

TOWN OF WAYNE • STEUBEN COUNTY

LOCAL LAWS REVIEWED:

- Town of Wayne Comprehensive Development Plan (**date unknown**)
- Local Law no. 1, 2004. Town of Wayne Land Use Regulations.
- Local Law No. 2, 2005. Subdivision Regulations, Town of Wayne, NY.
- Local Law No. 5, 2005. Condominium Conversion.
- Local Law No. 3, 2006. Wastewater Management for the Lamoka-Waneta Lakes’ Protection and Rehabilitation District properties.
- Local Law No. 4, 2006. Wastewater management Relations for the Town of Wayne

TOWN OF WAYNE LOCAL LAND USE ASSESSMENT			
Issues to Consider	Law Citation	Summary	
Adult Entertainment Uses			
Aesthetic and Scenic Resources	L.L. No. 1-2004 Land Use Regulations, District Regulations, § 6.1.1(2) c) Residential (R-1) District.	Creates a zoning district intended “to encourage the preservation of waterfront natural resources and scenic values.” Permitted uses are found in section 6.2. Allowable Uses.	
	L.L. No. 1-2004 Land Use Regulations, District Regulations, § 6.1.1(2) f) Land Conservation (LC) District.	Creates a zoning district intended “to identify areas wherein substantial development may result in public safety or heal problems, and/or ecological damage . . . to encourage protection of . . . scenic features. . .” Permitted uses are found in section 6.2. Allowable Uses.	
	L.L. No. 2-2005 Subdivision Regulations, § 4.15. Corridors and Scenic Viewsheds.	All subdivisions shall attempt to preserve scenic visual corridors.	
	Comprehensive Plan, Introduction, § I (F). Planning Goals.	One of the goals of the town is “to protect the scenic values and natural beauty of the town.” No specific recommendations.	
Affordable Housing			

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Agricultural Practices	L.L. No. 1-2004 Land Use Regulations, District Regulations, § 7.8.1 Farm Animals	In R1, R2 and LC housing of harm animals is not allowed. Furthermore, housing for farm animals, animal feeding equipment or structures therefore, and outdoor storage of odor or dust producing materials, shall be placed not less than two hundred feet from an existing dwelling on another lot, except by Special Permit.	
Alternative Energy			
Brownfields			
Critical Habitat and Species Protection	L.L. No. 1-2004 Land Use Regulations, District Regulations, § 6.1.1(2) f) Land Conservation (LC) District.	Creates a zoning district “to identify areas wherein substantial development may result in public safety or heal problems, and/or ecological damage . . . to encourage protection of . . . plant and wildlife resources . . .” Permitted uses are found in section 6.2. Allowable Uses.	
	L.L. No. 2-2005 Subdivision Regulations, General Policy for Subdivision Design and Review § 1.5(B) Natural and historic features shall be preserved.	Within a subdivision, “insofar as possible, all existing features of the landscape such as large trees, rock outcrops, unusual glacial formations, water and flood courses . . . and other such irreplaceable assets should be preserved.”	
	L.L. No. 2-2005 Subdivision Regulations, § 4.13. Significant Natural Areas and Features.	“Subdivision applicants shall take all reasonable measures to protect significant natural areas and features . . .”	
Commercial Dog Breeding Operations			
Commercial Wind Energy			
Docking and Mooring	L.L. No. 5-2006 Keuka Lake Uniform Docking and Mooring Law.	Regulates “lakeshore docks, moorings and other structures in or on the waters of Keuka Lake” including regulating placement and configuration of mooring and berthing facilities and dock configuration. Additional requirements are based on the use of each lakefront property.	
Driveways	L.L. No. 1-2004 Land Use Regulations, Access, §7.4.2. Driveways.	A permit is required “to establish an entrance to a County, State, or Town road.” Sets for design standards and classification for driveways.	

