

TOWN OF CONCORD AND VILLAGE OF SPRINGVILLE  
JOINT COMPREHENSIVE PLAN

Concord Comprehensive Plan Committee  
January 10, 2018 Meeting

**IV. IMPLEMENTATION (RECOMMENDATIONS UPDATE) PLAN**

**Recommendations from the previous Plan that apply to Concord (with comments):**

**ARE ANY OF THESE OTHERS STILL VALID?**

- (1) The Future Land Use Plan elements of the Plan should be used to update the zoning texts and maps. The introductory articles of each law should cite the plan and its primary goals. The same is true for articles describing specific zoning use districts; each should have a statement of intent reflecting the plan goals.
- (2) New Town zoning maps should use, as a base, the new digitized maps prepared for the Plan. These have the advantage of showing parcel lines and natural features. This will make the zoning maps more accurate and easier to interpret.
- (3) Design standards included in the Comprehensive Plan text should be used as a basis for revising site plan review articles and practices, in accordance with New York State.
- (4) The zoning updates should address administrative issues such as the roles of Code Enforcement Officers, Planning Boards, other Advisory Boards, and Zoning Boards of Appeals with respect to coordination with planning and economic development goals. Also included should be new language on clustering, site plan review, incentive zoning, amendments, special use permitting, and area and use variances as re-codified over the past years by the NYS Legislature based on the work of the NYS Joint Legislative Commission on Rural Resources. This new language is designed to be inserted in local laws.
- (5) Zoning use districts and their mapping in specific areas should be reviewed and made to conform to the land use designations shown in the comprehensive plan. District boundaries should be based on: (1) the Future Land Use Concept Maps of the Comprehensive Plan, (2) existing predominant land use and (3) Town economic development programs and needs.
- (6) Use of the Incentive Zoning tool authorized by the State of New York should be considered for such special areas as the planned new Business Park along the Rte. 219 extension. Incentive zoning is a tool to encourage new investment in business areas. It allows municipalities to negotiate with developers in a process whereby developers offer to provide public improvements, or "public amenities", which benefit the entire community, in return for which the municipality may offer a "zoning incentive" to the developer, consisting of a modification or reduction in zoning requirements. In these cases, the State law requires that both the amenities and incentives be carefully defined, including the districts affected, as part of the Zoning Laws.
- (7) Wherever possible, more standard provisions of the Town and Village laws, such as standards for off-street parking, signage, environmental overlays and site plan review should be coordinated with each other to the fullest extent possible.
- (8) Environmental Protection Overlay Districts (EPODs) should be added to the zoning laws to assist in addressing sensitive environmental conditions like steep slopes, wooded areas, and waterways during site plan reviews.

**Recommended Changes to the Town of Concord Zoning Law**

- (1) Article II, General Provisions, should refer to the new Comprehensive Plan under Purposes and Scope.
- (2) The definitions section should be upgraded and supplemented.

TOWN OF CONCORD AND VILLAGE OF SPRINGVILLE  
JOINT COMPREHENSIVE PLAN

- (3)
- (4) Clustering should be encouraged in all districts allowing residential use, but have different forms; Rural Cluster, Agrarian Clusters, Standard Clusters (where sewers are present).
- (5) In the Town's basic R-AG Residential-Agricultural District, overall densities and minimum lot sizes should be reconsidered, in order to preserve valuable farmlands. In accordance with the plan, a density of three acres per dwelling unit should be considered and clustering should be encouraged to preserve open space. At the same time provisions of the current law can be corrected. For instance, the Minimum Lot Size requirements for the R-AG District in Section 150-48 should be revised. Section 150-48 A. states three acres to be a minimum lot size but then permits up to 8 units on a 3-acre site (.4 acres per dwelling unit). The list of principal permitted uses for the R-AG Residential-Agricultural District should be reconsidered, making the more intense uses, such as hospitals, golf courses or multifamily dwellings, special permit uses.
- (6) In the R-AG District, the Town should consider including the Ancillary Farm Business standards recommended in the Plan.
- (7) A Hamlet District should be added to the Town law, in keeping with the Town of Concord Future Land Use Concept. This district would include provision for a mixture of residential, commercial, and other uses typical of Concord's hamlets.
- (8) The C-T Commercial-Tourist District as described in Article XV should be reviewed in terms of the extent of its usage in the Town and in terms of its density and use provisions. Although this district is in a very rural area, it presently permits hotel uses with maximum heights of 100 feet, gasoline stations and facilities with live entertainment as principal permitted uses.
- (9) The M – General Industrial District described in Article XVII appears to be written too broadly. Under Principal uses, the text states that: "This list is not exclusive. If the applicant wishes to institute a use not listed, a petition must be made to the Concord Town Planning Board." It should be noted that the granting of use variances belongs to the Zoning Board of Appeals. The granting of use variances has been re-codified by the NYS Legislature, as noted above. In addition, the uses permitted as principal uses within the M District appear to contain too many non-manufacturing uses. The minimum ten (10) foot side yard requirement appears to be too little for a country town like Concord.
- (10) The M-R Mining-Reclamation District Regulations described in Article XVIII pose a problem of contradictory authority. The issue is the relative authorities of the Town and the New York State Department of Environmental Conservation (NYSDEC) to regulate the location of mining uses in the Town. "While this issue is state-wide, it is nonetheless true that if there is to be zoning language about it in the Town Zoning Law, the language should be reasonably true. Among the options are the following (1) to acknowledge that the location of mining uses in the Town of Concord is under the authority and leadership of the New York State Department of Environmental Conservation or (2) to revise the law to make mining uses either subject to a M-R floating zone or to special permits approved by the Town.
- (11) The off-street parking regulations in Article XIX should be reviewed and in some cases simplified. Off street parking regulations for the Town and Village can in almost all cases be the same.

