

Existing Plans, Programs, and Regulations

State and Federal Wetlands Regulations

NYS DEC regulations restrict development on designated wetlands. Both State and Federal laws and regulations are in effect to protect and preserve wetlands. New York State's Freshwater Wetlands Act directed the Department of Environmental Conservation (DEC) to map significant wetlands and prepare regulations restricting activities that would destroy or disturb the wetlands. The State delineates wetlands with an area of 12.4 acres (5 hectares) or larger, plus smaller wetlands of unusual importance. Areas within 100 feet of delineated wetlands are also regulated in order to protect a sufficient buffer area.

The U.S. Army Corps of Engineers issues permits for activities in those wetlands subject to regulations under Section 404 of the Federal Clean Water Act. Maps of hydric soils and maps prepared by the U.S. Fish and Wildlife Service for the National Wetlands Inventory can be used in the preliminary identification of Federally regulated wetlands. Field investigation, based on criteria established by Federal regulations, is required to delineate the boundaries of these wetlands.

Flood Hazard Prevention

Areas subject to periodic flooding have been mapped by the Federal Emergency Management Agency (FEMA). Construction within flood hazard zones is restricted in order to prevent property damage due to flooding, and to maintain open pathways for flood waters. The Town of Alexander participates in the Federal Flood Insurance program and has adopted a local law which restricts development in flood-prone areas.

Provisions for Mining in Town Zoning

The Town of Alexander Zoning Ordinance currently requires a Special Use Permit for any "major" or "minor" Commercial Excavation. Major excavations are only permitted in areas zoned Earth Products. The requirements for a "Major Excavation" are limited to complying with the provisions of the DEC permit. State law does not permit Towns to regulate the operation of mines that require a DEC permit, although Towns do have the opportunity to comment on new and renewed mining permits issued by DEC. Requirements for "Minor Excavations" apply to mines that do not require a DEC permit, and address setbacks, drainage, fencing, hours of operation, blasting, and reclamation.

Stormwater Management and Erosion Control

State regulations administered by the Department of Environmental Conservation require that any development that disturbs more than one acre of land must have an approved plan for the management of stormwater runoff and the control of erosion. Plans must be filed with the Genesee County Soil and Water Conservation District prior to disturbing the land.

These regulations also apply to road maintenance activities conducted by local Highway Departments.

Issues and Opportunities

Preserve natural areas

The many undisturbed natural areas in the Town, including wetlands, woodlands and streams, provide habitat for wildlife and opportunities for hunting and fishing, as well as aesthetic beauty. These areas contribute to the rural character valued by residents. Wetlands and the floodplain along Tonawanda Creek are protected from development by State and Federal regulations. Woodlands in the Town are privately owned, and are used privately for hunting.

Areas that are in or adjacent to woodlands may be attractive for residential development. However, residential development can have a negative effect on natural areas as a result of land disturbance, and the effect of domestic animals on wildlife.

Protect the quality of Tonawanda Creek

As Tonawanda Creek is used as a public drinking water supply by the City of Batavia, located approximately five miles north of the Town of Alexander, it is important to protect the quality of its water. Potential contaminants include fertilizers and pesticides used on farms and lawns, nutrients from animal waste, as well as eroded sediments from streambanks or construction sites. Contaminants may enter Tonawanda Creek from the surface of adjoining land, or may be carried into the Creek from its tributaries.

Eroded soils from construction sites or road maintenance activities may carry contaminants into tributaries to Tonawanda Creek. Management of stormwater runoff helps to prevent erosion and sedimentation of streams.

NYS Mined Land Reclamation Law

New York State's Mined Land Reclamation laws require a permit from the NYS Department of Environmental Conservation (DEC) for the operation of mines that remove more than 1,000 tons of minerals (roughly equivalent to 750 cubic yards or 40 to 50 truck loads). The permit conditions address operations and require provisions for the reclamation of mined land. Permits must be renewed every five years, or else they expire. The permit identifies a "life of mine" area as well as areas that may be mined during the permit period.

The MLRL supercedes all other laws relating to mining operations, with the following exceptions:

- Local governments may, through zoning regulations, designate areas where mining is and is not permitted.
- Special permit conditions may regulate access onto local roads, transport of product on local roads, setbacks from property lines, and enforcement of DEC permit requirements. Other aspects of the operation of gravel mines may not be regulated by local government.
- Local governments may regulate the operation of mines that are exempt from state law jurisdiction (those that remove less than 1,000 tons or 750 cubic yards.)

Flooding along Tonawanda Creek

The soils in the Tonawanda Creek valley are highly productive as a result of past flooding. However, The periodic flooding of Tonawanda Creek erodes farmland and damages crops. Log jams within the Creek have affected the amount of water that can be carried by the Creek. [Efforts to remove log jams; jurisdiction]

Some trees that were cut by the NYS Department of Transportation along Route 98 were not properly removed. This may contribute to reduced capacity within Tonawanda Creek.

As development within the floodplain is limited by regulation, farmers can continue to farm this land without pressure to develop.

Impacts from gravel mining

Gravel mining produces materials that are necessary for highway and other construction, Gravel mining is also a viable business that contributes to the tax base and economic benefit of the Town. However, the impacts from mining can affect the quality of life of neighboring residents. Impacts may include: noise, dust, water quality degradation, visual and aesthetic degradation, and truck traffic. Residents along Spring Road, for example, have complained in the past about dust and noise associated with the Frey mine.

Proper reclamation of mined land is also a concern. Land that has been mined is rarely as productive for agriculture as it was prior to mining. Mined land can also be an eyesore and a detriment to the Town if not properly restored.

Groundwater Quality

As most residents of the Town of Alexander obtain their drinking water from private, on-site wells, protecting the quality of the groundwater is extremely important. Potential sources of contamination include chemicals used in agriculture and lawn care, and nitrates and nutrients from animal waste.



Residents Survey Results

- ◆ A large majority of respondents (78%) state that the Town should take measures to protect open spaces and views.
- ◆ Residents use natural areas for recreation, including walking, hunting and fishing
- ◆ Nearly half of all respondents (48%) have problems with their water supply. Of these, 48% have problems with both quality and quantity, 45% have quality problems only, and 7% have quantity problems only. Among respondents who live along Route 20 and along Route 98 north of the Village of Alexander, nearly 75% reported problems with their water supply. Among respondents who live in the southwest and northeast quadrants of the Town, less than 40% reported problems with their water supply.

Tools and Techniques

Zoning Regulations

Towns have the authority to regulate the use of land through local zoning regulations, except where State or Federal regulations supersede this authority. For example, development within designated wetlands is restricted by State and Federal regulation, regardless of any uses that may be permitted by local zoning.

The NYS Mined Land Reclamation Law limits the authority of local governments to regulate the operation of sand and gravel mines. The Town may use zoning to limit the areas within the Town that could be mined, and may limit entrances and exits onto Town roads, and it may monitor conditions of the DEC permit as part of a special permit process. In addition, the Town is given the opportunity to comment on NYS DEC permit applications.

Agricultural Environmental Management

Voluntary Agricultural Environmental Management techniques could reduce the amounts of agricultural runoff into Tonawanda Creek and groundwater. The Genesee County Soil and Water Conservation District and the USDA Natural Resource Conservation Service offer technical assistance to farmers to install measures that lower the amount of nutrients and chemicals that run off into streams or seep into the groundwater. Financial assistance is available on a matching basis.

