



# TOWN OF AMHERST

ERIE COUNTY, NEW YORK

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716-631-7032

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Deputy Supervisor/ Councilmember

Councilmembers:  
MARK A MANNA  
RAMONA D. POPOWICH  
STEVEN D. SANDERS

October 10, 2014

Ms. Lesta Ammons  
U.S. Army Corps of Engineers  
Buffalo District – NY Section Evaluation  
1776 Niagara Street  
Buffalo, NY 14207

Dear Ms. Ammons:

Re: Proposed Westwood Neighborhood (DOA File No. 1990-97632)  
Wetlands Jurisdiction Determination  
772 North Forest Rd.  
Town of Amherst, Erie County, NY

Having reviewed and evaluated the Wetland Delineation Report and subsequent Wetland Delineation letter from your office, dated April 22, 2014, for the above referenced project, I formally request your office to review the attached letter from our Interim Town Engineer. In that letter, our Engineering Department has further researched the topography and hydrology of the referenced parcel and has determined that most of the identified wetland areas are in fact linked and, therefore, not isolated. Further, the linked wetland areas communicate directly with Ellicott Creek, therefore, representing an ecological continuum. Due to this information, our Engineering Department has concluded that a reevaluation of the identified wetlands by your office is warranted.

Should you have any technical concerns or questions relative to the above request, please contact Thomas C. Ketchum, Interim Town Engineer at (716) 631-7154.

Very truly yours,

Barry Weinstein, M.D.  
Town Supervisor

BAW/sv  
Enc.

cc: Councilmembers  
Thomas C. Ketchum, PE – Interim Town Engineer  
Eric W. Gillert, AICP – Planning Director  
Sean Hopkins, Esq. - Hopkins & Sorgi, PLLC  
Brad A. Packard, AICP – Ciminelli Dev., Co.  
Robert Pidanick – Nussbaumer & Clarke, Inc.  
Andrew J. Shaevel – Mensch Partners



# TOWN OF AMHERST

ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

THOMAS C. KETCHUM, P.E., INTERIM TOWN ENGINEER

## MEMORANDUM

**DATE:** October 9, 2014

**TO:** Dr. Barry Weinstein – Supervisor

**FROM:** Thomas C. Ketchum, P.E. – Interim Town Engineer *TCK*

**RE:** Proposed Westwood Neighborhood  
Wetlands Jurisdictional Determination  
DOA Application No. 1990-97632  
772 North Forest Rd.

This memorandum is written in response to your concerns relative to the wetland information that was presented by the petitioner within their request for rezoning submission. Within the submitted documentation, the petitioner presented a Wetland Delineation Report, dated September 2012 by Earth Dimensions, Inc. and a corresponding Department of the Army Acceptance of Wetland Delineation letter, dated April 22, 2013. The findings presented within these documents are based entirely on Earth Dimensions' assertion that the identified wetland areas are hydraulically isolated from each other.

In an effort to address your concerns, this office has now researched the topography and hydrology of the project site. While we concur with the presented locations of the identified wetland areas (attached Exhibit A), we do take exception to most of these areas being considered isolated hydraulically and therefore non-jurisdictional. For your use, we have generated the attached plan (attached Exhibit B) based on detailed records and plans that were submitted by Westwood in 1999 during the plumbing permit process to install drainage system improvements. Since installation, those improvements now provide direct, unobstructed and uncontrolled hydraulic connectivity between most wetland areas and the creek and is regulated only by rain and flow parameters.

As per the above info and Exhibit B, it is the opinion of this office that wetland areas W2/3, W4, W5, W6, W7/8 and W11 all exhibit hydraulic connectivity and therefore possible ecological continuum between each other and Ellicott Creek. It is also our opinion that via the drainage system, that all of these wetland areas directly affect Ellicott Creek and in turn, are all directly affected by Ellicott Creek recharge during times of seasonal rain/snow-melt events, as confirmed through conversations with numerous Westwood members, staff and surrounding neighbors. As a result of this hydraulic connectivity, we believe that these wetland areas should be reevaluated by the Army Corps of Engineers.

att.

