



# GENESEE COUNTY

## Department of Planning

"Planning for the future of Western New York's Heartland"

# PLANNING

# NEWS

Volume 76

Spring 2009



## Digital Planning News

### Electronic Newsletter



Have you made the switch to digital yet? Please send an email to Holly McAllister, Department of Planning Secretary, at [hmcallister@co.genesee.ny.us](mailto:hmcallister@co.genesee.ny.us). Include your name, email address, agency/municipality, phone number, and position if applicable. A digital version can also be downloaded or viewed by going to [www.co.genesee.ny.us/dpt/planning](http://www.co.genesee.ny.us/dpt/planning) and clicking on the link "Planning Newsletter." **As printing and mailing costs have increased, we will be eliminating the printed version altogether.** If you do not have access to email or a computer, please see your municipal clerk or another board member for a copy. Please help us serve you better by reducing costs for distribution of this newsletter. Thank you!

## Code of Conduct for Wind Farm Development

Recently, the Office of the New York State Attorney General created a Code of Conduct for Wind Farm Development. This document was created as a result of the Attorney General's investigation into wind farm development companies. Each wind company that chooses to sign this document must provide a copy of the Code, as well as a written statement of the intent to comply, to counties and towns within New York State where the company is engaged in wind farm development.

The Code of Conduct for Wind Farm Development, a voluntary agreement, addresses conflicts of interest, public disclosure, education and training, as well as enforcement and compliance. The Code of Conduct:

- Bans wind companies from hiring municipal employees or their relatives, giving gifts more than \$10 during a one year period or providing any other form of compensation that is contingent on any action before a municipal agency
- Prevents wind companies from soliciting, using or knowingly receiving confidential information acquired by a municipal officer in the course of his/her official duties
- Requires wind companies to establish and maintain a public website to disclose the names of all municipal officers or their relatives who have a financial stake in wind farm development
- Requires wind companies to submit in writing to the municipal clerk for public inspection and to publish in the local newspaper the nature and scope of the municipal officer's financial interest
- Mandates that all wind easements and leases be in writing and filed with the County Clerk
- Dictates that within thirty days of signing the Wind Industry Ethics Code, companies must conduct a seminar for employees about identifying and preventing conflicts of interest when working with municipal employees

Along with the Code of Conduct for Wind Farm Development, a task force has also been created that will monitor wind companies to ensure that they are in compliance with the Code of Conduct. Task Force members include: a representative from the Office of Attorney General; Franklin County District Attorney,

