



4. Taking Action

FRAMEWORK *for* REGIONAL GROWTH

This section of the Framework outlines County actions to implement the Framework. Actions are presented in four sections—the first section reviews the steps required to build a stronger platform for Framework-related collaborations, the second recog-

nizes the importance of expanding existing regional economic development initiatives and advocacy efforts, and the third and fourth sections provides short term and longer term actions to implement the Framework.

4.1 FIRST STEPS: A STRONGER FOUNDATION

The success of the Framework hinges on the counties taking early and decisive action on several of the plan’s most fundamental recommendations. To put Framework ideas in motion, the counties must endorse the plan’s principles and policies, integrate Framework recommendations into existing decision-making processes, and take the initial steps towards the creation of an Erie County Planning Board as well as a regional entity having planning and monitoring functions within the two-county region. The latter would be the primary vehicle for maintaining the Framework and reporting back to County officials on adherence to same.

The following four-step strategy outlines the immediate and early work required to implement the Framework.

Step One: Endorse Framework Principles & Policies

Endorsement of the Framework’s principles and policies is the first step towards achievement of the region’s vision for a more livable, economically vital, and environmentally sustainable region. Upon the plan’s completion, the Steering Committee will transmit the final Framework report to the counties for their review and endorsement.

In Erie County, the County Executive will review the final Framework report and upon acceptance submit it to the Erie County Legislature for adoption. Following adoption,

the County Executive will issue an Executive Order to department heads and County representatives on various regional boards and commissions directing that all actions affecting the County’s physical development be consistent with the Framework. Local governments will be given copies of the document for their use in future decision-making.

It also is recommended that the Erie County Executive forward a copy of the Framework to the Charter Revision Commission. This will insure that any discussions underway by the Commission relative to County government and its functioning relative to physical development issues consider the recommendations contained in the Framework document.

In Niagara County, the Legislature with written support of the Niagara County Town Supervisors’ Association and city governments, will endorse the Framework’s principles and policies and direct staff to ensure programs and initiatives are aligned with Framework principles and policies.

Step Two: Establish Working Group for a Regional Planning Entity

The Erie County Executive and chairman of the Niagara County Legislature will appoint a working group to begin determining the appropriate structure for a regional planning entity. The working group should be comprised of representatives from local government,

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County departments, area economic development agencies, county planning boards, GBNRTC, other appropriate organizations, and the general public that can lend staff time and expertise to the analysis. Key tasks of the group will be to review existing regional planning organizations such as the GBNRTC to determine if an expanded land use role is appropriate for them, how staff from existing agencies could be utilized to diminish operational costs of a regional planning entity, and possible work programs.

The working group's recommendations will address such matters as membership and representation, roles and authorities, resource requirements, the potential for new partnerships and expanded roles for existing organizations, the need for new or revised County or state legislation (if required), and Canadian involvement. Upon review of the recommendations, the counties will consider actions necessary to establish and support the work of the new regional entity. Specific steps involved in the review and implementation of the recommendations, such as the establishment of an intermunicipal agreement establishing the regional entity, will be determined by each County in collaboration with potential partner organizations.

The regional planning entity's preliminary work program, subject to County approval, could include the following:

- tracking of development patterns and their relation to Framework policy areas;
- conducting workshops/training for local governments in innovative land use control

techniques such as cluster development, mixed use zoning, agricultural zoning;

- preparing in-depth studies that advance Framework principles and policies (Such work may address open space conservation, farmland preservation, greenway and watershed planning, and the provision of input to the 2030 Regional Transportation Plan);
- updating the Framework every 5 years;
- reviewing capital budgets of both counties and establishing a Framework-consistent regional capital improvements program;
- commenting on major 239-l and -m reviews and SEQR referrals;
- hosting joint meetings of the County Planning Boards; and
- analyzing the feasibility of modifying sewer/water districts and service areas in accordance with Framework policies.

