



Chapter 4

Growth Management and Community Character



STARBUCKS COFFEE

GOALS

- > **Monitor and manage growth including its impacts on key systems such as sanitary sewer and stormwater infrastructure.** (Goals and initiatives directly related to growth impacts upon transportation and traffic are identified and evaluated in Chapter 7).
- > **Ensure that all elements of Victor's community character valued by residents are preserved.**
- > **Adopt a conservation-based approach¹ that addresses the ecological and social impacts of sprawl and the accelerated consumption and fragmentation of agricultural and open land.**
- > **Foster a regional, landscape-scale approach to open space preservation that takes into account how open space on any particular parcel contributes to the open space needs of the town as a whole.**

¹ It is important to note the potential for a conservation-based approach to also minimize the need to build systems that would otherwise be required to manage or ameliorate negative impacts.

INTRODUCTION

Victor has been recognized as one of the most rapidly growing communities in New York. This has led to numerous impacts to essential infrastructure including water and sewer systems, stormwater improvements and the transportation system of streets, roads and highways serving the community. In addition, public meetings with Town residents have revealed growth management and the preservation of community character, including open space, to also be prominent concerns for Victor residents. This chapter focuses on growth management and on the preservation of community character, including open space, in particular.

Victor is many things to many people, including a place to work and make a living, a place to shop, for some a place to pass through, and increasingly as time goes by, a place to visit. Most importantly to residents, to those living here, Victor is a community. Merriam-Webster defines a community simply as “a group of people who live in the same area” and as “a group of people who have the same interests”. Wikipedia provides a similar explanation of community as: “a social unit of any size that shares common values.”

Throughout the development of this plan, members of the Victor community have offered comments regarding what they value in Victor as well as their concern that ongoing growth threatens fulfillment of the very interests that bind them to the community and their fears that the Victor they identify with could become a victim of its own success. Members of the community also shared their perceptions that the manner in which natural resources, cultural resources, and other community assets were present in Victor, separately as well as in combination, created a community that had a distinct character and identity² which they valued. Such input has made it clear that the interests and values shared by members of the Victor community go beyond the mere presence of the agricultural legacy, natural resources, cultural resources, and green infrastructure networks addressed in the two preceding chapters of this plan.

When considering the character of a community, the traditional planning focus is upon how the natural environment, the cultural assets and the sensory (primarily visual) experience of a place all combine to define the community's essential quality. Primarily as a consequence of Victor's agricultural past, a rural setting and open space in particular have long been the predominant visual context within which Victor's natural resources, cultural resources, and other assets have been experienced. And, while views of agricultural buildings, fields under cultivation, and farming activities are obvious cues and contributors to rural character, it is open space that has always served as the basic context without which no experience of a traditional Victor rural character is possible. Recognizing the pivotal role played by open space helps to explain why many Victor residents, when describing their community values, go beyond the mere need to protect or preserve cultural and

² The character and identity of a community are closely related. The Lexicon Webster Dictionary defines character as "a distinctive trait, quality or attribute," and as something's "essential quality or nature," or "reputation." Among the definitions of identity, Merriam Webster includes "distinguishing character."

natural resources to also include the need to address the progressive loss of open space, farmland and associated rural character.

EXISTING CONDITIONS

GROWTH AND EMERGENCE AS A REGIONAL DESTINATION

As summarized in the Community Profile included in Chapter 1, the past several decades have brought significant growth to Victor, including unprecedented residential growth. Although this has taken the form of single family residences and subdivisions in the past, market dynamics within Victor have recently shifted to favor more dense residential forms such as apartments, townhouses and patio homes. Despite this change, there is no evidence suggesting a long-term decrease in the demand for residential development within Victor. In addition to residential growth, the community has also experienced rapid commercial development³, particularly within the segment of the NYS Route 96 corridor that lies between the NYS Thruway and the Town's northern boundary, and significant industrial development within the Victor neighborhoods immediately south of the NYS Thruway.

While there appears to have been some acceleration in the most recent decade⁴, growth in Victor has been underway for some time. According to a build-out study conducted by Ontario County in 2005 the Victor rate of growth experienced since 1970 has been:

- > 1970 to 1980 – 40.1% or roughly 4% annually;
- > 1980 to 1990 – 66.1% or roughly 6.6% annually; and,
- > 1990 to 2000 – 51.6% or roughly 5.2% annually.

Not only is there no evidence that Victor growth will slow in the long-term, recent development proposals presented to the Town have suggested that Victor may be emerging as, or already is, a regional destination.

TRANSPORTATION AND TRAFFIC

The effects of the recent growth upon transportation and traffic are reviewed and evaluated in Chapter 7 of this plan.

PUBLIC WATER AND SEWER

The impacts of recent growth have not been limited to loss of open space or diminished rural character. Victor benefits from water and sewer⁵ infrastructure that covers much of the Town and all

³ Eastview Mall, a regional shopping center and major traffic generator, lies at the heart of the commercial development.

⁴ Growth rates and anticipated build-outs are described more fully in the Chapter 1 Community Profile.

⁵ A map of areas within the Town served by public water and sewer is included in the Chapter 1 Community Profile. The Monroe County Water Authority recently took responsibility, under an intermunicipal agreement, for operation and maintenance of public water systems within the Town of Victor but outside the Village. Village

of the Village. These services support ongoing commercial and industrial development and are of obvious benefit to homeowners and residential developers who otherwise have to rely on septic systems or wells. Unfortunately, recent growth has had negative impacts upon these systems, especially the Town's sanitary sewer collection system. Limitations associated with the capacity and condition of sanitary sewer collection system components relied upon within certain areas of the Town have recently become better understood. It has now become apparent that the rapid pace of growth within Victor and associated district extensions has outstripped the capacity of many sanitary sewer pump stations as well as that of some associated mains.

STORMWATER INFRASTRUCTURE

Victor growth has also led to a proliferation of stormwater detention ponds and associated infrastructure intended to control the rate of stormwater discharge, limit erosion and sedimentation, and maintain the quality of stormwater runoff. A recent preliminary inventory identified more than 170 stormwater detention ponds within the Town, approximately 119 of which were located on private property and in need of some degree of maintenance. An associated report noted that, while the Town has no formal plan for and accepts no responsibility for many of these improvements, it is called upon frequently nonetheless to remedy drainage failures affecting multiple parcels and when emergency situations arise. Given the circumstances, continued growth with no other change would likely lead to increases not only in the total number of detention ponds and associated infrastructure installations, but also in the number in need of maintenance as well. The report also noted that the downstream benefits and risks associated with postponed maintenance of these facilities were town-wide and affected environmental elements such as streams and wetlands in addition to downstream buildings, highways, infrastructure and land.

RURAL CHARACTER AND OPEN SPACE

As already indicated, public meetings with Town residents conducted as part of this planning effort reinforced the protection of natural resources and preservation of farmland and open space as major goals for this comprehensive plan, particularly in response to the remarkable rate of growth and the associated impacts to the community's natural resources, open space and rural character.

residents are served by the Village water system as well as the Village sanitary sewer collection system and Village wastewater treatment plant. Outside the Village, the Town provides sanitary sewer service via multiple Town districts. While most of these districts ultimately discharge to the Farmington Wastewater Treatment Plant, some discharge to the Village system. With respect to those portions of the Town system discharging to the Farmington WWTP, the hilly terrain and the manner in which the system evolved in response to growth have led to the incremental incorporation of numerous pump stations in a configuration operators and engineers now characterize as a "daisy chain".

