



Valeria Ivan  
New York State Department of State  
Office of Planning, Development & Community Infrastructure

Submitted Via Email to [Valeria.Ivan@dos.ny.gov](mailto:Valeria.Ivan@dos.ny.gov)

March 24, 2023

Ms. Ivan,

Buffalo Niagara Waterkeeper (BNW) appreciates the opportunity to provide comments and recommendations on the Town of Amherst's Local Waterfront Revitalization Plan (LWRP).

Housed within the Town are many important cultural, scenic, and ecological resources. The development of the LWRP provides a great opportunity to plan for revitalization within the Town in a manner that is simultaneously beneficial to the whole community while remaining protective of our water resources. We urge the Town to preserve, restore and enhance the natural functions of living infrastructure and ecological assets. Protecting the Town's waterways will drive economic investment, provide important ecosystem services, and enhance quality of life.

Below, we provide comments itemized by section in the LWRP.

**General:**

- BNW notes that Ransom Creek, a major waterway in the Town of Amherst, is not included within the LWRP boundary. We recommend that Amherst considers incorporating it as part of the designated boundary. There are specific actions for Ransom Creek identified in the 2020 Town of Amherst Comprehensive Plan that would be beneficial to address in the LWRP for consistency and to ensure the document encompasses all critical water assets within the Town.
- There are several areas identified as Conservation Land/Open Space shown in Figures 2.6 and 2.7 that are adjacent to the Tonawanda Creek Subarea Boundary but aren't included as part of the subarea. BNW recommends adding these areas to be incorporated within the LWRP boundary. Even though projects may not be planned for those open space areas, having them included in the boundary ensures that LWRP policies can be applied if/when future development is proposed.
- There are two prominent golf courses in the Town, Audubon Golf Course and Park Country Club, that may have habitat restoration opportunities available. BNW has implemented a successful restoration project at River Oaks Golf Course and would welcome the opportunity to continue working in these types of settings. Golf courses often contribute excess nutrients and pollutants to local waterways. If there is opportunity to add an additional project(s) focused on golf course restoration, BNW would like to further explore those opportunities with the Town. Additional information regarding BNW's River Oaks Golf Course project along Spicer Creek can be found here: <https://bnwaterkeeper.org/spicer-creek/>.

- BNW respectfully requests the correct spelling of Buffalo Niagara Waterkeeper in the Plan's Bibliography.

## **Section 2: Development Trends and Opportunities**

- Page 39 of this section states the following: "Buffalo Niagara Waterkeeper previously had plans to create a sustainable shoreline project at the foreshore. The plans are still in the works and have not been funded to date." This should be updated to state that BNW 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 sections of the shoreline on the island that are eroding or degraded.

## **Section 2: Water Quality Assessments**

- BNW notes that there is no mention of Harmful Algae Blooms (HABs) having occurred in Ellicott Creek. We recommend including this issue in the Public Safety section and/or Water Quality Assessments section. It is an important item to note both from a public health and water quality perspective, particularly if a kayak launch is being proposed in an area with documented HABs. Additional information regarding known HABs occurrences can be found here: <https://bnwaterkeeper.org/harmful-algal-bloom/>.

## **Section 2: Wastewater Treatment Facilities**

- There is discussion regarding the Town's private sewer systems and their location in poorly drained soils. BNW recommends adding a LWRP project that identifies formal education and assistance to guide homeowners in proper septic maintenance as a priority action. Taking this action would be beneficial to mitigate excessive nutrients and organic matter from septic system failures, which may impact water and environmental resources. Recently, the Lake Erie Watershed Protection Alliance (LEWPA) conducted several well-attended septic maintenance workshops for residents in southern Erie County. If interested, the Town could host a similar workshop for Town of Amherst residents. Additional information for Septic Smart for Lake Erie can be found here: <https://www4.erie.gov/septicmart/>.

## **Section 2: Stormwater Management**

- BNW would like to call out a specific stormwater management concern, "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." BNW respectfully recommends the consideration of innovative green infrastructure practices and development considerations that can be implemented to prevent additional future disruption of the natural flow of the hydrologic system, which will result in less work/maintenance costs for the Town. BNW is open to working with the Town to identify the appropriate green infrastructure and nature-based practices.

