Town of Victor

Agricultural & Farmland Protection Plan

2015

Prepared with funding from NYS Department of Agriculture & Markets

INTRODUCTION

The Victor Agricultural & Farmland Protection Plan includes the following sections:

- Section 1: Agricultural Protection
- Section 2: Community Profile
- Section 3: Natural Resources and Green Infrastructure
- Section 4: Growth Management and Community Character
- Section 5: Community Development
- Section 6: Future Land Use
- Section 7: Implementation Plan

The first section of this Plan analyzes existing conditions, trends and farmer survey results relating to agriculture and farmland and presents strategies in support of the primary goal. Section 2 provides a community profile and overview of Victor's recent growth and development as well as the Vision for the future of Victor. Section 3 addresses natural resources and green infrastructure. Sections 4 and 5 address growth management and community development and growth management. Section 6 addresses Future Land Use plan. The contents of this plan are also included in the Victor Comprehensive Plan, which was prepared during the same timeframe as the Agricultural & Farmland Protection Plan.

Each of these sections comprise all or portions of corresponding chapters in Sustainable Victor: Victor Comprehensive Plan, which was prepared in conjunction with the Agricultural & Farmland Protection Plan. Together, they present an analysis of farmland and the agricultural industry in Victor, development pressure that impacts agriculture, strategies to protect farmland and other green infrastructure, and approaches to manage growth in a manner that retains farmland and protects community character.

A grant from the NYS Department of Agriculture and Markets provided funding for the preparation of this Plan. In accordance with the grant requirements, the Victor Town Board held a public hearing on the Agricultural & Farmland Protection Plan and obtained the approval of the Ontario County Agricultural Enhancement Board prior to submitting the final plan to the NYS Commissioner of Agriculture & Markets for approval.

Section 1
Agricultural Protection

GOALS

The primary goal of the Town of Victor Agricultural & Farmland Protection Plan, as stated in the Victor Comprehensive Plan, is:

PROTECT AND ENHANCE AGRICULTURAL LANDS AND OTHER WORKING LANDSCAPES AS VITAL COMPONENTS OF OUR GREEN INFRASTRUCTURE AND COMMUNITY CHARACTER.

In addition, the following complementary goals also serve to protect Agriculture in the Town:

- Foster a regional, landscape-scale, approach to conservation.
- Foster a regional, landscape-scale, approach to open space.
- Institute a growth management program.
- Integrate a green infrastructure conservation and planning approach into Victor's long term planning and development review process.
- Adopt an Incentive Zoning program to facilitate the movement of development rights.
- Provide incentives in the form of density bonuses to protect and enhance green infrastructure.
- Create a water and sewer infrastructure plan before extending those services through other parts of the town.
- Maintain a natural resource inventory.
- Adopt Smart Growth conservation principles that address the ecological and social impacts of sprawl and the accelerated consumption and fragmentation of open land.
- Promote development that has low impact on the environment and that maintains the character of the community.
- Require all developments be designed using conservation subdivision principles.
- Add sustainable design and siting standards to the zoning and subdivision rules.
- Amend the zoning code to better define open space to include specific language that describes their characteristics.
- Amend site plan review standards and criteria to strengthen review and mitigation related to green infrastructure.

- Revise subdivision regulations to require that new housing developments be designed to have low impact on the environment.

INTRODUCTION

The New York State Department of Agriculture and Markets provided funding, in part, for this Plan.

Farmland protection, rural character, green infrastructure, growth management, and open space preservation are principle concerns of Victor residents. Enhancement of the agricultural economy and the preservation of open space and other green infrastructure anticipated to accompany such an enhancement are major goals of this plan that have been reinforced through various public meetings with the Town. This Plan focuses upon Agricultural Resource and Business Protection, incorporates several components of the Town's comprehensive plan and serves as the town's agricultural protection plan for which the community was granted state funding.

Farming has traditionally been a part of the regional economy and many residents were attracted to the community by the open space and rural character found within Victor. Despite the existence of world class soil resources and climate for agricultural production, the community's location as a regional growth center, as well as trends in agricultural markets and production practices, have been shifting demands for traditional field crops and have left some local family farms ill-prepared for this new competition. Many farming families feel the need to convert their land assets to non-farm uses. This pressure on farming and demand for development sites has led to the loss of critical agricultural resources as well as open space and threatens the fabric of agricultural life and business throughout the Town. At the same time, growing market demand for local and organic products and increasing interest in farming among young people represent potential opportunities for high quality farmland in Victor to remain in agricultural production.

Enhancing the agricultural economy requires understanding and protection of resources within the town upon which agriculture depends, some of which are also recognized in this plan as green infrastructure components. Existing farmland with prime agricultural soils is considered to be an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. This community resource is permanently lost to the citizens of Victor when such land is committed to residential or other more developed uses that do not require those special characteristics.

This Agricultural and Farmland Protection Plan provides ways to protect farmland over the short term and enhance it over the years ahead. Section 3 focuses upon the related topics of Natural Resources and Green Infrastructure; sections addressing Growth Management & Open Space and Future Land Use follow. Together, these offer a toolbox of proven strategies to protect farmland, preserve green infrastructure, manage growth, preserve open space, and plan for the future uses of land.

EXISTING CONDITIONS

AGRICULTURE INVENTORY

There are many different kinds of farms and associated businesses. New York State defines farm operation as: "the land and on-farm buildings, equipment, manure processing and handling facilities, and practices, which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' and 'timber processing.' A farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or "noncontiguous to each other." As the community in Victor seeks to preserve agriculture, we need to think this broadly.

According to the Town Assessor and as shown in the table that follows, a total of 62 parcels in Victor (comprising 4,204.8 acres, or just over 18% of the Town's approximately 23,040 acre extent) are presently classified as agricultural.[1]

Agricultural Parcels (2012), Town of Victor

Assessor's Code	Designation of Land	Parcels	Total Acres
105	Agricultural Vacant Land	30	1162.3
112	Dairy Products	1	30.0
113	Cattle, calves, hogs	2	253.1
117	Horse farms	5	398.5
120	Field crops	22	2161.1
151	Apples, pears, peaches, etc	1	142.7
170	Nursery and greenhouse	1	57.1

(Source: Town of Victor Assessor's Office)

According to statistics from the 2007 Census of Agriculture for the Victor zip code (14564), crops produced for sale in the Town include hay, soybeans, wheat, oats, vegetables, Christmas trees, horticultural or nursery plants and maple syrup. Animal husbandry operations raise horses and cattle. While most of the farm operations are small or part-time, six farm operations based in Victor generated annual sales of $50,000 to $249,999 and one sold products valued at more than $250,000. Three farm operations were certified organic and four sold products directly to customers.

[1] It should be noted that the acreages presented in the table, derived from assessment records, differ from those presented in the Town's Natural Resource Inventory (NRI) which were developed relying more heavily upon aerial photos and mapping. In general, the NRI reports more extensive acreage involved in agriculture (7,358 acres). Furthermore, both the table and the NRI may overlook some forms of agriculture such as the use of woodlands for maple sugar production. Finally, it should also be noted that agricultural demands evolve and sometimes change quickly. For example, land that can support production of malt barley recently became a priority despite little or no interest in preceding years.

Responses to a 2014 survey of farmers indicate that hay and corn are the most commonly produced crops, with several farms producing other field crops such as soybeans, wheat, oats as well as vegetables, fruit and berries, and maple syrup. Beef cattle is the most common livestock produced in Victor.

Farms in Victor contribute to significant economic impact of agriculture countywide. In 2012, the value of agricultural products sold by farms in Ontario County was $180,326,000. Dairy operations generated 48% of the total countywide and grains contributed 28%.

Unlike many other western NY Towns, Victor represents a unusual convergence of multiple factors important to agriculture:

- Presence of prime soils;
- Proximity to metropolitan population centers (Rochester and its higher density suburbs are near; Rochester is only 16 miles from the Village of Victor, the distance to Pittsford is less than 8 miles, Brighton is only 13 miles distant and Irondequoit, Greece and Gates are all within 18 to 22 miles from the Village); and,
- Proximity to regional and statewide transportation networks (NY Thruway Exit 45 is within the Town, I-490 terminates within the Town, Route 96 transits the Town, Route 31 can be accessed a few miles to the north, and south).

Maps describing the locations of the agricultural areas and resources important to agriculture in Victor are presented on the pages that follow. These maps provide the basic inventory information that is then used to identify those priority areas that need protection. The parameters used for the prioritization of land to be preserved are explained following the maps.

AGRICULTURAL SOILS

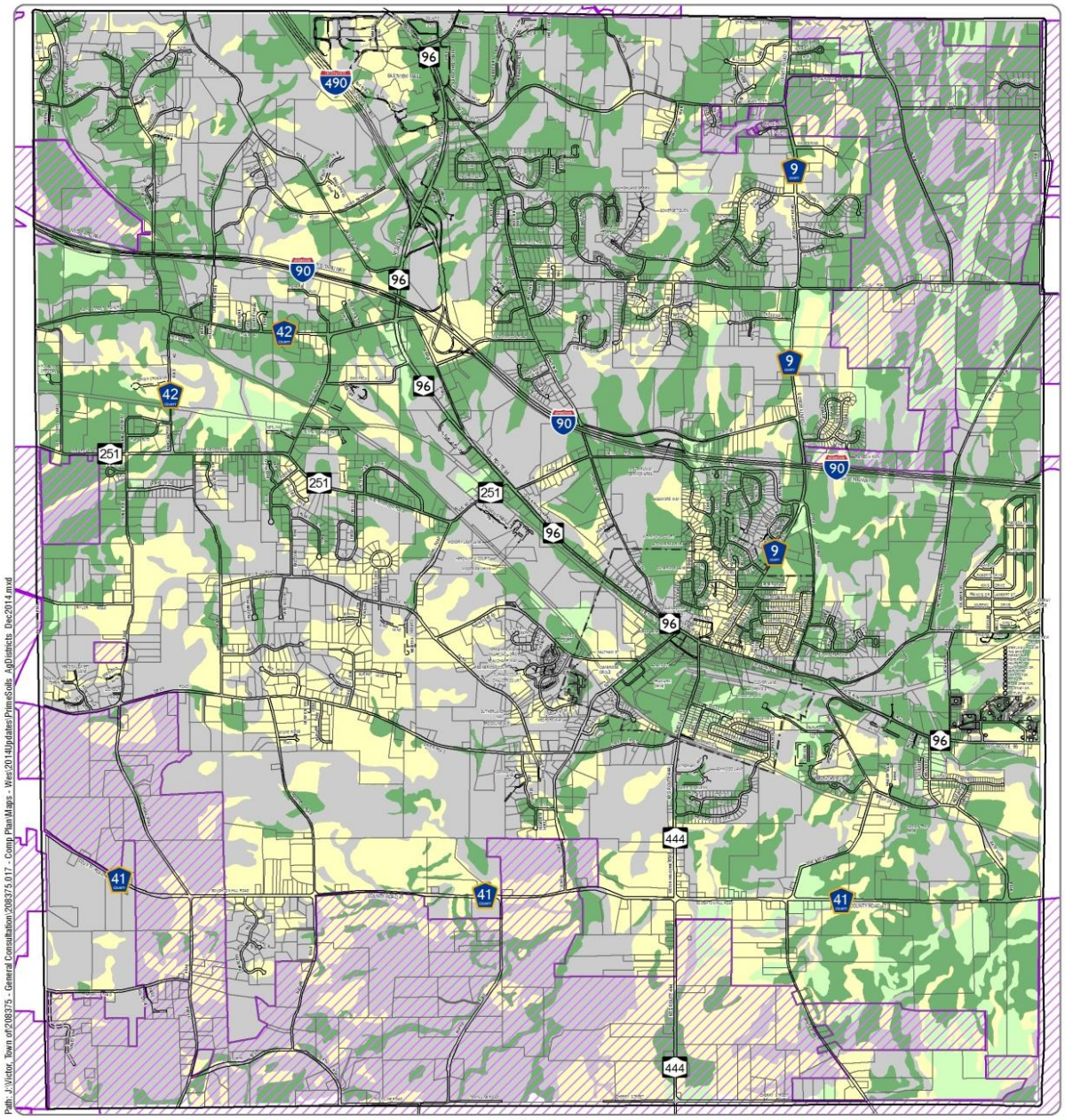
The map presented on page 1.9 shows the distribution of various types of soils of interest around the community. As the map shows, soils rated as preferred for agriculture are found throughout much of Victor. These include soils rated as prime for agriculture, soils that would be prime were they to be drained, and soils of statewide significance for agriculture. Unfortunately, many areas with the most important soils have already been built upon and agricultural districts lie over some areas with less significant soils.

Regarding high quality agricultural soils, the greatest concentration of such soils is found along the town's eastern boundary. A belt of these soils, interspersed in some areas with soils of less importance, extends approximately one mile or more into the town along the eastern boundary north and east of Route 96. These soils are also present, but less prevalent, to the west of this belt (more than one mile from the eastern town boundary, but still to the east of Route 96). Another notable concentration of these soils is found south of Route 96 in the southeastern corner of the town. This block extends west to Route 444 and a little beyond. Yet another concentration is found in the vicinity of Route 251, west of Route 96, south of the Thruway and north of Modock Road. Prime soils can also be found interspersed in other areas within the town, such as within the northwestern

corner, but are generally much less dense within these other areas. Within the southwestern quadrant located south of Dryer Road and west of Route 444, the presence of soils important to agriculture is relatively rare.

AGRICULTURAL LAND COVER TYPES

The Town of Victor Open Space Index completed by the Conservation Board in 2014 delineated 3,339 acres of cropland, 338 acres of pastureland and 76 acres of orchard, based on analysis of aerial photos and field verification. A copy of this land cover classification map is presented on page 1.10.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2013 Tax Parcels (Source: Ontario County)
2011 Agricultural Districts (Source: CUGIR)
Soils (Source: CUGIR / NRCS)
IMPORTANCE
Prime (7,796 Acres)
Prime if Drained (1,013 Acres)
Statewide Importance (4,980 Acres)
Other Soils (9,189 Acres)
TOWN OF VICTOR NEW YORK
PRIME SOILS and AG DISTRICTS
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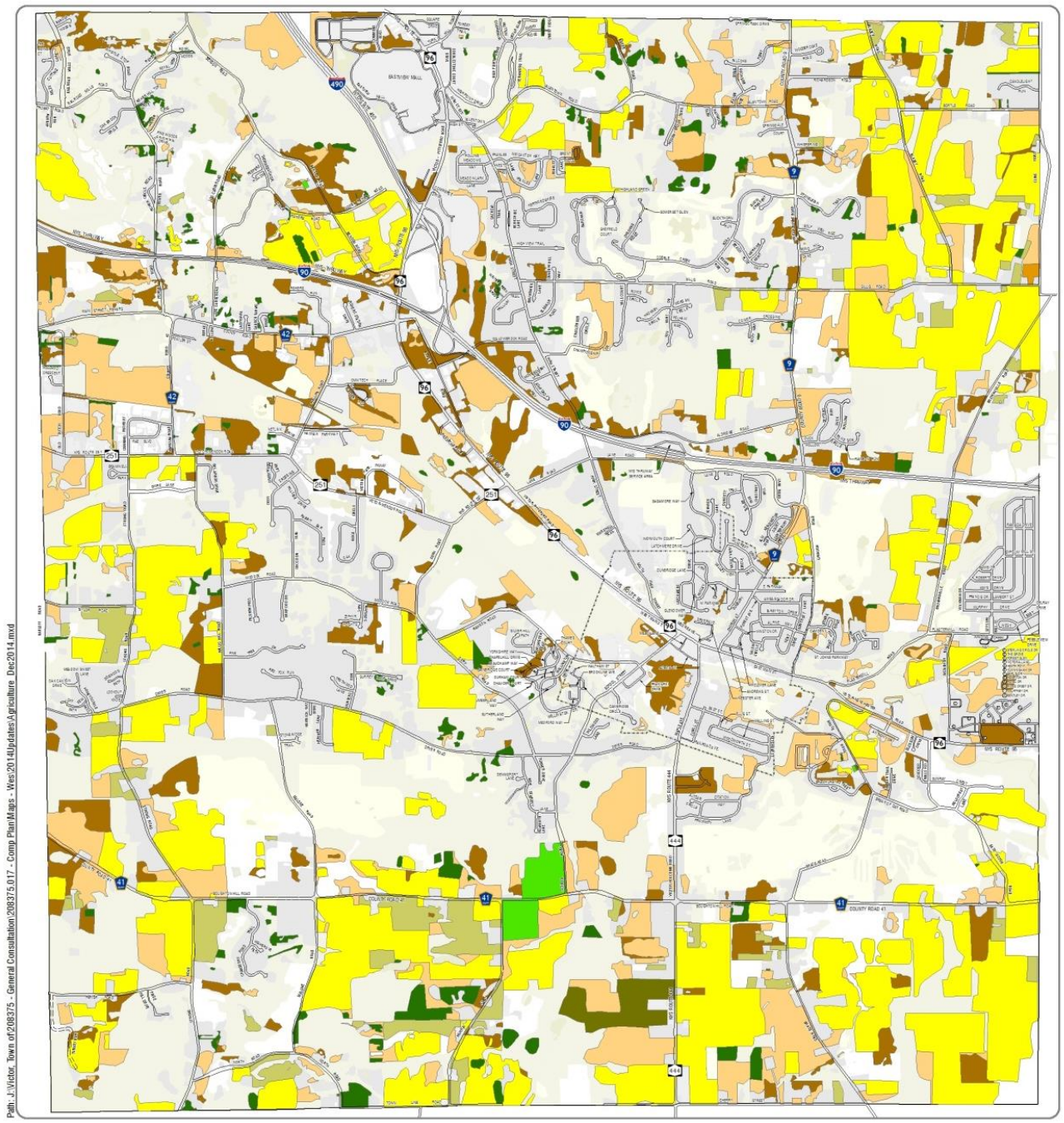
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AGRICULTURAL RESOURCES - LAND COVER CLASSIFICATIONS
SOURCE: Land Cover mapping by Ontario County Planning Department and Dr. Bruce Gilman, 2013; Classifications based on "Ecological Communities of New York State," 2nd Edition, 2002, published by NYS Department of Environmental Conservation Natural Heritage Program.
N
W
E
S
Agricultural/ Cultivated Land
Cropland
Orchard
Pasture
Conifer Plantation
Flower/ Herb Garden
Open Uplands
Succesional Old Field
Succesional Old Field/ Conifer Plantation
Succesional Shrubland
Other Land Cover Classifications
Natural Resources Land Covers
Other Cultural Resources
Not Open Space
No Data (white no outline)
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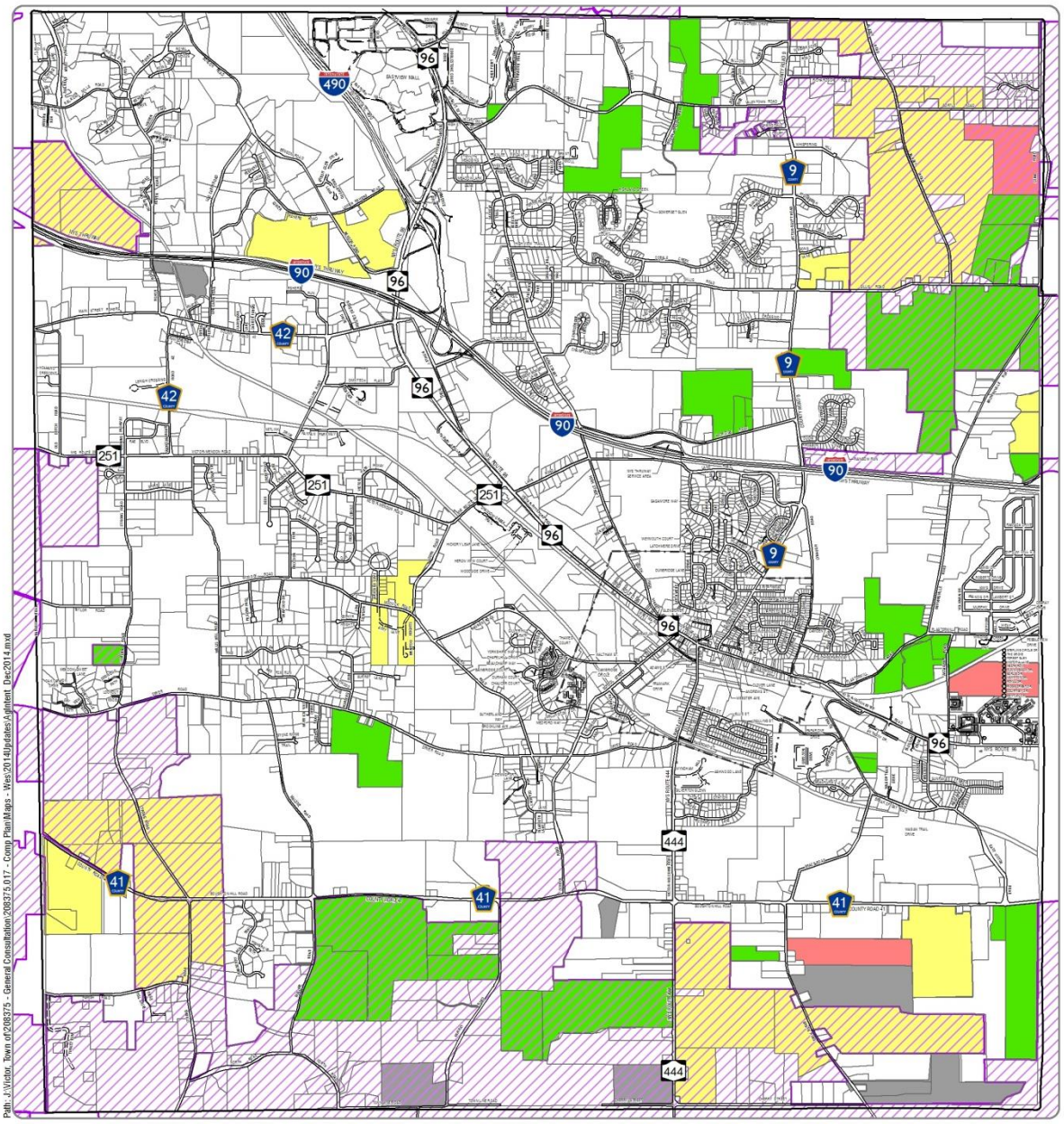
LABELLA Associates, D.P.C.
Engineering Architecture Environmental Planning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TOWN OF VICTOR NEW YORK
AGRICULTURAL INTENT
2013 Tax Parcels (Source: Ontario County)
2011 Agricultural Districts (Source: CUGIR)
Agricultural Intent (Source: Ontario County)
- Results of a landowner survey for the 2000 Agricultural Enhancement Plan
Intent Unknown
Intentions to Develop
Rented Farmer Friendly
Farmer Owned
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LABELLA Associates, D.P.C.
Engineering Architecture Environmental Planning

EXISTING PLANS AND ACTIVITIES

AGRICULTURAL DISTRICT MAP AND LANDOWNER INTENTIONS REGARDING LAND

The map on page 1.11 shows two things. First, as in a preceding map, it also illustrates parts of the town contained within an agricultural district. Second, it shows the results of a landowner survey conducted by Ontario County during the preparation of its 2000 Agricultural Enhancement Plan.[2] Each owner of farmland (the survey was not limited to farmers but attempted to include all *owners* of farmland) was asked his or her intentions regarding that land. The four possible answers, which are graphically displayed on the map, are:

- Intent Unknown – owner either did not have plans or did not respond.
- Intends to develop – owner expects to sell the land for development in the short-term.
- Farm-friendly landowner – owner does not farm it, but rents it to farmers and plans on continuing to rent it to farmers.
- Farm-owned – farmer owns the land and expects to continue farming it.

AGRICULTURAL EXEMPTIONS AND ACTIVE FARMLAND MAPS

The map presented on page 1.14 shows the land that is actively being farmed, according to the town assessor (this information has been compiled using the property class codes assigned by the assessor).

Also noted on the map are parcels that are receiving agricultural exemptions – lower property taxes because it is farmland. Qualifying land must be at least seven acres in size and have been used for at least the preceding two years for agricultural production and must average $10,000 per year in gross farm income over those two years. (If a farm is less than seven acres, it may qualify if it has average gross sales of at least $50,000 per year.)

As indicated earlier in this section, many areas with the most important soils have been built upon and committed to non-agricultural uses. However, Agricultural Districts and active farmlands do remain in the outlying regions of the town where there has been less development. Although some of these coincide with the locations of preferred soils, many do not.

The greatest concentration of agricultural district lands and active farms is found along the town's southern boundary, south of Boughton Hill Road.[3] This concentration does extend north of Boughton

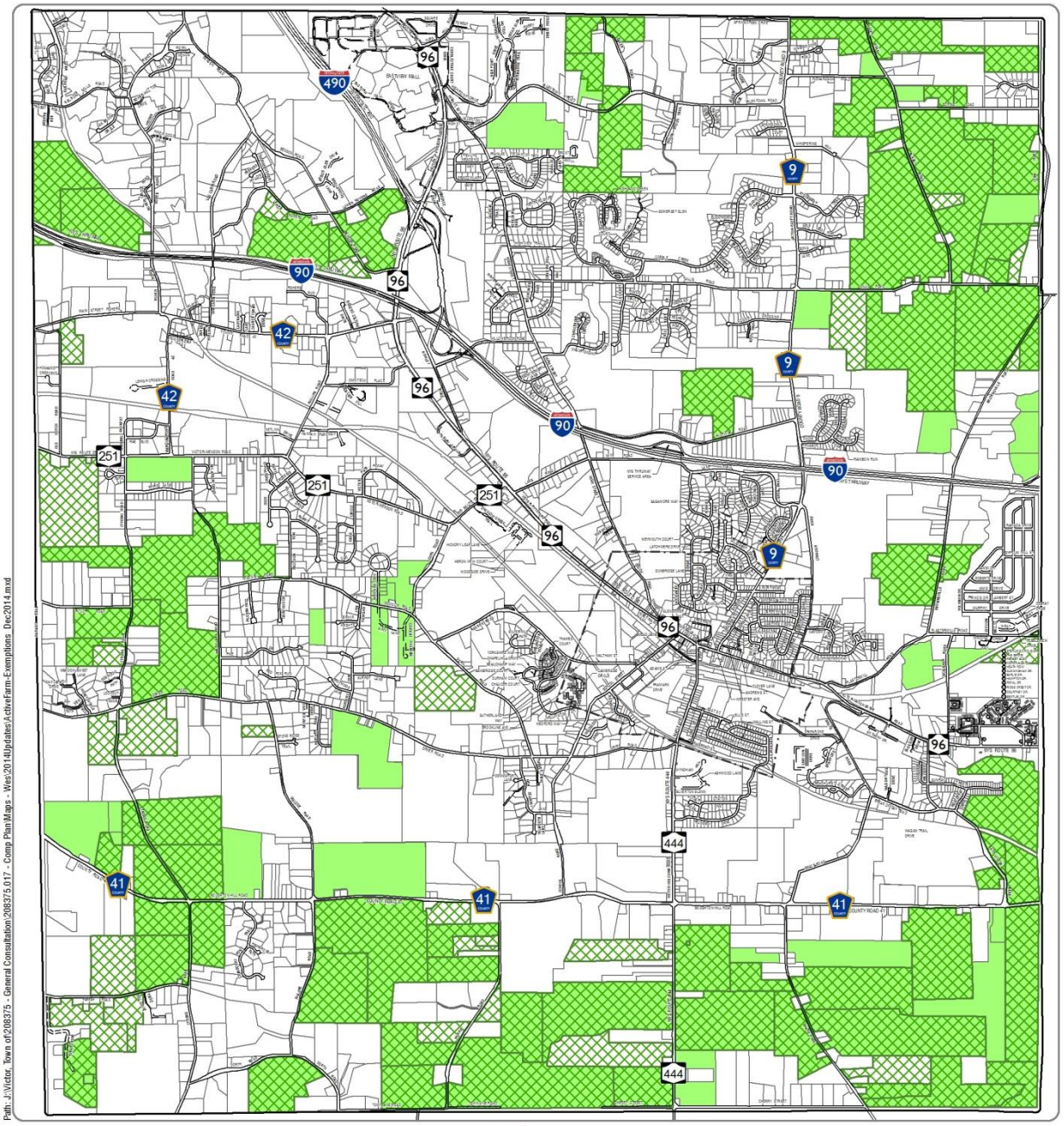
[2] Two similar farmer/landowner surveys were conducted specifically for the comprehensive plan and this agricultural protection plan. An initial survey was completed in 2008 followed by a supplemental survey in 2014. Both are presented in a later part of this section (see pages 1.19 and 1.20). Although the methodology was somewhat different, the results also tend to emphasize the number of owners of farmland who plan to sell their land.

[3] As noted below on page 1.16 under the topic "Agricultural Zoning", the Town's Zoning Law presently identifies agriculture as a permitted use only within the R-3 zoning district. There are, nonetheless, a number of active

Hill Road in the vicinity of Strong Road and School Road. The second greatest concentration is found in the northeastern corner of the town north of the Thruway and east of County Road 9, although this extends somewhat west of County Road 9 in the vicinity of Valentown Road. Segments of districts located primarily within Bloomfield also extend across Victor's western boundary just north of the Thruway and just south of Route 251. A few isolated, but active, farms are found scattered throughout the town outside any district.

The map presented on page 1.15 also illustrates land that is known to be farmed and therefore duplicates that presented on page 1.14. However, although the information regarding actively farmed land that is presented on page 1.15 originated with consideration of assigned property class codes, development of this map also included review of aerial photography and consultation with knowledgeable residents from the agricultural community.

agricultural operations in other zoning districts that are also within NYS Agricultural District 1. As has been pointed out in comments from the Ontario County Agricultural Enhancement Board, NYS Department of Agriculture and Markets laws (Article 25 AA Section 305-a, Coordination of Local Land Use Decision Making) state that local governments may not unreasonably restrict or regulate agricultural operations that are located within an agricultural district. Thus, not allowing agricultural uses on land within such an Agricultural District could conflict with the NYS Agriculture and Markets law.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TOWN OF VICTOR NEW YORK
ACTIVE FARMLAND and EXEMPTIONS
Active farmland parcels defined by property classification code, and further refined by local agriculture representatives.
2013 Tax Parcels (Source: Ontario County)
2014 Exempt Agricultural Parcels (Ontario County)
2012 Active Farmland Parcels
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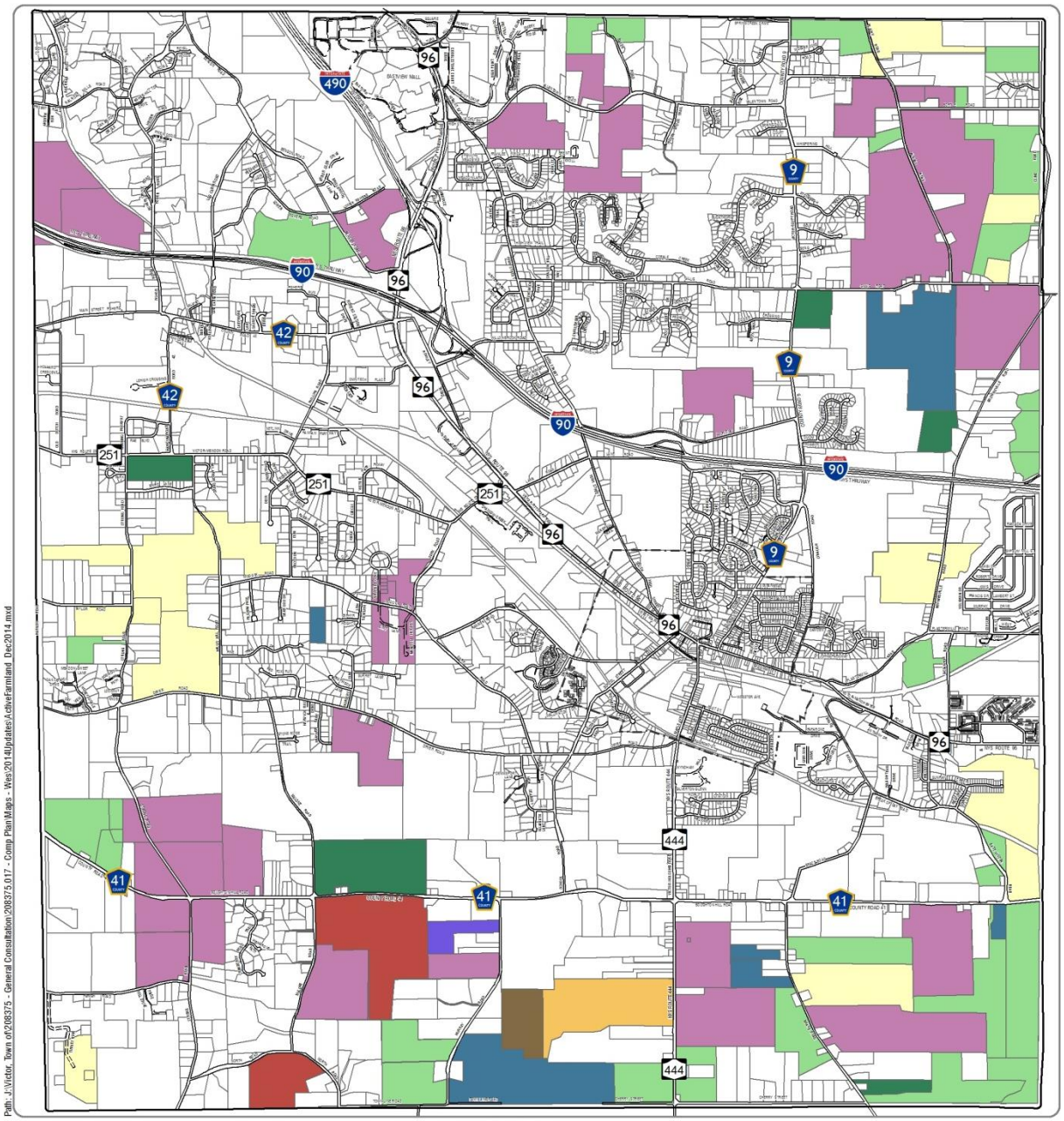
LABELLA Associates, D.P.C.
Engineering Architecture Environmental Planning


Path: J:\Victor, Town of\208375 - General Consultation\208375.017 - Comp Plan Maps - Wes\2014Updates\ActiveFarmland_Dec2014.mxd
105 - Agricultural Vacant Land (Productive)
112 - Dairy Products: Milk, Butter and Cheese
113 - Cattle, Calves, Hogs
117 - Horse Farms
120 - Field Crops
151 - Orchard Crops: Apples
170 - Nursery and Greenhouse
240 - *Rural Residential With Ag Acreage*
322 - *Residential Vacant with Ag Acreage*
TOWN OF VICTOR NEW YORK
ACTIVE FARMLAND
Active agricultural parcels defined by property classification code, and further refined by local agriculture representatives.
May 2012
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N W E S
* Categories with asterisks have primary classifications of residential or vacant land. However, upon comparing these uses with 2009 aerial photography, these parcels have some acreage that appears to contain active farmland.
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DEFINING AND EVALUATING LAND TO BE PROTECTED FROM A GREEN INFRASTRUCTURE PERSPECTIVE

Section 3 of this plan describes the basis for establishing a map of green infrastructure in Victor. Maps were prepared to identify location, characteristics, and relationship to land use patterns of all of Victor's green infrastructure components. A prioritization model was used to calculate and classify the range of green infrastructure and agricultural values of different parcels of land. Among the components included in that analysis and prioritization are the following:

- Prime Soils
- Soils of Statewide Importance
- New York State Agricultural Districts
- 2009 Agricultural Tax Exemptions
- Active Farmland

AGRICULTURAL ZONING

Agricultural uses are allowed within all three residential zoning districts defined within the town. There are no zoning districts which the town identifies as primarily agricultural districts or within which agriculture is identified as the preferred use. Establishment of agricultural zoning districts wherein agricultural uses would be favored and residential uses would be discouraged should be considered, but only in instances where a parcel can no longer be developed for residential use such as would be the case following a purchase or transfer of development rights or imposition of a conservation easement.

The Town of Victor designates three residential zoning districts (R-1, R-2 and R-3). Maximum development densities permitted within these districts is determined by a system of three residential density overlay districts which allow maximum residential development densities ranging from 1 unit per acre to 1 unit per every three acres. Of the three town residential districts, R-3 is the only district for which the code includes a reference to agricultural operations within its statement of purpose. Whether agricultural operations should also be referenced within the statement of purpose for R-2 and/or R-1 districts should be revisited.

Finally, footnote 3 included on page 1.12 identified a potential conflict with NYS Agriculture and Markets laws regarding unreasonable restriction or regulation of agricultural operations within an agricultural district. In addition to considering whether the R-2 and/or R-3 purpose-statements require revision, the Town should also consider whether agricultural should be made an allowed use on any parcel within these districts that is also within an Agricultural District. The Ontario County Agricultural Enhancement Board has suggested an overlay district that would "allow agricultural operations as classified by state law which are following sound agricultural practices to be conducted".

KEY FINDINGS

CHANGES IN AGRICULTURAL ACTIVITY

Active farms are not as prevalent within Victor as they once were. Although development pressure and demand for development sites is cited by some as having contributed to this decline in Victor, a significant reduction in the number of active farms has also been experienced elsewhere in Western NY where development demand is minimal. Residents and landowners participating in the planning process commented upon the ongoing general decline in the number of dairy farms and traditional cropping activities focused upon corn, small grains and legumes. Paramount among the significant deterrents encountered by young and beginning farmers otherwise interested in establishing farms in Victor is the high cost of land in the community.

Although a renaissance in "traditional" forms of agriculture involving cropping of corn, small grains and legumes has been experienced over the past decade or two in some more rural towns as a consequence of growing Amish or Mennonite population, and elsewhere due to higher commodity prices in recent years, this has not occurred in Victor[4]. Traffic and the prevalence of residential subdivisions, as well as higher costs for land within Victor, are likely among the factors that account for this distinction. Another trend is growing demand for local and organic produce. These crops can be produced on smaller parcels and have minimal impacts on traffic and neighboring residences. Proximity to population centers is an advantage for community supported agriculture and direct-to-consumer operations.

Residents and landowners commenting in the planning process noted two additional factors regarding those few individuals still conducting traditional crop-based farming operations within Victor:

- Most or all rely upon the rental of much land to assemble tracts large enough to achieve the scale necessary in today's market; and,
- None appear to have obvious successors with plans to follow them when they retire. (Survey responses presented below in the Farmer Survey section regarding an intention to develop or an unknown intent would seem to validate this observation).

