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# Keuka Lake Watershed Land Use Planning Guide

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An Intermunicipal Action Strategy

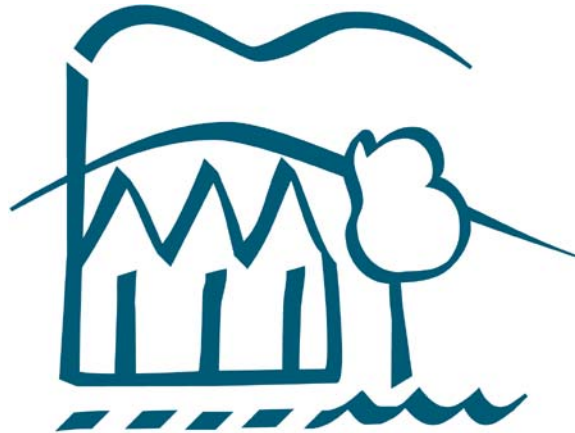
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March 2009



*This document was prepared for the Keuka Lake Watershed Land Use Planning Guide Working Committee by the Genesee/Finger Lakes Regional Planning Council.*

**March 2009**



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Regional Planning Council

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**Mission Statement:**

Genesee/Finger Lakes Regional Planning Council (G/FLRPC) will identify, define and inform its member counties of issues and opportunities critical to the physical, economic and social health of the region. G/FLRPC provides forums for discussion, debate and consensus building and develops and implements a focused action plan with clearly defined outcomes, which include programs, personnel and funding.



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## ACKNOWLEDGEMENTS

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***Special thanks to those members of the Keuka Lake Watershed Land Use Planning Guide Working Committee who contributed abundant amounts of personal time and expertise to evaluating the project's goals and objectives and reviewing draft reports.***

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This report, along with other relevant project information, is available online at the following web address:

**<http://www.gflrpc.org/Publications.htm>**



## TABLE OF CONTENTS

---

|   |           |
|---|-----------|
| <b>CHAPTER 1: INTRODUCTION .....</b>                                  | <b>1</b>  |
| 1.1: What is a Watershed Land Use Planning Guide? .....               | 1         |
| 1.2: The Planning Process .....                                       | 1         |
| 1.2.i: The Land Use Leadership Alliance (LULA) Training Program ..... | 1         |
| 1.2.ii: The Keuka Lake Local Law Assessment and Analysis .....        | 2         |
| 1.2.iii: The Working Committee .....                                  | 2         |
| 1.3: Review of Selected Reports, Plans, and Studies .....             | 3         |
| <br><b>CHAPTER 2: WATERSHED PROFILE.....</b>                          | <b>5</b>  |
| 2.1: Municipalities and Land Area.....                                | 5         |
| 2.2: Cultural and Natural History.....                                | 7         |
| 2.3: Climate.....   | 10        |
| 2.4: Population, Economy and Governance.....                          | 11        |
| 2.4.i: Population.....  | 11        |
| 2.4.ii: Economy.....  | 11        |
| 2.4.iii: Governance .....   | 14        |
| <br><b>CHAPTER 3: CURRENT CONDITIONS .....</b>                        | <b>19</b> |
| 3.1: Steep Slopes .....   | 19        |
| 3.2: Working Agriculture Protection and Enhancement.....              | 22        |
| 3.3: Regional Resources .....   | 24        |
| 3.4: Keuka Lake Water Quality .....                                   | 27        |
| 3.5: “Sustainable” Development .....                                  | 29        |
| 3.6: Focusing New Growth in Village/Hamlet Areas .....                | 31        |
| <br><b>CHAPTER 4: WATERSHED VISION, GOALS AND OBJECTIVES .....</b>    | <b>35</b> |
| <i>Keuka Lake Watershed Vision Statement.....</i>                     | <i>35</i> |
| 4.1: Steep Slopes .....   | 35        |
| 4.2: Working Agriculture Protection and Enhancement.....              | 35        |
| 4.3: Regional Resources .....   | 36        |
| 4.4: Keuka Lake Water Quality .....                                   | 37        |
| 4.5: “Sustainable” Development .....                                  | 37        |
| 4.6: Focusing New Growth in Village/Hamlet Areas .....                | 38        |
| <br><b>CHAPTER 5: POTENTIAL SOLUTIONS .....</b>                       | <b>41</b> |
| 5.1: Steep Slopes .....   | 41        |

# Keuka Lake Watershed Land Use Planning Guide

---

## *An Intermunicipal Action Strategy*

|  |    |
|--|----|
| 5.2: Working Agriculture Protection and Enhancement..... | 43 |
| 5.3: Regional Resources .....                            | 48 |
| 5.4: Keuka Lake Water Quality .....                      | 52 |
| 5.5: “Sustainable” Development .....                     | 54 |
| 5.6: Focusing New Growth in Village/Hamlet Areas .....   | 57 |

## **CHAPTER 6: IMPLEMENTATION STRATEGY AND UPDATE PROCESS ..... 61**

|                                    |    |
|------------------------------------|----|
| 6.1: Implementation Strategy ..... | 61 |
| 6.2: Update Process .....          | 64 |

## **APPENDICES**

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**Appendix A:** Resolution in Support of the Keuka Lake Watershed Land Use Planning Guide

**Appendix B:** Maps

**Appendix C:** Summary of Relevant Regulations and Zoning District Schedules

**Appendix D:** Selected Model Laws

- *Yates County Resolution No. 387-91, Support the “Trancik” Study*
- *Town of Jerusalem Regulations for Construction on Steep Slopes*
- *Excerpt from the Town of Seneca, NY Zoning Law, Article 1: AG - Agricultural Zoning District*
- *Model Farm Viability and Neighbor Relation Policy*
- *Local Law for the establishment of Wastewater Management for Lamoka-Waneta Lakes’ Protection and Rehabilitation District properties*

**Appendix E:** EXISTING REGIONAL COMMITTEES AND RELEVANT CONTACT INFORMATION



## CHARTS

---

|  |           |
|--|-----------|
| <i>Table 1-1: Schedule of Working Committee Meetings.....</i>                            | <i>2</i>  |
| <i>Table 2-1: Land Area within the Watershed by Municipality .....</i>                   | <i>5</i>  |
| <i>Table 2-2: Population Change, 1980 – 2000 .....</i>                                   | <i>11</i> |
| <i>Table 2-3: Yates County Economic Development Priorities.....</i>                      | <i>14</i> |
| <i>Table 2-4: Selected Steuben County Economic Development Priorities.....</i>           | <i>14</i> |
| <i>Table 6-1: Keuka Lake Watershed Land Use Planning Guide Implementation Strategy..</i> | <i>61</i> |

## MAPS (EXCLUDING THOSE IN APPENDIX A)

---

|  |          |
|--|----------|
| <i>Map 2-1: The Keuka Lake Watershed .....</i>   | <i>6</i> |
| <i>Map 2-2: Lake Ontario, Finger Lakes and Keuka Lake Watersheds in Perspective.....</i> | <i>7</i> |



## CHAPTER 1: INTRODUCTION

This report, entitled *Keuka Lake Watershed Land Use Planning Guide: An Intermunicipal Action Strategy*, was developed in order to provide the eight municipalities within the Keuka Lake watershed with an objective and up-to-date land use planning resource. The local governments around the lake have a long and successful history of working together to address a variety of common issues and concerns related to the lake's water quality. This report builds on that history of intermunicipal coordination and cooperation in an effort to bridge the inherent connection between water resources and land use.

### 1.1: What is a Watershed Land Use Planning Guide?

A watershed land use planning guide is a document that profiles current land use conditions within a geographically defined watershed and offers a series of specific recommendations for the future use and development of that watershed's land. It is perhaps best thought of as a comprehensive plan for an entire watershed. It should include many of the same elements as a typical municipal comprehensive plan contains, such as tables of data, maps, illustrations, and narrative descriptions and explanations of its recommended land use policies. These recommendations are intended to assist local municipalities with the planning process and provide guidance on complex and sometimes divisive land use planning issues.

### 1.2: The Planning Process

The *Keuka Lake Watershed Land Use Planning Guide: An Intermunicipal Action Strategy* is the result of a collaborative planning process that brought together local officials, concerned citizens, and land use specialists.

#### 1.2.i: The Land Use Leadership Alliance (LULA) Training Program

In January and February 2008 a group of local citizens and officials came together to participate in the first of two rounds of a special training program known as the Land Use Leadership Alliance (LULA). This program was developed by the Pace University Land Use Law Center in the mid 1990s to educate local government officials in Hudson Valley municipalities about land use issues.

This innovative program consists of four full days of training, often spread out over several weeks. Typically, each day's activities included some combination of lectures, illustrated presentations, small group work, and full group discussions. This program typically draws in experts to speak on specific issues that are of interest to the trainees. For examples, during the first LULA program, the Canandaigua Lake Watershed Council's Watershed Program Manager delivered a presentation on the advantages and challenges of addressing steep slope development through local regulation. LULA participants were then able to ask the presenter detailed questions on the issue and engage in group discussion on the merits of taking various approaches or courses of action.

# Keuka Lake Watershed Land Use Planning Guide

## *An Intermunicipal Action Strategy*

The second round of the LULA program was held in September and October 2008 and followed a similar format as the first.<sup>1</sup>

### **1.2.ii: The Keuka Lake Local Law Assessment and Analysis**

Prior to beginning the LULA program, G/FLRPC staff prepared an assessment of municipal land use regulations currently in use around the Watershed. Staff reviewed copies of local comprehensive plans, zoning regulations, subdivision and site plan review regulations, and other local laws and ordinances that The results of this analysis were compiled in a special report entitled *Keuka Lake Local Law Assessment and Analysis*.<sup>2</sup>

### **1.2.iii: The Working Committee**

Following completion of the LULA program, the program's organizers set up a special "Working Committee" to guide the preparation of this report. All participants in the LULA program were invited to sit on this committee. In addition, through the Keuka Watershed Improvement Cooperative (KWIC), the supervisors/mayors of each of the watershed's municipalities were invited to sit on the committee themselves or to appoint other representatives from their constituencies.

At its first meeting the Working Committee members agreed on the specific topics that would be addressed by the Guide. These six topics were: 1. *Steep slopes*, 2. *Working agriculture protection and enhancement*, 3. *Regional resources*, 4. *Keuka Lake water quality*, 5. *"Sustainable" development*, 6. *Focusing new growth in village/hamlet areas*.

The following table briefly describes and explains the Working Committee's meetings:

**Table 1-1: Schedule of Working Committee Meetings**

| Meeting          | Date     | Description   |
|------------------|----------|---|
| 1 <sup>st</sup>  | 4/29/08  | The attendees reached consensus on the key topics that they thought were the most important topics for the Watershed municipalities to address in their land use plans and regulations. The Committee agreed that this Guide should be structured around those six topics and provide recommendations for specific actions that municipalities could collaboratively undertake. |
| 2 <sup>nd</sup>  | 6/05/08  | The committee members discussed and edited the draft vision statement and identified goal statements for each of the six topics identified at the first meeting. The attendees also discussed some potential action items that would help realize the goals. The draft guide document was revised   |
| 3 <sup>rd</sup>  | 6/23/08  | At the committee's third meeting, which was basically an extension of the second meeting, the attendees continued their discussion of the potential action items.   |
| 4 <sup>th</sup>  | 7/30/08  | Revisions to Chapters 4 finalized; revisions to Chapter 5 discussed   |
| 5 <sup>th</sup>  | 8/25/08  | Revisions to Chapter 5 continued  |
| 6 <sup>th</sup>  | 9/17/08  | Revisions to Chapter 5 finalized; Chapter 6 presented   |
| 7 <sup>th</sup>  | 10/22/08 | Discussion of the draft report and implementation process.  |
| 8 <sup>th</sup>  | 11/25/08 | Review of Final draft and discuss implementation and outreach process   |
| 9 <sup>th</sup>  | 01/06/09 | Discussion and review of the municipal outreach process   |
| 10 <sup>th</sup> | 02/04/09 | Review municipal outreach process and draft resolution in support of the Guide  |
| 11 <sup>th</sup> | 03/25/09 | Finalize Guide; review outreach effort; discuss next steps for the Keuka Lake Watershed Land Use Leadership Committee   |

<sup>1</sup> A full list of LULA participants along with other relevant materials can be found online at the following address: <http://counties.cce.cornell.edu/yates/LULA.html>.

<sup>2</sup> Available online at <http://www.gflrpc.org/Publications/Keuka/LLAssessment.htm>

### 1.3: Review of Selected Reports, Plans, and Studies

In addition to the LULA program, the *Keuka Lake Local Law Assessment and Analysis*, and input received from local officials and citizens at the Working Committee meetings, information for this Guide was obtained from a variety of reports, plans and studies. The following documents were reviewed by G/FLRPC staff while preparing this report:

**Title:** *Yates County Looking Ahead: A Planning and Design Guide.*

**Year:** 1990

This report, sometimes known as the “Trancik Report” after its author, Cornell University professor Roger Trancik, is a comprehensive county-wide study of Yates County’s scenic and aesthetic resources. This report was developed to provide local officials with a guidebook for preparing municipal land use planning documents. Essentially, this report argues that the County and its municipalities should strive for carefully considered, well planned growth in order to preserve their rich array of natural resources.

This valuable study includes background information on the geologic and human history of the County, an explanation of the impacts of human activities on natural resources, a detailed “scenic resources inventory” for each town that identifies natural and cultural resources such as scenic viewsheds, steep slopes, wooded areas, and historic sites that are worthy of protection through local land use regulations; extensive commentary on proper growth management practices and how to ensure new development fits within and conforms to the predominately rural and agricultural characteristics of the area; and information on how to realize such rural design principles through municipal planning and zoning practices and public outreach activities.

This report was given support by the Yates County Legislature in 1991 through the passing of Resolution No. 387-91, whereby the Legislature endorsed the report “from a conceptual standpoint.”<sup>3</sup> While the Resolution was unanimously adopted by the Legislature, the report was never actually adopted as an official comprehensive plan and therefore cannot be considered as an official county-wide plan. The report does include many elements that could be integrated into a county-wide plan should Yates County prepare one in the future. Furthermore, the Legislature, through Resolution No. 387-91, supported “individual municipal consideration of the Guide in developing and implementing their Master Plans and subsequent planning and land-use laws.”

**Title:** *Keuka Lake Looking Ahead – A Community Listens to the Lake*

**Year:** 1996

This report was prepared by the Keuka Lake Foundation, Inc. – the nonprofit arm of the Keuka Lake Association – with extensive assistance from various local and county agency representatives. The goal of the guide is to develop practical information which can be used by decision-makers and residents to protect and improve water quality in the Keuka Lake watershed.

Specifically, the guide is designed to meet the following informational objectives:

- Provide a comprehensive inventory of watershed resources;
- Summarize and assess the physical, chemical, and biological conditions of Keuka Lake;

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<sup>3</sup> See Appendix C for a copy of this resolution.

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

- Identify and prioritize sources of pollution within the watershed; and
- Identify appropriate strategies to reduce or prevent pollution from entering surface or groundwater in the watershed.<sup>4</sup>

**Title:** *Yates County Agricultural Development and Farmland Enhancement Plan.*

**Year:** 2004

This plan was prepared by the Yates County Agriculture and Farmland Protection Board with the assistance of the Cornell Cooperative Extension of Yates County, the Yates County Department of Planning, the Yates County Soil & Water Conservation District, and Shepstone Management Company.

This plan identifies the many critical contributions that working agricultural operations make to Yates County, including the preservation of rural land and wooded areas, the limiting of “urban sprawl” and reinforcement of rural character, the provision of year-round business and employment for area residents, and the reduction in cost and demand for public services such as water and sewer.

The Plan consists of a detailed profile of the economics of Yates County agriculture, including dairying, grape production, and forestry; a review of the legal techniques available to preserve working agricultural land; commentary and analysis of surveys done of agricultural producers, agribusiness, and non-farm residents, and lastly a detailed listing of specific policies and actions that can be undertaken by County agencies, municipalities, farmers, and private landowners to reinforce, protect, and encourage agricultural activities in the County. Key policies include protecting agricultural land through zoning codes and the enactment of strong right-to-farm laws in each town.

Where appropriate, material from this study has been integrated into the Keuka Lake Watershed Land Use Planning Guide, especially with regards to the Guide’s recommendations on preserving working agricultural land and natural resources.

**Title:** *Steuben County Agricultural Development and Farmland Enhancement Plan.*

**Year:** 2004.

Where appropriate, material from this study has been integrated into the Keuka Lake Watershed Land Use Planning Guide, especially with regard to the Plan’s recommendations on preserving working agricultural land and natural resources.

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<sup>4</sup> Keuka Lake Looking Ahead: A Community Listens to the Lake. September 1996. Last viewed online 11/17/08 at <http://counties.cce.cornell.edu/yates/kla2002.htm>

## CHAPTER 2: KEUKA LAKE WATERSHED PROFILE

Chapter 2 of this report – *Keuka Lake Watershed Profile* – provides useful background information on the Keuka Lake Watershed and its environs. Basic information pertaining to the Watershed’s cultural and natural history, climate, economy, demography and governance have been included. Information included here has been gathered from existing reports and other similar documents. This chapter is intended to provide the reader with a general overview of the subjects; readers should refer to the referenced resources in order to gain greater insight pertaining to the subject area.

### 2.1: Municipalities and Land Area

The Keuka Lake Watershed spans thirteen municipalities. The watershed is also split between two counties, Yates and Steuben. Eight municipalities – two villages and six towns – have frontage on the lake.

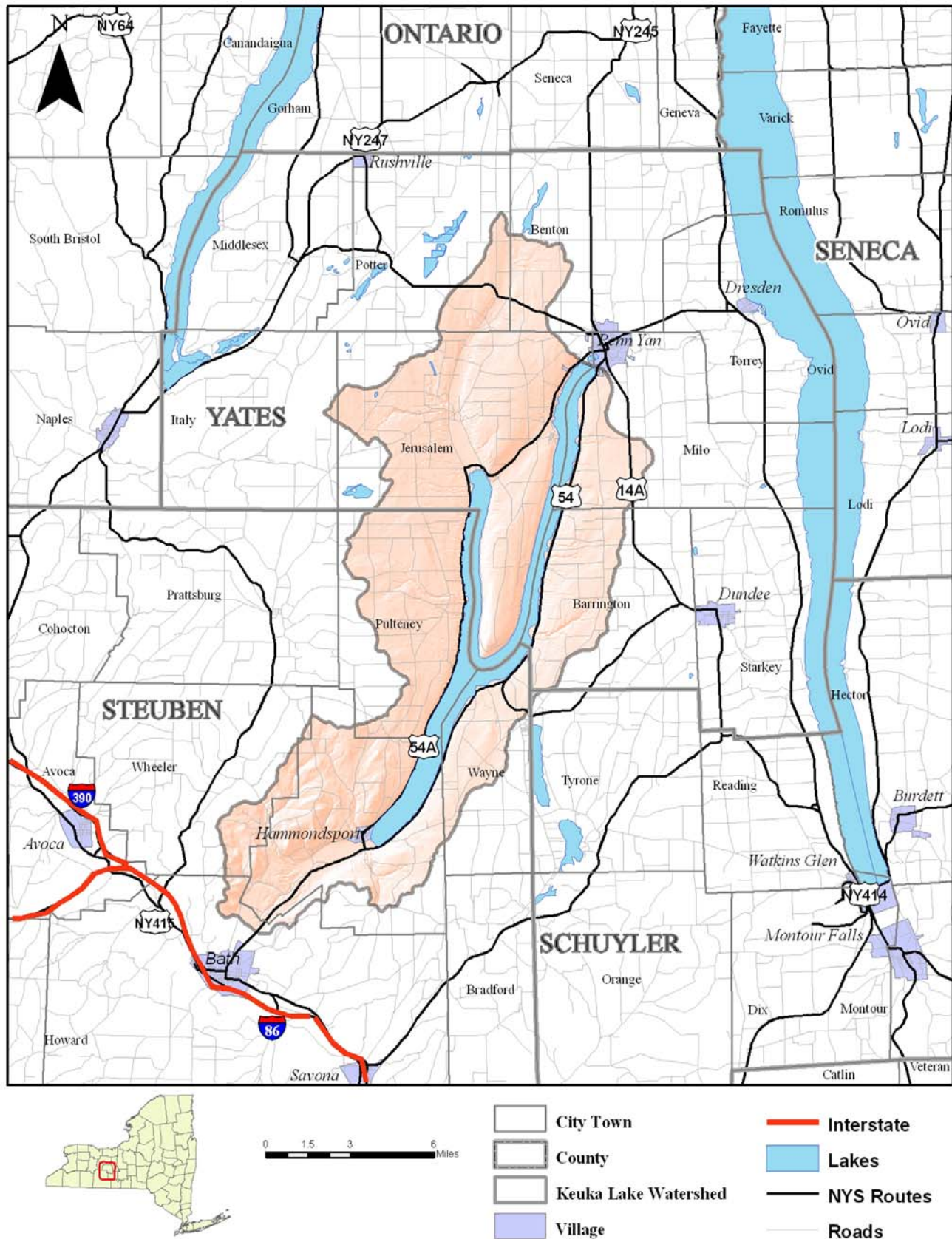
*Table 2-1: Land Area within the Watershed by Municipality<sup>5</sup>*

|                       | <b>Square Miles</b> | <b>Acres</b>  | <b>% of Watershed</b> |
|-----------------------|---------------------|---------------|-----------------------|
| <i>Yates County</i>   | <i>93.77</i>        | <i>60,008</i> | <i>53.2</i>           |
| Barrington            | 15.97               | 10,220        | 9.06                  |
| Benton                | 5.67                | 3,630         | 3.22                  |
| Italy                 | .23                 | 150           | 0.13                  |
| Jerusalem             | 54.52               | 34,890        | 30.94                 |
| Milo                  | 11.02               | 7,050         | 6.25                  |
| Potter                | 6.28                | 4,020         | 3.57                  |
| Penn Yan (Vil.)       | .08                 | 48            | 0.04                  |
|                       |                     |               |                       |
| <i>Steuben County</i> | <i>82.41</i>        | <i>52,747</i> | <i>46.8</i>           |
| Bath                  | 2.34                | 1,503         | 1.33                  |
| Pulteney              | 28.20               | 18,050        | 16.01                 |
| Urbana                | 34.97               | 22,380        | 19.85                 |
| Wayne                 | 11.55               | 7,390         | 6.55                  |
| Wheeler               | 4.98                | 3,190         | 2.83                  |
| Hammondsport (Vil.)   | 0.37                | 234           | 0.21                  |