AVAILABLE RESOURCES AND TOOLS

MOVEMENT OF DEVELOPMENT RIGHTS

In order to preserve farmland and open space more effectively, Victor has considered two approaches that would alter the pattern of development density (units per acre) on a town-wide basis and do so in a manner that did not unnecessarily penalize owners of land located within areas where the community would prefer more open space and lower development densities: Incentive Zoning⁶ and Transfer of Development Rights (TDR)⁷.

NYS Town Law §261-b defines Incentive Zoning as a “system by which specific incentives or bonuses are granted . . . , on condition that specific physical, social, or cultural benefits or amenities would inure to the community”⁸. In practice, Incentive Zoning augments the existing base of development regulations by offering developers regulatory allowances that would not otherwise be available in exchange for the provision of public benefits that would not otherwise be required. The objective is to encourage development that will provide a desired public benefit as established in adopted planning goals. Public benefits that may be incentivized in this manner include affordable housing, historic preservation, farmland protection, open space and recreation, or increased environmental protection. Incentives provided in exchange for the provision of such benefits may include density bonuses, flexible development regulations, or parking reductions. As conceived in Victor in connection with the goal to alter the development density pattern on a town-wide basis, density

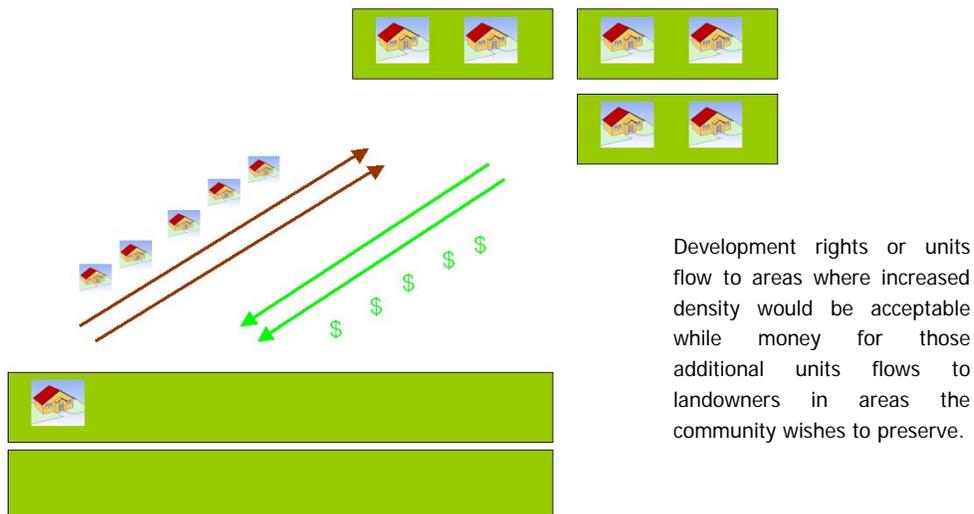
⁶ Incentive Zoning programs take many forms. As conceived in this particular instance, Incentive Zoning would be utilized to award density bonuses to developers proposing development of a parcel located in an area within which a density increase would be acceptable in exchange for provision of the following public amenity: an offsetting reduction in density elsewhere in the community where a lower density of development would be preferred.

⁷ For an excellent overview, see TDR-Less TDR Revisited, M. Pelletier et. al, APA PAS Memo May/June 2010. The article indicated that TDR programs were in operation in more than 200 cities, towns and counties throughout the country. According to James A. Coon Local Government Technical Series, “Transfer of Development Rights (TDR) is an innovative and complex growth management technique. It is based on the concept that ownership of land gives the owner a ‘bundle of rights,’ each of which may be separated from the rest. For example, one of the ‘bundle of rights’ is the right to develop land. With a TDR system, landowners are able to retain their land, but sell its development rights for use on other properties. TDR has most often been applied for preservation of farmland in New York. Under common TDR systems, farmers are able to keep their land as an agricultural use, by selling the property’s development rights, which are then used on non-agricultural land. (Creating the Community You Want: Municipal Options for Land Use Control, James A. Coon Local Government Technical Series, Revised 2009, New York State Department of State, Office of Coastal, Local Government and Community Sustainability, p. 7)”

⁸ The Town Law provisions also authorize requirement of payment to the town of a sum to be determined by the board in lieu of a suitable community benefit if the board determines that a suitable community benefit or amenity is not immediately feasible or otherwise not practical. The funds must be deposited in a trust fund to be used exclusively for specific community benefits.

bonuses would be offered within appropriate areas in exchange for off-setting reductions in density elsewhere in the community via the acquisition and dedication of development rights, or dedication of a property outright.

As shown in the figure that follows, whether via an Incentive Zoning program or TDR, development rights (also called units or credits) become the currency of development in programs envisioned to alter the density pattern. This requires that the development rights be severed from other property rights held by an owner in a way that makes them "saleable". Developers interested in developing additional units on a site within an area where the community could accept a higher density of development then purchase these rights (frequently called "units") from an owner of property within an area where the community would prefer more open space and lower density. In the case of Incentive Zoning, those development rights are then dedicated or set-aside in some other manner to effectively reduce the maximum density permitted on the affected parcel and the developer is awarded a corresponding density bonus applicable to the property proposed for more dense development. In the case of TDR, the units are treated as if they had been "transferred", thereby increasing the number of units available for development on one site and decreasing the number of units available for development on the other. In either case, a conservation easement would typically be relied upon to memorialize the diminished development potential of the site within the region where the community would prefer less density and more open space.



PURCHASE OF DEVELOPMENT RIGHTS

Purchase of Development Rights (PDR), a third tool considered in Victor, directly preserves open space via a municipal acquisition⁹. When compared to TDR and incentive zoning, PDR frequently shares the feature

⁹ Implementation of a Purchase of Development Rights program is called for in this plan as an Agricultural Protection measure.

of severing of development rights from other property rights held by an owner. However, in PDR the development rights are merely purchased and held by the municipality and there is no subsequent “transfer” to another parcel where the development density would be increased. Whereas both the Incentive Zoning and TDR programs referenced above would typically involve a private transaction in which development rights are acquired, PDR programs typically involve a publicly funded acquisition by the host community or a not-for-profit entity. This reliance upon public or not-for-profit funding means that PDR programs are more strategically targeted but also somewhat more limited in their scope and, in practice, best utilized for the preservation of a smaller number of very key parcels¹⁰.



Boughton Park

¹⁰ Implementation of a PDR program for acquisition of priority parcels is called for in Chapter 3 Strategy 8.

EXISTING PLANS AND ACTIVITIES

Among the Town's past responses to the increasing number of residences and the demand for development of open lands, two regulatory initiatives are notable. One focused upon how development on a given parcel is configured (open space) and the other focused upon the maximum number of residences permitted upon a given parcel (density). In addition, many large-scale developments, particularly of the type that would be anticipated in an emerging regional destination are implemented as Planned Development Districts.

