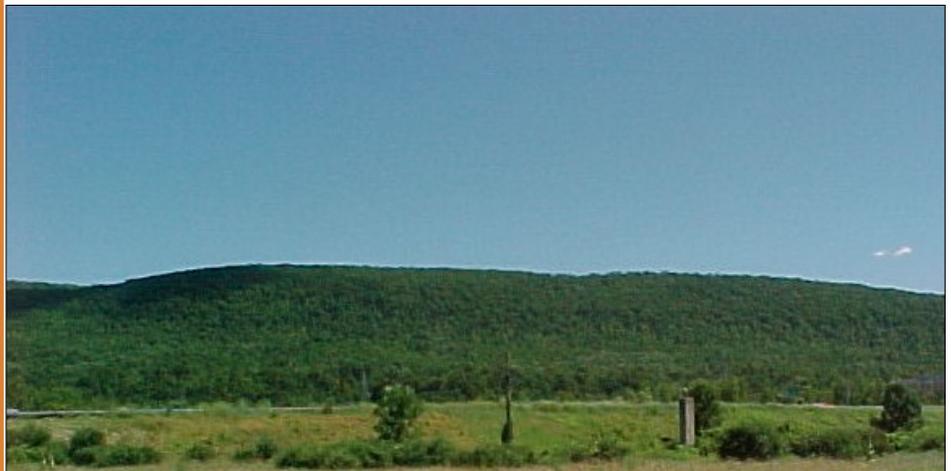


# TOWN OF ERWIN GREEN INFRASTRUCTURE PLAN – A NATURAL RESOURCES AND GREENWAYS PLANNING STRATEGY **DRAFT**

*To be adopted by the Town Board as an Amendment to  
the Town of Erwin Comprehensive Plan 2010 Update*

Town of Erwin, New York

March 7, 2005



**TOWN OF ERWIN GREEN INFRASTRUCTURE PLAN  
A NATURAL RESOURCES AND GREENWAYS PLANNING STRATEGY**

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## POLICY STATEMENT

As defined in Section 272-2 of General Town Law, the Comprehensive Plan shall “serve as a basis for land use regulation, infrastructure investment, and any plans which may detail one or more projects.”

**DRAFT**

This amendment to The Town of Erwin Comprehensive Plan 2010 Update was adopted by the Erwin Town Board on April 13, 2005, and it shall be the policy of the Town of Erwin to reference the Comprehensive Plan 2010 Update, this and all future amendments for all rezonings and infrastructure projects planned by the Town and proposals from other government agencies. A copy of this Plan amendment has been provided to county and state agencies to assist with their plans and projects in the Erwin area.

For each budget year, this Plan amendment will be referenced and actions, new laws and regulations will be incorporated into the Plan for the coming year.

# Town of Erwin, New York

*A Community of Distinction*

## Working Committee

Thomas Tammaro, Town Supervisor  
Rita McCarthy, Town Manager  
Wes Strzegowski, Town Council  
Dave Blackstone, Planning Board  
Wayne Kennedy, Planning Board  
Kris West, Zoning Board of Appeals  
Frank Thiel, Zoning Board of Appeals  
Dave Erwin, Citizen Representative  
Jennifer Fais, Town Planner – Southern Tier  
Central Regional Planning and  
Development Board

## Town Council

Thomas Tammaro, Town Supervisor  
Wes Strzegowski,  
Frank Acomb  
Gary Roush  
Warren Baker

## **Executive Summary**

**T**he Town of Erwin, nestled in the rolling hills and valleys of the Southern Tier, offers a “sense of place” that continually attracts new residents and companies. This “sense of place” that residents have is a product of the Town’s unique rural character, vast open spaces, undeveloped hillsides and waterways; and a community, which has appropriately developed within the surrounding natural environment.

Even with the intense development pressures Erwin saw in the mid-to-late 1990s and early 2000 before the nationwide economic slowdown, the community was able to appropriately steer development in a manner that fit with and protected the environment and community character. This was possible as a result of Erwin’s foresight in land use planning, including the Comprehensive Master Plan 2010 in 1993, the Corridor Management Plan 2000, and most recently the Comprehensive Plan 2010 Update and subsequent zoning amendments in 2003.

Erwin is well positioned to once again see an influx of new businesses and residents. The Comprehensive Plan 2010 Update (the “Comprehensive Plan”) and subsequent zoning amendments have begun to set the framework for addressing future development pressures. The Town has recognized that there is some additional work yet to be done to preserve Erwin’s “sense of place.” The next step involved the preparation of this document – The Town of Erwin Green Infrastructure Plan – A Natural Resources and Greenways Planning Initiative.

### **What is Green Infrastructure?**

Green Infrastructure represents the natural resource underpinnings needed for environmental, social and economic sustainability, including wetlands, rivers, streams, waterbodies, flood control devices, trails, open spaces, and undeveloped hillsides and wooded areas. Green infrastructure planning considers the value of these environmental resources and related public policy actions in concert with development, growth management and built infrastructure (e.g., roads, utilities, commercial areas and neighborhoods) planning.

### **What is the Green Infrastructure Plan?**

With this Plan, the Town is continuing to encourage appropriate development while providing the framework and foresight necessary to protect, integrate and enhance the natural and physical environments into existing and future developments.

This Green Infrastructure Plan consists of three distinct components:

- > Planning for the continued protection of our natural resources;
- > Planning for the continued protection of our aesthetic resources; and

- > Identifying routes for a Town-Wide Greenway and Sidewalk system.

The first component will evaluate the existing regulatory tools in place and consider the need for additional strategies to protect, integrate and enhance the Town's natural or ecological resources, such as wetlands, streams, rivers, and ponds; and the community's open spaces and wooded areas.

Second, the plan will evaluate the need for further protection of the community's visual resources such as the hillsides, ridgelines, scenic roadways, vistas and community gateways.

The third component will include a review of the Town's existing trail and sidewalk network, and consider potential new trails and sidewalks, with a goal of creating a Town-Wide Greenway and Sidewalk System.

Finally, one of the most valuable outcomes of this planning strategy will be the Lands of Conservation Interest Map (located in Appendix A), which illustrates the community's natural and recreational resource protection and enhancement vision in an easy to understand format. As a useful tool, the Lands of Conservation Interest Map can assist the Town Planning Board, developers, and the public in guiding growth in a manner consistent with The Comprehensive Plan by providing improved knowledge about a site that will be developed.

### **What is the Purpose of the Green Infrastructure Plan?**

The purpose of the Town of Erwin Green Infrastructure Plan is threefold:

1. The Comprehensive Plan recommended a host of natural resource and recreation protection and enhancement strategies including an Open Space Protection Plan, the creation of a Lands of Conservation Interest Map, and the development of a Town-Wide Greenway System. The Green Infrastructure Plan provides an effective vehicle to accomplish these multiple recommendations under one planning strategy, and its development is part of the implementation phase of The Comprehensive Plan.
2. The Green Infrastructure Plan, through the Lands of Conservation Interest Map, provides the community with a detailed inventory of natural resources throughout the Town.
3. The Town of Erwin Green Infrastructure Plan provides recommendations and strategies to be used by the Town Board, Planning Board, developers and the public to achieve meaningful natural resource conservation even while growth and development is occurring.

## **How was the Green Infrastructure Plan Developed?**

The Erwin Town Board created a Working Committee (the “Committee”) to prepare the Green Infrastructure Plan. The Committee quickly went to work outlining the planning strategy, and agreed upon a four-step approach:

1. Identify the resources that are important;
2. Determine the current form of protection, if any;
3. Determine if the resources require protection or enhancement; and
4. Identify protection and/or enhancement strategies.

The Committee divided up the resources into the following categories: Open Water, Wetlands, Wooded Areas and Open Spaces, Aesthetic Resources, and Trails and Sidewalks. After the involved resources and existing conditions were thoroughly evaluated, the Committee outlined preliminary draft strategies for protection and enhancement and a preliminary Lands of Conservation Interest Map, which were presented at a public informational meeting on November 11, 2004. The attending public commented on river access points, trail maintenance issues and identified particular trail/sidewalk connection and extension projects. Attendees also expressed concern over the costs relating to trail construction and Town liability on public trails.

The Committee took all of the comments and suggestions from the public information meeting and developed this Final Green Infrastructure Plan and Final Lands of Conservation Interest Map for further public review and Town Board adoption as an amendment to the Comprehensive Plan 2010 Update.

## **What are the Recommendations?**

The Committee has developed the following regulatory and capital projects for implementation by the Town of Erwin. Project specific information on locations, funding opportunities and responsibility for implementation is provided in the main text of the Plan.

### **Open Water Resources:**

- > Consider additional boat launch and fishing access sites along the Canisteo and Tioga Rivers.
- > Explore opportunities for additional public swimming sites and recreation areas in the Town.

### **Wetland Resources:**

- > Consider integrating certain large wetland complexes into recreational and education activities.

**Wooded Areas and Open Spaces:**

- > Adopt Conservation Subdivision Design Regulations.
- > Consider various techniques for the protection of appropriate valuable open spaces, including voluntary conservation easements and acquisitions.
- > Consider various methods for protecting the sensitive areas immediately surrounding each State land area in the Town.

**Aesthetic Resources:**

- > Extend the Viewshed Protection Overlay District to cover the hillsides and ridgelines both north and south of the Cohocton River as they are viewed from Route 415 and I-86.

**Trails and Sidewalks:**

- > Consider constructing additional sidewalks throughout the Town.
- > Consider constructing trails along the levees of the Tioga, Cohocton and Canisteo Rivers, and the Beartown Creek Diversion.
- > Develop a coordinated Town-Wide Greenways and Sidewalks System Plan.

**Implementation Steps:**

The Working Committee has discussed each of the above recommendations and has settled on the following outline for their implementation. While funding availability will be the major deciding factor steering the implementation schedule of the capital projects, the recommended zoning amendments have already been budgeted by the Town and are currently proceeding towards adoption.

