

Section III. Waterfront Revitalization Program Policies

This section sets forth the 13 waterfront revitalization policies established by the New York State Department of State and reflected in the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The explanations refine these policies to reflect local circumstances and conditions.

Developed Waterfront Policies

Policy 1

Foster a pattern of development in the waterfront 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 waterfront areas of the Chautauqua Lake communities include a wide variety of land uses, natural resources, cultural and historic resources, residential centers, and recreational facilities. The vitality of these lake communities is critical to the success of the Chautauqua Lake Region. The character of the area along Chautauqua Lake is defined in large part by the lake's historical development as a recreational attraction and the upland's agricultural past. Chautauqua Lake's primary land use pattern of development is residential, which has seen increased growth since the completion of a sewer system around a large portion of the lake. The increased growth has resulted in a rapid decline in the limited amount of undeveloped shoreline that remained. Even so, the shoreline still maintains a rural character with vacant farm and woodlands interspersed between historic residential clusters and a handful of modest sized Villages. The character of the uplands beyond the Waterfront Revitalization Area (WRA) is markedly rural.

The nine communities around Chautauqua Lake are spread across 42 miles of shoreline and are comprised of both Villages and Townships with varying topographies. Due to these variables, the land use goals for the area within the LWRP, although having similarities, are often unique. The future of the Chautauqua Lake area will be influenced by the ability of the Chautauqua Lake communities to preserve open spaces and protect natural resources while enhancing and revitalizing the community assets that help to create the unique experience of visiting Chautauqua Lake. Tourism is the primary economic base for many of the lake communities such as Chautauqua, Ellery and Bemus Point.

This policy is intended to foster a development pattern that provides for the beneficial use of the environmental, historical, and cultural resources of the Chautauqua Lake communities while maintaining and building on their traditional economic base. The primary components of the desired development patterns are: strengthening the downtown areas of the Villages and the historic residential clusters, such as Chautauqua Institution and Dewittville, as centers of activities; encouraging water-dependent uses to concentrate in existing locations of maritime activities; upgrade and enhance existing facilities to encourage use of underutilized waterfront areas by residents and visitors, and preserve open space and

environmentally sensitive waterfront resources. Development that does not reinforce or complement the land use pattern of an area will result in the loss of community character and possibly harm the limited waterfront resource that exists.

Policy 1.1 Concentrate development and redevelopment in order to revitalize underutilized waterfronts and strengthen the traditional waterfront focus of the communities.

The only growth and development controls within the Chautauqua Lake communities are the existence of local land use regulations. These regulations have acted as the sole comprehensive planning tool for community development in each of the communities and therefore provide an insight to the land use development patterns of each community.

When studying the inventory of business, commercial, shoreline commercial and highway commercial areas that exist in the Towns and Villages a pattern emerges. Historically these types of uses have been clustered in Village centers or historical residential clusters, such as Hartfield, Dewittville, Ashville, Stow and near the Chautauqua Institution. The largest and most successful districts are those with adequate infrastructure in the Village centers.

Therefore, the following standards should be adhered to when evaluating the appropriateness and design of future development in the LWRP area:

Village Centers or Areas with Adequate Public Infrastructure:

Design projects with waterfront as a focus and a site design that links the waterfront to the upland portions of the community.

- Scale development to be appropriate to the setting
- Incorporate recreational activities, public access, open space, or amenities, as appropriate to use, to enhance the site and the surrounding community, and to increase the visual and physical access to the waterfront.
- Ensure that design and siting of uses and structures complement the surrounding community.
- Recognize environmental constraints as limiting development.

Areas without Adequate Public Infrastructure:

- All conditions listed under Village Centers previously.
- Make determination on where proposed infrastructure may be located and what type of infrastructure will be used to service proposed development.
- Minimize the consumption of waterfront lands and potential adverse impacts on natural resources.

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

The amount of developable waterfront and its associated resources on Chautauqua Lake are limited. Allowing market forces alone to determine the future, long-term use of this valuable resource does not ensure an attractive or publicly accessible waterfront or protect community character. This policy seeks to provide a measure of control and guidance not currently available in many of the Chautauqua Lake communities land use regulations. When evaluating uses it is recommended that consideration should be given to whether a use is appropriate for a waterfront location. When planning waterfront development or redevelopment, the waterfront location should be reflected in the siting, design, and orientation of the development whenever feasibly possible.

The following are definitions and standards are to be used as guidance when evaluating the appropriateness of a proposed development on the waterfront in the LWRP area:

Water-Dependent Uses – Activities which require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity.

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

Standards:

Water-dependent uses should be promoted where appropriate and given precedent over other types of development at suitable waterfront sites. Existing waterfront uses should be protected.

Water-enhanced uses may be encouraged where they are compatible with surrounding development and are designed to make beneficial use of their waterfront location.

Water-enhanced uses should be sited and designed to:

- attract people to waterfront and provide opportunities for access
- provide public views to or from the water
- minimize consumption of waterfront land
- not interfere with the operation of water-dependent operations
- not cause significant adverse impacts to community character and surrounding land and water resources.

Uses should be avoided that do not, by their nature, derive economic benefit from a waterfront location.

Policy 1.3 Maintain and enhance natural areas, recreation and open space.

The shoreline of the Chautauqua Lake communities includes freshwater wetlands, floodplains and wildlife management areas as inventoried earlier in this document. Natural areas, open space and

significant recreational lands in the Chautauqua Lake area produces tangible and intangible benefits that contribute to the quality of life of residents, as well as enhancing the uniqueness of the area to visitors. In addition to scenic and recreational benefits these lands may also support habitats for fish and wildlife, provide watershed management flood control benefits, serve to recharge ground water, and can in some cases minimize erosion.

The intent of this policy is to foster development requirements that account for site characteristics, limit the disturbance of land and water, and foster visual compatibility of the development with surrounding areas.

Adverse impacts on natural resources, open spaces and recreation should be avoided, including:

- The protection of existing park lands and provision of additional recreational opportunities in the Chautauqua Lake communities
- When evaluating proposed new developments, ensure that natural areas are preserved to the maximum extent possible.
- Include cluster-housing provisions in subdivision regulations, zoning laws and ordinances to preserve open space.
- Loss, fragmentation, and impairment of habitats and wetlands whenever possible.
- The expansion of infrastructure into undeveloped areas where such expansion would promote development detrimental to natural resources.

