

# Framing Byron's Future



**August  
2018**

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## **TOWN OF BYRON COMPREHENSIVE PLAN**

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# Town of Byron Comprehensive Plan

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# 1. INTRODUCTION

The Town of Byron is in Genesee County, New York. It is bounded by Orleans County to the north, the Town of Elba to the west, the town of Bergen to the east, and the towns of LeRoy and Stafford to the south. The Town is a rural community, with a population of approximately 2,400 persons based on the 2010 census. It is 20,726.90 acres in size. The predominant land use is agriculture.

The earliest pioneer settlers to the area arrived over two hundred years ago. The area was part of Bergen but separated from Bergen in April of 1820 and became an incorporated municipality the same year. The Town of Byron published its first Comprehensive Plan in 1993. This document represents the first update to that plan. The purpose of a Comprehensive Plan is to guide growth and development in the Town in order to protect the quality of life and ensure that the Town of Byron remains a desirable place to live.

According to New York State Law,

“Among the most important powers and duties granted by the legislature to a town government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens.”

*~New York State Town Law § 272-a.*

New York State does not dictate what form a comprehensive plan must take, but suggests that it consists of written and graphic materials that identify the goals, objectives, principles and standards that the Town wishes to set forth for its immediate and long-term protection, enhancement, growth and development.

There are many reasons for having a Town Comprehensive Plan. A municipality’s Comprehensive Plan is the legal foundation for all zoning and land use regulation decisions made in the Town. While municipalities are given the power to regulate land uses within the community, it is understood that these decisions should be based on sound planning principles, and not be arbitrary or capricious. A municipal Comprehensive Plan, developed with public support and input, helps ensure that the Town’s land use regulations are built on a solid foundation and represent a consensus on the part of the Town’s residents.

Comprehensive Plans go beyond zoning issues. A Comprehensive Plan provides guidance toward the priorities and concepts of local residents regarding what they consider important to their quality of life. It establishes goals and objectives that reflect those priorities, and often provides a set of recommendations and actions to help the Town achieve those goals. Many of the recommendations pertain to land use and zoning, but other actions and priorities are also articulated.

Another important purpose of a Comprehensive Plan is to put the community’s vision for its future on the record. Any development proposal or action, whether private or public, should take into consideration the Town’s vision as articulated in the Plan, and attempt to be consistent with these stated priorities. An adopted Comprehensive Plan provides an accessible and clear guide for entities seeking to undertake a project in the community. It provides them with a better understanding of what the Town is likely to approve and the types of actions that are preferred. It also provides the Town with greater leverage to

have an effect on planning activities and programs instituted by other governmental authorities, such as the County or New York State agencies, who are required to take local plans into consideration.

An adopted Comprehensive Plan shows a commitment on the part of the community toward a shared vision for its future. This commitment can be helpful in seeking governmental assistance for projects that help move the community toward that vision through the form of grants.

Finally, a Comprehensive Plan helps the community recognize what is important about the Town. It identifies what is important to protect, support and encourage, and what elements of the Town need to be improved. It provides a clear assessment of where we are now, vision on where we would like to be, and concrete recommendations and strategies to help us get there. Not all elements included in the plan will be achieved, but the Plan contains a source of potential solutions to problems or issues that may arise in the future.

Protecting its rural character is the primary issue for residents of the Town of Byron. The Town's agricultural lands, natural features and small town nature are highly valued. There is interest in promoting improvements in the hamlets in a manner that preserves that rural character. Maintaining the Town's character, however, requires an active approach to protecting important features, and controlling any new growth in a manner consistent with those goals. The Town of Byron Comprehensive Plan will serve as a basis for land use regulation, infrastructure development, and public and private investment in the Town. It will provide a basis for the preparation of any future plans or studies that may examine or address issues raised in the Plan. It is the intent of this document that it will help guide decision making in the Town of Byron into the future in a manner that helps maintain those features that the community values so highly, while mitigating impacts of future change.



***Byron Municipal Building***

## 2. COMMUNITY BACKGROUND AND EXISTING CONDITIONS

This section presents information which portrays the Town as it now exists. This section also describes how the Town has changed between 1990 and 2014.

