

## SECTION VII Local Commitment and Consultation

### 7.1 Local Commitment

The Town Wheatfield initiated its efforts to prepare a Local Waterfront Revitalization Program (LWRP) in August 2009, at which time the Town established the Waterfront Advisory Committee to oversee and assist with the updating the existing program. The Waterfront Advisory Committee was comprised of representatives from the Town and local community, including liaisons from the Wheatfield Town Board and Planning Board, the Town Attorney, the Superintendent of Parks and Recreation, the Town grants writer and a community representative. The efforts of this Committee were supported by the New York State Department of State and the New York State Department of Environmental Conservation. This Committee met 10 times during the course of the planning process to assist with the preparation of the LWRP.

To strengthen local commitment for the Town's planning efforts, the Waterfront Advisory Committee held two public meetings to provide local citizens an opportunity to comment on significant issues and opportunities in the Town's two waterfront areas. These meetings were held on November 9, 2009 and February 10, 2011. The first Public Information Meeting was held to introduce the LWRP to the public and provide an opportunity for local residents and stakeholders to offer input on the issues and opportunities they felt were important in the waterfront area. This meeting was well attended and numerous comments were gathered (see meeting summary). The second Community Focus Meeting provided an opportunity for additional public comments on the policies, proposed projects and other proposed actions for implementing the LWRP (see meeting summary). The information gathered at these meetings was utilized to further shape and finalize the LWRP findings and policies, as well as the proposed projects and implementation actions outlined in the program.

Prior to the adoption of the LWRP, the Wheatfield Town Board held a public hearing on the action. This hearing provided the public with an opportunity to hear a presentation on the draft LWRP, as well as to provide the Town Board with final input on the proposed program.

### 7.2 Consultation

During the course of preparing the Wheatfield LWRP, the Waterfront Advisory Committee forwarded draft sections of the revised program to the Department of State for their review and comments. In addition, draft documents were distributed to a number of involved and interested agencies to gather their comments on program findings, policies and recommendations. The local agencies that were

contacted for their input included the Niagara County Department of Economic Development and Planning, the New York State Department of Environmental Conservation, and the surrounding municipalities (City of North Tonawanda and City of Niagara Falls).

The draft LWRP was reviewed and accepted by the Wheatfield Town Board and forwarded to the New York State Department of State. The Department of State initiated a 60-day public review period for the draft program, pursuant to the requirements of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of NYS Executive Law) and the State Environmental Quality Review Act. Copies of the draft LWRP were distributed to all potentially affected Federal State and local agencies, as well as Niagara County and the Cities of Niagara Falls and North Tonawanda. Comments received on the draft document were reviewed by the Town and the Department of State, and changes were made, as required, to reflect the substantive comments. Thereafter, the final draft LWRP adopted by the Wheatfield Town Board, presented to the New York State Secretary of State for approval and submitted to the National Oceanic and Atmospheric Administration for concurrence.

# TOWN OF WHEATFIELD LOCAL WATERFRONT REVITALIZATION PROGRAM

*HELP US PLAN FOR YOUR FUTURE*

**Economic Development  
Flooding and Erosion**

**Water Quality  
Community Character**



**Stormwater Management  
Public Access and Recreation**

**Scenic Resources  
Public Access and Recreation**

**PUBLIC INFORMATION MEETING**

November 9, 2009 at 7:00 PM  
AT WHEATFIELD COMMUNITY CENTER

***COME AND PROVIDE YOUR INPUT  
TO HELP GUIDE THE  
FUTURE OF THE WATERFRONT***

**Town of Wheatfield  
Local Waterfront Revitalization Program  
PUBLIC INFORMATION MEETING - MEETING SUMMARY**

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**Date of Meeting:** November 9, 2009

- **Welcome and Introductions**

Introductions were made Town Councilman Larry Helwig, who introduced the project and briefly explained the purpose of the meeting. Councilman Helwig introduced the members of the Waterfront Advisory Committee, including himself, Robert O'Toole (Town Attorney), Richard Muscatello (Planning Board Chairman), Ed Sturgeon (Parks and Recreation), Joseph Gargas (Citizen Representative), Bernie Rotella (Town grants writer, who was not present) and Wendy Salvati who is the consultant from Wendel Duchscherer who was retained by the Town to help prepare the Local Waterfront Revitalization Program (LWRP). Handouts describing what an LWRP is, a list of possible issues and opportunities and a form for written comments was handed out to the audience. It was also noted that the Town is setting up a webpage on their website for the LWRP.

Wendy Salvati provided a brief presentation to explain what an LWRP is (taking the existing Coastal Management Program that currently applies to the waterfront and revising it to reflect local conditions and concerns) and how it benefits the Town by providing the community with additional control over waterfront actions and activities (a copy of PowerPoint presentation attached). Wendy as part of the preparation of the LWRP it is important to gather public input to ensure that the program properly addresses the issues and opportunities that exist in the waterfront. The meeting was opened up to the public and the following comments were noted.