Policy 1.4 Minimize potential adverse land use, environmental, and economic impacts that would result from proposed development.

To enhance community character and maintain the quality of the natural and man-made environments of the Chautauqua Lake area, potential adverse impacts on existing development, the natural environment and the economy should be addressed and mitigated. Local review of proposed development falls under the purview of site plan review, by which the community can require that site development meets established requirements for layout, size and appearance. Further, the State Environmental Quality Review (SEQR) process provides an additional means whereby the local community can assess all potential environmental impacts of a proposed development.

- All major proposed projects within the Chautauqua Lake Waterfront Revitalization Area requiring local, State or federal review shall take into account the economic, social and environmental interests of the impacted community and the Lake as a whole.
- Future development should be focused only where adequate public infrastructure exists or can be provided or where private facilities could be developed. All development should take place in such a way that community character, environmental quality, open space, and natural resources are preserved and water-dependent uses are not displaced or their operations impaired.

Policy 1.5 Protect stable residential areas.

Redevelopment areas within the Chautauqua Lake communities primarily consist of Village centers or areas that have become centers for historic residential clusters such as Stow and Dewittville. These types of areas have traditionally had links to adjacent existing residential neighborhoods. The following standards should be considered when reviewing proposed projects:

- New development located in or adjacent to these types of residential areas should be compatible with neighborhood character.
- Buffering that does not reduce or eliminate vistas that connect people to the water may be considered to separate non-compatible uses.
- The loss of informal access points to the waterfront should be evaluated. In the case of a loss of access points, the provision of new public access points shall be encouraged.

Policy 2

Preserve historic resources of the waterfront area of Chautauqua Lake.

The rich and varied historic resources of the Chautauqua Lake communities are a visible if unrecognized reminder of each community's roots and their rich tradition. The Chautauqua Lake area is full of reminders of its past as a tourist destination and an inland shipping route to the Gulf of Mexico.

It is worth highlighting the fact that the significance of the Chautauqua Lake communities' resources has been recognized by the listing of five properties and two historic districts on the State and National Registers of Historic Places. The two historic districts, the Chautauqua Institution and Point Chautauqua, alone encompass more than 705 principal contributing buildings. In addition the Chautauqua Institution was listed on the National Register of Historic Places as a National Historic landmark in 1989 (Historic Resources identified in Section II on pages 42-45 and Tourism Resources, page 63).

There is evidence of earlier Native American occupation of the region dating as far back as 5,000 years ago when the Native American "Mound Builders" lived on the shores of Chautauqua Lake. Evidence of at least thirty entrenchment sites in Chautauqua County have been recorded, several of which were located around Chautauqua Lake and its outlet. The first excursion of white Europeans into Chautauqua County in 1615 found tribes of Native Americans called the Eries living in the County and most likely utilizing areas around Chautauqua Lake. The NYSOPRHP provides information regarding places of known archeological sensitivity along the shoreline areas of Chautauqua Lake.

Both archeological sites and historic structures are links to the past development of the Chautauqua Lake area. They are important components in defining the area's distinctive identity and heritage. The intent of this policy is to preserve the historic and archeological resources of the Chautauqua Lake

communities by encouraging and promoting private efforts to restore, conserve and maintain historic structures.

Policy 2.1 Maximize preservation and retention of historic resources.

Historic resources are those structures, landscapes, districts, areas or sites or underwater structures or artifacts that are:

- In a federal or state park established in order to protect the resource.
- On, nominated, or deemed eligible to be on the National or State Register of Historic Places.
- Managed by the State Nature and Historic Preserve Trust or the State Natural Heritage Trust.
- On the inventories of archeological sites maintained by the State Education Department or the State Office of Parks, Recreation and Historic Preservation.
- Locally designated historic or archeological resources protected by a local law or ordinance.

The Chautauqua Lake communities can help preserve, protect and enhance historic resources through the following:

- Recognize that public investment in historic development is important to illustrate a commitment to the business community and the public at large, which may later invest.
- Promote the designation of historic landmarks that reflect elements of the region's culture, social, economic, political and architectural history. These landmarks should be renovated, when possible, and promoted.
- Preserve historic character of the resource by protecting historic materials and features or by making repairs using appropriate methods and materials.
- Provide for compatible use or reuse of historic resource, while limiting and minimizing inappropriate alterations to the resource.
- Avoid potential adverse impacts of new development on nearby historic resources.
- Minimize loss of historic resources or historic character when it is not possible to completely preserve the resource.

Policy 2.2 Protect and preserve archeological resources.

Conduct a cultural resource investigation when an action is proposed on an archeological site, fossil bed, or in an area identified for potential archeological sensitivity on the archeological resources inventory maps prepared by the New York State Historic Preservation Officer. If impacts are anticipated on a significant archeological resource, potential adverse impacts should be minimized by:

- Redesigning the project
- Reducing direct impacts on the resource
- Recovering data prior to construction

Policy 3

Enhance visual quality and protect scenic resources in the Chautauqua Lake Area.

The communities surrounding Chautauqua Lake contain a variety of unique and beautiful scenic components. The visual quality of the landscape is a major contributor to the character of the communities. The shoreline of Chautauqua Lake includes different landforms such as the steep slopes of Ellery, the low flat areas of Ellicott and Celoron and the delta area of Bemus Point, a variety of upland and shoreline vegetation, historic residential clusters and small villages (Scenic Views identified in Section II on pages 66-68). In addition to the scenic natural resources found around the lake, the variety of cultural elements in the landscape and the interplay of the built and natural environments are of importance to the visual quality of the Chautauqua Lake communities (Tourism Resources identified in Section II on pages 62-65 and Historic Resources in Section II pages 42-45). Because of the importance of these scenic resources around Chautauqua Lake, scenic quality shall be considered in balancing wise use and conservation of waterfront resources.

The intent of this policy is to protect and enhance the visual quality of the Chautauqua Lake communities. The preservation of the aesthetic, historic, and scenic character of the communities is critical to the continuance of its attraction and economic vitality as a tourism resource.