**B. PLANNED BUSINESS PARK/ZOAR VALLEY ROAD CONNECTOR (RELEVANT?)**

The planned business park depends on the access created by the proposed Zoar Valley Road Connector, and construction of this road is an essential first step in the creation of the business park. The Town and Village should continue to advocate for inclusion of the Connector in NYS Department of Transportation plans for construction of US Rte. 219. It is anticipated that the extended Rte 219 freeway would be built in segments and that the Springville segment will most likely be part of the first phase. Economic development is an

TOWN OF CONCORD AND VILLAGE OF SPRINGVILLE  
JOINT COMPREHENSIVE PLAN

important stated purpose of the upgrade of Rte 219, and the federal Intermodal Surface Transportation Efficiency Act of 1991 identified Rte. 219 from Buffalo to Rte. 17 as a High Priority Corridor, and further identified the segment between Springville and Ellicottville as a High Priority segment. Inclusion of the Zoar Valley Road Connector in the project will directly add to the economic development potential of this High Priority segment, without adding additional cost.

In addition to road construction, successful development of the business park will require land assembly, site layout, provision of utilities, marketing, and site disposition to suitable private developers and businesses. For these purposes, it is recommended that the Town and Village explore the development of a partnership consisting of the NYS Department of Transportation, the Town of Concord Industrial Development Agency, and the Erie County Industrial Development Agency. The DOT will be responsible for design and land acquisition for the Connector, and there may well be excess land acquired which can be devoted to the business park. Use of IDA powers will enable land assembly and acquisition, site design, marketing, and provision of such IDA incentives as payments-in-lieu-of-taxes (PILOT) agreements, sales tax exemptions, and use of available financing packages. The Town and County IDA's should discuss the best division of labor between them. The County has larger staff and greater expertise, while the Town has local knowledge and experience.

It is recommended that a feasibility study be undertaken to explore water and sewer service issues regarding the Business Park and associated unserved areas along Cascade Drive (see Infrastructure, below).

Potential funding mechanisms for infrastructure for the business park include the NYS DOT Industrial Access Program and the Erie County Infrastructure Loan Program. The Industrial Access Program funds highway improvements that will facilitate economic development and result in jobs being created. Awards can be up to \$1,000,000, in the form of a 60 percent grant and 40 percent loan. Eligible sponsors include counties, towns, villages, and industrial development agencies. Local and private financial participation is expected, although no specific formula is applied.

The Erie County Infrastructure Loan Program provides low interest loans to municipalities for road construction and provision of utilities for projects which provide jobs. Recent loans have been up to \$500,000, with a standard of \$15,000 loan per job created.

Erie County also offers a Business Development Loan Fund, which targets manufacturers and job creation. Low-interest loans can be up to \$100,000, and usually provide gap financing for equipment or working capital. Applications should be made to the Erie County Industrial Development Agency.

The Empire State Development Corporation may be able to provide assistance in development of the business park, based on its stated economic development priorities. Inquiries should be made to the ESDC Western New York office in Buffalo.

