



Chapter 2

Natural and Cultural Resources



GOALS

- > **Foster a regional, landscape-scale approach to the protection and conservation of natural resources and agricultural rural land.**
- > **Respect and protect the natural topography.**
- > **Preserve or restore hubs and links across the landscape that anchor and connect green infrastructure networks and provide an origin or destination for wildlife and ecological processes moving to or through the network.**
- > **Integrate a green infrastructure conservation and planning approach into Victor’s long term planning and development review process.**
- > **Provide an interconnected network of green space that conserves natural ecosystem values and functions and provides associated benefits to human populations.**
- > **Protect water quality of surface and groundwater:**
 - > **Protect/enhance streams and stream corridors, wetlands, floodplains, aquifers; and,**
 - > **Prevent erosion and sedimentation.**
- > **Protect ecosystem functioning and biodiversity:**
 - > **Protect, enhance and restore plant and animal habitats, including woodlands and forests;**
 - > **Protect riparian and aquatic ecosystems, native vegetation; and,**
 - > **Protect/enhance critical natural areas.**
- > **Preserve important cultural resources and improve the basis now available for initiatives and informed decision-making relative to preservation of historic buildings, structures, objects and sites.**

INTRODUCTION

The Community Profile provided in Chapter 1 provided an overview of basic Victor natural resources¹, including streams, open water, wetlands, floodplains, floodways, and forested areas. These resources also contribute to “green infrastructure”², sometimes defined as: “An interconnected network of natural areas and other open spaces that conserves natural ecosystem values and functions, sustains clean air and water, and provides a wide array of benefits to people and wildlife”³. Public meetings with Town residents reinforced the protection of natural resources and preservation of open space as major goals for this comprehensive plan. In addition to a focus upon the underlying resources, realization of these goals will also require an understanding and protection of the green infrastructure network present within the town and village.

This plan embraces an expansive⁴ definition of green infrastructure as: “Our world’s natural life-support system – an interconnected network of waterways, wetlands, woodlands, wildlife habitats, and other natural areas; greenways, parks, and other conservation lands; working farms, ranches, and forest; and wilderness and other open spaces that support native species, maintain natural ecological processes, sustain air and water resources, and contribute to the health and quality of life for communities and people.”⁵

¹ The Town’s 2014 Natural Resource Inventory and Assessment (NRI) describes natural resources in detail (see Appendix XI). The following definition has been proposed in the past, but never formally adopted: “Naturally occurring earthen and topographic features, vegetative assets and plant and animal habitats, categories of which have been generally identified as necessary to protect and preserve in the Town of Victor. Natural Resources comprise a wide range of naturally occurring resources which the Town aims to protect for a variety of reasons including the conservation of animal and vegetative habitats and ecosystems, the protection of environmentally sensitive resources, biodiversity, the protection of drinking water from pollution and the preservation of scenic value. Natural Resources are more specifically identified in the Town of Victor’s Natural Resource Inventory (or NRI).”

² Many commentators distinguish green and gray infrastructure. A brochure published by The Conservation Fund (www.conservationfund.org) states that ‘Much as roads, pipelines and buildings make up our “gray” infrastructure, America’s rivers, forests, fields and trails compose our “green” infrastructure’.

³ A definition presented by authors Mark A. Benedict and Edward T. McMahon in their 2006 book entitled Green Infrastructure Linking Landscapes and Communities.

⁴ In their narrowest sense, the terms gray and green infrastructure are sometimes used to distinguish conventional piped drainage and water treatment systems, referred to as gray infrastructure, from more recently developed, low impact systems such as bio-filtration, ponds, wetlands, rain gardens and other natural land and plant based ecological treatment systems and processes.

⁵ Victor’s usage of the term “green infrastructure” is derived from the book Green Infrastructure Linking Landscapes and Communities, by Mark A. Benedict and Edward T. McMahon, The Conservation Fund, 2006.

Specifically, Victor recognizes the following as potential contributors to green infrastructure:

- > Agricultural soils (prime agricultural soils and agricultural soils of statewide importance);
- > Farmland (active and former)
- > Floodplains and floodways;
- > Wetlands and their adjacent areas;
- > Streams and adjacent riparian zones;
- > Open water;
- > Forested areas more than 10 acres in extent;
- > Public parks;
- > Trails;
- > Preserved parcels and set-aside open space;
- > Vistas⁶;
- > Designated scenic roads;
- > Steep slopes to the extent that they represent, support or are found in association with natural resources; and,
- > Department of Environmental Conservation (DEC) Natural Heritage areas.⁷

Residents participating in the development of this plan have suggested that the community should be prepared to invest in green infrastructure just as it does in gray infrastructure.

Victor is also rich in cultural resources including many archaeological, architectural, and other historic resources⁸. Although not included within the formal definition of green infrastructure, cultural resources such as historic buildings, structures, and sites are also important beneficial contributors to Victor's community character and can enhance the value of nearby green infrastructure.

This chapter offers a toolbox of strategies to preserve natural resources and green infrastructure. This chapter also calls for preservation and conservation of cultural resources such as historic buildings, structures, objects, and sites.

⁶ The Victor Natural Resource Inventory and Assessment incorporated by reference in this plan and found in Appendix XI identifies unique landforms and viewsapes on pages 69 and 70.

⁷ Other areas which function to support green infrastructure have also been recognized as contributors. These include areas of co-occurrence where multiple natural resources are present or areas with a unique potential to connect areas of green infrastructure.

⁸ In general, the term historic resources refers to above-ground buildings, structures, objects and sites and excludes archeological resources found beneath the surface.

EXISTING CONDITIONS

Farming has traditionally been a part of the regional economy and the rural character, farmland, associated open space and prevalence of natural resources have been cited by residents as important aspects of the community identity and as factors that attracted them to Victor. However, the community's location, as well as the realities of a global market place for food, have led to greater demand for land as development sites and less for farming. This shift has, in turn, led to the progressive loss of open space, including associated natural resources, and to related threats to green infrastructure.

Cultural resources found within Victor are varied and extensive and the community is graced with a rich legacy of historic resources. At times, the pace of development within Victor has threatened these cultural resources as well. While many of the historic buildings within Victor remain actively in use in much the manner originally envisioned (e.g., as a residence, agricultural building or store), a number are vacant and/or falling into disrepair. Still others have been adapted for reuse in a manner different from that originally intended, as is the case with several that have been adapted for reuse as modern commercial outlets.

IDENTIFYING AND EVALUATING LANDS WORTHY OF PROTECTION

A prioritization model⁹ has been used to calculate and classify the range of green infrastructure values (including those related to agriculture) associated with different parcels of land (see the tables included on the following pages). This effort also resulted in prioritization maps (see pages 2.8 and 2.9) showing parcels of land critical to the green infrastructure network. This prioritization was based on the United States Department of Agriculture (USDA) Land Evaluation and Site Assessment (LESA) model, which numerically ranks land parcels based on local resource evaluation and site considerations. Because conditions are different in the Town and Village, different prioritization models were used (see the Tables on pages 2.10 and 2.11).

To develop the prioritization maps, baseline maps of the following were prepared to identify location, characteristics, and relationship to land use patterns of Victor green infrastructure components:

- > Steep Slopes
- > Wetlands and Wetland Buffers
- > Streams and Riparian Corridors
- > Floodplains¹⁰

⁹ The model, which provides an initial identification of priority parcels, is also supplemented by the more detailed information now provided in Victor's Natural Resource Inventory (NRI) that has been incorporated within this plan (see Appendix XI). Criteria selected for evaluation in this first instance (such as excluding woodlands as a criteria within the Village) could be reconsidered were the model to be evaluated again in the future.

¹⁰ As indicated in the Community Profile, floodplains often contain and/or support wetlands and other important ecological areas that impact directly on the quality of the local environment. Surface water, ground water, floodplains, wetlands and other features do not function as separate and isolated components of a watershed, but as a single, integrated natural system.

- > Open Water
- > NYS Agricultural Districts, Agricultural Soils and Active Farmland¹¹
- > Proximity to the Village
- > Adjacency to Protected Lands
- > Proximity to Trails
- > Size of the Parcel
- > Proximity to Local, State or Nationally Designated Scenic Resources
- > Natural Heritage Areas
- > Historic Sites¹²
- > Town and Village Zoning