Stormwater Management and Erosion Control

Erosion of disturbed land during construction can be managed by local regulation and oversight. The Town Planning Board generally

requires erosion control and stormwater management plans to be incorporated into the site plan.

Town Highway Department is responsible for minimizing erosion and runoff during routine maintenance of road side ditches and during road improvement processes.

Voluntary cleanup and education of landowners

A volunteer committee was formed in the late 1980's to protect the water quality of Tonawanda Creek. Activities included organizing clean-up days to remove debris from the banks. Cooperative activities could help in raising awareness of about water quality and reducing potential sources of contamination. In addition, information may be distributed to owners of land adjoining Tonawanda Creek and other streams in the Town to increase awareness of the need to avoid activities that could erode soils along the stream bank.

Stream Corridor Protection

Zoning regulations

Towns may help to protect stream corridors through zoning regulations. Typically, zoning regulations to protect stream corridors restrict development within a certain distance of the streambank. A typical distance for a major stream is 50 feet. Such a restriction would be appropriate for waterways such as Cattaraugus Creek, where erosion hazards exist along the bank, and Hosmer Brook and other trout streams. Regulations would limit building and prohibit the removal of natural vegetation.

Physical improvements

In areas along Cattaraugus Creek that are subject to erosion, physical improvements may be installed, such as stone rip rap. Such measures can be very expensive for landowners.

Groundwater protection

Towns may help protect groundwater through zoning regulations, public education, preparing wellhead protection plans, and participating in the monitoring of businesses in the town.

Zoning regulations

Zoning regulations designed to protect groundwater typically prohibit certain businesses from locating in areas where they could contaminate groundwater. Such businesses typically include dry cleaning establishments and motor vehicle repair shops. Sample regulations are included in the Appendix.

Public education

Residents can be educated to help protect groundwater. Many common household and automotive products have the potential to contaminate groundwater. These include lawn care chemicals, motor oil and gasoline, septic system additives, and others. Sample brochures are included in the Appendices.

Wellhead protection plan

A wellhead protection plan identifies ways to protect water quality around a community well. The Town of Holland, for example, has prepared a wellhead protection plan to protect its public water supply. Some land in the Town of Sardinia has the potential to impact the Town of Holland's water supply.

Gravel Mining

Zoning regulations

The primary tool available to the Town to control gravel mining is local zoning regulations. As the New York State Mined Land Reclamation Law does not allow towns to regulate mining operations, it does allow towns to use zoning to determine where mining may be permitted. One of the recommended actions contained in this Comprehensive Plan calls for the amendment of the Town's zoning regulations to prohibit commercial gravel mining anywhere in the Town. Existing mines will be allowed to continue as pre-existing, non-conforming uses, but will not be permitted to expand.

Participate in DEC Mined Land Reclamation regulations

The Town may also participate in the NYS Department of Environmental Conservation's permitting process. As gravel mines are required to indicate the future use of reclaimed mines, the Town should attempt to participate in the discussion to ensure that future uses are appropriate for the town. For example, the Town could encourage DEC to require that reclaimed land have adequate drainage so that it is usable for farming.

Recommended Actions

1. Revise Town zoning regulations to prohibit the establishment of new commercial gravel mines and the expansion of existing gravel mines.
2. Distribute information to landowners along Tonawanda Creek to encourage maintenance of streambanks and reductions in erosion.
3. Work with Genesee County Cooperative Extension and the Soil and Water Conservation District to encourage conservation practices among farmers.
4. Provide training to Town Highway Department personnel in practices that minimize erosion and sedimentation from roadside ditches.
5. Work with Genesee County agencies and neighboring Towns to remove snags and log jams in Tonawanda Creek.
6. Work with NYS DEC to open drainage ditches through existing railroad beds (such as along Peaviner Road)

Chapter Three

Agriculture and Farmland

Goals

1. Promote the continued viability of agriculture and the retention of farmland.
2. Protect landowners' equity in farmland.



Existing Conditions

Land in farms

As shown in the aerial photograph of the Town (see Map 16), most of the Town's land area is actively farmed. Based on tax assessor's classification of land use, a total of 14,597 acres (74% of the total land area) are agricultural parcels.

Agricultural land represents 20% of the total tax base of the Town.

Types of farming

Dairy farming is the predominant type of farming in the Town. Crops grown are primarily in support of dairy, including oats and hay. Other farms include vegetables and livestock.

A number of large dairy operations are located in the Town. Current trends in the agricultural industry have resulted in consolidation and larger farms.

In addition, several small, part-time farms are found in the Town and in Genesee County. These operators do not make most of their income from farming.