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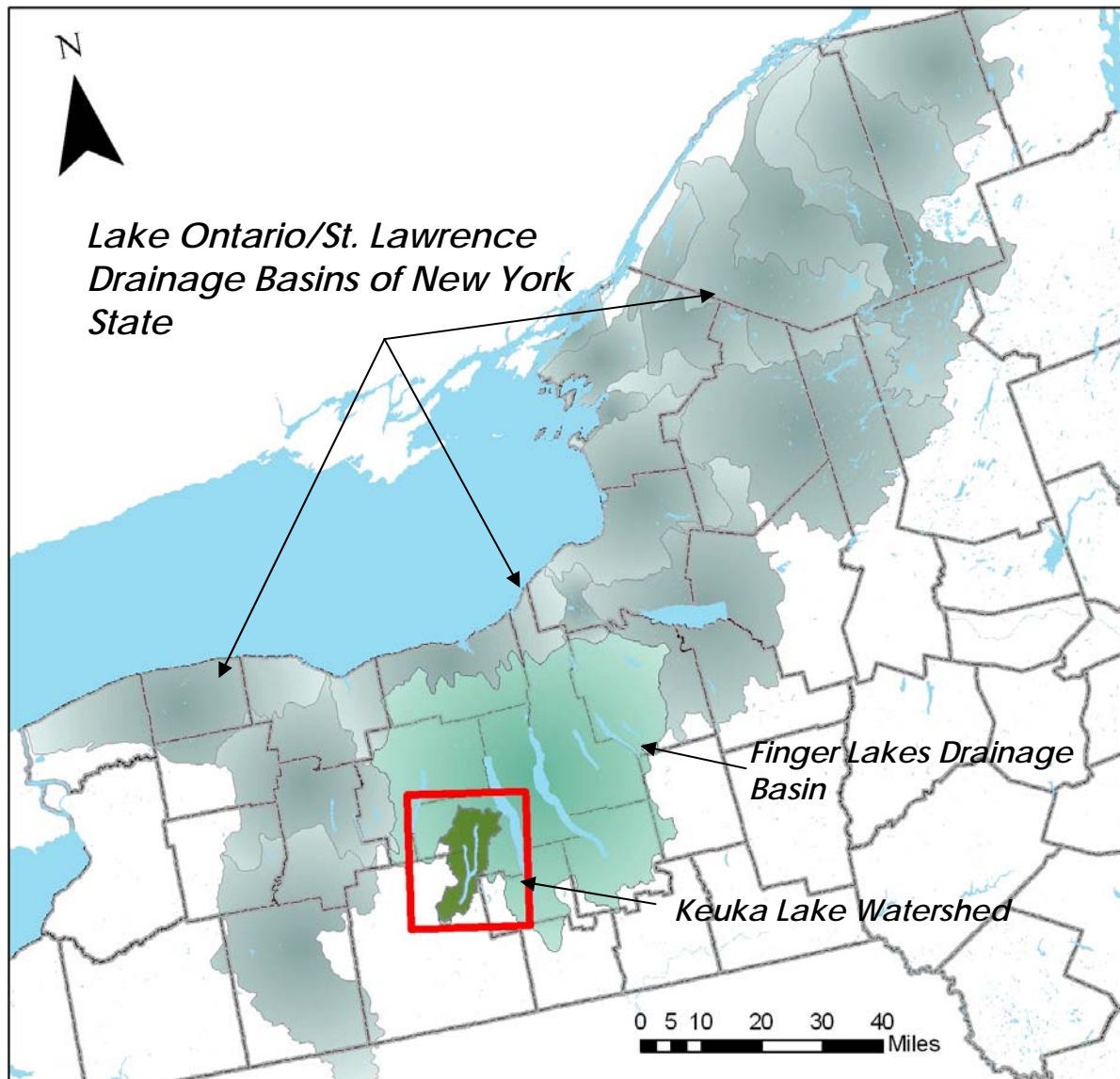
<sup>5</sup> Data taken from Table 5-1 the *Keuka Lake Looking Ahead – A Community Listens to the Lake* report. Page 5-18.

Map 2-1: General Overview of the Keuka Lake Watershed





**Map 2-2: Lake Ontario, Finger Lakes and Keuka Lake Watersheds in Perspective**



## 2.2: Cultural and Natural History

*Adapted from Chapter 5 of Keuka Lake Looking Ahead – A Community Listens to the Lake.*

The Keuka Lake watershed was settled by people almost as soon as the Ice Age ended, some 9,000 years ago. These first people supported themselves by hunting, fishing and gathering wild food. Archaeological remains from the vicinity of Lamoka Lake reveal their diet consisted of deer, turkey, passenger pigeon, bear, turtle, bullhead and the acorns from White oak trees.

Agriculture first appeared in the area nine hundred years ago with the Owasco people who brought the "Three Sisters" agriculture of interplanted corn, beans and squash. Early European explorers of the

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

Keuka Lake watershed encountered the Iroquois, a group who are thought to have arrived five hundred years ago. The Seneca tribe of Iroquois remained in the area until they were driven out by colonists following the Revolutionary War. The Seneca called the area "O-go-ya-ga", which translated as "the promontory" and probably referred to Bluff Point. Other sources claim that "Keuka" can be interpreted as "bent elbow".

In 1770, the area was almost completely covered with forest. The original forests were mainly sugar maple, beech, hickory, red and white oaks, tulip poplar and black walnut. On the higher hills and ridges, white pine was common. Chestnut, white ash, butternut and basswood grew on the drier sites. In the valleys, elm, black ash, willow, poplar, and soft maple were common. Hemlock and gray birch grew in more shaded areas such as gullies.

In 1787, a committee from Rhode Island representing Jemima Wilkinson, the "Public Universal Friend", visited the area between Seneca and Keuka Lakes looking for land for their sect's new home. They found several colonists the Senecas had permitted to reside in the area. The committee was pleased by what they saw, and within two years moved more than sixty families of Wilkinson's followers into the area. They purchased deeds to their land from Charles Williamson, the land company agent located in Bath who had great influence over the whole area. Williamson contributed the name "Esperanza" to Bluff Point. Wilkinson's followers began by erecting dams and mills on the Outlet and a second colony led by the Potter family built on Sugar Creek, north of the present site of Branchport.

In the early nineteenth century, there was strong competition for most favorable locations for production and trade. "Summersite", an alternative to early Penn Yan, grew up to the south of the Outlet along the lakeshore. In 1809, the first published reference to "Pen Yang" appeared in local papers. The name aptly represents the meeting of influences from Penn's colony to the south and from the Yankees moving in from the east.

The 1830s were important years for Penn Yan and the lake. Penn Yan incorporated as a village in 1833, and in the same year the Crooked Lake Canal, which paralleled the Outlet, opened. Agricultural produce of the area could be floated through the 28 locks of the canal to reach Seneca Lake and the Erie Canal system. In 1836, the first vineyards in the Keuka Lake watershed were planted by J. W. Prentiss of the Town of Pulteney. In 1837, the Keuka, the first steamboat, began hauling passengers and produce on Keuka Lake. Traffic on Keuka Lake moved both north and south. Produce destined for Penn Yan could be transferred to barges on the Crooked Lake Canal or to cars on the Fallbrook Railroad, which connected with the New York Central system.

Produce carried to Hammondsport would be hauled by teams through Pleasant Valley to Bath where it would be floated down the Cohocton River on rafts or, later, loaded onto the Lehigh Valley Railroad. The steamboats were crucial for moving agricultural produce to market, and after the Keuka, a series of steamships followed including: Steuben, George R. Young, Keuka, Yates, Lulu, Urbana, Farley Holmes, William L. Halsey, West Branch, Mary Bell, and the Cricket. Docks and piers were built in Penn Yan, Branchport and Hammondsport to move the produce from lake to land transport. Large icehouses at the ports stored ice cut from the lake used to cool shipments to distant markets. Several steamboats ran into the 1920s for tours and excursions, but automobiles and good roads replaced them for other purposes.

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

From 1840 until the turn of the century, the production of grapes, first for fresh eating and later for wineries, boomed. By 1900, more than 10,000 acres of vineyards producing 15,000 tons of grapes each year ringed Keuka Lake in a band a half a mile wide and 50 miles long. In 1861, Charles D. Champlin established the first winery of the area, the Pleasant Valley Wine Company. Others such as Taylor (1880) and Empire (1896) followed.

The height of agricultural production occurred before the turn-of-the-century. There has been a gradual decline in agriculture since then, with only about half as much land worked now (approximately 31,000 acres). Obviously the vineyards and wineries were severely hurt by Prohibition and the Depression.

At the same time that agriculture was declining, tourism and recreational uses of the lake were increasing. In the 1850s, the old Keuka steamboat grounded south of Penn Yan and was converted into The Ark, the first resort on the lake. In the 1870s, the first summer cottages were built on the lakeshore – some were accessible only by steamboat, others could be reached by roads or by the electric trolley running between Penn Yan and Branchport. The 1880s saw the growth of retirement homes on the lakeshore as well as the establishment of Keuka College, the Keuka Lake Sanitarium, and other spas. In 1885, electric power generated by the Outlet began lighting the Village of Penn Yan, and common usage had changed the name of the lake from "Crooked" to "Keuka".

In the 1890s, competing steamboat companies carried more sightseeing passengers and less freight, numerous nature-study camps were established, and Electric Park, an amusement park on the Bluff, began operation.

After the turn-of-the-century, several industries sprang up in the Keuka Lake Watershed: Curtiss Aircraft in Hammondsport (1910) and Penn Yan Boat (1921). Glenn Curtiss' 1908 flights in Red Wing and the June Bug were made from the ice of Keuka Lake. The success of automobiles and the growth of a modern road system changed the way Keuka's shore was developed. In 1938, NYS Route 54 was moved away from the eastern shore of the east branch to provide more room at the shoreline for residential development. Summer homes were constructed on the west sides of both northern branches, and several large tracts such as The Pines were subdivided.

Since the 1920s, much of the shoreline of the lake has been developed for cottages and second homes. Recent trends include development of steep or wet sites, conversion of summer homes to year-round use, demolition and rebuilding of structures, and development of woodland and lake-view parcels. The density of development and the existing utilities and services around the perimeter of the lake have resulted in an "urban corridor" surrounding the lake. The rate of development has been increased by the lake's proximity to urban centers and the availability of good highways. Development pressure on the land currently used for agriculture has increased. Fifty-four percent of the watershed land is covered with shrubs, early successional trees, and/or mature forests. Thirty-one percent of the watershed land is used for agriculture. Ten to fifteen percent of watershed land is between agricultural use and residential use, sold by farmers to developers who are waiting for market changes. Three to five percent of watershed and is used for residential, commercial and industrial purposes.

### **2.3: Climate**

*Adapted from Chapter 5 of Keuka Lake Looking Ahead – A Community Listens to the Lake.*

The climate of the Keuka Lake watershed is classified as humid continental with cool summers. The region is marked by a highly variable climate, with the possibility of rapid, frequent and extreme weather changes. The geographic location of the region contributes significantly to the unusual weather patterns affecting it. The center of the lake lies at 42 degrees, 39 minutes latitude and 77 degrees, 03 minutes longitude.

Mean annual temperature is 45.9 degrees F., ranging from 21.1 degrees F. for the month of February to 69.7 degrees F. for July. Average annual precipitation is 32 inches, with about 2/3 as rain and 1/3 as snow. There is a strong minimum of precipitation at mid-winter and a secondary minimum at mid-summer.

Air masses, having entered North America from the Pacific, travel eastward and are modified while crossing the western mountains, the Gulf of Mexico, the Atlantic Gulf Stream, Lake Erie and Lake Ontario. Any one of these sources of rain water can completely dominate a weather pattern at one time or another. The Finger Lakes do not influence weather patterns over the eastern United States but do affect the southern portions of this region.

Cool dry air usually arrives from the northwest, but occasionally it retrogrades from the northeast. Warmer and more humid air enters from the Gulf of Mexico, steered by the Sub-Tropical Jet. The Sub-Tropical Jet may rejuvenate remnant Pacific lows into powerful rain or snow and wind-makers, even tornadoes.

Mixing of cold polar air with warm tropical air develops a strong Polar Jet that reinforces the Sub-Tropical Jet. Together they aspirate new waves on the frontal surface. Stormtrack frontal cyclones, juvenile, mature and senescent, pass through at an average rate of two or three per week, more frequently in winter than in summer (Mooney, 1987).

### 2.4: Population, Economy and Governance

#### 2.4.i: Population

The chart on the following page illustrates population change between 1980 and 2000. It is important to note that the figures represent total populations of municipalities that lie within the Keuka Lake Watershed (not the population of individuals residing within the watershed). Information was obtained from the US Census Bureau for respective years.

**Table 2-2: Population Change, 1980 – 2000**

|                       | Total Population |        |        | Change (1980 – 2000) |         |
|-----------------------|------------------|--------|--------|----------------------|---------|
|                       | 1980             | 1990   | 2000   | Number               | %       |
| <b>Yates County</b>   | 21,459           | 22,810 | 24,621 | 3,162                | 14.74   |
| Barrington            | 1,091            | 1,195  | 1,396  | 305                  | 27.96   |
| Benton                | 1,981            | 2,380  | 2,640  | 659                  | 33.27   |
| Italy                 | 953              | 1,120  | 1,087  | 134                  | 14.06   |
| Jerusalem             | 3,908            | 3,784  | 4,525  | 617                  | 15.79   |
| Milo                  | 6,732            | 7,023  | 7,026  | 294                  | 4.37    |
| Potter                | 1,436            | 1,617  | 1,830  | 394                  | 27.44   |
| Penn Yan (Vil.)       | 5,242            | 5,248  | 5,219  | -23                  | -0.44   |
|                       |                  |        |        |                      |         |
| <b>Steuben County</b> | 99,217           | 99,088 | 98,726 | -491                 | -0.50%  |
| Bath                  | 12,268           | 12,724 | 12,097 | -171                 | -1.41%  |
| Pulteney              | 1,274            | 1,417  | 1,405  | 131                  | 9.32%   |
| Urbana                | 2,982            | 2,807  | 2,546  | -436                 | 17.12%  |
| Wayne                 | 1,066            | 1,029  | 1,165  | 99                   | 8.50%   |
| Wheeler               | 1,014            | 1,084  | 1,263  | 249                  | 19.71%  |
| Hammondsport (Vil.)   | 1,065            | 929    | 731    | 334                  | -45.69% |

#### 2.4.ii: Economy<sup>6</sup>

Yates County has developed a diverse economic base, with no single dominant sector. High-tech and the traditional local businesses continue to grow and expand, as does the tourism industry and agriculture. Employment opportunities in the public sector, such as education and local government also continue to be an important component of the local economy. Yates County is in the heart of the Finger Lakes and offers many natural amenities creating a high quality of life attraction.

Other amenities important for economic development are also present, such as significantly below market electric rates from the municipal utility in Penn Yan, an expanding general aviation airport, extensions of water and sewer infrastructure to new areas of the county, an abundance of fresh water,

<sup>6</sup> Information in Section 2.4.ii on Yates County economic conditions was adapted from Section 5.11 of the 2007 – 2008 *Comprehensive Economic Development Strategy*, a routine publication of G/FLRPC. Online at <http://gflrpc.org/ProgramAreas/EconomicDevelopment/CEDS.htm>. Information on Steuben County economic conditions was adapted from the *Regional Comprehensive Economic Development Strategy (2008 update)*, a publication of Southern Tier Central Regional Planning and Development Board. Online at <http://www.stcplanning.org/usr/2008CEDS.pdf>.

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

and the availability of a high speed fiber optic network through Time Warner Communications. Recent and planned improvements at the Yates County Airport, just south of Penn Yan, will create a more viable transportation alternative for the shipment of goods and will increase the airport's attractiveness for long-distance corporate travel.

The past several years have seen the continued development of a variety of retail, tourism and other commercial projects within Yates County. Many of these projects represent visible improvements in the gateways to Penn Yan and expanding investment in the area.

The appeal of the Finger Lakes region continues to drive tourism growth in Yates County. Tourism has developed as the leading economic engine for the county, bringing visitors and spending to the area. The 2005 opening of the Best Western Vineyard Inn & Suites in downtown Penn Yan has added much needed lodging and has already obtained occupancy rates well above predicted levels.

The upsurge in tourism activity in Yates County can be attributed in large part to the vitality and expansion of wineries along Keuka and Seneca Lakes. The tourism and hospitality industries are now considered the largest employment sector in Yates County, according to the New York State Department of Labor and account for an economic impact of \$27 million annually. The growth in tourism activity can also be attributed to the county's continued desirability as a destination for vacationers with second homes or cottages along all three of the Finger Lakes with shoreline in Yates County.

Recent development has witnessed over \$30 million of capital improvements in the winery industry, including new tasting rooms for Fulkerson Winery, Keuka Springs Winery and Rooster Hill Winery. With the addition of the Best Western Vineyard Inn, the Inn at Glenora and Esperanza Mansion, there are now 142 new hotel rooms in Yates County for overnight accommodations.

The county remains the second largest producer of grapes in New York State and has seen resurgence in other areas of agriculture as well. Yates County is the only county in New York which has had an increase in the overall number of farms in recent years. The dairy industry has been reinvigorated, and value-added agricultural products, as well as crops for the organic market, have seen rapid growth in the county. In addition, many visitors are attracted to the crafts and agricultural goods produced in the county, especially by the growing Mennonite population.

The availability of water and sewer service has been a limiting factor in Yates County for many years, until recently. In prior years, these public services were limited to village centers and nearby areas. This situation is changing and may provide significant opportunities for development in other areas of the county. In addition to many infrastructure expansions in recent years, a feasibility study has recently been completed to provide water along the Route 14 Corridor, adjacent to Seneca Lake. This area is a key component to the growing tourism industry, with many wineries, lodging and other commercial businesses.

All of these infrastructure projects will provide needed services to existing residents, businesses and others, as well as provide for future development. They also play an important role in the protection of the Keuka and Seneca Lake watershed areas from pressures created by increased development.

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

The county's economic development strategy will be to promote and assist in the review of municipal plans and development policies in order to foster future development and protect the quality of life of the area.

The development of the Penn Yan waterfront area will be a major public/private initiative for the community in the future. The creation of a suitable development plan is a primary objective of an inter-municipal task force created in 2006. This Waterfront Revitalization Committee has completed an RFP process and selected a consultant to lead the effort.

The Yates County Industrial Development Agency, in cooperation with several local municipalities and the Economic Development Administration, has recently completed the development of an 85-acre industrial park in Penn Yan. Horizon Business Park is the county's third business park and was necessitated by the lack of available industrial space in the county. The Park is zoned "Planned Business", and with its frontage along Route 14A, will allow commercial development at the entrance to the park in addition to a mixture of manufacturing and business service uses inside the park's campus.

Currently, there are approximately twenty-five acres remaining for development in Horizon Business Park. In late 2006, CASP, LLC, a specialty food packaging firm, announced a major expansion project to their existing facility. Additional assistance may soon be required to improve access to the Park with the addition of turning lanes and a traffic control device. The county is working with the Industrial Access Phase II program to improve access to the business park.

Yates County IDA has also assisted in a \$42 million pollution control upgrade project at AES Greenidge, a coal burning electrical generation facility located in the Village of Dresden. Several other projects begun in 2006 are scheduled for completion during 2007, including a project in conjunction with Keuka College and NYSERDA and capital improvements to the Keuka Business Park, in an effort to attract additional tenants to help offset the loss of one of the park's main tenants. Additionally, all available lots at the Penn Yan Industrial Park have been sold.

Economic conditions among the Keuka Lake Watershed municipalities in Steuben County are very similar to those found in Yates County. The Southern Tier Central Region is located at the southerly end of New York State's Finger Lakes Region, an area that has long enjoyed a reputation as a major tourist destination. The uniqueness of this area largely stems from its natural resources and its spectacular waters resources. Watkins Glen, Montour Falls, and Hammondsport are three areas utilizing natural waters for the benefit of residents, businesses, and tourists. As a result, the tourism industry has become, over the past 20 years, an increasingly important economic factor in the region for both job creation and generation of taxable sales.

Although much of the population of this portion of the Keuka Lake Watershed is located within the villages, many of the area's residents prefer a rural setting. The area has benefited from Mercury Aircraft's purchase of the former Taylor Wine site. Mercury Aircraft has relocated portions of its operations to this site in Hammondsport and the company has more than 400 manufacturing employees. In addition, Pleasant Valley Wine has initiated operations at the site and has reopened the former Taylor Wine Visitors Center, which is an asset to the region's tourism industry.

## Keuka Lake Watershed Land Use Planning Guide

### *An Intermunicipal Action Strategy*

**Table 2-3: Yates County Economic Development Priorities**

*Identified in the 2007 – 2008 Comprehensive Economic Development Strategy*

| Proposed Project  | Lead Agency on project | Total Funding and Sources                           |
|---|------------------------|---|
| Waterfront Redevelopment of Former Penn Yan Marine Facility | Yates County IDA       | \$20,000,000<br>EPA, DEC, County                    |
| Upgrade Himrod Water District & Ext. #1, Milo               | Yates County IDA       | \$2,850,000<br>NYS EFC DWSRF, Local                 |
| Dundee Waste Water Treatment Plant Upgrades                 | Yates County IDA       | \$2,000,000<br>NYS EFC CWSRF, NYS Small Cities, EDA |
| Yates County Airport Taxiway and Runway Expansion           | Yates County IDA       | \$4,000,000<br>FAA, NYS, County                     |
| Branchport/West Bluff Drive Sewer District , Jerusalem      | Yates County IDA       | \$7,175,000<br>NYS EFC CWSRF                        |
| Torrey Water District #1 , Torrey                           | Yates County IDA       | \$4,000,000<br>NYS EFC DWSRF, USDA, EDA, Local      |
| Route 14 Eastern Corridor Water District                    | Yates County IDA       | \$15,700,000<br>EDA, USDA, EFC, NYS Small Cities    |

As in Yates County, agriculture and tourism comprise significant shares of the local economy in Steuben County. While the actual number of farm operations decreased slightly between 1997 and 2002, land in farms and the average size of farms both increased during this same time period. *Market value of production* increased 3 % from \$82,380,000 in 1997 to 84,804,000 in 2002 while *market value of production average per farm* increased 14% from \$54,233 in 1997 to \$56,498 in 2002.

While the harvesting of forest products and manufacture of wood products represents an important segment of the local rural economy, the region's forest resources contribute to the overall economy as well, and in significant terms. They provide much of the ambience which supports the tourism industry; control soil-moisture relationships essential for agriculture and watershed protection; and provide recreational opportunities for residents and visitors alike.