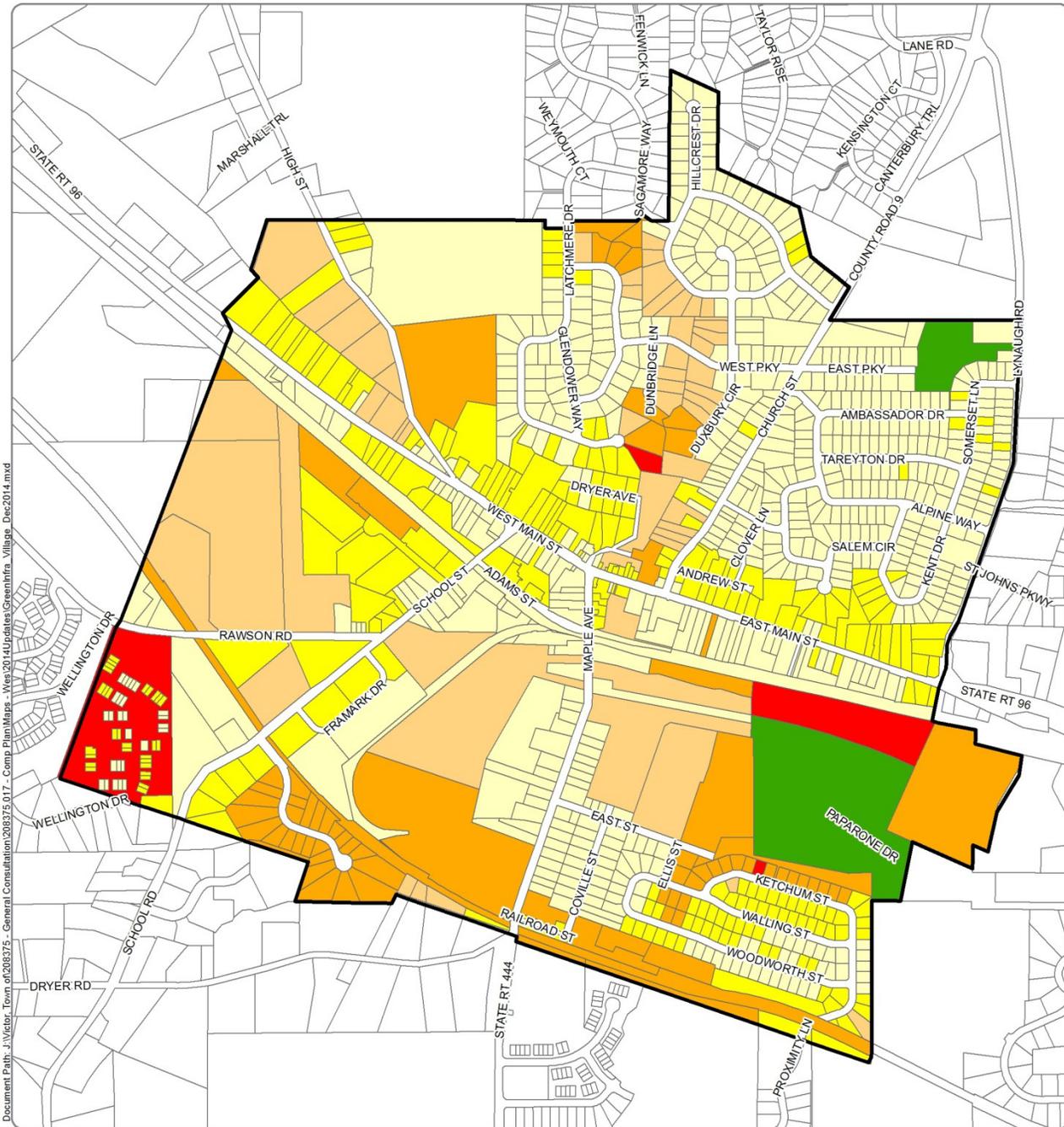
The prioritization maps show parcels of land critical to the green infrastructure network based upon the USDA LESA model. The map shown on page 2.10 delineates different zones within Victor based upon the presence of parcels found to have a priority with respect to green infrastructure. Analysis of the prioritization maps assisted in the identification of the green infrastructure hubs and links. In Victor, streams and stream corridors along with their associated wetlands and floodplains are critical links. Hubs include active agricultural lands and steep slope areas. Steep slopes are especially important because they are also the locations having the largest woodland patches. The following chapter on agriculture protection focuses on some of these same resources¹³.

As shown on the Green Infrastructure Priority Zones map included on page 2.10, the two areas in the northwest and southwest corners of the town (shown in a red or pink hue) were envisioned as requiring the most protection, as might be provided via limitations upon maximum development densities, mandatory clustering provisions, purchase of key parcels in a Purchase of Development Rights (PDR) program, or designation for density reductions via an Incentive Zoning or Transfer of Development Rights (TDR) program. The lightly shaded areas shown on the map on page 2.10 located immediately east of Route 96, just south of Route 96 and east of the Village, and west of Route 96 in the vicinity of Route 251 were envisioned as possible zones within which density increases might be accommodated (from a green infrastructure perspective). The areas shown with an intermediate tan or brown hue were envisioned as being appropriate for intermediate development densities and as areas in which clustering would also be very desirable.

¹¹ The analysis did not include land not presently under cultivation and therefore disregards fallow lands that could easily be restored to viable farmland.

¹² Green infrastructure components are generally comprised of natural resources or amenities incorporating natural resources. Many would therefore exclude historic or other cultural resources from inclusion as green infrastructure components. They are included here based upon their potential to enhance the value provided by nearby green infrastructure.

¹³ The Agriculture Protection chapter also includes an agricultural inventory and maps describing priority agricultural areas needing protection. The chapter also includes a map of agricultural soils, a map of agricultural districts and landowner intentions, and a map of active farmland and agricultural exemptions.



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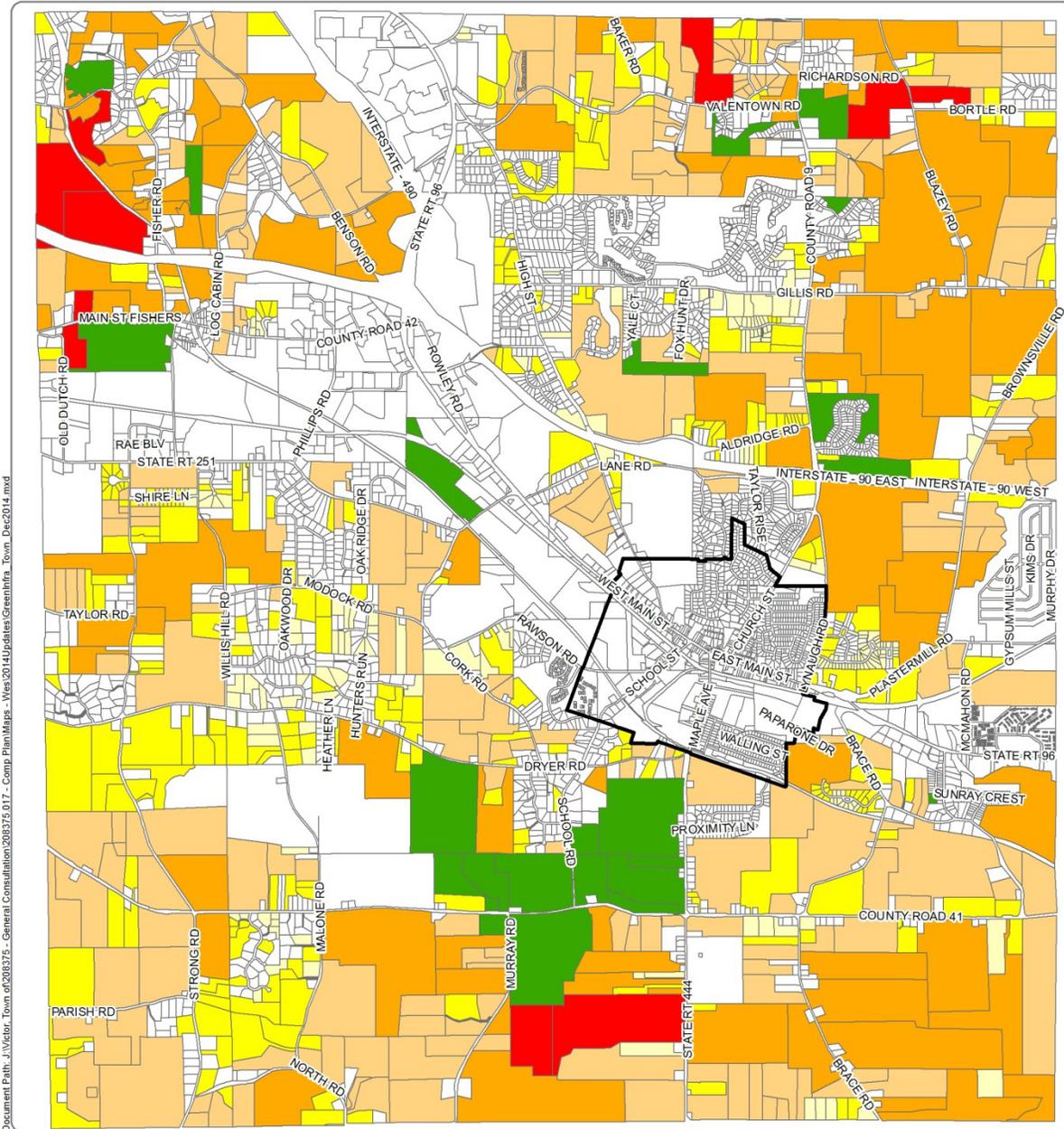
Village - Total Score for GI Ranking-w5

- Village Boundary
- Parcels
- Total Score Categories
- 0.00 - 15.00
- 15.01 - 30.00
- 30.01 - 45.00
- 45.01 - 60.00
- 60.01 - 75.00
- Parks