This step recognizes the counties' desire to maintain control over reviews authorized under Section 239-l and -m of the New York State General Municipal Law. It is anticipated that the regional entity will be among the agencies/organizations offering comments on projects defined as regionally significant by each County but decision-making authority will reside with each County's planning board.

Step Three: Establish an Erie County Planning Board

Concurrent with its endorsement of Framework principles and policies, Erie County will begin the process of establishing a Planning Board. This action, among the most

critical in the implementation process, is required to take full advantage of the County's ability to influence land use and development activities as authorized under state law. It also will engage a broader spectrum of development, conservation, and municipal interests in Erie County's planning processes and better mirror the structure of planning programs in counties across the state and country, including Niagara County.

The newly established Planning Board for Erie County will undertake traditional activities authorized in New York State Municipal Law and assist the County Executive in implementing and preparing updates to the Framework document. Other functions could include, in collaboration with the regional planning entity, establishing a system for tracking development activity; providing comments on referrals from local governments under Section 239-l and -m of the New York State General Municipal Law; and developing priority lists of park, trail, and resource conservation projects for use in the review and preparation of grant applications.

While membership and specific functions will be defined in local law, it is recommended that the newly established Board include a broad spectrum of individuals, both elected and professional. It is also recommended that ex officio members be defined in the local law creating the Board that includes at a minimum the executive directors of the GBNRTC and ECIDA.

To establish the Board, the Erie County Executive should forward a recommendation to the newly established Erie County Charter Review Commission requesting that any proposed Charter changes provide for the creation of an Erie County Planning Board.

Step Four: Joint Meetings of the Planning Boards

Following step three—the creation of the Erie County Planning Board—joint meetings of the County Planning Boards will be convened. During these meetings, members will hear reports on regional development activity, public investments, and conservation initiatives; learn of state and national best practices in planning and conservation; review progress towards achieving Framework principles and policies, and discuss strategies for attracting greater state support for bi-county planning, economic development, conservation, and resource protection efforts.

Initial meetings of the Planning Boards will focus on the review and discussion of findings from the Working Group regarding the establishment of a regional planning entity. In addition, early meetings will focus on the review of the region's Long Range Transportation Plan, the refinement of the Framework action plan, and the review of reports and assessments of regional development activity. To formalize the proposal for joint meetings, a Memorandum of Agreement will be established between the County Executive and Chair of the Niagara County Legislature.

4.2 ONGOING INTEGRATION & ADVOCACY

Integration of Economic Development Initiatives & Policies

The counties recognize the importance of the following regional economic development initiatives and will work together and with the future regional planning entity to ensure consistency between the Framework’s recommendations and the following programs and initiatives:

- **GBNRTC Reinvestment Policy.** GBNRTC’s current policies and practices favoring revitalization, repair, and improvement of existing infrastructure over the construction of new facilities is among the most influential regional initiatives consistent with Framework principles and policies. The counties will continue to support these policies and advocate for their continuation in future transportation improvement programs.
- **Shovel-Ready Sites.** Ongoing efforts to identify priority economic development

sites and get them ready for industrial and commercial investment are vitally important to the Framework’s implementation. This prioritization should be based on an assessment of the sites’ relationship to regional planning and land use priorities. The counties will continue to assess buildings and sites for inclusion on the list and align regional policies and initiatives to attract investment.

- **“Pre-Permitted” Sites.** This effort to undertake site plan approval and complete SEQR compliance activities for priority sites prior to development has the potential, depending on the location of the sites, to be a powerful tool to advance Framework goals. Completion of a Generic Environmental Impact Statement (GEIS) could set forth acceptable locations, uses, and impact thresholds, and allow proposals meeting the conditions of the GEIS to move more quickly to construction. “Pre-permitted” sites will have a distinct advantage over sites subject to more

Figure 18. Brownfield remediation projects like this one in North Tonawanda are planned or underway throughout the region.



