent of the coastal zone, which contains the Woodlawn hamlet and neighborhood business district, Woodlawn Beach State Park, the Hoover Beach residential community, Hamburg Skate Park, and the Athol Spring hamlet area. This Subarea also includes a mix of commercial and light industrial uses that extend along NYS Route 5, as follows.

- *Residential* – Residential uses are found in the Woodlawn hamlet and Hoover Beach communities, which account for 85.3 acres, or 9.8% of land coverage. Residential uses include one and two-family dwellings that were densely developed

in the Woodlawn hamlet area, and small one-family dwellings in the Hoover Beach neighborhood.

- *Commercial* – Commercial uses in Coastal Subarea 1 are primarily found along NYS Route 5 in Woodlawn and Athol Springs, which account for 131.7 acres of land, or 15.2% of overall land use. Commercial properties primarily include small shops, offices, restaurants, and businesses.
- *Industrial* – These uses are found in the northern portion of Coastal Subarea 1 and include uses such as portions of the Steel Winds energy generating facility and South Buffalo Railroad yard, Republic Engineering Products, GPI Fabrication, Costanzo's Welding, the FedEx distribution center, an Amazon distribution warehouse, the Buffalo Tracker Trailor Institute, and a few smaller businesses at the north end of Hoover Road, among other things. These land uses account for 260.7 acres or 30.0% of Coastal Subarea 1.
- *Recreation* – Woodlawn State Beach, the Town Skate Park, and the Town Park and Rest Area, and the private Bayview Raceway and Golf facility comprise the extent of recreational uses in Coastal Subarea 1. These uses encompass 128.0 acres, or 14.8% of land coverage.
- *Public and Community Services* – The Erie County Wastewater Treatment Plant, the Woodlawn Volunteer Fire Company, and St. Francis High School comprise the public and community services properties in this Subarea, encompassing 112.6 acres, or 13.0% of land coverage.
- *Vacant/Open Space* – Approximately 147.4 acres, or 17.0% of Subarea 1 consists of vacant land, including the former Bethlehem Steel plant lands, wooded/undeveloped, or unutilized and/or former manufacturing parcels.
- *Wild, Forested, Conservation and Public Lands* – Subarea 1 has experienced the greatest amount of development and disturbance in the WRA. Less than two percent of these lands remain.

### **Coastal Hamburg WRA Subarea 2**

Coastal Hamburg Subarea 2 of the WRA includes the central portion of the Lake Erie waterfront, which is roughly bounded to the southeast by Lake Shore Road (NYS Route 5). This Subarea includes the Locksley Park and Mt. Vernon neighborhoods and the Wanakah hamlet area, as well as the Hamburg Town Beach and Marina and Wanakah Country Club. Land uses in Coastal Hamburg WRA Subarea 2 include the following.

- *Residential* – Residential land uses in Coastal Subarea 2 are the primary land use, accounting for 192.2 acres or 49% of land coverage. These uses are comprised of

densely developed residential subdivisions and waterfront parcels in the Mt. Vernon and Wanakah communities.

- *Commercial* – These land uses are found primarily in the Wanakah hamlet area along Lake Shore Road in Subarea 2, accounting for 12 acres of land, or 3.0% of overall land use. Commercial properties include a mix of restaurants, small businesses, and personal service shops.
- *Recreation* – Recreational properties include the Town Park Beach and Boat Launch, a small community park located next to the public library, and the Wanakah Country Club, which in total encompass 134.7 acres, or 34.3% of land coverage.
- *Public and Community Services* – These land uses include the Lake Erie Seaway Trail Visitors Center, the Frontier Central School District Educational Center, the Lakeshore Volunteer Fire Company station, and the Lake Shore branch of the Erie County Public Library system, which in total account for 16 acres, or 4.0% of land coverage.
- *Vacant/Open Space* – Vacant lands in Coastal Subarea 2 primarily consist of a small number of parcels located within residential areas, accounting for 23.5 acres, or 6.0% of land coverage. Some of these may be associated with adjoining residential uses.

*Wild, Forested, Conservation and Public Lands* – These land uses consist of a small number of undeveloped properties that account for 14.0 acres or 3.6% of the total land area in Subarea 2.

### **Coastal Hamburg WRA Subarea 3**

Subarea 3 of the Coastal Hamburg WRA includes the southern extent of the Lake Erie waterfront that includes the Clifton Heights, Pinehurst, and Walden Cliffs neighborhoods. Land use in this Subarea is primarily residential in nature, with a mix of higher density developments, larger residential parcels and estate lots. Land uses in this Subarea 3 include the following.

- *Residential* - Residential land uses in Coastal Subarea 3 represent the primary land use, accounting for 687.9 acres or 65.6% of land coverage. This includes larger estate size parcels and smaller residential properties located within densely developed subdivisions.
- *Vacant/Open Space* – There are several larger vacant parcels, as well as numerous small vacant properties in the more densely developed neighborhoods, that encompass 316.0 acres and 30.1% of the land area in Coastal Hamburg WRA Subarea 3.

- *Commercial* – There is only one parcel in commercial use in Coastal Subarea 3, the Lakeview Pizza Company, which encompasses 1.5 acres or 0.2% of the land area.
- *Public and Community Service* – Pinehurst Elementary School and the Lakeview Fire Station #2 are the only community service land uses in Coastal Subarea 3, accounting for 32.9 acres and 3.1% of the land area.
- *Recreation* – There are a small number of Town-owned community park areas located in the northeastern portion of Coastal Subarea 3. These lands account for 10.1 acres and 1.0% of the land area in this Subarea.

### **Coastal Hamburg WRA Subarea 4**

Subarea 4 of the Coastal Hamburg WRA follows the northern shoreline of the Eighteen Mile Creek corridor, from the creek mouth at Lake Erie to the municipal boundary between the Towns of Hamburg and Eden. This Subarea also includes the small section of the creek, where it reenters the Town to the east, and encompasses the creek corridor to the point where it bifurcates into the main and south branches. The shoreline of the creek corridor in Subarea 4 is very steep and includes a number of large residential properties, with dwellings situated at the top of the bluff, and open space. Land uses in Coastal Hamburg WRA Subarea 4 include the following.

- *Residential* – Residential land uses are comprised of larger properties found along North Creek Road, above the creek. These uses account for 91.7 acres, or 41% of land coverage.
- *Vacant/Open Space* – Vacant land and open space include a few large areas of vacant parcels owned along North Creek Road that account for 7.6 acres and 3.4% of the land area.
- *Commercial* – There is only one parcel in commercial use in Coastal Subarea 4, which encompasses 7.2 acres or 3.2% of the land area. This is a converted residence owned by Community In Hamburg LLC.
- *Public and Community Service* – The only public service property in Coastal Subarea 4 is a railroad right-of-way owned by New York Central that accounts for 4.4 acres and 2.0% of the land area.
- *Wild, Forested, Conservation Lands* – These land uses consist of several large parcels of undeveloped lands owned by New York State and the Town of Hamburg that account for 112.0 acres or 50.4% of the total land area in Coastal Subarea 4. These lands are conservation areas that provide fishing access along Eighteen Mile Creek.

### **Inland Hamburg WRA Subarea 1**

Subarea 1 of the Inland Hamburg WRA includes the continuing length of the Eighteen Mile Creek corridor that is located west of the Village of Hamburg. This area encompasses Eighteen Mile County Park, Hampton Brook Woods Wildlife Management Area, vacant lands, and numerous residential properties that border the Eighteen Mile Creek corridor. Land uses in Inland Hamburg WRA Subarea 1 include the following.

- *Agriculture* – There are four agricultural parcels located in Inland Subarea 1, one of which has an agricultural tax exemption. All four are included in Erie County Agricultural District #8. These properties account for 40.6 acres, or 4.6% of land coverage in this Subarea.
- *Residential* - Residential land uses in Inland Subarea 1 are comprised of larger properties located along North Creek Road, Old Lakeview Road, South Creek Road, and Steven Road, as well as residential properties in the Hampton Brook Drive and Windover Drive areas. These land uses account for 297.2 acres or 33.9% of land coverage in this Subarea.
- *Vacant/Open Space* – A number of vacant properties along South Creek Road, Old Lakeview Road, and Stevens Road, comprise 44.3 acres and 5.1% of the land area in Inland Subarea 1.
- *Commercial* – There are a small number of commercial land uses in this Subarea, which include Sundance Kennels and Jens Trading Company on Lakeview Road and a few businesses in the Water Valley hamlet area. These uses account for 12.0 acres, or 1.3% of the land area.
- *Community Services* – These lands include Prospect Lawn Cemetery property and a railroad right-of-way. These properties account for 17.7 acres or 2.0% of the land area.
- *Recreation* – There is a small community park that is part of the Windover Park residential subdivision. This property accounts for 0.4 acres or 0.5% of land coverage.
- *Wild, Forested, Conservation and Public Lands* – This land use category includes Eighteen Mile Creek County Park, which is primarily open conservation land with no amenities, and the NYS Hampton Brook Woods Wildlife Management Area lands. These properties account for 464.7 acres or 53.0% of the total land area in Inland Hamburg WRA Subarea 1.

### **Inland Hamburg WRA Subarea 2**

Subarea 2 of the Inland Hamburg WRA includes the far extent of the Eighteen Mile Creek corridor, which is located east of the Village of Hamburg. This Subarea includes the Town-owned Eighteen Mile Creek Golf Course, Taylor Road Park, a large vineyard,

and a mix of vacant parcels and residential properties. Land uses in Inland Hamburg WRA Subarea 2 include the following.

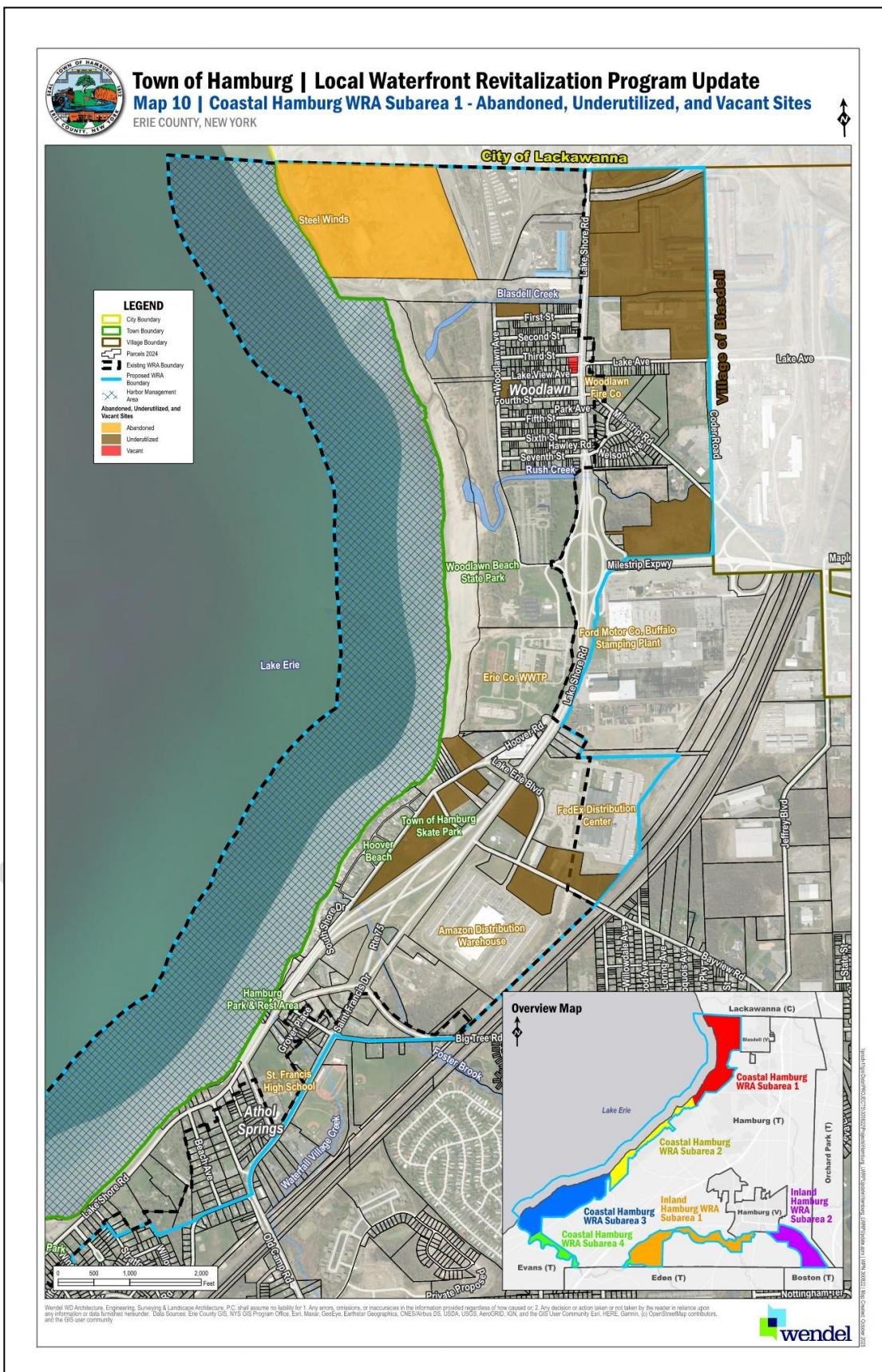
- *Agriculture* – There are nine agricultural properties, including the Pellicano Vineyard and Hamburg Wineries, that account for 162.8 acres or 29.8% of land coverage in Inland Subarea 2. Eight of these parcels are located within Erie County Agricultural District #8; six hold agricultural tax exemptions.
- *Residential* – Residential land uses in Inland Subarea 2 are comprised of large properties located along Boston State Road and Taylor Road that account for 150.1 acres or 27.5% of land coverage in this Subarea.
- *Recreation* – The Town-owned Eighteen Mile Creek Golf Course and Taylor Road Park properties account for 184.9 acres or 33.8% of land coverage in Inland Subarea 2.

*Vacant* – There are several large vacant parcels in Inland Subarea 2 that account for 48.7 acres or 8.9% of land coverage in this Subarea. It is possible that some of these lands are used for farming.

## 2.5 Abandoned, Underutilized, and Deteriorated Sites and Structures

## Town of Hamburg Local Waterfront Revitalization Program

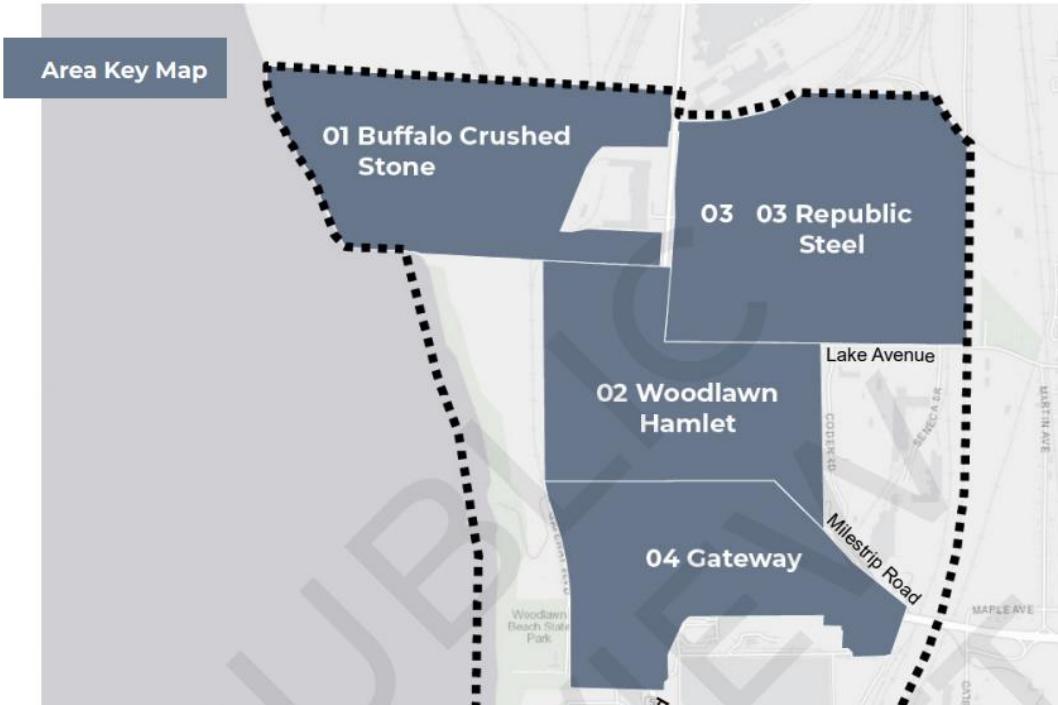
Map 10 - Abandoned, Underutilized and Deteriorated Sites and Structures



Abandoned, underutilized, and deteriorated sites and structures in the Hamburg WRA are located primarily in Coastal Hamburg WRA Subarea 1. These sites include former industrial properties that are vacant, underutilized and/or abandoned; some in deteriorated (as shown above in Map 10). A small number of these sites are designated brownfields. There are also a few properties that are vacant or underutilized commercial uses in the Woodlawn Hamlet area. Underutilized sites are properties that are under-performing, idle, vacant or have structures that are not in operation. The New York State Department of Environmental Conservation defined a brownfield as a property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria, or adopted guidance (see Section 2.18).

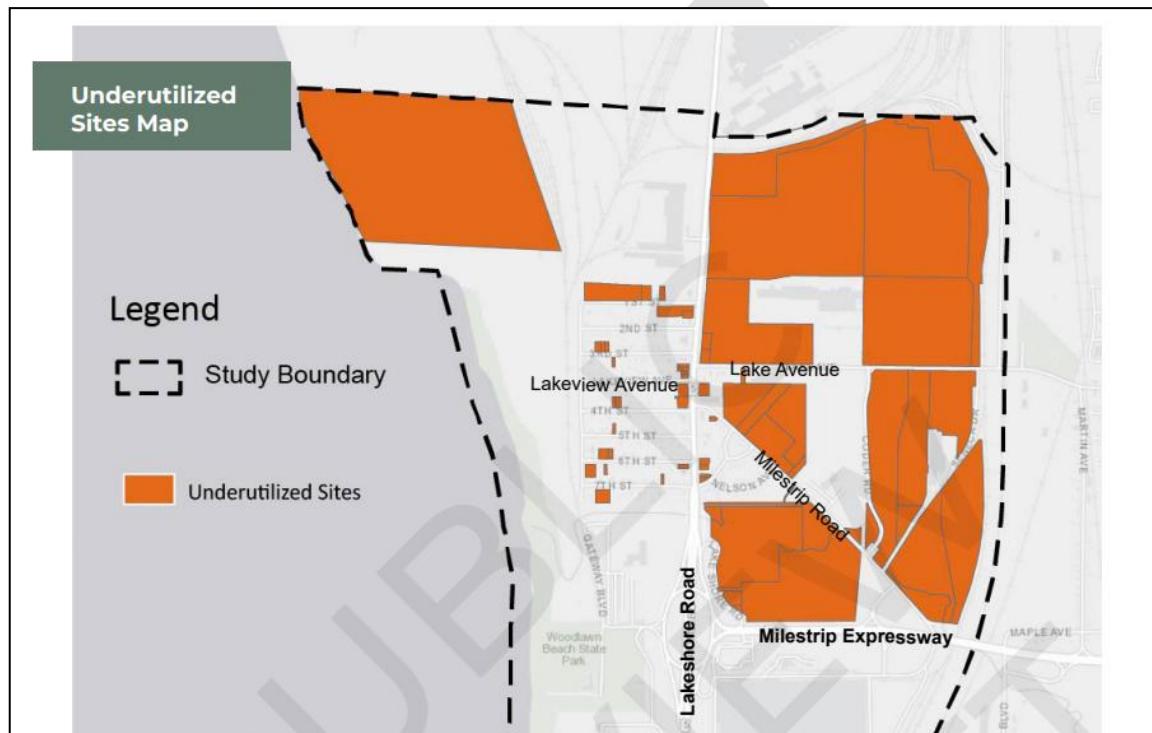
The Town was awarded a Brownfield Opportunity Area (BOA) grant for a 450-acre area located adjacent to, and south of, the former Bethlehem Steel plant property in Coastal Hamburg WRA Subarea 1, which is surrounded by several vacant and underutilized sites, and inaccessible waterfront and industrial properties. The BOA boundary also includes the former Republic Steel property and a number of sites located north of Milestrip Road in Subarea 1 (see Figure 2.21). The final report for this project is expected in late 2025.

Figure 2.21 – Draft Woodlawn Gateway Brownfield Opportunity Area Plan Area Key Map



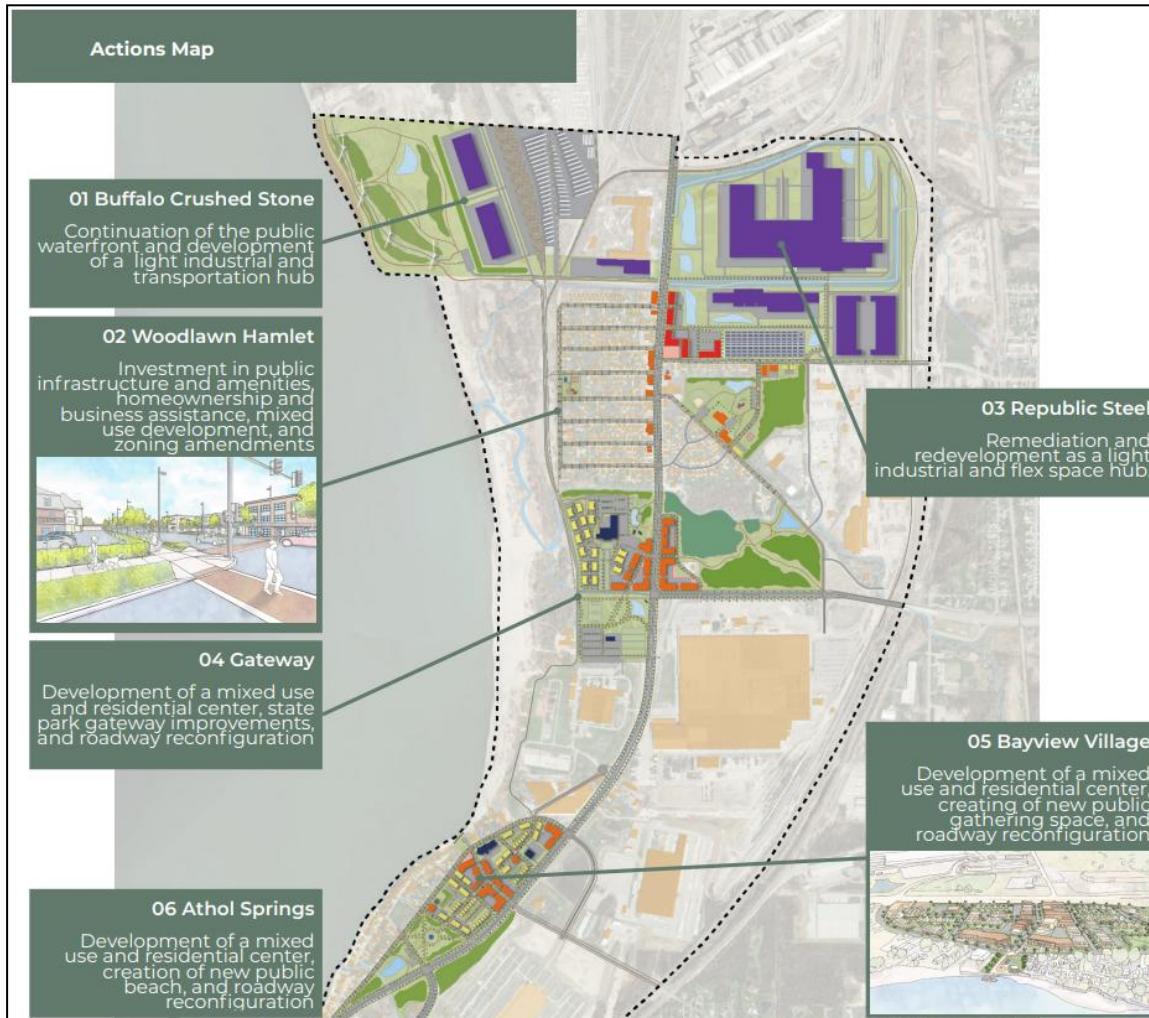
The BOA report lists 75 recommendations to address socioeconomic and environmental challenges related to brownfields, including physical and planning projects, policy changes, and specific actions to be undertaken by the Town of Hamburg and local agencies. This project identified a number of key areas that qualify for strategic actions (see Figures 2.22 and 2.23). These include the Buffalo Crushed Stone property, the former Republic Steel property, Woodlawn hamlet, and the Gateway property. The goal is to foster revitalization and realize the community vision for safe, affordable, and attractive neighborhoods.

Figure 2.22 - Draft Woodlawn Gateway Brownfield Opportunity Area Plan Underutilized Sites Map



The Town of Hamburg owns a property in the Hoover Beach area, located between Hoover Road and NYS Route 5. This property is the former location of the Hamburg Skate Park and the Blasdell Water Treatment Plant, which ceased operation many years ago. This unutilized site has the potential for reuse and should be tied in with the future redesign and improvement to NYS Route 5/Lake Shore Road for multi-modal activities.

Figure 2.23 - Draft Woodlawn Gateway Brownfield Opportunity Area Plan Actions Map

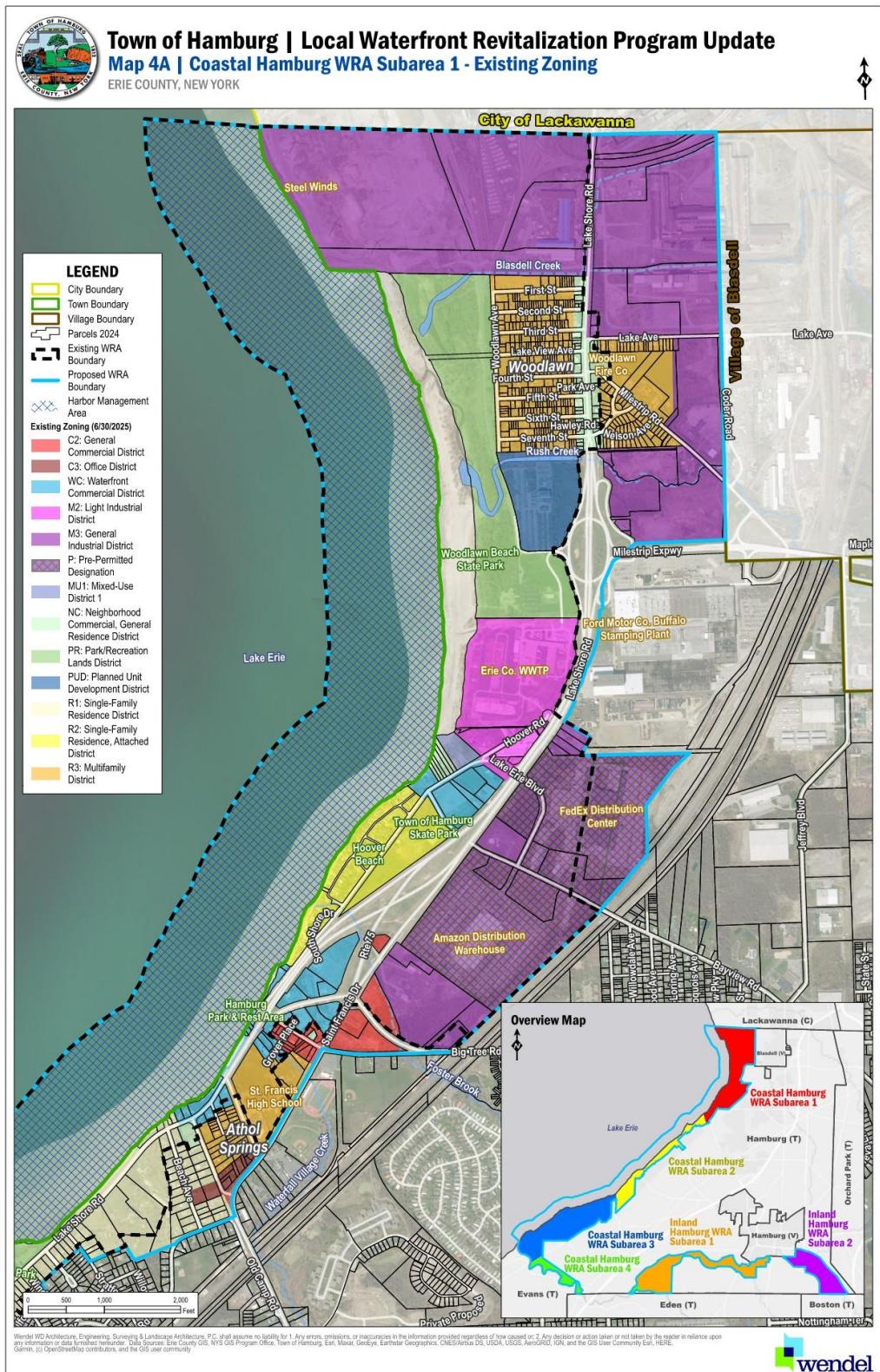


## 2.6 Zoning Districts

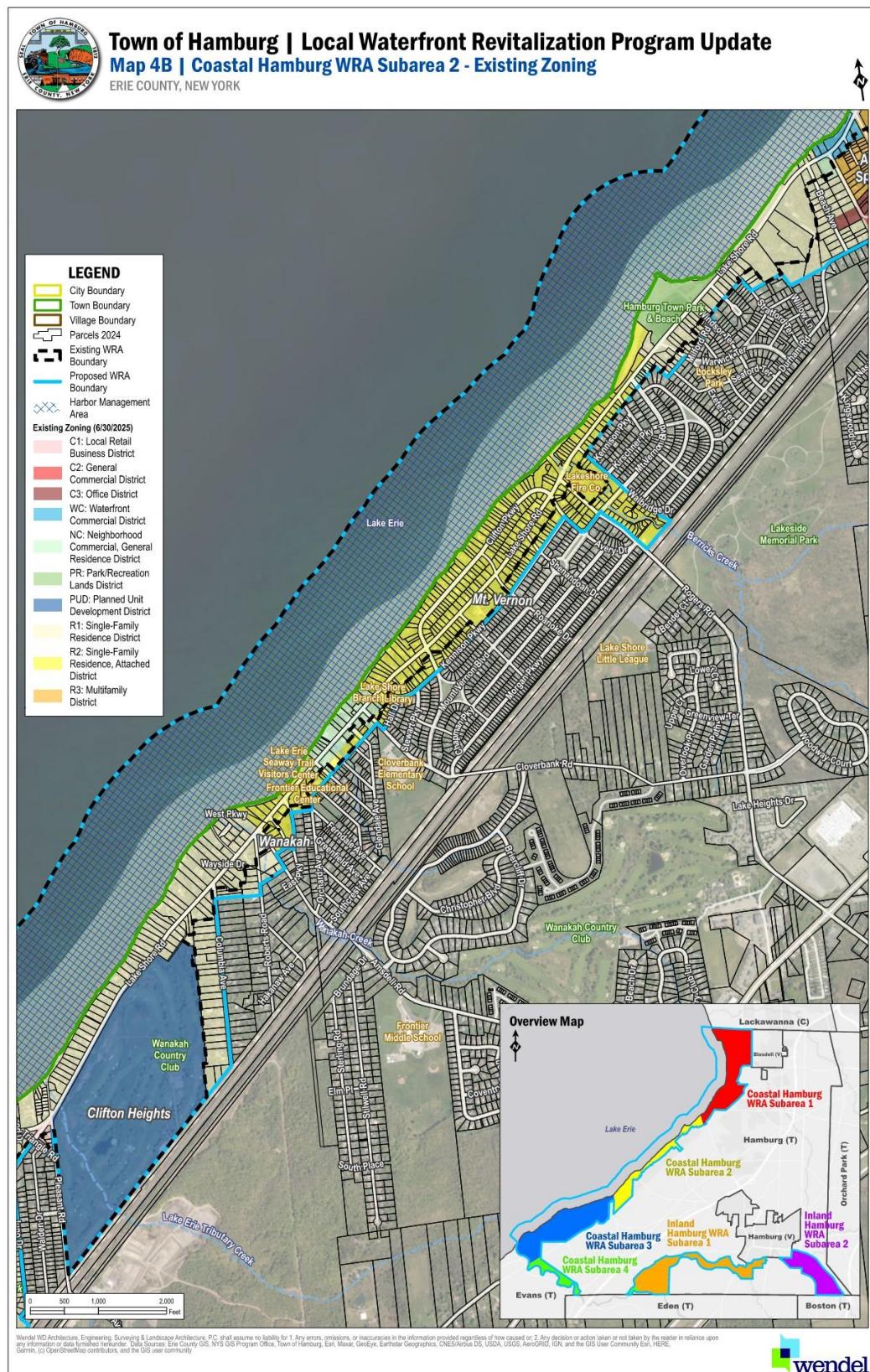
Within the Town of Hamburg, land use is controlled by Chapter 280 – Zoning of the Town Code. Zoning in the WRA includes several districts that regulate residential, commercial, and industrial land uses, as outlined below and shown on Maps 4A-4F. There are also four Zoning Overlay Districts that apply to portions of the WRA. Section 5 includes a discussion of other local laws in the Town that play a role in implementation of the LWRP. The zoning districts found in the WRA include the following:

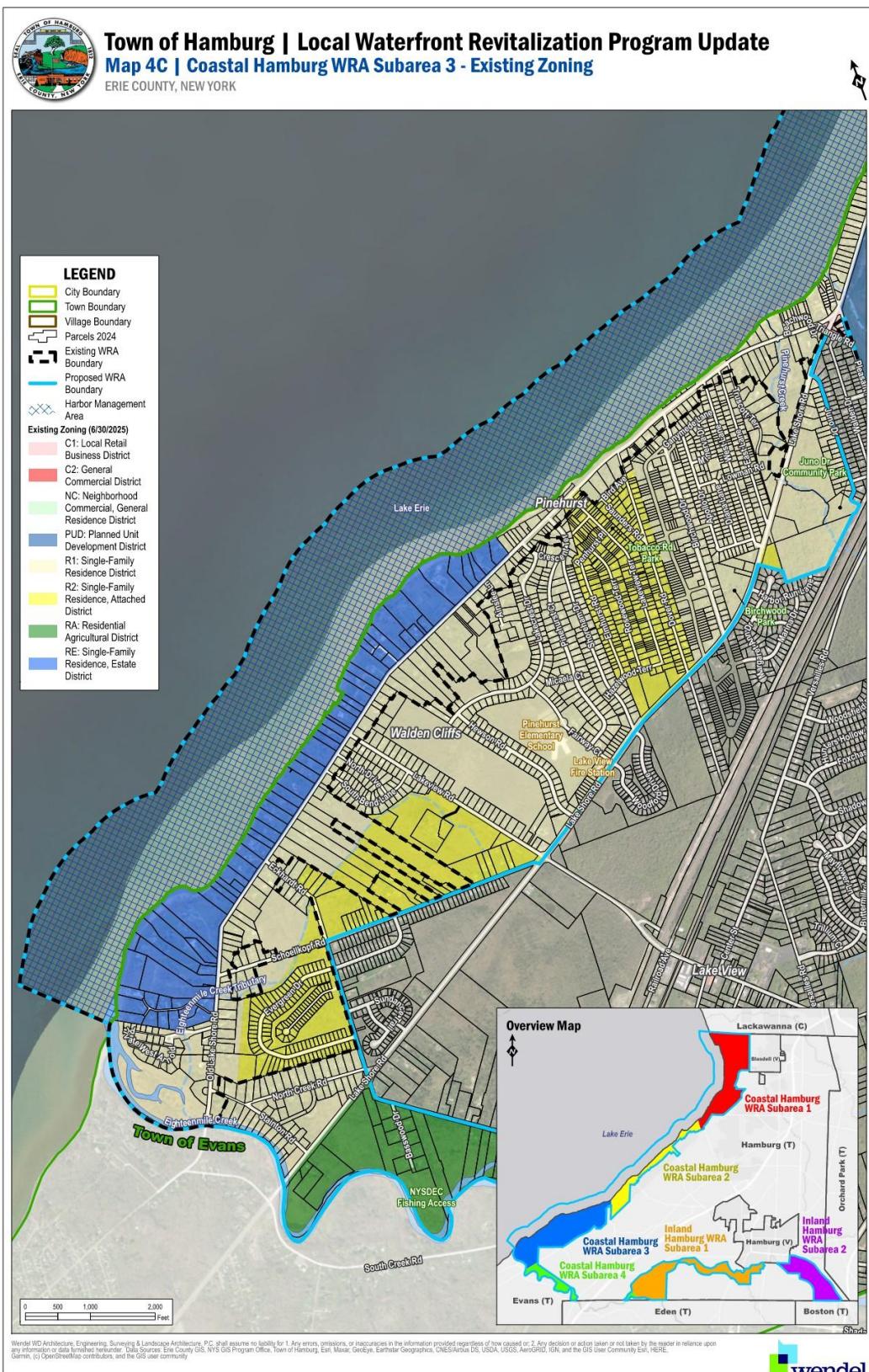
## Town of Hamburg Local Waterfront Revitalization Program

### Maps 4A-4F

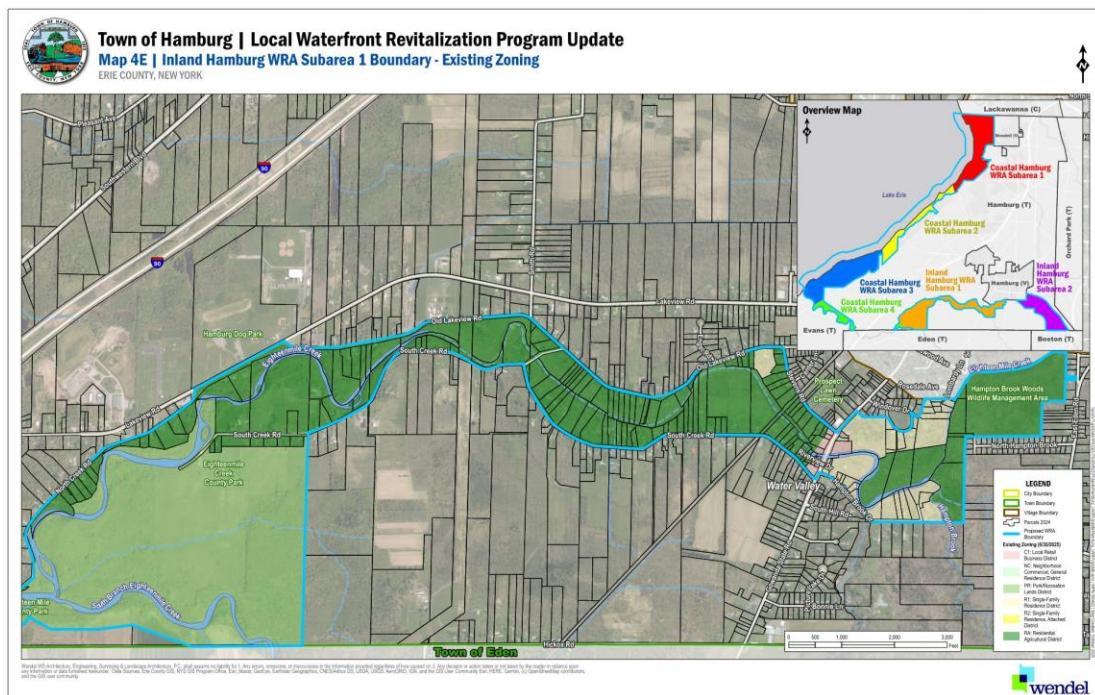
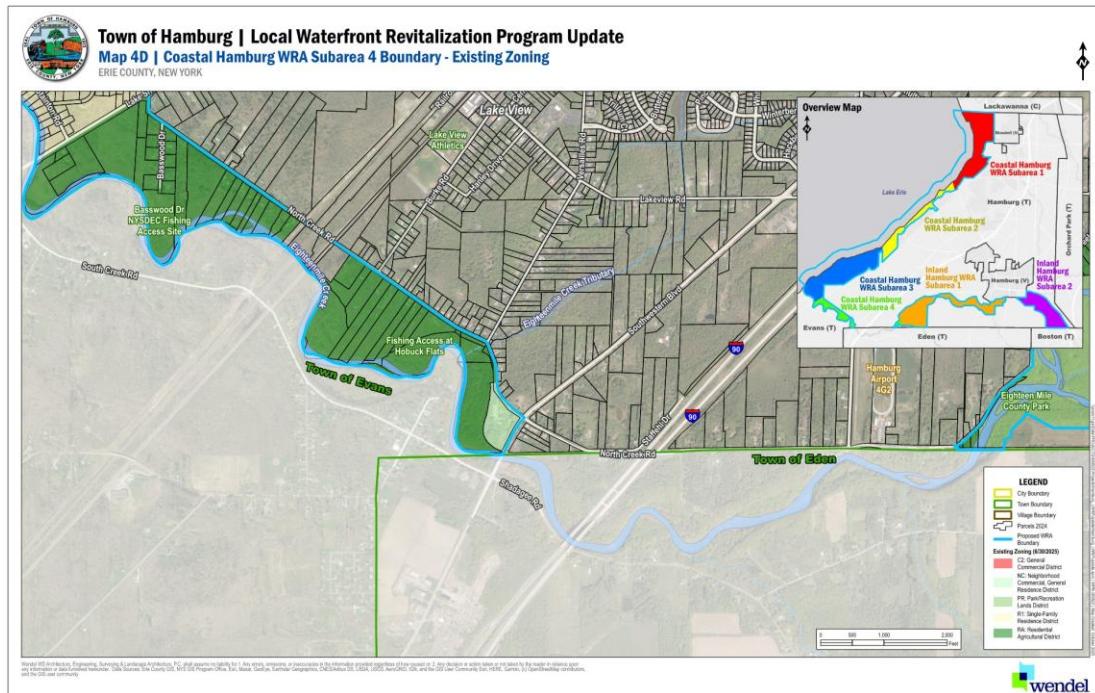


## Town of Hamburg Local Waterfront Revitalization Program

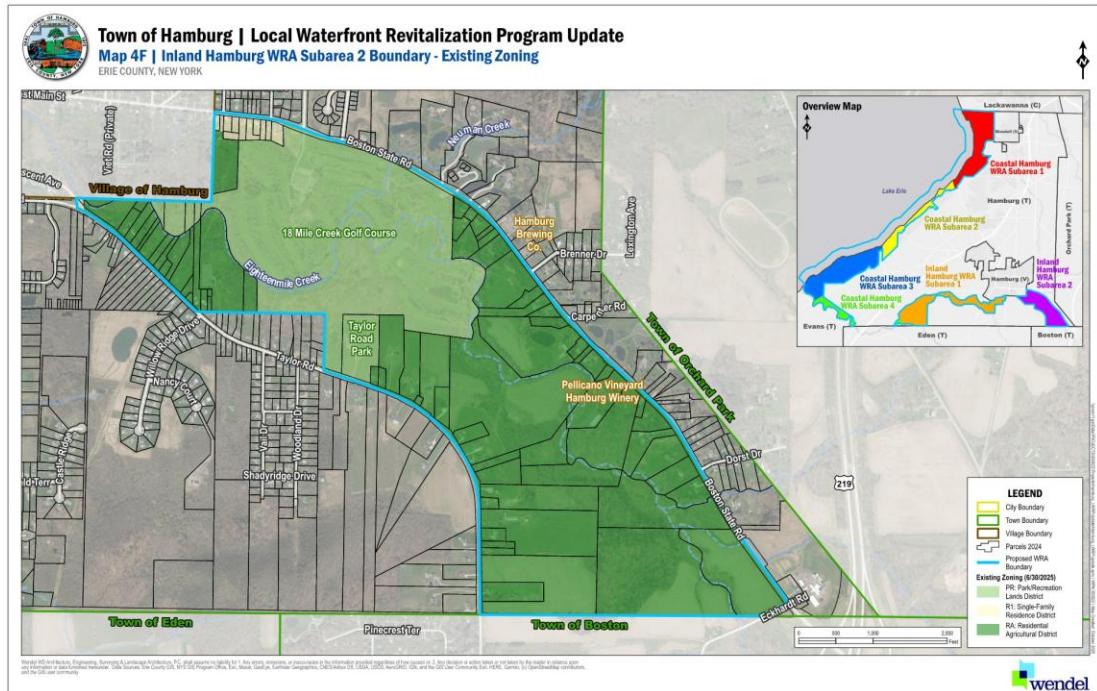




## Town of Hamburg Local Waterfront Revitalization Program



## Town of Hamburg Local Waterfront Revitalization Program



### RESIDENTIAL DISTRICTS

- **R-A – Residential-Agricultural District**

The R-A district allows single-family residences, places of worship, private schools, fire stations, public libraries and museums, golf courses, religious/charitable institutions, agricultural uses, veterinarians/small animal hospitals, private wildlife preserves/conservation areas, cemeteries, hospitals, and private (not-for-profit) clubs. Radio/TV transmission facilities, private airports, picnic grounds/groves, nursery schools and daycare facilities, bed and breakfast establishments, and craft breweries and wineries without vineyards require issuance of a Special Use Permit. Accessory uses in the R-A District include refreshment stands at private picnic groves, temporary farm stands, unoccupied house trailers and boats, home occupations, and satellite dishes.

- **R-E – Single Family Residence - Estate District**

The R-E Single Family Residence - Estate District allows for lower-density single-family detached dwellings, places of worship, fire stations, private clubs and golf courses, and hospitals. Wind energy conversion systems and bed-and-breakfast establishments are allowed by Special Use Permit. Accessory uses in the R-E District include garages, storage of trailers, a caretaker or guest residence, horse stables, greenhouses, pools, and tennis courts.

- **R-1 – Single Family Residence District**

The R-1 District primarily allows single-family detached dwellings, cluster housing (with site plan approval), elementary and secondary schools, public libraries, and museums. Barns are allowed by Special Use Permit. Professional residence-office and home occupations are allowed with Zoning Board of Appeals approval. Accessory uses include garages, storage of trailers, greenhouses, satellite dishes, pools, tennis courts, and home occupations; and professional residence-office with Zoning Board of Appeals approval.

- **R-2 – Single Family Residence, Attached District**

This district allows all principal uses and structures permitted in the R-1 District. In addition, two-family dwellings and attached single-family dwellings are permitted. Accessory uses are the same as allowed in the R-1 District.

- **R-3 – Multi-Family District**

The R-3 Multi-Family zoning district allows principal uses and structures permitted in the R-2 District. In addition, multi-family housing or condominiums, hospitals, nursing homes and dormitories are permitted in this district. Nursery schools and daycare centers are allowed by Special Use Permit. Accessory uses are the same as permitted in the R-2 District, as well as accommodations for roomers or lodgers within a dwelling.

### **BUSINESS DISTRICTS**

- **NC – Neighborhood Commercial General Residence District**

The NC Neighborhood Commercial General Residence zoning district allows for commercial uses that serve the needs of residential neighborhoods, without negatively affecting the character of the area. Permitted uses include principal and accessory uses permitted in the R-3 District, except clustered housing. In addition, minor retail sales (convenience shopping with less than 2,000 square feet), studios, funeral homes, bed and breakfast establishments, fire stations, meeting rooms for clubs and fraternal organizations, business/professional offices, and personal service shops are permitted in this district.

- **C-1 – Local Retail Business District**

The C-1 Local Retail Business zoning district allows lesser intensive commercial uses in structures measuring less than 15,000 square feet. Principal and accessory uses include those permitted in the NC District (except residential housing), and retail sales, drycleaning establishments, hotels, motels, eating and drinking establishments, banks, and sports and fitness facilities. Nursery schools and daycare centers are allowed by Special Use Permit.

- **C-2 – General Commercial District**

The C-2 General Commercial zoning district allows larger scale regional-type commercial operations and developments that measure up to 100,000 square feet in size. In addition to the land uses permitted in the C-1 District, land uses allowed in the C-2 District include boat or marine sales and service, laundry and drycleaning plants (measuring less than 2,000 square feet in size), custom shops, warehouses, indoor entertainment, dairies, wholesale sales and distribution, commercial swimming pools, drive-in theaters, golf driving ranges and miniature golf, and public storage facilities. Uses allowed with a Special Use Permit in the C-2 District include any permitted commercial use that exceeds 100,000 square feet in gross floor area, nursery schools and daycare centers, new or used motor vehicle sales facilities, trucking terminals, commercial car washes, gasoline stations, and automotive repair garages.

- **C-3 – Office District**

Permitted uses in the C-3 District include office buildings, sports and fitness facilities, and hospitals. Nursery schools and daycare centers are allowed by Special Use Permit. Accessory uses and structures in this district include retail, service, restaurants, and commercial recreation facilities occupying 15 percent or less of the gross floor area.

- **WC – Waterfront Commercial**

The WC Waterfront Commercial District restricts some areas of the waterfront for the use and development of water-dependent and water-related or -enhanced uses. This district provides areas for uses that can take advantage of waterfront assets and complement the nature of these areas. Only certain non-water dependent uses are allowed by Special Use Permit. The WC District creates a transition area between the lakeshore residential area and more intensive commercial and industrial zoning districts. It complements and provides for connections to the tourism and recreational features along the waterfront, and

takes advantage of the designation of New York State Route 5 as a National and State Scenic Byway and a portion of the New York Great Lakes Seaway Trail system.

### INDUSTRIAL DISTRICTS

- **M2 – Light Industrial District**

The M-2 District allows office buildings and offices; research and development activities; manufacturing, compounding, and assembly from previously prepared materials; laboratories; warehousing and wholesale distribution; conversion of existing buildings to allow for rental of interior space for individual storage use. Uses requiring a Special Use Permit include public mini-storage facilities, nursery schools, and daycare centers for children of employees working in permitted buildings. Permitted accessory uses include uses allowed in the C-2 District, quarters for a watchman or caretaker, and truck repair in association with a permitted use. There are use limitations in this district with respect to fire and explosive hazards; storage of flammable materials; dissemination of air pollutants, noise vibration, and odors beyond the property lines; discharge of untreated refuse materials into sewers, streams, or ditches.

- **M3 – General Industrial District**

Permitted uses in the M-3 District include all principal and accessory uses allowed in the M-2 District, as well as lumber and coal yards, railroad freight yards, concrete production, storage of petroleum and petroleum products, manufacturing of abrasives, automobile assembly and fabrication, manufacturing of heavy machinery, processing of bituminous products, metal casting and foundry products, open storage yards, and adult uses.