- The question was asked "What if I put in a dock, in addition to the permit required from the Army Corps (ACOE) and NYSDEC, will the LWRP add another layer of approvals to the process? Wendy noted that this would not be the case. Because the LWRP is essentially replacing the State program, the Waterfront Assessment Form that is currently prepared for the State would not be prepared for the Town instead. Therefore, the Town would do the consistency review rather than the State. No additional layer of permitting or level of bureaucracy would be added to the process.
- There was a concern that because the program promotes public access that people will have access to the waterfront through private property. Wendy explained that public access should be located in locations where it can feasibly allow access to the waterfront and it should be improved in locations where it exists now. It does not mean that the public would have the right to enter onto private land or that private land would have to be opened to the public. The idea is to provide access wherever possible. One potential location is the land that the Town acquired in the vicinity of the existing trailer park. This site has the potential for new waterfront access. Also, the development of a multi-use pathway that would cross the Town to make a connection between existing or proposed pathways in Niagara Falls and North Tonawanda is another example of access. It was noted that there is no plan to have such a pathway cross or "take" private land. The current proposal would be for the pathway to continue the proposed path from Niagara Fall, following the southern right-of-way of the LaSalle Expressway. It would run up Williams Road to the abandoned railway corridor and follow that corridor to the City of North Tonawanda. The meeting participants indicated that they supported this idea.
- The comments was made that after the last big storm, the Black Rock Channel was opened allowing the stockpile of floating debris that had accumulated there to flow downstream. The result was that a large amount of logs and other such debris was deposited along the Wheatfield waterfront and it was difficult and costly for local residents to have to remove this debris. Can the LWRP have some say in

this regard so that the ACOE does not do this type of thing in the future (or at least plans better for it)?

- Comments were offered about the daily fluctuation in water level that occurs along the waterfront due to the withdrawals and discharges that occur at the Lewiston Power Plant (it is locally referred to as the NIMO tide). Tim Walck stated that the amount of water that is withdrawn from the river is regulated under an international joint treaty and that the LWRP would likely have little, if any, impact on this issue.
- Comments were made about the sedimentation problems that are occurring along the waterfront, which makes it appear as if the water level were dropping. The current in the mid section of the Niagara River is swift, but as you move off to the sides of the river the current slows allowing for the buildup of sediment that is sloughed off to the shoreline areas. This is affecting the ability to launch vessels along the shoreline (have to go out further from shore to launch). This is a particular problem in the York, Hird and Sunset areas). Sedimentation is also creating more significant shoreline icing problems in the winter.
- A question was asked about the FEMA mapping along the waterfront. Tim Walck noted that the Town is still waiting to hear back on their challenge and request to revise the mapping.
- It was mentioned that the land that the Town purchased on the waterfront is a former dump site; who will be paying for the cleanup of the hazardous wastes? Bob O'Toole explained that the property was investigated and it does not contain hazardous wastes; traces of heavy metals were identified. The Town is expecting to receive stimulus monies from the County to fund site remediation and redevelopment as public parkland.
- In general, residents want the dump sites along the river cleaned up, such as the Calamar site.
- It was asked if the LWRP can address noise issues along the river, such as that caused by speed boats with loud motors. Wendy said that, in general, noise is difficult to regulate and laws are tough to enforce because you have to secure readings to demonstrate that noise exceeded regulated limits and you have to be able to catch the violator (no easy with moving vessels). Noise is not something that is typically addressed in an LWRP.
- Residents indicated that shoreline erosion is a problem. About 80 percent of the shoreline is armored with seawalls, bulkheading or other erosion protection devices. Some of these structures are about 40 years old and failing. It was asked if homeowners could get funding for shoreline stabilization. Wendy said that it is not likely that individual homeowners would be such help; it may be possible if the Town undertook an area wide improvement project.
- Gratwick Park, along the North Tonawanda shoreline, at the municipal boundary with Wheatfield is a location for public access.
- There are drainage issues along the waterfront; ponding water is a problem due to poor grading and new builds. York Road has been raised from resurfacing and repairs over the years that have affected drainage in the immediate vicinity (when the crown of the road gets too high, stormwater runoff becomes a bigger issue).
- How does the proposed multi-use pathway conflict or compliment the proposed extension of LaSalle Expressway with the Oz project? What is the status of that project? A representative for the project, who was present in the audience, stated that the Oz project is still moving through the SEQR process and a public hearing is still month away. He said that they are making a point of attending all public meetings, such as this one, to keep people informed about the project and to stay informed on other

relevant issues in the area. They want to coordinate with the Town and the waterfront association so that everyone is working together.

