One Region Forward
Land Use Working Team
Meeting 6
January 27, 2014

Brian Dold, Buffalo Olmsted Parks Conservancy
Laurie Stillwell, Buffalo Niagara Riverkeeper
Julie Barrett O’Neill, Buffalo Sewer Authority
Matthew Pelkey, Anspach Meeks Ellenberger LLP
Bradshaw Hovey, UB Regional Institute
Jason Knight, Buffalo State College, Dept. of Geography and Planning
Dan Howard, Town of Amherst Planning Department
Micaela Shapiro-Shellaby, Coalition for Economic Justice
Laura Smith, Buffalo Niagara Partnership
Nancy Smith, Western New York Land Conservancy
Teresa Bosch de Celis, UB Regional Institute (UBRI)
Emily Gibson, UB Regional Institute
Jajean Rose-Burney, Urban Design Project
Larry Rubin, Kavinoky Cook, LLP
Richard Tindell, City of North Tonawanda Community Development Department
Anthony Hahn, Niagara County Sewer District
William Krebs, Village of Springville
Matthew Pelkey, Anspach Meeks Ellenberger LLP

Welcome, Introductions and Process Update:

- Rose-Burney: At the end of February, perhaps on the 25th, there is going to be a meeting of all of the working teams. After that, we will have our last meeting in March. Also, currently the maps from the Community Congresses are online. Did anyone go to community congresses and have feedback on them?

- Howard: I attended two of the congresses and I thought that they were well-run. Also, I noticed that a variety of folks attended, which resulted in some differences of opinion and compromises being made. It also seemed that there were a lot of similarities in opinion though. My one suggestion is for the Regional Institute to make it easier to read the comments on the maps. There is a PDF of comments that you can look at online, but it would be more helpful if you could zoom into the comments on the picture of the map. Do we have the technology to do that though?

- Hovey: We would need to a higher resolution camera in order to allow users to read comments on the maps, which we don’t have.

- Rose-Burney: The UBRI has also been doing scenario planning exercises with various interested groups.
Hovey: Last week UBRI organized 6 scenario planning events throughout Buffalo for the Junior League of Buffalo. There were about 100 participants for those events. We also had an event at Cole’s.

**Overview of the Strategies:**

- Rose-Burney: To summarize our progress, we have sent you all a handout that has actors, timeframes, and actions attached to each of our strategies. We discussed all of these components in past meetings however there were still some gaps in our work, so we filled them in. For example, we revised strategy 7 (Protect and restore natural places and farmland), and added strategy 6 (Promote a more compact pattern of development.). The purpose of this meeting is to get your feedback on the actors, timeframes, funding, and actions attached to strategies 3, 4, 5, and 8 specifically. We would also like your feedback after this meeting via email.

- O’Neill: At one point we talked about the potential functions of a regional planning body. Did anybody ever do research on case studies of a regional planning body?

- Hovey: No, but we be considering this before our next meeting.

**Strategy Proposal Review: Actions, Lead agents/Supporters, Timelines, and Funding:**

- Rose-Burney: On the handout the numbered points listed below each of the strategies are potential actions to implement that strategy. So does anyone have any thoughts on the first action, about limiting the expansion of sewer, water, and transportation infrastructure into undeveloped areas?

- Tindell: This is an important action. We need to include it in our work.

- Stillwell: We don’t have enough data about where poor septic systems are. So we need data.

- L. Smith: We need to gather more data in general. Perhaps UBRI should do most of this gathering. Also, in general the county sewer districts haven’t been extended in the last 15 or 20 yrs.

- Rose-Burney: We should propose a similar action for Niagara County.

- Knight: Maybe the sizes of the districts haven’t changed but activity has.

- Hahn: For Niagara County we haven’t expanded the districts but towns can still build more infrastructure within the districts. So again, it is not just about expanding the districts, but also about the service occurring within those districts.

- Tindell: Everybody makes their own decisions about this and don’t think regionally.
- Rose-Burney: So at the regional level we would ideally be focusing on the districts, but in reality district-wide thinking does not actually play out.

- N. Smith: In the Framework for Regional Growth future development within the districts was accounted for.

- Hovey: What is the mechanism for reining this in, if anything?

- Rubin: I think that the issue is discharge points rather than development vs. no development.

- Hovey: This is an environmental issue.

- O’Neill: The Attorney General’s Office did an analysis of the districts. Are we talking about focused reinvestment areas? If we have a different footprint though what do we do? We need to limit capacity, but there are areas that need development and areas that don’t need it.

- Rubin: The biggest problem with that action is the word “undeveloped” because that’s subjective.

