
GENESEE COUNTY SMART GROWTH PLAN 2022 REVIEW REPORT

PREPARED FOR THE

GENESEE COUNTY LEGISLATURE

by

Genesee County Department of Planning

County Building 2

3837 West Main Street Road

Batavia, NY 14020

ADOPTED December 14, 2022



*Please Note: **Bolded Text is new language since the 2019 Review**



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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 requires that it be reviewed every three years by the Legislature. The Plan is a mitigating action under the State Environmental Quality Review Act (SEQRA) of potential significant environmental impacts of the Genesee County Water Supply Project upon the viability of agriculture in Genesee County.

Phase 1 of the County Water Supply project has been completed and Phase 2 work is ongoing. Map 1 in the following pages shows the existing waterlines and the Smart Growth Development Areas prior to the revisions recommended in this report.

The majority of water hookups that have been made to the system have occurred mainly along major state highways and county highways. Although some have been made in agricultural production areas, they have complied with the Smart Growth Plan's objectives by hooking up only existing structures to public water. The majority of the hookups made were located within the Smart Growth Development Areas designated by the Legislature.

Since 2019, there have been 15 additional requests for hookups outside of the Development Areas to structures built after the adoption of the Smart Growth Plan. This brings the total number of these special requests to 68. After careful consideration given to their potential adverse impacts upon agriculture and farming in the area, the Administrative Review Committee approved 12 of the 15, denied two, and tabled one of the requests that was later withdrawn by the applicant.

As a result of this review, and based upon existing comprehensive plans, local planning initiatives, and comments received during the public review process, it is recommended that the boundary of the Priority Development Area be amended in the hamlets of Byron, South Byron and North Byron and a new Priority Development Area be created on Lyman and Beaver Meadow roads in the Town of Byron. No other changes are recommended in the development areas of the other municipalities in Genesee County (see Map 2).

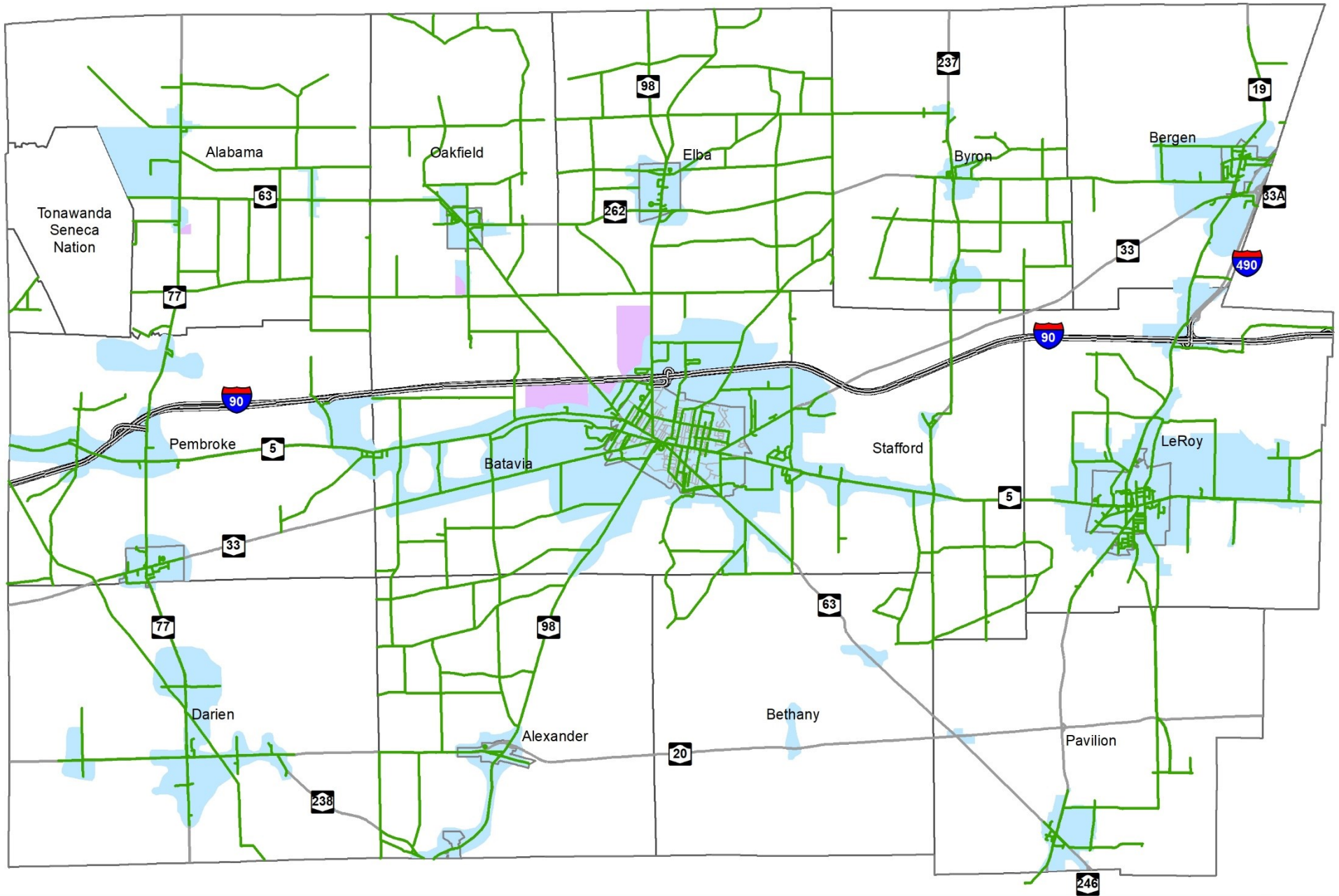
This review also amends the Policies and Procedures for Managing Water Hookups section of the plan by recommending that the Genesee County Legislature pass a local law that when any purchase and sale contract is presented for the sale, purchase, or exchange of real property located in any town outside of a village (or the City) within the Genesee County, a Smart Growth disclosure notice is required to be signed by both the seller(s) and the buyer(s) acknowledging that Smart Growth is in effect and that new construction may not have the guaranteed right to public water. This notice will help educate buyers of land about the Smart Growth Plan impacts on access to public water for new non-agricultural development.

Map 1

Current Development Areas

GENESEE COUNTY SMART GROWTH PLAN

2022 Review Report



-  Water Lines
-  Reserved Development Areas
-  Priority Development Areas

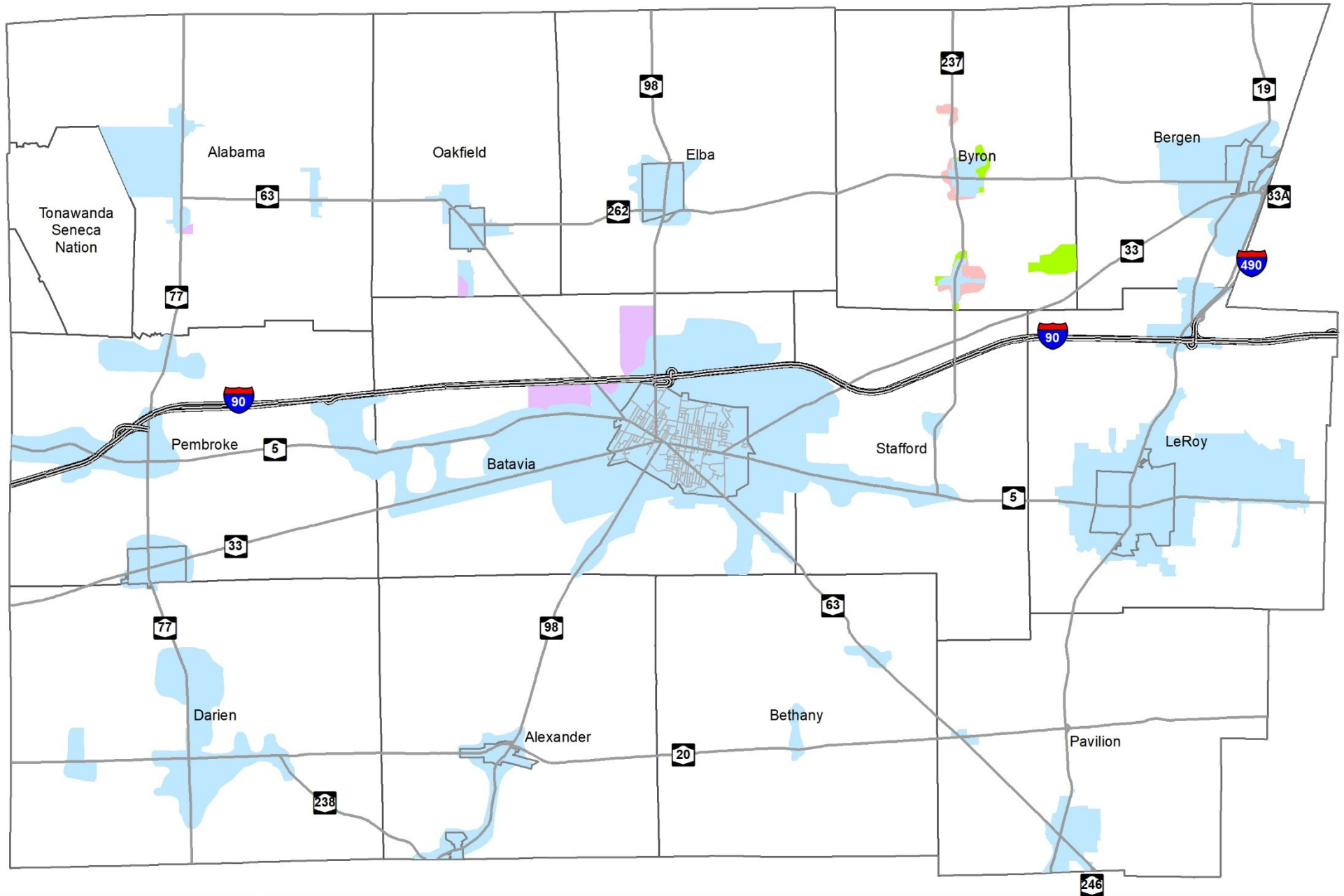


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Map 2 Recommended Development Areas

GENESEE COUNTY SMART GROWTH PLAN 2022 Review Report



Current Boundaries

- Priority Development Areas
- Reserved Development Areas

Recommended Modifications

- Priority Area Expansions
- Recommended Deletions



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OBJECTIVES AND USES OF THE SMART GROWTH PLAN

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

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

The objectives of the Smart Growth Plan are to:

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

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

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

According to the Smart Growth America Building Better Budgets Report from May 2013:

- In general, smart growth development costs one-third less for upfront infrastructure.
 - Smart growth development saves an average of 38 percent on upfront costs for new construction of roads, sewers, water lines and other infrastructure. Many studies have concluded that this number is as high as 50 percent.



