

# **GENESEE COUNTY SMART GROWTH PLAN**

**Adopted by the Genesee County Legislature:**

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**Prepared for the Genesee County Water Resources Agency  
and the  
Genesee County Legislature**

**by**

**Stuart I. Brown Associates, Inc.  
640 CrossKeys Office Park  
Fairport, NY 14450**

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# 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:

- 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 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.

## **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 Six Flags Theme Park.

### **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 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 twelve (12) 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.

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.

#### 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 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. 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 A. Narrative descriptions of the smart growth maps by municipality are included in Appendix B.

### **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.

#### 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;
- 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
- Consistency with County economic development goals
- Consistency with other available infrastructure
- 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 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 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.

The review committee will apply the criteria outlined above to determine whether or not to approve the hook-up. The review committee should also request a recommendation from the municipality in which the proposed hook-up is located. 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 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.

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 two (2) 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.

## **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 has created 12 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. Districts #1, 2, 3, 6, 7, 8 and 12 are currently under review. No changes are expected to be incorporated into Districts #1 and #12. One parcel in the Town of Pavilion that is currently farmed is expected to be removed from District #6. Modifications to the other Districts have not been determined.

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 generally 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 is in the process of preparing an Agricultural and Farmland Protection Plan. This plan will recommend, 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 utilize 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:

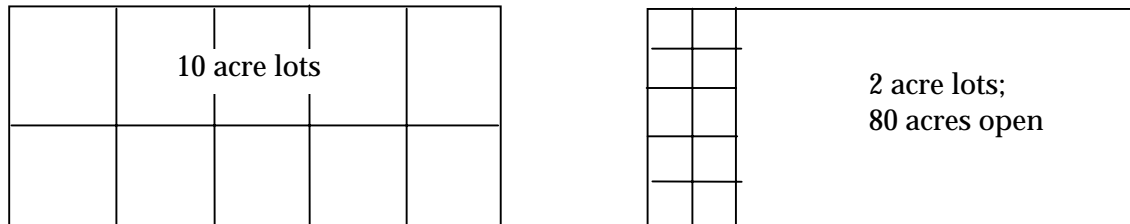
- Effective in limiting non-farm development and reducing conflicts between agriculture and non-farm neighbors.
- Can protect large areas of farmland at no cost to the public

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 offer 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**

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 County Industrial Development Agency, 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 Industrial Development Agency:

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 improvements
  - 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 downzoning 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.

**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.
  - 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**

**MAPS**

## **APPENDIX B**

### **NARRATIVE DESCRIPTION OF DEVELOPMENT AREAS AND MAP FEATURES BY MUNICIPALITY**

#### 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.

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.

#### 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.

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 in within the Agricultural District should be discouraged.

#### 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 North Byron is also designated as a Development Area, due to the availability of public sewer service and a concentration of existing homes and businesses.

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 homesites and agricultural buildings. New non-agricultural development along this corridor should be limited.

### 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.

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.

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

### 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.

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.

### 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.

### 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.

## APPENDIX C

### SUMMARY OF PUBLIC REVIEW PROCESS

#### Introduction

The Smart Growth Plan was prepared in order to avoid or mitigate undesirable impacts due to the implementation of the County Water Supply Plan. The Environmental Impact Statement for the Genesee County Water Supply Program, prepared in 1998, states:

The primary environmental impact relevant to the project is related to potential growth in agricultural/ rural areas along the newly installed transmission mains. While economic development is viewed as a project benefit, balancing economic development and land protection is necessary, critical and provided for.

In accepting the Final Environmental Impact Statement for the Water Supply Program, Genesee County made a commitment to adopt a Smart Growth Plan that would identify certain areas for development and others for conservation and agricultural production. Water hookups within “development areas” would be unrestricted. In order to avoid contributing to undesirable development in the countryside, water hook-ups would be restricted outside of designated “development areas.” Development that does not require public water service from Genesee County is not addressed in the Plan.

The Final Environmental Impact Statement (FEIS) for the County Water Supply Plan included a preliminary Smart Growth Map, that designated Development Areas within which water hookups would not be restricted. The final Smart Growth Plan adopted by the County Legislature must be consistent with the concept and maps included in the FEIS.

