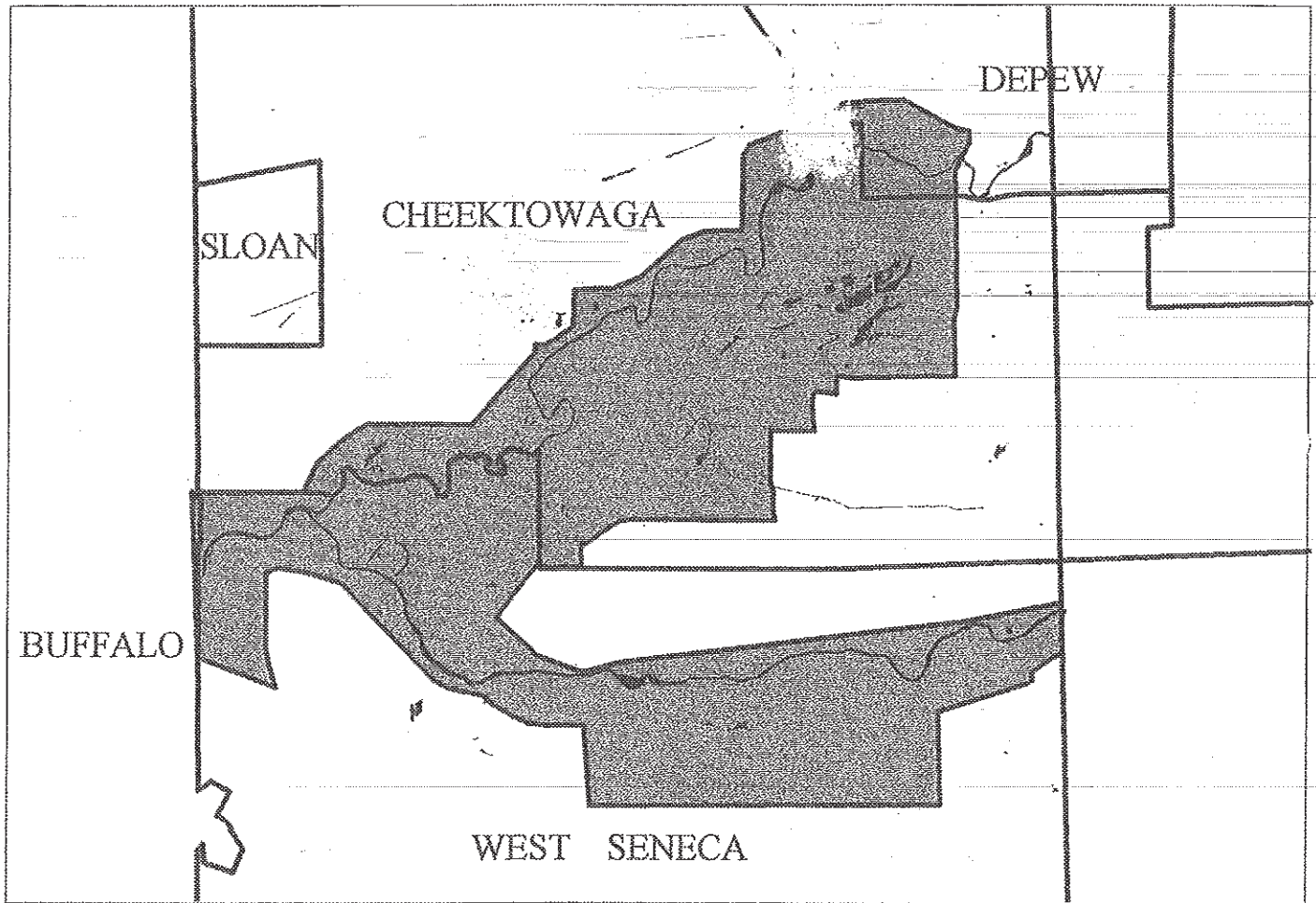


BUFFALO AND CAYUGA CORRIDOR RESTORATION STUDY: FINAL REPORT

29 SEPTEMBER 1997

(MAPS ADDED 1/8/98)



*Buffalo Cayuga
Creek Study*

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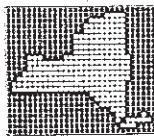
The Friends of the Buffalo River

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ABOUT THE FRIENDS OF THE BUFFALO RIVER

The Friends of the Buffalo River, incorporated in 1989, is a not-for-profit citizen organization dedicated to the restoration of the Buffalo River, the revitalization of its neighborhoods, and improved public access to the river and waterfront. For more information about the Friends or copies of this report, please contact:

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EXECUTIVE SUMMARY

Consistent with their vision for clean, attractive and accessible riparian corridors basin-wide, the Friends of the Buffalo River (FBR) studied the feasibility of extending the ongoing Buffalo River Greenway planning effort to include two major tributaries, Buffalo and Cayuga Creeks, in the towns of West Seneca and Cheektowaga, respectively. This Study Report focuses on lands adjacent to these creeks, with particular respect to the area's cultural heritage and its functions as a wildlife corridor. In addition, it identifies opportunities and constraints to implementing a continuous riparian greenbelt.

The entire area was once part of the Buffalo Creek Indian Reservation (c.1780-1840) and contains several important Seneca, Cayuga, and Onondaga village sites as well as the archaeological remains of earlier Erie and Wenro cultures. Opportunities for cultural parks and commemorative features honoring some of this history are identified.

Pockets of unprotected wetland and floodplain forest along these creeks are reservoirs of native plant and animal diversity and are the last relatively undisturbed habitats of their kind in the Buffalo area. The Cayuga Creek corridor includes several large parcels of publicly-owned land containing remnant old-growth forest: 220-acre New York State Department of Environmental Conservation (DEC) Reinstein Woods Nature Preserve; 323-acre Town of Cheektowaga Stiglmeier Park; and, 55-acre Town of Cheektowaga Cayuga Creek Nature Preserve. The potential for continuous riparian linkages between these parcels were explored as part of the study.

The Buffalo and Cayuga Creeks Corridor Restoration Study ("Study") described in this report was conducted in two phases:

Phase I: Analysis and Concept Development

- 1.1 Collect, review, and synthesize environmental and cultural information from the towns of Cheektowaga and West Seneca.
- 1.2 Prepare overlays of zoning, land use, utilities, landscape character, floodplains, and cultural resources.
- 1.3 Survey on-site conditions.
- 1.4 Review study area boundaries and overlays; revise as necessary.
- 1.5 Meet with town boards and conservation councils regarding findings and future plans for river areas.
- 1.6 Create a Technical Advisory Committee (TAC) of local officials, agencies, and interested groups to assist in concept development, goal-setting, inventory, and consistency review (Appendix A).

Phase II: Planning and Design

- 2.1 Prepare composite maps of existing significant cultural resources, natural resources, and delineate areas 'susceptible to change' due to existing land uses and/or zoning.
- 2.2 Identify opportunities for access to river, habitat links, and commemorative features regarding Native American history. Identify possible conflicts of uses.
- 2.3 Analyze opportunities and constraints to implementing a continuous riparian greenbelt.
- 2.4 Prepare draft Study Report, including a description of opportunities, constraints, and recommendations for review and comment by the TAC.
- 2.5 Revise draft per comments received and prepare final Buffalo and Cayuga Creeks Corridor Restoration Study Report for public presentation.

Broad project goals and objectives (Item 1.6), results of a resources inventory (Item 2.1), analyses of opportunities and constraints (Item 2.3), and recommendations (Item 2.4) are described in more detail in Chapters II, III, VI, and VIII, respectively.

This study report does not attempt to supersede local land use planning initiatives or prescribe zoning, subdivision or site plan review regulations. Rather it pulls together hard-to-find information and presents it for future greenbelt planning, if undertaken. While the author, FBR, and TAC have attempted to provide the most accurate and up-to-date information possible, errors are possible. Reader comments and suggestions are encouraged.

I. INTRODUCTION

A. Project Rationale

By creating greenbelts, towns can make a true contribution to the quality of life within their communities at a relatively low cost. Beyond their aesthetic value, greenbelts have been documented to have direct economic, social, and environmental benefits, including: raising residential and commercial property values; attracting out-of-town visitors and recreational spending; spurring redevelopment and revitalization of villages and transportation nodes; inspiring community stewardship; and protecting critical habitats. Pockets of unprotected wetland and floodplain forest along Buffalo and Cayuga Creeks are reservoirs of native plant and animal diversity and are the last relatively undisturbed habitats of their kind in the Buffalo area. The creeks and adjacent forests and wetlands are an outstanding asset to the Towns of West Seneca and Cheektowaga worthy of protecting as an investment in the future.

The Buffalo River Greenway Study began in 1992 with initial funding from the Great Lakes Research Consortium (GLRC). During the first half of the year, the FBR Greenway Committee ("Committee") and its consultants conducted an inventory of land uses and natural resources in the upstream segment of the project (i.e., from the east city line down to the Buffalo River's confluence with Cazenovia Creek). Land use controls and other regulatory mechanisms for river protection were researched and discussed in a report submitted to the GLRC in August 1993, titled Controlling Land Use for Water Quality Protection: the Buffalo River Greenway Plan. This report also suggested priority parcels in the upstream river segment for acquisition, conservation easements or park land designation.

In 1993-94, New York State Council on the Arts (NYSCA) support allowed the initiative to extend to the Buffalo River corridor within the City of Buffalo. In all, that phase produced 49 inventory maps for land use analysis. Once the base maps were developed, the following features were mapped for analysis: floodplains, zoning, land use, utilities and hazards, ownership and landscape character. With this information, the FBR and its consultant met with local public officials, neighborhood groups, property owners and representatives of agencies such as the U.S. Fish and Wildlife Service (USFWS) and NYS DEC for discussions of goals, intentions and existing or proposed plans for the river. As a result of this work, the Buffalo Common Council requested that the FBR review all proposed development projects within 500 feet of the river, and also to be on its Waterfront Greenway Task Force, along with several other organizations involved with waterfront planning. Since then, the FBR has provided comments on many proposals for use or re-use of riverside lands consistent with the City's 25-foot setback requirement, site design and broad greenway objectives. The FBR has also incorporated the Buffalo River Greenway Plan into a city-wide Waterfront Greenway Plan. Another avenue by which the FBR involves property owners and neighborhoods along the river is through representation on the Seneca-Babcock Good Neighbor committee. This committee was mandated by the City of Buffalo to negotiate pollution prevention agreements with industries near the Buffalo River.