NON-TRADITIONAL AGRICULTURE

The presence of valuable agricultural soils in Victor, the level of active use of Victor agricultural lands, economic declines in traditional forms of agriculture, and the ongoing demand for development sites within Victor rural areas lead to consideration of the potential need for agricultural zoning and preservation of agricultural soil resources for future use and to consideration of a closely related topic: the level to which non-traditional forms of agriculture (not focused on dairy, beef, and/or

[4] Although the number of dairy farms has declined, dairy farming, hop yards, and vineyards have recently been expanding across NY State where wine is already a $4.88 billion industry. In addition, Victor's fertile soil may become more desirable and primed for growth as droughts in other parts of the country and dependence upon irrigation cause food growers to reevaluate this area as preferable.

corn/small grain based cropping) can be expected to succeed in Victor and the level to which such enterprises should be anticipated to utilize un-developed agricultural lands in Victor were they to be preserved as open space available for farming in the future. Examples of more recently developed non-traditional forms of agriculture within Victor were noted as this plan was prepared, but their numbers, extent and rate of growth have not been quantified. The presence of prime soils, access to major transportation corridors and proximity to significant centers of population are all relevant factors in estimating the potential future demand for arable land from non-traditional agricultural uses. This potential future demand should be taken into account in implementing growth management and other measures called for in this plan that would protect remaining soil resources for future use.

ONTARIO COUNTY AGRICULTURAL ENHANCEMENT BOARD COMMENTS

Among the comments offered by the Ontario County Agricultural Enhancement Board were the following:

- Conservation Subdivisions. Although Conservation subdivision (Town Law §278) is generally associated with larger scale residential development, it can also be a powerful tool to avoid fragmentation of farmland in low density "rural" settings that results from rigid lot size and setback requirements. Conservation subdivision in low density agricultural areas can be used to decouple the number of units allowed from a minimum lot size calculation. It is particularly effective where public sewers are not available. This is an agriculture-friendly zoning tool used in a number of Ontario County towns. It gives farmland owners greater flexibility to site a residence in a smarter, agriculture-friendly manner that results in retaining viable farmland.

- Transfer of Development Rights (TDR) & Open Space Requirements. A TDR program can be a useful though complex tool for the protection of farmland or natural resources. An open space requirement is an essential for a TDR program to work: 1) It equalizes the responsibility for assuring there is long term open space by either requiring either reservation of land or cash payment to allow purchase of development rights for highly valued conservation parcels; and 2) function as a receiving zone for development "transferred from" a parcel of higher natural resource or agricultural value.

- Agricultural Infrastructure. The viability of farmland can be adversely impacted by development on adjoining parcels that damages or eliminates critical agricultural infrastructure (such as surface/subsurface drainage, equipment access, buffering). Delineating agricultural infrastructure both for the subject parcel and adjoining parcels should be included as a requirement for subdivision and site plan approval. Minor adjustments to a site plan or subdivision can make a significant difference in maintaining continued agricultural viability of remaining or adjoining farmland. These provisions are included in other Ontario County town local laws.

- Agricultural Soils. Quality Indicator Agricultural soils are defined generally by standards favoring row crops. Land can be productive for other crops (fruits, sugar bush, vineyard, berries, mushrooms, apiary, etc) even though the soil is not listed. Any resource evaluation

process should allow for consideration of soils which may be productive but not favored for row crops.

- Value Added Agricultural Uses. Value added agricultural uses (processing, preparation, etc.) are important to maintaining agricultural economic viability. Existing commercial and light industrial zoning districts should be reviewed to determine if such uses are allowed uses. If not, consideration should be given to allowing them. There are currently small processors that have outgrown their facilities but have limited places to expand their operations.

- Accessory Value-Added Agricultural Uses. Some value added agricultural uses may be appropriate for certain agricultural operations. Maple sap and processing, and product cleaning/sorting are types of activities that should be allowed as accessory to crop production. This eliminates questions regarding use variances for activities that are part of an agricultural operation.

- Town Sewer Master Plan. The extension of infrastructure, while desirable when looked at on a project by project basis, can increase development pressure that leads to conversion of farmland. The recommendation for a sewer master plan coupled with the Town's other conservation initiatives is to be commended as a proactive approach to balancing long term development and conservation goals.

FARMER SURVEY

During the fall of 2008, a survey was mailed to all farmers and farmland owners in Victor. Forty-nine surveys were mailed and there was a 29% response rate. Participants were a mix of both farmers who own and work their land as well as landowners who rent to others. Corn is the primary farming activity, but livestock, horses, Christmas trees, vegetables, custom crops and forestry were also represented. The survey represents 1,219 acres of actively farmed land owned and worked by the farmer and an additional 377 acres of land rented to a farmer.

According to the respondents, the top challenges facing farms in Victor were (in order of importance): property taxes, land use regulations, machinery costs, farm labor, land prices and fuel cost. Lower ranked, but still viewed as challenges by at least 50 percent of the farmers, were issues including availability of farm labor, residential encroachment/nuisance complaints, estate taxes, limited succession plans for the farm, environmental regulations, access to adequate financing, access to market and business support and lack of processing facilities. Almost all farmers were concerned or very concerned about loss of farmland in Victor due to housing and commercial development. Some farmers were concerned about negative relationships with non-farm neighbors.

The survey explored attitudes about different farmland protection techniques. All participants supported differential tax assessments. About half supported conservation easements, purchase of development rights, transfer of development rights, lease of development rights, farm-friendly zoning, loan programs, programs that grow new farmers, agriculture enterprise zones and agriculture overlay districts. There was a mix of support for conservation subdivisions and a lack of support for use of exclusive agricultural zones and environmental protection overlay districts.

In terms of long term plans for farms, 60% of participants said they planned on selling a portion of their farm for non-farm purposes within the next 10 years. Four farms are planning on selling all their land within that time frame. Two will be selling their land to another farmer. On the other side of the spectrum, three indicated that they will be planning on increasing their farming operation in Victor and four hope to increase their agricultural sales.

A supplemental survey administered in November 2014 confirmed many of the findings from the 2000 survey with a few changes. The survey was mailed to 108 farmland owners[5]; 62 responded, for a response rate of 58%. Nearly all of the full-time and part-time farmers who responded intend to keep their land in farming. Among non-farming landowners, 46% intend to sell all or a portion of the farm for development within 10 years, 29% intend to sell the land to a farmer.

According to survey respondents, the two biggest challenges facing farming in Victor are high production costs, pressure to develop/ sell land for development and the need for succession plans to keep land in farming. Other challenges include the availability/ suitability of farm labor, drainage/ maintenance of drainage improvements, land use and other government regulations, conflicts/ complaints from residential neighbors and availability/ cost of land. Nonetheless, the potential for owners of agricultural land to sell their property to those who would continue agricultural uses should not be dismissed. One of the primary concerns throughout the state is the need for infrastructure and funding programs effective at assisting young farmers to get started. In the absence of these, it is too frequently the case that the land can only be afforded by developers or, perhaps, by larger agricultural enterprises. Unfortunately, the development of such state-wide initiatives is beyond the scope of this plan and this plan necessarily focuses upon local initiatives. Although the survey responses generally indicate that farmers and landowners would support the more community-specific approaches recommended in this Comprehensive Plan, a small number of larger landowners have expressed reservations or opposition to the application of land use regulations and conservation easements to support farmland preservation.

LANDOWNER CONCERNS

In the course of discussions regarding town policies that could be considered to preserve agricultural uses, manage growth and protect agricultural soils, property-owners expressed reservations about the potential economic effects of such initiatives.

[5] The increase in the number of surveys mailed in this second survey should not be taken to indicate an increase in the number of farmers. Whereas the earlier survey focused more upon farmers, the second survey was distributed more widely to include all owners of potential farmland.

These concerns focused most frequently upon potential limitations of development rights (such as a limitation upon the maximum number of residential units per acre authorized in the zoning code) and the consequent reductions in property values anticipated by owners. (Discussions on this topic assumed that the market value of larger and/or undeveloped parcels in Victor is heavily influenced by their value as potential development sites – a factor that most in the community seem to take for granted).

In expressing their concerns, property owners referenced their experience with the system of residential density overlays implemented within the town in 2000. At the time, rural or undeveloped land within the town could generally be developed at a maximum density of approximately 1 unit per acre. The new overlays put in place at that time restricted the development potential within some areas to a maximum density of 0.33 units per acre (1 unit per 3 acres) and of others to a maximum density of 0.5 units per acre (1 unit per 2 acres). Property owners expressed their concerns that the value of affected lands decreased significantly as a consequence, that the loss in property value was unfair, that the manner in which the boundaries distinguished one overlay from another appeared arbitrary to them, and that the net effect was to place much or all of the economic cost of open space preservation upon the affected property owners.

CORNELL UNIVERSITY COOPERATIVE EXTENSION RECOMMENDATIONS

A representative of the Ontario County Cornell University Cooperative Extension submitted a number of observations and recommendations for the Town's consideration. The primary recommendations included:

- Creation of a Future Land Use Map in accordance with prime farm soil type boundaries to reduce conversion of these soils to non-farm use.
- Creation of agricultural zoning or preferred use guidelines that conform to areas in the town with high proportions of prime farmland (this zoning need not preclude residential development).
- In the absence of agricultural zoning, ensure that R-1, R-2, and R-3 zones allow agricultural accessory uses such as processing, storage, repair, and sales activities. Further, ensure that farm structures are allowed appropriate setback and design flexibility necessary for farm operations and development.
- Allow farm owners to acquire and utilize local raw farm products that complement products grown on-site (e.g., grain, honey, maple sap).
- Conduct simplified site plan review procedures for farm operations and activities that meet the town's basic expectations for high quality of life.
- Adopt ordinances that offer flexibility for agriculture businesses regarding signage, access, short-term parking, and equipment storage.

- Create a Town of Victor Agriculture Profile – documenting the value of agriculture sales, net contributions to Town revenue, prime farmland acreage, farm numbers, crop diversity scale, and general intentions of non-farm land owners with a potential interest in agriculture.

The Ontario County Cornell University Cooperative Extension also recommended consideration of the following farm business development options:

- Ensure eligible farm and farmland owners are aware of agriculture assessment programs. Reduce the tendency for town agriculture land assessment valuation to "jump" as a result of residential land use speculation.

- Provide accommodations for farms regarding fencing and food processing regulations, allowing for new developments in small scale agriculture processing technology.

- Restrict public sewer service in areas with prime farm soils.

- Encourage marketing opportunities for fresh produce, grain, meats, and other farm products grown intensively (farm market, local farm-to-business commerce).

- Consider conservation buffers (on the order of 200 feet to 500 feet in extent, perhaps on a district basis) between farms on prime farmland and high intensity residential development.

- Provide active support to agriculture including the organization of existing resources such as residents already farming or owing land suitable for agriculture. The Town Conservation Board also reinforced this recommendation by noting that adoption of a "Right to Farm" law is only a beginning. Agricultural operators also benefit from "good neighbor" policies that ensure road improvements support movement of farm equipment and that provide better signage in farm areas in order to increase public awareness as well as affirm the value placed on agriculture within the community.

AGRICULTURAL PROTECTION GOALS AND STRATEGIES

The following Agricultural Protection and Enhancement strategies will move the Victor community towards realizing its vision as described earlier in the comprehensive plan including its vision to enhance the community's high quality of life, economic vitality and natural resources.

Other goals that may affect agriculture but that are more directly related to other topics addressed in this comprehensive plan are presented in other sections. These related goals are listed in the first section of this section under the heading "Goals".

GOAL A. PROTECT AND ENHANCE AGRICULTURAL LANDS AND OTHER WORKING LANDSCAPES AS VITAL COMPONENTS OF OUR GREEN INFRASTRUCTURE AND COMMUNITY CHARACTER.

STRATEGY 1. KEEP AGRICULTURE VISIBLE TO THE PUBLIC.

The Town and Village should work with farmers and agricultural organizations to promote festivals, events, farmers markets, and other opportunities for the public in order to allow for more interactions between farmers and non-farmers. Work closely with the Victor Local Development Corporation to promote both community supported agricultural operations and the farmers market to both the general public and farmers.

Create an agricultural welcome packet for residents to explain opportunities, responsibilities and farm protection regulations. In order to promote agriculture and promote its role as critical green infrastructure in Victor, the Town and Village should promote its agricultural character to new and existing residents.

The Town can make use of a number of different media to help educate residents about local farms. Brochures can inform residents about what they can expect from living close to farms, about the value of buying local products from local farms, and the need to exercise patience when farmers take their tractors onto roads. The town website can include links to local farm businesses or information about farming activities. All promotion activities should highlight the important role agriculture plays specifically in Victor. The following benefits should be highlighted:

- Improving surface and groundwater quality by filtering water;
- Reducing flooding by slowing runoff and providing recharge areas;
- Improving air quality by filtering air and producing oxygen;
- Retaining soil for plant growth;
- Making Town a desirable place for people to visit. Wineries, pick-your- own farms, corn mazes and other agritourism businesses are direct draws for tourists;
- Providing community identity, rural character, and recreation;
- Reducing carbon emissions to the extent there is a reduction in reliance on foods, feeds and horticulture products that need to be shipped from long distances; and,

- Maintaining or increasing biodiversity and providing **wildlife habitat**, at least when compared to many more developed uses such as residential development.

STRATEGY 2. PROMOTE EDUCATIONAL PROGRAMS ABOUT FARMING PRACTICES.

Work closely with farmers, farm support groups such as Ontario County Cooperative Extension, local school districts that serve Victor, and Ontario County Soil and Water Conservation District to enhance education programs for the general public about agriculture, its role in the community, and its practices. While some educational programs already exist to help people start new farm operations or activities, little exists to help the general public understand what agriculture is, how it is done, and what it means to Victor. The Town needs to convey the importance of agriculture in Victor. In the surveys, several farmers had concerns over negative interactions with non-farmers because of a lack of understanding of the agricultural practice. In order to build sustained support for farming, the general public needs to have a better understanding of agriculture.

STRATEGY 3. INCORPORATE STATE REQUIREMENTS RELATED TO REVIEW AND NOTIFICATION FOR DEVELOPMENT OCCURRING WITHIN THE CERTIFIED NEW YORK STATE AGRICULTURAL DISTRICT.

Ensure that the requirements of New York State Agriculture and Markets Law (AML) 25-aa are followed and incorporated into Planning Board and Zoning Board of Appeals reviews. This law asks municipalities to carefully consider farm operations when making land use decisions within the agricultural district. For projects within 500 feet of a farm located in a New York State Agricultural District, the agricultural data statement is required and a review of the possible impacts to the functioning of farm operations be evaluated. This review can be coordinated with the environmental review (SEQRA), which also includes an evaluation of impacts on agriculture.

New York State Agricultural Districts offer certain protections for farmers and farmland.

Both boards should also be aware of Section 310 of AML Article 25-aa, which requires real estate agents and sellers of land to disclose to buyers that the property they are about to buy is partially or wholly within an agricultural district and that farming activities occur within that district. Some municipalities include the disclosure statement in their subdivision approval process to ensure that all parties are aware of the farm activities taking place.

STRATEGY 4. ENHANCE PLANNING BOARD REVIEW OF IMPACTS TO FARMS IN GENERAL.

To ensure that impacts to farming operations are included in the project review process, the Planning Board could include the following:

1. Review the New York State Agricultural District Map in relation to the proposed project.

2. Review the Agricultural Data Statement submitted by the applicant.

3. Evaluate farming activities in the area and project impacts on them. Some questions that the Planning Board should ask to determine if a project would negatively impact farms include:

   a. What potential conflicts between the existing farm and the new use will be created? How will these conflicts be prevented?

   b. Will the new use negatively impact a farmer's ability to use existing right-of-ways or farm roads needed to access fields?

   c. Will the new use affect land values and rental rates for agricultural uses?

   d. If new public roads are to be built, will they accommodate agricultural equipment and traffic?

   e. Will this new use spur additional non-farm development in the future?

   f. Is the landowner familiar with the nearby agricultural practices that will be used and if not, how will they be educated about them?

   g. Will the new use remove significant land from being available for farming?

4. Consider requesting an advisory opinion of the Ontario County Agriculture and Farming Protection Board.

5. According to Town Law 283-a and Village Law 7-741, notice must be given to the County Planning Board about proposals requiring the Agricultural Data Statement so that it can be reviewed.

6. As part of the New York State-required training for Planning Board and Zoning Board of Appeals members, include substantial training related to the operations and needs of farms and the potential impacts of development on neighboring farm operations.

STRATEGY 5. PROMOTE LANDOWNER PARTICIPATION IN NYS AGRICULTURAL ASSESSMENT PROGRAMS.

Tax relief for eligible farmers in the form of an agricultural assessment is also provided for in AML 25-aa. An agricultural assessment provides "use-value" assessment that allows land to be taxed for its agricultural value, rather than its non-farm market value. The difference between the market rate of agricultural land and the agricultural assessment is exempted from real property taxation. The

agricultural use value of land is established by New York State based on the number of acres and types of soils used for agricultural production on the farm parcel.

Any owner of land (in or out of the agricultural district) used for agricultural production may qualify if the land meets the requirements established by New York State. Land must be seven acres, farmed by a single farm operation, used in the preceding years for bona fide agricultural activities, and have an annual gross sales value of $10,000 or more. (Landowners who rent land do not have to meet the income levels but the farmer does.) Conversely, land of less than seven acres may qualify if the gross sales are $50,000 or more each year. Landowners must apply annually to the Town Assessor in order to be eligible for the exemption[6]. A penalty is imposed when land that has received these tax benefits is taken out of agricultural production.

Other tax benefits for farmland and farmers include the Farm Building Exemption, forest land exemption, partial exemptions for replanted or expanded orchards and vineyards, and sales tax exemptions. All of these programs are designed to reduce costs to farmers. In the survey, such tax benefit programs were highly supported as a farmland protection technique by Victor farmers.

Victor should promote participation in these programs. To accomplish this, Victor should ensure that assessors receive continuing education on agricultural assessments and exemptions, provide educational materials to landowners containing a directory and written explanation of tax incentives and benefits for farmers and farmland owners, and notify landowners who may be eligible for the exemption about program requirements and deadlines. Further, the Town should aggressively enforce the required penalties when farmland that has received tax benefits is converted to non-farm use.

STRATEGY 6. ESTABLISH AN AGRICULTURAL ADVISORY COMMITTEE.

Victor should establish a local advocacy group for agriculture whose primary role is to promote agricultural activities and protect agricultural lands. In order to facilitate participation by members of the agricultural community, meetings and activities should be scheduled in a manner that is sensitive to the farm calendar (for example, eliminating or reducing the frequency of meetings in the months of May through August). In appointing this committee, the Town Board should not limit membership exclusively to landowners, but should also consider the inclusion of other residents with a demonstrated interest in promoting local food, alternative agricultural activities, agricultural economic development programs, and farmland protection. Should obstacles be encountered identifying a sufficient number of Victor candidates for membership on such a committee, consideration should be given to the potential need for a multi-town committee, a county-level committee or a committee comprised of both farmers and non-farmers.

[6] The application for an agricultural use value exemption includes a completed Soil Group Worksheet that delineates soil types on the parcel and the number of acres in each classification established by New York State for assessment purposes. The County Soil and Water Conservation District (SWCD) assists landowners in preparing these worksheets.

Consideration should be given to how the Town might fund this committee to support necessary administrative support, marketing, and education efforts. The committee should also be encouraged to investigate grant opportunities for the support of farming education programs within the community.

The Agricultural Advisory Committee should regularly report to the Town Board regarding its activities, accomplishments, and future needs. Furthermore, and similar in many ways to the role now played by the Town Conservation Board, the Agricultural Advisory Committee might undertake the following roles in order to support farming in Victor:

- Assist the Town Board in implementing the agriculturally oriented strategies of this Plan.
- Assist the Planning Board and Zoning Board in their reviews of projects in relation to impacts on agriculture. This committee could aid the Board(s) by collecting information and offering advice that would assist in effectively evaluating impacts on agriculture.
- Assist in developing a Right to Farm Law (see Strategy 17) and in reviewing and evaluating other examples such as those in Farmington and other communities within the counties of Ontario, Wayne and Monroe.
- Work with Cooperative Extension of Ontario County to initiate Agricultural Economic Development and new farmer initiatives and training in Victor.
- Act as a local agriculture advisor to Local Development Corporation to promote agriculture and new farming operations such as micro enterprises, niche farming, community supported agricultural operations, etc.
- Identify agricultural enterprises that are suitable to Victor.
- Explore the level to which non-traditional forms of agriculture (not dairy, beef, and/or corn/small grain based cropping) can be expected to succeed in Victor and the level to which such enterprises should be anticipated to utilize un-developed Victor lands were they to be preserved as open space. As was stated earlier in this section, consideration of Victor agricultural soil resources, the current level of agricultural land use within Victor, agricultural zoning, declines in traditional forms of agriculture, and ongoing changes in land use density all lead to consideration of this important topic and the feasibility of implementing measures to protect remaining agricultural soil resources for future use.
- Evaluate the Cornell Cooperative Extension recommendations described on page 1.22 and evaluate the need to expand the strategies articulated in this section to accommodate future implementation of those suggestions as well.
- Provide input to those charged with implementing other measures, such as programs for purchase or transfer of development rights, intended to play a role in preserving agricultural

resources. Perceptions that such programs are unfair to landowners have the potential to delay or complicate implantation of programs that will be effective in preserving agricultural resources. Input from the Agricultural Advisory Committee may help to recognize, respond to and reconcile such concerns proactively and effectively.

- Explore and refine understanding of the following issues regarding the identification of agricultural lands and resources: What is an agricultural parcel and how should they determined / counted? Does the methodology relied upon in this plan to identify agricultural acreage specified in this plan continue to be a reliable measure or would another be more informative? Should the types of land that are included in farm parcels include tillable, woodland, wetland, undeveloped, wasteland and other lands that might be farmed depending on the variation of soil types?

- Consider whether there would be benefit to conducting an expanded version of the farmer survey in the future, in cooperation with Ontario County or neighboring towns, to include agriculturally related businesses such as: farm equipment, fuel, veterinarians, grain dealers, packaging plants, and professional services.

- Evaluate whether there would be benefit in studying how adjacency or lack of services creates pressure for the farming community. For example, how far does a farmer have to travel for agricultural supplies or to purchase a piece of equipment? How far does the large animal vet have to travel? Do these increase costs for the farmer and encourage conversion of land to other uses? Consider and advise whether future revisions or amendments to the plan should take these factors into account.

- Regarding keeping agriculture visible to the public (see Strategy 1): Provide input whether to include the promotion of organizations such as NY Farm Bureau. Also, consider whether this strategy (or another) ought to be expanded in the future to include consideration of the impact to agricultural when considering traffic density plans. For example, whether the convergence of higher traffic volumes and farm equipment leads to increased risk that is significant to the farming community.

- Also regarding keeping agriculture visible to the public (Strategy 1): Confirm whether the list of meaningful benefits appearing on page 1.23 ought to be expanded in the future to include the following:
    - Local agriculture reduces food costs and improves standard of living;
    - Spontaneous opportunity for education regarding food costs, food sources, and natural dependencies;
    - Promotes engagement with and appreciation for food sources and sustainable living habits; and,
    - The town's farmland contributes significantly to the open space and rural character, scenic beauty, cultural heritage, hunting and other recreational opportunities.

- Regarding promotion of educational programs about farming practices (see Strategy 12), provide input on whether the strategy should be expanded in the future to include the following initiatives:
  - Encourage Victor/Farmington schools to provide career information for agriculture or agriculture support careers;
  - Highlight current education programs available for niche/boutique agricultural programs; and,
  - Provide incentives / promotional materials for local businesses that sell or use agricultural products produced within the county or town; Victor LDC could sponsor campaign to sensitize community to local agriculture opportunities.

- Provide input regarding the need, benefit and scope of potential strategies that would:
  - Encourage farmer to farmer land transactions; and,
  - Educate real estate agents to the value of farmer to farmer transactions[7].

- Provide input regarding the need for traffic signage indicating the presence of farm animals or other types of farming in agriculturally-rich sections of Town as both a risk mitigation and marketing opportunity.

- Regarding promotion of landowner participation in NYS Agricultural Assessment programs (see Strategy 15), consider whether the program should be expanded in the future should include the following:
  - Agriculture assessment information could be offered via Hang Around Victor Day events;
  - Providing ag-friendly information available on Victor website. For example – the Town could list Ag Exemption deadlines on calendar to inform residents about potential for reduced taxes;
  - At Victor Town Hall – provide spotlight on Agriculture area; and,
  - Encourage businesses and banks to highlight and promote their services that could directly benefit farmers and farm support businesses.

STRATEGY 7. ENACT AN UPDATED RIGHT TO FARM LAW

In many places, as residential development encroaches on agricultural areas, farming suffers. New residential neighbors often complain about different nuisances, such as odors, water pollution, road spills, and noise as related to working farms.

While not as numerous as they once were, Victor continues to have active agricultural operations. As a result, agriculture remains a component of the local economy and ensures a local supply of food and farm products for the community.

[7] Input might also be provided regarding the need for and benefit of incentives for "responsible agriculture", including responsible utilization of pesticides and fertilizers, organic farming, integrated pest management, energy self-sufficiency, constructed wetlands for waste processing and water conservation.

Farmland is important to a community in many other ways as well. The character of a working landscape is very much a part of Victor, and farmland and open spaces use fewer services than residential development, which in turn, reduces the cost of community services for all residents. Farming not only adds to the tax base, but also to the charm and natural beauty of Victor.

An effective Right to Farm Law[8] protects farmers from nuisance suits over the sights, smells, noise and other impacts of their regular operations. In addition, such a law could be written to require notice to any purchaser of a house in Victor that there are active farms in the town and that these farms have visual and traffic impacts as well as produce smells and noise.

Wayne County provides for notification during the sale, purchase or exchange of residential property within the county. The notice reads:

> *It is the policy of this state and Wayne County to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that farming activities occur within Wayne County. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors, smoke, insects, operation of machinery during any hour of the day or evening, storage and disposal of plant and animal waste products, and the application of fertilizers, soil amendments, and pesticides by ground or aerial spraying or other method. Property owners and residents of Wayne County should be aware that farmers have the right to undertake generally accepted practices and one should expect such conditions as a normal and necessary aspect of living in an agricultural area.*[9]

The Wayne County disclosure notice is based upon New York State Agriculture and Markets Law (§ 310) requiring such notice for the transfer of property in an agricultural district. This notice must be signed and the notification must be recorded on standard property transfer reports. This recommendation does not supersede the state requirement, but broadens it to areas in the town outside of Agricultural Districts.

The Town Board should update the present local Right to Farm Law. This law should clearly protect normal farm operations from nuisance complaints as well as require notification during real estate transactions of the normal impacts of farming.

STRATEGY 8. ADOPT A POLICY OF PURCHASING DEVELOPMENT RIGHTS (PDR) ON PRIORITY PARCELS.

[8] The present Town of Victor law is found in Code Chapter 108. Some examples of other Right to Farm laws in New York State can be found on the Monroe County website at: http://www.monroecounty.gov/planning-righttofarm.php. (Last accessed on May 21, 2009.)

[9] Wayne County Local Law Local Law No. 5-1997.

Under a PDR program, a landowner voluntarily sells his or her rights to develop a parcel of land to a public agency or a qualified conservation organization. The landowner retains all other ownership rights attached to the land, and a conservation easement is placed on the land and recorded on the title. The buyer of the development rights essentially purchases the right to develop the land and then extinguishes that right permanently, thereby assuring that development will not occur on that particular property.

A PDR program in Victor should be based on the following principles:

- The Green Infrastructure Priority map should be used to identify critical parcels so that the PDR program can be targeted.
- A PDR program will succeed only if implemented in tandem with other green infrastructure strategies, such as described in the Natural Resources section.
- All PDR programs would be voluntary in terms of landowner participation.
- A PDR program would result in the permanent protection of lands.
- The program must be linked with the vision and goals of this Comprehensive Plan.

To make a PDR program a reality, the Town and Village of Victor should:

1. Establish a Board or Committee to oversee the implementation of a PDR program and to ensure that program dollars are spent wisely to acquire properties that meet the goals and objectives of the program[10]. Committees consisting of local governments, land trusts, and members of the public work best.

2. Identify Sources of Funding. External funding sources include federal and state grants, foundations, land trusts, and public money donations such as through local tax levies. Frequently used funding sources include:

   - Local appropriations from general or discretionary town/village funds;
   - General obligation bonds (voted on as a referendum by the general public);
   - Town real estate transfer taxes;

[10] It has been noted that successful implementations of PDR as a method to promote and sustain agriculture are still relatively rare and that costs are frequently a significant impediment. It is recommended, therefore, that the Town look for and study instances in which PDR programs have been successfully instituted in comparable communities with a particular focus upon the benefits as well as the costs and how they are allocated.

- Federal funding (USDA Farmland Protection Grants, Farmland Protection Programs of the Farm Bill);

- State funding (NYS Farmland Protection Grants); and,

- No-net-loss program (a mitigation law) that requires developers to permanently protect one acre of priority open space land for every acre of land they convert to other uses. Developers can place a conservation easement on land in another part of Town or pay a fee to satisfy mitigation.

3. Develop an action plan for education and outreach to landowners, public officials, and the general public prior to and following adoption of a PDR program. This could include brochures, web page, press releases, public meetings, mailings to landowners, especially those of high priority parcels.

4. Adopt a local law or amendment to the Zoning Law to establish a PDR program. The administrative process needs to be consistent, fair, and equitable to all landowners who may want to participate. The law should clearly articulate the process for identifying the parcel selection process, recording, monitoring, funding, application review, valuation, and expectations for the deed of easement (content), etc). It should outline acceptable appraisal approaches. These could include the income approach, rent amortization, flat rate or points system approaches to property valuation. The Town and/or Village should ensure that all potential PDR properties will, if preserved, be consistent with this Comprehensive Plan. Finally, the law should outline a mandatory monitoring program to ensure that the terms of the easement are being maintained.

GOAL B: PROMOTE TOURISM IN VICTOR

STRATEGY 9. PROMOTE AGRI-TOURISM, ECO-TOURISM AND NICHE FARMING OPPORTUNITIES AS A MEANS OF ENHANCING THE ECONOMIC VITALITY OF AGRICULTURE IN VICTOR.

Farm-based tourism enterprises provide opportunity to generate new tax revenues, as well as increased employment opportunities for Victor residents. The Town should explore economic development and tourism partnerships to promote agri-tourism including educational tours at farm sites, Examples of agri-tourism enterprises can include farmers markets, "U-Pick" produce operations, garden tours, farm stays, farm summer camps, winery tours and tastings, and seasonal events such as corn mazes, Christmas tree sales or the Disc Golf event sponsored by a local apple farm.

IMPLEMENTATION SUMMARY

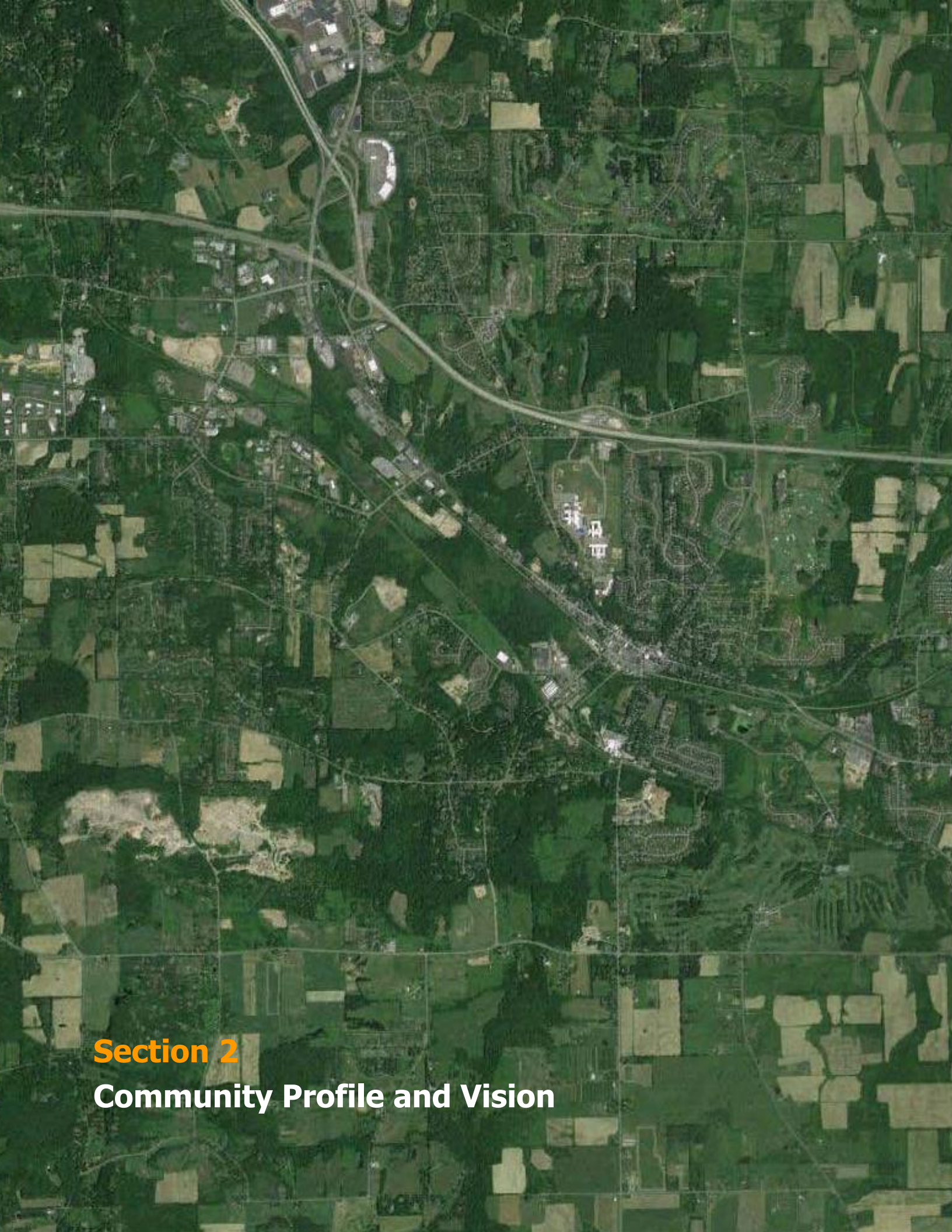
The following table takes the strategies described in this section and describes the actions needed to get each started, responsible parties for undertaking the strategy and the time-frames for accomplishing each.

The time-frames have the following potential ranks:

On-going: This strategy will set into motion a continuous action.
Immediate: This strategy is foundational and should be undertaken as soon as possible.
Short-term: This action should be undertaken within a year of the plan's adoption
Mid-term: This strategy should be undertaken within one to three years.
Long-term: This strategy can be undertaken from three years or beyond.

Strategy	Action Required	Responsible Party	Time-frame
1. Keep agriculture visible to the public.	Town board should assign this task to the Agricultural Advisory Committee (see Strategy 6) or another farmer committee.	Town board	On-going
2. Promote educational programs about farming practices.	Town board or Agricultural Advisory Committee convene meeting of involved organizations.	Town board, town school districts, Cornell Cooperative Extension, Ontario County SWCD	On-going
3. Incorporate state requirements related to review and notification for development occurring within the certified New York State Agricultural District.	Ensure this is a task of the committee or consultant revising the zoning code	Town board	Short-term
4. Enhance Planning Board review of impacts to farms in general.	Ensure this is a task of the committee or consultant revising the zoning code	Town board	Immediate

Strategy	Action Required	Responsible Party	Time-frame
5. Promote landowner participation in NYS Agricultural Assessment programs.	Distribute information to landowners through the town newsletter and with property tax bills	Town assessor's office	On-going
6. Establish an Agricultural Advisory Committee.	Town board should appoint the committee	Town board	Short-term
7. Enact an udpated Right to Farm Law	Town board should enact the law	Town board	Short-term
8. Adopt a policy of purchasing development rights (PDR) on priority parcels.	Establish mechanisms for funding. After that they can begin to identify rights to purchase.	Town board	Immediate
9. Promote Agri-tourism, Eco-tourism and Niche Farming	• Identify Farmers who have products that align with agri-tourism such as U-pick operations • Coordinate with Ontario County and Finger Lakes tourism efforts	Victor ED, Chamber	Mid-term



Section 2
Community Profile and Vision

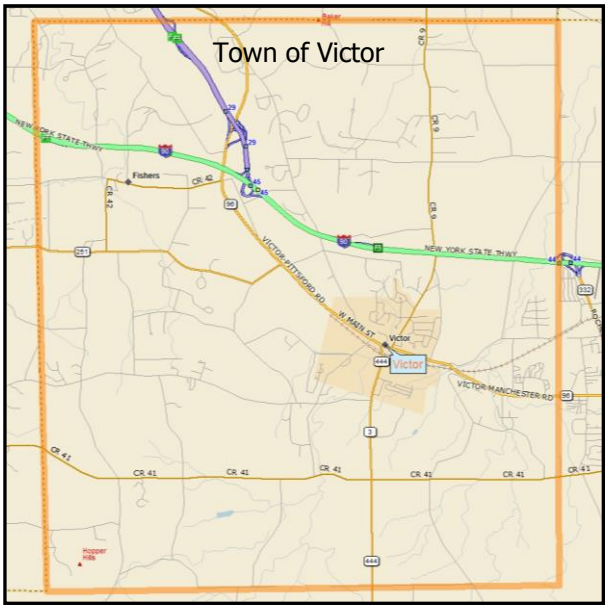
COMMUNITY PROFILE

BACKGROUND

Victor is a small, rural, growing community located in western New York State within the nine-county Genesee Finger Lakes region[1] depicted in the map immediately below.

Located within Ontario County, the Town of Victor borders Monroe County and is a short drive south from the City of Rochester to which it is linked by I-490. The NYS Thruway, which transects the Town, intersects with the eastern terminus of I-490 at Thruway Exit 45, also located within the Town. NYS Route 96 passes through the Town and NYS Routes 5 & 20 can be found a short distance south of the Town.

The Town of Victor includes land both within and outside the Village of Victor. The Village is centrally located within the Town. The Village business district is oriented around Route 96 and its intersection with NYS Route 444. Further north within the Town and a short distance north of the Village boundary, NYS Route 96 also intersects with NYS Route 251. Further beyond and outside the Village, a major commercial center which includes Eastview Mall is found in the northern reaches of the Town along Route 96 just north of the Thruway. The presence of the NYS Thruway and I-490 exits on Route 96 lead to the route's role as a significant commuting corridor for those travelling to Monroe County and the City of



[1] The Genesee/Finger Lakes region is a nine-county planning region focused upon by the local Metropolitan Planning Organization known as the Genesee Transportation Council and served by the Genesee/Finger Lakes Regional Planning Council. The region includes the City of Rochester, the surrounding County of Monroe, and eight additional neighboring counties: Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates. The 2010 census reported a population of approximately 1.2 million for the nine-county region.

Rochester located to the north. The presence of the NYS Thruway, I-490, NYS Route 96 and NYS Routes 5 & 20 mean that Victor also serves as a gateway to the Finger Lakes region located to the south.

Residents take pride in Victor's extensive natural beauty and park system.