### OTHER ZONING DESIGNATIONS AND DISTRICTS

- **P – Pre-Permitted Designation**

Pursuant to Article LII of Chapter 280, this zoning designation offers the incentive of a pre-permitted site to applicants who propose to develop industrial or business uses in a selected area of Coastal Hamburg WRA Subarea 1 (see Map 4A). This status is achieved through a specific review and approval process that allows future projects to proceed directly to the Town of Hamburg for site and building permits. This designation is designed to enable the Town to achieve its goals for targeted growth patterns, economic benefits, and the creation of critical jobs in the region. Properties that are zoned Pre-Permitted are owned and marketed by the Hamburg

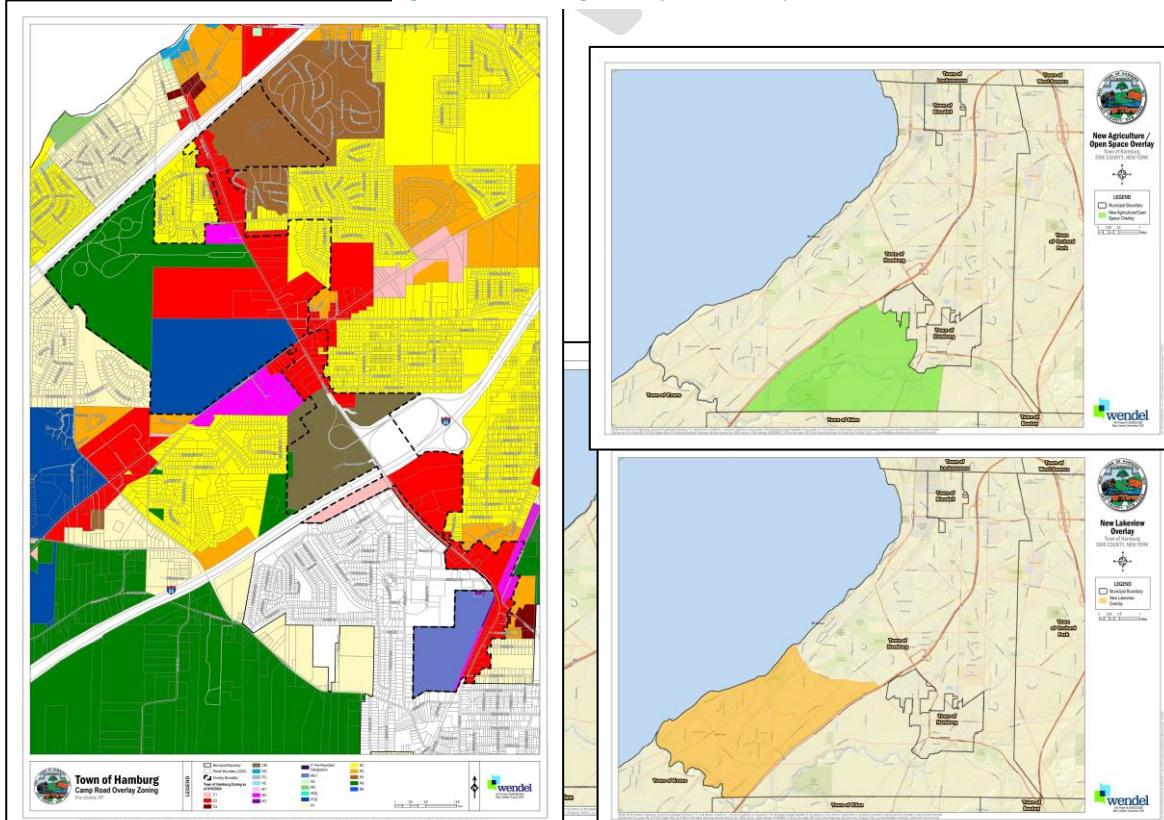
New York Development Corporation. This zoning designation enables the Hamburg New York Land Development Corporation to expedite development and construction and allows developers to maximize their investment through the pre-development actions that have been achieved to save investors time and money. The FedEx and Amazon distribution facilities were constructed on properties zoned under the P designation in Subarea 1; additional outparcels are still available in this area for development.

- **PR – Park/Recreation Lands District**

The intent of the Park/Recreation Lands District is to provide a special zoning classification for passive and active recreational facilities, including both public and privately owned properties, and to ensure proper location and protection of recreational lands and uses. Permitted uses in the PR District include public and privately owned passive and active recreational uses, privately owned passive recreational uses, and wildlife preserves and sanctuaries and related structures. Uses that require a Special Use Permit include golf courses and country clubs; sportsman and gun clubs; tennis, racquetball, and handball facilities; ice skating facilities; basketball, baseball, football, soccer, volleyball, lacrosse, and other sports fields and facilities; picnic grounds and groves for which a fee or rental is charged; and beaches. Accessory uses in the PR District include uses and structures customarily incidental to a permitted use, and a residence for custodian or staff.

### ZONING OVERLAY DISTRICTS

Figure 2.24 – Zoning Overlay District Maps



Land uses permitted in zoning overlay districts are the same as those permitted in the underlying zoning districts. Zoning overlay districts supplement the underlying zoning restrictions to provide for resource preservation and harmonious, safe, and orderly development within the district.

- **Route 5 Overlay District**

The Route 5 Overlay District establishes measures to improve the quality of development and the aesthetics along the New York State Route 5 / Lake Shore Road corridor. These measures are designed to improve business conditions and enhance economic development opportunities, as well as to restore and continue the traditional community character of the area. The regulations are aimed at enriching the visual quality and improving the pedestrian environment. This district extends south from the Town boundary with the City of Lackawanna to the intersection of Lake Shore Road (NYS Route 5) and Old Lake Shore Road, extending through Coastal Hamburg WRA Subareas 1 and. The overlay district regulations affect all properties that front along Lake Shore Road. Overlay district objectives include encouraging compatible building arrangements, size and form, design character and landscaping; creating a sense of identity and refining the character of commercial areas as destinations; designing new structures and structural modifications at a scale that is conducive to the area and invites human interaction; encouraging provision of public gathering spaces such as plazas, promenades and parks; designing for diversity and a mix of uses and services; preserving natural vegetation and open space and providing natural buffers between residential and commercial uses; designing parking, ingress and egress, alleys and walkways to place the needs of pedestrians over vehicles; and managing traffic flow and reducing conflict points along Route 5 to control highway access.

- **Lakeview Overlay District**

This overlay district was established to preserve the rural nature and important natural resources of the Lakeview area of the Town. This district contains significant tracts of freshwater wetlands and woodlands, as well as wildlife habitats, wildlife management areas, and designated conservation areas. The Lakeview Overlay District encompasses all the land area located southeast of Old Lakeshore Road and the Lake Erie shoreline, southwest of Amsdell Road, northeast of the municipal boundary with the Town of Evans, and northwest of the New York State Thruway. The district is intended to encourage the renewal of existing commercial development areas in an effort to revitalize the Lakeview hamlet and

provide for diversification of land uses in the area. The objectives for development in this overlay district include minimizing suburban development and restricting sewer extensions to control growth, minimize land clearing and prohibit clear cutting, and preserve implement rural design guidelines and encourage clustered development, protect habitats and important resources (wetlands, slopes, scenic vistas, woodlands, etc.), revitalize existing commercial development and encourage additional commercial uses in appropriate areas, and discourage commercial strip development and road frontage lots.

- **Agriculture and Open Space Overlay District**

The Agriculture and Open Space Overlay District encompasses all the lands situated southeast of the New York State Thruway, southwest of the boundaries of the Incorporated Village of Hamburg, west of East Eden Road, and north of the municipal boundary with the Town of Eden. The purpose of this overlay district is to preserve and protect important agricultural, environmental, and open space resources. Additionally, this district is intended to control suburban development, prohibit sewer extensions, and encourage agricultural and agriculturally-related pursuits, such as agri-tourism, without impacting the economic value of the land or hampering development altogether. Objectives of this district include encouraging bicycle and pedestrian access; preserving rural character by limiting site clearing, promoting large lots, and utilizing conservation easements and deed restrictions; preserving active and former agricultural lands, large parks and recreation areas; and protecting habitats and wildlife management areas. The use of rural design guidelines and flexible and creative design, adherence to strict environmental review, avoidance of strip development and frontage lots, and preservation of open space is encouraged to manage growth and protect natural resources. This includes wetlands, steep slopes, scenic vistas, floodplain boundaries and wooded areas.

- **Southeastern Hamburg Overlay District**

The purpose of the Southeastern Hamburg Overlay District is to preserve the rural character of the area and manage development to protect important environmental resources, including scenic views and vistas. This overlay district encompasses all the lands located east of East Eden Road, south and east of the boundary of the Incorporated Village of Hamburg, south of Newton Road, west and southwest of the municipal boundary with the Town of Orchard Park, and north of the municipal boundaries with the Towns of Boston and Eden. The Southeastern Hamburg Overlay District includes provisions to encourage bicycle and pedestrian

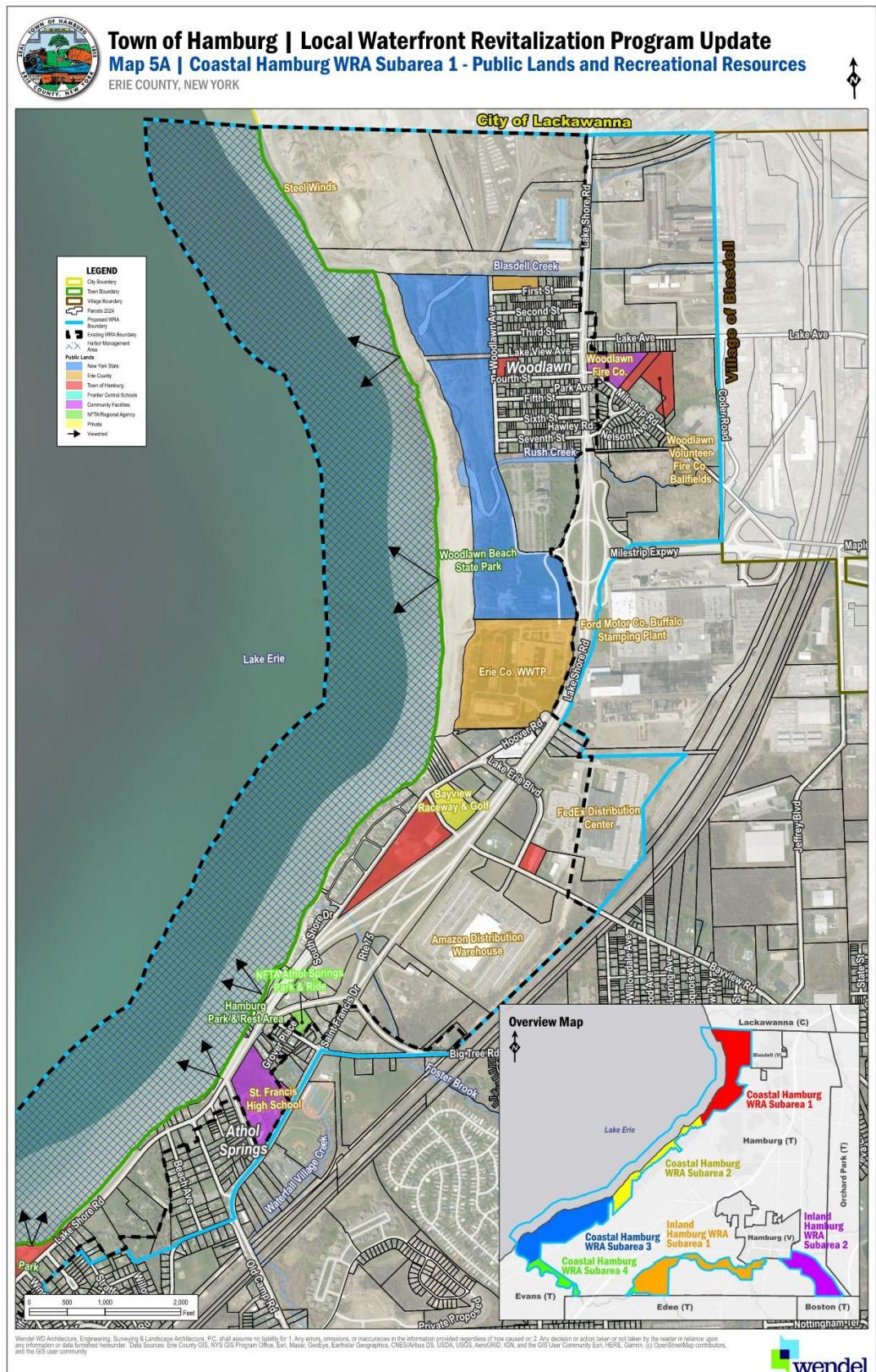
access. This District contains significant areas of freshwater wetlands and woodlands, as well as habitats, wildlife management and conservation lands. The intent is also to control suburban development without impacting the economic value of land or hampering development altogether. The objectives for rural and environmental preservation in the Southeastern Hamburg Overlay District are to minimize land clearing, prohibit clear cutting, and preserve large stands of trees; encourage use of conservation easements and deed restrictions; and encourage clustered residential development and flexible, creative design. In general, good design and open space protection supersede the importance of development density when making land use decisions in this overlay district.

The Zoning regulations (Chapter 280) include provisions for Site Plan Review, Special Use Permits, the Zoning Board of Appeals, clustered housing and townhouse developments, non-conforming uses, off-street parking, and signs and stormwater management. Additional provisions regulate telecommunication facilities, commercial and residential scale wind energy conversion systems, stormwater control, pre-permitted site incentives, solar energy systems, and Battery Energy Storage Systems (see Section 2.19).

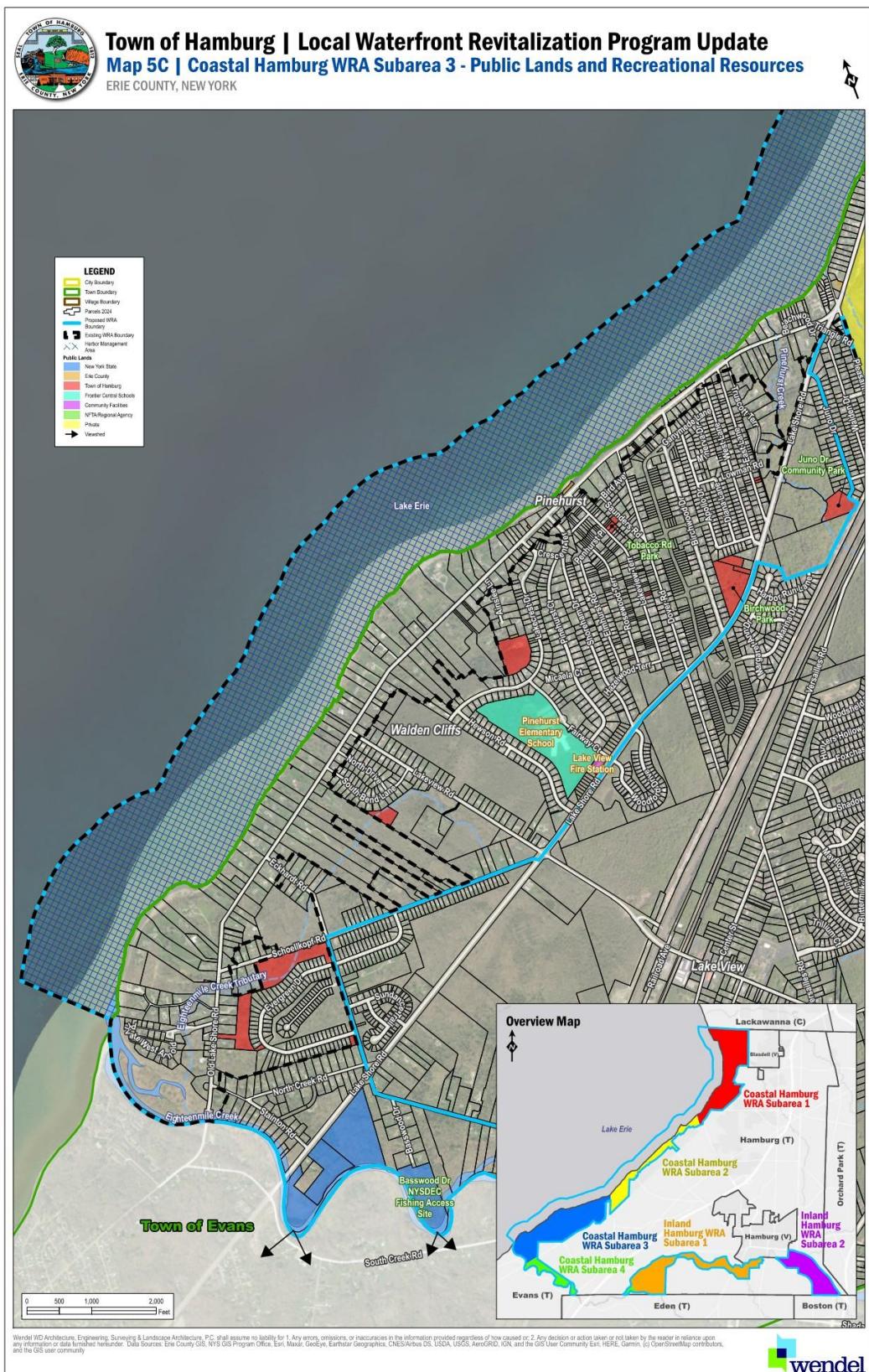
## **2.7 Public Lands, Community Facilities and Underwater Land Ownership (Maps 5A-5F)**

## Town of Hamburg Local Waterfront Revitalization Program

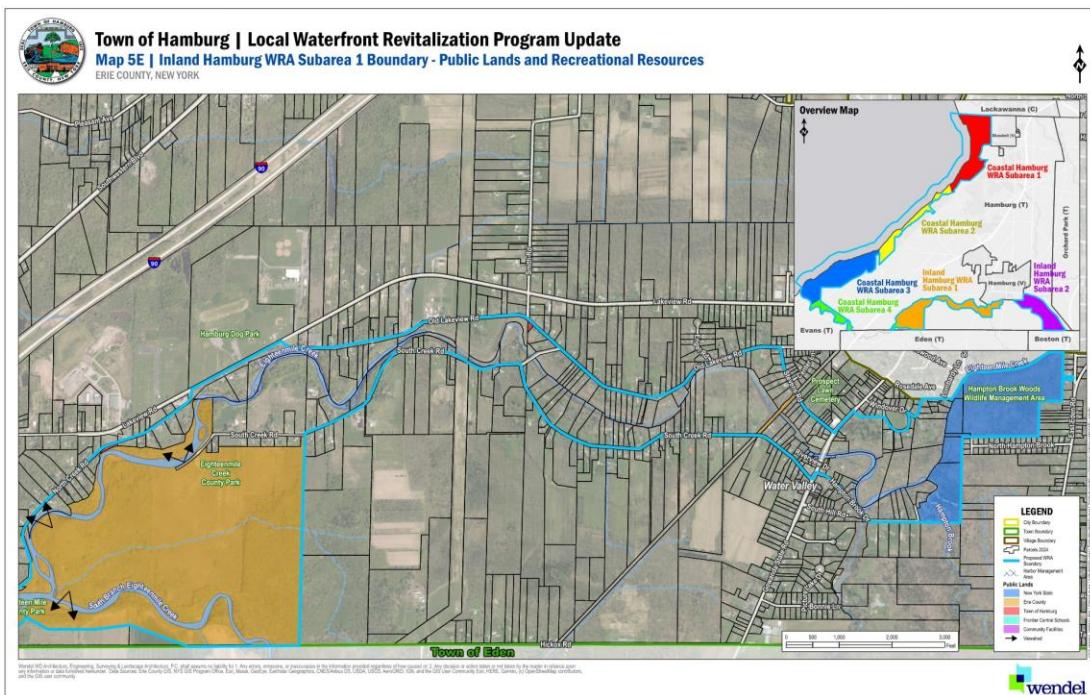
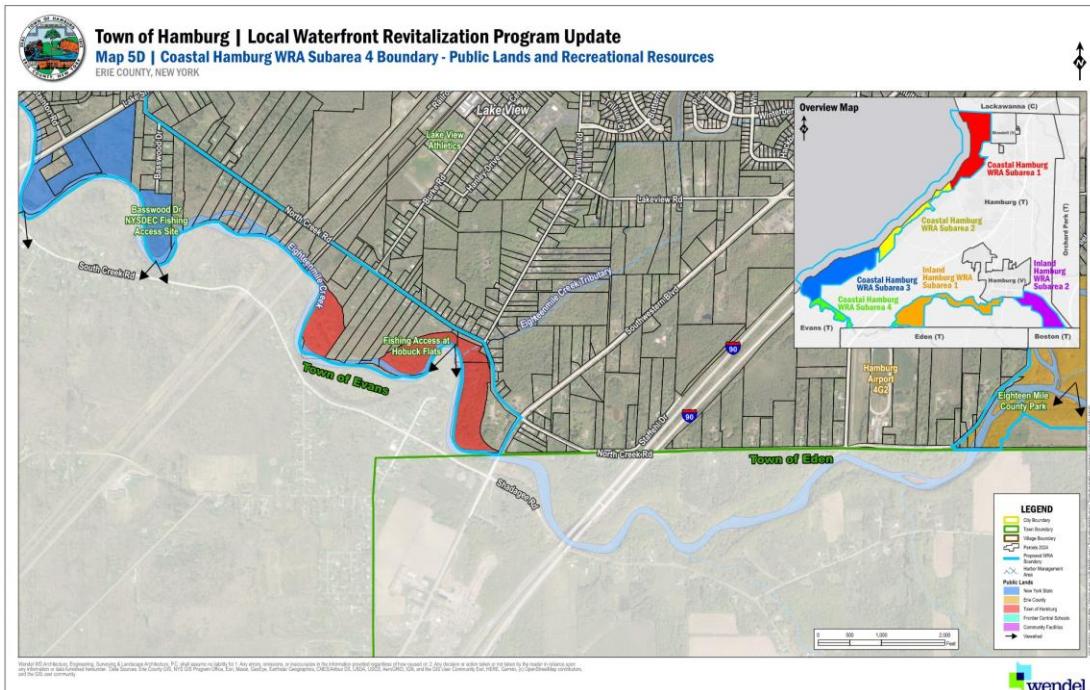
### Maps 5A – 5F – Public Lands and Recreational Resources



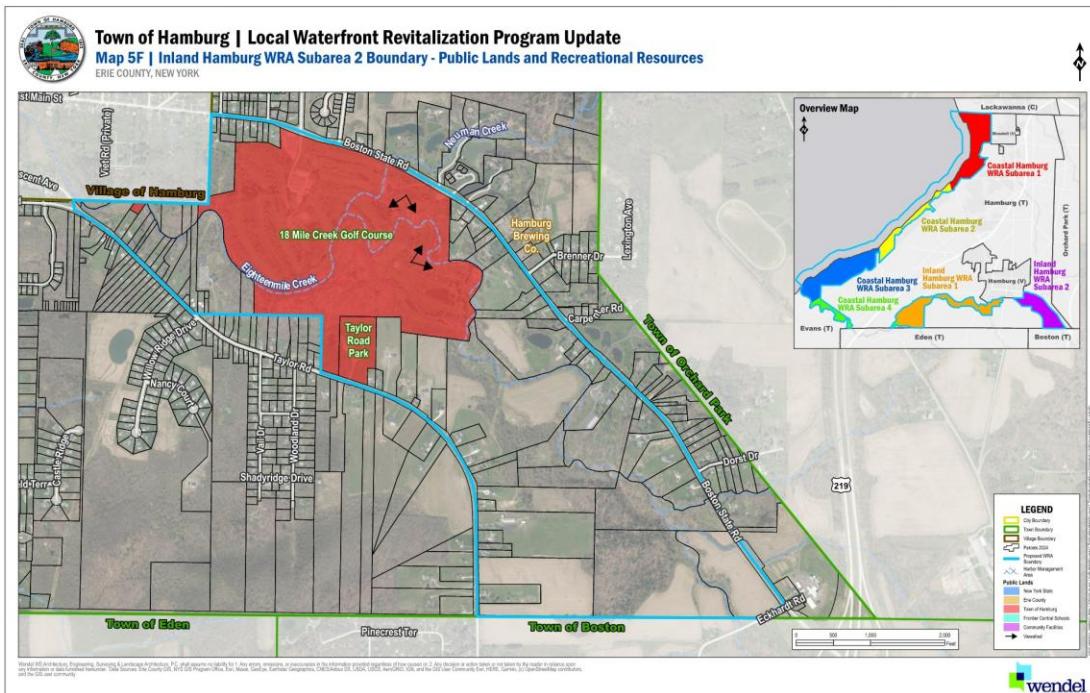
## Town of Hamburg Local Waterfront Revitalization Program



Town of Hamburg Local Waterfront Revitalization Program



## Town of Hamburg Local Waterfront Revitalization Program



While much of the land in the WRA is held in private ownership, there are several upland properties that are publicly owned, including lands and facilities owned by New York State, Erie County, the Town of Hamburg, and a few quasi-public land owners. These properties include public parkland, some of which are discussed further under Section 2.8, and other municipal facilities and lands. There are also a small number of community service facilities, including volunteer fire company properties and private schools that are acknowledged under this category, although the land is not held in full public ownership.

Public lands and community facilities in each Subarea are outlined below.

- **Coastal Hamburg WRA Subarea 1**
  - Woodlawn Beach State Park
  - Woodlawn Fire Company (quasi-public)
  - Erie County Southtowns Wastewater Treatment Plant
  - Town of Hamburg property (former Skate Park and Blasdell Water Treatment Plant site)
  - Town of Hamburg Park and Rest Area
  - St. Francis High School (private)
- **Coastal Hamburg WRA Subarea 2**

- Town of Hamburg Beach and Boat Launch
- Lakeshore Fire Company (quasi-public)
- Lakeshore branch of the Erie County Public Library
- Town of Hamburg community park next to library on Lake Shore Road
- Town of Hamburg Lake Erie Seaway Trail Visitor's Center
- Frontier Central School District Educational Center

- **Coastal Hamburg WRA Subarea 3**
  - Town of Hamburg Birchwood Park
  - Town of Hamburg parkland at terminus of Juno Road
  - Town of Hamburg Tobacco Road community park
  - Pinehurst Elementary School
  - Lakeview Volunteer Fire Station #2 (quasi-public)
  - Town-owned stormwater management facilities in private subdivisions
  
- **Coastal Hamburg WRA Subarea 4**
  - NYSDEC conservation land on Eighteen Mile Creek at Lake Shore Road
  - NYSDEC Eighteen Mile Creek Fishing Access – Basswood Drive Site
  - Town of Hamburg Fishing Access at Hobuck Flats
  - Eighteen Mile Creek County Park
  
- **Inland Hamburg WRA Subarea 1**
  - Eighteen Mile Creek County Park
  - Hampton Brook Woods New York State Wildlife Management Area
  
- **Inland Hamburg WRA Subarea 2**
  - Town of Hamburg Eighteen Mile Creek Golf Course
  - Town of Hamburg Taylor Road Park

### UNDERWATER LAND OWNERSHIP

- **Lake Erie**

Ownership and jurisdiction of Lake Erie and all submerged lands, including the subsurface lying under the lake within the territorial limits of New York State, is held by the State of New York, unless ownership has been granted to any other person or entity. The beds of the Great Lakes are authorized for private ownership only for special purposes. The boundary line between State ownership of the lakebed and

ownership of the adjacent upland is the low water mark. State-owned underwater lands are managed by the New York State Office of General Services (OGS).

- **Eighteen Mile Creek**

The bottom lands of Eighteen Mile Creek tend to be held by the upland property owner. In Coastal Hamburg WRA Subareas 3 and 4, this ownership generally extends to the municipal boundary between the Town of Evans and Town of Hamburg, which extends along the center of the creek. In the Inland Waterway Subareas, ownership of the creek bottom is held by the upland owner; in some places the ownership is split between the owners along each shoreline, in other locations one upland owner may hold title across the creek to the opposite shoreline. In the portions of Inland Hamburg WRA Subarea 2, the creek extends through private lands wherein the property owner holds title to the creek.

### **Underwater Land Grants in Lake Erie**

The New York State Office of General Services (OGS) issues grants, leases, easements, and other interests for the underwater lands of the State. They also investigate encroachments on littoral rights (the right of an upland owner to access the navigable waters of the lake) and make sure there is no interference with navigable channels. The OGS reviews NYSDEC and Army Corps of Engineers (ACOE) comments for proposed projects that affect State-owned bottom lands to ensure that the benefits of the public will not be deprived, and that the environment will not be adversely impacted. The OGS strives to achieve satisfaction on the part of all parties involved prior to the issuance of an interest.

The OGS is the agency responsible for issuing grants, leases, and easements for the use of underwater lands and other interests for docks and associated marine-related structures that are placed on State-owned underwater lands of Lake Erie. For the Town of Hamburg, the OGS is an authorizing agency for docks proposed along the lake shore. Docks along creek corridors, where bottom lands are privately owned, are regulated by the Town and NYSDEC. As the creeks are not navigable, however, docks are not commonly constructed in these areas.

The construction of any commercial dock or any private, non-commercial dock along Lake Erie that exceeds 4,000 square feet in area (including the perimeter area) would require the granting of an interest (a grant or easement) from the OGS. Non-commercial structures less than 4,000 square feet in size (as measured from the outermost

perimeter and including the surface area of the water contained within), less than 15 feet in height and having a capacity of five or fewer boats, do not need an interest.

State underwater land grants were issued for the express purpose of either commerce or beneficial enjoyment. Grants issued for commerce were given to storefront businesses for more restricted activities and were usually written with conditions. If the conditions were not followed, the State could bring an action to declare the grant void and thereby recover ownership, per Section 78 of the Public Lands Law. Beneficial enjoyment grants were given to storefront property owners without restriction and provided more complete title to the underwater lands. In either case, the grantee was given full ownership rights to the bottom lands. Grants for commerce were issued in the early part of the 1800's and then the issuance of grants for beneficial enjoyment became more commonplace. Around 1890, the State began to restrict the grants issued for beneficial enjoyment.

In the past, numerous underwater land grants for use of the bottom lands in Lake Erie were issued by the State to property owners along the shoreline of the lake. A review of the OGS underwater grant index maps for the Hamburg waterfront indicates that several underwater land grants were issued in Coastal Hamburg WRA Subarea 1 (see Figure 2.25). This includes six grants that extend into the Town of Hamburg, dating back to 1900, which were issued to various entities historically associated with the former Bethlehem Steel Corporation activities. These grants were issued to enable this company to deposit excess slag materials as fill in lake waters. An additional grant was issued in Coastal Hamburg WRA Subarea 2 for the former Wanakah Water Company (current location of the Lake Erie Seaway Trail Visitor's Center). Copies of underwater land grant index maps can be found in the Appendix. It should be noted that until these underwater land grant interests are officially released and surrendered by the OGS, they are valid and remain in place.

[Figure 2.25 - Underwater Land Grants](#)

Entity	Date Issued	Comments
Stony Point Land Company	6/19/1900	Restricted Beneficial Enjoyment
Lackawanna Steel Company	3/16/1931	Released on 4/5/1926
Lackawanna Iron and Steel Corporation*	5/1/1901	Released on 3/24/1929
Bethlehem Iron and Steel Company	11/20/1940	Beneficial Enjoyment grant
Bethlehem Steel Company	10/19/1943	

Bethlehem Steel Company	1/2/1959	
South Buffalo Railway Company	12/18/1940	Released on 3/19/1931
Erie County	5/21/2004	Easement for sewer outfall
Federal Portland Cement Company, Inc.	5/4/1954	Easement
Wanakah Water Company ( <i>Coastal Subarea 2</i> )	8/31/1965	Easement for water intake pipe

\* A new grant was issued for this area to the Lackawanna Steel Company on 6/26/1912

## 2.8 Recreation and Public Access

Waterfront access to Lake Erie and Eighteen Mile Creek is somewhat limited, as much of the shoreline is privately owned. However, the Town of Hamburg WRA includes several municipal parks and conservation areas that provide public access and recreational opportunities for Town residents and others (see Maps 5A – 5F). Five of the Town's eleven parks that were identified as priority facilities in the 2017 Hamburg Parks and Recreation Master Plan are located in the WRA. Town-owned recreational facilities in the WRA are maintained by the Department of Buildings and Grounds.

The public parks in the WRA include the following:

### Coastal Hamburg WRA Subarea 1

- **Woodlawn Beach State Park**

This State-owned and operated park is located are the northern end of Coastal Subarea 1 and encompasses 106 acres that offer a public swimming beach on Lake Erie, playground and picnic area, an administrative building and parking. Environmental features in the park include the 24-acre natural sand beach, vegetated dunes, and a nine-acre wooded wetland complex along Blasdell Creek that is undergoing restoration (see Section 2.14 for more on this effort). This beach supports a diversity of wildlife habitats and includes one of the finest freshwater sand dune areas remaining on Lake Erie. The park is also located along a major coastal migratory route and serves as a stopover site for birds during migration.

In 2025, the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) completed upgrades at Woodlawn Beach State Park. This project included improvements to landscaping, restrooms, the maintenance building, and parking area, as well as the construction of a new Police Station to enhance public safety. Parking lot and site improvements provided upgraded traffic circulation, new site furnishings (benches, bike racks, bollards and a toll booth), masonry gateway features, and new signage and lighting.

- [\*\*Woodlawn Volunteer Fire Company Ballfields\*\*](#)

Located between Lake Avenue and Milestrip Road, this Town-owned property is maintained by the Woodlawn Volunteer Fire Company. The 3.6-acre site includes a baseball diamond, bleachers, and parking area. The mowed area next to the ballfield is used for recreation activities.
- [\*\*Bayview Raceway and Golf\*\*](#)

This is a privately owned facility that offers a small go-kart track and an 18-hole miniature golf course. This property also includes a basketball court, children's playground with swings, and a lawn/picnic area. This property has room for improvements.
- [\*\*Hamburg Park and Rest Area\*\*](#)

This site is located at the intersection of Hoover Road, Lake Shore Road (NYS Route 5) and Big Tree Road in the Athol Springs hamlet. The site, also known as the Clock Tower Park, offers a rest stop and lakeshore viewing area for travelers and others. It includes a clock tower and paved parking area along the lakefront, which is an extension of the parking area for the adjacent Hoak's Restaurant. This parking area extension is situated in the public right-of-way for NYS Route 5 and the restaurant owner has an agreement with the NYSDOT to use the area for parking in exchange for additional use for public access. This area is part of the Town's effort to improve public access and scenic viewing opportunities in this vicinity.

### [\*\*Coastal Hamburg WRA Subarea 2\*\*](#)

- [\*\*Hamburg Town Park and Beach\*\*](#)

This 14-acre facility includes a 1,400 +/- length of beach, recreational amenities, an administrative building, a waterfront jetty, parking area, and a boat launch for Town residents. This is the only recreational facility in the WRA that offers opportunities for swimming. The boat launch includes a seasonal floating dock. This property also includes the Town of Hamburg Water Rescue Unit, which has a small office at the site. The boat launch is used for water access for the Town's Marine 1 water rescue boat (see Section 2.21 for more information).

The Town includes a small (approximately 0.57-acre) Town-owned parcel located along Lake Shore Road, just south of the Town Beach. This land is situated at the top of the bluff, offering views of Lake Erie. It includes a few picnic tables, trees, and lawn area. While this site could be further improved for public use, parking is not readily available to support it.

The Town of Hamburg purchased the Town Beach property from the Locksley Park Company in October 1914 to be solely utilized as a park for the use and benefit of citizens and residents of the Town (see the Appendix). Non-residents are permitted to use the park facilities if they are accompanied by a Town resident and purchase a day-pass.

- [Lake Erie Seaway Trail Visitor's Center](#)

The Town owns the former Wanakah Water Works property, which has been rehabilitated as the Lake Erie Seaway Trail Visitor's Center. The center is open to the general public and operated by the non-profit Friends of the Lake Erie Seaway Trail Visitor's Center. This 1.3-acre site includes the historic Water Works building that offers regional maritime history, natural history and Great Lakes fish exhibits; and wi-fi internet service, restrooms, vending machines, a large meeting room for events, and the "Cottage Room" for scenic viewing. Brochures, visitor's guides, and maps are available for other attractions in the region. The area outside the building, above the lake, provides a small picnic area, gardens, sculptures and a waterfront observation area. A stairway and observation platforms offer scenic viewing opportunities and access to the beach area at the north end of the building. Beach access at the south end of the building is gained through a pedestrian tunnel that extends beneath Lake Shore Road. The tunnel entrance is located on the east side of Lake Shore Road, at the corner of Eastern Parkway. Proposed improvements at the Visitor's Center include an accessible seawall with viewing terraces along the back of the building and a removable dock or fishing platform.

Parking at the Lake Erie Seaway Trail Visitor's Center is limited and needs to be improved. Lack of parking restricts the ability to utilize this facility for larger events. Currently, patrons use the parking lots at the Frontier Central School District Educational Center on the east side of Lake Shore Road, across the street from the Visitor's Center. The Town owns a vacant parcel of land on East Parkway that has the potential for use as municipal parking to service the Center.

- [Town of Hamburg Community Park](#)

There is a small community park located next to the Lake Shore branch of the Erie County Public Library on Lake Shore Road in the Wanakah hamlet. This approximately 0.9-acre property includes trees, lawn and landscaping, a small gazebo, and other public amenities.

- **[Wanakah Country Club](#)**

The privately owned Wanakah Country Club is located on the east side of Lake Shore Road, at the southern extent of Coastal Hamburg WRA Subarea 2. This 135-acre property includes a large golf course and other private amenities for use by club members.

### [Coastal Hamburg WRA Subarea 3](#)

- **[Birchwood Park](#)**

The Town of Hamburg owns approximately 5.7 acres of land that has been developed as a community park. Birchwood Park is located on Lake Shore Road (NYS Route 5), accessed through a driveway on Birchwood Road, offers amenities such as a playground, basketball court and open grass area for recreational use.

- **[Juno Drive Community Park](#)**

This Town-owned park consists of approximately 3.4 acres of grass area that is used as a community playground. It offers no public amenities.

- **[Tobacco Road Park](#)**

The Town of Hamburg owns a few parcels of vacant land located between Saunders Road and Lakeview Terrace known as Tobacco Road Park. This approximately one-acre area is improved with lawn area for use by nearby residents. It offers no public amenities.

### [Coastal Hamburg WRA Subarea 4/Inland Hamburg WRA Subarea 1](#)

- **[Eighteen Mile Creek County Park](#)**

Eighteen Mile Creek County Park is located southeast of South Creek Road and includes the main and south branches of Eighteen Mile Creek. This undeveloped 466-acre conservation property provides over two and a half miles of shoreline fishing along the main and south branches of Eighteen Mile Creek, supporting trout and salmon fishing for year-round catch and release.

NYSDEC permanent public fishing rights allow fishermen the right to fish and walk along the creek bank in pursuit of local species. A parking area is provided in a small trailhead lot at the end of South Creek Road, but space is limited. Access to the creek is extremely difficult, with the landscape character along the creek corridor defined by a 60-foot gorge cut by the creek. However, this portion of the creek is a fishing hotspot and heavily used by local anglers, who utilize the trail system that follows both creek corridors. Most of the land above the gorge is flat and generally tree covered, offering opportunities for passive recreation. Eighteen Mile Creek County Park is owned and managed by Erie County. Planned improvements to the Eighteen Mile Creek County Park, which will be implemented by Erie County, include enlarging the parking area, installing a trail map in the trailhead area, providing interpretive signage along trails, installing benches at overlook areas, and expanding the trail system into upland areas.

### [Inland Hamburg WRA Subarea 2](#)

- [Eighteen Mile Creek Golf Course](#)

This Town-owned and operated facility offering nine and 18-hole golfing, a club house, retail pro shop, the Tap Inn concession stand, lessons, and cart rentals. The site encompasses approximately 162 acres, including a portion of Eighteen Mile Creek and a large area of undeveloped woodlands. The facility is open to the public and seasonal passes and resident discount cards can be obtained through the Town's Youth and Recreation Department. Eighteen Mile Creek Golf Course is subject to localized flooding and impacts from heavy rainfall, which occasionally forces closure of the facility. Shoreline erosion is also a problem in this area (see Section 2.16).

- [Taylor Road Park](#)

Taylor Road Town Park offers over nine acres of land area for passive and active recreation. The site includes a log cabin lodge for year-round rental use by the public, a playground area, picnic area, restrooms, nature trails, small baseball diamond, volleyball net, and a pond for scenic viewing and shoreline fishing. The lodge can accommodate up to 88 people and includes support amenities, such as tables, chairs, and a kitchen area. This facility is open to the public, with discounted fees offered to Town residents. Taylor Road Park offers opportunities for further improvements to enhance public use and provide additional amenities for active and passive activities.

### **PUBLIC ACCESS**

The Hamburg WRA benefits from public land and parkland locations that offer access to Lake Erie and Eighteen Mile Creek. Depending on the location, this access provides formal and informal opportunities for shoreline fishing, wading or swimming, walking/hiking, bird watching, and scenic viewing. Public access (both physical and visual) along Lake Erie in the Coastal portion of the WRA is available from public parks and facilities (many of which are described above), waterfront restaurants in the Athol Springs and Wanakah hamlets, and private residences along the lake shore. Public access in the inland portion of the WRA is primarily available at parks and from public lands. Overall, there is a need for wayfinding and interpretive signage in appropriate locations in the coastal and inland portions of the WRA, particularly Coastal Hamburg WRA Subareas 1 and 2, to improve access and public navigation throughout the area. Sidewalks, formal street crossings, and trail extensions are also needed to increase pedestrian safety and increase opportunities for biking. These facilities will help to improve public navigation and connectivity between recreation sites.

In Coastal Hamburg WRA Subareas 1 and 2, access to Lake Erie can be achieved at Woodlawn Beach State Park, Hamburg Park and Rest area in Athol Springs, the Town Park and Beach in Locksley Park, and the Lake Erie Seaway Trail Visitor's Center in Wanakah. The topography in Coastal Hamburg WRA Subareas 3 and 4 restricts direct access to the shoreline due to the presence of high bluffs and steep slopes. While the shoreline in Coastal Hamburg WRA Subarea 3 is primarily developed with private residences and estates, restricting access to the lake shore below the bluffs where no beach area exists, shoreline access is available in Coastal Hamburg WRA Subarea 4 by way of public lands for passive recreational activities. This includes the NYSDEC fishing access site below Basswood Drive and the Hobuck Flats recreational fishing area, as discussed below (see Maps 5A-5F).

With the exception of portions of Inland Hamburg WRA Subarea 2, the majority of the Eighteen Mile Creek corridor is a deep gorge that was historically cut by the natural forces of the creek. The creek offers a continuous extent of shoreline that, once accessed, can generally be followed without difficulty as the land area at the bottom of the gorge is flat and the water level along the shoreline is typically shallow. There are a few locations where the public can gain access to Eighteen Mile creek for shoreline fishing, fossil hunting, nature viewing, and other passive recreation. Certain sites along the creek also possess permanent NYSDEC public fishing rights, giving anglers who use these areas the ability to fish along and walk the banks of Eighteen Mile Creek. In

addition to Eighteen Mile Creek County Park, Hampton Brook Woods Wildlife Management Area, and the Eighteen Mile Creek Golf Course, these public access sites include the following:

- **New York State Fishing Access Site at Basswood Drive**

The NYSDEC owns an approximately 11.5-acre property at the end of Basswood Drive, in Coastal Hamburg WRA Subarea 4. A driveway and small parking area provide access to trails that extend to Eighteen Mile Creek for shoreline fishing access. The State owns other lands that encompass over 22 acres of undeveloped woodland, located directly west of the Basswood site, but that property is not as easily accessible from the upland.

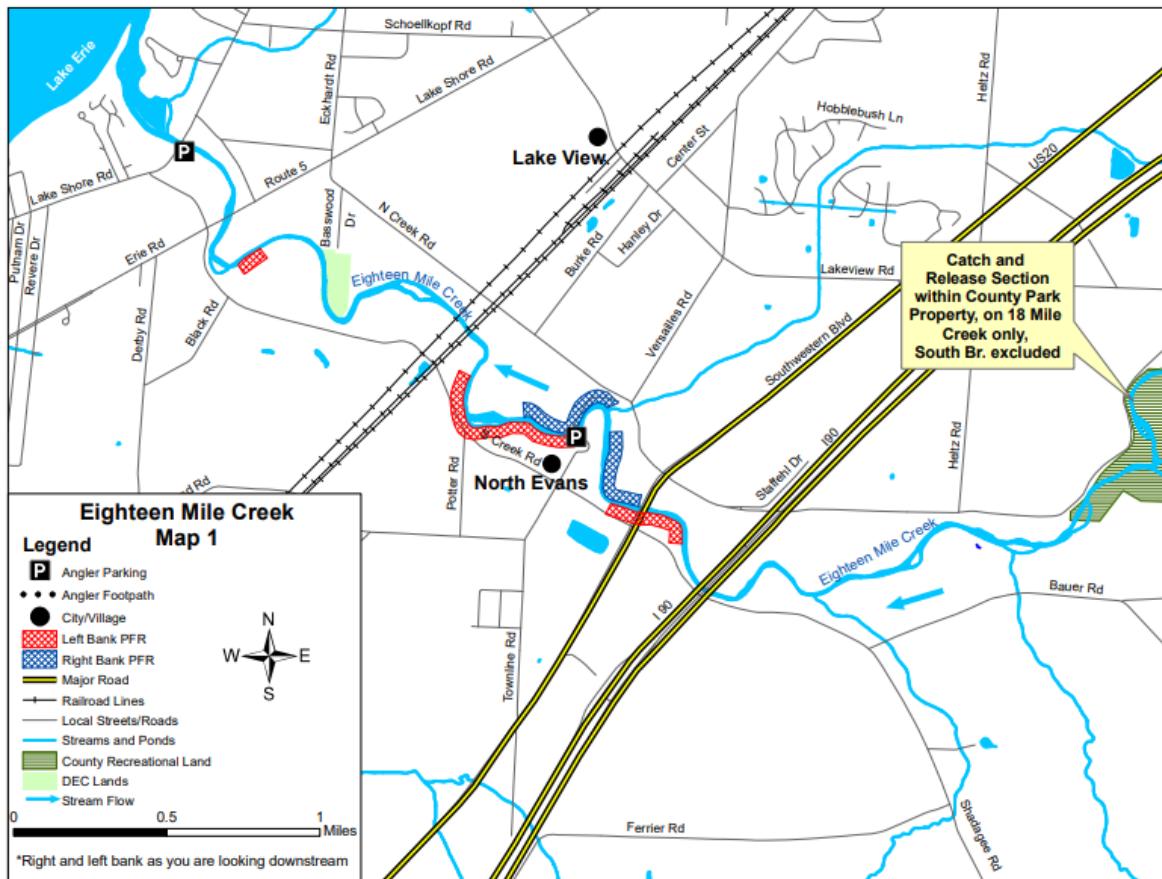
- **Town of Hamburg Fishing Access at Hobuck Flats**

The Town of Hamburg owns three properties that encompass a combined area of almost 30 acres along the north side of Eighteen Mile Creek, in the Hobuck Flats area of the Town of Evans. Public parking and access to these lands is available from the New York State Hobuck Flats Recreational Fishing Area that is located at the end of Versailles Plank Road in Evans. Both sides of Eighteen Mile Creek in this area have NYSDEC-designated public fishing rights (see Figure 2.26). An old trestle bridge spans the creek at this site, providing access to a trail system that extends up the high bank through the Town of Hamburg properties. Buttermilk Falls (also known as the Hobuck Flats waterfall) is a main feature of this area and is best viewed in the spring. This is the location where a major tributary to Eighteen Mile Creek enters the creek from the north, flowing over the high bank and down to the creek. In addition to shoreline fishing, the area is popular for fossil hunting and scenic/nature viewing.

- **Hampton Brook Woods Wildlife Management Area**

Hampton Brook Woods WMA is managed by the NYSDEC. Open year round, this area borders Eighteen Mile Creek to the north and includes 78 acres of forestland, seven acres of wetlands, and four acres of brushland. It is home to a variety of flora and fauna. Permitted uses in this area include hunting, trapping, hiking, and bird watching.

Figure 2.26 - Eighteen Mile Creek Fishing Access Map



## 2.9 Water Dependent and Water-Enhanced Uses

The New York State Department of State defines water dependent uses as activities that must be located directly on, in, or adjacent to a water body. These uses require direct access to the waterbody and involve the use of the water as an integral part of the activity. This includes land uses such as marinas, marine education facilities, and certain public utilities. While most land uses in the WRA are water-enhanced (meaning uses that benefit from a waterfront location, but do not require such a location to function), or non-water dependent, there are a small number of uses that are water dependent. These include Woodlawn Beach State Park and the Erie County Southtown's Wastewater Treatment Plant in Coastal Hamburg WRA Subarea 1; and the Town of Hamburg Park and Beach and boat launch, and Lake Erie Seaway Trail Visitor's Center in Coastal Hamburg WRA Subarea 2. There are no water-dependent uses in Coastal Hamburg WRA Subareas 3 and 4. The Town Park and Beach is the only water-dependent use in the Coastal Hamburg WRA that provides facilities for recreation boating. There are no public or private marinas or docks, or additional boat launch sites anywhere else in the coastal portion of the WRA as geographic and hydrographic conditions in the lake prohibit such uses.

The Town-owned lands in the Hobuck Flats area of Eighteen Mile Creek, in the vicinity of Southwestern Blvd. (NYS Route 20) in Coastal Inland WRA Subarea 4, and the catch and release section in the Public Fishing Rights area along the shoreline at Eighteen Mile Creek County Park in Inland Hamburg WRA Subarea 1, are water-dependent (see Section 2.7). There are no other water-dependent uses located in the Inland Hamburg WRA. It should be noted that while the fishing access sites provide active use of local surface waters, they also provide excellent scenic viewing opportunities (as water-enhanced element) along Eighteen Mile Creek for visitors.

As noted above, water-enhanced use means a use or activity that does not require a location adjacent to coastal waters, but such a location adds to the public use and enjoyment of the water's edge. Water enhanced uses are primarily recreational, cultural, commercial, or entertainment oriented. Coastal Hamburg WRA Subareas 1 and 2 contain a number of waterfront restaurants that are enhanced by their location along the Lake Erie shoreline. Public parks and lands located adjacent to the Lake or Eighteen Mile Creek are considered water-enhanced as such a location provides public benefit and enjoyment. This includes the Town Park and Rest Area in Coastal Hamburg WRA Subarea 1, the Lake Erie Seaway Trail Visitor's Center in Coastal Hamburg WRA Subarea 2, as well as the fishing access sites in Coastal Hamburg WRA Subarea 4, and Eighteen Mile Creek County Park, and the Hampton Brook Woods Wildlife Management Area in Inland Hamburg WRA Subarea 1, and the Hamburg Eighteen Mile Creek Golf Course in Inland Hamburg WRA Subarea 2. All private residences and other uses located along the waterfront in the WRA are considered non-water dependent. There is a need to evaluate opportunities to convert existing non-water dependent or water-enhanced uses, or appropriate commercial or light industrial uses on the waterfront, to water dependent uses to increase public access and recreation.

