The City of Buffalo Draft Local Waterfront Revitalization Program (LWRP) was prepared in cooperation with the New York State Department of State, pursuant to provisions of the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program (NYS CMP).

The LWRP is a comprehensive coastal management program that consolidates and organizes the State’s existing 44 coastal policies to advance these 10 primary local waterfront revitalization goals within Buffalo:

1. Holistically protect the state’s coastal economic, social, and environmental interests;
2. Safeguard the City’s access to clean, Great Lakes fresh water for generations to come;
3. Promote water based industry and enterprise;
4. Encourage commercial and recreational boating;
5. Build water-enhanced places that enliven the waterfront and attract the public;
6. Promote the City as an international gateway;
7. Protect and rebuild the Lake Erie/Niagara River food web – recognizing local fish as an important food source;
8. Provide for public water access in support of the public trust;
9. Maximize coastal resilience; and
10. Minimize environmental degradation from solid waste and hazardous substances.

The LWRP does not change any of the 44 policies of the NYS CMP. Each local goal identifies specific state coastal policies that will advance the goal and the NYS CMP. More details on the relationship between the NYS CMP policies and the LWRP policies are provided in a table below (page 14).

The LWRP proposes changes to the NYS Coastal Boundary to more effectively plan for, manage, and protect waterfront resources along the Niagara River, Lake Erie, Scajaquada Creek, Buffalo River, and Cazenovia Creek. The proposed Local Waterfront Revitalization Area (WRA), which is described in Section I of the LWRP and illustrated on Map 1, will include: the full reach of Scajaquada Creek (above ground only) and Hoyt Lake, Buffalo River, Cazenovia Creek and South Park Lake within the City of Buffalo; the full reach of the Great Lakes Seaway Trail National Scenic Byway in the City of Buffalo, particularly the full extent along Niagara Street, as it serves as the City’s primary local waterfront corridor; the City’s five waterfront Frederick Law Olmsted Parks - including Riverside, the southern half of Delaware Park, Front Park, Cazenovia Park and South Park; and, the historic Canalside and Cobblestone areas.

The LWRP is a critical component of the Buffalo Green Code, a place-based development strategy that builds on The Queen City in the 21st Century: Buffalo’s Comprehensive Plan (Feb 2006). The Buffalo Green Code has these five components in addition to the LWRP: 1) the Land Use Plan; 2) four specific plans (which informed the Land Use Plan) developed through New York State’s Brownfield Opportunity Areas Program (BOA), for four brownfield areas; 3) the Unified Development Ordinance (UDO) – an
update to the city’s zoning code with a new form-based code; 4) a set of Urban Renewal Plans that needed reforms and updates; and, 5) a Generic Environmental Impact Statement (GEIS).

Zoning revisions proposed through the UDO of the Buffalo Green Code (UDO) were approved by the Buffalo Common Council on December 27, 2016 and signed into law on January 3, 2017. The UDO combines land use, zoning, subdivision, sign, street design and approval standards into a single document. The UDO represents the city’s first comprehensive zoning rewrite in 63 years and is designed to reinforce the City’s walkable, mixed use neighborhoods and strengthen its economic centers. A brief description of the UDO is provided in Section VIII of the LWRP, and illustrated on Maps 7 and 10.

The UDO establishes a C-W Waterfront Corridor Zone which addresses all land areas within the WRA. (The C-W zone is an overlay zone, so both the standards of the C-W zone and the underlying zone apply.) The C-W zone includes specific standards for required waterfront yards – the C-W-25 waterfront yard type is intended for intensely urbanized waterfronts, where a waterfront yard of a minimum depth of 25 feet is required along the shoreline [Zone: N-1D, N-1C, N-1S, N-2C, N-2E, N-2R, N-3C, N-3E, N-3R, N-4-30, N-4-50]; and, the C-W-100 waterfront yard type is intended for less urbanized waterfronts, where a shoreline buffer of native vegetation protects and restores wildlife habitat and ecosystem services – a waterfront yard of a minimum depth of 100 feet is required along the shoreline [Zone: D-R, D-M, D-E, D-S, D-C, D-IL, D-IH, D-OS, D-OG, D-ON, C-R]. Other specific standards of the C-W zone provide for shore public walkways, and review of proposed uses in the area defined as the ‘Outer Harbor’. The C-W Waterfront Corridor Zone includes a shore public walkway within its water-dependent use definition. Additionally, supplemental form standards and supplemental use standards are included, and provisions for encroachments are included. A full copy of the C-W Waterfront Corridor Zone is provided as Appendix E of the LWRP.

The UDO also includes stormwater management performance standards and the requirement of a Stormwater Pollution Prevention Plan (SWPPP) for land development activity of a specified threshold. Where possible, the identified performance standards must be met through Green Infrastructure Best Management Practices (BMPs) including, but not limited to, bioretention cells/rain gardens, constructed wetlands, filter strips, porous pavement, retentive grading, swales, and subsurface infiltration; or capture and reuse of runoff through low impact practices including, but not limited to, green roofs, blue roofs, and rain barrels or cisterns.