**Table 2-4: Selected Steuben County Economic Development Priorities**

*Identified in the Regional Comprehensive Economic Development Strategy (2008 update)*

| Municipality            | Identified Priorities  |
|-------------------------|--|
| Village of Hammondsport | Extension of water to the Bully Hill and Heron Hill wineries |
| Town of Pulteney        | Water infrastructure project                                 |
| Town of Wayne           | Water and/or sewer   |



#### **2.4.iii: Governance<sup>7</sup>**

The first State Constitution, which became effective in 1777, recognized counties, towns and cities as the only units of local government. The village emerged as a fourth unit of local government in the 1790s through a series of legislative enactments granting recognition and powers to certain hamlets (p 2).

The functions of local governments reflect not only the history and beliefs of the people, but also their interests, how they go about the business of conducting their lives and the characteristics of their physical environment (p 3).

Local government in New York State comprises counties, cities, towns and villages, which are corporate entities known as municipal corporations. These units of local government provide most local governmental services... New York has many local governmental entities that possess the power to perform services in designated geographical areas. While all of these entities fall within the broad definition of “public corporation,” only a very small percentage of them are “general purpose” local governments – counties, cities, towns and villages – which have broad legislative powers as well as the power to tax and incur debt.

While New York has long had counties, towns, villages and cities, their powers have increased greatly in the last century. Originally, each individual local government was created by a special act of the State Legislature. Each act created the corporate entity, identified the geographical area that would be served by the entity and granted powers and duties. Over time, the State Legislature adopted general laws to govern the nature and extent of local governments’ powers: the Town Law, Village Law, General City Law and the County Law. These general laws still apply, and now are augmented by the overriding constitutional guarantee of “home rule.”

A local government’s power is primarily exercised by its legislative body. The general composition of legislative bodies for counties, cities, towns and villages is discussed in the individual chapters addressing each particular form of government. The New York State Constitution, however, guarantees and requires that each county, city, town and village have a legislative body elected by the people of the respective governments. Local legislative bodies are granted broad powers to adopt local laws in order to carry out their governmental responsibilities (p 29).

#### **Local Laws and Ordinances**

Local legislative enactments must be considered in order to fully define the power and authority of a local government. City and county charters originally were adopted by a special act of the State Legislature when a city or county was created. These charters created the municipal corporation and, importantly, directed its organization, and responsibilities, and accorded its powers. The Municipal Home Rule Law, pursuant to constitutional direction, authorizes cities to amend their charters and counties to adopt or amend charters by charter local law. Charters of charter local governments must be consulted in order to ascertain the nature and extent of any power held by that government.

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<sup>7</sup> This section has been adapted in its entirety from the *New York State Local Government Handbook*, a publication of the New York State Department of State. Page numbers of excerpts have been referenced parenthetically at the end of each section. Available online at <http://www.dos.state.ny.us/lgss/pdfs/Handbook.pdf>.

Once a local government adopts an ordinance or local law, the government is bound by such legislative enactment until it is amended or repealed. Since local laws may direct that a local government's power be exercised in a certain manner, and, in some instances, may supersede state law...the local government's local laws and ordinances must be consulted in order to fully define its powers.

#### **Administrative Rulings and Regulations**

Local government powers also may be expanded, restricted or qualified by the rules and regulations of state agencies. These rules and regulations are usually adopted as part of the implementation of a state program having local impact or application. Thus, it is advisable to review state regulations on a particular subject in order to ascertain the extent of local authorization in undertaking a particular activity or program.

An example is the promulgation of a local sanitary or health code. While a local government may promulgate such a code, it must first ascertain what areas of regulation have been covered by the State Sanitary Code. The State Sanitary Code and other rules and regulations appear in the Official Compilation of Codes, Rules and Regulations of the State of New York, which is published and continually updated at the direction of the Secretary of State.

#### **Home Rule and Its Limitations**

What "home rule" means depends upon the context in which it is used. Home rule in a broad sense describes those governmental functions and activities traditionally reserved to or performed by local governments without undue infringement by the state. In its more technical sense, home rule refers to the constitutional and statutory powers given local governments to enact local legislation in order to carry out and discharge their duties and responsibilities. This affirmative grant of power is accompanied by a restriction upon the authority of the State Legislature to enact special laws affecting a local government's property, affairs or government (p 34).

#### **Forms of Local Legislation**

Local legislation may take the form of local laws, ordinances and resolutions. A local law is the highest form of local legislation, since the power to enact a local law is granted to local governments by the State Constitution. In this respect, a local law has the same quality as an act of the State Legislature, since they both are exercises of legislative power accorded representative bodies elected by the people. Indicative of this is the fact that acts of the State Legislature and local laws are both filed with the Secretary of State, the traditional record keeper for State government.

An ordinance is an act of local legislation on a subject specifically delegated to local governments by the State Legislature. Counties do not ordinarily possess ordinance powers and the power of villages to adopt ordinances was eliminated in 1974. A resolution is a means by which a governing body or other board expresses itself or takes a particular action. Unlike local laws and ordinances, which can be used to adopt regulatory measures, resolutions generally cannot be used to adopt regulatory measures. Exceptions exist to this rule, however, as authorized by the State Legislature. For example, section 153 of the County Law provides that a power vested in a county may be exercised by local law or resolution (p 35).

#### **Towns and Villages**

Towns and cities encompass all the lands within the state, except Indian reservations, which enjoy special legal status. Courts have determined that towns are true municipal corporations. The flight of city dwellers to the suburbs, which began as early as the second decade of the twentieth century, resulted in a continuous, almost geometric growth in town population. From 1950 to 1990, the population living in towns in New York State increased by 110 percent, while the population of cities decreased by 20 percent (excluding New York City). While the past two decades have seen a significant slowdown in this shift, an increasing proportion of the total outward migration during this time period has settled in more rural (as opposed to suburban) towns. New town-dwellers, whether suburban or rural, have demanded many of the services they had been accustomed to in the cities – water, sewage disposal, refuse collection, street lighting, recreational facilities and many more. Since suburban development in many cases was formless and without identifiable business centers, village incorporation often proved problematic. The suburban challenge has fallen upon town government, a challenge to develop services where needed without losing the traditional role as the most local of local governments (p 60).

A village is often referred to as “incorporated.” Legally cities, towns, villages and counties are all “incorporated.” Hence, there are no “unincorporated villages” in New York State. The vernacular “incorporated village” likely came to be used because villages are areas within towns for which an additional municipal corporation has been formed (p 67). In the first 40 years of the twentieth century, as people moved from cities into the suburbs, more than 160 villages were incorporated under the Village Law. The rapid growth of towns in suburban areas in the late 1930’s and following World War II emphasized the need for alternatives to villages. To provide services, suburban areas made increasing use of the town special district. This had a profound effect on the growth of villages. Although more than 160 villages were formed from 1900 to 1940, only 31 new villages have appeared over the succeeding 66 years, and 24 have dissolved during that period (p 68).



## CHAPTER 3: CURRENT CONDITIONS

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

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

### 3.1: Steep Slopes

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

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

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

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

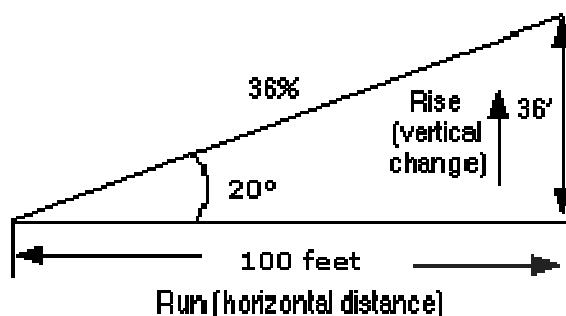
These development pressures – larger, year-round homes located on challenging sites, with owners wealthy enough to utilize non-standard building and engineering practices – have led to concerns among citizens and elected leaders alike. Increased construction on challenging sites such as steep slopes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

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

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

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

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



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

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

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

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

- The Town of Jerusalem's Comprehensive Plan identifies steep slopes in the Town that should be protected from poorly considered development. Specific slopes identified for protection include: slopes on Bluff Point, hills adjacent to Route 54A between Penn Yan and Keuka Lake State Park, the hills along the sides of Guyanoga Valley, and the ravines leading to Keuka Lake and Guyanoga Valley. The Plan also recommends developing regulations to oversee development in steep slope areas<sup>8</sup>
- The Town of Milo's Comprehensive Plan, which is currently under revision, contains no commentary on steep slopes. However, the Plan recommends preserving some of the slopes overlooking Keuka and Seneca Lakes for grape growing.<sup>9</sup>
- The Town of Barrington's Comprehensive Plan recommends that the Town protect steep slopes overlooking Keuka Lake from poorly designed development, and also that the Town work to retain as many of the trees on these slopes as possible. A map showing steep slope areas is included as Map 6 in an appendix.<sup>10</sup>
- The Village of Penn Yan's Comprehensive Plan includes some good commentary on steep slopes, mainly on the dangers of building on slopes that are steep, rocky, or have shallow depth to bedrock. A map showing environmental features, including steep slopes, is included as Figure 2-8.<sup>11</sup>
- The Town of Urbana/Village of Hammondsport Joint Comprehensive Plan includes commentary on steep slopes, including problems faced when building on them, and a table that breaks down slopes by percentage and what the concerns are when developing them.<sup>12</sup>
- The Town of Wayne's Comprehensive Plan does not include any extensive commentary on steep slope issues, but it does have a breakdown of slope percentages into three categories and includes broad suggestions as to what the best uses of land on those slopes are.<sup>13</sup>
- The Town of Pulteney's Comprehensive Plan does not include any commentary on steep slopes.

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

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

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

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

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

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

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

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

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

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

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

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

### **3.2: Working Agriculture Protection and Enhancement**

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

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



## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

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

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

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

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<sup>14</sup> For additional information on the benefits of farmland preservation, please consult the American Farmland Trust's *Guide to Local Planning for Agriculture in New York*, available from the New York State Department of Agriculture and Markets or the American Farmland Trust at [www.farmland.org](http://www.farmland.org)

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

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

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

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

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

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

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

### 3.3: Regional Resources

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

#### **1. The Keuka Watershed Improvement Cooperative (KWIC)**

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

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

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

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

## **2. The Keuka Lake Uniform Docking and Mooring Law**

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

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

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

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

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

<sup>22</sup> *Keuka Lake Uniform Docking and Mooring Law*, Section 2: Purpose.

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

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

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

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

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

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

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

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

### 3.4: Keuka Lake Water Quality

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

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

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

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

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

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<sup>27</sup> *Uniform Wastewater Management Regulations*, Section I: Purpose.

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

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

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

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

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

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

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

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

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

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

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

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

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

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

### **3.5: “Sustainable” Development**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

### **3.6: Focusing New Growth in Village/Hamlet Areas**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## CHAPTER 4: WATERSHED VISION, GOALS AND OBJECTIVES

### **Keuka Lake Watershed Vision Statement**

To provide Keuka Lake Municipalities with a Watershed Land Use Planning Guide that represents a cooperative Lake Community effort promoting environmental stewardship and open space land use practices. Guide content will encourage all municipalities toward actions representative of “smart development” and preservation of the areas’ much desired “rural character.”

Chapter 4 summarizes the land use policies that the Keuka Lake Land Use Working Committee encourages the municipalities around the watershed to implement. The “Goal Statements” are statements of the basic approach to a specific topic. Each goal statement is backed by a series of “Actions,” which are the specific policies that the Watershed municipalities can follow to realize the goal statements.

Chapter 5 addresses each one of the six key issues identified in Chapters 3 and 4. This chapter describes what the Working Committee sees as the best approach for the municipalities around Keuka Lake to take toward a specific issue.

### 4.1: Steep Slopes

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

**Action 4.1.A:** Revise municipal comprehensive plans to include commentary on steep slope development issues.

**Action 4.1.B:** Consider adopting a municipal steep slope development law.

**Action 4.1.C:** Include steep slope development safeguards in municipal subdivision regulations.

**Action 4.1.D:** Include steep slope development safeguards in municipal Site Plan Review regulations.

**Action 4.1.E:** Produce educational materials about steep slope development issues for the public.

### 4.2: Working Agriculture Protection and Enhancement

**Goal Statement: Create land use policies and zoning regulations that support the economic viability of agriculture.<sup>49</sup>**

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<sup>49</sup> In the general sense, the term “agriculture” may be understood to include (but not necessarily limited to) activities such as viticulture and horticulture; the production of farm, fruit, and dairy products; aquaculture; and the production, processing, transportation, storage, marketing and distribution of food. Agricultural pursuits are further defined under Sec. 301 of NYS Agriculture and Markets Law.

**Action 4.2.A:** Encourage new development that is compatible with agriculture.

**Action 4.2.B:** Preserve high quality and unique agricultural and viticultural areas by guiding non-agricultural development into other areas of the Watershed.

**Action 4.2.C:** Explore ways to advertise agriculture lands in the watershed that are up for sale across the country, perhaps through some sort of “Agriculture Development Agency.”

**Action 4.2.D:** Encourage farmers to participate in New York State’s Agricultural Environmental Management (AEM) program.

**Action 4.2.E:** Encourage farmers to participate in New York State’s Conservation Reserve Enhancement Program (CREP).

**Action 4.2.F:** Publicize information about farm and viticulture operations to non-farm residents.

**Action 4.2.G:** Publicize information about agricultural conservation easements to local landowners.

**Action 4.2.H:** Research and support Purchase of Development Rights (PDR) programs for local farmers.

### 4.3: Regional Resources

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

**Action 4.3.A:** Hold an annual watershed-wide “conference” among local officials and board members to discuss land use issues, trade information, network, review the current status of major development projects, and serve as a “clearing house” of information about land use issues in the watershed.

**Action 4.3.B:** Create a directory of resources that are common to the municipalities that will encourage greater intermunicipal coordination.

**Action 4.3.C:** Support compatible land use plans/regulations for all municipalities in the Keuka Lake watershed.

**Action 4.3.D:** Keep all land use plans and regulations up-to-date.

**Action 4.3.E:** Publicize land use training programs for municipal staff and board members.

**Action 4.3.F:** Work with Yates and Steuben County planning departments to assess the impacts of proposed developments.

**Action 4.3.G:** Submit proposed development projects to County Soil and Water Conservation Districts for review.

**Action 4.3.H:** Improve coordination with State agencies, such as New York State Department of Environmental Conservation (NYS DEC); the New York State Department of Transportation (NYS DOT); and the New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP).

**Action 4.3.I:** Identify locations throughout the Keuka Lake Watershed that may be suitable for Critical Environmental Area (CEA) designation and work with appropriate agencies and land owners in an effort to evaluate the need to designate such areas.

**Action 4.3.J:** Support sustainable forest management on public and private lands throughout the watershed.

**Action 4.3.K:** Encourage local planning and development practices that address biodiversity conservation.

### 4.4: Keuka Lake Water Quality

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

**Action 4.4.A:** All municipalities should continue to support the Keuka Lake Association (KLA), the Keuka Watershed Improvement Cooperative (KWIC), and the Keuka Lake Outlet Compact (KLOC).

**Action 4.4.B:** Support the environmental stewardship objectives of the Great Lakes Basin Compact.

**Action 4.4.C:** Continue to monitor the health of Keuka Lake.

**Action 4.4.D:** Support efforts that minimize invasive and exotic animal and fish species/non-native plants.

**Action 4.4.E:** Protect watercourses by requiring setbacks from streams and gullies that feed into the lake.

**Action 4.4.F:** Reduce the use of pesticides and fertilizers on private yards, farm fields, and vineyards.

**Action 4.4.G:** Support ongoing public education/outreach programs about lake water quality.

**Action 4.4.H:** Develop a series of educational publications (brochures/flyers/pamphlets) about water quality for the public.

**Action 4.4.I:** Publicize the availability of the revised *Keuka Lake Book*, which includes Best Management Practices (BMP) for homeowners in the watershed.

## 4.5: “Sustainable” Development

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

**Action 4.5.A:** Enact municipal stormwater management regulations to reduce stormwater runoff.

**Action 4.5.B:** Continue to promote effective municipal and private wastewater management practices through the KWIC.

**Action 4.5.C:** Promote sustainable agriculture and viticulture.

**Action 4.5.D:** Consider the location of existing and proposed roadways and roadway access (driveways) when reviewing and permitting new development.

**Action 4.5.E:** Protect significant viewsheds from insensitive development.

**Action 4.5.F:** Revise local codes to encourage the use of “Green Building” techniques.

**Action 4.5.G:** Include environmental considerations as a component of Subdivision approvals.

**Action 4.5.H:** Include environmental considerations as a component of Site Plan approvals.

**Action 4.5.I:** Require an assessment of water supply and treatment capabilities as a component of municipal review of proposed development projects.

**Action 4.5.J:** Develop a series of educational publications (brochures/flyers/pamphlets) about sustainable development issues for the public.

## 4.6: Focusing New Growth in Village/Hamlet Areas

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

**Action 4.6.A:** Use Comprehensive Plans to recommend that new development be focused within hamlet areas.

**Action 4.6.B:** Include hamlet zoning districts within municipal Zoning laws.

**Action 4.6.C:** Include provisions in Subdivision laws that, in designated locations, support the creation of small building lots for hamlet developments.

**Action 4.6.D:** Include provisions in Site Plan Review laws that, in designated locations, support the development of street and pedestrian-oriented buildings.



**Action 4.6.E:** Focus public investments such as roads, utilities, and community facilities into designated hamlet areas.

**Action 4.6.F:** Encourage the use of “Cluster Development” practices in rural areas.

**Action 4.6.G:** Encourage local planning and development practices that address biodiversity conservation.



### CHAPTER 5: POTENTIAL SOLUTIONS

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

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

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

#### 5.1: Steep Slopes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.2: Working Agriculture Protection and Enhancement

**Goal Statement:** Create land use policies and zoning regulations that support the economic viability of agriculture.<sup>50</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*For more AEM information in Yates County, contact Tom Eskildsen, SWCD, 315-536-5188*

*For information on Sustainable Viticulture plans, contact Jamie Hawk, CCE, 315-536-5123*

*For more AEM information in Steuben County, Jeff Parker, SWCD, 607-776-7398 x3*

*For grazing plans for livestock farms, Nancy Glazier, CCE, 607-536-5123*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.3: Regional Resources

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Action 5.3.K:** Encourage local planning and development practices that address biodiversity conservation.

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

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

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

#### 5.4: Keuka Lake Water Quality

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.5: “Sustainable” Development

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

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

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

Impervious surfaces such as roofs, roads, driveways, and parking lots can be regulated by a municipality through its local laws and regulations. Once water runs off of private property, it tends to become the problem of the municipality. Poorly designed or maintained public drainage infrastructure, such as ditches, can cause erosion, which leads to sedimentation of waterways. Not only a significant cause of non-point source pollution, sedimentation can increase costs for municipalities in terms of ditch and storm drain cleaning. There are many ways the municipality can improve the construction, operation and maintenance of this drainage infrastructure, which in turn leads to less damage to both private and public (roads, bridges, etc) property and improved water quality in local and regional streams and lakes.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.6: Focusing New Growth in Village/Hamlet Areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## CHAPTER 6: IMPLEMENTATION STRATEGY AND UPDATE PROCESS

### 6.1: Implementation Strategy

This Implementation Strategy is intended to outline the actions that will be necessary in order for the municipalities of the Keuka Lake watershed to realize the potential of the vision, goals and potential solutions outlined in this document.

The actions identified in the Implementation Strategy chart below include recommendations for:

1. Education and outreach targeted toward municipal governing boards;
2. Encouraging municipal acknowledgement and ownership of the vision, goals and potential solutions outlined herein;
3. Identification/formation of a regional cooperative framework or organizational structure to oversee this Guide's general use, progress and implementation;
4. Establishment of a system for continued progress evaluation;
5. Fostering citizen engagement in the iterative land use planning process; and
6. Organization of a regular regional symposium to discuss issues common among all municipalities and to review overall successes and failures.