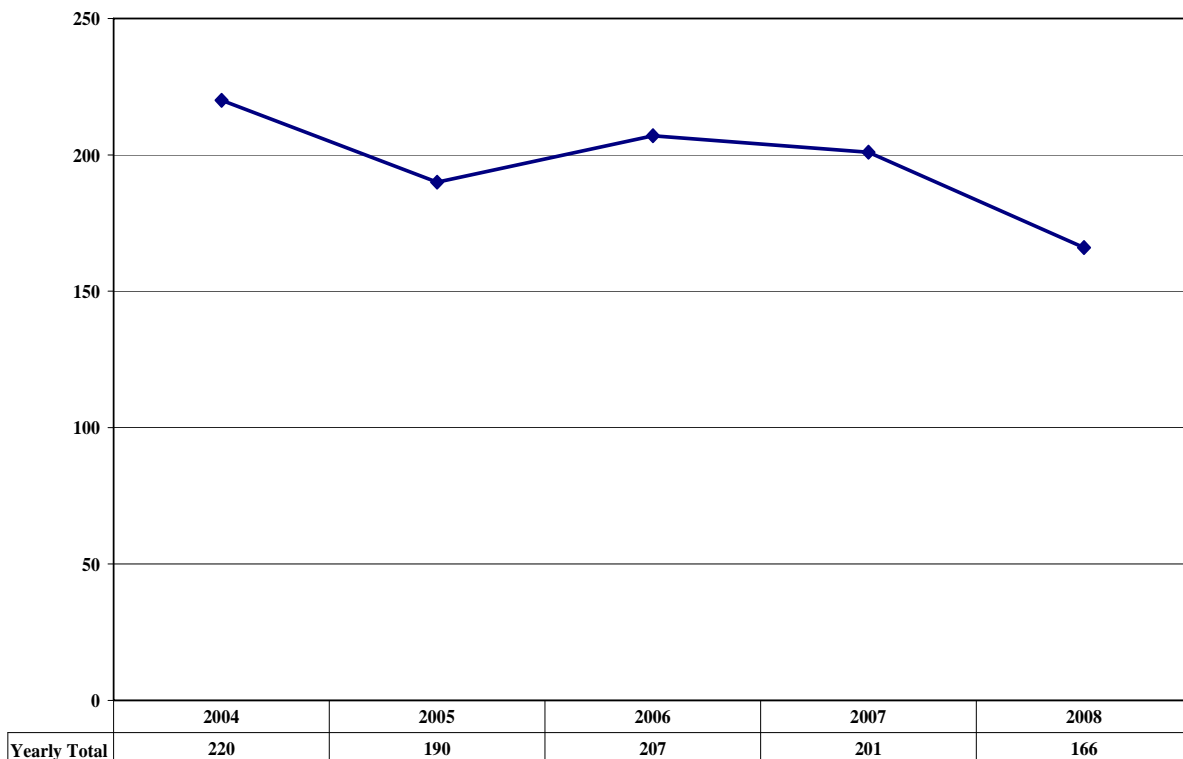
Derek P. Champagne; Monroe County District Attorney, Michael C. Green; Wyoming County District Attorney, Gerald Stout; Executive Director of the New York State Association of Counties, Stephen Acquario; Executive Director of the New York State Association of Towns, G. Jeffrey Haber and New York Public Interest Research Group Legislative Director, Blair Horner.

Currently, two wind companies have signed the Code of Conduct; Noble Environmental Power, LLC and First Wind.

## County Planning Board Referral Analysis

Over the past five years there has been a drop in the number of County Planning Board Referrals from local municipalities. As seen in Figure 1 below, in 2004 there were 220 referrals to the County Planning Board, and that number has dropped to 166 in 2008. The exact causes for this trend are difficult to determine, but possible reasons include the updating and streamlining of Zoning Regulations to eliminate the need for variances and unnecessary review as well as a slowing of the economy. These reasons are supported by Figure 2 which shows that the overall types of referrals have remained consistently proportional from 2004 to 2008. Regionally, Table 1 shows that the biggest declines in referrals have come from the Town and City of Batavia, as well as the Towns of Bethany and Bergen.