The City proposes the adoption of a local waterfront consistency review law to strengthen local ability to implement the policies and uses set forth in the LWRP.

Upon approval by the New York State Secretary of State, and federal concurrence, the LWRP will be incorporated into the NYS CMP. The policies within the LWRP will be the basis for consistency determinations made by city, state, and federal agencies for actions in, or affecting, the coastal area of the City of Buffalo.

The cumulative environmental impact of adopting the Green Code, which includes the LWRP, Land Use Plan, four Brownfield Opportunity Area plans, UDO, and Urban Renewal Plans, was evaluated under one Generic Environmental Impact Statement (GEIS) in accordance with the State Environmental Quality Review Act (SEQRA). The Buffalo Common Council was declared lead agency, and a Type 1, Positive Declaration and a draft scope of work were prepared. The formal public comment period for the Draft GEIS took place from February 22, 2016 to April 22, 2016, and the Final GEIS was accepted by the Common Council on December 13, 2016. As review continues for the Draft LWRP, all comments submitted during the review and comment period will be evaluated as part of a Supplemental GEIS.
I. The following is a summary of how the City of Buffalo LWRP would further specify the policies of the NYS CMP.

The City of Buffalo LWRP tailors and will apply the state’s coastal policies to achieve the following ten goals:

1. Holistically protect the state’s coastal economic, social, and environmental interests;
2. Safeguard the City’s access to clean, Great Lakes fresh water for generations to come;
3. Promote water based industry and enterprise;
4. Encourage commercial and recreational boating;
5. Build great water-enhanced places that enliven the waterfront and attract the public;
6. Promote the City as an international gateway;
7. Protect and rebuild the Lake Erie/Niagara River food web – recognizing local fish as an important food source;
8. Provide for public water access in support of the public trust;
9. Maximize coastal resilience; and
10. Minimize environmental degradation from solid waste and hazardous substances.

Taken together, the application of state coastal policies to advance the associated local goal will determine the appropriate balance between economic development and preservation that will permit beneficial use of and prevent adverse effects on the City of Buffalo’s coastal resources.

Based upon the state’s coastal policies that advances the ten local goals, the Buffalo LWRP also includes a waterfront action strategy that includes:

- waterfront land uses, zoning, and water uses;
- a list of public projects designed to encourage private waterfront investment; and
- a list of public and private actions required to implement the strategy.

Through the incorporation of the City of Buffalo LWRP into the NYS CMP, the generalized statements of the policies contained in the NYS CMP reflect local circumstances, as described below.

GOAL 1. HOLISTICALLY PROTECT THE STATE’S COASTAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS

Many inter-related interests come together within the City of Buffalo WRA. The LWRP takes a holistic approach to waterfront revitalization, working to not only balance these interests but capitalize upon their inter-dependence to build a sustainable waterfront economy, community and environment.

Policy 1A To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resources. (NYS CMP Policy 18)

GOAL 2. SAFEGUARD THE CITY’S ACCESS TO CLEAN, GREAT LAKES FRESH WATER FOR GENERATIONS TO COME

The city draws its entire drinking water supply from Lake Erie. Continued local investment in the water supply system, stormwater management, combined sewer overflow reduction, sanitary sewer overflow elimination, septic maintenance and industrial pollution prevention are necessary to safeguard water quality for generations to come.

The following policies are intended to safeguard the water quality and quantity of Buffalo’s Great Lakes fresh water resources.
Policy 2A  Municipal, industrial, and commercial discharges of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards. (NYS CMP Policy 30)

Policy 2B  Best management practices will be used to ensure the control of combined sewer overflows, stormwater runoff and nonpoint source pollution, including nutrients, organics and soils, draining into coastal waters. (Buffalo Policy)

Policy 2C  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. (NYS CMP Policy 34)

Policy 2D  State coastal area policies and purposes of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint. (NYS CMP Policy 31)

Policy 2E  The quality and quantity of surface waters and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply. (NYS CMP Policy 38)

Policy 2F  The water quality and quantity of Lake Erie, the City’s sole source of water supply, will be protected. (Buffalo Policy)

Policy 2G  Support Great Lakes and New York State efforts to prevent emerging contaminants of concern such as pharmaceuticals, silicone, microplastics, and cyanobacteria from adversely impacting the Lake Erie-Niagara River public water supply and food web. (Buffalo Policy)

GOAL 3. PROMOTE WATER BASED INDUSTRY AND ENTERPRISE

Access to abundant, fresh water creates unique opportunities for recreational and commercial boating, waterborne industrial transport, water dependent industry, enterprise and energy development.

The following policies seek to protect and support Buffalo’s working waterfront.