### A. Demographics

- Total Population**

The 2010 population of the Town of Byron was 2,369, which is a 1% increase in 20 years. This suggests that the population of the Town of Byron is fairly stable. This growth for Byron is less than the 12% experienced by Bergen, but more than the -1.5% occurring in Elba. This increase is also about same as the 1% growth for Genesee County as a whole.

Byron’s population over the last 150 years has fluctuated significantly, but in the past 30 years, it has been relatively stable. The most current population estimate from the Census indicates the population of the Town in 2016 was 2,315.

Town of Byron – Population Trends	
Year	Population
1840	1,907
1870	2,084
1925	1,332
1960	1,589
1970	2,020
1980	2,242
1990	2,345
2000	2,493
2010	2,369
2016	2,315

- Minority population**

The Town of Byron is predominately white, although the minority population has nearly tripled in the past 20 years. Currently, approximately 5% of the Town’s population is minority population.

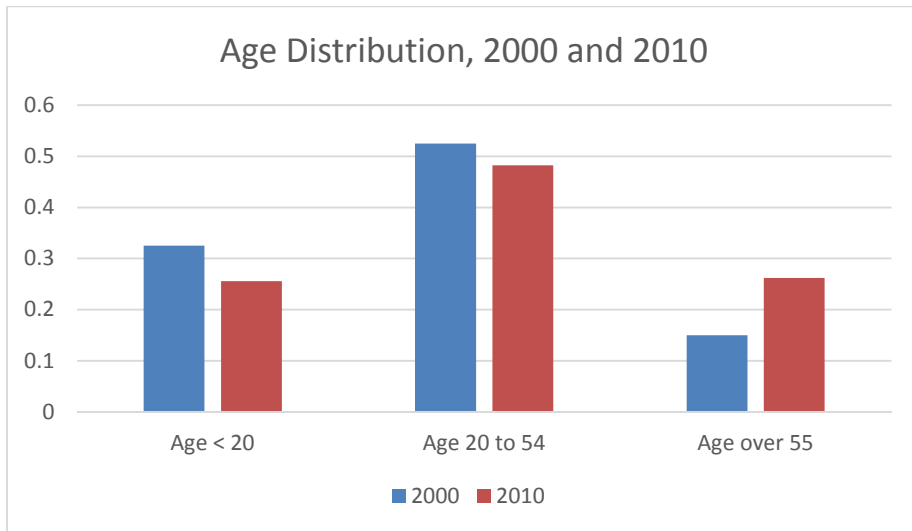
Town of Byron – Race	
White	94.4%
Black or African American	0.4%
American Indian	0.4%
Asian	0.3%
Two or more races	1.7%
Other	2.7%

• **Age distribution**

The median age in the Town of Byron was 41.5 years in 2010, an increase from 2000, when the median age was 30.8 years. Recent estimates suggest this aging trend has continued, and median age is currently 43.1 years.

The aging of the population follows regional trends, and is primarily the result of demographic changes:

- The percentage of persons under 20 years of age dropped from 32.5% of the total population to 25.6%.
- The proportion of persons aged 20 to 54 decreased from 52.5% of the total population to 48.2%.
- The percentage of persons aged 55 and over increased from 15% of the total to approximately 26.2% of the population during the last 20 years.



• **Educational background**

Residents of Byron are well educated. Approximately 94% of adults in the Town of Byron have high school diplomas, and approximately 21.3% of adults have a bachelor’s degree or higher. The educational level of adults in Byron has increased significantly in the last 20 years. In 2000, approximately 89.5% of adult residents had earned a high school diploma, and less than 15% had a college degree. The percentage of high school graduates exceeds that of the County as a whole and also even to that of the State as a whole. The percentage of college graduates in Byron is higher than that of the County as a whole, and lower than that of the State as a whole.

Town of Byron and Genesee County: Educational Attainment, 2010		
	Town of Byron	Genesee County
High School Degree	93.8%	90.4%
Bachelor’s Degree	21.3%	20.2%

- **Income distribution**

The median family income in 2009 was \$68,585. More current estimates suggest the median family income in 2016 was \$73,333.<sup>1</sup> Median household incomes are somewhat lower, at approximately \$65,000.<sup>2</sup> Over the past 20 years, the median family income has grown by 58%.