Policy 3.1 Enhance visual quality and protect scenic resources throughout the Chautauqua Lake communities.

The Chautauqua Lake area provides numerous opportunities for enjoying scenic vistas of the waterfront and surrounding area. The Chautauqua Lake communities need to protect these scenic vistas by adhering to the following standards and guidelines:

- Minimize the introduction of structural elements, which would be discordant with existing natural scenic components and character.
- Restore deteriorated visual components where practical and remove degraded components when necessary.
- Screen components of development, which detract from visual quality.
- Use appropriate siting, scales, forms, and materials to ensure that structures are compatible and add interest to existing scenic components.
- Improve the visual quality of Village areas.
- Protect the visual interest of active water-dependent uses.
- Protect and enhance the visual quality associated with public lands, public parks and public trust lands.

- Protect the visual quality associated with agricultural land, open space and natural resources.

Natural Waterfront Policies

Policy 4

Minimize loss of life, structures, and natural resources from flooding and erosion.

Considerable study has been done on lake levels and flooding around Chautauqua Lake and along its outlet at the Chadakoin River (Army Corps of Engineers 1950, NYS Department of Conservation 1955, Army Corps of Engineers 1980 and Chautauqua County 1980). Recognizing that both high water levels and low water levels may cause property damage, and cause difficulties to riparian property owners, the Chautauqua County Planning Department, the New York State Department of Environmental Conservation and the Jamestown Board of Public Utilities worked to address standard lake level regulation. Through a contractual agreement between these three agencies, and in accordance with the Chautauqua Lake Regulation Plan, the lake levels may be influenced by means of controlled releases through Warner Dam to provide for optimum flood storage capacity and recreation season conservation storage. These efforts have helped to minimize the risk of flooding in a cost effective manner, yet in no way can these efforts guarantee that flooding will not occur.

Portions of the Chautauqua Lake shoreline and of the stream banks of the eleven tributaries are located within the 100-year flood plain (see Flooding and Erosion-Section II, pages 51-55). All communities participate in the National Flood Insurance Program (NFIP) and all have local laws covering flood damage prevention. These laws, in conjunction with lake level regulation, are designed to prevent future property damage within the flood hazard area.

Erosion of the shoreline of Chautauqua Lake has not been a significant problem to date. Erosion in the stream and creek beds and banks of Chautauqua Lake's tributaries and erosion of near shore development sites has been of greater concern. Various studies have attempted to calculate an accurate modern sedimentation rate for Chautauqua Lake overall. Unfortunately, sedimentation is not likely to be deposited in an evenly distributed fashion. Rather, sedimentation tends to be concentrated in the creek delta areas and at rates far exceeding the average. Further study of specific tributaries may be necessary before actual impacts and prevention strategies can be assessed.

Policy 4.1 Minimize flooding damage in the Chautauqua Lake communities through the use of appropriate management measures.

Standards directed at protecting life and properties using various management measures related to flood damage prevention are presented below, in order of priority:

- Locate development and structures away from areas of known flooding hazards;

- Prohibit principal structures intended for habitation (residences, cottages, cabins, condominiums, apartments) within 50 feet of the shoreline. The determination of the shoreline location shall be based on high water levels of 1309.40 (1929 National Geodetic Vertical Datum) mean high water elevation, per NYCRR Part 608.

Policy 4.2 Preserve and restore natural protective features.

Natural protective features are beaches, dunes, shoals, bars, wetlands and natural vegetation. As flooding and erosion control protective features, these are considered superior to man-made features and should be preserved where feasible in the Chautauqua Lake communities. Natural protective features in the Chautauqua Lake LWRP are limited to beaches, bars, wetlands and natural vegetation.

- Use practical vegetative approaches to stabilize natural shoreline and stream bank features.
- Restore the condition of natural protective features wherever practical.

Policy 5

Protect and improve water resources.

Primary water resources for the Chautauqua Lake communities include Chautauqua Lake and its eleven major tributaries. The protection and improvement of these resources is of critical importance to the communities and their economies (see Water Quality-Section II, Wetlands-Section II, and Environmentally Sensitive Features-Section II).

A water quality rating of “A” has been established for Chautauqua Lake. A Class A rating is the highest quality rating for Chautauqua Lake and indicates water suitable as a potable water supply. The lake serves as a source of water for drinking, bathing and food preparation for a number of public and private water supply systems.

The New York State Department of Health defines any water system serving more than four housing units as a public water supply system, even though they may be owned and operated privately. Public systems dependent on the lake for their water supply include the Chautauqua Utility District serving Chautauqua Institution and the systems serving the condominium developments at Chautauqua Lake Estates and serving Point Chautauqua on a seasonal basis. In addition to these public systems, about 25 lakefront property owners and the Prendergast Hatchery draw water directly from the lake.

The remainder of the watershed finds its water supplies from wells, including a number of municipal systems. Municipal systems dependent on well water in the watershed include the Village of Mayville and the City of Jamestown water systems. The City of Jamestown provides water service to the Villages of Celoron and Lakewood, and portions of the Towns of Ellicott, Busti, and North Harmony.

Eight of the eleven major tributaries have a water quality rating of “C” which indicates water suitable as a fishery and non-contact activities. The first portions of Goose, Dutch Hollow and Prendergast Creek have a “C (T)” classification indicating that these waters have and are suitable for a trout population.

The purpose of this policy is to protect the quality and quantity of water in the Chautauqua Lake and its major tributaries. Factors that affect water quality include both point and non-point source pollution. Water quality protection and improvement must be accomplished by the combination of managing new and remediating existing sources of pollution.

The entire Chautauqua Lake LWRP area is part of the Ohio River Basin. Activities that take place within the LWRP area of Chautauqua Lake therefore can affect segments of a larger watershed area.

Policy 5.1 Prohibit direct discharges that would contribute to lowering water quality standards.

This policy focuses on those discharges into the water resources of the Chautauqua Lake communities that have an identifiable source; most often, these discharges will originate from such locations as a development site, industrial operation, or wastewater treatment plant. While all discharges are potentially harmful to the water resources in the Chautauqua Lake area, the so-called “point source” discharges are usually easier to identify, monitor and correct if needed.

