

## DEVELOPED WATERFRONT POLICIES

### **POLICY 1 - Foster a pattern of development in the coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development**

The community character of the Town of Wheatfield waterfront areas is defined by the pattern of land use and development that is clustered along River Road (NYS Route 384 and 265) and the Niagara River in Sub-Area 1, and Lockport Avenue and the Erie Canal (Tonawanda Creek) in Sub-Area 2. Most of the shoreline in both Sub-Areas in the Town is well developed (primarily with residential uses), offering few opportunities for new development. The long standing planning goals of the Town are aimed at preserving and enhancing the character of the waterfront and its relationship to the River and the Canal, and providing better opportunities for recreation and public access that are compatible with the existing scale and patterns of development and the availability of services in the community.

This policy is intended to encourage a pattern of development that enhances the quality of life and protects the character of the waterfront areas. In recognizing the characteristics of the unique sub-areas along the waterfront, the primary components of this policy are to: strengthen the limited amount of economic activity that occurs along River Road in Sub-Area 1, protect and improve stable residential areas; improve recreation and public access opportunities, and preserve and protect remaining open space and significant natural resources. Development that does not reinforce the traditional land use pattern and improve the quality of life along the River and Canal would adversely impact the community character of these areas.

#### **1.1 Concentrate development and redevelopment in order to revitalize and enhance the waterfront areas and strengthen the waterfront focus of the area.**

New development or redevelopment should be located where infrastructure is adequate or can be upgraded to accommodate such development. The scale of development or redevelopment along the waterfront should be appropriate to the setting and character of the area and highlight existing resources, such as the local history and important natural or man-made features to reinforce community identity. Development and redevelopment efforts should be primarily focused in Sub-area 1. This area should be designed and developed as a focus for activity, drawing people to the area, as appropriate, and linking the river to the upland. Development and redevelopment decisions should be compatible with community and regional needs, as well as market demands. In addition, the environmental quality of any degraded areas should be restored and environmental constraints, in particular shoreline erosion and flood hazards, should be recognized as limiting factors to the development or redevelopment of certain areas. Finally, the efforts of the NYS Department of Transportation should consider means for calming traffic flow along NYS Route 384 to improve public safety and enhance community character. The speed and volume of traffic flow through the

area creates hazards for residents and negatively impacts the quality of life in the area. Adequate facilities for pedestrians and bicyclists should be ensured in both sub-areas. Any improvements to NYS Route 384 must not cut the upland community in Sub-Area 1 off from the waterfront.

Sub-Area 1 is, in many ways, a gateway to the Town and the Wheatfield waterfront, and redevelopment efforts should reflect this, including the development of a gateway feature that welcomes residents, workers and visitors to the area. River Road is a segment of the New York State Seaway Trail and a State and nationally-Designated Scenic By-Way. Gateway features and other roadway signage should recognize and promote this status.

There are two parcels at the western end of Sub-Area 1 that encompass approximately 25 acres of land and have potential for development and redevelopment. These properties are an appropriate setting for development, with adequate access to public infrastructure, and consideration has been given to opportunities for mixed use development that would offer commercial and residential uses, along with public access along the waterfront. Public access should be included in any development or redevelopment proposals for these lands.

The following planning principles should be used to guide investment and the preparation of development strategies and plans for the waterfront:

1. New development should be located where infrastructure is adequate or can be upgraded to accommodate new development or redevelopment.
2. Development should be designed at a scale that is appropriate to the setting.
3. As appropriate, waterfront properties should be developed as focus areas of activity to draw people to the shoreline and link the waterfront with upland portions of the area.
  - a) provide and improve integrated linkages between the waterfront and upland portions of the community, including the use of appropriate directional signage;
  - b) meet community and regional needs and market demands when making development choices so that the end product provides a useful service and benefits and connects with the surrounding area;
  - c) recognize environmental constraints as a limiting factor for development and devise ways to blend environmental preservation into site design, wherever possible, to achieve development without adversely impacting important environmental resources;
  - d) restore environmental quality to degraded areas for both resource preservation and revitalization.
4. All development or uses should recognize the unique qualities of the waterfront by:
  - a) using building and site design to make beneficial use of the waterfront location and associated resources;

- b) minimizing consumption of waterfront lands that does not meet the intent of this policy or that would result in potential adverse impacts on natural resources;
- c) limiting shoreline alteration;
- d) incorporating recreational activities, public access, open space and other such amenities into site designs, as appropriate, to enhance the subject site and the surrounding community, and to increase visual and physical access to the Niagara River and Erie Canal;
- e) attracting people to the waterfront, as appropriate to the use;
- f) ensuring that design and siting of uses and structures complements the surrounding community and landscape;
- g) using indigenous plants as components of landscape design to improve habitat and water quality, and to lessen water demand.