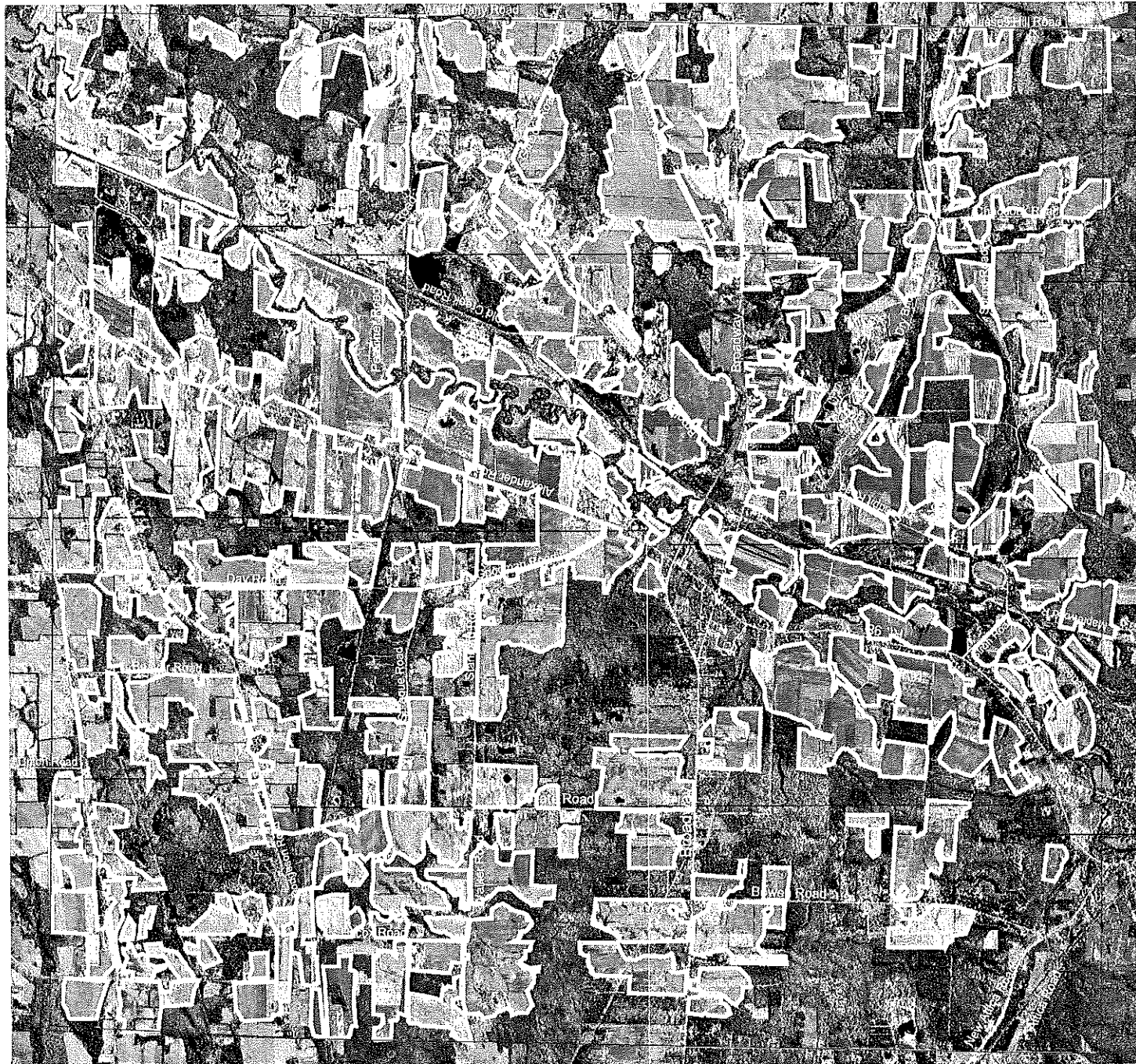
Soil Suitability for Agriculture

Large areas of prime agricultural soils are located within the Tonawanda Creek valley, east of Route 98, and encompass most of the land in the northeast quadrant, land southeast of the Village of Alexander, and areas in the northwest portion of the Town (see Map 17.)

Economic impacts

The agricultural industry is significant in the economy of Genesee County. Statistics from the 1997 Census of Agriculture indicate that agricultural operations based in Genesee County generated \$109,614 million in sales during 1997. A summary of these statistics is presented in Figure 1.