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Figure 19. Streetscape improvements on Lancaster’s Central Avenue have sparked reinvestment.



lengthy approval processes, so investment can be steered to locations consistent with Framework principles and policies.

- **IDA Support for Revitalization & Rural Economic Development.** To better leverage public resources and coordinate the efforts of the region’s Industrial Development Authorities (IDA’s), formal policies favoring reinvestment and infill development should be carefully considered. To ensure consistency with the Framework, IDA’s are encouraged to adopt policies and practices to channel development to regional centers, growth corridors and rural centers, and expand initiatives to support rural economic development.
- **Tourism & Heritage Development.** Framework policies can be very important to preserving the quality of life and “sense of place” that help create an appealing tourism product. Revitalization of Niagara Falls; preservation of regionally significant environmental features, historic landscapes, and architecture; and reuse of heritage sites all help improve the asset base for tourism.

A regional economic development strategy is being prepared as part of a separate effort. As that effort nears completion, the counties will ensure Framework and emerging economic development strategies are fully integrated and mutually supportive.

Increased Advocacy for Support & Assistance

The counties are committed to taking a more active approach to the setting of regional priorities and the positioning of regionally beneficial projects for State and Federal funding. The current practice of locally driven grantsmanship—municipalities developing concepts for projects and directly applying for funds—leaves prioritization in the hands of granting entities in Albany and Washington. In addition, the lack of a strong regional endorsement for applications diminishes their potential to attract funding. Projects of regional significance, such as the Lake-to-Lake Trail, could benefit from more direct regional support and advocacy.

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The counties, working through a regional planning entity, will focus on bringing state and national attention to projects of regional significance. Such efforts may involve the establishing of a grants rating system favoring projects applications consistent with Framework principles and policies. For example, some regions of the State prepared very comprehensive lists of projects for the State Open Space Plan and the State Comprehensive Outdoor Recreation Plan (SCORP). Having a project listed in these state planning documents automatically increases their attractiveness to funders. The counties will increase existing efforts to identify projects of regional significance and ensure they are referenced in relevant state planning documents.

The counties will take a more active role in securing assistance for regionally significant initiatives under the following programs:

- Quality Communities Initiatives (DOS);
- Parks (acquisition/ development) (State Parks);
- Regional trails initiatives (DOS, State Parks, TEA-21/TEA-LU);
- Historic Preservation (State Parks);
- Brownfields (DEC, EPA);
- Waterfront Redevelopment (DOS);
- Rural Development;
- Small Cities Program - Niagara County only, Erie not eligible (infrastructure, public facilities, community development, economic development, housing- if project meets HUD criteria); and
- Technical Assistance Grants - Niagara County only (planning grants that can be used to help develop a project to be submitted under Small Cities program)

Figure 20. The region's expanding network of parks and trails bolsters livability and attractiveness to visitors.



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Figure 21. Lewiston's revitalization efforts have brought new life to the shops along Center Street.



4.3 EARLY ACTIONS—YEARS 1-5

The following actions are designed to kick-start the process of implementing the Framework.

Initiate First Phase of a Planning Assistance Program

Early in the process of implementing the Framework, the counties should work to secure assistance for the development of “Framework-consistent” model ordinances and planning tools for use by local municipalities. For example, the counties could develop model creek corridor overlay districts, traditional neighborhood development ordinances, and fiscal impact assessment models. The counties or another regional partner also could sponsor a series of training sessions and dialogues for local planning board members.

The abovementioned training could coincide with proposed new requirements in New York State. These would mandate that municipal boards, such as planning, attend a certain number of training sessions per year.

Develop Capital Project Review Policies & Procedures

To begin making the Framework an integral part of policy-making and priority-setting and as an interim step before a regional planning entity is established, the counties should establish processes to carefully evaluate proposed capital expenditures against the Framework’s principles and policies.