Policy 3A  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, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people. (NYS CMP Policy 3)

Policy 3B  Protect existing land uses that are, and encourage new development that is, water dependent or that supports water dependent activities; and ensure that proximate new uses do not negatively impact the operations of such water dependent or supportive land uses. (Buffalo Policy)

Policy 3C  Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters. (NYS CMP Policy 2)
Policy 3D  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. (NYS CMP Policy 4)

Policy 3E  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. (NYS CMP Policy 27)

GOAL 4. ENCOURAGE COMMERCIAL AND RECREATIONAL BOATING

Commercial and recreational boating are a critical component of Buffalo’s economy and community waterfront experience. These activities include, but are not limited to, Great Lakes cruise ships, the Queen City Ferry, excursion boats such as the ‘Miss Buffalo’ and ‘Moondance’ and ‘Spirit of Buffalo’, floating classrooms, Buffalo Outdoor Education Foundation, fishing charters, party boats, motorized and human powered pleasure craft.

The following policies are intended to encourage commercial and recreational boating within the Buffalo WRA.

Policy 4A  Support the provision of launches and platforms for human powered boating in suitable locations. (Buffalo Policy)

Policy 4B  Minimize potential safety hazards at access points for human-powered boating. (Buffalo Policy)

Policy 4C  Encourage the design of piers, docks and boating facilities to accommodate multiple water dependent uses, a wide range of users and dynamic water levels. (Buffalo Policy)

Policy 4D  Incorporate, where feasible and appropriate, safety features on bulkheads such as safety ladders to allow emergency access from the waterway onto land. These features should not promote entry into the water where conditions may not be appropriate for recreation. (Buffalo Policy)

Policy 4E  Minimize conflicts between recreational, commercial, and freight vessels. (Buffalo Policy)

Policy 4F  Minimize the impact of commercial and recreational boating activities and facilities on the aquatic environment and surrounding land and water uses. (Buffalo Policy)

Policy 4G  Dredging and harbor operations, including vessel speed limits, should be managed to protect ecological resources, particularly Buffalo River and City Ship Canal in-situ capping and ecological restoration sites. (Buffalo Policy)

This policy is applicable to local habitat areas and restoration sites, as shown on Map 10 and discussed in Section 2C of the Inventory, including: Unity Island, Scajaquada Creek, City Ship Canal, Dead Creek (Ohio Street), Katherine Street Peninsula, Blue Tower Turning Basin, Concrete Central Peninsula, Red Jacket Riverfront Park, Buffalo Color Peninsula, Riverbend habitat restoration site, Old Bailey Woods, Bailey Avenue Peninsula (Confluence Point), Seneca Bluffs, Houghton (Stachowski Park to City Line),
Buffalo school properties along the Buffalo River, Outer Harbor Bell Slip, and Ship Canal Commons.

Policy 4H Protect public health and the environment from adverse impacts associated with the ongoing implementation or development of contaminated sediment confined disposal facilities (CDFs) that are located within the WRA. (Buffalo Policy)

GOAL 5. BUILD WATER-ENHANCED PLACES THAT ENLIVEN THE WATERFRONT AND ATTRACT THE PUBLIC

Where traditional industrial uses have declined or relocated, many sites in the Buffalo WRA offer opportunities for commercial and residential development that would revitalize the waterfront. Benefits of redevelopment include providing new housing opportunities, fostering economic growth, and reestablishing the public’s connection to the waterfront. Redevelopment activities should protect and enhance the unique scenic, historic and cultural elements of the Buffalo WRA.

The following LWRP Policies seek to encourage the development of water-enhanced mixed-use areas that capitalize upon the water’s ability to define place and enhance quality of life within the Buffalo WRA.

Policy 5A New, water-enhanced, mixed-use development shall be directed to the waterfront enhanced mixed use areas proposed in this LWRP. These areas feature access to the water, waterfront parks, trails and views; the presence of adequate shoreline protection structures and utility service; location on strategic waterfront transportation routes; waterfront heritage resources; and potential to elevate adjacent neighborhood property values. These sites are uniquely suited to the development of water-enhanced uses that derive benefit from a waterfront location, but do not require such a location to function, such as restaurants, residential, and open space. The LWRP proposed waterfront enhanced mixed use development areas include:

- Black Rock Harbor Village
- Scajaquada Creek Harbor/Buffalo State Campus
- Niagara Street/Upper Rock
- Cotter Point
- Niagara Gateway
- Erie Street
- Canalside
- Ohio Street
- Ford Terminal Complex

(Buffalo Policy)

Policy 5B Protect, restore or enhance natural and manmade resources which are not identified as being of state-wide significance, but which contribute to the overall scenic quality of the coastal area. (NYS CMP Policy 25)
Policy 5C  Protect and enhance existing, and encourage opportunities for new, Niagara River Globally Significant Important Bird Area viewing sites. (Buffalo Policy)

Policy 5D  Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities, or the nation. (NYS CMP Policy 23)

Policy 5E  Actions and development should provide multi-modal transportation facilities in support of the City of Buffalo Complete Streets Ordinance. (Buffalo Policy)

