

# The Buffalo-Niagara Plan-Net

SPRING 2009

## Chautauqua County Asks, Can County Level Comprehensive Plans Be Useful?

By Terry H. Martin, Ph.D.

Chautauqua County has entered the arena where comprehensive plans are created in the passion of the moment, and then forgotten. I have seen this phenomenon many times over the years, and I call it “planning and evaporation.” Historically, under the old HUD “701” program in the 1970s, consultants prepared comprehensive plans by the dozens that were mostly cookie-cutter versions from other communities and models. To this day you can still find such plans collecting dust on office shelves.

Chautauqua County, which is located south of Erie County, has decided to replace its old 1978 “General Plan” with a new plan that is custom-made for this rural County and its grassroots people and organizations. The County Executive and County Legislature have authorized and funded this new initiative with \$250,000 from the County’s 2008 and 2009 Capital Budgets (see Exhibit No. 1 for the five phases of this two year planning process).

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## WNY Establishes a CD Lending Library

In an effort to provide members with affordable and convenient options for meeting the APA Certification Maintenance program requirements, WNY APA is pleased to announce the establishment of a CD Lending Library. The library will enable members to receive training without traveling to conferences or seminars.

Members may request a CD by filling out the form available at <http://wnyapa.com/library.aspx>. Once the CD is received, members are asked to return it within two weeks so that others may have the opportunity to view it.

Currently, three CD titles are available:

- Industrial Lands Debate: Protect or Re-use, CM: 1.25
- Ethics in Planning, CM: 1.5
- 2008 Planning Law Review, CM: 1.5

Please check the website frequently for new titles.

After viewing each CD, log your credits by going to [www.planning.org/cm/log](http://www.planning.org/cm/log) and selecting “add credits.” Choose “distance education” to see all of the available CD education titles. Please remember to log all of your credits. The longer you wait, the more likely you are to forget them!





## From the Section Director By Richard Guarino, AICP



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## How Can Anyone Be Against Safety?

The issue of red light cameras is hot these days as Buffalo is looking into installing fifty of the devices at the busiest intersections in the city.

I am trying to keep an open mind about this but it is not easy. Emotions run high on both sides of the issue. On the one hand, the cameras do seem to improve safety and reduce deaths. It is difficult to argue against them with someone who has been traumatized by a red light running incident. On the other side, numerous studies show that modifying signal timings can accomplish the same safety goals without the complexities of installing the cameras in the first place.

Mayor Brown said on the Shredd and Ragan Radio Show that the motivation to get the cameras is “certainly about safety, but with a revenue component.” The mayor is planning on hiring twenty new police officers with the money that will be collected with the cameras. He said that each ticket will have a maximum fine of \$50. When you remove the vendor’s contracted fee from that (each vendor normally gets a big chunk of the fine), the numbers don’t add up unless they plan on issuing a LOT of tickets every day. Indeed, the administration has estimated that they will issue enough tickets to generate about \$2.75 million each year. That is a lot of money from area residents and workers who are already overburdened with taxes and fees.

But without the cameras, is there any other way to improve intersection safety? Several municipalities in Mississippi, Montana, Colorado, Texas and Georgia found that by adding a second to yellow light times and an all red phase, accidents declined and infractions have been reduced so much that the cameras lost money. This is prompting the municipalities to either renegotiate the contract with the vendors or remove the cameras entirely.

The cameras also can prove to be a tempting source of chicanery. Barry Lauder-milk, an Atlanta legislator, has testified that when cameras in Georgia are not generating enough tickets, yellow times have actually been REDUCED (making the safety argument moot). He has pushed for an all-out ban on the devices in his state. “I believe the way red-light cameras are operated in the state of Georgia violates the fifth and the fourteenth amendments of the constitution.” The National Motorist Association revealed several cities that were caught reducing yellow light times after the devices were installed, including Chattanooga TN, Dallas TX, Springfield MO, Lubbock TX, Nashville TN, and Union City CA. In these cities, it was found that yellow light times were shortened below state DOT and engineering standards. *(Continued on next page)*

## How Can Anyone Be Against Safety? *(continued from Page 2)*



Because of this, several states are now requiring an increase of one second of yellow time whenever cameras are going to be installed.

Finally there is the issue of tickets being unfairly issued. Examples of this include someone else driving your car, a blurry picture of your face, stolen plates, incorrect plate number, right on reds, left turns to clear an intersection, etc. For those who do receive a ticket, how many will be willing to take time off from work to fight a \$50 fine, even if they are innocent? "With a red-light camera, you have to prove your innocence instead of the government proving your guilt. It's a slippery slope with the Constitution." says Loudermilk.