**Figure 1.**  
**Total Number of County Planning Board Referrals Over the Past Five Years**



2008

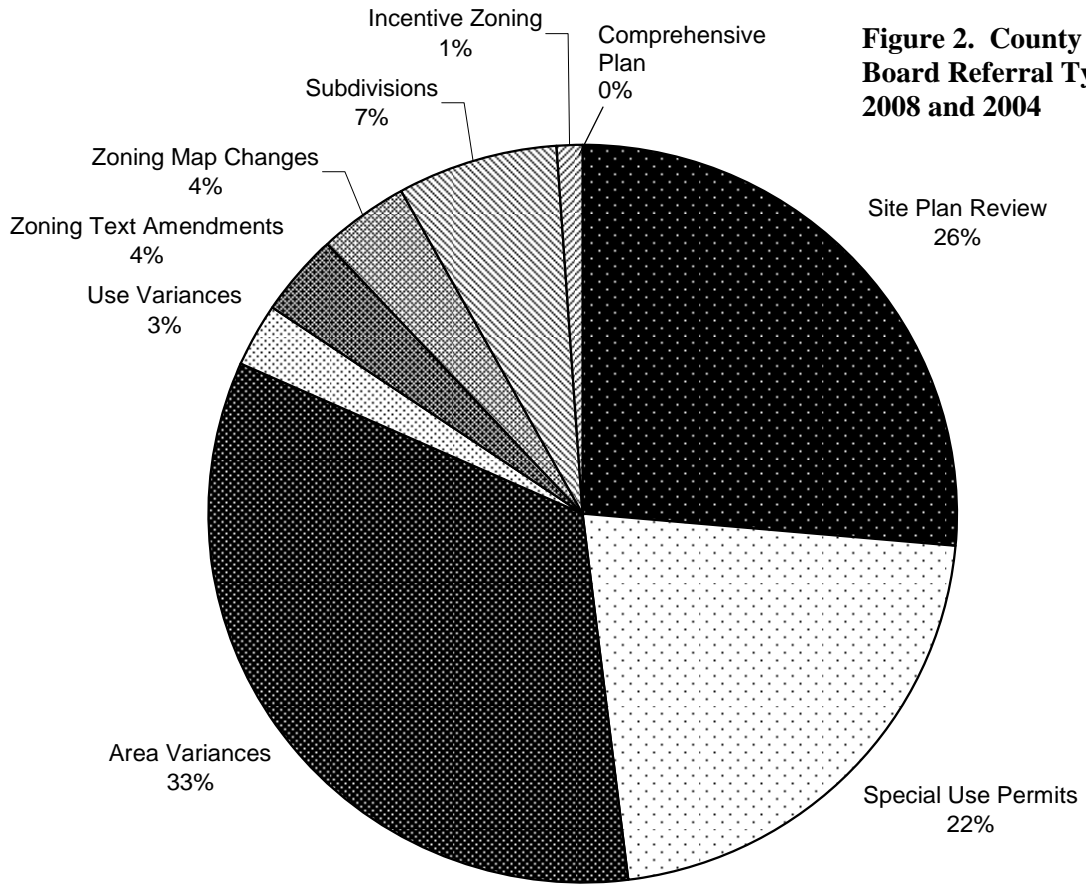
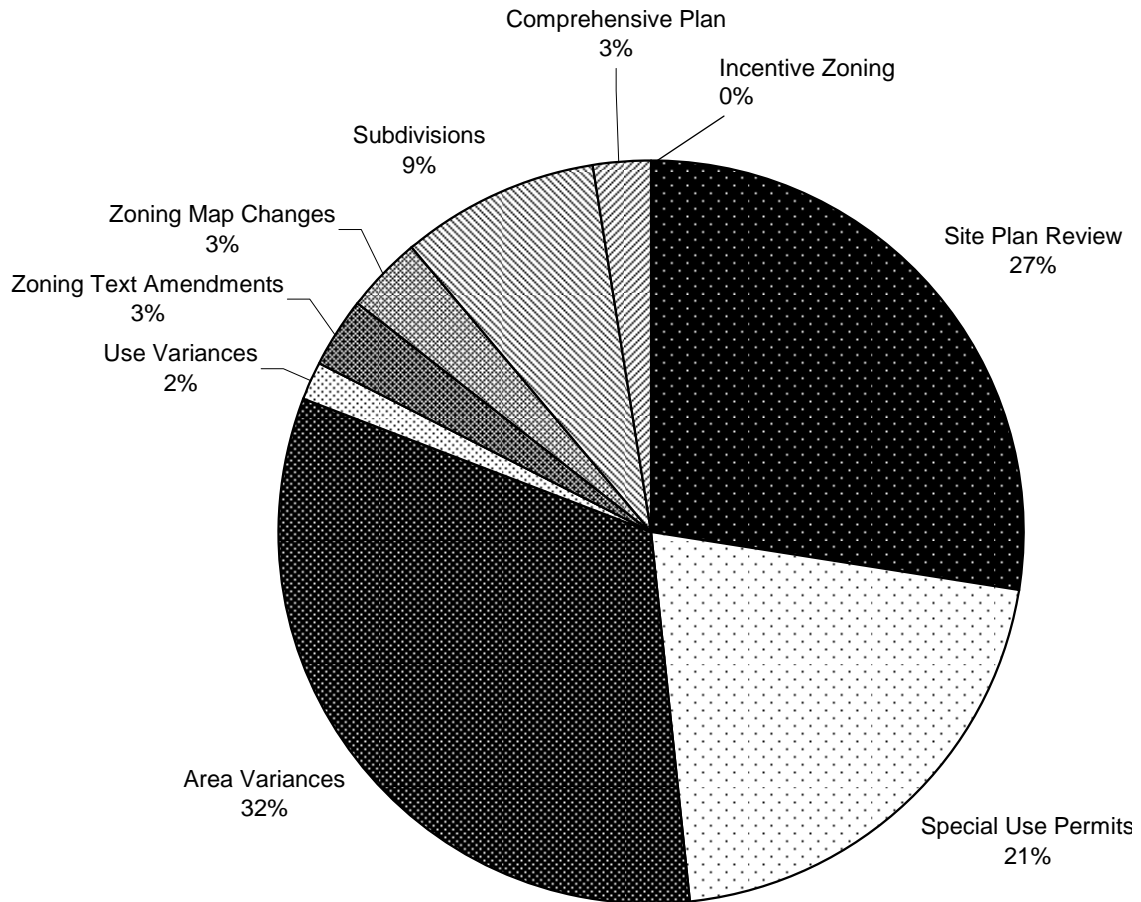


