

GENESEE COUNTY SMART GROWTH PLAN 2010 Review Report

**Prepared for the
Genesee County Legislature**

by

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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 first 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.

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 only existing structures to public water. The majority of the hook-ups 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 2007, there have been nine additional requests for hook-ups 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-one. The Administrative Review Committee approved eight after careful consideration was given to their potential adverse impacts upon agriculture and farming in the area. One hookup request was denied in 2009.

Based upon existing comprehensive plans, the comments received from the general public, and the results from the recently recertified NYS Agricultural Districts, the Planning Department recommends that two modifications to the Development Area boundaries be made in the Town of Batavia. The changes are consistent with the Goals and Objectives of the Smart Growth Plan and should not pose any significant adverse impacts upon County-wide agriculture or the viability of agriculture. No changes are recommended for the Towns of Alabama, Darien or Oakfield.

Genesee County Smart Growth Plan

I. 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:

No changes to the objectives of the Plan are recommended at this time.

- 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 more "quality communities." The Plan includes a map designating areas within which development and redevelopment 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.

II. DESIGNATION OF DEVELOPMENT AREAS

The Smart Growth Map delineates “development areas” within Genesee County. Within these areas, development and redevelopment is encouraged and the County will not restrict access to the County-funded portions of the County’s water system. Outside of the designated 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.

The 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 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.

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*.

Ownership change resulted in a name change.

Methodology for Delineating the Boundaries of the 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 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 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 County Agricultural Districts currently encompasses approximately 61% of the land area of Genesee County. Genesee County has designated *six (6) 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.

Modified to reflect Agricultural District consolidation.

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.

Descriptions/ Maps

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.

III. POLICIES AND PROCEDURES FOR MANAGING HOOK-UPS 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 County Legislature or by its designee.

One change to these criteria is recommended at this time.

Within designated development areas:

- All new and existing development are automatically entitled to hook-up (subject to lateral restriction policies adopted by local municipalities for land within Agricultural Districts)

Outside designated development areas:

The following uses are automatically entitled to hook-up 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 hook-ups.
- All existing and new agricultural uses

For all other types of development, hook-ups to the County water system will require approval on a case-by-case basis by the County Legislature or its designee. Requests for such hook-ups will be reviewed and evaluated based on the following criteria:

- Impacts on the viability of agriculture, including the proximity of the hook-up to farms and surrounding farmland, hook-up 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 hook-ups

The County Legislature has the authority to approve all hookups to the County-funded portion of the County water system. Outside of designated development areas, such hook-ups for new, non-agricultural uses must meet the criteria specified above.

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

The County Legislature may, by resolution, create an administrative review committee to administer requests for such hookups. The County Legislature may also delegate the authority to approve such hook-ups to individual municipalities. The administrative review committee would administer

The Administrative Review Committee met five times in 2008 and four times in 2009 to review nine hookup requests. Based upon the criteria set forth in the Smart Growth Plan, each hookup met the thresholds

requests for hook-ups only within those municipalities that do not have the authority to approve hookups.

The administrative review committee created by the County Legislature should include 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 is included in the decision-making process. Every motion or resolution of the Administrative Review Committee shall require for its adoption the affirmative vote of a majority of all of the Committee members.

The review committee will apply the criteria outlined above to determine whether or not to approve the hook-up. The review committee *shall* also request a recommendation from the municipality in which the proposed hook-up is located. *Municipalities will have five business days to respond in writing with their recommendation to the review committee.* The review committee would be expected to meet as needed to administer requests for hook-ups.

An appeals process will also be instituted. An applicant may contest the decision of the administrative review committee through an appeal to the County Planning Board.

In order to administer requests for hook-ups, 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 hook-up in forwarding the request to the administrative review committee.

The County Legislature may, by intermunicipal agreement, delegate the authority to administer requests for hookups to the County-funded portion

set forth by the review criteria and were deemed not to pose a significant, adverse impact upon agriculture and farming County-wide or in the immediate area. One hookup request was denied in 2009.

The position of Director of Real Property will no longer be a representative on the administrative review committee.

Previously, request of a recommendation from the municipality where a hookup has been proposed was optional. This procedural step has now been made mandatory. The allowance of five business days for the municipality to submit a recommendation to the review committee has been put in place to ensure that the process continues to be expeditious.

of the County water system to individual municipalities. In order to receive authorization to review hook-ups, 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 hook-up authority and it was granted.

Municipalities authorized to approve hook-ups 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 will authorize the County Planning Department to monitor hook-up decisions made by municipalities. The County Planning Department should prepare a report every two years, 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 hook-ups if a municipality does not follow the principles of the Smart Growth Plan.

IV. PROCEDURES FOR ADOPTION AND FUTURE AMENDMENTS TO THE SMART GROWTH PLAN

The Smart Growth Plan is 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, after the third two year review concluded in 2007. 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.

V. 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 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 Smart Growth Plan.

Promote farmland protection outside of smart growth areas

Coordinate with Agricultural District Program

Genesee County currently has 6 Agricultural Districts. Land within each of these Districts is enrolled for a period of 8 years.

After 8 years, the County reviews the District and may add or remove land from the Agricultural District.

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

- Agricultural use assessments: Land is assessed at its value for agricultural production, rather than at its full market value.
- Protection from local regulations that would restrict farm practices
- Protection from public acquisition
- Protection from nuisance suits (right-to-farm provisions)

In exchange for these benefits, land owners must agree to keep land undeveloped for a period of 8 years. If the land is converted to non-agricultural use within the 8-year period, the landowner must repay up to five (5) years’ worth of property tax savings resulting from the agricultural use value assessment.

