



# Genesee/Finger Lakes REGIONAL REVIEW

NEWSLETTER OF THE GENESSEE/FINGER LAKES REGIONAL PLANNING COUNCIL

Volume 2, Number 4, Winter 2005-2006

## Thinking Locally: Protecting Water Resources Through Municipal Efforts

By Jason Haremza

We are used to thinking of water resource protection as a State or Federal concern. Certainly the New York State Department of Environmental Conservation and Federal agencies like the Environmental Protection Agency and Army Corps of Engineers have significant responsibilities when it comes to protecting our water resources. But there are many things that local governments can do when it comes to protecting water. Thinking about what can be done locally when it comes to water quality issues is the key theme to G/FLRPC's

Protecting Water Resources Workshops.

These workshops are the final stage of the 'Local Laws to Protect Finger Lakes Water Quality Project,' an initiative conducted by G/FLRPC on behalf of the New York State Department of State, Division of Coastal Resources. To date, five workshops have been conducted around New York State, including most recently at G/FLRPC's Fall Local Government Workshop in Mt. Morris on November 18. Three more workshops remain, all of which are sessions at larger, all-day events. These

include the Syracuse-Onondaga County Planning Agency's Local Government Workshop on January 31 (this workshop co-hosted with Central New York Regional Planning and Development Board), the Adirondack Park Agency's Local Government Workshop in March (date TBD), and Southern Tier West Regional Planning and Development Board's Local Government Workshop on May 18.

The earlier stages of the 'Local Laws to Protect Finger Lakes Water Quality Pro-

*Continued. Please see 'Water Resources' on Page 2*

*Happy Holidays from G/FLRPC and  
Best Wishes for 2006!*

FOR FURTHER INFORMATION  
CALL 585-454-0190, EMAIL [GFLRPC@GFLRPC.ORG](mailto:GFLRPC@GFLRPC.ORG), OR VISIT [WWW.GFLRPC.ORG](http://WWW.GFLRPC.ORG)

## Water Resources (continued)

ject,' which assessed municipalities throughout the Canandaigua, Cayuga, and Conesus Lake watersheds, were used to inform this final stage of workshops. In addition to the workshops, a manual is being produced and is presently in draft format.

*Protecting Water Resources through Local Controls and Practices: A Manual for New York Municipalities*, is meant to be a concise, easy-to-use reference for local government elected leaders, staff, and planning, zoning, and conservation board members.

Both the workshops and manual highlight the ways

that local governments can help protect water quality. Recent Federal and State regulations have emphasized the need to address "nonpoint source pollution." This is the pollution that enters our waterways from rain or snow-melt that flows off of the land, especially roads, rooftops, parking lots, and construction sites. These "impervious surfaces" do not allow the water to seep into the ground. Instead, it runs off quickly, picking up sediment and pollutants, and flows into streams and lakes. Construction sites and the creation of impervious sur-

faces are directly related to how land is developed.

Since local governments in New York State have a great deal of power when it comes to regulating development, there is much they can do to guide development and protect water resources. Everything from more general documents like Comprehensive Plans and Zoning Laws to specifics like Sediment and Erosion Control Laws, Timber Harvesting Laws, and Municipal Highway Operation and Maintenance Procedures can affect water quality.

*For more information on this project, the workshops, or the manual, please visit the project website at:*

[www.gflrpc.org/Publications/LocalLaws/PhaseIII.htm](http://www.gflrpc.org/Publications/LocalLaws/PhaseIII.htm)

*or call Jason Haremza at 585-454-0190 extension 15.*

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## Hazard Planning Updates

By Ellen Micoli Soffa

**A**ll-Hazard Mitigation Planning continues apace in the Genesee-Finger Lakes region! County and municipal representatives in Wayne County participated in a lengthy planning process, starting back in February. The result of their efforts, the draft *Wayne County Multi-Jurisdictional All-Hazard Mitigation Plan*, will

be going to the NYS Emergency Management Office for review by the end of 2005. Final revisions and submission to FEMA will occur in early 2006.

Livingston County has also been working steadily on an all-hazard mitigation plan. The draft Livingston County hazard assessment, a major component of the

plan, went to the planning committee for review in December. The mitigation strategy is scheduled for development in early 2006.

Finally... a new year, a new plan. G/FLRPC will be working with local representatives to develop a plan for Wyoming County. This process will begin in January 2006.