Policy 5F  The following short-term waterfront transportation projects should be encouraged within the WRA:

a. Reinforce the Great Lakes Seaway Trail and Ohio Street as the City’s primary multi-modal local waterfront transportation corridors with streetscape improvements and clear wayfinding signage;

b. Reinforce the Shoreline Trail and Jesse Kregal Creekside Trail multi-modal off-road routes with improved signage and amenities;

c. Minimize the adverse impact of NYS Route 198 on Delaware Park, Scajaquada Creek, public water access, noise, light, and property values;

d. Minimize the adverse impact of I-190 on waterfront public access, noise, light pollution and property values in the short-term through:

   i. Improved pedestrian connections below Route I-190 in Black Rock/Riverside;

   ii. Improvement of the former Breckenridge Toll Plaza and along Black Rock Canal for public access, habitat regeneration, and stormwater management;

   iii. Improvements to the parking facilities located beneath the I-190 to maximize parking, manage stormwater, and provide attractive gateways between the downtown and the water; and

   iv. Improvements to the Virginia/Carolina Thruway interchange.

e. Minimize at-grade parking facilities within the WRA to preserve land for public access along the water’s edge and adjacent in-land commercial development;

f. Minimize waterfront truck traffic to the maximum extent practicable, redirecting through traffic to non-waterfront routes, while supporting truck traffic associated with local business; and

g. Improve the connection between Main Street and the waterfront by returning cars to Main Street, reestablishing the Erie Street radial between Main Street and Lakefront Boulevard, and calming traffic along Church Street.

(Buffalo Policy)

Policy 5G  The following long-term waterfront transportation projects should be encouraged within the WRA:
a. Reduction of the footprint of the I-190 and the adverse impacts on Niagara Street redevelopment areas, public access and property values. Options previously considered include improved regional traffic management, relocation of the I-190 in Black Rock/Riverside to the Tonawanda rail corridor and/or the conversion of Route I-190 to a boulevard;

b. Reduction of the impact of the I-198/I-190 interchange on Scajaquada Creek, Black Rock Canal and the Scajaquada Harbor redevelopment areas, public access and property values;

c. Development of the Buffalo River Greenway as the southern complement to the Jesse Kregal Creekside Trail system;

d. Construction of a connection between the Tifft Street and Route 190 to redirect truck traffic from the waterfront inland and support the redevelopment of the South Buffalo Brownfield Opportunity Area;

e. Analysis of the impact of removing the Skyway bridge overpass; and

f. Mitigation of the barrier to the waterfront created by the rail corridor.

(Buffalo Policy)

Policy 5H Utilize signage within the WRA to assist in wayfinding and celebrate unique WRA cultural, recreational and environmental features. (Buffalo Policy)

GOAL 6. PROMOTE THE CITY AS AN INTERNATIONAL GATEWAY

The international border between the U.S. and Canada serves as the western boundary of the Buffalo WRA. The Buffalo-Niagara region serves as the second largest port of entry along the nation’s northern border, home to 15% of all trade between the U.S. and Canada. Within the City of Buffalo WRA, the Peace Bridge, International Railroad Bridge and the Erie Basin Marina Outlying Area Reporting Station serve as gateways for people, boats and cargo travelling between the U.S. and Canada. Residents are encouraged to enroll in the Nexus trusted traveler program, to receive expedited processing when entering the U.S. and Canada.

The intent of the following policies is to promote the development of the City and WRA as a high quality international gateway.

Policy 6A Support the location of water-dependent or enhanced International Trade Gateway hard and soft infrastructure, within the WRA. (Buffalo Policy)

Policy 6B Support the creation of attractive landscapes that welcome travelers from Canada. (Buffalo Policy)

Policy 6C Improve connections between the U.S. Shoreline Trail and the Niagara River Parkway bicycle and pedestrian trail system. (Buffalo Policy)

Policy 6D Encourage and expand marine border check-in sites to increase cross-border recreational boating and fishing. (Buffalo Policy)
Policy 6E  Improve passenger train connections from downtown Buffalo through Niagara Falls to Toronto. (Buffalo Policy)

Policy 6F  Facilitate efficient border crossing for travelers at the Peace Bridge and other Western New York border entry points. (Buffalo Policy)

Policy 6G  Improve cross border interpretation of the War of 1812, Underground Railroad and bi-national water/energy/ecological management efforts. (Buffalo Policy)

Policy 6H  Minimize adverse impacts of international gateway functions on the WRA, with particular emphasis on vulnerable environmental justice populations, migratory bird populations, historic resources and water resources. (Buffalo Policy)

GOAL 7. PROTECT AND REBUILD THE LAKE ERIE/NIAGARA RIVER FOOD WEB – RECOGNIZING LOCAL FISH AS AN IMPORTANT FOOD SOURCE

Within the Buffalo WRA, Lake Erie and the Niagara River are home to several sport fishing charter businesses, bait shops, numerous shoreline fishing sites with large numbers of residents, including the City’s growing immigrant communities, relying upon locally caught fish as a source of protein. In addition, WRA natural systems host large native deer and turkey communities; several rare, threatened or endangered species; and, a globally significant bird corridor. Because hunting is prohibited due to urban site conditions, the City, and the WRA in particular, serves as an informal regional wildlife preserve.

