

CHAPTER 3: CURRENT CONDITIONS

This chapter is organized into six sections that reflect the six key issues selected by the Working Committee for analysis in this Guide. Each section profiles the current condition of these topics in the Keuka Lake Watershed and includes commentary on the reasons why local governments should be concerned with these issues and work to address them in their municipal land use plans.

The available comprehensive plans of the participating municipalities were reviewed for background information for this chapter. The contents of these plans relating to the featured topics in each section are summarized in this report to provide a “snapshot” of how the Keuka Lake Watershed’s municipalities currently address them. Chapter 5 of this Guide will offer lists of recommendations that local boards and officials can consider when revising and updating their municipal comprehensive plans.

3.1: Steep Slopes

Construction activities on steep slopes have the potential to cause severe environmental degradation. Currently, while most of the comprehensive plans used by Keuka Lake Watershed municipalities acknowledge the potential dangers of building on steep slopes, most municipalities do not use local laws to regulate steep slope development.

Municipal regulation of development on steep slopes mitigates damage to the natural and human environment and ultimately protects the public health, safety, and general welfare. Effective regulation of steep slope areas allows the reasonable use of private property by encouraging flexible design of development in these areas.

A slope is simply the inclination of the earth’s surface. One of the common geological features of the Finger Lakes, especially toward the lakes’ southern ends, are steep slopes. All towns around Keuka Lake have significant areas of slopes over 25%. Historically, this challenging topography limited land uses on these slopes (if they were used at all) to agriculture and forestry. “Developed” areas were focused in small villages or hamlets located in the level valley floors. Recreational development in the Finger Lakes focused on small, seasonal cottages, usually lining the lake shores.

Currently, scenic and coastal areas across North America face the challenges of development and rising property values, and people seek other areas for vacation and retirement homes. This has led to the growth of tourism and recreational development throughout the Finger Lakes region. Rising land prices have led to development pressures on sites that previously would not have been considered due to their challenging topography. In addition, new homes are often much larger and built for year-round occupancy, in contrast to the historical pattern of housing development in the Finger Lakes.

These development pressures – larger, year-round homes located on challenging sites, with owners wealthy enough to utilize non-standard building and engineering practices – have led to concerns among citizens and elected leaders alike. Increased construction on challenging sites such as steep slopes can quicken the natural soil erosion and sedimentation processes. Erosion and sedimentation often include the loss of topsoil, which can result in the disturbance of habitats, the degradation of the quality of surface waters such as Keuka Lake, the alteration of drainage patterns, obstruction of drainage structures, and

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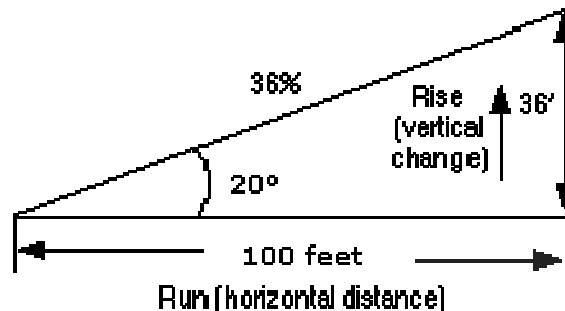
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intensification of flooding. Steep driveways can limit emergency access and exacerbate stormwater runoff on neighboring properties or public roads. Slopes with stony soils and shallow depth to bedrock limit the installation of septic systems. Generally, the best slopes for development are those with a slope percentage ranging between 0 and 8, have good natural drainage, and have deep soils.

Slope is often measured in *degrees* or in *percent rise*. A flat area has zero slope; the steeper the surface inclination, the higher the slope. Percent slope is defined as the change in elevation as measured over a 100-foot distance, sometimes called the *rise* over the *run*. For example, a one-foot vertical change (*rise*) over 100 feet of horizontal distance (*run*) is a 1% slope. A rise of 36 feet over a distance of 100 feet is a 36% slope. Generally, slopes greater than 15% are considered steep.

Measuring slope as a percentage and measuring slope in degrees can be confusing. These are very different numbers. For example, a 45 degree slope would be equivalent to a 100 percent slope. For comparison, the maximum slope one would find on a mountain highway would probably be 10 percent or less, which is about 5.8 degrees. Service roads and fire roads in the forest are commonly 15 percent or less, which would be 8.5 degrees. A change of 1 foot elevation for every 4 feet traveled, or a 25 percent slope would be a pretty steep slope, but would be 14 degrees.

The following drawing provides a visual explanation of the differences between calculating slopes with percentages and degrees:



When reviewing proposed development projects, local boards and officials can refer to the following break-down of slope percentages for guidance on how construction activities impact slopes:

- **0 % – 8 %** (*generally free of development limitations*)
- **9 % – 14 %** (*also generally free of development limitations, but may need to consider issues such as erosion, road and driveway grades, sewage disposal and septic tank location, storm water runoff, soil erosion, and increased construction costs*)
- **15 % – 25 %** (*development should be limited to minimize slope disturbances such as soil erosion, vegetative removal, and cut and fill operations*)
- **26 % and up** (*typically avoid development activities; serious environmental complications can arise*)

While there is no standardized nation-wide or state-wide breakdown of slope percentages for development, municipalities that do regulate steep slopes typically use the 15% slope as a convenient benchmark of where regulations are required. Some municipalities prohibit development on slopes of 25% or more.

