

### III. WATERFRONT REVITALIZATION PROGRAM POLICIES

The Local Waterfront Revitalization Program (LWRP) policies and sub-policies, collectively referred to as “policies”, presented in this chapter consider the economic, environmental, and cultural characteristics of a community’s waterfront. The policies represent a balance between economic development and preservation that will permit beneficial use of and prevent adverse effects on coastal resources. They also represent the enforceable policies of the New York State Coastal Management Program for the waterfront area subject to this LWRP. The policies are comprehensive and reflect the community’s concerns; and they will be enforced through use of State laws and authorities, and local laws and regulations. The policies are the basis for Federal and State consistency determinations for activities affecting the waterfront area. While the policies are enforceable as a matter of state and local law however, for reviews conducted under the federal Coastal Zone Management Act, the explanatory text for each policy is for explanatory purposes only. Definitions of terms used in the policies appear at the end of the chapter.

- The policies are organized under eleven headings: Development Policies
- Fish and Wildlife Policies
- Flooding and Erosion Hazard Policies
- General Policy
- Public Access Policies
- Recreation Policies
- Historic and Scenic Resources Policies
- Agricultural Lands Policy
- Energy and Ice Management Policies
- Water and Air Resources Policies
- Wetlands Policies

#### A. DEVELOPMENT POLICIES

**POLICY 1            RESTORE, REVITALIZE AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.**

**POLICY 1A           REVITALIZE THE UNDERUTILIZED MAIN STREET/ LOCKPORT STREET COMMERCIAL AREA FOR RECREATIONAL, COMMERCIAL, AND OTHER COMPATIBLE USES.**

**POLICY 1B           UPGRADE FACADES AND SIGNAGE ALONG THE MAIN STREET COMMERCIAL AREA.**

**POLICY 1C           ENHANCE THE PUBLIC PROMENADE ALONG MAIN STREET FROM HINMAN STREET TO THE FORT NIAGARA STATE PARK ENTRANCE.**

**POLICY 1D            MAINTAIN THE EXISTING ENTRANCE TO THE FORT NIAGARA STATE PARK  
AT THE END OF MAIN STREET IN THE VILLAGE OF YOUNGSTOWN.**

Explanation of Policy

The three block Main Street/Lockport Street area is an underutilized commercial strip which is characterized by non-water dependent or enhanced land uses along the waterside of Main Street. The corridor contains minimal landscaping and street furniture. It is dominated by a myriad of overhead utility lines and poles. Finally, the building facades and signs are disjointed and require a consistent theme.

The public and private groups within the Village have also not organized to promote the commercial establishments or undertaken any public improvements to enhance the area. This situation has resulted in lost opportunities for the Village. As noted in Section II, the resurgence of sport fishing and the continued viability of recreational boating and Fort Niagara State Park as visitor draws create opportunities for the Youngstown Village center. New demands for sport fishing support services will occur as new launches are opened at Fort Niagara State Park and possibly Four Mile Creek State Park. The proximity of the Village to Fort Niagara State Park should be capitalized on to better channel tourists into the Village for meals, scenic stop overs, or specialty shopping. The Seaway Trail should be signed along the appropriate streets to assist in this endeavor.

These opportunities can be realized through the implementation of the above policies.

The following guidelines will be used to review actions for consistency with this policy as it pertains to any future development of the area covered by Policy 1A.

- a. Priority should be given to uses which are enhanced by or dependent on a location in close proximity to the water (e.g. sightseeing at Fort Niagara State Park) and the recreational activities associated with it.
- b. All uses in the Waterfront Commercial Districts shall require a special use permit.
- c. The action should enhance existing commercial and anticipated future uses.
- d. The actions should serve as a catalyst for private investment in the area.
- e. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline.
- f. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use.
- g. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base.
- h. The action should improve adjacent views of the water and, at a minimum, must not affect these views in an insensitive manner. This guideline applies to the vista seen from Constitution Park.

- i. The action should be consistent with the following guidelines relative to use, structure height, signage, bulk and landscaping.
  1. Primary uses permitted include restaurants, bait/tackle shops, ship supply, specialty shops/ boutiques, professional and craft studios, professional offices, village inns and parkland.
  2. In addition to those uses listed in paragraph i(1) above drugstores, stores selling groceries, meats, baked goods, and other such food items, are permitted on the east side of Main Street.
  3. Residential uses on the first floor of buildings are prohibited and subordinate to the commercial use on the property in terms of size and/or height of the residential component versus the commercial component on the site.
  4. The height of buildings shall not exceed thirty (30) feet unless provisions are included in the land or building improvement which provide substantial areas to view the Niagara River which are accessible to the public. In such cases, the structure height can be increased by an additional ten (10) feet.
  5. Billboards, ground signs, roof signs, projecting, and single standard signs are prohibited.
  6. All signs shall be integrated with the structure, its style, design, and architectural elements.
  7. Neon signs and any other signs displaying flashing or visible moving elements are prohibited.
  8. One wall sign shall be permitted on each wall for each non-residential use in a structure.
  9. Wall signs shall not project more than 12 inches from the wall to which they are affixed.
  10. Wall signs shall not extend above or beyond the wall in any direction and shall not extend above the bottom of the sill of second story windows or 15 feet above grade level.
  11. Allowable square footage of sign areas shall be 75% of the street frontage of the particular building said sign(s) is affixed to.
  12. All commercial and business uses shall be limited to 4,000 gross square feet, unless provisions are included in the building or land improvement for substantial areas to view the Niagara River which are accessible to the public. In such cases, gross square footage can be increased to 5,000 square feet.
  13. While recognizing the small nature of lots in the Main Street commercial area, any new development shall make efforts to incorporate adequate landscaping into any improvements. This shall include buffering parking areas, outdoor storage sites, and loading/unloading areas.
  14. Facade improvements shall generally be consistent with the brick, wood frame, stonework and clapboard siding features currently characteristic of the area.

