One Region Forward
Land Use and Development
Working Team Notes
Meeting #3, June 3, 2013

Working Team Members in Attendance:
Bill Krebs, Village of Springville
Dan Howard, Town of Amherst Planning Department
Mathew Pelkey, Anspach Meeks Ellenberger LLP
Robert J. Pidanick, Nussbaumer and Clarke, Inc.
Wesley Dust, Erie County Water Authority
Jason Knight, Erie County Dept. of Environment and Planning
Tony Hahn, Niagara County Sewer Authority
David Stebbins, Buffalo Urban Development Corporation
Laura Smith, Buffalo Niagara Partnership
Amy Fisk, Niagara County Dept. of Economic Development
Julie B. O’Neill, Buffalo Sewer Authority/Office of Strategic Planning
Nancy Smith, Western New York Land Conservancy
Kellena Kane, Uniland Development Company
Jessie Fisher, Buffalo Niagara Riverkeeper
Brian Dold, Buffalo Olmsted Parks Conservancy
Dan Castle, Village of East Aurora Planning Commission
Joshua Mumm, WNY Area Labor Federation, AFL-CIO
Richard Tindell, City of North Tonawanda Community Development Dept.
Laurence Rubin, Kavinoky Cook, LLP
Steve Ricca, Jaeckle Fleischmann & Mugel, LLP

Facilitator: Jajean Rose-Burney (UB Regional Institute)

Review of Draft Goals

- Goals as presented are good. No big ideas missing. We don’t want to wordsmith. Stebbins.
- The goals are okay – subject to all the other pieces. It sounds like mom and apple pie. We should reserve judgment to a later time. Rubin.

Review of Strategy Concepts

2. “Broaden the base of public service provision.”

- What does “Broaden the base of public services mean?” Stebbins.
- It seems like you’re talking about consolidation and regionalism without using those words. Fisher.
- One of the missing strategies is to promote or incentivize the consolidation of government strategies. “Broaden the base...” is maybe the goal. Stebbins.
- It’s also about how to get there, breaking down the barriers to consolidation or collaboration. Dust.

- Get to a regional approach to governance not by attacking the central government but by addressing other forms of service delivery. Focus on efficiency of administration – one leader instead of ten – but also balancing costs and benefits across the region. Stebbins

- Focus on the positive – about excellent quality of service, not just the cost-cutting, etc. Water quality is an example of issues that cross-boundary issues. Fisher

- You have to be careful when talking about cost savings and consolidation, where do people go that were employed in that sector after the fact. It’s a good strategy while looking at economies of scale, but while doing that you create another issue you need to handle in that process. You have to argue that you can do it more efficiently and provide better and more reliable service. (Dust)

- Track record of consolidation is that quality does go down, staff is downsized, and neighborhoods go un-policed. Providers don’t know the territory – snow plowing, parks maintenance, police protection. It hasn’t worked all that well. We should be careful before adopting consolidation strategies. Mumm.

- How do you know that the decline in service wasn’t caused by the loss of revenues which prompted the consolidation in the first place? Rubin.

- We’re getting into governance rather than land use. Keep our focus. We might lose political support focusing on governance. Castle.

- I’m mayor of a rural village... we’re always looking at efficiency. Springville water comes out of the ground. We studied connecting to Erie County but found it wasn’t cost effective. Instead, we spent 4 million on upgrades for water. Every village has a different way of providing police protection. We wanted more service so we paid for it (e.g. Sheriff’s Department road patrols). Searching for efficiency can lead in different directions. Williamsville went with Erie Co. water because it made sense for them. Krebs.

- Geography is a key theme. Where you are and what you’re using (services) can determine how far you can go. Howard.

- It’s gotta make sense. You can’t consolidate just for the sake of consolidation. But think about incentives and that will decide if there is support for changes. Stebbins.

- Sewer and water have a big impact on development and growth. Fisher.

- Transportation. Stebbins.


- Parks and recreation consolidation? Dold.
1. **Create a regional planning body.**

   - Would it have any teeth? Would it make and enforce decisions? Fisher.
   
   - My suggestion was to create a county planning body. Trying to create a regional planning body would mire us in politics. We need to get a county planning board. 239 reviews would be done by planning board. SEQR and capital budget reviews – instead of by the individual commissioner. Rubin.
   
   
   - We have GBNRTC – why can’t it grow to deal with a broader range of issues. It is already a place where two counties are used to talking to each other. L. Smith
   
   - I worked for the Herkimer and Oneida planning board as a young planner. They had two different kinds of county government – similar to Niagara and Erie. They had EMC, Criminal Justice, MPO, all within the regional planning agency. The teeth were in the MPO and planning for transportation projects. But it also oversaw review processes and more. Castle.
   
