

FYI

WNY ECONOMIC & LAND
DEVELOPMENT FORUM
- PANEL SYNOPSIS 2008 -

On October 2, 2008, Jaeckle Fleischmann & Mugel, LLP and the University at Buffalo School of Architecture were pleased to present the second annual WNY Economic & Land Development Forum to a capacity crowd of local business representatives, planning professionals and municipal officials. The opening panel discussion, entitled "Growth & Development – A Regional Perspective," was moderated by Robert Shibley, Professor of Architecture and Planning, who also currently serves as the University President's Senior Advisor for Campus Planning and Design. The panel focused on the challenges and opportunities that the Western New York Region faces as we plan for future growth. This discussion provided a platform for robust break-out panel sessions moderated by Jaeckle Fleischmann Partners Steven Ricca, Dennis Harkawik and Chip Grieco concerning a host of regional planning issues. A synopsis of some of the key points raised during the opening panel discussion follows:

Growth & Development- A Regional Perspective

Moderator: **Robert G. Shibley**

Bob Shibley kicked off the forum with the following premise: "It's not a lack or failure of plans, but perhaps a lack of understanding that prevents our region from successfully collaborating on a strategic direction for development."

Mr. Shibley provided an overview of development history in Western New York, and highlighted key conclusions and recommendations from the 2006 "Framework for Regional Growth,"* a document prepared through the collaborative effort of Erie and Niagara County planning professionals, public officials and others.

For general illustrative purposes, Shibley also pointed to ten emerging "mega-regions" that are evolving in the U.S. and provided projections of what



the landscape might look like in the year 2050, marked by such features as a "Great Lakes Megalopolis" encompassing WNY, Southern Ontario and the Great Lakes.

Shibley also tracked the 50 year-old trend of suburban sprawl and the current factors that are reversing that trend in favor of "New Urbanism" concepts, and highlighted strategic investment areas in downtown Buffalo. With respect to local planning, Dennis Penman emphasized the importance of

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collaboration among organizations such as the Buffalo Niagara Enterprise and Buffalo Niagara Partnership in "connecting the dots" toward strategic investment.

He also described the difficulty from a developer's standpoint with regard to "Municipal Home Rule," which vests land use decision-making authority in small local governments, sometimes leading to the demise of important projects that could yield significant economic benefits to the Region overall. Penman emphasized the importance of harmonizing the decisions of local governments with regional planning priorities.

Bill Murray provided an excellent synopsis of efforts underway at the County level to develop policies and strategies designed to support implementation of the principles set forth in the October 2006



12 Steps for Building a Regional Community

- Challenge the Status Quo
- Forge Partnerships
- Build Scenarios
- Integrate
- Open the Process
- Use Technology
- Sustainable Vision
- Visualize the Future
- Creative Communications
- Give Back Locally
- Build in Incentives
- A Continuous Process

*12 Steps for Building a Regional Community© Ron Thomas

Framework for Regional Growth in Erie and Niagara Counties.

Observing that "promotion without product is boosterism," Brian Reilly described the City of Buffalo's ongoing emphasis on improving predictability in the project permitting and approval processes and the speed of execution on approvals.

Reilly also elaborated on a project vs. process based approach, the latter of which would involve all levels of administration convened in a

roundtable format to expedite high impact projects, with a goal of "30 days to yes" for these projects. Reilly noted that the City has identified the need for supplements and/or revisions to the City Comprehensive Plan and zoning regulations to facilitate project approvals.

The opening session culminated in a presentation by Ron Thomas, former Director of the Illinois Planning Commission, who implored forum attendees to "sell Regional Planning like you sell your products."

Thank You to Our Panelists

- *Brian Reilly*, Commissioner of Economic Development, City of Buffalo
- *Dennis M. Penman*, Executive Vice President, M.J. Peterson Development Company
- *Ronald Thomas*, Principal, Ron Thomas & Co.
- *William Murray, Esq.*, Deputy Commissioner, Planning & Environmental Compliance, County of Erie



Thomas provided a whirlwind tour of the "Common Ground" process leading to adoption of the 2040 Regional Framework Plan for the greater Chicago area, and the successful effort to integrate disparate issues, places

and people as the process unfolded. Thomas noted that creative, open communication and technology were critical to engaging the constituents and communities across six counties, 270 municipalities and

numerous civic and business organizations.

Based on responses from forum attendees, the topic of regional planning will remain a strong agenda item for future programs.