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A review of municipal comprehensive plans in the towns around Keuka Lake indicates that these municipalities generally identify steep slopes as a scenic/environmental resource worthy of special consideration and protection:

- The Town of Jerusalem's Comprehensive Plan identifies steep slopes in the Town that should be protected from poorly considered development. Specific slopes identified for protection include: slopes on Bluff Point, hills adjacent to Route 54A between Penn Yan and Keuka Lake State Park, the hills along the sides of Guyanoga Valley, and the ravines leading to Keuka Lake and Guyanoga Valley. The Plan also recommends developing regulations to oversee development in steep slope areas⁸
- The Town of Milo's Comprehensive Plan, which is currently under revision, contains no commentary on steep slopes. However, the Plan recommends preserving some of the slopes overlooking Keuka and Seneca Lakes for grape growing.⁹
- The Town of Barrington's Comprehensive Plan recommends that the Town protect steep slopes overlooking Keuka Lake from poorly designed development, and also that the Town work to retain as many of the trees on these slopes as possible. A map showing steep slope areas is included as Map 6 in an appendix.¹⁰
- The Village of Penn Yan's Comprehensive Plan includes some good commentary on steep slopes, mainly on the dangers of building on slopes that are steep, rocky, or have shallow depth to bedrock. A map showing environmental features, including steep slopes, is included as Figure 2-8.¹¹
- The Town of Urbana/Village of Hammondsport Joint Comprehensive Plan includes commentary on steep slopes, including problems faced when building on them, and a table that breaks down slopes by percentage and what the concerns are when developing them.¹²
- The Town of Wayne's Comprehensive Plan does not include any extensive commentary on steep slope issues, but it does have a breakdown of slope percentages into three categories and includes broad suggestions as to what the best uses of land on those slopes are.¹³
- The Town of Pulteney's Comprehensive Plan does not include any commentary on steep slopes.

In general, municipalities interested in regulating development on steep slopes should include commentary in their comprehensive plans that explains the special development issues associated with steep slopes. Comprehensive plans should argue for the value of protecting these areas from poorly

⁸ Refer to *Town of Jerusalem 2006 Comprehensive Plan*, pages 25-26 and 35, for more information.

⁹ Refer to *Comprehensive Plan for the Town of Milo*, pages 2 and 8, for more information.

¹⁰ Refer to the April 4th, 2008 *DRAFT Comprehensive Plan of the Town of Barrington*, pages 42 and 43, for more information.

¹¹ Refer to *Village of Penn Yan Comprehensive Master Plan*, pages 2.3-2 and 2.3-3, and Figure 2-8, for more information.

¹² Refer to *Town of Urbana and Village of Hammondsport Joint Comprehensive Plan*, pages 2.6-5 and 2.6-6, for more information.

¹³ Refer to *Town of Wayne Comprehensive Development Plan*, page 3, for more information.

designed development through some means of local land use regulation. If possible, comprehensive plans should also include maps that identify the location of steep slopes throughout the municipality.

Local governments have many legal options to regulate development on steep slopes. Municipalities can enact a local Steep Slopes Law, which identifies the areas subject to special development requirements, explains what those requirements are, and explains how builders go about obtaining approval from the municipality to develop on steep slopes. These laws apply to all areas of the town, regardless of what the land use is. All development, including residential, commercial, industrial, and recreational, would be subject to the provisions of these laws *if* the development is located on steep slopes.

In addition, municipalities can include provisions in their subdivision laws – which regulate the creation of buildable lots – to reduce the impact of development on steep slopes. Subdivision laws can include provisions that require builders to exclude areas of steep slopes from the buildable area of a proposed lot, include grading plans as part of a subdivision plat when significant re-grading, cuts, fill, or soil and rock removal is proposed, and other miscellaneous measures aimed at steering construction activities away from slopes.

Local governments can use site plan review laws to protect steep slopes. Site plans show the arrangement, layout, and design of buildings and structures on a single parcel of land. A site plan review law can mandate that site plans prepared for parcels with steep slopes show those areas and, if development is proposed for the slopes, that certain safeguards are put in place during and after construction. For instance, site plans should show erosion and sediment control measures, the location of drainage structures, and how trees/vegetation will be used to help reduce erosion on steep slopes.

Municipalities can also consider forming one or more zoning overlay districts, encompassing all areas of the town covered by steep slopes, which would require builders to conform to special regulations to protect these slopes from damaging disturbances. Overlay districts are commonly used throughout the state to protect areas of unique environmental importance, including steep slopes. While a zoning overlay district does not prohibit development activities from occurring in a certain area, it does ensure that special attention is paid to reducing the environmental impact of construction projects in those areas. A potential difficulty associated with using an overlay district to protect steep slopes arises due to the fact that steep slope areas do not always conform to neat boundaries. This is very likely to make any special steep slope district boundary difficult to map and draw (and thereby difficult to enforce).