Figure 2. County Planning Board Referral Types, 2008 and 2004

2004



**Table 1. County Planning Board Referrals per Municipality Over the Past Five Years**

<b>County Planning Board Referrals</b>					
<b>Municipality</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
ALABAMA, T.	8	14	12	7	11
ALEXANDER, T.	3	3	3	4	2
BATAVIA, T.	55	34	42	48	35
BERGEN, T.	12	7	10	1	3
BETHANY, T.	13	8	7	13	4
BYRON, T.	2	4	1	2	1
DARIEN, T.	5	14	7	11	7
ELBA, T.	3	5	5	6	1
LEROY, T.	17	19	13	18	15
OAKFIELD, T.	5	1	3	3	2
PAVILION, T.	5	11	14	9	5
PEMBROKE, T.	16	16	15	16	14
STAFFORD, T.	12	11	13	19	15
BATAVIA, C.	34	22	39	26	25
ALEXANDER, V.	1	0	0	0	2
BERGEN, V.	1	1	6	1	6
CORFU, V.	3	4	2	6	1
ELBA, V.	1	4	1	0	1
LEROY, V.	18	10	11	10	12
OAKFIELD, V.	6	2	3	1	4
<b>TOTAL</b>	<b>220</b>	<b>190</b>	<b>207</b>	<b>201</b>	<b>166</b>

# Grants Update

As previously reported in the Fall/Winter 2008 newsletter, the Genesee County and Orleans County Health Departments were awarded a grant from the Greater Rochester Health Foundation to use Global Positioning System (GPS) to accurately locate wells and septic systems in the both Counties. This grant will be administered through Lake Plains Community Care Network. Working together, Genesee and Orleans County as the main stakeholders, will share ideas, insight and work together to develop a program and methodology that is useful today and well into the future.

The first step in this project has been completed. After evaluating proposals, Bergmann Associates was awarded the contract by Lake Plains Community Care Network to develop a Geographic Information System (GIS) application for both Health Departments. Bergmann Associates has recently completed a similar project in Chautauqua County, giving them experience and knowledge to complete the project efficiently and in a timely manner.

The duration of the project is scheduled for three years. During this time, a GIS program will be developed that will seek to give virtually all wells and septic systems a reference point using a GPS unit, so that the location can then be input into the GIS program. Each point will have information specific to that well or septic system, such

as depth, last inspection and a photograph of the location. The GIS program will allow the user to view the location of the well and/or septic system in relation to each other, as well as wells and septic systems on surrounding properties. This information will be extremely helpful should a public water supply issue arise.