The median family income in Byron exceeds that of the County as a whole. The median family income in Genesee County (2015) was \$66,720, and the median household income was \$52,641. Families in Byron have incomes approximately 10% higher than residents of the County as a whole.

In 2010, 5.0% of Byron residents lived below the poverty line. In the last 20 years, the percent of Byron residents living below the poverty line has fallen slightly. In 2010, the percent of persons living below the poverty line was considerably lower than for the County as a whole.

- **Occupational background of the population**

In 2010, 1214 adults were employed in the labor force. Despite the rural nature of Byron, in 2010, only 5.6% of working adults were employed in agriculture.

The vast majority of employed residents are in occupations commonly labeled, “blue collar”. The vast majority of employed residents commute to jobs outside the Township, and slightly more than half of residents commute out of the county. The majority of out-of-county commuters work in the greater Rochester area. The majority of in-county commuters work in the LeRoy and Batavia areas.

There are approximately 17 retail trade establishments in the Town. All are small-scale employers. There are about 12 additional businesses that provide services. None of these is a major employer. There is also one manufacturing facility in the Town which produces farming equipment and employs approximately 85 persons.

In 2010, of the total acres in Byron 11,859 acres were tillable, representing a total of 57% of the Town. The percentage of the population employed in agriculture has fallen in the last 20 years, while the size of the average farm operation has increased in the last 20 years.

- ***Housing types, distribution, and value.***

In 2010, there were 966 housing units in the Town of Byron. The number of housing units in the Town has increased in the last 20 years by 15.5%.

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<sup>1</sup> Income data collected by the Census are from survey data, and include margins of error. For the Town of Byron 2016 income estimates, the margin of error is \$6,461 for families and \$8,375 for households.

<sup>2</sup> Household data include all households, while family households must include more than one related person.



In 2010, there were 917 occupied houses, and 49 vacant units, for a vacancy rate of 5.1%. This level of vacancy is in line with national averages. Approximately 86.5% of occupied housing units are owner-occupied, while the remaining 13.5% of units are rentals.

Except for the North Byron, Byron, South Byron hamlets, most housing is highly scattered. Median value for owner-occupied housing in 2010 in Byron is \$96,300.

Value of housing for owner-occupied units is as follows:

<b>Town of Byron – Housing Values, Owner Occupied Units, 2010</b>		
	Number	Percent
Total	772	100%
Less than \$50,000	97	13%
\$50,000 to \$99,999	330	43%
\$100,000 to \$149,999	212	27%
\$150,000 to \$199,999	45	6%
\$200,000 to \$299,999	72	9%
\$300,000 to \$499,999	16	2%
\$500,000 or more	0	0%

- **Households**

In 2010, there were 917 households in the Town of Byron. The number of households in the Town has increased 14% in the last 20 years. Following national trends toward smaller households, the increase in number of households outpaces population growth significantly. The majority of households in Byron are classified as families (72%), while another 22% are one-person households.

## B. Physical Features/ Land Uses

- ***Agricultural Uses***

The Town of Byron is predominantly rural. The most prominent land use in the Town is agricultural. An estimated 73% (15,128 acres) of the land area in the Town (20,727 acres) is agricultural in nature, either as farmed fields (11,859 acres) or agricultural related uses, such as pastures, woodlots, barns and storage buildings, and processing and machinery manufacturing facilities. A New York State Agricultural District covers a large portion (86%) of the Town, which provides incentives to owners of these lands to keep them in agricultural use.



***Agricultural Land in Byron***

- ***Residential Uses***

Residential development is scattered throughout the Town. Much of the residential development in the Town is concentrated in three “hamlet areas” known as North Byron (also Pumpkin Hill), Byron (Center), and South Byron. Additional pockets of concentrated residential development occur along Swamp, Coward, and Lyman Roads.



***Residential Development in Byron Center***

- **Hamlet Areas**

There is no incorporated village in the Town of Byron. As noted above, there are three hamlets that are characterized by areas of denser development. All three hamlets are served by Town water and sewer districts.