In 1994, the Committee continued field work, dialogues with all levels of stakeholders, and project reviews. This work, along with the inventory of land uses and natural conditions, resulted in the report, Buffalo River Greenway Study: Final Report (December 1994). That report included a 50-year plan in order to give full play to the potential of a greenway vision for the Buffalo River. Since that report was published the FBR has worked with the City of Buffalo Planning Department to develop design guidelines for new development on the Buffalo River as part of the City's effort to develop a Local Waterfront Revitalization Plan. Since 1995, the FBR has also developed a short-term (20-year) plan for the Buffalo River Greenway, focusing on projects that are implementable in the near term. Components already underway include: restoration at three wildlife habitat areas; remediation of the Allied Signal site; 'adoption' of the Ohio Street launch site; and, re-building of several bridges to include pedestrian and bike lanes.

The Friends has had continued input on all of these projects, each of which contributes toward a shared vision of a restored river, revitalized communities, and a reclaimed heritage.

B. Background

The Buffalo and Cayuga Creeks Corridor Restoration Study ("Study") began in fall 1996 with initial funding from the FBR and NYSCA. During the winter of 1996-97, the FBR Greenway Committee and its consultant conducted an inventory of land uses and natural resources along Buffalo and Cayuga Creeks in the Towns of Cheektowaga and West Seneca. In addition, information on local land use controls and other regulatory mechanisms for river protection were researched and are summarized in Appendix A.

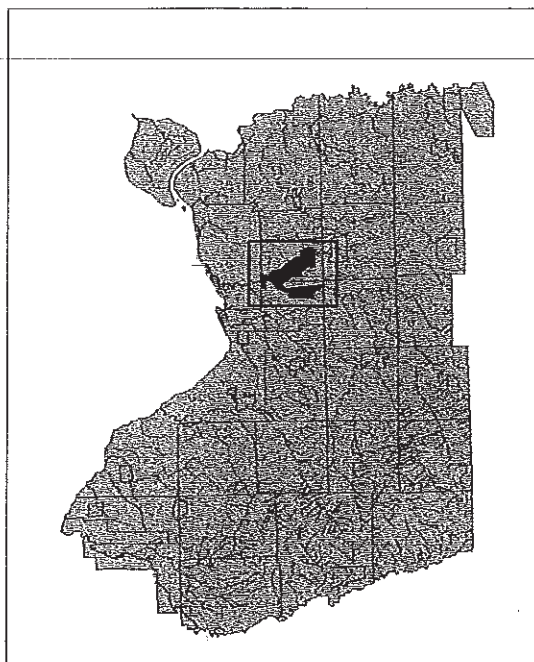
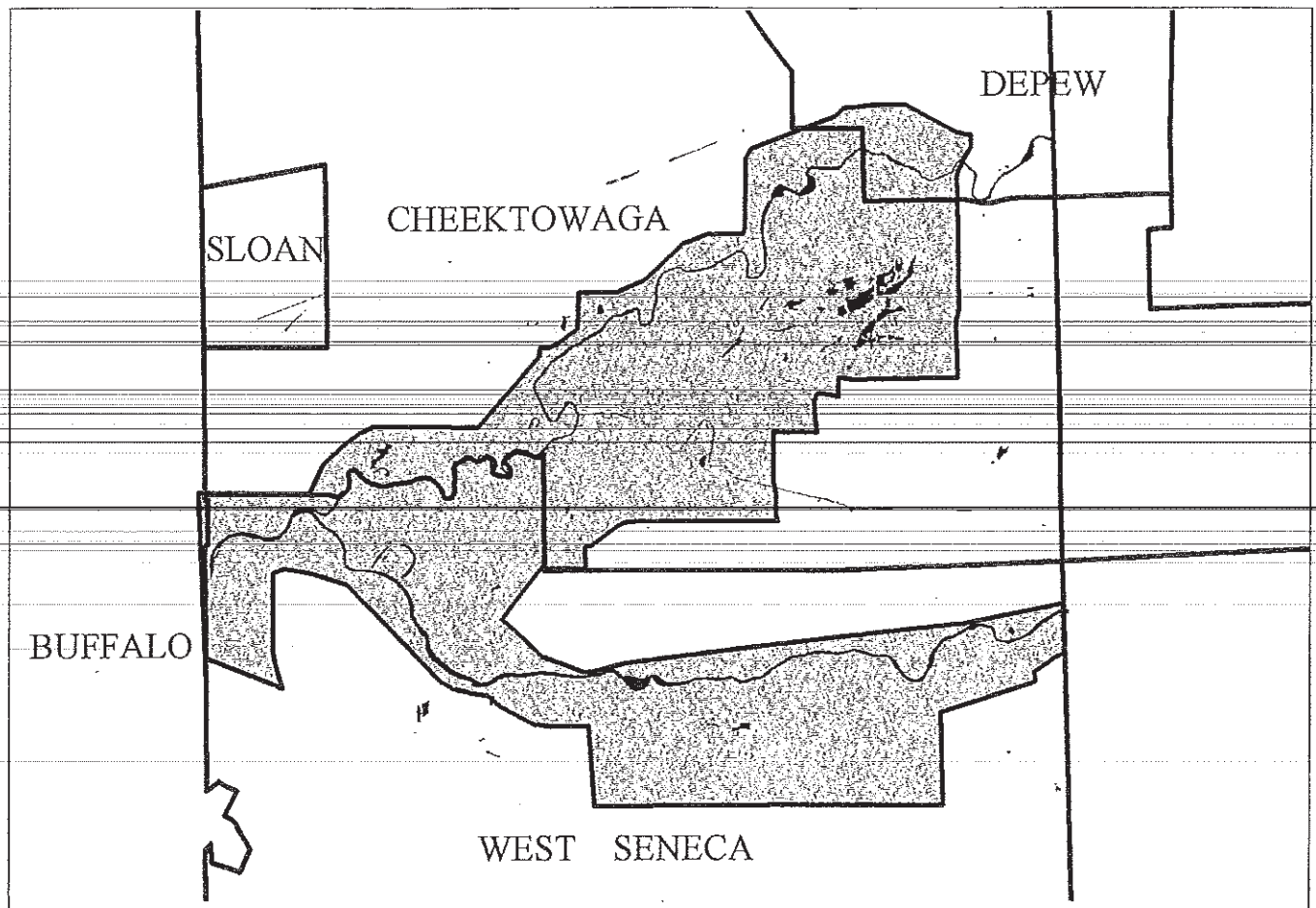
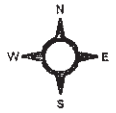
Digital base maps were developed using existing information obtained from the Erie County Water Authority, USDA Natural Resources Conservation Service (E. Aurora), NYS Office of Historic Preservation, Erie County Soil and Water Conservation District, and the Town of Cheektowaga. Next, pertinent features were overlaid (i.e., zoning, land use, existing utilities, landscape character, flood hazard, historic and archeological sites) and maps were plotted. With these and information regarding local regulations, FBR representatives and its consultant met with municipal officials and conservation councils to discuss local goals, needs, and priorities.

Following those meetings, a Technical Advisory Committee (TAC) composed of municipal officials, conservation council members, environmental advocates, and agency representatives was formed to provide general guidance and assist with verifying the mapped information. The TAC also reviewed the Study Report for consistency with other public projects (either in-progress or planned) and provided critical technical analysis.

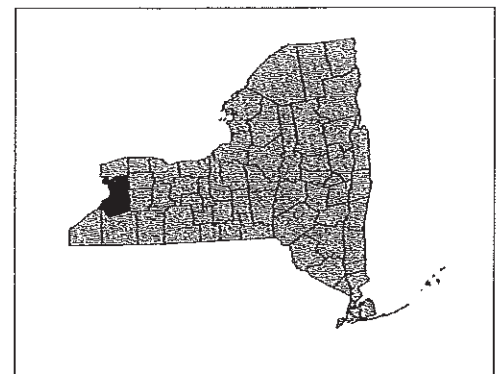
C. Project Area

The project area includes all land adjacent to Buffalo and Cayuga Creeks within the boundaries of the Towns of Cheektowaga and West Seneca, and extends inland to the nearest adjacent road or railroad right-of-way parallel to the river (Figure 1).

Figure 1. Study area map



The corridor restoration study area consists of the Buffalo Creek and Cayuga Creek corridors in the Towns of West Seneca and Cheektowaga in Erie County, New York.



II. GOALS AND OBJECTIVES

It is the FBR Greenway Committee's goal to preserve and restore the natural and cultural heritage of the Buffalo River and its tributaries while encouraging community and economic development. The following goals and objectives were developed by the TAC and are directly related to: 1) the unique potential of the land along Buffalo and Cayuga Creeks in those communities; and, 2) ongoing work of municipal governments and agencies to enhance their communities' socio-economic and environmental assets. More specific objectives are to:

- ◆ Improve the quality of life for the residents of Cheektowaga and West Seneca.
 - ◇ Identify tangible economic benefits and encourage community pride associated with preservation of the creeks and natural areas.
 - ◇ Identify opportunities for improving local ties and pedestrian access to Buffalo and Cayuga Creeks.
 - ◇ Identify potential sites where low-impact recreation consistent with natural areas management could be provided adjacent to the creeks.
 - ◇ Where feasible, identify opportunities for marked paths to unique natural or scenic areas and cultural or historical sites along the creeks.
 - ◇ Identify potential partner-organizations (e.g., Western New York Land Conservancy) which could assist in meeting shared goals and objectives.