The following standards shall be used by the Chautauqua Lake communities in assessing, controlling and preventing unsafe types of point discharges into the water resources of the Chautauqua Lake communities. The standards are somewhat detailed since they reflect State regulations for point source discharges.

Prevent point source discharges into water resources and manage or avoid land and water uses which would:

- Exceed applicable effluent limitations, or
- cause or contribute to contravention of water quality classification and use standards, or
- substantially adversely affect receiving water quality.

Ensure effective treatment of sanitary sewage and industrial discharges by:

- Maintaining efficient operation of sewage and industrial treatment facilities.
- Providing, at a minimum, effective secondary treatment of sanitary sewage.
- Modifying existing sewage treatment facilities, as feasible, to provide improved nitrogen removal capacity.
- Reducing demand on treatment facilities:
 - a. Reduce infiltration of excess water in collection and transportation systems.
 - b. Install low-flow water conservation fixtures in:
 1. all new development, and
 2. when replacing fixtures in existing development
- Reducing the loadings of toxic materials into water resources by including limits on toxic metals as part of the wastewater treatment plant (WWTP) effluent permits.

- Reducing or eliminating combined sewer overflows.
- Providing and managing on-site disposal systems where appropriate:
 - a. Use on-site disposal systems only when impractical to connect to public sewer systems.
 - b. Encourage evaluation and implementation of alternative or innovative on-site water systems to remediate on-site systems that currently do not adequately treat or separate effluent.
 - c. Protect surface or groundwater against contamination from pathogens and excessive nutrient loading by keeping septic effluent separated from groundwater and by providing adequate treatment of septic effluent.

Chautauqua Lake communities will work to ensure that marine pump-out stations are constructed at appropriate points on the shores of Chautauqua Lake to prevent the discharge of waste materials into the Lake. The inclusion of a pump-out station will be a condition for approval of any new marinas proposed in the region.

Policy 5.2 Minimize indirect or non-point pollution of the water resources of the Chautauqua Lake communities, and manage activities causing non-point pollution.

Non-point pollution is that which originates from sources that are not localized or easily identifiable. In general, non-point pollution results from various ways that the land is used: runoff from farms and agricultural operations, drainage and runoff from urbanized areas, or littering by people living or traveling in an area. As such, measures can be taken which can prevent or alleviate non-point pollution in the Chautauqua Lake area.

Minimize non-point pollution of the Chautauqua Lake communities' water resources using the following approaches, presented in order of priority:

1. Avoid non-point pollution by limiting non-point sources.

- Reduce or eliminate the introduction of materials that may contribute to non-point pollution.
- Avoid activities that would materially increase off-site stormwater runoff and transport of pollutants.
- Control and manage stormwater runoff to minimize the transport of pollutants.
- Retain or establish vegetation to maintain or provide soil stabilization.
- Preserve natural hydrologic conditions.
 1. Maintain natural surface water flow characteristics.
 2. Retain natural watercourses and drainage systems where present.
 3. Where natural drainage systems are absent or incapable of handling anticipated runoff demands:
 - a. Develop open vegetated drainage systems as the preferred approach, and design these systems to include long and indirect flow paths and to decrease peak runoff flows.

- b. Use closed drainage systems only where site constraints and stormwater flow demands make open water systems infeasible.

2. Reduce pollutants loads to water resources by managing unavoidable non-point sources of pollution and use appropriate best management practices.

Reduce non-point source pollution using specific management measures appropriate to specific land use or pollution source categories.

1. Agriculture

- Control soil erosion and contain sediment.
- Manage nutrient loading by applying nutrients only in amounts needed for crop growth.
- Apply pesticides in a safe manner.
- Manage irrigation and use of chemicals to prevent contamination of return flows with fertilizers, pesticides or their residues.

2. Urban

- Ensure that total suspended solids in runoff at new development sites remain at predevelopment levels.
- Limit activities that increase erosion or the amount or velocity of stormwater during site development.
- Ensure that siting, design, maintenance and operation of new on-site sewage disposal systems prevent discharge of pollutants.
- Plan, site and design roads and highways to manage erosion and sediment loss, and limit disturbance of land and vegetation.
- To the extent practical, minimize runoff of contaminants from roads, bridges, and highways into water resources.

3. Marinas

- Site and design marinas such that currents will aid in flushing of the site or renew its water regularly.
- Assess impact on water quality as part of marina siting and design.
- Manage stormwater runoff, discharge of hazardous substances, and solid waste.

4. Hydro modifications

- Use vegetative means, where possible, to protect stream banks and shorelines from erosion.
- Minimize the impacts of channelization and channel modification on instream and riparian habitat, and identify opportunities to restore habitat.
- Maintain, and where possible, improve the physical and chemical characteristics of surface waters and reduce adverse impacts.

5. Floatables and litter

- Prohibit all direct or indirect discharges of refuse or litter into the water resources of the Chautauqua Lake communities.
- Encourage the removal and disposal of floatables and litter from surface waters and shorelines.
- Implement pollution prevention programs to reduce discharge of floatables and litter into storm drains.

Policy 5.3 Protect and enhance water quality of the Chautauqua Lake communities.

Minimize disturbance of streams including their bed and banks to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and the level of water.

Limit adverse impacts on water quality due to excavation or placement of fill using avoidance and minimization methods including reduction in scope of work and use of clean fill.

Policy 5.4 Protect and conserve the quality and quantity of potable water within the Chautauqua Lake area.

Prevent contamination of primary sources of drinking water by limiting discharges of pollutants.

Limit land use practices, including development in groundwater recharge areas that are likely to negatively impact potable water supplies.

Policy 6

Protect ecological resources around Chautauqua Lake, including important fish habitats, wetlands, and rare ecological communities.