Active Farmland

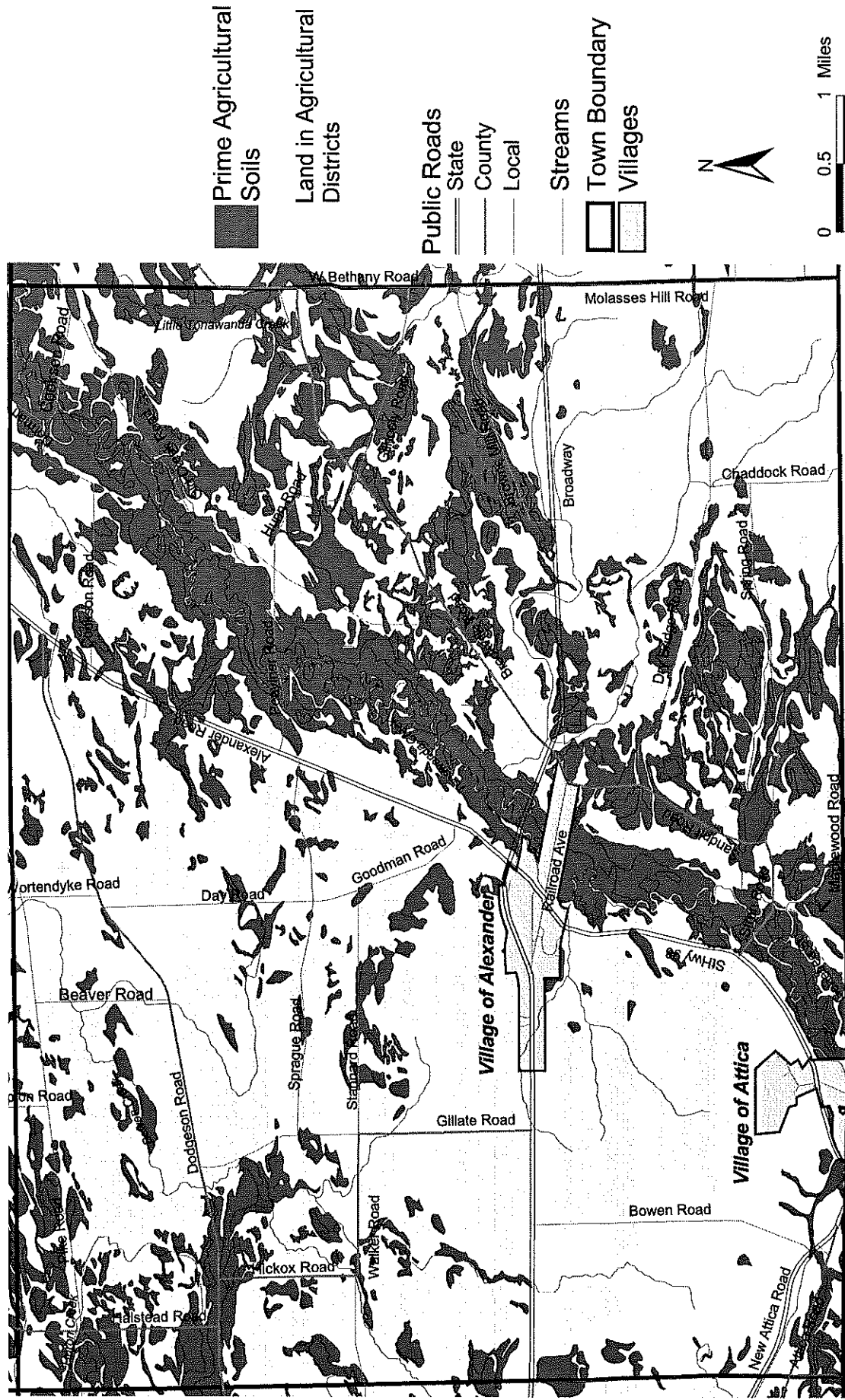


Data provided by the NYS GIS
Clearinghouse from 1999 Data

Map Prepared by Stuart I. Brown Associates

Town of Alexander Comprehensive Plan

Map 17

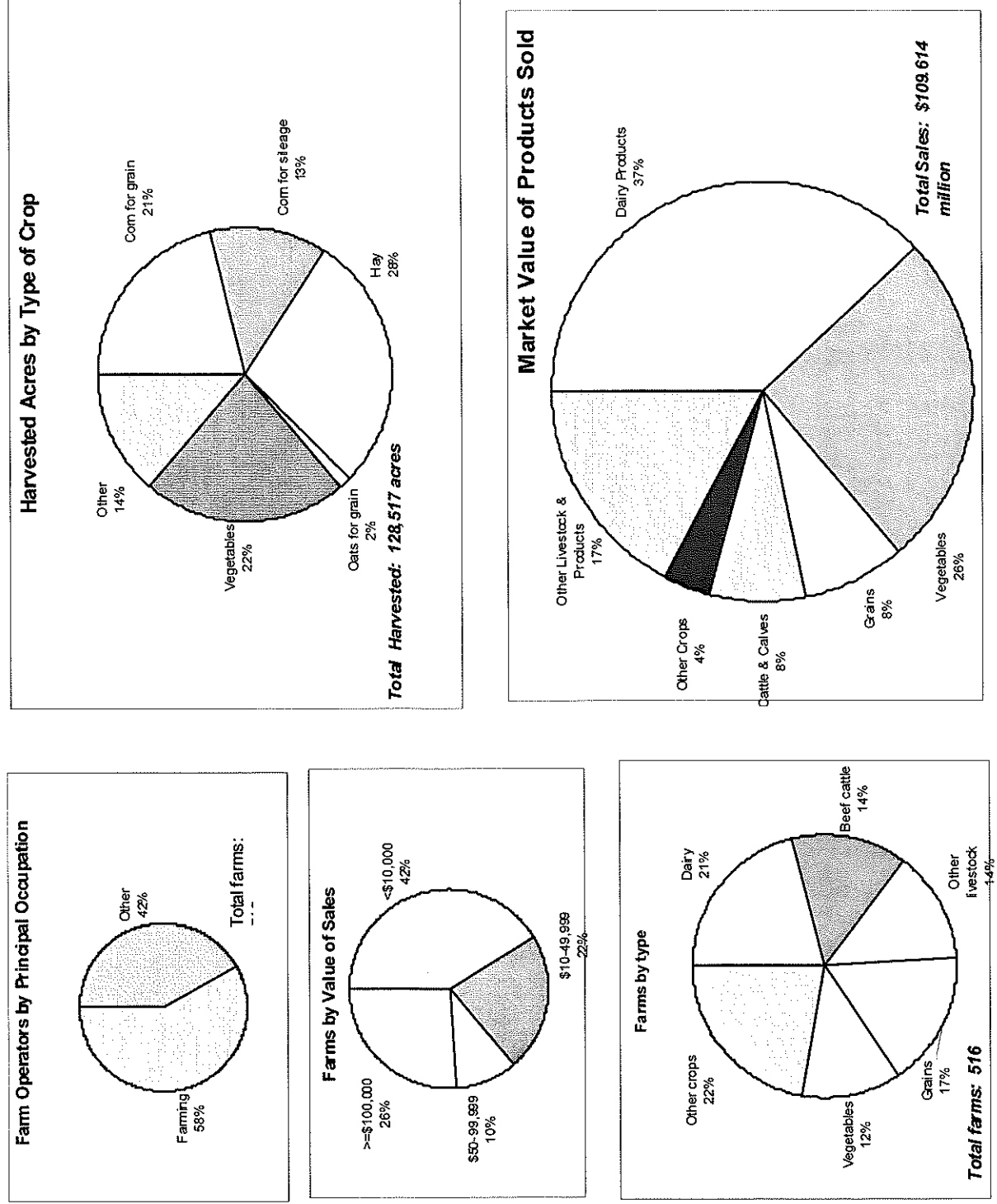


Prime Farm Soils from USDA Soil Survey

Map Prepared by Stuart I. Brown Associates
Data provided by the Genesee County Planning Department

Figure 1

Statistics from the 1997 Census of Agriculture—Genesee County



Agricultural District Program

The New York State Agricultural District Program was created by State legislation in 1971. The program encourages owners of productive agricultural land to form districts within the County. Districts should consist predominantly of viable farmland. The Districts in Genesee County are reviewed, and may be renewed, in 8-year cycles. Inclusion in the Agricultural District denotes a commitment on the part of the County and the landowner to retain the use of such land for agriculture.

A majority of the land in the Town of Alexander is within Agricultural Districts. Most of this land is in District #10, although portions of Districts #7 and #8 are within the Town of Alexander.

The 8-year renewal date for these Agricultural Districts has passed. However, Districts remain intact, and all protections and obligations of the Agricultural Districts remain in effect until the Districts are renewed. As of September 2002, Genesee County was in the process of assembling lists and GIS maps to begin the renewal process.

The Agricultural District Program provides the following provisions to protect farmers:

- Agricultural use value assessments: Land is assessed at its value for agricultural production, rather than at its full market value. If land that was receiving the agricultural exemption is sold for non-farm purposes, the landowner must repay the amount of property taxes saved over the life of the District, up to 8 years.
- Protection from local regulations that would restrict farm practices
- Protection from public acquisition of farmland through "eminent

domain." Before a local or county government may undertake a project that affects land within an Agricultural District, it must submit a "Notice of Intent" to the County Agricultural and Farmland Protection Board and the State Department of Agriculture and Markets for consideration of the impacts on agriculture.

- Protection from nuisance suits (right-to-farm provisions)
- A person who buys property within an Agricultural District must be notified about the possible presence of noise or odors associated with farm practices.

Genesee County Agriculture and Farmland Protection Plan

The Genesee County adopted an Agricultural and Farmland Protection Plan in 2001. The Plan includes a farmland protection component and an agricultural development (economic) component. The implementation of several of the recommendations in the Plan will require action by individual municipalities.

Summary of Recommendations

Refine the Strategic Farmland Map and incorporate it into the Smart Growth Plan. The map itself should become a companion to the Smart Growth Plan and be used with it to inform town decision-making on land use and infrastructure issues.

Re-affirm the importance of existing agricultural districts, especially with regard to water and sewer extensions. The decision of one or more towns to allow lateral access without extenuating circumstances could create a precedent that endangers agricultural district integrity as well as other farmland protection measures throughout the county.

Conduct an "audit" of each town's zoning and subdivision provisions and recent past development patterns to help the towns understand the potential impact on maintaining a critical mass of farmland. Once the audits are conducted, the County Planning Department and the Agriculture and Farmland Protection Board should host a summit of all town officials to present results and discuss alternatives.

Consider the designation of an agricultural production zone. The concentration of large, highly-productive farms in Genesee County as well as smaller farms clustered together may lend themselves to a designation of a zone to protect the land's 'highest

and best use' — production agriculture.

Consider use of incentive zoning as a mitigation tool. Take the opportunity with incentive zone to leverage protected land or protection funds when upzoning land within the Smart Growth Development areas.

Develop new funding sources specifically for a farmland protection fund. See farmland protection as avoidance of future infrastructure costs, find ways now to tap the engine of the coming develop, and protect the investment you make.

Create "Enhanced Agricultural District Program" for mid-term protection of Farmland. Involves a voluntary commitment to restrict non-farm development for a period of 10 years, with automatic re-enrollment, in exchange for annual payments and priority in Genesee County's participation in the state's PDR program.

Prepare to Purchase Development Rights. Set an acreage goal, develop dedicated revenue sources, refine the selection components, and position Genesee County, with its exceptional resources, to make maximum use of increasing State PDR funding.

Integrate a farmland protection component into the County's public education efforts about agriculture.

Conduct periodic estate planning seminars for farmers and professionals.

Advocate for implementation of the Agriculture Development Plan. Genesee County's "Agricultural Development Plan" was prepared in conjunction with the "Farmland Protection Plan."

Issues and Opportunities

Prime agricultural soils

High quality agricultural soils are an irreplaceable natural resource that is essential for continued agricultural production. Potential threats to the continued use of these soils for agriculture include development and gravel mining.

Soils located within the floodplain of the Tonawanda Creek are not likely to be converted to non-agricultural use, as development in the floodplain is restricted by regulation. However, recurrent flooding in this area damages crops and causes extensive erosion.

Retain options for landowners

Farmland owners frequently depend on the sale of their land to finance their retirement. Provisions to encourage the retention of farmland must not significantly reduce the value of land or the ability of landowner's to sell.

Minimize neighbor conflicts

Manure spreading is a standard agricultural practice that reuses nutrients created by animals and reduces the need to purchase additional fertilizers. However, this practice, especially when liquid manure is used, generates odors that affect residential neighbors.



