**One Region Forward**

**Land Use and Development**

*Working Team Notes*

Meeting 2, May 6, 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.  
Eric Gillert, Town of Amherst Planning Department  
Wesley Dust, Erie County Water Authority  
Micaela Shapiro-Shellaby, Coalition for Economic Justice  
Jason Knight, Erie County Dept. of Environment and Planning  
Laurie Stillwell (representing Jessie Fisher), Buffalo Niagara Riverkeeper  
Steven Ricca, Jaeckle Fleischmann & Mugel, LLP  
Tony Hahn, Niagara County Sewer District  
David Stebbins, Buffalo Urban Development Corporation  
Laura Smith, Buffalo Niagara Partnership  
Brian Dold, Buffalo Olmsted Parks Conservancy  
Anthony Armstrong, Buffalo LISC  
Amy Fisk, Niagara County Dept. of Economic Development  
Kathleen McCormick (representing Nancy Smith), Western New York Land Conservancy  
Larry Rubin, Kavinoky Cook, LLP  
Julie B. O’Neill, Buffalo Sewer Authority/ Office of Strategic Planning

**Facilitator:** Jajean Rose-Burney (UB Regional Institute)  
**Note takers:** Teresa Bosch de Celis (UB Regional Institute); Daryl Ryan (UB Regional Institute)

**Online Working Team Contributors:**

Erin Carmina, 500 Block Association of Main Street in Downtown Buffalo  
Derik Kane, Concern citizen  
John Szalasny, Concerned Citizen

*Comments made by Working Team Contributors online after the in-person meetings are reported using purple font.* [Click here](#) to learn more about the Working Team Contributor process.

**Presentation:** Jajean Rose-Burney

Reflections on Meeting #1

**Agenda overview – What we are doing today**

- Goals – Final Draft
- What the region may look like in 40 years
- Strategy Development
- Schedule moving forward
Questions from the last meeting:

- Information of tax burden in relation to smart growth
- Loss of Agricultural land
- Vacant housing statistics
- Future Population changes
- Starting with urbanized areas, in relation to natural elements in the counties. (Water bodies, wetlands, parks and protected areas, and forest cover.)
- Vacant housing units; Number of vacant houses per square mile; 1970 – Current

Discussion:

- The map on housing vacancies needs better definition of data, sources, and definitions. (Gillert)
- The data comes from US Census and American Community Survey. (Roberts)
- The threshold for showing areas of vacancy on the maps is very low – 50 units per square mile. (Howard).
- If this data considers “snow birds” Amherst will be a lot high than actual vacancies. (Gillert)
- The areas where the map shows vacancies as high are also the parts of town where housing is most dense – so the maps could be technically correct, although not analytically useful. (Howard)
- Was there also a map at the first meeting related to vacant industrial and commercial? (Rubin)

Refinement of Goals

- We should have some qualitative goals (quality of life, aesthetics of the built environment). The Town of Amherst Plan includes many examples of what the community of Amherst wanted to see. For example, the waterfront goals ought to include the language of “water enhanced” and “water dependent” uses from the LWRP process. (Gillert)
- We do not address things like population in our goals. One of our goals should be related to population loss, or minimizing population loss. We should try to attract the transient population – students and professionals from other regions. (Rubin)
- The goals need to address the need to manage areas of decline. There are parts of our cities that won’t be reused for 20 or 30 years and we need to talk about what do with those. (Armstrong)
- Shrinkage is a land use issue. “Vacant for sale” or “vacant for rent” are often “vacant forever.” Redevelopment is not the only possible reuse. Holding and managing that land is too. (Knight)
- We need to fight outside perceptions of our region to get people to understand how great our communities are. (Dust)
- Also change the perception inside of our communities as well. (Pelkey)
- It’s not just land from previous industrial uses that need to be reused. It’s also areas of former commercial and residential use. (Howard).
We should be specific about jobs and access to employment in other groups, add address the connection between land use and economic development. (Smith)

We shouldn’t just “coordinate infrastructure with development.” That could be taken to mean coordinating infrastructure with development on the suburban fringe. That’s not smart growth. We should coordinate investments in transportation infrastructure with plans for development and redevelopment of appropriate locations. (Stebbins)

Isn’t there a number from the Framework that says what the additional population capacity of the built up area is – about 125K – the population of Amherst. (Gillert)

Buffalo was once nearly 600,000 now 261K – so 300K could be accommodated there. (Stebbins).