## **1.2 Ensure that development or uses make beneficial use of their waterfront location.**

All uses proposed for the waterfront areas should relate to the unique character of these areas and should be appropriate for the location. Water-dependent uses should be promoted where appropriate and given precedence over other types of development at suitable waterfront sites. Existing water-dependent uses should be protected. Development that is not dependent on a waterfront location or that cannot make beneficial use of such a location should be discouraged. Water-enhanced uses may be encouraged where they are compatible with surrounding development and are designed to make beneficial use of their location along the Niagara River or Erie Canal.

### Water-Dependent uses

Water-dependent uses are activities that require a location in, on, over or adjacent to the water because these activities require direct access to, or use of, surface waters as an integral part of the activity.

### Water-Enhanced uses

Water-enhanced uses are activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront, if properly designed and sited, could add to public enjoyment and use of the water's edge. Water-enhanced uses are generally of a recreational, cultural, commercial or retail nature.

1. Water-dependent uses and water-enhanced uses should be sited and designed to:
  - a) attract people to or near the waterfront and provide opportunities for access;
  - b) provide public views to or from the water;
  - c) link the waterfront to adjoining business districts;
  - d) minimize consumption of waterfront land; and
  - e) not cause significant adverse impacts to community character and surrounding land and water resources.

2. Uses should be avoided that would:
  - a) result in unnecessary and avoidable loss of significant waterfront resources;
  - b) ignore the waterfront setting as indicated by design or orientation; and
  - c) fail, by nature, to derive economic benefit from a waterfront location.

### **1.3 Maintain and enhance natural areas, recreation, and open space.**

Natural areas, open space and recreational land offer public benefits that may not be immediately tangible. In addition to scenic and recreational benefits, these lands may also support important habitat, provide watershed management and flood control benefits, and serve to recharge ground water. Special consideration should be given to protecting stands of large trees and significant habitats. The expansion of infrastructure into undeveloped areas should be avoided where such expansion would promote development that is detrimental to important waterfront resources or the character of the waterfront areas.

There are no conservation lands or public parks in Sub-Area 1, but the Town owns a 4.6-acre property that is proposed for future parkland development to provide public benefit in this area. This land is situated just east of parkland in the City of Niagara Falls. The long-term vision is to develop a connection between these areas to further enhance public recreation and open space opportunities. River Road is also a designated segment of the NYS Great Lakes Seaway Trail and a designated Scenic By-way.

The abandoned railroad corridor in Sub-Area 1 provides an opportunity for public recreation and improved use as open space. The Town would like to improve this area for a multi-use trail that would enable a connection between the Cities of Niagara Falls and North Tonawanda. This trail would also represent an important segment in the Niagara River Greenway system. Such an effort would help to provide much needed recreational land to benefit the public in this area.

Baisch Park is the only park facility in Sub-Area 2. This 3.7-acre property is presently utilized for passive recreation. The long-term vision for this park is to develop a connection to the waterfront and the West Canal Marina and County park facility, which is situated immediately east of the LWRA, to enhance and improve recreational opportunities.

To enhance community character and maintain the quality of the natural and man-made environment, potential adverse impacts that may result from site development, including impact to existing development, the physical environment, and economic factors should be identified and avoided or properly mitigated. Development and redevelopment should be designed to take advantage of significant site characteristics, limit the disturbance of important natural resources, foster visual compatibility with the surrounding area, and maintain the continuity of public access along the water's edge.

1. Adverse impacts on natural resources should be avoided, including, but not limited to:

- a) degradation of water quality;
  - b) loss, fragmentation, and impairment of habitats and wetlands; and
  - c) alteration of protective features and changes to natural processes that would increase shoreline flooding and erosion.
2. Special consideration should be given to protecting mature trees, unique forest cover types and significant wildlife habitats.
  3. Establish a continuous trail system, with linkages to adjoining communities, that is sufficiently wide enough to allow for safe pedestrian and bicycle travel along the waterfront.