- Smart growth development patterns require less infrastructure, meaning upfront capital costs, long-term operations and maintenance costs, and, presumably, cost for eventual replacement are all lower. Smart growth development also often uses existing infrastructure, lowering upfront capital costs even more.
- Smart growth development saves an average of 10 percent on ongoing delivery services.
 - Smart growth development saves municipalities an average of 10 percent on police, ambulance and fire service costs.
 - The geographical configuration of a community and the way streets are connected significantly affect public service delivery. Smart growth patterns can reduce costs simply by reducing the distances service vehicles must drive. In some cases, the actual number of vehicles and facilities can also be reduced along with the personnel required.
- Smart growth development generates 10 times more tax revenue per acre than conventional suburban development.

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 Genesee County Airport and the interchanges to the NYS Thruway. Water service extensions were designed to provide service to these areas, as well as to other developed areas in Genesee County.

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



DESIGNATION OF DEVELOPMENT AREAS

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

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

PRIORITY DEVELOPMENT AREAS

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

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

- Access to transportation, including the Interstate Highway System, the State highway network, and the Genesee County Airport
- Feasibility of extending or enhancing public water service
- Availability or potential for extending other public infrastructure and services to support development
- Minimal conflict with land in County Agricultural Districts and State regulated wetlands
- Minimal conflict with land identified as an Ecological Network or Natural Asset Core by the Green Genesee Smart Genesee Project

Priority Development Areas include:

- Land in and surrounding the City of Batavia, Village of LeRoy and Village of Bergen, and other Villages and hamlets in Genesee County



- Interstate highway interchanges at Bergen (I-490), LeRoy (I-90/I-490), Pembroke (I-90) and Batavia (I-90)
- Darien Lakes Resort

RESERVED DEVELOPMENT AREAS

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

Currently, five uncertified Reserved Development Areas exist:

- Town of Alabama
 - South of the hamlet of Basom, east side of NYS Rt. 77
- Town of Batavia
 - North of the NYS Thruway on the west side of NYS Rt. 98
 - Just south of the NYS Thruway on NYS Rt. 63
 - Between the NYS Thruway and NYS Rt. 5 west of the City of Batavia
- Town of Oakfield
 - South of the Village, near the intersection of S Pearl Street Rd and Batavia Oakfield Townline Rd.



PRIORITY DEVELOPMENT AREA DELINEATION METHODOLOGY

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

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

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

LAND IN COUNTY AGRICULTURAL DISTRICTS

Land within State-certified Agricultural Districts currently encompasses approximately 64% of the land area of Genesee County. Genesee County has designated four (4) Agricultural Districts pursuant to New York State Agriculture and Markets Law. Inclusion in an Agricultural District denotes a commitment on the part of the County and the landowner that the land will not be converted to a non-farm use for a period of eight (8) years. At the end of the 8-year period, the County Legislature may add or delete parcels from an existing Agricultural District and renew the district for an additional 8-year period. In addition, as required by NYS Ag & Markets Law, land owners may petition the County to add land to a particular Agricultural District through the Annual Enrollment process established by the County Legislature.

As land within an Agricultural District is presumed to be integral to the continued viability of agriculture in the County, these areas were generally excluded from the Smart Growth Development Areas. Future updates to the Development Areas should consider changes made over time to the boundaries of State Agricultural Districts. The presence of lateral restriction policies, enforced at the Town level, on certain water districts should also be considered when revising Development Areas. Expansions of the Development Areas should avoid encroaching upon these water districts 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 Development Areas.

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 residential 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 Development Areas.

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.



CERTIFICATION OF RESERVED DEVELOPMENT AREAS

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

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

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



staff receives a complete application from the municipality. Only if certified will water hookups in Reserved Development Areas function as in Priority Development Areas.

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

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



POLICIES AND PROCEDURES FOR MANAGING WATER HOOKUPS

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 and to determining whether or not the hookup requires approval by the Water System Hookup Administrative Review Committee on behalf of the County Legislature.

WITHIN DESIGNATED PRIORITY DEVELOPMENT AREAS OR IN CERTIFIED RESERVED DEVELOPMENT AREAS

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

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

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

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

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

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



- the enrollment status of property immediately surrounding it, the existence of drainage infrastructure, the farming history of the property, and the presence of prime farmland soils on a property yet to be built upon
- Consistency with County economic development goals
 - Consistency with other available infrastructure, such as 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
 - Consistency with local comprehensive plans, zoning and other land use controls and development objectives
 - Impact on land identified as an Ecological Network or Natural Asset Core by the Green Genesee Smart Genesee Project
 - Impact on Village/ City revitalization programs
 - Whether the proposal meets a pressing public health or other community need

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

PROCEDURES FOR APPROVING HOOKUPS

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

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

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

The Water System Hookup Administrative Review Committee shall consist of five members and one alternate including two members from the County Planning Department, including the Director of Planning, the Genesee County Soil and Water Conservation District Manager or



designee, the Executive Director of Cornell Cooperative Extension of Genesee County or designee, and a farmer representative selected from the County's Agricultural and Farmland Protection Board to ensure that the interests of farmers are included in the decision-making process. The alternate member shall also be selected by the County's Agricultural and Farmland Protection Board and shall vote only when a regular member cannot vote by reason of absence or abstention due to a conflict of interest. Every motion or resolution of the Committee shall require for its adoption the affirmative vote of a majority of all of the Committee members.

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

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

Applicants that have been denied a water hookup for new construction and decide to build despite not having access to public water may submit an application for hookup authorization to the Department of Planning after a period of ten years from the date of the Certificate of Occupancy issued by the Code Enforcement Officer. In this application, the applicant must provide proof that the building has not been abandoned and been in continued occupancy for the preceding 10 years. Proof of occupancy can be in the form of a letter from the municipal assessor, or code enforcement officer, or can be through utility bills or other similar evidence. Department of Planning staff will review the application for completion and, if given sufficient evidence, shall authorize a hookup for the existing building and send correspondence informing the applicant, municipality and MCWA.

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

Municipalities authorized to approve hookups will be required to keep records to demonstrate that the criteria described in the preceding pages are applied to each request. The County Legislature may require municipalities to prepare periodic reports to document the



number and type of hookups permitted outside of designated development areas as well as the rationale for permitting each hookup.

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

DISCLOSURE NOTICE FOR REAL PROPERTY SALES

It is recommended that the Genesee County Legislature pass a local law that when any purchase and sale contract is presented for the sale, purchase, or exchange of real property located in any town outside of a village (or the City) within the Genesee County, a Smart Growth disclosure notice is required to be signed by both the seller(s) and the buyer(s) acknowledging that Smart Growth is in effect and that new construction may not have the guaranteed right to public water. This notice will help educate buyers of land about the Smart Growth Plan impacts on access to public water for new non-agricultural development.



AMENDING THE SMART GROWTH PLAN

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

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

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

1. Issue a notification that the Smart Growth Plan, including the boundaries of the development areas, is scheduled for review. The notice should be sent directly to all municipalities, County agencies and departments, and the media.
2. Review changes to Agricultural Districts, local comprehensive plans, zoning districts, sewer and water service areas, and land development patterns. Prepare updated overlay maps. Analyze and draft requests for Development Area boundary adjustments.
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.



GENESEE 2050



In 2021, the Genesee County Legislature adopted an update to the Genesee County Comprehensive Plan and a Recreation Plan in a project called [Genesee 2050](#). As part of the project, the Genesee Transportation Council (GTC) commissioned an evaluation of the impacts of the Western New York Science & Technology Advanced Manufacturing Park (STAMP) at full buildout using the housing impacts described in the Genesee County Housing Needs Assessment and Market Analysis done in 2017. This housing study projected a high range estimate of future housing demand with an estimated 10,000 jobs.

Two scenarios were investigated as part of the GTC study, one with the Smart Growth Plan in place and the other without. An overview of the projects and its results are included in Appendix B. The two scenarios painted two very different futures for Genesee County. The scenario without Smart Growth saw significant development in the rural/agricultural areas of the County, whereas the Smart Growth scenario resulted in reinvestment and development in the City, Villages and hamlets of the County (see the maps on the following page). Additional advantages of the Smart Growth scenario included a 10% reduction in household costs, a fourfold increase in annual per acre tax revenue, an 8% reduction in greenhouse gas emissions relative to today, a reduction in per household energy usage and water consumption, an increase in walking access to retail businesses, and an 8% reduction in average daily vehicle miles traveled per household.

Given the results of this study the Genesee 2050 Comprehensive Plan included as one of its two overarching recommendations that Genesee County sustain its Smart Growth Plan.

GENESEE COUNTY SCENARIOS : THE IMPACT OF SMART GROWTH POLICIES

Genesee County is at a tipping point. With the potential for thousands of new jobs to locate in the STAMP technology park, it is likely that demand for housing and commercial space in the County will increase substantially in the coming decades. How that demand is satisfied matters. As this scenario modeling process has shown, local land use policies will have a significant impact on the quality of life and economic wellbeing of county residents and business owners. If future development adheres to the current Smart Growth Boundaries, the county will be better off across several key performance measures such as vehicle miles traveled (VMT), greenhouse gas emissions, and fiscal health.