GREEN INFRASTRUCTURE PRIORITIES





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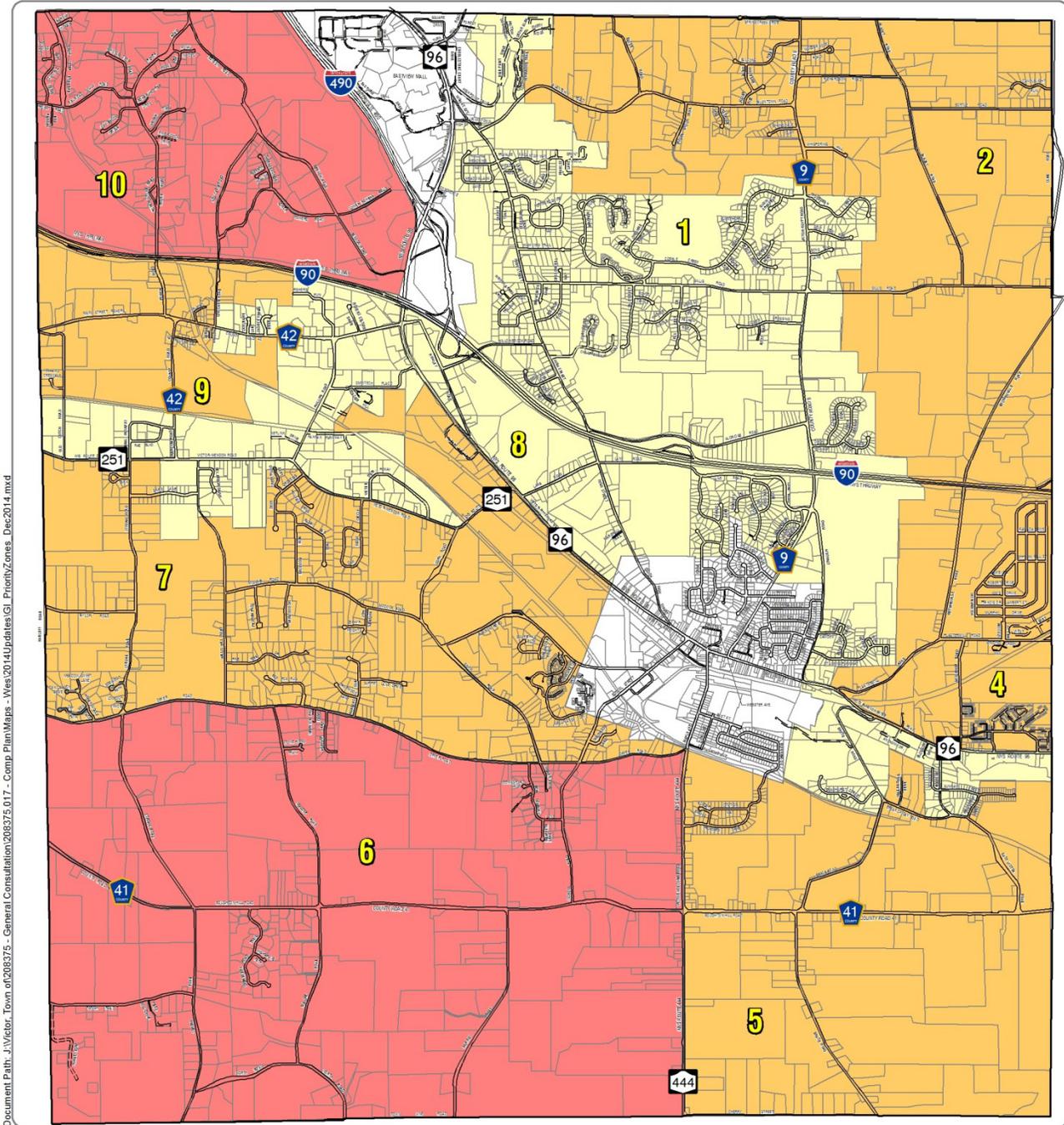
**Town - Total Score for GI Ranking-w5
(Applied to "buildout parcels")**

| | |
|------------------|-------------------------------|
| Village Boundary | Total Score Categories |
| Parcels | 1.00 - 10.00 |
| | 10.01 - 20.00 |
| | 20.01 - 30.00 |
| | 30.01 - 40.00 |
| | 40.01 - 50.00 |
| | Parks |



GREEN INFRASTRUCTURE PRIORITIES





Density Recommendation

- Not Applicable
- Higher
- Intermediate
- Lower



GREEN INFRASTRUCTURE PRIORITY ZONES

Aerial photography and shapefiles courtesy of Ontario County Planning Department, 2011



| Town of Victor – Green Infrastructure Prioritization | | | |
|--|---------------------|--|--|
| Criteria | Points and Criteria | | Comment |
| | Points | Criteria | |
| 1. Prime soils | 3.25 | >75% of parcel | Priority is given to land that is considered on a state and national level to be of high quality for agriculture |
| | 2.50 | 50 to 74% of parcel | |
| | 1.5 | 25 to 50% of parcel | |
| | .75 | 10 to 25% of parcel | |
| 2. Soils of Statewide Importance | 3.25 | >75% of parcel | |
| | 2.50 | 50 to 74% of parcel | |
| | 1.5 | 25 to 50% of parcel | |
| | .75 | 10 to 25% of parcel | |
| 3. Slopes | 7.5 | >50% of parcel in slopes >15% | Steeper slopes are given a higher priority |
| | 5 | 25-50% of parcel in slopes >15% | |
| | 2.5 | 10-25% of parcel in slopes >15% | |
| 4. Wetlands and Wetland Buffers | 5 | Parcel contains wetland and/or 100' wetland buffer | Areas having wetlands are given a higher priority |
| | 1.25 | Parcel is within 200' buffer but does not contain it | |
| 5. Streams and Stream Riparian Corridors | 7.5 | Parcel contains stream and/or 100' stream corridor | Areas having streams are given a higher priority |
| | 2.5 | Parcel is within 200' from the buffer | |
| 6. Natural Heritage Area | 1 | Parcel is within 500' of a designated natural heritage area | Areas closer to natural heritage areas are given a higher priority |
| 7. Floodplains | 3 | Parcel has mapped floodplain within it | Areas having floodplains are given a higher priority |
| 8. Open Water | 1 | Parcel contains open water (natural areas, not man-made) | Areas with open water are given a higher priority |
| 9. NYS Agricultural District | 1.25 | Parcel is in a NYS Ag District | Areas in a NYS Agricultural District are given a higher priority |
| 10. Agricultural Exemptions/Assessments | 7 | Parcel receives an Ag Exemption | Areas having active agricultural uses as defined by the assessor or as parcels receiving ag assessments. |
| OR | | | |
| 10a. Active Agricultural Use | 7 | Parcel has a 100 class tax code | |
| 11. Distance from Village of Victor boundary | 2.5 | Parcel ½ mile of Village boundary | Farther away from the Village is ranked higher Areas that are adjacent to parcels that are already protected are ranked higher. |
| | 5 | Parcel ½ to 2 miles of Village boundary | |
| | 1 | Parcel beyond 2 miles of Village boundary | |
| 12. Adjacency to Protected Lands and Parks | 7.5 | Parcel adjacent to protected lands | |
| | 2.5 | Parcel within ¼ mile of protected lands | |
| 13. Proximity to trail | 2.5 | Parcel has or is within 1000' of a trail or trail access point | Areas that have trails within or adjacent to them are ranked higher. |
| 14. Size of Parcel | 5 | Parcel >50 acres | Larger parcels are ranked higher. |
| | 4 | Parcel 25 to 49 acres | |
| | 2.5 | Parcel 5 to 24 acres | |
| 15. Proximity to Local, State or Nationally Designated Scenic Road | 1.0 | Parcel is along a road designated as scenic | Parcels along a scenic road are ranked higher. |

| Village of Victor – Green Infrastructure Prioritization | | | |
|--|----------------------------|---|--|
| Criteria | Points and Criteria | | Comment |
| | Points | Criteria | |
| 1. Slopes | 15 | >50% of parcel in slopes >15% 25-50% of parcel in slopes >15% 10-25% of parcel in slopes >15% | Steeper slopes are given a higher priority |
| 2. Wetlands and Wetland Buffers | 20 | Parcel contains wetland and/or 100' wetland buffer | Areas having wetlands are given a higher priority |
| 3. Streams and Stream Riparian Corridors | 20 | Parcel contains stream and/or 100' stream corridor | Areas having streams are given a higher priority |
| 4. Open Water | 5 | Parcel contains open water (natural areas, not man-made) | Areas with open water are given a higher priority |
| 5. Adjacency to Protected Lands and Parks | 5 | Parcel adjacent to protected lands or park Parcel within ¼ mile of protected lands or park | Areas that are adjacent to parcels that are already protected are ranked higher. |
| 6. Proximity to trail or pathway | 5 | Parcel has or is within ¼ mile of a trail or trail access point | Areas that have trails within or adjacent to them are ranked higher. This does not include a sidewalk. |
| 7. Size of Parcel | 10 5 2 | Parcel >10 acres Parcel 3 to 10 acres Parcel 1 to 3 acres | Larger parcels are ranked higher. |
| 8. Presence of woodland | 10 3 | >3 acre in size of contiguous woodland < 3 acre in size of contiguous woodland | Woodlands in the village are important wildlife habitats and are ranked higher. |

EXISTING PLANS & ACTIVITIES

TOWN OF VICTOR NATURAL RESOURCE INVENTORY

The Town's 2014 Natural Resource Inventory and Assessment (or NRI, incorporated in its entirety within this plan by reference, see Appendix XI), also identifies natural and agricultural resources that function as important green infrastructure components. The NRI enhances the identification of such resources by analyzing and inventorying areas within which valued resources are co-located in a manner that enhances the contribution to ecological diversity. The NRI also includes a wildlife habitat inventory and an open space index. Finally, the NRI includes a steep slope policy recommended for further implementation.

It is not intended for either the USDA LESA (Land Evaluation and Site Assessment) prioritization presented earlier in this chapter or the NRI to supersede the other. Each is valid and reflects a slightly different approach useful in different scenarios. Together with the profile of natural resources presented in Chapter 1, they provide an information base that will be useful in identifying, evaluating and preserving green infrastructure and its natural resource components.

OPEN SPACE RESERVATION AND DENSITY LIMITATIONS

With respect to open space the Town of Victor Code currently requires minimum set-asides of open space¹⁴ (sometimes also referenced in the code as "green space").

Regarding limitations upon development density (typically quantified as the number of units per acre), the Town Code presently incorporates a version of "large-lot" zoning¹⁵ that limits the maximum development density within outlying areas.

Because of the way in which they can affect the pace and pattern of development, requirements for open space set-asides and limitations upon development density can also influence efforts to conserve natural resources and green infrastructure. Residents have cited both the present open space set-aside requirement as well as the maximum density overlays as principle tools relied upon to preserve natural resources.

¹⁴ Also see Chapter 4, Strategies 3 and 4, regarding Open Space recommendations.