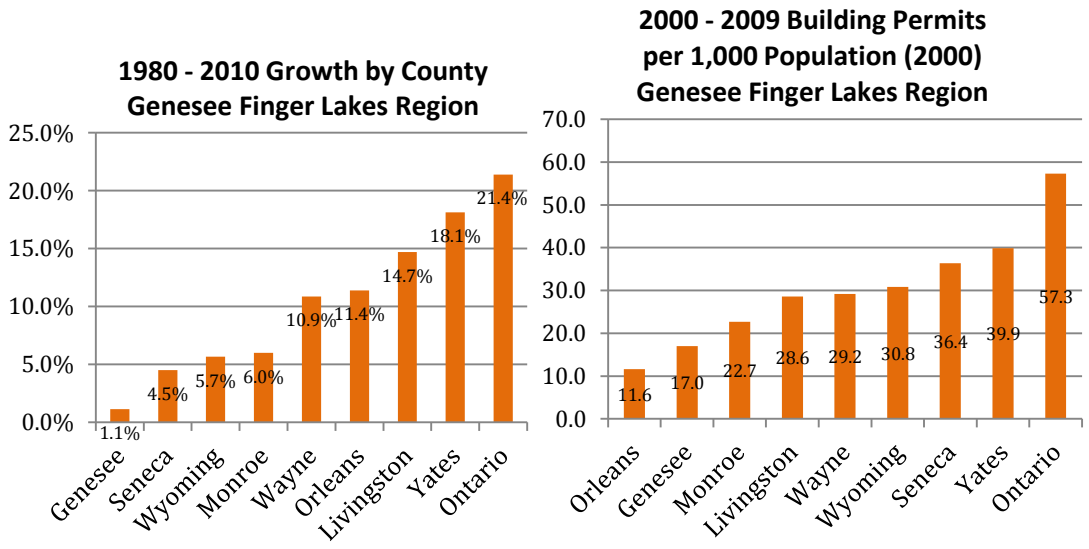
The Residents of Victor are proud of the community's agricultural heritage, small town atmosphere, friendly neighbors, community parks and trails, and the quality of their school system. However, Victor's story is not merely one of strategic geography and attractive community character. Unlike many small communities in New York State, Victor has been facing increasing residential and commercial development pressure as residents and businesses move to the community. Although it has increased more recently, this pressure as well as the resulting impacts to the character of the community, were already primary concerns for town residents in the early 1990s. The following statement was included in the introduction to the Town of Victor's 1995 Comprehensive Plan:

> "*The Town continues to experience the pressure of growth. Due in large part to the scenic qualities, the Town has become an increasingly popular location for residential development. Many residents have expressly stated that their primary attraction to the Town is its rural character. The preservation of this environment in the face of increasing development pressure has become an important local concern and is one of the primary objectives of comprehensive planning in the Town of Victor. . . The Town continues to address the following critical issues: management of anticipated growth, preservation and enhancement of the Town's aesthetic qualities, and prevention of inefficient and unattractive sprawling development. The Town's planning process must address the objectives and concerns of the Town's citizens. It must be sensitive to environmental conditions. It should be utilitarian in approach and provide a basis for future capital investment decisions.*"

Since adoption of the 1995 plan, the growth and development referenced in that document has continued and even accelerated. The 1995 plan pointed out how the Town population, including the Village, had grown by 24% in ten years - from 5,784 in 1980 to 7,191 in 1990. However, the 2010 census cited in the present plan reveals that in the twenty years that followed the 1990 population went on to double[2] - a growth rate of more than 40% per decade.

Although some growth has been experienced throughout the Genesee Finger Lakes region as a whole, the growth rate has been highest in Ontario County as illustrated in the charts that follow. Among the nine counties, Ontario County also ranked highest in the number of building permits issued on per capita basis in the period 2000 – 2009.

[2] The 2010 census reported a population of 14,275, as cited in Section 4 of this plan which provides additional detail regarding recent growth.



Source: Genesee Finger Lakes Regional Atlas, Genesee Transportation Council, 2014

The growth and building permit activity within Ontario County as a whole stands out within the region. However, a comparison of Victor's figures to those for Ontario County as a whole serves to illustrate the dramatic growth experienced within Victor in particular.

The nine county region as a whole grew by 8.12% during the thirty year period from 1980 to 2010. Of these nine, Ontario County had the highest growth of 21.39%. However, even when compared to the growth of this most rapidly growing county, Victor's growth is startling. Over the same thirty years, Victor grew by 146.8% when including the Village and by 239.2% when the Village is excluded from the tally. The comparison of the number of building permits issued per capita is equally revealing. Whereas 26.7 permits were issued per 1,000 population in the nine county region, 57.3, more than twice the number per thousand, were issued in Ontario County. However, in the same period Victor issued 188.6, more than seven times the number per thousand issued in the nine-county region, when including the Village and, when excluding the Village, Victor issued 240.5 per thousand.

Comparing Victor to the Region and Ontario County		
Region	**1980 – 2010 Growth**	**2000 – 2009 Building Permits per 1,000 Population (2000)**
Nine County Region	8.12%	26.7
Ontario County	21.39%	57.3
Town of Victor including Village	146.8%	188.6
Town of Victor outside Village	239.2%	240.5
Village of Victor	13.76%	31.2

Source: Genesee Finger Lakes Regional Atlas, Genesee Transportation Council, 2014

The following statistics[3] help to characterize demographic and related factors operating in Victor:

- With respect to housing, in 2010 95.41% of Victor's 5,490 housing units were found to be occupied, a minor decrease from the 95.95% rate found in 2000 and consistent with the 95.34% rate found within Ontario County as a whole.

- The 2011 median value of housing within Victor was found to be $216,600, a higher median than any other Ontario County municipality and a median surpassed within the nine county region only by the median housing values reported for the Towns of Pittsford and Mendon.

- The median year built for all structures in Victor was found in 2010 to be 1991, significantly more recent than medians for other municipalities in the county where the medians ranged from 1939 to 1983.

- The value of taxable real property within the Town of Victor reported in 2010 was $1,470 million, approximately $40.9 million per square mile and $102,965 per capita, compared to $7,675 million, or $11.9 million per square mile and $71,108 per capita within Ontario County as a whole.

- Eastview Mall and the surrounding commercial development within the Town of Victor is recognized as a significant generator of sales tax revenues within the county and the region. Ontario County sales tax reported for the March 2010 through February 2011 period totaled $1.98 million, or approximately $18.35 per capita, versus $15.79 million or approximately $12.99 per capita within the nine county region as a whole.

- Regarding household income, only 1.72% of those living in Victor in 2010 were found to be living below the poverty level, much lower than the corresponding proportion of 8.72% found within Ontario County as a whole. The median income reported in 2010 for Victor was $85,392, significantly higher than the figure of $56,468 reported for the county as a whole, higher than any other Ontario County municipality, and surpassed within the nine county region only by the Towns of Pittsford and Mendon.

- Among the 6,888 workers identified within the Town of Victor in 2010, 88% drove alone to work, compared to 82% within the county as a whole, 6% car-pooled compared to 9% within the county as a whole, 5% worked at home compared to 4% within the county as a whole, and only 1% walked as compared to 4% within the county as a whole. No Victor residents were reported to be relying on cycling for travel to work. The median length of commuting travel minutes reported in 2010 for Victor was 20 to 24 minutes, shorter than that reported for some county communities but longer than that reported for others. The number relying on public transportation to reach work was only one-tenth of a percent, compared to more than four-tenths of percent reported for the county as a whole.

[3] Source: the Genesee Finger Lakes Regional Atlas, Genesee Transportation Council, 2014.

- Public transit data compiled for all of Ontario County for 2012 reported 328,633 annual passenger trips and approximately 2.1 million annual passenger miles, levels surpassed within the region only by the Regional Transit Service (RTS) based in Monroe County.

NATURAL RESOURCES

Natural resources are widely distributed in Victor. The map presented on page 2.9 simply indicates the presence and location of the following natural resources:

- Streams and Open Water including, with respect to streams, a riparian buffer extending from the stream bank a distance of 75 feet;
- Wetlands (both New York State Department of Conservation Freshwater Wetlands and others included on the National Wetland Inventory and regulated under the jurisdiction of the United States Army Corps of Engineers) including regulated adjacent areas within 100 feet of the wetland boundary;
- Floodways and 100 year floodplains[4];
- Steep slopes, in excess of 15% where highly erodible soils are present, in excess of 20% in all other areas, and immediately adjacent areas extending an additional 50 feet beyond the steep slope boundary;
- Forested areas of 10 or more acres including an area immediately adjacent extending 50 feet beyond the forest edge; and,
- Parks and Trails.

The map reveals that areas influenced by these natural resources are pervasive throughout the community and not concentrated exclusively within any particular neighborhood or district. Habitat is richer and green infrastructure[5] influence is more pronounced where multiple resources are found

[4] Floodplains often contain and/or support wetlands and other important ecological areas that impact directly on the quality of the local environment. Surface water, ground water, floodplains, wetlands and other features do not function as separate and isolated components of a watershed, but as a single, integrated natural system.

[5] The term "green infrastructure" is used to distinguish green infrastructure components and systems from "gray infrastructure". Victor's usage of the term "green infrastructure" is derived from the book Green Infrastructure Linking Landscapes and Communities, by Mark A. Benedict and Edward T. McMahon, The Conservation Fund, 2006. Benedict and McMahon define "gray infrastructure" as "man-made systems that support communities, including roads and other transportation systems, stormwater management systems, and utilities. Also called built infrastructure." As pointed out by the authors, some use the term "green infrastructure" to refer only to "engineered structures such as storm water management or water treatment facilities designed to be environmentally friendly". Victor, however, has incorporated the much broader definition of green infrastructure provided by Benedict and McMahon, namely: "Our world's natural life-support system – an interconnected network of waterways, wetlands, woodlands, wildlife habitats, and other natural areas; greenways, parks, and other conservation lands; working farms, ranches, and forest; and wilderness and other open spaces that support native species, maintain natural ecological processes, sustain air and water resources, and contribute to the health and quality of life for communities and people."

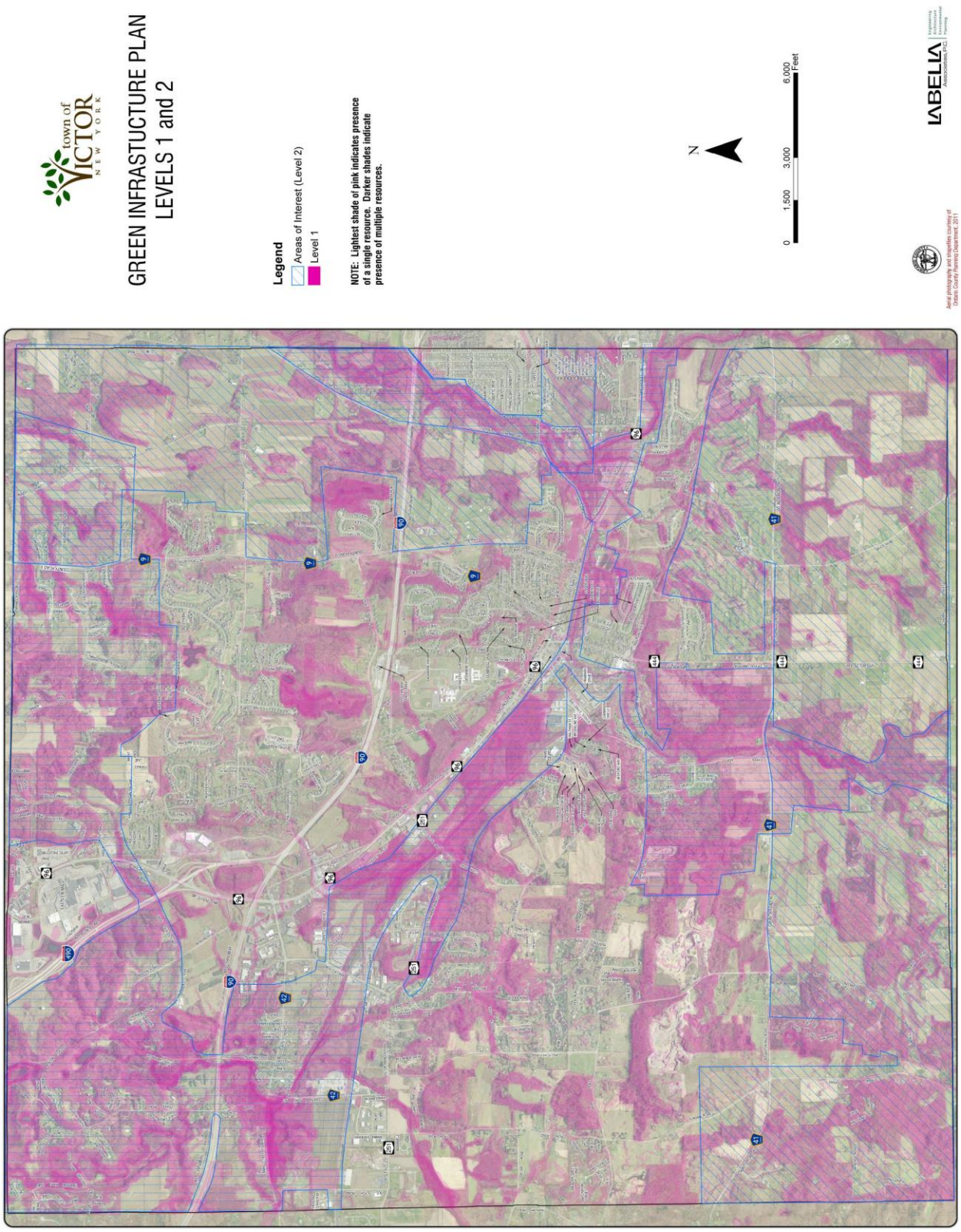
together. The map presented on page 2.10 helps to identify areas in which multiple natural resources are found. This map simply presents all of the areas of influence identified on preceding map with a uniform transparent color overlay. Areas in which multiple resources are present therefore exhibit a darker pigment than do those where only a single resource is found. The greater the number of different resource types present, the deeper the pigment of the overlay that is shown. In addition, six specific areas were recognized as having particular value due to the concentration of multiple resources and their function as connecting corridors. These are depicted in both of the maps presented on pages 2.10 and 2.11 (by a pattern of blue parallel lines on the Levels 1 and 2 map and by a yellow overlay on the Areas of Interest map that follows). The identified areas and their relevant characteristics are presented in the table that follows:

Areas of Interest (see Maps on pages 2.10 and 2.11)	
Area	**Distinguishing Characteristics**
Fishers Limited Development District	Wetlands; steep slopes; Irondequoit Creek Floodplain; glacial kettles; pre-glacial Genesee River aquifer; Virgin forest (Land Trust) & Conservation Club property; connection north to Power Mills Park along Auburn town trail; connection south across I-90 via Auburn rail tunnel; two road bridges; one stream underpass, west within stream gorge south of Eastview Mall (BJ's); and, some agriculture.
Fishers	Irondequoit Creek Floodplain; Fishers Park; wetlands; prime soils; abandoned gravel pits and landfill (prime soils lost in this area); southern portion included within light industrial zone; connection West to Mendon and Rush linear parks (along Lehigh Trail).
Glacial Lake Dana Outflow Bed	Lehigh Crossing Park; three major town trails; extensive DEC freshwater wetlands; source of two major streams; Fisher-Village aquifer; within light industrial zone; unique geological stream terraces and springs; important northwest to southeast corridor.
Ganondagan and Dryer Road Town Park	Major historical and town park area; steep slopes; major stream; connection south to Boughton Park via Great Brook; connection to Hopper Hills via Trout Brook.
Ganargua - Mud Creek Floodplain	Major streams; extensive floodplain; connections to east and northeast and along Auburn Trail; connection to west along old trolly trail (Auburn) and Great Brook in the Village; possible connection south via Fish Creek.
Baker Hills - Valentown Road	Large forested area; steep slopes; connection north to similar area in Perinton; some agriculture; prime soils; wetlands; town parks.

NATURAL RESOURCE INVENTORY

The Town of Victor recently completed a 2014 Natural Resource Inventory and Assessment (the "NRI"). This document provides a wealth of additional information and detail regarding natural resources and is incorporated within this Comprehensive Plan in its entirety by reference, as it may be amended from time to time (see Appendix XI).

town of VICTOR NEW YORK
GREEN INFRASTUCTURE PLAN
LEVEL 1
Legend
Victor Trails
Public Parks
Forested Areas (10-Acres +) with Buffer (50-feet)
Streams and Open Water
Streams Buffer (75-feet)
NWI Wetlands
DEC Wetlands (2011)
Wetlands Buffer (100-feet)
Floodway
100 YR Floodplain
500 YR Floodplain
Slopes Greater Than 20% or Greater Than 15% on Highly Erodible Soils
N
0
1,500
3,000
6,000
Feet
LABELLA
Aerial photography and boarders courtesy of Ontario County Planning Department, 2011


town of VICTOR NEW YORK
GREEN INFRASTUCTURE PLAN
LEVELS 1 and 2
Legend
Areas of Interest (Level 2)
Level 1
NOTE: Lightest shade of pink indicates presence of a single resource. Darker shades indicate presence of multiple resources.
N
0
1,500
3,000
6,000
Feet
LABELLA
Aerial photography and shapefiles courtesy of Ontario County Planning Department, 2011

town of VICTOR NEW YORK
GREEN INFRASTUCTURE PLAN
AREAS OF INTEREST
Green Infrastructure and Agricultural Areas (J. Francis)
N
0
1,500
3,000
6,000
Feet
LABELLA
Aerial photography and shapefiles courtesy of Ontario County Planning Department, 2011
1. Fishers Limited Development District
2. Fishers
3. Glacial Lake Outflow Bed
4. Ganondagan and Dryer Town Park
5. Ganargua / Mud Creek Floodplain
6. Baker Hills / Valentown Road

CULTURAL RESOURCES

Victor is also rich in cultural resources including many archaeological, architectural, and other historic resources[6].

Included among Victor's historic resources are both sites and buildings. One such site found in Victor, Ganondagan, is listed on the New York State Historic Site list. It is the only Native American site in New York State given this status. The following Victor buildings are also listed on the State and National Registers of Historic Places:

- Valentown Hall and surrounding buildings of the Victor Historical Society;
- Felt Cobblestone Store, 6452 State Route 96;
- Cobblestone Railroad Pumphouse, Country Road 42 in Fishers; and
- Jeremiah Cronkite Cobblestone House, 11095 Lynaugh Road.

In addition, as of 2013 the Town has also deemed 58 sites as local historic resources and recognized 63 buildings within the Town with Historic Plaques (for a listing, see Appendix XII).

To cite a final example, the Hamlet of Fishers in particular, is unique. Its historic qualities should be allowed to be enhanced to let the hamlet grow without sacrificing the character that makes it a special place. The existing Fishers hamlet center should be preserved and enhanced as a complementary rural district consistent with the Vision for the Hamlet of Fishers developed in June 2007 (included in Appendix XII).

AGRICULTURE

According to coding utilized by the Victor Town Assessor, parcels involved in farm operations in Victor presently include the following classifications: dairy products; cattle, calves and hogs; horse farms; field crops; apples, pears, peaches, etc.; nursery and greenhouse; and, agricultural vacant land.

Victor represents an unusual convergence of multiple factors important to agriculture:

- Presence of prime soils;
- Proximity to metropolitan population centers; and,
- Proximity to regional and statewide transportation networks.

Regarding agricultural soils[7], the greatest concentration of such soils is found along the town's eastern boundary. A belt of these soils, interspersed in some areas with soils of less importance, extends approximately one mile or more into the town along the eastern boundary north and east of Route 96. These soils are also present, but less prevalent, to the west of this belt (more than one

[6] In general, the term historic resources refers to above-ground buildings, structures, objects and sites and excludes archeological resources found beneath the surface.

[7] See the map provided in Section 1 on page 1.9.

mile from the eastern town boundary, but still to the east of Route 96). Another notable concentration of these soils is found south of Route 96 in the southeastern corner of the town. This block extends west to Route 444 and a little beyond. Yet another concentration is found in the vicinity of Route 251, west of Route 96, south of the Thruway and north of Modock Road. Prime soils can also be found interspersed in other areas within the town, such as within the northwestern corner, but they are generally much less dense within these other areas. Within the southwestern quadrant located south of Dryer Road and west of Route 444, the presence of soils important to agriculture is relatively rare.

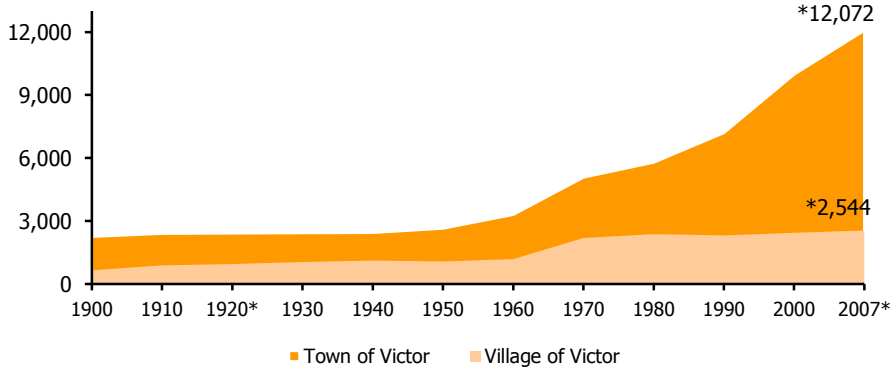
The Town includes a number of agricultural districts.[8] Districts comprise much of the southern-most region of the Town, a significant area within the north-eastern quadrant and several smaller areas along the western town boundary. Active agricultural exemptions and active farmland are found both outside these districts as well as within them.[9]

However, active farms are not as prevalent within Victor as they once were. Although development pressure and demand for development sites is cited by some as having contributed to this decline in Victor, a significant reduction in the number of active farms has also been experienced elsewhere in Western NY even where development demand is minimal.

Non-traditional forms of agriculture have been developed within Victor more recently. The presence of prime soils, access to major transportation corridors and proximity to significant centers of population are believed to be critical factors leading to demand for arable land from non-traditional agricultural uses.

GROWTH

As already indicated, Victor has been recognized as one of the most rapidly growing communities in the state. Although now somewhat outdated, the adjoining graph of population over the past century was reviewed by both the committee and the public when work first began on this plan in 2008. It reveals significant increases in village and town population levels that had been stable



[8] See the map presented in Section 1 on page 1.9.

[9] See the maps presented in Section 1 on pages 1.14 and 1.15.

throughout the first half of the 20th century, but then began to increase in the late 1940s and early 1950s following the expansion of the New York State Thruway. The greatest growth occurred over the 1960s, when the village population nearly doubled – from 1,180 to nearly 2,200 residents. Likewise, the population within the town jumped 54 percent – from 3,300 persons to over 5,000 persons. Unlike many communities in Upstate New York, substantial growth has continued at an unprecedented rate through the second half of the century – specifically in the town. The population in the town doubled once again between 1970 and 2000. As this planning effort continued, regional estimates and projections based upon the 2007 population as well as more recent data were reviewed. These indicated an expectation for continued growth in the next several decades.

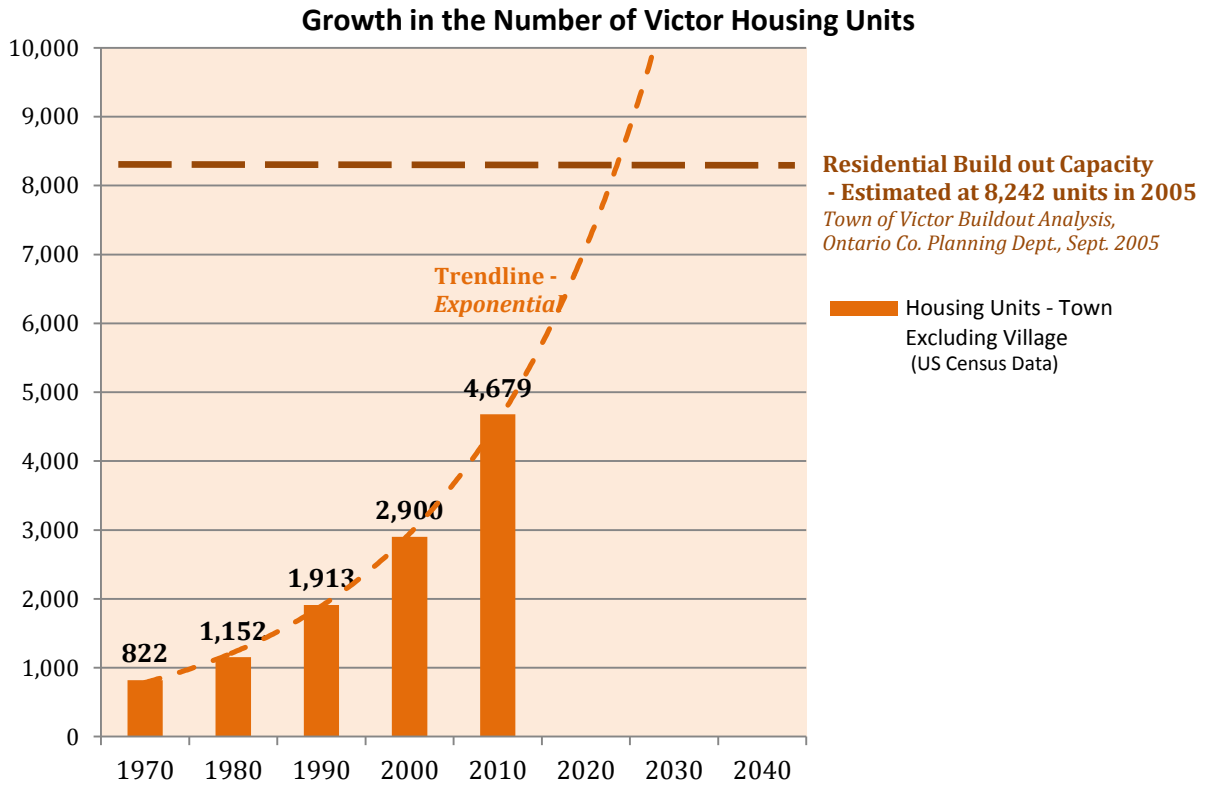
More recently, the 2010 census found a population of 14,275, more than 40 percent above even the 2000 population level of 9,997 depicted in the foregoing graph (these figures include Village residents as well as those within living within the Town, but outside the Village). This represents an average annual compound growth rate of approximately 3.65%. In the same period, the population of town residents living outside the Village increased from 7,564 to 11,579—an increase of more than 53 percent and an average annual compound growth rate of approximately 4.35%.

As would be expected, the associated growth in residential units has been remarkable. From 2000 to 2010 the number of Victor housing units increased by about one-half, from 3,872 to 5,822 (or by more than 60 percent, from 2,900 to 4,679, if only those units outside the Village are considered). Victor growth has also led to development of many commercial and industrial sites, particularly within and adjacent to the Route 96 corridor.

Although the recent growth rates are the most impressive, it should be noted that significant population growth and increases in the number of Victor housing units are not new to Victor. Forty years ago, in 1970, the number of housing units in Victor outside the Village was less than one-fifth the number present today (822 units in 1970 versus the 4,679 units found by the 2010 census). The figures also indicate that while there has been growth in the number of housing units within the Village as well as within the town as a whole, the growth rate has been highest within the areas of the town located outside the Village.

In 2005, the Town of Victor commissioned a build-out analysis to be completed by the Ontario County Planning Department (see Appendix VIII). In addition to reviewing population and housing trends, the study also took into account the availability of parcels for development, zoning constraints including local open space and density provisions, the availability of public utilities, and environmental constraints. Assuming no change in local regulations and requirements, the study forecast a maximum residential build-out of approximately 8,242 units outside the Village – about 5,342 additional when compared to the 2,900 units found by the 2000 census. The 2010 census subsequently indicated that 1,779 of the 5,342 anticipated units had been built between 2000 and 2010. This would leave only 3,563 to be built in 2011 and the following years before reaching the estimated full build-out of 8,242 units. It should be noted that this maximum build-out estimate incorporated local requirements as they were in 2005. A significant change in those, and in maximum allowed residential densities in particular, would lead to a revised estimate – higher or lower, as the case might be.

The chart that follows on this page presents the number of housing units within the Town but outside the Village as reported by the census over the past forty years. A dashed horizontal line indicating the maximum residential build-out estimated in the 2005 study has also been included in the figure. The included dashed trendline reveals not only the exponential nature of housing unit growth experienced over the forty-year interval but also how rapidly the maximum build-out would be approached were the acceleration in growth rates experienced in the past to continue in the future. Looking more closely at the period from 2000 to 2010, the increase in the residential unit growth rate does seem to have slowed more recently[10]. However, were those declines to be reversed such that future increases in the number of building units followed the exponential curve fit to the data from the past forty years, the estimated maximum residential build-out would be attained sometime around 2025. Assuming the more recent decline in housing starts is not reversed, it would now seem reasonable to anticipate that significantly more than fifteen years will actually be required to attain the estimated residential build-out.



GROWTH AND COMMUNITY CHARACTER

As noted earlier, it is the open space. Farmland and rural character found in much of Victor has attracted many residents to the community and that remains a defining part of the community identity for those born and raised in Victor. However, declines in dairy and crop farming and the increased demand for development sites have led to the loss of much open space, farmland and associated rural character. The

[10] The number of residential building permits for new units issued by the town peaked in 2001 through 2004, was down from that level by about one-third in 2005 through 2008, and then dropped further by about another third in 2009.

growth that has occurred over the past 40 years has resulted in extensive development of residences and subdivisions on lands that were previously undeveloped and "open". Much of this open land had once been farmed, some was wooded, and some was simply idle. Town residents and officials have noted and reacted to this accelerating growth in the number of housing units and simultaneous loss of open space. Although the build-out analysis prepared by the County Planning Department also estimated the anticipated build-out within the industrial and commercial sectors, it is the residential growth and development that residents perceive to have affected open space and rural character most profoundly.

Not surprisingly, the present plan has found that the foregoing concerns identified in 1995 remain at the forefront with many residents. Reflecting upon the changes experienced over recent decades, many would argue that the growth management initiatives implemented in the years following the 1995 plan have proven insufficient to preserve the Town' s character and arrest the sprawling development cited in the 1995 introduction[11]. Many residents fear that what remains of the open space, rural character and natural resources that they identify with so strongly will be lost over the next decade or two. In addition, many property owners have argued that past responses to development pressure, including a 2000 reduction in the maximum residential density permitted within certain regions of the town, unfairly imposed the cost of preserving open space solely upon landowners.

Development has also threatened to overwhelm efforts to preserve natural resources and green infrastructure. The mapping included in this section and in Section 2 reveal how pervasively natural resources are distributed throughout the community and how a community-wide initiative will, therefore, likely be necessary to conserve the integrity of such an extensive network.

The Town has recently made progress in establishing a voluntary pre-application screening process intended to ensure identification and consideration of natural resources early in the design of a proposed development. The process presently includes consultation with the Town Conservation Board and a focus upon ensuring that developments are planned to fit the intended site, rather than the converse. However, room for improvement remains. Applicants and board members alike cite instances in which recognition of potential resource conflicts still arise late in the review cycle leading to needless expense, complication, frustration and confrontation. Many have shared their opinion that a more formal, more predictable, sketch plan review process that is not merely voluntary is necessary to ensure that opportunities to preserve natural resources and green infrastructure are recognized and addressed by all parties as early as possible in the planning and design cycle.

The sanitary sewer system[12] has also been impacted. The present system is one that has evolved incrementally over time, largely as a consequence of successive expansions that have been

[11] These initiatives are described in the Section 4 discussion of Growth Management and Open Space.

[12] Wastewater that is generated within the Village and within some areas of the Town immediately adjacent to the Village is conveyed to the Village Wastewater Treatment Plant. Wastewater from areas of the Town further from the Village—in particular, those north of the Village and near Route 96, Route 251, County Road 42 and County Road 9—are conveyed to the Farmington Wastewater Treatment Plant.

undertaken to meet growing demand from new development. Segments of the system of sanitary sewers and associated pump stations serving northern areas of the Town were recently found, in addition to nearing the end of their design life, to also be approaching their design capacity.

Regarding stormwater management and drainage infrastructure found within residential areas, a recent study found that responsibility for maintenance of the numerous residential stormwater management improvements constructed over the past 30 years was unclear in most instances and being disregarded in many others[13]. Failure of these improvements rarely puts a responsible party at risk and most frequently threatens downstream properties and/or environmental features.

Development pressure and demand for residential sites has also affected the inventory of vacant industrial and commercial sites. As residents have reacted to development pressure by opposing further residential development within their neighborhoods, developers have looked to rezone vacant industrial or commercial parcels to residential use in order to avoid neighborhood resistance.

Finally, in addition to the effects upon open space, rural character, natural resources, and the infrastructure noted above, development in Victor has also impacted the transportation network. Segments of Route 96 and associated arterials are presently operating with volumes near or beyond their design capacity. Back-ups on Route 96 and within the Village are common[14] and effectively divert through-traffic into rural neighborhoods where roads are utilized as alternate routes around the congestion.

COMMUNITY DEVELOPMENT

Water and Sewer Infrastructure Map

The map on the following page describes the extent to which the Town and Village of Victor are served by water and sewer lines. Water covers nearly every part of the town except for the southwest corner. Sewer lines are more localized to the center third. From an agricultural preservation perspective, it is harder to protect land served by water and sewer lines, because the infrastructure increases the value of the land for development.

Although sanitary sewer service is frequently recognized as the most powerful driver of residential development, there are instances within areas where there is no sanitary sewer in which the availability of public water alone may increase the demand for residential sites. As is noted below in the discussion of recommended strategies, a key strategy related to further extension of utilities is included in the section focused upon Growth Management and Open Space.

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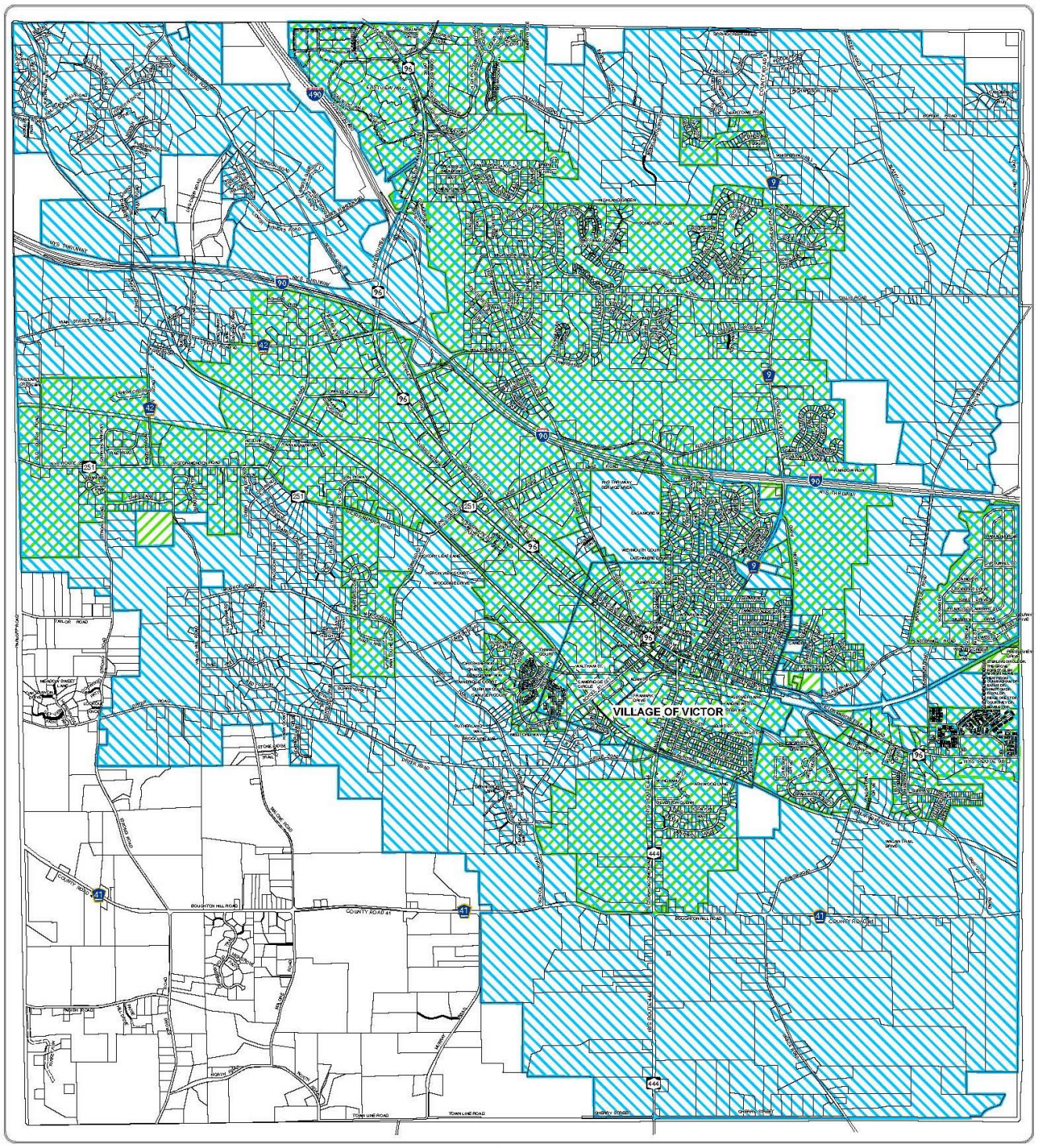
[13] Discussions included in Sections 1 and 4 of this plan provide more detail regarding these findings.

[14] See the Victor Comprehensive Plan Chapter 7 discussion of Transportation for more detail regarding volume and capacity ratios on roads and highways within Victor.



town of VICTOR NEW YORK

2013 Tax Parcels (Source: Ontario County)
2012 Water District (Source: LaBella Associates, D.P.C.)
2013 Sewer District (Source: LaBella Associates, D.P.C.)

INFRASTRUCTURE

0 1,000 2,000 3,000 4,000 Feet

N W E S

LABELLA Associates, D.P.C. Engineering Architecture Environmental Planning

ECONOMIC DEVELOPMENT

Between 2000 and 2010, the Town of Victor led Ontario County in population growth and housing unit starts partly due to the Town's improving economy and high quality of life. Victor's reported 2010 population of 14,275 was the largest of any Ontario County municipality.

Regarding employment of Ontario County residents, top employers have shifted from traditional manufacturing sectors to health care, food related industries, and tourism. Regarding employment by companies within Ontario County (as opposed to employment of county residents) employment in Health Care, Accommodation/Food services, Management positions, Arts/Entertainment, and Retail increased the most between 2000 and 2013. Recent declines in employment in the manufacturing sector continued. However, retail trade, government, and manufacturing remain the largest industry employers within the county as of 2013.

Between 2000 and 2013, the number of professional, scientific, and technical firms established in the 14564 zip code increased by more than 77 percent.