- There are not official or designated community or neighborhood associations along the waterfront. The Wheatfield Waterfront Association was formed to advocate a proper location for the proposed greenway connections between Niagara Falls and North Tonawanda (multi-use pathway). This group represents the three neighborhood areas (Sunset, Hird and York), but does not actually do specific things besides what they were originally formed to do (visit "wheatfieldwaterfrontassociation.com").
- River Road is dangerous for pedestrians and bicyclists. This road is a State-designated bike route (posted with signage) but is not safe for this purpose. Motor vehicles drive too fast and use the bike lane as a passing lane to move around cars making left-hand turns. Also, the shoulders along this roadway are not wide enough for safe bike travel.
- There are no easements in any of the residential neighborhoods for public access. These residential areas were originally established as summer resort areas for the affluent (summer cottages). Most, if not all (about 95 percent), have transitioned over to year-round residences for middle class families.
- There is a navigable channel in the Niagara River that extends all the way up to the Occidental Petroleum dock.
- Will the LWRP do anything about invasive species; we should have some kind of language included to protect the local recreational fishing industry.
- The local residents and other Town residents use the river for recreational fishing. There is also use of personal watercraft from private properties. Residents and others currently use the boat launch ramps that are available in Niagara Falls (in close proximity to the Wheatfield waterfront) and at the North Tonawanda marina (but there were complaints that this ramp is too expensive). There was much support for a Town launch ramp.
- There is also swimming that occurs from private properties.
- The Niagara River is patrolled by a number of entities, including the Border Patrol, the Erie and Niagara County Sheriffs, the US Coast Guard, the State Police and the DEC.

With no further comments being offered, the meeting was closed. The audience was encouraged to monitor the Town's website to learn more about the LWRP and to keep up to date on its progress. Also, written comment forms were provided and anyone with additional comments or concerns was encouraged to mail the form to Wendy or contact her by email.

Meeting closed at 8:20 PM.

Respectfully submitted,



Wendy E. Weber Salvati, AICP

TOWN OF WHEATFIELD  
LOCAL WATERFRONT  
REVITALIZATION PROGRAM

*COMMUNITY FOCUS MEETING*

Thursday - February 10, 2011

7:00 PM

Frontier Volunteer Fire Hall



***COME AND DISCUSS  
ISSUES AND OPPORTUNITIES  
AND HELP GUIDE THE  
FUTURE OF THE WATERFRONT***

**Town of Wheatfield  
Local Waterfront Revitalization Program  
COMMUNITY FOCUS MEETING - MEETING SUMMARY**

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**Date of Meeting:** February 10, 2011

- **Welcome and Introductions**

Introductions were made Town Councilman Larry Helwig, who introduced the project and briefly explained the purpose of the meeting. Councilman Helwig introduced the members of the Waterfront Advisory Committee, including himself, Robert O'Toole (Town Attorney), Ed Sturgeon (Parks and Recreation), Joseph Gargas (Citizen Representative), and Wendy Salvati who is the consultant from Wendel who was retained by the Town to help prepare the Local Waterfront Revitalization Program (LWRP).

Wendy Salvati welcomed the attendees and provided a brief PowerPoint presentation to explain what an LWRP is (taking the existing NYS Coastal Management Program that currently applies to the waterfront and revising it to reflect local conditions and concerns) and how it benefits the Town by providing the community with additional control over waterfront actions and activities (a copy of PowerPoint presentation attached). Wendy noted that as part of the preparation of the LWRP it is important to gather public input to ensure that the program properly addresses the issues and opportunities that exist in the waterfront. She noted that the Town held a public information meeting in late 2009 to identify important issues and opportunities to be addressed in the LWRP. Now the Town is looking for feedback on recommendations, particularly for Sub-Area #1, which included the Niagara River waterfront.

Wendy reviewed the maps that illustrated the land use and zoning recommendations for Sub-Area #1. It was explained that the area is presently zoned primarily for residential use, with some commercial zoning at the west end of River Road. Most of the area is zoned R-2, which allows one and two story homes. The area along the north side of River Road, at the east end, is zoned R-3, which also allows multi-family housing. The area possesses a rural atmosphere, with residential enclaves situated along the waterfront and some commercial uses along River Road, most at the west end. The vision for the area is seen as allowing some in-fill residential development (development of vacant properties), the continuation of the commercial uses to the west, and greenspace to the north. The western end of the waterfront, which is zoned primarily commercial is recommended for rezoning, to limit commercial use south of River Road (rezone to R-1 or R-2, and/or parkland). The area where the mobile home park is situated is proposed for long term reuse as a mixed-use development (waterfront greenspace, offices, residential, small retail establishments). The property would be rezoned Planned Unit Development (PUD), to allow for this. The abandoned railway corridor along the north side of River Road would be redeveloped as a multi-use pathway to create a connection between Niagara Falls and North Tonawanda and complete a segment in the larger regional trail system. Also, the small property that is owned by the Niagara County Sewer District (where the treatment plant outfall is routed) is proposed for use as passive parkland to serve the local neighborhood. Once Wendy finished explaining these recommendations, the following comments were offered:

- The fact that the area along the waterfront, at the end of Williams Road, was once a beach (known as Neptune Beach) but it was allowed to be used by Carborundum as a waste disposal area. The



area includes the land that is owned by the Town. It was noted that this area is not known to be contaminated with toxic waste.