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, 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.

- Public purchase of development rights

Purchase of Development Rights (also referred to as “Purchase of 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.

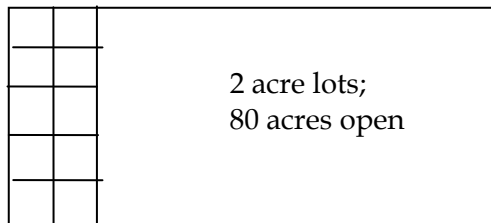
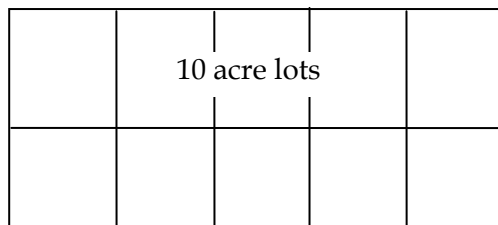
Advantages:

- 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.
 - Is not permanent. 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 1 dwelling per 10 acres, a farm of 100 acres would be entitled to develop up to 10 dwelling units. If the 10 dwellings were built on a total of 20 acres of the parcel (with an average lot size of 2 acres), 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 80 acres to prevent future development.

100 acres - 10 building lots



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”

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*

It is recommended that the ***bold italicized*** text be included.

Encourage re-development and re-use of industrial sites and buildings in areas with access to infrastructure.

- City of Batavia Industrial Redevelopment examples

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.

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

- City of Batavia -- Business Development Districts and other initiatives

The downtown merchants and the City of Batavia have formed a public/private partnership to improve the business climate of downtown Batavia. Merchants are assessed an additional tax to fund payments for an infrastructure bond, facade improvements and to fund operations. Infrastructure improvements will include new lighting, trees, parking lot

improvements, and sidewalk work. Operations funds are used for marketing, building relationships among businesses, and to fund a downtown manager position.

In addition, the City 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

At the time of adoption of the Smart Growth Plan, no State or Federal Grants required compliance with a Smart Growth Plan. However, several grant programs give preference to projects that are consistent with an adopted land use plan. Consistency with the Smart Growth Plan may be used to support funding applications prepared by Genesee County or its municipalities.

APPENDIX A - NARRATIVE DESCRIPTION OF DEVELOPMENT AREAS AND MAP FEATURES BY MUNICIPALITY WITH 2010 REVISION COMMENTS

Town of Alabama

Future water line extensions are proposed along Route 77 north to the Hamlet of Alabama at Lewiston Road. Three Development areas have been designated within the Town in areas with a concentration of existing development outside of County Agricultural Districts. These areas include: the Hamlet of Alabama, at the intersection of Route 77 and Lewiston Road (County Route 12); the Hamlet of Basom, at the intersection of Route 77 and Bloomingdale Road; and the Hamlet of South Alabama, at the intersection of Route 63 and Maple Street Road.

2010 Update Comments

The Town of Alabama, in correspondence received by the Planning Department on December 3, 2009, requested that several parcels be added to its existing Smart Growth Development Areas in South Alabama and Basom. After review, it is recommended that none of the parcels requested for addition to the Smart Growth Development areas be added.

One parcel was requested to be added to the South Alabama Smart Growth Development Area. This request is not recommended to be granted because the entire parcel requested for addition appears to be actively farmed and enrolled in the NYS Agricultural District program. This parcel also accounts for approximately 13 acres of strategic farmland.

In the Basom Smart Growth Development Area, the Town of Alabama requested that a total of approximately 192 acres be added. The parcels requested account for approximately 70 acres of strategic farmland. Of this acreage, only one parcel, totaling 1.1 acres, was the only land not currently enrolled in the NYS Agricultural District program. It should also be noted that this parcel is presently part of the Smart Growth Development Area.

It should also be noted that the Oakfield-Alabama Comprehensive Plan Vision Map details these two areas as long term planning areas. It is the determination of the Planning Department that at the present time, an increase in the acreage deemed part of the Smart Growth

Development Areas is not warranted at this time, due to no perceivable increase in development in the Town of Alabama, nor any increase in population. Should the existing conditions change and the STAMP Project (currently going through the SEQOR process) moves past the design stage, it is recommended that the Smart Growth Boundary Area expansion be revisited.

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 the Agricultural District, they were not included within the boundaries of the Development Areas.

Land along the Route 77 corridor, outside of the designated Development Areas, is sparsely developed. New non-agricultural development along this corridor should be limited.

Town and Village of Alexander

Development Areas in Alexander are located in and around the Villages of Alexander and Attica, and along Route 98 between the two Villages. Most of the land within the Development Areas is outside of a County Agricultural District.

Growth in the area east of the Village of Alexander, and along the east side of Route 98, is limited due to a flood hazard area. An existing water district that extends west of Route 98 is within County Agricultural District # 10.

Water transmission mains are proposed to be constructed along Route 98 between the Village of Alexander and the City of Batavia, and along Route 20 west of the Village of Alexander. As nearly all of the land along these corridors is within County Agricultural District #10, new non-agricultural development should be discouraged.

2010 Update Comments

Neither the Town or Village of Alexander have expressed an interest in revision to the Smart Growth Plan or the Development Area boundaries at this time.

City of Batavia

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

Town of Batavia

Development Areas in the Town of Batavia include lands in and surrounding the City of Batavia, the industrial park adjoining the Thruway, and the Genesee County Airport. Other Development Areas are located along Route 5 and Route 33 west of the City, and along portions of several local roads.

2010 Update Comments

The City has not asked for revisions to the Plan at this time. The Town has asked for revisions.