In Erie County, the County Executive and newly formed Planning Board will play important roles in the capital budgeting process. The County Executive will encourage departments to align capital budgeting procedures and policies with the Framework. The newly formed Planning Board, as a central part of its annual work program, will prepare Framework-consistent policies for consideration by the County Executive and collaborate closely with the County Budget Office during budget development. In Niagara County, the County Manager, Niagara County Center for Economic Development, Department of Public Works and Budget Department will be jointly responsible to assess capital planning priorities and decisions.

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The counties' and Regions' capital budgeting policies and procedures should be designed to encourage the following kinds of public investments:

- investment in existing developed areas is preferred over development which is outside the developed area;
- investments that support revitalization of existing centers;
- investments that support agriculture and open space preservation;
- investments that encourage adaptive reuse of historic assets, conserve or improve access or promote regional culture;
- investments that promote improved mobility (transportation improvements should focus on reinvestment in developed areas, promote cross-border connectivity, and support alternative modes of travel);
- investments that improve the quality and capacity of existing infrastructure systems; and
- investments that facilitate redevelopment, use brownfield or grayfield sites, and improve and utilize existing underutilized lands and/or buildings (preference to renovation of existing vacant structure over new construction when feasible).

In addition, new policy guidance should be designed to discourage the following types of public investments:

- investments that would hinder agricultural or open space protection;
- investments that support development in priority conservation areas (such as flood plains and wetlands); and
- investments that require additional infrastructure extensions.

Although the counties have less direct control over State, Federal and local capital investments, influence may be exercised in several ways. Generally, State agencies will consider clearly articulated local priorities in making their decisions. Local municipal decision-making can often be influenced through a mixture of “carrots and sticks.” The counties can exercise influence through capital investments, grant-making, and the provision of financial and technical assistance to localities. For example, the counties may not support certain types of infrastructure investments in a community if the locality’s plan is not consistent with Framework principles and policies. For capital projects proposed by independent public authorities or special districts, the counties can exercise indirect influence through their representatives.

Establish System for Tracking Development Activity

To assist in the evaluation of cumulative and region impacts of individual development projects, a bi-County system for tracking and reporting on development activity should be developed. While strengthening Section 239-m and -n reviews will help monitoring, these reviews pertain to only a portion of all land use decisions. As a start, the counties could establish a standardized data base record format for applications and coordinate methods to track applications via GIS. This would help to standardize the type and nature of information gathered.

Types of information to track include the following:

- major rezonings, particularly those not associated with a specific project;
- proposed subdivisions/ in progress/ status;
- large existing non-developed subdivisions (permitted lots);
- residential development: Building starts (building permits);
- commercial and industrial lands (developed by square footage and non-developed by acreage);
- large development projects (site plans);
- actions affecting regionally significant environmental features; and
- location of businesses receiving assistance from various economic development agencies.

Develop SEQR Type I Action Lists

Consistent with the provisions of 6 NYCRR Part 617 (the State Environmental Quality Review Act - SEQRA), Section 617.4, the counties may develop a local list of Type I Actions that trigger the full requirements of compliance with SEQR, including completion of a Full Environmental Assessment Form (EAF) and a coordinated review. Each legislature would adopt a law establishing a local Type I Action List. These lists can be coordinated between the two counties (same for both) or can be different for each County.

The counties' Type I Action Lists could describe the following types of activities:

- projects occurring in significant environmental areas;
- major subdivisions in rural areas;
- major subdivision or developments in developing areas without sewers;
- major subdivisions or developments in Agriculture Districts in Developing or Rural Areas; and
- large non-residential projects (threshold would need to be established to focus on regionally significant projects)

Under State regulations, the costs for preparation or review of a DEIS can be allocated to the proposed project sponsors (if one is required).

Figure 22. Residential lots along farm frontages like these in Niagara County, are changing the character of the region's rural landscapes.