3.2: Working Agriculture Protection and Enhancement

Agriculture, broadly defined to include viticulture, is a central aspect of the Keuka Lake Watershed landscape and economy. Currently, all municipalities in the Watershed are facing pressure to allow new development on former agricultural land, such as farm fields, pastures, and vineyards. The basic issue in this case is how to balance community interest in the retention of agricultural land uses with landowner's interest, and sometimes need, to allow some development to occur on their land.

There are numerous benefits to retaining working agriculture in a community. Protecting farmland ensures that locally grown crops are readily available for local consumption, helps retain jobs in rural areas, reduces municipal tax burdens by reducing the need to build and maintain public infrastructure (roads, water and sewer lines, sidewalks, streetlights, etc.), provides habitats for area wildlife, and with

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sound soil management practices helps protect water resources such as Keuka Lake and local streams. Lastly, working agriculture significantly contributes to the Watershed's rural and scenic character. While the scenic beauty of farmland is not enough reason to protect it, farm fields, pastures, and vineyards are all defining aspects of the traditional Finger Lakes landscape so prized by residents and tourists alike.¹⁴ For all of the reasons listed above, local governments should be involved in protecting high quality farmlands from development.

Currently, all comprehensive plans in the Keuka Lake Watershed express support for the retention of working agriculture:

- The Town of Jerusalem's Comprehensive Plan discusses the value of state-designated agricultural districts and identifies a series of strategies and actions aimed at preserving working agricultural land, such as supporting and promoting local agricultural-based businesses; preserving contiguous parcels of farmland throughout the Town; using zoning and other land use regulations to protect farmland and minimize development impacts; and encouraging events, activities and enterprises that support the local farming community.¹⁵
- The Town of Milo's Comprehensive Plan, which is currently under revision, is very general when discussing agriculture: the document notes that agriculture should be retained throughout the Town and especially on the slopes overlooking Keuka and Seneca Lakes. Also, the Plan recommends that the best quality farmland be designated for agricultural use only through local laws.¹⁶
- The Town of Barrington's Comprehensive Plan recommends that the Town support working agriculture by following the Yates County Farm Viability and Neighbor Relation Policy and developing an Agriculture and Open Space Protection Plan. A map showing parcels within the Yates County Agricultural District is included as Map 5 in an appendix.¹⁷
- The Village of Penn Yan has only one parcel, in the north-east corner of the village, identified as agricultural use (this does not include small private gardens). This seven acres parcel includes only 0.5% of land in the Village. In short, agriculture preservation is not a major issue for the Village.¹⁸
- The Town of Urbana/Village of Hammondsport Joint Comprehensive Plan includes a detailed profile of the agricultural economy in the Town, a list of objectives related to agriculture protection, and a detailed "Agricultural Plan" that lists a series of specific actions the Town can implement to help protect agriculture. Overall, the Urbana Plan's commentary and information on agriculture protection and preservation is the strongest of all the Keuka Lake Watershed municipalities.¹⁹

¹⁴ For additional information on the benefits of farmland preservation, please consult the American Farmland Trust's *Guide to Local Planning for Agriculture in New York*, available from the New York State Department of Agriculture and Markets or the American Farmland Trust at www.farmland.org

¹⁵ Refer to *Town of Jerusalem 2006 Comprehensive Plan*, pages 29, 38-40, for more information.

¹⁶ Refer to *Comprehensive Plan for the Town of Milo*, pages 2, 7 and 8, for more information.

¹⁷ Refer to the April 4th, 2008 *DRAFT Comprehensive Plan of the Town of Barrington*, page 38, for more information.

¹⁸ Refer to *Village of Penn Yan Comprehensive Master Plan*, page 2.1.1-2, for more information.

¹⁹ Refer to *Town of Urbana and Village of Hammondsport Joint Comprehensive Plan*, pages 2.7-1 through 2.7-10, 3-3, and 4-51 through 5-55, for more information.

- The Town of Wayne’s Comprehensive Plan includes some brief commentary on the importance of agricultural land for the retention of the Town’s rural character, but it does not include any specific recommendations other than creating a state-sanctioned agricultural district.²⁰
- The Town of Pulteney’s Comprehensive Plan does not include any information on agriculture retention/protection.

There are many techniques for municipalities to draw upon for agricultural preservation activities in their comprehensive plans. Local governments can identify hamlet and crossroads areas for new infrastructure development as a means of guiding new construction away from agricultural areas, support a broad range of farm-based businesses as a means of giving farmers a range of options to generate income, enact right-to-farm laws to manage disputes between farmers and non-farming interests, set up an agricultural advisory committee to advise the municipality on the impact of local plans and laws on agriculture, recommend the use of voluntary easements and transfer of development rights programs to protect specific parcels, develop agriculture/open space protection plans, and carry out public education programs aimed at building public support for agricultural protection programs.