- ◆ Improve water quality and overall environmental quality.
 - ◇ Maintain and enhance native riparian vegetation to protect streambanks from erosion and reduce stormwater runoff.
 - ◇ Identify and minimize sources of stormwater runoff and infiltration from point and nonpoint sources.
 - ◇ Improve coordination among regulatory and advisory agencies charged with water quality and streambank protection, wetlands protection, and stormwater discharge permitting.
 - ◇ Identify sources of relevant educational materials and opportunities for community outreach and education.
 - ◇ Analyze existing zoning ordinances and subdivision / site plan review regulations for opportunities to prevent environmental degradation and improve water quality through land use regulation.
 - ◇ Identify opportunities to encourage stewardship and community participation, such as organizing and using volunteers to monitor water quality and clean-up and maintain riparian areas.

Improve fish and wildlife habitat and preserve native plant communities.

- ◇ Identify areas along the creeks which are ecologically-important (e.g., wetlands, rare plant communities, significant wildlife habitat).
- ◇ Identify opportunities to preserve and, where possible, restore linkages: between significant ecological areas for species in isolated gene pools or habitat (e.g., Stiglmeier Park and Reinstein Woods); and, between creeks and to the community.
- ◇ Identify means of securing long-term protection of ecologically-important areas and linkages.

III. CULTURAL AND NATURAL RESOURCES

To map land uses and natural resources in the project area, the FBR used existing aerial photography and digital geographic data from Erie County Water Authority, NYS Office of Real Property Services, USDA Farm Service Agency, USDA Natural Resources Conservation Service (NRCS), and Erie County Soil and Water Conservation District. In addition, the FBR conducted field observations of the entire area to verify the information gathered and to survey other characteristics, such as environmental setting, wildlife usage, and vegetative community. On the basis of this information, the USDA NRCS /Americorps (East Aurora) prepared four maps at scale 1" = 660', reduced fold-out versions of which are included at the end of this report in front of the appendices (located there so that they can be left open while the report is being read). The following sections describe some of the findings made in the course of the inventory:

A. Zoning

A digital overlay of current land use zoning was not available at the time this report was prepared. The following analyses were provided by representatives of each Town, respectively.

Cheektowaga: A general review of the zoning map for the Town of Cheektowaga shows approximately 8 zoning classifications potentially impacting the study area. About 85 percent of the study area encompasses residential zones. The remaining portions include commercial zones and one undeveloped manufacturing zone. The commercial zones are located along main arterials such as Clinton Street near Harlem Road and Union Road near William Street. The one manufacturing zone which the creek passes through is east of Indian Road, north of Rowley Road.

West Seneca: A general review of the zoning map for the Town of West Seneca shows a variety of zoning classifications potentially impacting the study area. The majority (about 85 percent) of portions of the Creeks situated in West Seneca pass through residential zones. The remaining portions typically cross through manufacturing zones. These manufacturing districts are located in the area of the Mineral Springs Road and Indian Church Road intersection and in the area west of the NYS Thruway (I-90) overpass and Mineral Springs Road. At several points along Buffalo Creek, commercial districts are present at waterway crossings at Harlem Road, Union Road, Transit Road, and other individual locations.

B. Existing Land Uses

1. Vacant

Vacant land is either public, non-recreational (i.e., dedicated open space, schools, easements, right-of-ways, receivership, etc.) or private land (i.e., undeveloped lots of record). Notable parcels on the basis of size (in approximate acres) include:

Cheektowaga: 25-acres adjacent to JFK High School (Cayuga Creek Road); 55-acres with wetland inclusion and archeological remains (stormwater overflow retention site off Cayuga Creek Road); 70-acres southwest of and adjacent to Stiglmeier Park (Losson Road); 15-acres inside river bend (near intersection of Como Park Boulevard and Indian Road); 75-acres (Indian Road); 25-acres (former railroad right-of-way crossing Rowley Road).

West Seneca: Five parcels, approximately 10-acres each, in the vicinity of the confluence of Cayuga and Buffalo Creeks; four parcels, approximately 10-acres each, in the vicinity of Clinton Street and Union Road intersection.

2. Residential

Densely developed residential land dominates along both Cayuga and Buffalo Creeks, though Buffalo Creek has a comparatively greater proportion of residential lots both in terms of percent area and number of parcels. Residential lots are typically narrow (50-70') relative to their depth (150-300'), with either creek defining the back boundary. Houses and groomed landscaping front the street; the area behind and adjacent to the creeks are commonly left undisturbed or are naturalized. Notable areas on the basis of unit-density and proximity to the creek include:

Cheektowaga: Two mobile home parks ('Carefree', near Union and Losson Roads intersection; 'Shady Acres', north of Old Union Road) and two residential subdivisions ('Danforth', near Como Park Boulevard and Indian Road intersection; 'Rowley Hollow', off Rowley Road).

West Seneca: One mobile home park (near Old Union and French Roads intersection), three residential subdivisions ('Lexington Green', off Mineral Springs Road; unnamed subdivision off Seneca Creek Road; and Casimer Street subdivision off Clinton Street near the Buffalo city line), and the settlement of Ebenezer in the vicinity of Clinton, Union, and Indian Church Roads.

3. Agricultural

Agricultural land exists primarily in the vicinity of Clinton and French Roads in an area commonly known as 'Gardenville'. Commercial nurseries and strawberry fields cover

several hundred acres and abut several thousand feet of stream corridor along Buffalo Creek.

4. Commercial / Industrial

Commercial and light industrial land exists along both Cayuga and Buffalo Creeks, though Cayuga Creek has a comparatively greater proportion of commercial development both in terms of percent-area and number of parcels. Notable commercial / industrial districts on the basis of business concentration and proximity to the creeks include:

Cheektowaga: Harlem and Clinton Roads intersection; vicinity of William Street and Union Road; and the vicinity of Como Park Boulevard, Bennett and Indian Roads.

West Seneca: Harlem Road between Mineral Springs and Clinton Street; the settlement of Ebenezer in the vicinity of Clinton, Union, and Indian Church Roads; Seneca Creek and Transit Roads intersection; Borden Road and Clinton Street intersection; and, Clinton Street and Transit Road intersection.

C. Existing Utilities and Hazards

1. Combined Sewer Overflows (CSOs) and water quality

No permitted CSOs discharge directly to either creek in the study area. There is one permitted CSO discharge to Slatebottom Creek (a tributary to Cayuga Creek) approximately 1.5 mi upstream from Cayuga Creek in Cheektowaga that will be extinguished when the ORF is completed.

A significant portion of the watershed is highly vulnerable to erosion and nutrient flow into tributaries and main branches of Buffalo Creek, impairing fish survival and propagation. Agricultural activities and streambank modification are also suspected sources of siltation and higher water temperatures which restrict the fishery in portions of Buffalo Creek.

Sedimentation and high water temperatures related to streambank erosion are suspected of stressing the fisheries in segments of Cayuga Creek. Water quality in Cayuga Creek, as assessed in Cheektowaga, has been rated as 'fair' on the basis of macroinvertebrate data (NYS DEC 1997). Failing septic systems and untreated discharges from storm sewers upstream are suspected sources of nutrients causing a significant impairment to use of Cayuga Creek. Agricultural runoff from upstream and excessive streambank erosion are also possible contributing sources of water quality problems (NYS DEC 1993a).

2. Hazardous Waste / Contaminated Sites

Four hazardous waste / contaminated sites have been identified by NYS DEC in the study area. They are:

Cheektowaga: BFI Land Reclamation (currently closed, temporary classification pending further investigation by DEC); Schultz Construction and Demolition (active, “no significant threat to public health or environment”); and the Union Road Site (remediated, “no significant threat to public health or environment”).

West Seneca: West Seneca Transfer Station (active, temporary classification pending further investigation by DEC).

3. Major Industries

Two major industrial facilities have been identified in the study area:

Cheektowaga: Buffalo Crushed Stone is a 162 acre stone quarry located on Como Park Boulevard approximately 0.25 mi north of Cayuga Creek. The Town is currently reviewing a rezoning application for a 140 acre expansion of the quarry which includes a 79 acre parcel which has frontage on Cayuga Creek.

West Seneca: National Starch and Chemical Corporation is located on Empire Drive, approximately 0.5 mi north of Buffalo Creek. No other major industrial facilities exist in West Seneca within the project area.

4. Unserved Areas

No areas lacking sewer and water lines (“unserved”) are known to exist in the study area.

5. ‘Brownfields’

No abandoned or derelict industrial sites (“brownfields”) are known to exist in the study area.

6. SPDES Permits

State Pollution Discharge Elimination System (SPDES) permitted discharges include: a CSO discharge to Slatebottom Creek (see section C.1.), two stormwater Overflow Retention Facilities (ORFs), and three industrial discharges.

Cheektowaga: One ORF is under construction, southeast of Cayuga Creek Road in Cheektowaga; the second is approximately 1.3 mi upstream of the study area boundary in

the Village of Depew. There are two industrial discharges; Buffalo Crushed Stone and a site identified as "Buffalo Plant" for which no further information is available. Buffalo Crushed Stone currently is discharging waste waters from their mining operations into an open ditch along Como Park Boulevard which is a tributary to Cayuga Creek.

West Seneca: National Starch and Chemical Corporation is located on Empire Drive, approximately 0.5 mi north of Buffalo Creek. No other SPDES-permitted facilities exist in West Seneca within the project area.

7. Publicly-owned Land

A digital overlay identifying publicly-owned land was not available at the time this report was prepared. The following analysis, therefore, is not all-inclusive. Further analysis will depend on data, maps, or other information being provided by the towns.