Assess Impacts of Rural Subdivisions

To better address issues associated with the subdivision of large parcels in rural and agricultural areas—fragmentation of agricultural and forested lands, increased traffic on rural roads, and changes in rural and neighborhood character—the counties can establish their own definitions of major subdivisions and large projects requiring SEQR review.

The counties should consider changing their definitions of subdivision to include 3 to 5 or more lots of any size in unsewered areas. This change, accomplished through amendments to the Type I Action List, would help bring additional scrutiny to proposals for the development of rural lands. Through these reviews, the County would refer proposed projects to the County Health Dept. which could then comment on septic-related issues and potentially limit the amount of building on sites with prime agricultural soils or soils unsuitable for drain fields. Very large lot conservation subdivisions, with suitable soils, parcels greater than 20 to 25 acres, and designated conservation areas, could be exempt

for the review process. Projects with smaller parcels, multiple points of access from public roads, and poorly drained or prime agricultural soils could be subject to SEQR review as County-defined Type I Actions.

Improve Section 239-l, -m and -n Reviews

The counties can exercise greater influence over the pace and character of development by improving Section 239-l, -m and -n review procedures and practices. In accordance with General Municipal Law, certain projects and actions must be referred to the “county planning agency or regional planning council” for review. This review is intended to bring a broader perspective to local decisions and incorporate a consideration of regional issues in the planning process.

Under Section 239-l of General Municipal Law, the State Legislature establishes the basis and intent for referring certain issues relating to planning, zoning, and site plans to the counties (or regional planning entity) for review in order to determine if there are any

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county-wide or inter-community impacts of the proposed action. Section 239-m details the types of actions subject to referral:

- adoption or amendment of a Town, Village or City Comprehensive Plan;
- adoption of an amendment to a zoning ordinance or a local law;
- issuance of special use permits;
- approval of site plans;
- granting of use or area variances; or
- other authorizations issued under the provisions of any zoning ordinance or local law.

These actions trigger a review if they are on property located within 500 feet of any of the following:

- a jurisdiction boundary (city, town or village);
- the boundary of any existing or proposed state or county park “or any other recreational area”;
- the right-of-way of a county or state road;
- the right-of-way of a county-owned stream or drainage channel, or a waterway for which the county has established channel lines;
- the existing or proposed boundary of county- or state-owned property on which a public building or institution is situated; or
- the boundary of a farm located within a state-designated agricultural district.

It is not envisioned that every action in the region will be reviewed; however, the regional planning entity should review projects that meet a threshold of “regional significance.” Criteria for which projects are considered regionally significant would need to be established.

Counties are also authorized to review proposed subdivision plats, under Section 239-n. The triggering factors are the same as above, with the exception that in order to be considered a “proposed” county facility, these elements must be shown on the county Comprehensive Plan or an official map. Authorization includes preliminary or final plats as well as “undeveloped plats.” Undeveloped plats are defined as filed plats where 20% or more of the lots are unimproved, unless they are undeveloped due to poor conditions.

Under either Section 239-m or 239-n, if the county rules against the project or action, or recommends modifications, then the local community is required to take this recommendation into consideration. In order to disregard the county’s recommendations, the locality must have a supermajority vote (majority plus one vote of all members). The locality is also required to provide a report setting forth their reasons for not complying with the county’s recommendations. However, the county’s recommendations are not compulsory, and localities may disregard them if they meet these conditions.

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It is important to note that local decision makers do not legally have the authority to act on projects within their jurisdiction that are subject to Section 239-m or 239-n until they have received a recommendation from the county or regional planning agency, or 30 days have lapsed since the posting of the review solicitation. In addition, the county or regional planning agencies' recommendations are still "binding" if received after 30 days have lapsed, but before the local agency makes its final decision. There is a presumption that actions that are taken without complying with the letter of this state law may not sustain judicial review.