#### Chronology of Plan Preparation and Public Reviews

The County Water Supply Program was prepared in 1998 by Clark Patterson Associates under the guidance of the Genesee County Water Supply Task Force. The Water Resources Agency was created by the County Legislature in early 1999 to succeed the Water Supply Task Force. The members of the Genesee County Water Resources Agency are appointed by the County Legislature.

In late 1998, Genesee County contracted with Stuart I. Brown Associates to prepare the Smart Growth Plan. Brown Associates worked with the Water Resources Agency to prepare a draft Smart Growth Plan and maps.

The following chronology outlines the process of preparing the Smart Growth Plan, including opportunities for public participation.

## Chronology -- Genesee County Smart Growth Plan

<p><b>February 1999</b></p>	<ul style="list-style-type: none"> <li>• First draft Smart Growth Plan (outline form) and maps prepared.</li> <li>• The draft was included as an Appendix to the Final Environmental Impact Statement to the County Water Supply Program.</li> <li>• The draft included a map of development areas, and criteria for approving water hook-ups outside of designated development areas.</li> </ul>												
<p><b>June 2, 1999</b></p>	<p>Presentation to County Legislature (Committee of the Whole)</p>												
<p><b>September 27 - November 17, 1999</b></p>	<p>Meetings with municipalities held at the following locations:</p> <table border="0"> <tr> <td>Oakfield Village Hall, Sept. 27</td> <td>Batavia City Hall, October 20</td> </tr> <tr> <td>Bergen Town Hall, September 28</td> <td>LeRoy Municipal Building, Oct. 25</td> </tr> <tr> <td>Elba Town Hall, September 30</td> <td>Pavilion Town Hall, October 28</td> </tr> <tr> <td>Stafford Town Hall, October 4</td> <td>Alexander Town Hall, November 1</td> </tr> <tr> <td>Batavia Town Hall, October 5</td> <td>Pembroke Town Hall, Nov. 16</td> </tr> <tr> <td>Bethany Town Hall, October 7</td> <td>Byron Town Hall, November 17</td> </tr> </table> <p>The purpose of these meetings was to review and discuss the Smart Growth Plan concept and maps.</p>	Oakfield Village Hall, Sept. 27	Batavia City Hall, October 20	Bergen Town Hall, September 28	LeRoy Municipal Building, Oct. 25	Elba Town Hall, September 30	Pavilion Town Hall, October 28	Stafford Town Hall, October 4	Alexander Town Hall, November 1	Batavia Town Hall, October 5	Pembroke Town Hall, Nov. 16	Bethany Town Hall, October 7	Byron Town Hall, November 17
Oakfield Village Hall, Sept. 27	Batavia City Hall, October 20												
Bergen Town Hall, September 28	LeRoy Municipal Building, Oct. 25												
Elba Town Hall, September 30	Pavilion Town Hall, October 28												
Stafford Town Hall, October 4	Alexander Town Hall, November 1												
Batavia Town Hall, October 5	Pembroke Town Hall, Nov. 16												
Bethany Town Hall, October 7	Byron Town Hall, November 17												
<p><b>April 10, 2000</b></p>	<p>Draft prepared (text form).</p> <ul style="list-style-type: none"> <li>• Acknowledges funding from Empire State Development Corporation.</li> <li>• Distributed to the Genesee County Planning Department, Genesee County Planning Board, and Clark Patterson Associates for comments.</li> </ul>												
<p><b>June 28, 2000</b></p>	<p>Revised Draft prepared.</p> <ul style="list-style-type: none"> <li>• Incorporates comments from Genesee County Planning Department staff and Clark Patterson Associates.</li> <li>• Includes provisions to delegate authority for approving hook-ups to municipalities.</li> </ul>												
<p><b>July 6, 2000</b></p>	<p>Meeting to discuss draft Plan, maps and implementation.</p> <ul style="list-style-type: none"> <li>• Attended by: James Vincent, Water Resources Agency Paul Boylan, Attorney, Water Resources Agency Martin Culik, Cooperative Extension George Squires, Genesee County Soil and Water Conservation District Phil Clark and John Steinmetz, Clark Patterson Associates Stuart Brown and Barbara Johnston, Stuart I. Brown Associates</li> <li>• Discussed implementation procedures. Reviewed potential changes to the maps to determine consistency with FEIS.</li> </ul>												