OPEN SPACE

A 1995 provision (§211-46[A]) adopted by the town required 50% of the land area of a major residential subdivision to be set aside for open space¹¹. Non-residential subdivisions were required to set aside 35% of the land area as open space¹². Although there are specific minimum open space requirements applicable to Senior Citizen Housing and Multiple Residential districts, there are none directly applicable to Planned Development Districts (see the summary description of Planned Development Districts presented on the following page).

It should be noted that none of the present open space and corresponding green space requirements directly limit overall density (the number of units to be developed on a parcel). They focus instead on configuration and layout, effectively limiting the opportunity for a proposed development of any density to occupy an entire parcel and compelling an alternate approach similar to that utilized in a clustered¹³ development. In other words, although the maximum number of units permitted upon a given site remains the same, the open space and green space provisions effectively require that the units be consolidated, or clustered, into a smaller area within the site leaving the balance of the site open. In most cases there has been little practical effect upon the actual development density (units per acre) or yield realized by developers.

¹¹ No open space set aside was required for minor residential subdivisions.

¹² Separate provisions adopted in 1997 also required Senior Citizen Housing District developments to set aside 40% of the land as open space (§211-26[B]), required Multiple Residential District developments to set aside 20% of the land area as open space (§211-25[B]), and required all commercial and industrial developments to reserve 35% of the land as green space (Sections 211-22[C], 211-23[D], and 211-24[D]). These separate provisions apply whether or not the development involves a subdivision of land.

¹³ New York State authorizes cluster subdivisions in General City Law Section 37, Town Law Section 278, and Village Law Section 7-738. These sections describe, in the words of the James A. Coon Local Government Technical Series, an approach in which "the same number of housing units allowed in a conventional subdivision are concentrated – or clustered – at a higher density in the most appropriate portion of the property, leaving larger areas to remain open and undeveloped". (Creating the Community You Want: Municipal Options for Land Use Control, James A. Coon Local Government Technical Series, Revised 2009, New York State Department of State, Office of Coastal, Local Government and Community Sustainability, pp. 11-12)"

LIMITATIONS ON MAXIMUM RESIDENTIAL DENSITY

In addition to the more common limitations upon minimum lot size, the present Town limitations upon residential density also include a system of density districts adopted in 2000 as overlays to the traditional zoning districts¹⁴. Whereas the maximum number of residences was previously limited to one unit per acre throughout the Town, the three overlay districts now limit residential development density within the R-1, R-2 and R-3 residential districts to 1 unit per one acre, 1 unit per two acres, or 1 unit per three acres depending upon the applicable overlay (see §211-27.3)¹⁵.

It should be noted that the system of residential density overlays implemented in 2000 was met with significant criticism from land-owners and that calls still issue for the repeal of these provisions. The claim voiced most frequently is that the value of land within the less dense overlays has been diminished and that the affected property owners are being compelled to bear an unfair share of the community's cost for attempts to preserve open space and rural character.

PLANNED DEVELOPMENT DISTRICTS

Planned Development Districts are planning tools designed to allow flexibility, use of innovative planning, and incorporation of design concepts in a manner consistent with the purposes of the comprehensive plan and zoning law. In practice, Planned Development Districts incorporate a re-zoning step in which provisions that might otherwise apply to the development may be set-aside. Although the current PDD standards and requirements (§211-27 of the Town Code) provide much flexibility, they do not incorporate standards that strongly support preservation of open space or rural character. Likewise, no standards are provided in the PDD provisions in support of water conservation, energy efficiency or generation or waste reduction.

¹⁴ The Town Code presently establishes two different kinds of districts in Victor – zoning districts which regulate land uses, and density overlay districts which regulate the density (units per acre) of residential development. Two separate zoning maps have been created to convey these districts.

¹⁵ The boundaries of the overlay districts do not correspond very closely to the underlying R-1, R-2 and R-3 districts. Instead, the respective overlay districts roughly approximate a series of three concentric rings, the most dense ring (1 unit per acre) being closest to the Village and the least dense ring (1 unit per 3 acres) being furthest from the Village and closest to the outer town boundaries. The ring specifying an intermediate density (1 unit per 2 acres) is found between the other two.

KEY FINDINGS

SANITARY SEWER SYSTEM

SYSTEM PLANNING

As described above, it has recently been recognized that rapid growth has led to incremental and extensive expansion of the sanitary sewer collection system serving portions of the Town outside the Village. It has also come to light that many of the constituent components, including pumpstations, are at or beyond the age when they should be replaced, approaching or beyond their design capacity, and that these components are connected in such a way that makes the entire system expensive to maintain and unnecessarily vulnerable to failures. The present situation appears to have evolved without the benefit of much systematic planning and is now surfacing as a constraint that could negatively influence important land use decisions. For example, it would be unfortunate were the design of a large and pivotal development to necessarily incorporate a disproportionate focus upon sanitary sewer constraints to the detriment of other important objectives such as preserving community character and open space.

SANITARY SEWER EXTENSIONS AND DEVELOPMENT PATTERNS

For economic if no other reason, developers will generally prefer building where sanitary sewer and other infrastructure is available. From a growth management and open space perspective, it is also true (the benefit to immediately adjacent residents notwithstanding) that water and sewer extensions can often lead to sprawl. The effect upon subsequent development patterns is of particular importance when considering proposed extensions of sanitary sewers. As sanitary sewers are necessary to support higher density development, such development will tend to follow on vacant land served by sewer extensions. Therefore, at the very least, extension of sanitary sewers into areas within which the community would prefer lower densities should be avoided. In a community like Victor, which is already concerned with the impacts of its rapid growth, careful attention should be paid to further infrastructure extension, lest it encourage sprawl and overdevelopment. In evaluating proposed sewer extensions, the pattern of development intended for the area and the potential for an extension to induce higher density development throughout the service area should always be taken into account. This is not to say that water and sewer should never be expanded in Victor; rather, that the Town's infrastructure plan should be carefully planned and developed in a way that will correspond with and support desired growth patterns and not undermine open space preservation priorities such as those identified in this Comprehensive Plan. In addition, the Town should consider to what extent new development and renovation projects should be required to implement systems that would reduce the burden on sanitary sewers, such as low-water-consumption faucets and toilets, composting toilets, and constructed wetlands.

STORMWATER IMPROVEMENTS

With respect to stormwater and drainage improvements, historically the Town would take dedication of such improvements located within a Town right-of-way but not of corresponding improvements on private property. Prior to 1986 multiple independent special improvement districts were sometimes formed to own and maintain drainage improvements on private property. In June, 1986 the Town dissolved all such districts indicating that they would henceforth be managed as a Town function (improvement areas rather than improvement districts).¹⁶ This was followed by the 2002 dissolution of all drainage improvement areas. Despite a 2002 statement that drainage would still be managed as a “Town Function”, the present status of the improvements associated with these districts and areas remains somewhat unclear. At present the Town has no formal policy of monitoring or maintaining drainage improvements constructed on private property and will not take or accept dedication of any such improvements located outside of a Town right-of-way.