In the case of Erie County, projects under 239-m are presently sent to the Erie County Department of Environment and Planning and the staff review these projects against general criteria, and review letters are sent to the municipalities. Letters indicating the municipality's final decision on the action are routinely not received. Erie County Department of Environment and Planning does not currently review subdivisions under 239-n (subdivisions are reviewed by the Erie County Health Department). Niagara County reviews the referral projects at the Niagara County Center for Economic Development and the reviews are sent to the Niagara County Planning Board for a decision / recommendation to the municipality.

The following actions should be undertaken to improve review procedures and processes:

- **Framework-Supportive Policies.** Both counties should establish new policies for 239-m and -n reviews that require findings of consistency with the Framework. In addition (over the long term), projects of regional significance should be subject to some form of joint County review.
- **Erie County Processes.** Erie County, as it creates a Planning Board, will establish a standardized, more readily defensible, review process. As a charter county, Erie County has the option of requiring additional actions be submitted for review—charter counties may enact laws inconsistent with general laws of the state as long as they do not conflict with provisions of the State Constitution.
- **Definition of Projects Not Requiring Review.** Both counties have the option of agreeing with any or all municipalities that certain actions would not require County review. These would be actions that are of local concern only, are expected to have no regional or intermunicipal impacts, and generally consistent with the provisions of the Framework. Although the counties have already established intermunicipal agreements with several municipalities, these standing agreements should be evaluated and adjusted to ensure the highest level of consistency in the nature and scope of actions not requiring 239 review.

Figure 23. Shops along Elmwood Avenue play an important role in the stabilization of surrounding neighborhoods.



Clarify & Strengthen Reinvestment Policies

- **Rural Centers Assistance.** Erie County should build on the success of its expansion of its rural centers assistance program, and Niagara County should consider the possibility of establishing a similar program. Currently, Erie County provides funding to help revitalize four rural business districts in the Southtowns. This project has been fairly successful at encouraging private sector investment and promoting renovation in these areas. Funding to expand the project would need to be identified.

The existing program is funded through Community Development Block Grants, which is a limited (and potentially shrink-

ing) source of funds, and which can be invested only in certain areas. Also, Erie County allocates CDBG funds only to communities within the County’s consortium, which excludes the larger communities (City of Buffalo, Towns of Amherst, Cheektowaga and Tonawanda, and the Town of Hamburg, although there is coordination between Hamburg and the County). These communities receive CDBG and Home Investment Partnership funds directly, either as entitlement communities, or in the case of the Towns of Amherst, Cheektowaga and Tonawanda, as a separate Consortium. If Niagara County were to establish such a program, Small Cities grants could be used to fund it.

- **Reinvestment Challenge Grants.** With a very small allocation of the region’s transportation improvement dollars, the region could fund a new grant program to help localities attract reinvestment and encourage more compact, walkable, and transit-oriented forms of development. This program would enable the counties to fund projects targeted at revitalization of traditional centers, villages, hamlets and neighborhood centers. Activities could include streetscape improvements, business support programs, microenterprise loans, or other activities in support of renovation in targeted areas.

A potential model is the “Livable Communities” initiative in Atlanta, Georgia, which provides grants to local governments and non-profit organizations to further “sustainable, livable communities consistent with regional development policies.” Because that program is funded with transportation monies, it focuses on the link between land

use planning and transportation planning. Communities that implement portions of their plans receive priority for related transportation projects. Another potential source of funding is the State Quality Communities program, although funding levels for this project tend to be more modest.

- **CDBG Funding Priorities.** This policy faces similar limitations as noted above in the discussion on the rural centers program. Project eligibility guidelines promulgated by the U.S. Department of Housing and Urban Development may limit the communities' ability to accomplish these linkages, and the demand for community development funds far exceeds their availability.