<b>July 24, 2000</b>	Revised draft prepared. <ul style="list-style-type: none"> <li>• Incorporates comments from July 6, 2000 coordination meeting.</li> <li>• Distributed to the Genesee County Planning Board and Water Resources Agency.</li> </ul>
<b>October 2, 2000</b>	Revised Draft prepared. <ul style="list-style-type: none"> <li>• Incorporates comments from members of the Genesee County Planning Board and Water Resources Agency</li> </ul>
<b>October 11, 2000</b>	Presentation of revised draft Plan to County Legislature
<b>November 28, 29; 2000, December 7, 2001</b>	Public forums conducted in LeRoy, Batavia and Pembroke. Summary of revised draft Plan distributed. Comments addressed at meeting.
<b>November 29, 2000- January 19, 2001</b>	Received and responded to written comments following the public forums.
<b>January 20, 2001</b>	Land Use Focus Group met to discuss draft plan and public comments.
<b>February 2, 2001</b>	Revised draft prepared. <ul style="list-style-type: none"> <li>• Adds Appendix to summarize process and public input.</li> </ul>

## Summary of Municipal and Public Comments and Responses

The following narrative summarizes the written comments received from representatives of municipalities and other organizations, that were generated by the presentations made during the fall and winter, 1999. The response indicates how the comments were addressed in subsequent revisions to the draft Smart Growth Plan and maps.

### Town of Alabama

*Letter from Ronald Pritchett, Supervisor, dated December 30, 1999*

- Requested enlarging the Development Areas along Route 77 and Lewiston Road.

#### Response

- Staff at Brown Associates presented this request at a meeting on July 6, 2000 with representatives from the Water Resources Agency, County Planning Department, Cooperative Extension, and Soil and Water Conservation District. The consensus of the group was that the changes would not be consistent with the Smart Growth map included in the Final Environmental Impact Statement for the County Water Supply Plan.
- The draft Plan recommends that the maps be reviewed and updated every two years. The Town is encouraged to request changes to the maps at that time.

## **Town of Bethany**

*Letter to Robert Costanzo, Director, Genesee County Planning Department, from John E. Hollwedel, Supervisor, dated December 6, 1999.*

1. Expressed concern that the draft Plan would take authority away from the Towns. Recommended that the authority for approving hook-ups outside of Development Areas be given to the Towns.
2. Encouraged the designation of development areas along Routes 20 and 63.
3. Noted that the County Water Plan will not help Bethany. Encourages the extension of water service into Bethany.

### Response

1. The draft Plan was revised to include provisions for municipalities to authorize hookups into the County Water System.
2. The designation of additional Development Areas along Routes 20 and 63 would be inconsistent with the Smart Growth map included in the Final Environmental Impact Statement for the County Water Supply Plan.
3. The request to extend water service to Bethany has been forwarded to the Water Resources Agency.

## **Town of Bergen**

*Letter from Roland D. Claus, Chairman, dated November 1, 1999*

1. States that the Town's Comprehensive Plan, Zoning Law and Subdivision Regulations have already been implementing "smart growth" policies.
2. Opposes the proposal to require County approval for water hookups. States that local decision makers should be able to approve hook-ups.
3. States that land owners should be able to access water as it becomes available.
4. Regarding the maps, suggests expanding the Development Area to include land north of Townline Road to Swamp Road, and land on the west side of Jerico Road.

### Response

1. Revisions to the draft Plan acknowledge that local Comprehensive Plans and land use regulations will guide municipalities in overseeing hook-up approvals.
2. Revisions to the draft Plan provide for local approval of water hookups.
3. The Smart Growth Plan is designed to limit undesirable impacts from the extension of water service. Such impacts were identified in the Environmental Impact Statement for the County Water Supply Plan. There may be occasions when a landowner's interest in developing property is not consistent with the principles of Smart Growth. The Plan attempts to limit water hook-ups in order to encourage development patterns that are most beneficial to the County and its residents.
4. The map has been revised to incorporate this suggestion.