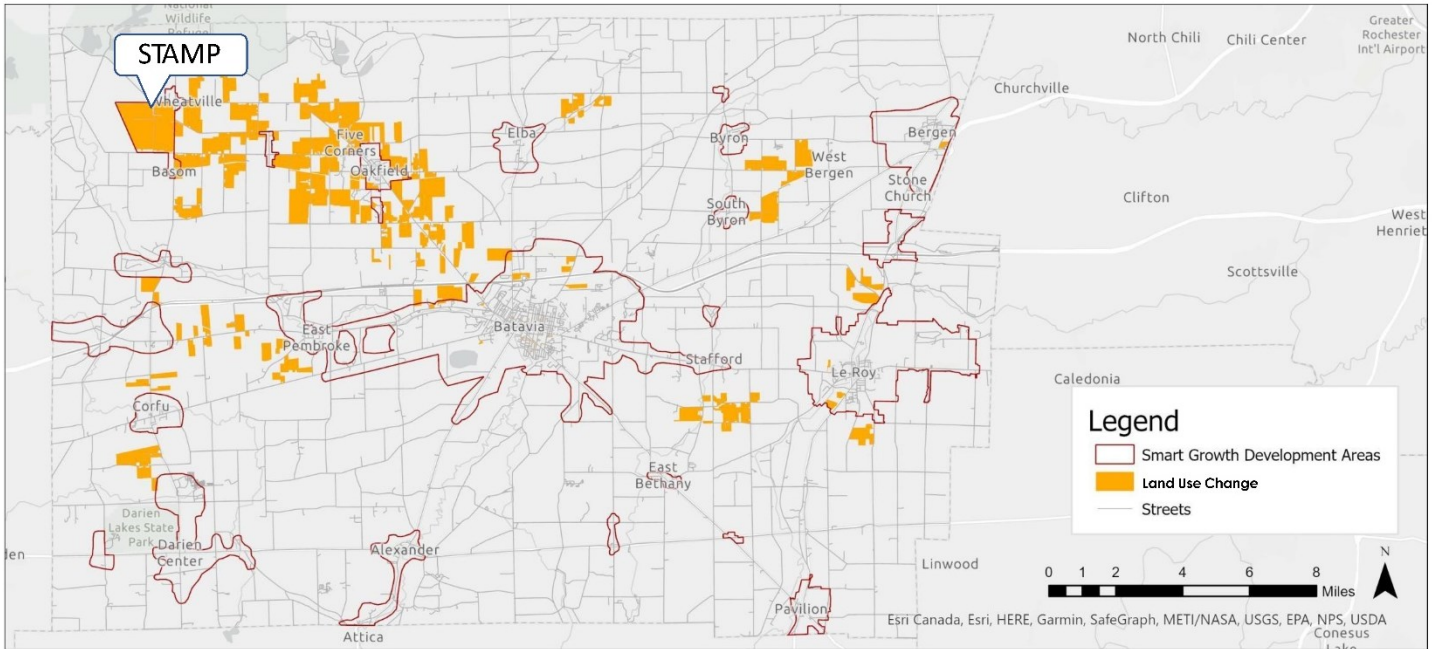
WHAT COULD CONTINUING WITH SMART GROWTH MEAN FOR GENESEE COUNTY?



*relative to the "Without Smart Growth" scenario

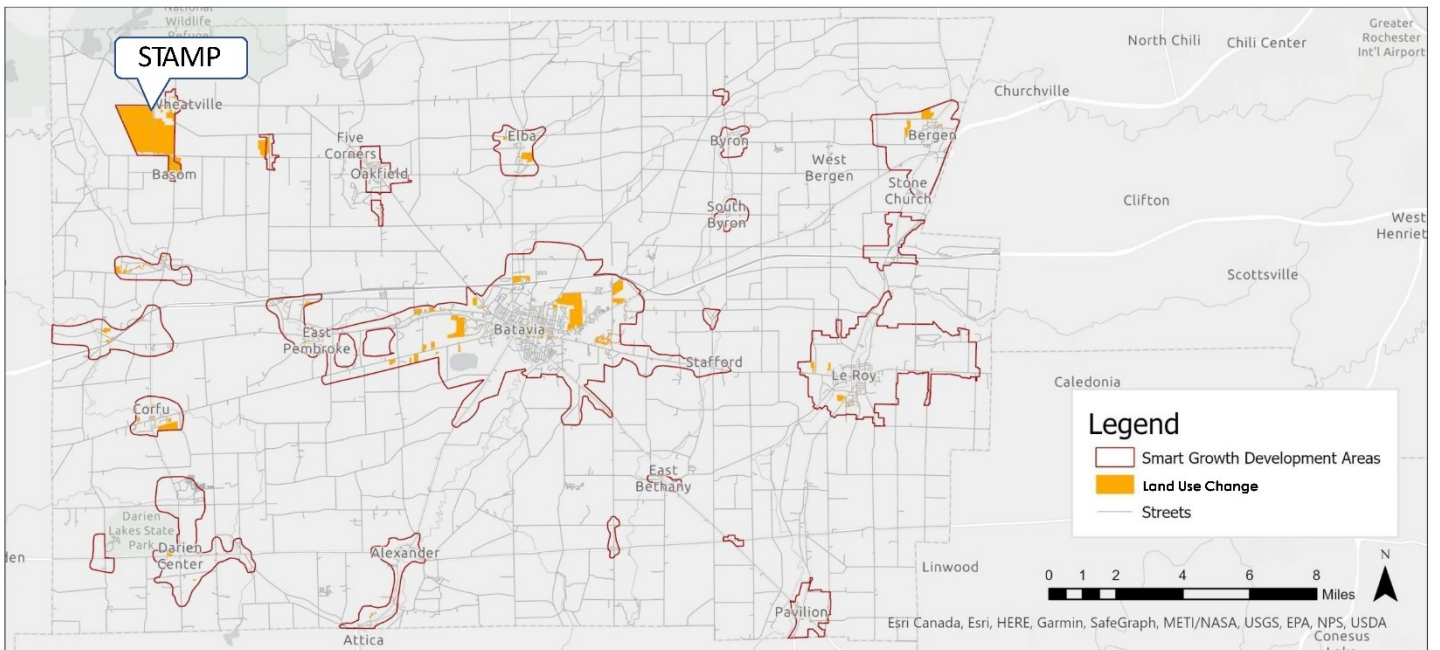


WITHOUT SMART GROWTH SCENARIO: LAND USE CHANGE



Painted Parcels – Without Smart Growth Scenario

WITH SMART GROWTH SCENARIO : LAND USE CHANGE



Painted Parcels – With Smart Growth Scenario



REFERENCE MATERIALS AND RECOMMENDATIONS

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

PROMOTE FARMLAND PROTECTION OUTSIDE OF SMART GROWTH AREAS

COORDINATE WITH AGRICULTURAL DISTRICT PROGRAM

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

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

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

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

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

COORDINATE WITH AGRICULTURAL AND FARMLAND PROTECTION PLAN

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



ENCOURAGE CONSERVATION OF HIGH QUALITY FARMLAND THROUGH CONSERVATION EASEMENTS

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

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

ADVANTAGES:

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

DISADVANTAGES

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

ZONING TECHNIQUES

AGRICULTURAL PROTECTION ZONING

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



The regulations for this district would limit non-agricultural development. They may incorporate density averaging or sliding scale provisions to limit the number of dwellings permitted. The regulations may also specify maximum (as well as minimum) lot sizes for non-farm development. A conservation easement or other type of permanent protection is typically required to protect farmland permanently from development.

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

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

ADVANTAGES:

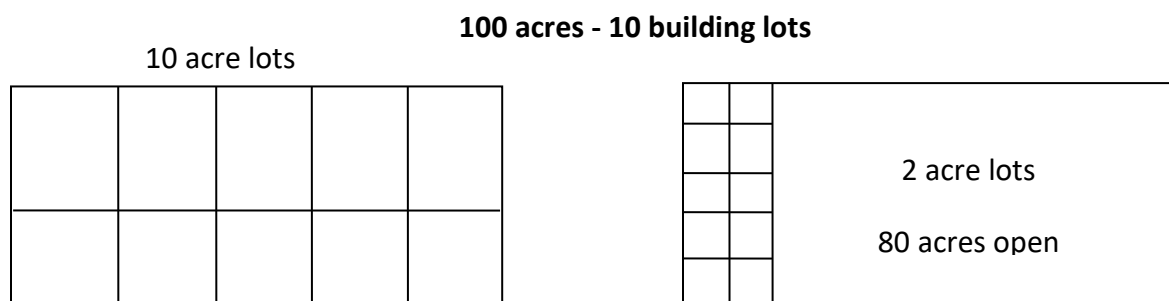
- Effective in limiting non-farm development and reducing conflicts between agriculture and non-farm neighbors
- Can protect large areas of farmland at no cost to the public

DISADVANTAGES:

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

DENSITY AVERAGING (CLUSTERING)

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





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, so may be more appropriate for open space preservation and retention of rural character than for retention of agricultural land

INCENTIVE ZONING

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

ADVANTAGES

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

DISADVANTAGES

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

TRANSFER OF DEVELOPMENT RIGHTS

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

ADVANTAGES:

- Operates within the private sector
- Sale of development rights by agricultural landowners is voluntary



- Permanently preserves agricultural land through conservation easements

DISADVANTAGES:

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

FORM-BASED CODES

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

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

ADVANTAGES

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



DISADVANTAGES

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

PLANNED UNIT DEVELOPMENT (PUD)

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

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

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

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

ADVANTAGES

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



DISADVANTAGES

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

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

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

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

- **Walkable, bikeable, transit-friendly streetscapes and transportation systems (also known as "Complete Streets")**
- **Compact development in areas appropriate for higher densities, such as downtowns**
- **Infill development in previously developed areas, particularly brownfields**
- **Transit-Oriented Development**
- **Downtown revitalization in municipal centers**
- **Historic preservation and adaptive re-use**
- **Environmental justice**
- **A mix of housing options to accommodate all households, ages, backgrounds and incomes**
- **Green Infrastructure/nature-based stormwater management**
- **Public art**
- **Storm resiliency**
- **Safe, accessible and well-planned public spaces**
- **Inclusive, community-based outreach and engagement in the planning process**
- **Green buildings, energy efficiency and renewable energy**



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

CITY OF BATAVIA INDUSTRIAL REDEVELOPMENT

The City of Batavia 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—The City of Batavia continues to work with the Genesee County Economic Development Center to encourage re-development and re-use of industrial sites and buildings in areas with access to infrastructure. This effort could involve remediation of brownfields.

