



# **Town of Amherst Local Waterfront Revitalization Program**

Adopted:

Town of Amherst Town Board, June 5, 2023

Approved:

NYS Secretary of State Robert Rodriguez, November 8, 2023

STATE OF NEW YORK  
DEPARTMENT OF STATE

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
HTTPS://DOS.NY.GOV

KATHY HOCHUL  
GOVERNOR

ROBERT J. RODRIGUEZ  
SECRETARY OF STATE

November 8, 2023

Honorable Brian J. Kulpa  
Supervisor  
Town of Amherst  
5583 Main Street  
Williamsville, NY 14221

Dear Supervisor Kulpa:

I am pleased to inform you that I have approved the Town of Amherst Local Waterfront Revitalization Program (LWRP), pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Everyone who participated in the preparation of the LWRP is to be commended for developing such a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of valuable waterfront resources along the Tonawanda Creek, Erie Canal, and Ellicott Creek.

Congratulations on a job well done.

I am notifying all State agencies that I have approved the Town of Amherst LWRP and advising them that agency activities must now be undertaken in a manner consistent to the maximum extent practicable with the LWRP.

The approved Town of Amherst LWRP will be available on the website of the Department of State, at <https://dos.ny.gov/local-waterfront-revitalization-program>.

If you have any questions, please contact Barbara Kendall, the LWRP Processing Coordinator within the Office of Planning, Development & Community Infrastructure, at [barbara.kendall@dos.ny.gov](mailto:barbara.kendall@dos.ny.gov)

Sincerely,



Robert J. Rodriguez  
Secretary of State

Enclosure: Approval Certificate



Department  
of State





# TOWN OF AMHERST

## TOWN CLERK'S OFFICE

5583 MAIN STREET  
WILLIAMSVILLE, NEW YORK 14221  
(716) 631-7021  
FAX (716) 631-7152  
www.amherst.ny.us

Francina J. Spoth  
Town Clerk

Timothy Koller  
Deputy Town Clerk

### CERTIFICATE OF TOWN CLERK

I, Francina J. Spoth, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY, as follows:

That the attached Resolution 2023-467 "Adoption of the Town of Amherst Local Waterfront Revitalization Program (LWRP) Plan" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on June 5, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 7<sup>th</sup> day of June, 2023.

Francina J. Spoth  
Town Clerk  
Town of Amherst, Erie County, NY

Sworn to before me  
This 7<sup>th</sup> day of June, 2023

Notary Public  
TIMOTHY J. KOLLER  
No. 01KO6263885  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 06/11/2024



**Amherst Town Board**

5583 Main Street  
Williamsville, NY 14221  
[www.amherst.ny.us](http://www.amherst.ny.us)

Francina J. Spoth  
Town Clerk

Meeting: 06/05/23 03:00 PM  
Department: Town Clerk  
Initiated by: **Timothy Koller**  
Co-Sponsored by:

DOC ID: 27539

**RESOLUTION 2023-467**

**ADOPTED**

**Adoption of the Town of Amherst Local Waterfront Revitalization Program (LWRP) Plan**

WHEREAS the Town Board executed a contract with the New York State Department of State to complete a Local Waterfront Revitalization Program pursuant to Article 42 of the Executive Law in Town Board Resolution 2020-522; and

WHEREAS, the Town of Amherst initiated preparation of the Local Waterfront Revitalization Program Plan with a Waterfront Advisory Committee (Resolution 2018-739) and the Town's consultant in cooperation with the New York State Department of State; and

WHEREAS, the Town of Amherst conducted a public meeting presenting the draft plan to the public and solicited public comments in February 2023; and

WHEREAS the Local Waterfront Revitalization Program (LWRP) Plan has been circulated by the Department of State to potentially affected State and Local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Town conducted a public hearing on May 22, 2023 on the proposed LWRP Plan and Consistency Review law, Chapter 205 of the Town Code; and

WHEREAS the Town of Amherst Town Board, as SEQR Lead Agency, has filed a Negative Declaration Notice of Determination of Non-Significance on November 8, 2022 (Town Board Resolution 2022-1109) in accordance with the requirements of the State Environmental Quality Review Act (SEQR) and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law, for the preparation of the Local Waterfront Revitalization Program plan;

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst Local Waterfront Revitalization Program Plan is hereby adopted, and that the Amherst Town Supervisor is authorized to submit the Local Waterfront Revitalization Program Plan and Local Law Local Waterfront Revitalization Program, Chapter 205, to the New York State Secretary of State for approval, pursuant to the provisions of Article 42 Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

A hard copy of the plan is available in the Planning Department for review. The Plan is also posted to the Town's website at:  
<[https://www.amherst.ny.us/pdf/planning/lwrp/230530\\_toa\\_lwrp\\_plan\\_not\\_officially\\_adopted.pdf](https://www.amherst.ny.us/pdf/planning/lwrp/230530_toa_lwrp_plan_not_officially_adopted.pdf)>

**5/22/2023**

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 7:23 PM.

Jeffrey Szatkowski, Landscape Architect, presented.

Tom Frank, 5403 Main St, spoke in support.

There were no further speakers from the public, therefore Supervisor Kulpa moved to keep the hearing open, seconded by Councilmember Lavin and unanimously approved 5-0.

**6/5/2023**

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 3:05 PM.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 3:07 PM.

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian J. Kulpa, Supervisor
<b>SECONDER:</b>	Deborah Bruch Bucki, Deputy Supervisor
<b>AYES:</b>	Kulpa, Bucki, Berger, Lavin, Szukala

# ACKNOWLEDGEMENTS

## **Prepared by the Town of Amherst Waterfront Advisory Committee:**

Brian J. Kulpa, Amherst Town Supervisor, Chair of Committee  
Jacqualine Berger, Amherst Deputy Supervisor  
Thomas Loughran, Erie County Legislator  
Edward Rath III, Erie County Legislator  
Colleen DiPirro, Senior Advisor, Amherst Chamber of Commerce & REDC member  
Sharon Rich, Chair of the Town of Amherst's Arts & Culture in Public Place Board  
Elizabeth Graczyk, Chair of the Amherst Conservation Advisory Council  
David Mingoia, Executive Director of the Amherst Industrial Development Agency  
Mary-Diana Pouli, Executive Director, Town of Amherst Youth and Recreation  
Ben Vilonen, Village of Williamsville Public Works Crew Chief  
Tonga Pham, Associate Vice President for University Facilities, University at Buffalo  
William Kindel, past Town Councilman  
Judy Ferraro, Keep Westwood Green Chairwoman  
Francis Kowsky, National Association for Olmsted Parks  
Matt Roland, Mensch Capital  
Timothy Trabold, retired GBNRTC transportation programs manager  
Nate Hartrich, President of the Morningside Neighborhood Association  
Anthony J. Panella, Amherst Central Schools  
Scott Martzloff, Williamsville Central School District  
Anthony J. Day, Sweet Home Central School District  
Mark Alnutt, University at Buffalo Athletic Director  
Joseph Buscaglia, Historic Preservation

## **Planning process coordinated by the staff of the Town of Amherst Planning Department:**

Daniel C. Howard, Planning Director  
Ellen Kost, Former Assistant Planning Director  
Daniel Ulatowski, Assistant Planning Director  
Jeffrey Szatkowski, Landscape Architect

## **Town of Amherst LWRP developed with assistance from:**

Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services

*This LWRP document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.*



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## GLOSSARY

AA DT - Average Annual Daily Traffic  
ACAC – Amherst Conservation Advisory Council  
ACS – American Community Survey  
ADA – Americans with Disabilities Act  
AIDA – Amherst Industrial Development Agency  
AOC - Area of Concern  
AQI – Air Quality Index  
AUC – Amherst Utility Cooperative  
BNHV – Buffalo Niagara Heritage Village  
CEHA - Coastal Erosion Hazard Area  
CDBG – Community Development Block Grants  
CMAQ – Congestion Mitigation and Air Quality Improvement Program  
CSMI - Cooperative Science and Monitoring Initiative  
CSSD - Consolidated Sanitary Sewer District  
CRS- Community Rating System  
DASNY – Dormitory Authority of the State of New York  
DPW – Department of Public Works  
EAF – Environmental Assessment Form  
ECL - Environmental Conservation Law  
ECSWCD – Erie County Soil & Water Conservation District  
ECWA – Erie County Water Authority  
EIS - Environmental Impact Statement  
EPA – Environmental Protection Agency  
EPF – Environmental Protection Fund  
ESD – Empire State Development  
EST – Empire State Trail  
EV – Electric Vehicle  
FEMA - Federal Emergency Management Agency  
FIRM - Flood Insurance Rate Map  
FWA – Freshwater Wetlands Act  
GBNRTC - Greater Buffalo Niagara Regional Transportation Council  
GIGP – Green Innovation Grant Program  
HMA – Harbor Management Area  
HVI – Heat Vulnerability Index  
HUD – Housing Urban Development

I&I - Inflow and infiltration  
LWCF – Land and Water Conservation Fund  
LWRP - Local Waterfront Revitalization Program  
MGD - Million gallons per day  
NCD – New Community District  
NCWD - Niagara County Water District  
NDZ - No Discharge Zone  
NEPA – National Environmental Policy Act  
NFIP - National Flood Insurance Program  
NFTA – Niagara Frontier Transportation Authority  
NHL - National Historic Landmark  
NLCD – National Land Cover Data  
NPS- National Park Service  
NWI – National Wetland Inventory  
NYCRR - New York Code of Rules and Regulations  
NYS - New York State  
NYSDEC - New York State Department of Environmental Conservation  
NYSDOS – New York State Department of State  
NYS DOT - New York State Department of Transportation  
NYSOGS – New York State Office of General Services  
NYSOPRHP- New York State Office of Parks, Recreation and Historic Preservation  
NYSEG – New York State Electric and Gas Corporation  
NYSERDA – New York State Energy Research and Development Authority  
OGS - Office of General Services  
PAA – Planning Analysis Area  
POTW – Publicly Owned Treatment Works  
REDC – Regional Economic Development Council  
RTP – Recreation Trails Program  
RIWP - Remedial Investigation Work Plan  
SAM – State and Municipal  
SASS - Scenic Area of Statewide Significance  
SEQR - State Environmental Quality Review  
SFHA – Special Flood Hazard Area  
SPDES - State Pollution Discharge Elimination System  
SR - State Route  
SUNY – State University of New York  
TAP – Transportation Alternatives Program

TMDL - Total Maximum Daily Load  
USACE – United States Army Corps of Engineers  
USDOT - United States Department of Transportation  
USDA – United States Department of Agriculture  
USDASCS - United States Department of Agriculture Soil Conservation Service  
USFWS – United States Fish and Wildlife Service  
USGS - United States Geological Survey  
Village – Village of Williamsville  
WAC – Waterfront Advisory Committee  
WNY – Western New York  
WNYLC – Western New York Land Conservancy  
WRA - Waterfront Revitalization Area  
WPCC - Water Pollution Control Center

## LWRP CONTENT AND BENEFITS

A Local Waterfront Revitalization Program (LWRP) includes a local plan that sets the vision and policies for waterfront revitalization and natural resources preservation within a municipality's Waterfront Revitalization Area (WRA), which includes the Harbor Management Area, a set of municipal land use controls, and a municipal management structure overseeing the implementation of the LWRP. An LWRP is prepared and implemented with guidance from the New York State Department of State<sup>2</sup> (NYS DOS) and potential financial assistance in the form of grants from the New York State Environmental Protection Fund and other State or federal funding sources. An LWRP articulates waterfront revitalization and natural resources preservation actions and policies supported by municipal and State legislation for the unique features and conditions of the municipal WRA. An LWRP could propose projects that boost environmental protection and economic development, protect valuable water resources, and improve public waterfront accessibility. The LWRP also establishes a process to ensure that all actions proposed within the Town of Amherst WRA occur consistent with the LWRP policies. The LWRP provides communities with an opportunity to apply for state funds and technical assistance to develop a unique framework to revitalize the municipal waterfront.

The LWRP plan contains seven sections detailing different aspects of the Amherst WRA, and appendices including the local laws supporting the implementation of the LWRP policies and excerpts from other plans that support the implementation of LWRP policies and projects.

*Section I. Waterfront Revitalization Area Boundary* provides a detailed narrative and graphic description of the Amherst Waterfront Revitalization Area (WRA) boundary.

*Section II. Inventory and Analysis* of existing local conditions describes the existing resources and conditions within the Amherst WRA, as well as an analysis of the needs and opportunities facing the Amherst WRA.

*Section III. LWRP Policies* presents the LWRP Policies along with policy explanations offering details regarding the implementation of each policy within the Amherst WRA. These policies are based on the economic, environmental, and cultural characteristics of the Town, and aim to establish a balance between economic development and preservation of the existing natural and cultural resources and prevent adverse effects on the waterfront resources. The policies serve as the basis for local and State consistency determinations for government actions proposed within the Amherst WRA. No policy is more significant than another. These policies are implemented by state regulations and programs, as well as, relevant Amherst laws.

*Section IV. Proposed Land and Water Uses and Proposed Projects* describes proposed long-term land and water uses within the WRA. This section also includes proposed short and long-term projects the Town would like to pursue to revitalize its WRA. The proposed uses and initiatives outlined in this section have the potential to enrich the Amherst WRA by building on the unique character of the community.

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<sup>2</sup> <https://dos.ny.gov/local-waterfront-revitalization-program>



*Section V. Techniques for Implementation of the Local Program* describes the local laws, management structure, and financial resources necessary to implement the LWRP policies and vision.

*Section VI. State and Federal Actions and Programs Likely to Affect Implementation* consists of a list of State actions and programs which must be undertaken in a manner consistent with the Town of Amherst's LWRP, as well as a description of specific State actions necessary to further implementation of the LWRP.

*Section VII. Local Commitment and Consultation* summarizes the actions taken by the Town to obtain local input and support for the development of this LWRP, and the efforts made by the Town to involve and/or inform other agencies regarding the development and content of its LWRP. The Town of Amherst's LWRP will affect and be affected by the actions of adjacent municipalities, and State and county agencies.

*Appendix A LWRP Consistency Review Law* includes the local law that provides the local legal framework for the implementation of LWRP policies and the municipal management structure for the implementation of the LWRP, and the related Waterfront Assessment Form (WAF).

Information regarding the planning process conducted for the development of the LWRP is briefly provided in Section V of the LWRP.

## SECTION I. TOWN OF AMHERST WRA BOUNDARY

The Town of Amherst Local Waterfront Revitalization Program (LWRP) covers a Waterfront Revitalization Area (WRA) that encompasses portions of the Tonawanda Creek and Ellicott Creek and adjacent upland features within the Town's municipal boundaries. The Amherst WRA is illustrated on Map I-1 Waterfront Revitalization Area. The segment of the Tonawanda Creek within the Amherst WRA extends for approximately 10.83 linear miles while the segment of the Ellicott Creek within the Amherst WRA extends for approximately 11.0 linear miles. The Amherst WRA encompasses 8.19 square miles of the 54 square miles occupied by the Town. Within the Amherst WRA, the Tonawanda Creek Subarea encompasses 5.0 square miles, and the Ellicott Creek Subarea encompasses 3.19 square miles.

Tonawanda Creek and Ellicott Creek are designated inland waterways listed in Section 911 of Article 42 the New York State Executive Law. Due to the location and length of the sections of the creeks within the Town's municipal boundaries, and for providing the users of the LWRP document with a well-organized information, the Amherst WRA is divided into two subareas: the Tonawanda Creek Subarea and Ellicott Creek Subarea, as described below and illustrated on Map I-1A Tonawanda Creek Subarea and Map I-1B Ellicott Creek Subarea of the Amherst WRA.

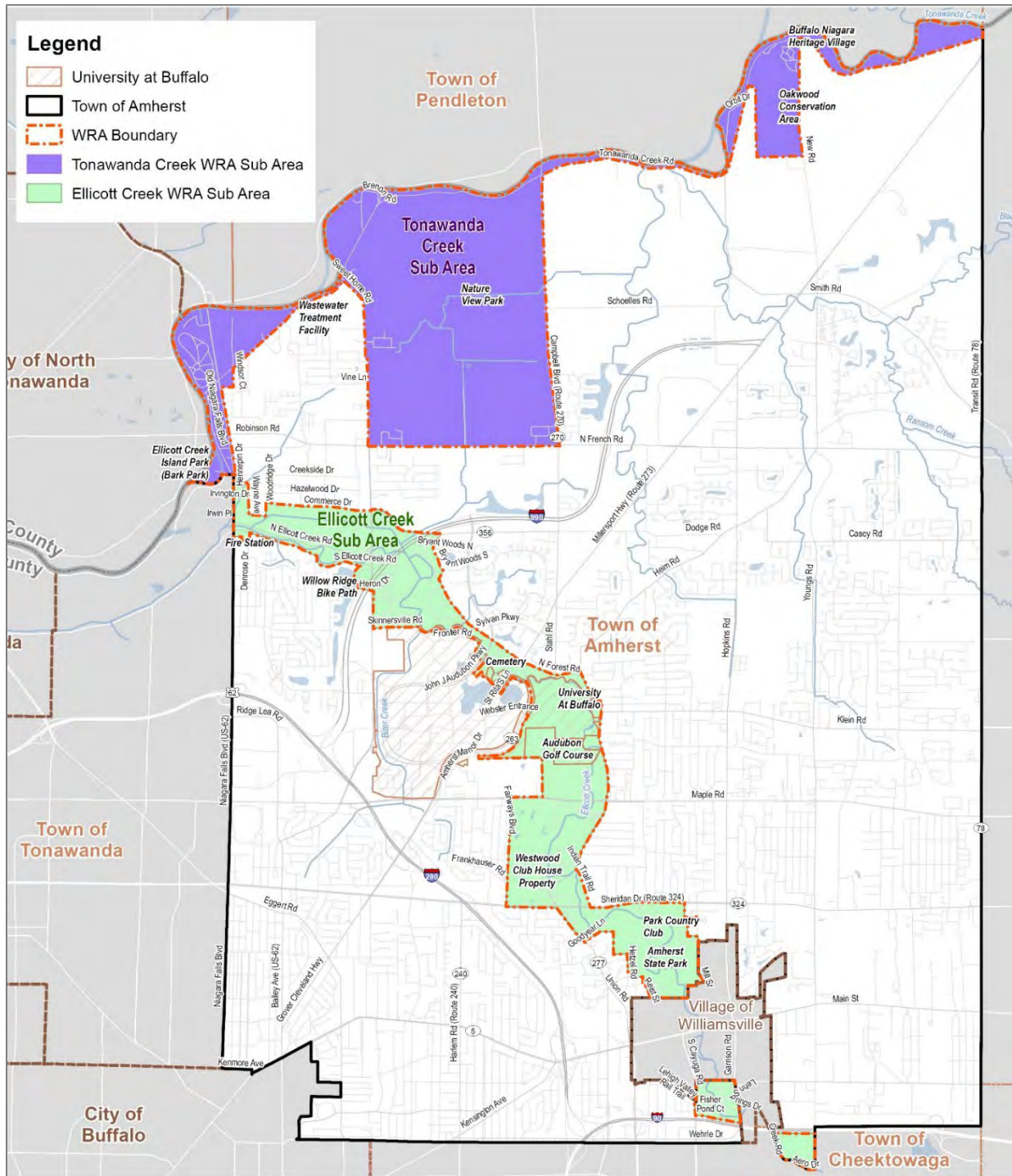
The boundary of the Tonawanda Creek Subarea within the Amherst WRA encompasses 1) the portion of the regulated drainage area of Tonawanda Creek within the Town limits, 2) the Town-owned Nature View Park that is the Town's largest public nature conservation area and contains State and federal wetlands important to the hydrology of the creek's watershed, 3) a small portion of one of the agricultural districts of Erie County affecting the creek water, 4) Erie Canalway Corridor and adjacent open space, cultural and recreational resources such as the Buffalo Niagara Heritage Museum, the Empire State Trail bike path, Veteran's Canal Park, Fisherman's Wharf, and a private marina, and the 5) Town's wastewater treatment plant that impacts the water quality of the creek.

The boundary of the Ellicott Creek Subarea within the Amherst WRA encompasses 1) the portion of the regulated drainage area of Ellicott Creek within the Town limits and State and federal wetlands important to the hydrology of the creek's watershed, 2) residential properties along the creek's floodway, Ellicott Creek Trailway, Weinstein Campus and University at Buffalo, 3) Audubon Recreation Complex and golf course, 4) Ellicott Creek Island Bark Park, 5) Park Country Club and 6) Amherst State Park. The upland areas along the Ellicott Creek Subarea of the Amherst WRA have significant hydrological connections to the drainage system along Interstate 990 into Ellicott Creek. The Ellicott Creek Subarea has three distinctive segments. Two of the segments are the result of the location of the incorporated Village of Williamsville within the Town of Amherst and along Ellicott Creek. All three segments of the Ellicott Creek Subarea are illustrated on Map I-1B Ellicott Creek Subarea of the Amherst WRA. A comprehensive inventory and assessment of the natural and cultural resources within each subarea of the WRA is presented in Section II of the LWRP.

The **Harbor Management Area** (HMA) of the Amherst WRA covered by this LWRP consists of those portions of the Tonawanda Creek and Ellicott Creek that are located within the Town of Amherst and its WRA. The lands adjacent to the water are not included in the HMA. Due to the length of the creeks' segments, the HMA is represented only by the blue lines illustrating Tonawanda and Ellicott creeks on

Map I-1 Waterfront Revitalization Area. Detailed information regarding the current conditions within the HMA are presented in Section II of the LWRP.

Map I-1 Waterfront Revitalization Area



## 1.1 Tonawanda Creek Subarea Boundary

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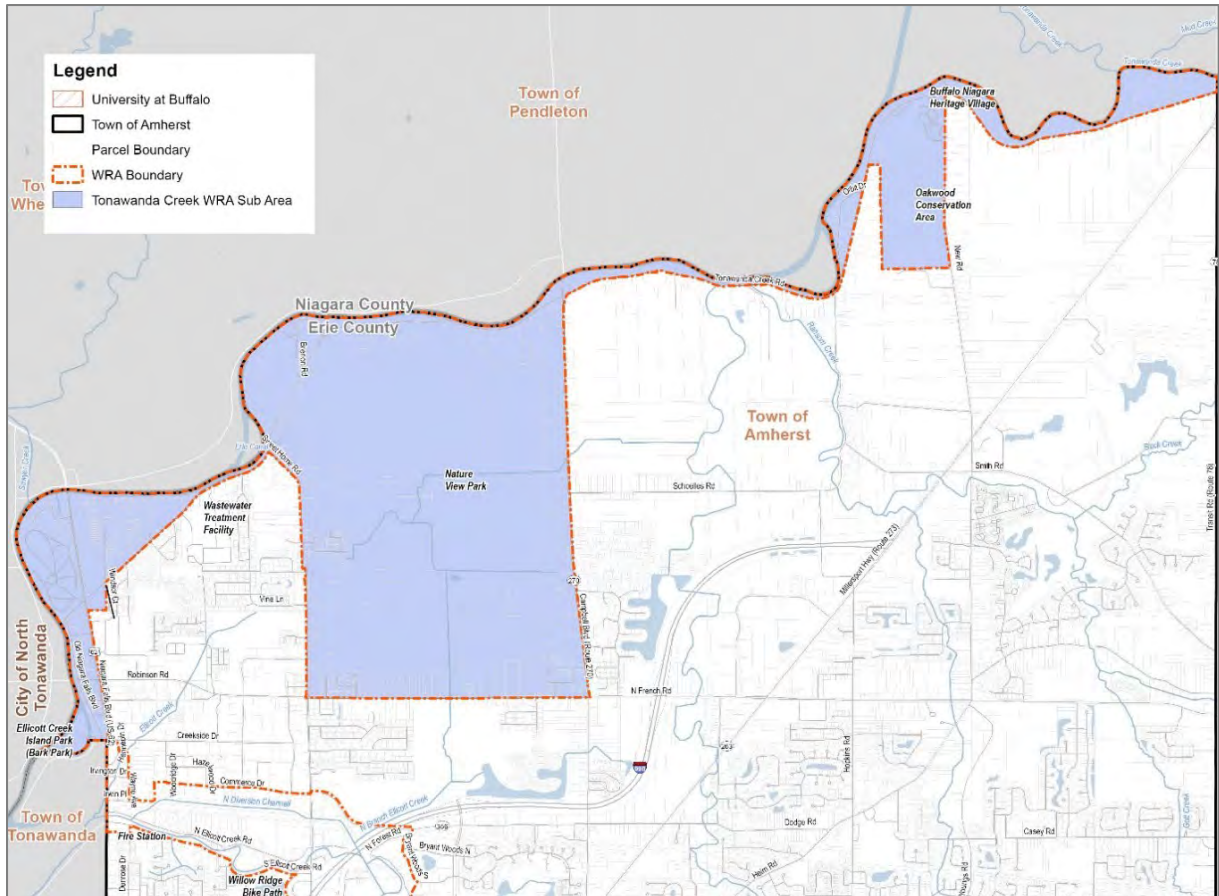
The boundary of the Tonawanda Creek Subarea of the Amherst WRA begins at the intersection of the centerlines of both Niagara Falls Boulevard (NYS Route 62) and Creekside Drive, proceeding west for approximately 620 feet to the Town of Amherst municipal boundary with the Town of Pendleton along Tonawanda Creek/Erie Canal including Ellicott Island Park (aka Town's Bark Park); then,

- I. continues north and then east (upstream) from Ellicott Island Bark Park along the municipal boundary with the Town of Pendleton (Tonawanda Creek/NYS Erie Canal) for approximately 10.0 miles, to the Town of Amherst eastern Town line (shared with Clarence, NY) at Transit Road (NYS Route 78) along the centerline of the road; then,
- II. proceeds south on Transit Road for approximately 400 feet to the southern right-of-way on Tonawanda Creek Road; then,
- III. continues west on Tonawanda Creek Road for approximately 1.8 miles to the intersection with the western right-of-way of New Road; then,
- IV. turns south and continues along the western right-of-way of New Road for approximately 1.0 mile encompassing the Buffalo Niagara Heritage Village and Oakwood Conservation Area; then,
- V. turns westerly and continues for approximately 2,100 feet, along the southern boundary of the Oakwood Conservation Area; then,
- VI. turns north along the Town owned parcel for approximately 3,130 feet to the New York State owned parcel; then
- VII. turns west along the southern property line of the New York State owned parcel for 340 feet to the Tonawanda Creek eastern right-of-way, encompassing all parcels to the north and west to Tonawanda Creek/Erie Canal; then,
- VIII. continues south and then west along the southern right-of-way of Tonawanda Creek Road for approximately 2.36 miles to a point at the intersection with the eastern right-of-way of Campbell Boulevard (NYS Route 270), encompassing all parcels north to Tonawanda Creek/Erie Canal; then,
- IX. proceeds south along the eastern right-of-way of Campbell Boulevard for approximately 2.32 miles to a point at the intersection with the southern right-of-way of North French Road: then,
- X. turns west from the intersection of North French Road and Campbell Boulevard and follows the southern right-of-way of North French Road for approximately 1.63 miles to a point with the intersection of North French and the western right-of-way of Sweet Home Road; then,
- XI. turns north and follows the western Sweet Home right-of-way for approximately 1.5 miles to a point with the intersection of the southern right-of-way of Tonawanda Creek Road; then,
- XII. follows Tonawanda Creek Road southwesterly for approximately 1.20 miles to a point approximately 63 feet to the west of the Windsor Court Road centerline, encompassing all parcels north and northwest of Tonawanda Creek Road to Tonawanda Creek/Erie Canal; then,
- XIII. continues south for approximately 840 feet along the parcel adjacent to the Niagara Falls Boulevard and Tonawanda Creek intersection; then, west along the southern parcel property line for approximately 550 feet to Niagara Falls Boulevard (NYS Route 62) at a point approximately 250 feet south of the intersection with the right-of-way of Tonawanda Creek Road; then,



- XIV. continues south along Niagara Falls Boulevard for approximately 3,990 feet to the intersection with Creekside Drive at a point located at the centerlines of Creekside Drive and Niagara Falls Boulevard; then,
- XV. turns westerly along Creekside Drive for approximately 500 feet to the intersection with Niagara Falls Boulevard (NYS Route 62), back to the beginning point.

**Map I-1A Tonawanda Creek Subarea of the Town of Amherst WRA**



## 1.2 Ellicott Creek Subarea Boundary

The boundary of the Ellicott Creek Subarea of the Town of Amherst WRA begins at the intersection of the centerline of Niagara Falls Boulevard (NYS Route 62) and centerline of Creekside Drive, proceeding east for approximately 320 feet on the centerline of Creekside Drive; then,

### **North of the Village of Williamsville**

- I. turns south at the point with the intersection of Creekside Drive and the eastern right-of-way of Hennepin Drive; then,
- II. continues south along the eastern right-of-way of Hennepin Drive (which turns into Wayne Avenue) for approximately 2,000 feet to the intersection of Wayne Avenue and the northern right-of-way of Irwin Place; then,

- III. at the point of the intersection with the eastern right-of-way of Wayne Avenue and the northern right-of-way of Irwin Place turns east and continue along the northern right-of-way of Irwin Place for approximately 715 feet; then,
- IV. turns northeast for approximately 72 feet along the parcel fronting the north diversion canal; then,
- V. turns north along the western property line of the Amherst IDA parcel fronting the northern diversion channel for approximately 540 feet to the northern property line of the IDA parcel; then,
- VI. continues east along the northern property line of the IDA parcel for approximately 370 feet to the center line of Woodridge Drive which turns into Commerce Drive; then,
- VII. continues east for approximately 4,375 feet along Commerce Drive north of the northern diversion channel to the intersection with the centerline of Sweet Home Drive, then turns north for approximately 60 feet and turns west for approximately 35 feet to the northern right-of-way of Dodge Road; then,
- VIII. continues east and southeast from the centerline of Sweet Home and Dodge Road along the northern right-of-way of Dodge Road (under the stated owned Interstate 990 overpass) for approximately 3,460 feet to a point with the intersection of the North Forest Road eastern right-of-way; then,
- IX. at the intersection of the eastern right-of-way of North Forest Road and Dodge Road the boundary continues south and then southwest 300 feet along the North Forest Road right-of-way to the western right-of-way Bryant Woods South, then following Bryant Woods South right-of-way for approximately 1,500 feet; then, southwest following an existing parcel line for approximately 500 feet to the eastern right-of-way on North Forest Road; then, southerly on the eastern right-of-way of North Forest Road for approximately 3.3 miles to the centerline of Indian Trail Road; then, southeasterly along the centerline of Indian Trail Road for approximately 1,700 feet to the centerline of Sheridan Drive (NYS Route 324); then, east on Sheridan Drive centerline for approximately 4,200 feet; then,
- X. turns south for 600 feet along the eastern boundary of Amherst State Park; then; 600 feet east to Mill Street western right-of-way; then, turns south 50 feet along the Mill Street western right-of-way; then, turns west 1,000 feet to the rear of existing parcel lines of properties located approximately 450 feet west of the Mill Street right-of-way; then, following these rear parcel lines south for approximately 800 feet; then, 475 feet east to the Mill Street eastern right-of-way; then, continuing south on Mill Street eastern right-of-way for approximately 2,100 feet along the western boundary of the Village of Williamsville; then, west for approximately 250 feet; then, south for approximately 230 feet; then, west for approximately 450 feet; then, south for approximately 500 feet; then, west for approximately 1,750 feet still continuing to follow the northern Village boundaries to the eastern right-of-way of Reist Street; then,
- XI. at the intersection with the Village boundary and the eastern right-of-way of Reist Street turns northwest along the Reist Street eastern right-of-way for approximately 700 feet; then,
- XII. turns west on the northern right-of-way of Reist Street for approximately 61 feet to a point with the Park Country Club (golf course) parcel; then,

- XIII. turns north along the golf course parcel for approximately 250 feet, then turns west along the golf course parcel for approximately 375 feet, then turns north along the golf course parcel for approximately 240 feet, then turns west for 386 feet along the golf course parcel to the eastern right-of-way of Hetzel Road; then, continuing north along the Hetzel Road right-of-way for approximately 800 feet; then, west following the golf course parcel lines for approximately 615 feet; then, north for approximately 1,000 feet; then, west for approximately 650 feet continuing to follow along the golf course parcel; then,
- XIV. proceeds southwest along the parcel fronting Ellicott Creek for 150 feet to the eastern or southern right-of-way of Goodyear Lane; then,
- XV. continues along the southern right-of-way of Goodyear Lane for approximately 675 feet to a point with the intersection with the western right-of-way of North Forest Road (Route 270); then,
- XVI. at the point of the western right-of-way of North Forest Road and Goodyear Lane the boundary turns northwest along the western right-of-way of North Forest for approximately 2,030 feet to the intersection with the southern right-of-way of Sheridan Drive; then,
- XVII. turns west on the Sheridan Drive southern right-of-way for approximately 2,200 feet to the intersection with the Frankhauser Road eastern right-of-way; then,
- XVIII. turns north on Frankhauser Road eastern right-of-way (adjacent to the former Westwood Country Club property) for approximately 1,075 feet; then, following the rear parcel lines of properties along the east side of Fairways Boulevard for approximately 3,780 feet to the northern right-of-way of Maple Road; then,
- XIX. continuing on the centerline of Maple Road east for approximately 1,375 feet; then, north for approximately 1,772 feet (along alienated parkland boundary); then, west for approximately 2,825 feet along the Audubon Golf Course parcel line; then, north for approximately 137 feet to the Millersport Highway (NYS Route 263) eastern right-of-way; then, continuing northeast along the Millersport Highway (NYS Route 263) right-of-way for approximately 2,972 feet; then, north for 335 feet to the centerline of Millersport Highway at University at Buffalo Webster Entrance; then, along the Millersport Highway road centerline for approximately 1,700 feet to Ellicott Creek, encompassing the eastern portion of the University at Buffalo campus fronting Ellicott Creek; then,
- XX. turns west following the west bank of Ellicott Creek approximately 700 feet to the eastern right-of-way of St. Ritas Lane; then, continuing southwest on St. Ritas Lane right-of-way for approximately 900 feet to southern right-of-way of Frontier Road; then,
- XXI. Turns northwest along Frontier Road for approximately 1,350 feet; then, southwest approximately 330 feet following along the eastern property line of the cemetery parcel; then, northwest approximately 210 feet along the southern property line of the cemetery; then,
- XXII. turns northeast at a point with the intersection of the cemetery parcel and the eastern right-of-way of John James Audubon Parkway; then,
- XXIII. turns northeast approximately 650 feet along eastern right-of-way of John James Audubon Parkway to the west bank of Ellicott Creek; then,
- XXIV. turns west following the west bank of Ellicott Creek for approximately 4,250 feet north and west beyond the confluence with Bizer Creek to a point at the southern right-of-way of

- Skinner'sville Road, encompassing a portion of the University at Buffalo property fronting Ellicott Creek; then,
- XXV. continuing west along the Skinner'sville Road southern right-of-way for approximately 2,075 feet to the intersection of the eastern right-of-way of Sweet Home Road; then,
  - XXVI. at the intersection of the southern right-of-way of Skinner'sville Road and the eastern right-of-way of Sweet Home Road, the boundary turns north for approximately 1,700 feet along the eastern right-of-way of Sweet Home Road; then,
  - XXVII. intersects with the southern right-of-way of Heron Drive; then,
  - XXVIII. at this intersection with the southern right-of-way of Heron Drive and Sweet Home Road the boundary continues northwest across Interstate 990 to an existing trail for approximately 600 feet; then,
  - XXIX. turns north along the east property lines of the parcels west of the trail and (following I-990) for approximately 1,050 feet to the intersection with the southern right-of-way of S. Ellicott Creek Road; then,
  - XXX. the boundary turns west along the S. Ellicott Creek Road right-of-way for approximately 1.05 miles west and south of Ellicott Creek to a point with the intersection of the eastern right-of-way of Denrose Drive; then,
  - XXXI. turns south along the eastern right-of-way of Denrose Drive for approximately 310 feet; then, turns west approximately 200 feet along the southern property line of the fire station parcel fronting Ellicott Creek; then, south approximately 75 feet; then, west on the fire station parcel southern property line for approximately 140 feet to the eastern right-of-way of Edgewater Drive; then,
  - XXXII. turns north along the eastern right-of-way of Edgewater Drive for approximately 200 feet; then,
  - XXXIII. turns west approximately 360 feet, generally following the southern parcel line of property fronting the south side of S. Ellicott Creek Road and Ellicott Creek; then,
  - XXXIV. Continues west and intersects with the Niagara Falls Boulevard (Route 62) road centerline and Town Municipal Boundary; then,
  - XXXV. at this point turns north for approximately 2,770 feet along the centerline of Niagara Falls Boulevard (Route 62) to the intersection with the centerline of Creekside Drive back to the beginning point.

**South of the Village of Williamsville**

- XXXVI. The boundary of the Ellicott Creek Subarea of the Amherst WRA south of the Village of Williamsville begins at the intersection of the Village boundary approximately 950 feet north of the former Lehigh Valley right-of-way, and the centerline of South Cayuga Road, proceeding east for approximately 1,725 feet along the Village boundary to the intersection of Garrison Road; then,
- XXXVII. continues south along the centerline of Garrison Road for approximately 300 feet while following the Village boundary; then
- XXXVIII. continues south along the centerline of Wehrle Drive for approximately 1,660 feet while following the Village boundary; then
- XXXIX. continues west along the right-of-way of the NYS State Thruway Authority boundary for approximately 2,100 feet to the western right-of-way of South Cayuga Road, then

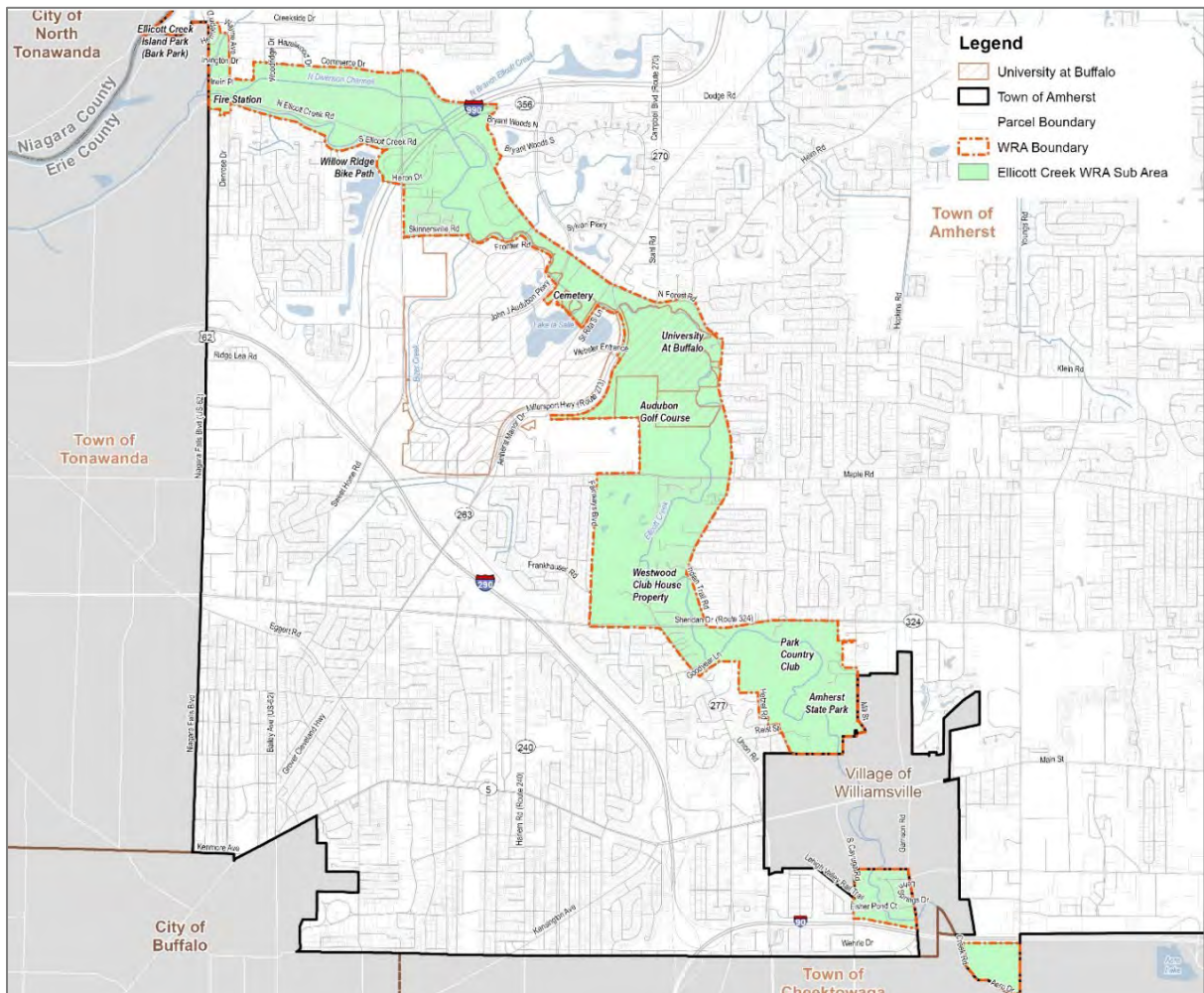


- XL. continues along the South Cayuga right-of-way north for approximately 700 feet to the Village boundary; then
- XLI. Continue north along the Village boundary for approximately 950 feet back to the beginning point.

**South of Interstate 90**

- XLII. The boundary of the Ellicott Subarea of the Amherst WRA south of the interstate begins at the municipal boundary with the Town of Cheektowaga at the intersection of the NYS Thruway Authority southern right-of-way, proceeding east for 1,715 feet along the right-of-way; then
- XLIII. continues south along the municipal boundary for 990 feet; then
- XLIV. continues east for approximately 50 feet along the municipal boundary; then
- XLV. continues south along the municipal boundary for approximately 600 feet; then
- XLVI. continues west along the municipal boundary for approximately 2,800 feet back to the beginning point.

**Map I-1B Ellicott Creek Subarea of the Town of Amherst WRA**



Source: Town of Amherst Geospatial Data. Accessed April 2022.

## SECTION II. INVENTORY AND ANALYSIS OF EXISTING CONDITIONS WITHIN THE WRA

Section II of the LWRP offers an inventory and analysis of the existing conditions within the Town of Amherst Waterfront Revitalization Area (WRA) and identifies the issues confronting the community and the local opportunities on which the community's vision of the waterfront could be built.

### 2.1 Summary of Opportunities and Issues within the WRA

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#### Water Recreation and Activities

The Amherst WRA offers opportunities for a variety of active and passive recreation uses. However, only two facilities located along the Erie Canal portion of the Tonawanda Creek Subarea provide formal waterfront access for launching boats and watercrafts. The Amherst Marina provides a boat launch for a fee and the Amherst Veterans Canal Park provides a free kayak launch.

The Amherst WRA has other potential waterfront access points to the creeks on municipal property, but the current conditions at these locations limit their recreational uses to the upland. The Town will identify sites where public access may be enhanced. The existing parking and site amenities at the existing recreational sites appear to be insufficient. The Town will examine if it is sustainable to increase these amenities.

Improvements to public parks with access to water and additional services provided to the private and public docking and boat launches may increase the number of boaters. The Town will work with the NYS Canal Corporation and private marina operators to identify if additional services and improvements are feasible and sustainable.

Improved water quality and enhancement to the shorelines of the public parks will provide a safer environment for water activities such as swimming, wading, and tubing. The Town will identify potential improvements, assess if they are feasible, and estimate the limit in the number of visitors that will not impact the existing natural resources.

The existing multi-use trails within the Amherst WRA provide opportunities for the public to access and experience the Canal and other parts of the Amherst WRA while walking, running, riding bicycles, and cross-country skiing.

The Town will examine the opportunities for enhanced connectivity between existing trails, public waterfront access, other recreational resources, and Town neighborhoods.

#### Public Safety

Hazards to navigation on the Canal include underwater obstructions, overhead obstructions, and floating debris. The County Sheriff based on NYS Canal Corporation regulations enforces current speed for vessels on the water. Local police and emergency service agencies patrol the waters of the Canal, as well as the trails, to ensure the safety and security of the public using them. The Town will work with the

providers of emergency medical services to enhance both summer (water) and winter (ice/snow) rescues at the Veterans Canal Park.

Boaters use existing reference features to identify their location on the Canal. Special markers along the canal may enhance boaters' experience. Markers could assist with a faster emergency response time and an overall better experience for boaters. In the event of an emergency, a clear system of wayfinding signage will help boaters, trail users, and motorists to clearly identify their location.

In the past, the Town has had issues with snow mobiles on the water during the winter months. The Town will assess means and seek funding to ensure better assistance for emergency situations in and along the Canal.

Debris from upland flooding and shoreline erosion impact navigation and other water-dependent recreational uses. The Town will work with the NYS Canal Corporation and county and State agencies to identify means to remove debris and enhance public safety on the Canal.

The overall safety on remote sections of multi-use trails, including on those sections along or crossing roads with significant vehicular traffic, is a concern. The Town will examine and implement adequate signage for bikes and pedestrian and traffic calming measures at key intersections and trail access points.

## Shoreline Conditions

The NYS Canal Corporation owns most of the shoreline along the Tonawanda Creek. Private upland owners were provided leases to use the shoreline for watercraft launches or docking. These private docks are typically small and located on land leased by private individuals from the NYS Canal Corporation and are designed to serve a single landowner. This leads to some concern regarding the shoreline conditions along the Erie Canal within the Amherst WRA.

Much of the Erie Canal shoreline has been hardened by the placement of rock and/or construction of riprap, bulkheads, and walls of various materials placed at the edge of water to reduce impact of wakes caused by speeding boats. However, these treatments are known for having aesthetic and environmental impacts if not properly maintained. Furthermore, private property owners and lessees tend to remove shoreline vegetation that reduces erosion and provides shoreline habitat.

Forest and best management practices are generally lacking. The shoreline woodland is characterized by young secondary growth forest with an understory that often has been invaded by non-native and invasive plants.

## History and Culture

Along both creeks, the Town can celebrate the local and regional history and culture. The Erie Canal is the largest recreational and cultural asset for the Town to capitalize on. Measures to draw attention to these areas could include better wayfinding signage and information kiosks to inform the public of significant existing landmarks and improve access and circulation. Ellicott Creek has the potential to become a linear greenway linking large tracts of recreation space and historic features within the central part of Amherst and the Village of Williamsville.

## Scenic Resources

The Town can employ measures to protect scenic resources along the creek, which will also benefit existing ecosystems. Scenic resources have been identified during the planning process associated with

the development of this LWRP. The locally significant scenic areas are within residential or recreation conservation districts. The Town will identify ways to enhance and protect scenic resources within the Amherst WRA.

The conversion of rural land to urban and suburban uses is taking place in the Tonawanda Creek Subarea. The rural character of lands along the Erie Canal and Tonawanda Creek in Amherst is changing. While farming is the traditional land use in North Amherst and remains dominant, it may be threatened by low-density residential development and other forms of non-agricultural uses, such as solar or wind energy projects. The public has expressed considerable concern regarding the loss of rural character that has occurred as farms have been developed into subdivisions with single-family homes.

The Amherst WRA contains a variety of land uses that will be carefully planned to preserve the scenic resources identified in this LWRP.

## Natural Resources

Despite significant water quality improvements in recent decades, some water quality issues remain within the Amherst WRA.

PCB contaminated sediments in the Erie Canal are and will continue to be a threat to water quality, wildlife, and water uses, leading the State to designate the Canal as an impaired water body. Silt and sediment from streambank erosion adversely affect water quality and wildlife habitat in the Erie Canal, Tonawanda Creek, and Ransom Creek, a major tributary to Tonawanda Creek located outside the Amherst WRA. Urban and agricultural run-off high in silt, sediment, and nutrients is also a major source of pollutants in waters of the Amherst WRA. Runoff flows from suburban development areas in the Towns of Amherst, Pendleton, and Clarence, carrying contaminants from many sources, such as roads, parking areas, construction sites, septic systems, and lawn chemicals.

Illegal discharge contributes untreated waste directly to recreational waters. Few opportunities for disposing of sanitary waste are available for boaters along the Erie Canal in Erie and Niagara Counties.

Increasingly there are problems with invasive plant species in the Erie Canal, particularly Eurasian Milfoil, brought into the area on the propellers and bottoms of boats traveling through the Canal. Native terrestrial and aquatic habitats in the Tonawanda Creek corridor will benefit from retention of natural vegetation, control of invasive species, and improvements in stormwater quality discharged into the creeks.

The Town will find means to implement or assist in the implementation of best management practices to reduce pollutant loads from stormwater runoff to the Erie Canal, Tonawanda Creek, Ellicott Creek, and their tributaries.

## Educational Opportunities

The Superintendents of the Amherst, Sweet Home, and Williamsville School Districts have participated in the LWRP planning process as members of the Waterfront Advisory Committee and have suggested improvements to the recreational facilities along the water to benefit students and the Town.

Outdoor educational spaces foster the learning of environmental, marine, and science-based curricula. The Town's existing and proposed facilities could be designed to provide new outdoor education and accommodate class field trips. The Town will explore means to improve outdoor education.

## 2.2 Vision and Goals

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The Town of Amherst LWRP will guide the Town's waterfront actions to achieve the community's vision of a healthy and culturally vibrant waterfront.

*This LWRP celebrates the beauty and uniqueness of the extensive waterfront along Tonawanda Creek/Erie Canal and Ellicott Creek, and the local history and the community's desire to build upon existing strengths for the future. The key will be to balance Amherst's character and uniqueness with new and renewed development that can contribute to the vibrancy and resilience of the community.*

As a result of analyzing the existing conditions of the Amherst WRA and engaging the community on opportunities in the Amherst WRA, the Town identified the following goals for its local waterfront revitalization plan:

- ◆ Increase public access to Town waterways
- ◆ Enhance amenities at existing public parks adjacent to the waterways
- ◆ Create new public parks and expand the greenway corridor along the waterways
- ◆ Encourage appropriate economic development opportunities
- ◆ Promote public safety
- ◆ Improve the quality of the Town's water resources
- ◆ Improve the existing shoreline conditions
- ◆ Highlight the scenic and aesthetic beauty of the Town's waterways and enhance historic and cultural components within the LWRP boundary
- ◆ Foster environmental education and stewardship

## 2.3 Historic Background and Community Characteristics

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The earliest inhabitants of Western New York arrived in the region about 12,000 years ago. Pre-contact archeological sites have been recorded in elevated areas such as Chestnut Ridge Road and the Onondaga Escarpment, and in well-drained areas adjacent to Ellicott Creek, Tonawanda Creek, and Ransom Creek. By the time European missionaries, traders, and soldiers arrived, the Iroquoian-speaking Wenro, Neutral, and Erie nations occupied the region.

The first settlement in the Town of Amherst began in 1799. Early settlers and land prospectors developed roads connecting the settlement with the rest of the region and attracting more settlers. The Town of Amherst grew large enough to incorporate in 1818 and continued to grow rapidly with the completion of the Erie Canal in 1825, which runs through a portion of Tonawanda Creek. In the 1830s and 1840s there was a rush of settlers and development near the Erie Canal and along Ellicott Creek between what is now Sweet Home Road and Niagara Falls Boulevard.

### Mid-Nineteenth Century

By the middle of the nineteenth-century, significant developments were occurring in local transportation and agriculture. Main Street was a macadamized toll road by 1840. Canal boats, stagecoaches, and trains passed through Amherst from Buffalo to Batavia, Rochester, and points east on Tonawanda Creek, the Erie Canal, and Main Street. At the time, these routes were the most important



Figure 2.1 – Town of Amherst Map



Source: Grande, Joseph A. 2000. *Glancing Back. A Pictorial History of Amherst, NY. (Historic Photos of Amherst, NY)*

thoroughfares in the region. In northern Amherst, Tonawanda Creek and the Erie Canal were channelized and enlarged several times to accommodate increasingly heavier boat traffic. The last major upgrade to the Canal system took place in the 1910s when the Erie Canal and portions of Tonawanda Creek were enlarged, rerouted, and renamed the NYS Barge Canal. However, the development of the railroad in Western New York in the 1850s marked the first stage of failure for the Canal. Areas along the Canal like Pickard's Bridge began to decline while areas near the new railroads began to see increased development.

The railroad arrived in Amherst in 1854 when the Canandaigua and Niagara Falls Railroad was completed through the center of the Town. Today, the former railroad right-of-way is Town-owned and has been considered for several decades as a possible pedestrian/bike trail. Because of its relatively small size compared to other larger rail lines, it was referred to as a "peanut of a line" and is commonly known today

as the Town's "Peanut Line." This railroad corridor was planned to be a 4-mile "Peanut Line" bike path in the early 2000s and late 2010s. The bike path is the missing link to connect Tonawanda, NY to Clarence, NY within the 93-mile regional trail system from Akron, NY south of Buffalo, NY. Most of the rail corridor is outside of the Amherst WRA with a small portion located along the northern diversion channel.

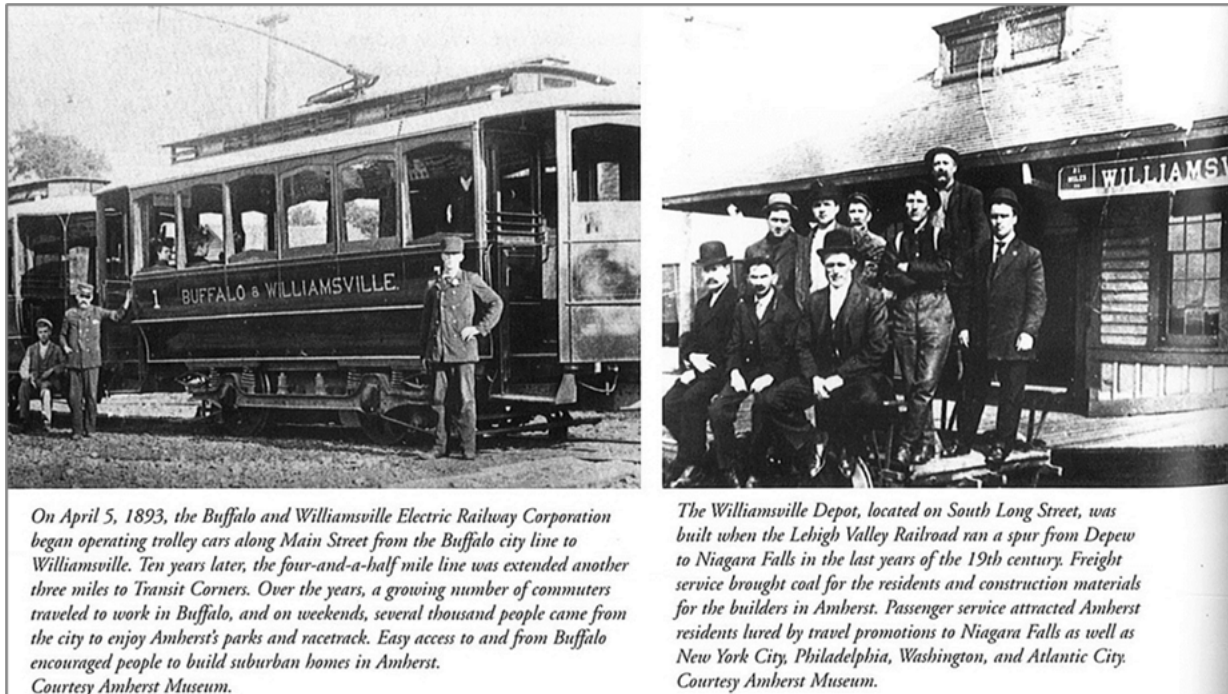
Figure 2.2 - NYS Barge Canal (Erie Canal)



Source: Town of Amherst Staff Aerial Drone Photo Taken July 21, 2018

By the 1890s, increases in urban population and improved modes of transportation such as streetcars spurred the growth of suburban residential neighborhoods away from the centers of Buffalo and Williamsville and into formerly rural areas (White 1898, Young 1965). By the 1920s, the use of electric street cars began to decline, and automobiles and buses became the dominant form of transportation on a widened Main Street (Young 1965). To entice buyers, developers repaved Main Street, built several demonstration homes and real estate offices, laid utility lines and sidewalks, and constructed many structures, which can be found along Main Street today (Grande 2000).

Figure 2.3 - Historic Railroad Images



*On April 5, 1893, the Buffalo and Williamsville Electric Railway Corporation began operating trolley cars along Main Street from the Buffalo city line to Williamsville. Ten years later, the four-and-a-half mile line was extended another three miles to Transit Corners. Over the years, a growing number of commuters traveled to work in Buffalo, and on weekends, several thousand people came from the city to enjoy Amherst's parks and racetrack. Easy access to and from Buffalo encouraged people to build suburban homes in Amherst. Courtesy Amherst Museum.*

*The Williamsville Depot, located on South Long Street, was built when the Lehigh Valley Railroad ran a spur from Depew to Niagara Falls in the last years of the 19th century. Freight service brought coal for the residents and construction materials for the builders in Amherst. Passenger service attracted Amherst residents lured by travel promotions to Niagara Falls as well as New York City, Philadelphia, Washington, and Atlantic City. Courtesy Amherst Museum.*

Source: Grande, Joseph A. 2000. *Glancing Back. A Pictorial History of Amherst, NY.* (Historic Photos of Amherst, NY)

## Post-World War II

After World War II, major transportation projects spurred the transformation of the once-rural Town of Amherst into a suburban community. The widening and extension of formerly two-lane roads such as Maple Road, and the construction of the Interstate 290 highway in 1963 and the Interstate 990 in the 1980s made it easier to access the northern half of the Town and opened these areas to residential and commercial development. Between 1930 and 1950, the population of Amherst outside of the Village of Williamsville had increased dramatically from about 10,000 to about 72,000 (Burdis 1968).

The population of Amherst grew by 30,000 in the 1950s (Bain 1974). Regional population growth, high savings rates, federal mortgage help, and access to the automobile created a large push to move to the suburbs (Bain 1974). As a result, there was a growing need for additional housing, commercial buildings, and infrastructure. Amherst evolved into primarily a bedroom community of Buffalo; most residents worked elsewhere in the region but shopped and lived in Amherst.

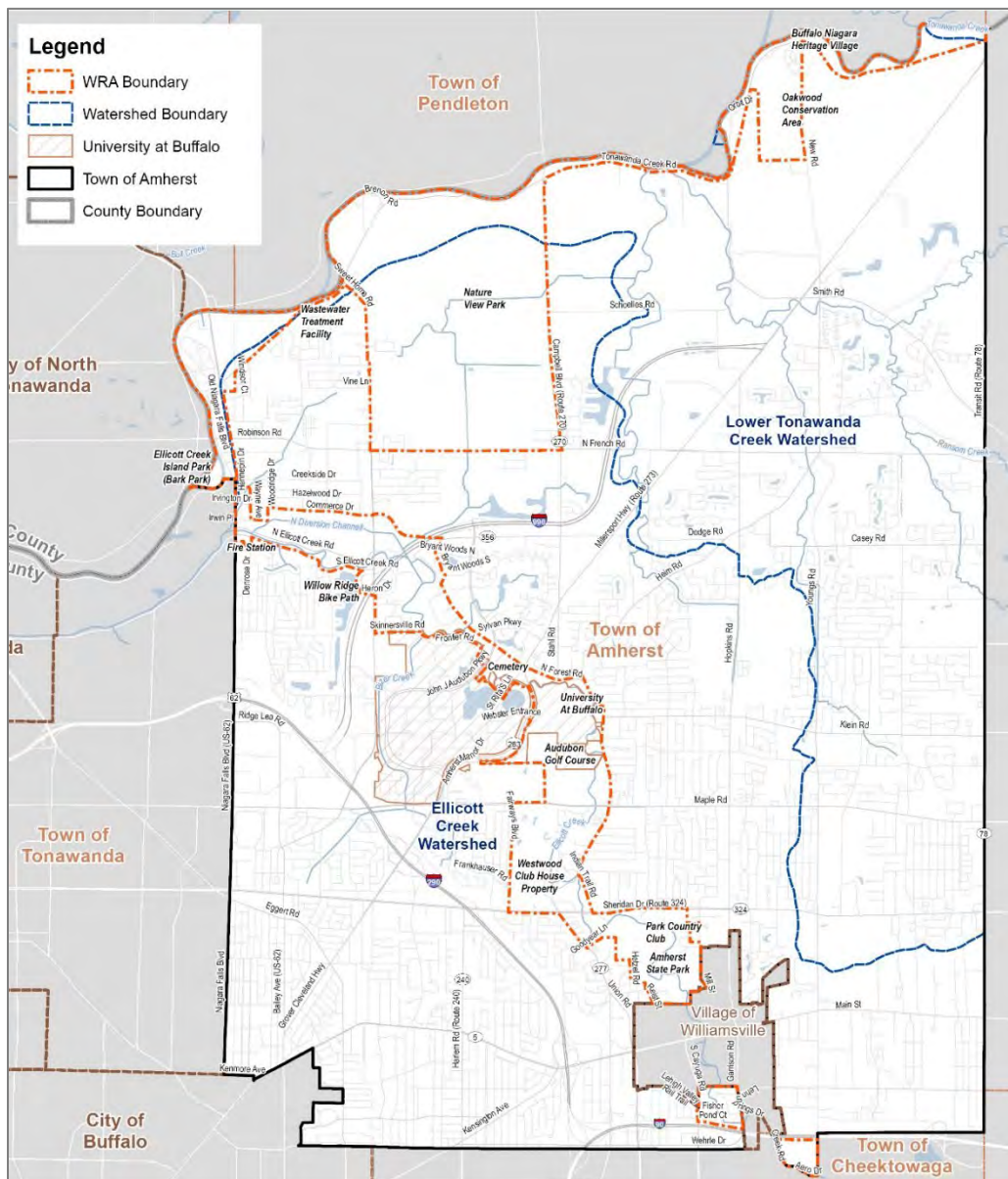
Today, Amherst is located in northern Erie County, at the border with Niagara County, in the Western Region of New York State. The Town is an inner ring suburb of the City of Buffalo and is the most



populous Town in Upstate New York see Map II-1 Regional Context. Amherst is also a geographically large town that occupies a total land area of approximately 53 square miles.

Over the past two centuries, Amherst evolved from its original rural pattern of small village and hamlet settlements surrounded by farmland to a “bedroom” suburb of Buffalo in the mid-20th century. Today Amherst is a premier residential community and a center of employment and higher education in Western New York. Much of Amherst’s growth in recent decades is due to the development of the University at Buffalo North Campus and the Audubon New Community (NCD) in the 1970s. A portion of the University at Buffalo area falls within the Ellicott Creek Subarea of the Amherst WRA. Amherst has undergone a fundamental transition from a growing community to one that is mature and largely built out. An important challenge for the future will be in managing change to maintain and enhance the character, identity, and quality of life within the community.

Map II-1 Regional Context



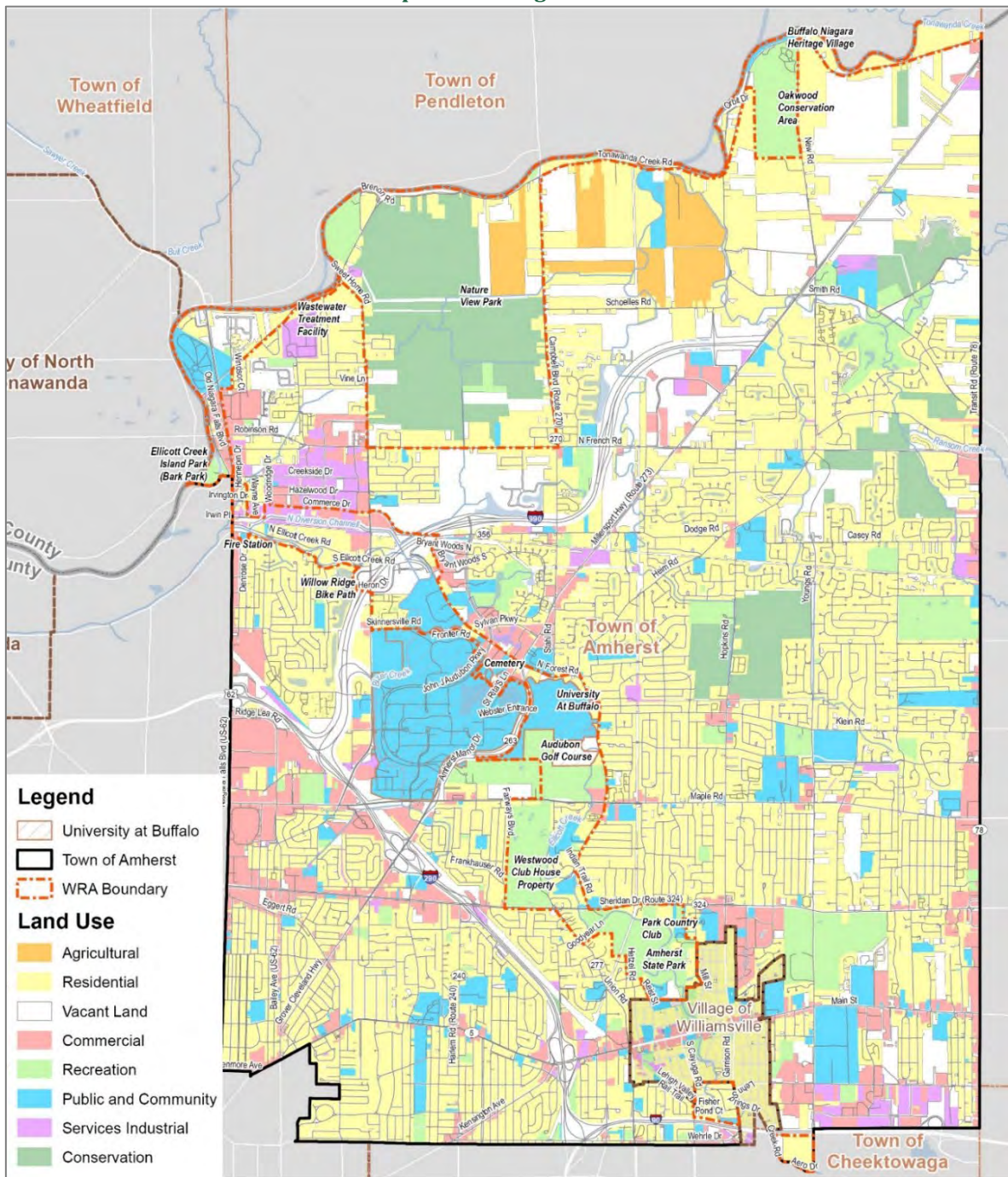


## 2.4 Land Use

### Recent Land Use Patterns

Major characteristics of the current land use patterns vary by different areas throughout the Town. Land use categories and patterns of development are illustrated on Map II-2 Existing Land Use.

Map II-2 Existing Land Use



At the northeastern most point of the Amherst WRA is the regional shopping center destination Transit Road. Within the Amherst WRA, single-family homes on larger lots abut the Tonawanda Creek corridor. The northern part of Amherst remains largely rural in character and here the Town consists mainly of low-density single-family, agricultural, and open-space properties. There are large areas of restricted agricultural land, public open space, sensitive environmental resources such as wetlands and floodplains, rural highways, and (mostly in the northeast) a considerable proportion of the vacant land along the Tonawanda Creek waterway.

The northwestern portion of the Amherst WRA contains a variety of land uses (e.g., residential, office, and industrial) usually in close proximity to one another. Public and semi-public uses (parks, schools, educational institutions, etc.) are located throughout the Town, generally as isolated rather than as interconnected properties. Niagara Falls Boulevard (which form the Town's western boundary) is a regional shopping destination

Central Amherst contains newer, more suburban style subdivisions with curvilinear street systems. Commercial centers range from neighborhood to regional in scale and are generally found along suburban or commercial road corridors. The central part of Amherst contains the Audubon New Community walkable neighborhoods and the University at Buffalo North Campus. There is a mix of residential, civic, commercial in the central portion of the Ellicott Creek Subarea.

The southern portion of the Town is mostly built-out with areas of traditional development and denser suburban residential and commercial areas. In the Ellicott Creek Subarea, southern Amherst is comprised of mature neighborhoods with grid-like street systems and traditional scale commercial centers and corridors. Public and semi-public uses (parks, schools, educational institutions, open space, etc.) are located throughout both subareas. Although the Town is often considered a residential bedroom community of Buffalo, recent efforts to redevelop key nodes as mixed-use centers, improve existing trails, and encourage alternative transportation networks are underway. These initiatives are intended to transition Amherst into a more dynamic community that fulfills a wider range of resident needs within its own borders.

## Tonawanda Creek Subarea

The Tonawanda Creek Subarea is defined by Tonawanda Creek, which flows east to west separating the Town of Amherst from the Town of Pendleton to the north. Just west of New Road, Tonawanda Creek merges with the Erie Canal. From this point westward, the Creek and Canal co-exist until it eventually meets the Niagara River in the Town of Tonawanda. Today the Erie Canal waterway is a valuable resource for recreational boating through western New York. Characteristics of this culturally influenced section include:

- ◆ The Canal segment is straighter and typically about 200 feet wide, or twice the width of the natural segment, and deeper depths to accommodate boat traffic as part of the NYS Barge Canal System.
- ◆ The southern streambank includes developed sections of the Empire State Trail between New Road following the north side of Tonawanda Creek Road in Amherst westward to Vine Lane. Then after a two-mile gap in the trail, the Empire State Trail exists again along Old Niagara Falls Boulevard to Ellicott Island at the Town's western border.
- ◆ Ransom Creek enters the Canal west of Nine Mile Island (a large, wooded camping area in the Niagara County Town of Pendleton).





owned by the Town, Erie County, or the State. These properties present opportunities for increased or enhanced access to the waterfront seen in Map II-5 Underutilized Sites and Potential Future Waterfront Opportunities.

Figure 2.5 - Recreational boating remains popular along the Erie Canal



Source: Veterans Canal Park Public Marina. Town Staff Photo Taken August 3, 2018.

A privately-owned commercial marina is adjacent to Tonawanda Creek at 1900 Campbell Boulevard. The Amherst Marine Center offers services catering to recreational boaters including repair, winterization, and storage.

Figure 2.6 - Northeast Amherst



Source: Town of Amherst Geospatial Data. Accessed April 2022

A variety of public parks are dispersed throughout the Tonawanda Creek Subarea. The largest of these, Nature View Park, is a 1,330-acre former agricultural property between Sweet Home Road and Campbell Boulevard, currently owned by the Town of Amherst. This naturalized area contains trails, forests and fields and is managed by the Western New York Land Conservancy (WNYLC). The Town owns most of

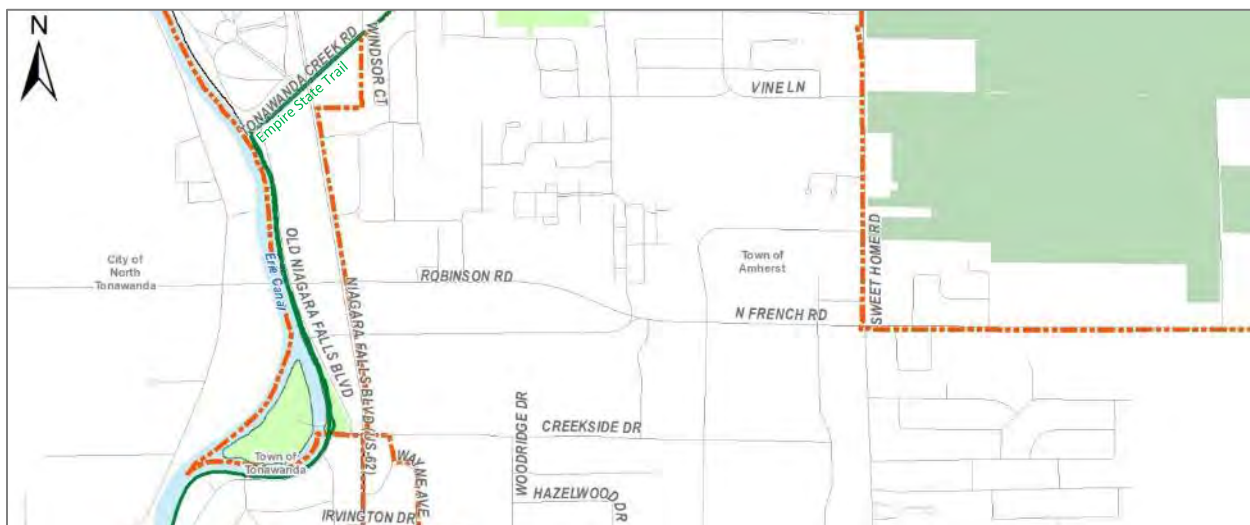
the recreation land and open space (see the green colored properties in Figure 2.7; the black dots in this map and subsequent maps in this section represent recreation and open space properties). There are other vacant parcels associated with the open space privately owned. The Town and WNYLC have a 2006 conservation easement in place on most of the open space. The graphic Figure 2.15 in the Agricultural Lands section shows the conservation easement in place for Nature View Park and the agricultural parcels south of the Tonawanda Creek waterway.

Figure 2.7 - North Amherst



Source: Town of Amherst Geospatial Data. Accessed April 2022

Figure 2.8 - Northwest Amherst



Source: Town of Amherst Geospatial Data. Accessed April 2022

From Sweet Home Road to Niagara Falls Boulevard, parcels become smaller as the road network begins to connect single-family neighborhoods on more compact parcels to residential neighborhoods containing duplexes and some multi-family apartment complexes.

At the northwest corner of the Tonawanda Creek Subarea, is the White Chapel Memorial Park cemetery, which borders Tonawanda Creek (see Figure 2.8). The remainder of this Subarea is suburban-

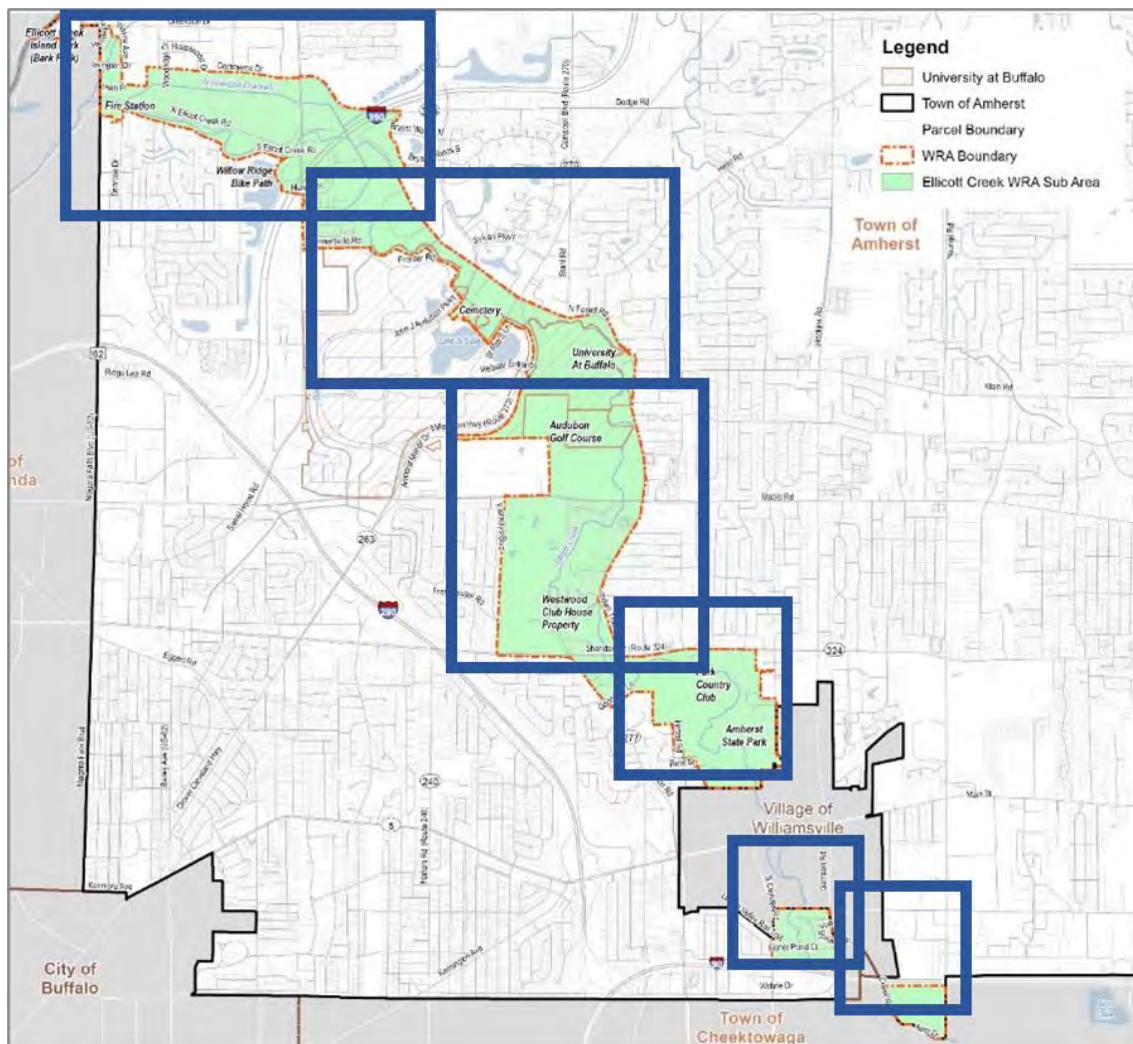
commercial along Niagara Falls Boulevard with very recognizable name brand businesses and big box stores.

The character around Old Niagara Falls Boulevard just to the west of this corridor tends toward smaller, older businesses with a few exceptions. Along Old Niagara Falls Boulevard, the western edge of the Tonawanda Creek Subarea, are some underutilized waterfront-facing properties. In this area, these properties offer a potential opportunity to significantly enhance the visual experience along Tonawanda Creek.

### Ellicott Creek Subarea

The Ellicott Creek Subarea is defined by Ellicott Creek, which is a tributary of Tonawanda Creek that flows in a northwest direction through Amherst. Ellicott Creek connects several important places including the Village of Williamsville, Amherst State Park, the former Westwood Country Club, Audubon Golf Course, the State University at Buffalo North Campus, as well as a variety of residential neighborhoods and commercial highway corridors (see Figure 2.9).

Figure 2.9 - Ellicott Creek Subarea broken down into smaller character areas



Source: Town of Amherst Geospatial Data. Accessed April 2022



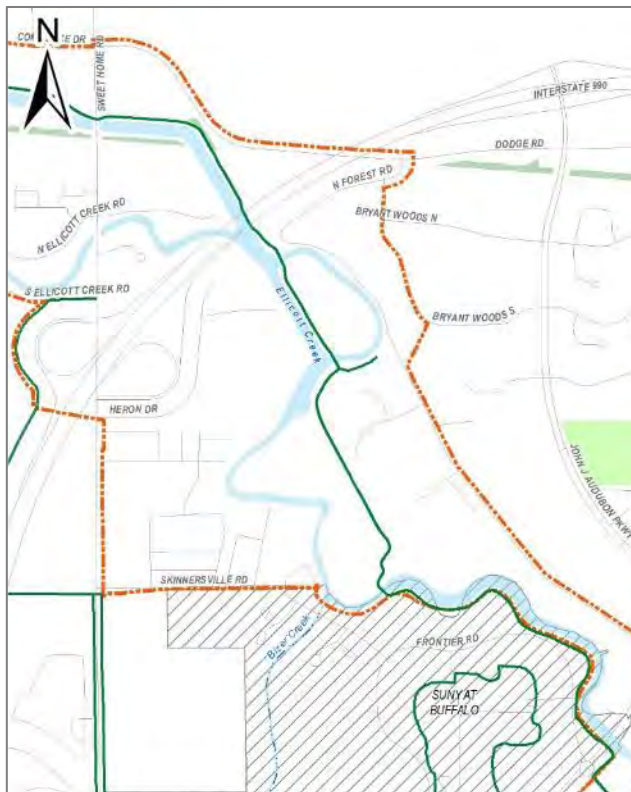
North of Maple Road the Ellicott Creek Trailway runs parallel to the creek for almost seven miles. The Ellicott Creek Subarea contains three non-contiguous areas. The northern most location is the largest portion or area starting at the Tonawanda Creek Subarea and Niagara Falls Boulevard continuing to the Village of Williamsville. The other two areas are relatively small and located south of the Village of Williamsville.

Figure 2.10 – Niagara Falls Boulevard and Interstate 990



Source: Town of Amherst Geospatial Data. Accessed April 2022

Figure 2.11 – Ellicott Creek Subarea at N. Forest



Source: Town of Amherst Geospatial Data. Accessed April 2022

The most significant area within the Ellicott Creek Subarea begins north of the Village of Williamsville and extends to the northwest corner of the Town. Ellicott Creek divides briefly from this point with a mix of industrial and commercial land uses on the north, large lot single-family residential in the middle, and smaller lot single-family residential to the south. At the westernmost edge of Niagara Falls Boulevard is a suburban commercial corridor. The Ellicott Creek Subarea meets the Tonawanda Creek Subarea approximately 0.4 miles north of Ellicott Creek at Creekside Drive (see Figure 2.10). Open space conservation is a priority for this section of the Subarea. Interstate 990 creates significant neighborhood barriers as it arcs through the Ellicott Creek Subarea (See Figure 2.11). Interstate 990 is bordered by a large area of office and commercial use to the east, a single-family residential neighborhood to the north and west, and an industrial/commercial area to the west.

Figure 2.12 – Ellicott Creek Subarea near Westwood



Source: Town of Amherst Geospatial Data. Accessed April 2022

Although much of the University at Buffalo North Campus is excluded from the Amherst WRA, the school has an impact on the land uses around Ellicott Creek. A wide spectrum of residential, commercial and community uses are present around the University at Buffalo campus. This area also contains a convergence of transportation assets, which highly influence development patterns and shape the landscape. These include Interstate 990, Millersport Highway (NYS Route 263), and Audubon Parkway.

North of Maple Road, the Audubon Golf Course provides additional open space. The Amherst Parks Department facility is located near this property. The southern terminus of the Ellicott Creek Trailway is located at a parking lot on the west side of North Forest Road. From here, Ellicott Creek flows northward through vacant lands before arriving at the University at Buffalo North Campus.

Between Sheridan Drive and Maple Road, the Ellicott Creek Subarea includes the 170-acre vacant

former Westwood Golf Course and Country Club as indicated in Figure 2.12.

Just north of the Village, the Ellicott Creek Subarea encompasses Amherst State Park, which consists of 77 acres of open space with Ellicott Creek running through the center. The Park is used mainly for passive recreation and includes wooded areas, meadows, old orchards, and formally landscaped grounds. Uses around the Park, which are also within the subarea, are mostly single-family residential neighborhoods, with some larger medium density residential apartment complexes including the St. Mary’s Commons senior residence. Also within the Park is the Town Veterans Memorial, an attractive site commemorating all five-service branches. The Park is a heavily used destination and an important recreational fixture for many nearby residents. The area south of the Village is the Lehn Springs residential neighborhood as seen in Figure 2.13. This neighborhood is bounded by Interstate 90 to the south and the Village of Williamsville to the north. Lehn Springs is a single-family residential

Figure 2.13 – Southern Ellicott Creek Subarea



Source: Town of Amherst Geospatial Data. Accessed April 2022



neighborhood, which has experienced some localized flooding related to the Creek in recent years. The southernmost location south of Interstate 90 is an industrial area that is close to the Buffalo Niagara International Airport as seen in Figure 2.13. Businesses include a tool manufacturer, trucking company, and a commercial printer. These businesses are not water dependent, and the creek does not feature prominently in this area.

## Agricultural Lands

Although agriculture played a significant role in the history of Amherst, it is no longer a dominant land use within the Town of Amherst. Existing agricultural land is largely located in northern Amherst in the Tonawanda Creek Subarea, roughly bordered by Tonawanda Creek Road on the north, Schoelles Road to the south, Hopkins Road on the east, and along both sides of Campbell Road to the west. Approximately 1,404 acres of land are within Erie County's Amherst Agricultural District #17 as shown on Map II-3 Agricultural Districts.

Figure 2.14 – Existing Farmland along Tonawanda Creek



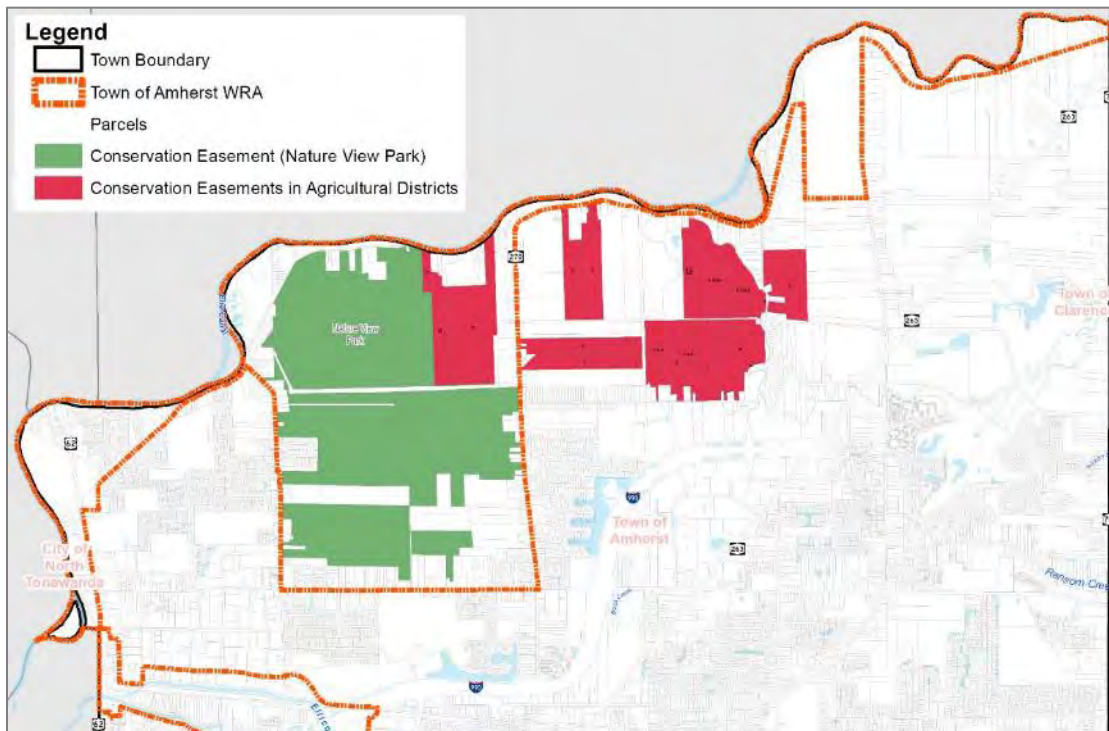
*Source: Town of Amherst Staff Aerial Drone Photo Taken July 21, 2018*

Six farms participate in the Agricultural District and account for approximately 1,127 farmed acres. Existing agriculture located along Tonawanda Creek Road includes the Donald Spoth Farms and Greenhouse, Hi-Way Garden Center, and Ben Brook Farm. The latter two are both located west of Campbell Boulevard. Some of the agricultural land in the Amherst WRA is under a conservation easement with the Town and managed by the Western New York Land Conservancy (see Figure 2.15). These agricultural properties under conservation easement front either the Erie Canal or Ransom Creek as seen in the photo Figure 2.14.

The Spoth Farm is located near Fisherman's Wharf and is a multigenerational historic farm comprised of more than 650 acres, the largest remaining multi-purpose farm in Amherst. This agricultural land has been in existence since 1900 and in the Erie County Agricultural District since 1990. The farm is located west of Ransom Creek and is the largest hemp farm in Western New York using about 102 acres. The

Spoth farm is one of only 30 licensed hemp growers in the State. In addition to hemp farming, corn grown at the farm is sent to an ethanol plant in Medina, NY. The farm also works with Plant Science Laboratories in Buffalo, which prepares dehydrated fruit for Wegmans supermarkets. The operation requires a large amount of water, approximately 500,000 gallons of water per day, which it gets from Ransom Creek. The Spoth operation does not directly use water from the Canal. The floodway in this area is very wide but the landowners typically do not see the water leaving the natural channel.

Figure 2.15 - Conservation Easements with the Western New York Land

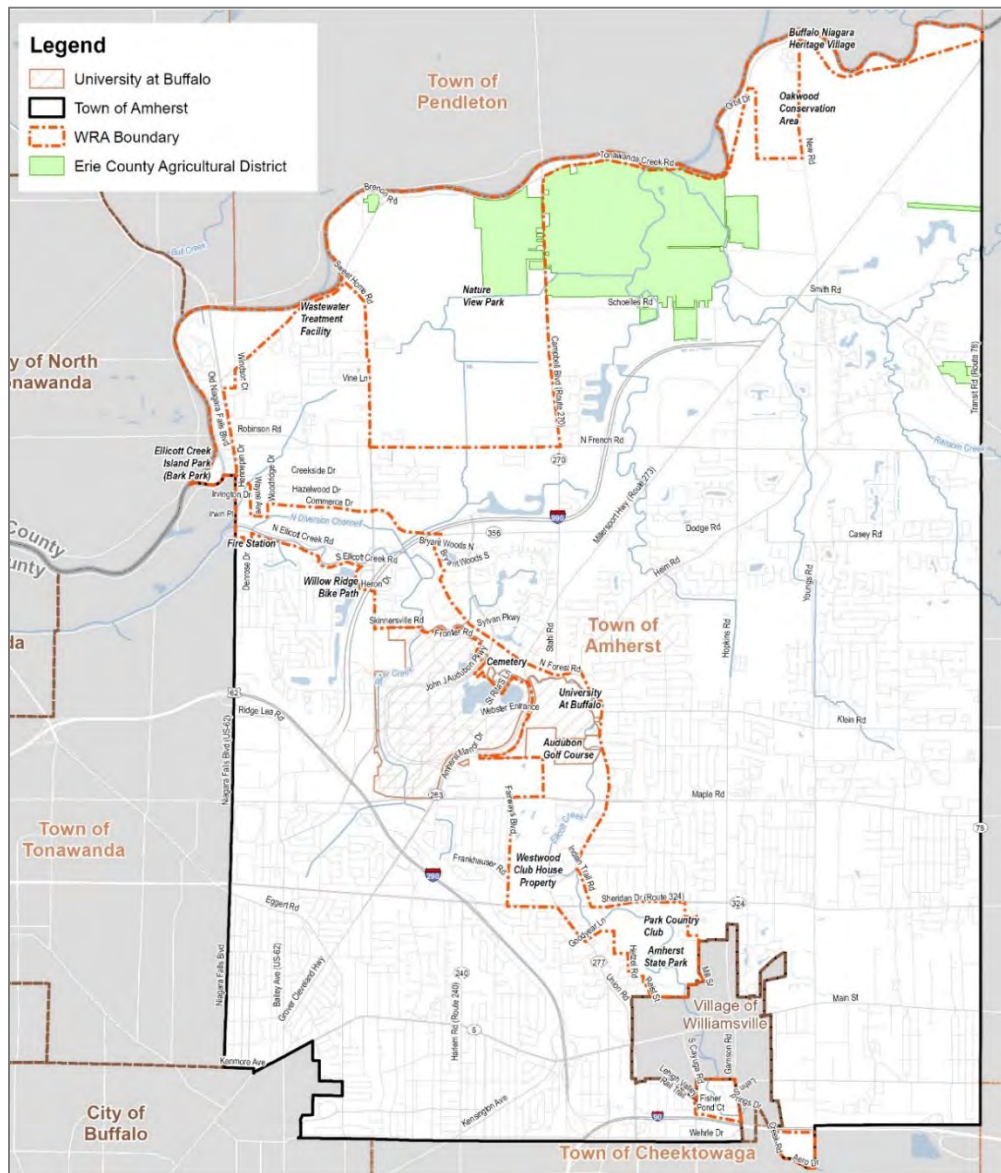


Source: Town of Amherst Geospatial Data. Accessed April 2022.

The Town prepared a Farmland Protection and Agricultural Development Plan to address current issues and opportunities associated with agriculture including agriculture-related businesses and agritourism in Amherst. The Town recognizes and understands that its agricultural lands face challenges to adapt to contemporary trends, opportunities, and pressures. The Plan establishes goals and strategies that support and protect agriculture in Amherst. There are two Town of Amherst zoning districts that support agriculture: the S-A Suburban Agricultural District (a residential district), and the AG Agricultural District (a Special Purpose District). See Tables II-1 and II-2 for a description of the S-A District and Map II-4 which shows the extent of the S-A District. Currently, there are no parcels in the Town with Agricultural District (AG) zoning, therefore this district does not appear on the map or in the tables. There are local laws to protect farmland through conservation easements as discussed in Section V. The Town has guidelines in place to review proposed developments in North Amherst adjacent to the waterway. A proposed large land development will have to apply for a Comprehensive Plan Amendment and then apply for a rezoning with approval ultimately from the Town Board. The location and extent of the existing sanitary sewer system typically dictates the amount and type of land development in North Amherst (see Figure 2.64 - Town of Amherst Sanitary Sewer District). The Plan includes agri-business and agritourism components to focus on maintenance and growth of local agricultural markets and to

introduce innovative and sustainable efforts to support producers, manufacturers, and suppliers in the local and regional economy. Situated at the border of Erie and Niagara Counties, Amherst’s agricultural resources enjoy a geographic advantage for markets and cooperation with regional suppliers and manufacturers. The Plan identifies collaborative opportunities with farming sectors, such as hemp and hops, to position Amherst with value-added agricultural resources and enable it to grow as a significant producer and market for the region.

Map II-3 Agricultural Districts



The Town’s Agricultural Plan also addresses agricultural runoff and identifying stakeholders and implementation steps needed to be taken. The Town collaborated with the Erie County Soil and Water Conservation District to implement the Plan’s recommendations to reduce agricultural runoff. The development pressure in and around the agricultural district in the Amherst WRA is a concern by the farming community, who would like to see more compatible development neighboring the existing





### Tonawanda Creek Subarea

Zoning districts in the Tonawanda Creek Subarea reflect the rural and suburban character of North Amherst as shown on Map II-4 Zoning Districts. Properties adjacent to the creek in the northeast portion of the Town are primarily zoned Suburban Agricultural (SA). Other prominent zoning districts within the Tonawanda Creek Subarea are Community Facilities (CF) and Recreation Conservation (RC). Some of the Community Facilities and Recreation Conservation land comprises narrow, linear stretches of land just south of the creek, where the Empire State Trail is located. The Buffalo Niagara Heritage Village and Oakwood Golf Course, and White Chapel Memorial Park Cemetery are also zoned Community Facilities. On the west end of the Subarea, there is a sizable portion of commercially zoned land. The big box retail establishments along Niagara Falls Boulevard, and older transitional commercial and residential properties along Old Niagara Falls Boulevard define this area. The Zoning Districts in the Town of Amherst Tonawanda Creek Subareas are shown in Table II-1. The primary purpose for each zoning district is described as stated in the Zoning Ordinance.

**Table II-1 – Zoning Districts within the Tonawanda Creek Subarea of Amherst WRA**

Zoning District	Purpose
Suburban Agricultural (S-A)	To provide areas for low-density, single-family detached residential development which would also accommodate farms, farm-related activities, and other non-intensive compatible uses.
Recreation Conservation (RC)	To provide a special zoning classification primarily for public, private, and civic uses related to recreation and conservation.
New Community (NCD)	To provide flexible land use and design regulations using performance criteria so that small-to-large scale multi-use neighborhoods may be developed on relatively large tracts within the Town, in a manner which incorporates a variety of residential types and nonresidential uses and services. A New Community District (NCD) may contain both individual building sites and common property, which are planned and developed as a unit. Among the purposes of this district are the encouragement of innovation in residential development so that the growing demand for housing at all economic levels may be met by greater variety in type, design and siting of dwellings, the conservation and more efficient use of land in such developments and the encouragement and maintenance of high environmental quality throughout the development. This district encourages a similarly imaginative approach to the development of nonresidential uses in an NCD. To encourage the most skillful planning of parts of the community in accordance with the objectives of the Town Comprehensive Plan or its successors, to provide for the utilization of planning criteria in the arrangements of buildings related to common open space, to utilize topography and other site features to their best advantage and to obtain creative and coordinated designs, it is necessary to expand the scope of land planning and development beyond a concept of homogeneous uses and structures on individual lots within formally defined districts to the planning and development of larger areas with groups of structures to create a diversified and coordinated entity. Therefore, in lieu of zoning controls applicable in the standard zoning districts, the NCD establishes procedures

Zoning District	Purpose
	and substantive requirements under which a developer may prepare development plans particularly designed to meet these objectives.
Residential (R2-3)	To provide areas within the Town for low-density single-family detached residential development where each dwelling unit shall be located on an individual lot at least 11,500 square feet (R-2) or at least 8,450 square feet (R-3).
Multi-family (MFR)	To provide areas within the Town for the development of attached and detached dwelling units for medium-density multifamily development where the relationship among buildings and between wings of a single building is regulated in order to assure adequate light and air to residents and protection to and from surrounding development.
General Business (GB)	To provide community centers within existing and proposed commercial nodes and mixed-use activity centers for the location of commercial uses which serve a larger market area than a neighborhood center, as articulated in the comprehensive plan, and provide for community-wide needs for general goods and services and comparison shopping. Such uses require larger land areas, generate large volumes of traffic, and may generate large amounts of evening activity.
Community Facilities (CF)	To provide a special zoning classification for public and semipublic facilities, including governmental, religious, educational, protective, and other civic facilities in order to ensure the proper location of such facilities in relation to transportation and other land uses within the Town, compatibility of such facilities with adjacent development and proper site design and land development.
Motor Service (MS)	To provide areas within the Town for the location of transportation oriented commercial uses designed to serve the needs of motorists and related vehicular needs.
Commercial Service (CS)	To provide areas within the Town for the location of large-scale commercial uses meeting community-wide needs for specialized goods and services.
Neighborhood Business (NB)	To provide neighborhood centers within existing and proposed commercial nodes and mixed-use activity centers for the location of commercial uses serving the convenient shopping, professional office and personal service needs of a neighborhood area and to ensure the compatibility of such areas with surrounding residential development. These areas are primarily pedestrian-oriented with accommodations for automobiles.

*Source: Town of Amherst Planning Department*

### Ellicott Creek Subarea

Zoning in the Ellicott Creek Subarea is more varied to the northwest from just outside of Williamsville to Niagara Falls Boulevard. This subarea begins in an industrial zone on the southern border of the Town. The subarea then includes a portion of an area zoned single-family residential before skipping over the Village of Williamsville, which contains a variety of commercial and residential properties. Northwest of

the Village of Williamsville the Subarea includes Amherst State Park which is zoned Recreation Conservation (RC). This area is surrounded by single-family residential districts, some contained within the Ellicott Creek Subarea boundary. This pattern is consistent as the Subarea continues north between Sheridan Drive and Maple Road. The Audubon Golf Course and Par 3 course, which extend north and south from Maple Road, are zoned Recreation Conservation (RC).

Near the University at Buffalo North Campus, the Subarea includes a zoning district called “New Community District” (NCD). This district was established in the 1970s to support University at Buffalo related development. From here, Ellicott Creek briefly splits into two branches. The north branch is the man-made diversion channel created in the 1980s by the USACE to reduce flooding. This section of the Subarea is zoned General Industrial (GI), Research Development (RD) to the north, Suburban Agricultural (SA) between the branches, and single-family and low density residential to the south. As the Subarea reaches the western boundary of the Town it includes a low-density residential zone and a small strip of commercial zoning which encompasses Niagara Falls Boulevard. A small Community Facilities (CF) zone here also accommodates the Ellicott Creek Volunteer Fire Department.

The zoning districts that occur within the Amherst WRA Ellicott Creek Subarea are shown on Map II-4 Zoning Districts. Each district is followed by its primary purpose as stated in the Zoning Ordinance. The Zoning Districts in the Town of Amherst Tonawanda Creek Subareas are shown in Table II-2.

**Table II-2 – Zoning Districts within the Town of Amherst WRA (Ellicott Creek Subarea)**

Zoning District	Purpose
Suburban Agricultural (S-A)	To provide areas for low-density, single-family detached residential development which would also accommodate farms, farm-related activities, and other non-intensive compatible uses.
Recreation Conservation (RC)	To provide a special zoning classification primarily for public, private, and civic uses related to recreation and conservation.
New Community (NCD)	To provide flexible land use and design regulations through the use of performance criteria so that small-to-large scale multi-use neighborhoods may be developed on relatively large tracts within the Town, in a manner which incorporates a variety of residential types and nonresidential uses and services. A New Community District (NCD) may contain both individual building sites and common property, which are planned and developed as a unit. Among the purposes of this district are the encouragement of innovation in residential development so that the growing demand for housing at all economic levels may be met by greater variety in type, design and siting of dwellings, the conservation and more efficient use of land in such developments and the encouragement and maintenance of high environmental quality throughout the development. This district encourages a similarly imaginative approach to the development of nonresidential uses in a NCD. To encourage the most skillful planning of parts of the community in accordance with the objectives of the Town Comprehensive Plan or its successors, to provide for the utilization of planning criteria in the arrangements of buildings related to common open space, to utilize



Zoning District	Purpose
	topography and other site features to their best advantage and to obtain creative and coordinated designs, it is necessary to expand the scope of land planning and development beyond a concept of homogeneous uses and structures on individual lots within formally defined districts to the planning and development of larger areas with groups of structures to create a diversified and coordinated entity. Therefore, in lieu of zoning controls applicable in the standard zoning districts, the NCD establishes procedures and substantive requirements under which a developer may prepare development plans particularly designed to meet these objectives.
Residential (R1-4)	To provide areas within the Town for low-density single-family detached residential development where each dwelling unit shall be located on an individual lot at least 21,780 square feet (R-1), at least 11,500 square feet (R-2), at least 8,450 square feet (R-3), or areas within the Town for the development of attached or detached dwelling units within a single structure (R-4).
Multi-family (MFR)	To provide areas within the Town for the development of attached and detached dwelling units for medium-density multifamily development where the relationship among buildings and between wings of a single building is regulated to assure adequate light and air to residents and protection to and from surrounding development.
General Business (GB)	To provide community centers within existing and proposed commercial nodes and mixed-use activity centers for the location of commercial uses which serve a larger market area than a neighborhood center, as articulated in the comprehensive plan, and provide for community-wide needs for general goods and services and comparison shopping. Such uses require larger land areas, generate large volumes of traffic, and may generate large amounts of evening activity.
Community Facilities (CF)	To provide a special zoning classification for public and semipublic facilities, including governmental, religious, educational, protective, and other civic facilities in order to ensure the proper location of such facilities in relation to transportation and other land uses within the Town, compatibility of such facilities with adjacent development and proper site design and land development.
Motor Service (MS)	To provide areas within the Town for the location of transportation oriented commercial uses designed to serve the needs of motorists and related vehicular needs.
Neighborhood Business (NB)	To provide neighborhood centers within existing and proposed commercial nodes and mixed-use activity centers for the location of commercial uses serving the convenient shopping, professional office and personal service needs of a neighborhood area and to



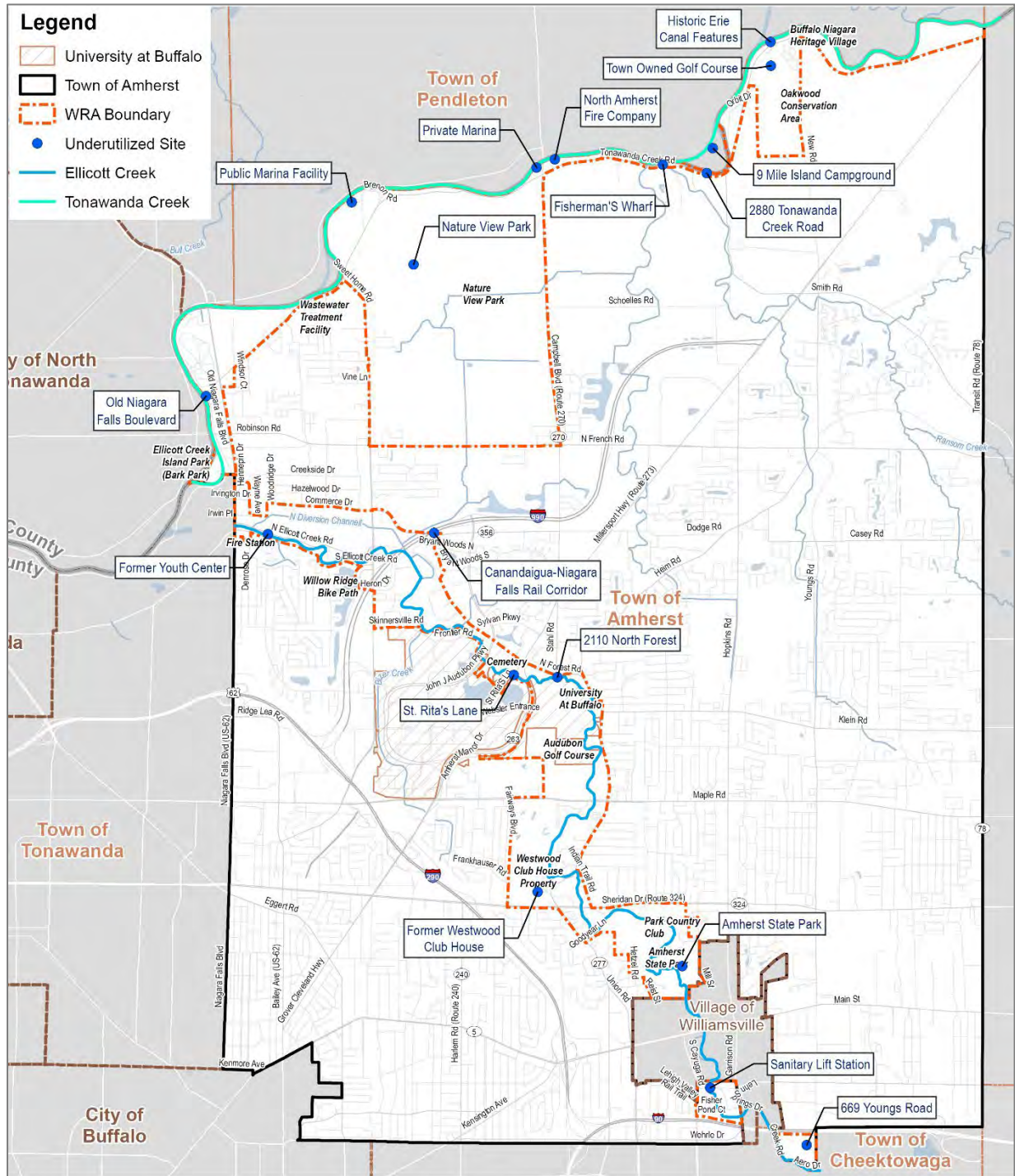
Zoning District	Purpose
	ensure the compatibility of such areas with surrounding residential development. These areas are primarily pedestrian-oriented with accommodations for automobiles.
General Industrial (GI)	To provide areas within the Town for the location of heavier manufacturing and processing facilities, as well as office, research, and service establishments, where compatible industries will be located in an organized manner so as to ensure the efficient development of the industrial use and compatibility with adjacent districts. Such district is designed to encourage the development of a balanced employment mix within the Town and to improve the Town's tax base.
Research and Development (RD)	To provide areas within the Town for the location of research and development, related production activities, light manufacturing, offices, and related training schools on sufficient land to permit efficient development. Such districts shall be designed and located in such a way that they shall neither encroach upon surrounding uses nor shall surrounding uses interfere with the efficient development of these activities. The RD district is designed to encourage the development of a balanced employment mix within the Town and improve the Town's tax base while providing sufficient educational opportunities to contribute to the training of the workforce and thereby meet the employment needs of businesses locating in the Town.
Commercial Service (CS)	To provide areas within the Town for the location of large-scale commercial uses meeting community-wide needs for specialized goods and services.
Office Building (OB)	To provide areas within the Town devoted exclusively to offices by regulating the land area, bulk and spacing of uses, particularly at common boundaries and promoting the most desirable land use and traffic patterns in accordance with the objectives of the comprehensive plan.

*Source: Town of Amherst Planning Department*

## Abandoned, Deteriorated, Underutilized Areas, Sites, and Buildings

There are underutilized properties adjacent to both water bodies in the Amherst WRA. The Waterfront Advisory Committee (WAC) has identified several underutilized locations and two deteriorated areas. The underutilized sites are mostly municipal-owned properties that have existing functions but could use enhancements to improve waterfront activity. Within the Tonawanda Creek Subarea, these sites include the Buffalo Niagara Heritage Village Museum, Oakwood Golf Course, Nine Mile Island entry, Fisherman’s Wharf, North Amherst Fire Station, and Old Niagara Falls Boulevard. Within the Ellicott Creek Subarea the sites include the Niagara Falls Boulevard and Ellicott Creek intersection, the former Canandaigua and Niagara Falls Railroad, former Westwood Country Club site, Amherst State Park, Lehn Springs neighborhood and the southern Youngs Road portion.

Map II-5 Underutilized Sites and Potential Future Waterfront Opportunities



Map II-5 Underutilized Sites and Potential Future Waterfront Opportunities identifies several sites within the subarea of both waterways. For the most part these are waterfront sites located adjacent to the waterway. These include both properties and structures that are considered underutilized by the Town that may afford opportunities for future waterfront uses. This area also lends itself to promoting mixed-use redevelopment. The deteriorated sites (Old Niagara Falls Boulevard and the former Westwood Country

Club) are discussed in more detail within this section. The analysis of the underutilized sites is discussed in the opportunities and issues section.

The Old Niagara Falls Boulevard commercial corridor falls within the Tonawanda Creek Subarea. This transitional corridor contains some existing and former industrial, commercial, and residential uses and structures, which have existed for 50 years or more. Some of the properties have fallen into disrepair. Several factors make the Old Niagara Falls Boulevard corridor an interesting potential opportunity for mixed-use redevelopment, including adjacency to the Erie Canal see Figure 2.16.

Figure 2.16 - Mixed-use opportunities along Old Niagara Falls Boulevard



Source: Town Staff Photo Taken October 19, 2018

The presence of the Empire State Trail, availability of vacant and underutilized property, low volume of automobile activity, and proximity to residential and commercial activity affords opportunities to create a pedestrian-friendly mixed-use waterfront area with visual and physical connections to the Erie Canal.

Figure 2.17 – Empire State Trail



Source: Town Staff Photo Taken October 19, 2018



Along Ellicott Creek the former Westwood Golf Course and Country Club is perhaps the most significant underutilized area currently within the Town of Amherst (see Figures 2.18 and 2.19). One of the challenges associated with this site involves soil contamination from years of chemical use in landscaping the grounds of the former golf course. The vast open space area along North Forest Road within the Ellicott Creek Subarea was within the NYS DEC Brownfield Clean Up Program.

Figure 2.18 – Adaptive reuse of the former Westwood Clubhouse as the Town’s Arts and Cultural Center



Source: Town Staff Photo Taken August 24, 2018

The Town is working with the Mensch Capital Partners, LLC to clean up the site. In July 2017, the NYS DEC invited public comment about a draft work plan to investigate contamination at the former Westwood Country Club, site ID #C915291 (Williamsville, Erie County) within New York’s Brownfield Cleanup Program. The draft investigation work plan, called a “Remedial Investigation Work Plan,” (RIWP) was submitted by Mensch Capital Partners, LLC to NYS DEC under New York’s Brownfield Cleanup Program (Appendix B).

The Town is pursuing public/private partnerships with potential project stakeholders and prospective developers to create “Amherst Central Park”, a new Town focal point that will include parkland and recreational facilities, as well as a mixed-use component to be developed by the private sector. Amherst Central Park will include both the former Westwood property, a portion of the Audubon Golf Course and part of the Audubon Recreation Complex.

The Town envisions using the former Westwood property as a park, preserving the former Westwood Country Club for reuse possibly as a Town Arts and Cultural Center and developing various indoor and outdoor recreation facilities and sports venues. The Amherst Central Park project is discussed in more detail in Section IV as one of the Town’s most important current community development initiatives.

The Town has held extensive community stakeholder meetings to discuss the proposed project and receive feedback on the site’s potential issues and opportunities.

Figure 2.19 - Ellicott Creek at former Westwood Golf Course



Source: Town Staff Photo Taken August 24, 2018

## 2.5 Development Trends and Opportunities

The upland areas along Tonawanda Creek/Erie Canal and Ellicott Creek waterways within the Amherst WRA present somewhat different challenges and opportunities relative to revitalization. Each upland area has different natural and cultural physical characteristics and ownership patterns that influence existing conditions and future uses. Tonawanda Creek/Erie Canal flows in a west-southwest-south direction for about ten miles through the Town of Amherst. Ellicott Creek flows in a north-northwest-west direction for about ten miles through the Town. Two main subareas have been identified, Tonawanda Creek Subarea and the Ellicott Creek Subarea, for ease of describing local conditions within the Amherst WRA. Within each of the main subareas, additional areas with similar development characteristics have been identified and described below.

### Tonawanda Creek Subarea

The Tonawanda Creek Subarea is rich in history and culture along the NYS Barge Canal. This waterway provides recreation both on and off the water. The Town can enhance and improve access to the water while maintaining aesthetic characteristics of the waterway. The limited land development at the properties fronting Tonawanda Creek allows for a genuine recreational experience both on and off the water. The Tonawanda Creek Subarea has important scenic and historic features that should be reflected in future land development.

The Tonawanda Creek and Erie Canal system is traditionally a water-based recreational resource. Ellicott Creek does not have the same navigability as Tonawanda Creek. Vessels such as boats and smaller watercraft transports frequent the Tonawanda Creek waterway from the Buffalo Niagara Heritage Village Area (BNHV) to the Tonawanda, NY border. There is an opportunity to make improvements to the infrastructure and both on the water recreation and off the water recreation in this Subarea. As described in the demographics section, the residents and park users in Amherst want to feel more connected to their recreational spaces.