## **2.10 Surface Water Resources and Uses**

Surface waters in the Town of Hamburg WRA include Lake Erie; a small number of other significant creeks that discharge to Lake Erie; Eighteen Mile Creek, the South Branch of Eighteen Mile Creek, and numerous smaller creeks and streams that are tributary to Eighteen Mile Creek; and a few minor ponds. The major creeks located within each Subarea include the following:

### **Coastal Hamburg Portion of the WRA**

### Subarea 1

- Blasdell Creek (north of First Street)
- Rush Creek
- Foster Brook
- Waterfall Village Creek

### Subarea 2

- Berrick's Creek
- Wanakah Creek
- Unnamed creek (at Wanakah Country Club)

### Subarea 3

- Pinehurst Creek
- Unnamed tributaries to Eighteen Mile Creek

### Subarea 4

- Eighteen Mile Creek and minor tributary creeks and streams
- Eighteen Mile Creek tributary at Hobuck Flats

### Inland Hamburg Portion of the WRA

### Subarea 1

- Eighteen Mile Creek and minor tributary streams
- South branch of Eighteen Mile Creek and minor tributary creeks and streams
- Hampton Brook

### Subarea 2

- Eighteen Mile Creek and minor tributary creeks and streams
- Neuman Creek (tributary to Eighteen Mile Creek)

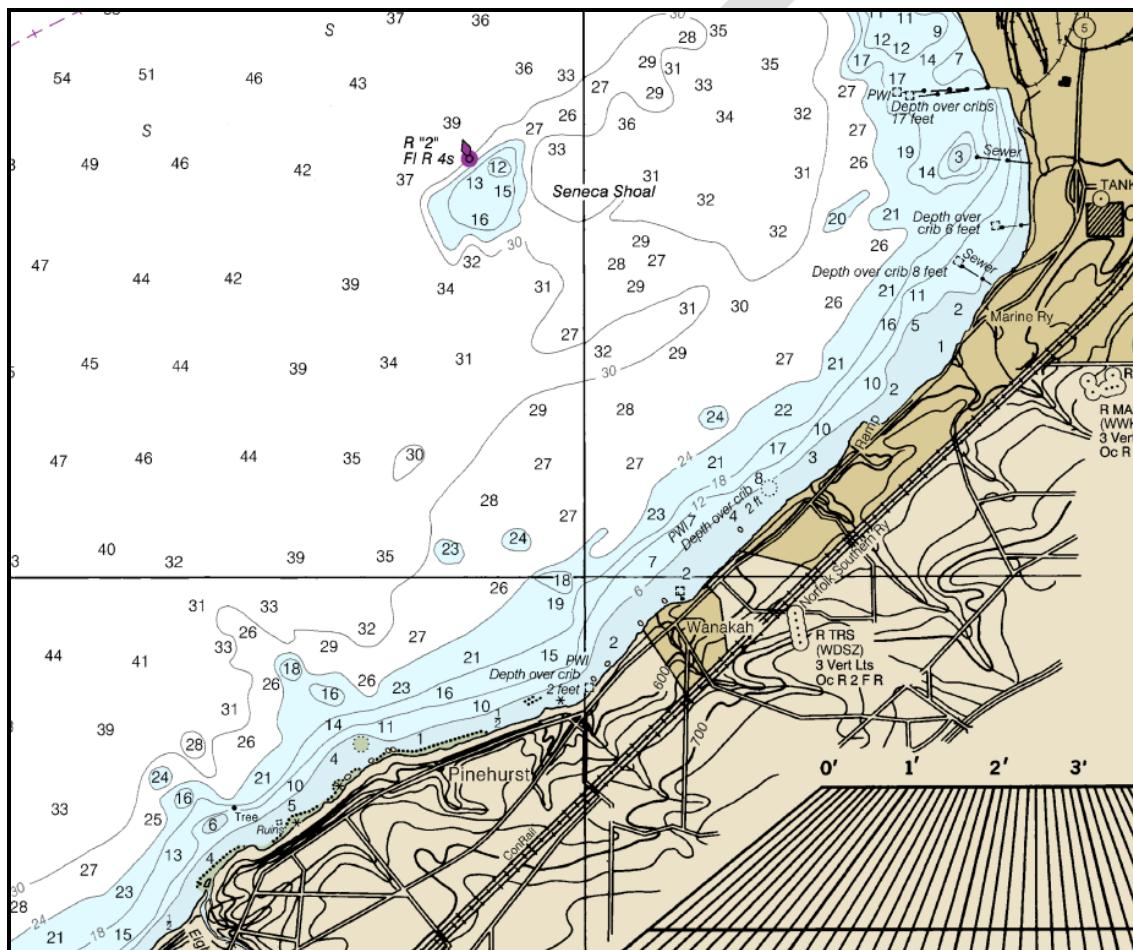
### **VESSEL USE, NAVIGATION AND HARBOR MANAGEMENT**

There is limited navigational use of Lake Erie surface waters along the Town of Hamburg waterfront as there are no federally-designated navigation channels in the offshore waters, and no marinas or substantial dockage. Small pleasure craft are used on the lake for recreation and fishing they find dockage and operate from marinas located outside the Hamburg WRA. There are also no commercial vessels stationed in the Town, no commercial fishing industry, and no commercial dockage. The creeks that are tributary to

Lake Erie are not navigable, nor is Eighteen Mile Creek. As previously noted, some residents along the shoreline have boats and a small number utilize private docks, but they are not widespread. Furthermore, seasonal private docks and small ramps are used to launch small craft that would not otherwise be docked at a marina. As discussed in Section 2.16, conditions along the lake shore, and winter storms preclude installation of permanent docks.

Figure 2.27 - Excerpt from NOAA Navigational Chart No.

14822



As shown in Figure 2.27, offshore water depths in Lake Erie in the coastal portion of the WRA range between an average of 16 feet at one-quarter mile to one-half mile out into the lake, and 33 feet at approximately one-mile out (at the north and south ends of the WRA). In the larger mid-section of the coastal portion of the Hamburg WRA, lake water depths are shallower, ranging from 16 feet at one-half mile out to 26 feet at 3 1/2 miles out, in the vicinity of Seneca Shoals. In most places water depths along the shoreline are

shallow and the near-shore subsurface lake bottom is sandy; the lake bottom further out is flat and predominately comprised of mud and silt. According to National Oceanic and Atmospheric Administration (NOAA) navigation chart, there are underwater obstructions in the form of submerged pilings and cribs at some locations on the lake bottom. There are also pilings for abandoned floating docks located near the shoreline in areas up to six feet deep. Cribbing is typically found around submerge pipes, such as the wastewater treatment plant outfall. There are no identified shipwrecks in the offshore area of the Coastal Hamburg WRA.

### **MARINAS AND DOCKS**

Within the Hamburg WRA there are no harbors, navigation channels, public or private marina facilities, or areas for mooring or permanent docking of vessels. As discussed in Section 2.8, there is one boat launch and a small seasonal boat dock facility found at the Town Park and Beach in Coastal Hamburg WRA Subarea 2 (see Map 3B). The boat launch is accessible to Town residents or non-residents who are accompanied by a resident and have obtained a day pass for park usage. The dock has permanent piers in place to support two sixty-foot lengths of floating dock that are installed seasonally.

*Figure 2.28 - Hamburg Town Dock and Jetty*

The seasonal dock at the Town Park and Beach is protected by a rock jetty that is located west of the facility (Figure 2.28). The jetty is part of a larger project that included a breakwater structure for a marina, but that aspect of the original project was never constructed.

Therefore, the jetty alone does not afford sufficient protection for the boat launch and docking area. The surface water area around the dock fills with sand that is carried in littoral drift and requires on-going maintenance and dredging (approximately 1-2 times per year) to keep the docks accessible. The jetty has also suffered damage from lake storms. Desiring to properly mitigate these issues, the Town is currently working with the Federal Emergency Management Agency (FEMA), who awarded the Town \$1.5 million in funding to address existing issues, to gain approval of an appropriate project design. The goal is to properly protect the area from storm damage and reduce the need for maintenance dredging around the docking area and boat launch (M. Melewski, Hamburg Grants Consultant, September 22, 2025).



While in the past there were numerous permanent private residential docks. In recent years, however, the use and popularity of personal watercraft, such as jet skis, are reducing the need and desire for such dockage. Jet skis and other personal watercraft are stored at temporary dockage or along the shoreline on the upland. The small docks or ramps are used for water access. In addition, frequently changing lake levels and the need for temporary docks to be removed seasonally are also contributing factors. Shoreline docks also assisted with water rescue activities, as they could be used for water access and response assistance. According to representatives from the Town's Water Rescue Unit, the reduction in shoreline docks is restricting the capability, and delaying the response time, for water rescue services in the coastal portion of the WRA (R. Klimowicz, Chief of Operations, Hamburg Water Rescue Unit, November 3, 2022).

### RECREATIONAL AND SPORTS FISHING

Recreational sports fishing is a popular pastime and a significant industry on Lake Erie, as well as Eighteen Mile Creek. Whether from water or land, anglers are active throughout the year in search of various abundant species of freshwater fish in Lake Erie, including smallmouth bass, walleye, muskellunge, channel catfish, and yellow perch, as well as steelhead, brown, and lake trout. Chinook and coho salmon also roam lake waters. Lake Erie is a renowned location that provides first-class fishing opportunities for smallmouth bass and walleye, attracting anglers from around the

State and beyond. Due to shallow offshore water levels and geographic constraints, opportunities for shoreline fishing along the lake are lacking. Eighteen Mile Creek supports an outstanding fishery, including a run of steelhead trout from Lake Erie. Other species found in the creek include salmon, brown and rainbow trout, carp, and channel catfish. The popular shoreline fishing areas in the Eighteen Mile Creek are discussed in Section 2.8.

Figure 2.29 – Recreational sport fishing on Lake Erie



Sports fishing in the area is supported by numerous regional fishing clubs, such as the Southtowns Walleye Association, that are active throughout the year. Several charter fishing companies operate out of the Erie Basin Marina and Sunlife Marina at Buffalo Harbor in Buffalo, or Sturgeon Point Marina in Evans, throughout the year. The Erie County Fisheries Advisory Board is a useful source for information (<https://www3.erie.gov/environment/fisheries-advisory-board>).

Ice fishing is also popular on Lake Erie. Typically, during January and February parts of the lake stay frozen, providing perfect conditions for ice fishing. This time of year, yellow perch are most active; however, walleye and crappie are also available.

## **2.11 Jurisdictional Authority for Enforcement of Navigation Law and Surface Water Uses**

Different federal, state, and local entities have the authority to regulate activities on Lake Erie in the Hamburg WRA. These include the U.S. Coast Guard and Army Corps. of Engineers (ACOE), New York State Department of Environmental Conservation (NYSDEC), New York State Office of General Services, New York State Department of State (NYSDOS), the Erie County Sheriff's Department, and the Town of Hamburg.

In accordance with Section 404 of the Clean Water Act (33 CFR Sections 322 and 323), *the U.S. Army Corps. of Engineers (ACOE)* regulates the physical disturbance of lands located below the ordinary high-water mark when adjacent wetlands are absent and to the limits of the adjacent wetlands where present. Permits are required from the ACOE for the installation of structures or for work in or affecting navigable waters of the U.S. This includes the installation of piers, docks, boat launch ramps, breakwaters, bulkheads, revetments, rip rap, jetties, permanent moorings, navigational aids, power transmission line; and discharges of dredged fill or other materials.

The *New York State Department of Environmental Conservation (NYSDEC)* regulates docks and other marine structures and uses pursuant to the New York State Protection of Waters Program (6 NYCRR, Part 608). A Protection of Waters Permit is required from NYSDEC for constructing, reconstruction or repairing docks or platforms and for the installation of mooring on, in or above navigable waters. In addition to this permit, the NYSDEC also regulates activities undertaken in designated freshwater wetlands and coastal erosion hazard areas within the WRA.

As discussed in Section 2.7, the *New York State Office of General Services Bureau of Land Management (OGS)* has jurisdiction authority over the underwater land in Lake Erie, which are held in trust for the people of New York State. This office regulates the placement of structures, utilities, and fill in, on, or above state-owned lands now or formerly underwater under the Public Lands Law.

The *New York State Department of State Office of Planning, Development, and Community Infrastructure (NYSDOS)* conducts coastal consistency review, which helps to shape federal actions, so they are consistent with the New York State coastal policies and LWRPs. Consistency

review is a regulatory program designed to ensure that all levels of government work in unison to build a stronger economy and protect vulnerable natural assets in New York State Coastal Areas and designated inland waterways.

The *Erie County Sheriff's Marine Patrol* operates patrols on Lake Erie, focusing on enforcement of the New York State Navigation Laws and boater safety and education. This includes teaching Boater Safety Certificate Courses and conducting vessel inspections. The New York State Navigation Law currently requires any operator of a Personal Watercraft (PWC), regardless of age, to first complete an approved Boater Safety Course. The Marine Patrol provides search and rescue operations, assistance for stranded boaters and answers other calls for boater assistance and conducts accident investigation. The Underwater Recovery Team conducts search and rescue operations and responds to victims of water accidents, recovery of evidence, and automobiles and stolen articles.

The *Town of Hamburg Police Department and Water Rescue Unit* assist with enforcement and emergency response efforts on Lake Erie in the Coastal Hamburg WRA. As noted in Section 2.21, the Town of Hamburg Police Marine Unit is responsible for marine law enforcement and boating accident investigation and management along the 10 miles of shoreline bordering Canadian waters.

## **2.12 Historic and Archaeological Resources**

### **HISTORIC SITES AND STRUCTURES**

The Town of Hamburg was officially formed on March 20, 1812. While the northwest sector of the LWRP study area developed with steel mill and industrial uses, the southwest sector (farther from the City of Buffalo) developed as a lake shore residential community. Lands along Eighteen Mile Creek were rural in nature.

The Town has a designated Historic Preservation Commission that is responsible for identifying and, where necessary, designating sites and structures that meet established criteria for their local historic significance. Chapter 31 of the Town Code outlines the responsibilities of this Commission. Currently, there are no structures within the WRA listed on the National or State Registers of Historic Places. However, the former Bayview Hotel in Hoover Beach is considered to be of local historic importance. There are also several older mansions and estate properties along Lake Shore and Old Lake Shore Roads that are noteworthy. The Bayview Hotel property is currently under review by the Historic Preservation Commission for designation as a locally significant historic structure.

### ARCHAEOLOGICAL RESOURCES

The Town of Hamburg is characterized by numerous archaeological resources. Large areas of the Lake Erie shoreline and the Eighteen Mile Creek corridor are characterized by the New York State Historic Preservation Office (SHPO) as archaeologically sensitive, meaning there may be archeological resources in those areas. There are no shipwrecks or other archaeological resources located under the surface waters of Lake Erie.

As discussed in Section 2.15, the Eighteen Mile Creek gorge is a geologically unique area. The area is also unique due to the wealth of well-preserved fossils that have been found. Very little metamorphosis of the rock has taken place, resulting in a wealth of largely unaltered fossil specimens. This area is known for fossil deposits that date back 400 million years. The different formations exposed in the gorge, including the Wanakah Shale that is found along the mouth of the creek, yield a superb quantity and diversity of Devonian-era fossils that include trilobites, corals, brachiopods, crinoids, bryozoans, gastropods, pelecypods, echinoderms, ostracods, bivalves, corals, and sponges. These high-quality fossil deposits make the creek gorge is a popular location for fossil hunting, study and research.

Figure 2.30 - Fossil Hunting on Eighteen Mile Creek



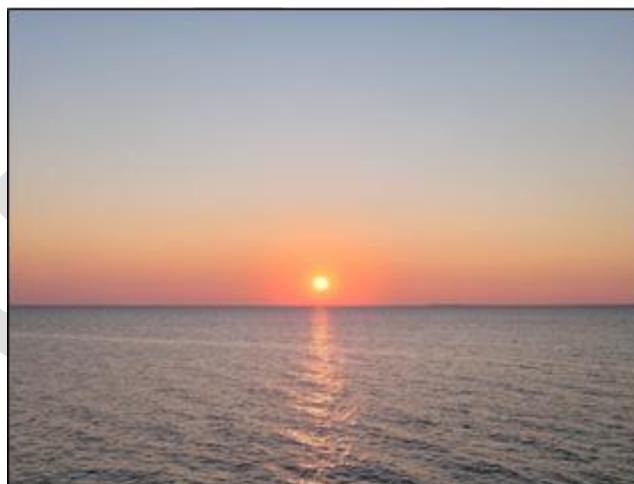
### 2.13 Scenic and Cultural Resources

The scenic resources along the coastal waterfront in the Town of Hamburg consist primarily of the spectacular vistas of and sunset over Lake Erie, the Canadian shoreline, and the City of Buffalo. There are several locations along the Lake Erie waterfront in the

coastal portion of the WRA where unobstructed views are available, including Woodlawn Beach State Park, the Town Park and Rest Area at the southern terminus of Hoover Road, and a small viewing area with benches and historic interpretive signage located at the south end of the erosion protection structure in Coastal Hamburg WRA Subarea 1; the Town Park and Beach and the Lake Erie Seaway Trail Visitor's Center in Coastal Hamburg WRA Subarea 2; and portions of Old Lake Shore Road in Coastal Hamburg WRA Subarea 3. Pleasurable views of Lake Erie are also available from restaurants, private facilities, and residences located along the lake shore.

Scenic views along Eighteen Mile Creek in Coastal Hamburg WRA Subarea 4 and Inland Hamburg WRA Subarea 1 are plentiful from the NYSDEC fishing area below Basswood Drive, Hobuck Flats, and the NYSDEC public recreational fishing access sites, Eighteen Mile Creek County Park. Views in Inland Hamburg WRA Subarea 2 are available in and around the Hampton Brooks Wildlife Management Area, and the Town of Hamburg Golf Course, as well as private residences along the creek corridor.

Figure 2.31 – Scenic Views along Lake Erie



New York State Route 5 (Lake Shore Road) in the coastal portion of the Hamburg WRA is a segment of the New York Great Lakes Seaway Trail and a designated National and State Scenic By-Way. This roadway offers pedestrian and motorist scenic views of Lake Erie. In accordance with federal regulations, the erection of new off-premises signs along National and State Scenic By-Ways are prohibited. Any remaining billboard signage along this roadway will be phased out in accordance with Section 280-242 of Article XXXVI of the Town of Hamburg Sign Regulations, which prohibits these structures. Efforts will be made to enhance and improve the NYS Route 5 corridor in recognition of this designation, as well as to protect, and where possible, improve the visual quality and

visual accessibility of the waterfront areas in the WRA. Improved signage and the enhancement of gateway features will be aimed at improving aesthetics along Route 5.

Scenic views of Lake Erie and Eighteen Mile Creek are important to the Town and enhance public enjoyment of these resources. These views will continue to be protected and improved wherever possible through the coastal consistency review process, zoning overlay district and signage regulations, and design guidelines for new commercial development.

## **2.14 Wetlands and Habitats**

### **WETLANDS**

Wetlands (swamps, marshes, and similar areas) are low-lying areas saturated by surface or ground water for extended periods of time sufficient to support distinctive vegetation adapted for life in saturated soil conditions. Wetlands serve as natural habitat for many species of plants and animals and absorb the forces of flood and tidal erosion to prevent loss of upland soils. The New York State Freshwaters Wetlands Act – Environmental Conservation Law Article 24) seeks to “...preserve, protect, and conserve freshwater wetlands and the benefits they provide, prevent the destruction and despoliation of freshwater wetlands, and to regulate use and development of such wetlands to secure the natural benefits of wetlands, consistent with the general welfare and beneficial economic, social, and agricultural development of the State” (6 NYCRR, Chapter X, Part 663.1). Federal and State-regulated wetlands in the Town of Hamburg WRA are illustrated on Maps 6A-6F.

In New York, wetlands are regulated by municipalities, NYSDEC, the US Army Corps of Engineers (USACE) and the US Fish and Wildlife Service. A wetland can also be regulated by New York State and the federal government concurrently. Regulating authority is determined individually based upon the specific regulations that define the criteria by which a wetland is identified. The definition of what is classified as a wetland differs between these entities.

The Town of Hamburg regulates freshwater wetland disturbances under Chapter 272 of the Town Code (Wetlands Protection). This law was enacted to help avoid, restrict, and minimize damage or loss of wetlands in the Town. Chapter 272 is also designed to ensure that wetland areas are properly identified, that State and Federal requirements are met and, where required, proper mitigation is employed to minimize wetland disturbances.

Site plan applications for properties that contain regulated freshwater wetlands must be reviewed by the Town of Hamburg Conservation Advisory Board, with recommendations provided to the Planning Board prior to project approval. This Board may suggest alternate site layouts or other development options if determined necessary and feasible.

New York State protects all wetlands of 12.4 acres (5 hectares) or larger, as identified by species of vegetation that grow in wet soils. A permit from the Department of Environmental Conservation is required to conduct any regulated activity within a wetland area, or a 100-foot buffer area surrounding the designated wetland.

Federal jurisdictional wetlands are regulated by the U.S. Army Corps of Engineers (ACOE) under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Federal wetlands are identified on the basis of hydric soils, wetland vegetation and specific hydrologic conditions. A permit is required from the ACOE for any structure or activity that takes place in, under or over a navigable waterway or wetland area located adjacent to navigable waters. In addition, activities that would disturb the soil, or that affect a watercourse, also require a permit.

Environmental Conservation Law (ECL) Article 24, the NYS Freshwater Wetlands Act was amended in 2022, with provisions going into effect in 2025 and 2028 that will include freshwater wetlands of any size if they determined to be of “unusual importance” based on any one of eleven expansive factors. The “unusual importance designation give NYSDEC jurisdiction over all freshwater wetlands in or adjacent to (within 2.48 miles) urban areas. This may bring some additional freshwater wetland areas in the Town under the jurisdiction of NYSDEC. In 2025, the new regulations (ECL §24-0107.1) do away with the longstanding New York State Freshwater Wetlands Maps, and property owners must apply to the NYSDEC for a jurisdictional determination to ascertain whether their property contains State-regulated wetlands. In 2028, the minimum threshold for state regulated wetlands will be reduced from 12.4 acres to 7.4 acres (also in § 24-0107.1), potentially bringing more wetlands under NYSDEC’s jurisdiction. The updated regulations also allow NYSDEC to expand the boundaries of State-regulated freshwater wetland “adjacent areas” for certain types of wetlands. While the regulated adjacent areas constitute a 100-foot buffer zone around wetlands, NYSDEC may extend this area for wetlands with nutrient poor plant communities or vernal pools known to be productive for amphibian breeding. Such determinations are done on a case-by-case basis. Sponsors of proposed projects in Section 4 of this LWRP should be aware of the law in effect at the time they undertake development and determine its applicability before commencing work.

Within the Town of Hamburg WRA, there are areas of both State and federally-regulated

wetlands, as determined or otherwise mapped by the NYSDEC under ECL Article 24 of New York State's Freshwater Wetlands Act, and shown on the National Wetlands Inventory maps. As shown on Maps 6A-6F, freshwater wetlands in the Hamburg WRA are primarily located at Woodlawn Beach State Park and along creeks, such as Blasdell, Rush, and Berricks Creeks, in the Coastal portion of the WRA; and the Eighteen Mile Creek corridor and surrounding lands in the Inland portion of the WRA. There are also designated wetland areas along the Lake Erie shoreline in Coastal Hamburg WRA. As previously discussed, Chapter 272 of the Hamburg Town Code regulates wetland disturbances in the Hamburg WRA.

In 2023, the NYSOPRHP completed a project that focused on the expansion and enhance of coastal wetland habitat along the Lake Erie at Woodlawn Beach State Park. This project, which was funded through a Great Lakes Restoration Initiative grant, included creation of a 4.5-acre oxbow-shaped wetland system to expand habitat for fish and wildlife. By planting almost 13,000 native wetland plants and removing invasive species, the project improved the natural ecosystem. A culvert was installed to connect the new wetland area to Blasdell Creek, allowing water to flow into and through the new habitat. As water moves through the wetlands, it improves biofiltration allowing suspended solids, nutrients and pathogens to settle out, enhancing the quality of water discharged to Lake Erie.

### **NEW YORK STATE DESIGNATED SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

There are two State-designated significant coastal fish and wildlife habitats (SCFWH) within or adjacent to the Hamburg WRA. They are Eighteen Mile Creek and Smoke Creek Shoals (see Appendix). These habitats have been designated based on the determined importance of the resource(s) to local ecology and the economy. For each designated site, a habitat map and narrative are created to provide site-specific information. The habitat narrative constitutes a record of the basis for designation of the SCFWH and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on the characteristics of the habitat, which are essential to its ecological values.

- **[Smokes Creek Shoals](#)**

Smokes Creek Shoals SCFWH is located offshore, within the waters of Lake Erie, immediately north of the Woodlawn Beach area. It encompasses offshore lands adjacent to the Town of Hamburg and the City of Lackawanna. This habitat is comprised of an approximate 500-acre area of open water, generally located within a one-half mile radius of the mouth of Smokes Creek. This habitat area encompasses a

broad, productive, littoral zone, where water depths are generally less than 20 feet below mean low water, and the bottom substrate is a mixture of sand, gravel, and rubble. The entire shoreline bordering Smokes Creek Shoals has been modified through filling or bulkheading in conjunction with former industrial development along the adjacent shoreline.

The Smokes Creek corridor drains approximately 33 square miles of industrial, residential, and abandoned agricultural land, and much of the creek channel has been modified for flood control purposes. Much of the land located along the banks of the Smokes Creek corridor is comprised of forest or old fields. In addition, the NYSDEC acquired a permanent easement along the main creek corridor, as well as the north and south branches of the creek, for administration of the flood control project. Smokes Creek is classified by the NYSDEC as a Class C stream, which is defined as being suitable for fish propagation and survival, with water quality expected to be suitable for primary and secondary contact recreation, although other factors, may limit the use for these purposes. Additionally, the main stem of Smokes Creek flows through the former Bethlehem Steel property, discharging into Lake Erie. This property formerly housed a large steel production facility that resulted in on-site disposal of contaminants. The contamination in and around the Smokes Creek corridor may impair the floral and faunal diversity of the creek.

Smokes Creek Shoals is one of only a few sizeable areas of relatively shallow, gravelly shoals in the Erie County portion of Lake Erie. Apparently, wave action and inflows from Smokes Creek provide adequate water circulation in this area to prevent siltation of the bottom substrate. This extensive littoral zone likely serves as an important spawning area for a variety of warm water fish species, especially walleye, along with yellow perch and smallmouth bass. Evidence of walleye in and around the mouth of Smokes Creek during the spawning period (generally mid-March through early May) suggests that the adjacent shoals attract a major lake-spawning concentration. Concentration areas such as this are unusual in Erie County. Because of the abundant walleye population at Smokes Creek Shoals, this area attracts significant recreational fishing activity during late spring and summer. Reproduction of walleye at Smokes Creek Shoals may also contribute to the Lake Erie commercial fishery for this species, located farther offshore in Lake Erie waters greater than 55 feet deep.

**Figure 2.32 – Smokes Creek  
Significant Coastal Fish Wildlife Habitat**



- **Eighteen Mile Creek**

The Eighteen Mile Creek Coastal Fish and Wildlife Habitat is located along the Eighteen Mile Creek corridor, extending approximately five miles from Lake Erie to the confluence of the Main and South Branches of the creek. It extends into the Towns of Hamburg, Evans, and Eden. The creek is a large, meandering stream, with predominantly rock and gravel substrates. The creek drains approximately 120 square miles of agricultural, rural residential and woodlands. Eighteen Mile is situated in a steep-sided, wooded gorge, with creek walls ranging from 70 to 100 feet high in some locations.

**Figure 2.33 - Eighteen Mile Creek Significant Coastal Fish and Wildlife Habitat**



Eighteen Mile Creek represents a rare ecosystem type in the region. It is the second largest tributary to Lake Erie in New York State. It has a relatively undisturbed border of mature vegetation. The creek is important as a relatively undisturbed tributary stream that provides spawning habitat for salmonids and other lake-based fish species. Eighteen Mile Creek is significant because concentrations of coho salmon,

Chinook salmon and brown trout migrate from Lake Erie through this area to spawn (although unsuccessfully in most instances). The Eighteen Mile Creek gorge also supports small mouth bass and runs of other lake fish. Although access is limited, the stream attracts a large number of anglers, mostly residents of the Erie-Niagara Region. The area is also ideal as a natural area for scientific and educational use.

The shoreline and near shore portions of Lake Erie also attract numerous migrating waterfowl and migratory raptors. The summer resident waterfowl population is not significant and is basically restricted to a few nesting mallards, shorebirds, and seagulls. The pristine nature of the Eighteen Mile Creek gorge provides an ideal small animal habitat. Additional undeveloped areas in the southern portions of the waterfront area (south of the junction of Route 5 and Old Lake Shore Road) provide similar habitats. The Eighteen Mile Creek gorge also contains many varieties of trees and vegetation, including some species that are on the New York State list of protected plants.

The Eighteen Mile Creek Corridor is also designated as a Critical Environmental Area (CEA). The Town designated the portions of the creek within its boundaries as a CEA in 1992, to recognize the creek's exceptional and unique characteristics. Designation as a CEA is a factor in evaluating projects that may be proposed within the CEA, particularly regarding compliance with the State Environmental Quality Review Act (SEQR).

## **2.15 Topography, Geology and Soils**

Town-wide, topography in the Town of Hamburg is relatively flat, having a slope gradient less than eight percent. Within the WRA there are some areas of steep slopes along the creeks and streams, drainage channels and near the shoreline, particularly in along the Lake Erie shoreline in Coastal Hamburg WRA Subareas 3 and 4, and Eighteen Mile Creek in Coastal Hamburg WRA Subarea 4 and Inland Hamburg WRA Subarea 1 (Maps 7A-7E). The northern part of Coastal Hamburg WRA Subarea 1 is located on a lake plain or "lowlands" (Earth Dimensions Inc., June 1981). Woodlawn Beach State Park is located in this area. In the upland area, the Woodlawn residential area is located within a flat shallow basin situated between NYS Route 5 and the beach. The shoreline between Woodlawn Beach State Park and Hoover Beach and Athol Springs through the southern portion of Coastal Hamburg WRA Subarea 1, continues to be relatively flat. The south portion of Coastal Hamburg WRA Subarea 1 and Coastal Hamburg WRA Subarea 2 sees a change in topography. The shoreline in these areas increases in height, with the beginning of the steep bluffs and cliffs that are found throughout Coastal Hamburg WRA

Subarea 3 and 4. The base of the bluffs as you move south from Coastal Hamburg WRA Subarea 2 often terminates in narrow sandy, rocky or gravel beaches and is cut by steep stream banks. Inland WRA Subarea 1 is characterized by steep slopes with the creek at the bottom of the gorge in the vicinity of Eighteen Mile Creek County Park, with creek banks decreasing in steepness as you move east along the creek corridor and into Inland Hamburg WRA Subarea 2. Coastal topography is discussed in further detail in Section 2.16.

Throughout geologic time, streams have cut through the interbedded shales and limestones of southern Erie County. In the Town of Hamburg, this has resulted in the creation of the Eighteen Mile Creek gorge, which is a striking formation with steep walls that extend up to 100 feet high. The gorge stretches from the shore of Lake Erie east along the Hamburg/Evans Town boundary and on into the Town of Eden. The downcutting of the gorge has exposed a continuous sequence of rocks of the Devonian age (see Section 2.12). The exposed shale and limestone layers yield abundant and diversified plant and animal fossils representative of the 360-million-year-old marine environment that existed over the Western New York region. The entire sequence of rocks can be seen very well by looking out from either the Lake Shore Road or NYS Route 5 bridges that extend across Eighteen Mile Creek.

[Figure 2.34 - Eighteen Mile Creek gorge and cliff walls](#)



Based on the exposure of a continuous sequence of rocks, the quantity of fossils and the quality of the fossils that are found in the area, Eighteen Mile Creek has achieved international recognition as a geological resource. The creek gorge has been likened to the Grand Canyon because of the continuous sequence of rocks that are exposed in the

area. The extent of exposure permits a detailed study of the geologic history over a broad period of time, with few gaps.

The soils within the WRA fall into nine series, as characterized by the US Department of Agricultural Soil Conservation Service. These include Churchville, Cazenovia, and Niagara (silty loam); Remsen, Darien, Angola and Lakemont (silty clay loam); Aurora (shaly silt loam); and Manlius rock outcroppings. Drainage of these soils is poor due to a high clay content resulting in low permeability. This, coupled with a high-water table, causes seasonal wetness in many areas. An exception is the Cazenovia series, which is well drained but lacks stability in sloping areas. This condition occurs in the Pinehurst vicinity of Coastal Hamburg WRA Subarea 3 only. Soil nutrients throughout the Hamburg waterfront are capable of supporting vegetation; however, seasonal wetness, and lake exposure limits the variety of indigenous species found in the area. Bedrock throughout the Hamburg waterfront is generally five feet below grade or deeper, except for the Angola series where a two-foot depth is common and occurs along the immediate lake shore in Coastal Hamburg WRA Subarea 3 for a distance two miles north of Eighteen Mile Creek.

## **2.16 Flooding and Erosion**

The Town of Hamburg contains flood zones that have been designated by the Federal Emergency Management Agency (FEMA) as areas subject to flood hazards (Maps 6A-6C). These areas or flood zones are depicted on the FEMA Flood Insurance Rate Maps developed for the Town. The flood zones are established based upon the degree to which an area is susceptible to flood damage. The three general flood zones that exist within the Town include the following.

- "A" Zone – (also called the area of special flood hazard) is that area of land that would primarily experience still water flooding, without significant wave activity, during the 100-year storm;
- "B" Zone – those areas that fall between the limits of the 100-year flood and the 500-year flood, or certain areas that are subject to 100-year flooding with average water depths of less than one- foot, or where the contributing drainage area is less than one square mile (B Zones also include areas protected by levees from the base flood);
- "C" Zone – areas of minimal flooding.

The 100-year flood plain extends inland over portions of Woodlawn and Athol Springs in Coastal Hamburg WRA Subarea 1 (Map 6A), where there is an absence of steep bluffs

and elevated shoreline. It also extends along the corridors of Blasdell and Rush Creeks and Foster Brook in this Subarea. Flooding is not a significant problem in this subarea, with the exception of the lake shore due to winter storms, as discussed below. In Coastal Hamburg WRA Subareas 2 and 3, the 100-year flood plain is situated near the toe of the bluffs, closer to the mean low water mark of Lake Erie, and along the corridors of Wanakah Creek and Eighteen Mile Creek.

Major flooding on Lake Erie results from severe wave action that occurs during frontal weather systems with gradient changes that create strong wind and periods of intense storms. The direction of the prevailing winds and lack of offshore structures to deflect wave action create conditions known as a seiche, which commonly occurs in late fall or early winter before the lake freezes (Lake Erie is usually up to 80 percent ice covered by mid to late January). Winds blow across the lake from southwest to northeast, with a fetch that stretches about 225 from Toledo, Ohio to Buffalo. This causes significant water displacement that results in flooding along the shoreline (Army Corps of Engineers; Webex presentation, January 24, 2024).

Seiches are similar to tides, with large waves that rise and fall. During a seiche, water is pushed up at the east end of Lake Erie, with oscillation that can continue for hours. Waves created by wind can rise on top of this surge, exacerbating flooding. Significant Lake Erie seiches can cause water levels to rise over 14 feet. According to the Army Corps of Engineers (ACOE), a 100-year (or 1% change) event averages a 9.6-foot water level rise in Buffalo, levels decreasing to 5.8 feet in Toledo.

Seiches result in shoreline and beach erosion, with rising waters overtopping and damaging seawalls and other shoreline protection structures, as well as floating docks that should be removed to avoid damage. Ice flow is another impact, with ice being pushed up by the wind over the shoreline and shoreline structures. Climate change is creating uncertainty for predicting future events. With lake waters warming, and less ice cover occurring during winter months, more frequent water level highs and lows can be expected, as well as more sediment transport that will affect future dredging needs.

Seiche conditions are especially problematic in the Hoover Beach and Athol Springs areas of Coastal Hamburg WRA Subarea 1. During storm events with strong wind action, lake levels rise, and at times the water was pushed up and over the existing seawall and onto NYS Route 5. This situation resulted in roadway accidents, especially during freezing conditions, and on occasion forced the Town to close this section of NYS Route 5. Lake storms can also send large quantities of debris onto the road creating driving hazards and

requiring extensive roadway maintenance. Local residences and shoreline restaurants in the area have sustained damage due to these conditions.

In 2020, the US Army Corps of Engineers completed an \$8.2 million reconstruction project to replace the eroding seawall with a new, 860-foot armor stone revetment, topped with a 15-foot-wide splash apron and new drainage between the wall and NYS Route 5 to help keep water and ice at bay during winter storms. The project also included an additional 270 feet of revetment at the southerly end to prevent continuing erosion in the area where portions of the seawall had fallen along the lake side.

Erosion and flooding issues within the Eighteen Mile Creek corridor have become a significant problem in the Town of Hamburg in recent years. Phase 2 of the Regional Niagara River/Lake Erie Watershed Management Plan from Buffalo Niagara Waterkeeper describes the condition of the riparian zone and bank stability in the Eighteen Mile Creek watershed, with many stretches of the watershed being rated as “poor”. A poor riparian zone allows stream banks to erode more readily, and for contaminants in runoff to flow uninterrupted into a water body. Since bank stability is generally paired with riparian zone, a poor riparian zone typically also means there will be poor bank stability.

Figure 2.35 – Seiche Event along Route 5



In the case of Eighteen Mile Creek Golf Course in Inland Hamburg WRA Subarea 2, erosion and flooding related issues that have diminished the value and functionality of this facility. This 162-acre property is located in the 100-year floodplain and is bisected by the creek. During periods of intense flooding in Eighteen Mile Creek, flood waters extend onto the surrounding Golf Course impacting play as holes closest to the creek. The Town enlisted the Buffalo Niagara Waterkeeper (BNWK) to assist with shoreline restoration along the creek bank to help mitigate flooding and erosion. The BNWK is progressing a

project that involves the study and design of shoreline restoration measures to abate flooding in this area. This project is being undertaken with funding received from the National Fish and Wildlife Services (NFWs) through the National Coastal Resiliency Program, and progress is contingent on available funding. At present, design work is at 60 percent complete and the BNWK is undertaking public outreach, as required, for the project. They are currently awaiting approval for additional funding from the NFWs to cover the costs of final design and initial construction. It is anticipated that final design work will be completed in 2026, at which time they will secure permits for construction. A gap in construction is anticipated, however, based on the availability of future funding to finish the construction work. In the meantime, the Town of Hamburg Parks and Recreation Department has undertaken improvements on the upland, which include installation of a new irrigation system and construction of an irrigation pond, and raising the elevation of the pump station on-site to move it above flood levels. These improvements are expected to help mitigate ongoing issues while the Town awaits completion of the Buffalo Niagara Waterkeeper project.

### **NATURAL PROTECTIVE FEATURES AND SHORELINE EROSION**

The entire shoreline of Lake Erie is designated as a "Natural Protective Feature Area" by the New York State Department of Environmental Conservation, under provisions of the State's Coastal Erosion Hazard Areas Act. Coastal Erosion Hazard Area maps were prepared in June of 1988. Natural protective features in the Hamburg WRA include bluffs, dunes, beaches and wetlands.

The entire stretch of the Lake Erie waterfront contains beach that varies in width. Wider areas of beach are located in Coastal Hamburg WRA Subareas 1 and 2. The width of the beaches is controlled by the lake. During the winter season, the beaches are subject to wave action (as discussed above), wherein sand is moved to bars offshore and the width of beaches decreases. During the summer season, the sand is moved back on shore, reestablishing the width of these areas.

The beach area at Woodlawn Beach State Park, in Coastal Hamburg WRA Subarea 1, includes a sizable area of freshwater sand dunes that are some of the most well preserved and last remaining significant freshwater dune areas on Lake Erie. These dunes are stabilized with native grasses that contribute to this unique ecosystem. A boardwalk extends over the dune area to protect the natural setting. Other areas in Coastal Hamburg WRA Subarea 1 also contain small areas of dunes, but not to the extent of what exists at Woodlawn Beach State Park.

Portions of Coastal Hamburg WRA Subareas 2 and 3 include bluffs of varying heights and small stretches of beach. The steepest areas of bluffs are found in Coastal Hamburg WRA Subareas 3 and 4, where the height of the bluffs along the lake and gorge walls within the Eighteen Mile Creek corridor range from 60 to over 100 feet in height. There are no erosion protection structures in Coastal Hamburg WRA Subarea 4 and Inland Hamburg Subareas 1 and 2.

As previously noted, wave action from lake storms can be quite damaging to shoreline properties. For this reason, many properties have abandoned any type of permanent dockage. Large portions of the Lake Erie shoreline have been “armored” with rock rip rap and concrete seawalls to prevent shoreline erosion. Seawalls can be found along the base of the bluffs and the seaward extent of many shoreline properties throughout the area, particularly in Coastal Hamburg WRA Subarea 1 and 2. Shoreline protection for each Subarea is discussed below and documented on photographs in the Appendix.

### [Lake Erie](#)

- [Coastal Hamburg WRA Subarea 1, Maps 7A](#)

Topography in the northern end of Town is relatively flat, with wider expanses of beach, and no bluffs. This is evident in the vicinity of Woodlawn Beach State Park and the area stretching south toward Hoover Beach. Seawalls have been put in place in Hoover Beach to protect existing residential development along the shoreline in this area. This area also shows evidence of the prior use of small rock jetties to capture and hold sand carried in the littoral drift. Further south along the Hoover Beach shoreline, concrete seawalls armor the shore to provide stability and protection from the destructive wave action of winter storms. There is no beach area remaining between the Hoak's restaurant to the south and the Hamburg Park and Rest Area to the north. The shoreline in this area has been stabilized with large stone rip-rap. Further north, immediately south of the mouth of Foster Brook, a narrow stretch of beach was re-established seaward of the seawalls at the southern end of Hoover Road.

The shoreline area that extends south of Hoak's Restaurant is armored with a 860-foot stretch of concrete seawall that was constructed by the ACOE in 2020 to protect NYS Route 5 in the Athol Springs area from wave action during winter storms on Lake Erie. In this area, the roadway runs parallel to the lake shore and exposed to the full impact of storm waves. During periods of high lake levels, water rests at the base of

this wall. During low lake levels, the wall gives way to a sand beach that covers underlying shale substrate.

- **Coastal Hamburg WRA Subarea 2, Map 7B**

Beyond the Hoak's property and ACOE project, a natural rock ledge that averages about 20 feet in height replaces the concrete seawall. The rock ledge is followed by another long expanse of stone riprap that protects NYS Route 5 from wave impacts. This riprap extends between Beach Avenue and Stratford Terrace, almost all the way to the Town Park and Beach property. The area between Stratford Terrace and Waveland Court contains a natural rock bluff, with some beach, that gives way to the shoreline at the Town of Hamburg Park and Beach. This area of the shoreline has been established with lawn and landscape and a wide, sandy beach. Large stone riprap has been used in certain locations to stabilize the shoreline and a stone jetty was constructed to lend protection to the Town's boat launch ramp area in the park.

South of the Town Park and Beach, in the area between Mt. Vernon Blvd. and Rogers Road, the beach diminishes and the bluff rises. With the exception of an occasional stairway, this area remains natural and unprotected by seawall structures. The mouth of Berrick's Creek flows through the cavernous walls of the bluff giving way to a small area of beach. The bluff continues south along the shoreline, from the creek mouth, through the Clifton Parkway and Mt. Vernon area. South of Rogers Road, some shoreline protection can be found seaward of the homes along Clifton Parkway. In a few places more elaborate structures, containing what appear to be boathouses and stairways, have been constructed on or into the bluff. Further south, beyond Norton Drive, the height of the bluff decreases somewhat; here the shoreline has been reinforced in some areas with stone rip rap and concrete seawalls. Again, there is evidence of boathouses and other similar structures. In the vicinity of Cloverbank Road, and south to the Lake Erie Seaway Trail Visitor's Center property, the shoreline is protected with an almost continuous collection of concrete seawalls and stone rip rap that is situated seaward of shoreline residences and businesses. There is little to no beach available throughout this area.

The bluff at the Lake Erie Seaway Trail Visitor's Center has been reinforced with large stone riprap as part of a former NYS Department of Transportation roadway protection project. South of this area the bluff disappears, and the shoreline is protected with a series of low concrete seawalls. The remnants of former rock jetties are found here, along with wider areas of beachfront. In the area just north of the Wanakah Country Club (in the vicinity of Beach Drive), the natural rock bluff

reemerges and then subsides near the southern extent of Coastal Hamburg WRA Subarea 2 (Pleasant Avenue). Here, the shoreline is protected with low level concrete seawalls that are fronted by narrow beach. Some small boathouses and private launch ramps are found along this stretch of the shoreline.

- **Coastal Hamburg WRA Subarea 3, Map 7C**

Coastal Hamburg WRA Subarea 3 begins with a long, narrow stretch of beach that is backed up by numerous low-lying concrete seawalls or stone riprap. There are also several small boat ramps along the shore. These structures support the residential uses located along the shoreline in the Clifton Heights area of the Town. This area gives way to a steadily increasing rock bluff.

Beyond the Clifton Heights area and the Wanakah Country Club in Coastal Hamburg WRA Subarea 3, Old Lake Shore Road splits from Lake Shore Road (NYS Route 5) and follows the shoreline along the top of the bluff. In this area, the bluff extends over 80 feet in height, with a narrow stretch of sand or gravel beach at the toe. As a result of its height and layered structure, it represents the most significant geologic feature along the Lake Erie shoreline. At one location, in the vicinity of Lakeview Terrace, there is a small jetty that has caused a small buildup of sand that creates a small area of beach. The area between the roadway and the top of the bluffs in this stretch of the shoreline is narrow, and the bluffs are slowly eroding, endangering the structural integrity of Old Lake Shore Road (see further discussion below).

Moving south of Lakeview Terrace, the bluff gradually decreases in height, with an increase in vegetative cover. This is also where Old Lake Shore Road is oriented further inland, away from the shore, with the area between the lake and the roadway developed with large residential properties. As the bluff descends, the beach widens, and the slope of the bluff becomes less acute. In this area there are a few properties that have fortified the shoreline with large stone rip rap or concrete seawalls. One large estate property has constructed what appears to be a concrete boat ramp to the lake shore. A few other properties in this section of the waterfront have constructed paths or stairway access to the shoreline.

Continuing south, in the area generally north of Lakeview Road, the bluff tends to get steeper, and its surface becomes more modulating. There is a limited extent of beachfront throughout this area and no shoreline protection structures. The bluff along this stretch averages about 80 to 100 feet in height. Moving further south,

more vegetation is found along the top of the bluff and in a few areas on the face of the bluff.

Beyond Lakeview Road, the bluff face eventually becomes steeper and smoother before moderating in slope, with a widening beach, as the shoreline rounds toward the mouth of Eighteen Mile Creek. There is one large wooden stairway that reaches down to the beach in this area, but there is no evidence of shoreline hardening structures. There are also a couple properties that have established wide pathways to access the water's edge. The width of the beach diminishes at the mouth of the creek, giving way to a heavily vegetated slope. A long sand spit that extends from the south shoreline of the lake protects the mouth of Eighteen Mile Creek.

As noted above, the stretch of Old Lake Shore Road in the area of Coastal Hamburg WRA Subarea 3, south and west of where the roadway splits from Lake Shore Road, is narrow and the distance between the roadway and top of the bluff has slowly been reduced by erosion. A feasibility study was conducted by the US Army Corps of Engineers, in conjunction with Erie County, in support of a stabilization and erosion protection project along this portion of Old Lake Shore Road. Erosion of the steep bluffs in this area is threatening the integrity of Old Lake Shore Road. Because erosion will continually be a problem for the roadway in this area, possible alternatives that should be evaluated might include making travel on Old Lake Shore Road one-way, relocating the road, or even abandonment and reutilization of the road as a recreational trail. The result of the study indicated that over \$1 million would be needed to remedy the problems in this area. Without the availability of funding, the County is monitoring the area until further action can be taken.

- [\*\*Eighteen Mile Creek \(Maps 7D – 7F\)\*\*](#)

As discussed in Section 2.15, the flow of Eighteen Mile Creek has created a deep gorge along much of the creek corridor. This gorge defines the character of the creek, as well as the topography of Coastal Hamburg WRA Subarea 4 and Inland Hamburg WRA Subareas 2 and 3. Draining a watershed of over 120 square miles, it is the second largest tributary to Lake Erie. Waterfalls carry flow from tributary streams to the creek below in a few areas, including Buttermilk Falls at Hobuck Flats, the south portion of Eighteen Mile Creek County Park near the confluence with the south branch of Eighteen Mile Creek, and in the area of the creek where Old Lakeview Road and South Creek Road run close together. There is also a waterfall within the creek corridor, just east of this area known as Mattulke Falls.

Due to the steepness of the Eighteen Mile Creek gorge, upland flooding and erosion are not a common problem that impacts private properties or local roadways. As the gorge naturally erodes over time, structures located too close to the top of the bluff could be endangered. As illustrated on Maps 7D – 7E, floodplains are located at the base of the bluffs, in portions of the relatively flat creek area. In these areas, water levels may be subject to increases based on the severity of storm events in areas that drain to the creek within the watershed.

Coastal Hamburg Subarea 4 extends inland along the Eighteen Mile Creek corridor to the location where the creek bifurcates at the south end of Eighteen Mile Creek County Park. The creek corridor in this area is defined by steep walls. Due to the steepness of the gorge walls, upland flooding and erosion is not a common problem that impacts private properties along North Creek Road at the top of the gorge, along the north side of the creek. As illustrated on Maps 7A – 7E, floodplains are located at the base of the bluffs, in portions of the creek corridor that are relatively flat and wide. Water levels in the Eighteen Mile Creek throughout Coastal Hamburg WRA Subarea 4 are subject to the severity of storm events and stormwater runoff, as well as winter snow melt, in areas that drain to the creek.

Inland Hamburg WRA Subarea 1 extends inland along the Eighteen Mile Creek corridor, from the location where the creek bifurcates at the south end of Eighteen Mile Creek County Park to the western boundary of the Incorporated Village of Hamburg. In this subarea, the steepness of the gorge confines the floodplain to areas along the creek bottom. As you move to the eastern extent Inland Hamburg WRA Subarea 1, east of Gowanda State Road, the creek corridor widens, creating a significantly larger area of 100-year floodplain. At present, much of this area is undeveloped woodlands, including the area north of Hampton Brook Drive (see Map 7\*).

As you enter Inland Hamburg WRA Subarea 2, east of the Incorporated Village of Hamburg, topography diminishes and the height of the creek banks is significantly reduced. Here the creek valley widens creating a large extent of 100-year floodplain through the center of this Subarea (see Maps 6F and 7F). A large extent of the Town of Hamburg Eighteen Mile Creek Golf Course property is located in this area and experiences flooding or wet soil conditions after significant rainfall events or periods of extreme wetness.

## **2.17 Water Quality**

In general, Lake Erie waters, south of the former Bethlehem Steel complex, are of high quality. Among the factors contributing to these conditions are the presence of modern wastewater treatment systems, the absence of industrial discharges that historically impacted water quality, and the Erie County prohibition on the discharge of phosphates in the lake. Water quality along the Hamburg lakeshore is monitored during summer months by the Erie County Department of Health. Periodically, E. coli bacteria levels at Hamburg Town Park and Beach and Woodlawn Beach State Park exceed acceptable levels for swimming resulting in beach closures. Wetland restoration at Woodlawn Beach State Park included efforts to improve water quality in Blasdell Creek to help mitigate contamination issues at the beach (see Section 2.14).