The Planning Department received correspondence from the Town of Batavia on February 24, 2010 to declare their request for expansion of the existing Smart Growth Development Area in three locations; Area #1 located north of the Thruway interchange along NYS Route 98, adjacent to Genesee Gateway Business Parks No.1 and 2, Area #2 located south of the NYS Thruway and is within close proximity to the NYS Thruway exchange and the County Airport and Area #3 located between NYS Route 5 and NYS Route 63.

After review, it is recommended that no changes be made with regard to Area #1. Area #1 is a total of approximately 556 acres, of which approximately 434 are considered strategic farmland and 30 acres are not in a NYS Agricultural District. Although this land is considered prime economic development property, its current use as Agriculture is also a profitable economic use. Adding this area to the Smart Growth Development Area would not meet the purpose and goals of the Genesee County Smart Growth Development Plan.

It is recommended that Area #2 should not be entirely added to the current Smart Growth Development Area. After review, it is recommended that 80 acres of the requested approximately 516 acres be added. It should be noted that of the requested acreage, approximately 295 acres is labeled as strategic farmland and only 74 of the total acreage is not enrolled in a NYS Agricultural district.

Area #3 is a total of approximately 355

acres. Of that total, approximately 282 acres are strategic farmland and 40 acres are not currently enrolled in a NYS Agricultural District. This area is currently the location of the GCEDC sponsored Genesee Valley Agri-Business Park. As this economic development endeavor seeks to support local agriculture, it is recommended that all of the requested acres except for one area closest to NYS Route 5 and one area closest to NYS Route 63, totaling 79 acres, be added.

At the present time, the Planning Department does not recommend that all the requested land be added to the Smart Growth Development Area boundaries. Area #1 and Area #2 have large amounts of land that are actively farmed and were reenrolled in the NYS Agricultural District program in 2009. Should conditions within the Town of Batavia change, it may be appropriate to review the Smart Growth Development Area boundaries.

A portion of the land surrounding the airport is currently within Agricultural District #2. However, this location is also highly attractive for economic development. Parcels within this Development Area should be removed from the agricultural district as the district is renewed, in order to encourage non-agricultural economic development.

The Development Areas west of the City of Batavia, along Route 5 and Route 33, are generally outside of Agricultural Districts. Areas with high quality soils have been excluded from the Development area. New non-agricultural development outside of the Development Areas should be discouraged.

Town and Village of Bergen

Land in and surrounding the Village of Bergen are designated Development Areas. These areas are generally outside of County 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 Route 262 corridor west of the Village passes through land in County Agricultural District #5. The Byron-Bergen Central School is located on the south side of Route 262 at the intersection of 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 Development Areas, should be limited.

A future water line extension is proposed along Route 19 north of the Village. A cluster of residences is located at the intersection of Peachey Road. The area encompassing this group of houses is not within a County 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 Development Areas surrounding the Village.

Town of Bethany

Development Areas in the Town of Bethany are located around the Hamlet of Bethany Center, at the intersection of Route 20 and Bethany Center Road (County Route 15), and around the Hamlet of East Bethany, at the intersection of Route 63 and East Bethany Road (County Routes 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 #8. Non-agricultural development within the Agricultural District should be discouraged.

2010 Update Comments

Neither the Town or Village of Bergen have expressed an interest in revision to the Smart Growth Plan or the Development Area boundaries at this time.

2010 Update Comments

The Town of Bethany has not asked for revisions to the Smart Growth Plan or the Development Area boundaries at this time.

Town of Byron

The Smart Growth Plan identifies development “nodes” at the intersection of Route 237 and Route 262 (Hamlet of Byron) and at the intersection of Route 237 and Walkers Corners Road (Hamlet of South Byron). The Route 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 County Agricultural District #5. Non-agricultural development along this corridor should be limited.

The Hamlet of Byron is also designated as a Development Area, due to the availability of public sewer service and a concentration of existing homes and businesses. In 2005, it was proposed that an area of 78 acres be added at this time. This addition excludes a 29-acre area around Black Creek that is located in a FEMA Flood Hazard Area and preserves 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 Route 262 from the Village of Bergen into the Town of Byron. The land along the proposed transmission main is within County Agricultural District # 5. Agricultural soils in this area are typically of 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.

2010 Update Comments

The Town of Byron has not expressed an interest in revision to the Smart Growth Plan or the Development Area boundaries at this time.

Town of Darien

A Development Area is located around the Darien Lakes Theme Park. Other Development Areas are located along Route 20 and Route 77, and at the intersection of Route 20 and Harlow Road (County Route 4), including the southwest portion of Darien Lakes State Park. Land within the Development Areas is generally outside of County Agricultural Districts. In 2005, it was recommended that 257 acres be added at this time. The area that was added is strategically located near Six Flags Darien Lake and possesses several advantages for economic growth and utilities expansion as a result. Although 79.6 acres of these lands are in Agricultural District 7, 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.

2010 Update Comments

The Town of Darien has expressed an interest in revision to the Smart Growth Plan and the Development Area boundaries at this time.

In correspondence received by the Planning Department on February 1, 2010, the Town of Darien requested to add four areas to its existing Smart Growth Development Area boundaries. Area #1 is along Broadway Road (NYS Route 20) between Harlow and Alleghany Roads. Area #2 is along Alleghany Road (NYS Route 77) between Ganson Avenue and Sumner Road. Area #3 is along Broadway Road (NYS Route 20) east from Attica Road (County Route 238) to the town line and Area #4 is also along Broadway Road (NYS Route 20) and County Line Road east of the Alden town line.