Chautauqua Lake has no designated Significant Coastal Fish and Wildlife Habitats identified by the New York State Department of Environmental Conservation or the Department of State. However, the New York State DEC Region 9 Office identified prime spawning and nursery habitat locations on Chautauqua Lake in that agency's work included in the Supplemental Environmental Impact Statement (SEIS) on the New York State Aquatic Vegetation Control Program for Chautauqua Lake (February 1990). The areas identified were along the shoreline and included the following: the northeast corner of the lake (Zones 37N, 1N and 2N), Bemus Bay (Zone 16N), south of Bemus Point (Zone 19N), Arnold Bay (Zone 2S), Sheldon Hall (Zone 10S), Celoron (Zone 15S), south of Stow (Zones 27S and 28S), north of Stow (Zone 20N), Whitney Bay (Zone 25N), Prendergast Point (Zones 27N and 28N) and north of Chautauqua Institution (Zone 31N) (SEIS Figure 17). The areas identified in the 1990 SEIS may be modified during future updates of the SEIS document based on updated studies of the resources.

Habitat protection is recognized as fundamental to assuring the survival and renewal of fish populations. Chautauqua Lake is a significant fishery and the economic impacts of its existence and maintenance are

important to the communities surrounding the lake. This resource must be protected and enhanced, and certainly not degraded or adversely impacted by inappropriate development actions (see Water Quality-Section II, page 46, Wetlands-Section II, pages 56-57 and Fish and Wildlife-Section II, pages 61-62) .

Policy 6.1 Protect fish habitats.

Any projects along the waterfront must be developed in a manner that ensures the protection of fish resources. Project reviewers should consider potential impacts on fish habitats, and the following actions should be taken as appropriate and applicable:

- avoid activities that would destroy or impair habitats through physical alteration, disturbance or pollution, or indirectly affect the loss of habitat;
- schedule development or other activities to avoid vulnerable periods in life cycles of habitats; and
- encourage a project design that will result in the least amount of potential adverse impact on habitats.

Policy 6.2 Protect freshwater wetlands.

Wetlands provide numerous benefits to Chautauqua Lake, including, but not limited to: habitat for fish and wildlife; erosion and flood control; natural pollution treatment; groundwater protection; and aesthetic open space. Several wetlands that affect Chautauqua Lake and its tributaries exist both within the WRA and in the uplands. The most significant are the Hart-field Wetlands, the Prendergast Creek Wetland Preserve, Tom’s Point Wetland, the Goose Creek/Ashville Bay Wetlands (including the Busti Wetland Preserve), and the Bonita/Celoron Wetlands.

Development actions that would negatively impact wetland areas should be avoided. In such cases where impairment of these resources cannot be avoided, the negative impacts should be minimized through appropriate mitigation methods.

The following actions and policies should be applied to projects impacting wetland areas within the WRA:

- Adequate buffers between wetlands and adjacent uses should be provided and maintained to the extent feasible.

Prevent a net loss of vegetated wetlands by:

- Avoiding the placement of fill in vegetated wetlands;
- Designing projects to result in the least amount of potential adverse impact;
- Mitigating the unavoidable adverse impacts resulting from activities by replacement of lost wetland areas or other appropriate means.

Projects such as trail development in the Busti Wetland Preserve, the Bonita Wetland or Tom's Point to allow for public access to these natural areas may impact these areas. In all of the above potential projects, adequate mitigation measures will be evaluated and implemented prior to commencing.

Policy 7

Protect and improve air quality in the Chautauqua Lake area.

This policy provides for protection of the Chautauqua Lake area from air pollution generated within the Chautauqua Lake area or from outside the area, which adversely affects the region's air quality. The air quality within the Chautauqua Lake area is considered to be within federal regulatory standards. Since the Chautauqua Lake communities do not have any heavy industry, air pollution from stationary sources is not a current threat.

Policy 7.1 Minimize existing air pollution and prevent new air pollution in the Chautauqua Lake area.

New land uses or developments in the Chautauqua Lake communities are to be reviewed according to the following standards to ensure they do not exacerbate air pollution:

Ensure that developments proposed in the Chautauqua Lake communities do not exceed thresholds established by the federal Clean Air Act and State air quality laws.

Review proposed land use or development in the Chautauqua Lake communities to ensure the actions do not generate significant amounts of nitrates and sulfates.

Policy 7.2 Minimize discharges of atmospheric radioactive material sources to levels that are low as possible.

Provide necessary information on local actions to the State to enable the State to effectively administer its air quality statutes pertaining to atmospheric radioactive material.

Policy 7.3 Assist the State whenever possible in the administration of its air quality statutes pertaining to chlorofluorocarbon compounds.

Policy 7.4 Assist the State whenever possible in the administration of its air quality statutes pertaining to the atmospheric deposition of pollutants in the region, particularly from nitrogen sources.

Policy 8

Minimize environmental degradation in the Chautauqua Lake communities from solid waste and hazardous substances and wastes.

Historically, the economies of the Chautauqua Lake communities have been dependent on tourism and agriculture as the primary industries to provide jobs. The majority of traditional industries chose to locate in Jamestown, many along the outlet of the lake, with a small handful locating at the head of the lake in Mayville. At times, some of these industries may have contributed to unsafe conditions in the WRA due to improperly disposed materials.

The intent of this policy is to protect people from sources of contamination and to protect the Chautauqua Lake area from degradation through proper control and management of wastes and hazardous materials.

Solid wastes are those materials defined under ECL-27-0701 and 6 NYCRR Part 360-1.2. Hazardous wastes are those materials defined under ECL-27-0901 and NYCRR Part 371. Substances hazardous to the environment are defined under ECL-37-01001. Toxic pollutants are defined under ECL-17-0105.

Policy 8.1 Manage solid waste to protect public health and control pollution.

Ensure that solid waste disposal is adequately addressed prior to granting local approval for major development or activities generating solid wastes.

Promote methods of effectively managing solid wastes in accordance with the following State solid waste management priorities for reducing, reusing and disposing of such waste:

1. Reduce the amount of solid waste generated
2. Reuse material for the purpose for which it was originally intended or recycle material that cannot be reused.
3. Use land burial or other approved methods to dispose of solid waste that is not being reused or recycled.

The discharge of solid wastes into the environment should be prevented by using proper handling, management and transportation practices.

Policy 8.2 Manage hazardous waste to protect public health and control pollution.

Manage hazardous waste in accordance with the following priorities:

1. Eliminate or reduce generation of hazardous wastes to the maximum extent practical.
2. Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical.
3. Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes, which cannot be reduced, recovered, reused, or recycled.
4. Phase out land disposal of industrial wastes.