A Special Thank You to Our Panelists:

Jaeckle Fleischmann & Mugel, LLP would also like to acknowledge and thank the panelists at our breakout sessions:

Brownfields Update: NYS Brownfields Tax Credit Revisions & BOAs:

Elaine Miller, Division of Coastal Resources NYS Department of State

Mark Reid, Partner, Urban Strategies Inc.

Daniel Riker, P.G., Principal, TVGA Consultants, Inc.

Ken Swanekamp, Director of Business Assistance, County of Erie Office of Economic Development

Going Green- The LEED Certification Process:

Roxanne Button, Architectural Resources

Mark Casell, LEED AP, Ecology & Environment

Dennis Gorski, Senior VP Government Programs, HealthNow New York Inc.

Timothy Vaeth, Development Project Manager, Ciminelli Development Company

Greenway Development Update:

David Colligan, Partner, Watson Bennett

Honorable Paul Dyster, Mayor, City of Niagara Falls

Robert Kresse, Partner, Hiscock & Barclay

Hypothetical Case Study- So You Want to Relocate Your Business to WNY?:

Paul Ciminelli, President & CEO, Ciminelli Development Company

Thomas Kucharski, President & CEO, Buffalo Niagara Enterprise

Brian Sampson, Acting Regional Director, Empire State Development

Lawrence Witul, Assistant Director, Niagara County Department of Economic Development



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Charles D. Grieco is a partner in the Firm's Environmental and Economic & Land Development practice groups. He concentrates his practice in environmental litigation, environmental compliance and land use planning/environmental review. His experience in the environmental and land use areas includes environmental cost recovery litigation in both federal and state courts, as well as counseling and representing clients with respect to zoning and environmental review procedures under the State Environmental Quality Review Act and National Environmental Policy Act.



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Vince O. Hanley is a partner in the Firm's Corporate and Real Estate practice groups. He concentrates his practice in the areas of real estate, banking, litigation and environmental law. His real estate and litigation experience includes litigation concerning leases, easements, and contracts for the sale of real property, mortgage foreclosures, real property tax review proceedings, eminent domain proceedings, zoning matters, and commercial sale and lease transactions.



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Dennis P. Harkawik is a partner in the Firm's Environmental, Economic & Land Development, and International Trade practice groups. For more than 20 years, Mr. Harkawik has practiced environmental law and brings significant experience in complex environmental matters including permitting and enforcement proceedings before federal, state and local regulatory agencies and courts. He has successfully represented clients in Superfund litigation in federal and state courts and obtained necessary permits and approvals for controversial large solid and hazardous waste management facilities, public utility and energy projects, industrial facilities and commercial developments.



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Michael A. Piette is a partner in the Firm's Corporate and Real Estate practice groups. He concentrates his practice in commercial real estate, including transactions involving the acquisition, financing, development, leasing and exchange of commercial real estate. Mr. Piette has counseled lending institutions and commercial owners in sophisticated forms of financing. His practice also involves environmental and land use regulation matters, including freshwater wetlands issues.



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Jean C. Powers is a partner in the Firm's Real Estate and Economic & Land practice groups. She concentrates her practice in commercial real estate, including transactions involving the acquisition, financing, development, leasing and exchange of commercial real estate. A major portion of her practice is devoted to representing a developer of office complexes and industrial facilities



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Raymond P. Reichert is a partner in the Firm's Tax and Economic & Land Development practice groups. He has devoted substantially his entire career to the practice of tax law with a primary focus on partnership and LLC taxation, including syndication of housing tax credits and historic tax credits. He also represents publicly traded Real Estate Investment Trusts in equity financing and investment transactions utilizing LLCs. He is currently an adjunct instructor for Partnership Tax at SUNY Buffalo School of Law.



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Steven J. Ricca is a partner in the Firm's Environmental and Economic & Land Development practice groups. His practice focuses on land use planning and environmental review procedures under the State Environmental Quality Review Act and National Environmental Policy Act. His practice has also included environmental litigation in state and federal courts as well as regulatory compliance and enforcement matters. He routinely coordinates the preparation of complex environmental impact statements and has appeared in numerous public hearings on land development projects. Mr. Ricca has also successfully defended and opposed industrial and commercial projects for clients in the public and private sectors, and has extensive experience with regulatory compliance matters affecting the petroleum industry, including the development and implementation of complex permitting strategies under the Clean Air Act Amendments of 1990.