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# **GENESEE COUNTY SMART GROWTH PLAN**

## **2013 REVIEW REPORT**

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**PREPARED FOR THE**  
**DRAFT**  
**GENESEE COUNTY LEGISLATURE**

by

Genesee County Department of Planning  
County Building II  
3837 West Main Street Road  
Batavia, NY 14020



\*Please Note: **Bolded Text is new language since the 2010 Review**

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## TABLE OF CONTENTS

<b>THREE-YEAR REVIEW EXECUTIVE SUMMARY .....</b>	<b>1</b>
MAP 1: CURRENT DEVELOPMENT AREAS .....	2
MAP 1.1: RECOMMENDED DEVELOPMENT AREAS.....	4
<b>OBJECTIVES AND USES OF THE SMART GROWTH PLAN.....</b>	<b>5</b>
<b>DESIGNATION OF DEVELOPMENT AREAS.....</b>	<b>7</b>
PRIORITY DEVELOPMENT AREAS .....	7
RESERVED DEVELOPMENT AREAS .....	8
<b>METHODOLOGY FOR DELINEATING THE BOUNDARIES OF PRIORITY DEVELOPMENT AREAS.....</b>	<b>9</b>
LAND IN COUNTY AGRICULTURAL DISTRICTS .....	9
NYS REGULATED WETLANDS AND FLOOD HAZARD AREAS .....	9
LOCAL ZONING AND COMPREHENSIVE PLANS .....	10
SEWER AND WATER SERVICE AREAS.....	10
<b>CERTIFICATION OF RESERVED DEVELOPMENT AREAS .....</b>	<b>11</b>
<b>POLICIES AND PROCEDURES FOR MANAGING HOOKUPS INTO THE COUNTY WATER SYSTEM .....</b>	<b>13</b>
CRITERIA FOR APPROVING WATER HOOKUPS .....	13
WITHIN DESIGNATED PRIORITY DEVELOPMENT AREAS OR IN CERTIFIED RESERVED DEVELOPMENT AREAS .....	13



OUTSIDE DESIGNATED PRIORITY DEVELOPMENT AREAS OR IN NON-CERTIFIED RESERVED DEVELOPMENT AREAS .....	13
PROCEDURES FOR APPROVING HOOKUPS .....	14
<b>PROCEDURES FOR ADOPTION OF AMENDMENTS TO THE SMART GROWTH PLAN.....</b>	<b>16</b>
<b>REFERENCE MATERIALS AND RECOMMENDATIONS.....</b>	<b>17</b>
PROMOTE FARMLAND PROTECTION OUTSIDE OF SMART GROWTH AREAS .....	17
COORDINATE WITH AGRICULTURAL DISTRICT PROGRAM.....	17
COORDINATE WITH AGRICULTURAL AND FARMLAND PROTECTION PLAN.....	17
ENCOURAGE CONSERVATION OF HIGH QUALITY FARMLAND THROUGH CONSERVATION EASEMENTS .....	18
ZONING TECHNIQUES .....	18
AGRICULTURAL PROTECTION ZONING .....	18
DENSITY AVERAGING (CLUSTERING).....	19
INCENTIVE ZONING.....	20
TRANSFER OF DEVELOPMENT RIGHTS .....	20
<b>FORM-BASED CODES .....</b>	<b>21</b>
<b>PLANNED UNIT DEVELOPMENT (PUD) .....</b>	<b>22</b>
PROMOTE REVITALIZATION OF CITY AND VILLAGE INDUSTRIAL AREAS, BUSINESS DISTRICTS AND RESIDENTIAL NEIGHBORHOODS.....	23
SUPPORT THE USE OF STATE-RECOGNIZED NEW YORK STATE SMART GROWTH PRINCIPLES WHERE APPROPRIATE:.....	23





ENCOURAGE RE-DEVELOPMENT AND RE-USE OF INDUSTRIAL SITES AND BUILDINGS IN AREAS WITH ACCESS TO INFRASTRUCTURE.....	23
REVITALIZE EXISTING CITY AND VILLAGE BUSINESS DISTRICTS .....	24
ENCOURAGE IMPROVEMENTS TO RESIDENTIAL NEIGHBORHOODS WITHIN THE CITY AND VILLAGES .....	25
ENCOURAGE LOCAL ZONING REGULATIONS TO BE CONSISTENT WITH THE SMART GROWTH PLAN .....	26
ENCOURAGE LOCAL AND STATE INFRASTRUCTURE INVESTMENTS TO BE CONSISTENT WITH THE SMART GROWTH PLAN .....	26
STATE AND FEDERAL GRANTS.....	26

## **APPENDIX - NARRATIVE DESCRIPTION & MAPS OF DEVELOPMENT AREAS BY MUNICIPALITY..... 1**

TOWN OF ALABAMA.....	1
<b>2013 UPDATE COMMENTS</b> .....	1
<b>MAP 2: TOWN OF ALABAMA PROPOSED CHANGES</b> .....	3
<b>MAP 2.1: HAMLET OF ALABAMA PROPOSED CHANGES</b> .....	4
<b>MAP 2.2: HAMLET OF BASOM PROPOSED CHANGES</b> .....	5
<b>MAP 2.3: HAMLET OF SOUTH ALABAMA PROPOSED CHANGES</b> .....	6
<b>MAP 3: TOWN OF ALABAMA RECOMMENDED CHANGES</b> .....	7
<b>MAP 3.1: HAMLET OF ALABAMA RECOMMENDED CHANGES</b> .....	8
<b>MAP 3.2: HAMLET OF BASOM RECOMMENDED CHANGES</b> .....	9
<b>MAP 3.3: HAMLET OF SOUTH ALABAMA RECOMMENDED CHANGES</b> .....	10



TOWN AND VILLAGE OF ALEXANDER .....	11
<b>2013 UPDATE COMMENTS</b> .....	11
CITY OF BATAVIA .....	11
<b>2013 UPDATE COMMENTS</b> .....	11
TOWN OF BATAVIA .....	12
<b>2013 UPDATE COMMENTS</b> .....	12
<b>MAP 4: TOWN OF BATAVIA PROPOSED CHANGES</b> .....	15
<b>MAP 5: TOWN OF BATAVIA RECOMMENDED CHANGES</b> .....	16
TOWN AND VILLAGE OF BERGEN .....	17
<b>2013 UPDATE COMMENTS</b> .....	17
TOWN OF BETHANY .....	17
<b>2013 UPDATE COMMENTS</b> .....	17
TOWN OF BYRON .....	17
<b>2013 UPDATE COMMENTS</b> .....	18
TOWN OF DARIEN .....	18
<b>2013 UPDATE COMMENTS</b> .....	18
<b>MAP 6: TOWN OF DARIEN PROPOSED CHANGES</b> .....	20
<b>MAP 7: TOWN OF DARIEN RECOMMENDED CHANGES</b> .....	21
TOWN AND VILLAGE OF ELBA .....	23
<b>2013 UPDATE COMMENTS</b> .....	23



TOWN AND VILLAGE OF LeROY .....	23
<b>2013 UPDATE COMMENTS</b> .....	23
<b>MAP 8: TOWN OF LeROY PROPOSED CHANGES</b> .....	25
TOWN AND VILLAGE OF OAKFIELD .....	26
<b>2013 UPDATE COMMENTS</b> .....	26
TOWN OF PAVILION.....	27
<b>2013 UPDATE COMMENTS</b> .....	27
TOWN OF PEMBROKE .....	27
<b>2013 UPDATE COMMENTS</b> .....	27
TOWN OF STAFFORD.....	28
<b>2013 UPDATE COMMENTS</b> .....	28

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## THREE-YEAR REVIEW EXECUTIVE SUMMARY

This report is presented in accordance with the Genesee County Smart Growth Plan adopted by the Genesee County Legislature on May 9, 2001. The Plan originally required that it be reviewed every two years by the Legislature and that recommendations for its revision be made at that time. In 2007, this review period was increased to three years. This is the second three-year review report. The previous two-year review period was extended as part of the 2005 review. The Plan is a mitigating action of potential significant environmental impacts of the Genesee County Water Supply Project upon the viability of agriculture in Genesee County.

Phase I of the County Water Supply project has been completed and work has begun on specific projects outlined in Phase II. Although not financed through the County, these projects have been funded directly by the towns using water supplied by the County's Water System. Preliminary work on Phase IIa has also begun in response for the need for additional water in the County. Map 1 below shows the Smart Growth Development Areas prior to the revisions recommended in this report and the existing waterlines.

The majority of water hookups that have been made to the system have occurred mainly along major state highways and county highways. Although some have been made in agricultural production areas, they have complied with the Smart Growth Plan's objectives by hooking up only existing structures to public water. The majority of the hookups made were located within the Smart Growth Development Areas designated by the Legislature. Almost all of these hookups also complied with Article 25-AA of NYS Agriculture and Markets Law regulating the provision of public water in NYS Certified Agricultural Districts.

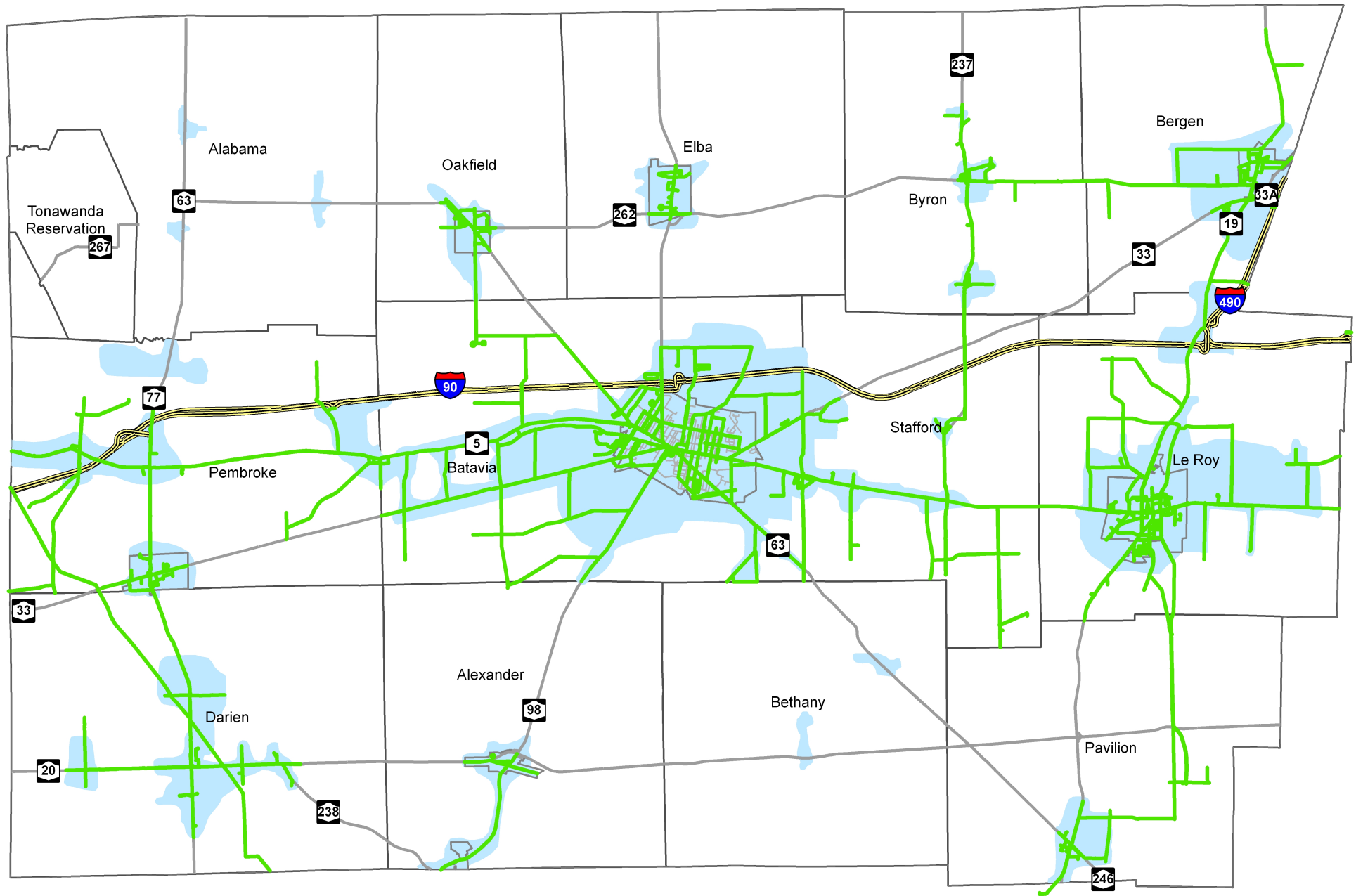
Since 2010, there have been seven additional requests for hookups outside of the Development Areas to structures built after the adoption of the Smart Growth Plan. This brings the total number of these special requests to thirty-eight. The Administrative Review Committee approved seven after careful consideration was given to their potential adverse impacts upon agriculture and farming in the area. No hookup requests were denied since 2010.

Given that a significant amount of planning has taken place at the County and local level since the adoption of the Smart Growth Plan in 2001, it is important to re-evaluate the plan to ensure that the needs and desires of communities with regard to the manner and location of future development are met. In order to accomplish this task, it is recommended that a second classification of development area be added that will be in keeping with the principles of Smart Growth and the original intent of the Smart Growth Plan. Existing development areas would be renamed Priority Development Areas and a new type of development area called Reserved Development Areas would be created. This new type of development area would function similarly to the existing development areas, but would need to be certified as meeting additional criteria before water hookups are allowed per right. This secondary classification would ensure that specific areas identified and sufficiently studied by the local municipalities for near future development can hook into the County Water System without the need to analyze the Smart Growth Plan.



# Map 1 Current Development Areas

## Genesee County Smart Growth Plan 2013 Review Report DRAFT



- Water Lines
- Priority Development Areas



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**This restructured development area classification system would maintain the intent of the original Smart Growth Plan and allow for the continued historical development pattern of a prospering County.**

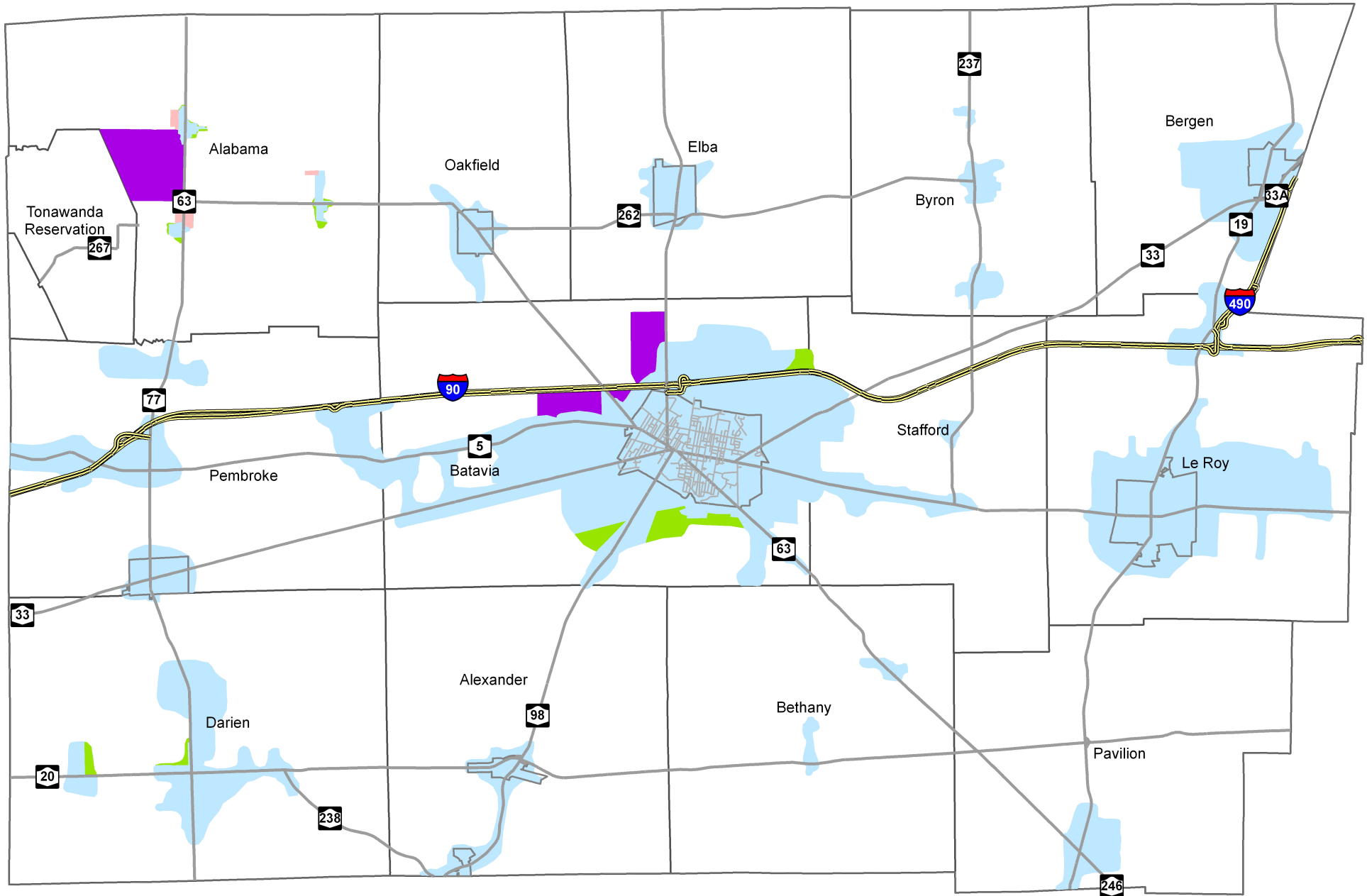
**As a result of this review, and based upon existing comprehensive plans, local planning initiatives, comments received during the public review process, and the results from NYS Agricultural District reviews it is recommended that the boundaries of the development areas be amended to include Reserved Development Areas in one location in the Town of Alabama and two locations in the Town of Batavia. It is also recommended that Priority Development Areas be adjusted in the hamlets of the Town of Alabama by adding and removing lands, and in the Towns of Batavia, Darien and Stafford by removing lands. No other changes are recommended in the development areas of the other municipalities in Genesee County (see Map 1.1 below).**

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# Map 1.1 Recommended Development Areas

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- |  |                                     |   |  |
|--|-------------------------------------|---|--|
|  | Recommended Priority Area Expansion |  | Recommended Reserved Development Areas |
|  | Recommended Deletions               |  | Priority Development Areas             |



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## **OBJECTIVES AND USES OF THE SMART GROWTH PLAN**

The Genesee County Smart Growth Plan was prepared by the Water Resources Agency on behalf of the County Legislature, in conjunction with a plan to extend water service in Genesee County.