Ensure the maximum safety of the public from hazards associated with hazardous wastes through the proper management and handling of industrial waste treatment, storage, and disposal.

Policy 8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment.

Prevent release of toxic pollutants or substances hazardous to the environment, which would have a deleterious effect on fish and wildlife resources.

Report, respond to, and take action to correct all unregulated releases of substances hazardous to the environment.

Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides.

1. Limit use of pesticides to effectively target actual pest populations;
2. Prevent direct or indirect entry of pesticides into the waterway; and
3. Minimize the exposure of people, fish, and wildlife to pesticides.

Policy 8.4 Prevent and remediate discharge of petroleum products.

The handling of petroleum products near water bodies must be undertaken with utmost care.

The following standards should be applied in the Chautauqua Lake communities:

- Prevent discharges of petroleum products by following methods approved for handling and storage of petroleum products and using approved design and maintenance principles for storage facilities.
- Undertake clean-up and removal activities in accordance with the guidelines and procedures contained in the New York State Water Quality Accident Contingency Plan and Handbook giving first priority to minimizing environmental damage.

Policy 8.5 Encourage the safe transportation of hazardous substances and wastes through the Chautauqua Lake area.

Policy 8.6 Site solid and hazardous waste facilities to avoid potential degradation of water resources in the Chautauqua Lake area.

The WRA of the Chautauqua Lake communities is an area in which the communities are seeking to create a waterfront that is attractive to tourists and residents. The WRA also includes a concentration of population not present in the outlying areas of many of the communities. For these reasons, the siting of solid waste and hazardous waste facilities within the WRA shall be avoided.

Public Waterfront Policy

Policy 9

Provide for public access to, and recreational use of, waterfront, public lands, and public resources of the waterfront area.

Along many stretches of the waterfront physical and visual access to waterfront lands and waters is limited for the general public. A majority of the shoreline of Chautauqua Lake is owned by private

owners, private associations or quasi-public entities such as the Lutheran Church or YWCA (Lake Access identified in Section II on pages 27-30 and in Protected Features on pages 47-50). Limitations on reaching or viewing the waterfront are further heightened by the general lack of opportunity for diverse forms of recreation at many of the sites that do provide access. The majority of multi-purpose access points are clustered along the southeastern shoreline in the communities of Busti, Lakewood, Ellicott and Celoron. The only other multi-purpose facilities are located in Mayville, Bemus Point and in Long Point State Park, which are a significant distance apart. Marinas, two excursion boats and the Chautauqua Institution provide additional opportunities to access the lake for a fee.

The main objective of the Chautauqua Lake communities is to improve and protect the facilities that exist, providing increased public access to the shoreline and waterfront recreation facilities. In addition to these improvements Lakewood, Busti and North Harmony have identified opportunities to increase public access to the waterfront, and to waterfront recreational facilities, as well as linking existing and proposed access and recreation sites. The Chautauqua Lake communities will take the necessary steps to maximize the use of the waterfront for public access in a manner that will not adversely impact sensitive natural resources.

This policy incorporates measures to provide public access throughout the Chautauqua Lake communities. The need to maintain and improve existing public access and facilities is among the measures, and is necessary to insure that the use of existing access sites and facilities is optimized for existing demand.

Policy 9.1 Promote appropriate physical public access and recreation throughout the waterfront area.

Improving public access to the Chautauqua Lake's waterfront is important. Public access and recreational facilities will improve the quality of life for residents and benefit tourism.

Park development and improvement projects in Celoron, Lakewood, Ellicott, Busti, North Harmony, Mayville and Bemus Point will enhance the recreational and access opportunities available. Development of the Cheney Farm property, the Stow Farm property, and operation of Midway Park by the State of New York could also provide both additional recreational and access opportunities in the Chautauqua Lake area and further boost for tourism.

The following standards should be used as a guide for Chautauqua Lake communities in making future decisions regarding public access and expanding recreation opportunities within the WRA:

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

1. Public demand for access and recreational use
2. Type and sensitivity of natural resources affected
3. Purpose of public institutions, which may exist on site
4. Accessibility to the public access site or facility
5. The needs of special groups such as the elderly and persons with disabilities

6. The potential for adverse impacts on adjacent land uses

Protect and maintain existing public access and water-related recreation facilities by:

1. Working to avoid the physical deterioration of facilities due to lack of maintenance or overuse.
2. Preventing any on-site or adjacent development project or activity from directly or indirectly impairing physical public access or adversely affecting its quality.
3. Protecting established access and recreation facilities.
4. Protecting and maintain the infrastructure supporting public access and recreational facilities.

Promote acquisition of additional public park lands to meet existing public access and recreational facilities.

Provide for public access at streets terminating at the shoreline.

Provide access and recreation facilities to all members of the public whenever access or recreation is directly or indirectly supported through federal or State projects or funding.

Work to develop physical access linkages among public access sites, open space areas, public trust lands, and near shore surface waters in Busti, Mayville, Bemus Point/Ellery and Celoron/Lakewood.

Policy 9.2 Provide and protect visual access to waterfront lands and waters or open space at all sites where physically practical.

The Chautauqua Lake area offers diverse topography that affords some spectacular views of Chautauqua Lake from both the uplands and the lake plain. Many views can be enjoyed from I-86, NYS Route 394, NYS Route 430 and points along some local roads; however, many views are obstructed or partially obstructed at some locations by structures, woods or vegetation. To the extent feasible, views of Chautauqua Lake from roads and public access locations shall be expanded to allow full appreciation of the beauty of this resource, and to increase the attractiveness of the waterfront for residents and tourists.

The following standards should be applied with respect to increasing visual access to waterfront lands and water:

- Encourage maintenance of State properties such as the Cheney property, the I-86 overlook, the Stow Farm and Tom's Point to avoid loss of viewsheds.
- Protect view corridors provided by streets and other public areas leading to the waterfront.
- Protect visual access to open space areas associated with natural resources.
- Allow vegetative or structural screening of uses that detract from the visual quality of the waterfront.