Based on five-year estimates prepared by the U.S. Census Bureau (2006-2010 American Community Survey), the Town of Victor has a high labor force participation rate of 71.5 percent compared to the labor force participation rates for the County (67.4%), State (63.7%) and Rochester Region (64%). Victor's resident workforce is composed of a significantly higher share of white collar occupations (Management, Sales, Science) than is the case within either Ontario County or New York State. Similarly, Victor also has a lower share of its resident workforce employed in traditional blue collar occupations (production, transportation, construction).

The top paying jobs in the Victor Community fall within the Management, Businesses, and Financial occupational sector. Employees in these occupations have estimated median earnings of more than $91,000 in 2010 in Victor – far greater than every other occupational sector. Other high paying sectors in Victor and within Ontario County include Computer, Engineering, and Science occupations and Health Care Practitioner and Technical occupations. It should also be noted that Victor residents generally have higher earnings in each occupational category compared to their counterparts within Ontario County, the Rochester Metropolitan Statistical Area (MSA) and New York State as a whole.

Finally, residents in the Town of Victor have higher educational attainment levels than those residing in Ontario County, the Rochester Metropolitan Statistical Area (MSA)[15], and New York State. It is estimated that in 2010, just over 66% of the Town's residents over the age of 25 had a college

[15] As explained on the US Census website (www.census.gov/population/metro), metropolitan and micropolitan statistical areas are geographic entities delineated by the Office of Management and Budget (OMB) for use by Federal statistical agencies in collecting, tabulating, and publishing Federal statistics. A metropolitan area contains a core urban area of 50,000 or more population, and a micropolitan area contains an urban core of at least 10,000 (but less than 50,000) population. Each metropolitan area consists of one or more counties and includes the counties containing the core urban area, as well as any adjacent counties that have a high degree of social and economic integration (as measured by commuting to work) with the urban core.

degree, be it Associate, Bachelor, Graduate, or Professional. Furthermore only 1.6% of residents in the Town of Victor had less than a high school degree.

Eastview Mall continues as the heart of a regional retail center that began emerging when the mall opened in 1971. Even though it represents only a part of the retail business transacted in the area, the following statistics reveal the mall's role as an economic force in the region:

- 180 stores;
- 1,300,000 square feet of retail space;
- Employs 3,800 people – 40% full time and 60% part time;
- Annual Sales exceed $300 million; and,
- Total payroll in excess of $55 million.

TRANSPORTATION

As already indicated, the past several decades have brought significant growth to Victor, including unprecedented residential growth. The pace of residential development within neighboring Ontario County towns has also been significant. In addition, the past few decades have also seen significant commercial development along the segment of NYS Route 96 corridor that lies between the NYS Thruway and the Town's northern boundary as well as industrial development within the Victor neighborhoods immediately south of the NYS Thruway. As many Ontario County residents travel to workplaces located to the north and closer to Rochester[16], the increase in the number of residents has led to corresponding increases in the number of vehicles traveling through the Town, especially along the Route 96 corridor. Together, all of this development has led to increased traffic congestion, not only on State highways and local roadways in the vicinity of the Mall and nearby commercial shopping plazas, but also along the section of Route 96 that transects the Village of Victor and is used by motorists travelling to or from these destinations[17].

Traffic congestion has become major source of concern in Victor. Traffic congestion within the Village is most prominent during the morning hours of 7:00-9:00 AM and during the afternoon hours of 3:00-6:00 PM. Traffic at these times includes "pass through" motorists travelling between locations to the south and east and Interstate 490 or the NYS Thruway as well as motorists moving to and from destination points in Victor such as Eastview Mall, the Victor Central School District campus, and Victor's village center. Recent development proposals have begun to suggest Victor's potential emergence as a regional destination. In addition to the extensive retail and other opportunities

[16] The Genesee-Finger Lakes Regional Atlas published by the Genesee Transportation Council reported an estimate that half or less of Ontario County worked within the county and the proportion of Ontario County workers commuting to Monroe County for work in 2010 was between 20% and 49%.

[17] As reported in later in this section as well as in multiple traffic studies submitted by project sponsors requesting municipal approvals, several routes and intersections within Victor exhibit volume to capacity (V/C) ratios greater than 1.0.

already present within the Route 96 corridor, the other factors that would support such an emergence include many of those that have driven past development including the proximity to Thruway Exit 45, the termination of I-490 - a convenient route to the heart of the Rochester MSA, and the role played by Victor and Route 96 as gateways to the Finger Lakes Region. Of course, development of the sort expected to accompany development of a regional destination would certainly lead to further traffic increase.

Some characterize traffic congestion as the inevitable cost associated with the remarkable economic development and growth that has brought Victor so many other benefits, including jobs, a large property tax base and generous sales tax revenues. Residents point out, nonetheless, that in addition to slowing the movement of vehicles, increasing accident rates and creating safety issues, high volumes of traffic and traffic congestion also diminish the quality of life for Town and Village residents. Congestion within the corridor has also increased traffic through adjoining residential neighborhoods as motorists take alternate routes around the heart of the corridor.

Although a number of initiatives focused upon Victor traffic have been completed, these "solutions", such as the Route 96 improvements through the Village[18], the expansion of the Thruway between Exits 44 and 45, and the more recent progress with signal synchronization, have only mitigated rather than eliminated traffic congestion. As a consequence, many residents continue their calls for "the magic bullet" – a project, or series of projects, that will resolve Victor's traffic congestion once and for all.

[18] Confinement by topography and patterns of development are among the obstacles encountered in past efforts to increase capacity within the Route 96 corridor, especially within that segment passing through the Village of Victor.

THE COMPREHENSIVE PLANNING PROCESS

To address new concerns as well as many of those previously identified in the 1995 Comprehensive Plan, Victor has once again taken a comprehensive look at issues related to its continued growth and development. This plan finds that Victor's primary concerns are ensuring that Victor:

- Retains its rural, small- town character;
- Remains a great place to live and work; and,
- Protects her natural resources, open spaces, and agricultural land.

COMMUNITY CHOICES

Building on the strategic plan Process that was completed during 2006, the Town and Village of Victor cooperatively developed a joint Comprehensive Plan. The Plan's intent is to provide the citizens of the community with policies and actions that accurately reflect the physical, environmental, social, economic, and cultural resources of the area; and establish a vision and action framework to manifest these goals. Through this process, the community was asked to make choices:

- What kind of a community do residents want to live in?
- What areas of the community are expressions of the community character and should be protected or enhanced?
- What kind of economic growth should be encouraged? Where and why?
- What should new businesses look like?
- Where should transportation improvements be made?
- What type of transportation improvements can enhance connectivity throughout the town and into the village?

THE PLAN

Victor residents, business owners and public officials asked themselves these questions during the comprehensive planning process. The resulting strategies establish Victor's Vision and set specific goals, as well as the timetable for action to achieve them.

Victor's Comprehensive Plan:

- Establishes a vision and creates a framework for investments in the community;
- Gives decision makers and stakeholders (including elected officials, town, village, and regional staff, planning and zoning board members, developers, property owners and other citizens) a guide as they create new policies, set funding investment priorities and judge new development projects; and,
- Helps the community increase opportunities for grant money, as state and federal government agencies and private foundations prefer to fund projects that fit into a rational plan for the future.

Victor's Comprehensive Plan is intended to be a living document. A good test for any proposed project, program or action is to make sure that proposed change furthers the vision and accomplishes the goals of the plan. The plan will not succeed if it is constantly changes to meet the demands of every particular project. However, the community should refine elements of the plan as the need arises and undertake a comprehensive review **at least every five years** to update, to ensure currency, and measure progress.

THE PLANNING TEAM

The Town Supervisor and Village Mayor designated a committee to craft the comprehensive plan with the assistance of a team of consultants. Each member of the committee was invited to participate based on his or her understanding of the community and/or unique skills to benefit the planning process. Members included residents, regional planning experts, business owners, open space and environmental interests and those concerned about protecting the rights of individual property owners. Together, this committee worked to create a plan that strives to achieve an economically and environmentally sustainable future for Victor. This Plan is the culmination of their work and efforts to bring diverse interests together to shape common goals.

At a series of community meetings, residents were asked to identify key issues and needs in the community.

Public participation was actively invited throughout the planning process. Engaging the public, educating them about planning, and listening to their concerns, ideas, and dreams was crucial in developing a plan that will stand the test of time. In the Victor comprehensive planning process, there were many opportunities for the public to become involved.

PUBLIC OUTREACH

Working with the consultant team, the comprehensive plan committee ran an extensive public outreach process for the Victor comprehensive plan. It should be noted that every one of the Comprehensive Plan Committee meetings and subcommittee meetings was open to the public. At the end of each Committee meeting time was always allotted for residents to add comment to the process.

The public participation outreach process involved the following:

- Two issues identification and ranking workshops held at the temporary Town Hall in October 2008.
- Topic specific workshops for agriculture, economic development, parks and recreation, and historic preservation.
- Town Board update midway through the process (July 2009).
- Interviews in-person and on the telephone with numerous stakeholder representatives from the arts, tourism, economic development and business community.
- A community-wide update meeting where the vision, goals and strategies of the comprehensive plan were presented for comment to the general public.
- Fourteen Committee meetings (all were open to the public).

COMMON THEMES

Through the public participation process a number of common themes emerged. These included, in no particular order:

- Protection and enhancement of open space and the rural character
- Environmental sustainability
- Preservation of historic characteristics and resources
- Enhancement of walkable / bike-able community
- Creation of high quality employment opportunities

TOPICAL ORGANIZATION

This Agricultural & Farmland Protection Plan sets forth a vision, goals and strategies based on these themes, consistent with the Comprehensive Plan. Goals and strategies related to these themes are presented in the following sections:

- Agriculture Protection (Section 1);
- Natural Resources and Cultural Resources (Section 3);
- Growth Management and Community Character (Section 4);
- Community Development (Section 5)
- Future Land Use (Section 6)
- Implementation Strategy (Section 7)

In general, each section presents related goals, an introduction, a review of existing conditions as well as existing plans and activities, a discussion of key findings and a summary of strategies recommended for implementation.

OTHER BACKGROUND

Multiple studies were completed in an effort to understand the existing conditions prevailing within Victor. These studies are amongst the resources presented in the appendices:

- Zoning Audit Appendix I

- Land Use Inventory and Analysis — Appendix II
- Cost of Services Study — Appendix III

A VISION FOR VICTOR

The following Vision Statement was developed by the Comprehensive Planning Committee as work on this plan commenced.

The following Vision Statement was developed by the Comprehensive Planning Committee as work on this plan commenced.

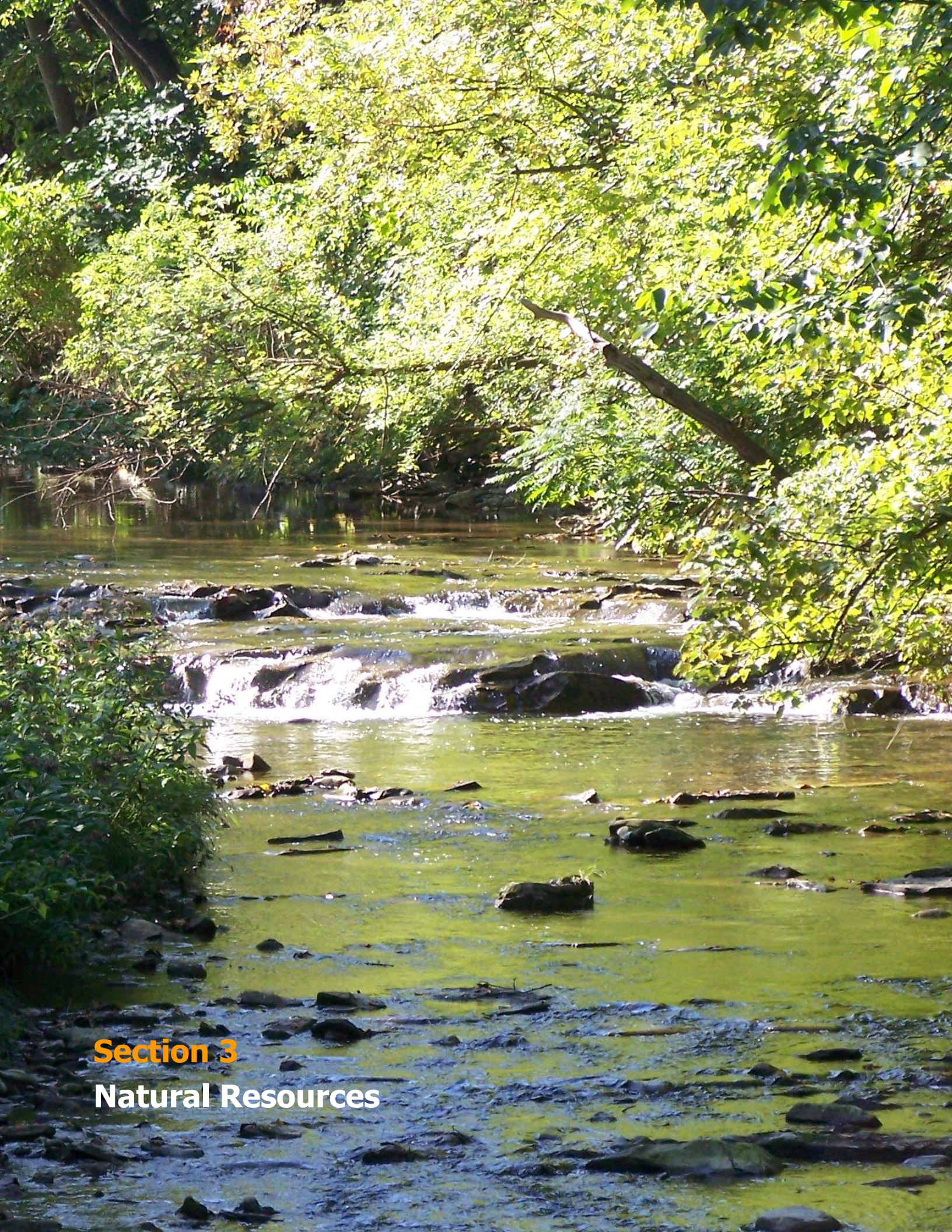
TOGETHER, THE TOWN OF VICTOR AND THE VILLAGE OF VICTOR WILL PRESERVE AND ENHANCE THE COMMUNITY'S HIGH QUALITY OF LIFE, ECONOMIC VITALITY, NATURAL AND HISTORIC RESOURCES.

TOWN POLICIES WILL PROMOTE A SMALL TOWN ATMOSPHERE. THE WALKABLE VILLAGE CORE WILL SERVE AS A CENTRAL FOCUS SUPPORTING VICTOR'S COHESIVE, AFFORDABLE AND HEALTHY NETWORK OF NEIGHBORHOODS INCLUDING THE HAMLET OF FISHERS.

WE WILL PROTECT AND ENHANCE OUR EXTENSIVE NATURAL RESOURCES AND THEIR SUPPORTING LANDSCAPES, WHICH WEAVE THROUGHOUT THE TOWN AND VILLAGE. AT THE SAME TIME, WE WILL MAINTAIN OUR ROLE AS A REGIONAL CROSSROADS OF COMMERCE BY EMBRACING MODELS OF ECONOMIC ACTIVITY THAT ARE SUSTAINABLE OVER THE LONG TERM.

WE WILL HONOR OUR AGRICULTURAL HERITAGE AND FOSTER OPPORTUNITIES FOR THE SUCCESSFUL GROWTH OF TRADITIONAL AND NEW FARMING MODELS. WE WILL CONSERVE PRIME SOILS FOR AGRICULTURAL USE, NOW AND FOR THE FUTURE.

ECONOMIC GROWTH AND CONTINUED SUCCESS MUST WALK HAND-IN-HAND WITH RESPONSIBLE ENVIRONMENTAL STEWARDSHIP IN ORDER TO ACHIEVE COMMUNITY SUSTAINABILITY. WE PLEDGE TO WORK TO MAXIMIZE BOTH IN ALL ASPECTS OF COMMUNITY LIFE.



Section 3
Natural Resources

GOALS

- **Foster a regional, landscape-scale approach to the protection and conservation of natural resources and agricultural rural land.**
- **Respect and protect the natural topography.**
- **Preserve or restore hubs and links across the landscape that anchor and connect green infrastructure networks and provide an origin or destination for wildlife and ecological processes moving to or through the network.**
- **Integrate a green infrastructure conservation and planning approach into Victor's long term planning and development review process.**
- **Provide an interconnected network of green space that conserves natural ecosystem values and functions and provides associated benefits to human populations.**
- **Protect water quality of surface and groundwater:**
  - **Protect/enhance streams and stream corridors, wetlands, floodplains, aquifers; and,**
  - **Prevent erosion and sedimentation.**
- **Protect ecosystem functioning and biodiversity:**
  - **Protect, enhance and restore plant and animal habitats, including woodlands and forests;**
  - **Protect riparian and aquatic ecosystems, native vegetation; and,**
  - **Protect/enhance critical natural areas.**

INTRODUCTION

provided an overview of basic Victor natural resources[1], including streams, open water, wetlands, floodplains, floodways, and forested areas. These resources also contribute to "green infrastructure"[2], sometimes defined as: "An interconnected network of natural areas and other open spaces that conserves natural ecosystem values and functions, sustains clean air and water, and provides a wide array of benefits to people and wildlife"[3]. Public meetings with Town residents reinforced the protection of natural resources and preservation of open space as major goals for this comprehensive plan. In addition to a focus upon the underlying resources, realization of these goals will also require an understanding and protection of the green infrastructure network present within the town and village.

This plan embraces an expansive[4] definition of green infrastructure as: "Our world's natural life-support system – an interconnected network of waterways, wetlands, woodlands, wildlife habitats, and other natural areas; greenways, parks, and other conservation lands; working farms, ranches, and forest; and wilderness and other open spaces that support native species, maintain natural ecological processes, sustain air and water resources, and contribute to the health and quality of life for communities and people." [5]

[1] The Town's 2014 Natural Resource Inventory and Assessment (NRI) describes natural resources in detail (see Appendix XI). The following definition has been proposed in the past, but never formally adopted: "Naturally occurring earthen and topographic features, vegetative assets and plant and animal habitats, categories of which have been generally identified as necessary to protect and preserve in the Town of Victor. Natural Resources comprise a wide range of naturally occurring resources which the Town aims to protect for a variety of reasons including the conservation of animal and vegetative habitats and ecosystems, the protection of environmentally sensitive resources, biodiversity, the protection of drinking water from pollution and the preservation of scenic value. Natural Resources are more specifically identified in the Town of Victor's Natural Resource Inventory (or NRI)."

[2] Many commentators distinguish green and gray infrastructure. A brochure published by The Conservation Fund (www.conservationfund.org) states that 'Much as roads, pipelines and buildings make up our "gray" infrastructure, America's rivers, forests, fields and trails compose our "green" infrastructure'.

[3] A definition presented by authors Mark A. Benedict and Edward T. McMahon in their 2006 book entitled Green Infrastructure Linking Landscapes and Communities.

[4] In their narrowest sense, the terms gray and green infrastructure are sometimes used to distinguish conventional piped drainage and water treatment systems, referred to as gray infrastructure, from more recently developed, low impact systems such as bio-filtration, ponds, wetlands, rain gardens and other natural land and plant based ecological treatment systems and processes.

[5] Victor's usage of the term "green infrastructure" is derived from the book Green Infrastructure Linking Landscapes and Communities, by Mark A. Benedict and Edward T. McMahon, The Conservation Fund, 2006.

Specifically, Victor recognizes the following as potential contributors to green infrastructure:

- Agricultural soils (prime agricultural soils and agricultural soils of statewide importance);
- Farmland (active and former)
- Floodplains and floodways;
- Wetlands and their adjacent areas;
- Streams and adjacent riparian zones;
- Open water;
- Forested areas more than 10 acres in extent;
- Public parks;
- Trails;
- Preserved parcels and set-aside open space;
- Vistas[6];
- Designated scenic roads;
- Steep slopes to the extent that they represent, support or are found in association with natural resources; and,
- Department of Environmental Conservation (DEC) Natural Heritage areas.[7]

Residents participating in the development of this plan have suggested that the community should be prepared to invest in green infrastructure just as it does in gray infrastructure.

This section offers a toolbox of strategies to preserve natural resources and green infrastructure.

[6] The Victor Natural Resource Inventory and Assessment incorporated by reference in this plan and found in Appendix XI identifies unique landforms and viewscapes on pages 69 and 70.

[7] Other areas which function to support green infrastructure have also been recognized as contributors. These include areas of co-occurrence where multiple natural resources are present or areas with a unique potential to connect areas of green infrastructure.

EXISTING CONDITIONS

Farming has traditionally been a part of the regional economy and the rural character, farmland, associated open space and prevalence of natural resources have been cited by residents as important aspects of the community identity and as factors that attracted them to Victor. However, the community's location, as well as the realities of a global market place for food, have led to greater demand for land as development sites and less for farming. This shift has, in turn, led to the progressive loss of open space, including associated natural resources, and to related threats to green infrastructure.

IDENTIFYING AND EVALUATING LANDS WORTHY OF PROTECTION

A prioritization model[8] has been used to calculate and classify the range of green infrastructure values (including those related to agriculture) associated with different parcels of land (see the tables included on the following pages). This effort also resulted in prioritization maps (see pages 3.8 and 3.9) showing parcels of land critical to the green infrastructure network. This prioritization was based on the United States Department of Agriculture (USDA) Land Evaluation and Site Assessment (LESA) model, which numerically ranks land parcels based on local resource evaluation and site considerations. Because conditions are different in the Town and Village, different prioritization models were used (see the Tables on pages 3.11 and 3.12).

To develop the prioritization maps, baseline maps of the following were prepared to identify location, characteristics, and relationship to land use patterns of Victor green infrastructure components:

- Steep Slopes
- Wetlands and Wetland Buffers
- Streams and Riparian Corridors
- Floodplains[9]
- Open Water
- NYS Agricultural Districts, Agricultural Soils and Active Farmland[10]
- Proximity to the Village
- Adjacency to Protected Lands
- Proximity to Trails

[8] The model, which provides an initial identification of priority parcels, is also supplemented by the more detailed information now provided in Victor's Natural Resource Inventory (NRI) that has been incorporated within this plan (see Appendix XI). Criteria selected for evaluation in this first instance (such as excluding woodlands as a criteria within the Village) could be reconsidered were the model to be evaluated again in the future.

[9] As indicated in the Community Profile, floodplains often contain and/or support wetlands and other important ecological areas that impact directly on the quality of the local environment. Surface water, ground water, floodplains, wetlands and other features do not function as separate and isolated components of a watershed, but as a single, integrated natural system.

[10] The analysis did not include land not presently under cultivation and therefore disregards fallow lands that could easily be restored to viable farmland.

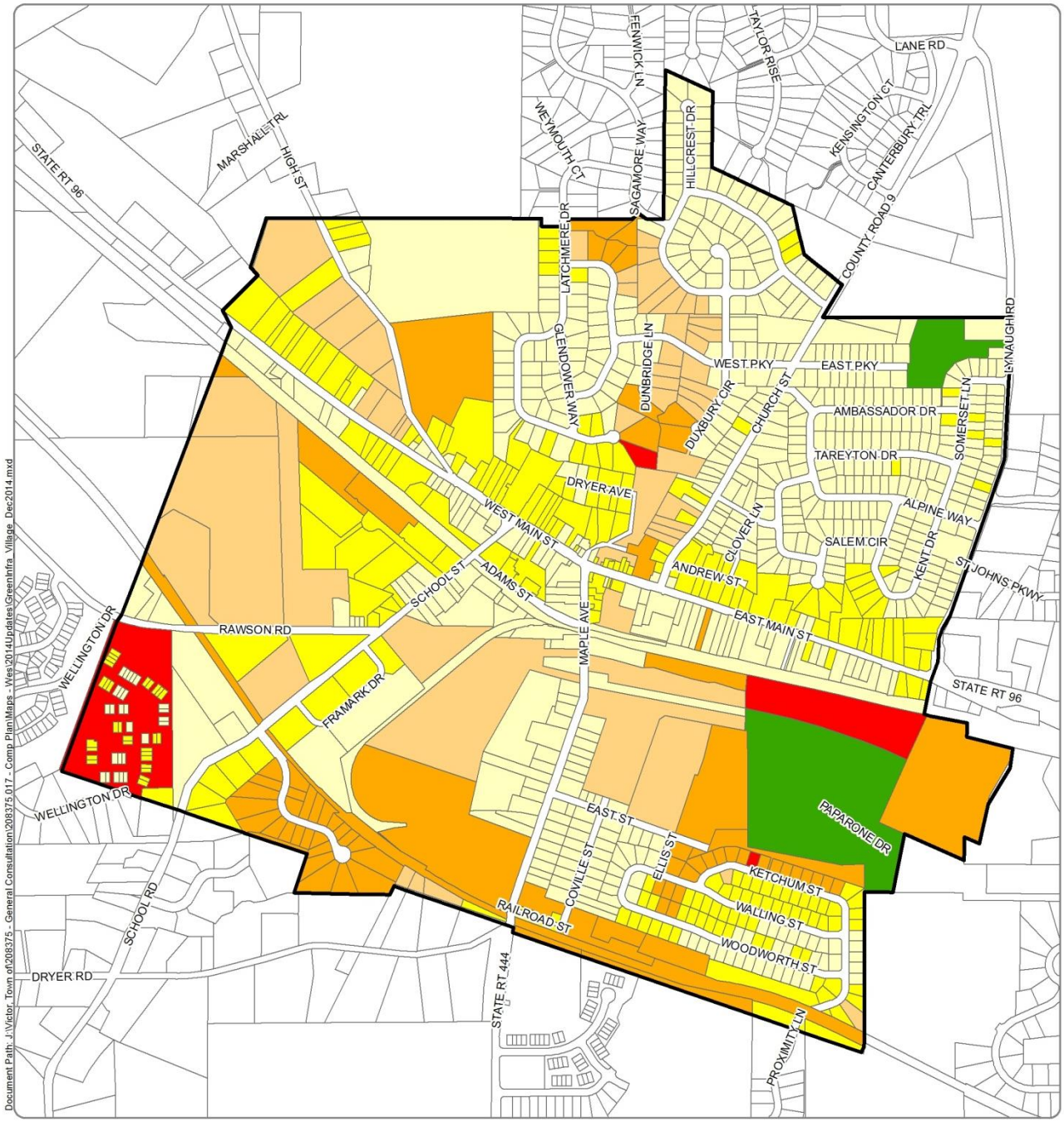
- Size of the Parcel
- Proximity to Local, State or Nationally Designated Scenic Resources
- Natural Heritage Areas
- Historic Sites[11]
- Town and Village Zoning

The prioritization maps show parcels of land critical to the green infrastructure network based upon the USDA LESA model. The map shown on page 3.9 delineates different zones within Victor based upon the presence of parcels found to have a priority with respect to green infrastructure. Analysis of the prioritization maps assisted in the identification of the green infrastructure hubs and links. In Victor, streams and stream corridors along with their associated wetlands and floodplains are critical links. Hubs include active agricultural lands and steep slope areas. Steep slopes are especially important because they are also the locations having the largest woodland patches. The section on agriculture protection focuses on some of these same resources[12.]

As shown on the Green Infrastructure Priority Zones map included on page 3.10, the two areas in the northwest and southwest corners of the town (shown in a red or pink hue) were envisioned as requiring the most protection, as might be provided via limitations upon maximum development densities, mandatory clustering provisions, purchase of key parcels in a Purchase of Development Rights (PDR) program, or designation for density reductions via an Incentive Zoning or Transfer of Development Rights (TDR) program. The lightly shaded areas shown on the map on page 3.10 located immediately east of Route 96, just south of Route 96 and east of the Village, and west of Route 96 in the vicinity of Route 251 were envisioned as possible zones within which density increases might be accommodated (from a green infrastructure perspective). The areas shown with an intermediate tan or brown hue were envisioned as being appropriate for intermediate development densities and as areas in which clustering would also be very desirable.

[11] Green infrastructure components are generally comprised of natural resources or amenities incorporating natural resources. Many would therefore exclude historic or other cultural resources from inclusion as green infrastructure components. They are included here based upon their potential to enhance the value provided by nearby green infrastructure.

[12] The Agriculture Protection section also includes an agricultural inventory and maps describing priority agricultural areas needing protection. The section also includes a map of agricultural soils, a map of agricultural districts and landowner intentions, and a map of active farmland and agricultural exemptions.



Village - Total Score for GI Ranking-w5

Village Boundary
Parcels

Total Score Categories

- 0.00 - 15.00
- 15.01 - 30.00
- 30.01 - 45.00
- 45.01 - 60.00
- 60.01 - 75.00
- Parks

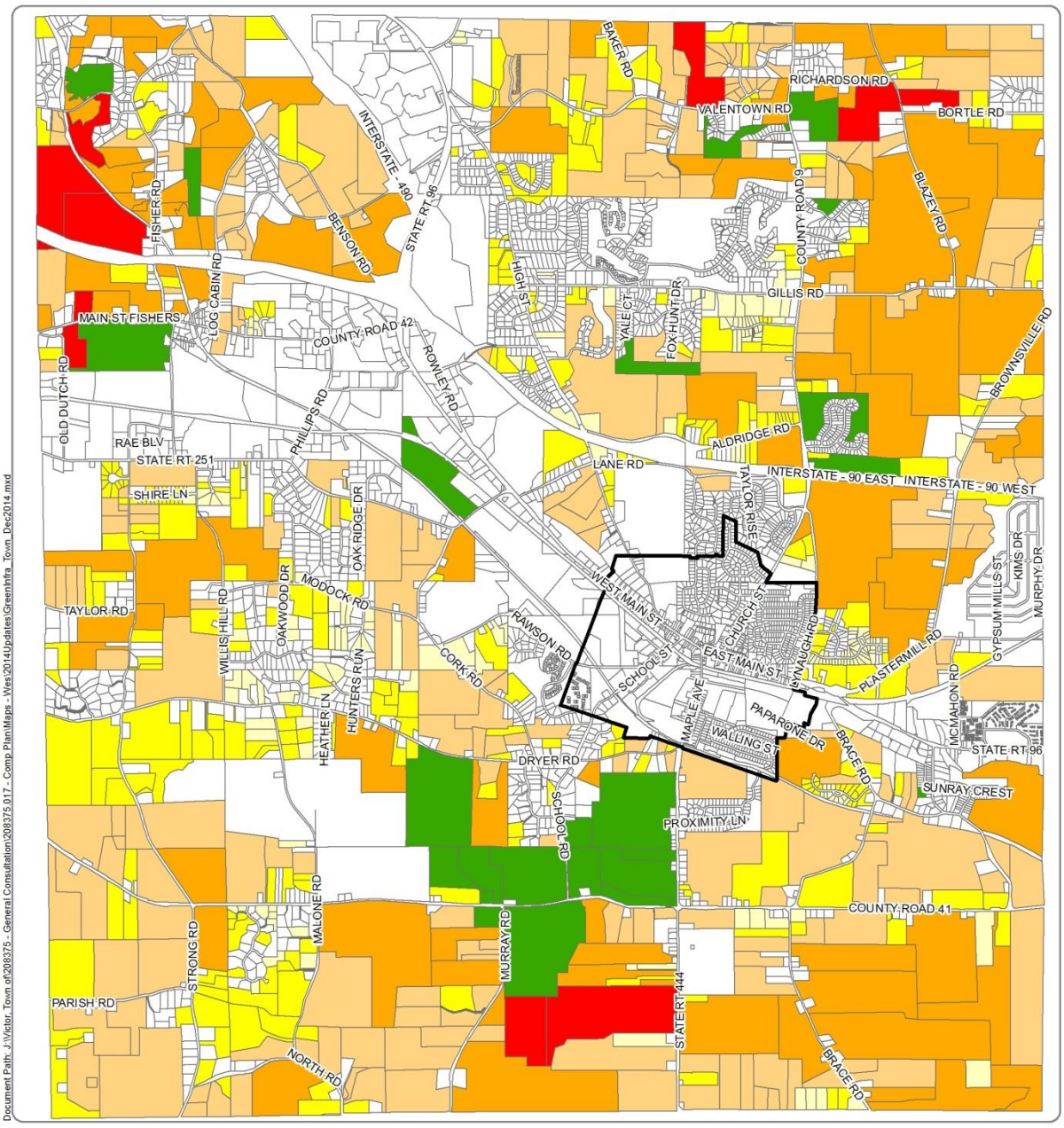
TOWN OF VICTOR NEW YORK

GREEN INFRASTRUCTURE PRIORITIES

N W E S

0 500 1,000 2,000 Feet

LABELLA Associates, D.P.C. Engineering Architecture Environmental Planning



Town - Total Score for GI Ranking-w5 (Applied to "buildout parcels")

Village Boundary
Parcels

Total Score Categories

- 1.00 - 10.00
- 10.01 - 20.00
- 20.01 - 30.00
- 30.01 - 40.00
- 40.01 - 50.00
- Parks

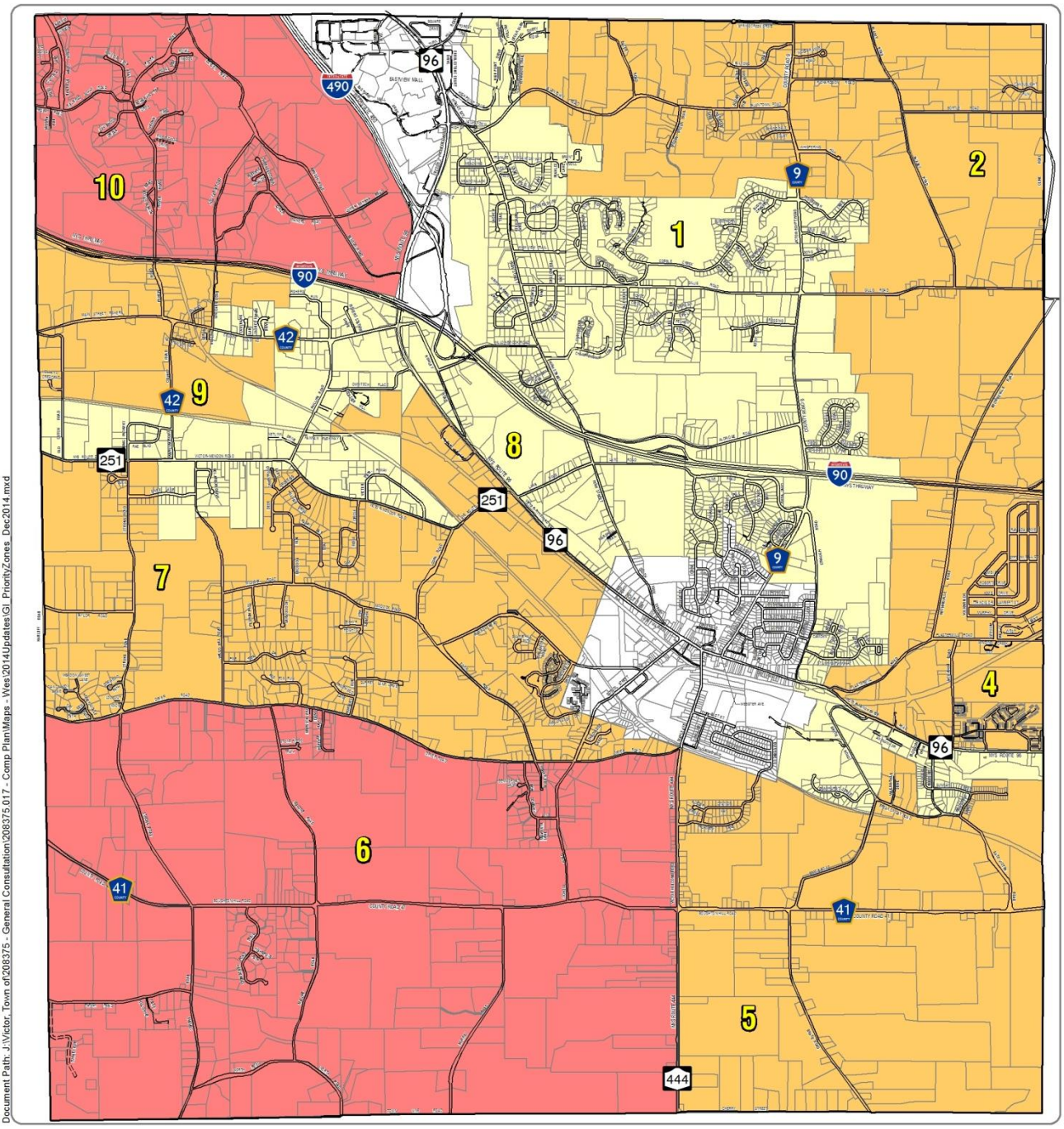
TOWN OF VICTOR NEW YORK

GREEN INFRASTRUCTURE PRIORITIES

N W E S

0 2,000 4,000 8,000 Feet

LABELLA Associates, D.P.C. Engineering Architecture Environmental Planning



Density Recommendation

- Not Applicable
- Higher
- Intermediate
- Lower

TOWN OF VICTOR NEW YORK

GREEN INFRASTRUCTURE PRIORITY ZONES

Aerial photography and shapefiles courtesy of Ontario County Planning Department, 2011

N W E S

0 2,000 4,000 8,000 Feet

LABELLA Associates, D.P.C. Engineering Architecture Environmental Planning

Town of Victor – Green Infrastructure Prioritization			
Criteria	**Points and Criteria**		**Comment**
	Points	Criteria	
1. Prime soils	3.25 2.50 1.5 .75	>75% of parcel 50 to 74% of parcel 25 to 50% of parcel 10 to 25% of parcel	Priority is given to land that is considered on a state and national level to be of high quality for agriculture
2. Soils of Statewide Importance	3.25 2.50 1.5 .75	>75% of parcel 50 to 74% of parcel 25 to 50% of parcel 10 to 25% of parcel	
3. Slopes	7.5 5 2.5	>50% of parcel in slopes >15% 25-50% of parcel in slopes >15% 10-25% of parcel in slopes >15%	Steeper slopes are given a higher priority
4. Wetlands and Wetland Buffers	5 1.25	Parcel contains wetland and/or 100' wetland buffer Parcel is within 200' buffer but does not contain it	Areas having wetlands are given a higher priority
5. Streams and Stream Riparian Corridors	7.5 2.5	Parcel contains stream and/or 100' stream corridor Parcel is within 200' from the buffer	Areas having streams are given a higher priority
6. Natural Heritage Area	1	Parcel is within 500' of a designated natural heritage area	Areas closer to natural heritage areas are given a higher priority
7. Floodplains	3	Parcel has mapped floodplain within it	Areas having floodplains are given a higher priority
8. Open Water	1	Parcel contains open water (natural areas, not man-made)	Areas with open water are given a higher priority
9. NYS Agricultural District	1.25	Parcel is in a NYS Ag District	Areas in a NYS Agricultural District are given a higher priority
10. Agricultural Exemptions/Assessments	7	Parcel receives an Ag Exemption	Areas having active agricultural uses as defined by the assessor or as parcels receiving ag assessments.
OR			
10a. Active Agricultural Use	7	Parcel has a 100 class tax code	
11. Distance from Village of Victor boundary	2.5 5 1	Parcel ½ mile of Village boundary Parcel ½ to 2 miles of Village boundary Parcel beyond 2 miles of Village boundary	Farther away from the Village is ranked higher Areas that are adjacent to parcels that are already protected are ranked higher.
12. Adjacency to Protected Lands and Parks	7.5 2.5	Parcel adjacent to protected lands Parcel within ¼ mile of protected lands	
13. Proximity to trail	2.5	Parcel has or is within 1000' of a trail or trail access point	Areas that have trails within or adjacent to them are ranked higher.
14. Size of Parcel	5 4 2.5	Parcel >50 acres Parcel 25 to 49 acres Parcel 5 to 24 acres	Larger parcels are ranked higher.
15. Proximity to Local, State or Nationally Designated Scenic Road	1.0	Parcel is along a road designated as scenic	Parcels along a scenic road are ranked higher.

