

## **CHAPTER 4: TECHNICAL INVESTIGATIONS**

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## CHAPTER 4: TECHNICAL INVESTIGATIONS

Based upon the Goals and Objectives of the Plan and the evaluation of the Existing Conditions of the Town, the following section completes technical investigations of specific targeted topics (as identified by the Town and Erie County in their original project planning) and provides overall Findings for the Existing Conditions topic areas, with an eye towards the community's Vision. For the Technical Investigations, the Plan provides a summary of the issue and conditions, how the issue was analyzed, and the results of that analysis. These Findings help from the Recommendations of the Plan.

### 4.1 Agriculture

#### Issues/Conditions/Data

Agriculture has and continues to be one of the centerpieces of life in the Town of Concord. The commercial development seen along U.S. Highway 219 and State Route 39 is a relatively recent phenomenon. For the 200-years prior, since the Town's founding, agriculture and a "rural way of life" were mainstays in the community and, based on the feedback received from the public during public meetings as part of this comprehensive planning process, agriculture remains an important part of and priority for the community.

#### Analysis Results

Today, over 50% of the Town's land is part of Erie County Agricultural District #15 and, as displayed on **Map X**, the vast majority of the Town's remaining agricultural parcels are classified as "Prime Farmland," "Farmland of Statewide Importance," or "Prime Farmland if Drained." According to the *Erie County Agricultural and Farmland Protection Plan*, the agricultural parcels located within the Town of Concord have some the highest soil ratings in Erie County, with the majority of agricultural lands having soils that rate between 40.01 and 400.00 (the soil rating is based on the total acreage within the parcel of cropland in each of the soils category multiplied by a weighting factor of: 2 for prime soils, 1.5 for prime soils when drained, and 1 soils of statewide importance).

The *Erie County Agricultural and Farmland Protection Plan* also noted that virtually all of the parcels within the Town of Concord that are classified as agricultural have at least some cropland located on them - meaning that they are being actively utilized for farming. It should be noted that in many instances, some of the lands that are currently classified by the assessor as residential are actually both residential and agricultural. Approximately 9,468-acres of land in the Town of Concord is classified as agricultural - representing roughly 23.2% of the Town's land area, second only to lands classified as residential, which account for approximately 17,346-acres of land in the Town (42.5%).

Agriculture continues to play a vital role in the Town of Concord's economy, both directly through the active production of fruits, vegetables, grains, and livestock and indirectly/secondary through the sales of the machinery, tools, equipment, etc. that necessary for farmers to operate on a day-to-day basis.

Concord's farms not only provide the farmers and landowners with employment/livelihood, they also employ seasonal field hands, providing a source of income and employment.

Those farms in the Town that are located in Erie County Agricultural District #15 are offered a number of benefits that they otherwise would not normally receive. Landowners within the agricultural district are offered protection from any local government regulation that is deemed to be “overly burdensome” to agriculture. In addition, publicly funded/permitted construction activities that occur within an agricultural district are required to be formally reviewed for their impact on agriculture. Finally, farms operating within the agricultural district are offered some protection from nuisance lawsuits, as long as their farming practices are deemed to be by New York State to be “sound agricultural practice.”

Farming also serves to protect two of the Town’s defining characteristics: its pristine natural environment (rolling hills, forested lands, creeks/streams, etc.) and its rural character. Farming/agriculture has guided development in the Town of Concord throughout its history. Where farms exist -sprawling residential subdivisions with curvilinear streets and massive commercial developments characterized by in-descript, box stores surrounded by large swaths of concrete and asphalt- do not and, based on the feedback received from the general public, this is a good thing.

Concord residents place a high value on their rural way of life, with many of them deliberately choosing to reside within the Town to avoid living in the typical suburban setting found further north/closer to the City of Buffalo.

Erie County Agricultural District #15, which encompasses much of the undeveloped land in the Town, includes large portions of the stream corridors of South Branch Eighteen Mile Creek and Eighteen Mile Creek. Rural landscapes such as farm fields, woodlands, picturesque farmhouses create an identity for the community. Taking steps to preserve and protect agriculture in the Town of Concord is, by extension, taking steps to ensure that a way of life is being preserved, an economic pillar remains structurally sound, and the ability of the Town to continue to contributing to meeting the food access needs of the Town, the County, and the region is being sustained.

### **Direction for the Town**

There are a number of financial incentives that could prove to be useful tools for the Town as it seeks to preserve existing agricultural lands including: PDR’s (Purchase of Development Rights), PACE (Purchase of Agricultural Conservation Easement), TDR’s (Transferrable Development Rights). The Town may desire to apply for a grant from NYS Agriculture and Markets for the preparation and adoption of a local (Town of Concord) agricultural and farmland protection plan.

The Town can also continue to find ways to tie the Town’s agricultural production to services/markets in the Village of Springville. Finally, the Town should look into permitting certain commercial activities that may be compatible with agricultural uses, by special use permit and site plan review, within agricultural and residential zoning districts.

## **4.2 Zoning**

From *Town of Concord Analysis of Zoning Districts* by Carol Horowitz, AICP, December 2015. Please see appendix for zoning charts.