[www.gflrpc.org/WayneAllHazard.htm](http://www.gflrpc.org/WayneAllHazard.htm)

[www.gflrpc.org/LivingstonAllHazard.htm](http://www.gflrpc.org/LivingstonAllHazard.htm)

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## Stormwater Phase II: Follow the Path

By David Zorn

Starting in September the New York State Department of Environmental Conservation (DEC) began to “roll out” the much anticipated “Pathway to Compliance” documents for regulated Municipal Separate Storm Sewer Systems (MS4) communities in NYS. In order to do this they held a series of workshops throughout New York State to train key stakeholders in the process. The Western New York area workshop was held at the Genesee/Finger Lakes Regional Planning Council offices on October 28.

Given the complexity of the Stormwater Phase II Regulation program, DEC staff has assembled this series of extremely useful guidance documents and gaps analysis

worksheets to assist local officials as they work toward full compliance with the fundamental Six Minimum Measures (MM) before the 2008 deadline. These guidance documents and gap analysis worksheets, especially the “preliminary table” can be used by non-regulated (non-urbanized) communities to assess the state of their current stormwater regulations.

One of the major components of the Pathway to Compliance initiative is the Gaps Analysis Workbook for Local Officials. Stormwater Phase II regulations require each regulated MS4 to develop or revise local laws so that they effectively:

- a) prohibit illicit discharges and connections
- b) control stormwater, ero-

sion and sediment during and after construction activities.

The workbook has been structured so that it can be applied to any community’s bundle of land use codes and regulations, walking individuals through the process step-by-step. Given that this process can be a cumbersome one, the Gaps Analysis document will likely be well-received and appreciated by municipal board members and staff as they begin to analyze their local laws.

For questions on the Pathway to Compliance and/or Stormwater Phase II Regulations, contact Jason Haremza at Genesee/Finger Lakes Regional Planning Council at [jharemza@gfllrpc.org](mailto:jharemza@gfllrpc.org) or 585-454-0190 extension 15.

*For more information on Stormwater Phase II Regulations, MS4s, and the Six Minimum Measures, please visit:*

[www.dec.state.ny.us/website/dow/mainpage.htm](http://www.dec.state.ny.us/website/dow/mainpage.htm)

### Save the Date! March 30, 2006 Stormwater Conference and Tradeshow

The Stormwater Coalition of Monroe County has taken the lead in planning the 2006 Central and Western New York Conference and Tradeshow, scheduled for March

30, 2006 at the RIT Inn and Conference Center in Henrietta. Sessions in three concurrent tracks will emphasize the responsibilities and re-

quirements of municipalities, developers, and contractors.

Registration materials will be available in mid-January.

Visit [www.thestormwatercoalition.org](http://www.thestormwatercoalition.org) or call 585-454-0190 extension 15 for details.

## Finger Lakes Energy \$mart Coordinator News

### Victor Hosts Energy Workshop for Small Businesses

Homeowners are not the only ones feeling the pinch of rising energy costs. On November 10<sup>th</sup>, twenty local business owners attended a Finger Lakes Energy \$mart Communities workshop on energy efficiency at the Village Hall in Victor. Participants learned about opportunities available through **New York Energy \$mart<sup>sm</sup>** programs to help identify ways to save energy and incentives to help cover the upfront costs of installing measures. CJ Brown Energy, who was selected by the New York State Energy Research and Development Authority (NYSERDA) to perform energy audits in our region, used the Village Hall to point

out items such heating system efficiency, ceiling insulation, building envelop and lighting that would be included an energy audit report. Both the Town and Village of Victor have already taken advantage of the opportunity to have energy audits performed on their buildings and stressed the importance for local businesses to do the same. Recommended energy conservation measures typically have payback periods of less than 10 years, but some measures such as installing a programmable thermostat with appropriate night & weekend temperature set-backs can have payback periods of

months not years. To sign up for your energy audit contact Matt Griffiths at 585-454-0190 extension 22 or [mgriffiths@gflrpc.org](mailto:mgriffiths@gflrpc.org)



Wayne Balas, CJ Brown Energy, inspects the boiler at Victor Village Hall



Wayne Balas, CJ Brown Energy, inspects the ceiling of Victor Village Hall for insulation

#### *Did you know?*

- NYSERDA's commercial energy audit fee (\$200 for buildings with less than \$12,000 in annual electric bills) is **reimbursable** upon implementation of any recommended measures greater than the cost of the audit.
- Homeowners who qualify for the Assisted Home Performance with ENERGY STAR<sup>®</sup> program can now get **60%** of the cost of energy-efficiency improvements paid for by NYSERDA.