#### **1.4 Minimize the adverse impacts of new development or redevelopment on the waterfront**

To enhance community character and maintain the quality of the natural and man-made features in the Wheatfield waterfront areas, potential adverse impacts of new development and redevelopment on existing land uses, the natural environment, and the local economy should be properly assessed and mitigated. Development should reflect the recognition of existing site characteristics, limit the disturbance of land and water, and foster visual compatibility with surrounding areas. The size and scale of development or redevelopment should be compatible with the character of the surrounding area, the adjacent river or canal, and the Town as a whole. This is of particular importance in Sub-Area 1, where existing residential lots are narrow, with many not conforming to current Code requirements. Where parcels are combined and new residential development proposed, the size and scale of new structures must not adversely impact the character of the surrounding area, disrupt existing views or otherwise be designed in a manner that is not in keeping with the character of surrounding residential development.

Cumulative and secondary adverse impacts from development and redevelopment should be properly assessed and minimized. Cumulative impacts are the result of the incremental or increased impact of repetitive actions or activities when added to other past, present, or future actions or activities. Secondary impacts are those that are foreseeable, but occur at a later time or at a greater distance from the action, and are caused by an action or activity, whether directly or indirectly.

1. Potential economic impacts should be minimized as follows:
  - a) prevent deterioration of the waterfront and the surrounding area by eliminating derelict and dilapidated conditions;
  - b) avoid uses that detract from community character of the waterfront;
  - c) prevent the isolation of community uses and people from the waterfront; and
  - d) protect and enhance the economic base of the community and promote diverse economic activity.

## **1.5 Protect stable residential areas**

The existing residential neighborhoods along the waterfront are important to the overall character community and economic functioning of the area. New uses in stable residential neighborhoods should be avoided when their size or scale would significantly impact the character of the area. New construction, redevelopment and associated screening, such as fences and landscaping, should not reduce or eliminate vistas that connect local residents or visitors to the waterfront or views that are otherwise important to the surrounding area.

Public access improvements should also be emphasized to better establish the connection between residential areas and the waterfront. Linkages are also important and should be created through the development of the waterfront trail system.

## **POLICY 2 - Preserve historic resources**

The intent of this policy is to preserve historic and archaeological resources in the LWRA. Concern extends not only to the specific site or resource, but to the area adjacent to and around specific sites and resources. There are no designated historic structures located within the LWRA. No known sites of archaeological significance have been identified within the LWRA, and both Sub-Areas have been considerably disturbed by clearing and development over the years. However, the NYS Office of Parks, Recreation and Historic Preservation (SHPO) has archaeological mapping that indicates that much of the Sub-Area 1 waterfront and the entire Sub-Area 2 waterfront is designated as archaeologically-significant (see Section 2.8.2). Therefore, the SHPO should be contacted when considering development or redevelopment projects within undisturbed areas along these waterfronts.

## **2.1 Maximize the preservation and retention of historic resources**

1. Potential impacts to historic resources in the LWRA should be thoroughly evaluated through the environmental review process. All practical means should be utilized to preserve identified resources and mitigate or avoid potential adverse impacts.
2. The historic character of significant resources identified in the LWRA shall be preserved by protecting historic materials and features as follows:
  - a) evaluate the physical condition of important materials and features;
  - b) stabilize materials and features to prevent further deterioration;
  - c) protect important materials and features from inadvertent or deliberate removal or damage; and
  - d) ensure the protection of historic elements through a program of non-intrusive maintenance of important materials and features.
3. Repair historic materials and features using recognized preservation methods when physical condition warrants such repair.

4. Foster uses that maximize retention of the historic character of a resource and minimize alterations so as to preserve and retain the character of the structure.
  - a) Alterations should not obscure, destroy or radically change character defining spaces, materials, features or finishes in order to reduce adverse impacts to the resource.
  - b) Alterations may include selective removal of features that are not historic elements of the resource and its setting and that detract from the overall historic character of the resource.
  - c) Minimize potential negative impacts on the historic character of the resource due to necessary updates to systems in order to meet health and safety code requirements or to conserve energy.
  - d) In constructing new additions, use appropriate design and construction to minimize adverse impacts to historic character and allow for the visual compatibility of the new and old sections of structure.
5. The loss of historic resources or the historic character of the area shall be minimized when it is not possible to completely preserve the resource.
  - a) Historic structures should be relocated only when the resources cannot be preserved in place.
  - b) Demolition of a resource should only be allowed where alternatives for retention are not feasible.
6. Avoid potential adverse impacts of development and redevelopment on adjacent or nearby historic resources.
  - a) Historic resources should be protected by ensuring that development is compatible with the historic character of the affected resource.
  - b) Potential development should be designed to a size, scale, proportion and mass, and with a spatial relationship that is compatible with the historic resource.
  - c) Potential development should be designed using materials, features, forms, details, textures and colors compatible with similar features of the historic resource.
7. Limit adverse cumulative impacts on historic resources.
  - a) Minimize the potential adverse cumulative impact on an historic resource, which is a member of a group of related resources, which may be adversely impacted by the loss or diminution of any one of the members of the group.
  - b) Minimize the potential cumulative impacts of a series of otherwise minor interventions on an historic resource.
  - c) Minimize potential cumulative impacts from development adjacent to the historic resource.