## **Village of Bergen**

*Letter from Marian Partridge, on behalf of the Village of Bergen Planning Board.*

- States that the Village has adopted a Master Plan for Smart Growth, and that it should not be altered without the Village's control.

### Response

- The revisions to the Plan acknowledge the role of local Comprehensive Plans and provide for local control of water hookups.

## **Town of Byron**

*Letter from Larry D. Barnes, Chair, Town of Byron Planning Board, dated November 1, 1999*

1. Requests adding a Development Area around the Hamlet of North Byron.
2. Requests adding a Development Area north of Route 262 and east of the hamlet of Byron. The Planning Board has proposed rezoning this area to accommodate a proposed housing development.
3. Requests enlarging the Development Area in the hamlet of Byron southeast of the intersection of Routes 237 and 262. The Planning Board has recommended that zoning in this area be modified to allow for a housing development.

### Response

1. A Development Area was added at the hamlet of North Byron.
2. The requested Development Area north of Route 262 and east of the hamlet of Byron was not added. This change would not be consistent with the Smart Growth map included in the Final Environmental Impact Statement for the County Water Supply Plan.
3. The Development Area around the hamlet of Byron was enlarged to the southeast.

## **Town of Darien**

*Letter from David Hagelberger, Chairman, Darien Planning Board, dated April 13, 2000*

The Town Board had asked the Planning Board to comment on the Smart Growth Plan and maps on behalf of the Town. The comments acknowledge the recent change in the County's plan to construct a water line along Route 77 to the intersection of Route 20.

Summary of recommendations:

1. Delete the Development Area located immediately south of the Pembroke Town Line.
2. Enlarge the Development Area along Route 77, to include land along Reynolds Road.
3. Enlarge the Development Area to the west along Route 20 (Water District #3) to the Harlow Road intersection.
4. Enlarge the Development Area along Route 77 south of Route 20 to include all of Water District #1.

5. Add the Proposed (Phase I) water line along Route 77.

Responses:

1. Development Area reduced in size to include a small number of lots that are currently served by public water from the Village of Corfu.
2. This change has not been made, as it is not consistent with the Smart Growth Map included in the Final EIS for the County Water Supply Plan. Genesee County may consider making such a change at a subsequent review of the Smart Growth Plan and maps.
3. This change has not been made, as it is not consistent with the Smart Growth Map included in the Final EIS for the County Water Supply Plan. Genesee County may consider making such a change at a subsequent review of the Smart Growth Plan and maps.
4. This development area was expanded to the south to include approximately four additional parcels that are currently within Water District #1.
5. This change has been made.

**Town of Elba**

*Letter from Anthony L. Fasano, Supervisor, dated October 28, 1999.*

- Notes that the Town Board reviewed the draft maps and did not recommend any changes.
- Indicates that the Town Board and the Planning Board feel strongly that the process of regulating water hook-ups be made by representatives of the municipalities.

Response

- The revised draft Plan provides for the review and approval of new water hook-ups by municipalities.

**Town of Pembroke**

*Letter from Richard L. Kutter, Town of Pembroke Planning Board, dated November 23, 1999*

- The Pembroke Planning Board suggested depicting a future water line (by others) along Lake Road.
- The Planning Board also made a formal endorsement of the plan.

Response

- The draft Plan will be reviewed to ensure that all water lines that are in the process of being approved or constructed be included on the Smart Growth Maps.

**Town of Stafford**

*The Planning Board and Zoning Board of Appeals reviewed the draft maps and suggested the following changes:*

Include all of the Residential, Commercial and Industrial zoning districts and water spur areas within the Development Areas:

- Land along Seven Springs Road,
- Route 5 from Buckley Road east to the Town of LeRoy
- Prole Road from Route 5 north to the old railroad bed
- Fargo Road south from Route 5 to the old railroad bed
- Clipnock Road to the railroad
- Roanoke Road from Route 5 to Sweetland Road.