## Eminent Domain: Tool or Threat?

By Jason Haremza

**E**minent domain is one of the powers of government. It authorizes local or state governments to take or claim private property for “public use.” Usually, eminent domain is used to acquire land to build or expand a highway, airport or revitalize a depressed neighborhood. The value is determined by third-party appraisers, not the government. In June 2005, the Supreme Court issued a ruling upholding the use of the government’s power of eminent domain. Reaction to the case, *Kelo vs. City of New London*, has been widespread and passionate.

The *Kelo* ruling does not expand the government’s power of eminent domain, but merely affirms decades

of practice and the legal precedent. It is important to note the many redevelopment projects that would not have been possible without the use of eminent domain. In the Rochester area, these include



*Bausch and Lomb Headquarters, downtown Rochester*

Frontier Field, the Hyatt Hotel, and the Bausch and Lomb headquarters building. Nevertheless, eminent domain has become something of a controversial planning issue, with legislation proposed at both the State and Federal levels that would impact the use of eminent domain by governments.

As with other “hot topics” in planning, Genesee/Finger Lakes Regional Planning Council seeks to provide a better understanding of the issues involved. To that end, G/FLRPC and the American Planning Association will be hosting a panel discussion on the issue of eminent domain at the Spring Local Government Workshop in May 2006.

## Regional Revolving Loan Fund

The Regional Revolving Loan Fund is a program that serves as gap financing to retain and expand small businesses in the Genesee/Finger Lakes Region. By providing gap financing, the G/FLRPC

advocates for facilities and promotes collaborations that specifically assist small businesses, thus broadly enhancing the economic potential in the region. Relationship building, coordination and customer services are empha-

sized. Over the past three months three loans have closed that will allow two existing firms to grow and add jobs in the Region and one new firm to begin production.

For more information on the Regional Revolving Loan Fund, please visit: [www.gflrpc.org/ProgramAreas/EconomicDevelopment/RLF.htm](http://www.gflrpc.org/ProgramAreas/EconomicDevelopment/RLF.htm) or contact Greta Goldberg at [ggoldberg@gflrpc.org](mailto:ggoldberg@gflrpc.org) or 585-454-0190 extension 12.

## Preparing Villages for Planning Proceeds

By Brian Slack

Initiated in early 2005, the *Preparing Village 'Main Streets' for Planning* project has made significant progress over the past year. The project is intended to help local governments understand the planning process associated with significant road improvement projects in small towns. Advisors from several key organizations such as the Landmark Society of Western New York, NYSDOT Region 4 and Genesee Transportation Council assisted G/FLRPC staff in selecting two case study communities to assist with their long-term plans for eventual infrastructure upgrades in and around their central business districts.

The Village of Newark in Wayne County and the Village of Scottsville in Monroe County were selected from eleven applicants across the region. Local committees were formed in these two communities and public 'Main Street' workshops were held in each community.

These workshops were meant to raise awareness and understanding of the major issues that can be addressed through a reconstruction or rehabilitation project. Issues such as historic preservation, pedestrian safety, aesthetics, and overall functionality were addressed in each workshop, held during the month of December. The end result of these outreach efforts will be

a comprehensive report detailing specific recommendations for these municipalities as they continue to prepare for their capital improvement projects.

While the project focus is currently on the case study communities, the primary goal of the *Preparing Village 'Main Streets' for Planning* project will be a guidebook focusing on specific Main Street planning and improvements. This guidebook will detail issues such as lighting options, pedestrian safety improvements, funding sources and implementation guidelines. It will be a resource for any community undergoing transportation infrastructure improvement projects.

[www.gflrpc.org/Publications/PVMSFP.htm](http://www.gflrpc.org/Publications/PVMSFP.htm)

### Census 2010

Believe it or not, the next census is not that far away. The Census Bureau and its affiliates, such as the Genesee/Finger Lakes Regional Planning Council, are starting to gear up for the 2010 Census.

One of the main objectives over the next few years will be to revise the address file that is used to mail out the

decennial Census short form. A more accurate address file generally means a better Census count. A better Census count will not only allow for more responsive appropriate planning in the region but funding for many state and federal programs are based on the decennial Census count.

Toward that end the Genesee/Finger Lakes Regional Planning Council has started this process in support of its nine member counties and 192 municipalities by assessing the available local databases that can be used to help build a master address file. Over the next few months county agencies and municipalities in the Region may be contacted for these databases.

## Staff Updates

### Welcome!

A warm welcome to our two new staff members!