The overall intent of the following policies is to help rebuild the Lake Erie-Niagara River food web, supporting sport and subsistence fishing in the short-term and contributing to the long-term restoration of sustainable commercial fishing in New York’s Lake Erie waters. These policies are also intended to contribute to the protection of the City’s globally significant bird area; and rare, threatened and endangered species.

Policy 7A  Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources. (NYS CMP Policy 9)

Policy 7B  Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats. (NYS CMP Policy 7)

This policy is applicable to the following designated as Significant Coastal Fish and Wildlife Habitats: Times Beach Diked Disposal Site, North Buffalo Harbor, Small Boat Harbor and Tifft Farm Nature Preserve State-designated Significant Coastal Fish and Wildlife Habitats, as described in LWRP Section VIII, Inventory Section II C1 and shown on Map 11. A Coastal Fish & Wildlife Habitat Rating Form and map, for each designated habitat, is provided in Appendix G.

Policy 7C  Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas. (NYS CMP Policy 44)

Policy 7D  Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State’s seafood products,
maintaining adequate stocks, and expanding aquaculture facilities. (NYS CMP Policy 10)

Policy 7E Effluent discharge 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. (NYS CMP Policy 40)

Policy 7F Water intakes shall minimize, to the maximum extent practicable, impingement or entrainment of fish and wildlife. (Buffalo Policy)

Policy 7G Protect, preserve, improve and restore, where practicable, publicly owned areas identified as habitats of local significance, including the Times Beach diked disposal site, North Buffalo Harbor, Buffalo Harbor State Park, and Tifft Nature Preserve. (Buffalo Policy)

Policy 7H Protect, improve and restore naturalized shoreline areas within the Buffalo and Niagara River Great Lakes Areas of Concern. (Buffalo Policy)

Policy 7I Prevent, to the maximum extent practicable, the introduction of aquatic invasive species to the Great Lakes. (Buffalo Policy)

Policy 7J Protect public health from contaminated fish. (Buffalo Policy)

Policy 7K Protect and enhance the Niagara River Globally Significant Important Bird Area (IBA). (Buffalo Policy)

GOAL 8. PROVIDE FOR PUBLIC WATER ACCESS IN SUPPORT OF THE PUBLIC TRUST

Throughout the City of Buffalo’s waterfront planning history, there has been a consistent, unwavering call for public access to the City’s shoreline and waterways.

The following policies support public access to the shoreline and waterways.

Policy 8A Access to the publicly-owned foreshore and to lands immediate 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. (NYS CMP Policy 20)

Policy 8B Protect, maintain, and increase the levels and types of access to public water-related recreation resources and facilities. (NYS CMP Policy 19)

Policy 8C Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast. (NYS CMP Policy 21)

Policy 8D 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. (NYS CMP Policy 22)
GOAL 9. MAXIMIZE COASTAL RESILIENCE

Portions of the WRA are subject to periodic flooding associated with snow melt, heavy rain, high Lake Erie winds and Lake seiche events. In addition, the release of the Lake Erie ice flow has potential impacts on erosion, sedimentation, waterfront structures and the Niagara Power Project intakes.

The following policies are designed to maximize resiliency to high water and wind events in accordance with State and federal Coastal Resiliency guidance. In addition, the LWRP suggests a periodic review of Ice Boom operations be done to fully consider both the protective function of the boom as well as any adverse impacts.

Policy 9A 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. (NYS CMP Policy 12)

Policy 9B 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. (NYS CMP Policy 11)

Policy 9C Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible. (NYS CMP Policy 17)

Policy 9D 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. (NYS CMP Policy 14)

Policy 9E 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. (NYS CMP Policy 13)

Policy 9F 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. (NYS CMP Policy 16)

Policy 9G Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach material to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land. (NYS CMP Policy 15)

Policy 9H 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. (NYS CMP Policy 28)
Policy 9I  Preserve the natural protective functions of the following:

a. Times Beach Nature Preserve;

b. Outer Harbor Greenbelt (including the Bell Slip);

c. Tifft Nature Preserve;

d. Gallagher Beach;

e. Cazenovia Park;

f. Stachowski Park;

g. Seneca Bluffs;

h. LaSalle Park;

i. Delaware Park;

j. Jesse Kregal Pathway;

k. Unity Island; and

l. Local habitat areas.

(Buffalo Policy)

Policy 9J  Protect and maintain the following shoreline protective features:

a. Bird Island Pier, Buffalo Harbor break walls and the Erie Basin Marina to protect the City shoreline from Lake Erie related flooding and erosion;

b. Erosion control structures that protect the Colonel Ward Pumping Station and Buffalo Sewer Authority Bird Island Treatment Plant;

c. Erosion control structures associated with WRA remediated sites or confined disposal facilities; and

d. Erosion control structures associated with WRA waterfront transportation facilities.

(Buffalo Policy)

Policy 9K  Activities and development shall consider the potential impacts of climate change on the Buffalo WRA and consider the City’s unique location on the Niagara River strait.