There are multiple waterfront opportunities in this northwest area. Access ways to recreational water use and open space resources should be strongly considered in new housing developments and the designs of additional streets fronting the NYS Barge Canal. Open space should be considered as a theme for the future development of the area through provision of new open spaces and greenways connecting along the historic canal. Within the Tonawanda Creek Subarea, Northwest Amherst can integrate parks and pedestrian networks with existing and future housing developments and providing enhanced access to open space and recreation amenities. The “neighborhood connector streets” within the Tonawanda Creek Subarea should receive priority consideration for multimodal transportation improvements and traffic calming measures. The Town will implement sustainable

Figure 2.20 - Buffalo Niagara Heritage Village



Source: Town Staff Photo Taken April 5, 2018

practices at public parking and park facilities. The Town currently is upgrading existing Town facilities with Electric Vehicle (EV) charging stations. To promote sustainable practices, the Town will continue to implement EV charging stations at Town facilities along the water within the Amherst WRA.

A development of single-family residential homes is currently under construction in the Tonawanda Creek Subarea, bounded by Niagara Falls Boulevard, Tonawanda Creek Road, and Tonawanda Creek, suggesting that development in the Town may continue to move north, depending on public sewer availability. If so, special consideration and guidance should be given to relationships between new development and the waterfront.

Site design guidelines should be established to enhance landscaping in conjunction with improved access management for commercial uses along Niagara Falls Boulevard and enhance the entry to Amherst from the north. These should be implemented over time, as uses are introduced/redeveloped or through public/private partnerships with existing property owners. The guidelines should specify the location and amount of landscaping, appropriate locations for signage, pedestrian facilities, and the number and location of curb cuts. Traffic-calming measures combined with character corridor design guidelines for arterial and collector streets, including Sweet Home Road and Tonawanda Creek Road should be initiated.

Redevelopment of appropriately scaled commercial uses will be encouraged in the proper locations (e.g., rehabilitation of the long-vacant restaurant and boating-oriented services).

The Tonawanda Creek Subarea can be broken down into three smaller areas (Northeast, North and Northwest) as indicated in Figure 2.4.

### Northeast Amherst

Northeast Amherst is generally bounded by Tonawanda Creek to the north, Transit Road (Route 78) to the east, and Tonawanda Creek Road to the south. At the BNHV, there is the confluence between Tonawanda Creek and the NYS Barge Canal where the two waterways converge.

Figure 2.21 - Northeast Amherst within Tonawanda Creek Subarea



Source: Town of Amherst Geospatial Data. Accessed April 2022.

The northeast portion of the Tonawanda Creek Subarea mostly contains residential parcels fronting the creek with commercial land use along Transit Road. This northeast area could be described as a backyard to the creek, specifically in this approximate 2-mile corridor. From New Road to Transit Road



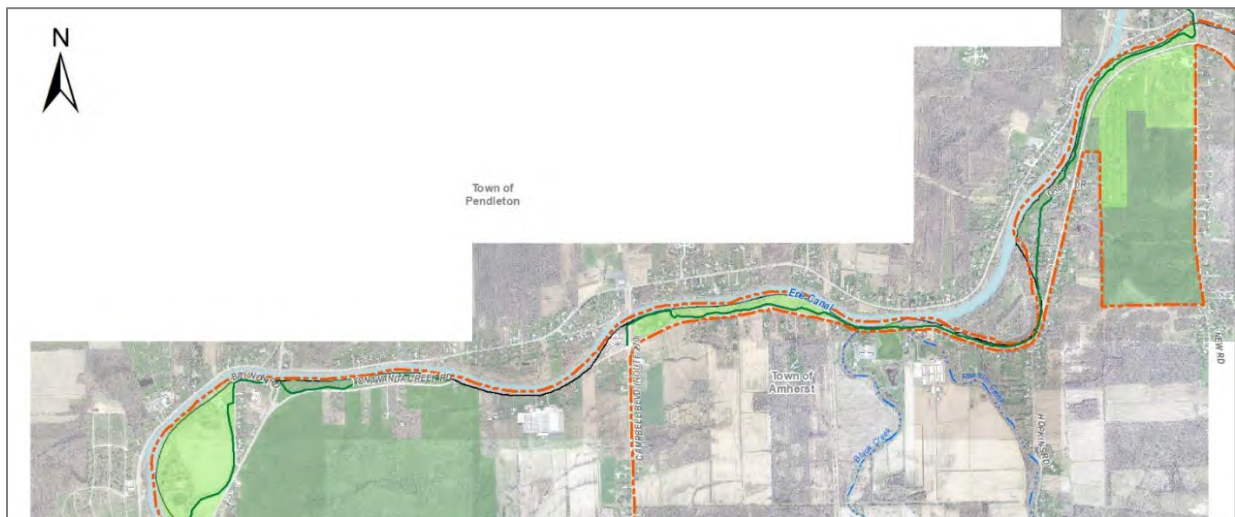
there is no public access to the creek or easement from Tonawanda Creek Road. The foreshore and bank of Tonawanda Creek is wooded and there is limited visibility from the public road. Users can access this portion of the creek with a smaller watercraft from an access point off the NYS Barge Canal at the Veteran’s Canal Park approximately five miles to the west.

Most of the northeast area includes residential properties fronting Tonawanda Creek. The Waterfront Advisory Committee (WAC) did emphasize maintaining the existing aesthetic character of the creek corridor in this area. As there are no municipal-owned properties or commercial land east of New Road, there were no priorities for waterfront development or activity in this approximate 1.75-mile linear space. The Town will continue to maintain the character of this waterway and road corridor.

### North Amherst

North Amherst starts approximately at North French Road continuing with the Town of Pendleton municipal boundary. The physical image of North Amherst is quite different from other portions of the Town and this character is evident in the Amherst WRA. The area’s low-density housing, rural roads, farms, and open spaces stand in contrast to the denser, more urban or suburban uses and commercial services found in the southern portions of the Town. Low-density housing in a rural setting extends along Tonawanda Creek Road, New Road, Schoelles Road, Hopkins Road, and Campbell Boulevard. Denser, suburban housing developments are located along and just north of North French Road west of Interstate 990. The remainder of the area is primarily open space, parkland, and agricultural land. There are no abandoned properties in this portion of the Tonawanda Creek Subarea.

Figure 2.22 - North Amherst within Tonawanda Creek Subarea



Source: Town of Amherst Geospatial Data. Accessed April 2022

North Amherst has rural “green” character, as defined by undeveloped land, open spaces, and agricultural uses. Many of the roads in North Amherst are rural in character. As scenic roadways, many are narrow with closely planted landscaping and trees. In some cases, surface drainage systems are located at the edge of the roadway in the form of ditches with standing water. These characteristics should be considered when evaluating any street improvements or potential addition of bicycle lanes.

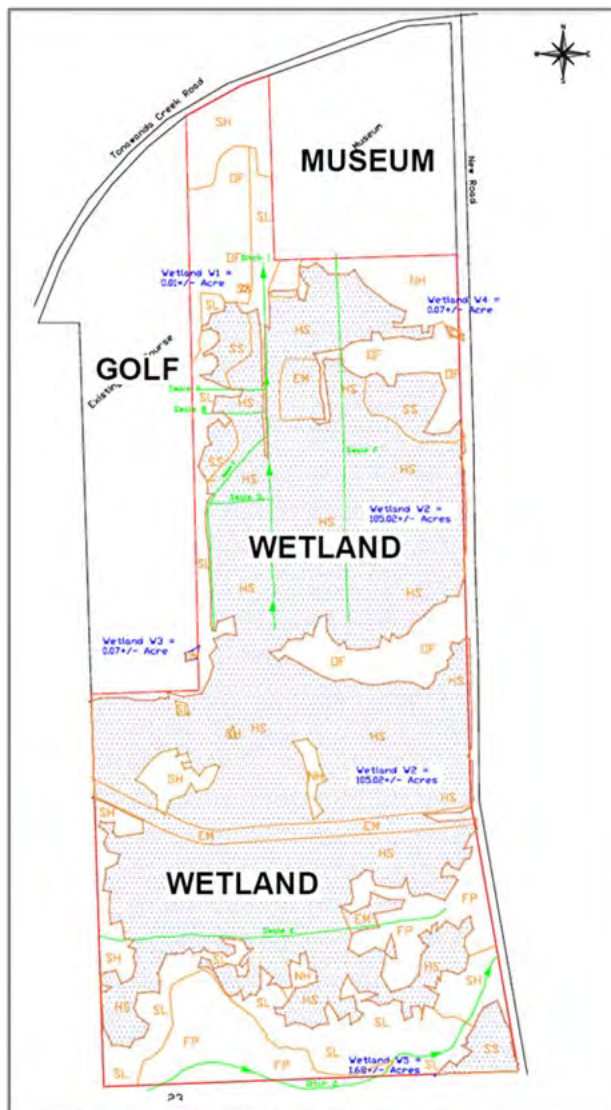
The goal for North Amherst emphasizes stabilization and preservation of its rural character within the Amherst WRA. Major strategies include controlling the location and density of new development, initiating context-sensitive improvements (where applicable) to maintain the visual character of rural

roads, and providing easy physical connections between the recreation amenities in the area through an extended network of pedestrian and bicycle lanes.

Land development growth will be directed outside of the Amherst WRA towards the intersection of New Road and Millersport Highway and east of Millersport Highway. Most of North Amherst is not served by public sewer in the Amherst WRA. There is a heavy presence of extensive natural resources (mostly wetlands) and floodplain areas. The Town will make efforts to preserve these natural resources and encourage limited development in this part of the Tonawanda Creek Subarea.

The WAC identified certain underutilized municipal sites within this part of the Tonawanda Creek Subarea, including the BNHV & Oakwood Golf Course, entry to Nine Mile Island, Fisherman’s Wharf, the North Amherst Fire Station, Veteran’s Canal Park, and Nature View Park. These outdoor spaces represent the primary public amenities in the area, are located intermittently along the creek, and provide green or open space adjacent to the shoreline. Existing and new trails following Tonawanda Creek could physically connect these attributes.

Figure 2.23 - Buffalo Niagara Heritage Village, Wetland Delineation



Source: Wetlands and Waterbodies Delineation Report. Oakwood Golf Course Expansion. Earth Dimensions, Inc.

The BNHV is an underutilized site adjacent to the Erie Canal portion of Tonawanda Creek (see Figure 2.20). There is limited or no visibility from the Erie Canal and multi-use bike path. Informational signage is needed at the water to identify the location of this facility. The BNHV views itself as a community space not just a museum exhibit space. This attraction is presently only accessible by car or bicycle with no lodging facilities within the vicinity. Individuals using the regional Empire State Trail frequently stop into the museum for breaks or curiosity. Currently, the museum does not have the capacity to be a multi-modal rest stop for recreation users. Employees will allow people to use the facilities, if needed. However, the current setup of the facility is not conducive as a Welcome Center or multi-modal facility. The WAC viewed this museum location as a “treasure or gem” in the northern portion of Town. This site has considerable potential to add an intermodal center.

The museum represents the history and culture of the local Town attributes and the Erie Canal, as well. There could be waterfront improvements made to the existing facilities to provide direct boat and kayak access to the creek. The BNHV has previously applied for funding to add a dock to their site. However, the issue in this location is the depth of the Tonawanda Creek channel. Dredging

is needed to accommodate a vessel or other watercraft. Safety concerns exist within the water at this location.

Better signage and markings are needed to distinguish the two different waterbodies at the confluence between the Erie Canal and Tonawanda Creek. With the appropriate planning, this municipal land adjacent to the water can form into a regional tourist destination for a diversity of users both on and off the water.

The Town has taken the first steps of conducting an environmental assessment on the site. The Town of Amherst Planning Department retained Earth Dimensions, Inc. (EDI) to complete a wetland delineation study at this site. The investigation was designed to facilitate a determination of the extent of USACE and NYS DEC jurisdiction over the project area pursuant to Section 404 of the Clean Water Act and Articles 15 (Protection of Waters) and 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law. The investigation took place in 2020 to delineate approximately 106 acres of both state and federal wetlands (see Figure 2.23).

The Town would not be able to develop more than 0.1 acres into these federal wetlands and would need to maintain a 100-foot buffer from the state wetlands. Despite the approximate 106 acres of wetlands on site, the Town still has an immense opportunity at this location in the Tonawanda Creek Subarea.

Adjacent to the BNHV is the Town-owned Oakwood Golf Course. The Town will start a planning process to determine the future land use and recreation activity at this location. There is potential to link the golf course space directly to the BNHV and Empire State Trail. This recreation space is lacking a center community space or public facility. The existing buildings only accommodate recreation related to golf and no other uses. The Town would prefer to explore opportunities other than golf at this location. Public golfing opportunities exist, though not near or oriented toward the water.

The Town can develop a management plan to enhance the BNHV and Oakwood Golf Course area as a Waterfront Activity Area. The idea is to increase tourism and promote educational/interpretive resources for residents and visitors. This plan should address the connection of the Town owned property to an area-wide trail system and to the Old Pendleton Waterfront Activity Area (see Section IV).

The existing Empire State Trail is extremely popular and considered a statewide regional transportation route. The multi-use trail functions well for the high volume of users in the Tonawanda Creek subarea. Nevertheless, the trail does not provide direct access to Erie Canal and has limited views to the water. There are historical features along the entirety of the trail throughout North Amherst. The Town is not capitalizing on celebrating this national register corridor.

The WAC identified scenic, cultural, historical, and recreational features associated with the multi-use path adjacent to Tonawanda Creek. The trail has the potential to connect the large volume of users directly to the NYS Barge Canal waterway and have access to the water at various points within North Amherst. These points would be waterfront development areas starting at the BNHV and golf course site adjacent to the border with the Town of Pendleton. The trail has the potential to connect future facilities or rest stops along the waterway. Several circulation and safety concerns have been identified that take place throughout the bike path. Currently, the bike path is functional and supports a large volume of users; however, there are areas that need better separation from the vehicle travel lane, improved crossings, designated parking for vehicles and a wider pathway to accommodate all types of users. There are locations where the path drops off immediately at the foreshore of Tonawanda Creek.

In other locations, culverts or riprap swales would reduce potential erosion as water runs down to the creek over the path.

The Town will work with the various state and county agencies involved to develop a comprehensive plan to improve the overall trail system. These agencies include New York State Office of Parks Recreation and Historic Preservation (NYS OPRHP), NYS DEC, NYS Canal Corporation and Erie County. In the Greater Buffalo Niagara Regional Transportation Council (GBNRTC) 2020 Bike Buffalo Niagara Regional Bicycle Master Plan there is one identified regional project related to the Empire State Trail in the Town of Amherst. The master plan proposes extending the existing off road bike path at Tonawanda Creek Road and Windsor Court approximately 1-mile to Vine Lane. This off-road path is a priority for connecting regional transportation systems and improves the overall safety for the users. The New York State Canal Recreationway Plan recommends a continuous trail along the Erie Canal from Albany to Buffalo. The Town has made considerable progress with constructing portions of the trail and is currently designing several additional segments, as well as planning improvements to the existing trail to enhance public safety and to make more parking available.

At the Nine Mile Island campsite and Orbit Drive area (see Map II-5) there is a mix of private residential landowners and New York State-owned municipal land. The Town is in the process of acquiring 2880 Tonawanda Creek Road, which abuts the campsite and the multi-use bike path. The Orbit Drive area has an on-road bike route with limited vehicular traffic. Nine Mile Island Recreation Center is a camping facility run by a local non-profit group. While the land is located within the Town of Pendleton, the only access point is in the Town of Amherst from Orbit Drive. Users and emergency services can only access this private campsite from the Town of Amherst. The Town has an opportunity to provide better access and circulation to the Nine Mile campsite within the Town of Amherst municipal boundary and Amherst WRA (see Section IV).

Fisherman's Wharf is a highly used fishing location for the residents and others in the Western New York region. This informal setting contains a good ecosystem for fishing opportunities and has the attributes to attract wildlife along the water. This site is within proximity to the county road and there is limited space at the shoulder in the road for vehicles to "pull-off" and park. This is no dedicated parking area. The Town of Amherst built a new footbridge in 2020 replacing a deteriorated footbridge over Ransom Creek at Fisherman's Wharf, which is part of the Canalway Trail.

The Town is currently working on a guardrail project with both NYS Canal Corporation and NYS OPRHP Recreation Trail Funds to construct a guardrail and other pathway safety improvements. This funding does not ultimately resolve the parking and circulation issues that exist within this Tonawanda Creek and Ransom Creek location. In order to provide multi-modal forms of transportation to and through this site, a bicycle and pedestrian safety planning process should take place. This underutilized fishing site has an opportunity to make enhancements to increase access to the water without disrupting the existing ecosystem (See Section IV).

The North Amherst Fire Station is an underutilized site adjacent to the water (see Map II-5) and appears to be privately owned and not open to the public. The NYS Canal Corporation holds a 100-foot permanent easement along the blue line that includes access to the creek on this parcel. Section 2 of the NYS Canal Law states that "Blue Line" shall mean the boundary of canal lands owned by the state previous to the approval of chapter one hundred forty-seven, laws of nineteen hundred.<sup>3</sup> The fire

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<sup>3</sup> <https://www.nysenate.gov/legislation/laws/CAL/2>



station is currently used by the public for parking to access the bike trail and recreation or special events. There is a direct line of access to the Erie Canal off Tonawanda Creek Road through the North Amherst Fire Station. An old playground exists in deteriorated shape adjacent to the west side of the fire station. Space is available for additional parking on site immediately adjacent to the waterway. Ultimately, the site lacks waterfront entrance and plaza, boat launch, and signage. In the early 2000s, the fire station acquired property behind it to create access to the water for the response to emergency calls. The property would need to account for boats and other vessels being launched without impeding activity on the bike path. There is a need to further develop waterfront access for emergency use. There is also an opportunity at this site to develop waterfront access for recreational use. A masterplan for this site will be developed for future waterfront access (see project proposed in Section IV).

Figure 2.24 – Amherst Marina Center



Source: [Marinas.com](http://Marinas.com)

The Amherst Marina Center is a privately owned property with the largest boat launch in Western New York (see Figure 2.24 and Map II-5). This center is a popular place for boaters as it is the halfway point between Lockport and Niagara Falls. Boaters can rest, fuel, service and store their watercrafts. Waterfront users prefer the quiet nature of the canal in Amherst. The marina attempted both a snack bar and boat rental business. Neither of these business strategies were successful on the property. The parcel does not have septic and a pump out facility was not pursued. In the Tonawanda Creek Subarea, this is the only commercially zoned parcel. This private marina at Campbell Boulevard in the center of Tonawanda Creek Subarea is a charming feature in a prime location on the Erie Canal. There is potential to enhance this site to provide a variety of other water related or dependent uses. The owners desire assistance to make improvements to their property to accommodate more users and boat storage. The Town has an opportunity to work with the private landowners and the State to enhance the existing business and the features adjacent to the marina. The Empire State Trail has the potential to add multi-modal forms of transportation to increase more users near the private marina site.

Nature View Park, as previously discussed, is a 1,330-acre passive open space (see Map II-5) in which the Town holds a conservation easement (1,254 acres) with the Western New York Land Conservancy. This Park (and its ecosystem) has present issues with invasive species. Historically, the site is an abandoned farmland. Successional growth has mostly taken over the park with intermittent significant plant and wildlife areas. This underutilized space is isolated to a degree. There is limited access into the park and the trails maintained by volunteer groups are not formalized. However, this open space is within proximity to the other municipal-owned lands adjacent to the Erie Canal. The Veteran's Canal is approximately a half mile from the Nature View Park trailhead entry. The Empire State Trail is on the other side of Tonawanda Creek Road, linking to two other spaces. This regional trail with a proper mid-block crossing is a potential connection from the public marina to the passive park.

The natural environment of the park consists mostly of wetlands. The inventory maps show the topography of the Town and other sensitive natural features. Nature View Park sits at one of the low points in the Town and is within proximity to the Tonawanda Creek waterway. The WAC determined that the significant environmental features of the site should be included in the Tonawanda Creek Subarea. As a result, the WAC placed the entire park space in the boundary. There is a potential to preserve the existing natural environment of the park while making a stronger connection to the Empire State Trail and public marina.

State-owned Veterans Canal Park has the only public marina and boat launch in North Amherst and in the Tonawanda Creek Subarea. There is existing infrastructure in place to provide accommodations to a variety of waterfront and recreational users. Facilities on site include: a service building, parking lot, State boat ramp, and dock (see Figure 2.25). There is ample parking on site. The site has the proper circulation for launching boats and other vessels. The one building on site is currently underutilized. The facility is typically not open to the public. A restroom exists on site, but the public does not have adequate access. The building does not have a recreation room, meeting space or vending on site.

Western New York Prism<sup>4</sup> holds an annual contract with the Town to provide outreach and awareness regarding invasive species. Staff members from WNY Prism provide proper cleaning guidance to boat users during the season. Kayaks and other smaller watercraft can be launched at the kayak launch. Individuals can fish from the docks or within the park space.

The Veteran's Canal Park property is effective in providing water based recreational activities. The University at Buffalo rowing program uses the site for storage and training. The site is in relatively decent shape and has an existing facility. However, the building is underutilized and there are minor circulation issues regarding the different users in relation to the bike path. The site could add safety improvements or directional signage. There are opportunities to simply enhance the existing amenities within the park and trail system. The Town can make capital improvements to the existing facility adjacent to the waterway. Additional and appropriate staffing may be needed to unlock the potential of the site and operate the existing facility. A master plan for the entire site extending into the northern trailhead of Nature View Park should be explored. There are other opportunities to provide other facilities or programmed elements on the large tract of municipal owned land (see Section IV).

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<sup>4</sup> <https://www.wnyprism.org/>



Figure 2.25 – Veterans Canal Park Marina



Source: *Marinas.com*

The Veterans' Canal Park is within the historic context of the Brenon Road area. There are historic structures in this location including Pickard's Bridge. These locations have the potential to be highlighted as cultural or historical assets. The proposed Pickard Settlement Historic District in northwest Amherst, is recommended for designation in the Town's Updated Reconnaissance Level Survey of Historic Resources (2011). Currently there is no identification or signage of these historic areas. Currently, Brenon Road contains industrial and agriculture uses with a mix of rural residential single-family houses. The Empire State Trail exists as an on-road route in this location. This road is immediately adjacent to the waterway. There is limited users and activity in this area, except for the agricultural operations. This Brenon Road area is a quiet location that should be preserved for its historic properties, while maintaining the rural residential properties.

The majority of North Amherst has the infrastructure in place to make enhancements to the existing waterfront. New docks, new and extended trails, and continuous sidewalks combined with improved way-finding signage will physically and visually link commercial areas to the waterfront, providing access for boaters, pedestrians and cyclists traveling through the area.

There are several choice spots for waterfront access along Tonawanda Creek/Erie Canal that could expand new opportunities for passive recreation such as fishing or birdwatching. This access to recreation can be accomplished through; signage, safe parking areas, improved pathways to allow access and enhance appreciation of these scenic areas. New amenities such as benches can be added to increase the public's enjoyment at these locations. Long-term management of the Empire State Trail including trail maintenance and the provision of public safety services will require a permanent source of funding from the Town.

The existing regional multi-use bike path follows along the waterway for most of the Tonawanda Creek Subarea. The county and state-owned roads provide the necessary access to and over the waterways. There is no septic available for proposed development. However, there are opportunities to capitalize on the smaller commercial based activities incorporated into the existing marina, boat launch, museum,

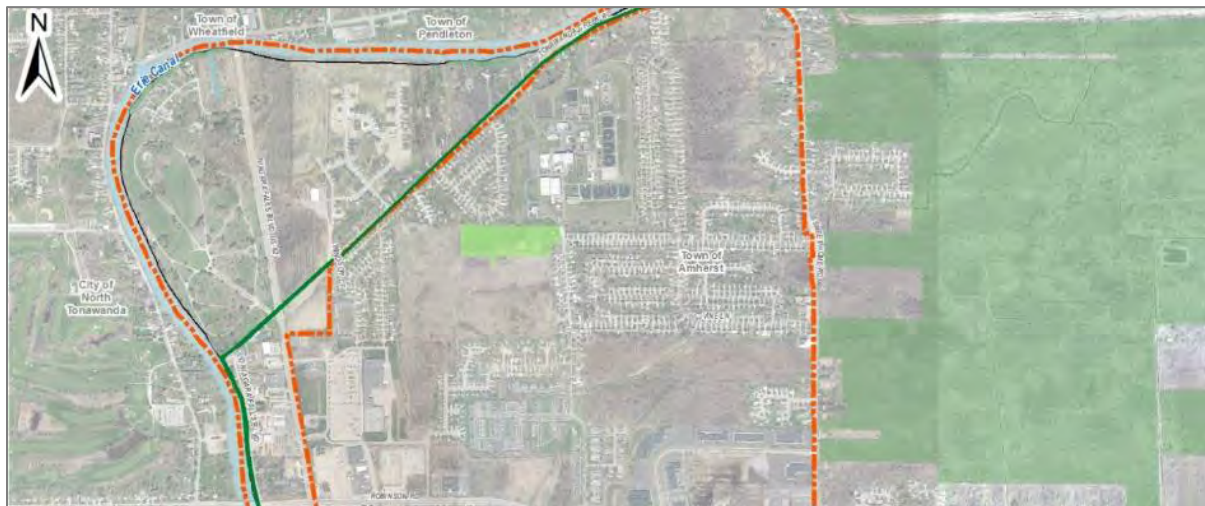
and agricultural properties. The Town should develop “rural character” roadway standards for the area’s rural roads. These should include coordinated guidelines for landscaping and tree cover, building setbacks, site drainage, limited road widths, and potential bicycle lanes where applicable. During the scenic exercise with the WAC, the aesthetic corridor of the Erie Canal was deemed locally significant. Tonawanda Creek Road is adjacent to the Tonawanda Creek waterway for its majority. The Town can maintain the existing rural corridor along the road to reduce aesthetic impacts on the creek. In addition, the Town can develop design standards for the replacement of bridges over the Erie Canal and other water-based infrastructure to be more compatible with or adjacent to the creek corridor.

### Northwest Amherst

The Tonawanda Creek Subarea continues into the northwest portion of the Town adjacent to the Town of Pendleton and Tonawanda, NY.

Northwest Amherst is generally bounded by Tonawanda Creek to the north, Sweet Home Road to the east, the Ellicott Creek Diversion Channel to the south, and Old Niagara Falls Boulevard to the west. The land uses in this area vary. A major regional commercial corridor exists along Niagara Falls Boulevard and Old Niagara Falls Boulevard. The new housing developments in recent years continue to add to the residential concentration in Northwest Amherst and consume the few large tracts of undeveloped land. In relationship to the rest of the Town, this area is defined by distinctive physical features such as its two waterways and the large Nature View Park to the east that create a challenging set of urban design issues. The key opportunities that can positively affect the future of Northwest Amherst relate to redevelopment for increased water use, open space/recreation, and commercial lands adjacent to the NYS Barge Canal. The unique features here provide some of the strongest civic amenities the Town has to offer. Specifically, the historic Erie Canal is a regional-scale asset at the doorstep of the Amherst WRA.

Figure 2.26 - Northwest Amherst within Tonawanda Creek Subarea



Source: Town of Amherst Geospatial Data. Accessed April 2022

The WAC identified a lack of a community identity or defined waterfront space in Northwest Amherst. There is a lack of pedestrian connectivity between land uses. Part of the reason for the lack of a community center and connectivity is due to the regional commercial corridor along Niagara Falls Boulevard. In addition to the local population, commercial uses on Niagara Falls Boulevard serve a high volume of commuters who use the corridor daily to reach regional employment centers and

destinations. This area is highly automobile-oriented and solidly commercial, factors that have precluded creation of a central node that characterizes some neighborhoods. Because of the automobile-orientated commercial corridor, a separation or divide exists at the intersection of Ellicott Creek and the regional railway system. The WAC identified improvements along the Niagara Falls Boulevard corridor to increase pedestrian and public access to the water.

At Sweet Home Road and Tonawanda Creek Road there have been a series of resident concerns over the vehicular, pedestrian and bicycle safety adjacent to the bike path and creek. This intersection is a highly used location that has minimum safety improvements. The other concern in this location is the transition of the bike path from an off-road feature to an on-road route at Vine Lane. There are conflicts that exist within this one mile of linear space along Tonawanda Creek Road. While this portion of the road does not follow along the creek, safety improvements should be considered. The existing infrastructure is in place to make future enhancements.

Figure 2.27 - Old Niagara Falls Boulevard Underused Parcel



*Source: Town Staff Photo Taken January 5, 2022*

East of Niagara Falls Boulevard are residential neighborhoods abutting the water. One of these locations is the Evergreen Subdivision with over 195 lots. This land adjacent to the canal is a former 9-hole golf course, which has been subdivided and developed over the past 8 years. Existing public access to the creek is provided within the framework and identified in map cover of the subdivision. The Town holds a 20-foot easement adjacent to the existing NYS Canal Corporation's "blue line". To the west of this subdivision is a parcel abutting Niagara Falls Boulevard. The site plan application that exists is an apartment complex proposal. To the west of Niagara Falls Boulevard is another parcel with an existing site plan application at 3550 Niagara Falls Boulevard. The proposal provides more single-family lots adjacent to the creek with a private boat slip. These proposed parcels would have access to the slip and Erie Canal depending on the intentions of the landowner. The Admirals Walk neighborhood further to the west can only be accessed by Niagara Falls Boulevard. There are 16 single-family lots with a portion of those abutting the creek. There is private access to the creek from these residences within this



neighborhood. Individual docks and launches exist along the shoreline. The “blue line” is being preserved along the shoreline for potential public access at this location. The continuation of the “blue line” should be a priority as other waterfront lands are developed as well.

To the west of these neighborhoods is the White Chapel Memorial Cemetery in the far northwest of the municipal boundary and Tonawanda Creek Subarea. This property has unique aesthetic features that add to the overall scenic quality of the Erie Canal system. The cemetery has large open green spaces that abut the creek with limited or no development along the foreshore. There is no public access through this private parcel to the water. There have been previous long-range plans to continue the multi-use bike path along the foreshore of the western boundary of this property to follow along the creek. This potential connection would have an opportunity to connect into the Admiral’s Walk neighborhood.

There are private commercial parcels along Old Niagara Falls Boulevard that are deteriorated in nature, but not completely abandoned. The WAC identified these northern parcels as underutilized and deteriorated sites along Old Niagara Falls Boulevard during the inventory (as seen in Figure 2.27). This linear space is separated from the congested nature of the Niagara Falls Boulevard corridor, which allows most pedestrian and recreational activities to take place. Currently, there is no unifying theme to this linear space along the water. Streetscape/pedestrian improvements should be implemented to take advantage of this waterfront location. There is potential to develop Old Niagara Falls Boulevard along the Erie Canal as a Waterfront Activity Area. Redevelopment of appropriately scaled commercial uses should be encouraged. An example is the rehabilitation of the long-vacant restaurant and adjacent boating-oriented services at its northern end.

There currently is an open site plan application to provide a commercial use with a patio overlooking the water before the Planning Department. The proposed site improvements would not impede on the existing bike trail. A potential right-of-way issue exists regarding the parking lot north of the building. This area is one of the few locations in the Amherst WRA where users of the business can have a direct experience with the Erie Canal. The parcels are immediately adjacent to the Empire State Trail with direct access to the Erie Canal. South of these commercial parcels are a mix of commercial development along Niagara Falls Boulevard corridor and smaller residential parcels most of which have private access to the creek.

Along the north to south-orientated Old Niagara Falls Boulevard corridor are parcels owned by New York State immediately adjacent to the Empire State Trail and canal. These properties provide more green space along the waterway connecting to the Ellicott Creek Island Bark Park. Ellicott Island Bark Park is a 17-acre parcel owned by Erie County, located west of the intersection of Niagara Falls Boulevard and Creekside Drive on an island in Tonawanda Creek (see Figure 2.57). The County has a non-profit group that maintains and operates the Ellicott Creek Island Bark Park. This dog park is a heavily used and popular location for dog owners. The Ellicott Creek Island Bark Park has direct access to the water and is heavily shaded with large mature trees. There is shoreline erosion and maintenance issues. Shoreline erosion is present at the south tip of the island along the Erie Canal. Buffalo Niagara Waterkeeper is currently in the process of designing a living shoreline project on the southern tip of the island. Funding is secured with implementation to occur in fall 2023 through 2024. Additional opportunities exist for addressing additional eroding sections of the island’s shoreline.

The Tonawanda Creek Subarea should receive priority consideration for multimodal transportation improvements and other site design guidelines. Site design guidelines should be implemented over time,

as uses are introduced/redeveloped or through public/private partnerships with existing property owners. The guidelines should specify the location and amount of landscaping, appropriate locations for signage, pedestrian facilities, and the number and location of curb cuts. One strategy to be initiated along Sweet Home Road and Tonawanda Creek Road are traffic-calming measures combined with character corridor design guidelines for arterial and collector streets.

There are multiple waterfront opportunities in this northwest area. Access ways to recreational water use and open space resources should be strongly considered in new housing developments and the designs of additional streets fronting the NYS Barge Canal. Open space should be considered as a theme for the future development of the area through provision of new open spaces and greenways connecting along the historic canal. Within the Tonawanda Creek Subarea, Northwest Amherst will integrate parks and pedestrian networks with existing and future housing developments and provide enhanced access to open space and recreation amenities. Neighborhood-based improvements relating to parks and schools should serve as the foundation for the area's future, increasing the attractiveness and marketability of the area for a mix of incomes. The Town should develop connections to fill in gaps for missing Empire State Trail segments along the Canal. The Northwest Amherst area transitions into the second Subarea near the Niagara Falls Boulevard commercial corridor and the Ellicott Creek Island Bark Park.

### Ellicott Creek Subarea

Ellicott Creek enters the Town of Amherst just south of the Village of Williamsville and Interstate 90 (NYS Thruway) in the southernmost part of the Town. Ellicott Creek is not known for large watercraft or frequent boat uses and parts of the creek are not used for water recreation purposes.

The Ellicott Creek Subarea is predominantly defined as a backyard creek. The topographic nature of the Town and floodplain and wetland areas historically affected land development in and near the Amherst WRA.

There is an opportunity to increase public access to the creek to allow for smaller vessels such as kayaks and canoes throughout the entire waterway. Throughout this planning process, the Town received comments and feedback from community members who desire to be more connected to Ellicott Creek. The Town will promote a relationship between the residential neighborhoods and the waterway. These neighborhood and community connections play a larger role in defining and expanding an existing regional network established by the 5-mile-long bike path. Safe pedestrian crossings, car pull offs and expanded trails will increase use to the water.

Within this Subarea is a series of recreational and green spaces adjacent to the creek that are connected or could be connected in the future. The green space starts south of the Village of Williamsville and continues north through Island Park, Glen Park, Amherst State Park, Audubon Golf Course, and the Ellicott Creek Trailway through the University at Buffalo. These areas are zoned appropriately for recreational purposes, which limits future land development near Ellicott Creek. Enhancements can be made to existing waterfront parks and trails to provide public access to the water, for example via new or improved kayak launches, and extend multi-use trail systems.

The Town will implement sustainable practices at public parking and park facilities. The Town currently is upgrading existing Town facilities with Electric Vehicle (EV) charging stations. To promote sustainable practices, the Town will continue to implement EV charging stations at Town facilities along the water within the Amherst WRA.



Other opportunities proposed will take better advantage of waterfront locations such as the Amherst Central Park project that will provide the Town with mostly passive and low intensity recreation opportunities in a natural setting along Ellicott Creek. Invasive plant species will be addressed where necessary as part of improvements to local parks such as Amherst State Park (see Section IV). Other water-based projects are proposed to address issues such as neighborhood flooding and ice jams, and overall creek management to address issues of water quality, stormwater management, and erosion and sedimentation such as through use of green infrastructure.

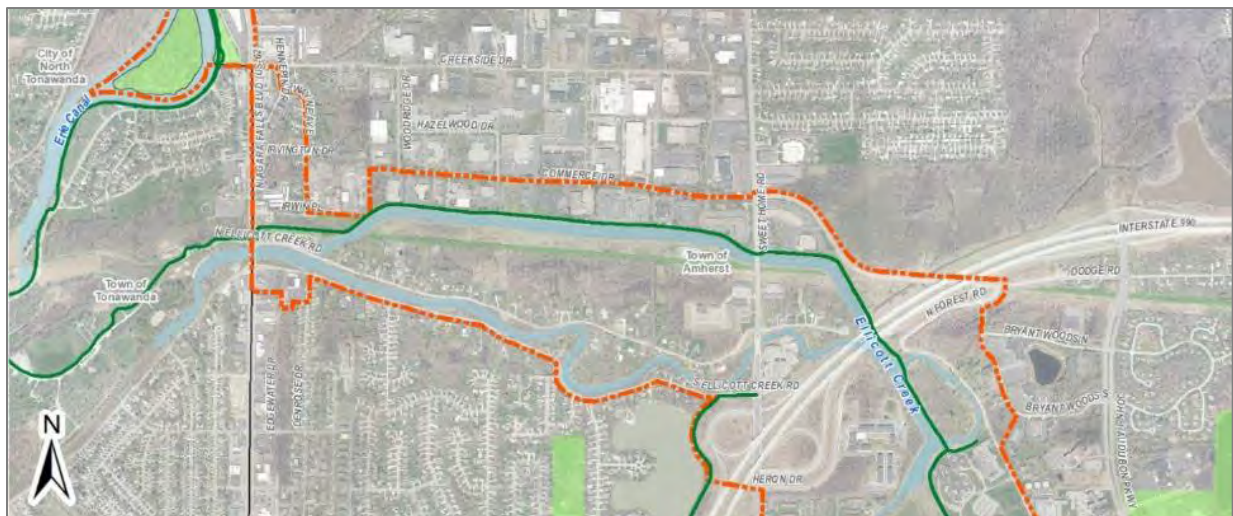
In the central part of the Ellicott Creek Subarea, the University at Buffalo, and New Community District (NCD) area exploded with growth in previous decades. Within the Ellicott Creek Subarea, the historic pattern of development originally stopped at the Sheridan Drive Road area decades ago. North Amherst was considered farmland or undeveloped wetland areas. However, the Ellicott Creek flood control project in the late 1980s has allowed for land development and other recreational uses to exist and continue in and around the Ellicott Creek waterway. The Town continues to have land development pressure taking place in and around the Ellicott Creek floodway due to the reduced flooding. The Ellicott Creek Subarea area is comprised of more densely developed residential neighborhoods, large institutional uses related to the University at Buffalo such as student housing and research offices, and the commercial centers along many of the Town's highway corridors. The Town has seen an increase in multi-family and multi-story apartment projects in the last ten years.

The Ellicott Creek Subarea can be broken down into six smaller areas (Ellicott Creek and Niagara Falls Boulevard, University at Buffalo and NCD, Amherst Central Park, Amherst State Park, Lehn Springs Neighborhood, and South of Interstate 90) as indicated in Figure 2.9.

### Ellicott Creek and Niagara Falls Boulevard Intersection

The northwest portion of the Ellicott Creek Subarea is bounded by the Niagara Falls Boulevard (Route 62) commercial corridor to the west, the industrial properties to the north, the Interstate 990 to the east and the residential parcels fronting Ellicott Creek along South Ellicott Creek Road.

Figure 2.28 - Niagara Falls Boulevard and Interstate 990

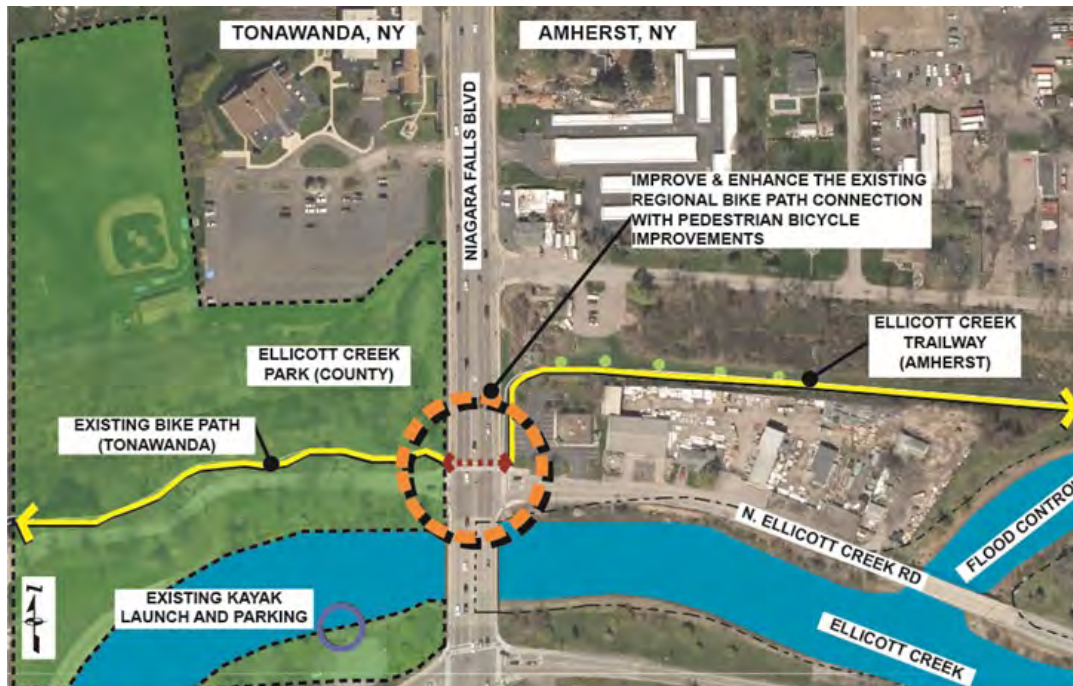


Source: Town of Amherst Geospatial Data. Accessed April 2022

This portion of the Subarea contains commercial (both retail and office), industrial and light industrial manufacturing, the northern diversion channel, and single-family residential properties. The commercial

corridor of Niagara Falls Boulevard divides the activity in and around Ellicott Creek and Tonawanda Creek. This major transportation thoroughfare is typically congested with traffic and contains limited bicycle and pedestrian facilities. The existing Niagara Falls Boulevard right-of-way is large in scale and places an emphasis on vehicular traffic. The Ellicott Creek Trailway bike path bisects the intersection at Niagara Falls Boulevard and Ellicott Creek and is problematic with multimodal users. The multi-use trail is disrupted by the vehicle-centric nature of the existing land use. The Town should explore the opportunity to improve the multi-modal connection between Amherst and Tonawanda, NY (see Figure 2.29). Pedestrian and bicycle transportation planning is needed at this location. Enhancements could be planned and implemented to improve neighborhood connections and better access the Empire State Trail. These circulation issues need coordination among the various federal, state, and local agencies involved. This underutilized greenspace adjacent to the water has potential opportunities in the Ellicott Creek Subarea.

Figure 2.29 - Niagara Falls Boulevard and Ellicott Creek Intersection



Source: Town of Amherst Geospatial Data. Accessed April 2022

The only access to the Ellicott Creek waterway is outside of the Amherst WRA located in Tonawanda, NY west of Niagara Falls Boulevard. There are no public points of entry to the water from the Amherst side. This subarea does not have a boat or kayak launch site. The bike path along the north diversion channel allows access to the water, but there are no launches available at the diversion channel. The Town lacks a public parking area and watercraft launch in the northwest Ellicott Creek Subarea. There is one public parking area on the west side of Dodge Road in the commercial office park. Nevertheless, this parking area mainly serves the bike path. Access directly off the Town and County roads to the water is very restricted or not available. On North Ellicott Creek Road and South Ellicott Creek Road, there are no points of public access to the water and limited visibility of the waterbody. Sight distance issues occur on the curves along South Ellicott Creek Road. These sight issues make it difficult to see individuals pulling in and out of driveways. Neither of these roadways have a pull-off for vehicles to stop and unload a

watercraft on to Ellicott Creek. However, there are parcels adjacent to the creek with the potential of a Town of Amherst kayak launch (east of Niagara Falls Boulevard in the Ellicott Creek Subarea).

The North Ellicott Creek Fire Station fronts along the south side of Ellicott Creek just east of Niagara Falls Boulevard. This building is a community space for public events and private celebrations and ceremonies. There is a flat section of land adjacent to the foreshore of Ellicott Creek and the fire station. This section of the Subarea has mostly residential properties abutting the “back yard creek”. There are aesthetically scenic spaces along the waterway west of Sweet Home Road.

The Audubon Industrial Park and other employment/business parks are located within and adjacent to this area. These predominantly commercial and industrial properties front the northern diversion channel. Although these uses are viable and critical to the economic prosperity of the Town, they currently do not benefit from their proximity to one another. Instead, they are relatively isolated from other uses and assets. There is limited physical or social networking within this area, which affects the possibility of it becoming an integrated, mixed-use district. There are limited north to south access routes directly to the northern diversion channel or Ellicott Creek Trailway for a length of approximately 1-mile. The private parcels abut directly against the diversion channel property thereby limiting public access points to the water.

### University at Buffalo and Audubon New Community District (NCD)

Within the central portion of the Ellicott Creek Subarea, two different distinct Town focal planning areas overlap one another. These areas are the SUNY University at Buffalo (UB) North Campus and Audubon New Community District (NCD). The University at Buffalo is one of the largest economic engines in the Town of Amherst. A portion of this state-owned property is within the Ellicott Creek Subarea.

Most notably, the University at Buffalo’s North Campus has significantly larger student population due to internal restructuring of the academic programs and the locations where they are offered. To accommodate these changes, the University at Buffalo over the years has implemented a master plan with the objective of increasing housing on the North Campus by 40 percent. This effort is reflected in new housing developments at the periphery of the traditional campus core adjacent to the academic spine and sports stadiums. These and other changes in land use affect issues and opportunities associated with Ellicott Creek and its waterfront areas. Recognizing the need for additional commercial services for the students, the University at Buffalo is also planning a redevelopment initiative concentrated on Lee Road (immediately outside of the Amherst WRA boundary) with a mix of housing, retail venues, a recreation and wellness center, and a hotel and conference center to create a new campus “Main Street.” The once insular campus is slowly extending to its edges, which provides the opportunity for more interaction and shared services with the Town of Amherst. This expansion is providing the potential for the development of student housing not accommodated on-campus and student-related retail/personal services in proximity to the campus within the Amherst WRA.

The University at Buffalo location along Ellicott Creek and near adjacent neighborhoods creates the potential for a center on this site to draw from both University at Buffalo students and employees, as well as neighborhood residents. Approved in September 2009, the University at Buffalo adopted a new physical Master Plan to implement the recently completed “UB 2020” academic plan. This effort, called “BuildUB,” is seeking to implement many of the concepts recommended above. Preliminary discussions with the University at Buffalo indicate they are seeking to soften the hard edges of the north campus to better integrate it into the Amherst community.



The existing commercial-retail, student/senior housing, and research-development uses currently planned along the Sweet Home Road corridor in the area directly west of the North Campus may present a real opportunity to integrate populations of varying ages in the Town with University planning and private efforts to create a second University-related mixed-use activity center. A portion of the Ellicott Creek Subarea is in this Sweet Home Road corridor. Impacts of the ongoing expansion of the North Campus student population on the area surrounding the campus are due to increased traffic, demand for off-campus housing and services geared towards students.

Figure 2.30 - University at Buffalo and Audubon New Community Area



Source: Town of Amherst Geospatial Data. Accessed April 2022

There are few connections through local streets to adjacent neighborhoods, many of which house students attending the University at Buffalo. The problem has been further compounded by the

University's prohibiting vehicular connections between some recent non-University at Buffalo developments and the campus. The present state of the road network reveals the limited physical connections between uses in the area and encourages automobile travel to fulfill daily needs. St. Rita's Lane is a location in the eastern portion of the Ellicott Creek Subarea. The road dead ends before it reaches the University at Buffalo property. This road is one of a small number of transportation routes that provides direct access to the creek and the Ellicott Creek Trailway bisects this area. St. Rita's is considered an underutilized site in the Subarea. There is potential to add a commercial land use such as a restaurant overlooking the creek at the end of the road. St. Rita's Lane is near the highly used intersection of North Forest Road and Millersport Highway. There are office buildings along the dead-end road and commercial properties exist along North Forest Road. The buildings in this location have been built to withstand flooding. Another issue at St. Rita's is the cost to build has increased because of the floodway standards. The Town should consider waterfront opportunities and connections in this area.

Opportunities include finding new connections between nearby neighborhoods and the University at Buffalo, providing alternative methods of transportation (transit, bicycle, and pedestrian), and extending the greenway trail along Ellicott Creek. Key physical gateways, such as critical intersections and highway interchanges, should be improved to reflect the dynamic mix of uses present in the area.

There is need for coordination between the Town and University at Buffalo on growth/edge issues on the east side of Millersport Highway in the Ellicott Creek Subarea. The vacant property owned by the University at Buffalo east of Millersport Highway is one of the largest vacant properties in the Town potentially available for development within the Ellicott Creek Subarea. Connecting the uses is a somewhat disjointed network of roads and highways. Millersport Highway and John James Audubon Parkway are direct links to the campus through the Ellicott Creek Subarea. The Town will assist the University at Buffalo to promote development of a new, mixed-use "University Village" east of Millersport Highway. This area east of Millersport Highway is within the Ellicott Creek Subarea and north of the existing Town owned public golf course. Potential uses in this area include research and office, University-related activities, housing, open space, and public trails and rights-of-way along Ellicott Creek. Housing will be designed to appeal to members of the academic community and "knowledge workers" drawn to an attractive, stimulating environment with a mix of activities. A secondary campus "loop road" adjacent to the Ellicott Creek but outside of the floodplain is considered to organize the main activities along an attractive environmental feature. This loop road could establish the land development to extent to the creek, but not in the significant environmental resources. These improvements will add to the overall waterfront experience along Ellicott Creek.

Surrounding the University at Buffalo are uses that provide employment and services, many of which serve the Western New York Region and the local community. A concentration of commercial services is located to the south along Maple Road; a portion are within the Ellicott Creek Subarea. The Audubon Recreation complex, the Audubon Golf Course, and the Northtown Center are located east of Millersport Highway and north of Maple Road. The corridor along Sweet Home Road between Ellicott Creek and Maple Road is the focus of major off-campus University-related activities. Existing land use patterns including mixed-use, moderate density offices and University-related residential uses have evolved within this corridor. This pattern is punctuated by a small commercial node centered off of the Skannersville Road extension.



Figure 2.31 – North Forest Road multimodal constraints



Source: Town Staff Photo Taken July 28, 2021

North of the University at Buffalo, along Sweet Home Road and North Forest Road, existing land uses include an office park, the northern diversion channel, Interstate 990, and wooded areas along the Ellicott Creek Trailway bike path (see Figure 2.30). In the Dodge Road and North Forest Road area are proposed large mixed-use, apartments, office, and commercial uses. Housing developments such as the ‘Muir Woods Development’ are in construction outside of the Amherst WRA, but immediately adjacent to the boundary. A bike path crossing will take place in the Ellicott Creek Subarea on Dodge Road to connect these large developments to the regional Ellicott Creek Trailway. Near the proposed bike crossing is a small parking area for public access to the Ellicott Creek Trailway. The bike path entry sits within an office park along Dodge Road and connects directly to the University at Buffalo. This is the only dedicated access point to both the trail and Ellicott Creek until one reaches the University at Buffalo.

There are constraints for pedestrian and bicycle safety on the North Forest Road, a multimodal corridor adjacent to the University at Buffalo, due to the road width and configuration. Also along North Forest Road there are sight distance issues at the curve near the new student housing building north of the University at Buffalo (see Figure 2.31). As part of development of a more integrated pedestrian/ bicycle network, enhanced safety for pedestrians and bicyclists at entrances to the University at Buffalo campus from Maple Road, Millersport Highway, and North Forest Road through to Ellicott Creek will be explored.

Within the Amherst WRA, the Town should enhance physical connections to the University at Buffalo from surrounding neighborhoods. One major connection could be established by a linkage or linkages across Ellicott Creek Road from North Forest Road. Future bicycle facility considerations include the extension of Klein Road across North Forest to provide a means of access to the proposed mixed-use center from the east.

This extension takes place within the eastern most part of the Ellicott Creek Subarea near an existing residential suburban road. Another prominent location for a bicycle facility is at Stahl Road and Heim Road. These extensions provide an opportunity to connect with the residential community adjacent to the Amherst WRA. The Amherst WRA boundary extends to the eastern part of North Forest Road. The Town should work with the University at Buffalo and the Niagara Frontier Transportation Authority (NFTA) to encourage alternative transportation systems to better serve and connect uses in the Ellicott Creek Subarea.

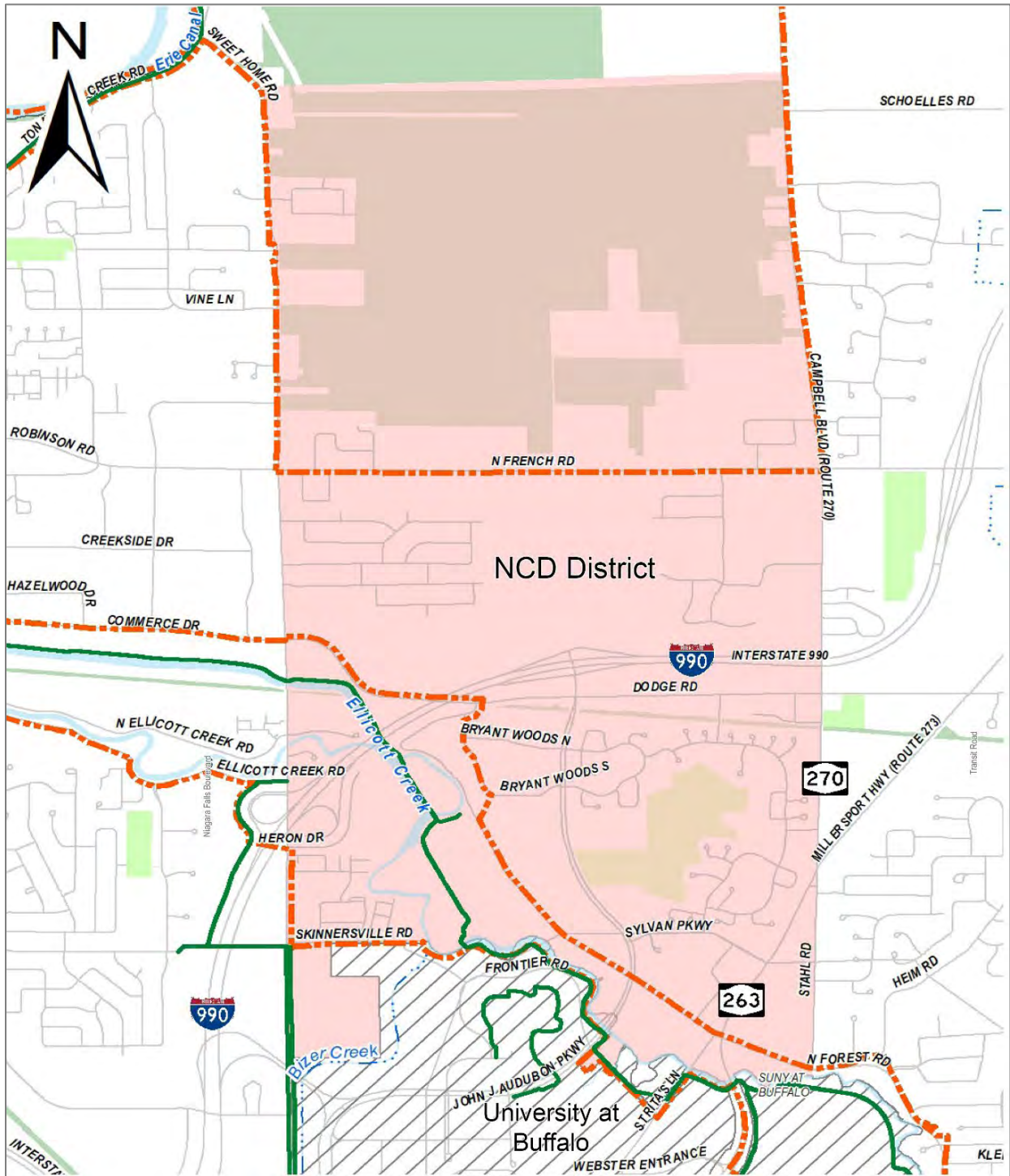
Similarly, expanded services will be explored for the Weinberg Campus to extend the mobility of resident senior citizens along the North Forest Road corridor. All the existing institutions, offices, and neighborhoods can be viewed as “portals” that offer amenities and services that can potentially benefit the entire area. The objective is to find the physical linkages between them that will promote mutually reinforcing initiatives and social networks. Skinnersville Road is located between an existing bike path in the Willow Ridge neighborhood and the Ellicott Creek Trailway. This area has the potential to extend a west to east multimodal corridor through the University at Buffalo directly to Ellicott Creek.

The Audubon New Community District (NCD) is in this central portion of the Ellicott Creek Subarea (see Figure 2.32). The zoning for this area is different from the other performance-based zoning districts. Established in the 1970s, the NCD has a different community character than other locations within the Amherst WRA. It provides flexible land use and design regulations using performance criteria so that small-to-large scale multi-use neighborhoods may be developed on relatively large tracts within the Town in a manner which incorporates a variety of residential types and nonresidential uses and services. The NCD contains both individual building sites and common property, which are planned and developed as a unit.

Among the purposes of this district are 1) the encouragement of innovation in residential development so that the growing demand for housing at all economic levels may be met by greater variety in type, design, and siting of dwellings, 2) the conservation and more efficient use of land in such developments and 3) the encouragement and maintenance of high environmental quality throughout the development. This district encourages a similarly imaginative approach to the development of nonresidential units in the NCD. Parcels in the NCD provide both residential and commercial uses adjacent to the waterway. The Town can work with private landowners to expand open space and buffers between proposed land uses and the waterway / flood control channels. This contiguous open space is already in place along the creek due to the extent of the flood control project. The Town can expand and connect to this contiguous green space.

Within the central portion of the Ellicott Creek Subarea, the Town will encourage reuse or redevelopment of properties in the Maple Road and North Forest Road commercial center and other locations along Maple Road and Millersport Highway. The Amherst IDA would also be involved in this effort.

Figure 2.32 - New Community Zoning District (NCD)



Source: Town of Amherst Geospatial Data. Accessed April 2022



### Audubon Recreation Center & former Westwood/Amherst Central Park Study Area

The Town of Amherst has been moving forward with its proposal to create Amherst Central Park including holding outreach sessions and meetings with the community and stakeholders within the Ellicott Creek Subarea. A large portion of the Amherst Central Park planning project is within the Amherst WRA (see Figure 2.34). To the west of the Ellicott Creek Subarea is the Audubon Recreation Complex and Northtown Center facility. The Town of Amherst has obtained approval from the NYS Legislature to alienate 93± acres in the west portion of the parkland currently known as the Audubon Recreational Complex, which consists of the Northtown Center and Audubon Golf Course. The alienation process will enable the Town to develop this acreage for non-recreational use. A large portion of the 18-hole golf course within the Audubon Recreation complex is within the Ellicott Creek Subarea. The Town has identified the former Westwood Country Club property to replace alienated parkland acreage. With the designation of this property as parkland and upon acquisition, there will be an additional area of approximately 170 acres added to the Town's inventory of parkland.

Figure 2.33 – Aerial View of Amherst Central Park

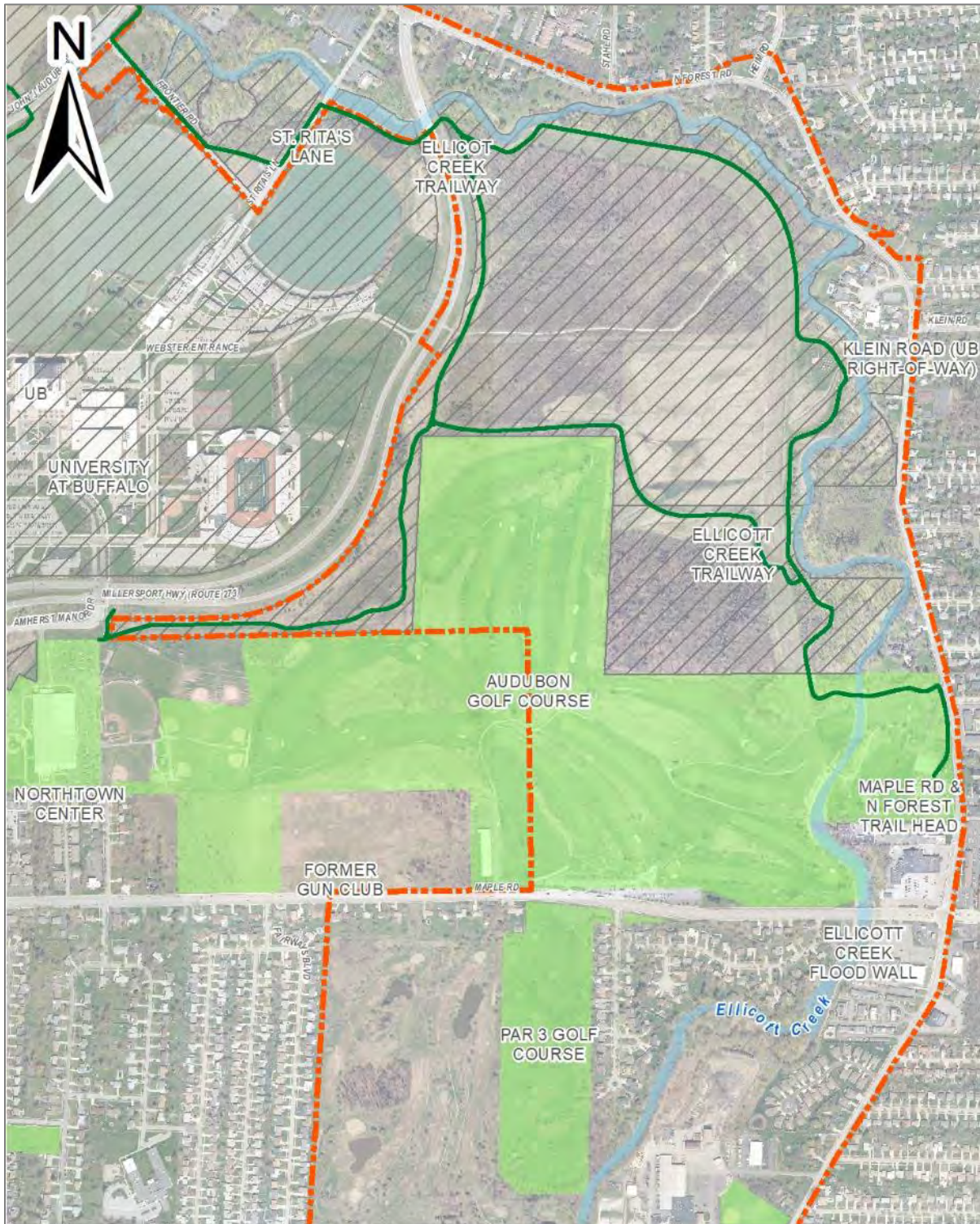


Source: Google Earth

The WAC identified beautiful panoramic views on the golf course adjacent to Ellicott Creek. The golf course has a facility with a restaurant and large pavilion. This large contiguous Town recreation based parcel can connect the former Westwood property to the large vacant University at Buffalo property. The former Westwood Country Club and 18-hole golf course is a large intact green space along the waterway zoned Recreation Conservation (RC) as indicated in Figure 2.33. The property is considered both deteriorated and underutilized. The WAC has identified the site as an impressive, grand, pastoral, and historic feature within the Ellicott Creek Subarea. The existing environmental and geographic features have aesthetic and scenic beauty. These topographic features are more evident on this property than in other locations in the Amherst WRA. The WAC and other public input have a desire to retain the character of the site with minimal proposed development.



Figure 2.34 - Amherst Central Park Study Area within Amherst WRA

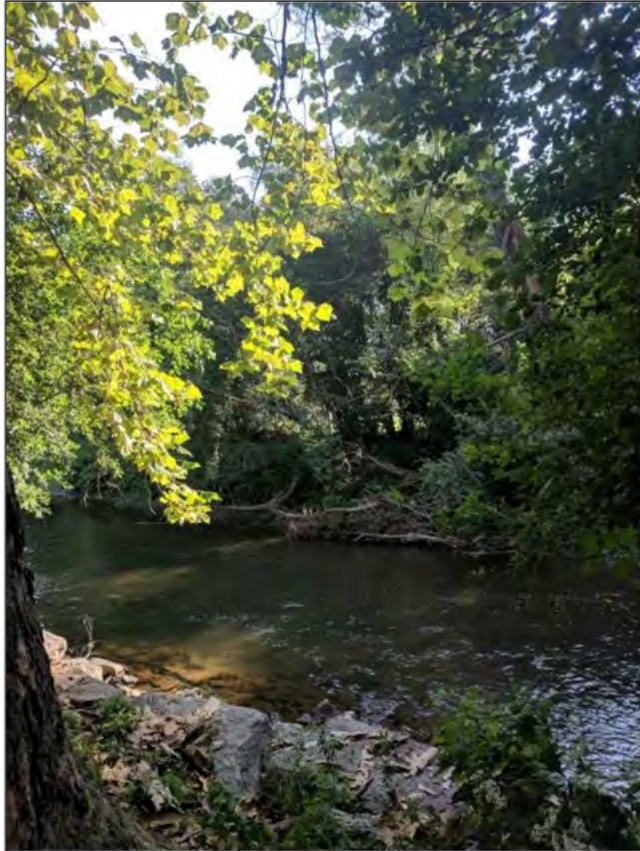


Source: Town of Amherst Geospatial Data. Accessed April 2022



The major environmental characteristics include the topography adjacent to the creek, the large mature forested tree stands, smaller hydrological features, evidence of wildlife and large open green space. The existing cart paths, while deteriorating, provide a network of trails for users. The clubhouse itself is not a historic site, but it is considered an important piece of local history. The building has evolved over the years and added pieces with different levels off the core structure. As a result, there are challenges with adapting to the current building regulations and code. The multiple points of ingress and egress in and within the building are at different elevations. There is minimal to no ADA compliance. The structure did

Figure 2.35 – Ellicott Creek at the former Westwood golf course



Source: Town Staff Photo Taken August 24, 2018

previously serve as a restaurant and event center, but it was not successful at this location. The building shows signs of interior damage due to its age. The current condition and size of the building would not be able to handle the Town’s need for a cultural center. Therefore, the recommendation is to demolish all non-core structures of the building associated with the original footprint and preserve all the historic elements. The existing slate roof is an aesthetic feature, but expensive to maintain. The site is considered deteriorated in the Ellicott Creek Subarea.

In July 2021, the NYS DEC invited public comment about a draft work plan to investigate contamination at the former Westwood Country Club, site ID #C915291 (Williamsville, Erie County) within New York’s Brownfield Cleanup Program. The draft investigation work plan, called a “Remedial Investigation Work Plan,” (RIWP) was submitted by Mensch Capital Partners, LLC to NYS DEC under New York’s Brownfield Cleanup Program (Appendix B). As of June 2023 the Town of Amherst owns the Westwood site and the project has been removed from the NYSDEC Brownfield Program.

There are considerable opportunities at this former golf course property. The location is central within the Town of Amherst and is accessible by the existing state and county routes of Interstate 290, Interstate 990, Sheridan Drive and Maple Road. The site has the existing infrastructure in place to provide public access and connections to the existing neighborhoods. There is potential for a direct connection to the Town-owned Highway Department parcel on North Forest Road. Design considerations should include the Town owned Par 3 golf course for increased green and park space.

The Town has identified the following goals and opportunities through many meetings and discussions with local constituents and preliminary analysis of site conditions: 1) Most of the former Westwood property would become a park and cultural and arts center, 2) the former Westwood Clubhouse would be preserved as a Town Arts and Cultural Center, 3) the Town could create and develop public access to the Ellicott Creek waterway and multi modal forms of transportation through the passive park, 4) pedestrian and bicycle connections on-site and to the surrounding neighborhoods should be enhanced.

Outside of the Amherst WRA are other goals associated with the park planning process. These include a sport and wellness facility, improved athletics fields and other recreation amenities for Town and school district use.

Within proximity to former Westwood Country Club, the intersection of Maple Road and North Forest has both existing recreation and commercial land uses. The Town included this intersection into the Ellicott Subarea to enhance the existing attributes. The recreation space is highly used by residents and other individuals within the region. This intersection has a large trailhead entry to access the Ellicott Creek Trailway. Recreation amenities such as tennis courts and a restroom facility exist on site. The 9/11 memorial is within proximity to this parking lot where an annual ceremony is held near the bike path. Long-range planning efforts are targeting this location as an area to revitalize and improve the streetscapes near North Forest Road. Amherst Central Park is a valuable greenspace asset along the creek.

### Ellicott Creek Flood Control Project

The flood control project has allowed land development to take place in Amherst over the past three decades (Appendix B). This project has historically alleviated flooding in the Ellicott Creek Subarea. The regional Ellicott Creek Trailway was constructed as part of this project.

Figure 2.36 - Town of Amherst flood control project at Ellicott Creek near St. Rita's Lane



Source: Town Staff Photo Taken September 11, 2020

The Town has a considerable amount of large linear green space along Ellicott Creek because of this project. There are opportunities to expand on this trail and create more access to the creek.



One issue with the flood control project is the ongoing maintenance for the channel and creek. The cost to maintain the slopes and culverts takes away from recreational purposes along the waterway. The largest maintenance scope of work are the shoals, which require large equipment to access the creek and excavate the fill eroding into the bank. Flood control channels need to be inspected on a regular and continual basis to ensure that erosion is not causing bank instability that could result in a bank erosion that will form sediment shoals within the river channel, which reduces channel capacity. As the shoals grow, they begin to support vegetation and divert the channel flow into the riverbank, causing additional bank erosion and instability. Figure 2.36 shows a shoal in the middle ground of the photo near St. Rita's Lane.

Figure 2.37 - Solar Field at Ellicott Creek flood control project, on UB property



*Source: Solar Field at Ellicott Creek flood control project. Town Staff Photo Taken August 8, 2021.*

Another issue the Town needs to address with the USACE and NYS DEC is the reduction of permitting for Section 408 alterations. The USACE is considering streamlining the minor maintenance activities under a blanket Section 408 review to reduce the need for continuous permits for each individual minor change. The Town would be able to respond faster to maintenance needs on the channel.

The Town and USACE should take the approach to geo locate the project limits and all features associated with the project. A geo database would streamline the inspections and clearly identify the item that needs repair with numerous site visits. The database is an important tool that can be used by all personnel, especially during staffing transitions. The work can be handed off in a more streamlined fashion, organized by an itemized list with a historic record.



The NYS DEC coordinated with the University at Buffalo to minimize impacts to the floodway and flood control project adjacent to the creek. Another issue to consider is the solar field at the University at Buffalo as indicated in Figure 2.37. This renewable energy source directly conflicted with the flood control project and Section 404 wetlands.

Figure 2.38 - USACE Channelized Creek at Bottom of Channel 579.0' Elevation, south of Maple St.



Source: Town of Amherst USACE flood control project. Town Staff Photo Taken August 24, 2018.

Agencies and landowners should coordinate in the early phase of a planning project near Ellicott Creek and the flood control project. There is significant land within the flood control project that can still be impacted by development within and near project limits. The NYS DEC is also trying to remove existing grandfathered discharges into the dry diversion channels. The removal of these discharges will be considered during future site plan permits.

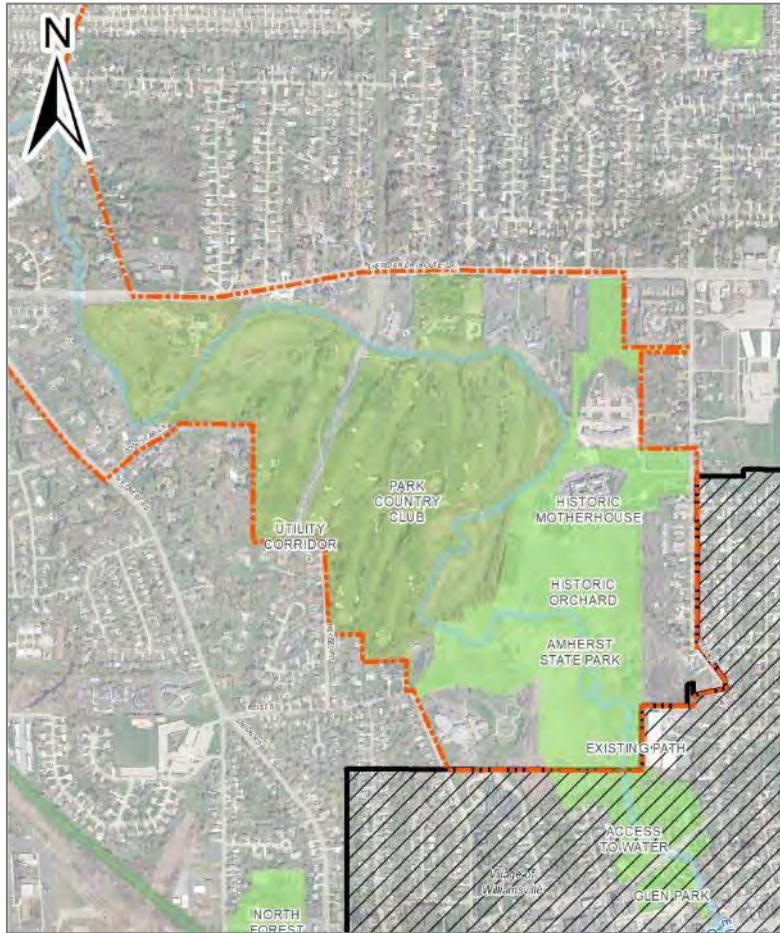
Another item to consider is flood control access. In the early construction phases, the USACE had temporary access roads to move equipment to the channel. Today, there are permanent easements in place, but the width and size of those easements are restrictive. Today's mechanical equipment is larger and needs more space to maneuver and access the creek and diversion channels. There is an opportunity to increase access for municipal and other agency equipment through agreements with private landowners. These types of agreements could be discussed during future site plan applications to widen the access route. The Town should acquire the necessary routes and access points to improve channel maintenance reducing future problems.

### Amherst State Park Area

Amherst State Park is an important asset to the character and quality of life within the Town of Amherst. The Town owns certain parcels, approximately 15.5 acres in total, adjacent to the historic motherhouse

property and near the adjacent cemetery property. The state owns the remainder of the land. This accounts for approximately 71 acres within the Ellicott Creek Subarea as indicated in Figure 2.39.

Figure 2.39 - Amherst State Park within Amherst WRA



Source: Town of Amherst Geospatial Data. Accessed April 2022.

There are other state-owned properties associated with this park that are in the Village of Williamsville, outside of the Amherst WRA. The Park is located along Ellicott Creek in the Town of Amherst and the Village of Williamsville and provides passive recreational opportunities via trails. The WAC considered this entire property a “hidden gem” within the central portion of Amherst. Scenic beauty is inherent with magnificent gardens and wildlife features. The motherhouse is on the National Register of Historic Places. The overall vision for Amherst State Park is to provide an opportunity for the public to appreciate the unique environmental and cultural resources that exist within the park. While the park is a heavily used site, there are underutilized areas within the park. Issues to consider are a lack of connecting points from surrounding

neighborhoods and pedestrian user safety issues due to isolated spaces within the park. Maintenance on these trails is needed to provide clear, uninhibited walking paths. Parking tends to be a problem along Glen Avenue and Reist Street. These are two of the three designated access points into Amherst State Park.

A large volume of ash trees died in recent years creating hazards along informal trails. There is a large amount of the invasive species Japanese knotweed growing along the floodway in both Amherst and the Village of Williamsville. NYS OPRHP has identified the location of a portion of the invasive species.

The Town has an operation and maintenance agreement in place with NYS OPRHP for the approximate 71 acres in the Ellicott Creek Subarea until 2025, with the option to extend another 25 years. The Town has agreed to provide the overall management plan and responsibility to maintain operations with the park. As a result, the park development and management are aimed at protecting these resources while increasing opportunities for their appreciation and enjoyment by the public. Consequently, the State Park focus is on passive, low intensity recreation, educational and conservation uses. The Park’s plan specifically includes an organized system of access and circulation, an interpretive education program,

and limited day use facilities sensitively incorporated into the assemblage of ecological and cultural communities. All these improvements within the master plan are within the Ellicott Subarea of the Amherst WRA or the adjacent Village of Williamsville WRA boundary. A Master Plan and Final Environmental Impact Statement developed in 2003 describes proposed improvements to the park. Opportunities identified for Amherst State Park include:

- ◆ Provide comprehensive recommendations for both the short- and long-term environmental protection and recreational development of the park. In accordance with the agreement between the Town of Amherst and the NYS OPRHP, passive recreational uses should be incorporated in the Master Plan with emphasis being placed on both the preservation of unique natural and cultural resources and the provision of a limited level of development to accommodate recreational use. The overall goal of the Plan is to strike a balance between the development for recreational use and the preservation of scenic, natural, and cultural resources. Various Park design and management alternatives were considered, including no action, "minimum development" and "maximum development" alternatives, as defined by public input. Alternatives for treatment of the north end of the park where there is the greatest potential for conflict with adjacent property owners were also addressed.
- ◆ Improved circulation and access to the park. A hierarchal path system designates primary and secondary trails. The main entrance to the park is off Mill Street while a pedestrian access point is off Reist Street. Developing opportunities for nature and cultural interpretation throughout the park is proposed.
- ◆ The Reist Mill area is located on the west side of the park and offers a point of entrance to the park for residents to the west. The area is defined on the north and east by the floodplain area; on the south by the new Motherhouse property; and on the west by a private residence across Reist Street.
- ◆ Energy efficient and vandal resistant design principles will be utilized in the development of plans for all proposed structures or facilities. Facilities proposed within the Ellicott Creek floodplain should be capable of withstanding occasional flooding/inundation.
- ◆ Upgrade and expand the trail system in the park. Providing access to significant environmental and scenic areas will be a priority of the Master Plan. Improving handicap accessibility throughout the park will also be addressed. Connect the Park to surrounding neighborhoods and focus on the "gateway" between Amherst and the Village of Williamsville.
- ◆ Encourage year-round, four-season use of the park, focusing on opportunities for winter use.
- ◆ Ensure that Park programs and facilities are accessible by all segments of the population.
- ◆ Improve access to Ellicott Creek. The Ellicott Creek Subarea does not have a boat or kayak launch site.
- ◆ Encourage local public input in the development and operation of selected facilities or programs within the park.
- ◆ Preserve and protect significant fish and wildlife habitats and stands of mature trees.
- ◆ Provide a safe, efficient pedestrian and vehicular traffic system, with adequate parking.
- ◆ Protect and enhance wetlands and floodplains.
- ◆ Provide interpretive historical signage depicting the history of the Mill.
- ◆ Ensure enhanced access to the park for police and emergency response personnel.
- ◆ Existing and former roadways within the park offer opportunities for restricted (emergency, handicapped, special event) vehicular access to Ellicott Creek.



- ◆ The existing bridge over Ellicott Creek provides a pedestrian connection between the east and west sections of the park and a scenic overlook on the creek.

The Park has limited land development and active recreation features or facilities. The Town can enhance the existing environment adjacent to Ellicott Creek and improve upon the existing features in the park. Remnant structures associated with the former use of the property (gazebo, fountain, stairways) present opportunities for adaptive reuse and interpretive education. The Town can enhance the existing park amenities and make safety improvements in more isolated locations. The Amherst State Park Master Plan is focused on opportunities to expand public access to the water and interconnect the green space adjacent to the Ellicott Creek waterway. The Town can work with the Village of Williamsville to expand the greenway that follows naturally along Ellicott Creek. Due to environmental constraints, a boardwalk trail along Ellicott Creek will allow users to experience the water features, while reducing the impact on the floodway and floodplains existing on site.

The Town can restore the historic orchard within the floodplain. The removal of invasive species along the creek is a priority to restore the floodway with native varieties. Collaborating with the Village of Williamsville is a viable option to celebrate the environmental and historic elements of this green space.

To date the Town has completed several projects to upgrade the site. These projects include: 1) the Reist-Mill Trail creating a west to east connection across the park, 2) a new parking area to accommodate park users and the individuals associated with the Town owned Veterans Memorial, 3) the historic staircase near the historic orchard has been restored, 4) improvements to the garden spaces and adding park tree plantings and 5) new seating areas available throughout the central portion of the park.

The geographical position of this park intersects with the municipal boundary of the Village of Williamsville.

### Village of Williamsville

The Village of Williamsville is not within the Amherst WRA. However, the Village core's proximity to Glen Park, Island Park, and Ellicott Creek provides unique opportunities to reinforce the connections between the communities, especially commercial activity along Main Street, Ellicott Creek, and the parks.

The Village is a population and business center that includes the Town and Village municipal buildings, numerous existing downtown venues, and waterfront locations associated with Ellicott Creek including the historic Williamsville Water Mill Complex. The complex was listed on the National Register of Historic Places in 1983. The site was originally built solely as a sawmill in 1801. By 1903, the Water Mill Complex had grown to include the Water-Lime works and Williamsville Cement Company. After 1908, the mill produced apple cider and is now home to the Williamsville Farmers Market. Glen Park, a highly used public space, is maintained by the Glen Park Joint Board. There is a significant waterfall feature within the central portion of the site. Wildlife and other smaller ecosystems exist off Glen Avenue. Across Glen Avenue is a natural playground that provides outdoor educational classes. The trails in this area are within the floodway. The Village and Town have used this park and trail for youth nature-type of programs and activities. The Village recently restored a large pavilion adjacent to the main public parking lot. This area off Glen Avenue is a focal point along the Ellicott Creek corridor and has the potential to become an enhanced waterfront activity area.



Williamsville defined its own WRA along Elliott Creek and developed the Williamsville LWRP. As the two communities share the Ellicott Creek waterway, opportunities exist for mutually beneficial projects that can enhance the entire region and Ellicott Creek Subarea.

The Town can expand the existing greenway that exists along Ellicott Creek. The green spaces highlighted in Figure 2.41 identify designated parkland. Island Park is a highly used space behind the Town owned property of Town Hall and the public parking lot. South of Island Park are private properties abutting the creek. Recreation enhancements include trail, signage, parking lot improvements, removal of invasive species, restoration of native species along the foreshore, and safety.

The Town and the Village may enhance their joint management of the shared public parks. Glen Park is a popular destination and in the heart of a commercial corridor of the state-owned Main Street (Route 5). The Town will consider coordinating the development a strategic plan with the necessary parties and stakeholders. The Village of Williamsville LWRP proposes infrastructure improvements projects, including a project to mitigate inflow and infiltration problems in the portion of the public sanitary sewer service within the Village's waterfront area. The Village is also considering coordinating with the Town on a consolidated sanitary sewer district agreement.

### Lehn Springs Neighborhood

The Lehn Springs neighborhood is just outside the Village of Williamsville southern boundary and bounded by Ellicott Creek to the west and south. This area is comprised of a single-family residential community along the west side of Wehrle Drive and Garrison Drive.

Figure 2.40 – Lehn Springs Neighborhood



Source: Town of Amherst Geospatial Data. Accessed April 2022.

There are five privately owned islands at the rear of the Lehn Springs lots. This area is historically an old reservoir. In the north cul-de-sac there is a Town-owned parcel that contains a sanitary sewer lift station. This neighborhood is directly adjacent to Ellicott Creek, and the creek's floodway extends into some of the adjacent lots as indicated in Figure 2.40. Although the floodgates at the Village owned dam are manipulated to control water flow, periodic "inconvenience" flooding does occur on these residential properties.

Adjusting/removing the gates to lower water in the channel or protecting the bank edge with landscaping or berm could mitigate the flooding. The flow of water would flood downstream in Amherst State Park and the former Westwood Country Club area. However, there are drawbacks from opening the floodgates. Sulfur is emitting from the dried-up Ellicott Creek bed during times of low precipitation. The dried-up creek bed allows the bedrock to heat up, pressurizing the sulfur which then escapes through fissures in the rock. This odor is unappealing to the adjacent businesses overlooking the creek and users of Town Hall.

There are hydrological concerns from residents that were identified during the LWRP community outreach process and the NYS DEC Flood Resiliency study for Ellicott Creek. The construction by the Erie County DPW near Wehrle Drive and Garrison Road is believed to have affected the natural water flow in this area, as well as exposing the eastern portion of the narrow tributary's bottom. The natural spring from the road construction was diverted. As a result, there is a dry creek bed along the north most residential properties adjacent to the Village boundary. The other hydrological concerns take place at the residences along the southern portion of the Lehn Spring Neighborhood near the Wehrle Drive bridge. This Lehn Spring area became a focal point of the NYS DEC flood resiliency study. This study at Ellicott Creek relates to both the Town and Village LWRP efforts that took place in 2019 to 2021. An excerpt of the study is seen in Figure 2.41.

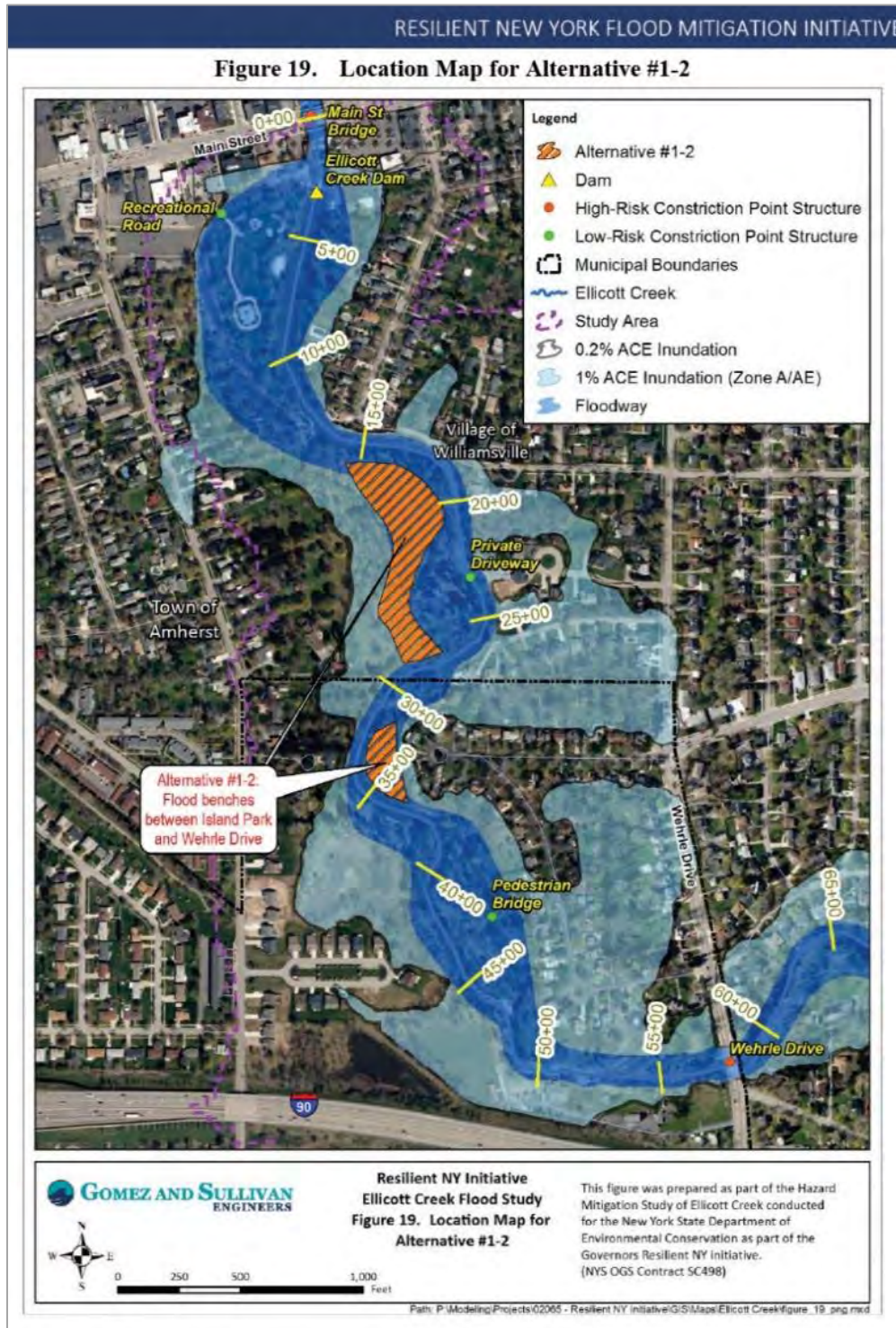
The NYS DEC and the NYS Office of General Services (NYS OGS) contracted with O'Brien & Gere (OBG), part of Ramboll Group, to complete a comprehensive flood and ice jam study and identify feasible, practicable and cost-effective flood resiliency projects in a portion of the Cazenovia, Cayuga, Ellicott, and Eighteen Mile Creeks Watershed (Appendix B). The purpose of the study is to assess risk to the affected communities from flooding resulting from extreme weather events brought by climate change and, where applicable, ice jam related flooding.

The study assists the community to increase their resiliency to future flood and ice jam events by identifying and evaluating specific flood mitigation projects and their location(s) that can be pursued for further design and ultimate construction. The NYS Governor committed funding to undertake advanced modeling techniques and field assessments of 48 flood-prone streams to identify priority projects and actions to reduce community flood and ice jam risks, while improving habitat. The overall goal of the program is to make New York State more resilient to future flooding. Agency workshops were held between July and September of 2019 to discuss Cazenovia, Cayuga, Ellicott, and Eighteen Mile Creeks. The result of the study identified mitigation options for the Town and Village to consider in this study area. The scope of these projects extends into different municipalities and jurisdictions. The mitigation options are discussed in Section IV of the LWRP.

The Town of Amherst can further explore the hydrology of this southern portion of the Ellicott Creek Subarea. The Town and Village need a comprehensive solution for current and future hydrological issues that potentially could extend to the site of the airport located in the adjacent Town of Cheektowaga.



Figure 2.41 – Proposed Flood Mitigation<sup>5</sup>



Source: Resilient NY Initiative, Ellicott Creek Flood Study, 2021

There is also potential for the Town to improve the lift station parcel to allow Creek access and provide an educational opportunity for the public to understand the engineering of the Creek and floodgates.

<sup>5</sup> [https://www.dec.ny.gov/docs/water\\_pdf/ellicottcreekfinal.pdf](https://www.dec.ny.gov/docs/water_pdf/ellicottcreekfinal.pdf)

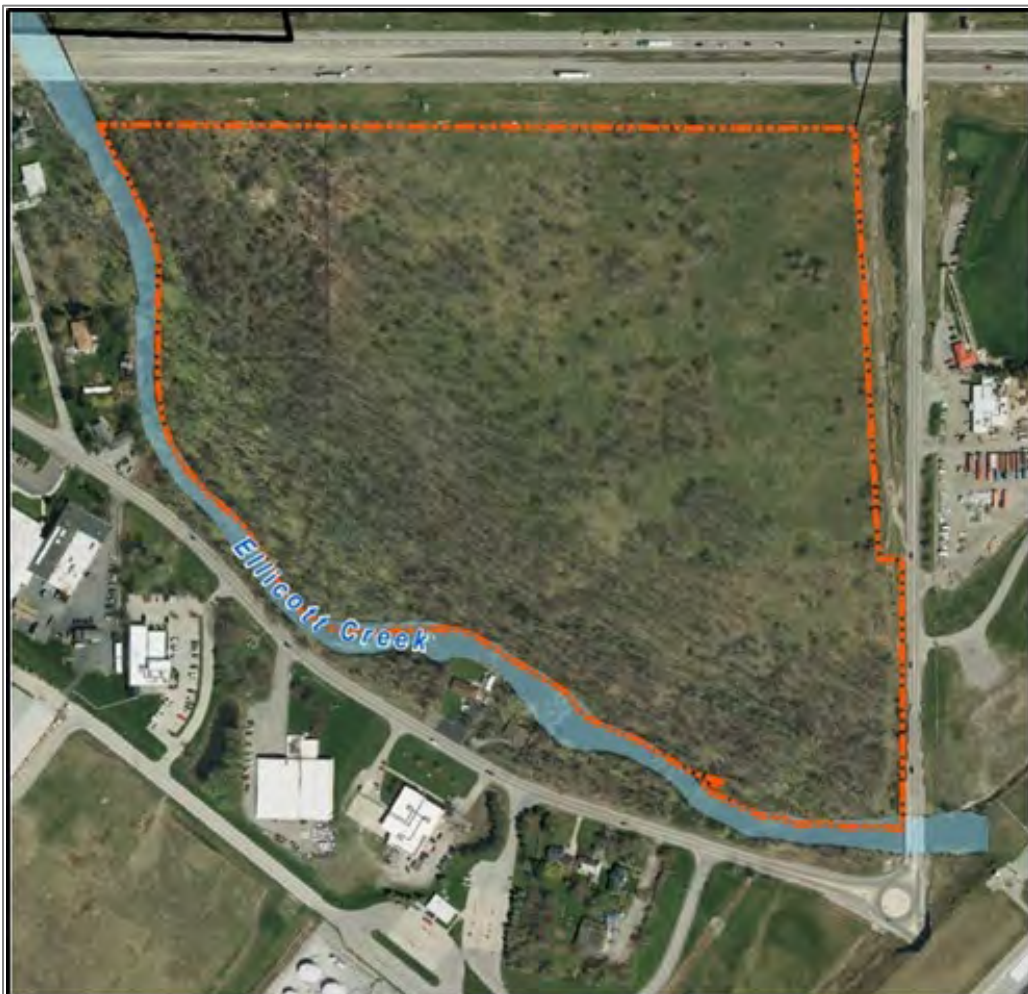
Other infrastructure and recreational issues in this area include a lack of public connection to Ellicott Creek and to the former Lehigh Valley Railroad corridor, a trail that runs through the Village of Williamsville and ends at South Cayuga Road. Opportunities for this area include the Williamsville “Memory Trail” north along South Cayuga Drive up to Wehrle Drive, and a trail along South Cayuga through Town offices to connect to Glen Avenue. The improvements to these linear greenspaces could be potentially connected to the northern recreation land adjacent to Ellicott Creek.

### South of I-90

The southernmost portion of the Ellicott Creek Subarea is the section south of Interstate 90. There is a privately owned property addressed as 669 South Youngs Road as seen in Figure 2.42.

This parcel is the only land within Amherst that lies south of Interstate-90. A portion of this site is in the Ellicott Creek floodway. This property is outside the public sewer district, which has limited its development potential. A site plan for a pump station to serve a future office development was submitted to the Town several years ago but has not been finalized. Ellicott Creek directly abuts this parcel, and some floodway extends onto it. This parcel is one of a few locations zoned General Industrial (GI) within Amherst.

Figure 2.42 - Ellicott Creek Subarea at Interstate 90



Source: Town of Amherst Geospatial Data. Accessed April 2022.



The other properties along the west side of Ellicott Creek are residential, commercial, and industrial in nature. There is no access and limited visibility of the creek from Aero Drive in Amherst, NY. This location is included in the Ellicott Creek Subarea to preserve the existing environmental and hydrological features of the waterway. There is a limited amount of municipal or public involvement in a mostly privately owned area, but the aesthetics of the creek should be considered during future land development proposals.

## 2.6 Water dependent and water enhanced uses

Since Tonawanda Creek and Ellicott Creek are inland waterways, there are no existing ports or small harbor developments within the Amherst WRA. Commercial fishing and aquaculture do not occur within the Town of Amherst WRA. Map II-6 Existing Water Uses reflects the areas where water-dependent uses are concentrated along the Harbor Management Area defined as the channels of Tonawanda and Ellicott Creeks.

### Tonawanda Creek and Erie Canal

The Tonawanda Creek Subarea is used for motorized recreational boating as part of the New York Erie Canal System. The creek is also used by smaller non-motorized boats including kayaks, canoes, and similar small watercraft. The Erie Canal, at Veterans Park, is typically known for the University at Buffalo rowing team's setting. The creek provides opportunity for fishing and enhances the passive experience of trail users on the Empire State Trail system (see Figure 2.43).

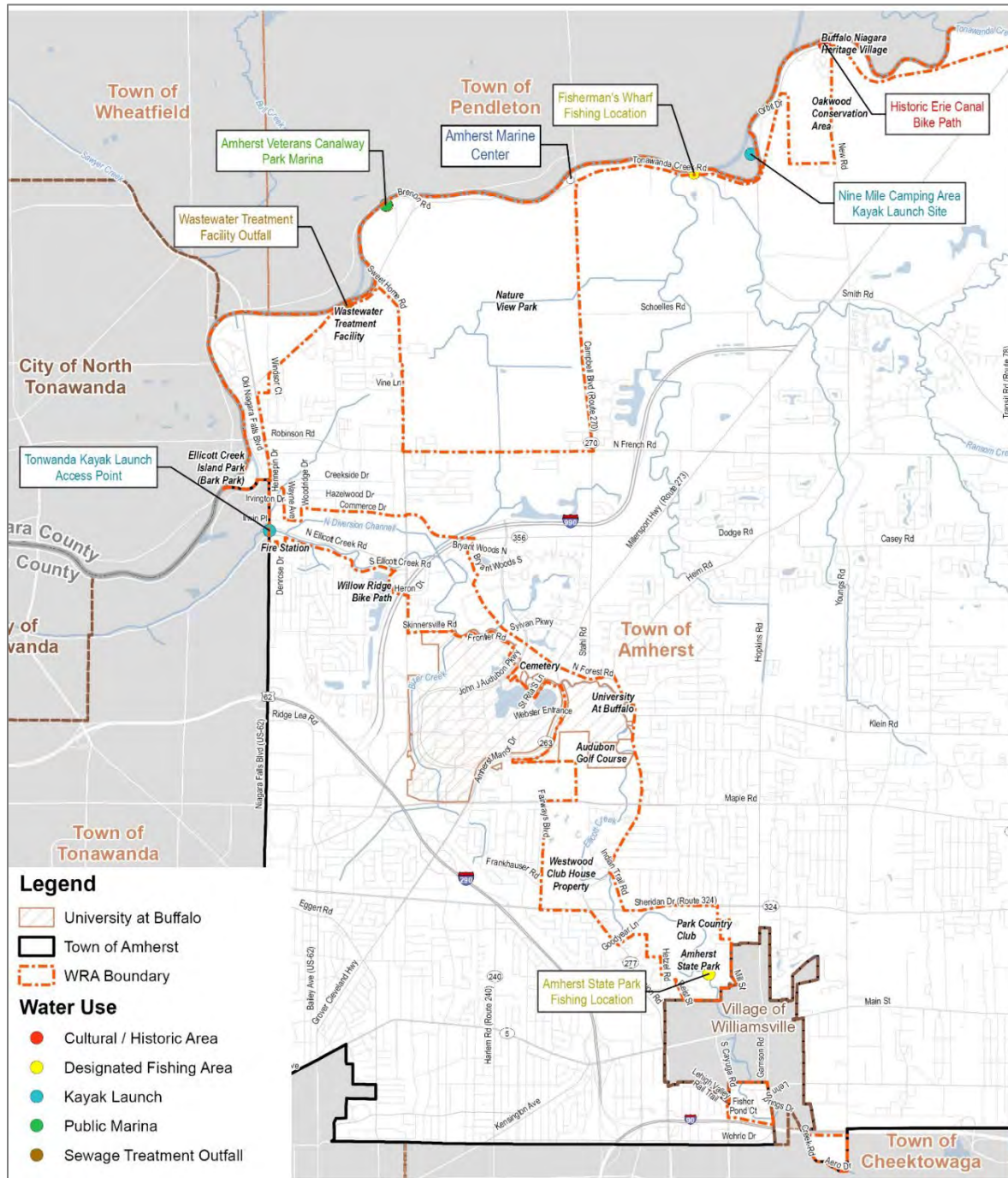
Map II-6 Existing Water Uses identifies the locations of water-dependent uses within the subareas of both waterways. Most facilities are located within the Tonawanda Creek/Erie Canal Subarea due to its navigational opportunities.

Figure 2.43 - Canalway Trail now part of the Empire State Trail



Source: Empire State Trail. Town Staff Photo Taken April 5, 2018.

Map II-6 Existing Water Uses



Recreational boating has become the major use of the Erie Canal since commercial transportation began to subside in the mid-1900s. Recreational boating uses include chartered boats, privately owned boats, transient boats, and non-motorized boats such as canoes and kayaks. Boating on the Canal will continue to grow, as the economy of the waterfront turns further away from transportation of goods towards recreational use and tourism. In fact, the New York State Canal Recreationway Plan lists the expansion of recreational boating as one of its most important goals (New York State Canal Recreationway Commission 1995).

Boat launches within the subarea are located at Veterans Canal Park in Northwest Amherst (public), and at the Amherst Marine Center (private). Boats can be rented, and boat slips are available for daily or seasonal use at the Marine Center. Kayaks can be launched at the Ransom Creek launch (Fisherman's Wharf) and the Amherst Veterans Canal Park boat ramp.

Figure 2.44 – Old bridge abutment west of Bear Ridge Road



Source: Old Bridge Abutment. Town Staff Photo Taken 2002.

In addition to established boating facilities, many private docks dot the shoreline of the Canal, especially on the Town of Pendleton side outside of Amherst WRA. Often these docks use vacant land owned by the NYS Canal Corporation under the terms of a special use permit.

The Erie Canal is a historic, navigable waterway, which is primarily used today by pleasure boaters traveling between various points in the State's Canal System and between the Great Lakes. In modern times, the highest and best use of the Canal is recreation, both on the water and alongside on multi-use trail networks, many of which run parallel to the Erie Canal from Buffalo to Albany.

## Ellicott Creek

Water use along Ellicott Creek includes fishing, canoeing, kayaking, and other non-motorized types of watercrafts. Ellicott Creek also enhances the experience of those using the Ellicott Creek Trailway and various trails within Amherst State Park. There are no swimming areas in the Ellicott Creek subarea.

## Boat Launches

The NYS DEC and NYS Canal Corporation list two public boat launches within the Tonawanda Creek Subarea, at Veterans Canal Park and the Ransom Creek Kayak Launch (Fisherman's Wharf). Two additional public boat launches are located across Tonawanda Creek just outside the subarea at the Tonawanda Botanical Gardens (in North Tonawanda) and the West Canal Park & Marina (in the Town of



Pendleton). The Amherst Veterans Canal Park is a hard surface launch ramp with parking for 20 cars and trailers. The Ransom Creek Kayak Launch is a beach landing with a nearby parking area for 12 cars about 150 feet away from the launch site.

## NYS DEC Fishing Access Sites

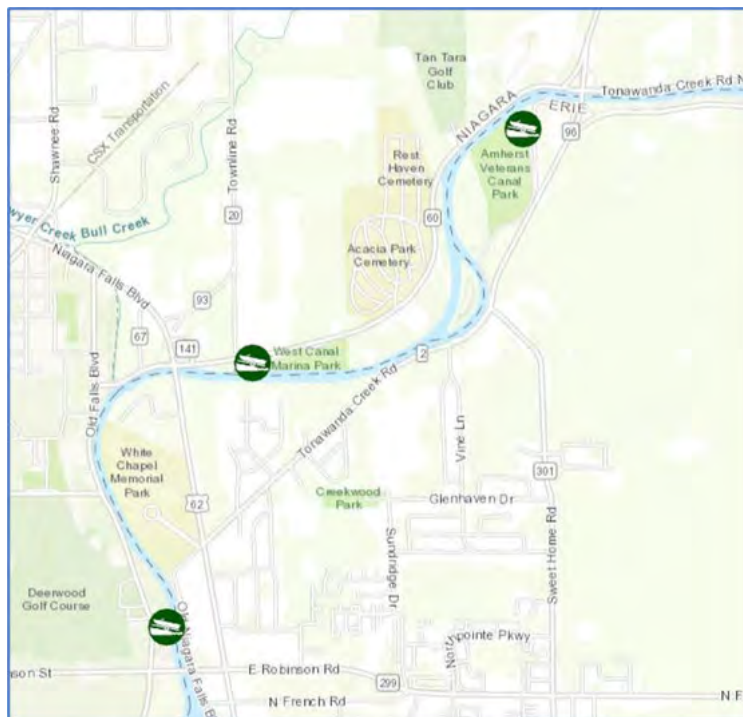
### Amherst Veterans Canal Park

The Amherst Veterans Canal Park has a small fishing dock west of the boat launch. The location is a known fishing spot for northern pike.

### Fisherman's Wharf

Fisherman's Wharf has numerous fishing access points along its waterfront between the North Amherst Fire Station and Ransom Creek. The location is a known location for northern pike, carp, channel catfish, and largemouth bass.

Figure 2.45 - Fishing Locations



Source: <https://gisservices.dec.ny.gov/gis/dil/index.html?cat=wrl>

### Ellicott Creek Park & Amherst State Park

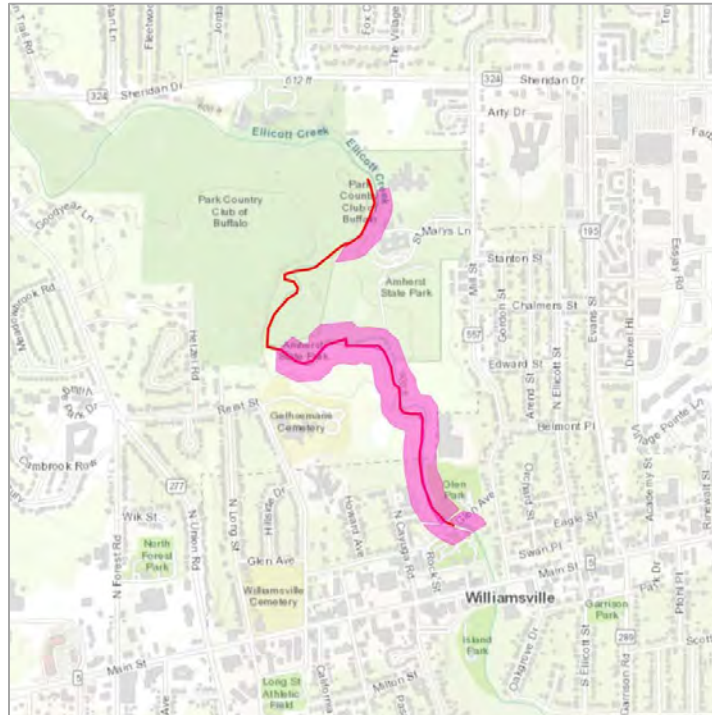
Ellicott Creek Park has numerous fishing access points along Tonawanda Creek near Creekside Drive. The location is a known location for northern pike.

The “Put and Take” Program by the NYS DEC along Ellicott Creek is shown in Fishing Location graphic in the magenta-colored area. The “Put and Take” program sites are near Glen Park in Williamsville, NY and within Amherst State Park in Amherst, NY seen in Figure 2.46. A “Put and Take” fishery is where a fish species is introduced into a body of water for the purpose of sport fish harvest where existing conditions preclude a naturally reproducing population.



The fishing locations in Amherst, NY are listed in Table II-10. The community can continue building upon recreational fishing opportunities by creating more access points for fishing within the Amherst WRA and ensuring water quality and aquatic habitats are maintained to protect this highly popular activity.

Figure 2.46 - NYS DEC Fishing Access Sites at Ellicott Creek/ "Put & Take" Program



Source: <https://www.dec.ny.gov/>

## Harbor Management Area

The inland waterways provide marine transportation routes and recreation opportunities within the Town. The Harbor Management Area (HMA) covered by this LWRP encompasses the stream portions of Tonawanda Creek and Ellicott Creek within the town's municipal boundaries and Amherst WRA. Due to its size, the HMA is represented on the maps of this LWRP by blue lines indicating the location of the two creeks crossing the Amherst WRA.

Marine vessels that can clear 15' - 6" may travel at no more than 5 mph when navigating on the NYS Barge Canal, including along the section that demarcates the northern boundary of the Amherst WRA. Other users along Tonawanda Creek and its Canal section include canoes, kayaks, and smaller watercraft mainly for recreation purposes.

Ellicott Creek has traditionally been considered a backyard creek. The majority of watercraft on Ellicott Creek are small enough to be loaded and unloaded by the users from their car or truck. Motorized vessels are not typical on Ellicott Creek as the water level is constrained seasonally. However, if necessary and possible, emergency services will use the water as needed.

The Town does not have an active industrial or commercial harbor area, and the size of those vessels that use the HMA are limited by the regulations of the NYS Canal Corporation or by the natural features of the creeks. There are no bulk carriers, general cargo vessels, container vessels or large commercial fishing boats. Due to the size of the creeks, the water dependent uses along the creeks are concentrated

mostly along the Canal segment of Tonawanda Creek. This is where the navigation of vessels and construction of docks and marinas is regulated by the NYS Canal Corporation.

Due to the physical characteristics of the creeks and the regulations of the NYS Canal Corporation, there is no congestion, conflict, or competition between the existing and foreseeable water-dependent uses within the HMA. Therefore, the Town finds it unnecessary to draft and adopt additional local controls within the HMA of the Amherst WRA.

### Erie Canal and the Canal Corporation

The NYS Canal Corporation operates and maintains the New York State Canal System. A subsidiary of the New York Power Authority, the NYS Canal Corporation oversees tourism promotion; renewable power generation; public, agricultural, and industrial water supplies; commercial shipping; and recreational activities along the canals. It also oversees management of the Erie Canalway Trail, a 365-mile multi-use trail from Buffalo to Albany that attracts more than 1.5 million pedestrians, bicyclists, and cross-country skiers annually. The NYS Canal Corporation also works collaboratively with community partners to improve waterway access and services, sponsor major events, and honor the historic legacy of the Erie Canal and connecting waterways. The Canal portion consists of the channel and adjacent State-owned banks.

Section 100 of the Canal Law authorizes the NYS Canal Corporation to "issue revocable permits granting certain limited privileges therein, whenever the same can be done without detriment to Canal navigation or damage to the banks or other structures thereof." Accordingly, the NYS Canal Corporation developed standards for the construction of private and public docks on the Canal System and guidelines intended to help organizations and communities plan and design facilities for hand-launch watercraft<sup>6</sup>, including canoes, kayaks, and stand-up paddleboards. Most amenities designed for commercial vessels and powerboats do not work well for these types of watercrafts, which sit lower on the water and are often transported by car top and launched by hand.

### Hazards to Navigation

Tonawanda Creek is part of the active Erie Canal System (identified as the NYS Barge Canal) and is maintained for navigation by the NYS Canal Corporation. Along the Erie Canal, the NYS Canal Authority has jurisdiction to remove and clear debris produced by storms or from other causes.

There are no known underwater utilities (e.g., buried lines crossing streams) that exist in the HMA of the Amherst WRA. The construction of docks and marinas along the Canal section of Tonawanda Creek must follow the design guidelines and be permitted by the NYS Canal Corporation. The Canal portion of the Tonawanda Creek within the Amherst WRA is part of the Erie Canal System.

Motorized and non-motorized large and small watercraft utilize the waterway primarily for recreational purposes, although some commercial shipments especially for agricultural uses in the area also occur. The navigation channel is well maintained, but boaters need to be aware of some structures like docks or fallen trees due to storm damage or bank erosion.

The portion of Ellicott Creek within the HMA of the Amherst WRA is navigable by non-motorized craft only including kayaks and canoes. Areas of the creek are shallow and occasional debris such as fallen trees or limbs may occur within the waterway creating localized hazards. These hazards may occur from storm events including localized flooding or damage from erosion along the streambanks. On Ellicott

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<sup>6</sup> NYS Canalway Hand Launch Facility Design Guide | Erie Canalway National Heritage Corridor

Creek, there are different entities that will remove debris. The Village is responsible for its portion of Ellicott Creek. Occasionally, Erie County may assist with providing certain equipment needed for different situations along Ellicott Creek. The Town of Amherst Highway Department will secure the necessary permits from the NYS DEC and USACE to conduct maintenance work along the Ellicott Creek Flood Control Project. The Town of Amherst will remove vegetation along Ellicott Creek as needed.

## 2.7 Land Ownership and Jurisdictions

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### Tonawanda Creek Subarea

Most land within the Tonawanda Creek Subarea is privately owned. Major public landowners include the State of New York, the Town of Amherst, and to a lesser degree, Erie County. Larger tracts of land owned by the Town of Amherst includes the Amherst Wastewater Treatment Plant, Nature View Park, part of Amherst Veterans Canal Park, the Buffalo Niagara Heritage Village, Oakwood Golf Course, and land along the Canal directly across Tonawanda Creek Road from the Oakwood Golf Course as shown on Map II-7 Land and Water Public Ownership.

The Town also acquired approximately 19 acres of land along the Erie Canal from the NYS Canal Corporation located between Campbell Boulevard and Ransom Creek. In addition, the Town of Amherst has purchased the development rights to four parcels of agricultural land within Erie County Agricultural District 17 (see Map II-3 Agricultural Districts). These four parcels within the Amherst WRA are under a permanent conservation easement to the Town of Amherst. Under this agreement, Amherst purchased the development rights, while the owner retains the agricultural rights to the land. Within the Tonawanda Creek Subarea, the Town holds easements and agreements in place with certain entities. County-owned land is limited within the Amherst WRA. Erie County owns the island portion of Ellicott Creek Park, which is off Old Niagara Falls Boulevard.

The State of New York is also a significant landowner within the Tonawanda Creek Subarea of the Amherst WRA. Much of the State-owned land is located along the Erie Canal and is managed by the NYS Canal Corporation. The Town and New York State own properties fronting along Tonawanda Creek and the Erie Canal.

The Town holds a permit agreement with the state at one of these waterfront properties and a permanent easement along the Empire State Trail formerly known as the Erie Canal Trailway. The Town historically leased from the North Amherst Fire station property at Campbell Boulevard (Route 270) and Tonawanda Creek Road. The Western New York Lands Conservancy and the Town have a conservation easement in place at the largest tract of land in the Tonawanda Creek Subarea at Nature View Park. The remainder of property fronting Tonawanda Creek are private properties within or near the NYS Canal Corporation blue line. These properties need a permit with the NYS Canal Corporation for a dock. NYS Canal Corporation owns and manages the canal bottom and shoreline along the length of the Erie Canal. Town Emergency services respond to calls on Tonawanda Creek and the Erie Canal. They will respond to calls at Nine Mile Island as the only land access is from the Town of Amherst.

During the development of the inventory of local conditions within the Amherst WRA, the Town and stakeholders focused on the issues with the municipal owned land identified in Table II-3.

