

## **SECTION II      Inventory and Analysis**

The Town of Wheatfield has limited areas of waterfront, which are well-established with residential uses. These areas have retained a rural character that is enhanced by their shoreline locations. With limited areas of public land, the Town desires to provide opportunities for public access to the greatest extent possible. The Town would also like to establish a multi-use trail that would become part of the regional Niagara River Greenway system, allowing a connection with the adjoining Cities of Niagara Falls and North Tonawanda. This program is aimed at improving the quality of life in the waterfront areas and taking advantage of existing assets along the Niagara River and Tonawanda Creek (Erie Canal).

### **2.1      Summary of Issues and Opportunities in the Waterfront Revitalization Area**

#### **2.1.1      Assets and Opportunities**

- The Wheatfield waterfront areas have small town, rural character, making them attractive places for residents and visitors alike. Scheduled
- River Road, in Sub-Area 1, is a designated segment of the New York Great Lakes Seaway Trail and a State-designated Scenic By-Way, validating the scenic and cultural importance of this shoreline thoroughfare.
- The LWRA areas are served by public sewers and public water supply, and there is capacity at the Niagara County wastewater treatment plant to accommodate future development.
- The Town owns 4.6 acres of land with shoreline access in Sub-Area 1 that offers potential for public access and recreation.
- Baisch Park, in Sub-Area 2, offers opportunities for passive recreation.
- The waterfront areas are situated immediately adjacent to public parks in neighboring communities that offer boat launching and access to the waterfront.
- The Niagara County Sewer District property offers an opportunity for limited waterfront access for viewing and passive recreation along the Niagara River.
- Abandoned railroad corridors in Sub-Area 1 provide opportunities for the development of multi-use trails.

### **2.1.2 Issues and Concerns**

- The waterfront is primarily residential in nature; there are limited water-dependent uses, waterfront commercial and public recreation opportunities.
- Public Access is very limited in both sub-areas of the LWRA. Although there are numerous private docks in Sub-Area 1 and a few small private docks in Sub Area 2, there are no opportunities for public fishing access or public docking facilities in either area.
- River Road, in Sub-Area 1, accommodates a significant volume of commuter traffic that has adversely impacted the use and safety of this roadway for local residents.
- Control of signage along River Road to improve visual quality.
- Baisch Park, in Sub-Area 2, requires drainage improvements and enhancement with additional public amenities to improve its use and enjoyment.
- There is shoreline protection along many riverfront residences, but some of the existing erosion protection structures are in various states of disrepair.
- Water quality issues in the Niagara River and Tonawanda Creek have resulted in fish consumption advisories.
- Properties in Sub-Area 1 are narrow; many residential lots do not conform to current Code requirements.

## **2.2 Region Setting, Historic Context and Community Characteristics**

The Town of Wheatfield was formed in 1836 from the Town of Niagara. It is situated in the southwest part of Niagara County, surrounded by the Town of Lewiston and Town of Cambria to the north, Town of Pendleton to the east, City of North Tonawanda and Niagara River to the south, and the City of Niagara Falls and Town of Niagara to the west (see [Map 2](#)). Within the western New York region, Wheatfield is situated approximately 25 miles outside the Buffalo metropolitan area. The River Road (waterfront) section of the Town became a prosperous farm area in the 1920s and included the showplace "Wheatfield Farms". During the early to mid 1900's, there were vacation cottages, beaches, an amusement park, and nightclubs found along the Niagara River. Permanent housing has replaced many of the cottages and remnants of some bygone structures are still visible along River Road today.

The Town of Wheatfield measures 28.6 square miles in size and has about 3.5 miles of shoreline, including approximately three miles of shoreline along the Niagara River in Sub-Area 1 and approximately one-half mile along the Erie Canal in Sub-Area 2.

Although both sub-areas are predominantly rural in nature, much of the shoreline has been developed with medium density residential uses. As previously noted, the Wheatfield riverfront in Sub-Area 1, has long been popular as a summer residential area, with numerous cottages and smaller, modest

homes. Over the past few decades, the area has become increasingly attractive for residential use, with many cottages (over 90 percent) transitioning to year-round residences. The Sub-Area 1 waterfront includes distinct neighborhoods, which are characterized by narrow roadways lined with small homes and mature trees. These areas include Sunset Drive, Hird Street, York Road and Willow Lane. In addition, the area includes a mix of residential and commercial uses along River Road and a large manufactured/mobile home park. Access to the Niagara River in Sub-Area 1 is gained from private docks situated on residential properties that front along the river. There are no public parks, marinas or other waterfront amenities in this area.



*Sub-Area 1: Niagara River*

*Sub-Area 2: Erie Canal (Tonawanda Creek)*

The Erie Canal portion of the waterfront (Sub-Area 2) follows properties along Lockport Avenue, which extends below Niagara Falls Blvd., essentially splitting the area into two sections. Both sections are residentially developed. The eastern side, abutting West Canal Marina Park in the Town of Pendleton, has housing along both sides of Lockport Road, whereas the western section, near the City of North Tonawanda only has housing on the upland side of Lockport Road. This area is rural in nature, with limited access to the Canal.

## **2.3 Overview of Coastal Resources Planning Efforts**

### **2.3.1 Regional Planning**

There are a number of regional plans that are available to help guide land use and other activities in the Town of Wheatfield and Niagara County, as a whole.

- *Framework for Regional Growth for Erie and Niagara Counties*

The Framework for Regional Growth for Erie and Niagara Counties, New York is the regional planning document. The Framework was finalized in October of 2006 and establishes basic policies and principles to guide the future growth and development of the region. Specifically, the Framework provides:

- A vision for how the region should grow over the next 15 years.

- Direction regarding growth and redevelopment matters for County decision makers and other regional organizations that are linked to the two counties by way of funding, membership or other relationships.
- Information on the ways local governments, private sector and non-profit actions and initiatives can reinforce the overall regional vision.
- Mechanisms to insure that the goals, concepts and recommendations of the Framework for Regional Growth are implemented in an efficient and accountable manner.

The Framework's recommendations build on the recognition that the Region's communities cannot effectively plan in isolation or independently address important issues, as almost every challenge faced by a locality has a regional dimension. The Framework is not a conventional zoning or land use plan or capital improvement program. It is designed to help County and regional leaders make better policy and investment decisions, more effectively leverage limited resources and provide more consistent direction and useful support to municipalities.

The Framework for Regional Growth establishes planning policy areas that define, in broad terms, where County policies encourage development and public investment, where development and public investment may be appropriate subject to careful evaluation and where conservation strategies generally take precedence over plans for development and public investment. The planning policy areas include Developed Areas, Developing Areas and Rural Areas. The Town of Wheatfield waterfront area falls into the Developed Areas category because it is situated between the Cities of Niagara Falls and North Tonawanda, and includes suburban development that is served by public sewer, water and transportation infrastructure. The policies and strategies for the Developed Areas include:

- sparking investment, attracting new households and businesses,
- supporting the conservation and stabilization of existing neighborhoods,
- supporting new compact, pedestrian oriented, mixed-use development on vacant and underutilized sites, and
- improving livability and economic vitality.

■ *Niagara Communities Comprehensive Plan*

The Niagara Communities Comprehensive Plan (NCCP) is a county-wide planning document that emphasizes a multi-municipal approach for planning and decision making. The NCCP provides a framework for achieving five high priority goals:

- Encouraging desirable and appropriate growth and development,
- Strengthening the local economy,
- Improving the delivery of services,
- Prioritizing and coordinating capital improvements, and
- Improving the quality of life for County residents.

The Niagara Communities Comprehensive Plan is intended to unify existing county wide planning efforts, while recognizing the important planning initiatives undertaken at other levels of government, as well as the efforts of community organizations and agencies. The Plan is a guiding document for assisting future decision making by providing direction for ongoing and future planning efforts. The Plan also recommends various strategies and potential projects, and will be helpful for securing funds necessary to undertake these initiatives.

#### Niagara River Greenway Plan

The Niagara River Greenway Plan is a guidance document for creating connections between the various constituents, organizations and municipalities that comprise the Niagara River Greenway. It is an initiative with broad-based support aimed at fostering consensus. Under the umbrella of the Niagara River Greenway, these entities can advance local and regional agendas for community livability, environmental sustainability, tourism and economic revitalization.

The Niagara River Greenway Plan (NRGP) establishes a unified vision and a set of principles for the Niagara River Greenway. It identifies assets and resources that make up the Greenway. It sets priorities that suggest the types of activities to target in the near-term. It identifies potential funding sources, partnerships and linkages, and, in conjunction with the Metropolitan Planning Organization (MPO), addresses key transportation issues that affect the Greenway. The Plan also discusses several high priority Implementation Concepts, which describe system-wide approaches and strategies for Greenway development.

The principles and goals for the NRGP represent the general values for guiding greenway planning toward achievement of the vision. These principles and goals are centered on promoting high-quality, ecologically sensitive and sustainable activities and development.

The central theme is aimed at improving access to the Niagara River, making connections between communities and filling gaps in the trail system, protecting and restoring environmental systems, celebrating the history and heritage of the region, sparking revitalization and renewal, promoting long term sustainability and extending the Frederick Law Olmsted legacy for future generations.

A fundamental goal of the Niagara River Greenway Plan is riverfront preservation and restoration to fulfill the vision for Lake Ontario to Lake Erie access along the shoreline. Recognizing that much of the waterfront is held in private ownership, increasing public access and awareness through trails, conservation easements and other means is important. The recommendations in the Niagara River Greenway Plan identify two projects for the Town of Wheatfield waterfront. These include the development of a proposed multi-use pathway extending along the length of the waterfront connecting the Town with the adjoining communities of Niagara Falls and North Tonawanda, and the development of a waterfront park on a five-acre shoreline parcel owned by the Town.

- *2008 Bicycle and Pedestrian Master Plan for Erie and Niagara Counties*

The 2008 Bicycle and Pedestrian Master Plan sets forth the vision for making bicycling and walking an integral part of daily life in the Buffalo and Erie/Niagara region. This plan recommends projects, programs and policies for the next ten years to encourage use of these practical, non-polluting and affordable modes of transportation. The plan looks at streets for cycling and walking, parking, transit connections, education and marketing (health promotion), law enforcement and implementation. The plan contains goals and objectives, with over 100 suggested actions that detail how to implement the objectives in realistic, meaningful and cost effective ways.

The express purpose of the Master Plan is to provide coordinated guidance for the implementation of a safe, efficient and accessible transportation system designed for walking and bicycling. By reassessing previous goals and objectives, the intent is to adjust and reaffirm a regional vision regarding bicycling and pedestrian activities, including the establishment of interconnected bicycle and pedestrian networks for transportation. Such networks provide for focused treatments and sometimes separate facilities to promote walking and bicycling, and add a critical multi-modal element to a transportation system often geared toward motor vehicle travel. It furthermore reflects current federal goals to increase the amount of local bicycling and walking, and to increase safety by reducing the number of accidents. The Master Plan serves as a framework for facility investments and assists in promoting mobility options, healthier lifestyles, reducing air pollutants, and decreasing traffic congestion.

