

DRAFT

Comprehensive Plan
Town of Victory NY

May 2011

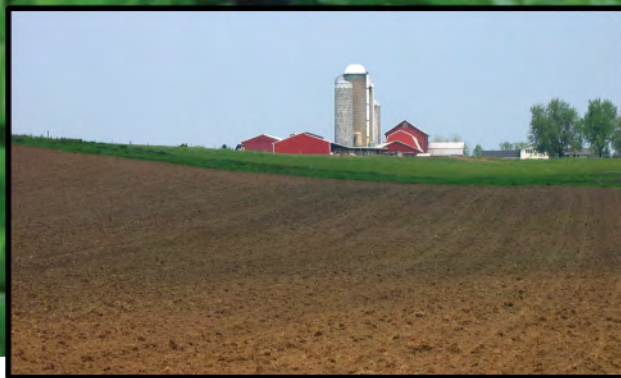


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GIS DATA Disclaimer

The original sources of each dataset is identified on the maps. Due to the different sources and scales of projection, key features such as roads, parcel boundaries and streams may not overlap accurately when comparing several data layers on the same map. Acreage calculations for various parameters in this report were generated through the use of ArcGIS and are an approximation of the actual size. For more precise measurements, contact the Cayuga County Planning Department.



Working farmland in the Town of Victory, 2008.

INTRODUCTION

The Town of Victory Comprehensive Plan

The Town of Victory Comprehensive Plan was initiated, generated, and supported by the Victory community in a collaborative process intended to guide town officials and the community in making decisions that affect the future of the town. The comprehensive plan provides a basis for guiding future growth, development and community preservation. The plan also acts as a historical document that identifies present land use and infrastructure, as well as the physical and demographic characteristics of the town.

In early 2007, the Victory Town board in consultation with the Victory Planning Board agreed to appoint a group of volunteer citizens to a Comprehensive Planning Committee (CPC) to research and prepare a comprehensive plan. In February 2007, the CPC held its first meeting and began to identify the formal process it would follow to develop the plan. The CPC met regularly, and the completed DRAFT plan was submitted to the community for input in ? 2011. The town of Victory CPC was guided and assisted in the comprehensive planning process by the Central New York Regional Planning Board (CNYRPB), under a grant provided by Congressman James Walsh.

Members of the Comprehensive Plan Committee:

Lucille Craine
Arnie Richardson
Dave Shurtleff
Gene Carson
Harvey Mills
Wayne Keysor
Beverly Sayles

Committee Chair: Debbie Davis
Brian Cady
David Gray
Joanna Bishop
Mike Hall
Eleanor Pittroff
Carol Mills

Public Participation

A series of four public visioning sessions were held over a 6 month period to seek the public's input on their perception and ideas for the future of the town.

The following series of public visioning and input sessions were held in two separate locations over a six (6) month period to seek the community's input, perception and ideas for the future of the Town of Victory:

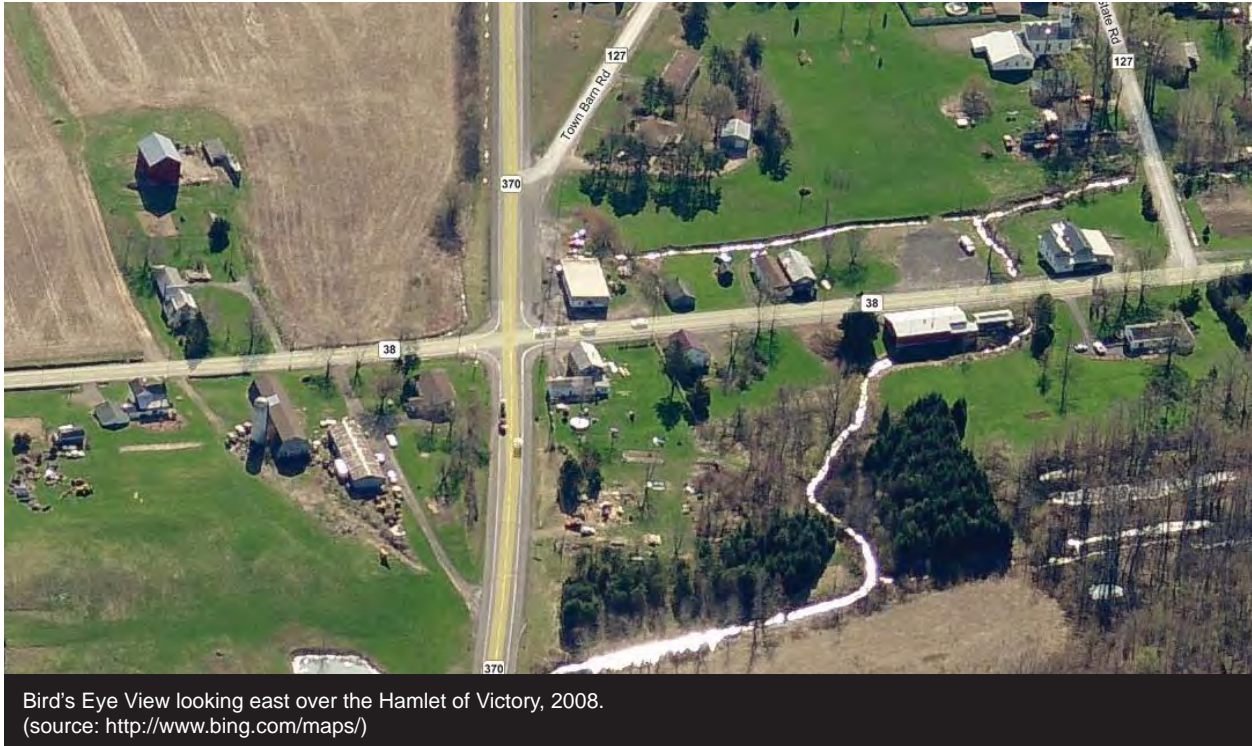
- Visioning Session #1 – February 27, 2007 – Special Topic – Description/Values/Opportunities
- Visioning Session #2 – March 27, 2007 – Special Topic – Community Vision
- Visioning Session #3 – April 24, 2007 – Special Topic – Current Land Use Regulations
- Visioning Session #4 – August 21, 2007 – Special Topic – Infrastructure/Community Needs

With input from the visioning process, the Comprehensive Planning Committee formulated a survey which was then mailed to 725 town residences. The intent of the survey was to seek out opinions on present day Victory and what the public sees for the Town of Victory in the future. Analysis of the results of both the written survey and comments from the visioning process formed the basis for this Comprehensive Plan (see Appendix A).