In accordance with 6 NYCRR Part 701 Classifications – Waters and Groundwaters, the New York State Department of Environmental Conservation (NYSDEC) has assigned water quality stream classifications to surface waters in New York State (Figure 2.36). These classifications identify the best usage for each stream. Lake Erie is designated Class A-Special (International Boundary Waters) along the entire Hamburg shoreline. The best uses for Class A-Special waters include drinking water supply, food processing, primary and secondary contact recreation, and fishing. These waters are suitable for fish, shellfish, and wildlife propagation and survival. Class B streams typically have conditions suitable for primary and secondary contact recreation, and water conditions suitable for fish propagation and survival. Class C waters have conditions suitable for primary and secondary contact recreation, although other factors may limit their use for these purposes. These waters are suitable for game fish survival. Surface waters with the (T) designation indicates that the capacity to support trout.

Figure 2.36 - Water Quality Classifications

## Town of Hamburg Local Waterfront Revitalization Program

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Waterbody Segment	Index No.	Classification
Lake Erie (open waters S/W of Hamburg)	Ont 158 – E (portion 6)	A-Special
Lake Erie (Northeast – within 1000' of shore)	Ont 158 – E (portion 5)	B
Rush Creek (within 1/8 mile of mouth)	Ont 158 E – 3	B
Rush Creek (1/8 mile from mouth to source)	Ont 158 E – 3	C
Tributaries to Lake Erie*	Ont 158 E – 4 – 12	C
Eighteen Mile Creek (Lower, minor trib)	Ont 158 E – 13	B(T)
Eighteen Mile Creek (Middle, minor trib)	Ont 158 E – 13	B(T)
Eighteen Mile Creek (South Branch)	Ont 158 E – 13 (portion 4)	B(T)
Eighteen Mile Creek (Trib. At Hobuck Flats)	Ont 158 E – 13 (portion 5)	B
Hampton Brook	Ont 158 E – 13 (portion 6)	B
Eighteen Mile Creek (Trib. At Water Valley)	Ont 158 E – 13 (portion 7)	B
Newman Creek	Ont 158 E – 13 (portion 8)	A

*\*Located between Rush Creek and Eighteen Mile Creek*

*Source: 6 NYCRR Part 701 Classifications – Waters and Groundwaters*

### PRIORITY WATERBODIES LIST

The water quality classifications discussed in Section 2.17 that are assigned to waterbodies by the NYSDEC do not necessarily reflect all existing water quality issues. The Federal Clean Water Act requires states to periodically assess and report on the quality of waters in their state. Therefore, the NYSDEC has developed a State-wide inventory of specific waterbodies, based on monitoring and information drawn from other programs and sources that characterizes general water quality, the degree to which water uses are supported, and progress toward the identification of quality problems and improvements. The NYSDEC Division of Water periodically publishes a list of the surface waters that cannot be fully used as a resource or have problems that can damage their environmental integrity. The “Waterbody Inventory/Priority Waterbodies List” is used as a base resource for NYSDEC Division of Water program management. Separate Waterbody Inventory/Priority Waterbodies List Reports are prepared and maintained for each of the major drainage basins in the State.

The NYSDEC “Waterbody Inventory/Priority Waterbodies List” includes the following information for Lake Erie and certain creeks in the Town, including Eighteen Mile Creek, where water quality is monitored (Figure 2.37). Impaired segments, waters with Minor Impacts, and Threatened Waterbody segments are the focus of remedial/corrective and resource protection activities by the NYSDEC.

While surface waters in the middle portion of Eighteen Mile Creek (including minor tributaries) and the lower portion of the South Branch of Eighteen Mile Creek (including

minor tributaries) are monitored, no known impacts or use impairments have been identified.

The Priority Waterbodies List includes an assessment of water quality for waterbodies under six categories, which include:

- **Waters with No Known Impacts**

Waterbody segments where monitoring data and information indicate no use restrictions or other water quality impacts or issues.

*Threatened Waterbody Segments* – waterbody segments for which uses are not restricted and no water quality problems exist, but where specific land use or other changes in the surrounding watershed are known or strongly suspected of threatening water quality; or waterbodies where the support of a specific and/or distinctive use makes the waterbody susceptible to water quality threats.

- **Waters with Minor Impacts**

Waterbody segments where less severe water quality impacts are apparent but uses are still considered fully supported (these waters correspond with waters that are listed as having “stressed” uses).

- **Waterbodies with Impacts Needing Verification**

These are segments that are thought to have water quality problems or impacts, but where there is insufficient or indeterminate documentation. These segments require additional monitoring to determine whether uses should be restricted.

- **Impaired Segments**

These are waterbodies with well documented water quality problems that result in precluded or impaired uses.

- **Unassessed Waterbodies**

Waterbody segments where there is insufficient water quality information available to assess the support of designated uses.

**Figure 2.37 – NYSDEC Water Quality Assessment**

Water Body	Impaired Use	Severity	Pollutant Type	Causes/Source	Category
Lake Erie (Northeast Shoreline from Woodlawn to Eighteen Mile Creek)	PUBLIC BATHING RECREATION FISH CONSUMPTION	Impaired (known) Impaired (known) Impaired (known)	PRIORITY ORGANICS (PCBS)/ PATHOGENS (all known)	CONTAMINATED / TOXIC SEDIMENTS URBAN/STORM- WATER RUNOFF (all suspected)	Impaired Segment

## Town of Hamburg Local Waterfront Revitalization Program

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				On-Site Septic systems (possible)	
Rush Creek and Tributaries	PUBLIC BATHING RECREATION AQUATIC LIFE Aesthetics	Impaired (known) Impaired (known) Impaired (known) Stressed (known)	PATHOGENS (known), NUTRIENTS (suspected), D.O./Oxygen Demand and Priority Organics (possible)	MUNICIPAL SSOs (Hamburg/Blasdell), URBAN STORM RUNOFF (known) Other Sanitary Discharges (suspected), On-site Septic systems (possible)	Impaired Segment
Eighteen Mile Creek (lower and minor tributaries from mouth to Village of Hamburg)	Habitat/ Hydrology Recreation Fish Consumption	Stressed (suspected) Stressed (suspected) Stressed (possible)	SILT/SEDIMENT, Priority Organics (PCBs), Pathogens (all suspected) Thermal Changes (possible)	STREAMBANK EROSION, URBAN STORMWATER RUNOFF, Toxic / Contaminated Sediment, Agriculture (all suspected)	Minor Impacts
Hampton Brook and Tributaries	Aquatic Life	Stressed (known)	NUTRIENTS (known), D.O. /Oxygen Demand (suspected), Pathogens (possible)	AGRICULTURE, URBAN/STORM RUNOFF (suspected)	Minor Impacts

(CAPITAL letters indicate MAJOR Use Impacts/Pollution Sources)

(Source: Niagara River/Lake Erie Basin Waterbody Inventory and Priority Waterbodies List, NYSDEC Division of Water, May 2010)

Water quality in the Hamburg WRA is also impacted by other sources including non-point source pollution carried overland in stormwater runoff that is discharged to creeks and streams, leachate from failing septic systems, potential hazardous algae blooms on surface waters, and water quality pollutants from upland portions of the watersheds that encompass the WRA.

### 2.18 Environmental Hazards and Constraints

As discussed in Section 2.5, the Town of Hamburg is finalizing a Brownfield Opportunity Area (BOA) Nomination Study that focuses on a large portion of Coastal Hamburg WRA Subarea 1 (primarily north of Milestrip Road). The BOA report sets forth a strategy for redevelopment of the brownfield, underutilized, and vacant sites located in this area that is centered around the vision to generate community reinvestment, promote waterfront renewal, and create opportunities for economic development. The BOA Study has currently identified seven strategic areas that are deemed worthy of additional action, including the Buffalo Crushed Stone Site, the former Republic Steel Site, Woodlawn hamlet, and the Gateway Building complex.

There are no known active hazardous waste sites within the WRA. The BOA study discussed in Section 2.5, identified 37 brownfield sites in Coastal Hamburg WRA

Subarea 1. Seven of these sites were identified (designated) as vacant land, 16 as commercial properties, and 12 as industrial sites. Two additional sites include a 13-acre Town-owned property, and vacant property owned by the Erie County Sewer District. The largest and most prominent brownfield site that has potential for contamination and possible redevelopment is the former Republic Steel property, which is currently identified as Republic Engineered Products, located on the east side of NYS Route 5 in the northern portion of Subarea 1. While the BOA report includes recommended land use strategies for strategic brownfield and other identified sites, these recommendations are contingent on the results of further environmental investigations and the level of clean-up completed by property owners, which may determine the need for land use controls. The recommendations may also require adjustment, but the objectives of the BOA report remain unchanged.

There is one property in Coastal Hamburg WRA Subarea 1 that is in the State Superfund Program. The Snyder Tank Company site, a 10-acre facility, is comprised of multiple properties located at 3773-3774 Lakeshore Road. The facility was formerly used to manufacture fuel tanks and was later leased for trucking operations. There are six buildings on the property that are currently being used for storage and warehousing for boats, cars, and cabinets. Environmental assessments of this facility began in the 1970s. A Phase I Investigation was completed in 1989, and a Phase II investigation report was finalized in 1992. A subsequent *Phase II Environmental Site Assessment Report* by Hazard Evaluations was conducted for the property owner in 2006. This report indicated contamination of Volatile Organic Compounds (VOCs), Polycyclic Aromatic Hydrocarbons (PAHs), and metals in soil, along with other contamination. In Area C (former Plant #1), a soil sample (SB-18) showed 2600 ppm toluene and 3980 ppm of 1,1,1-trichloroethane. Petroleum (diesel fuel) impacted soils were found in a gravel parking area (Area B located west of former Plant #2). This area was excavated under a DEC Stipulation Agreement in May 2008. The removal of an underground storage tank and drum carcasses in Area A (former Plant #2) took place in September 2008. In February 2008 additional investigation to determine the extent of contamination at SB-18 area (approximately 40' x 25') in Area C was conducted. As required by a DEC Consent Order (2008) remediation of the SB-18 area and an assessment of the groundwater conditions was conducted in this area. Contaminated soils from the SB-18 area were excavated and disposed of off-site in August 2009. A Remedial Investigation and Feasibility Study Report and Final Engineering Report were approved by NYSDEC in February 2010. The site has been classified by NYSDEC as C (Completed), which indicates that the site has been satisfactorily remediated.

## **2.19 Public Infrastructure**

The Town of Hamburg Highway Department is responsible for roadway maintenance, which includes street paving and plowing, catch basin maintenance, street sweeping, and garbage and recycling of waste (specifically the handling of large items and brush pickup). The Highway Superintendent oversees all department activities. Stormwater management and drainage is the responsibility of the Highway and Engineering Departments as Engineering manages the stormwater program, drainage complaints and drainage projects using contractors, while the Highway department handles road related drainage work and municipal operations as they relate to stormwater. The Buildings and Grounds Department, under the supervision of the Highway Superintendent, is responsible for maintenance of Town-owned properties.

### **WATER SUPPLY**

The Erie County Water Authority (ECWA) provides the water supply in the Town of Hamburg from its Sturgeon Point Filtration Plant in the Town of Evans. The privately owned Wanakah Water Company no longer provides water and distribution to the Wanakah area, as it did in 1987 when the Town adopted the LWRP. The LWRP study area, as well as the entire Town, is now serviced by the ECWA through a Lease Management Agreement. The ECWA operates two transmission mains that transport water into the Town; a 42-inch main situated near the CSX and Norfolk Southern railroad corridor and a 48-inch main near Lake Shore Road. These mains traverse the Town through easterly and northeasterly routes. While a limited portion of Hoover Road does not have water service, the water distribution system supplies water to all residents and businesses within in the LWRP study area. Following the transfer to ECWA, the Town retains ownership and maintenance responsibilities for the waterlines related to four private developments: Wanakah Heights, Idlewood Subdivision (W Arnold Dr), Twin Willows, and Woodemere Road. Due to age, condition and increase in repair work for these waterlines, the Town is committed to replacing and upgrading these waterlines. Idlewood Subdivision is the first planned upgrade anticipated for construction in 2026. It is also important to note that the Hamburg 2022 Comprehensive Plan indicates that the water distribution system in the Town, with proper maintenance and improvements, is expected to be adequate for future development needs.

### **WASTEWATER MANAGEMENT**

The areas of Town with public sanitary sewer service are located in Erie County Sewer District #2 or #3, with only the Mount Vernon Sewer District having yet to be taken over by the ECSD. Mount Vernon District remains the responsibility of the Town but continues to be improved with the long-term goal of transferring to ECSD. The wastewater treatment plants serving these

districts are the Erie County Southtowns Wastewater Treatment Plant in Coastal Subarea 1 and the Big Sister Wastewater Treatment Plant, which is located in the Town of Evans. In 2016, the construction of the Rush Creek Interceptor Project eliminated the need for the Blasdell Wastewater Treatment Plant, which was subsequently placed offline.

Most of Inland Hamburg WRA Subarea 1 and large portions of Inland Hamburg WRA Subarea 2 do not have public sanitary sewer services. Properties in these areas manage wastewater through the use of on-site septic systems. In Subarea 1, public sewer lines extend along Stevens Road and for a short distance along Gowanda State Road (from the Village of Hamburg municipal boundary to Hill Road). In Subarea 2, a public sewer line extends along the full length of Boston State Road, and for a short distance along Taylor Road (from the Village of Hamburg municipal boundary to Woodland Drive).

### STORMWATER MANAGEMENT

The Town of Hamburg is traversed by three watersheds (Eighteen Mile Creek, Eighteen Mile Creek to Smokes Creek, and Smokes Creek) which convey stormwater runoff and flood waters from the southern and eastern portions of the Town towards the west and Lake Erie. Each of these watersheds possesses its own drainage systems and stream channels, which carry storm water during heavy runoff periods.

All LWRP sub areas fall within either the Eighteen Mile Creek watershed or the Eighteen Mile Creek to Smokes Creek watershed:

- Coastal Hamburg WRA Subarea 1 – Eighteen Mile Creek Watershed
- Coastal Hamburg WRA Subarea 2 – Eighteen Mile Creek Watershed
- Coastal Hamburg WRA Subarea 3 – Eighteen Mile Creek Watershed and Eighteen Mile Creek to Smokes Creek
- Coastal Hamburg WRA Subarea 4 - Eighteen Mile Creek to Smokes Creek watershed
- Inland Hamburg WRA Subarea 1 - Eighteen Mile Creek to Smokes Creek watershed
- Inland Hamburg WRA Subarea 2 - Eighteen Mile Creek to Smokes Creek watershed

As development increases, runoff conditions change, which can place further burden on the ability of the systems to handle storm water even when mitigated by stormwater detention facilities. Stormwater runoff in the Town of Hamburg is managed through a variety of stormwater systems similar to the system that existed in 1987 when the initial LWRP was adopted. However, some minor changes include different types of stormwater facilities, updates to the Town Code, stormwater management program and other requirements mandated by the Clean Water Act. The overall system still works by

draining surface runoff into drainage structures or ditches, which convey the storm water to stream channels that discharge to Lake Erie. While there have been only minor upgrades to the storm water drainage system since 1987, sanitary sewer improvements were performed in the Mount Vernon area in Sub-Area 2 in order to separate stormwater flow from the sanitary sewer system and decrease sanitary sewer overflows to Lake Erie. The Town undertook a Town-wide Drainage Study in 2022-2023 to identify any problem areas in the drainage system and is currently expanding that study to include known areas of concern, closed systems, and capital needs.

As development occurs in the Town, it is the requirement that the drainage systems be designed to Town and New York State standards per the NYS Stormwater Design Manual and typically does not increase the peak flows to downstream structures. The Town currently regulates stormwater discharges pursuant to Chapter 226A of the Town Code, which was adopted in July of 2007. This law establishes minimum stormwater management requirements and controls to minimize erosion and protect water quality. Local stormwater laws must be at least as restrictive as the NYS laws. The Town operates as a Municipal Separate Storm Sewer System (MS4) and therefore currently maintains coverage under and compliance with the SPDES General Permit for Stormwater Discharges from MS4s, GP-0-24-001.

### **SOLID WASTE MANAGEMENT**

Within the Hamburg WRA, as well as town-wide, the Town of Hamburg does not provide collection or disposal services for municipal solid waste, recyclables, and yard waste (The Town Highway Department Highway does collect brush). The Town does pick up large household items once a month. Residents and business owners' contract private services for solid waste disposal on an individual basis. Typical contractors include BFI Waste Systems and CID Refuse Service. There is no solid waste disposal site located within the Hamburg WRA. Typical disposal sites for solid waste collected in Erie County include the Modern landfill in Town of Lewiston, NY and the CID landfill in the hamlet of Chaffee, NY.

In late 2025, The Town put out bids for residential refuse and recycling collection and is in the process of establishing a Town-wide Refuse and Recycling District to handle solid waste and control pricing.

### **OTHER UTILITIES**

Other utility services available in the waterfront area include electric, telephone (land line and cellular), and natural gas. Cable television and internet service providers and satellite television services are also available town-wide from private carriers.

### ENERGY GENERATION

There are no land uses in the Hamburg WRA that generate energy through the burning of oil, gas, or coal. Furthermore, there are no lands in the WRA that are permitted to be used or are proposed to be used for these purposes. The Town supports the conservation of energy resources and promotes the use of alternative sources of energy that are self-sustaining for small-scale use in the community. The Town also recognizes the need to develop new renewable sources of energy.

The Town of Hamburg zoning regulations (Chapter 280 of the Town Code), include provisions for development of commercial and residential wind energy conversion systems, solar energy systems, and battery energy storage systems. These regulations were adopted to advance and protect the public health, safety, welfare, and quality of life of the Town of Hamburg. Under the regulations, energy conservation and the use of sources for generating and storing alternative energy is encouraged in upland areas of the Hamburg WRA. The conservation of energy is also an important part of prudent future land use planning for the waterfront areas.

**Residential and commercial wind energy conversion systems (WECS)** Residential and commercial WECS are regulated pursuant to Articles L and LIII, respectively, of the Hamburg Zoning Law. Residential WECS are systems that consist of one or two wind turbines, one or two towers, and associated control of conversion electronics, with a total height of not more than 165 feet, and are intended to primarily supply electrical power for the use on the subject property. These systems are permitted by special use permit in the R-A zoning district. Commercial systems are typically industrial-grade, larger in size (maximum height is 500 feet) and only permitted by special use permit in the M-3 zoning district. These systems can supply electrical energy to larger facilities and/or the local power grid.

**Solar Energy Systems** are regulated under Article LIV of the Zoning Law. Solar energy systems utilize components and subsystems to convert solar energy into electric energy suitable for use. A solar energy system in the Town of Hamburg is classified as a Tier 1, Tier 2, or Tier 3 solar energy system as follows:

- Tier 1 solar energy systems include roof-mounted, building-mounted and building-integrated solar energy systems. These systems are permitted in any zoning district and are exempt from site plan review.

- Tier 2 solar energy systems include ground-mounted solar energy systems up to 2,000 square feet in size (defined as the actual square footage of panels) and that generate no more than 110% of the electricity consumed on the site over the previous 12 months. These systems are permitted in all zoning districts except R-1, R-2, R-3, R-4, and NC as an accessory use and require site plan review and approval.
- Tier 3 solar energy systems are systems that do not meet the definition of a Tier 1 or Tier 2 solar energy systems. Tier 3 systems are permitted through the issuance of a special use permit in the R-A zoning district, and commercial and industrial zones, and are subject to site plan application requirements.

**Battery Energy Storage Systems** are regulated under Article LV of the Zoning Law.

These systems are comprised of one or more devices, assembled together, that are capable of storing and supplying electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1, Tier 2 or Tier 3 battery energy storage system as follows:

- Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. These systems are permitted in any zoning district.
- Tier 2 battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area. These systems are only permitted in non-residential zoning districts with a special use permit.
- Tier 3 battery energy storage systems (utility grade systems) are systems that are designed independent of a user, with a purpose to store energy and then put that energy back into the power grid. These systems are permitted by special use permits only in industrially zoned areas.

## **2.20 Transportation Systems**

The highway network in the Town of Hamburg evolved from the numerous State and County routes that linked the urban and rural areas of the region. As a result, Hamburg has a well-established system of arterial roadways that extend through the community. Principal arterials that service the Coastal portion of the WRA include Lake Shore Road (NYS Route 5), Milestrip Road (NYS Route 179), and Big Tree Road (U.S. Route 20A). Minor arterials include Lake Avenue, Bayview Avenue, Camp Road, Rogers Road, Amsdell Road, Pleasant Avenue, and Lakeview Road. The Inland portion of the WRA includes

Gowanda State Road (U.S. Route 62), a principal arterial that extends south from the Incorporated Village of Hamburg, and Boston State Road (NYS Route 391), a minor arterial that represents the eastern boundary of the Inland WRA. Principal arterials are major highways designed for high-volume, long-distance travel between important activity centers. The major arterials are high-capacity urban roadways designed to carry large volumes of traffic between major destinations, such as central business districts and shopping centers, while the minor roadways function as key connectors in a traffic network, typically linking neighborhoods to principal arterials and providing access to collector roads. Roadways that service the Hamburg WRA are discussed as follows.

### **Coastal Hamburg WRA Subareas**

- Subarea 1 – As noted above, Lake Shore Road (NYS Route 5) is the principal arterial that provides north-south access through the Coastal Hamburg WRA Subarea 1, linking it with the City of Buffalo and the City of Lackawanna to the north, and the Town of Evans to the south. Milestrip Road (NYS Route 179) and Big Tree Road (US Route 20A) provide primary access from the east into Subarea 1. Camp Road (NYS Route 75) also ties into Lake Shore Road from the southeast.

Lake Shore Road is a seven-lane arterial from the northern WRA boundary with the City of Lackawanna to Milestrip Road. Between Milestrip Road and Camp Road, Lake Shore Road has six lanes and two interchanges within Coastal Hamburg WRA Subarea 1. It is a major commuter route to the City of Buffalo from the southern part of the region.

- Subarea 2 – Lake Shore Road (NYS Route 5) continues south into Coastal Hamburg WRA Subarea 2 as the principal four-lane arterial, providing north-south access and a link to the City of Buffalo through Subarea 1. Within Subarea 2 primary access from the east is provided from Camp Road, Rogers Road and Amsdell Road. This section of roadway carries a high volume of traffic, with no safe accommodations for pedestrians or bicyclists. There is a need for intervention to calm traffic and improve public safety conditions, and to enable pedestrians and others to safely cross this highway.
- Subarea 3 – Lake Shore Road splits at the northern extent of Coastal Hamburg WRA Subarea 3, with Old Lake Shore Road following the shoreline of Lake Erie more closely, and Lake Shore Road (NYS Route 5) continuing southeast in an alignment that takes it outside of the WRA. Within Subarea 3, primary access from the east is provided Pleasant Avenue and Lake View Road.

- Subarea 4 – Lake Shore Road briefly passes through the northwest section of Coastal Hamburg WRA Subarea 4, with North Creek Road serving as the major arterial that runs west to east. Primary access from the east is provided Burke Road and Versailles Road; Southwestern Boulevard (U.S. Route 20) briefly passes through Subarea 4 along the southeastern border of the area.

### **Hamburg Inland WRA Subareas**

- Subarea 1 – Following the boundary between the Town of Hamburg and the Town of Eden, North Creek Road extends along the western side of Eighteen Mile Creek County Park, terminating at Lakeview Road in Inland Hamburg WRA Subarea 4. Lakeview Road, Old Lakeview Road, and Stevens Road form the northern and eastern borders of Inland Subarea 1, while South Creek Road establishes the southern boundary for this area. These roads are rural in character, servicing local residences and carrying general traffic flow through the area. Gowanda State Road (U.S. 62) extends generally to the south from the Incorporated Village of Hamburg, carrying traffic north and south through Inland Hamburg WRA Subarea 4.
- Subarea 2 – Boston State Road (NYS Route 391) and Taylor Road frame Inland Hamburg WRA Subarea 2. Both of these roadways carry traffic that travels between the Incorporated Village of Hamburg and the Town of Boston to the east.

Lake Shore Road (NYS Route 5) is the primary arterial roadway for travel through the Coastal portion of the Hamburg WRA. Throughout the area, Lake Shore Road operates at a Level of Service D under the jurisdiction of the New York State Department of Transportation. In 2018, GBNRTC produced a 2050 Moving Forward Plan that included strategies for NYS Route 5 in Hamburg, from Hamburg Town Park and Beach north to Ridge Road in Lackawanna. This Plan aims to redesign Route 5 to promote environmental health by utilizing sustainable materials and minimizing runoff into local waterbodies, while also improving pedestrian and bicyclist access to Lake Erie, especially for local Hamburg residents. While this is well intentioned, traffic calming on Lake Shore Road is badly needed, particularly the section that extends through Coastal Subarea 2. With a posted speed limit of 40 miles per hour, this roadway carries well over 20,000 vehicles per day. Accommodations to improve pedestrian and bicyclist safety and enable safer roadway crossing in this area would make Lake Shore Road much safer in this area.

Several years ago, the NYSDOT was undertaking a traffic calming study for the area of Route 5 that extends between Big Tree Road in Coastal Subarea 1 and the Lake Shore Road/Old Lake

Shore Road split at the northern end of Coastal Subarea 3. This study was supposed to evaluate alternatives to identify the best solution for managing the volume and speed of traffic that flows through this area, which the chosen alternative to include a multi-use pathway and appropriate design and landscaping measure to mitigate public safety concerns. However, the study was never completed and needs to be resurrected by the State to address the transportation issues facing this area.

**BICYCLE AND PEDESTRIAN ACCOMMODATIONS**

New York State Route 5 (Lake Shore Road) is State-designated bicycle route 517, from Bayview Road in Coastal Hamburg WRA Subarea 1 to the Eighteen Mile Creek bridge crossing (and beyond to the Pennsylvania State boundary) in Coastal Hamburg WRA Subarea 3. This route has signage but no formal marked bicycle lane and limited pedestrian accommodations. Those who utilize Route 517 must travel along the roadway shoulder along Lake Shore Road. The roadway shoulder is wide and paved along the extent of NYS Route 5 roadway from the split from Lake Shore Road at the south end of Coastal Hamburg WRA Subarea 2 south to the Town boundary. However, the stretch of Lake Shore Road, from this point north to Athol Springs in Coastal Hamburg WRA Subarea 1, has four travel lanes with narrow shoulders, and carries a heavy volume of traffic. The neighborhoods and business districts along NYS Route 5, including Locksley Park, Mt. Vernon, and Wanakah, have no bike lanes, narrow sidewalks and a lack of crosswalks making pedestrian and bicycle movement and street crossings less safe. There are no designated bicycle routes or bike lanes in the Inland portion of the Hamburg WRA.

The only multi-use trail in the Hamburg WRA is located in Coastal Hamburg WRA Subarea 1. This trail extends north from the northern terminus of Hoover the Beach area to the City of Lackawanna municipal boundary, where there is a pedestrian bridge that crosses NYS Route 5. There are also connections into Woodlawn Beach State Park through the Gateway Center, immediately east of the Milestrip Road/Route 5 interchange. There are no multi-use trails in Inland portion of the Hamburg WRA.

Erie County has constructed an extension of the Shoreline Trail multi-use trail system into the City of Lackawanna, north of Coastal Hamburg WRA Subarea 1. This trail is proposed to be extended south, through the former Bethlehem Steel property to connect into Woodlawn Beach State Park. This project would greatly improve the ability for pedestrian and bicyclists to connect with and travel along the Shoreline Trail system from the Hamburg WRA.

The Greater Buffalo Niagara Regional Transportation Council is preparing a feasibility study for a potential trail that would extend from the Incorporated Village of Hamburg to Eighteen Mile Creek County Park. They are currently evaluating the most practical route for this trail and have conducted public outreach as a part of this process (A. Weymouth; GBNRTC, September 29, 2025). This project is expected to be finalized in early 2026.

### **PUBLIC TRANSIT**

The Niagara Frontier Transportation Authority's (NFTA) Metro Bus/Rail system currently operates public transportation routes through Erie and Niagara counties. This system has various routes that link urban, suburban, and rural areas within the two counties. Currently, the Town of Hamburg receives Metro Bus service along two transit lines that service the Coastal portion of the WRA. Two of these lines provide service within the Coastal Zone. There are no transit lines that provide direct access to the Inland portion of the WRA; the closest line terminates in the Village of Hamburg, which is outside the WRA boundaries.

The NFTA operates a park and ride lot in the Athol Springs hamlet (see Map 5A). Located on Lake Shore Road just north of Bayview Road, this approximately 1.5-acre lot offers two bus shelters, 95 parking spaces with handicapped parking and lighting, and two EV charging stations. This free lot is a stopping point for the two bus lines that service through the coastal portion of the WRA, as discussed below. It also allows parking for carpooling.

- *Route #76/Lakeshore Express:* This route operates on Route 5 between downtown Buffalo and Irving, New York. This line has stops at the Athol Springs Park and Ride Lot in Bayview (Coastal Hamburg WRA Subarea 1), Lakeview Road and Route 5 in Coastal Hamburg WRA Subarea 3, Angola in the Town of Evans, Evangola State Park, the Village of Farnham, and the Cattaraugus Indian Reservation in Irving, New York.
- *Route #74/Hamburg Express:* This express route operates between downtown Buffalo and the Village of Hamburg. It has stops at the Athol Springs Park and Ride Lot in Bayview (Coastal Hamburg WRA Subarea 1), Scranton and Camp Roads in the Town of Hamburg, and Main and Buffalo Streets in the Village.

### **RAIL SERVICE**

There is a well-developed and connected railway system in Coastal Hamburg WRA Subarea 1. These lines are heavily utilized and provide connections for manufacturing and distribution facilities. The eastern boundary of Subarea 1 borders along right-of-way for three railway operators, which include CSX, and Norfolk Southern, and the Buffalo

Southern Railroads. These companies operate rail lines for the commercial transport of freight; there is no passenger rail service within the WRA. While the commercial rail lines are outside the WRA boundaries, in very limited portions of Coastal Hamburg WRA Subareas 2 and 3, the railway corridor represents the eastern WRA boundary line. An active rail line also traverses a small portion of Coastal Hamburg WRA Subarea 4. These rail lines separate the lakeshore neighborhoods and upland neighborhoods; the rail corridor also limits access from the east. Railroad quiet zones have been established nearby the various neighborhoods at the intersections of Cloverbank Road, Rogers Road, Bayview Road, Lakeview Road, and Pleasant Ave with the railroad corridor.

## **2.21 Emergency Services**

Emergency services in the Hamburg WRA include police and fire protection, and health services improving quality of life and ensuring public safety and well-being. These services are described as follows.

### **POLICE PROTECTION**

The Town of Hamburg Police Department is a full-service department that addresses the complete public safety needs of the community, including police protective services, emergency medical dispatch, and police and fire dispatch. The department provides 24/7 coverage for approximately 60,000 residents, covering an area of approximately 48 square miles. There are specialized units within the department that provide a higher degree of expertise to meet the needs of the community.

The Town of Hamburg Police Department patrols the waterfront neighborhoods and business areas, responding to emergencies, as needed. Back-up support is provided by Erie County Sheriff's Department and, in some instances, the New York State Police. The Hamburg Police Department also provides marine protection and enforcement. Members of the Department's Water Rescue Unit are trained in New York State boater safety, Marine Law Enforcement and underwater death Investigation. This unit operates out of a facility located at Hamburg Town Park and Beach, where they store the 20-foot Marine 1 patrol boat and two personal watercrafts for required use on Lake Erie and ten miles of Town shoreline. The unit is also a member of A.L.E.R.T. (Advanced Local Emergency Rescue Teams) and on call to respond to any waterborne emergency when requested by any of the several marine units in Western New York region and Canada.

### **VOLUNTEER FIRE DEPARTMENTS**

There are a number of volunteer Fire Departments, which are 100 percent volunteer-based fire companies that provide fire and emergency services in the WRA. Back up service for these districts is provided by adjoining fire districts in the Town of Hamburg, Incorporated Village of Hamburg, and Town of Orchard Park. The fire districts in the Hamburg WRA include Woodlawn, Lake Shore, Lakeview, and Hamburg Protection District. These districts are briefly described as follows.

- **[Woodlawn Fire District](#)**

The Woodlawn Volunteer Fire Company serves about 10,000 residents in Woodlawn, the Village of Blasdell, and Town of Hamburg, and includes a number of large industrial properties in Coastal Hamburg WRA Subarea 1. This fire company responds to a wide variety of calls including fire, EMS, motor vehicle accidents, carbon monoxide, and various rescue situations. They also provide standby service to various neighboring fire districts and events. Apparatus for this district includes an engine and pumper truck (750-gallon and 500-gallon capacity, respectively), a 100-foot ladder truck, an EMS ambulance, and Chief's vehicle.

- **[Lake Shore Fire District](#)**

The Lake Shore Volunteer Fire Company provides fire protection, emergency medical services, rescue and fire safety education for residents and businesses in the 7.5-square mile service area that includes Coastal Hamburg WRA Subarea 2. The district serves over 12,300 residents, which includes 3,500 single and multi-family residences, and 234 commercial and industrial properties. Protection is provided by two stations; the Amsdell Station at Amsdell Road and NYS Route 20 is located within Coastal Subarea 2. Apparatus includes an engine, rescue pumper, light rescue vehicle, special rescue ATV, EMS ambulance, and a Chiefs' vehicle.

- **[Lakeview Fire District](#)**

The Lakeview Volunteer Fire Company provides fire protection, emergency medical, and rescue services to the Lakeview community. This fire company services Coastal Hamburg WRA Subareas 3 and 4. Apparatus includes a 1,000-gal capacity engine, a 750-gallon capacity pumper truck, a rescue/pumper with a 500-gallon capacity tank, and an EMS ambulance.

- **[Hamburg Fire Protection District](#)**

The Hamburg Volunteer Fire Company provides fire protection, emergency medical, and rescue services to the Incorporated Village of Hamburg community and Inland Hamburg WRA Subareas 1 and 2. Located on Union Street in the Village,

this district has an engine, pumper truck, ladder truck, light rescue vehicle, and EMS ambulance.

#### **MEDICAL CARE**

Medical care in the Hamburg WRA is available from local pharmacies, physicians' offices, and immediate care facilities, which are located within and outside the WRA.

Mercy Hospital, located on Abbott Road in south Buffalo, is the closest facility for emergency and associated hospital care. As discussed above, local fire companies provide emergency medical services.

### **2.22 Summary of Issues and Opportunities in the Waterfront Revitalization Area**

An analysis of the inventory of existing conditions and resources in Waterfront Revitalization Area generated the following listings of "assets and opportunities" and "issues and concerns". Issues and opportunities are the elements that the Town will capitalize on to ensure continued revitalization and public use and enjoyment of the waterfront areas, and protection and enhancement of the important natural and man-made resources in these areas. Issues and concerns are the elements that will be addressed to improve the use and protection of waterfront resources and ensure long-term sustainability of the waterfront area.

#### **Coastal Portion of the WRA**

- Opportunities exist for the revitalization of underutilized property in Coastal Hamburg WRA Subarea 1 to improve the economic vitality of the area.
- The northern portion of the coastal portion of the WRA, contains a mix of office and industrial uses that provide employment opportunities and areas for potential development and redevelopment.
- Smaller hamlet-sized business districts provide a mix of commercial and retail establishments that service surrounding neighborhoods.
- There are several stable, well-established residential communities that provide a mix of housing opportunities for Town residents.
- Lake Erie waterfront is a valuable outdoor resource with the potential to provide public enjoyment.
- Woodlawn Beach State Park and Hamburg Town Park and Beach provide opportunities for recreation and access to the Lake Erie waterfront.
- Wetland restoration efforts at Woodlawn Beach State Park have expanded habitat and improved water quality in Blasdell Creek.

- Woodlawn Beach State Park supports a diversity of wildlife habitats and includes one of the finest freshwater sand dune areas remaining on Lake Erie.
- The geographic orientation of the waterfront area along Lake Erie provides scenic viewing opportunities, including sunsets over the lake.
- NYS Route 5 and Old Lake Shore Road are designated segments of the NYS Great Lakes Seaway Trail and designated National and State Scenic By-ways.
- There are a small number of community parks in the coastal portion of the WRA that offer recreational opportunities for local neighborhoods.
- The waters of Lake Erie provide some the region's best recreational fishing opportunities.
- The entire Coastal portion of the WRA is serviced by public water and sewer infrastructure.
- Water-dependent uses in the area include the Erie County wastewater treatment plant, the Town Park and Beach, Woodlawn Beach State Park, and the Lake Erie Seaway Trail Visitors Center.
- Public parks and restaurants along the waterfront provide water-enhanced opportunities for public enjoyment of Lake Erie.
- The Hobuck Flats area, NYSDEC fishing areas, and permanent Public Fishing Rights easements on Eighteen Mile Creek provide recreational fishing opportunities.
- Portions of Subareas 3 and 4 in the Coastal Zone include significant areas of woodlands and preserved public lands that enhance the rural character of these areas and provide for protection of natural resources.
- There are two State designated Significant Coastal Fish and Wildlife habitats located within or adjacent to the Coastal portion of the WRA, including Smokes Creek Shoals and the length of the Eighteen Mile Creek corridor, up to the location where the creek bifurcates.
- Eighteen Mile Creek has achieved international recognition as a geologic resource; the exposed shale and limestone layers in the gorge yield abundant, diversified, and high-quality plant and animal fossils.
- The former Amsdell House in Wanakah (former stagecoach stop built in 1835), and the former Bayview Hotel in Hoover Beach, are structures of local historic significance.
- The Town of Hamburg supports the conservation of energy resources and promotes the use of alternative sources of energy that are self-sustaining for small scale use in the WRA.
- NFTA Metro Bus currently operates a public transit express service line that runs along the full length of NYS Route 5 in the coastal portion of the WRA; an additional express line runs east through Coastal Hamburg WRA Subarea 1 and extends inland to the Incorporated Village of Hamburg.
- The coastal portion of the WRA has adequate police and fire, water rescue, and emergency medical protection and services.

### Inland Portion of the WRA

- The Inland portion of the WRA that follows the Eighteen Mile Creek corridor possesses a rural character support low-density development, agricultural uses, woodlands and open space areas along the meandering Eighteen Mile Creek corridor.
- Some properties, particularly in Inland Hamburg WRA Subarea 2, are designated as part of Erie County Agricultural District Southwest #8.
- Eighteen Mile Creek County Park offers 466 acres of undeveloped conservation lands that provide over two miles of shoreline fishing, hiking trails, and opportunities for passive recreation.
- NYSDEC fishing areas, and permanent Public Fishing Rights easements on Eighteen Mile Creek provide recreational fishing opportunities.
- Other locations for formal and informal public access to Eighteen Mile Creek exist for shoreline fishing, wading, walking or hiking, fossil hunting, bird watching, and scenic viewing.
- There are a limited number of Town recreational facilities in Inland Subarea 2 that provide opportunities for public recreation.
- The waters of Eighteen Mile Creek provide excellent Trout and salmon fishing opportunities.
- The catch and release area of Eighteen Mile Creek County Park provides recreational fishing opportunities through a permanent NYSDEC Public Fishing Rights easement.
- Portions of Inland Subareas 1 and 2 include significant areas of woodlands and preserved public lands that enhance the rural character of these areas and provide for protection of natural resources.
- The Eighteen Mile Creek corridor in Inland Hamburg WRA Subarea 1, and portions of Subarea 2, include areas with bluffs and high banks that enhance the character of this area.
- The small hamlet commercial district in Water Valley provides a limited number of businesses that service the surrounding area.
- The Buffalo Niagara Waterkeeper, in conjunction with the Town of Hamburg, is undertaking efforts to restore the bank of Eighteen Miles Creek where it extends through the Town Golf Course.
- The entire Inland WRA is serviced by public water; limited areas have public sewer infrastructure.
- The Inland WRA is provided with adequate police and fire protection and emergency medical services.
- The conservation of energy is an important part of prudent future land use planning in the Inland portion of the WRA.

### Issues and Concerns

### Coastal Portion of the WRA

- There are limited opportunities for public access along the Lake Erie shoreline.
- With the exception of the seasonal boat launch at the Town Park and Beach, there are no public or private marinas, commercial water-related uses, or other marine infrastructure to support local boating and recreational fishing.
- Operation of the seasonal dock at the Town Park and Beach is impacted by changing lake levels and storm surges, which are increasing in intensity as a result of climate change and require on-going dredging maintenance.
- The existing jetty that protects the seasonal boat launch is deteriorated and in need of repair to enhance protection of the Town dock and boat launch and minimize the continuing need for dredging in this area.
- Lake Erie geography and storm conditions limit opportunities for siting of recreational water-dependent uses and boating access.
- Due to frequently changing lake levels and the increasing severity of lake storms due to seiche events, permanent docks are no longer practical and temporary docks along the lakeshore need to be removed at the end of each boating season.
- The increasing popularity of personal watercraft and reduction in the number of permanent private docks that exist along the Lake Erie shoreline, restricts the capability and delays response time for water rescue throughout the coastal portion of the WRA.
- NYS Route 5 (Lake Shore Road) carries a high-volume of traffic through Coastal Hamburg WRA Subareas 1 and 2, posing unsafe conditions and access restrictions for pedestrians and cyclists.
- While the NFTA operates two public transit express service lines that provide limited service in Coastal Hamburg WRA Subarea 1, there are no local bus lines that service the coastal portion of the WRA.
- There is a lack of sidewalks and multi-use trails for recreation and public safety throughout the Coastal Zone.
- The potential to convert existing non-water dependent or water-enhanced uses for water-dependent use should be explored to increase opportunities for public waterfront access.
- Reuse and redevelopment of brownfield opportunity areas and other abandoned and underutilized areas in Subarea 1 should be explored and supported through grants funding and investment.
- Existing zoning in commercial areas, in particular the Route 5 zoning overlay district in Coastal Hamburg WRA Subarea 1, should be examined to ensure that the redesign of existing and design of new structures is in keeping with community character.

- NYSDEC Water Quality Assessments indicated that Lake Erie and Rush Creek are known to be impaired or stressed by certain priority organics, pathogens, and nutrients that are suspected to be entering these waterbodies or the local watershed through contaminated sediments, stormwater runoff and/or agricultural activities.
- Periodically, E. coli bacteria levels at Hamburg Town Beach and Woodlawn Beach State Park exceed acceptable levels for swimming resulting in beach closures.
- The transport of sand in the littoral drift is being impacted by shoreline structures, including Sturgeon Point Marina, which is depriving the accretion of sediment along the Hamburg shoreline.
- Major lake flooding and bluff erosion occurs from severe wave action during periods of intense storms due to the direction of the prevailing winds and lack of offshore structures to deflect wave action. Flooding and over wash are particularly problematic in the Athol Springs and Hoover Beach areas in Coastal Hamburg WRA Subarea 1.
- The Lake Erie shoreline in Coastal Hamburg WRA Subareas 2 and 3, and the Eighteen Mile Creek corridor (Subarea 4) includes areas with bluffs and high banks; some lakeshore areas are protected in places by erosion protection structures, such as seawalls or rip rap, but these structures have been adversely impacted over the years by wave action and interruption of sediment transport.
- There is a section of Old Lake Shore Road in Coastal Hamburg WRA Subarea 3 where bluff erosion has narrowed the right-of-way along Lake Erie and threatens the current location and configuration of this roadway.
- Locally significant historic structures and districts should be identified and protected from the potential adverse impacts of redevelopment.
- Older mansions and estate properties should be evaluated for recognition as locally significant historic structures and sites.
- There is a need for wayfinding and interpretive signage in the coastal portion of the WRA.
- The conservation of energy should be an important part of prudent future land use planning in the coastal portion of the WRA.

### **Inland Portion of the WRA**

- Protection of rural character and existing agricultural uses is important in the Inland WRA.
- Revitalization of the Water Valley hamlet may be needed to enhance economic activity.
- Much of the Inland Hamburg WRA Subarea 1 lacks public sewer service; future sewer extensions should be prohibited to protect rural character and remaining agricultural uses.
- While public sewer lines extend along Boston State Road and Taylor Road in Inland Hamburg WRA Subarea 2, sewer lateral extensions should be restricted to protect remaining agricultural lands and rural character.

- The NYSDEC Water Quality Assessment indicates that aquatic life in Hampton Brook and its tributaries is known to be stressed by certain nutrients and agricultural and stormwater runoff that are suspected to be entering this system through the local watershed.
- Flooding is common in Inland Hamburg WRA Subarea 2, where the Town of Hamburg Eighteen Mile Creek Golf Course is subject to seasonal impacts that affect the use of this facility.
- There is no public transportation service available in the Inland portion of the WRA; the nearest bus line terminates in the Incorporated Village of Hamburg, outside the WRA boundaries.
- The conservation of energy should be an important part of prudent future land use planning in the inland portion of the WRA.

## **SECTION III – Local Waterfront Revitalization Program Policies**

The policies presented in this section of the LWRP consider the economic, environmental and cultural characteristics of a community's waterfront. The policies represent a balance between economic development and preservation that will permit beneficial use of and prevent adverse effects on waterfront resources. They also represent the enforceable policies of the New York State Coastal Management Program for the waterfront area subject to this LWRP. These policies are comprehensive and reflect the communities' concerns; and they will be enforced through the use of State laws and authorities, and local laws and regulations. The policies are the basis for Federal and State consistency determinations for activities affecting the waterfront area. While the policies are enforceable as a matter of state and local law, however, for reviews conducted under the federal Coastal Zone Management Act, the explanatory text for each policy is for explanatory purposes only. Definitions of terms used in the policies appear at the end of this section.

### **DEVELOPMENT POLICIES**

<b>Policy 1</b>	<b>Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.</b>
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<b>Policy 1A</b>	<b>Implement the recommendations of the Woodlawn Gateway Brownfield Opportunity Area Plan for revitalization of underutilized areas of Coastal Hamburg WRA Subarea 1</b>
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**Explanation of Policy**

State and federal agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway or park; the provision of tax incentives to businesses; and establishment of enterprise zones, are all examples of governmental means for spurring economic growth. When any such action or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

It must be recognized that revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating, or at least stabilizing residential and commercial districts, adjacent to the redevelopment area.

In responding to this policy, several other policies must be considered:

1. Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort (refer to Policy 2 for the means to effectuate this priority);
2. As explained in Policy 5, one reason for revitalizing previously developed and dynamic waterfront areas is that the costs for providing basic services to such areas is frequently less than providing new services to areas not previously developed; and
3. The likelihood for successfully simplifying permit procedures and easing certain requirements (Policy 6) will be increased if a discrete area and not the entire urban waterfront is the focus for this effort. In turn, ease in obtaining permits should increase developers' interest in investing in these areas. Further, once this concentrated effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

Local governments, through waterfront revitalization programs have the primary responsibility for implementing this policy. Through local waterfront revitalization programs need not be limited to redevelopment, local governments are urged to identify areas as suitable for redevelopment and establish and enforce redevelopment programs.

1. When a Federal, State or local action is proposed in an area of the WRA that is regarded as suitable for redevelopment, the following guidelines will be used:

- a) Priority should be given to uses which are dependent on a location adjacent to the water (see Policy 2);
- b) The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development;
- c) The action should serve as a catalyst to 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. (e.g., a building could not be abandoned without protecting it against vandalism and/or structural decline);
- e) The action must lead to development that 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. (e.g., waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand);
- g) The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner; and
- h) The action should have the potential to improve potential for multiple uses of the site.

2. If a State or Federal action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration in that area.

This policy is intended to support and achieve a pattern of development and redevelopment that provides for economic prosperity and the beneficial use of waterfront resources in the Town of Hamburg WRA. Coastal Hamburg WRA Subarea 1 contains significant areas of disinvestment, with several abandoned, underutilized and deteriorated properties. This area was historically developed with land uses that supported steel making operations associated with the former Bethlehem Steel Corporation facility in the City of Lackawanna (immediately north of the WRA), as well as other heavy industrial activities that occurred in this area. Coastal Hamburg WRA Subarea 1 is the only part of the WRA that exhibits the need for extensive revitalization in support of Policy 1.

In recognizing the characteristics of this portion of the Hamburg waterfront, the primary components of this policy shall implement the recommendations of the Town of Hamburg Brownfield Opportunity Area (BOA) Plan to foster restoration and revitalization in include:

1. Strengthening economic activity in the Woodlawn hamlet and Gateway Center area in ,  
n Coastal Hamburg WRA Subarea 1.
2. Supporting the Hamburg Industrial Development Agency (IDA) actions for renewal of deteriorated and underutilized properties, as well as strategic development of vacant lands to expand business activity and increase employment opportunities, as identified in the BOA Plan.
3. Encouraging water-dependent and water-related uses along the waterfront that support recreational, and tourist related activities as part of area-wide revitalization.
4. Protecting and improving the stable residential area in Woodlawn hamlet;.
5. Improving opportunities for recreation and public access along appropriate locations of the Lake Erie shoreline; and
6. Preserving and protecting remaining areas of open space and significant natural resources.

**Policy 2** Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

## Explanation of Policy

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis, the only reasonable expectation is that long-term demand for waterfront space will intensify.

The traditional method of land allocation, i.e, the real estate market, with or without local land use controls, offers little assurance that uses that 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 State, State 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, agencies will utilize appropriate existing programs to encourage water dependent activities.

Water-dependent activities shall not be considered a private nuisance, provided such activities were commenced prior to the surrounding activities and have not been determined to be the

cause of conditions dangerous to life or health and any disturbance to enjoyment of land and water has not materially increased.

A water-dependent use is an activity which can only be conducted on, in, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

The following uses and facilities are considered 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: dams, locks, 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, such as hydroelectric power plants, fish processing plants, pumped storage power plants).
8. Uses that rely heavily on the waterborne transport of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (for example: coal export facilities, cement plants, quarries).
9. Uses which operate under such severe time constraints that proximity to shipping facilities become critical (for example: firms processing perishable foods).
10. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities).
11. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though 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.

Water-dependent uses in the WRA currently include Woodlawn Beach State Park, and the Southtowns Wastewater Treatment Plant in Coastal Hamburg WRA Subarea 1; the Town Park and Beach and the Lake Erie Seaway Trail Visitor's Center in Coastal Hamburg WRA Subarea 2; and the NYSDEC public fishing access sites in Coastal Hamburg WRA Subarea 4 and Inland Hamburg WRA Subarea 1. These uses shall be continued and protected from development or other disturbances.

In addition to water dependent uses, those uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water enhanced use is defined as a use or activity which does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water enhanced uses are primarily recreational, cultural, retail, or entertainment uses. 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 in a given area but a future demand is reasonably foreseeable, temporary non-water dependent uses should be considered preferable to a non-water dependent or enhanced 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.

In the actual choice of sites where water-dependent uses will be encouraged and facilitated, the following guidelines should be used:

1. Competition for space - competition for space, or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water dependent activities or else the encouragement of water dependent development.
2. In-place facilities and services - most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:
  - a) The availability of public sewers, public water lines and adequate power supply;
  - b) Access to the area for trucks and rail, if heavy industry is to be accommodated; and
  - c) Access to public transportation, if a high number of person trips will be generated.