Sweta Basnet is a native of Nepal, and comes to G/FLRPC from the Potomac and Rappahannock Transportation Commission in Virginia. With a masters degree in planning from SUNY Albany, Sweta is a planner at G/FLRPC and is assisting with many projects including All-Hazard Mitigation Planning and Water Resources Planning.

Greta Goldberg is a native of Homer, New York and comes to G/FLRPC from Austin, Texas, where she earned a masters degree in planning from the University of Texas. Prior to her time in Texas, Greta worked in the private sector in New York City. Greta has joined G/FLRPC as Senior Planner for Economic Development and RLF Relationship Coordinator.

### Back to School!

Jason Haremza, in addition to being Senior Planner at G/FLRPC, has joined the faculty of SUNY Genesee's Geography Department as an adjunct lecturer. Jason will be teaching "Introduction to Urban and Regional Planning" during the Spring 2006 Semester. As an alumnus of the Genesee Geography program, Jason is looking forward to being back on campus.

## Fall Local Government Workshop Review

This year's Fall Local Government Workshop was held on November 18 in Mount Morris and featured three concurrent tracks totaling nine individual sessions.

These included:

- Zoning Board of Appeals Overview
- Meetings and Hearings
- Records & Decision Making
- Planning Board Overview
- Municipal Comprehensive Place

- Protecting Water Resources Through Effective Local Control
- Enforcement of Zoning and Other Local Laws
- Local Regulation of Wind Energy Systems
- SEQRA: Overview and Practical Case Study in Using the EAF

This Workshop had record breaking attendance of over 300 registrants! The Spring Local Government Workshop is planned for Pittsford on May 19, 2006.

For information or to suggest topics for future sessions, please visit:

[www.gflrpc.org/EventsWhatsNew.htm](http://www.gflrpc.org/EventsWhatsNew.htm)

or email [gflrpc@gflrpc.org](mailto:gflrpc@gflrpc.org)

**SAVE THE DATE! May 19, 2006**  
**Spring 2006 Local Government Workshop**

## Staff Training

G/FLRPC staff have been active in the past few months with various conference, training, and presentation activities. These include:

*Data Technology and Resource Center*

**GIS/SIG Conference**, October 2005, Rochester, NY  
(Chris Tortora)

**NYS Data Center Affiliate Meeting**, October 2005, Albany, NY  
(Chris Tortora)

*Regional, Local, and Water Resources Planning*

**ITE/NYSMPO Conference**, October 2005, Rochester, NY. (Brian Slack)

**Environmental Facilities Corporation Water and Sewer Co-Funding Workshop**, October 2005, Niagara Falls, NY (Brian Slack)

**American Institute of Certified Planners Exam**, November 2005, Syracuse, NY (Jason Haremza, AICP)

*Economic Development*

**Cornell University Economic Development Summit**, November 2005, Ithaca, NY (David Zorn)

**Cornell Ag Economic Development Workshop**, November 2005, Ithaca, NY (David Zorn)

## *"A Sense of Place"*

*Stories about the things that make our Region unique.*

Snow. For better or for worse, it is something that Upstate New York is well known for. As we enter the snowy season, it is worth a pause to consider the unique geography that contributes to our snowy winters.

Driven by prevailing westerly winds, air traveling over the waters of Lake Erie and Ontario absorbs moisture. When this moisture-laden air hits the comparatively colder land, especially higher elevations, to the east of the lakes, the moisture condenses and falls as snow. Over 200 inches falls in the Tug Hill area east of Lake Ontario; within the Genesee-Finger Lakes Region, snow totals vary widely. Over 120 inches fall in the Lake Erie snowbelt Towns of Sheldon, Java, and Arcade in Wyoming County while due north in the Towns of Ridgeway and Yates in Orleans County, less than 60 inches accumulate annually. The Lake Ontario snowbelt includes the Town of Webster in Monroe County and the municipalities of northern Wayne County, with totals of over 100 inches. —*Jason Haremza and [www.erh.noaa.gov/er/buf/](http://www.erh.noaa.gov/er/buf/)*

## **Genesee/Finger Lakes Regional Review**

Volume 2, Number 4  
Winter 2005-2006

*Genesee/Finger Lakes Regional Review*  
is published quarterly by the  
Genesee/Finger Lakes  
Regional Planning Council

Genesee/Finger Lakes Regional Planning Council  
serves its nine member counties: Genesee,  
Livingston, Monroe, Ontario, Orleans, Seneca,  
Wayne, Wyoming, and Yates, through its plan-  
ning, economic development, data resources,  
and other program areas.

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