All CPC meetings were open to the public. Citizens, Town Board and Planning Board members also attended many of these meetings. All of the CPC and public meetings were well attended. Public review of the Draft Plan was conducted on ????? 2010.

Plan Structure

The contents of this plan are divided into two chapters. Chapter 1, Goals and Recommendations gets into the specific recommendations of the CPC based on the input provided through the community survey and community visioning process. Chapter 2, Implementation Strategy, intends to define the Plan adoption process, suggested strategies for implementation of the Plan, and offers thoughts on reviewing and updating the Plan in the future. Chapter 3 provides information on demographics, history and current conditions in the town and the region, and the appendices include background information related to the planning process, community survey information and other helpful reference materials.



CHAPTER 1: GOALS AND RECOMMENDATIONS

As a direct result of the public participation process that included a community survey mailed to 725 Town residences, and input from four (4) community visioning sessions, the following statement was formulated by the Comprehensive Planning Committee to provide guidance in planning and development decisions in the future:

Community Vision Statement

The Town of Victory, a friendly rural community located in northern Cayuga County, values its diverse farming industry, rich history, and active community membership. The community seeks to maintain its rural character by preserving agricultural land, natural and scenic resources; retain the community's ties to the past by preserving and rehabilitating its historic resources; and improve municipal infrastructure and public participation in community affairs by encouraging community outreach and education.

The goals and recommended actions listed on the following pages should be considered in all future planning and decision-making in the Town of Victory.

Agriculture and Open Space

- 1. Preserve the rural-agrarian character of the Town (farm fields, woodlands, and historic landscapes)**
 - a. Work to identify and protect existing farmland and open space by seeking out and encouraging willing agricultural land owners to participate in the Cayuga County Farmland Protection Program.

- b. Consult with, and periodically review reports published by the Cayuga County Planning Department, American Farmland Trust, New York State Department of Agriculture and Markets and other organizations that focus on farmland preservation.
- c. Encourage a collaborative relationship with educational institutions and community-oriented non-profit organizations in support of local agriculture and the farming community.
- d. Consider sponsoring an annual “Agricultural Day” in conjunction with the Soil and Water Conservation District and Cornell Cooperative extension to educate the community about the importance of local agriculture, local foods, etc.
- e. Consider establishing a local Purchase of Development Rights (PDR) program to preserve high quality farmland by working with Cayuga County.
- f. Ensure farmland protection through agricultural easements for high quality agricultural lands.

2. *Support future viability and growth of local agricultural practices*

- a. Encourage and support a wide range of local agricultural services and businesses in support of the local farming community including local processing operations and farmer’s markets.
- b. Continue to support and communicate support of the Right-to-Farm law and NYS Department of Agriculture and Markets Agricultural District laws.
- c. Take advantage of new NYS Dept. of Agriculture and Markets programs that can strengthen local agriculture including support for local produce distribution programs and farm markets¹
- d. Consult the county Soil & Water District and Cornell Cooperative Extension personnel to address agricultural issues.
- e. Support tax incentives and implement tax abatement programs to keep farmland in production, and consider implementing comparable penalties for the conversion of farmland to non-farm use.
- f. Consider implementing tax incentives for non-farm owners of land used by farmers that are eligible for agriculture exemptions. These tax advantages should be comparable to farmer’s benefits when following a farmland conservation plan and could include support land and woodland in addition to land actually farmed.
- h. Encourage the use of “Best Management Practices” to protect environmental health and sustainability in all agricultural endeavors.

Land Use Regulation

3. *Ensure that desired and appropriate growth and development occurs in optimum locations in support of the community’s vision statement.*

- a. Review and rework existing land use regulations to incorporate Smart Growth Principals to effectively manage land uses for the protection of the community’s farmland, natural resources and scenic areas.² (see Scenic Views Map page 74, Protecting Aesthetic and Scenic Resources, p.103)
- b. Amend land use regulations to encourage development in, and in close proximity to, traditional

¹ see Agriculture and Farmland Protection Programs: Local Stakeholder Views, A Report to the New York State Advisory Council on Agriculture, New York State Department of Agriculture and Markets November 5, 2003, <http://www.agmkt.state.ny.us/ACARoundTableReport.pdf>

² Develop a Town-wide plan to support low-impact development patterns and land uses that conserve resources, complement the rural character of the residential setting, and encourage farms to remain in farm production, while providing reasonable land area for neighborhoods of single-family dwellings at a medium to low density on a range of lot sizes using conservation-sensitive design (The resources, lands and values identified by the community as important to conserve include: rural character, agriculture, highly visible open space lands, scenic views, and wildlife buffer areas).

- Regulate and limit building to areas with slopes less than 15% to reduce soil erosion, storm water
- Investigate opportunities to apply for NYS Department of Agriculture and Markets grant funds
- Encourage preservation of large and continuous areas of absorbent open space while minimizing overall land disturbance and the introduction of impervious surfaces associated with development.

- b. Amend land use regulations to encourage development in, and in close proximity to, traditional settlement areas such as the hamlets while limiting development of infrastructure in prime agricultural areas (see Appendix B, page 120).
- c. Consider establishing a local Conservation Advisory Council (CAC) to research, inventory and map open space, agricultural lands, scenic views and corridors, and natural resources in the Town.
- d. Consider establishing easements and overlay districts³ to assure the preservation of scenic views, prime agricultural lands and other natural resources such as wetlands and stream corridors; and implement accompanying regulatory guidelines for the protection of water quality, to minimize flooding, or to preserve valued scenic areas, ecosystems or wildlife habitat.
- e. Require site plan review for any changes to the physical attributes of a land parcel, or when site ingress or egress is changed.
- f. Revise existing subdivision regulations to incorporate conservation analysis into the subdivision approval process for major subdivisions.
- g. Establish overlay districts in sensitive areas such as wetlands and stream corridors to protect them from environmental impacts of incompatible development such as landfills, junk yards, etc.