- Hovey: The crux of the problem is that there’s not enough regional thinking. Also, does anyone think that the second action relates to the first action? Could they work together?

- O’Neill: I don’t think they address the same thing. One addresses a geographic issue and the other relates to an operational issue. I don’t have a problem with proposing strategic bus lines. We might want to tailor this though.

- Rose-Burney: Keep in mind that these actions are shortened from the handout. So an item like strategic bus lines is in the original action statement.

- Stillwill: If you’re going to do a policy on sewers, it has to work with policies about roads. Maybe we should try to quantify our recommendations. State exactly what is doable per year and what that would look like down the road.

- Rubin: Action 1 should be turned into a more positive statement, and should say that we should maximize the use of sewers.

- Hovey: We’re still looking for the governance mechanism.

- Rubin: It’s employing a carrot and a stick. In general, making positive statements is more effective. This statement makes it look like we’re trying to limit growth.

- Rose-Burney: Let’s move on to the second strategy.
O’Neill: There is not someone whose job it is to do this. People don’t collaborate unless they have to because forming partnerships can be time-consuming. So having some capacity to do this would be helpful. We need a neutral collaborator. Also, where does the funding for collaboration come from, if not from the State? We need financial incentives to promote collaboration.

L. Smith: This action makes me think again that we need a regional planning entity, because it could be the neutral collaborator we need.

O’Neill: I don’t think we need to create an entity to encourage collaboration. It could just be one person that is very knowledgeable in both of the areas that the two organizations he/she is trying to form a partnership between focus on, such as professor.

L. Smith: Maybe we should propose that collaboration promotion occurs at the county level then. We should not wait for a regional planning entity to be made to start encouraging collaboration.

 Rubin: Governor Cuomo’s new budget basically proposes action #2. The budget says that localities can’t raise taxes until they have pursued shared services.

Krebs: From the perspective of the villages, if we can provide services to residents more cost effectively, we will do that. That is the same sentiment that I’ve heard from the Erie County Water Authority. Money is the prime motivation.

Rose-Burney: Let’s discuss the third action-who should take on this?

Tindell: It seems like the State deals with education the most.

Rubin: There’s an Erie County Association of School Boards. But it doesn’t do much planning.

O’Neill: Regionally there is not as much conversation about cost as quality. This action makes it sound like cost is getting out of hand and is our focus.

Hovey: We have decreasing enrollments.

Rose-Burney: The assumption is that if you manage cost, you won’t have to expand. All of these problems lead back to cost.

Stillwell: It seems that the places that have school issues are places where there is not a variety of housing for all different types of families. For example, Elma is having problems with its schools, and it has little housing variety.

Knight: Schools are definitely a land use issue.
- Rose-Burney: Do we include #3 in our list of actions or do we say that someone else should take on this responsibility?

- Rubin: Going back to action #2, it sounds kind of weak to me. I think the word “study” should be replaced with the word “implement”.

- O’Neill: Should we add education to action #2? And then make another strategy recognizing the connection between where schools are, how you pay for them, and their quality?

- Hovey: Maybe it’s not important to figure out where things should go, maybe we should just say whether we want to address schools or not. Also, there’s a research and facilitation component for a lot of these strategies.

- Rubin: We also need to include more sticks in these actions.

- O’Neill: The agencies are not quite ready to deal with permit consolidation. It is going to be a big lift when they do decide to do this.

- Rose-Burney: Moving onto the first action of strategy 4, what are incentives that encourage the opposite of our land use goals?

- Rubin: Sales tax is perverse.

- Knight: The State Department of Education provides approximately 93% of the cost for capital improvements. So there’s little incentive for a locality to not build a school, if it is only paying about 7% of the cost. This can result in too many schools though. In general, perverse incentives are important to all of these strategies.

- O’Neill: Fixed water infrastructure is perverse because it doesn’t matter how much water you conserve, your water rates are going to go up. So we’re incentivizing people to use more water.

- Rose-Burney: Is that the same for other services, like electricity and sewer?

- O’Neill: No. The constraint with water is that it is located in a certain physical place, so infrastructure has to be fixed in a certain place too. Electric isn’t like that.

- Hovey: How is sales tax collected and distributed?

- Rubin: The sales tax (about 4%), has remained constant since the 1970s. A constant issue is whether to redo the sales tax, which is based on the 1970s census, so it is outdated. But no one is willing to take on this task.
Rose-Burney: What are alternatives to problems?

Shapiro-Shellaby: Putting some community members on boards and reforming IDAs (Industrial Development Agencies).