Cheektowaga: The Town of Cheektowaga owns or has rights to a significant portion of properties adjacent to Cayuga Creek, including 323-acre Stiglmeier Park and 55-acre Cayuga Creek Nature Preserve. The Town owns land in the Town of West Seneca near the southwest corner of Clinton Street and Harlem Road for use as a sanitary sewer district facility. Additionally, the Town owns 21.6 acres along Cayuga Creek, north of Rowley Hollow Road. The NYS DEC owns 220-acre Reinstein Woods Nature Preserve adjacent to Stiglmeier Park.

West Seneca: The Town of West Seneca owns land north of Mineral Springs Road and west of the NYS Thruway (I-90) that supports its waste transfer station, compost facility, and animal shelter. The NYS DEC owns property for angler and canoe access off Harlem Road and upstream of the NYS Thruway overpass.

D. Landscape Character

1. Vegetative Cover

Aerial photographs reveal that, while groomed landscaping and open fields cover much of the area, woodland is the predominant vegetative cover in the study area. Several relatively large, contiguous areas of floodplain forest are listed below. Though not listed, smaller stands of floodplain forest (especially those having natural understory vegetation) should also be considered important wildlife habitat. Cumulatively, these forests likely provide for greater bird diversity by providing habitat for forest bird species. In addition to wildlife habitat, they act as reservoirs for plant diversity (Mikol 1993).

Cheektowaga: NYS DEC Reinstein Nature Preserve (Kershner 1993); Town of Cheektowaga Stiglmeier Park (Nussbaumer and Clark, Inc. 1997); Hawthorne Forest, north of Rowley Road and east of Indian Road bordering the Village of Depew; 55-acre

Town of Cheektowaga Cayuga Creek Nature Preserve off Cayuga Creek Road and other large parcels extending south and west therefrom, including 25 acres of woodland adjacent to JFK High School, Cayuga Creek Road (Town of Cheektowaga 1997a).

West Seneca: vicinity of the confluence of Buffalo and Cayuga Creeks; the oxbow near Clinton Street; several linear areas of varying width where residential back-lots are undeveloped.

2. Wetlands

Federally-regulated wetlands in the study area lie within the woodlands identified above. However, small pockets of unmapped wetlands (i.e., ponds, marshes, bogs, scrub-shrub wetlands less than 12.4 acres) potentially under State or Federal jurisdiction exist throughout the study area. Field investigations will be necessary in order to delineate these unmapped wetlands. USDA NRCS soil maps showing the location of hydric soil and many intermittent drainages provide a strong indication of the location of many of these smaller riparian and isolated palustrine wetlands (Earth Dimensions 1996).

3. Areas Susceptible to Erosion

Some examples of erosion-prone areas include: areas with minimal riparian vegetation, uncontrolled stormwater discharge channels and outlets, and streambanks on the outside bends of stream channels. Somewhat unpredictable late winter and early spring ice jam flooding may cause excessive erosion even in areas not otherwise thought to be highly susceptible to erosion.

4. Ravines

No ravines are known to exist in the study area.

5. Floodplains

Floodplain boundaries are based on Federal Emergency Management Agency (FEMA) Flood Hazard Maps. Development in floodplains may result in loss of property and greater potential for flooding upstream and downstream. Altering flood patterns by means of dikes, dredging, filling, armoring, or hardening (e.g., buildings, impervious pavement) raises flood levels, thus expanding potential flood areas and economic losses. It should be noted that areas of localized intermittent flooding are not represented on the FEMA maps.

Developed areas within the 500-year floodplain include:

Cheektowaga: 'Carefree' mobile home park west of Losson and Union Roads; Clinton Street and Harlem Road business district.

West Seneca: Clinton Street and Harlem Road business district; mobile home park (near Old Union and French Roads intersection); residential subdivision south of the oxbow; hamlet of Ebenezer; Clinton Street and Transit Road business district.

E. Historic and Archeological Sites

Historic and archeological sites include buildings, objects, or locations that have a scientific, historic or cultural value. Examples of historic sites often encountered in western New York include grave sites, building foundations, Native American burial sites and campsites, and artifacts such as arrowheads, shards of pottery, ancient tools, etc. Many archeological sites are unknown and unsurveyed; locations of those that are known are generally not disclosed for reasons of conservation and site security.

Cheektowaga: Cayuga Creek played an important role in the early development of the Town of Cheektowaga due to the early settlers reliance on water resources for milling operations. The earliest developments took place in the Como Park - Bellevue Road area. Within the same area, there is a designated historic site which holds significance for its role in the underground railroad.

West Seneca: Several possible historical sites exist in the Ebenezer settlement area near Union Road, Clinton Street, and Indian Church Road, especially Fourteen Holy Helpers Church. Additionally, Charles E. Burchfield's (world famous painter) former home at Clinton Street and Weigand Avenue and Mayer Brothers Cider Mill on Transit Road may hold historical significance.

F. Existing Trails and Paths

Cheektowaga: Several designated trails wind through Stiglmeier Park along Cayuga Creek and adjacent forests and wetlands (Nussbaumer and Clark 1997). Other trails are proposed for development in the study area under an ongoing town-wide Rails-to-Trails program (Town of Cheektowaga 1997b).

West Seneca: No designated trails or paths currently to exist in the study area. A town-wide Rails-to-Trails program has recently been initiated and a plan for the conversion of several abandoned rail corridors to public access trails (including one within the study area) is being developed by the Town.

G. Listed Species

State-ranked rare and uncommon species inhabiting or potentially inhabiting portions of the study area include four mollusks, two plants, and one fish (NYS DEC Natural Heritage Program 1997). Though unconfirmed by the Natural Heritage Program,

anecdotal evidence suggests other rare and uncommon species may inhabit portions of the study area.

The protection and enhancement of rare species and their habitats should be given high priority by regulatory agencies, town planners, land owners and managers during construction, operations, and management. Planning for land development projects within the study area should include a determination of the occurrence of suitable habitat for rare species on or in the vicinity of the proposed project site. If suitable habitat is present, a site-specific survey should be conducted to determine the presence or absence of rare species and an assessment of project-related impacts to rare species should be conducted in coordination with NYS DEC prior to implementation of the proposed project.

IV. COMMUNITY INFORMATION EXCHANGE

During spring and summer 1997, the FBR met with stakeholders in the towns of Cheektowaga and West Seneca to discuss: river use and access priorities; potential linkages with other planning efforts; and, ongoing projects. Projects of interest included: NYS DEC's Buffalo Creek fishing and canoe access point near the I-90 in West Seneca; Erie County's stormwater retention facility in Cheektowaga; and, proposals for riparian and wetland habitat preservation in both communities. A list of meetings, attendees, and summaries are provided in Appendix B. Stakeholder organizations and agencies that participated in meetings with the FBR were:

Cheektowaga Historical Society

Cheektowaga Town Board

Erie County Department of Environment and Planning

Great Lakes United

NYS Department of Environmental Conservation, Region 9

Town of Cheektowaga Conservation Advisory Council

Town of Cheektowaga Planning Department

Town of West Seneca Environmental Commission

Town of West Seneca Planning Department

US Army Corps of Engineers, Buffalo

US Fish and Wildlife Service, Amherst

USDA Natural Resources Conservation Service, East Aurora

West Seneca Americorps

West Seneca Historical Society

West Seneca Town Board

Western New York Land Conservancy

V. MUNICIPAL REGULATIONS AND PLANS REVIEWED

The following municipal regulations and plans were reviewed in order to: 1) gain insight into local conditions; and, 2) develop study goals and objectives that, when implemented, will be consistent with existing legal requirements. Findings are summarized in Appendix C, "Local land use controls and other regulatory mechanisms."

Town of Cheektowaga:

- Code Chapter 17 Conservation Advisory Council
- Code Chapter 21A Drainage Systems
- Code Chapter 23A Environmental Impact Review
- Code Chapter 54 Public Improvements
- Code Chapter 65 Streets and Sidewalks
- "Zoning Changes from February 1992 to December 1993"
- Code Chapter 82 Zoning and Master Plan (adopted 21 Jan 1992)
- Section 82-7 Special Flood Hazard Area
- Section 82-9 Critical Environmental Impact Zone
- Section 82-75 Zoning
- FEMA Flood Insurance Study for the Town of Cheektowaga (Mar 1984)

Town of West Seneca:

- Code Section 6701, *et. seq.* Environmental Quality Review
- Code Section 9301, *et. seq.* Public Improvement Construction
- Code 2801, *et. seq.* Planning Board
- Code 7701, *et. seq.* Flood Damage Prevention
- Code 8501, *et. seq.* Parks
- Code 11201, *et. seq.* Trespassing
- Code 11701, *et. seq.* Vehicles Off-Road
- Codes 12001 and 21201 Zoning

VI. LAND USE ANALYSIS: OPPORTUNITIES AND CONSTRAINTS

Using environmental analysis and map overlay methods, the FBR developed a composite map at 1:660 scale depicting opportunities for, and constraints to, the creation of greenbelts in the study area (Figure 2). Factors featured are:

Opportunities:

- Open space
- Identified habitats
- Existing recreational facilities
- Historic / archeological sites
- Cultural facilities (e.g., schools, community centers)
- Public property
- Fishing / boating access points
- Abandoned railroad rights-of-way
- 100-year floodplains
- Wetlands
- Trails
- Developed private property

Constraints:

- Contaminated / inactive hazardous waste sites
- Permitted discharges
- Active railroad lines
- Proposed development
- Infrastructure
- Developed private property

The map shows that most of the land bordering Cayuga and Buffalo Creeks is forested wetland or cropland lying within the 100-year floodplain. In West Seneca, open space is primarily privately-owned agricultural, or undeveloped residential or commercial property, whereas in Cheektowaga open space is primarily recreational facilities (i.e., Stiglmeier Park), identified habitat reserves (i.e., Reinstein Woods State Nature Preserve), or other publicly-owned property (Nussbaumer and Clark 1997, Town of Cheektowaga 1997a, Wendel 1997).