*Table 6-1: Keuka Lake Watershed Land Use Planning Guide Implementation Strategy*

| Potential Actions  | Responsible Parties   | Resources   | General Time Frames               |
|--|---|---|-----------------------------------|
| <p><b>1. Education and Outreach</b></p> <p>Education and outreach to each municipal governing board explaining: (a) the Land Use Planning Guide; (b) the process used to gather information and establish the Keuka Lake Watershed vision; (c) progress to date; and (d) possible next steps toward strategic implementation of Goals and Objectives.</p> <p>Establish a schedule of meetings in December of 2008. Create a presentation. Solicit a mix of local volunteers, stakeholders, and professionals to engage the boards. Establish a clear set of quantifiable expectations that the Land Use Planning Guide Committee has of the municipalities. Determine a means of measuring the success of the engagement process and a method that can gauge local interest.</p> | <p><b>Responsible Parties</b></p> <ul style="list-style-type: none"> <li>• <b>Local Level involvement is critical</b> and can be gauged as follows:</li> </ul> <p><b>Level 1</b>-individual municipal actions and use of Guide resources initiated</p> <p><b>Level 2</b>- sign agreement for greater inter-municipal cooperation and coordination</p> <p><b>Level 3</b>-appoint representatives from your municipality to work w/ others to continue land use initiatives (i.e., Annual Watershed Summit)</p> <ul style="list-style-type: none"> <li>• Keuka Lake Land Use Planning Guide Committee</li> <li>• KWIC</li> <li>• KLA</li> <li>• CCE</li> <li>• Regional Council(s)</li> </ul> | <p><b>Key Partners</b></p> <ul style="list-style-type: none"> <li>• County Planning/Coun ty Gov't</li> <li>• SWCDs</li> <li>• Other state/federal agencies (USDA, NYSDOS, etc)</li> </ul> | <p><b>Ongoing/Near – term</b></p> |

## Keuka Lake Watershed Land Use Planning Guide

### *An Intermunicipal Action Strategy*

| Potential Actions  | Responsible Parties   | Resources   | General Time Frames               |
|--|---|---|-----------------------------------|
| <p><b>2. Local Champions/Local Ownership</b></p> <p>Establish at least one elected official from each municipality to act as a liaison between Keuka Lake issues and the local governing body. Liaison can be in charge of relaying local concerns to a Keuka Lake regional representatives as well as reporting regional issues back to local decision-making boards.</p>   | <p><b><u>Responsible Parties</u></b></p> <ul style="list-style-type: none"> <li>Local leaders/champions</li> <li>Local governing and other decision-making boards</li> </ul>    | <p><b><u>Key Partners</u></b></p> <ul style="list-style-type: none"> <li>County Planning Boards</li> <li>County Legislature</li> </ul>  | <p><b>Ongoing/Near term</b></p>   |
| <p><b>3. Organizational Structure</b></p> <p>Establish a cooperative regional organizational framework, or build upon an existing framework, to guide the implementation and update process. This organizational framework can take a variety of forms:</p> <ul style="list-style-type: none"> <li>Subcommittee of an existing group</li> <li>Task force of an existing group (similar to above)</li> <li>Independent advocacy group or alliance</li> </ul> <p>Members should act as the working oversight committee responsible for the implementation and update of the Land Use Planning Guide.</p>   | <p><b><u>Responsible Parties</u></b></p> <ul style="list-style-type: none"> <li>Keuka Lake Land Use Planning Guide Committee</li> <li>KWIC</li> <li>KLA</li> <li>CCE</li> </ul> | <p><b><u>Key Partners</u></b></p> <ul style="list-style-type: none"> <li>County Planning/Coun ty Gov't</li> <li>SWCDs</li> <li>Other state/federal agencies (USDA, NYSDOS, etc)</li> <li>Regional Council(s)</li> </ul>   | <p><b>Near-term/ Mid-term</b></p> |
| <p><b>4. You can't manage what you can't measure.</b></p> <p>Establish a reporting method for measuring implementation progress both within each municipality and across the watershed. This reporting method should also consider the priority of various issues. Reporting method can most likely take the form of a matrix (or checklist) that identifies local methods that address the Potential Solutions outlined in Chapter 5 (although exploration of other methods is encouraged).</p> <p>Indicators such as the passage of specific local laws or other implementation methods should be identified within the matrix. The matrix should also measure the perceived</p> | <p><b><u>Responsible Parties</u></b></p> <ul style="list-style-type: none"> <li>Keuka Lake Land Use Planning Guide Committee</li> <li>Local Champions/designees</li> </ul>      | <p><b><u>Resources</u></b></p> <ul style="list-style-type: none"> <li>The local law gap analysis developed in conjunction with this report</li> <li>Appendices of this report</li> <li>Conesus Lake "Report Card"</li> <li>Other prioritization methods used locally</li> </ul> | <p><b>Mid-term</b></p>            |



## Keuka Lake Watershed Land Use Planning Guide

### *An Intermunicipal Action Strategy*

| Potential Actions   | Responsible Parties  | Resources  | General Time Frames                 |
|---|--|--|-------------------------------------|
| <p>success of various types of implementation methods (ie. “Smith-town’s subdivision law works great, but the erosion and sediment control law needs improvement...”).</p> <p>Such a matrix can act as the “work plan” for implementation, prioritization and measurement of progress over time.</p>  |  |  |                                     |
| <p><b>5. Consider the Need for Citizen/Property Owner Engagement<sup>59</sup></b></p> <ul style="list-style-type: none"> <li>Who do you want or need to be involved?</li> <li>How do you want them to be involved (directly or indirectly)?</li> <li>Are there existing groups that should be engaged and leveraged?</li> <li>How can you create long-term partnerships that will assist the implementation and education/outreach processes?</li> <li>What tools will you use to engage them? <ul style="list-style-type: none"> <li>Surveys?</li> <li>Key contact interviews?</li> <li>Group focus meetings?</li> <li>Public Hearings?</li> <li>Conferences?</li> </ul> </li> </ul> | <p><b><u>Responsible Parties</u></b></p> <ul style="list-style-type: none"> <li>Keuka Lake Land Use Planning Guide Committee</li> <li>Local Champions/designees</li> </ul>   | <p><b><u>Resources</u></b></p> <ul style="list-style-type: none"> <li><b>Land Use Leadership Alliance participants</b></li> <li>KWIC</li> <li>KLA</li> <li>CCE</li> <li>Regional Council(s)</li> </ul> | <p><b>Mid-term to long term</b></p> |
| <p><b>6. Come Together...</b></p> <p>Organize a regional summit of local leaders and citizens that focuses on common issues and concerns among municipalities in the Keuka Lake watershed; attempt to establish and/or re-affirm issues common among all municipalities. Focus and build upon primary goals outlined in the Land Use Planning Guide and other local documents or laws. Utilize the time and effort among participants to work in possible updates to the Guide .</p> <p>Celebrate successes, acknowledge failures, and focus on making progress.</p>  | <p><b><u>Responsible Parties</u></b></p> <ul style="list-style-type: none"> <li>Keuka Lake Land Use Planning Guide Committee</li> <li>Local Champions/Designees</li> <li>Municipal leadership needs to be involved/encouraged to attend</li> </ul> | <p><b><u>Resources</u></b></p> <ul style="list-style-type: none"> <li>KWIC</li> <li>KLA</li> <li>CCE</li> <li>Regional Council(s)</li> </ul>   | <p><b>Every 2-3 Years?</b></p>      |

<sup>59</sup> Developing Effective Citizen Management: A How-to Guide for Community Leaders.  
[http://www.ruralpa.org/effective\\_citizen\\_engagement.pdf](http://www.ruralpa.org/effective_citizen_engagement.pdf)

### 6.2: Update Process

The long-term Guide update process is rather straight-forward, relying on a standard iterative, self-evaluation regimen:

- *Establishment of Land Use Planning Guide Vision and Goals* *Year 1*
- *Local-Level Implementation* *Years 2-5*
- *Measurement/Evaluation of Implementation Success* *Years 3-5*
- *Public Input* *Years 3-5*
- *Revision of Land Use Planning Guide Vision and Goals* *Year 5*
- *Implementation* *Year 6*
- *(repeat above)*

# Appendices



## Appendix A: Resolution in Support of the Keuka Lake Watershed Land Use Planning Guide

**The following resolution was passed by each of the following municipalities in early 2009:  
Towns of Barrington, Jerusalem, Milo, Pulteney, Urbana, and Wayne; the Villages of  
Hammondsport and Penn Yan.**

### RESOLUTION IN SUPPORT OF THE KEUKA LAKE WATERSHED LAND USE PLANNING GUIDE

The Keuka Lake Watershed Land Use Management Guide was established by the inter-municipal work and commitment of the 6 towns and 2 villages surrounding Keuka Lake, through their participation in the Keuka Lake Land Use Leadership Alliance Training Program (LULA). This program is offered through the Land Use Law Center at Pace University with the assistance of the Genesee Finger Lakes Regional Planning Council, Cornell Cooperative Extension and through the benefit of the State of New York and the Keuka Lake Association. As representatives of the Keuka Lake LULA participants and town representatives we respectfully issue a call for inter-municipal Cooperation.

#### **TOWN/VILLAGE of \_\_\_\_\_ Resolution of the Legislative Body**

WHEREAS, we are in agreement with the spirit and goals of this project, and acknowledge the importance, value and integrity of Keuka Lake and its watershed area and our reliance on its natural resources, and

WHEREAS, we recognize and accept our responsibility to care for, preserve and protect the resources of the Keuka Lake watershed and surrounding area for the use and enjoyment of present and future generations; and

WHEREAS, we realize that inaction and lack of proper stewardship can damage and diminish the value of Keuka Lake watershed resources; and

WHEREAS, comprehensive planning, land use regulation and the review and approval of land development proposals are among the most important functions of local governments in the State of New York; and

WHEREAS, members of local administrative boards such as the planning board, zoning board of appeals and conservation advisory boards consider and dispose of many important applications for permits, variances and interpretations of local land use regulations; and

WHEREAS, local legislative bodies are authorized to use their delegated authority under state law to adopt a wide variety of land use regulations, controls and incentives to provide for the balanced and harmonious development of the community; and

WHEREAS, knowledge of the authority of local governments regarding land use control and responsible decision-making regarding these matters is important to the quality of life and future success of the communities; and

WHEREAS, we wish to associate and coordinate our activities in such a way as to have the beneficial effect, and

WHEREAS, we recognize the need for and the long-term benefit of a continual review, update and sharing of individual concerns and issues, successes and failures, models and experiences, as we face the future together.

Now, therefore be it resolved by the legislative body of the Town, Village of \_\_\_\_\_

That it endorses and supports the continuation and/or expansion of the Keuka Lake Local Law Assessment and Analysis, the Keuka Lake Land Use Guide, and the continuation of annual community forums, to share and review concerns and changes relevant to land use within the Keuka Lake Watershed and surrounding area.

\_\_\_\_\_  
Date of Resolution

\_\_\_\_\_  
Village/Town Clerk



## Appendix B: Maps

### Editor's Note:

The following maps have been assembled using the latest geographic data sources available for the region. Data sources vary significantly between maps; information is generated by a variety of local, state and federal offices over different periods of time. Where necessary, source information for specific map features has been included in the map legend or in notes at the bottom of the page.

Maps are intended for planning purposes only. The primary value of including this information in this report is to inform the public of the resources that are available to them with regard to geographic information system (GIS) resources. While the scale of these maps has been set at a regional, multi-county level, it is important to note that the data behind each map theme is readily available for public use and can be adapted for use by each municipality as it sees fit. While specialized geographic information system (GIS) hardware and software is necessary to fully utilize and manipulate this information, a variety of local and county offices are presently equipped to do, including Genesee/Finger Lakes Regional Planning Council. Furthermore, while the scale of each map may limit the ability to conduct localized analyses, map themes can easily be customized as necessary using GIS software.

| List of Maps  | Page Number |
|---|-------------|
| Map A: Agricultural Soils of Significance                           | B-3         |
| Map B: Agricultural Districts                                       | B-5         |
| Map C: Steep Slopes   | B-7         |
| Map D: Conservation Lands   | B-9         |
| Map E: Zoning Districts   | B-11        |
| Map F: Major and Minor Tributaries                                  | B-13        |
| Map G: Keuka Lake Watershed Sub-watersheds                          | B-15        |
| Map H-1: NYS Classification of Waters – Class A, AA and T/S Waters* | B-17        |
| Map H-2: NYS Classification of Waters – Class C Waters              | B-19        |
| Map H-3: NYS Classification of Waters – Class D Waters              | B-21        |
| Map I-1: Vinifera Suitabile Soils                                   | B-23        |
| Map I-2: Hybrid Suitable Soils                                      | B-25        |

**\*Note regarding classification of waters:** Water quality classifications are descriptive designations assigned under state regulations to all waters, defining the best way each body of water can be used. The classification is the legal basis for water quality protection programs. DEC assigns to each fresh surface water one of the following classifications, reflecting actual or intended best use of the water. Each class includes all uses for classes below it.

| Class   | Best Water Use              |
|---|-----------------------------|
| AA  | Drinking and all other uses |
| A   |                             |
| B   | Swimming                    |
| C   | Fish propagation/fishing    |
| D   | Fishing                     |
| <i>(T) and (TS) symbols are added to water classifications based on the presence of trout and trout spawning.</i> |                             |

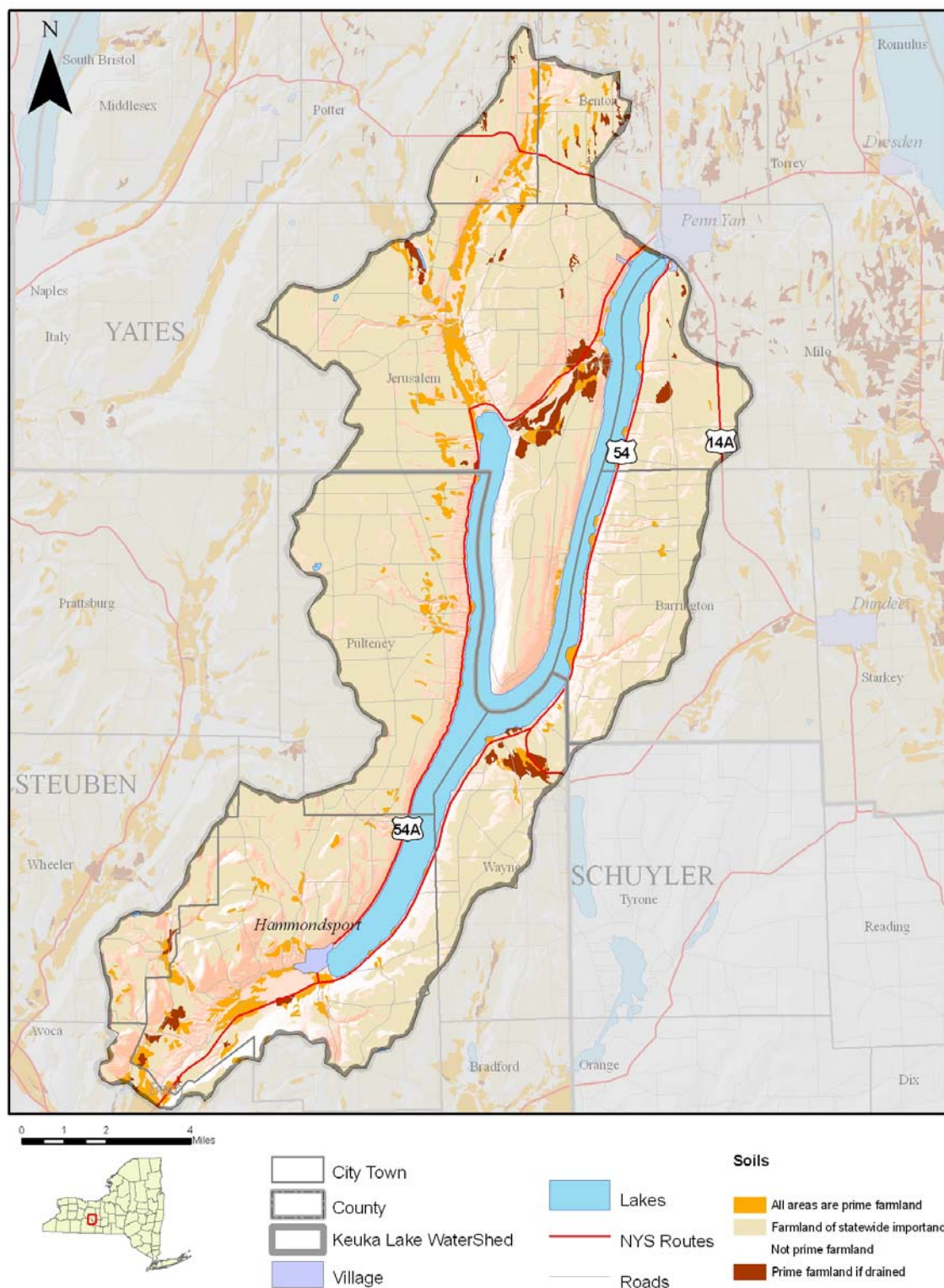
Keuka Lake is considered to be a Class AA waterbody. There are no Class B watercourses in the Keuka Lake Watershed. More information on water quality standards and classifications in New York State can be found on the NYSDEC website at <http://www.dec.ny.gov/chemical/23853.html>



# Keuka Lake Watershed Land Use Planning Guide

## An Intermunicipal Action Strategy

### Map A: Agricultural Soils of Significance<sup>1</sup>



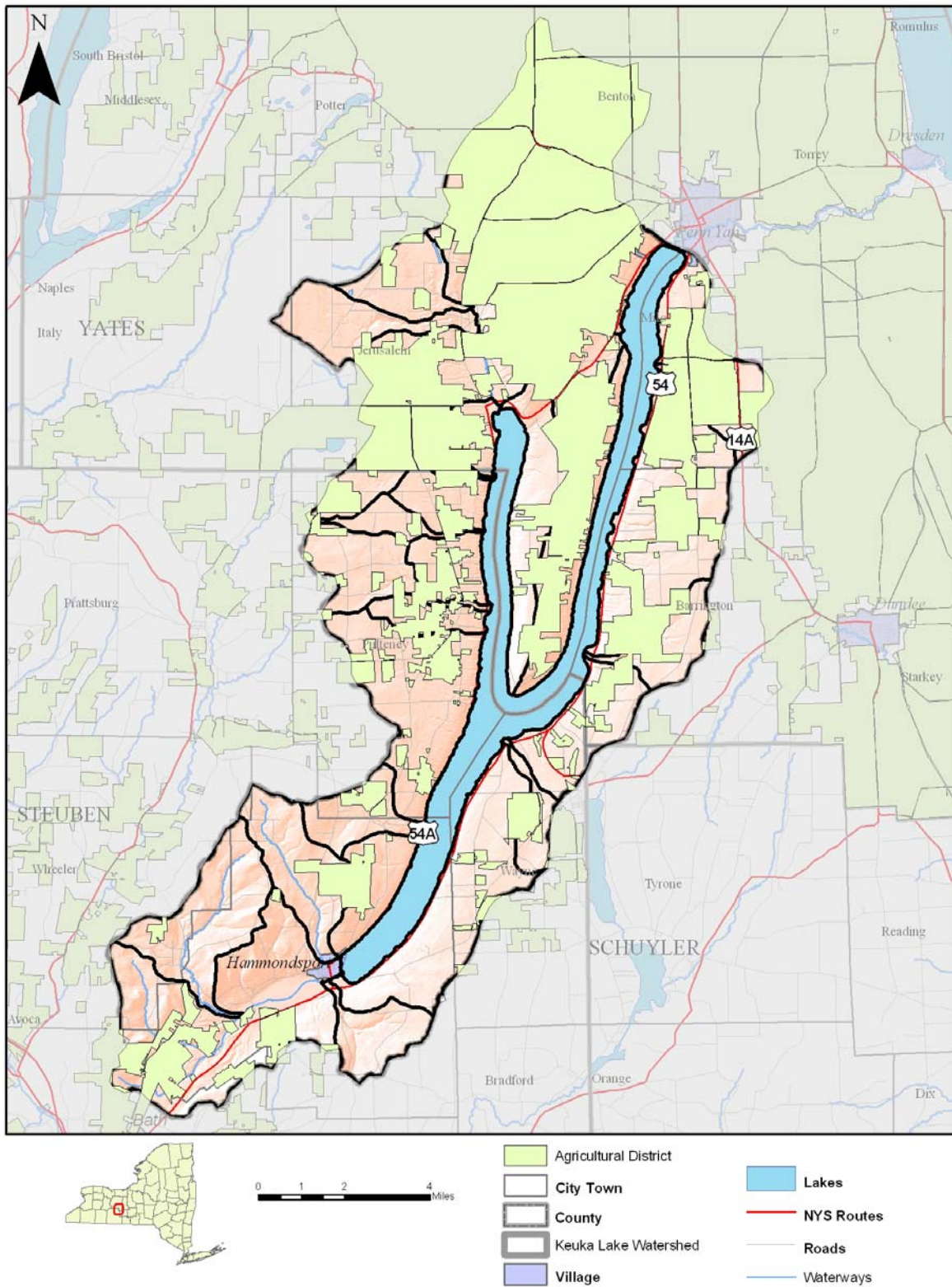
<sup>1</sup> For a complete explanation of soil classification standards, visit: [http://soils.usda.gov/gallery/state\\_soils/](http://soils.usda.gov/gallery/state_soils/).