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	L.L. No. 2-2005 Subdivision Regulations, § 4.9. Driveway Standards.	Sets design standards for driveways as well as requiring permission from the Town Highway Superintendent for any driveway alteration or addition.	
	L.L. No. 1-2004 Land Use Regulations, § 7.3.6. Protection of Roads, Walkways and Related Rights-of-Way in the Town of Wayne.	“Any . . . activity adjacent to the road right-of-way . . . shall be supplemented with highway use and protection plan . . .”	
Erosion and Sediment Control	L.L. No. 1-2004 Land Use Regulations, Protection of Natural Resources, § 7.3.5. Grading and Erosion Control.	Sets forth criteria for where a erosion control plan is required. Erosion control measures shall be to the standards recommended by the District Conservationist, Steuben County Soil and Water Conservation District. The plan will state which measures are to be utilized and identify the maintenance practices to ensure proper function of the control measures.	
	L.L. No. 2-2005 Subdivision Regulations, Procedure for a Minor Subdivision § 3.3.2(J) Stormwater Drainage and Erosion and Sediment Control.	Requires a stormwater drainage and erosion control plan for all types of subdivisions.	
	L.L. No. 2-2005 Subdivision Regulations, Procedure for a Major Subdivision § § 3.4.8(A) 2 & 3. Stormwater drainage plans.		
	L.L. No. 2-2005 Subdivision Regulations, Drainage Systems and Erosion Control § 4.5.4. Erosion and Sediment Control.	During development certain erosion control practices shall be followed including: exposing the smallest practical are of land at any one time; using temporary vegetation and/or mulching to protect critical areas; off-site impacts shall not be substantially greater during and following development; the development plan shall be consistent with the natural characteristics so as to minimize erosion potential; existing vegetation shall be retained and protected; permanent vegetation shall be established as soon as possible; erosion and sediment control measures shall be installed as soon as practical.	
Farmland Preservation	Steuben County, New York Agricultural Expansion and Development Plan	Sets forth general policies and goals for the preservation and enhancement of farmland within Yates County	
	L.L. No. 1-2004 Land Use Regulations, District Regulations, § 6.1.1(2) a) The Agricultural- Residential (AG-R)District	Creates a zoning district intended to “encourage agricultural uses.” Permitted uses are found in section 6.2. Allowable Uses.	

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	Comprehensive Plan, Introduction, § I (F). Planning Goals.	One of the goals of the town is “to encourage the preservation of prime agricultural lands . . .” No specific recommendations.	
Filling and Grading	L.L. No. 1-2004 Land Use Regulations, Protection of Natural Resources, § 7.3.5. Grading and Erosion Control.	Sets forth criteria for where a grading plan is required. The plan shall minimize foreseeable problems arising from storm water run-off and soil erosion.	
Flag Lots	L.L. No. 1-2004 Land Use Regulations, Protection of Natural Resources, § 7.3.3. Limited Use of the Lake Shores.	Requires at least 50 feet of shoreline for each family benefiting from a right of access agreement.	
Flood Prevention	L.L. No. 2-2005 Subdivision Regulations, General Policy for Subdivision Design and Review, § 1.5(E) 1. Unbuildable land.	“Floodplains as defined by the Federal Emergency Management Agency Flood Insurance Rate Maps” are considered unbuildable.	
	L.L. No. 2-2005 Subdivision Regulations, Drainage Systems and Erosion Control § 4.5.5. Flood Hazard Prevention.	Flood hazard prevention shall include the control of erosion of soil drainage channels. In areas with known flood hazards buildings, building openings, and roadways and utilities should be elevated. On-site wastewater treatment systems shall be located and designed to avoid impairment to them or contamination from them.	
Flood Plain Management	Flood Damage Prevention, Town of Wayne Local Law No. 1 of 1987		<i>This law not on file with G/FLRPC but it was referenced within other regulations that were reviewed.</i>
Forest Management			
Green Infrastructure	Subdivision Regulations, § 4.16. Trails.	Sets rules and requirements for creating trails within a subdivision and connecting them to existing trails in the town.	
Growth Management			
Harbor Management			