The center of Town has historically been known as “Byron Center” or the “Four Corners of Byron”. At the intersection of Route 262 and Route 237 is a concentration of commercial uses including a convenience store/ gas station, restaurant (hotel), pizza shop, auto repair shop, and hardware store. Mixed residential uses, including two mobile home parks and two apartment buildings, surround the four corners. Mixed into these residential uses are the Town Hall and Highway Department, three parks, two construction contracting businesses, a post office, a fire hall, a museum, a cemetery, an electric power substation, a telephone switching facility, and a church.



**Byron Center Hamlet**

The hamlet of South Byron is located along Route 237 at the point where the CSX railroad crosses. Residential use is mixed with the Town’s only designated industrial zone, although not developed, and some commercial and public uses.



**South Byron Hamlet**

The hamlet of North Byron, also known as Pumpkin Hill, is predominantly residential use with one commercial business.



*North Byron Hamlet (“Pumpkin Hill”)*

- **Public Uses**

Public uses in the Town of Byron include the Town Hall and Highway Garage (5.9 acres), two fire halls (Byron and South Byron – 10 acres), Sewer District filter beds and pump stations (13.5 acres), and a Museum (0.42 acres). Byron Fire Department owns the Community Park (5.9 acres) on McElver Street.

- **Recreation, Land Conservation, Parks & Trail Uses**

One campground – Southwoods RV Resort (96.7 acres) is located in the Town. Additional land is protected by the Nature Conservancy (82.4 acres), the Bergen Swamp Preservation Society (808.8 acres), and the Buffalo Society of Natural Sciences (9.6 acres) for a variety of conservation purposes. The Town maintains two parks – Trestle and Turtle (43.5 acres) and the Westshore trail (69.4 acres).



*Trestle Park*



*Community Park*

- **Industrial Uses**

The predominant industrial land use in the Town of Byron is Oxbo International Corporation located on Batavia-Byron Road southwest of the Byron hamlet. Oxbo specializes in the design, manufacture, and distribution of precision crop harvesting equipment.

- **Transportation - Map 1**

Map 1 depicts transportation systems in the Town of Byron. It consists primarily of roadways. The main route through the Town is Route 237, which runs north-south through the approximate center of the Town. There is also an active rail line that traverses the Town. The inventory of roadways consists of the following:

- State Highway 10.09 miles
- County Highway 22.29 miles
- Town Highway 40.44 miles
- CSX Railroad 4.48 miles

## C. Natural Resources

- **Waterways and Aquifers - Map 2**

Several named streams cross the Town. The most notable is Black Creek, which enters the Town from Stafford to the south and turns easterly just north of Byron (Center), then meanders through the Bergen Swamp on its way to Bergen and eventually the Genesee River. There are several named tributary streams to Black Creek, including Spring Creek, Bigelow Creek and Robins Brook. Several other unnamed tributaries, most draining to either Black Creek or one of its named tributaries, exist throughout the Town.