3. Access to navigational channels - if commercial shipping or commercial fishing or recreational boating are planned, the locality should consider setting aside a site within a sheltered area, where an adequately sized navigation channels would be assured.
4. Compatibility with adjacent uses and the protection of other coastal resources – water dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water dependent uses, and adjacent uses can serve to complement one another. For example, a recreation-oriented water dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by nearby restaurants, motels and other non-water-oriented tourist activities. Water dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.
5. Preference to underutilized sites: The promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting and other State and local actions that will be used to promote the site. Nowhere is such a stimulus needed more than in those portions of the State's waterfront areas which are currently underutilized.
6. Providing for expansion - a primary objective of the policy is to create a process by which water dependent uses can be accommodated well into the future. State agencies and localities should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

In promoting water dependent uses, the following kinds of actions will be considered:

1. Favored treatment to water dependent use areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, railroad facilities, and public transportation within areas suitable for water dependent uses.
2. When areas suitable for water dependent uses are publicly owned, favored leasing arrangements should be given to water dependent uses.
3. Where possible, consideration should be given to providing water dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. State and local planning and economic development agencies should actively promote water-dependent uses. In addition, a list of sites available for non-water dependent uses

should be maintained in order to assist developers seeking alternative sites for their proposed projects.

5. Local, State and Federal agencies should work together to streamline permitting procedures that may be burdensome to water-dependent uses. This effort should begin for specific uses in a particular area.
6. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water dependent uses.

**Policy 3** **Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting of land uses and development in these port areas, including that under the jurisdiction of state public authorities, that is essential to, or in support of, the waterborne transportation of cargo and people.**

**Explanation of Policy**

The aim of this policy is to support port development in New York, Buffalo, Ogdensburg, and Oswego. Three other development policies, discussed in this Section, have significant implications for port development, namely: water dependency, concentration of development, and the expediting of permit reviews. In implementing this policy, state agencies will recognize the legally-established jurisdictional boundaries of the port authorities. If an action is proposed for a site within or abutting a major port, or if there is a reasonable expectation that a proposed action elsewhere would have an impact on a major port, then the following guidelines shall be used in determining consistency:

1. In assessing proposed projects within or abutting a major port, given that all other applicable policies are adhered to, the overriding consideration is the maintenance and enhancement of port activity, i.e., development related to waterborne transportation, which will have precedence over other non-port-related activities.
2. Dredging to maintain the economic viability of major ports will be regarded as an action of regional or statewide public benefit if: a clear need is shown for maintaining or improving the established alignment, width, and depth of existing channels or for new channels essential to port activity; and, it can be demonstrated that environmental impacts would be acceptable according to State regulations governing the activity.
3. Landfill projects in near-shore areas will be regarded as an acceptable activity within major port areas, provided adverse environmental impacts are acceptable under all

applicable environmental regulations and a strong economic justification is demonstrated.

4. If non-port related activities are proposed to be located in or near to a major port, these uses shall be sited so as not to interfere with normal port operations.
5. When not already restricted by existing laws or covenants and when there is no other overriding regional or statewide public benefit for doing otherwise, surplus public land or facilities within or adjacent to a major port shall be offered for sale, in the first instance, to the appropriate port authority.
6. In the programming of capital projects for port areas, highest priority will be given to projects that promote the development and use of the port. However, in determining such priorities, consideration must also be given to non-port related interests within or near the ports that have demonstrated critical capital programming needs.
7. No buildings, piers, wharves, or vessels shall be abandoned or otherwise left unused by a public agency or sold without making provisions for their maintenance in sound condition or for their demolition or removal.
8. Proposals for the development of new major ports will be assessed in terms of the anticipated impact on: a) existing New York State major ports; b) existing modes of transportation; and c) the surrounding land uses and overall neighborhood character of the area in which the proposed port is to be located; and other valued coastal resources.
9. Port development shall provide opportunities for public access insofar as these opportunities do not interfere with the day-to-day operations of the port and the port authority and its tenants do not incur unreasonable costs.
10. In applying the above guidelines, the information in harbor management plans being developed by local governments pursuant to Article 42 of the Executive Law and local laws that would implement them shall be considered.

While there are no port facilities located along the Lake Erie shoreline in the Town of Hamburg WRA, this policy still protects the potential use of shoreline sites for port facilities outside of the existing boundaries of major ports. In certain situations, water transportation is preferred for the movement of materials and products. That is why this State policy also protects potential shoreline and sites that could become locations that help port operations but are located outside of the major port areas.

<b>Policy 4</b>	<b>Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.</b>
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**Explanation of Policy**

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of state agencies shall center on promoting such desirable activities as recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas. Particular consideration will be given to the visual appeal and social benefits of smaller harbors which, in turn, can make significant contributions to the State's tourism industry.

The following guidelines shall be used in determining consistency of proposed actions with the LWRP policies:

1. The action shall give priority to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development which would be out of character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the existing economic base of the community e.g., waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.
6. The action will not detract from views of the water and smaller harbor area, particularly where the visual quality of the area is an important component of the area's appeal and identity.

7. In applying the above guidelines, the information in harbor management plans being developed by local governments pursuant to Article 42 of the Executive Law and local laws that would implement them shall be considered.

While there are no current traditional maritime uses within the Town of Hamburg Waterfront Revitalization Area the Town does not discourage maritime activities that could become established along appropriate locations along the Lake Erie waterfront.

**Policy 5** Encourage the location of development in areas where public services and facilities essential to such development are adequate.

## Explanation of Policy

By its construction, taxing, funding, and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development, particularly large-scale development, in the waterfront area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate, and where topography, geology, and other environmental conditions are suitable for, and able to accommodate, development. This policy is intended to accomplish the following:

1. Strengthen existing residential, industrial, and commercial centers;
2. Foster an orderly pattern of growth where outward expansion is occurring;
3. Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas
4. Preserve open space in sufficient amounts and where desirable; and
5. Foster energy conservation by encouraging proximity between home, work, and leisure activities.
6. Promote multi-modal forms of travel and improve opportunities for walkability and bikeability.

For any action that would result in large-scale development or redevelopment, or that would facilitate or serve future development, a determination shall be made as to whether the action

is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following guidelines shall be used in making that determination:

1. Cities, built-up suburban towns and villages, and rural villages in the coastal area are generally areas of concentrated development where infrastructure and public services are adequate.
2. Locations along the waterfront area may be considered suitable for development, if three or more of the following conditions prevail:
  - a) Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile,
  - b) Fewer than 50 percent of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within a one-mile radius of the proposed site are vacant,
  - c) The proposed site is served by or is near to public or private sewer and water lines,
  - d) Public transportation service is available within one-half mile of the proposed site, and/or
  - e) A significant concentration of commercial activity is within one-half mile of the proposed site.
3. The following points shall be considered in assessing the adequacy of infrastructure and public services in the area proposed for development:
  - a) Streets and roadways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development and opportunities for multi-modal travel exist,
  - b) The water needs of the proposed development (consumptive and firefighting) can be met by the existing water supply system,
  - c) The existing wastewater treatment system can accommodate the sanitary waste generated by the development,
  - d) Energy needs of the proposed development (electricity, natural gas) can be accommodated by existing utility systems,
  - e) Storm water runoff from the proposed site can be accommodated by on-site and/or off-site facilities, and
  - f) Schools, police, and fire protection have the capacity to meet the needs of those expected to live, work, shop, or conduct business in the area as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations that are not within or near areas of concentrated development. Thus, this policy does not apply to the following types of development projects and activities.

1. Economic activities that depend upon sites at or near locations where natural resources are present,
2. Development that, by its nature, is enhanced by a non-urbanized setting, (e.g., a resort complex, campgrounds, etc.),
4. Development that is designed to be a self-contained activity, (e.g., a small college, an academic or religious retreat, etc.),
5. Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available,
6. Development that, because of its isolated location and small scale, has little or no potential to generate and/or encourage further land development,
7. Uses and/or activities that should be located away from populous areas because of public safety considerations,
8. Rehabilitation or restoration of existing structures and facilities, and
9. Development projects that are essential to the construction and/or operation of the above uses and activities.

In certain areas where development is encouraged by this policy, the existing condition of public water and sewage infrastructure may require attention and improvements. Those State and Federal agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of such urban areas so that full advantage may be taken of the rich array of their other infrastructure components in promoting waterfront revitalization.

**Policy 6**      **Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.**

**Explanation of Policy**

For specific types of development activities, and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and

programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

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

The Town of Hamburg will coordinate and combine the review periods and processes required by local laws, as well as public hearing requirements. This is essential in Coastal Hamburg WRA Subarea 1 where opportunities for redevelopment of abandoned and underutilized industrial properties exist. This area includes a special zoning designation that offers the incentive for pre-permitted development of industrial or business uses in selected areas. This designation should be expanded to the designated brownfield opportunity area in the northeast corner of Coastal Subarea 1 to enable continued renewal and revitalization of this area.

## **FISH AND WILDLIFE POLICIES**

**Policy 7** **Significant coastal fish and wildlife habitats will be protected, preserved, and where practicable, restored so as to maintain their viability as habitats.**

**Policy 7A** **The Smoke Creek Shoals Significant Coastal Fish and Wildlife Habitat shall be protected, preserved and, where practical, restored to maintain its viability and resource value.**

**Policy 7B** **The Eighteen Mile Creek Significant Coastal Fish and Wildlife Habitat shall be protected, preserved and, where practical, restored to maintain its viability and resource value.**

### **Explanation of Policy**

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Significant Coastal Fish and Wildlife Habitats are areas that have been identified as being critical to the maintenance or re-establishment of a given population of fish or wildlife and, therefore, merit special protection. These habitats have been designated by the Secretary of State for protection for their habitat value, and to avoid permanent adverse changes to the coastal ecosystem. Such habitats exhibit one or more of the following characteristics:

1. Are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas);

2. Support species that are either endangered, threatened, or of special concern as defined in 6 NYCRR Part 182;
3. Are found at a very low frequency within a coastal area;
4. Support fish and wildlife populations having significant commercial, recreational, or educational value; and
5. Are not commonly found in the coastal area and would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses and development shall not be undertaken if such actions would:

1. Destroy habitat values through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of actions that would result in a loss of habitat; and/or
2. Significantly impair the viability of a habitat beyond the tolerance range of fish and wildlife species through degradation of existing habitat elements, change in environmental conditions, functional loss of habitat values or adverse alteration of other physical, biological, or chemical characteristics.

If an action reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, turbidity) beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat may include reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The range of generic activities most likely to adversely affect significant coastal fish and wildlife habitats include, but are not limited to the following:

1. Draining wetlands or ponds that causes changes in vegetation or changes in groundwater and surface water hydrology;

2. Filling wetlands, shallow areas of streams, lakes, bays, estuaries, which may change the physical character of substrate (e.g., sandy to muddy), smother vegetation, or alter surface water hydrology;
3. Grading land results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation;
4. Clear cutting causes a loss of vegetative cover, increases fluctuations in the amount of surface runoff, and/or increases streambed scouring, soil erosion and sediment deposition;
5. Dredging or excavation may cause changes in substrate composition, the potential release of contaminants otherwise stored in sediments, removal of aquatic vegetation, or changes in circulation patterns and sediment transport mechanisms;
6. Dredge spoil disposal may result in the shoaling of littoral areas or changes to circulation patterns;
7. Physical alteration of shore areas through channelization or construction of shore structure may change the volume and rate of flow or increase scouring and sedimentation; and
8. Introduction, storage, or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills may cause increased mortality or sub lethal effects on organisms, altering their reproductive capabilities, or reducing their value as food organisms.

The range of physical, biological, and chemical parameters that should be considered include, but are not limited to, the following:

1. Physical parameters, such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion, and sedimentation rates;
2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, behavioral patterns, and migratory patterns; and
3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxic and hazardous materials).

Where destruction or impairment of habitat values cannot be avoided, potential impacts of land use or development should be minimized through appropriate mitigation. Use mitigation measures that are likely to result in the least environmentally damaging alternative. Mitigation techniques include:

1. Avoidance of potential adverse impacts to ecologically sensitive areas, scheduling activities to avoid vulnerable periods in life cycles or the creation of unfavorable environmental conditions and preventing fragmentation of intact habitat areas.
2. Minimization of unavoidable potential adverse impacts, including reducing the scale or intensity of the use or development, designing projects to result in the least amount of potential adverse impacts, choosing alternative actions or methods that would lessen potential impacts, using specific measures to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment, and/or implementing the specific protective measure included in the narratives for each State-designated Significant Coastal Fish and Wildlife Habitat.

There are two State-designated Significant Coastal Fish and Wildlife Habitats in the Town of Hamburg WRA (see Appendix \*\*). These include Smokes Creek Shoals and Eighteen-Mile Creek. These areas provide important habitat for fish spawning and recreational fishing. Eighteen-Mile Creek is also archaeologically significant. When a proposed action is likely to alter any of the biological, physical, or chemical parameters as described in the habitat narratives for these areas beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat would be significantly impaired or destroyed. Such an action would, therefore, be inconsistent with this policy. A habitat impairment test must be met for any activity proposed in these areas. Any action determined to destroy or significantly impair the viability of the habitat would not be permitted.

A habitat impairment test must be met for any activity that is subject to consistency review to identify potential actions that may destroy the habitat or significantly impair the viability of the habitat. If a proposed action is subject to consistency review, then this habitat protection policy applies, whether the action is to occur within or outside of the designated habitat area. For the Significant Coastal Fish and Wildlife Habitats in the Hamburg WRA, the following shall apply:

1. Smoke Creek Shoals
  - a) Any activity that substantially degrades water quality, increases temperature or turbidity, alters water depths, or reduces physical diversity of bottom substrates

at Smoke Creek Shoals would affect the fisheries resources of this area.

- b) Discharges of sewage, stormwater runoff or industrial wastewater that contains heavy sediment loads or chemical pollutants would result in adverse impacts on fish populations.
- c) Activities such as dredging, oil or gas drilling and solid waste disposal are all potential causes of permanent habitat degradation.
- d) Construction of breakwalls or jetties in the area would increase sedimentation, resulting in loss of suitable spawning habitat of walleye.
- e) Temporary habitat disturbances would be most detrimental during fish spawning and nursery periods (mid-March through July for most warmwater species). Any unavoidable human disturbance of the littoral zone should be scheduled during fall or winter to minimize potential impacts on fisheries use of the area.
- f) Thermal discharges, depending on the time of year, would also have adverse effects on fish populations in the area, since spawning activities and survival are directly affected by water temperature.
- g) Installation and operation of water intakes could have a significant impact on fish concentrations, through impingement of juveniles and adults, or entrainment of eggs and larval stages.

2. Eighteen Mile Creek

- a) Any activity that substantially degrades water quality, increases temperature or turbidity, reduces flows or alters water depths in Eighteen Mile Creek would adversely impact on the fisheries resources of this area.
- b) These impacts would be most detrimental during spawning period, and in the spring after salmonids are stocked in the creek.
- c) Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides or insecticides) would adversely impact on fish populations.
- d) Of particular concern are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances and effluent discharges.

- e) Barriers to fish migration, whether physical or chemical, would have a significant impact on fish populations in the creek.
- f) Development of hydroelectric facilities on the creek should only be permitted with run-of-river operations.
- g) Existing woodlands bordering Eighteen Mile Creek and its tributaries should be maintained to provide bank cover, soil stabilization and buffer areas.
- h) Development of additional public access to the creek may be desirable to ensure that adequate opportunities for compatible human uses of the fisheries are available.

Measures that can be taken to restore the Smokes Creek Shoals and Eighteen-Mile Creek Significant Coastal Fish and Wildlife Habitats include:

1. Reconstructing lost physical conditions to maximize habitat values,
2. Adjusting adversely altered chemical characteristics to emulate natural conditions, and/or
3. Manipulating biological characteristics to emulate natural conditions by reintroducing indigenous flora and fauna.

Other habitats and creeks of local significance exist along the waterfront in the Coastal portion of the Hamburg WRA, including Blasdell Creek, Rush Creek, and associated wetland areas in Woodlawn Beach State Park, Berrick's Creek, and Pinehurst Creek, should be protected from degradation. As with State-designated habitats, all areas of local ecological significance should be protected. Water quality degradation, erosion (coastal and streambank), loss of vegetation, and other such adverse impacts must be avoided to protect the natural integrity of all these areas.

<b>Policy 8</b>	<b>Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants that bio-accumulate in the food chain or cause significant sub lethal or lethal effects on those resources.</b>
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**Explanation of Policy**

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [S27-0901(3)] as "waste or combination of

wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

1. Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or otherwise managed." A list of hazardous wastes (NYCRR Part 366) will be adopted by DEC within 6 months after EPA formally adopts its list.

The handling (storage, transport, treatment, and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land, and waters. Such controls should effectively minimize possible contamination of, and bioaccumulation in, the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders. Other pollutants are those conventional wastes generated from point and non-point sources, 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.**

## Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as scenic viewing, wildlife photography, bird watching, and nature study. The educational and recreational value of the coastal and inland portions of the Hamburg WRA that possess a significant concentrations of fish and wildlife resources are of great importance to the public. This is especially important in the Eighteen-Mile Creek corridor where Chinook and Coho salmon and brown trout are plentiful; Lake Erie waters, particularly in the Smokes Creek Shoals area, where small mouth and rock bass, yellow perch, black bass, and walleye, among other species, abound; and the mouths of local creeks in the Coastal portion of the WRA. These areas are high-quality fishing areas that present unique opportunities for public enjoyment and should be protected and enhanced. The recreational use of these areas and the resources they support shall be maintained and increased, primarily through the continuation of State fish stocking programs and provision of increased access and support facilities.

Any efforts to increase use of recreational resources in the WRA will be made in a manner that ensures the protection of fish and wildlife resources in Lake Erie, Eighteen Mile Creek, and other

local creeks and streams. Such effort shall take into consideration other activities dependent on these resources, and must be done in accordance with existing State laws and in keeping with sound habitat management considerations. Such considerations include biology of the species, carrying capacity of the resources, public demand, cost, and available technology.

The following guidelines should be considered by local, State and Federal agencies as they determine the consistency of any proposed action with this policy:

1. Consideration should be made by local, State and Federal agencies as to whether an action will impede existing or future utilization of the recreational fish and wildlife resources in the WRA.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the Significant Coastal Fish and Wildlife Habitat narrative, where applicable (see Policy 7) and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing fish stocks or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

<b>Policy 10</b>	<b>Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing onshore commercial fishing facilities, increasing marketing of the state's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.</b>
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**Explanation of Policy**

Commercial fishery development activities must occur within the context of sound fishery management principals developed and enforced within the State's waters by the New York State Department of Environmental Conservation and the management plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. Sound resource management considerations include optimum sustained yield levels developed for specific

commercial fish species, harvest restrictions imposed by State and federal governments, and the economic, political (uses conflicts), and technological constraints to utilizing these resources.

As there are no commercial fishing, fish processing or shellfishing industry or activities occurring within the waters of the Town of Hamburg Waterfront Revitalization area, as defined by this policy, this State Coastal Management Policy is not applicable.

## **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.**

### **Explanation of Policy**

This policy applies to the Coastal Erosion Hazard Areas and Areas of Special Flood Hazards, as identified on the Coastal Erosion Hazard Area maps and the Flood Insurance Rate Maps filed for the Town (see Section 2). In coastal areas identified as being subject to high velocity waters caused by hurricane, seiche, or other storm wave wash (a coastal high hazard area) walled and roofed buildings or fuel storage tanks shall be sited landward of mean high tide, and no mobile home shall be sited in such area. In coastal areas identified as floodways, no structures shall be erected, including mobile homes that shall only be sited in existing mobile home parks. Public health and safety are continuously threatened by flooding and erosion in portions of the Town of Hamburg WRA. The cost and endangerment to human life that can result from such natural occurrences requires the utmost attention of the Town and other public agencies. Where human lives may be endangered by major coastal storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

Water levels on Lake Erie in the Coastal portion of the Hamburg WRA rise and fall; during periods where water levels are high, shoreline development is more susceptible to impacts from high wave action and severe storms. In the portions of the Hamburg waterfront identified as coastal erosion hazard areas, buildings and other structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion, unless no reasonably prudent alternative site is available, as in the case of piers, docks, and other structures necessary to gain riparian access to lake waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion and the protection provided by existing erosion protection structures, as well as by protection afforded by existing natural protective features, such as beaches, sandbars, spits, shoals, nearshore areas, bluffs, dunes and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure, as defined in 6NYCRR Part 505.2(x). Prior to construction, an erosion hazard areas permit must be reviewed by the Town of Hamburg and approved by NYSDEC for the structure.

Additionally, existing, non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged, depending on the structure, review by the Town, and approval by NYSDEC. New development or redevelopment on bluffs shall be restricted and all principal and accessory structures must be set back a sufficient distance from the top of the bluff to ensure protection over the long term.

When determining consistency with this policy, the general standards found in Chapter 115 of the Hamburg Town Code, which apply to new development, including new and substantially improved structures, in areas of Special Flood Hazard shall be adhered to (see Appendix).

## Policy 12

Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

## Explanation of Policy

Beaches, dunes, bluffs, and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation or disturbance of coastal features, improperly designed structures, inadequate site planning, or other similar actions that fail to recognize the fragile nature and high protective value of natural erosion protection features, lead to the weakening or destruction of those landforms. Activities or development in, or in close proximity to, natural protective features must be undertaken in a manner that minimizes or avoids potential adverse actions to these features. Where primary lake dunes exist, they shall be protected from all encroachments that could impair their natural protective capacity. Development or redevelopment along bluffs shall be restricted to ensure proper setback distances from the receding edge of these features.

Woodlawn Beach State Park is the only area of the WRA that encompasses remaining areas of significant freshwater sand dune formations on Lake Erie. These lake dune landforms are protected as part of the State Park environment, but as this park experiences a high level of use diligence is required to ensure their long-term protection and existence. There are other shoreline areas in the vicinity of Hoover Beach vicinity that contain vegetated dunes of lesser significance. However, these features provide some level of erosion protection and, therefore, warrant protection from the impacts of development and redevelopment.

Certain areas of the Hamburg WRA contain steep bluffs, which are found Coastal Hamburg WRA Subarea 2, 3 and 4, and in Inland Hamburg WRA Subarea 1 and, to a lesser extent, Inland Hamburg WRA Subarea 2. The Coastal Hamburg WRA Subarea 4 and the Inland portion of the WRA contain the Eighteen Mile Creek corridor that has steep embankments in many places. Like many coastal communities, the waterfront is a favored location for residential development.

There are certain areas of the waterfront where such development has occurred at the top of bluffs and high embankments. Bluff erosion, as well erosion along the toe of the bluffs and the narrow beach area between the toe and the Lake or creek, is a continuing problem. Action is required to address ongoing erosion along Old Lakeshore Road in Coastal Hamburg WRA Subarea 3, particularly in the area where a segment of the roadway is endangered. Erie County must collaborate with the US Army Corps of Engineers and the Town to identify potential mitigation to address this problem to protect public health and safety.

Waterfront lands that generally extend seaward of Lake Shore Road in the Coastal portion of the Hamburg WRA are included within the State-designated Coastal Erosion Hazard Area (CEHA). However, portions of this area are not clearly defined, leading to ambiguous determinations and difficulty in properly protecting shoreline resources that lie within the CEHA. Therefore, the CEHA boundary maps for the Town must be thoroughly reviewed and amended to protect important natural protective features and other natural resources along the waterfront.

Climate change and fluctuating lake levels also increase pressure on existing natural protective features, as well as shoreline erosion. Actions undertaken to remedy shoreline erosion must be in compliance with the provisions of Policy 11, as well as the Town of Hamburg Flood Damage Prevention Law, State CEHA regulations and other applicable regulations, to ensure they are designed to sustain future changes.

The following guidelines shall be used in determining the consistency of proposed actions with this policy. In general, any activity or development in, or in proximity to, natural protective features that may be permitted under the other State or local regulations must be consistent with this policy to prevent or minimize, to the greatest extent possible, potential adverse effects on these resources.

1. Near shore Areas, including those lands under water, beginning at the mean low water line, and extending seaward in a direction perpendicular to the shoreline to a point where the mean low water depth is 15 feet, or to a horizontal distance of 1,000 feet from the mean low water line, whichever is greater.
  - a) Excavating, mining, or dredging that diminishes the erosion protection afforded by natural protective features in the near shore area is prohibited, except dredging for construction or maintenance of navigation channels, bypassing of sand around natural or man-made obstructions, or artificial beach nourishment.
  - b) Clean sand or gravel of a compatible type and size is the only material that may be deposited within near shore areas.

2. Beach areas include the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in the material or physiographic form, or to the line of permanent vegetation, whichever is most seaward, except where dune formations are present, the beach area extends to the upland toe of the dune.
  - a) Excavation or mining that diminishes the erosion protection afforded by beaches is prohibited.
  - b) Materials may be deposited on beaches only for the purpose of expanding or stabilizing beaches. Clean sand or gravel of a compatible type and size is the only material that may be deposited within beach areas.
  - c) Active bird nesting and breeding areas on beaches or other natural protective features must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by NYSDEC.
3. Bluffs include any bank or cliff with a precipitous drop or rounded face adjoining a beach or body of water. The seaward limit of a bluff is the upland limit of its contiguous beach. Where no beach is present, the seaward limit is the mean low water line. The upland limit is 25 feet upland of the receding edge of the bluff.
  - a) Excavation or mining of bluffs is prohibited, except to provide shoreline access in appropriate areas in accordance with the provisions of this policy and other applicable regulations.
  - b) Any grading or other soil disturbance conducted on a bluff that causes or directs surface water over the receding edge is prohibited.
4. All development on bluffs is prohibited unless otherwise permitted by the following provisions:
  - a) Minor alterations of a bluff for new construction, modification, or restoration of an erosion protection structure.
  - b) Bluff cuts for the provision of shoreline access, where the cut is made in a direction perpendicular to the shoreline, the slope of

the ramps cut does not exceed a one on six gradient, the side slopes do not exceed a one on three gradient (unless terraced or otherwise structurally stabilized), side slopes and other disturbed non-roadway areas are stabilized with vegetation or other approved physical means, and completed roadways are stabilized and drainage is properly provided.

- c) New construction, modification, or restoration of walkways or stairways.
- d) Active bird nesting and breeding areas on bluffs or other natural protective features must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by NYSDEC.

5. The use of motor vehicles is strictly prohibited on beaches, beach vegetation, dunes, and bluffs.

6. Activities and development within natural erosion protection areas that have been designated by NYSDEC as Coastal Erosion Hazard Areas must comply, as required, with the provisions of Article 34 of the Environmental Conservation Law and its implementing regulations (6 NYCRR 505).

7. Manage navigation infrastructure to limit adverse impacts on coastal processes. Design channel construction and maintenance projects to protect natural resources and prevent destabilization of adjacent areas by:

- a) Using dredging setbacks from established channel edges and designing finished slopes to ensure their stability.
- b) Locating channels away from erodible features, where feasible.
- c) Preventing adverse alteration of basin hydrology.
- d) Managing marina operations and vessel speeds to prevent shoreline erosion from increased wave activity.

**Policy 13**

**The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion**

**for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.**

**Explanation of Policy**

Erosion protection structures are in certain locations along the Town's shoreline. However, because of improper design, construction, and maintenance, some fail to give the protection they were intended to provide. As a result, development exists in areas where it is subject to damage or loss due to wave action and erosion. The intent of this policy is to ensure the reduction of such damage or loss.

In Coastal Erosion Hazard Areas, the construction, reconstruction, or modification of any structures designed to reduce or prevent erosion, including groins, jetties, sea walls, revetments, bulkheads, breakwaters, and artificial beach nourishment activities, are subject to the following provisions:

1. The construction, modification, or restoration of erosion protection structures must not be likely to cause a measurable increase in erosion at the development site or at other locations along the shoreline.
2. The construction, modification, or restoration of erosion protection structures must minimize and, if possible, prevent adverse impacts on natural protective features, existing erosion protection structures, and other natural resources, such as Significant Coastal Fish and Wildlife Habitats.
3. All erosion protection structures must be designed and constructed according to generally accepted engineering practices and principles that have demonstrated success or, where sufficient data is not currently available, achieve a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable probability of controlling erosion on the immediate site for at least 30 years.
4. All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions for a minimum of 30 years. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly replaced and maintained, as necessary, to attain the required 30 years of erosion protection.

<b>Policy 14</b>	<b>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.</b>
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**Explanation of Policy**

Erosion and flooding are processes that occur naturally. However, man-made actions can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering of human lives. Those actions include the:

1. Use of erosion protection structures such as groins;
2. Use of impermeable docks that block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession;
3. Failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and
4. Placement of structures in identified floodways so that the base flood level is increased causing damage to otherwise hazard-free areas.

<b>Policy 15</b>	<b>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.</b>
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**Explanation of Policy**

Coastal processes, including the movement of beach materials or shoreline sediment by water, or by excavation or dredging, in near shore areas or in offshore waters, which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Dredging and excavation activities should be accomplished in a manner that does not cause a reduction of sediment supplies, and thus an increase of erosion, to down drift areas of the shoreline.

Maintenance dredging is currently conducted in the vicinity of the boat launch and dock, as required, at the Town Park and Beach property in Coastal Hamburg WRA Subarea 2. This

activity shall be carefully managed to avoid impacts to surrounding resources and dredge spoils should be properly disposed of in accordance with all State requirements. Offshore mining activities are prohibited along the Lake Erie waterfront or in offshore waters.

<b>Policy 16</b>	<b>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.</b>
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**Explanation of Policy**

Public funds are used for a variety of purposes along the shoreline in New York State. This policy recognizes the public need for the protection of human life, and existing investment in development or new development, which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

1. Expend public funds for the management or control of flooding only in areas that will result in proportionate public benefit. Give priority in such expenditures to actions that will protect public health and safety, mitigate areas prone to localized flooding and erosion, protect areas of intensive development, and protect substantial public investment (infrastructure, facilities, etc.). The following factors shall be applied when evaluating the expenditure of public funds for flooding and erosion control projects:
  - a) The project should be limited to those circumstances where public benefits exceed public costs;
  - b) The exclusive use of public funds for the purpose of providing flooding and erosion protection for private development (including structures, roads, and other infrastructure) shall be prohibited;
  - c) Funding may be apportioned among each level of participating governmental authority according to the relative public benefit accrued; and
  - d) Consideration must be given to the public benefits achieved from proposed flood or erosion control measures, including the economic benefits derived from the protection of public infrastructure and investment, the protection of water-

dependent commerce, the extent of public infrastructure investment, and the extent of existing or potential public use.

2. Protect public lands and public trust lands and the use of these lands when undertaking all erosion or flood control projects.
  - a) Whenever possible, retain ownership of public trust lands that have become upland areas due to fill or accretion resulting from erosion control projects;
  - b) Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from the use and installation of erosion protection structures; and
  - c) Provide and maintain compensatory mitigation of unavoidable impacts to ensure that there is no adverse impact to adjacent property, to natural resources, or to public trust lands and their use.

**Policy 17** **Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.**

**Explanation of Policy**

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and natural protective features in the coastal area, as well as the costs of protection against those hazards that structural measures entail. This policy also shall apply to the planning, siting, and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with this policy, it must be determined if an individual measure, 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 non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis and, if necessary, other materials such as plans or sketches of the activity or development, of the site, and of the alternative protection measures, should be prepared to allow an assessment to be made.

1. Non-structural measures shall include, but not be limited to the use of minimum setbacks as provided for in ECL Section 34-108; and the strengthening of coastal landforms by:
  - a) Planting appropriate vegetation on dunes and bluffs;
  - b) Installing sand fencing on dunes;
  - c) Reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation; and
  - d) Installing drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms.
2. Within identified flood hazard areas:
  - a) Avoid risk or damage from flooding by siting buildings outside of the hazard area; and
  - b) Flood-proof buildings and locate them above the base flood elevation.
3. Use hard structural erosion protection measures for control of erosion only where:
  - a) Vegetative approaches to control erosion are not effective;
  - b) Construction of a hard structure is the only practical design consideration and is essential to protecting existing upland uses or future anticipated water-dependent uses;
  - c) The proposed hard structural erosion protection measures are limited to the minimum scale necessary and are based on sound engineering practices;
  - d) Practical vegetative methods have been included in the project design and implementation; and
  - e) Adequate mitigation is provided and maintained to ensure that there is no adverse impact to adjacent property or to natural coastal processes and natural resources and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

4. Implement sediment and erosion control guidelines for the stream corridors that discharge to Lake Erie to improve water quality and minimize the need for dredging and associated disposal costs. Coordinate this effort with the application of stormwater management minimum control measures, as well as with actions undertaken by adjoining communities that lie within the watershed areas, in an effort to manage impacts of flooding and erosion in these areas.

## **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.**

### **Explanation of Policy**

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards that the State has established to protect those waters and resources. Proposed actions must take into account the social, cultural, 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.**

### **Explanation of Policy**

This policy calls for achieving balance among the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. Any imbalance among these factors is due to access-related problems. Thus, priority must be given to improving physical access to existing and potential waterfront recreation sites. In addition, because of the greater competition for waterfront locations, this policy encourages mixed use areas and multiple use of facilities to improve public use and access of the waterfront.

Along many stretches of Lake Erie, physical and visual access to waterfront lands and waters is limited for the public. Limitations on reaching or, in certain locations, viewing the waterfront are further heightened by a general lack of opportunities for recreation at those sites that do provide public access. Existing residential development has made much of the Hamburg waterfront along the Lake inaccessible and new development can potentially reduce or eliminate remaining opportunities to provide meaningful public access along the Lake. In addition to the loss of opportunities for physical access, visual access has also been affected due to the reduction of vantage points or outright obstruction of views. Given the lack of adequate public access and recreation, this policy incorporates measures necessary to provide enhanced access along the Lake Erie waterfront. The need to maintain and improve existing public access and facilities is necessary to ensure that the use of these sites and facilities is optimized in order to accommodate existing and future demand.

The Town of Hamburg has a number of access points along the Lake, some of which are provided along public rights-of-way or by easements for access to the shoreline. The objective of the Town and this policy is to improve and increase public access to the waterfront and enhance recreational opportunities for residents and visitors alike. Areas of particular importance include easements and rights-of-way, where informal access to the shoreline is achieved, but requires better oversight. Better marking and identification of the easement areas is needed. A public education program and/or signage requiring proper disposal of litter should also be instituted. In addition, the Hoak's Restaurant property offers a good opportunity to provide both physical and visual access to the lake and should be further revitalized as a scenic overlook.

The Lake Erie Seaway Trail Visitor's Center presently provides access to the lake from a stairway that extends to the shoreline at the north end of the building, and through a tunnel that runs beneath NYS Route 5. This tunnel should be maintained and painted at regular intervals, as needed by either the Town or the NYSDOT. Parking is another amenity that is needed to enhance public access along the waterfront. There are also locations along the waterfront where improved access and parking are needed, including the Seaway Trail Visitor's Center, the foot of Amsdell Road, and in Mt. Vernon.

The Town of Hamburg should continue to pursue and promote the development of a multi-use trail along the full length of the waterfront, which is a designated segment of the New York State Seaway Trail and a National Scenic By-Way. The Town should aggressively seek to secure funding and technical assistance from Erie County and State to achieve the development of this trail. The State and Town should also collaborate on potential options and alternative designs for calming traffic and improving pedestrian and bicycle safety along NYS Route 5, particularly in Coastal Hamburg WRA Subareas 1 and 2.

Public access and recreation can attract tourists, improve the quality of life for residents, and help to enhance the economic vitality of hamlet areas along the waterfront. When determining the consistency of a proposed action with this policy, the following provisions and standards

shall be utilized to guide future decision making regarding improving or increasing public access and the expansion of recreational opportunities in the Hamburg WRA.

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. However, in the latter case, unless 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 by the public body that has jurisdiction over such access as the result of a reasonable justification of the need to meet system-wide objectives.

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

- a) Access - the ability and right of the public to reach and use public coastal lands and waters.
- b) Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that require either water or a waterfront location or are enhanced by a waterfront location.
- c) Public lands or facilities - lands or facilities held by State, County, or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including access to underwater lands and the foreshore.
- d) A reduction in the existing level of public access - includes, but is not limited to, the following:
  - i. The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
  - ii. 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.
  - iii. 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.

- iv. There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility except where the public body having jurisdiction over such fares determines that such fare increases are necessary; and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
- e) An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
  - i. Construction of public facilities that physically prevent the provision, except great expense, of convenient public access to public water-related recreation resources and facilities.
  - ii. Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
- 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 correlate 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 that 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 that 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:

- a) within the boundaries of a federal-aid metropolitan urban area, and served by public transportation;
- b) within the boundaries of a federal-aid metropolitan urban area, but not served by public transportation;
- c) outside the defined urban area boundary and served by public transportation; or
- d) outside the defined urban area boundary but not served by public transportation.

5. Construction of private facilities that physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

6. Provide a level of public access and recreational use that takes into account the following factors:

- a) Proximity to business districts;
- b) Public demand for access and recreational resources;
- c) The type and sensitivity of natural resources that may be affected;
- d) Accessibility to the recreation site or facility;
- e) The needs of special individuals, such as the elderly or persons with disabilities; and
- f) The potential for adverse impacts to adjacent land uses.

7. Where feasible, provide convenient, well-defined physical public access to and along the Lake Erie shoreline and appropriate areas of Eighteen Mile Creek for water-related recreation, and throughout the WRA for general recreational needs through the acquisition of additional public lands, at existing streets that terminate at the waterfront, or as a secondary use to existing uses.

8. Protect and maintain existing public access and recreation facilities.

9. Provide and improve physical access linkages between public access sites and open space areas, as well as to Lake Erie and to Eighteen Mile Creek.
10. Provide incentives for private development and redevelopment projects to provide public access and water-related recreation facilities that are open to the public.
11. Restrict public access and recreation only where it may be incompatible with public safety and the protection of natural resources.
12. Provide access and recreational opportunities to all members of the public whenever access or recreation is directly or indirectly supported through federal or state projects or funding.
13. Where feasible, utilize conservation easements to provide public access and trail development in the WRA.
14. Any transfer of public land holdings immediately adjacent to the Lake shall retain a public interest that will be adequate to preserve public access and recreational opportunities.

To the greatest extent possible, views of Lake Erie and Eighteen Mile Creek shall be expanded to allow full appreciation of these resources and to increase the attractiveness of waterfront for residents and tourists. The following standards shall be applied with respect to protecting and increasing visual access to these resources.

1. To avoid loss of existing visual access:
  - a) Limit physical blockage of existing visual access to the Lake by development or activities due to the scale, design, location, or type of structures being built;
  - b) Protect view corridors provided by streets and other public areas leading to the Lake and Creek; and
  - c) Protect visual access to open space areas associated with natural resources.

2. To minimize adverse impacts on visual access:
  - a) Provide for view corridors to the shoreline in those locations where new structures would block views of Lake Erie from upland public vantage points;
  - b) Use structural design and siting techniques for buildings to preserve or retain visual access and minimize obstruction of views; and
  - c) Visual access requirements may be reduced where existing natural vegetative cover blocks potential views.
3. Provide compensatory mitigation for loss of visual access.
  - a) Provide public visual access from vantage points on the site where development blocks visual access from inland public vantage points.
  - b) Provide for additional and comparable visual access at nearby locations if physical access cannot be provided on-site.
4. To increase visual access to the Lake:
  - a) Provide interpretative exhibits at appropriate locations for visual access to enhance public understanding and enjoyment of the Lake or Eighteen Mile Creek, scenic features, the history, and associated water-dependent uses;
  - b) Allow vegetative or other screening of uses that detract from the visual quality of the waterfront; and
  - c) Clear excess or overgrown vegetation along the waterfront in areas where practical and environmentally acceptable. Under no circumstances should vegetation be cleared to the degree or in a manner that would threaten the stability of a bluff or result in erosion of the bluff face.

<b>Policy 20</b>	<b>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.</b>
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**Explanation of Policy**

There are a limited number of recreation facilities that provide specific water-related recreational activities in the Hamburg WRA. Access to the publicly owned lands of the waterfront shall be provided for numerous activities and pursuits that require only minimal facilities for their enjoyment. Such access should provide for walking along the lakefront or to a vantage point for scenic viewing. Similar activities requiring access to the waterfront include bicycling, bird watching, photography, nature study, beachcombing, and fishing.

For those activities, there are several methods of providing access that shall receive priority attention in the Hamburg WRA. These include: the development of a multi-use trail system in both the Coastal and Inland portions of the WRA; the provision of access to the shoreline across heavily traveled roadways and to other transportation facilities, particularly in Coastal Hamburg WRA Subareas 1 and 2; the overall improvement of access to the coastal and inland waterfront areas, particularly multi-modal features; and the promotion of mixed and multi-use development in appropriate areas of Coastal Hamburg WRA Subareas 1 and 2.

While the publicly owned lands referenced in this policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, erosion protection, or the protection of fragile waterfront resources.

The regulation of projects and structures proposed to be constructed in or over lands underwater is necessary to responsibly manage such lands, to protect vital assets held in the name of the people of the State, to guarantee common law and sovereign rights, and to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters shall be consistent with the public interest in reasonable use and responsible management of waterways and such public lands for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

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

1. Existing access from adjacent or proximate public lands or facilities to existing public 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. (See Policy 19 for definitions for “access” and “public lands or facilities”).

- a) A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
  - i. 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.
  - ii. Pedestrian access is diminished or blocked completely by public or private development.
- b) An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
  - i. Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public coastal lands and /or waters
  - ii. Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters
  - iii. Construction of private facilities which physically prevents 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 or elimination in the existing level of public access - includes, but is not limited to, the following:
  - i. Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities
  - ii. 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, homeland security or the protection of identified sensitive natural resources;
- b) Adequate access exists within one-half mile of the site.

- c) Agriculture would be adversely affected.  
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 access way.
- 4. The State will not undertake or directly 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:
  - a) within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation;
  - b) within the Federal-Aid Metropolitan Urban Area but not served by public transportation;
  - c) outside the defined Urban Area boundary and served by public transportation; and
  - d) outside the defined Urban Area boundary but not served by public transportation.
- 6. Proposals for increased public access to 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 coastal lands or waters. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- 7. In making any grant, lease, permit, or other conveyance of land now or formerly underwater, there shall be reserved such interests or attached such conditions to preserve the public interest in the use of state-owned lands underwater and waterways for navigation, commerce, fishing, bathing, recreation, environmental protection, and access to the navigable waters of the State (public benefit). In particular, the granting of publicly owned underwater or formerly underwater lands to private entities will be limited to exceptional circumstances only.

8. While publicly owned lands shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted.
9. Provide additional physical public access and recreational facilities, where appropriate, throughout the waterfront.
  - a) Promote the acquisition of additional public lands to meet existing public access and recreational needs.
  - b) Provide for public access and recreational facilities on non-public waterfront lands as a secondary use.
  - c) Provide for public access from streets that terminate at the Lake.
  - d) Provide access and recreational opportunities to all members of the public whenever access or recreation is directly or indirectly supported through federal or state projects or funding.
  - e) Any transfer of public land holdings immediately adjacent to the lake should retain a public interest that will be adequate to preserve public access and recreational opportunities.
  - f) Provide and improve appropriate physical access connections between public access sites, open space, and Lake Erie waters.
  - g) Restrict public access and recreation only where it may be incompatible with public safety and the protection of natural resources.

## **RECREATION POLICIES**

<b>Policy 21</b>	<b>Water-dependent and water-enhanced recreation will be encouraged and facilitated and will be given priority over non-water-related uses along the coast.</b>
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### **Explanation of Policy**

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing, as well as certain activities that are enhanced by a waterfront location

and increase access to the shoreline, such as pedestrian and bicycle trails, picnic areas, scenic overlooks, and passive recreation areas that take advantage of scenery along the waterfront.

The development of water-related recreation facilities should be increased. These uses shall have a higher priority over non-water dependent uses, including recreation uses, provided the development of such uses is consistent with the preservation and enhancement of important natural resources, such as fish and wildlife habitats, important viewing areas, and historic and cultural resources; and provided demand for these uses (including future anticipated demand) exists. In addition, water-dependent recreational uses shall have priority over water-enhanced recreational uses. Determining a priority among water dependent uses will require a case-by-case analysis. The siting or design of new development in a manner that would result in a barrier to the recreational use of a portion of the shoreline should be avoided to the greatest extent possible.

Among the types of water-dependent recreation uses, provision of adequate boating services to meet existing and future demand is encouraged by this policy. Small harbors of refuge are particularly needed along Lake Erie. There is also a need for a better positional pattern of boating facilities to correct problems of overused, insufficient, or improperly sited marina and docking facilities. The siting of boating facilities must be consistent with the preservation and enhancement of other coastal resources, and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. New boating facilities should provide adequate parking, vessel pump-out stations, and toilet facilities. Any boating facilities, however, must be located and properly designed to withstand the forces of wave action and increasing water levels that result from significant storms on Lake Erie

The demand for additional swimming and fishing opportunities and facilities in Erie County is growing. The need exists to provide for improved public access and recreation in this area. Any such development in the Hamburg WRA must also be designed to include sufficient parking, park-like surroundings for passive recreation, adequate restroom facilities and pedestrian and bicycle accommodations and linkages with other nearby destinations. Planning for any such activity in this area should take the capacity of existing roadways into consideration to avoid increased congestion and traffic conflicts along NYS Route 5 and other local roadways in the Coastal area portion of the WRA.

<b>Policy 22</b>	<b>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.</b>
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### **Explanation of Policy**

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever new development or redevelopment is located adjacent to the shore, these projects should, to the fullest extent permitted by existing law, provide for some form of water-related recreational 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. Current examples of this type of development along the Hamburg waterfront in the Coastal portion of the WRA include residential communities with associations that manage easements or facilities for providing access and recreation, and commercial establishments that offer public access and recreation along the Lake.

The types of development that can generally provide water-related recreation as a multiple use include, but are not limited to, parks, roadways, bars and restaurants, public facilities, utility rights-of way, nature preserves\*, sewage or water treatment facilities with large tracts of land\*, schools and similar institutions\*, and large residential subdivisions (typically 50 units or more).

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

Prior to taking action relative to any development, the Town should review applicable LWRP policies, other applicant plans to assess cumulative impacts and need, reports for local and regional recreation and, as necessary, consult with Erie County and/or the New York State Office of Parks, Recreation, and Historic Preservation to determine the need for and any proposed recreation uses or improvements proposed by these agencies. Appropriate recreational uses that do not require substantial additional construction shall be provided at the expense of the project sponsor where the cost does not exceed two percent of total project cost.

In determining whether compelling reasons exist that would make recreation, as a multiple or accessory use, inadvisable, safety considerations should reflect a recognition that some risk is acceptable in the use of recreation facilities. Whenever a proposed development would be consistent with LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public access and use of the waterfront, then such development should be encouraged to locate adjacent to the shore.

### **HISTORIC AND SCENIC RESOURCES POLICIES**

<b>Policy 23</b>	<b>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.</b>
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<b>Policy 23A</b>	<b>Protect and preserve archaeologically significant geologic sites along the Eighteen-Mile Creek Corridor.</b>
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**Explanation of Policy**

Among the most valuable of the Town's man-made resources are those structures or areas that are of historic, archaeological, or cultural significance. The protection of these structures requires recognition of their importance by all agencies. Protection must include concern not just with specific sites but with areas of significance, and with the area that surrounds specific sites. This policy is not to be construed as a passive mandate, but promotes active efforts for protection and, when appropriate, the restoration and revitalization of historic and cultural resources through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it focuses on promoting the preservation of historic and cultural resources that have a distinct relationship with the Hamburg WRA.

The structures, districts, areas, or sites that are of significance in the history, architecture, archaeology, or culture of the Town, State, or the Nation, which should be covered under this policy include the following:

1. A resource, which is in a federal or State park established, which requires protection and preservation;
2. A resource listed on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places;
3. A resource listed on or nominated to be on the State Nature and Historic Preserve Trust;
4. An archaeological resource that is on the State Department of Education's inventory of archaeological sites; and
5. A local landmark, park, historic site, or locally designated historic district and/or sites designated by the Town of Hamburg Historic Preservation Commission within the WRA.

The historic and cultural resources of the Town are a reminder of the community's early development and its rich waterfront tradition and relationship with Lake Erie. These resources are tangible links to the past development of the Town. They are important components in defining the community's distinct identity and heritage. Therefore, the effective preservation of historic and cultural resources in the WRA must include efforts to restore and revitalize these

resources, where appropriate. The Town of Hamburg Historic Preservation Commission shall identify, review, and designate resources of local significance in an effort to further protect the historic resources in the community.

All practicable means to protect structures, districts, areas, or sites that are of significance in the history, architecture, archaeology, or culture of the Town, State, or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas, or sites. A significant adverse change includes, but is not limited to:

1. Alteration of, or the addition to one or more of, the architectural, structural, ornamental, or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color, and texture of building materials; entry ways and doors, fenestration, lighting fixtures, roofing, sculpture and carving, steps, railings, fencing, vents and other openings, grillwork, signage, canopies, and other appurtenant fixtures. In addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving, and signage located on the designated resource property shall also be considered. To the extent they are relevant, compliance with the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be required.
3. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in 1. above, plus any other appurtenant fixtures associated with a building, structure, or earthwork.
4. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource, and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and positional relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design, material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping, and related items of the proposed action. With historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture, and lighting.

Impacts to historic and cultural resources should be avoided or minimized when it is possible to preserve the resource. Historic structures should be relocated only when such resources cannot be preserved in place. Repair of historic resources and features should be undertaken using recognized preservation methods when physical conditions warrant such repair. The historic character of significant resources in the WRA shall be preserved by protecting historic materials and features as follows:

1. Evaluation of the physical condition of important materials and features;
2. Stabilization of materials and features to prevent further deterioration;
3. Protection of important materials and features from inadvertent or deliberate removal or damage; and
4. Ensuring the protection of historic elements through a program of non-intrusive maintenance of important materials and features.

Historic resources should be protected by ensuring that development is compatible with the historic character of the surrounding area or resource. Potential development should be designed at a size, scale, proportion, mass, and with a spatial relationship that is compatible with historic resources in the immediate vicinity. When constructing additions to historic structures, use of appropriate design and construction standards to minimize adverse impacts to historic character and allow for the visual compatibility of the new and old sections of the structure is required.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural, or archaeological resource that has been officially certified as being imminently dangerous to life, safety, or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration, according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site, or earthwork, or component thereof, of a recognized historic, cultural, or archaeological resource that does not involve a significant adverse change to the resource, as defined above.

The Eighteen Mile Creek gorge in Coastal Hamburg WRA Subarea 4 and Inland Hamburg WRA Subarea 1 is a geologically unique and renowned area due to the wealth of well-preserved, unaltered fossil specimens that are found there. Actions undertaken in the vicinity of the creek

corridor should be treated as SEQR Type 1 actions to assess potential impacts to archaeological resources. All practical means should be taken to protect these archaeological resources. When any development action is proposed, a site survey should be undertaken to determine the presence or absence of archaeological or cultural resources in the project area. If resources are discovered as a result of the survey, a detailed evaluation should be conducted to provide adequate data to allow for a determination of significance of the identified resources. If the potential for impacts exists, adverse impacts should be minimized by redesigning the project, mitigating direct impacts, and/or recovering significant data and resources prior to construction.

