

# Land Use Overview

## GOALS:

- A. Retain the rural, agricultural character of the Towns.**
- B. Support hamlets as unique residential environments.**
- C. Manage land use along the lake shores to protect the interests of seasonal and year-round residents, promote tourism, and to protect water quality and the environment.**
- D. Support business development that is consistent with the character of the neighboring areas.**
- E. Manage development in such a way as to preserve farmland, natural resources and scenic views.**



### **Existing Plans, Programs and Regulations**

#### **Zoning and Subdivision Regulations**

##### **Town of Fayette Zoning**

The Town of Fayette adopted zoning regulations in 1976. The entire town is within a single zoning district. All uses that comply with Town, State and Federal regulations are permitted. A special use permit from the Zoning Board of Appeals is required for manufactured homes and all uses other than residential and agricultural.

The regulations specify procedures for applying for zoning permits and special use permits.

##### **Fayette Subdivision Regulations**

The Town of Fayette adopted subdivision regulations in 1976. The regulations authorize the Planning Board to review any subdivision of land into three or more parcels. A “major subdivision,” which involves subdivision into five or more lots or any size that requires the construction of a new street or the extension of utilities, is subject to additional procedures.

The regulations include specifications for lot layout, street design, drainage, and the preservation of open space and natural resources. The regulations authorize the approval of “clustered” subdivisions that incorporate open space or recreational land.

##### **Varick Zoning**

The Town of Varick first adopted zoning regulations in 1975. It added an industrial zone designation and

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## **Existing Conditions**

### **Regional Orientation**

The Towns of Varick and Fayette are located in the north-central portion of Seneca County. A portion of the Village of Waterloo is located within the Town of Fayette. The Towns of Waterloo and Seneca Falls border the Town of Fayette to the north. The Town of Romulus borders the Town of Varick to the south. Cayuga Lake and Seneca Lake form the eastern and western borders of both Towns.

The major north-south roads through the two Towns are NYS Routes 96A, 96, 414 and 89. (See Map 1: Regional Orientation.)

Map 2 presents an aerial view of the two towns. This view demonstrates that most of the land area is agricultural. Houses are scattered along roads, with small concentrations in the hamlets and along the lakeshore.

### **Existing Land Use**

The existing land uses by tax parcel are depicted on Map 3: Existing Land Use. The land use classifications shown on the map are based on 2004 tax parcel records. Tables 1 and 2 (included at the end of this section) summarize the land use by tax parcel classification for the Towns of Fayette and Varick.

Parcels used primarily for agriculture predominate in both Towns. Agriculture comprises 26,385 acres and 77% of the Fayette’s land area and 12,634 acres and 63% of Varick’s land area. A description of the agricultural resources is found in the Farmland and Agriculture chapter.

Natural features in the Towns include wetlands, streams, woodlots and the Seneca Lake and Cayuga Lake shorelines. A description of the natural features is included in the Natural Resources and Environmental Protection chapter.

A total of 1,224 parcels in Fayette and 702 parcels in Varick are residential. In the Town of Fayette, 902 parcels were single-family dwellings, 193 were seasonal dwellings, and 89 were manufactured homes. In the Town of Varick, 523 parcels were single-family dwellings, 78 were seasonal dwellings, and 68 were manufactured homes. Additional information is presented on Map 4 and in the Housing and Residential Neighborhoods chapter.

A small number of commercial and industrial businesses are located in the Towns. The Existing Land Use Map identifies those parcels that

are used primarily for business or industry. Several warehouse and storage businesses are located along West River Road in the north-west corner of the Town of Fayette. A few retail businesses and restaurants are located along the State highways. A few small scale manufacturing operations have become established in scattered locations in the two towns. Seneca Stone Corporation operates a quarry in the northeast portion of the Town of Fayette. Several businesses are located on parcels that are part of agricultural operations. Descriptions and analysis of businesses in the Town are presented in the Economic Development chapter.