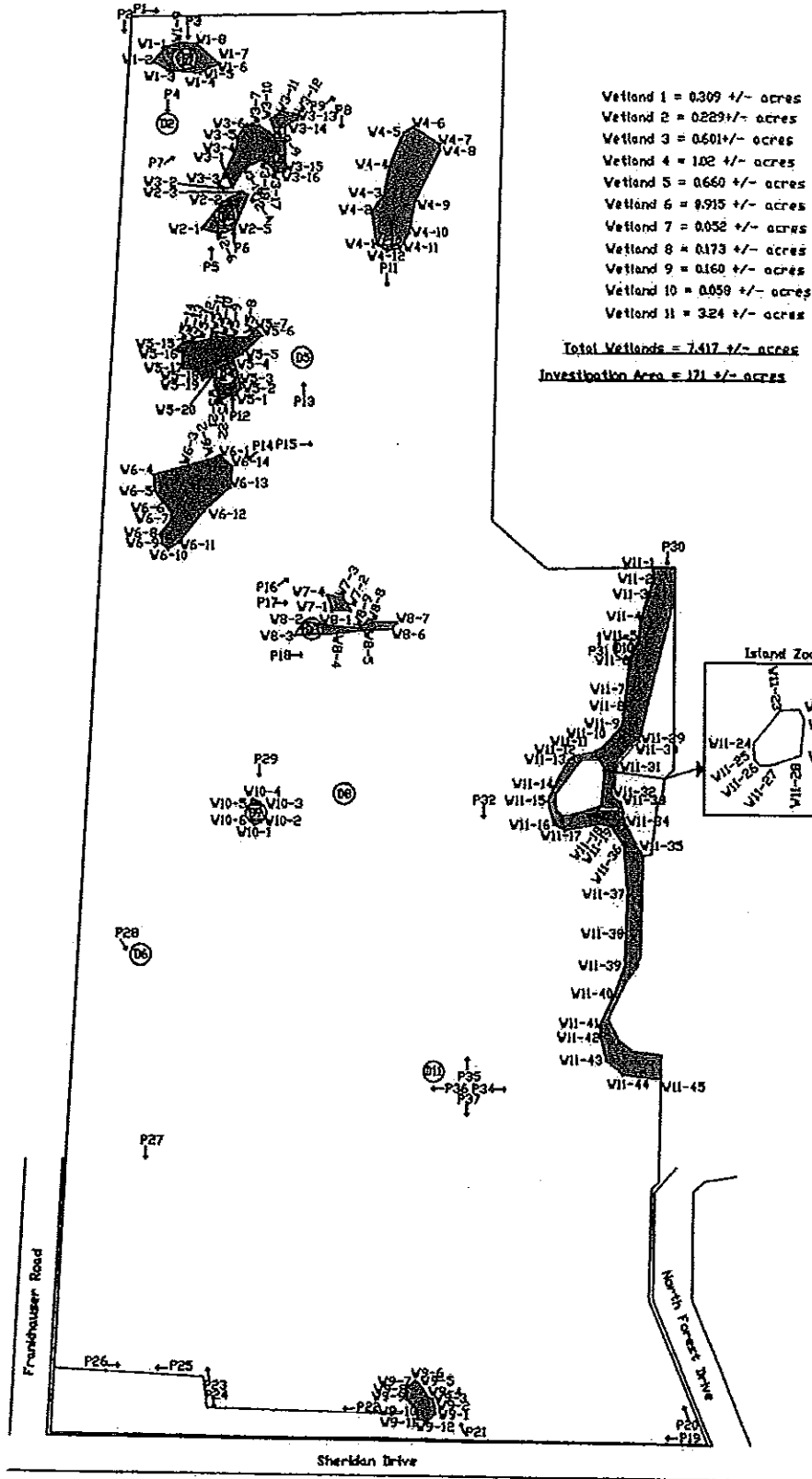


Figure 6: Wetland Delineation Map

Town of Amherst Eric County, NY



EARTH DIMENSIONS, INC.