**Section 4: Proposed Land and Water Uses and Proposed Projects, Niagara Falls Boulevard and North Ellicott Creek Road Improvements, Streetscape Improvements and Connections**

- There is excellent language regarding prioritizing natural riparian vegetation and native species in Section IV, page 54 when discussing Amherst State Park. BNW respectfully recommends including similar language for the Niagara Falls Boulevard and North Ellicott Creek Road Improvements project.
- The consideration of including water-based recreation is mentioned as part of the Niagara Falls Boulevard and North Ellicott Creek Road Improvements project. An existing kayak launch exists just downstream on the other side of Niagara Falls Boulevard in Ellicott Creek Park. The Town should assess the need for an additional launch in this proximity, especially as it will likely require ongoing maintenance by the Town. Another factor that should be considered in thinking about water-based recreation is the presence of Harmful Algae Blooms that have been observed in that section of the Creek.

**Section 4: Proposed Land and Water Uses and Proposed Projects, Old Niagara Falls Boulevard Improvements, Streetscape Improvements**

- BNW respectfully recommends that any development proposed within 100 feet of a waterway in this traditional infill area consider the inclusion of green infrastructure elements sufficient to mitigate runoff and minimize any increase in impervious surface that would increase runoff into the creek.

**Appendices: V. Review of Actions, I, Policy 12**

- Policy 12 reads as, “. . . flooding and erosion by protecting natural protective features including, beaches, dunes, barrier islands and bluffs.” The Town of Amherst does not have the four habitats listed. BNW respectfully recommends updating Policy 12 to read, “. . . flooding and erosion by protecting natural protective features including, floodplains, wetlands, forested wetlands and other important ecological habitats.”

Sincerely,



Emily Root  
Director of Ecological Programs  
eroot@bnwaterkeeper.org

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9  
700 Delaware Avenue, Buffalo, NY 14209  
P: (716) 851-7165 | F: (716) 851-7168  
[www.dec.ny.gov](http://www.dec.ny.gov)

March 14, 2023

Valeria Ivan  
NYS Department of State  
Office of Planning, Development & Community Infrastructure  
[Valeria.Ivan@dos.ny.gov](mailto:Valeria.Ivan@dos.ny.gov)

Dear Valeria Ivan:

## **Town of Amherst Draft LWRP NYSDEC Comments**

Thank you for the opportunity to review the Town of Amherst Draft Local Waterfront Revitalization Plan (LWRP). The New York State Department of Environmental Conservation (NYSDEC) previously reviewed the document and provided the enclosed comments to the Town of Amherst during their State Environmental Quality Review Act (SEQR) coordination for the draft LWRP. The NYSDEC has no additional comments at this time.

Thank you again for the opportunity to review the plan. If you have any questions, please feel free to contact Michelle Woznick of my staff or me at 716/851-7165.

Sincerely,

*David S. Denk*

David S. Denk  
Regional Permit Administrator

Enclosure

MRW



# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9  
700 Delaware Avenue, Buffalo, NY 14209  
P: (716) 851-7165 | F: (716) 851-7168  
www.dec.ny.gov

## **SENT VIA EMAIL**

October 3, 2022

Daniel Ulatowski  
Town of Amherst Planning Department  
5583 Main Street  
Williamsville, New York

Dear Daniel Ulatowski:

**SEQR Lead Agency Designation**  
Draft Local Waterfront Revitalization Plan  
Town of Amherst, Erie County

This is to acknowledge receipt of your notice, dated September 1, 2022, which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted action. The New York State Department of Environmental Conservation (NYSDEC) concurs that the Town of Amherst should act as SEQR Lead Agency for the proposed action, since the environmental impacts of the proposal are primarily of local significance. NYSDEC has reviewed the Draft Local Waterfront Revitalization Plan and has the following comments:

1. Please note that Ellicott Creek and Tonawanda Creek may contain populations of New York State listed threatened / endangered mussel species and critically imperiled (S1) / imperiled (S2) mussel species. If any activities involved work within or adjacent to Ellicott Creek or Tonawanda Creek, consultation with NYSDEC will be necessary. NYSDEC recommends adding this information to Section 2.11 Geographic Features and Natural Resources.
2. NYSDEC encourages the Town of Amherst to coordinate proposals within the proposed waterfront revitalization area with involved and interested agencies pursuant to the State Environmental Quality Review Act.

If you have any questions, please feel free to contact Michelle Woznick at 716/851-7165 or [Michelle.Woznick@dec.ny.gov](mailto:Michelle.Woznick@dec.ny.gov).

