



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

January 16, 2014

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Erie County Sewer District No. 2  
Town of Evans  
National Grid Electric Company  
SBL#: 235.05-1-15, 235.05-1-10, 220.00-1-21**

Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to a utility easement to be granted to National Grid for the Lake Shore Shoreline Trail Multi-Use Pathway Phase 2 in Erie County Sewer District No. 2.

Should your honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/EP/vb  
Enclosure

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 2  
Town of Evans – SBL#: 235.05-1-15, 235.05-1-10, 220.00-1-21  
National Grid Utility Easement  
**Date:** January 16, 2014

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### **SUMMARY**

Your honorable body is requested to approve a utility easement and allow for the easement to be executed by the County Executive on behalf of Erie County Sewer District No. 2. The Advisory Review Committee and Division of Sewerage Management's recommendation and suggested resolution for approval and execution of the utility easement are enclosed.

### **FISCAL IMPLICATIONS**

There are no fiscal implications to the County's General Fund resulting from this action.

### **REASONS FOR RECOMMENDATION**

The easement must be granted to enable National Grid to relocate utility poles that must be moved as part of the Lake Shore Shoreline Trail Multi-Use Pathway Phase 2.

### **BACKGROUND INFORMATION**

The County of Erie is planning on constructing the Lake Shore Shoreline Trail Multi-Use Pathway Phase 2 to facilitate this construction. National Grid has to relocate several utility poles onto E.C./ECSD No. 2 property and as such, National Grid is requiring that the County grant access through a utility easement.

### **CONSEQUENCES OF NEGATIVE ACTION**

There will be unnecessary delays in the construction of the Lakeshore Trail Multi-Use Pathway Phase 2.

### **STEPS FOLLOWING APPROVAL**

The easement will be executed by the County Executive.

JAC:vb

Encl.

cc: M. Whyte/Dearing/DEP  
J. Fiegl/0.11.0LegLtr.  
J. Carr/E. Paolini/2.3.3.79D(w/encl.)

A RESOLUTION SUBMITTED BY  
Department of Environment and Planning

**RE: Erie County Sewer District (ECSD) No. 2  
Town of Evans SBL#: 235.05-1-15, 235.05-1-10, 220.00-1-21  
National Grid Electric Company  
Utility Easement**

**WHEREAS**, Erie County is planning to construct the Lake Shore Shoreline Trail Multi-Use Pathway Phase 2 trail; and

**WHEREAS**, National Grid Electric Company in-conjunction with the Lake Shore Shoreline Multi-Use Pathway Trail Phase 2 must relocate several utility poles onto E.C./ECSD No.2's property as part of the project, and is requiring that the County grant National Grid access through a utility easement; and

**WHEREAS**, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends that the utility easement be granted to National Grid; and

**WHEREAS**, the Erie County Advisory Review Committee has reviewed the easement request and recommends to the County Legislature and County Executive that the utility easement be granted, and the easement be executed by the County Executive, subsequent to Legislative approval, and approval as to form by the County Attorney.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the easement for access to services and relocation of utility poles be granted to National Grid; and be it further

**RESOLVED**, that the County Executive and/or the Commissioner of Environment and Planning on the County Executive's behalf is authorized to execute the utility easement with National Grid, subject to approval as to form by the County Attorney; and be it further

**RESOLVED**, that the Clerk of the Legislature be directed to send one (1) certified copy each of this Resolution to the County Executive; Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph Fiegl, P.E., Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10<sup>th</sup> Floor.

**COUNTY OF ERIE**  
**DEPARTMENT OF ENVIRONMENT AND PLANNING**

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**ERIE COUNTY LANDS ADVISORY REVIEW COMMITTEE (ARC)**  
**MEETING MINUTES - DRAFT**

Rath Building  
95 Franklin Street • Buffalo, New York 14202  
10<sup>th</sup> Floor, Room 1004  
Thursday, December 19, 2013 – 9:00 a.m.