4. *Promote the preservation of the historic form and structure of the Town and hamlets.*

- a. Amend local zoning and/or strengthen the site plan review process to help protect and preserve the rural landscape and historic form and structures in the hamlets (see Appendix B, page 124) and throughout the Town.
- b. Encourage the formation of a Historic Building and Landmark Committee to identify, research and describe sites of historic importance in the Town of Victory. This committee may also research and develop design standards or preservation guidelines to ensure the protection of the character and setting of historically designated buildings and landmarks.
- d. Consider establishing local Preservation Districts with special tax incentives for preservation or rehabilitation of historic buildings.
- e. Continue to encourage the establishment of a Town history museum and use this as an opportunity to rehabilitate an important historic building in the hamlet of Victory to house the museum.
- f. Pursue historic rehabilitation project funding through the Preservation League of New York and the New York Council on the Arts Architecture Planning and Design grants program.
- g. Encourage the voluntary use of Rural Siting Guidelines for the preservation characteristic elements of the rural landscape such as open fields, stone walls, hedgerows, and narrow country lanes.
- h. Allow flexibility in site planning where clustering of development preserves open space, scenic views and natural resources.
- i. Establish zoning or site plan provisions that regulate street lighting and sign size, placement, and design with respect to preserving the historic character of the Town and hamlets.
- j. Seek easements for pedestrian pathways along streets, and consider a sidewalk ordinance to ensure that sidewalks are constructed and maintained for all new development in the hamlets.

5. *Ensure that all zoning and land use regulations are effective, fair, and enforced.*

- a. Amend zoning or overlay district boundaries when necessary or appropriate to benefit the public interest and welfare.

³ Overlay districts are additive restrictions mapped out for specific areas such as limits on excavation of soil within 100 feet of a stream corridor, or limits on fuel stations within an aquifer contribution zone. Overlay districts can be used to protect valuable resources without applying broad zoning restrictions to large areas. Three criteria are important in their creation: 1) the district should have a clearly defined purpose, e.g. to protect groundwater, prevent erosion, or preserve historical character. 2) areas that relate to achieving the purpose of the overlay district must be identified and mapped. 3) specific rules should be developed that apply to the identified district such as development guidelines that require capture and filtering of runoff, architectural design guidelines, etc.

- b. Work with Code Enforcement Officers to develop a simple and easy method to enforce Local Property Maintenance Code for landlords.
- c. Ensure that local regulations address home occupations through special permit.
- d. Review zoning and subdivision laws to ensure consistency with the stormwater general permitting.
- e. Review and amend mobile home regulation as necessary to comport with current building and fire codes including considerations of size, age (within limits), condition, and placement.⁴
- f. Provide provisions within the Zoning Law to exempt access ramps from setback requirements to allow improved access for disabled residents.
- g. Require that home-based and existing commercial business endeavors conform over time to the requirements of any new site plan review and overlay district laws.
- h. Establish rental housing registration and inspection regulations to ensure that Town residents are living in safe and acceptable conditions.

Environmental Stewardship and Water Quality Protection

6. Adopt effective strategies for protecting and enhancing the natural resources of significance to the Victory community

- a. Develop an inventory and map of all natural resources including stream corridors, water bodies, wetlands, watershed areas, vegetation communities, woodlands, swamps, meadows, wildlife habitats, soils, geology, steep slopes, ridge lines, and aquifers
- b. Establish protective overlay districts to require development precautions or to prohibit high risk land uses in sensitive environmental areas
- c. Support environmental conservation efforts in the Town
- d. Protect ground and surface water from the potential impacts of hydraulic fracturing in gas drilling operations.

7. Support water quality preservation and good stewardship of local water resources

- a. Work with Cayuga County Soil and Water Conservation District, Finger Lakes-Lake Ontario Watershed Protection Alliance (FL-LOWPA), Cayuga County Water Quality Management Agency (CCWQMA) and other appropriate agencies to seek funding to support the adoption of Best Management Practices (BMPs) for agriculture including minimization of phosphorous fertilizer application, and the preservation of vegetated and forested land cover throughout the Town in agricultural operations (the Skaneateles Lake Watershed Agricultural Program may serve as a good model for agricultural BMPs).
- b. Work with the County Soil and Water Conservation District to implement improved and protective roadside ditch cleaning practices that will lessen or prevent erosion and pollutant runoff to streams.
- c. Amend site plan review to ensure that all site development requirements include standards to minimize soil disturbance, erosion, and stormwater runoff, as well as limits on percentage of lot coverage with impervious surfaces.⁵

⁴ Mobile Homes (as defined by the municipality) may not be prohibited entirely, but can be regulated in terms of size, age (within legal limits), condition, and placement. Health, safety, and well-being of the community (including concerns about fire, water quality, sanitary codes, furthering planning goals, community character, and quality of life – all may be protected through the establishment of local regulation of Mobile Homes). They can be limited to parks only and be required to undergo site plan review. With the adoption of municipal regulation, they can become nonconforming land uses and phased out in certain areas over time, or they can be allowed for temporary use by permit only (“temporary” must be defined in the regulation).

⁵ It is a general rule that 1 acre of impervious surface = 1 million gallons of runoff per year. Carried with that runoff are the many chemicals and particulates that accumulate on lawn, driving and parking surfaces from fertilizers, herbicides and gasoline combustion engines. Permeable surfaces such as green roofs, water permeable concrete, and gravel help to filter out these pollutants and reduce their transfer through runoff to water bodies.

- d. Encourage the protection of riparian corridors with the use of buffer strips along all perennial and intermittent streams to help reduce or eliminate sedimentation and nutrient runoff.
- e. Ensure that manure is spread and tilled in according with existing regulations and guidelines (ex. Section 1100 of NYS The Public Health Law, section 104.1.d.7 states that manure shall not be field spread within 75 feet of a watercourse unless it is plowed underground on the same day it is spread.
- f. Encourage BMP's for the minimization of phosphorous fertilizer application, and the preservation of vegetated and forested land cover throughout the Town in agricultural operations.