### **Introduction**

There are currently 13 zoning districts (please see Map X) in the Town of Concord, which is a large number for a municipality of this size. These include four commercial districts, a manufacturing district, a mining district, and seven residential districts.

A review of the zoning map, which dates from 1998, indicates that many of the mapped districts, especially some commercial districts, are small in size and may encompass only one or two tax map parcels. In addition, the land use survey indicates that some of the areas that are currently zoned commercially have been converted to residential or some other non-commercial use.

These changed circumstances offer the opportunity to review the current zoning districts to determine if they are appropriate for the current land use patterns in the Town and to ensure that the current zoning districts are appropriate to meet the Town's needs in the future, especially in order to accommodate future development in the vicinity of the Zoar Valley connector road.

The analysis below reviews the permitted uses (those that are allowed within a given zoning district "by right") in each zoning district, in order to determine if some of the current zoning districts can be combined, modified or eliminated, in order to better serve the current needs of the Town.

## **Analysis Results**

### **Residential Zoning Districts**

There are currently seven residential zoning districts listed on the Zoning Map. These are:

- R-E Single-family residence - Estate (No Parcels Zoned R-E)
- R-AG: Residential Agricultural
- R-1 Single family residence
- R-2 General Residence
- R-M General Residence- Mobile Home court
- R-RB Residence- restricted business
- R-12 Single family - cluster housing

Chart A contains a table comparing the principal allowable land uses in each residential district. Although the R-E, Single-family residence - Estate Zoning District is listed on the Zoning Map and described in the Zoning Ordinance, no areas of the town are located in this zoning district.

### ***R-AG: Residential Agricultural Zoning Districts***

Most of town is located in this Zoning District, which is a mixed use district that allows a range of residential land uses, including single family homes, two family homes, and multiple family homes. A wide variety of agricultural uses are also permitted in this district. Quasi-public uses such as schools and charitable organizations are also permitted. A variety of commercial recreation facilities, such as campgrounds and seasonal cottages are permitted with a special use permit from the Town Board. Utility scale and small scale Wind Energy Conversion Systems (WECS) are permitted with a special use permit. As an accessory use, professional residence offices are permitted with a special use permit. Roadside farm stands and home occupations are permitted as accessory uses.

### ***R-1 Single Family Residence Zoning District***

The R-1 Zoning District is the most restrictive district, allowing only single family homes and several quasi-public uses, such as fires stations, churches, and schools. The R-1 Zoning District is the most commonly mapped residential district after R-AG. Areas that are zoned R-1 include the Crane Ridge Subdivision, residential areas to the west of Kissing Bridge Ski Resort, Trevett Road near Fowlerville Road, Genesee Road west of Boston Springville Road, Kern Road north of Concord Road, and an area on North Street, centered on Dowd Road.

#### *R-2 General Residence Zoning District*

The R-2 District is relatively restrictive in allowable land uses, which includes single family homes. However, two family homes, multiple family homes, and group homes are also allowed. Dwelling Groups, which appear to allow more than one single family home to be constructed on a lot, are allowed. Several types of quasi-public land uses are also allowed. Only one area, Helm Road, a private road between Snyder and Townsend roads, is zoned R-2. However, the land use survey indicates that there are many areas in town that contain two-family and dwelling groups that are not located in the R-2 zoning district.

#### *R-M General Residence- Mobile Home Court Zoning District*

The list of allowable land uses in the R-M District is identical to the R-1 District, except that mobile home courts are also allowed. The only two areas in Concord that are zoned R-M are the two mobile home courts, one on North Street and one on Middle Road at Vaughn Street.

#### *R-RB Residence- Restricted Business Zoning District*

The R-RB District is designed to be a mixed use district that allows a range of residential, quasi-public and office land uses. It could be a useful zoning district for the traditional hamlet areas in the Town, since it can accommodate the range of land uses that are typically found in the hamlets. However, only one parcel, in East Concord on west side of Vaughn Street, south of Genesee Road, is now zoned R-RB.

#### *R-12 Single family - Cluster Housing Zoning District*

This zoning district is quite restrictive. Only Single family homes, churches and schools are permitted. The district requires both public water and sewer services and a minimum lot size of 12 acres. Clustering of lots is permitted in this district, with subdivision approval granted by the Town Board. Only one area in Town, a townhouse development in Kissing Bridge Ski Resort is currently zoned R-12.

#### Commercial Zoning Districts

There are currently four commercial zoning districts mapped on the Zoning Map. These are:

- C-1 Local Retail Business
- C-2 General Commercial
- C-T Commercial Tourist
- C-R Commercial Recreation

Chart B contains a table that compares the principal permitted land uses in each commercial district. The C-1 and C-2 Districts allow a range of land uses, while the C-T and C-R Districts are special purpose commercial districts that allow limited land uses.

#### *C-1 Local Retail Business and C-2 General Commercial Zoning Districts*

Chart B demonstrates that there are not many differences in land uses allowed in the C-1 and C-2 Districts. Both districts allow a range of residential land uses (single family, two family, and multiple family); quasi-public land uses, such as philanthropic organizations and schools; nursing homes; some office uses; banks; theaters; restaurants; automotive sales and services; and gasoline stations.