More recently, the Town, by virtue of its 2006 designation as a MS4 (Municipal Separate Stormwater Sewer System) permittee, has been obligated to ensure that there is a plan for maintenance of drainage and related improvements required as a consequence of review and approval of Storm Water Pollution Prevention Plans (SWPPPs). This requirement has been met by requiring developers to execute a model Maintenance Agreement as a condition of board approval and building permit issuance. As few residential developments are now including common areas under the ownership of an HOA, the burden to maintain newer drainage improvements and associated ponds is eventually falling upon private homeowners who are, in general, unaware, unprepared and unenthusiastic about seeing to these maintenance needs. Any incentive such homeowners might otherwise have to maintain these improvements is diminished by the realization that, in general, failure of these improvements for lack of maintenance puts properties and improvements downstream at more risk than it does the properties on which they are located and where the maintenance obligation frequently resides.

With respect to new residential and commercial developments, these should be encouraged, or required, to implement means to reduce stormwater runoff and facilitate natural recharge, such as with pervious surfaces and green roofs.

FISCAL ADVANTAGES OF RELIANCE ON EXISTING INFRASTRUCTURE

Finally, regarding sanitary sewer, water and stormwater in particular, reliance on existing infrastructure (as opposed to extension) in a way that preserves open space and does not undermine

¹⁶ Improvement districts are formed pursuant to Town Law Articles 12 and 12(A), whereas improvement districts are formed pursuant to Town Law Article 12(C). While there are many similarities, there are also some significant differences. Chief among these differences is the fact that each district is a taxing entity that raises revenue to cover its own individual operation and maintenance expenses, whereas the expenses incurred within an improvement area remain a town-wide expense as the area is not a separate taxing entity and does not raise revenue.

open space preservation initiatives is also favored from an economic perspective. Long term maintenance costs borne by the district or municipality strongly favor heavier reliance on existing infrastructure over continual extensions¹⁷. The operation and maintenance cost per residence is highest when the number of residences served per linear increment is low (and lowest when the number of residences served per linear increment is high).

ANTICIPATED BUILD-OUT BENCHMARK

Given community concerns regarding traffic, loss of open space, conflicts with natural resources and sanitary sewer limitations, the anticipated build-out has come to be regarded as an important benchmark. In other words, many would argue that Victor resist, or at least monitor and manage, any forces or policies that would increase the anticipated build-out population to a level higher than is now forecast¹⁸.

GROWTH MANAGEMENT

Victor is lacking a growth management program that would allow the Town to adequately plan for the impact of new development as well as related infrastructure needs. A growth management program should identify a politically acceptable and financially realistic target size as well as a rate of growth that will be sustainable over the long term (i.e., at least for a period of 15-20 years). Although implementation of other initiatives called for in this chapter would likely affect the form to be taken by a growth management program, the recommendation to implement growth management stands regardless of whether and how these others are implemented.

OPEN SPACE CONTRIBUTION TO COMMUNITY CHARACTER

Among the multiple components contributing to and supporting Victor's community character, open space is one of the most prominent and essential. It is open space that echoes Victor's rich agricultural past, accommodates its present agricultural enterprises, enables residents' perception of rural character and supports their sense of place. Open space also provides the basic visual context for the experience of most, if not all, of Victor's natural resources as well as many of its cultural resources. It is only through open space that residents and visitors can appreciate Victor's distinctive and aesthetic blend of unique landforms, scenic rolling hills, woods, wetlands and watercourses. Recognition of the importance of open space to the character of this community helps to explain why the topic comes up so frequently in discussions of Victor's identity, why it figured so prominently in the 1995 Comprehensive Plan and subsequent initiatives, and why residents so frequently oppose proposed developments that would inevitably consume remaining open space. Given the rapid

¹⁷ While developers frequently cover the initial cost of constructing extensions, the burden to maintain and eventually rehabilitate or replace these improvements falls upon the Town or special districts established by the Town. The consequent cost to the Town and to Town taxpayers is increased when these systems are extended.

¹⁸ See the Chapter 1 Community Profile for a description of the anticipated build-out.

growth rate, developing a plan for the effective retention of a functional and meaningful pool of open space for the benefit of the entire community in a manner that is fair and equitable to all impacted is one of Victor's most pressing needs and challenges.

PRESENT OPEN SPACE SET ASIDES

The present open space set aside requirements are somewhat arbitrary in practice. This is not to say that open space does not remain an important priority within the community. However, the manner in which the present system of open space set-asides applies equally to all parcels regardless of the presence or distribution of natural resources, productive farmland or other features important to the community is a major shortcoming¹⁹.

In practice, the present minimum open space set aside applicable to residential properties is similar to a mandatory clustering and/or conservation subdivision approach. The preferred approach would be to empower the planning board to exercise its discretion in determining the need for these in specific instances, to require them when appropriate, and to definitively identify the extent and location of any involved reservations of open space. The NRI and the NRI Open Space Index, in particular, should serve as useful resources for the Planning Board when making these discretionary determinations. Furthermore, it is unclear whether *town-wide* mandates for clustering and/or a conservation subdivision approach are necessary and there are instances (e.g., 5 acre lots) in which such requirements could be inappropriate. Nonetheless, the need for clustering and/or conservation subdivisions, the need for conservation easements, and the identification of preferred locations for land to remain undeveloped and open are all topics that should be considered as early as possible, preferably during the Pre-application or Sketch Plan phase of a planning, review and approval process. Finally, conservation easements will remain an appropriate tool to protect land not developed so that it may be set-aside as open space.

There are also differences in how open space should be dealt with in residential settings versus industrial or commercial settings. Although the present residential open space provisions are similar to their industrial and commercial counterparts, in practice different settings justify different approaches. For industrial and commercial sites, the present open space set aside requirement really functions as an inverted maximum lot coverage requirement²⁰. For non-residential properties, the minimum open space requirement could be replaced with more explicit and appropriate limitations on maximum lot coverage. However, even in these industrial and commercial settings the planning board should retain discretion to require open space set-asides and conservation easements will remain an appropriate tool to protect the land not developed as a consequence.

¹⁹ On some parcels the set-aside is useful, on others it seems without any benefit. From environmental, natural resource and green infrastructure perspectives, the set-aside of more extensive open space may be appropriate on some sites while less could be acceptable in others.

²⁰ For example, 35% minimum open space is functionally equivalent to 65% maximum lot coverage by buildings, lots and impervious areas.

PRESERVING LARGE CONTIGUOUS BLOCKS OF OPEN SPACE

Many would argue that neither the present open space set-aside requirements nor the density overlays now in place have been successful at preserving the large blocks of contiguous open space that would be valued by residents, effective at maintaining community character, and useful in preserving farmland and green infrastructure networks²¹. The Town's open space requirements, like clustering, are only effective at modifying the development density pattern on a single site (more units in one area and fewer in another, the total number of units on the site remaining the same).

Preservation of larger contiguous blocks of open space in Victor will require approaches analogous to clustering that would apply on a town-wide basis. In other words, modifications that would allow more units in one Town region and fewer in another, the total number of units within the Town remaining the same. Although a similar effect could be hypothetically be accomplished by amending the overlay districts to significantly reduce the maximum density permitted in some areas while simultaneously increasing the density in others (an exercise of the municipal police power), past efforts in this direction have been resisted by owners of land within the districts earmarked for lower development density who feel that the value of their land would be (or has been) reduced unfairly as a consequence. Continuing opposition in Victor to the three-level density regime adopted in 2000 makes implementation of any such districts with the much lower densities that would be necessary to preserve larger blocks of open space unlikely.

