

V. TOWN OF WARSAW

Documents Reviewed

- **Community Objectives, Goals, and Policies for Land Use Growth, 1986 (referred to as the Comprehensive Plan)**
- **Zoning Law, adopted 1998**
- **Land Subdivision Regulations, 1988**

Comprehensive Plan

General

G/FLRPC strongly recommends that the existing Comprehensive Plan (entitled Community Objectives, Goals, and Policies for Land Use Growth), adopted in 1986, be thoroughly revised, updated and expanded. Any revision should include and emphasize citizen input through surveys, meetings, and workshops. By most standards, the twenty years since the plan's adoption is too long a time period without an update. In addition, the existing plan is very basic, only eight pages long, and lacks any documentation of community input. Finally, technological advances since 1986 have allowed maps and graphics to be easily produced and inserted into narrative documents, adding significantly to the document's clarity and value. Images, maps, and graphics are especially beneficial in comprehensive planning documents.

The plan is divided into sections:

- Overall Community Objectives
- Goal: Agricultural development is important and should be protected in Wyoming County
- Goal: Retain Appropriate areas of the Town for agriculture
- Goal: Encourage the development of residential neighborhoods which serve all income groups and support the concept of maintaining the Village as the community center
- Goal: Maintain a continuing program directed toward preservation of all residential areas and elimination of blight or deterioration whether present or future
- Goal: Encourage the development and maintenance of commercial facilities needed to serve the projected population of both the Town and the Village in an efficient and accessible manner
- Strengthen and protect existing industrial areas in the Town and Village of Warsaw; encourage new industrial development which would not compromise the community's basic character
- Goal: Provide an adequate circulation system for land uses which is in scale with the demand
- Protect important environmental resources from the adverse effects of development
- Goal: Provide high-quality community facilities and services at an acceptable cost to local taxpayers

All of these goals, and their corresponding policies, are good general statements. However, as with many comprehensive planning documents, the goals and policies are overly general. That is, they are so vague as to be difficult to implement. A recommendation for any revised comprehensive planning document would be to include an implementation matrix showing how each policy will be addressed, and by whom, and with an estimated time frame and cost.

Other recommendations to consider for inclusion in a revised and expanded comprehensive plan:

1. A description and map of the Town's soil types and how these types are suitable or unsuitable for development, on-site wastewater treatment systems, farming, etc.
2. A section termed "Water Resources" (or similar) and include a paragraph or two discussing the streams and creeks in the town and the various watershed areas, in addition to flood zones. It is beneficial to remind readers and policy-makers that streams are great assets and resources that need protection and are not simply "flood hazards" that must be dealt with.
3. The previous recommendation notwithstanding, the Town's flood damage prevention law should be specifically referenced, not just merely mentioned. Including a map of the Town's flood plains (both by themselves and overlaid on a zoning map) in the comprehensive plan would be a helpful detail.
4. The revised comprehensive plan might recommend the creation of a new zoning district that just includes flood plain areas and using the permitted use regulations of this new district to limit the amount and type of development that can occur in the floodplains.
5. Alternatively, the revised comprehensive plan might recommend the creation of an overlay zoning district for floodplains, wetlands, and steep slopes. The existing zoning law does have an overlay district for floodplains, but expanding this overlay district would enhance the level of environmental protection. Since an expanded overlay district would address several environmentally sensitive areas, such it would be known as an "Environmental Protection Overlay District" or EPOD. An overlay district allows all current zoning regulations of the underlying districts to remain in place but puts an extra level of scrutiny on development in these sensitive areas (for example, single family homes are not generally subject to site plan review, but perhaps in an EPOD, *all* construction would be subject to site plan review). A description and map of the Town's wetlands, floodplains, and steep slopes and how these might affect development would be a helpful detail.
6. Include a policy statement in this section that reads something to the effect of: "The Town of Warsaw recognizes that water quality is best addressed at the watershed level; what occurs in the Town of Warsaw has the potential to impact its downstream neighbors and similarly, what occurs in upstream municipalities has the potential to impact Warsaw. It is the policy of the Town to actively participate in watershed-wide and regional

organizations that address water quality. These can include, but are not limited to the Oatka Creek Watershed Committee.