The major difference between these two districts is that retail sales ("retail sales, but not including any use first permitted in any other C District or first permitted in any M District") are allowed only in the C-1 District, and the C-2 District allows a range of light industrial (custom shops, dairy, commercial dry cleaning plant) and commercial recreation (golf driving range, drive-in theater) that are not permitted in the C-1 District.

The C-1 District allows some office uses that are not allowed in the C-2 District. However, the distinctions between these types of offices appears to be arbitrary. For example, "optician, optometrist, ophthalmologist" is allowed in both districts, but "medical/dental buildings, clinics and laboratories" are only allowed in the C-1 District. "Real estate or insurance office" is allowed in both districts, but "administrative & professional offices" are only allowed in the C-1 Districts. All these office uses would appear to be similar.

There are several small areas of both C-1 and C-2 Districts distributed throughout the Town. Looking at the zoning map, more commercial land is located in the C-2 District. The largest concentrations of the C-2 District are located in East Concord on Route 240 in two locations, one along Allen Street north of Genesee Road and the other on the west side of Vaughn Street, north and south of Davis Hill Road. There is a strip of C-2 on South Cascade, south of the village. There is a small C-2 District on Route 39 west of the Village, which contains a small pocket of commercial development. A small area on Route 39 at Morton's Corners Road is zoned C-2. Several small areas zoned C-2 are scattered throughout the Town, including a single parcel on Cattaraugus Street and a small district on the Springville-Boston Road.

Areas zoned C-1 are located throughout the Town, although not as widely distributed as the C-2 District. A C-1 District is located in East Concord, on Genesee Street. A small C-1 District is located on North Street. Other areas zoned C-1 include small districts on Helm Road and in Fowlerville.

#### *C-T Commercial-Tourist Zoning District*

The C-T District allows a very limited list of land uses. The only permitted use is gasoline stations. Single family and two family homes, restaurants, and hotels and motels are permitted with site plan approval from the Town Board. Only one small area is currently zoned C-T. This is a parcel on Springville-Boston Road that is currently residential in use.

#### *C-R Commercial-Recreation Zoning District*

The C-R District also has a very limited list of allowable land uses. Golf course, golf driving range, mini-golf facilities, downhill ski centers, commercial stables and campgrounds are

allowed with site plan approval from the Town Board. No residential uses are permitted in the district, although it appears that there are some residential units at Kissing Bridge that are included in the C-R district. There are two areas that are zoned C-R, the Springville Country Club golf course on South Cascade Drive and the Kissing Bridge Ski Resort.

### Industrial Zoning Districts

#### *M General Industrial Zoning District*

The allowable land uses in this District are restricted to industrial manufacturing, research and development, and adult uses. Only two areas of Concord are located in this district. One is a lot on Route 39 at Pritchard Road, which contains a manufacturer of pre-cast concrete products. The other is in East Concord on Genesee Road.

#### *M-R Mining Reclamation Zoning District*

There are several active mines in the Town that are located in this Zoning District. However, it appears, based on the 1998 Zoning Map, that there are areas where mining is occurring, but are not zoned M-R. For example, a parcel on the south side of Middle Street, near the intersection with Vaughn Street, is currently mined, but is not in the M-R district. Other examples of this situation are the 286-acre La Farge property off South Vaughn Street and the nearby 59-acre Gernatt property off Benz Drive; both of these parcels are actively mined, but are not in the M-R District. Similarly, parcels in the vicinity of Sharp Street, north of Middle Road, appear from the land use map to have more mining activity than the area described on the zoning map as M-R.

### Direction for the Town

When developing zoning districts and drawing zoning district boundary lines, there are several overarching principles that the Town may want to consider during its review of the current zoning districts. Each Zoning District should have a brief statement of purpose, which will provide a focus for the uses that are permitted in that District. The permitted uses in each Zoning District should be carefully considered to implement the purpose of the zoning district, whether that is to designate areas that are restricted for single family home development or to designate mixed use areas where a range of compatible land uses are allowed.

District boundary lines should reflect both existing land uses and the range of land uses that the Town would like to promote in the future. Wherever possible, zoning district boundary lines should follow tax map parcel boundaries. To the maximum extent feasible, the Town should avoid zoning districts that encompass only one or two parcels, since this could be construed to be spot zoning.

Dimensional regulations are another consideration; in some circumstances it may be appropriate to develop zoning districts that have similar permitted land uses, but different minimum lot size, minimum lot width, and setbacks, depending upon existing conditions. Minimum lot size is also dependent upon whether or not municipal water supply and sanitary sewer services are available, which would allow smaller lot sizes.

Below are several conclusions from the preceding analysis of the Town's current Zoning Districts, which the Town may want to consider during its review.

### Residential Districts

Because there is no land currently zoned R-E Single-family residence - Estate Zoning District, it appears that this zoning district would be a good candidate for elimination. In addition, only one small area is currently zoned R-RB. Further review may indicate that this Zoning District can be applied to other areas, but if not, the Town could consider deleting this district. The list of uses that area allowed in the R-2 District make it a useful tool, one which appears to have been underutilized.

