

CHAPTER 5: POTENTIAL SOLUTIONS

In the context of this Guide, the phrase “smart development” refers to a series of planning recommendations, included within all six sections of this chapter, that are aimed at focusing new public and private investment in designated growth areas, protecting working agricultural land and undeveloped open spaces from poorly designed development projects, and ensuring that any new development that does take place in the watershed is environmentally sound and respectful of the character and scale of existing development conditions.

This chapter is organized into six sections; each section addresses one of the six key issues identified in Chapters 3 and 4. Each section begins with a “Goal Statement,” which is a statement of what the Working Committee sees as the best approach for the municipalities around Keuka Lake to take toward a specific issue.

Each goal statement is reinforced by a series of “Actions,” which describe how the municipalities within the Watershed can realize the goal statements and, by extension, the vision statement above. Each Action is followed by one or more paragraphs that explain the Action in greater detail.

5.1: Steep Slopes

Goal Statement: Protect steep slopes from potentially damaging development projects.

Action 5.1.A: Revise municipal comprehensive plans to include commentary on steep slope development issues.

Local officials should revise their comprehensive plans to include commentary on steep slopes, such as an explanation of what steep slopes are, how they are calculated, and what the potential dangers are of building on them without proper precautions. A map showing the locations of steep slopes around the municipality should also be included in the comprehensive plan. The plan should state that the municipality will protect steep slopes from poorly designed development. The plan should also recommend that any municipally-approved construction projects undertaken on steep slopes be subject to special regulations aimed at reducing erosion, protecting water quality, and stabilizing the slope.

Action 5.1.B: Consider adopting a municipal steep slope development law.

Local officials should consider adopting a local law that specifically regulates construction activities on steep slopes. Steep slope laws provide a special set of requirements that builders must comply with in order to build on steep slopes, which are typically defined as any slope 15% or greater (see Chapter 3, Section 3.1). These laws are useful for local governments to ensure construction activities on slopes do not cause environmental and public safety problems. The NYSDEC has recognized the importance of careful planning and oversight for construction on slopes classified as E or F in the US Department of Agriculture Soil Survey that are also tributary to class AA and AA-s waters.

Keuka Lake Watershed Land Use Planning Guide

An Intermunicipal Action Strategy

The State Pollution Discharge Elimination System (SPDES) General Permit for Construction Activity GP-0-08-001, Part I.D, details activities which are ineligible for coverage under this General Permit. These activities include construction activities on lands that are tributary to waters of the state classified as AA or AA-s, which applies to a large portion of the Keuka Lake Watershed. Construction activities in such areas will therefore no longer be covered under the general permit; an individual SPDES permit stipulating specific mitigating actions will have to be issued for construction activities within designated areas within the Keuka Lake Watershed after June 29, 2009. These areas are currently under review by the NYSDEC; the geographic zone(s) are currently being identified and will be mapped. In the interim, construction sites that have a high potential to contribute to a violation of water quality standards will be addressed on a case-by-case basis by the DEC at the request of and with cooperation from the local municipality.

The NYSDEC encourages local municipalities and the locally-designated authorities therein to contact Region 8 staff at (585) 226-5450 to discuss specific projects and construction activities that are taking place within sensitive areas of the Keuka Lake Watershed. Further information on stormwater permits can be found at <http://www.dec.ny.gov/chemical/8468.html>

Given the large geographic area of NYSDEC regions, DEC staff has distinct limitations in their ability to effectively visit and police all land disturbance activities – particularly those in rural areas. Municipalities should therefore seek to establish strong relationships with local Soil and Water Conservation District (SWCD) offices in an effort to ensure effective and timely responsiveness and oversight of land disturbance activities. County SWCDs can play an important local role in the monitoring and assessment of both public and private water and soil quality, as well as in the design and implementation of any necessary mitigation plans. Cooperation between local and state agencies is encouraged under the SWCD law, although such cooperative agreements are strictly voluntary. Local municipalities are therefore encouraged to foster strong relationships with their SWCD offices in order to ensure effective monitoring of land disturbance activities throughout the Keuka Lake Watershed.

In the Keuka Lake Watershed, the Town of Jerusalem has set a precedent for other watershed municipalities to follow by recently adopting a steep slope law. The purpose of this law is to regulate construction activities on slopes greater than 15% that could cause environmental degradation. Please see a copy of the law in Appendix C.

Refer to Appendix A for a series of maps displaying steep slopes, watercourses and other environmental themes.

Action 5.1.C: Include steep slope development safeguards in municipal subdivision regulations.

A subdivision law regulates the division of large tracts of land into smaller parcels for construction and development purposes. Such a law describes the procedures that a municipality, developers, and builders must follow in order to subdivide a tract of land. It also includes standards for the design and layout of lots, streets, utilities, and any public improvements on the site.

Subdivision laws can be used to accomplish many actions. They should encourage a variety of planning techniques for preventing “sprawl” type development, including the use of

conservation/cluster housing subdivisions along the edges or in the corners of agricultural lots, the use of Planned Unit Developments (PUDs) to make more efficient use of land and encourage a range of housing options in the town, and the preservation of large tracts of contiguous land for farming. In addition, they should include safeguards for sensitive environmental features such as wetlands and steep slopes.

Action 5.1.D: Include steep slope development safeguards in municipal Site Plan Review regulations.