The goals of the 2008 Bicycle and Pedestrian Master Plan align with the Town's goal to construct a multi-use pathway along the abandoned railway corridor, situated north of River Road. The plan outlines objectives that support the Town's vision for the waterfront pathway, including the adaptation of existing roadways to allow for safe and convenient bicycle travel, the incorporation of innovative designs to expand and enhance the regional bikeway network, making intersections bicycle and pedestrian friendly, and identifying and eliminating hazards to pedestrian and bicycle movement.

- *2035 Long Range Transportation Plan Update*

This plan acts as the multimodal blueprint for transportation systems and services and is aimed at meeting the transportation demands of existing and future development in Erie and Niagara County. The plan provides forecasts for the year 2035 for both population and employment. The plan devotes 70 percent of funding to maintaining the existing transportation infrastructure system.

- *Transportation Improvement Program, 2011-2015*

The Transportation Improvement Program (TIP) is the capital programming component of the Long Range Transportation Plan consisting of all federally funded roadway, transit, and



major transportation projects being considered within the region through 2015. The TIP also includes those regionally significant transportation projects being advanced by state and local entities with non-federal funding.

- *Niagara County Comprehensive Emergency Management Plan (CEMP)*

This plan was developed to enhance Niagara County's ability to manage emergency situations, with the focus on rapidly and adequately responding in order to minimize injury and speed recovery. It consists of three components: disaster prevention and mitigation, disaster response, and disaster recovery. The CEMP defines roles and responsibilities in prevention, response, and recovery, including a detailed chain of command during an emergency. The plan places an emphasis on the role of local jurisdictions as first-line responders, but identifies the key role that County departments play in the process. The CEMP points out the importance of land use controls and development regulations in hazard-prone areas (e.g., floodplain development) for disaster avoidance and minimization.

### **2.3.2 Local Planning**

- *Town of Wheatfield Comprehensive Plan*

Local planning plays a big part in how the waterfront in the Town is used and developed. The Town has been pro-active in planning for growth in the Town and adopted a Comprehensive Plan in 2004, which was updated in 2012. Although the Town acknowledges that some of the information in this plan is falling out of date, the Plan still provides guidance for managing land use along the waterfront. The Comprehensive Plan recognizes that the waterfront areas are largely developed, and no major changes are expected in the area south of River Road or along Lockport Avenue. As public access is lacking in the area, the plan suggests recreational uses, such as trails to tie into the waterfront.

- *Stormwater Management Plan*

The Town of Wheatfield is a member of the Western New York Stormwater Coalition. The Coalition developed a Stormwater Management Plan as a shared resource to help local municipalities comply with the NYSDEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4). This Plan, which was adapted for the Town of Wheatfield, provides policy and management guidance, including minimum control measures and best management practices for Public Education and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post-Construction Stormwater management, and Pollution Prevention / Good Housekeeping for Municipal Operations. In support of this Plan, the Town adopted a local law for stormwater management and erosion and sediment control and a local law for prohibiting illicit discharges, activities and connections to separate storm sewer systems. The town also appointed a designated Stormwater Management Officer.

▪ *Town of Wheatfield Greenspace Master Plan*

The Wheatfield Greenspace Master Plan was developed to help the Town preserve and incorporate greenspace into future development to maintain the ambiance and character of the community. The Plan includes an inventory of all parklands and greenspace for public access; identifies future greenspace areas for public access, emphasizes passive and active recreational needs and defines the quality of life in Wheatfield. This Plan, which is currently being updated, recommends capitalizing on the abandoned railway corridor to create a trail connection between Niagara Falls and North Tonawanda (at the east and west ends of Sub-Area #1) and other areas of the Town. It also recognizes the undeveloped Town-owned property located on the Niagara River shoreline, which proposed for use as public parkland.

## 2.4 Demographics and Economic Considerations

### 2.4.1 Population and Household Characteristics

The waterfront areas in the Town of Wheatfield cannot be captured easily by Census geography. Accordingly, the following discussion is based on Town-wide data, and is intended to provide the general context of the Town and how it may affect waterfront planning.

The population of the Town of Wheatfield was 18,117 persons in 2010 (U.S. Census Bureau, 2012). The Town is the fastest growing town in Western New York, with very strong growth in population over the past decades. Since 1990, the population has increased by nearly 7,000 residents, an increase of almost 63 percent. This strong growth suggests growing development pressure throughout the Town, including the waterfront areas. It also suggests increasing demand for recreational assets in the Town.

**Town of Wheatfield Population 1990 – 2010**

		<b>Change</b>	
	<b>Population</b>	<b>Number</b>	<b>Percent</b>
1990	11,125	n/a	n/a
2000	14,086	+2,961	+26.6%
2010	18,117	+4,031	+28.6%

*U.S. Census Bureau, 2010*

Median age of Wheatfield's residents in 2010 was 42.4 years, which is slightly older than Niagara County, where the average age was 41.9 years. Age distribution is similar for the Town and the County. Wheatfield has a higher proportion of older residents (age 65 or older) than the County, and slightly fewer very young residents (under age 5). Correspondingly, the Town has more residents in the middle age ranges, both minors age 5 to 19, and adults aged 18 to 64. The following table shows the comparison of the Town and the County.



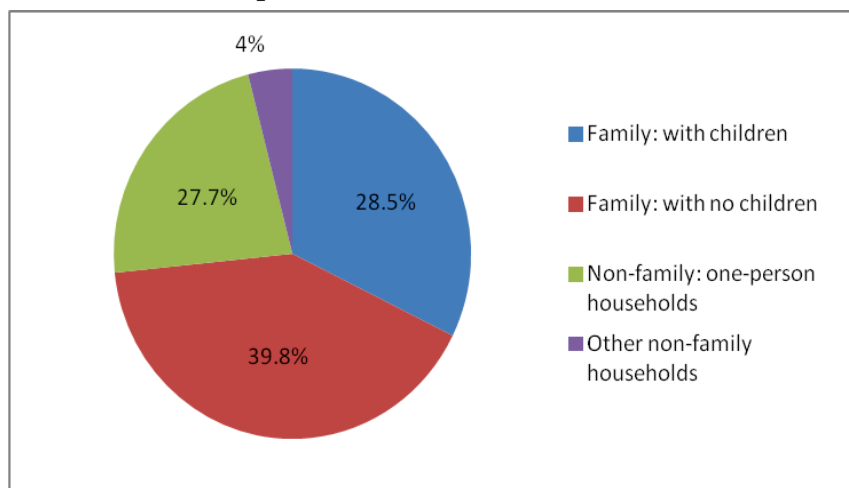
### Age Distribution - Wheatfield and Niagara County, 2000

	Wheatfield		Niagara County	
Less than 5 years	920	5.1%	11,580	5.4%
5 to 17	3,441	19.0%	41,243	19.3%
18 to 64	10,346	57.1%	127,258	59.3%
65 or older	3,410	18.8%	34,388	16.0%

U.S. Census Bureau, 2010

There were a total of 7,180 households in the Town of Wheatfield in 2010. The average household size was 2.47 persons. The majority of households were family households (related persons), which made up 68.34 percent of all households. Single person and non-family households comprised 31.7 percent of households.

### Household Composition



## 2.4.2 Housing

Most housing in Wheatfield consists primarily of single-family dwellings. U.S. Census data from 2010 indicates a total of 7,602 housing units in the Town. Nearly three-quarters (77.1 percent) of the housing stock is single-unit structures. Another 3.4 percent is mobile homes, which generally accommodate a single-unit. Housing along the waterfront is generally one-family dwellings. There is also a mobile home park located on the Niagara River in the Town of Wheatfield. Nearly all homes in Wheatfield are occupied on a year-round basis; according to Census data, seasonal units comprised only 0.5 percent of the housing stock (37 units).

Compared to many Western New York municipalities, the housing stock in Wheatfield is relatively new, reflecting the very strong growth trends in the Town. Only about 5.2 percent of houses in the Town were built prior to 1940, compared to 34.5 percent of housing structures in Niagara County. According to 2000 Census figures (most recent available) approximately 45 percent of residential structures in Wheatfield were built after 1990; only 13.2 percent of residential buildings across the County were built over the same time frame. Most new residential

construction in Wheatfield has occurred in areas outside the LWRA. While there has been some new construction along the waterfront, it has generally been replacement housing, not net new units.

Wheatfield has a high home-ownership rate. Of the total occupied housing units in the Town, 75.5 percent are owner occupied and 24.5 percent renter occupied. In comparison, only 69.7 percent of units in Niagara County are owner-occupied. In 2010, the Census reported an overall vacancy rate of 5.6 percent for the Town. The County's vacancy rate was nearly twice that, at 8.6 percent. In 2010, the median value of a home in Wheatfield was relatively high, at \$164,600, compared to the County's median home value of \$102,300. Again, this figure reflects the fact that a significant proportion of the housing stock in Wheatfield consists of new construction.

These strong housing trends in the Town suggest there will be increasing demand for waterfront properties in the Town. There have been some conversions taking place on the waterfront in Wheatfield, where older units are extensively renovated or replaced with newer units. This trend is likely to continue. In particular, it is anticipated that the mobile home park located off River Road on the Niagara River will eventually convert to either higher value residential or other uses over time as waterfront land values increase.

### 2.4.3 Income and Employment

Historically, the Wheatfield waterfront has been a residential area, with a few scattered businesses, with limited opportunities for employment. There are employment centers in the Town in relatively close proximity to the waterfront, including the Niagara Falls Boulevard corridor, which has a range of commercial and retail uses; the industrial park along Liberty Drive north of River Road; and the western portion of Town, where the Niagara Falls airport and other major employment centers are located, as well as Vantage Point and the Woodlands Corporate Center. Waterfront-related uses have not been strong employers in the Town, although the

**Income Distribution by Household - Town of Wheatfield**

Income	Number	Percent
Less than \$10,000	251	3.7%
\$10,000-14,999	298	4.4%
\$15,000-24,999	710	10.5%
\$25,000-34,999	636	9.4%
\$35,000-49,999	756	11.2%
\$50,000-74,999	1,413	20.9%
\$75,000-99,999	1,001	14.8%
\$100,000-149,999	1,163	17.2%
\$150,000-199,999	325	4.8%
\$200,000 or more	204	3.0%

*U.S. Census Bureau, American Community Survey 2007 - 2011*

Town's Comprehensive Plan supports economic development activities associated with waterfront, recreational and tourism uses. There have been various plans to redevelop vacant lands north of River Road in the Town for recreational/tourism uses, although there are no active proposals for this land at this time.