¹⁵ In Victor, large lot zoning has been implemented as a system of three zoning overlays that limit development density to no more than 1.0, 0.5 or 0.33 units per acre.

PRE-APPLICATION REVIEW

The Town has recently made progress in establishing a voluntary pre-application screening process intended to ensure identification and consideration of natural resources early in the design of a proposed development that will eventually be presented to the Planning Board and/or Town Board for approval. The process presently includes consultation with the Town Conservation Board and is focused upon ensuring that developments are planned to fit the intended site, rather than the converse.

SITE PLAN, SUBDIVISION AND PLANNED ZONING DISTRICT REVIEWS

Site plan, subdivision and planned zoning district reviews (see Section 211-31 of the Chapter 211 zoning law, Chapter 184 of the Code, and Sections 211-25, 211-26 and 211-27 of the Chapter 211 zoning law) are important land planning techniques that play a major role in ensuring that new development is sited in a manner that protects the environment.

The site plan review process is oriented towards the layout and design of development when it occurs on a single parcel of land. The basic premise is to avoid or mitigate impacts that a proposed use on one parcel may have on an adjoining parcel or the community. Site Plan does not directly address the type of land use proposed as this is usually determined by the specification of permitted uses found in the zoning code for the district in question or by consideration of a requested Special Use Permit.

The subdivision review process is focused upon the creation of multiple lots from one or more parent parcels and the associated topography, parcel configuration, open spaces, building sites, streets, sewers, water mains, parklands and other improvements or features necessary to protect and provide for the public health safety and welfare.

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) that is intended for a compatible mix of uses. Planned zoning districts are created through rezoning pursuant to an application made to the Town Board. In general, the rezoning application to the Town Board must be accompanied by a sketch or preliminary plan of the proposed development. The review process generally includes a second step in which an application is subsequently made to the Town Planning Board for some form of site plan approval.

STORMWATER INFRASTRUCTURE

Although the specific provisions have evolved over time, federal and state standards have required installation of detention or retention basins and other storm water management practices for well over a decade. These improvements play a crucial role in protecting water bodies, recognized streams, other watercourses, wetlands, floodplains, existing infrastructure and private property from the effects of additional impervious areas and increased runoff.

The Town was recently designated by NYS DEC as an "MS4"¹⁶ community. Identifying the need for stormwater improvements and ensuring their proper development does not pose a significant challenge at this time. However, a recent review by the Town revealed that not only are many of these existing improvements presently in need in maintenance, but that the responsibility for and readiness to undertake such maintenance is very unclear.

- > The Chapter 4 Open Space and Community Character Strategy 1 recommends implementation of a program to ensure that responsibility for necessary maintenance of existing storm water management facilities is clarified and that the required maintenance is completed in a timely and reliable manner.

DESIGNATION OF CULTURAL RESOURCES

Included among Victor's historic resources are both buildings and sites. The Town of Victor has one site, Ganondagan, listed on the New York State Historic Site list. Ganondagan is unique and the only Native American site in New York State given this status.

In addition, the following buildings are listed on the State and National Registers of Historic Places:

- > Valentown Hall and surrounding buildings of the Victor Historical Society;
- > Felt Cobblestone Store, 6452 State Route 96;
- > Cobblestone Railroad Pumphouse, Country Road 42 in Fishers; and,
- > Jeremiah Cronkite Cobblestone House, 11095 Lynaugh Road.

As of 2013, the Town has also deemed 58 sites as local historic resources (see Appendix XII).

¹⁶ NYS DEC designates certain communities operating Municipal Separate Stormwater Sewer Systems (MS4s) as MS4 communities. MS4 communities are required to gain coverage under a nationwide permit. Under the terms of the permit, MS4 communities inherit authority, once the province of NYS DEC, for the approval and review of certain other permitted activities relative to stormwater runoff quality, quantity and prevention of erosion and sedimentation.

KEY FINDINGS

EXTENSIONS OF PUBLIC WATER AND SEWER

As described in the community profile, there are a few regions of the town, primarily outlying rural areas, in which public water is not available and more in which there is no sanitary sewer service. At present the community has no overall plan or guidelines for extensions of public water and sewer. Although extensions of public water and sewer are typically proposed to support development of a particular site, the completion of such extensions can also serve to promote or facilitate further development on nearby vacant properties. If not undertaken properly and carefully, such developments can lead to loss of natural or agricultural resources and damage to the green infrastructure network. With respect to potential extensions of public water and/or sewer within the Town and particularly with respect to those proposed to support development of a new project within or near resource-rich areas, several related strategies recommended for implementation within the chapter focused upon Open Space and Community Character should be noted:

- > Strategy 1 recommends creation of a water and sewer infrastructure plan before approving extensions of those services through other parts of the Town; and,
- > Strategy 2 calls for institution of a Growth Management Program to monitor and guide development in outlying, rural areas.

PRESERVATION OF NATURAL RESOURCES AND GREEN INFRASTRUCTURE: THE ROLE OF OPEN SPACE RESERVATION, DENSITY LIMITATIONS AND CHANGES IN DEVELOPMENT DENSITY PATTERNS

Preservation of natural resources and green infrastructure is closely related to other topics of interest to the community such as growth management, future land use, protection of agriculture, open space preservation, and limitations upon development density. However, these terms and tools are not equally effective at preserving natural resources and green infrastructure.

As already indicated, the Town of Victor Code currently requires minimum set-asides of open space (sometimes also referenced in the code as “green space”) and also incorporates a version of “large-lot” zoning that limits the maximum development density (number of units per acre) within outlying areas via the mapping of multiple overlay districts.

These open space set-aside requirements and maximum density overlays have been referenced by many as principle tools intended to preserve natural and agricultural resources. Similar claims are made for another program called for in this plan that would alter the pattern of development density

within the Town more directly¹⁷ (see Chapter 4 Strategy 6). Such a program would alter the pattern of development density within the community without necessarily altering the total number of residential units or square feet of non-residential space present within the Town at full build-out.

Although there may be some synergy¹⁸, programs such as those intended to preserve open space or farmland, limit density in particular districts and/or alter the pattern of development density throughout the community are not intended to replace and will not substitute for an effective program focused upon protection and preservation of natural resources and green infrastructure. As the focus and objectives of green infrastructure policies and planning are unique, the requirements relative to green infrastructure should apply to all sites regardless of whether they will also include an open space set aside or be involved in a reservation, transfer or bonus award that may vary the development pattern found within the town as a whole.

PRE-APPLICATION REVIEW

As already indicated, the Town has made progress in establishing a voluntary pre-application screening process intended to ensure identification and consideration of natural resources early in the design of a proposed development. However, room for improvement remains. Instances still arise in which recognition of potential resource conflicts occur late in the review cycle leading to needless frustration, expense and confrontation. A more formal process that is not merely voluntary is necessary to ensure that opportunities to preserve natural or agricultural resources and green infrastructure are recognized and addressed proactively by all parties as early as possible in the planning and design cycle. This need is addressed below in Strategy 3.

¹⁷ Mechanisms considered to implement such a program have included Incentive Zoning and Transfers of Development Rights. Programs involving the Purchase of Development Rights also have the potential to alter the density pattern, but less extensively.

¹⁸ In practice, protection of green infrastructure may be more easily accomplished on sites which include an open space set aside or from which development units have been transferred. Conversely, effective protection may be more challenging on sites to which additional development units have been transferred.

REVIEW OF DEVELOPMENT PROPOSALS

Rather than resort to a localized preclusion of development to protect natural resources and green infrastructure, Victor will instead need to implement an effective planning and review process that is applicable community-wide. The ideal process would begin with early identification of whether an area proposed for development is subject to green infrastructure influence to be followed by the early planning necessary to avoid and minimize green infrastructure impacts and conflicts that might otherwise arise.

Effective land use planning and decision-making within the development market relative to potential green infrastructure conflicts will necessitate the review of useful information relative to green infrastructure and the potential effects of proposed uses or developments. A system of design guidelines or policies should also be put in place to lead and assist landowners, developers and municipal officials in the identification and implementation of good stewardship practices. A review process for identifying, reviewing and reconciling potential green infrastructure resource conflicts as early in project planning as is practical should be formalized and made more predictable.

The intended process, referenced by Victor Comprehensive Plan contributors as “The Green Infrastructure Planning and Review (GIP&R)” process, should be one that will promote choices that will successfully prioritize land development and conservation opportunities in ways that would optimize the use of land to meet the needs of both people and nature. The review process should incorporate the following procedural hierarchy: Resource inventory; Identification of potential conflicts; Project planning to avoid, minimize and mitigate potential impacts (in that order); and, Planning for resource maintenance and conservation. More certainty regarding potential outcomes should be provided in the place of ambiguity and the role in the approval process now played by negotiation or bargaining should be minimized.

DENSITY BONUSES IN EXCHANGE FOR PRESERVATION OF NATURAL RESOURCES AND GREEN INFRASTRUCTURE

Density bonuses awarded as part of a program of Incentive Zoning can be very effective in promoting development that includes amenities and features desirable to the community, including the preservation of natural resources, agricultural land and/or green infrastructure. However, density bonuses must be used carefully and in a way that is coordinated with other tools, particularly those intended to alter the pattern of development without necessarily increasing the number of residential units or square feet of non-residential space anticipated at full build-out¹⁹. Density bonuses awarded for other amenities could easily undercut the effective implementation of programs intended to alter the pattern of development by “relocating” development units from one area within the community to another without increasing the anticipated build-out. This indicates the need to consider one additional criteria for inclusion in any such density bonus program:

¹⁹ Such tools are described in more detail in Chapter 4 and recommended for implementation in Chapter 4 Strategy 6.

- > That the density bonus award be offset by a reduction in maximum development density elsewhere in the community provided by the applicant as a public amenity or via some corresponding mechanism that transfers equivalent development rights so as to reduce maximum development density elsewhere.