The purpose of the plan is to minimize the impacts from additional growth and development that would otherwise occur as a result of the extension of water service. The County Legislature committed to preparing the Smart Growth Plan as a mitigating action identified in the Environmental Impact Statement prepared for the extension of water service.

The objectives of the Smart Growth Plan are to:

- Focus County resources to support economic development opportunities in the most promising locations;
- Encourage the revitalization of existing industrial areas, business districts, and residential neighborhoods in the City of Batavia and developed village areas; and
- Protect farmland and the rural character of the countryside, and maintain the viability of agriculture.

These objectives are consistent with the general principles of Smart Growth:

- Promote the efficient use of land resources and infrastructure
- Maximize the benefit of existing infrastructure
- Promote economic development in appropriate areas
- Encourage revitalization within the City of Batavia, villages and other developed areas, focusing on residential neighborhoods, downtown redevelopment, and re-use of environmentally damaged lands
- Protect prime agricultural soils and other natural resources and encourage the continued viability of agriculture

Genesee County has identified the most promising and appropriate locations for new economic development opportunities. These areas include land in and around the City of Batavia, as well as land surrounding the airport and the interchanges to the NYS Thruway. Water service extensions were designed to provide service to these areas, as well as to other developed areas in Genesee County.

The primary function of the Smart Growth Plan is to ensure that the extension of public water does not result in additional new development that is inconsistent with the principles of Smart Growth. The principles of Smart Growth recognized nationally include several design techniques that result in what are considered “livable communities.” The Plan includes a map designating areas within which development and re-development will be encouraged. The Plan will be used to limit





new non-agricultural hookups into the County water system for development outside of these designated areas.

In addition, the Plan includes reference materials and recommendations to help County agencies and municipalities make coordinated and informed decisions affecting land use and infrastructure.

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## DESIGNATION OF DEVELOPMENT AREAS

The Smart Growth Map delineates **Priority Development Areas and Reserved Development Areas** within Genesee County. Within **Priority Development Areas**, development and redevelopment is encouraged and the County will not restrict access to the County-funded portions of the County's water system. **Reserved Development Areas, once identified in the Smart Growth Plan, must obtain and maintain certification from the County in order for the County to not restrict access to the County-funded portions of the County's water system. Outside designated development areas or in non-certified Reserved Development Areas,** access to the County-funded portions of the County's water system will be controlled in order to discourage growth that is inconsistent with the objectives and principles of the Smart Growth Plan.

The "County-funded portions of the County's water system" include all water lines that are constructed by the County, financially subsidized by the County, or supplied with water from a source built or subsidized by the County.

### PRIORITY DEVELOPMENT AREAS

The **Priority Development Areas** include areas with significant potential for economic development, as well as areas that are already relatively densely developed with housing, commercial or industrial uses.

The **Priority Development Areas** were identified based upon the following criteria:

- Access to transportation, including the Interstate Highway System, the State highway network, and the airport;
- Feasibility of extending or enhancing public water service;
- Availability or potential for extending other public infrastructure and services to support development; and
- Minimal conflict with land in County Agricultural Districts and State regulated wetlands.

**Priority Development Areas** include:

- Land in and surrounding the City of Batavia, Village of LeRoy and Village of Bergen, and other Villages and hamlets in Genesee County;
- Interstate highway interchanges at Bergen (I-490), LeRoy (I-90/I-490), Pembroke (I-90) and Batavia (I-90); and
- Darien Lakes Resort.



## RESERVED DEVELOPMENT AREAS

**Reserved Development Areas are lands adjacent to Priority Development Areas that, at the time of the tri-annual Smart Growth Plan review, have been set aside for near future development of significant density through sufficient studies and plans by their respective municipalities. As noted above, water hookups are not automatic in Reserved Development Areas until these areas are certified by the County.**

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## METHODOLOGY FOR DELINEATING THE BOUNDARIES OF PRIORITY DEVELOPMENT AREAS

Once the general locations of the development areas were determined, several overlay maps were prepared to assist in delineating the boundaries of the **Priority Development Areas**. The overlay maps depict areas that are more appropriate for conservation—wetlands regulated by New York State, flood hazard areas, and County Agricultural Districts—as well as areas that are more appropriate for development—existing sewer and water service areas, and land zoned for higher density residential, commercial and industrial uses. In addition, land use by tax parcel was examined to identify areas with relatively high densities of existing development.

Staff and consultants met with representatives from each of the municipalities in Genesee County, as well as the public, to review the proposed Smart Growth Plan and the boundaries of the **Priority Development Areas**. Input from the municipalities and the public was incorporated into the final Smart Growth Plan as presented to the County Legislature.

The following narrative describes the features depicted in the overlay maps. It also describes how the Agricultural District Program, local zoning, and other sewer and water service areas can be coordinated with the Smart Growth Plan and its future updates.

### LAND IN COUNTY AGRICULTURAL DISTRICTS

Land within State-certified Agricultural Districts currently encompasses approximately **62%** of the land area of Genesee County. Genesee County has designated **four (4) Agricultural Districts** pursuant to New York State Agriculture and Markets Law. Inclusion in an Agricultural District denotes a commitment on the part of the County and the landowner that the land will not be converted to a non-farm use for a period of eight (8) years. At the end of the 8-year period, the County Legislature may add or delete parcels from an existing Agricultural District, and renew the district for an additional 8-year period. **In addition, as required by NYS Ag & Markets Law, land owners may petition the County to add land to a particular Agricultural District through the Annual Enrollment process, established by the County Legislature.**

As land within an Agricultural District is presumed to be integral to the continued viability of agriculture in the County, these areas were generally excluded from the development areas. Future updates to the Smart Growth Map should consider changes made over time to the boundaries of County Agricultural Districts. The presence of Lateral Restriction Policies, enforced at the Town level, on certain water line routes should also be considered when revising Development Areas. Expansions of the Areas should avoid encroaching upon these locations as long as these policies are in effect.

### NYS REGULATED WETLANDS AND FLOOD HAZARD AREAS

Wetlands mapped and regulated by the NYS Department of Environmental Conservation encompass approximately 29,300 acres within Genesee County (approximately 9% of the land area in the County.) Large wetlands are located in the northern parts of the Towns of Alabama, Oakfield, Bergen and Byron. A relatively large number of smaller wetlands are located in the Towns of



Pembroke and Batavia. Development within these wetlands and within a 100-foot buffer area is restricted by State law and regulations.

Areas subject to periodic flooding have been mapped by the Federal Emergency Management Agency (FEMA). Construction within flood hazard zones is restricted in order to prevent property damage due to flooding, and to maintain open pathways for flood waters. Federal Flood Insurance is available to residents within communities that have adopted local laws which restrict development in flood-prone areas.

The boundaries of the development areas were drawn to exclude land within regulated wetlands and flood hazard areas, as these areas are not suitable for development. Changes to the boundaries of these areas are not expected at this time. However, such changes should be reviewed in conjunction with future updates to the Smart Growth Map.

### **LOCAL ZONING AND COMPREHENSIVE PLANS**

Local zoning regulations adopted by the governing bodies of individual municipalities specify the types and density of land uses that may be permitted in various locations within a community. Local comprehensive plans identify areas most suitable for various types of land uses and form the basis for local zoning. Typically, a community will identify areas most suitable for industrial, commercial, and various types of residential development. The density of development is controlled through local zoning by requiring a minimum lot size for dwellings.

Areas designated for higher density residential development, commercial development, or industrial development in local zoning and comprehensive plans were typically included within the designated development areas. Changes in local zoning district boundaries should be reviewed in conjunction with future updates to the Smart Growth Map.

### **SEWER AND WATER SERVICE AREAS**

Locations of existing water and sewer service areas were mapped based on special water and sewer district boundaries shown on tax maps and other information provided by the County Planning Department. Land areas already served by public water and/or sewer were typically included in the development areas, unless the land was within an Agricultural District or contained sensitive natural resources such as wetlands.

Detailed maps showing current designated development areas, agricultural districts, wetlands and flood hazard zones, local zoning and sewer and water districts are included in Appendix B. Narrative descriptions of the smart growth maps by municipality are included in Appendix A.



## **CERTIFICATION OF RESERVED DEVELOPMENT AREAS**

Once a Reserved Development Area is identified in the Genesee County Smart Growth Plan, the municipality where this area is located may request the County Legislature to certify the area by determining if the conditions outlined below are met:

1. The area is identified in the local comprehensive plan for future development of significant density.
2. Smart Growth principles, as described below, are implemented in this area through form-based regulations.
  - a. **Walkable Development-** Pedestrian friendly street design (narrow, slow speed streets that include tree-lined sidewalks on at least one side of the road; buildings are close to the street and have front doors, windows and porches oriented toward the street; on-street parking is allowed; parking lots are located behind buildings and garages are placed in the side or rear yards).
  - b. **Connected Transportation Network-** Interconnected street grid network that disperses traffic and makes it easy for one to travel by means other than automobile. A hierarchy of narrow streets, boulevards and alleys should exist. A high-quality pedestrian network and public realm that connects commercial areas, parks and other public buildings and uses is also present.
  - c. **Mixed Use and Housing Types-** A mix of shops, offices, apartments and homes is available to the resident and visitor. Mixed-uses exist within neighborhoods, blocks and buildings. Various housing options for different age groups and income levels are evident.
  - d. **Quality Architecture and Urban Design-** Human scale architecture, comfort, and aesthetics are emphasized. A sense of place is created. All are accomplished by special placement of civic uses and sites within the development.
  - e. **Sustainability-** Minimal environmental impacts occur as a result of the development and its operations. Energy efficient, eco-friendly technologies and green infrastructure that respect the ecology and value of the local natural systems is utilized and evident.

The Water System Hookup Administrative Review Committee created by the County Legislature is charged with reviewing the municipal application for certification of a Reserved Development Area. In its review, the Committee will determine whether the proposed Reserved Development Area has sufficiently met all the criteria listed above and is consistent with the intent of the Genesee County Smart Growth Plan. The Committee will meet and issue a written decision to the requesting municipality no later than sixty-two (62) days after County Planning staff receives a complete application from the municipality. Only if certified will water hookups in Reserved Development Areas function as in Priority



### **Development Areas.**

**For a period of sixty-two (62) days after the decision has been issued by the Water System Hookup Administrative Review Committee, the municipality may contest the decision through an appeal to the County Planning Board. After which, the municipality may make a new application for certification contingent upon a determination by the Committee that the application sufficiently differs from the original application.**

**The County Legislature authorizes the County Planning Department to monitor certified Reserved Development Areas to ensure that development in the area sufficiently follows the agreed to standards. The Water System Hookup Administrative Review Committee, retains the right to reopen a certification application of a Reserved Development Area and rescind such certification if the Committee determines that the municipality is not implementing its adopted land use regulations as reviewed in its application and are determined to be inconsistent with the principles of the Genesee County Smart Growth Plan.**

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## POLICIES AND PROCEDURES FOR MANAGING HOOKUPS INTO THE COUNTY WATER SYSTEM

The County Legislature or its designee will have the authority to approve hookups to the County-funded portion of the County's water system. This section presents the criteria for approving hookups, to be applied by the County or its designee, as well as the process by which the County Legislature can delegate the authority to approve water hookups.

### CRITERIA FOR APPROVING WATER HOOKUPS

The following policies will apply to water hookups, whether the hookup is approved by the **Water System Hookup Administrative Review Committee on behalf of the County Legislature**.

#### WITHIN DESIGNATED **PRIORITY** DEVELOPMENT AREAS OR IN **CERTIFIED RESERVED** DEVELOPMENT AREAS

- All new and existing development is automatically entitled to hookup into the County Water System (subject to lateral restriction policies adopted by local municipalities for land within Agricultural Districts)

#### OUTSIDE DESIGNATED **PRIORITY** DEVELOPMENT AREAS OR IN **NON-CERTIFIED RESERVED** DEVELOPMENT AREAS

The following uses are automatically entitled to hookup into the County Water System:

- Structures for which a building permit has been granted as of the date the Smart Growth Plan is adopted or amended by the County Legislature;
- In a newly created water district existing structures shall mean those built, or structures for which a building permit has been issued, as of the public hearing for the District formation. Said structures are entitled to hookups.
- All existing and new agricultural uses

For all other types of development, hookups to the County water system will require approval on a case-by-case basis by the **Water System Hookup Administrative Review Committee on behalf of the County Legislature**. Requests for such hookups will be reviewed and evaluated based on the following criteria:

- Impacts on the viability of agriculture, including the proximity of the hookup to farms and surrounding farmland, hookup for immediate family members employed by the farm operation living on land subdivided from the farmed parcel, the property's enrollment status in the Agricultural Districts program, the enrollment status of property immediately surrounding it, the existence of





- drainage infrastructure, the farming history of the property, and the presence of prime farmland soils on a property yet to be built upon.
- Consistency with County economic development goals
  - Consistency with other available infrastructure (The presence of existing or proposed sewer service, the proximity of a sewer district or village, and the adequacy of the roadways to support growth are some of these factors.)
  - Consistency with local comprehensive plans, zoning and other land use controls and development objectives
  - Impact on Village/ City revitalization programs
  - Does the proposal meet a pressing public health or other community need?

The intent of this review is to minimize the impacts that may result from the provision of water to new, non-agricultural development outside of designated development areas.

## PROCEDURES FOR APPROVING HOOKUPS

The **Water System Hookup Administrative Review Committee on behalf of the County Legislature** has the authority to approve all hookups to the County-funded portion of the County Water System. Outside of **Priority** Development Areas or in **non-certified Reserved** Development Areas, such hookups for new, non-agricultural uses must meet the criteria specified above.

The County Planning Department has established a procedure with the MCWA for processing water hookup applications whereby the applicant applies to the MCWA first. The application is then forwarded to the Planning Department for review.

The County Legislature **has by** resolution, **created the Water System Hookup Administrative Review Committee** to administer requests for such hookups. The County Legislature may also delegate the authority to approve such hookups to individual municipalities. The **Committee** administers requests for hookups only within those municipalities that do not have the authority to approve hookups.

The **Water System Hookup Administrative Review Committee** includes representatives from the County Planning Department, Soil and Water Conservation District, Agricultural and Farmland Protection Board, and/or the Water Resources Agency, along with a farmer representative selected from the County's Agricultural and Farmland Protection Board to ensure that the interests of farmers are included in the decision-making process. Every motion or resolution of the Committee shall require for its adoption the affirmative vote of a majority of all of the Committee members.

The **Water System Hookup Administrative Review Committee** will apply the criteria outlined above to determine whether or not to approve the hookup. The Committee shall also request a recommendation from the municipality in which the proposed hookup is located. Municipalities will have five (5) business days to respond in writing with their recommendation to the Committee. The Committee would be expected to meet as needed to administer requests for hookups.



**For a period of sixty-two (62) days after the decision has been issued by the Water System Hookup Administrative Review Committee**, the applicant may contest the decision of the Committee through an appeal to the County Planning Board. **After which, the applicant may make a new application for a hookup contingent upon a determination by the Committee that the application sufficiently differs from the original application.**

In order to administer requests for hookups, County Planning staff will prepare a form to be submitted by the applicant to the local Code Enforcement Officer. The municipality will have an opportunity to make a recommendation for or against the water hookup in forwarding the request to the **Water System Hookup Administrative Review Committee**.

**As stated above**, the County Legislature may, by inter-municipal agreement, delegate the authority to administer requests for hookups to the County-funded portion of the County water system to individual municipalities. In order to receive authorization to review hookups, municipalities must have a legally adopted comprehensive plan that is consistent with the principles of “smart growth,” as described in this document. The County Legislature may request an opinion from the County Planning Department regarding the suitability of the local plan. To date, only the Town of Batavia has requested and been granted hookup authority.

Municipalities authorized to approve hookups will be required to keep records to demonstrate that the criteria described above are applied to each request. The County Legislature may require municipalities to prepare periodic reports to document the number and type of hookups permitted outside of designated development areas, as well as the rationale for permitting each hookup.

The County Legislature authorizes the County Planning Department to monitor hookup decisions made by municipalities. The County Planning Department **may** prepare a report, **as requested**, for submission to the County Legislature, summarizing each municipality’s compliance with the principles of the Smart Growth Plan in administering requests for hookups. The County Legislature will reserve the right to rescind the authority to approve hookups if a municipality does not follow the principles of the Smart Growth Plan.



## PROCEDURES FOR ADOPTION OF AMENDMENTS TO THE SMART GROWTH PLAN

Amendments to the Smart Growth Plan are expected to be approved by the County Water Resources Agency and adopted by the County Legislature. The County Legislature will be responsible for implementing and updating the Plan as needed.