Sincerely,

*David S. Denk*

David S. Denk  
Regional Permit Administrator

MRW



**From:** [Getnick, Kevin B NFG NG NYARNG \(USA\)](#)  
**To:** [Ivan, Valeria \(DOS\)](#)  
**Subject:** 60-Day Review Notification – Draft Town of Amherst LWRP  
**Date:** Tuesday, January 24, 2023 12:06:15 PM

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**ATTENTION:** This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good afternoon,

DMNA has reviewed the proposed Local Waterfront Redevelopment Plan and determined it is not adjacent or in the vicinity of any of our facilities in the Buffalo Area.

As such we do not not anticipate any potential impacts to NYSDMNA facilities or missions related to the adoption of the Amherst LWRP.

Regards-

**Kevin Barrett Getnick**

General Counsel and State Director of Legal Affairs

**NYS Division of Military and Naval Affairs**

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518.225.9483 | [Kevin.B.Getnick.NFG@army.mil](mailto:Kevin.B.Getnick.NFG@army.mil) | [dmna.ny.gov](http://dmna.ny.gov)

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**New York State  
Parks, Recreation and  
Historic Preservation**

**KATHY HOCHUL**  
Governor

**ERIK KULLESEID**  
Commissioner

February 21, 2023

Valeria Ivan  
New York State Department of State  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12210

Re: DOS  
Town of Amherst Local Waterfront Revitalization Program (LWRP) Draft  
23PR00656

Dear Valeria Ivan:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impact *to New York State Parkland* that may be involved in or near your project. Such impact must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act (New York Environmental Conservation Law Article 8).

The OPRHP has reviewed the Draft Town of Amherst Local Waterfront Revitalization Program. Number 4 on the list of significant resources under Policy 23 (Section III, page 23) refers to "An archaeological resource on the State Department of Education's inventory of archaeological sites". Please note that there are other repositories of archaeological sites in New York State, including the State Historic Preservation Office, and we recommend that all previously recorded archaeological sites be considered.

Upon review of the "2.8 Cultural and Historic Resources" on pages 74-78 of the Draft Town of Amherst Local Waterfront Revitalization Program, please note that this list of State and National Register listed and eligible properties located within the Town of Amherst does not appear to be accurate. According to our Cultural Resource Information System (CRIS) database, the following properties have been listed on the State and National Registers in the Town of Amherst as of February 2023:

NYSHPO Project Number	Type	Project Name	Location
01PR06092	National Register (01NR01730) Listed: 10/24/2002	St. Mary of the Holy Angels Motherhouse	Town of Amherst
02PR06273	National Register (02NR04911) Listed: 07/03/2003	Former Reformed Mennonite Church	Town of Amherst
05PR06320	National Register (05NR05515) Listed: 12/07/2005	Entranceway at Main Street at Roycroft Boulevard	Town of Amherst
05PR06321	National Register (05NR05516) Listed: 12/07/2005	Entranceway at Main Street at Lamarck Drive and Smallwood Drive	Town of Amherst
07PR06969	National Register (07NR05811) Listed: 05/12/2008	Williamsville Junior and Senior High School	Town of Amherst
08PR06629	National Register (08NR05870) Listed: 07/23/2009	Entranceway at Main Street at Lafayette Boulevard	Town of Amherst
08PR06630	National Register (08NR05871) Listed: 07/23/2009	Entranceway at Main Street at LeBrun Road	Town of Amherst
08PR06631	National Register (08NR05872) Listed: 07/23/2009	Entranceway at Main Street at High Park Boulevard	Town of Amherst
08PR06632	National Register (08NR05873) Listed: 07/23/2009	Entranceway at Main Street at Westfield and Ivyhurst Road	Town of Amherst
08PR06633	National Register (08NR05874) Listed: 07/23/2009	Entranceway at Main Street at Darwin Drive	Town of Amherst
14PR03692	National Register (14NR06559) Listed: 10/15/2014	New York State Barge Canal Historic District	MULTIPLE
22PR01407	National Register (22NR00026) Listed: 09/01/2022	Buffalo VA Hospital Historic District	Town of Amherst

In regards to the table II-8 – “Local Blue Rated Properties,” page 76-77, please note that the Jacob Kramer Farmhouse/Pickard Settlement (181 & 215 Brenon Road) has two separate USNs; USN 02902.001134 181 Brenon is identified as State and National Register eligible, while USN 02902.000088 Kramer House is identified as NOT State and National Register Eligible. An additional review of data in CRIS has yielded numerous additional individual and historic districts in the Town of Amherst which have been identified as State and National Register, at least 245 separate entries.

