

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

The City of Lackawanna has statutory, financial, and administrative mechanisms presently in place which can be used to implement waterfront policies. The Zoning Ordinance, for example, includes provisions for good site design review. There are no local environmental review provisions within City ordinances. However, the City does have a floodplain management ordinance and an active City Planning Board, which will also function as the Local Waterfront Advisory Committee. The City also has a Department of Development which is responsible for administering the City's Community Development Block Grant funds, providing liaison with the City Planning Board regarding zoning matters, and general policy guidance regarding physical development to the Mayor and City Council.

The following pages briefly describe existing implementation mechanisms, and list additional mechanisms appropriate for realization of local waterfront policy objectives.

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

1. Existing Local Laws and Regulations

a) Sewers and Sewage Disposal Ordinance:

This local law regulates wastewater disposal procedures in the City. The law classifies and regulates industrial and non-industrial discharges, and establishes permit requirements (Section 16-73, 74). Developments are required to connect to public sewers where available (Section 16-5). Untreated discharges into natural outlets are prohibited (Section 16-3). Downspouts and similar stormwater drains are prohibited from connecting to sanitary sewers (Section 16-32).

The Sewers and Sewage Disposal Ordinance serves to implement the following policies:

- (1) Policy 5 - Re: Location of Development in Areas Where Public Services are Available - The Law requires all development to connect to public sewers if possible.
- (2) Policy 30 - Re: Discharge of Pollutants Into Coastal Waters - The ordinance establishes a permitting system for the discharge of industrial and non-industrial pollutants. It also prohibits untreated discharges into natural outlets.
- (3) Policy 38 - Re: Conservation of Surface Water - Reference should be made to the preceding paragraph.
- (4) Policy 33 - Re: Stormwater Runoff and Combined Sewer Overflow - The ordinance prohibits downspouts and similar stormwater drains from connecting to the sanitary sewer.

b) Flood Damage Prevention Ordinance

This local law restricts development in flood hazard areas and floodways identified by the Federal Emergency Management Agency. The law minimizes the likelihood of property damage due to flooding.

The law assists in implementing the following LWRP Policies:

- (1) Policy 11A - Re: Flooding in Special Flood Hazard Areas: Restrictions are placed on building construction techniques to protect property and human safety in certain areas subject to flooding.
- (2) Policy 17 - Re: Use of Non-Structural Measures to Minimize Flooding and Erosion Damage: The law includes requirements for floodproofing buildings such as construction above the base flood level.

c) Zoning Ordinance

The purpose of the City's Zoning Ordinance is to promote public health, safety, and the welfare of the public through the establishment of various land use zones within the City and accompanying provisions pertaining to land use type, bulk, location, landscaping, parking, signage, flood damage prevention, site plan review, etc.

As previously described in the Inventory and Analysis Section, virtually all of the waterfront area lies within the recently established Mixed Development District. The District is designed as a planned unit development for a wide range of uses and to permit great flexibility in the use and design of structures. See Appendix C for the text of this district.

The Zoning Ordinance will assist in the implementation of the following policies:

Policy 1 - The provisions of the Mixed Development District (Section 20-30) will assist in implementing the mixed-use development strategy proposed for the former Bethlehem Steel Complex. The Site Plan Review provisions of the Ordinance (Article XI) will also contribute substantially toward implementation of this policy, as it functions to ensure optimum overall design and redevelopment of parcels, taking into account natural and man-made resources.

Policy 2 - The Mixed Development District established a variety of water-dependent uses as principal permitted uses, such as marinas, boat launches, docks, marine services, and public recreation and swimming uses.

Policy 5 - The Site Plan Review provisions of the Zoning Ordinance will help to ensure that future development be designed in a manner which takes into consideration the adequacy of the necessary infrastructure (Section 20-84).

Policy 11 - The provisions of the Flood Plain Overlay District (Section 20-38) substantially contribute to the implementation of this policy. This district, which governs development within flood hazard areas and floodways, discourages and restricts uses which can be sited in flood prone areas and establishes methods for minimizing property damage for those uses which can be located within such areas.

Policy 14 - The provisions of the Flood Plain Overlay District (Section 20-38) contribute towards the implementation of this policy through the regulation of development and placement of fill within flood hazard areas and floodways.