1. **Adopt Conservation Subdivision Regulations – *Currently under development.***
2. **Expand the Viewshed Protection Overlay District** to cover the hillsides and ridgelines both north and south of the Cohocton River as they are viewed from Route 415 and I-86 - ***Currently under development.***
3. **Town Board to Establish a Greenways and Sidewalks Committee – *Immediate Action***
4. **Consider various methods for protecting the sensitive areas immediately surrounding each State land area in the Town – *Immediate Action***
5. **Seek to have the Canisteo, Cohocton and Tioga Rivers designated as Inland Waterbodies to allow the Town to become eligible for planning and capital project funding under the NYS Environmental Protection Fund programs – *Immediate Action***

6. **Encourage voluntary conservation easements and build and maintain relationships with local land trust organizations and other appropriate local, state and federal agencies. – Ongoing Action**
  
7. **Begin to Implement the proposed Capital Projects (funding permitting):**
  - a. **Levee and Beartown Creek Diversion Trails** – Begin search for available funding sources immediately, and begin feasibility analyses within 6 months.
  - b. **Sidewalk Extensions** - Begin search for available funding sources immediately, and begin feasibility analyses within 6 months.
  - c. **Wetland Boardwalk** - Begin feasibility analyses within 12- 24 months.
  - d. **Public Recreation and Swimming Area** – Immediately engage in and maintain discussions with the involved property owners and mine operators.
  - e. **Boat Launch and Fishing Access Sites** – Utilize LCI Map in reviewing projects to determine if there is an opportunity to construct a new river access site during a future large-scale project.

### **Responsibilities**

- > Planning Board, during project reviews, should continually refer to the LCI Map and this Plan to assist in the protection of the identified lands and resources, and to take advantage of implementing a recreational project recommendation as the opportunities arise.
  
- > The Town Board should refer to this Plan on an annual basis, prioritize projects and programs, and determine annual budget allocation/commitment for each. The Comprehensive Plan 2010 Update should also continue to be reviewed annually, if not more often as directed in the Plans Policy Statement.

## **Section 1: Introduction**

## Section 1: Introduction

The Town of Erwin, nestled in the rolling hills and valleys of the Southern Tier, offers a “sense of place” that continually attracts new residents and companies. This “sense of place” that residents have is a product of the Town’s unique rural character, vast open spaces, undeveloped hillsides and waterways; and a community, which has appropriately developed within the surrounding natural environment.

Even with the intense development pressures Erwin saw in the mid-to-late 1990s and early 2000 before the nationwide economic slowdown, the community was able to appropriately steer development in a manner that fit with and protected the environment and community character. This was possible as a result of Erwin’s foresight in land use planning, including the Comprehensive Master Plan 2010 in 1993, the Corridor Management Plan 2000, and most recently the Comprehensive Plan 2010 Update and subsequent zoning amendments in 2003.

While economic and population growth has slowed in recent years, Erwin is well positioned to once again see an influx of new businesses and residents. The Comprehensive Plan 2010 Update (the “Comprehensive Plan”) and subsequent zoning amendments have begun to set the framework for addressing future development pressures. As the Comprehensive Plan recognized, there is some additional work yet to be done to ensure growth continues to take place in a coordinated and controlled manner, which results in positive impacts on the community and environment and not negative impacts. To that end, the next step in preserving that “sense of place” is to prepare The Town of Erwin Green Infrastructure Plan – A Natural Resources and Greenways Planning Initiative.



**New Residential Development in Gang Mills**

### 1.1 WHAT IS THE GREEN INFRASTRUCTURE PLAN?

Green Infrastructure is a term that is gaining more national attention recently as communities seek alternative planning strategies for protecting and enhancing their natural resources. The term “infrastructure” is commonly viewed as the underlying framework of a system or organization. Further, the word is traditionally synonymous with roads, sewers, utility lines and other “gray” infrastructure such as schools, prisons and other social underpinnings, or what is also collectively referred to as the “built infrastructure.”

***“Green Infrastructure represents the natural resource underpinnings needed for environmental, social and economic sustainability...”***

Green Infrastructure, on the other hand, represents the natural resource underpinnings needed for environmental, social and economic sustainability, including wetlands, rivers, streams, waterbodies, flood control devices, open spaces, and undeveloped hillsides and wooded areas. Green infrastructure

looks at conservation values and actions in concert with land development, growth management and built infrastructure planning<sup>1</sup>. Conversely, other conservation approaches tend to take place in total isolation from and usually in sole opposition to development. Here, we are continuing to encourage appropriate development while providing the framework and foresight necessary to protect, integrate and enhance the natural and physical environments into existing and future developments.

This Green Infrastructure Plan consists of three distinct components:

- > Planning for the continued protection of our natural resources;
- > Planning for the continued protection of our aesthetic resources; and
- > Identifying routes for a Town-Wide Greenway and trail system.

The first component will evaluate the existing regulatory tools in place and consider the need for additional strategies to protect, integrate and enhance the Town’s natural or ecological resources, such as wetlands, streams, rivers, and ponds; and the community’s open spaces and wooded areas. Second, the plan will evaluate the need for further protection of the community’s visual resources such as the hillsides, ridgelines, scenic roadways, vistas and community gateways. The third component will include a review of the Town’s existing trail and sidewalk network, and consider potential new trails and sidewalks, with a goal of creating a Town-Wide Greenway and Sidewalk System.

Greenways are in essence linear features or areas of land consisting of any number or combination of natural and cultural resources, including stream corridors, wetlands, recreationways or trails, scenic and historic routes, undeveloped areas either agricultural fields or wooded areas; and ecologically significant natural corridors.

Moreover, one of the most valuable outcomes of this planning strategy will be the Lands of Conservation Interest map. The Lands of Conservation Interest map illustrates the community’s natural and recreational resource protection and enhancement vision in an easy to understand format. It shows the location of various categories of resources including open spaces, hydrology, hillsides, ridgelines, and scenic vistas; and how these elements relate to one another and to the



**Natural Resources**



**Aesthetics**



**Town-Wide Greenway System**

developed areas of the community as a network of critical resources. Existing trails and logical opportunities for future trail routes and linkages throughout the community are also depicted. As a useful tool, the Lands of Conservation Interest Map can assist the Town Planning Board, developers, and the public in guiding growth in a manner consistent with The Comprehensive Plan by providing improved knowledge about a site that will be developed: What are the natural resources on a particular site? Where are these resources located? And how do they relate to the larger natural and recreational resource protection and enhancement vision for the Town? This information can be used to guide the project design and approval process in ways that are more sensitive to the unique features on the proposed development site. The Lands of Conservation Interest map can also help identify lands that could be protected for recreational and open space purposes through various protection strategies.

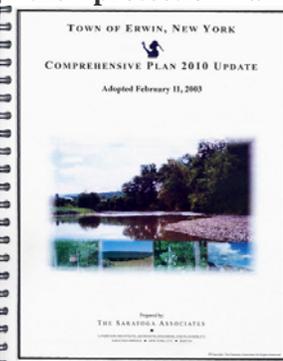
## 1.2 PURPOSE

The purpose of the Town of Erwin Green Infrastructure Plan is threefold. First, the Comprehensive Plan recommends a host of natural resource and recreation protection and enhancement strategies including an Open Space Protection Plan, the creation of a Lands of Conservation Interest Map, and the development of a Town-Wide Greenway System. The Green Infrastructure Plan provides an effective vehicle to accomplish these multiple recommendations under one planning strategy, and its development is part of the implementation phase of The Comprehensive Plan. Second, the Green Infrastructure Plan, through the Lands of Conservation Interest Map, provides the community with a detailed inventory of natural resources throughout the Town. Third, the Town of Erwin Green Infrastructure Plan provides recommendations and strategies to be used by the Town Board, Planning Board, developers and the public to achieve meaningful natural resource conservation even while growth and development is occurring.

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### **Comprehensive Plan 2010 Update Recommendations supporting the protection and enhancement of the Town's natural and recreation resources:**

- > Consider preparing an Open Space Protection Plan.
- > Consider preparing a Lands of Conservation Interest Map.
- > Consider developing a Town-Wide Greenway System.
- > Improve riverfront access.
- > Improve neighborhood parks and connections.
- > Consider regulatory methods for preserving hillsides and ridgelines.



As a result of the Green Infrastructure Plan, the Town of Erwin will be better positioned to work with developers to protect the community's natural resources and integrate a town-wide trail system while development occurs; apply for grant funding; and initiate other actions to achieve its natural and recreational resource protection and enhancement goals.

### 1.3 THE PLANNING PROCESS

The Erwin Town Board created a Working Committee (the “Committee”) to prepare the Green Infrastructure Plan. The Committee quickly went to work outlining the planning strategy, and agreed upon a four-step approach:

1. Identify the resources that are important;
2. Determine the current form of protection, if any;
3. Determine if the resources require protection or enhancement; and
4. Identify protection and/or enhancement strategies.

#### WHAT RESOURCES NEED PROTECTION?

The Committee first looked to the Comprehensive Plan for guidance on resource protection. The Community Survey prepared as part of the Comprehensive Plan Inventory and Analysis gauged residents’ views on what resources the Town should work to protect. The survey indicated residents had a strong desire to protect wooded areas, wetlands, rivers, creeks, streams, and the views of rural landscapes, such as open fields and undeveloped hillsides.



**Levee Along the Tioga River**

With this information in hand, the Committee decided upon the following resources for further evaluation: *Open Water Resources, Wetlands, Wooded Areas and Open Spaces; and Aesthetic Resources*. As part of the greenways component of the Green Infrastructure Plan, the Committee also evaluated existing trail routes and corridors and looked to identify logical routes and connection points.

#### WHAT NEEDS TO BE PROTECTED AND WHY?



**Residential Subdivision in Gang Mills**

The Committee next identified how each resource is currently protected (if at all) and determined if the local, state and federal regulations and policies in place provide the best protection available. Each resource was also evaluated for potential enhanced strategies through trail construction, education and interpretation, as well as remediation.

Reasons for protecting and enhancing the community’s natural resources (wetlands, rivers, streams, and ponds; open spaces and wooded areas; undeveloped hillsides and ridgelines, and scenic areas) can be obvious to the public; that is, most people “love” nature and would never intentionally cause harm – that is the simple answer. Taking a step back, and looking at these resources as integral components of the town’s infrastructure, it becomes more evident that properly planning for and protecting these resources ensures the community remains

fiscally and ecologically sustainable, and the quality of life continues to improve even in the face of sustained growth.