*The R-AG district appears to be fairly broad and does not really represent a rural – agrarian district. The number of allowed uses and special uses should be reduced to provide greater focus. As Home Based businesses are growing in popularity, the Town should consider the adoption of law for home based businesses/ home occupations. This law can be broken into two categories; those that are allowed by right (difficult to regulate) and those that would require an approval/permit from the Town. The law would include the requirements for these types of home based businesses. Samples are provided in the Chart.*

### Commercial Districts

Because the C-1 and C-2 Districts are both effectively mixed use districts, the list of permitted uses within these districts should be re-examined. These districts potentially could be combined into one commercial District. The list of permitted uses in the C-R district could potentially be expanded to include some types of residential development; alternatively, commercial recreation could be allowed in a different commercial zoning district. The C-T district currently is the only zoning district in which hotels and motels are allowed. However, these uses could easily be allowed in a different commercial district, and the C-T District could be eliminated.

### Industrial District

The current M District is a very traditional heavy manufacturing district. However, many of the land uses in the Town fit more readily into a light industrial category. The list of permitted uses in this district could be potentially expanded to include some of the uses that now are only permitted in the C-2 District, such as custom shops. *Many modern zoning codes allow this, as it accommodates the changing economies of the region and country. The Code could also include some design issues to ensure that they fit into the character of the area and not impact adjoining uses.*

#### **4.2.1 Mineral Extraction**

##### **Issues/Conditions/Data**

The Town's current policy toward mining activities is to rezone specific properties to allow mineral extraction on a case-by-case basis as applications are made.

##### **Analysis Results**

There was a general consensus amongst those residents who attended the public information meetings and the members of the Comprehensive Planning Committee that the Town needed to do more to regulate mining activities that occur within the Town. While the New York State Mined Land Reclamation Law (MLRL) does supersede the Town's jurisdictional authority, it does not prohibit Concord from passing legislation that establishes permitted and non-permitted

uses (e.g. mining) within a given zoning district, delineating those zones in which mining is only allowed by special use permit, and demarcating those zoning districts where mining is prohibited.

### **Direction for the Town**

The Town has multiple options for better regulating mining activities in the Town and it could chose to employ one or more techniques as it moves forward. One technique would be the evaluation of all zoning districts in the Town, determining where mining would be an appropriate use, and then zoning it as such. Currently, rezoning is required every time an application is received, but this is not an idealsolution.

Another option would be to exercise local control over mining through the Special Use Permit (SUP) process. However, NYS law greatly restricts what can be regulated under a SUP for mining operations so this might not be an ideal approach. An additional strategy might include keeping mining as a separate zoning district requiring rezoning (similar to what is occurring now), which keeps better control. The Comprehensive Plan would provide direction (and a legal basis) on whether a location is potentially suitable for mining or not suitable for mining.

A fourth option would a slight variation to the “rezoning” process to allow mining under incentive zoning. This type of zoning would identify what could be allowed and what the needs of the Town are, and the processes and requirements needed to obtain such a “rezoning.”

### **4.3 Home Based Businesses**

#### **Issues/Conditions/Data**

The Town is primarily a residential and agricultural community, with residences and farming occurring throughout the Town, and sometimes both occurring on the same parcel. It is not entirely uncommon, for example, an agricultural property to also feature a small stand or structure where fresh produce is sold. In addition, the rapid advancement of advanced telecommunication technology (i.e. cell phones and reliable internet) has made it more possible than ever before for residents to operate businesses out of their own homes. This trend is consistent with trends seen at the regional, state, and national levels.

It is generally agreed that as long as a given home based businesses is unobtrusive and does not adversely affect adjoining properties, it would be allowed as an acceptable use, as the Town of Concord’s homes tend to be on larger lots and separated from their neighbors with adequate buffers. Supporting home based businesses will continue to offer opportunities for farmers to have small, non-agricultural related businesses operating within their home to help supplement their income.

#### **Analysis Results**

The Town currently does not have sufficient regulations to properly address home based businesses, although other municipalities in New York State do, and they could provide an example for the Town of Concord to follow. They tend to break these types of businesses into one to three categories, with different regulations and requirements for each. Certain uses are so inconsequential to the residential use that they are allowed by right. Other uses that may have an impact require a permit from the municipality. Uses that are determined to be major require site plan approval and/or a special use permit.

Many municipalities in the State have good regulations to address these types of home based businesses. They tend to break these types of businesses into one to three categories, with different regulations/requirements for each. Certain uses are so inconsequential to the residential use that they are just allowed by right. Some uses that may have an impact would require a permit from the Town. The highest level would require site plan approval or a special use permit.

### **Direction for the Town**

The Plan will recommend that the Town adopt similar legislation as some other communities in New York State, and samples will be provided.

## **4.4 Food Systems Planning**

### **Issues/Conditions/Data**

Food systems planning is a critical component to this comprehensive plan update, as food production and access are increasingly looked at as indicators of healthy, sustainable community.