- **Brownfields Programs.** Niagara County should continue and expand its brownfields program, focusing on revitalization and development of brownfields in developed areas. Erie County should continue to support and assist local brownfield initiatives, in coordination with the ECIDA, occurring in areas such as the Cities of Buffalo, Lackawanna and Tonawanda.
- **Encourage State Action.** It is important that leadership institutions within both counties lobby the Western New York State delegation for important legislation. The latter would include new laws, changes to existing regulations, or new State programs that better promote reinvestment in older urban areas, smart growth initiatives and regional planning.

4.4 LONGER TERM ACTIONS—YEARS 5-10

Develop Planning Area Specific Standards for County Roads

Roadway design should be “context-sensitive” and reflect the nature of the environment. Rural roads with lower traffic volumes can be built to different standards than high volume roadways in developed areas. Also, roadway design has an impact on surrounding land uses. Attractive streetscapes can help encourage revitalization of existing business districts; sidewalks in more densely populated areas can encourage mobility and access, whereas they are unlikely to have the same impact in sparsely populated rural areas. Provision of bike paths can be an on-road lane, a widened shoulder, or a separate pathway. In other words, “one-size-fits-all” roadway planning is inefficient and can be counterproductive to planning goals.

Appropriate, context-sensitive standards should be keyed to the Framework policy areas. In rural areas these standards may address lane widths, number of lanes required, and required drainage (ditches vs. closed systems); in developing areas standards may address access management, and provisions for sidewalks and bike lanes; and in developed areas the standards may encourage reinvestment and revitalization such as streetscape, higher levels of landscaping, and sidewalks. In a companion effort, the counties, along with the New York State Department of Transportation, should develop a context-sensitive design process that engages local municipalities in the redesign of roadways in a manner that focuses on land use needs in addition to transportation considerations.

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Figure 24. Infrastructure investments, such as the extensive water system in Niagara County, play a central role in shaping regional growth.



Adjust Sewer & Water District Limits Consistent with Framework

Although the counties do not exercise direct control over the operations of sewer and water districts, they play an important role in the process of evaluating proposed adjustments to district boundaries. To better align Framework policies with the practices of the region’s sewer and water districts, the counties should adopt policies and procedures for the review and evaluation of changes to district boundaries, including expansions of the districts, the contraction of districts in areas where the provision of public sewer and water would be inconsistent with Framework and County agricultural conservation policies, and requests to service of out-of-district customers.

Specific attention should be focused on boundary adjustments in areas where districts already cover areas that may not meet the goals and objectives of the Framework. There are areas within the districts where there is no service, and extension of new utility lines would be required to provide service to properties. Some of these areas are in locations where there is no intention—or need—to extend service or in areas where

extension would directly conflict with regional and local conservation goals. In areas where extensions may be required to address public health concerns, extensions should be designed in ways that do not induce new growth. For example, lateral restriction provisions could be implemented, allowing tap-ins for existing structures but severely limiting potential future tap-ins.

County policy regarding the extension and contraction of districts should address the following:

- limiting sewer district expansions in agriculture districts, rural areas, and in developing areas with environmentally sensitive areas;
- contracting sewer districts where there is no actual service in rural areas, outside rural centers, in agricultural districts, and in environmentally sensitive areas;
- limiting water district expansion in rural areas, in agriculture districts, and in areas not experiencing service water supply problems; and
- allowing water extensions to locations where poor water quality or quantity presents a health issue, but only with strict restrictions on tie-ins to support new development.

Expanded Assistance for Agricultural Conservation Efforts

Agricultural conservation is clearly strongly valued. Preservation of agricultural lands provides a number of important benefits: it protects the environment, promotes local sustainability, and is an important component of the local economy. Studies have shown that agriculture as a land use also helps keep municipal costs down, because on a per-acre basis, agricultural land requires much lower levels of municipal services to taxes paid compared to other land uses. Conservation of agricultural lands will also help promote the principles of the Regional Framework.