The City of Batavia received a grant from the New York State Department of State to prepare a Brownfield Opportunity Area (BOA) plan to advance redevelopment of strategic sites in the City. **A strategic focus at this time will include the Harvester Building and the area on Evans St. known as Creek Park.**

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

TARGETED INDUSTRIAL ATTRACTION—currently, large-scale economic development projects within the City include Ellicott Station (Savarino project on Ellicott St.), Healthy Living Campus (GLOW YMCA and RRH on Main St.) and the Batavia City Centre.

BUSINESS NEWSLETTER—to distribute information about economic development in the City to existing businesses.

TRAFFIC PLANNING—be involved in major future projects including 2001 Main Street project and southern bypass.

GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER

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



REVITALIZE EXISTING CITY AND VILLAGE BUSINESS DISTRICTS

BATAVIA BUSINESS IMPROVEMENT DISTRICT

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

OTHER INITIATIVES

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

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

Advantages include:

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

Keys to taking advantage of these opportunities include:

- Organization among business owners and operators
 - Joint advertising and promotions
 - Cooperation in physical improvement
 - Pool financial resources
 - Work together to develop common design themes



- Upgrade signage—consider standards to present more consistent “look”
- Physical improvements to enhance shopping experience for pedestrians
 - Visible, accessible, centralized, safe and convenient parking
 - Sidewalks
 - Street lighting; consider historic theme
 - Street trees/ landscaping
 - Banners
- Events
 - Festivals, concerts, parades, etc. to bring people to the main shopping area
 - Focus on unique community assets: history, traditional harvests, local artists and craftspeople

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

IDENTIFY AREAS WHERE LOCAL ZONING IS INCONSISTENT WITH THE PLAN

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

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

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

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



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

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

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

STATE AND FEDERAL GRANTS

The [New York State Smart Growth Public Infrastructure Policy Act](#) guides the State in making more sustainable and strategic infrastructure investments. This legislation requires State agencies to create Smart Growth Advisory Committees that evaluate public infrastructure investments based on the Smart Growth criteria and require that such investments meet the criteria to the extent practicable. This act has had the effect of promoting grant applications at the State level that follow the principles of Smart Growth. **The [Department of State \(DOS\)](#) administers a portion of the State Smart Growth grant program, which is funded annually through the Environmental Protection Fund. DOS and the Department of Environmental Conservation (DEC) designate Smart Growth funding for a variety of purposes. DEC applies funds exclusively to Smart Growth planning and projects in the Adirondack and Catskill Parks; DOS uses funds for a variety of purposes related to community planning and development.**

The [U.S. Environmental Protection Agency \(EPA\)](#) promotes the principles of Smart Growth as part of its mission to protect human health and the environment. EPA occasionally offers grants to support activities that improve the quality of development and protect human health and the environment.

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

PROTECT ECOLOGICAL SYSTEMS AND PROMOTE ENVIRONMENTAL STEWARDSHIP AND RESILIENCY

COORDINATE WITH THE GREEN GENESEE ROAD MAP OF THE GREEN GENESEE SMART GENESEE PROJECT AND COUNTY RESILIENCY PLAN

The purpose of [Green Genesee Smart Genesee \(GGSG\)](#) is to create tools and provide resources that help guide land and energy use in Genesee County. This will allow continued development of viable and lasting economies and strong, vital communities.



The GGSG Project is composed of two parts:

Green Genesee: A county-wide road map (Green Genesee Road Map) that supplies a science-based, community-based tool for making sustainable land use decision in Genesee County.

Smart Genesee: Integrating sustainability through green infrastructure and energy conservation strategies into municipal comprehensive planning and land use regulation codes.

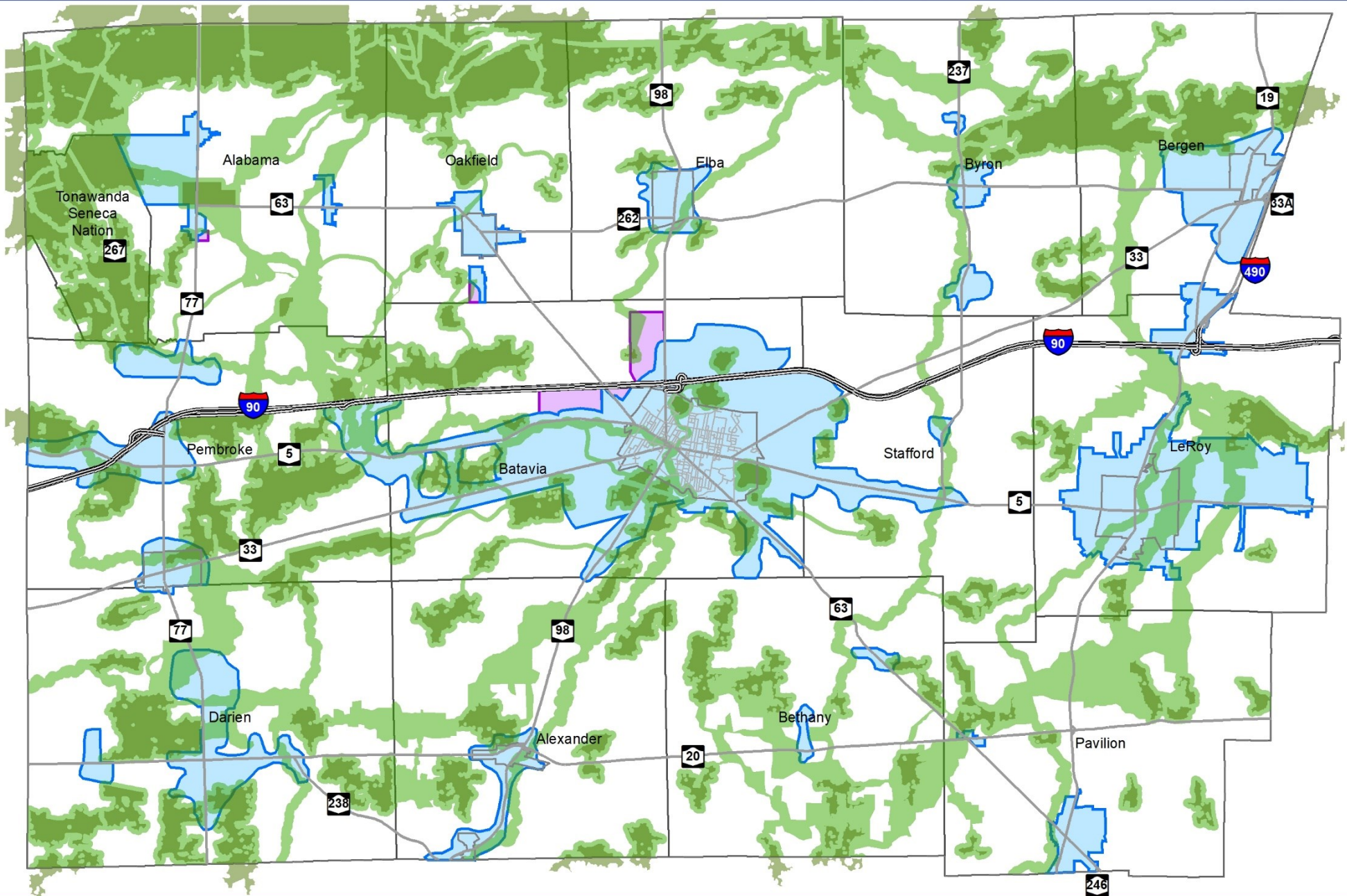
The Green Genesee Road Map presented in Map 3 identifies the County's green infrastructure network or ecological network at a broad scale. This is a network of interconnected natural areas that are the key to the protection of air and water quality, conservation of soils, support for wildlife populations, and a source of outdoor recreation and scenic resources. The network, including the buffers and corridors surrounding and connecting natural asset cores, reveals areas of the county that have regional significance whose value might otherwise be easily overlooked by local residents or agencies. The green infrastructure network is Genesee County's foundation for community health and quality of life. The purpose of the Road Map is to provide information that facilitates the protection of important ecosystem services provided by the County's green infrastructure. It can be integrated into planning documents, zoning, and planning board review and approval processes. It is not a regulatory map. It, in itself, does not dictate what a private landowner may or may not do with private land. The map provides information that could guide local, state, or federal land use rules and regulations, but it does not supplant existing regulations.

In the first phase of the project, the Towns of Alabama, Batavia and Oakfield along with the Village of Oakfield further refined the County-wide Green Genesee Road Map to their municipality. The value of the Road Map is that it can help communities and landowners understand the value of green infrastructure and coordinate resources to facilitate its protection and long term function. This option is far more efficient and less costly than both engineered solutions and after-the-fact restoration and protection endeavors.

Phase II of the Green Genesee/Smart Genesee was undertaken through the [County Resiliency Plan](#) completed in 2022. The planning process included the refinement of the County's Ecological Network depicted in the Road Map to include the Towns of Darien, Alexander, Bethany, Pavilion, and Stafford. Changes were made through desktop review and ground truthing. Municipalities that still need to be refined include the Towns of LeRoy, Pembroke, Byron, Bergen and Elba. Map 3 in the following page shows the ecological network as updated by Phase II.

Map 3 Green Genesee Road Map

GENESEE COUNTY SMART GROWTH PLAN 2022 Review Report



Current Smart Growth Boundaries		Green Genesee Road Map	
	Priority Development Areas		Natural Asset Core
	Reserved Development Areas		Ecological Network



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Department of Planning
County Building 2

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

TOWN OF ALABAMA

Two Priority Development Areas have been designated within the Town in areas with a concentration of existing development outside of NYS Agricultural Districts and with the STAMP site. These areas include: the hamlet of Alabama at the intersection of Alleghany Road (NYS Rts. 63 and 77) and Lewiston Road (County Rt. 12) including the STAMP site and the hamlet of Basom, at the intersection of Alleghany Road (NYS Rt. 77) and Bloomingdale Road; and the hamlet of South Alabama, at the intersection of Judge Road (NYS Rt. 63) and Maple/Knowlesville Road. The Town also has uncertified Reserved Development Area southeast of the hamlet of Basom on the east side of Alleghany Road (NYS Rt. 77).