As noted in the fall 2008 newsletter, the Town of LeRoy and the Town of Batavia were both awarded grants from New York State Agriculture and Markets to complete Agriculture and Farmland Protection Plans. These grants are given so that Towns may develop plans for protection of Agriculture and Farmland. Agriculture and Farmland Protection Plans ultimately aid in maintaining agriculture industry's economic viability and preserves the environmental and landscape for future generations.

The Town of LeRoy has held a public information meeting to describe the project to citizens. This meeting was followed by a farmer's roundtable. This event, well attended by local farmers, produced numerous ideas and topics for further study. All interviews of stakeholders have also been completed by the consultant, American Farmland Trust. Currently, the Town of LeRoy Agriculture and Farmland Protection Plan Steering Committee has begun to prioritize areas in the town that are considered to be valuable to the agricultural community. Methods of preservation are now being explored.

The Town of Batavia has held their first public meeting. This meeting, conducted by Stuart Brown and Associates and American Farmland Trust, was well attended. As a result of this meeting, a summary of strengths, weaknesses, opportunities and threats was compiled for further review by the Town of Batavia Agriculture and Farmland Protection Plan Steering Committee and the public at a future meeting. At the most recent Steering Committee meeting, topics for future workshops were discussed. The first of three workshops was conducted on Thursday, February 12<sup>th</sup> to discuss Agricultural Economic Development. The next workshop will be held on Thursday, March 12<sup>th</sup> and will focus on Zoning. The final workshop on Thursday, March 26<sup>th</sup> will serve as a follow-up meeting on Zoning and other potential strategies. All workshops will be held at the Town Hall and will begin promptly at 7 p.m. For additional information, please contact Steve Mountain, Town of Batavia Engineer and Steering Committee liaison at 343-1729 extension 220.

If your municipality is interested in applying for an Agriculture and Farmland Protection Planning Grant, we encourage you to check out New York State Department of Agriculture and Markets website at [www.agmkt.state.ny.us](http://www.agmkt.state.ny.us). You may also contact the Planning Department for more information.



## **Hazard Mitigation Planning Update**



The Genesee County Multi-Jurisdictional All-Hazard Mitigation Plan has been approved by FEMA (Federal Emergency Management Agency), SEMO (State Emergency Management Office) and the Genesee County Legislature. Now, municipalities can decide whether or not they would like to adopt the plan. If you have any questions, please contact the County's Coordinator of Emergency Management Services, Tim Yaeger or the Planning Department.

# Genesee County Comprehensive Plan

Once again, the Genesee County Comprehensive Plan Steering Committee has begun holding meetings. At each meeting, two of the ten focus groups will review their monitoring reports for the Committee, seeking comments and suggestions on items to concentrate on for the future. The following is a schedule for the meetings. All are invited to attend. Meetings are held at 9:30 a.m. (please call to verify the location). If you are unable to attend the meetings, but would like to review the focus group monitoring reports, please visit the County website at <http://www.co.genesee.ny.us/dpt/planning/compplan.html>. If you are interested in serving on one of the focus groups, please contact the Planning Department at 344-2580 ext. 5467.

<b>Genesee County Comprehensive Planning Process Focus Group Reporting Schedule 2009</b>		
<b>Meeting Date</b>	<b>Focus Group Reporting</b>	<b>Chairperson</b>
January 9, 2009	Health and Human Services	Deb Kerr-Rosenbeck
	Transportation	Tim Hens
February 6, 2009	Government Administration	Jay Gsell
	Housing	Frank Ciaccia
March 6, 2009	Parks, Recreation and Culture	Linda Blanchet
	Law Enforcement and Emergency Management	Gary Maha
May 1, 2009	Economic Development	Steve Hyde
	Land Use	Lucine Kauffman
July 10, 2009	Technology	Diane Wyrwa
	Utilities	Jim Vincent



The Genesee County Planning Board cordially invites members of local municipal planning boards and zoning boards of appeals to attend one of their monthly meetings. Attendance at a meeting will allow board members to see how the County Planning Board functions and possibly earn training credit (if municipal approval is granted). A set amount of time will be available for a question and answer session. If your municipality is interested in attending a County Planning Board meeting, please contact Jill Babinski at 344-2580 extension 5471 or [jbabinski@co.genesee.ny.us](mailto:jbabinski@co.genesee.ny.us).