If safety was the motivating factor for installing red light cameras, wouldn't it make sense for traffic engineers to first go out and adjust the signal timing? Combining this with the fact that there is a huge profit motive makes me very skeptical of the need for and proper use of any such device in the first place. Let's not let the word "safety" scare us into approving something that may do more harm than good. We do not need any more reasons for suburbanites to avoid or residents to leave the City of Buffalo.

## APA / AICP Audio Conference Series Continues *Planning Law Review*

On June 25, 2008 from 4:00 p.m.–5:30 p.m. there will be the annual **"Planning Law Review" APA Audio Conference**, which will be held at Buffalo City Hall and sponsored by Brendan Mehaffy.

Learn about the legal precedents set in the last year by Congress, state legislatures, and ballot box initiatives. Hear from legal experts how to deal with organized challenges to long-standing planning tools.

This is a program the planning director, planning commission, and staff cannot afford to miss.

This is also a great opportunity for AICP members to receive certification maintenance credits locally at no cost. Attendance at the audio conference is worth 1.5 CM credits.

# Chautauqua County Comprehensive Plan *(continued from page 1)*

This new initiative is also re-building the County's planning and economic development services, which have experienced many changes since 1978. Those services had recently been reduced along with staffing changes.

Today, the re-building effort is being led by William Daly, who is the Director of the County of Chautauqua Industrial Development Agency as well as Director of the new Chautauqua County Planning and Economic Development Department. The following are some highlights:

**New Websites.** A new website has been created for "planning," and the Industrial Development agency website is also being upgraded. The purpose is to give the County a new 21<sup>st</sup> Century capability for interacting with the public (see Exhibit No. 2 for websites). The new comprehensive plan, its process and Blog are featured on these websites so that people can make written comments over the Internet.

**Temporary Assistance to Jump-Start the Process.** I was brought into this work on a part-time, temporary basis (I am still retired and enjoying it very much). Since last year, I have been organizing and getting the new comprehensive planning process started while Bill Daly reorganizes the old Planning Department into a new, fully integrated Planning and Economic Development Department that has productive linkages with the Industrial Development Agency.

**Rural Design Orientation.** Randall Arendt has been hired to celebrate the fact that Chautauqua County is predominantly a rural county. The new county-level plan will not be a land use plan, and will deal with a broader range of issues. It will, however, create advisory and technical assistance services for land use based on Randall Arendt's "rural-by-design" approach. To date, he has conducted a visual Preference Survey and two training workshops (on residential and commercial design). As a cornerstone for the new plan, he has written a design guidebook that is custom-made for Chautauqua County.

## EXHIBIT No. 1 PROPOSED WORK PLAN AND SCHEDULE

- PHASE 1: Building Blocks / Foundation
- PHASE 2: Structuring the Upcoming Process
- PHASE 3: Preparing the Comprehensive Plan
- PHASE 4: Submitting New Plan to County Legislature
- PHASE 5: Using and Amending the Plan – A Living Document

KICK OFF EVENT:  
PROJECT BEGAN ON SEPTEMBER 15, 2008  
PROJECTED COMPLETION MID-2010

**Filling Vacant Position and Hiring Professional Consultant.** The vacant position of Deputy Planning Director is being filled, and the new Deputy Planning Director will take over the comprehensive planning process for Phases 3, 4 and 5 as shown in Exhibit No. 1. My role begins to wind down as Phases 1 and 2 are completed and Phase 3 is launched with the hiring of a professional consulting firm to prepare the new plan. Phase 3 work will incorporate the results of Phases 1 and 2, as well as a full range of methods and techniques that the consulting firm will bring to the table once it is hired. An RFP is being prepared.

**Giving People Real Things to Do in the Process.** Another priority is making people aware of this new process and encouraging them to get involved before the public hearings and formal outreach is started.



*Municipal officials at Randall Arendt's Commercial Design Workshop.*

This includes (a) a random sample, county-wide poll to find out what people want to see in their new plan, (b) opportunities to write discussion papers on key topics that the new plan should resolve, and (c) access to participate in (and even help organize) consensus-forming events in order to bring people together and encourage them to build their own networks so that the professional consulting firm has active people to work with once it has been hired.

**Leadership and Accountability.** Oversight for the new planning effort is being conducted by the County Executive, by County legislative leaders, and the Chautauqua County Planning Board. The new Blog on County websites also give people throughout the County access and opportunity for monitoring progress.

There are other steps, to be sure. The County wants to make sure that (a) the environmental review of the

plan has practical benefits for County stakeholders, (b) “action plans” within the new plan are feasible, and (c) the new plan will be a living document (i.e., so that people and organizations in the County can implement, update and amend by way of the Internet).