Policy 17 - The provisions of the Flood Plain Overlay District, as well as Site Plan Review (Article XI) assist in the implementation of this policy. As previously described, the Flood Plain Overlay District provides for the restriction of development within flood prone areas, as well as design standards aimed at preventing and minimizing damage to property from flooding. In addition, the Zoning Ordinance's Site Plan Review provisions (Section 20-84,D, especially) establish specific standards related to the siting of shoreline development.

Policy 21 - The provisions of the Mixed Development District assist in the implementation of this policy. The District establishes a number of water-related uses (marinas, boat launches, public recreation facilities, etc.) as principal permitted uses.

Policy 22 - The Mixed Development District is designed to provide for redevelopment of the waterfront area through mixed uses in an integrated and controlled manner. The District provides for a full range of residential, commercial, and industrial uses to be established in conjunction with water-related uses which allow for public access and recreation along the shoreline.

Policy 25 - The Signage and Site Plan Review provisions will assist in the implementation of this policy. Section 20-37 provides signage regulations which are intended to assure that signs will be aesthetically harmonious with the overall design of an area, and which will restrict garish and out-of-scale signs. Site Plan Review provisions establish landscaping and other design standards which are intended to enhance the aesthetic appearance of future development.

Policy 33 - The Site Plan Review provisions set forth a number of general standards, such as landscaping and regulation of parking areas, which are intended to control stormwater runoff.

B. ADDITIONAL LOCAL LAWS AND REGULATIONS ADOPTED

1. LWRP Consistency Law

This local law will assist in the implementation of all applicable policies by requiring that direct and indirect (permitted and funded) actions undertaken by the City be done in a manner which is consistent, to the maximum extent practicable, with the policies and purposes of the LWRP. See Appendix B for the text of this local law.

C. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP.

1. Local Government Actions Necessary to Implement the LWRP

a) **Public Property Acquisition:** The City will actively work with Buffalo Crushed Stone and the Town of Hamburg to provide public access to Lake Erie via a 3,200' linear corridor between Smoke's Creek and the Town of Hamburg boundary. It is understood that actual implementation of such a concept is 6-10 years away; however, discussions should begin soon to ensure proper integration with private redevelopment plans.

b) **Public Access Feasibility Study:** The City of Lackawanna should undertake a detailed feasibility study to best determine the constraints and opportunities of (1) developing a public corridor along Lake Erie, and (2) providing vehicular access to the site through private property. Maximum coordination must occur with Buffalo Crushed Stone.

The study should also include a physical analysis of the Smoke's Creek shoreline to determine good locations for launching car-top boats and/or shallow draft motor boats. The analysis must also consider parking needs as a key element of the study. Finally, any study to provide public access to Smoke's Creek must include detailed information regarding the impact any improvements would have on the U.S. Army Corps of Engineers Flood Protection Program.

c) **Non-Local Funding:** The City will apply for funding assistance through appropriate State and Federal programs and other funding sources which may become available to implement the public park along Lake Erie. Relevant programs are listed under Section VI "Federal and State Programs Likely to Affect Implementation." City personnel will assist in the preparation of specific grant applications to secure such funding.

- d) Economic Opportunity Zone: The City, through the Lackawanna Community Development Corporation, should continue promoting and marketing the Economic Opportunity Zone. This will aid in attracting new industrial and transportation uses to appropriate sections of the LWA.
- e) Continued assistance from the Erie County Industrial Development Agency in securing federal and State grant monies for (1) the port terminal building, and (2) Ridge Road extension projects.
- f) Successful resolution of the sewer treatment issue among Bethlehem Steel Corporation, Buffalo Crushed Stone, Erie County Sewer District #6, and the City of Lackawanna.

2. Private Actions Necessary to Implement the LWRP

The following private actions are necessary to implement the LWRP.