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**Members Present:**

John Loffredo – Commissioner, Department of Public Works  
Troy Schinzel – Commissioner, Department of Parks, Recreation and Forestry  
Joe Maciejewski – Director, Real Property Tax Services

**Alternate Members Present:**

Ed Conboy – Senior Civil Engineer, Department of Public Works, Division of Highways  
Thomas J. Dearing – Deputy Commissioner, Environment and Planning  
Kristen Walder – Assistant County Attorney, Department of Law

**Staff Present:**

Rachel Chrostowski – Planner, DEP

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- A. The meeting was called to order by Dearing.
- B. Approval of meeting minutes from October 31, 2013 by Loffredo, seconded by Schinzel, and was passed.
- C. Unfinished Business

*1. Scoby Dam – DOT ROW*

Walder and Schinzel have been working on this easement for a while. In 2011, NYSDOT sent paperwork to Erie County Parks but did not receive a response. They then filed an appropriation with the Clerk and have obtained a permanent easement of approximately 1.88 acres for the inspection and maintenance of the Route 219 Bridge. The easement has already been taken, and now the County is considering agreements for just compensation for the easement. The DOT has provided their standard agreement with an appraisal value of \$4,450. The agreement will be for this amount, plus interest. Easement acreage is 1.88 acres. The easement does not prevent the County from using the road in the future, so long as we don't build a structure on that site, obstructing access.

Motion by Maciejewski that ARC feels the compensation is appropriate and recommends that the easement be granted and agreement be entered into; there is no inconsistency with any County plans. The motion was seconded by Schinzel and was passed.

**2. Right-of-way Abandonment Request – West Herr, Orchard Park**

Conboy stated that the DOT must release maintenance jurisdiction and the county must accept that jurisdiction before the property transfer can take place. West Herr has not yet made an offer for the value of the land. Maciejewski stated that a price must be negotiated and will depend on the amount of road frontage on Southwestern Boulevard.

Schinzel made a motion to deem the property surplus, and to pass this item on for further action by appropriate county departments. The motion was seconded by Loffredo and was passed.

**3. SBL #123.13-1-20 – Bailey Ave. Bridge Project – 152 Bailey Ave., Buffalo**

Dearing stated that at the October meeting, ARC requested that the City provide a design report and a formal written request. DEP recently received some of the requested information. A meeting scheduled for December 19, 2013 will be held with City and DEP staff to discuss how these plans work with County plans for this area. This item is tabled.

**D. New Business**

**1. National Grid easement requests on Lakeshore Road, Evans for pole relocation – SBLs 235.05-1-10, 220.00-1-21, 235.05-1-15**

In this area of the Town of Evans, a multi-use trail is being constructed in accordance with County Plans. National Grid has requested easements from Erie County to relocate the poles to lands that are currently used by the Erie County Division of Sewerage Management. This is fully consistent with the County's plans.

Maciejewski made a motion to approve the granting of the easement and directs DSM to proceed through necessary procedures to execute easement. The motion was seconded by Loffredo and was passed.

**E. Old Business**

**1. Discussion of Encroachments Process and Farm Leases on County Lands**

DEP is working to acquire an intern who may be able to work on this project. This item is tabled.

**2. Town of Newstead Request to purchase county property at Akron Falls Park**

The parkland alienation process is underway and progressing as it should be. In January, the State Legislature is scheduled to pass a resolution allowing the transfer to occur. ARC will need to pass a resolution accepting the transfer and saying the park preservation law has been complied with. This item is tabled.

**3. SBL #65.12-1-1 – Town of Tonawanda – 303 Woodward – Excelsior Steel Ball**

This 2.2-acre site may be ideal for the land bank; we will wait to release RFP. This item is tabled.

Motion to adjourn was made by Loffredo and seconded by Schinzel. Motion passed and meeting was adjourned.

**Next ARC Meeting:**

Thursday, February 27, 2014 – 9 am  
Room 1004, 10th Floor of the Rath Building  
95 Franklin Street, Buffalo, New York 14202