# Keuka Lake Watershed Land Use Planning Guide

## An Intermunicipal Action Strategy

### Map B: Agricultural Districts



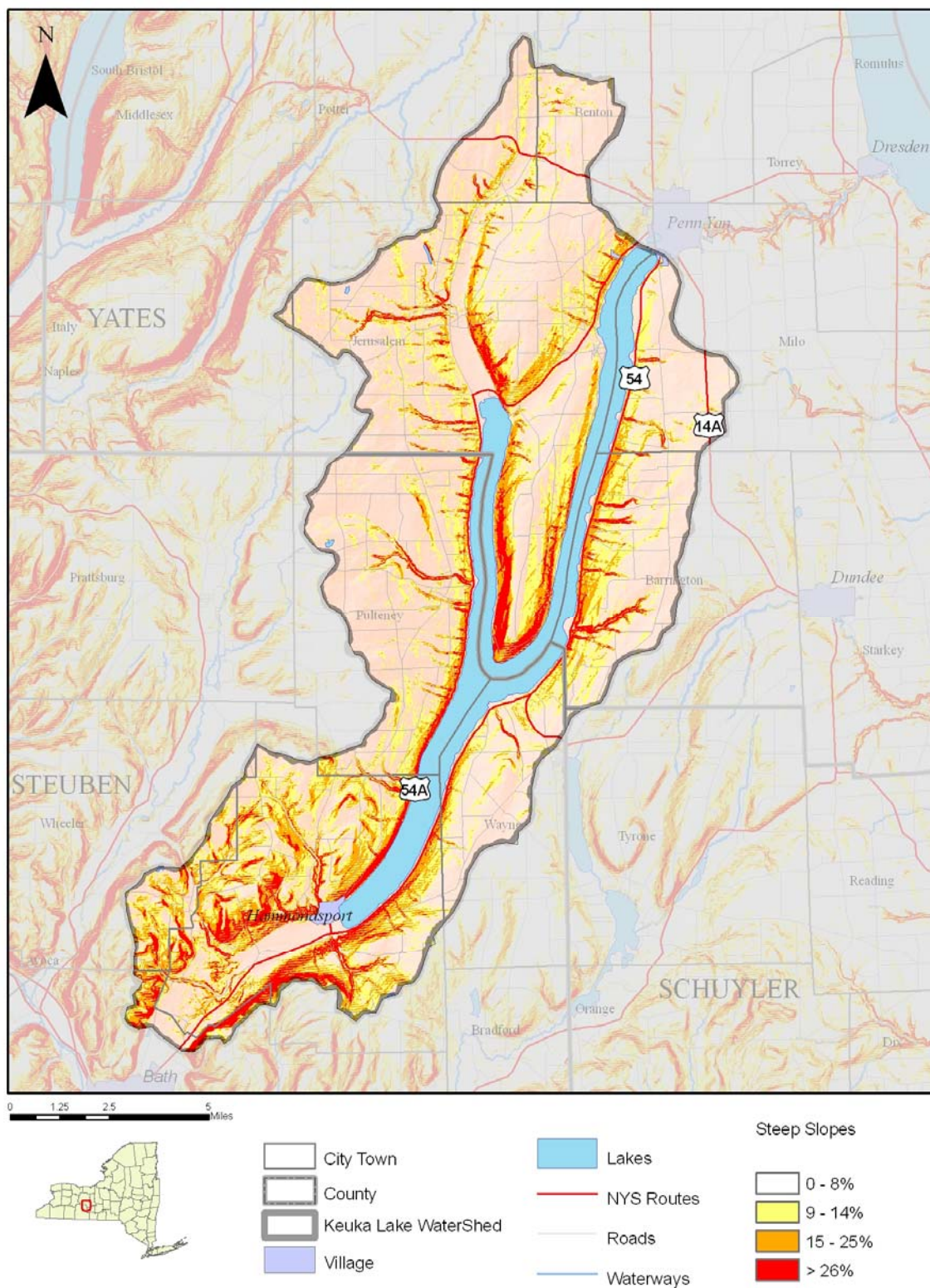




# Keuka Lake Watershed Land Use Planning Guide

## An Intermunicipal Action Strategy

### Map C: Steep Slopes

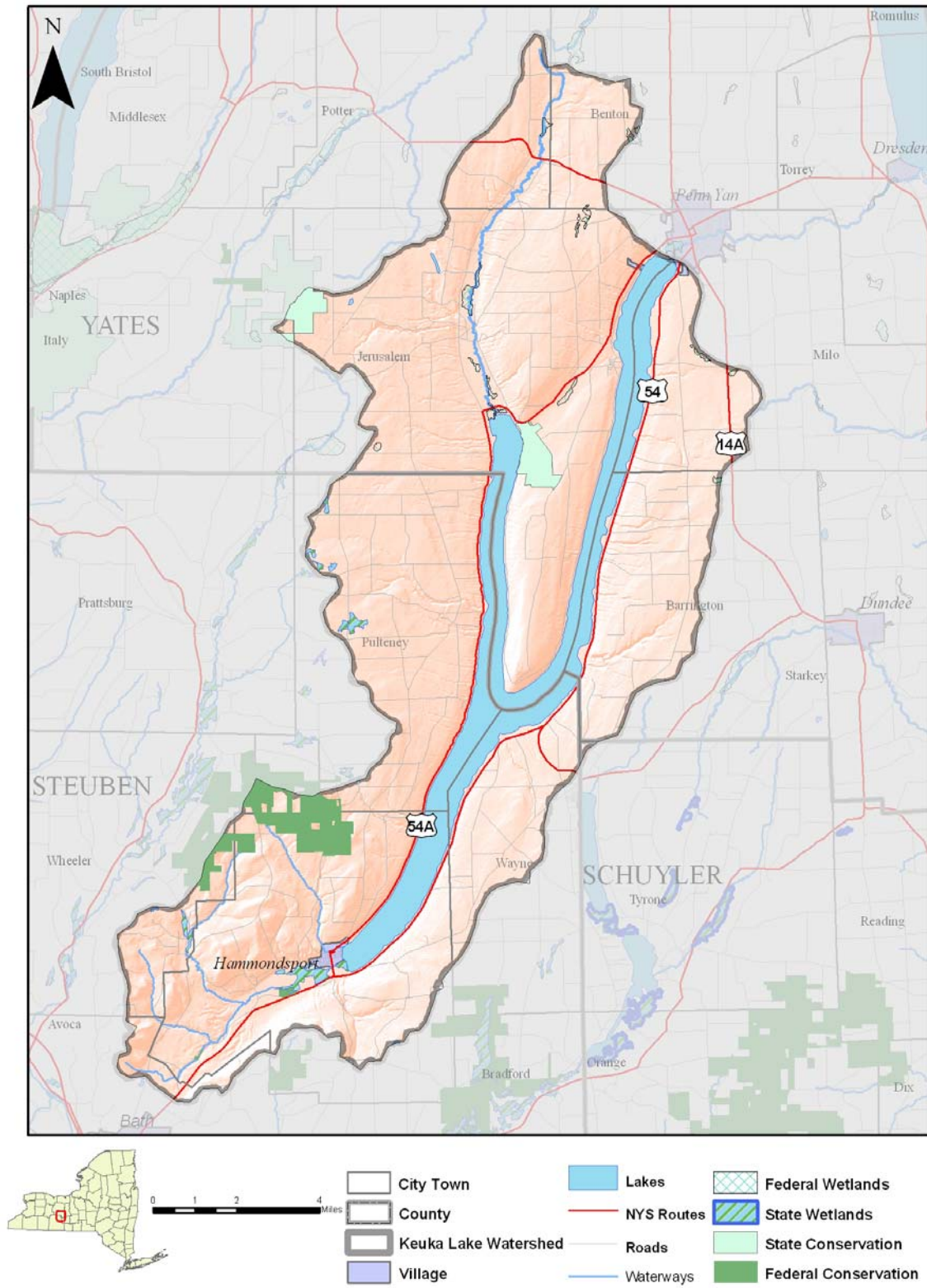




# Keuka Lake Watershed Land Use Planning Guide

## An Intermunicipal Action Strategy

### Map D: Conservation Lands



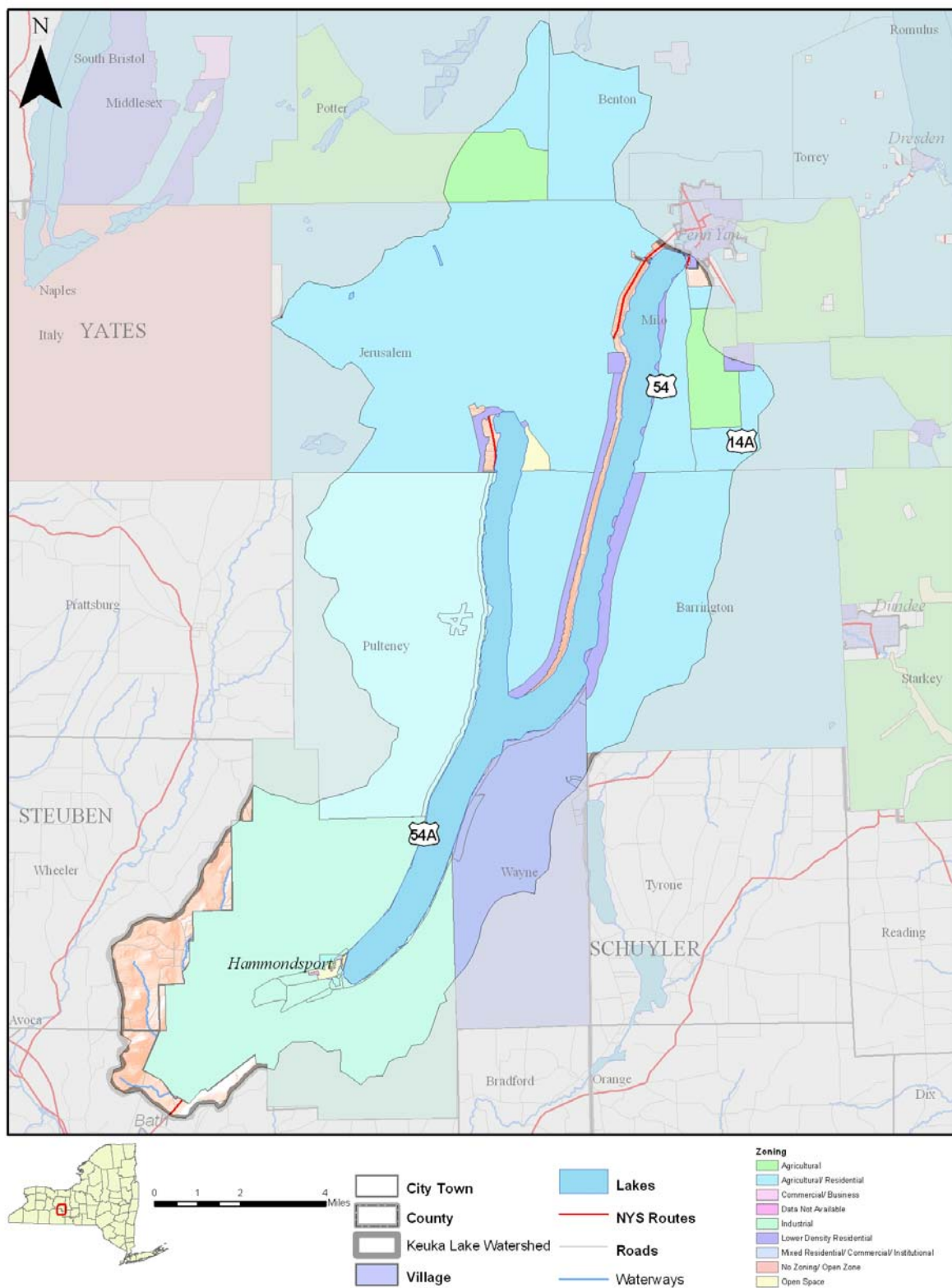




# Keuka Lake Watershed Land Use Planning Guide

## An Intermunicipal Action Strategy

### Map E: Zoning Districts

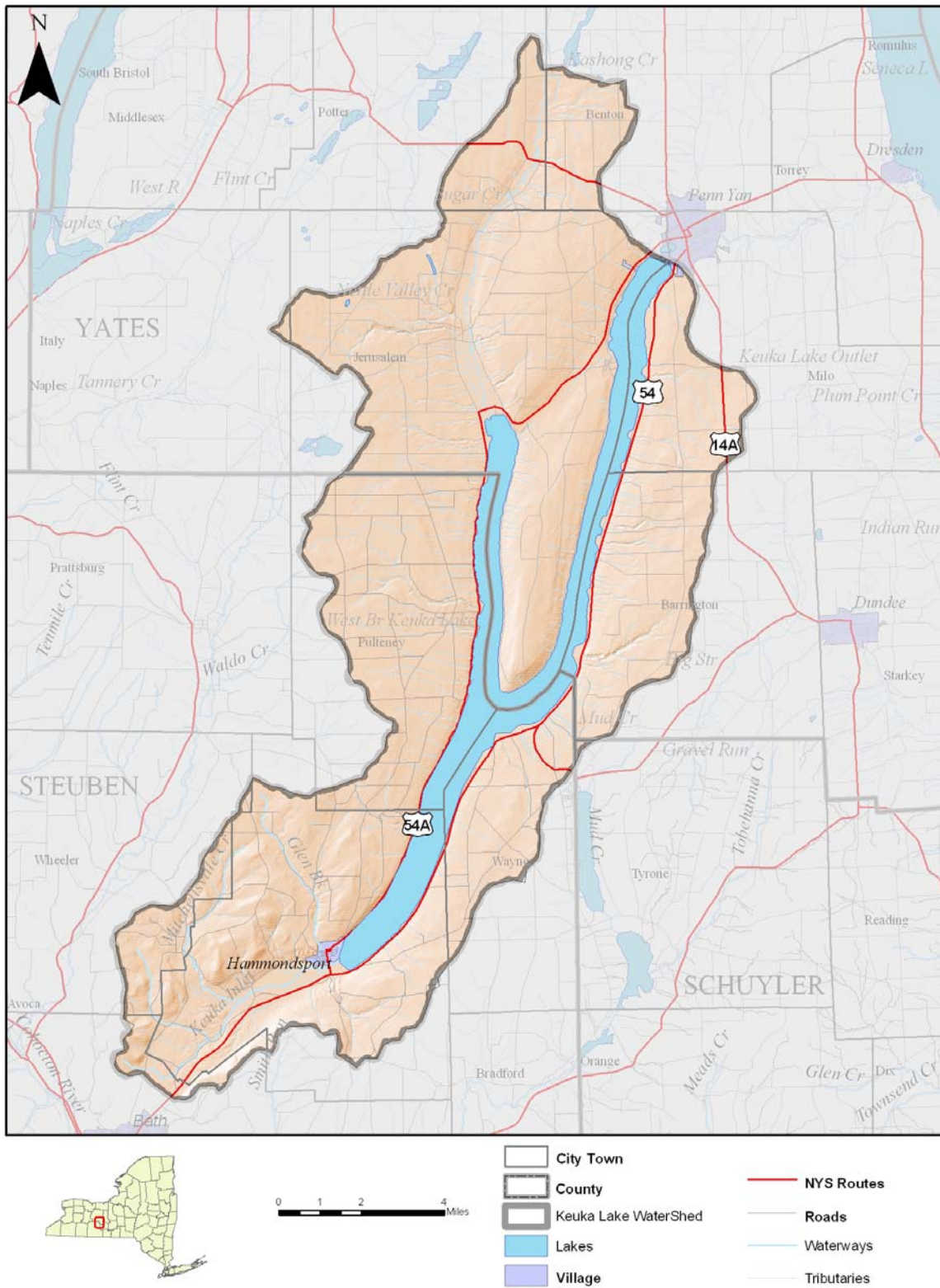




# Keuka Lake Watershed Land Use Planning Guide

## An Intermunicipal Action Strategy

Map F: Major and Minor Tributaries



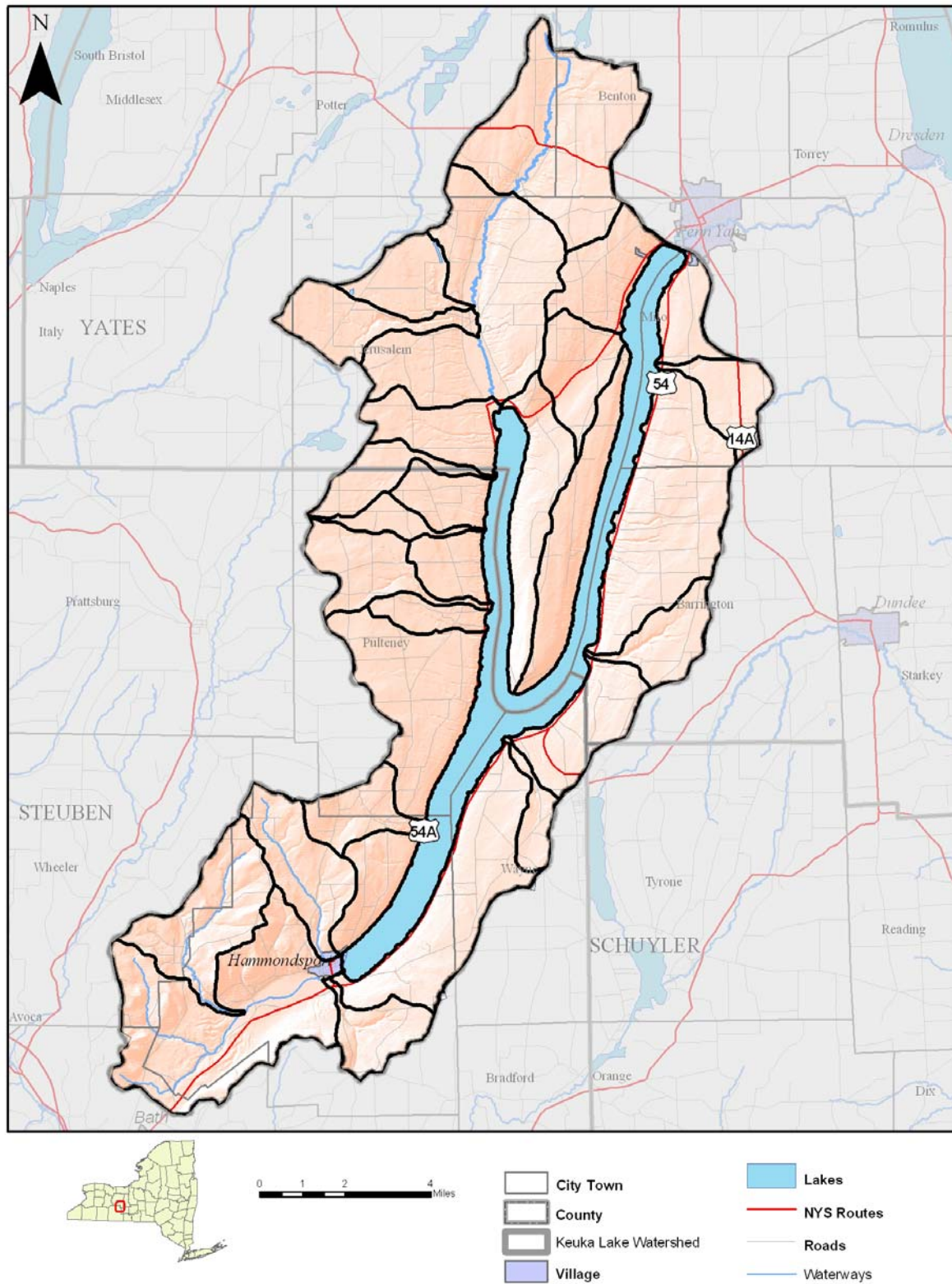




# Keuka Lake Watershed Land Use Planning Guide

*An Intermunicipal Action Strategy*

**Map G: Keuka Lake Watershed Sub-watersheds**

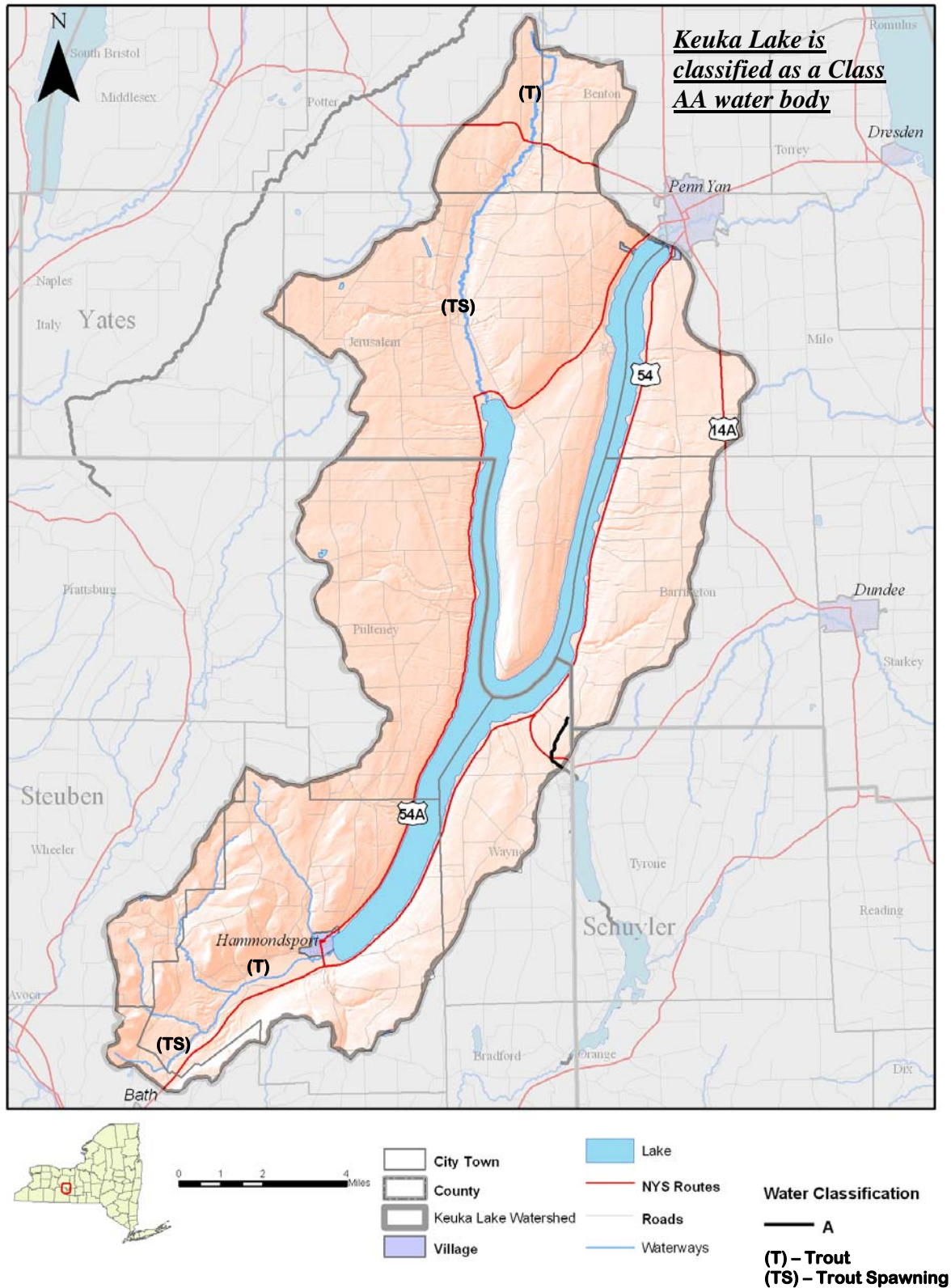




# Keuka Lake Watershed Land Use Planning Guide

An Intermunicipal Action Strategy

Map H-1: NYS Classification of Waters – Class A, AA and (T)/(TS) Waters



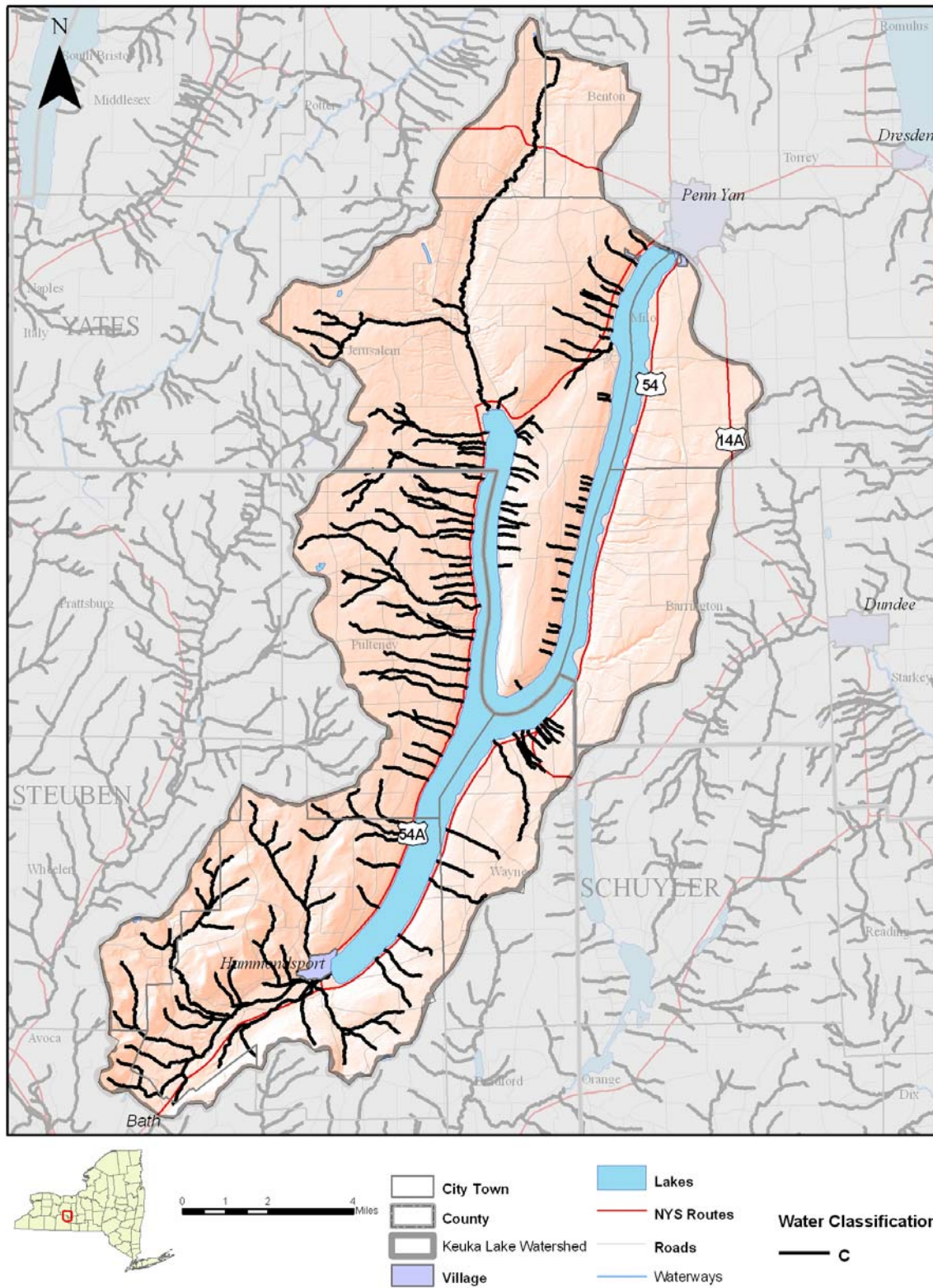




# Keuka Lake Watershed Land Use Planning Guide

## An Intermunicipal Action Strategy

Map H-2: NYS Classification of Waters – Class C Waters

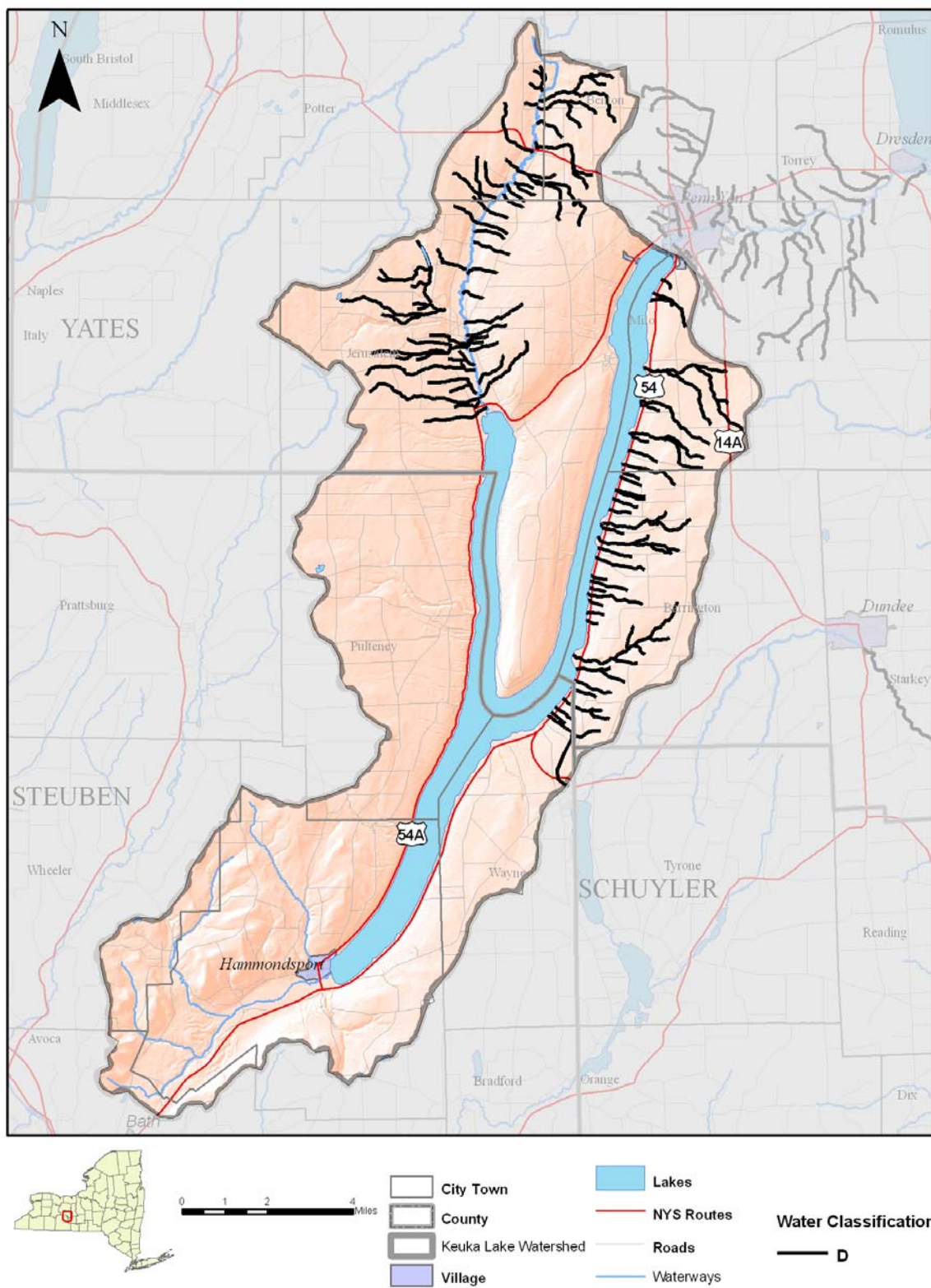




# Keuka Lake Watershed Land Use Planning Guide

*An Intermunicipal Action Strategy*

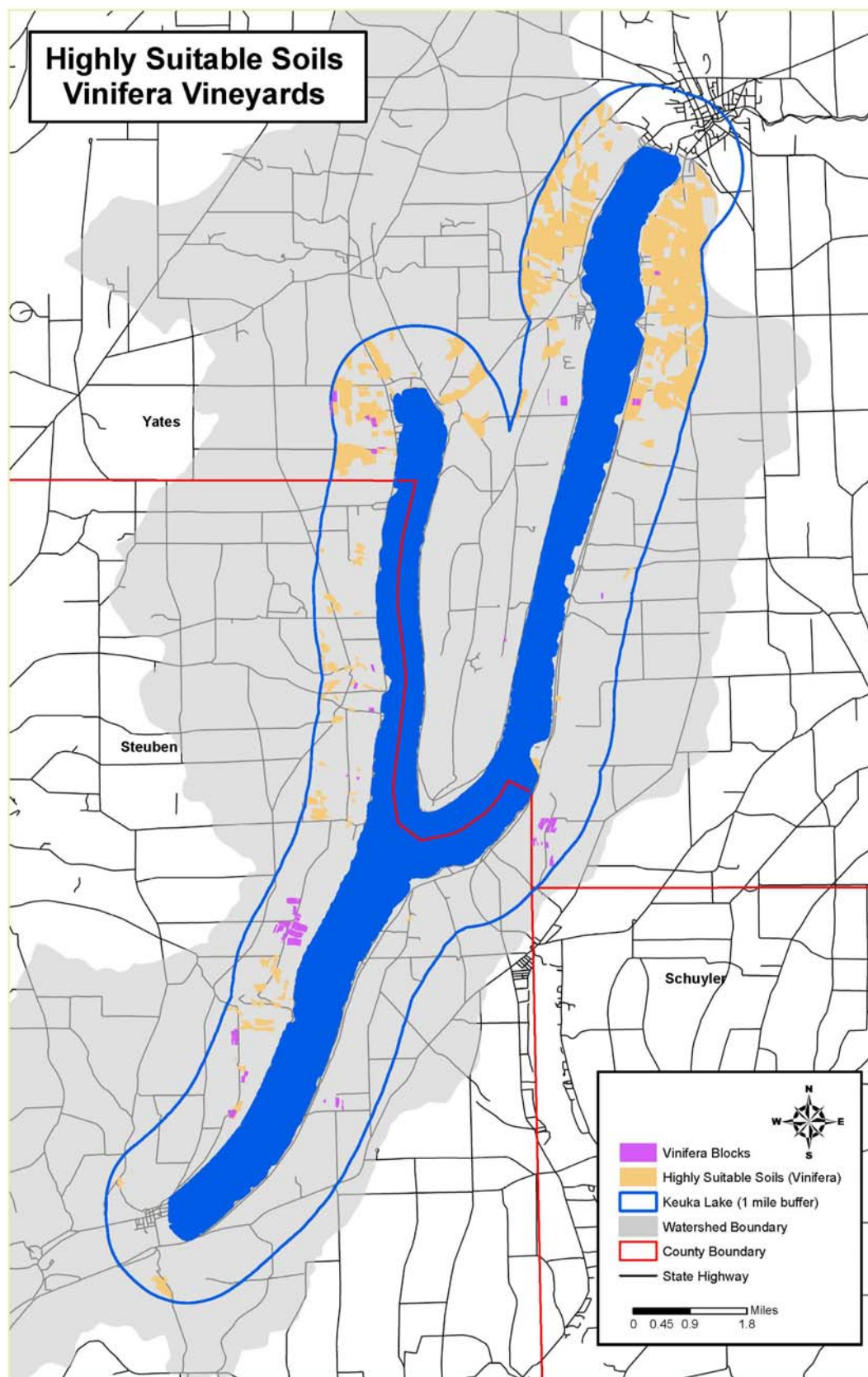
**Map H-3: NYS Classification of Waters – Class D Waters**







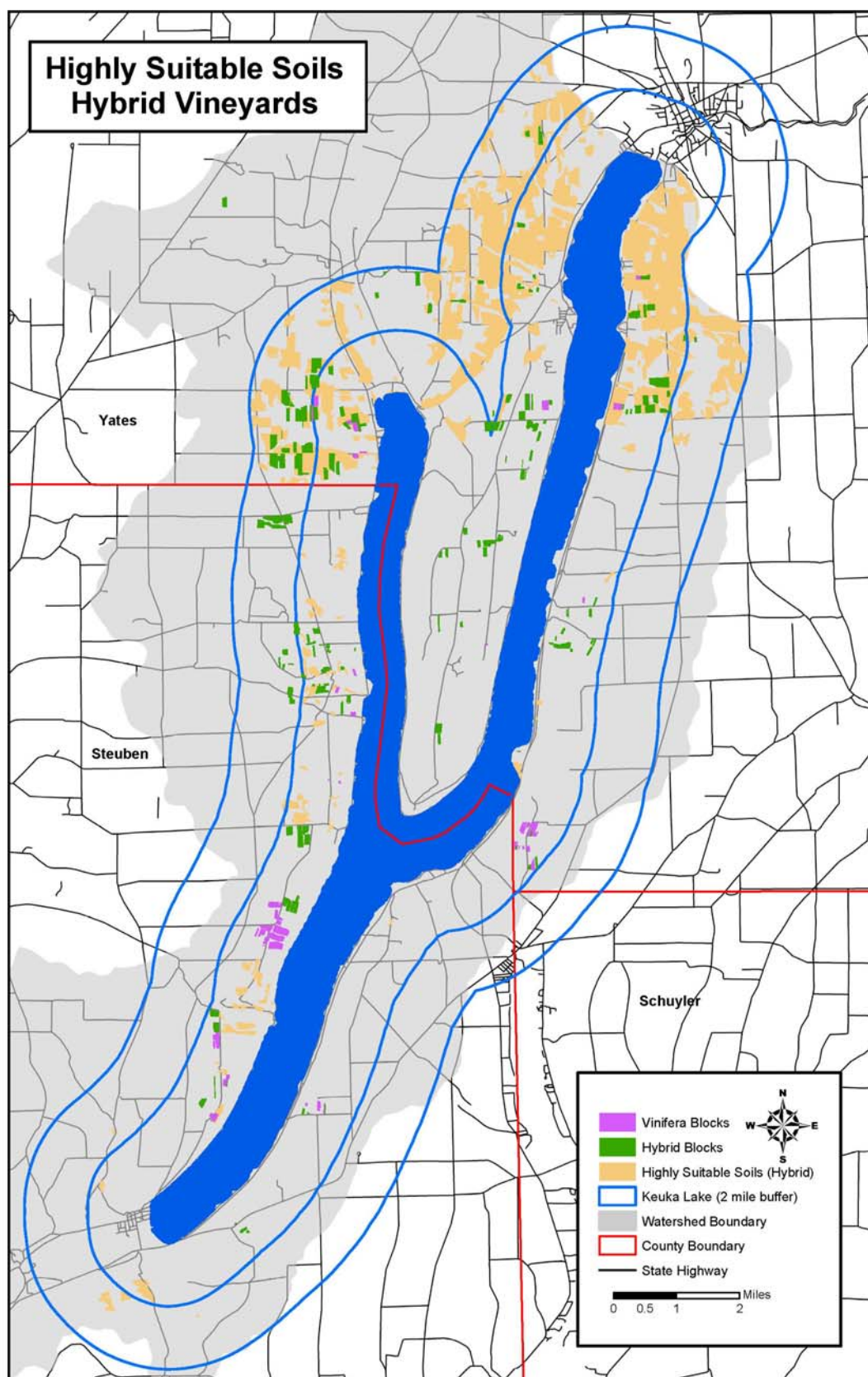
**Map I-1: Vinifera Suitabile Soils** (Produced by Yates County Cornell Cooperative Extension)





**Map I-2: Hybrid Suitable Soils**

(Produced by Yates County Cornell Cooperative Extension)







## Appendix C: Summary of Relevant Regulations and Zoning District Schedules

The following chart briefly summarizes basic local land use regulations known to be in effect in selected Keuka Lake Watershed municipalities at the completion of this report. Interested parties should refer directly to the town or village clerk in order to verify accuracy. Further information can be found in the G/FLRPC publication, *Keuka Lake Local Law Assessment and Analysis* (January 2008), online at <http://www.gflrpc.org/Publications/Keuka/LLAssessment.htm>.

|                         | Comprehensive Plan   | Zoning Law                                  | Site Plan Review             | Subdivision Law   | PUD                             | Steep Slopes Ordinance  |
|-------------------------|--|---|------------------------------|---|---------------------------------|---|
| Town of Barrington      | Adopted 2008   | Last amended 1996; presently under revision | --                           | --  |                                 | --  |
| Town of Jerusalem       | Adopted 2006   | Updated 2007                                | --                           | Article XII of Zoning has provisions for "large scale multiple dwelling developments" |                                 | Adopted 2008  |
| Town of Milo            | Adopted 1971; new comp. plan under development with completion anticipated 2009                    | Ch. 140 of Town Code, 2003                  | --                           | Ch. 120 of Town Code, 2003  | Covered under Town Code §140-28 | Ch. 66, Article II of Town Code                                       |
| Town of Pulteney        | --   | Adopted 2003                                | --                           | Adopted 1996  | --                              | --  |
| Town of Urbana          | Joint Urbana/Hammondsport Plan Adopted 1990  | Ch. 105 of Town Code (2001)                 | Ch. 88 of Town Code (1992)   | Ch. 93 (1990)   | --                              | --  |
| Town of Wayne           | Adopted 2007   | Land Use Regulations of 2004                | Land Use Regulations of 2004 | 2005  | --                              | Land Use Regulations of 2004 -- §7.3: Protection of Natural Resources |
| Village of Hammondsport | Joint Urbana/Hammondsport Plan was not adopted by the Village; current active plan adopted in 1967 | Chapter 122, 1994                           | Ch. 96 (1991)                | 1990  |                                 |   |
| Village of Penn Yan     | Adopted 2000   | Ch. 202, 1991                               | Ch. 162                      | Ch. 176, 1990   | --                              | --  |



## **Appendix D: Selected Model Laws**

The following local regulations were selected for inclusion in Appendix C by the Keuka Lake Land Use Planning Guide Working Committee. The individual laws were selected based on a variety of attributes, including ease of interpretation, beneficial use if applied on a watershed-wide scale, and overall comprehensiveness.

**Yates County Legislature  
RESOLUTION NO. 387-91**

**SUPPORT THE “TRANCIK” STUDY-  
YATES COUNTY LOOKING AHEAD**

WHEREAS, Roger Trancik was commissioned to prepare a Planning and Design Guide for Yates County, and

WHEREAS, that Guide has been completed and delivered to the Yates County Planning Board and the Yates County Legislature,

NOW, THEREFORE, BE IT RESOLVED that from a conceptual standpoint this Board endorses the Guide, and be it further

RESOLVED, that the Board would support individual municipal consideration of the Guide in developing and implementing their Master Plans and subsequent planning and land-use laws, and be it further

RESOLVED, that copies of this resolution be forwarded to the Office of Economic Development and Planning, the Historian, the Chairman of the Planning Board and Roger Trancik.

Unanimously adopted.

**TOWN OF JERUSALEM  
Local Law Number 3 of 2008**

**REGULATIONS FOR CONSTRUCTION ON STEEP SLOPES**

Be it enacted by the Town of Jerusalem as follows:

**§ 1. Intent and purpose.**

The purpose of this article to control construction on steep slopes. This article is intended to regulate individual and subdivided lots to protect the health, safety and welfare of the general public by maintaining and protecting the natural terrain, waterways, wetlands and vegetative features and provide safe building sites by preventing surface erosion, creep and sudden slope failure, preserve farmland and open space, prevent flooding, stormwater runoff and preserving areas of wildlife habitat.

**§ 2. Definitions.**

As used in this article, the following terms shall have the meaning indicated:

**DISTURBANCE** - Preparing land for construction or re-construction, such as clearing, grading and filling or the building of structures, including driveways, retaining walls and drainage systems.

**STEEP SLOPES** -- Ground areas with a slope of 15% or greater.

**CERTIFIED PROFESSIONAL** — licensed professional engineer, CPESC-Certified professional in erosion and sediment control or landscape architect

**§ 3. Permit required; exempt activities.**

A. It shall be unlawful to create any disturbance, other than an exempt activity as set forth in this article, on any steep slope as defined by the steep slopes map or Ri area located within any existing or proposed lot or lots in the Town unless and until a steep slope permit is granted by the Planning Board pursuant to the requirements of this article. Steep slope maps will be revised as new topographic data becomes available.