Based on available Census data for the Town, 63.8% of Town residents age 16 or older participated in the labor force in 2010. Median household income was \$61,889, which compares very favorably to the County, which has a median household income of \$43,991.

#### 2.4.4 School Enrollment and Education Levels

Most of the Town of Wheatfield is within the Niagara-Wheatfield School District. The eastern portion of Wheatfield is in the Starpoint Central School District. No schools are located in or near either waterfront area in the Town of Wheatfield.

Based on available Census data (2010), 90.5 percent of residents of the Town of Wheatfield were high school graduates, and 30.4 percent had achieved a bachelor's degree or higher. In 2010, there were 4,224 residents aged 3 years or older who were enrolled in school.

**Town of Wheatfield School Enrollment, 2000**

	<b>Number</b>	<b>Percent</b>
Nursery school, Preschool	210	5.0%
Kindergarten	219	5.2%
Elementary School (grades 1-8)	1,755	41.5%
High School (grades 9-12)	1,138	26.9%
College or graduate school	902	21.4%

*U.S. Census Bureau, 2010*

## 2.5 Existing Land and Water Uses

### 2.5.1 Existing Land Use

Land use along the waterfront in the Town of Wheatfield is primarily residential in nature, with some commercial uses found along River Road in Sub-Area 1. There are no agricultural or industrial uses in either sub-area. Parkland is also very limited, with only one park found in Sub-Area 2 and one Town-owned parcel that is destined for future parkland development in Sub-Area 1. Sub-Area 1 has some areas of vacant land and open space, while Sub-Area 2 is well built out, with very little land available for further development. The land uses found in the LWRA are shown on [Map 3A](#) and [Map 3B](#) and described as follows.

## Sub-Area 1



- *Residential* - There are approximately 178 residential parcels, accounting for 129 acres of land in Sub-Area 1. This includes three larger parcels that contain mobile home parks, which encompass approximately 28 acres. Housing lines the majority of the river shoreline and extends through upland areas along River Road. The smallest residential properties occur in riverfront residential enclaves along Hird and York Roads, where property frontages range between 30 and 60 feet wide. The area also includes a small number of larger estate-sized properties.
  - *Commercial* - There are a limited number of commercial properties in Sub-Area 1, including approximately 12 parcels that comprise approximately 23 acres of land. These properties are located along River Road, mostly at the western end of the area, near the Niagara Falls City boundary. Commercial uses include motels and small shops. It is also noted that there are two billboards for commercial advertising that exist along River Road in Sub-Area 1.
  - *Industrial* – There are no industrial land uses in Sub-Area 1.
- Community Facilities* – The Frontier Volunteer Fire Company has a station located on River Road that services the surrounding area. The Fire Company owns and operates R.B. U-Ren Park, which is located on the north site of River Road on the fire company property. This park is open for use by the general public. Additional community uses include properties that support pipelines, outfalls or other appurtenances for public or private utility services (see [Map 7A](#)).



- *Parkland* – There are no conservation lands in Sub-Area 1; U.B. Uren Park is the only park. However, the Town owns 4.6 acres of property at the western end of the area that is proposed for future parkland development. In addition, River Road is a designated segment of the NYS Great Lakes Seaway Trail system.
- *Vacant* – Approximately 520 acres or 65 percent of Sub-Area 1 is vacant lands, including a combination of wooded lots and abandoned properties, as well as an abandoned railroad corridor located north of River Road.

### Sub-Area 2



- *Residential* – There are approximately 30 residential parcels, accounting for 16 acres of land area in this portion of the LWRA. The area east of Niagara Falls Blvd., which bisects the area, has housing on both sides of Lockport Avenue, while the area west of Niagara Falls Blvd. has a very narrow area of shoreline, with housing situated on the upland side of Lockport Avenue. Housing in this area consists of single-family dwellings that are suburban in nature.
- *Commercial* – There is one commercial property located in Sub-Area 2. There is one property that was formerly a hotel that is converting to residential use. There are also one or two properties that conduct home occupations in this area.
- *Industrial* – There are no industrial land uses in Sub-Area 2.

- *Parkland* – There is one park found in Sub-Area 2. Herman Baisch Park is a 3.7-acre parcel that is used solely for passive recreation. There are no conservation lands in this area.
- *Community Facilities* – There are no community services or facilities in Sub-Area 2.
- *Vacant* – Approximately 0.6 acres or just over one percent of Sub-Area 2 is vacant lands, which is essentially comprised of the parcel located at the northeast corner of Connecting Blvd. and Lockport Road., as well as a thin strip of land that lie between Lockport Road and Tonawanda Creek, west of Niagara Falls Blvd. (which are owned by the NYS Canal Corporation).

### **2.5.2 Water Dependent and Water-Enhanced Uses**

The only water-enhanced uses are residential dwellings located along the waterfront. There are no parks or other facilities for public access located along the waterfront in either sub-area. Baisch Park, in Sub-Area 1, is located inland, away from the shoreline. Waterfowl hunting is conducted from shoreline docks and properties along the Niagara River during the fall hunting season.

There are limited water-dependent uses in the Wheatfield LWRA. These consist of pipelines and outfall facilities for local utility companies. The Niagara County wastewater treatment plant and the water treatment plant each own narrow parcels where they have located their outfall system and water intake piping, respectively. There are also two locations where National Fuel Gas has routed pipelines for natural gas, which extend along the bottom of the Niagara River, from the upland areas of the Town of Wheatfield over to Grand Island, across of the Niagara River. Water-dependent uses are depicted on [Map 7A](#).

### **2.5.3 Abandoned, Underutilized and Deteriorated Sites and Structures**

The Wheatfield waterfront in Sub-Area 1 has a history of use for summer recreation. The shoreline once contained dance halls, cottages and lodging that supported tourism trade. Over the years, these cottages converted to year-round residential use and other uses were replaced with additional housing. Today, the western end of Sub-Area 1, south of River Road, contains mostly vacant property that is under a mix of public and private ownership. The Town of Wheatfield owns 4.6 acres of vacant land, which is comprised of one four-acre parcel with just under 250 feet of shoreline access and four smaller parcels totaling 0.6 acres that are located immediately west of the larger parcel, along River Road. The Town is proposing to utilize this vacant property for passive recreation and public access. Much of the site would remain wooded and undeveloped. There is an approximate 11-acre property located just east of the Town-owned land that is under private ownership. This site has potential for reuse and is envisioned to be redeveloped with a mix of uses. Any future use of this property should include public access along the almost 700 feet of shoreline along the Niagara River. There are also a few, small vacant properties located immediately west of the Town-owned lands, extending to the City of Niagara Falls municipal boundary. The Town's long-term vision for this area would include public access that spanned



from the private lands, across the Town-owned and private lands to the west, to ultimately connect with recreation facilities in the City of Niagara Falls.

There is an abandoned railroad corridor that extends along the north side of River Road, from Williams Road to the Town boundary with the City of North Tonawanda. West of Liberty Drive, the corridor accommodated two tracks; east of Liberty Drive the corridor services an active CSX line, with one area of abandoned track line. The western portion of this corridor was to be used for the extension of the LaSalle Expressway, but this project was never completed. Although the Town would have liked to see this project materialize in an effort to remove commuter traffic from River Road, the extent of the work required makes it cost prohibitive. As an alternative, the Town has proposed the use of the area for redevelopment as a multi-use trail. This trail would represent a connecting segment in the regional Niagara River Greenway trail system that would ultimately extend from Old Fort Niagara (to the north), following the waterfront through Niagara Falls, Wheatfield and North Tonawanda, to connect with the Erie County system of waterfront trails (all part of the overall Niagara River Greenway system). Portions of the waterfront trails system in Niagara County currently exist, but there are gaps, such as this area in Wheatfield. Completion of the Wheatfield section would link with trails in the adjoining Cities of Niagara Falls and North Tonawanda.

There are some other vacant or underutilized properties in Sub-Area 1 that have potential for future residential development. These properties are found primarily in the Hird Street and Sunset Drive areas, and on the north side of River Road to the east (single lots). There is one large property at the eastern end of Sub-Area 1, on the north side of River Road, which once supported a commercial business. Due to traffic safety issues along this section of River Road, this property is recommended for future residential use. There are no abandoned, underutilized or deteriorated properties in Sub-Area 2.

#### **2.5.4 Public Access and Recreation**

Public parkland and waterfront access is limited to a few facilities within the Town of Wheatfield LWRA. While no formal public park facilities exist in Sub-Area 1, the Town holds ownership to a 4.6 acres of vacant land with waterfront access that is proposed for future public access and limited recreational use.

The Town is also proposing the development of a multi-use trail that would provide linkages to Niagara Falls and North Tonawanda, enabling safe public access to nearby recreational facilities in those locations. In addition, the Frontier Volunteer Fire Company owns and operates R.B. U-Ren Park on their property, which is located on the north side of River Road in Sub-Area 1. Sub-Area 1 is also directly contiguous with Gratwick Park, which is located along the eastern boundary in the City of North Tonawanda (just outside of the Sub-Area). Sub-Area 2 is located

contiguous with the West Canal Marina and Park facility in the Town of Pendleton, which is situated just outside of the Sub-Area to the east.

Herman Baisch Park is the only public park in Sub-Area 2. This 3.7 - acre recreation facility, which is owned by the Town of Wheatfield, is utilized for picnicking and similar passive uses, but lacks sufficient amenities for full enjoyment. It contains a surfaced court area of basketball or tennis, with open lawn and some wooded area. There is a small, formalized parking area. This park has some drainage issues that need to be remedied. Additional amenities, such as picnic pavilions, picnic tables and grills, and some additional play equipment would vastly improve the public use and enjoyment of the park.

### **2.5.5 Zoning**

Within the Town of Wheatfield, land use is regulated by the Zoning Ordinance (Chapter 200 of the Wheatfield Town Code - Zoning) and by Subdivision Regulations (Chapter 169 - Subdivision of Land). Zoning in the waterfront area includes four classifications (R-2 Residential-2 District, R-3 Residential-3 District, C-1 Commercial District and M-1 Light Industrial District). Existing zoning along the waterfront is depicted on [Map 4A](#) and [Map 4B](#). Zoning regulations include provisions for site plan review, home occupations, cluster and planned unit development and signage. The zoning code establishes height and bulk regulations, site plan specifications, development standards, required improvements, and penalties. A summary of the zoning districts that occur within the LWRA is as follows:

#### Sub-Area 1

The majority of the waterfront, seaward of River Road is zoned R-2; a section at the eastern end of the sub-area, along the north side of River Road, is zoned R-3. A small area at the east end, and the western end of the sub-area are zoned C-1. The remainder of the area, north of River Road, is zoned M-1.