Site Plan Review laws should require the municipal reviewing board to consider the impacts of proposed development projects on steep slopes. A site plan review law regulates the layout of proposed buildings and infrastructure on individual lots and helps ensure that development on those lots conforms to the comprehensive plans, promotes public safety and security, and does not disturb nearby sites or natural resources.

According to New York State Town Law Article 16, Section 274-a, site plans are defined as “a rendering, drawing, or sketch . . . which shows the arrangement, layout and design of the proposed use of a single parcel of land.” A typical site plan review law lists the specific elements that an applicant must show on a site plan, such as parking facilities, access to the lot, landscaping, roads, curbs, utilities, lighting, location and dimensions of buildings, adjacent land uses and any natural features on the site. It then clearly describes and explains the process by which municipal boards (typically the planning board) reviews and approves site plan applications.

Action 5.1.E: Produce educational materials about steep slope development issues for the public.

The Keuka Lake Watershed municipalities should prepare a set of public informational materials – such as flyers or pamphlets – that describe and explain the potential hazards of building on steep slopes and what landowners and builders can do to mitigate the impacts of construction activities on steep slopes. These materials could be distributed at public gatherings and events such as county fairs, arts festivals, and other community events; made available on display in the lobbies of town halls and other community buildings; and posted on the Internet.

5.2: Working Agriculture Protection and Enhancement

Goal Statement: Create land use policies and zoning regulations that support the economic viability of agriculture.⁵⁰

Action 5.2.A: Encourage new development that is compatible with agriculture.

New development projects located in and near agricultural areas should be designed and built in such a way that they limit disruption of high quality agricultural soils.

⁵⁰ In the general sense, the term “agriculture” may be understood to include (but not necessarily limited to) activities such as viticulture and horticulture; the production of farm, fruit, and dairy products; aquaculture; and the production, processing, transportation, storage, marketing and distribution of food. Agricultural pursuits are further defined under Sec. 301 of NYS Agriculture and Markets Law.

For example, if a vineyard is subdivided to create building lots, those lots should be located along the edges and in the corners of the vineyard. Spaces should be left so that the vineyard can be accessed from a road with agricultural machinery. A good local model for the Keuka Lake municipalities to follow in this regard is the Town of Seneca in Ontario County, which includes strong agriculture-protection provisions in its comprehensive plan and zoning law.

Furthermore, when compared to other land uses, agricultural lands require a significantly smaller proportion of public resources needed for the creation of public facilities (e.g. water, sewer, road maintenance, schools, fire prevention) than do other land uses (residential, commercial, industrial). Objective “Cost of Community Services” (CSS) studies, such as those conducted by the American Farmland Trust in communities across the United States, continually support this premise. To this end, development that does not encroach on existing farmland and which is compact and near existing population centers should be encouraged.⁵¹

Action 5.2.B: Preserve high quality and unique agricultural areas by guiding non-agricultural development into other areas of the Watershed.

Using maps of local soil and micro-climate conditions, local officials should determine specific areas of their municipalities in which agriculture should be encouraged. This process should be coordinated with county agricultural district boundary adjustments. Large-scale development proposals should be located in areas which are not well-suited to agriculture.

Refer to Appendix A for maps depicting grape growing areas in the Keuka Lake Watershed.

Action 5.2.C: Explore ways to advertise agriculture lands in the watershed that are up for sale across the country, perhaps through some sort of “Agriculture Development Agency.”

Create a directory of agricultural properties in the Watershed that are for sale and provide this directory to real estate firms and websites that specialize in agricultural land dealings.

Action 5.2.D: Encourage farmers to participate in New York State’s Agricultural Environmental Management (AEM) program.

AEM is a voluntary, incentive-based program that helps farmers make common-sense, cost-effective and science-based decisions to help meet business objectives while protecting and conserving the State’s natural resources. The Keuka Lake watershed was selected by the Governor in 1996 as a Pilot watershed to test the AEM program for the state. Farmers work with local AEM resource professionals from SWCD, NRCS and CCE to develop comprehensive farm plans using a tiered process:

- **Tier 1** – Inventory current activities, future plans and potential environmental concerns.
- **Tier 2** – Document current land stewardship; assess and prioritize areas of concern.

⁵¹ Refer to “Cost of Community Services Studies.” American Farmland Trust. <http://counties.cce.cornell.edu/yates/LULA%20cost%20of%20community%20services%20study%20AFT%202004.pdf> and “Opportunity Knocks – Open Space is a Community Investment.” Michael Franks. <http://counties.cce.cornell.edu/yates/AFP%20Opportunity%20Knocks.pdf>

Keuka Lake Watershed Land Use Planning Guide

An Intermunicipal Action Strategy

- **Tier 3** – Develop conservation plans addressing concerns and opportunities tailored to farm goals.
- **Tier 4** – Implement plans utilizing available financial, educational and technical assistance.
- **Tier 5** – Evaluate to ensure the protection of the environment and farm viability.

The advancement of sound agricultural practices within the local farming community has been occurring on a voluntary, incremental basis for a number of years through programs like AEM. Within the watershed 171 Tier 1 surveys and 75 Tier 2 assessments have been completed to date (2008). Tier 4 practices implemented in the watershed include: diversion ditches, Barnyard systems, Pesticide handling facilities, grass waterways, Pasture improvement projects (include fencing, laneways, water systems), stream stabilization, Roof runoff management, fuel storage secondary containment. Municipalities should seek methods and incentives that will encourage farmers to participate in AEM and other voluntary conservation programs. Yates County, for example, currently requires farms interested in participating in the NYS Purchase of Development Rights program to first enroll in AEM.⁵²

Finally, members of the farming community who serve on local planning, zoning, farmland protection and conservation boards can further act as liaisons to the larger community of farmers in an effort to facilitate the exchange of agricultural-environmental ideas and concerns. To this end, such individuals can also attempt to explain existing programs and assist in their promotion.