- a) Continued aggressive marketing by Buffalo Crushed Stone and Bethlehem Steel Corporation to successfully attract tenants to the proposed industrial park within the former Bethlehem site.
- b) Successful rental and rehabilitation by the private owners of the former Bethlehem Steel employment office building and its preservation as an architecturally and historically significant structure. The owners will be made aware of State assistance in determining the structure's eligibility for inclusion in the Federal or State Registers of Historic Places and the subsequent financial incentives such designation opens up to the property owner. The Erie County Department of Environment and Planning and City of Lackawanna will so inform the owner.
- c) Positive negotiation between Bethlehem Steel Corporation and the City of Lackawanna regarding the provision of public access to Lake Erie between Smoke's Creek and the Town of Hamburg boundary.
- d) Continued aggressive marketing by Buffalo Crushed Stone to successfully attract commercial shipping to the Lackawanna Ship Canal, thereby creating spin-off development for adjacent parcels.
- e) Cleanup of inactive hazardous waste sites by the Bethlehem Steel Corporation.
- f) Full compliance with all federal and State air quality permits by Bethlehem Steel Corporation as pertains to the coke oven operation.

- g) Completion of all demolition phases by the Bethlehem Steel Corporation.

D. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

1. Overall Program Coordination

Successful implementation of the Local Waterfront Revitalization Program will require the participation of the City Council, Planning Board, Zoning Board of Appeals, and Director of Development.

The Mayor will serve as the lead local contact for the LWRP. The office will be responsible for ensuring that all waterfront related actions are properly reviewed by the City Council for consistency with shoreline policies. The office will also be the contact for all correspondence with NYSDOS regarding this program.

2. Management Responsibilities

- a) The Planning Board will review all Type I and Unlisted proposed public and private actions within the waterfront area to ensure compatibility with adopted waterfront policies. The recommendations will then be forwarded to the City Council. The Planning Board will also determine the necessity for various technical studies, and initiate efforts to identify and implement various public and private projects that further enhance waterfront revitalization.
- b) City Council: The City Council will enact and amend the local laws affecting the implementation of waterfront policy objectives, including adoption of the municipal budget. The Council will be responsible for determining consistency of waterfront actions with the LWRP.
- c) Zoning Board of Appeals: The Zoning Board of Appeals will exercise authority over the granting of variances from the provisions proposed in the revised City Zoning Ordinance.
- d) Department of Development: The staff and resources of the Department of Development will provide necessary technical support to the Planning Board and Mayor's office as requested. Such support will include environmental reviews and zoning analyses for actions within the local waterfront area.
- e) Local Compliance: All proposed Type I and Unlisted actions as defined by the State Environmental Quality Review Act within the waterfront area will be subject to scrutiny by the Planning Board for consistency with adopted waterfront policies. Reference should be made to Appendix B and the local consistency law for a clear description of local compliance.

- f) Local Review of State and Federal Actions: The City will review proposed State and federal actions within the waterfront area in accordance with guidelines established by the New York State Department of State. Such guidelines are set forth in Appendix D.

IMPLEMENTATION BLUEPRINT

| ACTION | IMPLEMENTOR | TIME FRAME |
|---|---|------------|
| 1. <u>REGULATORY CHANGES</u> | | |
| o Local Consistency Law | City of Lackawanna | 1989 |
| 2. <u>CAPITAL PROJECT</u> | | |
| o Lake Erie Linear Park | | |
| - Property Acquisition | City of Lackawanna | 1991 |
| Reservation | | |
| - Design | City of Lackawanna | 1993 |
| - Construction | City of Lackawanna | 1994 |
| | U.S. Dept. of Housing and Urban Development | |
| | NYS Office of Parks, Recreation and Historic Preservation | |
| - Owner | City of Lackawanna | |
| 3. <u>CAPITAL PROJECT</u> | | |
| o Father Baker Bridge Reconstruction | | |
| - Design | NYS DOT | 1988 |
| - Construction | NYS DOT | 1989-1991 |
| - Owner | New York State | |
| 4. <u>BETHLEHEM SITE DEVELOPMENT</u> | | |
| o Site Demolition | Private Action | 1989 |
| o Slag Reclamation | Private Action | 1988-1995 |
| o Port Area Redevelopment | Private Action | 1988-1990 |
| o Development of Light Industrial Park | Private Action | 1992-2000 |
| 5. <u>PLANNING ACTIONS</u> | | |
| o Public Access Feasibility Study | City of Lackawanna NYS Dept. of State | 1990 |