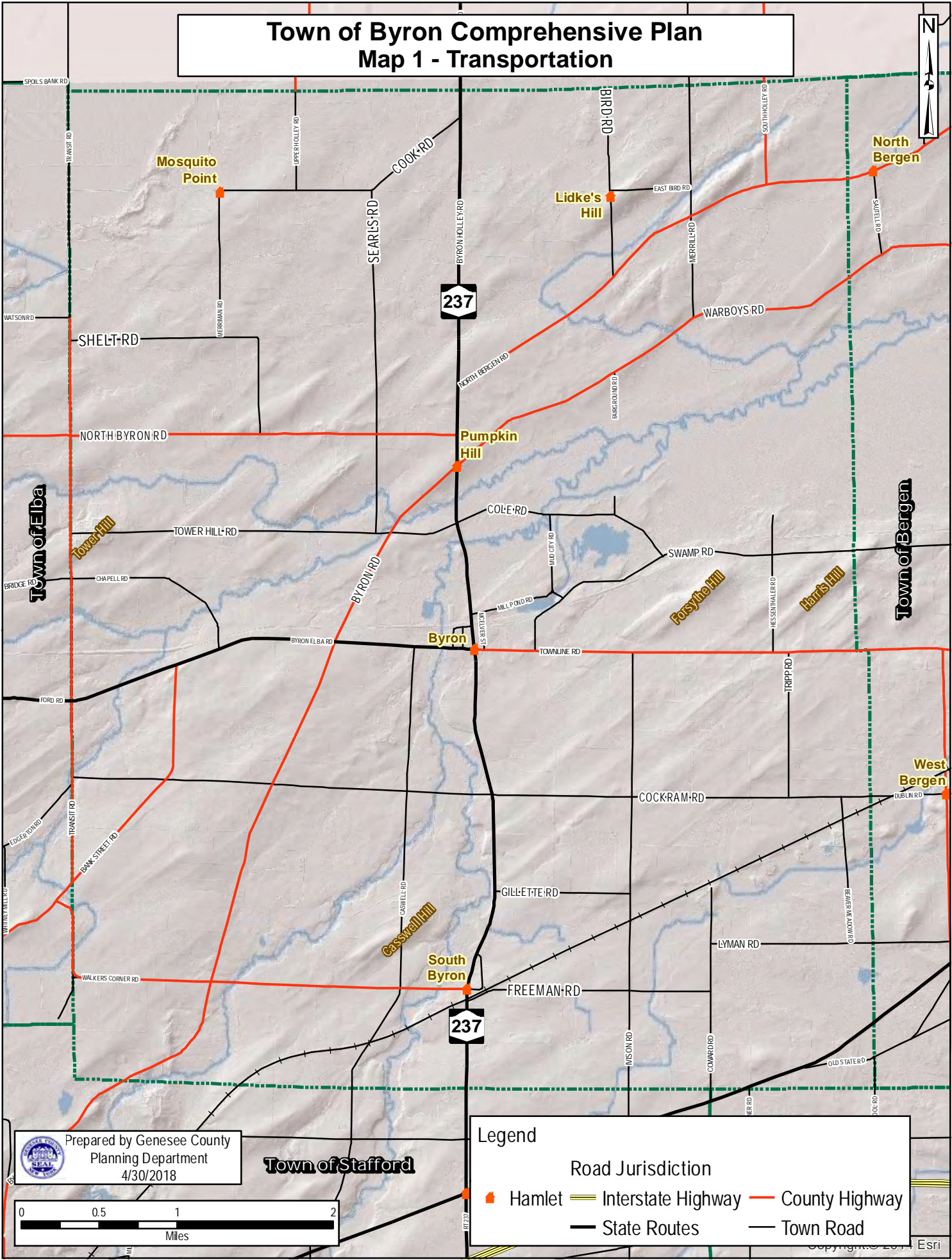


**Black Creek**

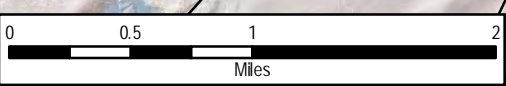
One groundwater aquifer is mapped in the Town. It is located in the northwest corner and underlies the “muckland”.

Several springs exist throughout the Town. One known as “the creamery” is located on Route 262 just west of Caswell Road. It was identified in the 1993 Comprehensive Plan as a possible source of public water for the Town. Another spring exists just west of the Route 237 bridge over Black Creek. Many of these springs have historically been described as “sulfur (sulphur) springs,” as discussed further in the section on History, below.

# Town of Byron Comprehensive Plan Map 1 - Transportation



Prepared by Genesee County  
Planning Department  
4/30/2018



**Town of Stafford**

**Legend**

Hamlet	Interstate Highway	County Highway
State Routes	Town Road	

- **Floodplains and Wetlands - Map 3**

Floodplains or areas subject to periodic flooding are mapped throughout the Town. Most of the acreage is mapped along stream channels or adjacent to wetlands. The Town of Byron regulates land use in these areas with the Flood Damage Prevention Local Law of 1987. Floodplains are also regulated by the Federal Emergency Management Agency (FEMA), which designates certain areas likely to be subject to flooding “Special Flood Hazard Areas”. There are regulations that pertain to development that is located within a designated Flood Hazard Area.