PLANNED DEVELOPMENT DISTRICTS

Victor also suffers from another related growth management problem involving the manner in which Planned Zoning Districts (PDDs)²² are approved. At present, planned zoning district rezonings typically yield a significant increase in the maximum development density allowed upon a site, thereby increasing

²¹ With respect to open space, in most instances the open space requirements have led only to incremental reservations of "open-space" that frequently include only the fringe of multiple lots and/or undesirable, inaccessible land that would likely not have been developed in any event. Driving past many of these developments, the open space that has been reserved is hardly discernible. Regarding density, although the limitation to 1 unit per every 3 acres imposed within the least-dense overlay has reduced the build-out anticipated within those areas, in general it has also led to a pattern of large-lot "rural-sprawl" in which the conversion of open acreage to residential sites may have actually increased.

²² See Victor Town Code Sections 211-15, 211-25, 211-26 and 211-27. Planned zoning districts described in the Victor Town Code include the Multiple-Dwelling District (MDD), the Senior Citizen Housing District (S-C) and the Planned Development District (PDD) intended for a compatible mix of uses. Planned zoning districts are created through rezoning pursuant to an application made to the Town Board. As these uses are generally higher density developments, the typical result of these Town Board rezonings is to increase the maximum development density that would otherwise be allowed on the chosen site, thereby increasing the build-out estimate within the Town as well as accompanying pressures on open space, rural character, green infrastructure, traffic and other systems.

the anticipated build-out and attendant pressures with no off-setting reduction in density elsewhere in the community. In addition, as already indicated, the PDD provisions are also mostly devoid of any standards relative to acreage, open space or siting. Other planned districts, sometimes referred to as “floating zones”, also exhibit most of these same weaknesses although the provisions applicable to Senior Citizen Housing and Multiple Dwelling districts, unlike those applicable to Planned Development Districts, do specify minimum standards for open space set asides.

COMPENSATION TO OWNERS OF LAND TO BE PRESERVED AS OPEN SPACE

Preserving open space through programs like certain forms of Incentive Zoning or TDR that facilitate movement of development rights allow communities to shape development while preserving value in land. The opportunity for landowners to benefit financially from the development rights accorded their property without actually developing that property is a crucial component that helps to address concerns that landowners alone are being asked to bear the financial burden of preservation efforts intended to benefit the community as a whole. Such programs allow landowners to sever the development rights from their properties and sell them to purchasers who want to increase the density of development in other areas. The development rights are then “moved” from an area to be preserved to another part of the town that is more suitable for development at higher densities. Incentive Zoning programs can foster such movements of development rights in scenarios where a density bonus is awarded in exchange for the provision of an offsetting reduction in density within another area where preservation would be preferred.

GOALS AND STRATEGIES

GOAL A. MONITOR AND MANAGE GROWTH INCLUDING ITS IMPACTS ON KEY SYSTEMS SUCH AS SANITARY SEWER AND STORMWATER INFRASTRUCTURE.

STRATEGY 1. CREATE A WATER AND SEWER INFRASTRUCTURE PLAN BEFORE APPROVING EXTENSION OF THOSE SERVICES THROUGH OTHER PARTS OF THE TOWN. INCLUDE CONSERVATION MEASURES INTENDED TO REDUCE THE IMPACT OF DEVELOPMENT ON NEW AND EXISTING INFRASTRUCTURE.

DEVELOP POLICIES AND PLANS FOR MAINTENANCE OF STORMWATER INFRASTRUCTURE, INCLUDING DETENTION PONDS.

Within certain regions of the Town, the rapid pace of growth and associated district extensions have outstripped the capacity of multiple sanitary sewer pump stations as well as that of some associated mains. Preliminary investigations have begun to reveal the limitations and risks associated with the capacity and condition of these sanitary sewer collection system components. More comprehensive and detailed studies describing these shortcomings must be completed and responsive capital improvement plans should be adopted to address the underlying needs. Following this, a master plan for future water and sewer improvements, including extensions, should be developed to ensure that future extensions and development approvals do not compromise the system's capacity and reliability.

Development has also led to a proliferation of stormwater detention ponds and associated improvements. A recent preliminary inventory found that, of the more than 170 detention ponds within the Town, approximately 119 were located on private property and in need of some degree of maintenance. In general, these improvements benefit downstream environmental elements such as streams and wetlands as well as downstream lands, buildings and infrastructure. The report also noted that the Town accepts no formal responsibility for these improvements and, not surprisingly, has no formal plan for addressing the underlying maintenance needs. The Town is frequently called upon nonetheless to respond to drainage failures when emergency situations arise.

Victor should review the present situation and adopt a formal policy and plan relative to responsibility for maintenance of drainage improvements located or constructed on private property. This should include resolving the issue of older improvements that may have been affected by either the 1986 or 2002 dissolutions as well reconciling the more general issue of private versus public maintenance of all such facilities, regardless of their vintage, location and legal status.

STRATEGY 2. INSTITUTE A GROWTH MANAGEMENT PROGRAM.

It is recommended that the anticipated build-out, as it is presently estimated, be adopted as the target size. At the same time, the growth management program should not strictly preclude all actions that could be expected to increase the anticipated build-out. Instead, the program should require close monitoring of the build-out estimate and careful consideration and management of any

actions that would, through rezoning or some other approval, potentially increase density so as to also inflate the anticipated build out.

Given a defined target size, the Town should also determine when it wants to reach the target and what rate of growth will ensure that the target is not reached any earlier than the Town is equipped to handle from multiple perspectives including those focused upon water or sewer systems and the transportation network. The future growth rate identified and planned for should also be compatible with the natural resource, cultural resource, green infrastructure and open space preservation goals established in this Plan.

The Town should use this information and other data in this plan and the build-out study to determine an appropriate annual growth rate. This planned-for growth rate does not have to be identified with scientific precision; rather, one based on an analysis of green and grey infrastructure demand, other relevant criteria and the target size defined by the community would be sufficient. Many communities establish a permit system that allows for 1.5% to 4% growth annually.

The system relied upon to manage the rate of growth should address both residential and commercial developments and could include both an annual permit allocation for new development and incentives that will encourage project design and layout sensitive to natural resources, green infrastructure, farmland and open space. The total number of annual permits could then be allocated based upon a point or ranking system. Projects with the highest number of points would be awarded the available allocations for that year. The more points a development proposal receives, the easier a development would be able to attain its permits. The point system should create strong incentives for development that meets or exceeds community goals for environmental, recreational, transportation, or other community goals outlined in this Plan.

Incentives could be in the form of either exemptions from the allocation system, or offering higher points for certain types of development projects. Examples of types of development that could be made exempt from the permit allocation system or offered higher points include those that:

- > Are agricultural uses and structures;
- > Protect wildlife habitats;
- > Protect slopes greater than 15%;
- > Permanently preserve priority green infrastructure parcels and farmlands as identified in this Plan;
- > Exceed the 50% open space required for a conservation subdivision;
- > Provide for mixed use, infill development in commercial districts;
- > Remodel and reuse an existing structure;
- > Are mixed-use, traditional neighborhoods or those designed according to the LEED ND (Neighborhood Design) standards;
- > Attain LEED or other nationally recognized green building certification;

- > Eliminate or reduce the reliance on existing or new publicly funded infrastructure such as water-conserving plumbing fixtures, constructed wetlands and composting, pervious parking areas and green roofs; and,
- > Provide for affordable housing units.