2022 UPDATE COMMENTS

The Town of Alabama did not ask for revisions to the Smart Growth Plan or the Development Area boundaries during this review. The Reserved Development Area in the Town has not been certified.

TOWN AND VILLAGE OF ALEXANDER

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

2022 UPDATE COMMENTS

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

CITY OF BATAVIA

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

2022 UPDATE COMMENTS

The City did not ask for revisions to the Smart Growth Plan or the Development Area boundaries during this review.



TOWN OF BATAVIA

Priority Development Areas in the Town of Batavia include lands in and surrounding the City of Batavia, the industrial park adjoining the NYS Thruway, and the Genesee County Airport. Other Priority Development Areas are located along West Main Street Road (NYS Rt. 5) and Pearl Street Road (NYS Rt. 33) west of the City, and along portions of several local roads. A portion of the land surrounding the airport is currently within Agricultural District No. 2. However, this location is also highly attractive for economic development. Parcels within this Priority Development Area should be removed from the Agricultural District as it is renewed, in order to encourage non-agricultural economic development. The Priority Development Areas west of the City of Batavia, along NYS Rt. 5 and NYS Rt. 33, are generally outside of NYS Agricultural Districts. Areas with high quality soils have been excluded from the Priority Development area. New non-agricultural development outside of the Priority Development Areas should be discouraged. The Town also has uncertified Reserved Development Areas North of the NYS Thruway and West of NYS Rt. 98 as well as just South of the NYS Thruway and North of the Walmart on NYS Rt. 63 and north of NYS Rt. 5.

2022 UPDATE COMMENTS

The Town did not ask for revisions to the Development Area boundaries during this review. The Reserved Development Areas in the Town have not been certified.

TOWN AND VILLAGE OF BERGEN

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

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

2022 UPDATE COMMENTS

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



TOWN OF BETHANY

Priority Development Areas in the Town of Bethany are located around the hamlet of Bethany Center, at the intersection of Broadway Road (NYS Rt. 20) and Bethany Center Road (County Rt. 15), and around the hamlet of East Bethany, at the intersection of Ellicott Street Road (NYS Rt. 63) and East Bethany-Le Roy Road.

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

2022 UPDATE COMMENTS

The Town did not ask for revisions to the Development Area boundaries during this review.

TOWN OF BYRON

The Smart Growth Plan identifies Priority Development Areas at the hamlet of Byron, intersection of Byron Holley Road (NYS Rt. 237) and Townline Road (NYS Rt. 262) and at the hamlet of South Byron, intersection of Byron Holley Road (NYS Rt. 237) and Walkers Corners Road (County Rt. 19). The NYS Rt. 237 corridor connecting the two hamlets is dominated by the Black Creek floodplain. Although existing zoning permits single-family homes on 20,000 sq. ft. lots, little developable land is available. Land along this corridor is also within Agricultural District No. 4. Non-agricultural development along this corridor should be limited.

2022 UPDATE COMMENTS

The Town of Byron updated its [Comprehensive Plan](#) in 2019. The Plan includes a new long-term Vision Map for the Town. Shortly after its completion, the Town Board and Planning Board expressed interest in amending its Development Areas. Following the Planning Department's announcement of the 2022 Review, the Planning Department made a presentation to the Town Board on Smart Growth. A couple of months after, the Town Planning Board submitted a proposal for amendments to its Priority Development Areas (see Map 4). The proposal consists of various changes to the development areas including a new development area in the Southeast portion of the Town along Coward, Lyman and Beaver Meadow Roads, the removal of the North Byron Priority Development Area and various adjustments to the development areas in the hamlets of Byron and South Byron. As demonstrated by the table below and Map 4a, the Planning Department's analysis of the proposal showed a net 224-acre expansion for the Smart Growth Priority Development Areas of the Town of Byron. Of these proposed additions, only 27 acres are currently undeveloped. This total would be in addition to the 424 undeveloped acres of the current Smart Growth Priority Development Areas.

Map 4

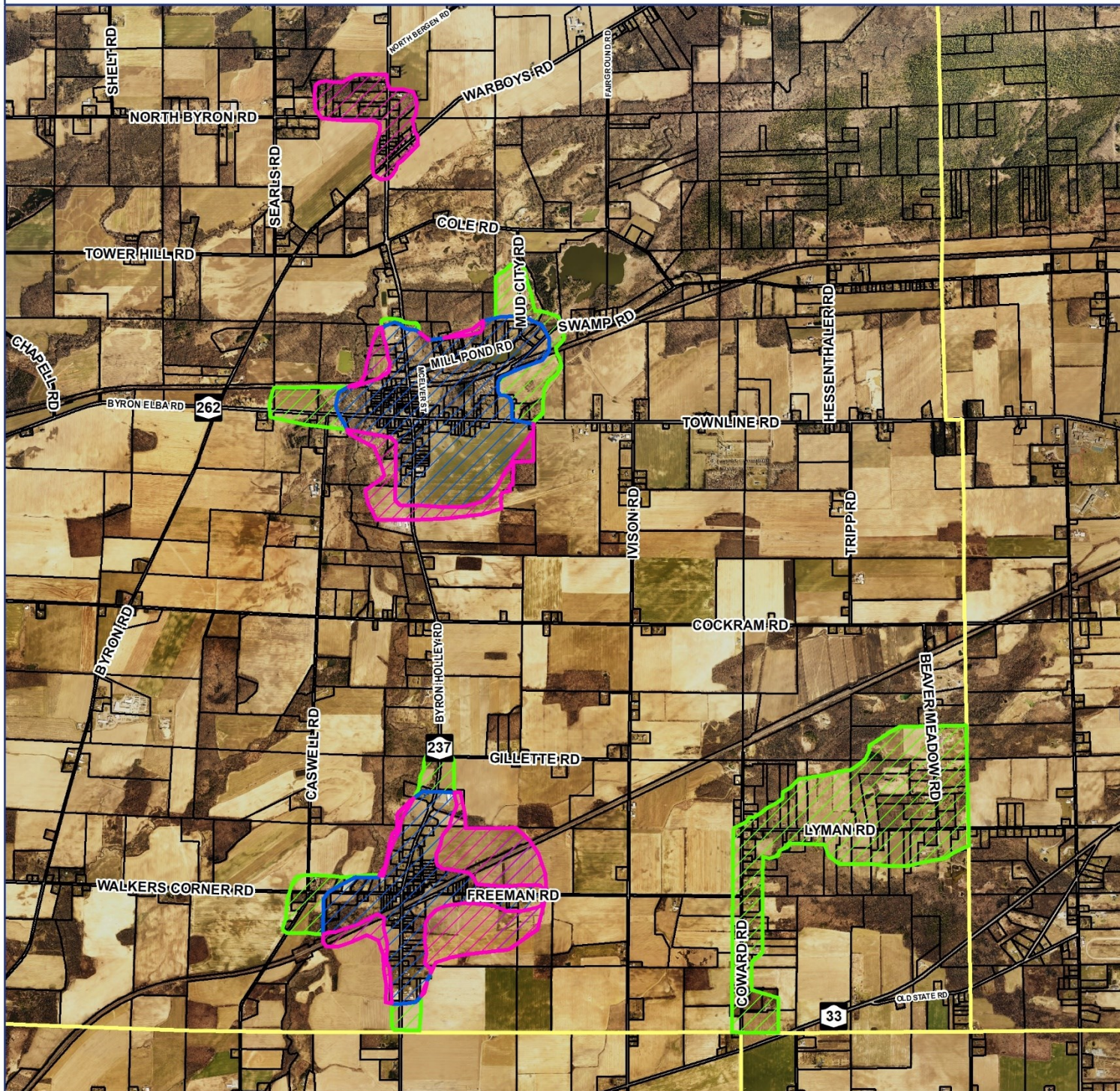
Town of Byron






Changes Proposed by the Town - 1st Proposal

GENESEE COUNTY

SMART GROWTH PLAN

2022 Review Report



-  Priority Development Areas
-  Proposed Expansions
-  Proposed Deletions
-  2021 Tax Parcels
-  Town Boundaries



0 1,000 2,000 4,000 Feet



Genesee County
 Department of Planning
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Map 4a