Upon review of table II-9 “Historic Structures Located at the Buffalo Niagara Heritage Village in Amherst,” page 78, please note that buildings in this outdoor museum would not be evaluated for potential State and National Register eligibility as individual resources, since they have been moved



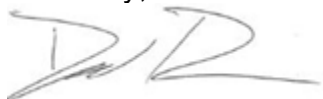
and relocated. The buildings have lost their original historic settings, locations, context, and any associated outbuildings, agricultural fields, etc. They are in an entirely new setting in the Buffalo Niagara Heritage Village. We would thus review eligibility of the entire museum, which appears to have originated in 1972. The Buffalo Niagara Heritage Village has not been evaluated by the NYSHPO for State and National Register eligibility as an outdoor museum.

Please note, that in order to ensure that potential effects or impacts on eligible or listed properties are considered and avoided or mitigated during the project planning process, individual projects that are funded, licensed or permitted by State or Federal agencies must be reviewed under Section 106 of the National Historic Preservation Act and/or Section 14.09 of the New York State Historic Preservation Act. In addition, the OPRHP/SHPO advises local communities on local preservation environmental reviews upon request, under the provisions of the State Environmental Quality Review Act (SEQRA).

As plans are developed for specific projects associated with the LWRP, OPRHP/SHPO recommends that they be submitted to our office, as separate projects for review under the applicable Historic Preservation Law.

If you have any questions, you can call or e-mail me at the contact information below.

Sincerely,



Derek Rohde  
Historic Site Restoration Coordinator  
518-275-5745 | [Derek.Rohde@parks.ny.gov](mailto:Derek.Rohde@parks.ny.gov)

**From:** [Gordon, Casey \(DOT\)](#)  
**To:** [Ivan, Valeria \(DOS\)](#)  
**Cc:** [Buffamonte, Joseph \(DOT\)](#); [Przepasniak, Justin \(DOT\)](#); [Hill, David J. \(DOT\)](#)  
**Subject:** RE: 60-Day Review Notification – Draft Town of Amherst LWRP  
**Date:** Thursday, February 2, 2023 10:23:10 AM  
**Attachments:** [2022-SO415 - NYSDOT Comments on Amherst LWRP.msg](#)

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Good morning Valeria,

The New York State Department of Transportation (NYSDOT) has reviewed the documentation provided for the Town of Amherst Local Waterfront Revitalization Plan and has the following comments:

- Based upon the information provided, the proposed project does not appear to have a significant impact to traffic on the State Highway System at this time
- Please keep NYSDOT in the loop for any future developments in the LWRP area that may affect traffic or access to the State Highway Systems in Amherst
- NYSDOT previously provided similar comments directly to the Town of Amherst on 1/4/23 – this correspondence is attached for reference

Respectfully,  
**Casey Gordon**  
Transportation Analyst  
Planning and Program Management

### **New York State Department of Transportation, Region 5**

100 Seneca Street, Buffalo, NY 14203  
(716) 847-3580  
[Casey.Gordon@dot.ny.gov](mailto:Casey.Gordon@dot.ny.gov)  
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**From:** dos.sm.Cstl.OPD <[OPD@dos.ny.gov](mailto:OPD@dos.ny.gov)>  
**Sent:** Monday, January 23, 2023 4:10 PM  
**To:** Cirillo, Frank P (DOT) <[Frank.Cirillo@dot.ny.gov](mailto:Frank.Cirillo@dot.ny.gov)>  
**Subject:** 60-Day Review Notification – Draft Town of Amherst LWRP

The Department of State is initiating the 60-day review process for the Draft Town of Amherst LWRP under Article 42 of the Executive Law. Please see the attached letter with information about the review process. If this email is going to be forwarded to your staff for review, please forward with the attached letter. The LWRP is posted on the DOS website at: <https://dos.ny.gov/public-notice>

Please email any comments on the Draft LWRP by the deadline in the attached letter to Valeria Ivan at [Valeria.Ivan@dos.ny.gov](mailto:Valeria.Ivan@dos.ny.gov). Comments may be provided until **March 25, 2023**, either in the body of an email or as an attached document, with the email subject line: 60-Day Review Comments – Draft Town of Amherst LWRP.

**New York Department of State**

**Office of Planning, Development & Community Infrastructure**

One Commerce Plaza, Albany, NY 12231

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