   - Niagara County planning board reviews any projects within 500 feet of “certain triggers.” It’s advisory to the municipalities but still has an impact. Erie County could consider something consistent with that. It would be very difficult for a regional planning agency to be established. But if it’s an advisory capacity... technical assistance, etc. An “authority” is a different level of government. Fisk
   
   - If you have two planning boards it’s easy enough to form a planning council. This would be much easier than creating a regional planning body on top of two planning boards and planning departments. Rubin
   
   - It’s crucial to consider the functions you want to perform. And we shouldn’t pretend that certain things have happened – things proposed under the Regional Framework that weren’t accepted, the planning board vetoed by the County Executive. Even a planning board wouldn’t have that much teeth. 239 M reviews are getting better but they still aren’t an effective land use control process. If we can agree on what we want to accomplish and how we could find a way to structure it. Ricca.
   
   - Just taking a step back, our main goal is land use and development in the whole region. What if these strategies fall under the function of the regional body we are looking at? Kane.
   
   - GBNRTC was part of ENCRPB. They spun it off, maybe not wisely, but start there. I think even if the regional body doesn’t have any teeth and is just educational, it’s not a bad place to start. We can look at other regions that have planning bodies that are effective and provide a forum for public service. Stebbins.
   
   - Developing capacity at the municipal level is closely related to the regional role. O’Neill.
3. Define land use concept for region

- We don’t need to do it. It was in the Regional Framework. Erie County is working to refine it. Erie County has adopted it. Niagara County has adopted it. It’s already part of policy. Smith.

- Buffalo Green code is something that will make this concept specific for the city. O’Neill.

- It is not widely known that Erie County planning is working on a refinement of the land use planning concept for the county. Knight.

- We should make sure that the Regional Framework concept is consistent with the work in the REDC. Are their corridors and centers? Yes. But it’s not clear they are the same as in the Framework. Howard.

4. Redesign revenue raising structures to promote land use goals.

- The devil is in the details. There are ways to discourage communities from competing with each other for tax revenues tied to development. If we can spread the benefits across the region we can encourage development just where it makes most sense. Stebbins.

- This would also be related to the provision of incentives to preserve natural areas and farmland. Dust.

- Lancaster is a good example of a town seeking higher value forms of development because of the incentive to raise revenues. Stebbins.

- But then it gets back to regionalism. Lancaster preserves land; it’s good for the region; but Lancaster loses out. Kane.

- Every town needs a balance. Development isn’t necessarily good for Lancaster. Cows don’t go to school but children in houses do. Lancaster has grown lots of residential with impact on school budgets. Clarence, in contrast, saw development in Amherst that it didn’t want in its own town. They created Clarence Greenprint to preserve 1000 acres. It passed by 2-1 margin ten years ago. They just voted to reauthorize the program for another ten years. Moody’s upped their rating based on the program. Nancy Smith.

- We know what we mean by “redesign revenue raising structures” but the public won’t. They might think Walmart or a casino is a revenue structures. We need to find plan English. Castle.

- We have to talk about property taxes in terms of real property tax per acre. That’s the formula presented by Dan Minnicozzi. It shows how dense mixed use returns far more in revenue per acre than a Walmart. Ricca.

- Minnicozzi is working with GBNRTC to replicate his work here. Smith.
Check out [www.thecostofsprawl.org](http://www.thecostofsprawl.org) in New Hampshire. It would be great for One Region Forward. Pelkey.

One area that we are not hitting is transportation tolls and taxes. How do we convey the true cost of roads and freeways in our region? Freeways aren’t free, even though we pretend they are. Reflect the true cost. Better support public transit. Stebbins.

You mention how to incentivize the preservation of rural land and their rural areas. How do we incentivize developers and others to build in the existing areas? Kane.

Buffalo Billion is working on that. Pelkey.

When we try to redesign revenue structures we need to get the word out to village governments that there’s a strong connection between development and property tax base. It’s not coming up with different structures it’s about educating about the link between smart growth and revenues. Krebs.

BNRK is reviewing zoning codes of municipalities in the watershed for good watershed management. Seventy overall are being reviewed. Fifteen are getting closer scrutiny. Communities are eager to work with them. There are policy tools to strengthen... review of projects. Fisher

The other piece of this is school districts. They don’t participate in IDA tax incentive. 485 B areas are located in the corridors and centers. Half the incentive isn’t available because school boards have decided they don’t want to contribute, which means the incentives don’t always work. Howard.