**Table II-3 – Tonawanda Creek Subarea Land Ownership**

NAME	SBL#	ADDRESS	FACILITIES	OWNER	ACREAGE
<b>Buffalo Niagara Heritage Village</b>	4.00-1-1./A	1976 New Road	Museum	Town of Amherst	35.00
<b>Oakwood Golf Course</b>	4.00-1-1	3755 Tonawanda Creek Road	Golf Course	Town of Amherst	60.00
<b>Oakwood Conservation Area</b>	4.00-1-1	3755 Tonawanda Creek Road	Open Space	Town of Amherst	140.00
<b>Orbit Drive Open Space</b>	4.00-1-23	200 Orbit Drive	Open Space	NYS TRANS	4.10
<b>Orbit Drive Open Space</b>	4.00-1-23.11	200 Orbit Drive	Open Space	NYS TRANS	10.00
<b>Fisherman's Wharf</b>	15.00-2-4	2655 Tonawanda Creek Road	Passive Park	NYS	0.82
<b>Canalway Trail Park</b>	15.00-2-2.1	2400 Tonawanda Creek Road	Multi-Use Trail	Town of Amherst	9.36
	15.00-2-3	2500 Tonawanda Creek Road	Multi-Use Trail	Town of Amherst	2.70
<b>North Amherst Fire Company Baseball Diamond</b>	15.00-2-1	2200 Tonawanda Creek Road	1 Softball Field (lease)	North Amherst Fire Co.	10.0
	15.00-2-1		1 Basketball Ct	North Amherst Fire Co.	
<b>Amherst Veterans Canal Park</b>	14.00-1-1	146 Brenon Rd	Boat Launch, docks, restrooms, shelter	Permit: NYS (25.7 ac)	34.70
	14.00-1-3	900 Tonawanda Creek Road		Canal Corp (9 ac)	
	14.00-1-2	1040 Tonawanda Creek Road	Open Space	Town of Amherst	40.70
<b>Nature View Park</b>	14.00-2-14.1	1555 Tonawanda Creek Road	Passive Park	Town of Amherst	487.05
	14.00-2-7.3	879 Tonawanda Creek Road (no frontage)	Passive Park	Town of Amherst	3.32
	27.00-1-1.1	3399 Sweet Home Road	Passive Park	Town of Amherst	37.10



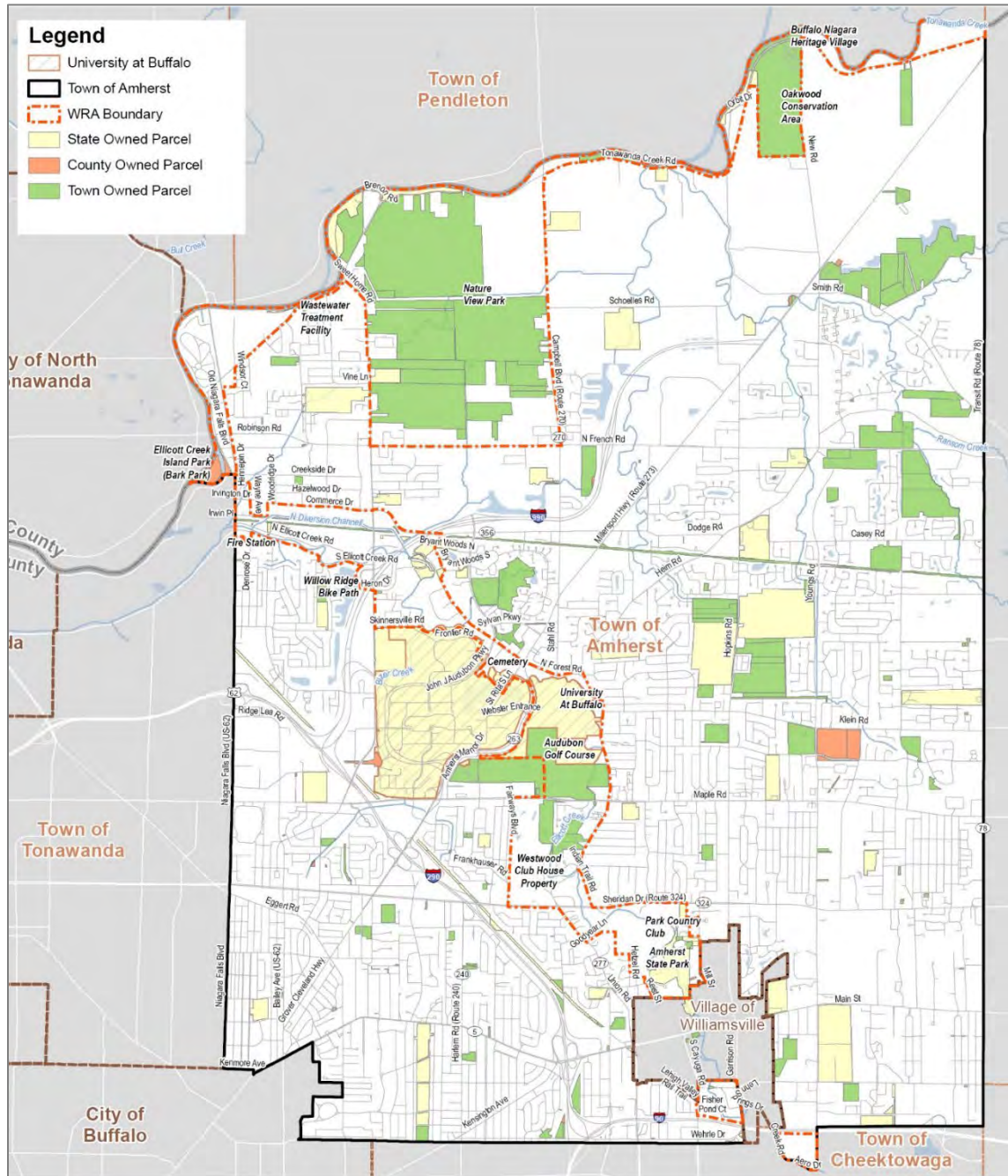
NAME	SBL#	ADDRESS	FACILITIES	OWNER	ACREAGE
<b>Conservation easements managed by Western New York Land Conservancy</b>	27.00-1-17	910 Campbell Boulevard	Passive Park	Town of Amherst	11.12
	27.00-1-23	1130 North French Road	Passive Park	Town of Amherst	34.90
	27.00-1-24	2985 Sweet Home Road	Passive Park	Town of Amherst	186.20
	27.00-1-25.2	3045 Sweet Home Road (no frontage)	Passive Park	Town of Amherst	43.16
	27.00-1-27	3105 Sweet Home Road	Passive Park	Town of Amherst	17.20
	27.00-1-30.11	3275 Sweet Home Road	Passive Park	Town of Amherst	162.30
	27.00-1-33	1300 Campbell Boulevard	Passive Park	Town of Amherst	294.10
	27.13-1-20	1090 North French Road	Passive Park	Town of Amherst	4.10
	27.14-1-14.1	1246 North French Road	Passive Park	Town of Amherst	4.10
	27.00-1-14.11	926 Campbell Boulevard	Open Space	Town of Amherst	11.40
27.00-1-35	946 Campbell Boulevard	Open Space	Town of Amherst	34.20	
<b>Old Niagara Falls Boulevard</b>	26.03-1-19.1	200 Old Niagara Falls Boulevard	Open Space	NYS	0.76
<b>Old Niagara Falls Boulevard</b>	26.03-1-35	346 Old Niagara Falls Boulevard	Open Space	NYS	0.37
<b>Empire State Trail, formerly Amherst Canalway Trail</b>		Tonawanda Creek Road corridor (6.9 miles)	Multi-Use Trail	Town of Amherst, NYS, permanent easements	12.16 (Town) & 56.7 (NYS)

Source: Town of Amherst Real Property records (Assessor Office)

### Canal Corporation

The NYS Canal Corporation, which is managed by the NYS Thruway Authority, owns the canal bottom and shoreline along the length of the Erie Canal and manages its properties. In some locations, the land owned by the NYS Canal Corporation is limited to the canal bank, while in others it extends inland for a considerable distance. The Town of Amherst and private landowners do not always know the limits of NYS Canal Corporation property, causing uncertainty as to responsibilities for management of the shoreline area, as well as the rights to its use, which leads to inadequate maintenance of those areas.

Map II-7 Land and Water Public Ownership



### Ellicott Creek Subarea

The majority of the Ellicott Creek Subarea is privately owned, with many of these private parcels abutting the creek. Within the Ellicott Creek Subarea, the Town owns property east of John James Audubon Parkway in the Getzville area south of Dodge Road and at the Audubon Golf Course and Par 3 course west of Ellicott Creek both north and south of Maple Road. The Town also owns small parcels west of Mill Street adjacent to Amherst State Park and land at the southern tip of the State Park adjacent to the Village of Williamsville. Within the Ellicott Creek Subarea, the Town holds concurrent use

agreements and operation and maintenance agreements with certain entities. The commercial corridors are private businesses along Niagara Falls Boulevard, Sweet Home Road, North Forest Road and Maple Road. There are numerous privately and publicly owned parcels and properties adjacent to and bisecting Ellicott Creek in the Ellicott Creek Subarea. Most of this linear corridor is encompassed by the flood control project. The Town holds a concurrent-use agreement along the Ellicott Creek bike path with the University at Buffalo (NYS-owned). The Town also has in place an operation and maintenance agreement with NYS at Amherst State Park. The remainder of properties fronting Ellicott Creek are private properties. These properties need a permit with the NYS DEC for a dock. During the inventory process, the Town and stakeholders focused on the issues with the municipally owned land and private properties identified in Table II-4.

**Table II-4 – Ellicott Creek Subarea Land Ownership**

NAME	SBL#	ADDRESS	FACILITIES	OWNER	ACRES
<b>Ellicott Creek Park</b>	26.03-1-17	Old Niagara Falls Boulevard	Park/Parking/Trail	Erie County	17.20
<b>Ellicott Creek Trailway/Town</b>	40.10-1-28	2629 Niagara Falls Boulevard	Multi-Use Trail	Town of Amherst	1.49
<b>Ellicott Creek Trailway - includes 3 tennis courts, restrooms, shelter, and parking area at trailhead on North Forest Road</b>	7.20 miles	Ellicott Creek flood control project / University at Buffalo	Multi-Use Trail	NYS DEC permanent easement or owned by NYS DEC; part of trail on University at Buffalo property by concurrent use agreement.	69.7
<b>Audubon Golf Course (parcel includes Ellicott Creek Trail trailhead facilities)</b>	55.04-1-6	500 Maple Road	Golf Course & Trailhead	Town of Amherst	212.10
<b>Audubon Par 3 Golf Course</b>	55.04-1-6.1/A	475 Maple Road	Golf Course	Town of Amherst	28.00
<b>Former Westwood Country Club</b>	68.01-1-1.2	772 North Forest Road	former golf course & country club	Town of Amherst	172.00
<b>Amherst Highway Department</b>	68.07-1-3	1042 North Forest Road	Highway Dept. & Baseball	Town of Amherst	2.00
<b>Amherst Youth Foundation Center</b>	69.09-5-1	5005 Sheridan Drive	Youth Facility	Town of Amherst	2.64
<b>Amherst State Park</b>	68.04-1-15.121	390 Mill Street (NYS)	Passive Recreation, Parking, Trail	State Operation & Maintenance Agreement	70.29
<b>Amherst State Park</b>	68.20-3-1.4	250 Glen Avenue (NYS)	Passive Recreation, Parking, Trail	State Operation & Maintenance Agreement	6.85

NAME	SBL#	ADDRESS	FACILITIES	OWNER	ACRES
<b>Amherst State Park</b>	69.13-6-1.1	390 Mill Street (Town of Amherst)	Passive Recreation, Parking, Trail	Town of Amherst	1.94
<b>Amherst State Park</b>	69.13-6-1.2	390 Mill Street (Town of Amherst)	Passive Recreation, Parking, Trail	Town of Amherst	0.84
<b>Amherst State Park</b>	69.13-4-18	254 Mill Street (Town of Amherst)	Passive Recreation, Parking, Trail	Town of Amherst	0.41
<b>Amherst State Park</b>	68.04-1-15.22	157 Reist St. (Town of Amherst)	Passive Recreation, Parking, Trail	Town of Amherst	8.90
<b>Amherst State Park</b>	68.20-3-1.12	155 Reist St. (Town of Amherst)	Passive Recreation, Parking, Trail	Town of Amherst	3.47
<b>Park Country Club</b>	68.04-1-9	4949 Sheridan Drive	Golf Course	Private	149.73
<b>Lehn Spring Neighborhood</b>			Residential Neighborhood	Private	

Source: Town of Amherst Real Property records (Assessor Office)

## Jurisdictions

Several local, state, and federal agencies have jurisdictional approval over certain development and activity in the Ellicott Creek subarea. The following Table II-5 lists the respective agencies and their jurisdictional authority. The USACE has jurisdiction over the flood control project and clearing and snagging project under Section 408. Through the Civil Works program, the USACE serves the public by providing the nation with quality and responsive management of the Nation’s water resources. As a result, USACE, in partnership with stakeholders, has constructed many civil works projects across the nation’s landscape. Given the widespread locations of these projects, many embedded within communities, over time, there may be a need for others outside of USACE to alter or occupy these projects and their associated lands. Reasons for alterations could include improvements to the projects; relocation of part of the project; or installing utilities or other non-project features.

To ensure that these projects continue to provide their intended benefits to the public, Congress mandated that any use or alteration of a Civil Works project by another party be subject to the approval of USACE. This requirement was established in Section 14 of the Rivers and Harbors Act of 1899, which has since been amended several times and is codified at 33 USC 408 (Section 408). Section 408 provides that USACE may grant permission for another party to alter a Civil Works project upon a determination that the alteration proposed will not be injurious to the public interest and will not impair the usefulness of the Civil Works<sup>7</sup> project.

<sup>7</sup> <https://www.usace.army.mil/Missions/Civil-Works/Section408/>



Table II-5 – Jurisdictions within the Town of Amherst WRA

Agency	Required Approvals	Subarea
<b>Local</b>		
<b>Town of Amherst</b>	Town Board, Planning Board, Zoning Board of Appeals, Building Commissioner, Historic Preservation Committee	Ellicott Creek & Tonawanda Creek
<b>New York State</b>		
<b>NYS DEC</b>	Wetlands, Docks/Structures at Foreshore	Ellicott Creek & Tonawanda Creek
<b>NYS OHRP</b>	Archaeology, CRIS Submissions	Ellicott Creek & Tonawanda Creek
<b>NYS Canal Corporation</b>	Docks/Structures at Foreshore	Canal segment of Tonawanda Creek
<b>Federal</b>		
<b>USACE</b>	Flood Control Project, Federal Wetlands, Navigable Waters	Ellicott Creek & Tonawanda Creek

*Source: Town of Amherst*

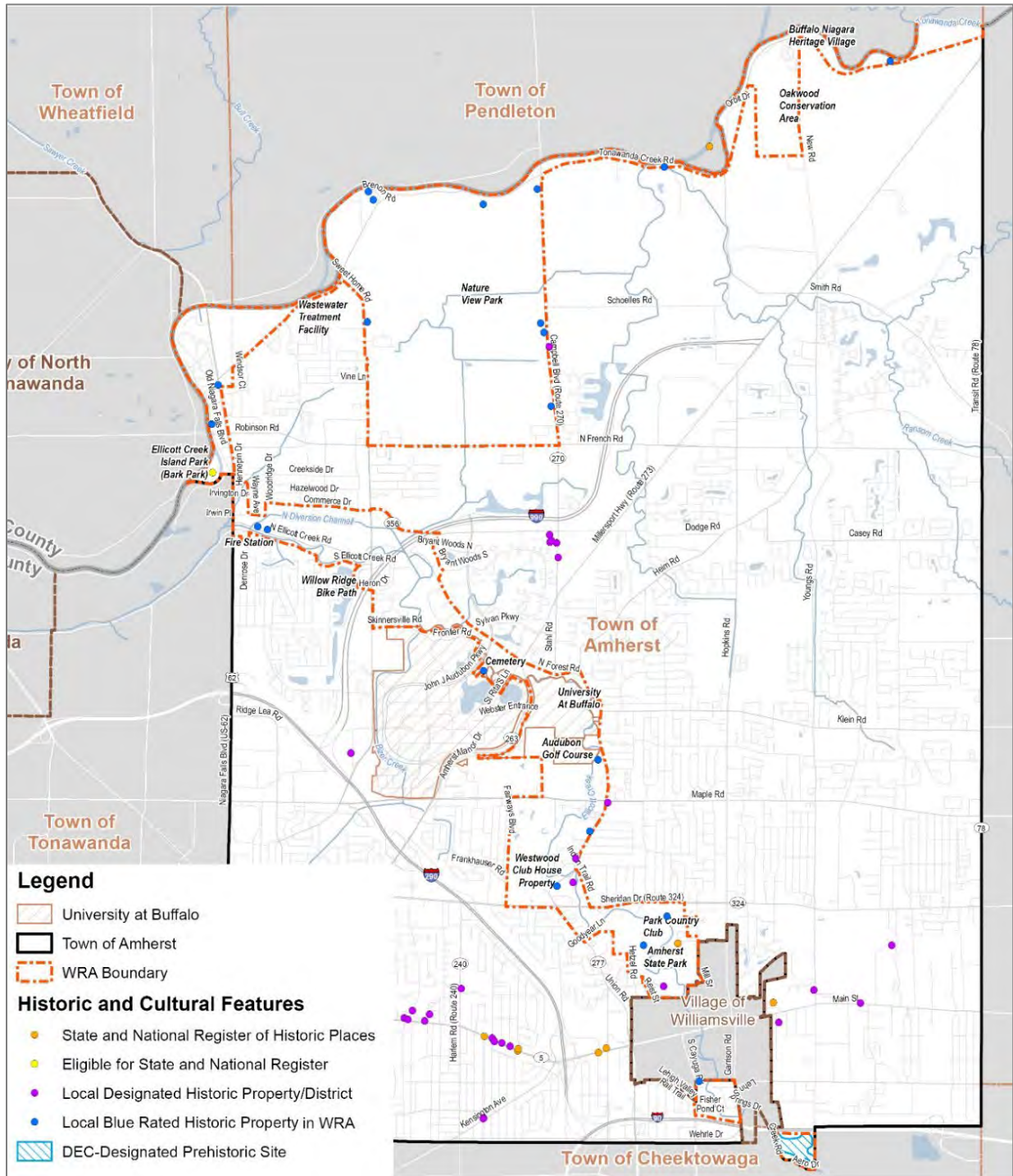
The Town has a UB Bike Path NYS DEC permanent easement with the University at Buffalo. This is a concurrent use agreement with the University at Buffalo as part of the NYS DEC flood control project. The Town has access to most of the real estate maps from the 1980’s project. The University at Buffalo maintains their property along this bike path and respond to calls. The Town police monitor and patrol the Ellicott Creek Trailway along Town and University at Buffalo property. The Town also has in place an operation and maintenance agreement with NYS OPRHP at Amherst State Park. There are privately owned parcels within Ellicott Creek. Surveys will show that individual owners may bisect or intersect with Ellicott Creek’s centerline. These private properties need a permit with the NYS DEC for a dock.

## 2.8 Cultural and Historic Resources

The Amherst WRA, including that portion that includes the Erie Canal, contains a rich heritage with several sites of historic and archeological significance to the State, the Western New York Region as well as the Town of Amherst. In 2000, the National Park Service, through an act of Congress, established the Erie Canalway National Heritage Corridor encompassing the entire 524 miles of the NYS Barge Canal system.

In 2014, the entire NYS Canal System (formerly known as the NYS Barge Canal system) was listed on the National Register of Historic Places. In 2016, the State Canal System was also designated as a National Historic Landmark. In 2017, the Canal System celebrated its Bicentennial, almost simultaneously with the Town of Amherst Bicentennial in 2018. Map II-8 Historic and Cultural Features identifies historic resources within the Town including National, State and locally designated properties and districts.

Map II-8 Historic and Cultural Features



The history of Amherst is strongly linked to the Erie Canal. As a result, there are numerous historic sites within the Waterfront Revitalization Area that have significant ties to the Canal’s history. Amherst has completed two surveys of its historical resources within Town limits, the Reconnaissance Level Survey of Historic Resources (1997, updated 2011) and the Intense Level Survey of Historic Resources (1998, updated 2018).

Designated historic properties within the Town are listed in Table II-6 and Table II-7, and of the properties listed, those with an asterisk “\*” are listed on both the State and National Registers of Historic Places.

**Table II-6 – Designated State and National Register Historic Properties**

Property and Address	Date of Designation
NYS Barge Canal *	10/22/2014
St. Mary of the Angels Motherhouse * 400 Mill Street	5/15/00

*Source: National Register of Historic Places <https://www.nps.gov/subjects/nationalregister/index.htm>.*

**Table II-7 – Designated Local Historic Properties**

Property and Address	Date of Designation
Haussauer House 1000 North Forest Road	8/16/99
St. Mary of the Angels Motherhouse * 400 Mill Street	5/15/00
Stimm House 895 North Forest Road	12/11/17
Gethsemane Cemetery Stone Chapel 203 Reist Street	4/1/19

*Source: National Register of Historic Places <https://www.nps.gov/subjects/nationalregister/index.htm>. Town of Amherst Updated Reconnaissance Level Survey of Historic Resources.*

Table II-8 identifies additional sites that have been considered as potentially eligible for inclusion on the National Register of Historic Places based on some preliminary investigation previously undertaken as well as other sites for which eligibility could but has not yet been determined.

The blue rated properties or blue color code have been identified in the Appendices 1 and 2 of the Updated Reconnaissance Level Survey of Historic Resources, dated August 2011 and prepared by KTA Preservation Specialists/Archaeological Survey. These structures require a demolition permit for alterations/removal and the application shall be referred to the Historic Preservation Commission (HPC) of the Town of Amherst. The HPC shall have a maximum of sixty (60) days to review the demolition permit application, conduct a public hearing if deemed necessary and render a decision concerning the issuance of the demolition permit.

**Table II-8 – Local Blue Rated Properties**

Property Location	Local Blue Rated	Eligibility for the National Register					
		State Inventory Forms	Other Sites	Eligible	Potentially Eligible	Unknown	Not Eligible
Jacob Kramer Farmhouse/Pickard Settlement (181 & 215 Brenon Road)	√	√			√		
House/barn complex (850 Campbell Boulevard)	√						
Barn (1220 Campbell Boulevard)	√						

Property Location	Local Blue Rated	Eligibility for the National Register					
		State Inventory Forms	Other Sites	Eligible	Potentially Eligible	Unknown	Not Eligible
Barn (1180 Campbell Boulevard)	√						
Structure (1830 Campbell Boulevard)	√						
Farmstead (4230 Tonawanda Creek Road)	√					√	
Agricultural Complex (Spoth Farm) (1851 Tonawanda Creek Road)	√		√			√	
Residence (4230 Tonawanda Creek Road)	√						
Spoth Farm & Greenhouses (2715 Tonawanda Creek Road)	√						
White Chapel Memorial Park Cemetery (3210 Niagara Falls Boulevard)	√		√			√	
Residence (223 Old Niagara Falls Boulevard)	√					√	
Residence (110 North Ellicott Creek Road)	√					√	
School No. 16 (154 North Ellicott Creek Road)	√					√	
Residence (829 North Forest Road)	√					√	
Residence (1134 North Forest Road)	√					√	
Residence (1500 North Forest Road)	√					√	
Park Country Club (4949 Sheridan Drive)	√					√	
Barn / Stable (4959 Sheridan Drive)	√					√	
Residence (3301 Sweet Home Road)	√						
Skinner'sville Cemetery (290 Frontier Road)	√					√	
Residence (220 South Cayuga Road)	√						

*Source: Town of Amherst Historic Preservation Commission & Town of Amherst. 2011. Updated Reconnaissance Level Survey of Historic Resources. (Prepared by kta Preservation Specialists/Archaeological Survey) Amherst, NY*

## The Buffalo Niagara Heritage Village

The Buffalo Niagara Heritage Museum (formerly the Amherst Museum), located at the intersection of Tonawanda Creek Road and New Road, has numerous historic buildings that have been relocated from various sites within the Town to recreate a nineteenth-century settlement. Buildings within the complex are listed in Table II-9. The buildings in this outdoor museum cannot be evaluated for potential State and National Register eligibility as individual resources, since they have been moved and relocated. The



buildings have lost their original historic settings, locations, context, and any associated outbuildings, agricultural fields, etc. They are in an entirely new setting in the Buffalo Niagara Heritage Village. However, the town would consider requesting NYSHPO to conduct a review of the eligibility of the entire museum for State and National Register eligibility as an outdoor museum.

**Table II-9 - Historic Structures Located at the Buffalo Niagara Heritage Village in Amherst**

Building	Date	Description
Lavocat House	c.1840	Formerly located on New Road between Millersport Highway and Tonawanda Creek.
Williamsville School #9	c.1880	Originally located at New and Smith Roads. Example of late 19th-century vernacular schoolhouse architecture.
Elliott House	c.1851	Originally located at the corner of Garrison Road and Park Drive in Williamsville.
Barbershop	c.1908	Originally located on Transit Road in Swormville.
Sweethome Common School #15	c.1847	A small one-room schoolhouse originally located on Sweet Home Road, near Tonawanda Creek Road.
Hoover House	c.1880	Originally located at the intersection of Dodge and Glen Oaks Roads. Example of Victorian vernacular Italianate architecture.
Schmitt Log House	c.1838	Originally in the “French Settlement” area near Ellicott Creek Road and Niagara Falls Boulevard.
Rubeck General Store	c.1840	Originally located near Dann and Smith Roads. Example of a typical small structure built by the earliest residents of Western New York.
Bigelow House	c.1860	Originally located near New and Smith Roads in East Amherst.
Trinity Evangelical Lutheran Church	c.1854	Originally located on Transit Road near Muegel Road. Features original stained-glass windows and pews.

Source: Buffalo Niagara Heritage Village <http://bnhv.org/explore/>

## Archeological Resources

Pre-contact archeological sites have been recorded in elevated areas like the Onondaga Escarpment, and in well-drained areas such as Ellicott Creek, Tonawanda Creek, and Ransom Creek. Archeological resources are present within the Amherst WRA because of the historic nature of the Erie Canal and its importance in the settlement and development of New York State. In addition, Native Americans used much of the area along Tonawanda Creek and Ransom Creek as fishing and hunting camps. Areas within the Amherst WRA are known to be archeologically sensitive. A Phase 1 Archeological Survey was conducted in 2017 for the Amherst State Park Pedestrian Safety Trail Project. One newly recorded Pre-Contact Native American archaeological site, the Ellicott Creek Site, was identified during the survey. The Ellicott Creek Site is near the Village Glen Tennis Club along Ellicott Creek and is bordered to the south by Glen Ave.

Proposed projects within the Amherst WRA will undergo a Phase 1 Archeological Survey to obtain necessary permits for new development projects. Consultation with the NYS OPRHP will be needed to confirm the need for archeological studies in project areas. Especially sensitive areas include:

- ◆ Niagara Falls Boulevard west to Tonawanda Creek
- ◆ The area around Brenon Road in Amherst
- ◆ Between Brenon Road and Campbell Boulevard in Amherst
- ◆ The area from Nine-Mile Island to the confluence of the Canal and Tonawanda Creek
- ◆ Amherst State Park

## Shipwrecks and Underwater Structures


No underwater sites or structures are known to exist in either waterway within the Amherst WRA.

## 2.9 Scenic Resources

There are no Scenic Areas of Statewide Significance within the Amherst WRA. However, Amherst conducted a local scenic view exercise, which resulted in the identification of several views that are representative of important visual characteristics along both waterways within the Amherst WRA. Scenic views of the waterways combined with various forms of natural, cultural, rural, and agricultural landscapes contribute to the character and charm of the Tonawanda Creek and Ellicott Creek waterfronts. Map II-7 Scenic Resources identifies locally important scenic views.

In October 2019, the Town completed a scenic view exercise within the Amherst WRA boundary. The Town created and conducted this exercise with the Town’s consultant and Waterfront Advisory Committee. The WAC members participated in five site visits in 2018. Because of these site visits, opportunities and issues were identified, as well as significant or important lands adjacent to the waterways. In October 2019, the Waterfront Advisory Committee was handed a packet of information based on these 2018 site visits.

Figure 2.47 - Scenic Exercise Scoring Form, Excerpt

<p><b>Scenic View Scoring Form</b> Town of Amherst LWRP Town of Amherst, Erie County, New York EDR Project No: 19188</p>	<p><b>Waterfront Advisory Committee Member Information:</b> Your Name: Date:</p>
	<p><b>Photo Information:</b> Scenic Area Photo Number: 14 Photo Name: Tonawanda Creek Road</p> <p><b>Scenic Quality Score:</b> Click or tap here to enter text.</p> <p><b>Should this be considered a locally significant scenic area? (Yes/No)</b> Click or tap here to enter text.</p>
<p><i>Please describe why this area should be considered a locally significant scenic area, if applicable:</i> Click or tap here to enter text.</p>	<p><b>Scenic Quality Score Chart</b></p> <ul style="list-style-type: none"> <li>- Insignificant Scenic Quality; Common Occurrence</li> <li>- Minimal Scenic Quality</li> <li>- Moderate Scenic Quality</li> <li>- Appreciable Scenic Quality</li> <li>- Strong Scenic Quality; Highly Unique Areas</li> </ul>

Source: Town of Amherst Waterfront Advisory Committee exercise example rating sheet. September 2019

The packet contained images depicting the aesthetic character of the waterways from the committee's selected locations. These images depicted scenic views to and from the waterways, as well as, the overall character of the Erie Canal or Ellicott Creek corridor (see Figure 2.47). There were 45 images selected based on the initial committee site visits. The consultant and the Town prepared a packet with specific guidelines and criteria to score and rank the images (Appendix C). The aesthetic characteristics, described below, include landscape composition, focal point, historic or cultural significance and weather or seasonal scenes.

*Landscape Composition:* The arrangement of objects and gaps in the landscape can be categorized by their spatial arrangement. Basic landscape components include vegetation, landform, land use, water, sky, and social activity (e.g., walkers, cyclists, boaters, cars, etc.). High scoring photos would have a blend of unique landscape components, while low scoring photos would have no blend of landscape components or quite common features that occur throughout the region.

*Focal Point:* Certain natural or manufactured landscape features stand out as focal points and are particularly noticeable because of their physical characteristics. Examples include prominent trees, mountains, and water features. Cultural features, such as a distinctive barn or steeple can also be focal points. High scoring photos would have a strong focal point, while low scoring photos would have no focal point.

*Historic/Cultural Significance:* Areas can have both visible and non-visible cues that tie to a place's historic or cultural significance. Sites listed on the National or State Register of Historic Places or other culturally relevant areas should be noted, if known. High scoring photos would have a strong presence of historically or culturally significant components, while low scoring photos would have no historically or culturally significant components.

*Weather/Seasonal Scenes:* Please note any conditions that, if different, could influence the perceived scenic quality of the existing features of the landscape (atmospheric condition, seasonal changes, etc.). High scoring photos would have a strong scenic quality in all four seasons, while low scoring photos would have no scenic quality in any season.

The members then scored the scenic quality of each image from 1 to 5. (1 = Insignificant Scenic Quality; Common Occurrence, 2 = Minimal Scenic Quality; Common Occurrence, 3 = Moderate Scenic Quality, 4 = Appreciable Scenic Quality, 5 = Strong Scenic Quality; Unique Area). An undeveloped area containing a variety of characteristics might be at the high end of this scale, while a landscape that appears monotonous or is already impacted by infrastructure or built facilities might be at the low end. The members identified whether this image should be a prioritized scenic scene with a "Yes" or "No" answer. The members sent their scored sheets back. Certain members added more descriptive comments to their analysis in addition to the numeric rating. As a result, the scenes with the highest score from #1-5 and the most "Yes" votes were ranked as the most significant images.

These locations became identified as top priorities as scenic local views and aesthetic character areas along the waterway within the Amherst WRA. The top six views are identified on Map II-9 Scenic Resources.

The following is a list of some scenic resources and scenic areas within the Amherst WRA that are considered locally important and the photos are shown in Figure 2.48.

- ◆ "Erie Canal at Tonawanda Creek Road & Empire State Trail"
- ◆ "Fisherman's Wharf at Convergence of Tonawanda and Ransom Creeks"



- ◆ “Erie Canal at Old Niagara Falls Boulevard”
- ◆ “Ellicott Creek at Amherst State Park”
- ◆ “Ellicott Creek at University at Buffalo Bike Path”
- ◆ “Ellicott Creek at Indian Trail Road and North Forest Road”

Figure 2.48 – Scenic Views within the Amherst WRA



*Erie Canal at Tonawanda Creek Rd. & Empire State*



*Fisherman's Wharf at Convergence of  
Tonawanda and Ransom Creeks*



*Erie Canal at Old Niagara Falls Boulevard*

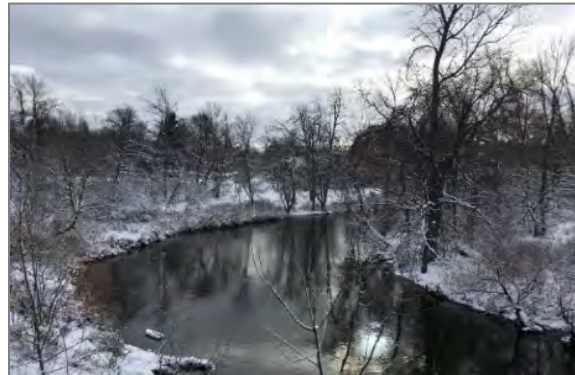


*Ellicott Creek at Amherst State Park*



*Ellicott Creek at University at Buffalo Bike Path*

*Source: Town of Amherst Staff*



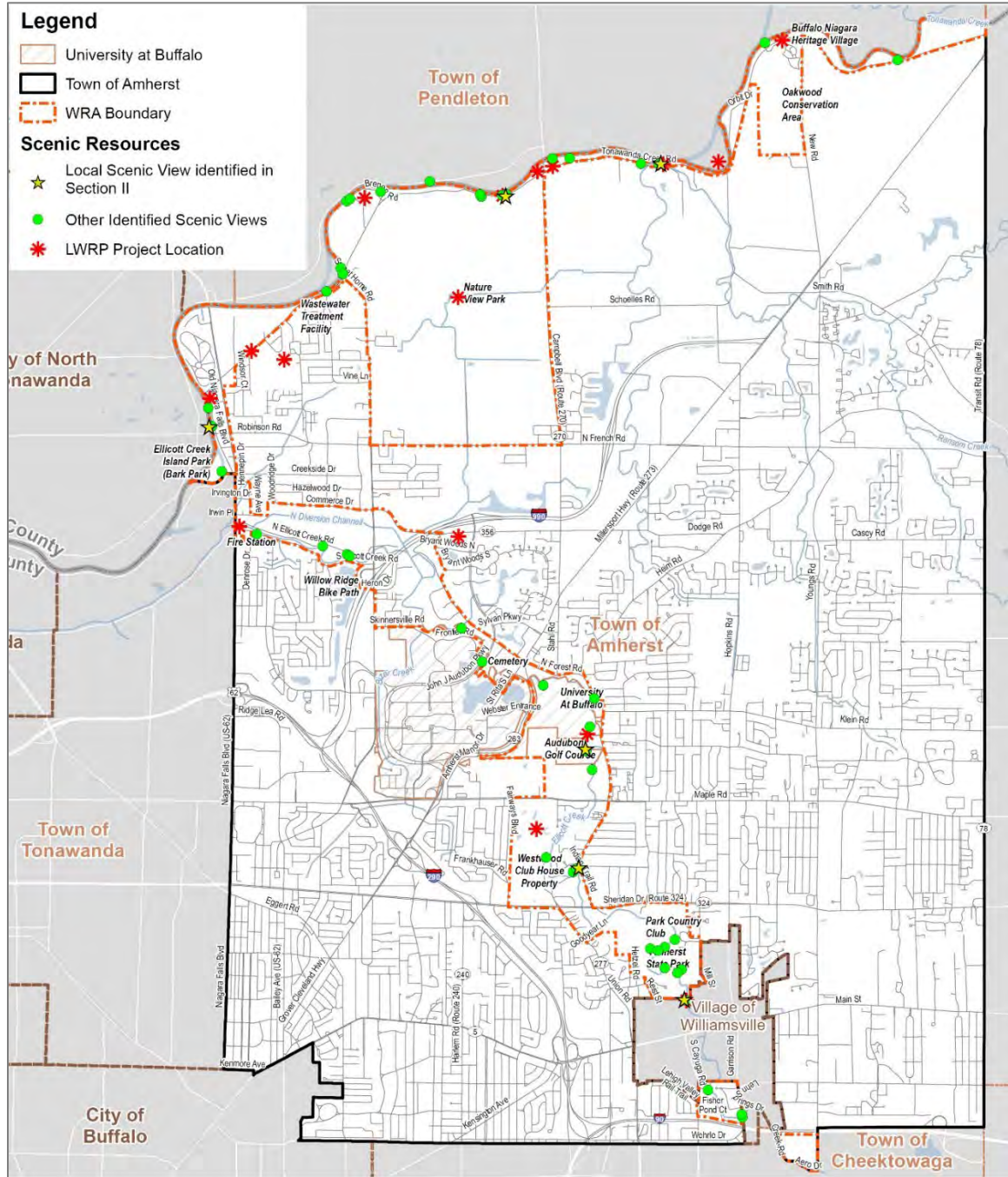
*Ellicott Creek at Indian Trail Rd. and North Forest Rd.*

The goal of this scenic view selection exercise was to determine top priority areas of local scenic importance. Unfortunately, there is limited or constrained public access to these areas along the



waterways. To access these scenic locations infrastructure improvements will be needed, such as multi-use trails, public parking, and pedestrian connections. The results of the scenic view selection exercise support the importance of protecting and enhancing stretches of each waterway corridor rather than just focusing on individual viewpoints. In some locations aesthetics may be enhanced through a variety of initiatives including tree preservation, tree plantings, vegetation management such as control of invasive species, shoreline clean-up and stabilization, debris removal, and opening views along roadways, trails, and pathways to and from the waterfront.

Map II-9 Scenic Resources



## 2.10 Recreational Resources

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The Town of Amherst has an abundance of public parks, recreation, and trail facilities managed by the Youth and Recreation Department and the Highway Department, Parks Division. Map II-10 Parks and Recreation Sites and Facilities shows the parks, trails, and open spaces within the Town of Amherst.

The Town of Amherst has 64 park and recreation facilities operated and managed within the Town municipal system. These 64 sites are part of an approximate 1,400 acres of Town-managed parks and recreation sites and 19 miles of bike paths and trails. There are also 6.5 miles of on-road bike lanes, four miles of paved walking paths, and over 11 miles of unimproved nature trails. An additional 2,195 acres of conservation land and natural, open space areas in Amherst are also available for public outdoor recreation opportunities and access to nature. There is also more than 730 acres of private golf courses. Like many upstate New York communities, Amherst strives to keep up with the demand for sports fields and facilities within its park system. It has a long-standing relationship with community youth and adult athletic organizations, and the University at Buffalo. The park facilities are coordinated with the Amherst, Sweet Home, and Williamsville Central School Districts.

Within the Amherst WRA, there is approximately 2,000 acres of combined park and open space, 14 miles of multi-use trails, 2 miles of on road bike lanes and ten miles of unimproved walking paths and 150 acres of private golf courses. Overall, the park system is highly regarded within the community and region, offering a wide variety of quality recreational opportunities.

The parks and trails in the Amherst WRA are discussed in this section. Several sites described herein are proposed for LWRP projects, which are further discussed in Section IV.

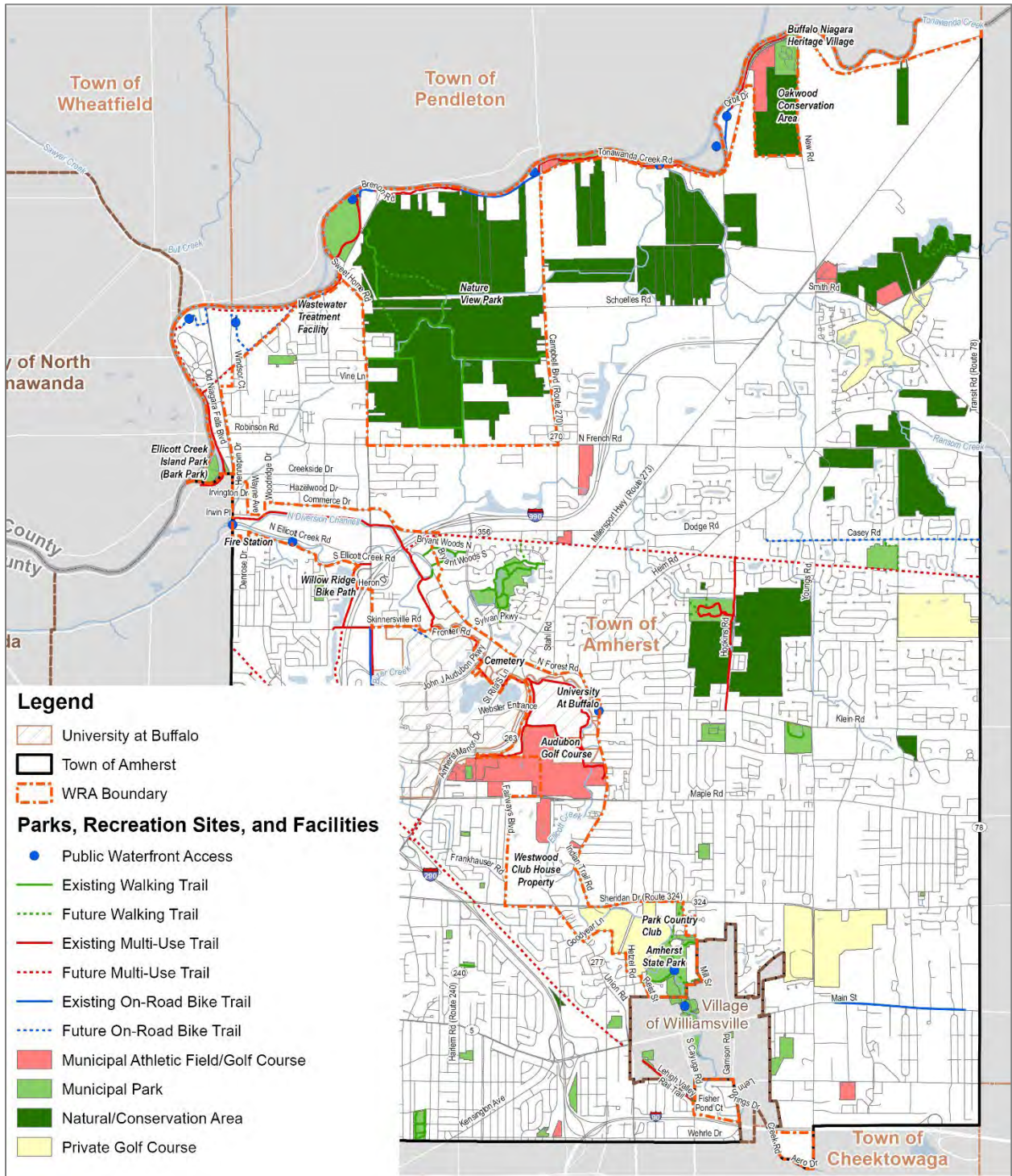
The Town of Amherst 2018 Recreation and Parks Master Plan contains an analysis of outdoor recreation activities to estimate the percentage of adults within Amherst that participated in outdoor activities. The analysis found that 12.1 percent of all adults within Amherst participated in fishing, ranking the activity below hiking (12.4 percent) and above road biking (11.8 percent). Given the popularity of fishing in the area, Erie County partnered with Niagara and Chautauqua Counties in 2017 to release an interactive fishing map that directs interested residents to hotspot locations for certain fish species like northern pike, steelhead trout, bass, etc. as well as locations for bait and tackle shops, boat charters, and more. The map can be found at (<https://www.dec.ny.gov/outdoor/32658.html>).

The fishing locations in Amherst, NY are listed in Table II-10. The community can continue building upon recreational fishing opportunities by creating more access points for fishing within the Amherst WRA and ensuring water quality and aquatic habitats are maintained to protect this highly popular activity.

The Tonawanda Creek and Ellicott Creek Subareas have a considerable amount of recreation and open space adjacent to the waterways. The current sociodemographic profile of Amherst residents suggests that existing outdoor passive and active recreational opportunities in the Amherst WRA are being used and that future recreational opportunities will be welcomed. The surveys within the last four years from the Town, County and State recreation plans suggest that users of different generations want to be able to walk and be connected to their community and to regional bike trails and local walking paths. Residents and committee members want the Town Park system within the Amherst WRA to be interconnected and expanded.



Map II-10 Parks and Recreation Sites and Facilities



The Town currently has two regional trails adjacent to the waterways; however, the Amherst WRA is lacking public access to the waterways. These regional trends suggest that the future development within the Amherst WRA should create, improve, and enhance the existing trail system and continue to provide public access from their neighborhood to other community spaces adjacent to the waterways.

Residents want to not only see the water, but for the water to be incorporated into a larger recreation system.

**Table II-10 – Public Boat Launches and Fishing Sites**

Property Location	Water Use					
	Boat Launch	Kayak Launch	Fishing	Public Parking	Cleaning Station	Restrooms
<b>Amherst Veterans Canal Park (146 Brennon Road)</b>	✓	✓	✓	✓	✓	✓
<b>Fisherman’s Wharf (2655 Tonawanda Creek Road)</b>		✓	✓	✓		
<b>Ellicott Creek Park (County) (10 Creekside Drive)</b>			✓	✓		
<b>Amherst State Park (390 Mill Street)</b>		✓	✓	✓		

Source: <https://gisservices.dec.ny.gov/gis/dil/index.html?cat=wrl>

Public services and facilities included in the Ellicott Creek Subarea include the Ellicott Creek Trailway, Amherst Parks Department, Amherst Highway Department, Amherst Engineering Department, and Amherst Refuse Control Office.

Facilities include water and sewer, vessel waste facilities, transportation, navigation channels/basins, bulkheads, docks and docking facilities. Public services and facilities included in the Tonawanda Creek Subarea include the Empire State Trail, the Buffalo Niagara Heritage Village, Amherst Veterans Canal Park, and the Town of Amherst Wastewater Treatment Facility.

### Empire State Trail

The NYS Canal Corporation maintains the Empire State Trail, a 750-mile system of multi-use trails along New York’s canals. It is broken into four parts, one of which is the Erie Canal Heritage Trail, a 70-mile segment running from Lockport to Fairport that is designated a National Recreation Trail (Figure 2.49). Much of the trail is continuous. However, sections of the trail west of Lockport and within the Tonawanda Creek Subarea are fragmented. In the subarea, the trail runs along the southern edge of the Canal in Amherst and follows Tonawanda Creek Road for approximately one-half mile west of Campbell Boulevard to connect fragmented portions.

In 2017, New York State began reinvesting in the Empire State Trail system by bridging gaps and improving trail use and navigation along the trail. The newly branded Empire State Trail enters Amherst along with the Canal via a dedicated trail

Figure 2.49 - Empire State Trail



Source: Staff Photo Taken June 19, 2019.



bridge next to the vehicular bridge on New Road. From here, it follows the Canal on the south side of Tonawanda Creek.

For most of the five miles of Empire State Trail in Amherst, the trail is located on a narrow strip of greenspace between Tonawanda Creek Road and Tonawanda Creek. A few on-road interruptions include a 0.25-mile section on Orbit Drive, 0.75 miles on Tonawanda Creek Road west of Campbell Boulevard, a very brief connection on Brenon Road, and a 1.3-mile segment on Tonawanda Creek Road between Vine Lane and Niagara Falls Boulevard. This trail is significant in that it is a transportation and recreation resource used by residents as well as visitors. The Empire State Trail is estimated to have an annual trail traffic volume of approximately 1.6 million visits per year (Parks & Trails New York, 2014). There are opportunities to enhance the public's experience along Tonawanda Creek by highlighting the historical and cultural importance of the Canal in contributing to the development of New York State and the Town of Amherst.

The trail system is used for hiking, biking, cross-country skiing, and horseback riding in some sections. There are several access and parking areas within the subarea including Amherst Veterans Canal Park, Nature View Park, the North Amherst Fire Company, and Buffalo Niagara Heritage Village. Developed segments of the trail include a section through Veterans Canal Park, a section across the street from Nature View Park, a section from the North Amherst Fire Company to the beginning of Orbit Drive, and a section from the eastern end of Orbit Drive to New Road.

### Buffalo Niagara Heritage Village

The Buffalo Niagara Heritage Village (BNHV), within the Tonawanda Creek Subarea, formerly the Amherst Museum, is located at the intersection of New Road and Tonawanda Creek Road near the northeast corner of the subarea.

Figure 2.50 - Buffalo Niagara Heritage Museum and Golf Course at the Erie Canal



Source: Town of Amherst Staff Aerial Drone Photo Taken July 21, 2018

The Village is a 35-acre museum that includes 12 historic buildings (from the mid to late 1800's) moved from their original sites, including homes, one-room schoolhouses, a barbershop, and a church; a main exhibit building; a collections storage facility; the Niederlander Research Library; and a Country Store. There are over 40,000 artifacts and archive with 10 major exhibits. The facility hosts over 4,000 children a year. There are also picnic areas and restrooms on the museum grounds. The BNHV also serves as a community center and hosts several functions and events throughout the year. The Empire State Trail and Tonawanda Creek are within proximity to the facility as indicated in photo in Figure 2.50. The BNHV is committed to making regional history a vital part of the community in the Western New York Region and to educating its residents and visitors.

### Oakwood Golf Course

The Oakwood Golf Course, within the Tonawanda Creek Subarea, is a 59-acre nine-hole municipal golf course located at 3575 Tonawanda Creek Road in Amherst. The golf course is part of a larger 234.4-acre parcel that includes the BNHV. The golf course has a clubhouse with a snack bar and restrooms and is handicapped accessible. Parking is adequate to meet average daily demand. However, on peak days demand for parking exceeds capacity and cars overflow onto grass areas along the road. Significant USFWS wetlands and NYS DEC state wetlands are located on the southern half of the property.

### Oakwood Conservation Area

The Oakwood Conservation Area, within the Tonawanda Creek Subarea, is located near the intersection at New Road and Tonawanda Creek. It contains the BNHV, the Oakwood Golf Course, and undeveloped wetlands. The parcel is 140 acres with approximately 106 acres of wetlands.

### North Amherst Fire Company

The North Amherst Fire Company, within the Tonawanda Creek Subarea, is at 2200 Tonawanda Creek Road on the Erie Canal (see Figure 2.51). This property is 10 acres in size. Parking is available for the public wanting to use the Empire State Trail. In addition, the public and members of the volunteer fire department play softball and baseball on site at the Duane Radke Athletic Field. The facility can host small events and is near Campbell Boulevard (Route 270).

### Nine-Mile Island

Nine-Mile Island is a Town of Pendleton property, which houses a Youth Camp and the Happy Land Day Camp. The property can only be accessed via Orbit Drive off Tonawanda Creek Road, which is in the

Figure 2.51 - Existing parking at North Amherst Fire



Source: Town of Amherst 2017 Aerial Imagery.

Amherst WRA. The property has 17 tent camping sites, a picnic pavilion, a foot trail, and a playground all of which is outside the Amherst WRA.

### Amherst Marine Center

The Amherst Marine Center, within the Tonawanda Creek Subarea, stores up to approximately 109 boats each year and has one of the largest lifts in western New York (see Figure 2.52). Its location halfway between the Niagara River and Lockport make it a popular stop for boaters. This is a privately owned full-service marina located at 1900 Campbell Boulevard. Boats can be rented for a day or extended periods of time for travel along the Erie Canal. Boat slips are available for the season or for day use. The marine center has handicapped access and restrooms.

Figure 2.52 - Amherst Marine Center



Source: Town of Amherst Staff Aerial Drone Photo

### Fisherman's Wharf

Fisherman's Wharf, within the Tonawanda Creek Subarea, is a small State-owned property located at 2655 Tonawanda Creek Road in Amherst at the confluence of Ransom Creek and Tonawanda Creek.

Figure 2.53 - Fisherman's Wharf



Source: Town of Amherst 2017 Aerial Imagery



The site offers an informal setting and includes a roadside pull-off area for vehicles (see Figure 2.53). It has grills and picnic areas along the Canal and has a favorable ecosystem for recreational fishing; active wildlife and birds also hunt for fish in this area. The Empire State Trail runs along the edge of the waterfront of this park. The pedestrian and bicycle bridge over Ransom Creek was recently constructed in 2020 to accommodate the Empire State Trail users.

### Amherst Veterans Canal Park

Amherst Veterans Canal Park, within the Tonawanda Creek Subarea, is a 65-acre park owned jointly by the Town of Amherst and the State of New York. It is located at 1040 Tonawanda Creek Road along the Erie Canal (see Figure 2.54). Park facilities are handicapped accessible. Activities include biking, hiking, roller blading, cross-country skiing, snow shoeing, fishing, and boating. In addition, the NYS Canal Corporation permits the University at Buffalo Crew Team to use the park as its training base. The University at Buffalo maintains a small Quonset hut that is used for equipment storage on the park property.

Figure 2.54 - Amherst Veterans Canal Park



Source: Town of Amherst Staff Aerial Drone Photo Taken July 21, 2018

Park facilities include:

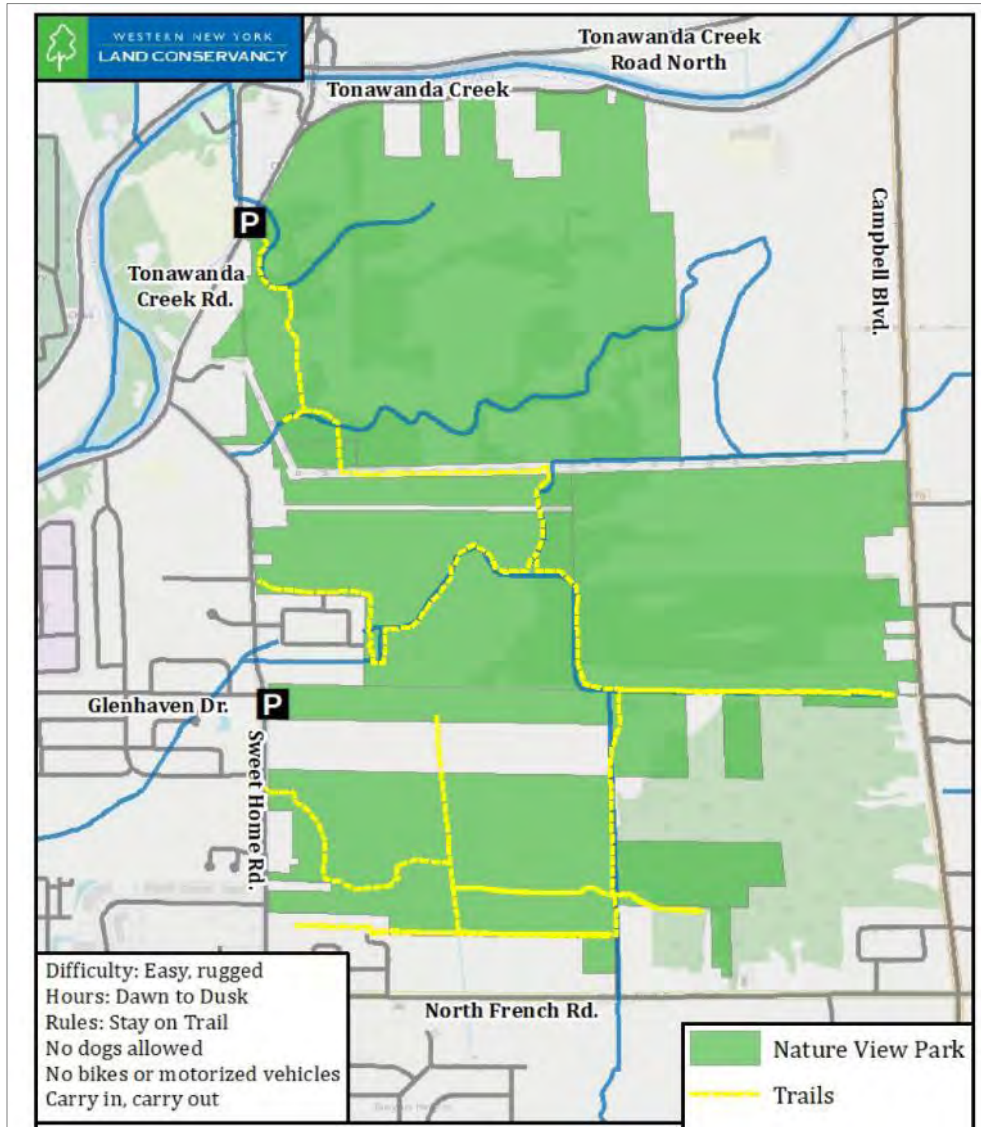
- ◆ the Empire State Trail
- ◆ parking facilities
- ◆ a public boat launch
- ◆ a restroom/park building
- ◆ picnic shelter, picnic tables and grills
- ◆ a Canal overlook with benches
- ◆ floating wooden and rubber docks for fishing and kayaking
- ◆ a shelter for the University at Buffalo's Crew Team equipment.



## Nature View Park

Nature View Park, within the Tonawanda Creek Subarea, is a 1,330-acre undeveloped park owned by the Town of Amherst (see Figure 2.55). The Park has a conservation easement (1,254 acre) which is managed by the Western New York Land Conservancy.

Figure 2.55 – Nature View Park Map



Source: <https://www.wnylc.org/>

This is a nature preserve, with extensive wetland areas, an informal network of hiking trails and a trailhead near Tonawanda Creek Road at Brenon Road. Park activities are limited to hiking, snow shoeing, and cross-country skiing. Within the subarea, facilities include the trailhead from Tonawanda Creek Road, with an unpaved parking area with capacity for approximately 20 vehicles. A second parking area is located on Sweet Home Road across from Glenhaven Drive, outside the subarea; that lot was added in 2017 and has parking for 14 vehicles.

## Manor Lanes Bowling Alley

The Manor Lanes Bowling Alley, within the Tonawanda Creek Subarea, is located at 100 Tonawanda Creek Road. This long-standing facility is located at the entrance to the newly constructed Evergreen single-family subdivision, on land that was formerly the Evergreen Golf Course.

## White Chapel Memorial Park and Cemetery

White Chapel Memorial Park and Cemetery, within the Tonawanda Creek Subarea, is located at 3210 Niagara Falls Boulevard near the intersection of Niagara Falls Boulevard and Tonawanda Creek Road. It is a 108-acre burial ground with walking paths for visitors (see Figure 2.56).

Figure 2.56: White Chapel Memorial Cemetery



Source: Town of Amherst Staff Aerial Drone Photo Taken July 21, 2018

## West Canal Park

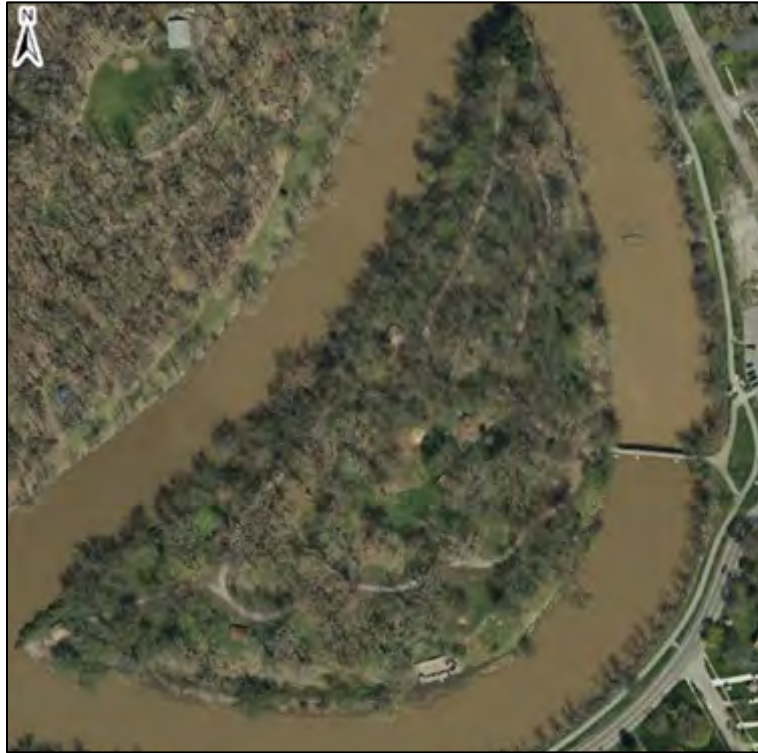
Although not within the Amherst WRA, West Canal Park is a 28-acre park owned by Niagara County that is located about one-quarter mile east of the Niagara Falls Boulevard bridge over Tonawanda Creek. The park is important because of its proximity to the Tonawanda Creek Subarea of the Amherst WRA. Facilities include three public boat launches, a kayak launch, a picnic area, picnic pavilions, restrooms, and a playground. Activities include boating, picnicking, and fishing. A branch office of Niagara County Parks is also located at this site.

## Ellicott Island Bark Park

Ellicott Island Bark Park is a 17-acre parcel owned by Erie County, located west of the intersection of Niagara Falls Boulevard and Creekside Drive on an island in Tonawanda Creek (see Figure 2.57). A volunteer non-profit organization called Friends of Ellicott works with Erie County to provide and maintain an environmentally sensitive off-leash dog park. This has earned the island the colloquial title of Ellicott Island Bark Park. The Town of Amherst emergency services patrol and respond to calls within the park.

The Park contains a parking area off of Creekside Drive and Old Niagara Falls Boulevard, a pedestrian bridge for access, pavilions, picnic tables, a small playground, beach access, historic park structures built by the New Deal Works Progress Administration during the 1930s, and local art in addition to its off-leash dog park designation.

Figure 2.57- Ellicott Creek Island Bark Park



Source: Town of Amherst 2017 Aerial Imagery

## Ellicott Creek Park

Ellicott Creek Park is one of the original five Heritage Parks in the Erie County Park system. At 165 acres, the park is centrally located and easily accessed by residents of Tonawanda, Amherst, Buffalo, and North Tonawanda (Niagara County). This site is also a destination along area bike routes, including the Ellicott Creek Trailway via the Town of Amherst, and the Empire State Trail, which also connects with the Shoreline Trail. It is one of the four oldest parks in the system, acquired by the County in 1925 due to its attractive landscape setting between Ellicott Creek and the Erie Canal (Tonawanda Creek). This Heritage Park is noted for its impressive collection of old stone structures built during the 1930s and its waterfront setting. A footbridge from the parking lot crosses to the island over the original channel alignment of Tonawanda Creek. The parking area is generally in poor condition. Ellicott Creek Park is generally flat, which was considered ideal for the development of many field sports and active recreation, such as tennis and ice-skating. The site is bisected by a major floodway corridor (spillway flume) between the two waterways. The park occupies four distinct areas: the area between Ellicott Creek Road and Ellicott Creek, the 'main' part of the park between Ellicott Creek and Creekside Drive, the Creekside area, and Ellicott Island. Several facilities are available on the Island, including picnic tables, picnic pavilions, shelters, restrooms, and walking and skiing paths. The bridge to the island does



not meet current ADA guidelines for handicapped accessibility. Other activities include ice skating and fishing. Facilities can be reserved through Erie County.

There is only a small portion of Ellicott Creek Park that is within the Town of Amherst located in the eastern portion of the park near the Town border. This site is known as the Ellicott Creek Island Bark Park (see Figure 2.57).

Figure 2.58 - Looking from the Erie County Park at the shoreline along the Erie Canal



Source: *Erie County Park Master Plan Update 2018*.

### **Irving M. Shuman Campgrounds**

The private Irving M. Shuman Campgrounds are located north of the University at Buffalo between Ellicott Creek and North Forest Road.

This campground is owned and maintained by the adjacent Menorah Campus/Jewish Community Center. There is an access point and drop off area to the campgrounds from the Weinberg retirement community off North Forest Road and a parking area with a pedestrian bridge access point at Chabad of Buffalo at 2450 North Forest Road. The campground contains tennis courts, basketball courts, pavilions, a ropes course, a baseball diamond, an amphitheater, and walking paths.

### **Amherst Highway Department Baseball Diamond**

The Amherst Highway Department is located at 1042 North Forest Road, immediately east and across Ellicott Creek from the Audubon Golf Course. The location contains a baseball diamond between North Forest Road and the Highway Department main building.

### **Audubon Recreation Complex**

The Audubon Recreation Complex is a 240-acre park located off Maple Road between Millersport Highway and North Forest Road (see Figure 2.59). The complex contains Northtown Center, an Amherst Parks Department building, the Amherst Audubon Golf Course, Audubon Par 3 golf course, and a driving range. Parking for the golf courses is located at 500 Maple Road. The 18-hole and Par 3 golf courses are integrated within Ellicott Creek Subarea, as well as the Ellicott Creek Flood Control project.



Figure 2.59 - Audubon Golf Course at Ellicott Creek



*Source: Town Staff Photo Taken August 25, 2021*

### Former Westwood Country Club

The former Westwood Country Club is now an unused country club site located south of the Audubon Recreation Complex between Maple Road and Sheridan Drive (see Figure 2.60).

Figure 2.60– Former Westwood Country Club



*Source: Town of Amherst Staff Aerial Drone Photo Taken July 21, 2018*

The site comprises more than 170 acres and contains a vacant clubhouse and parking area off North Forest Road. The main clubhouse building was constructed in the 1920s, and multiple additions were built over the decades. The golf course consists of 18 holes immediately adjacent to Ellicott Creek. Older footpath bridges still exist on the site to cross the hydrologic features. The site was identified in the 2018 Town of Amherst Recreation and Parks Master Plan as an opportunity to maintain green space within the Town.

### The Park Country Club

The private Park Country Club is located at 4949 Sheridan Drive immediately adjacent to Amherst State Park (see Figure 2.61). It contains tennis courts, pools, a large clubhouse, and golf course. Ellicott Creek traverses the country club and forms a portion of its eastern and northern borders.

Figure 2.61 – Park Country Club



*Source: Town Staff Photo Taken September 4, 2019*

### Amherst State Park

Amherst State Park is a vital open space feature located in the Ellicott Creek Subarea just north of the Village of Williamsville. This 77+ acre park was formerly owned by the St. Mary of the Angels religious order. The 4-story Motherhouse (now senior apartments), its accessory buildings and the adjacent “orchard” which served the religious order are designated local historic landmarks and are listed on the State and National Registers of Historic Places. The Motherhouse was completed in the late 1920s and the “orchard” was planted soon after the building’s completion.

### Potential Future Resources

Map II-5 Underutilized Sites and Potential Future Waterfront Opportunities identifies several sites within the subarea of both waterways. For the most part these are waterfront sites located adjacent to the waterway. These include both properties and structures that are considered underutilized by the Town that may afford opportunities for future waterfront uses.

This area also lends itself to promoting mixed-use redevelopment. The deteriorated sites (Old Niagara Falls Boulevard and former Westwood Country Club) are discussed in more detail within this section. The analysis of the underutilized sites is discussed in the opportunities and issues section.

The Old Niagara Falls Boulevard commercial corridor falls within the Tonawanda Creek Subarea. This transitional corridor contains some existing and former industrial, commercial, and residential uses and structures, which have existed for 50 years or more. Some of the properties have fallen into disrepair. Several factors make the Old Niagara Falls Boulevard corridor an interesting potential opportunity for mixed-use redevelopment including adjacency to the Erie Canal. The presence of the Empire State Trail, availability of vacant and underutilized property, low volume of automobile activity, and proximity to residential and commercial activity affords opportunities to create a pedestrian-friendly mixed-use waterfront area with visual and physical connections to the Erie Canal.

Along Ellicott Creek the former Westwood Golf Course and Country Club is perhaps the most significant underutilized area within the Town of Amherst, currently. The vast open space area along Maple Road within the Ellicott Creek Subarea consists of what is known as the Audubon Recreation Complex that includes the Northtown Center, the Audubon Golf Course and Audubon Par 3 Course.

The Town is pursuing public/private partnerships with potential project stakeholders and prospective developers to create Amherst Central Park, a new Town focal point that will include parkland and recreational facilities, as well as a mixed-use component to be developed by the private sector. Amherst Central Park will include both the former Westwood Country Club property, a portion of the Audubon Golf Course and a portion of the Audubon Recreation Complex.

The Town envisions using the former Westwood property as a park, preserving the clubhouse for reuse possibly as a Town Arts and Cultural Center and developing various indoor and outdoor recreation facilities and sports venues. The Amherst Central Park project is discussed in more detail in Section IV as one of the Town's most important current community development initiatives. One of the challenges associated with this site involves the site's soil contamination from years of chemical use in landscaping the grounds of the former golf course. The Town has held extensive community stakeholder meetings to discuss the proposed project and receive feedback on the site's potential issues and opportunities.

After hearing from various stakeholders and residents, the Waterfront Advisory Committee learned of the community's strong interest in additional public access sites to the waterways throughout the Amherst WRA. The surveys within the last five years from the Town, County, and State recreation plans suggest that users of different generations want to be able to walk and be connected to their community through regional bike trails and local walking paths. In addition, residents want the Town's parks within the Amherst WRA to be interconnected. Although the Amherst WRA currently has a considerable amount of recreation and open space adjacent to the waterways there are only a few sites where the public can access the water. In addition, there are only two regional multi-use trails adjacent to the waterways. The community would like stronger connections and more access to the waterway. The regional trends (see Section 2.16 Existing Plans) suggest that future development within the Amherst WRA should create, improve, and enhance the existing trail network and continue to provide public access from the local neighborhoods to other community spaces adjacent to the waterways. Residents want to not only see the water, but for the water to be incorporated into a larger recreation system.

## 2.11 Geographic Features and Natural Resources

### Climate

Erie County and Amherst have a humid continental climate that is marked by extreme seasonal changes in temperature with warm summers and cold winters. Precipitation is evenly distributed throughout the year. Temperature and precipitation are highly influenced by proximity to the Great Lakes, especially Lake Erie. Average conditions experienced in Amherst are compared to nationwide averages in Table II-11 – Climate Averages.

**Table II-11 - Climate Averages**

Meteorological Variables	Amherst, New York	United States
<b>Rainfall</b>	38.6 in.	38.1 in.
<b>Snowfall</b>	84.2 in.	27.8 in.
<b>Precipitation</b>	161.9 days	106.2 days
<b>Sunny Conditions</b>	157 days	205 days
<b>Average July High</b>	81.1°	85.8°
<b>Average January Low</b>	17.5°	21.7°
<b>Comfort Index (higher=better)</b>	6.4	7.0
<b>UV Index</b>	3.3	4.3
<b>Elevation</b>	597 feet	2,443 feet

*Source: [https://www.bestplaces.net/climate/city/new\\_york/amherst](https://www.bestplaces.net/climate/city/new_york/amherst)*

This type of climate in Western New York tends to develop moderately weathered, leached soils. Erie County originally contained native forests of northern hardwoods and pines. Hardwoods tend to take up large quantities of nutrients from the soil and return the nutrients back to the surface each year as leaf litter. Conifers, such as pines, do not use substantial amounts of nutrients.

### Heat Vulnerability Index (HVI)

Although the effects of extreme heat on health can often be prevented, heat-related deaths and illnesses are common during the summer, especially in vulnerable populations. Since vulnerability to extreme heat in New York State is a growing concern, the NYS Department of Health (NYS DOH) created the Heat Vulnerability Index (HVI) to help local and state public health officials identify and map heat-vulnerable areas and populations in the state. The HVI was developed based on 13 environmental and socio-demographic heat vulnerability factors identified in previous studies. These 13 factors were grouped into four categories that represent distinct aspects of heat vulnerability, which in turn were used to estimate the overall HVI for each census tract<sup>8</sup>.

Census tracts are subdivisions of counties as defined by the US Census Bureau to collect, provide, and present statistical data. Census Tract-level information for these heat vulnerability factors was obtained

<sup>8</sup> NYS Department of Health. *Heat Vulnerability Index for Erie County, NY*. Available at: [https://www.health.ny.gov/environmental/weather/vulnerability\\_index/docs/erie.pdf](https://www.health.ny.gov/environmental/weather/vulnerability_index/docs/erie.pdf) (accessed April 2022)



from the 2006-2010 US Census Bureau American Community Survey (ACS) and 2011 National Land Cover Database (NLCD).

Specifically, Erie County and the Town of Amherst have high vulnerability within these categories 1) language vulnerability; 2) socio-economic vulnerability; 3) environmental and urban vulnerability; and 4) elderly isolation and elderly vulnerability. There are locations within the Town of Amherst WRA with high vulnerability in these categories. As a result, the Town will consider these indexes within the design of waterfront parks/trails improvements. The level of shade and amount of shade will be determined during the design phase.

Within the Amherst WRA and proposed project locations, the Town will take the necessary steps to increase shade with vegetation or physical structures. The design of these waterfront spaces will limit existing tree removal, add shade structures to parks and increase large deciduous tree plantings at parks, parking lots, and trailheads. The Town will also consider the proper communication to the various groups of residents during peak times of excessive heat. These communications will be considered in the emergency response planning.

## Geology and Topography

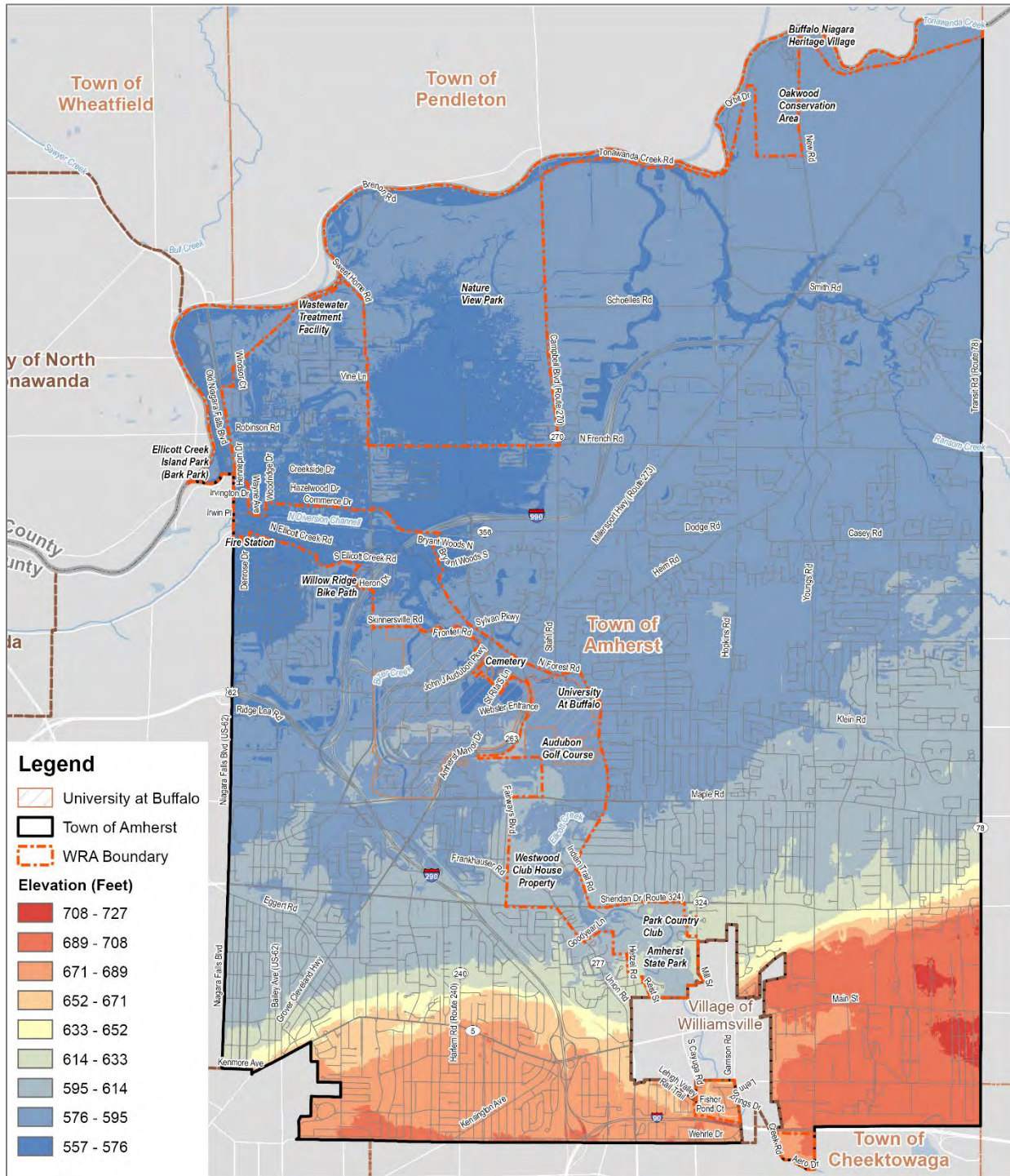
Amherst is rich in natural and cultural resources and has significant surface waters including Tonawanda Creek (Erie Canal), Ellicott Creek, and Ransom Creek. The Town is about five miles east of the Niagara River, eastern shoreline of Lake Erie, and the Canadian border.

The Town's waterways provide diverse recreational opportunities, farmland irrigation, stormwater management, and important aquatic and terrestrial wildlife habitat. Tonawanda Creek marks the northern border of Erie County and forms the northern boundary of the Town and is the dividing line between the Town of Amherst and the Town of Pendleton located in Niagara County.

The geographic setting and geologic history of Amherst influenced prehistoric and historic settlement patterns. The Town lies within the Erie-Ontario Lake Plain physiographic province, a nearly level lowland lake plain with few prominent topographic or geologic features. The Town was established on what was once the site of Lake Tonawanda, an ancient glacial inland sea. Because of local geology, the area is relatively flat to gently sloping as shown on Map II-11 Terrain. Elevations in the Amherst WRA range from approximately 565 feet to 708 feet above mean sea level. The Amherst area is underlain by Onondaga limestone dating to the Late Devonian period. The Onondaga Escarpment borders the Erie-Ontario Lake Plain province on the south, and drainage patterns south of Tonawanda Creek tend to be generally in a westerly direction towards the Niagara River.

Glaciation shaped much of Western New York's topography, including that of Amherst. The Onondaga Escarpment is an east-west hard limestone bedrock formation found in the southern portion of the Town and is partially within the Amherst WRA. The Escarpment proved resistant to the effects of glacial scouring, and it formed the southern side of a large basin occupied by Lake Tonawanda. Lake Tonawanda eventually receded leaving behind numerous wetlands and deposits of clay and sand throughout much of northern Amherst (Owens et al. 1986).

Map II-11 Terrain



### Streams

The most important drainages in the Town of Amherst are Tonawanda Creek, Ransom Creek, and Ellicott Creek. Both Tonawanda Creek and Ellicott Creek are designated inland waterways as defined in NYS Executive Law, Article 42, Section 911.

Tonawanda Creek forms the northern boundary between Amherst and Niagara County. It flows in a westerly direction and drains much of the eastern and northern portions of Amherst. Portions of Tonawanda Creek are channelized as part of the NYS Barge Canal. Ransom Creek also drains the eastern part of Amherst and is a tributary of Tonawanda Creek. The Amherst WRA boundary follows along the southern Tonawanda Creek Road right-of-way. As a result, the confluence of Ransom and Ellicott Creek and a portion of Ransom Creek approximately 200 feet to the south is within the Amherst WRA. Ellicott Creek flows over the Onondaga Escarpment in the southern portion of Amherst at Williamsville, and then continues to flow in a northwesterly direction through the Town as a major tributary to Tonawanda Creek west of Amherst.

### Tonawanda Creek

The Tonawanda Creek portion of the combined Tonawanda Creek/Erie Canal corridor is comprised of a natural waterway that extends from the easternmost border of the Town westward to the confluence with the Erie Canal channel that merges with the Creek after entering the Town from the north, about one-third of a mile west of New Road. Characteristics of this natural section of Tonawanda Creek include:

- ◆ Meandering stream segments typically about 100 feet wide with large bends that change direction at approximately 1,000 to 2,000 feet intervals
- ◆ Streambanks on both sides of the waterway that are heavily wooded
- ◆ Areas adjacent to the stream include rural residential parcels and large flat undeveloped parcels containing woodland and wetlands
- ◆ Public use areas that include Buffalo Niagara Heritage Village and Oakwood Golf Course just south of the confluence with the Erie Canal

Tonawanda Creek flows in a westerly direction and drains much of the eastern and northern portions of Amherst. Tonawanda Creek is one of the largest watershed areas in western New York, comprised of approximately 405,600 acres or 632 square miles. The watershed is approximately 101 miles long and includes parts of Wyoming, Genesee, Niagara and Erie counties, and the Tonawanda Indian Reservation of the Tonawanda Seneca Nation. The headwaters start in the Town of Wethersfield, Wyoming County where the elevation is more than 1,800 feet. The Creek flows northward from Wyoming County to Batavia where it makes an abrupt westerly change in direction and continues along the boundary of Erie and Niagara counties until it reaches the Niagara River in the cities of Tonawanda and North Tonawanda. Ransom Creek (a portion of which is in the Amherst WRA) also drains the eastern part of Amherst and is a tributary of Tonawanda Creek.

The combined Tonawanda Creek/Erie Canal section of the Tonawanda Creek waterway is an enlarged corridor that differs both visually and physically from the natural sections of Tonawanda Creek. Portions of Tonawanda Creek are channelized as part of the NYS Barge Canal. Tonawanda Creek and the NYS Barge Canal along the northern boundary of Amherst were enlarged several times to accommodate increasingly heavier boat traffic. The last major upgrade to the canal system, however, took place in the 1910s when the Erie Canal and portions of Tonawanda Creek were enlarged, rerouted, and renamed the NYS Barge Canal. Today the Erie Canal waterway is a valuable resource for recreational boating through western New York. Characteristics of this culturally influenced section include:

- ◆ The Canal segment is straighter and typically about 200 feet wide, or twice the width of the natural segment, and deeper depths to accommodate boat traffic as part of the NYS Barge Canal System.

- ◆ The southern streambank includes developed sections of the Empire State Trail between New Road following the north side of Tonawanda Creek Road in Amherst westward to Vine Lane. Then after a two-mile gap in the trail, the Empire State Trail exists again along Old Niagara Falls Boulevard to Ellicott Island at the Town's western border.
- ◆ Ransom Creek enters the Canal west of Nine Mile Island (a large, wooded camping area in the Niagara County Town of Pendleton).
- ◆ Adjacent areas of this stretch of the Canal include agriculture lands near Campbell Boulevard as well as the Amherst Marina and the North Amherst Fire Station.
- ◆ Residential use exists along the Amherst side of the Canal in northwest Amherst but is less dense than residential properties on the Town of Pendleton side of the canal, many of which include Canalside docks. Land use west of Nature View Park increases in density and transitions quickly to suburban residential neighborhoods and increasingly large commercial uses along Niagara Falls Boulevard (NYS Route 62) southwesterly to the Amherst Town border.

### Ellicott Creek

Ellicott Creek enters the Town of Amherst just south of the Village of Williamsville and Interstate 90 (NYS Thruway) in the southernmost part of the Town. Ellicott Creek is one of the largest creeks in the region, draining much of the glacial Lake Tonawanda basin. It crosses over the Onondaga Escarpment in the southern portion of Amherst at Williamsville, flows in a north-westerly direction through the Town, and is a major tributary of Tonawanda Creek. The earliest settlers of Amherst recognized that the area around Main Street and Ellicott Creek in Williamsville was an excellent site for water-powered mills. Ellicott Creek sharply drops about 60 feet in Williamsville, and then flows northwesterly before discharging into the channelized section of Tonawanda Creek at an elevation of approximately 564 feet (USACE, 1979). The Ellicott Creek basin consists of an area of approximately 110 square miles in Erie, Genesee, and Wyoming Counties. The basin is generally oriented in an east-west direction, having a length of about 25 miles and a width varying between 1.5 to 7.0 miles. The Town divided the Ellicott Creek Subarea of the Amherst WRA into smaller areas that would provide relevant local conditions details.

Ellicott Creek is a mostly natural waterway in Amherst although there is an adjacent channelized drainage and flood control component to the stream between Interstate-990 and Niagara Falls Boulevard.

Characteristics of the Ellicott Creek waterway include:

- ◆ The width of the natural stream channel varies between approximately 50 to 75 feet, and depths vary by location including riffle areas and waterfalls in the southern portions of the Creek around Williamsville. Areas of riffles and waterfalls are created by the stream meandering across the Onondaga Escarpment and through glacial till and bedrock.
- ◆ Glen Falls is in an urbanized area of Williamsville about 300 feet north of Main Street, outside of the Amherst WRA.
- ◆ Residential development exists along both streambanks in the southern half of the subarea and more commercial and institutional uses are found in the northern half of the subarea. Streambank areas in residential areas include lawns and treed waterfronts.
- ◆ The Creek flows through Amherst State Park (see Figure 2.62) and through some open space areas and Town properties east and southeast of the campus of the University at Buffalo.



- ◆ The channelized segment of the Creek east of Niagara Falls Boulevard is about 100 feet wide with adjacent walking paths.

Figure 2.62: Ellicott Creek in Amherst State Park



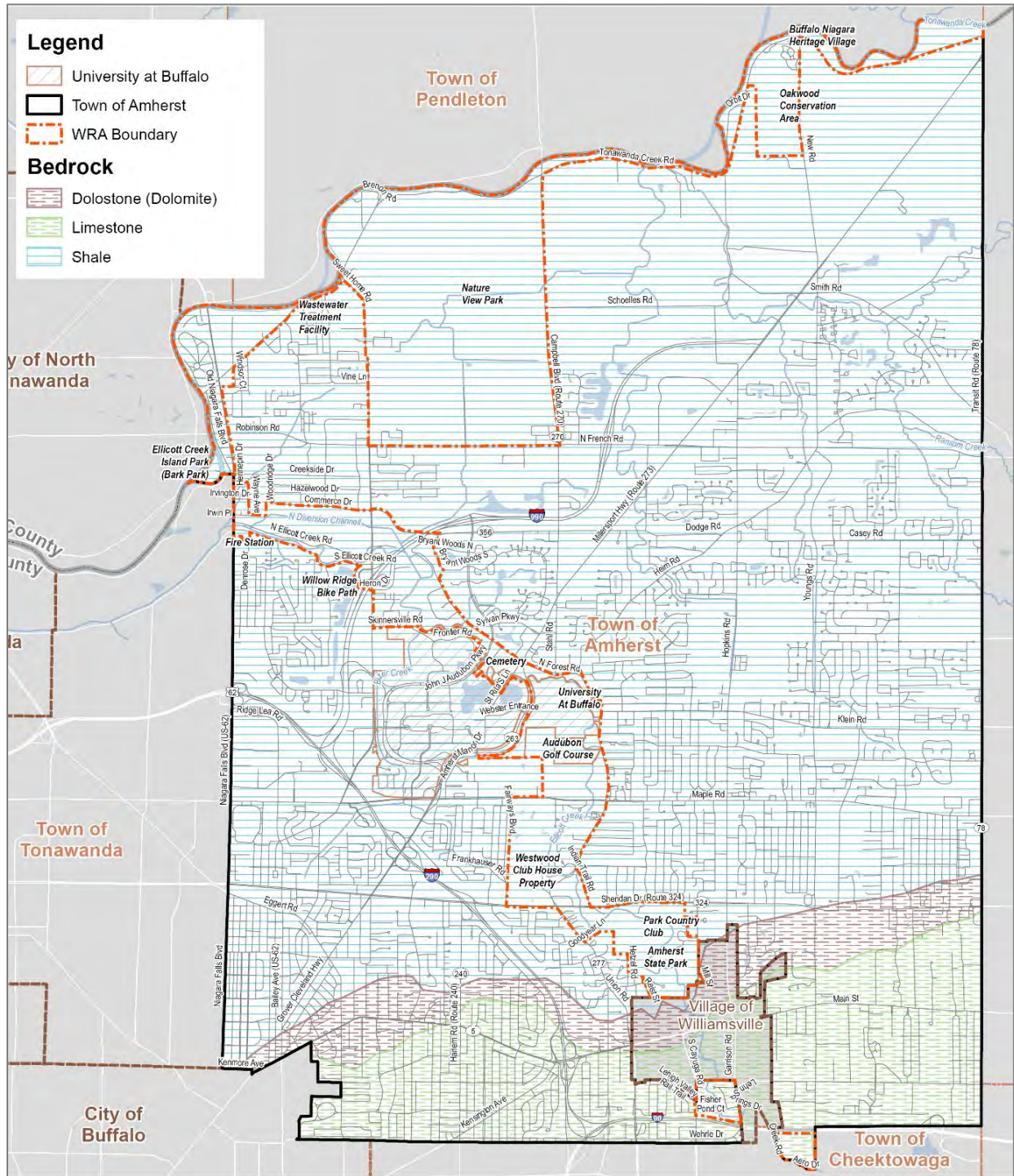
*Source: Ellicott Creek. Town Staff Photo Taken July 12, 2018*

## Bedrock and Soils

The topography of the Town, which was influenced by Lake Tonawanda, has contributed to the natural environment and subsequently the land development within Amherst, and most specifically the Amherst WRA. The southern portion of the Amherst WRA (south of the Village of Williamsville) is at higher points in elevation than the rest of the Amherst WRA. Thus, Ellicott Creek flows north and northwest towards the confluence with the Erie Canal. The stormwater runoff tends to flow north of Main Street (Route 5) into the developed commercial and residential lands, which are located at lower elevations. Within the Ellicott Creek Subarea of the Amherst WRA, there is a flood control project, which allowed development to take place in the neighborhoods within the bottom of the escarpment. Small portions of these neighborhoods are within the Ellicott Creek Subarea.

The Onondaga Escarpment, which parallels NYS Route 5 through the Town as shown on Map II-12 Bedrock, marks the approximate boundary between surface soils, which are predominantly lacustrine in origin to the north and predominantly glacial till soils to the south. Lacustrine deposits are associated with bodies of water like lakes and are characterized by thin layers of soil that reflect annual deposition of sediments. These soils are devoid of coarse particles such as coarse sand or gravel as deposited by glaciers. Soils are more typically at shallow depths to bedrock along and just south of the escarpment. North of the escarpment, soils are generally deeper, with depth to bedrock greater than 10 to 20 feet in most areas.

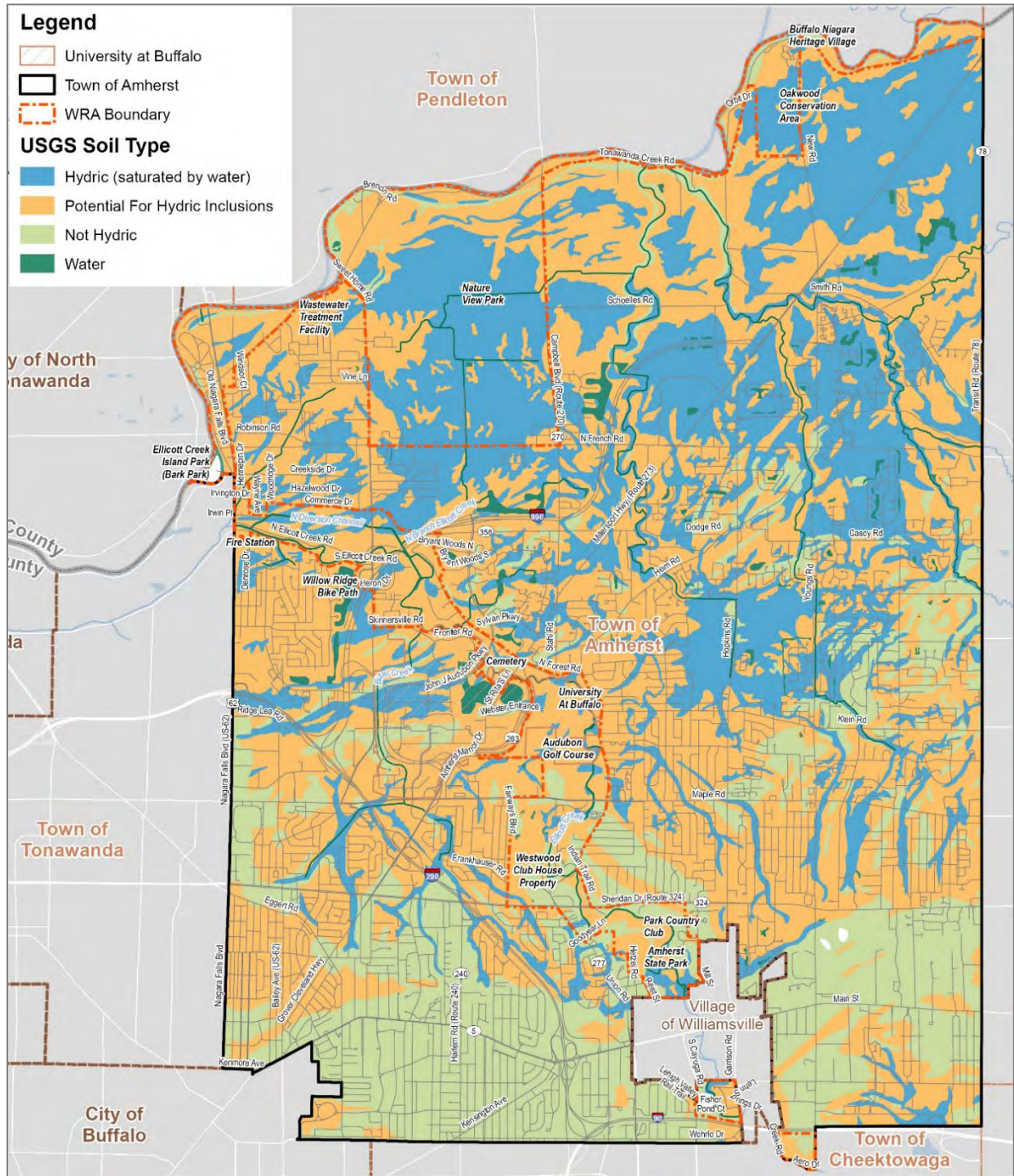
Map II-12 Bedrock



There are approximately 55 mapped soil units within the Town of Amherst (ECSCD, 1972). Five soil units are fine-grained lacustrine soils that include Cheektowaga, Cosad, Lakemont, Niagara, and Odessa. These soils cover about 42 percent of Amherst.



Map II-13 Soils



These cohesive soils generally show high porosities, low permeabilities, and a natural moisture content associated with low strength, low bearing capacity, and high settlement characteristics. Higher moisture content in these soils tends to be associated with decreasingly favorable conditions for foundations and development (Watson and Burnett, 1995). The hydric properties of the soils in Amherst are shown in Map II-13 Soils. Seasonal high-water tables (zones of saturation) are recognized as serious limitations.

High potential frost action, low permeability (except in sandy soils and sandy layers within lacustrine deposits), high plasticity indices and high liquid limits are common limitations for most urban uses of these soils. North of the escarpment, slow permeability combines with the flat slopes to contribute to ponding and localized drainage problems. These problems are exacerbated in areas prone to localized or regional flooding.

The Soil Survey describes the stratified, fine-grained deposits common throughout the study area as “difficult to use for engineering works” and suggests that “sites proposed for embankments and heavy structures or buildings must be investigated for soil strength, settlement characteristics, and the effects of ground water” (USDA 1986).

The soils with the Amherst WRA will allow for diverse types of land development to take place in and around both Subareas. The soil within the north part of the Tonawanda Creek Subarea supports the agricultural practices that take place mostly in the Tonawanda Creek Subarea. These soils should not impede future infrastructure and water recreation activities within the Tonawanda Creek and Ellicott Creek Subareas.

### **Fish and Wildlife Habitats**

There are no Significant Coastal Fish and Wildlife Habitat Areas within the Amherst WRA.

The Tonawanda Creek Subarea of the Erie Canal is a popular warm water fishery that supports several game fish including largemouth and smallmouth bass, northern pike, walleye, yellow perch, bullhead, crappie, sunfish, and rock bass. Fishing opportunities are greater on the Tonawanda Creek section of the Canal due to the existence of a natural waterway that can sustain more highly productive fisheries. In fact, the natural portion of Tonawanda Creek has one of the most diverse fisheries in Western New York, and the confluence of Tonawanda Creek/Erie Canal and Ransom Creek (Fisherman’s Wharf) is one of the best fishing locations in the region. Fish stocking does not occur in the Niagara or Erie County sections of the Canal, however brown trout are stocked in Tonawanda Creek in Wyoming County. Anglers typically use lures casting toward the shore.

Ellicott Creek and Tonawanda Creek are too warm to support natural reproduction of certain fish species. The bedrock creates this warm environment on both creeks. The NYS DEC annually stocks Ellicott Creek and Tonawanda Creek as part of a “Put and Take” program. In the springtime along Ellicott Creek, the NYS DEC adds 1,100 rainbow trout at two locations; one is the Glen Avenue bridge and the other is the bridge at Amherst State Park by the historic stairs. These are the only fish species that are stocked annually for sport fishing purposes. Other species may travel from a more suitable habitat in Lake Erie and swim upstream in Tonawanda Creek or Ellicott Creek. There could be runs of steelhead largemouth bass, smallmouth bass, and northern pike or other strays from other sites. Some of these locally stocked trout could be returning from a run into Lake Erie and Lake Ontario, although not many of the locally stocked trout make it to the lake and back. Northern Pike may also move up both creeks to spawn. There are also a diverse population of mollusks.

### **Fish Consumption**

The NYS Department of Health (NYS DOH) administers fish consumption advisories, as appropriate, in response to fish tissue sampling. NYS DOH maintains a general statewide advisory for all freshwater sport fish, recommending only one meal (about one-half pound of fish) per week due to possible unknown contamination. Within the Amherst WRA, the NYS DOH advises no more than one meal of carp per month due to PCB contamination in the Erie Canal from Lockport to the Niagara River. The NYS DOH



suggests other species may be susceptible to contamination where advisories are posted recommending children under the age of 15 and women of childbearing age not eat any fish from those waterways. Commercial fishing and aquaculture do not occur within the Town of Amherst WRA.

### Threatened and Endangered Species

The NYS DEC and the Western New York Land Conservancy (WNYLC) maintain the New York Natural Heritage Program, an inventory of threatened and endangered species, habitats, and natural communities in New York State. Due to the sensitive nature of the information, the Natural Heritage Program disseminates data with care, not giving the exact locations of rare species and habitats. A list of current and proposed endangered, threatened, and special concern species is included in Appendix D.

If rare species or habitats are found in the general area where a project is proposed, it is likely that additional permits for land development activities will need to be obtained from the NYS DEC.

**Table II-12 - Summary of Threatened and Endangered Species Occurrences**

Species	Designation	State Heritage Ranking*	Global Heritage Ranking**	General Location
<b>Natural Communities</b>				
Hopkins Road Swamp	Unprotected	S2/S3	G3/G4	Amherst
<b>Plants</b>				
Blue-Hearts	Endangered	SH	G5	Buffalo
Sarwell’s Sedge	Threatened	S1S2	G4G5	Buffalo
Compact Hawthorn	Endangered	SH	G5	Buffalo
Lesser Fringed Gentian	Endangered	S1	G5	Buffalo
Golden Dock	Endangered	S1	G5	Buffalo
<b>Mollusk</b>				
Threeridge	Unprotected	S1	G5	Tonawanda Creek, Mud Creek
Wabash Pigtoe	Unprotected	S2	G5	Tonawanda Creek
Fragile Papershell	Unprotected	S3	G5	Tonawanda Creek, Mud Creek
Black Sandshell	Unprotected	S2S3	G5	Tonawanda Creek
Kidneyshell	Unprotected	S2	G4, G5	Tonawanda Creek
Rainbow	Unprotected	S2S3	G5	Tonawanda Creek
Pocketbook	Unprotected	S2S3	G5	Tonawanda Creek
Pink Heelsplitter	Unprotected	S2S3	G5	Tonawanda Creek
Pink Papershell	Unprotected	SR	G5	Tonawanda Creek
Mussel species	Threatened	S1		Ellicott Creek

Species	Designation	State Heritage Ranking*	Global Heritage Ranking**	General Location
	Endangered	S2		
<b>Fish</b>				
Longear Sunfish	Threatened	S1	G5	Tonawanda Creek
Brindled Madtom	Unprotected	S1	G5	Tonawanda Creek

Source: <https://www.dec.ny.gov/animals/7494.html>

#### State of New York Rankings\*

- ◆ S1: Typically, five or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State.
- ◆ S2: Typically, 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State.
- ◆ S3: Typically, 21 to 100 occurrences, limited acreage, or miles of stream in New York State.
- ◆ SH: Historically known from New York State, but not seen in the past 15 years.

#### Global Rankings\*\*

- ◆ G1: Critically imperiled globally
- ◆ G2: Imperiled globally
- ◆ G3: Rare and local throughout its range
- ◆ G4: Apparently secure globally
- ◆ G5: Demonstrably secure globally”

Each habitat or species is listed in the inventory with its current State, global and legal status. Often the State and global rankings are not the same because species that may be rare in the State of New York may be abundant in other areas. The inventory lists several occurrences of designated species as shown in Table II-12. If any activities involve work within or adjacent to Ellicott Creek, consultation with NYS DEC will be necessary.

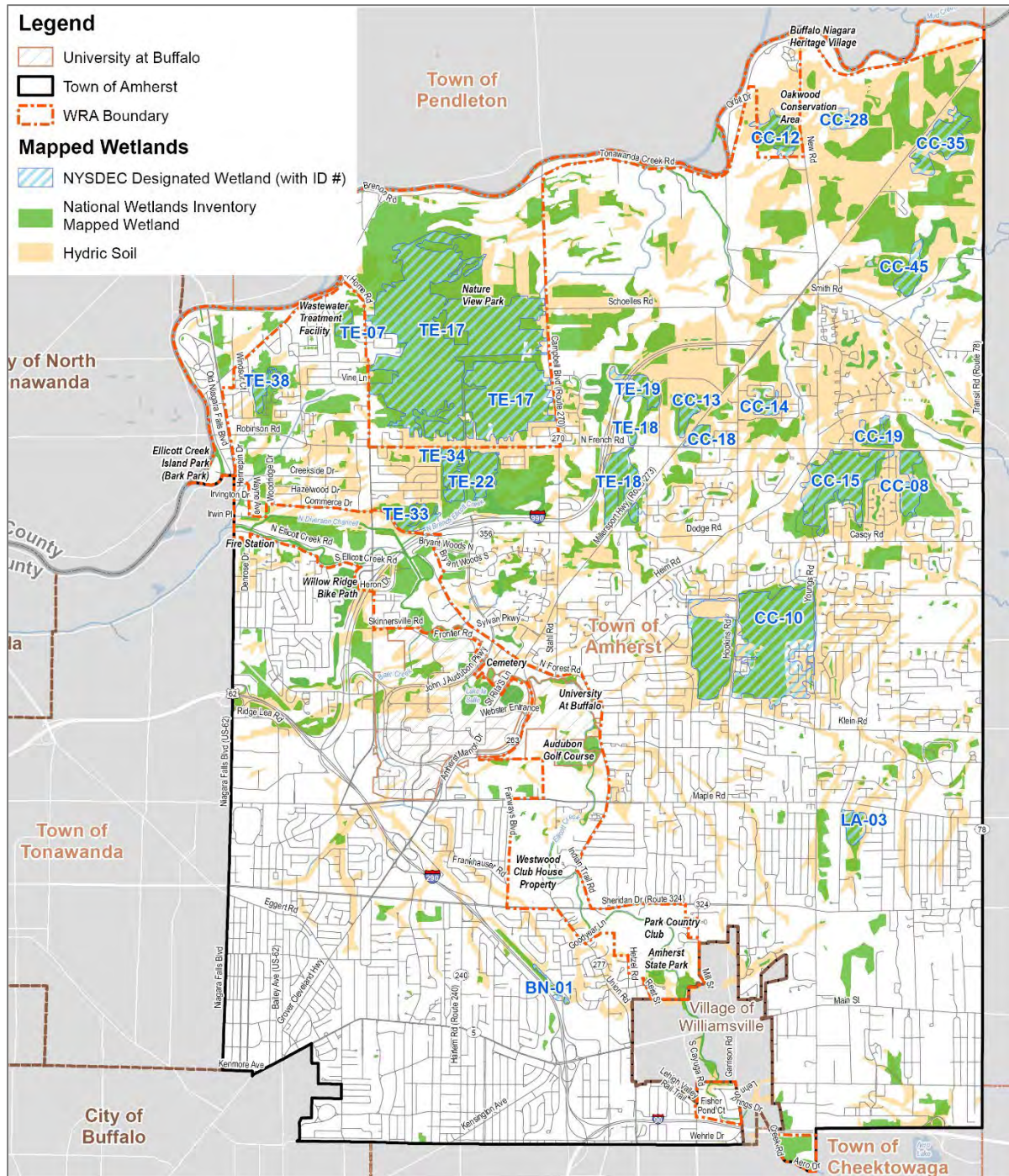
The Hopkins Road Swamp is designated as an unprotected natural community. In Tonawanda Creek, there are nine species of mollusks listed as unprotected and two fish species that are listed, one as threatened – the long ear sunfish – and one as unprotected. In Mud Creek, a tributary to Tonawanda Creek and the Erie Canal, there are two species of mollusks listed as unprotected. In addition, the inventory identifies four plant species originally found in the greater Buffalo region, which are endangered, and one that is threatened. While these are not known to have been documented locally, it is possible that they could be present in undisturbed locations within the Amherst WRA. Other wildlife species include wood ducks, great horned owls, osprey, grommets, and beavers. Some anglers prefer the downed trees to remain in the water longer to provide a better habitat for wildlife species.

## Wetlands

New York State has inventoried and classified several extensive wetland areas within the Amherst WRA. The most extensive wetlands within the Amherst WRA include a large area of Nature View Park and the southern portion of Oakwood Golf Course. Map II-14 Wetlands and Table II-13 shows the location of State (NYS DEC) and federal (NWI) wetlands within the Amherst WRA and their context within the Town.

The NYS DEC inventories and classifies wetlands in the State. The sources for the wetland data are from Index of New York State Regulatory Freshwater Wetlands<sup>9</sup> and National Wetlands Inventory<sup>10</sup>.

Map II-14 Wetlands



<sup>9</sup> <https://cugir.library.cornell.edu/catalog/cugir-008187>

<sup>10</sup> <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-per>

Table II-13 – NYS DEC and NWI Wetland Acreages

Wetland Locations	NYS DEC Wetlands	NWI Wetlands <sup>11</sup>
<b>Total Acreage of Wetlands within the Town of Amherst</b>	2361.04 acres	6026.48 acres
<b>Total Wetlands Outside WRA</b>	1202.94 acres	3969.06 acres
<b>Total Wetlands within WRA</b>	1158.10 acres	2057.42 acres
<b>Total Wetlands within Tonawanda Creek/Erie Canal Subarea</b>	1158.10 acres	1672.01 acres
<b>Total Wetlands within Ellicott Creek Subarea</b>	0 acres	385.41 acres

*Source: Town of Amherst Geospatial Data. Accessed April 2022*

The NYS DEC has regulatory authority over wetlands under the Freshwater Act of 1975 (Article 24 of the Environmental Conservation Law). For regulatory purposes, wetlands are classified according to their value and the benefits they provide. Factors used when evaluating a wetland are ecological associations, cover type, and unique features such as habitat for endangered species, distribution, location, frequency, and hydrological and pollution control features. State-regulated wetlands are given a ranking of I through IV.

However, Article 24 of the Environmental Conservation Law was amended in 2022 with provisions going into effect in 2025 and 2028 that may bring some additional freshwater wetlands in the municipality under the jurisdiction of NYS DEC. In 2025, the jurisdictional nature of the existing state freshwater wetlands maps will be eliminated by removing “as shown on the freshwater wetlands maps” in the definition of Freshwater wetlands in § 24-0107.1. As a result, it will be more important to contact NYSDEC to determine whether a wetland is 12.4 acres or larger or of unusual importance and therefore subject to NYS DEC regulation. In 2028, the threshold for state regulated wetlands will be reduced from 12.4 acres to 7.4 acres (also in § 24-0107.1), potentially bringing more wetlands under NYS DEC’s jurisdiction. Sponsors of proposed projects in Section 4 should be aware of the law in effect at the time they undertake development and determine its applicability before commencing work.

Class I wetlands provide the greatest amount of benefit. Permits to alter these wetlands are the most difficult to obtain. Class IV wetlands provide the fewest benefits and permits to modify these wetlands are easier to obtain.

The U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA) have regulatory authority of NWI wetlands under the Clean Water Act.

Federal wetland delineations are conducted on a case-by-case basis; their locations and extent are not compiled on a single map by the USACE. Wetlands are likely to grow and change over time, creating the potential for future designated or jurisdictional wetland areas. Guidance about wetland information, permits, and regulations should be sought from the appropriate regulatory agency.

## Sensitive Environmental Features

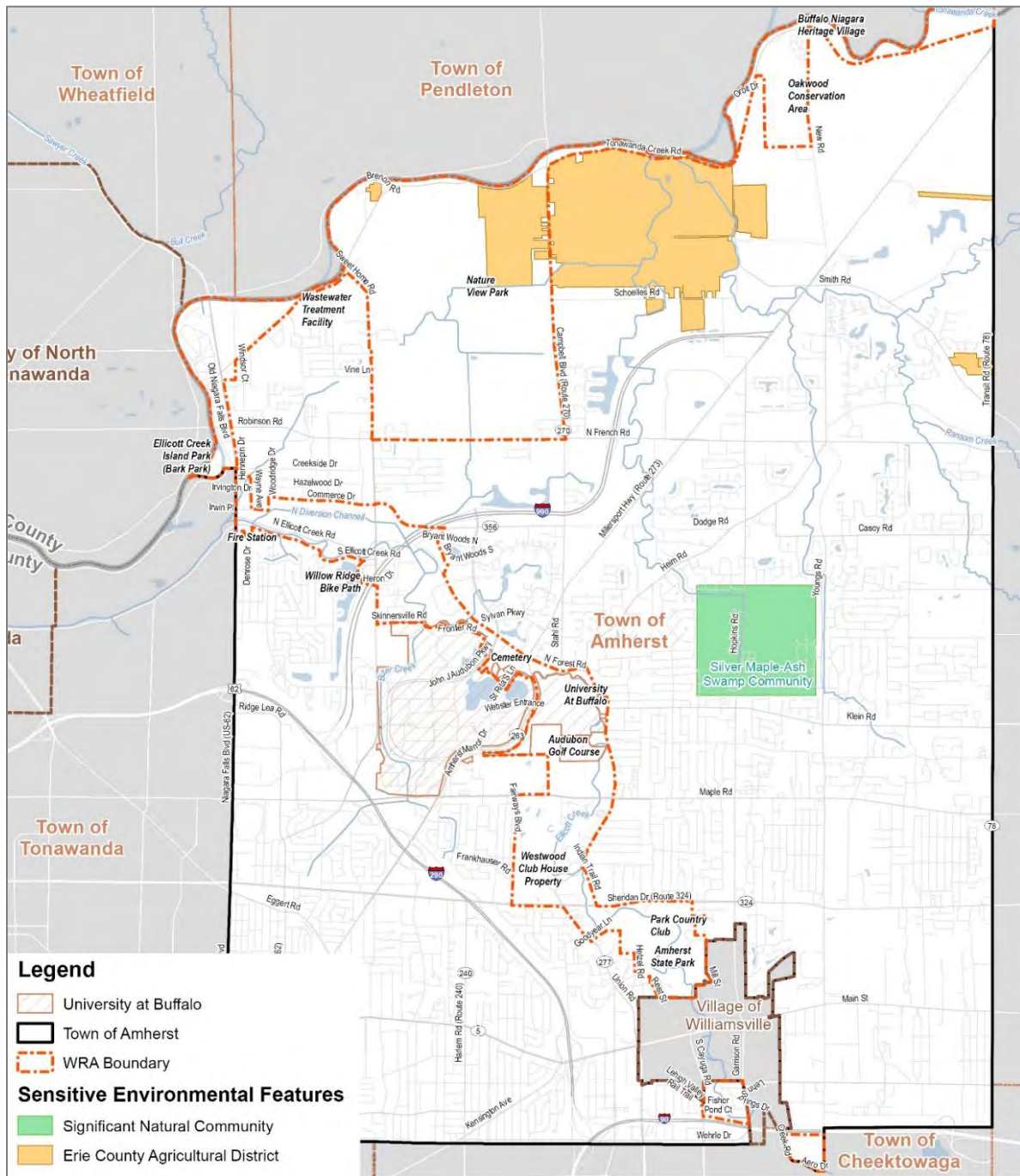
Within the Amherst WRA, environmentally sensitive features include wetlands, conservation areas, floodplains, and woodlands. Map II-15 Sensitive Environmental Features identify important conservation areas within the Tonawanda Creek Subarea in northern Amherst including Nature View

<sup>11</sup> NWI wetland totals include NYS DEC wetland acreages based on Town GIS parcel analysis and data



Park. Significant natural communities are located east of the Ellicott Creek Subarea in central Amherst. While much of Amherst’s natural vegetation has been cleared for development or agriculture, significant amounts of woodland remain, particularly along stream corridors, in wetland and conservation areas, and in the northern part of Town. In addition to providing environmental benefits such as habitat for wildlife and improved air and water quality, woodlands make important contributions to Amherst’s visual character.