Several constraints exist to the creation of greenbelts along the creeks, including industrial sites, active railroad lines, and infrastructure (i.e., heavily-trafficked roads). These areas are physical barriers to accessibility and raise concerns regarding pedestrian/cyclist safety.

Developed private property is depicted as being both an opportunity and constraint for reasons presented in Chapter VII.

VII. TOOLS FOR CONSERVING GREENBELTS

Like many urban fringe and suburban areas, West Seneca and Cheektowaga face intense development pressures. Effective planning is critical to directing development in these communities and can include a focus on maintaining open space along the creeks and restoration of vegetation where development has occurred. Nature preserves or low-impact recreation areas are generally considered to be quite compatible with the healthy functioning of floodplain ecosystems. Floodplain forests and wetlands have particular value in absorbing and filtering stormwater and may be well suited to trails and angler or canoe access. When planning for low-impact recreational uses in floodplains, it is important to design areas in ways that minimize potential damage, both between and during flood events. Riparian park land can act as a stimulus for low-impact recreational trail development linking historic sites, points of access, neighborhoods, bike lanes and other trail development efforts like those promoted by “rails-to-trails” organizations.

Private property presents both opportunities and constraints to creating greenbelts. Private ownership of greenbelts used primarily for recreation and public access is not common, however as undeveloped land resources become scarce in urban and developing areas, future land for greenbelts may include existing private landholdings. Additionally, the trend toward fiscal restraint has caused municipalities to forego assuming responsibility for additional public services, such as parks. Therefore, private-sector ownership serving a public purpose is an emerging interest for many communities.

What follows are descriptions of some of the tools, both regulatory and non-regulatory, that the Towns of Cheektowaga and West Seneca can use to conserve areas as greenbelts. Designing an effective and appropriate strategy for implementing a comprehensive greenbelt plan will require the use of a number of tools. Tools should be chosen to fit the specific needs and issues of each town.

Regulatory tools include zoning, subdivision, and other regulations.

Zoning

Zoning separates land areas within a municipality into districts and establishes land-use restrictions for each district. Under Article 16 of New York Town Law, a Town’s zoning code must be enacted pursuant to its Comprehensive Plan. A **land-use ordinance** should contain measures to protect **Critical Environmental Impact Zones** (i.e., ecologically-important areas). The Town of Cheektowaga has such an ordinance to direct development (i.e., place growth zones) away from Cayuga Creek, wetlands, and large parcels of undeveloped woodland. Like Cheektowaga, West Seneca can adopt ordinances that zone CEIZs or these areas can be included in a Resource Protection District where development is restricted.

Another zoning tool is an **overlay zone**. An overlay zone contains special regulations that “overlay” a base zone, like the Town of Cheektowaga CEIZ. Land uses must conform to the provisions of both zones. Overlay zones to conserve areas for greenbelts are useful where other zones are already in place.

Open space and cluster zoning is a type of flexible zoning that allows a decrease in setback requirements and lot size so that construction is clustered in certain areas, thus creating open space that could be protected for greenbelts. This open space can then be placed under a conservation easement. Towns can provide density bonuses to encourage clustering. A density bonus for open space would allow a developer to build more units per acre than allowed in a subdivision where no open space is set aside. This type of zoning can be a positive and flexible tool that promotes creative land developments by rewarding developers and landowners for conserving open space.

Transfer of Development Rights (TDRs) are another flexible tool that allow development rights to be transferred from an environmentally sensitive area to an area suitable for development. The landowner in the protected area sells development rights to a developer in the receiving area. A Town may also Purchase Development Rights (PDRs) from a private property owner, which allows the property to remain on the tax rolls while preserving the natural resources of the land. The purchase of development rights effectively “extinguishes” any future development of the property. In Amherst, the Town is purchasing development rights in agricultural areas in order to preserve farmland. The Town received a grant from New York State and is exploring the use of greenspace development fees and mitigation funds resulting from developments in agricultural areas to finance this project.

Special ordinances

Special ordinances can be developed that regulate specific land-uses and land areas to protect for greenbelts. For example, some towns have wetland protection, aquifer protection, agriculture and forest land protection, and soil conservation ordinances that regulate their respective natural resources. Provisions could be added to such ordinances to protect ecologically-sensitive portions of those areas.

Nonregulatory tools include acquisition, managing public improvements, taxation, and land trusts.

Acquisition

Purchasing land can be a powerful tool for protecting greenbelts. In some towns where open spaces are fast disappearing, acquisition may be a very important conservation tool. **Outright purchase** is an effective way of protecting areas for greenbelts, and there are many creative ways to finance such purchases. Acquired property has no future need for town services such as sewer, water, schools, fire protection, and roads, and thus can save valuable local tax

revenue. Public ownership is currently the most common form of ownership for greenbelts because most purchases provide multiple benefits, including low-impact recreational access. It does have its pitfalls, however. For example, a community that holds fee simple title to several thousand acres of land collects no property tax revenues - the money that supports the operating funds for most communities - from these lands. A well-balanced program of public land ownership for greenbelts should than include a variety of ownership types, with emphasis placed on management agreements, easements, and regulatory authority. Municipalities might pay special attention to tax sales involving properties in the creek corridors as targets for municipal or land trust acquisition. The City of Raleigh, North Carolina, has implemented a successful balanced approach regarding public land ownership for greenway purposes. Almost two-thirds of the more than one thousand acres of publicly accessible greenway lands have been secured through the use of a greenway easement, while the city continues to collect taxes on the land still held by the owner, and the owner may also qualify for various tax benefits.

Land banking is a method of public acquisition where property acquired by the town is then resold with a deed restriction protecting the natural resources of the property or limiting development. The subsequent sale or lease of the property partially offset the cost of acquisition. This mechanism is appropriate where the preferred use of the property is agriculture, silviculture, or other low-impact use.

Managing public improvements

Water, sewer, and road improvements should be directed away from greenbelt areas.

Taxation

The State of New York has an **Agricultural Assessment Program** that encourages landowners to conserve farmland and open space by taxing land at a rate based on its agricultural use value rather than potential development or full market value if landowners meet specific eligibility criteria and enter into a formal agreement not to develop their property. The program is available to agricultural landowners who farm more than 10 acres and gross more than \$10,000 in qualifying farm income. Land may also qualify if it is rented to active farmers who meet the qualifying criteria. Land is eligible within designated agricultural districts or by individual commitment. There are penalties for conversion to non-agricultural uses during the commitment period. The program provides a partial exemption from real property taxes in excess of the "agricultural value" of the eligible land. The program is not an abatement program, but it does reduce taxes in areas where land values are highly inflated due to development pressures. Towns can encourage this nonregulatory method of retaining open space and conserving greenbelts by informing landowners of this tool and the opportunities it presents.

Land Trusts

Many farmers and owners of large parcels have ample land resources to maintain current uses, and provide informal opportunities for access. An effective long-term solution to creating a greenbelt is through a **land trust**, such as the Western New York Land Conservancy (WNYLC), which can be directly involved with the protection of important land resources for public benefit. The WNYLC is constituted as a private, not-for-profit, tax-exempt charitable corporation that uses a variety of land protection and ownership mechanisms to conserve open space and natural resources. Direct land acquisition, easements, and purchase of development rights are methods used by the WNYLC to protect land resources. The WNYLC also has a non-binding, voluntary stewardship program it calls the "Environmental Heritage Registry" (EHR). The EHR or a similar municipal program could be a first step in a corridor protection program. These methods offer an opportunity not only to protect significant parcels of open space or greenbelt land, but also to provide short-term and long-term management solutions.

One of the most powerful tools available to land trusts is the authority, through Article 49 of the Environmental Conservation Law, to hold conservation easements. A conservation easement enables a private property owner to maintain fee title to his or her property, while protecting the natural features of the land in perpetuity. The easement "runs with the land" and binds future owners of the property. The land trust is responsible for monitoring the property and enforcing the terms of the easement agreement. An easement agreement is a flexible document which can be adapted to suit the needs of each property owner. Conservation easements are attractive to many landowners because there may be real property, estate, and income tax benefits associated with the donation of an easement.

VIII. RECOMMENDATIONS

- ◆ Analyze local economic benefits associated with the creeks and surrounding natural areas, including: enhanced real-property values; low-impact outdoor recreation-related sales, rentals, lessons, fishing licenses, boat registrations, etc.; expenditures on lodging, food, services; corporate siting and local employment; and, avoided flood damages.
- ◆ Survey existing informal pathways and access points. Map where opportunities for improved local ties and pedestrian access to Buffalo and Cayuga Creeks exist, giving special attention to land in public-ownership, unique natural or scenic areas, and cultural or historical sites.
- ◆ Seek out and solicit assistance from potential partner-organizations (e.g., citizens advisory committees, advocacy groups, nonprofit organizations, land trusts, municipal bodies, public agencies, utilities, corporate and business councils) to address shared goals and objectives, including:
 - ◇ improved water quality and overall environmental quality;
 - ◇ maintenance and enhancement of native riparian vegetation to protect streambanks from excessive erosion and reduce stormwater runoff; and,
 - ◇ minimization of stormwater runoff and infiltration from point and nonpoint sources.
- ◆ Conduct a meeting of municipal, state, and federal regulatory and advisory officials charged with water quality and streambank protection, wetlands protection, and stormwater discharge permitting to improve interagency coordination and communication with respect to permitting and resource management.
- ◆ Acquire sources of environmental and greenway planning information (e.g., reports, brochures, video tapes) from government agencies and non-governmental organizations (see Chapter X, "References"). Develop locally-oriented materials for distribution at public meetings, community displays, and special events. Encourage partner-organizations to support educational initiatives through their newsletters, press-releases, fact-sheets, interpretive programs, and awards.
- ◆ Review existing zoning ordinances and subdivision / site plan review regulations and identify regulatory inconsistencies / inadequacies to preventing environmental degradation.
- ◆ Organize volunteer shoreline clean-ups, maintenance of riparian areas, and other activities to encourage stewardship and community participation.
- ◆ Survey, map, and assess local vegetation, soils, and hydrology (1":50' or more); identify areas along the creeks which are ecologically-important (e.g., wetlands, rare plant communities, significant wildlife habitat). Request and compile copies of all US Army Corps of Engineers required wetland delineations within the study area.