Public Utilities and Community Services

8. *Work to bring an extension of public water service to the town.*

- a. Form an ad hoc committee of residents, landowners, and elected officials to pursue funding for the extension of public water from the hamlet of Westbury to a second Town of Victory Water District.
- b. Consult Cayuga County Planning, USDA Rural Development, NYS Department of Health, and the NYS Environmental Facilities Corporation to acquire assistance and funding for public water development in the Town.
- c. Explore opportunities to secure a NYS CDBG Public Infrastructure Grant through the NYS Office of Community Renewal (www.nysocr.org, or 518-474-2057) for the extension of the existing Westbury public water distribution system to the Town of Victory proposed Water District #2.

9. *Work to improve communications infrastructure*

- a. Explore options to improve/broaden internet access and foster the availability of town-wide wireless internet service
- b. Explore options to improve/broaden cellular phone service and be pro-active with cell phone companies for placing cell towers.
- c. Conduct a critical review of both individual and commercial wind power siting opportunities and their potential benefits and impacts on the Town.
- d. Explore clean energy development and infrastructure funding opportunities available to municipalities through NYSERDA and the NY Department of State Shared Municipal Services

10. *Continue to maintain the present quality of Town services and roads*

- a. Identify sources of funding to construct a Town Highway Department and Fire Department Facility (an ad hoc committee comprised of residents, business owners, landowners, and elected officials, could be formed to design the facility, develop a fund raising campaigns, and secure grant money to offset the cost of construction).
- b. Regularly review road maintenance procedures to ensure continued quality of town roads.
- c. Maintain the Town's current practice of offering a weekly drop off for refuse and recyclables at the town hall.

Economic Development

11. Develop a plan to encourage economic growth in the Town that improves community life, and protects the existing cultural and environmental assets of the Town (see Appendix B, page 120)

- a. Encourage a mix of uses in the hamlets such as village scale commercial, retail, and professional uses in combination with second floor residential units
- b. Identify un-met needs of Victory residents (such as a country store or farmer's market in the Hamlet) and encourage the development of local small businesses to fulfill those needs.
- c. Encourage in-fill in the Hamlet center using historic building set back distances and streetscape patterns, redevelopment of historic building sites at the historic heart of the Hamlet, and visual compatibility as a guide for redevelopment of the Hamlet to include a mix of uses for community facilities, parks, professional services, and compact commercial and residential development.
- d. Create a local entity such as a grange or chamber of commerce that would work with the Cayuga County Chamber of Commerce, Finger Lakes Tourism, and Fair Haven Area Chamber to support the development of low impact, eco-friendly cottage industry endeavors that would offer both employment opportunities and services for the Victory community.
- e. Work to develop a plan for an attractive and coordinated system of community signage that directs customers to local businesses while respecting the unique rural-historic character of the community.

12. Capitalize on the existing historic resources and the rural-agrarian character of the Town as an asset

- a. Focus economic and community development efforts on the rehabilitation or restoration of existing structures and on context sensitive development within or near the hamlets with regulatory incentives to encourage preferred character treatment within and near the hamlets.
- b. Adopt clear form-based architectural and development standards to guide the Town Planning Board in preserving the historic character of the hamlets.
- c. Encourage the use of available federal and state investment and income tax credits (for commercial and residential use) for the restoration of local historic buildings and barns (see NYS Office of Historic Preservation)
- d. Work cooperatively within the Finger Lakes Region (www.fingerlakes.org) in support of state policy that would compensate towns for maintaining their rural character.

13. Work to market the economic development opportunities in the community.

- a. Work with Cayuga County Planning Department, Cayuga County Industrial Development Agency and the Chamber of Commerce to determine a marketing strategy for the Town.
- b. Create and distribute a current inventory of available properties to potential buyers and investors in the area.
- c. Enhance the Town's website to encourage economic development and showcase available buildings and parcels for industrial (light manufacturing), commercial, professional and mixed-use enterprises.
- e. Coordinate marketing activities with businesses along Route 38, 370, 104, etc.

Historic Preservation & Community Revitalization

14. Preserve the historic and rural character of the Town and hamlets

- a. Establish a local government body such as a Landmark Committee or Preservation Board that is charged with leading historic preservation activities within the community.

- b. Inventory the historic buildings, structures and landscapes that contribute to the historic character of the Town and hamlets
- c. Work with property owners to encourage the renovation of buildings with historical significance or to evaluate the possible reuse of the buildings.
- d. Evaluate structures in the community that are vacant or underutilized and develop rehabilitation/reuse plans and market the structures to attract new business.
- e. Encourage the pursuit of grant funding for historic preservation or rehabilitation efforts through partnerships with local, county, State and Federal agencies that can advise owners on obtaining appropriate historical designations, standards, protections and tax benefits. Consult the National Trust for Historic Preservation website for resources and programs at: <http://www.preservationnation.org/resources/case-studies/> and Preserve New York at: <http://www.preservenys.org/>
- f. Develop and adopt a Historic Preservation Local Law for the Town to ensure that historically significant buildings and landmarks are preserved.
- g. Consider establishing Local Preservation Districts with special tax incentives for preservation and rehabilitation of historic buildings and structures
- h. Evaluate the potential for the establishment of a Town history museum and use this as an opportunity for the rehabilitation or restoration of an important historic building

15. *Work to improve the aesthetic appeal of the residential and commercial areas in the Town.*

- a. Encourage participation in a voluntary sketch plan review procedure prior to formal site plan review to allow the town the opportunity to minimize impacts on historic rural character, scenic views, and agricultural resources for the formal review process.
- b. Develop a registration program for new and existing businesses to ensure compliance with Town codes and create a comprehensive business directory for advertising and marketing.
- c. Encourage co-location of signs where feasible to reduce the number of individual signs. Where co-mounting is not feasible, allow a maximum number of off premises signs per business.
- d. Require off premises signs for obsolete businesses to be removed within 60 days of close of businesses. Exceptions can be granted for seasonal businesses upon request.
- e. Develop/amend sign guidelines to ensure aesthetically pleasing design and require that the guidelines are followed.
- f. Do not grandfather existing signs that are out of compliance. Instead, give a reasonable amount of time for sign owners to either remove or bring signs into compliance with the guidelines.
- g. Encourage business owners to pool resources to order signs or awnings for a reduced cost and to improve consistency and appearance of commercial areas.
- h. Develop a list of penalties for violation of the property maintenance code.
- i. Consider developing signage and lighting design standards with examples illustrated for existing and new businesses to refer to.