- Provide “pull-offs” along public roads at appropriate locations, interpretive exhibits, or kiosks to enhance opportunities for visual access to the waters of Chautauqua Lake wherever practical.

Policy 9.3 Assure public access along public trust lands above the line of mean low water.

Provide access to, and reasonable recreational use of, navigable waters and public trust lands under water.

Policy 9.4 Provide access and recreation, which is compatible with natural resource values.

Access and recreational activities must avoid adverse impacts on natural resources. The following factors should be utilized in determining the potential for adverse environmental effects:

1. The intensity of anticipated recreational and educational activity.
2. The level of disturbance associated with the proposed activity.
3. The sensitivity of the natural resources involved and the extent of the ecological benefits associated with the disturbance of the area.

Access should be limited where the uncontrolled public use of a recreational facility or public access site would lead to impairment of natural resources. In the WRA, Tom’s Point and the Busti Wetland Preserve are such resources. These areas contain many natural resources that should be open to the public, while, at the same time, these resources need protection from potential public abuse.

The following additional standards and guidelines shall be applied in analyzing recreation and public projects along waterfront areas:

1. Provide access using methods and structures which maintain and protect the natural resources of the area and open space areas associated with the natural resource.
2. Provide public access for natural resource related activities provided that the level of access would not result in a loss of resources necessary to continue supporting these uses.
3. Impose seasonal limitations, i.e., limited access during especially wet conditions, on public access where necessary to avoid adverse environmental impacts.

Working Waterfront Policies

Policy 10

Protect Chautauqua Lake’s water-dependent uses and promote siting of new water-dependent uses in suitable locations.

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

space will intensify. The following are existing water-dependent uses that were identified during the inventory process for this document:

Marinas - The Villages of Celoron, Mayville and Bemus Point and the Townships of Busti, North Harmony, Chautauqua and Ellery have marina facilities on their shoreline. These marinas provide services and products to lake residents and visitors alike.

Public Launches – The communities of Celoron, Lakewood, Chautauqua, Mayville, Ellery and Bemus Point have public launch facilities located within their boundaries.

Swimming – Public swimming beaches are located within the communities of Lakewood, Mayville and Bemus Point and within the New York State Park at Long Point.

Commercial / Nature / Parks – The following water-dependent commercial uses are located within the Waterfront Revitalization Area (WRA): The Summer Wind Cruise Boat; The Lakewood Yacht Club; The Bemus Point/Stow Ferry; The Chautauqua Belle Cruise Boat; Evergreen Outfitters; and The Casino Restaurant. In addition Tom’s Point and Long Point State Park are both public water-dependent uses in the WRA.

The intent of this policy is to protect existing water-dependent commercial and recreational uses and to promote their future siting in accordance with the reasonable expected demand for such use.

Policy 10.1 Protect water-dependent uses.

Water-dependent uses are defined in Policy 1.2 as an activity, which requires a location in, on, over, or adjacent to the water because such activity requires direct access to the water and the use of water is an integral part of such activity. Actions should be avoided which would adversely impact or interfere with existing water-dependent uses. Existing uses should be maintained and enhanced where possible and appropriate.

Policy 10.2 Promote the siting of new water-dependent uses at suitable locations along Chautauqua Lake.

Sites suitable for development or redevelopment along Chautauqua Lake that are not residential, steep sloped, or publicly owned or protected, are very limited. New water-dependent uses should be located within developed areas that contain concentrations of water-dependent commercial and recreational uses and essential support facilities. Water-dependent uses should be discouraged from rural or undeveloped areas unless there is a lack of suitable sites within a nearby community center and there is demonstrated demand for the use, the use has unique locational requirements that necessitate a particular site, or the use is of a small scale and is consistent with the character of the area. Careful review of each project is required to ensure the development does not adversely impact the natural environment, existing communities or scenic or aesthetic resources.

- Encourage the location of new water-dependent development within the commercial waterfront zoning districts in the Chautauqua Lake communities.

- Seek to attract a mix of unique, water-dependent uses that increase economic activity within commercial centers surrounding Chautauqua Lake.
- Ensure waterside and landside access, as well as upland space for parking and other facilities, is adequate.
- Evaluate whether the necessary infrastructure exists or is easily accessible. - Promote standards as outlined in Policy 1.2

Policy 10.3 Allow water-enhanced uses which complement or improve the economic viability of water-dependent uses.

In addition to water-dependent uses, certain uses which are enhanced by a waterfront location may be appropriate to locate along the shoreline, though not in a manner which would preclude future water-dependent uses. Water-enhanced uses are defined as activities that do not require a location on the waterfront to function, but whose location on the waterfront could add to the public enjoyment and use of the water's edge, if properly designed and sited. Water enhanced uses are generally recreational, cultural, commercial, or retail in nature.

Many water-dependent uses are often supported by water-enhanced uses that are complementary to the water-dependent use and do not impair the ability of the water-dependent use to function. Water-enhanced uses should be compatible with water-dependent uses, provide beneficial support, and be a positive impact on the waterfront.

- The use would complement existing or proposed water-dependent uses and serve to draw more visitors to waterfront.
- The use would be sited and operated so that it does not interfere with water dependent uses.
- The use would be sited in a manner, which, as far as can be determined, does not preclude the further expansion of a water-dependent use.

Policy 11

Promote the sustainable use of fish resources in Chautauqua Lake

Chautauqua Lake supports an abundant and diverse warm water fish population with bass, walleye, muskellunge and perch being the predominate species (Fish and Wildlife identified in Section II on page 61). Although commercial fishing plays no role in the local economy, recreational fishing contributes greatly to the economy with both summer and winter fishing opportunities. Chautauqua Lake was ranked second out of the major New York State inland waters in the number of angler days expended in 1996. Chautauqua Lake also ranked seventh out of 23 major New York waters in estimated expenditures associated with angling trips in 1996, by some estimates this may amount to approximately 11 million dollars.

The area from the Prendergast Point boat launch facility, south along the shoreline to the Prendergast Creek Wetland Preserve, has been designated as a State Fish Hatchery area. Tom's Point, at Stow, is the only designated Wildlife Management Area in the WRA. The New York State DEC has also purchased property in North Harmony (the Stow Farm in partnership with the Chautauqua Watershed Conservancy) and in Ellery (the Cheney Farm), but neither has been officially designated yet.