The recommendations made within this section rely heavily on the information provided in One Region Forward's *Growing Together: Ensuring Healthy Food, Strong Farms, and Prosperous Buffalo Niagara*, which was published in February 2015.

Designed to be a technical report, *Growing Together* was authored by the University at Buffalo Food Systems Planning and Healthy Communities Lab and is, in part, highlighted by a series of 38 "Ideas for the Future," which are intended to be "familiar and novel ways to strengthen Buffalo Niagara's food system and to make the most of our regions assets."<sup>1</sup>

The Town of Concord is an Erie County "Right-to-Farm" municipality. The "Right-to-Farm" law was passed to ensure that an explicit legal basis was established for farming/agriculture to remain a by-right use in areas in which there was risk of farmland being converted to other uses or instances in which farmers were at risk for private nuisance suits being filed against them.

Farming and agriculture are priorities in the Town of Concord. Over 50% of the Town's land area is part of Erie County Agricultural District #15 and is dedicated to farming. The majority of lands in the Town of Concord have been classified by the tax assessor as either residential or agricultural. In some instances, the reality of the situation is that the parcels may be both, with a residential use (i.e. farmhouse) being surrounded by an agricultural use (i.e. barns and crop fields). So under representation and over representation of what lands are actually being farmed are issues that should be taken into account.

It also should be noted that the Erie County Agricultural and Farmland Protection Plan identifies Concord as having one of the few areas in the County with "Clusters of Parcels with High Agricultural Soils Values" (see Erie County Plan).

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<sup>1</sup> University at Buffalo Food Systems Planning and Healthy Communities Lab, *Growing Together: Ensuring Healthy Food, Strong Farms, and Prosperous Buffalo Niagara*, 2015, 89.

## **Analysis Results**

Animal farming in the Town of Concord includes, but is not limited to: dairy, poultry, and beef. Crops grown in the Town of Concord include, but are not limited to: corn, beans, and, more recently, hops. All of these products provide vital links in the regional food system.

Roadside stands and the Village of Springville's Gentner Auction are currently the only opportunities afforded to buy local manufactured food products and local produce within the Town of Concord. The Gentner Auction is open every Wednesday from 7:00 A.M. to 3:00 P.M. The Village of Springville once served as a vital link of critical services to farmers living in the Town, while at the same time, providing those farmers with a market to distribute their products.

Regional and local sportsmen and sportswomen seek out the numerous hunting and fishing opportunities available in the Town of the Concord. Both hunting and fishing are regulated by the New York State, licenses are required, and, with regard to hunting, a training course must be completed.

The Town of Concord offers several opportunities for anglers, primarily within Cattaraugus Creek and its watershed, with the Scoby Power Plant and Dam serving as a particularly popular destination. Both Salmon and Trout are prevalent species, with Cattaraugus Creek being located within the world renowned "Steelhead Alley."

The nearby Zoar Valley Multiple Use Area (MUA) provides hunters and trappers excellent opportunities. Hunters utilize the Zoar Valley MUA for deer, pheasant, squirrel, and grouse. Trappers use the MUA for beaver.

Both hunting and fishing play an important role in the Town of Concord's overall food system by both giving residents access to freshly caught food and being an important economic driver, as tourists and visitors seek out the Town of Concord to engage in the hunting and fishing opportunities that are located there and not available in other parts of Erie County and the Buffalo-Niagara region as a whole.

The Town of Concord recognizes the important roles hunting and fishing play in their local economy and have been working with Federal, NYS, and Erie County officials to lower the height of the Scoby Dam and construct a fish ladder that will allow fish to move further upstream for spawning. In November 2017, it was announced that federal, state, and local officials had reached an agreement to see the height of the Scoby Dam lowered and, pending further federal approval from the U.S. Fish and Wildlife Service, a fish ladder installed to allow the fish the opportunity to spawn further upstream (the dam currently prohibits fish for going any further upstream).

The project is a \$7 million dollar endeavor and is scheduled to be completed by 2021. Upon completion, the project will connect both sections (upper and lower) of Cattaraugus Creek for the first time in nearly 100-years.

There are several grocery stores located within the Town of Concord including: Aldi, Tops, and Walmart. All three of these grocery stores are located within the Village of Springville near the U.S. Route 219 interchange with State Route 39. In addition to traditional grocery stores, there are numerous convenience stores located throughout the Town, some inside service stations, others as standalone stores. These convenience stores provide residents with "essential" food items such milk, eggs, bread, and water.

## **Direction for the Town**

The Town of Concord is blessed to be an area that has rich agricultural soils and to have large amounts of land dedicated to food production. Many of the Town's needs, in terms of food production (especially fruits and vegetables) could be met through locally sourced products. In addition, the Town provides agricultural products to the County and the greater Buffalo Niagara region, helping sustain the food system at large.

The Town could continue to support farmers by keeping the Town a "Right-to-Farm" community and look to expand the existing Agricultural District (Erie County Agricultural District #15). Establishment of a purchase/conservation easement program and a transfer of development rights program could be suitable mechanisms for protecting farmland in the Town. Currently, there is no street farmer's market in downtown Springville. One could be established to both attract visitors to the Village's downtown and provide another opportunity for Town farmers to sell their products to local residents.