7. Include language in the comprehensive plan that help readers and policy-makers understand cumulative effects. A single home built or site developed is not going to greatly alter the character of the community, but collectively, over time, these changes to the landscape accumulate and *do* alter the character of the community.
8. Also, it is noted that existing Town zoning allow lots as small as 30,000 square feet in Rural Residential Districts. To a large degree, lot size in areas not served by public water and sewer is dictated by New York State Health Law, Appendix 75A, which lists the standards for wells and on-site wastewater systems. Even on good soil, it is generally very difficult to achieve the necessary separation between the well and the septic system (using standard technology) on less than one acre (43,560 square feet). On less than ideal soils, much more than an acre may be necessary. It may be helpful for the revised comprehensive plan to consider rural lot sizes and include a reference the New York State Health Law governing this issue.
9. It should be noted that lack of public water and sewer does not necessarily prohibit clustered site plans. There are techniques for clustered development that use private onsite wastewater systems and wells (see publications by Randall Arendt such as *Rural by Design* and by the Cattaraugus County Department of Planning). In addition, the Hamlet of Springwater, Livingston County, recently completed an innovative “public” septic system that addresses the sewage disposal concerns of an historic and relatively densely developed hamlet area without the expense of a full sewage treatment system. By allowing or encouraging clustered development and additions to established hamlets, the Town may help preserve farmland and its rural landscape character by preventing development to spread out in a linear fashion fronting on existing roads.

Zoning

Overall the zoning is well ordered, clear, and easy to use.

Recommendations to consider for the Zoning Ordinance:

1. The inclusion of a map showing the zoning districts would be extremely helpful when reading the document. Even if it is an “unofficial” map, or an insert in the back that can be changed when district boundaries change, having this visual aid is strongly recommended.
2. The Town needs to carefully consider the differences between its Agricultural Zoning District Regulations and its Rural Residential District Regulations. They are very similar, and both allow single family homes as a permitted use. It has been noted that many communities call districts “Agricultural Districts” but the regulations are actually, and inadvertently, encouraging single family home development. If the Town truly wishes to

preserve its prime farmland, and thus limit single family home development in these areas, it needs to consider how to do this using zoning. Regional examples such as the Town of Seneca in Ontario County and the Town of LeRoy in Genesee County are utilizing “zoning allocation techniques” to discourage single family home and frontage development in prime farmland, while preserving the ability of the agricultural landowner to develop portions of his or her property.

3. The inclusion of graphics illustrating yard setbacks and other dimensional regulations are a great technique to help readers understand regulatory concepts.
4. As noted in the review of the Comprehensive Plan, there are two recommendations for the Comprehensive Plan related to zoning (items 4 and 5 in the previous section). Therefore, depending on the schedule and outcome of any Comprehensive Plan revision, the Town may want to consider these zoning changes:
 - a. The creation of a new zoning district that just includes flood plain areas and using the ‘permitted use regulations’ of this new district to limit the amount and type of development that can occur in the floodplains.
 - b. The creation of an overlay zoning district for floodplains, wetlands, and steep slopes. The current zoning has an overlay district for floodplains, but expanding this would enhance the level of environmental protection. Since it addresses several environmentally sensitive areas, such an overlay district is known as an “Environmental Protection Overlay District” or EPOD. An overlay district allows all current zoning regulations of the underlying districts to remain in place but puts an extra level of scrutiny on development in these sensitive areas (for example, single family homes are not generally subject to site plan review, but perhaps in these areas, *all* construction would be subject to site plan review). A description and map of the Town’s wetlands, floodplains, and steep slopes and how these might affect development would be a helpful detail.
5. Clearer reference to Schedule I (dimensional requirements) in the text of the Zoning Districts (Article IX).
6. Consider using setback regulations to protect water bodies. This innovative, yet simple, technique has been used by some towns to protect their waterways. In addition to the front, side, and rear setback requirements already established, the zoning language would include a setback (50 feet, for example) from the centerline of all streams appearing on USGS maps. This requirement helps keep construction and development out of areas adjacent to streams.
7. Strongly recommend that the Town re-consider its parking regulations (Article X, Section 1000, and Schedule II). Surface parking lots create a large amount of impervious surface, which exacerbates stormwater runoff problems. Not only does the volume of water quickly running off the surface of the parking lot create problems, but the greater the

surface area, the greater the amount of nonpoint source pollutants entering the drainage system. The Town of Warsaw appears to have excessive requirements for parking. To use one example, a 15,000 square foot retail building (the approximate size of many chain drugstores) would require 100 parking spaces (1 per 150 square feet of gross floor area). If that same store were built in other communities in the Genesee-Finger Lakes Region, some of which have much different parking requirements, it would require as few as 30 parking spaces (2 per 1000 square feet of gross floor area).