“Maybe there’s some (existing) infrastructure out there we shouldn’t be using.” (Gillert).

All of the 1970s era plans for roads, sewer, water were based on projections that the population would double – so, yes, there’s excess capacity. (Dust)

I hope these aren’t finalized goals. I am uncomfortable that we are identifying activities as goals. What do we want our community to look like in 40 to 50 years? We have to talk about that before we go into the goals in more detail. (Rubin)

It’s just as important to manage for bio-diversity as it is to protect water. (McCormick).

On the water goal, the discussion of “rights” is sensitive. The language has specific legal connotations. But we should talk about both quality and quantity. (O’Neill)

These sound both reasonable and do-able. However I am concerned also about the affordability of land for businesses and residents – In Buffalo, for example, there are a handful of LLC’s out there (owned by many of the top developers in this area) that own vacant property/buildings but none are for sale (if they are I am concerned at the price being asked for them), this also then exacerbates the issues of lowering the value of neighboring houses and businesses. I would be interested to know what the percentage of vacant land in our region is owned by private companies. Also, I thought there was an agricultural aspect to the goals...I read in the notes the concern for the many hurdles farmers are facing today. Promoting crop-sharing seems to be growing in popularity over the past few years (I joined one this year). This is one method of supporting local farms and also introducing the idea of land use for food and by creating an incentive will create the need for more farms (and I know my crop share farm is experimenting with green house produce for year round production) (Erin Carmina, Working Team Contributor).

Promote a new tax code program which could spur greater development. Implement strategic tax-free retail sectors, reduce property taxes for startup companies and incubators, and revise tax structures in order to penalize long-term vacancy/demolition by neglect while additionally promoting re-use and restoration (Derik Kane, Working Team Contributor)

I think we should expand the water rights goal to include managing water use. There is potential for various uses for the waterways in our area – aquaculture both inland and on Lake Erie – energy
resource potential from tidal and wind potential. In addition, tourism for the Erie Canal and Niagara Falls (John Szalasny, Working Team Contributor).

Where do we want to be in 40 to 50 years?
What do you think the region will be like?

- What do we know? Realistically, we will not have the population we had at our peak. (Ricca)

- Climate change is likely to have a real influence on our region. If water is scarce elsewhere and still available here, we should expect some in-migration by climate refugees. (Pelkey)

- I think moderate growth is something we should be able to shoot for. Significant growth is not realistic. Also, it wouldn’t really be good for us to grow too much. (Stebbins)

- There are decisions and factors beyond our control that will shape our growth or decline. We need to consider what we will look like with a population decline. There are ways that a million people could be worse than 800K people. “It may be just as reasonable to plan for shrinkage.” We need to deal with the contracting tax base. (Rubin)

- Decline cuts against our assumptions about what should happen. It doesn’t fit with our manifest destiny ideas. But there will be 150 million more people in the nation. There may be millions of climate refugees. We need to manage change to meet those trends. (Armstrong)

- How do you plan for the unexpected? (Rubin)

- Proceed as sustainably as possible. (Ricca)

- Plan for the resources that we know we will need, like farmland. (Stillwell).