Land used for transportation and utilities include highways, railroads, and telecommunications facilities. Information and analysis of these facilities and services are presented in the Transportation and Infrastructure section of the Plan.

A portion of Seneca Lake State Park is located in the northwestern portion of the Town of Fayette. Private recreational facilities include the Seneca and Red Jacket Yacht Clubs and sportsmen’s clubs. Additional information is presented in the Parks and Recreation chapter.

Government and community service facilities in the Towns include the Fayette Town Hall, the Fayette and Varick Highway Departments, fire stations, cemeteries and churches. These facilities and related issues are addressed in the Government and Community Services chapter.

**Hamlets**

Three hamlets are located in the Towns. The Hamlet of Fayette is located at the intersection of NYS Route 414 with County Roads 154 (Ridge Road) and 124 (Fayette-Varick Town Line Road). The northern portion of the Hamlet of Romulus is located in the Town of Varick. Other historic settlements, such as MacDougall, are smaller than the hamlets described in this section.

The Town’s historic hamlets represent unique environments for residences and businesses. The Hamlet of Fayette occupies portions of both Towns and contains approximately 56 residences.

The Hamlet of Canoga is located in the eastern portion of the Town of Fayette. Approximately 54 residences are located in the Hamlet. The new development being marketed as “Canoga Heights” will result in several additional dwellings.

The northern portion of the Hamlet of Romulus is located in the Town of Varick. Approximately 73 residences, including two small manufactured home parks with approximately 21 dwellings, are located within the portion of the Hamlet within the Town of Varick.

**Existing Plans, Programs and Regulations**

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*mobile home regulations in 1988. In 2002, the regulations were amended to add regulations for telecommunications towers and travel trailers.*

*The Town is divided into two conventional districts – “Industrial” and “Open” and one overlay district – “Floodway Fringe.”*

*“Large businesses,” defined as “any business that employs the equivalent of ten or more full-time employees and/or has a capital investment in excess of \$1.5 million,” must be located in the Industrial zone. The Town Board reviews site plans for all large business uses.*

*Site plan review by the Planning Board is required for all uses except for single- and two-family residences, farm uses and large business uses.*

*Telecommunications towers and mobile home parks require a special use permit from the Zoning Board of Appeals.*

**Varick Subdivision Regulations**

*The Town of Varick adopted Subdivision Regulations in 1974. The Town regulates the division of land into three or more parcels within a three-year period. Additional procedures are required for “major subdivisions”, which involve the creation of five or more lots or a new road or the extension of municipal facilities.*

*The subdivision regulations include procedures for reviewing proposed subdivisions, standards for the design of subdivisions, and requirements for the preparation of subdivision plans.*

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### Existing Plans, Programs and Regulations

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#### Seneca Army Depot Reuse Plan

In 1996, the Seneca Army Depot Local Redevelopment Authority, which was created by the Seneca County Board of Supervisors, completed and adopted a Reuse Plan and Implementation Strategy for the Seneca Army Depot. The Plan recommended several development options for the Depot in anticipation of its official closure in 2001. The Plan was amended twice since it was initially adopted.

The goals for the implementation strategy included:

- Create jobs
- Involve the private sector
- Establish a wildlife conservation area
- Ensure effective and efficient cleanup of hazardous waste sites

The Preferred Land Use Plan completed in 2001 recommended preferred land uses for specific areas. Most of the land (a total of 8,300 acres) was designated **Conservation/ Recreation**. This designation acknowledges the unique white deer herd. Public recreational uses may include self-guided tours, nature trails, controlled hunting and fishing. Such uses are intended to be consistent with wildlife conservation.

Approximately 200 acres at the north end (the former barracks) were recommended for Institutional use.

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### Lakeshore

Land adjoining and near the shores of Cayuga and Seneca Lakes consist of a mix of seasonal and year-round residences as well as wineries and other tourist destinations.