It is widely accepted that natural resource protection and land conservation is usually less expensive for local governments than suburban-style development. Further, communities that have well planned land protection programs are better positioned to improve their bond ratings<sup>2</sup>. Well-planned green space has shown to increase property values and resale values, thus making the community a more attractive place for investments.

It should also be noted that residential development alone does not pay for itself. Open space is just as important as commercial and industrial properties in generating significantly more revenue than they demand in services on an annual basis<sup>3</sup>. In fact, recent studies have shown that for every \$1.00 collected in taxes, residential development costs between \$1.04 and \$1.67 in services – and these costs continue indefinitely and generally increase over time<sup>4</sup>. Further, according to several recent “cost of service” studies conducted in New York State undeveloped open space generates more in real property tax revenue than it requires in municipal services, a net economic benefit to local governments<sup>5</sup>.

Well-planned development, green space and forward-thinking land use regulations will also decrease costs associated with providing public services such as wastewater, stormwater and water treatment. Specifically, focusing development in or close to areas already serviced by municipal sewer and water keeps down the costs of expanding this expensive infrastructure. Additionally, keeping development off of steep slopes, away from wetlands and the community’s drinking water sources and properly setback from waterbodies will also lessen the need for expensive stormwater engineering, which in turn keeps down the cost of development, and ultimately contributes to high quality of life.

Planning for open space protection now will be less expensive than attempting to protect open space once development pressures begin to reemerge. For example, the Town of Pittsford, New York recently approved a \$9.9 million bond for open space protection. As an attractive suburb to the City of Rochester, Pittsford is facing extreme development pressures. Open space is quickly disappearing and the Town needed to take immediate action to stem the loss. While Erwin is currently not facing the development pressures seen in Pittsford, waiting for



**The Beartown Creek Diversion – A potential Trail Route**

an increase in development to plan for open space protection will almost certainly cost the community more than if it began to plan for and develop strategies for the protection of valuable lands.

***“With an integrated town-wide greenway system, comes improved health for residents.”***

Planning for open space protection and an integrated town-wide greenway system will increase recreational opportunities throughout the community, will provide additional means of travel around town, and will hopefully lessen local dependency on the automobile (the reduction in automobile travel alone would have numerous positive implications) by linking outlying nodes of development like Twin Valley, Coopers Plains, Long Acres and the rural sections of Beartown Road into Gang Mills, Painted Post and the City of Corning. With an integrated town-wide (*and beyond*) greenway system, comes improved health for residents. In addition to increasing the availability of recreational resources, planning for open space and greenways also promotes regional awareness and appreciation

***“When a community reaches out to neighboring communities and establishes a regional perspective on conservation and development, poorly planned development and sprawl are more likely to be avoided.”***

of unsegmented recreational, natural or cultural resource systems. When a community reaches out to neighboring communities and establishes a regional perspective on conservation and development, poorly planned development and sprawl are more likely to be avoided.

#### DEVELOPING PROTECTION AND ENHANCEMENT STRATEGIES

After the involved resources were thoroughly evaluated, the Committee outlined preliminary draft strategies for protection and enhancement and a preliminary Lands of Conservation Interest Map, which were presented at a public informational meeting on November 11, 2004. The attending public was generally in favor of the preliminary strategies, and concentrated their comments on the Greenways component of the Plan. Specifically, they offered helpful recommendations on river access and trail maintenance issues and identified particular trail/sidewalk connection and extension projects. Attendees also expressed concern over the costs relating to trail construction and Town liability on public trails.



**Public Participation**

The Committee took all of the comments and suggestions from the public information meeting and developed this Draft Green Infrastructure Plan and Draft Lands of Conservation Interest Map for further public review. Once consensus on the protection and enhancement strategies within is reached, a Final Green Infrastructure Plan and Lands of Conservation Interest Map will be forwarded to the Town Board for adoption.

Prior to detailing the recommended strategies, an overview of the community setting and the existing conditions of each resource evaluated has been provided on the following pages to assist the reader in fully understanding the context in which these recommendations have been developed.

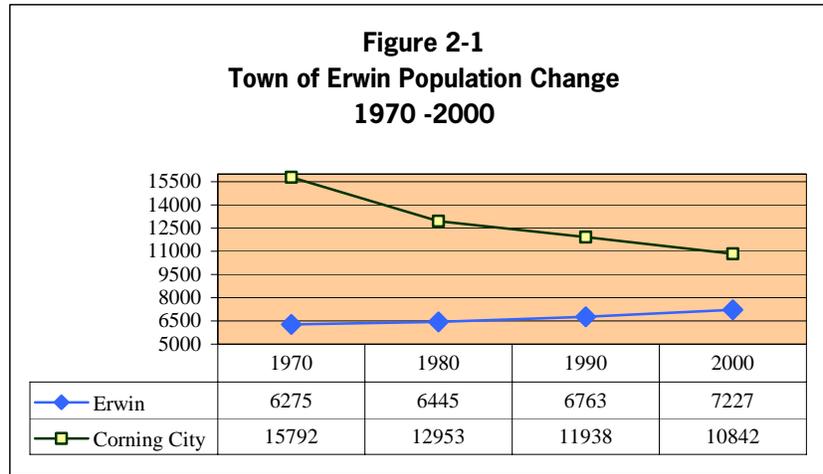
**Section 2:  
Community Setting**

## Section 2: Community Setting

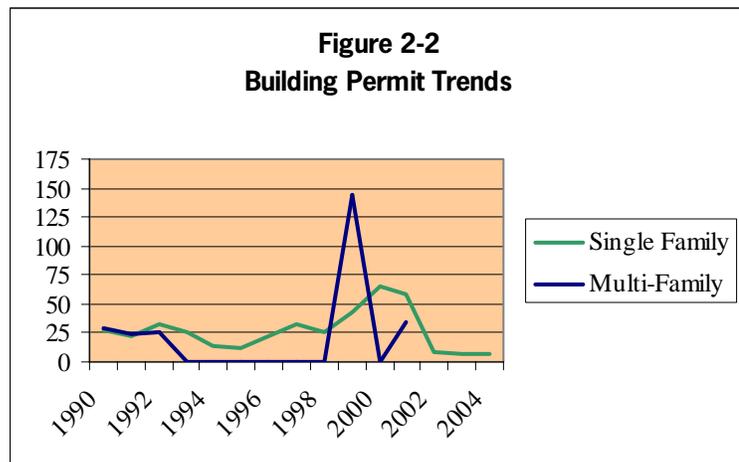
The following is a brief overview of the existing conditions in Erwin. While some new data is presented here, the Comprehensive Plan 2010 Update provides a more detailed Inventory and Analysis of the Town's land use, zoning, environmental features, and infrastructure. Please refer to the Comprehensive Plan for additional information as necessary.

### 2.1 POPULATION GROWTH

According to the 2000 Census by the U.S. Census Bureau, Erwin's population stood at 7,227 in 1999. Over the past three decades, Erwin's population grew by 15 percent. Further, Erwin's annual growth rate has steadily increased as well, with a five percent growth rate during the 1980s, and a seven percent growth rate in the 1990s.



Reviewing new home construction permit data from 1990 to the present reveals the peak in home construction occurred from 1999 to 2001. As depicted in Figure 2-2 Building Permit Trends, a total of 168 permits were issued for new single-family homes from 1999 to 2001, while 179 permits for new multi-family homes were issued during the same timeframe. This surge in new home construction is unmatched in recent history, as more new single-family dwellings permits were issued in 1999 and 2001 than in the previous eight years. Even more striking is the fact that more new multi-family dwelling permits were issued in 1999 to 2001 than in the previous decade (data for new multi-family construction permits were not available after 2001).



Conversely, in the height of the recent economic slowdown, the number of permits issued for new home construction dropped off dramatically. Specifically, only 22 permits were issued for new single-family dwellings from 2002 to the end of 2004.

**Population Projections**

According to Easy Analytic Software, Inc. (EASI) and The Right site ® (www.easidemographics.com/also/methods.phtml) the current population of Erwin as of January 1, 2004 is approximately 7,316. By 2009, Erwin is projected to grow to 7,377, a 0.83% increase. Households are forecasted to jump from their January 1, 2004 level of 3,051 to 3,085, a 1.11 % increase. Based upon this projection, it does not appear that the Town will see tremendous growth pressures in the foreseeable future. However, this projection may need to be revised upward if local companies once again see the growth that existed in the late 1990s. The completion of Route 86 and Route 15 Interchange project is also expected to fuel growth. Regardless of the current or even forecasted growth pressures (which are always a moving target), development in the Town of Erwin will continue. And even if it proceeds at a slow pace, proper planning of the community’s green infrastructure is necessary to ensure that the community’s resources are efficiently integrated.

**2.2 LAND USE TRENDS**

As described in The Comprehensive Plan, understanding land use patterns can provide useful insight into the opportunities and constraints in terms of the preservation of key open spaces and other resources. As depicted on the Current Land Use Map located in Appendix A, the Town is divided up into several classifications according to the 2004 Real Property Service Parcel Data.

**Figure 2-3 Land Use Comparisons 2001 – 2004**

LAND USE	2001		2004		PERCENT CHANGE
	2001 – ACRES	% OF TOTAL	2004 – ACRES	% OF TOTAL	
Agriculture	6211	26.8%	4189	17.3%	-33%
Commercial	139	0.6%	151	0.6%	8.6%
Community Services	79	0.34%	79	0.34%	0%
Forested	9008 (4,109 ac. State Land)	39%	9015	39%	0%
Industrial	731	3%	919	3.8%	26%
Public Services	361	1.6%	354	1.5%	0%
Recreation & Entertainment	414	1.8%	413	1.7%	0%
Residential	2429	10.5%	4280	17.7%	72%
Vacant	3767	16.2%	3722	15.4%	-1.2%
Unknown	2.4	.01%	1121	4.6%	N/A
Total Acres	25,161*	100%	24,243*	100%	N/A

\*The 918 acre loss in total acreage is partly due to the recent acquisition of property by NYSDOT for the I-86/Route 15 Interchange project, partly due to recent development and construction of new roads, and partly due expected differences from year to year.