There are many residential lots in Sub-Area 1 that do not meet the zoning setback requirements for the R-2 Residential classification. This has created a situation where many of the properties are non-conforming and zoning enforcement is a more difficult issue; therefore, as the Town has long been allowing variances for development or redevelopment in this area. The use of a zoning overlay district or a new zoning classification that has setback requirements that are realistic for this area would be a practical way to address this problem.

#### Sub-Area 2

The east and west sections of this sub-area are zoned R-2. The area surrounding Niagara Falls Blvd. is zoned C-1. The central section of Sub-Area 2 is also located within the Niagara Falls Blvd. overlay district (NFBO). The intent of the NFBO is to enhance the positive image of the Town of Wheatfield and to preserve greenspace, while at the same time improving commercial business activity along this important roadway. The NFBO overlay district sets forth additional

regulations to promote, protect and improve aesthetics and safety along the Niagara Falls Blvd. corridor.

The zoning classifications in the LWRA include the following provisions.

- *R-2 Residential-2 District* - This district allows one and two-family dwellings, churches, schools, parks, playgrounds and fire stations. Special Permit uses allowed in an R-2 district include cemeteries, golf courses, clubs and fraternal organizations, parks and recreation buildings, nursing homes, excavation and mining (in compliance with Section 200-34.1 of the Zoning regulations) and mortuaries.
- *R-3 Residential-3 District* – The R-3 district allows uses that are permitted in an R-2 district (both by right and with a special use permit), and multi-family housing. Accessory uses allowed are those as permitted in an R-1 district.
- *C-1 Commercial District*– This general commercial district allows a host of business and commercial uses including, telephone exchanges, real estate and insurance offices, mortuaries, opticians and optometrists, indoor recreation (bowling, health spas, tennis courts, etc.), medical offices and clinics (with restrictions), nursing and convalescent homes, professional and executive offices, tourist homes, day-care centers, personal service shops, laundromats, dry cleaners, theaters, assembly halls, custom shops (lighting, plumbing, woodworking, etc.), machine and tool sales and service, job and newspaper printing, shopping centers and plazas, nurseries and greenhouses, golf driving ranges, facilities for the assembly of previously prepared materials (with restrictions), indoor gun ranges and mobile home parks.

Uses allowed by Special Use permit in the C-1 district include car washes, drive-in theaters, gasoline service stations, collision shops, commercial storage buildings, new and used motor vehicles sales and services, kennels, drug and alcohol-related hospitals or clinics, and small animal hospitals. The C-1 classification also allows all uses that are allowed by right and all special permit uses that are allowed in the R-3 Residential district.

- *M-1 Light Industrial District* – As-of-right uses in this district include warehouses, truck terminals, airports, contracting and construction services, theme parks that may include other uses that are permitted in the C-1 and M-1 districts, and other businesses, services, manufacturing or processing of materials, goods or products not otherwise prohibited by law when conducted in a completely enclosed building (and when in conformance with M-1 performance standards as set forth in the zoning). Residential dwellings and adult entertainment establishments are permitted in an M-1 district by Special Use permit. The M-1 district also allows any as-of-right and special permit uses that are permitted in a C-1 district.
- *NFBO Niagara Falls Boulevard Overlay District* – This overlay district is designed to better manage and accommodate increasing commercial growth along the Niagara Falls Blvd. corridor through the implementation of guidelines to regulate traffic, signage and

development/redevelopment. It is intended to encourage the development of uses that are in harmony with the surrounding area, improve visual character, protect adjoining residential uses and enhance the character of the area as an important gateway.

The Town's subdivision regulations are fairly standard, with procedures for both minor subdivisions (4 or less lots, not involving public infrastructure improvements or extensions) and major subdivisions (more than 4 lots). A minor subdivision approval is a two step process with sketch plan and minor subdivision plat review. A major subdivision requires three steps: sketch plan, preliminary plan review, and final plat review.

Other codes in the Town of Wheatfield that affect land use in the Town include Chapter 82, which regulates drainage and drainage structures; Chapter 92 – Excavations; Chapter 101, which regulates flooding and flood damage prevention; Chapter 114 for Mobile Home Parks; Chapter 123, which regulates parks and recreation areas in the Town; Chapter 134 – Property Maintenance, which sets forth provisions for controlling litter, weeds and other debris abandoned or stored on public property; Chapter 146 – Sewers; Chapter 161 – Solid Waste – which controls the dumping, storage, collection and disposal of refuse in the Town; Chapter 163 – Storm Sewer System; Chapter 164 – Stormwater Management – which establishes minimum stormwater management requirements and controls; Chapter 165 – Streets and Sidewalks; Chapter 177 – Towers and Antennas, which regulates the installation of towers; Chapter 194 – Water; Chapter 196 – Weeds, which establishes provisions to control excessive growth of weeds, grass and other unhealthful plants that can constitute a nuisance; and Chapter 198 – Wind Energy Conversion Systems.

## **2.5.6 Public and Underwater Land Ownership**

There is only one property along the waterfront that is owned by the Town. This is a 4.8-acre brownfield property that the Town desires to utilize for future public parkland.

- *Public Trust Doctrine*

New York, upon attaining Statehood, succeeded the King of England in ownership of all lands within the State not already granted away, including all rights and title to the navigable waters and the soil under them (Public Lands Law, Section 4; People v. Trinity Church, 22 N.Y. 44, 1860; Langdon v. Mayor, 93 N.Y. 129, 1883). Broadly speaking, the State holds title to all underwater lands not otherwise conveyed away by patents or grants. The State holds title to these tidelands and submerged lands in its sovereign capacity in trust for the use and enjoyment of the public under the *Public Trust Doctrine* (People v. Steeplechase Park Co., 218 N.Y. 459, 1916; Appleby v. City of New York, 271 US364, 1926; Coxe v. State, 144 N.Y. 396, 1895). This legal doctrine emerged from the ancient concept that the sovereign had the right of way, an "incorporeal hereditament", to all navigable streams and waterways; the underlying theory being the protection of the public interest in fisheries and navigation.

State title to the public foreshore and submerged lands, and the power of disposition, is incident and part of its sovereignty, which cannot be surrendered, alienated or delegated, except for some public purpose or some reasonable use for the public benefit, and without impairing public rights in the remaining lands and water. Inherent in the nature of public trust lands is that they support diversified and important ecosystems without which many public rights, including fishing, swimming and the like, would be impossible to enjoy. The public interest demands the preservation and conservation of this vital natural resource against pollution, overuse, destruction and infringement by others, whether public or private.

It is in the public interest that State and other governmental ownership of public trust lands be maintained and, when possible, recovered from private ownership. Where full public ownership no longer exists, the application of the Public Trust Doctrine requires that any remaining rights of the public to use such lands should be preserved and protected for present and future enjoyment.

Occupation of public trust lands by riparian owners for purposes of gaining access to navigable waters should be undertaken in a reasonable manner that does not unnecessarily interfere with the public's right of passage upon, the use of the waters overlying such lands, and other public trust purposes. Considerations of public safety, resource protection and the need for access at a given location may be utilized as factors in determining the level and types of access to be provided. Public use of publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged only where such use would be inappropriate for reasons of public safety, military security, or the protection of coastal resources.

- *Underwater Land Ownership*

Ownership of Lakes Erie and Ontario, within the territorial limits of New York State, and all submerged lands, including the subsurface lying under the lakes and the Niagara River, is held by the State of New York, unless ownership has been granted to any other person or entity. The beds of the Great Lakes and the River are susceptible to private ownership only for special purposes. The boundary line between State ownership of the lakebed or riverbed and ownership of the adjacent upland is the low water mark. The New York State Canal Corporation has jurisdiction of the Erie Canal and its underwater lands.

State-owned underwater lands in the Niagara River are managed by the New York State Office of General Services (OGS). The OGS issues grants, leases, easements and other interests for these underwater lands. They also investigate encroachments on littoral rights (the right of an upland owner to access the navigable waters of the lakes or river) and administer Navigation Law with respect to the location of structures in or on navigable waters. The OGS reviews NYSDEC and Army Corps of Engineers comments for proposed projects that affect State-owned bottom lands to ensure that the benefits of the public will not be deprived and that the environment will not be adversely impacted. The OGS strives to

achieve satisfaction on the part of all parties involved prior to the issuance of an interest (grant, lease or easement).

The State Office of General Services is the agency responsible for issuing grants, leases and easements for the use of underwater lands, and for other interests for docks and associated marine-related structures that are placed on State-owned underwater lands. In the case of the Town of Wheatfield, the OGS is an authorizing agency for the use of underwater lands for docks proposed along the Niagara River. The construction of any commercial dock or any private, non-commercial dock that exceeds 4,000 square feet in area size (including the perimeter) would require the granting of an interest (a grant or easement) from the OGS. Non-commercial structures that are less than 4,000 square feet in size (as measured from the outermost perimeter and including the surface area of the water contained within), less than 15 feet in height, and have a capacity of five or fewer boats, would not need an interest. For any property where an interest has been issued, Section 334(5) of the Real Property Law requires that riparian (or littoral) lines be included on the survey that is prepared for the subdivision of waterfront properties situated on navigable waters.

- *Underwater Land Grants and Leases*

Over the years, a number of underwater land grants have been issued by the State along the shoreline of the Niagara River in the Town of Wheatfield (see [Map 5](#)). These grants were issued for the express purpose of either *commerce* or *beneficial enjoyment*. Grants issued for commerce were given to shorefront businesses for more restricted activities and were usually written with conditions. If the conditions were not followed, the State could bring an action to declare the grant void and thereby recover ownership, per Section 78 of the Public Lands Law. Beneficial enjoyment grants were given to shorefront property owners without restriction and provided more complete title to the underwater lands. In either case, the grantee was given full ownership rights to the bottom lands. Grants for commerce were issued in the early to mid 1800's, and then the issuance of grants for beneficial enjoyment became more commonplace. Around 1890, the State began to restrict the grants issued for beneficial enjoyment, as well. Furthermore, in making grants of underwater lands, the State could also impose conditions on the use of these lands.

Water grant index maps were acquired from the NYS Office of General Services (OGS) Bureau of Land Management for the Wheatfield waterfront area. These maps indicate that numerous underwater land grants were issued in the area, primarily during the mid to late 1800's and early 1900's. Approximately 12 grants were issued along the shoreline between 1890 and 1897; all for beneficial enjoyment. These underwater grant lands consisted of offshore area that was likely used for the installation of docks or other offshore structures. In general, the form of the current day waterfront is due in part to fill, bulkheading and other activity that occurred through the issuance of the underwater land grants.



Based on discussions with Richard Bennett from the NYSOGS Bureau of Land Management in December of 2009, the interest in underwater lands is attached to either the new upland property that is created through fill activity or to the coterminous upland property. As ownership of the land changes hands, the interest in the underwater land moves with the title to that land. For private property, because the interest in the underwater lands is attached to the title, there is no need for the State to reconvey the lands to the new landowner. Therefore, underwater land ownership has been transferred, over the years, to the present day owners of the upland properties. In the future, when shoreline property owners are proposing the installation of off shore docking facilities or other structures requiring use of bottom lands, confirmation of the land grants should be cleared with the OGS.