### **C. INFRASTRUCTURE**

It is recommended that Village water and sewer service be extended to currently unused areas of Cascade Drive designated in the Plan as Highway Business areas, as well as to the proposed Planned Business Park. A feasibility study should be conducted to determine service needs, capacity of the existing Village systems to supply those needs, costs, benefits, and funding and financing issues. The results of the study can also be used to inform a decision regarding annexation of the affected areas.

TOWN OF CONCORD AND VILLAGE OF SPRINGVILLE  
JOINT COMPREHENSIVE PLAN

**D. TRANSPORTATION**

**E. MUNICIPAL FACILITIES (Still relevant?)**

The project to upgrade and create needed new space for Town and Village offices should begin with a joint feasibility study. This would include current space utilization, space needs, and analysis of the alternative potential locations for various facilities and programs. Low- interest construction loan financing is available on a competitive basis from the US Department of Agriculture Rural Development Agency's Community Facilities Program. Current awards have been for up to \$750,000 at 4.5 percent for 20 years.

**F. HISTORIC PRESERVATION**

**TOWN OF CONCORD ISSUE?**

**G. HOUSING**

Housing recommendations fall in three categories:

- (1) New planned residential area.
- (2) Assistance to low and moderate income homeowners and renters.
- (3) Development of new multi-family or townhouse units, especially for senior citizens.

**New Planned Residential Area**

**Assistance to Low and Moderate-Income Families**

**Multi-Family and Senior Housing**

**IN THE TOWN – MORE CREATIVE!?**

**H. PARKS AND RECREATION (STILL RELEVANT?)**

A full-time Recreation Director is recommended to help the Town and Village meet the demand for recreation in the future. Expansion of existing and development of new programs and facilities is currently limited by the lack of staff dedicated to the recreation needs of the community. The Recreation Director could provide staff assistance to Springville Youth Incorporated in order to allow members of SYI more time to focus on overall policy and programming, and fund raising. It is recommended that the Recreation Director be a shared Town/Village position.

There are two potential sources of significant levels of funding for the recommended parks projects: the NYS Environmental Bond Act and the NYS Environmental Protection Fund (EPF).

TOWN OF CONCORD AND VILLAGE OF SPRINGVILLE  
JOINT COMPREHENSIVE PLAN

*Environmental Bond Act.* The environmental Bond Act funds projects that focus on improving water quality, increasing public access to rivers, streams, and lakes, and developing enhancements to waterfronts. The Spring Brook Greenway, including the development of the fishing access and boat launch site, and interpretive signage at the wetland could be eligible for Bond Act funding.

Development of Scoby Hill Dam as a park would also qualify for Bond Act funding. Applications for matching grants are accepted annually, usually in the fall. The program is administered by the NYS Department of Environmental Conservation.

*Environmental Protection Fund (EPF).* The Environmental Protection Fund provides matching grants for park acquisition, development of new parks and rehabilitation and enhancement of existing parks. Matching grants are also provided for the acquisition and/or restoration of buildings listed on the national Register of Historic Places. Construction of new playing fields at the Concord Community Park and acquisition and development of the new Town/Village Park are potential candidates for EPF funding. Spring Brook Greenway could also potentially qualify for funding from the EPF. Adaptive reuse of the historic hydro-electric building at Scoby Hill Dam is an excellent candidate for the Historic Preservation component of the EPF program. Applications for matching grants are accepted annually, usually in the fall. The program is administered by the NYS Office of Parks, Recreation and Historic Preservation.

EPF funding has already been awarded for construction of a new SYI pool house. One of the reasons that the Plan recommends a full-time recreation director is so that SYI Board members will have sufficient time and staff help to engage in fundraising to match this grant, thereby permitting its use. It is recommended that utilization of the current grant be assured before any additional grant applications are made.

Funding and assistance for the proposed Village street tree program can be obtained from the Urban Community Forestry Assistance Program, which is coordinated through the NYS Department of Environmental Conservation. This program should include a major effort to plant trees and landscaping along Cascade Drive, to improve its appearance.

## **I. TRANSPORTATION**

### **OTHER ISSUES?**

## **J. PLAN ADOPTION AND UPDATING**

. The

The Comprehensive Plan should be updated every two to five years, depending on the pace of land use and economic development change. Updating will involve identification of any changes in the use or density of use on large parcels; discussion of land use and development issues which have arisen since the adoption of the plan and/or more detailed planning which might be needed in specific areas in response to conditions unanticipated at the time of plan preparation. Any changes in Plan policies or projects occasioned by these events should be addressed in written form and adopted as plan amendments.