Wetlands are mapped and regulated by the New York State Department of Environmental Conservation and several federal agencies (US Army Corps of Engineers, US Environmental Protection Agency, US Department of Interior – Fish & Wildlife Service, and US Department of Agriculture – Natural Resources Conservation Service). There are significant areas of wetlands throughout the Town. Approximately 2,190 acres of wetland (10.6% of the total land area) are mapped by New York State in the Town of Byron. The State also regulates land use activity in a 100-foot buffer zone surrounding a wetland. Most of the wetland acreage is concentrated in the northern portion of the Town – especially in the Bergen Swamp. The Bergen Swamp, with over 2,000 acres of conservation land, is a National Natural Landmark, overseen by the Bergen Swamp Preservation Society. The Swamp has significant ecological value, and public access is limited.

Additional acreages of wetlands exist in the southeast corner and are scattered throughout the remainder of the Town. Also, there may be additional State wetlands that have not been mapped. Federal wetlands shown on the map are only an indication that a federal wetland probably exists. Federal wetlands must be delineated in the field according to the federal wetland definition and guidelines. While New York State generally only regulates wetlands that are 12.4 acres or larger, there is no minimum acreage limit for federal wetlands.

- **Watersheds – Map 4**

A watershed is an area of land, or drainage basin, that catches precipitation and drains to a common outlet (body of water). All land in the Town of Byron drains to three major watersheds. 1,234 acres (5%) in the northwest portion of the Town drain to Oak Orchard Creek and are therefore in the Oak Orchard Watershed. This watershed eventually drains into Lake Ontario. 530 acres (3%) in the southeast corner of the Town drain to Oatka Creek and are therefore in the Oatka Creek Watershed, which flows into the Genesee River. The remaining 18,963 acres (92%) of the Town drain to Black Creek either directly or through one of its sub-watersheds. The Black Creek Watershed sub-watersheds shown on the map include Bigelow Creek, Spring Creek and Robins Brook.

- **Topography – Map 5**

The topography of Byron can be described as gently sloping with a few areas of moderate slope. The lowest elevation (580 feet) in Byron is the point where Black Creek leaves the Town in the Bergen swamp. The highest elevation (770 feet) is a hilltop in the southeast portion of the Town 800 feet north of Route 33. Elongated hills formed by the glaciers called “drumlins” are a

somewhat unique characteristic of Byron’s topography. Several named hills including Tower Hill, Pumpkin Hill, Casswell Hill, Lidke Hill, Forsythe Hill, and Harris Hill are in this category. These drumlin hills are all oriented in the direction the glaciers travelled (southwest to northeast) across this portion of New York.

- **Prime Farmland Soils – Map 6**

There are 20,642.1 acres of soils mapped in 51 different named soil map units in the Town of Byron. 12,475 acres (60.4%) are classified as “prime farmland.” Another 5,083 acres (24.6%) are classified as “prime farmland if drained.” Prime farmland is defined by the United States Department of Agriculture (USDA) as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding. This prime farmland designation represents 85% of Byron’s mapped soils. The five most common named soil map units and corresponding acreages include:

<b>Soils, Town of Byron</b>	
Soil	Acres
Ontario loam	3,787.8 acres
Hilton loam	2,854.5 acres
Lima silt loam	2,187.1 acres
Appleton silt loam	1,848.5 acres
Ovid silt loam	1,349.5 acres