- Do we need to address this vision in sections or parts? Could we be thoughtful about planning and respond as a region if something like a worldwide event happens in our favor? (Smith)

- Whatever plan we have has to have strategies to address all three scenarios. (Significant, moderate, or shrink in growth). (Dust)

- We keep planning for growth but it hasn’t happened yet. We need to accept what we are and plan for being “better, not bigger.” (Knight)

- We have been working on a range of strategies for growth around transportation, trade, and otherwise. They haven’t worked yet, but if things start to turn, we will also have the advantages of preserving our water and agriculture. (Smith)

- We should evaluate a population neutral model. But keep in mind that (because of the age demographics) we have to grow some just to stay where we are. It’s a bit far-fetched to say we will have moderate growth in the next 40 to 50 years. (O’Neill)
There’s nothing magic about the three growth scenarios. One continues the rate of decline of the past decade. The second assumes very modest growth. The third says we will grow at the same rate as the rest of the country. (Hovey)

It also matters what kind of population we have. What are the income levels? Are they health care and higher education professionals or are they refugees and immigrants? (Rubin)

Let’s distinguish between refugees and immigrants. They come here under different circumstances and have different needs. (Shapiro-Shellaby)

We should all be working off the same set of population and other assumptions as the other working groups. (Ricca)

We will have a hard time achieving transportation and mobility goals with a shrinking population. If densities are lower it will be harder to serve areas with transit. (Stebbins)

We need to develop not just where infrastructure is but “where infrastructure is most efficiently provided.” (O’Neill).

But evolving transportation technology and policy can facilitate more dense development. (Armstrong).

There are economic issues that can change the way growth or shrinkage occurs – things like student loan debt and youth under-employment. (Pelkey)

Are we talking at the regional scale, or are we talking about strategies that focus on specific areas where growth might occur? (Stillwell).

We could have a smaller population in a smaller area – density in pockets (Rubin).

Vacancy has created opportunities to preserve open spaces along waterways that might not be feasible if we had a great deal of growth. There are also opportunities on the East Side. However, open space development and maintenance funding is a challenge in both cases. (O’Neill).

Are municipalities looking at the whole picture or just their own town? It seems mandatory to find a way to look across the towns and cities to the whole region. (Smith).

We need to bring in the theme of “resilience” in our ability to respond to significant shifts in trends. (Howard)

If we continue to decline in population:

If we cannot bring in more jobs more people will leave and less will move here...I think most will agree that this is the fundamental challenge our region faces. If we population continues to decline then the challenge will be to continue the land use efforts in the areas that need it to improve the quality for those that already live/work/play there...or the region runs the risk of losing them as well. I think incentives for building reuse would remove another empty building off the list instead of creating a new build, which if population continues to decrease may find itself empty as well in a
few years but this is just as important if the population is increasing. The continued focus of land use with regards to our natural resources to ensure they are protected and usable are also a key concern no matter. (Erin Carmina, Working Team Contributor).

- Managing the extensive, outward developing transportation system. Decommissioning of roadways in outer lying areas may become necessary as the tax burden for all roadways will be unsustainable. (Derik Kane, Working Team Contributor)

- Adaptive reuse of current building stock (and its potential to infuse new life in neighborhoods) would most likely the hardest to fully implement as there is an overstock of housing in this area. In addition, the declining population leads to loss of political representation, which will lessen the possibility of implementing many of the other goals due to funding issues. (John Szalasny, Working Team Contributor).

If there is a moderate growth in population:

- See answer above: If we cannot bring in more jobs more people will leave and less will move here...I think most will agree that this is the fundamental challenge our region faces. If we population continues to decline then the challenge will be to continue the land use efforts in the areas that need it to improve the quality for those that already live/work/play there...or the region runs the risk of losing them as well. I think incentives for building reuse would remove another empty building off the list instead of creating a new build, which if population continues to decrease may find itself empty as well in a few years but this is just as important if the population is increasing. The continued focus of land use with regards to our natural resources to ensure they are protected and usable are also a key concern no matter. (Erin Carmina, Working Team Contributor).

- Breaking the cycle of reliance on low development housing found throughout the region. Must coordinate development into places with higher density structures, access to multiple transportation options, while avoiding escalating development of new roadways and infrastructure on the fringe. (Derik Kane, Working Team Contributor).