At this time, no changes to the Smart Growth Development Area for the Town of Darien are recommended. Area #1 is approximately 495 acres, of which approximately 340 acres is currently enrolled in the NYS Agricultural District program and approximately 75 acres are considered strategic farmland. Area #2 has approximately 569 acres enrolled in the NYS Agricultural District program out of a total of approximately 609 acres. There are also a total of approximately 120 acres are strategic farmland. Area #3 is approximately 587 acres, while Area #4 is approximately 637 acres. Of the total acres, the amount of land enrolled in the NYS Agricultural District program is approximately 528 acres and approximately 558 acres for Area #3 and Area #4, respectively. Strategic farmland accounts for approximately 28 acres of Area #3 and approximately 2 acres of Area #4. It would be in appropriate to add these areas to the Smart Growth Development Areas because of the tremendous amount of land currently

enrolled in the NYS Agricultural District program and amount of strategic farmland.

It should also be noted that these areas have not been designated for future growth in the most recent Town of Darien Comprehensive Plan, completed in 2005. The areas that have been slated for growth are currently part of the Smart Growth Development Area. Within the introduction to the document, it is mentioned that 'Growth and revitalization efforts will be focused on Darien Center and the surrounding area in order to form a strong hamlet where goods and services are concentrated for residents and visitors alike.' The official future land use map for this plan does not display either short term or long term residential growth in any of the four areas proposed for expansion. In keeping with the Town of Darien Comprehensive Plan goals beginning on page 28 to; 'maintain and enhance the unique features of the community that make Darien a quality place to live...maintain the rural, small town character of the town, provide for the protection of farmland for agriculture, especially on prime soils...continue to recognize agriculture as an important environmental, economic and aesthetic component of the community, and consider the impacts on agriculture in all actions of the town, as well as provide controlled opportunities for continued residential growth that respect the importance of the environmental, aesthetic and agrarian resources of the Town,' it would be inappropriate for the Planning Department to recommend addition of approximately 2,329 acres to the existing Smart Growth Development Area at the present time.

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

Town and Village of Elba

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

A future water transmission main is proposed to be constructed along Route 262 west of Elba to the Village of Oakfield, and south to the City of Batavia. Land along this corridor is sparsely developed and is part of County Agricultural District #2. New non-agricultural development along this corridor should be discouraged.

2010 Update Comments

Neither the Town nor Village of Elba have requested, or are considered for, revisions to the Development Area boundaries at this time.

Town and Village of LeRoy

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, most of the land around the Interchange is outside of a County 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 proximity to Rochester.

Land in the Development area around the Village of LeRoy contains residential strip development along several local roads, industrial development southwest of the Village, commercial development along Route 5 east of the Village, and a quarry north of Route 5 and east of the Village.

A water transmission main is proposed to be constructed along Route 19 north of the Village. Approximately one mile within the corridor is located between the Development Areas surrounding the Village and at the Interchange.

2010 Update Comments

The Town and Village of LeRoy have not requested, or are considered for, revisions to the Development Area boundaries at this time.

New non-agricultural development within this segment of the corridor should be discouraged.

In 2003, the County added a twenty-three (23) acre area to the Development Area in the Town of Leroy on West Bergen Road between Quinlan Road and Randall Road.

Town and Village of Oakfield

Development Areas in the Town of Oakfield include land within and surrounding the Village of Oakfield, an area along South Pearl Street south of the Village, and along Lewiston Road northwest of the Village. Oakfield's Development area includes existing residential development, both south and northwest of the Village, and industrially zoned land southwest of the Village. The Development area includes the gypsum wallboard plant along Lewiston Road northwest of the Village.

2010 Update Comments

The Village has not requested revisions to the Development Area boundaries at this time. The Town has requested revisions.

The Town of Oakfield requested four areas to be added to the current Smart Growth Development Area. The Planning Department received correspondence detailing the request on January 15, 2010. The four areas requested are; Area #1 bounded by the railroad, Hutton Road, Maltby Road and the existing Smart Growth Development Area boundary, Area #2 between the existing Smart Growth Development Area Boundary, Maltby Road and North Pearl Road, Area #3 between Townline Road and the western side of the existing Smart Growth Development Area boundary and Area #4, between Townline Road and the eastern side of the existing Smart Growth Development Area boundary.

At this time, it is recommended that none of the requested areas be added to the current Smart Growth Development Area. All areas that were requested are almost entirely enrolled in the NYS Agricultural District program. Area #1 is approximately 469 acres. Of that total, 119 acres is not enrolled in the NYS Agricultural District Program and approximately 305 acres are considered to be strategic farmland. Area #2 is approximately 135 acres, of which 8 acres

is not enrolled in the NYS Agricultural District Program and approximately 80 acres are labeled as strategic farmland. Area #3 comprises an approximate total of 52 acres, with 13 acres currently enrolled in the NYS Agricultural District program, it should also be noted that approximately 29 acres in this area is considered strategic farmland. All approximately 20 acres of Area #4 are enrolled in the NYS Agricultural District, with approximately 11 acres of Area #4 deemed strategic farmland.

At the present time, expansion of the Smart Growth Development Area boundaries is not recommended. There appears to be a fair amount of land currently within the Smart Growth Development Area boundaries that could potentially be developed, negating the need for an expansion. The areas proposed for addition have large amounts of land that are actively farmed and were reenrolled in the NYS Agricultural District program in 2009. It should be noted that the proposed areas of expansion are detailed within the Oakfield-Alabama Comprehensive Plan as long term planning areas. Therefore, should conditions change in the Town of Oakfield (i.e. the STAMP project) it may be prudent to revisit the requested expansion.

A future water transmission main is proposed along Route 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.