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Historic Preservation	L.L. No. 2-2005 Subdivision Regulations, General Policy for Subdivision Design and Review § 1.5(B) Natural and historic features shall be preserved.	“Insofar as possible . . . historic sites and other such irreplaceable assets should be preserved.”	
	L.L. No. 2-2005 Subdivision Regulations, § 4.14. Historic Structures and Sites.	Subdivision plans shall protect existing historic resources. The Planning Board may require plan review by the Town Historical Society.	
Impervious Surfaces	L.L. No. 1-2004 Land Use Regulations, Access, § 7.4.3. Off-Road Parking.	Sets design criteria for parking spaces including a schedule of minimum number of required spaces base on use.	Note: this section should not be construed as a Best Management Practice. Such regulations may, in fact, result in excessive parking and unnecessary impervious surface area.
Intermunicipal Cooperation	Keuka Watershed Improvement Cooperative (KWIC) of 1993	As stated within the law, the purpose of the KWIC is to protect and improve the purity of waters in the Keuka Lake watershed by certain named activities, including: uniform management of septic systems; management of other additional threats to Keuka Lake; drafting of model ordinances; and meeting Part 157.1 of Title 10 of the New York Code of Rules and Regulations, as promulgated by the Dept. of Health under authority of section 1100 of the Public Health Law.	
	Keuka Lake Uniform Dockings and Moorings Law	Represents a cooperative agreement of the Villages and Towns surrounding Keuka Lake regarding docking and mooring on the Keuka lakefront.	
Junkyards	L.L. No. 1-2004 Land Use Regulations, Stored Vehicles, § 7.7.2. Automobile Junkyards.	In addition to § 136 of NYS General Municipal Law the following govern junkyards within the town: burning of vehicles or rubbish is prohibited and if determined to be a public nuisance, the Town Board may revoke or deny renewal of a junkyard operator’s permit.	
Lake Access			
Mining	L.L. No. 1-2004 Land Use Regulations, Miscellaneous Use Regulations, § 7.8.3. Excavation Operations.	Creates regulations for excavations, including minimum set-backs, fencing and barriers, operation/maintenance of equipment, requirements for restoration.	
Mobile Homes & Mobile Home Parks	L.L. No. 1-2004 Land Use Regulations, Miscellaneous Use Regulations, § 7.8.8. Manufactured Homes.	Designates placement and design standards for manufactured homes based on state and federal rules.	

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	L.L. No. 1-2004 Land Use Regulations, Miscellaneous Use Regulations, § 7.8.9. Manufactured Home Parks.	Creates regulations governing the size, density, landscaping/screening, roads, home placement, parking and accessory structures of manufactured home parks.	
	Comprehensive Plan, Housing, Housing Trends § IV (A) 2. Year-Round Mobile Homes, page 21.	Mentions mobile homes, no specific recommendations.	
Nonpoint Source Pollution	L.L. No. 3-2006 Wastewater Management for the Lamoka-Waneta Lakes' Protection and Rehabilitation District	[see description below]	
Onsite Wastewater	Keuka Watershed Improvement Cooperative (KWIC) of 1993	As stated within the law, the purpose of the KWIC is to protect and improve the purity of waters in the Keuka Lake watershed by certain named activities, including: uniform management of septic systems...	
	L.L. No. 3-2006 Wastewater Management for the Lamoka-Waneta Lakes' Protection and Rehabilitation District	Creates additional regulations of wastewater facilities by setting design standards and providing for regular inspections of these systems, for properties proximate to Lamoka-Waneta Lakes. Creates several regulations for the disposal of wastewater including, but not limited to: rules and regulations for the disposal of human excreta; standards for wastewater systems for new construction; standards for replacement wastewater systems; inspections and surveys; holding tanks; and aerobic tanks. Establishes water quality protection zones: Zone B or the "critical water protection zone" includes all lands within 200 feet of a lake and/or watercourse. All other lands within the town are considered Zone C. Systems in Zone B are required to have an inspection every three to five years.	
Open Space Preservation	L.L. No. 1-2004 Land Use Regulations, District Regulations, § 6.1.1(2) a) The Agricultural-Residential (AG-R) District	Creates a zoning district intended to "preserve open space and natural resources." Permitted uses are found in section 6.2. Allowable Uses.	
	L.L. No. 1-2004 Land Use Regulations, District Regulations, § 6.1.1(2) f) Land Conservation (LC) District.	Creates a zoning district "to identify areas wherein substantial development may result in public safety or health problems, and/or ecological damage . . . to encourage protection of . . . plant and wildlife resources . . ." Permitted uses are found in section 6.2. Allowable Uses.	
	L.L. No. 2-2005 Subdivision Regulations, Procedure for a Major Subdivision, § 3.4.1. Cluster Development.	For a Cluster Development, a minimum of 50% of the buildable land must be permanently set aside as open space.	