16. *Work to anticipate future needs for health services and housing while retaining the existing rural-agrarian and historic character of the community.*

- a. Develop a housing rehabilitation program to improve existing housing stock throughout the town and increase property values.
- b. Use site plan review and design standards to ensure compatibility of proposed new development with historic features and existing rural character.
- c. Encourage developers to propose conservation subdivisions by offering density incentives for open

space easements (see pg. 22).

- d. Encourage the development of quality senior and affordable housing to meet current and anticipated needs of Town residents.
- e. Explore the need for access to local health services for year-round and summer residents in the Town.
- f. Establish local regulation of Mobile Homes (as defined by the municipality) including size, age (within legal limits), condition, and placement. Health, safety, and well-being of the community (including concerns about fire, water quality, sanitary codes, furthering planning goals, community character, and quality of life – all may be protected through the establishment of local regulation of Mobile Homes). Mobile Homes can be limited to parks only, and require site plan review. With the adoption of municipal regulation, they can become nonconforming land uses and even phased out in certain areas over time, or they can be allowed for temporary use by permit only (but the term “temporary” must be defined).

Recreation and Tourism

1. *Explore opportunities for the development of additional community recreation facilities where residents and visitors may enjoy the Town’s natural, recreational, and historic resources.*
 - a. Develop a plan for a town greenway system to link scenic, natural, historic and recreational resources (well-marked hiking trails, bike paths, and historic points of interest throughout the town and hamlets).
 - b. Identify community recreation needs and pursue funding to assist in fulfilling those needs - for example: hiking trails, bike paths, skateboard park, fishing access, tennis courts, cross country ski trails, etc.
 - c. Explore opportunities for the development of a town park for multi-purpose recreation – i.e. Old Home Days events, tennis courts, basketball courts, etc.
 - d. Explore the development of a ‘community center’ in a rehabilitated historic building in the hamlet.
 - e. Encourage the formation of an ad hoc committee comprised of residents, business owners, landowners, and elected officials to develop programming ideas for a community center and establish a fund raising campaign and grant applications to offset costs.
 - f. Promote a local genealogical research center with a point of contact person for the Town of Victory by organizing birth/death records, reclaiming cemeteries, developing historical resource collections and maps to guide people in answering their questions and to direct researchers.
 - g. Identify and acquire land in or adjacent to the hamlet suitable for creating a park and playground for the young and old of the community.
 - h. Install lighting where needed in existing recreational areas to increase security and expand available hours for community use.
 - i. Encourage/support the use of Town properties for cultural events at no or low cost. Explore the idea of initiating regular community movie screenings and other open community events and gatherings.
 - j. Install bike racks at all future community recreation facility areas to promote non-motorized travel.
2. *Consider developing a recreational and heritage tourism trail (linking the Great Lakes Seaway Trail and the Erie Canalway Trail) to showcase historic town buildings and landscapes.*
 - a. Identify potentially significant historic buildings and landscapes/views in the town, and consider linking them along a scenic trail through state and regional recreational and heritage tourism websites.
 - b. Encourage the development of a town history museum, brochure and map.



Looking east on Old State Road in the hamlet of Victory, 2009.

CHAPTER 2: PLANNING, ADOPTION AND IMPLEMENTATION

History of Planning and Land Use in the U.S.

Towns across America, as a result of an evolving story of settlement, bare unique physical and cultural characteristics reflected in their villages and along their roadsides. Rural towns like Victory contribute to, and are affected by regional centers of social, cultural, and economic activity. Rural life offers residents, employees, and visitors a wealth of opportunities and experiences to enjoy every day. Rural character and identity rests upon both tangible and intangible elements such as sights, sounds, scents and experiences that combine to provide the Victory community with a familiar sense of place, and for many, a profound sense of meaning.

A Comprehensive Plan provides a framework within which these unique characteristics and elements of a place can be drawn upon to create or preserve an environment supportive of a community's vision for itself. Through careful analysis, including direct community involvement in the process, rural planning addresses problems and takes advantage of opportunities to create unique, viable and pleasant rural places. This first Comprehensive Plan for the Town of Victory, strives to do just that for the community.

As European settlers emigrated to the United States they adopted English common law under which land they owned, their “property,” meant a place in which they held a bundle of rights including:

- 1) the right to control and use the property;
- 2) the right to benefits from the property;
- 3) the right to transfer or sell the property; and
- 4) the right to exclude others from the property.

However, those rights were not absolute; they were, as they still are, subject to the rights of society often as codified in law. In the early history of the United States, society placed few limitations on the use of land as it seemed an endless resource, especially with a limited population base. From Jefferson’s Corps of Discovery to the Homestead Act to massive federal irrigation, road building, and energy producing projects, the challenge was not limiting use of land but rather getting it settled, cultivated, and developed. However, as the population increased and people began to congregate in cities, the need arose for local governmental control to put some limits on the movement of industry and commerce into residential areas and to prevent residents from becoming nuisances to each other. These limitations generally took the form of zoning ordinances regulating incompatible uses, building heights, setbacks, and lot sizes. However, as the density of populations grew and spread, some began to recognize a need for planning, and noting the changing times, Theodore Roosevelt reminded his constituents in the summer of 1910: “Every man holds his property subject to the general right of the community to regulate its use to whatever degree the public welfare may require it.”