Town of Pavilion

The Development Area in the Town of Pavilion is located at the Hamlet of Pavilion, around the intersection of Route 63 and Route 19. The Hamlet is currently served by public water.

A new transmission main is proposed to be constructed to supply the Hamlet with a new source of water (LeRoy system). This main will be constructed along Dillon Road east of the Hamlet, connecting to South Street Road (County Route 3) and Walker Road (County Route 20). As the land along the proposed transmission main is located within County Agricultural District #6, new non-agricultural development along this corridor should be discouraged.

2010 Update Comments

The Town of Pavilion has not expressed an interest in revision to the Smart Growth Plan or the Development Area boundaries at this time.

Town of Pembroke

A Development Area is located around the Exit 48A Interchange with I-90. Other Development Areas within the Town of Pembroke are located near the Hamlet of East Pembroke, along Route 5 west of the I-90 Interchange, around the Village of Corfu, and in the northwesterly part of the Town around the intersection of Route 77 and Sliker, Gilmore and Indian Falls Roads. Most of the land within Pembroke's Development Areas is outside of County Agricultural Districts.

Water transmission mains are proposed to be built in the future along Route 77, from Corfu north into the Town of Alabama, and along Route 5, between Route 77 and the Development area around the Hamlet of East Pembroke. A small portion of the land in these corridors is within County Agricultural District #7. 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.

2010 Update Comments

Neither the Town of Pembroke nor the Village of Corfu have requested, or are considered for, revisions to the Development Area boundaries at this time.

Town of Stafford

Development Areas within the Town of Stafford are located along Route 5, between the Batavia Town Line and the Hamlet of Stafford at the intersection with Route 237, around the Hamlet of Morganville at Route 237 and Morganville Road, and along the Batavia Town Line between Route 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 County Agricultural Districts.

A water transmission main is proposed to be constructed along Route 5 through the Town of Stafford. East of the Hamlet, roadside development is relatively sparse, and most of the land is within County Agricultural District #3. New non-agricultural development along this corridor should be discouraged.

2010 Update Comments

The Town of Stafford has not requested, or is being considered for, revisions to the Development Area boundaries at this time.