Residents Survey Results

- A large majority (78%) of respondents stated that the Town should take measures to preserve and protect farmland.
- Several respondents indicated, in written comments, that the rights of individual property owners need to be protected to enable them to sell their property when they choose to do so.
- Several respondents commented about the unpleasant odors that result from the spreading of liquid manure

Tools and Techniques

Several tools and techniques are available to local governments, individual landowners and private organizations to help meet the goal of retaining farmland and encouraging the continued viability of agriculture.

Local “Right to Farm” Law

Several municipalities in New York State have passed local “Right to Farm” laws. Such laws typically establish a town policy in support of farming, define “generally accepted agricultural practices,” and affirm a farmers right to employ such practices. The laws also include a requirement that purchasers of property within the town be notified of the town’s policy of encouraging farming, and that farm practices may include odors, noise and other activities.

A “grievance” procedure is established to resolve complaints between farmers and non-farm neighbors. A local committee may be formed to hear and resolve complaints. Such a committee includes local farmers and may include non-farm representatives. Municipalities may appoint an existing committee, such as the Conservation Advisory Council or Planning Board, to act as the Grievance Committee. In some counties, the Agricultural and Farmland Protection Board may take on the responsibility of handling grievances.

Conservation easements

Private, voluntary conservation easements

Landowners may place farmland under a permanent conservation easement to be held and monitored by a private land trust or other non-profit organization. The donation of easements may be helpful to some families in estate planning, as the value of the easement can be

claimed as a tax deduction. The Western New York Land Conservancy is active in Erie County and holds easements to several agricultural parcels.

Public purchase of development rights

Purchase of Development Rights (also referred to as “Purchase of Agricultural Conservation Easements”) is a public program which compensates farmland owners for agreeing to keep land from being developed. Such a program may be operated by a public entity or a not-for-profit organization. The value of development rights is calculated as the difference between the value of the land for agricultural purposes and its value for development. A temporary or permanent easement restricts development on the parcel. Ownership of the parcel does not change. The easement holder is responsible for ensuring that the property is not developed. The owner may continue to farm the parcel, and/or sell it. Conservation easement programs have the following advantages and disadvantages:

Advantages:

- Protects agricultural land on a permanent basis (or for a specified period of time).
- Participation among landowners is voluntary

Disadvantages

- Cost
- Time involved in purchasing easements
- Requires on-going monitoring by the easement holder
- Protects farmland on a piecemeal basis, and may not be effective in protecting a “critical mass” of farmland

Zoning Techniques

Agricultural Protection Zoning

Agricultural Protection Zoning involves the creation of a zoning district that designates farming as the primary, preferred land use. Such a district targets the most productive soils and large contiguous areas of active farms. The minimum lot size is based on the size of the smallest viable farm unit -- such as 25 to 40 acres.

Regulations for this district typically limit non-agricultural development. They may incorporate density averaging or sliding scale provisions to limit the number of dwellings permitted. The regulations may also specify maximum (as well as minimum) lot sizes for non-farm development. Such a district may allow farm-related businesses and home-based businesses.

Agricultural protection zoning may be combined with purchase of development rights, transfer of development rights or incentive zoning.

Advantages:

- Effective in limiting non-farm development and reducing conflicts between agriculture and non-farm neighbors.
- Can protect large areas of farmland at no cost to the public

Disadvantages:

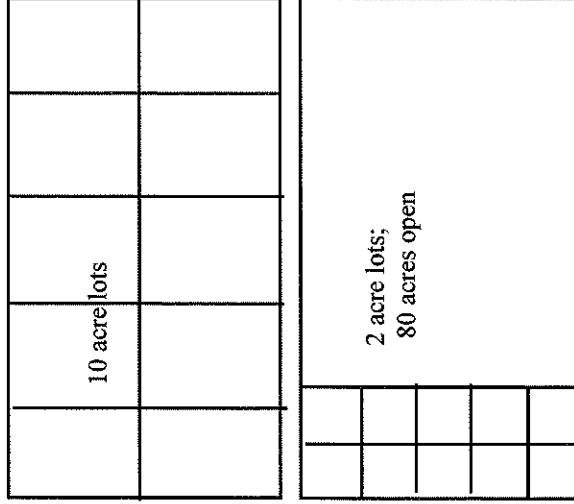
- May reduce the market value of land.
- Is not permanent. Zoning can be changed.

Density averaging (clustering)

Density averaging or clustering allows residences to be built on smaller lot sizes than typically permitted by zoning, provided that the

average density of the original parcel is not increased. For example, if zoning requires a maximum density of 1 dwelling per 10 acres, a farm of 100 acres would be entitled to develop up to 10 dwelling units. If the 10 dwellings were built on a total of 20 acres of the parcel (with an average lot size of 2 acres), 80 acres would remain open (see diagram on the right, below.) The smaller lots should be sited in locations that are least suitable for farming, and that offer the most appealing views of open space and natural resources. Design of the subdivision should include buffers between the new residential development and the remaining farmland. A conservation easement would be placed on the remaining 80 acres to prevent future development.

100 acres - 10 building lots



Additional examples of density averaging, also referred to as “conservation subdivisions,” are included in the Reference Packet.

Advantages

- Relatively simple to administer through the subdivision review process
- Provides for permanent protection of farmland or open space
- Landowner retains full development potential (number of building lots)

Disadvantages

- Results in non-agricultural development in close proximity to farming. May be more appropriate for open space preservation and retention of rural character than for retention of agricultural land.
- Requires low base density to be effective.

Incentive zoning

Incentive zoning may be used to encourage the private acquisition of agricultural conservation easements (development rights) or to collect money toward a public fund to purchase such easements. Municipalities must designate an area or areas in which higher densities or more intensive uses may be permitted, provided that the applicant offer certain amenities that would meet specified community needs. Acceptable amenities may include conservation easements on farmland or cash to be used in a purchase of development rights program.

Advantages

- Flexibility in administration
- Can result in permanent protection of farmland if agricultural easements are provided as an amenity in exchange for higher densities
- Allows conservation easements to be purchased privately

Disadvantages

- Requires designation of an area within which higher densities can be sustained.

Transfer of development rights

Transfer of development rights involves the private purchase of development rights to farmland in a “sending” zone, or farmland within a community that meets certain criteria, and the transfer of these rights to increase the density of development in a designated “receiving” area. Such a program typically operates in the private market.

Advantages:

- Operates within the private sector.
- Sale of development rights by agricultural landowners is voluntary
- Permanently preserves agricultural land through conservation easements

Disadvantages:

- Complicated to administer
- Requires a market for development rights within the “receiving area.”

Recommended Actions

1. Adopt a local “Right to Farm” law
2. Work with Genesee County to implement the recommendations of the County Agricultural and Farmland Protection Plan.
3. Consider potential impacts on agricultural production in the review of development proposals and the extension of infrastructure.
4. Utilize zoning and the subdivision review process to encourage creative development designs that incorporate the retention of farmland.

Chapter Four

Residential Development and Neighborhoods



Goals

1. Balance residential development in the countryside with the protection of farmland, natural resources and rural character.
2. Encourage an appropriate level of maintenance of residential properties.
3. Maintain low residential densities in the rural, agricultural areas of the Town.
4. Continue to accommodate a variety of housing in the Town.
5. Maintain a high quality of life for Town residents.

