

Town of Tonawanda LWRP Monitoring Report June 2014

Community Background:

The Town of Tonawanda is situated along the eastern shore of the Niagara River in the northwest corner of Erie County, New York. The Town is bordered to the north by the City of Tonawanda, to the west by the Town of Amherst, to the south by the City of Buffalo, and to the west by the Niagara River. With a population of approximately 73,500 individuals according to the 2010 U.S. census, the Town is a first ring suburb of the City of Buffalo. The Town of Grand Island lies offshore and is connected to Town of Tonawanda by the twin spans of the South Grand Island Bridges.

The Town of Tonawanda's location on the Niagara River was a major factor in its development. The combination of electricity from nearby Niagara Falls and water for industrial processing attracted manufacturing to the Town's waterfront, and the expansion of industry led to an increased demand for residential areas to accommodate employees. A significant consequence of industrialization has been the use of large areas of land for industrial waste disposal with many waste sites still active.



***Town of Tonawanda
Waterfront along the Niagara River¹***

While industrial uses are still dominant in the Town's waterfront area, there has been a gradual decline resulting in the proliferation of vacant and underutilized brownfield sites. With the development of the Local Waterfront Revitalization Program (LWRP) in the 1990's, the Town began to look at diversifying the land use in the area including expansion of recreation opportunities.

The Town's Local Waterfront Revitalization Area (LWRA) includes over four miles of Niagara River shoreline as well as a portion of Two Mile Creek. Land use within the LWRA is predominately industrial, utilities, and infrastructure. Public access is limited to two waterfront parks - the Town owned Aqua Lane Park and the Erie County owned Isle View Park - which both provide boating and fishing access as well as multi-use trails.

¹ Photo Credit: 1997 James Cavanaugh

Collaborations with Department of State:

Since completion of its Local Waterfront Revitalization Program (LWRP) in 1993 and subsequent update in 2008, the Town has worked to advance its implementation. The Department of State has awarded three (3) Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) grants to the Town of Tonawanda. (See attached chart: Grants Awarded - Title 11 Environmental Protection Fund Local Waterfront Revitalization Program, Town of Tonawanda).

Through these EPF LWRP awards, the Town constructed improvements at Aqua Lane Park including a new restroom facility, small craft boat launch, and shoreline

stabilization; prepared designs for a new park at the Cherry Hill site; and, is currently preparing a Waterfront Land Use Plan which is intended to build on

the Town's existing LWRP by exploring opportunities to support existing industrial enterprises and encourage sustainable future development.



Boat launch at Aqua Lane Park



LWRP Monitoring Process:

The goal of the monitoring process is for the Department of State (DOS) to assess a community's consistency with its approved LWRP, and to understand local implementation activities and decision-making procedures related to the LWRP. Additionally, this process provides a forum for a community to highlight successes and request, as needed, technical and financial assistance for program implementation.

DOS began the monitoring process with a correspondence asking the Town to participate in the monitoring process and including a list of survey questions. Subsequently, DOS held a conference call with key municipal staff to discuss the survey questions and conducted a site visit. Finally, DOS prepared the written assessment of findings to identify areas of improvement, training, or need for LWRP amendment.

The following staff from the Town of Tonawanda participated in the LWRP monitoring process: Jim Jones, Town Engineer; Robert Morris, Technical Support Department; and Mike Kaiser, Director of Technical Support Department.

DOS Findings:

Overview

The Town of Tonawanda adopted its LWRP in 1993, with an update adopted in 2008. The LWRP guides development within the LWRA in a way that protects and preserves natural resources and supports development that will best utilize the potential of the waterfront. The LWRP recognizes that the Tonawanda waterfront is in transition. Although the area has historically been dominated by heavy industry, a gradual awareness of the waterfront's value as a recreation resource has been steadily growing.

In partnership with DOS, the Town completed a land use plan update in March 2014 which covers an area significantly larger than the LWRA. The Town is also currently updating its comprehensive plan. Once this planning efforts is completed, the Town anticipates updating the LWRP to ensure consistency and detail a new generation of waterfront revitalization projects. The Town also intends to revise its local consistency review law, giving the Planning Board consistency review responsibilities instead of the Town Board.

Through implementation of its LWRP, the Town of Tonawanda has improved public access to the waterfront at Aqua Lane Park. The LWRP also identifies other waterfront revitalization projects; however the Town will not be seeking grant funding through the EPF LWRP this year. The Town indicated that at this time the 50% local match required under the grant program will prohibit the Town from applying for funding. DOS staff discussed potential sources of eligible match such as in-kind services and Niagara River Greenway funds (NYPA).

The challenges confronting Tonawanda's efforts to fully capitalize upon its waterfront resources are formidable. Nevertheless, the potential to transform significant portions of the waterfront into an attractive and productive local and regional asset remains viable with long-term commitment to undertake necessary steps.