The Smart Growth Plan maps and recommendations should be reviewed every three (3) years. The review process should incorporate input from municipalities, the County Planning Board, the Water Resources Agency, and the Agricultural and Farmland Protection Board, as well as other interested organizations and citizens.

The following procedures are recommended for amendments to the Smart Growth Plan:

1. Issue a notification that the Smart Growth Plan, including the boundaries of the development areas, is scheduled for review. The notice should be sent directly to all municipalities, County agencies and departments, and the media.
2. Review changes to Agricultural Districts, local comprehensive plans and zoning districts, sewer and water service areas, and land development patterns. Prepare updated overlay maps. Adjust boundaries of the designated growth areas.
3. Publicize the proposed changes to the Smart Growth map among municipalities and the general public.
4. Obtain input from the County Planning Board and the Agricultural and Farmland Protection Board.
5. Prepare an update to the Smart Growth Plan that addresses the input from municipalities, County Boards and agencies, and the general public. Incorporate the environmental review as may be required pursuant to the State Environmental Quality Review Act (SEQR.)
6. Present the proposed update to the County Water Resources Agency for approval. The approved update may then be submitted to the County Legislature for adoption, following the completion of the appropriate State Environmental Quality Review (SEQR) process.



## REFERENCE MATERIALS AND RECOMMENDATIONS

The following narrative describes existing programs and identifies tools and techniques that can be applied by municipalities and Genesee County to encourage development patterns that are consistent with the objectives of the Genesee County Smart Growth Plan and the principles of Smart Growth. These programs and techniques help to promote farmland protection as well as revitalize existing industrial areas, business districts, and residential neighborhoods. Recommendations are included to encourage local zoning regulations and infrastructure investments to be consistent with the Plan.

### PROMOTE FARMLAND PROTECTION OUTSIDE OF SMART GROWTH AREAS

#### COORDINATE WITH AGRICULTURAL DISTRICT PROGRAM

Genesee County currently has four (4) Agricultural Districts. Land within each of these Districts is enrolled for a period of eight (8) years.

After eight (8) years, the County reviews the District and may add or remove land from the Agricultural District. In addition, as required by NYS Ag & Markets Law, land owners may petition the County to add land to a particular Agricultural District through the Annual Enrollment process, established by the County Legislature.

The Agricultural District Program provides the following benefits to landowners to encourage land to remain in farming:

- Protection from local regulations that would restrict farm practices
- Protection from public acquisition
- Protection from nuisance suits (right-to-farm provisions)

Land areas within Agricultural Districts are presumed to contribute to a viable agricultural land base and economy. In general, land areas within agricultural districts should not be targeted for development. In creating the Smart Growth Map, land within Agricultural Districts was generally excluded from the development areas. However, the Smart Growth Plan will need to be modified as a result of changes in Agricultural District boundaries.

#### COORDINATE WITH AGRICULTURAL AND FARMLAND PROTECTION PLAN

The County has completed an Agricultural and Farmland Protection Plan. This plan recommends, in further detail, a means to support the agricultural industry and to protect farmland. The Smart Growth Plan may be modified to ensure consistency with the Agricultural and Farmland Protection Plan.



### ENCOURAGE CONSERVATION OF HIGH QUALITY FARMLAND THROUGH CONSERVATION EASEMENTS

Voluntary conservation easements initiated by landowners and held by non-profit organizations. Landowners may place farmland under a permanent conservation easement to be held and monitored by a private land trust or other non-profit organization. The donation of easements may be helpful to some families in estate planning, as the value of the easement can be claimed as a tax deduction.

Purchase of Development Rights (also referred to as “Agricultural Conservation Easements”) is a public program which compensates farmland owners for agreeing to keep land from being developed. Such a program may be operated by a public entity or a not-for-profit organization. The value of development rights is calculated as the difference between the value of the land for agricultural purposes and its value for development. An easement restricts development on the parcel. An easement may be permanent or for a specified period of time. Ownership of the parcel does not change. The easement holder is responsible for ensuring that the property is not developed. The owner may continue to farm the parcel, and/or sell it.

#### ADVANTAGES:

- Protects agricultural land on a permanent basis (or for a specified period of time).
- Participation among landowners is voluntary

#### DISADVANTAGES

- Cost
- Time involved in purchasing easements
- Requires on-going monitoring by the easement holder
- Protects farmland on a piecemeal basis, and may not be effective in protecting a “critical mass” of farmland

## **ZONING TECHNIQUES**

### AGRICULTURAL PROTECTION ZONING

Agricultural Protection Zoning involves the creation of a zoning district that designates farming as the primary, preferred land use. Such a district targets the most productive soils and large contiguous areas of active farms. The minimum lot size is based on the size of the smallest viable farm unit—such as 25 to 40 acres.

The regulations for this district would limit non-agricultural development. They may incorporate density averaging or sliding scale provisions to limit the number of dwellings permitted. The regulations may also specify maximum (as well as minimum) lot sizes for non-farm development. A



conservation easement or other type of permanent protection is typically required to protect farmland permanently from development.

Such a district may allow farm-related businesses and home-based businesses.

Agricultural protection zoning may be combined with purchase of development rights, transfer of development rights or incentive zoning that encourages private purchase of development rights.

**ADVANTAGES:**

- Effective in limiting non-farm development and reducing conflicts between agriculture and non-farm neighbors.
- Can protect large areas of farmland at no cost to the public

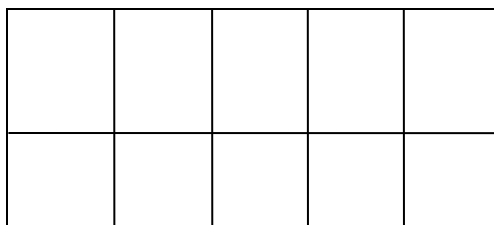
**DISADVANTAGES:**

- May reduce the market value of land.
- Not permanent as zoning can be changed.

**DENSITY AVERAGING (CLUSTERING)**

Density averaging or clustering allows residences to be built on smaller lot sizes than typically permitted by zoning, provided that the average density of the original parcel is not increased. For example, if zoning required a maximum density of one (1) dwelling per ten (10) acres, a farm of one-hundred (100) acres would be entitled to develop up to ten (10) dwelling units. If the ten (10) dwellings were built on a total of twenty (20) acres of the parcel (with an average lot size of two (2) acres), eighty (80) acres would remain open (see diagram below). The smaller lots should be sited in locations that are least suitable for farming, and that offer the most appealing views of open space and natural resources. Design of the subdivision should include buffers between the new residential development and the remaining farmland. A conservation easement would be placed on the remaining eighty (80) acres to prevent future development.

**100 acres - 10 building lots**



10 acre lots



2 acre lots  
80 acres open



#### ADVANTAGES

- Relatively simple to administer through the subdivision review process
- Provides for permanent protection of farmland or open space
- Landowner retains full development potential (number of building lots)

#### DISADVANTAGES

- Results in non-agricultural development in close proximity to farming. May be more appropriate for open space preservation and retention of rural character than for retention of agricultural land.

#### INCENTIVE ZONING

Incentive zoning may be used to encourage the private acquisition of agricultural conservation easements (development rights) or to collect money toward a public fund to purchase such easements. Municipalities must designate an area or areas in which higher densities or more intensive uses may be permitted, provided that the applicant offers certain amenities that would meet specified community needs. Acceptable amenities may include conservation easements on farmland or cash to be used in a purchase of development rights program.

#### ADVANTAGES

- Flexibility in administration
- Can result in permanent protection of farmland if agricultural easements are provided as an amenity in exchange for higher densities
- Allows conservation easements to be purchased privately

#### DISADVANTAGES

- Requires designation of an area within which higher densities can be sustained.

#### TRANSFER OF DEVELOPMENT RIGHTS

Transfer of development rights involves the private purchase of development rights to farmland in a “sending” zone, or farmland within a community that meets certain criteria, and the transfer of these rights to increase the density of development in a designated “receiving” area. Such a program typically operates in the private market.

#### ADVANTAGES:

- Operates within the private sector.
- Sale of development rights by agricultural landowners is voluntary
- Permanently preserves agricultural land through conservation easements



#### DISADVANTAGES:

- Complicated to administer
- Requires a market for development rights within the “receiving area”

#### **FORM-BASED CODES**

**Form-based codes are an alternative to conventional zoning regulations. These codes are prescriptive (they state what you want), rather than proscriptive (what you do not want) and de-emphasize density and use regulations in favor of rules for building form. They also address the design of the streetscape, or public realm, and its relationship to the built environment.**

**Form-based codes emphasize mixed use and a mix of housing types to bring destinations into close proximity to housing and provide housing choices to meet many individuals’ needs at different times in their lives.**

#### ADVANTAGES

- **Accessibility** - Uses pictures rather than words minimizing the need to argue over the interpretation of code language. Contains all relevant information in a concise format. Allows citizens to see what will happen where-leading to a higher comfort level and helping to reduce conflict, misunderstanding and the need for hearings as individual projects are reviewed.
- **Mixed-Use Friendly** - Assumes a mix of uses, especially in neighborhood or town centers and allowing for the continuation of historical settlement patterns and styles.
- **Flexibility** - Not focusing on use allows for easier adaptive reuse of existing buildings and better adapts to changing markets.
- **Efficiency** - Details are discussed and clarified when the code is developed allowing for a “build by-right” approach. Projects that meet all of the code’s requirements can be approved administratively reducing time, expense and uncertainty for the developer and reducing processing and hearing costs for the municipality involved. The removal of discretionary board approval also eliminates the requirement for County Planning Board referrals or to conduct costly and time consuming environmental (SEQR) reviews.
- **Encourages Public Participation** – Allows citizens to see what will happen where-leading to a higher comfort level helping to reduce conflict, misunderstanding and the need for hearings as individual projects are reviewed.





## DISADVANTAGES

- **Unfamiliarity** - Form-based codes require re-educating everyone in the community—elected and appointed officials, planners, engineers, developers and residents.
- **Larger Initial Investment** - The initial development of the code is a large task that will more than likely involve hiring a consultant with expertise in this relatively new technique.

## PLANNED UNIT DEVELOPMENT (PUD)

Whereas standard zoning may promote lot-by-lot development where the entire tract is covered with lots of uniform size, PUDs can include the possibility of several medium-sized or smaller lots where the owner(s) use PUD development options provided by the community. PUDs provide the opportunity to achieve flexibility in architectural design, a mix of compatible land uses, as well as the preservation of key natural or historic features that are otherwise difficult to achieve using traditional, lot-by-lot zoning.

Using a PUD allows for innovative uses of spaces and structures to achieve planning goals such as, conservation of resources by utilizing common recreation areas, common sewage and drinking water systems and benefiting the developer, building can be accomplished for less overhead due to the common areas.

Typically PUDs are found in undeveloped suburban areas near the metropolitan fringe, large lots within an urban location that has not yet been developed, or urban redevelopment areas. PUDs generally can be divided into two broad categories; those that deal with residential uses only and those that mix residential uses with non-residential uses.

Mixed-use PUDs blend residential, commercial and possibly industrial uses together within the same tract. This approach is usually used at locations where different uses are not only compatible, but where the 'blend' of uses will benefit the community as a whole.

## ADVANTAGES

- A developer has the flexibility to design tracts of land as a whole versus lot by lot requirements or standards.
- There is greater economies of scale. Lower infrastructure costs are usually achieved because lot by lot restrictions are relaxed and the entire tract approach allows densities within the tract to be reallocated.
- Generally preserved open space can serve several purposes such as providing recreational areas for the community or preserving a unique natural resource.
- The PUD concept allows for improved design quality by assuring that a development project be an aesthetic asset to the total community.



## DISADVANTAGES

- **Phasing and timing of PUD may be longer than a conventional development, adding developer's costs.**
- **PUD must be properly marketed.**
- **Local and State regulations that must be met by large scale projects.**
- **Initial financing may be challenging with tracts that consist of hundreds of acres.**

**The creation of a PUD should be in accordance with a comprehensive plan and be created for the benefit of the whole community, not an individual property owner.**

## PROMOTE REVITALIZATION OF CITY AND VILLAGE INDUSTRIAL AREAS, BUSINESS DISTRICTS AND RESIDENTIAL NEIGHBORHOODS

### SUPPORT THE USE OF STATE-RECOGNIZED NEW YORK STATE SMART GROWTH PRINCIPLES WHERE APPROPRIATE:

- Compact, Mixed-Use Community Design
- Re-Use and Re-Development of Existing Buildings
- Regional Planning
- 'Green' Buildings and Infrastructure
- Mobility Choices --- Walking, Biking, Public Transit
- Well-Planned and Well-Maintained Parks and Public Spaces
- Targeted Investments in Affordable Housing
- Age-Integrated Communities
- Collaborative, 'Bottom-Up,' Stakeholder-Driven Planning

### ENCOURAGE RE-DEVELOPMENT AND RE-USE OF INDUSTRIAL SITES AND BUILDINGS IN AREAS WITH ACCESS TO INFRASTRUCTURE

#### CITY OF BATAVIA INDUSTRIAL REDEVELOPMENT

The City of Batavia recently developed an Economic Development Action Plan to develop a targeted approach to economic development in the City. Some of the main recommendations of the Plan include:

Industrial Real Estate Preparation Program—Working with existing companies and the Genesee County Economic Development Center, the City is developing a program to purchase homes within industrial districts and resell the properties to existing or new industrial users. This effort could involve remediation of brownfields.



**The City of Batavia received a grant from the New York State Department of State to prepare a Brownfield Opportunity Area (BOA) plan to advance redevelopment of strategic sites in the City. The City will focus on strategic sites in downtown, the industrial area between Harvester and Liberty Streets, and the Evans Street corridor.**

**The purpose of the project is to develop an area-wide redevelopment plan for underutilized, vacant, abandoned or contaminated brownfield properties that will catalyze redevelopment in the City. Local, regional and state partners will be involved throughout the project to help promote redevelopment, adaptive re-use and infill projects of strategic sites. The comprehensive redevelopment plan developed under this project will be based on a community vision and balance environmental, economic and community needs. It will also evaluate land use, zoning, property ownership, utilities, transportation issues and environmental constraints that may be impediments to redevelopment.**

Targeted Industrial Attraction—Focus economic development energy on companies that are most likely to succeed in the City.

Business Newsletter—To distribute information about economic development in the City to existing businesses.

Traffic Planning—Be involved in major future projects including 2001 Main Street project and southern bypass.

#### GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER

The Agency is involved with several on-going activities that are designed to support existing industries, build and upgrade industrial parks, and attract new industries to suitable locations in Genesee County.

### REVITALIZE EXISTING CITY AND VILLAGE BUSINESS DISTRICTS

#### BATAVIA BUSINESS IMPROVEMENT DISTRICT

The downtown merchants and the City of Batavia formed a public/private partnership to improve the business climate of downtown Batavia called the Batavia Business Improvement District or Batavia BID. In the District, merchants are assessed an additional tax to fund payments for an infrastructure bond, facade improvements and to fund operations. Infrastructure improvements have included new lighting, trees, benches, trash receptacles, parking lot improvements, and sidewalk work. Operation funds are used for marketing, downtown events, building relationships among businesses, and to fund the positions of a downtown manager and an assistant.

#### OTHER INITIATIVES

In addition, the City of Batavia Comprehensive Plan includes a focus on downtown redevelopment. It recommends placing niche retail, entertainment, professional offices, upper floor housing, government uses, and cultural uses in the downtown core. Moreover, it recommends a



mixed-use, pedestrian oriented traditional downtown.

Existing Village business districts offer an alternative to standardized, large-scale retail development along highways. Each Village and City shopping district presents unique opportunities for commercial development.

Advantages include:

- Smaller, more specialized stores and services
- Relatively low overhead
- Pedestrian-friendly environment
- Historic streetscapes and “small town charm”

Keys to taking advantage of these opportunities include:

- Organization among business owners and operators
  - Joint advertising and promotions
  - Cooperation in physical improvement
  - Pool financial resources
  - Work together to develop common design themes
  - Upgrade signage—consider standards to present more consistent “look”
- Physical improvements to enhance shopping experience for pedestrians
  - Visible, accessible, centralized, safe and convenient parking
  - Sidewalks
  - Street lighting; consider historic theme
  - Street trees/ landscaping
  - Banners
- Events
  - Festivals, concerts, parades, etc. to bring people to the main shopping area
  - Focus on unique community assets: history, traditional harvests, local artists and craftspeople

#### ENCOURAGE IMPROVEMENTS TO RESIDENTIAL NEIGHBORHOODS WITHIN THE CITY AND VILLAGES

The City of Batavia Comprehensive Plan includes initiatives intended to stabilize and improve residential neighborhoods. Prior to the adoption of the Comprehensive Plan, the City had no “density hierarchy” for residential development. Large scale multi-family homes were allowed in the center as well as at the periphery of the City. Based on the recommendations in the



Comprehensive Plan, the City Council has adopted new residential down-zoning that establishes a density hierarchy: no multi-family homes are allowed in R-1 zones near the City's edge, some are allowed in R-2 zones and all types of housing are allowed in R-3 zones near the City center. Rehabilitation of existing housing in residential neighborhoods is encouraged.

### ENCOURAGE LOCAL ZONING REGULATIONS TO BE CONSISTENT WITH THE SMART GROWTH PLAN

IDENTIFY AREAS WHERE LOCAL ZONING IS INCONSISTENT WITH THE PLAN.

Local governing bodies are responsible for any changes to zoning maps or regulations. Such changes require a public hearing and should be consistent with the Comprehensive Plan for the community.

RECOMMEND CHANGES TO LOCAL ZONING REGULATIONS, WHICH ARE INTENDED TO:

- Encourage higher density development in areas that are served by public water and/or sewer including lands within a quarter (1/4) mile of a village or major hamlet served by public sewers.
- Encourage the continuation and expansion of farming within viable agricultural areas.
- Encourage types and densities of development that are consistent with available public services.
- Utilize incentive zoning and/or transfer of development rights to achieve higher densities within designated development areas and to protect farmland in prime agricultural areas.