RESOURCE PROTECTION AND ENFORCEMENT

Efforts to identify, plan for, conserve and preserve both natural resources and green infrastructure will not succeed if the measures and conditions intended to implement such initiatives are ignored. Victor will need to monitor and enforce relevant policies and requirements with the same clarity and vigor found in the closely related fields of land use and building construction.

PRESERVATION OF CULTURAL RESOURCES

Historic, architectural and archaeological resources are nonrenewable cultural resources that should be preserved for continued use and enjoyment by future generations.

To cite only one example in Victor, the Hamlet of Fishers in particular, is unique. The community would benefit were its historic qualities enhanced and were growth within the hamlet managed such that it did not sacrifice the character that makes Fishers a special place.

Although Victor has had success in preservation of historic resources and includes references to some of these in its Zoning Law, there is no comprehensive record of all such resources within the community and the significance of each. There have been instances in which the significance and/or sensitivity of a resource has not come to light until late in the development review and approval cycle and still other instances in which the tools available to the community to preserve such a resource have proven inadequate.

With respect to Fishers, in particular, the existing Fishers hamlet center should be preserved and enhanced as a complementary rural district consistent with the Vision for the Hamlet of Fishers developed in June 2007.

GOALS AND STRATEGIES

GOAL A. FOSTER A REGIONAL, LANDSCAPE-SCALE APPROACH TO THE PROTECTION AND CONSERVATION OF NATURAL RESOURCES AND AGRICULTURAL RURAL LANDS.

GOAL B. RESPECT AND PROTECT THE NATURAL TOPOGRAPHY.

GOAL C. PRESERVE OR RESTORE HUBS AND LINKS ACROSS THE LANDSCAPE THAT ANCHOR AND CONNECT GREEN INFRASTRUCTURE NETWORKS AND PROVIDE AN ORIGIN

OR DESTINATION FOR WILDLIFE AND ECOLOGICAL PROCESSES MOVING TO OR THROUGH THE NETWORK.

GOAL D. INTEGRATE A GREEN INFRASTRUCTURE CONSERVATION AND PLANNING APPROACH INTO VICTOR'S LONG TERM PLANNING AND DEVELOPMENT REVIEW PROCESS.

STRATEGY 1: ADD SUSTAINABLE DESIGN AND SITING STANDARDS TO THE ZONING, SUBDIVISION AND PLANNED ZONING DISTRICT RULES

DESIGN AND SITING STANDARDS PRINCIPLES AND REQUIREMENTS

Conservation of natural areas such as undisturbed forested and native-vegetated areas, steep slopes, stream corridors and wetlands can help to preserve the pre-development hydrology of a site, aid in reducing post-development stormwater runoff and pollutant load, promote soil stabilization, maintain wildlife habitats, and preserve the site's aesthetic character. The presence of various components of Victor's green infrastructure identified in this plan should be further characterized and located as development plans progress. This effort should include site-analysis that incorporates both mapping and field-reconnaissance assessments (in this regard see the recommended Green Infrastructure Planning and Review process described in this chapter under Strategy 3 and in Appendix IX).

Principles. Zoning, subdivision and planned zoning district standards should reflect the following principles:

- > Areas proposed for protection should be delineated early in the planning stage, long before any site design, clearing or construction begins. Site analysis and resource identification should be done at the sketch plan phase of development so that it guides project layout.
- > Minimize the area required for building footprints, construction access, and safety setbacks.
- > Establish limits of disturbance for all development activities and limit mass site grading.
- > Ensure that conservation areas (including wetland buffers, ecological riparian zones, and top/toe of slope for steep slopes) and native vegetation, especially woodlands, are protected in an undisturbed state through the design, construction and occupancy stages.
- > Pay careful attention to the placement of new structures on existing farmland or open lands with farming potential. Placement of new structures in the center of open fields can have significant negative impacts to rural character and the Planning Board should work towards avoiding this to the maximum extent possible.
- > Leave areas of porous or highly erodible soils as undisturbed conservation areas to the maximum extent possible. Develop roadways to fit the site terrain, and locate buildings and impervious surfaces away from steep slopes, drainageways and floodplains.

Requirements. Zoning, subdivision and planned zoning district standards should include the following requirements:

- > Delineate areas proposed for protection based upon site analysis, resource identification and function in the green infrastructure network.
- > Use alternative site designs that use conservation subdivision design developments (see housing section).
- > Do not allow new structures or significant disturbance in designated floodplains and/or wetland areas and their regulated buffers.
- > Require review and approval for development including structures and grading on slopes greater than a specified threshold such as 25%.
- > Establish erosion and sediment control standards for development and grading on slopes greater than a specific threshold such as 15%.
- > Prohibit structures on ridgelines. To minimize the aesthetic impacts, ensure that rooflines do not extend above treelines (if present) or the ridgeline (rooftops should be 30' below ridgelines).
- > Establish buffers between new non-farm and existing farm uses but avoid plantings that would result in excessive shading or root intrusions on farmland. These buffers should be a minimum of 50 feet, encourage removal of invasive species and use of native species, and should be the responsibility of the new non-farm uses. New farm establishments that begin operations in areas adjacent to existing residents should be responsible for the buffer.

STRATEGY 2. AMEND SITE PLAN, SUBDIVISION AND PLANNED ZONING DISTRICT REVIEW STANDARDS AND CRITERIA TO STRENGTHEN REVIEW AND MITIGATION RELATED TO GREEN INFRASTRUCTURE.

The Victor Town Code (Section 211-31) currently requires all construction except for single-family homes and associated accessory structures to receive site plan approval from the Planning Board prior to the Town issuing a building permit. Fifteen different aspects of development are included in the site plan review including "environmental issues." Clearing, grading, and filling of premises, demolition, and commercial development in the Route 96-251 corridor are all included in adequate detail in the law. However, this section of the zoning does not give the same level of emphasis to green infrastructure and environmental issues. Since site plan review is the primary review process for development in Victor, the processes, purposes, standards and criteria included in this section of the zoning code should be strengthened as recommended below:

RECOMMENDATIONS RELATED TO THE PURPOSE OF SITE PLAN REVIEW

1. *It is recommended that a set of purposes be added to the site plan section to reflect the goals of this Plan.* Purpose statements in zoning and specifically for the site plan section of the law are vital to convey the performance expectations for development to the applicant and the public. In particular, it should be clearly stated that one of the purposes of site plan review is to ensure protection and enhancement of green infrastructure features, hubs, and links and the maintenance of the environmental health of Victor.

RECOMMENDATIONS RELATED TO THE SITE PLAN REVIEW STANDARDS AND CRITERIA

2. *Specific development standards related to layout and design specific to green infrastructure and the environment should be added to the site plan section.* The law directs the Planning Board to evaluate “environmental issues” but gives no guidance as to what these are, or how to review and mitigate impacts. In relation to green infrastructure, site plan should direct the Planning Board’s review to consider the following (See also Strategy 6, below):

- > Environmentally sensitive areas should be avoided.
- > Parking: Off-street parking should be located, designed and buffered to minimize stormwater runoff and negative aesthetic impacts.
- > Stormwater: Stormwater and drainage facilities should be designed to avoid an increase in peak stormwater volume and velocity, and use of permeable surfaces, rain gardens, vegetated swales, rainwater harvesting, and other similar practices to the maximum extent practical. (See also Low Impact Development Recommendations).
- > Vegetation: Trees, shrubs and other landscaping should be included to constitute a visual and/or noise buffer between the applicant’s and adjoining lands, including the maximum retention of existing vegetation including hedgerows, wetlands, wildlife corridors, trees, and woodlots. Vegetation clearing should be minimized.
- > Agriculture: The use should be compatible with adjoining or nearby agricultural activities.
- > Ridgelines: On hills or ridge tops, rooflines should be placed below the ridgeline to prevent visual disruption of that ridgeline.
- > Slopes: Structures should not be placed on slopes greater than some maximum threshold, such as 25%, identified in the Code or Design and Construction Standards.

RECOMMENDATIONS RELATED TO THE SITE PLAN REVIEW PROCESS

3. *Remove or revise authority given the Planning Board in Section 211-31 (D) to decide on a case-by-case whether to apply the provisions of this section or not so that site plan may only be*

waived under certain circumstances as a waiver could potentially circumvent important review by the Town. For example, a proposed use which reuses an existing building where no significant changes to the site layout or building design is planned could be exempt.

4. *Add a clear set of procedures.* The text of the site plan section does not lay out a clear pathway for Planning Board review. A sub-section on process should be added to include but not limited to public hearing requirements, time frames, referrals to other agencies, State Environmental Quality Review Act (SEQRA) and agricultural district requirements, decision making rules, use of escrow accounts, and hiring of professional assistance for the Planning Board.

5. *Add a requirement for a sketch plan review as a critical phase of the review process.* A sketch plan is a preliminary map and description of the process and is presented to the Planning Board at the very first meeting with the applicant. It is an opportunity to discuss the project, planning board requirements, and possible issues early in the process before large investments have been made on the part of the applicant. It is a critical time for the Planning Board to indicate what information it needs, and what issues generally need to be addressed.

6. *Consider establishing a two-stage process that includes a preliminary site plan approval and a final approval for major projects.*

7. *Require all major subdivisions to also require site plan review. Clarify that all Planned Zoning District site plan reviews are subject to the same standards and procedures as those specified in Zoning Section 211-31.*

8. *Require notification of owners of property within 500 ft of a project undergoing site plan review at the sketch plan phase of the process. Consider requiring a public hearing for all site plan approvals.*

9. *Require site plan approval for all developments proposing to disturb slopes with a grade beyond a specified critical threshold as proposed in the Steep Slope Policy included in the Town NRI incorporated in Appendix XI of this plan.*

10. *Clarify that appeals from planning board decisions related to site plan are taken to the State Supreme Court in an Article 78 proceeding.* There is no local board, including zoning board of appeals or the Town Board, with power to overrule a planning board determination on site plan as per Town Law 274-a.