**Policy 24      Prevent impairment of scenic resources of State-wide significance.**

**Explanation of Policy:**

This State Coastal Management Policy is not applicable to the Town of Hamburg Waterfront Revitalization Area as this area does not include any scenic resources of State-wide significance.

**Policy 25      Protect, restore, or enhance natural and man-made resources that are not identified as being of State-wide significance, but which contribute to the overall scenic quality of the coastal area.**

**Explanation of Policy**

Waterfront landscapes possess inherent scenic qualities. The presence of water and the ever-changing views and visually interesting landscape draw people to the water's edge. Due to their importance, scenic resources should be considered in balancing the wise use, development, and conservation of lands within the Hamburg WRA.

In the Town of Hamburg, the waterfront provides a diverse visual experience. Panoramic views of the Canadian shoreline and glimpses of the City of Buffalo skyline are ever present. The waterfront offers exceptional sunsets, which are viewed over the lake. For this reason, Lake Shore and Old Lake Shore Road are designated segments of the New York Great Lakes Seaway Trail, which is a National Scenic By-way. In addition, views of Lake Erie are enhanced by seasonal changes that contribute to its scenic quality, making the lake itself a locally significant scenic resource. The visual character and quality of the Lake Erie shoreline and Eighteen Mile Creek corridor, including areas with sufficient visual access, are important resources that should be enhanced and protected under this policy.

The visual quality of the lakeshore and creek corridor landscapes is a major contributor to the community character of the Town of Hamburg; they are part of what makes the waterfront a prominent part of the community. The waterfront also contains a variety of cultural elements that add to the landscape. These resources shall be protected and enhanced. Structures or activities that introduce visual interruptions to or alter the natural landscape along the lakeshore and Eighteen Mile Creek corridor, such as intrusive artificial light sources or massive structural intrusions into open areas, shall be avoided.

Efforts shall be made to improve and enhance the visual quality of areas of activity along the waterfront in the Coastal portion of the WRA, such as the Woodlawn, Hoover Beach, Athol Springs, Wanakah hamlets, and the Water Valley hamlet in Inland Hamburg WRA Subarea 1, as well as any minor or small locations that offer scenic viewing opportunities. These areas will be protected through appropriate aesthetic design standards, streetscape design, characteristic signage (unique to the area), landscaping, and other aesthetic improvements. Such efforts would aid in boosting the attractiveness of these areas, thereby making them more inviting locations for tourism and economic activity, and improving their overall connection to the waterfront. New development or redevelopment in these areas, as well as other portions of the Coastal portion of the WRA, shall not obstruct views as a result of building size, shape, or massing. Viewsheds in these areas shall be protected and preserved to the greatest extent possible.

Lake Shore (NYS Route 5) and Old Lake Shore Roads are designated sections of the New York Great Lakes Seaway Trail, which is designated as a National Scenic By-way. A few locally significant cultural and recreational resources are located along this corridor including Woodlawn Beach State Park, Hamburg Town Park and Beach, and the Lake Erie Seaway Trail Visitors Center. In addition, there are many sections of these roadways that offer excellent views of Lake Erie. In recognition of this designation and these resources, the following shall be considered:

1. Efforts should be taken to preserve and improve views of Lake Erie, where practicable;
2. Redevelopment along the shoreline that is situated adjacent to these roadways should not block views or cause additional visual obstruction of the waterfront;
3. Redevelopment along the shoreline that is situated adjacent to these roadways should be designed and oriented to enhance scenic vistas and the scenic quality of the surrounding area; and
4. All signage installed along these roadways must be in conformance with 23 U.S. C. 131(c), which regulates billboards along designated scenic by-ways under the State's Scenic By-way program. (This prohibition also applies to scenic by-ways designated under the National program.)

When considering a proposed action, the Town shall first determine whether the action could affect a scenic resource of local significance, including Lake Erie or Eighteen Mile Creek. Such consistency determination shall involve a review of the LWRP to ascertain the location of

identified scenic resources that could be affected by the proposed action, and a review of the types of activities proposed to determine if they would be likely to impair the scenic quality in the WRA. Impairment includes:

1. The irreversible modification of geologic forms;
2. The destruction or removal of vegetation, particularly clear cutting;
3. The modification, destruction, or removal of structures, whenever the geologic forms, vegetation, or structures are significant to the scenic quality of the WRA; and
4. The addition of structures that, because of siting, scale, form, or materials, will reduce identified views, thereby diminishing the scenic quality of the WRA.

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:

1. Siting structures and other development such as highway improvements, power lines, and signs, back from shoreline or in other inconspicuous locations to maintain the attractive quality of the waterfront and retain views to and from the shore;
2. Clustering or orienting structures to retain views, save open space, and provide visual organization to proposed development;
3. Incorporating existing structures that are in a sturdy condition (especially historic buildings) into the overall development scheme;
4. Removing deteriorated and/or degrading elements;
5. Maintaining or restoring original landforms, except when changes screen unattractive elements and/or add appropriate interest;
6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except in situations where selective clearing removes unsightly, diseased, or hazardous vegetation and when selective clearing creates additional views of coastal waters;
7. Using appropriate materials, in addition to vegetation, to screen unattractive elements; and

8. Using appropriate scale, form, and materials to ensure that proposed buildings and other structures are compatible with and add interest to the waterfront landscape.

Finally, community awareness and stewardship of scenic and natural resources along the waterfront should be encouraged through the support of community activities, including the cleanup of the lake shore, beach sweeping activities, and non-point source pollution prevention education campaigns.

#### **AGRICULTURAL LANDS POLICY**

**Policy 26** **Conserve and protect agricultural lands in the State's coastal area.**

**Policy 26 A** **Conserve and protect lands that are in agricultural production in that portion of Erie County Agricultural District Southwest #8 that is located within the Hamburg WRA.**

##### **Explanation of Policy**

There are portions of the waterfront that are rural with large areas of open land, particularly in Inland Hamburg WRA Subareas 1 and 2, where active farming occurs. Portions of these Subareas are situated in Erie County Agricultural District Southwest #8. This policy is focused on the concern for any potential loss of important agricultural lands in these areas or potential actions that could result in a loss in active agricultural activity.

The first step in conserving agricultural lands is the identification of such lands. The following criteria have been used to identify important agricultural lands.

1. Land that meets the definition of the U.S. Department of Agriculture as being prime farmland, unique farmland, or farmland of statewide importance.
  - a) Prime farmland is defined by USDA Soil Conservation Service in CRF #7 Agriculture Part 657.5(a), January 1979. A list of the soil associations that meet this definition has been prepared for Erie County.
  - b) Unique farmland is defined by USDASCS in CRF #7 Agriculture Part 657.5(b). In the coastal area of New York all fruit and vegetable farming meets the terms of the definition.
  - c) Farmland of Statewide importance is defined by USDASCS in CRF #7 Agriculture Part 656.5(c). Lists of soil associations which constitute farmland of statewide importance have been prepared for Erie County.
2. Active farmland located within designated Agricultural Districts.

3. Areas identified as having high economic viability for farming.
4. Prime farmland, unique farmland, and farmland of statewide significance will not be identified as important agricultural land whenever it occurs as parcels of land less than 25 acres in size and these small parcels are not within a mile of areas of active farming.

Implementing a policy that promotes agricultural land use, to be practical, must concentrate on controlling the replacement of these land uses with non-agricultural uses. There are many factors such as markets, taxes, and regulations that influence the viability of agriculture in a given area that can only be addressed on a Statewide or national basis. While this policy is focused on the loss of any important agricultural land, the primary concern must be on the loss of agricultural land uses that would have a significant effect on an ability of such uses to continue to exist, prosper, and expand.

It must be determined whether a proposed action would result in the loss of important agricultural lands as identified in the Hamburg WRA. If it is determined that an action would result in the loss of identified agricultural lands, but that loss would not have an adverse effect of the viability of agriculture in the surrounding area, then the action may be consistent with this policy. However, such action must be undertaken in a manner that would minimize the loss of important farmland and agricultural activity. If the action is determined to result in a significant loss of important agricultural land, then the action is not consistent with this agriculture policy.

The following guidelines define what must be considered in making the above determinations:

1. An action is likely to significantly impair the viability of an important agricultural area if:
  - a) The action would occur on identified agricultural land and would:
    - i. Consume more than 10 percent of the land of an active farm,
    - ii. Consume a total of 100 acres or more of identified important agricultural land, or
    - iii. Divide an active farm with identified important agricultural land into two or more parts, thus impeding efficient farm operation or reducing the size of farmed acreage to less than 25 acres.
  - b) The action would result in environmental changes that may reduce productivity or adversely affect the quality and use of any identified agricultural lands.
  - c) The action would create real estate market conditions favorable to the conversion of large areas of identified agricultural land to non-agricultural uses. Such conditions may be created by:

- i. Existence or introduction of public water or sewer facilities to serve non-farm structures;
  - ii. Transportation improvements, except for maintenance of and safety improvements to existing facilities that serve non-farm or non-farm related development;
  - iii. Major non-agribusiness commercial development adjacent to identified agricultural lands;
  - iv. Development of major public institutions;
  - v. Development of residential uses other than farm dwellings; and
  - vi. Any change in land use regulations that apply to agricultural land that would encourage or allow land uses that are incompatible with the agricultural use of the land.
2. The following types of facilities and activities should not be construed as having adverse effects on the preservation of agricultural land:
  - a) Farm dwellings, barns, silos, and other accessory uses and structures incidental to agricultural production or necessary for supplementing farm family income.
  - b) Agricultural business development, which includes the entire structure of local support services and commercial enterprises necessary to maintain an agricultural operation.
3. The proposed action shall, to the extent practicable, be sited on any land not identified as important agricultural land or, if it must be sited on identified important agricultural land, it should be done in a manner that avoids disturbance of land according to the following priority:
  - a) Protection of prime or unique farmland used for orchards or vineyards;
  - b) Protection of other prime farmland that is actively being farmed;
  - c) Protection of farmland of Statewide importance that is actively being farmed;
  - d) Protection of active farmland identified as having high economic viability;
  - e) Protection of prime farmland that is not being farmed; and
  - f) Protection of farmland of Statewide importance that is not being farmed.
4. Where possible, residential development should be undertaken in manner, such as conservation subdivision or clustering, that preserves land for continued or future agricultural use through such means as agricultural conservation easements, lease arrangements with farmers, direct undertaking of agriculture, or sale of surplus land to

farmers. Agricultural use of such land should have priority over any other proposed multiple use of the land.

## **ENERGY AND ICE MANAGEMENT POLICIES**

<b>Policy 27</b>	<b>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.</b>
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### **Explanation of Policy**

New York's overall annual energy demand has begun to flatten over time, in part due to the success of State and utility energy efficiency programs. However, peak load (the highest amount of energy consumption in a given year) has continued to increase at a more rapid pace.<sup>i</sup> Renewable power sources—hydro, solar, wind, and other carbon-free solutions—also continue to grow as a share of the total energy produced in the State.<sup>ii</sup> Significant investments in the billions of dollars are needed to replace New York's aging electric transmission and distribution infrastructure just to meet currently projected energy demand.<sup>iii</sup> To respond to these significant shifts in the State's energy infrastructure, State energy policies are being designed to maintain energy system reliability during peak load in ways that improve the grid's overall system efficiency, from both energy transmission and capital investment perspectives.<sup>iv</sup>

The New York State energy planning process provides a comprehensive framework for improving the State's energy system, addressing issues such as environmental impacts, resiliency, and affordability.<sup>v</sup> Key areas of focus for New York's energy planning and implementation policies include integration of renewable energy generation; local energy generation that can foster both economic prosperity and environmental stewardship; seeking innovative energy solutions across the State's public facilities and operations; increasing energy efficiency; and decreasing greenhouse gas emissions.<sup>vi</sup> New York's energy policy is also central to how the State responds to the challenges presented by a changing climate. New York State's energy planning recognizes that extreme weather events demand more resilient energy infrastructure, and that climate change presents both challenges and opportunities to lead and innovate.<sup>vii</sup>

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are contained primarily in Article 6 of the New York State Energy Law. That Article requires the preparation of a State Energy Plan. With respect to transmission lines and the siting of major electric generating facilities, Articles 7 and 10 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 providing additional electric capacity. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Law. That law is used for the purposes of ensuring consistency with the Coastal Management Program.

The Department of State will present testimony for the record during relevant certification proceedings under Articles 7 and 10 of the Public Service Law when appropriate; and use the State SEQR and DOS regulations to ensure that decisions regarding other proposed energy facilities (not subject to Articles 7 and 10 of the Public Service Law) that would affect the coastal area are consistent with coastal policies.

**Explanation of Policy**

**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.**

**Explanation of Policy**

Prior to undertaking actions required for ice management by any agency where necessary in the Hamburg WRA, an assessment must be made of the potential effects of such actions upon fish and wildlife and their habitats, flood levels and vulnerable areas along the shoreline, rates of shoreline erosion and vulnerable areas along the shoreline, and natural protective features.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented. Ice management practices shall not interfere with infrastructure systems, impair significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

**Policy 29** **The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.**

**Explanation of Policy**

The science of ecosystem connections between the coastal zone and offshore areas is increasingly better understood. The offshore environment is an ongoing focus of policy

development at national, regional, and state levels. Within this context, New York seeks to accommodate longstanding offshore industries, such as commercial and recreational fishing and maritime commerce, while at the same time ensuring the ecological functioning of habitats important to New York, as the State considers the need for new offshore resource development and uses to occur.

While New York State has jurisdiction in its offshore waters, matters pertaining to the Outer Continental Shelf (OCS) are under the jurisdiction of the federal government. However, offshore resource development and other uses on the OCS may affect coastal resources and uses important to New York State. Consequently, the Department of State actively participates in OCS planning and decision-making processes pursuant to the federal Outer Continental Shelf Lands Act and the Deepwater Port Act, among other federal statutes, and reviews and voices the State's concerns about federal OCS activities, licenses, permits, lease sales, plans, and other uses and activities. The federal government increasingly has invited State participation in these offshore planning and decision-making processes. New York State will continue to review and analyze federal licensing and permitting activities for federal consistency, including activities in offshore areas outside New York's coastal zone. Proponents of offshore activities should use available offshore data to identify and reduce the potential effects on New York's coastal resources, activities and uses. Project proponents should consider the compatibility with, and seek to accommodate, the existing presence of resources, activities and uses that are important to the coastal areas of New York State.

In addition to the development of energy resources and the siting of energy facilities, offshore uses of particular concern to New York State because of their potential effects on uses and resources in the State's coastal area include, but are not limited to:

1. Fisheries management;
2. Aquaculture; sand and gravel mining;
3. Military readiness training and related exercises;
4. Changes or upgrades to established navigation patterns and infrastructure, including the re-routing of existing navigation lanes and the location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation (ATON) program;
5. Permits for deepwater ports;

6. The identification of interim or permanent open water dredged material disposal sites;
7. The intentional submergence of vessels and other structures, including for the purpose of creating artificial reefs;
8. The creation of man-made islands, tidal barriers, or the installation of other fixed structures;
9. Scientific research activities; and
10. Exploration and identification of potential resources for extraction, such as biopharmaceutical products.

In its review of proposed activities, licenses, permits, lease sales and plans in the Atlantic OCS and New York State coastal waters, the Department of State works with state and federal agencies to consider a number of factors, including but not limited to:

1. The potential effects upon maritime traffic, including navigational safety leading into and from New York's ports;
2. The potential for increased port development and economic activity;
3. Aspects of national security; the effects on important finfish, crustaceans, shellfish, seabirds, marine mammals, and other wildlife populations and their spawning, wintering, and foraging habitats and migrating corridors;
4. Impacts on biological communities and biodiversity;
5. Ecological functioning of ecosystems;
6. Economic and other effects upon commercial and recreational fishing activities;

7. Impacts upon tourism and public recreational resources and opportunities along the coasts and offshore;
8. The potential for geo-hazards;
9. Water quality; and
10. Overall effects on the resilience of New York's coastal uses and resources.

Of special significance, New York State recognizes the need to develop energy resources, particularly those that contribute to achieving the State's energy goals, including greenhouse gas reduction. It also recognizes that any energy development may have reasonably foreseeable effects on existing coastal uses and resources. Among the various energy resources under consideration for development are those which may be found in offshore waters within the state's territorial limit or the Atlantic OCS. There are currently no active licenses, permits, lease sales or plans for oil and gas exploration or production in the waters offshore New York State.

The State encourages the responsible development of renewable energy resources. Wind, wave, tidal, and water current resources located in New York's offshore areas are an increasing focus of development interest, which may continue to grow as projects become more technologically feasible. Offshore renewable wind energy development is a use that depends on the utilization of resources found in coastal waters. The State recognizes offshore projects directly interconnected to the New York electrical grid as qualifying for eligibility as a dependent use at the same level as though the facility were located within the State.

The conservation of energy should be an important part of prudent future planning for the Town of Hamburg waterfront. Energy efficiency can be achieved through several means that fall under the jurisdiction of the Town, including:

1. Promoting the use of public transportation, wherever possible and practical;
2. Integrating modes of transportation (bicycle, pedestrian and vehicular);
3. Promoting energy efficient design in new development, particular LEED certification; and

4. Promoting greater energy generating efficiency through upgrades of existing public and private facilities and infrastructure.

## **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.**

**Explanation of Policy**

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, regulated industrial discharges are those which directly empty into receiving coastal waters and which pass through the municipal treatment systems before reaching the State's waterways.

**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 overburdened with contaminants will be recognized as being a development constraint.**

**Explanation of Policy**

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. Local Waterfront Revitalization Programs and State Coastal Management Policies shall be factored into the review process for the possible revision of water quality classifications of coastal waters in the Hamburg WRA. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The State has identified certain stream segments as being either "water quality limiting" or "effluent limiting." Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limiting". Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting," and all new waste discharges must receive "best practicable treatment." However, along stream segments classified as "water quality limiting", waste treatment beyond "best

"practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development.

Surface waters in the Town, including Lake Erie, Eighteen Mile Creek and associated tributary creeks and streams, have been classified for usage by the State. Best management practices shall be implemented to ensure that the best usage classification is maintained, and where possible, improved. Issues with failing septic systems, sanitary sewer system inflow and infiltration, and non-point source pollution should be identified and addressed so as to protect local water quality and maintain existing standards in surface water in the Hamburg WRA (see Policies 33 and 37).

**Policy 32      Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.**

**Explanation of Policy**

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities for which conventional facilities are too expensive. In unsewered areas of the waterfront, which include portions of Inland Hamburg WRA Subareas 1 and 2, where septic systems are still in use, proper maintenance practices must be promoted to protect water quality and ensure that systems are functioning effectively.

**Policy 33      Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.**

**Explanation of Policy**

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff. At present, structural approaches for managing stormwater runoff throughout the WRA, such as the construction of retention basins or closed pipe drainage systems, may not be economically feasible but may be required in accordance with the Town of Hamburg Stormwater Management Plan.

The Town of Hamburg prepared a Town-wide Drainage Study in 2023 that included findings and recommendations, including implementation of stormwater management tools for the planning and evaluation of future land development projects within the Town. This study also recommended the redesign of stormwater infrastructure in the Town, as well as the periodic

cleanup of ditches and trimming of vegetation. These recommendations should be implemented based on available funding.

Until funding or other means for mitigating the impacts of stormwater runoff become available, non-structural approaches, including street cleaning and management of non-point source pollution, will be encouraged (see Policy 37).

1. Prevent point source discharges to the surface waters of Lake Erie and local creeks and streams, and manage or avoid land uses that would:
  - a) Exceed discharge limits specified by State Pollution Discharge Elimination System (SPDES) permits for industrial and municipal discharges
  - b) Exceed established and applicable effluent requirements or cause or contribute to the contravention of water quality classifications and use standards; or
  - c) Materially and adversely affect the quality of receiving waters.
2. Ensure effective treatment of sanitary waste and industrial discharges by:
  - a) Maintaining efficient operation of sanitary wastewater and industrial waste treatment facilities;
  - b) Providing, at a minimum, effective secondary treatment for sanitary sewage;
  - c) Modifying existing sewage treatment facilities to provide improved nitrogen removal capacity;
  - d) Incorporating treatment beyond secondary, when funding is available to the extent economically feasible, with particular focus placed on nitrogen removal, as part of new or upgraded wastewater treatment plant design;
  - e) Reducing demand on treatment facilities by:
    - i. reducing infiltration of excess water in collection and transport systems,
    - ii. eliminating unauthorized collection system hookups,
    - iii. pre-treating industrial waste,

- iv. limiting discharge volumes and pollutant loadings to or below authorized levels, and
- v. requiring the installation of low-flow water conservation fixtures in all new development and when replacing fixtures in existing development.
  - f) Controlling and reducing the loadings of toxic materials into the surface waters of the Lake, creeks, and streams by including limits on toxic metals as part of wastewater treatment plant effluent permits and by enforcing existing pre-treatment requirements.
  - g) Providing and managing on-site wastewater disposal systems (septics) by:
    - i. using on-site systems only when a connection with a public sewer system is not practical;
    - ii. protecting surface and groundwater against contamination from pathogens and excessive nutrient loading by keeping septic effluent separated from these resources and by providing adequate treatment of septic effluent; and
    - iii. encouraging evaluation and implementation of alternative or innovative on-site sanitary waste systems and technologies to remediate systems that currently do not adequately treat or separate effluent.

**Policy 34**

**Discharge of waste materials into coastal waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.**

**Explanation of Policy**

The discharge of all rubbish, garbage, and other solid or untreated sanitary or other liquid wastes from vessels into the waters of Lake Erie is limited by New York State Law. Where coastal resources or activities require greater protection than afforded by this requirement, the State may designate vessel waste no discharge zones. Per Section 312(f)(3) of the Clean Water Act, the waters of Lake Erie that lie within the limits of New York State are designated as a No-Discharge Zone by the U.S. Environmental Protection Agency. Within this zone the discharge of all sanitary vessel waste, whether treated or not, is prohibited. Also, specific effluent standards for marine toilets have been promulgated pursuant to 6 NYCRR, Part 657.

To help protect offshore waters in the Town, any new marina or other boating facilities that might be sited along the Lake Erie shoreline must include a vessel waste pump-out facility. Additionally, boaters that utilize the waters of Lake Erie in the WRA are required to utilize available vessel waste pump-out stations available at nearby marinas or otherwise properly dispose of untreated sanitary waste. Priority will be given to the enforcement of State Laws to protect water quality, particularly in and around the State-designated significant coastal fish and

wildlife habitats of Smokes Creek Shoals and Eighteen Mile Creek, State and Town beaches, public water supply intakes, and other important shoreline resources.

<b>Policy 35</b>	<b>Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands and wetlands.</b>
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**Explanation of Policy**

Dredging, filling, and dredge material disposal are activities that are needed for waterfront revitalization and development, such as maintaining navigation channels at sufficient depths, pollutant removal, stream channel maintenance, and other coastal management needs. Such projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging or filling activities, proper siting of dredged material disposal sites, and the beneficial use of dredged material. Such projects shall only be permitted if they satisfactorily demonstrate that these anticipated adverse effects have been reduced to levels which satisfy State permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, and 34), and are consistent with policies pertaining to the protection and use of coastal resources (State Coastal Management policies 7, 15, 19, 20, 24, 26, and 44).

Maintenance dredging is currently undertaken, as needed, the Town Beach dock, with dredge spoils utilized for adjacent beach restoration. Such activity should be carefully managed and must satisfactorily demonstrate that potential adverse effects can be reduced to levels that satisfy State permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, and 34), and are consistent with policies pertaining to the protection and use of coastal resources (Policies 7, 12, 15, 25, 26 and 44). Dock operations and vessel speeds should be regulated to prevent shoreline erosion from increased wave activity. Furthermore, any future marina construction and navigation channel construction and maintenance must be designed to prevent destabilization of adjacent areas by:

1. Using dredging setbacks from established channel edges and designing finished slopes to ensure their stability,
2. Locating channels away from erodible features, wherever feasible, and
3. Preventing adverse alteration of basin hydrology.

**Policy 36** **Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.**

**Explanation of Policy**

Activities related to the shipment and storage of petroleum products and other hazardous materials shall be prohibited in the Town of Hamburg Local Waterfront Revitalization Area (See Policies 8 and 39).

**Policy 37** **Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics, and eroded soils into coastal waters.**

**Explanation of Policy**

The many creeks and streams in the Town of Hamburg WRA that are part of a larger watershed system that discharges to Lake Erie and Eighteen Mile Creek. Protecting the quality of these local surface waters is essential to the health and welfare of habitats and other sensitive areas. In an effort to protect water quality, best management practices shall be used to reduce sources of non-point source pollution (see Policy 38). These include, but are not limited to, encouraging a reduction in the use of lawn fertilizers and pesticides, proper disposal of motor oils and other petroleum products, septic system maintenance, reducing the use of road salts during the winter, utilizing organic farming and agricultural pest management practices, proper disposal of animal wastes, soil and erosion control, and proper surface drainage control techniques. The mitigation of sanitary sewer inflow and infiltration problems, and improved management and maintenance of the County's wastewater system to prevent future problems, is also important for the protection of local surface water quality. The Town should also promote public education to help local residents understand the importance of using and adhering to best management practices to protect local surface water quality, as outlined in the Town of Hamburg Stormwater Management Plan.

Additionally, reducing non-point source pollution can be achieved by using management measures appropriate to specific land use or pollution source categories as follows.

1. Urban land uses

- a) Reduce or eliminate the introduction of materials that may contribute to on-point source pollution;

- b) Minimize activities that increase off-site stormwater runoff and pollutant transport;
- c) For new development, manage total suspended solids in runoff to remain at pre-development loading levels;
- d) For site development, limit activities that increase erosion or the amount or velocity of stormwater runoff;
- e) For construction sites, reduce erosion and retain sedimentation on site, and limit and control the use of chemicals and nutrients;
- f) Retain or establish vegetation to provide soil-stabilization and filtering capacity;
- g) For developed sites, limit the application of pesticides, herbicides and fertilizer products to reduce the potential for the pollution of stormwater runoff;
- h) Plan, site and design roads and highways to manage erosion and sediment loss and limit the disturbance of land and vegetation;
- i) Plan and design bridges to protect ecosystems; and
- j) For roads, highways, and bridges, minimize to the greatest extent practical, the runoff of contaminants to surface waters.

2. Marinas and Docking Areas

- a) Site and design marinas and docks such that currents will aid in flushing or the renewal of water in and around the marina basin or docks regularly;
- b) Assess potential impacts to water quality as a part of marina or docking area siting and design activities;
- c) Any existing marina or docking area, or new projects shall utilize appropriate and adequate vessel pump-out technologies; and
- d) Properly manage stormwater runoff, discharges of hazardous substances, and solid waste disposal.
- e) Proper disposal of vessel waste.

3. Hydro-modifications

- a) Preserve natural hydrological conditions to maintain natural surface water flow characteristics to the greatest extent possible, and retain water courses and drainage systems (where present);
- b) Maintain the physical and chemical characteristics of surface waters, reduce adverse impacts and, where possible, improve the physical and chemical characteristics of surface waters in channels;
- c) Minimize the impacts of channelization and channel modification on in-stream and riparian habitat and identify opportunities to restore habitat; and
- d) Use vegetative buffers or other means, to the greatest extent possible, to protect stream banks and shoreline from erosion.

4. Floatables and litter

- a) Prohibit all direct and indirect discharges of refuse or litter into surface waters, or upon public lands contiguous to and within 100 feet of Lake Erie, Eighteen Mile Creek, or other creeks and tributary waterways;
- b) Limit the entry of floatable materials to surface waters through the proper containment and prevention of litter;
- c) Remove and dispose of floatables and litter from surface waters and along the shorelines of the Lake and creeks;
- d) Implement pollution prevention and education programs to reduce the discharge of floatables and litter in Lake Erie and Eighteen Mile Creek, as well as Town storm drains that discharge to these and other waterbodies in the WRA; and
- e) Undertake regular maintenance and cleaning of storm drains that discharge to Lake Erie, Eighteen Mile Creek, and other creeks and tributary streams.

Community awareness and stewardship of natural resources and water quality in the Hamburg WRA should be encouraged through the support of community activities. This includes such activities as cleanup along the Lake Erie shoreline, beach sweeping, and educational campaigns for the prevention of non-point source pollution.

**Policy 38**      **The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.**

**Explanation of Policy**

Lake Erie is the primary source of drinking water in the Town of Hamburg and, therefore, must be protected. Much of the Town is serviced by the Erie County Sewer Authority's wastewater collection and treatment system (which is located in Coastal Hamburg WRA Subarea 10), and all commercial discharges are regulated by State and Federal Law.

To the greatest extent possible, make efforts to improve the water quality of Lake Erie, Eighteen Mile Creek, and the local creeks and streams that flow to the Lake or Creek based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color, and turbidity), health factors (pathogens, chemical contaminants, and toxicity) and aesthetic and nuisance factors (oils, floatables, refuse and suspended solids). Minimize the disturbance of local creeks and streams, including their beds and banks, in order to prevent soil erosion, increased turbidity, and irregular variation in velocity, temperature and water levels. The Lake and creeks shall also be protected from the adverse impacts of excavation, fill, dredging (see Policy 35) and the improper disposal of dredged material. Additionally, utilize street sweeping, as feasible and economically practicable, to reduce the amount of pollutants, sediments, and litter that enter surface waters through storm drains in the WRA.

Encourage the use of best management practices to prevent non-point source pollution (see Policies 33 and 37), by limiting the application of fertilizers, herbicides, and pesticides, and avoiding the use of synthetic fertilizers that contribute nitrates and phosphorus to stormwater runoff; avoiding secondary discharges of pollutants, such as petroleum products to storm drains and ditches that discharge directly to surface waters; and properly cleaning up pet wastes and controlling litter.

**Policy 39**

**The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.**

**Explanation of Policy**

The intent of this policy is to protect the public from sources of contamination and to protect waterfront resources in the Town from degradation through the proper control and management of solid waste and hazardous materials. The definitions of terms "solid waste" and "solid waste management facilities" are taken from the New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid waste includes sludge from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes. Fundamental problems associated with the disposal of solid waste in the WRA include

the contamination of water resources, filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

The dumping, disposal, and recycling of solid waste materials in the Town of Hamburg Waterfront Revitalization Area is regulated pursuant to Chapter 220 of the Hamburg Town Code, which strictly prohibits any person from operating, maintaining, or using land anywhere in the Town for deposition of solid waste without a proper permit. Chapter 220 also outlines the requirements for proper storage, collection, and disposal of solid waste in the Town. Proper and effective solid waste management should be planned for when undertaking any development or redevelopment project in the WRA.

The transport of solid or hazardous waste shall not be permitted along Old Lake Shore Road or any other road in the Hamburg WRA (with the exception of the collection of municipal solid waste). Transport of such wastes along other roadways in the Town is subject to State and Federal regulations to ensure the protection of public health, safety, and welfare.

Hazardous wastes, as defined under ECL Section 27-0901 and 6 NYCRR Part 371, are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. The management of hazardous waste generated within the WRA shall abide by the following priorities (see Policy 8):

1. Eliminate or reduce the generation of hazardous waste at existing facilities in the WRA to the maximum extent practicable;
2. Recover, reuse, or recycle remaining hazardous waste to the maximum extent practicable;
3. Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes that cannot be reused, reduced, or recycled; and
4. Prohibit the siting of any new facility that would generate significant quantities of hazardous waste, or the disposal of any hazardous waste with the WRA.

**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.**

**Explanation of Policy**

The Town of Hamburg Local Waterfront Revitalization Program supports the State's position that major steam electric generating, and industrial facilities shall "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 Town further supports that no such use or facilities shall be located within the boundaries of the waterfront revitalization area.

**Policy 41                    Land use or development in the coastal area will not cause National or State air quality standards to be violated.**

**Explanation of Policy**

The Town of Hamburg 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. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

To the greatest extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and 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.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The Town's Local Waterfront Revitalization Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxins and their economic and environmental effects on coastal resources. Additionally, the Town shall assist the State, whenever possible, in the administration of its air quality statutes pertaining to the atmospheric deposition of pollutants in the region, particularly nitrogen sources.

**Policy 42                    Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal clean air act.**

**Explanation of Policy**

The policies of the State and local coastal management programs concerning proposed land and water uses and the protection and preservation of special management areas will be considered prior to any action to change prevention of significant deterioration land classifications in coastal regions or adjacent areas. In addition, the New York State Department of State will provide the New York State Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.

The intent of this policy is to comply with State standards for controlling and preventing the degradation of air quality in the Town. New land uses and development or redevelopment should comply with the following:

1. Limit pollution resulting from new or existing stationary air contamination sources consistent with:
  - a) attainment or maintenance of any applicable air quality standards,
  - b) applicable New Source Performance Standards,
  - c) applicable control strategy of the State Implementation Plan, and
  - d) applicable Prevention of Significant Deterioration requirements.
2. Recycle or salvage air contaminants using best available air cleaning technologies.
3. Limit pollution resulting from vehicle and vessel movement or operation, including actions that directly or indirectly change transportation uses or operation, consistent with attainment or maintenance of applicable ambient air quality standards and applicable portions of any control strategy of the State Implementation Plan.
4. Restrict emissions of air contaminants to the outdoor atmosphere that are potentially injurious to human, plant, and animal life, or that would unreasonably interfere with the comfortable enjoyment of life or property.

State air quality standards regulate chlorofluorocarbon (CFC) pollutants. For actions with a potential impact on air quality, the Town shall assist the State, whenever possible, in the administration of its air quality statutes pertaining to CFC compounds.

**Policy 43** **Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.**

**Explanation of Policy**

The Town of Hamburg Local Waterfront Revitalization Program incorporates New York State's policies on acid rain. As such, this local program will assist in the State's efforts to control acid rain. Efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

### **WETLANDS POLICY**

**Policy 44** **Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.**

**Explanation of Policy**

Freshwater wetlands include marshes, swamps, bogs, fens, and vernal pools that support aquatic and semi-aquatic vegetation and other wetland vegetation as defined under Article 24 of the New York State Environmental Conservation Law - Freshwater Wetlands Act (6 NYCRR, Chapter X, art 663.1) and Protection of Waters Program – Article 15, Title 5 of the Environmental Conservation Act (6 NYCRR Part 608). Federal jurisdictional freshwater wetlands are regulated by the U.S. Army Corps. of Engineers under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Furthermore, the Town of Hamburg regulates freshwater wetland disturbances under Chapter 272 of the Town Code. Any proposed activities that may affect freshwater wetlands in the Town, including but not limited to the disturbance of stream/creek beds or banks, excavation, or placement of fill in navigable waters, or the construction or reconstruction of docks, are subject to the provisions of these federal, State, and local regulations.

The benefits derived from the preservation of freshwater wetlands include, but are not limited to:

1. habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties, and contribution to associated aquatic food chain;
2. erosion, flood, and storm control;
3. natural pollution treatment;

4. groundwater protection;
5. recreational, educational, and scientific opportunities; and
6. aesthetic open space in many otherwise densely developed areas

There are several places in the Coastal and Inland portions of the Hamburg WRA that contain State and federally-designated freshwater wetlands. These wetlands are primarily located along the smaller creeks in the Coastal portion of the WRA that flow to Lake Erie, such as Blasdell Creek and the surrounding area within Woodlawn Beach State Park, Rush Creek, and Berrick's Creek; and the length of the Eighteen Mile Creek corridor and its tributaries, Hampton Brook and surrounding NYS Wildlife Management Area, and Town of Hamburg Golf Course in Inland Hamburg WRA Subareas 1 and 2.

The following measures can further protect and restore wetlands, in conjunction with active partnerships for habitat restoration plans and initiatives between the Town of Hamburg and State and regional agencies including, but not limited to, NYSDEC, Buffalo Niagara Waterkeeper, and Erie County Soil and Water Conservation Service. These measures shall serve as guidelines to be used for the consistency review determination of proposed actions with this policy:

1. Compliance with the statutory and regulatory requirements of the freshwater wetlands regulations;
2. Prevention of the net loss of wetlands by:
  - a) avoiding placement of fill or excavation of freshwater wetlands;
  - b) minimizing adverse impacts resulting from unavoidable fill, excavation, or other activities;
  - c) providing compensatory mitigation for adverse impacts that may result from unavoidable fill, excavation or other activities remaining after all appropriate and practicable minimization has been accomplished;
  - d) providing and maintaining adequate buffers between wetlands and adjacent or nearby uses and activities in order to ensure protection of the character, quality, value and function of the wetlands area; and

- e) providing and maintaining buffers along creek corridors to provide protection from the impacts of upland uses and activities.

3. Where destruction or significant impairment of wetland habitat values cannot be avoided, potential impacts of land use or development should be minimized through appropriate mitigation. Use mitigation measures that are likely to result in the least environmentally damaging alternative, including:

- a) avoidance of potential adverse impacts, such as avoiding ecologically sensitive areas, scheduling activities to avoid vulnerable periods in life cycles or the creation of unfavorable environmental conditions, and preventing fragmentation of intact habitat areas;
- b) minimization of unavoidable potential adverse impacts, including reducing the scale or intensity of the use or development, designing projects to result in the least amount of potential adverse impacts, and choosing alternative actions or methods that would lessen potential impacts; and
- c) specific measures designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment.

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<sup>i</sup> 2015 New York State Energy Plan, Vol. 1, p. 27.

<sup>ii</sup> 2015 New York State Energy Plan, Vol. 1, p. 10.

<sup>iii</sup> 2015 New York State Energy Plan, Vol. 1, pp. 25-26.

<sup>iv</sup> 2015 New York State Energy Plan, Vol. 1, p. 27.

<sup>v</sup> 2015 New York State Energy Plan, Vol. 1, p. 9.

<sup>vi</sup> 2015 New York State Energy Plan, Vol. 1, p. 7; 2015 New York State Energy Plan, Vol. 1, p. 11.

<sup>vii</sup> 2015 New York State Energy Plan, Vol. 1, p. 17.

## **SECTION IV - Proposed Land and Water Uses and Proposed Projects**

This section of the LWRP describes the proposed land and water uses for the Town of Hamburg waterfront area. Proposed projects implementing the goal and policies of the LWRP are also described in this section. This section also includes a series of maps that illustrate the proposed land use patterns, proposed water use, and identify the general location of proposed projects within the Waterfront Revitalization Area (WRA).

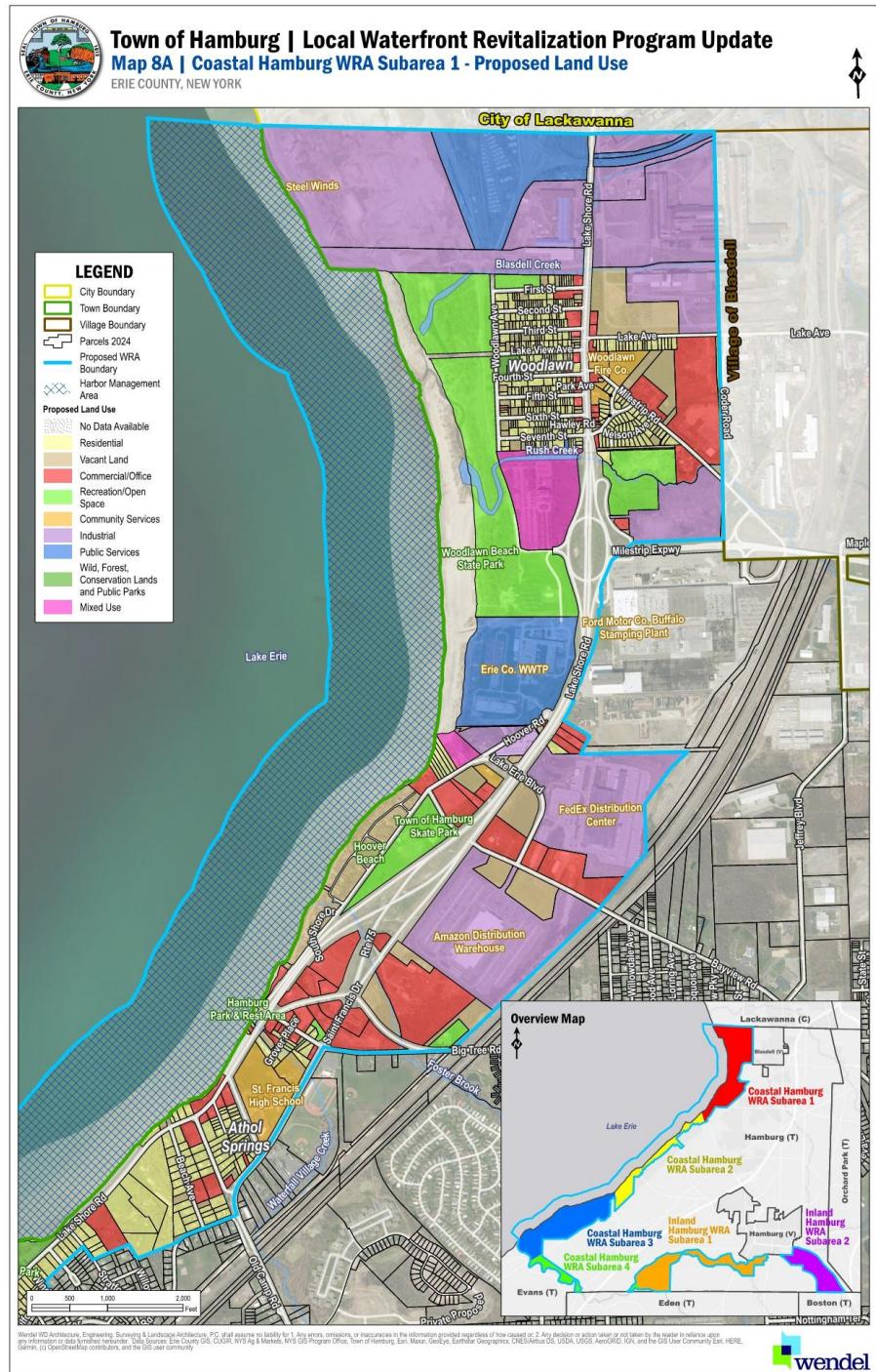
### **Proposed Land Use**

As described in Section I, the Hamburg WRA includes: 1) the *Coastal Hamburg WRA*, which extends for approximately xx miles along the Lake Erie shoreline and the *Eighteen Mile Creek State Coastal Fish & Wildlife Habitat (SCFWH)* and 2) the *Inland Hamburg WRA*, which follows the rest of the Eighteen Mile Creek within the town boundaries, east of the SCFWH. The Coastal Hamburg WRA is further broken into 4 subareas and the harbor management area, while the Inland Hamburg WRA is broken into 2 subareas, as illustrated on the maps included in Section 2 of the LWRP.

Land uses in *Coastal Hamburg WRA* and *Inland Hamburg WRA* are proposed to continue the existing general pattern of development. The land use recommendations for each subarea of the *Coastal Hamburg WRA* and *Inland Hamburg WRA* are presented as follows.

### **Coastal Hamburg WRA Subarea 1 (Map 8A)**

## Town of Hamburg Local Waterfront Revitalization Program



Where not already in residential or commercial use today, properties along the waterfront in Coastal Hamburg WRA Subarea 1 should serve the recreational, water-related commercial, and open space needs of the community. Proposed land use changes in

Subarea 1 include accommodating reuse and redevelopment of former industrial properties, which are currently vacant or underutilized. The primary objective is to foster investment to move these properties beyond their intensive industrial past, and promote cleaner, commercial or light industrial development to sustainably revitalize the area and surrounding community, create jobs, and stimulate additional economic activity.

Properties located at the north end of Coastal Hamburg WRA Subarea 1 include lands that are now or formerly owned by Tecumseh Redevelopment, Inc., which were part of the Bethlehem Steel Corporation complex, with their reuse constrained by environmental contamination issues. Additional lands in this area are or were formerly owned and operated by the South Buffalo Railroad Company, Buffalo Crushed Stone, the Buffalo Storage Terminal, and GTI Fabrication. Other vacant or underutilized sites in Coastal Subarea 1, including lands located east of NYS Route 5, were formerly utilized by the Republic Steel Corporation. As appropriate, these lands should be cleaned up for future reuse. This could include new light industrial activity, additional alternative energy facilities, or other commercial or mixed uses that would be better suited for this area. All these lands are part of a larger area that comprises most of Coastal Subarea 1, which is being examined under the Brownfields Opportunity Area (BOA) study, under which the Town of Hamburg will develop a plan for potential reuse and redevelopment efforts (this is discussed further under Subsection 4.3 below). The goal is to revitalize this area for more innovative, high-tech employment opportunities and sustainable redevelopment. Such redevelopment would be a change in direction from the industrial legacy of the past and will steer land use toward a more prosperous future. This includes addressing commercial revitalization, visual character and roadway aesthetics in the Woodlawn hamlet area along this portion of NYS Route 5.

The Woodlawn hamlet area should remain in residential use with supportive commercial uses maintained along Lakeshore Road (NYS Route 5). It is recommended that where zoning requirements can be met, vacant parcels on the interior streets in Woodlawn should be developed with in-fill residential uses. Vacant and underutilized parcels in the business district along Lakeshore Road, in between First Street and Seventh Street, should be developed or redeveloped with neighborhood commercial uses and, where appropriate, mixed uses to support and benefit the adjacent residential community.

South and west of Woodlawn hamlet, no major land use changes are anticipated at Woodlawn Beach State Park or the Erie County Southtowns Water Pollution Control Plant. The Gateway office complex property could accommodate a higher density of land use. This property is proposed for development or redevelopment with a greater mix of uses,

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including water-enhanced uses that take advantage of the lake shore and State Park property located adjacent to this site.

There is a small enclave of homes located west of Hoover Road - the Hoover Beach community - that extends along the Lake Erie waterfront and is primarily developed with small residential structures. This area, which should remain in residential use, is located adjacent to non-residential uses located to the northeast (i.e., the Southtowns Water Pollution Control Plant, and now or formerly Carbon Activated Corporation and Cataract Steel Industries), and commercial uses and Town-owned lands situated to the east, between Hoover Road and NYS Route 5. This non-residential area should transition from existing light industrial type uses and be revitalized with water-enhanced uses that complement the residential community and waterfront. The former Town of Hamburg Skate Park property should be redeveloped with appropriate land uses that are complementary to the Hoover Beach community and would help to improve community character and better unite this area.

Moving south from Hoover Beach, the Athol Springs business district offers a mix of small-scale commercial, and retail uses that should be continued and strengthened. The mix of uses in the Athol Springs area, west of Lakeshore Road, should continue as water-enhanced commercial, with land uses receiving priority over non-water enhanced uses along the waterfront. Commercial uses in the areas surrounding Big Tree Road and Lakeshore Road (NYS Route 5) should be continued and expanded where appropriate in accordance with zoning regulations.

In general, the character of the Athol Springs and Woodlawn hamlet areas in Coastal Hamburg WRA Subarea 1 should be guided towards waterfront related commercial and neighborhood commercial in support of Policy 1. This policy calls for the redevelopment of underutilized areas to strengthen the traditional waterfront focus.

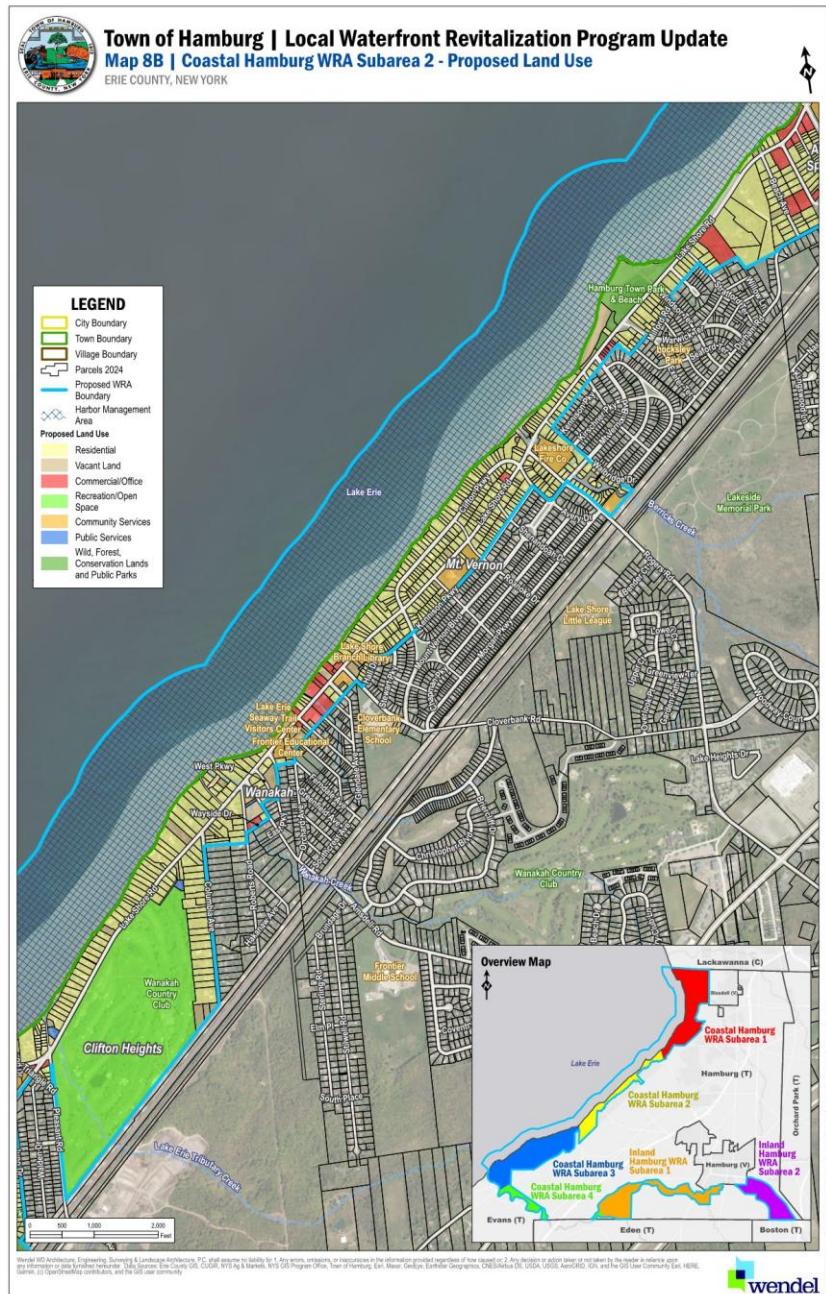
Light industrial uses are more appropriately for locations east of Lakeshore Road, in areas already designated or previously utilized for this type of land use. The Lake Erie Industrial Park, located on the east side of Lakeshore Road, is being developed with light manufacturing and warehousing uses. This area has a pre-permitted zoning status to enable continued development with similar uses of this nature on remaining available properties. The proposed land use for this area should remain business commercial - light Industrial.