The County Planning Department should assist municipalities to adopt zoning changes that are consistent with the Smart Growth Plan.

### ENCOURAGE LOCAL AND STATE INFRASTRUCTURE INVESTMENTS TO BE CONSISTENT WITH THE SMART GROWTH PLAN

The Plan identifies areas currently served by public sewers. Municipalities may consult the Smart Growth Plan to evaluate the consistency of proposed sewer extensions with the principles of Smart Growth.

The County should review State, County and local proposals for improvements to transportation, drainage, and other infrastructure, to determine its consistency with the Smart Growth Plan. The Plan may be modified to reflect significant expansion of utilities.

### STATE AND FEDERAL GRANTS

**The New York State Smart Growth Public Infrastructure Policy Act guides the State in making more sustainable and strategic infrastructure investments. This legislation requires State agencies to create Smart Growth Advisory Committees that evaluate public**



**infrastructure investments based on the Smart Growth criteria and require that such investments meet the criteria to the extent practicable. This act has had the effect of promoting grant applications at the State level that follow the principles of Smart Growth.**

**Genesee County is currently the only county in New York State to have a Smart Growth Plan. This has had a positive effect on many grant applications by the County and its Municipalities to State and Federal Agencies.**

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## APPENDIX - NARRATIVE DESCRIPTION & MAPS OF DEVELOPMENT AREAS BY MUNICIPALITY

### TOWN OF ALABAMA

Future water line extensions have been proposed along Alleghany Road (NYS Rts. 63 and 77) north to the hamlet of Alabama at Lewiston Road. Three Priority Development Areas have been designated within the Town in areas with a concentration of existing development outside of NYS Agricultural Districts. These areas include: the hamlet of Alabama, at the intersection of Alleghany Road (NYS Rts. 63 and 77), and Lewiston Road (County Rt. 12); the hamlet of Basom, at the intersection of Alleghany Road (NYS Rt. 77) and Bloomingdale Road; and the hamlet of South Alabama, at the intersection of Judge Road (NYS Rt. 63) and Maple/Knowlesville Road.

The Town has zoned land surrounding these hamlet areas for R-Residential development (single-family dwellings with a 20,000 sq. ft. minimum lot size.) However, as these surrounding areas are within NYS Agricultural Districts, they were not included within the boundaries of the Development Areas. Land along the NYS Rt. 77 corridor, outside of the designated Development Areas, is sparsely developed. New non-agricultural development along this corridor should be limited.

#### 2013 UPDATE COMMENTS

**The Town of Alabama requested that several parcels be added to its existing Smart Growth Development Areas (see Maps 2, 2.1, 2.2 and 2.3 and the table on the next page). The Planning Department met with representatives of the Town of Alabama to discuss their requests and as a result of this discussion made further changes to the existing development areas. After review, it is recommended that all existing Development Areas be labeled as Priority Development Areas, and that the deletions and additions to these Areas, as proposed within the Town's hamlets, be accepted (see Maps 3.1, 3.2 and 3.3). In addition, it is recommended that the Western New York Science Technology and Advanced Manufacturing Park (STAMP) area be added as a Reserved Development Area (see Map 3).**

**As displayed in the table on the following page, a total of 1,536 acres was proposed for addition to the Smart Growth Development Area for the Town of Alabama. Although this is the total number requested, it is crucial to note that 1,380 acres can be attributed to the proposed addition of the STAMP property to the Smart Growth Development Area.**

**Analysis without inclusion of the STAMP property reveals that the Town proposed a total of 156 acres for addition to the Smart Growth Development Area. Of this proposed addition, approximately 121 acres are undeveloped. At the Town's lot size of 40,000 square feet, this would represent a maximum build out of 131 single-family lots. This total would be in addition to the approximately 106 undeveloped acres of the current Smart Growth Development Area, representing 115 single-family lots.**



Town of Alabama - Smart Growth Priority Development Area					
	Total (acres)	Undeveloped (acres/ single-family lots*)	Agricultural District (acres)	Currently Farmed (acres)	Strategic Farmland (acres)
<b>Current</b>	<b>412</b>	<b>106 / 115</b>	<b>125</b>	<b>86.13</b>	<b>231</b>
<b>Proposed Additions</b>	<b>1,536</b>	<b>1,431 / 1,558</b>	<b>1,327</b>	<b>1,074.2</b>	<b>520</b>
<i>Hamlet of Alabama</i>	36	36 / 39	7	6.54	31
<i>Hamlet of South Alabama</i>	14	14 / 15	8	27.12	24
<i>Hamlet of Basom</i>	106	71 / 77	76	25.36	51
<i>STAMP</i>	1,380	1,310 / 1,426	1,171	995	479
<b>Proposed Deletions</b>	<b>72</b>	<b>64 / 69</b>	<b>23</b>	<b>39.7</b>	<b>9</b>
<i>Hamlet of Alabama</i>	17	17 / 18	2	11.89	3
<i>Hamlet of South Alabama</i>	36	32 / 34	14	21.49	3
<i>Hamlet of Basom</i>	19	15 / 16	7	6.32	3
<b>Net Change</b>	<b>1,464</b>	<b>1,367 / 1,489</b>	<b>1,304</b>	<b>1,034.5</b>	<b>511</b>

The Town of Alabama also proposed to delete acreage from the existing Smart Growth Development Area. As detailed in the table above, the Town proposed to delete a total of 72 acres. Of this total, approximately 64 acres are considered undeveloped. This equates to 69 single-family lots. It should be noted that approximately 23 acres of proposed deleted acreage is enrolled in the New York State Agricultural District program. Currently, 39.7 acres are farmed. Approximately 9 acres are considered Strategic Farmland.

The Town of Alabama submitted a request to have the area slated for STAMP added to the Smart Growth Development Areas. This area is approximately 1,380 acres, of those 1,171 acres are currently enrolled in the New York State Agricultural District Program. Currently, 995 acres are farmed. At this juncture, it is recommended that these acres be labeled as a Reserved Development Area. It is acknowledged that this property is for economic purposes and to ensure that this form of development occurs, rather than residential development, it is important to place it into the Reserved Development Area category. This does not limit development, but places conditions as noted within the Smart Growth Plan, on the area that must be met prior to being granted automatic water hookups to the County system.

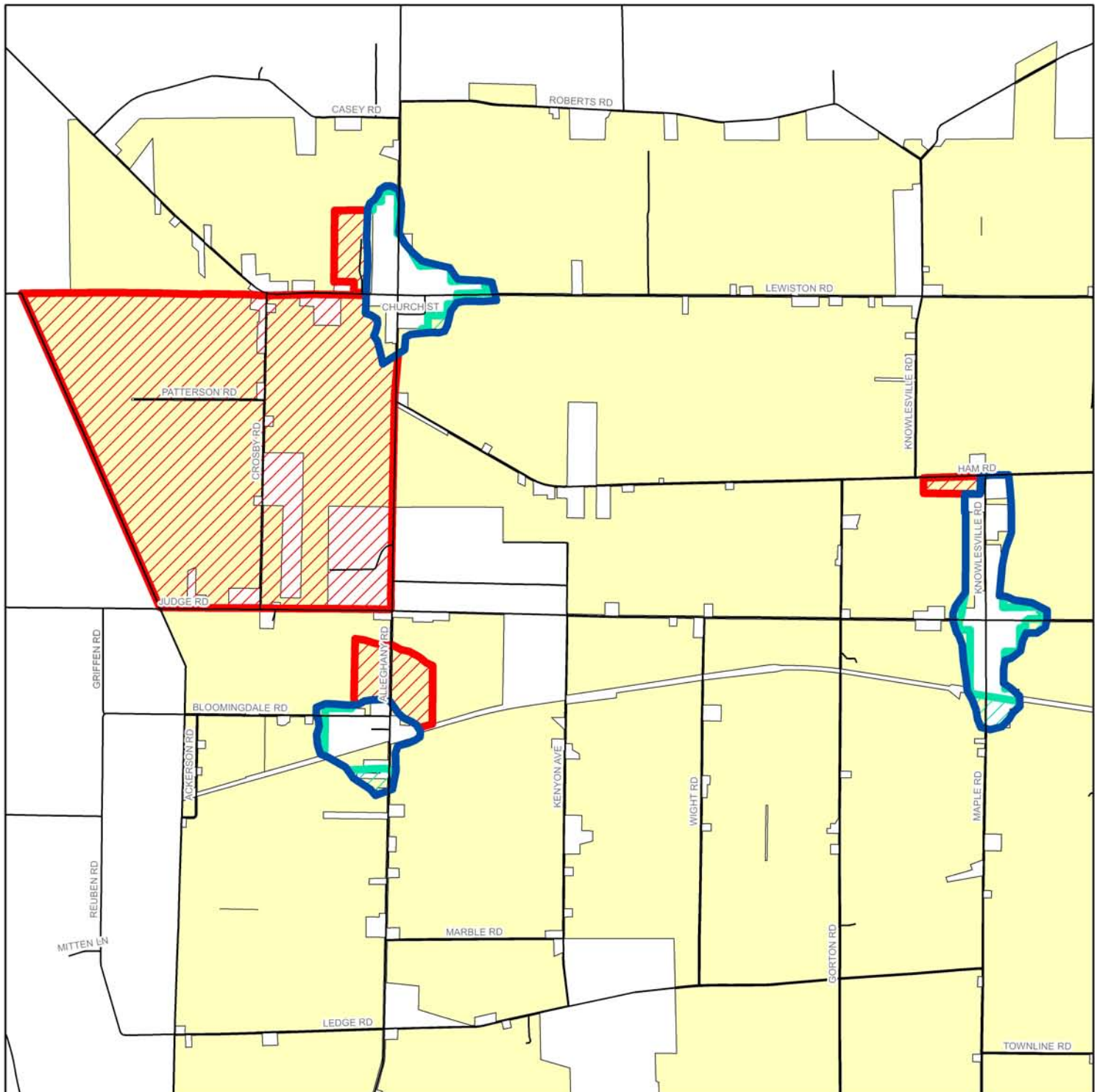
The Town of Alabama Comprehensive Plan was also analyzed as part of this process. In this plan, the vision map details the first three locations as areas of long term planning. In Section 5.4.3, it is further detailed that 'The hamlets are the areas where the Town would like to provide public water and this is where future, long-term growth should occur, particularly in Basom, Alabama and South Alabama.' The property that encompasses the proposed STAMP project is not detailed on the vision map, but is discussed in the recent update to the Town of Alabama Comprehensive Plan in 2012. Noted in the Comprehensive Plan is that the '...Plan is an active document and over time, as local situations change, so may the priorities of each community.' The STAMP project is an opportunity that was not imagined at the writing of the Comprehensive Plan, and as such is now an integral part of the Town of Alabama's plan for the future.








## Map 2 Town of Alabama Proposed Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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-  Priority Development Areas
-  Proposed Deletions
-  Proposed Expansions
-  NYS Agricultural Districts

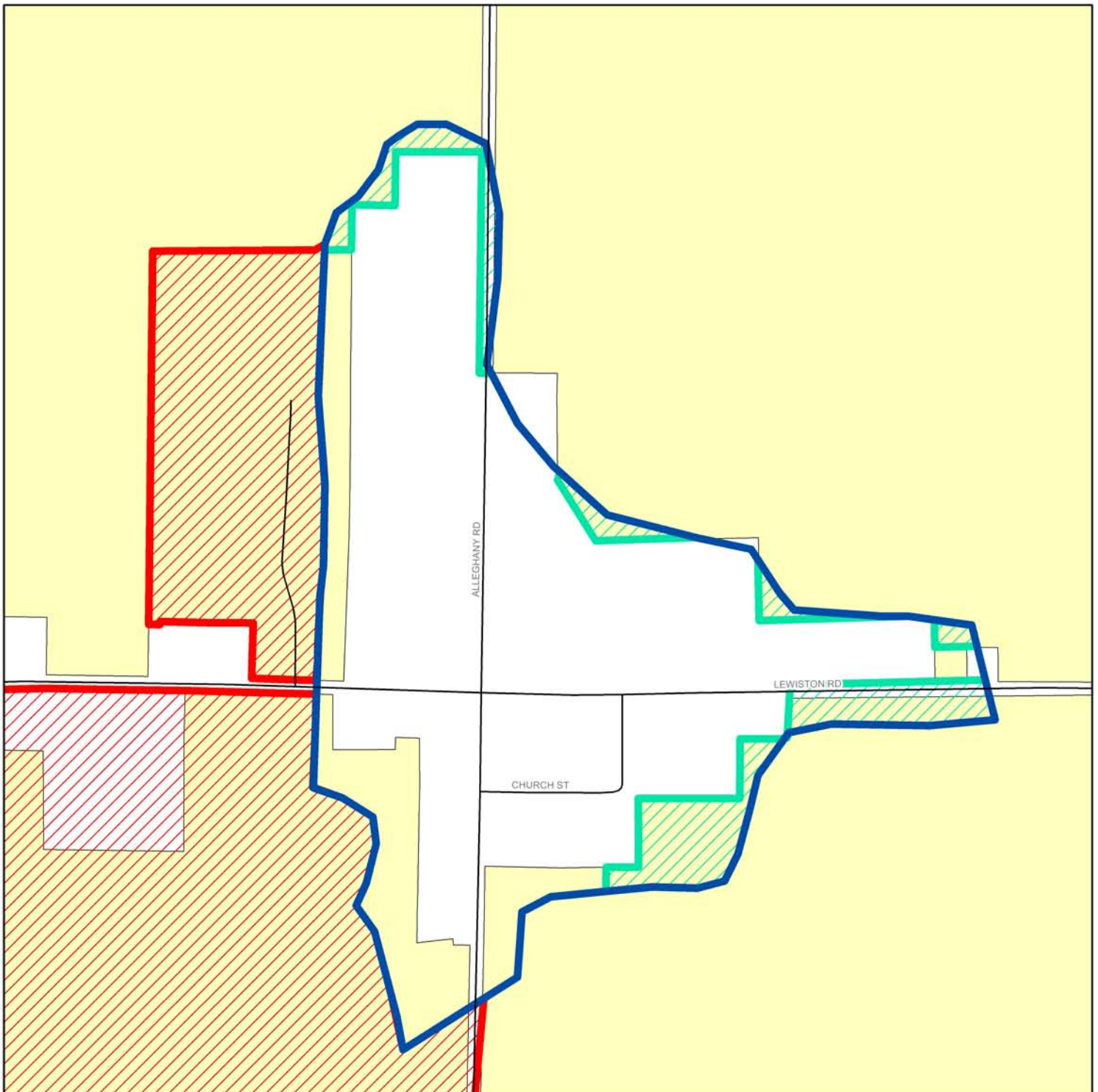






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## Map 2.1 Hamlet of Alabama Town of Alabama Proposed Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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-  Priority Development Areas
-  Proposed Deletions
-  Proposed Expansions
-  NYS Agricultural Districts



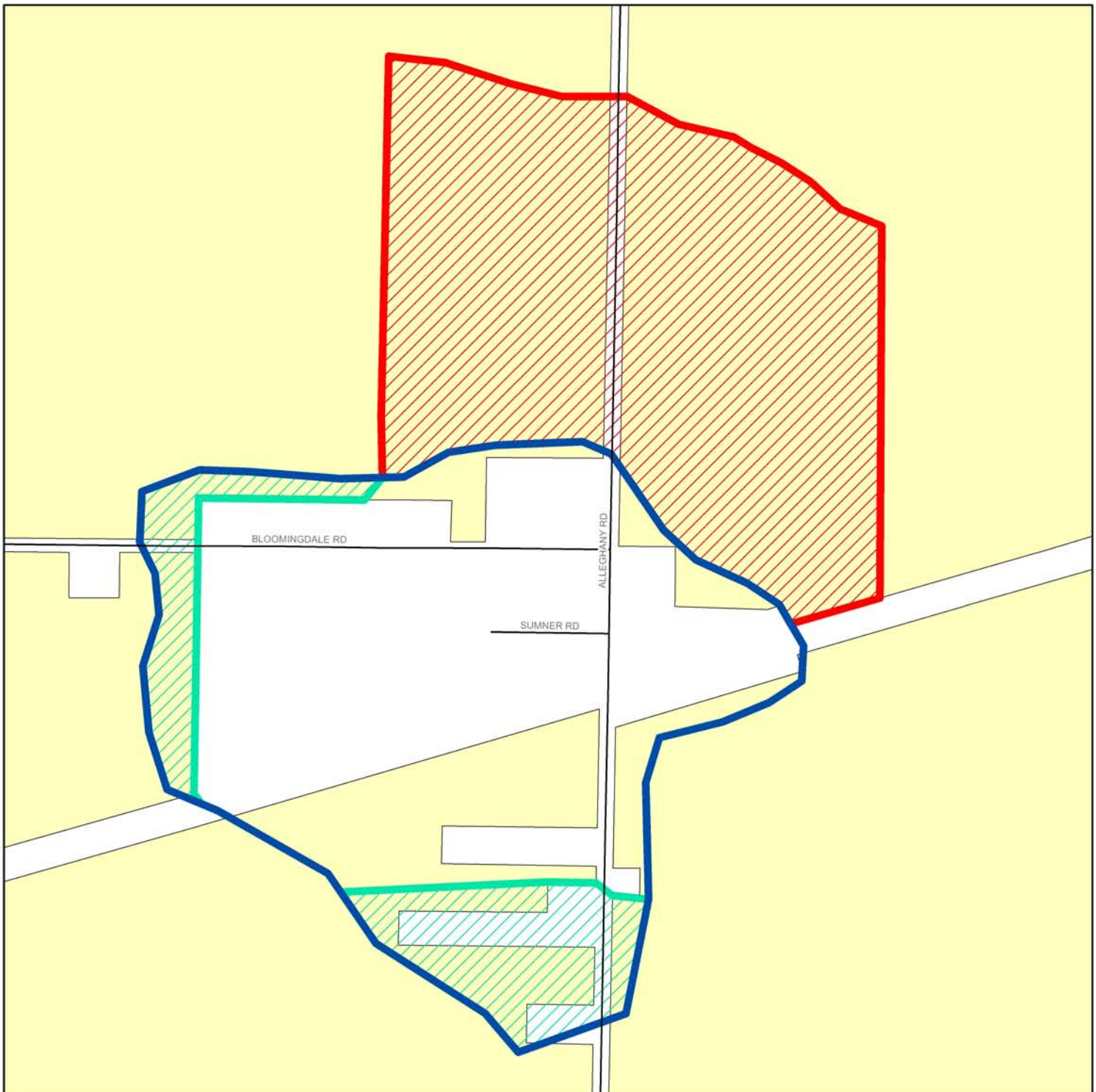
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## Map 2.2 Hamlet of Basom Town of Alabama Proposed Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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-  Priority Development Areas
-  Proposed Deletions
-  Proposed Expansions
-  NYS Agricultural Districts