15. The mass and bulk of any new construction should be in harmony with adjacent buildings. The relationship of width to height of new structures shall be consistent with the ratio of the adjacent structures.
16. Color choice of new construction should be influenced by surrounding development. The color of new structure should not make it stand out.
17. Where building sites limit planting, the placement of trees in parking lots or paved areas is encouraged.

See also policies 2, 19, 20 and 21.

**POLICY 2                    FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.**

**POLICY 2A                 MAINTAIN A SUSTAINABLE MIX OF WATER-DEPENDENT COMMERCIAL AND RECREATIONAL USES IN THE WATER STREET AREA.**

**POLICY 2B                 PROMOTE WATER-ENHANCED USES ON THE WEST SIDE OF MAIN STREET ON TOP OF THE BLUFF GENERALLY BETWEEN HINMAN AND WILLIAM STREETS**

Explanation of Policy

There is no waterfront space available for development in the Village immediately adjacent to the River. The upland area on the west side of Main Street, between Hinman Street and William Street, includes small vacant parcels and some developed land which could, in the future, be subject to reuse pressure.

The Village shall continue to accommodate and give priority to those water-dependent uses such as marinas, yacht clubs, boat storage, public parks and boat launches located in the Water Street area. The three Coast Guard approved anchorage areas in the Niagara River are important contributions to the waterfront ambience of the community. They should be continued as they provide important moorings for residents and transient boaters. The general limits of the anchorage areas should not extend beyond those currently defined by the Coast Guard. This will insure that congestion does not occur and sound navigational safety is maintained.

The traditional method of land allocation (i.e. the real estate market), with or without local land-use controls, offers little assurance that uses which require waterfront sites will have access to the Niagara River. In order to maintain the viability of the waterfront and ensure water-dependent uses can continue to be accommodated, public agencies will avoid undertaking, funding or approving non-water-dependent uses when such uses would preempt an existing water-dependent use. Furthermore, Federal and State agencies and the Village will utilize appropriate existing programs to maintain existing water-dependent activities.

The following uses and facilities are considered as water-dependent:

1. Recreational activities which depend on access to the Niagara River (for example: fishing, boating, viewing of water activities).
2. Structures needed for recreational navigation purposes.
3. Flood and erosion protection structures (for example: bulkheads).
4. Facilities needed to store and service boats (for example: marinas, boat repair, yacht clubs).
5. Scientific/educational activities which, by their nature, require access to coastal waters.
6. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (e.g. parking lots, snack bars, first aid stations). Although these uses must be near the given water-dependent use, they should, as much as possible, be sited inland from the water-dependent use rather than on the shore.

Water-dependent uses shall comply with specific design standards. These, include the following:

1. All uses in the Waterfront District shall require a special use permit.
2. Structures shall not exceed thirty (30) feet.
3. Signs shall be governed by those standards listed under Policy 1.
4. Wherever possible, landscaping such as shrubs, fences, or hedges shall be used to screen parking areas, outdoor storage sites, loading/unloading areas from public streets, parkland, and the Niagara River. Where fences are used, they must not exceed a maximum of four (4) feet in height and consist of stone, iron, or wood materials.
5. Lighting shall not unreasonably interfere with the use of neighboring premises.
6. Fuel storage facilities at marinas, boatyards, and yacht clubs shall be adequately containerized to prevent spillage, leakage, or damage from adverse weather conditions.
7. New development shall be consistent with the maritime theme of the area, recognize the vehicle/parking limitations of Water Street, and respect the scenic nature of the area by not blocking views from Waterfront Park, or the top of the bluff at Constitution Park.
8. Newly installed utilities and service revisions necessitated by exterior alterations shall be underground.

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate on the upland portion of the Village waterfront on the west side of Main Street between Hinman and William Streets. A water-enhanced use is defined as a use that has no critical dependence on a waterfront location, but the profitability of the use and/or the public enjoyment level of the uses would be increased significantly if these were adjacent to, or had visual access to, the waterfront. A restaurant view is an example of a water-enhanced use, as well as small specialty shops or galleries which create views for public enjoyment within their retail areas.

If there is no immediate demand for a water-dependent use along the Niagara River but a future demand is reasonably foreseeable, temporary non-water-dependent uses should be considered which involves an irreversible, or nearly irreversible commitment of land. Passive recreational facilities, non-marine outdoor storage areas and non-permanent structures are uses of facilities which would likely be considered as temporary non-water dependent uses.

The following use and design standards for water-enhanced uses shall be complied with for activities having frontage on the west side of Main Street.