Village of Victor – Green Infrastructure Prioritization			
Criteria	**Points and Criteria**		**Comment**
	Points	Criteria	
1. Slopes	15	>50% of parcel in slopes >15% 25-50% of parcel in slopes >15% 10-25% of parcel in slopes >15%	Steeper slopes are given a higher priority
2. Wetlands and Wetland Buffers	20	Parcel contains wetland and/or 100' wetland buffer	Areas having wetlands are given a higher priority
3. Streams and Stream Riparian Corridors	20	Parcel contains stream and/or 100' stream corridor	Areas having streams are given a higher priority
4. Open Water	5	Parcel contains open water (natural areas, not man-made)	Areas with open water are given a higher priority
5. Adjacency to Protected Lands and Parks	5	Parcel adjacent to protected lands or park Parcel within ¼ mile of protected lands or park	Areas that are adjacent to parcels that are already protected are ranked higher.
6. Proximity to trail or pathway	5	Parcel has or is within ¼ mile of a trail or trail access point	Areas that have trails within or adjacent to them are ranked higher. This does not include a sidewalk.
7. Size of Parcel	10 5 2	Parcel >10 acres Parcel 3 to 10 acres Parcel 1 to 3 acres	Larger parcels are ranked higher.
8. Presence of woodland	10 3	>3 acre in size of contiguous woodland < 3 acre in size of contiguous woodland	Woodlands in the village are important wildlife habitats and are ranked higher.

EXISTING PLANS & ACTIVITIES

TOWN OF VICTOR NATURAL RESOURCE INVENTORY

The Town's 2014 Natural Resource Inventory and Assessment (or NRI, incorporated in its entirety within this plan by reference, see Appendix XI), also identifies natural and agricultural resources that function as important green infrastructure components. The NRI enhances the identification of such resources by analyzing and inventorying areas within which valued resources are co-located in a manner that enhances the contribution to ecological diversity. The NRI also includes a wildlife habitat inventory and an open space index. Finally, the NRI includes a steep slope policy recommended for further implementation.

It is not intended for either the USDA LESA (Land Evaluation and Site Assessment) prioritization presented earlier in this section or the NRI to supersede the other. Each is valid and reflects a slightly different approach useful in different scenarios. Together with the profile of natural resources presented in Section 3, they provide an information base that will be useful in identifying, evaluating and preserving green infrastructure and its natural resource components.

OPEN SPACE RESERVATION AND DENSITY LIMITATIONS

With respect to open space the Town of Victor Code currently requires minimum set-asides of open space[13] (sometimes also referenced in the code as "green space").

Regarding limitations upon development density (typically quantified as the number of units per acre), the Town Code presently incorporates a version of "large-lot" zoning[14] that limits the maximum development density within outlying areas.

Because of the way in which they can affect the pace and pattern of development, requirements for open space set-asides and limitations upon development density can also influence efforts to conserve natural resources and green infrastructure. Residents have cited both the present open space set-aside requirement as well as the maximum density overlays as principle tools relied upon to preserve natural resources.

[13] Also see Section 4, Strategies 3 and 4, regarding Open Space recommendations.

[14] In Victor, large lot zoning has been implemented as a system of three zoning overlays that limit development density to no more than 1.0, 0.5 or 0.33 units per acre.

PRE-APPLICATION REVIEW

The Town has recently made progress in establishing a voluntary pre-application screening process intended to ensure identification and consideration of natural resources early in the design of a proposed development that will eventually be presented to the Planning Board and/or Town Board for approval. The process presently includes consultation with the Town Conservation Board and is focused upon ensuring that developments are planned to fit the intended site, rather than the converse.

SITE PLAN, SUBDIVISION AND PLANNED ZONING DISTRICT REVIEWS

Site plan, subdivision and planned zoning district reviews (see Section 211-31 of the Chapter 211 zoning law, Chapter 184 of the Code, and Sections 211-25, 211-26 and 211-27 of the Chapter 211 zoning law) are important land planning techniques that play a major role in ensuring that new development is sited in a manner that protects the environment.

The site plan review process is oriented towards the layout and design of development when it occurs on a single parcel of land. The basic premise is to avoid or mitigate impacts that a proposed use on one parcel may have on an adjoining parcel or the community. Site Plan does not directly address the type of land use proposed as this is usually determined by the specification of permitted uses found in the zoning code for the district in question or by consideration of a requested Special Use Permit.

The subdivision review process is focused upon the creation of multiple lots from one or more parent parcels and the associated topography, parcel configuration, open spaces, building sites, streets, sewers, water mains, parklands and other improvements or features necessary to protect and provide for the public health safety and welfare.

Planned zoning districts described in the Victor Town Code include the Multiple-Dwelling District (MDD), the Senior Citizen Housing District (S-C) and the Planned Development District (PDD) that is intended for a compatible mix of uses. Planned zoning districts are created through rezoning pursuant to an application made to the Town Board. In general, the rezoning application to the Town Board must be accompanied by a sketch or preliminary plan of the proposed development. The review process generally includes a second step in which an application is subsequently made to the Town Planning Board for some form of site plan approval.

STORMWATER INFRASTRUCTURE

Although the specific provisions have evolved over time, federal and state standards have required installation of detention or retention basins and other storm water management practices for well over a decade. These improvements play a crucial role in protecting water bodies, recognized streams, other watercourses, wetlands, floodplains, existing infrastructure and private property from the effects of additional impervious areas and increased runoff.

The Town was recently designated by NYS DEC as an "MS4"[15] community. Identifying the need for stormwater improvements and ensuring their proper development does not pose a significant challenge at this time. However, a recent review by the Town revealed that not only are many of these existing improvements presently in need in maintenance, but that the responsibility for and readiness to undertake such maintenance is very unclear.

- The Section 4 Open Space and Community Character Strategy 1 recommends implementation of a program to ensure that responsibility for necessary maintenance of existing storm water management facilities is clarified and that the required maintenance is completed in a timely and reliable manner.

[15] NYS DEC designates certain communities operating Municipal Separate Stormwater Sewer Systems (MS4s) as MS4 communities. MS4 communities are required to gain coverage under a nationwide permit. Under the terms of the permit, MS4 communities inherit authority, once the province of NYS DEC, for the approval and review of certain other permitted activities relative to stormwater runoff quality, quantity and prevention of erosion and sedimentation.

KEY FINDINGS

EXTENSIONS OF PUBLIC WATER AND SEWER

As described in the community profile, there are a few regions of the town, primarily outlying rural areas, in which public water is not available and more in which there is no sanitary sewer service. At present the community has no overall plan or guidelines for extensions of public water and sewer. Although extensions of public water and sewer are typically proposed to support development of a particular site, the completion of such extensions can also serve to promote or facilitate further development on nearby vacant properties. If not undertaken properly and carefully, such developments can lead to loss of natural or agricultural resources and damage to the green infrastructure network. With respect to potential extensions of public water and/or sewer within the Town and particularly with respect to those proposed to support development of a new project within or near resource-rich areas, several related strategies recommended for implementation within the section focused upon Open Space and Community Character should be noted:

- Strategy 1 recommends creation of a water and sewer infrastructure plan before approving extensions of those services through other parts of the Town; and,
- Strategy 2 calls for institution of a Growth Management Program to monitor and guide development in outlying, rural areas.

PRESERVATION OF NATURAL RESOURCES AND GREEN INFRASTRUCTURE: THE ROLE OF OPEN SPACE RESERVATION, DENSITY LIMITATIONS AND CHANGES IN DEVELOPMENT DENSITY PATTERNS

Preservation of natural resources and green infrastructure is closely related to other topics of interest to the community such as growth management, future land use, protection of agriculture, open space preservation, and limitations upon development density. However, these terms and tools are not equally effective at preserving natural resources and green infrastructure.

As already indicated, the Town of Victor Code currently requires minimum set-asides of open space (sometimes also referenced in the code as "green space") and also incorporates a version of "large-lot" zoning that limits the maximum development density (number of units per acre) within outlying areas via the mapping of multiple overlay districts.

These open space set-aside requirements and maximum density overlays have been referenced by many as principle tools intended to preserve natural and agricultural resources. Similar claims are made for another program called for in this plan that would alter the pattern of development density

within the Town more directly[16] (see Section 4 Strategy 6). Such a program would alter the pattern of development density within the community without necessarily altering the total number of residential units or square feet of non-residential space present within the Town at full build-out.

Although there may be some synergy[17], programs such as those intended to preserve open space or farmland, limit density in particular districts and/or alter the pattern of development density throughout the community are not intended to replace and will not substitute for an effective program focused upon protection and preservation of natural resources and green infrastructure. As the focus and objectives of green infrastructure policies and planning are unique, the requirements relative to green infrastructure should apply to all sites regardless of whether they will also include an open space set aside or be involved in a reservation, transfer or bonus award that may vary the development pattern found within the town as a whole.

PRE-APPLICATION REVIEW

As already indicated, the Town has made progress in establishing a voluntary pre-application screening process intended to ensure identification and consideration of natural resources early in the design of a proposed development. However, room for improvement remains. Instances still arise in which recognition of potential resource conflicts occur late in the review cycle leading to needless frustration, expense and confrontation. A more formal process that is not merely voluntary is necessary to ensure that opportunities to preserve natural or agricultural resources and green infrastructure are recognized and addressed proactively by all parties as early as possible in the planning and design cycle. This need is addressed below in Strategy 3.

[16] Mechanisms considered to implement such a program have included Incentive Zoning and Transfers of Development Rights. Programs involving the Purchase of Development Rights also have the potential to alter the density pattern, but less extensively.

[17] In practice, protection of green infrastructure may be more easily accomplished on sites which include an open space set aside or from which development units have been transferred. Conversely, effective protection may be more challenging on sites to which additional development units have been transferred.

REVIEW OF DEVELOPMENT PROPOSALS

Rather than resort to a localized preclusion of development to protect natural resources and green infrastructure, Victor will instead need to implement an effective planning and review process that is applicable community-wide. The ideal process would begin with early identification of whether an area proposed for development is subject to green infrastructure influence to be followed by the early planning necessary to avoid and minimize green infrastructure impacts and conflicts that might otherwise arise.

Effective land use planning and decision-making within the development market relative to potential green infrastructure conflicts will necessitate the review of useful information relative to green infrastructure and the potential effects of proposed uses or developments. A system of design guidelines or policies should also be put in place to lead and assist landowners, developers and municipal officials in the identification and implementation of good stewardship practices. A review process for identifying, reviewing and reconciling potential green infrastructure resource conflicts as early in project planning as is practical should be formalized and made more predictable.

The intended process, referenced by Victor Comprehensive Plan contributors as "The Green Infrastructure Planning and Review (GIP&R)" process, should be one that will promote choices that will successfully prioritize land development and conservation opportunities in ways that would optimize the use of land to meet the needs of both people and nature. The review process should incorporate the following procedural hierarchy: Resource inventory; Identification of potential conflicts; Project planning to avoid, minimize and mitigate potential impacts (in that order); and, Planning for resource maintenance and conservation. More certainty regarding potential outcomes should be provided in the place of ambiguity and the role in the approval process now played by negotiation or bargaining should be minimized.

DENSITY BONUSES IN EXCHANGE FOR PRESERVATION OF NATURAL RESOURCES AND GREEN INFRASTRUCTURE

Density bonuses awarded as part of a program of Incentive Zoning can be very effective in promoting development that includes amenities and features desirable to the community, including the preservation of natural resources, agricultural land and/or green infrastructure. However, density bonuses must be used carefully and in a way that is coordinated with other tools, particularly those intended to alter the pattern of development without necessarily increasing the number of residential units or square feet of non-residential space anticipated at full build-out[18]. Density bonuses awarded for other amenities could easily undercut the effective implementation of programs intended to alter the pattern of development by "relocating" development units from one area within the community to another without increasing the anticipated build-out. This indicates the need to consider one additional criteria for inclusion in any such density bonus program:

[18] Such tools are described in more detail in Section 4 and recommended for implementation in Section 4 Strategy 6.

- That the density bonus award be offset by a reduction in maximum development density elsewhere in the community provided by the applicant as a public amenity or via some corresponding mechanism that transfers equivalent development rights so as to reduce maximum development density elsewhere.

RESOURCE PROTECTION AND ENFORCEMENT

Efforts to identify, plan for, conserve and preserve both natural resources and green infrastructure will not succeed if the measures and conditions intended to implement such initiatives are ignored. Victor will need to monitor and enforce relevant policies and requirements with the same clarity and vigor found in the closely related fields of land use and building construction.

GOALS AND STRATEGIES

GOAL A. FOSTER A REGIONAL, LANDSCAPE-SCALE APPROACH TO THE PROTECTION AND CONSERVATION OF NATURAL RESOURCES AND AGRICULTURAL RURAL LANDS.

GOAL B. RESPECT AND PROTECT THE NATURAL TOPOGRAPHY.

GOAL C. PRESERVE OR RESTORE HUBS AND LINKS ACROSS THE LANDSCAPE THAT ANCHOR AND CONNECT GREEN INFRASTRUCTURE NETWORKS AND PROVIDE AN ORIGIN OR DESTINATION FOR WILDLIFE AND ECOLOGICAL PROCESSES MOVING TO OR THROUGH THE NETWORK.

GOAL D. INTEGRATE A GREEN INFRASTRUCTURE CONSERVATION AND PLANNING APPROACH INTO VICTOR'S LONG TERM PLANNING AND DEVELOPMENT REVIEW PROCESS.

STRATEGY 1: ADD SUSTAINABLE DESIGN AND SITING STANDARDS TO THE ZONING, SUBDIVISION AND PLANNED ZONING DISTRICT RULES

DESIGN AND SITING STANDARDS PRINCIPLES AND REQUIREMENTS

Conservation of natural areas such as undisturbed forested and native-vegetated areas, steep slopes, stream corridors and wetlands can help to preserve the pre-development hydrology of a site, aid in reducing post-development stormwater runoff and pollutant load, promote soil stabilization, maintain wildlife habitats, and preserve the site's aesthetic character. The presence of various components of Victor's green infrastructure identified in this plan should be further characterized and located as development plans progress. This effort should include site-analysis that incorporates both mapping and field-reconnaissance assessments (in this regard see the recommended Green Infrastructure Planning and Review process described in this section under Strategy 3 and in Appendix IX).

Principles. Zoning, subdivision and planned zoning district standards should reflect the following principles:

- Areas proposed for protection should be delineated early in the planning stage, long before any site design, clearing or construction begins. Site analysis and resource identification should be done at the sketch plan phase of development so that it guides project layout.
- Minimize the area required for building footprints, construction access, and safety setbacks.
- Establish limits of disturbance for all development activities and limit mass site grading.
- Ensure that conservation areas (including wetland buffers, ecological riparian zones, and top/toe of slope for steep slopes) and native vegetation, especially woodlands, are protected in an undisturbed state through the design, construction and occupancy stages.
- Pay careful attention to the placement of new structures on existing farmland or open lands with farming potential. Placement of new structures in the center of open fields can have significant negative impacts to rural character and the Planning Board should work towards avoiding this to the maximum extent possible.
- Leave areas of porous or highly erodible soils as undisturbed conservation areas to the maximum extent possible. Develop roadways to fit the site terrain, and locate buildings and impervious surfaces away from steep slopes, drainageways and floodplains.

Requirements. Zoning, subdivision and planned zoning district standards should include the following requirements:

- Delineate areas proposed for protection based upon site analysis, resource identification and function in the green infrastructure network.
- Use alternative site designs that use conservation subdivision design developments (see housing section).
- Do not allow new structures or significant disturbance in designated floodplains and/or wetland areas and their regulated buffers.
- Require review and approval for development including structures and grading on slopes greater than a specified threshold such as 25%.
- Establish erosion and sediment control standards for development and grading on slopes greater than a specific threshold such as 15%.

- Prohibit structures on ridgelines. To minimize the aesthetic impacts, ensure that rooflines do not extend above treelines (if present) or the ridgeline (rooftops should be 30' below ridgelines).

- Establish buffers between new non-farm and existing farm uses but avoid plantings that would result in excessive shading or root intrusions on farmland. These buffers should be a minimum of 50 feet, encourage removal of invasive species and use of native species, and should be the responsibility of the new non-farm uses. New farm establishments that begin operations in areas adjacent to existing residents should be responsible for the buffer.

STRATEGY 2. AMEND SITE PLAN, SUBDIVISION AND PLANNED ZONING DISTRICT REVIEW STANDARDS AND CRITERIA TO STRENGTHEN REVIEW AND MITIGATION RELATED TO GREEN INFRASTRUCTURE.

The Victor Town Code (Section 211-31) currently requires all construction except for single-family homes and associated accessory structures to receive site plan approval from the Planning Board prior to the Town issuing a building permit. Fifteen different aspects of development are included in the site plan review including "environmental issues." Clearing, grading, and filling of premises, demolition, and commercial development in the Route 96-251 corridor are all included in adequate detail in the law. However, this section of the zoning does not give the same level of emphasis to green infrastructure and environmental issues. Since site plan review is the primary review process for development in Victor, the processes, purposes, standards and criteria included in this section of the zoning code should be strengthened as recommended below:

RECOMMENDATIONS RELATED TO THE PURPOSE OF SITE PLAN REVIEW

1. It is recommended that a set of purposes be added to the site plan section to reflect the goals of this Plan. Purpose statements in zoning and specifically for the site plan section of the law are vital to convey the performance expectations for development to the applicant and the public. In particular, it should be clearly stated that one of the purposes of site plan review is to ensure protection and enhancement of green infrastructure features, hubs, and links and the maintenance of the environmental health of Victor.

RECOMMENDATIONS RELATED TO THE SITE PLAN REVIEW STANDARDS AND CRITERIA

2. Specific development standards related to layout and design specific to green infrastructure and the environment should be added to the site plan section. The law directs the Planning Board to evaluate "environmental issues" but gives no guidance as to what these are, or how to review and mitigate impacts. In relation to green infrastructure, site plan should direct the Planning Board's review to consider the following (See also Strategy 6, below):

- Environmentally sensitive areas should be avoided.

- Parking: Off-street parking should be located, designed and buffered to minimize stormwater runoff and negative aesthetic impacts.

- Stormwater: Stormwater and drainage facilities should be designed to avoid an increase in peak stormwater volume and velocity, and use of permeable surfaces, rain gardens, vegetated swales, rainwater harvesting, and other similar practices to the maximum extent practical. (See also Low Impact Development Recommendations).

- Vegetation: Trees, shrubs and other landscaping should be included to constitute a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation including hedgerows, wetlands, wildlife corridors, trees, and woodlots. Vegetation clearing should be minimized.

- Agriculture: The use should be compatible with adjoining or nearby agricultural activities.

- Ridgelines: On hills or ridge tops, rooflines should be placed below the ridgeline to prevent visual disruption of that ridgeline.

- Slopes: Structures should not be placed on slopes greater than some maximum threshold, such as 25%, identified in the Code or Design and Construction Standards.

RECOMMENDATIONS RELATED TO THE SITE PLAN REVIEW PROCESS

3. *Remove or revise authority given the Planning Board in Section 211-31 (D) to decide on a case-by-case whether to apply the provisions of this section or not so that site plan may only be waived under certain circumstances as a waiver could potentially circumvent important review by the Town.* For example, a proposed use which reuses an existing building where no significant changes to the site layout or building design is planned could be exempt.

4. *Add a clear set of procedures.* The text of the site plan section does not lay out a clear pathway for Planning Board review. A sub-section on process should be added to include but not limited to public hearing requirements, time frames, referrals to other agencies, State Environmental Quality Review Act (SEQRA) and agricultural district requirements, decision making rules, use of escrow accounts, and hiring of professional assistance for the Planning Board.

5. *Add a requirement for a sketch plan review as a critical phase of the review process.* A sketch plan is a preliminary map and description of the process and is presented to the Planning Board at the very first meeting with the applicant. It is an opportunity to discuss the project, planning board requirements, and possible issues early in the process before large investments have been made on the part of the applicant. It is a critical time for the Planning Board to indicate what information it needs, and what issues generally need to be addressed.

6. *Consider establishing a two-stage process that includes a preliminary site plan approval and a final approval for major projects.*

7. *Require all major subdivisions to also require site plan review. Clarify that all Planned Zoning District site plan reviews are subject to the same standards and procedures as those specified in Zoning Section 211-31.*

8. *Require notification of owners of property within 500 ft of a project undergoing site plan review at the sketch plan phase of the process. Consider requiring a public hearing for all site plan approvals.*

9. *Require site plan approval for all developments proposing to disturb slopes with a grade beyond a specified critical threshold as proposed in the Steep Slope Policy included in the Town NRI incorporated in Appendix XI of this plan.*

10. *Clarify that appeals from planning board decisions related to site plan are taken to the State Supreme Court in an Article 78 proceeding.* There is no local board, including zoning board of appeals or the Town Board, with power to overrule a planning board determination on site plan as per Town Law 274-a.

11. *Establish a set of application material requirements* (currently application requirements are only outlined for clearing, grading and filling applications.) In addition to other siting and layout features, application maps and descriptions should include the following related to green infrastructure:

a. Location, of easements and other reservations of land or areas dedicated to public use within 500 feet of the applicant's property.
b. Grading and drainage plans showing existing and proposed contours and water courses within, and extending 50' beyond applicant's property
c. Soil erosion and sediment control plan if required by DEC.
d. Provision for pedestrian access, including public and private sidewalks, if applicable.
e. Location and development of all proposed buffer areas, stream and wetland setbacks, including indication of existing and proposed vegetative cover.
f. Contour lines and percent slope calculations.
g. Location and design of existing and proposed outdoor lighting facilities.
h. General landscaping plan and planting schedule.
i. Location and identification of all structures and uses on adjacent lands within 100 feet of the property line.
j. Identification of any permits from other governmental bodies required for the project's execution and a record of applications and approval status of all necessary permits from federal, state, county and local agencies.
k. State Environmental Quality Review Act (SEQRA) Environmental Assessment Form.
l. Location of all natural features on the site and extending 100' of the property line including water courses, wetlands/wetland buffers, wooded areas, areas subject to flooding, steep slopes (more than 15%), areas identified as being a critical plant or animal habitat, historic structures, and agricultural lands currently in operation.

m. Traffic report showing existing and potential traffic resulting from the project.
n. Viewsheds and visual impact report evaluating the relationship of new structures to nearby natural landscapes and to existing structures in terms of visual character.

12. *Review checklists now in use and codify a finalized checklist of green infrastructure features and maps that should be reviewed during the site plan review process (see the following description of the Green Infrastructure Planning and Review process).*

As a closely related matter, it should be noted that Strategy 3, which follows, calls for establishment of a formal Green Infrastructure Planning and Review process to accompany all site plan, subdivision and planned zoning district reviews.

STRATEGY 3. ESTABLISH A FORMAL GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS

GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS FOCUS

The Green Infrastructure Planning and Review process should provide a basis for informed decision making relative to four fundamental topics:

- The presence of green infrastructure components and the consequent potential for conflicts between proposed land uses or development and green infrastructure;
- The significance of potential impacts and the availability of practical alternatives that would avoid potential impacts to green infrastructure;
- With respect to potential impacts anticipated to be unavoidable, identification and incorporation of mitigation and/or offsets in a manner that would conserve the integrity of the green infrastructure system and the overall value of green infrastructure within the community; and,
- Identification of circumstances in which the anticipated unavoidable impacts are so severe that preclusion of the proposed land use or development may be warranted despite the opportunities available for mitigation or offset.

GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS SUBMISSIONS

Green Infrastructure Plans should be required to be prepared and submitted for municipal review prior to disturbance within an area of green infrastructure influence. With respect to content, the Green Infrastructure Plans should progress in four stages:

- *I. Green Infrastructure Resource Plan Inventory* - Green infrastructure resources within the project area and within 200 feet of the project area boundary.

- *II. Green Infrastructure Impacts* – Potential green infrastructure impacts or conflicts associated with the proposed project.

- *III. Green Infrastructure Preservation and Mitigation* – How potential green infrastructure impacts may be avoided wherever possible and any impacts or conflicts that cannot be avoided. The plan should include a description of reasonable alternatives explored with respect to avoiding and minimizing impacts and include measures mitigating unavoidable impacts that remain.

- *IV. Green Infrastructure Conservation and Management Plan*–Measures undertaken to ensure the persistence and viability of all green infrastructure depicted in the Preservation and Mitigation Plan both during and following development including protection, stabilization, re-establishment, monitoring, long term care, and replacement.

INTEGRATION OF THE GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS WITH OTHERS

The Green Infrastructure Planning and Review process should be fully integrated with the required State Environmental Quality Review (SEQR) process. Additional information on this point has been included in Appendix IX.

The Green Infrastructure review process should be fully integrated with the sketch, preliminary and final plan reviews now required for all major subdivisions as well as with comparable review processes required for site plans and for planned zoning district approvals. Recommendations are included elsewhere (see the Appendix I Zoning Audit) regarding the need for sketch plan reviews and for separate preliminary plan / final plan reviews of site plans and planned zoning district approvals. Also the same Appendix regarding the need for establishment of sketch plan - preliminary plan - final plan review progressions for both site plan approvals and planned zoning district approvals that would closely parallel those required for major subdivisions and thereby facilitate implementation and integration of a single Green Infrastructure Planning and Review Process. Additional information on this point has been included in Appendix IX.

RELIANCE ON NATURAL RESOURCE INVENTORY

Many green infrastructure components are also recognized as natural or agricultural resources.[19] In addition to the information and maps provided in this section and in the

[19]As was indicated earlier in this section, green infrastructure has been defined by Authors Mark A. Benedict and Edward T. McMahon as: "An interconnected network of natural areas and other open spaces that conserves natural ecosystem values and functions, sustains clean air and water, and provides a wide array of benefits to people and wildlife". The Town of Victor Conservation Board is developing a definition of natural resources that it will propose for inclusion in the Town Code. The current rendering of this proposed definition provides as follows: "Naturally occurring earthen and topographic features, vegetative assets and plant and animal habitats, categories of which have been generally identified as necessary to protect and preserve the Town of Victor. Natural Resources comprise a wide range of naturally occurring resources which the Town aims to protect for a

appendix, green infrastructure policies and plans proposed for implementation should incorporate and rely upon the Town's recently completed NRI as well the Town Conservation Board's ongoing work to identify and characterize important natural habitats.

MINIMUM SCOPE AND COMPONENTS

When refined and implemented, the green infrastructure policies and plans should include, at a minimum, the following green infrastructure components:

- Open Water and Streams, including intermittent and headwater streams;
- Wetlands (Federal as well as NYS DEC Freshwater wetlands), including ephemeral wetlands and vernal pools;
- Floodways and 100 year floodplains;
- Steep slopes, above an appropriate threshold identified in the Natural Resource Inventory and, presumably, a lower threshold in the presence of highly erodible soils;
- Forested areas of 10 or more acres in extent (or less extensive forested areas should the town determine to accord these protection as well);
- Agricultural soils recognized as prime, as prime were they to be drained, and/or to be of state-wide importance;
- Land used for agricultural production; and,
- Parks and Trails.

BUFFERS AND ADJACENT AREAS TO BE INCLUDED WITHIN THE GIP&R SCOPE

The implemented policy should also include adjacent areas or buffers within the area of influence where appropriate. Appendices IX and XI include more detailed information regarding the areas to be considered, such as those included in the Natural Resource maps presented in the Section 2 Community Profile.

GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS DETAILS AND IMPLEMENTATION

Further details regarding the envisioned Green Infrastructure Planning and Review Process are included in Appendix IX. It is anticipated that the descriptive information included here and in the appendix will require further refinement and testing prior to implementation. Testing during the implementation effort should include simulated application of anticipated requirements to hypothetical development sites to better understand how effectively they will protect green infrastructure as well as the associated impact upon site development plans.

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variety of reasons including the conservation of animal and vegetative habitats and ecosystems, the protection of environmentally sensitive resources, biodiversity, the protection of drinking water from pollution and the preservation of scenic value. Natural Resources are more specifically identified in the Town of Victor's Natural Resource Inventory (or NRI)."

STRATEGY 4. LEAD BY EXAMPLE: TRAIN MUNICIPAL STAFF IN ENVIRONMENTAL STEWARDSHIP, CONSERVATION, AND CARE FOR SENSITIVE RESOURCES.

Municipal officials, especially those working in the field, have an opportunity to demonstrate Victor's commitment to the community's vision to "protect and enhance our extensive natural resources and their supporting landscapes which weave throughout the town and village." Training will assist these representatives in incorporating these values into their daily work and in exercising an appropriate level of stewardship.

GOAL E. PROVIDE AN INTERCONNECTED NETWORK OF GREEN SPACE THAT CONSERVES NATURAL ECOSYSTEM VALUES AND FUNCTIONS AND PROVIDES ASSOCIATED BENEFITS TO HUMAN POPULATIONS.

STRATEGY 5. PROVIDE INCENTIVES IN THE FORM OF DENSITY BONUSES TO PROTECT AND ENHANCE GREEN INFRASTRUCTURE.

Bonuses need to be large enough to be worthwhile for a developer to take advantage of. For example, a 10% to 15% density bonus could be offered for each of the following development characteristics subject to a maximum total bonus:

- Priority green infrastructure parcels and farmlands as identified in this Plan are permanently preserved;
- Open space is provided that exceeds the 50% open space required for a conservation subdivision;
- Steep slopes of 15% or greater are protected;
- Stream corridors are protected beyond basic zoning requirements;
- Wildlife habitats are protected or enhanced;
- Mixed use, infill development in commercial districts is included;
- Mixed-use, traditional neighborhoods or those designed according to the Leadership in Energy & Environmental Design for Neighborhood Design (LEED ND) standards are included; and,
- Existing structures are remodeled and reused.

Given the anticipation that Victor will rely on incentive zoning to incentivize movement of development units from areas where more extensive open space would be preferable to areas where higher density development would be acceptable, any density bonus program may need to require that such a bonus be offset by a reduction in maximum development density elsewhere in the community provided by the applicant as an public amenity or via some corresponding mechanism

that transfers equivalent development rights so as to reduce maximum development density elsewhere. This requirement is reviewed in more detail in the section on Growth Management and Community Character.

GOAL F: PROTECT WATER QUALITY OF SURFACE AND GROUNDWATER: PROTECT/ENHANCE STREAMS AND STREAM CORRIDORS, WETLANDS, FLOODPLAINS, AQUIFERS; AND, PREVENT EROSION AND SEDIMENTATION.

STRATEGY 6. ESTABLISH STREAM CORRIDOR STANDARDS TO PROTECT GREEN INFRASTRUCTURE LINKS WITHIN THE COMMUNITY.

Victor has recognized that stream corridors in this community serve as the primary link between green infrastructure hubs. The Natural Resources Conservation Service (NCRS)[20] has also found that stream corridors[21] frequently "function as dynamic crossroads in the landscape". In characterizing the basic ecological function of stream corridors, the NCRS publication referenced above goes on to explain that:

> "Water and other materials, energy, and organisms meet and interact within the stream corridor over space and time. This movement provides critical functions essential for maintaining life such as cycling nutrients, filtering contaminants from runoff, absorbing and gradually releasing floodwaters, maintaining fish and wildlife habitats, recharging ground water, and maintaining stream flows."

The primary function of stream corridor standards would be to protect and physically separate a stream and associated riparian lands from future harmful disturbance or encroachment. The recommended standards should establish stream setbacks, requirements to preserve existing vegetation, or to replant new vegetation as part of development approvals. Proper restoration should include all layers of the forest plant community, including understory, shrubs and groundcover, not just trees. The standards called for in this strategy should be incorporated within the community's zoning requirements and utilized in the Green Infrastructure Planning and Review process called for in Strategy 3.

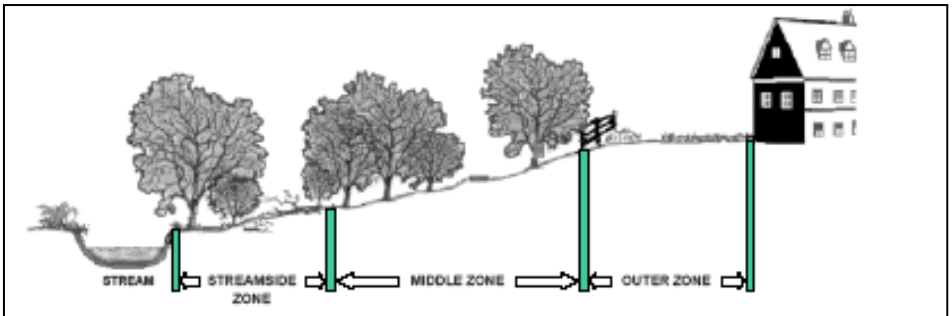

Figure 4: Three-Zone Stream Buffer System
(Source: Adapted from Schueler, 1995)

[20] Overview of Stream Corridors, NCRS, retrieved 11/01/2013, http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1043460.pdf.

[21] The NCRS defines a stream corridor as an ecosystem that usually consists of three major elements: the stream channel, the floodplain, and the transitional upland fringe.

When properly designed, a riparian buffer can enhance stormwater management functions, serve as a right-of-way during floods, and sustain the integrity of water-resource ecosystems and habitats. A stream corridor can be of fixed or variable width, but should be continuous and not be interrupted by impervious areas allowing stormwater to concentrate and flow into the stream without first flowing through the overlay-created buffer. The width needed to perform properly will depend on the size of the stream and surrounding conditions. The stream corridor should be sized to include the 100-year floodplain as well as steep banks and adjacent freshwater wetlands. A minimum 25-foot undisturbed vegetative buffer is needed for the smallest perennial streams. A 50-foot or larger undisturbed buffer is better. Delineation and preservation of a vegetated riparian no-impervious-surface-buffer landward of the stream bank areas no less than 75 feet in width, extended as necessary to incorporate any other adjacent floodways, 100-year floodplains, steep slopes and/or forested area having a boundary within 75 feet of the bank would be ideal.

The foregoing illustration and the table that follows are from the New York State Stormwater Management Design Manual, August 2010 (see Chapter 5, included herein as Appendix X), an excellent reference that should serve as a guide regarding the need for and extent of riparian buffers. The recommendations in the table are minimum standards for most streams. As described above, some streams may also benefit from additional measures to ensure adequate protection that can implemented during the subdivision and site plan review process. A density bonus could also be offered for protection beyond the minimum standards.

Table 3: Riparian Buffer Management Zones *(Source: Adapted from Schueler, 1995)*

	Streamside Zone	**Middle Zone**	**Outer Zone**
Width	Minimum 25 feet plus wetlands and critical habitat	Variable, depending on stream order, slope, and 100-year floodplain (min. 25 ft.)	25-foot minimum setback from structures
Vegetative Target	Undisturbed mature forest. Reforest if necessary.	Managed forest, some clearing allowed.	Forest encouraged, but usually turfgrass.
Allowable Uses	Very restricted (e.g., flood control, utility easements, footpaths)	Restricted (e.g., some recreational uses, some stormwater controls, bike paths)	Unrestricted (e.g., residential uses, including lawn, garden, most stormwater controls)

IMPLEMENTATION SUMMARY

The following table takes the strategies described in this section and describes the actions needed to get each started, responsible parties for undertaking the strategy and the time-frames for accomplishing each.

The time-frames have the following potential ranks:

- On-going: This strategy will set into motion a continuous action.
- Immediate: This strategy is foundational and should be undertaken as soon as possible.
- Short-term: This action should be undertaken within a year of the plan's adoption
- Mid-term: This strategy should be undertaken within one to three years.
- Long-term: This strategy can be undertaken from three years or beyond.

Strategy	Action Required	Responsible Party	Time-frame
1. Add sustainable design and siting standards to the zoning and subdivision rules (also see Strategy 2 which follows).	Ensure this is a task of the committee or consultant revising the zoning code	Town and village boards	Short-term
2. Amend site plan, subdivision and planned zoning district review standards and criteria to strengthen review and mitigation related to green infrastructure.	Ensure this is a task of the committee or consultant revising the zoning code	Town and village boards	Immediate
3. Establish a formal Green Infrastructure Planning and Review process to accompany present land use reviews	Refine and implement the process as a required part of land use review.	Town Board, Planning Board, Conservation Board	Immediate
4. Lead by example – Train municipal staff in environmental	Establish an effective training program for municipal employees.	Town and Village boards	Long-term

Strategy	Action Required	Responsible Party	Time-frame
stewardship, conservation and care for sensitive resources.			
5. Provide incentives in the form of density bonuses to protect and enhance green infrastructure.	Ensure this is a task of the committee or consultant revising the zoning code	Town and village boards	Short-term
6. Establish stream corridor standards to protect green infrastructure links within the community.	Ensure this is a task of the committee or consultant revising the zoning code	Town and village boards	Short-term

IMPLEMENTATION SUMMARY

The following table takes the strategies described in this section and describes the actions needed to get each started, responsible parties for undertaking the strategy and the time-frames for accomplishing each.

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3. Establish a formal Green Infrastructure Planning and Review process to accompany present land use reviews	Refine and implement the process as a required part of land use review.	Town Board, Planning Board, Conservation Board	Immediate
4. Lead by example – Train municipal staff in environmental stewardship,	Establish an effective training program for municipal employees.	Town and Village boards	Immediate and Ongoing

Strategy	Action Required	Responsible Party	Time-frame
conservation and care for sensitive resources.			
5. Provide incentives in the form of density bonuses to protect and enhance green infrastructure.	Ensure this is a task of the committee or consultant revising the zoning code	Town and village boards	Short-term
6. Establish stream corridor standards to protect green infrastructure links within the community.	Ensure this is a task of the committee or consultant revising the zoning code	Town and village boards	Short-term

Section 4

Growth Management and Community Character

GOALS

- **Monitor and manage growth including its impacts on key systems such as sanitary sewer and stormwater infrastructure.** (Goals and initiatives directly related to growth impacts upon transportation and traffic are identified and evaluated in Chapter 7 of the Comprehensive Plan).

