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LAND USE

In a sign of the times, 'posting' raises concerns



By MICHAEL LEVY
2/24/2002

As the city has spread ever farther afield, our farms and forests have become sectioned off into "five acres of paradise" with posted signs blossoming along most roadsides within 30 miles of downtown.

But why is county-owned land earmarked for future parks being posted against all use?

Littering, uninvited hunters and noisy beer parties have caused many private landowners to post their property - to put them off limits without permission - but no one seems to know why Erie County has posted its undeveloped parklands for a generation or more. Parks commissioner Lawrence Jasinski says he "inherited" the practice and is just enforcing what he is bound to do under county guidelines.

Recently the Parks Department slapped up signs on utility poles along North Creek Road in Boston, along the future 18 Mile Creek Park. They are high enough that they have not been torn down yet, but their appearance surprised people who have used the access point near Route 20 for years. The posting drew comment from the Erie County Federation of Sportsmens Clubs, the county Fisheries Advisory Board and readers who tell me the area was never posted.

"That's because they never saw the signs before," said Jasinski. "This administration inherited all the rules and this is the first administration to try to do something about it" with a new master plan that is supposed to address the access issue. "Why am I getting all this heat now that we are trying to address a long-standing practice?"

Jasinski said he has asked the county law department to tell him why land-banked "future parks" have to be posted. As of last Wednesday he had not had an answer.

Besides Eighteen Mile Creek in Hamburg, Hunters Creek in Holland, Boston Hills and Franklin Gulf are also posted against all forms of trespass. All have heavy use from hikers, birders and in some cases mountain bikers. The times I have been in Hunters Creek Park I saw no signs. That's proof, Jasinski says, that they were ripped down almost as soon as they were posted.

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The Giambra administration has hired the Parsons Team and Wendel Duscherer to conduct studies, create a database, make maps and develop a "vision" and "goals" as well as an updated parks master plan. Their brief is to review and update existing plans, consider a new "waterfront element," look for "regional parks consolidation opportunities" and develop a "consultant partnership."

I won't dazzle you with the verbiage about "visioning sessions" and "strategic planning session to strategize the county's vision and mission." The cost of the study has been estimated at \$250,000.

Jasinski spent an evening with the Fisheries Advisory Board last week to explain all this and said that in a year or so this should be pretty much settled.

Since the parks department never enforces posting - how many readers have hiked or mountain biked in Hunters Creek never knowing it was posted? - the posting issue might be moot except for those of us who obey the Conservation law, to say nothing of the criminal code against unlawful trespass.

"The fact is that the standard posting sign need not be used," said Capt. Gary Bobseine, regional head of the Department of Environmental Conservation's law enforcement arm. "You could post your land banning hunting, say, or motor vehicles, you don't have to ban all uses.

"Posting is the most common question we get, both from landowners, hunters and fishermen," Bobseine added, "and if a property is posted correctly - on each corner, and along the property lines no less than every 660 feet, with the name and phone number of the landowner or a lessee - it is posted for one year even if the signs are torn down."

I cannot tell you how many landowners have told me they have "regretfully" posted their land due to slobos or simply strangers who never asked permission, wandering through their woods. I can also point to some landowners who post their land only because they want folks who hunt there to ask permission first.

"That's why we always tell people to try to seek out the landowner and ask permission whether there are signs up or not," Bobseine said.

Some people find it galling that the county has land that it knows gets used and posts it against all trespass anyway. Especially since the fishing in Eighteen Mile Creek has been so good.

Jasinski said that next year he hopes to have that problem cleared up, at least for Eighteen Mile Creek.

And he said that Parsons will hold public hearings. If you care about this, plan on attending as soon as the dates are announced.

But even the best intentions can go awry.

For example, the new Scobey Dam Park near Springville was supposed to offer fishermen access to a really good area, the "last impassable barrier" for Lake Erie salmonids. The old fencing was torn enough so one could scramble down to the creek without having to slide down a sheer cliff.

But now it is a park - with new signs with the names of County Executive Giambra and Parks Commissioner Jasinski easily readable behind a new, locked

7-foot barrier fence that makes access impossible for those who are not suppose young athletes.

"That is supposed to be unlocked at dawn and locked again at dusk," Jasinski said. "I'm glad you told me it was locked (at noon Wednesday) because someone didn't do his job. I'll see to it that it gets opened and shut at the right times."

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