



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

January 30, 2026

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Limited Access Agreement between Niagara Frontier Transportation Authority  
and the County of Erie-61 & 68 Smith Street Buffalo, NY 14210**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Parks, Recreation & Forestry requesting authorization to enter into a Limited Access Agreement between Niagara Frontier Transportation Authority and the County of Erie-61 & 68 Smith Street, Buffalo, NY 14210.

Should your Honorable Body require further information, I encourage you to contact Commissioner Troy P. Schinzel at the Department of Parks, Recreation & Forestry. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/nr  
Enclosure

cc: Troy P. Schinzel, Commissioner, Department of Parks, Recreation & Forestry

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Parks, Recreation & Forestry  
**Re:** Limited Access Agreement between Niagara Frontier Transportation Authority and the County of Erie-61 & 68 Smith Street, Buffalo, NY 14210  
**Date:** January 30, 2026

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### **SUMMARY**

It is recommended that the Legislature approve the attached resolution prepared by the Department of Parks, Recreation & Forestry to authorize the County Executive to execute the necessary agreements to extend the Limited Access Agreement between Niagara Frontier Transportation Authority and the County of Erie-61 & 68 Smith Street, Buffalo, NY 14210.

### **FISCAL IMPLICATIONS**

None.

### **REASONS FOR RECOMMENDATION**

Approximately 1,100 linear feet of shoreline and 14 acres of habitat have been restored at 61 Smith Street. Invasive species management 13 acres habitat at 68 Smith Street, adjacent to Red Jacket Natural Habitat Park, has begun and continued management is needed to reduce the source of invasive plants for the County's neighboring coastal habitat. This agreement will allow for continued access to the site to ensure project work is monitored and maintained and to continue facilitating activities to delist the Buffalo River as an Area of Concern.

### **CONSEQUENCES OF NEGATIVE ACTION**

The Department of Parks, Recreation & Forestry will forfeit access to the project site and be unable to address the causes of the impairments and the work necessary to delist the Buffalo River as an Area of Concern.

### **STEPS FOLLOWING APPROVAL**

Upon approval of this resolution, the Limited Access Agreement with the Niagara Frontier Transportation Authority will be extended.

**A RESOLUTION SUBMITTED BY:**  
**DEPARTMENT OF PARKS, RECREATION & FORESTRY**

**RE:** Limited Access Agreement between Niagara Frontier Transportation Authority and the County of Erie-61 & 68 Smith Street, Buffalo, NY 14210.

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) in partnership with the Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to administer many initiatives that protect and preserve our natural water resources; and

WHEREAS, the Parks Department is committed to coordinate, oversee, and support work towards the delisting of the Buffalo River as a Great Lakes Area of Concern and maintenance of habitat restoration projects; and

WHEREAS, the Department of Parks, Recreation & Forestry manages the Erie County Natural Habitat Parks; and

WHEREAS, the habitat restoration work at the 61 & 68 Smith Street sites requires monitoring and maintenance; and

WHEREAS, the Department of Parks, Recreation & Forestry requires access to the site to continue work, necessitating extension of the Limited Access Agreement with the Niagara Frontier Transportation Authority.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the County Executive is hereby authorized to enter into an agreement, as well as any ancillary documents, with the Niagara Frontier Transportation Authority to allow for limited access to 61 & 68 Smith Street, Buffalo, NY 14210; and be it further

**RESOLVED**, that certified copies of this resolution shall be forwarded to the County Executive; the County Attorney; and the Commissioner of Parks, Recreation & Forestry.