*For more AEM information in Yates County, contact Tom Eskildsen, SWCD, 315-536-5188
For information on Sustainable Viticulture plans, contact Jamie Hawk, CCE, 315-536-5123
For more AEM information in Steuben County, Jeff Parker, SWCD, 607-776-7398 x3
For grazing plans for livestock farms, Nancy Glazier, CCE, 607-536-5123*

Action 5.2.E: Encourage farmers to participate in New York State's Conservation Reserve Enhancement Program (CREP).

The Conservation Reserve Enhancement Program (CREP) is a state-wide program that operates through the Department of Agriculture and Markets and funds the installation of vegetated buffers between agricultural fields and pastures and watercourses. Farmers can voluntarily enroll in this program and receive financial incentives from the state to plant trees, shrubs, and grasses along stream banks that will help reduce the runoff of pesticides, fertilizers, and sediments into local streams and, eventually, Keuka Lake.

The advancement of sound agricultural practices within the local farming community has been occurring on a voluntary, incremental basis for a number of years. Local municipalities should encourage farmers to participate in CREP and other voluntary conservation programs.

Finally, members of the farming community who serve on local planning, zoning, farmland protection and conservation boards can further act as liaisons to the larger community of farmers in an effort to facilitate the exchange of agricultural-environmental ideas and concerns. To this end, such individuals can also attempt to explain existing programs and assist in their promotion.

Detailed information about CREP is available here: <http://www.agmkt.state.ny.us/SoilWater/crep/index.html>

⁵² See NYS Ag and Mkts Law Article 25-AAA. Information regarding NYS Farmland Protection Programs online at <http://www.agmkt.state.ny.us/ap/agservices/farmprotect.html>

For information locally, contact Dave Morier, NRCS Conservationist, 585-394-0525.

Action 5.2.F: Publicize information about farm operations to non-farm residents.

As a means of building awareness and understanding of common agricultural practices among non-farm residents of the Keuka Lake Watershed, local governments should provide information (in the form of brochures, flyers, and Internet resources) about farming operations to residents and landowners who do not directly participate in agricultural activities. Information about different types of agricultural operations found in the watershed such as vineyards, dairies, livestock, produce and field crops should be made available. Specifically, this information should stress the environmental advantages of retaining working farmland and how sound agricultural management activities benefit local and regional natural resources.

Action 5.2.G: Publicize information about voluntary agricultural conservation easements to local landowners.

According to the New York State Department of Agriculture and Markets, conservation easements are legal documents, written in the form of a deed, in which a landowner permanently restricts the future development of real property for the purpose of preserving or maintaining the scenic, open, historic, agricultural, or natural condition, character, significance or amenities of that property. These restrictions remain in place when ownership of the land changes hands. Easements provide a practical and effective means of preserving farmland on a voluntary and non-regulatory basis. The Finger Lakes Land Trust works with landowners (both agricultural and non-agricultural) in the Keuka Lake watershed to learn about and develop conservation options for their properties.

For more information, contact the Finger Lakes Land Trust at: 607.275.9487 or visit their website at: <http://www.fllt.org/>

Action 5.2.H: Support Purchase of Development Rights (PDR) programs for local farmers.

A Purchase of Development Rights (PDR) or purchase of agricultural easement program is a voluntary technique of retaining productive agricultural land in a community through the purchase of development rights and placing a conservation easement on the property (Please see American Farmland Trust's "Guide to Local Planning for Agriculture in New York State). Landowners have a variety of rights to their property and a PDR program pays the landowner for permanently protecting their land for agriculture uses. Essentially the development rights are extinguished and the landowner retains all the other ownership rights to the property. The property remains on the tax rolls and its taxable value should be based on the remaining rights.

The goal of an agricultural easement is to help support the business of farming and protect the best farmland (productive soils) for all types of agriculture from vineyards to dairies farms. Land subject to an agricultural conservation easement can still be farmed or used for forestry, recreation and other compatible uses. The easements also provide opportunities for future growth and adaptation of the farm such as building new barns, roadside stands, farm labor housing or the construction of a new winery.

Keuka Lake Watershed Land Use Planning Guide

An Intermunicipal Action Strategy

Most farmers who participate in a PDR program are interested in keeping their land in agriculture and in their family for the foreseeable future. The PDR program provides the necessary incentive and capital to help keep the land in agriculture. The value of a conservation easement equals the fair market value minus the agriculture or restricted value as determined by a certified appraiser. For example, if the full value of the property was \$500,000 and the agricultural value was \$100,000, the farmer would be paid \$400,000 for selling the development rights.

Towns interested in protecting agriculture and open space can use the “carrot” of a PDR program along with the “stick” of land use regulations to help protect agricultural lands in a town. PDR programs are not a “silver bullet” and will not solve all the problems and challenges facing local agriculture. The programs are expensive, time intensive and difficult to administer. That said, PDRs along with voluntary easements and other options should be considered by towns interested in protecting agriculture and open space.