11. *Establish a set of application material requirements* (currently application requirements are only outlined for clearing, grading and filling applications.) In addition to other siting and layout features, application maps and descriptions should include the following related to green infrastructure:

- a. Location, of easements and other reservations of land or areas dedicated to public use within 500 feet of the applicant's property.
- b. Grading and drainage plans showing existing and proposed contours and water courses within, and extending 50' beyond applicant's property
- c. Soil erosion and sediment control plan if required by DEC.
- d. Provision for pedestrian access, including public and private sidewalks, if applicable.
- e. Location and development of all proposed buffer areas, stream and wetland setbacks, including indication of existing and proposed vegetative cover.
- f. Contour lines and percent slope calculations.
- g. Location and design of existing and proposed outdoor lighting facilities.
- h. General landscaping plan and planting schedule.
- i. Location and identification of all structures and uses on adjacent lands within 100 feet of the property line.
- j. Identification of any permits from other governmental bodies required for the project's execution and a record of applications and approval status of all necessary permits from federal, state, county and local agencies.
- k. State Environmental Quality Review Act (SEQRA) Environmental Assessment Form.
- l. Location of all natural features on the site and extending 100' of the property line including water courses, wetlands/wetland buffers, wooded areas, areas subject to flooding, steep slopes (more than 15%), areas identified as being a critical plant or animal habitat, historic structures, and agricultural lands currently in operation.
- m. Traffic report showing existing and potential traffic resulting from the project.
- n. Viewsheds and visual impact report evaluating the relationship of new structures to nearby natural landscapes and to existing structures in terms of visual character.

12. *Review checklists now in use and codify a finalized checklist of green infrastructure features and maps that should be reviewed during the site plan review process (see the following description of the Green Infrastructure Planning and Review process).*

As a closely related matter, it should be noted that Strategy 3, which follows, calls for establishment of a formal Green Infrastructure Planning and Review process to accompany all site plan, subdivision and planned zoning district reviews.

STRATEGY 3. ESTABLISH A FORMAL GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS

GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS FOCUS

The Green Infrastructure Planning and Review process should provide a basis for informed decision making relative to four fundamental topics:

- > The presence of green infrastructure components and the consequent potential for conflicts between proposed land uses or development and green infrastructure;

- > The significance of potential impacts and the availability of practical alternatives that would avoid potential impacts to green infrastructure;
- > With respect to potential impacts anticipated to be unavoidable, identification and incorporation of mitigation and/or offsets in a manner that would conserve the integrity of the green infrastructure system and the overall value of green infrastructure within the community; and,
- > Identification of circumstances in which the anticipated unavoidable impacts are so severe that preclusion of the proposed land use or development may be warranted despite the opportunities available for mitigation or offset.

GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS SUBMISSIONS

Green Infrastructure Plans should be required to be prepared and submitted for municipal review prior to disturbance within an area of green infrastructure influence. With respect to content, the Green Infrastructure Plans should progress in four stages:

- > *I. Green Infrastructure Resource Plan Inventory* - Green infrastructure resources within the project area and within 200 feet of the project area boundary.
- > *II. Green Infrastructure Impacts* – Potential green infrastructure impacts or conflicts associated with the proposed project.
- > *III. Green Infrastructure Preservation and Mitigation* – How potential green infrastructure impacts may be avoided wherever possible and any impacts or conflicts that cannot be avoided. The plan should include a description of reasonable alternatives explored with respect to avoiding and minimizing impacts and include measures mitigating unavoidable impacts that remain.
- > *IV. Green Infrastructure Conservation and Management Plan*–Measures undertaken to ensure the persistence and viability of all green infrastructure depicted in the Preservation and Mitigation Plan both during and following development including protection, stabilization, re-establishment, monitoring, long term care, and replacement.

INTEGRATION OF THE GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS WITH OTHERS

The Green Infrastructure Planning and Review process should be fully integrated with the required State Environmental Quality Review (SEQR) process. Additional information on this point has been included in Appendix IX.

The Green Infrastructure review process should be fully integrated with the sketch, preliminary and final plan reviews now required for all major subdivisions as well as with comparable review processes required for site plans and for planned zoning district approvals. Recommendations are included elsewhere (see the Appendix I Zoning Audit)

regarding the need for sketch plan reviews and for separate preliminary plan / final plan reviews of site plans and planned zoning district approvals. Also the same Appendix regarding the need for establishment of sketch plan - preliminary plan - final plan review progressions for both site plan approvals and planned zoning district approvals that would closely parallel those required for major subdivisions and thereby facilitate implementation and integration of a single Green Infrastructure Planning and Review Process. Additional information on this point has been included in Appendix IX.

RELIANCE ON NATURAL RESOURCE INVENTORY

Many green infrastructure components are also recognized as natural or agricultural resources.²⁰ In addition to the information and maps provided in this chapter and in the appendix, green infrastructure policies and plans proposed for implementation should incorporate and rely upon the Town's recently completed NRI as well the Town Conservation Board's ongoing work to identify and characterize important natural habitats.

MINIMUM SCOPE AND COMPONENTS

When refined and implemented, the green infrastructure policies and plans should include, at a minimum, the following green infrastructure components:

- > Open Water and Streams, including intermittent and headwater streams;
- > Wetlands (Federal as well as NYS DEC Freshwater wetlands), including ephemeral wetlands and vernal pools;
- > Floodways and 100 year floodplains;
- > Steep slopes, above an appropriate threshold identified in the Natural Resource Inventory and, presumably, a lower threshold in the presence of highly erodible soils;
- > Forested areas of 10 or more acres in extent (or less extensive forested areas should the town determine to accord these protection as well);

²⁰As was indicated earlier in this chapter, green infrastructure has been defined by Authors Mark A. Benedict and Edward T. McMahon as: "An interconnected network of natural areas and other open spaces that conserves natural ecosystem values and functions, sustains clean air and water, and provides a wide array of benefits to people and wildlife". The Town of Victor Conservation Board is developing a definition of natural resources that it will propose for inclusion in the Town Code. The current rendering of this proposed definition provides as follows: "Naturally occurring earthen and topographic features, vegetative assets and plant and animal habitats, categories of which have been generally identified as necessary to protect and preserve the Town of Victor. Natural Resources comprise a wide range of naturally occurring resources which the Town aims to protect for a variety of reasons including the conservation of animal and vegetative habitats and ecosystems, the protection of environmentally sensitive resources, biodiversity, the protection of drinking water from pollution and the preservation of scenic value. Natural Resources are more specifically identified in the Town of Victor's Natural Resource Inventory (or NRI)."

- > Agricultural soils recognized as prime, as prime were they to be drained, and/or to be of state-wide importance;
- > Land used for agricultural production; and,
- > Parks and Trails.

BUFFERS AND ADJACENT AREAS TO BE INCLUDED WITHIN THE GIP&R SCOPE

The implemented policy should also include adjacent areas or buffers within the area of influence where appropriate. Appendices IX and XI include more detailed information regarding the areas to be considered, such as those included in the Natural Resource maps presented in the Chapter 1 Community Profile.

GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS DETAILS AND IMPLEMENTATION

Further details regarding the envisioned Green Infrastructure Planning and Review Process are included in Appendix IX. It is anticipated that the descriptive information included here and in the appendix will require further refinement and testing prior to implementation. Testing during the implementation effort should include simulated application of anticipated requirements to hypothetical development sites to better understand how effectively they will protect green infrastructure as well as the associated impact upon site development plans.

STRATEGY 4. LEAD BY EXAMPLE: TRAIN MUNICIPAL STAFF IN ENVIRONMENTAL STEWARDSHIP, CONSERVATION, AND CARE FOR SENSITIVE RESOURCES.

Municipal officials, especially those working in the field, have an opportunity to demonstrate Victor's commitment to the community's vision to "protect and enhance our extensive natural resources and their supporting landscapes which weave throughout the town and village." Training will assist these representatives in incorporating these values into their daily work and in exercising an appropriate level of stewardship.

GOAL E. PROVIDE AN INTERCONNECTED NETWORK OF GREEN SPACE THAT CONSERVES NATURAL ECOSYSTEM VALUES AND FUNCTIONS AND PROVIDES ASSOCIATED BENEFITS TO HUMAN POPULATIONS.

STRATEGY 5. PROVIDE INCENTIVES IN THE FORM OF DENSITY BONUSES TO PROTECT AND ENHANCE GREEN INFRASTRUCTURE.

Bonuses need to be large enough to be worthwhile for a developer to take advantage of. For example, a 10% to 15% density bonus could be offered for each of the following development characteristics subject to a maximum total bonus:

-
- > Priority green infrastructure parcels and farmlands as identified in this Plan are permanently preserved;
 - > Open space is provided that exceeds the 50% open space required for a conservation subdivision;
 - > Steep slopes of 15% or greater are protected;
 - > Stream corridors are protected beyond basic zoning requirements;
 - > Wildlife habitats are protected or enhanced;
 - > Mixed use, infill development in commercial districts is included;
 - > Mixed-use, traditional neighborhoods or those designed according to the Leadership in Energy & Environmental Design for Neighborhood Design (LEED ND) standards are included; and,
 - > Existing structures are remodeled and reused.

Given the anticipation that Victor will rely on incentive zoning to incentivize movement of development units from areas where more extensive open space would be preferable to areas where higher density development would be acceptable, any density bonus program may need to require that such a bonus be offset by a reduction in maximum development density elsewhere in the community provided by the applicant as a public amenity or via some corresponding mechanism that transfers equivalent development rights so as to reduce maximum development density elsewhere. This requirement is reviewed in more detail in the chapter on Growth Management and Community Character.