The Seneca Lake shore in the Town of Fayette extends from the Seneca River south approximately three miles. Approximately 138 residences, including 53 seasonal dwellings, are located along this segment of the lakeshore. Public water services is available to properties along this segment of lakeshore, but public sewers do not serve this area. Access to these residences is by public and private roads. Residential neighborhoods include Teall Beach and Pastime Park. The Finger Lakes Railroad passes near the shoreline en route to the Seneca Army Depot. The Seneca Yacht Club is located near the north end of Seneca Lake.

Approximately three miles of Seneca Lake shoreline are located in the Town of Varick. South of Sunset Bay, County Road 125 (East Lake Road) is located close to the lakeshore and provides access to a mix of seasonal and year-round dwellings. Approximately 187 residences, including 37 seasonal dwellings, are located along this segment of the lakeshore. Both public water and sanitary sewer service are available to properties in this area.

Approximately three miles of Cayuga Lake shoreline are in the Town of Varick. Approximately 153 residences, including 39 seasonal dwellings, are located along this segment of the lakeshore. Three wineries are located near the shoreline. Route 89, a designated Scenic Byway, is located near the shoreline and provides direct access to the residences on the lakeshore. This area does not have access to public water or sanitary sewer service.

Approximately four miles of Cayuga Lake shoreline are located in the Town of Fayette. The northern portion consists of regulated wetlands and is not developed. A network of private and Town roads provide access from NYS Route 89 to seasonal and year-round residential communities along and near the lakeshore. Approximately 153 residences, including 39 seasonal dwellings, are located along this segment of the lakeshore. The Red Jacket Yacht Club is located in the southeastern portion of the Town. The Hamlet of Canoga is located along Route 89 less than one mile from Cayuga Lake. Public water service, but not sanitary sewer service, is available to properties in this area.

### Former Seneca Army Depot

The former Seneca Army Depot occupies approximately 3,950 acres in the western portion of the Town of Varick. Approximately 40% of the former Seneca Army Depot is located in the Town of Varick. The southern portion of the depot is in the Town of Romulus.

**History**

The Seneca Army Depot was originally constructed in 1941 as a munition storage facility. Its mission was expanded to include the storage of general supplies, the demolition of conventional ammunition and the training of Reserve and National Guard Units. Employees at the Depot were also involved in the rehabilitation and upgrading of equipment.

In 1999, the U.S. Army transferred ownership of most of the depot's land and buildings to the Seneca County Industrial Development Agency (SCIDA). The SCIDA is managing the redevelopment of the Depot and has, in turn, sold some of the land.

**Buildings and Infrastructure**

Major utilities developed to serve the Depot include a water storage and distribution, wastewater treatment, stormwater, electric, telephone and centralized steam heating systems. In addition, there is a network of 141 miles of roadways and 42 miles of railroad lines, and a 7,000-foot runway for aviation.

The portion of the Depot located in the Town of Varick consists three general areas: the former barracks, a large area of munitions storage bunkers (also known as "magazines" or "igloos"), undeveloped land, and land currently undergoing environmental remediation to remove unexploded ordnance.

The Seneca County IDA acquired ownership of the 200-acre former barracks area in 1997. This area includes more than 300,000 sq. ft. of buildings, including barracks, recreation/ athletic facilities, shops, dining facilities, warehouses and miscellaneous structures. This land is currently utilized by Hillside Agencies, a not-for-profit agency that assists children with special needs, for a 122-bed residential treatment program.

The area that is undergoing environmental remediation is located in the northwest corner of the Depot, along Route 96A. The munitions storage bunkers area located in the central portion of the Depot. Land surrounding these areas is primarily open, providing habitat for a herd of white deer.

Facilities in the southern portion of the Depot include a State prison, housing development, airfield, Coast Guard facility and warehouses. The Seneca County IDA has retained ownership of certain parcels, and has facilitated transfers to private developers whenever possible.

