

NY UPSTATE PLANNER

Volume 19, Number 3

New York Upstate Chapter of the American Planning Association

Summer 2004

Congratulations 2004 Chapter Award Winners

by Rocco Ferraro, AICP, Chapter President

The New York Upstate Chapter handed out eight planning awards in seven different categories in 2004. Each of the eight plans, projects, and individuals were honored at the Chapter’s Awards Luncheon in Rochester on October 28, 2004.

Every year, NY Upstate Chapter APA recognizes outstanding achievements that advance the art and science of planning. The selection criteria consist of quality, originality, transferability, implementation, comprehensiveness, and effectiveness/results. Each of the plans, projects, and individuals honored with an award has made significant contributions toward improving the quality of life for people throughout Upstate New York.

The 2004 Awards Committee consisted of the following Chapter members: Rocco Ferraro, AICP, Awards Chair; Sandy Misiewicz, AICP, Capital District Section; Paul Younge, AICP, Central NY Section; Richard Perrin, AICP, Genesee/Finger Lakes Section; Frank Evangelisti, Southern Tier Section; and Mike Ball, AICP, Western New York.

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Ethical Considerations in Land Use Planning

by Patricia E. Salkin, Esq.

In the first of what will hopefully be many more columns on legal ethics issues that confront planners in this newsletter, this column is designed to provide a general overview of the laws and legal concepts that planners should be familiar with to best identify potential ethical issues before it is too late. This column does not deal with the ethical principles adopted by the American Planning Association, nor does it address the AICP Code of Ethics. Hopefully, however, readers need not be reminded that these resources exist for the profession.

In New York, the General Municipal Law, Article 18 is the general ethics law addressing ethical conduct at the local government level. Article 18 is not a code of ethics per se, but it does prohibit municipal officers and employees (including municipal planners and

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Michael J. Krasner Scholarship Update

by Michael Long, AICP, Chapter Treasurer

Immediately after the untimely death of New York Upstate APA Chapter President Michael Krasner, a memorial scholarship effort was begun. Mike taught as a part-time adjunct professor at SUNY Buffalo’s Planning School, so it was only fitting that the scholarship be connected with this institution. An annual scholarship of \$1,500 is to be grant to the selected second-year graduate student to assist with their educational expenses. A review committee has been established to recommend the award winner.

As of August 2004, over \$8,000 has been raised towards this effort. The national American Planning Association (APA) Chapter Presidents Council (CPC), which Mike was a member as our president, began with a “leadership gift”. Norbert & Lucille Pleban (Mike’s cousin) have also made a significant contributions to the fund. The New York Upstate Chapter, New York Metro Chapter, The New Jersey Chapter, Northern New England Chapter, the Illinois Chapter, and the Vermont Chapter all made contributions.

On the New York State level, the Western Section, Central Section, Capital District Section and the Southern Tier Section have also participated. There were also individual donations from New York Upstate Executive Committee members,

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The following is a brief description of each of the 2004 award winners selected by the New York Upstate Chapter of the American Planning Association. The PDF file for each of these Award winning projects is posted on the Chapter Web site at www.nyupstateplanning.org.

OUTSTANDING PLANNING AWARD: COMPREHENSIVE PLAN

City of Port Jervis Downtown Strategic Plan, 2003 This Plan represents a comprehensive inventory and analysis followed by a series of strategies to improve the downtown and the immediate surrounding area of Port Jervis, New York, a community of 8860 residents located at the junction of New York, New Jersey, and Pennsylvania. Building upon the ideas generated from a “visioning” public workshop and a marketing and housing analysis, key recommendations include:

- Retaining the Central Business District designation for Front Street making it the focus of the redevelopment effort;
- Redeveloping the train station district as a themed tourist/conference center; and
- Connecting the waterfront to the downtown and creating a series of recreation improvements and enhancements along the waterfront.

The Plan was recently adopted by the City of Port Jervis and implementation is underway including obtaining funds for brownfield remediation along the waterfront and creating the pedestrian mall in the City Center. Funding support is being sought to implement a facade improvement program, the development of residential uses above the first floor retail space and the establishment of a micro-enterprise business assistance program. Zoning changes to support the plan and a marketing strategy in conjunction with the waterfront’s largest commercial property owner are also underway.