1. See paragraphs i (1) and I (4-17) under policy 1 explanation.

Specific water-dependent and water-enhanced uses to be accommodated within the Village's waterfront area are described in Section IV, Proposed Uses. Future development in the Village's waterfront area is to be sited and designed, so that the use enhances the area and does not detract from existing uses. Consideration should be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should be employed, so that water dependent uses and adjacent uses will complement one another. Water dependent and water enhanced uses must also be sited, developed and operated so as to avoid adverse impacts on water quality, shoreline bluffs and other significant coastal resources.

See Policy 1, 11A, 12, 19, 20, 21, and 25.

**POLICY 3 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN**

**POLICY 4 THE STATE COASTAL POLICY REGARDING THE STRENGTHEN-ING OF SMALL HARBORS IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATES ITS LOCATION IN OTHER COASTAL AREAS.**

#### Explanation of Policy

The purpose of this policy is intended to:

- Strengthen existing residential, industrial and commercial centers;
- Foster an orderly pattern of growth where outward expansion is occurring;

- Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
- Preserve open space; and
- Foster energy conservation where desirable by encouraging proximity between home, work, and leisure activities.

Development in the Village is generally concentrated west of Third Street. Utility systems extend to outlying subdivisions, but do not provide immediate access to vacant interior parcels. Although the distribution lines will require some short extensions, the capacity of existing sewer and road systems are adequate to handle future development anticipated within the Village. However, certain improvements to the storm drainage and water systems will be necessary to accommodate existing and proposed uses.

The following areas will require water and sewer extension off main trunk lines in order to accommodate development.

- a. Forty acre site in the north-central section of the Village with access from Carrollwood Drive or Lake Road.
- b. 17.35 acres of land with frontage along Oak Street and Church Street.

All of the above parcels are identified as having high or medium development potential on Figure 8 as contained in Section II.

Further details on drainage improvements are contained in Policies 33 and 37.

In addition, the Water Street area has limited utility access due to topographic conditions. Other public services have difficulty serving the area due to the road grade as well. Therefore, any new development must recognize the restrictions in their design and where necessary compensate the Village for any extra public costs incurred due to the development location. Reference should be made to Policy 12 for additional guidelines concerning development in this area.

Guidelines for assessing infrastructure adequacy as it pertains to any future development within the Village include the following:

- a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development.
- b. Development's consumption and fire protection water needs can be met by the existing water supply system.
- c. Septic systems will be prohibited and the existing sanitary sewer collection system can accommodate flows generated by new development.
- d. New development can demonstrate compliance with new regulations and remove a sufficient amount of inflow and infiltration from the existing sanitary sewer collection system.
- e. Energy needs of the proposed land development can be accommodated by existing utility systems.
- f. Stormwater runoff from the proposed site can be accommodated by on-site facilities.

- g. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop or conduct business in the area as a result of the development.

**POLICY 6                    EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.**

Explanation of Policy

The confusion, time delay, and costs associated with the issuance of permits required from all government levels prior to approval of waterfront development is not conducive to attracting public or private investment along the shoreline.

The Village of Youngstown will utilize existing laws to ensure compliance with the Village LWRP and, for any new regulations, will coordinate and combine review periods, as well as public hearing requirements to the maximum extent possible.

For specific types of development activities and in areas suitable for such development, local, State and Federal agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives are not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and programs are synchronized with the procedures of other agencies at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the burden for facilitating a particular type of development and will not jeopardize the integrity of regulatory objectives.

**B. FISH AND WILDLIFE POLICIES**

**POLICY 7                    THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 8                    PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.**



### Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law SS 27-0901.3 as follows:

Hazardous waste means a waste or combination of wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

A list of hazardous wastes (6 NYCRR Part 371) has been adopted by the NYSDEC. The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the Village's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the Village's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes, but controlled through other State laws.

**POLICY 9                    EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

### Explanation of Policy

The recreational value of the Lower Niagara River, which has a good concentration of fish resources, is of extreme importance to Village residents. The River is a high quality fishing spot in close proximity to the Village center and the older residential area. There are also non-consumptive uses of fish and wildlife resources which can be enjoyed. These include nature study, photography and bird watching. These factors reflect the unique opportunity to provide ancillary support facilities in the Water Street/Ferry Street and Main Street areas.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish resources and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resources, public demand, costs and available technology.

The following additional guidelines should be considered by State and Federal agencies and the Village as they determine the consistency of their proposed action with the above policy.

1. Consideration should be made by Federal and State agencies and the Village of Youngstown as to whether an action will impede existing or future utilization of the Village's recreational fish and wildlife resources within the Niagara River and adjacent to the Village boundaries.
2. Efforts to increase access to recreational fish resources should not lead to overutilization of that resource or cause impairment of the habitat.
3. The impacts of increasing access to recreational fish resources should be determined on a case-by-case basis, by conferring, as needed, with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g. stocking the River with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

Reference should be made to Policies 19, 20, and 21.