Concern for the public welfare reached a peak in the 1960s and 70s as members of Congress observed that the balance between economic growth and development on the one hand, and protection of natural resources on the other, had tipped too far in the direction of growth and development. Congress moved to expand legal limitations that would address the issue of dwindling natural resources and environmental degradation. As a result, federal laws such as The National Environmental Policy Act, The Wilderness Act, The National Forest Management Act, The Endangered Species Act, etc., were enacted that have had significant impacts on land use. Many states also passed their own laws and adopted policies that complemented the new federal laws.

In New York, the enactment of Article IX of the State Constitution, the Municipal Home Rule Law, the Statute of Local Governments, and the State Environmental Quality Review Act have provided municipalities the power to enact local laws that compliment several of the federal laws mentioned above. The scope of this power and the procedures for implementing it, are set out in the Municipal Home Rule Law, adopted in 1963. Section 10 of the Municipal Home Rule Law contains the constitutional grants of power to local governments and adds thereto the powers to collect local taxes authorized by the Legislature, to provide for the protection and enhancement of the physical and visual environment, the apportionment of local legislative bodies, and assessments for local improvements, as well as the powers granted to local governments in the Statute of Local Governments.

The Municipal Home Rule Law also includes a Bill of Rights for Local Governments and provision for a unique Statute of Local Governments, under which home rule powers may be given to quasi-constitutional protection against change (Section 2(b)(1)). Among the rights and powers enumerated under the Bill of Rights for Local Governments is the right to have a legislative body elected by the people; to adopt local laws; to have local officers elected or appointed by the local residents or officers; the power to agree (as authorized by the Legislature) with the federal government, a State, or other government, to provide coop-

erative governmental services and facilities. Also included are the power of eminent domain; the power to make a fair return on the value of property used in the operation of certain utility services, and the right to use the profits therefore for refunds or any other lawful purpose; and the power to apportion costs of governmental services of function upon portions of local areas as authorized by the Legislature.

Local and Regional Planning Initiatives

Various community-based planning initiatives contributed to the development of the Town of Victory Comprehensive Plan. The Towns of Ira and Cato recently (2008) developed and adopted a Joint Community Comprehensive Plan. Many similar issues and opportunities to those of concern to the Town of Victory are noted in the Joint Plan such as the importance of recognizing and protecting scenic assets along roadways, preservation of wildlife habitat, farmland, rural character, recreation and community space, historic preservation and water resources protection. Various community-based planning initiatives are currently underway in northern Cayuga County including a Comprehensive Plan for the Town of Sterling, and Agriculture Plans for the Towns of Brutus and Cato. Cayuga County's most recent Agriculture Plan was written in 1996, and the County Land Use Plan in 1997.

Federal and State Planning Initiatives

Relevant federal and state planning initiatives were reviewed in the development of this Plan. The New York Statewide Comprehensive Recreation Plan (SCORP) is prepared periodically by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to provide statewide policy direction and to fulfill the agency's recreation and preservation mandate. The updated SCORP serves as a status report and as an overall guidance document for the recreation resource preservation, planning, and development through 2014. The document is also used to guide the allocation of state and federal funds for recreation and open space projects and provides guidance for the allocation of municipal and not-for-profit funds to local areas and facilities with the greatest needs. The plan references the federal Coastal and Estuarine Land Conservation Program (CELCP) established in 2002 to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses (Public Law 107-77, Department of Commerce, Justice, and State Appropriations Act of 2002). Priority status is given to lands which can be effectively managed and protected and that have significant ecological value.

Prior Planning Initiatives in the Town of Victory

The Town of Victory has never previously adopted a Comprehensive or Master Plan. The only guideline for future growth and development in the Town of Victory is the municipal code, adopted in the early 1990's and updated in 1997, 2000, and 2001. The Town of Victory Zoning Law contains articles addressing the Establishment of Districts, including Agricultural/Residential, Industrial Planned Development, Commercial Planned Development, and Residential Planned Development; Dimensional Requirements; Use Regulations; Special Conditions and Permits; Manufactured and Mobile Homes; Junkyards; Planned Development Districts; Parking; Signs; and Nonconformities. The town adopted Subdivision Regulations in 1993.

In 2003, the Town of Victory initiated a water quality study with the Cayuga County Health and Human Services Department. The health department tests indicated significant bacterial and aesthetic issues with

a high percentage of the town's private wells and resulted in the initiation of a proposed extended public water distribution system in the town. Water District #2, project #17220 at 55 points and in the amount of 3.39 million dollars is currently on the Drinking Water State Revolving Fund (DWSRF) Project Readiness List, but has not yet received the public support needed for the additional local tax levy funding necessary for implementation.

Legislative Authority

In the State of New York, village and town governments are granted authority to adopt a comprehensive plan pursuant to Village Law §7-722 or Town Law §272-a. The comprehensive plan, a set of policy and analytic documents and maps, strategies and tools for the guidance of community well-being, land use, and development, is also intended to provide the foundation for local zoning laws. Once adopted, all land use policy decisions in the Village and Town must be in accordance with the comprehensive plan. The review of future projects no longer occurs on an independent project-by-project basis, but rather in consideration of the comprehensive plan and the community vision. This Plan provides guidance as to where and how future development should occur in the Village and Town. In addition, all other governmental agencies must consider this plan when directing or funding capital projects that occur within the Village or the Town.

This plan must meet the provisions of the New York State Environmental Quality Review Act prior to final adoption of the Plan by Town Councilors and the Village Trustees. Adoption of a comprehensive plan is a discretionary decision and is considered a Type I action pursuant to Article 8 of the Environmental Conservation Law and Title 6 of the New York Code of Rules and Regulations Part 617.4(b)(1). The benefits of adopting this plan far outweigh any potential adverse impacts that may be generated from the adoption and administration of this plan. The purpose of adopting a comprehensive plan is the protection of the health, safety, and general welfare of the citizens of the community. This plan should be reviewed and updated on a periodic basis. It is recommended that the plan undergo a review and necessary update every seven to ten years from the date of its adoption.