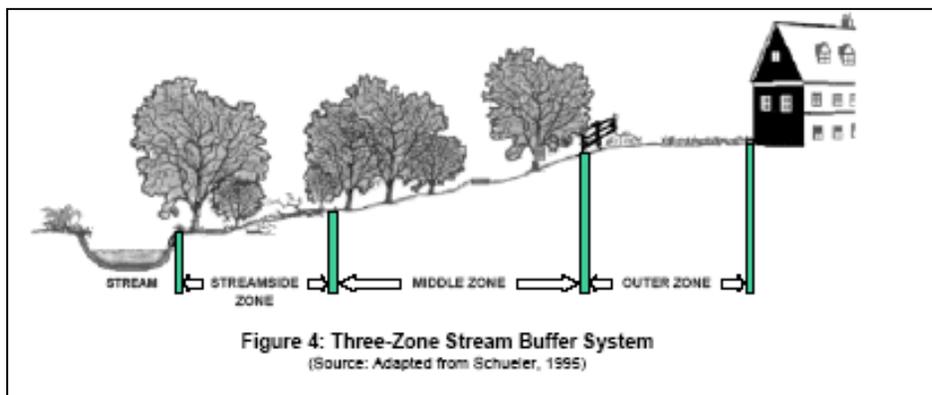
GOAL F: PROTECT WATER QUALITY OF SURFACE AND GROUNDWATER: PROTECT/ENHANCE STREAMS AND STREAM CORRIDORS, WETLANDS, FLOODPLAINS, AQUIFERS; AND, PREVENT EROSION AND SEDIMENTATION.

STRATEGY 6. ESTABLISH STREAM CORRIDOR STANDARDS TO PROTECT GREEN INFRASTRUCTURE LINKS WITHIN THE COMMUNITY.

Victor has recognized that stream corridors in this community serve as the primary link between green infrastructure hubs. The Natural Resources Conservation Service (NCRS)²¹ has also found that stream corridors²² frequently “function as dynamic crossroads in the landscape”. In characterizing the basic ecological function of stream corridors, the NCRS publication referenced above goes on to explain that:

“Water and other materials, energy, and organisms meet and interact within the stream corridor over space and time. This movement provides critical functions essential for maintaining life such as cycling nutrients, filtering contaminants from runoff, absorbing and gradually releasing floodwaters, maintaining fish and wildlife habitats, recharging ground water, and maintaining stream flows.”

The primary function of stream corridor standards would be to protect and physically separate a stream and associated riparian lands from future harmful disturbance or encroachment. The recommended standards should establish stream setbacks, requirements to preserve existing vegetation, or to replant new vegetation as part of development approvals. Proper restoration should include all layers of the forest plant community, including understory, shrubs and groundcover, not just trees. The standards called for in this strategy should be incorporated within the community’s zoning requirements and utilized in the Green Infrastructure Planning and Review process called for in Strategy 3.



²¹ Overview of Stream Corridors, NCRS, retrieved 11/01/2013, http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1043460.pdf.

²² The NCRS defines a stream corridor as an ecosystem that usually consists of three major elements: the stream channel, the floodplain, and the transitional upland fringe.

When properly designed, a riparian buffer can enhance stormwater management functions, serve as a right-of-way during floods, and sustain the integrity of water-resource ecosystems and habitats. A stream corridor can be of fixed or variable width, but should be continuous and not be interrupted by impervious areas allowing stormwater to concentrate and flow into the stream without first flowing through the overlay-created buffer. The width needed to perform properly will depend on the size of the stream and surrounding conditions. The stream corridor should be sized to include the 100-year floodplain as well as steep banks and adjacent freshwater wetlands. A minimum 25-foot undisturbed vegetative buffer is needed for the smallest perennial streams. A 50-foot or larger undisturbed buffer is better. Delineation and preservation of a vegetated riparian no-impervious-surface-buffer landward of the stream bank areas no less than 75 feet in width, extended as necessary to incorporate any other adjacent floodways, 100-year floodplains, steep slopes and/or forested area having a boundary within 75 feet of the bank would be ideal.

The foregoing illustration and the table that follows are from the New York State Stormwater Management Design Manual, August 2010 (see Chapter 5, included herein as Appendix X), an excellent reference that should serve as a guide regarding the need for and extent of riparian buffers. The recommendations in the table are minimum standards for most streams. As described above, some streams may also benefit from additional measures to ensure adequate protection that can be implemented during the subdivision and site plan review process. A density bonus could also be offered for protection beyond the minimum standards.

| | Streamside Zone | Middle Zone | Outer Zone |
|--------------------------|---|---|---|
| Width | Minimum 25 feet plus wetlands and critical habitat | Variable, depending on stream order, slope, and 100-year floodplain (min. 25 ft.) | 25-foot minimum setback from structures |
| Vegetative Target | Undisturbed mature forest. Reforest if necessary. | Managed forest, some clearing allowed. | Forest encouraged, but usually turfgrass. |
| Allowable Uses | Very restricted (e.g., flood control, utility easements, footpaths) | Restricted (e.g., some recreational uses, some stormwater controls, bike paths) | Unrestricted (e.g., residential uses, including lawn, garden, most stormwater controls) |

GOAL G. PROTECT ECOSYSTEM FUNCTIONING AND BIODIVERSITY: PROTECT, ENHANCE AND RESTORE PLANT AND ANIMAL HABITATS, INCLUDING WOODLANDS AND FORESTS; PROTECT RIPARIAN AND AQUATIC ECOSYSTEMS, NATIVE VEGETATION; AND, PROTECT/ENHANCE CRITICAL NATURAL AREAS.

STRATEGY 7. ENCOURAGE THE PROTECTION OF EXISTING AND THE REPLANTING OF NEW TREES THROUGHOUT THE TOWN AND VILLAGE

Trees are the most visible part of a healthy ecosystem. Standing in the shade of a large maple or picnicking in a grove of pines, it is easy to understand the value of a tree. But a personal respite from the sun is only one of the many values that trees bring to the natural and built environment. Within Victor, tree protection and tree planting helps accomplish the following:

- > Stabilization of soil thereby preventing erosion and sedimentation;
- > Slowing of water flowing into man-made retention systems reducing building costs;
- > Reduction of stormwater runoff and the potential damage it may create;
- > Removal of pollutants from the air and water, and assistance in the generation of oxygen;
- > Sequestration of carbon – a potent greenhouse gas;
- > Creation of buffers and screens against visual and noise pollution;
- > Control of drainage and restoration of denuded soil subsequent to construction or grading;
- > Creation of habitat for birds and other wildlife;
- > Sustainable production of timber and other woodland products;
- > Creation of shade and shelter for people;
- > Protection and enhancement of property values; and,
- > Conservation and enhancement of the town’s aesthetic appearance.

For many of these services, the mechanics of trees in the town environment are simple to understand. Leaves, branches and trunks catch rainwater, some of which evaporates and some of which soaks into the ground reducing the amount that must be managed by expensive man-made management systems. Also, trees not only cool people and the homes they shade, but also the air shaded under their leaves. This air flows through the surrounding environment bringing down neighborhood temperatures.

How effective are trees at providing these services? In Atlanta, Georgia researchers measured a ten-degree temperature difference between a treeless airport and a nearby tree-planted neighborhood. In Denver, Colorado, trees cool the city enough to save \$4.5 million every year in energy costs. The city's urban forest also delivers stormwater management services equivalent to a \$21 million treatment facility while cleansing 870,000 tons of carbon and 2.2 million pounds of other air pollutants valued at \$5.3 million dollars. In Houston, tree benefits total about \$1.5 billion a year.

In Victor, tree protection and replanting can be achieved by enacting the following policies.

ESTABLISH A WOODLAND CONSERVATION ORDINANCE

The main purpose of a woodland conservation ordinance is to minimize the loss of Victor's forest resources during land development by making the identification and protection of forests, woodlands and other sensitive areas an integral part of the site planning process. Identification of priority areas prior to development makes their retention possible.

The woodland conservation ordinance, through a site plan approval process, should require the identification of such priority areas and demonstrate efforts to protect those areas. Protection of trees should be the default position of any plan – removal of trees should occur only if an applicant can demonstrate to the planning board that the plan cannot reasonably be altered to offer protection.

The ordinance should list those areas of primary interest for protection including:

- > Areas adjacent to streams and wetlands;
- > Trees on steep, erodible soils;
- > Within or adjacent to large contiguous blocks of forest or wildlife corridors;
- > Hydrologically sensitive areas;
- > Critical habitats or adjacent to critical habitats;
- > Buffer areas between non-compatible land uses; and,
- > Other woodland areas that because of their size, location, species composition, or quality are deemed by the planning board or conservation board as being worthy of permanent conservation.

In addition, trees should be prioritized for protection if they are:

- > Part of or adjacent to a historic site;
- > Associated with an historic structure;
- > Designated as a national, state, county, or municipal champion tree; or,
- > Specimen trees.

Trees that are removed must be replanted on a one-to-one basis. It is preferable that trees be replanted at the site of the development. However, the planning board may approve tree replanting in other parts of the town or village instead.

Replacement trees must be non-invasive and native to the Victor area. In the ordinance, replacement trees should be required to be of a specified minimum caliper size typical of those available from commercial landscaping companies and a minimum of five feet in height. Replacement trees that die within two years should be replaced.

REQUIRE COMMERCIAL TIMBER HARVESTING COMPLY WITH BEST MANAGEMENT PRACTICES.

Timbering is an important component of Victor's agricultural economy – and it is hoped that, like other farming efforts, this one too will continue to grow.