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	Comprehensive Plan, Introduction, § I (F). Planning Goals.	One of the goals of the town is “to preserve open space and special terrain features.” No specific recommendations.	
Purchase of Development Rights			
Recreation	L.L. No. 2-2005 Subdivision Regulations, § 4.8. Neighborhood Parks and Playgrounds.	Creates park requirements for subdivisions including inclusion of potential recreation areas in the subdivision plot, minimum area requirements, responsibility for maintenance, and design guidelines and required improvements.	
	Comprehensive Plan, Municipal Facilities, Public Facilities, § VI (B) 1. Recreation, page 24 & Municipal Facilities, Planning Implications, § VI (C) 1. Recreation, page 26.	Mentions recreational facilities, no specific recommendations.	
Riparian Buffers			
Road Layout & Design	L.L. No. 2-2005 Subdivision Regulations, § 4.3. Road Design Guidelines	Provides some basic design standards for roads within subdivisions that include mention of intersections, dead-ends, widths and curve radii, and road improvements. Specific design standards are list in Table 4.3.5. Standards for Road Design.	
Road Ditching			
Senior Housing			
Sewer and Water Infrastructure	Comprehensive Plan, Municipal Facilities, Public Facilities, § VI (B) 2. Water Supply, page 25 & § VI (C) 3. Sanitary Sewer Disposal, page 25	Mentions lack of public water and sanitary sewer infrastructure, no specific recommendations.	
Sign Control	L.L. No. 1-2004 Land Use Regulations, § 7.6. Signs	Regulates size, type, placement and some content of signs within the Town.	
Sourcewater Protection (or wellhead protection)			

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Steep Slopes	L.L. No. 2-2005 Subdivision Regulations, General Policy for Subdivision Design and Review, § 1.5(E) 1. Unbuildable land.	Steep slopes 25% or greater are considered unbuildable.	
	L.L. No. 2-2005 Subdivision Regulations, § 4.10. Steep Slope Guidelines	Provide development guidelines for slopes 15% or greater. For example: landscaping and the appearance of manmade structures should complement the natural terrain; outstanding natural features should be retained; and making use of one-way streets where appropriate.	
Streambank Protection and Restoration	L.L. No. 2-2005 Subdivision Regulations, General Policy for Subdivision Design and Review, § 1.5(E) 1. Unbuildable land.	“Stream corridors (fifty [50] foot setback from each stream bank of any perennial or intermittent stream indicated in blue on the USGS topographic quadrangle map)” are considered unbuildable.	
	L.L. No. 2-2005 Subdivision Regulations, Drainage System and Erosion Control § 4.5.2. Stream Corridors.	All new buildings must be set back a minimum of fifty feet from the bank of any stream and woody vegetation along streams should be preserved or established whenever possible.	
Stormwater Management and Drainage			
Traditional Neighborhood Development			
Transfer of Development Rights			
Transit Supportive Development	L.L. No. 2-2005 Subdivision Regulations, Road Improvements § 4.4.2. Sidewalks.	Sidewalks may be required on both sides of all roads.	
Vegetation Retention	L.L. No. 1-2004 Land Use Regulations, Protection of Natural Resources, § 7.3.4. Protection of Ground Cover.	Changes in a development plan may be required so that “site preparation does not cause unnecessary loss of: 1) trees, shrubs or ground cover on slopes of sixty (60) percent or steeper, or within twenty-five (25) feet from the edge of a wetland . . . and, 2) trees with a trunk circumference of thirty-six (36) inches or greater . . .”	

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Issues to Consider	Law Citation	Summary	
	L.L. No. 2-2005 Subdivision Regulations, 4.12. Woodlands.	Identifies benefits of woodlands, as well as requiring an evaluation and reporting of all woodlands in a proposed subdivision. Also creates woodland preservation requirements.	
Waste Storage			
Watercourses, Permitted Uses of			
Waterfront Development and Management	L.L. No. 1-2004 Land Use Regulations, District Regulations, § 6.1.1(2) c) Residential (R-1) District.	Creates a zoning district intended “to provide for higher-density residential and water-related uses; and, to encourage the preservation of waterfront natural resources . . .” Permitted uses are found in section 6.2. Allowable Uses.	
	L.L. No. 1-2004 Land Use Regulations, Protection of Natural Resources, § 7.3.3. Limited Use of the Lake Shores.	Requires at least 50 feet of shoreline for each dwelling on a shorefront lot.	
	L.L. No. 1-2004 Land Use Regulations, Yards, § 7.5.4. Shoreline Setback.	In the R-1 district, any building except for a boat house, shall be set back at least 25 feet from the mean high waterline and shall have a site elevation of at least 721 feet on Keuka Lake, or 1,105 feet on Waneta Lake.	
Wells			
Wetlands	L.L. No. 2-2005 Subdivision Regulations, General Policy for Subdivision Design and Review, § 1.5(E) 1. Unbuildable land.	“Wetlands, including New York State designated wetlands, those regulated by the Army Corps of Engineers and those on the National Wetland Inventory” are considered unbuildable.	