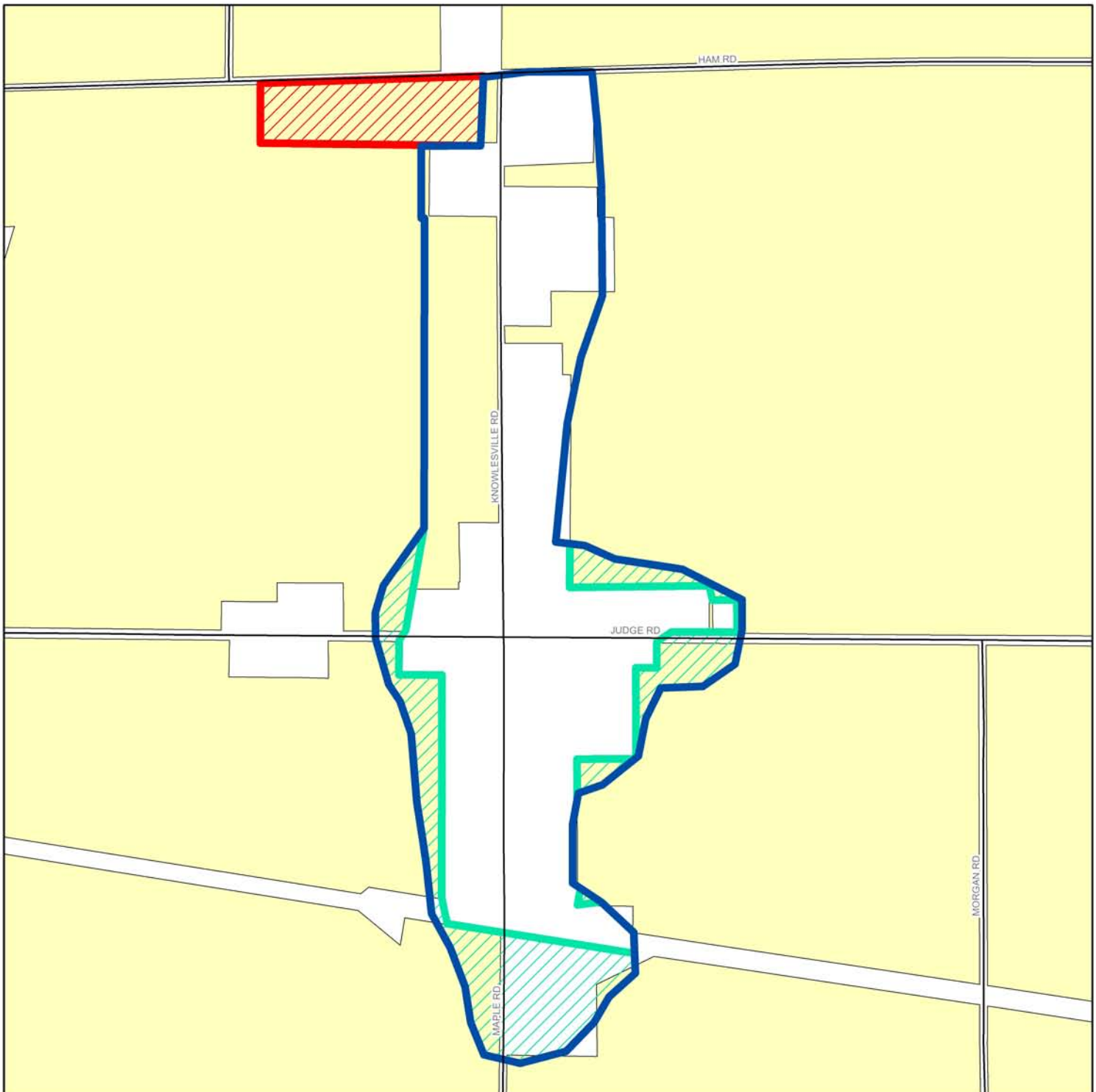






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## Map 2.3 Hamlet of South Alabama Town of Alabama Proposed Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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-  Priority Development Areas
-  Proposed Deletions
-  Proposed Expansions
-  NYS Agricultural Districts

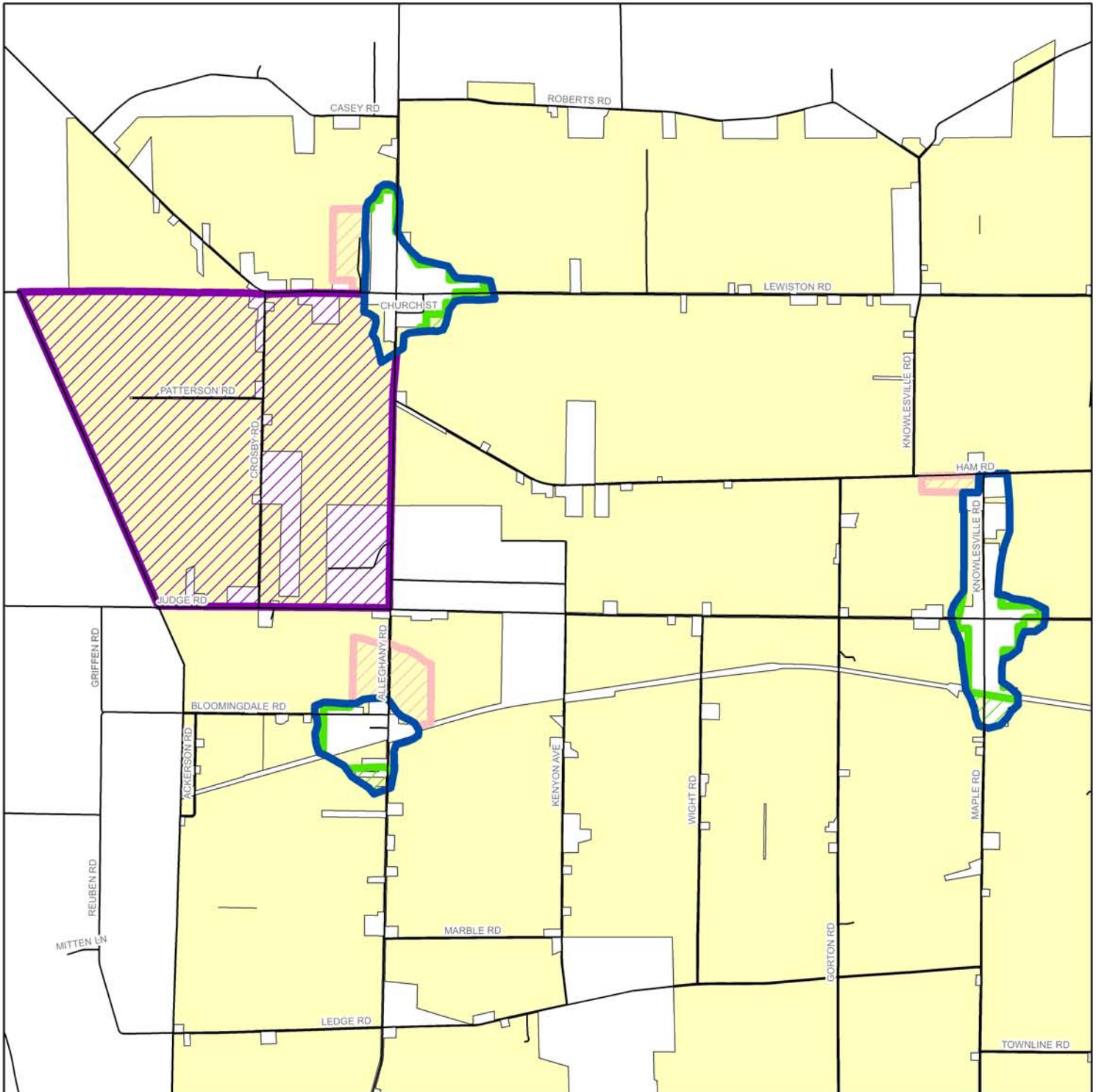


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# Map 3 Town of Alabama Recommended Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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- Priority Development Areas
- Recommended Reserved Development Areas
- Recommended Priority Development Area Expansion
- Recommended Deletions
- NYS Agricultural Districts



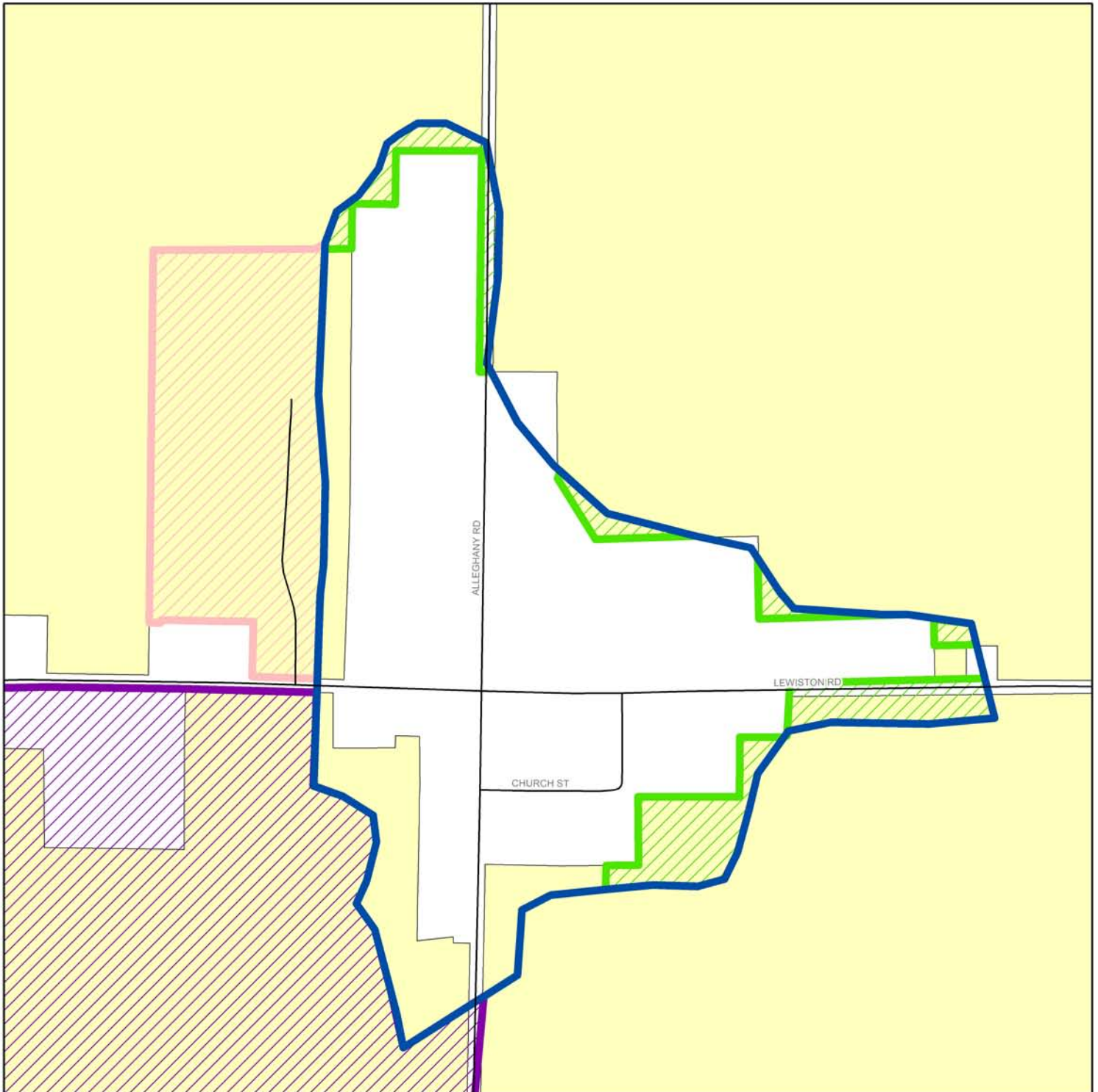
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# Map 3.1 Hamlet of Alabama Town of Alabama Recommended Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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- Priority Development Areas
- Recommended Reserved Development Areas
- Recommended Priority Development Area Expansion
- Recommended Deletions
- NYS Agricultural Districts

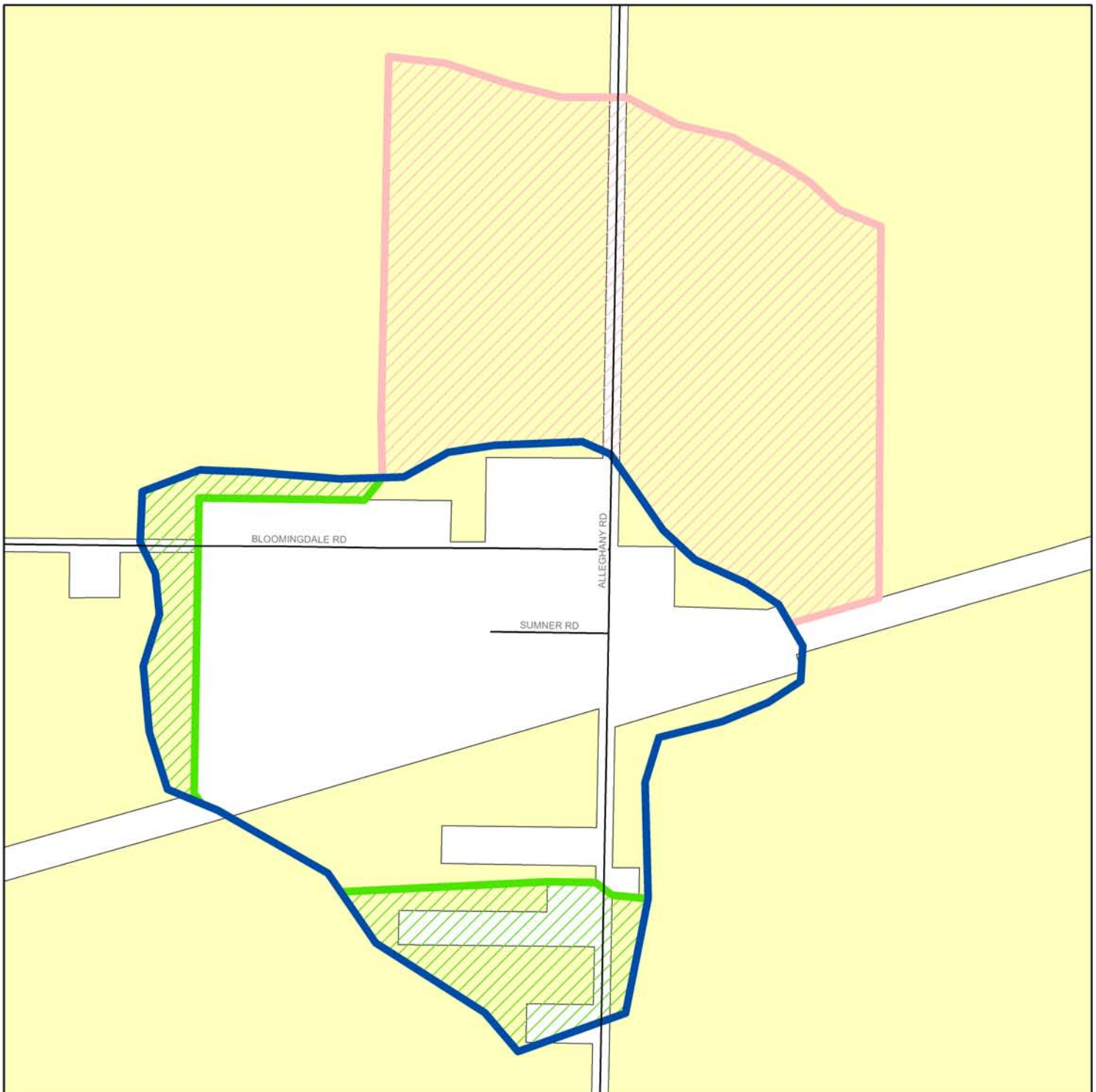


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# Map 3.2 Hamlet of Basom Town of Alabama Recommended Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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- Priority Development Areas
- Recommended Reserved Development Areas
- Recommended Priority Development Area Expansion
- Recommended Deletions
- NYS Agricultural Districts