Response

The proposed changes are not consistent with the Smart Growth map included in the FEIS. The Town should request these changes when the County Legislature reviews and updates the Smart Growth Plan and maps.

**Genesee Association of Municipalities (GAM)**

*Minutes from meeting held October 21, 1999*

- Expressed concern that municipalities should have the authority to approve hook-ups into the County Water System. Motion passed unanimously that the municipalities should retain control over future hook-ups in the designated growth areas.

Response:

- The draft Plan was amended to include provisions for municipalities to authorize hookups into the County Water System.

**Genesee County**

*Letter from Jay Gsell, County Manager, dated November 12, 1999.*

- Enclosed information about a flood mitigation plan being prepared by Genesee and Wyoming Counties.

Response

- The Plan references provisions to protect flood zones.

**Alexander Central School District**

*Letter from John E. Lutz, Superintendent, to Robert Costanzo, Director, Genesee County Planning Department, dated November 4, 1999.*

- Notes that the Towns of Alexander and Bethany will not receive water service in the first phase of the County Water Supply project. Requests that the County set a date for the extension of water service to these communities.
- Notes that the tax base for the Alexander School District is primarily agricultural and residential, with a limited amount of commercial. Additional water and sewer service would allow more development that would enhance the tax base.

Response

As the Smart Growth Plan does not include a timetable for future phases, these comments have been forwarded to the Water Resources Agency.

The following summarizes the written comments received following the public forums held in November and December, 2000. The response indicates how the comments were addressed in subsequent revisions to the draft Smart Growth Plan and maps.

**John Sackett**, County Legislator. Letter dated December 18, 2000

Proposes an alternative to the Smart Growth Plan that would encourage the continuation of agriculture

1. 10-20 years written commitment to keep land in active agricultural use
2. Provide total land tax abatement (exemption) for period of time committed
3. Penalties of a minimum of \$10,000 per any part of an acre or 1/2 of sale price if over \$20,000 - divided between town, county and school district

#### Response

Addressing agricultural issues is only one aspect of the Smart Growth Plan. Other priorities include revitalizing downtown business districts and residential neighborhoods in the villages and the City of Batavia, maximizing the benefits from the investment of public funds in infrastructure, and encouraging cooperative ventures among local and county governments. The suggestions should be directed to the County Planning Department and addressed in the County's Agricultural and Farmland Protection Plan.

**Stewart Whitney**, landowner, Pavilion

*Circulated a petition, signed by Stewart Whitney, Shirley Whitney, Howard Kingsley, Steven M. (illeg.), and Ruth A K(illeg.)*

The petition asks the County Legislature to:

1. "remove the Smart Growth Plan" from the planning process for the County water system; or if this cannot be done, to
2. Designate land along the new Town of Pavilion water line as a Development Area. The signatories state that such a designation would allow their land to be sold for non-agricultural purposes, and at a higher price, would increase the value of frontage, and allow water hookups without a lengthy town and county review process.

#### Response:

1. The County Legislature is committed to preparing a Smart Growth Plan as a mitigating action required by the SEQR process for the County Water Supply Plan.
2. Extension of the Development Area in Pavilion to include the area served by the new Town water line would be inconsistent with the growth areas depicted in the EIS for the County Water Supply Plan. The recommendations for enlarging the Development Areas should be considered as part of the future review of the Smart Growth Plan. An extensive change, such as the one proposed by Mr. Whitney, would need to be consistent with local land use policies contained in an adopted Comprehensive Plan. Some of the areas proposed to be included in the Development Area are more suitable than others.

