One Region Forward
Land Use Working Team
Meeting 5
September 30, 2013

Members in attendance:
Tom Dearing, Erie County Dept. of Environment and Planning
Jennifer Diagostino, Coalition for Economic Justice.
Wesley Dust, Erie County Water Authority
Amy Fisk, Niagara County Department of Economic Development
Tony Hahn, Niagara County Sewer Authority
Dan Howard, Town of Amherst Planning Department
Jason Knight, Buffalo State College, Dept. of Geography and Planning
Bill Krebs, Mayor, Village of Springville
Julie O’Neill, Buffalo Sewer Authority
Robert J. Pidanick, Nussbaumer and Clarke, Inc.
Steve Ricca, Jaeckle Fleischmann & Mugel, LLP
Laura Smith, Buffalo Niagara Partnership
Nancy Smith, Western New York Land Conservancy
Laurie Stillwell, Buffalo Niagara Riverkeeper
Richard Tindell, City of North Tonawanda Community Development Dept.

Review of strategies:

Build support for regional planning through public engagement and reaching more diverse stakeholders.

- Facilitate local government participation in smart growth planning. Conduct outreach programs to local governments. Towns and villages have turnover in leadership so education needs to be repeated. Officials don’t understand smart growth principles. Villages and towns need to understand the value of being part of this plan. Krebs.

- Frame the argument on the local level. It’s hard to talk about riparian issues until there’s a major flood. Then tie the issue back to the regional strategy. This is a job for a regional planning agency. Stillwell.

- It shouldn’t just fall on a regional planning agency. All of the agencies involved in this process need to participate.

- One off events doesn’t get a whole lot accomplished. Education needs to be a continuing process. Tindell

- Measure the results and report what you find. Howard

- Are we teaching just smart growth or regional planning? If it’s the former, there’s a million ways to do it: curriculum, delivery, video games, etc. all tailored to WNY. Or try a dedicated column in the
Buffalo News. But if we want regional planning we need to develop support for regional planning. That’s different from dealing with one project at a time. O’Neill.

- Let’s do both. N. Smith.
- It’s a long term process. A strategy might be to get it into the high schools, in curriculum, in video games. Hahn.
- It’s a short term action, but everyone should get to the CNU conference next year. N. Smith
- We can talk until we’re blue in the face, but until we have buy-in from 44 (municipal) “silos” nothing will happen. Knight.
- Attach a carrot. L. Smith
- Some of it is about capacity. There are no planners in small towns and villages. Therefore, there is no one to speak for planning there. And Mayors and Supervisors want tax growth. Knight.
- I recently visited the village of East Aurora. The place was packed. How did it happen? It didn’t involve regional planning. It was just them (the residents). They worked with the DOT on roundabouts and streetscape. But how else did they do it? We should use East Aurora as a model. Pidanick.
- The mayor of East Aurora is an architect. There are lots of people there who know these issues. There are lots of people who care. Stillwell.
- We’re trying to preserve the rural areas as well as the village (in East Aurora). We have had lots of luck. There aren’t sewers everywhere throughout the village so there’s not as much pressure for development. But… N. Smith.
- We want to get One Region Forward to come out to talk to our board. 1RF should reach out more aggressively. Our Town Board, Planning Board, ZBA should all be involved. Howard.
- Recognize the real time and space constraints people have in designing engagement activities. It’s great to have a Congress but people have other places to go. Can they load it up on their computer? Can they do it on the treadmill? O’Neill.
- Make sure we do a good job of telling people the resources that a regional entity could provide – financial help for planning, technical capacity, etc. Ricca.

Establish mechanisms to manage devalued properties, neighborhoods, and districts.

- We should fund the land bank. We should re-fund the ERP for dirty lands. L. Smith.
- That’s state level – so we’re talking about advocacy. Fisk
- We are talking about Niagara Falls coming into the land bank. NF needs resources and policy directions. Land banks are difficult. We’re a long way from making it a useful tool. Dearing.

- We need a publicly accessible data base on vacant property – owners, addresses, etc. and a notification mechanism. Code for America created BlightStatus in New Orleans to share this information with citizens – a real exercise in transparency, a two way street for information sharing, and a mobilization tool. Diagostino.

- This is a gigantic issue. Contamination. Asbestos barriers to demo. Ownership issues. Accountability. Carrying costs of open space created. And that’s just a few of the issues. These aren’t areas amenable to redevelopment. “It’s a ton of money.” O’Neill.

- Can we categorize lands depending on their susceptibility to redevelopment – lets’ identify the low hanging fruit, etc. Stillwell.

- Other communities have vacant property data bases. O’Neill.

- Doesn’t the City of Buffalo have data? Yes. But they aren’t transparent, don’t share it easily. Knight.

- Assessors code property in different ways so it ends up being apples and oranges. Knight.

- City is inventorying vacant properties... working toward a useful data base. Ricca.

- Who’s going to maintain a data base? Who’s going to manage it? We don’t do it in Amherst. The IDA might do some of it. This is a big deal in first ring suburbs as well as city. We don’t know who’s out there to do it. Who’s going to do the work? Howard.

- Vacant properties – properties of concern – require that we provide help to the owners before they get to the end of the line. Provide incentives to fix up properties. This is expensive for a village government. We are preparing our data for the land bank. Part time building inspector to do it. Village lawyer, judge, prosecutor. Properties don't get vacant overnight. It takes years. Bank foreclosures are another contributing issue. Local governments are responsible. Krebs.