This is breaking news, and the story is just beginning. Be sure to follow it over the next couple of years to see how it evolves and how it is being executed. Chautauqua County has now entered that famous arena that is widely feared for swallowing plans and spitting them out into useless documents. Chautauqua County is doing everything it can to produce a useful plan.

Please send your comments on this article to [thm@atlanticbb.net](mailto:thm@atlanticbb.net).

## CHAUTAUQUA COUNTY WEBSITES

Details on the New Planning Process Can Be Found at:

ccida.com  
planningchautauqua.com



*Bill Daly opening the kick-off event on September 15, 2008.*

## Niagara Falls to Host 2010 Chapter Conference

The 2010 Upstate New York Chapter Conference will be hosted by the WNY Section in Niagara Falls, New York. It will be held from September 22—24, 2010 at the Niagara Falls Conference Center. The conference committee (Eve Holberg, Gary Palumbo, and Rich Guarino) is very excited about returning to Niagara Falls for the conference and are confident that the Conference Center will be a great host. Details to follow as planning progresses.

## 2009 Krasner Scholarship Recipient Announced

The Upstate New York Chapter of the APA is pleased to announce Christopher Schaut as the 2009 recipient of the Michael J. Krasner Scholarship.

Christopher's essay and resume show a good understanding of planning issues within the Chapter. He presented a practical understanding of the technical skills necessary for a practicing planner and showed his interest in a career in the New York Upstate Chapter. Christopher's essay reflected the ideals and philosophy of our colleague, and, taken together, led the selection committee to select Christopher for this year's scholarship.

Christopher will receive an award certificate at the Western New York Section awards dinner in June, and the scholarship check at the awards luncheon at this year's New York Upstate Chapter Conference in Albany. His essay will be published in the Chapter newsletter.

The selection committee was pleased to review a fine group of candidate essays, and are confident that each has a promising career in planning ahead of them.

## Donated Items Needed for Krasner Scholarship Fundraiser

The Michael J. Krasner Memorial Scholarship is a competitive award for a graduate student in the Urban and Regional Planning Program at the University at Buffalo. The scholarship honors Mike Krasner's dedication to the profession and education of planning in Western New York as well as his commitment to APA. The \$1,500 scholarship is awarded to the student that best exhibits: his/her commitment to planning issues in Western and Upstate New York; their intent to practice within the Upstate Chapter; and who best reflects the ideals of Mike Krasner.

Since 2004, six scholarships totaling \$9,000 have been awarded.

In order to keep the Scholarship going, we are asking for donations to be raffled off at this year's annual Awards Dinner in June. All raffle proceeds will go directly to the Michael J. Krasner Memorial Scholarship fund. If you or your firm is interested in donating, please contact Rich Guarino or Nadine Marrero at [wnyapa@gmail.com](mailto:wnyapa@gmail.com).



# Call for Nominations

## 2009-10 APA WNY Section Officers

The Nominating Committee (Gary Palumbo, Jeff Lebsack and Joelle Guy) are accepting nominations for the upcoming election of officers for the American Planning Association, Western New York Section (New York Upstate Chapter). The election by e-mail ballot will be held the end of May and results announced at the Annual Meeting in June. New officers will serve a two-year term, from July 2009 through June 2011. Positions to be filled include:

**DIRECTOR:** The Director leads the Executive Committee in carrying out the Section mission, overseeing Executive Committee activities, providing liaison to the Chapter, representing the Section on the Chapter Executive Board, and overseeing Section committees.

This position is currently held by Richard Guarino, who is eligible for one more 2-year term.

**DEPUTY DIRECTOR:** The Deputy Director coordinates Section activities with other planning organizations, works on organizing and running the annual conference when hosted by the Section, and improving educational opportunities.

This office is currently held by Brendan Mehaffy, who is eligible for one more 2-year term.

**SECRETARY:** The Secretary maintains attendance records and keeps minutes of Executive Committee meetings and maintains copies of official correspondence and records.

This office is currently held by Bill Parke, who is eligible for one more 2-year term.

**TREASURER:** The Treasurer receives and disburses all Section funds, maintains an accounting of such funds, prepares annual financial reports, works with APA and the Chapter to provide all required financial reports, and works with the Executive Committee to develop an annual budget.

This office is currently held by Nadine Marrero, who is eligible for one more 2-year term.

Nominations should be submitted by e-mail or hard-copy mail to:

Gary Palumbo, AICP  
American Consulting Professionals of New York, PLLC  
70 Niagara Street, Suite 410  
Buffalo, New York 14202  
or  
[gpalumbo@acp-ny.com](mailto:gpalumbo@acp-ny.com)