**POLICY 10            THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF  
COMMERCIAL FISHING IS NOT APPLICABLE TO THE VILLAGE OF  
YOUNGSTOWN.**

#### **C. FLOODING AND EROSION HAZARD POLICIES**

**POLICY 11            BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL  
AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING  
OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.**

**POLICY 11A        BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THOSE AREAS  
DESIGNATED AS SPECIAL FLOOD HAZARD AREAS SO AS TO MINIMIZE  
DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES  
CAUSED BY FLOODING.**

#### Explanation of Policy

The following public purposes are advanced by the successful implementation of this policy:

1. Protect human life and health.
2. Minimize expenditures of public money for costly flood control projects.
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. Minimize prolonged business interruptions.

5. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges, located in areas of special flood hazard.
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
7. Ensure that potential buyers are notified that property is in an area of special flood hazard.
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

This policy applies to special flood hazard areas identified by the Federal Emergency Management Agency.

Guidelines for reviewing proposed actions for consistency with this policy include the following:

1. Restrict or prohibit uses which are dangerous to health, safety and property to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Ensure that any alteration of natural floodplains, stream channels and natural protective barriers which would help accommodate or channel flood waters is properly controlled.
4. Ensure that any filling, grading, dredging and other development which may increase flood damage is properly controlled.
5. Prevent the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
6. Require an assessment of the range of river levels for those proposing to construct structures in the program area.

When human lives may be endangered by major waterfront storms, all necessary emergency preparedness measures shall be taken, including disaster preparedness planning.

**POLICY 12                    ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BLUFFS.**

**POLICY 12A      PROTECT THE BLUFFS ALONG THE NIAGARA RIVER FROM EXCESSIVE DEVELOPMENT THAT WOULD COMPROMISE THEIR NATURAL CAPACITIES, OVERBURDEN PUBLIC SERVICE CAPACITIES WITHIN THE WATER STREET/FERRY STREET AREA, AND NEGATIVELY IMPACT VIEWS SEEN FROM THE TOP OF THE BLUFF TO THE RIVER AND FROM THE RIVER TO THE VILLAGE ITSELF.**

Explanation of Policy

The NYSDEC has not identified any coastal erosion hazard areas in the Village. However, the steep slopes east of Water Street and along the Niagara River help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of these landforms. Activities or development in, or in proximity to, the bluffs must ensure that all such adverse effects are minimized.

This policy shall apply to the bluff areas beginning at the Village's south corporate limit west of Main Street and extending north to the north boundary of the R-15 zoning district, south of the Villa Apartments.

The following guidelines shall be used in determining the consistency of proposed actions with this policy. In general, any activity or development in, or in proximity to, the bluffs that may be permitted under the following guidelines must be consistent with other applicable policies of the LWRP and must prevent, if possible, or minimize any adverse effects on the bluffs and their protective functions and values.

1. **BLUFF:** The waterward limit of a bluff is its intersection with a land area having a slope of 6% or less. Where no such land area exists the waterward limit is mean low water. The landward limit of the bluff is 10 feet east of the bluffs receding edge, with the exception of the portion of the bluff between the south and north intersections of Water Street and Main Street. In these sections, the landward limit shall be the bluff's receding edge.
2. The only activities allowed on the bluff are those listed below:
  - a. Movable structures. Movable structures as defined by the adopted Village of Youngstown Zoning Ordinance on file in the Village Clerk's office may be constructed or placed within the bluff only if no permanent foundation is attached to the movable structure.
  - b. Bluff cuts for the provision of shoreline access, where:
    - the cut is made in a direction perpendicular to the shoreline;
    - ramp slope of the bluff cut does not exceed 1:6;
    - side slopes and other disturbed non-roadway areas are stabilized with vegetation or other approved physical means; and
    - completed roadways are stabilized and drainage provided for.

- c. New construction modification or restoration of walkways, stairways, and small sheds used to store boating supplies not to exceed 75 square feet in gross floor area.
  - d. Erosion control structures such as rip rap, groins, and shorewall protection structures.
  - e. Utility lines and pump stations.
3. Standards for activities within the bluff are as follows:
- a. Activities shall minimize grading and cut and fill operations, ensure conformity with natural topography, and retain natural vegetation and trees to the maximum extent practicable in order to create the least erosion potential and handle adequately the volume and rate of velocity of surface run-off.
  - b. Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable following construction.
  - c. In no case shall stormwater be diverted to another property either during site preparation or after development.
  - d. Trails and walking paths shall be sited and constructed so they are not a source of sediment.
  - e. Erosion protection structures shall be constructed to minimize downstream impacts and shall not increase offsite flooding or erosion.
  - f. Activities shall be sited in such a manner so as not to block existing views off Main Street.
  - g. Activities shall be sited in an unobtrusive manner in terms of scale, height, colors and location so as to blend in with the natural landscape and maintain the existing views of the bluff as seen from the Niagara River.

**POLICY 13            THE STATE COASTAL POLICY REGARDING THE CONSTRUCTION AND RECONSTRUCTION OF EROSION PROTECTION STRUCTURES IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 14            ACTIVITIES AND DEVELOPMENT, INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.**

**POLICY 14A            DEVELOPMENT WITHIN THE BLUFF AREA INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.**

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by their actions, people can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of bluff areas.

See guidelines for Policy 12A.

**POLICY 15            THE STATE COASTAL POLICY REGARDING MINING, EXCAVATION AND DREDGING IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 16            PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG-TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.**

Explanation of Policy

Public funds can be used for a variety of purposes on the Village's shoreline. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

See Policy 12A.