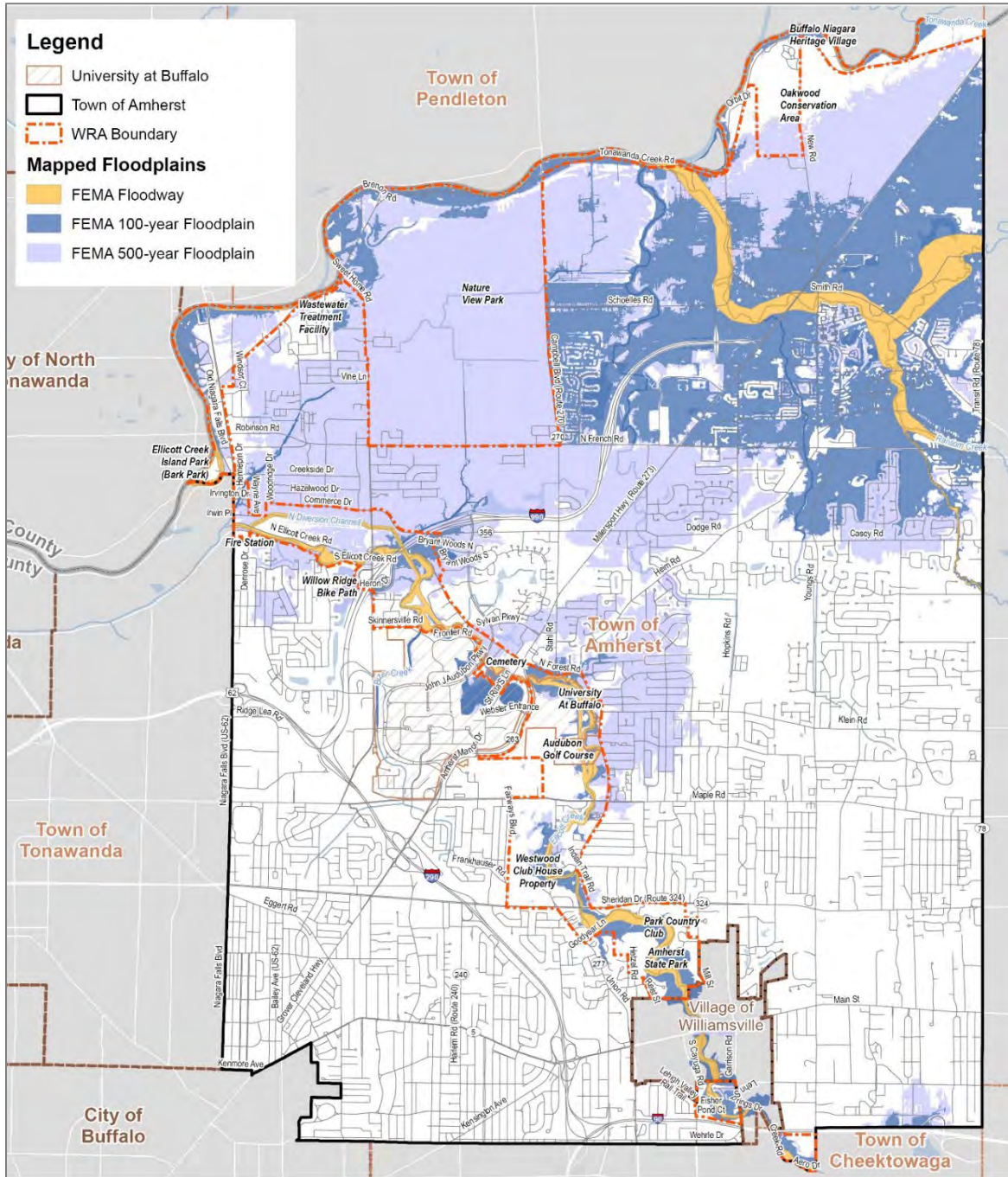
Map II-15 Sensitive Environmental Features



## Floodways and Floodplains

Federal Emergency Management Agency (FEMA) mapping indicates that significant portions of the Amherst WRA of both waterways are designated floodways and floodplains as shown on Map II-16 Floodways and Floodplains. This is especially true along Ellicott Creek as it meanders through central and southern portions of the Town.

Map II-16 Floodways and Floodplains





Although not directly within the Tonawanda Creek Subarea, large areas of floodways and floodplains occur just south of the Creek in northeastern Amherst where most flooding results from Ransom Creek. There is continued need for maintenance at both water bodies to clear debris and other hazards. The Town works with the NYS Canal Corporation and NYS DEC to remove debris from the creeks to avoid potential flooding hazards.

### Special Flood Hazard Areas

Property owners within the Town of Amherst became eligible to purchase flood insurance through the National Flood Insurance Program (NFIP) in 1974. From 1974 to 1984, the flood insurance program was regulated under the provisions of the emergency program of the NFIP. Under the emergency program, the Town adopted its first official floodplain map on February 27, 1978. On December 18, 1984, the regular program of the NFIP became effective and continues to the present date. The floodplain maps depict the Special Flood Hazard Area (SFHA), which is commonly known as the 100-year floodplain. Updated Flood Insurance Rate Maps (FIRMs) were adopted in association with the regular program in 1984. Since then, there have been major revisions to the FIRMs on September 28, 1990, October 16, 1992, and on June 7, 2019. The current 100-year floodplain covers approximately 14.4 percent of the Town of Amherst; 24 percent is within the 500-year floodplain.

According to the 2015 Erie County Multijurisdictional Hazard Mitigation Plan Update the Town is also one of two municipalities in Erie County eligible for the Community Rating System (CRS) within the NFIP. The Community Rating System is a program under which communities choosing to implement floodplain management actions that go beyond the minimum requirements of the NFIP become eligible for discounts on flood insurance premiums. In Amherst, this program gives a 10 percent reduction in insurance premiums for property owners within Special Flood Hazard Areas, and a 5 percent reduction in premiums for property owners outside the Special Flood Hazard Area.

### Hydrography

Map II-17 Hydrography shows the extent of surface waters and drainage patterns associated with both waterways within the Amherst WRA and Town-wide.

#### Tonawanda Creek Subarea

Within the Tonawanda Creek Subarea, the confluence of Ransom and Tonawanda Creeks creates a large area east of Campbell Boulevard that is susceptible to flooding. In this area, floodwaters from Tonawanda and Ransom Creeks can merge or at least back up Ransom Creek and cause more flooding upstream.

According to FEMA, “the last four miles of Ransom Creek have a channel capacity that is often inadequate during periods of heavy flow; moreover, the creek flows slowly and overflows its channel banks” (FEMA 1992). West of Campbell Boulevard, the floodplain is close to the banks of Tonawanda Creek. It includes Tonawanda Creek Road and occasionally property on the other side of the road. In addition, most of Nature View Park lies within the Tonawanda Creek floodplain and is characterized by numerous wetlands.

#### Ellicott Creek Subarea

Within the Ellicott Creek Subarea, floodplains largely follow the path of Ellicott Creek. Areas susceptible to flooding include South Ellicott Creek Road to the east of Interstate 990, areas to the north and east of

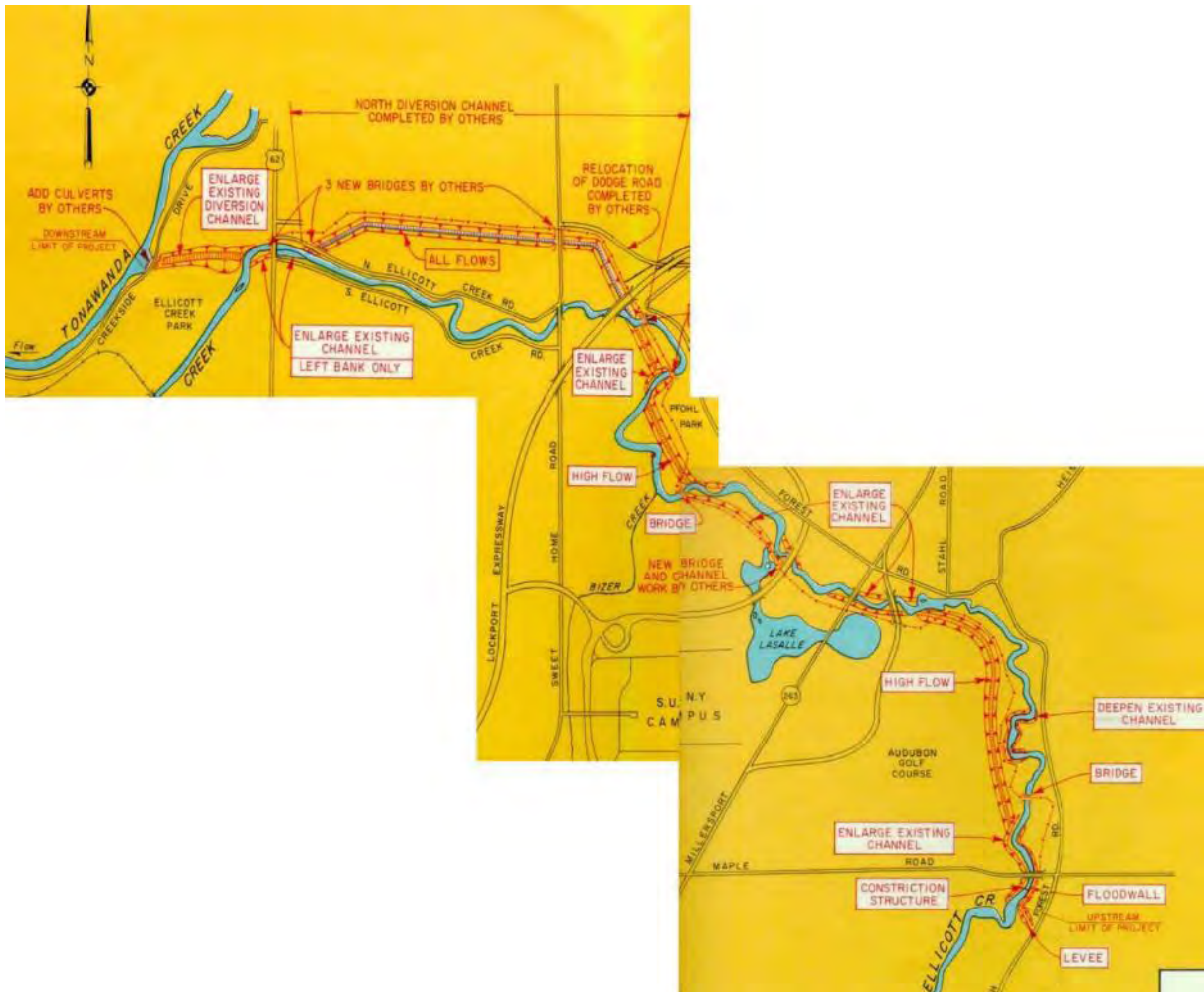




## Flood Control Protection Project, and Clearing and Snagging Project

The Town of Amherst has worked with federal and state agencies to create the flood control project constructed in the late 1980s (Appendix B). Construction of flood protection improvements on Ellicott Creek in the towns of Amherst and Tonawanda, Erie County, New York, was authorized under the 1970 Flood Control Act, the 1974 Water Resources Development Act, the 1985 Supplemental Appropriations Act, and the 1986 Water Resources Development Act. The process started in the late 1970s with a Final Environmental Impact Statement.

Figure 2.63 - Flood Control Project Sketch at Ellicott Creek



Source: Amherst Flood Damage Reduction Project. [https://www.dec.ny.gov/docs/water\\_pdf/fcprjamhrst.pdf](https://www.dec.ny.gov/docs/water_pdf/fcprjamhrst.pdf)

The flood project starts at the intersection of North Forest and Maple Road and continues north and northwest along Ellicott Creek into the Tonawanda, Erie County park land (see Figure 2.63). The Clearing and Snagging project starts near Sheridan Drive and continues northwest to Sweet Home Road, approximately 5.6 linear miles. An annual inspection for the Ellicott Creek Flood Protection Project and Clearing and Snagging Project takes place with the Town, NYS DEC and USACE officials. The inspection is managed and directed by the USACE under Section 408. The Town maintains the flood control project with the oversight of the NYS DEC. The project starts at the intersection of Maple Road and North Forest Road west of the residential parcels. South of Maple Road is the engineered floodwall. The Office of

General Services (OGS) maintains the floodwall. The Town maintains the vegetation and slope throughout the entire flood project.

The flood control project consists of the following components:

- ◆ Approximately 2.1 miles of creek channel enlargement.
- ◆ A reinforced concrete floodwall on the right bank extending approximately 870 feet from Maple Road upstream to a 500-foot levee connecting the floodwall to high ground.
- ◆ Three diversion channels having lengths of 9,150 feet, 1,950 feet, 5,850 feet, and the enlargement of the approximately 2,100 foot-long existing diversion channel.
- ◆ Twenty new flap gates and five gate wells were installed to prevent creek backup during high flood stages.
- ◆ Nine storm drains required modification where channel enlargement was performed.
- ◆ Erosion protection was provided throughout the project as dictated by hydraulic conditions.
- ◆ Recreational facilities included a 5.4-mile bike/hike path, three open space park areas, and a wildlife and recreation pond.
- ◆ The project required construction of two highway bridges, modifications to the culverts at Creekside Drive, and construction of five pedestrian bridges and a parking lot for the bike/hike path.

The project was designed to provide protection from floods that have an average recurrence interval of one hundred years with a discharge of 17,400 cubic feet per second (cfs). Stream flow data was obtained from records of the United States Geological Survey (USGS) gage located on Ellicott Creek at the Niagara Falls Boulevard Bridge. The construction took place in three phases. Stage 1 constructed in 1987 took place between Tonawanda Creek in Tonawanda, NY, and Niagara Falls Boulevard. Stage 2 was completed in 1989 and took place between Niagara Falls Boulevard and Maple Road. Stage 2A was constructed in 1989 and consisted of work at Maple Road to the upstream project limit. All work was performed under the Buffalo District Corps of Engineers.

### Local Flood and Stormwater Management Controls

The Town of Amherst has adopted and implemented several measures aimed at mitigating flooding damages including zoning and code provisions, flood emergency response plans, stormwater and flood mitigation plans, and collaborative efforts across the greater Erie County region.

### National Flood Insurance Programs Community Rating System

As part of the Town's participation in the National Flood Insurance Program (NFIP) and CRS programs, the Town sends an annual letter out to all property owners within or near the regulated floodplain. The letter is intended to keep residents up to date on Town initiatives related to its participation in the NFIP and CRS programs. This includes distributing updated Flood Insurance Rate Maps, information relevant to purchasing flood insurance through the programs, contact information to relevant departments within the Town for support, permitting requirements, and general information about flood hazards within the community.

### Waterbody Classifications

All surface waters in New York State are assigned a letter classification that denotes their best uses. Water classifications are based on current and potential water use; physical, chemical, and biological

assessments; stakeholder input; and economic data. Letter classes<sup>12</sup> such as A, B, C, and D are assigned to fresh surface waters, and SA, SB, SC, I, and SD to saline (marine) surface waters.

(<https://www.dec.ny.gov/chemical/23853.html>). Best uses include source of drinking water, swimming, boating, fishing, and shell fishing. The letter classifications and their best uses are described in regulation 6 NYCRR Part 701<sup>13</sup>. The classification of individual bodies of surface water is in regulation 6 NYCRR Chapter X (Parts 800 - 941).

**Class AA fresh surface waters** - The best usages of Class AA waters are a source of water supply for drinking, culinary or food processing purposes, primary and secondary contact recreation, and fishing. The waters shall be suitable for fish, shellfish, and wildlife propagation and survival. This classification may be given to those waters that, if subjected to approved disinfection treatment, with additional treatment, if necessary, to remove naturally present impurities, meet or will meet NYS DOH drinking water standards and are or will be considered safe and satisfactory for drinking water purposes.

**Class B fresh surface waters** - The best usages of Class B waters are primary and secondary contact recreation and fishing. These waters shall be suitable for fish, shellfish, and wildlife propagation and survival

**Class C fresh surface waters** - The best usage of Class C waters is fishing. These waters shall be suitable for fish, shellfish, and wildlife propagation and survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.

**(T) and (TS) standards** - Waters with classifications A, B, and C may also have a standard of (T), indicating that it may support a trout population, or (TS), indicating that it may support trout spawning (TS). Special requirements apply to sustain these waters that support these valuable and sensitive fisheries resources. Certain waters of the state are protected based on their classification. Streams and small water bodies with a classification of AA, A, or B, or with a classification of C with a standard of (T) or (TS) are collectively referred to as "protected streams," and are subject to the stream protection provisions of the Protection of Waters regulations.

**Class D fresh surface waters** - The best usage of Class D waters is fishing. Due to such natural conditions as intermittency of flow, water conditions not conducive to propagation of game fishery, or stream bed conditions, the waters will not support fish propagation. These waters shall be suitable for fish, shellfish, and wildlife survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.

### Tonawanda Creek Subarea Stream Classifications

Tonawanda Creek/Erie Canal – Tonawanda Creek is designated as a Class A, B, or C stream depending upon location.

From the Niagara River to Lockport which includes the entire stretch of the Canal within the Amherst WRA, the Erie Canal and Tonawanda Creek are designated Class C. The primary use is for fishing. Water quality should be suitable for fish propagation and survival. Water quality should also be suitable for primary contact (swimming) recreation, and secondary contact (boating) recreation. However, other factors may limit these uses.

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<sup>12</sup> <https://www.dec.ny.gov/chemical/23853.html>

<sup>13</sup> 6 NYCRR Part 701 Classifications--Surface Waters and Groundwaters



Upstream from the confluence of the Erie Canal and Tonawanda Creek, Tonawanda Creek is designated a Class B stream. The best uses for Class B streams are primary and secondary contact recreation and fishing. Water quality should be suitable for fish propagation and survival.

Ransom Creek – Ransom Creek within the Amherst WRA is designated a Class C stream, with similar characteristics as Tonawanda Creek/Erie Canal as described above.

### Ellicott Creek Subarea Stream Classifications

Ellicott Creek – Ellicott Creek is designated as a Class B waterbody, suitable for public bathing, general recreation use, and support of aquatic life, but not as a water supply.

## Water Quality Assessments

Once a classification is designated for a stream or a stretch of stream, water quality standards for that specific classification are assigned to the stream. Water quality assessments are then made against those water quality standards to ensure that the stream is attaining its designated use. Water quality monitoring data collected at 12 sites during 1993 and 1994 are the basis for the Niagara River-Lake Erie Drainage Basin Biennial Report issued in 1997. Water quality reports for waterways within the Amherst WRA are revised as new testing is completed as described below. The results are used by the NYS DEC in the selection process for the state Priority Waterbodies List (PWL). The PWL is a listing of surface waters in New York that cannot fully support their designated use classification or have potential problems that will damage their environmental quality. Waters are listed according to the degree to which their designated use is affected, such as “Precluded,” “Impaired,” “Stressed,” or “Threatened.” These listings are based on varying levels of documentation, which are also noted. The range of documentation levels are as follows:

*Known* – Based on water quality monitoring data, such as the intensive basin study, which conclude the use of the waterbody is restricted.

*Suspected* - Based on public perception, citizen complaints and anecdotal evidence. Actual studies have yet to conclude the waterbody is impaired.

*Possible* - Based on an assessment of land uses and activities within the watershed. Little documentation of impairment exists.

Water quality assessments are made in New York State on a rotating basis by major basin. The most recent water quality assessment in the Niagara River/Lake Erie Basin was completed in 2008. Water quality assessments are based on sediment studies and biological (fish tissue, macroinvertebrate studies), chemical (water column chemistry), and physical monitoring (temperature, flow rates). After a water quality assessment is made, management and restoration strategies are developed in order to address water quality issues within the basin.

General water quality issues within the Niagara River Basin include total nitrogen export, fish consumption advisories due to contamination of fish tissue, contaminated sediments, agricultural runoff (nutrients, sediments, pesticides), and atmospheric deposition of nitrogen. Waters within the Amherst WRA listed on the 2008 Priority Waterbodies List and reported to the Environmental Protection Agency (EPA) in the New York State Water Quality Report are:

### Tonawanda Creek

The Tonawanda Creek Water Quality Report was revised based on testing done between 1998 and 2010. The creek is impaired for fish consumption due to toxic organics contamination attributed to historic/past discharges and contaminated sediments. This assessment is “known.” Aquatic life support and recreational uses are assessed as stressed. The stream is stressed primarily due to silt and sediment from streambank erosion, although nutrients have also been listed as a possible cause of contamination. This assessment is “suspected”, and updated sampling in the specific reach needs to be conducted to verify conditions. In addition, in 2019 the United States Army Corps of Engineers (USACE) treated a section of the Canal adjacent to Old Niagara Falls Boulevard with an herbicide to control and eradicate the aggressive aquatic plant, hydrilla.

### Erie Canal/Tonawanda Creek

The Erie Canal is impaired, from the Niagara River to Lockport, due to PCB contamination from contaminated sediments. This listing is based on “known” water quality monitoring and, as a result, a fish consumption advisory exists for carp.

### Ransom Creek

The Ransom Creek Water Quality Report was revised based on testing done between 1998 and 2005. A three-mile stretch of Ransom Creek in the Town of Clarence is impaired. Although this part of the stream is not in the Tonawanda Creek Subarea, Ransom Creek enters the subarea after flowing through the contaminated stretch. The creek is impaired for fishing, fish propagation, and fish survival due mostly to nutrients from failing home and commercial septic systems in Clarence Hollow. Other causes of impairment include ammonia, sedimentation, pathogens, and oxygen demand. Urban runoff, construction, and hydro modification are additional sources of pollution in this stretch. This assessment is based on “known” water quality studies. As discussed, this creek is used for agricultural purposes on and near the Spoth Farm off Tonawanda Creek Road.

### Ellicott Creek

The Ellicott Creek Water Quality Report was revised based on testing done between 1998 and 2015. The portion of Ellicott Creek Subarea is assessed as an impaired waterbody for aquatic life. This listing is based on “known” biological sampling that shows significant impacts. This same testing has assessed recreational fishing, as impaired, but additional testing is needed to elevate this assumption from a “suspected” to “known” confidence level. There are no current advisories for fish consumption. However, due to the presence of impacts/contaminants in the stream, further testing is needed, and fish consumption is considered unassessed. Public bathing uses are “suspected” as stressed. Additional bacteriological sampling is needed to fully evaluate public bathing and other recreational use.

The water quality in the Town’s two major waterways will limit the recreation uses within the water. The Town currently does not have designated swimming areas along the creeks. Through the community outreach portion of the plan, the Town received comments from the stakeholders and residents on water quality. The runoff into both creeks collects the pollutants from approximately the entire surface of the Town’s boundary. The Town should prioritize an effort to combat the pollutants from entering the waterways. The overall health of the waterways are environmental and aesthetic concerns from the Town’s residents. Further investigations and studies to improve the water resources

in the Amherst WRA is an option. The Town will collaborate with other stakeholders and agencies to combine initiatives and outline an implementation strategy.

Harmful Algal Blooms were reported in 2021 to have occurred on certain portions of Ellicott Creek.<sup>14</sup> Most algae are harmless and are an important part of the food web. Certain types of algae can grow quickly and form blooms. Even large blooms are not necessarily harmful. However, some species of algae can produce toxins that can be harmful to people and animals. Blooms of algal species that can produce toxins are referred to as harmful algal blooms (HABs). People, pets and livestock should avoid contact with any floating mats, scums, or discolored water. Colors can include shades of green, blue-green, yellow, brown or red. The town will monitor its streams and ponds to inform its residents of any potential health risks.

## 2.12 Air Quality

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Local air quality changes daily and affects how we live and breathe. Air quality depends on numerous factors, such as weather, local pollution sources, and up-wind pollution sources. The U.S. Environmental Protection Agency has created the Air Quality Index (AQI) to measure and track the five major air pollutants regulated by the Clean Air Act. The five pollutants are ground level ozone, particulate matter, carbon monoxide, sulfur dioxide, and nitrogen dioxide. The AQI has a scale of 0 through 500. Each pollutant is scored daily and the highest score for an individual pollutant is the AQI score for the day. Scores of 0-100 range from Good to Moderate. Scores of 101 to 150 are Unhealthy for Sensitive Groups while scores of 151 to 500 are considered Unhealthy, Very Unhealthy, and Hazardous<sup>15</sup>

The NYS DEC is the state agency that carries out both the state and federal air pollution control and monitoring programs. The New York State Ambient Air Monitoring Networks<sup>16</sup> provides air pollution data to the public, determines compliance with ambient air quality standards and develops emission control strategies and studies.

The Town also advocates for opportunities to improve mobility and connectivity for bicyclists and pedestrians. The Town has been previously awarded NYS DOT Transportation Alternative Program (TAP) funding to provide Safe Routes to School. These improvements include funding for sidewalks, handicap accessible ramps, and crosswalk markings near the Williamsville North High School and Middle School. Improving mobility and connectivity for bicyclists and pedestrians has been emphasized as part of the needs of the Amherst WRA and included in Section IV under projects. The Town will continue to advocate for alternative forms of transportation.

## 2.13 Transportation Network

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Amherst's existing transportation network is highly dependent upon private automobiles due to the Town's suburban growth patterns and historic corridor-oriented style of development. Past expansion of development outward from the City of Buffalo led to improvements to highway and local roadway

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<sup>14</sup> [https://www.dec.ny.gov/docs/water\\_pdf/habsarchive2021.pdf](https://www.dec.ny.gov/docs/water_pdf/habsarchive2021.pdf)

<sup>15</sup> [https://cdrpc.org/wp-content/uploads/2015/09/Regional\\_Indicators.pdf](https://cdrpc.org/wp-content/uploads/2015/09/Regional_Indicators.pdf)

<sup>16</sup> <http://www.dec.ny.gov/chemical/8406.html>

systems to accommodate growth. Automobile dependency has caused congestion along some major roadway corridors and decreased safety for pedestrians and bicycle users.

The Amherst WRA is accessed from the south primarily by the Youngmann Memorial Highway (Interstate 290) which connects to the New York State Thruway (Interstate 90). From Interstate 290 there are three major access routes. Niagara Falls Boulevard (US Route 62) provides access to the western Amherst WRA. The Lockport Expressway (Interstate 990) provides access to the western and central area of the Amherst WRA via Sweet Home Road and Campbell Boulevard, respectively. Millersport Highway (NYS Route 263) provides access to the eastern Amherst WRA via Hopkins Road and New Road. From the north, the western portion of the Amherst WRA is accessed primarily by Niagara Falls Boulevard. The eastern portion of the Amherst WRA can be accessed via Transit Road (Route 78). Within the Amherst WRA, major travel routes consist of Niagara Falls Boulevard, Tonawanda Creek Road, Campbell Boulevard, Hopkins Road, and New Road. Most of the Tonawanda Creek Subarea can be accessed through Tonawanda Creek Road in Amherst and Tonawanda Creek Road North in the Town of Pendleton, both of which travel along the waterfront providing scenic views and access to recreational resources along the Erie Canal.

Tonawanda Creek Road in Amherst runs in an east-west direction and is the major route across the Tonawanda Creek Subarea and north Amherst. It connects the more developed areas near Niagara Falls Boulevard with the north terminus of Millersport Highway. As such, it provides access to Niagara County via intersections with north-south roads that traverse the Erie Canal. This causes parts of Tonawanda Creek Road to be heavily traveled by commuters. Speeding along this roadway can be a problem, especially in areas where there is no safe pedestrian path. This is especially true in the section between Niagara Falls Boulevard and Bear Ridge Road, which includes parts of the Empire State Trail. In addition to the heavy use of some sections of the road, speed limits of 45-50 miles per hour are posted for its length. The higher speed limit is not compatible in some areas where the road is used to connect fragmented portions of the Canal walking and bicycle trail.

Niagara Falls Boulevard is a major thoroughfare in the region providing commuter access to major highways and the cities of Buffalo, Tonawanda, and North Tonawanda as well as to locations in Niagara County. As a result, it is heavily traveled and at peak periods can exceed carrying capacity, possibly causing commuter traffic to use Tonawanda Creek Road as an early exit.

There is no public transportation within the Amherst WRA. However, two bus routes operate nearby:

- ◆ Route 34-Niagara Falls Boulevard operates along Niagara Falls Boulevard stopping just short of the Amherst WRA at Audubon Industrial Park in the Ellicott Creek Subarea.
- ◆ Route 44-Lockport travels between Amherst and Lockport via Millersport Highway in the Tonawanda Creek Subarea.

## 2.14 Public Services and Utilities

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Amherst's non-transportation related infrastructure such as water, electric, natural gas, and fiber optic cable has adequate capacity to serve existing and projected future development within the Amherst WRA. The Tonawanda Creek and Ellicott Creek Subareas have adequate access to these utilities. Potential future land development in and adjacent to the waterways will not be impeded due to a lack of available utilities.



The current condition of the water system in the Town of Amherst is above average and capable of providing adequate fire protection for all property in the Town and adequate potable water supply for residents. The sanitary sewer system has undergone substantial upgrades and is generally capable of operating at a higher level of capacity. In 2011, the Town created the Amherst Consolidated Sanitary Sewer District (CSSD) by combining former districts 1 and 16 into a single district that serves much of Amherst. The district is served through a single water pollution control facility (WPCF), which also serves areas in the Town of Clarence. The Town of Amherst owns and operates the WPCF and collection system. The Erie County Department of Environment and Planning, Division of Sewerage Management operates Sewer District 5, which serves small portions of Amherst adjacent to the Town of Clarence. Sewer District 5 and Clarence Sewer District 2 serve extensive areas outside of the Town but discharge to the Amherst interceptor sewer network and Amherst WPCF on Tonawanda Creek.

## Water Supply

The Erie County Water Authority supplies most of Amherst with water through a lease agreement. Water is drawn from the Niagara River and treated at the Van de Water Treatment Plant. Current planning indicates ample capacity to accommodate future growth in the community.

## Amherst Utility Cooperative

The deregulation of natural gas and electrical energy created several ways to purchase energy at a lower cost. The Amherst Utility Cooperative (AUC) was formed in 1998 as a way of generating savings through the joint purchase of energy. The AUC purchases natural gas and electricity for the Town of Amherst, the Village of Williamsville, three school districts and three fire companies.

Private utility companies address other infrastructure needs of the residents of the Town of Amherst, for example:

- ◆ A lease management agreement with the Erie County Water Authority (ECWA) provides the Town with water.
- ◆ National Fuel Gas provides natural gas.
- ◆ National Grid and New York State Electric & Gas (NYSEG) provide electrical service.
- ◆ The Town has a significant network of Information Technology infrastructure including fiber optic and other telecommunications lines. The Town is served by many providers such as Spectrum, Verizon, Verizon Fios, EarthLink, Viasat, and HughesNet.

## Wastewater Treatment Facilities

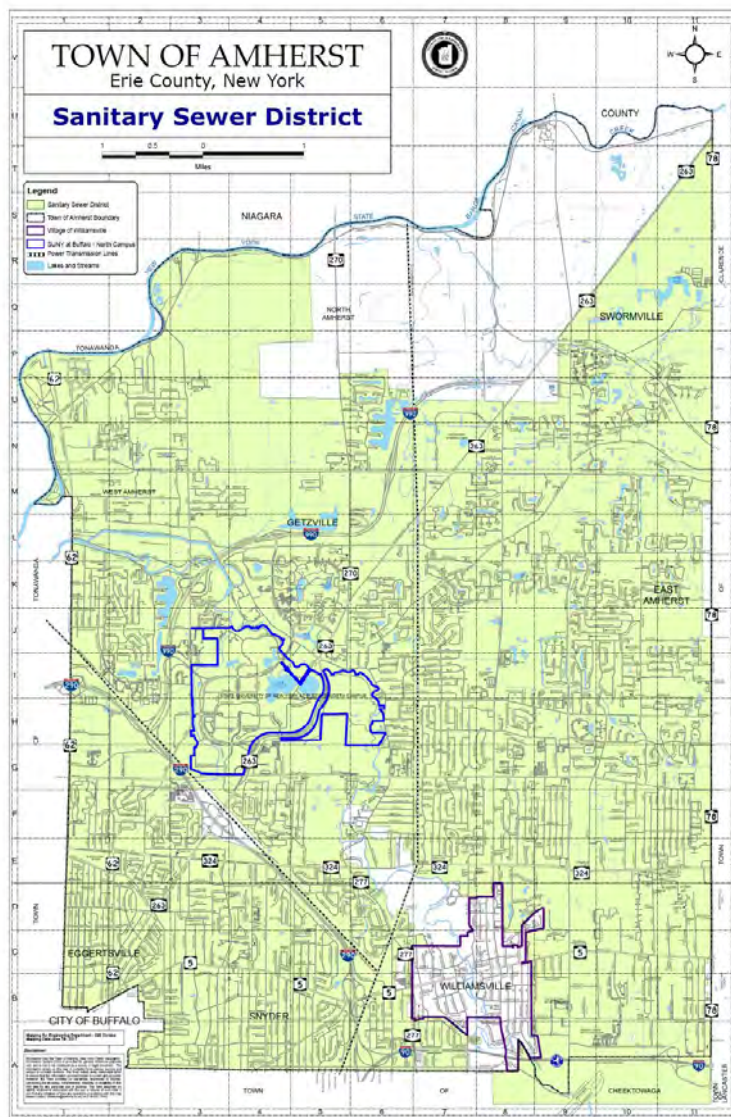
The Town of Amherst Wastewater Treatment Plant (WWTP) is located just south of the Erie Canal along Tonawanda Creek Road in northwest Amherst about one-half mile west of Nature View Park.

The Town is the owner-operator of these 68 acres Publicly Owned Treatment Works (POTW). The Town's POTW consists of over 530 miles of sanitary sewers, 43 lift stations and grinder pumps, and a tertiary treatment plant and provides services to multiple out-of-district customers including the Village of Williamsville, Erie County Sewer District #5, and the Town of Clarence. Funding for the operation and maintenance of the POTW is raised via tax levy, bond issuance, user fees (for out-of-district customers) and fund balance. There is potential to add alternate energy sources within the confines of the Town property.

Wastewater from the Town of Amherst is treated at the WWTP. The WWTP has a design capacity of 36 million gallons per day and serves approximately 115,000 people. Sewage is treated at the tertiary level and discharged into Tonawanda Creek, a Class C stream at the point of discharge. This discharge point is near Vine Lane and Tonawanda Creek Road into Tonawanda Creek. The plant complies with all its permits, which are based on current available technology and water quality standards.

The Town's publicly owned sewers vary in age and materials of construction – from vitreous clay tile pipe laid from the early 1920s with masonry utility access holes to large reinforced concrete pipe interceptors constructed in the early to mid-1970s. From the 1970s to the present, the Town has continued to grow and, in general, the newer sections of the POTW are constructed with PVC pipe and precast concrete utility access holes. The distribution lines within the municipal boundaries need upgrades and improvements.

Figure 2.64 - Town of Amherst Sanitary Sewer District



Source: Town of Amherst Geospatial Data. Accessed April 2022

Amherst Sewer District 16 serves much of the Amherst WRA (see Figure 2.64). It is composed of a network of sewers that gradually flows north and west toward the Amherst WWTP. However, a substantial portion of the Amherst WRA, from Campbell Boulevard to New Road, does not have sewers and relies on on-site disposal systems. Much of the non-sewered region lies within the 100-year floodplain for Ransom and Tonawanda Creeks, including a section where both creeks flood. Additionally, most of the soils in the area are not well drained.

There are no official plans to extend the sewer service area, as evidenced in Figure 2.64 – Future Sanitary Sewer Service in the Town of Amherst Bicentennial Comprehensive Plan. However, the Town may be petitioned to extend service to property near the Millersport Highway/New Road intersection for a potential development project.

Private disposal systems or septic systems in the Town are mainly located in areas outside the Consolidated Sanitary Sewer District, such as along Tonawanda Creek Road and Schoelles Road in northern portions of Amherst. The responsibility for their maintenance is with the property owners. Sewer extensions are sometimes requested when these systems fail. The Town promotes the importance of maintaining private disposal systems to ensure that failing systems do not create a need for sewer extensions to those areas outside current districts. The infrastructure section of the Bicentennial Comprehensive Plan calls for redefining the boundaries of the Consolidated Sanitary Sewer District in the northern part of the Town to exclude rural and agricultural areas designated for protection and include areas designated for more intensive development. The Town provides residents with information on best practices for maintaining their systems, such as mound and aerobic treatment systems, with the goal of reducing the risk of significant problems or failures.

New York State started analyzing wastewater for SARS-CoV-2 in select areas in early March of 2020, shortly after scientists documented the feasibility of tracking coronavirus transmission through wastewater. Research has shown that the use of biomarkers may be effective in quantifying SARS-CoV-2 in wastewater and understanding disease dynamics within a community. Wastewater treatment plants participating to the New York State Wastewater Surveillance Network provide wastewater samples, lab analyses are conducted at contracted laboratories, and trends and maps are provided back to the county to guide response to the coronavirus pandemic. The Town of Amherst Water Pollution Control Facility (WPCF), where wastewater generated in the Village of Williamsville is treated, has been working in partnership with the Erie County Department of Health, the Erie County Division of Sewerage Management, the University at Buffalo, the Town of Tonawanda and the Buffalo Sewer Authority to track SARS-CoV-2 in wastewater in the most populated areas of Erie County, and participates in the State's surveillance network. Since Fall 2020, wastewater samples have been collected twice weekly under the Erie County Covid-19 / Wastewater Project and tested to identify various strains of the SARS-CoV-2 virus, including variants of concern. One benefit of variant detection using wastewater samples is that the procedure captures health information from a significantly higher number of people than analysis using nasal swabs from individuals.

The wastewater samples are collected at several locations in Erie County, including the Amherst WPCF on Tonawanda Creek Road in the Town of Amherst, and sent to a laboratory managed by the UB School of Engineering and Applied Sciences for analysis. The UB laboratory is a participating member of the New York State surveillance network, as they also undertake testing for other counties in Western New York. This laboratory testing assists the Erie County Department of Health with understanding the prevalence of Covid-19 in the community. The number of virus fragments found in a sample can be used

to determine the relative prevalence of the Covid-19 virus in the sewershed where the sample was taken. The higher the concentration of the virus found in the sample, the higher the rate of Covid-19 infection in the area served by that sewer system.

Erie County set up a custom dashboard to present the results of the sampling and testing performed as a part of this project. The estimated number of new cases per day are calculated values based on the number of positive Covid-19 infection cases reported within the zip codes serviced by the various sewersheds, as illustrated on the dashboard. The dashboard may be accessed at [erie.gov/covid19-wastewater/](http://erie.gov/covid19-wastewater/).

It is important to note that this data does not and should not be interpreted as a replacement for information on positive cases supplied by State and County Health Departments. Decisions cannot be made, and definitive conclusions cannot be formed using the wastewater data alone. The Covid-19/Wastewater Project offers another source of data to be used in conjunction with other available information and metrics to assist in understanding Covid-19 impacts in the community.

## Stormwater Management

The Town of Amherst has an extensive system of open ditches, closed pipes, detention ponds, and creeks in place to manage stormwater runoff. Although this system is in place, stormwater drainage is a concern to many residents as localized nuisance flooding from rain events affects certain areas of the Town. The water quality impacts of stormwater runoff are another important issue. In 2011, the Town consolidated its three stormwater drainage management districts (1, 16, and 26) into a single district. The Town coordinates stormwater management efforts with other governmental agencies, including adjacent municipalities and other municipalities within the watersheds, Erie County, FEMA, EPA, USACE, and the NYS DEC (Appendix B). Amherst participates in the WNY Stormwater Coalition, Tonawanda Creek Watershed Committee, and the Erie County Water Quality Committee with a focus on watershed-based management planning to protect and improve water quality and stormwater management. Additionally, this LWRP promotes projects that are sensitive to stormwater management needs (see Section IV).

Flooding and stormwater drainage are concerns within the Tonawanda Creek Subarea, especially in northeastern Amherst near Ransom Creek. As a result, several improvements were recommended and are planned in the Amherst Capital Improvement Program. Stormwater is primarily managed using a system of ditches, several of which run through the subarea and discharge into Tonawanda Creek. Amherst also makes use of hydric soils and underground storm sewer pipes to manage stormwater overflow. One prominent ditch within the Tonawanda Creek Subarea is located just west of Ransom Creek and Fisherman's Wharf. Ransom Creek also serves as a major stormwater drainage channel.

While it appears that there are no ditches feeding into Ransom Creek within the Amherst WRA, much of east Amherst and the hamlet of Swormville drains directly or is channeled into Ransom Creek just outside of the subarea. This large area is quite developed, has level topography and much of it is within the 100-year floodplain. Importantly, some of the ditches that empty into Ransom Creek are draining areas where there is no sanitary sewer service. The Amherst Engineering Department plans to address flooding issues in Ransom Creek over the next few years.

Several other areas within the Amherst WRA utilize the Amherst ditch system. The ditch system makes use of the extensive hydric soils in Nature View Park. Several ditches run in and out of the Park, much of it eventually draining into Ellicott Creek. Other parts of Nature View Park drain into ditches that run



across Tonawanda Creek Road and empty into Tonawanda Creek near the point where Bear Ridge Road crosses over the Canal. Just outside of the subarea, several ditches drain the area between Millersport Highway and Tonawanda Creek. The Town of Amherst Highway Department maintains mapping of the Town's ditch system. The Department obtains properties or easements whenever possible to ensure proper maintenance of the system.

The Town has issues with "inconvenience" flooding in the southern portion of the Ellicott Creek Subarea in the Lehn Springs area. The natural flow of the hydrologic system was disrupted by the infrastructure and road configuration at the Wehrle Drive and Garrison Drive area.

### Nutrient Runoff Law

In 2012, New York State passed the Nutrient Runoff Law that restricts the sale or use of phosphorus fertilizer (Section 17-2103) and provided for local municipal fertilizer regulation (Section 17-2105). Phosphorus fertilizer is fertilizer in which the available phosphate (P205) content is greater than 0.67 percent by weight, excluding compost. Under the law, no person shall apply or authorize any person by way of service contract or other arrangement to apply any phosphorus fertilizer on lawn or non-agricultural turf, except when:

- ◆ A soil test indicates that additional phosphorus is needed for growth of that lawn or non-agricultural turf; or
- ◆ The phosphorus fertilizer is used for newly established lawn or non-agricultural turf during the first growing season.

The regulation prohibits application of phosphorus fertilizer to lawn or non-agricultural turf between December first and April first, annually. It also prohibits phosphorus fertilizer on any impervious surface including parking lots, roadways, and sidewalks. If this occurs, the fertilizer must be immediately contained and either legally applied to lawn or non-agricultural turf or placed in an appropriate container. It also restricts application on any real property within twenty feet of any surface water, except that this restriction shall not apply where a continuous natural vegetative buffer, at least ten feet wide, separates an area of lawn or non-agricultural turf and surface water, and except that, where a spreader guard, deflector shield or drop spreader is used to apply fertilizer, such application may not occur within three feet of any surface water. This does not apply to newly established lawn or non-agricultural turf during the first growing season.

§ 17-2105. Local fertilizer regulation provides for a local government to enact more stringent standards for the application of fertilizer for lawn and non-agricultural turf than established in this law, provided, however, that any local government that enacts such standards after January 1, 2011, must demonstrate to the department prior to enactment that additional or more stringent standards are necessary to address local water quality conditions.

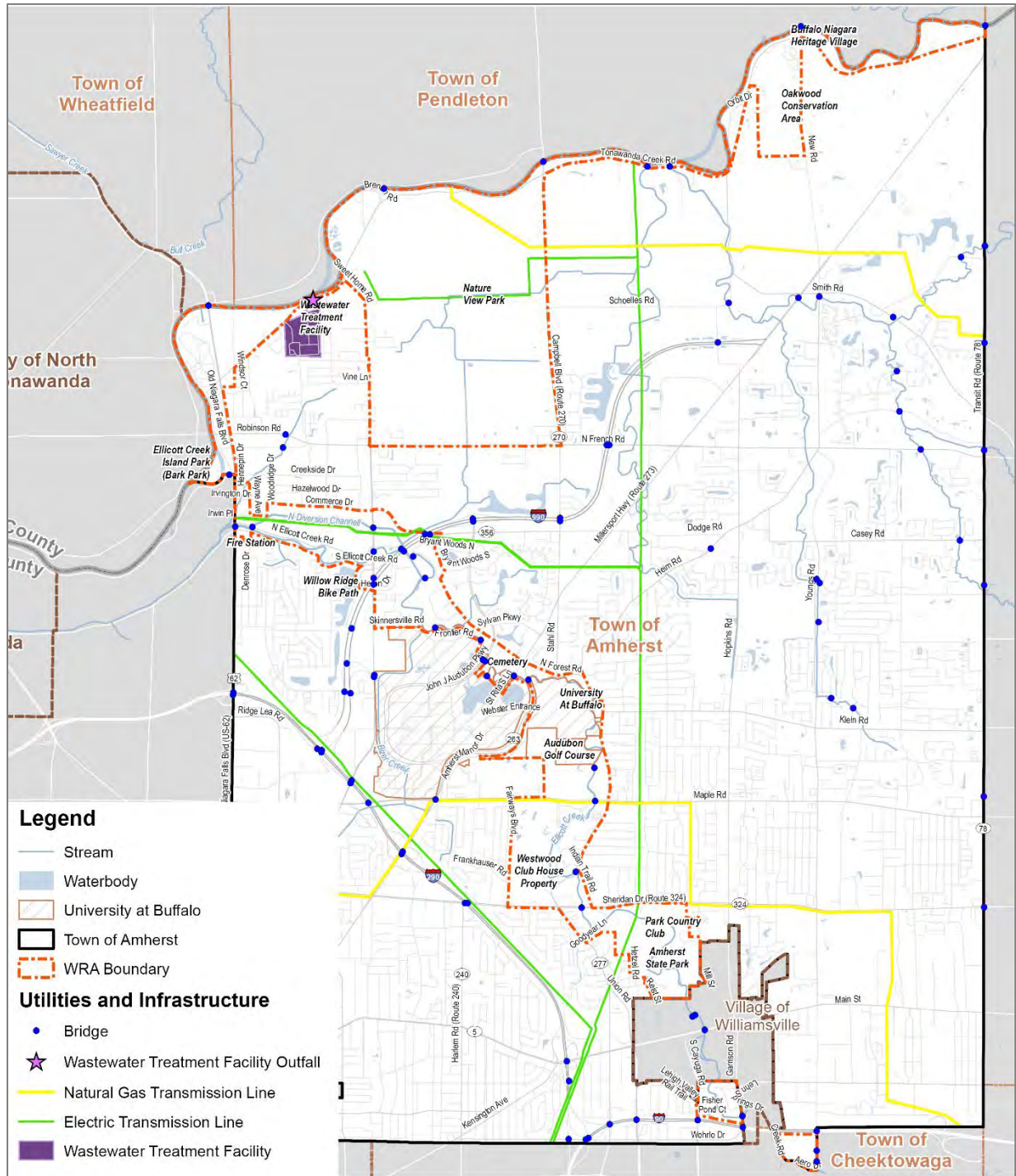
The Agriculture and Markets Law was amended by adding section 146-g Retail Sale to read as follows:

Any retailer who sells or offers for sale to consumers specialty fertilizer in which the available phosphate (P205) content is greater than 0.67 percent, shall:

- a. Display such phosphorus-containing specialty fertilizer separately from non-phosphorus specialty fertilizer; and post in the location where phosphorus-containing specialty fertilizer is displayed a clearly visible sign, which is at least eight and one-half inches by eleven inches in size and states that: "Phosphorus runoff poses a threat to water quality. Therefore, under New York law, phosphorus-containing fertilizer may only be applied to lawn or non-agricultural turf when:

1. A soil test indicates that additional phosphorus is needed for growth of that lawn or non-agricultural turf; or
2. The fertilizer is used for newly established lawn or non-agricultural turf during the first growing season."

Map II-18 Public Services, Utilities, and Infrastructure



## Ice Management

Routine ice management practices are not undertaken by the Town of Amherst along either waterway within the Amherst WRA. However, the Town Highway Department will respond to occasional ice jams that may occur to avoid localized flooding issues. Ice jams are not identified as a local profiled hazard in Amherst according to the Erie County Multi-Jurisdictional Hazard Mitigation Plan.

## Solid Waste Management

The Amherst Refuse Control Office contracts with private companies to collect solid waste from residential uses in the Town of Amherst. Commercial and industrial institutions and larger apartment complexes are required to use private collection services.

The Refuse Control Office and the Town Highway Department are responsible for the collection, recycling, and hauling of solid waste, as well as spring brush pick-up and fall leaf pick-up. No significant concerns regarding the quality of service have been raised. Most of the solid waste collected by the Town is transported to American Refuel, a waste-to-energy company in Niagara Falls. Yard waste is transported to a privately owned and operated organic recycling center located in northeast Amherst. C.J. Krantz operates a private compost facility in northeast Amherst where yard waste from municipal and private sources is composted and available to Town residents.

## Major Energy Generating Facilities and Transmission Networks

There are no major energy generating facilities within the Town of Amherst WRA. However, there are a few major utility lines and substations in the Amherst WRA (see Map II-18 Public Services, Utilities, and Infrastructure). Below is a brief description of the utility lines and substations located in the Amherst WRA.

- ◆ National Grid 115kV transmission line leading to a substation off Tonawanda Creek Road in a west to east orientation.
- ◆ National Grid 115KV transmission line intersecting the Creek between Campbell Boulevard and Orbit Drive in a north to south orientation.
- ◆ National Fuel Gas Supply Line intersecting the Creek between Campbell Boulevard and Bear Ridge Road in a north to south orientation.
- ◆ Two 115kV lines traversing in a west to east orientation intersecting the Creek north of Interstate 990 and North Ellicott Creek Road.
- ◆ National Grid 115kV line intersecting the Creek in a north to south orientation near North Forest and Reist Street.
- ◆ National Fuel Gas Supply Line intersecting the Creek in a west to east orientation just south of Maple Road.

There are no known underwater utilities (e.g., buried lines crossing streams) that exist in the Amherst WRA.

The Town currently is upgrading existing Town facilities with Electric Vehicle (EV) charging stations. In order to promote sustainable practices, the Town will continue to implement EV charging stations at Town facilities along the water within the Amherst WRA.

## 2.15 Population and Demographics

Between the 2010 and 2020 Census the Town’s population grew by 7,229, for a total of 129,595. Amherst’s population grew by 2,658 residents between 2010 and 2017, or a growth rate of 0.3 percent per year as shown in Table II-14- Town of Amherst Population by Age. The Town’s 65 to 74-year age range grew more than any other age range between 2010 and 2017, with a 33 percent increase in population. The next largest increase in population occurred with young professionals, ages 25 to 34 years, with a 12 percent increase in population. The Town’s population over the age of 65, generally considered retirement age, makes up 19.2 percent of the total population, while residents under the age of 20 make up 24 percent of the total population. The median age in Amherst has stayed relatively consistent, dropping from 40.2 years to 40.1 years.

Amherst’s population over the age of 65 makes up a larger proportion of the total population (19.2 percent) when compared to Erie County (16.8 percent) and New York State (15.1 percent) as shown in Table II-15. Population by Age and Comparative Geographies. The Town’s young professional age range (25-34 years) is a smaller proportion of total population (11.5 percent) when compared to Erie County (13.8 percent) and New York State (14.6 percent). The median age in Amherst (40.1 years) is slightly lower than Erie County (40.3 years) and higher than New York State (38.4 years).

**Table II-14 - Town of Amherst Population by Age**

Age Range	2010 Population	% of Total Population	2017 Population	% of Total Population	% Change 2010 to 2017
0 to 9 Years	12,436	10.2	11,744	9.4	-6%
10 to 19 years	17,211	14	18,289	14.6	6%
20 to 24 years	12,114	9.9	11,279	9	-7%
25 to 34 years	12,795	10.5	14,365	11.5	12%
35 to 44 years	13,744	11.3	13,089	10.5	-5%
45 to 54 years	16,687	13.6	15,721	12.6	-6%
55 to 64 years	15,559	12.7	16,473	13.2	6%
65 to 74 years	9,454	7.7	12,548	10	33%
75 and over	12,366	10.1	11,516	9.2	-7%
<b>Total Population</b>	<b>122,366</b>	<b>100</b>	<b>125,024</b>	<b>100</b>	<b>2%</b>
<b>Median Age (Years)</b>	<b>40.2</b>	<b>N/A</b>	<b>40.1</b>	<b>N/A</b>	<b>N/A</b>

*Source: U.S. Census 2010 Decennial Census, U.S. Census American Community Survey 5-Year Estimates, 2013-2017*

**Table II-15 – Population by Age and Comparative Geographies**



Age Range	Town of Amherst 2017 Population	% of Total Population	Erie County 2017 Population	% of Total Population	New York State 2017 Population	% of Total Population
<b>0 to 9 Years</b>	11,744	9.4	101,230	10.9	2,317,862	11.7
<b>10 to 19 years</b>	18,289	14.6	114,557	12.4	2,414,010	12.2
<b>20 to 24 years</b>	11,279	9.0	65,337	7.1	1,405,547	7.1
<b>25 to 34 years</b>	14,365	11.5	127,189	13.8	2,883,167	14.6
<b>35 to 44 years</b>	13,089	10.5	102,308	11.1	2,485,508	12.6
<b>45 to 54 years</b>	15,721	12.6	127,361	13.8	2,744,981	13.9
<b>55 to 64 years</b>	16,473	13.2	130,196	14.1	2,538,802	12.8
<b>65 to 74 years</b>	12,548	10.0	84,337	9.1	1,675,514	8.4
<b>75 and over</b>	11,516	9.2	71,480	7.7	1,332,837	6.7
<b>Total Population</b>	125,024	100	923,995	100	19,798,228	100
<b>Median Age (Years)</b>	40.1	N/A	40.3	N/A	38.4	N/A

Source: U.S. Census American Community Survey 5-Year Estimates, 2013-2017

## Generational Characteristics

Understanding the generational context of the community is important from a waterfront revitalization perspective because it can indicate the different types of revitalization projects that will meet the expectations or desires of various age groups and potential recreational users. The following information on the generational make-up of the Town is summarized from several sources of information including the following (complete citations are provided in the references section):

- ◆ Town of Amherst. Recreation and Parks Master Plan 2018.
- ◆ Richard Fry, “Millennials Overtake Baby Boomers as America’s Largest Generation”
- ◆ William Strauss and Neil Howe, “Millennials Rising, the Next Great Generation”
- ◆ Sneakernomics: “How The ‘Outdoor’ Industry Became The ‘Outside’ Industry”
- ◆ American Planning Association, “Investing in Place: Two generation’s view on the future of communities: millennials, boomers, and new directions for planning and economic development”
- ◆ Linda Cochran, Anne Roshchadl, and Jodi Rudick, “Leisure Programming for Baby Boomers”
- ◆ Physical Activity Council, “Participation Report”

Nearly 54 percent of Amherst population consists of Baby Boomers and Millennials, both of whom are known to seek physical, emotional, and spiritual connections to the outdoor environment. In addition to being health conscious, Millennials often look for local and relatively inexpensive ways to experience the outdoors close to home on trails, bike paths, and in community parks. They, along with the Baby Boomer generation, highly value walkability, and in a 2014 study by the American Planning Association, two-thirds noted that improving walkability in a community is directly related to strengthening the local economy. The study also noted that 46 percent of Millennials and Baby Boomers place a high priority on

having sidewalks, hiking trails, bike paths, and fitness choices available to them in their community. In fact, these community features were viewed by study respondents to be of higher preference than a great school system, vibrant centers of entertainment and culture, and affordable and convenient transportation choices.

As Baby Boomers enter retirement, they will be looking for opportunities in fitness, sports, outdoors, arts and cultural events, and other activities that suit their lifestyles. With their varied life experiences, values, and expectations, Baby Boomers are predicted to redefine the meaning of recreation and leisure programming for mature adults. In the leisure profession, this generation’s devotion to exercise and fitness is an example of its influence on society. When some Boomers entered elementary school in the early 1960s, President Kennedy initiated the President’s Council on Physical Fitness, making physical education a key component of public education. As Boomers matured and moved into the workplace, they took their desire for exercise and fitness with them and have continued to participate at high rates in their retirement. Boomers are second only to Generation Y and Millennials in participation in fitness and outdoor sports.

### Race and Ethnicity

Table II-16-Population Racial Distribution reflects the approximate racial/ethnic population distribution for Amherst based on the 2017 American Community Survey 5-Year Estimates from the U.S. Census. Most of the Town’s population identified as Caucasian. The largest minority group, making up 8.9 percent of the population in 2017, was Asian. African American residents are estimated to make up 6.5 percent. As illustrated below in Table II-16, the estimated 2017 racial and ethnic composition of the population of Amherst was generally less diverse than that of the State of New York.

**Table II-16 – Population Racial Distribution**

Race	Amherst Population	Amherst % of Total Population	New York State Population	New York State % of Total Population
<b>White, alone</b>	103,935	80.2	14,120,673	69.6
<b>Black or African American</b>	8,553	6.6	3,555,419	17.6
<b>American Indian and Alaska Native</b>	388	0.3	202,012	1.0
<b>Asian</b>	12,052	9.3	1,818,112	9.0
<b>Hispanic or Latino</b>	5,054	3.9	3,898,841	19.3
<b>Native Hawaiian or Pacific Islander</b>	0	0	20,201	0.1
<b>Two or more races</b>	3,369	2.6	545,433	2.7
<b>White alone, not Hispanic or Latino</b>	101,084	78.0	11,171,290	55.3

*Source: U.S. Census 2020 Decennial Census, U.S. Census American Community Survey April 1, 2020*

### Income and Housing

Table II-17 illustrates the distribution of median household income by earnings bracket in Amherst, Erie County, and New York State in 2017. Although the median income in Amherst was \$72,459, more than 35 percent of households are estimated to have an income over \$100,000.

**Table II-17 – Household Income and Comparative Geographies, 2017**

Household Income Range	Amherst % Occupied Housing Units	Erie County % Occupied Housing Units	New York State % Occupied Housing Units
<b>\$9,999 or less</b>	6.7	7.6	7
<b>\$10,000 to \$14,999</b>	4	6	5.3
<b>\$15,000 to \$19,999</b>	3.3	5.2	4.6
<b>\$20,000 to \$24,999</b>	4.2	5.2	4.5
<b>\$25,000 to \$34,999</b>	7.4	9.8	8.5
<b>\$35,000 to \$49,999</b>	9.5	12.8	11.3
<b>\$50,000 to \$74,999</b>	16.5	17.5	15.9
<b>\$75,000 to \$99,999</b>	12.6	12.6	11.9
<b>\$100,000 to \$149,999</b>	18.2	14.2	15
<b>\$150,000 or more</b>	17.7	9.1	16.1
<b>Median Household Income</b>	\$72,459.00	\$54,006.00	\$62,765.00

*Source: U.S. Census American Community Survey 5-Year Estimates 2013-2017*

Amherst has a variety of residential neighborhoods and housing types reflecting the long history of development of the Town through the 20th century. Housing diversity, including from the standpoint of affordability, is a significant issue in Amherst. The potential effects of new development on the character and stability of Amherst’s neighborhoods are also an issue. In past decades, the predominant land use development trend has been conversion of open space and vacant lands into single-family homes, resulting in more suburbanized settings throughout the Town compared to traditional neighborhoods in Eggertsville, Snyder, and Williamsville.

More recently, there has been a pronounced increase in the amount of multi-family housing, largely to accommodate the demand for off-campus housing by University at Buffalo students. Multi-family housing units account for most new residential units being constructed in the Town. Reasons include a continuing market demand for multi-family units, including student housing, and the fact that large parcels of land that once could be developed as single-family housing subdivisions are limited and difficult to find. Based on Amherst Building Department building permit data, of the 1,660 residential units permitted during the period from 2016 through 2018 just 231 units or 14 percent of units were single-family houses or duplexes, and the remainder were multi-family units.

While not currently a major problem, the deterioration of homes is a potential future threat to the stability of Amherst’s older neighborhoods. A substantial proportion of Amherst’s housing stock was built prior to 1970 and is now 50 years old or older. Aging housing stock will create the potential for an

increase in the number of substandard housing units, particularly if owners lack the means to make the proper investments in property maintenance and repairs.

Approximately two-thirds of Amherst’s current housing stock consists of single-family detached homes, with the remainder comprised of a mix of duplexes, townhouses, apartments, and other living arrangements (e.g., dormitories and assisted living). Demographic trends will reinforce the need for a more diverse housing stock to accommodate groups such as the elderly, empty nesters, and students. Housing diversity enhances affordability and, where effectively managed, can contribute to neighborhood stability and character. The Town’s neighborhoods are generally in good condition, except for isolated pockets of substandard housing. Nevertheless, there appears to be a perception that older neighborhoods near the City of Buffalo are experiencing decline or, if they are not declining now, are likely to decline in the future. While there is no present basis to predict that significant deterioration will occur in such areas in the future, it is possible that the combination of flat housing values, an aging housing stock, deterioration in older commercial areas, and a continuing emphasis on greenfield development in the Town and surrounding communities could ultimately affect the stability of Amherst’s older neighborhoods.

Older commercial areas in Amherst that include traditional business and retail centers are of major importance to the health of Amherst’s neighborhoods. Decline in commercial areas affects the visual appearance and image of the Town and can deter investment in nearby residential areas. Revitalizing these areas and reinforcing their traditional role as retail and employment centers with residential uses nearby will stimulate business and investment to provide centers of activity for surrounding neighborhoods. Within the Amherst WRA, such an area includes vacant and underutilized commercial properties along Old Niagara Falls Boulevard east of Tonawanda Creek/Erie Canal.

Amherst conducted a Neighborhood Housing study. The study aims at identifying areas in the Town that require resources to maintain their value and ensure their positive contribution to healthy neighborhoods. As reflected in Table II-17, the total number of housing units and households in Amherst is projected to continue to increase slowly through 2021.

Most residents live in owner-occupied housing units, but nearly 30 percent live in rental housing; the large student population adjacent to the University at Buffalo likely contributes to this number. For the period reviewed, a slow decrease in the overall percentage of owner-occupied housing and an increase in renter-occupied housing is shown.

**Table II-18 – Amherst Housing Profile 2010 to 2021 Trend**

	2010	2016	2021
<b>Total Housing Units</b>	51,179	52,261	53,075
<b>Number of Households</b>	49,733	49,733	50,357
<b>Average Household Size</b>	2.33	2.31	2.29
<b>Owner Occupied Housing</b>	68.2%	66.5%	65.7%
<b>Renter Occupied Housing</b>	27.4%	28.7%	29.2%
<b>Vacant Housing Units</b>	4.5%	4.8%	5.1%

*Sources: Town of Amherst; 2018; ESRI Business Analyst; U.S. Census Bureau*



## Education

Amherst has a high concentration of educational resources. In addition to the University at Buffalo, Daemen College, and Erie Community College, the Town has several top-level parochial and private schools. The Town's three public school districts are among the best in Western New York. In 2016, approximately 95 percent of Town residents 25 years old or older had attained a high school level education or higher. At the same time nearly 55 percent of Amherst adults had completed a bachelor's degree or higher, whereas less than 30 percent of adults statewide had completed the same level of education. At the State level, just over 14 percent of adults did not complete high school or their GED, compared to just five percent of Amherst's population. Nearly 29 percent of Amherst adults completed a graduate or professional degree.

The eligible working population of Amherst residents (age 16+) was estimated to be 62,546 in 2016. Of these potential workers, 96.7 percent were estimated to be employed, and 3.3 percent were estimated to be unemployed. Census data indicate most working residents in Amherst (60.1 percent) were employed in the service industry. Ten percent of working residents were employed by the retail industry, and almost nine percent were employed in the finance/insurance/real estate industry. The majority (77 percent) of working residents were employed in white-collar occupations, such as professional, management/business/financial, and administrative support jobs. Service jobs employed more residents at approximately 14 percent than blue-collar occupations at 9 percent. Within blue-collar occupations, transportation/material moving jobs employed the most residents at 3.5 percent.

## Business and Industry

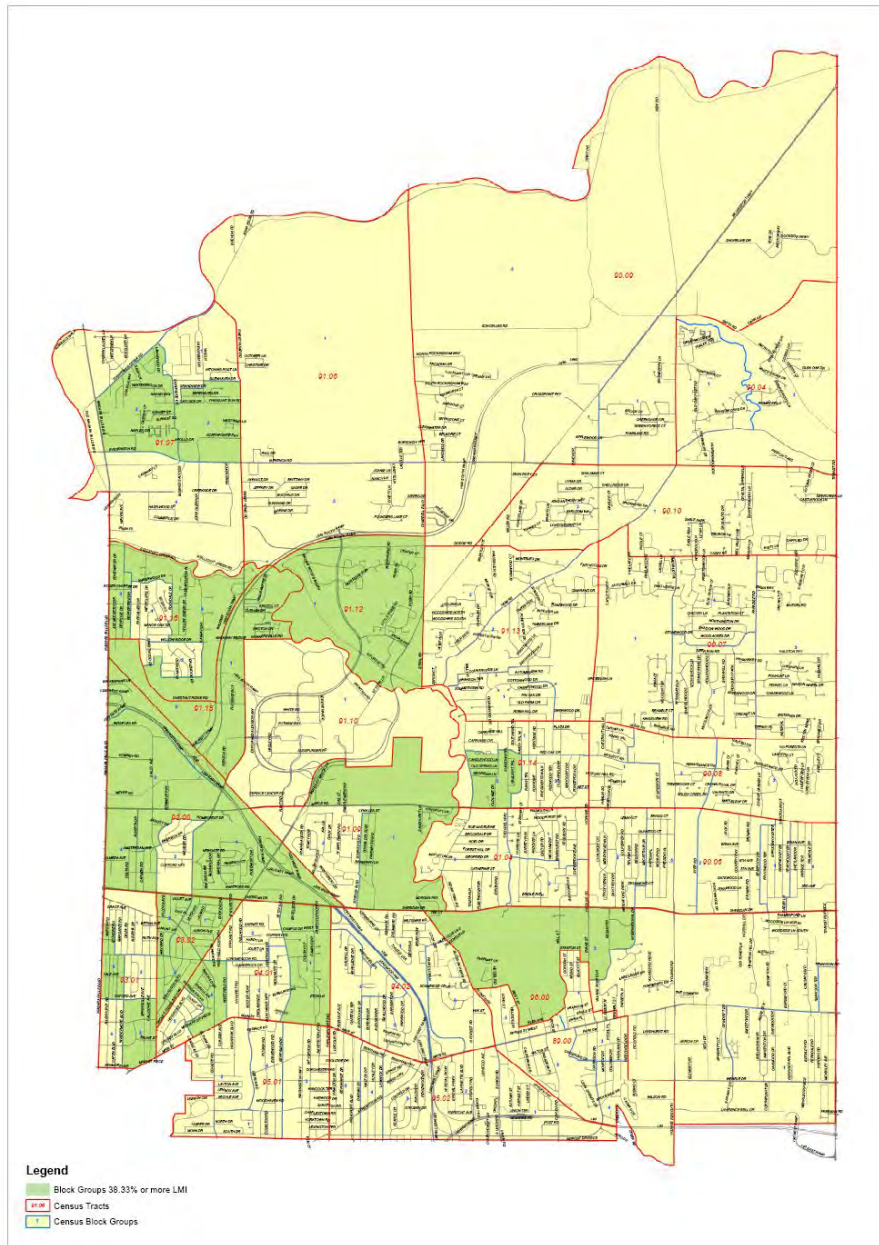
Amherst has led the Western New York region in job creation and commercial development over the past few decades. For many years, the types of jobs locating in Amherst have fallen into the "All Other Employment" category, which excludes Manufacturing, Retail, and Wholesale jobs. These jobs, which number over 50,000, are primarily office jobs. Projections of employment conducted for the Town of Amherst Bicentennial Comprehensive Plan in 2018 showed that approximately 89 percent of jobs over the 20-year period between 2000 and 2020 were expected to be in the "All Other Employment" category. Amherst is expected to continue as a center for office employment in Western New York.

Efficient and affordable office space has been and may continue to be the linchpin of future economic growth in the Town of Amherst. The majority of Amherst's existing office inventory is housed in campus-style office parks developed since 1980, not in urban-style downtowns. Although Amherst has several traditional commercial districts such as the Village of Williamsville and the hamlets of Eggertsville and Snyder, it lacks a downtown area with a critical mass of office space, such as downtown Buffalo. However, the Town is working to redevelop the Boulevard Mall site on Niagara Falls Boulevard to redefine this prime location as a central focal point for Amherst. The redevelopment will be taking place outside of the Amherst WRA.

Since the Town's industrial and retail sectors are expected to grow more modestly than the office employment sectors, steps must be taken in the coming years to ensure that these sectors remain stable. Manufacturing, retail, and wholesale users alike desire flexible space that allows them to keep up with changing technologies and markets. For this reason, the Town's existing inventory of industrial and retail space must be kept up to date, a process that will include both the rehabilitation of existing buildings as well as the construction of new space that allows flexibility for tenants.

Another element of the Town’s economic development program is the preservation of the Town’s strong tax base. Although continued commercial development and redevelopment will help to strengthen the tax base, it is equally important that residential property values remain strong. In other words, future commercial development and redevelopment in Amherst must be conducted in a manner that is beneficial to its residential communities, by minimizing negative impacts such as traffic congestion, the reduction of open space and the loss of community character.

Figure 2.65 - Low to Moderate Income Block Groups



Source: Housing Urban Development Data Release 2019. Census Tracts 2010.

Of all the communities in Western New York, Amherst is among the best equipped to accommodate firms as they undergo the transition from start-up to multinational. Amherst’s commercial areas bridge

the gap from traditional centers to post-World War II highway commercial corridors to modern office parks. Amherst has many positive quality-of-life factors for attracting businesses that offer high-paying jobs that contribute to its economic development efforts. These positive factors include:

- ◆ low cost of living
- ◆ affordable housing options
- ◆ good schools and other community facilities
- ◆ low crime
- ◆ variety of cultural and recreational opportunities
- ◆ good transportation network
- ◆ presence of the University at Buffalo
- ◆ location close to the center of the Buffalo metropolitan area
- ◆ location within the New York/Ontario “Golden Horseshoe” (region and world-class city of Toronto, Ontario)

While there is a perception among young professionals that quality job opportunities are limited in the Buffalo area, this perception is not necessarily true. Several leading employers in Amherst interviewed for this LWRP spoke of not being able to find talent locally to fill high-skill, technical jobs. A large part of the problem is communication, as younger workers may not be aware of quality employment opportunities, and employers may not know how to access qualified employees. Improved communication and collaboration among the Town, large institutions such as the University at Buffalo, and other major employers is needed to address this situation.

## **Socially Vulnerable Populations**

Low to moderate-income census block groups occur within the western and southern half of the Town of Amherst as shown on Figure 2.65. These block groups include neighborhoods just east of the Tonawanda Creek Subarea southeast of Tonawanda Creek Road, east of Niagara Falls Boulevard and north of East Robinson Road in the northwestern corner of the Town.

Low/moderate income block groups occur in several locations within or near the Ellicott Creek Subarea. This includes neighborhoods north of the University at Buffalo and west of Interstate 990. These block groups are also located north of Maple Road and between Maple Road and Sheridan Drive south of the University at Buffalo. Block groups also continue southeasterly from Sheridan Drive to the Village of Williamsville. Data also indicates that higher percentages of seniors are located near the University at Buffalo south of Millersport Highway and neighborhoods around the Maple Road and Sheridan Drive corridors.

## **2.16 Planning Efforts**

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### **Town of Amherst Bicentennial Comprehensive Plan**

The Town of Amherst Bicentennial Comprehensive Plan was adopted in 2007 and updated in 2019 when the Amherst Town Board held a public hearing and approved amendments that mainly included changes to commercial centers, which focus on land use and development, and community facilities and services, respectively.

The Bicentennial Comprehensive Plan suggests important recommendations to many areas within the Amherst WRA and highlights the importance of promoting a healthy tax and employment base, increasing economic development partnerships with governmental agencies and private businesses, preventing adverse commercial development impacts on community character and quality of life, and working to promote regional economic development.

The amendment to the Town of Amherst Bicentennial Comprehensive Plan, adopted in 2019, also identifies the need for flooding and erosion control measures within the Town. Several recommendations such as developing comprehensive stormwater management and erosion prevention plans have been completed. The Plan also acknowledges the impacts that flooding will have on development and recognizes that while floodways may create gaps in development patterns, they also create opportunities for greenway connections, trails, and open spaces. In addition to policy recommendations, the Plan identifies specific areas where flood mitigation efforts are needed like the area west of Lehn Springs Drive.

### **Amherst Recreation and Parks Master Plan**

The 2018 Amherst Recreation and Parks Master Plan is a tool intended to help the local government meet the current and future recreation needs of the community. This citizen-driven Plan serves as a source of applicable decision-making information and establishes clear goals and actionable objectives to guide staff, advisory committees, and the Town Board in their work to maintain and enhance Amherst's system of parks, open spaces, and recreation facilities over the next ten years. The Master Plan recommends:

- ◆ maintaining and improving existing facilities and providing comfort features
- ◆ developing and implementing a program for site-specific park master planning for enhancing or replacing aged facilities
- ◆ improving access to underutilized facilities and open spaces within parks
- ◆ updating the ADA Transition Plan to address areas that are not compliant
- ◆ integrating parks and recreational facilities into an interconnected open space system of parklands, greenways, and trails
- ◆ embracing the Tonawanda Creek area
- ◆ developing cultural/historical spaces within parks

These recommendations are all relevant to many Amherst WRA projects and initiatives involving water and land-based park improvements, enhancing waterfront access, creating pedestrian and bicycle connections, improving trail access, utilizing recreational facilities, and connecting trailheads.

### **Amherst Comprehensive Emergency Management Plan, Flood Response Plan Annex**

Amherst developed the Town of Amherst Flood Response Plan in 2019 as an annex to the Town's Comprehensive Emergency Management Plan to be used as a guideline in flooding events. The Plan outlines the Town's Flood Threat Recognition System, which identifies Ellicott and Tonawanda Creeks as the two main creeks within the community to be monitored. The Flood Threat Recognition System also identifies upstream communities to collaborate with for flood monitoring, new developments that may affect the flood monitoring system, and processes for reporting flood threats. The Plan also defines types of flood threats, information distribution channels, and roles and responsibilities for each Town department in the event of a flood emergency. The Town of Amherst Flood Response Plan is an annex to



the Town of Amherst Comprehensive Emergency Management Plan and is specifically used as a guideline for flooding events. Flood plans can enable a flexible response to problems caused by flooding. Although barriers may protect potential flood areas from predictable weather events, flooding can occur at any time.

The Town of Amherst Flood Response Plan brings awareness to areas where flooding has previously occurred and created issues for surrounding neighborhood residents. The areas, which are initially monitored, are the dam in Williamsville behind Town Hall outside the Amherst WRA, the Castle Bridge at the terminus of Castle Creek, and the rear yards in the south end of Lehn Springs Drive. The Flood Response Plan should be reviewed when developing the Lehn Springs Neighborhood Flood Mitigation Project, which is within the Ellicott Creek Subarea.

### **Town of Amherst Flood Mitigation Plan Report**

The Town of Amherst Flood Mitigation Plan Report was completed in 2011 and focuses on identifying primary flooding sources. Within the Amherst WRA, these sources are listed as Ellicott Creek, Tonawanda Creek, and Ransom Creek.

### **Town of Amherst Stormwater Management Plan**

The Town of Amherst Stormwater Management Plan was adopted in 2018 to comply with the NYS DEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems, Town of Amherst. The aim of the program is to control stormwater runoff and prevent discharge of pollutants from the Town's storm sewer system in accordance with the Clean Water Act. The program has six elements designed to reduce discharge of pollutants:

- ◆ public education and outreach
- ◆ public involvement and participation
- ◆ illicit discharge detection and elimination
- ◆ construction site runoff control
- ◆ post-construction stormwater management
- ◆ pollution prevention/good housekeeping for municipal operations.

Out of this Plan, two components are codified into local law: the Local Law for Stormwater Management and Erosion and Sediment Control, and the Local Law to Prohibit Discharges, Activities and Connections to Separate Storm Sewer Systems. The Plan also identifies elements of green infrastructure used to control stormwater such as drywells, stormwater retention ponds, and bio-retention areas. Control measures at construction sites and requirements for Stormwater Pollution Prevention Plans (SWPPPs) are outlined to mitigate erosion within the community when new buildings are constructed.

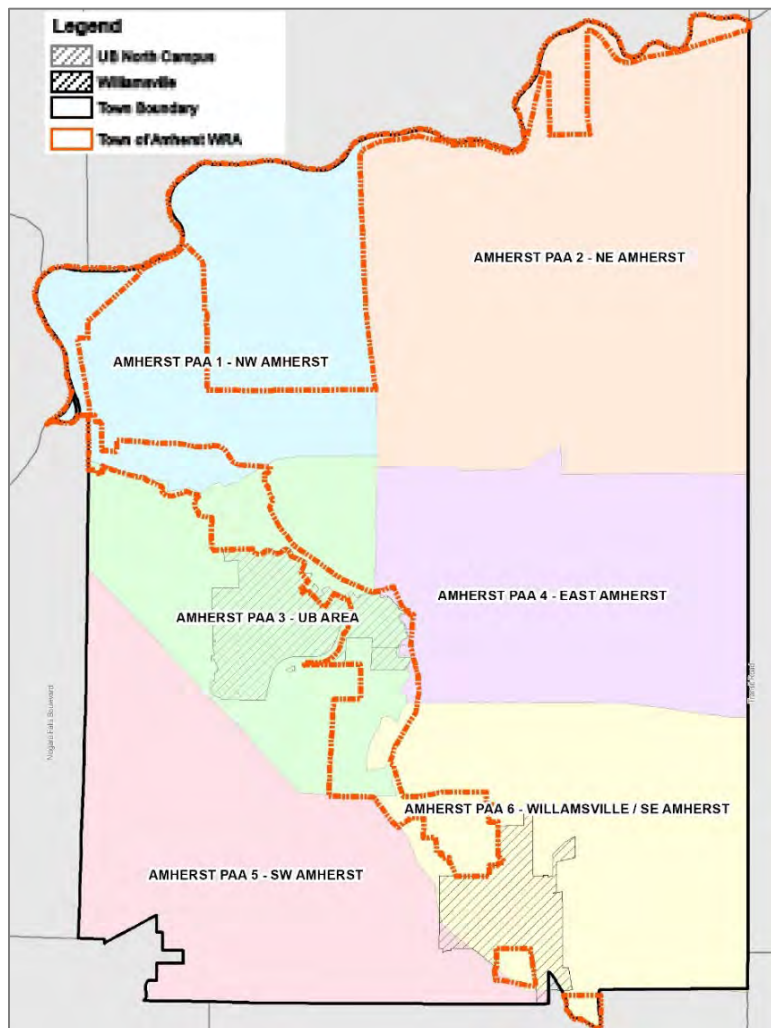
The Town of Amherst developed a Stormwater Management Plan to comply with the NYS DEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-15-003), Town of Amherst: NYR-20A122 (excerpt included in Appendix B). The aim of this program is to control stormwater runoff and prevent soil erosion and the discharge of the pollutants from the Town's storm sewer system to the local waterways, also recognized as the waters of the United States in accordance with the requirements of federal Phase II stormwater regulations under the Clean Water Act. The aim of the Clean Water Act, the federal Phase II stormwater regulations and the program proposed in this document is to reduce to the "maximum extent practicable" pollutants in the stormwater discharges.

The Town of Amherst Stormwater Management Plan supplements the regional Erie County Multi-Jurisdictional Hazard Mitigation Plan and is important for assessing each water quality, stormwater management, and erosion control project within the Amherst WRA. Some of the goals mentioned in the Mitigation Plan are to promote disaster resistant development and reduce the possibility of damage and losses due to winter storms, creek banks erosion, and flooding. This Plan is important to consider when developing projects on sites that have specific erosion and flooding issues within the Amherst WRA.

### Town of Amherst Economic Study

The Amherst Economic Study was conducted to determine the status of the community's economy and competitive position due to transitioning economic factors in Western NY. The report synthesizes a broad range of quantitative and qualitative information regarding demographic, economy, real estate market, and policy trends that are or could be affecting the Town's economy in the future. Economic forecasts are provided out to the year 2040 from a baseline year of 2015 and presented at both the town wide and Planning Analysis Area (PAA) level.

Figure 2.66 - Economic Study PAA Boundaries & Amherst WRA



Source: Town of Amherst Geospatial Data. Accessed April 2022.

Six PAAs are addressed in the study as indicated in Figure 2.66). These same PAAs are defined in the Town's Bicentennial Comprehensive Plan. These categories include; NW Amherst, NE Amherst, UB Area, East Amherst, SW Amherst, and Williamsville SE Amherst. The Town further broke down the two Subareas into smaller areas that follow along these defined Town planning areas. Minor adjustments were made to some PAA boundaries to ensure that they match with the current boundaries of census tracts.

The study recommends that the Town take a more holistic look at its economic development activities and that many older commercial sites in Amherst have become obsolete but provide redevelopment opportunities within the Amherst WRA along Niagara Falls Boulevard and North Forest Road.

The following is a summary of key issues and opportunities from the economic study that are relevant to the Amherst WRA:

- ◆ Many existing office and industrial buildings/parks in Amherst are ripe for redevelopment and office demand in Amherst will be primarily geared towards back-office users.
- ◆ Remaking older business parks will require allowing higher density and mixed-use developments.
- ◆ The Town must improve its relationships with the business and economic development community and tapping the economic development potential of the University at Buffalo.
- ◆ The Town will need to be proactive about expanding the transportation options available to the residents and businesses in these areas through better road connectivity, investment in trails and paths, and expansion of public transit service as appropriate.

## Town of Amherst Agricultural Plan

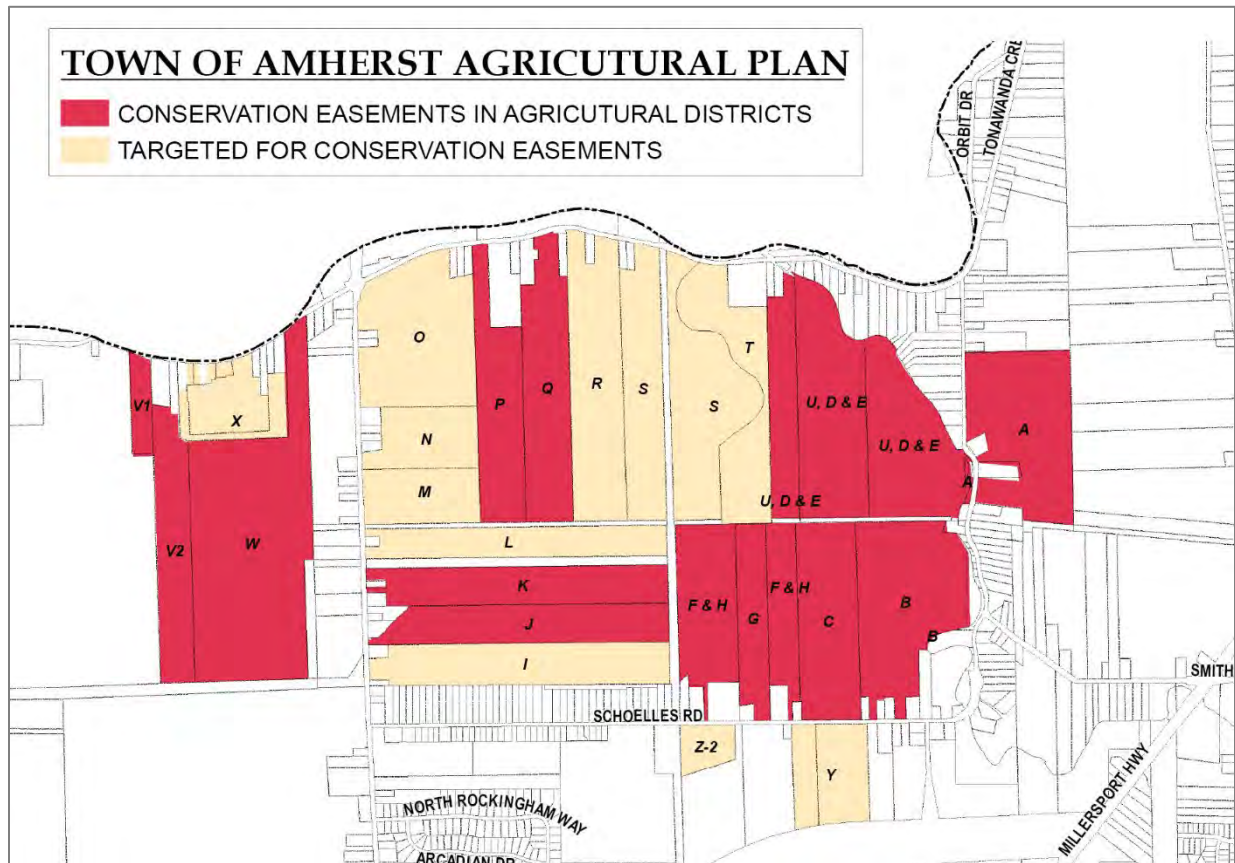
The Town of Amherst Agricultural Plan was adopted in January 2022. The strategy is to maintain a productive, open landscape that is viable for future generations and that does not preclude more intensive activity when the demand exists. The findings in the Plan indicate that overall Erie County has diverse, productive, vital farms that are located near a sizable population. The Town benefits from prime farm soils, a climate that is moderated by Lake Erie, and farmers with years of experience, as well as new farmers who are eager to take on the challenge of agriculture.

The recommendations of the Plan related to the Amherst WRA are related to water run-off and retaining the aesthetic rural character of North Amherst.

- ◆ Consider farming as the highest and best use for areas with prime farm soils or soils of State-wide importance, for lands protected by conservation easements, and lands located in designated agricultural districts.
- ◆ Provide drainage support and relief, as necessary, to maintain existing farmland and improve the use of additional lands for farming.
- ◆ Encourage growth patterns and conservation measures that are respectful of agricultural activities, enable continued farm uses, and protect productive farmland.
- ◆ Encourage flexible Town land use policies to protect agriculture and ensure that local regulations and permit procedures are supportive of agricultural activities.
- ◆ Allow for the development of housing in a manner that discourages sprawl and utilizes existing services and infrastructure efficiently.
- ◆ Promote environmental stewardship of the land.

- ◆ Preserve and enhance viewsheds that contribute to the rural and agricultural character of the Town.
- ◆ Recognize farmland and farm soils as a significant resource that can support farming as an economic mechanism that warrants protection.
- ◆ Support development and continuation of agri-tourism resources, such as the Buffalo Niagara Heritage Village, which increase resident awareness of agriculture and provide a connection between the farm and non-farm public.
- ◆ Ensure the public has a better understanding of State and County programs and regulations that govern farming activities (e.g., agricultural districts).
- ◆ Promote an understanding of agriculture and its importance as a source of locally grown food supply to the local and regional economy, a means of continuing community heritage, and culture, and for preserving local scenic landscapes.
- ◆ Encourage farming interests and others to participate in local programs offered by Buffalo Niagara Heritage Village to learn about topics relevant to farming in the community and region.

Figure 2.67 - Existing Conservation Easements & Targeted Parcels to Protect



Source: [https://www.amherst.ny.us/pdf/planning/farmland/211006\\_approved\\_plan.pdf](https://www.amherst.ny.us/pdf/planning/farmland/211006_approved_plan.pdf)

## Town of Amherst Context-Sensitive Highway Design Report

The Town of Amherst Context Sensitive Highway Design Report identifies four corridor types appropriate to different contexts within the Town: Traditional, Suburban, Commercial, and Rural. The Plan provides general design guidance to describe the desired characteristics of each character corridor.



The Context Sensitive Highway Design report was undertaken to designate ‘special character roads’ and develop design standards for each character corridor that appropriately fit the context of the surrounding neighborhood. Specifically, the report provides an inventory of corridor types, recommended cross-sections, and more specific design guidance for each character corridor to be used as a reference by the Town of Amherst, Erie County, and the New York State Department of Transportation (NYS DOT) in designing transportation improvement projects. These corridor types should be considered in the planning and design of county and state roads adjacent to the waterways.

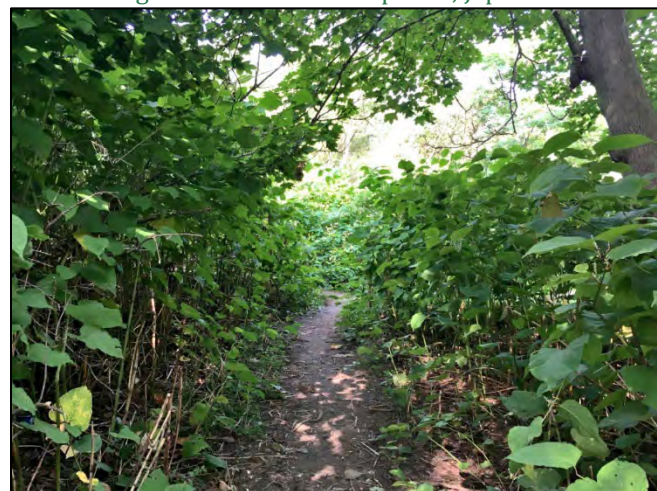
## Transit Road Corridor Management Study, Access Management Strategies for Major Corridors

As a component of the Transit Road Corridor Management Study in the Towns of Amherst and Clarence, Access Management Strategies for Major Corridors was developed to identify techniques and tools to assist these municipalities in supporting land development and preservation goals through access management and in making future land use and transportation decisions regarding diverse types of highways. The general guidelines identified in this study provide the Town with a menu of techniques and strategies that can be used to encourage efficient access along area roadways in a way that will complement and enhance neighboring land uses. Traffic calming techniques such as curb extensions, raised crosswalks, and speed tables can be employed at key intersections and/or mid-block crossings to help accommodate all modes of travel along the commercial corridor, including facilities for bicyclists and pedestrians. With other projects within the Amherst WRA that are proposing new parking areas, it is important to note that shared parking requirements will provide developers a way to meet minimum parking standards without providing excessive parking areas that can dominate the landscape. In many of the proposed park projects within the Amherst WRA, it is important to obtain right-of-way easements to provide future sidewalk, on-street parking, and bike lane facilities where none currently exist. Due to the elevated level of transportation activity on Niagara Falls Boulevard, this plan should also be considered when developing the Niagara Falls Boulevard and Ellicott Creek improvements proposed in this LWRP to enhance use of alternative transportation available to support safe pedestrian access wherever possible.

## Master Plan and Final Environmental Impact Statement for Amherst State Park

The Master Plan and Final Environmental Impact Statement for Amherst State Park outlines the environmental setting and location of the State Park, as well as the proposed projects, alternatives, and potential environmental impacts and actions (Appendix B). The plan includes recommendations such as undertaking a comprehensive survey to identify areas of the park with significant concentration of invasive plant species (see Figure 2.68), creating an orchard management program based on an existing tree survey and desired

Figure 2.68 – Invasive species, Japanese



Source: Amherst State Park. Town Staff Photo Taken August 28, 2018.

species, and developing boardwalk trails with stone dust material for an improved walking surface. Many of the recommendations of the plan were shaped into proposed Town projects included in Section IV of this LWRP.

## Tree Inventory and Community Tree Management Plan

In 2018, the NYS DEC Community Forestry Program awarded the Town of Amherst a grant to develop a Tree Inventory and Community Tree Management Plan. Amherst's Tree Inventory and Community Management Plan was completed in Spring 2023 and provides a record of current tree conditions and identify means to address environmental issues through the following:

- ◆ storm preparedness and response planning
- ◆ invasive species preparedness and response
- ◆ the development of a planting plan to address the unique characteristics of the project location, such as: species diversity, understory plantings, erosion control, and brownfields that could be impacted with planting vegetation that would address local needs
- ◆ the development of an urban forest environmental benefit analysis on issues such as: water quality, air quality, reduction of the effects of the urban heat island, energy efficiencies, stormwater management, and health.

Many of the projects within the Amherst WRA involve adding and removing certain types of tree species within project sites. The Community Management Plan (excerpt included in Appendix B) will be consulted before completing any tree, vegetation, and invasive species management and planning at any project site.

## Imagine Amherst

Beginning in 2017 an initiative called Imagine Amherst was started with the objective of redefining the shape and functionality of the Town's commercial centers based on a new community vision. As part of this initiative, the Town developed a new Section 5A in its Zoning Code for new mixed-use districts. New mixed-use zoning districts consisting of both Infill Districts and Retrofit Districts were crafted for the commercial and mixed-use centers identified in the Bicentennial Comprehensive Plan to encourage a mix of land uses that combine to make working, shopping, recreation, and living more convenient.

This section is a hybrid form-based code, which effectively changes the Town's approach to traditional commercial zoning. Instead of separating uses, this new zoning offers eight distinct types of mixed-use districts, which are based on the context of the surrounding built environment. Treatments for use, materials, street configuration, density and physical configuration are all addressed through this Code update. This will help the Town to achieve an overall vision to encourage mixed-use centers that provide a wider array of goods, services, and experiences in attractive and efficient settings within the bounds of the Town. This project updated the Town's Comprehensive Plan and Zoning Code to advance the community's future vision for existing commercial and mixed-use centers within the various Amherst neighborhoods. The Town's Zoning is explored in more details in Section II and in Section V. The mixed-use districts are not in the Amherst WRA.

## Multi-Use Path Safety Enhancement Project

Town of Amherst Multi-Use Path Safety Enhancement Project Study Report Amherst Canalway Trail (Empire State Trail) and Hopkins Road Boardwalk was completed in 2016. The Empire State Trail along the Erie Canal was part of the study area for this project. The scope of the study generally includes the following: review of current standards, guides, and law identification of path areas that do not meet standards, guides, and law barrier warrant analysis for areas where the road is found to be near the path, recommendations on pedestrian and bicycle safety, ADA compliance and pavement markings and/or signage. The recommendations from this study will be applied in the Tonawanda Creek Subarea. The project location at Fisherman's Wharf will require more separation between vehicle and bicycle users by means of a guardrail extension and other safety improvements.

## Willow Ridge-Parkview Action Plan Planning Project

The Towns of Amherst and Tonawanda desire to create an Action Plan for the Willow Ridge and Parkview neighborhoods, both located along Niagara Falls Boulevard, to inform and update their Comprehensive Plans and address community concerns and opportunities. The Plan will serve as a guiding document to define residents' future vision of the area, shape Town policy, and guide implementation actions. This will be achieved by formulating goals and objectives, policies, implementation strategies and creation of a specific Focal Area Plan for this area, all of which will result from the Action Plan. Engaging residents and stakeholders in a community planning project that encourages active participation and constructs an enduring civic infrastructure to guide and sustain community redevelopment for years to come is key. Based on this premise and the problems and concerns regarding the planning area, the goals of an Action Plan will address several key topics such as land use and zoning, economic revitalization and redevelopment, traffic and transportation, community amenities, and recreation. As part of the Action Plan, a Public Participation Plan will be formed which will include extensive public outreach and community engagement opportunities to inform the Plan. There will be a mix of in-person and virtual events to maximize participation opportunities. The Towns and their consultant have already held a Public Charrette in April 2022 that included a series of public meetings, a walking tour, design sessions, interviews, technical/focus group meetings, and presentations to engage the community and form the framework for the Action Plan. Waterfront redevelopment and greenway/trail ideas and visualizations were generated during the charrette. The Willow Ridge study area overlaps with the Amherst WRA near Old Niagara Falls Boulevard and Niagara Falls Boulevard. Section IV discusses these ideas. Input from the Charrette events and further public participation as the project continues will be incorporated into the Final Plan. The project is expected to take roughly seven months to complete, ending in the Fall of 2022.

## SECTION III. LWRP POLICIES

This section includes the policies applicable within the Amherst WRA described in Section I of this LWRP. A policy explanation follows each policy statement. The explanations reflect State regulations and the local conditions within the Amherst WRA. The policies of the approved Amherst LWRP are the State policies applicable to the Amherst WRA.

These policies are organized and grouped under eleven headings:

- Development Policies (1-6)
- Fish and Wildlife Policies (7-10)
- Flooding and Erosion Hazards Policies (11-17)
- General Policy (18)
- Public Access Policies (19 and 20)
- Recreation Policies (21 and 22)
- Historic and Scenic Resources Policies (23-25)
- Agricultural Lands Policy (26)
- Energy and Ice Management Policies (27-29)
- Water and Air Resources Policies (30-43)
- Wetlands Policy (44)

### Development Policies

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#### Policy 1

**Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.**

##### Explanation of Policy

State and local agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway, or park; the provision of tax incentives to businesses; and establishment of enterprise zones, are all examples of governmental means for spurring economic growth. When any such action or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

It must be recognized that revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to the redevelopment area.

The focus of Policy 1 within the Amherst WRA will be the revitalization and reuse of those deteriorated and underutilized waterfront sites and structures concentrated along the Old Niagara Falls Boulevard



corridor located within Tonawanda Creek Subarea of the WRA and at the former Westwood Country Club property located within the western portion of the Ellicott Creek Subarea, as described in Section II of the Amherst LWRP.

In responding to this policy, several other policies must be considered: (1) Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort. (Refer to Policy 2 for the means to effectuate this priority); (2) As explained in Policy 5, one reason for revitalizing previously dynamic waterfront areas is that the costs for providing basic services to such areas is frequently less than providing new services to areas not previously developed; (3) The likelihood for successfully simplifying permit procedures and easing certain requirements (Policy 6) will be increased if a discrete area and not the entire urban waterfront is the focus for this effort. In turn, ease in obtaining permits should increase developers' interest to invest in these areas. Further, once this concentrated effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

Local governments through waterfront revitalization programs have the primary responsibility for implementing this policy. Though local waterfront revitalization programs need not be limited to redevelopment, local governments are urged to identify areas as suitable for redevelopment and establish and enforce redevelopment programs.

1. When a State or local action is proposed to take place in an urban waterfront area regarded as suitable for redevelopment, the following guidelines will be used:
  - a. Priority should be given to uses, which are dependent on a location adjacent to the water (see Policy 2);
  - b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development;
  - c. The action should serve as a catalyst to private investment in the area;
  - d. 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;
  - e. 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;
  - f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected, and existing development was already meeting demand;
  - g. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner;
  - h. The action should have the potential to improve the potential for multiple uses of the site.
2. If a State or local action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent waterfront community, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in

question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

## Policy 2

### **Facilitate the siting of water-dependent uses and facilities on or adjacent to inland waterways.**

#### Explanation of Policy

This policy is of particular importance to the siting of additional water-dependent uses within the North Amherst and Northwest Amherst areas within the Tonawanda Creek Subarea, and the University at Buffalo area and Amherst State Park within the Ellicott Creek Subarea in Section II.

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

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, in fact, have access to the State's inland waterways. To ensure that such "water-dependent" uses can continue to be accommodated within the State, State agencies will avoid undertaking, funding, or approving non-water-dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses; furthermore, agencies will utilize appropriate existing programs to encourage water-dependent activities.

Water-dependent activities shall not be considered a private nuisance, provided such activities were commenced prior to the surrounding activities and have not been determined to be the cause of conditions dangerous to life or health and any disturbance to enjoyment of land and water has not materially increased.

A water dependent use is an activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

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

1. Uses which depend on the utilization of resources found in inland waters (for example: fishing, mining of sand and gravel, aquaculture activities);
2. Recreational activities which depend on access to inland waters (for example: swimming, fishing, boating, wildlife viewing);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities);
4. Structures needed for navigational purposes (for example: dams, locks, lighthouses);
5. Flood and erosion protection structures (for example: breakwaters, bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);

7. Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fish processing plants, pumped storage power plants);
8. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (for example: coal export facilities, cement plants, quarries);
9. Uses which operate under such severe time constraints that proximity to shipping facilities become critical (for example: firms processing perishable foods);
10. Scientific/educational activities which, by their nature, require access to inland waterway (for example: certain meteorological and scientific activities);
11. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though 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.

In addition to water-dependent uses, those uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use is defined as a use or activity which does not require a location adjacent to or over inland waterways, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses. A restaurant which uses good site design to take advantage of a waterfront view is an example of a water-enhanced use.

If there is no immediate demand for a water-dependent use in a given area but a future demand is reasonably foreseeable, temporary non-water-dependent uses should be considered preferable to a non-water-dependent or enhanced use that involves an irreversible or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which would likely be considered as "temporary" non-water-dependent uses.

In the actual choice of sites where water-dependent uses will be encouraged and facilitated, the following guidelines should be used:

1. Competition for space - competition for space, or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water dependent activities or else the encouragement of water-dependent development.
2. In-place facilities and services - most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:

- a. The availability of public sewers, public water lines and adequate power supply;
  - b. Access to the area for trucks and rail, if heavy industry is to be accommodated; and
  - c. Access to public transportation, if a high number of person trips are to be generated.
3. Access to navigational channels - if commercial shipping, commercial fishing, or recreational boating are planned, the locality should consider setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
  4. Compatibility with adjacent uses and the protection of other inland waterway resources – water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water-dependent use and adjacent uses can serve to complement one another. For example, a recreation-oriented water-dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by, nearby restaurants, motels, and other non-water-oriented tourist activities. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant inland waterway resources.
  5. Preference to underutilized sites: The promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting and other State and local actions that will be used to promote the site. Nowhere is such a stimulus needed more than in those portions of the State's waterfront areas which are currently underutilized.
  6. Providing for expansion - a primary objective of the policy is to create a process by which water-dependent uses can be accommodated well into the future. State agencies and localities should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

In promoting water-dependent uses, the following kinds of actions will be considered:

1. Favored treatment to water-dependent use areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, railroad facilities, and public transportation within areas suitable for water-dependent uses.
2. When areas suitable for water-dependent uses are publicly owned, favored leasing arrangements should be given to water-dependent uses.
3. Where possible, consideration should be given to providing water-dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. State and local planning and economic development agencies should actively promote water-dependent uses. In addition, a list of sites available for non-water-dependent



uses should be maintained in order to assist developers seeking alternative sites for their proposed projects.

5. Local and State agencies should work together to streamline permitting procedures that may be burdensome to water-dependent uses. This effort should begin for specific uses in a particular area.
6. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water-dependent uses.

### Policy 3

**Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.**

#### Explanation of Policy

The Amherst WRA is not a port. The aim of this policy is to support port development in New York, Albany, Buffalo, Ogdensburg, and Oswego. Therefore, this policy is not applicable to the Amherst WRA.

### Policy 4

**Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.**

#### Explanation of Policy

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's inland waterways contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of state agencies shall center on promoting such desirable activities as recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas. Particular consideration will be given to the visual appeal and social benefits of smaller harbors which, in turn, can make significant contributions to the State's tourism industry.

While there are no small harbors within the Amherst WRA, the portion of the State Canal System that includes the western segment of the Tonawanda Creek within the Amherst WRA is part of a designated National Historic Landmark and the Erie Canalway National Heritage Corridor, and continues to support vessel navigation and the water-based transport of goods.

The following guidelines shall be used in determining consistency:

1. The action shall give priority to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from, or adversely affect existing traditional and/or desired anticipated uses.

3. The action shall not be out of character with, nor lead to development which would be out of the character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the existing economic base of the community e.g., waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.
6. The action will not detract from views of the water and smaller harbor area, particularly where the visual quality of the area is an important component of the area's appeal and identity.
7. In applying the above guidelines, the information in harbor management plans being developed by local governments pursuant to Article 42 of the Executive Law and local laws that would implement them shall be considered.

## Policy 5

**Encourage the location of development in areas where public services and facilities essential to such development are adequate.**

### Explanation of Policy

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development, particularly large-scale development, in the shorefront area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate, where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

The focus of this policy is for the entire Ellicott Creek Subarea of the Amherst WRA, which has adequate public services and facilities that could support future development, and the Old Niagara Falls Boulevard corridor within the Tonawanda Creek Subarea.

The above policy is intended to accomplish the following:

- ◆ strengthen existing residential, industrial and commercial centers;
- ◆ foster an orderly pattern of growth in areas 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 in sufficient amounts and where desirable;
- ◆ foster energy conservation by encouraging proximity between home, work, and leisure activities.

For any action that would result in large scale development or an action which would facilitate or serve future development, a determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following guidelines shall be used in making that determination:

1. Cities, built-up suburban towns and villages, and rural villages in the shorefront area are generally areas of concentrated development where infrastructure and public services are adequate.
2. Other locations in the shorefront area may also be suitable for development, if three or more of the following conditions prevail:
  - a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;
  - b. Fewer than 50 percent of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within one-mile radius of the proposed site are vacant;
  - c. Proposed site is served by or is near to public or private sewer and water lines;
  - d. Public transportation service is available within one mile of the proposed site; and
  - e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.
3. The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:
  - a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
  - b. Development's water needs (consumptive and firefighting) can be met by the existing water supply system;
  - c. Sewage disposal system can accommodate the wastes generated by the development;
  - d. Energy needs of the proposed land development can be accommodated by existing utility systems;
  - e. Stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
  - f. 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.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this development policy does not apply to the following types of development projects and activities.

1. Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry, quarries.
2. Development which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home developments.
3. Development which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.

4. Water dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
5. Development which because of its isolated location and small scale has little or no potential to generate and/or encourage further land development.
6. Uses and/or activities which because of public safety consideration should be located away from populous areas.
7. Rehabilitation or restoration of existing structures and facilities.
8. Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain urban areas where development is encouraged by this policy, the condition of existing public water and sewage infrastructure may necessitate improvements. Those State and local agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of such areas so that full advantage may be taken of the other existing infrastructure investments in promoting waterfront revitalization.

## Policy 6

**Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.**

### Explanation of Policy

For specific types of development activities, and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization of Coastal Areas and Inland Waterways Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures are synchronized with other agencies' procedures 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 on a particular type of development and does not jeopardize the integrity of the regulations' objectives.

## Fish and Wildlife Policies

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### Policy 7

**Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.**

### Explanation of Policy

The Amherst WRA is not located in the coastal area and has no significant coastal fish and wildlife habitats designated by the State. This policy does not apply to the Town of Amherst WRA.



## Policy 8

**Protect fish and wildlife resources in the waterfront revitalization area from the 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 [§27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or otherwise managed." A list of hazardous wastes (NYCRR Part 371) is provided by NYS DEC.

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 State's air, land, and waters. Such controls should effectively minimize possible contamination of and bioaccumulation in the State's 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 the waterfront revitalization area by increasing access to existing resources, supplementing existing stocks, and developing new resources.**

### Explanation of Policy

Recreational uses of fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching, and nature study.

To support recreational fishing along Ellicott Creek, the NYS DEC and Erie County release rainbow trout in designated sections of the creek. Within the Amherst WRA, public access for recreational fishing exists at several locations along Tonawanda and Ellicott Creeks. Fisherman's Wharf, an area along Tonawanda Creek (Erie Canal) at its confluence with Ransom Creek, is locally known as a prime fishing spot. Bird watching sites are also available throughout the Amherst WRA. There are no public hunting sites within the Amherst WRA.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in the Waterfront Revitalization Area 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 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 local agencies as they determine the consistency of their proposed action with the above policy:

1. Consideration should be made by local and State agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting an applicable habitat narrative and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream 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.

## Policy 10

**Further develop commercial finfish, shellfish, and crustacean resources in the inland waterway area by encouraging the construction of new, or improvement of existing onshore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.**

### Explanation of Policy

There are no hatcheries within the Amherst WRA and the natural fish resources of Tonawanda and Ellicott Creeks don't support commercial fishing. Consequently, there are no onshore commercial fishing activities or facilities within the Amherst WRA.

Commercial fishery development activities must occur within the context of sound fishery management principals developed and enforced within the State's waters by the NYS DEC and the management plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. (The Fishery Conservation Zone is the area of coastal waters extending from the three-mile State waters boundary to the 200-mile offshore boundary of the U.S. waters. The Conservation Zone is authorized by the U.S. Fishery Conservation and Management Act of 1976. Sound resource management considerations include optimum sustained yield levels developed for specific commercial fish species, harvest restrictions imposed by State and federal governments, and the economic, political (uses conflicts), and technological constraints to utilizing these resources.

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

1. A public agency's commercial fishing development initiative should not preempt or displace private sector initiative.
2. A public agency's efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port. This may be accomplished by taking into consideration existing State or regional commercial fishing development plans.

3. Consideration should be made by State and Federal agencies whether an action will impede existing utilization or future development of the state's commercial fishing resources.
4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

## Flooding and Erosion Hazards Policies

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### Policy 11

**Buildings and other structures will be sited in the waterfront revitalization area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.**

#### Explanation of Policy

On waterfront lands identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent alternative site is available as in the case of piers, docks, and other structures necessary to gain access to coastal waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion and the protection provided by existing erosion protection structures, as well as by natural protective features such as beaches, sandbars, spits, shoals, barrier islands, bay barriers, nearshore areas, bluffs, and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure as defined in 6 NYCRR Part 505.2(x). Prior to its construction, an erosion hazard areas permit must be approved for the structure. Existing non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged.

In high-risk areas, identified as being subject to high velocity waters caused by hurricanes or other storm events, walled and roofed buildings or fuel storage tanks shall be sited landward, and no mobile home shall be sited in such area. In areas identified as floodways, no mobile homes shall be sited other than in existing mobile home parks.

Where human lives may be endangered by major storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

The following additional guidelines should be considered:

- ◆ Development proposed within regulated areas of special flood hazards (100-year floodplains) requires a Flood Development Permit from the local Floodplain Administrator
- ◆ No structure in an area of special flood hazard shall be constructed, located, extended, converted, or altered, and no land shall be excavated or filled unless such actions are in full compliance with Town laws and regulations
- ◆ State and local construction standards shall apply to all forms of development

### Policy 12

**Activities or development in the waterfront revitalization area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.**

Explanation of Policy

Beaches, dunes, barrier islands, bluffs, and other natural protective features help safeguard shorefront lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of shorefront 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 those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse actions are minimized. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.

### **Policy 13**

**The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.**

Explanation of Policy

Erosion protection structures are widely used throughout the State's waterfront areas. However, because of improper design, construction, and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

### **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.**

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by our actions, humans 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 use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing runoff and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage to otherwise hazard-free areas.

### **Policy 15**

**Mining, excavation or dredging in inland waterways shall not significantly interfere with the natural inland waterway processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.**

Explanation of Policy

Natural processes, including the movement of beach materials by water, and any mining, excavation, or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion,



to such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

## 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 are used for a variety of purposes on the State's shorelines. 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 or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

## Policy 17

**Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.**

### Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features along inland waterways and in the coastal area, as well as the costs of protection against those hazards that structural measures entail. Any activity that would alter or impact the banks of Tonawanda and Ellicott Creeks requires review by the Town agencies and, where applicable, a permit and approval from the NYS DEC and NYS Canal Corporation.

"Non-structural measures" shall include, but not be limited to: (1) within coastal erosion hazard areas identified under Section 0104 of Coastal Erosion Hazard Areas law (Environmental Conservation Law Article 34), and subject to the permit requirements on all regulated activities and development established under that law, (a) the use of minimum setbacks as provided for in Section 0108 of Environmental Conservation Law Article 34; and (b) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and (2) within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation about the base flood level.

This policy shall apply to the planning, siting, and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and

to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures considered should be prepared to allow an assessment to be made.

## General Policy

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### Policy 18

**To safeguard the vital economic, social, and environmental interests of the State and of its citizens, proposed major actions in the Waterfront Revitalization Area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable inland waterway resource areas.**

#### Explanation of Policy

Proposed major actions may be undertaken in the Waterfront Revitalization Area if they will not significantly impair valuable inland waterway 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 its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

## Public Access Policies

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### Policy 19

**Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.**

#### Explanation of Policy

Most of the public water related recreation resources and facilities within the Town of Amherst, which has the highest density of population within the region, are concentrated within the Amherst WRA. This policy is particularly important along the Tonawanda Creek/Erie Canal and Ellicott Creek waterways.

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the State's urban areas. Because this is often due to access-related problems, priority will be given to improving physical access to existing and potential shorefront recreation sites within the heavily populated urban shorefront areas of the State and to increasing the ability of urban residents to get to shorefront recreation areas by improved public transportation. The particular water-related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the

Waterfront Revitalization of Coastal Areas and Inland Waterways Program will encourage mixed-use areas and multiple use of facilities to improve access. Specific sites requiring access improvements and the relative priority the program will accord to each will be identified in the Public Access Planning Process.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. The existing access from adjacent or proximate public lands or facilities to public water related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access, or unless such actions are found to be necessary by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet system-wide objectives.

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 inland waterway lands and waters.
- b. Public water related recreation resources of facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c. Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access - includes, but is not limited to, the following:
  - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
  - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
  - (3) 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.
  - (4) There are substantial increases in the following: already existing special fares (not to include regular fares in any instance) of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.

- e. 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 which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities
  - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility
  - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
  - a) The level of access to be provided should be in accord 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.
3. 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.
4. 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 but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but 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 Policy

In inland waterway areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly-owned lands along the inland waterway at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or a city waterfront or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, bird watching, photography, nature study, beachcombing, fishing and hunting.

For those activities, there are several methods of providing access which will receive priority attention from the Waterfront Revitalization of Coastal Areas and Inland Waterways Program. These include: the



development of a waterfront trails system; the provision of access across transportation facilities to the waterfront; the improvement of access to waterfronts in urban areas; and the promotion of mixed and multi-use development.

While such publicly owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile inland waterway resources.

The regulation of projects and structures, proposed to be constructed in or over lands underwater, is necessary to responsibly manage such lands, to protect vital assets held in the name of the people of the State, to guarantee common law and sovereign rights, and to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters shall be consistent with the public interest in reasonable use and responsible management of waterways and such public lands for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. Existing access from adjacent or proximate public lands or facilities to existing public inland waterway lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public inland waterway lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or Statewide public benefit or, in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

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

- a) (See definitions under first policy of "access", and "public lands or facilities").
- b) A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
  - (1) 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.
  - (2) Pedestrian access is diminished or blocked completely by public or private development.
- c) 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 which physically prevent the provision, except at great expense, of convenient public access to public inland waterway lands and /or waters
  - (2) Sale, lease, or other conveyance of public lands that could provide public access to public inland waterway lands and/or waters

- (3) Construction of private facilities which physically prevent the provision of convenient public access to public inland waterway lands and/or waters from public lands and facilities
2. The existing level of public access within public inland waterway lands or waters shall not be reduced or eliminated.
  - a) A reduction or elimination in the existing level of public access - includes, but is not limited to, the following:
    - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities
    - (2) Access is reduced or blocked completely by any public developments
3. Public access from the nearest public roadway to the shoreline and along the inland waterway 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 inland waterway 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 directly 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 and served by public transportation; within the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to inland waterway lands and waters shall be analyzed according to the following factors:
  - a) The level of access to be provided should be in accord 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 inland waterway lands or waters. 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 the 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.

## Recreation Policies

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### 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 shorefront.**

#### Explanation of Policy

This policy is particularly relevant at the Buffalo Niagara Heritage Village foreshore and along the Empire State Trail, Fisherman's Wharf, North Amherst Fire Company, Amherst Veteran's Canal Park, Ellicott Creek proposed kayak launch site, and the former Westwood Country Club within the Amherst WRA.

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

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important Waterfront Revitalization Area resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-water-dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation use. Determining a priority among water-dependent uses will require a case by case analysis.

Among priority areas for increasing water-related recreation opportunities are those areas where access to the recreation opportunities of the shorefront can be provided by new or existing public transportation services and those areas where the use of the shore is severely restricted by highways, railroads, industry, or other forms of existing intensive land use or development. The NYS DOS, NYS DEC, and with local governments, will identify communities whose use of the shore has been so restricted and those sites shoreward of such developments which are suitable for recreation and can be made accessible. Priority shall be given to recreational development of such lands.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as practicable.