**Existing Plans, Programs and Regulations**

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*The Seneca County Industrial Development Agency was authorized to implement the reuse plan.*

*In 2005, a second study was completed that resulted in a revised redevelopment plan for the Depot. The revised plan expanded the area designated for institutional use and recommended residential development for land in Varick in the eastern portion of the Depot property.*

*The planning process was in process in 2005, during the preparation of this Comprehensive Plan. Representatives from the Town of Varick participate in the planning process, which is coordinated by the Seneca County Industrial Development Agency.*



### Residents Survey Results

- More than 75% of respondents from both Fayette and Varick are concerned about farmland and large undeveloped lots being subdivided and developed. Respondents who reside along the lake shores are more likely to be concerned about this issue (i.e., 86% of Fayette residents along Seneca Lake).
- More than 60% of respondents in both Towns support additional residential development, while approximately 30% oppose additional residential development.
- 60% of respondents who reside in Varick and 49% of those from Fayette would support minimum lot sizes for dwellings along the Lakes. Support was highest among lakeshore residents (from 85-93%), among whom very few had “no opinion.”
- More than 80% of respondents would support additional commercial or industrial development in the Towns. The types of business development most supported by respondents are tourism or outdoor recreation, agricultural support and home-based businesses.
- More than 85% of respondents in both Fayette and Varick support zoning as one technique for influencing the types and locations of development.

## Issues and Opportunities

### Rural Development Patterns

Several trends are evident in the subdivision and uses of land in Fayette and Varick. As shown in Map 4, many new residences have been constructed in the countryside during the past 20 years. Residential development in agricultural areas changes the character of the rural countryside and has the potential to affect agricultural operations. Additional traffic on rural roads may be impatient with farm vehicles that use the same roads. “New to the country” neighbors may not be tolerant of farm practices such as manure spreading and noise. In addition, the subdivision of farmland being divided into smaller lots reduces the amount of uninterrupted farmland that is available for agriculture.

In addition, Amish farmers have been dividing large parcels into small farms of 50-100 acres. In parts of Varick, such as the McDuffietown area, Amish farms may occupy more than 1,000 contiguous acres. As Amish families are relatively large, the density of population in this area is larger than that in other rural parts of the community.

### Lakeshore Development

Many of the seasonal dwellings along the shores of Seneca and Cayuga Lakes have been converted to year-round use. This trend is expected to continue as public water and sewer service is extended to these areas.

Many of these dwellings are located on small lots with small setbacks. Additional land use regulations for lakeshore dwellings may be required in order to prevent or resolve disputes among neighbors. For example, limits to the percentage of the lot that may be covered with impermeable surfaces would help to reduce drainage problems. Setbacks and height limitations would protect neighbors’ views of the lake. Standards for the use of lakeshore properties for commercial purposes may be needed, as well as a review process to determine whether such uses are consistent with the character of the area.

### Former Seneca Army Depot

As land in the former Seneca Army Depot is developed for private uses, the Town of Varick should establish and delineate zoning districts that specify the types of uses that would be acceptable in various portions of the Depot. The zoning recommendations should be consistent with reuse plans prepared by Seneca County.

Currently, the Seneca County Industrial Development Agency (IDA) is coordinating the redevelopment of the former Depot. The Towns

of Varick and Romulus need to be directly involved in the process as redevelopment planning continues.

**Hamlets**

The Hamlets of Fayette, Romulus and Canoga are unique environments. Future development should be consistent with historic settlement patterns. For example, lot sizes may be considerably smaller in hamlets, especially where public water and/or sewer service is available. A mix of residential and business uses may be encouraged. Intensive livestock operations in and adjoining the hamlets should be discouraged.

**Business and Industrial Development**

Outside of the hamlets, few businesses are located in the Towns of Fayette and Varick. The Existing Land Use Map identifies those parcels that are used primarily for business or industry. However, other businesses are located on parcels that are part of agricultural operations.

Outside of the former Army depot and the hamlets, with few exceptions, preferred locations for future industrial or business development cannot be delineated based on existing land use patterns. One exception is the cluster of storage and warehouse businesses along West River Road in the northwest corner of Fayette. Another is the area used for stone quarry in the northeast portion of Fayette.