- ◆ Inventory and map erosion-prone areas along the creeks. Assess potential habitat values of, and use-hazards associated with, the Earsing sills (erosion and flood control structures on Buffalo Creek).
- ◆ Designate ecologically-important areas as Critical Environmental Areas (CEAs) and Critical Environmental Impact Zones (CEIZs). Adopt zoning and subdivision and site plan review regulations restricting development in CEAs and CEIZs.
- ◆ Analyze land uses adjacent to ecologically-important areas and identify potential habitat linkages and wildlife corridors.
- ◆ Identify means of securing long-term protection of large undeveloped parcels of private land, ecologically-important areas, and linkages (e.g., management agreements, leases, permits, licenses, conservation easements, purchase or donation of title) and work with partner organizations like the WNYLC to facilitate their transfer.
- ◆ Work with landowners to restrict unauthorized vehicle access and prevent disposal of trash and debris in isolated forested areas.
- ◆ Encourage landowners to plant relatively deep-rooted native trees and shrubs to stabilize cleared, disturbed or developed streambanks that are prone to excessive erosion. Discourage and enforce rules against disposal of leaves, grass clippings, and construction debris (concrete rubble, old sidewalk slabs, etc.) on streambanks.
- ◆ Encourage and work with schools, fraternal organization, etc., to establish a citizen's and/or youth volunteer water quality monitoring program(s) ("Adopt-a-Stream") for the creeks to encourage stewardship and identify impairments associated with nonpoint source pollution.
- ◆ Encourage developers to design around sensitive natural features of sites, using ecological principles to reduce the impact of their plans on greenbelt areas. These ecological principles include:
 - ◇ protecting riparian vegetation wherever possible;
 - ◇ protecting continuous corridors or natural vegetation wherever possible; and
 - ◇ disturbing as little natural vegetation as possible.

To accomplish these goals, developers are advised to develop an open space system early in the planning process to ensure that the most valuable areas are protected.

- ◆ Water, sewer, and road improvements should be directed away from greenbelt areas. Where road improvements must be made in or adjacent to greenbelt areas, designated bicycle lanes should be incorporated into the design and construction.

A. Specific Recommendations for the Town of Cheektowaga

- ◆ Retain Stiglmeier Park along Cayuga Creek as “a park in harmony with nature, where people can enjoy walking, flora and fauna in a peaceful setting (per the Friends of the Woods letter to the Town of Cheektowaga Town Board and Clerk, dated 26 June 1996).”
- ◆ Preserve existing wetlands and forest habitats, a southwest drainage corridor and the 100-year Cayuga Creek floodplain within Stiglmeier Park as valuable natural resources and as a buffer for the Reinstein Nature Preserve. ~~Passive recreational uses should be emphasized with more active recreational uses directed to specific areas of the park not designated for preservation~~ (per *Stiglmeier Park Natural Resource Assessment, April 1997*, prepared by Nussbaumer and Clark, Inc.).
- ◆ Create a Stiglmeier Park Steering Committee proposed of Town officials and interested ~~residents to monitor future park needs. The Friends of the Woods, a volunteer not-for-profit citizens advisory panel for the NYS DEC Reinstein Nature Preserve, could provide a core~~ group of residents. The Buffalo Friends of Olmstead Parks could be used as a model.
- ◆ Through the Steering Committee, establish a set of goals and objectives to guide future Stiglmeier Park programs and activities. These might relate to:
 - ◇ Natural Preservation / Conservation
 - ◇ Passive Recreation
 - ◇ Active Recreation
 - ◇ Seasonal Uses
 - ◇ Special Needs (children, elderly, families)
 - ◇ Circulation (traffic, bicycles, pedestrians)
 - ◇ Support Services
 - ◇ Wildlife
 - ◇ Water Quality
- ◆ Prepare natural resource and forestry management plans for town-owned natural areas and open space, especially Stiglmeier Park.
- ◆ Prepare a fiscal plan to guarantee that needed maintenance of all facilities at Stiglmeier Park takes place.
- ◆ Continue to undertake State Environmental Bond Act initiatives to protect the Cayuga Creek corridor, including 1) acquiring acreage along Cayuga Creek west of Stiglmeier Park containing valuable forest and wetlands, and 2) restoring and developing the partially damaged 55-acres leased to the Town of Cheektowaga by Erie County along Cayuga Creek as a lowland forest and nature preserve.

- ◆ Maintain a “visual space corridor” on the south side of William Street between Cayuga Creek and Union Roads, where any new development would be set back from the proposed visual Open Space Corridor along the parcel’s southern boundary and the floodplain of Cayuga Creek. Preserve and supplement mature trees in said Open Space Corridor. Establish linkages for passive recreational use along greenway corridors located in stream corridors, railroad right-of-ways and drainage corridors (per *Losson/William Corridor Study, 1997*, prepared by URS Greiner).
- ◆ Apply for transportation agency grants for a Rails-to-Trails project and pursue the acquisition of properties along Slate Bottom Creek, a tributary to Cayuga Creek in Cheektowaga, for this purpose.
- ◆ Continue to apply the Town’s Critical Environmental Impact Zoning and Tree Preservation Ordinance to reserve floodplain areas along Cayuga Creek from development and seek conservation easements for floodplain components of development parcels.

B. Specific Recommendations for the Town of West Seneca

In order to preserve the existing stream corridor habitat, provide passive recreation opportunities to the residents, and improve water quality in Buffalo Creek (and by extension, Cazenovia Creek), the Town of West Seneca should implement the following recommendations as soon as possible:

Short-term Actions:

- ◆ Pursue the acquisition of Island Park for passive recreation and open space purposes. The parcel should remain substantially in its natural condition, except for minor improvements for parking purposes. The Town should pursue partial funding from grant programs such as the 1996 NYS Clean Water/Clean Air Bond Act.
- ◆ Investigate options for the Town to manage, control or acquire the oxbow wetland near Clinton Street and adjacent lands in the Buffalo Creek floodplain.
- ◆ Meet with the USDA Natural Resources Conservation Service and U.S. Army Corps of Engineers to evaluate alternatives concerning the Earsing sills (erosion and flood control structures on Buffalo Creek). Options to discuss should include removing the sills to reestablish flow in the original channel (i.e., the oxbow), restoring the adjacent wetlands and habitat area, and/or utilizing the area for flood control purposes.
- ◆ Appoint a Greenways Task Force of volunteer experts to work with the Town's Planning Board and Environmental Commission on further planning and study activities regarding the stream corridors of Cazenovia and Buffalo Creeks. Expertise in areas of planning, natural sciences, law and engineering should be represented.
- ◆ Facilitate a community workshop with the Western New York Land Conservancy that would provide property owners with information on private mechanisms for land protection, such as the use of conservation easements, erosion control practices, landscaping with native vegetation, maintenance of vegetated buffers, and other non-regulatory means of preserving greenbelts and open space.
- ◆ Adopt a tree ordinance which would restrict the removal of any tree within 100 feet of a stream bank and regulate the removal of trees greater than 4" diameter from all other undeveloped parcels.
- ◆ Establish a "critical environmental area" zoning overlay for areas along the bank of any stream, and for other adjacent areas identified as important for plants or wildlife habitat.
- ◆ Stage a community awareness event that would educate the public about the value of the creeks, wetlands, floodplains, and habitat areas, as well as encourage community involvement

in land protection. For example, the Town could enlist the aid of the West Seneca Youth Bureau / Americorps and local nurseries to institute a stream bank re-vegetation program.

Long-term Planning

- ◆ Extend the target area for greenway and open space planning to include the stream corridor of Cazenovia Creek.
- ◆ Update the Town's Open Space Inventory and Master Zoning Plan, incorporating floodplain management, greenway enhancement, riparian habitat protection, and any other zoning changes and management practices developed by the Greenways Task Force.
- ◆ Update the cluster zoning ordinance and encourage its use in future developments.
- ◆ Pursue collaborative efforts with the Erie County Department of Environment and Planning, the NYS DEC and U.S. Fish and Wildlife Service to identify areas suitable for preservation, recreation access and habitat restoration.
- ◆ Enlist the support of volunteers from the Buffalo Ornithological Society, the Buffalo Audubon Society, and the Niagara Frontier Botanical Society to complete botanical and avifaunal surveys in the corridors of both Buffalo and Cazenovia Creeks in order to identify critical habitat areas, and to ascertain the presence of endangered, threatened, or rare species.
- ◆ Explore the establishment of a program to "purchase development rights" from private property owners in sensitive environmental areas in order to ensure preservation in perpetuity. Explore funding for this program through county, state and federal agencies.

IX. SUMMARY AND LONG-RANGE OUTLOOK

Conserving greenbelts in the Towns of West Seneca and Cheektowaga will ensure that local residents continue to enjoy the economic, social, and environmental benefits of Buffalo and Cayuga Creeks and adjacent forests and wetlands. The findings and recommendations in this study report are intended to encourage and assist town officials, land owners, and potential developers to, (1) see where valuable natural resources exist and, (2) move toward protecting them. In addition to their ecological benefit, greenbelts contribute socioeconomic benefits such as flood protection, low-impact recreational opportunity, and enhanced property values. A system of greenbelts can be created in a variety of ways using regulatory and nonregulatory tools. Each town will need to assess their individual needs and develop a comprehensive greenbelt plan toward achieving their community's goals, including greenways. Some issues that should be addressed during greenbelt planning are:

Access for passive, low-impact recreation; riparian ownership and limitations to access; liability for injury; canoe access; flood / ice control; floodplain development; unpermitted discharges; sources of nonpoint source pollution; shoreline development and removal of native vegetation; fill; control of invasive exotic plant species; and, wetlands identification and protection.