Among the types of water dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other inland waterway resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pump-out facilities. Harbors of Refuge are particularly needed along Lake Erie and Lake Ontario. There is a need for a better positional pattern of boating facilities to correct problems of overused, insufficient, or improperly sited facilities.

Water-related off-road recreational vehicle use is an acceptable activity; provided no adverse environmental impacts occur. Where adverse environmental impact will occur, mitigating measures will

be implemented, where practicable to minimize such adverse impacts. If acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced.

## Policy 22

**Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities and is compatible with the primary purpose of the development.**

### Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to:

- ◆ parks
- ◆ highways
- ◆ power plants
- ◆ utility transmission rights of way
- ◆ sewage treatment facilities
- ◆ mental health facilities\*
- ◆ hospitals\*
- ◆ prisons\*
- ◆ schools, universities\*
- ◆ military facilities\*
- ◆ nature preserves\*
- ◆ large residential subdivisions (50 units)
- ◆ shopping centers
- ◆ office buildings

*\* The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.*

Prior to taking action relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP), and if there is an approved local waterfront program, with the municipality in which the development is to locate, to determine appropriate recreation uses. The agency should provide NYS OPRHP and the municipality with the opportunity to participate in project planning.

Appropriate recreational uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2 percent of total project cost.

In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreation facilities.



Whenever a proposed development would be consistent with LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore (this situation would generally only apply within the more developed portions of urban areas).

## Historic and Scenic Resources Policies

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### Policy 23

**Protect, enhance, and restore structures, districts, areas, or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.**

#### Explanation of Policy

This policy is particularly important along the portion of Tonawanda Creek within the Amherst WRA that encompasses the Erie Canalway National Heritage Corridor, where the NYS Canal System (which is listed on the National Register of Historic Places as a National Historic Landmark) is in the Amherst WRA and within the Ellicott Creek Subarea where there is known archaeological sensitivity. The land adjacent to the creek has both historic attributes and archaeological resources.

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include active efforts, when appropriate, to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the Waterfront Revitalization Area boundary, it will actively promote the preservation of historic and cultural resources which have a waterfront relationship.

The structures, districts, areas, or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation comprise the following resources:

1. A resource, which is in a federal or State park established, among other reasons, to protect and preserve the resource
2. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places
3. A resource on or nominated to be on the State Nature and Historic Preserve Trust
4. An archaeological resource which is on the State Department of Education's inventory of archaeological sites
5. A local landmark, park, or locally designated historic district which is located within the boundary of an approved local waterfront revitalization program
6. A resource that is a significant component of an Urban Cultural Park

All practicable means to protect structures, districts, areas, or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental, or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials, entry ways and doors, fenestration, lighting fixtures, roofing, sculpture and carving, steps, rails, fencing, windows, vents and other openings, grillwork, signs, canopies, and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixtures associated with a building, structure, or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and location relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping, and related items of the proposed actions. With historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural, or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural, or archaeological resource which does not involve a significant adverse change to the resource, as defined above.

## Policy 24

### Prevent impairment of scenic resources of statewide significance.

#### Explanation of Policy

Within the Town of Amherst WRA there are no scenic areas of statewide significance designated by the State. This policy does not apply to the current conditions within the Amherst WRA.

## Policy 25

**Protect, restore, or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the waterfront revitalization area.**

### Explanation of Policy

The Town has identified locally important scenic areas that contribute to the overall scenic quality of the WRA along the waterfronts of the Tonawanda Creek/Erie Canal Subarea and Ellicott Creek Subarea of the Amherst WRA. The process used to identify these scenic areas, consistent with this policy, is attached to this LWRP as Appendix C, while the identified scenic areas are included in Section II of this LWRP. The following are the scenic areas and views of local significance:

- ◆ Erie Canal at Tonawanda Creek Road & Empire State Trail
- ◆ Fisherman’s Wharf at Convergence of Tonawanda and Ransom Creeks
- ◆ Erie Canal at Old Niagara Falls Boulevard
- ◆ Ellicott Creek at Amherst State Park
- ◆ Ellicott Creek at University at Buffalo Bike Path
- ◆ Ellicott Creek at Indian Trail Road and North Forest Road

When considering a proposed action, agencies shall ensure that the action would be undertaken so as to protect, restore or enhance the overall scenic quality of the Waterfront Revitalization Area. Activities which could impair or further degrade scenic quality are modification of natural landforms, removal of vegetation, etc. However, the effects of these activities would not be considered as serious for the general Waterfront Revitalization Area as for significant scenic areas.

The siting and design guidelines listed below should be considered for proposed actions within the Waterfront Revitalization Area. More emphasis may need to be placed on removal of existing elements, especially those which degrade, and on addition of new elements or other changes which enhance.

The following general criteria used to determine scenic resources of statewide significance were also used to identify locally significant scenic resources in the Amherst WRA:

Quality	<p>The basic elements of design (i.e., two-dimensional line, three-dimensional form, texture, and color) combine to create all high-quality landscapes. The water, landforms, and human-made components of scenic coastal landscapes exhibit variety of line, form, texture, and color. This variety is not, however, so great as to be chaotic. Scenic coastal landscapes also exhibit unity of components. This unity is not, however, so complete as to be monotonous. Example: The Thousand Islands where the mix of water, land, vegetative and human-made components creates interesting variety, while the organization of these same components creates satisfying unity.</p> <p>Often, high quality landscapes contain striking contrasts between lines, forms, textures, and colors. Example: A waterfall where horizontal and vertical lines and smooth and turbulent textures meet in dramatic juxtaposition.</p> <p>Finally, high quality landscapes are generally free of discordant features, such as structures or other elements which are inappropriate in terms of siting, form, scale, and/or materials.</p>
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Uniqueness	The uniqueness of high-quality landscapes is determined by the frequency of occurrence of similar resources in a region of the State or beyond.
Public Accessibility	A scenic resource of significance must be visually and, where appropriate, physically accessible to the public.
Public Recognition	Widespread recognition of a scenic resource is not a characteristic intrinsic to the resource. It does, however, demonstrate people's appreciation of the resource for its visual, as well as evocative, qualities. Public recognition serves to reinforce analytic conclusions about the significance of a resource.

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource. This determination would involve:

- 1) a review of the approved LWRP to ascertain if it shows any identified scenic resources which could be affected by the proposed action, and
- 2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource. Impairment will include:
  - (i) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
  - (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

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:

1. siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. removing deteriorated and/or degrading elements;
5. maintaining or restoring the original landform, except when changes screen unattractive elements and/or add appropriate interest;
6. maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased, or hazardous vegetation and when selective clearing creates views of coastal waters;
7. using appropriate materials, in addition to vegetation, to screen unattractive elements;
8. using appropriate scales, forms, and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.



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## Agricultural Lands Policy

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### Policy 26

#### Conserve and protect agricultural lands in the waterfront revitalization area.

##### Explanation of Policy

Within the Amherst WRA this policy is particularly important to agricultural uses on the following parcels::

1. Agricultural Lands of Erie County Agricultural District #17
2. Lands adjacent to such areas where the long-term viability of agriculture may be threatened by inconsistent uses or infrastructure development that represents urban/suburban encroachment seen in Figures 2.15 Conservation Easements and Figure 2.67 Existing Conservation Easements and Target Parcels to Protect.
3. Lands acquired or designated for acquisition through the Town's purchase of development rights (PDR) and Proposed Farmland Protection Program

The first step in conserving agricultural lands is the identification of such lands. The NYS DOS is mapping all important agricultural lands within the State. The following criteria have been used to prepare the maps, and the mapped information will be incorporated in the New York State Coastal Resources Inventory and on the Coastal Area Map.

Land meeting any of the following criteria is being mapped.

1. Land which meets the definition of the U.S. Department of Agriculture (USDA) as being prime farmland, unique farmland, or farmland of statewide importance.
  - a. Prime farmland is defined by USDA Soil Conservation Service (USDASCS) in CRF #7 Agriculture Part 657.5(a), January 1979. A list of the soil associations that meet this definition has been prepared for each county.
  - b. Unique farmland is defined by USDASCS in CRF #7 Agriculture Part 657.5(b). In the coastal area of New York all fruit and vegetable farming meets the terms of the definition.
  - c. Farmland of Statewide importance is defined by USDASCS in CRF #7 Agriculture Part 656.5(c). Lists of soil associations which constitute farmland of statewide importance have been prepared for each county.
2. Active farmland within Agricultural Districts. The maps of each Agricultural District show land committed by farmers. This is the land that will be mapped as active farmland. The district boundary will also be shown.
3. Areas identified as having high economic viability for farming. Any farm not identified above in 1 and/or 2, and which is located in an area identified as having "high viability" on the map entitled "Economic Viability of Farm Areas" prepared by the Office of Planning Coordination in May 1969. This would be the basis for initial identification of areas having high economic viability for farming. Areas will be added and/or deleted based on comments from the agricultural community.

4. Areas adjacent to land identified above in 1, when are being farmed and are part of a farm with identified important agricultural lands.
5. Prime farmland, unique farmland, and farmland of statewide significance will not be identified as important agricultural land whenever it occurs as parcels of land less than 25 acres in size and these small parcels are not within a mile of areas of active farming.

Given the Program's application to a narrow strip of land, implementing a policy of promoting agricultural use of land must, to be practical, concentrate on controlling the replacement of agricultural land uses with non-agricultural land use as the result of some public action. The many other factors such as markets, taxes, and regulations, which influence the viability of agriculture in a given area, can only be addressed on a Statewide or national basis.

The Program policy requires a concern for the loss of any important agricultural land. However, the primary concern must be with the loss of agricultural land when that loss would have a significant effect on an agricultural area's ability to continue to exist, to prosper, and even to expand. A series of determinations are necessary to establish whether a public action is consistent with the conservation and protection of agricultural lands, or whether it is likely to be harmful to the health of an agricultural area. In brief, these determinations are as follows: first, it must be determined whether a proposed public action would result in the loss of important agricultural lands as mapped. If it would not result, either directly or indirectly, in the loss of identified important agricultural lands, then the action is consistent with the policy on agriculture. If it is determined that the action would result in a loss of identified important agricultural lands, but that loss would not have an adverse effect of the viability of agriculture in the surrounding area, then the action may also be consistent with this policy. However, in that case, the action must be undertaken in a manner that would minimize the loss of important farmland. If the action is determined to result in a significant loss of important agricultural land, that is if the loss is to a degree sufficient to adversely affect surrounding agriculture's viability -- its ability to continue to exist, to prosper, and even to expand -- then the action is not consistent with this agriculture policy.

The following guidelines define more fully what must be considered in making the above determinations:

- A. A public action would be likely to significantly impair the viability of an agricultural area in which identified important agricultural lands are located if:
  1. The action would occur on identified important agricultural land and would:
    - a. Consume more than 10 percent of the land of an active farm containing such identified important agricultural lands
    - b. Consume a total of 100 acres or more of identified important agricultural land, or
    - c. Divide an active farm with identified important agricultural land into two or more parts, thus impeding efficient farm operation
  2. The action would result in environmental changes which may reduce the productivity or adversely affect the quality of the product of any identified important agricultural lands.
  3. The action would create real estate market conditions favorable to the conversion of large areas of identified important agricultural land to non-agricultural uses. Such conditions may be created by:

- a. Public water or sewer facilities to serve non-farm structures.
  - b. Transportation, improvements, except for maintenance of, and safety improvements to, existing facilities that serve non-farm or non-farm related development
  - c. Major non-agribusiness commercial development adjacent to identified agricultural lands
  - d. Major public institutions
  - e. Residential uses other than farm dwellings
  - f. Any change in land use regulations applying to agricultural land which would encourage or allow uses incompatible with the agricultural use of the land
- B. The following types of facilities and activities should not be construed as having adverse effects on the preservation of agricultural land:
1. Farm dwellings, barns, silos, and other accessory uses and structures incidental to agricultural production or necessary for farm family supplemental income.
  2. Agribusiness development, which includes the entire structure of local support services and commercial enterprises necessary to maintain an agricultural operation, e.g., milk hauler, grain dealer, farm machinery dealer, veterinarian, food processing plants.
- C. In determining whether an action that would result in the loss of farmland is of overriding regional or statewide benefit, the following factors should be considered:
1. For an action to be considered overriding, it must be shown to provide significantly greater benefits to the region or State than are provided by the affected agricultural area (not merely the land directly affected by the action). In determining the benefits of the affected agriculture to the region or State, consideration must be given to its social and cultural value, its economic viability, its environmental benefits, its existing and potential contribution to food or fiber production in the State and any State food policy, as well as its direct economic benefits.
    - a. An agricultural area is an area predominantly in farming and in which the farms produce similar products and/or rely on the same agribusiness support services and are to be a significant degree economically interdependent. At a minimum, this area should consist of at least 500 acres of identified important agriculture land. For the purpose of analyzing impacts of any action on agriculture, the boundary of such area need not be restricted to land within the coastal boundary. If the affected agricultural lands lie within an agricultural district then, at a minimum, the agricultural area should include the entire agricultural district.
    - b. In determining the benefits of an agricultural area, its relationship to agricultural lands outside the area should also be considered.
    - c. The estimate of the economic viability of the affected agricultural area should be based on an assessment of:
      - i soil resources, topography, conditions of climate and water resources

- ii availability of agribusiness and other support services, and the level and condition of investments in farm real estate, livestock and equipment
    - iii the level of farming skills as evidenced by income obtained, yield estimates for crops, and costs being experienced with the present types and conditions of buildings, equipment, and cropland
    - iv use of new technology and the rates at which new technology is adopted
    - v competition from substitute products and other farming regions and trends in total demand for given products
    - vi patterns of farm ownership for their effect on farm efficiency and the likelihood that farms will remain in use
  - d. The estimate of the social and cultural value of farming in the area should be based on an analysis of:
    - i the history of farming in the area
    - ii the length of time farms have remained in one family
    - iii the degree to which farmers in the area share a cultural or ethnic heritage
    - iv the extent to which products are sold and consumed locally
    - v the degree to which a specific crop(s) has become identified with a community
  - e. An estimate of the environmental benefits of the affected agriculture should be based on analysis of:
    - i the extent to which the affected agriculture as currently practiced provides a habitat or food for wildlife
    - ii the extent to which a farm landscape adds to the visual quality of an area
    - iii any regional or local open space plans, and degree to which the open space contributes to air quality
    - iv the degree to which the affected agriculture does, or could, contribute to the establishment of a clear edge between rural and urban development
- D. Whenever a proposed action is determined to have an insignificant adverse effect on identified important agricultural land or whenever it is permitted to substantially hinder the achievement of the policy according to NYS DOS regulations, Part 600, or as a result of the findings of an EIS, then the required minimization should be undertaken in the following manner:
  - 1. The proposed action shall, to the extent practicable, be sited on any land not identified as important agricultural, or, if it must be sited on identified important agricultural land, sited to avoid classes of agricultural land according to the following priority:
    - a. prime farmland in orchards or vineyards
    - b. unique farmland in orchard or vineyards



- c. other prime farmland in active farming
  - d. other unique farmland
  - e. farmland of Statewide importance in active farming.
  - f. active farmland identified as having high economic viability
  - g. prime farmland not being farmed
  - h. farmland of Statewide importance not being farmed
2. To the extent practicable, agricultural use of identified important agricultural land not directly necessary for the operation of the proposed non-agricultural action should be provided for through such means as lease arrangements with farmers, direct undertaking of agriculture, or sale of surplus land to farmers. Agricultural use of such land shall have priority over any other proposed multiple use of the land.

## Energy and Ice Management Policies

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### Policy 27

**Decisions on the siting and construction of major energy facilities in the shorefront area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.**

#### Explanation of Policy

New York's overall annual energy demand has begun to flatten over time, in part due to the success of State and utility energy efficiency programs. However, peak load (the highest amount of energy consumption in a given year) has continued to increase at a more rapid pace. Renewable power sources—hydro, solar, wind, and other carbon-free solutions—also continue to grow as a share of the total energy produced in the State. Significant investments in the billions of dollars are needed to replace New York's aging electric transmission and distribution infrastructure just to meet currently projected energy demand. To respond to these significant shifts in the State's energy infrastructure, State energy policies are being designed to maintain energy system reliability during peak load in ways that improve the grid's overall system efficiency, from both energy transmission and capital investment perspectives.

The New York State energy planning process provides a comprehensive framework for improving the State's energy system, addressing issues such as environmental impacts, resiliency, and affordability. Key areas of focus for New York's energy planning and implementation policies include integration of renewable energy generation; local energy generation that can foster both economic prosperity and environmental stewardship; seeking innovative energy solutions across the State's public facilities and operations; increasing energy efficiency; and decreasing greenhouse gas emissions. New York's energy policy is also central to how the State responds to the challenges presented by a changing climate. New York State's energy planning recognizes that extreme weather events demand more resilient energy infrastructure, and that climate change presents both challenges and opportunities to lead and innovate.

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are contained primarily in Article 6 of the New York State Energy

Law. That Article requires the preparation of a State Energy Plan. With respect to transmission lines and the siting of major electric generating facilities, Articles 7 and 10 of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for providing additional electric capacity. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Law. That law is used for the purposes of ensuring consistency with the Coastal Management Program.

The NYS DOS will present testimony for the record during relevant certification proceedings under Articles 7 and 10 of the Public Service Law when appropriate; and use the State SEQRA and NYS DOS regulations to ensure that decisions regarding other proposed energy facilities (not subject to Articles 7 and 10 of the Public Service Law) that would affect the shorefront area are consistent with coastal policies.

## Policy 28

**Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.**

### Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydro-electric power, fish and wildlife and their habitats as will be identified in the Coastal Area Maps, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

## Policy 29

**The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.**

### Explanation of Policy

The Amherst WRA is not located along the Atlantic Ocean, Long Island Sound, or Great Lakes. However, actions proposed in the creek will accommodate the ecological functions of local habitats.

The State encourages the responsible development of renewable energy resources. Wind, wave, tidal, and water current resources located offshore are an increasing focus of development interest, which may continue to grow as projects become more technologically feasible. Offshore renewable wind energy development is a use which depends on the utilization of resources found in coastal waters. The State recognizes offshore projects directly interconnected to the New York electrical grid as qualifying for eligibility as a dependent use at the same level as though the facility were located within the State.

## Water and Air Resources Policies

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### Policy 30

**Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into inland waterways 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 the municipal treatment systems before reaching the State's waterways.

In addition, the following guidelines will be applied by local agencies, to implement this policy:

- ◆ To prevent the introduction of pollutants into the POTW that will interfere with its operation.
- ◆ To prevent the introduction of pollutants into the POTW that will pass through the POTW inadequately treated, into receiving waters, or otherwise be incompatible with the POTW.
- ◆ To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
- ◆ To promote reuse and recycling of industrial wastewater and sludge from the POTW.
- ◆ To establish fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.
- ◆ To enable the Town of Amherst to comply with its state pollutant discharge elimination system permit conditions, sludge use, and disposal requirements and any other federal or state laws to which the POTW is subject.
- ◆ To eliminate the discharge of unpolluted waters into the POTW.

### Policy 31

**State policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing inland waterway classifications and while modifying water quality standards; however, those waters already overburdened 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 LWRP policies shall be factored into the review process for inland waterways. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the federal Clean Water Act.

The State has identified certain stream segments as being either "water quality limiting" or "effluent limiting." Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limiting". Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting," and all new waste discharges must receive "best practicable treatment." However, along stream segments classified as "water quality limiting", waste treatment beyond "best practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development.

### **Policy 32**

**Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.**

#### Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities and for which conventional facilities are too expensive.

### **Policy 33**

**Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into inland waterways.**

#### Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

### **Policy 34**

**Discharge of waste materials into inland waterways from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.**

#### Explanation of Policy

All untreated sanitary waste from vessels is prohibited from being discharged into the State's inland waterways. Where inland waterway resources or activities require greater protection than afforded by this requirement the State may designate vessel waste no discharge zones. Within these no discharge zones the discharge of all vessel waste whether treated or not is prohibited. A determination from EPA that an adequate number of vessel waste pump-out stations exists is necessary before the State can designate a no discharge zone. The State prepared a Clean Vessel Act Plan which identifies the coastal



waters for which no discharge zones are needed, and the number of vessel waste pump outs required to obtain the determination from EPA. The discharge of other wastes from vessels is limited by State law.

### **Policy 35**

**Dredging and filling in inland waterways and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.**

#### Explanation of Policy

Dredging, filling, and dredge material disposal are activities that are needed for waterfront revitalization and development, such as maintaining navigation channels at sufficient depths, pollutant removal, and other management needs. Such projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important inland waterway resources. Often these adverse effects can be minimized through careful design and timing of the dredging or filling activities, proper siting of dredged material disposal sites, and the beneficial use of dredged material. Such projects shall only be permitted if they satisfactorily demonstrate that these anticipated adverse effects have been reduced to levels which satisfy State permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34), and are consistent with policies pertaining to the protection and use of inland waterway resources (State Coastal Management policies 7, 15, 19, 20, 24, 26, and 44).

### **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 inland waterways; 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.

### **Policy 37**

**Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into inland waterways.**

#### Explanation of Policy

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques.

The following guidance shall be used in the evaluation of activities proposed in the Amherst WRA:

1. Control non-point source pollution by:
  - a. Reducing or eliminating the introduction of constituents that may contribute to nonpoint pollution;

- b. Minimizing the disturbance of streams, including their bed and banks, in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and water level;
  - c. Limiting activities that would increase off-site stormwater runoff and transport of pollutants;
  - d. Managing stormwater runoff to minimize transport of and filter pollutants, restore degraded conditions and achieve no-net increase of runoff where unimpaired stormwater runoff conditions exist;
  - e. Retaining or establishing vegetation to maintain and provide soil stabilization, and filtering capacity;
  - f. Preserving natural hydrologic conditions to maintain natural surface water flow characteristics and retaining natural watercourses and drainage systems where present; and
  - g. Where natural drainage systems are absent or incapable of handling the anticipated runoff demands, using low impact measures or green infrastructure, where applicable, to address drainage flow.
  - h. Implement pollution prevention and education programs to reduce the discharge of pesticides and herbicides into the creek corridors and other local surface waters.
2. Reduce pollutant loads to surface waters by managing unavoidable nonpoint sources and use appropriate best management practices as determined by site characteristics, design standards, operational conditions, and maintenance programs.
  3. Reduce nonpoint source pollution using specific management measures appropriate to specific land use or pollution source categories.

This policy presents summary management measures to apply to specific land use or pollution sources. These management measures are to be applied within the context of the prioritized approach of avoidance, reduction, and management presented in the previous policy section. Further information on specific management measures is contained in Guidance Specifying Management Measures for Sources of Non-Point Pollution in Coastal Waters (U.S. EPA, 840-B-92-002). Recommendations from this Environmental Protection Agency publication that are applicable for addressing non-point source discharges are outlined as follows.

1. Urban development
  - a. For new development, manage total suspended solids in runoff to remain at pre-development loadings.
  - b. For site development, limit activities that increase erosion or the amount or velocity of stormwater runoff.
  - c. For construction sites, reduce erosion and retain sediment on site, and limit and control use of chemicals and nutrients.
  - d. For new or refurbished on-site sewage disposal systems, ensure that siting, design, maintenance, and operation prevent discharge of pollutants.

- e. Plan, site, and design roads and highways and roadway improvements to manage erosion and sediment loss, and limit disturbance of land and vegetation.
  - f. Plan, site, and design bridges (including replacement structures) to protect ecosystems.
  - g. For roads, highways, and bridges, minimize runoff of contaminants to surface waters to the greatest extent practical.
2. Hydro-modifications
- a. Maintain the physical and chemical characteristics of surface waters, reduce adverse impacts, and, where possible improve the physical and chemical characteristics of surface waters in the streams.
  - b. Use vegetative means, wherever possible, to protect stream banks and shorelines from erosion.
3. Floatables and litter
- a. Prohibit all direct or indirect discharges of refuse or litter into surface waters of Ellicott Creek, or upon public lands contiguous to and within 100 feet of these surface waters.
  - b. Limit entry of floatables to surface waters through containment and prevention of litter.
  - c. Remove and dispose of floatables and litter from streams surface waters and along shorelines of creek waters.
  - d. Implement pollution prevention and education programs to reduce the discharge of floatables and litter into the creeks' corridors and other local surface waters.
  - e. Installing signage that requires the cleaning of kayaks.

Green infrastructure is a sustainable means of preventing pollution while simultaneously bringing nature back to urban environments. Green infrastructure best practices will be followed and include techniques such as green roofs, roadside plantings, bioswales and enhanced tree pits, rain gardens, permeable pavement and the minimization of impervious surfaces, downspout disconnections and rainwater harvesting. These techniques improve water quality and transform rainwater from a source of pollution into a valuable community resource.

### **Policy 38**

**The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.**

#### Explanation of Policy

Surface and groundwater are the principal sources of drinking water in the State, and therefore must be protected.

## Policy 39

**The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within the waterfront revitalization area will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.**

### Explanation of Policy

The definitions of terms “solid wastes” and “solid waste management facilities” are taken from the 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.

Hazardous wastes are unwanted byproducts of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901[3]), as “waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

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

A list of hazardous wastes (NYCRR Part 366) will be adopted by DEC within 6 months after EPA formally adopts this list (currently contained in 6 NYCRR Part 371). Examples of solid waste management facilities include resource recovery facilities, sanitary landfills, and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

## Policy 40

**Effluent discharged from major steam electric generating and industrial facilities into inland waterways will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.**

### Explanation of Policy

The State Board on Electric Generation Siting and the Environment must consider a number of factors when reviewing a proposed site for facility construction. One of these factors is that the facility shall “not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters.” The effect of thermal discharges on water quality and aquatic organisms is considered by the siting board when evaluating any applicant's request to construct a new steam electric generating facility.

## Policy 41

**Land use or development in the waterfront revitalization area will not cause national or State air quality standards to be violated.**

### Explanation of Policy



New York's Waterfront Revitalization of Coastal Areas and Inland Waterways Program incorporates the air quality policies and programs developed for the State by the NYS DEC 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 Waterfront Revitalization Area.

To the extent possible, the State Implementation Plan will be consistent with Waterfront Revitalization Area lands and water use policies. Conversely, coastal management guidelines and 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.

The NYS DEC will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Waterfront Revitalization of Coastal Areas and Inland Waterways Program will assist in coordinating major toxic control programming efforts in the inland waterway regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on inland waterway resources.

### **Policy 42**

**Waterfront revitalization program policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.**

#### Explanation of Policy

The policies of the State and local coastal and inland waterway management programs concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications along inland waterways or adjacent areas. In addition, the NYS DOS will provide the NYS DEC with recommendations for proposed prevention of significant deterioration land classification designations based upon the Waterfront Revitalization of Coastal Areas and Inland Waterways Program and LWRP policies.

### **Policy 43**

**Land use or development in the waterfront revitalization area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.**

#### Explanation of Policy

The Waterfront Revitalization of Coastal Areas and Inland Waterways Program incorporates the State's policies on acid rain. As such, the Waterfront Revitalization of Coastal Areas and Inland Waterways Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

## Wetlands Policy

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### Policy 44

**Preserve and protect freshwater wetlands and preserve the benefits derived from these areas.**

#### Explanation of Policy

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semiaquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act (Water Resources Law, Environmental Conservation Law Article 15).

The benefits derived from the preservation of tidal and freshwater wetlands include but are not limited to:

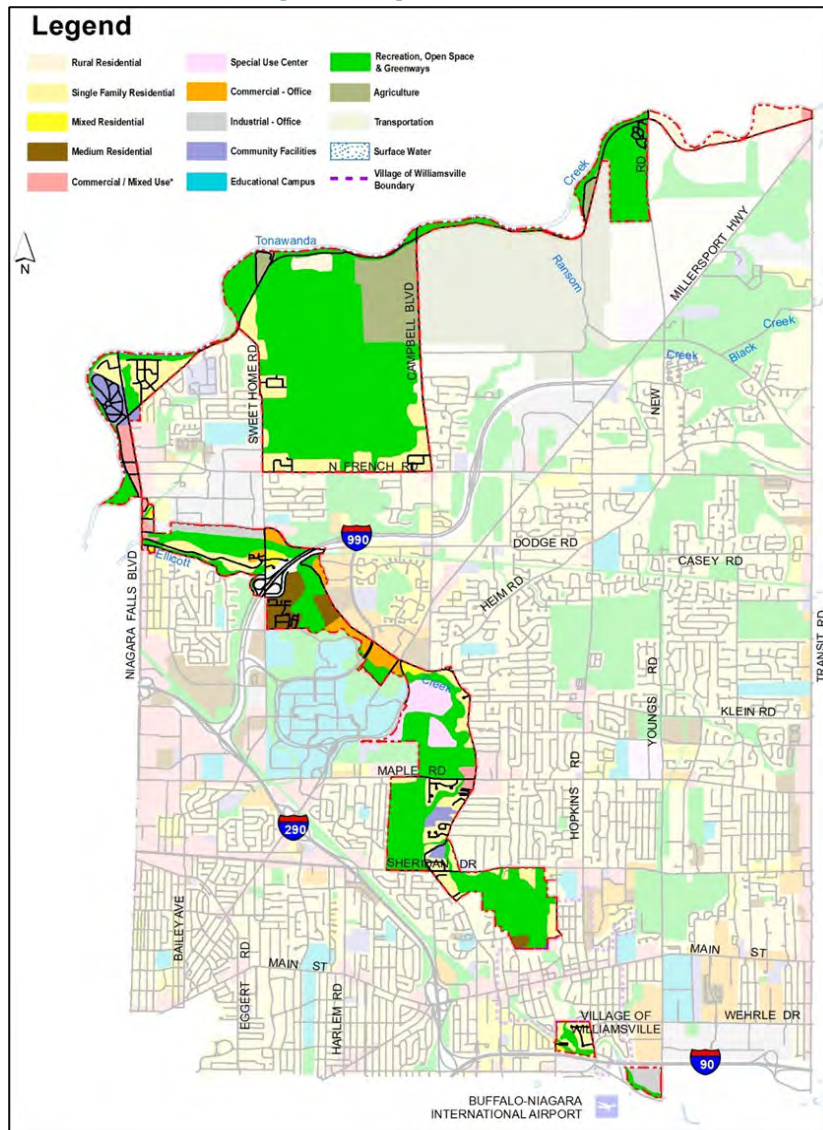
- ◆ habitat for wildlife and fish, and contribution to associated aquatic food chains
- ◆ erosion, flood, and storm control
- ◆ natural pollution treatment
- ◆ groundwater protection
- ◆ recreational opportunities
- ◆ educational and scientific opportunities
- ◆ aesthetic open space in many otherwise densely developed areas

# SECTION IV. PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

This section of the LWRP describes the proposed land and water uses within the Town of Amherst WRA, and projects that are proposed to implement the LWRP.

## 4.1 Proposed Land Uses

Map IV-1 Proposed Land Use



Source: Town of Amherst Geospatial Data. Accessed April 2020

The Amherst WRA includes two subareas, the Tonawanda Creek Subarea and Ellicott Creek Subarea. This LWRP proposes land uses that are supported by the current Zoning and continue the pattern of existing development, as illustrated on Map IV- 1 Proposed Land Use.

The land use will not change in the Amherst WRA boundary. The project sites will take place on the properties listed in Section 2.7 Land Ownership and Jurisdictions listed in Table II-3 and Table II-4. These land uses are currently recreation, community facilities, open space, or local municipal property/right-of-way. Most of the proposed project location sites are owned by the Town, State and/or County. The Town's zoning will support the type of projects proposed within the Amherst WRA.

## 4.2 Proposed Water Uses

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Section II of the LWRP identifies current water uses within the Amherst WRA, which includes only the segments of Tonawanda and Ellicott Creeks within the Town's corporate boundaries. The streams within the Amherst WRA do not support commercial fishing and facilities, due to the streams' size and reduced natural fish populations. Recreational fishing takes place along both streams. In Ellicott Creek, fish stocking is periodically conducted by Erie County and the NYS DEC, to support recreational fishing. Recreational fishing could be conducted from motorized boats navigating the Canal portion of the Tonawanda Creek, or from formal or informal locations along the banks of either creek.

Motorized boats can navigate only on Tonawanda Creek, the only stream with the necessary water depth. Access to the navigable water of Tonawanda Creek is offered at the Amherst Marine and Amherst Veterans Canal Park. The NYS Canal Corporation manages the Erie Canal portion of Tonawanda Creek, enforces rules and regulations for navigation and construction of docks, and provides guidelines for the design and construction of docks and paddlecraft launches. The County Sheriff enforces these regulations along the Canal portion of Tonawanda Creek. The water-dependent uses and structures along Ellicott Creek are very limited due to the size of the stream.

Just paddlecrafts, such as kayaks and canoes, can navigate on Ellicott Creek. Passive recreation such as fishing or wildlife viewing complements kayaking. The Town will not alter these water dependent uses along Ellicott Creek and will only add more recreation-based activities and access points within the Ellicott Creek Subarea. There are no designated swimming areas along Tonawanda Creek and Ellicott Creek. Swimming is not allowed in either of these waterways. The Town currently operates the public boat launch at Veterans Canal Park with the permit agreement with the NYS Canal Corporation. The Town will develop and operate other proposed boat or kayak launches along both Tonawanda and Ellicott Creek. These proposed water-dependent or -enhanced uses are illustrated on Map II-6 Existing Water Uses. An additional dock and launches are identified by project in Section 4.3, below.

Based on the findings of Section II of the LWRP, there is no competition, congestion, or conflict between the existing and forecasted water-dependent uses within the Amherst WRA. Accordingly, the Town does not find it necessary to develop additional local controls. The Town proposes to provide more public access points to both waterways and enhance the existing public access. The water dependent uses along Tonawanda Creek include boats, small watercraft navigation, and fishing. The Town does not intend to change or alter these uses but will increase access to the waterways.



## 4.3 Proposed Projects

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The Waterfront Advisory Committee (WAC), town residents, and the local government have identified projects, which will increase awareness of the historic and present value of these waterways to the Town, establish measures to improve waterfront conditions from degradation, provide public access to each waterfront for recreation and enjoyment by residents and tourists, and implement the policies of the LWRP.

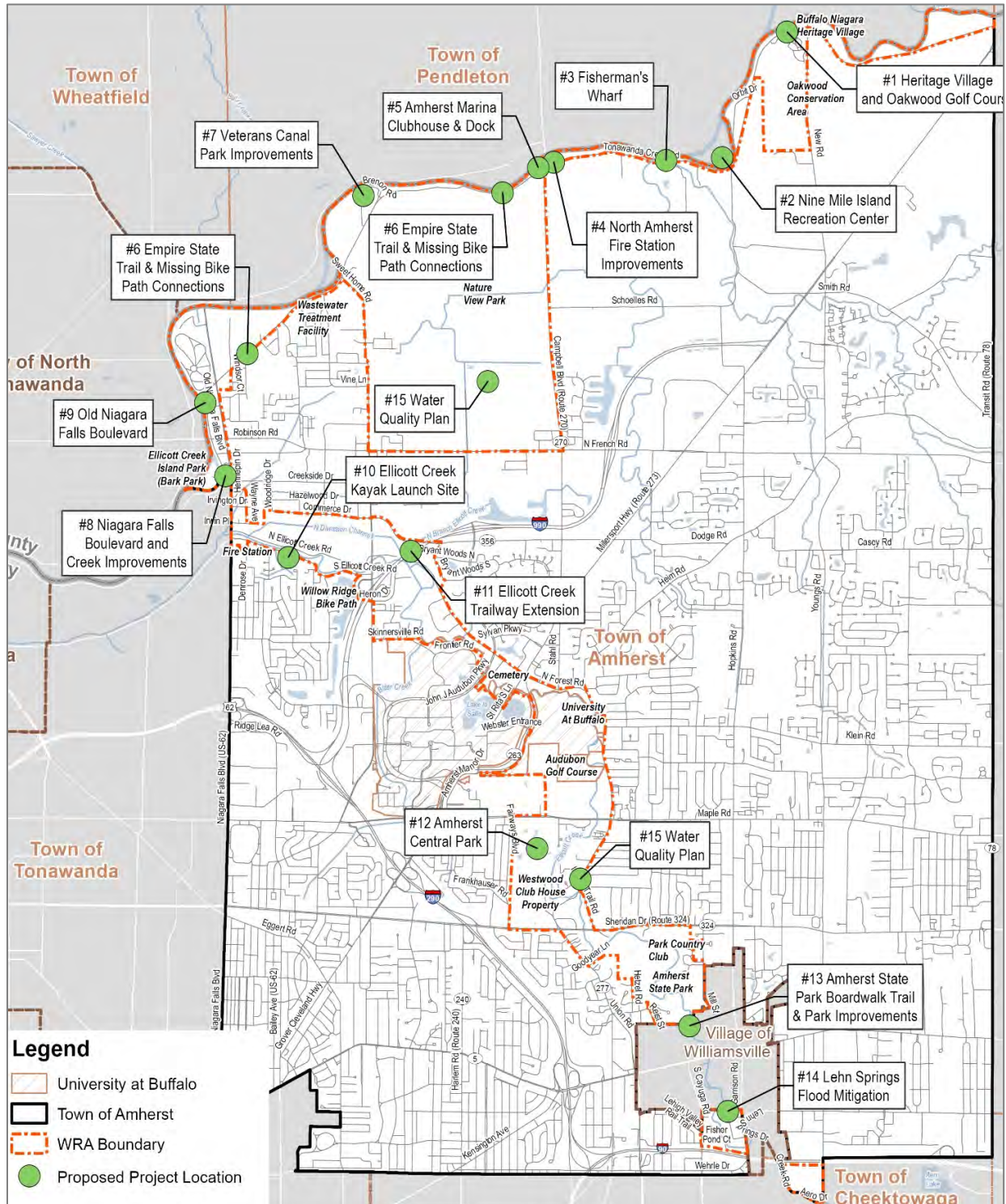
There are 15 project areas identified on Map IV-2 Proposed Projects Locations. Within each project focus area, the Town proposes to improve current conditions, public access, and the overall users' experience. Certain projects will start with a master plan or feasibility study to initiate the design, permit and construction phase. Other projects have undergone a public planning process and are in the position to start with preliminary design and permitting phases. Each proposed project area has a brief description and a project location map. This map identifies the extent of the project site and the individual parcel owners. Most of the projects take place on municipal land with existing permits and other agreements in place. The project locations start in the Tonawanda Creek Subarea in the northeast part of Town and continue west towards Tonawanda, NY, then proceed into the Ellicott Creek Subarea south along Ellicott Creek. There are schematic plans, illustrations, sections, existing aeriels, and photos of the project areas to elaborate on the written description. The Town provided preliminary cost estimates based on the type of waterfront park development, site work, future facilities and structures, trails, park amenities, multimodal transportation development and related planning studies and permit and construction plans. Each project in this section lists the major elements or features, responsible parties and stakeholders, potential funding sources, timeframes, preliminary cost estimates and relevant graphics.

To mitigate runoff and minimize the impact of any increase in impervious surface that would increase the quantity of runoff discharging directly into the streams within the WRA, the town will prioritize the use of adequate green infrastructure elements and native plants in each of the proposed projects located within 100 feet of Tonawanda Creek and Ellicott Creek.

Each of the proposed design and construction projects will be subject to an environmental quality review process, pursuant to the SEQRA regulations (§ 617 NYCRR), and to the LWRP consistency review process, pursuant to the local LWRP Consistency Review Law. In addition, before initiation of project construction the Town will have to obtain applicable/required construction permits and approvals from local, state, and federal agencies, as described in Section II.

Many of the proposed projects will require coordination with State and Federal agencies under their respective jurisdictions, such as the NYS DEC, NYS Canal Corporation, NYS OPRHP, NYS DOT, and USACE, among others. These stakeholder agencies will play a vital role in reviewing and approving waterfront projects such as trail extensions, construction of boating facilities, and environmental improvements such as flood reduction, management of invasive species, and water quality initiatives. These agencies may also play an important role in funding some projects.

Map IV-2 Proposed Projects Locations



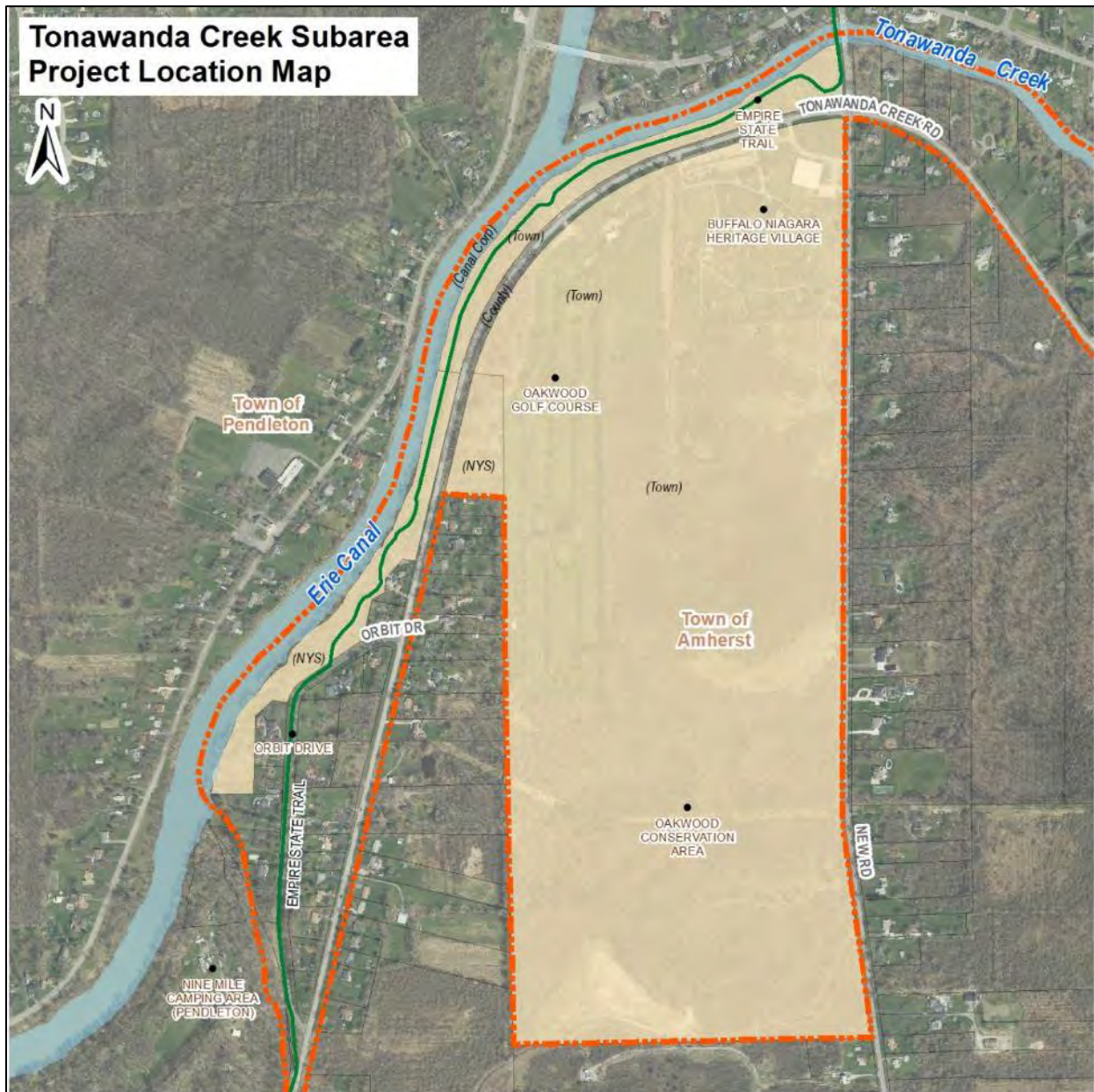
Source: Town of Amherst Geospatial Data. Accessed April 2020



## 1. Buffalo Niagara Heritage Village and Oakwood Golf Course Improvements

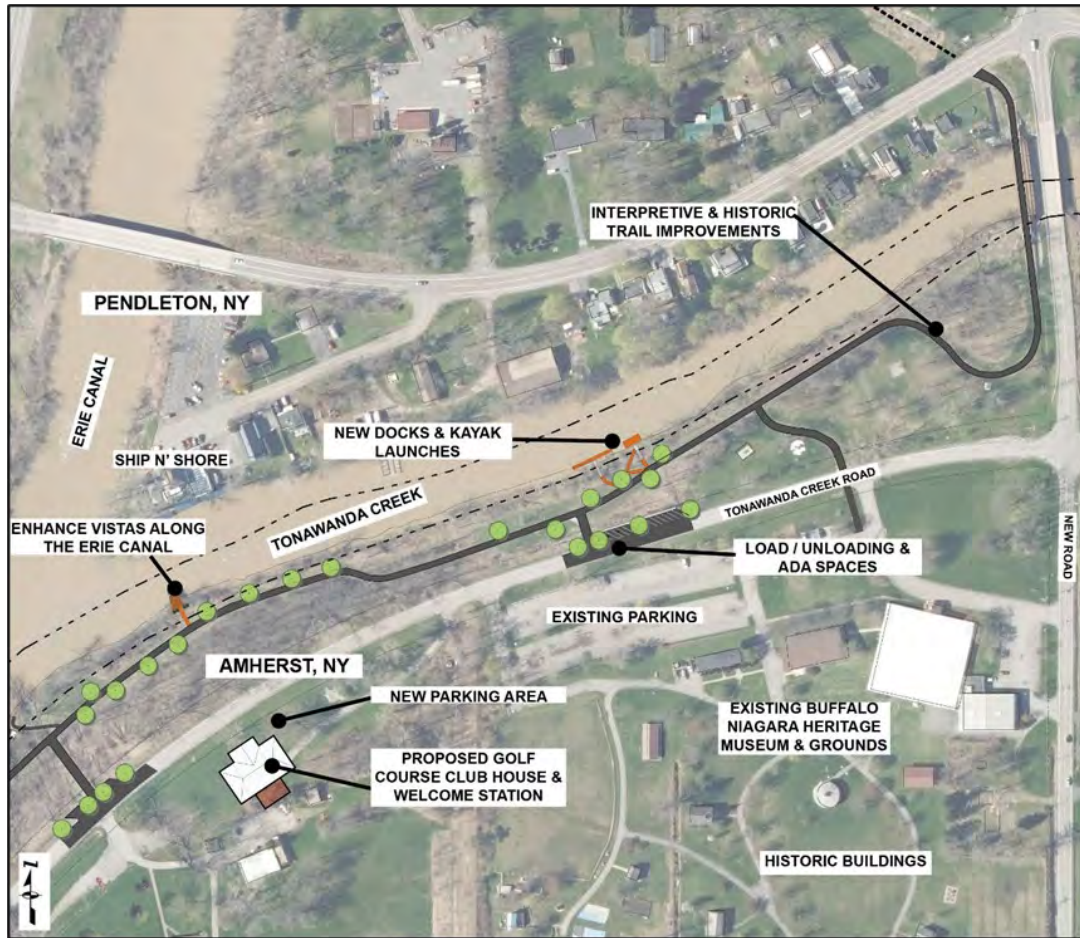
The goal of the following group of proposed projects is to enhance the public’s experience along Tonawanda Creek and the Erie Canal by planning and implementing improvements to the town-owned Buffalo Niagara Heritage Village (BNHV), which is the formerly Amherst Museum, and the Oakwood Golf Course (approximately 235 acres). The boundary of the focus area covered by this group of projects, as illustrated on Figure 4.1, extends from the Oakwood Golf Course east to museum site at New Road and north to the Town line, which includes a portion of the existing Empire State Trail and the conservation area to the south of museum site.

Figure 4.1- Buffalo Niagara Heritage Village and Oakwood Golf Course Improvements



Source: Town of Amherst Geospatial Data. Accessed April 2022

Figure 4.2 - Buffalo Niagara Heritage Village and Oakwood Golf Course Improvements



Source: Town of Amherst Geospatial Data. Accessed April 2022

### A. Empire State Trail Segment Connectivity and Amenities Improvements

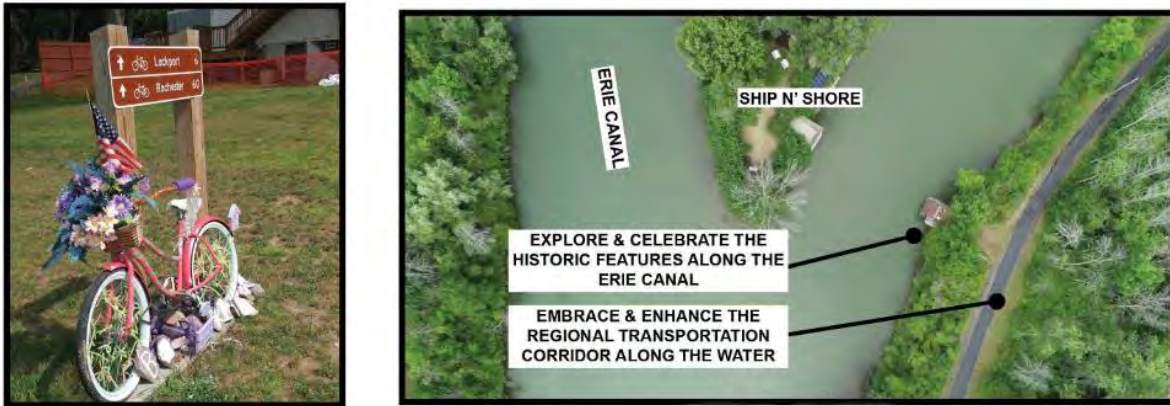
This proposed project will identify scenic views along the Empire State Trail, propose improved public access to the trail and its features, install interpretive signage at identified locations, install park amenities along the trail, and identify improvements to the vehicular and pedestrian connectivity with the adjacent recreational and cultural destinations. The designs will address ADA standards and incorporate traffic/safety measures that will increase safe access and use of the trail. Improvements will be made to visually connect the bike path to the water and improve pedestrian and bicycle safety.

The project will include the following elements:

- ◆ Identify locations with scenic views and design associated public access sites
- ◆ Design, fabricate, and install interpretive signage
- ◆ Identify, acquire, and install necessary park amenities, such as benches, bicycle racks, trash receptacles, Electric Vehicle (EV) charging stations
- ◆ Explore the acquisition and installation of objects of art
- ◆ Identify pedestrian and vehicular circulation improvements and make road crossings safer between recreational and cultural facilities



Figure 4.3 - Empire State Trail along Tonawanda Creek and confluence with the NYS Barge Canal



Source: Town Staff Photo Taken August 15, 2021, and Town of Amherst Staff Aerial Drone Photo Taken July 21, 2018.

<i>Timeframe</i>	<i>5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 500,000</i>
<i>Potential Funding Sources</i>	<i>NYS DOT Transportation Alternatives Program (TAP) &amp; Congestion Mitigation and Air Quality (CMAQ) Improvement Program, NYS Canal Corporation, NYS OPRHP Park and Trail Partnership, Community Development Block Grants (CDBG), NYS OPRHP Environmental Protection Fund (EPF) Grant Program for Parks, Preservation and Heritage, NYS DOS Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP), Dormitory Authority of the State of New York (DASNY) grant programs, NYS DEC Climate Smart Communities Grant Program</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Buffalo-Niagara Heritage Village, NYS Canal Corporation, NYS OPRHP, Erie County, NYS DOT, Town of Pendleton, GBNRTC, GOBike Buffalo</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Erie County, NYS Canal Corporation, NYS DEC, NYS OPRHP, USACE, NYS DOT</i>

### **B. Town Dock and Boat Launch at Buffalo Niagara Heritage Village Study**

A study will be conducted to assess the feasibility of installing an ADA-compliant public dock and boat/kayak launch and conducting necessary dredging that will provide the necessary depth for launching boats and kayaks at the BNHV. The study will examine potential dock designs and location along the southern bank of Tonawanda Creek within the BNHV and propose alternative designs, locations, initial and annual dredging requirements, and associated estimated costs.

<i>Timeframe</i>	<i>5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 400,000</i>
<i>Potential Funding Sources</i>	<i>NYS Canal Corporation, Park and Trail Partnership (NYS OPRHP), CBDG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP</i>

*Potential Project Partners*      *Town of Amherst, Erie County, Buffalo-Niagara Heritage Village, NYS Canal Corporation, NYS DEC, NYS OPRHP, USACE, NYS DOT, Town of Pendleton*

*Potential Approvals/Permits*      *Town of Amherst, NYS Canal Corporation, NYS DEC, NYS OPRHP, USACE, Erie County, NYS DOT*

### C. Public Parking Improvements

The available parking located in the BNHV, on the Amherst’s side of the Tonawanda Creek, provides parking for all users accessing the Empire State Trail at that location. Yet, there are other potential locations on the north side of Tonawanda Creek Road that are identified for additional public parking areas for trail access. The design of the additional smaller lots situated directly adjacent to improved trail access points will address ADA accessibility and incorporate features that will collect and filter the stormwater run-off before reaching the creek. Green infrastructure and other stormwater methods will be explored at this location. The new and additional parking will draw attention to the location of the Empire State Trail, which otherwise can be easily missed by travelers on Tonawanda Creek Road. These new spaces will also serve as unloading areas for paddlecrafts and as pull-off spaces for buses and other multi-passenger vehicles touring the Empire State Trail, or the region.

This project will provide a more defined entryway to the Tonawanda Creek waterway. Energy efficient systems will be considered on the project site. The Town will continue to explore and implement EV charging stations at Town facilities. This location has the opportunity to introduce these energy efficient amenities to the parking lot adjacent to the waterway.

*Timeframe*                                      *5 years*

*Estimated Project Cost*                      *\$500,000*

*Potential Funding Sources*                      *NYS Canal Corporation, NYS OPRHP Park and Trail Partnership, CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, NYSERDA Energy Efficiency Program, Market New York (ESD MNY), DASNY grant programs, NYS EFC GIGP, NYS DEC Trees for Tributaries Program*

*Potential Project Partners*                      *Town of Amherst, Buffalo-Niagara Heritage Village, NYS Canal Corporation, NYS DEC, NYS OPRHP, USACE, Erie County, NYS DOT, Town of Pendleton, Amherst IDA*

*Potential Approvals/Permits*                      *Town of Amherst, Erie County, NYS Canal Corporation, NYS DEC, NYS OPRHP, USACE, NYS DOT*

### D. Educational Opportunities Study

The learning environment for this project site includes a waterway, outdoor museum, recreation space, bike path and large natural open green spaces. The grounds at the BNHV have livestock and multiple historic resources that create numerous opportunities for learning. There is an existing parking lot with a bus drop-off and loading and unloading zone. There are outdoor pavilions and small craft venues available on the museum property. The existing facilities accommodate educational programs only at the museum site itself. This proposed project will identify additional facilities to be adapted or developed as educational spaces.

Planning for this project will assess potential improvements and the type of appropriate educational programs. An estimate of costs associated with the capital improvements and operational costs associated with educational programs will be derived from the study. The Town will work with partners on enhancing these existing educational services on Town property along the water, within the museum site and at other future facilities. The committee members preferred these outdoor spaces, especially, in the wake of the remote learning and reduced indoor capacity guidelines. The Town will study the need for the type of programs and determine the design and location of the services within the project area. The proposed improvements to this area will accommodate outdoor learning spaces and field trip experiences for local school-age children.

<i>Timeframe</i>	<i>5 to 10 years</i>
<i>Estimated Project Cost</i>	<i>\$100,000</i>
<i>Potential Funding Sources</i>	<i>CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Buffalo-Niagara Heritage Village, Town of Amherst School District staff and personnel, NYS Canal Corporation, NYS OPRHP, Town of Pendleton</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Buffalo-Niagara Heritage Village, NYS Canal Corporation, NYS DEC, NYS OPRHP, USACE, Erie County, NYS DOT</i>

### E. Oakwood Golf Course Master Plan

The existing 9-hole golf course owned by the Town will be reassessed (see Figures 4.4 and 4.5). This project includes a new masterplan as determined by a public outreach process, to increase recreational opportunities and use of the site. The proposed features will need to avoid the existing wetlands (approximately 110 acres) located in the southern portion of the site, which have been delineated and mapped. The frontage of this golf course parcel is facing Tonawanda Creek. The project site has existing facilities and utilities. The proposed project will include reevaluating these structures to determine longevity and potential future uses for these buildings.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 150,000</i>
<i>Potential Funding Sources</i>	<i>NYS OPRHP Park and Trail Partnership, CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Buffalo-Niagara Heritage Village, NYS Canal Corporation</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Buffalo-Niagara Heritage Village, NYS Canal Corporation, NYS DEC, NYS OPRHP, USACE, Erie County, NYS DOT</i>



Figure 4.4 - Oakwood Golf Course



Source: Town of Amherst Geospatial Data. Accessed April 2022

Figure 4.5 – Aerial view of existing Oakwood Golf Course



Source: Town of Amherst Staff Aerial Drone Photo Taken July 21, 2018



## 2. Nine Mile Island Improvements

While the Nine Mile Island itself resides within the Town of Pendleton, the entrance to Nine Mile Island campground is only accessible from the land on the Town of Amherst side of the Tonawanda Creek. The improvements proposed by the Town of Amherst will focus on those areas that are within the Amherst WRA and adjacent to the Nine Mile Island campground entry (seen in Figure 4.8). The Town of Amherst will coordinate with the Town of Pendleton officials for the implementation of the proposed improvements.

### A. Nine Mile Island Access Improvements Planning

The Nine Mile Island campground is only accessible from the land on the Town of Amherst side of Tonawanda Creek. The Town of Amherst and Town of Pendleton have interest in upgrading this piece of property located right on the water. While the island itself resides within the Town of Pendleton, the Town of Amherst can make improvements to the entry of the campground and along the Empire State Trail bikeway, which are located within the Amherst WRA. The purpose of the project is to enhance the entrance to the campground and provide better circulation and pedestrian and bicyclist safety, within the related portion of the Amherst WRA. This planning effort will explore the feasibility of moving the driveway from its current Orbit Drive location to Tonawanda Creek Road, to increase accessibility and visibility. Signage will be located on adjacent roadways to identify the site.

Figure 4.6 - Nine Mile Island Entry & Bike Path



Source: Town of Amherst Geospatial Data. Accessed April 2022

<i>Timeframe</i>	<i>15 to 20 years</i>
<i>Estimated Project Cost</i>	<i>\$ 200,000</i>
<i>Potential Funding Sources</i>	<i>NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS OPRHP NYS Recreation Trails Program (RTP), NYS DOS EPF LWRP</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Town of Pendleton, NYS Canal Corporation, Erie County DPW – Highways Division</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, Erie County DPW – Highways Division, NYS OPRHP, NYS DEC, USACE</i>

### B. Empire State Trail Improvements

The Empire State Trail system is a highly used recreation space. The Town currently holds a real estate permit with the NYS Canal Corporation along the bike path and is in the process of acquiring the 2880 Tonawanda Creek Road property. This parcel is adjacent to the multi-use Empire State Trail. The Town can expand the greenway along the Canal, between Orbit Drive and Fisherman’s Wharf (see Figure 4.9). Improvements will be made to visually connect the bike path to the water and improve pedestrian and

bicycle safety. The history of the canal will be celebrated. An interpretive trail highlighting the cultural and historical aspects of the canal will be implemented along the bike path.

**Figure 4.7 - Nine Mile Island Greenway & Waterfront Access Improvements**



Source: Town of Amherst Geospatial Data. Accessed April 2022. Town of Amherst Staff Photos Taken June 19, 2019.

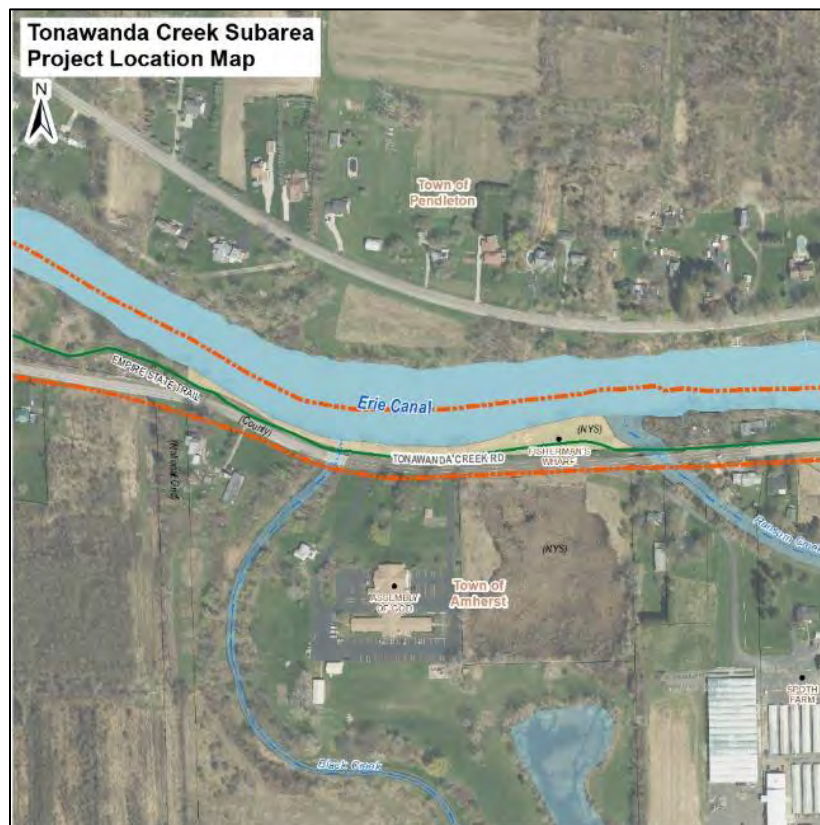


<i>Timeframe</i>	<i>5 to 10 years</i>
<i>Estimated Project Cost</i>	<i>\$ 500,000</i>
<i>Potential Funding Sources</i>	<i>NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS OPRHP NYS Recreation Trails Program (RTP), NYS DOS EPF LWRP</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Town of Pendleton, NYS Canal Corporation, Erie County DPW – Highways Division, Erie County Department of Environment &amp; Planning, NYS OPRHP, GBNRTC, GOBike Buffalo</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, NYS OPRHP, Erie County DPW – Highways Division, NYS DEC, USACE</i>

### 3. Fisherman’s Wharf

This project will provide site enhancements to the existing Fisherman’s Wharf area owned by New York State and located on the north side of Tonawanda Creek Road at its intersection with Ransom Creek (see Figure 4.8). Currently, this site offers a few amenities such as benches, picnic tables and a small shelter. An optimal ecosystem here results in good fishing opportunities. A shallow, undefined graveled pull-off area accommodates vehicles that are usually parallel-parked along the road. The regional Empire State Trail traverses this site. The Town currently has a real estate agreement with the NYS Canal Corporation for public use on the adjacent bike path traversing the park. The water-based improvements will take place within the NYS Canal Corporation blue line.

Figure 4.8 – Fisherman’s Wharf and NYS Property



Source: Town of Amherst Geospatial Data. Accessed April 2022

Figure 4.9 – Improvements proposed by the public



Source: Town of Amherst Geospatial Data. Accessed April 2020 and Town of Amherst Staff Photo Taken September 20, 2019.



### A. Fisherman’s Wharf Master Plan & Park Improvements

The goal of this proposed project is to improve this small site covering 0.82 acres, while retaining the natural aesthetics of this scenic waterfront property. This site is highly used for recreation and popular among local fishermen. The Town will update the master plan of this site based on feedback from the public outreach, which will be a dominant part of the planning process.

The public outreach conducted as part of the LWRP planning process identified potential site improvements (see Figure 4.9). A defined parking area will replace the graveled space along Tonawanda Creek Road to ensure maximum safety for park users and those traveling on the road. Within the park additional benches, trash receptacles and grills will be installed, and the existing shelter will be upgraded. The fishing area would largely remain the same with slight shoreline improvements. A small area on the foreshore will be reassessed to facilitate a natural looking kayak launch. Several large park trees will be planted to provide better shade and a riparian planting buffer will be established along the top of the creek bank to reduce soil erosion. These living shoreline type improvements are similar to past improvements at Tift Nature Preserve in Buffalo and at Ellicott Creek Park in Tonawanda, NY. The Town pathway safety study developed in 2016 will be used to identify pedestrian safety improvements to the off-road bike path within the vicinity of the park, west and east of the bridge. The master plan will also assess potential alignments of the bike path in relation to the road, to increase safety of all path users. The Town has started this safety effort by replacing the existing footbridge (from 1977) over Ransom Creek. Due to the proximity of Tonawanda Creek Road to Fisherman’s Wharf, speed limits will be reassessed in this area to determine maximum safety. The Town will coordinate and work with the County on vehicle and bicycle circulation within the county road right-of-way. Another consideration is a bus pull-off, to better accommodate youth field trips or for tourist opportunities. These proposed uses are intended to enhance the existing features on the existing site.

<i>Timeframe</i>	<i>5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 500,000</i>
<i>Potential Funding Sources</i>	<i>NYS DEC Trees for Tributaries Program, TD Green Space Grants, NYS Canal Corporation, NYS OPRHP Park and Trail Partnership Grant Program, CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, NYSERDA Energy Efficiency Program, NYS ESD MNY, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, NYS Canal Corporation, Erie County DPW – Highways Division, Erie County Department of Environment &amp; Planning, GBNRTC, GOBike Buffalo, Spoth Farm</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, Erie County DPW – Highways Division, NYS DEC, USACE</i>

### B. Stormwater and Bank Stabilization Study

Concurrent with the development of the master plan, the Town will assess the means to control, collect, and filter stormwater runoff on the site, before reaching the creek, and identify methods to protect the creek’s bank from erosion. Shade trees will be added to help reduce the heat island effect on the existing and proposed paved surfaces.

<i>Timeframe</i>	<i>5 years</i>
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<i>Estimated Project Cost</i>	<i>\$ 200,000</i>
<i>Potential Funding Sources</i>	<i>NYS Canal Corporation, NYS OPRHP Park and Trail Partnership, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, DASNY grant programs, NYSEFC GIGP, NYS DEC Trees for Tributaries Grant program</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, NYS Canal Corporation, Erie County DPW – Highways Division, NYS OPRHP</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, NYS OPRHP, Erie County DPW – Highways Division, NYS DEC, USACE</i>

#### 4. North Amherst Fire Station Waterfront Park Improvements

The purpose of this project is to provide water and land-based enhancements to the North Amherst Fire Station grounds located at the northeast corner of the Tonawanda Creek Road/Campbell Boulevard intersection (see Figure 4.10). In December 2021 Amherst received \$603,772 in EPF LWRP funds to make improvements to the North Amherst Fire Station Waterfront Park. The project will improve amenities on the water and land with increased access to the Erie Canal. This approximate 10-acre parcel is owned by the North Amherst Fire Station Company. The Town historically has had an agreement in place with the fire company regarding park maintenance and use. The Empire State Trail runs adjacent to the parcel close to the Erie Canal waterway. There is access to this multi-use trail north of Tonawanda Creek Road.

Figure 4.10 - North Amherst Fire Station



Source: Source: Town of Amherst Geospatial Data. Accessed April 2022

The improvements proposed along the water are located within the NYS Canal Corporation blue line.

Within this projects location the Town currently holds a real estate agreement along the existing multi-use bike path with the NYS Canal Corporation. The Town will build a dock and provide the other necessary shoreline improvements along the canal. Another improvement will be to increase parking to accommodate more users. Stormwater filtration and runoff measures will be addressed within the parking lot and on the project site. The Town will consider the placement of EV charging stations at this location. Access to the water will be enhanced with designated walkways and the necessary signage. Land based recreational

Figure 4.11 - Playground at Fire Station



Source: Town of Amherst Staff Photo Taken August 1, 2019

improvements will take place adjacent to the canal. Within the park space a new shelter, rehabilitated new playground space for little children and upgraded playground equipment for older children would be available. Existing trees will remain on site and additional planting will provide shade near these park amenities. These improvements will consider providing a bus pull-off or a drop-off point for a tourist bus within or near the county road right-of-way. The Town will coordinate with the County on parking, circulation, and access to the Empire State Trail and NYS Canal Corporation blue line. The completion of this project will allow for large events both public and private to take place immediately adjacent to the water. The proposed project will enhance the existing uses on the site and provide safer and better circulation (see Figure 4.12).

Figure 4.12 – North Amherst Fire Station Waterfront Park Schematic Plan



Source: Town of Amherst Geospatial Data. Accessed April 2020; photo taken by town staff on September 20, 2019.

<i>Timeframe</i>	<i>0 to 5 years (ongoing contract with NYS DOS as of August 2022)</i>
<i>Estimated Project Cost</i>	<i>\$ 803,000</i>
<i>Potential Funding Sources</i>	<i>NYS Canal Corporation, NYS OPRHP Park and Trail Partnership Grant Program (PTPG), NYS OPRHP Environmental Protection Fund (EPF) Grant Program for Parks, Preservation and Heritage, NYS OPRHP Recreational Trails Program (RTP), NYS DOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, DASNY grant programs, NYS EFC Green Innovation Grant Program (GIGP), NYS DEC Trees for Tributaries Program</i>



<i>Potential Project Partners</i>	<i>Town of Amherst, North Amherst Fire Company, NYS Canal Corporation, Erie County DPW – Highways Division, NYS OPRHP, Western New York Prism</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, North Amherst Fire Company, NYS OPRHP, Erie County DPW – Highways Division, NYS DEC, USACE – Joint Permit Application</i>

## 5. Amherst Marina Circulation Study & Access Improvements

Established in 1993, the privately owned Amherst Marina is an important resource for boaters within Erie-Niagara Counties due to its strategic placement along the Erie Canal. It is situated halfway between the Niagara River and Lockport and has one of the largest lifts in western New York. The property is located at the northwest corner of Tonawanda Creek Road and Campbell Boulevard and is the only property zoned General Business (GB) within the Amherst LWRP boundary. There are significant regional transportation opportunities at this location. The Empire State Trail bisects an intersection between a county road and NYS DOT road near the border with the Town of Pendleton. As a result, there are

Figure 4.13 – Transportation Planning & Greenway Improvements



Source: Town of Amherst Geospatial Data. Accessed April 2022

larger transportation type planning initiatives associated with this project. The Town will coordinate with both the County and NYS on this greenway project (see Figure 4.13). This initiative is viewed as a long-term planning effort that is dictated by the current ownership and/or future ownership of the privately owned marina parcel. The Town will prepare for future development plans for this site by studying and implementing circulation and access issues along the existing Empire State Trail. The bike path in this location is part of a larger greenway along the waterway. The Town will try to capitalize on this regional asset. The Town will plan for improvements along the Empire State Trail and in the NYS and County right-of-way immediate adjacent to the private parcel (see Figure 4.14). This project location has a direct connection to and from the North Amherst Fire Station public parking area. This water-dependent use along the canal is unique and one of the only locations with active boating and docking. Views to and from the water can be improved with pedestrian and/or recreation spaces to view and enjoy the water (see Figure 4.15). There are existing issues with vehicle circulation and bicycles at this intersection. Therefore, safety improvements will be made in and around the private marina. The Town has the potential draw from the cultural and historic attributes of this site and create a broader



waterfront experience for the users. Bicycle and pedestrian amenities will be available on this project site. The Town will coordinate with the County and NYS DOT to properly accommodate existing safety issues at this location.

Figure 4.14 – Greenway Improvements along the Water



Source: Town of Amherst Staff Photo Taken August 1, 2019

Figure 4.15 – Empire State Trail Greenway and Views to the Waterway



Source: Town of Amherst Staff Photo Taken August 1, 2019.

<i>Timeframe</i>	10 -15 years
<i>Estimated Project Cost</i>	\$ 600,000
<i>Potential Funding Sources</i>	NYS Canal Corporation, NYS OPRHP Park and Trail Partnership Grant program, NYS OPRHP EPF Grants Program for Parks, NYS DOS EPF LWRP, Climate Smart Communities Grant Program, DASNY grant programs
<i>Potential Project Partners</i>	Town of Amherst, Amherst Marina owners, North Amherst Fire Company, NYS Canal Corporation, Erie County DPW – Highways Division, Erie County Department of Environment & Planning, NYS DOT, NYS OPRHP, GBNRTC, Amherst IDA, Town of Pendleton

*Potential Approvals/Permits* Town of Amherst, NYS Canal Corporation, Erie County DPW –  
Highways Division, NYS DEC, USACE, NYS OPRHP

## 6. Empire State Trail & Missing Bike Path Connections

The portion of the Empire State Trail that stretches along the northern side of the Amherst WRA is an important local and regional recreational resource. The Empire State Trail is identified as a project in the 2021 GBNRTC Bicycle Master Plan, in other state plans and documents, and identified in local Town recreation plans. The Town will conduct a feasibility study to identify ways to convert on-road trail segments along Tonawanda Creek Road to off-road multi-use trails. This includes two separate sections within the Amherst WRA along Tonawanda Creek Road and one off-road path along the water. The feasibility study will identify alternative alignments, site conditions and constraints, and construction cost estimates of two trail segments that will complete the Empire State Trail within the Amherst WRA. Mid-block crossings, signage and other pedestrian improvements will also be assessed and recommended, as part of this study. The Town will then apply for funding to prepare design and construction plans.

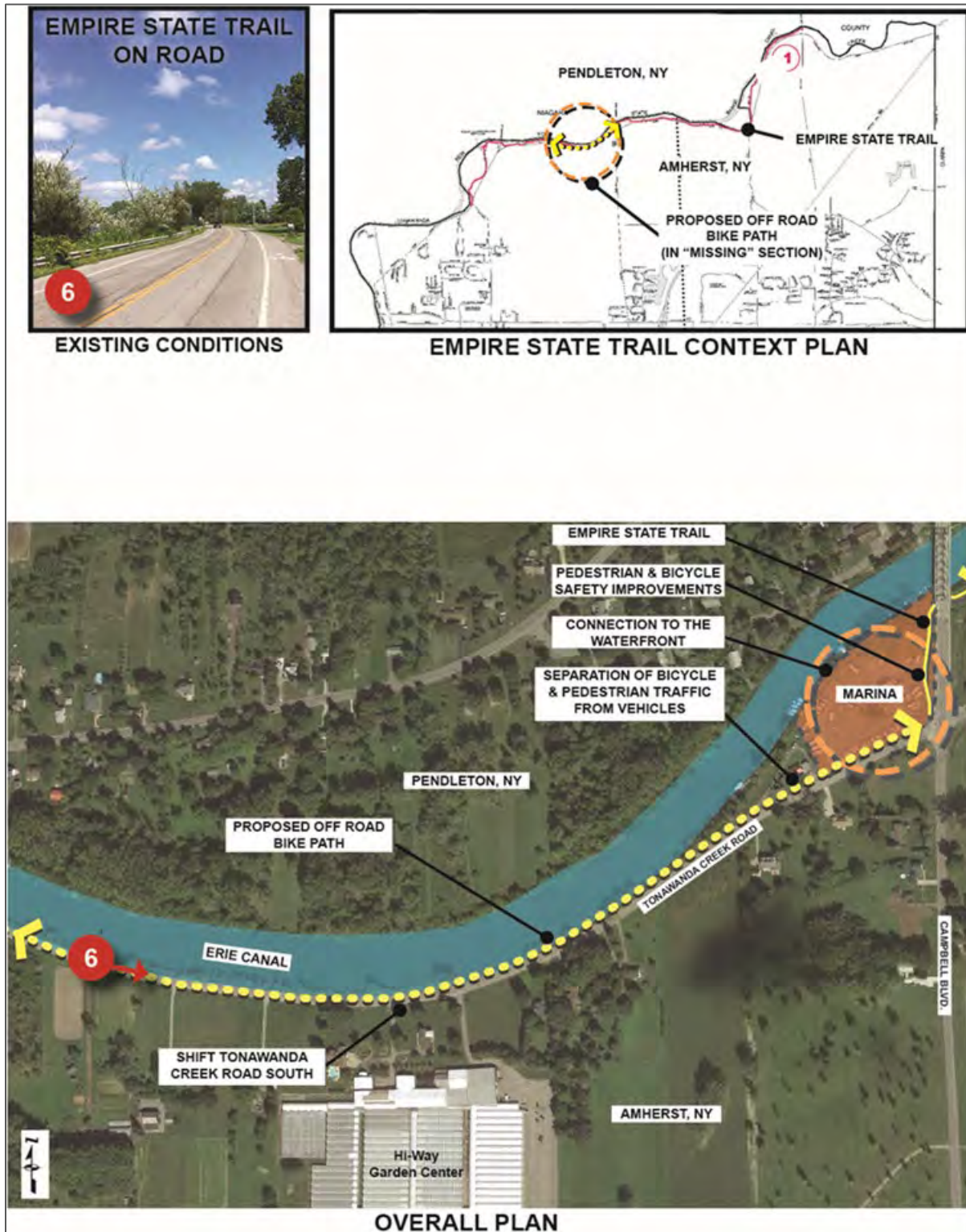
The following describes the off-road bike path along Tonawanda Creek Road and the one alternative route along the waterway, as well as a potential future component of the trail project. This project site is located between Campbell Boulevard and the NYS owned property at 1450 Tonawanda Creek Road (see Figure 4.16). Along this segment, Tonawanda Creek Road would need to be shifted to the south to allow for the 10-foot-wide minimum bike path along the creek within the County right-of-way. This segment is rural in nature, with large-lot residences and agricultural activities south of Tonawanda Creek Road. Erosion control measures will be implemented to reduce the deterioration of the bike path along the north side of Tonawanda Creek Road. Approximately 3/4 of a mile of bike path will be created. Between Vine Lane and Windsor Court.

The NYS DOT completed the off-road bike path from Old Niagara Falls Boulevard to Windsor Court. The Town would continue the NYS DOT effort along the south side of Tonawanda Creek Road for approximately 1 mile as indicated in Figure 4.19. The project takes place within the County right-of-way. The components of this project include pedestrian safety measures, relocating distribution poles, acquisition costs (if necessary), and separation of the 10-foot minimum wide path from the travel lane.

Alternative Route along the Canal - The Town of Amherst currently holds an easement along the north border of the Evergreen Subdivision along the Erie Canal. A future long-range project involves the creation of a trail along the canal starting at the Evergreen neighborhood via an on-road route and then continuing under the Niagara Falls Boulevard bridge. From there an off-road bike route could continue south along Niagara Falls Boulevard or continue west through the Admiral's Walk neighborhood. A potential connection to the cemetery property would keep the path along the waterway. The off-road path will be located in the westernmost portion of the cemetery and then link to the existing off-road bike path on Old Niagara Falls Boulevard.

A planning and feasibility study will be conducted prior to developing designs and construction plans for this project.

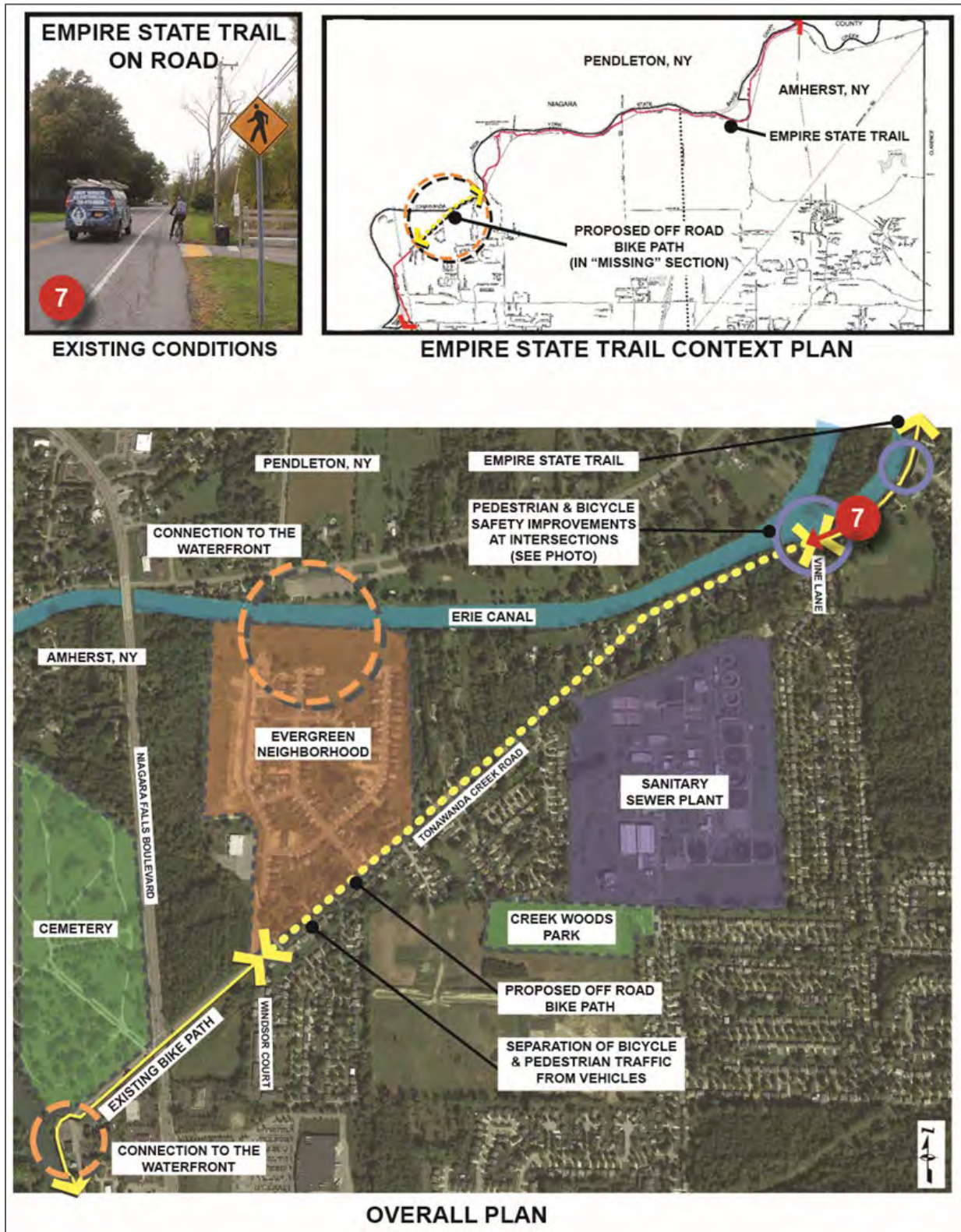
Figure 4.16 – Empire State Trail Improvements, Site 6



Source: Town of Amherst Geospatial Data. Accessed April 2020



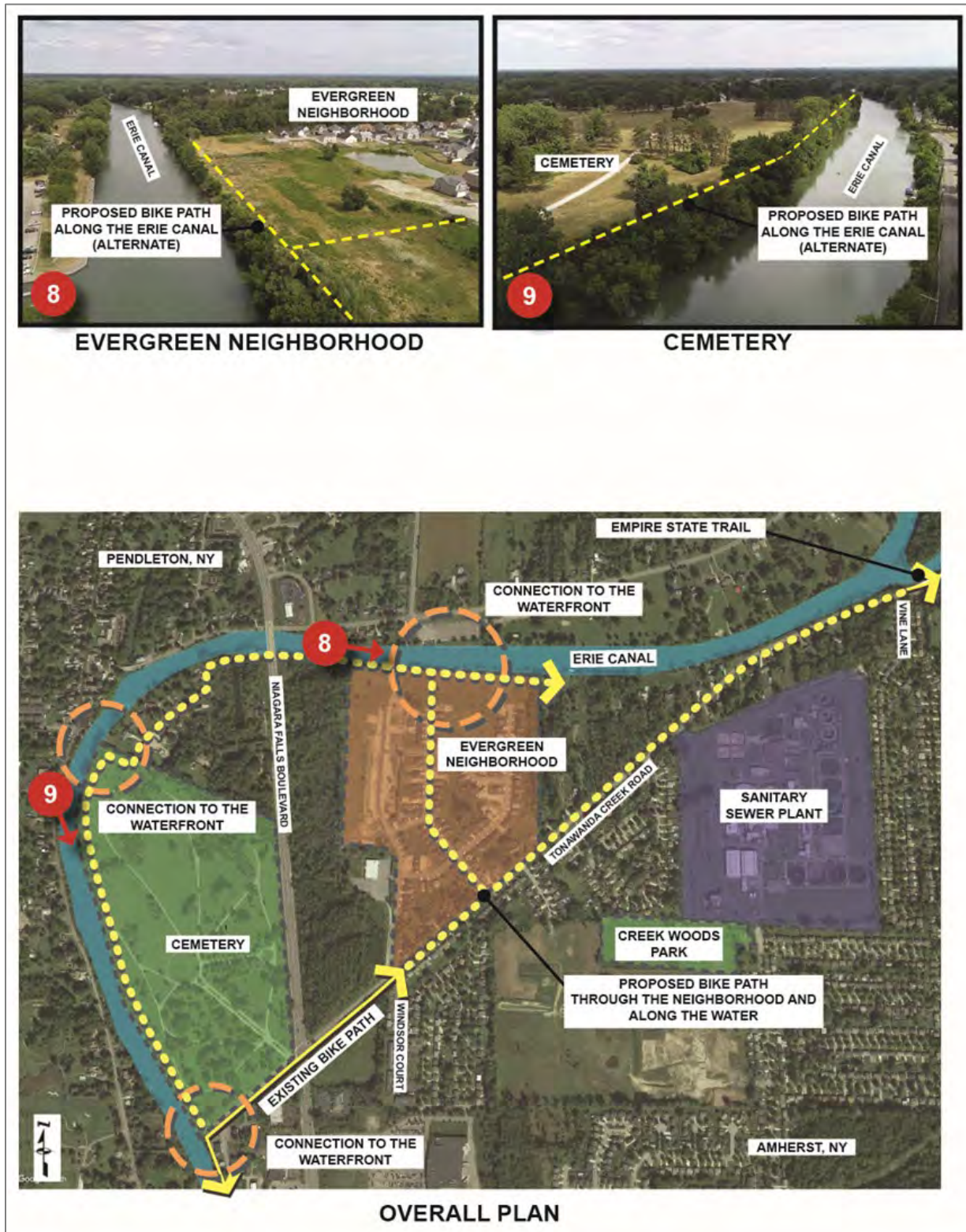
Figure 4.17 – Empire State Trail Improvements, Site 7



Source: Town of Amherst Geospatial Data. Accessed April 2020



Figure 4.18 – Empire State Trail Improvements, Site 8



Source: Town of Amherst Geospatial Data. Accessed April 2020

Timeframe

10 -15 years

<i>Estimated Project Cost</i>	<i>\$ 5,655,000</i>
<i>Potential Funding Sources</i>	<i>NYS DOT TAP &amp; CMAQ Improvement Program, NYS Canal Corporation, NYS OPRHP Park and Trail Partnership, CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, Climate Smart Communities Grant Program, NYSEDA Energy Efficiency Program, ESD MNY, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Private Marina owners, NYS Canal Corporation, Erie County DPW – Highways Division, Erie County Department of Environment &amp; Planning, NYS DOT, NYS OPRHP, GBNRTC, GOBike Buffalo</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP</i>

## 7. Amherst Veterans Canal Park Improvements

The Amherst Veterans Canal Park is the only public boat, kayak, and canoe launch along the Amherst side of the Erie Canal. The park consists of a facility building, a parking lot, boat launch, dock, mobile dock and the University at Buffalo aquatic team facility and the Empire State Trail traversing the site (see Figure 4.19). This project aims to enhance existing improvements to the facilities on site. One new component to this project site is the establishment of a “nature center”. The center in this park promotes park use and public education, as well as, highlighting the Town’s vast Nature View Park across the street. The existing block building at Veterans Canal Park contains restrooms but is currently underutilized; this is an ideal location for the nature center and Erie Canal “mini museum” or bike hub. The project site is fairly extensive and involves multiple jurisdictions including Town property, NYS property, County right-of-way and a property that contains an easement with the Western New York Land Conservancy (WNYLC).

Figure 4.19 – Veterans Canal Park Aerial View



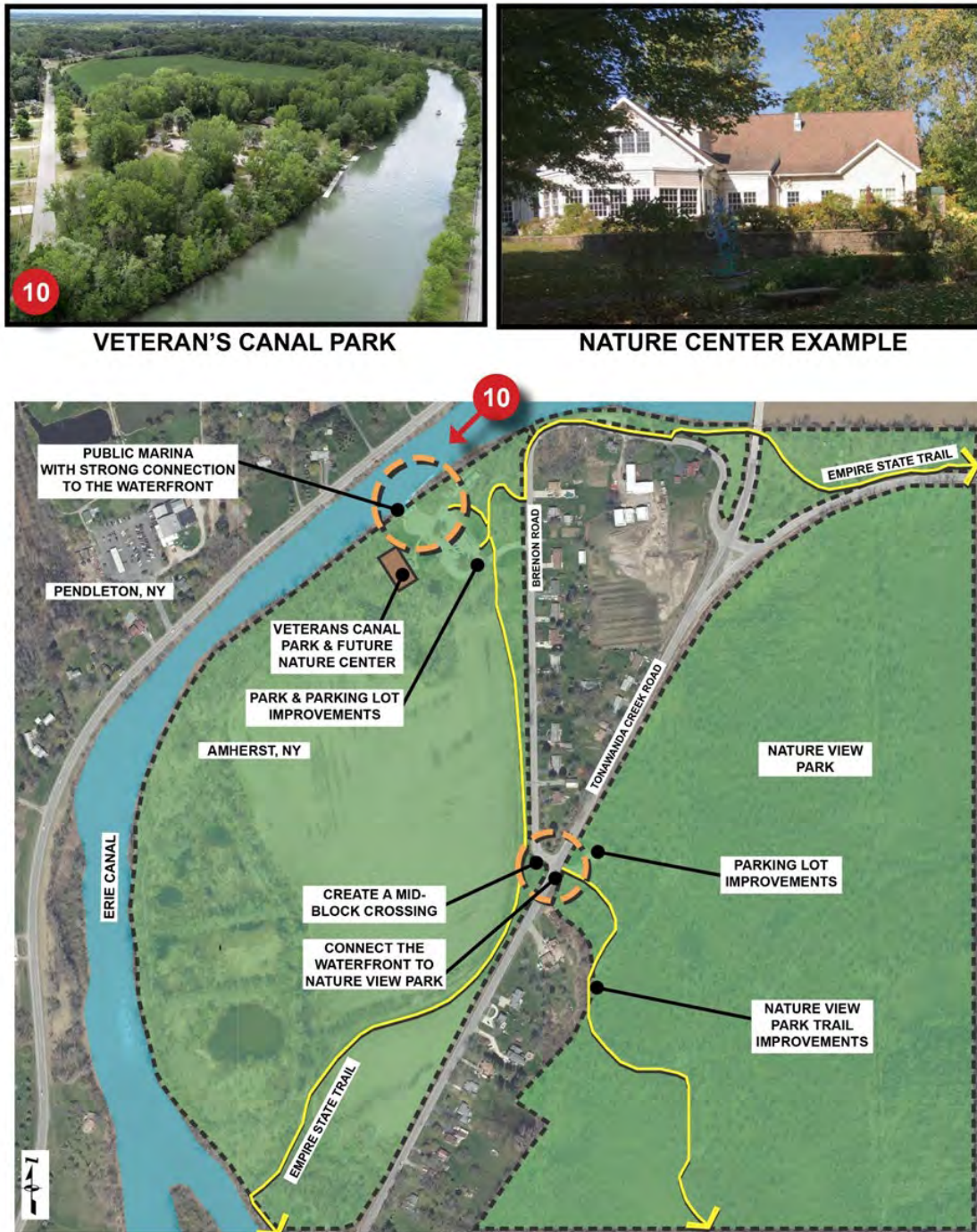
Source: Town of Amherst Geospatial Data. Accessed April 2022

### A. Master Plan and Design

The project site parcels are immediately adjacent to the water and form a large cohesive tract land along the waterway. The Town will continue and expand the master plan originally designed in the mid-1990s by Robert Walter, Town Landscape Architect. The project constructed on NYS property focused on the public marina and water-based activities.



Figure 4.20 – Veterans Canal Park Diagrammatic Plan



Source: Town of Amherst Geospatial Data. Accessed April 2020

The Town will explore the project area in a comprehensive approach to maximize the potential of all the municipally owned parcels (see Figure 4.20). Stronger connections can be made to the surrounding assets existing in the Tonawanda Creek Subarea. These include the Empire State Trail and the large tract of passive space of Nature View Park. The Town’s proposed master plan will make improvements to this existing water-based recreation site and incorporate a larger project study area, incorporating part of the 1,330-acre Nature View Park open space. The master plan will address the waterfront advisory

committee comments and will facilitate a public workshop for further community input. The plan’s goal will be to enhance the experience along the water and provide the appropriate water and land-based programs. Overall, there are many existing underutilized attributes on this site and the plan will address these issues.

<i>Timeframe</i>	<i>0 -5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 200,000</i>
<i>Potential Funding Sources</i>	<i>NYS Canal Corporation, NYS OPRHP Park and Trail Partnership, NYS DOS EPF LWRP, Climate Smart Communities Grant Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Buffalo-Niagara Heritage Village, University at Buffalo row team, Town of Amherst School District staff and personnel, Town of Amherst Conservation Advisory Council, NYS Canal Corporation, NYS OPRHP, Town of Pendleton, WNYLC, Town of Amherst Nature View Park Committee</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, NYS OPRHP, Erie County DPW – Highways Division, NYS DEC, USACE, WNYLC</i>

**B. Interpretive Nature Center**

This proposed building will create opportunities for public use, restrooms, and outdoor educational spaces. In planning for this amenity, the Town would consider the model of other regional education examples such as the Charles E. Burchfield Nature & Art Center in West Seneca, and Buffalo’s Tiff Farm and Eco Island Nature Center in Grand Island. The proposed facility has the potential to host small events and classes. This project will be planned and designed to also be used by the school districts for students’ education. The Town will conduct a feasibility study to evaluate the existing facility on site and determine the necessary proposed changes. The Town will then work towards design and construction plans.

<i>Timeframe</i>	<i>10 -15 years</i>
<i>Estimated Project Cost</i>	<i>\$ 2,500,000</i>
<i>Potential Funding Sources</i>	<i>NYS Canal Corporation, NYS OPRHP Park and Trail Partnership, NYS OPRHP Environmental Protection Fund Grants Program for Parks, Preservation and Heritage (EPF, RTP), NYS DOS EPF LWRP, Climate Smart Communities Grant Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Buffalo-Niagara Heritage Village, University at Buffalo row team, Town of Amherst School District staff and personnel, Town of Amherst Conservation Advisory Council, NYS Canal Corporation, NYS OPRHP, Town of Pendleton</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, NYS OPRHP, Erie County DPW – Highways Division, NYS DEC, USACE</i>



### C. Strengthening Connections

The connection between the inland waterway and the natural environment is an important component in this project. There are numerous natural resources within close proximity to the public dock. Across Tonawanda Creek Road is Nature View Park, the largest single tract of conserved land in Erie County. Nature and pedestrian trails will be established and extend into the Nature View Park entry. A mid-block crossing is proposed on Tonawanda Creek Road to provide safe access. The nature trail at Nature View Park will be enhanced and improved to accommodate more users (see Figure 4.21). The existing trail is only traversable during dry or frozen conditions on snowshoes/cross country skis. The intent of this project is to increase recreational use on the land adjacent to the waterway year-round.

Figure 4.21 – Nature View Park Entry



Source: Town of Amherst Staff Photo Taken April 8, 2021.

<i>Timeframe</i>	<i>0 -5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 250,000</i>
<i>Potential Funding Sources</i>	<i>NYS Canal Corporation, NYS OPRHP Park and Trail Partnership, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS OPRHP NYS Recreational Trails Program (RTP), NYS DOS EPF LWRP, Climate Smart Communities Grant Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Town of Amherst Conservation Advisory Council, Town of Amherst Committee on Disabilities, Sierra Club, Town of Amherst Nature View Park Committee, Erie County Department of Environment &amp; Planning</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS OPRHP, Erie County DPW – Highways Division, NYS DEC, USACE</i>

### D. Waterfront Park Improvements

The current dock and launch site are in decent condition and well used. The Town will propose in phases the necessary improvements at the park space to provide accessibility, safety, and recreational opportunities. Recreational based amenities will be implemented within the project site. The features will include ADA improvements, lighting, parking and circulation enhancements and park appurtenances. The Town will continue its implementation of EV charging stations at Town facilities at this northern most recreation site. Entryway and trail improvements will take place at the Nature View Park trails. The Town will strengthen the theme of the park to include more vibrant connections to the remembrance of veterans within the space. Enhancements to the existing access for emergency services to enter and exit the water will be explored.

Figure 4.22 – Veterans Canal Park Existing Amenities



Source: Town of Amherst Staff Photos Taken August 21, 2019.

<i>Timeframe</i>	<i>0 -5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 500,000</i>
<i>Potential Funding Sources</i>	<i>NYS Canal Corporation, NYS OPRHP Park and Trail Partnership, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS OPRHP NYS Recreational Trails Program (RTP), NYSDOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, DASNY grant programs, NYS EFCGIGP grant funding, NYS DEC Trees for Tributaries Program</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Buffalo-Niagara Heritage Village, University at Buffalo row team, NYS Canal Corporation, Town of Pendleton, Western New York Prism</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP</i>

### E. Educational Opportunities

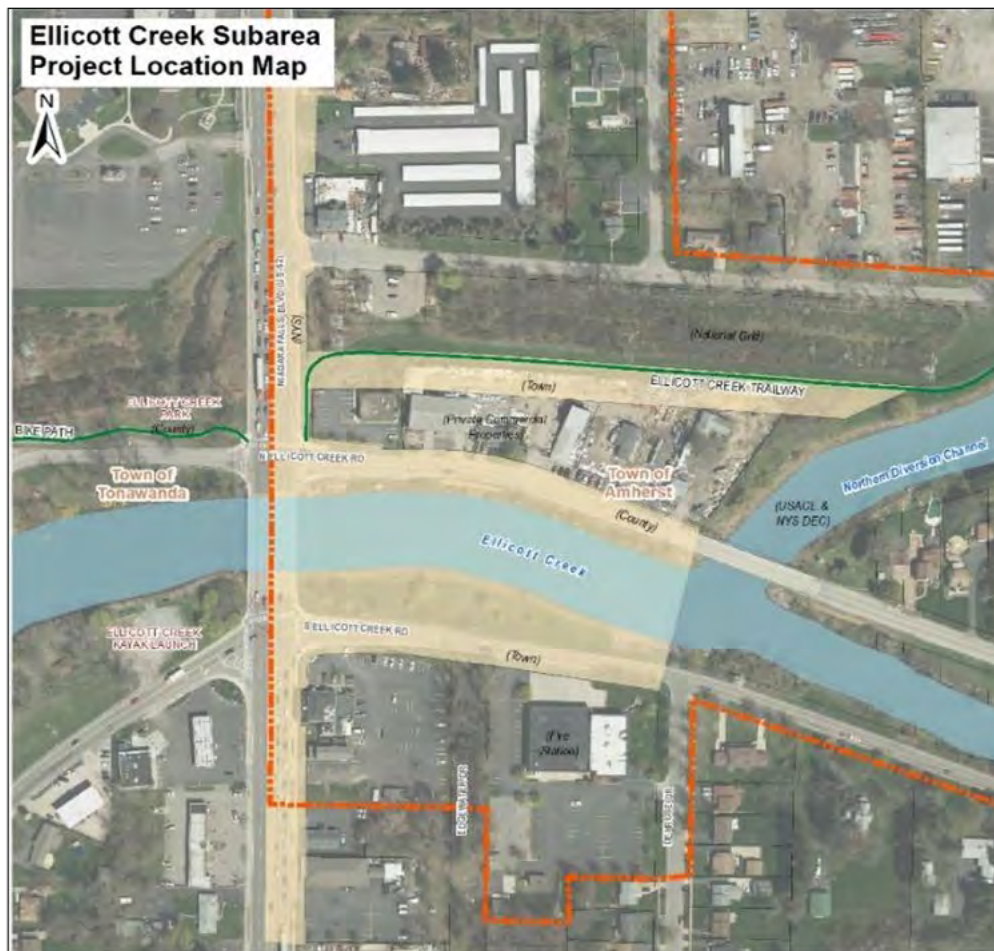
The Town Recreation and Youth Department will identify and develop programming for the Nature Center in Veterans Canal Park. These indoor and outdoor learning spaces will be available to the local community and the school districts. The Town will partner and work with other entities and organizations to provide a rich educational experience.

<i>Timeframe</i>	<i>0-5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 20,000</i>
<i>Potential Funding Sources</i>	<i>NYS Canal Corporation, NYSDOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, DASNY grants</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Buffalo-Niagara Heritage Village, University at Buffalo row team, Town of Amherst School District staff and personnel, Town of Amherst Conservation Advisory Council, NYS Canal Corporation, NYS OPRHP, Town of Pendleton</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Erie County DPW – Highways Division</i>

## 8. Niagara Falls Boulevard & North Ellicott Creek Road Improvements

Located in the northwest portion of the Ellicott Creek Subarea, the Niagara Falls Boulevard area is a highly used roadway with a mix of commercial, office, light industrial and adjacent residential land uses. The corridor runs north to south within Amherst and intersects with Ellicott Creek. However, the vast amount of traffic on this major State arterial can be a detriment to potential users of the Empire State Trail. At this project location, the trail crosses from the Town of Tonawanda into Amherst (see Figure 4.23). This project is intended to provide additional opportunities for transportation and recreational improvements related to safety of pedestrians and bicyclists adjacent to Ellicott Creek. During the Willow Ridge planning project, discussed in Section II, the Town’s consultant created ideas for waterfront planning with the Project 8 study area. This public participation exercise conducted in April 2022 incorporated the similar concerns and opportunities in the Amherst WRA. Participants identified this location as problematic and prefer a new vision for this intersection. The Niagara Falls Boulevard & Ellicott Creek Improvements will include transportation planning and streetscape amenities. The proposed improvements will also prioritize the use of native species of plants.

Figure 4.23– Niagara Falls Blvd & Ellicott Creek



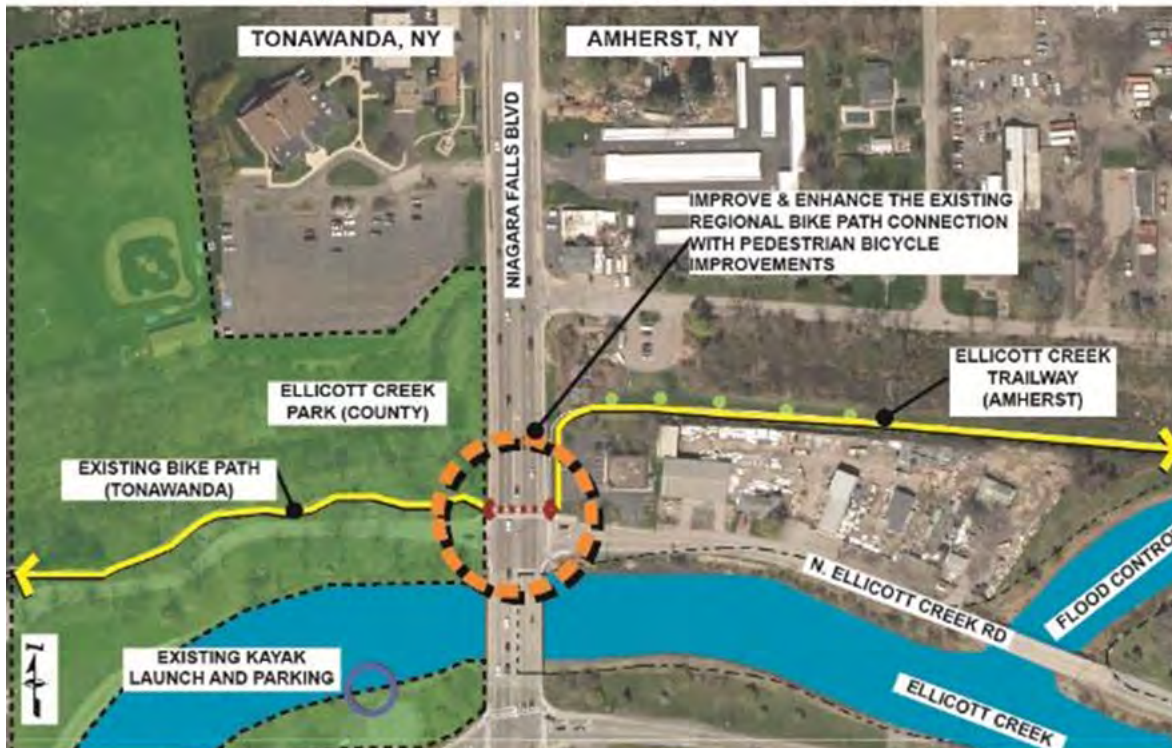
Source: Town of Amherst Geospatial Data. Accessed April 2022



## A. Transportation Planning

The Niagara Falls Boulevard corridor is a highly used roadway within the Western New York Region. A comprehensive look at this area is significant to the Town of Amherst, as well as the region (see Figure 4.24). Improvements for a better user experience are needed for vehicles, pedestrians, and bicycles. The current bicycle and pedestrian intersection will be the focus of this project. Transportation engineering will provide options for a better crossing. The idea of a mid-block or “HAWK” signal crossing will be evaluated. The overall pedestrian safety of this location is important. Improvements to this area will encourage the use of the recreational amenities in this area and remove dangers associated with navigating a high-speed roadway.

Figure 4.24 – Niagara Falls Boulevard & Ellicott Creek



Source: Town of Amherst Geospatial Data. Accessed April 2020.

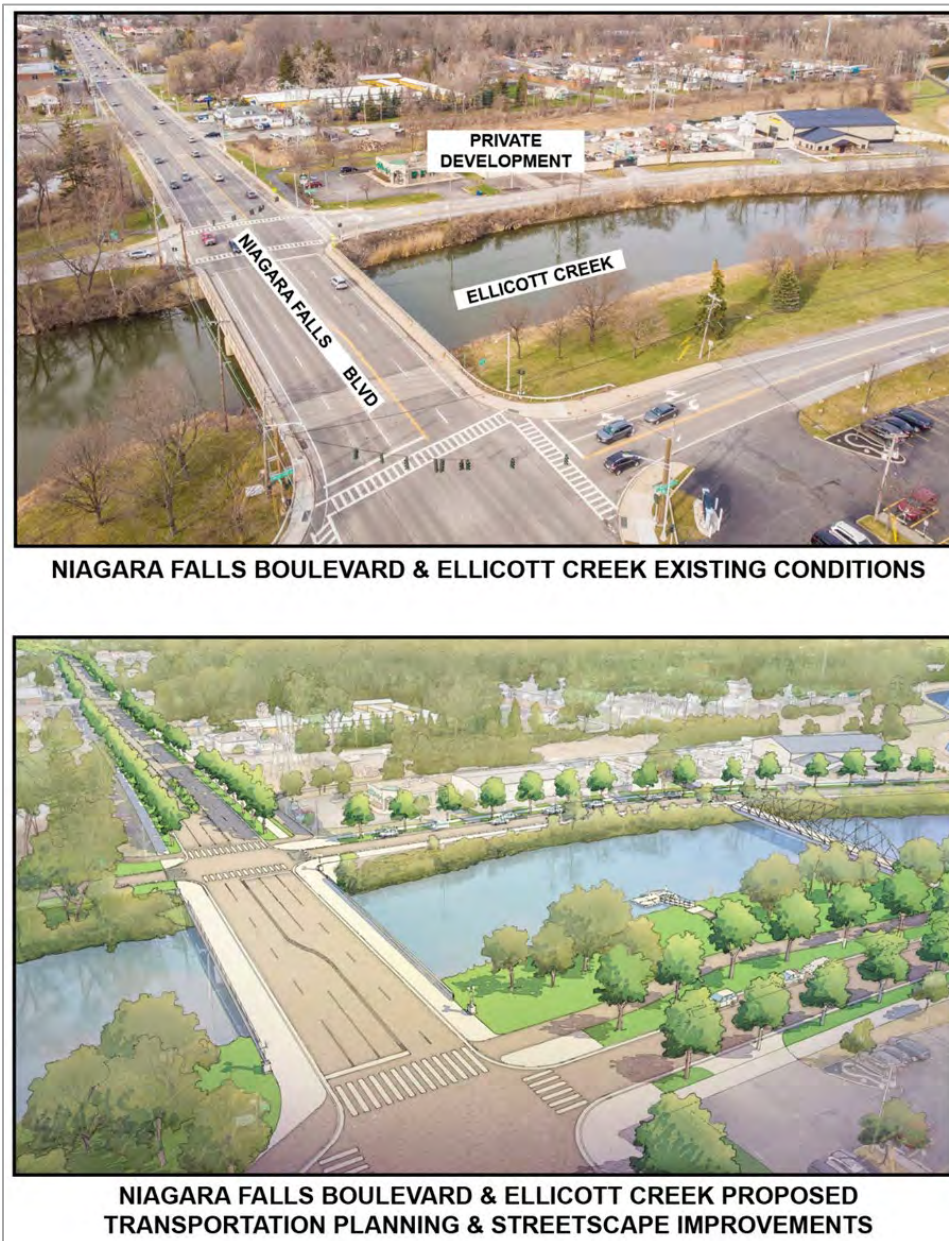
<i>Timeframe</i>	0 to 5 years
<i>Estimated Project Cost</i>	\$ 150,000
<i>Potential Funding Sources</i>	NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS OPRHP NYS Recreational Trails Program (RTP), NYS DOS EPF LWRP, DASNY grant programs
<i>Potential Project Partners</i>	Town of Amherst, NYS DOT, Erie County Department of Environment & Planning, Town of Tonawanda, GBNRTC, Town of Amherst Recreation committees and groups
<i>Potential Approvals/Permits</i>	Town of Amherst, NYS OPRHP, Erie County DPW – Highways Division, NYS DEC, USACE, NYS DOT



## B. Streetscape Improvements & Connections

This project will provide the necessary amenities for vehicle, pedestrian, and bicycle users in the project site area. Based on the transportation planning efforts and the Willow Ridge neighborhood planning project; the Town will identify streetscape and road improvements. These improvements include and are not limited to lighting, street trees, on street parking, storm water run-off, seating, and bicycle facilities. The user safety and circulation will be the focus of this project. However, the reinvestment in the areas along the water may encourage more water-based recreation. These improvements will also add aesthetics to the high-speed commercial corridor. The illustration in Figure 4.25 shows the potential of this project location as a waterfront activity area and enhanced transportation node.

Figure 4.25 – Niagara Falls Boulevard and Ellicott Creek



Source: Town of Amherst Willow Ridge Neighborhood Planning. Created Spring 2022

<i>Timeframe</i>	5 to 10 years
<i>Estimated Project Cost</i>	\$ 750,000
<i>Potential Funding Sources</i>	Market New York (ESD MNY), NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS OPRHP Recreational Trails Program (RTP), NYS DOS EPF LWRP, Climate Smart Communities Grant Program, DASNY grant programs
<i>Potential Project Partners</i>	Town of Amherst, NYS DOT, Town of Tonawanda, Erie County - DPW, GBNRTC, Amherst IDA, local businesses
<i>Potential Approvals/Permits</i>	Town of Amherst, NYS OPRHP, Erie County DPW – Highways Division, NYS DEC, USACE, NYS DOT

## 9. Old Niagara Falls Boulevard Improvements

Located in the northwest corner of Amherst, the Old Niagara Falls Boulevard area is in many ways a hidden and untapped resource. The road runs directly adjacent to the Erie Canal and the Empire State Trail (see Figure 4.26). This project site will provide additional opportunities for public enjoyment of the waterfront. Properties here hold a variety of commercial and residential land uses, yet there is no unifying theme to the area. All parcels in this vicinity are zoned commercial. At the end of the Old Niagara Falls Boulevard is the Ellicott Island Bark Park (County). The extent of this project will incorporate the entire length of Old Niagara Falls Boulevard providing connections to the different land uses. This project seeks to take advantage of the area’s location and provide ways to enhance the recreational, commercial, and aesthetic features this part of Town affords. During the Willow Ridge neighborhood-planning project, discussed in Section II, the Town’s consultant generated waterfront design ideas. This public participation exercise in April 2022 incorporated the opportunities identified in the inventory and analysis in the Town’s LWRP. Participants in April 2022 identified this location as significant and prefer a new vision for both the private commercial parcels and the park and greenway along the canal. Overall, this project will focus on enhancing the existing waterfront space owned by Town, County, and NYS.

Figure 4.26 – Old Niagara Falls Blvd & Erie Canal



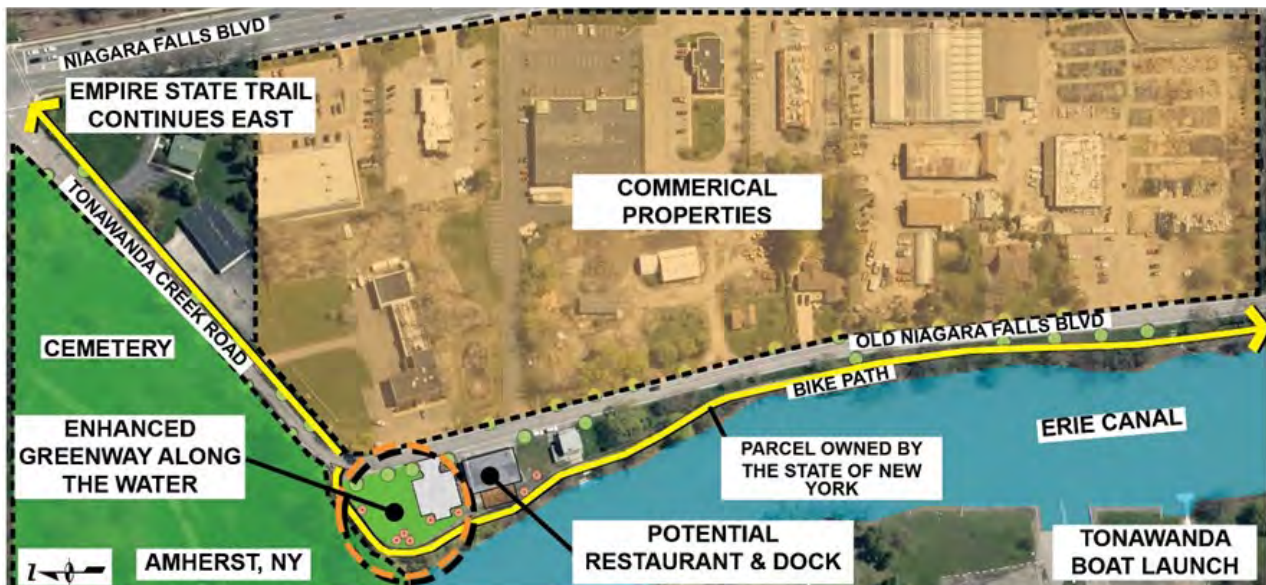
Source: Town of Amherst Geospatial Data. Accessed April 2022



### A. Greenway along the Canal & Trail enhancement

There is a significant amount of municipal property adjacent to the Erie Canal along Old Niagara Falls Boulevard. This proposed project involves advancing the efforts of the NYS Department of Transportation at the 1/3 mile of completed off road trail starting from the curve of Old Niagara Falls Boulevard, east across Niagara Falls Boulevard (Route 62) and ending near Windsor Court. The Town's LWRP proposed project involves enhancing the extended trail by adding enhanced greenspace features, appropriate signage, and pedestrian improvements for informational and safety purposes. The Town will create a linear public space that includes vistas, seating, sculptural elements, or fish piers. Basic public park amenities will be added to enhance these spaces and the overall greenway (see Figure 4.27).