The consultant team consisted of *The Laberge Group, Synthesis, and Camoin Associates.*

The Queen City of Hub: A Regional Action Plan for Downtown Plan for Downtown Buffalo This plan is the first neighborhood plan completed as part of the overall framework of the City of Buffalo’s Comprehensive Plan. Built upon the previous work of the *1999 Strategic Plan for Downtown Buffalo* and *Downtown Buffalo 2002!*, the plan is organized into two distinct sections: The Vision and the Work Plan. The Vision is about establishing a strong urban core downtown as a regional center for culture and entertainment, government, heritage, education, health care and life sciences research, and commerce. The five strategic investments areas identified in the study are: Business and government centers, the Theatre District, Erie Canal Harbor, Buffalo Niagara Medical Campus, and Public Safety and Education Campus.

The Work Plan recommends specific strategies and actions to achieve the vision and improve Downtown. The proposed actions revolve around five principles that address activities that make a great downtown: living, working, shopping, and visiting downtown. The principles are: Access, Urban Design & Management, Preservation, Energy and Green Design, and Image.

The plan recognizes the weaknesses and disincentives that have historically been in place resulting in a declining population in the city and a static employment base



downtown. The plan offers a variety of ideas and strategies from the basic to the bold ranging from administrative reforms and enforceable design guidelines to the development of downtown casino gambling facilities and an extension of the Metro Rail system. The Plan emphasizes “flexible discipline” stating that the primary focus should be on those programs and capital projects that enjoy a clear consensus while continuing to dialogue on the larger more controversial investment possibilities.

The document represents a collaborative effort among the **City of Buffalo, Buffalo Place, Inc. and the Urban Design Project of the University at Buffalo, State University of New York.**

OUTSTANDING PLANNING AWARD: PLANNING IMPLEMENTATION

3 Congress Park Centre This project represents the achievement of a shared vision to transform a community eyesore into a vital community asset. Located on the southern edge of downtown Saratoga Springs across from historic Congress Park, the site was occupied until 1952 by the landmark Grand Union Hotel. Upon its demolition, the hotel

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Krasner Memorial Scholarship Recipient SCHOLARSHIP -

by Gary Palumbo, AICP, Western NY Section Director

Eric M. Ameigh is the first recipient of the Michael J. Krasner Memorial Scholarship for 2004-05. The Upstate Chapter, together with the Department of Urban and Regional Planning at the University at Buffalo, has created the \$1,500 scholarship to award a graduate student in Planning.

All Graduate students entering their final academic year of study toward a master's degree in urban planning at the University of Buffalo are eligible to apply for the award. The application consists of a resume and a 2-3 page essay indicating the student's background and interest in planning issues of significance to Western New York.

A committee was established to review each application and to award the scholarship. The committee consists of three individuals, each representing an important aspect of Mike's career in Planning; the Upstate Chapter Board (Gary Palumbo), the University of Buffalo (John Bis) and The Erie County Department of Environmental and Planning (Ken Swanekamp). The selection criteria include the applicant's essay, academic performance, professional promise, and commitment to professional practice.

The committee received five complete and well-prepared applications. Eric M. Ameigh was selected to receive the inaugural scholarship for several distinguishing reasons, including but not limited to: a) his essay reflected Mike's ideals, b) his evident commitment to the planning profession, and c) and strong sense that he will continue to practice in our Chapter.

Besides being a second year student in UB's Masters of Urban Planning Program, Eric is currently working at his second internship with the Genesee/Finger Lakes Regional Planning Council in Rochester, NY. He has also interned in with the City of Niagara Falls and before graduate school he

worked as a Planner for two years in Madison County. Eric grew up in Upstate New York and plans to remain here, hopefully finding a job practicing urban design for a not-for-profit organization.

The Chapter Board congratulates Eric on his scholarship and wishes him well in his pursuit of the Masters Degree in Planning. A check presentation to Eric was made at the Fall Chapter Conference. □

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members of planning boards, zoning boards and other bodies) from having an interest in any contract with the municipality if the officer or employee has some control over that contract for the municipality. Since the basis for the prohibition is a contract, it is important to first determine whether a contract is involved. The State Comptroller has issued informal opinions stating that applications for a zoning change, applications to the planning board and the granting of applications are not contracts under Article 18, nor is an application for subdivision approval (see, Op. 83-114; Op. 91-98; Op. 97-112; Op. 88-68). Although there is no opinion on point, common sense would indicate that an application for a zoning variance is not a contract either.