- A general comment about plans that are put together and never implemented was raised. How often will the LWRP have to be redone before something happens?
- Concern was raised about the 45 mile per hour (mph) speed limit on River Road; people cannot get out of their driveways during rush hour. It is very dangerous and the speed limit needs to be reduced through this area.
- It was asked when the LaSalle Expressway would be extended? It was noted that the plan appears to have been shelved; the Town was not aware of any forthcoming project to undertake this construction. Most in the audience expressed a strong desire to see this roadway be constructed so that there was a connection between the four-lane portion of River Road (in North Tonawanda) and the terminus of the existing expressway. This would enable River Road to become a local connector roadway that services the residential areas along the waterfront, with a reduced speed limit. Commuter traffic could use the LaSalle extension. Furthermore, a multi-use pathway could be built along the extension.
- At present, the eastern end of the sub-area, where the four-lane road is reduced to two lanes, is dangerous for commercial use. There is a blind spot in the vicinity of the curve and the public did not support land use changes that would result in any additional traffic in this area.
- If the LaSalle extension were constructed, then commercial use at the east end of the sub-area would be acceptable. Hence, this would be a long term recommendation that would be connected to future roadway improvements.
- Until such time that LaSalle extension is complete, traffic calming on River Road is essential, starting with the reduction and enforcement of the speed limit.
- The majority of those present agreed that R-3 zoning on the north side of the road should be changed to R-2 so that the residential zoning is consistent throughout the area. There was no support for down zoning to R-1 anywhere along the waterfront.
- It was asked if an “R-1A” zone should be established to address the issue of non-conformities in the zoning (most of the properties are non-conforming and don’t meet current zoning requirements). This might eliminate the need for variances when homes are improved. The public felt that the zoning should be kept the same and that the variance process should be continued. The general consensus was that they do not want any more restrictions.
- There was general support for the long-term reuse of the mobile home park for mixed use development and rezoning of the area to PUD.
- In response to a question about maintaining the character of the community, most agreed that they did not want it to change, but were not against more or bigger homes.
- When asked if the overall size of residences was a concern, one person stated that the construction of bigger, more expensive homes will cause his taxes to increase. However, most people were okay with such redevelopment (“it’s a free country”). If someone were to purchase four lots, combine them and construct a home that was not in keeping with other homes in the neighborhood, most of those present would not be concerned.
- In response to the question of boat houses and the concern that they may block views of the river, it was noted that the Army Corps. no longer allows boat house construction.
- In response to the question regarding maintaining views of the river, it was felt that residents, in general, should not block the view of the river for others.
- In response to a question about the height of fences, it was felt that fences should not block views of the river. However, there may be specific instances where someone may need a fence to screen a neighbor’s unsightly property (in most cases such fences would extend perpendicular to the river and not necessarily block views).

- In response to the question of having new policies or standards for controlling development or protecting view, the general response was no.
- The issue of sedimentation of the shoreline and the reduction in water depth was raised. Residents are concerned that sediment and other debris carried in the river current is deposited along the Wheatfield waterfront and it is adversely impacting use of docks and the shoreline in general. It is evident each time NYPA withdraws river water and the river bottom is exposed for a significant distance off shore. What can be done to remedy the shoaling that is occurring? Would a break wall help? This problem gets worse each year.
- The area should be designated a “neighborhood watch” community, with signs and a phone number to call in case someone sees problems occurring, such as drug smuggling off local docks, etc.
- In general residents thought it would be a good idea to have a small pocket park on the Niagara County Sewer District property, with a few picnic tables and perhaps a gazebo. However, it was noted that this property experiences subsidence problems and may not be safe. Others said that they did not want something that required a lot of parking. They want an amenity that is good for the local community. It was also mentioned that this property may have some issues with unstable ground or subsidence that could limit public use. This would have to be investigated in the future.
- At the end of the evening, it was agreed that the biggest issue of concern in this area is traffic and public safety on River Road.

With no further comments being offered, the meeting was closed. The audience was encouraged to monitor the Town’s website to keep up to date on its progress; the PowerPoint presentation would also be posted there. Anyone with additional comments or concerns was encouraged to contact the Town (Bob O’Toole or Larry Helwig), Tim Walck or Wendy.

Meeting closed at 8:45 PM.

Respectfully submitted,



Wendy E. Weber Salvati, AICP