GOAL B. ENSURE THAT ALL ELEMENTS OF VICTOR'S COMMUNITY CHARACTER VALUED BY RESIDENTS ARE PRESERVED.

GOAL C. ADOPT A CONSERVATION-BASED APPROACH THAT ADDRESSES THE ECOLOGICAL AND SOCIAL IMPACTS OF SPRAWL AND THE ACCELERATED CONSUMPTION AND FRAGMENTATION OF AGRICULTURAL AND OPEN LAND.

GOAL D. FOSTER A REGIONAL, LANDSCAPE-SCALE APPROACH TO OPEN SPACE PRESERVATION THAT TAKES INTO ACCOUNT HOW OPEN SPACE ON ANY PARTICULAR PARCEL CONTRIBUTES TO THE OPEN SPACE NEEDS OF THE TOWN AS A WHOLE.

STRATEGY 3. REPLACE PRESENT REQUIREMENTS FOR SET-ASIDE OF A FIXED PERCENTAGE OF OPEN SPACE WITH REQUIREMENTS PROVIDING THE DISCRETION TO REQUIRE OPEN SPACE APPROPRIATE TO THE SITE AND THE SETTING. AMEND THE ZONING CODE TO BETTER DEFINE OPEN SPACE AND INCLUDE SPECIFIC LANGUAGE DESCRIBING DESIRABLE OPEN SPACE CHARACTERISTICS.

The present system of open space set-asides should be replaced by provisions that will 1) ensure more effective, in some instances even compulsory, clustering within identified areas to the extent it is feasible without compromising the community character of adjoining neighborhoods, 2) vest the planning board with more discretion to take into account unique aspects of the site and the setting in requiring and approving open space set-asides²³, 3) ensure that requirements for open space set-

²³ It should be noted that the proposal to repeal the present minimum open space set-aside requirements in favor of a policy that would provide the Planning Board more discretion to "tailor" the requirement to reflect unique aspects of the site in question generated significant comments from the public, the Conservation Board and the Ontario County Agricultural Enhancement Board. Many of the comments seemed to share a concern that replacing the mandatory set-asides with a discretionary system would lead to less extensive, and even more arbitrary, open space set-asides. The Ontario County Agricultural Enhancement Board went on to recommend against the planning board being given the discretion to "waive the present open space requirement without compensation" as it would 1) defeat the entire the purpose of shared responsibility for a town open space conservation program, 2) could be applied in an arbitrary manner, and 3) would unfairly burden landowners who have conservation resources. Finally, some public comments also referenced concerns that the Town Planning Board would abuse the discretion vested in it with such an approach. Although this plan continues to call for improvement upon the present system of mandatory set-asides which arbitrarily call for open space set-asides regardless of the presence or value of open space resources, it should also be recognized that doing so will require caution and balance to ensure that new requirements are consistent, reasonably related to the resource available, not unfairly burdensome to landowners, and not imposed in an arbitrary manner.

asides are equally applicable to sites being developed as Planned Districts (Senior Citizen Housing, Multiple Dwelling, and Planned Development Districts), and 4) support regional open space planning by implementing a system of incentive zoning density offsets based upon the completed NRI and Open Space Index²⁴.

Furthermore, in order to strengthen the effectiveness of existing land use regulations oriented to open space, green space, and green infrastructure, the apparent distinction between open space and green space presently found within the requirements for industrial and commercial sites should be reconciled and consideration should be given to incorporating the following definitions and open space standards in relevant code provisions (also see the related conservation subdivision recommendations in the Community Development chapter).

- > *Open Space:*²⁵ Undeveloped land which consists of natural features and topography (including ponds and streams, rocky areas, and vegetated areas, etc.) that may include Natural Resources, Landscaping, re-vegetated areas (such as agriculture and meadows) and pervious or open water areas within Recreational facilities. As it is the intent for all Open Space to maintain or enhance the rural character of the Town of Victor by conserving natural and/or scenic resources, Open Space shall not include impervious area such as parking lots, paved sidewalks or buildings.
- 
- > *Wetland:* Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
 - > *Stream:* A stream is an identifiable natural channel or bed that contains and carries flowing water, whether perennial or intermittent.

²⁴ Also see Strategy 6 in this chapter which calls for such an initiative.

²⁵ This definition of open space was developed by the Town Conservation Board in May 2012 and is proposed for inclusion in the Town Code. The definition now included in the code reads as follows: "An area retaining vegetative cover. An 'open space' area may be left in its natural state, landscaped or used for outdoor recreational facilities such as golf courses, playfields or picnic areas." Chapter 2 of this plan provides a suggested definition of natural resources and a well-recognized definition of green infrastructure.

- > *Ridgeline*: The long, narrow crest or horizontal line of hills, usually at the highest elevation.
- > *Unbuildable Land*: The area of a site that includes wetlands and submerged areas and slopes of 25 percent or more²⁶.

In addition to the foregoing definitions, the following are also examples of open space standards that Victor should consider incorporating within its land use regulations:

- > Proposed development designs shall strictly minimize disturbance of open spaces and environmentally sensitive areas.
- > Open space lands shall be laid out to better enable an interconnected network of open space and wildlife corridors. Open space lands shall also be laid out in such a manner that preserves ecological systems that may be present on the site including, but not limited to preserving wetlands and their associated upland habitats.
- > Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses by a setback, either bordering or within the tract.
- > Open space land shall be sufficiently contiguous to create a critical mass of land available for agriculture or left in a natural state. Open space lands shall be designated as a conservation lot owned in common or designated and included as part of one or more lots. Wherever there is sufficient area being set-aside, otherwise available on the parcel, or otherwise available on adjoining parcels, no individual parcel of common open space shall be less than three (3) acres.
- > A portion of any house lot over three acres in size may be used for meeting the minimum required open space land provided that there is a permanent restriction enforceable by the Town that states the future use such as undisturbed wildlife habitat, managed field, farmland, or forest and prevents destruction, inappropriate use, or development of that portion of the open space. The portion of the lot that may be used is the total size minus the amount within one hundred feet of the principal structure. Any house lot less than three acres does not qualify as open space.
- > The open space may be used for community septic systems or constructed wetlands utilized for natural waste recovery and cleansing.

²⁶ Chapter 15 of the Town's Natural Resource Inventory includes a policy recommended for adoption relative to regulation of development upon steep slopes.

STRATEGY 4. AMEND EXISTING PDD REGULATIONS TO INCLUDE ACREAGE, OPEN SPACE AND SITING STANDARDS.

While a PDD should offer flexibility in terms of uses and design, these districts should nonetheless honor the development expectations of Victor. Combining PDD's with the movement of development rights (described above and in Strategy 6, below) may be an effective way of achieving the vision and goals stated in this plan. Nevertheless, the PDD requirements should include open space, environmental protection, and neighborhood design performance criteria. More specifically, PDD regulations should also include requirements related to:

- > Location/zoning district(s) within which PDDs are allowed;
- > Kinds of PDDs allowed in different zoning districts (e.g. commercial PDD in residential districts would not be allowed);
- > Minimum size of parcel for consideration of a PDD;
- > Road access to prevent traffic congestion and alteration of road character; and,
- > Design standards that result in the identification and preservation of meaningful open spaces and community character.