Some classifications of interest to this Plan include Agriculture, Commercial, Industrial, Residential, and Vacant lands. As depicted in Figure 2-3 Land Use Comparison, when comparing the current 2004 data to the 2001 data used during the preparation of The Comprehensive Plan, it is evident that development has continued to occur despite a turndown in the local economy. Specifically, land classified as Agricultural has decreased by 33 percent; Commercial has increased by almost 9 percent; Industrial has increased by 26 percent; and residential has increased by an impressive 72 percent.

The significant increase in land classified as Residential over the past four years is mainly attributed to the conversion of large tracts of lands formerly classified as Agricultural and Vacant located in the upland sections of Erwin east of the Tioga River. This area does not have municipal sewer and water services, and generally builds out at an average of five-acre lots. The minimum lot sizes in this area are two acres, and the average five-acre lot size is typically a factor of the desire to have large secluded parcels as well as NYS Department of Health requirements. Due to the existing two-acre minimum zoning requirements, the mountainous terrain and lack of public services, the density of development east of the Tioga will be significantly lower than what is seen in Gang Mills.

However, adverse impacts could still result, including the fragmentation of habitats by roads, the disturbance to previously undeveloped large tracts of forest, visual impacts from development on hillsides and ridgelines, and increased encounters with wildlife. These large-tract residential developments also present a fiscal challenge to the Town for providing road maintenance services such as plowing, sweeping, repairs and tree and brush clearing.

Specifically, based upon the Town of Erwin 2005 Fiscal Budget, the Town spends approximately \$16,632 per mile annually for highway maintenance. When using the current tax rate of \$4.92 per \$1,000 of assessed value, a mile of ½ acre residential lots (with an average assessed value of \$133,434 per 2005 Real Property Data) will generate approximately \$20,680 towards the Town's General Highway Fund, a \$4,000 profit. Using the same tax rate for a mile of five-acre residential lots (with an average assessed value of \$204,819 per 2005 Real Property Data), only \$10,580 is generated towards the Town's General Highway Fund. This represents a \$6,000 shortfall, and demonstrates the increased cost to the Town when it takes on the responsibility for maintaining new rural subdivision roads.

While large-tract residential development presents certain impacts, smaller tract residential development can also result in adverse implications. The current zoning regulations that restrict development on lots less than two acres if no municipal sewer and water services are available, keeps the density down in existing rural areas. However, as sewer and water services are extended, so does the sprawl of denser residential development. In Gang Mills, this residential development has been progressing south, with the next major development area being the Jones Road area, south of Beartown Road and Forest Drive. As discussed below in Section 2.3, the Town recently rezoned this area to accommodate increased density.

The conversions from Vacant and Agriculture to Industrial occurred in Twin Valley and were a result of the Corning Diesel Plant. The Cold Spring Construction Inc. and Hawbaker Inc. sand and gravel operations south of Jason Road have resulted in these two parcels, one Vacant and one Agriculture being converted to Industrial. The recently built Wal-Mart and Home Depot on formerly vacant lands along Canada Road, accounts for the majority of new Commercial lands within the Town.

### 2.3 LAND USE REGULATIONS AND THE COMPREHENSIVE PLAN 2010 UPDATE RECOMMENDATIONS

The Town last updated its zoning map in December of 2003, when it rezoned approximately 900 acres of Rural District lands to Residential 12,500 south of Beartown Road, an area referred to as the Jones Road Area. This rezoning was necessary to allow the Town to adequately prepare for the next surge in residential growth and ensure future development happens in an orderly manner close to existing sewer and water infrastructure and the existing Town population center. Refer to the Existing Zoning Map located in Appendix A for further reference. The table above reflects the current acreage breakdown of each zoning district.

**Figure 2-4  
2004 Zoning Percentages**

ZONING	ACREAGE	% TOTAL
Business 1 - Community Services	38.5	0.16%
Business 2 - Office/Commercial	65.9	0.27%
Business 3 - Neighborhood Services	239.4	0.99%
Industrial	1354.9	5.59%
Multi-Use District	136.9	0.56%
Regional Service	80.7	0.33%
Residential - 10,000 sq. ft.	56.4	0.23%
Residential - 12,500 sq. ft.	2600.9	10.72%
Residential - 7,200 sq. ft.	584.6	2.41%
Town Center	45.6	0.19%
Rural District	19049.1	78.54%
<b>TOTAL</b>	<b>24252.9</b>	<b>100%</b>

Erwin has extensive and technical land use regulations that strive to protect the community character as well as the environment. The zoning districts have been structured to consolidate the majority of the dense commercial and residential development in the Gang Mills area. In 2002, the Town created the Town Center District, which will result in a compact and walkable commercial core in the heart of the Town's built area.

With the majority of the Town comprised of large parcels consisting of steep slopes and other sensitive environmental features such as wetlands, large forested tracts, and an abundance of wildlife, the Rural District zone was created to ensure low-density development occurs at one unit per every two acres. Upon further review of development occurring in this district, additional recommendations may be necessary to ensure future development does not continue uncoordinated and result in the loss of optimum developable lands, habitat fragmentation and a strain on public services such as road maintenance.

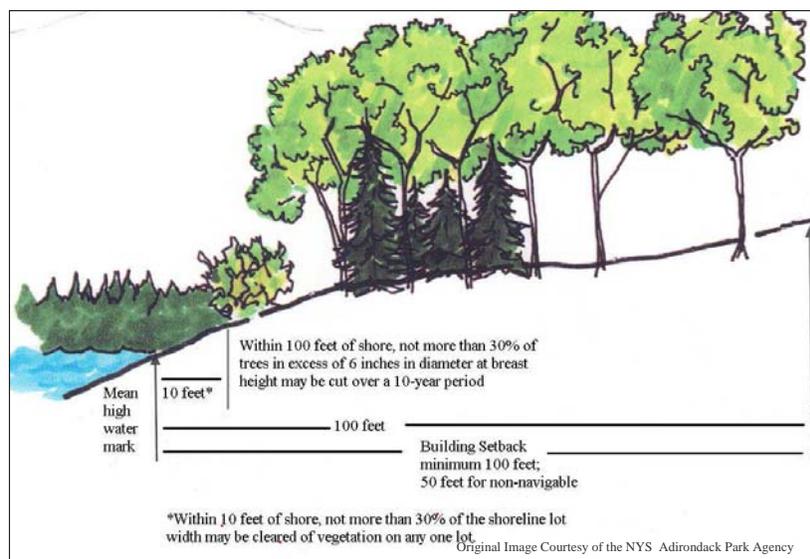
Another effective regulatory tool Erwin utilizes is *Section 130-15 Buildable Land Calculations* of the Code of the Town of Erwin, which require an applicant to discount all acreage with slopes 25 percent or greater, floodways, wetlands, lands underwater, and within Aquifer Protection Overlay District (APOD) #1 (also an important regulatory tool discussed below) from the acreage used to calculate

building density. This reduces the density of development in areas with sensitive environmental features, thus resulting in more compatible densities, and is a critical tool for Erwin in maintaining appropriate densities and protecting valuable resources.

The recent 2003 zoning amendments by the Town resulted in the adoption of the Stream Corridor Overlay District (SCOD) and the Viewshed Protection Overlay District (VPOD), along with the Environmental Resources Overlay Map (EROM) located in Appendix A which identifies the boundaries of the SCOD, VPOD, and APOD Districts. Both the SCOD and VPOD regulations were original recommendations of The Comprehensive Plan.

The Stream Corridor Overlay District (SCOD), found in Section 130-38 of the Town Code, protects both navigable and non-navigable waterbodies, as well as wetlands in Erwin from incompatible development. This regulation imposes a 100 ft. development setback from all navigable NYSDEC waterbodies and all NYSDEC and U.S. Army Corps of Engineers (ACOE) protected

**Figure 2-5 – SCOD Requirements**



wetlands. It also includes a 50 ft. setback for non-navigable waterbodies, and specific cutting restrictions. Refer to the Figure 1 for an illustration of the basic SCOD requirements.



**Hills and Ridgelines East of the Tioga River**

The Viewshed Protection Overlay District (VPOD), found in Section 130-39 of the Town Code, was developed to protect the visual character of Erwin’s hillsides and ridgelines above 1,000 ft. mean sea level. Specific review criteria and design standards are instituted for potential visible development to ensure aesthetic impacts are mitigated to the maximum extent practicable, and that the character of the community’s rolling hillsides and ridgelines are protected.

A unique feature of the VPOD is that it is closely tied to Section 130-92 The Town of Erwin Aesthetic Mitigation Strategy that was adapted from the NYSDEC Visual Policy DEP-00-2. This regulation provides the Town with the ability to identify all areas that are considered Aesthetic Resources of Local Significance and requires any development that may be in the viewshed of one of those listed resources to go through the review process outlined in the VPOD. Erwin is one of the first communities in New York to incorporate the DEC policy into its ordinance, resulting in more control over projects with potential adverse impacts on local aesthetic resources. This regulation also provides the Town with more regulatory control over certain projects that historically the state has held the majority of jurisdiction, including sand and gravel projects.

The Town also enforces the Aquifer Protection Overlay District (APOD) § 130-37 which involves the regulation of certain types of uses and activities in APODs 1 – 3, as illustrated on the Environmental Resources Overlay District located in Appendix A. Ultimately, the goal of this regulation is the protection of public drinking water sources by ensuring incompatible development which may harm the water quality and quantity is either not allowed in these certain districts or is developed in a way that ensures water quality protection.

Upon review of the current regulations, it is clear that Erwin is leading the way on effective regulatory tools to protect community character, open space and the environment. While this is certainly true, some additional work can be done to ensure future development occurs in a sustainable manner and in conformance with the goals of The Comprehensive Plan:

1. Encourage a healthy balance of high quality future use at compatible and sustainable densities;
2. Maintain Erwin’s “High Quality of Life” for existing residents as well as for the purpose of attracting additional companies and people to the community;
3. Encourage a growing and viable economy through a diversity of employment in both commercial and industrial industries, and through the utilization of Empire Zones;
4. Protect and enhance the existing community character through Smart Growth techniques, the efficient use of land, the preservation of open spaces, and the creation of a network of greenways, parks, and recreational trails;
5. Continue to provide and seek to enhance the various community facilities and services that are needed to support current and future development in an efficient and effective manner; and
6. Maintain and enhance the Town’s sensitive natural resources for the benefit of the Town and its residents.

