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ERIE COUNTY

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Land locked

County tracts set aside for future parks are at the center of a controversy brewing over use of open space and abuse of neighboring property

By MICHAEL LEVY
Special to The News
3/30/2002

Bikers, hikers, picnickers and cross-country skiers take note: You could be trespassing, and Erie County isn't going to take it anymore.

The county decades ago acquired and set aside more than 2,500 acres for use as future parks. Still not official parks, the tracts dot the region in several towns.

But a fight is brewing between residents who say they have a right to use the taxpayer-owned open space and neighbors whose property abuts the land. Now, County Executive Joel A. Giambra's administration has been brought into the dispute, and it says there are too many abuses of the land - and serious safety issues - to allow random use.

The tracts are posted as off-limits, but over the years county parks commissioners have allowed various improvements, such as cross-country ski trails and hiking trails. That's caused some confusion as to the land's availability for public use.

With a \$400,000 study in the works to determine a master plan for the whole parks system, it is expected that there will soon be proposals for official use of the banked parks.

But with the use of the land over the years has come abuse, according to some neighbors.



ROBERT KIRKHAM/Buffalo News
Robert M. Cluckey takes a break with his dog, Tilley, while hiking along Hunters Creek in Wales.

Undeveloped parkland

Erie County is studying how to use these tracts of land, which are currently posted as off-limits but are rarely policed:

- 1 Beeman Creek, Clarence. 391 acres
- 2 Hunters Creek, Wales. 759 acres
- 3 Eighteen Mile Creek, Hamburg. 464 acres
- 4 Franklin Gull, Eden. 637 acres
- 5 Boston Forrest, Boston. 477 acres



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Nearby residents complain because visitors have invaded their property and assaulted their peace with revving engines, loud music and drinking parties - activities that would be banned had these been county parks and policed the way Emery, Chestnut Ridge or Como parks are.

Larry and Ginger Keem, whose property is near one of the tracts - Hunters Creek in the Town of Wales - said cyclists regularly trespass on their 100-acre farm. Last month, they asked the Town Board for help in dealing with trespassers.

"Last summer we were having a barbecue in our woods and six guys in Spandex came riding through. Normally, I don't mind seeing guys in tight Spandex, but these guys cussed us out for being on said parkland," Ginger Keem said at a recent meeting of the Friends of Hunters Creek.

Cyclists have ridden through crop fields, routinely ignored the Keems' posted signs - and worse, cut one trail near an abandoned well that has no cover.

"We have those same problems in the established parks, too," said Legislator Dale Larson, R-Lancaster, whose district encompasses Como Park and Hunters Creek, two areas in question. "However, everyone knows they are open only dawn to dusk."

The land banked for parks includes Hunters Creek, 759 acres; Franklin Gulf, in North Collins and Eden, 637 acres; Boston Forest, 477 acres; Eighteen-Mile Creek, Hamburg, 464 acres; Beeman Creek, Clarence, 391 acres.

Shortly after the parks land became county property more than 35 years ago, the Foothills Trail Club got permission to put its conservation trail through Hunters Creek. Permission was granted by the superintendent of Emery Park, who then had jurisdiction over Hunters Creek.

Then, in the mid-1970s, county summer employees laid a cross-country ski trail in the park and put up signs locating it.

Soon, off-road bicyclists were using Hunters Creek trails and its hiking trails, which are touted in the book "50 Hikes in Western New York."

But Mark Hittle, of the Foothills Trail Club, said the use of land is a common occurrence. Some of the land is part of an extensive regional system of 700 miles of trails across New York State, including the part maintained by Foothills Trail Club.

"This is not the first time that permission for sections of the Finger Lakes Trail System have been lost to us due to people who mistakenly think that free access to the trail implies any use they want - regardless of what the landowner thinks.

"Abuses by ATVs, hunters, dope smokers, garden variety vandals and litterbugs have all caused loss of permission in the past and will do so again," Hittle said.