Both counties can take additional steps in support of agricultural conservation. A summary of further action follows:

- **County Farmland Protection Plans.** Erie and Niagara Counties should update and expand on their existing Farmland Protection Plans (each adopted in 1999), providing greater detail regarding priorities and action steps for farmland protection. Through the update, the counties may establish priorities for the conservation of lands under development pressure and for those areas with soils of statewide significance.
- **Farmland Protection Boards.** Both counties have Agricultural and Farmland Protection Boards to oversee the NYS Agricultural Districts. In Niagara County, the board takes an active role; in Erie County, it is largely limited to review of state-designated agricultural districts. These Boards

could take a larger role in coordinating and championing Countywide agricultural issues; there could also be greater coordination between the two counties in regard to agricultural issues.

- **County and Region-Wide Conservation Priorities.** The counties could take a more active role in identifying priority agricultural lands, based on agricultural value and open space value as well as become more active in the process of identifying and securing grant funds.
- **Purchase of Development Rights.** The counties, working through the regional planning entity, should establish a Purchase of Development Rights (PDR) program to protect prime agricultural land from development. While purchase of development rights can be expensive, the NYS Department of Agriculture and Markets offers a program that provides up to 75% of the cost of purchasing development rights. There is also a companion federal program that can further reduce the cost of acquiring these rights. In some cases, the agricultural operation will agree to sell the rights at a “bargain sale” price, further minimizing costs. Such transactions can be beneficial to the seller in that the amount of the sale price below market value can reduce tax liability. This program can also be linked with a conservation easement program which can guarantee the development rights are not rejoined with the parcel at some point in the future.
- **County-Community-State Collaborations.** Establish greater coordination with other organizations involved in farmland pres-

ervation issues, such as the Soil and Water Conservation Districts, Cornell Cooperative Extension, the American Farmland Trust and the Western New York Land Conservancy.

- **Rural Economic Development.** The counties should continue efforts to strengthen the viability of local farmers. Options include financial incentives; marketing assistance; model legislation in support of agricultural activities; public education; and technical assistance. Niagara County recently obtained state funding through the Department of Agriculture to market agritourism. Erie County has also received State grants for agricultural marketing and development. There should be a greater, more explicit understanding of the economic development benefits of agriculture to the economy, in addition to its value for open space protection.
- **Community Character Initiative.** New York State is considering legislation that would enable municipalities to charge additional transfer tax on certain real estate transactions in order to fund actions in support of “community character preservation”. Currently, eligible activities under the proposed bill would include the preservation of open space; the establishment of parks and recreation areas, the conservation of agricultural lands, lands with exceptional scenic value, wetlands, aquifer recharge areas, and beaches and shorelines; establishment of wildlife refuges; preservation of unique or threatened ecological areas and rivers and river areas in free-flowing condition; preservation of forested land; provision of public access to lands for

public use; preservation of historic places and properties; and establishment of a greenbelt. Funds may be used for planning purposes; acquisition; transfer of development rights programs; and management/stewardship programs. The counties should consider encouraging state passage of this legislation and developing local “Community Preservation Project Plans” to guide local actions under this program.

- **Conservation of Rural Character.** To assist in the preservation of agricultural sites and areas with unique scenic and landscape character, the counties, working through the regional planning entity, should prepare model zoning ordinances for use by towns and villages. Such regulations can encourage conservation subdivision, the conservation of prime agricultural lands, wildlife habitat, and viewsheds.

Support Compliance with National Pollutant Discharge Elimination System (NPDES) Phase 2

As they work towards compliance with new federal rules for the management of stormwater run off, the counties should be active participants in the WNY Stormwater Coalition. Forty-one municipalities within Erie and Niagara Counties are responsible for implementing the NPDES Phase 2 Stormwater Rule, including Erie and Niagara Counties. Forty of these municipalities participate in the WNY Stormwater Coalition to develop individual Stormwater Management Plans, Ordinances, and other standards for each community and have them implemented by 2008.



FOR ADDITIONAL INFORMATION

*Please contact the following individuals
for additional information on the
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