**Section 3:  
Existing Conditions and Recommended Strategies**

## Section 3: Existing Conditions and Recommended Strategies

### 3.1 OPEN WATER RESOURCES

#### EXISTING CONDITIONS

#### REGULATORY:

**A**s depicted on the Environmental Features map located in Appendix A, Erwin possesses a tremendous amount of open water resources, including the Tioga, Cohocton, and Canisteo Rivers, along with countless tributaries and streams that drain runoff from the Town's many hillsides and ridgelines. While these resources are considered wonderful recreation assets for the community, they have proven to be very destructive in the past with severe floods. Today, flood protection in the Town is very important and quite evident with levees lining the shores of each river and several other critical flood control projects scattered throughout the community, including the Beartown Creek Diversion. The Town also participates in the Federal Emergency Management Flood Insurance Program, requiring all development in flood prone areas to be built a minimum of two feet above the 100-year flood plain level.



**The Cohocton River**

In addition to the flood control measures instituted in the past by the Town, the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Army Corps of Engineers (ACOE), the Town enforces the following water quality related regulations which are described in more detail above in *Section 2.3 Land Use Regulations and the Comprehensive Plan 2010 Update Regulations*:

- > §130-37 The Aquifer Protection Overlay District (APOD): The goal of this regulation is to restrict or closely regulate development in and around the Town's drinking water sources to protect the health of the water supply.
- > §130-38 The Stream Corridor Overlay District (SCOD): The goal of this regulation is to maintain a healthy riparian buffer (a narrow strip of land, centered on a stream, river, or creek that includes the floodplain as well as related habitats adjacent to the floodplain.), water quality and the scenic characteristics of the Town's rivers, streams, ponds and wetlands.

*EXISTING RECREATIONAL ASSETS:*

***Chemung Basin River Trail:***

As depicted on the Lands of Conservation Interest (LCI) Map located in Appendix A, the Chemung Basin River Trail (the “River Trail”) begins at the confluence of the Cohocton and Tioga rivers – the beginning of the Chemung River. The River Trail is a 80-mile water trail from the Corning area, through Elmira to the Pennsylvania border, which provides public boating and fishing opportunities at more than a dozen access sites along the trail, including five sites on the Canisteo River.

***River Access:***



**Kinsella Park**

As depicted on the LCI Map, there are two river access points in Erwin, one at Kinsella Park along the Cohocton River in Gang Mills, and one slated for completion along the Tioga River at the Mulholland Road Bridge. This limited access severely limits the ability of residents as well as visitors to enjoy all that the rivers have to offer.

***Swimming Resources:***

Currently, residents of the Town of Erwin have only one public swimming site – the Craig Park Pool in the Village of Painted Post. This significant lack of public swimming areas is mainly due to the fact that the three rivers are not appropriate for swimming. Not having a public swimming resource in close proximity to the majority of Town residents is a real disadvantage, and is resulting in the use of the rivers and abandoned gravel pits by children for swimming purposes, a dangerous situation.

RECOMMENDED STRATEGIES

*REGULATORY:*

Based upon the evaluation of the existing town, state and federal land use regulations pertaining to the protection of the Town’s open water resources, no changes or amendments to the current regulations and no new regulations are being recommended at this time.

*PROJECTS:*

It is recommended that the Town consider methods for increasing access to the three Rivers that traverse the Town. These projects could include the construction of trails along the rivers and potentially atop the levees along with constructing additional riverside parks and boat launches.



**Canisteo River**

**Recommendation 1:** Consider additional boat launch and fishing access sites along the Canisteo and Tioga Rivers.

*Locations:*

Two potential locations could be a site east of Indian Hills Road on the south side of the Canisteo River, and at the outflow of the Beartown Creek Diversion along the Tioga River as identified on the LCI Map.

*Responsibility:*

The Town has numerous alternatives for seeking the construction of these future fishing and boat launch sites:

- > The Town could take on the financial responsibility for the construction and related planning and design of the access sites, with financial assistance from State and Federal grant programs, as discussed below.
- > Coordinate with NYSDEC to take on the construction and financial responsibility of the projects.
- > Coordinate with the NYSDOT for planning and financial assistance.
- > Incorporate the access site construction into a nearby capital project such as a future bridge replacement or road project, similar to the recent Mulholland Road Bridge replacement project.
- > The construction of the access sites could be offered as compensatory offsets to adverse environmental impacts associated with future projects in the community.

*Site Acquisition:*

The Beartown Creek Diversion site is currently owned by the NYSDEC, which makes it the optimal choice for the development of a river access point without having to purchase the site. The Canisteo River site is privately owned and would need to be purchased or a lease agreement developed. State and Federal grant programs (discussed below) are available for parkland and open space acquisition.

### ***Ownership and Liability:***

Ownership and associated liability of these future sites will surely be an issue. Obviously, NYSDEC ownership and liability would be preferred. However, the Town should anticipate having to own, operate and be liable for the use of each future river access site, and maintenance would logically be the responsibility of the Town's Parks and Recreation Department.

The Town is also encouraged to continually evaluate the potential for additional boat launch and fishing access sites as projects along the rivers are proposed.



**Canoe Access Site**

### ***Funding Opportunities:***

- > The NYS Environmental Protection Fund (EPF), which includes among other programs the Local Waterfront Revitalization Plan (LWRP) Program, the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) Program and the Clean Water/Clean Air Bond Act: Provides funding for open space acquisition, trail construction and water access projects.
- > The NYS Quality Communities Grant Programs: Provides funding for parkland and open space acquisition projects along with trail and park design and construction.

It is important to note that in order for the Town to be eligible for the NYS EFP Grant – LWRP Program for water-related trail projects, including the planning and design of access sites, the Canisteo, Tioga and Cohocton Rivers need to be added to the list of Designated Inland Waterbodies by the NYS Department of State. This requires legislative action by the NYS Legislature, sponsored by Erwin's local Senate and Assembly Representatives. This process should begin as soon as possible to provide Erwin with the potential for applying for Funds during the 2005 – 2006 EPF Grant Application cycle, with applications normally due in late June.

### ***Next Steps:***

1. The Town could coordinate with Steuben County, the Southern Tier Central Regional Planning and Development Board (STC) and the Town's State Senate and Assembly Representatives to start the process of listing the Canisteo, Cohocton and Tioga Rivers on the NYS DOS list of Inland Waterbodies eligible for funding under the NYS EPF LWRP grant program. The EPF program could also provide the Town with funding for other projects such as a trail construction, the preparation of LWRP and park and recreation planning and construction projects.

2. Decide if the Town should pursue another river access point and conduct a feasibility study to identify an appropriate site, the design, programming, necessary state and federal approvals, connections to existing and proposed nearby trails, estimated costs for construction, maintenance requirements and specific liability issues. The plan could be funded through NYS Quality Communities Grant Program and will position Erwin to obtain state and federal additional funding through EPF and other funding sources for project implementation.

**Recommendation 2:** Explore opportunities for additional public swimming sites and Town Recreation Areas in the Town of Erwin.

***Locations:***

Due to the fact that the three rivers are not suitable for public swimming and that no other natural water body exists in the Town suitable for swimming, the Town will have to consider constructing a swimming pool and/or a pond. With one publicly accessible swimming pool in operation, a natural swimming area may be a more appealing and provide for increased capacity. An alternative to constructing a swimming area would be to utilize abandoned sand and gravel pit(s).



**Craig Park Pool**

As depicted on the LCI Map, there are two existing pits in the Jones Road area, the Cold Spring Construction Inc. and Hawbaker Inc. mines. This would be a prime location for a publicly accessible swimming area as well as a new Town recreational area, as it is in the center of the future residential area of Erwin as recommended in the Comprehensive Plan.

***Responsibility:***

This project would be the responsibility of the Town as well as the mine operators. Early discussions between these parties are essential to ensure the mines are left in a condition that would facilitate public swimming, including safe access and aesthetic considerations. Future permit reviews by the Town and the NYSDEC should take into consideration the future use of this site for much needed recreational resources.

***Funding Opportunities:***

- > NYS EPF – Office of Parks, Recreation and Historic Preservation Program: Park Construction;
- > NYS EPF – LWRP: Water Access Planning

- > The NYS Quality Communities Grant Programs: Parkland and open space acquisition projects along with park design and construction

*Next Steps:*

The Planning Board should take into consideration the need for additional public swimming sites when reviewing future sand and gravel mining permits. If the situation presents itself, the Town could begin discussion with mine operators on the feasibility of utilizing the closed pits for public use. It might be necessary for the Town Board to appoint a special committee to oversee this project from conceptual planning to implementation.

### **3.2 WETLANDS**

#### EXISTING CONDITIONS

*REGULATORY:*

As depicted on the Environmental Features Map located in Appendix A, there are countless NYS and Federally protected wetlands in the Town. There are four (4) NYSDEC regulated wetlands (wetlands 12.4 acres in size or greater). The largest of these wetlands is located in Gang Mills and generally runs from the intersection of Chatfield Place and Robert Dann Drive, south towards Beartown Road. NYSDEC regulates and limits development within a 100 ft. boundary around all of their regulated wetlands. Federal wetlands are scattered throughout the community and while they have no minimum size requirements, if the wetland is less than 12.4 acres and not subject to the review of NYSDEC, development could occur right up to the boundaries of these wetlands.



**The Gang Mills Wetland**

Recognizing the potential for impacts to wetlands not under the jurisdiction of the NYSDEC, the Town adopted the SCOD (discussed in more detail in Section 2), which requires a 100 ft. development setback from all state and federally protected wetlands. This is an added tool to ensure development does not occur too close to wetlands, especially to those less than 12.4 acres in size which NYSDEC does not regulate.