## **2.2 Protect and preserve archaeological resources**

1. Potential impacts to archaeological resources in the LWRA should be thoroughly evaluated through the environmental review process.

2. When a development action is proposed in the LWRA, a cultural resource investigation will be conducted.
  - a) A site survey will be undertaken to determine the presence or absence of cultural resources in the project area.
  - b) If cultural resources are discovered as a result of the initial survey, a detailed evaluation will be conducted to provide adequate data to allow for a determination of the significance of the archaeological resources.
3. If the potential for impacts to an archaeological resource exists, adverse impacts shall be minimized by:
  - a) redesigning the project,
  - b) mitigating direct impacts on the resources, or
  - c) recovering significant data/resources prior to construction.
4. Disturbance or adverse impacts to any archaeological resources situated on or under lands owned by the State of New York shall be avoided. These resources may not be appropriated for private use.
5. With respect to activities that involve excavation in the Town of Wheatfield, public agencies and utilities should contact the New York State Office of Parks, Recreation and Historic Preservation to determine appropriate protective measures for archaeological resources.

### **POLICY 3 - Enhance visual quality and protect outstanding scenic resources**

It is the intent of this policy to protect and enhance visual quality and protect scenic resources in the LWRA. This policy is applicable, but limited to the scenic resources identified in Section 2.8.3. There are no Scenic Areas of Statewide Significance within the LWRA, but scenic vistas of the Niagara River and Tonawanda Creek (Erie Canal) are locally important.

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

From various points along the Wheatfield waterfront, there are excellent views of Niagara River and its shoreline, as well as the Erie Canal. The Seaway Trail, which extends along River Road (NYS Route 384/265) in Sub-Area 1, is the only National Scenic By-way in New York State, as well as a State-designated Scenic By-Way. In accordance with federal regulations, the erection of new off premises signs along designated State and National scenic by-ways is prohibited. The Town of

Wheatfield sign regulations currently restrict off premises signs to directional signage for local businesses that cannot exceed three sq. ft. in size; billboards and other such off premises signage is prohibited. Efforts should be made to enhance and improve this corridor in recognition of this designation. Improved signage and the enhancement of gateway features should be considered and encouraged. The Town should work to phase out any existing billboard signage along River Road to improve visual quality and support the federal signage restrictions.

### **3.1 Protect and improve visual quality throughout the Wheatfield waterfront.**

The visual quality of waterfront is an important component in the character of this area. Waterfront uses often include residential and recreational components, infrastructure, and other physical modifications to the landscape that add visual interest. Some of these uses include elements that may not in themselves be considered scenic, yet contribute interest to the scenic quality of an area. Structures or activities that introduce visual interruptions to the natural landscape along the Wheatfield shoreline, such as intrusive artificial lighting, solid fencing that runs perpendicular to the shoreline or massive structural elements, should be discouraged, particularly in Sub-Area 1.

### **3.2 Protect aesthetic values associated with recognized areas of high scenic quality**

There are no areas designated under Protection of Natural and Man-made beauty Act (Article 49 of ECL) or designated Scenic Areas of Statewide Significance in the Wheatfield LWRA. As noted above, River Road (NYS Route 384/265) is a State and Nationally-designated Scenic By-Way. The designation for this corridor through Wheatfield is important and should be recognized as such. Efforts should be taken to protect and, where possible, to improve the visual quality and visual accessibility of the waterfront areas. In accordance with federal regulation, the erection of new off premise signs along designated state and national scenic by-ways is prohibited. The Town should also work to phase out any existing billboard signage along this thoroughfare to improve visual quality. This entry points into the Sub-Area 1 LWRA should be treated as gateway features, including aesthetic elements to welcome visitors and local residents to the area.

## **NATURAL WATERFRONT POLICIES**

### **POLICY 4 - Minimize loss of life, structures, and natural resources from flooding and erosion**

This policy seeks to protect life, structures and natural resources from the hazards of flooding and erosion. The policy reflects State flooding and erosion regulations and provides measures for the reduction of hazards and protection of resources. The provisions of this policy are applicable to the floodplain areas adjacent to the Niagara River and the Erie Canal.