3.3: Regional Resources

The Keuka Lake Watershed spans thirteen municipalities. Eight municipalities – two villages and six towns – have frontage on the lake. The watershed is also split between two counties, Yates and Steuben. As a result of these jurisdictional divisions, and due to the small size of these municipalities and limited tax base, the towns and villages within the Keuka Lake Watershed do not have access to the same resources that larger, wealthier municipalities can draw on when planning and reviewing development projects. However, with regard to two important intermunicipal issues (Keuka Lake water quality and docking and moorings), the Keuka Lake Watershed municipalities have already come together to address joint concerns:

1. The Keuka Watershed Improvement Cooperative (KWIC)

As a response to concerns over the water quality of Keuka Lake (see below, Section 3.4), the eight municipalities bordering the lake formed the Keuka Watershed Improvement Cooperative (KWIC). The purpose of the KWIC is to protect and improve the purity of waters in the Keuka Lake Watershed by first developing uniform wastewater management regulations and then, following their enactment by local governing boards, overseeing the enforcement of those regulations; researching and developing solutions to additional threats to Keuka Lake as they emerge; and preparing draft model ordinances addressing those threats if necessary.

The KWIC is not a governmental entity and has no taxing authority. It operates according to an Intermunicipal Agreement (IMA) that allows the eight municipal governments around the lake to collectively provide wastewater inspection services in a coordinated manner. In the absence of this arrangement, each municipality would be solely responsible for local inspection and enforcement. The KWIC is an excellent example of a group of local governments, each facing the same or similar

²⁰ Refer to *Town of Wayne Comprehensive Development Plan*, page 33, 35-36, for more information.

issues as its neighbors, working together to draw upon their collective resources and expertise to address common problems.²¹

2. The Keuka Lake Uniform Docking and Mooring Law

In April 2004, a special committee was appointed by the KWIC to prepare a model docking and mooring law that could be adopted by each municipality. A docking and mooring law describes and explains the dimensional standards that all docks, berths, piers, slips, moorings, floating platforms, boat houses, boat hoists, and any other structure located on the water are required to adhere to. This committee came about as a result of concerns raised by lakefront property owners in summer 2003 over structures being built in the lake.

The docking and mooring law was prepared to “regulate lakeshore docks, moorings and other waterside structures in or on the waters of Keuka Lake . . . to protect public safety, support robust lake environmental conditions, provide reasonable public visual and physical access to the lake, insure safe recreational use, and establish fair, consistent and uniform standards” for all docking and mooring structures.²² The law was drafted in summer 2005, revised at the end of that year based on feedback obtained from public hearings held in October 2005, taken through the State Environmental Quality Review Act (SEQRA) process in early 2006, and finally adopted by the governing boards toward the end of 2006. As a result of this process, all eight municipalities now have consistent standards regulating docking and mooring facilities, a tremendous benefit for municipal boards and officials, developers, and lakefront property owners alike because the entire lake is subject to the same set of regulations.

A review of current comprehensive plans indicates that while none of these plans has a chapter or section devoted to regional/intermunicipal cooperation, all of the plans include recommendations that could be implemented through some degree of intermunicipal coordination:

- The Town of Jerusalem’s Comprehensive Plan does not include any information on regional resources or intermunicipal agreements, but it includes several strategies that call for intermunicipal cooperation. These include improving cooperation with other Keuka Lake municipalities, establishing partnerships with regional, state, and federal agencies involved in agricultural protection, expanding partnerships with local, county, and regional organizations involved in tourism, expand trail systems in collaboration with neighboring municipalities.²³
- The Town of Milo’s Comprehensive Plan, which is currently under revision, does not include any information on regional resources or intermunicipal agreements, but many of the Plan’s actions could be implemented through multi-jurisdictional action.
- The Town of Barrington’s Comprehensive Plan does not include any information on regional resources or intermunicipal agreements, but the Plan calls for coordinating with outside agencies

²¹ For additional background information on the KWIC, refer to the *Keuka Watershed Improvement Cooperative (KWIC): A Draft Proposal to Protect and Improve the Quality of Keuka Lake*, July 1993; and *Collaborative Watershed Management in the Finger Lakes Region, New York*, by Peter Landre and Lester Travis.

²² *Keuka Lake Uniform Docking and Mooring Law*, Section 2: Purpose.

²³ Refer to *Town of Jerusalem 2006 Comprehensive Plan*, pages 36, 39, 51, 54, and 56 for more information.

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to realize certain goals, such as participating in the development of a county-wide transportation system and research into locally-controlled alternate energy sources.²⁴

- The Village of Penn Yan's Comprehensive Plan does not have a section devoted to regional resources or intermunicipal agreements. However, the Village does identify that it will work with outside economic development agencies to improve business conditions in the Village, and that it will collaborate with outside agencies and adjacent municipalities to improve environmental conditions.²⁵
- The Town of Urbana/Village of Hammondsport Joint Comprehensive Plan does not include a section on regional resources or intermunicipal agreements; however, many of the Plan's actions could be carried out in concert with other municipalities. The Plan does state that the Town and Village should work with the Keuka Lake Association and the Keuka Watershed Improvement Cooperative on water quality issues. Furthermore, a joint comprehensive plan by its very nature implies a marked degree of intermunicipal cooperation.²⁶
- The Town of Wayne's Comprehensive Plan does not include any information on regional resources or intermunicipal agreements, but many of the Plan's recommendations could be implemented through multi-jurisdictional action.
- The Town of Pulteney's Comprehensive Plan does not include any information on regional resources or intermunicipal agreements.