Adopting the Comprehensive Plan

This Plan includes analytic documents, maps, strategies, and tools for use in the guidance of community well-being, future land use and development in the Town of Victory. Once adopted, review of future projects occurs in consideration of the community vision and the Comprehensive Plan. In addition, all other governmental agencies must consider this plan when directing or funding capital projects that occur within the Town. This Plan must meet the provisions of the New York State Environmental Quality Review Act prior to final adoption of the Plan by the Town Board. Adoption of a Comprehensive Plan is a discretionary decision and is considered a Type I action pursuant to Article 8 of the Environmental Conservation Law and Title 6 of the New York Code of Rules and Regulations Part 617.4(b)(1).

The benefits of adopting this Plan far outweigh any potential adverse impacts that may be generated from the adoption and administration of the Plan. The purpose of adopting a Comprehensive Plan is the protection of the health, safety, and general welfare of the citizens of the community. In accordance with GML 239, the Governing Board must refer the adoption or amendment of the proposed Comprehensive Plan to the County Planning Board's 239 Land Use Committee for review for potential inter-municipal impacts of the proposed Plan. The Governing Board may adopt a Comprehensive Plan (or an amendment to a Comprehensive Plan) by resolution.

Review and Maintenance of the Comprehensive Plan

Because communities are continually changing and adjusting to new conditions, this Comprehensive Plan is a work in progress, and can be thought of as a temporary Constitution of the Town; a document that provides the guiding principles for the future development and growth. This Comprehensive Plan should be reviewed regularly to ensure its continued relevance with the existing conditions, goals and objectives of the Town of Victory. Every three (3) to five (5) years, the Town Board should conduct an in-depth review of the plan and make changes as needed. This in-depth review should assess the status of the Plan's recommendations and implementation actions such as land use regulation revisions, capital improvement programming, expansion of recreational opportunities, tourism, economic development, and progress on other work identified in the Goals & Recommendations (Chapter 1) of the Plan. As policy-making changes and the physical characteristics of the community change, the Comprehensive Plan should also change. The Plan should be a "living document".

Circumstances that may warrant revising the Plan include:

- A finding of significant change within the community or substantial unforeseen circumstances or impacts;
- A finding of significant public benefit associated with the proposed revision or a need to maintain and protect public investments and resources; or
- The need to maintain compliance with new laws, regulations, court actions, or other mandates

The governing board should provide, as a component of a proposed Comprehensive Plan, the maximum intervals at which the adopted Plan shall be reviewed.

Implementing the Comprehensive Plan

All of the work that the community has done thus far in preparing the Comprehensive Plan can be lost without a solid framework for implementation based on available funding resources and realistic expectations. Some recommendations in this Plan may be implemented over a long time horizon, others will be a concentrated, short-term effort, but all elements of the Plan should be considered in terms of budgets and time frame.

A Comprehensive Plan is a valuable resource a community can use to win significant grant funding from a wide variety of sources. Forming partnerships with various public agencies at the local, county, state and federal levels is advisable. These agencies can often assist communities in their implementation efforts. Special committees may be established by the Town Board to address specific focus areas identified in the Plan. These committees should include members of the community most familiar with the Comprehensive Plan and its guiding principles. Examples of such committees are a Revitalization Committee, a Conservation Advisory Council, an Open Space Committee, or a Business Improvement District.

Through all of these efforts, the Town Board should pursue joint relationships with other agencies and neighboring municipalities. Planning for, and implementing change can be impacted by, and have impacts on the region that a community is a part of as a whole. Community efforts can often be strengthened and community benefits broadened by cooperative planning and promotional strategies among neighboring communities.

Recommended Development Tools & Regulations

There are special purpose regulatory tools that can help promote particular community goals as well as protect valuable community resources as identified in the community survey and Goals and Recommendations in this Plan. Some of the special tools the Town of Victory should consider using to help protect agricultural, ecological, historic, and scenic resources include: special districting, or overlay zones (for historic areas, riparian corridors, etc.); business improvement districts; conservation subdivisions; and scenic or agricultural easements. Some tools that may be helpful are introduced below.

1. Rural Siting Guidelines and Design Standards

The physical arrangement of buildings, streets, and land forms are important attributes of what we refer to as rural character. Spatial relationships between buildings, streets and open space create the rural character of farm houses, barns and cultivated fields that we all know and love. Traditional hamlet character features a distinctly different set of spatial relationships for a more compact and walkable settlement area. These very different arrangements of built structures in relation to neighboring structures and roadways have impacts on use, economic development, aesthetics, energy consumption, health and quality of life. In order to protect the rural character of the Victory countryside, as well as that of the hamlets, the Town should consider defining specific (but different) siting strategies and guidelines for each. The arrangement of specific elements (landform, structures, vegetation, and circulation) can be addressed with siting guidelines that illustrate recommended design standards to preserve traditional hamlet or rural form. Because what defines character in the hamlets is very different from that which defines the character in the agricultural areas, separate recommendations and guidelines for the hamlets and for the Town are important. The Town should consider incorporating these siting recommendations and guidelines into zoning and town regulations with sketch examples to clearly illustrate the meaning of the guidelines.

Hamlet Design Principles

Areas designated for hamlet character are distinguished by multi-story buildings along the historic build-to line, sidewalks, street trees, streetlights, shared access points, and rear parking. The goal of hamlet guidelines is to create attractive, pedestrian-friendly areas framed by buildings.

Design Guidelines for Hamlet Mixed Use Areas typically include:

- Five-foot sidewalks with enhanced crosswalk treatments
- Six-foot tree lawn with curbs, street trees, and pedestrian-scale lights
- Minimized driveways and driveway widths - encourage shared access and side or rear parking
- Linear street trees of a type and spacing to frame entrances and signs
- Consistent build-to line of 0 to 12 feet for each block face
- Two-story minimum height and historically compatible facades
- Projecting or building-mounted signs

Rural Design Principles

Areas designated for rural character are distinguished by low-density development, varied setbacks and spacing, curvilinear forms, and natural materials. Design elements relate to the underlying landform, drainage characteristics, and vegetation patterns. The goal of rural character guidelines is to preserve as a dominant visual attribute the natural features of a site and to relate the location and character of development to existing natural forms. The following provides more detailed guidelines for the arrangement of circulation, vegetation, and structures to preserve natural features and retain rural character.