Concord could also continue to work with its partners at the federal, state, and county levels to see a fish ladder constructed at Scoby Power Plant and Dam. Additional food system partnerships could include the local schools: ensuring Concord youths are educated in farming and agriculture best practices, exploring the opportunity to source school meals with locally grown fruits and vegetables, and establishment of school gardens, creating experiential nutrition and farming education.

Understanding weaknesses and deficiencies in the Town's food system is of critical importance for elected officials. Similarly, elected officials need to have a firm grasp on how self-reliant the Town of Concord is in terms of fruit and vegetable production (i.e. what percentage of the Town's fruit and vegetable needs could be met with only those fruits and vegetables grown within the Town). Elected officials and appointed board members should look establish financial incentives to grocers and markets that sell and/or market locally produced products and look at zoning laws to ensure that, for example, roadside farm stands are permitted by-right within certain zoning districts located in the Town.

Representatives from "One Region Forward" will be able to provide the Town with additional ideas regarding food planning and to best implement a strong food system within the community.

## **4.5 Neighborhood Revitalization**

### **Issue/Condition/Data**

The Town of Concord remains largely rural, with single-family detached homes interspersed throughout the community. Neighborhoods - in the traditional sense of subdivisions occurring within established Euclidean zones - with an exception being Crainridge, which is located in the northeastern corner of the Town, near Kissing Bridge and Sprague Brook Park. In addition, there are four (4) areas that have been identified as hamlets: East Concord, Morton Corners, Wyandale, and Fowlerville. These hamlets are primarily crossroads, albeit with a little more development density in and around the intersections.

### **Analysis Results**

The Town of Concord does not have specific neighborhoods that are in need of revitalization. There are some areas located, randomly, throughout the Town that are in need of increased property maintenance. Fortunately, based on data provided by the Town, there is not an abandoned property issue, zombie homes do exist, but there are not many. The Town does have areas that are defined by the federal government as being “low-income,” making them eligible for HUD (United States Department of Housing and Urban Development) grants and Community Development Block Grant (CDBG) monies.

### **Direction for the Town**

There are really no specific neighborhoods in the Town, but some areas are referred to by their historic names. General recommendations for neighborhood revitalization should not be specifically tied to one area. Although, some areas of the Town do have common issues that should be addressed. For example, some areas may specifically meet the federal definition of a “low-income area,” which allows for the use of community development monies through HUD.

There are historic structures (e.g. barns) and buildings located in the Town and financial incentives offered at the local, state, and federal levels could be utilized to encourage protection, rehabilitation, and reuse of these resources. Existing building stock could be revitalized through tax incentives offered by the state, such as the 485 b program and through updated property maintenance laws passed at the local level.

## **4.6 Major Thoroughfares**

### **Issues/Conditions/Data**

The Town and its Business District have been impacted by the extension of Route 219 and some residents indicated that they would like to see truck traffic removed from Main Street in the Village. The following intersections were identified as needing improvements: Buffalo Road/Sharp Street, Vaughn Street, and Route 39/Zoar Valley Road (near Route 219). Residents repeatedly noted that County roads were in need of maintenance and improvements.

### **Analysis Results**

Most of the major roads in the Town are level of service “A” (not having any volume problems). Localized road condition problems and intersection problems seem to be the only major thoroughfare issues in the Town. The Route 219 extension has not created any traffic problems.

### **Direction for the Town**

## **4.7 Transportation**

### **Issues/Conditions/Data**

Residents throughout the Town and Village expressed varying opinions regarding the extension of rails to trails within the Town, although there was general consensus that more bicycle and pedestrian connections between the Town and Village were needed, along with additional trails, walkways, and bicycle paths throughout the Town. Commuters expressed the desire for a park and ride to be established within Town limits.

**Analysis Results**

**Direction for the Town**

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## 4.8 Watershed

The following provides a general overview on some of the critical issues surrounding the Town of Concord's watershed. For more detail on the watershed, please see the full watershed description and analysis contained in the appendix.

### Issues/Conditions/Data

The Town of Concord is within the Niagara River Watershed part of the larger Lake Erie Watershed. Sub-watersheds include (as delineated in the Buffalo Niagara Riverkeeper's Niagara River Watershed Management Plan): the **Eighteenmile Creek** sub-watershed, the **Cattaraugus Creek** sub-watershed, the **Headwaters Cattaraugus Creek** sub-watershed, and the **Buffalo River** sub-watershed.

**Eighteenmile Creek** (a sub-watershed of the Niagara River) runs from the central north portion of the Town of Concord going through the Towns of Boston and Hamburg prior to emptying into Lake Erie. The South Branch of Eighteenmile Creek starts in the western portion of Concord and goes in a generally northwesterly direction, cutting through the Towns of North Collins and Eden prior to feeding into Eighteenmile Creek in the Town of Hamburg. (See Environmental Features Map of the Town of Concord).