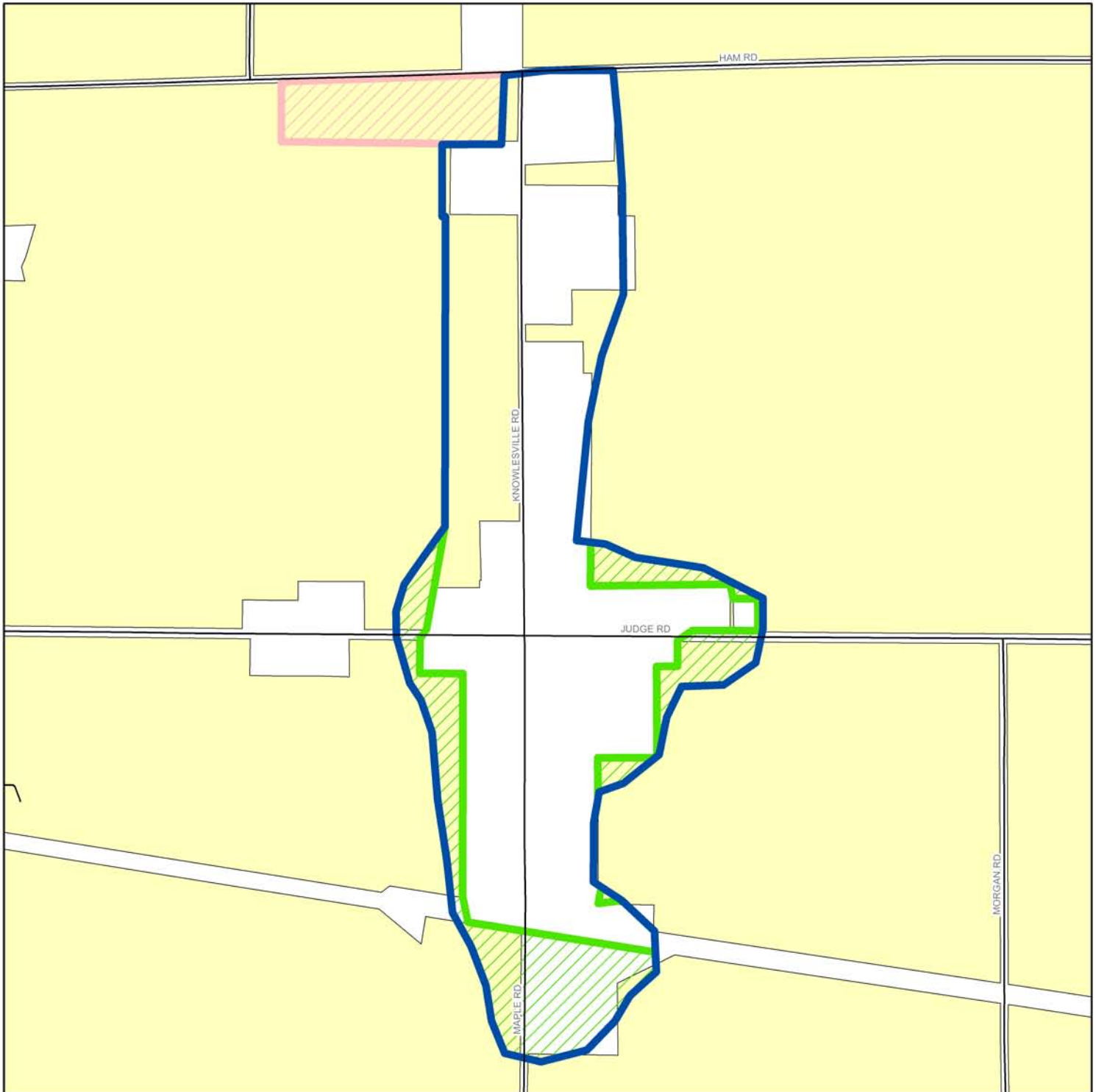


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# Map 3.3 Hamlet of South Alabama Town of Alabama Recommended Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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- Priority Development Areas
- Recommended Reserved Development Areas
- Recommended Priority Development Area Expansion
- Recommended Deletions
- NYS Agricultural Districts



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Currently, the Town of Alabama Zoning Map has the Hamlet of Alabama zoned as commercial in the center, where Lewiston and Alleghany Roads meet, with surrounding property classified for zoning purposes as Residential. Land in the Hamlet of South Alabama is zoned as Commercial where Judge and Knowlesville Roads intersect. Radiating from this central area is a Residential zoning district that is surrounded by land classified as Agricultural-Residential. The Hamlet of Basom is similar in nature to the other hamlets, as a center Commercial District is surrounded by both Residential and Agricultural Residential Districts. The property proposed as part of the STAMP project site is zoned Technology District.

The Comprehensive Plan and Zoning Law seem to indicate that the Town of Alabama would like to direct growth in the three hamlets, furthered by their recommendation for changes and additions to these areas. The STAMP property, although not originally envisioned as an area for industrial development, has now taken on a new identity through recent updates to the Town of Alabama Comprehensive Plan. All recommendations appear to be in keeping with the existing Comprehensive Plan and Zoning Law and seek to ensure that the Town of Alabama develops as planned.

## **TOWN AND VILLAGE OF ALEXANDER**

Development Areas in Alexander are located in and around the Villages of Alexander and Attica, and along Alexander Road (NYS Rt. 98) between the two Villages. Most of the land within the Development Areas is outside of a NYS Agricultural District.

Growth in the area east of the Village of Alexander, and along the east side of NYS Rt. 98, is limited due to a flood hazard area. An existing water district that extends west of NYS Rt. 98 is within Agricultural District No. 1.

Water transmission mains are proposed to be constructed along NYS Rt. 98 between the Village of Alexander and the City of Batavia, and along Broadway Road (NYS Rt. 20) west of the Village of Alexander. As nearly all of the land along these corridors is within Agricultural District No. 1, new non-agricultural development should be discouraged.

### **2013 UPDATE COMMENTS**

Neither the Town nor the Village of Alexander expressed an interest in revisions to the Smart Growth Plan or the Development Area boundaries during this review.

## **CITY OF BATAVIA**

All of the City of Batavia is within a Development Area.

### **2013 UPDATE COMMENTS**

The City did not ask for revisions to the Development Area boundaries during this



**review. The City submitted text changes, specifically addition of the Planned Unit Development section under Tools and Techniques. The Town asked for revisions.**

## TOWN OF BATAVIA

Priority Development Areas in the Town of Batavia include lands in and surrounding the City of Batavia, the industrial park adjoining the NYS Thruway, and the Genesee County Airport. Other Priority Development Areas are located along West Main Street Road (NYS Rt. 5) and Pearl Street Road (NYS Rt. 33) west of the City, and along portions of several local roads. A portion of the land surrounding the airport is currently within Agricultural District No. 2. However, this location is also highly attractive for economic development. Parcels within this Priority Development Area should be removed from the Agricultural District as it is renewed, in order to encourage non-agricultural economic development. The Priority Development Areas west of the City of Batavia, along NYS Rt. 5 and NYS Rt. 33, are generally outside of NYS Agricultural Districts. Areas with high quality soils have been excluded from the Priority Development area. New non-agricultural development outside of the Priority Development Areas should be discouraged.

### 2013 UPDATE COMMENTS

**The Town of Batavia initially requested that several parcels be added to its existing Smart Growth Development Areas. The Planning Department met with representatives of the Town of Batavia to discuss their requests. Following this meeting, the Town of Batavia submitted a finalized request detailing their proposed changes to the Smart Growth Development Areas (see Map 4 and the table below), along with proposed text changes to the Smart Growth Plan. These text changes proposed that a new class of development area, Conditional Development Area, be created. After review, it is recommended that all existing Development Areas be labeled as Priority Development Areas, and that all deletions to these Areas, as proposed by the Town and depicted in Map 4, be accepted. It is further recommended that Area #1 along with Area #2A and Area #2B be added as Reserved Development Areas (see Map 5).**

Town of Batavia - Smart Growth Priority Development Area					
	Total (acres)	Undeveloped (acres/ single-family lots*)	Agricultural District (acres)	Currently Farmed (acres)	Strategic Farmland (acres)
<b>Current</b>	<b>12,275</b>	<b>5,530 / 12,044</b>	<b>3,160</b>	<b>4,636.57</b>	<b>6,120</b>
<b>Proposed Additions</b>	<b>1026</b>	<b>900 / 1958</b>	<b>892</b>	<b>766.08</b>	<b>726</b>
Area #1	558	449 / 977	554	415	435
Area #2A	245	228 / 496	167	166.18	211
Area #2B	223	223 / 485	171	184.9	80
<b>Proposed Deletions</b>	<b>697</b>	<b>677 / 1472</b>	<b>149</b>	<b>270.1</b>	<b>321</b>
Area A	420	420 / 914	48	110.42	226
Area B	176	168 / 365	0	73.17	19
Area C	101	89 / 193	101	86.51	76
<b>Net Change</b>	<b>329</b>	<b>223 / 486</b>	<b>743</b>	<b>495.98</b>	<b>405</b>



As displayed in the table above, a total of 1,026 acres was proposed for addition to the Smart Growth Development Area for the Town of Batavia. Of this proposed addition, approximately 900 acres are undeveloped. At the Town's lot size of 20,000 square feet, this would represent a maximum build out of 1,958 single-family lots. This total would be in addition to the approximately 5,530 undeveloped acres of the current Smart Growth Development Area, representing 12,044 single-family lots.

A pressing need for land for residential uses has not been demonstrated by the average number of building permits, so for this purpose, an expansion of the Smart Growth Development Area is not warranted. However, the Town of Batavia does not have much property that is slated for commercial development. As the Town surrounds the geographical and business center of Genesee County, for future development, an expansion of the Smart Growth Development Area boundary is necessary to ensure development occurs in a planned manner, rather than scattered and in places that have not been analyzed.

The Town of Batavia also proposed to delete acreage from the existing Smart Growth Development Area. As detailed in the table above, the Town proposed to delete a total of 697 acres. Of this total, approximately 677 acres are considered undeveloped. This equates to 1,472 single-family lots. It should be noted that approximately 149 acres of proposed deleted acreage is enrolled in the New York State Agricultural District program. Currently, 270.1 acres are farmed. Approximately 321 acres are considered Strategic Farmland.

The proposed deletions indicate that the Town of Batavia has chosen to direct growth in other areas than those originally included in the first Smart Growth Plan. Deleting this land from the Smart Growth Development Area will ensure that more property and more opportunities occur in the Town for agriculture to continue to be Genesee County's number one industry.

It is recommended that both Area #2A and Area #2B be included as a Reserved Development Area. In previous years, the Town of Batavia has requested that this land be added to the Smart Growth Development Area, yet this land has not been added to the Smart Growth Development Area because of the clear commitment to agriculture demonstrated by the current use of the land displayed in the table above, an important part of Genesee County's economy. Balancing the desire to support this land's current use, along with noting the characteristics that lend the property to a different form of economic development, at this time it is best to classify Area #2A and Area #2B as Reserved Development Areas.

The Town of Batavia also provided further changes to the written portion of the Smart Growth Plan, specifically the idea of a Conditional Development Area. As noted in their memorandum regarding the 2013 Smart Growth Plan Review, according to the Town of Batavia the Conditional Development Area '...would cover areas to be protected until a development is established that meets specified conditions and is part of a local municipality's and County's long term plans.' The Town of Batavia determined that the best criteria for the Conditional Development Area was as follows; existing access to transportation, including the Interstate Highway System, the State Highway network and the airport, existing public water service, existing public sewer, be a minimum of 100



contiguous acres, identified in local zoning, identified in local comprehensive plan, identified in local traffic plans, identified in local infrastructure plans, identified in local agricultural protection plans. It is further noted that 'Until a Planned Development is established, access to the County-funded portions of the County's water system will continue to be controlled in order to discourage growth that is inconsistent with the objectives and principles of the Smart Growth Plan.' The Town of Batavia also defined a Planned Development as one that '...must be a minimum of 100 acres at full build out, commercial, industrial, recreational and/or mixed use, provide the region with employment opportunities by creating at least # jobs, provide the region with \$ private investment, provide the region with additional community benefits such as re-development of existing housing or developments and a sound business plan that prevents piecemeal development of the site.' Of course, the number of jobs and money invested would have to be mutually agreed upon with numerous parties and several discussions.

The Town of Batavia's diligent and thoughtful work on their submission to the 2013 Smart Growth Plan review provided the catalyst for the newest change to the written portion of the Smart Growth Plan. Incorporating the Town's interest and ideas for a Conditional Development Area, the Reserved Development Area was conceived. Although the Conditional Development Area criteria provided a starting point, the Reserved Development Area criteria sought to incorporate more aspects of the generally accepted principles of Smart Growth, while at the same time accommodating specific areas for potential development. As a result, a new development area was developed.

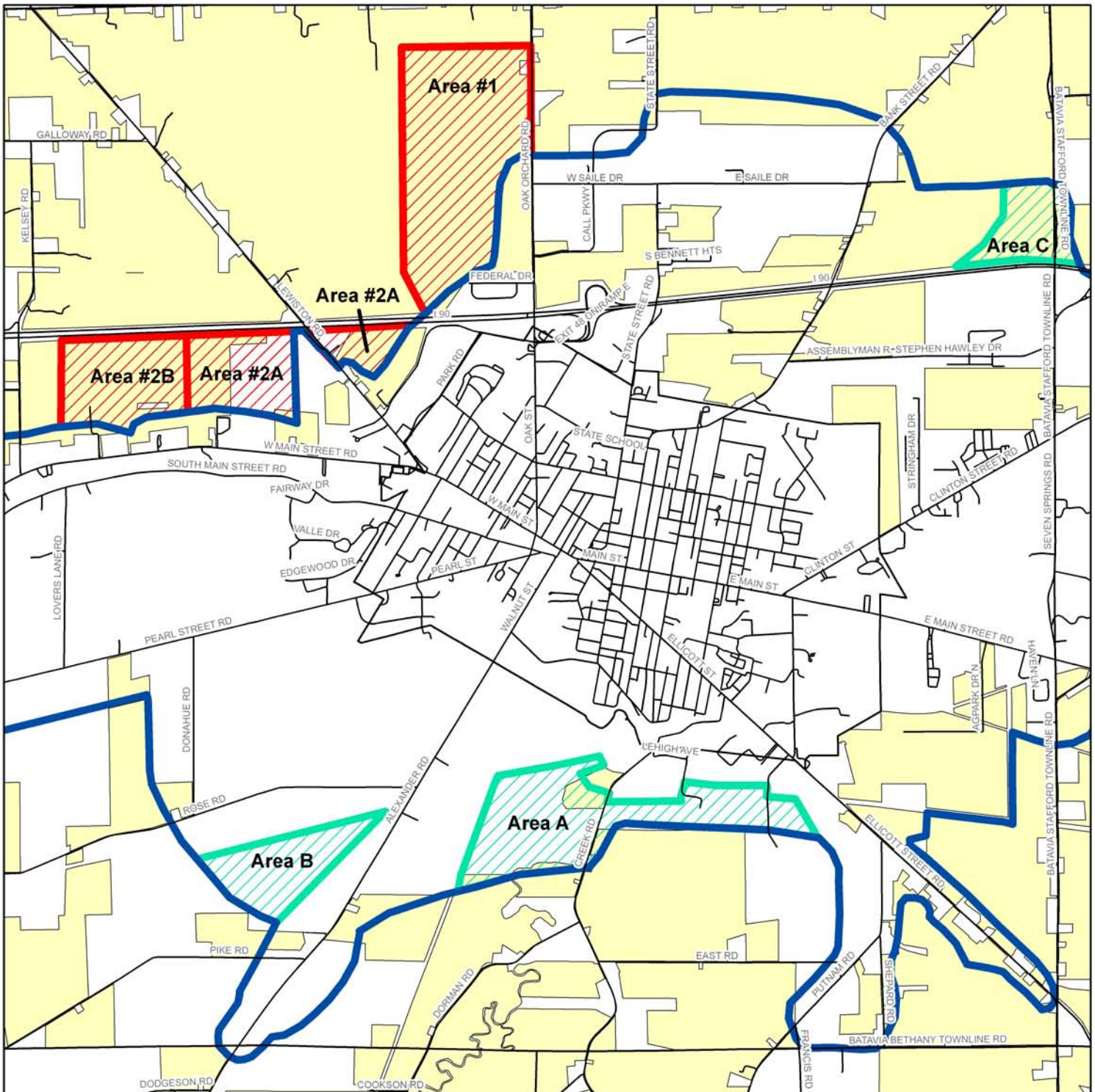
As previously noted, the Town of Batavia has put a lot of forethought and planning into how it would like to look in the coming years, notably their Comprehensive Plan and their Agriculture and Farmland Protection Plan. After much analysis and thought, it is recommended that all three areas listed for addition to the Smart Growth Development Area be added as Reserved Development Areas. As noted, this designation does not halt development, but seeks to ensure that the development that may occur does so in keeping with established guidelines. These areas encompass areas that are currently actively farmed and enrolled in the New York State Agricultural District program. As in the previous review, although the land discussed is considered prime economic development property, its current use as agriculture is also a profitable economic use. Specifically, these locations are all noted in the Comprehensive Plan. Areas #2A and #2B are slated for Industrial development and higher density respectively. Area #1 is noted in the Comprehensive Plan as '...phased development along the west side of Route 98, as market conditions warrant and after land already within the Development areas are developed.' Adding these areas as Priority Development Areas would not meet the purpose and goals of the Genesee County Smart Growth Plan. Adding these areas as Reserved Development Areas, provides the opportunity for a different form of economic use, yet ensures that the Smart Growth Plan goals are attained.