The Town's Open Space and Recreation Plan identifies a number of sites as "Areas of Visual Significance". As noted in other sections of the LWRP, the Town benefits from spectacular sunsets over Lake Erie, that can only be enjoyed from a few public sites or

## Town of Hamburg Local Waterfront Revitalization Program

private residences along the Lake. Maintaining and improving scenic viewing areas and establishing new opportunities in the Athol Springs and Woodlawn hamlets will ensure continued public enjoyment of Lake Erie vistas.

Coastal Hamburg WRA Subarea 2 (Map 8B)

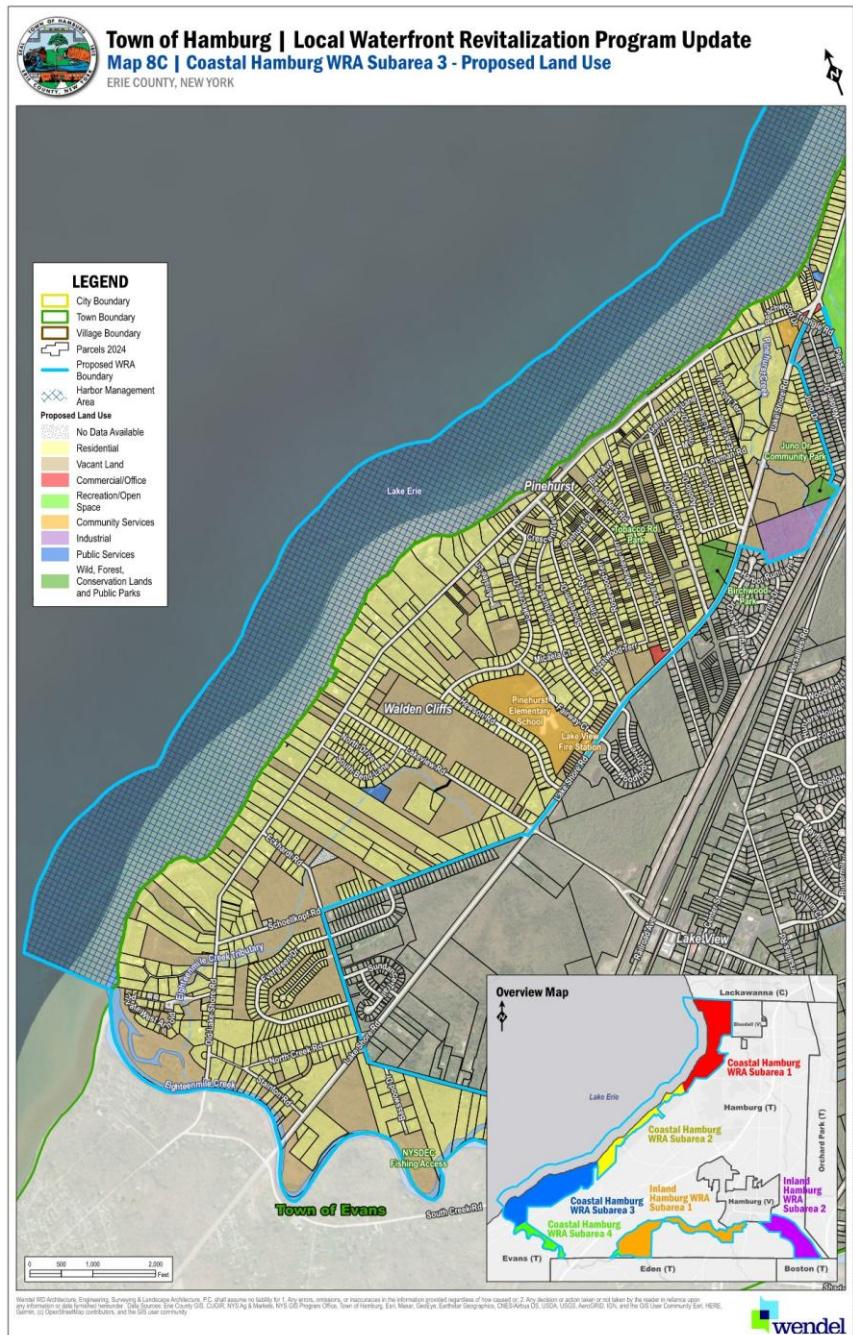


There are few land use changes proposed for Coastal Subarea 2. The area is well established with residences and small commercial uses along Lakeshore Road and should remain as is. The Wanakah hamlet business district and smaller business areas in Mt. Vernon and Locksley Park should remain as local personal service areas and be strengthened to provide continued benefits to surrounding neighborhoods. These areas should also be strengthened by the inclusion of mixed-use development. Along the lakeshore, west of Route 5, new non-residential uses should be water-enhanced commercial uses that are focused on tourism, recreation, and entertainment activities. Two key non-residential features that will remain along the lakeshore in this Subarea include the Town Park and Beach and the Lake Erie Seaway Trail Visitor's Center. The 135-acre Wanakah Country Club, on the east side of Lake Shore Road, represents a significantly large commercial recreational use within Coastal Subarea 2 that is also not anticipated to change.

[Coastal Hamburg WRA Subarea 3 \(Map 8C\)](#)

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Town of Hamburg Local Waterfront Revitalization Program

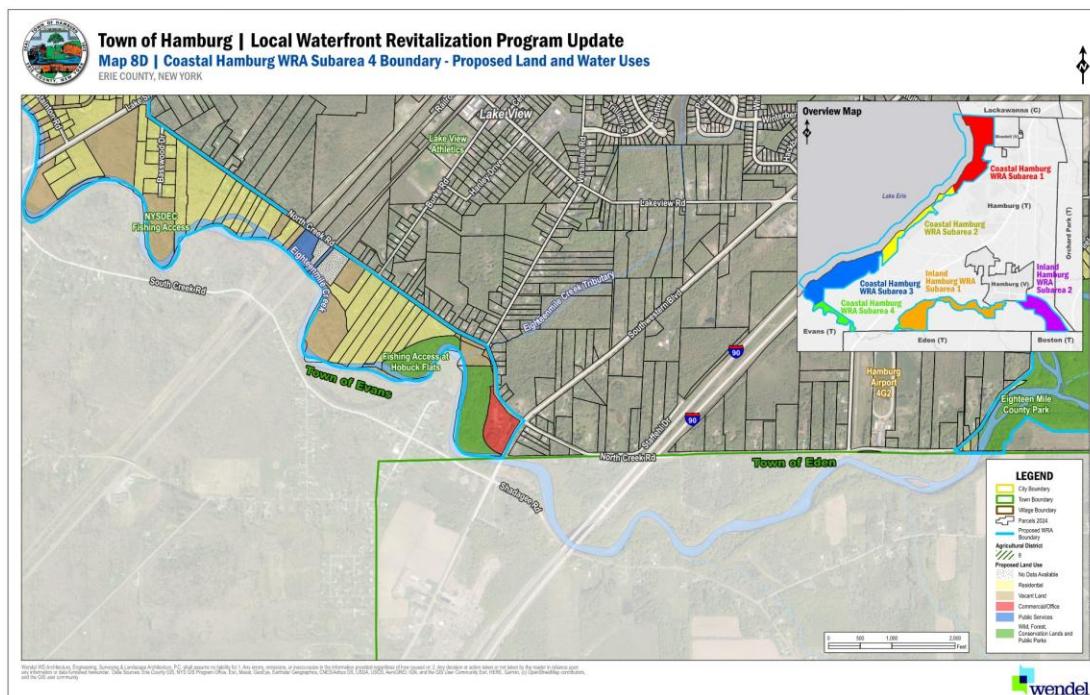


Coastal Subarea 3 is geographically located within the larger land use area generally identified as Lakeview in the Town's Comprehensive Plan. This Subarea 3 contains several larger residential properties and estate lots, as well as the Clifton Springs and Walden Cliffs residential neighborhoods. Like Coastal Hamburg WRA Subarea 2, this predominantly residential waterfront area is anticipated to remain this way. While there are no major land use changes

proposed, there are a small number of larger undeveloped parcels that have potential for future residential development. In addition, the Comprehensive Plan recommends revising land use in the area where Old Lakeshore Road splits from NYS Route 5 to mixed use, allowing for the introduction of limited-scale commercial uses that would benefit the surrounding area.

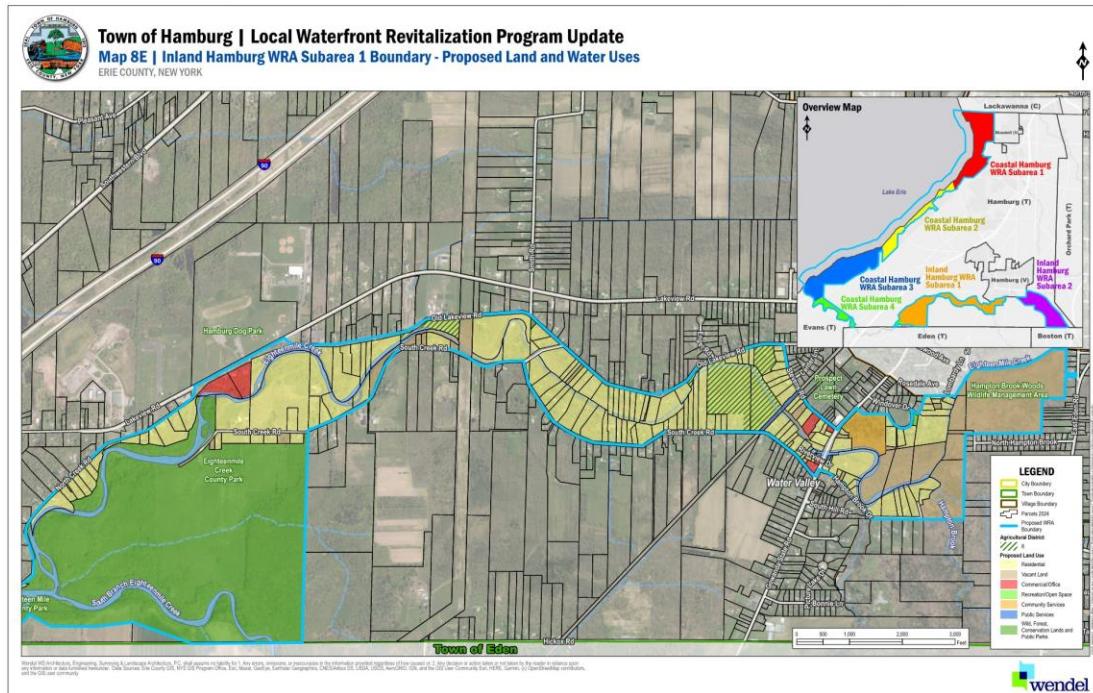
Land use and development in Coastal Subarea 3 should continue to be designed and regulated in accordance with the guidelines and objectives of the Town's Lakeview Zoning Overlay District, which encourages residential clustering to protect significant natural features (wetlands, woodlands), avoids road frontage lots, and restricts sewer district extensions. This style of development would allow for the connection of valuable habitat and open space and maintain the rural character of this area. It is anticipated that other existing vacant residential lots that meet existing zoning may eventually be proposed for denser residential development. Existing recreational areas should remain intact and, where possible expanded or enhanced for public benefit, and preserved greenspace should continue to be protected as wildlife habitat.

### Coastal Hamburg WRA Subarea 4 (Map 8D)



Coastal Hamburg WRA Subarea 4 extends along the northern edge of the Eighteen Mile Creek corridor and is characteristic of high bluffs that extends down for the narrow shoreline of the creek. This area supports low-density, rural residential development and includes several large, protected wooded areas. No significant land use changes are proposed within this Subarea. Where possible, public access improvements should be evaluated for public open space lands.

### Inland Hamburg WRA Subarea 1 (Map 8E)



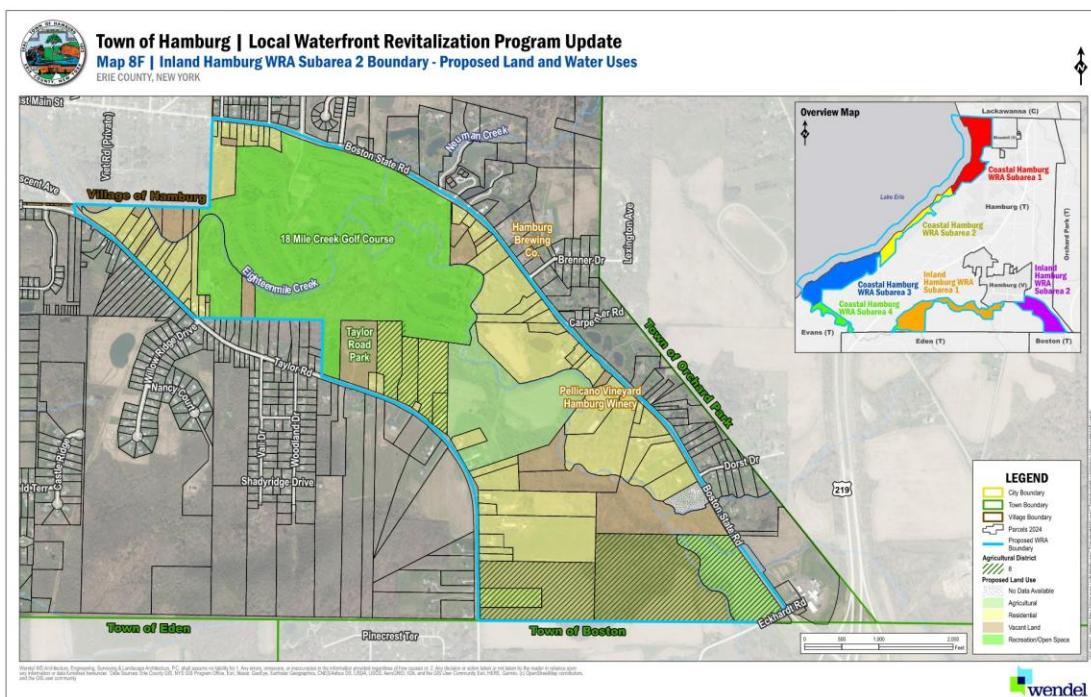
Like Coastal Hamburg WRA Subarea 4, Inland Hamburg WRA Subarea 1 follows the Eighteen Mile Creek Corridor and is comprised of a mix of low-density, rural residential uses and open space. There are also a small number of properties in agricultural use. These uses should be continued and expansion of agriculture is encouraged. As this Subarea is included within the Agricultural and Open Space Zoning Overlay District, any future development should be undertaken in compliance with the guidelines and objectives of this district. This includes the prohibition on the expansion of sanitary sewer service into any portion of this Subarea 1 that is part of Erie County Sanitary Sewer District No. 3, and on the development of traditional-style, major residential subdivision of land. These prohibitions have been established to preserve agricultural land uses, protect environmental resources, and maintain the rural character of this area. Furthermore, areas that have no sanitary sewer infrastructure should be removed from the sewer district boundaries.

There are a small number of commercial properties in Inland Hamburg WRA Subarea 1 that are located primarily in the Water Valley hamlet area along Gowanda State Road, near South Creek Road. The uses in this area should be continued, but not expanded, and revitalized where needed to remain prosperous.

This Subarea includes several recreational properties and uses that should be maintained and enhanced where possible. The largest property is Eighteen Mile Creek County Park, which is

owned by Erie County. This property should be improved in accordance with recommendations outlined in the Erie County Parks and Recreation Master Plan. New York State owns the Hampton Brooks Wildlife Management Area at the eastern edge of Inland Subarea 1. There are three large, contiguous, privately-owned properties that total almost 24 acres combined, which border Eighteen Mile Creek and are located adjacent to (west of) the wildlife management area. These undeveloped, wooded properties are almost entirely located in the 100-year floodplain and are subject to the rules and regulations of Chapter 115 Flood Damage Prevention in Hamburg Town Code, which is enforced by the Town Code Enforcement Department.

### Inland Hamburg WRA Subarea 2 (Map 8F)



Land use in Inland Waterway Subarea 2 is primarily low-density, rural residential, agricultural, and recreational in nature. This area is situated within the Southeastern Overlay District. This Subarea includes the Town of Hamburg Eighteen Mile Creek Golf Course and Taylor Road Park. These properties should remain in current use and enhanced to improve public use and benefit.

Residential uses west of the golf course, along Taylor Road and Boston State Road, are in close proximity to the Village of Hamburg. These properties should remain in residential use; the vacant lands that border Eighteen Mile Creek in this vicinity (immediately south of the Village boundary) should remain as undeveloped open space. Residential uses situated east and southeast of the Town golf course are larger and more rural in nature; these uses should not change. Some of these properties include or are associated with agricultural lands. Agricultural

land use is encouraged in this area, along with an increase in agricultural tourism where appropriate. While Inland Hamburg WRA Subarea 2 is included in Erie County sanitary sewer district No.3, sewer lines have not been installed to service this entire area. In accordance with the provisions of the Southeast Zoning Overlay District, public sanitary sewer extensions are not permitted beyond the current reach of the system in this Subarea. Additionally, the development of traditional-style, major residential subdivisions are prohibited. This is to protect existing and not preclude the expansion of agricultural land use and significant environmental resources. Any future development should be undertaken in accordance with the guidelines and objectives of the zoning overlay district.

Agricultural uses in Inland Hamburg WRA Subarea 2 should be protected and increased to maintain the rural character of this area and protect scenic viewsheds. The Pelicano Vineyard properties should also be maintained and enhanced in support of agricultural tourism in this area. There are two large, undeveloped, privately-owned parcels that, when combined encompass approximately 27 acres of woodlands and portions of the Eighteen Mile Creek corridor. These lands should be protected from disturbance and development.

### **Proposed Water Uses and the Harbor Management Area**

The inventory of existing resources and conditions within the WRA, as discussed in Section II of the LWRP, identifies the current use of the waters on Lake Erie and in Eighteen Mile Creek and related controls. The analysis of existing conditions reveals that in the WRA, Lake Erie is utilized for recreational fishing and boating; however, there is no commercial vessel use on the lake and no shellfishing or aquaculture activity. There is one seasonal dock and a boat launch for recreational use on Lake Erie, which is located at Hamburg Town Park and Beach, which is restricted for use by Town residents, only. There are no public or private marinas, docks, or other facilities for wide-scale vessel use in the WRA. There is no vessel use activity along Eighteen Mile Creek as this waterway is not navigable for commercial or recreational boating and kayak or any other vessel launch access from the top of the steep bank of the creek is impractical. The creek, however, is a popular location for shoreline fishing and passive recreation.

Vessel activity on Lake Erie, within the Hamburg HMA, includes motorized vessels for recreational use, jet skis, kayaks, and similar vessels. There are no formal kayak launch areas; launching occurs directly from the shoreline. There is no dredging, excavation, or other similar uses that are typically associated with an active harbor area. As much of the shoreline is either designated public parkland or held under private residential ownership, natural and scenic resources are not under significant threat from development or other similar adverse impacts.

There are no points of conflict, congestion, or competition for use of the shoreline, surface waters, or lands underwater of Lake Erie or Eighteen Mile Creek. In the future, the Town foresees continued use of Lake Erie and Eighteen Mile Creek for recreational fishing and scenic viewing and other active and passive recreation at Woodlawn Beach State Park, the Town Park and Beach, and Eighteen Mile Creek County Park. The level of use and undertaking of these activities is not expected to increase to a point where use of the lakeshore and creek waters would cause conflicts or become unmanageable.

### **Proposed Town Projects**

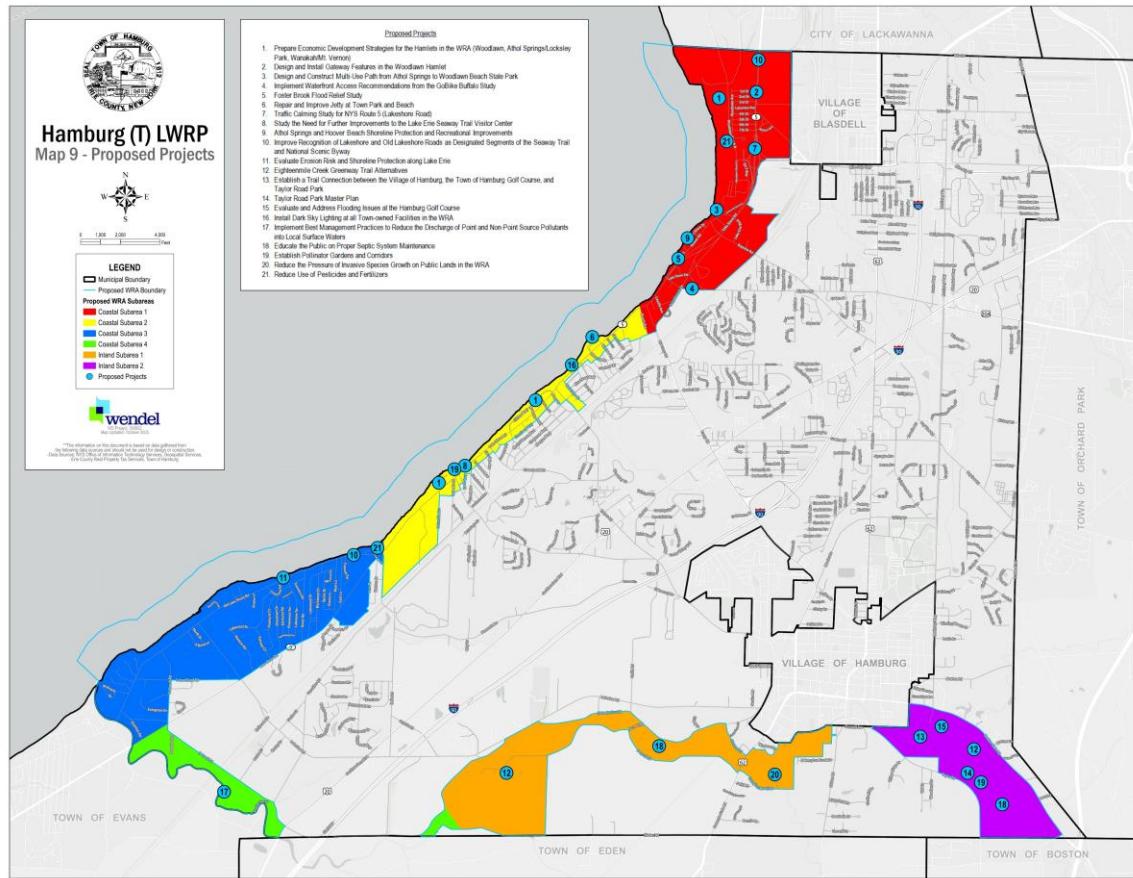
The projects proposed within the Town of Hamburg WRA improve opportunities for public access and recreation, address water quality and habitat protection, mitigate issues with flooding and erosion, improve public safety, and address other local concerns.

Prior to implementing any project or actions proposed within the Hamburg WRA the town government and agencies must:

- I. Confirm that the project or action proposed within the WRA is supported by the Town's effective land use controls and follows the resilience principles included in Appendix E.
- II. Review proposed town project or action for consistency with the LWRP policies, pursuant to the local LWRP Consistency Review Law adopted by the Town concurrent with the adoption of the LWRP.
- III. Assess the environmental impact of the proposed Town project or action, and coordinate the review with involved State agencies, pursuant to the New York State Environmental Quality Review Act.

Also, the Town has created a management structure that will coordinate the implementation of the LWRP policies and be responsible for the efficient implementation of the projects proposed in this section, including the necessary coordination with permitting by federal and State agencies.

It is also important for the Town of Hamburg to maintain and strengthen its relationship with the New York State Department of Transportation (NYS DOT), New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP), and the New York State Department of Environmental Conservation (NYS DEC), as well as the Erie County Highway Department and Department of Environment and Planning, the Village of Hamburg, the Village of Blasdell, the City of Lackawanna, and the Town of Evans. Maintaining and strengthening these relationships is important for the achievement and coordination of proposed projects along the waterfront, for boosting tourism throughout the WRA, and to protect natural resources.



### Project 1 – Prepare Economic Development Strategies for the Hamlets in the WRA

The Woodlawn, Athol Springs, Locksley Park, Mt. Vernon, and Wanakah hamlets are areas that provide local services and benefits to surrounding residential areas. Individual studies should be prepared for these areas to evaluate existing conditions and identify appropriate actions that could encourage private investment and achieve sustainable revitalization and economic development activity. Each area is unique and provides services to adjacent residential uses and, therefore, should be studied independently. Strategies should include actions that could incentivize private investment to foster a sustainable future for each area in keeping with the surrounding residential community.

*Estimated Project Cost:* \$50,000 per study

*Potential Funding Sources:* NYSDOS EPF LWRP and EPF Smart Growth, ECDEP, New York State Legislative Grant Program

*Potential Project Partners:* NYS DOS, NYS ESD, NYS DOT, ECDEP

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<i>Potential Approvals/Permits:</i>	NA
<i>Responsible Entities:</i>	Town of Hamburg

### **Project 2 – Design and Install Gateway Features in the Woodlawn Hamlet**

The New York State Route 5 (Lakeshore Road) corridor through Woodlawn is a significant gateway into the Town of Hamburg from Lackawanna and City of Buffalo to the north, in Coastal Hamburg WRA Subarea 1. This includes the portion of this roadway that is included within the boundaries of the BOA that is currently under study. To better recognize this area as a gateway, aesthetic and directional improvements should be made to create more welcoming entrance and “first impression” of the Town. An entrance feature should not only announce arrival into the Town but also into the Woodlawn hamlet and Hamburg waterfront communities. This can be accomplished with signage, landscaping, architectural improvements to improve community character, as well as the establishment of key businesses that relate more to the hamlet and nearby residential neighborhood than to the industrial uses in the immediate vicinity. Gateways can be crucial for better recognizing a hamlet and the town it belongs to within a geographical context, particularly in places like New York State where hamlets don't have separate governments and rely on the surrounding town for many services. Gateway features throughout Woodlawn would help establish a sense of arrival and place, create a community identity, and improve aesthetics and visual impact.

<i>Estimated Project Cost:</i>	Over \$750,000
<i>Potential Funding Sources:</i>	NYSDOS, ECDEP, New York State Legislative Grant Program
<i>Potential Project Partners:</i>	NYS DOS, Town of Hamburg, NYS OPRHP, NYSDOT
<i>Potential Approvals/Permits:</i>	To be determined
<i>Responsible Entities:</i>	Town of Hamburg

### **Project 3 – Design and Construct Multi-Use Path from Athol Springs to Woodlawn Beach State Park**

As a means of improving public access along the waterfront, the Town will pursue construction of a multi-use pathway from Athol Springs to Woodlawn Beach. This pathway

will enhance public safety through this area, which is dominated by a heavily traveled roadway network. This project will include appropriate design elements to carry the path over Foster Brook, at Hoover Road, where the public right-of-way measures about 20 feet in width and a narrow bridge exists to carry traffic on Hoover Road over the brook.

*Estimated Project Cost:* Over \$800,000

*Potential Funding Sources:* NYSDOS

*Potential Project Partners:* NYSDOS

*Potential Approvals/Permits:* To be determined as part of project

*Responsible Entities:* Town of Hamburg

#### **Project 4- Implement Waterfront Access Recommendations from the GoBike Buffalo Study**



GoBike Buffalo issued a report in December 2023 that included a number of recommendations for achieving comprehensive, safe and multi-modal networked connections for the intersections in the vicinity of NYS Route 5 (Lake Shore Road), St. Francis Boulevard (NYS Route 75) and Big Tree Road. The recommendations include converting four high-volume, traffic signal-controlled intersections to roundabouts and abandoning a segment of Lake Shore Road between St. Francis Boulevard and Big Tree Road. The report includes specific descriptions of each proposed improvement.

*Estimated Project Cost:* Over \$2,000,000

*Potential Funding Sources:* NYSDOS, NYSDOT

*Potential Project Partners:* GBNRTC, NYS DOT, GoBike Buffalo, Erie County, NYS DOS

*Potential Approvals/Permits:* NYS DOT, GBNRTC

*Responsible Entities:* Town of Hamburg

### **Project 5 – Foster Brook Flood Relief Study**

During severe lake storms, particularly during seiche conditions, water from Lake Erie is pushed inland. When water is pushed inland along the Foster Brook stream corridor it results in localized flooding and water quality problems that require mitigation. The Town will retain a private consultant to undertake an engineering study to determine an appropriate remedy to this problem. This study will include site investigations, hydrologic/hydraulic analyses, a review of potential design alternatives, and the preparation of a feasibility report to identify a solution and offer estimated construction costs for implementation.

*Estimated Project Cost:* \$100,000

*Potential Funding Sources:* NYSDOS, NYSDEC, ECDEP

*Potential Project Partners:* NYSDEC, Buffalo Niagara Waterkeeper

*Potential Approvals/Permits:* To be determined as part of project

*Responsible Entities:* Town of Hamburg

### **Project 6 – Repair and Improve Jetty at Town Park and Beach**



The Town of Hamburg Park and Beach in Coastal Hamburg WRA Subarea 1, and the seasonal dock and boat launch area at this site, is protected by a stone jetty. The jetty is old and deteriorated, which allows sediment to bypass the structure and build up around the floating dock area. This requires ongoing dredging to keep the dock functional. The jetty design and engineering needs to be evaluated to determine the full extent of damage. Based on this assessment, repairs to fortify the tip of the jetty and reinforce other areas of this structure will be undertaken to remedy the existing problem. As part of the jetty repair project, a location for installation of a launch area for the Town's rescue boat will be identified and the existing concrete boat launch ramp will also be repaired.

<i>Estimated Project Cost:</i>	\$1,400,000
<i>Potential Funding Sources:</i>	Municipal Bonding, general funds, ARPA funding
<i>Potential Project Partners:</i>	Town of Hamburg, USACE, NYS OGS, NYS DEC, NYS DOS
<i>Potential Approvals/Permits:</i>	To be determined as part of project
<i>Responsible Entities:</i>	Town of Hamburg

### Project 7 – Traffic Calming Study for NYS Route 5 (Lakeshore Road)



Lakeshore Road (NYS Route 5) carries a high volume of traffic through Coastal Hamburg WRA Subarea 2. This area of Lakeshore Road becomes narrower as it extends south through local residential areas and business districts, while carrying a higher volume of fast-moving traffic. The characteristics of this roadway impede pedestrian activity, with no provisions for non-motorized travel. Public safety is an issue in locations where crosswalks are limited or lacking. The Town will initiate a study to determine potential means to introduce "complete streets" elements to calm traffic along this section of Lakeshore Road and improve the environment for pedestrians and bicyclists through context sensitive design techniques.

<i>Estimated Project Cost:</i>	\$75,000
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<i>Potential Funding Sources:</i>	FHA, NYSDOT, FHA, New York State Legislative Grant Program
<i>Potential Project Partners:</i>	NYSDOT, GBNRTC, Hamburg Chamber of Commerce
<i>Potential Approvals/Permits:</i>	To be determined as a part of this project
<i>Responsible Entities:</i>	Town of Hamburg

### **Project 8 – Study the Need for Further Improvements to the Lake Erie Seaway Trail Visitors Center**



The former Wanakah Water Works facility was converted for use as the Lake Erie Seaway Trail Visitor's Center in Coastal Hamburg WRA Subarea 2. Improvements were made to this building to enable community use and street-level public access. The need for additional improvements, including the addition of viewing terraces at the rear of the building and a public dock or fishing facility along Lake Erie will be evaluated under this study in an effort to enhance public use and enjoyment. The study should include an investigation of Town-owned vacant land on Eastern Parkway that may be used for additional parking for the Lake Erie Seaway Trail Visitor's Center, as well as pedestrian connectivity improvements (such as a crosswalk), that will require coordination with NYSDOT. The study should also look into recommendations for maintenance (whether it be by the NYSDOT or the Town) of the tunnel under Route 5, as required, including repainting.

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<i>Estimated Project Cost:</i>	\$75,000.00
<i>Potential Funding Sources:</i>	NYS OPRHP, New York State Legislative Grant Program, NYS DOS
<i>Potential Project Partners:</i>	New York Great Lakes Seaway Trail, Inc., NYS DOS
<i>Potential Approvals/Permits:</i>	To be determined as a part of this project
<i>Responsible Entities:</i>	Town of Hamburg

## **Project 9 - Athol Springs and Hoover Beach Shoreline Protection and Recreational Improvements**

The Athol Springs shoreline along Lake Erie in Coastal Hamburg WRA Subarea 1 is located in an area that is subject to significant impacts from lake storms. This project is focused on undertaking shoreline improvements that would result in recreational improvements. At present, these shoreline improvements have been designed in concept. Final engineering and design preparation is required to determine feasible layout and the full extent of what can be achieved to address public access and recreational needs in this area. This project proposes the finalization of engineering work and preparation of final designs to help ensure that all options are thoroughly examined, and the most feasible solutions are developed to achieve all aspects of this effort.

<i>Estimated Project Cost:</i>	Over \$850,000
<i>Potential Funding Sources:</i>	NYSDOS
<i>Potential Project Partners:</i>	NYSDOS
<i>Potential Approvals/Permits:</i>	To be determined as part of project
<i>Responsible Entities:</i>	Town of Hamburg

## **Project 10 – Improve Recognition of Lakeshore and Old Lakeshore Roads as Designated Segments of the Seaway Trail and National Scenic Byway**



The section of Lakeshore Road (NYS Route 5) that extends between the City of Lackawanna border and the start of Old Lakeshore Road in Coastal Hamburg WRA Subareas 1 and 2, and the extent of Old Lakeshore Road through Coastal Hamburg WRA Subarea 3 are segments of the New York Great Lakes Seaway Trail and a designated National Scenic Byway. Recognition of these designations needs to be improved, as the popularity of these resources for travelers and visitors to the Town cannot be understated. Many locations along these roadways provide beautiful views of Lake Erie and greater recognition of their status can

enhance tourism in the Town. Improved signage will be installed, and other promotional actions will be undertaken to better celebrate these roads as local resources in Hamburg.

<i>Estimated Project Cost:</i>	\$25,000
<i>Potential Funding Sources:</i>	NYSDOS, New York State Legislative Grant Program
<i>Potential Project Partners:</i>	NYSDOS
<i>Potential Approvals/Permits:</i>	To be determined as a part of this project
<i>Responsible Entities:</i>	Town of Hamburg

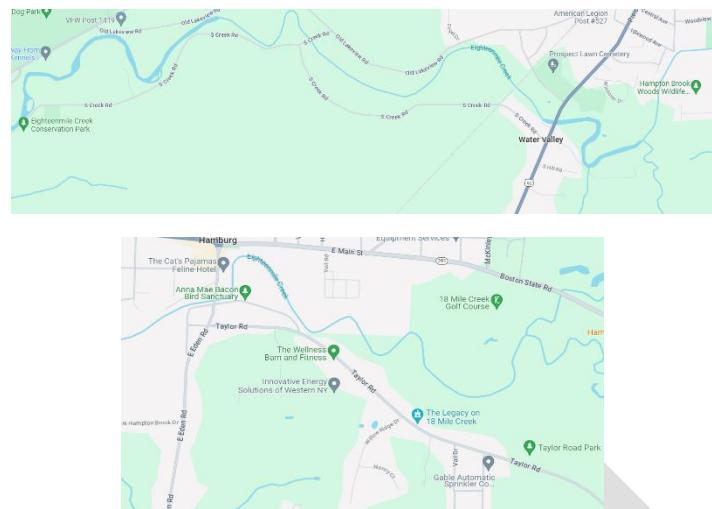
### **Project 11 – Evaluate Erosion Risk and Shoreline Protection along Lake Erie**

There is a need for pro-active planning to address shoreline flooding and erosion along the Lake Erie shoreline in the Coastal Zone portion of the WRA, particularly in Subareas 2 and 3 where high bluffs exist. The Town of Hamburg will coordinate with Erie County and the NYS DEC to initiate a thorough study of the erosion along the lakeshore to evaluate existing conditions, determine the potential rate of bluff erosion, and identify possible solutions and mitigation. This study will include an evaluation of existing erosion protection structures located along the lakeshore to determine their existing condition, maintenance needs, and effectiveness for erosion protection during severe storms and periods with higher lake levels. This study will also include extensive evaluation of an area in Coastal Hamburg WRA Subarea 3 where Old Lakeshore Road is threatened by bluff erosion and the receding shoreline to identify potential remedies to address this issue.

<i>Estimated Project Cost:</i>	Over \$250,000
<i>Potential Funding Sources:</i>	NYSDOS, NYSDEC
<i>Potential Project Partners:</i>	NYS DOS, NYS OGS, NYS DEC, ACOE, Erie County Highway
<i>Potential Approvals/Permits:</i>	None
<i>Responsible Entities:</i>	Town of Hamburg

### **Project 12 – Eighteen Mile Creek Greenway Trail Alternatives**

## Town of Hamburg Local Waterfront Revitalization Program



As the centerpiece of the Hamburg Inland Waterway, Eighteen Mile Creek is a significant resource for passive recreation. Extending east from Eighteen Mile Creek County Park to the Town of Hamburg Golf Course and Taylor Road Park and flowing through the Hampton Brooks Wildlife Management Area and the Anna Mae Bacon Bird Sanctuary, opportunities exist along the creek corridor to enhance for public access and recreation. This project involves the development of a Master Plan for the design of a Greenway Trail that would extend along Eighteen Mile Creek connecting open space resources. It will include determination of a project boundary; preparation of a land and water use inventory and analysis, including a SWOT analysis; and development of recommendations and an implementation strategy to enable the Town to greatly expand public access opportunities along the length of Eighteen Mile Creek in the Inland Waterway portion of the WRA.

Currently, the Greater Buffalo Niagara Regional Transportation Council (GBNRTC) has selected the Town of Hamburg for the preparation of a feasibility study as part of the implementation of their regional bicycle master plan. This study would examine the portion of Eighteen Mile Creek that extends between from the Hampton Brooks Wildlife Management Area (WMA), which is located just east of Gowanda State Road, and East Eden Road. This trail route would enable users to enjoy areas of forested woodland, wetlands, and brushland, which is part of the NYSDEC-managed WMA, while providing access to the creek. Working with the Town of Hamburg Trails committee, the GBNRTC study will be an important piece for the achievement of the Eighteen Mile Creek Greenway in Subarea 1 of the Inland Waterfront Revitalization Area.

*Estimated Project Cost:*

Over \$350,000

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<i>Potential Funding Sources:</i>	NYSDOS, NYSDEC, GBNRTC
<i>Potential Project Partners:</i>	NYSDOS, NYSDEC, Erie County Parks and Recreation, Buffalo Niagara Waterkeeper, Village of Hamburg
<i>Potential Approvals/Permits:</i>	To be determined as a part of this study
<i>Responsible Entities:</i>	Town of Hamburg

### **Project 13 – Establish a Trail Connection between the Village of Hamburg, the Town of Hamburg Golf Course, and Taylor Road Park**

There is currently an informal, unmarked trail that extends along the shoreline of Eighteen Mile Creek, known as the North Bank Trail, which establishes a natural connection between the Village of Hamburg and the Town of Hamburg Golf Course in Inland Hamburg WRA Subarea 2. This trail would initiate from the overlook and trailhead at Centennial Park, which is located just east of the intersection of East Main and Buffalo Streets in the Village of Hamburg (in the immediate vicinity of the Anna Mae Bacon Bird Sanctuary). As a second piece in the achievement of the Eighteen Mile Creek Greenway, the intent of this project is to establish a more formalized and well-maintained trail connection along the creek between these two areas, and ultimately create a creek crossing that would provide access from the golf course to Taylor Road Park. Under this project, the Town will evaluate the existing trail route between these resources, prepare recommendations for improvements to the trail (including formal trail markings), identify natural locations for shoreline fishing, establish a trails maintenance plan, and prepare design recommendations to enable a trails connection to Taylor Road Park. This project will improve the connection between the Village and Town, improve public access to resources along Eighteen Mile Creek in this area, enhance recreational opportunities along the shoreline of the creek, and potentially enable improved use and enjoyment of this local Town Park.

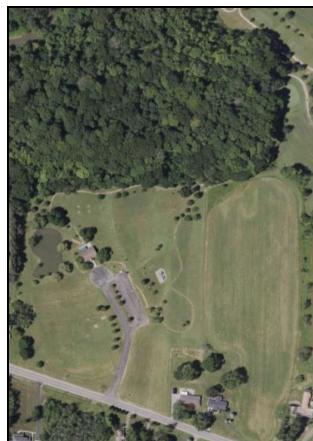
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<i>Estimated Project Cost:</i>	Over \$400,000
<i>Potential Funding Sources:</i>	NYS DOS, NYS DEC, (Bond Act programs), New York State Legislative Grant Program
<i>Potential Project Partners:</i>	NYS DEC, Village of Hamburg, St. Peter and Paul's Church, BNWK
<i>Potential Approvals/Permits:</i>	To be determined as a part of this study

*Responsible Entities:*

Town of Hamburg

### **Project 14 - Taylor Road Park Master Plan**



Taylor Road Town Park encompasses over nine acres of land area for passive and active recreation. The site includes a log cabin lodge, a playground area, picnic area, restrooms, nature trails, a small baseball diamond, volleyball net, and a pond for scenic viewing and shoreline fishing. However, this property could offer more for opportunities for public enjoyment. It could be further improved with additional amenities for active and passive recreation. Enhancements such as revitalization of the existing ball diamond, addition of a disc golf course or other active recreational amenities, installation of pollinator gardens and interpretive information, etc., are a few of the things that could be done to improve full usage of this park. Additionally, the development of a trail that would extend between the park and the Village of Hamburg, as discussed under Project 14 above, as well as a trails stewardship program, should be included to improve use of Taylor Road Park, use of the trails, and to increase opportunities for public access and enjoyment.

*Estimated Project Cost:* Over \$50,000

*Potential Funding Sources:* NYSDOS, NYSOPRHP, New York State Legislative Grant Program

*Potential Project Partners:* NYSDOS, NYSDEC

*Potential Approvals/Permits:* To be determined as a part of this study

*Responsible Entities:* Town of Hamburg

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### **Project 15 – Evaluate and Address Flooding Issues at the Hamburg Golf Course**



The Town of Hamburg Golf Course, which is located in Inland Hamburg WRA Subarea 2, experiences seasonal flooding that affects the operation of this facility. This 162-acre property is located within the 100-year floodplain and contains a portion of the Eighteen Mile Creek corridor. The Town, in partnership with the Buffalo Niagara Waterkeeper, is undertaking a study to identify potential remedies to abate localized flooding on the course and improve the shoreline of Eighteen Mile Creek. The purpose of this project is to implement the recommendations of this study to enhance conditions along the shoreline to improve flood resiliency and help to mitigate seasonal flooding problems in this area.

<i>Estimated Project Cost:</i>	Over \$50,000
<i>Potential Funding Sources:</i>	NYSDOS, NYSDEC, Erie County
<i>Potential Project Partners:</i>	NYSDOS, NYSDEC, Buffalo Niagara Waterkeeper
<i>Potential Approvals/Permits:</i>	To be determined as a part of this study
<i>Responsible Entities:</i>	Town of Hamburg

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### **Project 16 – Install Dark Sky Lighting at all Town-owned Facilities in the WRA**



Public enjoyment of the parks and of the community at large is an important part of this project and controlling lighting at these sites is a significant part of this effort. The Town of Hamburg Department of Public Works will ensure that lighting that is installed at the Town Park and Beach and other public spaces in the WRA will be dark sky compliant to reduce the amount of light that is emitted from these areas that currently impacts the night sky. It is important that lighting fixtures in these areas are designed and shielded to not emit glare that could adversely impact local wildlife who frequent the area, as well as adjacent residential properties.

<i>Estimated Project Cost:</i>	Over \$150,000
<i>Potential Funding Sources:</i>	National Grid, NYSERDA, New York State Legislative Grant Program
<i>Potential Project Partners:</i>	Town of Hamburg Highway Department, Villages of Blasdell, and Hamburg
<i>Potential Approvals/Permits:</i>	None
<i>Responsible Entities:</i>	Town of Hamburg

### **Project 17 - Implement Best Management Practices to Reduce the Discharge of Point and Non-Point Source Pollutants into Local Surface Waters**

Stormwater runoff from point and non-point source pollution is a significant problem to the water quality of Lake Erie, Eighteen Mile Creek, Blasdell Creek, Rush Creek, Foster Brook, Berrick's Creek, Wanakah Creek, Pinehurst Creek, and other local tributaries. Contaminants carried in roadway runoff including petroleum products, yard wastes, pet wastes, sediments and litter, all impact local waterways.

1. **Public Properties:** The Town can address this problem by implementing best management practices on public properties. The Town can analyze public properties, Town parks, recreational and municipal facilities for opportunities to incorporate green

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infrastructure measures to remediate problem areas,. Examples of green infrastructure practices include introducing rain gardens, bio swales, and/or bio-retention areas. The Town can also look for opportunities to increase tree cover and other appropriate vegetation into public rights of way, around Town-owned buildings and parking lots, and other shoreline locations. This can include introducing low or no mow areas and native plants into public parks or Town properties instead of standard lawn areas, as well as reducing or eliminating use of fertilizers and pesticides on public property. Finally, the Town has begun to provide pet waste stations and post 'Do not feed wildlife' signs in public parks within the Rush Creek watershed under the Storwmater Management Plan, but the Town can incorporate this into all Town parks to decrease pet and animal waste throughout the watersheds.

2. Public Education: The use of these strategies (above in #1) must be paired with public engagement and education to encourage and incentivize homeowners to use the same strategies in their yards. Should the Town undertake any green infrastructure or planting work on public properties, this would present the opportunity to add a public education component to educate the residents on the purpose, design and goals of these best management practices. Also, the public can be educated on the benefit of reducing pet and animal waste and the use of fertilizers and pesticides on their properties. Additionally, property owners can be educated and encouraged to reduce the extent of lawn area, leaving areas natural or replacing lawn with planting beds and buffers along the shoreline that host native species that can supplement the pollinator gardens recommended under Project No. 17, above.

Methods to create a public education program can include the Town using guidance offered by the Erie County Environmental Management Council (which is a volunteer group that operates under the Department of Environment and Planning), the Cornell Cooperative Extension Healthy Lawn pledge program, or with materials produced by the Western NY Stormwater Coalition. Additionally, in compliance with the Town of Hamburg Stormwater Management Plan, the Town will prepare new or better utilize existing public educational materials for the public, targeting residents, businesses, and schools. This would include posters to be placed in municipal buildings, libraries, and schools, and updating the Town website to include additional information about stormwater pollution and water quality protection, as well as yard waste management. The New York State Nutrient Runoff Law (ECL Article 17, Title 21) should also be promoted. These educational efforts will help to reduce the use of fertilizer and pesticide on private properties (see Project No. 19 below)

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and other sources of non-point contamination and encourage residents and others to implement healthier management strategies on their properties.

*Estimated Project Cost:* Over \$15,000

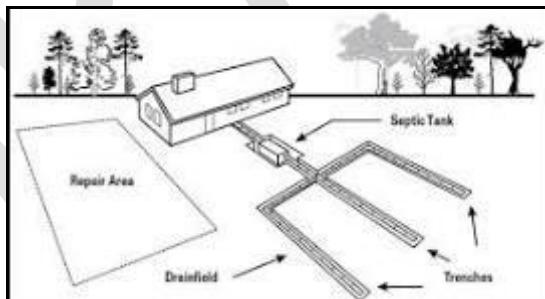
*Potential Funding Sources:* NYSDOS, New York State Legislative Grant Program

*Potential Project Partners:* Buffalo Niagara Waterkeeper, Erie County Environmental +Management Council, Cornell Cooperative Extension, Erie County Soil and Water Conservation District, Western New York Stormwater Coalition, NYSDEC, Town Conservation Advisory Committee

*Potential Approvals/Permits:* None

*Responsible Entities:* Town of Hamburg

### **Project 18 – Educate the Public on Proper Septic System Maintenance**



Most properties in the Inland Waterway portion of the WRA are not connected to the public sanitary sewer system. On-site septic systems are used for waste management. Many of the septic systems in these areas are old and their history of proper management is unknown. Septic effluent from poorly maintained or failing systems finds its way through groundwater into Eighteen Mile Creek and its tributaries, contributing to water quality impairments in the creek. To protect the water quality of Eighteen Mile Creek, residents should be educated on the need for proper care and maintenance of their on-site septic systems. The Town will evaluate various programs and information available from other groups and organizations in the region to develop a local public education program to incentivize better on-site septic

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system management and identify controls implemented by other municipalities that could be adopted by the Town to better address water quality impairments.

*Estimated Project Cost:* Over \$10,000

*Potential Funding Sources:* NYSDOS, New York State Legislative Grant Program

*Potential Project Partners:* Buffalo Niagara Waterkeeper, Cornell Cooperative Extension, Erie County Soil and Water Conservation District, Town Conservation Advisory Committee, Erie County Stormwater Coalition

*Potential Approvals/Permits:* None

*Responsible Entities:* Town of Hamburg

### **Project 19 – Establish Pollinator Gardens and Corridors**



The goal of a pollinator garden is to provide sufficient food (pollen and nectar) to reverse the decline of pollinators (native bees in particular) and provide habitat (milkweed and other species) for monarch butterflies and other insects. Native bees are essential for the reproduction of flowering indigenous plants, and for pollinating agricultural crops. Pollinator decline is attributed primarily to loss of habitat and to the wide use of pesticides. Habitat loss results when natural areas are converted to cropland or development, and through the use of herbicides that eradicate wildflowers in the landscape.

Pollinator gardens are an important element for strengthening the local ecosystem and can be established using native plants to provide food sources and habitat that will help to keep pollinators in the locality. The Town will collaborate with the Hamburg Conservation Advisory Board, Buffalo Niagara Waterkeeper, Buffalo and Erie County Library, and the Erie County Cornell Cooperative Extension to establish pollinator gardens and corridors in local parks, along the shoreline of Lake Erie, and in appropriate locations along the shoreline of local creeks. The upland portion of the Town Park and other local parks and Town-owned properties in the Coastal Zone, Lake Erie Seaway Trail Visitor's Center, and Taylor Park and the Town Golf Course in the Inland Waterway are potential locations for establishing pollinator gardens. Landowners with property that borders the lakeshore or local creeks, and property owners along Eighteen Mile Creek should also be encouraged to establish pollinator gardens or plant pollinator species on their properties to create enhanced habitat and a more connected system.

<i>Estimated Project Cost:</i>	Over \$100,000
<i>Potential Funding Sources:</i>	NYSDOS, NYSOPRHP, New York State Legislative Grant Program
<i>Potential Project Partners:</i>	NYSDEC, Village of Hamburg, Cornell Cooperative Extension, Buffalo Niagara Waterkeeper, Town Conservation Advisory Committee, Hamburg Garden Club
<i>Potential Approvals/Permits:</i>	None
<i>Responsible Entities:</i>	Town of Hamburg

### **Project 20 – Reduce the Pressure of Invasive Species Growth on Public Lands in the WRA**



This project will identify areas with particularly aggressive and significant species first, and it will be ongoing. Planned maintenance is also required on an ongoing basis. Public education about living along a waterway and in a floodplain is also a part of this project. The eradication of invasive plants will follow a natural path of integrated pest management, as much as possible, with minimal use of herbicides that could be transported by runoff into local surface waters and groundwater. This means mechanical controls will be used, such as: mulching weeding and improving drainage, choosing the best plant for the right location, and encouraging protection of beneficial insects who predate other more nuisance bugs.