**Jack Bradbury**, LeRoy. Letters dated December 11, 2000 and January 12, 2000.

1. Questions the use of curved lines to delineate development areas, rather than corresponding to tax parcel boundaries. In area along Quinlan Road, curved lines create uncertainty as to future development potential in residential areas. Concern is regarding potential commercial or industrial development in a residential area.
2. Questions the boundaries of the Development Area south of Route 5, north of Quinlan, and east of Keeney, where NYS wetlands and/or flood hazard zones are located.
3. Questions the classification of the “white area” along the old Lehigh Valley Railroad bed, north of Randall Road, and east of West Bergen Road.
4. Questions the boundaries of the area north of the old Lehigh Valley Railroad bed and east of Route 19 north. A recorded archeological site/ Indian burial ground is located within this area.
5. Asks for clarification of “white area” in northwest part of Town, that has a predominance of wetlands/ flood hazard zones.
6. Requests that the Development Area boundaries around the Thruway exit respect the wetlands and flood zones in the area.

Response:

1. Designation as a “Development Area” entitles property to water service. The type of development (residential, industrial, commercial, etc.) is regulated by local government in zoning regulations.
2. The area in question was included within the Development Area because it is contiguous to the Village, is not within an Agricultural District, and has been partially developed. The availability of water service will not permit new development where development is limited due to wetlands and flood hazard regulations.
3. “White areas” on the map contrast with the areas within Agricultural Districts, shown in yellow. The Smart Growth Plan does not specify the recommended uses for any areas in the County. Type and density of uses should be addressed in local comprehensive plans and zoning regulations.
4. The area in question was included within the development area because it is contiguous to the Village and is not within and Agricultural District. Local SEQR procedures should address the potential impacts on archeological resources during review of proposed development in this area.
5. See #3.
6. The area east of Route 19 adjacent to the Thruway exit has been deleted as a development area. The remaining Development Area around the Thruway interchange does include a portion of a regulated wetland. State regulations that limit development in and around wetlands are not impacted by the availability of water service.

**Ronald Pritchett**, Supervisor, Town of Alabama

Requests that the development areas in the hamlets of Basom, Alabama Center and South Alabama be enlarged. A request from the Town Board dated December 30, 1999 showed the requested extension to include an extensive amount of additional land along Route 77 and along Lewiston Road.

Response

Enlarging the development areas as suggested would be inconsistent with the growth areas defined in the Environmental Impact Statement for the County's coordinated water supply plan. Future changes are proposed to be considered by the County every two years. As public water is unlikely to be extended to the Town for at least two years, the Town will have ample opportunity to modify the boundaries of the development areas and to be in a position to allow hook-ups within a larger area.

**Wesley W. Winters**, letter dated December 15, 2000.

Raised numerous concerns regarding water supply and quality.

Response

The letter has been referred to the Water Resources Agency.

**E. Robert Fussell**, letter dated December 13, 2000

Expressed support for the principles of land use planning and concern that the Smart Growth Plan will not be effectively enforced.

Response

The Smart Growth Plan proposes a mechanism to ensure that the extension of water lines will not result in development patterns that detract from the rural character, agriculture production and vibrant downtowns and residential neighborhoods of Genesee County. The decision to adopt the Plan rests with the County Legislature. Enforcement and oversight will be the responsibility of Genesee County, in cooperation with the municipalities.

**Kenneth A. Dodd**, Supervisor, Town of Oakfield.

1. The Oakfield Town Board urged the County Legislature to delegate authority to approve water hook-ups outside of designated development areas to municipalities.
2. The Town Board requested that areas along Route 262 between the Village of Oakfield and Elba, and Route 63 between the Village of Oakfield and the Town of Batavia be included as part of the Development Area.

Response

1. The draft Plan includes a recommendation that the Legislature delegate the authority to approve hook-ups outside designated development areas to municipalities that have a local comprehensive plan that is consistent with the objectives of the Smart Growth Plan. The issue of consistency would be addressed by the County Planning Board.

2. The requested extension would impact large areas of land that are currently within a County Agricultural District. Including these areas would be inconsistent with the Environmental Impact Statement for the coordinated Water Supply Plan. Future changes to the development areas are proposed to be considered by the County every two years.

**Neil E. Kingdon**, Supervisor, Town of Pavilion

Requested enlargement of the proposed development area around the hamlet of Pavilion.

Response

The proposed extension of the development area appears to be consistent with the Environmental Impact Statement for the coordinated water supply plan. The draft map has been modified and will be presented to the County Legislature for consideration.