(Buffalo Policy)

Policy 9L  Minimize the potential adverse impacts of the Niagara River Ice Boom. (Buffalo Policy)

GOAL 10. MINIMIZE ENVIRONMENTAL DEGRADATION FROM SOLID WASTE AND HAZARDOUS SUBSTANCES

The disposal of solid waste can affect the use and quality of the city’s waterways and coastal lands. Among the concerns associated with the disposal and treatment of solid wastes and hazardous substances are the environmental damage caused by illegal dumping and the potential for contamination of water resources and coastal habitat areas, filling of wetlands and littoral areas, and degradation of scenic resources in the coastal zone. Projects involving the handling, management, transportation or discharge of solid wastes and hazardous substances need to comply with the applicable state and local laws or their successors.

The following Buffalo LWRP Policies are designed to minimize environmental degradation from solid waste and hazardous substances.
Policy 10A Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effects on those resources. (NYS CMP Policy 8)

Policy 10B Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands and wetlands. (NYS CMP Policy 35)

Policy 10C 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. (NYS CMP Policy 36)

Policy 10D The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources. (NYS CMP Policy 39)

Policy 10E Support the strategic removal of contaminated sediments from the Buffalo River. (Buffalo Policy)

Policy 10F Support efforts to characterize and address contaminated sediment and/or botulism concerns in Black Rock Canal, Scajaquada Creek, Hoyt Lake, Mirror Lake and South Park Lake. (Buffalo Policy)

Policy 10G Avoid the siting of new petroleum and other hazardous material shipment and storage facilities, junk/salvage yards, recycling facilities, and waste transfer facilities shall be prohibited within the WRA. (Buffalo Policy)

Policy 10H Development and improvements of all chemical and petroleum facilities shall prevent and control chemical discharges within the WRA. (Buffalo Policy)

Policy 10I Chemical or petroleum storage facilities, including gas stations, and junk and salvage yards, must be designed and maintained in such a manner as to prevent or reduce water pollution, air pollution, noise pollution, obnoxious odors, litter, vector infestation, and other conditions harmful to public health and the environment. (Buffalo Policy)

A comparison and reference of the New York State Coastal Policies to those contained in the City of Buffalo LWRP follows, below.

The State Policies as found in NYS CMP that are unchanged by the Buffalo LWRP are:

6 (permit simplification)

29 (renewable energy resources development)
The following policies of the NYS CMP do not apply in the City of Buffalo:

- Scenic resources of statewide significance
- Agriculture
- Innovative sanitary waste systems

This table shows the relationship of NYS CMP Policies to the City of Buffalo LWRP Policies:

<table>
<thead>
<tr>
<th>NYS CMP POLICY</th>
<th>BUFFALO LWRP POLICY</th>
<th>NYS CMP POLICY</th>
<th>BUFFALO LWRP POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 1</td>
<td>Policy 5A</td>
<td>Policy 23</td>
<td>Policy 5C</td>
</tr>
<tr>
<td>Policy 2</td>
<td>Policy 3B</td>
<td>Policy 24</td>
<td>NA</td>
</tr>
<tr>
<td>Policy 3</td>
<td>Policy 3A</td>
<td>Policy 25</td>
<td>Policy 5B</td>
</tr>
<tr>
<td>Policy 4</td>
<td>Policy 3C</td>
<td>Policy 26</td>
<td>NA</td>
</tr>
<tr>
<td>Policy 5</td>
<td>Policy 5A</td>
<td>Policy 27</td>
<td>Policy 3D</td>
</tr>
<tr>
<td>Policy 6</td>
<td>Unchanged</td>
<td>Policy 28</td>
<td>Policy 9H</td>
</tr>
<tr>
<td>Policy 7</td>
<td>Policy 7B</td>
<td>Policy 29</td>
<td>Unchanged</td>
</tr>
<tr>
<td>Policy 8</td>
<td>Policy 10A</td>
<td>Policy 30</td>
<td>Policy 2A</td>
</tr>
<tr>
<td>Policy 9</td>
<td>Policy 7A</td>
<td>Policy 31</td>
<td>Policy 2D</td>
</tr>
<tr>
<td>Policy 10</td>
<td>Policy 7D</td>
<td>Policy 32</td>
<td>NA</td>
</tr>
<tr>
<td>Policy 11</td>
<td>Policy 9B</td>
<td>Policy 33</td>
<td>Policy 2B</td>
</tr>
<tr>
<td>Policy 12</td>
<td>Policy 9A</td>
<td>Policy 34</td>
<td>Policy 2C</td>
</tr>
<tr>
<td>Policy 13</td>
<td>Policy 9E</td>
<td>Policy 35</td>
<td>Policy 4A, 10B</td>
</tr>
<tr>
<td>Policy 14</td>
<td>Policy 9D</td>
<td>Policy 36</td>
<td>Policy 10C</td>
</tr>
<tr>
<td>Policy 15</td>
<td>Policy 9G</td>
<td>Policy 37</td>
<td>Policy 2B</td>
</tr>
<tr>
<td>Policy 16</td>
<td>Policy 9F</td>
<td>Policy 38</td>
<td>Policy 2E</td>
</tr>
<tr>
<td>Policy 17</td>
<td>Policy 9C</td>
<td>Policy 39</td>
<td>Policy 10D</td>
</tr>
<tr>
<td>Policy 18</td>
<td>Policy 1A</td>
<td>Policy 40</td>
<td>Policy 7E</td>
</tr>
<tr>
<td>Policy 19</td>
<td>Policy 8B</td>
<td>Policy 41</td>
<td>Unchanged</td>
</tr>
<tr>
<td>Policy 20</td>
<td>Policy 8A</td>
<td>Policy 42</td>
<td>Unchanged</td>
</tr>
<tr>
<td>Policy 21</td>
<td>Policy 8C</td>
<td>Policy 43</td>
<td>Unchanged</td>
</tr>
<tr>
<td>Policy 22</td>
<td>Policy 8D</td>
<td>Policy 44</td>
<td>Policy 7C</td>
</tr>
</tbody>
</table>

