

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, Region 9  
700 Delaware Avenue, Buffalo, NY 14209  
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www.dec.ny.gov

May 29, 2024

Jessica Boudreau  
Town of Amherst  
1100 North Forest Road  
Williamsville, New York 14221

Dear Jessica Boudreau:

**Wetland CC-45  
Boundary Delineation  
Lou Gehrig Field  
550 Smith Road & 0 Dann Road  
Town of Amherst, Erie County**

This letter serves as notification that I conducted a field visit of the property at 550 Smith Road & 0 Dann Road property, parcel #16.00-4-20.1 & 16.00-4-16.1, on September 14, 2022, to determine whether wetlands present within and adjacent to the parcel meet New York State Department of Environmental Conservation (NYSDEC) criteria for state wetlands jurisdiction.

Based on our review, we verified the boundary, delineated by Earth Dimensions Inc. (EDI), of Wetland CC-45, denoted as “Wetland W1” and “Wetland W2” by EDI. The wetland boundary flagged by Earth Dimensions, Inc. is identified with pink plastic flagging, and is depicted in Figure 6 in their April 2022 Wetland and Waterbodies Delineation Report (enclosed). Please note that the NYSDEC boundary verification deviated from this mapped boundary for “Wetland W1”, due to the presence of fill in the wetland. A map depicting the NYSDEC’s final jurisdictional wetland boundary is attached, and the changes are explained below.

For “Wetland W1”, which extends generally east to north to west on the west side of the 550 Smith Road parcel, EDI flags W1-1 through W1-4 and W1-6 through W1-11 were eliminated by the NYSDEC. The NYSDEC 2010 delineated boundary was inserted, beginning with consecutively numbered flags A14 through A28, which connects to EDI Flag W1-5, which connects to DEC flag A29, which connects to EDI flags W1-12 through W1-14, which connects to DEC flags A32 to A41, as is shown in the attached map.

“Wetland W2” is consecutively numbered from W2-1 through W2-4, and extends generally south to north along the east side of the 0 Dann Road parcel.

Based on our review, we determined that there is no state-regulated freshwater wetlands jurisdiction of EDI's "Wetland W3." Specifically, the DEC determined that "Wetland W3" is not part of Wetland CC-45 as it does not substantively function as a unit with the extensive area of Wetland CC-45 to the northeast in providing wetland benefits. Wetland 3 is small in size (<0.1 acre), it exhibits a seasonally saturated hydrologic regime, it lacks DEC Class 1 wetland characteristics, and is separated from the main body of Wetland CC-45 by a ditch. Similarly, "Wetland W3" is not dependent on the main body of Wetland CC-45 in providing wetland benefits.

In 1975, the New York State Legislature passed the Freshwater Wetlands Act to preserve and protect wetlands and their functions, such as flood protection and fish and wildlife habitat. Activities that may have a negative impact on the wetlands and their functions, such as construction, filling, draining, clearing vegetation, or polluting, are regulated. Landowners must first obtain permits in order to ensure that no problems result from their proposed activities in the wetland or the regulated 100-foot adjacent area. Contact our Division of Environmental Permits Office for information regarding permit requirements at:

New York State Department of Environmental Conservation  
Division of Environmental Permits  
270 Michigan Avenue  
Buffalo, New York 14203-2915  
Telephone: (716) 851-7165

Locations of wetland flags were recorded with a hand-held Global Positioning System and, therefore, may not be survey-accurate. In addition, DEC flags from 2010 are no longer present.

Please note that, for the purpose of your Article 24 application, this Department will not require a surveyed wetland boundary map. Instead, the plans included in the Joint Permit Application dated April 1, 2020 are acceptable. Instead, you may submit a sketch of the planned work areas in your anticipated Joint Application.

Be advised that the U.S. Army Corps of Engineers may also have wetland jurisdiction irrespective of the Department of Environmental Conservation. For more information, you may contact the Corps at:

United States Army Corps of Engineers Regulatory Branch  
1776 Niagara Street  
Buffalo, New York 14207  
Telephone: (716) 879-4330

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If you have any questions about this wetland delineation, please feel free to call me in the Buffalo office at (716) 851-7010.

Sincerely,



Angela G. Driscoll  
Wetlands & Waters Ecologist  
Region 9 - Buffalo

AGD:ef

Attach: Consultant Wetland Location Map  
Delineation Map  
Wetland Information Handout

cc: Maureen Brady, NYSDEC Office of General Counsel  
Chuck Rosenburg, NYSDEC Division of Fish and Wildlife  
Lisa Czechowicz, NYSDEC Division of Environmental Permits  
Jody Celeste, Earth Dimensions, Inc.  
Leanne Voit, Wendel Companies  
William Anterline, Wendel Companies  
Jeffrey Burroughs, Town of Amherst  
Eric Guzdek, Town of Amherst  
Wetland CC-45 file