**POLICY 17            NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION SHALL BE USED WHENEVER POSSIBLE.**

**POLICY 17A THE VILLAGE SHALL USE NON-STRUCTURAL MEASURES TO PROTECT THE BLUFF AREA AS A NATURAL PROTECTIVE FEATURE WHICH PROTECTS THE UPLAND AREA FROM FLOODING AND EROSION.**

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development in the waterfront area, as well as the costs of protection against those hazards which structural measures entail. This policy shall apply to the planning, siting and design of proposed activities and development located on bluff areas as defined in Policy 12A. Non-structural measures shall include, but are not limited to:

- a. The set back of buildings and structures;
- b. The planting of vegetation and installation of sand fencing and drainage;
- c. The reshaping of bluffs;
- d. The flood proofing of buildings or their elevation above the base flood level;
- e. Those design guidelines noted for Policy 12A.

**D. GENERAL POLICY**

**POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.**

Explanation of Policy

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, cultural, economic and environmental interests of the State and their citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation and recreation.

**E. PUBLIC ACCESS POLICIES**

**POLICY 19 PROTECT, MAINTAIN AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES.**

- POLICY 19A**            **PROTECT, MAINTAIN AND INCREASE THE LEVEL AND TYPES OF ACCESS TO THE VILLAGE WATERFRONT PARK AND CONSTITUTION PARK.**
- POLICY 19B**            **THE VILLAGE SHALL PROVIDE OFF STREET PARKING EAST OF MAIN STREET TO HANDLE DEMAND FROM CONSTITUTION PARK AND WORK WITH THE YACHT CLUB IN IDENTIFYING NEW PARKING AREAS EAST OF MAIN STREET ONCE THE EXISTING SPACES ARE ELIMINATED ON THEIR PROPERTY.**
- POLICY 19C**            **THE VILLAGE SHALL MAINTAIN THE STAIRWAY ACCESS FROM THE TOP OF THE BLUFF LOCATED WEST OF HINMAN STREET TO THE WATER STREET AREA.**
- POLICY 19D**            **THE VILLAGE SHALL MAINTAIN THE STAIRWAY ACCESS FROM THE TOP OF THE BLUFF AT CONSTITUTION PARK TO THE PARK'S WATERSIDE AREA.**
- POLICY 19E**            **THE VILLAGE SHALL WORK WITH NIAGARA COUNTY IN PROVIDING PAVEMENT MARKINGS ACROSS MAIN STREET BETWEEN FALKNER AND CONSTITUTION PARKS.**

Existing public water related recreation resources and facilities within the Village of Youngstown include Waterfront Park and Constitution Park. It is essential that public access to these facilities be maintained and that pedestrian access be improved to both facilities.

The following standards shall be applied to any new parking lots having frontage on Main Street:

1. Views of the parking lot off Main Street shall be properly screened through vegetation, stone, wood, wrought iron fencing or berms.
2. Parking lots shall not exceed 3,500 square feet in uninterrupted area. Landscaping shall be provided to break up the lot in any lots exceeding 3,500 square feet.
3. Directional signage to the waterfront and, in particular waterfront parks, shall be maintained within any public parking area west of Third Street.
4. All parking areas shall be paved with an asphaltic or concrete surface and properly drained.

The following guidelines will be used in determining the consistency of a proposed action with Policy 19.

1. The existing access from Water Street to Waterfront Park and Main Street to Constitution Park shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public streets to the two shoreline parks be eliminated. However, reductions in public access may be considered if estimates of the future use of these facilities are too low to justify maintaining or providing increased public access, or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.



2. The existing access to Constitution Park from Water Street shall be formalized through an easement agreement or similar arrangement between the Village and private property interests having title to the unimproved road.

The following is an explanation of the terms used in the above guidelines:

- a. Access – the ability and right of the public to reach and use public coastal lands and waters.
- b. Public lands or facilities – lands or facilities held by State or Village in fee-simple or less-than-fee-simple ownership and to which the public has access or could have access.

Reduction in the existing level of public access includes, but is not limited to, the following:

- (1) The number of parking spaces at the two shoreline parks is significantly reduced.
- (2) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities. An example is difficult pedestrian crossings to waterfront parks across Main Street.

An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:

- (1) Construction of public facilities (e.g. Major improvements to Main Street), which physically prevent the provision, except at great expense, of convenient public access to shoreline parks. This would include leasing the waterside area of Constitution Park, once developed, for the private boats.
- (2) Construction of private facilities on the bluff opposite Hinman Street; or on the unimproved road leading to Constitution Park off Water Street physically prevents the provision of convenient public access to shoreline parks from Water Street and Main Street.

3. Any proposed project to increase public access to the shoreline parks shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accordance with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
4. The State will not undertake or fund any project which increases access to the shoreline parks if they are not open to all members of the public.
5. In their plans and programs for increasing public access to public water related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area boundary but not served by public

transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary and not served by public transportation.

**POLICY 20            ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED AND IT SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES.**

Explanation of Policies

Publicly-owned lands within the Village of Youngstown that are adjacent to the water's edge include Waterfront Park and Constitution Park. These lands are devoted to public recreation uses and provide existing access to public lands and waters. Lands lying under the waters of the Niagara River are owned by New York State.