The FBR looks forward to assisting the Towns of West Seneca and Cheektowaga as they develop their respective community's greenbelt plan by providing technical assistance, regional coordination, and public support.

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APPENDIX A

TECHNICAL ADVISORY COMMITTEE (TAC) MEMBERS

Wayne Awald
(*WNY Land Conservancy*)
580 Holland Road
Java Village, New York 14009
716/687-1225

Dennis Gabryscak
(*Cheektowaga Supervisor*)
3301 Broadway
Cheektowaga, New York 14227
716/686-3456

Phil Berkeley
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Buffalo, New York, 14207
716/879-4145

Glen Gelinis
(*WNY Land Conservancy*)
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Buffalo, New York 14218
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W. -Dieter Busch
(*US Fish and Wildlife Service*)
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Mary Holtz
(*Cheektowaga Historian*)
Town Clerks Office
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Cheektowaga, New York 14227
716/686-3400

Constantine Chuchla
(*Cheektowaga Conserv. Advisory Council*)
55173 Columbia Avenue
Hamburg, New York 14075
716/627-4762

Thomas Johnson
(*Cheektowaga Councilman*)
171 Meadowlawn Road
Cheektowaga, New York 14225
716/685-3123 (after 8:00PM)

Paul T. Clark
(*West Seneca Supervisor*)
Town Hall, 1250 Union Road
West Seneca, New York 14224
716/674-5600

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(*T. of W. Seneca Youth Bureau, Americorps*)
620 Main Street
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(*Co-chair, West Seneca Environ. Comm.*)
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716/886-0142; 716/833-5892

APPENDIX B

TAC MEETINGS, ATTENDEES, AND SUMMARIES

1 May 1997

Mr. Thomas Johnson, Chairman
Cheektowaga Town Council
3301 Broadway
Town Hall
Cheektowaga, New York 14227

Re: Friends of the Buffalo River corridor study of Cayuga and Buffalo Creeks.

Dear Mr. Johnson and Council Members,

I am writing to request the opportunity to speak at the Cheektowaga Town Council meeting on 2 June 1997 regarding the Friends of the Buffalo River Buffalo and Cayuga Creeks Corridor Study. I would like to tell you more about the study and what the Friends have undertaken with regard to data collection, preparation of maps, habitat linkages, and opportunities for access to the creeks. With your permission, our presentation of slides and boards would last about 15 minutes, followed by 5 minutes of questions and answers.

As you may know, I met with the Cheektowaga Conservation Advisory Council on 3 April where I learned more about what the town has undertaken with regard to open space and wetlands mapping, and the Conservation Advisory Council's regulatory role in controlling development in locally-designated "critical environmental areas". The Friends share your strong interest in these and similar matters in the Cayuga Creek corridor and I look forward to hearing how the Friends can help meet our mutual objectives.

If you have any questions or comments regarding this request, please call me at 716/433-5489. I look forward to meeting with you soon.

Sincerely,

E. Ann Poole
Consulting Ecologist / Environmental Planner

cc: John Marriott, Chairman, Cheektowaga Conservation Advisory Council
Mike Hamilton, Co-Chair, FBR Greenway Subcommittee
Julie Rogers-Varland, Co-Chair, FBR Greenway Subcommittee

1 May 1997

Mr. Christopher Walsh, Chairman
West Seneca Town Council
1250 Union Road
Town Hall
West Seneca, New York 14224

Re: Friends of the Buffalo River corridor study of Cayuga and Buffalo Creeks.

Dear Mr. Walsh and Council Members,

I am writing to request the opportunity to speak at the West Seneca Town Council meeting on 9 June 1997 regarding the Friends of the Buffalo River Buffalo and Cayuga Creeks Corridor Study. I would like to tell you more about the study and what the Friends have undertaken with regard to data collection, preparation of maps, habitat linkages, and opportunities for access to the creeks. With your permission, our presentation of slides and boards would last about 15 minutes, followed by 5 minutes of questions and answers.

As you may know, I met with the West Seneca Environmental Commission on 16 April where I learned more about the community's interests with regard to open space protection and wetlands protection. The Friends share your strong interest in these and similar matters in the Buffalo Creek corridor and I look forward to hearing how the Friends can help meet our mutual objectives.

If you have any questions or comments regarding this request, please call me at 716/433-5489. I look forward to meeting with you soon.

Sincerely,

E. Ann Poole
Consulting Ecologist / Environmental Planner

cc: Michael Donohue, Chairperson, West Seneca Environmental Commission
Mike Hamilton, Co-Chair, FBR Greenway Subcommittee
Julie Rogers-Varland, Co-Chair, FBR Greenway Subcommittee

16 May 1997

Mr. John Marriott, Chairman
Cheektowaga Conservation Advisory Council
3301 Broadway
Town Hall
Cheektowaga, New York 14227

Re: Friends of the Buffalo River corridor study of Cayuga and Buffalo Creeks.

Dear Mr. Marriott and Council Members,

Thank you for allowing me the opportunity to speak to you on 3 April about the Friends of the Buffalo River corridor study of Cayuga and Buffalo Creeks in Cheektowaga and West Seneca, respectively. I was especially interested to learn more about what the Cheektowaga Conservation Advisory Council has undertaken with regard to open space and wetlands mapping, and its regulatory role in controlling development in locally-designated "critical environmental areas".

Per your request, I have informed Mike Hamilton, President, of your suggestion that the Friends and the Conservation Advisory Council share in free exchange digital information on existing environmental conditions. It is my understanding that he will review the Friends licensing agreement with Erie County Water Authority and contact you directly regarding his findings.

With your permission, I would like to meet periodically with the Cheektowaga Conservation Advisory Council to keep you informed about progress on the corridor study. In the meantime, if you have any questions or comments about the project, please feel free to call me at 716/433-5489.

I look forward to working with you on this very important project.

Sincerely,

E. Ann Poole
Consulting Ecologist / Environmental Planner

cc: Mike Hamilton, President, Friends of the Buffalo River

17 May 1997

Ms. Betsy Trometer, Vice-Chairperson
West Seneca Environmental Commission
Town Hall
1250 Union Road
West Seneca, New York 14224

Re: Friends of the Buffalo River corridor study of Buffalo and Cayuga Creeks.

Dear Ms. Trometer and Commission Members,

Thank you for allowing me the opportunity to speak to you on 16 April about the Friends of the Buffalo River corridor study of Buffalo and Cayuga Creeks in West Seneca and Cheektowaga, respectively. I was especially interested to learn more about what the West Seneca Environmental Commission interests with regard to open space protection and wetlands protection.

With your permission, I would like to meet periodically with the West Seneca Environmental Commission to keep you informed about progress on the corridor study. In the meantime, if you have any questions or comments about the project, please feel free to call me at 716/433-5489.

I look forward to working with you on this very important project.

Sincerely,

E. Ann Poole
Consulting Ecologist / Environmental Planner

cc: Mike Hamilton, President, Friends of the Buffalo River

Friends of the Buffalo River
Buffalo / Cayuga Creek Restoration Corridor Study
Technical Advisory Committee Meeting

6/17/97

In Attendance: Jim Kittner (West Seneca Americorps), Catie Flanagan (W. Seneca Americorps), Maria Lattanzio (W. Seneca Americorps), Doug Brackett (EDR), John Hecklau (EDR), Mike Hamilton (FBR), Dave Reimers (FBR), Mike Donohue (W. Seneca Environmental Commission), Betsy Trometer (W. Seneca Environmental Commission & FBR), Roberta Vallone (WNY Land Conservancy & Nature Conservancy), C. Chuchla (CCAC), Dan Ulatowski (Zoning Insp., Cheektowaga), Tom Johnson (Councilmember, Cheektowaga), Mary Holtz (Cheektowaga Town Historian), Phil Berkeley (Army Corps of Engineers), Wayne Awald (WNY Land Conservancy), Laura Sondag (Erie Co. Dept. of Envir. & Planning), Glen Gelinas (WNY Land Conservancy), Ann Poole (FBR), Margaret Wooster (Great Lakes United), Kenneth Roblee (NYS DEC).

Meeting Started 6:45 p.m.

Mike Hamilton of the Friends of the Buffalo River gave a short introduction on the intent of the meeting and the Buffalo/Cayuga Creek Restoration Corridor Study. He introduced Ann Poole, who is developing the final study report. Ann described the information already gathered and displayed on the 4 maps.

Cheektowaga Town Councilmember, Tom Johnson, spoke on how Cayuga Creek is already in reserve greenspace and the floodplain is protected by a special zoning ordinance. The rest of the creek is abutted by private property and not for public access. The Town has an open space study in progress.

Ann responded that the Buffalo/Cayuga Creek Restoration Corridor Study is a study of existing conditions along the two creeks and potential opportunities and limitations are available to the Towns. The study will not include a path or greenway plan, but will be a source of information to be used by the Towns.

The meeting then continued into a 2-way working session where TAC members commented on, added to, or reworked the draft goals & objectives, identified issues of concern, and cited needs for several hours. (See Chapter III, Goals and Objectives.)

Meeting adjourned 9:30 p.m.

Notes taken by Betsy Trometer.

Friends of the Buffalo River
Buffalo / Cayuga Creek Restoration Corridor Study
Technical Advisory Committee Meeting

7/1/97

In Attendance: Jim Kittner (West Seneca Americorps), Catie Flanagan (W. Seneca Americorps), Doug Brackett (EDR), Mike Hamilton (FBR), Betsy Trometer (W. Seneca Environmental Commission & FBR), C. Chuchla (CCAC), Dan Ulatowski (Zoning Insp., Cheektowaga), Tom Johnson (Councilmember, Cheektowaga), Phil Berkeley (Army Corps of Engineers), Wayne Awald (WNY Land Conservancy), Laura Sondag (Erie Co. Dept. of Envir. & Planning), Ann Poole (FBR), Kenneth Roblee (NYS DEC), Chris Osmanski (W. Seneca Councilmember).