Proposed Land and Water Uses

The Buffalo Green Code translates the Comprehensive Plan’s smart growth and sustainability principles into a Land Use Plan that will guide Buffalo’s physical development for the next twenty years or more. The Green Code is further informed by specific plans for the waterfront through the LWRP, and Brownfield Opportunity Areas (BOAs). The culmination of the Green Code is an update of the city’s 63-year-old zoning ordinance with a new “form-based code”/UDO that will implement these plans.
Based on the policies of the LWRP, the City of Buffalo has identified proposed land and water uses for the waterfront revitalization area (refer to the Action Strategy – Proposed Land and Water Uses and Proposed Projects – in Section III of the LWRP document). Section III of the LWRP states what types of development and general uses are permitted and where; the policies within Section II of the LWRP generally identify the manner in which development is to be undertaken. In the determination of consistency, the policies and proposed land and water uses of the LWRP are intended to fully substitute for the policy section of the NYS CMP. Federal and State actions are to be consistent with the proposed land and water uses, as well as the policies of the LWRP, to the maximum extent practicable.

Buffalo’s land use vision is built around three objectives: expand the economy, strengthen neighborhoods, and sustain the environment. The key criteria for waterfront development is to maximize public access while protecting water-based commerce and industry. Existing water-dependent uses are protected in certain industrial areas, such as on Kelly Island and along the Buffalo River. The LWRP prioritizes activities that are water-dependent, encourages activities that are water enhanced, and gently steers other activities away from the waterfront.

Buffalo protects existing water-dependent industrial uses in the lower reaches of the Buffalo River through industrial zoning provisions and setback exceptions for water-dependent uses. Water-enhanced mixed-use redevelopment is promoted at Black Rock Harbor; Scajaquada Creek Campus; Niagara Street; Cotter Point Maritime Community; Erie Street (between Main and Lakeside Boulevard); Canalside; Ohio Street - including ‘Freight House Landing’; and, Ford Terminal Complex/Freezer Queen. Industrial redevelopment is supported at Kelly Island, Silo City, Lakeside Commerce Park, Riverbend, Ford Terminal Complex (as part of mixed-use), Elk Street, and Niagara Street.

The LWRP provides for residential, commercial, industrial, and water-dependent uses, open space and recreation uses, heritage preservation, and appropriate uses of natural resources. Through Buffalo’s Land Use Plan and Unified Development Ordinance (UDO), future land uses are encouraged based on existing infrastructure and development patterns.

The UDO includes:

- Industrial zoning provisions and setback exceptions to protect existing water-dependent industrial uses;
- Mixed-use zoning to encourage new water enhanced infill and redevelopment of waterfront vacant land and buildings;
- Industrial redevelopment at Kelly Island, Silo City, Lakeside Commerce Park, Riverbend (adjacent South Park), Elk Street and Niagara Street;
- Open space zones to protect publicly held water-dependent and water enhanced recreation and natural resources; and
- Required waterfront setbacks and vegetated buffer requirements to protect numerous ecological functions of shoreline buffer areas.

Industrial waterborne transport activities are expected to continue in the Black Rock Channel, City Ship Canal, from the mouth of the Buffalo River to the Blue Tower Turning Basin, in the Buffalo Harbor channel, from the Ford Terminal Complex harbor to the Confined Disposal Facility and Holcim properties at the City’s southern border. Commercial and recreational boating is expected to continue throughout the WRA, as well as sport and subsistence fishing activities.
The City intends to implement several short-term projects to help encourage private investment in the City’s waterfront redevelopment areas, including: transportation projects (T1-T6); public space/amenity projects (A1-A7); and public facility rehabilitation (PF1-PF-&) projects. Additional revitalization projects are identified that will improve water quality, protect fish and wildlife, enhance historic resources, and improve public access and recreation opportunities. (Refer to the Action Strategy – Proposed Land and Water Uses and Proposed Projects – in Section III, subsection IV of the LWRP document.)