# Map 4 Town of Batavia Proposed Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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- Priority Development Areas
- Proposed Deletions
- Proposed Expansions
- NYS Agricultural Districts



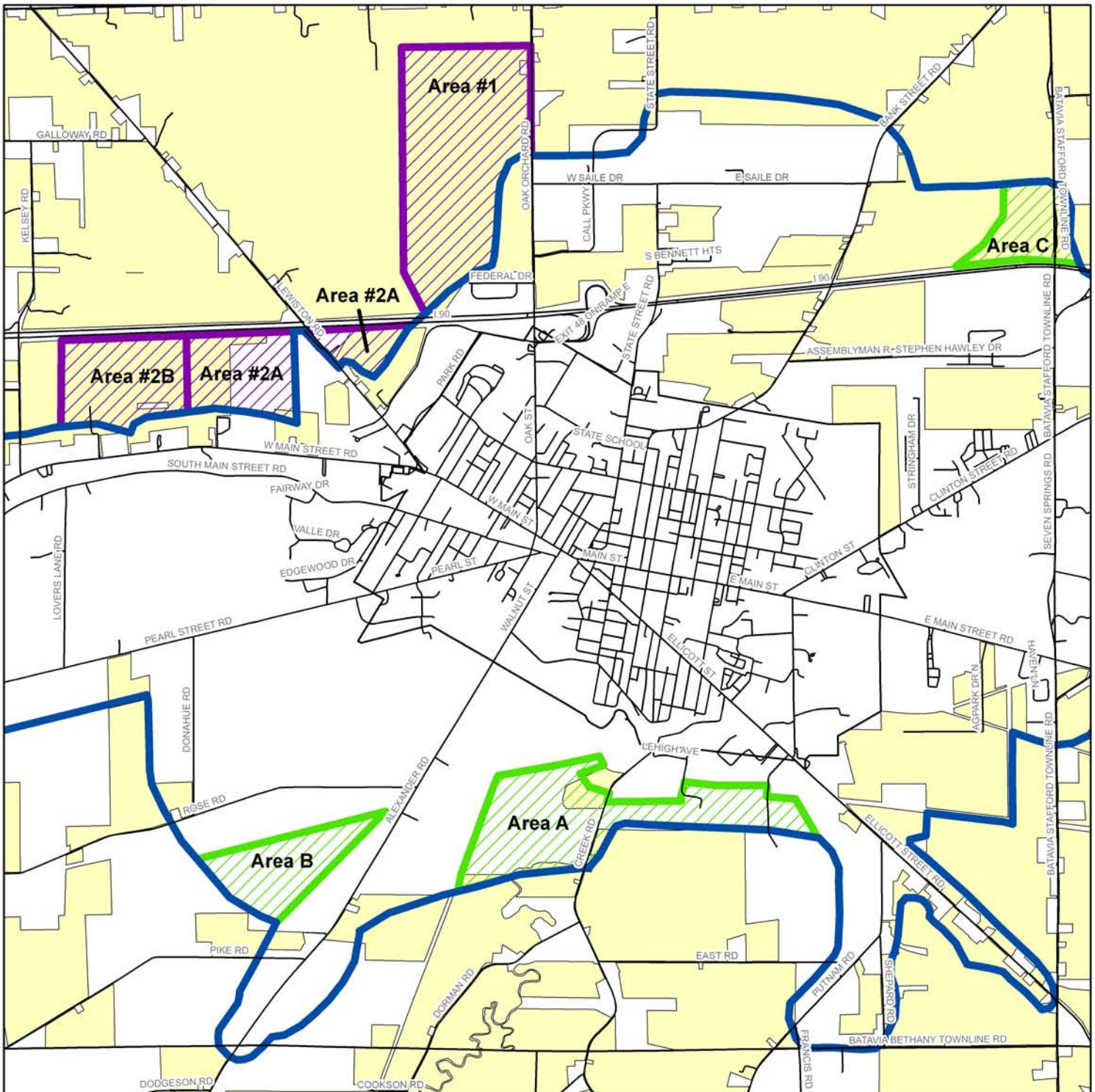
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# Map 5 Town of Batavia Recommended Changes

Genesee County Smart Growth Plan  
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- Priority Development Areas
- Recommended Reserved Development Areas
- Recommended Priority Development Area Expansion
- Recommended Deletions
- NYS Agricultural Districts



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## TOWN AND VILLAGE OF BERGEN

Land in and surrounding the Village of Bergen is designated as Priority Development Areas. These areas are generally outside of NYS Agricultural Districts, and are zoned for commercial, industrial, and higher density residential development. The Town has targeted the I-490 interchange area for future economic development. Public sewer service is available within the Village of Bergen.

The Townline Road (NYS Rt. 262) corridor west of the Village passes through land in Agricultural District No. 4. The Byron-Bergen Central School is located on the south side of NYS Rt. 262 at the intersection with West Bergen Road. Other land use in this corridor is limited to scattered residences and agricultural structures. New non-agricultural development along this corridor, west of the designated Priority Development Areas, should be limited.

Water lines have been extended north of the Village along North Bergen Road (NYS Rt. 19). A cluster of residences is located at the intersection with and along Peachey Road to the County line. The area encompassing this group of houses is not within a NYS Agricultural District. Future non-farm development should be concentrated around the intersection, and should be restricted along the corridor south of this cluster and north of the Priority Development Area surrounding the Village.

### **2013 UPDATE COMMENTS**

**Neither the Town nor the Village of Bergen expressed an interest in revisions to the Smart Growth Plan or the Development Area boundaries during this review.**

## TOWN OF BETHANY

Priority Development Areas in the Town of Bethany are located around the hamlet of Bethany Center, at the intersection of Broadway Road (NYS Rt. 20) and Bethany Center Road (County Rt. 15), and around the hamlet of East Bethany, at the intersection of Ellicott Street Road (NYS Rt. 63) and East Bethany-Le Roy Road (County Rts. 35 and 2). Water transmission mains are proposed to be extended to serve these areas in the future.

The remaining land in the Town is predominantly within Agricultural District No. 1. Non-agricultural development within the NYS Agricultural Districts should be discouraged.

### **2013 UPDATE COMMENTS**

**The Town of Bethany did not ask for revisions to the Smart Growth Plan or the Development Area boundaries during this review.**

## TOWN OF BYRON

The Smart Growth Plan identifies Priority Development Areas at the hamlet of Byron, intersection of Byron Holley Road (NYS Rt. 237) and Townline Road (NYS Rt. 262) and at the hamlet of South Byron, intersection of Byron Holley Road (NYS Rt. 237) and Walkers Corners



Road (County Rt. 19). The NYS Rt. 237 corridor connecting the two hamlets is dominated by the Black Creek floodplain. Although existing zoning permits single-family homes on 20,000 sq. ft. lots, little developable land is available. Land along this corridor is also within Agricultural District No. 4. Non-agricultural development along this corridor should be limited.

The hamlet of Byron is also designated as a Priority Development Area, due to the availability of public sewer service and a concentration of existing homes and businesses. In 2005, a 78-acre area was added to this Priority Development Area. This addition excluded a 29-acre area around Black Creek that is located in a FEMA Flood Hazard Area and preserved 9 acres of wooded open space. This wooded open space and the NYPA power lines provide a buffer between working farm lands and non-farm uses. The area added is zoned for residential use.

Public water is proposed to be extended along NYS Rt. 262 from the Village of Bergen into the Town of Byron. The land along the proposed transmission main is within County Agricultural District No. 4. Agricultural soils in this area are typically very high quality. Existing development is limited to scattered rural home sites and agricultural buildings. New non-agricultural development along this corridor should be limited.

### **2013 UPDATE COMMENTS**

**The Town of Byron did not express an interest in revisions to the Smart Growth Plan or the Development Area boundaries during this review.**

## **DRAFT** **TOWN OF DARIEN**

The Town's largest Priority Development Area is located around the Darien Lakes Theme Park and the hamlets of Darien Center and Darien City along Broadway Road (NYS Rt. 20) and Alleghany Road (NYS Rt. 77). The other Priority Development Area is at the intersection of NYS Rt. 20 and Harlow Road (County Rt. 4), including the southwest portion of Darien Lakes State Park. Land within the Priority Development Areas is generally outside of NYS Agricultural Districts. In 2005, 257 acres of Priority Development Area were added to the Town joining what had been two separate Priority Development Areas around the Theme Park and the hamlets to the south. The area that was added is strategically located near Darien Lakes Theme Park and possesses several advantages for economic growth and utilities expansion as a result. Although 79.6 acres of these lands are in Agricultural District No. 1, only 10 acres of the 79.6 acres is working farmland. 11% of 79.6 acres is classified as Prime Farmland Soils and only 10% is classified as Farmland of Statewide Importance. The Town of Darien Comprehensive Plan targets this area for short term growth.

Most of the land within the Priority Development Areas in the southern portion of the Town is currently served by public water. Although the existing water district extends beyond the boundary of the Priority Development area, new non-agricultural development outside of the Priority Development Areas is not recommended.

### **2013 UPDATE COMMENTS**

**The Town of Darien requested that several parcels be added to its existing Smart Growth Development Areas. The Planning Department met with the Town Board to**





discuss their request. After this meeting, the Town resubmitted their proposed changes to the Smart Growth Development Areas (see Map 6 and the table below). After review, it is recommended that all existing Development Areas be labeled as Priority Development Areas, and that all deletions to these Areas, as proposed by the Town and depicted in Map 6, be accepted. However, none of the proposed additions to the Priority Development Areas and no Reserved Development Areas are recommended at this time (see Map 7).

Town of Darien - Smart Growth Priority Development Area					
	Total (acres)	Undeveloped (acres/ single-family lots*)	Agricultural District (acres)	Currently Farmed (acres)	Strategic Farmland (acres)
<b>Current</b>	<b>3,366</b>	<b>1,710 / 3,724</b>	<b>463</b>	<b>670.67</b>	<b>590</b>
<b>Proposed Additions</b>	<b>188</b>	<b>78 / 169</b>	<b>110</b>	<b>26.33</b>	<b>14</b>
Area #1	36	18 / 39	33	3.07	0
Area #2	152	60 / 130	77	23.26	14
<b>Proposed Deletions</b>	<b>128</b>	<b>85 / 184</b>	<b>0</b>	<b>0</b>	<b>.20</b>
Area #1	80	37 / 80	0	0	0
Area #2	48	48 / 104	0	0	.20
<b>Net Change</b>	<b>60</b>	<b>-7 / -15</b>	<b>110</b>	<b>26.33</b>	<b>13.8</b>

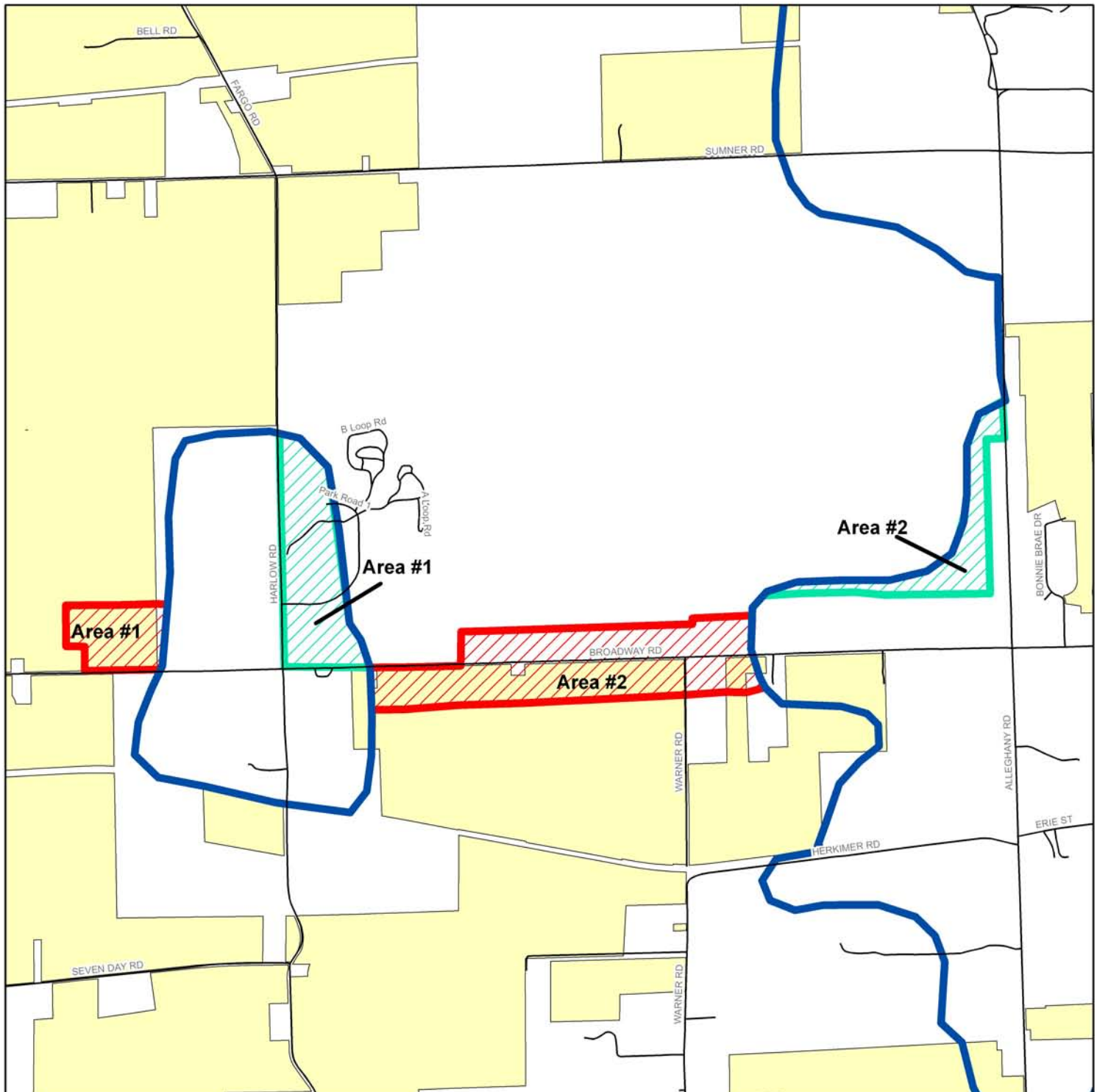
As demonstrated by the table above, a total of 188 acres was proposed for addition to the Smart Growth Development Area for the Town of Darien. Of this proposed addition, 78 acres are undeveloped. At the Town's minimum lot size of 20,000 square feet, this would represent adding an addition 41 single-family lots. This total would be in addition to the 1,710 undeveloped acres of the current Smart Growth Development Area, representing 931 single-family lots. Given the Town's average number of building permits per year of five, it appears at this present time that there is not a need for addition to the Smart Growth Development Area.

The Town of Darien also proposed to delete acreage from the existing Smart Growth Development Area. As detailed in the table above, the Town proposed to delete a total of 128 acres. Of this total, approximately 85 acres are considered undeveloped. This equates to 46 single-family lots. It should be noted that approximately 0 acres of proposed deleted acreage is enrolled in the New York State Agricultural District program. Currently, 0 acres are farmed. Approximately .20 acres are considered Strategic Farmland. The land proposed for deletion is located in the Darien State Park and cannot be developed without State action. The proposed deletions therefore do not have a real impact on the Smart Growth Development Area.



# Map 6 Town of Darien Proposed Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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- Priority Development Areas
- Proposed Deletions
- Proposed Expansions
- NYS Agricultural Districts

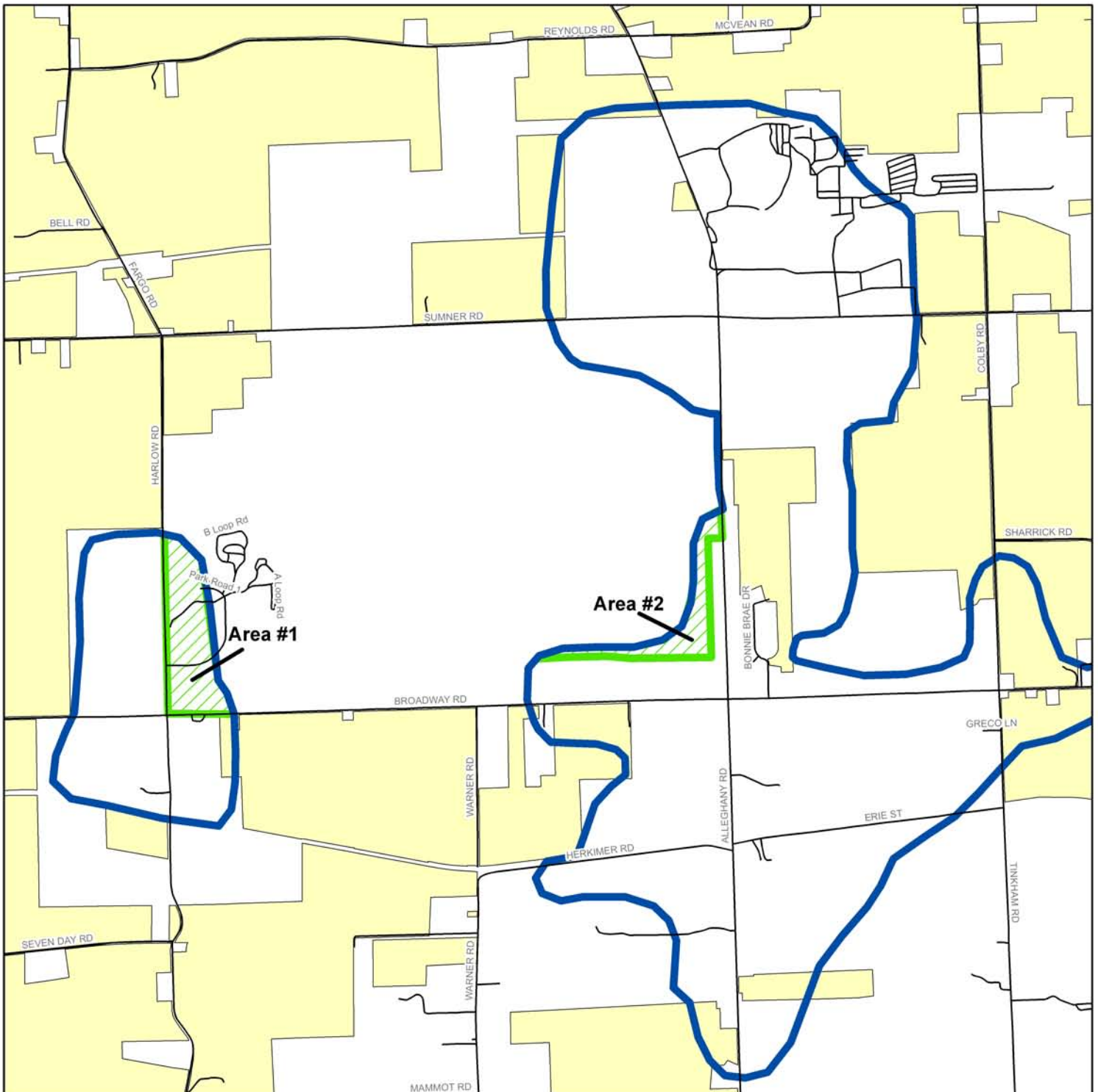


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# Map 7 Town of Darien Recommended Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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- Priority Development Areas
- Recommended Reserved Development Areas
- Recommended Priority Development Area Expansion
- Recommended Deletions
- NYS Agricultural Districts



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Examined for the evaluation of this proposal was the Town of Darien Comprehensive Plan. In the Comprehensive Plan, a future land use map indicates that the parcels recommended for addition to the Smart Growth Development Area east of Harlow Road on New York State Route 20 are intended to be utilized for low density residential. The parcels recommended for addition west of Harlow Road are slated for rural agrarian use. Currently, both of these areas have low residential development.