APPENDIX B - MAPS

Genesee County Smart Growth Plan Figure 1.1

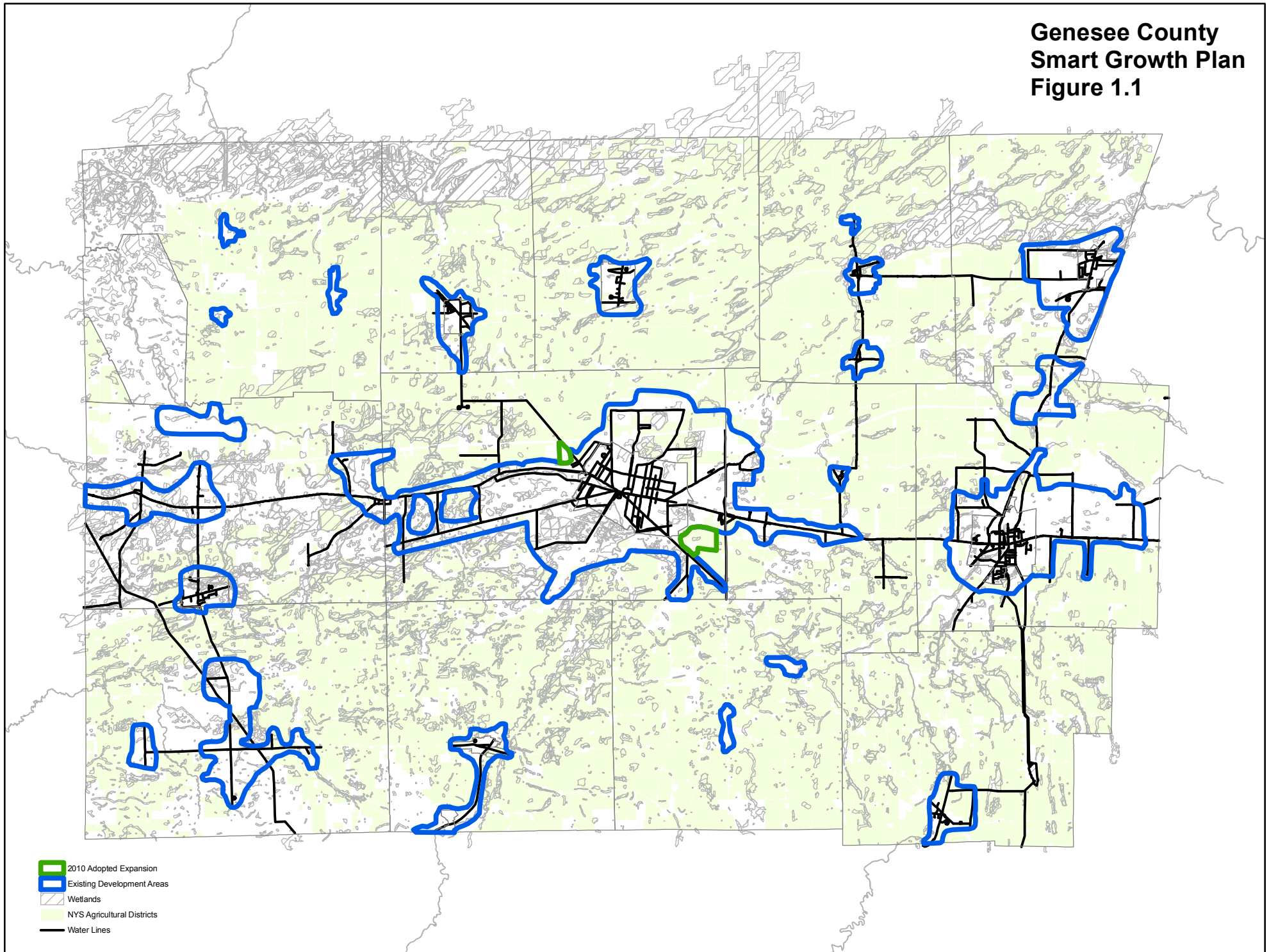
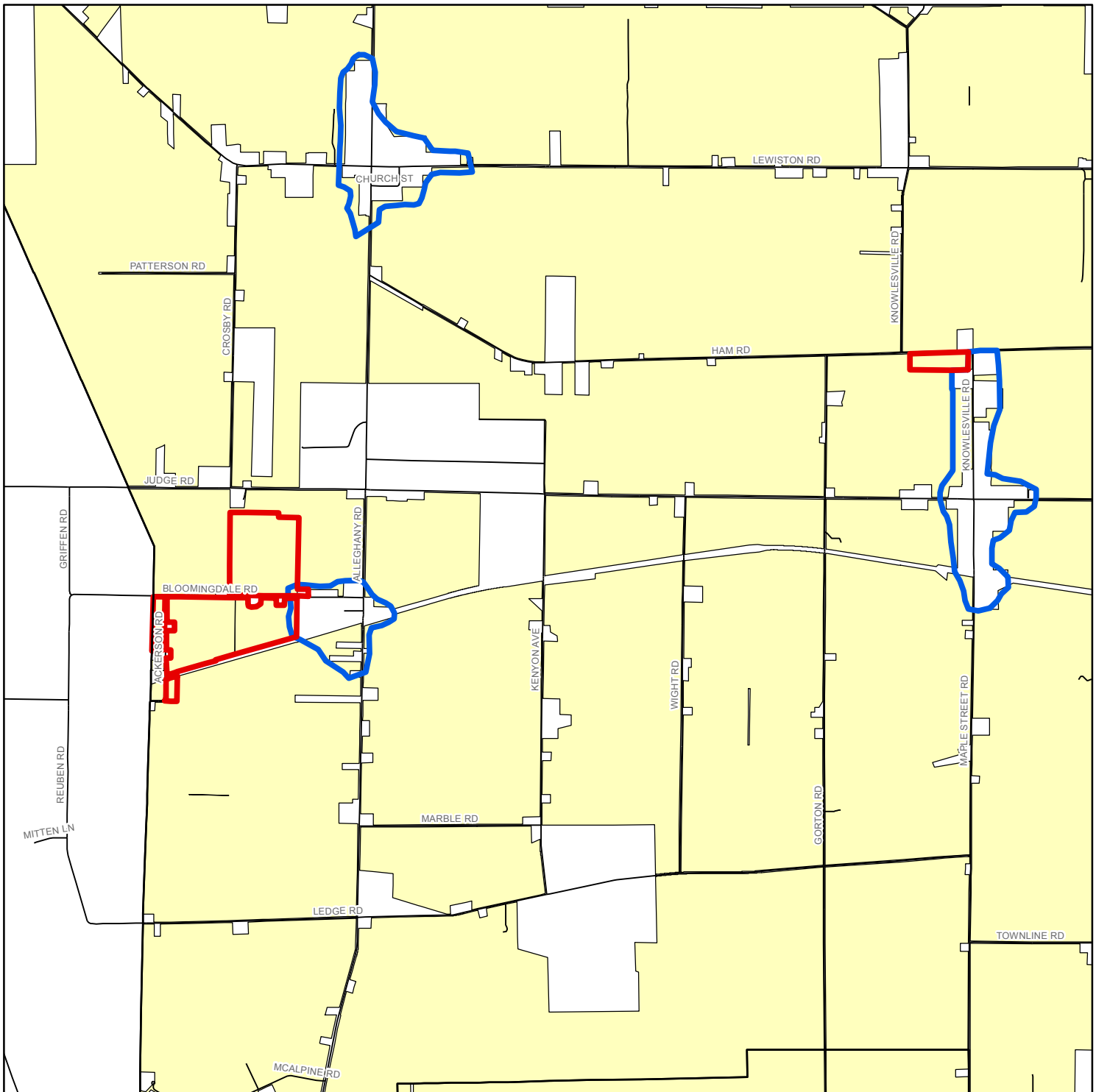




