

2021 Hazardous Waste Scanning Project

File Form Naming Convention.

(File_Type).(Program).(Site_Number).(YYYY-MM-DD).(File_Name).pdf

Note 1: Each category is separated by a period "."

Note 2: Each word within category is separated by an underscore "_"

Specific File Naming Convention Label:

Report_HW_932020_1989-07-10_Land-Use_Final_Report.pdf

LOVE CANAL LAND USE ADVISORY COMMITTEE

FINAL REPORT

July 10, 1989

Along with the September 27, 1988, decision on the habitability of the Love Canal Emergency Declaration Area (EDA), Commissioner of Health, David Axelrod, M.D., appointed the Love Canal Land Use Advisory Committee. Comprised of current and former residents of the Love Canal area and other citizens representative of Niagara Falls community interests, the Committee was charged with assuring local input in the development of recommendations on land use for the Love Canal EDA.

The Committee first met on November 6, 1988, and on fourteen additional occasions through June 19, 1989. With the exception of the first, all meetings were open to the public and structured to facilitate public participation and input. Initial meetings were directed at fact finding. Committee members reviewed the history of the Love Canal site, toured the Love Canal EDA and learned about the process leading to the habitability decision. The habitability decision itself was reviewed in detail, as were past, ongoing and proposed remedial activities. Committee members heard presentations from representatives of the City of Niagara Falls, the Town of Wheatfield, the Niagara Falls Housing Authority, the City of Niagara Falls Board of Education, the Niagara Falls Area Board of Realtors, the Love Canal Area Revitalization Agency, current residents, former residents, environmental groups, and the interested public of Niagara Falls. To ensure local input in the development of recommendations on land use, the Committee conducted two public hearings, one on February 21, 1989, and one on March 1, which was continued on March 8, 1989. Throughout these meetings and hearings, testimony, proposals and comments on land use options for the EDA were solicited.

On March 8, 1989, the Committee voted to suspend deliberations pending the resolution of uncertainty created by the discovery of highly contaminated soil in one of the comparison areas used to make a decision on the habitability of the EDA. Because this finding of chemically contaminated soil raised questions, the Department of Health convened a panel of scientific experts to review the finding and to determine its impact on the habitability decision. The scientific panel met on May 10 and 11, and determined that the presence of chemically contaminated soil at the Niagara Community Church did not invalidate the use of Census Tract 225 as a comparison area and that the habitability decision need not be reconsidered. Furthermore, the panel reaffirmed that the comparison approach used for the habitability study and decision "remains a viable approach for the Love Canal."

On May 25, the Committee reconvened and heard one last presentation on the planning activities scheduled by the Love Canal Area Revitalization Committee. In addition, the Committee made determinations as to how it would proceed to complete its deliberations. The last three meetings of the Committee were devoted to reviewing the many land use options and special considerations brought to the Committee's attention throughout the past seven months and to finalizing recommendations.

As a result of this process, the Committee agreed on the following land use recommendations and special considerations for the whole EDA, and for those areas judged by the Commissioner of Health to be habitable and not habitable.

I. GENERAL RECOMMENDATIONS FOR THE ENTIRE EDA

1. The Love Canal site should be isolated from the residential communities surrounding the site in a manner which is aesthetically pleasing and which enhances the whole EDA area.
2. Government should continue ongoing monitoring of the area and research on clean up and isolation of Love Canal hazardous wastes. This is to assure protection for existing and new residents and to identify new ways to deal with such wastes. Easements should be maintained along the fence surrounding the Love Canal site to ensure government access to the site in order to carry out continuous monitoring.
3. A Public Information and Environmental Education Center should be developed and maintained in the Love Canal EDA to serve as a resource for information on the history of the Love Canal. Several locations for this Center were discussed, including the 93rd Street School.

One committee member, Emma Kelley, objected to the visitor's center recommendation on the grounds that it would perpetuate and glorify the Love Canal.