Existing Conditions

Population

According to the Census of Population and Housing, the population of the Town of Alexander, outside of the Villages was 1,852 in 2000. Between 1990 and 2000, the population increased by 4.4%.

Between 1990 and 2000, the number of residents aged 20 to 34 decreased from 390 to 289 (25.9%). The number of residents age 60 or older increased from 270 to 316 (17%) and the number of residents age 5 to 19 increased from 417 to 460 (10.3%).

Two-thirds of the households in the Town consist of married couple families. One-half of these have children under age 18 living at home. Between 1990 and 2000, the number of single-person households increased from 71 to 122 (72%). In 2000, a total of 18.7% of all households consisted of individuals living alone.

Housing

According to the Census, there were 675 housing units in the Town outside the Villages, of which 651 were occupied and 24 were vacant or used seasonally. Between 1990 and 2000, the number of new housing units increased by 72 (11.9%).

- **Tenure:** A total of 561 (86%) of the occupied housing units were owner-occupied, and 89 were rented.
- **Units in Structure:** Nearly all (85%) of the housing units are in detached single-family structures. A total of 27 units were in two-family structures, 17 were in structures containing 3-4 dwellings and 55 were mobile homes.

- **Year Structure Built:** A total of 213 (32%) of the housing units in the Town outside the Villages were constructed before 1940. A total of 193 were constructed between 1960 and 1979, and 148 were constructed between 1980 and March 2000.

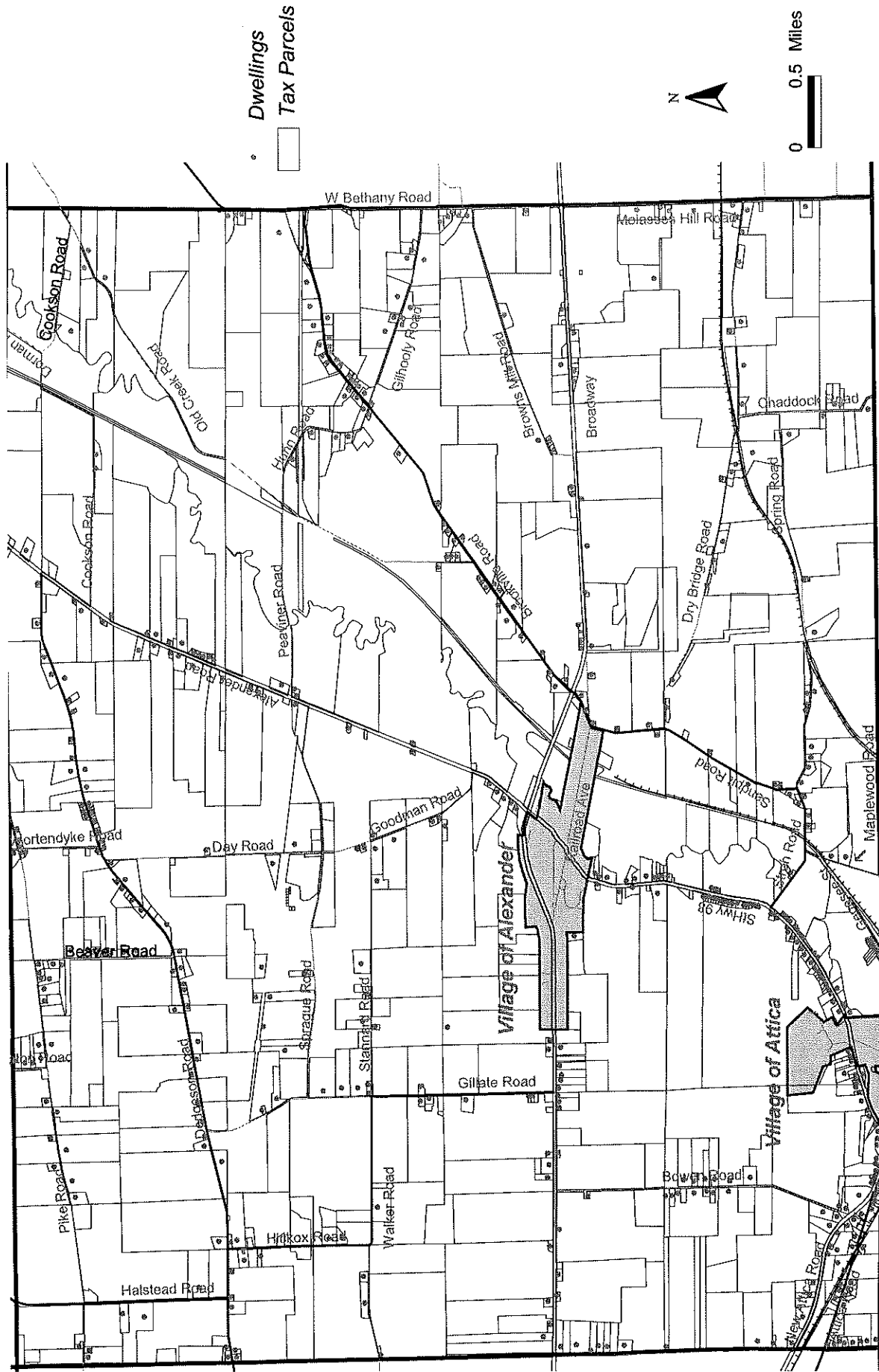
- **Value of Units:** Most of the owner-occupied housing units were valued at \$50,000 - \$99,999 in 1999, according to the 2000 Census. A total of 95 (22%) were valued at less than \$70,000, and 87 (20%) were valued at \$100,000 or more. The median value of owner-occupied housing units in the Town was \$79,000. In Genesee County as a whole, the median value was \$83,200.

Residential development is scattered throughout the Town, along existing roads (see Map 18, Location of Dwellings.)

Town of Alexander Comprehensive Plan

Location of Dwellings

Map 18



Existing Plans, Programs, and Regulations

Zoning Regulations

The Town of Alexander's existing zoning regulations designate permitted uses and density of development for designated zoning districts throughout the Town. Residential development of various types and at various densities is permitted throughout the Town, except in the Earth Products zoning district.

Single and two-family dwellings are permitted "by right" in the Agricultural-Residential (A-R) District at a density of 40,000 square feet of lot area per dwelling. In the Residential District, single and two family dwellings are permitted on lots with a minimum area of 20,000 square feet. In the Commercial-Industrial District, one and two-family dwellings require a Special Use Permit.

Multiple-family dwellings (containing three or more dwelling units in a single structure) require a Special Use Permit in the AR, R and C-I zoning districts. Double-wide mobile homes are permitted wherever single family homes are permitted. However, single wide mobile homes are only permitted as farm labor housing, or on a temporary basis during the construction of a conventional house. Mobile home parks may be permitted with a Special Use Permit issued by the Planning Board in the AR District. The zoning regulations include requirements for density, layout, parking, streets, storm water drainage, utilities, landscaping and maintenance.

Residential developments that incorporate a variety of housing types and densities, as well as a mix of residential and non-residential uses, may be permitted by the Town Board as a Planned Unit Development in any zoning district in the Town. Planned Unit Developments also require Site Plan Review by the Planning Board.

The Town's zoning regulations require all one and two-family dwellings to have a floor area of no less than 720 square feet. Multiple family dwellings must have a floor area of at least 600 square feet per unit.