- **Ensure that all elements of Victor's community character valued by residents are preserved.**

- **Adopt a conservation-based approach[1] that addresses the ecological and social impacts of sprawl and the accelerated consumption and fragmentation of agricultural and open land.**

- **Foster a regional, landscape-scale approach to open space preservation that takes into account how open space on any particular parcel contributes to the open space needs of the town as a whole.**

[1] It is important to note the potential for a conservation-based approach to also minimize the need to build systems that would otherwise be required to manage or ameliorate negative impacts.

INTRODUCTION

Victor has been recognized as one of the most rapidly growing communities in New York. This has led to numerous impacts to essential infrastructure including water and sewer systems, stormwater improvements and the transportation system of streets, roads and highways serving the community. In addition, public meetings with Town residents have revealed growth management and the preservation of community character, including open space, to also be prominent concerns for Victor residents. This section focuses on growth management and on the preservation of community character, including open space, in particular.

Victor is many things to many people, including a place to work and make a living, a place to shop, for some a place to pass through, and increasingly as time goes by, a place to visit. Most importantly to residents, to those living here, Victor is a community. Merriam-Webster defines a community simply as "a group of people who live in the same area" and as "a group of people who have the same interests". Wikipedia provides a similar explanation of community as: "a social unit of any size that shares common values."

Throughout the development of this plan, members of the Victor community have offered comments regarding what they value in Victor as well as their concern that ongoing growth threatens fulfillment of the very interests that bind them to the community and their fears that the Victor they identify with could become a victim of its own success. Members of the community also shared their perceptions that the manner in which natural resources, cultural resources, and other community assets were present in Victor, separately as well as in combination, created a community that had a distinct character and identity[2] which they valued. Such input has made it clear that the interests and values shared by members of the Victor community go beyond the mere presence of the agricultural legacy, natural resources, cultural resources, and green infrastructure networks addressed in preceding sections of this plan.

When considering the character of a community, the traditional planning focus is upon how the natural environment, the cultural assets and the sensory (primarily visual) experience of a place all combine to define the community's essential quality. Primarily as a consequence of Victor's agricultural past, a rural setting and open space in particular have long been the predominant visual context within which Victor's natural resources, cultural resources, and other assets have been experienced. And, while views of agricultural buildings, fields under cultivation, and farming activities are obvious cues and contributors to rural character, it is open space that has always served as the basic context without which no experience of a traditional Victor rural character is possible. Recognizing the pivotal role played by open space helps to explain why many Victor residents, when describing their community values, go beyond the mere need to protect or preserve cultural and

[2] The character and identity of a community are closely related. The Lexicon Webster Dictionary defines character as "a distinctive trait, quality or attribute," and as something's "essential quality or nature," or "reputation." Among the definitions of identity, Merriam Webster includes "distinguishing character."

natural resources to also include the need to address the progressive loss of open space, farmland and associated rural character.

EXISTING CONDITIONS

GROWTH AND EMERGENCE AS A REGIONAL DESTINATION

As summarized in the Community Profile included in Section 2, the past several decades have brought significant growth to Victor, including unprecedented residential growth. Although this has taken the form of single family residences and subdivisions in the past, market dynamics within Victor have recently shifted to favor more dense residential forms such as apartments, townhouses and patio homes. Despite this change, there is no evidence suggesting a long-term decrease in the demand for residential development within Victor. In addition to residential growth, the community has also experienced rapid commercial development[3], particularly within the segment of the NYS Route 96 corridor that lies between the NYS Thruway and the Town's northern boundary, and significant industrial development within the Victor neighborhoods immediately south of the NYS Thruway.

While there appears to have been some acceleration in the most recent decade[4], growth in Victor has been underway for some time. According to a build-out study conducted by Ontario County in 2005 the Victor rate of growth experienced since 1970 has been:

- 1970 to 1980 – 40.1% or roughly 4% annually;
- 1980 to 1990 – 66.1% or roughly 6.6% annually; and,
- 1990 to 2000 – 51.6% or roughly 5.2% annually.

Not only is there no evidence that Victor growth will slow in the long-term, recent development proposals presented to the Town have suggested that Victor may be emerging as, or already is, a regional destination.

TRANSPORTATION AND TRAFFIC

The effects of the recent growth upon transportation and traffic are reviewed and evaluated in Chapter 7 of the Comprehensive Plan.

PUBLIC WATER AND SEWER

The impacts of recent growth have not been limited to loss of open space or diminished rural character. Victor benefits from water and sewer[5] infrastructure that covers much of the Town and all

[3] Eastview Mall, a regional shopping center and major traffic generator, lies at the heart of the commercial development.

[4] Growth rates and anticipated build-outs are described more fully in the Section 2 Community Profile.

[5] A map of areas within the Town served by public water and sewer is included in the Section 2 Community Profile. The Monroe County Water Authority recently took responsibility, under an intermunicipal agreement, for operation and maintenance of public water systems within the Town of Victor but outside the Village. Village

of the Village. These services support ongoing commercial and industrial development and are of obvious benefit to homeowners and residential developers who otherwise have to rely on septic systems or wells. Unfortunately, recent growth has had negative impacts upon these systems, especially the Town's sanitary sewer collection system. Limitations associated with the capacity and condition of sanitary sewer collection system components relied upon within certain areas of the Town have recently become better understood. It has now become apparent that the rapid pace of growth within Victor and associated district extensions has outstripped the capacity of many sanitary sewer pump stations as well as that of some associated mains.

STORMWATER INFRASTRUCTURE

Victor growth has also led to a proliferation of stormwater detention ponds and associated infrastructure intended to control the rate of stormwater discharge, limit erosion and sedimentation, and maintain the quality of stormwater runoff. A recent preliminary inventory identified more than 170 stormwater detention ponds within the Town, approximately 119 of which were located on private property and in need of some degree of maintenance. An associated report noted that, while the Town has no formal plan for and accepts no responsibility for many of these improvements, it is called upon frequently nonetheless to remedy drainage failures affecting multiple parcels and when emergency situations arise. Given the circumstances, continued growth with no other change would likely lead to increases not only in the total number of detention ponds and associated infrastructure installations, but also in the number in need of maintenance as well. The report also noted that the downstream benefits and risks associated with postponed maintenance of these facilities were town-wide and affected environmental elements such as streams and wetlands in addition to downstream buildings, highways, infrastructure and land.

RURAL CHARACTER AND OPEN SPACE

As already indicated, public meetings with Town residents conducted as part of this planning effort reinforced the protection of natural resources and preservation of farmland and open space as major goals for this comprehensive plan, particularly in response to the remarkable rate of growth and the associated impacts to the community's natural resources, open space and rural character.

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residents are served by the Village water system as well as the Village sanitary sewer collection system and Village wastewater treatment plant. Outside the Village, the Town provides sanitary sewer service via multiple Town districts. While most of these districts ultimately discharge to the Farmington Wastewater Treatment Plant, some discharge to the Village system. With respect to those portions of the Town system discharging to the Farmington WWTP, the hilly terrain and the manner in which the system evolved in response to growth have led to the incremental incorporation of numerous pump stations in a configuration operators and engineers now characterize as a "daisy chain".

AVAILABLE RESOURCES AND TOOLS

MOVEMENT OF DEVELOPMENT RIGHTS

In order to preserve farmland and open space more effectively, Victor has considered two approaches that would alter the pattern of development density (units per acre) on a town-wide basis and do so in a manner that did not unnecessarily penalize owners of land located within areas where the community would prefer more open space and lower development densities: Incentive Zoning[6] and Transfer of Development Rights (TDR)[7].

NYS Town Law §261-b defines Incentive Zoning as a "system by which specific incentives or bonuses are granted . . . , on condition that specific physical, social, or cultural benefits or amenities would inure to the community"[8]. In practice, Incentive Zoning augments the existing base of development regulations by offering developers regulatory allowances that would not otherwise be available in exchange for the provision of public benefits that would not otherwise be required. The objective is to encourage development that will provide a desired public benefit as established in adopted planning goals. Public benefits that may be incentivized in this manner include affordable housing, historic preservation, farmland protection, open space and recreation, or increased environmental protection. Incentives provided in exchange for the provision of such benefits may include density bonuses, flexible development regulations, or parking reductions. As conceived in Victor in connection with the goal to alter the development density pattern on a town-wide basis, density

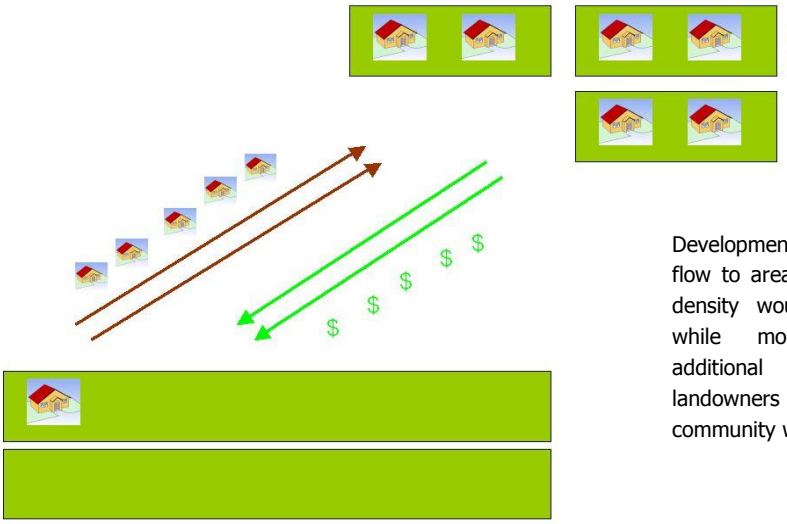
[6] Incentive Zoning programs take many forms. As conceived in this particular instance, Incentive Zoning would be utilized to award density bonuses to developers proposing development of a parcel located in an area within which a density increase would be acceptable in exchange for provision of the following public amenity: an offsetting reduction in density elsewhere in the community where a lower density of development would be preferred.

[7] For an excellent overview, see TDR-Less TDR Revisited, M. Pelletier et. al, APA PAS Memo May/June 2010. The article indicated that TDR programs were in operation in more than 200 cities, towns and counties throughout the country. According to James A. Coon Local Government Technical Series, "Transfer of Development Rights (TDR) is an innovative and complex growth management technique. It is based on the concept that ownership of land gives the owner a 'bundle of rights,' each of which may be separated from the rest. For example, one of the 'bundle of rights' is the right to develop land. With a TDR system, landowners are able to retain their land, but sell its development rights for use on other properties. TDR has most often been applied for preservation of farmland in New York. Under common TDR systems, farmers are able to keep their land as an agricultural use, by selling the property's development rights, which are then used on non-agricultural land. (Creating the Community You Want: Municipal Options for Land Use Control, James A. Coon Local Government Technical Series, Revised 2009, New York State Department of State, Office of Coastal, Local Government and Community Sustainability, p. 7)"

[8] The Town Law provisions also authorize requirement of payment to the town of a sum to be determined by the board in lieu of a suitable community benefit if the board determines that a suitable community benefit or amenity is not immediately feasible or otherwise not practical. The funds must be deposited in a trust fund to be used exclusively for specific community benefits.

bonuses would be offered within appropriate areas in exchange for off-setting reductions in density elsewhere in the community via the acquisition and dedication of development rights, or dedication of a property outright.

As shown in the figure that follows, whether via an Incentive Zoning program or TDR, development rights (also called units or credits) become the currency of development in programs envisioned to alter the density pattern. This requires that the development rights be severed from other property rights held by an owner in a way that makes them "saleable". Developers interested in developing additional units on a site within an area where the community could accept a higher density of development then purchase these rights (frequently called "units") from an owner of property within an area where the community would prefer more open space and lower density. In the case of Incentive Zoning, those development rights are then dedicated or set-aside in some other manner to effectively reduce the maximum density permitted on the affected parcel and the developer is awarded a corresponding density bonus applicable to the property proposed for more dense development. In the case of TDR, the units are treated as if they had been "transferred", thereby increasing the number of units available for development on one site and decreasing the number of units available for development on the other. In either case, a conservation easement would typically be relied upon to memorialize the diminished development potential of the site within the region where the community would prefer less density and more open space.



Development rights or units flow to areas where increased density would be acceptable while money for those additional units flows to landowners in areas the community wishes to preserve.

PURCHASE OF DEVELOPMENT RIGHTS

Purchase of Development Rights (PDR), a third tool considered in Victor, directly preserves open space via a municipal acquisition[9]. When compared to TDR and incentive zoning, PDR frequently shares the feature

[9] Implementation of a Purchase of Development Rights program is called for in this plan as an Agricultural Protection measure.

of severing of development rights from other property rights held by an owner. However, in PDR the development rights are merely purchased and held by the municipality and there is no subsequent "transfer" to another parcel where the development density would be increased. Whereas both the Incentive Zoning and TDR programs referenced above would typically involve a private transaction in which development rights are acquired, PDR programs typically involve a publicly funded acquisition by the host community or a not-for-profit entity. This reliance upon public or not-for-profit funding means that PDR programs are more strategically targeted but also somewhat more limited in their scope and, in practice, best utilized for the preservation of a smaller number of very key parcels[10].

Boughton Park

[10] Implementation of a PDR program for acquisition of priority parcels is called for in Section 1 Strategy 8.

EXISTING PLANS AND ACTIVITIES

Among the Town's past responses to the increasing number of residences and the demand for development of open lands, two regulatory initiatives are notable. One focused upon how development on a given parcel is configured (open space) and the other focused upon the maximum number of residences permitted upon a given parcel (density). In addition, many large-scale developments, particularly of the type that would be anticipated in an emerging regional destination are implemented as Planned Development Districts.

OPEN SPACE

A 1995 provision (§211-46[A]) adopted by the town required 50% of the land area of a major residential subdivision to be set aside for open space[11]. Non-residential subdivisions were required to set aside 35% of the land area as open space[12]. Although there are specific minimum open space requirements applicable to Senior Citizen Housing and Multiple Residential districts, there are none directly applicable to Planned Development Districts (see the summary description of Planned Development Districts presented on the following page).

It should be noted that none of the present open space and corresponding green space requirements directly limit overall density (the number of units to be developed on a parcel). They focus instead on configuration and layout, effectively limiting the opportunity for a proposed development of any density to occupy an entire parcel and compelling an alternate approach similar to that utilized in a clustered[13] development. In other words, although the maximum number of units permitted upon a given site remains the same, the open space and green space provisions effectively require that the units be consolidated, or clustered, into a smaller area within the site leaving the balance of the site open. In most cases there has been little practical effect upon the actual development density (units per acre) or yield realized by developers.

[11] No open space set aside was required for minor residential subdivisions.

[12] Separate provisions adopted in 1997 also required Senior Citizen Housing District developments to set aside 40% of the land as open space (§211-26[B]), required Multiple Residential District developments to set aside 20% of the land area as open space (§211-25[B]), and required all commercial and industrial developments to reserve 35% of the land as green space (Sections 211-22[C], 211-23[D], and 211-24[D]). These separate provisions apply whether or not the development involves a subdivision of land.

[13] New York State authorizes cluster subdivisions in General City Law Section 37, Town Law Section 278, and Village Law Section 7-738. These sections describe, in the words of the James A. Coon Local Government Technical Series, an approach in which "the same number of housing units allowed in a conventional subdivision are concentrated – or clustered – at a higher density in the most appropriate portion of the property, leaving larger areas to remain open and undeveloped". (Creating the Community You Want: Municipal Options for Land Use Control, James A. Coon Local Government Technical Series, Revised 2009, New York State Department of State, Office of Coastal, Local Government and Community Sustainability, pp. 11-12)"

LIMITATIONS ON MAXIMUM RESIDENTIAL DENSITY

In addition to the more common limitations upon minimum lot size, the present Town limitations upon residential density also include a system of density districts adopted in 2000 as overlays to the traditional zoning districts[14]. Whereas the maximum number of residences was previously limited to one unit per acre throughout the Town, the three overlay districts now limit residential development density within the R-1, R-2 and R-3 residential districts to 1 unit per one acre, 1 unit per two acres, or 1 unit per three acres depending upon the applicable overlay (see §211-27.3)[15].

It should be noted that the system of residential density overlays implemented in 2000 was met with significant criticism from land-owners and that calls still issue for the repeal of these provisions. The claim voiced most frequently is that the value of land within the less dense overlays has been diminished and that the affected property owners are being compelled to bear an unfair share of the community's cost for attempts to preserve open space and rural character.

PLANNED DEVELOPMENT DISTRICTS

Planned Development Districts are planning tools designed to allow flexibility, use of innovative planning, and incorporation of design concepts in a manner consistent with the purposes of the comprehensive plan and zoning law. In practice, Planned Development Districts incorporate a re-zoning step in which provisions that might otherwise apply to the development may be set-aside. Although the current PDD standards and requirements (§211-27 of the Town Code) provide much flexibility, they do not incorporate standards that strongly support preservation of open space or rural character. Likewise, no standards are provided in the PDD provisions in support of water conservation, energy efficiency or generation or waste reduction.

[14] The Town Code presently establishes two different kinds of districts in Victor – zoning districts which regulate land uses, and density overlay districts which regulate the density (units per acre) of residential development. Two separate zoning maps have been created to convey these districts.

[15] The boundaries of the overlay districts do not correspond very closely to the underlying R-1, R-2 and R-3 districts. Instead, the respective overlay districts roughly approximate a series of three concentric rings, the most dense ring (1 unit per acre) being closest to the Village and the least dense ring (1 unit per 3 acres) being furthest from the Village and closest to the outer town boundaries. The ring specifying an intermediate density (1 unit per 2 acres) is found between the other two.

KEY FINDINGS

SANITARY SEWER SYSTEM

SYSTEM PLANNING

As described above, it has recently been recognized that rapid growth has led to incremental and extensive expansion of the sanitary sewer collection system serving portions of the Town outside the Village. It has also come to light that many of the constituent components, including pumpstations, are at or beyond the age when they should be replaced, approaching or beyond their design capacity, and that these components are connected in such a way that makes the entire system expensive to maintain and unnecessarily vulnerable to failures. The present situation appears to have evolved without the benefit of much systematic planning and is now surfacing as a constraint that could negatively influence important land use decisions. For example, it would be unfortunate were the design of a large and pivotal development to necessarily incorporate a disproportionate focus upon sanitary sewer constraints to the detriment of other important objectives such as preserving community character and open space.

SANITARY SEWER EXTENSIONS AND DEVELOPMENT PATTERNS

For economic if no other reason, developers will generally prefer building where sanitary sewer and other infrastructure is available. From a growth management and open space perspective, it is also true (the benefit to immediately adjacent residents notwithstanding) that water and sewer extensions can often lead to sprawl. The effect upon subsequent development patterns is of particular importance when considering proposed extensions of sanitary sewers. As sanitary sewers are necessary to support higher density development, such development will tend to follow on vacant land served by sewer extensions. Therefore, at the very least, extension of sanitary sewers into areas within which the community would prefer lower densities should be avoided. In a community like Victor, which is already concerned with the impacts of its rapid growth, careful attention should be paid to further infrastructure extension, lest it encourage sprawl and overdevelopment. In evaluating proposed sewer extensions, the pattern of development intended for the area and the potential for an extension to induce higher density development throughout the service area should always be taken into account. This is not to say that water and sewer should never be expanded in Victor; rather, that the Town's infrastructure plan should be carefully planned and developed in a way that will correspond with and support desired growth patterns and not undermine open space preservation priorities such as those identified in this Comprehensive Plan. In addition, the Town should consider to what extent new development and renovation projects should be required to implement systems that would reduce the burden on sanitary sewers, such as low-water-consumption faucets and toilets, composting toilets, and constructed wetlands.

STORMWATER IMPROVEMENTS

With respect to stormwater and drainage improvements, historically the Town would take dedication of such improvements located within a Town right-of-way but not of corresponding improvements on private property. Prior to 1986 multiple independent special improvement districts were sometimes formed to own and maintain drainage improvements on private property. In June, 1986 the Town dissolved all such districts indicating that they would henceforth be managed as a Town function (improvement areas rather than improvement districts).[16] This was followed by the 2002 dissolution of all drainage improvement areas. Despite a 2002 statement that drainage would still be managed as a "Town Function", the present status of the improvements associated with these districts and areas remains somewhat unclear. At present the Town has no formal policy of monitoring or maintaining drainage improvements constructed on private property and will not take or accept dedication of any such improvements located outside of a Town right-of-way.

More recently, the Town, by virtue of its 2006 designation as a MS4 (Municipal Separate Stormwater Sewer System) permittee, has been obligated to ensure that there is a plan for maintenance of drainage and related improvements required as a consequence of review and approval of Storm Water Pollution Prevention Plans (SWPPPs). This requirement has been met by requiring developers to execute a model Maintenance Agreement as a condition of board approval and building permit issuance. As few residential developments are now including common areas under the ownership of an HOA, the burden to maintain newer drainage improvements and associated ponds is eventually falling upon private homeowners who are, in general, unaware, unprepared and unenthusiastic about seeing to these maintenance needs. Any incentive such homeowners might otherwise have to maintain these improvements is diminished by the realization that, in general, failure of these improvements for lack of maintenance puts properties and improvements downstream at more risk than it does the properties on which they are located and where the maintenance obligation frequently resides.

With respect to new residential and commercial developments, these should be encouraged, or required, to implement means to reduce stormwater runoff and facilitate natural recharge, such as with pervious surfaces and green roofs.

FISCAL ADVANTAGES OF RELIANCE ON EXISTING INFRASTRUCTURE

Finally, regarding sanitary sewer, water and stormwater in particular, reliance on existing infrastructure (as opposed to extension) in a way that preserves open space and does not undermine

[16] Improvement districts are formed pursuant to Town Law Articles 12 and 12(A), whereas improvement districts are formed pursuant to Town Law Article 12(C). While there are many similarities, there are also some significant differences. Chief among these differences is the fact that each district is a taxing entity that raises revenue to cover its own individual operation and maintenance expenses, whereas the expenses incurred within an improvement area remain a town-wide expense as the area is not a separate taxing entity and does not raise revenue.

open space preservation initiatives is also favored from an economic perspective. Long term maintenance costs borne by the district or municipality strongly favor heavier reliance on existing infrastructure over continual extensions[17]. The operation and maintenance cost per residence is highest when the number of residences served per linear increment is low (and lowest when the number of residences served per linear increment is high).

ANTICIPATED BUILD-OUT BENCHMARK

Given community concerns regarding traffic, loss of open space, conflicts with natural resources and sanitary sewer limitations, the anticipated build-out has come to be regarded as an important benchmark. In other words, many would argue that Victor resist, or at least monitor and manage, any forces or policies that would increase the anticipated build-out population to a level higher than is now forecast[18].

GROWTH MANAGEMENT

Victor is lacking a growth management program that would allow the Town to adequately plan for the impact of new development as well as related infrastructure needs. A growth management program should identify a politically acceptable and financially realistic target size as well as a rate of growth that will be sustainable over the long term (i.e., at least for a period of 15-20 years). Although implementation of other initiatives called for in this section would likely affect the form to be taken by a growth management program, the recommendation to implement growth management stands regardless of whether and how these others are implemented.

OPEN SPACE CONTRIBUTION TO COMMUNITY CHARACTER

Among the multiple components contributing to and supporting Victor's community character, open space is one of the most prominent and essential. It is open space that echoes Victor's rich agricultural past, accommodates its present agricultural enterprises, enables residents' perception of rural character and supports their sense of place. Open space also provides the basic visual context for the experience of most, if not all, of Victor's natural resources as well as many of its cultural resources. It is only through open space that residents and visitors can appreciate Victor's distinctive and aesthetic blend of unique landforms, scenic rolling hills, woods, wetlands and watercourses. Recognition of the importance of open space to the character of this community helps to explain why the topic comes up so frequently in discussions of Victor's identity, why it figured so prominently in the 1995 Comprehensive Plan and subsequent initiatives, and why residents so frequently oppose proposed developments that would inevitably consume remaining open space. Given the rapid

[17] While developers frequently cover the initial cost of constructing extensions, the burden to maintain and eventually rehabilitate or replace these improvements falls upon the Town or special districts established by the Town. The consequent cost to the Town and to Town taxpayers is increased when these systems are extended.

[18] See the Section 2 Community Profile for a description of the anticipated build-out.

growth rate, developing a plan for the effective retention of a functional and meaningful pool of open space for the benefit of the entire community in a manner that is fair and equitable to all impacted is one of Victor's most pressing needs and challenges.

PRESENT OPEN SPACE SET ASIDES

The present open space set aside requirements are somewhat arbitrary in practice. This is not to say that open space does not remain an important priority within the community. However, the manner in which the present system of open space set-asides applies equally to all parcels regardless of the presence or distribution of natural resources, productive farmland or other features important to the community is a major shortcoming[19].

In practice, the present minimum open space set aside applicable to residential properties is similar to a mandatory clustering and/or conservation subdivision approach. The preferred approach would be to empower the planning board to exercise its discretion in determining the need for these in specific instances, to require them when appropriate, and to definitively identify the extent and location of any involved reservations of open space. The NRI and the NRI Open Space Index, in particular, should serve as useful resources for the Planning Board when making these discretionary determinations. Furthermore, it is unclear whether *town-wide* mandates for clustering and/or a conservation subdivision approach are necessary and there are instances (e.g., 5 acre lots) in which such requirements could be inappropriate. Nonetheless, the need for clustering and/or conservation subdivisions, the need for conservation easements, and the identification of preferred locations for land to remain undeveloped and open are all topics that should be considered as early as possible, preferably during the Pre-application or Sketch Plan phase of a planning, review and approval process. Finally, conservation easements will remain an appropriate tool to protect land not developed so that it may be set-aside as open space.

There are also differences in how open space should be dealt with in residential settings versus industrial or commercial settings. Although the present residential open space provisions are similar to their industrial and commercial counterparts, in practice different settings justify different approaches. For industrial and commercial sites, the present open space set aside requirement really functions as an inverted maximum lot coverage requirement[20]. For non-residential properties, the minimum open space requirement could be replaced with more explicit and appropriate limitations on maximum lot coverage. However, even in these industrial and commercial settings the planning board should retain discretion to require open space set-asides and conservation easements will remain an appropriate tool to protect the land not developed as a consequence.

[19] On some parcels the set-aside is useful, on others it seems without any benefit. From environmental, natural resource and green infrastructure perspectives, the set-aside of more extensive open space may be appropriate on some sites while less could be acceptable in others.

[20] For example, 35% minimum open space is functionally equivalent to 65% maximum lot coverage by buildings, lots and impervious areas.

PRESERVING LARGE CONTIGUOUS BLOCKS OF OPEN SPACE

Many would argue that neither the present open space set-aside requirements nor the density overlays now in place have been successful at preserving the large blocks of contiguous open space that would be valued by residents, effective at maintaining community character, and useful in preserving farmland and green infrastructure networks[21]. The Town's open space requirements, like clustering, are only effective at modifying the development density pattern on a single site (more units in one area and fewer in another, the total number of units on the site remaining the same).

Preservation of larger contiguous blocks of open space in Victor will require approaches analogous to clustering that would apply on a town-wide basis. In other words, modifications that would allow more units in one Town region and fewer in another, the total number of units within the Town remaining the same. Although a similar effect could be hypothetically be accomplished by amending the overlay districts to significantly reduce the maximum density permitted in some areas while simultaneously increasing the density in others (an exercise of the municipal police power), past efforts in this direction have been resisted by owners of land within the districts earmarked for lower development density who feel that the value of their land would be (or has been) reduced unfairly as a consequence. Continuing opposition in Victor to the three-level density regime adopted in 2000 makes implementation of any such districts with the much lower densities that would be necessary to preserve larger blocks of open space unlikely.

PLANNED DEVELOPMENT DISTRICTS

Victor also suffers from another related growth management problem involving the manner in which Planned Zoning Districts (PDDs)[22] are approved. At present, planned zoning district rezonings typically yield a significant increase in the maximum development density allowed upon a site, thereby increasing

[21] With respect to open space, in most instances the open space requirements have led only to incremental reservations of "open-space" that frequently include only the fringe of multiple lots and/or undesirable, inaccessible land that would likely not have been developed in any event. Driving past many of these developments, the open space that has been reserved is hardly discernible. Regarding density, although the limitation to 1 unit per every 3 acres imposed within the least-dense overlay has reduced the build-out anticipated within those areas, in general it has also led to a pattern of large-lot "rural-sprawl" in which the conversion of open acreage to residential sites may have actually increased.

[22] See Victor Town Code Sections 211-15, 211-25, 211-26 and 211-27. Planned zoning districts described in the Victor Town Code include the Multiple-Dwelling District (MDD), the Senior Citizen Housing District (S-C) and the Planned Development District (PDD) intended for a compatible mix of uses. Planned zoning districts are created through rezoning pursuant to an application made to the Town Board. As these uses are generally higher density developments, the typical result of these Town Board rezonings is to increase the maximum development density that would otherwise be allowed on the chosen site, thereby increasing the build-out estimate within the Town as well as accompanying pressures on open space, rural character, green infrastructure, traffic and other systems.

the anticipated build-out and attendant pressures with no off-setting reduction in density elsewhere in the community. In addition, as already indicated, the PDD provisions are also mostly devoid of any standards relative to acreage, open space or siting. Other planned districts, sometimes referred to as "floating zones", also exhibit most of these same weaknesses although the provisions applicable to Senior Citizen Housing and Multiple Dwelling districts, unlike those applicable to Planned Development Districts, do specify minimum standards for open space set asides.

COMPENSATION TO OWNERS OF LAND TO BE PRESERVED AS OPEN SPACE

Preserving open space through programs like certain forms of Incentive Zoning or TDR that facilitate movement of development rights allow communities to shape development while preserving value in land. The opportunity for landowners to benefit financially from the development rights accorded their property without actually developing that property is a crucial component that helps to address concerns that landowners alone are being asked to bear the financial burden of preservation efforts intended to benefit the community as a whole. Such programs allow landowners to sever the development rights from their properties and sell them to purchasers who want to increase the density of development in other areas. The development rights are then "moved" from an area to be preserved to another part of the town that is more suitable for development at higher densities. Incentive Zoning programs can foster such movements of development rights in scenarios where a density bonus is awarded in exchange for the provision of an offsetting reduction in density within another area where preservation would be preferred.

GOALS AND STRATEGIES

GOAL A. MONITOR AND MANAGE GROWTH INCLUDING ITS IMPACTS ON KEY SYSTEMS SUCH AS SANITARY SEWER AND STORMWATER INFRASTRUCTURE.

STRATEGY 1. CREATE A WATER AND SEWER INFRASTRUCTURE PLAN BEFORE APPROVING EXTENSION OF THOSE SERVICES THROUGH OTHER PARTS OF THE TOWN. INCLUDE CONSERVATION MEASURES INTENDED TO REDUCE THE IMPACT OF DEVELOPMENT ON NEW AND EXISTING INFRASTRUCTURE.
DEVELOP POLICIES AND PLANS FOR MAINTENANCE OF STORMWATER INFRASTRUCTURE, INCLUDING DETENTION PONDS.

Within certain regions of the Town, the rapid pace of growth and associated district extensions have outstripped the capacity of multiple sanitary sewer pump stations as well as that of some associated mains. Preliminary investigations have begun to reveal the limitations and risks associated with the capacity and condition of these sanitary sewer collection system components. More comprehensive and detailed studies describing these shortcomings must be completed and responsive capital improvement plans should be adopted to address the underlying needs. Following this, a master plan for future water and sewer improvements, including extensions, should be developed to ensure that future extensions and development approvals do not compromise the system's capacity and reliability.

Development has also led to a proliferation of stormwater detention ponds and associated improvements. A recent preliminary inventory found that, of the more than 170 detention ponds within the Town, approximately 119 were located on private property and in need of some degree of maintenance. In general, these improvements benefit downstream environmental elements such as streams and wetlands as well as downstream lands, buildings and infrastructure. The report also noted that the Town accepts no formal responsibility for these improvements and, not surprisingly, has no formal plan for addressing the underlying maintenance needs. The Town is frequently called upon nonetheless to respond to drainage failures when emergency situations arise.

Victor should review the present situation and adopt a formal policy and plan relative to responsibility for maintenance of drainage improvements located or constructed on private property. This should include resolving the issue of older improvements that may have been affected by either the 1986 or 2002 dissolutions as well reconciling the more general issue of private versus public maintenance of all such facilities, regardless of their vintage, location and legal status.

STRATEGY 2. INSTITUTE A GROWTH MANAGEMENT PROGRAM.

It is recommended that the anticipated build-out, as it is presently estimated, be adopted as the target size. At the same time, the growth management program should not strictly preclude all actions that could be expected to increase the anticipated build-out. Instead, the program should require close monitoring of the build-out estimate and careful consideration and management of any

actions that would, through rezoning or some other approval, potentially increase density so as to also inflate the anticipated build out.

Given a defined target size, the Town should also determine when it wants to reach the target and what rate of growth will ensure that the target is not reached any earlier than the Town is equipped to handle from multiple perspectives including those focused upon water or sewer systems and the transportation network. The future growth rate identified and planned for should also be compatible with the natural resource, cultural resource, green infrastructure and open space preservation goals established in this Plan.

The Town should use this information and other data in this plan and the build-out study to determine an appropriate annual growth rate. This planned-for growth rate does not have to be identified with scientific precision; rather, one based on an analysis of green and grey infrastructure demand, other relevant criteria and the target size defined by the community would be sufficient. Many communities establish a permit system that allows for 1.5% to 4% growth annually.

The system relied upon to manage the rate of growth should address both residential and commercial developments and could include both an annual permit allocation for new development and incentives that will encourage project design and layout sensitive to natural resources, green infrastructure, farmland and open space. The total number of annual permits could then be allocated based upon a point or ranking system. Projects with the highest number of points would be awarded the available allocations for that year. The more points a development proposal receives, the easier a development would be able to attain its permits. The point system should create strong incentives for development that meets or exceeds community goals for environmental, recreational, transportation, or other community goals outlined in this Plan.

Incentives could be in the form of either exemptions from the allocation system, or offering higher points for certain types of development projects. Examples of types of development that could be made exempt from the permit allocation system or offered higher points include those that:

- Are agricultural uses and structures;
- Protect wildlife habitats;
- Protect slopes greater than 15%;
- Permanently preserve priority green infrastructure parcels and farmlands as identified in this Plan;
- Exceed the 50% open space required for a conservation subdivision;
- Provide for mixed use, infill development in commercial districts;
- Remodel and reuse an existing structure;
- Are mixed-use, traditional neighborhoods or those designed according to the LEED ND (Neighborhood Design) standards;
- Attain LEED or other nationally recognized green building certification;

- Eliminate or reduce the reliance on existing or new publicly funded infrastructure such as water-conserving plumbing fixtures, constructed wetlands and composting, pervious parking areas and green roofs; and,
- Provide for affordable housing units.

GOAL B. ENSURE THAT ALL ELEMENTS OF VICTOR'S COMMUNITY CHARACTER VALUED BY RESIDENTS ARE PRESERVED.

GOAL C. ADOPT A CONSERVATION-BASED APPROACH THAT ADDRESSES THE ECOLOGICAL AND SOCIAL IMPACTS OF SPRAWL AND THE ACCELERATED CONSUMPTION AND FRAGMENTATION OF AGRICULTURAL AND OPEN LAND.

GOAL D. FOSTER A REGIONAL, LANDSCAPE-SCALE APPROACH TO OPEN SPACE PRESERVATION THAT TAKES INTO ACCOUNT HOW OPEN SPACE ON ANY PARTICULAR PARCEL CONTRIBUTES TO THE OPEN SPACE NEEDS OF THE TOWN AS A WHOLE.

STRATEGY 3. REPLACE PRESENT REQUIREMENTS FOR SET-ASIDE OF A FIXED PERCENTAGE OF OPEN SPACE WITH REQUIREMENTS PROVIDING THE DISCRETION TO REQUIRE OPEN SPACE APPROPRIATE TO THE SITE AND THE SETTING. AMEND THE ZONING CODE TO BETTER DEFINE OPEN SPACE AND INCLUDE SPECIFIC LANGUAGE DESCRIBING DESIRABLE OPEN SPACE CHARACTERISTICS.

The present system of open space set-asides should be replaced by provisions that will 1) ensure more effective, in some instances even compulsory, clustering within identified areas to the extent it is feasible without compromising the community character of adjoining neighborhoods, 2) vest the planning board with more discretion to take into account unique aspects of the site and the setting in requiring and approving open space set-asides[23], 3) ensure that requirements for open space set-

23 It should be noted that the proposal to repeal the present minimum open space set-aside requirements in favor of a policy that would provide the Planning Board more discretion to "tailor" the requirement to reflect unique aspects of the site in question generated significant comments from the public, the Conservation Board and the Ontario County Agricultural Enhancement Board. Many of the comments seemed to share a concern that replacing the mandatory set-asides with a discretionary system would lead to less extensive, and even more arbitrary, open space set-asides. The Ontario County Agricultural Enhancement Board went on to recommend against the planning board being given the discretion to "waive the present open space requirement without compensation" as it would 1) defeat the entire the purpose of shared responsibility for a town open space conservation program, 2) could be applied in an arbitrary manner, and 3) would unfairly burden landowners who have conservation resources. Finally, some public comments also referenced concerns that the Town Planning Board would abuse the discretion vested in it with such an approach. Although this plan continues to call for improvement upon the present system of mandatory set-asides which arbitrarily call for open space set-asides regardless of the presence or value of open space resources, it should also be recognized that doing so will require caution and balance to ensure that new requirements are consistent, reasonably related to the resource available, not unfairly burdensome to landowners, and not imposed in an arbitrary manner.

asides are equally applicable to sites being developed as Planned Districts (Senior Citizen Housing, Multiple Dwelling, and Planned Development Districts), and 4) support regional open space planning by implementing a system of incentive zoning density offsets based upon the completed NRI and Open Space Index[24].

Furthermore, in order to strengthen the effectiveness of existing land use regulations oriented to open space, green space, and green infrastructure, the apparent distinction between open space and green space presently found within the requirements for industrial and commercial sites should be reconciled and consideration should be given to incorporating the following definitions and open space standards in relevant code provisions (also see the related conservation subdivision recommendations in the Community Development section).

- *Open Space:* [25] Undeveloped land which consists of natural features and topography (including ponds and streams, rocky areas, and vegetated areas, etc.) that may include Natural Resources, Landscaping, re-vegetated areas (such as agriculture and meadows) and pervious or open water areas within Recreational facilities. As it is the intent for all Open Space to maintain or enhance the rural character of the Town of Victor by conserving natural and/or scenic resources, Open Space shall not include impervious area such as parking lots, paved sidewalks or buildings.

- *Wetland:* Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

- *Stream:* A stream is an identifiable natural channel or bed that contains and carries flowing water, whether perennial or intermittent.

[24] Also see Strategy 6 in this section which calls for such an initiative.

[25] This definition of open space was developed by the Town Conservation Board in May 2012 and is proposed for inclusion in the Town Code. The definition now included in the code reads as follows: "An area retaining vegetative cover. An 'open space' area may be left in its natural state, landscaped or used for outdoor recreational facilities such as golf courses, playfields or picnic areas." Section 3 of this plan provides a suggested definition of natural resources and a well-recognized definition of green infrastructure.