II. RECOMMENDATIONS FOR HABITABLE AREAS (EDA Areas 4-7)

The majority of the Committee believes that the EDA areas declared to be habitable by the Commissioner of Health should be revitalized for residential use. There are a number of conditions attached to that basic recommendation:

1. Prior to resettlement, government agencies should invest in efforts to bring the area back to its earlier state as a viable neighborhood. This means upgrading houses, roads, street lights, landscaping, etc.
2. Resettlement should be phased in--not all homes should be sold at once. This is for two reasons: to avoid flooding the real estate market, and to assure that homes being impacted by remediation of creeks are not sold while that work is continuing. In other words, people should not be moved into areas next to creek excavation work or transport routes. The Niagara Falls Area Board of Realtors should be consulted on marketability issues.
3. The Committee prefers that homes should be sold for owner occupation only. Current renters should be allowed to stay.
4. All potential residents of the area must be notified of the history of the neighborhood, of the neighborhood's proximity to the Love Canal site, and of the Love Canal Habitability Study and Decision. This notice should accompany all future transactions and afford potential residents the opportunity for an informed choice.

5. Senior citizen housing should be a priority for the areas west of the Canal itself, where the former Griffin Manor housing development once stood. The Committee favors senior citizen housing because of a perceived need in the Niagara Falls area and the success of the existing Garden Complex.
6. Where there is a need, remaining homeowners should be assisted with grants or low interest loans, etc. to upgrade the condition of their homes. This would allow improvements to be made throughout the revitalized EDA, regardless of whether the property is owned by LCARA or a private individual, and will, in turn, enhance the value of the whole neighborhood.

Two Committee members did not join in the overall recommendation for residential resettlement. Patricia Powell and Barbara Hanna both said they had concerns about the possibility of future contamination problems coming from the Canal, and in particular, doubts about the wisdom of having children and women of child-bearing age living near the Canal.

III. RECOMMENDATIONS FOR NON-HABITABLE AREAS (EDA Areas 1-3)

The majority of the Committee recommended the following for the EDA areas declared to be not habitable by the Commissioner of Health:

1. Recognizing economic limitations, nonetheless, every effort should be made to remediate areas 2 and 3 to a level of habitability comparable to areas 4-7. This will enable areas 2 and 3 to be developed for residential use.
2. If cost prohibits the total remediation required for residential resettlement, areas 2 and 3 should be developed for light industrial use. In light of the proximity to residential areas, certain appropriate remediation must be carried out under this option. This will provide an opportunity for the City of Niagara Falls and the Town of Wheatfield to benefit from the Free Trade Agreement. Any industrial development of this area should be planned and consider the needs of existing residents.
3. Under either of these conditions, current residents: should have the right to remain in areas 2 and 3 if they so choose; should be eligible for low income loans or grants to rehabilitate their properties; should be given an opportunity to bid on homes in areas 4-7, if they wish to relocate; and should receive a selling price for their homes comparable to the value of similar homes in any other area of the City of Niagara Falls and Town of Wheatfield.
4. Basic services such as water, sewage, street lights, roads, etc. should be maintained and upgraded to current standards in areas 2 and 3 where people continue to reside.
5. Area 1 should not be remediated or developed for residential use. Other uses should be considered. Residents and businesses in area 1 should have the same rights as current residents in areas 2 and 3, as listed in 3 above.

Two Committee members did not join in the overall recommendation for residential resettlement of areas 2 and 3. Barbara Hanna and Patricia Powell both recommended that: the area should be re-zoned to prohibit future residential use; current area renters and homeowners with minor children should be relocated; homeowners who wish to remain in the area should be granted the opportunity to do so, with the understanding that they will be the last residential tenant of the property; and, finally, that the area should be developed for light industrial use and for use under the Free Trade Agreement.

These recommendations reflect the thoughtful consideration of the many land use options and issues raised throughout the eight-month life of the Love Canal Land Use Advisory Committee. They are predicated on the conclusions on habitability reached by the Commissioner of Health and the assumptions that safeguards will continue to prevent further leakage from the Canal, that the containment and leachate treatment system will be maintained and operated under effective, continuous and clearly accountable management, and that the effectiveness of the containment and leachate treatment system will continue to be monitored and reported on an annual basis.

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