Figure 4.27 – Old Niagara Falls Boulevard & Greenway Planning



Source: Town of Amherst Geospatial Data. Accessed April 2020

Figure 4.28 – Empire State Trail and Greenway Improvements



Source: Town of Amherst Staff Photos Taken October 19, 2019

<i>Timeframe</i>	<i>5-10 years</i>
<i>Estimated Project Cost</i>	<i>\$ 500,000</i>
<i>Potential Funding Sources</i>	<i>NYS Canal Corporation, NYS OPRHP Park and Trail Partnership, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS OPRHP Recreational Trails Program (RTP), NYS DOS EPF LWRP, Climate Smart Communities Grant Program, DASNY grant programs, NYS EFC GIGP, NYS DEC Trees for Tributaries program</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, NYS DOT, Town of Tonawanda, Erie County – Parks/DPW, GBNRTC, GOBike Buffalo, local business owners</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP</i>

**B. Streetscape improvements**

The Old Niagara Falls Boulevard area is planned for designation in the Town’s comprehensive plan as a “traditional infill” area, which prescribes certain design features for buildings and streetscape. The design features include creating a typical “main street” atmosphere with buildings close to the road, provision for pedestrian movement, and commercial activity associated with outdoor spaces and amenities. The necessary infrastructure improvements will be studied in the early planning stages. A feasibility study will be conducted to identify constraints and opportunities along the road. Streetscape improvements will include, but not be limited to, lighting, street trees, pavers, benches, and potential bio-retention or riparian areas to reduce run-off into the creek.

Figure 4.29 – Old Niagara Falls Boulevard



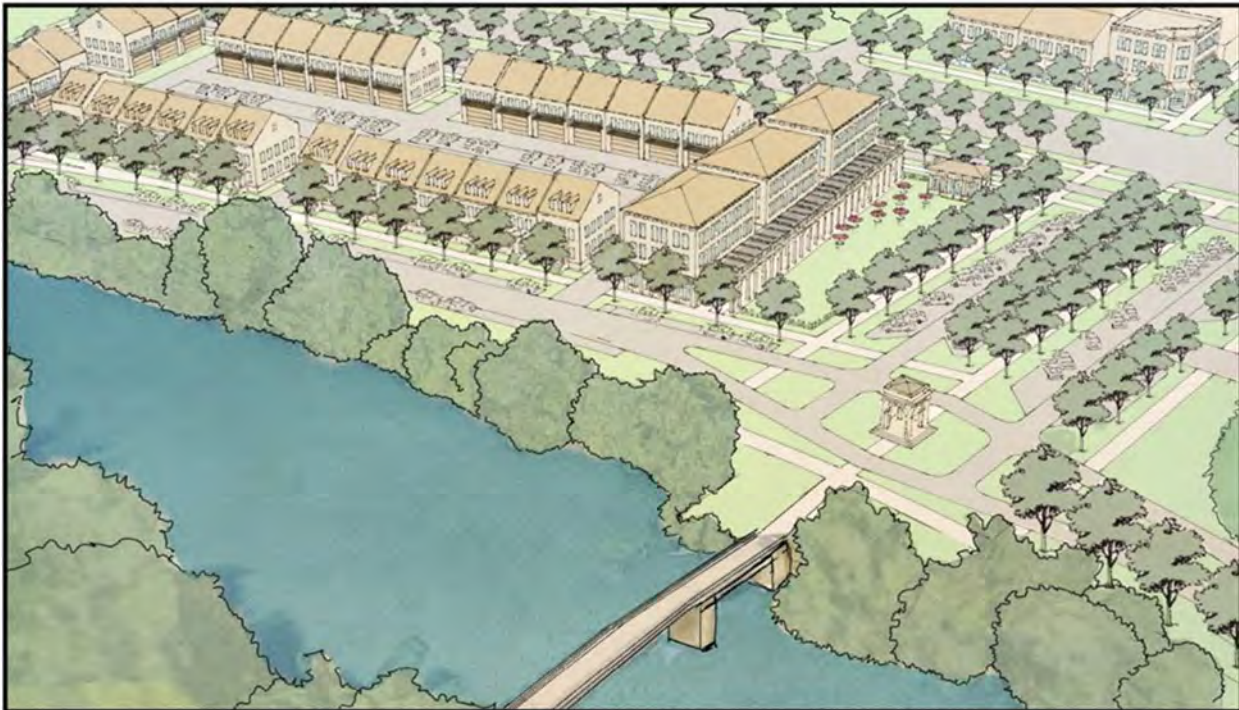
*Source: Town of Amherst Staff Photo Taken April 8, 2021.*



Figure 4.30 – Old Niagara Falls Boulevard and Streetscape Planning



**OLD NIAGARA FALLS BOULEVARD EXISTING CONDITIONS**



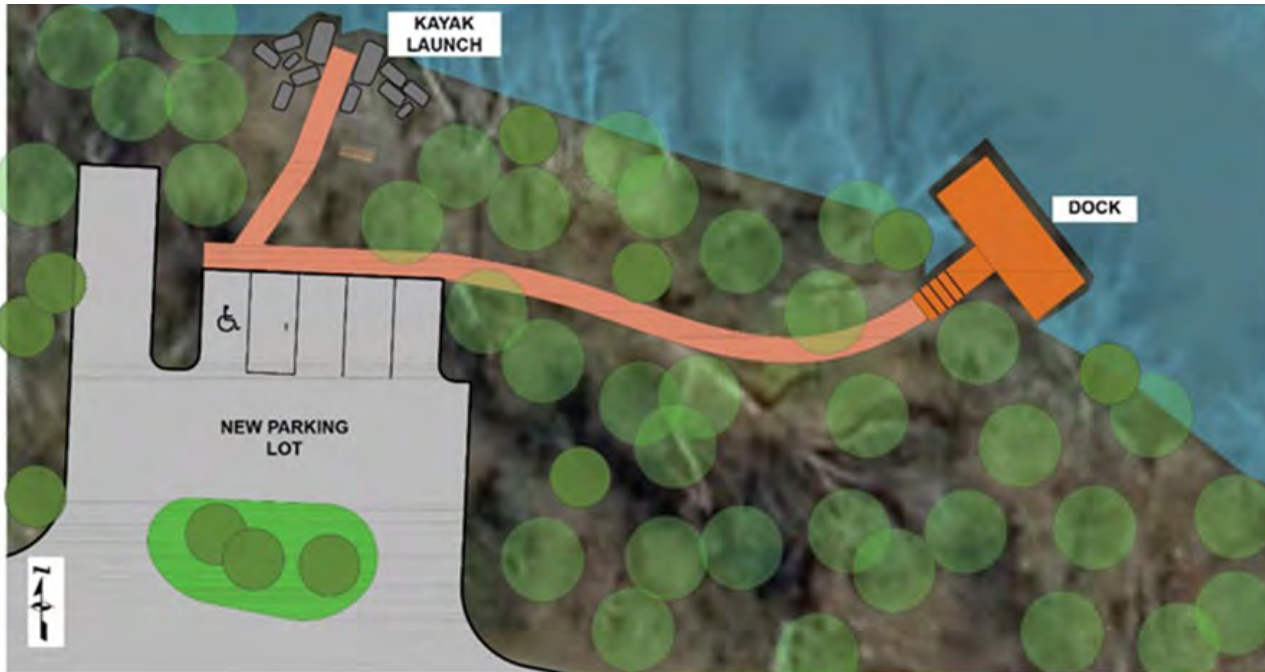
**OLD NIAGARA FALLS BOULEVARD PROPOSED  
WATERFRONT REDEVELOPMENT AND GREENWAY IMPROVEMENTS**

Source: Town of Amherst Willow Ridge Neighborhood Planning. Created Spring 2022





Figure 4.32 – Ellicott Creek Kayak Launch



Source: Town of Amherst Geospatial Data. Accessed April 2020.

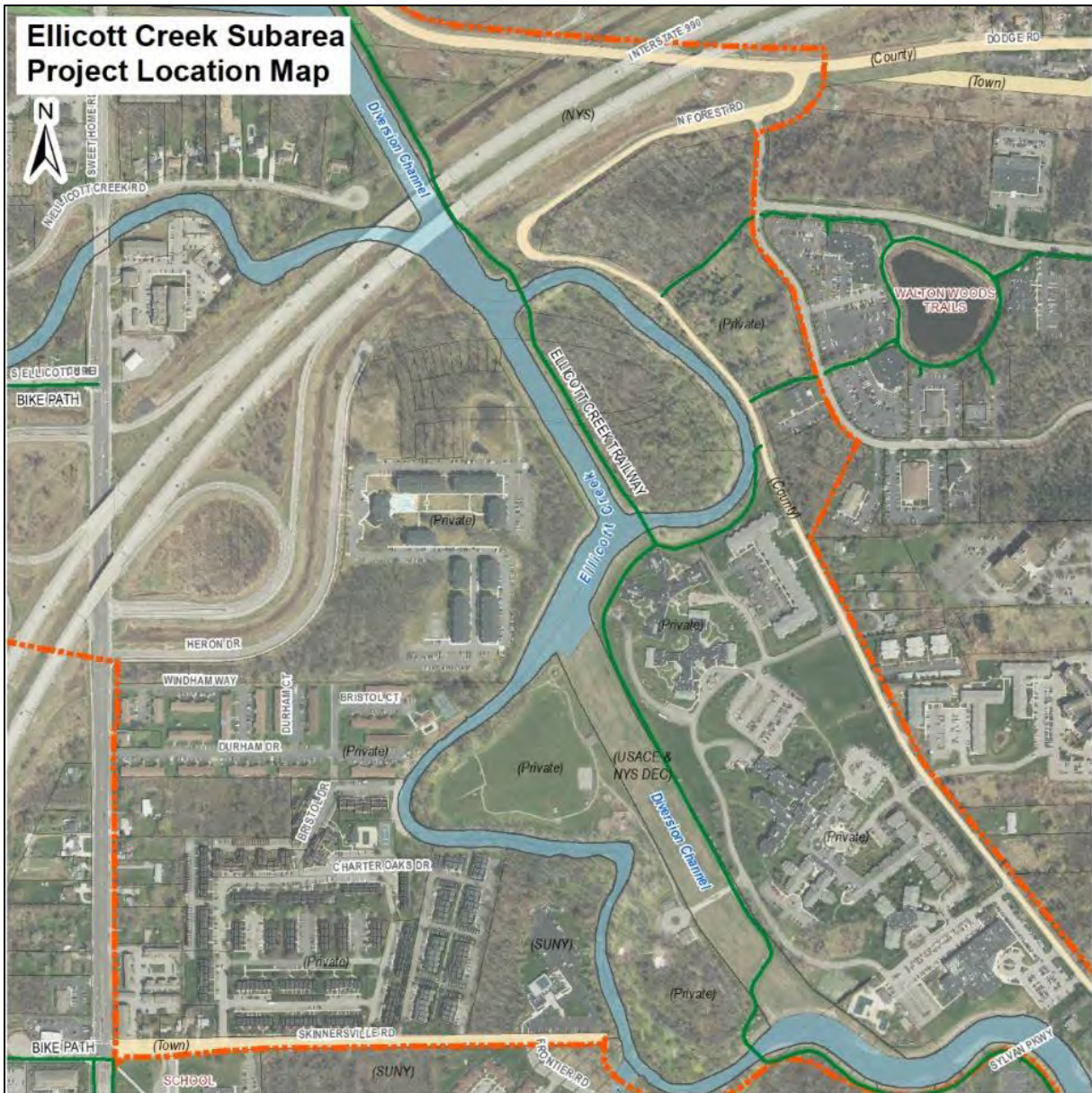
<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 350,000</i>
<i>Potential Funding Sources</i>	<i>NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage , NYS OPRHP Recreational Trails Program (RTP), NYS DOS EPF LWRP, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Erie County – DPW/Parks, US Fish and Wildlife Service (USFWS), Buffalo Niagara Waterkeeper, Sierra Club, Town of Amherst Conservation Advisory Committee</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP</i>

## 11. Ellicott Creek Trailway Extension & Multi-Modal Improvements

Ellicott Creek runs parallel to North Forest Road and partly along Dodge Road in the Ellicott Creek Subarea. The project study area includes North Forest Road and Dodge Road areas within the Ellicott Creek Subarea (see Figure 4.33). A feasibility study will be conducted to identify alternative alignments for a trail that will extend the current Ellicott Creek Trailway bike path system to the east. In addition to the trail extension, the study will examine other types of features that could enhance safe pedestrian circulation and connectivity with nearby destinations along North Forest Road. Identified in Section II are the safety concerns of the existing County roads. Currently, there are no sidewalks along North Forest Road near Dodge Road. Sight line issues with vehicular traffic currently exist due to road configuration. Another problem is that the existing road does not allow individuals to access the creek easily. Vehicles currently park on the shoulder of the road in undesignated spaces. The Town will explore safety improvements and create accommodations for a variety of users within the Ellicott Creek Subarea

at this project location. The Town will work with the County representatives to explore both on road safety measures and a dedicated small waterfront entry location.

Figure 4.33 – Ellicott Creek Trailway near North Forest Road



Source: Town of Amherst Geospatial Data. Accessed April 2022

This off-road multi-use trail in this area is a well-used amenity (see Figure 4.34). The Town should continue to make improvements to the transportation system in the area as recommend by the 2021 GBNRTC Bicycle master plan. As part of the larger regional system, this project site will start the “rail-trail” extension along the Town’s former “Peanut Line” railroad right-of-way. The “Peanut Line” project is identified in state, regional and Town plans. Although the “Peanut Line” is outside of the Amherst WRA; the improvements within Amherst WRA will be important to develop the regional project.



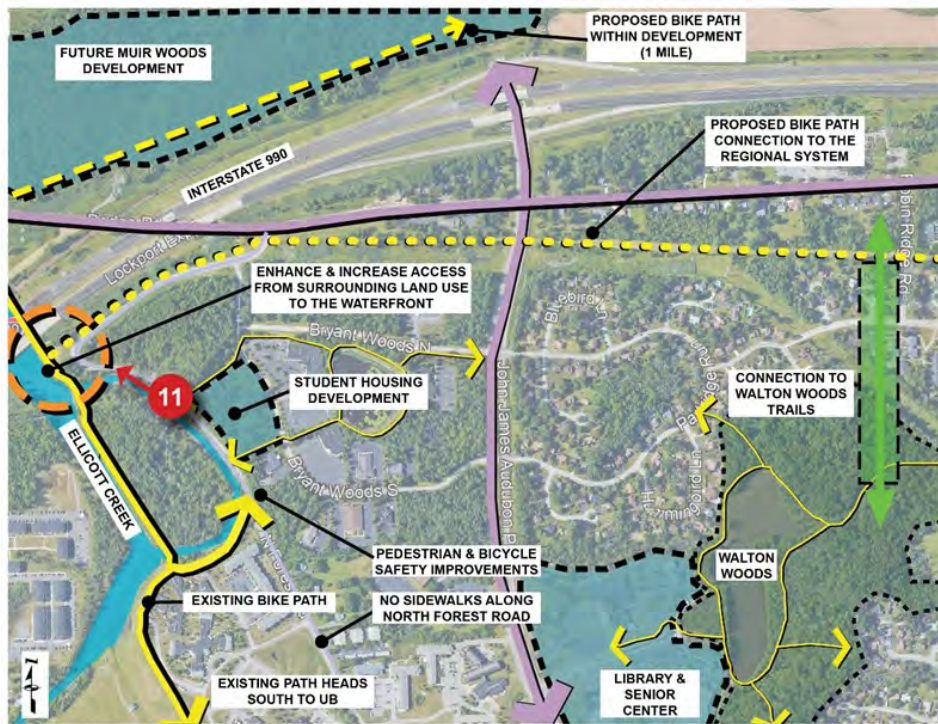
Modifications will be made on North Forest Road within the Amherst WRA to start the first phase of the regional “Peanut Line” trail project (see Figure 4.35). As for water use resources this project will study the existing green space along the creek and provide more designated access points to the creek. The only designated trailhead is at the Dodge Road office (currently Horizon Health Services) allowing access to the creek. The Ellicott Creek Subarea has limited access points to the creek. Skinnerville Road north of Sweet Home High School has potential to link users to Ellicott Creek. The Town should work with the County and school to create a multi-modal corridor with a direct connection to the creek, on the University at Buffalo property. The Skinnerville Road is a western access point and connection to neighborhoods along the Sweet Home Road corridor. This project site will accommodate a variety of users. The Ellicott Creek Trailway Extension is one waterfront area with potential to accommodate a variety of users.

Figure 4.34 – Ellicott Creek Trailway (Bike Path)



Source: Town of Amherst Staff Photo Taken July 28, 2021

Figure 4.35 – Ellicott Creek Trailway Extension Diagram



Source: Town of Amherst Geospatial Data. Accessed April 2020.

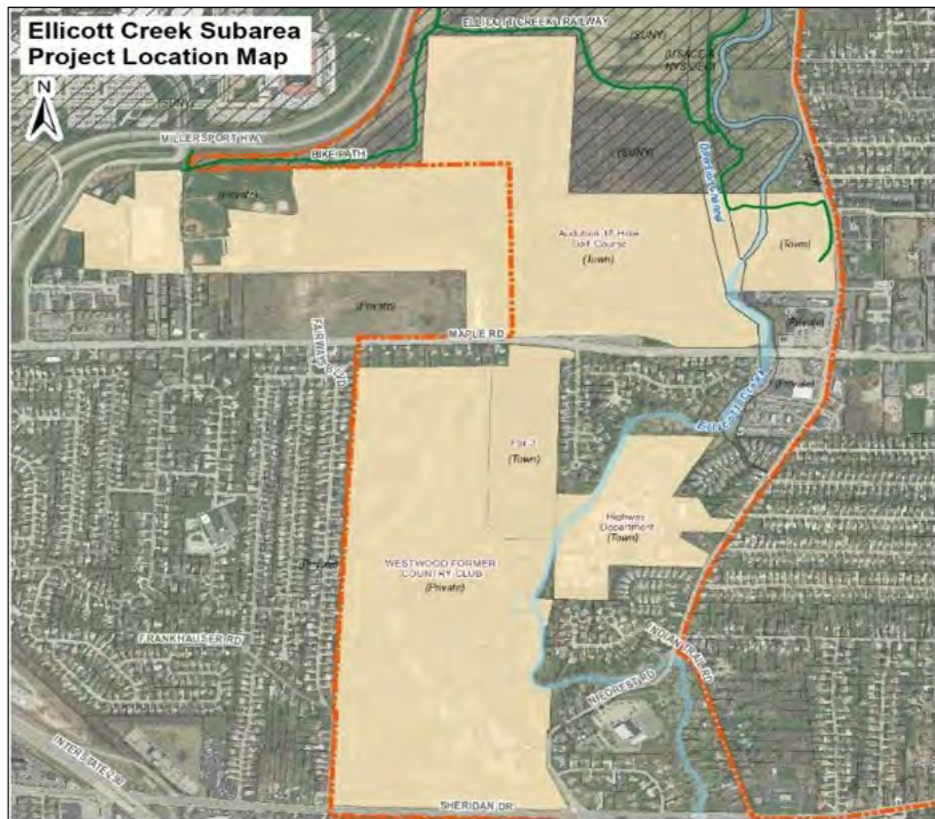
Timeframe	0 to 5 years
Estimated Project Cost	\$ 1,700,000
Potential Funding Sources	NYS DOT TAP & CMAQ Improvement Program, NYS OPRHP Park and Trail Partnership Grant program, CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP,

	<i>NYS DEC Climate Smart Communities Grant Program, NYSEERDA Energy Efficiency Program, NYS ESD MNY, DASNY grants</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Erie County DPW – Highways Division, Erie County Department of Environment &amp; Planning, NYS DOT, NYS OPRHP, GBNRTC, GOBike Buffalo, Sweet Home School District, University at Buffalo, NYS DEC</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP</i>

## 12. Amherst Central Park Improvements

The transformation of a portion of the Audubon Golf Course, Audubon Recreation Center, and former Westwood Country Club into Amherst Central Park is one of the main focal points of Amherst’s LWRP effort. Centrally located in the Town this site offers an unprecedented opportunity to create a beautiful natural resource that can be enjoyed by people of all ages (see Figure 4.36). Amherst Central Park includes the property now occupied by the former Westwood Country Club (172 acres), Audubon 18-Hole golf course and Par 3 golf course (240 acres). Its vast Ellicott Creek frontage provides pastoral settings for many types of recreation. The former clubhouse, now vacant, also presents an opportunity to be re-purposed for community benefit. The Town underwent a master planning effort after the Town alienated parkland on Audubon Golf Course in 2019.

Figure 4.36 – Amherst Central Park



Source: Town of Amherst Geospatial Data. Accessed April 2022



Figure 4.37 – Amherst Central Park Master Plan



Source: Town of Amherst Consultant Rendering June 2022

Dover, Kohl and Partners led a series of workshop meetings during the week of June 29<sup>th</sup> to July 2<sup>nd</sup> in 2020. The Town and the consultant met with different community groups and stakeholders to identify issues, opportunities, and recommendations for the park. The consultant created a design and master plan for the site at the end of the workshop. The plan was presented to the community and public for comments. A task force was created to oversee the recommendations and revisions to the plan after the initial workshop. There are multiple proposed components that will be created and managed by the municipality or managing partners. A portion of the project is under consideration to be developed by private entities for commercial, cultural or recreation purposes. A constraint associated with the former Westwood Country Club site was identified in Section II. This involves remediation of the soil contamination created due to grounds treatment of the former golf course. This long-range project can be divided into multiple phases and will be implemented as funding becomes available for the different components. The overall master plan of the project site is shown in Figure 4.37.

In addition, habitat restoration of certain areas of the site will be considered during the development of the overall project.

### A. Trail Network Study

The Town plans to expand the existing multi-use trail north of Maple Road. A mid-block crossing on Maple Road may be required to facilitate connection to trails on the Audubon Golf Course portion over to the Par 3/former Westwood golf course. The area along Ellicott Creek has natural topographic features and mature vegetation that make it an ideal setting for a trail. The size of the former Westwood Country Club parcel will accommodate an extensive significant ADA-compliant trail system throughout the site. The trails will connect the parking, recreation spaces and other public facilities directly to the water. Interpretive/educational material will be included, along with benches and shade in appropriate areas. The multi-use path will provide multi-modal transportation within the former Westwood parcel. Other smaller walking paths developed with various forms of material will be located throughout the site. Natural or nature trails will be available to explore the large green and passive open space. These trails will not impede on water-dependent and -enhanced recreation or encroach on existing environmentally sensitive or aesthetically pleasing features. The trails will be designed to maximize the vast opportunities of the pastoral former Westwood Country Club site.

Figure 4.38 – Multi-Modal Planning Illustration



Source: Town of Amherst Consultant Rendering Winter 2020.



<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 1,500,000</i>
<i>Potential Funding Sources</i>	<i>NYS DOT TAP &amp; CMAQ Improvement Program, NYS OPRHP Park and Trail Partnership, CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, NYSEDA Energy Efficiency Program; Market New York (NYS ESD MNY), DASNY grants</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Audubon Golf Course, GBNRTC, GOBike Buffalo</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS OPRHP, Erie County DPW – Highways Division, NYS DEC, USACE</i>

### B. Stormwater Management Plan

The character of the project site is predominantly passive recreation in a large open greenspace. This greenspace abuts and is directly adjacent to the creek and floodway. The Town will take the necessary measures to reduce stormwater discharges into the creek and filter run-off. This effort will be implemented during the design and construction phase of the project. The large pavement areas and other impervious surfaces will be designed to accommodate stormwater run-off and handle both quantity and quality. Bio-retention, pervious paving system and rain gardens will be explored as options within the parking lot area directly adjacent to the creek. This effort entails the use of natural vegetative plantings along the Ellicott Creek banks to minimize soil erosion. It provides both ecological and aesthetic benefits compared to “hardscape” treatments. The Town will also work with the Village of Williamsville on their LWRP pollinator project along the Ellicott Creek corridor. Pollinator species are important to the bee population. The Town will provide pollinator species in the landscape at Amherst Central Park and encourage adjacent landowners to participate. As previously discussed, the Town will expand the initiative proposed in the Village of Williamsville LWRP to expand the pollinator and native plant species along the creek corridor on the former Westwood Country Club parcel. This revegetation will be considered during water related development and trail systems. Shoreline improvements will take place throughout the project area, as needed. The Town will minimize disturbance within the floodway and enhance the existing natural features.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 150,000</i>
<i>Potential Funding Sources</i>	<i>NYS EFC GIGP, NYS DEC Trees for Tributaries Program, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS OPRHP Recreational Trails Program (RTP), NYS DOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Erie County Soil and Water, Buffalo Niagara Waterkeeper, Sierra Club, Town of Amherst Conservation Advisory Committee</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS OPRHP, NYS DEC, USACE</i>

### C. Cultural Community Center

The existing clubhouse of the former Westwood Country Club sits in the southeast portion of the site (see Figure 4.39). Constructed in the 1920s, the building has had several additions over the years that have not aged as well as the original structure. The Town will pursue demolishing the additions and

Figure 4.39 – Existing Clubhouse



Source: Town of Amherst Staff Photo. Taken July 30, 2020.

preserving the main building, re-purposing it as a cultural or community center. Existing parking is plentiful. Its location would maximize accessibility and proximity to other park features.

The Town will provide stormwater management practices within the parking lot design and provide EV charging stations near the main buildings. The Town is pursuing a partnership with the Musical Fare group to add a proposed theater building near the clubhouse. The Town has hired consultants to provide an assessment of need and potential costs estimates for the theater project. The clubhouse and new theater are

part of the cultural and community central space within the central park. The arts, culture groups, and other committees will be involved to further expand the cultural spaces and programs at this location. There will be both indoor and outdoor art and theater features. The Town will encourage and support different forms of artistic expression and designs between the proposed theater and clubhouse. There will be programs available to these cultural groups, as well as the residents of Amherst and the general public.

<i>Timeframe</i>	<i>0 to 5. years</i>
<i>Estimated Project Cost</i>	<i>\$ 12,000,000</i>
<i>Potential Funding Sources</i>	<i>NYS OPRHP Historic Structure grants, CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage (EPF), NYS DOS EPF LWRP, ESD Market New York Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Musical Fare, Mensch Capital Partners, Town of Amherst Senior Center, Town of Amherst Youth and Recreation committees and groups, Town of Amherst Historic Preservation Committee, Town of Amherst Arts and Culture Committee, Erie County Department of Environment &amp; Planning, Amherst IDA</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS OPRHP, NYS DEC, USACE</i>

#### D. Recreational Amenities Enhancements

Although not envisioned as a predominantly active park, Amherst Central Park could include provision for moderate-level recreational activity such as a splash pad, outdoor exercise equipment, playground, low ropes course, bike trails, an ice rink feature (see Figure 4.40), potential sled hill and cross-country skiing. There will be play and recreation spaces for different age groups and people intermittently throughout the park. These activities typically do not produce large crowds and will be accommodated within relatively small footprints, away from neighboring residential areas. There will be large events

Figure 4.40 – Ice Ribbon Illustration



Source: Town of Amherst Consultant Rendering Winter 2020.

spaces identified for outdoor performances, gatherings, or education programming. The Town will be able to accommodate large community running and walking events that typically traverse along public streets. The police department encourages large events taking place on a single property for traffic safety purposes. Other recreation on site will be passive. Most of the project site will remain as greenspace with significant tree stands and waterbodies. The master plan of the site emphasizes and utilizes these features within the park space. Users will be able

to run, walk, bird watch, photograph and enjoy other passive forms of recreation on the 172-acre site. The Town will have other education venues and outdoor spaces available with recreation and nature components. One of the Town objectives in creating Amherst Central Park is to provide appropriate buffers to adjacent residential neighborhoods. This project will aim at retaining significant existing vegetation and natural features as much as possible, including the two stands of “old growth” trees in the northwest portion of the site. In addition, the park will be enhanced with additional plantings (evergreen, deciduous, ornamental) for screening and aesthetic purposes.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 4,000,000</i>
<i>Potential Funding Sources</i>	<i>NYS OPRHP Park and Trail Partnership, CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, ESD Market New York (MNY) Program, DASNY grant programs.</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Town of Amherst Youth Committee, Town of Amherst Recreation Committee, Town of Amherst Senior Center, Town of Amherst Committee for Disabilities, Town of Amherst School District personnel and staff, GOBike Buffalo, Sierra Club, Town of Amherst Conservation Advisory Council</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS OPRHP, NYS DEC, USACE</i>

### E. Littoral Wetland (“Lake”)

The Town has identified a project on the former Westwood Country Club site that would be undertaken with the US Army Corps of Engineers to create a water feature lower in elevation than the existing grades surrounding Ellicott Creek. Essentially, the creek will be allowed to naturally “flood” a portion of the former Westwood Country Club parcel, creating a lake. An illustration in Figure 4.41 shows a depiction of this proposed feature. This lake would provide flood control to the overall area, as well as recreational opportunities.

This lake would provide flood control to the overall area, as well as recreational opportunities. The Town is considering a kayak launch near the proposed lake. The proper vegetation and embankment measures will be addressed during the design and construction phase of the project. The fill and material left over from the dredging/excavation will be used for other proposed topographic features within the park. The Town will work closely with the agencies, stakeholders, and consultants on this project to ensure the appropriate design is implemented in the floodway.

Figure 4.41 – Littoral Wetland Illustration



Source: Town of Amherst Consultant Rendering Winter 2020.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 800,000</i>
<i>Potential Funding Sources</i>	<i>NYS EFC GIGP, NYS DEC Trees for Tributaries Program, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Erie County Soil and Water, Buffalo Niagara Waterkeeper, Sierra Club, Town of Amherst Conservation Advisory Committee</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS OPRHP, NYS DEC, USACE</i>

## F. Holiday Market Space

The Town will work with state and county officials on a holiday market space project to take place within the community/cultural space (clubhouse and proposed theater site). The purpose of this component will be to attract more users to the site, while providing an economic benefit and stimulus to the Town and region.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 1,000,000</i>
<i>Potential Funding Sources</i>	<i>NYS OPRHP Park and Trail Partnership, CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, ESD Market New York program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Musical Fare, Mensch Capital Partners, Town of Amherst Senior Center, Town of Amherst Youth and Recreation committees and groups, Town of Amherst Historic Preservation Committee, Town of Amherst Arts and Culture Committee, Erie County Department of Environment &amp; Planning, Amherst IDA</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS OPRHP, NYS DEC, USACE</i>



### G. Educational Opportunities

Amherst Central Park has considerable potential to provide educational opportunities, not only for Town recreation programs, but also for the school districts and other third-party providers. The plan incorporates music and arts components in the existing clubhouse, along with a new building for Musical Fare. These facilities will accommodate a variety of youth and senior focused programming. The existing natural environment along the creek will be explored for environmental science classrooms and field trips will benefit all three school districts in Town. The size and scope of this park plan allows for special events and provides the necessary circulation and safety for large group activities. A combination of other indoor and outdoor programming features will be available as the project phases are constructed.

<i>Timeframe</i>	<i>5 to 10 years</i>
<i>Estimated Project Cost</i>	<i>\$ 1,500,000</i>
<i>Potential Funding Sources</i>	<i>CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Town of Amherst Youth Committee, Town of Amherst Recreation Committee, Town of Amherst Senior Center, Town of Amherst Committee for Disabilities, Town of Amherst School District personnel and staff, GOBike Buffalo, Sierra Club, Town of Amherst Conservation Advisory Council</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS OPRHP, NYS DEC, USACE</i>

### H. Transportation Planning on Maple Road

Amherst Central Park has considerable potential to connect large tracts of recreational land adjacent to the water. The Town will explore the transportation planning associated with the latest Amherst Central Park master plan. The Town will procure a transportation consultant to design the elliptical feature between the Audubon Golf Course parcel and the former Westwood Country Club parcel. This component will be subject to a NYS Environmental Quality Review (SEQR) action. The overall traffic circulation for a variety of users will be studied. A planning process will take place at the onset. As this corridor is evaluated the design of the site will provide traffic calming measures along the county road, a vibrant entry into the proposed park facility, allow pedestrians and golfers to safely cross and add the aesthetic benefits of green and tree lined streetscape improvements.

<i>Timeframe</i>	<i>10-15 years</i>
<i>Estimated Project Cost</i>	<i>\$ 250,000</i>
<i>Potential Funding Sources</i>	<i>NYS DOT TAP &amp; CMAQ Improvement Program, NYS OPRHP Park and Trail Partnership Grant Program, CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, DASNY grant program.</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, NYS DOT, Erie County Department of Environment &amp; Planning, GBNRTC, GOBike Buffalo, Town of Amherst Traffic Safety Board</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Erie County – DPW, NYS DOT, NYS OPRHP, NYS DEC, USACE</i>

## I. Proposed Cultural and Museum Building

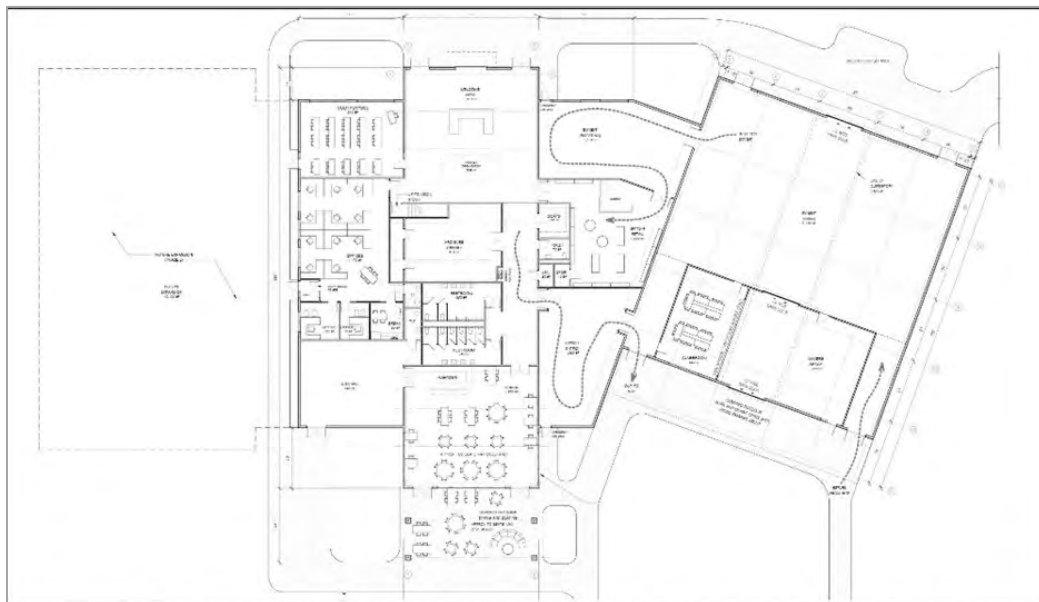
In addition to the arts center a third separate facility is purposed in the lower southern portion of the project site. This project includes the design and construction of a large multi-use building/facility for cultural purposes. An illustrated concept of the facility is seen in Figures 4.42 and 4.43. Relocated historic buildings, artifacts and other significant pieces or works would be placed within this portion of the site. The Town is seeking to consolidating a diverse array of different art, cultural historic, recreation and civic uses on to one site. Combined events could be scheduled that would benefit both the former Westwood Clubhouse and new Theater. All these facilities and program will work together to provide an energetic and vibrant environment for the park users

Figure 4.42 – Proposed Cultural and Museum Building Rendering



Source: Buffalo Niagara Heritage Museum renderings from 2019 planning efforts.

Figure 4.43 – Proposed Cultural and Museum Building First Floor Plan



Source: Buffalo Niagara Heritage Museum renderings from 2019 planning efforts.

<i>Timeframe</i>	<i>5 to 10 years</i>
<i>Estimated Project Cost</i>	<i>\$ 2,500,000</i>
<i>Potential Funding Sources</i>	<i>CDBG, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, State and Municipal (SAM) Facilities Grant, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, NYS Canal Corporation, Town of Amherst Historic Preservation Committee, NYS OPRHP, Amherst IDA</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS Canal Corporation, NYS DEC, NYS OPRHP, USACE, Erie County, NYS DOT</i>

### 13. Amherst State Park Boardwalk Trail & Park Improvements

Amherst State Park is a scenic gem located just north of the Village of Williamsville. The 72+ acre park is a passive park that has maintained its beautiful environmental setting (see Figure 4.44). The Town, in conjunction with the NYS Office of Parks, Recreation and Historic Preservation (NYS OPRHP), has prepared a master plan through the Final Environmental Impact Study process (FGEIS) for the park. The master plan identifies several projects incorporated into the Amherst WRA for future implementation. The Town holds an operation and maintenance agreement until 2025 with the State of New York. The Town will pursue and implement passive recreation projects within the scope of the master plan. The LWRP process provides an opportunity to further some of these projects adjacent to the Ellicott Creek. The most recent constructed park features in Amherst State Park include the Reist Mill Trail along the creek, refurbished historic staircase, tree plantings/gardens, trail markers and park seating.

Figure 4.44 – Amherst State Park



Source: Town of Amherst Geospatial Data. Accessed April 2022

#### A. Amherst State Park Invasive Species Removal Plan

Whereas invasive species have taken over many portions of the Tonawanda Creek and Ellicott Creek areas, the invasive species in Amherst State Park is primarily Japanese knotweed and is localized. The NYS OPRHP (WNY Region office) has provided the Town with the maps showing the extent of this species along Ellicott Creek within Amherst State Park. The first step in combating this problem is identifying the source. The Town will work with the Village of Williamsville and non-profit agencies such



as Western New York Prism to control the spread of the plant. The steps involved in this process would include removing the stalks and other plant material, and then applying herbicides as needed to keep the knotweed growth down. The next step would be to plant aggressive riparian species along the creek. Once the invasive species are removed and new species are introduced, Town, Village and other partners will manage and monitor the invasive species spread. The effect on the tree canopy will also be addressed with this project. With the loss already caused by the Emerald ash borer and erosion along the creek, a vegetation management implementation plan will be prepared that identifies specific tree species to be used to ensure a healthy tree canopy. Native tree plantings will be part of the LWRP project components.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 100,000</i>
<i>Potential Funding Sources</i>	<i>TD Green Space grants, NYS DEC Trees for Tributaries Program, NYS DEC grant programs, NYS DOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, DASNY grant programs.</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, NYS OPRHP, NYS DEC, USACE, NYS OPRHP, Erie County – DPW/Parks, US Fish and Wildlife Service (USFWS), Erie County Soil &amp; Water Conservation District, Buffalo Niagara Waterkeeper, Scientific research institutions, Western New York Prism</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS DEC, USACE, NYS OPRHP</i>

## B. Parks Trail Connector

This trail project involves working with the Village of Williamsville and NYS OPRHP to create an ADA accessible boardwalk trail from the existing parking on Glen Avenue to Ellicott Creek. There is currently an informal trail starting near Glen Avenue. The unimproved trail continues to follow along the creek within the floodway as indicated in Figure 4.45. The project includes creating a formal entrance from Glen Park in the Village. Glen Park has existing amenities such as parking, playgrounds, seating, a pavilion, and lighting. The Town and Village partnership allows this project to be completed from

**Figure 4.45 – Existing Path along Ellicott Creek**



*Source: Town of Amherst Staff Photo Taken May 15, 2018.*

start to finish as a whole project. The Town and Village will identify a start and end point of the trail along the waterway. The designated lookout or “vistas” near the creek and the length of trail will be determined during the engineering/design phase. A portion of the trail will be boardwalk material within the floodway. This composite material will allow for universal access down to the water. The remaining portion along the creek will be pavement or stone dust material depending on the environmental conditions and proximity to the floodway. Design and project materials will also be determined by agency review from both the NYS DEC and USACE. This trail project with the Village will be part of a



larger project in Amherst State Park to extend the existing Reist-Mill Trail. The Town will work closely with the NYS OPRHP WNY regional office and the associated environmental and archaeological personnel.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 800,000</i>
<i>Potential Funding Sources</i>	<i>NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, Buffalo Niagara Waterkeeper, Village Park Committees, Town of Amherst Committee on Disabilities</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS DEC, USACE, NYS OPRHP</i>

### C. North-South Trail Connector

This project connects the commercial Main Street corridor of Williamsville to other parks and neighborhoods in the central part of the Town. It entails the construction of an approximately 1-mile of trail that would span the entire length of Amherst State Park. The existing Reist Street-Mill Street trail recently constructed connects the park to the neighborhoods to the west on Reist Street and the neighborhoods to the east on Mill Street. The proposed trail will provide the opportunity to connect these neighborhoods to Glen Park and Main Street, as well as to the north along Sheridan Drive. This project connects the green spaces along the Ellicott Creek corridor within the central part of Amherst and Williamsville, thereby enabling movement from south to north through Island Park, Glen Park, Amherst State Park, and Sheridan Drive north to the proposed Amherst Central Park location. The Town-owned Youth Center on Sheridan Drive is just to the west of Amherst State Park. A direct link between the park and Youth Center would be an important connection. A revision or supplement to the existing Amherst State Park master plan will need to take place prior to implementing this project component. The project includes the planning, design, and construction of the trail system.

<i>Timeframe</i>	<i>10 to 15 years</i>
<i>Estimated Project Cost</i>	<i>\$ 900,000</i>
<i>Potential Funding Sources</i>	<i>NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS OPRHP Recreational Trails Program (RTP), NYS DOS EPF LWRP, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, Amherst Youth Foundation, Town of Amherst Youth and Recreation committees and groups</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS DEC, USACE, NYS OPRHP</i>

### D. Historic Orchard Restoration

The restoration of the “orchard area” is part of the original 2004 Final Amherst State Park Master Plan. This area is located in the floodplain and to the east of Ellicott Creek. Historically, the orchard included fruit trees and large deciduous trees aligned in a grid pattern. A tree-lined walkway extended from the historic staircase through the orchard. Today, users of the park can walk from the park entrance at Mill Street down the historic stairs and through the orchard west towards Reist Street via a stone dust trail that is heavily used by the public (see Figure 4.46).

The proposed planting plan intends to restore the orchard by creating the grid of trees on both the west and east side of the trail. Planting locations will be determined based on existing environmental conditions. Large deciduous trees will be planted to emulate the former tree-lined walkway from the historic staircase, and the Town will add supplemental native trees along the northern and southern edges of the field. These supplemental edge plantings will help restore the wooded vegetation along Ellicott Creek and replace the many ash trees that have been affected by the Emerald Ash Borer. These supplemental plantings as well as the orchard will help to restore the park’s tree canopy. Prior to tree planting the Town must complete archaeological test pits and receive approval from the NYS OPRHP to proceed with grading disturbance.

Figure 4.46 – Existing Fruit Trees in Orchard



Source: Town of Amherst Staff Photo Taken August 29, 2018.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 100,000</i>
<i>Potential Funding Sources</i>	<i>TD Green Space grants, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, Buffalo Niagara Waterkeeper, NYS OPRHP</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS DEC, USACE, NYS OPRHP</i>

### E. Riparian and Pollinator Planting Plan

This effort entails the use of natural vegetative plantings along the Ellicott Creek banks to minimize soil erosion. The shoreline planting provides both ecological and aesthetic benefits compared to “hardscape” treatments. Pollinator species are important to the bee population. Pollinator species strengthen the local ecosystem and increase wildlife. Amherst State Park is known for attracting nature and wildlife enthusiasts. These pollinator species along the waterway have an opportunity to flourish in the recreation and park lands within the Ellicott Creek Subarea. The Town will also work with the Village of Williamsville to continue their LWRP pollinator project along the Ellicott Creek corridor. The Town will provide pollinator species in the landscape at Amherst State Park and encourage adjacent landowners to participate.

Figure 4.47 – Existing Vegetation at the Shoreline



Source: Town of Amherst Staff Photo Taken August 29, 2018.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 60,000</i>
<i>Potential Funding Sources</i>	<i>TD<sup>17</sup> Green Space grants, NYS OPRHP Environmental Protection Fund (EPF) Grant Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, Buffalo Niagara Waterkeeper, Erie County Soil and Water</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, NYS DEC, USACE, NYS OPRHP</i>

### F. Educational Opportunities

The Town, State and Village of Williamsville have an opportunity to unlock the potential for educational programming at this site as this passive park contains the large outdoor classroom offered by the Ellicott Creek corridor. The recent improvements to this park at Glen Avenue in the Village have started a focus on youth programming. The Village built a nature playground and renovated a pavilion accessible from the existing parking lot, which makes the space accessible from adjacent neighborhoods. This LWRP park project can build off this effort and continue nature-based learning experiences within the Town of Amherst WRA. The emphasis on environmental sciences and marine curricula is possible along the Ellicott Creek corridor. The Town will develop and create educational spaces within the passive park. The Town will work with the NYS OPRHP staff to determine the appropriate location for outdoor classrooms.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 200,000</i>
<i>Potential Funding Sources</i>	<i>NYS DOS EPF LWRP, DASNY grants</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, Town of Amherst school district staff and personnel, NYS OPRHP, NYS DEC, Buffalo Niagara Waterkeeper, Town of Amherst Conservation Advisory Council</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Village of Williamsville, NYS DEC, USACE, NYS OPRHP</i>

## 14. Lehn Springs Neighborhood Flood Mitigation

A hydrological study will be conducted to identify possible alternatives to restore the natural water flow and reduce flooding in the Lehn Springs neighborhood (seen in Figure 4.48), located along Ellicott Creek just north of the NYS Thruway/Interstate 90. This study will build on the findings and recommendations of the completed Town of Amherst Stormwater Management Plan and NYS DEC Ellicott Creek Flood Resiliency Study. This project study location is identified in the project location map. However, the broader flooding encompasses the Town of Cheektowaga border and continues along Ellicott Creek north of Main Street (Route 5) in the Village of Williamsville. As discussed in Section II the construction of road improvements at Garrison Road and Wehrle Drive is believed to have affected the natural water flow in this area, causing “inconvenience flooding” issues, as well as exposing the eastern portion of the narrow tributary’s bottom. The other issue related to the hydrology is the Village owned Island Park dam

<sup>17</sup> TD Bank - <https://www.td.com/ca/en/about-td/ready-commitment/vibrant-planet/green-spaces>



constructed in 1930. The piers and floodgates of the dam are deteriorating. The project study location should consider this crucial element that lies outside of the Amherst WRA.

Figure 4.48 – Lehn Springs Area



Source: Town of Amherst Geospatial Data. Accessed April 2022

Figure 4.49 – Lehn Springs Study Area



Source: Town of Amherst Geospatial Data. Accessed April 2022



The location of this project will require the Village and the Town to work together on a comprehensive solution. Action items include the Town conducting a study to assess the flooding in the Ellicott Creek Subarea of the Amherst WRA, south of the Village, and identify solutions, including innovative green infrastructure practices and development considerations that can be implemented to prevent future recurrent flooding events. The Town will then implement the flooding mitigation measures based on the recommendations from a hydrologic engineer. These mitigation measures should help to alleviate the flooding taking place in the Lehn Spring neighborhood south of the Village and along other residences downstream as indicated in the diagram in Figure 4.49.

<i>Timeframe</i>	<i>5 to 10 years</i>
<i>Estimated Project Cost</i>	<i>\$ 1,300,000</i>
<i>Potential Funding Sources</i>	<i>NYS DEC Water Quality Improvement Project Program, NYS DEC Aquatic Invasive Species Spread Prevention Program, NYS EFC GIGP<sup>18</sup>, NYS OPRHP Park and Trail Partnership, NYS OPRHP EPF Grants Program for Parks, Preservation and Heritage, NYS DOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, private entities/business, Amherst IDA, NYS DEC, USACE, NYS OPRHP, Erie County – DPW/Parks, USFWS, Buffalo Niagara Waterkeeper, Scientific research and other institutions, Lehn Spring residents</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP – Joint Permit Application</i>

## 15. Environmental & Water Quality Planning

The Town will create planning initiatives with a focus on the environmental aspects of the Town’s waterways. The health of the water and the environmental aspects of the creeks were identified as a priority during the public outreach process. As growth continues, it is important to understand and address concerns created by development in and immediately adjacent to the Amherst WRA. The water quality planning and other environmental planning includes a series of comprehensive studies addressing the health of both creeks. The planning process will work in conjunction with partnerships discussed in Section V to implement best management and strategies. The project will reference the existing regional plans, agency recommendations, hydrologic studies and other environmental issues related to inland creeks. The Town can build on these broader studies and focus more on the Town creeks. As result of this process, the Town will consider exploring and studying the connected hydrology outside of the Amherst WRA. The other creeks and ditches have a direct connection to both Tonawanda Creek and Ellicott Creek.

### A. Amherst Stormwater Management Plan

The study will review the existing watershed characteristics and other related studies that affect the hydrology of the creek. The project area will encompass the entire Amherst WRA and will consider the impact of the connected portions of the creeks and ditches outside of the Amherst WRA.

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<sup>18</sup> Green Innovation Grant Program

Figure 4.50 – Typical Ellicott Creek character profile



Source: Town of Amherst Staff Photo Taken August 25, 2021.

The plans and studies listed in Section II highlight the importance of the regionally connected waterway. The Town also has stormwater practices and other laws in place to support healthy water quality. The Town can build off these existing documents and prepare an inventory and analysis of each creek. There will be a stream and channel assessment of the creek characteristics and the existing water quality. The stream conditions (bed and bank) will be recorded, and a series of recommendations will be identified. The overall equilibrium of the existing hydrology will be evaluated to strengthen the idea of creating self-sustaining streams.

The plan will also focus on dredging, cleaning, and slope and vegetation maintenance. NYS DEC and Erie County Soil & Water Conservation District (ECSWCD) standards for erosion, wetlands, wildlife, etc. near water bodies will be followed. The Town currently works with the NYS DEC on the clearing and snagging flood project on Ellicott Creek. This future management plan will build off the existing practices and studies in place. The purpose of this planning effort is to develop specific recommendations and best management practices to be implemented by the Town or local agency with jurisdiction. The other planning initiatives included in Project #15 will also be referenced in the management plan. However, these individual focus areas will have more detailed information on the concern and specific recommendations on a location-by-location basis. Individual projects will be developed along the waterways based on the results of the studies and scientific data.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 300,000</i>
<i>Potential Funding Sources</i>	<i>NYS DEC Water Quality Improvement Project Program, NYS DEC Aquatic Invasive Species Spread Prevention Program, NYS EFC GIGP, NYS OPRHP Park and Trail Partnership, NYS DOS EPF LWRP, NYS DEC Climate Smart Communities Grant Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, private entities/business, Amherst IDA, NYS DEC, USACE, NYS OPRHP, Erie County – DPW/Parks, ECSWCD, local agricultural businesses/landowners, WNYLC, WNY Prism, Amherst Conservation Advisory Council, Sierra Club, Erie County Department of Environment &amp; Planning, USFWS, Buffalo Niagara Waterkeeper, Scientific research other institutions</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP, NYS DOT</i>

## B. Invasive species management plan development and implementation

This plan will investigate methods of reducing and eliminating aquatic and upland invasive species along both Tonawanda Creek and Ellicott Creek, in conjunction with the Statewide Invasive Species

Management Plan. Of prime importance will be removal of the invasive Japanese knotweed in Amherst State Park behind the tennis center in the Ellicott Creek Subarea. As of July 2022, a SUNY Brockport student has secured the necessary permits from NYS OPRHP and NYS DEC for a scientific research application at Amherst State Park. The purpose of the scientific research is to determine if *Aphalara itadori*, Japanese knotweed psyllid, is a viable option for control of Japanese knotweed. The targeted area for this study is identified in project #13. The Town will continue to work with agencies and researchers in combating the invasive species along the creeks.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 150,000</i>
<i>Potential Funding Sources</i>	<i>NYS DEC Water Quality Improvement Project Program, NYS DEC Aquatic Invasive Species Spread Prevention Program, NYS EFC GIGP, NYS OPRHP Park and Trail Partnership, NYSDOS EPF LWRP, Climate Smart Communities Grant Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, private entities/business, Amherst IDA, NYS DEC, USACE, NYS OPRHP, Erie County – DPW/Parks, ECSWCD, local agricultural businesses/landowners, WNYLC, WNY Prism, Amherst Conservation Advisory Council, Sierra Club, Erie County Department of Environment &amp; Planning, US Fish and Wildlife Service, Buffalo Niagara Waterkeeper, Scientific research and other institutions</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP, NYS DOT</i>

### C. Environmental Public education

An important component to the success of any environmental policy involves educating the public as they interact with nature. Through activities such as hiking, bicycling, boating, and fishing, the public can negatively impact the watershed system. Information will be provided through brochures, signage, and educational panels to make the public aware of the importance of maintaining healthy watersheds. Organizations offer voluntary training or instruction on proper boating and fishing practices. In addition, Western New York Prism offers boat inspections and fish cleaning stations.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 50,000</i>
<i>Potential Funding Sources</i>	<i>NYS DEC Water Quality Improvement Project Program, NYS DEC Aquatic Invasive Species Spread Prevention Program, NYS DEC GIGP, NYS OPRHP Park and Trail Partnership, NYS OPRHP NYS Recreational Trails Program (RTP), NYS DOS EPF LWRP, Climate Smart Communities Grant Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, private entities/business, Amherst IDA, NYS DEC, USACE, NYS OPRHP, Erie County – DPW/Parks, ECSWCD, local agricultural businesses/landowners, WNYLC, WNY Prism, Amherst Conservation Advisory Council, Sierra Club, Erie County Department of Environment &amp; Planning, USFWS, Buffalo Niagara Waterkeeper, Scientific research and other institutions</i>

*Potential Approvals/Permits*      *Town of Amherst, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP, NYS DOS, NYS DOT*

**D. Assessment of runoff from agricultural activities**

Runoff from agricultural activities is a major source of water pollution throughout the country. In Amherst, agriculture is prevalent in the north part of the Town, as illustrated on Map II-15 Sensitive Environmental Features, and these parcels are directly adjacent to important creeks and waterways. An assessment will be conducted to determine if additional measures are needed to control damaging runoff. The Town will reference and implement action items from the existing local agricultural plan adopted in 2022. The Town will work with the appropriate agencies, partners, and individual agricultural owners to properly address this issue. This plan will also assess the impact of runoff on occurrences of harmful algae blooms in surface waters. The purpose of the plan will be to identify the concerns and issues and provide specific recommendations and project sites to be implemented.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 150,000</i>
<i>Potential Funding Sources</i>	<i>NYS DEC Water Quality Improvement Project Program, NYS DEC Aquatic Invasive Species Spread Prevention Program, NYS EFC GIGP, NYS OPRHP Park and Trail Partnership, NYS DOS EPF LWRP, Climate Smart Communities Grant Program, DASNY grant programs</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, private entities/business, Amherst IDA, NYS DEC, USACE, NYS OPRHP, Erie County – DPW/Parks, ECSWCD, local agricultural businesses/landowners, WNYLC, WNY Prism, Amherst Conservation Advisory Council, Sierra Club, Erie County Department of Environment &amp; Planning, USFWS, Buffalo Niagara Waterkeeper, Scientific research and other institutions</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP, GOBike Buffalo</i>

**E. Dark Sky Lighting**

The Town will work with the Village of Williamsville to continue the planning for dark sky compliant lighting. The Town is currently reviewing the local street light specification and applying led lights to the Town road and park system. The Town will consider the use of these dark sky compliant light fixtures along the greenway that exists in the Town of Amherst WRA.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 150,000</i>
<i>Potential Funding Sources</i>	<i>NYS DEC Water Quality Improvement Project Program, NYS DEC Aquatic Invasive Species Spread Prevention Program, NYS EFC GIGP, NYS DEC Climate Smart Communities Grant Program, DASNY grants</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, Village of Williamsville, private entities/business, Amherst IDA, NYS DEC, USACE, NYS OPRHP, Erie County – DPW/Parks, ECSWCD local agricultural businesses/landowners, WNYLC, WNY Prism, Amherst Conservation Advisory Council, Sierra Club, Erie County Department of Environment &amp; Planning, USFWS, Buffalo Niagara Waterkeeper, Scientific research institutions</i>



*Potential Approvals/Permits*      *Town of Amherst, Erie County DPW – Highways Division, NYS DEC, USACE, NYS OPRHP, NYS DOT*

**F. Study to Assess and Protect Agricultural Lands**

The Town has guidelines in place to reduce the loss of agricultural lands along the waterway as indicated in Section II. The Town will conduct a study to assess zoning changes to properties fronting Tonawanda Creek in the Tonawanda Creek Subarea. The study will be implemented to further develop local controls and protect the agricultural land along the existing waterway. The Town will evaluate the potential of development pressure within the Northern WRA and revise the Comprehensive Plan as needed to correspond with the local law changes.

<i>Timeframe</i>	<i>0 to 5 years</i>
<i>Estimated Project Cost</i>	<i>\$ 50,000</i>
<i>Potential Funding Sources</i>	<i>NYS DEC Water Quality Improvement Project Program,</i>
<i>Potential Project Partners</i>	<i>Town of Amherst, NYS Agriculture and Markets, local farmers and private entities/business, Amherst IDA, WNYLC, WNY Prism, Amherst Conservation Advisory Council, Erie County Department of Environment &amp; Planning</i>
<i>Potential Approvals/Permits</i>	<i>Town of Amherst, Erie County Department of Environment &amp; Planning, NYS Agriculture and Markets, NYS DEC, USACE, NYS OPRHP</i>

**G. Septic System Placement and Maintenance Education**

To protect the quality of its surface waters, the town will identify means to provide guidance and training to homeowners about proper placement and maintenance of private septic systems in areas of the town not connected to the public sewer system.<sup>19</sup>

<i>Timeframe</i>	<i>ongoing</i>
<i>Estimated Project Cost</i>	<i>TBD</i>
<i>Potential Funding Sources</i>	<i>NYS DEC Water Quality Improvement Project Program, Erie County, NYS Pollution Prevention Institute</i>
<i>Potential Project Partners</i>	<i>Lake Erie Watershed Protection Alliance (LEWPA), Erie County Department of Environment &amp; Planning, Buffalo Niagara Waterkeepers.</i>
<i>Potential Approvals/Permits</i>	<i>N/A</i>

<sup>19</sup> <https://www4.erie.gov/septicmart/>

## SECTION V. LWRP IMPLEMENTATION TECHNIQUES

This section of the LWRP identifies local laws and regulations, and the management structure and financial resources that are necessary for the implementation of the Town of Amherst LWRP. In addition, this section describes other possible public and private actions that may play a role in implementing the goals, policies, and projects proposed in the Amherst LWRP.

### 5.1 Local Laws and Regulations Necessary to Implement the LWRP

The local laws and programs that support the implementation of the LWRP policies included in Section III and the land and water uses proposed in Section IV are summarized in the following table and listed and described below.

**Table 5.1 – Local Laws Implementing LWRP Policies Summary**

Policy	Category	Town of Amherst Local Laws Implementing LWRP Policies Summary
1 2 3 4 5 6	Development Policies	Town Code - Chapter 83 Building Construction. Chapter 92 Conservation Easements. Chapter 104 SEQRA. Chapter 106 Excavations §106-2, §106-3. Chapter 125 Construction of Public Improvements. Chapter 145 Parks, Playgrounds and Recreation Areas. Chapter 151 Property Maintenance. Chapter 155 Recreation and Open Space. Chapter 172 Stormwater and Erosion Control; Illicit Discharges. Chapter 203 Zoning: Permitted Use Tables; Dimensional Standards; Part 7 General Development Standards; §7-2 Landscaping, Buffers and Screening, §7-6 Access and Circulation §7-7 Provisions for Flood Hazard Reduction; Part 8 Administration and Enforcement; §8-6 Special Use Permit, §8-7 Site Plan Review. Chapter 204 Subdivision of Land: Part 3 Design Standards; §3-7 Commercial and Industrial Areas, §3-8 Open Space Dedication; §5-3 Approval of Plans. Farmland Protection Program
7 8 9 10	Fish & Wildlife Policies	Town Code - Chapter 79 Boats. Chapter 92 Conservation Easements. Chapter 104 SEQRA. Chapter 106 Excavations §106-2, §106-3. Chapter 125 Construction of Public Improvements. Chapter 145 Parks, Playgrounds and Recreation Areas. Chapter 169 Article I. Waste Management. Chapter 172 Stormwater and Erosion Control; Illicit Discharges. Chapter 179 Trees. Chapter 199 Wild Waterfowl.
11 12 13	Flooding & Erosion Policies	Town Code - Chapter 83 Building Construction. Chapter 92 Conservation Easements. Chapter 104 SEQRA. Chapter 106 Excavations §106-2, §106-3. Chapter 125 Construction of Public Improvements. Chapter 145 Parks, Playgrounds and Recreation Areas. Chapter 155 Recreation and Open Space.

Policy	Category	Town of Amherst Local Laws Implementing LWRP Policies Summary
<b>14</b> <b>15</b> <b>16</b> <b>17</b>		Chapter 172 Stormwater and Erosion Control; Illicit Discharges. Chapter 179 Trees. Chapter 203 Zoning: Permitted Use Tables; Dimensional Standards; Part 7 General Development Standards; §7-2 Landscaping, Buffers and Screening, §7-6 Access and Circulation §7-7 Provisions for Flood Hazard Reduction; Part 8 Administration and Enforcement; §8-6 Special Use Permit, §8-7 Site Plan Review. Chapter 204 Subdivision of Land: Part 3 Design Standards; §3-7 Commercial and Industrial Areas, §3-8 Open Space Dedication; §5-3 Approval of Plans.
<b>18</b>	General Policy	Town Code - Chapter 104 SEQRA. Chapter 203 Zoning: Part 7 General Development Standards; Part 8 Administration and Enforcement; §8-6 Special Use Permit, §8-7 Site Plan Review. Chapter 204 Subdivision of Land: §5-3 Approval of Plans.
<b>19</b> <b>20</b>	Public Access Policies	Chapter 7 Amherst Central Park Task Force. Chapter 79 Boats. Chapter 92 Conservation Easements. Chapter 125 Construction of Public Improvements. Chapter 145 Parks, Playgrounds and Recreation Areas. Chapter 155 Recreation and Open Space. Chapter 203 Zoning: Permitted Use Tables; Dimensional Standards; Part 7 General Development Standards; §7-6 Access and Circulation; Part 8 Administration and Enforcement; §8-6 Special Use Permit, §8-7 Site Plan Review. Chapter 204 Subdivision of Land: Part 3 Design Standards; §3-8 Open Space Dedication; §5-3 Approval of Plans.
<b>21</b> <b>22</b>	Recreation Policies	Town Code - Chapter 92 Conservation Easements. Chapter 104 SEQRA. §106-3. Chapter 125 Construction of Public Improvements. Chapter 145 Parks, Playgrounds and Recreation Areas. Chapter 155 Recreation and Open Space. Chapter 203 Zoning: Permitted Use Tables; Dimensional Standards; Part 7 General Development Standards; §7-2 Landscaping, Buffers and Screening, §7-6 Access and Circulation; Part 8 Administration and Enforcement; §8-6 Special Use Permit, §8-7 Site Plan Review. Chapter 204 Subdivision of Land: Part 3 Design Standards; §3-8 Open Space Dedication; §5-3 Approval of Plans.
<b>23</b> <b>24</b> <b>25</b>	Historic Resource and Visual Quality Policies	Town Code - Chapter 6 Arts and Culture in Public Places Board. Chapter 92 Conservation Easements. Chapter 104 SEQRA. Chapter 121 Historic Preservation. Chapter 125 Construction of Public Improvements. Chapter 145 Parks, Playgrounds and Recreation Areas. Chapter 151 Property Maintenance. Chapter 155 Recreation and Open Space. Chapter 179 Trees. Chapter 203 Zoning: Part 7 General Development Standards; §7-2 Landscaping, Buffers and Screening; Part 8 Administration and Enforcement; §8-6 Special Use Permit, §8-7 Site Plan Review. Chapter 204 Subdivision of Land: Part 3 Design Standards; §3-8 Open Space Dedication; §5-3 Approval of Plans.
<b>26</b>	Agricultural Lands Policy	Town Code - Chapter 92 Conservation Easements. Chapter 104 SEQRA. Chapter 169 Article I. Waste Management. Chapter 203 Zoning: Permitted Use Tables; Dimensional Standards; Part 7 General Development Standards; §7-2 Landscaping, Buffers and Screening, §7-6 Access and Circulation §7-7 Provisions for Flood Hazard Reduction; Part 8 Administration and

Policy	Category	Town of Amherst Local Laws Implementing LWRP Policies Summary
		Enforcement; §8-6 Special Use Permit, §8-7 Site Plan Review. Chapter 204 Subdivision of Land: Part 3 Design Standards; §3-7 Commercial and Industrial Areas, §3-8 Open Space Dedication; §5-3 Approval of Plans. Amherst Farmland Protection Program.
<b>27</b> <b>28</b> <b>29</b>	Energy & Ice Management Policies	Town Code - Chapter 104 SEQRA. Chapter 169 Article I. Waste Management. Chapter 203 Zoning: Permitted Use Tables; Dimensional Standards; Part 7 General Development Standards; §7-2 Landscaping, Buffers and Screening, §7-6 Access and Circulation §7-7 Provisions for Flood Hazard Reduction; Part 8 Administration and Enforcement; §8-6 Special Use Permit, §8-7 Site Plan Review. Chapter 204 Subdivision of Land: Part 3 Design Standards; §3-7 Commercial and Industrial Areas, §3-8 Open Space Dedication; §5-3 Approval of Plans.
<b>30</b> <b>31</b> <b>32</b> <b>33</b> <b>34</b> <b>35</b> <b>36</b> <b>37</b> <b>38</b> <b>39</b> <b>40</b> <b>41</b> <b>42</b> <b>43</b> <b>44</b>	Water & Air Resources and Wetland Policies	Town Code - Chapter 83 Building Construction. Chapter 92 Conservation Easements. Chapter 104 SEQRA. Chapter 106 Excavations §106-2, §106-3. Chapter 125 Construction of Public Improvements. Chapter 145 Parks, Playgrounds and Recreation Areas. Chapter 151 Property Maintenance. Chapter 155 Recreation and Open Space. Chapter 160 Sewers. Chapter 169 Article I. Waste Management. Chapter 172 Stormwater and Erosion Control; Illicit Discharges. Chapter 179 Trees. Chapter 199 Wild Waterfowl. Chapter 203 Zoning: Permitted Use Tables; Dimensional Standards; Part 7 General Development Standards; §7-2 Landscaping, Buffers and Screening, §7-6 Access and Circulation §7-7 Provisions for Flood Hazard Reduction; Part 8 Administration and Enforcement; §8-6 Special Use Permit, §8-7 Site Plan Review. Chapter 204 Subdivision of Land: Part 3 Design Standards; §3-7 Commercial and Industrial Areas, §3-8 Open Space Dedication; §5-3 Approval of Plans. Farmland Protection Program.

Source: Town of Amherst

## Town of Amherst Zoning Ordinance

The Town of Amherst Zoning Ordinance is contained in Chapter 203 of the Town Code and became effective in 2006. The Waterfront Advisory Committee (WAC) has determined that the existing zoning is consistent with the LWRP policies and supports the land and water uses proposed in the LWRP. No changes to the Town of Amherst Zoning Ordinance are necessary to implement this LWRP. All actions undertaken within the Amherst WRA are by law required to be in conformance with the Town of Amherst Zoning Ordinance.



## Air Quality

The Town adopted Chapter 169 waste management regulations in 1992 in response to the New York State Solid Waste Management Act of 1988. In regard to air quality no persons shall ignite or burn or cause to be ignited or burned any garbage within the Town of Amherst, unless such is placed in an incinerator constructed for such purpose and properly installed and equipped in conformity with all laws, rules and regulations pertaining thereto. The provisions within this chapter pertain to protecting the environment from unnecessary debris and harmful chemicals within and near a waterway. The Town does not allow individuals to burn garbage and decrease the air quality within the Town. Therefore, this chapter will help in the implementation of many Policies including 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44.

## Boats Operation

Chapter 79 of the Town Code was adopted in 1957 and amended in 1966. It establishes a speed limit of five miles per hour for all boats on waterways in the Town of Amherst. By regulating boat operation, this chapter aids in the implementation of Policies 2, 9, 19, 20, 21, and 22 by promoting access and water-related recreation.

## Building Construction Administration

Chapter 83 of the Town Code, adopted in 1977 and amended in 2005, designates the New York State Uniform Fire Prevention and Building Code as the official Residential Code, Building Code, Fire Code, Plumbing Code, Mechanical Code, Fuel Gas Code, and Property Maintenance Code of the Town of Amherst. It establishes the requirements and procedures for obtaining building permits and certificates of occupancy. There are also provisions to follow regarding the demolition of local historic structures. Property owners must adhere to certain standards set forth in Chapter 83 if the structure to be demolished is locally identified as blue color code or “blue rated”. All “blue rated” structures located in the Amherst WRA are identified in Section II of the LWRP. By regulating demolition, development, and construction in the Amherst WRA, this chapter will help implement Policies 1, 5, 6, and 25 of the LWRP.

## Property Maintenance

Chapter 151 regulates property maintenance in the Town. It was adopted in 1976 and amended most recently in 2010, 2011 and 2012. This code applies to buildings or structures which are: 1.) severely deteriorated or damaged by any cause, 2.) have collapsed or are in danger of collapsing, 3.) the construction of which is not completed, 4.) or open excavations that have become dangerous or unsafe to the public. Brush, grass, rubbish, and weeds in undue accumulations on lands may constitute a fire hazard, and such accumulations and poisonous shrubs, weeds or other growths may constitute a health hazard. To protect and preserve the peace, good order, safety and general welfare of the community, the Town Board has determined it necessary to establish a procedure for the securing or removal of such buildings or structures, the covering or filling of such excavations and the cutting, trimming, removal or spraying of such brush, grass, shrubs, growth, or rubbish. This chapter will help implement Policies 1 and 25 of the LWRP and any action that enhances community character and visual quality throughout the waterfront area.

## Conservation Easements

Adopted in 1993, Chapter 92 provides for the acquisition of interests or rights in real property for the preservation of open space and areas, which will constitute a public purpose. Any owner or owners of land may submit a proposal to the Town Board for the granting of interests or rights in real property for the preservation of open spaces or areas. After acquisition of an easement pursuant to this chapter, the assessed valuation placed upon such land shall take into consideration the limitation on the use of the land. In accordance with Section 247 of New York State General Municipal Law, after due notice and a public hearing, the Town of Amherst may acquire by purchase, gift, grant, bequest, devise, lease or otherwise the fee or any lesser interest, development right, easement, covenant or other contractual right necessary to acquire “open space” or “open area.” This chapter may help implement Policies 8, 9, 19, 20, 21, 22, 25 and 44 of the LWRP by providing a mechanism for preserving open space resources. Natural areas, open space, recreational and agricultural lands are recognized as providing several benefits including scenic and recreational opportunities, habitat for ecologically important fish and wildlife, enhancement of flood control and groundwater recharge, maintenance of links to the Town’s agricultural heritage, and enhancement of community character.

## Environmental Quality Review

The SEQRA regulations (§ 617 NYCRR) provide a template for incorporating environmental considerations into the planning process following the Freshwater Wetlands Act; United States Army Corps of Engineers or the Federal Flood Insurance Administrator. In accordance with Town Local Law 3-1982, the Amherst Planning Department has the responsibility for coordinating the SEQRA review of all Town actions. Chapter 104 of the Town Code also supersedes the State Type I Action list of projects by including, in addition to the projects on the State list, those projects within 100 feet of a flowing watercourse, within 100 feet of a NYS state wetland boundary, and within a designated floodway. As most of the proposed projects in this LWRP will meet at least one of these additional criteria, it can be expected that LWRP projects will undergo the most thorough environmental review afforded by SEQRA. This chapter helps to implement the LWRP policies that are intended to be used to determine an appropriate balance between economic growth, development, and preservation that will permit the beneficial use of the waterfront resources within the Amherst WRA without undue impacts.

## Excavation

Chapter 106 of the Town Code dictates that no excavation, removal or storage of earth, sand, gravel, rock, or topsoil other than excavations and storage necessary in connection with the construction of buildings, retaining walls or fences shall be commenced in the Town of Amherst, except in conformity with the provisions of this chapter. This chapter will help implement Policies 11, 13, 14, 16 and 17 of the LWRP.

§ 106-2. Permit required.

Before the excavation, removal, or storage of any of the above materials, the owner or lessee of such premises or tract of land shall obtain a written permit to be issued by the Town Clerk of the Town of Amherst, subject to approval of the Town Board in its discretion.

§ 106-3. Public hearing. [Amended 3-9-1964; 5-1-2006 by L.L. No. 6-2006]

No such permit may be issued unless and until the premises or tract of land with respect to which such permit is sought, has been determined to be a proper use of such land as determined by the Town Board. The public hearing shall be pursuant to and in accordance with the provisions of Chapter 203, Zoning, § 8-2-3.

## Historic Preservation

Chapter 121 of the Town Code recognizes that “it is a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts is necessary to promote the economic, cultural, educational, and general welfare of the public.” Amherst has many significant historic, architectural, and cultural resources, which constitute its heritage. This chapter of Town Code will help implement Policy 23 and is intended to:

- A. Protect and enhance the landmarks and historic districts which represent distinctive elements of Amherst's historic, architectural, and cultural heritage
- B. Foster civic pride in the accomplishments of the past
- C. Protect and enhance Amherst's attractiveness to visitors and support and stimulate the Town's economy
- D. Ensure the harmonious, orderly, and efficient growth and development of the Town.

Adopted in 1994, this chapter of the Code created the "Town of Amherst Historic Preservation Commission." Under this chapter no person shall carry out any exterior alteration, restoration, reconstruction, excavation, grading, demolition, new construction or moving of a designated landmark or property within an historic district, nor shall any person make any material change to such property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements which affect the appearance or cohesiveness of the landmark or historic district without first obtaining a certificate of appropriateness from the Historic Preservation Commission.

## Construction of Public Improvements

Chapter 125 of the Town Code, adopted in 1951 and amended in 2003 and 2005, establishes that no person, firm, association or corporation shall install, construct or perform any work incident to the installation and/or construction of any public improvement upon real property in the Town of Amherst without first having obtained a permit, to be issued by the Town Engineer, in order to ensure that the plans and specifications as submitted by the applicant comply with the specifications and requirements of the Town of Amherst. By regulating development and construction in the Town, this chapter will help implement Policies 1, 2, 5, 9, 19, 20, 21, and 22 of the LWRP.

## Parks, Playgrounds and Recreation Areas Chapter 145

Adopted in 1989, Chapter 145 of the Town Code provides regulations for the use of the Town's parks, playgrounds, and recreation areas, including the use and parking of motor vehicles. This chapter will help implement LWRP Policies 1, 2, 9, 19, 20, 21, 22, and 25 for maintaining and enhancing natural areas, recreation, open space, and agricultural lands.

## Recreation and Open Space Chapter 155

It is the Town's intent to provide safe and convenient public access to its inland waterways, one of the prime objectives in undertaking this LWRP. As is evident in the projects proposed in Section IV, this will

be accomplished through both public and private sector initiatives with the goal of increasing accessibility for passive and active recreational pursuits.

In order to ensure that there are appropriate and adequate recreation and open space facilities within the Town of Amherst, Chapter 155, Recreation and Open Space, which was adopted in 1989 and amended in 1998, establishes that a fee be charged in connection with all land developments to provide funds for those purposes. The fee consists of two elements: one relating to recreation and the other to open space facilities. An applicant for site plan or subdivision approval may propose the dedication of a parcel of land within the Amherst WRA for which development approval is being sought for open space or recreation purposes in lieu of the payment of the fees as established by the Town. If the Planning Board determines that the land offered for dedication to the Town is suitably located for open space or recreation purposes, and that the value thereof is at least equal to the amount of the recreation and open space fees which would otherwise be due, it can recommend to the Town Board that it accept an offer of dedication. If the Town Board accepts the offer of dedication, the open space and recreation fees otherwise required shall be waived. The Planning Board may recommend to the Town Board the establishment of conditions in connection with the acceptance of the offer of dedication. The Town Board shall have the right, in any event, to establish conditions in connection with such dedication, as it deems appropriate. By providing a dedicated funding source for recreation and open space, this chapter will help implement Policies 1, 2, 9, 19, 20, 21, 22, and 25 of the LWRP for additional physical public access and recreation facilities at public sites throughout the waterfront area.

## Sewers

Chapter 160 of the Town Code was adopted in 1995 and amended in its entirety in 2017. It sets forth requirements for users of the publicly owned treatment works (POTW) of the Town of Amherst and enables the Town to comply with all applicable state and federal laws, including the Clean Water Act (United States Code 33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (Code of Federal Regulations 40 CFR 403). It is the explicit purpose of this chapter to achieve the following:

- A. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.
- B. To prevent the introduction of pollutants into the POTW that will pass through the publicly owned treatment works inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works.
- C. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and the public.
- D. To promote reuse and recycling of industrial wastewater and sludge from the POTW.
- E. To establish fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.
- F. To enable the Town of Amherst to comply with its state pollutant discharge elimination system permit conditions, sludge use, and disposal requirements and any other federal or state laws to which the POTW is subject.
- G. To eliminate the discharge of unpolluted waters into the POTW.

This chapter applies to all direct and indirect dischargers of wastes into the facilities of the Town of Amherst, including those users outside the Town, who are by contract or agreement users of the Town's facilities. This chapter also authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; identifies prohibited discharges; establishes



administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the established program. It is unlawful to discharge any sewage or polluted waters to any natural outlet within the Town of Amherst, except where suitable treatment has been provided in accordance with the provisions of this chapter, and except where an appropriate New York State pollutant discharge elimination system (SPDES) permit has been applied for and received. A valid copy of such a permit and any modifications thereof must be filed with the Town Engineer. Chapter 160 aids in the implementation of Policies 30, 31, 32, 33, 37 and 38, which calls for protecting and improving water resources. This includes ensuring the effective treatment of sanitary sewage and industrial discharges by maintaining efficient operation of sewage and industrial treatment facilities.

### **Solid Waste Management**

The Town adopted Chapter 169 waste management regulations in 1992 in response to the New York State Solid Waste Management Act of 1988. The 1988 New York State act required the separation of waste into recyclable, reusable, or other components for which economic markets for alternate uses exist. The purposes of this chapter are to preserve the long-range health, safety, and welfare of the public and the economic productivity and environmental quality of the Town of Amherst by conserving resources and reducing potential pollution of the environment. Under this chapter hazardous wastes must be disposed of properly in an acceptable manner under all state and federal laws and regulations. No person shall dump, drop, deposit, or otherwise dispose of any garbage, rubbish, debris, yard waste, fill material or any other waste in any waterway, Town drainage system, receiver, catch basin or manhole in the Town of Amherst (outside the Village of Williamsville). During the months of October and November when volume of leaves makes it impractical to place them in containers, leaves may be placed in piles not exceeding six feet in diameter at the curb line but shall not be placed on the paved portion of the highway in order that residents do not impede the receivers and catch basins along the roadway with debris. Every person who shall engage in the business of collecting garbage and rubbish within the Town of Amherst shall use for that purpose a box or vessel so constructed as to prevent the escape of any such garbage or rubbish therefrom. Such a box or vessel shall always, when not necessarily opened for the purpose of depositing the material collected therein, be kept securely covered. In regard to air quality no persons shall ignite or burn or cause to be ignited or burned any garbage within the Town of Amherst, unless such is placed in an incinerator constructed for such purpose and properly installed and equipped in conformity with all laws, rules and regulations pertaining thereto. The provisions within this chapter pertain to protecting the environment from unnecessary debris and harmful chemicals within and near a waterway. The Town does not allow individuals to burn garbage and decrease the air quality within the Town. Therefore, this chapter will help in the implementation of many Policies including 7, 8, 26, 28, 30, 31, 32, 33, 39, 40, 41, 42, 43 and 44.

### **Stormwater Management, Erosion Control, and Illicit Discharges**

The Town's Stormwater Management regulations under Chapter 172 of Town Code state that performance and design criteria must meet the technical standards of The New York State Stormwater Management Design Manual (NYS DEC, most current version or its successor, referred to as the "Design Manual") and New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, most current version or its successor, referred to as

the "Erosion Control Manual"). The Town promotes the use of green infrastructure, enhanced landscaping, reduction in impervious surfaces and other non-regulatory best management practices addressed in these manuals through its Site Plan Review, Special Use Permit and SEQRA compliance procedures.

Article I - Illicit Discharges, Activities and Connections to Separate Storm Sewer System. The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Amherst through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 to comply with requirements of the State Pollutant Discharge Elimination System (SPDES) general permit for municipal separate storm sewer systems (Appendix B). The objectives of this article are:

- A. To meet the requirements of the SPDES general permit for stormwater discharges from MS4s, Permit No. GP-02-02 or as amended or revised
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process, or discharge non-stormwater wastes
- C. To prohibit illicit connections, activities, and discharges to the MS4
- D. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter, and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment, and other pollutants into the MS4

ARTICLE II Stormwater Management; Erosion and Sediment Control. The objectives of this article are to:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES general permit for stormwater discharges from municipal separate stormwater sewer systems (MS4s), Permit No. GP-02-02, or as amended or revised
  - B. Require land development activities to conform to the substantive requirements of the NYS DEC State Pollutant Discharge Elimination System (SPDES) general permit for construction activities, GP-02-01, or as amended or revised
  - C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels
- A. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality
  - B. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable, and
  - C. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

These two Articles will help in the implementation of many LWRP Policies including 11, 12, 13, 14, 30, 31, 32, 33, 37 and 38 that deal with aspects of stormwater management, flooding, and erosion and sediment control.

## Community Tree Management Plan and the Tree Board

The Town of Amherst found that there is a direct and important relationship between the existence of trees in the Town and the health, safety, and welfare of the community. Trees preserve air and water quality, provide shelter to people and property, and enhance economic and aesthetic value to property. The Tree Law, Chapter 179 of the Town Code, was adopted in 1992 and amended in 2020. This local law established a Tree Board to consist of seven members, five of which are residents, plus the Town's Forester and Landscape Architect. The Tree Board is charged with the review, development and administration of a written Community Tree Management Plan and creation of a work plan that will be presented annually to the Town Board for the care, preservation, pruning, planting, replanting, removal, or disposition of trees in parks, along streets and in other public areas. The Town of Amherst has been designated a 'Tree City USA' for decades.

The Town Tree Law requires the Division of Forestry to review all site plans, tree removal permits, and development plans, to ensure natural measures are used whenever possible to minimize damage to natural resources as construction occurs.

The Town has the right to plant street trees and park trees as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of public streets and parks. This section does not prohibit the planting of street trees by adjacent property owners, provided that the selection and location of said trees is in accordance with this section. However, remedial action is identified when unlawful destruction of trees occurs. Trees in the waterfront area will help enhance visual quality, minimize the impacts from flooding and erosion, protect and improve water resources, and protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities. This chapter therefore will help in the implementation of many Policies including 8, 9, 11, 12, 13, 14, 19, 20, 21, 22, 25, 30, 31, 32, 33, 37, 38, 41 and 44.

## Wild Waterfowl

Chapter 199 of the Town Code prohibits the feeding of wild waterfowl within the Town of Amherst. Feeding of wild waterfowl within the Town has contributed to serious rat and other predatory animal infestation problems, damage to public parks, water quality problems, traffic hazards, soiled and contaminated private yards and swimming pools and has increased the potential for the spread of disease to residents. In addition, it is the intent of this chapter to protect the welfare of the wild waterfowl themselves since wildlife studies have shown that the feeding of wild waterfowl within urban areas can interrupt their normal migration patterns, cause nutritional problems, increase predation and promote the spread of serious wild waterfowl diseases such as avian cholera, plague and botulism. This chapter will help in the implementation of Policies 8, 9, 30, 34 and 37.

## Provisions for Flood Hazard Reduction

The Town Board found that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Amherst and that such damages may include: destruction or loss of private and public housing; damage to public facilities, both publicly and privately owned; and injury to and loss of human life. Section 7-7 of Chapter 203 of the Zoning Code, Provisions for Flood Hazard Reduction, regulates development in the floodplain, established and amended by Local Laws No. 13 and No. 14 of 2019. By promoting the public health, safety, and general welfare, and minimizing

public and private losses due to flood conditions in specific areas, these regulations will help in the implementation of Policies 11, 13, 14, 16 and 17 of this LWRP.

The Town also encourages preservation of natural vegetation and instituting limits on clearing native vegetation for new construction as a cost-effective method of managing stormwater volume flooding and quality. Chapter 203 Section 7-2-4 of the Zoning Ordinance promotes the use of existing vegetation to count as buffer screening between uses for proposed projects. Fines are administered if vegetation is unlawfully damaged or destroyed on public property. Developers will be encouraged to establish maximum areas to be cleared at a time.

The Town also established requirements for a Floodplain Development Permit for all construction and other development to be undertaken in areas of special flood hazard in the community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It is unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map, without a valid floodplain development permit.

Regulations for flood hazard reduction can be found in Section 7-7 of the Town of Amherst Zoning Ordinance. This section of the zoning ordinance acknowledges the potential and/or actual damages from flooding and erosion to the residents of the Town. To mitigate these damages, the local law is designed to:

- ◆ regulate uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities
- ◆ require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction
- ◆ control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters
- ◆ control filling, grading, dredging and other development which may increase erosion or flood damages
- ◆ regulate the construction of flood barriers which unnaturally divert floodwaters, or which may increase flood hazards to other lands
- ◆ qualify for and maintain participation in the National Flood Insurance Program.

The law establishes the Areas of Special Flood Hazard within the Town that are subject to these provisions and designates administrative responsibilities for enforcing the provisions. This law will help implement all LWRP policies.

## Site Plan Regulations

The Town of Amherst Site Plan regulations, reflected in the Town Zoning Ordinance Section 8-7, set forth the procedures and requirements for site plan review of projects. In addition to regulating the size and location of buildings, site plan review provides a mechanism for analysis of proposed utilities, drainage, grading, lighting, and landscaping associated with a development. Typically, site plans will undergo review by Town departments and by applicable outside agencies to ensure all issues are addressed prior to project finalization. Projects within the Amherst WRA will also be reviewed for consistency with the LWRP Consistency Review Law. This local law will help implement all LWRP policies.



## Subdivision Regulations

Town Code Chapter 204 Subdivision of Land states that the purpose of subdivision regulations is to provide for the orderly growth of the Town by regulating the development of residential subdivisions. These regulations are necessary to protect and safeguard the Town with respect to subdivision developments, which, once accepted, become a permanent physical part of the community. It is the purpose of this law that all subdivision and platting of land shall be designed to achieve, among others, the following objectives:

- ◆ To ensure orderly development and redevelopment of land to obtain harmonious and stable residential and nonresidential areas
- ◆ To ensure the design and installation of high-quality improvements and infrastructure in compliance with the specifications and standards established by the Town of Amherst, and the correct and complete recording of improvements
- ◆ To minimize ongoing costs of operating and replacing the Town's infrastructure
- ◆ To provide coordination of land development activities in accordance with the objectives of the Zoning Ordinance and the Comprehensive Plan
- ◆ To coordinate local subdivision actions with the requirements of county, state, and federal statutes
- ◆ To provide safe and convenient vehicular and pedestrian circulation
- ◆ To require reservation of space for school, recreation, and other public use
- ◆ To ensure accurate preparation and recording of plats
- ◆ To ensure subdivision design mindful of avoiding, minimizing, or mitigating natural hazards and protecting natural resources

The local subdivision law will implement LWRP policies 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44.

## Farmland Protection Program

Chapter 92 Conservation Easements of the Town Code provides the legal framework for the Amherst Farmland Protection Program. The Town of Amherst Farmland Protection Program is a Purchase of Development Rights (PDR) program, which focuses on the extinguishment of development rights, via a purchase agreement, and the recording of conservation easements on farmland within Erie County Agricultural District #17. Easements are held by the Town of Amherst and the Western New York Land Conservancy as Joint Tenants in Common. Funding for this program is provided by the NYS Department of Agriculture and Markets and the USDA Natural Resource Conservation Service with local matching funds provided by the Town of Amherst and through bargain sale agreements offered by landowners. Development rights on active farmland and lands available for agriculture are purchased by the Town (utilizing State and Federal funding), thus eliminating the potential for new development, and maximizing agricultural viability and resource protection in North Amherst. Agricultural lands may now be utilized as productive farmland without development pressure. Portions of the Agricultural District #17 are located within the Amherst WRA as shown on Map II-3 in Section II. This program is instrumental in the implementation of LWRP policy 26, which is designed to maintain and enhance natural areas, recreation, open space, and agricultural lands.

## LWRP Consistency Review Law

Actions to be directly undertaken, funded, or permitted by the Town of Amherst within the Amherst Waterfront Revitalization Area must be consistent with the policies set forth in this LWRP. The LWRP Consistency Review Law establishes the legal process for the review of direct and indirect actions proposed within the Amherst WRA for consistency with the policies of the approved LWRP. In addition, this law describes the local LWRP management framework, the requirements for the annual reports to the NYSDOS on reviews of local actions (the State agency managing the State’s waterfront program), the Town’s responsibility of providing feedback to state agencies proposing projects within the Amherst WRA, and the eligibility to seek funding for projects proposed within the WRA. The LWRP Consistency Review Law and related Waterfront Assessment Form (WAF) are included in Appendix A.

## 5.2 Other Public and Private Actions

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The Town of Amherst, as well as other public sector stakeholders and the private sector, will need to work together to advance the goals of this LWRP. The private sector will be involved in land use development initiatives, redevelopment opportunities and investment in properties within underutilized areas such as along Niagara Falls Boulevard, Old Niagara Falls Boulevard, and Amherst Central Park. These initiatives will require partnerships among public and private sector stakeholders, such as the NYS DEC, NYSOGS, NYSDOS, NYSDOH, and NYS Canal Corporation as well as the Town of Amherst and Erie County that have oversight responsibilities in most development projects. Also, some lands within the Amherst WRA are owned by New York State agencies, and some NYS agencies currently have projects located in the Amherst WRA. In all instances, the Town of Amherst will review and coordinate with NYS agencies when addressing projects proposed within the Amherst WRA.

### Flood and Ice Jam Study

NYS DEC and NYSOGS are completing a comprehensive flood and ice jam study and identifying feasible, practicable and cost-effective flood resiliency projects in a portion of the Ellicott Creek Watershed. The purpose of the study is to assess risk to the affected communities from flooding resulting from extreme weather events brought by climate change, and, where applicable, ice jam related flooding. The study will assist the community to increase their resiliency to future flood and ice jam events, by identifying and evaluating specific flood mitigation projects and their location(s) that can be pursued for further design and ultimate construction. New York State has committed funding to undertake advanced modeling techniques and field assessments of 48 flood-prone streams, including the floodways within the Amherst WRA, to identify priority projects and actions to reduce community flood and ice jam risks, while improving habitat. The overall goal of the program is to make New York State more resilient to future flooding. The NYS DEC continues to monitor the Ellicott Creek Flood Control project with the USACE. At the former Westwood Country Club (772 North Forest Road) a draft investigation work plan, called a “Remedial Investigation Work Plan,” (RIWP) was submitted to NYS DEC under New York’s Brownfield Cleanup Program. NYS DEC and NYSDOH will oversee the investigation, while NYS DEC will also provide water quality monitoring as part of the Priority Waterbodies Inventory program.

## Earthen Embankment Integrity Program

The NYS Canal Corporation has stewardship of, and jurisdiction over the NYS Canal System, which includes a portion of the Tonawanda Creek/Erie Canal within the Amherst WRA. The NYS Canal Corporation is responsible for the permitting of proposed boat docks or kayak launches along the Erie Canal portion of the Amherst WRA. The NYS Canal Corporation is also involved in the review and approval of projects on lands under its jurisdiction and may partner in enhancements to parks and existing facilities along the Canal as well as trail extension and road projects along Tonawanda Creek/Erie Canal. The NYS Canal Corporation is also in the process of preparing a Draft Generic Environmental Impact Statement (DGEIS) for the Earthen Embankment Integrity Program Guide Book. The guidebook is the primary governance document for the implementation of the Earthen Embankment Integrity Program.

## Transportation Infrastructure Improvements

The NYS DOT is responsible for all State improvements to, and maintenance of, State-owned transportation infrastructure, as well as maintenance of interstate highway infrastructure. Funding assistance may be available to construct capital improvements to introduce or improve multimodal transportation infrastructure, and to improve the safety of State-owned transportation infrastructure for all users including motorists, bicyclists, and pedestrians. Technical assistance is also available for aesthetic improvements such as bridge lighting, access management, and pedestrian safety improvements including crosswalks and bike lanes. Expertise is also available on implementation of Complete Street initiatives and public transit.

## Erie County

Erie County owns the lands within the right-of-way along all County roadways that run through the Amherst WRA. The Town will involve the County on all future plans taking place in or near County property during the planning phase of such projects. The projects proposed in Section IV of the LWRP, which involve County owned rights-of-way are proposed multi-modal transportation improvements. These enhancements include and are not limited to off-road bicycle paths, on-road bike facilities, recommended road crossing signals/signs and other appropriate traffic calming measures.

Erie County owns Ellicott Creek Island Bark Park. The shoreline along the Erie Canal is eroding and the County has plans in place to reduce erosion. A living shoreline project is proposed at this location within the Town of Amherst WRA.

## Town of Amherst Industrial Development Agency

The Amherst IDA owns parcels in the Amherst WRA boundary. The mission of the agency is to promote economic diversity, quality employment opportunities and to broaden the tax base of the Town of Amherst in order to reduce the tax burden on homeowners, while helping to maintain and enhance a high quality living environment.

## Town & Village Shared Projects

The Town will collaborate and coordinate with the Village of Williamsville on several overlapping policies and projects associated with each LWRP. The following are projects on which both municipalities will need to work together to:

- ◆ Collaborate on a boardwalk trail and waterway access project at the north section of Glen Park to improve public access to Ellicott Creek and Amherst State Park.
- ◆ Coordinate on the management of invasive species along the Ellicott Creek corridor at Amherst State Park spreading in both Village, Town, and State properties.
- ◆ Collaborate on a planning project to investigate the surface drainage patterns affecting Ellicott Creek in the Lehn Springs area.
- ◆ Implement appropriate mitigation measures to restore natural water flow back to the creek in that area, improve the resiliency, and minimize flooding within the areas south of Main Street (Route 5).
- ◆ Collaborate with the Village of Williamsville on a green infrastructure project to improve storm water drainage and improve user access to Ellicott Creek at Island Park (Village) within the Town owned building and municipal lot in the Village of Williamsville WRA.
- ◆ Continue to coordinate on a Strategic Master Plan for the southern portion of Glen Park and oversee the necessary environmental cleanup efforts in the municipal park.
- ◆ Coordinate on the establishment of a pollinator corridor on public lands along Ellicott Creek.
- ◆ Work with the Village on the use of dark sky compliant lighting in Glen Park and other Town owned parks and public lands in the Amherst WRA.
- ◆ Coordinate and collaborate with the Village of Williamsville to mitigate inflow and infiltration problems in areas of Williamsville that have public sanitary sewer service.
- ◆ Agree on consolidation of the Village sanitary sewer district into the Town of Amherst system.

### Amherst Marina Improvements

Established in 1993, the privately-owned Amherst Marina is an important resource for boaters within Erie-Niagara Counties due to its strategic placement along the Erie Canal. It is situated halfway between the Niagara River and Lockport and has one of the largest lifts in Western New York. The property is located at the northwest corner of Tonawanda Creek Road and Campbell Boulevard and is the only property zoned General Business (GB) within the Amherst WRA.

Future potential improvements could enhance activities at this highly visible site along the Erie Canal / Tonawanda Creek waterfront. The proposed improvements include construction of a small-scale clubhouse for slip holders that would include basic amenities such as restrooms, informal seating, and vending. Other possible site improvements may include an upgrade to the boat storage areas, parking lot, and entrance drive, as well as added landscaping, curbing, and benches. If space permits, a few parking spaces for trail users could also be constructed. Due to the high visibility of this site and marina, the Town of Amherst supports future improvements that will encourage water-dependent recreational uses.

Although the Amherst Marina property owners will be primarily responsible for completing site improvements, they will need to work in partnership with local, state, and federal agencies to ensure the future improvements are consistent with this LWRP. Such agencies may include Town of Amherst, Amherst Marine Center Inc., NYS DEC, USACE, NYS Canal Corporation, AIDA, and the Amherst Chamber of Commerce. Possible funding sources include, but are not limited to, New York State Empire State Development Grant Funds, NYS Canal Corporation, and the NYS DEC.



## Former Westwood Country Club and Golf Course Reuse

Since 2020 the Town has been in negotiations with the Mensch Capital Partners, LLC to purchase the former Westwood Country Club and golf course located near North Forest and Sheridan Drive. In Spring 2023 the Town closed on the property and Westwood is not part of the Town's park system. This 172-acre piece is a large greenspace and recreation space adjacent to the Ellicott Creek waterway. The Town is interested in repurposing this site as a public park with increasing access to Ellicott Creek (see in Section IV the proposed Amherst Central Park project). Under the previous ownership a draft investigation work plan, called a "Remedial Investigation Work Plan," (RIWP) was submitted by Mensch Capital Partners, LLC to NYS DEC under the NYS Brownfield Cleanup Program. Since the Town purchased Westwood, the project has been removed from the NYSDEC Brownfield cleanup program. The Town will work with the NYSDEC throughout the process to adhere to State and Federal requirements regarding disturbance of the site. The Town will make every effort to properly address contamination on site.

## White Chapel Memorial Cemetery

White Chapel Memorial Cemetery is privately owned and located along the NYS Barge Canal waterway. The Town will encourage the property owner to retain the large open tracts of green space immediately adjacent to the NYS Barge Canal waterway. Along the waterway, the Town should encourage the property owner to maintain the existing vegetated banks and riparian area during building permits, site plan review, or through the Chapter 179 for tree removal permits. One of the Town's future projects in Section IV proposes a multi-use bike path along the top of bank at the foreshore to continue along the waterway within the cemetery. The Town should continue to evolve this plan with negotiations to secure a public easement or concurrent use agreement in place. The proposed multi-use trail would connect with the existing Empire State Trail currently heading east towards the Evergreen neighborhood and south towards the Ellicott Creek County Park.

## Federal Actions

While federal actions, such as in-water construction permits, proposed within the Amherst WRA are not subject to federal consistency review, they will impact the implementation of the LWRP policies.

The U.S. Army Corps of Engineers (USACE) conducts annual inspections of the Ellicott Creek Flood Protection Project and Ellicott Creek Clearing and Snagging Project, which affects the corresponding portion of Ellicott Creek within the Amherst WRA. Currently, the USACE is in the process of controlling the aggressive aquatic plant hydrilla in Tonawanda Creek. The treatment is applied to certain locations along Tonawanda Creek.

The Federal Highway Administration (FHWA) may provide funding assistance for transportation improvements, including but not limited to improvements that increase pedestrian and bicycle access or improve safety across the rights-of-way of interstate highways. Federal funding assistance will also be provided for the long-term construction/reconstruction of, and capital improvements to, the interstates in the Town of Amherst. The FHWA is also involved as a lead agency in federally funded projects that require environmental review under the National Environmental Policy Act (NEPA).

The National Park Service oversees the Erie Canalway National Heritage Corridor Preservation and Management Plan and could play a role in the implementation of projects under this LWRP. In 2000, the United States Congress established the Erie Canalway National Heritage Corridor as one of about two dozen federally designated national heritage areas or corridors in the nation. The purpose of designating

the Erie Canalway as a national heritage corridor is to provide for and assist in the preservation and interpretation of the historical, natural, scenic, and recreational resources in ways that reflect its national significance, and to help foster community revitalization.

## 5.3 Town of Amherst Management Structure Necessary to Implement the LWRP

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The approved Amherst LWRP serves as the blueprint for the efforts that will be conducted for the revitalization of the Amherst WRA and preservation of its natural resources.

State actions proposed within the Amherst WRA will be reviewed for consistency with the policies of the approved Amherst LWRP by the State agency proposing to undertake the action, pursuant to Waterfront Revitalization of Coastal Areas and Inland Waterways. In addition, the State agency proposing the action will notify the Town of Amherst about the nature of the proposed action and provide the municipal government with the opportunity to comments on the proposed action. The Guidelines for Notification and Review of State Agency Actions, included below, detail the procedure that a State agency needs to follow to notify the Town of Amherst and the procedure that the Town of Amherst will need to follow to provide the State agency with comments on the proposed project.

Because the Amherst WRA is located along designated inland waterways, federal actions proposed within the WRA are not subject to the requirements of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, also known as the Article 42 of the Executive Law.

Direct and indirect proposed Town actions proposed within the WRA are subject to the local LWRP Consistency Review Law, as described in the law. Pursuant to this Town law, Town's proposed actions that are subject to this law must not be inconsistent with any of the LWRP policies. To ensure consistency of Town actions with the law, the town established a review process and designated the Planning Department as the Town agency that will coordinate the review process. Also, to ensure implementation of the LWRP policies and goals, the Town developed a process and a management structure, which are further described in the LWRP Consistency Review Law and detailed below.

### Amherst Management Structure

All municipal actions will be reviewed in accordance with the procedures described in the Town of Amherst LWRP Consistency Review Law and the associated Waterfront Assessment Form (WAF), which are included in Appendix A.

Various local officials and boards are responsible for the management and implementation of the LWRP and are directly involved in ensuring that consistency reviews are completed for direct and indirect town actions proposed within the Amherst WRA.

The Town of Amherst has established the following management structure for conducting consistency review of proposed town actions within the Amherst WRA and subject to the Town of Amherst LWRP Consistency Review Law. The Planning Department will be responsible for overall management and coordination of the LWRP. The staff delegated by the Director of Planning will be responsible for determining whether the Waterfront Assessment Form is complete and ready for consideration. The procedure for consistency review is as follows:

### **Planning Director and Planning Department**

Pursuant to the local LWRP Consistency Review Law, the Planning Department (staff assigned by the Planning Director) will be responsible for conducting and coordinating with other Town departments the review of town actions proposed within the Waterfront Revitalization Area (WRA), for consistency with the LWRP policies. The Planning Department will assist each Town department, Town Board, or outside applicant with the preparation of a WAF for each proposed project. After reviewing the proposed Town action, the Planning Department will make a consistency recommendation to the appropriate Town department and/or Town Board. Upon receipt of such recommendation from the Planning Department, the respective Town departments and/or board will determine if the proposed Town action is consistent with the LWRP policies.

The Planning Department (staff assigned by the Planning Director) will also be responsible for the coordination of municipal actions necessary to implement the LWRP, for providing each State agency with the Town's review on the consistency of actions proposed by the State agency within the Amherst WRA, for informing the Town Board of any conflicting actions proposed within the Amherst WRA, and for coordinating biannual meetings with the Town boards and departments<sup>20</sup> to review previous Town actions, share any concerns, and identify the Town's next priorities for implementing the LWRP.

### **Town Board**

The Town Board or its designee will prioritize and advance LWRP projects, communicate Town priorities to the Planning Director for further coordination, and direct the appropriate Town board(s) or department(s) to prepare applications for funding from State and Federal agencies, and other sources to fund the implementation of LWRP projects.

### **Planning Board**

The Planning Board will be responsible for the determination of consistency for all projects proposed within the Amherst WRA and requiring site plan approval.

### **Zoning Board of Appeals**

The Zoning Board of Appeals will hear and render decisions on variance applications, special use permits, temporary use permits, and any other application involving properties or activities within the Amherst WRA.

### **Commissioner of Building**

The Commissioner of Building oversees the Building Inspectors who will be responsible with overseeing projects within the Amherst WRA as they are being constructed to ensure the work is being done according to approved plans. The Planning Director will conduct the consistency review of proposed projects necessitating a local construction permit and make consistency recommendations to the Commissioner of Buildings.

### **Town Clerk**

The Town Clerk will maintain and make available to the public a hardcopy of the approved Amherst LWRP for use during normal business hours. The Clerk will, as necessary, distribute or otherwise make

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<sup>20</sup> In the Town of Amherst LWRP Consistency Review Law, the Town departments and boards are generically called agencies.

available, copies of the Waterfront Assessment Form (WAF) to applicants proposing actions in the Amherst WRA.

## 5.4. Guidelines for Notification and Review of State Agency Actions Proposed within the Town of Amherst WRA

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### I. Purposes of Guidelines

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (the Act) (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain State agency actions identified by the Secretary of State to be consistent, to the maximum extent practicable, with the policies and purposes of the approved Town of Amherst Local Waterfront Revitalization Program (LWRP). These guidelines are intended to assist State agencies in meeting that statutory consistency obligation.
- B. The Act also requires that State agencies provide timely notice to the Town of Amherst whenever an identified action is proposed to occur within the Waterfront Revitalization Area (WRA) covered by the approved Town of Amherst LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist the Town of Amherst government in carrying out their consistency review responsibilities in a timely manner.
- C. The New York State Secretary of State is required by the Act to confer with State agencies and the Town of Amherst government when notified by the Town of Amherst government that a proposed State agency action may conflict with the policies and purposes of the approved Amherst LWRP. These guidelines also establish a procedure for resolving such conflicts.

### II. Definitions

- A. Action means:
  1. A "Type I" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
  2. Occurring within the boundaries of the approved Town of Amherst LWRP; and
  3. Being taken pursuant to a State agency program or activity, which has been identified by the Secretary of State as likely to affect the policies and purposes of the approved Town of Amherst LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of the approved Amherst LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of the approved Amherst LWRP, then the action must be one:
  1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
  2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and



3. That will result in an overriding regional or Statewide public benefit.
- C. Coastal/Waterfront Assessment Form (WAF) is the form used by the State agency to assess the consistency of its actions proposed within the Town of Amherst Waterfront Revitalization Area with the policies and purposes of the approved Amherst LWRP.
- D. EIS or Environmental Impact Statement means a form used by an agency to assist in determining the environmental significance or non-significance of actions, pursuant to 6 NYCRR 617 (SEQR).
- E. Local Waterfront Revitalization Program, or Amherst LWRP, means the program prepared and adopted by the Town of Amherst Town Board and approved by the Secretary of State pursuant to Executive Law, Article 42, which program contains policies on the management of land, water, and man-made resources, proposed land uses and specific projects that are essential to program implementation.
- F. Municipal Chief Executive Officer, the Town of Amherst Supervisor or Supervisor is the chief executive officer of the Town of Amherst.
- G. Secretary of State or Secretary is the head of the New York State Department of State, which is the State agency responsible for administering and coordinating activities essential for the implementation of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.
- H. Local Program Coordinator, Planning Department of the Town of Amherst will be responsible for providing appropriate state agency contacts with Town findings for consistency of proposed State actions with the approved Amherst LWRP.
- I. Town means the Town of Amherst
- J. Town Board is the governmental or legislative body of the Town of Amherst that adopted the Amherst LWRP.
- K. Waterfront Revitalization Area or WRA is the portion of the State's waterfront area covered by the approved Amherst LWRP.

### III. Notification Procedure

- A. When a State agency is considering an action as described in II. DEFINITIONS, the State agency shall notify the Town of Amherst Planning Department.
- B. Notification of a proposed State agency action:
  1. Shall fully describe the nature and location of the action;
  2. Shall be accomplished by use of other existing State agency notification procedures, or through any alternative procedure agreed upon by the State agency and the Town of Amherst Planning Department; and
  3. Should be provided to the Town of Amherst Planning Department as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the proposed action. The timely filing of a copy of a completed Coastal/Waterfront Assessment Form with the Town of Amherst Planning Department should be considered adequate notification of a proposed action.
- C. If the proposed action requires the preparation of a draft Environmental Impact Statement (EIS), the filing of this draft document with the Town of Amherst Planning Department can serve as the State agency's notification to the Town.

#### **IV. Local Government Review Procedure**

- A. Upon receipt of notification from a State agency, the Town of Amherst Planning Department will be responsible for evaluating the proposed State agency action against the policies and purposes of the approved Amherst LWRP. Upon request of the Town of Amherst Planning Department, the State agency should promptly provide whatever additional information is available that will assist with the evaluation of the proposed action.
- B. If the Town of Amherst Planning Department cannot identify any conflicts between the proposed action and the applicable policies and purposes of the approved Amherst LWRP, the Town of Amherst Planning Department should provide the State agency with written findings. Upon receipt of the written findings, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the Town of Amherst Planning Department does not notify the State agency in writing within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purposes of the approved Amherst LWRP.
- D. If the Town of Amherst notifies the State agency in writing that the proposed action conflicts with the policies and/or purposes of the approved Amherst LWRP, the State agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V. Resolution of Conflicts, below, shall apply. The Town of Amherst shall forward a copy of the identified conflicts to the Secretary of State at the time when the State agency is notified. In notifying the State agency, the Town of Amherst Planning Department shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

#### **V. Resolution of Conflicts**

- A. The following procedure applies whenever the Town of Amherst has notified the Secretary of State and State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.
  1. Upon receipt of notification from the Town of Amherst that a proposed action conflicts with its approved LWRP, the State agency should contact the Town of Amherst Planning Department to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and Town of Amherst representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the Town.
  2. If the discussion between the Town of Amherst and the State agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the Town shall notify the State agency, in writing, with a copy forwarded to the Secretary of State, that all the identified conflicts have been resolved. The State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
  3. If the consultation between the Town of Amherst and the State agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary of State within 15 days following the discussion between the

Town of Amherst and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

4. Within 30 days following the receipt of a request for assistance, the Secretary, or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the State agency and Town of Amherst.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The State agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

## 5.5 Financial Resources Necessary to Implement the LWRP

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### Local Resources

The Town of Amherst is proposing significant actions and projects identified in Section IV that are designed to help revitalize the Amherst WRA by enhancing recreational opportunities, as well as resolving ongoing environmental issues associated with development, flooding, erosion, and water quality. Bringing these projects to fruition will require partnerships and funding from a combination of public and private sector sources.

Costs for the implementation of the LWRP include administrative costs, capital costs and maintenance costs. Administrative costs are those costs associated with the Town's efforts to manage and oversee consistency and enforcement of the LWRP. Town departments may require additional budgetary expenditures to implement the LWRP. These costs may include legal counsel for consistency review of policies and general administration in support of additional staff review efforts. Funding for administrative costs will come from the Town's general revenue sources and be reflected in the annual budget.

Costs may range from capital improvements, construction, operation and maintenance, and property acquisition, if necessary. Preliminary cost estimates for most projects, as well as, possible funding source for each project have been identified in Section IV. The Town is prepared to secure funding through State and federal grant programs and through local funding sources, including but not limited to the following:

- ◆ Property tax revenues
- ◆ Municipal fees including staff reviews associated with the Local Consistency Law
- ◆ Dedicated funds for open space, parks, and recreation
- ◆ Municipal bonding and low-cost loans
- ◆ Amherst Industrial Development Agency (AIDA) tax abatements that may be utilized as incentives for the improvement of and/or the expansion of private businesses within the Amherst WRA.

## State and Federal Funding Programs

New York State Department of Environmental Conservation (NYS DEC): This agency may provide funding assistance with planning studies and/or design and construction of projects targeted to control sediment and the erosion of steep slopes along the Tonawanda Creek/Erie Canal and Ellicott Creek waterfronts. Funding and technical assistance may also be available from NYS DEC through the State's Brownfield Cleanup Program.

Environmental Facilities Corporation (EFC): Funding assistance for the planning, design, and construction of green infrastructure and other stormwater improvements to eliminate localized flooding and drainage issues such as in the Lehn Springs neighborhood may be obtained through the Environmental Facilities Corporation.

New York State Department of State (NYSDOS): Funding and technical assistance for LWRP implementation of various planning, design, and construction projects, as outlined in Section IV of this LWRP is also possible. Funding assistance through the Environmental Protection Fund (EPF) for park and trail improvement projects along the Tonawanda Creek/Erie Canal and Ellicott Creek waterfronts may be available by applying for competitive grants through the State's Consolidated Funding Application process and coordination with the Western New York Regional Economic Council (REDC). Funding and technical assistance may also be available from NYSDOS through the Brownfield Opportunity Areas Program.

Empire State Development Corporation (ESD): This agency may provide funding assistance for the preparation of economic feasibility studies for the reuse of various deteriorated and underutilized structures, with the siting or improvement of public facilities and with revitalization efforts in the Old Niagara Falls Boulevard area and proposed Amherst Central Park neighborhood.

New York State Office of General Services (NYSOGS): Prior to any development occurring in the water or on the immediate waterfront within the Amherst WRA, NYSOGS will be contacted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy such lands.

New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP): This agency may provide funding assistance for the planning, design and construction of expansion or improvement projects such as at Amherst State Park or along the Erie Canal. Assistance may also be provided for designation of new historic districts or properties, or for educational signage/materials promoting the history of the Town's waterfront areas. Funding opportunities may be possible under competitive grant programs such as the Land and Water Conservation Fund and the Environmental Protection Fund for development of, or improvements to, waterfront parkland. Funding for the development of, or improvements to, local and regional trail systems may also be provided as well as for the planning, development, construction, major renovation, or expansion of existing and planned recreational facilities located in or adjacent to waterfront areas.

Federal Emergency Management Agency (FEMA): This agency plays a critical role in funding assistance for flood insurance programs, including voluntary compliance with the Community Rating System (CRS) and possible property acquisition and other improvements in flood prone areas such as along Ellicott Creek or Tonawanda Creek.