- The biggest challenge would be to manage where the growth in population is located. If all of the growth occurs in Amherst & Orchard Park, it may mean that the economy of the region is on a huge upturn. But it will still leave major issues and further de-gentrify the central cities. (John Szalasny, Working Team Contributor).

If there is a substantial growth in population:

- Land use for transportation is what I see as the challenge. Although the 190 may get clogged up at rush hour in most instances that still only adds 10-20 minutes to peoples commute times, where in larger cities it can be much worse. Land use for public transportation, all kinds, is an important area that needs to be considered. Incentives for new residents and businesses to purchase vacant land/buildings as opposed to building/buying new will be a key to decrease this large number of black holes in our region. (Erin Carmina, Working Team Contributor).

- Ensuring that new development does not come at the cost of destroying the sense of "place" which makes the region unique. (Derik Kane, Working Team Contributor).
Urban sprawl. How can we make the cities (not just limited neighborhoods) more attractive for habitation? The housing stock in most Buffalo and many Niagara Falls neighborhoods is over 100 years old with 50+ years of neglect. Many side streets are not attractive (with vacant lots and condemned housing stock) and there is no redevelopment (or at least a triage) plan in place to combat the issue (John Szalasny, Working Team Contributor).

Strategy Development

- The issue of a regional planning board turns on key considerations of composition and mission. If it is providing education and tools for municipalities it can succeed. If it’s a hammer over the heads of towns, it won’t be accepted. (Gillert)

- The key is to generate a regional perspective. Previously it was a voice even if not everyone followed its recommendations (Stebbins).

- A regional board needs a champion or a leader. This entity needs to be something that everyone recognizes has value, not a hammer that comes from the county. “It takes guts to be the guy that stands up and says we need a regional planning board.” (Knight).

- We could have a county planning board tomorrow. Indeed, Erie is one of only three counties in the state that doesn’t have one. A regional planning board is a different item. (Rubin)

- We need broader based (not to say regional) public services – sewer, water, schools, etc. We can’t afford the 1950 infrastructure on the 2015 tax base. (Rubin)

- We need a civic engagement strategy to create organic support for a regional entity. This can’t be something that’s shoved down people’s throats. (Pelkey).

- How agencies are constituted can have a big impact on the breadth of participation. When the state is the founding agency there is potential for more external voices, greater external control, than agencies founded otherwise. (O’Neill)

- It would be possible to amend the enabling legislation for the Buffalo Sewer Authority to achieve the broader base of service and revenue needed. (Rubin)

- There are existing entities that could do these things already if they work together. We should consider consolidating water and sewer entities if we can. (Dust)

- Promote inter-municipal cooperation such as municipal water and sewer services. (Ricca)

- Where are there ways through existing structures and policy to impact decisions that would help us meet these goals in the short term? (Smith)

- Let’s look at regional tax base sharing as they did in the Twin Cities of Minnesota. The need to generate property tax and sales tax revenues locally is one of the main things that drive development to what we would otherwise consider the wrong place. In Minnesota, the
redistribution of tax revenue was initially from the periphery to the center, but as the center began to regenerate the flow reversed and money went from the city to the suburbs. (Armstrong)

- A lot of the issues end up being “personal.” Where to build where not to build. Where to close a school. We need to have the difficult conversations about these investment choices. It might be about the last six houses standing in a neighborhood. (Smith)

- It’s coming – the Buffalo Green Code, the Buffalo Billion – will include measures to address the issues of vacant land and what to do with it. (O’Neill)

- Parkland is one opportunity to study the pros and cons and challenges of joint efforts. The county took over the parks. Later they gave them back. The Riverwalk is also falling to the City now. (O’Neill).

- We need to find a strategy to manage distressed properties. This is a shout-out to the land bank. We need to give individuals better options about their property. We need to be working at regenerating operating markets. (Armstrong).