## **2.6 Surface Water Uses, Navigation and Harbor Management**

### **2.6.1 Vessel Use and Navigation**

#### *Sub-Area 1: Niagara River*

Vessel use along the Wheatfield waterfront is limited to small pleasure craft, which are used for recreation and fishing. There are no commercial vessels docked in the area and no commercial fishing industry or support facilities. A large number of residents along the shoreline have docks that are supported through underwater land grants (as noted above). Many of these structures (approximately 50 percent) are removed in the winter. These private docks are used primarily to launch small craft that would otherwise be docked at a marina outside the area (see Appendix D).

There is a federally-designated navigation channel that extends through the central portion of the Niagara River. Known as the Niagara River Channel, this navigation channel is dredged to a depth of 12 feet. This channel is maintained by the U.S. Army Corps of Engineers to facilitate safe passage. The Army Corps of Engineers conducts surveys to determine when the channel may need maintenance dredging.

According to the National Oceanic and Atmospheric Administration (NOAA) navigation chart, the off-shore water depths in the Niagara River range between 5 feet or less along the shoreline to between 10 and 13 feet mid river. While in places the near-shore bottom is sandy, the river bottom is predominately mud and silt. According to National Oceanic and Atmospheric Administration navigation charts, there are underwater obstructions in the form of submerged pilings and cribs. There are pilings for abandoned floating docks located near the shoreline in areas up to six feet deep. The cribbing is deeper and includes the wastewater treatment plant outfall.



*Approximate Boundaries of Sub-Area 1 – Along the Niagara River*

Water depths in the Niagara River are also impacted by the regular diversion of river water for the Robert Moses Niagara Hydroelectric Power Station. At night, a substantial portion of Niagara River water (up to 600,000 gallons per second) is diverted through massive underground pipelines, away from Niagara Falls, to a large storage reservoir located approximately 4.5 miles to the north. The water is removed through two large intake facilities that are located on the Niagara River shoreline, approximately four miles west of the Sub-Area 1. In 1950, the United States and Canada signed a treaty that regulates the amount of water diverted for hydroelectricity production. On average, more than 200,000 cubic feet per second (cfs), or 1.5 million gallons of water per second, flows from Lake Erie into the Niagara River. The 1950 treaty requires that at least half of the normal flow over the falls (100,000 cfs) is maintained, at least during the daytime throughout the tourist season (from 8:00AM to 10:00PM April 1 through September 15, and 8:00AM to 8:00PM September 16 to October 31). At night and during the winter months (non-tourist season), the flow over the falls may be reduced to a quarter (50,000 cfs).

The diversion of river water for the Niagara Falls power project causes the water levels off shore of Sub-Area 1 to drop significantly (what locals refer to as the “NYPA tide”). There are times when the river bottom is exposed and access to navigable water is precluded from shore. Residents along the waterfront are occasionally subjected to odors and views of the exposed debris that collects along the river bottom. In addition, sedimentation can exacerbate this problem. Although the flow of water through the dredged navigation channel in the mid-section of the river is swift, the current diminishes as you move toward the shore and sediment that is carried by the river occasionally sloughs off and accumulates in the nearshore areas. This can affect the ability to launch vessels from the shoreline and could create a situation that forces property owners to either dredge or construct docks that extend further out away from the shoreline in an effort to gain access to navigable waters. However, sedimentation is not a significant problem in this area.



*Niagara Falls Power Project Water Intake Facilities*

The fluctuating water levels create more significant shoreline icing problems in the winter. Although the power authorities are responsible for managing ice flow in the river, particularly to prevent from entering water intake facilities, including the installation of the ice boom at the mouth of Lake Erie, there is no ice management program that assists residents along the shorelines.

#### *Sub-Area 2: Erie Canal (Tonawanda Creek)*

Pursuant to the NYS Law (21 NYCRR Sub-chapter D, Parts 150-156), all activities on the Erie Canal are regulated by the New York State Canal Corporation. Certain Statewide boating regulations are in force along the Erie Canal, including speed limitations, requirements for the use of personal flotation devices and vessel waste treatment and disposal restrictions. The Erie Canal channel is 12 feet deep. Bridge clearance for the Niagara Falls Blvd. overpass varies between 15.5 and 20 feet. Every boat, vessel, raft or other floating apparatus that is navigated on the Canal must be in good operating condition. The vessel speed limit in the Canal is 10 miles per hour, unless otherwise posted. The New York State Police and the Niagara County Sheriff's Department are the agencies responsible for enforcing these regulations. In the event of a violation, Canal personnel will contact one of these agencies to launch a patrol boat in response to the call. There are no police boats temporarily or permanently docked in the Canal.

According to NYS Canal Law Section 156, the use or occupation of lands owned by the Canal Corporation requires a revocable use permit. Residences and camps that wish to gain access to canal waters must pay a fee of \$50 per year. This type of permit is restricted to upland owners and includes only lands between the upland residence or campsite and the canal waters. The permitted area cannot exceed one acre in size and cannot contain any building improvements





*Approximate boundaries of Sub-Area 2 along Tonawanda Creek (Erie Barge Canal)*

The permit gives the property owner the right of exclusive access across the canal lands to canal waters. An additional annual charge of \$50 is charged for erecting and/or maintaining a dock, ramp, slip or float within the canal waters. Permit fees for the use of canal lands and facilities not in conjunction with a private residence or camp are based on the fair market value of the property and the use of the permitted area, including, but not limited to, the placement of docks, ramps, slips and floats (see aerial photos of shoreline in Appendix D).

### **2.6.2 Marinas, Docks and Bulkheads**

There are no marinas within the LWRA. There are three public boat launch ramps available at parks located immediately outside of the LWRA, including Gratwick Park in the City of North Tonawanda and Griffin Park in the City of Niagara Falls, adjacent to Sub-Area 1; and West Canal Marina Park, in the Town of Pendleton, adjacent to Sub-Area 2. Within the LWRA, there are numerous private docking facilities found along the shoreline that are associated with private residential properties, which enable residents to utilize the Niagara River for recreational boating and fishing. A number of these structures include boathouses. Some residents hunt waterfowl from private docks or the shoreline along the Niagara River during open season. The docks along the river extend far enough into the river to allow navigable access, yet do not infringe on the navigation channel.

#### *Sub-Area 1 – Docks and Bulkheading*

The increased proliferation of docks and other over-water structures, such as boathouses, can pose potential cumulative impacts, presenting a concern with respect to waterfront management.



There is evidence that over-water structures can adversely affect aquatic habitat through shading of submerged aquatic vegetation and fragmentation of habitats. These structures are known to alter patterns of water flow, introduce chemicals into the marine environment, impact navigation, and restrict access to public trust lands and resources.

The installation of docks, pilings, decks and boathouses along the Niagara River, in Sub-Area 1, is regulated by the Army Corps. of Engineers and requires the issuance of a Regional Permit, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Structures that do not meet the conditions of the Regional Permit can be considered for approval under an Individual Permit. NYSDEC approval may also be required depending on the circumstances. The NYS Canal Corporation enforces guidelines governing the construction of docks along the Erie Canal in Sub-Area 2, as set forth in the Standards for Docks on the Canal System publication (see Appendix C).

Various forms of shoreline protection are in place along much of the Niagara River and the Erie Canal waterfront. At a minimum, most locations utilize stone rip rap or rubble to protect the shoreline from erosion. The restricted vessel speed limit in the Canal helps to control deterioration along the shoreline from wave action; therefore, there is not a significant extent of erosion control protection in this area. More intensive erosion protection is found along the Niagara River.

### *Sub-Area 2 – Bulkheading and Shoreline Dockage*



In Sub-Area 1, where a combination of forces (wind, wave action and current) impacts the shoreline, erosion protection structures are comprised of a mix of concrete walls and barriers, corrugated metal sheet piling, wooden bulkheading and stone rip rap. A limited number of locations along the shoreline in both sub-areas remain natural. While shoreline hardening may provide some temporary relief from erosion in areas subjected to intense storms and significant wave action or current, structural measures are expensive to install, degrade shoreline habitat, interrupt natural shoreline processes and may act to transfer erosion problems to adjacent areas.

Alternative shoreline management techniques exist and should be considered for use as a first or next step for erosion protection, whenever possible. Examples of alternative measures for protecting the shoreline include bioengineering techniques and planted buffers that utilize deep rooted vegetation. These alternative solutions can result in a more naturalized shoreline, which has ecological and aesthetic benefits. Hard structural erosion protection measures should only be used as a last alternative, where there is a documented erosion problem and where alternative measures have been proven to be inadequate to protect the principal use. The construction and modification of erosion protection structures along the Niagara River requires review and approval from the U.S. Army Corps. of Engineers, as well as the NYSDEC. Structures along the Erie Canal are regulated by the NYS Canal Corporation.

## **2.7 Natural Resources**

### **2.7.1 Water Resources**

There are no major lakes or ponds within the LWRA. There are no major creeks or streams that outlet to the Niagara River in Sub-Area 1. According to the Upstate New York Groundwater Management Program report of the NYSDEC, there are no Primary or Principal Aquifers underlying either sub-area. The key waterbodies in the Wheatfield LWRA include:



Sub-Area 1: Niagara River

Sub-Area 2: Tonawanda Creek (Erie Barge Canal) and Bull Creek

The Niagara River is part of the Lake Erie (East End) – Niagara River Drainage Basin.

Tonawanda Creek is a major tributary watershed to the Niagara River, with 1,538 miles or 28 percent of the basin stream miles.

In Sub-Area 1, there is a small unnamed tributary that flows south in the vicinity of Williams Road, crossing River Road through a large culvert and discharging to the Niagara River. This stream channel extends above ground, just west of York Road, for approximately 300 feet, before it is conveyed below ground to discharge through two separate outfall points to the river.

There is one creek in Sub-Area 2 that drains to Tonawanda Creek (Erie Canal) and forms the boundary between the City of North Tonawanda and the Town, constituting the LWRP boundary. Known as Bull Creek, this creek is tributary to Sawyer Creek and also commonly referred to by this name. Sawyer Creek intersects (or terminates at) Bull Creek approximately 0.6 miles inland from the shoreline. Although many maps indicate Sawyer Creek as the stream corridor that terminates at Tonawanda Creek, the Federal Emergency Management Agency officially mapped this segment of the stream channel as Bull Creek when the floodplain mapping was updated for the Town of Wheatfield in September 2010.