- *Ridgeline*: The long, narrow crest or horizontal line of hills, usually at the highest elevation.

- *Unbuildable Land:* The area of a site that includes wetlands and submerged areas and slopes of 25 percent or more[26].

In addition to the foregoing definitions, the following are also examples of open space standards that Victor should consider incorporating within its land use regulations:

- Proposed development designs shall strictly minimize disturbance of open spaces and environmentally sensitive areas.

- Open space lands shall be laid out to better enable an interconnected network of open space and wildlife corridors. Open space lands shall also be laid out in such a manner that preserves ecological systems that may be present on the site including, but not limited to preserving wetlands and their associated upland habitats.

- Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses by a setback, either bordering or within the tract.

- Open space land shall be sufficiently contiguous to create a critical mass of land available for agriculture or left in a natural state. Open space lands shall be designated as a conservation lot owned in common or designated and included as part of one or more lots. Wherever there is sufficient area being set-aside, otherwise available on the parcel, or otherwise available on adjoining parcels, no individual parcel of common open space shall be less than three (3) acres.

- A portion of any house lot over three acres in size may be used for meeting the minimum required open space land provided that there is a permanent restriction enforceable by the Town that states the future use such as undisturbed wildlife habitat, managed field, farmland, or forest and prevents destruction, inappropriate use, or development of that portion of the open space. The portion of the lot that may be used is the total size minus the amount within one hundred feet of the principal structure. Any house lot less than three acres does not qualify as open space.

- The open space may be used for community septic systems or constructed wetlands utilized for natural waste recovery and cleansing.

[26] Chapter 15 of the Town's Natural Resource Inventory includes a policy recommended for adoption relative to regulation of development upon steep slopes.

STRATEGY 4. AMEND EXISTING PDD REGULATIONS TO INCLUDE ACREAGE, OPEN SPACE AND SITING STANDARDS.

While a PDD should offer flexibility in terms of uses and design, these districts should nonetheless honor the development expectations of Victor. Combining PDD's with the movement of development rights (described above and in Strategy 6, below) may be an effective way of achieving the vision and goals stated in this plan. Nevertheless, the PDD requirements should include open space, environmental protection, and neighborhood design performance criteria. More specifically, PDD regulations should also include requirements related to:

- Location/zoning district(s) within which PDDs are allowed;
- Kinds of PDDs allowed in different zoning districts (e.g. commercial PDD in residential districts would not be allowed);
- Minimum size of parcel for consideration of a PDD;
- Road access to prevent traffic congestion and alteration of road character; and,
- Design standards that result in the identification and preservation of meaningful open spaces and community character.

PDD zoning language should also provide for specific criteria for decision-making. An example of those criteria could be as described immediately below.

In determining whether or not to approve an PDD, the Town Board shall consider the following criteria and determine to what extent the proposed PDD meets these criteria and whether the PDD proposal, on balance, benefits the Town of Victor and:

- Creates a distinct neighborhood settlement area integrated with protected open space, which may be used for agricultural, silvicultural, recreational, limited nonresidential and environmental protection purposes;
- Maximizes opportunities, in its design, to provide a continuous system of open space which may be linked to open space areas on adjoining property;
- Creates opportunities and/or the potential to physically link the Village of Victor through creation of pedestrian and bicycle corridors and accessways;
- Promotes traditional architecture and building design;
- Promotes green building techniques, such as LEED;
- Includes a diversity of dwellings that satisfy the needs of various household types, age groups, and income levels, and promotes affordable housing opportunities;
- Promotes traditional building and site development patterns with an interconnected and generally grid-like pattern of streets and blocks, except where topography and other unique environmental characteristics limit said pattern;

- Promotes use of neighborhood greens, landscaped streets, and "single-loaded" streets woven into street and block patterns in order to provide neighborhood identity and space for social activity, parks, and visual enjoyment, except where topography and other unique environmental characteristics limit said pattern;
- Meets the community service demands generated by an increased population associated with a PDD;
- Encourages preservation and protection of the Town's natural environmental resources, including groundwater quality and quantity, the diversity of plant and animal communities and significant habitat for rare, endangered, threatened and special concern species;
- Encourages protection of scenic vistas, historical buildings and sites, sensitive archaeological areas and other important cultural resources;
- Encourages the conservation, and enhancement, of the visual quality and rural character of undeveloped areas of the Town by protecting visible open space and farmland and encourages the creation and/or preservation of vegetative buffers along highways and between potentially conflicting land uses and by the careful siting, design and buffering of building development;
- Minimizes flooding and erosion by protecting the functions of wetlands, water bodies, water courses, flood plains, areas of high water table, steep slopes, erosion hazard areas and natural vegetative cover;
- Minimizes stormwater runoff and maximizes the quality and quantity of groundwater recharge by reducing land disturbance, using natural drainage systems, green roofs, and pervious paving systems wherever possible, filtering runoff from impervious surfaces and maximizing on-site recharge; and,
- Provides special community benefits such as public access to park land, hiking trails, biking trails and recreational resources.

STRATEGY 5. UNIFY THE USE AND DENSITY ZONING DISTRICTS.

The Town Code presently establishes two different kinds of districts in Victor: 1) zoning districts which regulate land uses, minimum lot sizes and other characteristics; and , 2) density overlay districts which regulate only the maximum permitted density (units per acre) of residential development. For ease of use and administration of the zoning, and to clarify development expectations, it is recommended that the Town of Victor unify these districts into individual mapped districts. Each district should establish not only permitted and specially permitted uses but also the maximum allowable density of development. This recommended change would not necessarily reflect a change in the underlying rules and would only affect how the zoning regulations are presented in text of the code and the zoning map.

STRATEGY 6. ADOPT A PROGRAM ALLOWING FOR EFFECTIVE MOVEMENT OF DEVELOPMENT RIGHTS FROM AREAS WHERE OPEN SPACE WOULD BE PREFERRED TO THOSE WHERE ADDITIONAL DENSITY WOULD BE APPROPRIATE.
REQUIRE APPROVALS INCREASING A PARCEL'S MAXIMUM DEVELOPMENT DENSITY TO BE ACCOMPANIED BY AN OFFSETTING TRANSACTION REDUCING DENSITY WITHIN ANOTHER AREA OF TOWN WHERE OPEN SPACE WOULD BE PREFERRED.

The anticipated build-out has come to be cited as an important Victor benchmark. As recommended in the description of Strategy 6, there should be close monitoring of the anticipated build-out and any actions that would, through rezoning or some other approval, increase density so as to inflate the anticipated build out. In general, wherever density increases are proposed, a requirement should apply for density offsets or provision of amenities otherwise sufficient to more than offset the "burden" associated with increased build-out.

This plan recommends the adoption of an Incentive Zoning program to facilitate the movement of development rights. To do so, the recommended program would award density bonuses in exchange for acquisition and dedication of a comparable number of development units. In other words, the density increase derived from the bonus would be offset by acquisition and dedication (or set aside) of an equivalent number of units elsewhere in Town and/or the contribution of cash with an equivalent value to a fund dedicated to the Town's acquisition of such units. The offsetting reduction would most likely take the form of an acquisition and subsequent dedication of development rights accompanied by implementation of a conservation easement on the affected site reflecting the diminished development potential. The effect would be to decrease density in areas where preservation would be preferred and increase density within areas where it would be acceptable, while simultaneously avoiding any increases in the anticipated build-out level.

As a general rule, increases in development density should be coupled to an off-setting reduction elsewhere. For example, approvals for an increase in the maximum development density applicable to a given parcel (e.g., approval of a PDD or MD district) should be coupled to the requirement for an off-setting reduction elsewhere in town so that the approval does not serve to increase the overall anticipated build-out.

An Incentive Zoning program could also be expanded to include the award of bonuses in exchange for the provision of other public amenities, e.g., walkability or transportation amenities. Where sufficient public benefit can be shown, such amenities might also include water conservation, energy efficiency, renewable energy production, community energy generation or cogeneration, green roofs, and LEED or other nationally recognized green building certification. To justify consideration for the award of a density bonus in such instances, the amenity being offered should be at a level significantly beyond what would be necessary to support only the development being proposed. Care will have to be taken in defining the types and quantities of amenities that may be acceptable in lieu of a direct unit offset of density increases. It should be noted that in the absence of any density offset the award of density bonuses in exchange for the provision of other types of amenities will lead to increases in the anticipated build-out and could undermine the utilization of Incentive Zoning

to move development rights. Similarly, where density bonuses are awarded in exchange for cash contributions rather than for provision of an amenity that includes an offset, increases in the anticipated build-out will also result unless the monetary contribution is to a dedicated fund that is eventually utilized to acquire and retire development rights elsewhere in town.

Programs facilitating movement of development rights must incorporate some method for evaluating the maximum number of units that would otherwise be developable on both sites: the sites from which and to which units would be transferred. Presently, the maximum number of potential development units in Victor is determined primarily by the number of acres, without reference to the presence of environmental constraints[27]. Some communities relying upon TDR or Incentive Zoning programs that involve transfers of or credits for development units that are acquired or otherwise set-aside first substitute the computed number of units a property would yield given the presence of environmental or other constraints. While there is a rational basis for such a computational approach, it is recommended that Victor rely instead upon a site-specific analysis of multiple factors, including applicable environmental and other development constraints, in determining the number or units or square feet of development that a given site might reasonably support[28]. Such a determination could be accomplished early within the framework of the pre-application or sketch plan review process.

Another similar aspect to be evaluated during implementation is whether the award of Incentive Zoning density bonuses should modify any minimum open space requirements that would otherwise apply. More specifically, should open space set aside requirements be relaxed on "receiving" sites to which development units are being transferred to the extent necessary to allow the intended density to increase and in recognition of the fact that significant open space is being preserved on another site as a consequence of the transfer?

Finally, the availability of sanitary sewers is recognized as an important factor that can make feasible proposals for higher density development in outlying areas and facilitate sprawl. Accordingly, where an incentive zoning exchange includes sanitary sewer improvement amenities caution will be required as the improvement may indirectly lead to future increases in the anticipated build-out whether or not the amenity includes an offset to the density bonus.

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[27] Other communities have incorporated environmental constraints into a formula that is applied in advance to reduce the maximum density otherwise permitted in the code to a reduced development yield based upon the presence of such constraints.

[28] It should be noted that an owner evaluating whether to forego development of his or her property and sell development units rather than retaining them for future development will be less likely to forego development and sell development units to another party if the number of units available for sale and transfer has been reduced according to a formula that recognizes environmental constraints. In such an instance the application of a formula reflecting the constrained yield will actually serve as a preservation disincentive and encourage owners of severely constrained properties (where less development would actually be in the public interest), to retain their units in anticipation of future on-site development rather than participate in a transaction whereby they would be transferred to another property.

In crafting the recommended Incentive Zoning program for implementation in Victor, the following should be considered.

- Develop a program that is as simple as possible and give developers as much certainty in the planning and review process as is practical.

- For any of these approaches to work, when there is a separation of development rights from other property rights, it is essential that the value utilized to assess property taxes reflect the diminished value resulting from the development right transfers.

- Confirm that there is demand for increased density within the areas to which rights would be transferred. If developers are satisfied with the density they can get through zoning without buying rights, then the program will not work.

- Confirm adequate infrastructure.

- Consider revising the Town's currently policy opposing ownership of preserved property and alternatives in which developers would prefer to acquire and dedicate property to be preserved. It should be noted that many of these alternatives would likely require the Town to retain an ownership interest in property, either in fee or of the associated development rights. The Town Board will have to consider this prospect in light of the current policy which opposes Town ownership of conservation parcels and property rights.

- When relying on incentive zoning, there is no need to map parcels where the density might be increased. The NRI will be instrumental in identifying such parcels and final selection will at the discretion of the Town Board. Confirmation of an appropriate site will require consideration of a number of criteria: NRI rank, level of density bonus requested, sufficiency of infrastructure including highway, environmental constraints and site carrying capacity, and neighborhood compatibility[29]. Parcels where an increase in the maximum development density would be acceptable need not be identified and mapped as is the case in the draft Comprehensive Plan now before the Town Board. The Natural Resource Inventory (NRI) and Open Space Index will rank parcels according to their priority for conservation due to the presence of natural resources. This ranking will be sufficient for an initial identification of parcels upon which an increase in maximum density would be considered (those with the lowest conservation priority rankings)

- Ultimately, the Town Board would retain responsibility and authority for the terms of any Incentive Zoning exchange. With respect to the selection and confirmation of a parcel as

[29] In addition to relying upon the NRI & Open Space Index ranking, where the ranking is low based upon a low score for co-occurrence further evaluation will be required to evaluate the conservation priority based upon character, uniqueness and other valuable qualities.

an appropriate site for the utilization of a density bonus, the process should be expected to progress generally as follows:

- Confirmation that the proposed parcel has an appropriate ranking according to the NRI and Open Space Index (Town Board assisted by Staff and/or Conservation Board);

- Review of the proposed amenity, the suitability of proposed land use in the location proposed for development, and an initial identification of the level of density bonus (the possibility for a non-density offsetting amenity to be proposed is worth noting here) that the Town Board is willing to consider (Town Board assisted by Staff and/or Planning Board);

- Evaluation of sufficient existing infrastructure (water, sewer, highway) to support the higher level of development density being considered (Town Board assisted by Staff and/or Planning Board). The Infrastructure Master Plan called for elsewhere in the Comprehensive Plan will also be useful in this regard;

- Assessment of site carrying-capacity or yield from a natural resource perspective, in other words, how would the proposed development fit the site (Town Board assisted by Conservation Board and the Green Infrastructure Planning Process). It should be noted that the minimum amount of land required to support a given level of development can be reduced by increasing the number of stories so as to build "up" rather than "out". Limitations to no more than two stories can therefore increase the amount of land consumed by a given level of development and limit the feasibility of increasing density on a specific site without compromising natural resources is improved. In this regard, serious thought should be given to the necessity and costs associated with the present policy that limits residential development to no more than two stories; and,

- Assessment of neighborhood compatibility, adequacy of buffering and related issues including the reasonable expectations of residents in adjoining "long-developed and settled" neighborhoods (Town Board assisted by Staff and/or Planning Board, including a Town Board public hearing or public informational meeting).[30]

[30] With respect to neighborhood character and "receiving" areas, it is unrealistic to anticipate infill development within many of the existing subdivisions found throughout the community. Confirmation of appropriate sites for infill development will require a site-specific review in response to a given proposal. However, there is no need for advance identification or mapping of these neighborhoods. The Natural Resource Inventory and other information relative to Neighborhood Character will be useful to embark on such determinations as the need arises.

IMPLEMENTATION SUMMARY

The following table takes the strategies described in this section and describes the actions needed to get each started, responsible parties for undertaking the strategy and the time-frames for accomplishing each.

The time-frames have the following potential ranks:
On-going: This strategy will set into motion a continuous action.
Immediate: This strategy is foundational and should be undertaken as soon as possible.
Short-term: This action should be undertaken within a year of the plan's adoption
Mid-term: This strategy should be undertaken within one to three years.
Long-term: This strategy can be undertaken from three years or beyond.

Strategy	Action Required	Responsible Party	Time-frame
1. Create a water and sewer infrastructure plan before approving extension of those services through other parts of the town. Include conservation measures intended to reduce the impact of development on new and existing infrastructure. Develop policies and plans for maintenance of stormwater infrastructure, including detention ponds.	Draft a water and sewer master plan. Develop a stormwater infrastructure maintenance policy. Evaluate the need for alternative forms of infrastructure such as digesters and other means to produce a net benefit vs net cost.	Town board, village board, town engineer, town planner	Immediate
2. Institute a growth management program.	Identify desired level of growth; devise annual permit allocation.	Town Board	Immediate

Strategy	Action Required	Responsible Party	Time-frame
3. Replace present requirements for set-aside of a fixed percentage of open space with requirements providing the discretion to require open space appropriate to the site and the setting. Amend zoning code to better define open space and include specific language describing desirable open space characteristics.	This could be written and adopted by the town board in advance of the broader zoning rewrite.	Town and village boards	Immediate
4. Amend existing PDD regulations to include acreage, open space and siting standards.	Ensure this is a task of the committee or consultant revising the zoning code	Town and village boards	Short-term
5. Unify the use and density zoning districts.	Ensure this is a task of the committee or consultant revising the zoning code	Town and village boards	Long-term
6. Adopt a program allowing for effective movement of development rights from areas where open space would be preferred to those where additional density would be appropriate. Require approvals increasing a parcel's maximum development density to be accompanied by an offsetting transaction reducing density within another area of town where open space would be preferred.	Develop and implement incentive zoning program and revise code as needed.	Town and village boards	Immediate

Section 5

Community Development

GOAL

- **Promote development that has low impact on the environment and that maintains the character of the community.**

INTRODUCTION

The goals and strategies outlined for Community Development are intended to support the goals and strategies outlined in this plan regarding agricultural protection and natural resources. Further, the goals and strategies here, as in the Future Land Use map, also aim to make the use of existing infrastructure a key component to future housing and neighborhood development in Victor. A clear connection can be made between the goals and strategies outlined in this Plan and the principles espoused in many so-called Smart Growth policies.

EXISTING CONDITIONS

The Town's significant population growth (also profiled in Section 2) has resulted in the formation of many new households. Between 1990 and 2000, over 1,000 new households emerged in the Town – increasing by over 40 percent to 3,685 households in 2000.

Despite continuous population growth, farmland and rural character remain prominent in many areas of the Town. In the Town of Victor, over 4,100 acres, or 19 percent, of the town's acreage is devoted to agricultural purposes and the extent of agricultural land use is the second only to residential use. The Village's land uses are predominantly residential, though a number of vacant parcels (both residential and non-) exist in the Village as well.

As noted above, residential development is found throughout Victor and is the most prevalent land use (approximately 40% of total acreage). While Victor has its share of traditional older single-family development, most new residential development has occurred in the form of subdivisions, often of formerly agricultural land. Subdivisions range from small-scale developments to larger developments with hundreds of lots, many developed with large homes. Similarly, some of Victor's subdivisions blend in with the surroundings more than others; some honor the existing topography and vegetation whereas others appear to have been clear-cut with little regard for the settings. The majority of Victor's residential development is single-family; however some multi-family development exists as well, particularly in the Village.

EXISTING PLANS AND ACTIVITIES

EXISTING PLANS TO BE MAINTAINED

Victor's first Natural Resource Inventory and Assessment (NRI) was completed in 2014. The NRI includes information on the presence, distribution and quality of various natural resources including geology and topography, water resources, soils, plant-scape, habitat, co-occurrences and open space, including an open space index. The NRI also includes tools intended for use in maintaining the NRI and in land use and conservation decision-making.

The NRI is intended to continue as a living document, requiring periodic update and augmentation.

OTHER PLANS TO BE DEVELOPED

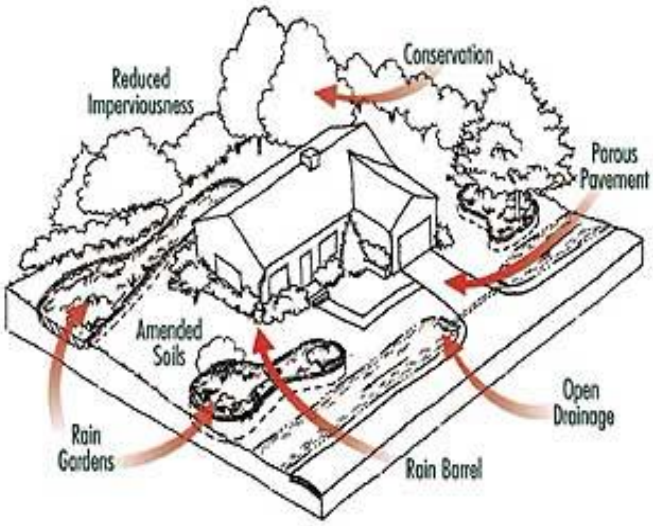
Development of the following plans is called for in the VIctor Comprehensive Plan:

- Storm Water Management Plan;
- Sanitary Sewer and Public Water Master Plan; and,
- Growth Management Plan.

KEY FINDINGS

LOW IMPACT DEVELOPMENT

Development patterns based on conventional zoning codes often result in sprawl, with its associated large impervious areas, loss of natural areas and terrain, and alteration of hydrologic systems. Conventional developments commonly contain wide roads and large parking lots. These large impervious areas prevent water from infiltrating the ground and replenishing groundwater and supporting nearby wetlands and streams. Conventional landscaping brings additional concerns including the introduction of non-native plants, use of herbicides, pesticides and fertilizers, and excessive water consumption. Typically, subdivision designers try to deal with water runoff by constructing expensive stormwater controls such as catch basins, pipes and detention ponds.



Low Impact Development elements on a single-family home site. (Credit: Prince George's County Dept. of Environmental Resources)

The more development that exists in an area, the harder it is for its natural systems to adapt and many, perhaps the majority are lost instead. New projects – greenfield as well as infill – should have as little impact on the environment as possible. This includes stormwater runoff, water and energy use, sustainable materials, and numerous other elements. Stormwater runoff is one of the most significant sources of water pollution in New York. During rainstorms, stormwater runoff washes over impervious surfaces, such as roads, sidewalks and rooftops – increasing in temperature and carrying pollutants such as phosphorus, nitrogen, oil and grease, and pathogens to rivers, lakes and wetlands. This "nonpoint" source of pollution (because it does not come out of a single location such as a pipe) can result in degraded water quality, blocked fish passage, fish kills, loss of wetlands, degraded aesthetics, and impaired recreation.

CONSERVATION SUBDIVISION PRINCIPLES

In a conservation subdivision, both the community and the developer benefit—open space is protected without sacrificing the value of the land. The advantage of a conservation subdivision lies in the fact that a developer would not lose the right to build any of the houses he or she is allowed by the zoning code. However, the developer and the community (through the planning board) would work together to make sure that buildings are appropriately arranged on the land. Ultimately, the land and its environmental

constraints will drive the design (rather than the need for and utilization of additional gray infrastructure) rather than a design being imposed upon the land, which then must be altered to conform to the design.

Conservation subdivisions address the *form* of development by permitting flexible lot sizes that facilitate creative subdivision design in harmony with the landscape. In addition to the environmental and viewshed benefits of allowing homes to be sited in a creative way, a network of conserved open lands can be created simultaneously, as wildlife corridors or public hiking trails using stream corridors, etc. A brief description of the conservation subdivision design process is provided in the box below[1].

CONSERVATION SUBDIVISION DESIGN

The four-step conservation subdivision design process is as follows:

1. Identify conservation areas, including steep slopes, stream buffers, scenic views, large woodlots, connections to green infrastructure corridors and nodes, or other features. Set aside these areas for conservation.
2. Locate house sites in the development areas that remain. Do this in a way that preserve physical or visual access to conserved areas and minimizes the need for streets.
3. Align streets and trails.
4. Draw in the property lines.

The conservation subdivision design approach begins with the identification of open space resources present on the site to be developed, including environmentally constrained land, agricultural land, historic or scenic views, and significant woodlots. The recognition of important natural resources – the corridors and hubs – that are identified on a community-wide basis in the Natural Resource Inventory (NRI) and, with more site-specificity in the Green Infrastructure Plan, serves as an important foundation. Resource identification[2] will form the basis for designating conservation lands in the new subdivision. Once conservation lands are identified and designated, areas where development would be most appropriate are identified. The layout of lots—the number of which is based on allowable density for the zoning district—is then designed into the development areas of the site in a creative fashion. Flexible lot sizes and area and bulk standards facilitate this creativity. Identifying road alignments and lot lines are the final steps in the conservation subdivision design process.

The following are some advantages of this approach:

- Farmland and open space conservation, recreational development and natural resource protection guide the subdivision design process. Because the area and bulk regulations used for conventional

[1] This approach assumes the availability of sufficient gray infrastructure as it is defined in Section 3.

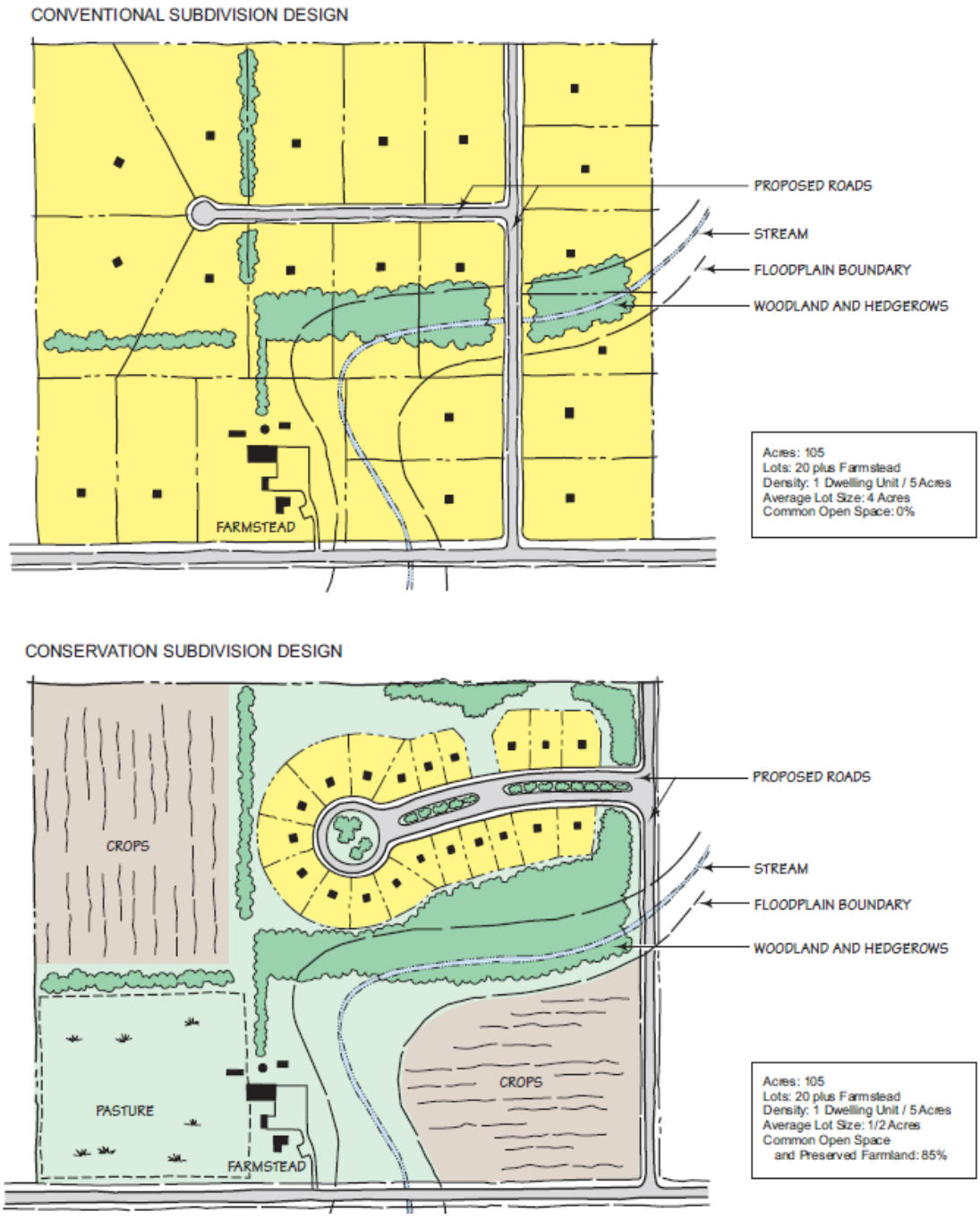
[2] Some communities are also coming to recognize solar orientation and access as another natural resource and evaluating the siting of homes and other structures so as to maximize potential energy production.

subdivisions are not applicable, the design process is creative and not driven strictly by arbitrary minimum lot size requirements;

- Preservation of rural character;
- Significant networks of open land are created through the development process – the value of homes within these subdivisions are enhanced as are the value of surrounding neighborhoods, and the quality of life of all residents is improved;
- Reduction in amount of impervious surface and reduced stormwater runoff, better stream protection, and easier compliance with federal and state rules; and,
- Developers can provide different types of housing on a variety of lot sizes in response to market demand. This allows for a more diversified housing stock to meet the needs of our changing society. Developers can also save money on infrastructure costs by clustering homes, a savings that can be passed on to homebuyers.

In all cases, a conservation easement will be the legally binding mechanism for ensuring that the open space set aside as part of the subdivision cannot be further developed or subdivided in the future. The town or village will be a party to the easement, and in some cases a third-party enforcer such as a local land trust may also be party to the easement.

Comparison of a conventional and a conservation subdivision



A comparison of a conventional subdivision (top) with a conservation subdivision (bottom). In both cases, a total of 20 residential lots were created. Note that the built land occupies a smaller portion of the developable land – and the open space conserved is in a large significant tract. A conservation easement ensures that the open land preserved as part of the conservation subdivision cannot be further subdivided or developed in the future.
(Source: Southeastern Wisconsin Regional Planning Commission)

Ownership options for open land set aside as part of these subdivisions are described above, but in most cases it is recommended that a private landowner, or several landowners in the new subdivision retain ownership of the land. Private landowners are generally the best stewards of the land. For larger subdivisions, a homeowner's association may sometimes retain ownership of the open lands. In rare cases, the town or a land trust may become the owner of the open lands. This option is particularly suited when the conserved land can be attached to a public park, recreation area or larger conservation area.

The quality of the open space is of key concern in conservation subdivisions. The Town of Victor currently requires a 50 percent minimum open space requirement for residential subdivisions. Fifty percent is a generally accepted threshold to allow for conservation subdivision design. However, there are few, if any, standards in the current code governing the quality of the open space. The open space must be meaningful. In other words, grassy areas of medians and cul-de-sacs, backyards, and other small design features should not count towards the total. Conserved areas should be arranged around:

- Steep slopes
- Wetlands
- Views that protect rural character
- Natural resource areas such as cliffs and scenic vistas
- Ridge lines
- Historic sites
- Rivers, streams and other water bodies
- Viable farmlands

ALTERNATIVE ENERGY UTILIZATION

As increasingly noted in recent years, the potential for small-scale, distributed alternative energy sources is becoming within reach of everyday citizens. Whether rooftop photovoltaic panels, geothermal heat pumps, or microturbines to harness wind energy, there are many benefits of on-site energy generation for both homes and businesses—including helping to reduce peak load stresses on utilities, reducing the emission of greenhouse gases, decreasing other air pollutants and improving energy resilience for residents.

Often, however, local zoning or building codes unwittingly prevent these very innovations from taking place, through restrictions of objects on roofs and similar regulations developed before the advent of most alternative energy technology. In this day and age the ability to pursue such technologies should be protected and encouraged.

GOALS AND STRATEGIES

GOAL A. PROMOTE DEVELOPMENT THAT HAS LOW IMPACT ON THE ENVIRONMENT AND THAT MAINTAINS THE CHARACTER OF THE COMMUNITY.

STRATEGY 1. REVISE SUBDIVISION REGULATIONS TO REQUIRE THAT NEW HOUSING DEVELOPMENTS BE DESIGNED TO HAVE LOW IMPACT ON THE ENVIRONMENT.

Low Impact Development (LID) is a stormwater management approach with the basic principle of modeling nature and mimicking a site's predevelopment water systems. Instead of managing and treating stormwater in large, costly built facilities, LID technology employs small, cost-effective landscape features often located at the lot level. LID allows for development with fewer environmental impacts through smarter designs and technologies that better balance conservation, growth, public health and quality of life. LID benefits the municipality, developer, and general public – through cost savings to developers, smaller burden on municipal infrastructure and reduced pollution to drinking water, recreational waterways and wetlands. Some of the best practices include:

- Permeable pavers
- Porous surfaces
- Tree box planters
- Green roofs
- Rain gardens
- Grassed swales
- Dense development
- Native plants
- Open space conservation
- Narrower streets
- Shorter driveways
- Smaller, better landscaped, permeable, tree-shaded parking areas
- Storage / reuse of rainwater

Victor should incorporate Low Impact Development (LID) practices into its subdivision regulations for all future development. More information about the use of LID can be found at the Low Impact Development Center, http://www.lowimpactdevelopment.org/index.html.

Another sustainable design technique that can be applied is LEED ND (Leadership in Energy and Environmental Design Neighborhood Design). LEED is currently a U.S. standard for environmentally sustainable building design, and is in the process of creating and testing its ratings system for neighborhood design (LEED ND). LEED ND combines elements of green building with better site design and large-scale sustainability. Victor should consider incorporating LEED ND standards[3]—or actually using the

[3] Other similar programs include Energy Star Rate homes, PassivHaus, and Living Building Challenge standards.

certification process—into its own code as a required or incentivized option. This would not only use widely accepted benchmarks for environmentally responsible planning, but it would also establish Victor as a leader in sustainability.

STRATEGY 2. REQUIRE ALL DEVELOPMENTS BE DESIGNED USING CONSERVATION SUBDIVISION PRINCIPLES.

The following elements should be integrated into the permitting process to help all parties understand the potential for the conservation of quality open space. As with the existing permitting process, all decisions about the adequacy of the following elements lies with the planning board.

A. Describe Site Context

Assess how the site fits in with the surrounding area and describe any contributions the site makes, in its undeveloped state, to the Town's visual community character. Prepare a "Site Context" report and map that summarize how the site fits into the community and any conditions or features that should to be considered in the design and development of the site?

- Are there any recommendations in the Town's Green Infrastructure Plan that should be incorporated into the design of the site?
- Are there any off-site open space, park, greenway or trail facilities or plans that should be addressed for connectivity in the design of the site?
- Are there any elements of community character in this area of Town that need to be addressed by design of the site?
- Are there any off-site views of the site that should be addressed in the design of the site?
- Are there off-site historical or archaeological assets that need to be taken into consideration in the design of the site?
- Are there any off-site natural resource systems or elements of flora and fauna whose continued good health could be affected by the design of the site?
- Are there any off-site topographic elements that could affect the design of the site?

B. Site Assessment Analysis

Prepare an analysis of existing site conditions that should be considered in the design of the proposed conservation subdivision.

- Prepare a brief summary description of the use/history of the site. Was the site used for farming?
- Map any historic or archaeological features located on the site and prepare a description of such features.
- Map the site's topography and prepare a slope analysis map that identifies slopes of 15% or greater.
- Map wetlands, watercourses and flood plains consistent and include field observations of any vernal pools. Using the Town's regulations, map appropriate "buffer areas" around these features.

- Map on-site sub watershed areas and indicate flow directions.
- Map any special geologic features on the site.
- Map any special vegetation including significant forested areas.
- Map prime farm soils and soils of significant interest.
- Map and describe "endangered, threatened or species of special concern" located on the site.
- Map and describe any existing known easements utility, drainage, infrastructure, access, conservation, etc).
- Map, describe and accommodate important agricultural infrastructure such as access roads and drainage and ensure compatibility with agricultural activities on adjoining parcels.

STRATEGY 3. ENCOURAGE THE USE OF ALTERNATIVE ENERGY FOR HOMES AND BUSINESSES.

Victor should encourage the use of small-scale on-site alternative energy for use on the same residential or commercial property (including net metering, but not utility-scale projects providing wholesale power to the grid—in other words, this is not a discussion of tall wind turbines or technology of a similar scale). First, the Town and Village should identify any obstacles to alternative energy generation in its code; second, they should consider education on various technologies, opportunities, and incentives, from organizations such as NYSERDA (New York State Energy Research and Development Authority) for Victor government, residents, and business owners.

The town has adopted a wind turbine ordinance for regulation and approval of wind power. The rest of the code should also be reviewed and modified to encourage other alternative energies as well.

IMPLEMENTATION SUMMARY

The following table takes the strategies described in this section and describes the actions needed to get each started, responsible parties for undertaking the strategy and the time-frames for accomplishing each.

The time-frames have the following potential ranks:
On-going: This strategy will set into motion a continuous action.
Immediate: This strategy is foundational and should be undertaken as soon as possible.
Short-term: This action should be undertaken within a year of the plan's adoption
Mid-term: This strategy should be undertaken within one to three years.
Long-term: This strategy can be undertaken from three years or beyond.

Strategy	Action Required	Responsible Party	Priority
Strategy 1. Revise subdivision regulations to require that new housing developments be designed to have low impact on the environment.	Change subdivision regulations	Town and village boards as part of subdivision regulation rewrite by consultant.	Mid-term
Strategy 2. Require all developments be designed using conservation subdivision principles.	Change subdivision regulations	Town and village boards as part of subdivision regulation rewrite by consultant.	Mid-term
Strategy 3. Encourage the use of alternative energy for homes and businesses.	Develop policies or programs to encourage and support use of alternative energy.	Town and village boards as part of zoning rewrite by consultant.	Short-term

Section 6
Future Land Use

GOALS

- **Provide a blueprint of future land use patterns: a general pattern for the location, distribution and character of the future land uses within the Town of Victor.**

- **Guide development over a long period of time: work together with other elements of the comprehensive plan to provide for the Town of Victor's long range growth and promote public health, safety and general welfare by providing efficiency and economy in the process of growth.**

- **Propose a system of future land uses including maximum development densities; Indicate the particular types of uses the Town expects and desires to see in future development taking into account existing infrastructure as well as the agricultural protection, natural resource, cultural resource, growth management, open space, neighborhood development, economic development, transportation and other recommendations included in this Comprehensive Plan.**

INTRODUCTION

The Future Land Use Plan must take into account recent and anticipated levels of growth and development, incorporate and reflect other elements of the comprehensive plan, and strike a balance between competing interests, such as the high level of interest in preserving natural resources and open space and ongoing reservations regarding effects that restrictions on development density might have upon property values.

Going forward, future rezoning, the siting of features, and the development of public policies should be evaluated in the context of all Comprehensive Plan elements, including the Future Land Use Plan presented in this Section.

Maps depicting the Future Land Use Plan will also serve as the basis for a revision of the Town's zoning maps and revisions to the Town's zoning code. However, the Future Land Use Plan is not a zoning document and should instead reflect the community's vision of its future self. Whereas a zoning code is a regulatory mechanism that specifies a range of uses together with bulk and density limitations to be permitted in the short term, a Future Land Use Plan guides development over a longer period of time and indicates the particular types of uses the Town expects and desires to see in future development.

EXISTING CONDITIONS

A Victor community profile is presented in Section 2. Each of the succeeding sections describes existing conditions relative to the topic focused on by the respective section.

EXISTING PLANS AND ACTIVITIES

Although a Future Land Use Plan is not a zoning document, the distribution of uses encoded in the present zoning map is a useful reference. The figure presented on the following page depicts both the present mapping of uses specified in the zoning map as well as the maximum permitted development residential development densities implemented via the density overlay districts[1].

[1] See Section 4 for a description of the present system of density overlay districts.