# ***Available Training***

As we prepare our schedule for training opportunities, we want to hear what you are interested in. Do you want to attend a Planned Unit Development training session or would you rather learn what your role and duty is as a planning or zoning board member? These are just some examples of training that can be conducted. Please contact Jill Babinski at either 344-2580 ext. 5471 or [jbabinski@co.genesee.ny.us](mailto:jbabinski@co.genesee.ny.us) to let her know what training you think is necessary.

## Powers and Duties of the Planning Board

Wednesday April 29<sup>th</sup> 7-9 p.m. at County Building II, 3837 West Main Street Road, Batavia  
Please call Holly McAllister to R.S.V.P. at 344-2580 ext. 5467 or [hmcallister@co.genesee.ny.us](mailto:hmcallister@co.genesee.ny.us)

## Spring 2009 Land Use Decision-Making Training Program

The Monroe County Department of Planning and Development Land Use Decision-Making Training Program is designed especially for new and returning municipal board members.

## Workshops (registration is \$25.00 per workshop)

1. Thursday March 5: Introduction to Planning and Zoning
2. Thursday March 12: Introduction of the NYS Environmental Quality Review Act
3. Thursday March 19: Introduction to Land Use Law, Part 1
4. Monday March 23: Healthy Ways – A Holistic Approach to Community Design
5. Thursday April 2: Introduction to Land Use Law, Part 2
6. Tuesday April 7: Transportation Considerations
7. Monday April 13: Reviewing Site Plans
8. Thursday May 7: Retail Planning for Sustainable Development

Dinner and registration begin at 5:30 p.m. and the workshop runs from 6:00-8:30 p.m.  
For more information, please contact Kathy Mahns at 585-753-2038.

## **County Planning Board Meeting Dates and Submittal Deadlines for 2009**

<b>Final Date for Zoning Referral Submittal to County Planning Department</b>	<b>Planning Board Meeting Date</b>
Thursday, March 5, 2009 – 5:00 PM	Thursday, March 12, 2009
Thursday, April 2, 2009 – 5:00 PM	Thursday, April 9, 2009
Thursday, May 7, 2009 – 5:00 PM	Thursday, May 14, 2009
Thursday, June 4, 2009 – 5:00 PM	Thursday, June 11, 2009
<b>***Wednesday, July 1, 2009 – 5:00 PM</b>	Thursday, July 9, 2009
Thursday, August 6, 2009 – 5:00 PM	Thursday, August 13, 2009
Thursday, September 3, 2009 – 5:00 PM	Thursday, September 10, 2009
Thursday, October 1, 2009 – 5:00 PM	Thursday, October 8, 2009
Thursday, November 5, 2009 – 5:00 PM	Thursday, November 12, 2009
Thursday, December 3, 2009 – 5:00 PM	Thursday, December 10, 2009

**\*\*\*Please note Submittal Date change for July**

# Genesee County Department of Planning

County Building No. 2  
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Holly McAllister, Secretary	Ext. 5467	<a href="mailto:hmcallister@co.genesee.ny.us">hmcallister@co.genesee.ny.us</a>

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## Genesee County Planning Board

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Berney Staats, Vice Chairperson  
Hollis Upson, Legislator  
Robert Bennett  
Laraine Caton  
Michael Cianfrini  
Lucine Kauffman  
Daniel Riner  
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## Agriculture and Farmland Protection Board

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James Duval  
William Hirsch  
Jan Beglinger  
LuAnne McKenzie  
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