#### ▪ Water Quality

In accordance with 6 NYCRR Part 701 Classifications - Waters and Groundwaters, the New York State Department of Environmental Conservation (NYSDEC) has assigned water quality stream classifications to surface waters in New York State. These classifications identify the best usage for each stream. The creeks along the Wheatfield waterfront are classified as follows:

<b><u>Waterbody Segment</u></b>	<b><u>Index No.</u></b>	<b><u>Classification</u></b>
Niagara River	Ont 158 (portion 2)	A-Spcl
Tonawanda Creek	Ont 158-12	C
Sawyer Creek (Bull Creek)	Ont 158-12-3-1	C

The Niagara River is designated Class A-Special (International Boundary Waters) along the entire Wheatfield (Sub-Area 1) shoreline. The best uses for Class A-Special waters include drinking water supply, food processing, primary and secondary contact recreation and fishing. These waters are also suitable for fish, shellfish and wildlife propagation and survival. Class C fresh surface waters are suitable for fishing. These waters are also considered suitable for primary and secondary contact recreation, although other factors may limit their use for these purposes.

### **Priority Waterbodies List**

The water quality classifications assigned to waterbodies do not necessarily reflect all water quality issues. The Federal Clean Water Act requires states to periodically assess and report on the quality of waters in their state. Therefore, the [NYSDEC](#) has developed a Statewide inventory of specific waterbodies, based on monitoring and information drawn from other programs and sources, which characterizes general water quality, the degree to which water uses are supported, and progress toward the identification of quality problems and improvements. The NYSDEC Division of Water periodically publishes a list of the surface waters that cannot be fully used as a resource or have problems that can damage their environmental integrity. The “Waterbody Inventory/Priority Waterbodies List” is used as a base resource for NYSDEC Division of Water program management. Separate Waterbody Inventory/Priority Waterbodies List Reports are prepared and maintained for each of the major drainage basins in the State. The list includes an assessment of water quality for waterbodies under six categories, which include:

- *Waters with No Known Impacts* – waterbody segments where monitoring data and information indicate no use restrictions or other water quality impacts or issues.
- *Threatened Waterbody Segments* – waterbody segments for which uses are not restricted and no water quality problems exist, but where specific land use or other changes in the surrounding watershed are known or strongly suspected of threatening water quality; or waterbodies where the support of a specific and/or distinctive use makes the waterbody susceptible to water quality threats.
- *Waters with Minor Impacts* – waterbody segments where less severe water quality impacts are apparent, but uses are still considered fully supported (these waters correspond with waters that are listed as having “stressed” uses).
- *Waterbodies with Impacts Needing Verification* – these are segments that are thought to have water quality problems or impacts, but where there is insufficient or indefinite documentation. These segments require additional monitoring to determine whether uses should be restricted.
- *Impaired Segments* – these are waterbodies with well documented water quality problems that result in precluded or impaired uses.
- *UnAssessed Waterbodies* – waterbody segments where there is insufficient water quality information available to assess the support of designated uses.

Impaired waterbodies are deemed waters that frequently do not support appropriate uses. Impaired segments, waters with Minor Impacts and Threatened Waterbody segments are the focus of remedial/corrective and resource protection activities by the NYSDEC.

The following table outlines the use impairments, types of pollutants and sources for each listed waterbody located within the Wheatfield LWRA.

Water Body	Impaired Use	Severity	Type of Pollutant	Causes/Source	Category
Niagara River Upper, Main Stem	Fish Consumption Habitat / Hydrology Aquatic Life	Impaired ( <i>known</i> ) Impaired ( <i>suspected</i> ) Stressed ( <i>suspected</i> )	Priority Organics (PCBs) Water level/flow Non-Priority Organics (PAHs)	<i>Known:</i> Contaminated / Toxic Sediments Habitat Modification  <i>Suspected:</i> Landfill / Landfill Disposal Combined Sewer Overflows Urban Runoff	Impaired Segment
Tonawanda Creek Lower, Main Stem	Fish Consumption Aquatic Life Recreation	Impaired ( <i>known</i> ) Stressed ( <i>suspected</i> )w Stressed ( <i>suspected</i> )	Priority Organics (PCBs) Nutrients Silt/Sediment	<i>Known:</i> Contaminated / Toxic Sediments Urban Runoff  <i>Suspected</i> Storm Sewers Streambank Erosion  <i>Possible:</i> Landfill / Landfill Disposal	Impaired Segment
Bull Creek and Tributaries	Aquatic Life	Impaired ( <i>known</i> )	Unknown toxicity, Dissolved Oxygen/Oxygen Demand, Nutrients	<i>Suspected</i> Municipal, Urban and Storm Runoff  <i>Possible:</i> Industrial	Impaired Segment

Shoreline development, bulkheading, dredging and other stream modifications have also impacted habitat along the Niagara River. As indicated by a NYS Department of Health advisory, fish consumption has been impaired in this segment of the Niagara River. These advisories recommend restricted consumption of some species due to elevated PCB levels. Fish consumption in the Erie Canal, from the City of Lockport to the Niagara River, is also impaired due to PCB levels in sediments. Improved water quality in the Canal, however, has been attributed to upgrades at the Town of Amherst wastewater treatment plant.

Section 303(d) of the Federal Clean Water Act also requires states to identify *Impaired Waters*, where specific designated uses are not fully supported. For these Impaired Waters, states must consider the development of a *Total Maximum Daily Load (TMDL)* or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses. The Niagara River and its tributaries were monitored in 2000 to 2002 and 2005 to 2007. Additional information was finalized in June of 2010 with respect to the identification of waterbody segments that do not support appropriate uses and that require development of a Total Maximum Daily Load (TMDL) or other restoration strategy. The final list indicates that the Niagara River requires the development of such a strategy to remedy water quality impacts from

pathogens carried in urban/stormwater runoff. This effort must also consider sediments contaminated with PCBs, which have adversely affected fish consumption.

The Niagara River is subject to a joint U.S. – Canadian Niagara River Toxics Management Plan to reduce toxic contributions to the basin. The river, from its mouth at Lake Ontario to Smokes Creek (near the southern end of Buffalo Harbor) has been designated an International Joint Commission Area of Concern (AOC), and associated Remedial Action Plans have been developed, including an action plan for the Niagara River to address serious impairment from pollutants that affect the beneficial use of the river. Past municipal and industrial discharges, waste disposal sites and urban/stormwater runoff have long been the key source of contaminants to the river. Beyond this, water quality issues in the drainage basin are quite diverse and, as noted in the table above, include non-point source pollution problems, stream bank erosion, urban/industrial runoff, combined sewer outfall discharges, and agricultural activity.

The Niagara River Remedial Action Plan (RAP) was completed in September 1994 and a status report was prepared in 2000 to report on the progress of remedial actions. Specific priority activities and strategies in the RAP focus on stream water quality, inactive hazardous waste site remediation, contaminated river sediments, point source control, fish and wildlife habitat improvements, and enhanced environmental monitoring activities.

Another primary impact to water quality in the Wheatfield LWRA is non-point source pollution. Non-point source pollution is pollution that reaches a surface water body through unconfined or indiscrete means. Examples include stormwater sheet or overland flow (i.e. – unchanneled flow from paved surfaces, buildings and construction sites) which carries animal wastes, soil and sediment, road oil and other automotive by-products, pesticides and fertilizer; and groundwater infiltration that can carry contaminants from faulty cesspools or septic tanks or toxins from other sources of pollution. The best way to control the rate of non-point contaminant generation and transport in upland areas is through the use of best management practices (BMPs). Non-structural BMPs, such as reducing fertilizer and pesticide applications, and proper disposal of pet wastes, automobile waste oils, etc., are relatively inexpensive as compared to the costs of employing structural measures to mitigate pollution. Public Education is an important means of implementing best management practices. Vessel waste discharges are another potential source of water pollution, particularly in areas where vessels dock in higher concentrations. Due to the lack of a marina in the LWRA, vessel waste discharges have not been identified as a significant problem.

In an effort to address issues with stormwater runoff, the Town prepared a Stormwater Management Plan and adopted Chapter 164 - the Stormwater Management Law. This law was determined necessary to help address problems associated with land development and associated increases in impervious surfaces that alter the hydrologic response of local watersheds and increase stormwater runoff rates and volume. Land development activities can result in flooding, stream channel erosion, and sediment transport and deposition in local waterways that impacts

aquatic life and habitat. This law was also aimed at controlling clearing and grading during construction, reducing loadings of waterborne pollutants, ensuring proper design and construction of stormwater control devices and implementation of stormwater management practices, and stemming economic losses that result from the impacts of faulty and unregulated stormwater discharges. While this law is essential for addressing water quality problems in the community, the Stormwater Management Plan sets forth best management practices to address other sources of non-point source pollution that are conveyed by stormwater runoff. The Stormwater Management Plan complements the law and provides educational information for the public.

### **2.7.2 Wetlands and Habitats**

Wetlands (swamps, marshes and similar areas) are areas saturated by surface or ground water sufficient to support distinctive vegetation adapted for life in saturated soil conditions. Wetlands serve as natural habitat for many species of plants and animals and absorb the forces of flood and tidal erosion to prevent loss of upland soils. As shown on [Map 6A](#) and [Map 6B](#), there are no areas of State-designated freshwater wetlands in either sub-area; however, there are areas of federal jurisdictional wetlands, which are managed by the Army Corps of Engineers. The Corps regulates all activities that occur, or that are proposed, within or near regulated wetland areas. Wetlands in Sub-Area 1 are concentrated at the western end of the area, near the City of Niagara Falls boundary, and to the east, primarily in the vicinity of the railroad corridor. A narrow band of freshwater wetlands also extends along the shoreline of the river. Freshwater wetlands in Sub-Area 2 are found along Tonawanda Creek and the shoreline of Bull Creek. There are no wetlands in the upland area.

The NYSDEC mapping data indicate that there are two areas in the Sub-Area 1 that were noted to contain rare, threatened or endangered species; one area includes the southwestern end of Sub-Area 1 and the other covers a larger area to the west. According to NYSDEC Division of Fish, Wildlife & Marine Resource representatives, the area to the west reflects the outer edge of the identification area for the Buckhorn Island State Park, which is located on the opposite side of the Niagara River in the Town of Grand Island. This area is ecologically significant and a designated Bird Conservation Area. No portion of this resource falls within the boundaries of the LWRA.

In the area to the west, a native species of goldenrod has been identified, which is listed as a threatened or endangered plant and protected by the State. Therefore, the NYSDEC should be contacted prior to undertaking any activity in this vicinity. It was also noted that the Niagara River corridor is considered a significant resource because it is a designated winter waterfowl concentration area. The creeks in Sub-Area 2 are also home to native species of freshwater clams that are under threat by contaminants and invasive species, and are protected by the State.