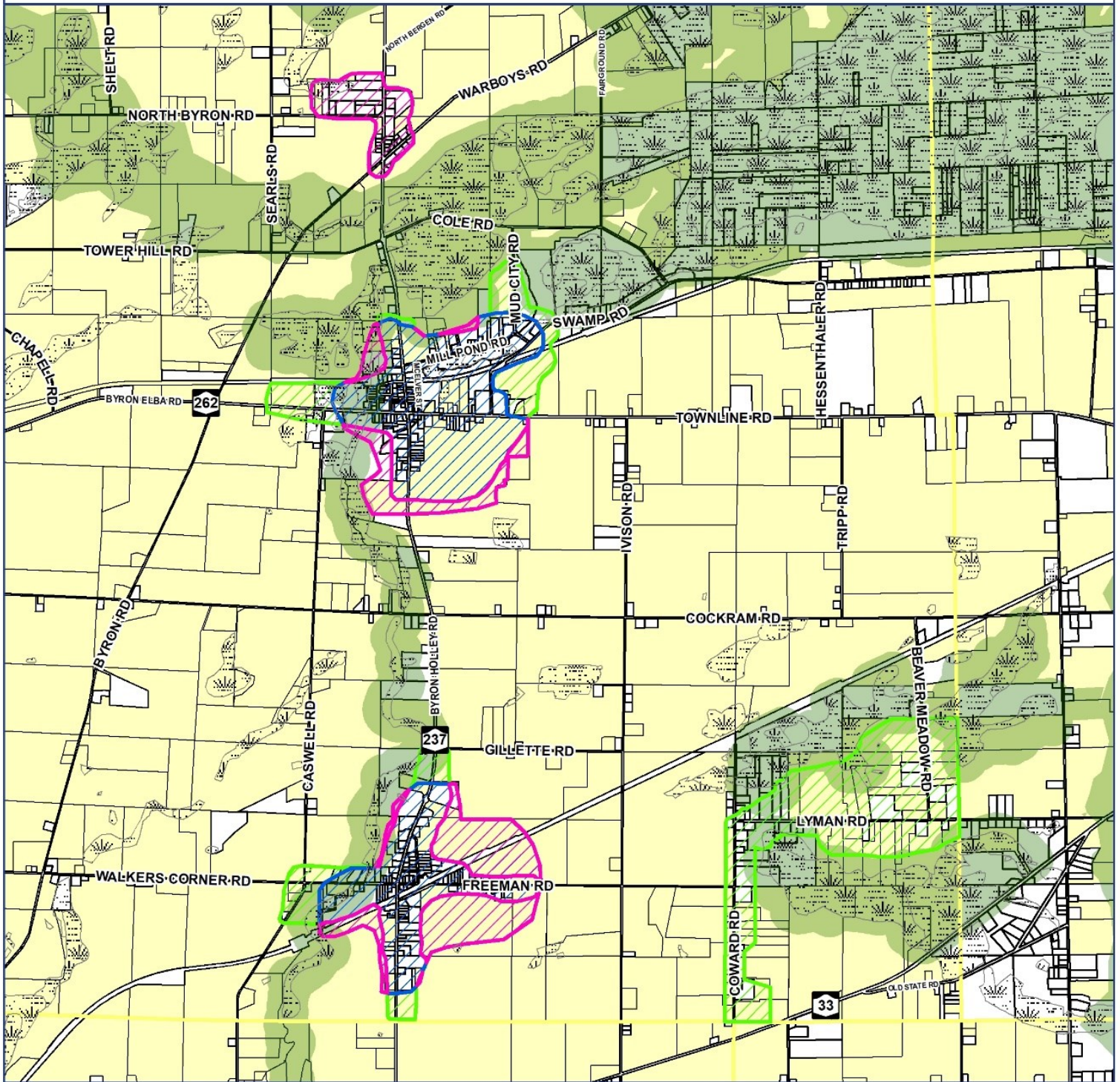
Town of Byron








1st Proposal Analysis

GENESEE COUNTY

SMART GROWTH PLAN

2022 Review Report



-  Priority Development Areas
-  Proposed Expansions
-  Proposed Deletions
-  2021 Tax Parcels
-  GGSG Ecological Network
-  NYS Agricultural Districts
-  Town Boundaries
-  Wetlands



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TOWN OF BYRON - SMART GROWTH PRIORITY DEVELOPMENT AREA					
	Total (acres)	Undeveloped (acres)	Agricultural District (acres)	Currently Farmed (acres)	Strategic Farmland (acres)
Current Areas	844	397	392	313	574
Proposed Areas	1,068	424	557	356	737
Proposed Net Change	224	27	165	43	163

County Planning staff met with the Town Planning Board to discuss the analysis mapping and chart above. The Town of Byron offered to further adjust the proposal. A second proposal was submitted to County Planning in July (see Map 5). The updated proposal did not include the development area expansion west of the hamlet of Byron on along NYS Rt. 262 and trimmed back other expansions including Coward Rd to Lyman Rd. An analysis was done of the updated proposal and can be seen in Map 5a and the chart below.

TOWN OF BYRON - SMART GROWTH PRIORITY DEVELOPMENT AREA					
	Total (acres)	Undeveloped (acres)	Agricultural District (acres)	Currently Farmed (acres)	Strategic Farmland (acres)
Current Areas	844	397	392	313	574
Proposed Areas (1st Proposal)	1,068	424	557	356	737
Proposed Areas (2nd Proposal)	946	397	494	313	638
Revised Net Change	102	0	102	0	64

Map 5

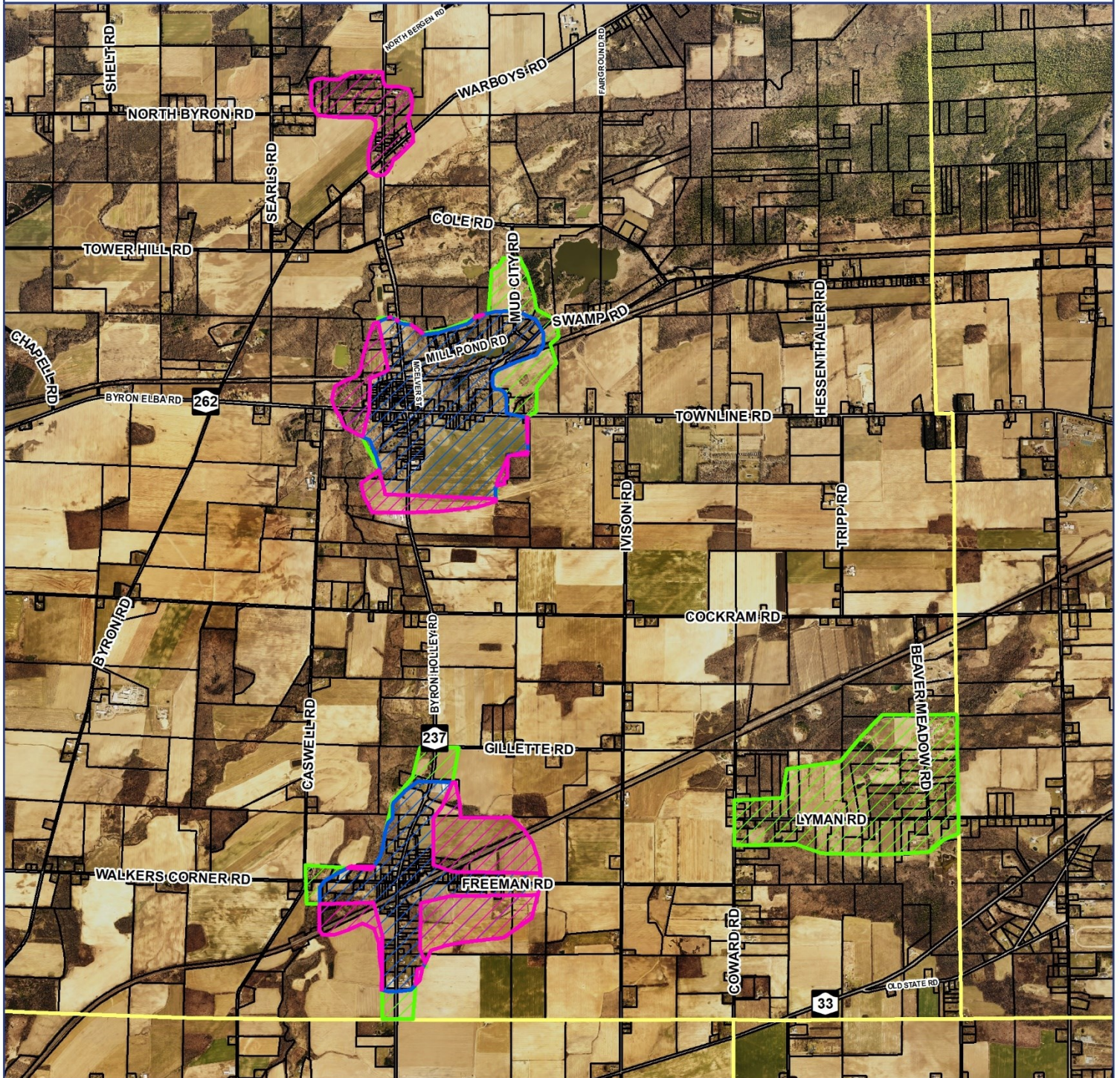
Town of Byron






Changes Proposed by the Town - 2nd Proposal

GENESEE COUNTY

SMART GROWTH PLAN

2022 Review Report



-  Priority Development Areas
-  Proposed Expansions
-  Proposed Deletions
-  2021 Tax Parcels
-  Town Boundaries



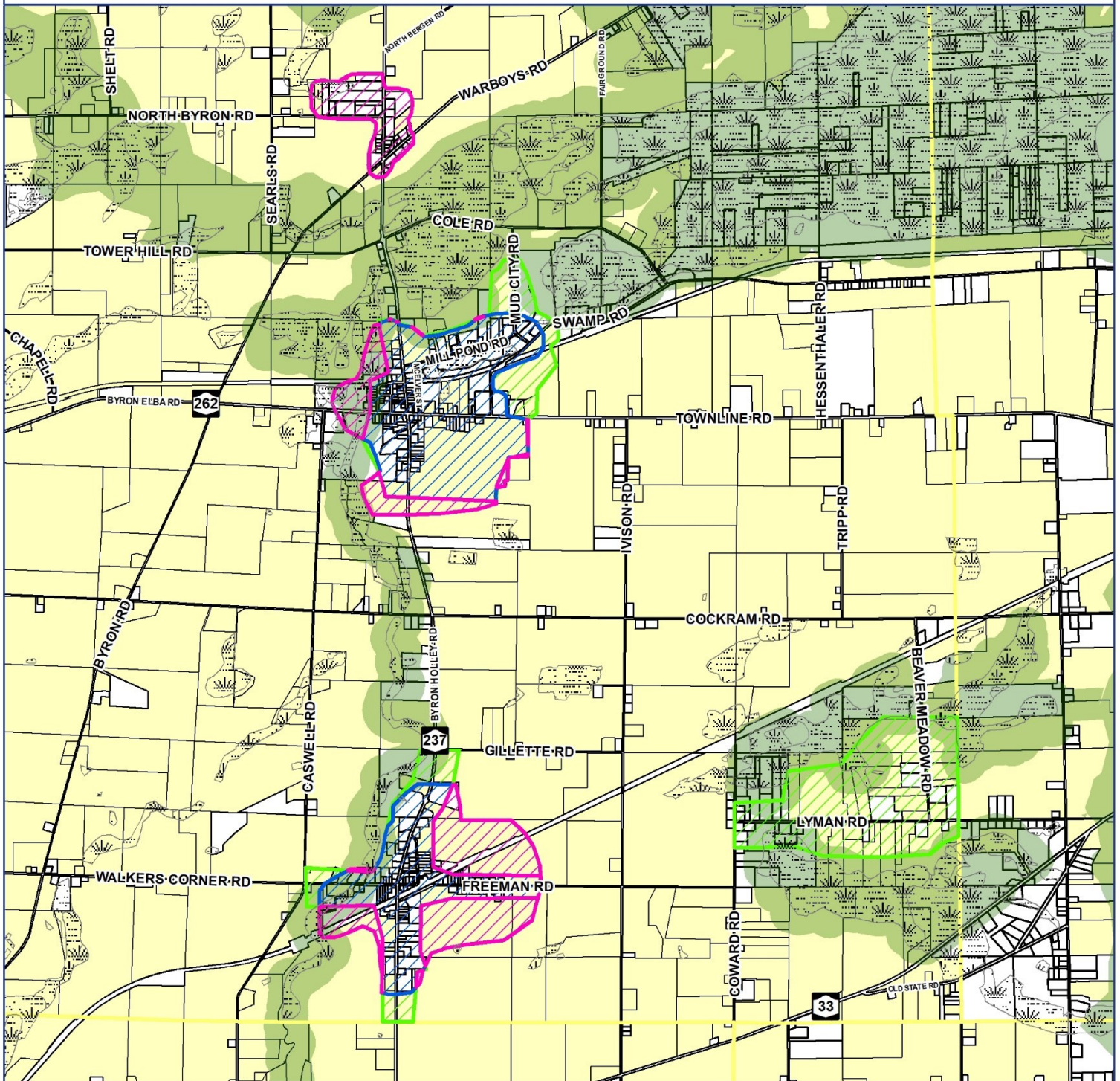
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