Since PDRs are voluntary, landowners ultimately decide which properties may end up enrolling, however, towns can benefit from having a ranking system, map or other plan that guides local farmland protection priorities. A local ag priority strategy can help add legitimacy to the PDR efforts and help focus limited resources and address resident concerns about the rationale for selecting projects.

Effective PDR programs have 1.) a coordinated approach with specific areas identified for protection and 2.) a sound funding basis. A municipal government can directly fund a PDR program through local resources and/or available grant funds. However, a non-profit agency such as the Finger Lakes Land Trust can also fund the acquisition of development rights. Towns, counties and land trusts often work together to provide a coordinated program that is well-funded or is more competitive for state or federal level grants.

In Yates County, farmers can apply to the New York State Farmland Protection Program through the county’s Ag and Farmland Protection Board. This program is highly competitive and requires a 25% cost-share at this time.

A sound PDR program, when combined with strong land use regulations, is one of the most effective means of protecting agricultural land. Zoning regulations alone are typically not an effective means of protecting agricultural land because 1.) zoning does not address economic concerns and 2.) zoning regulations can be changed through local legislative action.

For more information on the Yates County PDR program, contact: Peter Landre, Cornell Cooperative Extension, 315-536-5123. For more information on the Steuben County PDR program, contact: Amy Dlugos, Steuben County Planning Department, 607-776-2268.

Action 5.2.I: Consider establishing an agricultural advisory subcommittee or intermunicipal agricultural advisory subcommittees.

Municipalities should consider establishing a local agricultural advisory subcommittee or task force to the Planning Board or local governing board upon which members of the local farming community (and other agricultural advocates) can serve. The purpose of such a subcommittee is to provide local governing boards with the information necessary to make sound land use decisions that do not

Keuka Lake Watershed Land Use Planning Guide

An Intermunicipal Action Strategy

infringe on farmers' ability to conduct business in an efficient and respectful manner. Subcommittee goals can include the mediation of farmer-neighbor conflicts and nuisance complaints that target normal agricultural activities (dust, odor, noise, etc.). Education and outreach to local residents with regard to the normal activities that are typical of modern agricultural operations should also be an overarching goal of such subcommittee. Finally, subcommittees from each municipality can convene regularly on a regional basis to discuss issues and problems that may be common throughout the Keuka Lake Watershed.

Please see the model Farm and Neighbor Relations Policy which includes the formation of an agricultural advisory committee in the Appendix C.

Action 5.2.J: Endeavor to implement land use decisions that are in accordance with the *Yates County Agricultural and Farmland Protection Plan* and the *Steuben County Agricultural Development and Expansion Plan*⁵³

The documents cited above are designed to act as the basic agricultural protection strategies for their respective counties. Each plan establishes existing conditions with respect to the state of agriculture in each county and further establishes measurable goals and actions to ensure the protection and, when possible, enhancement of agribusinesses. Public processes (such as surveys) were used in order to gather input from the local farming community; input was also solicited from a variety of professionals, including individuals representing the New York State Department of Agriculture and Markets. The end results are documents that can greatly assist the process of agricultural development and farmland enhancement within both Yates and Steuben Counties.

To whatever degree possible, local municipalities should encourage policies and practices that support local farmers. This not only includes making sound land use decisions that do not impede farmers' ability to conduct business, but also includes setting a local priority to encourage amenable conditions that allow for the expansion of new agribusinesses and new products. Furthermore, community-supported agricultural programs – those which encourage local residents to “buy local” and focus support on neighboring farms and agribusinesses – should also be pursued to the greatest degree possible.

Detailed information on local planning for agriculture in New York State can be found in the American Farmland Trust publication, “Guide to Local Planning for Agriculture in New York,” available here: <http://www.farmland.org/resources/publications/default2.asp>

5.3: Regional Resources

Goal Statement: Encourage greater watershed-wide cooperation and sharing of services and network to share ideas among municipalities.

Action 5.3.A: Hold an annual watershed-wide “conference” among local officials and board members and other community partners to discuss land use issues, trade information,

⁵³ Yates County Agricultural Planning Guide online at <http://www.shepstone.net/yates/agplan.html> . Steuben County Agricultural Development and Expansion Plan online at <http://www.steubencony.org/planning/agboard.html>

Keuka Lake Watershed Land Use Planning Guide

An Intermunicipal Action Strategy

network, review the current status of major development projects, and serve as a “clearing house” of information about land use issues in the watershed.

In order to foster increased cooperation and communication among local boards and officials, the eight municipalities bordering Keuka Lake should hold an annual conference at which local board members and officials gather to discuss land use issues and offer insight to their colleagues on how they addressed specific issues in their municipality. The main purpose of this conference would be to build and continually expand a strong network of local leaders that trade information regarding land use issues among each other.

Action 5.3.B: Create a directory of resources that are common to the municipalities that will encourage greater intermunicipal coordination.

A directory, which might take the form of a website and accompanying publication that lists various organizations that local officials can call on for support and assistance, should be created to provide a readily available list of resources that local officials can call on for assistance with specific development issues. For instance, this directory might include a list of professional engineering firms that can help local boards with reviewing the technical requirements of a large-scale proposed development projects.

Electronic communication and the utilization of various forms of “new media” – including the development of local websites – should be encouraged. All local land use documents (zoning, subdivision and the comprehensive plan) – when not precluded by issues associated with copyright laws or privacy – should be placed online for cost-free viewing and download by the public. The schedules and associated agendas of upcoming open meetings should also be posted well in advance of their scheduling; meeting minutes should be posted shortly after they are approved. Municipal board members should have an active email account in order to facilitate communication between colleagues and constituents. Members of all active local municipal boards should be posted on municipal web pages, along with the methods that board members prefer the public use to contact them (a government-issued or personal email, phone, post address, etc.).