Meeting Started 6:45 p.m.

Mike Hamilton of the Friends of the Buffalo River gave a short introduction and rescheduled the next meeting for Tuesday, August 12, place to be determined. A draft report will be sent out for review one week before this meeting. He introduced Ann Poole, who lead the rest of the meeting.

Ann asked if there were any comments or revisions on the goals and objectives developed at the last meeting. There were none. The committee members were asked to identify any opportunities or constraints along each creek regarding the goals and objectives. Members flagged sites along each creek with a short description of the opportunity or constraint.

Ken Roblee asked if anyone knew of sitings of wood turtles, NYS special concern species, in the study area. Members present knew of sitings in Cayuga Creek. Spiny softshell turtle, spotted turtle, painted turtle, and snapping turtle were also mentioned as present in Cayuga Creek.

Meeting adjourned 8:10 p.m.

Notes taken by Betsy Trometer.

Friends of the Buffalo River
Buffalo / Cayuga Creek Restoration Corridor Study
Technical Advisory Committee Meeting

8/12/97

In Attendance: Wayne Awald, Doug Brackett, Mike Hamilton, Ann Poole, David Reimers, Ken Roblee, Laura Sondag, Roberta Vallone, Feral Webb, and Ken Webb.

The group met at 6:30 p.m. in the meeting room at Stiglmeier Park, Cheektowaga. We went over the new map with the constraints and opportunities listed on the map. We did not have enough for a quorum, so we took the following comments on the draft:

- Kenneth Webb noted that the Federal Gauging Station was not on the map, so we placed it on it.
- We discussed why the five dams were placed in Buffalo Creek.
- Roberta Vallone raised the issue of residential areas and commented that they should not be considered as constraints, but rather as opportunities for such benefits as conservation easements.
- Discussion took place about how to receive Army Corps of Engineers paperwork.
- The group was in favor of using critical environmental impact zones, easements, etc. to help towns make decisions for the wise development of these areas.
- Roberta volunteered to send Ann information from the WNY Land Conservancy to help write a paragraph in the "opportunities" section of the Buffalo and Cayuga Creeks Corridor Restoration Study Report.
- There was discussion on the pros and cons of canoe access.
- Ken Roblee voiced disappointment that there was no specific action recommended in Chapter 4. He felt that recommendations would create interest in the project. The group also felt interest would be generated by bringing out the report in a public forum, rather than by mail.

Because of the low attendance at the meeting, we decided to extend the period for comments on the draft of the report until August 22nd.

The next meeting will be: September 4, 1997, at 6:30pm in the meeting room at Stiglmeier Park, Cheektowaga.

These notes respectively submitted by David Reimers.

Friends of the Buffalo River
Buffalo / Cayuga Creek Restoration Corridor Study
Technical Advisory Committee Meeting

9/9/97

In Attendance: Connie Chuchla, Delores Mendolia, Doug Brackett, Mike Hamilton, Ann Poole, David Reimers, Ken Roblee, Chris Osmanski, Tom Johnson.

The group met at 6:30 p.m. in the meeting room at Stiglmeier Park, Cheektowaga. At the meeting, the TAC:

- Discussed the 'Opportunities' and 'Constraints' maps and suggested that they be combined and inserted as an 11"x17" black and white fold-out map.
- Suggested that 2 sets of copies of the large GIS maps be printed for each town.
- Went through the 'final' study report and discussed potential misinterpretations by those unfamiliar with the study. The TAC suggested revisions to text, particularly with respect to access, recreational use, and 'greenbelt' vs. 'greenway'.
- Requested that a section addressing 'listed species' be added to the report. Ken Roblee provided Ann relevant information to include in said section.
- Recognized the need for more specific recommendations than those presented. Representatives from each town volunteered to work on developing recommendations specific to their community's needs. It was agreed that they will be sent to Ann before 9/22/97 for inclusion in the Final Report.
- Recommended referencing several Town of Cheektowaga reports and maps having pertinent information. Copies of said reports and maps will be made available to Ann either at the Cheektowaga Town Hall or by Tom Johnson by 9/12/97.

Meeting adjourned at 9 pm.

(Notes prepared by Ann Poole, 9/19/97).

APPENDIX C

LOCAL LAND USE CONTROLS AND OTHER REGULATORY MECHANISMS

The following text summarizes correspondence to the FBR from Keith D. Martin, Esq., who volunteered to review current municipal regulations in the Towns of West Seneca and Cheektowaga. Regulatory mechanisms Mr. Martin concentrated on included: (1) master / comprehensive plans; (2) building codes; (3) Local Waterfront Revitalization Plans; (4) zoning; (5) special use districts; and (6) floodplain data.

January 10, 1997

Re: Cheektowaga

- At the Supreme Court Library I examined the *Cheektowaga Code and Master Plan (adopted 1/21/92)* in some detail. I also obtained a copy of the "Zoning Changes from February 1992 to December 1993".
- I have not had the opportunity to look at the Floodplain maps which theoretically are derived from FEMA "Flood Insurance Study for the Town conducted 3/15/84 (Boundary Floodway Maps 360231-0005, eff. 4/8/83 and 360231-0010F, eff. 3/15/84). On the educated assumption that most of the land relevant to our study will be located within floodplain, I have reviewed and have copies of *Town Code Sec. 82-7 Special Flood Hazard Area* (uses permitted therein include "roads" and "open-type public or private recreational facilities such as public parks...").
- I have reviewed but did not copy *Town Code 82-9.1 Critical Environmental Impact Zone ("CEIZ")*, which is "intended to promote recreational and low intensity uses thereby preserving wetlands, trees, wildlife refuges and flood management areas...". *Town Code 82-9.3* (no copies obtained) defines uses permitted in CEIZ's.
- I have to find out if there are any relevant zoning changes subsequent to December 1993.
- I have copies of *Town Code Chapter 17 Conservation Advisory Council*; and *Ch. 21A Drainage Systems*, which defines, among other things, 'drainage system', 'major natural waterway', and 'waterway or watercourse'.
- I copied the index only to *Ch. 63 Streets and Sidewalks* (lots of building specs.) to the extent it may contain material(s) relevant to a path or recreational trail.
- I copied limited, relevant portions of *Town Code 82-75 Zoning*, including those subsections containing the definitions of: "open space"; "open space - common"; "sign" [memorial plaques, markers, monuments...]; "site plan"; "street"; "structure"; "structural alteration"; and "use".
- I copied, in its entirety, *Town Code Ch. 54 Public Improvements*,... "actions requiring permits", etc.
- In addition to SEQRA, the Town has its own *Chapter 23A Environmental Impact Review*. I have not examined it in any detail, nor compared it to SEQRA, but we have a copy thereof, in its entirety.

West Seneca

- The West Seneca materials at Supreme Court Library have apparently been through several incidents of "pilfering" and some important materials were missing or stolen. For example, *Town Code Section 6701, et. seq. Environmental Quality Review* has many pages missing!;
- *Section 9301, et. seq. Public Improvement Construction* suffers the same fate;
- I briefly reviewed the following sections: *2801, et. seq. Planning Board* (copies obtained); *7701, et. seq. Flood Damage Prevention* (no copies obtained); *8501, et. seq. Parks...*
"PARK—Any tract or parcel of land within which the corporate limits of the Town of West Seneca which is either owned or leased by the Town of West Seneca and which is designated for public use as a playground, athletic field or picnic grove" (copies obtained); *11201, et. seq. Trespassing* (no copies obtained); *11701, et. seq. Vehicles Off-Road* (no copies obtained);
- I have not seen *12001 nor 21201 Zoning*. It appears a face-to-face with someone in West Seneca government will be necessary.

January 23, 1997

Re: Buffalo/Cayuga Creek Restoration Corridor Study

- It has been confirmed to me that Cheektowaga has indeed amended relevant zoning laws Fe. 8/5/96;
- Our (FBR) initial and **immediate** emphasis should be on identifying all those **critical parcels** of land along the anticipated path(s) which must be acquired, or over which easements must be obtained;
- I believe we should be pressing for further amendments to "fine tuning" City of Buffalo Ordinances and **seek express recognition of an intent to interconnect with similar paths, greenness, and greenspace (specifically Stiglmeier/Reinstein in Cheektowaga)** potentially entering/exiting the City's jurisdictional boundaries from contiguous municipalities. My recent informal conversations with city officials, and the inference I draw from Mr. DeLisle's statements, on the record, during the Jan. 16th workshop, lead me to believe that the Administration and the Common Council would support such an initiative;
- We should push for ... legislative initiatives (*similar to Buffalo's Waterfront Greenway System*) from the Erie County Legislature **and** in both Cheektowaga and West Seneca! Our arguments in favor of formal legislation should follow the tenor of what Chuck Swanick said at the Jan. 16th Workshop, insofar as a **communitywide network** of bike and pedestrian paths:

"This is really what the public wants us to do", said Erie County Legislative Chairman Charles M. Swanick... While the network hub is in Buffalo, he added, "everybody uses these things." TBN 1/17/97, p. C-4

- Since Stiglmeier/Reinstein are in Cheektowaga, **and** we have been able to compile a fairly comprehensive set of documentation for Cheektowaga, and perhaps most importantly, since Cheektowaga has, in place, a Conservation Advisory Council which meets regularly, **I strongly advise we set up meetings with the Cheektowaga Advisory Council**, then follow with other Cheektowaga officials to build momentum and support for a “push” out to Stiglmeier/Reinstein.
- The information for West Seneca is proving less readily available and at this time we do not possess all that we will require. Perhaps a brainstorming session on how to close the gaps would be helpful.