The Town of Wheatfield waterfront areas do not contain any New York State designated significant coastal fish and wildlife habitats. Bull Creek (Sawyer Creek), in Sub-Area 2, is the only area identified as a habitat of local significance in the LWRA. Bull Creek is tributary to

Tonawanda Creek, with only the outlet area at the creek situated within the LWRA boundary. This creek has a far reach, extending through the Town of Wheatfield and into nearby townships. It supports a fish population, including rainbow trout, northern pike and sauger, and is popular with local anglers. As noted above, the creeks in Sub-Area 2 also provide habitat for freshwater clams. Aquatic life in Bull Creek is impaired by elevated nutrient levels. Municipal and industrial sources, as well as organic sewage wastes, have been identified as the sources. Urban runoff (non-point source pollution) also likely contributes to this problem.

### **2.7.3 Topography and Soils**

Niagara County borders the southern shoreline of Lake Ontario to the north, Tonawanda Creek (Erie Canal) to the south, Genesee and Orleans Counties to the east, and the Niagara River to the west. The Niagara Escarpment divides the County into two plains, the Ontario Plain to the north and the Huron Plain to the south. Drainage from the Huron Plain runs southward to Tonawanda Creek, which flows westward to the Niagara River. The escarpment is a steep northward slope, with perpendicular bluffs that are exposed in some places. As you move away from the escarpment, lands to the north and south become flat, with little topography as you move toward each shoreline.

- **Soils**

All of Sub-Area #2 and the eastern one-third of Sub-Area #1 is comprised of Raynham (RaA) soils. The remaining two-thirds of Sub-Area #1 includes Lakemont (Lc), Cosad (Cs) and Canandaigua (Ca and Cb) soils. The Raynham and Cosad soils are known to be potentially hydric (may contain hydric inclusions), while Canandaigua and Lakemont soils are hydric. Canandaigua and Lakemont soils are deep and poorly to very poorly drained. They are level and occupy broad areas in the southern parts of Niagara County. Raynham and Cosad soils are found at slightly higher elevations and are typically associated with Canandaigua soils. These soils are also deep and poorly to somewhat poorly drained.

### **2.7.4 Flooding and Erosion**

The Federal Emergency Management Agency (FEMA) developed a series of Flood Insurance Rate Maps (FIRM) for the Town of Wheatfield. The LWRA is covered by two Community Panels Numbers: 360513-0007D for Sub-Area 1 and 360513-0009B for Sub-Area 2. The FIRM maps delineate the final flood hazard boundaries which provide the basis for the implementation of the regular program phase of the National Flood Insurance Program within the Town. The FIRM maps for Wheatfield were updated in 2010.

Within Sub-Area 1, the flood hazard area (100-year floodplains) extends along portions of the riverfront; potentially affecting homes that are situated directly along the shoreline (see [Map 6A](#) and [Map 6B](#)). In Sub-Area 2, the 100-year flood plain encompasses the Tonawanda Creek corridor (Erie Canal), but does not extend beyond Lockport Avenue. Therefore, properties on the



west side of Niagara Falls Blvd. are located outside of this area. East of Niagara Falls Blvd., properties situated seaward of Lockport Avenue are affected. There is a small section of upland that has been designated in the B-Zone (areas located between 100-year and 500-year floodplains).

In order for property owners to take advantage of the National Flood Insurance Program (NFIP), the Town Board has adopted federally approved floodplain management regulations to manage land use and development within the designated flood hazard areas (Chapter 101 of the Town Code). Property owners within designated flood hazard areas are eligible to receive federal flood insurance and federally insured mortgage money is available to buyers. Areas of both sub-areas are located within the 100-year floodplain.

The flood zones are established based upon the degree to which an area is susceptible to flood damage. The general flood zones that exist within the Town of Wheatfield are:

- "A" and "AE" Zones – (also called the special flood hazard area) is that area of land that would primarily experience still water flooding, without significant wave activity, during the 100-year storm. In Zone A no Base Flood Elevations or depths are shown, while in Zone AE Base Flood Elevations have been derived and are shown on the maps;
- "B" Zones – areas situated between the 100-year and 500-year floodplains, or areas in the 100-year floodplain where the average flood depth is less than one foot.
- "C" Zone – areas of minimal flooding.

Development in the floodplain in the Town of Wheatfield is regulated under Chapter 101 – Flood Damage Prevention of the Code of the Town of Wheatfield. This law is designed to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas, as designated on the Flood Insurance Rate Maps. Within the regulatory floodplain, Floodplain Development Permits are required for certain construction activities within the Regulated Floodway and Special Flood Hazard Area (Zones A and AE). Pursuant to Chapter 101, any development action proposed within the Special Flood Hazard Area requires review and possibly a permit from the Code Enforcement Officer, who is the designated Local Administrator of the Flood Damage Prevention Law.

In addition, the Town of Wheatfield Comprehensive Plan recognizes that stream corridors play an important role in drainage, flooding and erosion control. This plan recommends the establishment of buffer zones along the creeks to help minimize flooding and erosion.

### **2.7.5 Environmental Hazards and Constraints**

Sub-Area 1 has traditionally been used for recreational and residential development. Although the waterfront has no history of industrial or wide scale commercial use, there are two known waste sites within the LWRA. One area is located at 2020 River Road and includes an approximate 4.2-

acre property that is owned by the Town of Wheatfield. The second site is the 15-acre Brzezinski property, which is located at 2040 River Road, immediately to the east. Both properties lie vacant and undeveloped.

The Brzezinski property was initially listed as an inactive hazardous waste site. Various investigations on the site identified industrial fill containing Polycyclic Aromatic Hydrocarbons (PAHs) and metals in the fill materials. However, according to the NYSDEC Division of Environmental Remediation (G. Sutton, January 2013), the site was delisted because the materials found there were either not significant enough to qualify the site as hazardous or there was not enough contamination found to represent a significant problem or threat to the public. The site does, however, contain industrial wastes that would need to be cleaned up and could restrict future use of the site (or portions of the site) for residential purposes.

The 4.2 -acre Town-owned site is listed as an inactive hazardous waste site (No. E932135) and was found to contain contamination from volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and Polychlorinated Biphenyls (PCBs) in soils that were above established standards. Historic filling of the property in the late 1970's and early 1980's occurred in various phases, raising the elevation of the site up to 10.5 feet in some places. The fill material consists of industrial wastes such as ash, cinders, firebrick, coal, foundry sand and slag. In addition, unknown slag-like material and an oily sheen on the groundwater surface and within the fill have been found, but not identified through laboratory analysis. It is also reported that the southern portion of the property was filled in with grinding wheel sand, extending the land approximately 100 feet to the south.

This property has been identified by the Town for remediation to enable the development of portions of the site for passive recreation and public access (much of the area would remain in its natural, wooded state). The Town applied to the NYSDEC for funding under the Environmental Restoration Program but there were no monies available and their application was terminated. The Town is currently working with Niagara County Office of Economic Development, who secured a grant from the U.S. Environmental Protection Agency and is conducting a second Phase II environmental audit as a part of the overall effort to investigate and remediate the site, as necessary. The Town is looking to redevelop this property for public access and limited passive recreation.

## **2.8 Historic, Cultural and Scenic Resources**

### **2.8.1 Historic Sites and Structures**

The Town of Wheatfield was formed in 1836 from the Town of Niagara. It is situated in the southwest part of Niagara County, surrounded by the Town of Lewiston and Town of Cambria to the north, Town of Pendleton to the east, City of North Tonawanda and Niagara River to the south, and the City of Niagara Falls and Town of Niagara to the west.

Prior to the formation of the Town, the first settlements in the area were made on the Niagara River, on and near the site of the City of North Tonawanda. Even in that vicinity, progress was slow, except for improving farm lands, until after the completion of the Erie Canal. There were few settlers within the limits of the Town prior to the war of 1812.

The first town meeting was held on June 6, 1836, in the schoolhouse of District No. 7, on the north line of the Town. The soil in the Town was generally clay loam and somewhat difficult to cultivate, but heavy crops of wheat could be grown on the land, thus giving the Town its name - Wheatfield.

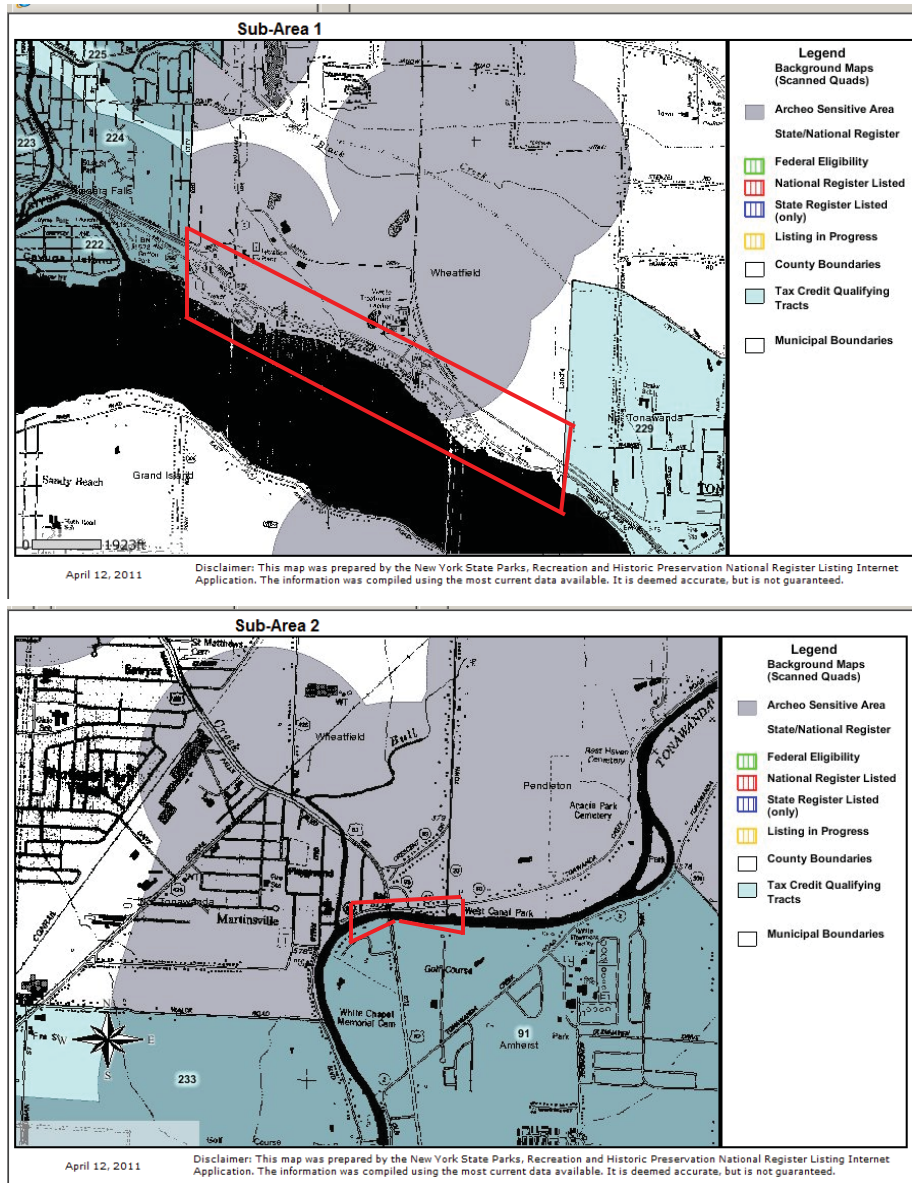
Within Wheatfield, starting in 1843, German immigrants established the communities of Bergholz, St. Johnsburg, Walmore, Martinsville, and Gratwick. The latter two communities are now part of North Tonawanda.