Action 5.3.C: Support compatible land use plans/regulations for all municipalities in the Keuka Lake watershed.

The Keuka Lake Watershed municipalities should work towards making their respective land use regulations, such as their subdivision and site plan review laws, as similar as possible in terms of the processes that applicants must follow when applying to the municipality and the factors that reviewing boards must consider when approving proposed development projects. This will encourage a consistent watershed-wide approach to reviewing and permitting new development.

Action 5.3.D: Keep all land use plans and regulations up-to-date.

Local officials should periodically revise and update their comprehensive plans. All comprehensive plans should include a schedule that lays out when and how the municipality will revise and update the plan document. Plans should be updated *at least* every five years. New information from federal and state agencies, new studies and reports, and new situations regarding proposed development projects should also be considered and incorporated as necessary.

In addition to comprehensive plans, local officials should ensure their zoning, subdivision, and site plan review laws remain up-to-date. Periodically reviewing local land use regulations helps ensure that they remain relevant and functional for municipalities and developers alike.

Action 5.3.E: Publicize land use training programs for municipal staff and board members.

County and municipal staff should routinely communicate with governing boards, planning boards, zoning boards of appeal, any miscellaneous local boards such as a conservation board or architectural review board that might be set up by a municipality in the future; other organizations involved in land use issues such as local Soil & Water Conservation Districts and Cooperative Extension programs; and interested citizens, regarding the availability of land use training programs hosted by state, county, and qualified non-profit agencies.

Action 5.3.F: Work with Yates and Steuben County planning departments to assess the impacts of proposed developments.

In addition to routine GML 239 review requirements, town and village officials should draw on the experience and resources of their respective county planning and development offices for input on proposed development projects, especially with regards to the planning and design aspects of any proposed development.

Action 5.3.G: Submit proposed development projects to County Soil and Water Conservation Districts for review.

Local officials should consider referring proposed development projects to their county Soil and Water Conservation Districts for review and comment prior to approval. SWCD staff can provide insight on the environmental implications of proposed projects and on how local officials can mitigate potential adverse impacts. Municipal subdivision and site plan review laws can include a provision for referral, if the reviewing board deems it necessary, of a proposed project to the SWCD for comments during the review phase.

Action 5.3.H: Improve coordination with State agencies, such as New York State Department of Environmental Conservation (NYS DEC); the New York State Department of Transportation (NYS DOT); and the New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP).

Local boards should seek out advice and input from state agencies when reviewing proposed development projects that have the potential to severely impact natural resources, state highways, and local historic/cultural resources.

Action 5.3.I: Identify locations throughout the Keuka Lake Watershed that may be suitable for Critical Environmental Area (CEA) designation and work with appropriate agencies and land owners in an effort to evaluate the need to designate such areas.

There presently are no officially designated CEAs in the Keuka Lake Watershed. Quoting the website of the NYSDEC:

Local agencies may designate specific geographic areas within their boundaries as "Critical Environmental Areas" (CEAs). State agencies may also designate geographic areas they own, manage or regulate...

To be designated as a CEA, an area must have an exceptional or unique character with respect to one or more of the following:

- *a benefit or threat to human health;*
- *a natural setting (e.g., fish and wildlife habitat, forest and vegetation, open space and areas of important aesthetic or scenic quality);*
- *agricultural, social, cultural, historic, archaeological, recreational, or educational values; or*
- *an inherent ecological, geological or hydrological sensitivity to change that may be adversely affected by any change.*

Following designation, the potential impact of any Type I or Unlisted Action on the environmental characteristics of the CEA is a relevant area of environmental concern and must be evaluated in the determination of significance prepared pursuant to Section 617.7 of SEQR.⁵⁴

Action 5.3.J: Support sustainable forest management on public and private lands throughout the watershed.

Private and publicly-owned forests provide a wide variety of important benefits to the public, including clean air and water, carbon sequestration, wildlife habitat, and recreational and enterprise opportunities. Forest management assistance is available locally from county Soil and Water Conservation Districts, Cornell Cooperative Extension or the NYSDEC Forestry Unit in Bath, NY.

Action 5.6.K: Encourage local planning and development practices that address biodiversity conservation.

Information concerning unique habitats and the occurrences of State-listed species can be obtained for planning purposes from the New York State Natural Heritage Program, and from the Department's on-line Environmental Resource Mapper. Information about the Natural Heritage Program and a host of other biodiversity resources can be found on-line on the Department's website at: <http://www.dec.ny.gov/animals/29338.html> . The Natural Heritage Program may also be contacted at the following address:

NYSDEC-DFWMR
NY Natural Heritage Program-Information Services
625 Broadway, 5th Floor
Albany, NY 12233-4757

⁵⁴ NYSDEC. "Critical Environmental Areas." <http://www.dec.ny.gov/permits/6184.html>

5.4: Keuka Lake Water Quality

Goal Statement: To protect Keuka Lake's natural plant and animal life, sustain the lake's current AA rating, and continually work to improve the lake's water quality.⁵⁵

Action 5.4.A: All municipalities should continue to support the Keuka Lake Association (KLA), the Keuka Watershed Improvement Cooperative (KWIC), and the Keuka Lake Outlet Compact (KLOC).