*Estimated Project Cost:* Over \$100,000

*Potential Funding Sources:* NYS DOS, NYS DEC, New York State Legislative Grant Program

*Potential Project Partners:* NYS DEC, NYS DEC, Cornell Cooperative Extension, Buffalo Niagara Waterkeeper, Town Conservation Advisory Committee, WNY PRISM

*Potential Approvals/Permits:* NYS DEC

*Responsible Entities :* Town of Hamburg

### Project 21 -Reduce Use of Pesticides and Fertilizers



Water quality in Lake Erie and Eighteen Mile Creek, as well as other local creeks including Blasdell Creek, Rush Creek, Foster Brook, Berrick's Creek, Wanakah Creek, Pinehurst Creek, and other local tributaries are being impacted by stormwater runoff that enters these waterways through storm drains and overland flow. This runoff carries a variety of contaminants that adversely impact surface waters and the environment. These include pesticides, herbicides, and fertilizer. There are a number of measures and programs that can be utilized to help educate residents, particularly those who have property that fronts along local waterways, on proper

ways to use of lawn care products and irrigate to mitigate water quality impacts. Educating residents and encouraging the reduction in the amount of lawn area and the replacement of lawn with native plantings, as noted under Project No. 18 above, is another way to address water quality issues that affect local surface waters.

The Town's Conservation Advisory Committee will evaluate the various programs and information available from other groups and organizations in the region to develop a local public education program to incentivize better yard care practices and evaluate and identify actions that currently are being implemented or could be undertaken by the Town and residents to better address water quality impairments to the creek.

*Estimated Project Cost:* Over \$50,000

*Potential Funding Sources:* NYSDOS, New York State Legislative Grant Program

*Potential Project Partners:* Buffalo Niagara Waterkeeper, Cornell Cooperative Extension, Western New York Stormwater Coalition, NYSDEC, Town of Hamburg Conservation Advisory Committee, Hamburg Garden Club

*Potential Approvals/Permits:* None

*Responsible Entities:* Town of Hamburg

## Section V - Techniques for Local Implementation

This section of the LWRP considers local laws and regulations necessary to implement the goals and policies of the LWRP, lists other private and public actions that implement the LWRP, describes the town's financial resources needed to implement the LWRP, presents the town's management structure set up to implement the LWRP and conduct reviews of town actions for consistency with the LWRP, and includes guidelines for the town's participation to the review of State and federal actions proposed within the Hamburg WRA.

### 5.1 Local Laws and Regulations Necessary to Implement the LWRP

Local laws enacted by the town of Hamburg address a wide range of issues and provide a framework for managing municipal affairs, including the implementation of the LWRP goals and policies within the Hamburg WRA.

#### **A. Chapter 18, Department of Planning and Development**

Chapter 18 establishes the department of Planning charging it with the responsibility for (reviewing) planning and development projects that come before the Town Planning Board. The technical review conducted by the Planning Board is one mechanism to confirm that the policies of the LWRP are being complied with during the review and approval process. The Planning Department also drafts special studies, updates to the Comprehensive Plan, and amendments to the Town Code, all of which shall not be inconsistent with the LWRP policies.

#### **B. Chapter 31, Historic Preservation Commission**

This Chapter of the Town Code sets forth standards for the protection, enhancement, and perpetuation of historic districts and landmarks in the community. This law is also intended to foster civic pride in the accomplishments of the past and protect and enhance the attractiveness of the Town for visitors to support and stimulate the local economy. Chapter 31 establishes the Historic Preservation Commission. This Commission is responsible for adopting criteria for the identification of significant historic, architectural, and cultural landmarks and/or the delineation of historic districts and conducting surveys of these resources. It also recommends designation of historic landmarks, sites, and districts for consideration by the Town Board, and where private preservation is not feasible, recommends acquisition of landmarks or structures for preservation. The Historic Preservation Commission shall also act to increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in education programs.

#### **C. Chapter 70, Beach Control**

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

#### **D. Chapter 75, Brush, Grass and Weeds**

In order to prevent blight and the excessive growth of weeds and grass, it is hereby declared that all lots for which at least one building permit has been issued, shall be maintained in conformity with the standards set out in this chapter so as to prevent adverse impacts to the community at large. It shall be unlawful for any person having control or ownership or any type of tenancy in any lot in the Town to permit or maintain any growth of weeds, grass or other rank vegetation to a greater height than 12 inches on the average, or any accumulation of dead weeds, grass or brush. The owner, occupant, tenant, or person in control of the lot shall cut and remove all weeds, grass or other rank, poisonous or noxious vegetation as often as may be necessary to comply with the provisions of this law. Upon

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inspection, and when necessary, the Town will take responsibility for the removal of excessive growth of weeds and grass. The actual cost of such cutting and removal, plus a fee of 20% for inspection and administrative overhead, shall be added to the taxes next to be assessed and levied upon such lot.

#### **E. Chapter 76, Building Construction and Fire Prevention**

This chapter of the Town Code provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in the Town. Except as otherwise provided in the Uniform Code, the Energy Code, and other State law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this Chapter.

#### **F. Chapter 87, Conservation Easements**

A conservation easement is a voluntary legal agreement that restricts future development on a property to protect its conservation values, like wildlife habitat or open space. The landowner retains ownership but relinquishes certain development rights to a land trust or government agency, often in exchange for potential tax benefits. These restrictions are permanent and run with the land, binding future owners.

The intent of Chapter 87 is to allow landowners in the Town of Hamburg the ability to preserve open space by granting a conservation easement to the Town that restricts disturbance of this land in return for a reduction in the assessment on the property.

#### **G. Chapter 107, Excavation and Soil Removal**

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

#### **H. Chapter 110, Farming**

This law recognizes that agriculture and family farms have contributed to the landscape, culture, and quality of life in the Town and are a valued part of the community. Agriculture provides locally produced, fresh commodities and maintains open space, which not increasing the demand for services provided by the Town. To maintain viable farming in Hamburg, farmers must be afforded protection from the expansion of nonagricultural uses and nuisance actions, allowing them the right to farm. The purpose of Chapter 110 is to reduce the loss of agricultural resources by practices inherent to, and necessary for, the

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business of farming and agriculture to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

**I. Chapter 113, Fire Prevention Code**

The Town of Hamburg enacted Chapter 113 for the safeguarding of life and property from the hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices. This law also provides protections from conditions hazardous to life or property in the use or occupancy of buildings or premises.

**J. Chapter 115, Flood Damage Prevention**

The purpose of Chapter 115 of the Town Code is to protect public health, safety, and welfare and minimize losses due to flood conditions in specific areas. In conformance with the requirements of the National Flood Insurance Program, and to qualify for participation in this program, this law outlines the standards for construction in areas of special flood hazard and restrictions on encroachments and other activities in designated floodways. The law also sets forth a process for obtaining a permit for this development in the floodplain. The entire LWRA shoreline is located within the regulated 100-year floodplain. The Flood Damage Prevention law also regulates portions of Blasdell Creek, Rush Creek Waterfalls Village Creek, Berricks Creek, Wanakah Creek, and Eighteen-Mile Creek within the LWRA.

**K. Chapter 155, Lighting Nuisances**

Night lighting has a significant environmental impact. Light pollution disruptions to wildlife, increased energy consumption, and negative effects on human health.

The purpose of Chapter 155 is to improve and promote the health, safety and general welfare of the community, including the preservation of the dark sky and protection of property in the Town and its inhabitants through the control of nuisance exterior lighting. This law restricts illumination and artificial lighting on private properties to reduce potential adverse impacts to surrounding land uses and manage the extent of glare and uplighting.

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

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

**M. Chapter 205, Sanitary Sewer**

Chapter 205 regulates use and connection to the public sanitary sewer system. This law requires use of public sewer system, where available, and prevents use of this system for any other purpose the collection and disposal of sanitary sewage.

**N. Chapter 220, Solid Waste**

This Law regulates dumps and dumping, and the storage, collection and disposal of refuse. It mandates the recycling of aluminum and other metals, paper products and corrugated materials, and glass and plastic containers in the Town. The purpose of this law is to protect the health, safety and welfare of the public by ensuring a clean environment in the community.

**O. Chapter 226, Storm Sewers**

Chapter 226 regulates non-stormwater discharges to the municipal separate storm sewer system to the maximum extent practicable as required by federal and state law. This law prohibits illicit connections, activities and discharges into the Town's MS4 system. The law also establishes the legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance. Chapter 226 also promotes awareness of the hazards involved with the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil and other petroleum products, cleaning and paint products, hazardous waste, sediment, and other pollutants.

**P. Chapter 226A, Stormwater Management and Erosion and Sediment Control**

Stormwater management and erosion and sediment control are crucial for protecting water quality and preventing environmental damage during and after land development. Chapter 226A is the local application of the SPDES Phase 2 requirements. This law regulates stormwater discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion and nonpoint source pollution associated with stormwater runoff.

**Q. Chapter 227, Streets and Sidewalks, Article II – Sidewalk Maintenance and Repair**

Article II of Chapter 227 requires the owners of every lot or piece of land in the Town to keep the sidewalks adjoining their property in good repair and to remove snow and ice and other obstructions from these areas. Failure to do so will result in the costs of any repairs that are undertaken by the Town to be assessed against the landowner, with the potential

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liability for any injuries to any person or property that may result from the landowner's failure to comply with the regulations.

#### **R. Chapter 230, Subdivision of Land**

Chapter 230 authorizes the Planning Board to review and approve plats for the subdivision of land in conformance with the Town of Hamburg Zoning Code and Comprehensive Plan. The subdivision regulations set forth application/review procedures, plan specifications, design standards and required land improvements (road, drainage and utilities).

#### **S. Chapter 243, Tree Management**

Tree management encompasses the planting, maintaining, and removing trees, with the goal of optimizing their health, longevity, and contribution to the environment.

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

#### **T. *Draft Chapter 270 Consistency Review Law Amendment***

Chapter 270 is known as the Town of Hamburg Waterfront Revitalization Law. This law was adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law). Chapter 270 shall be amended to be known as the Town of Hamburg Local Waterfront Revitalization Program Consistency Review Law, recognizing that its purpose is to provide a framework for Town agencies to consider and incorporate the policies and purposes of the Hamburg LWRP when reviewing applications for actions undertaken within the waterfront revitalization area. This law is also intended to ensure a proper balance between protection of natural resources and the need to accommodate growth and economic development. The provisions of Chapter 270 require that actions requiring a permit, approval, or funding shall be reviewed for consistency with the LWRP policies and standards. The law established the Town of Hamburg Shoreline Revitalization Committee to be charged with reviewing actions proposed within the waterfront revitalization area and issuing consistency determination recommendations in accordance with the policies of the Hamburg LWRP for final action by the Town Board. Recognizing that the Town of Hamburg Planning Board has the authority to review and approve site plan, subdivision, and special permit applications, and issue recommendations to the Town Board for rezoning requests and other actions, as required, Chapter 270 will be further amended to designate consistency review determination responsibility to the Planning Board. The Shoreline Revitalization Committee will thereafter be responsible for review and comment

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on other actions proposed along the Lake Erie shoreline that do not require consistency review.

### ***U. Draft Chapter 272, Wetlands Protection***

The intent of this law is to help avoid, restrict and minimize damage or loss of wetlands in the Town, to ensure that wetlands are properly identified, and that State and Federal requirements are met, and that additional design requirements for wetland impacts and mitigation are employed, as required. Chapter 272 will be amended to incorporate provisions of the updated NYSDEC wetland regulations to ensure compliance and consistency with those regulations.

### ***V. Draft Chapter 280, Zoning***

Chapter 280 of the Town of Hamburg Code is the Zoning Law for the community. This law regulates and restricts, by district, the location, construction, and use of buildings and structures, and the use of land in the Town of Hamburg. Chapter 280 establishes permitted uses and dimensional requirements for each zoning district. This Law also presents the rules and procedures for obtaining special use permits and site plan review and outlines the duties and procedures to be followed by the Code Enforcement Officer and Zoning Board of Appeals. Overlay districts and Supplemental Regulations are also provided in the Zoning Code. The zoning districts and their corresponding land uses are discussed in greater detail in Section 2.

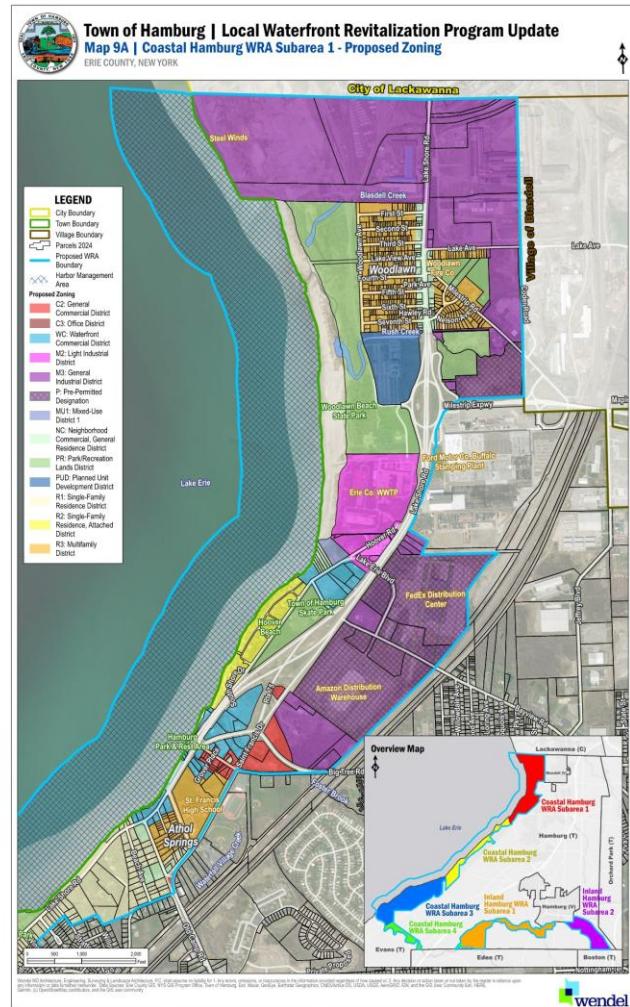
The Town of Hamburg frequently reviews and updates Chapter 280 in an effort to implement the Town of Hamburg 2022 Comprehensive Plan and support the policies set forth in Section 3. The Proposed Zoning maps ([Map 9A](#) and [Map 9E](#)) identify recommended zoning changes in Coastal Hamburg WRA Subarea 1 and Inland Hamburg WRA Subarea 1 to better guide development and encourages water-related and mixed uses in appropriate locations in this portion of the WRA. These recommended changes are described as follows. There are no additional zoning revisions proposed within the WRA.

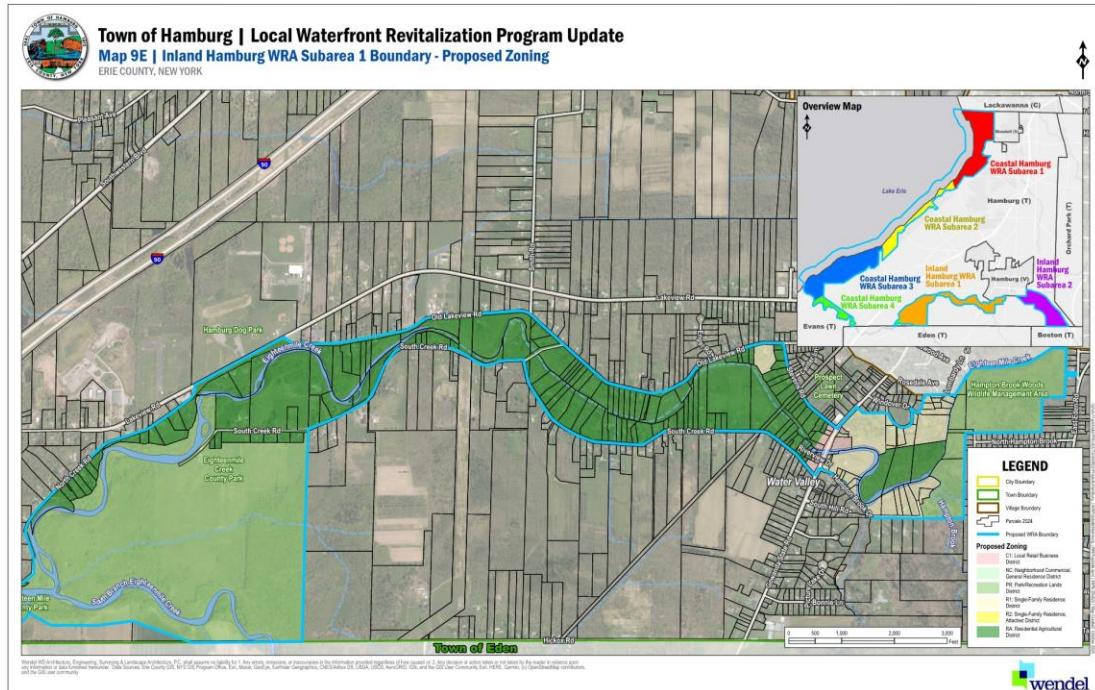
- Town-owned properties – There are three contiguous parcels located behind (east of) the Woodlawn Fire Company on NYS State Route 5 that are proposed to be changed from R3 – Multi-Family Residential to PR – Parks/Recreation Lands District. These lands currently accommodate activities at the fire station, and this zoning change will enable continued use for public recreation and enjoyment.
- Vacant industrial land – There is a large, vacant parcel located directly across from the Gateway property, on the east side of NYS Route 5, that is proposed to be changed from M3 – General Industrial to PR – Parks/Recreation Lands District. This property is bisected by Rush Creek and contains a significant area of regulated freshwater wetlands, as well

as possible rare plants and other significant natural resources. This site should be protected to preserve its natural integrity, as its future development potential is limited.

- The site of the former Hamburg Skate Park and Blasdell Water Treatment Plant, which is located between Hoover Road and NYS Route 5, is proposed to be rezoned from R2 Single Family Attached Residential to PR – Parks/Recreation Lands District. This triangular-shaped property, which is owned by the Town of Hamburg, is well suited for use for public recreational use and enjoyment and should be zoned to enable use for recreational activities to benefit the Hoover Beach community or as part of a future multi-modal project for the redesign of NYS Route 5.
- Properties on Camp Road in Coastal Hamburg WRA Subarea 1 including the Sellers Insurance site (SBL #s: 159.18-4-9 and 159.18-4-15) from C-3 Office District and R-1 Single-Family Residence District to NC Neighborhood Commercial General Residence District. Other properties include rezoning the Southtowns Fireplace site (SBL #: 159.18-3-23) and the Curtis Sport Connection windsurfing store site (SBL #: 159.18-3-20) from C-3 Office District to NC Neighborhood Commercial General Residence District. The Town is looking to eliminate the C-3 Office District, and rezoning these properties to the NC Neighborhood Commercial General Residence District will allow single family homes that remain to still be conforming, while also allowing the various retail uses to remain conforming as well.
- Single family homes and vacant lots on Camp Road and St Francis Drive in Coastal Hamburg WRA Subarea 1 are proposed to be rezoned from C-3 Office District to R-1 Single-Family Residence District including (SBL #s: 159.18-3-25, 159.18-3-24, 159.18-3-22, 159.18-3-21, 159.18-3-19, 159.18-3-18, and 159.18-3-17). Homes are not a permitted use in the C-3 Office district, making them nonconforming, and rezoning to R-1 Single-Family Residence District will match existing residential zoning in the area, while also making these homes conforming.
- Hampton Brook Woods Wildlife Management Area – This State-owned, NYSDEC managed area borders Eighteen Mile Creek to the north and includes 78 acres of forestland, seven (7) acres of wetlands, and four (4) acres of brushland. This site is proposed to be rezoned from R-A Residential Agricultural to PR Parks/Recreation Lands District. This zoning change will allow for the continued use for public recreation and enjoyment, as well as wildlife management, wildlife habitat management, and wildlife-dependent recreation.

## Town of Hamburg Local Waterfront Revitalization Program





## 5.2 Other Public and Private Actions Necessary to Implement the LWRP

The actions of other public and private entities will play a significant role in the implementation of the LWRP goals and policies. The decisions of State and federal agencies to approve permits for construction within the Hamburg WRA will ensure consistency of how projects will be implemented with the approved LWRP policies. Funding resources made available by public and private entities will also impact the implementation of the LWRP goals and policies.

The following is a list of other public, quasi-public and private agencies and organizations that will assist with implementation of the Hamburg LWRP and have a foreseeable impact in the WRA.

### U.S. Army Corps of Engineers, Buffalo District

- Evaluation of existing conditions and implementation of needed stabilization and erosion protection along Old Lake Shore Road in Coastal Hamburg WRA Subarea 3, in conjunction with Erie County and the Town of Hamburg. This action is required to protect the integrity of this roadway where bluff erosion presents potential hazards to public safety.

- Continued assistance, as needed, for erosion protection in the Coastal portion of the WRA.
- Issuance of Nationwide Permits (NWPs) to authorize categories of activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

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

- Continued identification and protection of freshwater wetlands in the WRA.
- Updating and revision of the Coastal Erosion Hazard Area mapping in the Coastal Zone.
- Support for shoreline erosion protection for the Hoover Beach community.
- Preparation of a TMDL determination for Lake Erie to address fish consumption advisories.
- Continued fisheries management to support recreational fishing and tourism in the WRA.
- Invasive species management and removal.
- Assistance with implementation of Environmental Protection Workshops.

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

- Maintenance and repair of NYS Route 5 and right-of-way.
- Redesign and construction of NYS Route 5, in the vicinity in Coastal Hamburg WRA Subarea 1, for future multi-modal use.
- Implementation of traffic calming techniques along Lake Shore Road in Coastal Hamburg WRA Subarea 2 to improve pedestrian and bicyclist safety, including upgrades to intersections and sidewalks (make ADA compliant) and installation of crosswalks.
- Assistance with the development of a multi-use trail system along New York State Route 5 to interconnect existing parks and accomplish connectivity with the City of Lackawanna, including improvement to shoulders to improve public safety for bicyclists and pedestrians.

- Maintenance of the tunnel under NYS Route 5 that provides access to the lakefront at the Lake Erie Seaway Trail Visitor's Center.

### **New York State Office of Parks, Recreation and Historic Preservation**

- Support for and assistance with the development of an extension of the Erie County Shoreline Trail system through Woodlawn Beach State Park to connect with existing trails in Coastal Hamburg WRA Subarea 1.

### **Erie County Highway Department**

- Support for and assistance with the development of a multi-use trail along Old Lake Shore Road in Coastal Hamburg WRA Subarea 3 as part of the Erie County Shoreline Trail system.
- Improvements to intersections and sections of roadways in the WRA that are under County jurisdiction, including sidewalk improvements, crosswalks and other upgrades for pedestrian and bicyclist safety.
- In coordination with the Army Corps of Engineers and Town of Hamburg, implementation of erosion protection mitigation to stabilize the section of Old Lake Shore Road in Coastal Hamburg WRA Subarea 3, where the roadway is situated immediately atop the edge of the bluff.

### **Erie County Department of Health**

- Adequate inspections of on-site septic systems in Inland Hamburg WRA Subareas 1 and 2, and enforcement of County requirements and regulations.
- Public education for proper septic system maintenance in the Inland portion of the WRA where public sewers do not exist or where public sewer extensions are prohibited.

### **Erie County Soil and Water Conservation Service**

- Assistance with water quality and stormwater management improvement projects, including public education to control non-point source pollution.
- Public education for proper septic system maintenance and use of fertilizers and pesticides in the Inland portion of the WRA (including in watershed areas outside the WRA that affect local creeks and streams).

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- Invasive species management, including public education.

#### **Village of Hamburg**

- Active participation and collaboration on multi-use trail extension projects to improve public access to Eighteen Mile Creek in Inland Hamburg WRA Subareas 1 and 2.

#### **Greater Buffalo Niagara Regional Transportation Council**

- Preparation of the Hamburg Trail Feasibility Study in Inland Hamburg WRA Subarea 1 as part of the Council's regional bicycle master plan implementation program, connecting the Village of Hamburg with Eighteen Mile Creek County Park.
- Coordination and assistance with the development of an interconnected multi-use trail system and additional bike lanes in the Coastal portion of the Hamburg WRA.

#### **Buffalo Niagara Waterkeeper**

- Continuance and completion of the Eighteen Mile Creek Streambank Restoration Project in Inland Hamburg WRA Subarea 2 at the Hamburg Golf Course.
- Establishment of a Riverwatch Water Quality Monitoring Program for Rush Creek, Berricks Creek, Hampton Brook, and tributaries of Eighteen Mile Creek.
- Provide assistance to the Town of Hamburg Conservation Board for implementation of Environmental Protection Workshops in the community.

#### **New York Great Lakes Seaway Trail, Inc.**

- Assistance with the promotion and recognition of New York State Route 5 (Lake Shore Road) and Old Lake Shore Road as important segments of the Great Lakes Seaway Trail.

### **5.3 Town Management Structure for Implementing the LWRP**

The New York State Coastal Management Program requires State and Federal agencies to determine whether the actions they propose to directly undertake, fund, or approve within the boundaries of a WRA covered by an approved LWRP is consistent with the policies and purposes of the LWRP. Except in extraordinary cases that meet the strict tests established for exceptions, an action that is inconsistent with the policies of an approved LWRP may not be undertaken.

To secure its participation to the New York State Coastal Management Program and refine the State's program for a defined Waterfront Revitalization Area within the State's coastal area, eligible coastal community develops a Local Waterfront Revitalization Program. To participate to the State's program and implement its approved LWRP, a coastal municipality must make a similar commitment to ensure local consistency of its actions with the LWRP policies.

Actions directly undertaken, funded, or approved by the Town of Hamburg within the Hamburg WRA that are not listed in the Town of Hamburg LWRP Consistency Review Law (Chapter 270 of the Town Code) as minor actions shall be reviewed pursuant to Town of Hamburg LWRP Consistency Review Law (Chapter 270 of the Town Code) Appendix A of the LWRP document/plan includes the Town of Hamburg LWRP Consistency Review Law (Chapter 270 of the Town Code) and its Waterfront Assessment Form.

Various local officials and boards are responsible for the implementation of the LWRP and are directly involved in ensuring that the review of Town actions for consistency with the LWRP policies and purposes are completed for town actions proposed within the WRA. The consistency review process for the Town of Hamburg is outlined as follows:

The **Town of Hamburg Town Board**, or their designee, will prioritize and advance LWRP projects and direct the appropriate Town agency, or a grant writing consultant, to prepare applications for funding from State, federal, and other sources to finance LWRP projects. The Town Board also has the authority to make zoning amendments necessary to implement the LWRP.

The **Town of Hamburg Planning Department** is the primary entity responsible for ensuring consistency review of all actions proposed within the WRA, as required. Applications for site plan, subdivision, and special use permit approval are administered by the Planning Department. Applicants seeking to undertake any development-oriented action are provided a copy of the Waterfront Assessment Form from this Department, along with other applicable forms and applications for such action. The Planning Department also oversees the consistency review of any rezoning request before the Town Board and any variance action before the Zoning Board of Appeals that is proposed within the WRA and requires such action. The Planning Department forwards all consistency review actions, along with all appropriate documentation, to the Hamburg Planning Board for review and final determination.

Upon receipt of any application for a building permit that may require coastal consistency review, the **Code Enforcement Officer**, or designee, will forward such applications to the Planning Department for further action and referral to the Planning Board, as required.

Where determined necessary by the Planning Department, certain actions that require a consistency review determination may be provided to the **Waterfront Advisory Committee** for further review assistance. This Committee will be responsible for reviewing such actions and providing additional recommendations, as determined appropriate, to the Planning Department, who in turn will provide this information to the Planning Board along with all other recommendations and documentation necessary for review of the action.

Per Chapter 270 of the Town Code, the **Planning Board** is the entity responsible for conducting coastal consistency review for all actions proposed within the WRA. As noted above, the Hamburg Planning Department provides all required documentation to this Board for their review and final determination decision making.

The **Town Clerk** will maintain, and make available to the public, a copy of the LWRP for use during normal business hours. Additionally, the documentation generated for each consistency review decision for actions within the Hamburg WRA will be filed with the Town Clerk.

All State and Federal actions proposed within the Town of Hamburg WRA will be reviewed as outlined below in *Sections 5.4 Guidelines for Notification and Review of State Agency Actions in the Hamburg WRA* and *5.5 Procedural Guidelines for Coordinating NYSDOS and LWRP Consistency Review of Federal Agency Actions*.

## **5.4 Guidelines for Notification and Review of State Agency Actions Proposed within the Town of Hamburg WRA**

### **I. Purposes of Guidelines**

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (the Act) (Article 42 of the Executive Law) and the Department of State's regulations (19

NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of the approved Town of Hamburg Local Waterfront Revitalization Program (LWRP). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.

- B. The Act also requires that state agencies provide timely notice to the Town of Hamburg whenever an identified action will occur within the area covered by the approved Hamburg LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist the Town of Hamburg in carrying out their review responsibilities in a timely manner.
- C. The New York State Secretary of State is required by the Act to confer with state agencies when notified by the Town of Hamburg government that a proposed state agency action may conflict with the policies and purposes of the approved Hamburg LWRP. These guidelines establish a procedure for resolving such conflicts.

## **II. Definitions**

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

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- 3. That will result in an overriding regional or statewide public benefit.
- C. **Coastal Assessment Form (CAF)** is the form used by the State agency to assess the consistency of its actions proposed within the Town of Hamburg Waterfront Revitalization Area with the policies and purposes of the approved Hamburg LWRP.
- D. **Local Waterfront Revitalization Program**, or Hamburg LWRP, means the program prepared and adopted by the Town of Hamburg Town Board and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water, and man-made resources, proposed land uses and specific projects that are essential to program implementation.
- E. **Secretary of State or Secretary** is the head of the New York State Department of State, which is the state agency responsible for administering and coordinating activities essential for the implementation of the Coastal Management Program, including approved LWRPs.
- G. **Local program coordinator** of a municipality with an approved LWRP is the Town of Hamburg Planning Board, as assisted by the Hamburg Planning Department, who is the entity responsible for the review of proposed actions within the waterfront area for consistency with the approved Town of Hamburg LWRP and consistency recommendations for the final determination of consistency that will be made by this Board. The local program coordinator is the designated person in the Town of Hamburg Planning Department who will be responsible for the review of state agencies actions and for providing State agencies with findings to the appropriate State agency contact.
- H. **Town** means the Town of Hamburg
- I. **Municipal chief executive officer** is the Town Supervisor. The **Town Board** is the government or legislative body of the Town of Hamburg that adopted the Hamburg LWRP.
- J. **Waterfront Revitalization Area (WRA)** is the portion of the state's coastal area covered by the approved Hamburg LWRP.

### **III. Notification Procedure**

- A. When a state agency is considering an action as described in II. DEFINITION, the state agency shall notify the Town of Hamburg Planning Department.
- B. Notification of a proposed action by a state agency:

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1. Shall fully describe the nature and location of the action;
2. Shall be accomplished by use of other existing state agency notification procedures, or through any alternative procedure agreed upon by the state agency and the Town of Hamburg government; and
3. Should be provided to the Town of Hamburg Planning Department as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. The timely filing of a copy of a completed Coastal Assessment Form (CAF), available to State agencies, to the Planning Department should be considered adequate notification of a proposed action.

C. If the proposed action will require the preparation of a draft environmental impact statement (EIS), the filing of this draft document with the Town of Hamburg Planning Department can serve as the state agency's notification to the Town.

#### **IV. Local Government Review Procedure**

- A. Upon receipt of notification from a state agency, Town of Hamburg Planning Department will be responsible for evaluating the proposed state agency action against the policies and purposes of the approved Hamburg LWRP. Upon request of the Planning Department, the state agency should promptly provide whatever additional information is available which will assist the Town of Hamburg to evaluate the proposed action.
- B. If the Town of Hamburg Planning Department cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, the Town Planning Department should notify in writing the state agency of the finding. Upon receipt of the written finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the Town of Hamburg Planning Department does not notify the state agency in writing of the finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the approved Hamburg LWRP.
- D. If the Town of Hamburg Planning Department notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of the approved Hamburg LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V. Resolution of Conflicts below shall apply. The Town of Hamburg shall forward a copy

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of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the Town of Hamburg Planning Department shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

## **V. Resolution of Conflicts**

- A. The following procedure applies whenever the Town of Hamburg has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP.
  1. Upon receipt of notification from the Town of Hamburg that a proposed action conflicts with its approved LWRP, the state agency should contact the Town of Hamburg Planning Department to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and Town of Hamburg representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the Town.
  2. If the discussion between the Town of Hamburg and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the Town shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all the identified conflicts have been resolved. The State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
  3. If the consultation between the Town of Hamburg and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all the identified conflicts. This request must be received by the Secretary of State within 15 days following the discussion between the Town of Hamburg and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
  4. Within 30 days following the receipt of a request for assistance, the Secretary, or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and Town of Hamburg.
  5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.

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6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

## **5.5 Procedural Guidelines for Coordinating New York State Department of State and LWRP Consistency Review of Federal Agency Actions**

### **I. Direct Federal Agency Activities**

- A. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, New York State Department of State (DOS or the Department) will forward copies of the determination and other descriptive information on the proposed federal activity to the Town of Hamburg Code Enforcement Officer/Building and other interested parties.
- B. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed federal activity.
- C. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the Town of Hamburg has "no opinion" on the consistency of the proposed federal activity with the LWRP policies.
- D. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Town of Hamburg, DOS will contact the Town of Hamburg to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed federal activity.
- E. A copy of DOS' "concurrence" or "objection" letter to the federal agency will be forwarded to the Town of Hamburg Planning Department.

### **II. Activities Requiring Federal Licenses, Permits and Other Regulatory Approvals**

- A. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the Code Enforcement Officer/Building and will identify the Department's principal reviewer for the proposed federal activity.

- B. Within thirty (30) days of receiving such information, the Planning Department will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed federal activity with the LWRP policies.
- C. When DOS and the Planning Department agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the Planning Department on receipt.
- D. Within thirty (30) days of receiving the requested information or discussing possible problems of a proposed federal activity with the principal reviewer for DOS, whichever is later, the Planning Department will notify DOS of the reasons why a proposed federal activity may be inconsistent or consistent with the LWRP policies.
- E. After the notification, the Town of Hamburg Planning Department will submit the Town's written comments and recommendations on a proposed federal activity to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the Town of Hamburg has "no opinion" on the consistency of the proposed federal activity with the LWRP policies.
- F. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Town of Hamburg on a proposed federal activity, DOS will contact the Town of Hamburg Planning Department to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
- G. A copy of the DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the Town of Hamburg Planning Department.

### **III. Federal Financial Assistance to State and Local Governments**

- A. Upon receiving notification of a proposed federal financial assistance, DOS will request information on the federal financial assistance from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the Town of Hamburg Planning Department. A copy of this letter will be forwarded to Planning Department and will serve as notification that the proposed federal financial assistance may be subject to review.

- B. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Town of Hamburg Planning Department. DOS may, at this time, request the applicant to submit additional information for review purposes.
- C. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major federal financial assistance.
- D. The Town of Hamburg Planning Department must submit the Town's comments and recommendations on the proposed federal financial assistance to DOS within twenty days (or other time agreed to by DOS and the Planning Department) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the Town of Hamburg has "no opinion" on the consistency of the proposed federal financial assistance with the LWRP policies.
- E. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Town of Hamburg, DOS will contact the Planning Department to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
- F. A copy of DOS' consistency decision letter to the applicant will be forwarded to the Town of Hamburg Planning Department.

## **5.6 Financial Resources Necessary to Implement the LWRP**

Funding for administrative costs, such as those associated with the Town's efforts to oversee conformance and enforcement of the LWRP, would come from general revenue sources and would be reflected in the Town's annual budget.

The Town of Hamburg recognizes that the implementation of the proposed projects identified in Section IV will require funding from both public and private sources. These costs may include administrative costs, capital outlays, maintenance costs and, in some cases, property acquisition.

Capital costs reflect the costs incurred by the Town to complete specific projects. The costs for the projects identified in Sections IV and V are just estimative. A number of these projects, however, would require significant capital expenditures. The Town has successfully accomplished beneficial projects along the waterfront, and will continue to pursue outside funding and, where appropriate, creative financing mechanisms for these and similar efforts. Where applicable, the Town will work diligently to secure funding through grants

that are available under State and Federal programs to support the implementation of LWRP projects. Most of these programs require matching funds and/or in-kind service contributions. The Town may also consider bond issues and other similar revenue enhancements to facilitate LWRP implementation. Some of the potential funding sources include:

- Clean Water Revolving Fund
- Erie County Community Development Block Grants
- Empire State Development Corporation Strategic Community Investment Funds
- Empire State Development Corporation Market New York Grant Program
- Federal Moving Forward Act
- Land and Water Conservation Fund
- New York State Clean Water/Clean Air Bond Act of 1996
- New York State Community Development Block Grant Program
- New York State Council for the Arts
- NYSERDA Climate Smart Communities Program
- New York State Department of Transportation – Transportation Alternative Program Grants
- New York State Environmental Protection Fund
- New York State Environmental Facilities Corporation Green Innovation Grants
- New York State Legislative Grant Program
- New York State Local Government Efficiency Program
- New York State LWRP Program Implementation Grant Funds
- New York Main Street Program
- New York State Office of Parks, Recreation and Historic Preservation
- New York State Resiliency and Economic Development Initiative
- New York State Revolving Loan Fund

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- New York State Wastewater Infrastructure Engineering Grant Program
- New York State Water Quality Improvement Program - Non-Agricultural Nonpoint Source Implementation Grants Program
- Parks and Trails New York

## **Section VI: State Actions and Programs Likely to Affect Implementation**

State actions will affect and be affected by implementation of the LWRP. Under State Law and the U.S. Coastal Zone Management Act, certain State actions within or affecting the local waterfront revitalization 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.

### **6.1. State Actions and Programs Which Should Be Undertaken in a Manner Consistent With the LWRP**

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs that are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that an LWRP identifies those elements of the program that can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification or approval programs; grant, loan subsidy or other funding assistance programs; facilities construction, and planning programs that may affect the achievement of the LWRP.

#### **OFFICE FOR THE AGING**

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

#### **DEPARTMENT OF AGRICULTURE AND MARKETS**

1.00 Agricultural Districts Program  
2.00 Rural Development Program  
3.00 Farm Worker Services Program  
4.00 Permit and approval programs:  
    4.01 Custom Slaughters/Processor Permit

## Town of Hamburg Local Waterfront Revitalization Program

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- 4.02 Processing Plant License
- 4.03 Refrigerated Warehouse and/or Locker Plant License
- 5.00 Farmland Protection Implementation Grant
- 6.00 Agricultural Nonpoint Source Abatement and Control Program

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

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

### **OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

### **COUNCIL ON THE ARTS**

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

2.00 Architecture and environmental arts program.

**OFFICE OF CHILDREN AND FAMILY SERVICES**

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

- 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
- 3.02 Operating Certificate (Children's Services)
- 3.03 Operating Certificate (Enriched Housing Program)
- 3.04 Operating Certificate (Home for Adults)
- 3.05 Operating Certificate (Proprietary Home)
- 3.06 Operating Certificate (Public Home)
- 3.07 Operating Certificate (Special Care Home)
- 3.08 Permit to Operate a Day Care Center

**DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION**

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

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

1.00 Financing of higher education and health care facilities.

2.00 Planning and design services assistance program.

**EDUCATION DEPARTMENT**

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

2.00 Permit and approval programs:

- 2.01 Certification of Incorporation (Regents Charter)
- 2.02 Private Business School Registration
- 2.03 Private School License
- 2.04 Registered Manufacturer of Drugs and/or Devices
- 2.05 Registered Pharmacy Certificate
- 2.06 Registered Wholesale of Drugs and/or Devices
- 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

3.00 Administration of Article 5, Section 233 of the Educational Law regarding the removal of archaeological and paleontological objects under the waters of the State.

**OFFICE OF EMERGENCY MANAGEMENT**

- hazard identification,
- loss prevention, planning, training, operational response to emergencies,
- technical support, and disaster recovery assistance.

**EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION**

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

**ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.
- 2.00 New Construction Program – provide assistance to incorporate energy-efficiency measures into the design, construction and operation of new and substantially renovated buildings.
- 3.00 Existing Facilities Program – offers incentives for a variety of energy projects

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
  - 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion, and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities
  - 4.05 Resource recovery and solid waste management capital projects
  - 4.06 Wastewater treatment facilities
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
  - (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects, and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs
- 9.00 Permit and approval programs
  - Air Resources
    - 9.01 Certificate of Approval for Air Pollution Episode Action Plan
    - 9.02 Certificate of Compliance for Tax Relief – Air Pollution Control Facility
    - 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; process, exhaust or Ventilation System
    - 9.04 Permit for Burial of Radioactive Material
    - 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
    - 9.06 Permit for Restricted Burning
    - 9.07 Permit to Construct; a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System
  - Construction Management
    - 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities
  - Fish and Wildlife
    - 9.09 Certificate to Possess and Sell Hatchery Trout in New York State

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- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit – Article 15, (Protection of Water) – Dredge and Deposit Material in a Waterway
- 9.22 Permit – Article 15, (Protection of Water) – Stream Bed or Bank Disturbances
- 9.23 Permit – Article 24, (Freshwater Wetlands)

**Hazardous Substances**

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Elimination of Undesirable Fish

**Lands and Forest**

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas/Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

**Marine Resources**

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non Resident Food Fishing Vessel
- 9.34 Non Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit – Article 25, (Tidal Wetlands)

**Mineral Resources**

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas and Solution Salt Mining)

**Solid Wastes**

- 9.47 Permit to Construct and/or operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

**Water Resources**

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- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.56 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.57 Approval – Drainage Improvement District
- 9.58 Approval – Water (Diversions for Power)
- 9.59 Approval of Well System and Permit to Operate
- 9.60 Permit – Article 15, (Protection of Water) – Dam
- 9.61 Permit – Article 15, Title 15 (Water Supply)
- 9.62 River Improvement District Permits
- 9.63 River Regulatory District approvals
- 9.64 Well Drilling Certificate of Registration
- 9.65 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

#### **ENVIRONMENTAL FACILITIES CORPORATION**

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

#### **DEPARTMENT OF FINANCIAL SERVICES (DEPARTMENT OF BANKING)**

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
  - 1.08 Authorization Certificate (Foreign Banking Corp. Public Accommodations Office)
  - 1.09 Authorization Certificate (Investment Company Branch)
  - 1.10 Authorization Certificate (Investment Company Change of Location)
  - 1.11 Authorization Certificate (Investment Company Charter)
  - 1.12 Authorization Certificate (Licensed Lender Change of Location)

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- 1.13 Authorization Certificate (Mutual Trust Company Charter)
- 1.14 Authorization Certificate (Private Banker Charter)
- 1.15 Authorization Certificate (Public Accommodation Office – Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)
- 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank DeNovo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company – Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

**OFFICE OF GENERAL SERVICES**

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4 B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, Subsection 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.
- 6.00 Section 334 of the State Real Estate Law regarding subdivision of waterfront properties on navigable waters to include the location of riparian lines.

**DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements.
  - 2.03 Certificate of Need (Health Related Facility except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)

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- 2.06 Operating Certificate (Health Related Facility)
- 2.07 Operating Certificate (Hospice)
- 2.08 Operating Certificate (Hospital)
- 2.09 Operating Certificate (Nursing Home)
- 2.10 Shared Health Facility Registration Certificate

**DIVISION OF HOMES AND COMMUNITY RENEWAL and its subsidiaries and affiliates**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects
  - 2.09 Urban Initiatives Grant Program
  - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

**OFFICE OF MENTAL HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Operating Certificate (Community Residence)
  - 2.02 Operating Certificate (Family Care Homes)
  - 2.03 Operating Certificate (Inpatient Facility)
  - 2.04 Operating Certificate (Outpatient Facility)

**DIVISION OF MILITARY AND NAVAL AFFAIRS**

- 1.0 Preparation and implementation of the State Disaster Preparedness Plan.

**NATURAL HERITAGE TRUST**

- 1.0 Funding program for natural heritage institutions.

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

- 1.00 Acquisition, disposition, lease, grant of easement, or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety, and enforcement.

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- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.
- 11.00 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

**OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Establishment and Construction Prior Approval
  - 2.02 Operating Certificate Community Residence
  - 2.03 Outpatient Facility Operating Certificate

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

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

**ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY (regional agency)**

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

**NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

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

**DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.

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- 2.10 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

**STATE UNIVERSITY CONSTRUCTION FUND**

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

**STATE UNIVERSITY OF NEW YORK**

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

**DEPARTMENT OF TRANSPORTATION**

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

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

**DIVISION OF YOUTH**

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

**6.2. State Actions and Programs Likely to Affect Implementation**

A. Part 6.2 provides a more focused and descriptive list of the immediately preceding Part 6.1 listing under this LWRP Section 6, entitled "State Actions and Programs Likely to Affect Implementation". It is recognized that a State agency's ability to undertake these listed actions is subject to a variety of factors and considerations; that the consistency provisions of the approved LWRP may not apply; and, that the consistency requirements cannot be used to require a State agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section 2, Section 4, and Section 5, which discuss local goals, proposed projects, and local implementation techniques, including State assistance needed to implement the approved LWRP.

**B. State Actions and Programs**

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- Funding assistance with planning studies and/or design and construction of projects targeted to control the erosion of steep slopes in the Town of Hamburg's waterfront area.
- Review and approval for septic system installation and replacement in areas without public septic systems of the waterfront, within the Inland Waterway portion of the Hamburg LWRP.
- Implement and administer Article 24 of the State's Environmental Conservation Law for freshwater wetlands areas.
- Map, adopt, and administer the State's Section 505 Coastal Erosion Control legislation.
- Technical assistance, review, and approval of Water Quality and Stream Protection permits in the Town of Hamburg Waterfront Revitalization Area.
- Technical assistance, review, and approval of public access improvements within the Town of Hamburg's waterfront areas.

**DIVISION OF HOMES AND COMMUNITY RENEWAL**

- Funding and technical assistance with revitalization efforts in the Town of Hamburg Coastal Zone and Inland Waterfront portions of the Waterfront Revitalization Area.

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**ENVIRONMENTAL FACILITIES CORPORATION**

- Funding assistance for the planning, design and construction of sewer extensions or other improvement projects within Coastal Zone portion of the Hamburg Waterfront Revitalization Area and the section of Inland Waterway Subarea 1 where public sewer service exists.

**DEPARTMENT OF STATE**

- Funding and technical assistance for LWRP implementation of various planning, design, and construction projects, as outlined in Section IV of this Program.
- Funding assistance through the Environmental Protection Fund for project implementation in the Town of Hamburg Waterfront Revitalization Area.
- Funding and technical assistance through the Brownfield Opportunity Area Program for properties within the Coastal Zone portion of the Hamburg Waterfront Revitalization Area.

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

- Funding and technical assistance with energy efficiency studies and projects.

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

- Provide improvements to New York State Route 5 that will improve circulation and access for pedestrians and bicyclists.
- Provide traffic calming improvements to New York State Route 5 in the Coastal Zone portion of the Town of Hamburg Waterfront Revitalization Area.

**EMPIRE STATE DEVELOPMENT CORPORATION**

- Assistance is needed for the preparation of economic feasibility studies for the reuse of various deteriorated and unutilized structures, with the siting or improvement of public facilities and with revitalization efforts within Coastal Subarea 1 of the Hamburg Waterfront Revitalization Area.

**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.

**OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION**

- Funding assistance for the planning, design and construction of expansion or improvement projects at Woodlawn Beach State Park.
- Funding approval under programs such as the Land and Water Conservation Fund and the Clean Water / Environmental Protection Fund for development of or improvements to waterfront parkland.
- Provide funding assistance to Town of Hamburg for the planning, development, construction, major renovation, or expansion of existing and planned recreational facilities located in or adjacent to waterfront area.

## **SECTION VII - Local Commitment and Consultation**

### **7.1 Local Commitment**

The Town of Hamburg initiated its efforts to prepare an amendment to the Local Waterfront Revitalization Program (LWRP), which was last amended in 2012. The current effort to update the local program was guided by the LWRP Waterfront Advisory Committee. The Waterfront Advisory Committee was comprised of representatives from the Town and local community. The efforts of this Committee were supported by the New York State Department of State. This Committee met 10 times during the project to assist with the preparation of the LWRP.

To strengthen local commitment for the Town's planning efforts, the Waterfront Advisory Committee held two public meetings to provide local citizens an opportunity to comment on significant issues and opportunities in the Town's waterfront area. These meetings were held on May 9<sup>th</sup>, 2024, and October 20<sup>th</sup>, 2025. The first public meeting was held at the Town of Hamburg Senior Center. The second public meeting was held at Hamburg Town Hall.

The first Public Information Meeting was held in the format of an open house, with a brief presentation to introduce the LWRP project to the public and breakout stations to provide an opportunity for residents and stakeholders to offer input on the issues and opportunities they felt were important in the various subareas that comprise the coastal and inland waterfront revitalization areas. This meeting was well attended, and numerous comments were gathered (see summary in the Appendix).



The second Public Focus Meeting, which was also held in an open house format, provided an opportunity for the public to offer comments on the list of proposed projects that was compiled for Section IV and other actions proposed for implementing the LWRP (see summary in the Appendix). The information gathered at this meeting was utilized to further shape and finalize the proposed projects and implementation actions outlined in the program amendment.

(ADD PICTURES from PFM 2)

Prior to the adoption of the LWRP amendment, the Hamburg Town Board held a public hearing on the action on October 20<sup>th</sup>, 2025. This hearing provided the public with an opportunity to hear a presentation on the draft LWRP, as well as to provide the Town Board with final input on the proposed program.

## 7.2 Consultation

During the course of preparing the Hamburg LWRP, the Waterfront Advisory Committee forwarded draft sections of the revised program to the Department of State for their review and comments. In addition, draft documents were distributed to a number of involved and interested agencies to gather their comments on program findings, policies and

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recommendations. The local agencies that were contacted for their input included the Erie County Department of Environment and Planning, Erie County Department of Health, the New York State Department of Environmental Conservation, the New York State Department of Transportation, the Greater Buffalo Niagara Regional Transportation Council, and the surrounding municipalities (City of Lackawanna and Town of Evans).

The draft LWRP was reviewed and accepted by the Hamburg Town Board and forwarded to the New York State Department of State. The Department of State initiated a 60-day public review period for the draft program, pursuant to the requirements of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of NYS Executive Law) and the State Environmental Quality Review Act. Copies of the draft LWRP were distributed to all potentially affected Federal State and local agencies, as well as Erie County and the City of Lackawanna and Town of Evans. Comments received on the draft document were reviewed by the Town and the Department of State, and changes were made, as required, to reflect substantive comments. Thereafter, the final draft LWRP was adopted by the Hamburg Town Board, presented to the New York State Secretary of State for approval and submitted to the National Oceanic and Atmospheric Administration for concurrence.