PDD zoning language should also provide for specific criteria for decision-making. An example of those criteria could be as described immediately below.

In determining whether or not to approve an PDD, the Town Board shall consider the following criteria and determine to what extent the proposed PDD meets these criteria and whether the PDD proposal, on balance, benefits the Town of Victor and:

- > Creates a distinct neighborhood settlement area integrated with protected open space, which may be used for agricultural, silvicultural, recreational, limited nonresidential and environmental protection purposes;
- > Maximizes opportunities, in its design, to provide a continuous system of open space which may be linked to open space areas on adjoining property;
- > Creates opportunities and/or the potential to physically link the Village of Victor through creation of pedestrian and bicycle corridors and accessways;
- > Promotes traditional architecture and building design;
- > Promotes green building techniques, such as LEED;
- > Includes a diversity of dwellings that satisfy the needs of various household types, age groups, and income levels, and promotes affordable housing opportunities;
- > Promotes traditional building and site development patterns with an interconnected and generally grid-like pattern of streets and blocks, except where topography and other unique environmental characteristics limit said pattern;

- > Promotes use of neighborhood greens, landscaped streets, and “single-loaded” streets woven into street and block patterns in order to provide neighborhood identity and space for social activity, parks, and visual enjoyment, except where topography and other unique environmental characteristics limit said pattern;
- > Meets the community service demands generated by an increased population associated with a PDD;
- > Encourages preservation and protection of the Town’s natural environmental resources, including groundwater quality and quantity, the diversity of plant and animal communities and significant habitat for rare, endangered, threatened and special concern species;
- > Encourages protection of scenic vistas, historical buildings and sites, sensitive archaeological areas and other important cultural resources;
- > Encourages the conservation, and enhancement, of the visual quality and rural character of undeveloped areas of the Town by protecting visible open space and farmland and encourages the creation and/or preservation of vegetative buffers along highways and between potentially conflicting land uses and by the careful siting, design and buffering of building development;
- > Minimizes flooding and erosion by protecting the functions of wetlands, water bodies, water courses, flood plains, areas of high water table, steep slopes, erosion hazard areas and natural vegetative cover;
- > Minimizes stormwater runoff and maximizes the quality and quantity of groundwater recharge by reducing land disturbance, using natural drainage systems, green roofs, and pervious paving systems wherever possible, filtering runoff from impervious surfaces and maximizing on-site recharge; and,
- > Provides special community benefits such as public access to park land, hiking trails, biking trails and recreational resources.

STRATEGY 5. UNIFY THE USE AND DENSITY ZONING DISTRICTS.

The Town Code presently establishes two different kinds of districts in Victor: 1) zoning districts which regulate land uses, minimum lot sizes and other characteristics; and , 2) density overlay districts which regulate only the maximum permitted density (units per acre) of residential development. For ease of use and administration of the zoning, and to clarify development expectations, it is recommended that the Town of Victor unify these districts into individual mapped districts. Each district should establish not only permitted and specially permitted uses but also the maximum allowable density of development. This recommended change would not necessarily reflect a change in the underlying rules and would only affect how the zoning regulations are presented in text of the code and the zoning map.

STRATEGY 6. ADOPT A PROGRAM ALLOWING FOR EFFECTIVE MOVEMENT OF DEVELOPMENT RIGHTS FROM AREAS WHERE OPEN SPACE WOULD BE PREFERRED TO THOSE WHERE ADDITIONAL DENSITY WOULD BE APPROPRIATE.

REQUIRE APPROVALS INCREASING A PARCEL'S MAXIMUM DEVELOPMENT DENSITY TO BE ACCOMPANIED BY AN OFFSETTING TRANSACTION REDUCING DENSITY WITHIN ANOTHER AREA OF TOWN WHERE OPEN SPACE WOULD BE PREFERRED.

The anticipated build-out has come to be cited as an important Victor benchmark. As recommended in the description of Strategy 6, there should be close monitoring of the anticipated build-out and any actions that would, through rezoning or some other approval, increase density so as to inflate the anticipated build out. In general, wherever density increases are proposed, a requirement should apply for density offsets or provision of amenities otherwise sufficient to more than offset the "burden" associated with increased build-out.

This plan recommends the adoption of an Incentive Zoning program to facilitate the movement of development rights. To do so, the recommended program would award density bonuses in exchange for acquisition and dedication of a comparable number of development units. In other words, the density increase derived from the bonus would be offset by acquisition and dedication (or set aside) of an equivalent number of units elsewhere in Town and/or the contribution of cash with an equivalent value to a fund dedicated to the Town's acquisition of such units. The offsetting reduction would most likely take the form of an acquisition and subsequent dedication of development rights accompanied by implementation of a conservation easement on the affected site reflecting the diminished development potential. The effect would be to decrease density in areas where preservation would be preferred and increase density within areas where it would be acceptable, while simultaneously avoiding any increases in the anticipated build-out level.

As a general rule, increases in development density should be coupled to an off-setting reduction elsewhere. For example, approvals for an increase in the maximum development density applicable to a given parcel (e.g., approval of a PDD or MD district) should be coupled to the requirement for an off-setting reduction elsewhere in town so that the approval does not serve to increase the overall anticipated build-out.

An Incentive Zoning program could also be expanded to include the award of bonuses in exchange for the provision of other public amenities, e.g., walkability or transportation amenities. Where sufficient public benefit can be shown, such amenities might also include water conservation, energy efficiency, renewable energy production, community energy generation or cogeneration, green roofs, and LEED or other nationally recognized green building certification. To justify consideration for the award of a density bonus in such instances, the amenity being offered should be at a level significantly beyond what would be necessary to support only the development being proposed. Care will have to be taken in defining the types and quantities of amenities that may be acceptable in lieu of a direct unit offset of density increases. It should be noted that in the absence of any density offset the award of density bonuses in exchange for the provision of other types of amenities will lead to increases in the anticipated build-out and could undermine the utilization of Incentive Zoning

to move development rights. Similarly, where density bonuses are awarded in exchange for cash contributions rather than for provision of an amenity that includes an offset, increases in the anticipated build-out will also result unless the monetary contribution is to a dedicated fund that is eventually utilized to acquire and retire development rights elsewhere in town.

Programs facilitating movement of development rights must incorporate some method for evaluating the maximum number of units that would otherwise be developable on both sites: the sites from which and to which units would be transferred. Presently, the maximum number of potential development units in Victor is determined primarily by the number of acres, without reference to the presence of environmental constraints²⁷. Some communities relying upon TDR or Incentive Zoning programs that involve transfers of or credits for development units that are acquired or otherwise set-aside first substitute the computed number of units a property would yield given the presence of environmental or other constraints. While there is a rational basis for such a computational approach, it is recommended that Victor rely instead upon a site-specific analysis of multiple factors, including applicable environmental and other development constraints, in determining the number or units or square feet of development that a given site might reasonably support²⁸. Such a determination could be accomplished early within the framework of the pre-application or sketch plan review process.

Another similar aspect to be evaluated during implementation is whether the award of Incentive Zoning density bonuses should modify any minimum open space requirements that would otherwise apply. More specifically, should open space set aside requirements be relaxed on “receiving” sites to which development units are being transferred to the extent necessary to allow the intended density to increase and in recognition of the fact that significant open space is being preserved on another site as a consequence of the transfer?