Local governments should continue to support watershed-wide organizations such as the KLA, KWIC, and KLOC. In addition to fulfilling specific and necessary functions related to water quality issues, these organizations provide important venues for intermunicipal discussions that can lead to greater cooperation and coordination of local resources and efforts.

Action 5.4.B: Support the environmental stewardship objectives of the Great Lakes Basin Compact.

The Great Lakes Basin Compact, an agreement among eight states and two Canadian provinces to collaboratively work to improve natural and human resources in the Great Lakes basin, should be a model for local governments to follow when considering revising and adopting new land use plans and regulations. Specifically, any attempts to divert or sell off water from Keuka Lake for profit and shipment to other part of the country and the world should be strenuously opposed by local governments and citizens.

Detailed information about the Great Lakes Basin Compact is available here: <http://www.glc.org/index.html>

Action 5.4.C: Continue to monitor the health of Keuka Lake.

Local governments should continue to support scientific research to assess the water quality of Keuka Lake. While the municipalities themselves do not need to directly support these activities, they can back research efforts through sponsoring grant applications and cooperating with researchers working within their jurisdiction. Currently, the Keuka Lake Association, Cornell Cooperative Extension, and Soil and Water Conservation conduct water quality testing on Keuka Lake.

Action 5.4.D: Support efforts that minimize invasive and exotic animal and fish species/non-native plants.

Local boards and officials should support land use regulatory measures that are aimed at reducing the spread of exotic species and harmful or problematic non-native plants. For example, steep slope development regulations could include a requirement that calls for selectively removing non-native plant species from slopes that are being built on and replacing them with native species. Local officials should provide landowners and developers with lists of native tree and plant species that would be encouraged on proposed developments.

⁵⁵ According to New York State law, the best usages of Class AA waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The waters shall be suitable for fish, shellfish, and wildlife propagation and survival.

The Finger Lakes Partnership for Regional Invasive Species Management (FL-PRISM) website contains resource materials pertaining to the FL-PRISM, invasive species of the Finger Lakes Region and New York State, information on NYS and federal invasive species policies, and information on other PRISMs throughout NYS. <http://www.fingerlakesprism.org/>

Action 5.4.E: Protect watercourses by requiring setbacks from streams and gullies that feed into the lake.⁵⁶

Municipal land use regulations should require setbacks along watercourses. Setbacks create an important buffer between the built environment and sensitive environmental habitats, erosive soils and water resources. Vegetated setbacks can further be specially designed to provide habitat for native plant and animal species and/or pollution and stormwater filtration. When implemented consistently throughout an entire stream system, setbacks and vegetated buffers can be very effective at reducing the risks of property damage that result from flooding.

When considering possible implementation scenarios, a municipality could revise its zoning regulations to state that any development located on a parcel through which, or adjacent to, a watercourse passes must have a minimum setback of 50 feet from the watercourse. No construction or significant disturbance of soils and/or vegetation would be allowed within the 50 foot wide area. This leaves a “buffer” in place to help prevent pollutants from running into the watercourse.

All waters of the state are provided a class and standard designation based on existing or expected best usage of each water or waterway segment. These standard designations should at the very least be maintained and, when possible, enhanced.⁵⁷

Action 5.4.F: Reduce the use of pesticides and fertilizers on private yards, farm fields, and vineyards.

Property owners, including local governments, should reduce the amount of fertilizers and pesticides that they use on their yards, gardens, fields, vineyards, and public grounds. Less fertilizers and pesticides applied means a reduction in degrading chemical run-off into Keuka Lake and its tributaries.

Action 5.4.G: Support ongoing public education/outreach programs about lake water quality.

Public informational sessions should periodically be held around the Watershed for residents and landowners to attend and learn about what they can do to protect water quality in the lake and its tributaries. Presenters can include speakers from public agencies, non-profit organizations, and professionals in the area of land management and water quality.

⁵⁶ For the purposes of this document, a *watercourse* may be defined as “a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.” Similarly, a *waterway* may be defined as “a channel that directs surface runoff to a watercourse or to the public storm drain.”

⁵⁷ Visit the NYSDEC webpage on the Protection of Waters Program at <http://www.dec.ny.gov/permits/6042.html>. The New York State Environmental Conservation Mapping Tool is also available through this site, providing the location, status and other information on all surface waters of New York State. See NYS Environmental Conservation Law, Article 17 “Water Pollution Control” Title 1, § 17-0105 for a complete definition of “waters of the state.”

Municipalities should consider developing an educational “welcome package” that can be delivered to new homeowners under each transfer of property. Materials to be considered should include those subjects referenced in detail in “The Keuka Lake Book: A Citizen’s Guide for Protecting Keuka.”

Action 5.4.H: Develop a series of educational publications (brochures/flyers/pamphlets) about water quality for the public.

As an offshoot of Action 5.4.G, local governments should provide information (in the form of brochures, flyers, and Internet resources) about water quality protection to residents and landowners. This information should apply to Keuka Lake and its tributaries. Specifically, this information should stress the simple, day-to-day actions that ordinary citizens can take to help protect the lake and its tributaries from pollutants.

Action 5.4.I: Publicize the availability of the revised *Keuka Lake Book*, which includes Best Management Practices (BMP) for homeowners in the watershed.

The Keuka Lake Book is a useful publication that provides background information on the watershed and information on how residents and property owners can manage their properties to reduce the possibility of polluting local streams and waterbodies. The availability of this book should be publicized as part of public outreach activities (see above, Actions 5.4.G and 5.4.H).