Figure 1.2
Town of Alabama



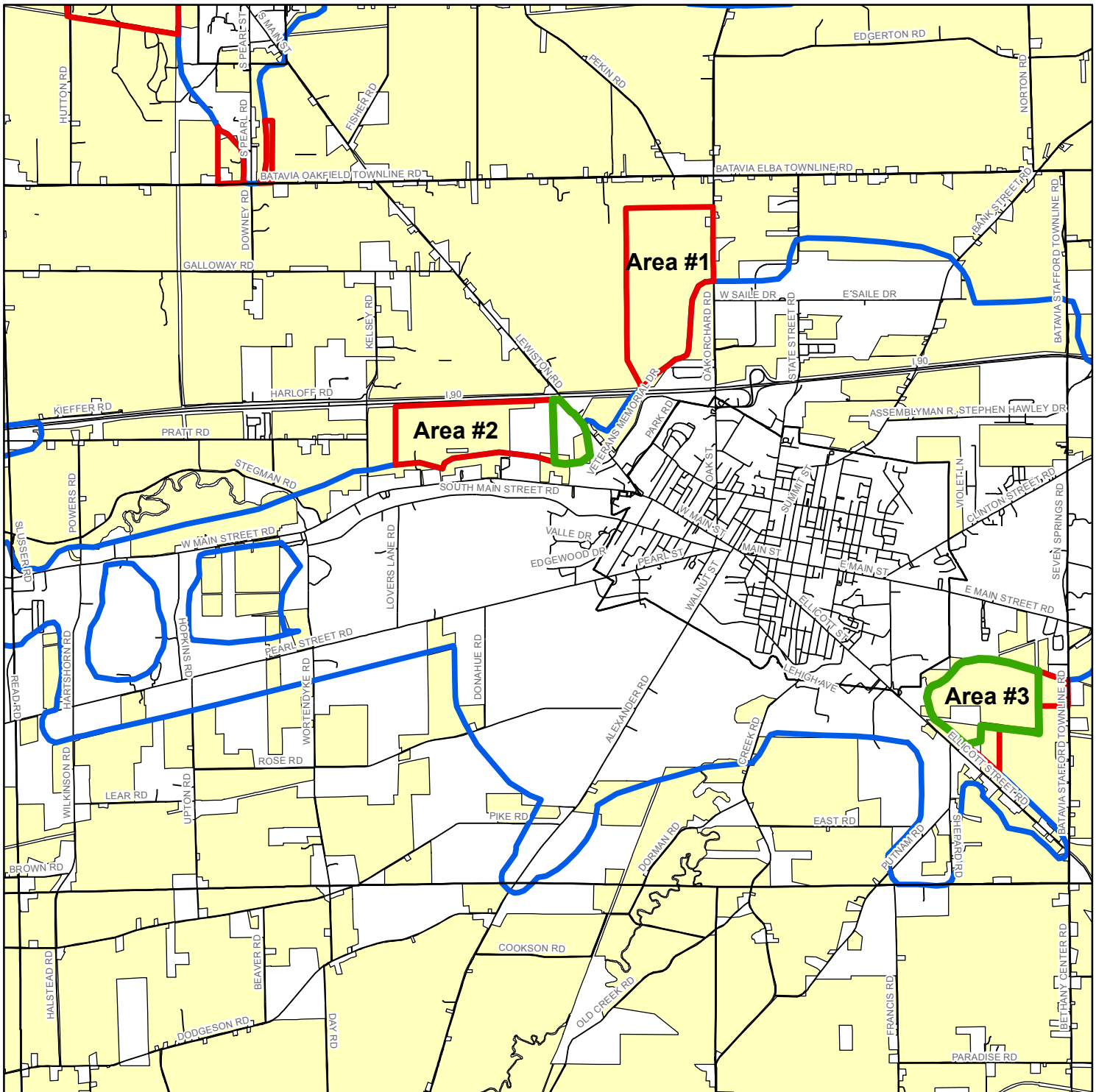
-  2010 Adopted Expansion
-  2010 Requested Expansion
-  Existing Smart Growth Development Areas
-  NYS Agricultural Districts



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Figure 1.3
Town of Batavia



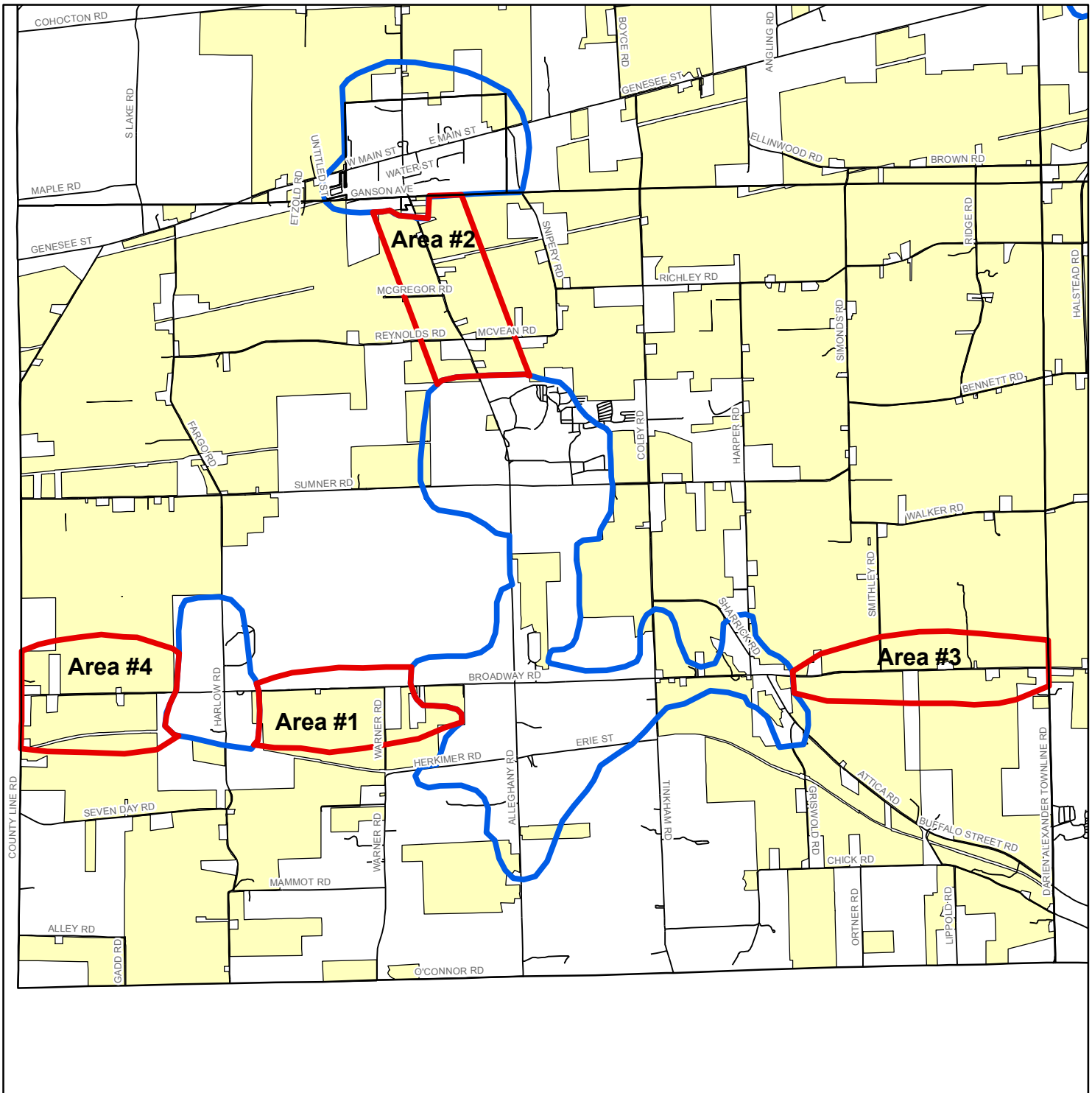
-  2010 Adopted Expansion
-  2010 Requested Expansion
-  Existing Smart Growth Development Areas
-  NYS Agricultural Districts