Over the years, various scenarios have been raised, and the Comptroller has said that generally it is not a conflict of interest where the zoning board chairperson desired to sell his own land to the municipality in a sell-purchase agreement (Op. 57-290), and that there is no contract with a municipality where a building inspector engages in the private business of performing home inspections for potential purchasers (Op. 89-60).

Ultimately, we are reminded by several opinions from the Comptroller and the

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the Erie County Department of Planning and Environment, and individuals throughout Upstate New York.

If anyone would like to make a contribution, please forward to Michael Long, New York Upstate Chapter Treasurer c/o Memorial City Hall, 24 South Street, Auburn, New York, 13021. □

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- Transportation Plan for the Towns of Geneva & Phelps/Corridor Mgmt. Plan for Route 14 in Ontario County



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site became the location of an auto dominated strip commercial center which was out of character with the surrounding land uses. In the 1990's, a project team was formed to address the redevelopment of the site. The site's redevelopment faced a number of challenges including its historic district status, preexisting businesses in the strip center, parking and circulation concerns, its existing zoning, and the desire to create a pedestrian friendly use connected to the downtown.

The final plan grouped site development into phases with implementation of each phase triggered by market interest in the property. The final build-out called for a building footprint similar to that of the Grand Union hotel with the main buildings located on the lot lines screening an interior courtyard which would be used primarily for parking. 3 Congress Park is the first structure to front on Broadway and reflects the architecture of the Grand Union Hotel. The first floor (street level) is occupied by national "name store" retail establishments traditionally found in suburban malls. One to three bedroom apartments occupy the three upper floors with balconies overlooking Broadway. The retail stores have contributed to a stronger economic environment downtown while the residential units adds vitality to the downtown as well as a customer base for the businesses located in the building.

The mixed use structure boasts a high occupancy rate and provides an aesthetically appealing gateway for the downtown urban core offering the community a stronger sense of place. The visibility of the structure as a prominent feature in the community serves as an example of how to successfully incorporate urban infill development into a historic setting and the benefits of mixed use development.

3 Congress Park was designed and developed by *The LA Group, Brause Realty, The Pike Company, Olsen Associates, and Snyder, Kiley, Toohey, and Corbett.*

PUBLIC EDUCATION

Amherst & Clarence Youth Planning Project The Youth Planning Project, initiated under the New York State Quality Communities Initiative, is an excellent example of a



collaborative planning effort to involve youth in the planning process by applying classroom learning to real life situations. Teachers from four school

districts, Amherst, Clarence, Sweet Home, and Williamsville Central School Districts, worked with community planners and faculty from Buffalo State College to develop lessons about planning that could be applied to a variety of subject areas such as government, social studies, science, art, and technology.

The lessons are designed to give students the opportunity to learn about and participate in planning issue relevant to their community and that of the neighboring town. Based upon their experiences, both the Towns of Amherst and Clarence have made significant progress toward the objective to increase the involvement of youth in community planning. One of the features of the effort was the creation of a website to provide teachers and students with ready access to community planning materials and project information. The site is located at http://www.amherst.ny.us/govt/planning/comp_plan/schools/schools.htm.

The Project was a collaborative effort of the *Towns of Amherst and Clarence, the Amherst, Clarence, Sweet Home, and Williamsville Central School Districts, and the Department of Geography and Planning at Buffalo State College.*

OUTSTANDING STUDENT PROJECT

Food For Growth: A Community Food System Plan for Buffalo's West Side The Food for Growth was an analysis of food security adequacy and opportunities for a neighborhood in Buffalo's West Side. The project was prepared on behalf, and in conjunction with, the Massachusetts Avenue Project (MAP), a nonprofit neighborhood association on the West Side. The plan begins with an assessment of the accessibility to nutritious, safe, and affordable food on the West Side. Following this, the plan outlines four strategies for strengthening the West Side food



system. The four strategies involve strengthening local and regional food production through sustainable land use planning, promoting food based economic development, increasing transportation access to food, and promoting food based youth educational development.

The Plan outlines a series of recommendations of how the MAP and other entities can implement the strategies. These include the creation of community gardens on suitable vacant lots recognized by the Buffalo city government as a valuable and beneficial land use deserving the city's

protection, promotion, and investment; expansion of the MAP micro-enterprise program, in particular for businesses specializing in ethnic delicacies; enhanced public safety measures and sidewalk maintenance requirements; promotion of transportation options currently available, in particular for senior citizens; and involvement of youth in after school and summer recess programs in activities associated with urban agriculture. The report also includes a resource guide that provides an overview of the food production, processing, marketing, and disposal systems in Buffalo.