5.5: “Sustainable” Development

Goal Statement: “Sustainable” Development is development undertaken with consideration for the long-term community and neighbor relations, environmental stability, and economic capability of the Keuka Lake Watershed.

Action 5.5.A: Enact municipal stormwater management regulations to reduce stormwater runoff.

Municipal stormwater management regulations, which can be adopted as a stand-alone local regulation or integrated into laws such as zoning, subdivision, and site plan review, should be adopted to reduce the amount of runoff that enters Keuka Lake and its tributaries.

Impervious surfaces such as roofs, roads, driveways, and parking lots can be regulated by a municipality through its local laws and regulations. Once water runs off of private property, it tends to become the problem of the municipality. 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 (roads, bridges, etc) property and improved water quality in local and regional streams and lakes.

Action 5.5.B: Continue to promote effective municipal and private wastewater management practices through the KWIC.

In order to help protect Keuka Lake's water quality, local governments should continue working through the KWIC to regularly inspect wastewater treatment systems and monitor the discharge of pollutants into the lake.

The mission of Keuka Watershed Improvement Cooperative (KWIC) is to protect and improve the purity of waters in the Keuka Lake Watershed by planning for uniform regulation of wastewater (septic system) management, assisting in uniform enforcement of local wastewater management regulations and pursuing appropriate action to resolve other potential threats to Keuka Lake.

Towns should commit to supporting the goal of meeting their annual septic/KWIC septic law inspection targets, including identifying the resources, staff, equipment and any necessary capital outlays that may be necessary to meet those goals now and in the future. The overall goal, mission and future and planned activities of the KWIC should be supported and publicized. In an effort to increase public awareness of the KWIC, efforts to publicize the KWIC's activities should be explored and implemented, utilizing a mix of resources, including (but not limited to): door hangers, brochures, and web-based media. Municipalities should support updates of the KWIC's reporting systems and current level of equipment and technology.

More information on the KWIC is available online at: <http://keukawatershed.com/>

Action 5.5.C: Promote the protection of agriculture and viticulture lands.

Local boards and officials should work with NYS Department of Agriculture and Markets to prepare municipal agricultural and farmland protection plans that will identify specific parcels for protection. Once a municipal agricultural and farmland protection plan is adopted by local governing boards, it can be used as the basis for applications to the Department of Agriculture and Markets for farmland protection grant funds for the purchase of development rights (please see Action 5.2.H).

*Detailed information about the NYS Farmland Protection Program is available here:
<http://www.agmkt.state.ny.us/AP/agservices/farmprotect.html>*

Action 5.5.D: Consider the location of existing and proposed roadways and roadway access (driveways) when reviewing and permitting new development.

Through zoning, subdivision, and site plan review regulations, municipal boards should carefully consider the placement of proposed roads and driveways. Transportation infrastructure can be challenging to design and build, especially when building on slopes where erosion and drainage issues are special concerns. Local laws should ensure that private roads and driveways are built to minimize slope disturbance, provide sufficient space for drainage infrastructure, be well marked and easy to see, and be at safe intervals from intersections and other driveways.

Action 5.5.E: Protect significant viewsheds from insensitive development.

A comprehensive watershed-wide survey of scenic vistas is a necessary precursor to any coordinated attempt by Keuka Lake municipalities to protect the Watershed's scenic vistas. The municipalities around the lake should work together to identify and protect, through some combination of local laws and incentives, scenic vistas that are regionally significant and contribute to the appeal and character of the area.

*Citizens may refer to the report "Yates County Looking Ahead: A Planning and Design Guide," prepared by Roger Trancik in 1990, for detailed information on the scenic resources found throughout the Keuka Lake Watershed.*⁵⁸

Action 5.5.F: Revise local codes to encourage the use of "Green Building" techniques.

Local regulations should encourage the construction of new buildings, and the retrofit of existing buildings, that are environmentally supportive. For example, "green" developments may use native vegetation for surrounding landscaping instead of non-native species, reduce the "heat island" effect through the use of certain materials on roofs and paved surfaces, and reduce or eliminate stormwater runoff from the site. Zoning laws should not discourage the residential development of permitted and commonly-accepted alternative energy solutions, to the degree that such solutions do not infringe on the quality of life of neighbors and other residents. Examples include alternative energy infrastructure such as solar panels, small-scale wind turbines, geothermal heating systems, combined heat and power generating systems, and other innovative green energy systems.

*Additional information on Green Building is available at the following locations:
United States Environmental Protection Agency: <http://www.epa.gov/greenbuilding/> ;
United States Green Building Council (developer of Leadership in Energy and Environmental Design (LEED) standards):
<http://www.usgbc.org/DisplayPage.aspx?CMSPageID=222>*

Action 5.5.G: Include environmental considerations as a component of Subdivision approvals.

Local subdivision laws should include provisions that require the subdivider to consider environmental resources when subdividing a property to create building lots. When creating building lots, a subdivider should pay attention to the location of sensitive environmental features such as wetlands, steep slopes, and mature native tree stands and ensure that there will be sufficient space within each lot to build while not disturbing these features. A municipal subdivision law can be written to require, or at least encourage, this approach to development.

Action 5.5.H: Include environmental considerations as a component of Site Plan approvals.