## RECOMMENDED STRATEGIES

### *REGULATORY:*

Based upon the evaluation of the existing town, state and federal land use regulations pertaining to the protection of wetlands, no changes or amendments to the current regulations and no new regulations are being recommended at this time.

### *PROJECT:*



**Typical Wetland Boardwalk**

the new building technologies in boardwalks; these educational tools can last decades.

### *Location:*

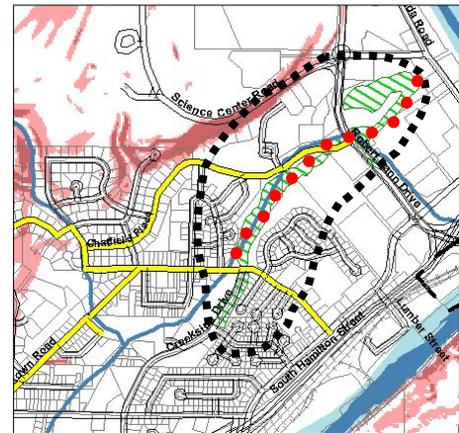
As depicted on the LCI Map in Appendix A and highlighted in Figure 3-1 to the right, a prime location for a wetland boardwalk would be the large wetland complex in Gang Mills from Robert Dann Drive south to Beartown Road.

### *Responsibility:*

- > The initial planning for the construction of this boardwalk will be the responsibility of the Town. The Town could, however, partner with the NYSDEC and a local land trust to share in the costs of planning, construction, maintenance, and liability.
- > This project will also require close coordination with the NYSDEC and ACOE due to obvious wetland impacts and the need for appropriate reviews and approvals.
- > This particular wetland stretches across approximately four (4) separate privately owned parcels. Close coordination with these owners regarding access and possible acquisition will be necessary at the beginning of the planning phases.

**Recommendation 1:** The Town could consider integrating certain large wetland complexes into recreational and education activities. Wetlands are significant educational tools, and the construction of boardwalks brings the unique habitats and species up close. Boardwalks result in minimal impacts to wetlands, and what impacts do result are easily mitigated through the improvement existing damaged wetlands. The educational benefits of boardwalks are worth the temporary impact and with

Figure 3-1 Gang Mills Boardwalk



- > Coordination with the Spencer Crest Nature Center should also be considered for assistance with nature interpretation techniques and guidance, and possibly financial assistance and oversight.

***Funding Opportunities:***

- > NYS EPF– Office of Parks, Recreation and Historic Preservation Program: Boardwalk construction
- > Quality Communities Grant Program: Boardwalk planning and design
- > U.S. Department of Transportation – TEA – 21 Program (extended until June 2005): Boardwalk construction

***Next Steps:***

1. If the Town chooses to proceed with this project, it is recommended that a feasibility plan be developed. This plan should include certain elements including but not limited to ownership and access issues, boardwalk design, potential connections to existing and other proposed nearby trail projects, preliminary cost estimates, necessary state and federal approvals, maintenance requirements and Town liability issues. This study could be partially funded through the Quality Communities Grant Program.
2. If the project is determined feasible, additional funding will need to be sought through TEA – 21 and/or the NYS EPF– Office of Parks, Recreation and Historic Preservation Program for any necessary land acquisition and boardwalk construction.

**3.3 WOODED AREAS AND OPEN SPACES**

EXISTING CONDITIONS

As depicted on the Land Use Map located in Appendix A, in addition to the more than 4,000 acres of State Lands (including McCarthy Hill State Forest, Erwin Mountain State Forest, Erwin Hollow State Forest and the Erwin Wildlife Management Area) a significant majority of the Town is covered by privately owned forest tracts, agricultural lands and large forested vacant parcels. These areas provide Erwin with its scenic undeveloped hillsides and overall rural character, important to the Town’s quality of life. These lands also provide significant habitat for numerous terrestrial species including deer, bear, turkey, smaller mammals and birds.



**Erwin Wildlife Management Area**

The majority of these lands are zoned Rural District, with a minimum lot size of two acres. A significant portion of these lands are located east of the Tioga River which provides an environmental barrier to extending sewer and water, thus keeping down the density of future development in this area. Further, the severe slopes and associated poor soil conditions that are prevalent in these areas also aids in limiting the density of development.



**Hillsides and Ridgelines East of the Tioga River**

There are sections though, particularly existing and abandoned agricultural lands and other open spaces off of the hillsides and ridges, that have development potential. Historically, these areas have been subdivided into large lots, typically between two and five acres in size. This form of development, while low-density, does result in the fragmentation of habitats by roads. Further, if planned in isolation from and uncoordinated with other surrounding development proposals, it may result in the land – locking of large developable parcels, poor road connections to future subdivision sites, and the loss of potential connections to trail systems.

#### RECOMMENDED STRATEGIES

**Recommendation 1:** As recommended in the Comprehensive Plan 2010 Update, Conservation Subdivision Design Regulations could be adopted to ensure development happens in a coordinated manner.

The use of Conservation Subdivisions is intended to preserve tracts of environmentally and scenically significant undeveloped land. Conservation Subdivisions result in the preservation of contiguous open space and important scenic and environmental resources, while allowing compact development, more walkable neighborhoods, and more design flexibility than conventional subdivisions. As depicted in Figure 3-2, the Conservation Design approach results in the preservation of the open space and natural resources while maintaining the desired density to ensure profitability of the project.

The Conservation Subdivision design process involves four main steps:

1. Identify conservation areas – Potential development areas follow once the conservation areas have been “greenlined” or identified for protection.
2. Locate house sites.
3. Align streets and trails.

4. Draw in the lot lines.

The purpose of these regulations would be to achieve a balance between well-designed residential development, meaningful open space conservation, and natural resource protection in certain portions of the Town of Erwin by requiring Conservation Subdivisions instead of conventional subdivisions.



**Conventional Subdivision**



**Conservation Subdivision**

**Figure 3-2 Conservation Subdivision**

An alternative approach to these regulations could be the requirement of subdivision master plans for large parcels with development potential, but whose owners are not seeking approval for the subdivision of their entire property all at once. This option will allow the Planning Board to review proposed subdivisions in relation to future phases of the development, existing and proposed subdivisions adjacent to the site, connections with nearby trail systems, and future Town service requirements.

***Responsibility:***

- > The adoption of Conservation Subdivision Design Regulations will require an amendment to the Town's Subdivision Law by the Town Board.
- > Because the regulations were recommended in the Comprehensive Plan, the Town Board has already allocated funds and established a Working Committee who is currently drafting the regulations.

***Next Steps:***

The draft Conservation Subdivision Design Regulations will be provided to the public for review. Once the public has commented on the draft, the committee will update the regulations and forward them to the Planning Board for review and comment, and to the Town Board for adoption consideration.

**Recommendation 2:** Consider various techniques for the protection of appropriate valuable open spaces.

While the Town currently is not in a situation where the loss of significant amounts of open space is occurring through development, it should continue to consider prime opportunities to cultivate working relationships with local land trust including the Finger Lakes Land Trust, and other groups and agencies including the NYSDEC (who is currently developing Unit Management Plans for the state land areas in the Town) to protect valuable open spaces and other lands with sensitive environmental features and recreational potential. NYSDEC will be a vital partner in the open space planning initiatives as the state land areas present a significant resource for connecting privately owned open spaces through the proposed Town-wide greenway system.



**Agricultural Land along Beartown Road**

While acquisition of private property by the Town or a land trust may remove the property from the tax rolls, conservation easements are a unique land protection tool that will allow the land to stay on the tax rolls and ensure permanent protection from future development. Further, the Town could encourage voluntary easements of privately owned open space considered sensitive by the Town or lands that have been identified in this Plan for various recreational projects such as the proposed wetland boardwalk, town park and swimming area; and the various lands that would be involved in the town-wide greenway system.



**Teeters Pond**

In addition to accepting voluntary easements for open space protection and recreational projects, the Town may be involved in easements/acquisitions as part of the proposed Conservation Subdivision Design Regulations, if adopted. The regulations will require a specific amount of land be set aside for permanent protection, and conveyance to the Town could be an option.

This Plan accompanied by the LCI Map located in Appendix A will be valuable tools in identifying and evaluating the value of property for protection through the Conservation Subdivision and voluntary easements processes. While the Town should never immediately turn away a voluntary easement, lands that have been identified through this plan, and as depicted on the LCI Map for conservation and/or utilization for a recreational project should take priority over other lands for protection. This will allow the Town to fulfill its open space protection and recreational project goals in a more efficient manner. As other property and potential recreational projects are identified, the LCI Map should be updated as necessary.

**Responsibility:**

This will initially be the responsibility of the Town, but close coordination with the NYSDEC, local land trusts and other similar groups should occur. During the review of future subdivision through the Conservation Subdivision Design Regulations, the Town will be closely coordinating with applicants in identifying appropriate lands for permanent protection.

**Funding Opportunities:**

- > NYS EPF – Office of Parks, Recreation and Historic Preservation Program: Land easements/acquisition
- > Quality Communities Grant Program: Land easements/acquisition

**Next Steps:**

- > Coordinate and build relationships with local land trusts and similar groups. Building partnerships can lead to successful, long-term land conservation.
- > Educate landowners about the values of protecting open space, including the financial incentives through tax breaks.

**Recommendation 3:** Consider various methods for protecting the sensitive areas immediately surrounding each State land area in the Town, including Erwin Hollow State Forest, Erwin Wildlife Management Area, Erwin Mountain State Forest, and McCarthy State Forest.



**Erwin Hollow Forest Sign**

On occasion, municipalities and the State have the tendency to plan in isolation from each other, and as a result, they fail to take full advantage of the resources each entity provides. In the case of Erwin, which has four State land holdings, it is imperative to be an involved partner in the future planning of these lands, and at the same time, be committed to protecting the immediate borders of these areas for the benefit of both the residents of Erwin and the State.

The New York State Department of Environmental Conservation (NYSDEC) is in the process of updating the Unit Management Plans for each holding in the Town, and Erwin has submitted specific comments and recommendations to NYSDEC towards the development of these plans. The comments and recommendation centered around protecting the aesthetics of the State lands as viewed from the

Town, and improving the trail network and signage on the State Lands towards eventual integration into the Town’s future trail system.