The Plan was prepared by *students enrolled in the Graduate Planning Studio class at the University at Buffalo Department of Urban & Regional Planning under the direction of Professor Dr. Samina Raja and Diane Picard, Executive Director of Massachusetts Avenue Project.*

DISTINGUISHED LEADERSHIP: CITIZEN PLANNER

Sandra L. Brant, Chair, Town of Evans Planning Board

Sandra Brant has served on the Town of Evans Planning Board for 12 years, the last ten as its Chairman. During her tenure as Chair she has created a Planning office where she manages day to day affairs; improved the existing site plan and subdivision review procedures; developed written guidelines and checklists for plan applications; instituted monthly Planning Board work sessions; initiated the revision to the application fee schedule; introduced Geographic Information Systems technology; and established a procedure to coordinate planning and development issues among the various Town departments.

As the Chair of the Advisory Committee, Mrs. Brant was also instrumental in the development of the Town's Comprehensive Plan adopted in 1999. She has also led the initiative to amend the Zoning Code, Site Plan Review, and Subdivision regulations to reflect the recommended changes in the Comprehensive Plan. Mrs. Brant is also an active participant representing the Town of Evans on a number of planning advisory groups.

DISTINGUISHED LEADERSHIP: ELECTED OFFICIAL

Honorable Patricia K. McGee, New York State Senator

A lifelong resident of Cattaraugus County, Patricia K. McGee was elected to the Senate in 1998 and currently serves as Chairman on the Senate Committees on Environmental Conservation and Transportation. She was first elected to the New York State Assembly in 1987 where she served until her election to the Senate. She has served on the New York State Commission on Rural Resources since 1992 and is currently its Chairperson.

During her tenure as an elected official, including ten years as a Cattaraugus County Legislator, Senator McGee

has remained active in a variety of community based organizations including the U. S. Route 219 Liaison Committee, the Farm Bureau, and the Cattaraugus County Tourist Bureau.

Senator McGee has sponsored several land use legislative bills that have been passed by both the Senate and Assembly during the past year including clarification of

rules for participation by Board members serving on regional or county planning boards and the use of planned unit development zoning as a flexible land use tool for guiding mixed use community development. Senator McGee has also introduced a variety of legislative initiatives designed to boost economic development and enhance service delivery programs in rural areas throughout New York State.




MICHAEL J. KRASNER DISTINGUISHED LEADERSHIP: PROFESSIONAL PLANNER

Eric W. Gillert, AICP, Planning Director, Town Of Amherst Planning Department

Mr. Gillert's professional career as a planner, role as an instructor at SUNY Buffalo, and service to the American Planning Association exemplify the high standards set by Mike Krasner. Mr. Gillert has over 40 years of distinguished planning practice in both the public and private sectors. During his 26 year tenure with the Dutchess County Planning Department, he rose from Planning Intern to the Assistant Commissioner of Planning where he was responsible for a number of county wide planning initiatives that received statewide recognition.

In 1991, Eric Gillert joined the Saratoga Associates as its Buffalo, New York Vice President. In 1994, he joined the URS Corporation where he served as Principal Planner and Director of Planning for their Buffalo office. In 1999, Mr. Gillert returned to the public sector as Planning Director for the Town of Amherst, a position he currently holds. Since assuming the position, he has guided the completion of the Comprehensive plan for the Town, its first in 25 years, and has spearheaded the development of new regulations based on the Plan's recommendations.

In addition to his full time professional planning responsibilities, Mr. Gillert is on the Adjunct faculty at SUNY-Buffalo and has served on a variety of community boards, his most recent being the Board of Directors of the Buffalo Olmsted Parks Conservancy. Mr. Gillert has been a member of the American Planning association since 1978 and the American Institute of Certified Planners since 1984. □



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Attorney General that even where a particular situation does not technically violate Article 18 or a local code of ethics, planners, land use lawyers and those we work with should strive to avoid even the appearance of impropriety, and when in doubt, the best course of action is to disclose and seek a legal opinion as to whether the conduct is prohibited.

Patricia Salkin is Associate Dean and Director of the Government Law Center of Albany Law School. She is the author of most recent ethics assessment commissioned by the AICP. She is a member of APA and a member of the Upstate Chapter. ☐

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