II. The U.S. Coastal Zone Management Act requires that in order for a local coastal program to be incorporated into a State Coastal Management Program (CMP) as a routine program implementation, there are to be no substantial changes to enforceable policies or authorities related to:

A. Boundaries

The City of Buffalo LWRP proposes minor changes to the NYS Coastal Boundary to more effectively plan for, manage and protect waterfront resources. The proposed Local Waterfront Revitalization Area (WRA), which is described in Section I of the LWRP, fully described in Appendix A, and illustrated on Map 1 – will be extended further inland to incorporate the full reach of Scajaquada Creek and Hoyt Lake, the Buffalo River, Cazenovia Creek and South Park Lake; the full reach of the Great Lakes Seaway Trail as it runs through Buffalo; five waterfront parks designed by Frederick Law Olmsted, including Riverside, the southern half of Delaware Park, Front Park, Cazenovia Park and South Park (the Olmsted designed portions of the Buffalo park system are listed on the National Register of Historic Places); and, the Canalside historic redevelopment district (historically, the western terminus of the Erie Canal) and historic Cobblestone district.

B. Uses Subject to the Management Program

There are no changes to the scope of uses subject to the management program, although the City of Buffalo LWRP does contain more specific guidance as to the appropriate location of these uses. (Refer to the LWRP Section III, Action Strategy/Proposed Land and Water Uses and Proposed Projects. Map 2 illustrates the proposed land uses and zoning, and Map 3 indicates the City’s priority mixed-use, water enhanced development zones.)

Local government actions, except minor actions as defined by the New York State Environmental Quality Review Act (SEQRA), will be reviewed for consistency with the LWRP policies. Review of local actions under the LWRP is coordinated with existing regulatory processes and in most instances occurs concurrently. Local government project proponents shall prepare and file a completed Buffalo Coastal Assessment Form (BCAF) and SEQRA Full Environmental Assessment form for coordinated review and recommendation to the Planning Board. The Planning Board shall review the BCAF submission to determine if the action is consistent with the policies and provisions of the LWRP. The Planning Board shall, along with a consistency determination, make any suggestions concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards or to greater advance them.

Federal and State actions are to be consistent with the proposed land and water uses and policies of the LWRP to the maximum extent practicable. The Action Strategy-Proposed Land
and Water Uses Section states what type of development is permitted and where; the policies generally state the manner in which development is to be undertaken. In the determination of consistency, the policies and proposed land and water uses are intended to fully substitute for the policy section of the NYS CMP.

C. Criteria or Procedures for Designating or Managing Areas of Particular Concern or Areas for Preservation or Restoration.

The criteria or procedures for designating areas of particular concern as described in the NYS CMP are not changed. The NYS CMP identifies an area subject to an approved LWRP as an area of particular concern. The City of Buffalo LWRP has been developed pursuant to the criteria and procedures described in the NYS CMP, and follow the guidelines for LWRPs, found in Appendix B of the NYS CMP. There are four State-designated Significant Coastal Fish and Wildlife Habitats, as defined by the NYS CMP, included in the LWRP as areas for preservation and restoration. These include the Times Beach Diked Disposal Site; North Buffalo Harbor; Small Boat Harbor; and, Tifft Farm Nature Preserve State-designated Significant Coastal Fish and Wildlife Habitats (described in the Inventory, Section II C1 and shown on Map 11-Natural Resources).

D. Consideration of the national interest involved in the planning for, and the siting of, facilities which are necessary to meet requirements which are other than local in nature.

There are no changes to the provisions of the NYS CMP for consideration of the national interest, as a result of incorporating the City of Buffalo LWRP (rf. NYS CMP and FEIS, pages II-9-2 to II-9-7).

E. Authorities and Organization

There are no changes to the State’s authority and organization for management of the Coastal Management Program as a result of incorporating the City of Buffalo Local Waterfront Revitalization Program. All of the coastal policy revisions are further detailing of the existing approved program, and do not represent a major change to the NYS CMP’s enforceable policies. Also, there are no changes to organization or structure to implement the management program; administration of its grant; general techniques for control of land and water uses; mechanisms to ensure State agencies’ adherence to the State’s Coastal Nonpoint Pollution Control Program [Section 6217 (CZARA) of 1990] and the Nonpoint Source Management Plan [Section 319 of the Clean Water Act of 1987].

F. Coordination, Public Involvement, and National Interest

There are no changes to the following provisions of the State’s Coastal Management Program (CMP) as a result of incorporating the City of Buffalo LWRP:

• The mechanism for consultation with local governments, interstate agencies, regional agencies, and area-wide agencies within the coastal zone;

• Consideration of the national interest involved in planning and managing the coastal zone, including the siting of facilities such as energy facilities of greater than local significance;
• The procedures for public participation in permitting processes, consistency determination, and other similar actions; and

• The Federal consistency provisions. Upon Federal concurrence with the State's approval of the City of Buffalo LWRP, the LWRP provides standards for Federal consistency decision-making.