In general, any service or function that a single municipality provides can also be provided in partnership with other municipalities. In terms of land use, this means that documents such as comprehensive plans, zoning laws, subdivision laws, site plan review laws, steep slope laws, forest/tree preservation laws, and any other local law that is enacted can be done jointly in partnership with another municipality. The advantage of this situation is that the same regulations will apply in multiple jurisdictions, which simplifies the land use regulation process for both public officials/boards and the public and results in a uniform, watershed-wide approach to land use issues.

The eight municipalities bordering Keuka Lake have already successfully addressed two key issues that typically face towns and villages with lake frontages. The processes of forming the KWIC and developing the Keuka Lake Uniform Docking and Mooring Law have laid the groundwork for future cooperation and coordination among the Watershed's municipalities; these processes can be altered and used to accomplish other planning goals.

²⁴ Refer to the April 4th, 2008 *DRAFT Comprehensive Plan of the Town of Barrington*, pages 52, 53, and 55, for more information.

²⁵ Refer to *Village of Penn Yan Comprehensive Master Plan*, pages 4-50 and 4-58, for more information.

²⁶ Refer to *Town of Urbana and Village of Hammondsport Joint Comprehensive Plan*, page 4-48, for more information.

3.4: Keuka Lake Water Quality

The protection of Keuka Lake's water quality is a key concern for local officials and citizens alike throughout the watershed. Land use plans and regulations can be used by local governments as a means to help ensure the water quality of Keuka Lake and its tributaries remains high.

In 1988, a survey conducted by the Yates County Soil and Water Conservation District and Cornell University found that the deterioration of the lake's water quality was mainly due to defective septic systems. This finding, along with ongoing water quality testing in the lake that showed contamination by fecal bacteria above acceptable levels, spurred the formation of the aforementioned Keuka Watershed Improvement Cooperative (KWIC) to coordinate a uniform watershed-wide approach to managing water quality issues. The KWIC, established in 1993, oversaw the preparation of a model local law which was reviewed and adopted by all the municipalities with frontage on Keuka Lake. This law, entitled *Uniform Wastewater Management Regulations*, is intended "to ensure adequate performance of wastewater treatment systems, to protect public health and to optimize the effectiveness of the systems at removing nutrients from wastewater."²⁷ This law describes and explains the processes by which wastewater systems in the watershed are inspected by local governments, what construction standards new wastewater systems must adhere to, and under what conditions a permit is needed for work on wastewater systems.²⁸

Apart from septic systems, common sources of water pollution include non-point sources such as stormwater runoff and erosion from fields, yards and stream banks, which carries pesticides, fertilizers, soil, and other materials into the water. Once stormwater runs off of private property, it becomes an issue of public concern. Poorly-designed or maintained public drainage infrastructure, such as ditches, can cause erosion, which leads to sedimentation of waterways. Not only a significant cause of non-point source pollution, sedimentation can increase costs for municipalities in terms of ditch and storm drain cleaning. There are many ways the municipality can improve the construction, operation and maintenance of this drainage infrastructure, which in turn leads to less damage to both private and public property (roads, bridges, etc) and improved water quality in local and regional streams and lakes.²⁹

A review of the comprehensive plans in use around the Watershed indicates that the protection of water quality is a broadly accepted and endorsed policy of the Keuka Lake Watershed municipalities:

- The Town of Jerusalem's Comprehensive Plan includes a list of recommendations aimed at protecting local water resources, including continuing participation in the KWIC, working with the New York State Department of Environmental Conservation to monitor the lake and its tributaries, and working with the Yates County Soil & Water Conservation District to minimize stormwater runoff.³⁰

²⁷ *Uniform Wastewater Management Regulations*, Section I: Purpose.

²⁸ For additional information on wastewater issues in the Keuka Lake Watershed, refer to the *Keuka Watershed Improvement Cooperative (KWIC): A Draft Proposal to Protect and Improve the Quality of Keuka Lake*, July 1993; and *Collaborative Watershed Management in the Finger Lakes Region, New York*, by Peter Landre and Lester Travis.

²⁹ For additional information on protecting local water resources, refer to *Protecting Water Resources through Local Controls and Practices*, available at: <http://www.gflrpc.org/Publications/LocalLaws/Guidebook.htm>, and *Stream Processes: A Guide to Living In Harmony With Streams*, available at: <http://www.chemungcountyswcd.com/>

³⁰ Refer to *Town of Jerusalem 2006 Comprehensive Plan*, pages 34 through 37, for more information.