B. Exempt activities. The following activities on steep slopes do not require the issuance of a steep slope permit:

- (1) Any planting of landscape materials which does not require disturbance of existing terrain.
- (2) Emergency situations, as determined by the Town Code Enforcement Officer, where the disturbance of steep slopes is required to protect persons, or property from imminent danger.
- (3) Farming activities using sound management practices.
- (4) If the slope of the site can be documented as less than 15 percent, no permit is required.

**§ 4. Permit procedure.**

A. The Planning Board is hereby designated to administer and implement this article by granting or denying steep slope permits for all residential, commercial or agricultural construction whether on a single lot or in connection with a subdivision application.

B. An application for a Building permit in steep slope areas shall be made on forms furnished by the Planning Board and shall include the following information:

- (1) Eight copies of a site plan drawn at a scale of not less than one inch equals 30 feet, prepared by an engineer, landscape architect, or licensed surveyor, CPESC-Certified professional in erosion and sediment control or equivalent showing the lot or lots containing steep slopes the following:
  - (a) All existing and proposed natural or artificial drainage courses.

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

- (b) The proposed location of all structures, including drainage, septic system, wells, waterlines and driveways.
- (c) The location of the proposed area of disturbance and its relation to adjacent properties, together with buildings, structures, roads, affected trees and affected wetlands, if any, within 100 feet of the boundaries of said area.
- (d) Existing topography of the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of disturbance, if determined necessary by the Planning Board, in order to fully evaluate the application.
- (e) Proposed final contours and proposed surface materials or treatment at a maximum contour interval of two feet.
- (f) Erosion Control Plan showing proposed area of disturbance, temporary and permanent erosion control measures. (All erosion control practices have to comply with NYS standards and specifications of erosion and sediment control).
- (g) Stormwater management - The details of any surface or subsurface drainage system proposed to be installed. Calculated volume and velocity of runoff for sizing of drainage structures (i.e. culverts and diversions).
- (h) Any special reports deemed necessary by the Planning Board to evaluate the application, including but not limited to geologic or hydrologic studies or capacity evaluation.

(2) A written narrative explaining the nature of the proposal, including any future development proposals for the property and whether alternative locations exist for the proposed activity.

(3) New York State SEQR law will be followed as required by Part 617: State Environmental Quality Review of the Regulations of the Department of Environmental Conservation.

(4) All requirements of New York State phase II stormwater regulations will be met if the site exceeds 1 acre of construction disturbance.

(5) The application shall be accompanied by:

- (a) A fee in an amount to be determined by resolution of the Town Board, and
- (b) Fees for engineer's and attorney's services in an amount determined by the Town Board sufficient to defray the estimated costs of such services rendered to the town in connection with the application. The applicant shall deposit with the Town Clerk the amount estimated to reimburse the town for such costs. Any amount remaining after payment to the Supervisor for the services rendered shall be returned to the applicant upon final approval or upon withdrawal if the application is withdrawn.

C. The Planning Board may refer each application for a steep slope permit to the Yates County Soil and Water Conservation District or other certified professional for review, who shall submit a written report to the Planning Board. This report shall contain the following items:

- (1) A recommendation on whether the submission is complete and contains sufficient information for the Planning Board to perform a proper review of the submission.
- (2) A recommendation of approval, disapproval or approval with conditions of the application.

D. During its review of the application, the Planning Board shall:

- (1) Review the application to determine that the requirements of this article have been satisfied and application is complete.
- (2) Review each complete application and approve, approve with conditions or deny the application, in accordance with this article, within 60 days of the receipt of a complete application as determined by the Planning Board.
- (3) If deemed necessary, require posting of a performance bond or other security as a condition of approval, the amount of such bond or other security to be approved by the Town Board.
- (4) In a building lot or development situation that requires material removed from the site or hauled in over town roads, the highway Superintendent must be notified before work commences. In some cases it may be necessary to haul material in or out during certain times of day or year in an effort to minimize damage to the Town roads.

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

E. Public hearing. The Planning Board may, at its discretion, hold a public hearing on an application for a steep slope permit. If a public hearing is held, the notice and hearing requirements shall follow proper procedures.

F. In granting a steep slope permit, the Planning Board shall find that the following conditions have been met.

- (1) The proposed activity is in accordance with the legislative intent and purpose stated in this article.
- (2) The proposed activity will preserve and protect existing streams, lakes, floodplains, wetlands and promote sound development to protect open space.
- (3) The proposed activity will not adversely affect existing or proposed drainage structures, wells or sewage disposal systems.
- (4) The proposed activity will not adversely affect any Town roads and adjacent properties.

G. After a steep slope permit is approved:

- (1) All permits shall expire on completion of the work specified therein and approved thereby. Unless otherwise indicated, the approved permit shall be valid for a period of one year from the date of issuance. The Planning Board may grant a six-month extension of this period.
- (2) Following completion of the work, the applicant shall submit a certification by an engineer, certified professional or code enforcement officer, that the completed work meets the requirements of the permit. The Town Code Enforcement Officer shall verify that the work has been completed in accordance with the permit. An as-built survey or plan shall be required to show that the work was completed in accordance with the permit.
- (3) Any proposed revision to work covered by a steep slope permit may be reviewed by the Town official. Where the Town Code Enforcement Officer or Planning Board determines that a substantial revision is required, a new application to the Planning Board is required.