Site Plan review laws should be written to require developers to integrate environmental considerations, such as geology, topography, soil characteristics, vegetation, micro-climate, surface drainage, erosion, ground water, wetlands, and flood hazard areas, into proposed site plans.

⁵⁸ The "Yates County Looking Ahead" report can be viewed and downloaded from the Friends of Barrington website at <http://www.friendsofbarrington.com/>.

Furthermore, such regulations should require the reviewing board to consider the environmental impacts on those resources when reviewing proposed site plans.

Action 5.5.I: Require an assessment of water supply and treatment capabilities as a component of municipal review of proposed development projects.

When reviewing proposed development projects, the reviewing board should consider the sources of the water supply (typically public water lines, wells, or Keuka Lake). In addition to ensuring that the proposed water supply will be sufficient for the demands of the project, the reviewing board should also consider how wastewater from the development will be treated (typically public sewer lines or septic systems). The reviewing board should ensure that water supply and treatment are properly addressed before approving any proposed development project.

Action 5.5.J: Develop a series of educational publications (brochures/flyers/pamphlets) about sustainable development issues for the public.

To build public awareness of sustainability issues among residents and property owners in the Keuka Lake Watershed and encourage individual actions that are aimed at realizing this Section's Goal Statement, local governments should provide information (in the form of brochures, flyers, and Internet resources) about sustainability issues to residents and landowners in the Watershed. Specifically, this information should stress land management practices that contribute to the overall environmental health of the Watershed.

5.6: Focusing New Growth in Village/Hamlet Areas

Goal Statement: Provide the incentives and infrastructure that will attract new growth in villages and hamlets.

Action 5.6.A: Use Comprehensive Plans to recommend that new development be focused within hamlet areas.

Local officials should revise their comprehensive plans to recommend new development be focused in existing hamlet areas. Any new institutional, commercial, or light manufacturing uses should be located in hamlet areas, and new residential development should be located there as well. Residential development in hamlet areas should be designed along traditional "village" scale with small lots and yards; houses sited near the street; narrow, curbed streets with sidewalks and streetlights; and architectural features such as front porches that encourage greater social interaction.

Where a town would like to see a concentration of new growth occur, it can designate one or more locations (primarily the areas around important intersections) as hamlet areas and recommend that new development take place in these locations.

Action 5.6.B: Include hamlet zoning districts within municipal Zoning laws.

Based on the recommendations in their comprehensive plans, local officials should update their zoning laws to create one or more "hamlet" zoning districts where different lot sizes and dimensional

standards apply. The purpose of these hamlet districts should be to implement the recommendations in comprehensive plans calling for designated development areas. Higher-density development can be focused within these hamlet districts and serviced by public utilities.

Action 5.6.C: Include provisions in Subdivision laws that, in designated locations, support the creation of small building lots for hamlet developments.

Municipal subdivision regulations should encourage the creation of small building lots in designated hamlet areas. While small building lots may be inappropriate in rural areas, they are necessary in village/hamlet areas because they encourage a greater density of development (see Actions 5.6.A and 5.6.B).

Action 5.6.D: Include provisions in Site Plan Review laws that, in designated locations, support the development of street and pedestrian-oriented buildings.

Site Plan Review regulations should allow, and in designated areas such as hamlet districts require, buildings and infrastructure to be laid out in a traditional village pattern with traditional design features (see Action 5.6.A). The site plans for proposed projects in hamlet areas should show the principle use building (such as a house); accessory buildings and uses (such as a garage, workshop, or swimming pool); and the location of driveways, sidewalks, and other infrastructure. Detailed site plans such as these allow the reviewing board to effectively determine how the proposed construction project will fit into surrounding development.

Action 5.6.E: Focus public investments such as roads, utilities, and community facilities into designated hamlet areas.

When deciding where to build new public infrastructure and facilities such as roads, water and sewer lines, storm sewers, sidewalks, streetlights, government/community buildings and various other public infrastructure/facilities, local governments should make every effort to locate these resources within designated hamlet areas. This will set a precedent of using public resources to achieve “smart development” goals and serve as an enticement to developers by providing them with available infrastructure that they can use for their projects.

Action 5.6.F: Encourage the use of “Cluster Development” practices in rural areas.

Municipalities should include provisions for “Cluster Development” design concepts in their zoning or subdivision laws. Well designed cluster developments can protect natural resources such as high quality agricultural areas, scenic views, mature woodlots, wetlands, and unique wildlife habitats. Cluster development practices encourage builders to realize the maximum development potential of a parcel allowed under the Town’s zoning law by increasing the density of new construction in one section of the parcel while leaving other sections as undeveloped open space.

For instance, if a 20 acre tract of land is located in a residential zoning district that requires a one acre minimum lot size, a developer could build about 18 housing units on that tract. Some space would be required for roads and utilities, as well as any setback requirements mandated by the municipal zoning law. If built, this development would consume the entire 20 acre tract and possibly destroy any unique natural resources, such as a wetland or stand of old-growth trees, located on the tract.

However, if that developer were to use cluster development techniques as laid out by the municipality, he could build the same 18 units on perhaps only ten acres of the 20 acre site, thus leaving the remaining ten acres as open space and protecting any natural and scenic resources located on those acres.

As this example shows, cluster development techniques provide considerable leeway to the municipality, developers, builders, and private landowners to balance new development with interest in protecting a community's natural resources. In general, local governments should encourage cluster developments in open areas that are no longer profitable for vineyards or agriculture that will help to preserve hillside woodlands and open spaces.