- Incentives? Property owners have an incentive to avoid fines. Krebs.

- Use Main Street grants, other kinds of help with renovation and repair. L. Smith.

- What about people who are enraged that someone who hasn’t invested in his property is getting help to do what they did with their own money? Pidanick.

- What about the people who are enraged by the house in bad repair? Krebs.

- We put a lot of money into a vacant property study. Let’s get started implementing its recommendations. Let’s start. Even if a land bank isn’t the ultimate answer. L. Smith.
Identify important natural resources, natural places and farmland, quantify the environmental services they provide, and provide incentives to protect and restore them.

- Erie County just finished the farmland protection plan for the county which identified prime farmland in various ways. We are incorporating it into the Regional Framework, formulating it as a policy statement to be implemented through 239 process, etc. Dearing.

- Clarence just did a farmland protection plan. And the Land Conservancy is working on an inventory of the important habitat along the Niagara Escarpment in seven municipalities in Niagara County. N. Smith.

- Municipal governments have open space plans. Howard.

- Buffalo Niagara Riverkeeper is working on watershed plan that identifies important natural areas. Stillwell.

- Greenway plan and Buffalo Green Code include sensitive lands elements. O’Neill.

- But there’s not one document that includes it all. N. Smith.

- We don’t have one definition or one approach to holding people accountable. That’s the crucial issue with 1RF. When you guys leave, what do we do? We need to get into the details of what areas are important to protect for which regions. The same should be done for stream corridors or steep slopes. The Framework identifies four or five key features. We hope that will be carried forward. How will this be institutionalized when this is all done? Dearing.

- In Amherst we’ve developed management plans for sensitive lands. In some cases entities have decided to buy them. Howard.

- State agriculture and markets helped Amherst purchase some land. N. Smith.

- Amherst has a very sophisticated planning department. Other towns that don’t have that capacity don’t do as well. How sustainable is the sustainability plan? It needs someone to carry it on. Knight.

- What about individuals’ private land use? What if a person wants to sell it? Pidanick.

- Tax assessment value programs for agriculture and farms are designed for larger scale properties. Properties are taxed at lower rates for productive lands. Minimum standards are 50 acres and up. These thresholds should be lowered. Riparian buffer programs… people help create the plans but no money to help implement. Stillwell.

- Clarence voters approved a bond to buy open space in Clarence... Jajean.
If we could get another town to do that it would be huge. Who wants to go next? EA passed a big bond issue 11 years ago. We are talking to Eden about the same thing. We need private donor or municipal sponsor. N. Smith.

There’s a tool in SEQR to do a critical environmental area assessment. It flags developers if there is an area of concern. Usually we wait for state or feds to say an area is important. O’Neill.

Freshwater wetlands are tantamount to critical environmental areas but the state doesn’t have the money to keep their maps up to date. Ricca.

We don’t even know what the U.S Army Corps designates as wetlands... When they do master plans they use the state maps of wetlands. Fish and wildlife is just advisory. Howard.

National Flood Insurance Program community rating systems stipulates precautions we can take. It helps lower their premiums. Stillwell.

New SEQR forms go into effect next week. These may help some of these issues as part of the development process. Fisk.

SEQR forms don’t get into a data base; it doesn’t show up on a Regional Property Information System. O’Neill.

No one recognizes environmental services until they have to pay for them. O’Neill.

Riverkeeper just got funding to quantify the economic value of environmental services. We got money from Oshei for a study with Eco Trust. Stillwell.

We have an open space acquisition plan in Amherst... for purchase, donation, easements, etc. Maybe that might be informative. Howard.

This is a relatively easy task for a county planning department. Dearing.

Niagara County has an agricultural plan but it’s from 1999. It needs to be updated to be current with the plan in Erie County. Fisk.

Plan at the watershed scale considering both land and water use.

We have a big opportunity to set priorities for water quality improvement at the regional scale and make investments where they’ll make the biggest impact. O’Neill.

Niagara River Watershed Management Plan and habitat inventory project. Stillwell.

This could inform municipal decision-making. Howard.
It’s important for the region to map the green infrastructure overall, not just the watershed but also wildlife corridors, farmlands, natural lands. And then put them off the table for development. Stillwell.

Are there plans for all of Erie and Niagara County? Krebs.

Tourism, economic development, ecosystem, farmland – together these make a whole new way of looking at master plan. Krebs.

We need to consider issues of farm pollution, manure runoff, etc. Dust.

In order to translate these ideas into zoning... we need some kind of regulatory framework or we are invading people’s property rights. Howard.

Have planning boards and zoning boards evaluate the impacts on land... impervious cover, offsite impacts of water and sewer. Update the regulations. Start that conversation. Let’s value natural capital. Stillwell.

SEQR is designed to identify what those resources are... but boards can’t say “no” without the policy background. Howard.

County and state enforcement actions are actually from the federal Clean Water Act. There is a citizen litigation provision in it. It’s a very complicated regulatory framework but it’s already in place. Ricca.

The regulations exist but ... it’s still the mindset that natural places and environmental services are not important. Stillwell.

You can provide incentives for greener development by offering relaxed regulation on other issues. Ricca.