Subdivision Regulations

The Town's Subdivision and Land Separation Regulations require Planning Board review whenever four new lots are created from a parent parcel within a five-year period.

NYS Uniform Fire Prevention and Building Code

Building construction standards are governed by the New York State Uniform Fire Prevention and Building Code. Comprehensive revisions to the Code were adopted by New York State in 2002. Beginning in January 2003, all new construction must adhere to the revised code. The new Code includes additional requirements related to property maintenance, including storage of junk cars and refrigerators, and lawn maintenance.

The Town of Alexander's Code Enforcement Officer is responsible for enforcement of the building and property maintenance provisions in the Code.

Genesee County Housing Assistance Programs

Genesee County Rural Opportunities, Inc. operates a program to assist first-time homebuyers, and a program to assist low and moderate income families to make repairs to housing. Contact Sue Boss at 343-2188 for more information.

Issues and Opportunities

Soil conditions

Soil conditions in the Town present challenges to residential development, as many areas are not able to support a conventional septic system. In order to receive approval from the Genesee County Health Department, a “raised bed” or other form of alternative system is required for many new homes in the Town of Alexander.

Water quality

Water quality in many areas of the Town is not acceptable. Primarily, concerns about water quality are related to iron and sulfur, which cause odors and staining, rather than chemical contamination. Residents in certain areas of the Town have requested that the Town investigate the potential for extending public water.

Rural character

Residential development along roadsides may reduce the rural, open space character of the community. This can occur when lots are relatively narrow. Current zoning regulations require 150 feet of frontage in the AR zone, and 100 feet of frontage in the R zone for single family dwellings.

Additional curb cuts for residential driveways reduce the ability of major roads to carry through traffic. On State highways, the speed limit must be reduced when there is more than one driveway every 250 feet.

Cost of services

Increased residential development can lead to additional demand for services from local government and school systems.

Potential conflicts with agricultural uses

Residential development in the countryside has the potential to lead to conflicts with agricultural production. Residents who live near farms may complain about odors from manure spreading, or noise from farm equipment.

Property maintenance

Some residents are concerned about the appearance of nearby properties, as well as such activities as open burning, and their potential impact on property values and quality of life.

Affordable housing

Housing in the Town is generally affordable. The ratio of the median value of housing (\$78,700) to median household income (\$45,395) is 1.73. This compares favorably to the ratio for the County (Median value of \$82,700/ Median income of \$40,542 = 2.04).

As there are few restrictions on the size of house that can be built, future affordability is not expected to be an issue in the Town.

Tools and Techniques

Zoning regulations

Zoning regulations specify minimum lot size, dimensions, and the type of use permitted in each district. Zoning regulations are an effective tool to manage the density of residential development and the types of dwellings that may be permitted in specified areas of the Town.

Subdivision/ Land Separation regulations

Subdivision and Land Separation regulations help to determine the pattern of new development in the Town. Current regulations require Planning Board review when four or more lots are created from a parent parcel within a five-year period (this review threshold is used by the County Health Department).

Building Code

The NYS Uniform Fire Prevention and Building Code has recently been updated to include additional requirements for property maintenance. Requirements address the maximum height of grass, junk vehicles and refrigerators, and other maintenance requirements. The Code Enforcement Officer (building inspector) is responsible for administering the property maintenance requirements.



Residents Survey Results

- Many residents are “very concerned” (46%) or “somewhat concerned” (31%) about large country lots being subdivided into small lots.
- A total of 61% of respondents stated that the Town should do more to encourage homeowners to better maintain their residences and properties.
- Only 26% of respondents indicated that single wide mobile homes should be allowed on individual lots throughout the Town. 17% stated that they should be allowed in certain areas of the Town, and 42% indicated that they should be restricted to mobile home parks. More than one-half (55%) indicated that the Town should not encourage new mobile home parks in the Town.

Recommended Actions

1. Review and revise zoning and subdivision regulations to protect rural character while accommodating new residential development.
2. Diligently enforce the provisions of the Uniform Code that apply to property maintenance.
3. Continue to use zoning regulations to provide for a variety of housing types in the Town.

Chapter Five

Transportation and Utilities



Goals

1. Continue to maintain Town roads and drainage ditches in good condition.
2. Reduce the impact of truck traffic on residences along Routes 98 and 20.
3. Provide public water to existing households that rely on private wells.

Existing Conditions

Public Utilities

Public Water

Public water service is provided in the Town of Alexander to the properties along Route 98 between the Villages of Alexander and Attica. The Village of Alexander provides the water service and is responsible for the maintenance of the watermain. Water is supplied to the Village of Alexander by the Village of Attica as the Village of Alexander has no water filtration plant of its own. Attica supplies the water via an 8"-diameter watermain along Route 98 between the two Villages. The watermain connects to the Village of Alexander's 200,000 gallon water storage tank located near Route 20. Map 19 depicts the locations of existing water lines in the Town.

Property owners in the remainder of the Town of Alexander must rely on private wells to supply their water needs.

Sanitary Sewers

There are no sanitary sewers in the Town of Alexander outside the Villages of Alexander and Attica.

Natural Gas / Electric Services

The Town of Alexander is within the National Fuel Gas Company service area. Gas service in the Town of Alexander is limited to the areas along Route 98 and along a portion of Route 238 between the Village of Attica and Bowen Road as these are the only areas where there are existing gas mains.

Niagara Mohawk Power Corporation provides electric service throughout the Town of Alexander.

Telephone / Cable Television Services

Frontier and Verizon Communications Companies provides telephone service throughout the Town of Alexander. Time Warner Communications Company provides cable television service in limited areas of the Town as depicted on Map 20.

