

TOWN OF CONCORD PLANNING BOARD
Town Hall

August 3, 2021
7:00 p.m.

ITEM # 1:

The meeting was called to order by Planning Board Chairman Karl R. Lux, at 7 p.m.

ITEM #2: Roll Call

Present:

Karl R. Lux, Chairman
James Jozwiak
Julie Zybert
Joseph Edbauer
Raymond Hilliker
Michael Cochran
Stephanie Bacon, Secretary

Also Present:

Clyde M. Drake, Supervisor
Ashley Smith, GObike Buffalo
Paul Cramer, Erie-Cattaraugus Rail Trail
Rick LeFeber, Cattaraugus LDC
Barbara O'Brien
Harry Scull, Jr.
Nick Liberto
Vivian Liberto
Karen Oesterle
Not Present:
Bruce Luno

ITEM #3: Citizen Participation

a) Ashley Smith-Deputy, Director/GObike Buffalo

Ms. Smith shared a presentation with the members on the Erie-Cattaraugus Rail Trail and Southern Tier Trail Project. GObike and the Erie-Cattaraugus Rail Trail produced preliminary design materials for segments of the Southern Tier Trail in the Town of Concord utilizing the former Buffalo & Pittsburgh RR corridor railbanked and leased by Erie-Cattaraugus Rail Trail, Inc. Paul Cramer introduced Rick LeFeber, President of the Cattaraugus Local Development Corporation. He also explained that Erie-Cattaraugus Rail Trail was selected as the trail sponsor for the trail along the Buffalo & Pittsburgh rail corridor. It was railbanked in 2018, which is a federal program that puts the property in a trust for preservation for future reactivation. The corridor must be able to be put back into rail service. Ms. Smith next presented the Executive Summary of the proposed Southern Tier Trail Route.

Chairman Lux asked Ms. Smith how she sees the Town of Concord being involved with the project in the future. Ms. Smith said that this is why it is important to have ECRT, a 501(c)(3) organization, be involved. They can bring in the funding through grants to assist with maintenance, etc. It can be up to the Town how much they would like to be involved.

Planning Board member, James Jozwiak asked if GoBike works directly with the snowmobile clubs for the maintenance they provide. Ms. Smith said that is more a question for ECRT. Paul Cramer said that in the areas where the snowmobile clubs are granted use of the trails, ECRT has an agreement that the club will contribute with maintenance. Rick LeFeber added that for the Pat McGee Trail, the Cattaraugus Local Development Corporation, volunteers, the snowmobile association, and the neighboring landowners all contribute to maintaining the trail and they have not had to depend on the municipalities at all.

Planning Board member, Julie Zybert asked if the rail trail program is like a park that is opened dawn to dusk or is it open 24 hours. Mr. LeFeber said that he set the Pat McGee trail up to be open 24/7 and put his phone number on the signs at all trail heads and has had very few issues. Chairman Lux asked Mr. LeFeber if there are any issues with hunting on the trail. Mr. LeFeber said that once the trail is built, it can be regulated. Until then, the rail trail is being utilized but not regulated.

Planning Board member, Joseph Edbauer asked what Mr. LeFeber expected to happen to the Pat McGee Trail once he was not around to oversee it. Mr. LeFeber said that New York State took over the trail and made it part of Allegany State Park. He sees this as being the future once the rail trails are up and running and can prove to be viable. Supervisor Drake asked what would be done about bathrooms on the trail. Mr. LeFeber responded that he has never had any on his trail because he felt they would be abused. That would be a judgement call for ECRT. Port-o-potties could be used or bathroom facilities could be installed near trail heads. He finds that people usually use bathroom facilities at local businesses, bringing in business. Ms. Smith said that at significant attractions on the trail, there are plans for bathrooms at the trail heads.

Supervisor Drake asked Mr. LeFeber if there are any fences on the Pat McGee Trail or issues with trespassers. Mr. LeFeber said that there are no fences and there has been no serious issues with trespassers. There were also no requests for fences by neighboring landowners. Mr. Drake said that there have already been thefts reported. Mr. LeFeber said that the only thefts on his trail that he's aware of has been of the trail signs. Paul Cramer added that the ECRT is unique because the railroad ties have already been removed, so you are left with an unmanaged trail. ECRT is trying to remedy that.

Supervisor Drake said that two years ago, Bill Krebs, the Springville Mayor, and Deborah Fenn (President of ECRT) came to his office. He asked them for two things: a copy of the lease and to work with the people along the trail. He has not yet gotten a copy of the lease and has been told it can't be furnished. Paul Cramer said that they have a memorandum of lease from the railroad that they could show him. He said that is not their policy, but the policy of the railroad, so they must respect their rights as a private entity. Mr. Cramer said that he will email it to Mr. Drake.

Supervisor Drake then stated that while ECRT said they would work with the people along the trail, one of the residents along the trail received a letter from ECRT that states that they and their household are banned from the rail. If they are caught on the rail, they will be charged with trespassing to the fullest extent of the law. Mr. Drake would not call that trying to work with people. Mr. Cramer asked Mr. Drake to read the rest of the letter. Supervisor Drake then read a statement that the ECRT wishes the resident no ill will and will review the matter annually. Supervisor Drake said that this is a woman who came to him this week and said all she wants is a fence and nobody is

willing to listen. Mr. Cramer said that at the advice of their counsel, he will not defame anyone at a public meeting. He can say that those decisions are not made arbitrarily and capriciously. There is a long history with this individual. He then gave examples of reasons someone would be banned from the trail. They do not attack people who don't agree with the trail but must protect themselves when they are being threatened with lawsuits. Mr. LeFeber reminded that the trail is private property that is open to the public and there are many legitimate reasons that someone may be restricted from entering the property. Chairman Lux asked to clarify; if someone needed to cross the property (trail) for ingress and egress, ECRT could not stop them from crossing. Mr. LeFeber said that is a legitimate concern and is addressed. The easement agreement between the landowner and the railroad is honored.

Chairman Lux thanked the presenters for their time and presentation.

ITEM #4: Comments from Liaison Supervisor Drake

Supervisor Drake got a call from the East Concord Fire Chief. They are interested in putting house numbers on signs. The firemen worry that in the dark they will not be able to find the houses they are looking for. Planning Board member, Jim Jozwiak said that as a Springville fireman, they are very helpful. When it is dark or snowing and a number is not visible, it is hard to find what house you are looking for. Supervisor Drake said they will move forward with that.

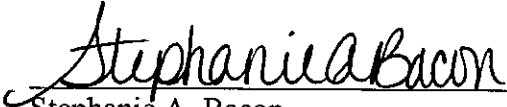
ITEMS #5: Approval of Minutes

a) July 6, 2021 – J. Jozwiak made the motion, seconded by M. Cochran, to approve the Minutes as presented. All in favor. Carried.

ITEM #6: Business from the Members

ITEM #7: Motion of Adjourn

J. Zybert made the motion, seconded by J. Edbauer, to adjourn the meeting at approximately 7:50 p.m. All in favor. Carried. The next meeting is September 7th.


Stephanie A. Bacon
Planning Board Secretary

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