Continued use of fish resources depends on maintaining long-term health and abundance of fisheries resources and their habitats in Chautauqua Lake. This requires active management of fisheries, protection and conservation of habitat, and maintenance of water quality at a level that will foster occurrence and abundance of these resources. Allocation and use of available resources must: (1) be consistent with the restoration and maintenance of healthy stocks and habitats, and (2) maximize the benefits of resource use so as to provide valuable recreational experiences.

Policy 11.1 Ensure the long-term maintenance and health of fishing resources in Chautauqua Lake.

- Ensure that recreational use of fish resources are managed in a manner that:
 1. places primary importance on maintaining the long-term health and abundance of fisheries;
 2. results in sustained useable abundance and diversity of the resource;
 3. does not interfere with population and maintenance and restoration efforts; and
 4. uses best available scientific information in managing the resources.
- Protect and manage native stocks and restore sustainable populations of indigenous fish and wildlife species.
- Foster occurrence and abundance of fishing resources through:
 - protection of spawning grounds, habitats and water quality.

Policy 11.2 Promote recreational use of Chautauqua Lake fisheries.

Provide adequate infrastructure to meet recreational needs, including appropriate fishing piers, dockage and parking.

Policy 12

Protect existing agricultural lands in and adjacent to the Chautauqua Lake Waterfront Revitalization Area.

Many Chautauqua Lake communities contain established State Agricultural Districts in their uplands (State Agricultural District I indentified in Section II). They support the policies associated with these districts as established under Article 25-aa of the New York State Agriculture and Markets Law. While agriculture has played a significant role in Chautauqua County, and many of the Chautauqua Lake

communities, this role has diminished in recent years, leaving many agricultural parcels out of production.

Land in the uplands that is in State Agricultural districts is, at times, adjacent to segments of the Chautauqua Lake Waterfront Revitalization Area. The intent of this policy is to minimize the impacts on farm operations from development that may occur within the Waterfront Revitalization Area. Currently only 28.2 acres of agricultural land exists in the Waterfront Revitalization Area that is part of a State Agricultural District. Undeveloped land is at a premium in the Waterfront Revitalization Area and agricultural uses are not anticipated to be reestablished within the boundaries due to availability and economic factors.

For the purposes of this policy, agricultural lands are defined as follows:

- Land included in agricultural districts as created under Article 25-AA of the Agriculture and Markets Law; lands comprised of soils classified in soil groups 1,2,3, or 4 according to the NYS Department of Agriculture and Markets Land Classification System; or lands used in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law.

Policy 12.1 Protect existing agriculture and agricultural lands from the creation of adjacent uses that would threaten agricultural production.

Conversions of land to other land uses, primarily residential, often create indirect threats to agricultural production and lands due to the incompatibility of new development with existing farming.

- New development located adjacent or in proximity to agricultural land or uses should provide sufficient buffer between agricultural and non-agricultural lands to protect agricultural uses from interference from non-agricultural uses, and protect non-agricultural lands from potentially offensive agricultural practices.

Policy 13

Promote appropriate use and development of energy and mineral resources.

The intent of this policy is to foster the conservation of energy resources in the Chautauqua Lake communities.

Policy 13.1 Conserve energy resources

The conservation of energy should be an important part of all communities' future planning efforts. Energy efficiency can be achieved through several means that fall into the jurisdiction of local governments, including the following:

- Promoting the use of public transportation, such as the Chautauqua Area Rural Transit System (CARTS) system, where practical.

- Promoting energy efficient design in new development.
- Promoting greater energy efficiency when upgrading public facilities.
- Providing for pedestrian and bicycle modes of transportation and their integration into the larger transportation system.

Policy 13.2 Minimize adverse impacts from fuel storage facilities.

The following standards were derived from Environmental Conservation Law, Article 23, Title 17, and from Federal Safety Standards 40 CFR Part 193:

- Ensure that production, storage, and retention of petroleum products in the Chautauqua Lake communities is done in accordance with State DEC regulations.
- Liquefied natural gas facilities must be properly sited and operated.
- Natural resources must be protected by complying with local, county and State oil spill contingency plans.

Policy 13.3 Ensure that mining, excavation, and dredging do not cause an increase in erosion, or an adverse effect on natural resources.

This policy regulates mining, excavation and dredging activities in the WRA of the Chautauqua Lake communities. Due to the disruptive nature of these activities and the environmentally sensitivity of the area, caution must be exercised to ensure these activities do not adversely affect natural resources.

Mining is assumed to be an inappropriate use in the Chautauqua Lake WRA, along the waterfront in particular. Factors to be used in determining the appropriateness of mining operations include:

- Compatibility with adjacent uses.
- Loss of use of the site for other potential uses.
- Alteration of waterfront geological landforms.
- Adverse impacts on natural resources
- Degradation of visual quality

Dredging may prove to be essential for waterfront revitalization and development in some areas (Dredging identified in Section II, page 60). Dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important waterway resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil site. Dredging permits may be granted by the State if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels, which satisfy dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law (Articles 15, 24, 25 and 34).

Section IV. Proposed Land and Water Uses and Proposed Projects

An aim of the LWRP process is for communities to critically rethink how their waterfronts and relating properties can best be utilized. More specifically, the LWRP aids the community process of identifying how these areas can be integrated to create economic and recreational opportunities for both the local residents and tourists. As a result, new project ideas are often realized as community members begin discussing these issues.



This section provides guidance on the planning considerations and development opportunities along the Chautauqua Lake Communities waterfronts and related areas. The opportunities presented outline a long-range plan for how the Chautauqua Lake Communities may better utilize their waterfront and related lands. The proposed projects are coordinated development efforts and ensure that the land and water resources are used to their fullest and best potential.

The proposed projects identified in this section are a result of individual meetings, community workshops and monthly meetings with the local LWRP committees. The projects are sensitive to the existing land uses and patterns of development, and most are merely refinements and expansions of existing uses. Utilizing this approach helps ensure that the projects presented are practical and attainable by the communities involved.

The strategy for managing water uses is set forth in the Harbor Management Plan included in Appendix C.