Transportation

Streets and Roadways

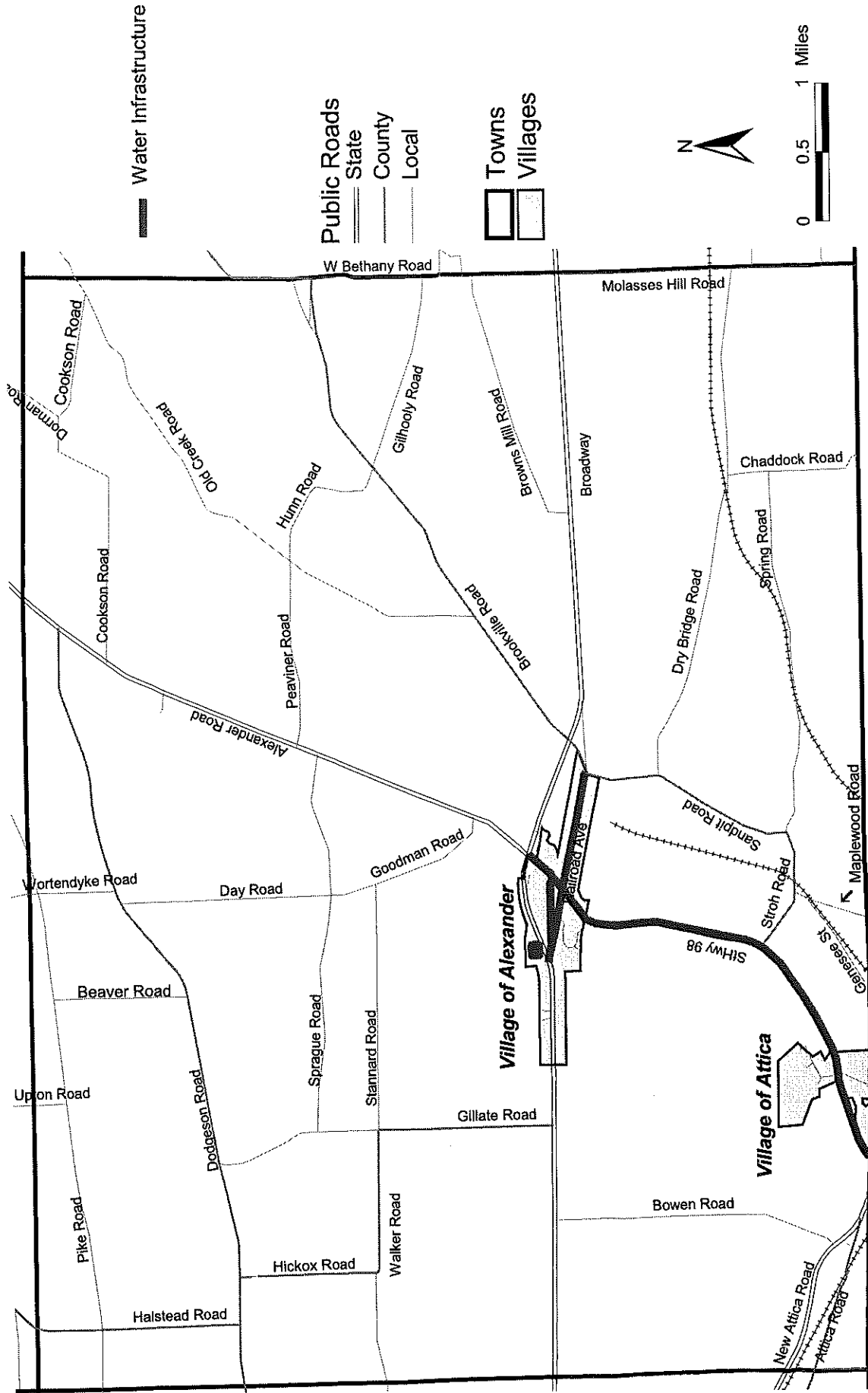
The Town of Alexander contains a mix of Town, County State and Federal highways and roads. Routes 20 is a U.S. highway while Routes 98 and 238 are New York State highways. Halstead, Hickox, Bennet, Dodgeson, Walker, Gillate, Brookville, Sandpit, Attica and Stroh Roads are designated as Genesee County roads. The remainder of the roads are Town roads. Map 21 depicts the road system by jurisdiction.

New York State is responsible for the maintenance of Routes 20, 98 and 238. Genesee County is responsible for the maintenance of County roads and the Town of Alexander for the maintenance of Town Roads. Genesee County, however, is responsible for the maintenance of all bridges on Town and County roads. Like many rural town highway departments, the Alexander Highway Department assist adjoining town highway departments and Genesee County on an informal mutual aid basis by sharing labor and equipment with each other as needed.

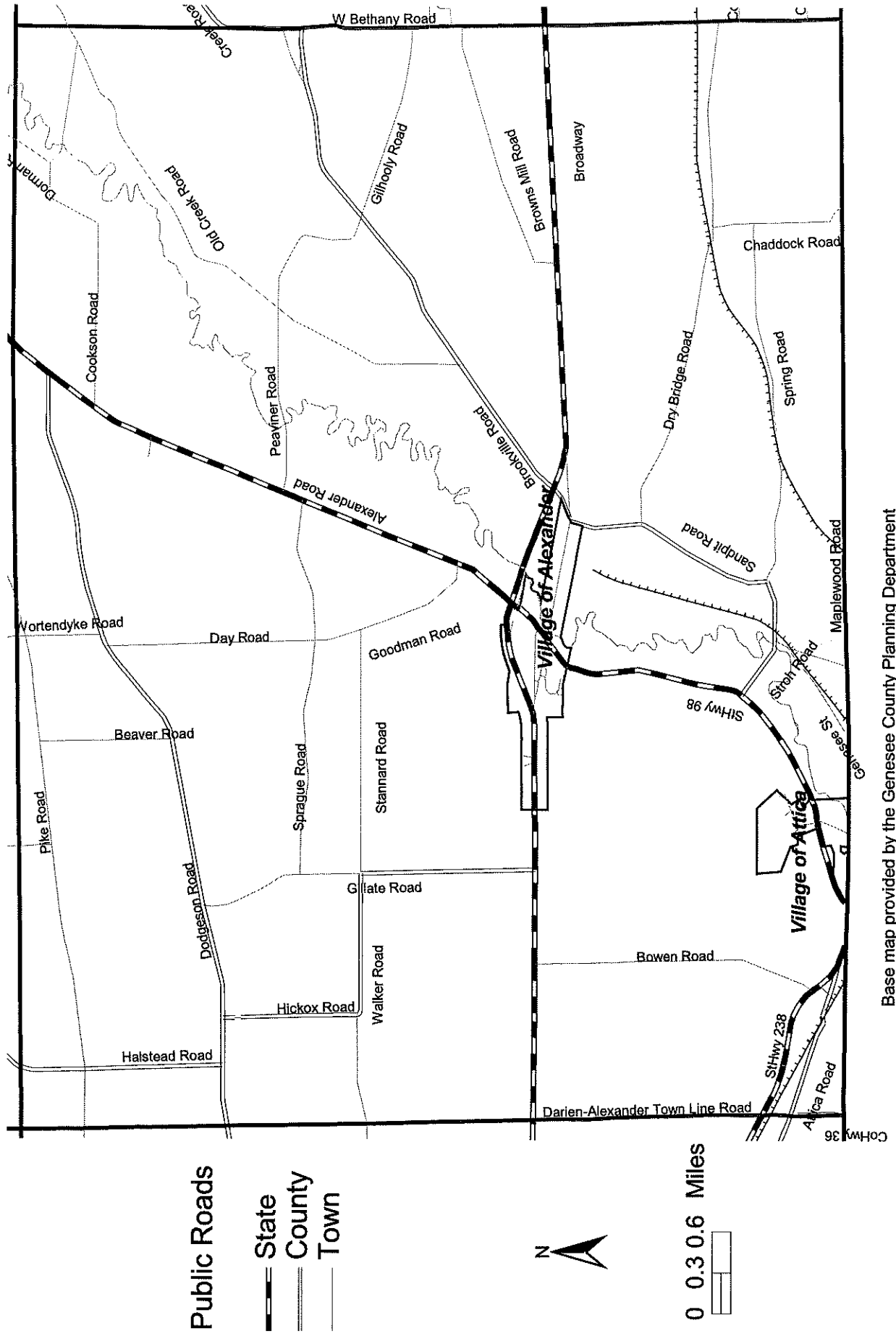
The Town Highway Department has a larger role with regard to snow removal. In addition to removing snow from all Town and Village of Alexander roads and streets, the Highway Department is responsible for removing snow on Route 20 between Routes 98 and 238, Route 238 between Routes 20 and 98, Route 98 between Routes 238 and 20 as well as portions of some County roads.

Town of Alexander Comprehensive Plan Existing Water Infrastructure

Map 19



Roads and Highways by Jurisdiction



Base map provided by the Genesee County Planning Department
Map Prepared by Stuart I. Brown Associates