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- The Town of Milo’s Comprehensive Plan, which is currently under revision, does not include much information on water quality, but it does briefly mention that the Town should prevent pollution in Keuka and Seneca Lakes by using land use regulations to locate development in areas with good soil percolation.³¹
- The Town of Barrington’s Comprehensive Plan includes a recommendation that the Town enact stormwater management regulations as a means of protecting local water bodies.³²
- The Village of Penn Yan’s Comprehensive Plan includes some good commentary on water quality, both groundwater and surface water. The Plan discusses the importance of protecting water bodies and identifying potential sources of water pollution. It also lists a series of objectives aimed at realizing the goal of preserving and maintaining environmental resources such as surface and groundwater features. The Comprehensive Plan also includes a “Natural Resources Protection Plan” which lists a series of actions such as relocating the Village DPW facility, designating specific wetlands as a Nature Preserve, and ensuring the proper maintenance of Village drainage infrastructure.³³
- The Town of Urbana/Village of Hammondsport Joint Comprehensive Plan also includes extensive commentary on groundwater and surface water, potential pollution sources, and the status of wetlands. The Plan also includes several actions aimed at safeguarding water quality, such as public entities not using pesticides/fertilizers, maintaining vegetated buffers along water bodies to filter out pollutants, and designating the Keuka Inlet Wetland Area as a nature preserve.³⁴
- The Town of Wayne’s Comprehensive Plan includes a description on the local water supply, which is from Keuka Lake, and commentary on the importance of septic inspection programs as a means of preventing septic waste from polluting the lake.³⁵
- The Town of Pulteney’s Comprehensive Plan does not include any information on the protection of the lake’s water quality.

Local governments have many techniques to draw on when working on water quality issues. The most important decision has to do with basic land use. Undeveloped land and many agricultural uses (as long as farms are operating according to environmentally sound management practices) are typically the best land uses in areas where water quality is a concern. In general, when planning for water quality issues, municipalities should steer development away from wetlands and watercourses, require a vegetated “buffer” strip between watercourses and proposed development, recommend planting trees and other vegetation along all lake/stream banks to reduce erosion, and recommend that farmers not cultivate land

³¹ Refer to *Comprehensive Plan for the Town of Milo*, page 9, for more information.

³² Refer to the April 4th, 2008 *DRAFT Comprehensive Plan of the Town of Barrington*, page 45, for more information.

³³ Refer to *Village of Penn Yan Comprehensive Master Plan*, pages 2.3-3 through 2.3-7, and pages 4-55 through 4-62, for more information.

³⁴ Refer to *Town of Urbana and Village of Hammondsport Joint Comprehensive Plan*, pages 2.6-6 through 2.6-11, and 4-46 through 4-50, for more information.

³⁵ Refer to *Town of Wayne Comprehensive Development Plan*, page 25, for more information.

near stream banks and keep livestock away from stream banks, as both of these activities can cause serious erosion problems.

Impervious surfaces such as roofs, roads, driveways, and parking lots can be regulated by a municipality through its zoning laws, subdivision laws, and site plan review processes. These local laws can be revised and updated to include water quality management provisions; for example, a site plan review law can include a requirement for erosion/sediment control measures aimed at reducing run off from the site both during and after construction, permanent landscaping aimed at reducing runoff, and minimum setbacks for septic systems from nearby watercourses.

A range of other local laws and policies can be considered by municipal boards. Laws on junk storage can be important because they not only help improve the visual appearance of a municipality, but they safeguard water resources by removing potentially damaging materials from the ground. Public education programs are also useful because, by informing the public of the importance and benefits of high water quality, grass-roots support of water quality initiatives can be built up over time. With the general public in favor of water quality control measures, local boards and officials will have an easier time of implementing such measures. Furthermore, prevention of degradation of a natural resource is far less expensive than instituting remedial measures after degradation has occurred.

3.5: “Sustainable” Development

In the context of this Guide, “sustainable” development is interpreted as development projects that are designed and built to accommodate environmental features. To help narrow this broad topic, this Guide will focus on general recommendations for improving municipal oversight of environmental considerations when reviewing and permitting new development projects through local planning and land use regulations.

Traditionally, land use planning was seen as a means to direct the orderly growth and development of a municipality on previously undeveloped land. While this remains true, land use planning is now typically used as a means to protect and retain unique natural features in the area that is being planned for. There are many advantages the Keuka Lake Watershed municipalities will realize by actively protecting their environmental resources through land use regulations. The agriculture, tourism, and summer recreation sectors of the local economy are strongly dependent on environmental factors such as the high water quality of Keuka Lake, the presence of scenic views and vistas, and the availability of good farmland for crop production. Human and animal health and safety is dependent on sound environmental conditions as well. The retention of stable municipal tax bases is also dependent on the attractiveness of the area for residents and tourists.