- Years ago, Dean Shibley and I went on the road to promote the Framework for Growth and the people in the suburbs talked about it as if there were nothing in it for them. We need to anticipate the politics and explain what the benefit is to them. (Ricca)

- What are the tools to focus development? Municipalities need assistance. It goes beyond education. It’s zoning, it’s a model code. (Howard)

- There’s no local capacity at all. After Amherst and a few other towns, there are no planners. (Knight)

- Detroit has a robust plan to get the community engaged in civic involvement. (Pelkey)

- Let’s not replicate models that have been tried but have not worked, despite good press to the contrary. (Shapiro-Shellaby)

- We also need to recognize that we are in a room of 23 white individuals. We need to be as inclusive as possible. (Armstrong)

- Keep in mind that the “environmental justice” language is shifting from a concern with “disproportionate impact” to inclusive process. (Shapiro-Shellaby)

- We should talk about public transit finance. Other communities use other means to finance their transit systems (we have a simple county subsidy?). (Stebbins)

- Is the Niagara Falls house-for-debt forgiveness program working? Very small; too soon to tell. (Ricca).

- We need a strategy to address preserving natural areas and farmland. Transfer of Development Rights is one alternative (McCormack).
One of the problems is that farmland laying fallow with poor drainage is becoming federally designated wetland. (Ricca).

A lot of farmers are getting out of the business because the family labor they used to get for free they now have to pay for. (Dust)

There are economic problems with farms, too. Some land is taxed as if it were subdivisions. Farmers lack labor or can’t afford to hire it. Not to mention over-subsidy at the federal level.

Coastal Zone Management is a way to align local policy with state and federal policy and to implement the greenway. (O’Neill).

In the notes someone had mentioned how their efforts to inform the folks in the suburbs did not go well. And I think that a good majority of folks in our region (whether it's in the wealthier areas or poorer ones) are only going to hear and do so much unless there are incentives to motivate them (the old "what in it for me" issues needs a resolution). Also I would like to reiterate a point I made in an earlier question, which is the concern with the amount of vacant land/buildings dominated by local developers. A friend of mine recently bought a vacant house up Ellicott, near the Delta Sonic on Main, and four of the vacant properties across the street are owned by the same LLC...they seem to mow the property (with what appears to be a pair of shears because we did not see the mower they used) but nothing appears to have been done with that land since it was purchased in the early 90s. Another example would be empty building along Main Street in downtown Buffalo that have been owned by well-known developers for ten to thirty years and nothing has been done with them and they are allowed to develop other properties throughout Buffalo but no incentive or direction to complete these eye sores. (I apologize for the rant but I know a few of these buildings wanted to be purchased and the developers were asking far too much for a building that needs to be gutted and the city continues to allow this to happen...it's very frustrating for everyone around these properties who are attempting to create a better and sustainable place). (Erin Carmina, Working Team Contributor).

Must make potential areas of investment more accessible to all. This includes creating access through various forms of transportation options. Access points need to be created that links for kayakers and boaters. Connect Outer Harbor to river ways, and canals. Increasing numbers of amenities, programs and pathways for bicyclists; and reduce the dependency of surface parking lots. (Derik Kane, Working Team Contributor)

Any business or residential development, should be encouraged first in areas that more likely to succeed. To use a phrase from a book called Suburban Nation (Duan, Plater-Zyberk, Speck © 2000), the region needs to be subjected to an "urban triage". Areas for development would be graded into "A" (areas where development would most benefit the region) "B" (areas needed to connect two areas most beneficial to the region) and "C" (areas least likely to be of great benefit to the region). This concept can be used on the city center as well as the region. One other thing that has not been addressed in our land use discussions is the part of our heritage that has been taken from us - the canopy of trees that used to grace the city of Buffalo. If you look at aerial photos of the city from 1950 and today, you can easily see the decrease in foliage. From Dutch Elm Disease to the October Storm, we have not replaced what should be a selling point to our region. Re-tree Buffalo is only a start. I’m not sure where it fits in the draft goals, but it should somewhere. (John Szalasny, Working Team Contributor).
Teresa Bosch ends with tutorial on the website.