In the interests of environmental and economic sustainability, all commercial logging or timber harvesting should comply with the most recent versions of Timber Harvesting Guidelines for New York and Best Management Practices, as promulgated by the New York State Department of Environmental Conservation (NYS DEC). In addition, commercial logging and timber harvesting should require advance notification to the Town and an approval from the Town Planning Board. The Planning Board should ensure that road access, stream crossings, log landings, curb cuts, and timber harvesting practices are conducted in a manner that minimizes erosion and sedimentation, maximizes wildlife habitats, protects stream corridor vegetation, and prevents traffic safety issues.

Land on which commercial logging takes place should not be eligible for building development for a period of five years.

Selective cutting is necessary to provide opportunities for high value harvesting while still preserving forest stands and woodlots. Clearcutting should not be permitted and harvesting within 100 feet of a stream bank or wetland should be carefully planned.

IMPLEMENT TREE PROTECTION BUILDING ENVELOPE RULES FOR CONSTRUCTION SITES.

In order to accommodate staging, access, and materials on a construction site, the area that is cleared is often significantly larger than the project itself. If not carefully planned and maintained, construction sites can be the cause of significant erosion, sedimentation, and the loss of vegetation, habitat, and special features.

Retaining natural areas—including vegetation, trees, and topography—to the highest degree practical during construction will help maintain habitat and biodiversity, as well as overall natural character. When construction occurs on the site, protection of open space and sensitive areas through the use of strict boundaries reduces damage to the site ecology, resulting in preservation of wildlife corridors and habitat. In addition, in many cases, trees and vegetation raised off site are costly to purchase and may not survive transplanting.

Currently, Section §211-31 (F) of the Town of Victor zoning code addresses construction activities. While this is an important first step, Victor should adopt building envelope standards for construction sites akin to regulations set forth in LEED (Leadership in Energy and Environmental Design) for New Construction. These standards delineate specific areas in which construction activity may take place.

On greenfield sites (sites that are to be newly developed), limit all site disturbance to 40 feet beyond the building perimeter; 10 feet beyond surface walkways, patios, surface parking and utilities less than 12 inches in diameter; 15 feet beyond primary roadway curbs and main utility branch trenches; and 25 feet beyond constructed areas with permeable surfaces (such as pervious paving areas, stormwater detention facilities and playing fields) that require additional staging areas in order to limit compaction in the constructed area. On previously developed or graded sites, restore or protect a minimum of 50% of the site area (excluding the building footprint) with native or adapted vegetation.²³ Preservation or development of native meadows and successional forests should be promoted.

UNDERTAKE AN AGGRESSIVE REGREENING PROGRAM THROUGHOUT THE TOWN AND VILLAGE.

Even in developed parts of town, there are many opportunities for the planting of trees. The village and town should aggressively find places, such as along roadways and in public parking areas, that tree planting should occur. As repaving and other maintenance projects are undertaken on any town or village owned property, the goal should be to add more trees to the project site than were there when it started. The municipal government in this, as in many other areas, can set an example for the private sector.

It is important to look at ways to turn “gray” areas, such as parking lots, as green as possible. Trees can play an important role in cooling large stretches of asphalt – lowering cooling costs, managing stormwater and increasing aesthetic quality. Ordinances should include a requirement that all private parking lots seek to achieve a standard, described in LEED 2.0 rating system, of planting enough trees in the correct place to shade 30 percent of the parking lot in five years.

Existing neighborhoods, even very dense ones, can benefit the same way. Trees can provide cooling to homes and automobiles, backyards and sidewalks. In addition, trees raise the value of property benefiting homeowners and the municipality. The Town, working with local plant supply houses, Cornell Cooperative Extension, and local organizations, will educate developers and residents about and provide lists of recommended trees and native plantings appropriate to the Victor ecosystem, as well as invasive species to be removed and avoided.

²³ LEED NC Version 2.2, Credit 5.1. www.usgbc.com

STRATEGY 8. ENCOURAGE USE OF NATIVE PLANTS AND REMOVAL OF INVASIVE SPECIES IN ALL LANDSCAPE PROJECTS

In many communities, including Victor, native plants have disappeared or are being pushed out in favor of lawns and gardens of non-native species. Non-native landscapes incur large costs to the ecosystems; these high maintenance systems require large amounts of pesticides, fertilizers and water.

Native plants are suited to a particular region – adapted to local climate, geography and animal populations – and therefore require less water or added nutrients to survive. Over the long-term they would be less expensive to maintain. Native plants also provide habitat and food for animals, including birds and butterflies.

The Victor Conservation Board should continue its efforts to develop a list, making use of its own data as well as taking advantage of data generated by other agencies, of preferred plants that achieve ecological and aesthetic goals for the town – new projects as well as existing homes and other buildings. The Conservation Board should determine whether the Native Plant Manual recently completed by the Conservation Board and included within the Design and Construction Standards will be sufficient for this purpose. The information sheet should not only list native plants and their uses, but also describe the economic and environmental benefits of native landscapes. It could, over time, be expanded to help homeowners and other property owners with landscape design tips.

The Native Plant Information sheet should be distributed as part of materials for developers seeking to undertake projects in the town or village. In addition, the material could be reproduced regularly in the town newsletter, posted on the town website, and possibly sent home to families via the school system.

The policy should include prohibition of use of invasive exotic plants such as those listed by the NYS DEC as well as those listed by the North East Exotic Pest Plant Council. The Native Plant Information sheet could also be supplemented with information regarding listed invasive exotic plants.

GOAL H. PRESERVE IMPORTANT CULTURAL RESOURCES AND IMPROVE THE BASIS NOW AVAILABLE FOR INITIATIVES AND INFORMED DECISION-MAKING RELATIVE TO PRESERVATION OF HISTORIC BUILDINGS, STRUCTURES, OBJECTS AND SITES.

STRATEGY 9. DEVELOP AN INVENTORY OF CULTURAL RESOURCES TO IDENTIFY PRIORITY HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL AND OTHER CULTURAL RESOURCES FOR PRESERVATION; INCORPORATE CODE PROVISIONS ENSURING THAT DEVELOPMENT PROPOSALS AFFECTING THESE RESOURCES ARE REQUIRED TO BE COMPATIBLE WITH PRESERVATION OF THEIR QUALITY AND INTEGRITY.

With respect to historic, architectural and archaeological resources throughout the community, the Town and Village should conduct and maintain an inventory²⁴ to identify priority historic resources for preservation. This information would be useful to boards reviewing development proposals and would provide them a basis for informed decision making relative to historic cultural resources. This is analogous to the manner in which such boards already rely upon a Natural Resources Inventory in their decision-making.

The information provided in an inventory of historic cultural resources would also be used to identify and evaluate preservation measures that could include landowner incentives for historic conservation and state preservation easements. This information should also be used to develop code provisions, guidelines and site-specific proposals.

All proposed actions within proximity of the boundary of an historic, architectural, archaeological or other cultural resource that would be incompatible with the objective of preserving the quality and integrity of the resource and its surroundings should be carefully considered. Incompatible proposals should be modified or, if necessary, disapproved. Compatibility between a proposed action and the preservation objectives will require that the general appearance of the resource be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed action to the maximum extent practical. In addition:

- > An addition to a building, structure, or site that is a recognized historic, cultural, or archaeological resource should be compatible with the resource;
- > Demolition (including the demolition by neglect of abandoned structures) or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource should only be undertaken if restoration or preservation is determined to be impractical; and,
- > Features which are integral to the historic landscape, such as stone walls, barns and outbuildings, should be maintained and integrated with new development to the maximum extent practical.

²⁴ The first step in developing an inventory could consist of a reconnaissance level historic resources survey. The survey could be followed later by a more in depth study. A historic resources survey is the principal tool for identifying historic properties and placing them in the local, state and/or national historic context. A survey provides the means by which we identify and document historic resources and evaluate their significance.

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. Add sustainable design and siting standards to the zoning and subdivision rules (also see Strategy 2 which follows). | Ensure this is a task of the committee or consultant revising the zoning code | Town and village boards | Short-term |
| 2. Amend site plan, subdivision and planned zoning district review standards and criteria to strengthen review and mitigation related to green infrastructure. | Ensure this is a task of the committee or consultant revising the zoning code | Town and village boards | Immediate |
| 3. Establish a formal Green Infrastructure Planning and Review process to accompany present land use reviews | Refine and implement the process as a required part of land use review. | Town Board, Planning Board, Conservation Board | Immediate |
| 4. Lead by example – Train municipal staff in environmental | Establish an effective training program for municipal employees. | Town and Village boards | Immediate and Ongoing |

| Strategy | Action Required | Responsible Party | Time-frame |
|--|--|---------------------------------|--|
| stewardship, conservation and care for sensitive resources. | | | |
| 5. Provide incentives in the form of density bonuses to protect and enhance green infrastructure. | Ensure this is a task of the committee or consultant revising the zoning code | Town and village boards | Short-term |
| 6. Establish stream corridor standards to protect green infrastructure links within the community. | Ensure this is a task of the committee or consultant revising the zoning code | Town and village boards | Short-term |
| 7. Encourage the protection of existing and the replanting of new trees throughout the town and village. | Draft and adopt ordinances as necessary, establish educational programs, budget funds for | Town Board, Conservation Board, | Mid-term for zoning; ongoing for education |
| 8. Encourage use of native plants and removal of invasive species in all landscape projects. | Development educational program for town and village residents | Victor Conservation Board | Mid-term |
| 9. Develop an inventory of cultural resources to identify priority historical, architectural, archaeological and other cultural resources for preservation; Incorporate code provisions ensuring that development proposals affecting these resources are required to be compatible with | Select and contract consultant to complete inventory; Draft and adopt ordinances as necessary, | Town Board, Town Historian | Immediate |

| Strategy | Action Required | Responsible Party | Time-frame |
|--|------------------------|--------------------------|-------------------|
| preservation of their quality and integrity. | | | |