## SECTION VI. STATE ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

State actions will affect and be affected by the implementation of an approved Local Waterfront Revitalization Program (LWRP). Under State law, certain State actions within or affecting the local Waterfront Revitalization Area (WRA) must be consistent or consistent to the maximum extent practicable with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State agencies is also likely to be necessary to implement specific provisions of the LWRP.

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that an LWRP identify those elements of the program which can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification, or approval programs; grant, loan, subsidy, or other funding assistance programs; facilities construction; and planning programs which may affect the achievement of the LWRP.

### OFFICE FOR THE AGING

- 1.0 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

### DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Program
- 4.00 Permit and approval programs:
  - 4.01 Custom Slaughters/Processor Permit
  - 4.02 Processing Plant License
  - 4.03 Refrigerated Warehouse and/or Locker Plant License
- 5.00 Farmland Protection Implementation Grant
- 6.00 Agricultural Nonpoint Source Abatement and Control Program

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/ STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:
  - 1.01 Ball Park - Stadium License
  - 1.02 Bottle Club License
  - 1.03 Bottling Permits
  - 1.04 Brewer's Licenses and Permits
  - 1.05 Brewer's Retail Beer License
  - 1.06 Catering Establishment Liquor License
  - 1.07 Cider Producer's and Wholesaler's Licenses
  - 1.08 Club Beer, Liquor, and Wine Licenses
  - 1.09 Distiller's Licenses
  - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
  - 1.11 Farm Winery and Winery Licenses
  - 1.12 Hotel Beer, Wine, and Liquor Licenses
  - 1.13 Industrial Alcohol Manufacturer's Permits
  - 1.14 Liquor Store License
  - 1.15 On-Premises Liquor Licenses
  - 1.16 Plenary Permit (Miscellaneous-Annual)
  - 1.17 Summer Beer and Liquor Licenses
  - 1.18 Tavern/Restaurant and Restaurant Wine Licenses
  - 1.19 Vessel Beer and Liquor Licenses
  - 1.20 Warehouse Permit
  - 1.21 Wine Store License
  - 1.22 Winter Beer and Liquor Licenses
  - 1.23 Wholesale Beer, Wine, and Liquor Licenses

OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 2.00 Architecture and environmental arts program

OFFICE OF CHILDREN AND FAMILY SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 2.00 Homeless Housing and Assistance Program
- 3.00 Permit and approval programs:
  - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
  - 3.02 Operating Certificate (Children's Services)
  - 3.03 Operating Certificate (Enriched Housing Program)
  - 3.04 Operating Certificate (Home for Adults)
  - 3.05 Operating Certificate (Proprietary Home)
  - 3.06 Operating Certificate (Public Home)
  - 3.07 Operating Certificate (Special Care Home)
  - 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities
- 2.00 Planning and design services assistance program

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities
- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License
  - 2.04 Registered Manufacturer of Drugs and/or Devices
  - 2.05 Registered Pharmacy Certificate
  - 2.06 Registered Wholesale of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Educational Law regarding the removal of archaeological and paleontological objects under the waters of the State

OFFICE OF EMERGENCY MANAGEMENT

- hazard identification,
- loss prevention, planning, training, operational response to emergencies,
- technical support, and disaster recovery assistance.

EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve

ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects
- 2.00 New Construction Program – provide assistance to incorporate energy-efficiency measures into the design, construction and operation of new and substantially renovated buildings.
- 3.00 Existing Facilities Program – offers incentives for a variety of energy projects

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Water Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
  - 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion, and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities
  - 4.05 Resource recovery and solid waste management capital projects
  - 4.06 Wastewater treatment facilities
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
  - (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects, and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs
- 9.00 Permit and approval programs  
Air Resources



- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
  - 9.02 Certificate of Compliance for Tax Relief – Air Pollution Control Facility
  - 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; process, exhaust or Ventilation System
  - 9.04 Permit for Burial of Radioactive Material
  - 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
  - 9.06 Permit for Restricted Burning
  - 9.07 Permit to Construct; a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System Construction Management
  - 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities Fish and Wildlife
  - 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
  - 9.10 Commercial Inland Fisheries Licenses
  - 9.11 Fishing Preserve License
  - 9.12 Fur Breeder’s License
  - 9.13 Game Dealer’s License
  - 9.14 Licenses to breed Domestic Game Animals
  - 9.15 License to Possess and Sell Live Game
  - 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
  - 9.17 Permit to Raise and Sell trout
  - 9.18 Private Bass Hatchery Permit
  - 9.19 Shooting Preserve Licenses
  - 9.20 Taxidermy License
  - 9.21 Permit – Article 15, (Protection of Water) – Dredge and Deposit Material in a Waterway
  - 9.22 Permit – Article 15, (Protection of Water) – Stream Bed or Bank Disturbances
  - 9.23 Permit – Article 24, (Freshwater Wetlands)
- Hazardous Substances
- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
  - 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
  - 9.26 Permit to Use Chemicals for the Control or Elimination of Undesirable Fish
- Lands and Forest
- 9.27 Certificate of Environmental Safety (Liquid Natural Gas/Liquid Petroleum Gas)
  - 9.28 Floating Object Permit
  - 9.29 Marine Regatta Permit
  - 9.30 Navigation Aid Permit
- Marine Resources
- 9.31 Digger's Permit (Shellfish)

- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit – Article 25, (Tidal Wetlands)
- Mineral Resources
- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas and Solution Salt Mining)
- Solid Wastes
- 9.47 Permit to Construct and/or operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit
- Water Resources
- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.56 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.57 Approval – Drainage Improvement District
- 9.58 Approval – Water (Diversions for Power)
- 9.59 Approval of Well System and Permit to Operate
- 9.60 Permit – Article 15, (Protection of Water) – Dam
- 9.61 Permit – Article 15, Title 15 (Water Supply)
- 9.62 River Improvement District Permits
- 9.63 River Regulatory District approvals
- 9.64 Well Drilling Certificate of Registration

- 9.65 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan
- 11.00 Preparation and revision of Continuous Executive Program Plan
- 12.00 Preparation and revision of Statewide Environmental Plan
- 13.00 Protection of Natural and Man-made Beauty Program
- 14.00 Urban Fisheries Program
- 15.00 Urban Forestry Program
- 16.00 Urban Wildlife Program

#### ENVIRONMENTAL FACILITIES CORPORATION

- 1.0 Financing program for pollution control facilities for industrial firms and small businesses

#### DEPARTMENT OF FINANCIAL SERVICES (DEPARTMENT OF BANKING)

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
  - 1.08 Authorization Certificate (Foreign Banking Corp. Public Accommodations Office)
  - 1.09 Authorization Certificate (Investment Company Branch)
  - 1.10 Authorization Certificate (Investment Company Change of Location)
  - 1.11 Authorization Certificate (Investment Company Charter)
  - 1.12 Authorization Certificate (Licensed Lender Change of Location)
  - 1.13 Authorization Certificate (Mutual Trust Company Charter)
  - 1.14 Authorization Certificate (Private Banker Charter)
  - 1.15 Authorization Certificate (Public Accommodation Office – Banks)
  - 1.16 Authorization Certificate (Safe Deposit Company Branch)
  - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
  - 1.18 Authorization Certificate (Safe Deposit Company Charter)
  - 1.19 Authorization Certificate (Savings Bank Charter)
  - 1.20 Authorization Certificate (Savings Bank DeNovo Branch Office)
  - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
  - 1.22 Authorization Certificate (Savings and Loan Association Branch)
  - 1.23 Authorization Certificate (Savings and Loan Association Change of Location)

- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company – Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

#### OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development
- 2.00 Administration of Article 4 B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance
- 3.00 Facilities construction, rehabilitation, expansion, or demolition
- 4.00 Administration of Article 5, Section 233, Subsection 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters
- 6.00 Section 334 of the State Real Estate Law regarding subdivision of waterfront properties on navigable waters to include the location of riparian lines

#### DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements
  - 2.03 Certificate of Need (Health Related Facility except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)
  - 2.07 Operating Certificate (Hospice)
  - 2.08 Operating Certificate (Hospital)
  - 2.09 Operating Certificate (Nursing Home)
  - 2.10 Shared Health Facility Registration Certificate



DIVISION OF HOMES AND COMMUNITY RENEWAL and its subsidiaries and affiliates

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects
  - 2.09 Urban Initiatives Grant Program
  - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 2.00 Permit and approval programs:
  - 2.01 Operating Certificate (Community Residence)
  - 2.02 Operating Certificate (Family Care Homes)
  - 2.03 Operating Certificate (Inpatient Facility)
  - 2.04 Operating Certificate (Outpatient Facility)

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.0 Preparation and implementation of the State Disaster Preparedness Plan

NATURAL HERITAGE TRUST

- 1.0 Funding program for natural heritage institutions

OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION (including Regional State Park Commission)

- 1.00 Acquisition, disposition, lease, grant of easement, or other activities related to the management of land under the jurisdiction of the Office
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 3.00 Funding program for recreational boating, safety, and enforcement
- 4.00 Funding program for State and local historic preservation projects

- 5.00 Land and Water Conservation Fund programs
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation, or related purposes
- 9.00 Recreation services program
- 10.00 Urban Cultural Parks Program
- 11.00 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996

OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 2.00 Permit and approval programs:
  - 2.01 Establishment and Construction Prior Approval
  - 2.02 Operating Certificate Community Residence
  - 2.03 Outpatient Facility Operating Certificate

POWER AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the Authority
- 2.00 Facilities construction, rehabilitation, expansion, or demolition

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program
- 2.00 Center for Advanced Technology Program

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program
- 2.00 Coastal Management Program
  - 2.10 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996

- 3.00 Community Services Block Grant Program
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

STATE UNIVERSITY OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the University at Buffalo
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the Department
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg, and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branch lines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities

- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State
- 6.00 Water Operation and Maintenance Program Activities related to the containment of petroleum spills and development of an emergency oil spill control network

#### DIVISION OF YOUTH

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding for approval of such activities



## SECTION VII. LOCAL COMMITMENT AND CONSULTATION

This section provides details regarding the public outreach conducted by the Town during the Local Waterfront Revitalization Program (LWRP) planning process and drafting of the LWRP, the reviews of the various versions of the draft document, and the steps of the approval process.

### 7.1 Local Commitment

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Terms of the contract for the EPF LWRP grant awarded to the Town of Amherst to prepare the LWRP required establishment of a Waterfront Advisory Committee (WAC), to guide development of the LWRP. The requirements for the preparation the Amherst LWRP and Amherst Central Park Charter were presented to the Town Board in the spring of 2018. Then, the Town formed the WAC, which included members representing Town departments, State/regional agencies, elected officials, educational institutions, local businesses, homeowner groups, and residents. During the summer and fall of 2018, members of the WAC explored the waterfront along the Tonawanda and Ellicott Creeks to define the boundary of the proposed Amherst WRA (see Figure 7.1). Throughout the planning process, the Town invited other stakeholders and residents to be part of the development of the LWRP.

The extensive amount of property within the Amherst WRA has resulted in participation by a significant number of waterfront landowners in the planning process. While many of the lands adjacent to Tonawanda Creek along the Town's northern border are large rural lots, the properties abutting Ellicott Creek tend to be smaller and much more numerous, as this creek runs through the middle of the Town and abuts suburban neighborhoods and smaller parcels. Because the LWRP will regulate land use within the designated Amherst WRA boundary, the input of affected property owners and Town residents in general was important for the development of the LWRP. To create a comprehensive and feasible product, the Town of Amherst structured its public outreach process to include several modes of input and involve as many individuals, groups, and agencies as possible.

Figure 7.1 – Committee Tours in 2018



*Source: Town of Amherst Staff Photo Taken August 17, 2018.*

WAC members have provided several important functions during preparation of the LWRP including meetings to discuss status of the planning process, identify issues and opportunities associated with the current conditions within the Amherst WRA, propose waterfront projects, and review and discuss draft materials. WAC members participated in five tours of the Amherst WRA, which included short stops at

key areas and points of interest, as well as informal interviews with key landowners to gain their perspectives on local issues/problems. Four participants identified concerns and opportunities they observed, and at the end of each tour reviewed overall impressions of the LWRP area including site conditions, issues, and opportunities.

Figure 7.2 – Second Public Meeting



Source: Town of Amherst Staff Photo. Taken July 10, 2019.

To strengthen local commitment, the WAC hosted two public meetings to present elements of the draft LWRP and receive additional public comment on waterfront issues and opportunities. The first public information meeting was held on December 3, 2018. The meeting focused on the proposed boundary of the Amherst WRA and the goals of the LWRP. The second public information meeting was held on July 10, 2019, as indicated in Figure 7.2. The purpose of the meeting was to provide more details on proposed projects.

One notable spin-off group from the WAC was formed to specifically discuss the future Amherst Central Park project (LWRP proposed Project #12) within the Amherst WRA. Fourteen public and stakeholder meetings have taken place to guide the Town in this monumental task of converting the former Westwood Country Club, portion of the Town’s Audubon Recreation Complex, and a portion of the Audubon Golf Course to a future Amherst Central Park.

Throughout the LWRP process, the public has submitted comments to the Town Board and Planning Department at the public meetings and Town Board meetings, as well as, electronically through email to Town individuals or by completing a comment form on the Town website. The public will have additional opportunities to provide input on the LWRP, as part of the environmental review process and the local adoption of the LWRP.

## 7.2 Consultation

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During the preparation of the LWRP, the Town forwarded draft sections of the program to the Department of State, for review and comments. The Waterfront Advisory Committee (WAC) regularly invited participation in the development of the LWRP from Town departments, Town Planning Board, and Town Board. In addition, draft documents were distributed to key agencies to gather their comments on program findings, policies, and recommendations. The agencies that were contacted to provide input during the development of the draft LWRP included the NYS Canal Corporation, NYS DEC, NYS OPRHP, NYS DOT, Erie County, and GBNRTC. The draft LWRP and supporting local draft LWRP Consistency Review Law were reviewed by the WAC, and the Amherst Town Board before being locally accepted by resolution as complete and ready to be submitted to the NYS DOS for the initiation of the 60-day review by State and regional agencies. Pursuant to the SEQR regulations, the adoption of a land and water use comprehensive plan, is a Type I action. Accordingly, the Town completed a Full EAF for the local action to adopt an LWRP, designated lead agency, held a public hearing, and determined significance of the local LWRP adoption, by resolution.

The NYS DOS initiates the 60-day review of the draft LWRP, pursuant to the requirements of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of NYS Executive Law). Potentially affected State, regional, and local agencies are solicited to review the draft LWRP and submit comments. After the completion of the 60-day review, the comments received from agencies will be addressed and the LWRP will be revised, as necessary. The resulting version of the LWRP and supporting LWRP Consistency Review Law will be locally adopted, by resolution. Then, the locally adopted LWRP will be formally submitted to NYS DOS for approval by the NYS Secretary of State, together with the certified local adoption resolution. Concurrently, as required by Section 27 of Municipal Home Rule Law, the locally adopted LWRP Consistency Review Law will be filed with the Secretary of State within 20 days of being enacted. The fully adopted LWRP will be posted on the Town of Amherst and NYS DOS website. A paper copy of the fully adopted LWRP will be filed with the Town of Amherst Town Clerk's office and will be made available to the public for review upon request.

**APPENDIX A: TOWN OF AMHERST LWRP CONSISTENCY  
REVIEW LAW**



# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Amherst, New York

FILED  
STATE RECORDS  
JUL 03 2023

Local Law No. 7 of the year 2023

DEPARTMENT OF STATE

A local law Creating a New Chapter, Chapter 205, to the Code of the Town of Amherst, Local

(Insert Title)

Waterfront Revitalization Program (LWRP).

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Amherst, NY as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2023 of the ~~(County)(City)(Town)(Village)~~ of Amherst, NY Town Board was duly passed by the Town Board on June 5, 2023, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on 20   , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*Francina J. Spoth* **Francina J. Spoth**  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: June 7, 2023

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

County

City of \_\_\_\_\_

Town

Village

Date: \_\_\_\_\_

**LOCAL LAW NO. 7-2023**

**TOWN OF AMHERST**

**COUNTY OF ERIE, STATE OF NEW YORK**

**A Local Law Creating A New Chapter, Chapter 205, To The Code of the  
Town of Amherst, Local Waterfront Revitalization Program (LWRP)**

Be it enacted by the Town of Amherst as follows:

**PART I**  
**GENERAL PROVISIONS**

**§1-1 Title.**

This Local Law shall be referred to as “A Local Law Creating a New Chapter, Chapter 205, to the Code of the Town of Amherst, Local Waterfront Revitalization Program (LWRP).”

**§1-2 Authority and Purpose**

1-2-1 This Local Law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the NYS Executive Law).

1-2-2 The purpose of this Local Law is to provide a framework for the Town of Amherst (Town) to incorporate the policies and purposes contained in the Town’s Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct Town actions located within the Waterfront Revitalization Area (WRA); and to assure that such actions and direct actions undertaken by the Town are consistent with the LWRP policies and purposes.

1-2-3 It is the intention of the Town that the preservation, enhancement, and utilization of the unique Waterfront Revitalization Area (WRA) of the Town occur in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate economic growth. Accordingly, this law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing degradation or loss of living waterfront resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes;



impairment of scenic or historical resources; losses due to flooding, erosion, and sedimentation; impairment of water quality, or permanent adverse changes to ecological systems.

The substantive provisions of this Local Law shall only apply while there is in existence a Town of Amherst LWRP that has been adopted in accordance with Article 42 of the NYS Executive Law.

## **PART 2 DEFINITIONS**

### **§2-1. Definitions**

- A. **"Actions"** include all the following, except minor actions as defined in Section J below:
1. projects or physical activities, such as construction or any other activities that may affect natural, manmade, or other resources in the Waterfront Revitalization Area (WRA), or the environment, by changing the use, appearance, or condition of any resource or structure, that:
    - i. are directly undertaken by an agency; or
    - ii. involve funding by an agency; or
    - iii. require one or more new or modified approvals, permits, or review from an agency or agencies;
  2. agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
  3. adoption of agency rules, regulations and procedures, including Local Laws, codes, ordinances, executive orders and resolutions that may affect resources or the environment within the Amherst WRA;
  4. a Type 1 and Unlisted Action under SEQRA, as well as any project involving a Draft Generic Environmental Impact Statement;
  5. any combination of the above.
- B. **"Agency"** means any board, agency, department, office, other body, or officer of the Town of Amherst.
- C. **"Waterfront Revitalization Area"** or "WRA" means that portion of New York State designated waterway and adjacent shorelands as defined in Article 42 of the

Executive Law, which is located within the municipal boundaries of the Town of Amherst, as described, and mapped in the approved Town LWRP.

- D. **"Waterfront Assessment Form"** or "WAF" means the form identified in the LWRP Plan used by an agency or other entity to assist in determining the consistency of an action with the Town LWRP.
- E. **"Code Enforcement Officer"** means the Building Commissioner and/or Zoning Enforcement Officer of the Town of Amherst.
- F. **"Consistent"** means that the action will fully comply with the LWRP policy standards, conditions, and objectives and, whenever practicable, will advance one or more of them.
- G. **"Direct Actions"** mean actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rulemaking, procedure making and policy making.
- H. **"Environment"** means all conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the Waterfront Revitalization Area (WRA).
- I. **"Local Waterfront Revitalization Program"** or "LWRP" means the Town of Amherst Local Waterfront Revitalization Program approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the NYS Executive Law), a copy of which is on file in the Offices of the Clerk of the Town of Amherst and the Planning Department.
- J. **"Minor actions"** include the following actions, which are not subject to review under this law:
  - 1. maintenance or repair involving no substantial changes to an existing structure or facility;
  - 2. replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by Local Law where structures may not be replaced, rehabilitated, or reconstructed without a permit;
  - 3. repaving of existing paved highways not involving the addition of new travel lanes;

4. street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;
5. maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, and in Nature Preserves or within a special district which currently are under the legality of the purpose, restrictions and retained rights of a conservation easement with designated management plans;
6. granting of individual setback and lot line variances, except in relation to a regulated natural feature;
7. minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
8. installation of traffic control devices on existing streets, roads and highways;
9. mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
10. information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
11. official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
12. routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
13. conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in, or approve such action;
14. collective bargaining activities;
15. investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
16. inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
17. purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
18. adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;

19. engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
20. civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
21. adoption of a moratorium on land development or construction;
22. interpreting an existing code, rule or regulation;
23. designation of local landmarks or their inclusion within historic districts;
24. emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property, or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to waterfront resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part; and
25. local legislative decisions such as rezoning where the Town Board determines the action will not be approved.

**PART 3  
MANAGEMENT AND COORDINATION OF THE LWRP**

**§ 3-1                    Management and Coordination**

§ 3-1-1A.        The Planning Department shall be responsible for overall management and coordination of the LWRP. In performing this task, the Planning Department shall:

1. Inform the Town Board on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP.
2. Coordinate the drafting and submission of applications for funding from State, federal, or other sources to finance projects implementing the LWRP
3. Coordinate and oversee liaison between the Town Board and other town boards and departments, to further the implementation of the LWRP.
4. Provide the New York State Department of State and other State agencies with timely feedback regarding the consistency of actions proposed by State agencies within the Amherst WRA.



5. Prepare an annual report on progress achieved and problems encountered in implementing the LWRP and recommend actions necessary for further implementation to the Town Board.
6. Perform other functions regarding the Amherst WRA and direct such actions or projects as are necessary, or as the Town Board may deem appropriate to implement the LWRP.

§ 3-2-1B. In order to foster a strong relationship and maintain an active liaison among the agencies responsible for implementation of the LWRP, the Planning Department shall schedule annual LWRP progress meetings, including, but not limited to, representatives of the Town Board, Planning Board, Zoning Board of Appeals, and such other departments or individuals charged with LWRP implementation.

#### **PART 4**

#### **REVIEW OF ACTIONS AND CONSISTENCY WITH LWRP POLICIES**

##### **§4-1 Review of Actions and Consistency With LWRP Policies**

- A. Whenever a proposed action is located within the Amherst WRA, the Town agency shall, prior to approving, funding, or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in Section I. below. No action in the WRA shall be approved, funded, or undertaken by the Town agency without such a determination.
- B. The Planning Department shall be responsible for coordinating review of actions within the Amherst WRA for consistency with the LWRP, and will advise, assist, and make consistency recommendations for other Town agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program.
- C. The Planning Department will assist each Town agency or outside applicant with preliminary evaluation of actions in the waterfront area, and with preparation of a WAF. Whenever the Town agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located within the Amherst WRA, such application or direct action shall be referred to the Planning Department, within ten (10) days of its receipt, for preparation of a WAF, a sample of which is appended to this Local Law.

- D. The Planning Department shall require the agency or the applicant to submit all completed applications, Environmental Assessment Forms (EAFs), and any other information deemed necessary to its consistency recommendation. The recommendation shall indicate whether, in the opinion of the Planning Department, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Planning Department shall, along with its consistency recommendation, make any suggestions to the agency or applicant concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them. Such recommendation shall go to the agency or applicant within thirty (30) days of receipt of the completed information (as deemed complete by the Planning Department) submitted by the department or applicant.
- E. If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one WAF per action will be prepared. If the agencies cannot agree, the Planning Director shall designate the consistency review agency.
- F. Upon recommendation of the Planning Department, the agency shall consider whether the proposed action is consistent with the LWRP policies included in Section I, herein. Prior to making its determination of consistency, the agency shall consider the consistency recommendation of the Planning Department. The agency shall render a written determination of consistency based on the WAF, the Planning Department recommendation and such other information as is deemed necessary to its determination. No approval or decision shall be rendered for an action in the Amherst WRA without a determination of consistency. The designated agency will make the final determination of consistency.

The Zoning Board of Appeals is the designated agency for the determination of consistency for use variances and special use permit applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Planning Department in the event and at the time it makes a decision to grant such a variance or special use permit and shall impose appropriate conditions to make the activity consistent with the objectives of this law.

- G. Where an Environmental Impact Statement (EIS) is required or prepared, the draft EIS must identify applicable LWRP policies and standards and include a discussion of the effects of the proposed action on such policy standards. No

agency may make a final decision on an action that has been the subject of a final EIS and is located within the Amherst WRA until the agency has made a written finding regarding the consistency of the action with the LWRP policies included in Section I herein.

- H. In the event the Planning Department's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards. Where an action is found to be inconsistent with one or more LWRP policy standards, such action shall not be approved, funded, or undertaken unless modified to be consistent with the LWRP, as determined by the reviewing agency.
  
- I. Actions to be undertaken within the Amherst WRA shall be evaluated for consistency in accordance with the following summary of LWRP policies, which are derived from and further explained and described in the approved Town of Amherst LWRP, a copy of which is on file in the Clerk and Planning Department offices and available for inspection during normal business hours. Agencies who undertake direct actions shall also consult with Section IV- Proposed Land and Water Uses and Projects of the LWRP, in making their consistency determination. The action shall be consistent with the following LWRP policies:
  - 1) Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.
  - 2) Policy 2: Facilitate the siting of water-dependent uses and facilities on or adjacent to inland waterways.
  - 3) Policy 3: Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.
  - 4) Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.
  - 5) Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate.
  - 6) Policy 6: Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

- 7) Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.
- 8) Policy 8: Protect fish and wildlife resources in the waterfront revitalization area from the 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.
- 9) Policy 9: Expand recreational use of fish and wildlife resources in the waterfront revitalization area by increasing access to existing resources, supplementing existing stocks, and developing new resources.
- 10) Policy 10: Further develop commercial finfish, shellfish, and crustacean resources in the inland waterway area by encouraging the construction of new, or improvement of existing onshore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.
- 11) Policy 11: Buildings and other structures will be sited in the waterfront revitalization area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.
- 12) Policy 12: Activities or development in the waterfront revitalization area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.
- 13) Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.
- 14) 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.
- 15) Policy 15: Mining, excavation or dredging in inland waterways shall not significantly interfere with the natural inland waterway processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.
- 16) 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.



- 17) Policy 17: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.
- 18) Policy 18: To safeguard the vital economic, social, and environmental interests of the State and of its citizens, proposed major actions in the Waterfront Revitalization Area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable inland waterway resource areas.
- 19) Policy 19: Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.
- 20) 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.
- 21) 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 shorefront.
- 22) Policy 22: Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities and is compatible with the primary purpose of the development.
- 23) Policy 23: Protect, enhance, and restore structures, districts, areas, or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.
- 24) Policy 24: Prevent impairment of scenic resources of statewide significance.
- 25) Policy 25: Protect, restore, or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the waterfront revitalization area.
- 26) Policy 26: Conserve and protect agricultural lands in the waterfront revitalization area.
- 27) Policy 27: Decisions on the siting and construction of major energy facilities in the shorefront area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.
- 28) Policy 28: Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.
- 29) Policy 29: The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.

- 30) Policy 30: Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into inland waterways will conform to State and National water quality standards.
- 31) Policy 31: State policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing inland waterway classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.
- 32) Policy 32: Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.
- 33) Policy 33: Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into inland waterways.
- 34) Policy 34: Discharge of waste materials into inland waterways from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.
- 35) Policy 35: Dredging and filling in inland waterways and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.
- 36) 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 inland waterways; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.
- 37) Policy 37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into inland waterways.
- 38) Policy 38: The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.
- 39) Policy 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within the waterfront revitalization area will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.
- 40) Policy 40: Effluent discharged from major steam electric generating and industrial facilities into inland waterways will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

- 41) Policy 41: Land use or development in the waterfront revitalization area will not cause national or State air quality standards to be violated.
  - 42) Policy 42: Waterfront revitalization program policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.
  - 43) Policy 43: Land use or development in the waterfront revitalization area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.
  - 44) Policy 44: Preserve and protect freshwater wetlands and preserve the benefits derived from these areas.
- J. If the agency determines that an action will be inconsistent with one or more LWRP policy standards or objectives, such action shall not be undertaken unless modified to be consistent with the LWRP policies.
  - K. The Planning Department shall maintain a file for each action made the subject of a consistency determination, including the recommendations provided by the Planning Department. Such files shall be made available for public inspection upon request.

## **PART 5 ENFORCEMENT**

### **§5-1 Enforcement**

In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Building Commissioner or any other authorized official of the Town of Amherst shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

### **§5-2 Violations**

1. A person who violates any of the provisions of, or who fails to comply with any condition imposed by this law shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500.00) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

2. The Town is authorized and directed to institute any and all actions and proceedings necessary to enforce this Local Law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

### **§5-3 Severability**

The provisions of this law are severable. If any provision of this law is found invalid, such finding shall not affect the validity of this law as a whole or any law or provision hereof other than the provision so found to be invalid.

### **Section 6. Effective Date**

This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Francina J. Spoth, Town Clerk  
Town of Amherst  
County of Erie, New York**

Adopted: June 5, 2023



## Waterfront Assessment Form

**A. INSTRUCTIONS** (Please print or type all answers)

1. Applicants, or in the case of direct actions, town agencies, shall complete this Waterfront Assessment Form (WAF) for proposed actions that are located within the Town of Amherst Waterfront Revitalization Area (WRA) and are subject to compliance with the Town's LWRP Consistency Review Law. This assessment is intended to supplement other information used by the Town agencies (departments and boards) in making a determination that the proposed action will be consistent with the policies of the approved Amherst Local Waterfront Revitalization Program (LWRP). It is also helpful for making a determination of significance pursuant to the State Environmental Quality Review (SEQR) Act.
2. Before answering the questions in Section C, the preparer of this form should review the policies and policy explanations contained in Section III of the Town of Amherst Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Town Clerk and Planning Department offices. A proposed action should be evaluated as to its beneficial and adverse effects upon resources in the Waterfront Revitalization Area and its consistency with the LWRP policy standards.
3. If any questions in Section C on this form are answered "yes", then the proposed action may contravene the LWRP policy standards, as contained in the Town of Amherst LWRP Consistency Review Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a final determination of consistency with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

**B. DESCRIPTION OF SITE AND PROPOSED ACTION**

1. Name of applicant: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Telephone number: (        ) \_\_\_\_\_ email: \_\_\_\_\_  
Property Tax Identification number: \_\_\_\_\_  
Application No. (if applicable) \_\_\_\_\_
2. Location of action (Street or Site Description and nearest intersection):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
SBL: \_\_\_\_\_
3. Size of site (acres): \_\_\_\_\_

- 4. Amount (acres) of site to be impacted: \_\_\_\_\_
- 5. Present land use: \_\_\_\_\_
- 6. Present zoning classification: \_\_\_\_\_
- 7. Describe nature and extent of action: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 8. Type of agency (check appropriate response):
  - a. Directly undertaken (e.g., construction, planning, regulation, land transaction)

\_\_\_\_\_

\_\_\_\_\_

- b. Financial assistance for project (e.g., grant, loan, subsidy)

\_\_\_\_\_

\_\_\_\_\_

- c. Permit, approval, license, or certificate:

\_\_\_\_\_

\_\_\_\_\_

- d. Agency undertaking the action:

\_\_\_\_\_

\_\_\_\_\_

- 9. Describe any unique or unusual landforms on the project site (i.e., bluffs, wetlands, creeks, other geological formations):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 10. Percentage of site that contains slopes of 15% or greater: \_\_\_\_\_

- 11. Streams, lakes, ponds or wetlands existing within or continuous to the project area?

- (a) Name \_\_\_\_\_

- (b) Size (in acres) \_\_\_\_\_

- 12. Is the property serviced by public water? Yes \_\_\_\_\_ No \_\_\_\_\_

- 13. Is the property serviced by public sewer? Yes \_\_\_\_\_ No \_\_\_\_\_

- 14. Will the action be directly undertaken or require funding or approval by a State or/and federal agency?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, which State or federal agency? \_\_\_\_\_

**C. WATERFRONT ASSESSMENT** (Check either "Yes" or "No" for each of the following questions).  
If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

- |    |  |     |     |
|----|--|-----|-----|
| 1. | Will the proposed action be located in, contiguous to, or have a potentially adverse effect upon any of the resource areas found within the waterfront area as identified in the Amherst LWRP? | YES | NO  |
|    |  | ___ | ___ |
|    | (a) Locally significant fish or wildlife habitats?   | ___ | ___ |
|    | (c) Important scenic view/vistas <sup>16</sup> ?   | ___ | ___ |
|    | (d) Historic or cultural resources of significance?  | ___ | ___ |
| 2. | Will the proposed action have a significant effect upon:   | YES | NO  |
|    | (a) Scenic quality of the waterfront environment?  | ___ | ___ |
|    | (b) Development of future or existing water-dependent uses?  | ___ | ___ |
|    | (c) Designated State or Federal freshwater wetlands?   | ___ | ___ |
|    | (d) Recreational use of fish and wildlife resources?   | ___ | ___ |
|    | (e) Existing or potential public recreation opportunities?   | ___ | ___ |
|    | (f) Structures, sites, or districts of historic, archaeological or cultural significance in the Town of Amherst?   | ___ | ___ |
|    | (g) Stability of the Ellicott/Tonawanda Creek shoreline?   | ___ | ___ |
|    | (h) Surface or groundwater quality?  | ___ | ___ |
| 3. | Will the proposed action involve or result in any of the following:  | YES | NO  |
|    | (a) Physical alteration of land along the shoreline, underwater land, or surface waters?   | ___ | ___ |
|    | (b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?   | ___ | ___ |
|    | (c) Expansion of existing public services or infrastructure in undeveloped or low-density areas along the waterfront?  | ___ | ___ |
|    | (d) Excavation, filling or dredging in surface waters?   | ___ | ___ |
|    | (e) Reduction of existing or potential public access to or along the shoreline?  | ___ | ___ |

<sup>16</sup> LWRP Scenic Views available on Town of Amherst Website as NEW Amherst GIS & Mapping Portal  
<https://www.amherst.ny.us/content/mapping.php>

	(f)	Sale or change in use of publicly owned lands located on the shoreline or on lands underwater?	___	___
	(g)	Development within a designated flood hazard area?	___	___
	(h)	Development in areas that provide protection against flooding or erosion?	___	___
	(i)	Construction or reconstruction of erosion protective structures?	___	___
	(j)	Diminished or degraded surface or groundwater quantity and/or quality?	___	___
	(k)	Removal of ground cover from the site?	___	___
	(l)	Siting or Construction of an energy generation facility not subject to Article VII or VIII of the Public Service Law?	___	___
4.		Project	YES	NO
	(a)	If a project is to be located adjacent to the shore:		
		(1) Does the project require a waterfront location?	___	___
		(2) Will water-related recreation be provided?	___	___
		(3) Will public access to the foreshore be provided?	___	___
		(4) Will it eliminate or replace a water-dependent use?	___	___
		(5) Will it eliminate or replace a recreational use or resource?	___	___
	(b)	Is the project site presently used by the community or neighborhood as an open space or recreation area?	___	___
	(c)	Will the project protect, maintain, and/or increase the level and type of public access to water-related recreation facilities?	___	___
	(d)	Does the project presently offer or include scenic views or vistas that are known to be important to the community?	___	___
	(e)	Is the project site presently used for recreational fishing?	___	___
	(f)	Will the surface area of the Ellicott/Tonawanda Creek corridor or wetland areas be increased or decreased by the proposal?	___	___
	(g)	Is the project located in a flood prone area?	___	___
	(h)	Is the project located in an area subject to erosion?	___	___
	(i)	Will any mature forest (over 100 years old) or other locally important vegetation be removed by the project?	___	___
	(j)	Do essential public services or facilities presently exist at or near the site?	___	___
	(k)	Will the project involve surface or subsurface liquid waste disposal?	___	___
	(l)	Will the project involve transport, storage, treatment		





Please submit completed form, along with one copy of a site plan application materials/plat plan to:

Town of Amherst Planning Department  
5583 Main St.  
Williamsville, NY 14221  
P: (716) 631-7051

Preparer's Name (Please print) : \_\_\_\_\_

Affiliation: \_\_\_\_\_

Telephone Number: (\_\_\_\_\_) \_\_\_\_\_ email: \_\_\_\_\_

Date: \_\_\_\_\_

# APPENDIX B – RELEVANT EXCERPTS FROM PLANS, REPORTS, BROCHURES, AND MANUALS

## Illicit Discharge Detection and Elimination: A Guidance Manual

The Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments is intended to provide support and guidance, primarily to Phase II NPDES MS4 communities, for the establishment of Illicit Discharge Detection and Elimination (IDDE) programs and the design and procedures of local investigations of non-storm water entries into storm drainage systems.<sup>17</sup>



Figure 28: Characterizing Submersion and Flow

<sup>17</sup> [https://www3.epa.gov/npdes/pubs/idde\\_manualwithappendices.pdf](https://www3.epa.gov/npdes/pubs/idde_manualwithappendices.pdf)










 <p>Ductile iron round pipe</p>	 <p>4-6" HDPE; Check if roof leader connection (legal)</p>	 <p>Field connection to inside of culvert; Always mark and record.</p>
 <p>Small diameter (&lt;2") HDPE; Often a sump pump (legal), or may be used to discharge laundry water (illicit).</p>	 <p>Elliptical RCP; Measure both horizontal and vertical diameters.</p>	 <p>Double RCP round pipes; Mark as separate outfalls unless known to connect immediately up-pipe</p>
 <p>Culvert (can see to other side); Don't mark as an outfall</p>	 <p>Open channel "chute" from commercial parking lot; Very unlikely illicit discharge. Mark, but do not return to sample (unless there is an obvious problem).</p>	 <p>Small diameter PVC pipe; Mark, and look up-pipe to find the origin.</p>
 <p>CMP outfall; Crews should also note upstream sewer crossing.</p>	 <p>Box shaped outfall</p>	 <p>CMP round pipe with two weep holes at bridge crossing. (Don't mark weep holes)</p>

Figure 22: Typical Outfall Types Found in the Field









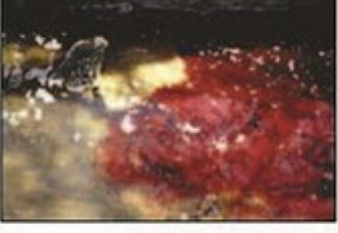


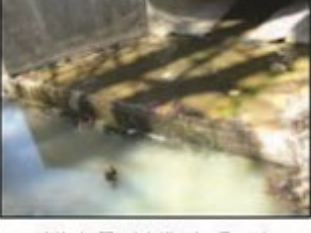



 <p>Color: Brown; Severity: 2 Turbidity Severity: 2</p>	 <p>Color: Blue-green; Severity: 3 Turbidity Severity: 2</p>	 <p>Highly Turbid Discharge Color: Brown; Severity: 3 Turbidity Severity: 3</p>
 <p>Sewage Discharge Color: 3 Turbidity: 3</p>	 <p>Paint Color: White; Severity: 3 Turbidity: 3</p>	 <p>Industrial Discharge Color: Green; Severity: 3 Turbidity Severity: 3</p>
 <p>Blood Color: Red; Severity: 3 Turbidity Severity: None</p>	 <p>Failing Septic System: Turbidity Severity: 3</p>	 <p>Turbidity in Downstream Plume Turbidity Severity: 2 (also confirm with sample bottle)</p>
 <p>High Turbidity in Pool Turbidity Severity: 2 (Confirm with sample bottle)</p>	 <p>Iron Floc Color: Reddish Orange; Severity: 3 (Often associated with a natural source)</p>	 <p>Slight Turbidity Turbidity: 1 (Difficult to interpret this observation; May be natural or an illicit discharge)</p>
<p>Construction Site Discharge Turbidity Severity: 3</p>		<p>Discharge of Rinse from Floor Sanding (Found during wet weather) Turbidity Severity: 3</p>

Figure 34: Interpreting Color and Turbidity






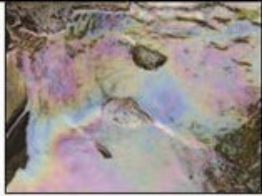
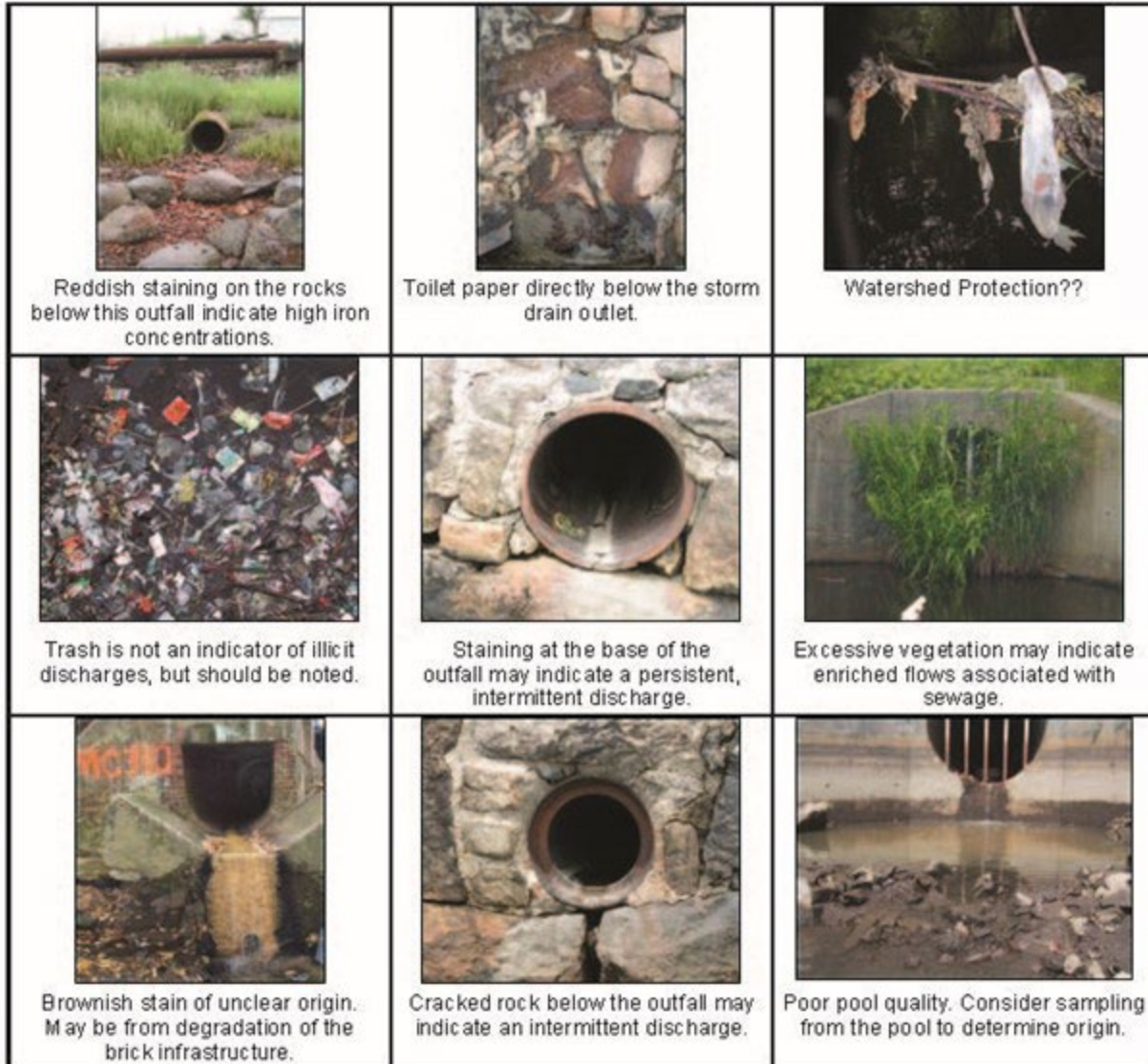
SUDS		
		
<p>Natural Foam Note: Suds only associated with high flows at the "drop off" Do not record.</p>	<p>Low Severity Suds Rating: 1 Note: Suds do not appear to travel; very thin foam layer</p>	<p>High severity suds Rating: 3 Sewage</p>
OIL SHEENS		
		
<p>Low Severity Oil Sheen Rating: 1</p>	<p>Moderate Severity Oil Sheen Rating: 2</p>	<p>High Severity Oil Film Rating: 3</p>

Figure 35: Determining the Severity of Floatables

		
<p>Bacterial growth at this outfall indicates nutrient enrichment and a likely sewage source.</p>	<p>This bright red bacterial growth often indicates high manganese and iron concentrations. Surprisingly, it is not typically associated with illicit discharge s.</p>	<p>Sporalitis filamentous bacteria, also known as "sewage fungus" can be used to track down sanitary sewer leaks.</p>
		
<p>Algal mats on lakes indicate eutrophication. Several sources can cause this problem. Investigate potential illicit sources.</p>	<p>Illicit discharges or excessive nutrient application can lead to extreme algal growth on stream beds.</p>	<p>The drainage to this outfall most likely has a high nutrient concentration. The cause may be an illicit discharge, but may be excessive use of lawn chemicals.</p>
		
<p>This brownish algae indicates an elevated nutrient level.</p>		

Figure 38: Interpreting Benthic and Other Biotic Indicators





**Figure 39: Typical Findings at Both Flowing and Non-Flowing Outfalls**

# Amherst State Park Master Plan

The Master Plan for Amherst State Park identifies seven general planning areas. The location of each of these areas is illustrated.<sup>18</sup>

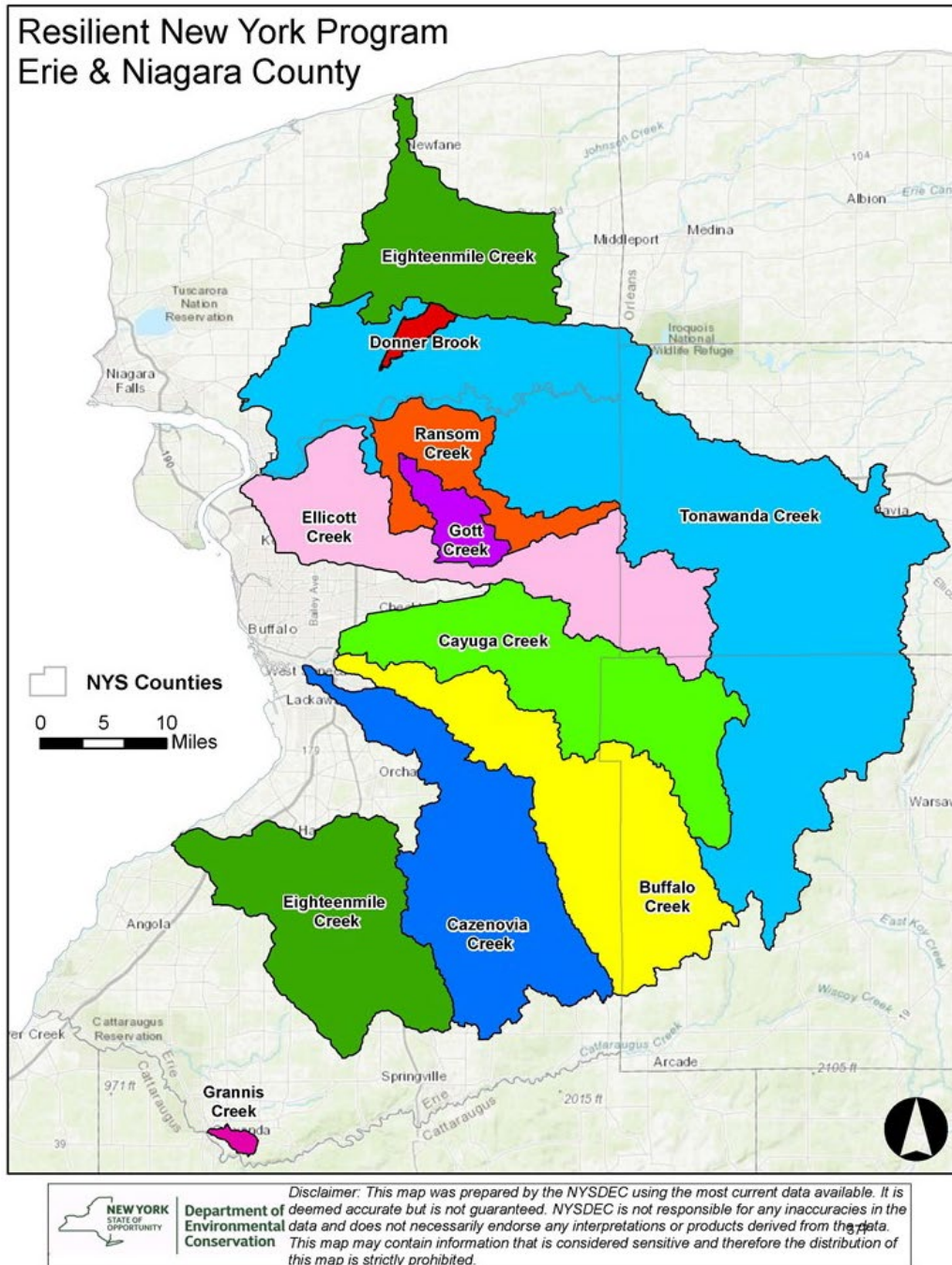


<sup>18</sup> [http://www.amherststatepark.org/ASP/Master\\_Plan.html](http://www.amherststatepark.org/ASP/Master_Plan.html)



## Resilient New York Flood Mitigation Initiative

In November 2018, New York State launched the Resilient NY program. The overall goal of the program is to improve community resiliency to extreme weather events that result in flooding and ice jam formations.<sup>19</sup>

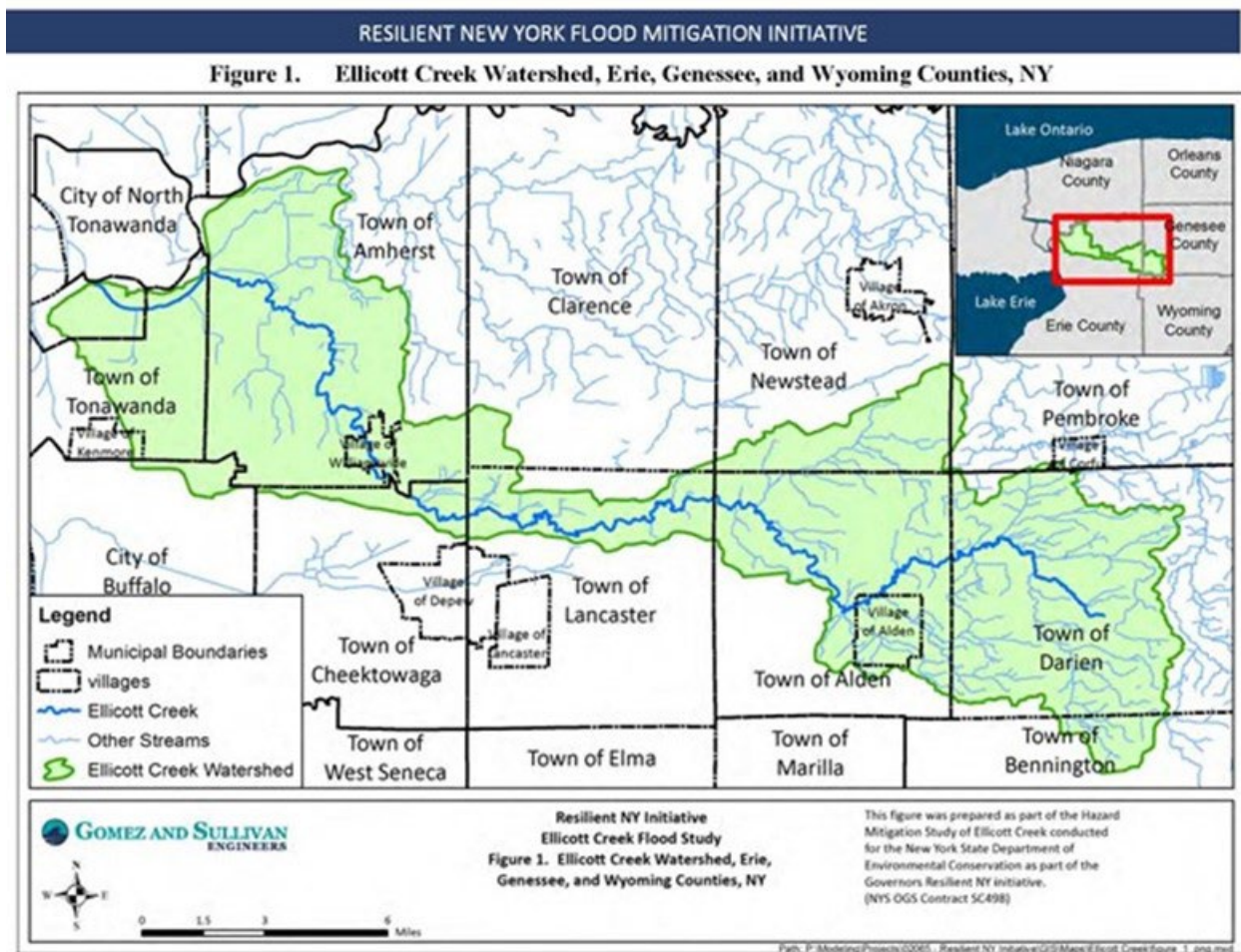


<sup>19</sup> <https://www.dec.ny.gov/lands/121102.html>

## Ellicott Creek

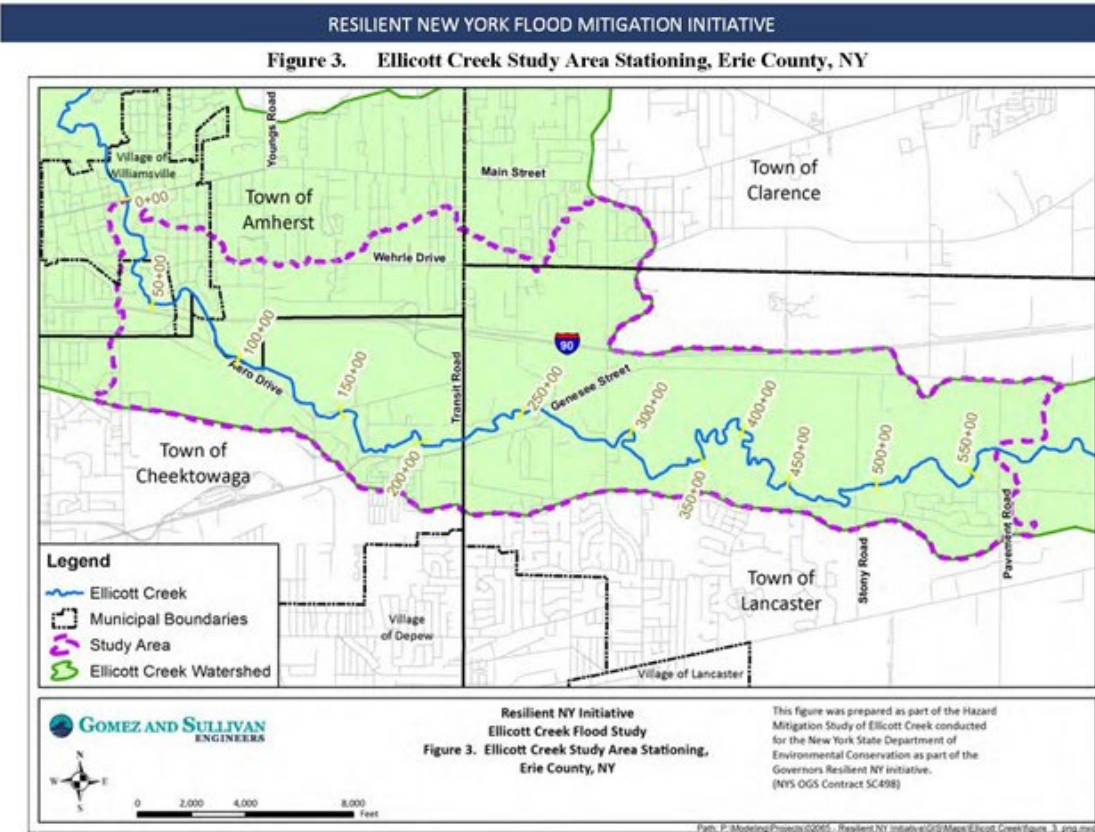
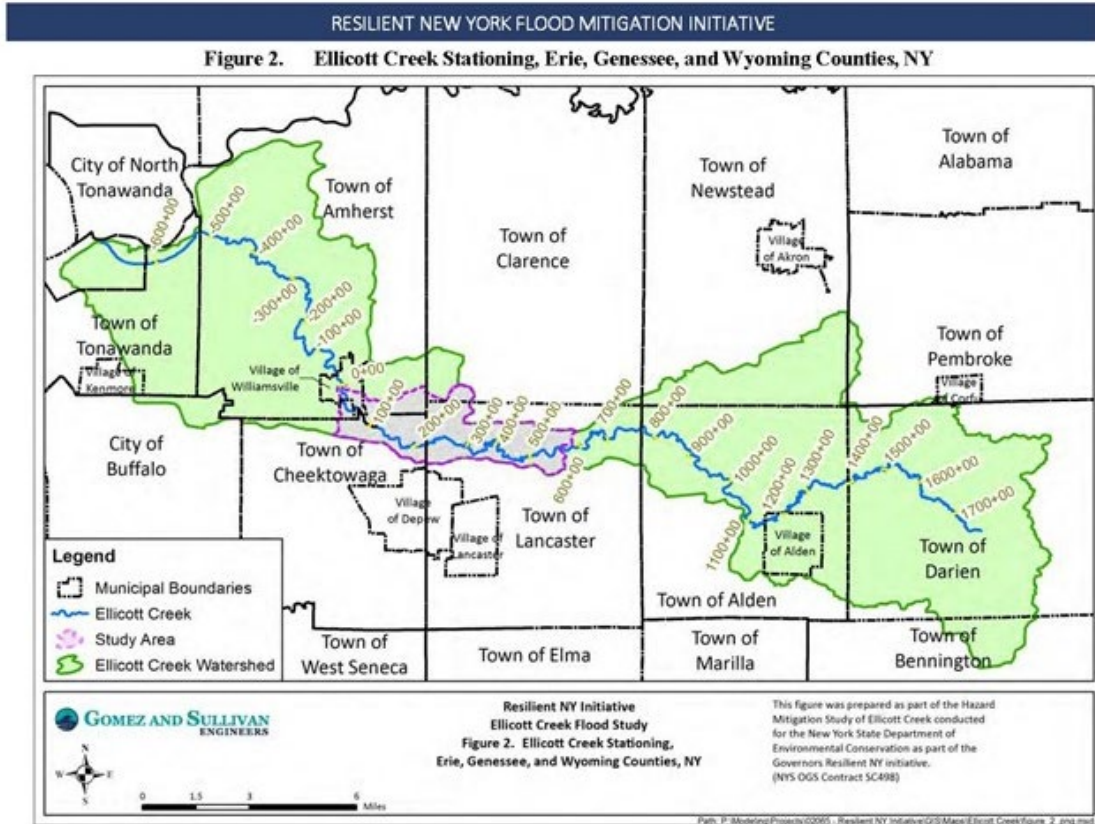
Since 1977, the Town of Amherst floodplain regulations have required that all new construction be flood proofed to the elevation of the 1 percent annual chance flood event (ACE), commonly referred to as the 100-year flood (FEMA, 1992).

A 2011 flood mitigation report for the Town of Amherst recommended various measures including flood-proofing structures to two feet above the base flood elevation, implementation of a flood early warning system, open space and farmland conservation, purchase of repetitive loss structures, channel maintenance, updating Town ordinances, developing a flood awareness/education program, and floodproofing evacuation routes (URS, 2011).<sup>20</sup>



<sup>20</sup> [https://www.dec.ny.gov/docs/water\\_pdf/ellicottcreekfinal.pdf](https://www.dec.ny.gov/docs/water_pdf/ellicottcreekfinal.pdf)



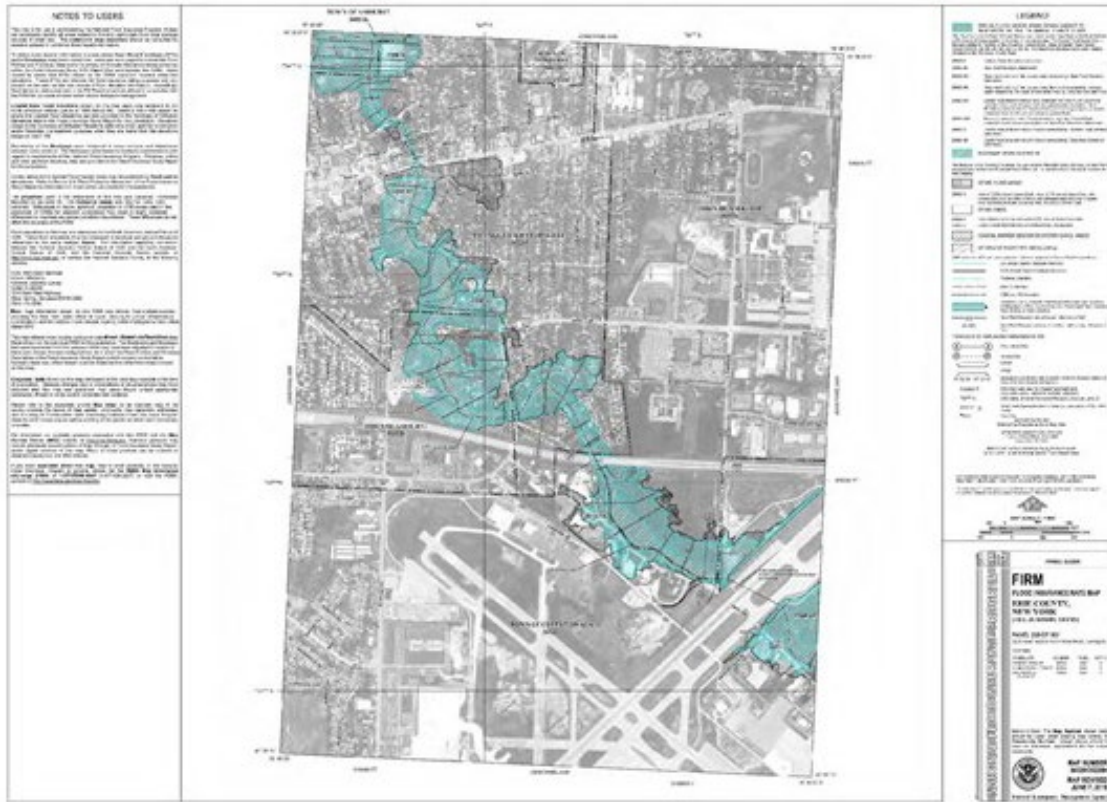






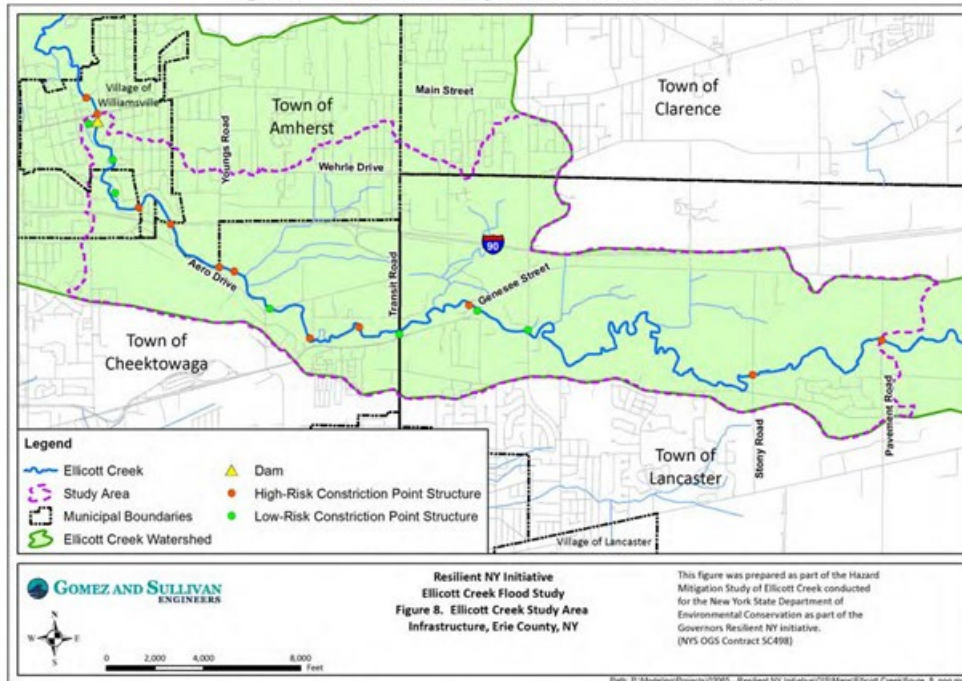
RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE

Figure 6. FEMA FIRM, Ellicott Creek, Village of Williamsville and Towns of Amherst and Cheektowaga, Erie County, NY



RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE

Figure 8. Ellicott Creek Study Area Infrastructure, Erie County, NY





**RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE**

**Figure 11. High Risk Area #1: Main Street (Route 5) to NYS Thruway (I-90) (Station 0+00 to 77+71)**





RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE

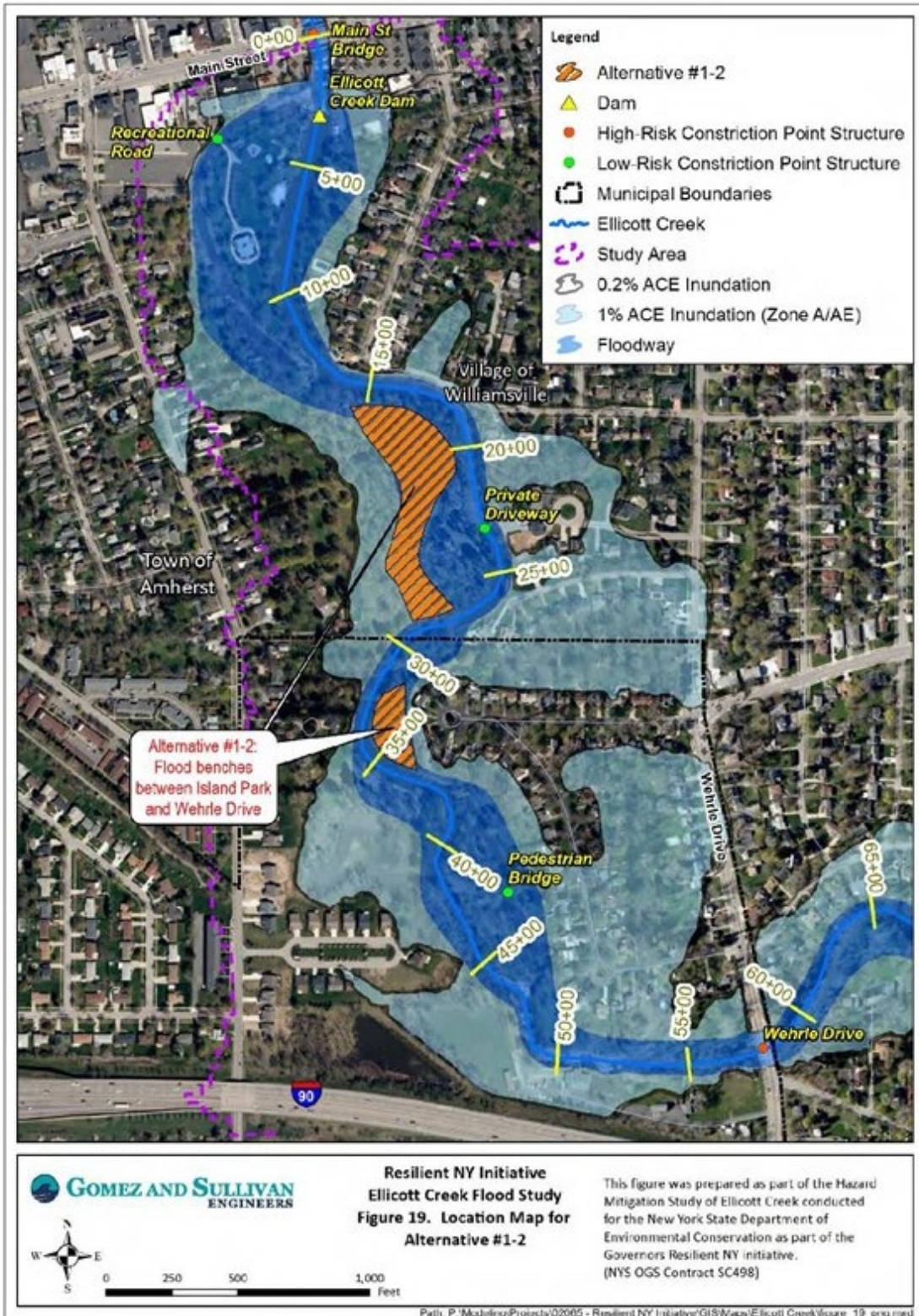
Figure 17. Location Map for Alternative #1-1





RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE

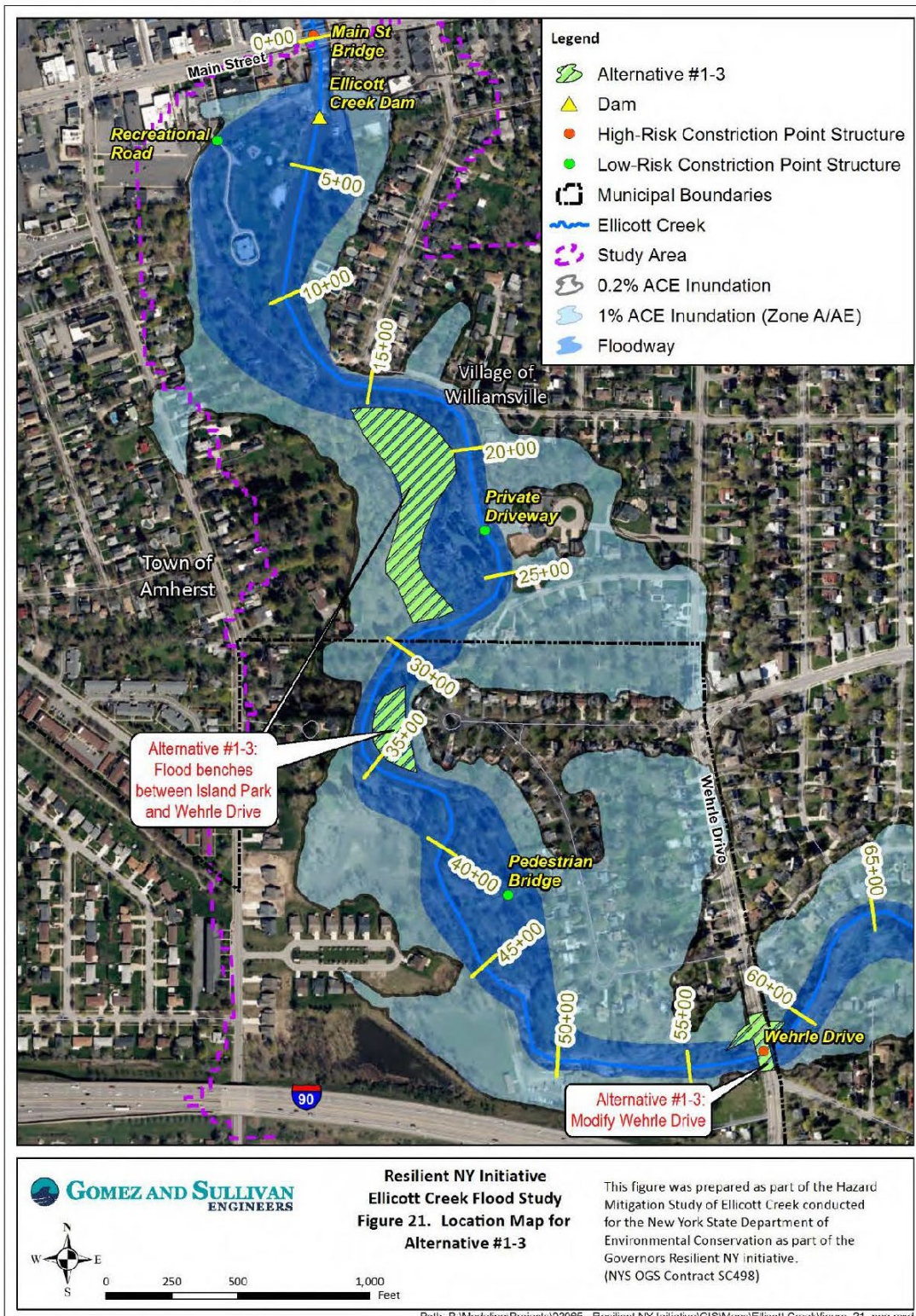
Figure 19. Location Map for Alternative #1-2





RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE

Figure 21. Location Map for Alternative #1-3





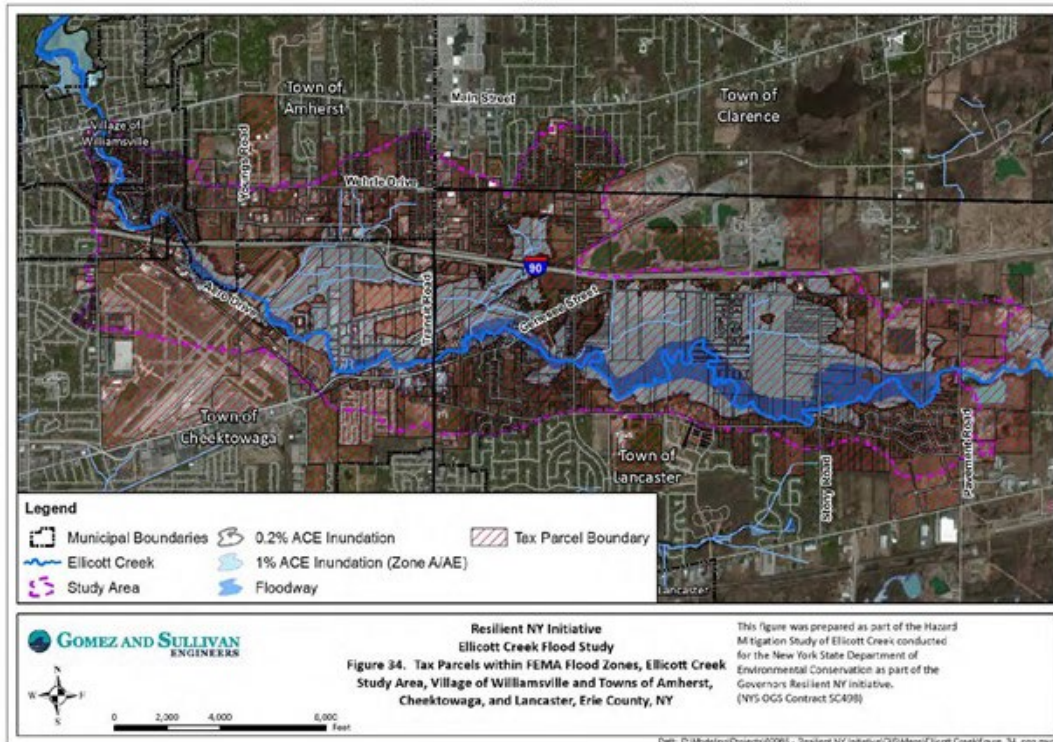
RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE

Figure 29. Location Map for Alternative #2-4



RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE

Figure 34. Tax Parcels within FEMA Flood Zones, Ellicott Creek Study Area, Village of Williamsville and Towns of Amherst, Cheektowaga, and Lancaster, Erie County, NY





RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE



Photo D-1. Wehrle Drive looking downstream at right (north) bank



Photo D-2. Wehrle Drive looking downstream



RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE



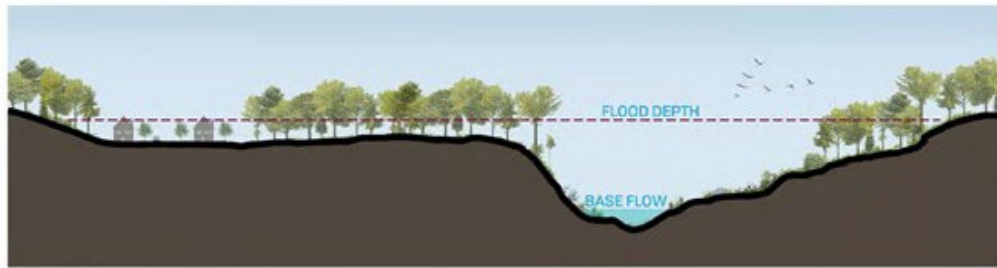
Photo D-3. *Wehrle Drive looking upstream*



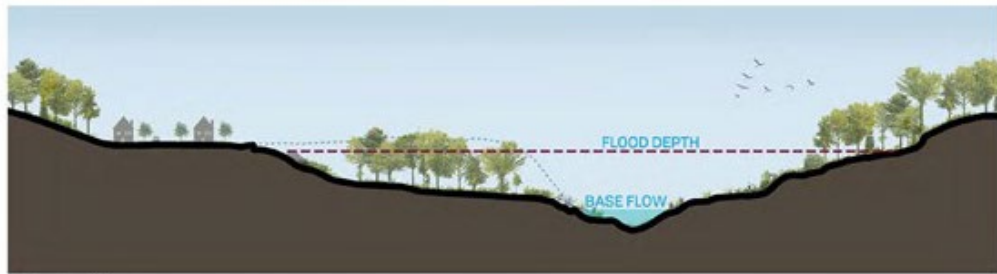
Photo D-4. *Wehrle Drive looking at upstream right (north) bank*



Appendix F. Mitigation Renderings

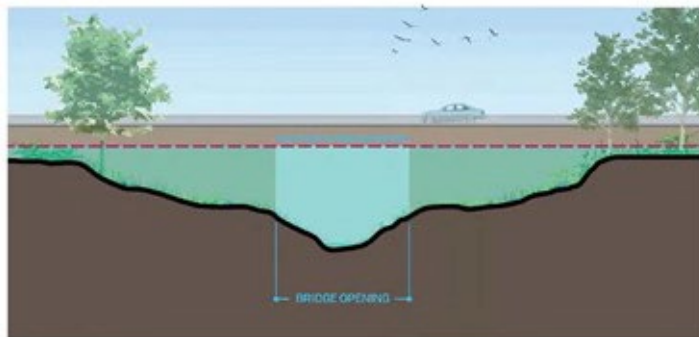


Existing Condition

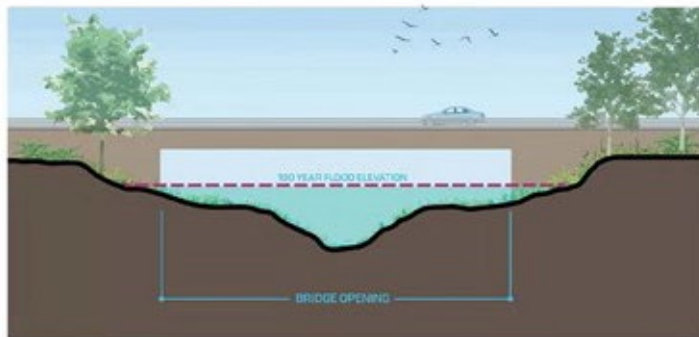


Future Condition

**FLOODPLAIN BENCH**

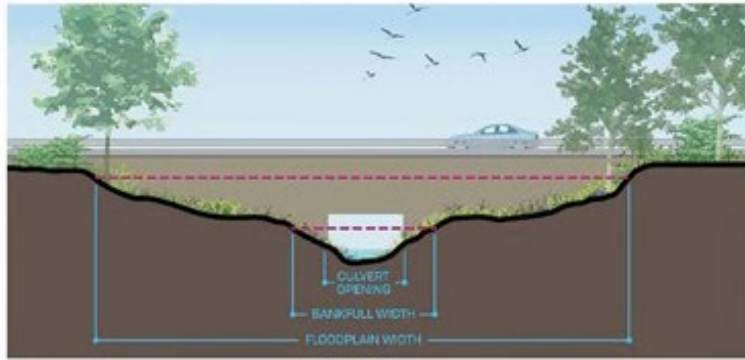


Existing Condition

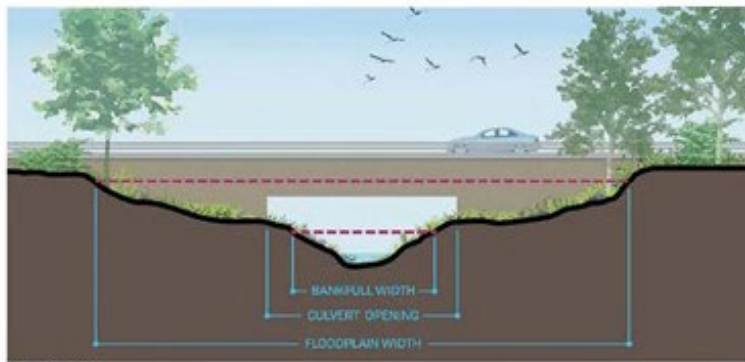


Future Condition

RESILIENT NEW YORK FLOOD MITIGATION INITIATIVE



Existing Condition



Future Condition

**EXPANDED CULVERT OPENING**



Existing Condition




Future Condition

**PROTECTIVE LEVEE**



## Former Westwood Country Club BOA

 <p><b>Department of Environmental Conservation</b></p>	<p style="text-align: center;"><b>FACT SHEET</b></p> <p><b>Brownfield Cleanup Program</b></p> <p><b>Westwood Country Club</b> 772 North Forest Road Williamsville, NY 14221</p> <p><b>SITE No. C915291</b> <b>NYSDEC REGION 9</b></p> <p><b>July 2021</b></p>
<p><b>Where to Find Information</b></p>	<p style="text-align: center;"><b>Draft Investigation Work Plan for Brownfield Site Available for Public Comment</b></p>
<p>Access project documents through the DECinfo Locator <a href="https://www.dec.ny.gov/data/DecDocs/C915291/">https://www.dec.ny.gov/data/DecDocs/C915291/</a> and at these location(s):</p>	<p>The public is invited to comment on a draft work plan being reviewed by the New York State Department of Environmental Conservation (NYSDEC) to investigate the Westwood Country Club site ("site") located at 772 North Forest Road, Williamsville, Erie County. Please see the map for the site location.</p>
<p><b>Buffalo &amp; Erie County Public Library</b> 5571 Main Street Williamsville, NY 14221 (716) 632-6176</p>	<p><b>Draft Investigation Work Plan:</b> The draft investigation work plan, called a "Remedial Investigation Work Plan," (RIWP) was submitted to NYSDEC under New York's Brownfield Cleanup Program. The investigation will be performed by Mensch Capital Partners, LLC ("applicant(s)") with oversight by NYSDEC and the New York State Department of Health (NYSDOH).</p>
<p><b>Who to Contact</b></p>	<p><b>How to Comment:</b> NYSDEC is accepting written comments about the Draft RIWP for 30 days, from <b>July 14 through August 13, 2021</b>.</p>
<p>Comments and questions are welcome and should be directed as follows:</p>	<ul style="list-style-type: none"><li>• Access the RIWP and other project documents online through the DECinfo Locator: <a href="https://www.dec.ny.gov/data/DecDocs/C915291/">https://www.dec.ny.gov/data/DecDocs/C915291/</a>.</li><li>• Documents also are available at the location(s) identified at left under "Where to Find Information."</li><li>• Please submit comments to the NYSDEC project manager listed under Project-Related Questions in the "Who to Contact" area at left.</li></ul>
<p><b>Project-Related Questions</b> Andrew Zwack, Project Manager NYSDEC 270 Michigan Avenue Buffalo, NY 14203 (716) 851-7220 <a href="mailto:andrew.zwack@dec.ny.gov">andrew.zwack@dec.ny.gov</a></p>	<p><b>Highlights of the Proposed Site Investigation:</b> The investigation will define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected.</p>
<p><b>Project-Related Health Questions</b> Stephanie Selmer NYSDOH Empire Plaza, Corning Tower, State Street Albany, NY 12203 (518) 402-7864 <a href="mailto:bee@health.ny.gov">bee@health.ny.gov</a></p>	<p>Previous investigations have detected metals in soil on-site.</p>
<p><b>For more information about New York's Brownfield Cleanup Program, visit:</b> <a href="http://www.dec.ny.gov/chemical/8450.html">www.dec.ny.gov/chemical/8450.html</a></p>	<p>Key components of the investigation work include:</p> <ul style="list-style-type: none"><li>• Installation and sampling soil borings and test pits to identify possible on-site sources of contamination;</li><li>• Installing and sampling groundwater wells to monitor impacts from areas of concern on-site;</li><li>• Sampling of surface water and sediments to monitor impact from areas of concern on-site; and</li><li>• Completion of a radiation survey of the site to determine if materials (e.g. slag) exhibiting elevated radiation levels are present.</li></ul>
	<p><b>Next Steps:</b> NYSDEC will consider public comments, revise the plan as necessary, and approve the work plan. NYSDOH must concur with the plan. After the work plan is approved, the activities detailed in the work plan will be implemented.</p>



Westwood Country Club (Site No.: C915291)

July 2021 Fact Sheet (Page 2)

# BROWNFIELD CLEANUP PROGRAM

When the investigation is completed, a report will be prepared and submitted to NYSDEC that summarizes the results. NYSDEC will review the report, make any necessary revisions and, if appropriate, approve the report.

After the investigation, a proposed cleanup plan, called a "Draft Remedial Work Plan" will be developed. The cleanup plan will include an evaluation of the proposed site remedy, or recommend a no action or no further action alternative. The goal of the cleanup plan is to ensure the protection of public health and the environment. NYSDEC will present the proposed cleanup plan to the public for its review and comment during a 45-day comment period.

NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

**Site Description:** The site is approximately 170-acres and is bordered on the west by Frankhauser Road and Fairways Boulevard; on the east by North Forest Road and Ellicott Creek; on the south by Sheridan Drive and on the north by Maple Road. It is currently vacant with six buildings and several sheds. Previously, the site had been used as a golf course and country club. The proposed future use of the site consists of an arts and cultural center, and a park.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915291) at:  
<https://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>

**Brownfield Cleanup Program:** New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit:  
<https://www.dec.ny.gov/chemical/8450.html>

*We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.*

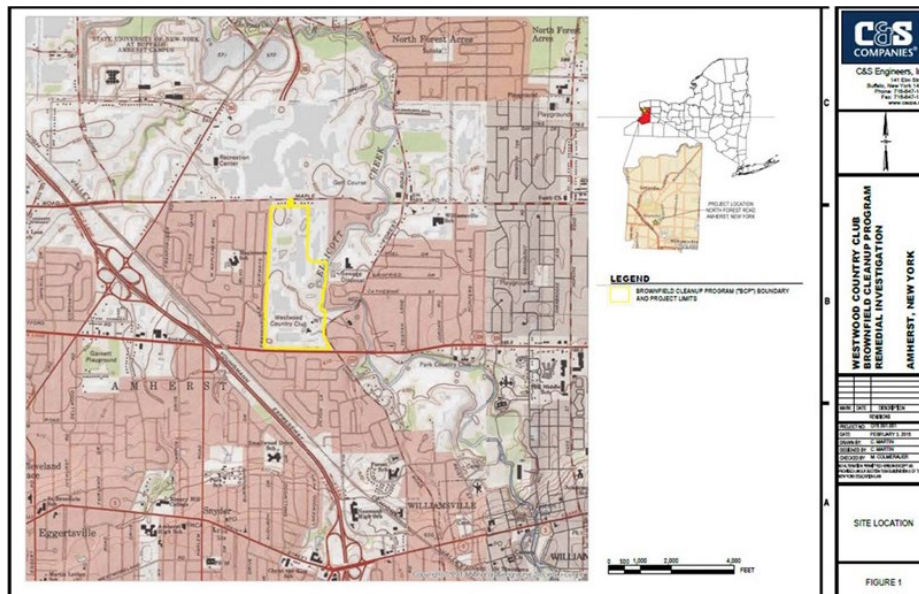
### Stay Informed With DEC Delivers

Sign up to receive site updates by email:  
<https://www.dec.ny.gov/chemical/61092.html>

Note: Please disregard if you already have signed up and received this fact sheet electronically.

### DECinfo Locator

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <https://www.dec.ny.gov/pubs/109457.html>



## Amherst Invasive Species Management Plan

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(Excerpt, pages 17-20)

### SECTION 3: MANAGING INVASIVE SPECIES

#### SECTION 3.1: PREVENTION

Non-native invasive species tend to have characteristics, such as aggressive reproduction or spread and lack of natural predators, which make them challenging to eradicate or manage once established. Even in circumstances where management or eradication is possible, the resources required may render the management strategy infeasible. A much more economical and effective approach to managing invasive species is to prevent their introduction or establishment in the first place.

The below elements can fall under the umbrella of invasive species prevention.

##### *Education and Identification Outreach and Training*

Both vegetation managers, those hired by the Town as well as independent contractors, and individual citizens, need access to education on why invasive species are harmful, how to spot invasive species of concern for Amherst, and how to report and manage invasive species on public and private properties. Amherst has a publicly accessible website (<http://www.grand-island.ny.us>), a Facebook page, and a parks Instagram page where bulletins about invasive species could be posted for public consumption. Educational courses or fliers could also be provided at the Amherst Town Hall. Town staff should be provided with regular updates and continuing education on invasive species. Many professional organizations, such as the International Society of Arboriculture (ISA), offer annual conferences where updates on invasive species can be obtained and experiences with managing invasive species can be shared.

##### *Preventing the Deliberate Planting of Invasive Species*

Amherst should compile a list of non-native invasive plants to avoid planting, and this list should be considered when planning any public landscaping or tree planting projects. The list should also be made available to the public through the channels discussed above. Future tree ordinances or other legislation could codify compliance with do-not-plant lists. A comprehensive do-not-plant list should consider not only trees, but also shrubs, grasses, and aquatic plants which are considered invasive in the Amherst area.

##### *Preventing the Introduction of Seeds/Eggs/Organisms into an Area*

There are many methods by which propagules of invasive species can enter a new area. Amherst should consider by which routes invasive species are most likely to enter the Town and how to prevent such introductions. Examples of this element include checking incoming boats for invasive aquatic plants and checking nursery stock for invasive insects before planting. Educating citizens and Town staff on the ways in which invasive species travel and what to look for can aid in this task.



### *Developing Local Ordinances to Address Invasive Species*

Local ordinances, such as a tree ordinance, can help prevent invasive species introduction. Such ordinances may include lists of species that are prohibited from planting, dictate the methods in which private landowners are required to report or manage invasive species, or determine standard practices for invasive species management within public areas of the Town. Some examples of local ordinances which address tree preservation and invasive species prevention can be found on the Sustainable City Code website (<https://sustainablecitycode.org/brief/require-native-trees-and-removal-of-invasive-trees-3/>).

### *Early Detection and Eradication of Small Populations of Invasive Species*

Infestations of invasive species which are detected early, while they affect a relatively small geographic area, may be possible to eradicate. Routine monitoring during other urban forestry activities as well as tips from the public can help identify infestations before they become widespread. This topic will be further discussed in Section 3.2.

### *Periodically Inspecting High Risk Areas*

Amherst should identify areas at high risk of infestation. Such areas may include transportation corridors such as I-290, recently disturbed areas such as new housing developments, and locations where previous infestations have undergone control measures. The Town should also identify species at particular risk of infestation by invasive species, such as ash trees currently unaffected by EAB or species susceptible to other imminent invasive threats in the region (see Section 2.2). These areas and species should be routinely inspected, either by Town staff, contractors (such as through an Inventory Pest Evaluation and Detection [IPED] survey), or by volunteer groups.

### *Maintaining Healthy and Vigorous Trees and Other Vegetation*

Invasive species are uniquely suited to take advantage of already weakened individuals or communities of plants. Maintaining healthy and vigorous trees and communities of native vegetation can help limit the opportunities for invasive species to become established by ensuring that ecological niches are already filled by native vegetation. Additionally, maintaining healthy trees and vegetative communities provides other benefits, such as reduced stormwater runoff, improved carbon storage capacity, and increased pollutant removal. Establishing routine pruning cycles for urban trees, planning and creating landscapes of plants which are well suited to site and climate conditions, and managing utility corridors to promote the growth of native plant communities are all examples of this element of invasive species prevention.

### *Minimizing Disturbance of Desirable Vegetation*

Areas where native or desirable vegetation have been disturbed provides opportunities for invasive species to establish. Many invasives are extremely good at colonizing disturbed sites and soils and thrive under conditions which often reduce the viability of native plant communities. Development plans which minimize the amount of disturbance to desirable vegetation, development of low-mow or no-mow plant communities in utility corridors and along public rights-of-way, and protection of delicate habitats such as wetland boundaries are all examples of this element of invasive species prevention.

### *Mulching, Revegetation, or Treating Areas of Bare Soil*

As mentioned above, many invasive plant species are well adapted to poor, disturbed, and bare soils and can easily establish in areas in which native vegetation struggles. Planning in advance of soil disturbances to mulch, revegetate, or otherwise treat bare soils can reduce the chances of invasive species establishing after disturbance.

### *Periodically Evaluating the Effectiveness of Prevention Efforts*

No single technique will be completely effective at preventing the establishment of invasive species within Amherst. The methods which work best will be dependent on local factors, including land use, citizen involvement, which invasive species are present, and many more environmental and social factors. To be effective in preventing invasive species infestations, Amherst should periodically assess and evaluate the effectiveness of prior invasive species prevention efforts and base future efforts on new information gleaned from these assessments as well as new developments within the scientific community.

## **SECTION 3.2: EARLY DETECTION AND RAPID RESPONSE**

Invasive species can be difficult to identify when populations are still small. Many, such as tiny insects and fungi, may not be noticed until their effects become obvious on the landscape, as was the case with the EAB infestation in Amherst. Other species may begin as non-invasive but later become invasive as they adapt to local conditions, are spread by wildlife, or when exponential population growth allows them to spread rapidly. Although prevention or exclusion of invasive species from an area is considered the best defense, it may not be possible due to the easy movement of people and goods, and by extension, hitchhiking invasive species, that occurs in today's globalized world environment. When complete exclusion of invasive species is not possible, early detection of and rapid response to new infestations is the best management strategy.

### *Early Detection*

Early detection of invasive species involves surveillance to identify new populations as soon as possible after their introduction. Finding these small populations before they have time to reproduce and spread widely allows for easier and more cost-effective management of the infestation to occur. Tactics to aid in early detection of invasive species include targeting areas where their introduction is highly likely, such as transportation corridors or ports of entry, municipal campgrounds, and areas which border residential properties. Other areas to monitor closely for invasive species include those with high ecological value where significant impacts of an infestation are likely to be felt and vulnerable habitats or recently disturbed areas. Amherst should ensure that any staff which handle vegetation management, such as parks staff, are trained to recognize early signs and symptoms of invasive species infestations so they can monitor key locations during other routine operations. In addition, educating the public to identify signs and symptoms of infestation can help Town staff cover larger areas more thoroughly. For example, the successful education of Worcester, Massachusetts residents of the signs and symptoms of Asian longhorned beetle (ALB, *Anoplophora glabripennis*) infestation in trees helped contain the ALB infestation there and continues to help in the ALB eradication effort.



### *Rapid Response*

Rapid response involves the systematic effort to eradicate, control, or contain an invasive species while the infestation is still constrained to a small area. In order to be ready to respond to reports of an invasive species, Amherst should prepare response strategies in advance. Since every invasive species is different and may require different methods to eradicate, control, or contain it, Amherst should consider which invasive species are of greatest concern to the Town and should plan response strategies ahead for when an infestation occurs. When determining which invasive species are the greatest concerns, the Town should consider which invasive species exist in and around western New York as well as adjacent regions of Canada and should consider which invasive species the Town is most susceptible to. For example, the 2022 Amherst Tree Inventory identified an overabundance of maple (*Acer*) within the Town, which increases the Town's susceptibility to invasive species which host on maple trees, such as ALB or spotted lanternfly.

## **SECTION 3.3: MANAGEMENT**

If the establishment of an invasive species cannot be prevented, the next step is to manage the infestation appropriately. There are three basic strategies for managing an invasive species, and the most effective strategy or combination of strategies will vary depending on the invasive species in question, the extent of the infestation, site conditions, the resources available to manage the infestation, and so on.

### *Eradication*

Eradication is the complete elimination of a population of invasive species within a defined geographic area. This is a more viable option for certain invasive species which spread slowly or which are detected very early in the infestation process. ALB, for example, has been successfully eradicated in several locations, including Illinois, New Jersey, and Boston, Massachusetts. However, for invasive species which spread readily and rapidly, such as emerald ash borer (EAB, *Agrilus planipennis*), or which are not detected until they are well established in an area, eradication may not be physically or economically feasible. In such cases, containment or impact reduction may be better strategies.

### *Containment*

Containment is the process or goal of limiting the spread of an infestation to a defined geographic area. While this management strategy is often more cost effective and feasible than complete eradication of an invasive species, confining an invasive species to a defined area requires constant monitoring and control methods applied at the boundary of the infested area, which may also be costly and difficult to achieve. Examples of the containment strategy include restricting activities in certain areas or at certain times of year or inspecting and cleaning clothing and equipment to minimize movement of the invasive species or propagules. Early detection and rapid response to new pockets of infestation is necessary with this strategy to prevent spread of the invasive species outside the defined area.

## Amherst Storm Preparedness Plan (excerpt)

### APPENDIX A STORM RESPONSE CATEGORIES FOR THE URBAN FOREST STORM EMERGENCY CATEGORIES IN THE URBAN FOREST

Storm severity and resulting damage in the urban forest will vary; the degrees of response and resources needed to respond will vary as well. For planning purposes, severe weather can generally be classified into three classes: Class I, II, and III. The following descriptions of these classes and the responses are offered for Town consideration and adoption as part of an official emergency response plan.

#### *Class I – Minor Storm Event*

Class I storms are those that are moderate in severity municipality-wide and/or those which are more severe, but damage is restricted to very few locations or a small geographic area.

Damage reports and service requests are made to the government department directly by citizens and from staff inspections. Damage is corrected, and debris is disposed of by municipal staff and contractors on site or following customary procedures.

Generally, Class I storms require no outside assistance for parks or streets personnel, and only limited (if any) assistance from contractors or others. Storm damage remediation and clean-up are achieved by municipal staff and/or contractors, require no additional funding or special equipment, and are completed quickly.

#### *Class I – Storm Mitigation Procedures*

- Municipal urban forestry staff receive calls/reports from citizens and partnering agencies.
- Municipal urban forestry staff inspect and determine appropriate mitigation; utility companies are called as required.
- Municipal urban forestry staff and/or contractors immediately resolve damage and dispose of debris.
- Municipal urban forestry staff perform a final inspection, complete a work order, and/or otherwise note the occurrence in the tree inventory database.

#### *Class II – Large Storm Event*

Class II storms are those that are long in duration or are severe enough to cause widespread damage. Damage mitigation may also include trees on private property that fall into or threaten the public ROW or other property. Mitigation priority areas will be major roads, public health and services facilities, and areas or sites where public safety is at risk.

Class II storms exceed the normal staff and resources of the municipality and/or contractors alone. Damage mitigation for these storms will usually require the assistance of outside contractors and from other government departments. The assistance will come in the forms of additional staff and equipment, communication assistance, public safety measures, electrical hazard reduction, and customer service.

### *Class II Storm Mitigation Procedures*

- Municipal urban forestry staff assess damage and immediately communicate with police and fire to determine the extent of the damage.
- The informal Emergency Operations Center should be convened to receive calls/reports and to coordinate mitigation response.
- Municipal urban forestry staff inspect damage, determine mitigation levels and needs, and set work priorities.
- Municipal urban forestry staff designate personnel and equipment resources under the guidance of the EOC leader.
- Municipal urban forestry staff and contractual staff resolve damage, process debris on site where appropriate, or transport debris to storage sites.
- Municipal urban forestry staff will make the final inspection and update the tree inventory database.
- Debris is processed appropriately.
- Municipal urban forestry staff should communicate with the citizens about its response activities and status using the Town's website and social media platforms.

### *Class III – Catastrophic Storm Event*

Class III storms will be rare but can occur. Generally, these will result from hurricanes or snowstorms and widespread ice storms. Damage will be severe and widespread on both public and private property.

A "State of Emergency" will likely be called during and after a Class III storm event. A full EOC should be convened by municipality officials. Other local, state, and federal emergency management agencies will become involved, as well as the Department of Transportation and natural gas and electric utility providers. It will become necessary to identify municipal funding that can be used to finance additional contractual services, equipment, and staff over time for the mitigation efforts.

Mitigation priorities will be first determined by public safety, health, and welfare needs. Primary streets and highways that provide for evacuation and/or access to hospitals, shelters, police, fire and rescue stations, and other facilities providing vital public services should be the first priorities when clearing roads.

The second priority of streets and highways to be cleared of debris are those that provide access to components of the public and private utility systems that are vital to the restoration of essential utility services, such as electrical power stations and substations, municipal water and sanitary sewer pumping stations, and communication stations and towers. The last priority of roadways to be cleared are residential streets and alleys/access ways.

No debris is intended to be removed during the initial emergency road-clearing operations. Rather, debris is to be moved to the side of the roadway that will allow for a minimum of one lane of traffic in each direction and not create conflict with future utility restoration efforts by others.

*Class III - Storm Mitigation Procedures*

- Municipal urban forestry staff assess damage and immediately communicate with the EOC and the designated municipal staff leader to determine the extent of the damage. County and State Emergency Management agencies may also be in the communication channels.
- Municipal urban forestry staff secure an additional regional tree debris disposal site(s) as needed.
- Municipal urban forestry staff inspect tree related damage, determine mitigation levels and needs, and set work priorities.
- Municipal, county, DOT, and other agencies combine sufficient and appropriate personnel and equipment resources under the guidance of the municipality to mitigate tree related situations.
- Municipality, allied agencies, and contractual staff resolve damage, process debris on site where appropriate, or transport debris to a storage site.
- Municipal urban forestry staff make a final inspection and update the tree inventory database.
- Debris is processed appropriately.
- Municipal urban forestry staff assist EOC team members and municipal leaders with completion of required state and Federal Emergency Management Agency (FEMA) forms.
- Municipal urban forestry staff should communicate with the citizens about its response activities and status and provide advice for the treatment of private trees that have been damaged using the municipal website and social media platforms.



## Amherst Community Forestry Management Plan

### SECTION 2: FUNCTIONS AND BENEFITS OF THE PUBLIC TREE RESOURCE

Trees play a vital role in the urban environment by providing a wide array of economic, environmental, and social benefits which can far exceed the investments in planting, maintaining, and removing them. Trees reduce air pollution, improve public health outcomes, reduce stormwater runoff, sequester and store carbon, reduce energy use, and increase property value, among other benefits.

#### ENVIRONMENTAL BENEFITS

- Trees decrease energy consumption and moderate local climates by providing shade and acting as windbreaks.
- Trees act as mini reservoirs, helping to slow and reduce the amount of stormwater runoff that reaches storm drains, rivers, and lakes. One hundred mature tree crowns intercept roughly 100,000 gallons of rainfall per year (U.S. Forest Service 2003a).
- Trees help reduce noise levels, cleanse atmospheric pollutants, produce oxygen, and absorb carbon dioxide.
- Trees can reduce street-level air pollution by up to 60% (Coder 1996). Lovasi (2008) suggested that children who live on tree-lined streets have lower rates of asthma.
- Trees stabilize soil and provide a habitat for wildlife.

#### ECONOMIC BENEFITS

- Trees in a yard or neighborhood increase residential property values by an average of 7%.
- Commercial property rental rates are 7% higher when trees are on the property (Wolf 2007).
- Trees moderate temperatures in the summer and winter, saving on heating and cooling expenses (Evans 2012, Heisler 1986).
- On average, consumers will pay about 11% more for goods in landscaped areas, with this figure being as high as 50% for convenience goods (Wolf 1998b, Wolf 1999, and Wolf 2003).
- Consumers also feel that the quality of products is better in business districts surrounded by trees than those considered barren (Wolf 1998b).
- The quality of landscaping along the routes leading to business districts had a positive influence on consumers' perceptions of the area (Wolf 2000).

#### SOCIAL BENEFITS

- Tree-lined streets are safer; traffic speeds and the amount of stress drivers feel are reduced, which likely reduces road rage/aggressive driving (Wolf 1998a, Kuo and Sullivan 2001a).
- Chicago apartment buildings with medium amounts of greenery had 42% fewer crimes than those without any trees (Kuo and Sullivan 2001b).
- Chicago apartment buildings with high levels of greenery had 52% fewer crimes than those without any trees (Kuo and Sullivan 2001a).
- Employees who see trees from their desks experience 23% less sick time and report greater job satisfaction than those who do not (Wolf 1998a).
- Hospital patients recovering from surgery who had a view of a grove of trees through their windows required fewer pain relievers, experienced fewer complications, and left the hospital sooner than similar patients who had a view of a brick wall (Ulrich 1984, 1986).
- When surrounded by trees, physical signs of personal stress, such as muscle tension and pulse rate, were measurably reduced within three to four minutes (Ulrich 1991).

# APPENDIX C - SCENIC VIEW SELECTION EXERCISE

## Scenic View Scoring Form

### Town of Amherst LWRP

Town of Amherst, Erie County, New York

EDR Project No: 19188

## Waterfront Advisory Committee Member Information:

Your Name:

Date:



Scenic View Selection Form  
Town of Amherst Local Waterfront Revitalization Program

## Instructions

**Project Name:** Town of Amherst LWRP      **EDR Project No:** 19188  
**Date:** October 7, 2019  
**Reference:** Scenic View Selection Form Instructions

These instructions are intended to guide Waterfront Advisory Committee members participating in the exercise to rank local scenic areas using this Scenic View Selection. The goal of this Scenic View Selection exercise will be to determine top priority areas of local scenic significance, which will have extra protection within LWRP policies, such as *Policy 25*:

*Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the waterfront area.*

More specifically, local tools available to protect these scenic areas may be implemented, including setback requirements from creeks, buffers, and building heights along water. This activity may also impact the decision to add pedestrian or bike path improvements to high ranking scenic areas. Per the recently updated 2019 DOS LWRP Guidelines, these locally significant scenic areas can be either locally important views to the water or locally important views from the water.

Please follow the instructions below when scoring individual places.

**Your Name/Date:** Please complete.

### Scenic Quality Scoring for Selection:

Please rate the scenic quality of the existing views. An undeveloped area containing a variety of landscape features at different distances from the viewer or an area containing one or more aesthetically important structures, might be at the high end of the scale, while a landscape that appears monotonous or is already impacted by infrastructure or industrial facilities might be at the low end.

- 1 = Insignificant Scenic Quality; Common Occurrence
- 2 = Minimal Scenic Quality; Common Occurrence
- 3 = Moderate Scenic Quality
- 4 = Appreciable Scenic Quality
- 5 = Strong Scenic Quality; Unique Area

Score each area "Yes" or "No" to help us determine whether this area should be included.

### Guidelines for Scoring Scenic Quality of Photos:

When developing a score for scenic areas, consider the following four components of the site:

- 1) landscape composition,
- 2) focal point,
- 3) historic cultural significance, and
- 4) weather/seasonal scenes.

Further definition of these components is described on the bottom of each scoring form (see Guidelines for Scoring Scenic Quality of Photos on the next page).

## Scenic View Scoring Form

### Town of Amherst LWRP

Town of Amherst, Erie County, New York

EDR Project No: 19188

### Waterfront Advisory Committee Member Information:

Your Name:

Date:



### Guidelines for Scoring Scenic Quality of Photos:

Please rate the scenic quality of the existing views. An undeveloped area containing a variety of landscape features at different distances from the viewer or an area containing one or more aesthetically important structures, might be at the high end of the scale, while a landscape that appears monotonous or is already impacted by infrastructure or industrial facilities might be at the low end. When developing a score for scenic areas, consider these characteristics described below, if relevant.

- *Landscape Composition:* The arrangement of objects and gaps in the landscape can be categorized by their spatial arrangement. Basic landscape components include vegetation, landform, land use, water, sky, and social activity (e.g. walkers, cyclists, boaters, cars, etc.). High scoring photos would have a blend of unique landscape components, while low scoring photos would have no blend of landscape components or very common features that occur throughout the region.
- *Focal Point:* Certain natural or man-made landscape features stand out as focal points and are particularly noticeable as a result of their physical characteristics. Examples include prominent trees, mountains and water features. Cultural features, such as a distinctive barn or steeple can also be focal points. High scoring photos would have a strong focal point, while low scoring photos would have no focal point.
- *Historic/Cultural Significance:* Areas can have both visible and non-visible cues that tie to a place's historic or cultural significance. Sites listed on the National or State Register of Historic Places or other culturally relevant areas should be noted, if known. High scoring photos would have a strong presence of historically or culturally significant components, while low scoring photos would have no historically or culturally significant components.
- *Weather/Seasonal Scenes:* Please note any conditions that, if different, could influence the perceived scenic quality of the existing features of the landscape (atmospheric condition, seasonal changes, etc.). High scoring photos would have a strong scenic quality in all four seasons, while low scoring photos would have no scenic quality in any season.



### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 1

Photo Name: Tonawanda Creek Road

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 2

Photo Name: Tonawanda Creek Road

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 3

Photo Name: Ellicott Creek at UB

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 4

Photo Name: Tonawanda Creek Road

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*

### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:  
Date:



#### Photo Information:

Scenic Area Photo Number: 5  
Photo Name: Tonawanda Creek Road

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (CIRCLE ONE):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 6  
Photo Name: Tonawanda Creek Road

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (CIRCLE ONE):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*

## Scenic View Scoring Form

### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

### Waterfront Advisory Committee Member Information:

Your Name:

Date:



### Photo Information:

Scenic Area Photo Number: 7

Photo Name: Tonawanda Creek Road

### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



### Photo Information:

Scenic Area Photo Number: 8

Photo Name: Erie Canal Corridor

### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 9

Photo Name: Tonawanda Creek  
Road

Scenic Quality Score:

Should this be considered a locally significant scenic area?  
(Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality, Highly Unique Areas

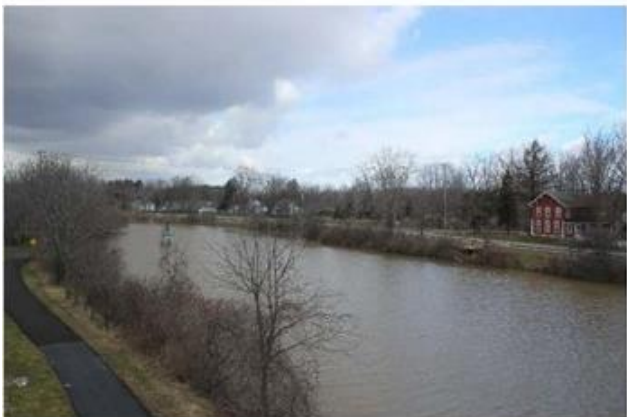
Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 10

Photo Name: Tonawanda Creek  
Road

Scenic Quality Score:

Should this be considered a locally significant scenic area?  
(Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality, Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



## Scenic View Scoring Form

### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

### Waterfront Advisory Committee Member Information:

Your Name:

Date:



### Photo Information:

Scenic Area Photo Number: 11

Photo Name: Veterans Canal Park

### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



### Photo Information:

Scenic Area Photo Number: 12

Photo Name: Veterans Canal Park

### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*

### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York

EDR Project No: 19188



#### Waterfront Advisory Committee Member Information:

Your Name:

Date:

#### Photo Information:

Scenic Area Photo Number: 13

Photo Name: Tonawanda Creek Road

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)



#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



#### Photo Information:

Scenic Area Photo Number: 14

Photo Name: Tonawanda Creek Road

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



## Scenic View Scoring Form

### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 15

Photo Name: Empire State Trail

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



#### Photo Information:

Scenic Area Photo Number: 16

Photo Name: Fisherman's Wharf

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**

## Scenic View Scoring Form

### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 17

Photo Name: Erie Canal Corridor

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 18

Photo Name: Old Niagara Falls Blvd

Falls Blvd

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:  
Date:



#### Photo Information:

Scenic Area Photo Number: 19  
Photo Name: Old Niagara Falls Blvd

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



#### Photo Information:

Scenic Area Photo Number: 20  
Photo Name: Ellicott Creek Dog Park

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**

### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 21  
Photo Name: Empire State Trail

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality, Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 22  
Photo Name: South Ellicott Creek Rd

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality, Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 23

Photo Name: North Ellicott Creek Rd

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality, Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



#### Photo Information:

Scenic Area Photo Number: 24

Photo Name: North Ellicott Creek Rd

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality, Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**

### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 25

Photo Name: North Ellicott Creek Rd

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 26

Photo Name: Jewish

Community Center near UB

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



## Scenic View Scoring Form

### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

### Waterfront Advisory Committee Member Information:

Your Name:

Date:



### Photo Information:

Scenic Area Photo Number: 29  
Photo Name: North Forest & Ellicott Creek  
Creek

### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



### Photo Information:

Scenic Area Photo Number: 30  
Photo Name: Ellicott Creek Bike Path

### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**

**Scenic View Scoring Form**  
Town of Amherst LWRP  
Town of Amherst, Erie County, New York  
EDR Project No: 19188

**Waterfront Advisory Committee Member Information:**

Your Name:  
Date:



**Photo Information:**

Scenic Area Photo Number: 27  
Photo Name: Ellicott Creek  
Corridor

**Scenic Quality Score:**

**Should this be considered a locally significant scenic area? (Yes/No)**

**Scenic Quality Score Chart**

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



**Photo Information:**

Scenic Area Photo Number: 28  
Photo Name: Ellicott Creek & UB  
Bike Path

**Scenic Quality Score:**

**Should this be considered a locally significant scenic area? (Yes/No)**

**Scenic Quality Score Chart**

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 31

Photo Name: Ellicott Creek at UB Bike Path

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



#### Photo Information:

Scenic Area Photo Number: 32

Photo Name: Audubon Golf Course

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**

**Scenic View Scoring Form**

**Town of Amherst LWRP**

Town of Amherst, Erie County, New York  
EDR Project No: 19188

**Waterfront Advisory Committee Member Information:**

Your Name:

Date:



**Photo Information:**

Scenic Area Photo Number: 33  
Photo Name: Ellicott Creek & Amherst State Park

**Scenic Quality Score:**

**Should this be considered a locally significant scenic area? (Yes/No)**

**Scenic Quality Score Chart**

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality, Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



**Photo Information:**

Scenic Area Photo Number: 34  
Photo Name: Westwood/Ellicott Creek

**Scenic Quality Score:**

**Should this be considered a locally significant scenic area? (Yes/No)**

**Scenic Quality Score Chart**

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality, Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 35  
Photo Name: Indian Trail Rd & North Forest Rd

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**



#### Photo Information:

Scenic Area Photo Number: 36  
Photo Name: Indian Trail Rd & North Forest Rd

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

**Landscape Composition**

**Focal Point**

**Historic/Cultural Significance**

**Weather/Seasonal Scenes**

### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York

EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 37

Photo Name: Park Country Club

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 38

Photo Name: Park Country Club Bridge

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 39  
Photo Name: Ellicott Creek &  
Amherst State Park

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality, Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 40  
Photo Name: Ellicott Creek &  
Amherst State Park

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality, Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality, Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*

### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York

EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 41

Photo Name: Amherst State Park

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 42

Photo Name: Ellicott Creek & Amherst State Park

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



## Scenic View Scoring Form

### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

### Waterfront Advisory Committee Member Information:

Your Name:  
Date:



#### Photo Information:

Scenic Area Photo Number: 43  
Photo Name: Lehn Springs  
Neighborhood

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*



#### Photo Information:

Scenic Area Photo Number: 44  
Photo Name: Wehrle Drive & Ellicott Creek

#### Scenic Quality Score:

Should this be considered a locally significant scenic area? (Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*

### Scenic View Scoring Form

#### Town of Amherst LWRP

Town of Amherst, Erie County, New York  
EDR Project No: 19188

#### Waterfront Advisory Committee Member Information:

Your Name:

Date:



#### Photo Information:

Scenic Area Photo Number: 45

Photo Name: Aero Drive &  
Ellicott Creek

#### Scenic Quality Score:

Should this be considered a  
locally significant scenic area?  
(Yes/No)

#### Scenic Quality Score Chart

- 1 - Insignificant Scenic Quality; Common Occurrence
- 2 - Minimal Scenic Quality
- 3 - Moderate Scenic Quality
- 4 - Appreciable Scenic Quality
- 5 - Strong Scenic Quality; Highly Unique Areas

Please describe why this area should be considered a locally significant scenic area, if applicable (**CIRCLE ONE**):

*Landscape Composition*

*Focal Point*

*Historic/Cultural Significance*

*Weather/Seasonal Scenes*

## APPENDIX D - ENDANGERED, THREATENED, AND SPECIAL CONCERN SPECIES

Current and Proposed Status of All Species on Proposed List			
Species	Group	Current Status in NY	Proposed Change in Status
A noctuid moth	Lepidoptera	Special Concern	No change
Alewife floater	Mollusk	None	Threatened
Allegheny woodrat	Mammal	Endangered	No change
American bittern	Bird	Special Concern	No change
American burying beetle	Beetle	Endangered	No change
American eel	Freshwater Fish	None	Special Concern
American three-toed woodpecker	Bird	None	Threatened
Arogos skipper	Lepidoptera	Endangered	No change
Atlantic leopard frog	Amphibian	None	Special Concern
Atlantic sturgeon	Marine Fish	None	Endangered
Bald eagle	Bird	Threatened	Special Concern
Banded sunfish	Freshwater Fish	Threatened	No change
Barn owl	Bird	None	Special Concern
Barrens buckmoth	Lepidoptera	Special Concern	No change
Bicknell's thrush	Bird	Special Concern	No change
Bigeye chub	Freshwater Fish	None	Threatened
Black rail	Bird	Endangered	No change
Black redhorse	Freshwater Fish	Special Concern	Off List
Black sandshell	Mollusk	None	Special Concern
Black skimmer	Bird	Special Concern	Threatened
Black tern	Bird	Endangered	No change
Blanding's turtle	Reptile	Threatened	No change
Bloater	Freshwater Fish	None	Special Concern
Blue whale	Mammal	Endangered	No change
Bluebreast darter	Freshwater Fish	Endangered	Threatened
Blue-spotted salamander	Amphibian	Special Concern	No change
Bog buckmoth	Lepidoptera	Endangered	No change
Bog turtle	Reptile	Endangered	No change
Brook floater	Mollusk	Threatened	No change
Buffalo pebblesnail	Mollusk	Special Concern	No change
Canada lynx	Mammal	Threatened	No change
Cerulean warbler	Bird	Special Concern	No change
Checkered white	Lepidoptera	Special Concern	No change
Chittenango ovate amber snail	Mollusk	Endangered	No change
Clubshell	Mollusk	Endangered	No change
Comely shiner	Freshwater Fish	None	Special Concern
Common loon	Bird	Special Concern	No change
Common nighthawk	Bird	Special Concern	Threatened
Common sanddragon	Odonate	Special Concern	No change
Common tern	Bird	Threatened	No change
Cooper's hawk	Bird	Special Concern	Off List
Deepwater sculpin	Freshwater Fish	Endangered	Special Concern



Species	Group	Current Status in NY	Proposed Change in Status
Deertoe	Mollusk	None	Threatened
Dwarf wedgemussel	Mollusk	Endangered	No change
Eastern cougar	Mammal	Endangered	Off List
Eastern cricket frog	Amphibian	Endangered	No change
Eastern fence lizard	Reptile	Threatened	Special Concern
Eastern hellbender	Amphibian	Special Concern	Threatened
Eastern hog-nosed snake	Reptile	Special Concern	No change
Eastern long-tailed salamander	Amphibian	Special Concern	No change
Eastern massasauga	Reptile	Endangered	No change
Eastern pearlshell	Mollusk	None	Threatened
Eastern pondmussel	Mollusk	None	Special Concern
Eastern sand darter	Freshwater Fish	Threatened	Special Concern
Eastern spadefoot toad	Amphibian	Special Concern	No change
Eastern spiny softshell	Reptile	Special Concern	No change
Eastern tiger salamander	Amphibian	Endangered	Threatened
Eastern wormsnake	Reptile	Special Concern	No change
Elktoe	Mollusk	None	Special Concern
Eskimo Curlew	Bird	Endangered	Off List
Fat pocketbook	Mollusk	Endangered	No change
Fin whale	Mammal	Endangered	No change
Fringed valvata	Mollusk	Special Concern	No change
Frosted elfin	Lepidoptera	Threatened	No change
Gilt darter	Freshwater Fish	Endangered	No change
Golden eagle	Bird	Endangered	No change
Golden-winged warbler	Bird	Special Concern	No change
Grasshopper sparrow	Bird	Special Concern	No change
Gravel chub	Freshwater Fish	Threatened	Off List
Gray petaltail	Odonate	Special Concern	No change
Green floater	Mollusk	Threatened	No change
Green turtle	Sea turtle	Threatened	No change
Grizzled skipper	Lepidoptera	Endangered	No change
Harbor porpoise	Mammal	Special Concern	No change
Hawksbill sea turtle	Sea turtle	Endangered	Off List
Henry's elfin	Lepidoptera	Special Concern	No change
Henslow's sparrow	Bird	Threatened	No change
Herodias underwing	Lepidoptera	Special Concern	No change
Hessel's hairstreak	Lepidoptera	Endangered	No change
Horned lark	Bird	Special Concern	No change
Humpback whale	Mammal	Endangered	Off List
Indiana bat	Mammal	Endangered	No change
Ironcolor shiner	Freshwater Fish	Special Concern	Threatened
Jefferson salamander	Amphibian	Special Concern	No change
Jersey jair underwing	Lepidoptera	Special Concern	No change
Karner blue butterfly	Lepidoptera	Endangered	No change



Species	Group	Current Status in NY	Proposed Change in Status
Kemp's ridley	Sea turtle	Endangered	No change
Kentucky warbler	Bird	None	Threatened
Kidneyshell	Mollusk	None	Special Concern
King rail	Bird	Threatened	No change
Lake chubsucker	Freshwater Fish	Threatened	Off List
Lake sturgeon	Freshwater Fish	Threatened	No change
Least bittern	Bird	Threatened	No change
Least tern	Bird	Threatened	No change
Leatherback sea turtle	Sea turtle	Endangered	No change
Lilliput	Mollusk	None	Threatened
Little bluet	Odonate	Threatened	No change
Little brown bat	Mammal	None	Special Concern
Loggerhead shrike	Bird	Endangered	No change
Loggerhead turtle	Sea turtle	Threatened	No change
Longhead darter	Freshwater Fish	Threatened	Off List
Marbled salamander	Amphibian	Special Concern	No change
Mooneye	Freshwater Fish	Threatened	No change
Mossy valvata	Mollusk	Special Concern	No change
Mottled duskywing	Lepidoptera	Special Concern	No change
Mountain brook lamprey	Freshwater Fish	Special Concern	Off List
Mucket	Mollusk	None	Special Concern
Mud sunfish	Freshwater Fish	Threatened	Off List
New England cottontail	Mammal	Special Concern	Threatened
North Atlantic right whale	Mammal	Endangered	No change
Northeastern beach tiger beetle	Beetle	Threatened	No change
Northen long-eared bat	Mammal	None	Threatened
Northern goshawk	Bird	Special Concern	No change
Northern harrier	Bird	Threatened	Special Concern
Northern riffleshell	Mollusk	None	Endangered
Northern sunfish	Freshwater Fish	Threatened	Endangered
Olympia marble	Lepidoptera	Special Concern	No change
Osprey	Bird	Special Concern	Off List
Paddlefish	Freshwater Fish	None	Threatened
Paper pondshell	Mollusk	None	Special Concern
Peregrine falcon	Bird	Endangered	Special Concern
Persius duskywing	Lepidoptera	Endangered	No change
Pied-billed grebe	Bird	Threatened	Special Concern
Pine barrens bluet	Odonate	Threatened	No change
Pine pinion moth	Lepidoptera	Endangered	No change
Pink heelsplitter	Mollusk	None	Special Concern
Pink mucket	Mollusk	Endangered	No change
Piping plover	Bird	Endangered	No change
Pocketbook	Mollusk	None	Special Concern

Species	Group	Current Status in NY	Proposed Change in Status
Pugnose shiner	Freshwater Fish	Endangered	Special Concern
Pygmy snaketail	Odonate	Special Concern	No change
Queensnake	Reptile	Endangered	No change
Rainbow	Mollusk	None	Special Concern
Rayed bean	Mollusk	Endangered	No change
Red knot	Bird	Threatened	No change
Redfin shiner	Freshwater Fish	Special Concern	Off List
Red-headed woodpecker	Bird	Special Concern	No change
Red-shouldered hawk	Bird	Special Concern	No change
Regal fritillary	Lepidoptera	Endangered	No change
Roseate tern	Bird	Endangered	No change
Round pigtoe	Mollusk	None	Special Concern
Round whitefish	Freshwater Fish	Endangered	Threatened
Salamander mussel	Mollusk	None	Endangered
Saltmarsh sparrow	Bird	None	Special Concern
Sauger	Freshwater Fish	None	Special Concern
Scarlet bluet	Odonate	Threatened	No change
Seaside sparrow	Bird	Special Concern	No change
Sedge wren	Bird	Threatened	No change
Sei whale	Mammal	Endangered	No change
Septima's clubtail	Odonate	Special Concern	No change
Sharp-shinned hawk	Bird	Special Concern	Off List
Short-eared owl	Bird	Endangered	No change
Shortnose sturgeon	Marine Fish	Endangered	No change
Silver chub	Freshwater Fish	Endangered	Off List
Slipper shell	Mollusk	None	Threatened
Small-footed myotis	Mammal	Special Concern	No change
Snuffbox	Mollusk	Endangered	No change
Southeastern mud turtle	Reptile	Endangered	No change
Southern leopard frog	Amphibian	Special Concern	No change
Southern sprite	Odonate	Special Concern	No change
Sperm whale	Mammal	Endangered	No change
Spoonhead sculpin	Freshwater Fish	Endangered	Off List
Spotted darter	Freshwater Fish	Threatened	No change
Spotted turtle	Reptile	Special Concern	No change
Spruce grouse	Bird	Endangered	No change
Streamline chub	Freshwater Fish	Special Concern	Off List
Summer sucker	Freshwater Fish	None	Special Concern
Swallowtail shiner	Freshwater Fish	None	Threatened
Swamp darter	Freshwater Fish	Threatened	No change
Tawny crescent	Lepidoptera	Special Concern	No change
Threeridge	Mollusk	None	Special Concern
Tidewater mucket	Mollusk	None	Threatened
Timber rattlesnake	Reptile	Threatened	No change

<b>Species</b>	<b>Group</b>	<b>Current Status in NY</b>	<b>Proposed Change in Status</b>
Tomah mayfly	Mayfly/stonefly	Endangered	No change
Tricolored bat	Mammal	None	Threatened
Unknown sucker variant	Freshwater Fish	None	Special Concern
Upland sandpiper	Bird	Threatened	No change
Vesper sparrow	Bird	Special Concern	No change
Wabash pigtoe	Mollusk	None	Special Concern
Wavy-rayed lampmussel	Mollusk	Threatened	No change
Western pirate perch	Freshwater Fish	None	Threatened
Whip-poor-will	Bird	Special Concern	No change
Wolf	Mammal	Endangered	Off List
Wood turtle	Reptile	Special Concern	No change
Woodland box turtle	Reptile	Special Concern	No change
Yellow lampmussel	Mollusk	None	Special Concern
Yellow-breasted chat	Bird	Special Concern	Threatened



<b>Species Proposed to be Added to List</b>			
<b>Species</b>	<b>Group</b>	<b>Current Status in NY</b>	<b>Proposed Change in Status</b>
Alewife floater	Mollusk	None	Threatened
American eel	Freshwater Fish	None	Special Concern
American three-toed woodpecker	Bird	None	Threatened
Atlantic leopard frog	Amphibian	None	Special Concern
Atlantic sturgeon	Marine Fish	None	Endangered
Barn owl	Bird	None	Special Concern
Bigeye chub	Freshwater Fish	None	Threatened
Black sandshell	Mollusk	None	Special Concern
Bloater	Freshwater Fish	None	Special Concern
Comely shiner	Freshwater Fish	None	Special Concern
Deertoe	Mollusk	None	Threatened
Eastern pearlshell	Mollusk	None	Threatened
Eastern pondmussel	Mollusk	None	Special Concern
Elktoe	Mollusk	None	Special Concern
Kentucky warbler	Bird	None	Threatened
Kidneyshell	Mollusk	None	Special Concern
Lilliput	Mollusk	None	Threatened
Little brown bat	Mammal	None	Special Concern
Mucket	Mollusk	None	Special Concern
Northern long-eared bat	Mammal	None	Threatened
Northern riffleshell	Mollusk	None	Endangered
Paddlefish	Freshwater Fish	None	Threatened
Paper pondshell	Mollusk	None	Special Concern
Pink heelsplitter	Mollusk	None	Special Concern
Pocketbook	Mollusk	None	Special Concern
Rainbow	Mollusk	None	Special Concern
Red Knot	Bird	None	Threatened
Round pigtoe	Mollusk	None	Special Concern
Salamander mussel	Mollusk	None	Endangered
Saltmarsh sparrow	Bird	None	Special Concern
Sauger	Freshwater Fish	None	Special Concern
Slipper shell	Mollusk	None	Threatened
Summer sucker	Freshwater Fish	None	Special Concern
Swallowtail shiner	Freshwater Fish	None	Threatened
Threeridge	Mollusk	None	Special Concern
Tidewater mucket	Mollusk	None	Threatened
Tricolored bat	Mammal	None	Threatened
Unknown sucker variant	Freshwater Fish	None	Special Concern
Wabash pigtoe	Mollusk	None	Special Concern
Western pirate perch	Freshwater Fish	None	Threatened
Yellow lampmussel	Mollusk	None	Special Concern



<b>Species Proposed to Be Added or Removed From Endangered or Threatened List</b>			
Species in bold are proposed to be added to endangered or threatened list			
Species	Group	Current Status in NY	Proposed Change in Status
Alewife floater	Mollusk	None	Threatened
American three-toed woodpecker	Bird	None	Threatened
<b>Atlantic sturgeon</b>	Marine Fish	None	Endangered
Bald eagle	Bird	Threatened	Special Concern
<b>Bigeye chub</b>	Freshwater Fish	None	Threatened
<b>Black Skimmer</b>	Bird	Special Concern	Threatened
<b>Common nighthawk</b>	Bird	Special Concern	Threatened
Deepwater sculpin	Freshwater Fish	Endangered	Special Concern
<b>Deertoe</b>	Mollusk	None	Threatened
Eastern cougar	Mammal	Endangered	Off list
Eastern fence lizard	Reptile	Threatened	Special Concern
<b>Eastern hellbender</b>	Amphibian	Special Concern	Threatened
<b>Eastern pearlshell</b>	Mollusk	None	Threatened
Eastern sand darter	Freshwater Fish	Threatened	Special Concern
Eskimo Curlew	Bird	Endangered	Off list
Gravel chub	Freshwater Fish	Threatened	Off list
Hawksbill sea turtle	Sea turtle	Endangered	Off list
Humpback whale	Mammal	Endangered	Off list
<b>Ironcolor shiner</b>	Freshwater Fish	Special Concern	Threatened
<b>Kentucky warbler</b>	Bird	None	Threatened
Lake chubsucker	Freshwater Fish	Threatened	Off list
<b>Lilliput</b>	Mollusk	None	Threatened
Longhead darter	Freshwater Fish	Threatened	Off list
Mud sunfish	Freshwater Fish	Threatened	Off list
<b>New England cottontail</b>	Mammal	Special Concern	Threatened
<b>Northern long-eared bat</b>	Mammal	None	Threatened
Northern harrier	Bird	Threatened	Special Concern
<b>Northern riffleshell</b>	Mollusk	None	Endangered
<b>Paddlefish</b>	Freshwater Fish	None	Threatened
Peregrine falcon	Bird	Endangered	Special Concern
Pied-billed grebe	Bird	Threatened	Special Concern
Pugnose shiner	Freshwater Fish	Endangered	Special Concern
<b>Salamander mussel</b>	Mollusk	None	Endangered
Silver chub	Freshwater Fish	Endangered	Off list
<b>Slipper shell</b>	Mollusk	None	Threatened
Spoonhead sculpin	Freshwater Fish	Endangered	Off list
<b>Swallowtail shiner</b>	Freshwater Fish	None	Threatened
<b>Tidewater mucket</b>	Mollusk	None	Threatened
<b>Tricolored bat</b>	Mammal	None	Threatened
Western pirate perch	Freshwater Fish	None	Threatened
Wolf	Mammal	Endangered	Off list
<b>Yellow-breasted chat</b>	Bird	Special Concern	Threatened

<b>Listed Species with Proposed Status Change</b>			
<b>Species</b>	<b>Group</b>	<b>Current Status in NY</b>	<b>Proposed Change in Status</b>
Bald eagle	Bird	Threatened	Special Concern
Black skimmer	Bird	Special Concern	Threatened
Black redhorse	Freshwater Fish	Special Concern	Off List
Bluebreast darter	Freshwater Fish	Endangered	Threatened
Brook floater	Mollusk	Threatened	Endangered
Common nighthawk	Bird	Special Concern	Threatened
Cooper's hawk	Bird	Special Concern	Off List
Deepwater sculpin	Freshwater Fish	Endangered	Special Concern
Eastern cougar	Mammal	Endangered	Off List
Eastern fence lizard	Reptile	Threatened	Special Concern
Eastern hellbender	Amphibian	Special Concern	Threatened
Eastern sand darter	Freshwater Fish	Threatened	Special Concern
Eastern tiger salamander	Amphibian	Endangered	Threatened
Eskimo Curlew	Bird	Endangered	Off List
Gravel chub	Freshwater Fish	Threatened	Off List
Hawksbill sea turtle	Sea turtle	Endangered	Off List
Humpback whale	Mammal	Endangered	Off List
Ironcolor shiner	Freshwater Fish	Special Concern	Threatened
Lake chubsucker	Freshwater Fish	Threatened	Off List
Longhead darter	Freshwater Fish	Threatened	Off List
Mud sunfish	Freshwater Fish	Threatened	Off List
New England cottontail	Mammal	Special Concern	Threatened
Northern harrier	Bird	Threatened	Special Concern
Osprey	Bird	Special Concern	Off List
Peregrine falcon	Bird	Endangered	Special Concern
Pied-billed grebe	Bird	Threatened	Special Concern
Pugnose shiner	Freshwater Fish	Endangered	Special Concern
Round whitefish	Freshwater Fish	Endangered	Threatened
Sharp-shinned hawk	Bird	Special Concern	Off List
Silver chub	Freshwater Fish	Endangered	Off List
Spoonhead sculpin	Freshwater Fish	Endangered	Off List
Streamline chub	Freshwater Fish	Special Concern	Off List
Wolf	Mammal	Endangered	Off List
Yellow-breasted chat	Bird	Special Concern	Threatened

<b>Listed Species with No Changes Proposed</b>			
<b>Species</b>	<b>Group</b>	<b>Current Status in NY</b>	<b>Proposed Change in Status</b>
A noctuid moth	Lepidoptera	Special Concern	None
Allegheny woodrat	Mammal	Endangered	None
American bittern	Bird	Special Concern	None
American burying beetle	Beetle	Endangered	None
Arogos skipper	Lepidoptera	Endangered	None
Banded sunfish	Freshwater Fish	Threatened	None
Barrens buckmoth	Lepidoptera	Special Concern	None
Bicknell's thrush	Bird	Special Concern	None
Black rail	Bird	Endangered	None
Black tern	Bird	Endangered	None
Blanding's turtle	Reptile	Threatened	None
Blue whale	Mammal	Endangered	None
Blue-spotted salamander	Amphibian	Special Concern	None
Bog buckmoth	Lepidoptera	Endangered	None
Bog turtle	Reptile	Endangered	None
Buffalo pebblesnail	Mollusk	Special Concern	None
Canada lynx	Mammal	Threatened	None
Cerulean warbler	Bird	Special Concern	None
Checkered white	Lepidoptera	Special Concern	None
Chittenango ovate amber snail	Mollusk	Endangered	None
Clubshell	Mollusk	Endangered	None
Common loon	Bird	Special Concern	None
Common sanddragon	Odonate	Special Concern	None
Common tern	Bird	Threatened	None
Dwarf wedgemussel	Mollusk	Endangered	None
Eastern cricket frog	Amphibian	Endangered	None
Eastern hog-nosed snake	Reptile	Special Concern	None
Eastern long-tailed salamander	Amphibian	Special Concern	None
Eastern massasauga	Reptile	Endangered	None
Eastern spadefoot toad	Amphibian	Special Concern	None
Eastern spiny softshell	Reptile	Special Concern	None
Eastern wormsnake	Reptile	Special Concern	None
Fat pocketbook	Mollusk	Endangered	None
Fin whale	Mammal	Endangered	None
Fringed valvata	Mollusk	Special Concern	None
Frosted elfin	Lepidoptera	Threatened	None
Gilt darter	Freshwater Fish	Endangered	None
Golden eagle	Bird	Endangered	None
Golden-winged warbler	Bird	Special Concern	None
Grasshopper sparrow	Bird	Special Concern	None

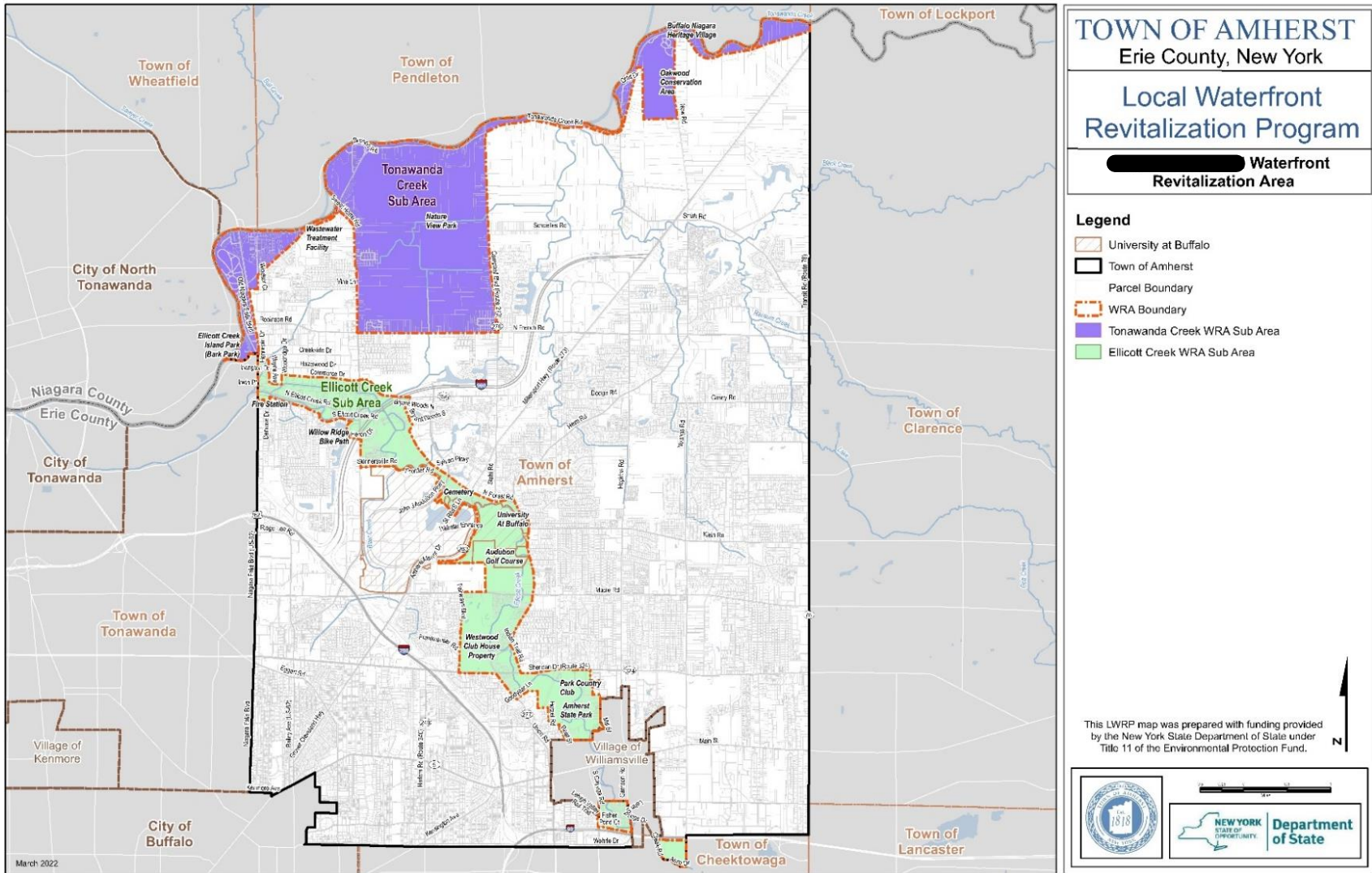


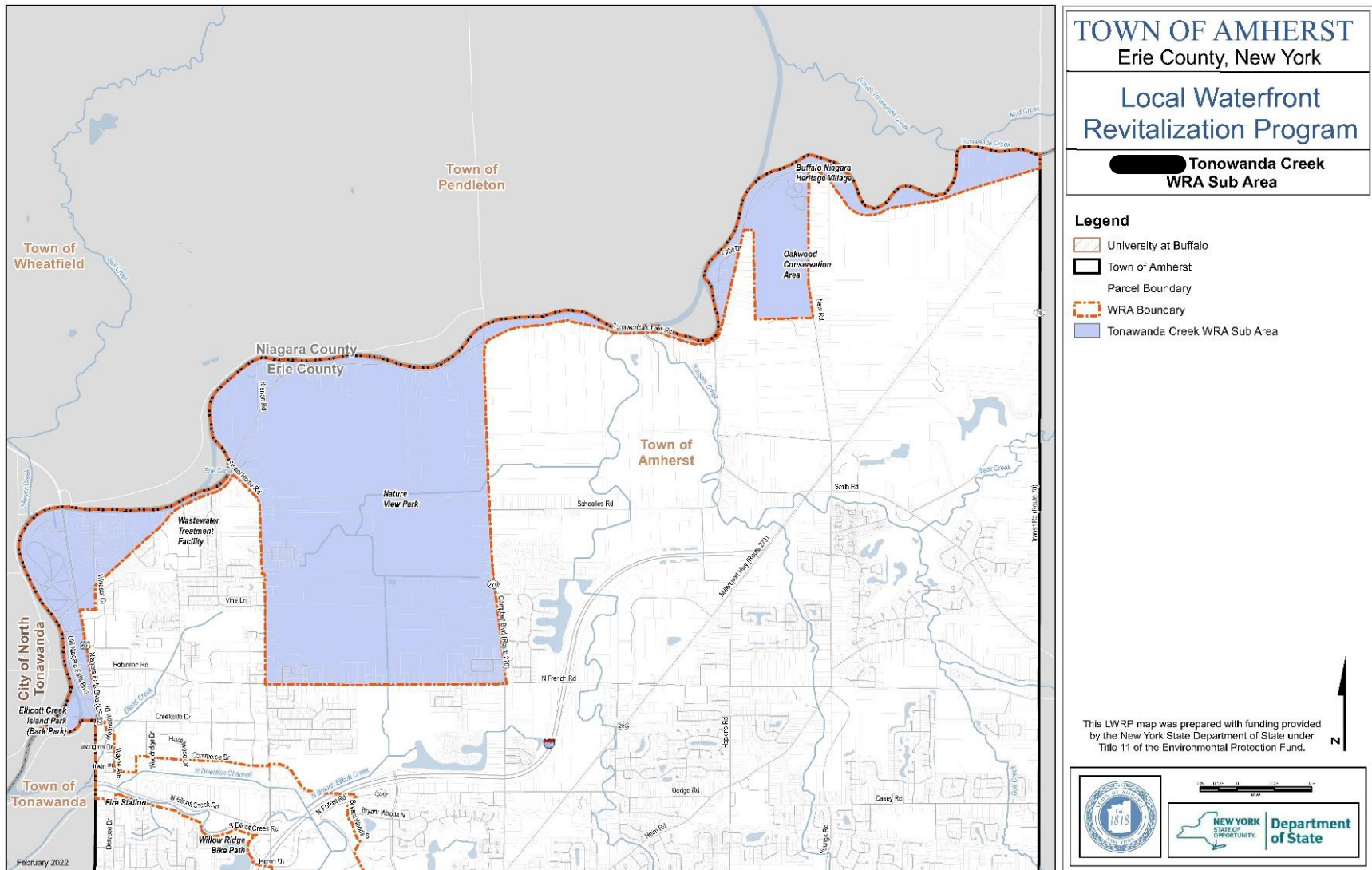
<b>Species</b>	<b>Group</b>	<b>Current Status in NY</b>	<b>Proposed Change in Status</b>
Gray petaltail	Odonate	Special Concern	None
Green floater	Mollusk	Threatened	None
Green turtle	Sea turtle	Threatened	None
Grizzled skipper	Lepidoptera	Endangered	None
Harbor porpoise	Mammal	Special Concern	None
Henry's elfin	Lepidoptera	Special Concern	None
Henslow's sparrow	Bird	Threatened	None
Herodias underwing	Lepidoptera	Special Concern	None
Hessel's hairstreak	Lepidoptera	Endangered	None
Horned lark	Bird	Special Concern	None
Indiana bat	Mammal	Endangered	None
Jefferson salamander	Amphibian	Special Concern	None
Jersey jair underwing	Lepidoptera	Special Concern	None
Karner blue butterfly	Lepidoptera	Endangered	None
Kemp's ridley	Sea turtle	Endangered	None
King rail	Bird	Threatened	None
Lake sturgeon	Freshwater Fish	Threatened	None
Least bittern	Bird	Threatened	None
Least tern	Bird	Threatened	None
Leatherback sea turtle	Sea turtle	Endangered	None
Little bluet	Odonate	Threatened	None
Loggerhead shrike	Bird	Endangered	None
Loggerhead turtle	Sea turtle	Threatened	None
Marbled salamander	Amphibian	Special Concern	None
Mooneye	Freshwater Fish	Threatened	None
Mossy valvata	Mollusk	Special Concern	None
Mottled duskywing	Lepidoptera	Special Concern	None
Mountain brook lamprey	Freshwater Fish	Special Concern	None
North Atlantic right whale	Mammal	Endangered	None
Northern sunfish	Freshwater Fish	Threatened	None
Northeastern beach tiger beetle	Beetle	Threatened	None
Northern goshawk	Bird	Special Concern	None
Olympia marble	Lepidoptera	Special Concern	None
Persius duskywing	Lepidoptera	Endangered	None
Pine barrens bluet	Odonate	Threatened	None
Pine pinion moth	Lepidoptera	Endangered	None
Pink mucket	Mollusk	Endangered	None
Piping plover	Bird	Endangered	None
Pygmy snaketail	Odonate	Special Concern	None
Queensnake	Reptile	Endangered	None
Rayed bean	Mollusk	Endangered	None
Redfin shiner	Freshwater Fish	Special Concern	None
Red knot	Bird	Threatened	None
Red-headed woodpecker	Bird	Special Concern	None



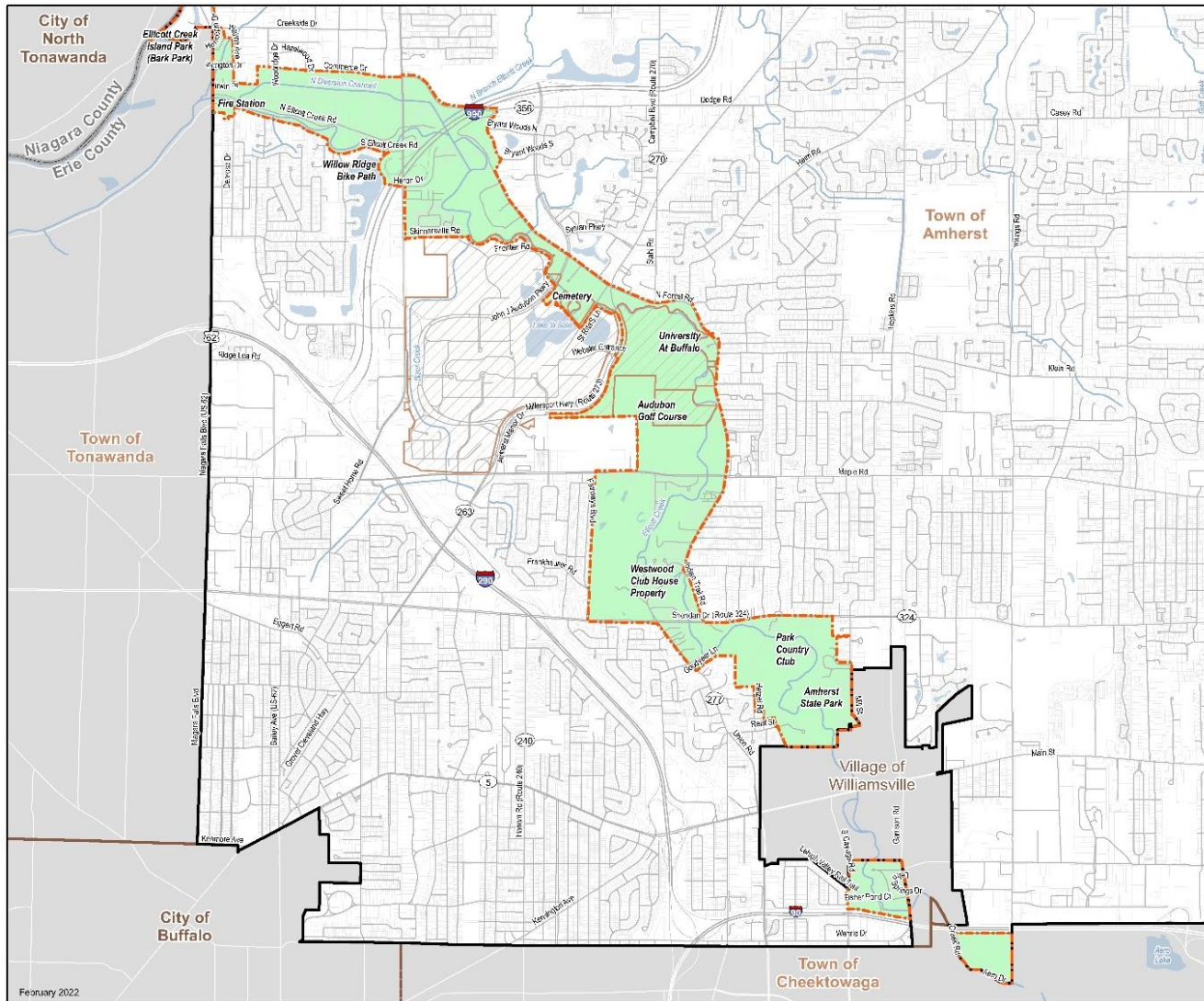
<b>Species</b>	<b>Group</b>	<b>Current Status in NY</b>	<b>Proposed Change in Status</b>
Red-shouldered hawk	Bird	Special Concern	None
Regal fritillary	Lepidoptera	Endangered	None
Roseate tern	Bird	Endangered	None
Scarlet bluet	Odonate	Threatened	None
Seaside sparrow	Bird	Special Concern	None
Sedge wren	Bird	Threatened	None
Sei whale	Mammal	Endangered	None
Septima's clubtail	Odonate	Special Concern	None
Short-eared owl	Bird	Endangered	None
Shortnose sturgeon	Marine Fish	Endangered	None
Small-footed myotis	Mammal	Special Concern	None
Snuffbox	Mollusk	Endangered	None
Southeastern mud turtle	Reptile	Endangered	None
Southern leopard frog	Amphibian	Special Concern	None
Southern sprite	Odonate	Special Concern	None
Sperm whale	Mammal	Endangered	None
Spotted darter	Freshwater Fish	Threatened	None
Spotted turtle	Reptile	Special Concern	None
Spruce grouse	Bird	Endangered	None
Swamp darter	Freshwater Fish	Threatened	None
Tawny crescent	Lepidoptera	Special Concern	None
Timber rattlesnake	Reptile	Threatened	None
Tomah matfly	Mayfly/stonefly	Endangered	None
Upland sandpiper	Bird	Threatened	None
Vesper sparrow	Bird	Special Concern	None
Wavy-rayed lampmussel	Mollusk	Threatened	None
Whip-poor-will	Bird	Special Concern	None
Wood turtle	Reptile	Special Concern	None
Woodland box turtle	Reptile	Special Concern	None

# APPENDIX E – MAPS OF THE LWRP









**TOWN OF AMHERST**  
Erie County, New York

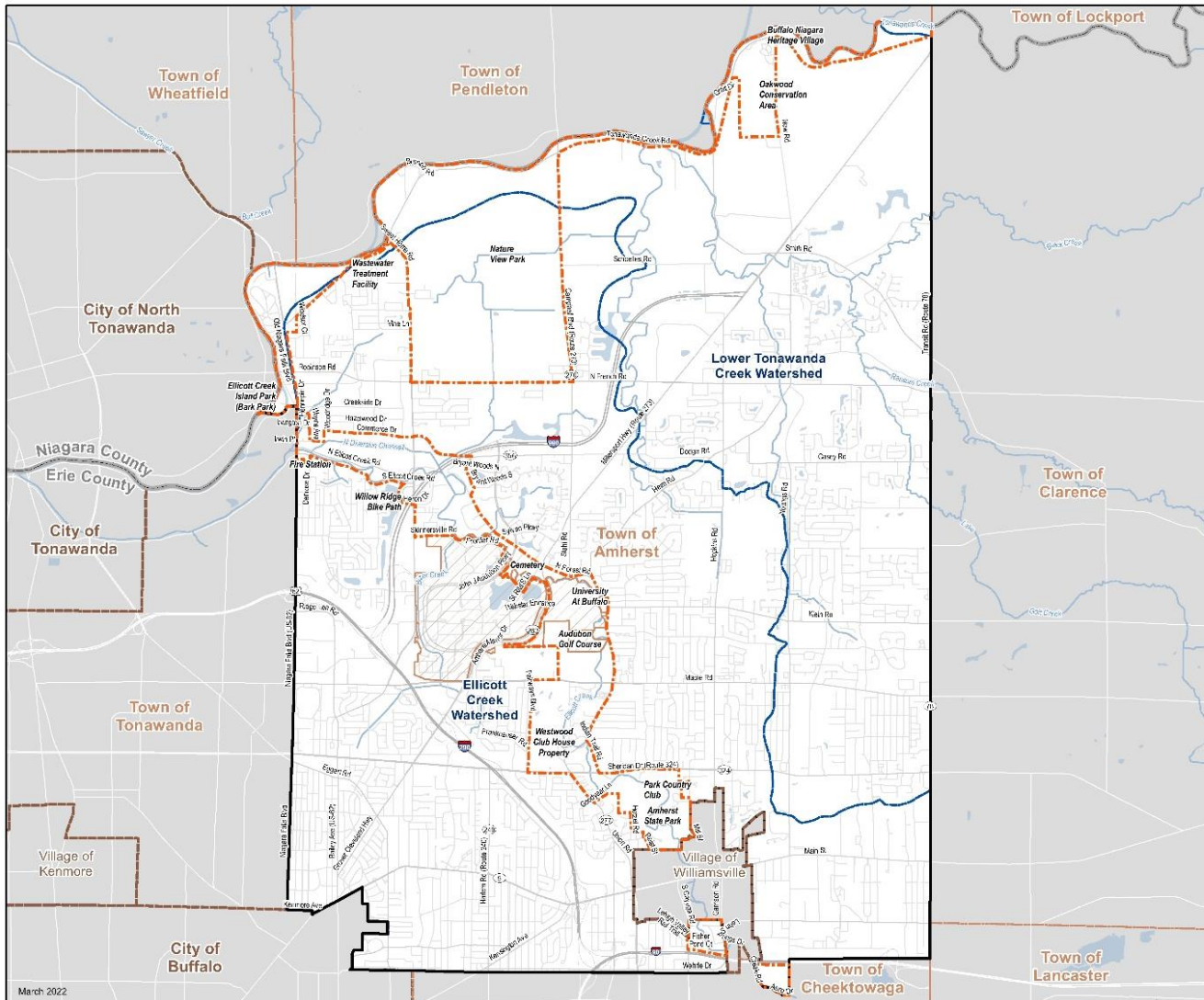
**Local Waterfront  
Revitalization Program**

Ellicott Creek WRA Sub Area

- Legend**
- University at Buffalo
  - Town of Amherst
  - Parcel Boundary
  - WRA Boundary
  - Ellicott Creek WRA Sub Area

This LWRP map was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.





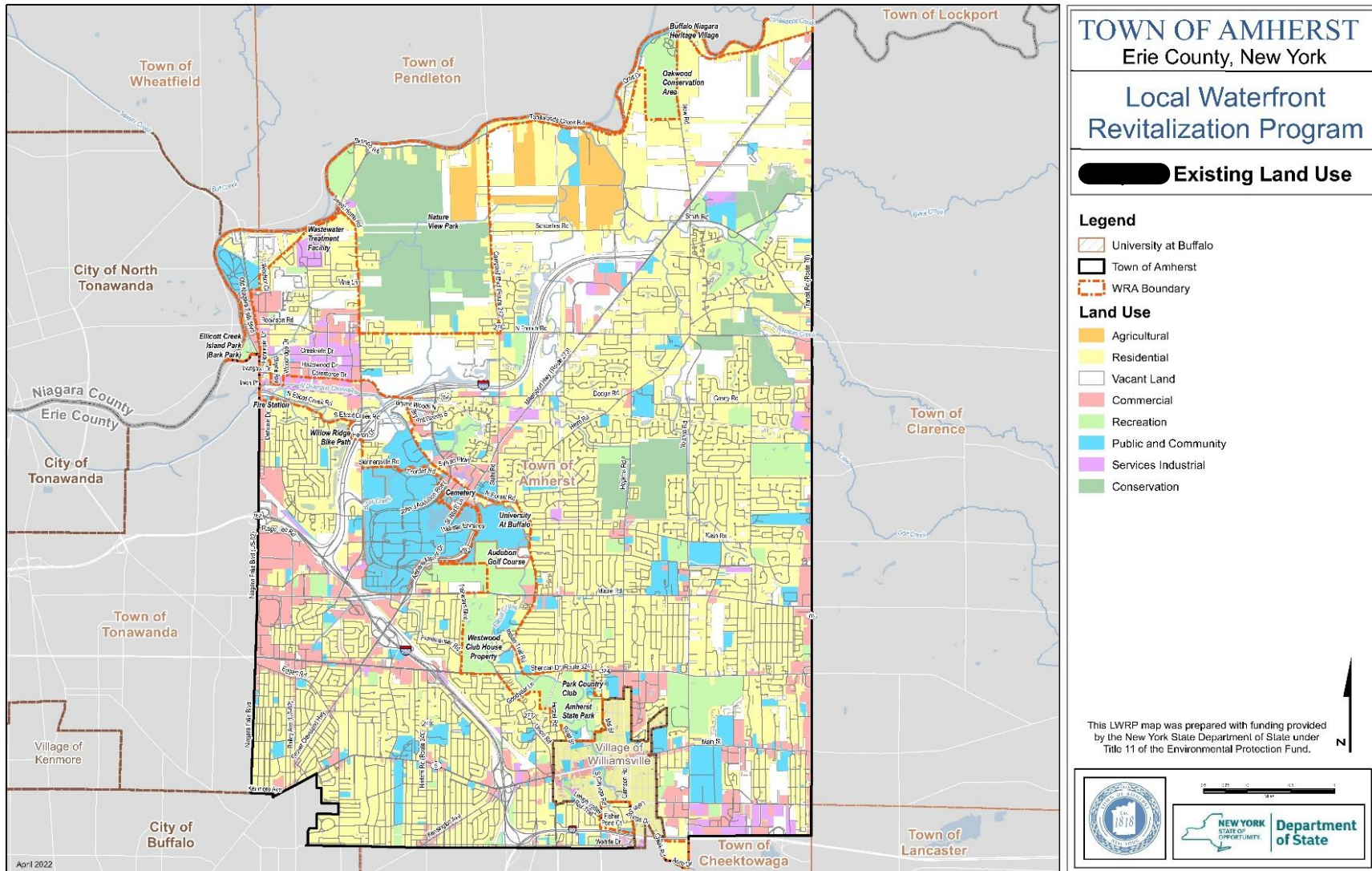
**TOWN OF AMHERST**  
Erie County, New York

**Local Waterfront  
Revitalization Program**

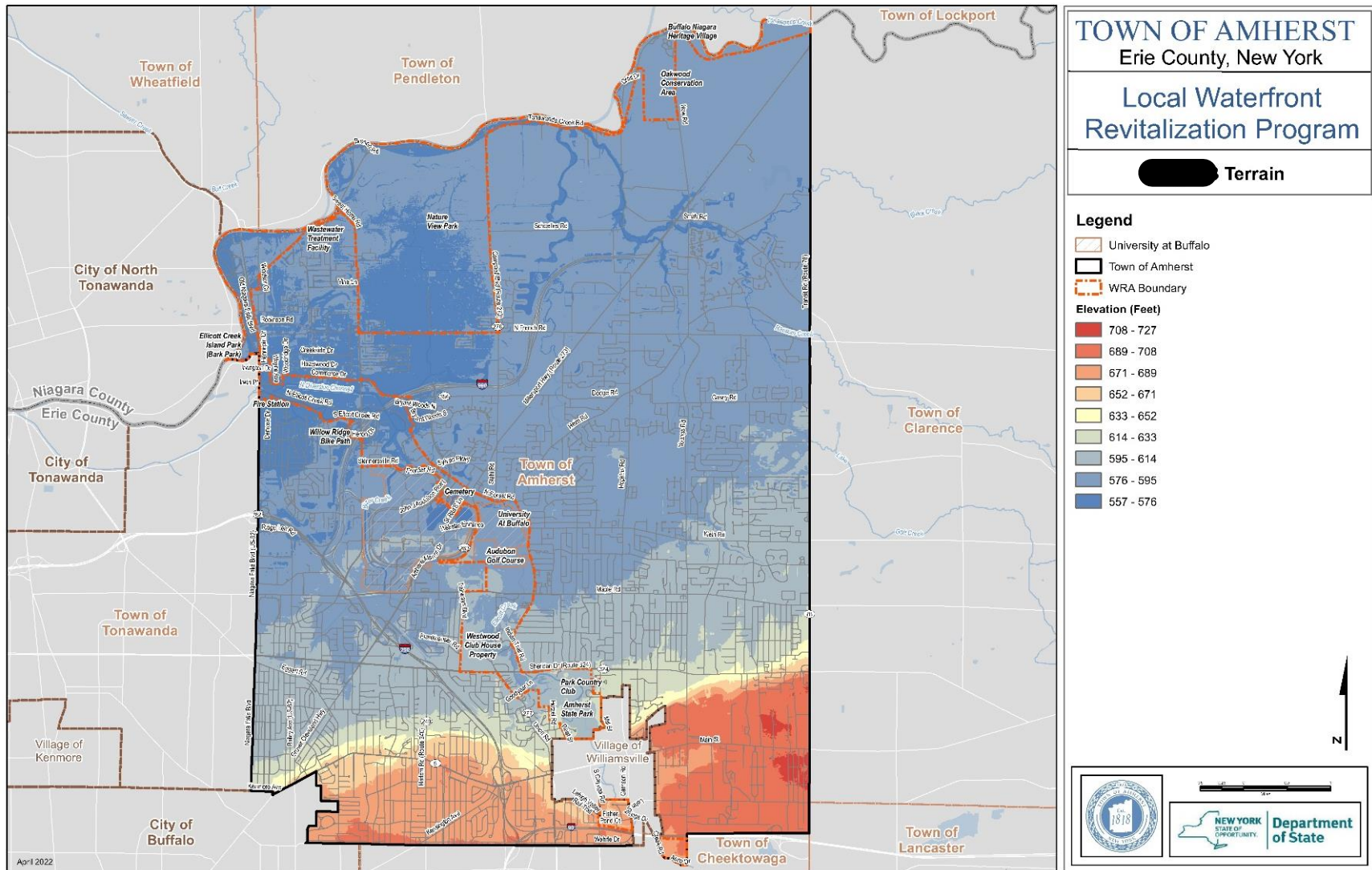
 Regional Context Map

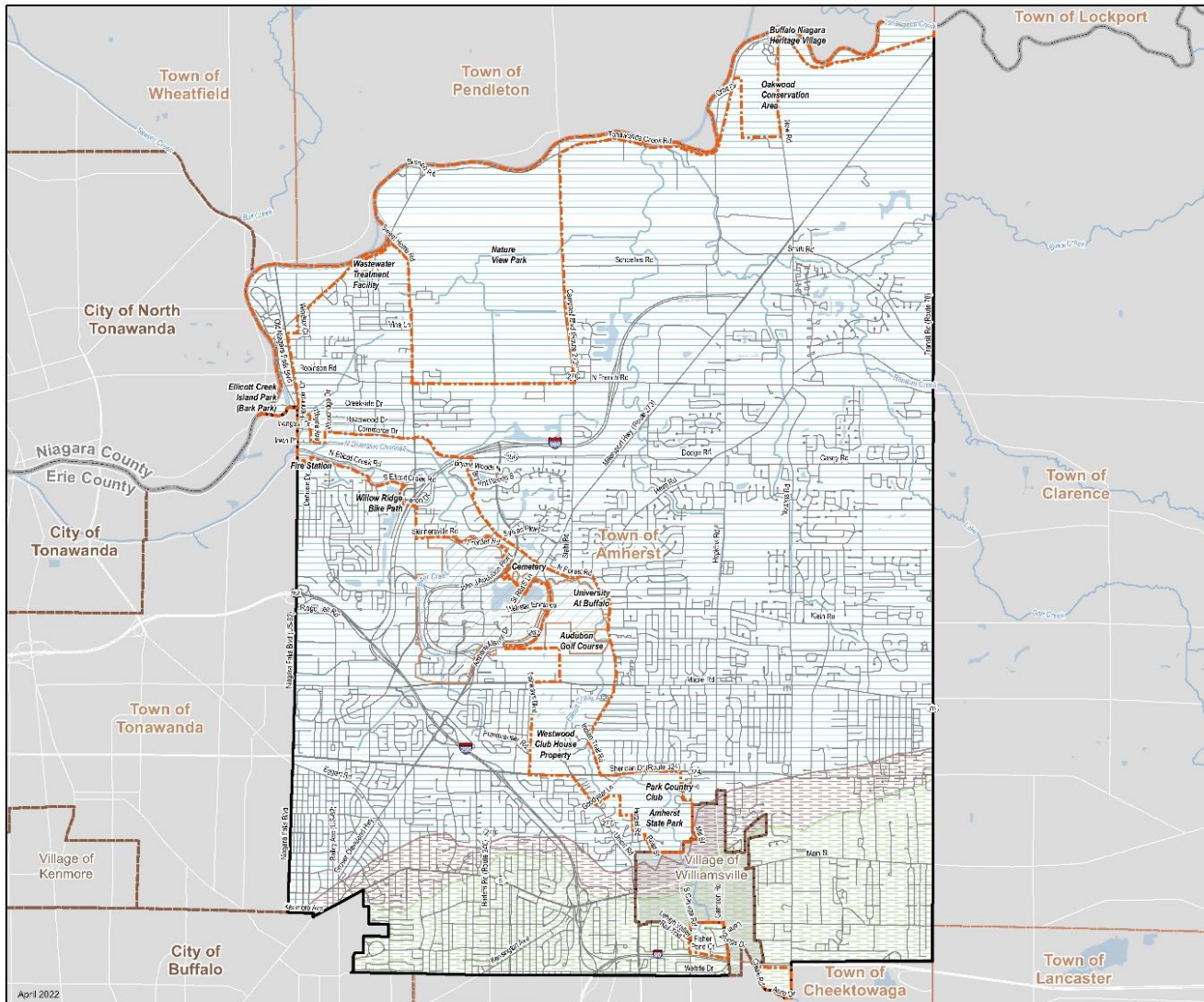
- Legend**
-  WRA Boundary
  -  Watershed Boundary
  -  University at Buffalo
  -  Town of Amherst
  -  County Boundary

This LWRP map was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.












**TOWN OF AMHERST**  
Erie County, New York

**Local Waterfront  
Revitalization Program**

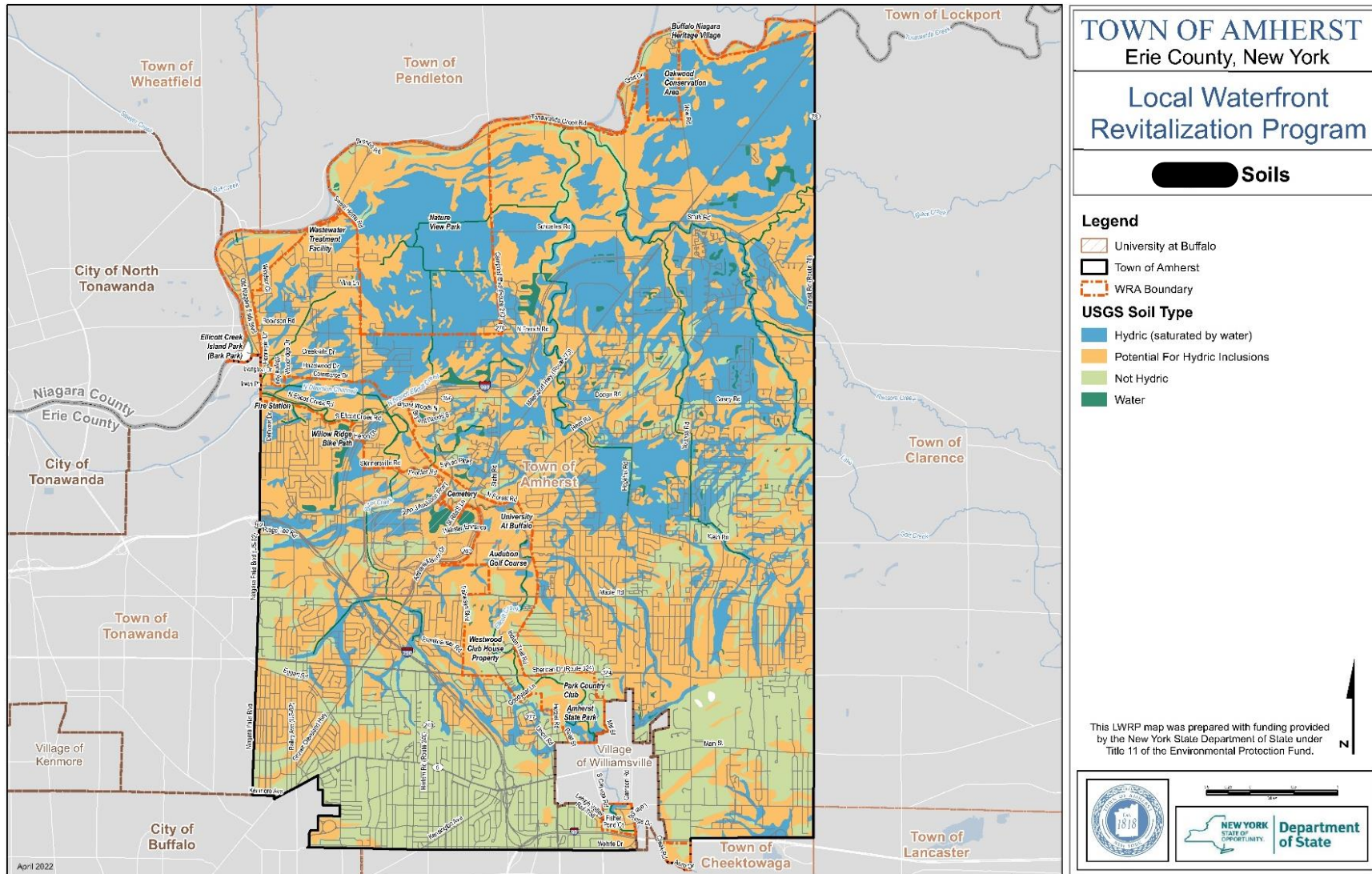
 **Bedrock**

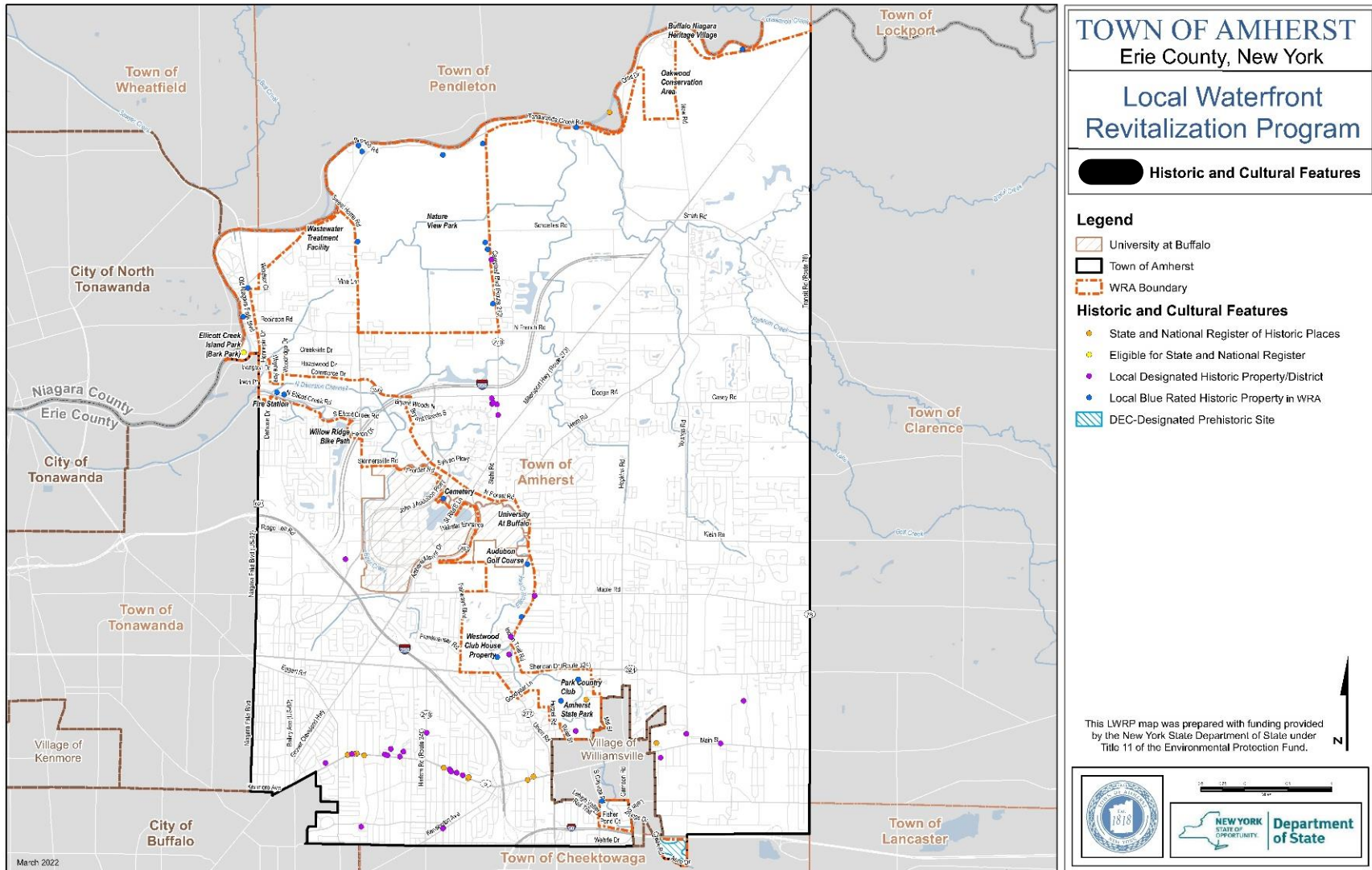
- Legend**
-  University at Buffalo
  -  Town of Amherst
  -  WRA Boundary

- Bedrock**
-  Dolostone (Dolomite)
  -  Limestone
  -  Shale

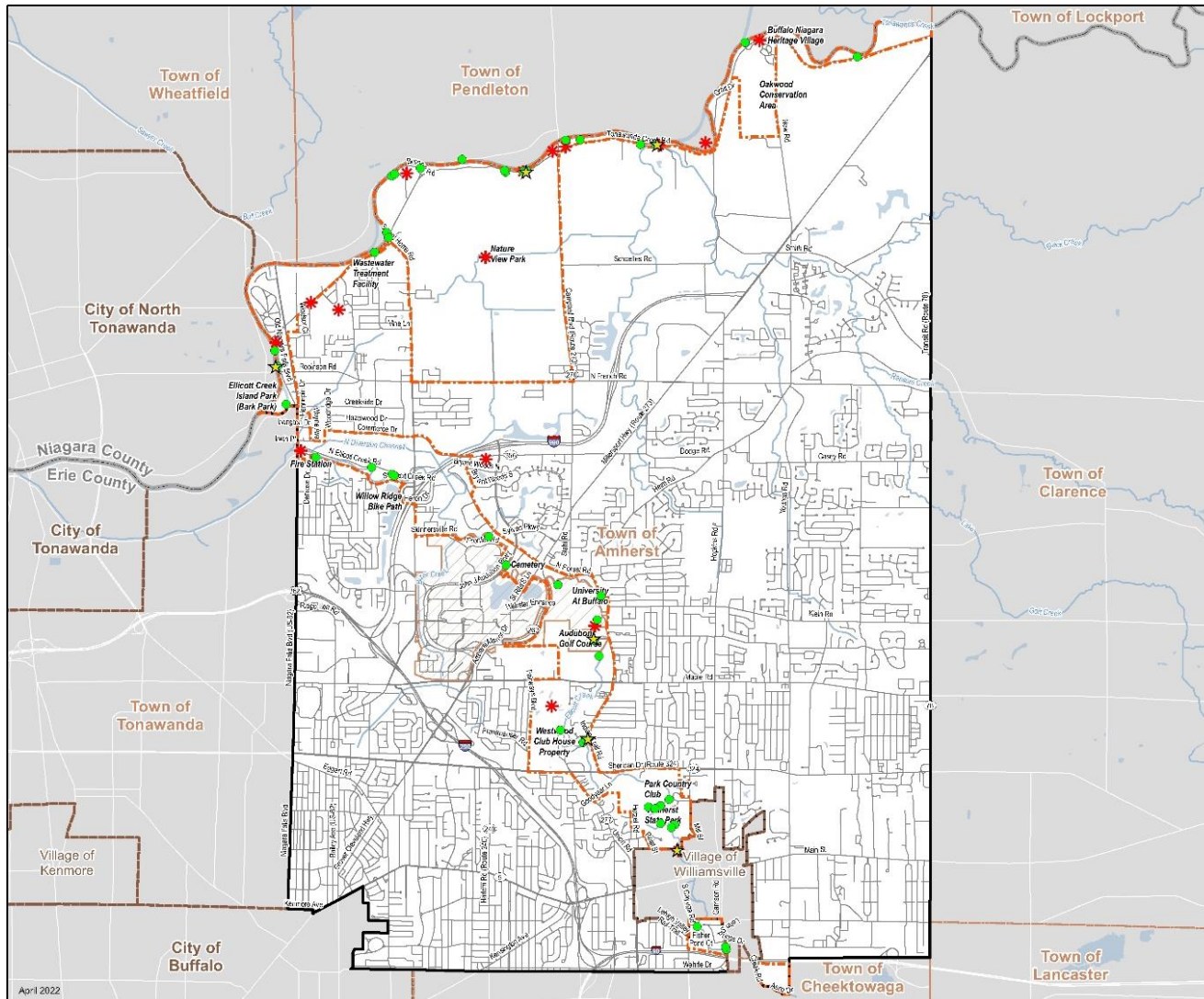
This LWRP map was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.











**TOWN OF AMHERST**  
Erie County, New York

**Local Waterfront Revitalization Program**

**Scenic Resources**

**Legend**

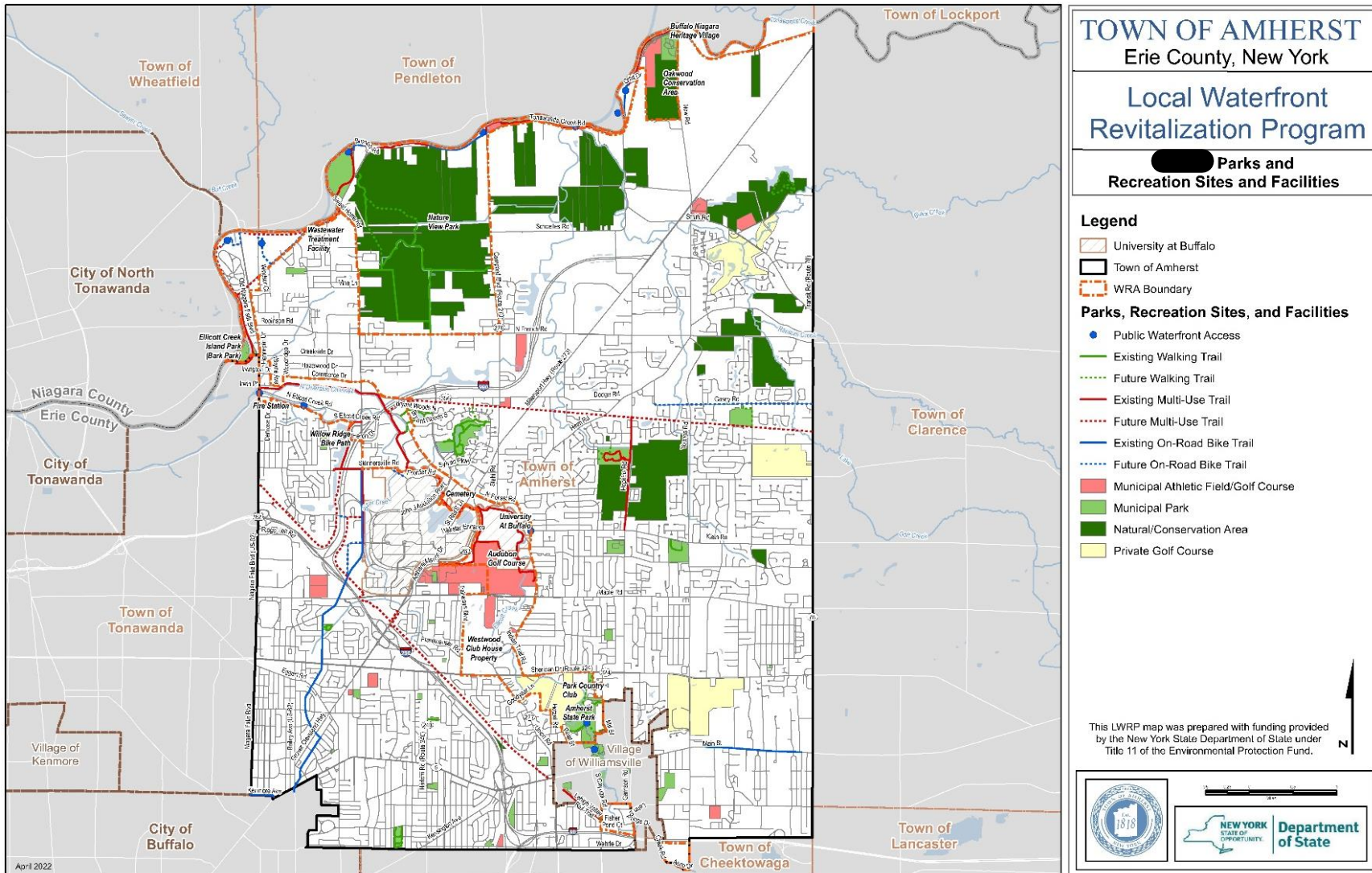
- University at Buffalo
- Town of Amherst
- WRA Boundary

**Scenic Resources**

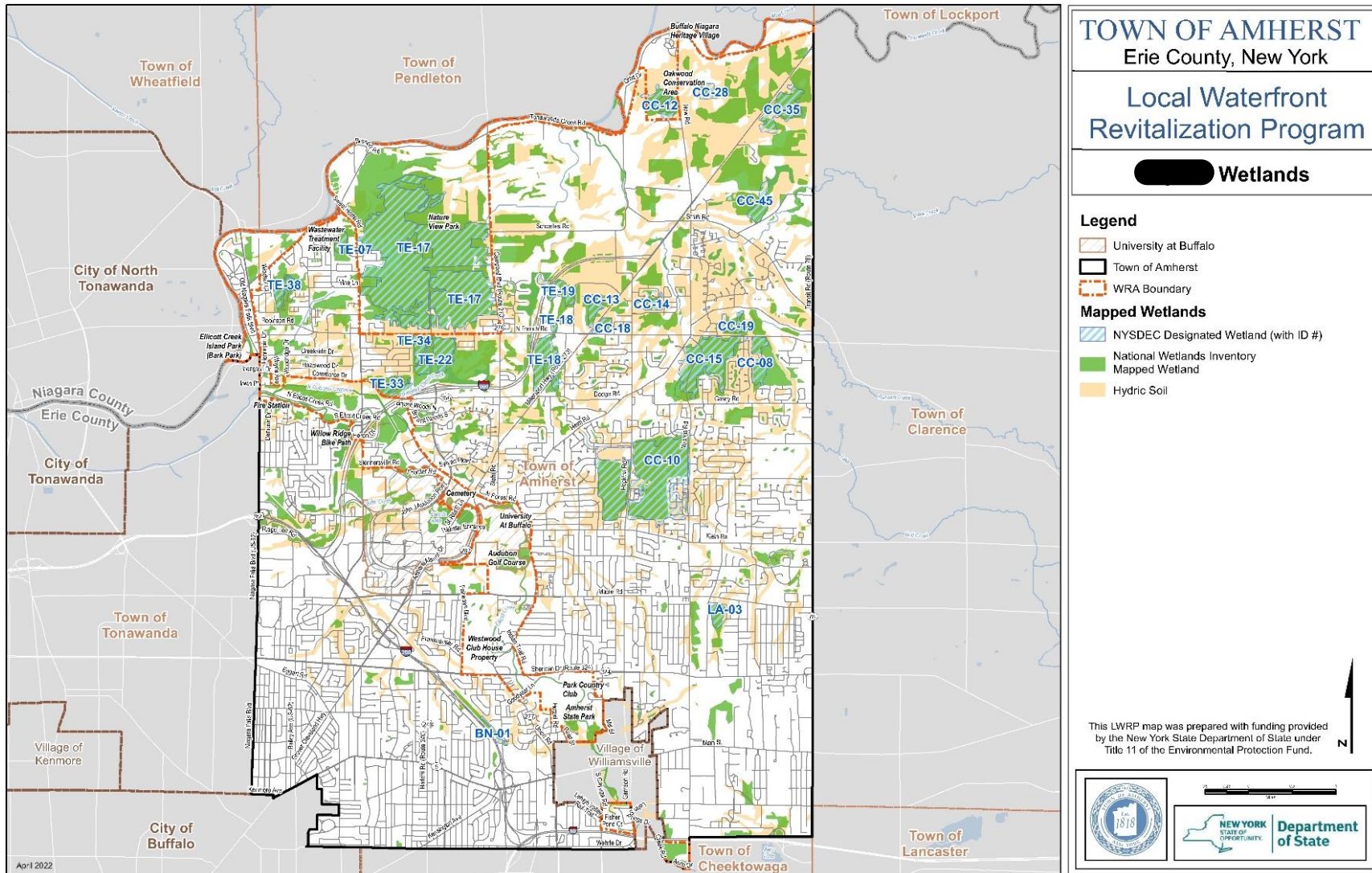
- Local Scenic View Identified in Section II
- Other Identified Scenic Views
- LWRP Project Location

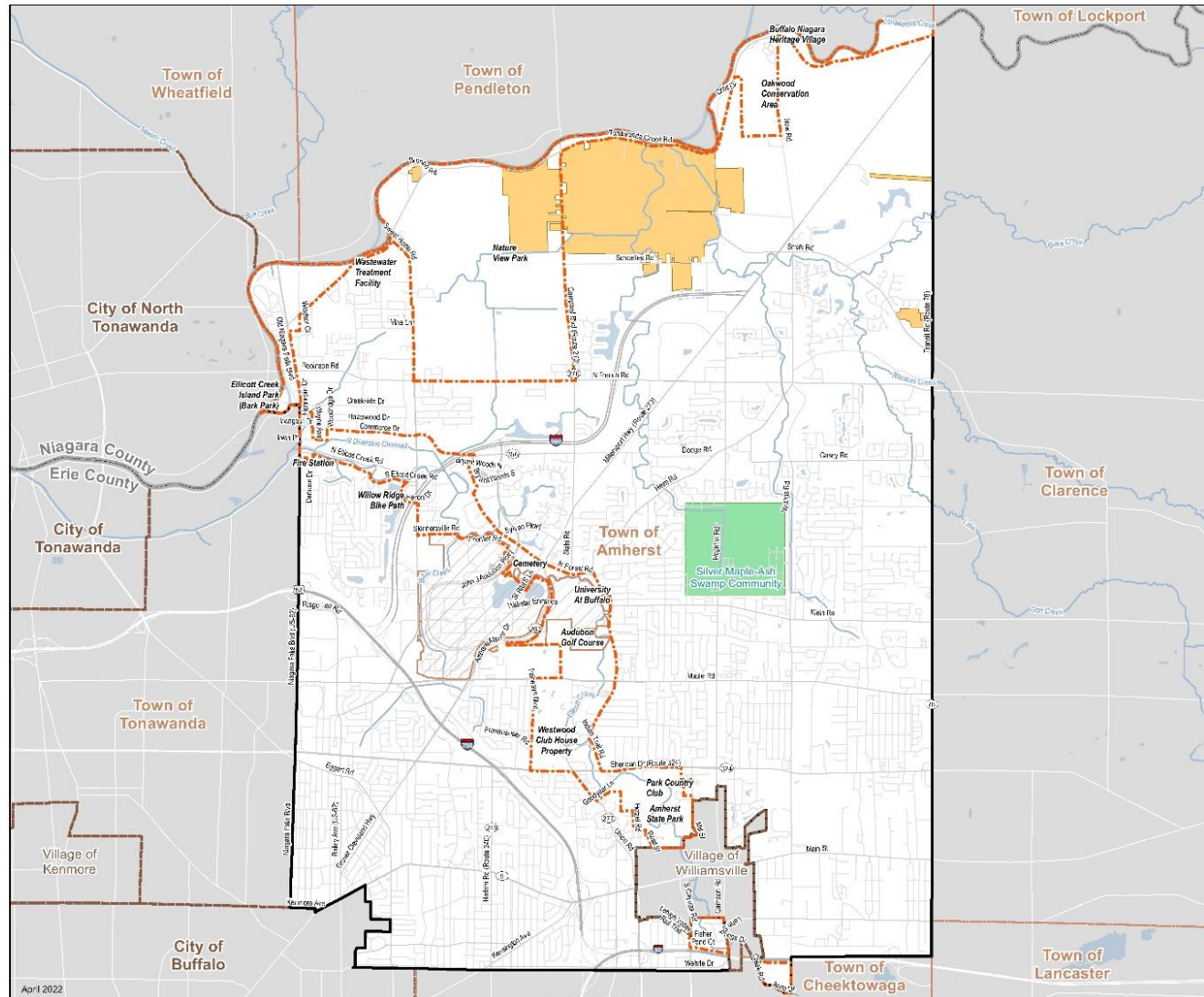
This LWRP map was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.

**NEW YORK STATE OF OPPORTUNITY** Department of State









**TOWN OF AMHERST**  
Erie County, New York

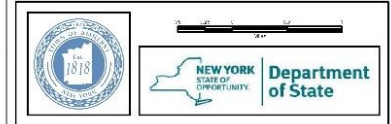
**Local Waterfront  
Revitalization Program**

**Sensitive  
Environmental Features**

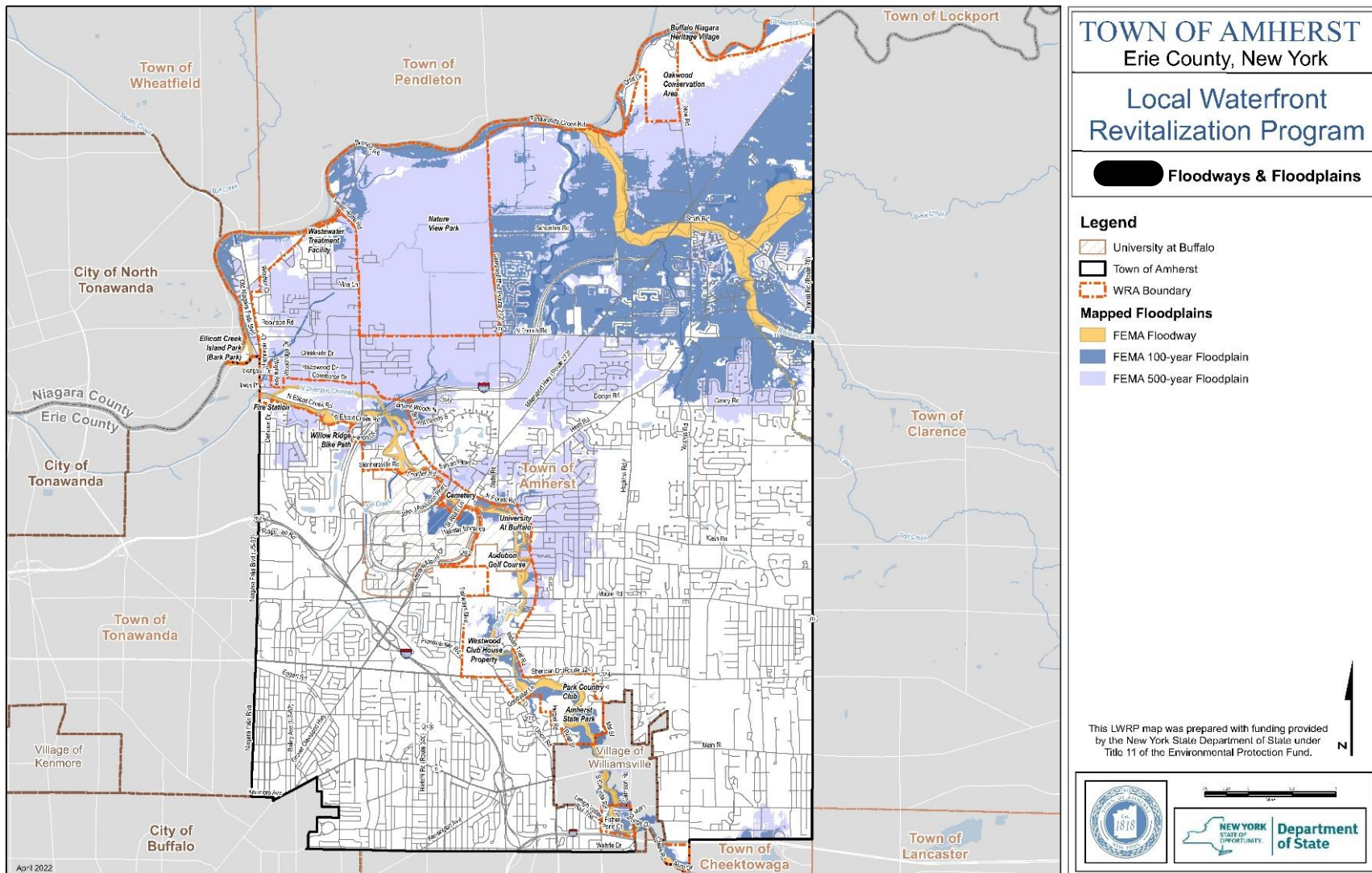
- Legend**
- University at Buffalo
  - Town of Amherst
  - WRA Boundary

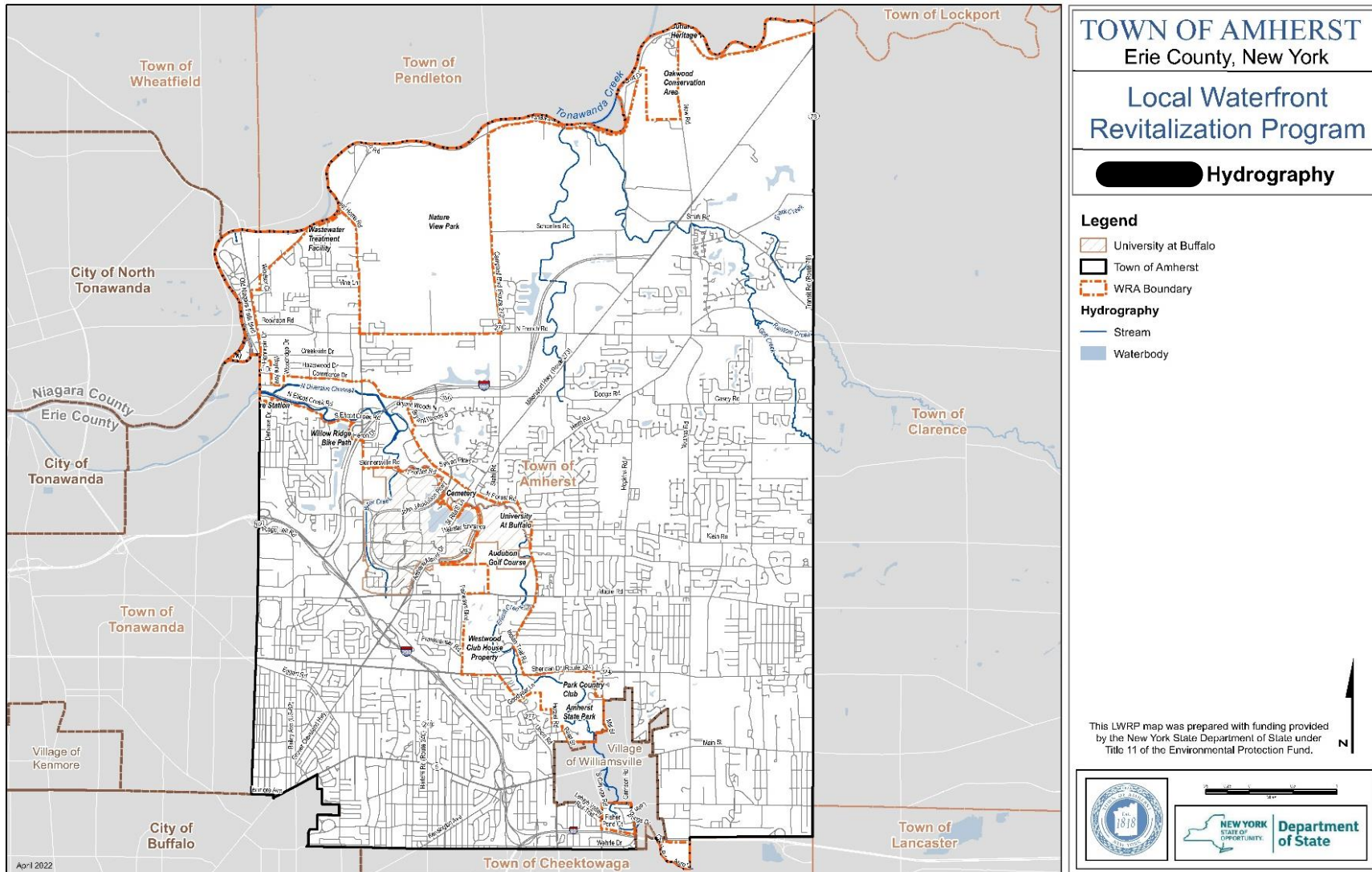
- Sensitive Environmental Features**
- Significant Natural Community
  - Erie County Agricultural District

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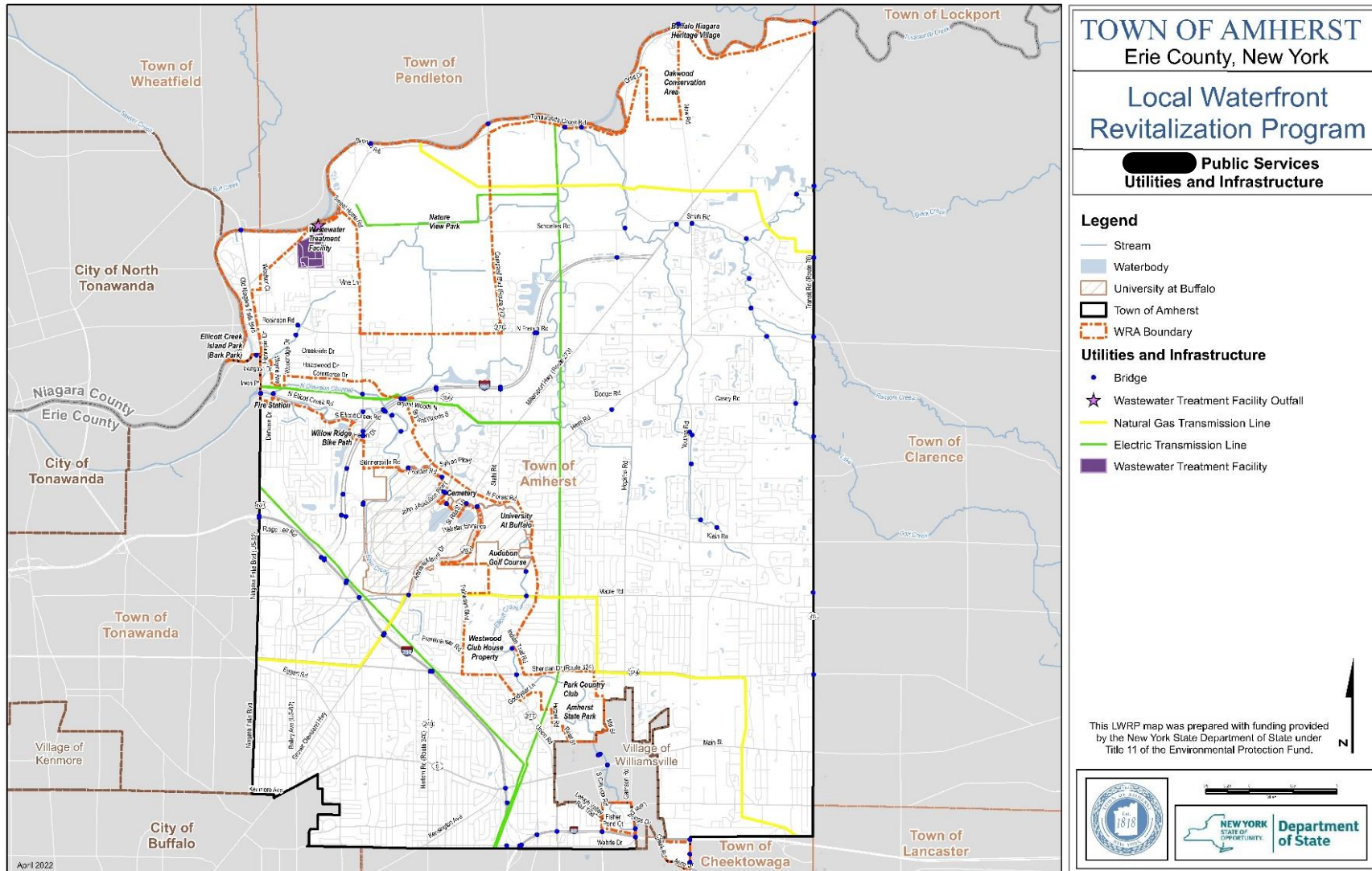


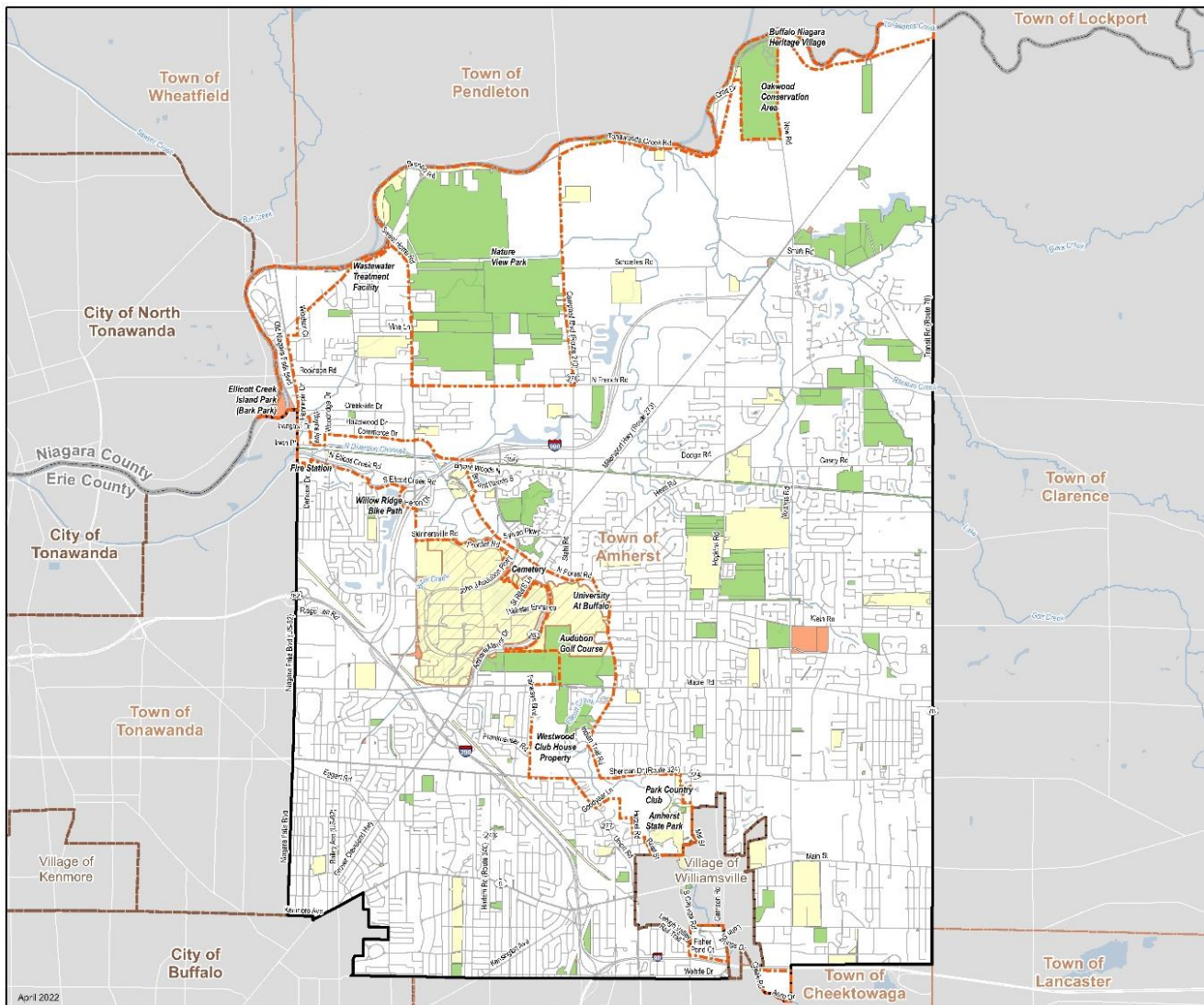












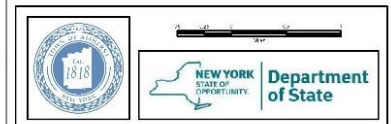
**TOWN OF AMHERST**  
Erie County, New York

**Local Waterfront  
Revitalization Program**

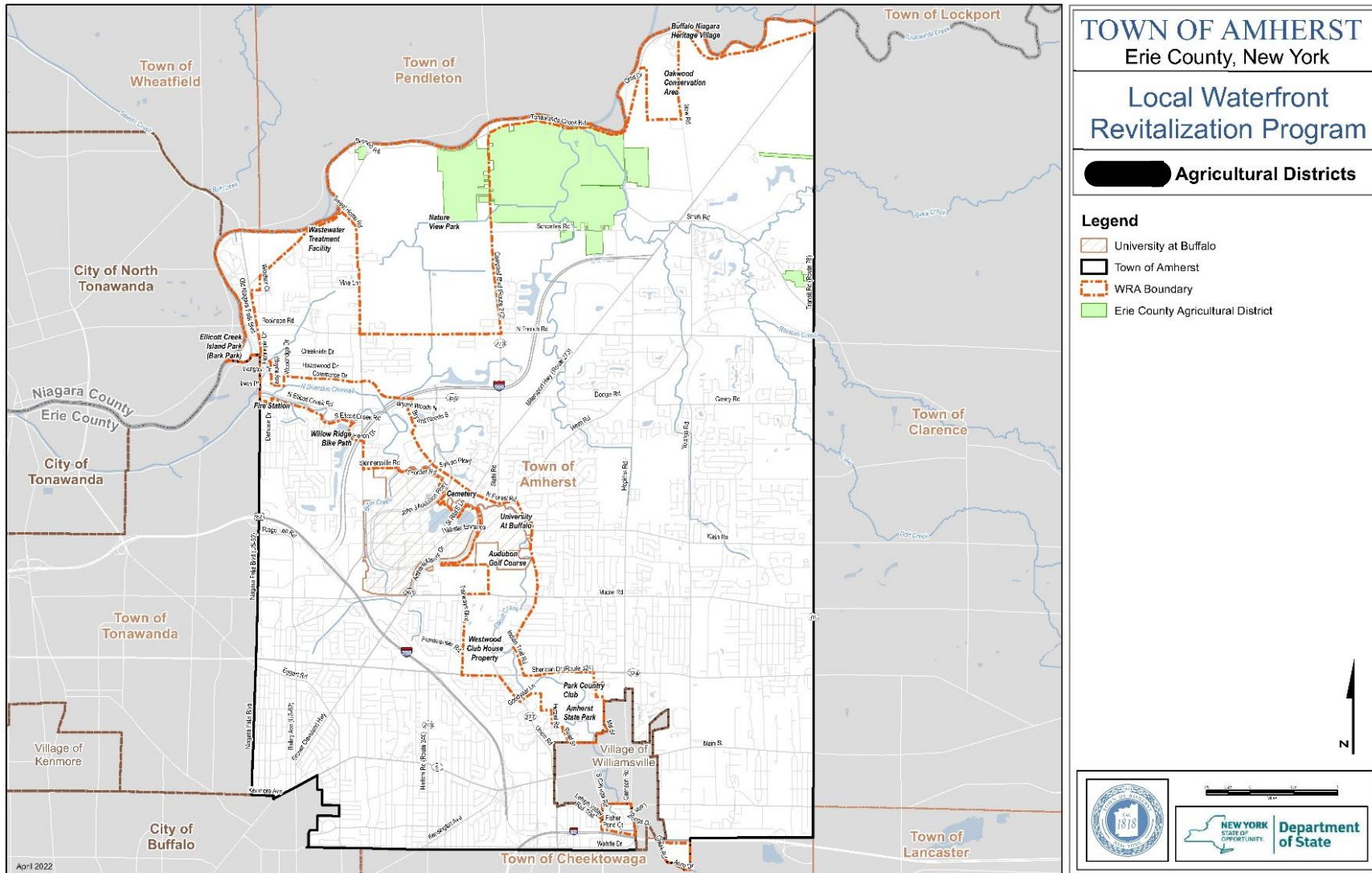
**Land and Water  
Public Ownership**

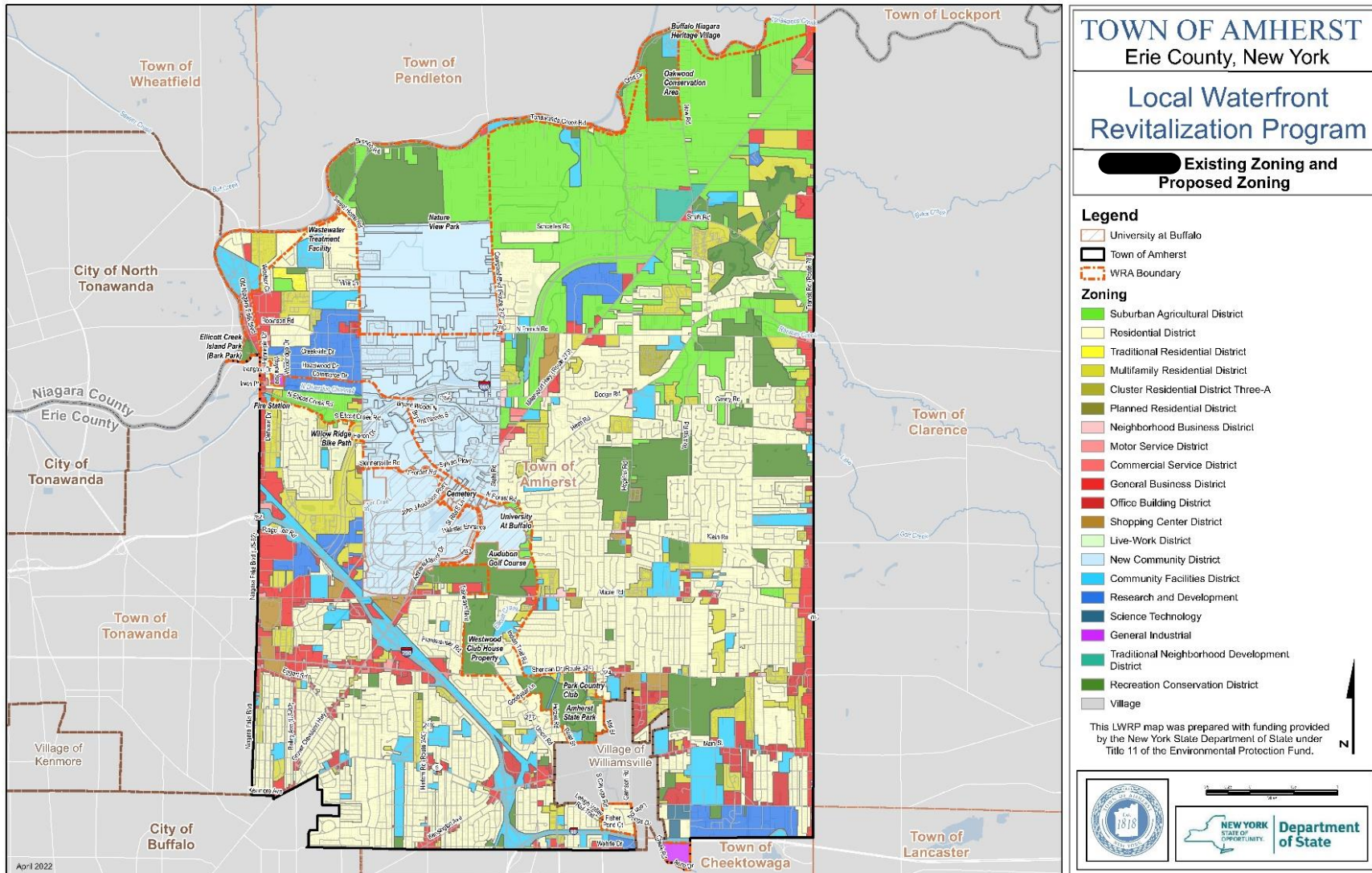
- Legend**
- University at Buffalo
  - Town of Amherst
  - WRA Boundary
  - State Owned Parcel
  - County Owned Parcel
  - Town Owned Parcel

This LWRP map was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.

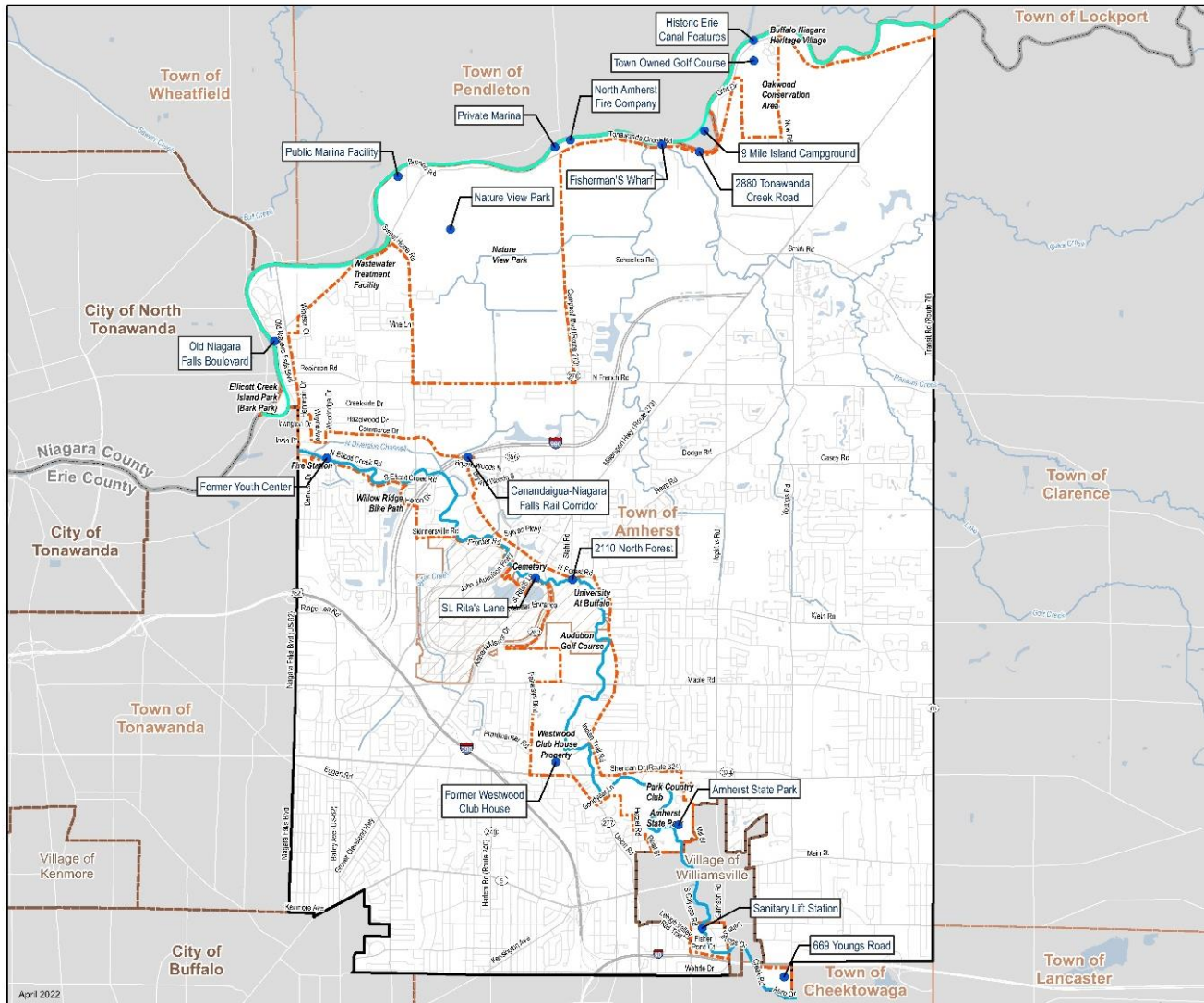












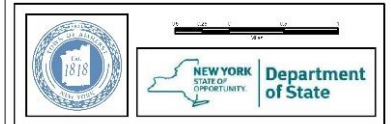
**TOWN OF AMHERST**  
Erie County, New York

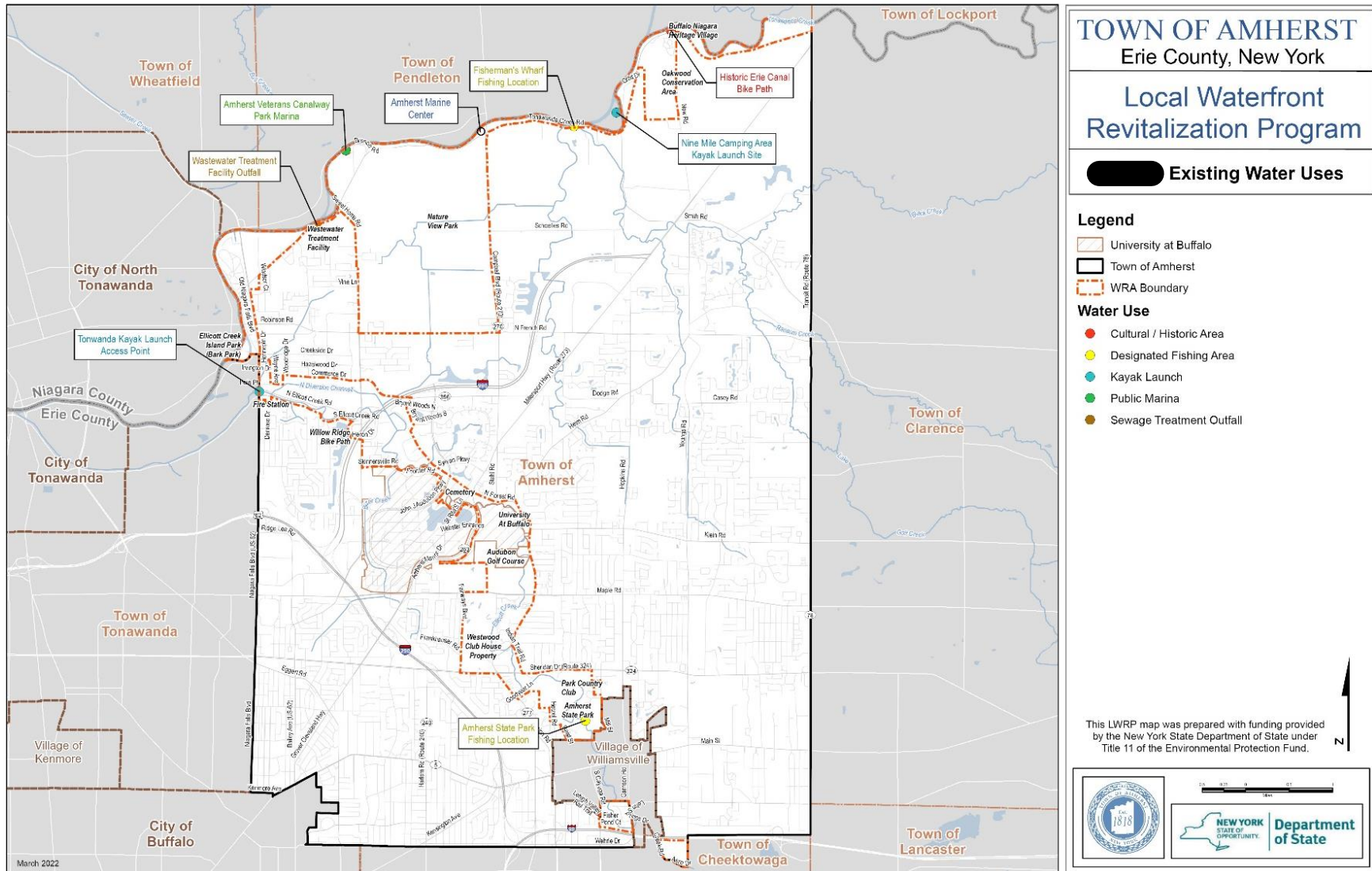
**Local Waterfront Revitalization Program**

**Underutilized Sites and Waterfront Opportunities**

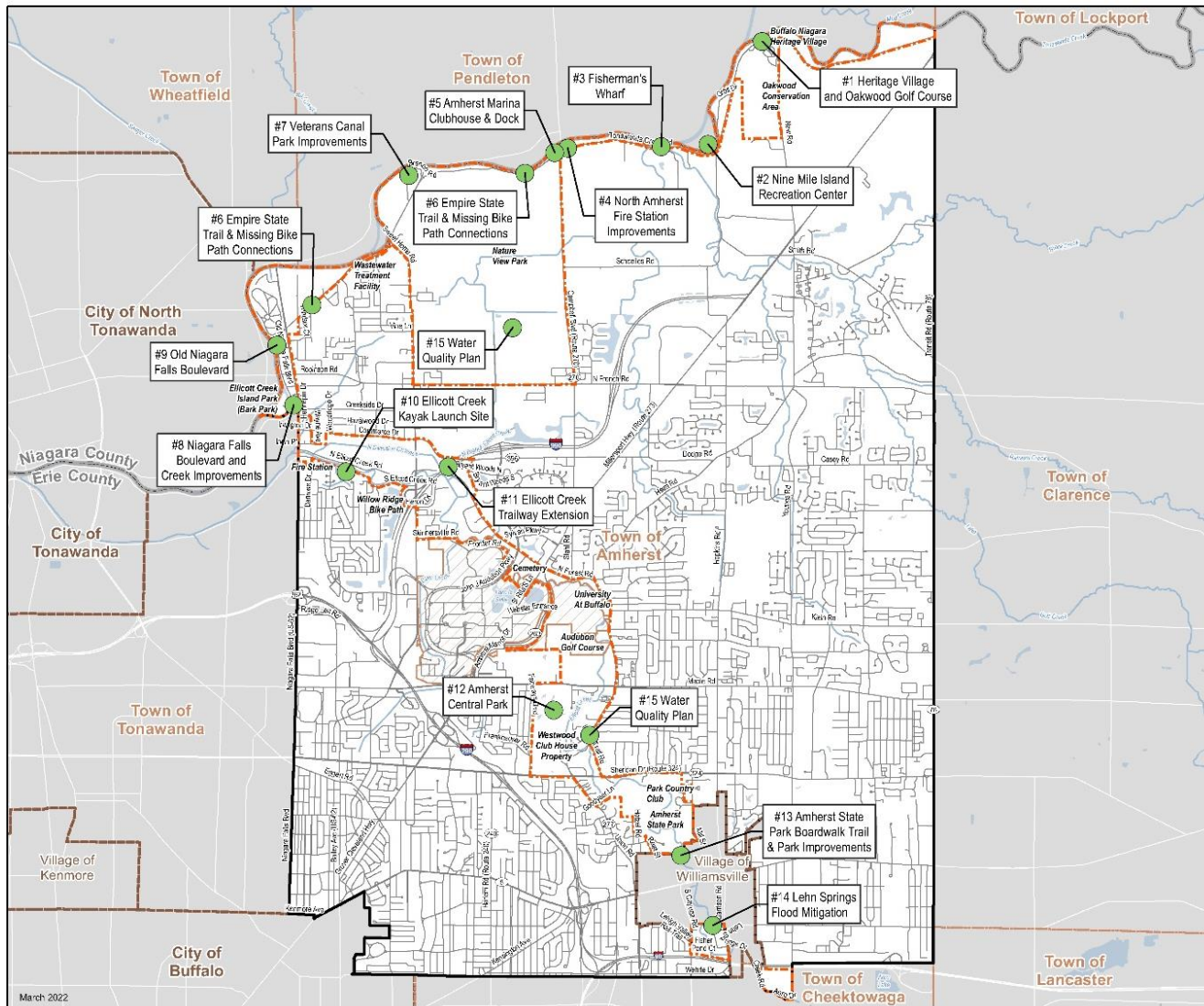
- Legend**
- University at Buffalo
  - Town of Amherst
  - WRA Boundary
  - Underutilized Site
  - Ellicott Creek
  - Tonawanda Creek

This LWRP map was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.









**TOWN OF AMHERST**  
Erie County, New York

**Local Waterfront Revitalization Program**

**Proposed Project Locations**

**Legend**

- University at Buffalo
- Town of Amherst
- WRA Boundary
- Proposed Project Location

This LWRP map was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.

# APPENDIX F - REFERENCES, CITATIONS, AND SOURCES OF INFORMATION

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#### ADDITIONAL SOURCES: INDIVIDUALS, GROUPS & ORGANIZATIONS

Brian Barnes, Town of Amherst, Senior GIS Analyst

Lisa Wiza-Matthies, Erie County Director of GIS

Ralph W. Hill, PLS, Office of General Services, Real Estate Officer

Brendon Simon, NYS Canal Corporation, Western Regional Canal Engineer

Michael Schifferli, NYSOPRHP Historic Preservation Resources Unit Coordinator

Michael Todd, NYSDEC Biologist, Division of Fish and Wildlife

Mary Binder, NYSDEC Environmental Division Floodplain Manager

Theodore Meyers, NYSDEC Water Resources

Kerrie Swartz, NYSDEC Environmental Permit Division

Steve Metivier, United State Army Corp of Engineers

Ron Peters, NYSOPRHP Deputy Manager

Evyn Iacovitti, NYSOPRHP Environmental Division

Meg Janis, NYSOPRHP Natural Resource Stewardship Biologist

Lois Shriver, Town of Amherst Conservation Advisory Council

Mark Gaston, Erie County Water and Soil Conservation District

Kelly Frothingham, Professor at Buffalo State

Jeff Herter, Department of State Office of Planning & Development

Joseph Lasch, NYS Office of Information Technology Services GIS Manager

Barbara Cruden, NYS Office of Information Technology GeoSpatial Technologies

Wendy Salvati, Village of Williamsville Consultant