### **§ 5. Penalties for offenses; corrective action.**

Violations of any section of this law shall constitute a violation and be punishable by a fine of not more than \$250 or by a sentence of imprisonment not exceeding 15 days, or by both such fine and imprisonment.

### **§ 6. Effect on existing operations or construction.**

All construction operations that will create a disturbance in a steep slope area will comply with the above permit.

### **§ 7. Effective Date.**

This Local Law becomes effective immediately.

### Excerpt from the Town of Seneca, NY Zoning Law

Law can be viewed in its entirety at: <http://www.townofseneca.com/zoninglaw.shtm>

### Article 1: AG - Agricultural Zoning District

#### § 1.0 Purpose

The AG Agricultural Zoning District is intended to preserve existing agricultural lands in the Town and protect the rural character of the area that reinforces the special quality of life enjoyed by residents in Seneca. Agriculture provides the visual benefits of open space and is an important part of the Seneca economy. The creation of the Agricultural Zoning District illustrates the Town's commitment to farming and agricultural uses as a preferred use in these districts and shall protect existing agricultural areas from suburban and urban development, encourage the continuation of agriculture, reduce land conflicts and preserve open space and natural resources.

#### § 2.0 Permitted Uses

##### A. The following farm uses are permitted in the AG District:

- A. Boarding of animals;
- B. Farms and farm related buildings used for the storage of products or equipment located on the same parcel as the principal use;
- C. Forestry and reforestation;
- D. Game farms, fish hatcheries and fishing reserves;
- E. Manure Storage Facility (Non-CAFO) subject to the requirements of Section 82. Manure Storage Facility.
- F. Labor housing that could include a single manufactured home. Farm labor housing that includes more than a single manufactured home requires a special use permit;
- G. Nurseries, lawn/landscape services, orchards, greenhouses, vineyards;
- H. Produce stands, including only movable or temporary structures for the sale of agricultural products grown principally by the operator during the harvest season;
- I. Wildlife sanctuaries, woodland preserves, arboretums.
- J. Timber processing including the on-farm processing of timber grown on a farm operation which is included in the Agricultural District as part of Article 25AA of the New York State Agriculture and Markets Law, into woodland products, including but not limited to logs, lumber, posts and firewood, through the use of a readily moveable, nonpermanent saw mill, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

##### B. The following non-farm uses are permitted in the AG District:

- A. Single family detached dwellings. There shall be no more than 1 principal dwelling unit on a single parcel, unless elsewhere provided in this law.
- B. Public and semi-public buildings;
- C. One subdivided lot as provided in this section.

- (1) Effective Date. For the purpose of this section, each lot shall be identified by the Tax Map of the Town of Seneca dated \_\_\_\_\_, and single ownership shall be determined by

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

deed filed as of \_\_\_\_\_. It is the express intent of this chapter that no parcel as defined herein may be changed or reconfigured after \_\_\_\_\_ for the purpose of applying or avoiding the restrictions of this Article. All density and/or calculation number of allowable units shall be based on the lot as identified by the Tax Map of the Town of Seneca dated \_\_\_\_\_.

(a) Maximum Density Allowed.

(i) A single subdivided lot is allowed on parent parcels that are between 5 and 100 acres in total size.

(A) The minimum lot size for such new subdivided lot is 1 Acre.

(B) Minimum lot frontage is 150 feet.

(ii) Up to 2 subdivided lots are allowed on parent parcels that are more than 100 acres and up to 150 acres in total size.

(A) The minimum lot size for such new subdivided lot is 1 Acre.

(B) Minimum lot frontage is 150 feet.

(iii) Up to 3 subdivided lots are allowed on parent parcels that are more than 150 acres and up to 200 acres in total size.

(A) The minimum lot size for such new subdivided lot is 1 Acre.

(B) Minimum lot frontage is 150 feet.

(iv) Parent parcels that are greater than 200 acres in size are allowed 1 subdivided lot per 50 acres

(A) The minimum lot size for such new subdivided lot is 1 Acre.

(B) Minimum lot frontage is 150 feet.



## Keuka Lake Watershed Land Use Planning Guide

### *An Intermunicipal Action Strategy*



Where parent parcel is more than 5 Acres and Less than 100 Acres in size

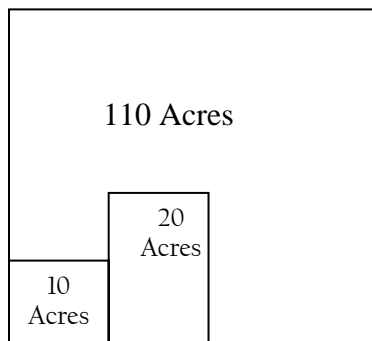
Example:

Parent Parcel = 75 Acres

1 Subdivided Lot is Permitted

Minimum Lot Size = 1 Acre

Parent Parcel = 140



Where parent parcel is more than 100 Acres and Less than 150 Acres in size

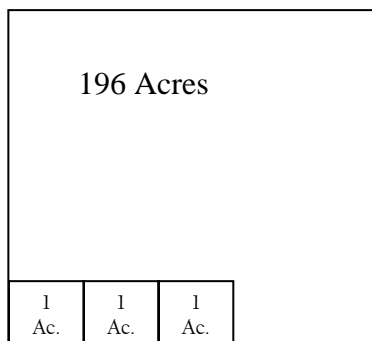
Example:

Parent Parcel = 140 Acres

2 Subdivided Lots are Permitted

Minimum Lot Size = 1 Acre

Parent Parcel = 199



Where parent parcel is more than 150 Acres and Less than 200 Acres in size

Example:

Parent Parcel = 199 Acres

3 Subdivided Lots are Permitted

Minimum Lot Size = 1 Acre

#### **§ 3.0 Accessory Uses**

The following are the accessory uses, building and structures permitted in the AG District:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XII – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Horses or livestock, for personal use, provided there is compliance with the following standards and conditions outlined in Article XI – Additional Requirements for Specified Uses;
- F. Off-street parking for residents and guests of the principal use;
- G. Not more than one (1) commercial vehicle not associated with a Home Business;
- H. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- I. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- J. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- K. Private family swimming pools are regulated in Article XI – Additional Requirements for Specified Uses;
- L. Satellite television receiving antennas subject to the provisions of Article XI – Additional Requirements for Specified Uses;
- M. Signs subject to the provisions of Article XII Requirements Applying to All Districts;
- N. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- O. Terraces and patios;
- P. Other uses and structures that are customarily incidental and clearly subordinate to the principal use.

#### **§ 4.0 Permitted Uses Subject To Site Plan Review**

The following uses are allowed subject to site plan review as outlined in Article XIV - Procedures:

- A. Adult family daycare homes that have a residential-like appearance ;
- B. Bed & breakfast establishments;
- C. Family and group family daycare homes that have a residential-like appearance ;
- D. Farm labor housing that could include manufactured homes;
- E. Parks;
- F. Permanent farm stands;
- G. Places of worship;

- H. Private airfields, landing strips or related facilities;
- I. Public and semipublic uses and buildings;
- J. Wineries.

#### **§ 5.0 Special Permitted Uses**

The following are special permitted uses subject to the conditions outlined in Article XIV - Procedures:

- A. Animal hospitals or kennels;
- B. Butcher/meat shops;
- C. Camping grounds;
- D. Essential services;
- E. Excavation Operations;
- F. Home Business which includes:
  - (1) Lawn and/or garden services
  - (2) Metal fabrication
  - (3) Agricultural equipment sales and services
- G. Woodworking ShopSite Fill that isn't included on an approved site plan for commercial or industrial uses;
- H. Stables or riding academies where animals are rented or leased;
- I. Wind Energy Conversion Systems.
- J. Portable Sawmill; excludes timbering processes as provided in §10. Permitted Uses.

#### **§ 6.0 Lot, Area And Yard Requirements**

The following lot, area and yard requirements apply to the AG District.

- A. Lot Frontage Requirements
  - (1) All Uses
    - (a) Minimum Lot Frontage – one hundred fifty (150) feet
- B. Lot Area Requirements
  - (1) Farm Uses
    - (a) Minimum Lot Area – seven (7) acres
    - (b) Maximum Building Coverage – ten (10) percent
    - (c) Maximum Lot Coverage – twenty five (25) percent
  - (2) Residential Uses
    - (a) Minimum Lot Area – 1 Acre
    - (b) Maximum Building Coverage – ten (10) percent
    - (c) Maximum Lot Coverage – twenty five (25) percent

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

#### C. Yard Requirements

##### (1) Farm Uses

###### (a) Front Yards

(i) Minimum Front Yard Setback – one hundred (100) feet

###### (b) Side Yards

(i) Minimum Side Yard Setback – forty (40) feet on each side

###### (c) Rear Yard

(i) Minimum Rear Yard Setback – fifteen (15) feet unless adjacent to a residential use when the rear yard setback shall be eighty (80) feet

##### (2) Residential Uses

###### (a) Front Yards

(i) Minimum Front Yard Setback – Principal and Detached Accessory – eighty (80) feet

###### (b) Side Yards

(i) Minimum Side Yard Setback – Principal - thirty (30) feet on each side

(ii) Minimum Side Yard Setback – Detached Accessory – fifteen (15) feet

###### (c) Rear Yard

(i) Minimum Rear Yard Setback – Principal - thirty (30) feet

(ii) Minimum Rear Yard Setback – Detached Accessory – fifteen (15) feet

#### D. Corner Lots

Both yards abutting streets shall be considered front yards and shall follow the regulations of this Article; all side and rear yards shall follow the regulations of this Article.

### **§ 7.0 Bulk Requirements**

The following requirements apply to buildings constructed in the AG District.

#### A. Building Heights

##### (1) All Uses

(a) Maximum Building Height -- Residential – thirty five (35) feet

(b) Maximum Building Height – Detached Residential Accessory – twenty five (25) feet

(c) Maximum Building Height – Other Farm Structures – one hundred (100) feet

#### B. Floor Area

##### (1) All Uses

- (a) Minimum Floor Area – one thousand (1,000) square feet

**§ 8.0 Personal Wireless Telecommunications Facilities (PWTF)**

Personal wireless telecommunication facilities in the AG District shall be regulated as outlined in § 90.0 Personal Wireless Telecommunication Facilities.

**§ 9.0 Additional Regulations**

See Article XII Requirements Applying to All Districts for additional regulations that apply to the AG District.

# Keuka Lake Watershed Land Use Planning Guide

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## *An Intermunicipal Action Strategy*

The following model law was taken from Appendix 2 of the Yates County Agricultural Development and Farmland Enhancement Plan. Available online at <http://www.shepstone.net/yates/agplan.html>

### **Model Farm Viability and Neighbor Relation Policy**

Be it enacted by the Town Board of the Town of as follows:

#### **Section 1. Legislative Intent and Purpose**

The Town Board recognizes farming is an essential enterprise and an important industry which enhances the economic base, natural environment and quality of life in the Town of \_\_\_\_\_. The Town Board further declares that it shall be the policy of this Town to encourage agriculture and foster understanding by all residents of the necessary day to day operations involved in farming so as to encourage cooperation with those practices.

It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agri-businesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in the Town of \_\_\_\_\_, it is necessary to limit the circumstances under which farming may be deemed to be nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

#### **Section 2. Definitions**

1. "Farmland" shall mean land used in agricultural production, as defined in subdivision four of section 301 of Article 25AA of the State Agriculture and Markets Law.
2. "Farmer" shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.
3. "Agricultural products" shall mean those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:
  - a. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
  - b. Fruits, including apples, peaches, grapes, cherries and berries.
  - c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
  - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
  - e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk and milk products, eggs, furs, and poultry products.
  - f. Maple sap and sugar products.
  - g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
  - h. Aquaculture products, including fish, fish products, water plants and shellfish.
  - i. Short rotation woody crops raised for bioenergy.
  - j. Production and sale of woodland products, including but not limited to logs, lumber, posts and firewood.
4. "Agricultural practices" shall mean those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop production methods, and construction and use of farm structures.
5. "Farm operation" shall be defined in section 301 (11) in the State Agriculture and Markets Law.

#### **Section 3. Right-to-Farm Declaration**

# Keuka Lake Watershed Land Use Planning Guide

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## *An Intermunicipal Action Strategy*

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge, research and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation,
2. Conducted in a manner which is not negligent or reckless,
3. Conducted in conformity with generally accepted and sound agricultural practices,
4. Conducted in conformity with all local state, and federal laws and regulations,
5. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
6. Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this local law shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice, as outlined in this section.

### **Section 4. Notification of Real Estate Buyers**

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community 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 the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchase of property within an agricultural district or on property with boundaries within 500 feet of a farm operation located in an agricultural district.

A copy of this notice shall included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

### **Section 5. Resolution of Disputes**

1. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for a determination by the Commission or Agriculture and Markets about whether the practice in question is sound pursuant to Section 308 of Article 25AA of the State Agriculture and Markets Law.
2. Any controversy between the parties shall be submitted to the committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.

## **Keuka Lake Watershed Land Use Planning Guide**

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### *An Intermunicipal Action Strategy*

3. The committee shall be composed of three (3) members from the Town selected by the Town Board, as the need arises, including one representative from the farm community, one person from Town government and one person mutually agreed upon by both parties involved in the dispute.

4. The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

5. The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Therefore after, the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting at a mutually agreed place and time to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each consider to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in the dispute.

6. Any reasonable costs associated with the function of the committee process shall be borne by the participants.

### **Section 6. Severability Clause**

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not effect the remainder of this Local Law. The Town hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

### **Section 7. Precedence**

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

### **Section 8. Effective Date**

This Local Law shall be effective immediately upon filing with the New York Secretary of State.



# Keuka Lake Watershed Land Use Planning Guide

## *An Intermunicipal Action Strategy*

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### Town of Wayne Local Law No.3 of the Year 2006

A local law for the establishment of Wastewater Management for the Lamoka-Waneta Lakes' Protection and Rehabilitation District properties.

Be it enacted by the Town Board of the Town of Wayne as follows:

#### WASTEWATER MANAGEMENT

- 000-1. Purpose.
- 000-2. Applicability.
- 000-3. Definitions.
- 000-4. Disposal of wastewater.
- 000-5. Water quality protection zones.
- 000-6. Rules and regulations for disposal of human excreta.
- 000-7. Standards for wastewater systems for new construction.
- 000-8. Standards for replacement wastewater systems.
- 000-9. Wastewater system inspections and surveys.
- 000-10. Property transfer and refinancing inspections.
- 000-11. Septic tank inspection.
- 000-12. Compliance for failed wastewater systems.
- 000-13. holding tanks.
- 000-14. Aerobic and advance treatment units.
- 000-15. Severability.
- 000-16. Violations and penalties for offenses.

#### **§ 000-1. Purpose.**

The purpose of these regulations is to preserve and protect the quality of Lamoka and Waneta Lakes, including adjacent wetlands and groundwater in the Town of Wayne. These standards are established to ensure adequate performance of wastewater treatment systems, to protect public health, safety and welfare, protect the environment, and to optimize the effectiveness of the systems at removing nutrients from wastewater.

#### **§ 000-2. Applicability.**

A. The Wayne Wastewater Management Law shall be supplemental to The New York State Sanitary Code, The New York State Uniform Building and Fire Protection Code, The New York State Environmental Conservation Penal Law and any oilier laws pertaining to public health. The provisions of these rules shall be in effect for only property in the Town of Wayne which lies within the Lamoka-Waneta Lakes' Protection and Rehabilitation District (hereinafter referred to as "District" otherwise known as Zone A).

#### **§ 009-3. Definitions.**

All definitions printed in New York State Department of Health Administrative Codes, Rules and Regulations Appendix 75-A shall apply to this chapter. Additional definitions include the following:

A. AGENT or AGENT'S THEREOF- Shall mean a person requested, employed or contracted by an owner or owners, occupant or lessee to construct repair or perform excavation for the installation of a receptacle, wastewater treatment system individual water supply or element within said system(s).

B. APPENDIX 75-A — Shall mean a portion of Part 75 of the Administrative Rules and Regulations contained in Chapter 11 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (10NYCRR).

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

C. CERTIFICATE TO OPERATE — Shall mean a certificate issued following the evaluation of a wastewater treatment system serving a structure which generates wastewater within Zone A, Zone B or Zone C not requiring a certificate of compliance.

D. CERTIFICATE OF COMPLIANCE Shall mean a certificate issued upon request for the evaluation of a wastewater treatment system serving a property being converted, expanded, transferred or for mortgage refinancing purposes when required or requested by the owner, a lending institution, attorney, realtor, purchaser or code enforcement officer.

E. CONSTRUCTION PERMIT— Shall mean a permit issued prior to construction or repair of a wastewater treatment system, to serve any dwelling, building, structure, or manufactured home specifying the type, capacity and location of each element of the said system in accordance with this local law and/or said regulations. Said construction permit shall expire one year after date of issuance.

F. CONVERSION OR EXPANSION - Shall mean the reestablishment of a dwelling on the same or nearly same foundation or foot print of a previous dwelling having been removed or destroyed. Expansion shall mean the net addition of bedrooms or wastewater generating devices adding to the total average daily wastewater discharge.

G. CRITICAL WATER PROTECTION ZONE — Shall include all properties within the Town of Wayne lying within the boundaries of the District, otherwise referred to as Zone A.

H. DISTANCES - The shortest horizontal linear distance from the newest point, structure or object to the mean high-water mark of the newest watercourse or the edge, margin or top of precipitous bank forming the mean high-water mark of a watercourse.

I. ELEMENT — Shall mean any part or parts thereof comprising a wastewater treatment system.

J. DESIGN PROFESSIONAL — Shall mean a person licensed or registered in the State of New York and authorized by the State Education Law to design wastewater systems.

K. DWELLING OR MULTIPLE DWELLING — Shall mean any building that contains dwelling units, used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

L. FOLDING TANKS — Shall mean a water tight receptacle to be utilized to correct an existing failed wastewater system when no other practical alternative exists.

M. MAJOR FAILURE — Shall mean the improper disposal of human excreta as stated in §000-6.(A, C & D).

N. MINOR FAILURE — Shall mean an undersized, deteriorated, leaking, corroded or damaged receptacle or distribution box. Additionally, any wooden, metal or ceramic wastewater system element. Additionally, the lack of a high water alarm or an improperly installed high water alarm.

O. NEW CONSTRUCTION - Any building, structure or dwelling constructed, converted or placed on a site and requiring a wastewater system and currently not utilizing a wastewater system.

P. NON-WATERBORNE - Shall mean a system or structure for urinating or defecating which is not flushed. This includes but is not limited to privies, chemical, incinerator and compost toilets.

Q. NOTICE OF VIOLATION — Shall mean a written statement signed by the regulatory officer stating the time necessary to correct any violation of this code and stating reasonable time periods necessary to complete such steps. Each such notice shall contain a space at the end of such written statement wherein the person so notified may execute said notice and agree to the terms therein.

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

R. PERSON — Shall mean an owner, individual, firm, agent, corporation, association, partnership or municipality and agents, employees and servants thereof, or any other legal entity which is recognized by law as the subject of rights and duties.

S. RECEPTACLE - Shall mean water tight structures or containers for the purpose of storage or treatment of human excreta and or wastewater.

T. REGULATORY OFFICER — Shall mean the authorized representative of the Town of Wayne including but not limited to the Watershed Inspector who additionally may be the duly authorized representative of the Town Health Officer following approval and/or designation by the Town.

U. SEASONAL USE — Shall mean a wastewater treatment system serving a structure producing wastewater discharge for not more than six continuous months.

V. REPLACEMENT WASTE WATER SYSTEM - Any construction or modification of a system for an existing structure which already has a system. Replacement of all or a portion of a system serving an existing property with an existing system shall be considered a replacement wastewater system.

W. STRUCTURE — Shall mean an assembly of materials, forming a construction framed of component structural parts for occupancy or use including buildings or dwellings.

X. WATERCOURSES - Identified in consultation with the Steuben County Soil and Water Conservation District, the Department of Environmental Conservation, Schuyler County Watershed Protection Agency, The District and published on a set of maps.

Y. WASTEWATER TREATMENT SYSTEM (otherwise known as System)— Shall mean a system of piping, tanks or other elements designed to treat, purify, dissolve, distribute and treatment of wastewater into soil.

#### **§ 000-4. Disposal of wastewater.**

A. Wastewater from any new construction shall be discharged directly into a public wastewater collection system if available and accessible within 100 feet of the property line.

B. If there is no public wastewater collection available, residential, commercial or institutional wastewater must be treated by a wastewater treatment system approved by the “regulatory officer”.

C. All properties within Zone A only must have a certificate to operate within seven years of the adoption of this law.

#### **§ 000-5. Water quality protection zone.**

A. A zone within the town shall be established for the protection of water, public health and safety. Zone A, or the “critical water protection zone”, shall include only the properties in the Town of Wayne which lies within the District.

B. All uplands of the town located within 200 feet of a watercourse shall be Zone B.

C. All other lands shall be Zone C.

#### **§ 000-6. Rules and regulations for disposal of human excreta.**

A. No human excreta, either raw or partially decomposed, may be dipped, pumped or shoveled from a septic, aerobic, holding tank and placed in or on the ground of the watershed without specific approval of the she by the Department of Environmental Conservation of the State of New York.

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

B. Any septic tank, holding tank, pump tank or aerobic tank (receptacles) that shows evidence of leakage, corrosion, deterioration or damage shall be considered a minor failure and must be replaced or repaired within the time period specified in § 000-12 (B).

C. No person shall discharge or permit or cause to be discharged untreated sewage, the overflow drainage or contents of a septic tank or receptacle onto the surface of the ground or into any street, road, alley, open excavation, storm water sewer, drainage ditch, adjoining property, watercourse, lake or groundwater.

D. No person shall discharge, or permit or cause to be discharged treated or untreated sewage, the overflow drainage or contents of a septic tank or oilier receptacle into an abandoned water supply well, spring, cistern, sink hole, crevice/opening extending into limestone, sandstone, or other rock or shale formation which may degrade ground water.

E. Due to the accelerated corrosion and decay of metal septic tanks, dosing tanks, pump station tanks and distribution devices, these metal products shall not be installed for use within the District. Existing metal, wooden or ceramic components must be replaced or repaired within the time period specified in § 000-12 (B).

#### **§ 000-7. Standards for wastewater systems for new construction.**

A. Wastewater systems for new household construction shall be designed in accordance with New York State Department of Health Administrative Codes, Rules and Regulations Appendix 75-A. The definitions contained in Appendix 75-A shall also apply to these regulations.

B. Wastewater systems for new commercial or institutional construction shall be designed according to the New York State Department of Environmental Conservation guidelines (Standards for Waste Treatment Works - Institutional and Commercial Sewage Facilities, or current reference).