Land Subdivision Regulations

Overall, the Land Subdivision Regulations are fair. Inclusion of a Table of Contents is a basic recommendation. Also, the Regulations are 18 years old, so it is strongly recommended the Town of Warsaw update this law. If the comprehensive plan is updated in the near future, then that should occur before updating the Subdivision Regulations. Changes to the Subdivision Regulations should be based on the goals and objectives of the revised Comprehensive Plan.

Other recommendations to consider for the Subdivision Ordinance:

1. Article IV, Section 3, Street Design, Subsection I (Page 21). This paragraph refers to standards for cul-de-sac streets. G/FLRPC recommends adding the following wording to letter "I"

All cul-de-sac turn arounds shall have an open, unpaved, vegetated, and landscaped center island in order to improve the aesthetics of the streetscape and reduce the amount of impervious surface.

2. Article IV, Section 6, Drainage Improvements, Subsections B and C (Page 23). This subsection should be reworded to reflect prevailing attitudes regarding runoff. Conceptually, the language needs to move away from the requirement of simply placing a big enough pipe to handle all upstream runoff. Present stormwater guidelines and regulations place great emphasis on retaining water on-site as much as possible, to infiltrate back into the ground through the use of retention and detention ponds, rain gardens, wet meadows, etc.

The Town should consider changing the title and language in Subsections B and C to something similar to:

B. Drainage

In accordance with the State Pollution Discharge Elimination System (SPDES) Phase II Stormwater Permit as administered by the New York State Department of Environmental Conservation, the subdivider shall ensure that no net increase in runoff occur from the proposed subdivision. Runoff and stormwater shall be accommodated on-site through the use of retention and detention facilities and other techniques specified in the *New York Standards and Specifications for Erosion and Sediment*

Control (or its successors). All drainage facilities shall be designed in conformance with the *New York Standards and Specifications for Erosion and Sediment Control* (or its successors).

C. Compliance with Stormwater Regulations

All permitting and design documentation necessary to comply with the State Pollution Discharge Elimination System (SPDES) Phase II Stormwater Permit as administered by the New York State Department of Environmental Conservation, including but not limited to a Stormwater Pollution Prevention Plan (SWPPP) shall be provided with the Preliminary Plat.

3. Article IV, Section 7, Parks, Open Spaces, and Natural Features, Subsection E (Page 25). The Town may wish to review its suggested list of appropriate trees. The Town should confirm with the Wyoming County Soil and Water Conservation District and/or the Wyoming County Cornell Cooperative Extension that the trees listed are non-invasive and appropriate for use as street trees. Native species should be encouraged.
4. Article V, Section 3, Subsection A, Paragraphs 9 and 10 (Page 28). In order to update the language to reflect the current Stormwater Phase II requirements, it is recommend the Town make the following changes to paragraphs 9 and 10:
 9. The approximate location and size of any proposed water lines, valves, hydrants and sewer lines, stormwater lines or conveyances (including ditches), and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law or Environmental Conservation Law. Profiles of all proposed water, sanitary sewer, and storm sewer lines.
 10. All permitting and design documentation necessary to comply with the State Pollution Discharge Elimination System (SPDES) Phase II Stormwater Permit as administered by the New York State Department of Environmental Conservation (NYSDEC), including but not limited to a Stormwater Pollution Prevention Plan (SWPPP) that conforms to the requirements of the NYSDEC.

Other Laws to Consider

The following are laws that the Town of Warsaw may wish to consider adopting to help address water quality issues:

- Erosion and Sediment Control Law
- On-site Wastewater System Inspection Law
- Timber Harvesting Law