Both the Town of Fayette and the Town of Varick have zoning and subdivision regulations. However, some of the procedures are unclear and the regulations provide little guidance for the siting and regulation of businesses and other intensive uses.

As most of the land area in Fayette and Varick is undeveloped except for farming uses, it may be appropriate to use special use permits to site business and industrial uses. Outside of the former Army Depot, there are no areas that are clearly suitable for industrial use. Zoning regulations should specify which uses would be permitted with a special use permit and include clear guidelines for the local board to review and approve or deny the establishment of a proposed use at a particular location.

Businesses may also be established to diversify an agricultural operation. The special use permit process may be used to encourage such businesses while providing guidelines to protect neighboring property and residents.

**Tools and Techniques**

**Zoning**

*Zoning regulations allow Towns to manage land use and development. Traditional zoning regulations specify the types of uses permitted within designated districts as well as minimum setbacks and other requirements.*

*Innovative zoning regulations incorporate more flexibility for developers in conjunction with specific standards for performance or design. For example, instead of establishing setback requirements for a new building in a hamlet, the building would be required to be setback a distance that is consistent with the existing adjoining buildings.*

**Subdivision Regulations**

*Subdivision regulations help Towns to manage the way new lots are created. The proper design of new subdivisions can help ensure that lots are buildable, protect natural resources and retain rural character. For example, three new lots along an existing road may eliminate a scenic view that had been enjoyed by the community. Re-configuring the location of the three lots could preserve the view from the public road without reducing the return to the landowner or developer.*

**Clarification of Zoning and Subdivision Regulations and Procedures**

In addition to the issues relating to business and industrial development, the zoning regulations in Fayette and Varick are in need of additional clarity regarding procedures and standards for the review of development projects other than single and two-family residential development and agricultural uses. It is appropriate that single and two-family residential development does not require any review or permit beyond a basic building and zoning permit, and that agricultural uses that do not require a building permit are also exempt from review under zoning regulations. However, more intensive uses, such as businesses or manufactured home parks, should comply with clear guidelines and procedures.

# Future Land Use Plan

The Future Land Use Plan (see Map 5: Future Land Use Map) presents the “vision” for the conservation and development of land within the Towns of Fayette and Varick. It delineates distinct areas within each Town and recommends ways to ensure the most appropriate land uses for each area, consistent with the goals of the Comprehensive Plan.

Future Land Use Map is intended as a guide to the revision of each Town’s zoning regulations and zoning maps. Each Town’s zoning needs to be consistent with the recommendations of the Comprehensive Plan.

The Future Land Use Maps for Fayette and Varick delineate the following categories of land use:

- Agricultural/ Rural Residential
- Hamlet
- Lakeshore

In the Town of Varick, land in the former Seneca Army Depot is designated Institutional and Conservation/ Recreation/ Energy Development. Once the redevelopment plans are complete and agreed-to by the Town of Varick, the Town of Varick should establish appropriate zoning categories and regulations for Depot land that is consistent with the redevelopment plans.

## **Agricultural/ Rural Residential**

The Agricultural/ Rural Residential areas encompass most of the land in the Town outside the Hamlets, with the exception of areas specifically designated for more intensive uses.

Agriculture would be the priority use in areas that are currently farmed and viable for farming, and where the owner has indicated a commitment to continue farming. Low density residential development would also be permitted in these areas, provided that it is designed so as not to interfere with farming practices.

In those areas that are not served by either public water or public sewers, residential density should be at least one acre per dwelling unit. The predominant residential uses are intended to be single family dwellings served by on-site water supply and sewage disposal. Smaller lots could be accommodated in well-designed subdivisions where public sewer service is available.

Although the Future Land Use Plans do not delineate separate districts for commercial or industrial uses, such uses may be appropriate within the Agricultural/ Rural Residential district. The Towns should consider establishing a process whereby such developments are reviewed on a case-by-case basis as needed to minimize impacts on neighboring residents, farms and conservation areas.