Finally, the availability of sanitary sewers is recognized as an important factor that can make feasible proposals for higher density development in outlying areas and facilitate sprawl. Accordingly, where an incentive zoning exchange includes sanitary sewer improvement amenities caution will be required as the improvement may indirectly lead to future increases in the anticipated build-out whether or not the amenity includes an offset to the density bonus.

²⁷ Other communities have incorporated environmental constraints into a formula that is applied in advance to reduce the maximum density otherwise permitted in the code to a reduced development yield based upon the presence of such constraints.

²⁸ It should be noted that an owner evaluating whether to forego development of his or her property and sell development units rather than retaining them for future development will be less likely to forego development and sell development units to another party if the number of units available for sale and transfer has been reduced according to a formula that recognizes environmental constraints. In such an instance the application of a formula reflecting the constrained yield will actually serve as a preservation disincentive and encourage owners of severely constrained properties (where less development would actually be in the public interest), to retain their units in anticipation of future on-site development rather than participate in a transaction whereby they would be transferred to another property.

In crafting the recommended Incentive Zoning program for implementation in Victor, the following should be considered.

- > Develop a program that is as simple as possible and give developers as much certainty in the planning and review process as is practical.
- > For any of these approaches to work, when there is a separation of development rights from other property rights, it is essential that the value utilized to assess property taxes reflect the diminished value resulting from the development right transfers.
- > Confirm that there is demand for increased density within the areas to which rights would be transferred. If developers are satisfied with the density they can get through zoning without buying rights, then the program will not work.
- > Confirm adequate infrastructure.
- > Consider revising the Town's currently policy opposing ownership of preserved property and alternatives in which developers would prefer to acquire and dedicate property to be preserved. It should be noted that many of these alternatives would likely require the Town to retain an ownership interest in property, either in fee or of the associated development rights. The Town Board will have to consider this prospect in light of the current policy which opposes Town ownership of conservation parcels and property rights.
- > When relying on incentive zoning, there is no need to map parcels where the density might be increased. The NRI will be instrumental in identifying such parcels and final selection will at the discretion of the Town Board. Confirmation of an appropriate site will require consideration of a number of criteria: NRI rank, level of density bonus requested, sufficiency of infrastructure including highway, environmental constraints and site carrying capacity, and neighborhood compatibility²⁹. Parcels where an increase in the maximum development density would be acceptable need not be identified and mapped as is the case in the draft Comprehensive Plan now before the Town Board. The Natural Resource Inventory (NRI) and Open Space Index will rank parcels according to their priority for conservation due to the presence of natural resources. This ranking will be sufficient for an initial identification of parcels upon which an increase in maximum density would be considered (those with the lowest conservation priority rankings)
- > Ultimately, the Town Board would retain responsibility and authority for the terms of any Incentive Zoning exchange. With respect to the selection and confirmation of a parcel as

²⁹ In addition to relying upon the NRI & Open Space Index ranking, where the ranking is low based upon a low score for co-occurrence further evaluation will be required to evaluate the conservation priority based upon character, uniqueness and other valuable qualities.

an appropriate site for the utilization of a density bonus, the process should be expected to progress generally as follows:

- > Confirmation that the proposed parcel has an appropriate ranking according to the NRI and Open Space Index (Town Board assisted by Staff and/or Conservation Board);
- > Review of the proposed amenity, the suitability of proposed land use in the location proposed for development, and an initial identification of the level of density bonus (the possibility for a non-density offsetting amenity to be proposed is worth noting here) that the Town Board is willing to consider (Town Board assisted by Staff and/or Planning Board);
- > Evaluation of sufficient existing infrastructure (water, sewer, highway) to support the higher level of development density being considered (Town Board assisted by Staff and/or Planning Board). The Infrastructure Master Plan called for elsewhere in the Comprehensive Plan will also be useful in this regard;
- > Assessment of site carrying-capacity or yield from a natural resource perspective, in other words, how would the proposed development fit the site (Town Board assisted by Conservation Board and the Green Infrastructure Planning Process). It should be noted that the minimum amount of land required to support a given level of development can be reduced by increasing the number of stories so as to build “up” rather than “out”. Limitations to no more than two stories can therefore increase the amount of land consumed by a given level of development and limit the feasibility of increasing density on a specific site without compromising natural resources is improved. In this regard, serious thought should be given to the necessity and costs associated with the present policy that limits residential development to no more than two stories; and,
- > Assessment of neighborhood compatibility, adequacy of buffering and related issues including the reasonable expectations of residents in adjoining “long-developed and settled” neighborhoods (Town Board assisted by Staff and/or Planning Board, including a Town Board public hearing or public informational meeting).³⁰

³⁰ With respect to neighborhood character and “receiving” areas, it is unrealistic to anticipate infill development within many of the existing subdivisions found throughout the community. Confirmation of appropriate sites for infill development will require a site-specific review in response to a given proposal. However, there is no need for advance identification or mapping of these neighborhoods. The Natural Resource Inventory and other information relative to Neighborhood Character will be useful to embark on such determinations as the need arises.

IMPLEMENTATION SUMMARY

The following table takes the strategies described in this chapter and describes the actions needed to get each started, responsible parties for undertaking the strategy and the time-frames for accomplishing each.

The time-frames have the following potential ranks:

On-going: This strategy will set into motion a continuous action.

Immediate: This strategy is foundational and should be undertaken as soon as possible.

Short-term: This action should be undertaken within a year of the plan's adoption

Mid-term: This strategy should be undertaken within one to three years.

Long-term: This strategy can be undertaken from three years or beyond.

Strategy	Action Required	Responsible Party	Time-frame
1. Create a water and sewer infrastructure plan before approving extension of those services through other parts of the town. Include conservation measures intended to reduce the impact of development on new and existing infrastructure. Develop policies and plans for maintenance of stormwater infrastructure, including detention ponds.	Draft a water and sewer master plan. Develop a stormwater infrastructure maintenance policy. Evaluate the need for alternative forms of infrastructure such as digesters and other means to produce a net benefit vs net cost.	Town board, village board, town engineer, town planner	Immediate
2. Institute a growth management program.	Identify desired level of growth; devise annual permit allocation.	Town Board	Immediate

Strategy	Action Required	Responsible Party	Time-frame
3. Replace present requirements for set-aside of a fixed percentage of open space with requirements providing the discretion to require open space appropriate to the site and the setting. Amend zoning code to better define open space and include specific language describing desirable open space characteristics.	This could be written and adopted by the town board in advance of the broader zoning rewrite.	Town and village boards	Immediate
4. Amend existing PDD regulations to include acreage, open space and siting standards.	Ensure this is a task of the committee or consultant revising the zoning code	Town and village boards	Short-term
5. Unify the use and density zoning districts.	Ensure this is a task of the committee or consultant revising the zoning code	Town and village boards	Long-term
6. Adopt a program allowing for effective movement of development rights from areas where open space would be preferred to those where additional density would be appropriate. Require approvals increasing a parcel's maximum development density to be accompanied by an offsetting transaction reducing density within another area of town where open space would be preferred.	Develop and implement incentive zoning program and revise code as needed.	Town and village boards	Immediate