While the NYSDEC plans for these areas, the Town could consider a host of techniques to provide a measure of protection for the perimeter of the State lands. Specifically, a “buffer area” (as depicted on the LCI Map) could be established around some or all of the State lands in the Town, in which future development proposals would be reviewed in a manner that would, when appropriate, look for potential trail connections into the State Lands, wildlife corridor preservation, and open space protection. Also, as these lands are open for hunting, future development along their perimeter should take into consideration related



**New York State Forest Boundary**

safety issues and ensure a safe distance is maintained between hunting areas and residential development. Currently, state law requires a 500-foot “safety buffer” from a dwelling when discharging a firearm.

While this Plan is not advocating creating a regulatory overlay district for these areas at this time, some mechanism could be established that would allow the Planning Board to pay special attention to these areas when it reviews projects, particularly Major Subdivision that propose development immediately adjacent to the State lands. It is recommended that the Town consider the following issues related to the State Land sensitive area buffer:

- > What is the main goal or goals for protecting the perimeter of the State lands?
- > What techniques could be used to achieve these goals
- > Should a specific buffer distance be established?
- > Should the techniques exist as guidelines (voluntary conformance) or should they be standards enforceable by the Town?

***Responsibility:***

- > The Town Board has already allocated funds and established a Working Committee that is currently updating the Zoning Ordinance. This committee could begin to address this issue during its current round of zoning updates.

*Next Steps:*

The Working Committee will consider the recommendation and develop non-regulatory or regulatory recommendations for public and Town Board review as part of the current Zoning Ordinance update.

**3.4 AESTHETIC RESOURCES**

EXISTING CONDITIONS

The Town’s scenic hillsides and ridgelines contribute greatly to the quality of life and rural character of the area. Recognizing that the protection of these areas is paramount, the Town adopted the Viewshed Protection Overlay District (VPOD) regulations found in Section 130-39 of the Town Code. The areas protected by this regulation are depicted on the Environmental Resources Overlay Map in Appendix A and consist of the hillsides and ridgelines above 1,000 ft. mean sea level. This current regulation protects the views of these areas from Routes 15 and 417, and I-86.

The Town also possesses other scenic resources such as scenic vistas and road corridors including Beartown, Troy, Mulholland and Indian Hills Roads. These scenic vistas and road corridors are depicted on the LCI Map and highlighted in the photographs to the right.

RECOMMENDED STRATEGIES

**Recommendation 1:** Extend the VPOD boundaries

As depicted on the LCI Map, it is being recommended that the boundaries of the VPOD be extended to cover the hillsides and ridgelines both north and south of the Cohocton River as they are viewed from Route 415 and I-86. It has been determined that this area should have the same aesthetic impact protection as the existing VPOD areas.



Mulholland Road



Beartown Road



Troy Road



Indian Hills Road

***Responsibility:***

The Town Board will be required to amend the VPOD regulations to add the new boundaries. A Working Committee has already been established by the Town Board to work on other zoning amendments. It is anticipated that this existing Working Committee group will draft the amendments.

***Next Steps:***

The draft amendments will be provided to the public for review. Once the public has commented on the draft, the committee will provide an updated draft to the Planning Board for review and comment. The committee will then decide if the regulations should be forwarded to the Town Board for adoption consideration.

**3.5 TRAILS AND SIDEWALKS**

The Town of Erwin has limited publicly accessible trails, and a fragmented system of sidewalks that do not provide pedestrians with the ability to safely travel between their neighborhoods and schools, commercial nodes, parks, existing and future trails, and other destination areas. However, the potential certainly exists for the construction of new trails and new sidewalks as discussed below and elsewhere in this Plan. With the unprecedented acreages of open space, state lands and the three rivers that traverse the community Erwin is well positioned to capitalize on these assets with an extensive trail and sidewalk system.

RECOMMENDED STRATEGIES

**Recommendation 1:** Coordinate with the NYSDEC and the ACOE on the feasibility of constructing non-motorized trails along the Beartown Creek Diversion and along the tops of the levees and inside the levees of the Tioga and Cohocton rivers.

***Locations:***

As depicted on the LCI Map and highlighted in Figure 3-3 below, trails are proposed along the Tioga and Cohocton River from the Beartown Creek Diversion through Kinsella Park and ultimately to Coopers Plains. This trail would provide the Town with unparalleled off-road pedestrian and bicycle connections to each population center: Twin Valley, Gang Mills, Painted Post and Coopers Plains. The opportunity also exists for the trail to extend out of Erwin and into Addison and Corning.

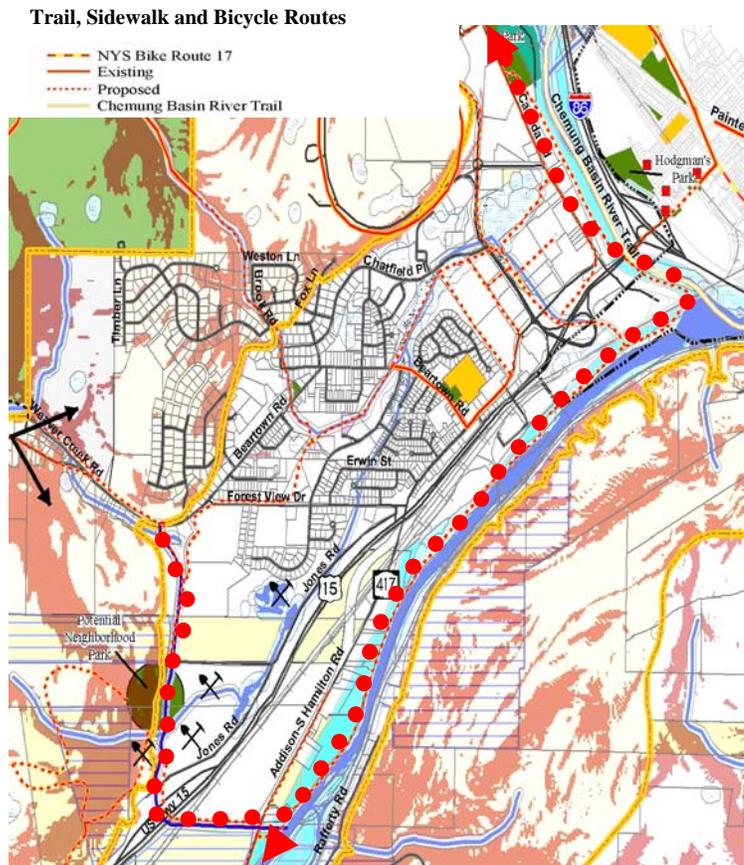


**Levee Along Tioga River**

**Responsibility:**

The NYSDEC owns the levees as well as the shorelines of the Rivers along with a fifty-foot right-of-way on either side of the Beartown Creek Diversion. While the current policy of the NYSDEC regarding use of the levees does not permit the construction of foot and bike paths on top or even along the inside of the levees, there has been some indication by local NYSDEC officials that this policy could be amended to allow for recreational paths.

The current policy is based upon the assumption that the construction of paths on levees may undermine the levees structural integrity. However, the ACOE have constructed similar trails, including the Wilkes-Barre Pennsylvania trail project. These trails have not resulted in adverse impacts on the levees structural integrity. With this information in hand, NYSDEC officials may agree to limited trail projects.



**Figure 3-3 Proposed Trail Routes**

It would be the responsibility of the Town to prepare the necessary studies and plans for any proposed trails. Costs associated with trail construction would also be the responsibility of the Town. State and federal grant programs are available to assist with these projects.

At this point, NYSDEC officials do not believe engineering studies and floodplain impact analyses would be required, due to the fact that they have already been conducted as part of the original construction of the flood control devices.

**Funding Opportunities:**

- > NYS EPF– Office of Parks, Recreation and Historic Preservation Program: Trail construction
- > Quality Communities Grant Program: Trail planning and design

- > U.S. Department of Transportation – TEA – 21 Program (extended until June 2005): Trail construction

***Next Steps:***

If the Town chooses to proceed with the recommended riverside and Beartown Creek Diversion trails, it is recommended that Erwin prepare a trail plan to be forwarded to the NYSDEC Region 8 Flood Control Engineer. The plan should include, but not be limited to, the following: proposed routes, trail access points including any need for easements and right-of-ways through private property; preliminary costs estimates; necessary state and federal approvals; maintenance requirements and Town liability issues.