Design Guidelines for Rural Areas typically:

- Maintain natural vegetation along stream corridors and wetlands
- Encourage regional stormwater management to retain the ecological and visual integrity of hydrologic systems
- Grade disturbed areas to rounded landforms with finished proportions 5-foot horizontal run to 1-foot vertical rise
- Orient buildings to natural features
- Arrange road alignment and vegetation to hide (less attractive) and frame (scenic) views

3. Sign Regulations

When developing design standards for both the hamlets and Town, sign regulations should be developed to ensure compatibility between allowed signage and allowed design features.

4. Open Space Preservation

The town should consider establishing a local Conservation Advisory Council (CAC) to research, inventory and map open space, agricultural, scenic, and historic resources in the town. In addition, the town should consider setting a required minimum acreage to be set aside or preserved for open space in areas identified as priority areas for conservation. Lands dedicated as open space should be permanently protected from future development which can be achieved through conservation easements, purchase of development rights programs, or other protective land use tools. The town should consider the establishment of a Conservation Board (CB) with the responsibility to review and comment on all development proposals for potential conflicts with conservation goals.

5. Water Resources Protection Overlay

The Town should develop and adopt a Water Resources Protection Plan to address sources of pollution, erosion and sedimentation, and to prevent future pollution of the community's water resources.

6. Scenic and Historic Resource Protection

The town should consider revising existing land use regulations to require an analysis of proposed development projects for potential impacts on scenic or historic resources of community significance. Many roadside views and scenic corridors, along with existing historic buildings and structures are of community significance because they are publicly accessible and contain at least one of the following attributes: distinctive natural, historic, or cultural features; or a composition of landforms, vegetation, and manmade structures that together convey the rural-agrarian or historic character of the Town of Victory.

2. Conservation Subdivisions

The town of Victory currently uses conventional subdivision regulations. In keeping with the recognized community desire to protect the rural-agrarian character of Victory, future subdivision of land is best approached from the perspective of conservation. This is done by analyzing the land to be developed with the goal of preserving or protecting natural, scenic, historic, or cultural resources of value to the community.

Small rural-agricultural towns like Victory will inevitably face development pressures as a consequence of regional population growth and the attraction of scenic farmlands and lakefront or lake-view land for residential housing. Rural residential development, in its conventional form of two acre lots and commercial strip malls subdivided out of large agricultural parcels along rural roadways can multiply quickly to produce sprawling suburban areas in former open space impacting a Town's rural-agrarian character. The existing rural character of the Town of Victory was an important reason chosen by survey respondents for living in Victory, and is therefore an important quality to protect.

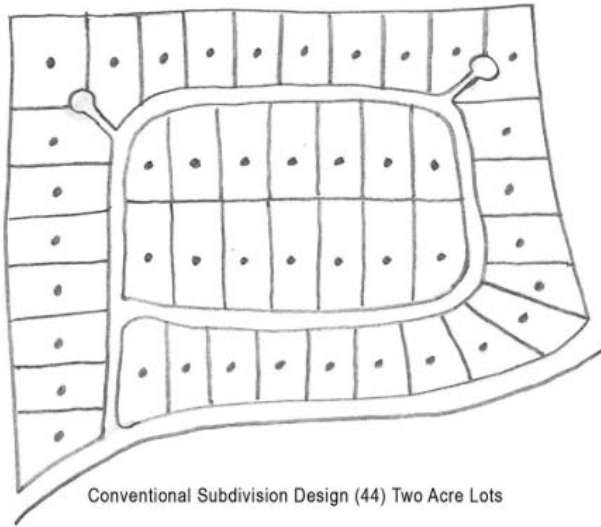
There are effective land use tools for residential and other kinds of development that foster protection of the open space that is a key component of Victory's rural character. One of the most effective methods used takes place in the process of the subdivision of land. It is called Conservation Subdivision Regulation. This method of regulating the subdivision of land is intended to preserve or protect natural, scenic, historic, or cultural features of value to a community while allowing flexibility in the overall development design and layout of major subdivisions (4 or more lots).

Planning and development studies in recent years have demonstrated clear economic and environmental benefits in using Conservation Subdivision Design methods versus conventional subdivision methods. A conservation-oriented design that maintains half of the tract as green space, yet has the same number of developed lots, has substantially less environmental impact and can cost half as much to build. Good design can make the difference in our perception and acceptance of density in developments and can also offer great added benefit to a community in terms of municipal cost, community amenities, environmental protection, and farmland conservation.

Specifications set for lot sizes in a single residential subdivision may not seem significant, however; conventional large lot size requirements of two to five acres implemented communities across a county or region can have a staggering cumulative impact by consuming open space, scenic views, and the viability of agriculture. Smart planning strategies (and land use regulation that conserves open space) result in far less land being consumed by development. These strategies also ensure that much less of the municipal budget is spent on infrastructure and community services than would be spent as a result of conventional development patterns.

Conventional subdivision regulations currently in use in the Town of Victory may not support the community's desire to protect the rural-agrarian character of the Town. Implementing a Conservation Subdivision Design approval process with a conservation site analysis prior to site plan layout could be very beneficial. This would include identifying the location of any significant natural or cultural resources on a sketch plan, followed by a dialogue between the property owner (or developer) and the planning board about the conservation value of the lands proposed for development.

The conservation method of subdivision of land allows an opportunity to preserve or protect natural, scenic, historic, or cultural features of value to the community while also allowing flexibility and an opportunity for developers to initiate creative solutions to protecting important community resources (i.e. steep slopes, scenic views, prime agricultural soils, trail corridors, stream corridors, wetlands, woodlands, historic sites, stone walls, etc.). Smart planning strategies such as conservation subdivision design, do not inhibit development, but they do result in far less open land being consumed in the process of development. They also allow municipalities to spend much less of their budget on infrastructure and community services than would be spent as a result of conventional subdivision design.



Conventional Subdivision Design (44) Two Acre Lots



Conservation Subdivision Design (44) 3/4 Acre Lots & Protected Open Space