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Map 5a Town of Byron 2nd Proposal Analysis

GENESEE COUNTY SMART GROWTH PLAN 2022 Review Report



-  Priority Development Areas
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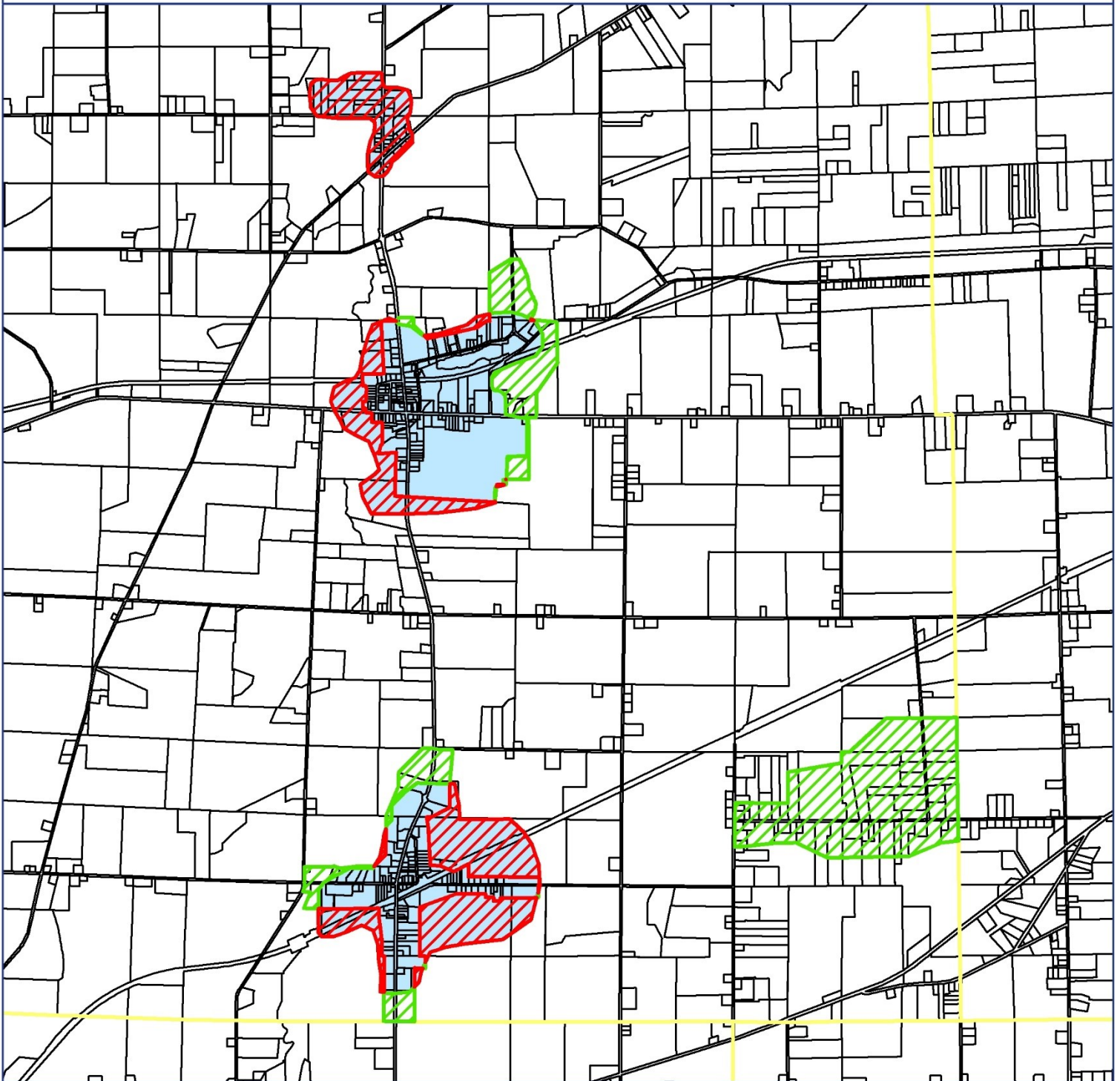


The revised net change expands the total development area and lands enrolled in the Agricultural district by just over 100 acres, the changes in undeveloped land and land currently farmed are cancelled out to a net zero change, and additional 64 acres of strategic farmland are requested. The second proposal serves the Town’s goals of reallocation Priority Development Areas Boundaries in the Town according to the Town’s recently updated Comprehensive Plan, while limiting the impacts on agriculture and environmentally sensitive areas. Planning Department staff took the second proposal and readjusted the boundaries to snap to parcel lines where possible in order to minimize confusion on which parcel is automatically allowed a water hookup. This adjustment resulted in the recommended Priority Development Area boundaries shown and analyzed in the following table and Map 6 below. The recommended modifications to the boundaries amount to 335 acres of deletions and 423 acres of additions for a net increase of 88 acres to the Priority Development Area boundaries.

TOWN OF BYRON - SMART GROWTH PRIORITY DEVELOPMENT AREA					
	Total (acres)	Undeveloped (acres)	Agricultural District (acres)	Currently Farmed (acres)	Strategic Farmland (acres)
Current Areas	844	397	392	313	574
Proposed Areas (Initial Proposal)	1,068	424	557	356	737
Proposed Areas (Revised Proposal)	946	397	494	313	638
Recommended Areas	932	375	490	306	630
Recommended Net Change	88	-22	98	7	56

Map 6
Town of Byron
Recommended Changes

GENESEE COUNTY
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-  Priority Development Areas
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TOWN OF DARIEN

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

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

2022 UPDATE COMMENTS

The Town did not ask for revisions to the Development Area boundaries during this review.

TOWN AND VILLAGE OF ELBA

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

2022 UPDATE COMMENTS

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



TOWN AND VILLAGE OF LEROY

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

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

2022 UPDATE COMMENTS

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

TOWN AND VILLAGE OF OAKFIELD

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

2022 UPDATE COMMENTS

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

TOWN OF PAVILION

The Priority Development Areas in the Town of Pavilion are located at the hamlet of Pavilion, around the intersection of Ellicott Street Road/Big Tree Road (NYS Rt. 63) and South Lake Road (NYS Rt. 19), **and in the hamlet of Texaco Town at the intersection of NYS Rts. 20 and 63. The Pavilion hamlet is currently served by public water and sewer, but Texaco Town has neither.**

2022 UPDATE COMMENTS

The Town did not ask for revisions to the Development Area boundaries during this review.

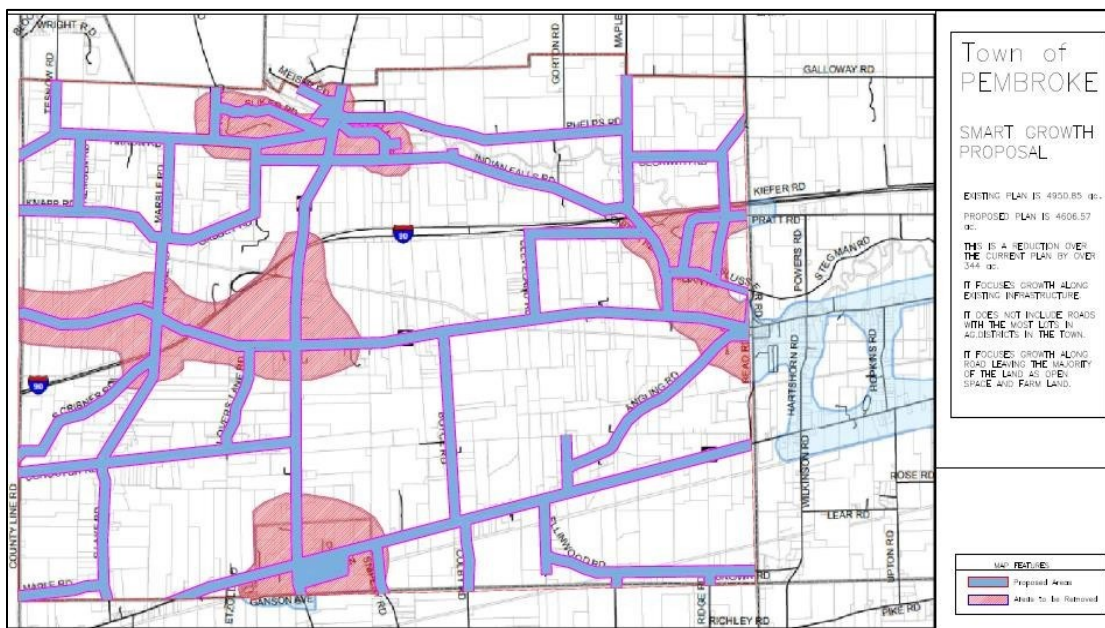


TOWN OF PEMBROKE

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

2022 UPDATE COMMENTS

The Town of Pembroke made an initial request for expansion to the development area boundaries in April of 2022. The proposal was to expand development area boundaries to cover almost all the frontage approximately 350 ft. deep of existing roads in the Town including the Village of Corfu (see image below). The proposal also eliminated nodes of development areas around the Village of Corfu and the hamlets of Indian Falls, Pembroke, Brick House Corners, and East Pembroke and Cooksville. It was clear from this proposal that the Town did not understand the principles of Smart Growth as described earlier in this plan. Development along all the highways does not encourage walkable community design but most importantly, does not focus development in particular areas of the Town. It also does not protect agriculture because it would promote development within agricultural areas and put residential and commercial uses next to farm operations. Planning staff requested a meeting with the Town Board to educate them on what Smart Growth is and what acceptable modification to the development area boundaries look like.