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Figure 1.4
Town of Darien



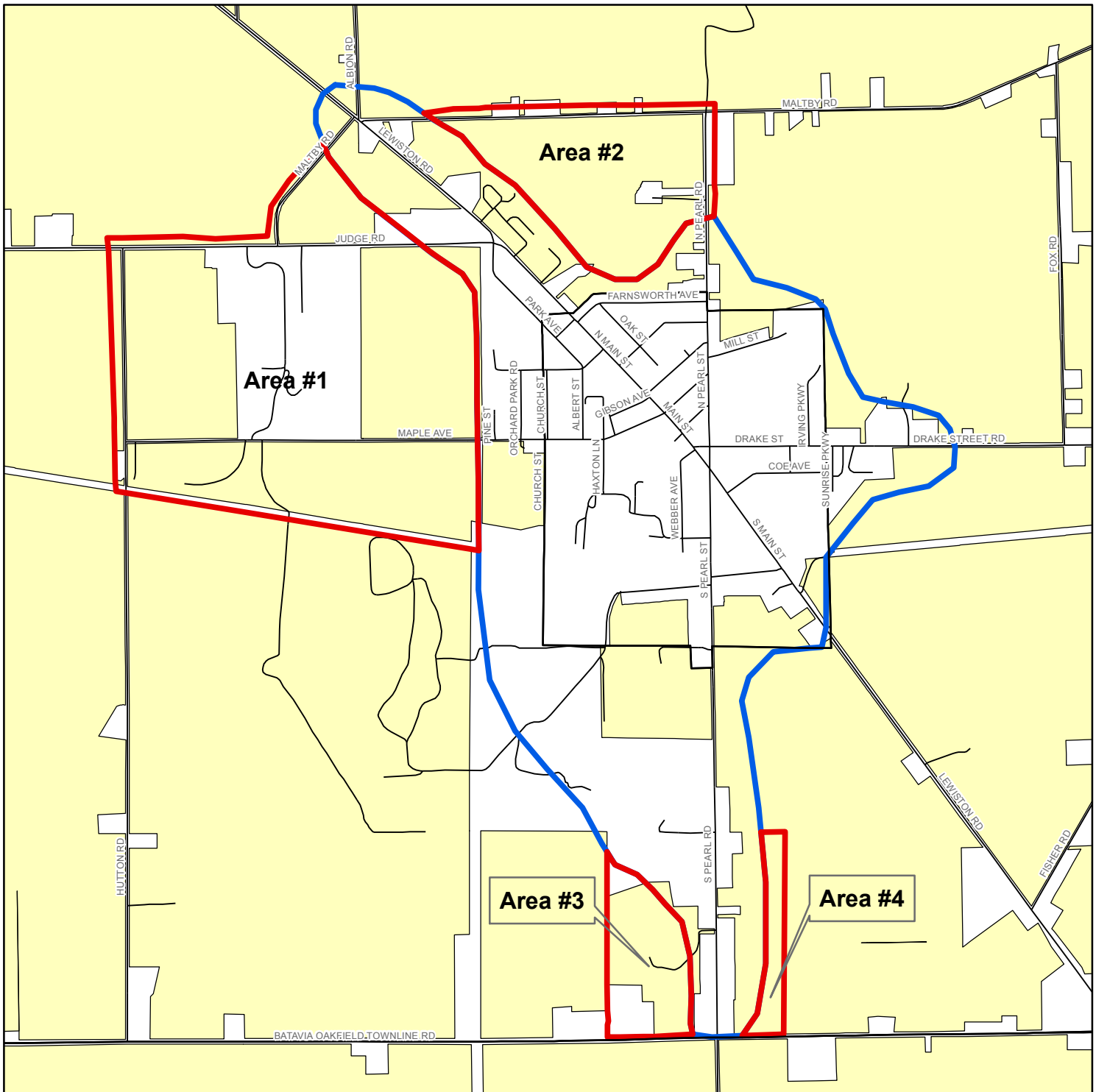
-  2010 Recommended Expansion
-  2010 Proposed Expansion
-  Existing Smart Growth Development Areas
-  NYS Agricultural Districts



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Figure 1.5
Town of Oakfield



-  2010 Adopted Expansion
-  2010 Requested Expansion
-  Existing Smart Growth Development Areas
-  NYS Agricultural Districts



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