Guidelines for reviewing any action for consistency with this policy are as follows:

1. See guideline #1, 2, 3 and 4 under Policy 19.
2. The existing level of public access within Waterfront Park and Constitution Park to the River shall not be reduced or eliminated.
3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way.
4. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area, but not served by public transportation; and outside the defined Urban Area boundary and not served by public transportation.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accordance with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b. The level of access to be provided shall not cause a degree of use which exceed the physical capability of the resource coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

7. In making any grant, lease, permit, or other conveyance of land now or formerly underwater, there shall be reserved such interests or attached such conditions to preserve the public interest in the use of state-owned lands underwater and waterways for navigation, commerce, fishing, bathing, recreation, environmental protection, and access to navigable waters of the state. In particular, the granting of publicly owned underwater or formerly underwater lands to private entities will be limited to exceptional circumstances only.

## **F. RECREATION POLICIES**

**POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST.**

**POLICY 21A WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES IN THE WATER STREET AND FERRY STREET AREA.**

**POLICY 21B NEW WATER-DEPENDENT AND WATER-ENHANCED RECREATION USES WILL BE PROVIDED AT CONSTITUTION PARK AND APPROPRIATE VILLAGE STREET ENDS WEST OF MAIN STREET, AND WATERFRONT PARK.**

Water-related recreation includes such obvious water-dependent activities as boating, swimming, and fishing, as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

Water-related recreation uses shall have a higher priority than any non-water-related uses, including non-water-related recreation uses in the Water Street and Ferry Street area. Furthermore, water-dependent recreation uses shall have a higher priority than water-enhanced uses, including water-enhanced recreation uses. Determining a priority among water-dependent recreation uses and other water-dependent uses will require a case-by-case analysis.

Such uses shall be provided as long as the development is:

1. Consistent with the preservation of water quality and bluff formations.
2. In response to a demand for such facilities.

These uses shall have a higher priority for maintenance and capital budgeting than non-water-dependent uses in Waterfront Park and Constitution Park. They will also have higher priority over water-enhanced recreation uses. Determining priority among water-dependent uses (e.g. boat launch improvements at Waterfront Park and dock improvements at Waterfront Park) will require a case-by-case analysis.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of the Water Street and Ferry Street area should be avoided as much as practicable.

Among the types of water-dependent recreation facilities, provision of adequate boating services to meet future demand is to be encouraged by the Village's program. The siting of boating facilities along the Niagara River must not be detrimental to the areas water quality.

Additional public water-dependent and water-enhanced recreation shall be provided at the base of the bluff within Constitution Park, at the Niagara Street end west of Main Street, and at Waterfront Park.

See Policies 2 and 12.

**POLICY 22 THE STATE COASTAL POLICY REGARDING THE PROVISION OF WATER-RELATED RECREATION FOR DEVELOPMENT LOCATED ADJACENT TO THE SHORE IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**G. HISTORIC AND SCENIC RESOURCES POLICIES**

**POLICY 23 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.**

**POLICY 23A PROTECT ANY ARCHEOLOGICAL SITE WITHIN THE VILLAGE THAT HAS SIGNIFICANCE TO NEW YORK STATE, VILLAGE OF YOUNGSTOWN, OR THE NATION.**

**POLICY 23B ENHANCE AND PROTECT STRUCTURES AND SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, OR CULTURE OF THE VILLAGE.**

Explanation of Policy

Among the most valuable of the State's and Village's man-made resources are those of historic significance. The protection of these resources must involve recognition of their importance by all agencies. As described in Section 2 and illustrated on Figure 14, local historic resources within the Village include; State roadside markers; numerous structures and sites of local significance; and a zone of archeological sensitivity.

The three State historic markers will be maintained in good repair, and their sites enhanced through landscape maintenance and in the area of the Salt Battery, enhance the marker by providing a scenic overlook at the end of Niagara Street. The latter is located immediately adjacent to the marker.

Prior to undertaking any Type I or unlisted action as defined in 6 NYCRR, Part 617 of Article 8 of the State Environmental Conservation Law in the Village, anyone proposing such activity shall consult with

the State Historic Preservation Office to determine whether significant archeological resources are present at the site and what measures are necessary to pre-service or avoid these cultural resources. All practicable means shall be used to preserve significant archaeological resources.

In the event the New York State Department of Parks, Recreation and Historic Preservation determines that all or some of those sites are of State or National significance then, prior to undertaking any Type I or unlisted actions (as defined by SEQR) which might affect these sites, adequate protective measures shall be devised which would prevent or mitigate adverse impacts to those resources.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof which has been officially certified as being imminently dangerous to life or public health.

As Figure 14 illustrates, the Village has a rich historical past which is reflected in numerous structures and sites. In order to better determine the significance of these facilities, the Village will work with the New York State Office of Parks, Recreation, and Historic Preservation. The Village will seek outside funds to undertake a Historic Resources Survey and determine the feasibility of developing a local preservation ordinance. This will be done in cooperation with NYSOPRHP.

See Policies 1 and 25.