**Cattaraugus Creek** is a Class B protected waterbody, Eighteenmile Creek is a Class A (suitable as a drinking water source) protected waterbody, South Branch Eighteenmile Creek is a Class C (TS – trout spawning) waterbody, West Branch Cazenovia Creek is a Class B (suitable for primary and secondary contact recreation and fishing) waterbody, Sprague Brook is a Class B waterbody, and Spring Brook is a Class B and Class C waterbody.

Steep slopes can be found in the streams that serve as **tributaries to Cattaraugus Creek** including, but not limited to: Spooner Creek, Spring Brook, and Derby Brook (see Environmental Features Map of the Town of Concord). The topography slopes at Cattaraugus Creek, which serves as the southern border of the Town, separating it from the Towns of Ashford and East Otto in Cattaraugus County. This area, known as Zoar Valley is noteworthy for its spectacular gorges and pristine beauty. It is a popular spot for fishing and during the spring for white-water rafting.

Sprague Brook is located in the northeastern corner of the Town of Concord and feeds the West Branch Cazenovia Creek. West Branch Cazenovia Creeks leaves Concord and flows north through the Towns of Colden, Aurora, Elma, and West Seneca and the City of Buffalo prior to merging into the **Buffalo River** (sub-watershed of the Niagara River), which empties into Lake Erie. (See Environmental Features Map of the Town of Concord).

### Analysis Results

Local governments regulate and oversee land development. The following municipal tools, many of which are currently employed by the Town of Concord, can be used to address a wide variety of environmental issues, which includes the protection and conservation of water resource. Municipalities can have a long lasting impact on protecting and improving the surrounding watershed by incorporating water quality goals and strategies into their comprehensive plans. Some of the planning tools and regulatory mechanisms that can continue to be employed at the local level, by the Town, are as follows:

- Comprehensive plans
- Land use and zoning, such as site plan review
- Subdivision regulation
- Erosion and sediment control ordinances
- Special use permits

### **Direction for the Town**

- How effective the site plan review process will be in reducing development impacts to water quality and natural site features is dependent on the reviewing body (planning board or other administrative agency) and how strictly they apply review criteria.
  - It is important for zoning regulation language to be clear and specific so the reviewing body has distinct authority to modify site plans or place additional conditions on permits.
    - Environmental Protection Overlay Districts are a type of zoning overlay deigned to address environmental concerns. The overlay tool means it overlaps the underlying zoning districts to provide additional regulations specific to the goals of the community.
    - Revise zoning regulations to limit expansion of impervious surfaces.
    - Revise zoning codes to include buffers and increased setback requirements. For example for lots abutting a watercourse – install a 50-foot wide riparian buffer on either side of a watercourse and further, any building must be set back 10 feet from the buffer.
1. Local Laws, Practices, and Programs that affect Water Quality:
    - Preservation of open space and conservation planning – can be an effective way of preserving water quality by limiting development in certain areas, such as in riparian buffers, wetlands, floodplains.
      - This can be done in a number of ways, such as, conservation easements, the transfer of development rights, or purchase. For example, the Buffalo-Niagara Riverkeeper organization helped facilitate the purchase of a property for inclusion into County Forest, creating 1000 acres of headwater forest in the Town of Concord protected in perpetuity.
    - Encourage collaboration amongst municipalities and agencies to develop zoning codes to encourage conservation and best management practices across waterways that span municipalities.
  2. Sewer and Water Infrastructure:
    - Because there are very limited public water supply and public sanitary sewerage disposal services in the Town, most residential development occurs on larger lots that can accommodate private wells and septic systems. Due to these infrastructure constraints, there are very few traditional subdivisions on medium

sized lots. Instead, the pattern has been to develop large lot subdivisions, on lots of five acres or more, with all lots taking access from existing public roads. The development of Townsend Road south of Genesee Road is an example of this type of subdivision pattern. The Crane Ridge subdivision, in the northeast section of the town, is an example of a subdivision on smaller lots; this subdivision is served by its own, dedicated water supply and sewage disposal systems, which support the smaller lot size.

- Upgrades to infrastructure are important because new or upgraded sewer systems can improve water quality.
  - Sometimes new sewer and water infrastructure may lead to inappropriate growth, development, and sprawl. Communities should carefully plan future land use and determine where infrastructure will be allowed to expand.
3. Onsite wastewater systems, such as septic systems:
- The majority of property owners in the Town of Concord utilize privately-owned septic systems for the purposes of sanitary sewerage collection.
  - Creating an additional layer of regulation (other than NYS Health Laws or County laws) to ensure systems are operating properly – regular inspections can be required prior to sale of property.
  - Require upgrades of old septic systems.
4. Environmentally sensitive areas – floodplain management:
- The region contains flood zones that have been designated by the Federal Emergency Management Agency (FEMA) as areas subject to flooding. These areas are depicted on FEMA Flood Insurance Rate Maps (FIRMs). These maps should only be used for general planning purposes. Persons interested in determining the exact locations of the flood hazard boundary areas should refer to the official map on file at the Town of Concord, Town Clerk's office, particularly in regard to the need for flood insurance for a property.
  - Significant flood hazard areas in the Town of Concord are primarily found south of Genesee Road on the banks of Spring Brook, Spooner Creek, and Cattaraugus Creek. Because these creeks are subject to flooding, development is discouraged from these areas by floodplain regulations. If any development is allowed in the floodplain the regulations ensure that predevelopment rates are maintained or improved. The Town should continue to enforce these regulations.
  - The Community should work with FEMA to update flood maps.
  - Floodplains are located near or adjacent to water courses. The floodplain stores stormwater. When a floodplain's storage capacity is reduced is when the risk of property and infrastructure damage can occur.