"Mountain bikers, horse riders, snowmobilers, hikers, cross-country skiers, etc., all agree that ATVs and four-wheelers should be prohibited," he added.

It is those activities that concern park neighbors, keep them up at night and force the county to act, mostly in the form of giving parking tickets.

But that has also led to tickets being issued to the people who use the very trails

set up by the county.

"The 'posted' signs go up every fall, because of the hunting season," said hiker and snowshoer Robert Cluckey. "I figured that's what they meant. They were usually faded and gone by spring."

Cluckey, a school administrator, was putting away his snowshoes and preparing to drive home one afternoon recently when a deputy pulled in and advised him of the new parking ticket order. Dozens of others have received \$25 parking tickets, and some are appealing them in Wales Town Court.

Study may point the way

County Parks Commissioner Lawrence D. Jasinski promised that this new county study will provide a working plan for the land banks.

The previous plans, after studies in 1975 and 1988, came to the conclusion that the land-banked properties should some day be developed for "passive recreation," said Michael Krasner of the county's Office of Environment and Planning.

"Passive recreation usually means hiking, snowshoeing, nature study and fishing," Krasner said. "Active means playing fields, picnic shelters, hunting, and motorized vehicles, like snowmobiles and ATVs.

"But since those definitions were generally accepted, new forms of outdoor recreation have developed: Who knew about in-line skates or snowboarding in 1988? Who would have dreamt that people riding bikes through the woods would try to emulate the stuff they see on TV ads?"

Jasinski inherited the problem just as it was coming to a head. He is the first commissioner in years to visit the properties and meet with interested parties concerning their use.

His message is: We can work this out. Let's just wait for the new master plan.

In fact, a 1988 master plan was never adopted by the Legislature. Even if a new one is accepted, the Legislature may not vote any capital spending to, for example, fence the perimeters of all these future parks the way the county's developed parks are delineated.

Conflicting messages

It is Hunters Creek where the issue seems hottest: There, the county's on-again, off-again policies have encouraged use by hikers, cross-country skiers and mountain bikers that now cause problems for some park neighbors.

Tom and Linda Caley, in particular, have been so persistent about the unofficial "parking lot" across the street from their home that Jasinski has asked the sheriff's patrol to ticket cars there.

That has caused many middle-aged hikers to get \$25 parking tickets, but has done little to curb the partying - or the four-wheelers who regularly tear out a barrier meant to deny access to the Tennessee Gas pipeline path, which crosses Hunters Creek.

"All those land banks were posted - from Day One," Jasinski said.

But the Friends of Hunters Creek, a loose-knit group of outdoors enthusiasts, says the only place enforcement is taking place is the parking lot across from the Caleys' home. The prior use with the county's tacit permission, members say, ought to keep that park open to a variety of uses.

Some groups reach out

Meanwhile, some uses of the land seem to be "more equal" than others. For example, previous parks commissioners signed a contract with the Western New York Snowmobile Association to develop and maintain trails inside Boston Forest and the Erie County Forest in the Town of Concord.

"They use their allocated state funds to build and maintain trails, they are self-insured and self-policing," Jasinski said. "Show me a similar organization, and I'll talk with them."

The Friends of Hunters Creek group says it is ready to help at that park, marking and maintaining trails. And, says Sundquist, the Western New York Mountain Bike Association wants multiuse trails there and is willing to spearhead the work.

At a recent Friends meeting, Sundquist declared that "doing nothing about the park use was doing something. It has consequences. By not allowing us to make maps and encourage respectful land use, we are seeing abuse."

Peter Tarnawskij, a member of the Western New York Horsemen's Association and a nearby park neighbor, said his group, too, has been working on trails. And he said: "This administration is the first one that is trying to do something (with the land bank parks).

"But now that (the county) is locked into the planning process there is not a lot anyone can do until that is finished."

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