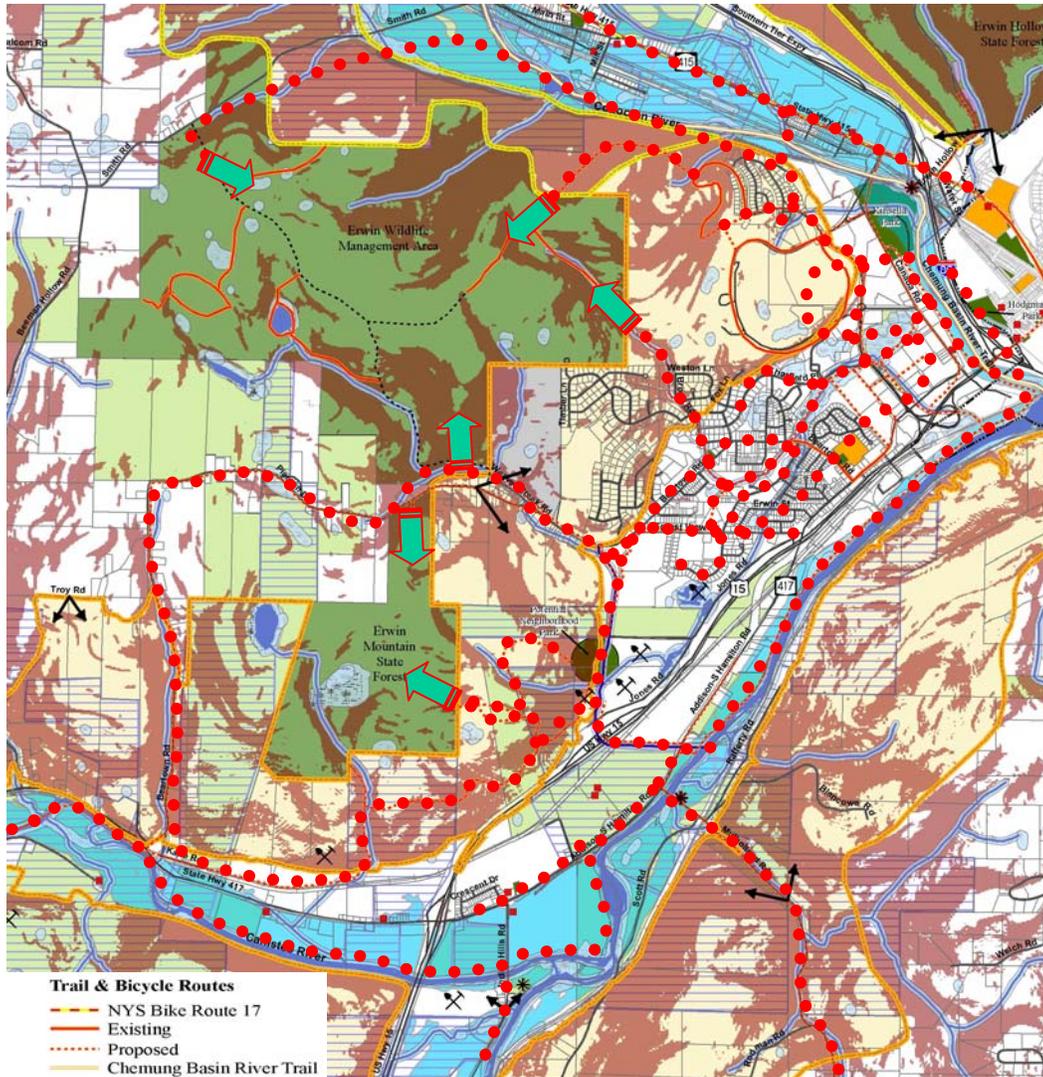
**Example of a Waterside Trail in Reston Va.**

This plan should be developed in close coordination with the ACOE so the Town can learn everything there is to know about existing levee trail projects constructed by the ACOE. It is also highly recommended that the Town coordinate with the Cities of Elmira and Corning due to the fact that these communities are also considering similar projects. Valuable information can be learned, and a coordinated approach to convincing the NYSDEC to reverse the current policy will be more effective.

Funding to prepare the plan could be obtained through the NYS Quality Communities Grant Program. Funding to construct the trails could be obtained through the NYS EPF grants.

**Recommendation 2:** Develop a coordinated Town-Wide Greenway and Sidewalks System Plan

As discussed above, depicted on the LCI Map, and highlighted in Figure 3-5 below, the Town could investigate the feasibility of constructing additional sidewalks in Gang Mills, and walking trails along the Tioga and Cohocton Rivers, the Beartown Creek Diversion, through the Gang Mills Wetland, and elsewhere throughout Gang Mills. The new sidewalks and walking trails could connect public parks and other recreational areas; schools, neighborhoods, and commercial nodes to existing trails, sidewalk networks, designated bikeways like the NYS Bike Route 17, and the proposed NYSDOT bike lane along South Hamilton Street.



**Figure 3-5 Proposed Town-Wide Greenway Trail and Sidewalk System**

**Trail and Sidewalk Routes for Near – Term Consideration:**

The following is a list of potential trail and sidewalks routes and connections that could be considered for near – term consideration by the Town of Erwin. Many other trail routes and sidewalks are depicted on the LCI Map and should be considered for implementation at the appropriate time in the future.

### ***Town-Wide Greenway Trail Routes***

#### *Canisteo River:*

- > Along the north side levee of the Canisteo River from the western Town boundary with Addison east underneath the Indian Hills Road bridge where it would connect to the Tioga River trail to the south and continue east to the Junction of the Canisteo and Tioga Rivers.

#### *Tioga River:*

- > At the junction of the Canisteo River and Indian Hills Road, the trail would follow Indian Hills Road south and then join with the Tioga River along the western levee and continue south to the Town boundary with Lindley.
- > At the junction of the Canisteo and Tioga Rivers, the trail would continue along the north side levee of the Tioga northeast to the Town boundary with the Village of Painted Post, where the trail would connect with the Cohocton River trail.

#### *Cohocton River:*

- > From the junction of the Tioga and Cohocton, the trail would turn northwest go under the I-86/Route 15 interchange and continue along the south side levee of the Cohocton River to the Town boundary with Campbell.
- > Connections to a potential levee trail in Painted Post and the City of Corning to the east should also be considered.

#### *Beartown Creek Diversion Trail:*

- > The trail would begin at Beartown Road and continue along the Beartown Creek Diversion south then east underneath Route 15, the railroad tracks and across Route 417, finally terminating at the proposed levee trail along the Tioga River.

### ***New Sidewalk Routes and Connections***

Ideally, all collector roads in the Town of Erwin (South Hamilton Street, Main Street, Beartown Road, Smith Hill Road, Overbrook Road, Chatfield Place,— portions of certain roads already contain sidewalks) with the exception of Beeman and Erwin Hollow Roads, should contain sidewalks or if the construction of sidewalks are impractical due to ownership issues, topography and other environmental and political constraints, some form of trail should be provided along or near these roads. In the near term, these sections of the following Collector and Non-Collector Roads should be considered for sidewalks:

- > Along Chatfield Place from Weston Lane to Robert Dann Drive
- > Along Robert Dann Drive from Chatfield Place to Lynn Morse Drive
- > Along Forrest Drive from Beartown Road to South Hamilton Street
- > Along Beartown Road from Forest Drive to South Hamilton Street

- > Along the entire length of Creekside Drive

Due to the rural nature of the development along Beeman and Erwin Hollow Roads, roadside trails may be more appropriate if both the interest and the funding is available. Erwin Hollow Road may be a more likely candidate for a roadside trail because it provides access to the Erwin Hollow State Forest.

***Responsibility:***

The Town Board could consider creating a Greenways and Sidewalks Committee to prepare the greenways and sidewalks system plan, which could be adopted as a policy document by the Town Board, used to ensure future developments take into consideration the potential trail routes, and also to properly position the Town for future funding for trail construction.

***Funding Opportunities:***

- > NYS EPF – Office of Parks, Recreation and Historic Preservation Program: Trail construction and land acquisition.
- > Quality Communities Grant Program: Planning and land acquisition
- > U.S. Department of Transportation – TEA – 21 Program (extended until June 2005): trail construction.

***Next Steps:***

1. Create a Greenways and Sidewalks Committee who will be charged with developing the Town-Wide Greenways and Sidewalks System Plan and coordinating the development of specific trail and sidewalk feasibility studies and the construction of specific trail and sidewalk projects. This Committee should be directly associated with the Town's Park and Recreation Department with close coordination with the Department of Public Works.

## **Section 4: Implementation Recommendations**

## **Section 4: Implementation Recommendations**

The Working Committee has discussed each of the above recommendations and has settled on the following outline for their implementation. While funding availability will be the major deciding factor steering the implementation schedule of the capital projects, zoning amendments have already been budgeted by the Town and the Zoning Amendment Working Committee is currently working on updating the ordinance and proceeding towards public and Town Board review.

### **4.1 Implementation Steps**

- 1. Adopt Conservation Subdivision Regulations – *Currently under development.***
- 2. Expand the Viewshed Protection Overlay District** to cover the hillsides and ridgelines both north and south of the Cohocton River as they are viewed from Route 415 and I-86 - ***Currently under development.***
- 3. Consider various methods for protecting the sensitive areas immediately surrounding each State land area in the Town – *Immediate Action***
- 4. Town Board to Establish a Greenways and Sidewalks Committee – *Immediate Action***
- 5. Seek to have the Canisteo, Cohocton and Tioga Rivers designated as Inland Waterbodies to allow the Town to become eligible for planning and capital project funding under the NYS Environmental Protection Fund programs – *Immediate Action.***
- 6. Encourage voluntary conservation easements and build and maintain relationships with local land trust organizations and other appropriate local, state and federal agencies. – Ongoing Action**
- 7. Begin to Implement the proposed Capital Projects (funding permitting):**
  - a. Levee and Beartown Creek Diversion Trails –** Begin search for available funding sources immediately, and begin feasibility analyses within 6 months.
  - b. Sidewalk Extensions -** Begin search for available funding sources immediately, and begin feasibility analyses within 6 months.
  - c. Wetland Boardwalk -** Begin feasibility analyses within 12- 24 months.
  - d. Public Park and Swimming Area –** Immediately engage in and maintain discussions with mine operators.
  - e. Boat Launch and Fishing Access Sites –** Utilize LCI Map in reviewing projects to determine if there is an opportunity to construct a new river access site during a future large-scale project.

## 4.2 Responsibilities

- > Planning Board, during project reviews, should continually refer to the LCI Map and this Plan to assist in the protection of the identified lands and resources, and to take advantage of implementing a recreational project recommendation as the opportunities arise.
  
- > The Town Board should refer to this Plan on an annual basis, prioritize projects and programs, and determine annual budget allocation/commitment for each. The Comprehensive Plan 2010 Update should also continue to be reviewed annually, if not more often as directed in the Plans Policy Statement.

## **Section 5: References**

## References

<sup>1</sup> Benedict, Mark, A. PhD, McMahon, Edward, T. J.D. Green Infrastructure: Smart Conservation for the 21st Century. Sprawl Watch Clearinghouse.

<sup>2</sup> Thomas, Holly L. February 1991. “The Economic Benefits of Land Conservation,” Technical Memo of the Dutchess County Planning Department, Dutchess County, New York.

<sup>3</sup> Senf, David. “Farmland and the Tax Bill: the Cost of Community Services in Three Minnesota Towns.” American Farmland Trust. 1994

<sup>4</sup> Association of New Jersey Environmental Commissions. “Open Space is a Good Investment: The Financial Argument for Open Space Preservation.” 1996

<sup>5</sup> 2004 Local Open Space Planning Guide, New York State Department of Environmental Conservation and New York State Department of State

# Appendix A: Maps