A review of the comprehensive plans in use in the Keuka Lake Watershed indicates that while there is broad support for and interest in protecting natural resources, there is not yet any systematized watershed-wide planning for long-term sustainable development practices:

- The Town of Jerusalem’s Comprehensive Plan includes extensive commentary on environmental protection, including a detailed description of natural resources such as wetlands, water bodies,

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floodplains, topography, and soils, as well as a series of strategies for protecting environmental resources through local regulations such as zoning, subdivision, and development guidelines.³⁶

- The Town of Milo’s Comprehensive Plan, which is currently under revision, does not have a section on environmental issues, but it includes a recommendation to designate wetlands and unprofitable agricultural land and as “open space” for long-term preservation.³⁷
- The Town of Barrington’s Comprehensive Plan includes extensive commentary on natural resources and identifies a range of natural resources that should be protected, including steep slopes, scenic vistas, woodlands, glens, wetlands, and wildlife habitats.³⁸
- The Village of Penn Yan’s Comprehensive Plan includes a detailed assessment of local environmental features, a list of goals and accompanying objectives that explain how the Village will support environmentally sensitive development, and a list of actions that explain how the Village will accomplish this.³⁹
- The Town of Urbana/Village of Hammondsport Joint Comprehensive Plan includes a detailed assessment of current environmental conditions and recommends that the Town and Village preserve open spaces and preserve and protect important natural resources. A list of objectives for the Town to work toward is included, and detailed action items explaining how the Town will realize these objectives is also included.⁴⁰
- The Town of Wayne’s Comprehensive Plan does not have a section that discusses environmental concerns, but it does briefly describe natural features in the Town and discusses land conservation and includes a recommendation for protecting two areas of the Town from development due to sensitive natural features.⁴¹
- The Town of Pulteney’s Comprehensive Plan does not include any information on this topic.

The most important step for a municipality to take is to include commentary in its comprehensive plan that discusses the need for environmental protection. A description/profile of local environmental conditions, accompanied by maps that identify their location and a list of action items that explain the municipality’s basic policies with regard to environmental features, are the basic prerequisites of a comprehensive plan that is aimed at environmental resource protection.

Local zoning laws, which are based on and justified by comprehensive plans, can also include safeguards for environmental issues. Zoning districts such as “Land Conservation” districts can be established which allow no land uses other than agriculture or outdoor recreation. Mandatory setbacks from streams and

³⁶ Refer to *Town of Jerusalem 2006 Comprehensive Plan*, pages 24 through 26, and 34 through 37, for more information.

³⁷ Refer to *Comprehensive Plan for the Town of Milo*, page 8, for more information.

³⁸ Refer to the April 4th, 2008 *DRAFT Comprehensive Plan of the Town of Barrington*, pages 42 through 45, for more information.

³⁹ Refer to *Village of Penn Yan Comprehensive Master Plan*, pages 2.3-1 through 2.3-9, 3-15 and 3-16, and 4-55 through 4-62, for more information.

⁴⁰ Refer to *Town of Urbana and Village of Hammondsport Joint Comprehensive Plan*, pages 2.6-5 through 2.6-14, 3-3 and 3-4, and 4-45 through 4-51, for more information.

⁴¹ Refer to *Town of Wayne Comprehensive Development Plan*, pages 4, 5 and 37, for more information.

wetlands can help ensure these areas are protected. Height restrictions in certain districts can help retain scenic vistas. Removing environmentally sensitive areas, such as steep slopes or wetlands, from the developable area of a zoning district can safeguard those areas from environmental degradation.

Municipal subdivision laws should include provisions aimed at sustainable development. The subdivision of parcels must be done in conformance with comprehensive plans and zoning laws. Large lot sizes and minimum road frontage regulations in rural areas may be acceptable for areas that are designated for rural residential use, but are not suitable for agricultural areas because they typically further the spread of development into high quality agricultural land. Subdivision laws can require the municipal review board to consider factors such as soil quality, bedrock depth, slope angle, vegetation removal, and vicinity of environmental resources when reviewing and permitting the creation of new building lots.

Municipal site plan review laws can also play an important role in promoting sustainable development. Considerations such as the location, use, setbacks, and height of all proposed buildings; the location of watercourses, wetlands, and floodplains; the type of vegetation on the site and how much of it will be removed; location of existing old-growth trees; location of unique geologic features; a landscaping plan and planting schedule; drainage control infrastructure; erosion controls both during and after construction; any steep slopes on the site and how they will be addressed by the proposed development; methods of sewage disposal, methods of stormwater disposal; any outdoor lighting plans; and other miscellaneous requirements can be used by permitting boards to determine whether or not specific development projects will have a deleterious effect on local environmental resources.

3.6: Focusing New Growth in Village/Hamlet Areas

Historically, development in the Finger Lakes region was focused in the numerous small villages and hamlets that dot the scenic countryside. Apart from farmsteads and the occasional country home, there was little development on the landscape outside of these areas. However, in recent decades the popularity of country living, and the increasing value of scenic properties overlooking the lake, has spurred residential development into areas once exclusively used for agriculture, viticulture, or woodland.

Residential development in rural areas of the Keuka Lake Watershed is allowed under municipal planning and zoning mechanisms, and while it is not feasible or necessary to prohibit residential development in these areas, local governments should consider issues such as farmland preservation, water quality, scenic vistas, development on steep slopes, transportation access, and utilities/public services when permitting residential development in rural areas. As a means of addressing all of the above issues, local governments should plan for increased residential, as well as commercial, industrial, and institutional, growth in village and hamlet areas.