LWRP Implementation

In order to implement the LWRP, the Town enacted revisions to The Town of Tonawanda Zoning Ordinance and Zoning Map. In essence, the new zoning ordinance repealed the former Waterfront Zoning Districts (W-1, W-2, W-R and W-ID), and created new waterfront districts consisting of the Waterfront Mixed Use (WMU), Waterfront Business (WB), Retail-Highway Commercial Use District (RHC) and a new Waterfront Industrial District (WID). Boundaries of the new districts were based on a new land use plan prepared for the waterfront district, and did not correspond to the boundaries of the previous districts. In addition, a River Road Overlay (RO) district was created to manage growth and provide additional standards for development for properties fronting on River Road. This overlay is also intended to encourage the development and redevelopment of uses that are in harmony with the surrounding area, improve the visual character of the area, protect adjoining environmental resources, and enhance the character of the area as an important gateway to the Town of Tonawanda and its waterfront. These zoning districts apply to the Northern and Central Sectors of the waterfront

revitalization area. Zoning remains unchanged in the Southern Sector, which is essentially fully developed.

Aqua Lane Park Improvements

The Town's LWRP identifies the need to develop amenities and expand recreational opportunities at Aqua Lane Park along the Niagara River. With funding through 1996 EPF LWRP, the Town designed and constructed a small craft boat launch, shoreline improvements, and restroom at the park. The boat launch has significantly improved water access in Town, with tourists and residents utilizing the boat ramp and amenities.

Cherry Farm Park

The 55-acre Cherry Farm site, owned by Niagara Mohawk, lies adjacent to the Niagara River about one-quarter mile south of the Grand Island Bridges. It was used as a waste site for prolonged periods until the 1970's. It includes foundry sand, fly ash and slag materials that have been capped with 6 inches of clay. The LWRP envisions this underutilized waterfront site being redeveloped as a recreation facility of regional significance providing access to views of the Niagara River.

With a 1995 EPF LWRP grant award, the Town completed schematic designs and construction plans for the site and proposed its redevelopment into Cherry Farm Park. Proposed recreational facilities include open play areas, picnicking and public areas for general use, a public fishing site, a marine area containing boat launch facilities and a launch oversee structure, a pavilion with natural amphitheater, restrooms, maintenance garage, roadways, parking areas, and pedestrian bridges and elevated nature walk areas will be installed to connect nearby Riverwalk users with trails within the Park.



***Cherry Farm Park
conceptual design (2012)***

As part of the Town's Land Use Plan update, the conceptual design for Cherry Farm Park was revised to improve the passive recreational experience. However, there are still serious obstacles in the way of this redevelopment becoming a reality. Detailed property, liability and legal issues need to be thoroughly researched to move this project forward.

LWRP Document Accessibility

Copies of the Town of Tonawanda LWRP are on file at the Town Hall and are accessible on the Town's website. An electronic copy of the LWRP is also available on the DOS website.

Local Consistency Review

The Town of Tonawanda LWRP Consistency Law was adopted in April 1993 to provide for the protection and beneficial use of the natural and man-made resources within the Town’s waterfront area by ensuring that actions classified as Type I or unlisted under Part 617 of Title 6 of NYCRR to be undertaken, approved or funded by town agencies will be undertaken in a manner consistent with the policies and purposes of the Town of Tonawanda LWRP.

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

The Town Board and staff are aware of local consistency review law; however since it is rarely used they are not intimately familiar with the review process set forth in the law. Most years, there are two or less proposed projects in the LWRA which require consistency review. As part of the LWRP evaluation process, DOS staff reviewed the local consistency review law with the Town, and discussed the process and consistency review requirements. During this discussion, it became apparent the review process does not work in an effective manner. It was agreed the Town should consider revising its local consistency law to authorize the Planning Board to review and make determinations regarding the consistency of proposed actions with the LWRA instead of the Town Board. DOS offered technical assistance and consistency review training to assist the Town with this transition.

Grants Awarded			
Title 11 Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP)			
Town of Tonawanda			
Year	Amount of Grant	Project Description	Status
1995	\$40,000	Design of Cherry Farm Park - The project involves the completion of schematic designs and construction plans for the site and proposed buildings to become Cherry Farm Park. Proposed recreational facilities include open play areas, picnicking and public areas for general use, a public fishing site, a marine area containing boat launch facilities and a launch oversee structure, a pavilion with natural amphitheater, restrooms, maintenance garage, roadways, and parking areas. Pedestrian bridges and elevated nature walk areas will be installed to connect Riverwalk users with trails within the Park. A portion of the original Erie Canal is proposed to be excavated in	Closed

Grants Awarded			
Title 11 Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP)			
Town of Tonawanda			
Year	Amount of Grant	Project Description	Status
		conjunction with park development activities.	
1996	\$50,000	Aqua Lane Park - The project involves the design and construction of amenities in the Town owned Aqua Lane Park.	Closed
2007	\$469,000	Healthy Niagara-Strategic Watershed Management Planning and Implementation - The Town of Tonawanda, in partnership with Erie County and the Buffalo Niagara Riverkeeper, will develop a Niagara River Watershed Atlas, Report Card, and Strategic Management Plan. The project will also include land use planning for the Town of Tonawanda's waterfront. Grant funding will support the contractual services necessary to advance these planning initiatives.	Open