Rose-Burney: What’s the alternative revenue structure though? We don’t want to propose tax sharing agreements so what do we propose? Or, if we don’t know of an alternative revenue source, should we conduct a study that determines this? Also, strategies 3 and 4 are linked. Are we basically saying that we should try to reduce costs?

Rubin: Sales tax is revenue for the region. Some people think that we should increase sales tax and get rid of property tax. Our biggest expense is school districts, because there’s a big incentive to create more physical development since that easily translates into real property taxes.

O’Neill: We don’t have that the State is an actor, even though it is a big actor, or that the people in the New York State Smart Growth Cabinet are actors.

L. Smith: Promoting more compact development would save money.

Rose-Burney: For Strategy 5, what are the priority incentives?

O’Neill: The list you have is good. I would just add municipalities and the state as actors to action #1. I would also add “asbestos remediation” to action #2.

Stillwell: I would add the EPA (Environmental Protection Agency) to the list of actors for all of the actions, since they have many brownfields programs.

O’Neill: Also, I would add NYSERDA (New York State Energy and Research Development Authority) and NYPA (New York Power Authority) to actors for energy efficiency funding.

Tindell: Niagara County is a potential actor for brownfield programs.

Rose-Burney: Do we need more advocating for brownfields? If so, who would advocate?

O’Neill: The environmental law bar association advocates a lot for brownfields. So does the business community, municipalities, and the environmental committees of the Senate and Assembly. It’s more of a coalition that advocates for brownfields.

Rubin: What would work really well is for the state to provide an incentive of 4% for the redevelopment of urban areas. We’ve left out the state as a player. And they seem to be putting in money like they haven’t ever done before in decades.
Knight: Niagara Falls and Erie County should have its own land bank. The land bank needs to be funded and have more money. It is supposed to buy underused, foreclosed, or abandoned property, redevelop it, sell it, and use this money to obtain more underused properties, but in reality it does not do this. A land bank can be valuable because it can hold onto a property while the interested buyers obtain money to purchase it, but this is not happening because conversations between neighborhoods and the bank aren’t happening. Most land banks throughout the country are successful but they entail a lot of concerns. We need some political will to reach out to municipalities to advocate for the power of land banks.

Rose-Burney: So we should add advocacy to our list of actions.

Rose-Burney: For strategy 7, should we be talking about parks?

L. Smith: We should be tapping into existing resources that are probably better funded and more thought-out, such as the Greenway Commission and LWRP (Local Waterfront Revitalization Plan).

Hovey: Maybe these strategies fell by the wayside because they’re the areas that have the most outside resources devoted to them. We might also want to consider tapping into the Pedestrian-Bicycle Committee at the GBNRTC (Greater Buffalo Niagara Regional Transportation Commission), and the Framework for Capital Projects.

L. Smith: Maybe we should pay attention to the thoughtful maintenance of systems.

Hovey: The tools to create systems are more robust than the tools to preserve them.

Rose-Burney: Few municipalities have farmland preservation programs. The state has a program that is underfunded. Some municipalities have enacted their own programs.

Krebs: Is there a need for more parks and trails connecting those? My view is absolutely. Southern Erie County is a great, underutilized resource. It is the foothills of the Allegany. I think that an Erie Cattaraugus rail trail is a great idea.

Pelkey: Rails to Trails is a difficult task though. There’s a lot that goes into the liability of the contamination of a rail line. So it’s more difficult to turn an old rail line into a trail than just signing a contract.

Rubin: We should have farmland with parks and open spaces. Some people are looking at the economic aspects of the agricultural industry. It’s been years since the ECIDA (Erie County Industrial Development Agency) has looked at agriculture as an industry. We ought to update the economic development plan for the agricultural industry. Are we doing enough to encourage organic farming? Are we doing enough to encourage farm to market programs?
• Maybe a study about the economic impacts of farmland would be different from the study about open spaces and parks.

• Hovey: Something else to add to that list of issues is farm retirement: what’s going to happen with the land of retired farmers?

• O’Neill: Replace the word “place” with “systems” in strategy #7.

• Rose-Burney: Thoughts on the actions for strategy #8? What kinds of incentives exist or could exist?

• L. Smith: There are NYSERDA incentives.

• O’Neill: I need to look at this strategy later and send you my comments via email.

**Administrative Review & Next Steps**

• Rose-Burney: Please provide further feedback via email. This handout will need to be revised based on the comments given today and in the future. We will have a meeting with all of the other working teams in February, and our final meeting in March. So we will be finalizing our plan shortly. Also, the joint Private Sector Council and Local Government Council meeting is coming up.