There are many advantages to guiding new growth and development into village and hamlet areas. In some of these areas, there is already a degree of infrastructure support such as water and sewer, sidewalks and streetlights, public parks and recreational sites, which are often attractive to potential homeowners. Traditional “small town” development, such as moderately sized houses on small lots, can be designed in such a way so as to harmonize with historic village/hamlet development trends. Such developments, when supplied with amenities like sidewalks, street furniture and streetlights, and linked to pre-existing grid street patterns, can be attractive to people looking for a rural, small-town setting in which to live or retire. These areas provide good locations for apartments, townhouses, group homes, and other

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residential developments that may not be suitable for otherwise rural areas. Finally, these areas provide good settings for public/community institutions and facilities that attract members of the community for civic functions and recreational events.

A review of the comprehensive plans used in the Watershed indicates that the area's municipalities currently support the development of "designated growth areas:"

- The Town of Jerusalem's Comprehensive Plan recommends that land "consumption" be minimized through techniques such as cluster development, incentive zoning, and keeping new development away from environmentally sensitive areas. The Plan also recommends promoting mixed-use development in hamlet areas such as Branchport and Keuka Park.⁴²
- The Town of Milo's Comprehensive Plan, which is currently under revision, includes a recommendation to focus new residential development in areas south and east of Penn Yan. The Plan also recommends locating residential development in areas that can be efficiently serviced by utilities.⁴³
- The Town of Barrington's Comprehensive Plan recommends focusing new commercial development in the vicinity of Route 14A to provide a designated area for new development and help retain farmland and protect the Town's rural landscape.⁴⁴
- The Village of Penn Yan's Comprehensive Plan includes recommendations for encouraging mixed-use development, locate large scale commercial uses in the existing Lake Street retail hub, locate future industrial uses in two designated industrial parks, and consider annexing undeveloped land for future growth.⁴⁵
- The Town of Urbana/Village of Hammondsport Joint Comprehensive Plan recommends that future growth should be managed by targeting specific areas of the Town for development; however, those areas are not identified.⁴⁶
- The Town of Wayne's Comprehensive Plan includes some brief commentary on housing needs and strip development along country roads, but does not identify any "focal points" for future development.⁴⁷
- The Town of Pulteney's Comprehensive Plan does not include any information on this topic.

All towns in the Keuka Lake Watershed have existing hamlet areas, but towns should also consider designating greenfield sites as "growth centers" if they are located at major intersections and can be easily serviced with utilities. In general, towns should focus new public investments such as public buildings,

⁴² Refer to *Town of Jerusalem 2006 Comprehensive Plan*, pages 43 and 63, for more information.

⁴³ Refer to *Comprehensive Plan for the Town of Milo*, pages 1 and 5, for more information.

⁴⁴ Refer to the April 4th, 2008 *DRAFT Comprehensive Plan of the Town of Barrington*, page 45, for more information.

⁴⁵ Refer to *Village of Penn Yan Comprehensive Master Plan*, pages 4-4 through 4-8, for more information.

⁴⁶ Refer to *Town of Urbana and Village of Hammondsport Joint Comprehensive Plan*, page 3-5, for more information.

⁴⁷ Refer to *Town of Wayne Comprehensive Development Plan*, pages 20-22 and 31, for more information.

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water and sewer lines, sidewalks and street lights, and park/recreation sites into designated hamlet areas; coordinate with County Highway Departments and the New York State Department of Transportation on road improvement projects; plan for commercial/industrial/institutional development in designated hamlet areas; enact subdivision regulations that encourage the creation of smaller lots within hamlet areas; enact site plan review laws that have dimensional requirements set up to require/encourage denser development in designated growth areas; recommend apartment/townhouse developments be located in these areas; support “mixed-use” development projects within hamlets; and consider creating “design guidelines” to provide a clear model for the type of development in specific zoning districts.

The two villages addressed in this Plan – Penn Yan and Hammondsport – have the basic infrastructure in place to support increased development. The Penn Yan plan recommends annexation of adjacent lands in the surrounding towns and extending development into these areas that is connected to and at the same scale as current village development. Also, the Village’s Plan recommends “village-scale, pedestrian-friendly” development patterns.⁴⁸ Towns and Villages can collaborate on the development of areas adjacent to village boundaries, and traditional village street patterns, to plan and zone for new development that emulates the traditional street pattern and adjacent land uses.

Finally, both villages should identify areas for in-fill development and also designate certain streets or neighborhoods for townhouse/apartment development instead of single family detached housing. Two important trends indicate a need for this step. First, members of the “baby-boom” generation are presently reaching retirement age in extremely large numbers; as they do, they will likely seek out smaller, more efficient spaces to live, particularly as their children come of age and move out. Second, average household sizes have been decreasing over time across the entire United States since the 1960s; this trend also indicates the need for smaller, more compact housing such as townhouses or apartments. .

⁴⁸ Refer to *Village of Penn Yan Comprehensive Master Plan*, page 3-3, for more information.