Westwood Country Club

LEGEND

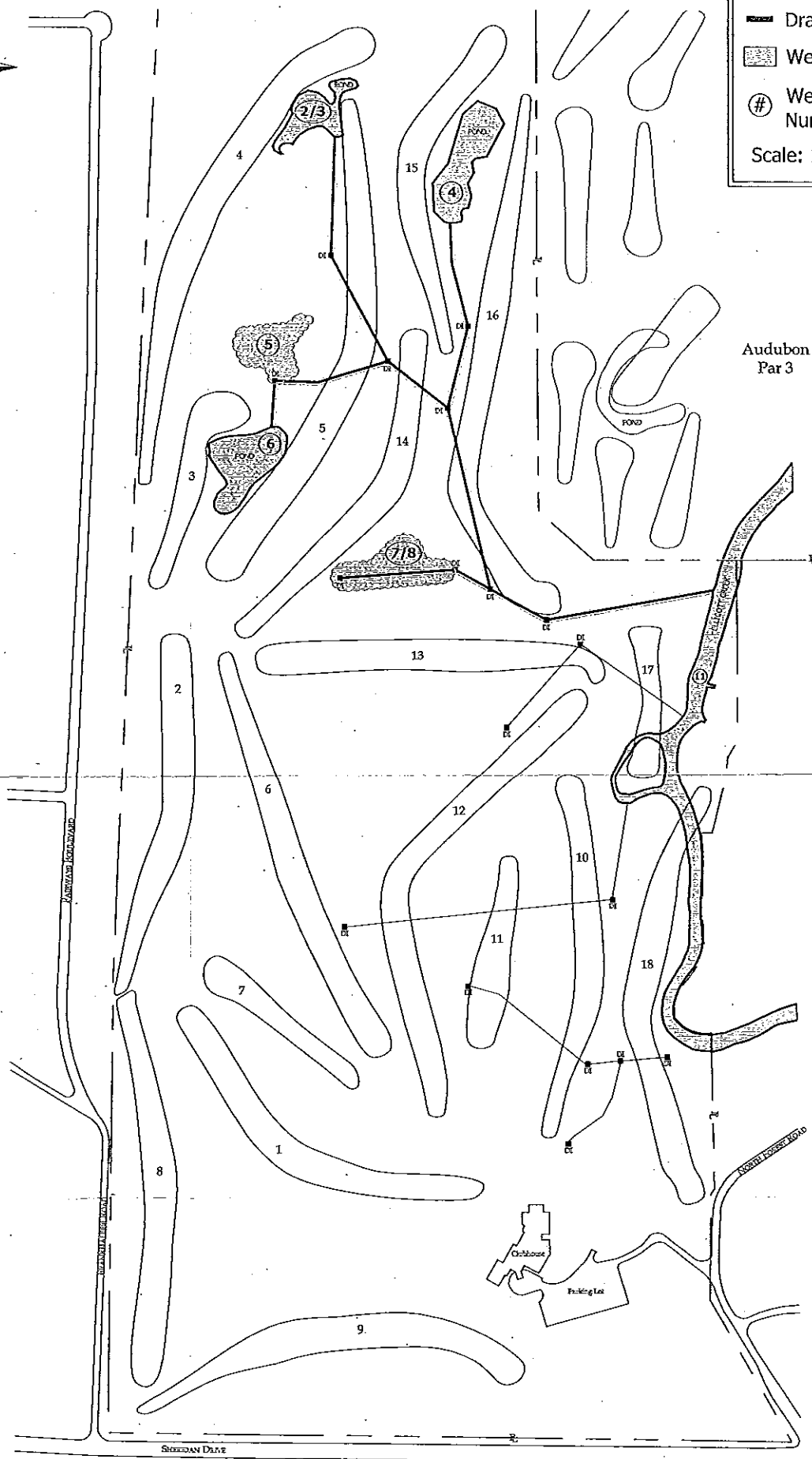
- Limits of Investigation
- Drainages
- Wetland Boundary Flag
- Wetland Area
- Photo Location
- Data Point Location

Exhibit A

Scale:
Map Date: September 25, 2012/ ARS for EDI
Revised:
Base Map Provided By: Garmin GPSmap 62Sx 4-9 foot accuracy
File Name: Wetland Delineation Map.dwg
EDI Project Code: W1109b



— Drainage Pipe  
▨ Wetland Area  
Ⓝ Wetland Number  
Scale: 1" = 300'



Westwood Country Club - Wetlands Connectivity  
Exhibit B