**POLICY 24            THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 25            PROTECT, RESTORE, OR ENHANCE NATURAL AND MANMADE RESOURCES WHICH ARE NOT IDENTTFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.**

**POLICY 25A          PROTECT, RESTORE, OR ENHANCE SCENIC VISTAS AT WATERFRONT PARK, CONSTITUTION PARK, VILLAGE STREET ENDS WEST OF MAIN STREET, AND THE VISTAS ALONG MAIN STREET FROM THE SOUTH CORPORATE LIMIT TO THE VICINITY OF MARY'S LANE.**

Explanation of Policy

The location of the Village adjacent to the Lower Niagara River requires a commitment to ensure the visibility of the River to area residents. The River is a public resource whose scenic quality must be preserved and utilized.

The harbor activity, sunsets, and vistas of Niagara-On-The-Lake, Ontario and Fort Niagara State Park visible offshore from Youngstown have local significance.

The three vistas noted in Policy 25A can be described as follows:

1. Waterfront Park: Outstanding views of the lower Niagara River, including the offshore anchorage areas and Canadian shoreline. Views are observed at the shore line. Current detractors from this vista include a former Customs building on the site which blocks views toward Niagara-On-The-Lake, Ontario. The Village will move the structure.
2. Constitution Park: Panoramic views of the Youngstown Harbor, Fort George in Niagara-On-The-Lake, Ontario and tranquil lower Niagara River as framed by steep embankments along the Canadian shoreline.
3. Village Street Ends West of Main Street: Panoramic views of Canadian shoreline, lower Niagara River, and boating activity. Views are currently blocked due to dense foliage. The Niagara Street end view is currently limited because of distance between road and bluff edge. This is a problem since there is no public viewing access at the edge for pedestrians.
4. Vistas along Main Street From the South Corporate Limit to Approximately Mary's Lane: Panoramic views of the lower Niagara River as framed by steep 60 foot embankments along the Canadian shoreline. View reflects natural, pristine character with little development intrusion.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly.

Guidelines include:

1. Siting structures and other development such as power lines and signs, back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.
2. Maintaining and selectively clearing vegetation at the Village Street ends and Constitution Park to provide vista opportunities off Main Street.
3. Removing dangerous and unsafe elements.
4. The following standards shall be used to ensure that buildings, landscaping, and other improvements are compatible with the scenic view off Waterfront Park and the top of the bluff at Constitution Park.
  - a. Building heights within the Water Street/Ferry Street area shall be limited to thirty (30) feet.
  - b. Billboards, ground signs, roof signs, projecting and single standard signs are prohibited within the Water Street/Ferry Street area.
  - c. Neon signs and any other signs displaying flashing or visible moving elements are prohibited within the Water Street and Ferry Street area.
  - d. Uses within the Water Street and Ferry Street area shall be limited to docks, buoys, boat launches, lifts, bulkheads, flood and erosion protection structures, public recreation, enclosed

storage structures, and have a maximum height of 12 feet and 100 square feet or less of usable floor space.

Uses within the Water Street and Ferry Street area requiring a special permit shall include marine service, private boat houses, yacht clubs, marinas, boat storage buildings, and accessory facilities.

- e. Views of parking lots and outdoor boat storage areas on adjacent lots shall be properly screened with landscaping, wood or wrought iron fencing or barrier.
  - f. Within Constitution Park and Waterfront Park, public bodies shall ensure that any future landscaping, erection of new signs, buildings, or other structures thereon shall not significantly obstruct the scenic views.
  - g. Any construction or land improvement within the Water Street and Ferry Street area.
  - h. Street area on the bluff next to Constitution Park shall be done in a manner which causes minimal obstruction to the scenic views.
5. The following standards shall be used to ensure that buildings, landscaping and other improvements are compatible with the scenic views off the Village street ends west of Main Street and west of Main Street in the area between the south corporate line and Mary's Lane.
- a. Construction on the bluff will be limited to stairways, erosion protection structures, small storage sheds, walkways.
  - b. Public bodies shall ensure that any future landscaping, erection of new signs, buildings, or other structures thereon shall not significantly obstruct the scenic views.
6. The following standards shall be used to ensure that buildings, landscaping, and other land improvements are compatible with the scenic views off the Niagara Street end.
- a. Public bodies shall ensure that any future landscaping, erection of new signs, buildings, or other structures thereon shall not significantly obstruct the scenic views.
  - b. Any construction or land improvement within adjacent lots on the bluff next to the Niagara Street end shall be done in a manner which causes minimal obstruction to the scenic view.

See Policies 1, 2, 19, 20, and 23.

## **H. AGRICULTURAL POLICIES**

**POLICY 26            THE STATE COASTAL POLICY REGARDING THE CONSERVATION AND PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**I. ENERGY AND ICE MANAGEMENT POLICIES**

**POLICY 27 THE STATE COASTAL POLICY REGARDING THE SITING OF MAJOR ENERGY FACILITIES IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 28 THE STATE COASTAL POLICY REGARDING ICE MANAGEMENT PRACTICES IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**J. WATER AND AIR RESOURCES POLICIES**

**POLICY 30 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.**

Explanation of Policy

Municipal, industrial and commercial discharges include not only “end of the pipe” discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the Village’s waterways.

**POLICY 31 STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVER-BURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**



Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement establishment by the State pursuant to the Federal Clean Water Act.