Along with analysis of the Comprehensive Plan, the current Zoning Law for the Town of Darien was also used to evaluate the proposed Smart Growth Development Area proposal. When looking at the current zoning, all the parcels that were recommended for addition to the Smart Growth Development Area are located in the Low Density Residential (LDR) zone. This zone allows numerous uses by right, as well as uses that require a special use permit. Directly from the Zoning Law, it is stated that 'The LDR is designed primarily to provide an area for scattered residential development on larger size lots in order to maintain the low-density nature of those specific areas.' From this description it appears that the Town of Darien would like to see this area have few homes mixed to ensure the low-density nature is preserved.

The Comprehensive Plan and the Zoning Law both indicate that the Town of Darien would like to keep this area low density, while wishing to have dense development in other areas of the municipality that are already included in the Smart Growth Plan as Smart Growth Development Areas. Residential development that is low in density over a large amount of land is not consistent with the general principles of smart growth.

The basis for this request is that the parcels are within the boundaries of two water districts in the Town of Darien, districts Nos. 3 and 4. According to the Town of Darien's first request dated November 27, 2012, Water District No. 3 'was formed as an 'Ad Valorem' type of special district prior to the adoption of the Smart Growth Plan.' It is also noted that, 'each property owner pays part of the water district's debt reduction based on their real property assessment,' thus creating a situation where the 'the property owner will be required to pay for the water district through their property tax but would be denied water service by the County.' This issue came to light in 2009 when a property owner on NYS Rt. 20 requested a water hookup and was denied by the Water Resources Administrative Review Committee. To resolve this issue, the Town of Darien has requested that these parcels be added to the Smart Growth Development Area. Although this is a legitimate issue, the Town has not presented evidence that they have tried to solve this problem through legal means. The Smart Growth Plan was not intended as a means to correct legal issues related to water districts that were created prior to the enactment of the plan.

The parcels recommended for addition to the Development Areas would contribute to strip development and do not further the intent and goals of the Smart Growth Plan and therefore cannot be recommended as additions to the Priority Development Areas nor the Reserved Development Areas. The Town of Darien has not sufficiently addressed the proposed addition locations in any Town plan or study, nor have they done so in their zoning law. As evidenced in the table above, there currently exists plenty of undeveloped land in the Priority Smart Growth Development Area, thus a need has not been demonstrated for expansion at the present time.





## TOWN AND VILLAGE OF ELBA

Land within and surrounding the Village of Elba is designated as a Priority Development Area. This area includes existing concentrations of residences, and is predominantly outside of a NYS Agricultural District.

A future water transmission main is proposed to be constructed along Drake Street Road (NYS Rt. 262) west of Elba to the Village of Oakfield, and south to the City of Batavia along Oak Orchard Road (NYS Rt. 98). Land along this corridor is sparsely developed and is part of County Agricultural District No. 2. New non-agricultural development along this corridor should be discouraged.

### **2013 UPDATE COMMENTS**

**Neither the Town nor the Village of Elba requested revisions to the Smart Growth Plan or the Development Area boundaries during this review.**

## TOWN AND VILLAGE OF LEROY

Priority Development Areas in the Town of LeRoy are located around the Interchange of I-90 and I-490, and within and surrounding the Village of LeRoy. Although farmed, much of the land around the Interchange is outside of a NYS Agricultural District. A limited amount of residential development exists in this area. The Interchange is targeted for economic development due to its location, access to the Interstate highway system, and its direct access to the City of Rochester.

Land in the Priority Development area around the Village of LeRoy contains residential strip development along several local roads, industrial development southwest of the Village, commercial development along East Main Road (NYS Rt. 5) east of the Village, including the large quarry north of NYS Rt. 5 and east of the Village.

A water transmission main was constructed along Lake Street Road (NYS Rt. 19) north of the Village. Approximately one mile within this corridor is located between the Priority Development Areas surrounding the Village and at the Interchange. New non-agricultural development within this segment of the corridor should be discouraged.

In 2003, the County added a 23-acre area to the Priority Development Area in the Town of LeRoy on West Bergen Road between Quinlan Road and Randall Road.

### **2013 UPDATE COMMENTS**

**The Town of LeRoy requested that several parcels be added to its existing Smart Growth Development Areas. The Planning Department met with the Town Board to discuss their request (see Map 8 and the table below). After review, it is recommended that all existing Development Areas be labeled as Priority Development Areas. However, none of the proposed additions to the Priority Development Areas and no Reserved Development Areas are recommended at this time.**



Town of LeRoy - Smart Growth Priority Development Area					
	Total (acres)	Undeveloped (acres/ single-family lots*)	Agricultural District (acres)	Currently Farmed (acres)	Strategic Farmland (acres)
<b>Current</b>	<b>5,936</b>	<b>2,518 / 5,036</b>	<b>1,395</b>	<b>2,125.51</b>	<b>4,106</b>
<b>Proposed Additions</b>	<b>245</b>	<b>113 / 226</b>	<b>91</b>	<b>59.02</b>	<b>106</b>
<i>South Street Rd</i>	<i>33</i>	<i>6 / 12</i>	<i>7</i>	<i>6.54</i>	<i>31</i>
<i>Randall Rd</i>	<i>59</i>	<i>37 / 74</i>	<i>8</i>	<i>27.12</i>	<i>24</i>
<i>Selden Rd</i>	<i>153</i>	<i>70 / 140</i>	<i>76</i>	<i>25.36</i>	<i>51</i>
<b>Proposed Deletions</b>	<b>0</b>	<b>0 / 0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Change</b>	<b>245</b>	<b>113 / 226</b>	<b>91</b>	<b>59.02</b>	<b>106</b>

As demonstrated by the table above, a total of 245 acres was proposed for addition to the Smart Growth Development Area for the Town of LeRoy. Of this proposed addition, 113 acres are undeveloped. At the Town's minimum lot size of 21,780 square feet, this would represent adding an addition 382 single-family lots. This total would be in addition to the 2,518 undeveloped acres of the current Smart Growth Development Area, representing 5,036 single-family lots. Given the Town's average number of building permits per year of six, it appears at this present time that there is not a need for addition to the Smart Growth Development Area.

The Town of LeRoy did not propose that any land currently located in the Smart Growth Development Area be removed.

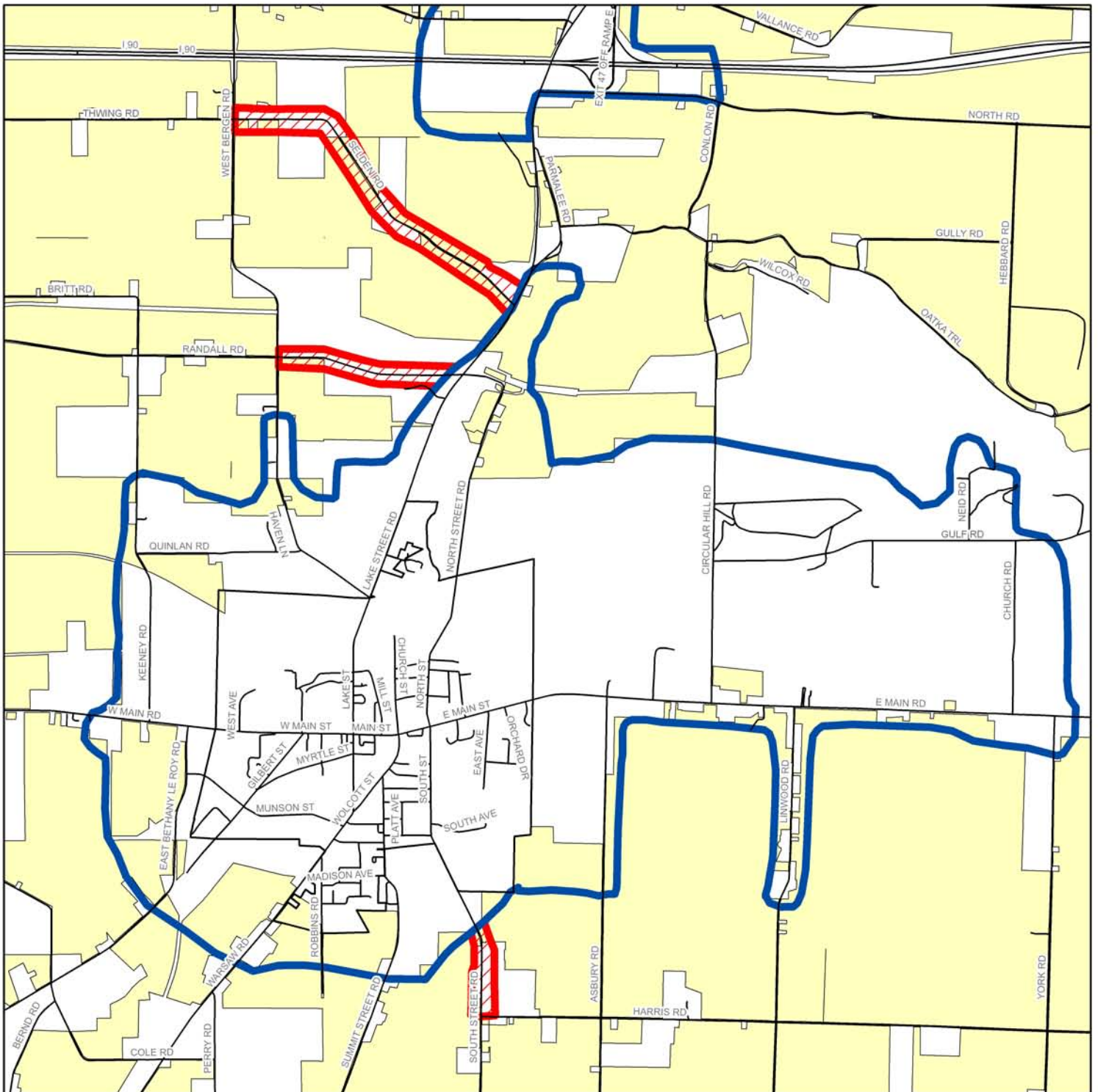
The Comprehensive Plan for the Town of LeRoy was referenced when evaluating the proposed additions. The areas under consideration are located in several classifications according to the Future Land Use map. The parcels on South Street Road are slated to be used for both residential and community resources. The parcels on Randall Road are desired to be used in the future as industrial, agriculture and residential. The parcels on Selden Road are specified to be agriculture according to the Future Land Use map.

The current Zoning Law of the Town of LeRoy also utilized as a tool for analysis of the above recommended additions to the Smart Growth Development Areas. The parcels located on South Street Road are zoned as General Residential. The parcels on Randall Road are zoned as Limited Commercial and Medium Density Residential. The parcels located on Selden Road are currently zoned as Residential Agriculture.



# Map 8 Town of LeRoy Proposed Changes

Genesee County Smart Growth Plan  
2013 Review Report  
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- Priority Development Areas
- Proposed Deletions
- Proposed Expansions
- NYS Agricultural Districts



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Currently, all three areas that have been noted above have scattered residential development. This follows closely the Comprehensive Plan and also appears to be in keeping with the Town of LeRoy's Zoning Law. All three areas have a water line that runs in front of the parcels recommended for addition. Existing homes that have desired public water have been hooked up. Those homes that are built after the water line has been placed have the opportunity to apply for a water hookup and have their application evaluated by the Water Hookup Committee, as detailed in the Smart Growth Plan. The Smart Growth Plan was not created with the intent to extend Smart Growth Development Areas to all locations where water lines were located, as this does not follow the generally accepted practices and principles of smart growth.

The land proposed to be added to the Smart Growth Development Area is not in keeping with the County's commitment to smart growth. The acres, as seen in the map located in the appendix, are proposed to be added along road frontage, thus cutting up parcels and potentially hindering agricultural production. In order for the Plan to function and meet its objectives, parcels that are added to the Smart Growth Development Areas should 'Protect farmland and the rural character of the countryside, and maintain the viability of agriculture,' yet also allow our community to continue to grow in a well thought out, organized way, where the '...efficient use of land resources and infrastructure' is promoted. The Town of LeRoy also has not demonstrated comprehensive planning in the proposed areas, nor has the Town addressed these locations in any Town plan or study. By adding the recommended parcels, the true intent and spirit of the Genesee County Smart Growth Plan would not be maintained.

## DRAFT TOWN AND VILLAGE OF OAKFIELD

Priority Development Areas in the Town of Oakfield include land within and surrounding the Village of Oakfield, an area along South Pearl Road south of the Village, and along Lewiston Road (County Rt. 22) northwest of the Village. Oakfield's Priority Development area includes existing residential development, both south and northwest of the Village, and industrially zoned land southwest of the Village.

A future water transmission main is proposed along Drake Street Road (NYS Rt. 262) between the Village of Oakfield and the Village of Elba. Existing development in this area is characterized by scattered residences and agricultural structures. New non-agricultural development along this corridor should be discouraged.

### **2013 UPDATE COMMENTS**

**Neither the Town nor the Village of Oakfield requested revisions to the Smart Growth Plan or the Development Area boundaries during this review.**





## TOWN OF PAVILION

The Priority Development Area in the Town of Pavilion is located at the hamlet of Pavilion, around the intersection of Ellicott Street Road/Big Tree Road (NYS Rt. 63) and South Lake Road (NYS Rt. 19). The hamlet is currently served by public water and sewer.

A new transmission main was constructed to supply the hamlet with a new source of water (LeRoy system). This main was constructed along Dillon Road east of the hamlet, connecting to South Street Road (County Rt. 3) and Walker Road (County Rt. 20). As the land along the transmission main is located within Agricultural District No. 3, new non-agricultural development along this corridor should be discouraged.

### **2013 UPDATE COMMENTS**

**The Town of Pavilion did not express an interest in revisions to the Smart Growth Plan or the Development Area boundaries during this review.**

## TOWN OF PEMBROKE

A Priority Development Area is located around the NYS Thruway Exit 48A Interchange extending south around the hamlet of Brick House Corners at the intersection of Main Road (NYS Rt. 5) and Alleghany Road (NYS Rt. 77) and reaching west along NYS Rt. 5 to the County line. Other Priority Development Areas within the Town of Pembroke are located around the hamlets of East Pembroke and Cooksville, around the Village of Corfu, and around the hamlet of Indian Falls in the northwesterly part of the Town around the intersection of NYS Rt. 77 and Akron Road (County Rt. 11). Most of the land within Pembroke's Priority Development Areas is outside of NYS Agricultural Districts.

Water transmission mains are proposed to be built in the future along NYS Rt. 77, from Corfu north into the Town of Alabama. A Water transmission main was built along NYS Rt. 5, between NYS Rt. 77 and the Priority Development Area around the hamlet of East Pembroke. Only a small portion of the land in these corridors is within County Agricultural District No. 1. However, in order to encourage a compact pattern of development and to retain the rural character of the areas along these corridors, new non-agricultural development should be discouraged.

### **2013 UPDATE COMMENTS**

**Neither the Town of Pembroke nor the Village of Corfu requested revisions to the Smart Growth Plan or the Development Area boundaries during this review.**



## **TOWN OF STAFFORD**

Priority Development Areas within the Town of Stafford are located along Main Road (NYS Rt. 5), between the Batavia Town line and the hamlet of Stafford at the intersection with NYS Rt. 237, around the hamlet of Morganville at NYS Rt. 237 and Morganville Road, and along the Batavia Town line between NYS Rt. 5 and the NYS Thruway. Existing development in this area consists primarily of residential, commercial, industrial and institutional development along the roadside. Most of the land in these areas is outside of NYS Agricultural Districts.

A water transmission main was constructed along NYS Rt. 5 through the Town of Stafford. East of the hamlet, roadside development is relatively sparse, and most of the land is within Agricultural District No. 3. New non-agricultural development along this corridor should be discouraged.

### **2013 UPDATE COMMENTS**

**The Town of Stafford did not request revisions to the Smart Growth Plan or the Development Area boundaries during this review. A portion of the Priority Smart Growth Development Area located on the border between the Town of Stafford and the Town of Batavia was deleted as a result of the request for deletion of a portion of the Smart Growth Development Area in the Town of Batavia (see map 5).**

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