“Encourage generation and expenditures to promote land use goals.” Castle

5. **Build support for regional planning through public engagement, education, and reaching more stakeholders.**

Is this about representing more races, age groups, etc. rather than making sure public officials and boards understand the planning issues? Fisher.

Include education into the strategy and I think it’s good. The goal is about outreach and education, but the strategy might change based on the audience. (Kane)

Maybe we just add another category of “municipal decision-makers.” Nancy Smith.

I think the forms of engagement are important. Social media is not adequate. Phone campaigns, in person meetings, other forms are needed to reach those who haven’t been involved. Pelkey.

Town hall meetings don’t reach beyond the active participant – and we need more than that. Kane.

Engagement needs to take sustainable forms. They can’t be one-shot. They need to be continued over time. Howard.
- Go into the high schools and talk to students and the students will talk to parents about these issues. Castle.

- Detroit has a video game that is a tool for teaching young people. Pelkey.

- The Urban Land Institute has a program called... Kane.

- Shouldn’t we be talking about “good” planning? And explaining to the public why smart growth is good planning? Stebbins.

- We should also answer “what is planning?” Kane

- Where is the accountability for this function, it has to be housed somewhere, which takes resources. L. Smith.

- There could be in-kind contributions to ongoing educational campaigns. Maybe we have a news article or column in the Buffalo News. We could get partners on board to donate space for engagement. Kane.

- There seems to be a lack of understanding and engagement with the Buffalo Billion. We have to save the same problem Pelkey.

- I am hearing two things. First, we need to improve the general literacy of the public about planning. This is a long-term lift and it will require a great deal of capacity, lots of resources. In the meantime, there are more discrete opportunities to educate people about the issues – a project, an incentive to be approved. Who does that? For example, regarding the Cuomo tax-free zone proposals. What part of that is smart growth? Who says good or bad? There needs to be some kind of independent voice. O’Neill.

- At some point someone will have to say something controversial and someone will have to play that role, provide that leadership. Chicago has an example of a group that is independent, vocal and has “legs.” L. Smith.

- Rochester Regional Community Design Center. It’s a voice for good planning and development. Professional. Independent. Stebbins.

- It might help if we took some of these ideas and modeled them. For example, some have a knee-jerk reaction to the Cuomo tax-free zone proposals that these would promote sprawl at the UB North Campus. But maybe we should see it as a process of building on an existing investment, creating density, and promoting transit. But let’s see how it would work in practice. Rubin.

- Community engagement as a goal will be hard to get support. People participate when they have some power to decide. They need to be able to impact the final product. So, it can’t be just education but also real engagement. Mumm.

- Tie incentive funding to civic engagement. Pelkey.
• It’s a challenge to make statements from an independent position. Planners and consultants are constrained by the positions of their clients and funders. The university might have greater leeway but they still depend on the professional community. O’Neill.

9. Proactively identify important and sensitive natural resources and natural places.

• Riverkeeper has a project due next June to identify major Niagara and Orleans County habitats. Under identify sensitive natural areas... how do you incorporate those proposals into our planning work going forward? Fisher.

7. Develop planning capacity at the local level

• Under planning capacity – do towns have up-to-date zoning codes? O’Neill.

4. Define a land use concept and 8. Incentivize preserving natural areas, rural land, and farms.

• Combine No. 4 with No 8. Kane.

• Combine 4 and 8 and mention infill development. Fisk.

• Incentives for reuse and infill are missing. I don't think you can combine 8 and 4. They are related but not the same. It overlaps but it is altogether different. Stebbins.

What's missing?

• Waterfront planning is mostly about the land. We need to talk about how we plan for the water itself. What do want to use the water for? Stebbins.

• I hate the word “appropriate” for redevelopment. Your idea and my idea of appropriate might be different. We’re better than that word “appropriate.” We can define our terms. Fisher.

• Great Lakes and its tributaries. Fisher.

• We should tie this work into Buffalo BOA planning – two of those are in waterfront areas. Kane.

• Why does this all talk about pretty spaces rather than healthy vibrant communities? Say something about people! Rubin.

• Our No. 2 goal almost says “smart growth” without actually saying it. Kane.

• City water use plan will be in LWRP. BOAs will be wrapped into CDF coming soon. O’Neill.
These statements are “Mom and apple pie.” And the community doesn’t create barriers to their achievement. So why have they not already happened. What are the reasons? We need to focus strategies on that. Sometimes it’s lack of money, other times an issue of liability, or lack of an entity to act. Let’s answer. O’Neill.

We should focus more time on strategy 6 – manage vacant lands – possibly next meeting or online through the website. (Stebbins)