C. Prior to any conversion or expansion any property owner, person, agent or agent thereof shall obtain Certificate of Compliance from the regulatory officer.

#### **§ 000-8. Standards for replacement wastewater systems.**

A. Construction of replacement wastewater systems may be designed and must be installed under the direction of the regulatory officer and/or a design professional. Replacement systems may be designed and installed according to the provisions of Appendix 75-A, if practical.

B. On limiting site conditions, the regulatory officer shall utilize up to date practical technology or require that the system be designed and installed under the direction of a qualified design professional. A holding tank may be installed under the supervision of the regulatory officer as described in § 000-13.

C. Structures served by replacement systems may be required to have DEC certified water conservation fixtures prior to the issuance of a certificate of compliance.

D. If the site is only occasionally inhabited, such as a seasonal camp, and has no water under pressure and produces no wastewater discharge, the regulatory officer may allow a sanitary privy, other non-water-borne systems as described in Appendix 75-A, design a system or request that an engineered system be designed by a design professional when site conditions are limiting.

E. Wastewater systems for replacement commercial or institutional construction may be designed according to the New York State Department of Environmental Conservation guidelines in Standards for Wastewater Treatment Works - Institutional and Commercial Sewage Facilities, or current reference.

#### **§ 000-9. Wastewater system inspections and surveys.**

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

A. The regulatory officer shall be allowed to make regular and thorough inspections of all wastewater treatment systems in the District for purposes of inspection, observation and testing of wastewater treatment systems. Whenever it shall appear to the regulatory officer that a wastewater system is inadequate, a written notice of violation shall be given to the property owner specifying the nature of the violation and required corrective action. The owner of the wastewater system has up to thirty (30) days from receipt of the notice of violation to have a site evaluation performed and to obtain a wastewater system construction permit. Upon written request an additional time of up to 90 additional days may be granted to obtain the permit due to climatic conditions. Completion of work detailed in the wastewater system construction permit shall be performed within the time period specified in the permit, according to § 000-12.

B. Following the evaluation of a wastewater system not found to be in compliance with the standards established in this local law due to a minor violation the property owner will be issued a certificate to operate under the terms of a compliance agreement and ordered to remedy per the requirements of section § 000-9.A.

C. Following the evaluation of a wastewater system not found to be in compliance with the standards established in this local law due to a major violation the property owner will not be issued a certificate to operate and must comply per the requirements of section § 000-9.A

D. The regulatory officer shall investigate all complaints under the provisions of this Local Law and document all follow up investigations.

E. It shall be the duty and obligation of the wastewater system owner to supply upon request to the regulatory officer available information regarding wastewater system, type, capacity, location, usage, age, maintenance, etc., in order to determine the system's effectiveness.

F. Any business or property owner or his or her agent shall provide access to all structures on the property to ascertain where plumbing exits each structure and uncover all receptacles, inspection ports and outlet baffles for inspection. The receptacle shall be pumped in the presence of the regulatory officer by a certified contractor so that an inspection can be performed. If the receptacle is over twelve inches below grade, riser installation may be required.

G. Commercial Properties. Commercial properties may be inspected at the time of any fire inspection required under the Town of Wayne Building Law, or New York State Uniform Fire Prevention and Building Code, and iii any case at least once every five years. If a property passes inspection, it shall be issued a Certificate of Compliance.

1. Inspection Criteria.

a. All receptacles must be uncovered, opened and inspected per the requirements of section § 000-11.

b. A dye test may be conducted by running an adequate volume of water to ascertain if all fixtures are connected to the receptacle and to ascertain if effluent is being discharged to the ground surface or surface waters. This process may be repeated for up to three (3) consecutive days.

c. The distribution box shall only be exposed if a problem or suspected problem is found and further evaluation is required.

d. Leach lines and seepage pits shall only be exposed if a problem or suspected problem is found and further evaluation is required.

e. A holding tank shall be maintained and pump-out records shall be presented at time of inspection, which documents holding tank maintenance. The regulatory officer shall witness an annual pump-out to ascertain if the tank is watertight.

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

f. At time of inspection, adequate proof shall be produced that aerobic and advanced treatment units have been serviced by a certified maintenance provider.

2. In the event of direct discharge of untreated sewage to the ground surface or surface water, the regulatory officer shall order that the discharge be terminated immediately, and any receptacle outlet shall be sealed and used as a holding tank until the system is brought into compliance. The regulatory officer may also take further enforcement action, as provided in 000-9.(A) of this law, refer the matter to the Town Board of Health, New York State Department of Environmental Conservation, or Health Department as provided in § 000-15 of this law, as well as require temporary corrective actions as deemed necessary by the regulatory officer.

H. Residential and Other Non-Commercial Properties. All systems in Zone A must be inspected at least once every five years. Wastewater systems not in compliance due to undersized receptacles will be required to be pumped more frequently until the system is brought into compliance. For newly installed wastewater systems, the first required inspection shall be no sooner than five years after installation or one year after for holding tanks, unless a property transfer or a complaint requires sooner action. If a property passes the Zone A inspection, it shall be issued a Certificate of Compliance.

#### I. Inspection Criteria.

a. All receptacles must be uncovered, opened and inspected per the requirements of section § 000-11.

b. A dye test shall be performed using approximately 50 gallons of water per bedroom introduced into the septic system to ascertain if effluent is discharging to the ground surface or surface waters, this process may be repeated for up to three (3) consecutive days.

c. The distribution box shall only be exposed if a problem or suspected problem is found and further evaluation is required.

d. Leach lines and seepage pits shall only be exposed if a problem or suspected problem is found and further evaluation is required.

e. Holding tanks must be maintained and pump-out records presented at time of inspection, which documents tank maintenance. The regulatory officer shall witness an annual pump-out to ascertain if the tank is watertight.

f. At time of inspection, adequate proof shall be produced that aerobic and advanced treatment units have been serviced by a certified maintenance provider.

2. In the event of direct discharge of untreated sewage to the ground surface or surface water, the regulatory officer shall order that the discharge be terminated immediately, and any receptacle outlet shall be sealed and used as a holding tank until the system is brought into compliance. The regulatory officer may also take further enforcement action, as provided in § 000-9.A of this law, refer the matter to the Town Board of Health, or New York State Department of Environmental Conservation as provided in § 000-15 of this law, as well as require temporary corrective actions as deemed necessary by the regulatory officer.

### **§ 000-10. Property transfer and refinancing inspections.**

A. Prior to any property transfer all septic or holding tanks must be pumped by a DEC-licensed waste hauler at least 10 days prior to the time of property transfer unless it has already been pumped and inspected by the regulatory officer within the past year. The property owner must give the regulatory office at least 48 hours notice to arrange for inspection of the septic tank(s).

B. All receptacles must be within two hundred and fifty gallons of the minimum volume requirement

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

C. Additionally tile filtration and/or absorption area must be evaluated by the regulatory officer at least 10 days prior to the time of property transfer as described in § 000-9 (F.1a).

D. All seepage pits must be uncovered and opened by the property owner or theft agent and inspected by the regulatory officer at least ten days prior to the date of property transfer.

E. The distribution box shall only be exposed if a problem or suspected problem is found and further evaluation is required.

F. If the wastewater system is determined to be in failure, a written notice describing the inadequacy will be issued as per § 000-9.(A), and an approved compliance agreement to correct the situation must be obtained prior to property transfer.

G. For aerobic and advanced treatment systems, the new owner must send a signed copy of an updated service contract to the regulatory officer within 30 days after property transfers.

H. Only a regulatory officer of the Town of Wayne is authorized to conduct a wastewater system evaluation for property transfer or mortgage refinance per the requirements of this local law.

I. Property transfers among or between relatives may be exempt from the aforementioned requirements of this section.

#### **§ 000—11. Septic tank inspection.**

A. Minimum septic tank volume requirements are provided in Appendix 75-A.

B. All receptacles require regular inspection to:

1. Ensure baffles are adequate.
2. Check for leaks or cracks.
3. Determine if tank needs pumping.

C. Receptacles shall be inspected at a minimum of every five years by the regulatory officer. Septic tanks, with total depth of sludge and scum exceeding 1/3 of the liquid depth, as demonstrated by the property owner or his or her agent, will be required to be pumped at property owner's expense. Physical measurement will be exempt, provided that the tank is pumped by a DEC certified contractor and is visually inspected and approved by the regulatory officer. If the tank is undersized, more frequent inspection may be required. However, a 750 — 999 gallon tank serving a seasonal use dwelling with less than three bedrooms will be required to be inspected once every five years. Septic tanks between 600 and 749 gallons in volume serving up to a three bedroom dwelling will be required to be pumped every three years until brought up to minimum volume requirement. Tanks less than 600 gallons in volume will be required to be pumped every two years until brought up to minimum volume requirement.

D. Additional tank volume may be required by the regulatory officer to meet system use and capacity standards especially if and when the existing septic tank is greater than 250 gallons beyond minimum volume requirements. For example a less than four bedroom dwelling utilizing a septic tank with less than 750 gallons will be required to be upgraded within two years of initial inspection.

#### **§ 000-12. Compliance for failed wastewater systems.**

A. Where a written notice of violation has been issued for a major failure, corrective action must be completed within six months. Upon written request an additional period of up to 30 additional days may be granted due to climatic conditions.

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

B. Where a written notice of violation has been issued for a minor failure, corrective actions must be completed within a minimum two years, or earlier as specified in supplementary laws.

C. Where a wastewater system violation is considered by the regulatory officer to be a public health hazard, such as untreated sewage on the ground or entering a watercourse, corrective action may be required sooner, depending on the risk to public health and safety including plugging the receptacle outlet to use it as a holding tank until compliance is gained.

#### **§ 000-13. Holding tanks.**

A. Holding tanks are allowed for replacement systems only and must be approved by the regulatory officer.

B. Newly installed holding tanks shall:

1. Be vehicle accessible.
2. Have an access port above grade not to exceed eight inches in diameter.
3. Have a capacity of five days storage based upon design flow of up to 150 gallons/ bedroom/day or a minimum of 2000 gallons.
4. Have an audio and/or visual float alarm.
5. Have anchoring devices for areas where seasonal high water table are evident from soil investigations.

C. All holding tanks shall be inspected by the regulatory officer on an annual basis at the time of pumping. Homeowners shall give the regulatory officer 48 hours notice prior to the inspection date.

D. All existing holding tanks shall be equipped with an acceptable alarm device to alert the property owner that the tank is filled within 12 inches of the inlet pipe.

E. Holding tanks shall be pumped by a New York State licensed septic tank pumping contractor when the tank is a minimum of 12 inches of the inlet pipe.

#### **§ 000-14. Aerobic and Advanced Treatment Units.**

A. Only Class 1 NSF STANDARD 40 aerobic tanks are acceptable for new or replacement systems and must be approved by the regulatory officer. For both new and replacement systems, aerobic treatment units are considered a septic tank substitute only, and must be used in conjunction with a properly sited and designed filtration and/or absorption system approved by the regulatory officer. A SPDES permit from NYSDEC is required for any surface discharge.

B. Approved Advanced Treatment Systems are acceptable for new or replacement systems and must be approved by the regulatory officer. For both new and replacement systems, advanced treatment systems are considered a septic tank substitute only, and must be used in conjunction with a properly sited and designed filtration and/or absorption system approved by the regulatory officer. A SPDES permit from NYSDEC is required for any surface discharge.

C. A visual and audio warning device shall be installed in a conspicuous location so that activation of such warning device will alert property occupants of aerobic unit and advanced unit malfunction or failure. All warning devices shall be wired separately from the unit so that disconnecting the aerobic unit from electricity will activate the warning device.



## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

D. All aerobic and advanced treatment units shall be wired and constructed so that electrical disconnection of the unit will result in closure in the sewer line and eventual system backup.

E. All aerobic and advanced tanks must have a continuous maintenance contract agreement with an authorized service contractor. Each unit shall be inspected at least two times a year by an authorized service contractor. A record of the service contractor visit indicating the date, locations, unit type and size, service contractor name and any repairs must be provided to the Agency annually. All service contracts must be sent to the Watershed Inspector annually to verify that a continuous contract exists for the unit.

#### **§ 000-15. Severability**

A. If any portion of this law is held invalid or unenforceable by any court of competent jurisdiction, the remainder hereof shall be severable and shall remain in effect.

#### **§ 000-16. Violations and penalties for offenses.**

##### A. Violations:

1. Inspections. If a property owner or his or her agent refuses to allow access to his or her property to conduct an inspection as required by this law, the regulatory officer shall not enter the property to conduct an inspection without an administrative search warrant, which may be issued by the Town of Wayne Justice Court.

2. Abatement. In case any wastewater system is constructed, reconstructed, altered, covered without permission, or any property is transferred, or a Zone A inspection is not performed within the requirements of this local law and therefore in violation of this law, or any order of the regulatory officer under this law is not complied with, the regulatory officer or the Town Board (acting as the Town Board of Health), in addition to other remedies, may institute any appropriate action to restrain, correct or abate such violation, prevent the use of such wastewater system and the regulatory officer may revoke a Certificate to Operate.

B. A Written Notice of Violation shall be issued to any property owner with a wastewater disposal system found in violation of these rules and regulations, stating the date(s) by which corrective action shall be completed. Any violation beyond that date shall be punishable by a fine not to exceed \$250.00 and/or imprisonment not to exceed 15 days. Each week of violation shall be considered a separate offense. In the event of continued violations, the regulatory officer may apply for an injunction or other relief, including property condemnation from the appropriate court or Town Board. In the event that the town institutes proceedings either in local court or in Supreme Court to enforce the provisions of this statute, the offending parties shall be liable for all attorneys' fees, costs and disbursements incurred by the town in bringing said enforcement proceedings. More severe penalties than listed above may be imposed by a local court for blatant and willful violations such as but not limited to pumping or discharging septic or holding tank wastes directly into surface water.

C. Hearing. The Town Board (acting as the Town Board of Health) may schedule a hearing on an alleged violation, and if the conditions arising from the violation are found to be a threat to public health, safety or welfare of the community, the Board may order the violation corrected. Alternatively, the Board may direct that the Town or its authorized agent to correct such violation. Where the town or its authorized agent corrects a violation of this chapter, the owner of the property shall be liable for all costs of such corrective measures and said costs shall be a lien on the premises. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

This local law shall take effect immediately upon filing with the Secretary of State.



## **Appendix E: Existing Regional Committees and Relevant Contact Information (as of December 2008)**

### **Networks and Partnerships**

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#### **Genesee/Finger Lakes Regional Planning Council**

585-454-0190

50 West Main Street ~ Ste. 8107

Rochester, NY 14614

Email: [gflrpc@gflrpc.org](mailto:gflrpc@gflrpc.org)

Website: [www.gflrpc.org](http://www.gflrpc.org)

#### **Keuka Watershed Improvement Cooperative (KWIC)**

315-536-0917

Dawn Dowdle, Chairperson

1 Keuka Business Park, Ste. 201,

Penn Yan, New York 14527

Email: [office@keukawatershed.com](mailto:office@keukawatershed.com)

Website: <http://keukawatershed.com/>

#### **Keuka Lake Association, Inc.**

315-694-7324

Bob Corcoran, President

142 Main Street

Penn Yan, New York 14527

Email: [info@keukalakeassoc.org](mailto:info@keukalakeassoc.org)

Website: <http://www.keukalakeassoc.org/>

#### **New York State Department of State, Division of Coastal Resources**

[www.dos.state.ny.us](http://www.dos.state.ny.us)

#### **New York State Department of Environmental Conservation**

[www.dec.state.ny.us](http://www.dec.state.ny.us)

#### **New York State Department of Agriculture and Markets**

[www.agmkt.state.ny.us](http://www.agmkt.state.ny.us)

#### **Great Lakes Commission**

[www.glc.org](http://www.glc.org)

#### **Finger Lakes/Lake Ontario Watershed Protection Alliance (FL/LOWPA)**

[www.fllowpa.org](http://www.fllowpa.org)

#### **Land Trusts**

[www.lta.org](http://www.lta.org)

For further information on relevant organizations, agencies, and entities involved in water and natural resource protection and regulation, refer to Appendix A of the G/FLRPC report *Protecting Water Resources through Local Controls and Practices*, online at <http://gflrpc.org/Publications/LocalLaws/Guidebook.htm>

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

## Steuben County Offices

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### **Steuben County Government**

607-776-9631  
3 East Pulteney Square  
Bath, NY 14810  
Website: [steubencony.org](http://steubencony.org)

### **Soil and Water Conservation District**

260-665-3211 x3  
Jeffrey Parker, District Manager  
Website: [steubenswcd.org](http://steubenswcd.org)

### **Cornell Cooperative Extension of Steuben County**

607-664-2300  
Tom Tomsa, Executive Director  
[tnt5@cornell.edu](mailto:tnt5@cornell.edu)  
Website: <http://counties.cce.cornell.edu/steuben/>

### **Steuben County Planning Department**

607-664-2268  
Gregory P. Heffner, AICP, Director  
[greg@co.steuben.ny.us](mailto:greg@co.steuben.ny.us)  
Website: [www.steubencony.org/planning/](http://www.steubencony.org/planning/)

### *Steuben County Municipalities within the Keuka Lake Watershed*

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#### **Town of Bath**

607-776-7013  
Supervisor: Fred Muller, Jr.

#### **Town of Pulteney**

607-868-4222  
Website: [www.pulteneyny.com](http://www.pulteneyny.com)  
*Supervisor: Bill Weber*  
*Planning Brd. Chair: Lisa Stone*  
*ZBA Chair: James Burchett*

#### **Town of Urbana**

607-569-3743  
Website: [townofurbana.com](http://townofurbana.com)  
*Supervisor: Gordon Lanphere*  
*Planning Brd. Chair: Randy Robinson*  
*ZBA Chair: Rick Watson*

#### **Town of Wayne**

607.292.3450  
Website: [townofwayneny.com](http://townofwayneny.com)  
*Supervisor: Dawn Dowdle*  
*Planning Brd. Chair:*  
*ZBA Chair:*

#### **Town of Wheeler**

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

607-776-0284

*Supervisor: Brian J. Brinkhus*

*(no Planning Board or ZBA)*

#### **Village of Hammondsport**

607-569-3700

Mayor: Emery Cummings Hammondsport:

*Refer to the Steuben County roster at <http://www.steubencony.org/steubencntydir2008.pdf> for further information on local government officials.*

## Yates County Offices

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#### **Yates County Government**

315-536-5150

417 Liberty Street

Penn Yan, NY

Website: [yatescounty.org](http://yatescounty.org)

#### **Cornell Cooperative Extension of Yates County**

315-536-5123

Peter Landre, Executive Director

[ptl2@cornell.edu](mailto:ptl2@cornell.edu)

<http://counties.cce.cornell.edu/yates/>

#### **Yates County Soil and Water Conservation District**

315-536-5188

James M. Balyszak, District Manager

[yacswcd@rochester.twcbc.com](mailto:yacswcd@rochester.twcbc.com)

#### **Yates County Planning Department**

315-536-5153

Shawna E. Bonshak, Planner

[ycplanning @yatescounty.org](mailto:ycplanning@yatescounty.org)

#### **Yates County Watershed Inspectors**

Paul Bauter, Watershed Mgr., Penn Yan

315-536-0917

Colby Petersen and Jim Balyszak, Towns of Jerusalem and Milo

315-536-5188

Gary Boardman, Town of Barrington

607-243-8353

Frank Mueller, Town of Potter

585-374-2973

Ronald Kenville, Towns of Benton and Torrey, Seneca Lake Watershed

315-536-6823

## Keuka Lake Watershed Land Use Planning Guide

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### *An Intermunicipal Action Strategy*

#### *Yates County Municipalities within the Keuka Lake Watershed*

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##### **Town of Barrington**

607-243-5323

Website: [townofbarrington.org](http://townofbarrington.org)

*Supervisor: Eileen M. Farnan*

*Planning Brd. Chair: David Allardice*

*ZBA Chair: Bob Barret*

##### **Town of Benton**

315-536-7236

Website: [townofbenton.us](http://townofbenton.us)

Email: [clerk@townofbenton.us](mailto:clerk@townofbenton.us)

*Supervisor: Robert F. Clark*

*Planning Brd. Chair: Jayson Hoover*

*ZBA Chair: Dwight James*

##### **Town of Italy**

585-374-5035

*Supervisor: Margaret M. Dunn*

*Planning Brd/ZBA Chair: David Ferry*

##### **Town of Jerusalem**

315-595-6668

Website: [jerusalem-ny.org](http://jerusalem-ny.org)

*Supervisor: Daryl H. Jones*

*Planning Brd. Chair: Robert Evans*

*ZBA Chair: Ron Rubin*

##### **Town of Milo**

315-536-8911

Website: [townofmilo.com](http://townofmilo.com)

Email: [clerk@townofmilo.com](mailto:clerk@townofmilo.com)

*Supervisor: John Socha*

*Planning Brd. Chair: Jim Harris*

*ZBA Chair: Bill Laffin*

##### **Town of Potter**

585-554-6758

*Supervisor: Leonard Lisenbee*

*Planning Brd. Chair: Steve Catlin*

*ZBA Chair: Eileen Rudiatitis*

##### **Village of Penn Yan**

315-536-3015

Website: [villageofpennyan.com](http://villageofpennyan.com)

*Mayor: Douglas G. Marchiondra, Jr.*

*Planning Brd. Chair: Cliff Orr*

*ZBA Chair: Steve Owens*

*Refer to the Yates County website at <http://www.yatescounty.org/> for more information on local government officials.*

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**Keuka Lake Watershed Land Use Guide Committee Members**

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James L. Barden, Town of Jerusalem  
Paul Bauter, Keuka Lake Watershed  
Dennis Carlson, Town of Wayne  
Susan Close, Town of Jerusalem  
Tom Close, Town of Jerusalem  
Dawn Dowdle, Town of Wayne  
Matthew J. Doyle, Village of Hammondsport/Town of Pulteney  
Tara Farnan, Town of Barrington  
Mark W. Fellows, Town of Pulteney  
Freeman T. Freeman, Town of Barrington  
Peter Gamba, Town of Jerusalem  
Anne C. Green, Village of Hammondsport  
Steve Griffin, Yates Co. IDA  
Ryan Hallings, Town of Milo  
Michael Hanna, Town of Urbana  
Daryl Jones, Town of Jerusalem  
Steven Knapp, Town of Barrington  
Debbie Koop, Town of Jerusalem  
Bill Laffin, Town of Milo  
Sid Mann, Town of Barrington  
David C. Oliver, Town of Urbana  
Janet Stone, Town of Pulteney  
Bob Worden, Town of Jerusalem