EXISTING TOWN LAND USE AND
RESIDENTIAL DENSITY DESIGNATIONS
town of VICTOR NEW YORK
Legend
Commercial
Commercial / Light Industrial
Greatest Density
Intermediate Density
Least Density
Public Parks
Non-Residential District Boundary
N
0
1,500
3,000
6,000
Feet
LABELLA

KEY FINDINGS

The following findings that emerged during development of the Future Land Use Plan should continue to guide efforts to implement the plan.

SEGREGATION AND MAPPING OF USES

The general pattern according to which uses are now segregated in Victor does not require much revision. The issues requiring further exploration and development are more related to density and preservation of agriculture and open space than they are to the current separation of residential, commercial and industrial zones.

HIGHER DENSITY RESIDENTIAL INFILL OR REDEVELOPMENT

Higher density residential infill or redevelopment along or within some segments of the commercial and limited industrial corridors should be authorized. As part of this initiative, efforts to implement the Future Land Use Plan should evaluate the need to identify more specifically where within these areas now designated for industrial or commercial uses a mixed use project including a residential development component could be accommodated and approved.

TARGET SIZE

The present estimated build-out should be considered the communities target-size. In general, approvals that would otherwise increase the estimated build-out[2] should be accompanied by transactions that would reduce the anticipated density elsewhere in the community by a corresponding amount such that the anticipated build-out would remain unaffected.

FACTORS INFLUENCING DENSITY LIMITATIONS

Water and sewer infrastructure are essential to support higher density development and are, therefore, important determinants in assigning maximum development densities. Although public water was a primary factor relied upon to determine recommended maximum residential density, it was not the only factor. The presence of agricultural soil resources and the co-occurrence of other development constraints such as are found in the existing LDD district were also considered in assigning recommended density maximums. All these factors should continue to be considered as the Future Land Use Plan is implemented and as the Town Board considers future rezoning requests that would change the maximum residential density on a particular site.

[2] Examples of such approvals would include rezonings, particularly rezoning actions associated with the implementation of a planned zoning district, or the award of a density bonus pursuant to an Incentive Zoning program.

SMART GROWTH

As noted in preceding Sections, utility extensions can contribute to sprawl by opening undeveloped areas to more intensive development. Even when developers cover the initial capital cost of extending utilities, the ongoing cost to maintain utility extensions in perpetuity falls upon residents and taxpayers. These effects should always be taken into account when considering approval of a proposed extension even where there is no immediate capital cost to the municipality or to district residents.

MOVEMENT OF DEVELOPMENT RIGHTS

In order to preserve open space, protect farmland and treat property owners fairly, programs that enable movement of development rights will be an essential element of any plan for future land use. Such programs will support preservation of open space, farmland and rural character on a town-wide basis by facilitating movement of development rights from areas within which lower development densities would be preferred to areas where higher development densities would be appropriate and could be accommodated. The present recommendation is for such a program to be implemented as an Incentive Zoning program rather than rely upon a program for the Transfer of Development Rights.

MAPPING OF SENDING AND RECEIVING AREAS

As this Future Land Use Plan anticipates the implementation of Incentive Zoning in lieu of a Transfer of Development Rights program, there is no need for designation of transfer sending and receiving zones. Together with other information presented in this Comprehensive Plan, the completed NRI and associated Open Space Index should provide the Town Board a good basis for evaluating proposals to set aside rural open space as a public amenity in exchange for the award of a density bonus.

IMPACTS OF HIGHER DENSITY DEVELOPMENT

It is appropriate and desirable for higher density development to include appropriate mixes of uses such as residential, commercial and even light industrial.

Higher density development within the Route 96 corridor should be offset by density reductions elsewhere in Town and/or provide an amenity that is of use in accommodating higher traffic volumes. To qualify for any density bonus, it should be necessary to demonstrate that such an amenity would increase capacity well beyond the level required to support only the proposed development and that the proposal would provide additional capacity what would otherwise be required as mitigation in a traditional review and approval process.

Regarding patterns of development that include higher densities, these should have minimal impact on traffic provided the density increase is offset by a reduction elsewhere.

GOALS AND STRATEGIES

GOAL A. PROVIDE A BLUEPRINT OF FUTURE LAND USE PATTERNS: A GENERAL PATTERN FOR THE LOCATION, DISTRIBUTION AND CHARACTER OF THE FUTURE LAND USES WITHIN THE TOWN OF VICTOR.

GOAL B. GUIDE DEVELOPMENT OVER A LONG PERIOD OF TIME: WORK TOGETHER WITH OTHER ELEMENTS OF THE COMPREHENSIVE PLAN TO PROVIDE FOR THE TOWN OF VICTOR'S LONG RANGE GROWTH AND PROMOTE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY PROVIDING EFFICIENCY AND ECONOMY IN THE PROCESS OF GROWTH.

GOAL C. PROPOSE A SYSTEM OF FUTURE LAND USES INCLUDING MAXIMUM DEVELOPMENT DENSITIES; INDICATE THE PARTICULAR TYPES OF USES THE TOWN EXPECTS AND DESIRES TO SEE IN FUTURE DEVELOPMENT TAKING INTO ACCOUNT EXISTING INFRASTRUCTURE AS WELL AS THE AGRICULTURAL PROTECTION, NATURAL RESOURCE, CULTURAL RESOURCE, GROWTH MANAGEMENT, OPEN SPACE, NEIGHBORHOOD DEVELOPMENT, ECONOMIC DEVELOPMENT, TRANSPORTATION AND OTHER RECOMMENDATIONS INCLUDED IN THIS COMPREHENSIVE PLAN.

STRATEGY 1. IMPLEMENTATION OF THE FUTURE LAND USE PLAN

A map of the Future Land Use plan is presented on page 6.11. Implementation of this land use plan will require amendments to the official Zoning Map and integration with zoning code provisions specifying maximum residential development densities of 0.33 units per acre, 0.5 units per acre and 1.0 units per acre, respectively.

The Concept Level Future Land Use map presented on page 6.12 focuses future development within the core of the community and directs future development to areas already provided with water and sewer. These areas are indicated by the yellow, purple, red and orange areas on the map. The plan also reflects a factual and scientific basis for identifying areas in the town that hold the greatest potential for protecting the agricultural and open space character of the community. These areas are identified on the Concept Level Future Land Use map with a brown overlay and encourage the use of techniques such as Purchase of Development Rights and programs facilitating movement of development rights.

As indicated in the Future Land Use map, the Future Land Use Plan incorporates a hierarchy of three levels of maximum residential density within those areas outside the Village (Neighborhood Density, Medium Density Residential and Rural Conservation Density). This plan recommends that these be implemented using the same maximum residential density thresholds that are now in place (presently, there are three density overlays that limit the maximum residential density to 0.33 units per acre, 0.5 units per acre and 1.0 units per acre, respectively).

To facilitate comparison of the Future Land Use Plan to the system of land use districts now in place within the Town, a schematic map of existing land use zoning districts was presented on page 6.5. This figure reflects the current zoning map in the way that it distinguishes residential, commercial and commercial/industrial districts and also further delineates the three residential districts to illustrate how they are affected by the three levels of maximum residential development density now specified in the code.

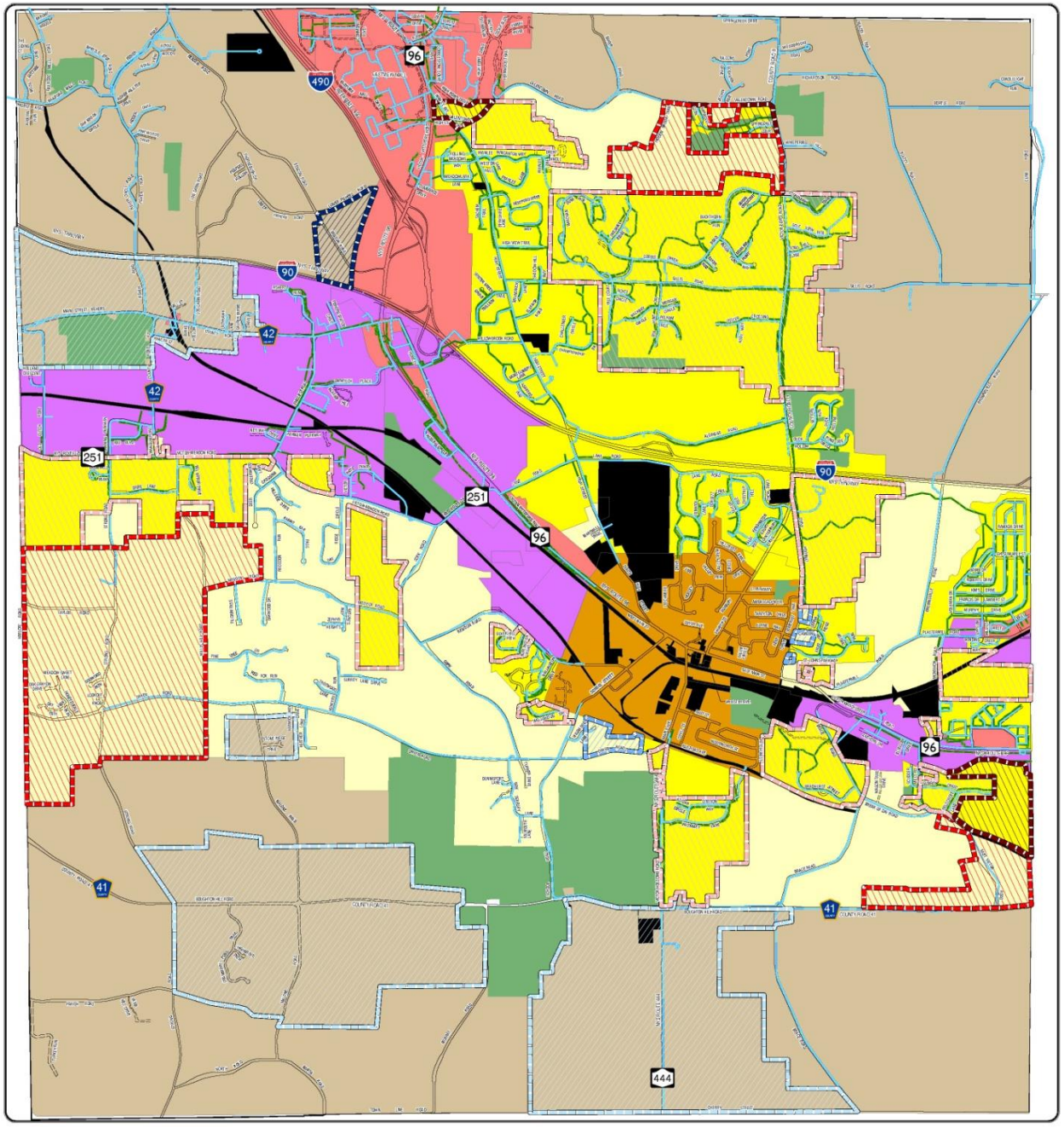
With regard to land uses, the Future Land Use Plan map presented on page 6.11 is generally consistent with existing zoning. A comparison of the Future Land Use map to the Existing Town Land Use map presented on page 6.5 reveals that the boundaries of the commercial and commercial/industrial districts are generally in agreement, as are the boundaries of the mapped residential districts. Some differences do appear, however, when comparing commercial boundaries and the delineation of maximum residential densities:

- On the Future Land Use map the boundaries of the commercial/industrial area shown south of Interstate 90, west of Route 96 and north of Route 251 has been modified slightly. The commercial/industrial area shown along Route 96 south of the Village is more extensive on the Concept Level Future Land Use map than the corresponding area shown on the Existing Town Land Use map.

- On the Future Land Use map an area just south of Interstate 90 is designated for the lowest density, whereas the Existing Town Land Use shows it to now be designated for an intermediate density.
- On the Future Land Use map an area just south of Route 251 near the Town's western border is designated for intermediate density, whereas the Existing Town Land Use shows it to now be designated for the lowest density.
- On the Future Land Use map most areas around and to the south of Route 41 are shown as being designated for the least density, whereas the Existing Town Land Use shows that some of these areas are now designated for an intermediate density. This includes an area north of Route 41 and east of Route 444.
- On the Future Land Use map areas east of the Village, north of Route 41 and South of Interstate 90 are shown as designated for the highest density, whereas the Existing Town Land Use shows these areas to currently be a mix of intermediate density and higher density designations.
- On the Future Land Use map within the area north of I-90 and bounded by Route 9 to the east and Route 96 to the west two adjacent areas are shown, one designated for the highest density and the other designated for the lowest density. The Existing Town Land Use also includes a zone of intermediate density between these two.
- An area north of I-90 and west of Route 96 in the vicinity of Benson Road is now designated for the highest density whereas the Future Land Use map designates it for the lowest density as there is no public water available. This area would, however, be suitable for intermediate residential density should public water become available.

A second iteration of the future land use map appears on page 6.12. This map also identifies regions within which the maximum residential density now applicable under the zoning code would change were the future land use plan to be implemented utilizing the present density hierarchy of 0.33 units per acre, 0.5 units per acre and 1.0 units per acre. In some of these instances the maximum residential density would decrease while in others it would increase. With respect to the areas within which the map indicates a decrease in the maximum residential density, accomplishing the indicated reduction in maximum density has been recognized as an important future land use priority. It is therefore recommended that movement of development rights from these parcels also be accorded high priority during implementation of the program called for in Section Strategy 6.

town of VICTOR NEW YORK
CONCEPT LEVEL
FUTURE LAND USE
June 19, 2012
Legend
Commercial High Intensity
Commercial / Light Industrial
Neighborhood Density
Medium Density Residential
Rural Conservation Density
Village Residential Core Density
Institutional / Public Service
Public Parks
Watermain
Sewer
N
0
1,500
3,000
6,000
Feet
LABELLA Associates, P.C.



town of VICTOR NEW YORK

CONCEPT LEVEL FUTURE LAND USE POTENTIAL DENSITY CHANGES

June 19, 2012

Legend

- Commercial High Intensity
- Commercial / Light Industrial
- Neighborhood Density
- Medium Density Residential
- Rural Conservation Density
- Village Residential Core Density
- Public Parks
- Institutional / Public Service
- Watermain
- Sewer

Proposed Changes to Greater Density

- Least Density to Highest
- Least Density to Medium
- Medium Density to Highest

Proposed Changes to Less Density

- Highest Density to Rural
- Highest Density to Medium
- Medium Density to Rural

N

0 1,500 3,000 6,000 Feet

Aerial photography and shapefiles courtesy of Ontario County Planning Department, 2011

LABELLA Associates, P.C.

STRATEGY 2. AMENDMENT OF THE CURRENT PROCESS FOR APPROVAL OF MULTIPLE DWELLING RESIDENTIAL DEVELOPMENTS.

Presently, the Town of Victor code also relies upon a planned district approach for the approval of multiple dwelling residential uses such as townhomes or apartments. In this approach, as is the case with PDDs discussed in the preceding Strategy, the Multiple Dwelling (MD) district is defined in the code, but no vacant parcels are mapped in advance as being within such a district. Instead, it is left to property owners and/or developers contemplating a multiple dwelling project to petition the Town Board for a rezoning of their parcel to the Multiple Dwelling district in anticipation of a specific project.[3]

Victor's MD approval process includes a referral to the Planning Board and a site specific review intended to evaluate the merits of each proposal. As is the case with PDDs, the requirement for a site-specific review in conjunction with the discretionary nature of a rezoning action leaves the community with significant latitude in determining whether to allow a proposed multiple dwelling project. With respect to MD rezonings, the guidance provided in the code to assist the Town Board and Town Planning Board in distinguishing desirable from undesirable projects is brief and sometimes subject to varying interpretations. This has led to some uncertainty in the multiple dwelling planned district process, particularly given that such projects frequently pit recognized community needs such as that for entry-level, workforce, senior/retirement and/or other forms of higher density housing in closer proximity to existing utilities, jobs, transportation arterials and retail outlets against the preferences of some residents that such projects be excluded from the vicinity of their neighborhoods.

The current process for approval of multiple dwelling residential projects should be reviewed and amended in a manner that accomplishes and includes the following:

- Issuance of a Special Use Permit by the Town Planning Board should be substituted in place of the rezoning requirement. This will require amendments to authorize Multiple Dwelling residential as a specially permitted use within appropriate zoning districts (see the following bullet regarding appropriate districts).

- Multiple dwelling residential projects should not be allowed as stand-alone projects within commercial or light industrial districts. New residential development within commercial or light industrial districts should only be allowed pursuant to a Special Use Permit when they are proposed in conjunction with a new mixed use development that effectively integrates multiple other non-residential uses.

- Clear, specific and objective criteria should be developed and included in the code to distinguish desirable from undesirable projects in a way that will inject certainty and a

[3] Two vacant parcels zoned for multiple dwelling can be found within the Town, but these are remnants from an earlier process in which there was a rezoning in anticipation of a specific multiple dwelling project that was never constructed.

significant degree of predictability into the approval process. These criteria should include, but not be limited to, factors related to the presence of utilities, proximity to jobs, services, transportation and transit resources, site and natural resource constraints, walkability, the character of the neighborhood, compatability with neighboring residential developments, effective buffering and the potential benefit to the community as a whole. Satisfaction of all these criteria and requirements should be cited as pre-conditions to issuance of the required Special Use Permit.

- Special criteria or conditions to be satisfied in cases where the proposed multiple dwelling residential project would be undertaken adjacent to single family residential neighborhoods should be developed and included within the code. These may include, but are not necessarily limited to, the potential need for additional buffering o other comparable measures useful in ensuring neighborhood compatibility and effective transitions between adjoining developments of differing types or densities.

- Consideration should be given to whether some form of mapping based upon the foregoing criteria should be incorporated in the code to identify in advance certain areas within which multiple dwelling projects would be preferred and to distinguish from them areas within which such projects would be discouraged. In any event, with or without such the both the NRI and the Infrastructure Master Plans called for elsewhere in this plan should be relied upon to determine whether a candidate site is appropriate for such development.

- An offsetting reduction in density elsewhere in the community, as described in the Section 4 discussion of Growth Management and Open Space (also see Section 4 Strategy 6) should be required as a condition of Special Use Permit approval for each residential unit proposed within commercial or industrial districts as part of a mixed use development. Transferred or set-aside units should be required for all multiple dwelling residential units proposed in excess of the applicable maximum residential density. For example, development of 100 units upon a 10 acre parcel zoned for residential use at a maximum density of 1 unit per acre would require the purchase and transfer of 90 development units. Whether this requirement should also operate to effectively limit all potential multiple dwelling residential projects to sites within established TDR receiving areas should be determined during the implementation effort and made clear in the new code provisions.

- As was the case with respect to mixed use projects, the ongoing need and advisability of the current limitation to no more than two stories should be explored, and either confirmed or amended to permit additional stories. The limitation to only two stories limits density and leads to projects with greater building coverage and less open space when compared to a project of three or four stories.

- Finally, the community has recently experienced instances in which applications for site plan approval have been submitted with respect to vacant land already zoned for multiple residential development. Such circumstances are at odds with the general approach which requires rezoning to a MR district prior to site plan approval. In these recent instances, the

land in question had been rezoned some years ago in anticipation of a particular project which was never developed and the land retained its MR district designation nonetheless. Although the site plans recently proposed for approval in these instances have been different from those proposed when the land was originally rezoned, the need for a Town Board rezoning review and approval that would otherwise have been required for such a project appears to have been avoided. Accordingly, it is recommended that all future Planned District (floating zone) rezoning approvals be made specific to the plan proposed and include provisions for the land to revert to its prior zoning district designation should the anticipated project not take form within a reasonable time.

STRATEGY 3. UPDATE ZONING CODE RELYING UPON ZONING AUDIT

An audit of the present zoning code was completed as part of this planning effort. The audit identified a number of provisions that required clarification, refinement or reconciliation with conflicting provisions. The audit results are presented in Appendix I. The code should be updated using the audit as a guide.

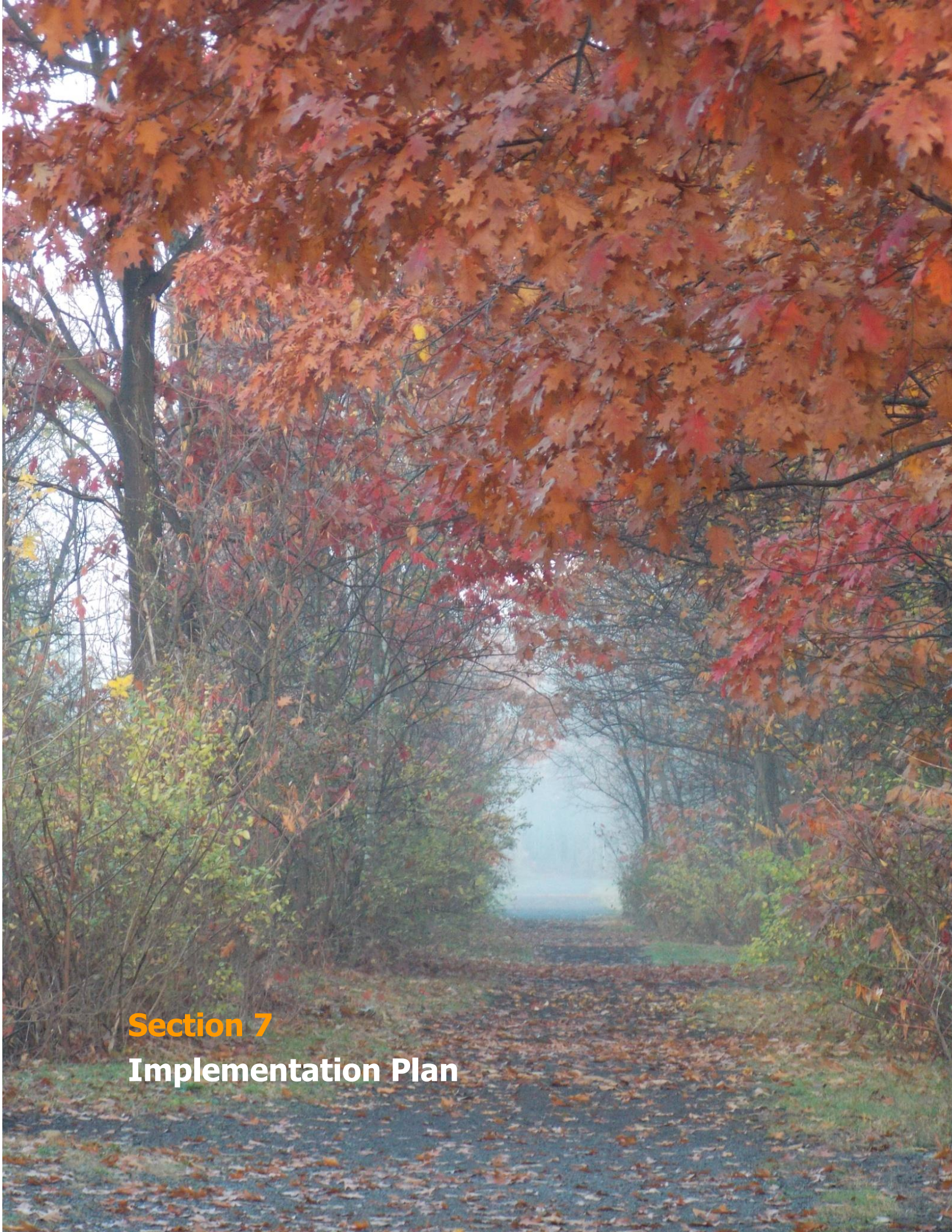
IMPLEMENTATION SUMMARY

The following table takes the strategies described in this section and describes the actions needed to get each started, responsible parties for undertaking the strategy and the time-frames for accomplishing each.

The time-frames have the following potential ranks:
On-going: This strategy will set into motion a continuous action.
Immediate: This strategy is foundational and should be undertaken as soon as possible.
Short-term: This action should be undertaken within a year of the plan's adoption
Mid-term: This strategy should be undertaken within one to three years.
Long-term: This strategy can be undertaken from three years or beyond.

Strategy	Action Required	Responsible Party	Time-frame
1. Implementation of the Future Land Use Plan including elements required to support implementation of a program facilitating movement of development rights or units. (Also see Section 4 Strategy 6).	Implement the Future Land Use Plan through amendments to the zoning text and map amendments.	Town Board	Immediate
3. Amend the current process for approval of Multiple Dwelling residential developments.	Develop and adopt code amendments to revise the current rezoning process to one that requires issuance of a Special Use Permit as described in this plan. Develop criteria and conditions, including those referenced within this comprehensive plan, to guide issuance of the required Special Use permit and to govern development and form of multiple dwelling residential projects.	Town Board	Immediate

Strategy	Action Required	Responsible Party	Time-frame
3. Update the present Town Zoning Code using the Zoning Audit as a guide.	Review the Zoning Audit, confirm provisions requiring amendment and develop local laws to make the necessary changes.	Town Board	Short-term



Section 7
Implementation Plan

SUMMARY OF GOALS AND STRATEGIES

This Agricultural & Farmland Protection Plan identified multiple goals, each of which led to identification of various strategies. The goals and strategies found throughout the plan are summarized in the section immediately below. The section following this summary presents the strategies sequenced in phases according to their relative implementation priorities.

AGRICULTURAL PROTECTION GOALS AND STRATEGIES

Protect and enhance agricultural lands and other working landscapes as vital components of our green infrastructure and community character. (Agricultural Protection Goal A).

- Strategy 1. Keep Agriculture Visible to the Public.
- Strategy 2. Promote educational programs about farming practices.
- Strategy 3. Incorporate state requirements related to review and notification for development occurring within the certified New York State Agricultural District.
- Strategy 4. Enhance Planning Board review of impacts to farms in general.
- Strategy 5. Promote landowner participation in NYS Agricultural Assessment programs.
- Strategy 6. Establish an Agricultural Advisory Committee.
- Strategy 7. Enact an updated Right to Farm Law
- Strategy 8. Adopt a policy of purchasing development rights (PDR) on priority parcels.

Promote tourism in Victor. (Agricultural Protection Goal B).

- Strategy 9. Promote agri-tourism, eco-tourism and niche farming opportunities as a means of enhancing the economic vitality of agriculture in Victor

NATURAL AND CULTURAL RESOURCE GOALS AND STRATEGIES

Foster a regional, landscape-scale approach to the protection and conservation of natural resources and Agricultural Rural Land. (Natural & Cultural Resources Goal A).

Respect and protect the natural topography. (Natural & Cultural Resources Goal B).

Preserve or restore hubs and links across the landscape that anchor and connect green infrastructure networks and provide an origin or destination for wildlife and ecological processes moving to or through the network. (Natural Resources Goal C).

Integrate a green infrastructure conservation and planning approach into Victor's long term planning and development review process. (Natural & Cultural Resources Goal D).

- Strategy 1: Add sustainable design and siting standards to the zoning, subdivision and planned zoning district rules
- Strategy 2. Amend site plan, subdivision and planned zoning district review standards and criteria to strengthen review and mitigation related to green infrastructure.
- Strategy 3. Establish a formal Green Infrastructure Planning and Review Process
- Strategy 4. Lead by Example: Train municipal staff in environmental stewardship, conservation, and care for sensitive resources.

Provide an interconnected network of green space that conserves natural ecosystem values and functions and provides associated benefits to human populations. (Natural & Cultural Resources Goal E).

- Strategy 5. Provide incentives in the form of density bonuses to protect and enhance green infrastructure.

Protect water quality of surface and groundwater: Protect/enhance streams and stream corridors, wetlands, floodplains, aquifers; and, Prevent erosion and sedimentation. (Natural & Cultural Resources Goal F).

- Strategy 6. Establish stream corridor standards to protect green infrastructure links within the community.

GROWTH MANAGEMENT AND COMMUNITY CHARACTER GOALS AND STRATEGIES

Monitor and manage growth including its impacts on key systems such as sanitary sewer and stormwater infrastructure. (Growth Management and Community Character Goal A).

- Strategy 1. Create a water and sewer infrastructure plan before approving extension of those services through other parts of the town. Include conservation measures intended to reduce the impact of development on new and existing infrastructure. Develop policies and plans for maintenance of stormwater infrastructure, including detention ponds.
- Strategy 2. Institute a growth management program.

Ensure that all elements of Victor's community character valued by residents are preserved. (Growth Management and Community Character B).

Adopt a conservation-based approach that addresses the ecological and social impacts of sprawl and the accelerated consumption and fragmentation of agricultural and open land. (Growth Management and Community Character C).

Foster a regional, landscape-scale approach to open space preservation that takes into account how open space on any particular parcel contributes to the open space needs of the town as a whole. (Growth Management and Community Character D).

- Strategy 3. Replace present requirements for set-aside of a fixed percentage of open space with requirements providing the discretion to require open space appropriate to the site and the setting. Amend the zoning code to better define open space and include specific language describing desirable open space characteristics.

- Strategy 4. Amend existing PDD regulations to include acreage, open space and siting standards.

- Strategy 5. Unify the use and density zoning districts.

- Strategy 6. Adopt a program allowing for effective movement of development rights from areas where open space would be preferred to those where additional density would be appropriate. Require approvals increasing a parcel's maximum development density to be accompanied by an offsetting transaction reducing density within another area of town where open space would be preferred.

COMMUNITY DEVELOPMENT GOALS AND STRATEGIES

Promote development that has low impact on the environment and that maintains the character of the community. (Community Development Goal A).

- Strategy 1. Revise subdivision regulations to require that new housing developments be designed to have low impact on the environment.

- Strategy 2. Require all developments be designed using conservation subdivision principles.

- Strategy 3. Encourage the use of alternative energy for homes and businesses

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FUTURE LAND USE GOALS AND STRATEGIES

Provide a blueprint of future land use patterns: a general pattern for the location, distribution and character of the future land uses within the Town of Victor. (Future Land Use Goal A).

Guide development over a long period of time: work together with other elements of the comprehensive plan to provide for the Town of Victor's long range growth and promote public health, safety and general welfare by providing efficiency and economy in the process of growth. (Future Land Use Goal B).

Propose a system of future land uses including maximum development densities; Indicate the particular types of uses the Town expects and desires to see in future development taking into account existing infrastructure as well as the agricultural protection, natural resource, cultural resource, growth management, open space, neighborhood development, economic development, transportation and other recommendations included in this Comprehensive Plan. (Future Land Use Goal C).

- Strategy 1. Implementation of the Future Land Use Plan
- Strategy 2. Authorization of Mixed Use Development and Neighborhood Scale Commercial Development
- Strategy 3. Amendment of the current process for approval of Multiple Dwelling residential developments.
- Strategy 4. Separate Classification of Institutional Uses.
- Strategy 5. Update Zoning Code Relying Upon Zoning Audit

SUGGESTED IMPLEMENTATION SEQUENCE

Numerous strategies are present throughout this Comprehensive Plan. Given the level of resources available for implementation, it is important that the community focus first on those with most urgency and/or greatest potential to lead to meaningful change. For that reason, the strategies are presented below in four groups. Phase 1 includes those with the greatest urgency or potential for change. Those included in Phases 2 and 3 are believed to be more moderate. Phase 4 includes those strategies estimated to be the least urgent and/or have the least potential to catalyze important changes.

Although all of the strategies identified in this plan are important and each has been proposed for its beneficial effects, commencing immediate implementation of all will not be practical. It is suggested that beginning and completing an initial round of key strategies will be preferable to tackling so many that none are completed.

PHASE 1

AGRICULTURAL PROTECTION STRATEGIES

STRATEGY 4. ENHANCE PLANNING BOARD REVIEW OF IMPACTS TO FARMS IN GENERAL.

STRATEGY 8. ADOPT A POLICY OF PURCHASING DEVELOPMENT RIGHTS (PDR) ON PRIORITY PARCELS.

NATURAL AND CULTURAL RESOURCE STRATEGIES

STRATEGY 2. AMEND SITE PLAN, SUBDIVISION AND PLANNED ZONING DISTRICT REVIEW STANDARDS AND CRITERIA TO STRENGTHEN REVIEW AND MITIGATION RELATED TO GREEN INFRASTRUCTURE.

STRATEGY 3. ESTABLISH A FORMAL GREEN INFRASTRUCTURE PLANNING AND REVIEW PROCESS

STRATEGY 4. LEAD BY EXAMPLE: TRAIN MUNICIPAL STAFF IN ENVIRONMENTAL STEWARDSHIP, CONSERVATION, AND CARE FOR SENSITIVE RESOURCES.

STRATEGY 9. DEVELOP AN INVENTORY OF CULTURAL RESOURCES TO IDENTIFY PRIORITY HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL AND OTHER CULTURAL RESOURCES FOR PRESERVATION; INCORPORATE CODE PROVISIONS ENSURING THAT DEVELOPMENT PROPOSALS AFFECTING THESE RESOURCES ARE REQUIRED TO BE COMPATIBLE WITH PRESERVATION OF THEIR QUALITY AND INTEGRITY.

GROWTH MANAGEMENT AND COMMUNITY CHARACTER STRATEGIES

STRATEGY 1. CREATE A WATER AND SEWER INFRASTRUCTURE PLAN BEFORE APPROVING EXTENSION OF THOSE SERVICES THROUGH OTHER PARTS OF THE TOWN. INCLUDE CONSERVATION MEASURES INTENDED TO REDUCE THE IMPACT OF DEVELOPMENT ON NEW AND EXISTING INFRASTRUCTURE. DEVELOP POLICIES AND PLANS FOR MAINTENANCE OF STORMWATER INFRASTRUCTURE, INCLUDING DETENTION PONDS.

STRATEGY 2. INSTITUTE A GROWTH MANAGEMENT PROGRAM.

STRATEGY 3. REPLACE PRESENT REQUIREMENTS FOR SET-ASIDE OF A FIXED PERCENTAGE OF OPEN SPACE WITH REQUIREMENTS PROVIDING THE DISCRETION TO REQUIRE OPEN SPACE APPROPRIATE TO THE SITE AND THE SETTING. AMEND THE ZONING CODE TO BETTER DEFINE OPEN SPACE AND INCLUDE SPECIFIC LANGUAGE DESCRIBING DESIRABLE OPEN SPACE CHARACTERISTICS.

STRATEGY 6. ADOPT A PROGRAM ALLOWING FOR EFFECTIVE MOVEMENT OF DEVELOPMENT RIGHTS FROM AREAS WHERE OPEN SPACE WOULD BE PREFERRED TO THOSE WHERE ADDITIONAL DENSITY WOULD BE APPROPRIATE. REQUIRE APPROVALS INCREASING A PARCEL'S MAXIMUM DEVELOPMENT DENSITY TO BE ACCOMPANIED BY AN OFFSETTING TRANSACTION REDUCING DENSITY WITHIN ANOTHER AREA OF TOWN WHERE OPEN SPACE WOULD BE PREFERRED.

FUTURE LAND USE STRATEGIES

STRATEGY 1. IMPLEMENTATION OF THE FUTURE LAND USE PLAN

STRATEGY 3. AMENDMENT OF THE CURRENT PROCESS FOR APPROVAL OF MULTIPLE DWELLING RESIDENTIAL DEVELOPMENTS.

PHASE 2

AGRICULTURAL PROTECTION STRATEGIES

STRATEGY 3. INCORPORATE STATE REQUIREMENTS RELATED TO REVIEW AND NOTIFICATION FOR DEVELOPMENT OCCURRING WITHIN THE CERTIFIED NEW YORK STATE AGRICULTURAL DISTRICT.

STRATEGY 6. ESTABLISH AN AGRICULTURAL ADVISORY COMMITTEE.

STRATEGY 7. ENACT AN UPDATED RIGHT TO FARM LAW

NATURAL AND CULTURAL RESOURCE STRATEGIES

STRATEGY 1: ADD SUSTAINABLE DESIGN AND SITING STANDARDS TO THE ZONING, SUBDIVISION AND PLANNED ZONING DISTRICT RULES

STRATEGY 5. PROVIDE INCENTIVES IN THE FORM OF DENSITY BONUSES TO PROTECT AND ENHANCE GREEN INFRASTRUCTURE.

GROWTH MANAGEMENT AND COMMUNITY CHARACTER STRATEGIES

STRATEGY 4. AMEND EXISTING PDD REGULATIONS TO INCLUDE ACREAGE, OPEN SPACE AND SITING STANDARDS.

COMMUNITY DEVELOPMENT STRATEGIES

STRATEGY 16. ENCOURAGE THE USE OF ALTERNATIVE ENERGY FOR HOMES AND BUSINESSES.

FUTURE LAND USE STRATEGIES

STRATEGY 5. UPDATE ZONING CODE RELYING UPON ZONING AUDIT

PHASE 3

AGRICULTURAL PROTECTION STRATEGIES

STRATEGY 2. PROMOTE EDUCATIONAL PROGRAMS ABOUT FARMING PRACTICES.

STRATEGY 5.
PROMOTE LANDOWNER PARTICIPATION IN NYS AGRICULTURAL ASSESSMENT PROGRAMS

STRATEGY 9. PROMOTE AGRI-TOURISM, ECO-TOURISM AND NICHE FARMING OPPORTUNITIES AS A MEANS OF ENHANCING THE ECONOMIC VITALITY OF AGRICULTURE IN VICTOR.
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NATURAL AND CULTURAL RESOURCE STRATEGIES

STRATEGY 7. ENCOURAGE THE PROTECTION OF EXISTING AND THE REPLANTING OF NEW TREES THROUGHOUT THE TOWN AND VILLAGE

STRATEGY 8. ENCOURAGE USE OF NATIVE PLANTS AND REMOVAL OF INVASIVE SPECIES IN ALL LANDSCAPE PROJECTS

COMMUNITY DEVELOPMENT STRATEGIES

STRATEGY 1. REQUIRE SIDEWALKS AND BICYCLE/SHARED LANES IN NON-RURAL DEVELOPMENTS.

STRATEGY 3. REDUCE CUL-DE-SACS AND PROMOTE CONNECTIVITY.

STRATEGY 4. REVISE SUBDIVISION REGULATIONS TO REQUIRE THAT NEW HOUSING DEVELOPMENTS BE DESIGNED TO HAVE LOW IMPACT ON THE ENVIRONMENT.

STRATEGY 5. REQUIRE ALL DEVELOPMENTS BE DESIGNED USING CONSERVATION SUBDIVISION PRINCIPLES.

STRATEGY 6. DEVELOP POLICIES AND A PLAN TO GUIDE COMMERCIAL DEVELOPMENT.

STRATEGY 7. IMPLEMENT BUILDING ENVELOPE RULES FOR CONSTRUCTION SITES

STRATEGY 15. PROMOTE AGRI-TOURISM, ECO-TOURISM AND NICHE FARMING OPPORTUNITIES AS A MEANS OF ENHANCING THE ECONOMIC VITALITY OF AGRICULTURE IN VICTOR.

PHASE 4

AGRICULTURAL PROTECTION STRATEGIES

STRATEGY 1. KEEP AGRICULTURE VISIBLE TO THE PUBLIC.

GROWTH MANAGEMENT AND COMMUNITY CHARACTER STRATEGIES

STRATEGY 5. UNIFY THE USE AND DENSITY ZONING DISTRICTS.