## **Hamlet**

The Hamlet areas are intended to promote the continued mix of residences and small-scale businesses along within the Hamlets of Fayette, Romulus, and Canoga. A new zoning classification is recommended that permit both businesses and residences in these areas and would allow smaller lot sizes and setbacks than would be required in the countryside. Business uses would be limited to a maximum total floor area of approximately 12,000 to 20,000 sq. ft. Businesses would need to be designed to ensure that outdoor lighting,

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traffic and other business operations do not interfere with neighboring residences and are consistent with the pedestrian scale and historic character of the Hamlets.

### **Lakeshore**

The Lakeshore designation encompasses land along the shores of Cayuga and Seneca Lakes that has been developed with seasonal dwellings on relatively small lots, many of which have been converted to year-round homes. A distinct zoning district is recommended for these areas, as well as regulations that allow smaller lots, limit the percentage of impervious surface, manage height and setbacks and provide oversight for business development.

Business uses may be appropriate in certain areas within the Lakeshore district. For example, wineries, marinas, restaurants and small stores may be suitable in some locations. The zoning regulations should specify what types of business uses would be appropriate in the Lakeshore district and incorporate clear guidelines for reviewing the suitability of proposed sites.

### **Conservation Overlays**

New development in the Towns of Fayette and Varick should be balanced with conservation of agricultural land and natural resources. The Future Land Use and Conservation Map graphically depicts the locations of land in Agricultural Districts, well-drained soils, streams, wetlands and flood hazard zones. These conservation considerations are “overlaid” onto the future land use category and are intended to provide additional guidance for the review of development proposals.

The Agricultural District program limits the ability of local governments to regulate agricultural practices (See Farmland and Agriculture section.) As a result, the Towns cannot prohibit certain agricultural operations (such as intensive livestock farms) from hamlets or other populated areas if the land is within an Agricultural District. Where feasible, new development should avoid areas of high quality farmland.

Federal, State and local regulations limit development in wetlands and flood zones.

Other conservation considerations include wildlife corridors, buffers along streambanks, wooded areas, and steep slopes. Although these areas are not depicted on the Future Land Use and Conservation Map, they should be considered during the review of development proposals and subdivisions.

## **Recommended Actions:**

1. Establish zoning district regulations for Hamlets, as depicted on the Future Land Use Map, that provide for lot sizes and setbacks that are consistent with historic development patterns and that accommodate an appropriate mix of residential uses and small businesses.
2. Establish zoning district regulations for lakeshore properties, as depicted on the Future Land Use Map that incorporate setbacks from the high water mark, maximum coverage of lots with impervious surfaces and height of buildings.
3. Prepare a list of business, industrial and institutional uses that would be appropriate in the Agricultural Rural Residential, Hamlet, and Lakeshore districts and establish criteria for approving special use permits for these uses.
4. Establish zoning district boundaries and development guidelines to accommodate the redevelopment of the former Army Depot.
5. Revise subdivision regulations to require Planning Board review for division of land into two or more lots.
6. Prepare and adopt comprehensive revisions to the zoning regulations in the Towns of Fayette and Varick to address the following:
  - a) Establish special use permit standards and clarify the procedures for the review of special use permits for all uses other than single and two-family residential and agricultural uses.
  - b) Establish guidelines and standards for the review of site plans.
  - c) Establish regulations for adult entertainment uses in order to prevent the siting of such uses near residences and community facilities. Require operators of these businesses to be licensed by the Towns.
  - d) Establish regulations for the siting of fences in order to prevent claims of adverse possession.
  - e) Provide standards and procedures to accommodate the establishment of businesses in conjunction with residential and/or agricultural uses.
  - f) Incorporate setbacks from streams for new construction in order to minimize erosion and sedimentation.
  - g) Establish criteria and procedures for reviewing private schools and adult care facilities and notify the local fire departments when such facilities are sited in the Towns.
  - h) Establish limits on noise within the Hamlets and along the lakeshore.