- Drainage features like creeks, floodplains and wetlands need to be protected from development. These natural drainage features act as a natural sponge to trap stormwater, snowmelt, and other surface runoff; they reduce the volume and speed of runoff. They protect areas from the negative impacts associated with flooding and help reduce the risk of erosion.
- Local officials need to enforce flood prevention ordinances; these ordinances should be integrated into zoning laws and site plan review.

5. Environmentally sensitive areas: wetlands and riparian areas:

- There are both State and Federal wetlands located in the Town of Concord. Wetlands are found in every portion of the Town, although a preponderance of them are near the stream corridors of Derby Brook, Spooner Creek, and Spring Brook.
- Wetlands and riparian areas have important functions that protect water quality. Wetlands can purify water, recharge groundwater, assist in flood control, and improve shoreline stability.
- Many smaller unmapped wetlands are not protected under state or federal laws.
- Riparian areas are lands adjacent to water features and contribute greatly to the health and function of the water features they surround. They can stabilize banks, reduce erosion and sedimentation, lower water temperatures, slow flood waters, filter runoff, aid groundwater infiltration, and support wildlife habitat.
- Municipalities should protect wetlands and riparian buffers from vegetative clearing and development. Environmental overlay districts can help with this.
- The Town may consider developing a boardwalk/ trail system around the forever wetland; this system could be linked with other wetlands in the Town.

6. Stormwater management and drainage:

- The Town of Concord does not have a combined or dedicated stormwater collection system. Stormwater is collected and drained through natural remediation (e.g. ditches, culverts, etc.) and/or engineered improvements made to individual properties (e.g. on-site remediation techniques like stormwater collection ponds, rain gardens, etc.).

7. Erosion and sediment control:

- Soil erosion impacts water quality in many ways.
- Municipalities should limit the impact of development activities through effective erosion and sediment control laws and proper enforcement of Stormwater Pollution Prevention Plans (SWPPPs).

8. Road maintenance:

- Maintenance of local roads has a big impact on the health of the surrounding watershed. For example road de-icing and other winter road maintenance negatively affects water quality when materials get into waterways via runoff. Pre-salting before a storm can reduce the amount of de-icer need by up to 70%.
- Municipalities should follow BMPs as outlined in the latest version of the Highway Superintendent Roads and Water Quality Handbook and should attend Cornell Local Road trainings.

9. Junk yards & waste storage:

- If waste is not stored properly, hazardous liquids can leak into soil and groundwater. Municipal code should go beyond basic NYS environmental permitting to limit junk yards to less environmentally sensitive areas or prohibit them altogether. The NYS Department of State has a model junk storage law that provides a good starting point for local regulation.

10. Mining & drilling wells:

- Municipalities can limit or completely prohibit mining operations from within their jurisdiction. If the municipality chooses to allow mining operations, local knowledge and awareness of mining activities and their impacts are important for developing effective regulations. Larger mines are subject to the DEC permitting process. In Concord, the extraction of topsoil, sand, gravel and similar resources ranks fifth in land use categories, constituting approximately 2.5 percent of the land area in the Town. The majority of sites currently being mined tend to be located in the eastern part of Concord, near Route 240.
- Note: Presently oil and gas well development are regulated at the state and federal levels.

11. Agriculture:

- Agricultural land currently occupies 23% of all land in the Town. Agriculture can have significant impacts on water quality. Runoff can carry pesticides, fertilizers, and animal waste into waterways and can cause nutrient loading. Most agricultural land use issues are regulated at the state level by the Departments of Agriculture and Markets, and the NYS DEC. The NYS DEC also oversees State Pollution Discharge Elimination System (SPDES) for farming facilities identified as Concentrated Animal Feeding Operations (CAFOs). Farms are required to develop and maintain Comprehensive Nutrient Management Plans under the SPDES general permit.
- Local awareness and encouragement of BMPs is also helpful. Municipalities should encourage farmers to access the resources offered by the Natural Resources Conservation Service and County Soil and Water Conservation Districts.

12. Forest Management:

- A significant amount of public forest land is located in the northeast section of the Town. Erie County owns approximately 700 acres of reforestation land, in several non-contiguous parcels. There are also several large parcels of land, owned by various private owners, that are classified as private forest land. Two of these parcels are located in the northeast part of town and several are located in the southern part of the town. Private forestland includes the Springville Field and Stream parcel bounded by Chaise Road and White Street.
- Local municipalities can regulate harvesting practices to limit erosion and sedimentation.

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