Later other communities were formed at railroad stops and along some well traveled highways. The River Road section of the Town, along the Niagara River, became a prosperous farm section in the 1920s that included the showplace "Wheatfield Farms". Along the river, there were vacation cottages, beaches, an amusement park, and nightclubs. Permanent housing has replaced many of the cottages and remnants of some bygone structures are still visible along River Road today.

Although this waterfront area in Sub-Area 1 enjoyed a rich past, there are no historic structures located within this area. There are also no historic sites in Sub-Area 2, which has been developed with residential uses in the mid to late 20<sup>th</sup> century.

### **2.8.2 Archaeological Resources**

The location of the Wheatfield waterfront along the calmer reaches of the Niagara River and on Tonawanda Creek indicates that these areas may have been attractive for Native American settlement. No known sites of archaeological significance have been identified or are known to exist in either area, and both sub-areas have been considerably disturbed by clearing and development over the years. However, the NYS Office of Parks, Recreation and Historic Preservation archaeological sensitivity mapping indicates that much of the Sub-Area 1 waterfront and all of Sub-Area 2 waterfront is designated as archaeologically sensitive. Therefore, this office should be contacted when considering development projects within these areas or in other undisturbed areas along these waterfronts.



### 2.8.3 Scenic Resources

There are no Scenic Areas of Statewide Significance (SASS) within the Wheatfield LWRA, as designated by the Secretary of State (SASS's are currently limited to 6 areas in the Hudson River Valley and on Long Island). Although not formally designated, the scenic resources along the waterfront areas in the Town of Wheatfield are locally important. These scenic resources consist primarily of the dramatic vistas of the Niagara River and its shoreline, as well as the Erie Canal. River Road (State Route 384/265) is a segment of the NYS Great Lakes Seaway Trail and a designated National and State Scenic By-Way. Efforts should be made to enhance and improve this corridor in recognition of this designation. Efforts should also be taken to protect, and where possible, improve the visual quality and visual accessibility of the waterfront areas in the LWRA. Improved signage and the enhancement of gateway features should be considered. Furthermore, in accordance with federal regulations, the erection of new off-premise signs along State and

National Scenic By-Ways is prohibited. The Town of Wheatfield sign regulations currently restrict off premises signs to directional signage for local businesses that cannot exceed three sq. ft. in size; billboards and other such off premises signage is prohibited. The Town should work to phase out any existing billboard signage along the River Road thoroughfare in Sub-Area 1 to improve visual quality. Scenic views of the river should also be protected and improved wherever possible through the Site Plan review process.

Within Sub-Area 1, views of the Niagara River are available from private residences along the shoreline. Many of the properties in the small residential enclaves in this area are narrow, with lot widths that do not meet Code requirements. In some instances, property owners have combined parcels to enable the construction of a new and larger structure. Although this is not discouraged, there is concern that new home construction should be consistent with the size and scale of homes in the immediate area. Furthermore, new homes should not adversely impact existing views of the river. The same concern extends to private docks constructed along the Niagara River shoreline.

Sub-Area 2 is also entirely residentially developed. Views are available from dwellings. West of Niagara Falls Blvd. the homes are situated north of Lockport Road. Here a narrow shoulder provides opportunities for scenic viewing for occasional pedestrians, but there are no places for parking cars and no formal sidewalk or trail in this area.

## **2.9 Public Infrastructure**

### **2.9.1 Water Supply**

The entire Town of Wheatfield is served by public water provided from the Niagara County Water District. Sub-Areas 1 and 2 are both located in the County's western service district. The source of water is the Niagara River. The Niagara County Water Treatment Plant is located on Williams Road, just north of River Road, outside of the LWRA boundary (see [Map 7A](#)). Intake pipes for the treatment plant extend through a narrow parcel owned by the Water District, which is situated along the west side of the large trailer park facility, at the western end of Sub-Area 1.

### **2.9.2 Wastewater Management**

The Niagara County Sewer District provides wastewater collection and treatment service to the entire Town. The wastewater treatment plant is located on Liberty Drive, just outside the Sub-Area 1 boundary. The treatment plant discharges directly into the Niagara River via an outfall pipe that extends approximately 1,500 feet from the plant. The outfall is routed through property that is owned by the district and situated at the western end of the York Road residential enclave.

Niagara County operates an activated sludge treatment plant with tertiary filtration facilities. Built in 1978, the wastewater treatment plant was designed to accommodate an average daily flow rate of 14 million gallons per day (mgd). The plant currently treats approximately 50 percent of its



design flow on an annual average, but experiences significant storm-related peak flows up to approximately 32 mgd. The Sewer District decided to initiate an upgrade of its existing gravity sand filters in 1998. The district replaced its existing mixed-media sand filters with deep bed, mono-media sand filters. Under this demonstration project, which was co-sponsored by NYSERDA, the district proceeded to install bypass piping to allow for the filtration of primary and combined sewer overflow/sanitary sewer overflow wastewater during wet weather storm events. This project was a success and provided an opportunity for a full-scale pilot study to address treatment issues, minimize capital investment, save energy and improve the environment. The project also received statewide recognition through a design excellence award.

### **2.9.3 Stormwater Management**

Stormwater is conveyed in the Town of Wheatfield through a combination of closed pipes and open ditches. As drainage has been a major issue in the Town, the Wheatfield Highway Department and Drainage Committee have been systematically and aggressively addressing all major drainage channels in the Town. Existing creeks and ditches have been cleared of debris and new drainage systems have been constructed, where required. The Town received grant funding from NYSDEC to clean out Bergholz and Sawyer Creek to improve drainage in those areas. Because of these improvements and an annual program to maintain and clean ditches, storm water runoff and drainage problems have been improved. Efforts must be continued to keep roadside ditches and culverts open and free from growth and debris. Furthermore, drainage considerations must be included in all development proposals. At present, there are no areas of significant flooding or with significant drainage concerns in the LWRA.

In November 2009, the Town prepared a Stormwater Management Plan. The Town is a partner in the Western New York Stormwater Coalition and developed this plan to comply with the NYSDEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems. This is a shared Plan that provides policy and management guidance for members of the coalition, as well as regulated municipalities and agencies. The Plan addresses public education and outreach, public participation, illicit discharge detection and elimination, control of runoff at construction sites, post-construction stormwater management and pollution prevention and best management practices. The Town will ensure that this plan is updated on an annual basis to take into consideration the latest technologies and other information to comply with the requirements of the General Permit.

### **2.9.4 Solid Waste Management**

The Town of Wheatfield Highway Department oversees the collection of municipal solid waste. The Town contracts with Modern Disposal for waste collection and disposal. The Town has an annual tire drop off day, which is usually held in the spring. The Town also requires that residents recycle as a part of the municipal waste collection arrangement with Modern. Accepted materials include paper (newsprint and office paper, junk mail, magazines/catalogs, cardboard, paperboard), metal cans and kitchen cookware, plastic (bags, containers, bottles), and clear glass.

The Niagara County landfill has a recycling center where Town residents can also dispose of certain waste materials, including electronics, appliances and certain household hazardous wastes.

### **2.9.5 Other Utilities**

Other utility services available in the waterfront area include electric, telephone and natural gas. Cable and satellite television service is also provided by private carriers.

### **2.9.6 Transportation Systems**

River Road (NYS Route 384 and 265) is principal arterial that extends in a north-south direction, from the City of Buffalo in Erie County to the City of Niagara Falls in Niagara County (in Wheatfield it actually runs in an east-west direction). It is one of several routes directly connecting the two cities. The southern terminus of Route 384 is at NYS Route 5 in downtown Buffalo (Route 384 is known as Delaware Avenue in Erie County), and the northern terminus is at the Rainbow Bridge in downtown Niagara Falls. Route 265 is also known as Military Road, which branches off to the north, just west of Sub-Area 1.

River Road, from the North Tonawanda border to Williams Road, has a pavement width measuring 42 feet wide, with 12-foot travel lanes and a posted speed limit of 45 miles per hour. From Williams Road to the Niagara Falls border the pavement measures 36 feet wide, with a posted speed limit of 35 miles per hour. GBNRTC data from 2010 reports the average annual daily traffic volume is 11,500 vehicles (4,400 for the stretch of River road, west of Williams road.) It should be noted that the pavement width through North Tonawanda, east of Sub-Area 1, measures 54 feet wide (accommodating four travel lanes).

As noted, River Road supports a significant amount of commuter traffic, which creates perceptions of safety hazards for neighborhood traffic and pedestrians on the part of local residents. The shoulders along this roadway are not perceived to be designed appropriately for pedestrian travel and roadway ditches further complicate conditions. Traffic calming through this area should be investigated as a means to address public safety concerns. The Town is also proposing the construction of a multi-use pathway that would separate bicycle and pedestrian traffic and provide a safer environment for such use.

There is one active railroad line that extends through eastern side of Sub-Area 1. This line is owned and operated by CSX. It supports approximately nine trains per day. It is also used by Amtrak for passenger service to Niagara Falls and Canada.

### **2.9.7 Emergency Services**

The Niagara County Sheriff's Department provides police patrols in the waterfront areas and

responds to emergencies. Back up support is provided by New York State Police or the Cities of Tonawanda or Niagara Falls, as required.

Niagara River waters are patrolled and protected by the U.S. Coast Guard, NYSDEC Marine Enforcement Unit and City of Tonawanda Police Marine Division. The Coast Guard and the County inspect vessels, conduct searches, assist stranded boaters, investigate accidents, and answer navigation complaint issues, among other duties. They also provide boater safety and education. The U.S. Border Patrol also cruises the Niagara River and patrol the upland in the vicinity of the railroad corridor that runs through North Tonawanda and the eastern portion of Sub-Area 1 in pursuit of illegal aliens.

Fire protection along the waterfront is provided by local volunteer fire companies. The Frontier Volunteer Fire Company services Sub-Area 1 ([Map 7A](#)). Sub-Area 2 receives service from the Adams Volunteer Fire Company. These fire companies provide fire protection and emergency medical services to their respective service areas.