TOWN OF CONCORD AND VILLAGE OF SPRINGVILLE  
JOINT COMPREHENSIVE PLAN

TOWN OF CONCORD AND VILLAGE OF SPRINGVILLE  
 JOINT COMPREHENSIVE PLAN

TOWN OF CONCORD AND VILLAGE OF SPRINGVILLE JOINT COMPREHENSIVE PLAN PROJECT IMPLEMENTATION

PROJECT	LEAD AGENCY	SUPPORT GROUPS	TIME SCHEDULE
Zoning Law Revisions	Town Board Village Board	Town Planning Board Village Planning Board	Short Term
Planned Business Park	Concord Industrial Development Agency Erie Co. Industrial Development Agency	Property Owners and Developers NYS Dept. of Transportation NYS Empire St. Develop. Corp. Town Board Village Board Chamber of Commerce	Mid Term
Zoar Nailley Road Connector	NYS Dept. of Transportation	Concord Industrial Development Agency Erie Co. Industrial Development Agency Town Board Village Board NYS Empire St. Development Corp	Mid Term
Water and Sewer Study	Village Board	Village Engineer Town Board	Short Term (On-going)
Downtown Springville Business Improvement District	Downtown Business and Property Owners	Village Board	Short Term
Downtown Springville Main Street Facade Program	Business Improvement District/ Village Board	Downtown Business and Prop. Owners Circuit Rider Erie Co. Dept. Environment & Planning Southtowns Rural Preservation Co.	Short Term
Downtown Springville Streetscape, Parking, and Pedestrian Enhancements	Business Improvement District/ Village Board	Downtown Business and Prop. Owners Circuit Rider Erie Co. Dept. Environment & Planning	Short Term

Short Term 1-3 Years  
 Mid Term 3-5 Years  
 Long Term 5-8+ Years

TOWN OF CONCORD AND VILLAGE OF SPRINGVILLE  
JOINT COMPREHENSIVE PLAN

TOWN OF CONCORD AND VILLAGE OF SPRINGVILLE JOINT COMPREHENSIVE PLAN PROJECT IMPLEMENTATION

PROJECT	LEAD AGENCY	SUPPORT GROUPS	TIME SCHEDULE
Historic Preservation Advisory Board	Village Board	Village Planning Board Concord Historical Society	Short Term
Historic Preservation Promotion & Events	Concord Historical Society	Village Board; Town Board	On-going
Spring Brook Greenway	Town and Village Boards	Erie County NYS Office of Parks NYS Dept. of Environ. Conservation Highway Department	Mid Term
Scoby Hill Dam Park	Village Board	Village Dept. of Public Works Erie County NYS Office of Parks NYS Dept. of Environ. Conservation	Phased Development
Springville Youth Inc. Pool House	SYI	Village Board NYS Department of Parks	Short Term
Town of Concord Community Park Improvements	Town Board	SYI Erie County NYS Office of Parks	Short Term
New Town/Village Park	Private Developers	Village Board Town Board Erie County NYS Office of Parks	Long Term
Village Street Tree Program	Village Board	Urban Community Forestry Assistance Program (DEC)	Short Term

1-3 Years  
Short Term  
3-5 Years  
Mid Term  
5-8+ Years  
Long Term

Nutter Associates

August, 1999

≈Page 56



# JOINT COMPREHENSIVE PLAN

## TOWN OF CONCORD/VILLAGE OF SPRINGVILLE JOINT COMPREHENSIVE PLAN PROJECT IMPLEMENTATION

PROJECT	LEAD AGENCY	SUPPORT GROUPS	TIME SCHEDULE
Municipal Facilities	Town Board Village Fire Department	USDA Rural Development Agency	Mid Term
Main Street Truck By-Pass	NYS Department of Transportation	Village Board Town Board	Long Term
219 Scenic Overlook	NYS Department of Transportation	Village Board Town Board	Short Term
Railroad Re-Use	Eric County Dept. of Environ. & Planning	Cattaraugus County	Mid Term
Public Transit	Niagara Frontier Transp. Auth.	Town Board Village Board	Mid Term
Housing Assistance	Eric County Southtowns Rural Preservation Co.	Individual Owners and Renters	On-going
Multi-Family/Senior Housing Development	Private/Non-Profit Developers	Village Board Village Planning Board	Mid Term

Short Term 1-3 Years  
 Mid Term 2-5 Years  
 Long Term 5-8+ Years

Nutter Associates

August, 1999

≈Page 57