**POLICY 32 THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS**

**POLICY 33A BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF DRAINING INTO THE NIAGARA RIVER.**

**POLICY 33B DEVELOP A COMPREHENSIVE STORM DRAINAGE FOR THE VILLAGE OF YOUNGSTOWN.**

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of storm water runoff. These include: a) structural methods of storm sewers along the waterfront to discourage overland flow that could erode the steep slopes, and retention basins as part of any new development north of Carrollwood and east of Elm Streets, b) non-structural: pursue inflow and infiltration programs to prohibit storm water flow into the wastewater sewer system and encourage natural percolation in drainage ditches, landscaping, and other measures as alternatives to structural methods. This is especially important in those areas noted in Policy 33.

The Village will also undertake a comprehensive storm drainage plan. This recognizes the flat nature of Village land, current problems relative to standing water, drainage ditch overflows, and storm drainage infiltration to the sewer system. A plan will help evaluate solutions to those problems.

**POLICY 34 DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.**

**POLICY 34A REQUIRE PUMP-OUT FACILITIES AT PUBLIC AND PRIVATE MARINAS.**

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657). To further discourage the discharge of vessel waste materials into the marinas, Niagara River pump-out facilities will be required at marinas.

**POLICY 35 THE STATE COASTAL POLICY REGARDING DREDGING IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.**

Explanation of Policy

See Policy 39 for definition of hazardous materials. All activities within the Village of Youngstown which are subject to this policy shall comply with all State and Federal regulations.

**POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS, AND ERODED SOILS INTO COASTAL WATERS.**

Explanation of Policy

Best management practices used to reduce these sources of pollution include, but are not limited to, drainage control techniques and street cleaning programs. See the explanation to Policy 12, 17, and 33A. New development along the Niagara River bluff could increase erosion unless proper land use controls and construction standards are incorporated into final design. The following standards shall apply to the bluff:

1. Any new construction with the exception of stairways, erosion control structures, and small (75 square feet or less) storage sheds are prohibited on the bluff, as defined by the Village Zoning Ordinance, between the south corporate limit and the southern intersection of Water Street and Main Street.
2. In all areas of the bluff the following standards shall apply during construction:
  - a. Natural vegetation and topography shall be retained to the maximum extent possible in order to stabilize soils, and reduce the volume of stormwater flow.
  - b. Development shall consider the load bearing capacity of the soil. Unless it can be demonstrated that the soils can be stabilized with a minimum of onsite disturbance and no adverse impacts to the stability of neighboring properties, the development proposal shall not be approved as submitted.
  - c. Development shall preserve salient natural features of a site, minimizing grading and cut and fill operations, ensure conformity with natural topography, and retain natural vegetation and trees to the maximum extent practicable in order to create the least erosion potential and handle adequately the volume and rate of velocity of surface water runoff.
  - d. Natural drainage patterns shall be protected and incorporated into site design.
  - e. Site preparation, including stripping of vegetative cover and grading, shall be undertaken so that no individual building site is stripped of its vegetation cover more than thirty (30) days prior to commencement of construction.
  - f. Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable.
  - g. In no case shall storm water be diverted to another property either during site preparation or after development
  - h. The amount and velocity of runoff from a site after development shall approximate its pre-development characteristics.

**POLICY 38            THE STATE COASTAL POLICY REGARDING THE PROTECTION OF GROUND WATER SUPPLIES IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 39            THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT SURFACE WATER SUPPLY, RECREATION AREAS, AND SCENIC RESOURCES.**

**POLICY 39A          THE STORAGE, TREATMENT, AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES SHALL BE PROHIBITED WITHIN THE VILLAGE.**

**POLICY 39B            THE SHIPMENT OF HAZARDOUS WASTES THROUGH THE VILLAGE SHALL BE PROHIBITED.**

Explanation of Policy

The definition of terms “solid wastes” and “solid waste management facilities” are taken from New York’s Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes. The term “hazardous waste” is defined under Policy 8. Hazardous wastes include unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic.

No storage, treatment, or disposal of solid wastes is permitted in the Village of Youngstown waterfront area. Any transportation of solid wastes, with the exception of hazardous wastes, in the waterfront must comply with State and Federal regulations and ensure the protection of the Village’s coastal resources. Transportation of hazardous wastes is prohibited within the Village.

**POLICY 40            THE STATE COASTAL POLICY REGARDING EFFLUENT DISCHARGE FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**POLICY 41            LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.**

Explanation of Policy

The Village’s Local Waterfront Revitalization Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

To the extent possible, the State Implementation Plan will be consistent with the lands and water use policies of this LWRP. Conversely, program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

**POLICY 42            COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREA PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.**

Explanation of Policy

The policies of the State and the Village's Local Waterfront Revitalization Program concerning proposed land and water uses will be taken into account prior to any action to change prevention of significant deterioration land classifications in the coastal area or adjacent area.

In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration and classification designations based upon State and local coastal management programs.

**POLICY 43            THE STATE COASTAL POLICY REGARDING THE GENERATION OF ACID RAIN PRECURSORS IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**

**K. WETLANDS POLICIES**

**POLICY 44            THE STATE COASTAL POLICY REGARDING THE PRESERVATION OF WETLANDS IS NOT APPLICABLE TO THE VILLAGE OF YOUNGSTOWN.**