Planning staff met with the Town Board later that month and made a presentation on Smart Growth. After a lengthy discussion the Town agreed to resubmit a more appropriate request for boundary modifications. The Town submitted a revised proposal in May of 2022 shown in Map 7 below. Although the proposal sought to avoid NYS Agricultural District, it still covered more than half of the Town with development areas along public highways. It also dispersed concentrated development area nodes around the hamlets of Brick House Corners and Pembroke. The proposal is not supported by the Town’s Comprehensive Plan which calls for “open space” in much of the areas proposed as development areas. An analysis of the proposal, shown in the table and Map 7a below, calculates the increases to close to doubling the total number of acres in development areas by adding 3,492 acres of development area. This increase does not seem to be warranted, given that the Town averages less than 10 residential building permits per year according to the figures submitted by the Town to the Genesee Finger Lake Regional Council 2019 Regional Land Use Monitoring Report.

TOWN OF PEMBROKE - SMART GROWTH PRIORITY DEVELOPMENT AREA					
	Total (acres)	Undeveloped (without wetlands) (acres)	Agricultural District (acres)	Currently Farmed (acres)	Strategic Farmland (acres)
Current Areas	4,056	2,000	351	748	2,117
Proposed Areas	7,548	3,637	989	1,515	3,628
Proposed Net Change	3,492	1,637	638	762	1,511

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

Map 7

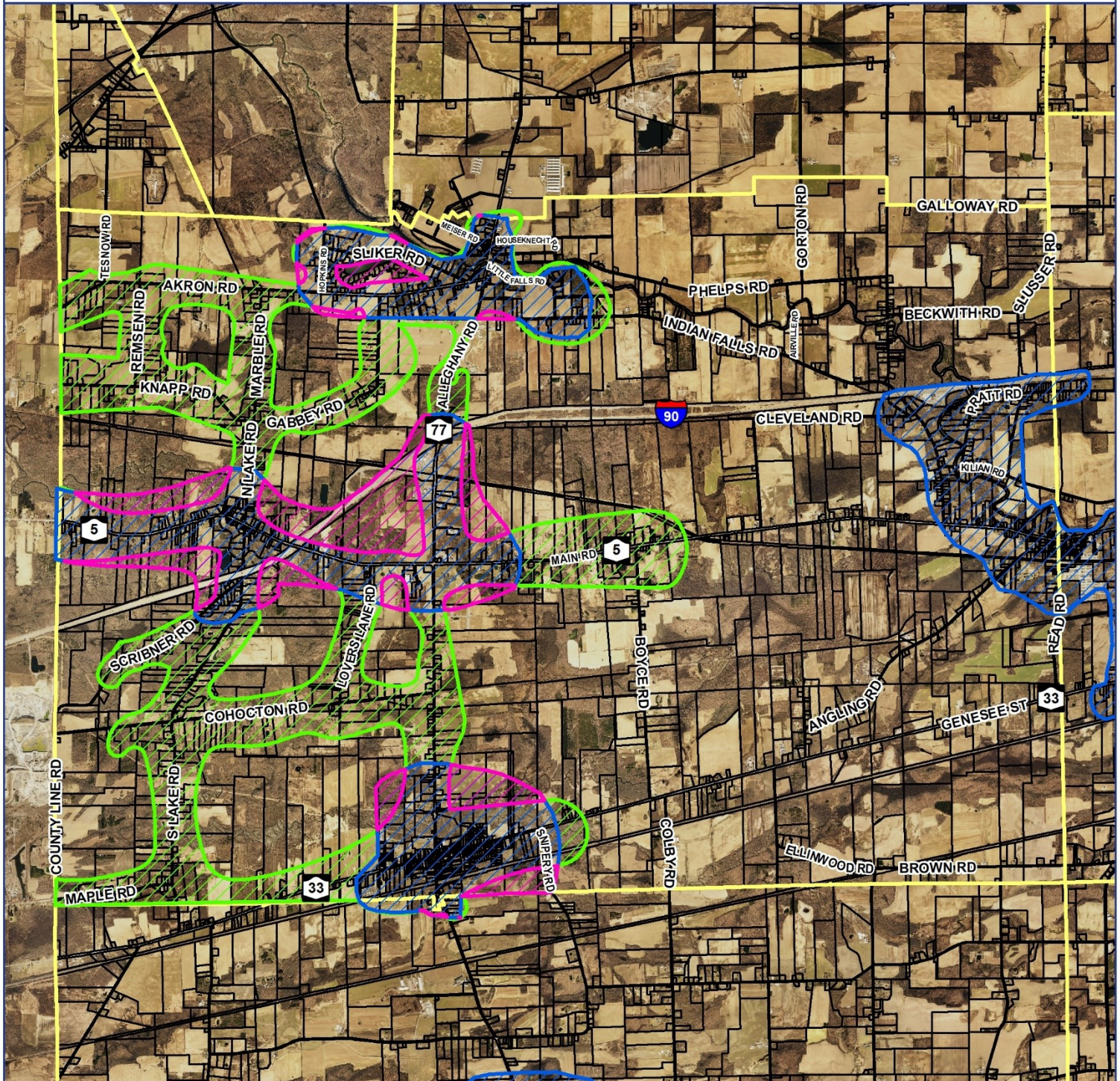
Town of Pembroke






Changes Proposed by the Town

GENESEE COUNTY

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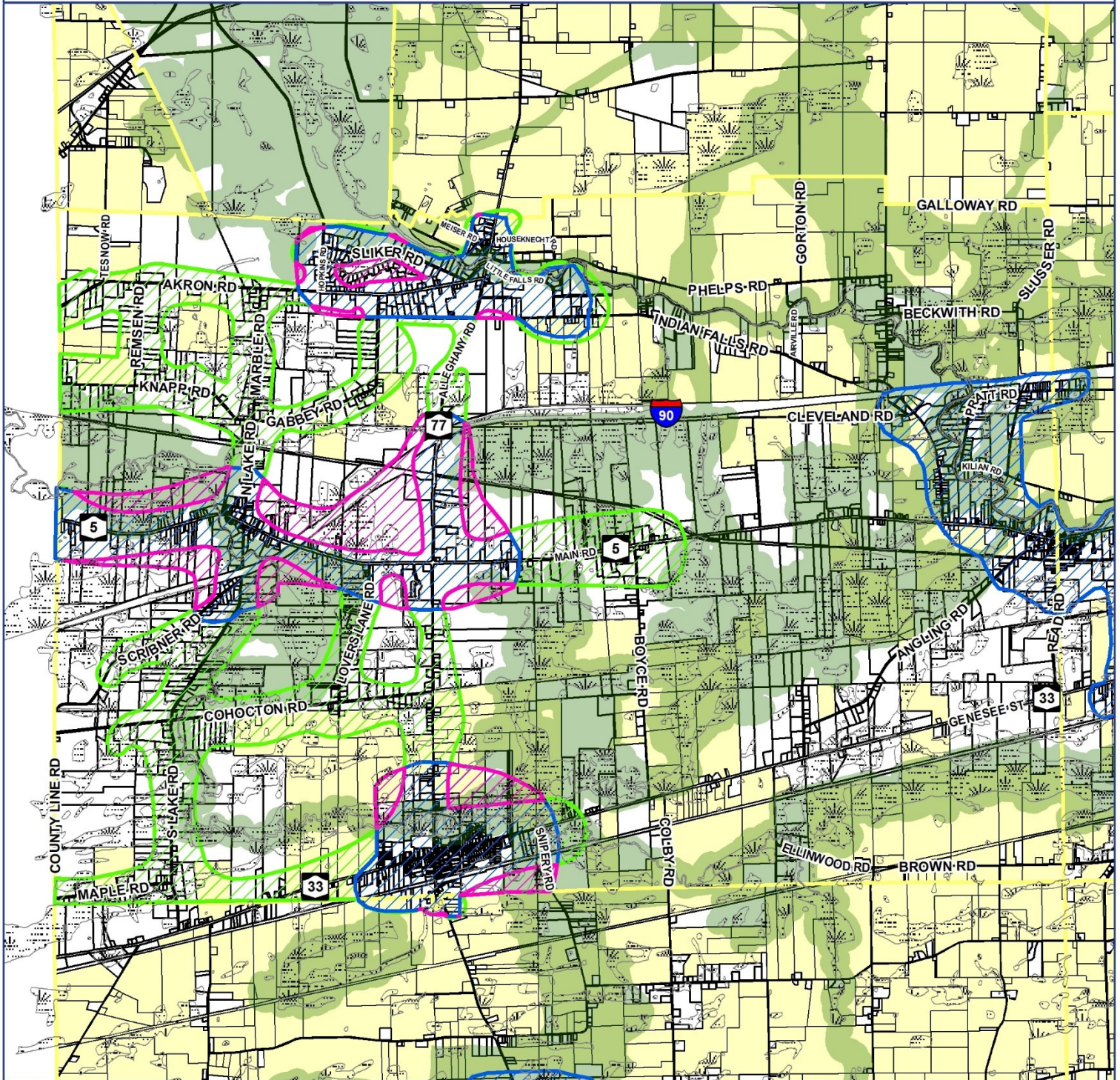
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






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Map 7a Town of Pembroke Proposal Analysis

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TOWN OF STAFFORD

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

2022 UPDATE COMMENTS

The Town did not ask for revisions to the Development Area boundaries during this review.



APPENDIX B – GENESEE 2050 SCENARIOS OVERVIEW