- **Cropland – Map 7**

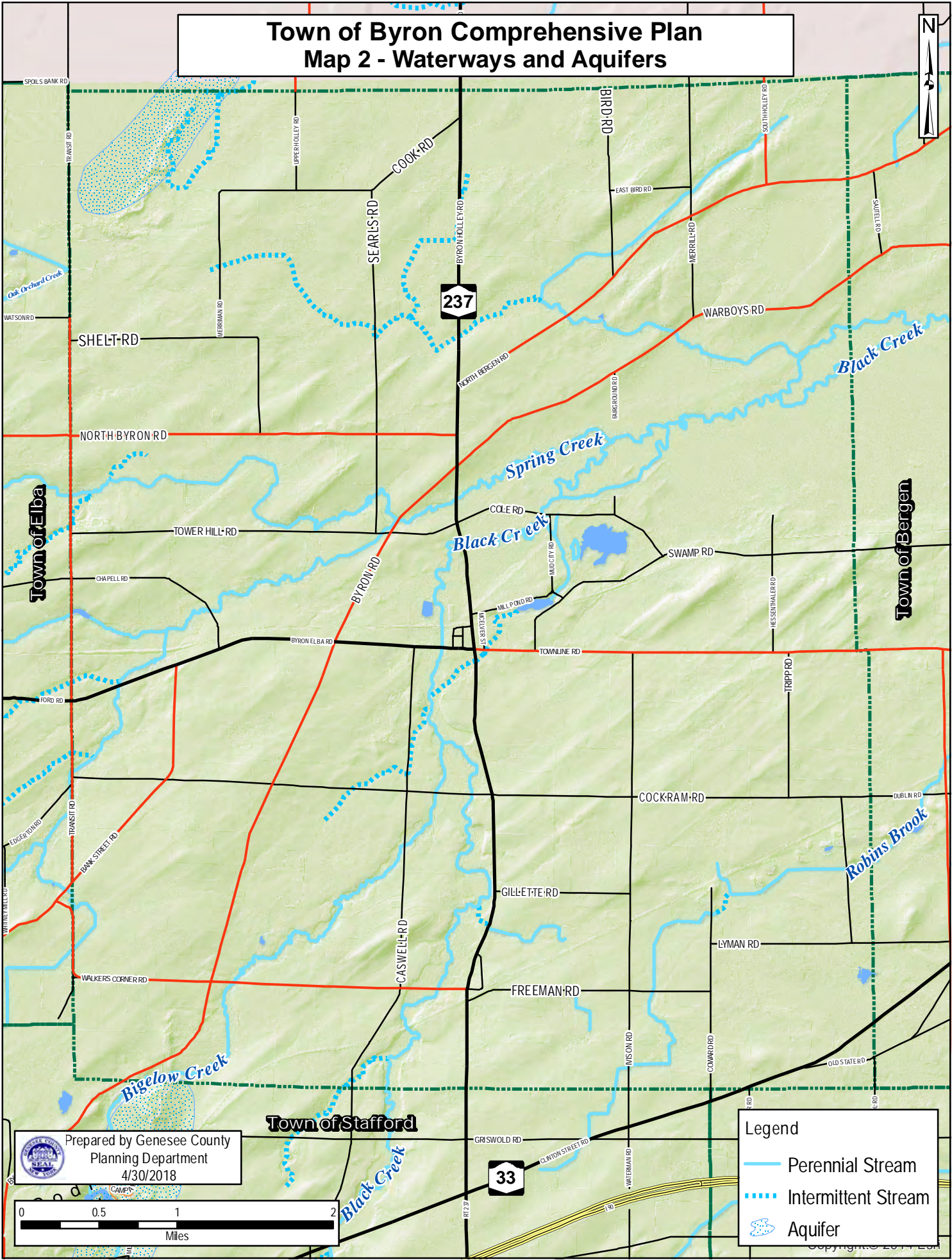
According to USDA, cropland includes areas used for the production of adapted crops for harvest. Cultivated cropland comprises land in row crops or close-grown crops and also other cultivated cropland, for example, hay land or pastureland that is in a rotation with row or close-grown crops. Byron has 11,858.5 acres (57%) of cropland. Crops grown in Byron include: hay, grain corn, silage corn, wheat, barley, rye, oats, soybeans, sweet corn, beets, cabbage, dry beans, snap beans, lima beans, spinach, carrots, green peas, squash, pumpkins, potatoes and onions.

- **Agricultural Districts – Map 8**

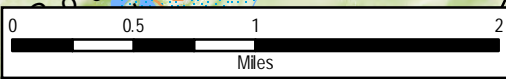
Land enrolled in New York State Agricultural Districts (2) in Byron include 17,814 acres (86%) on 795 tax parcels.






# Town of Byron Comprehensive Plan Map 2 - Waterways and Aquifers



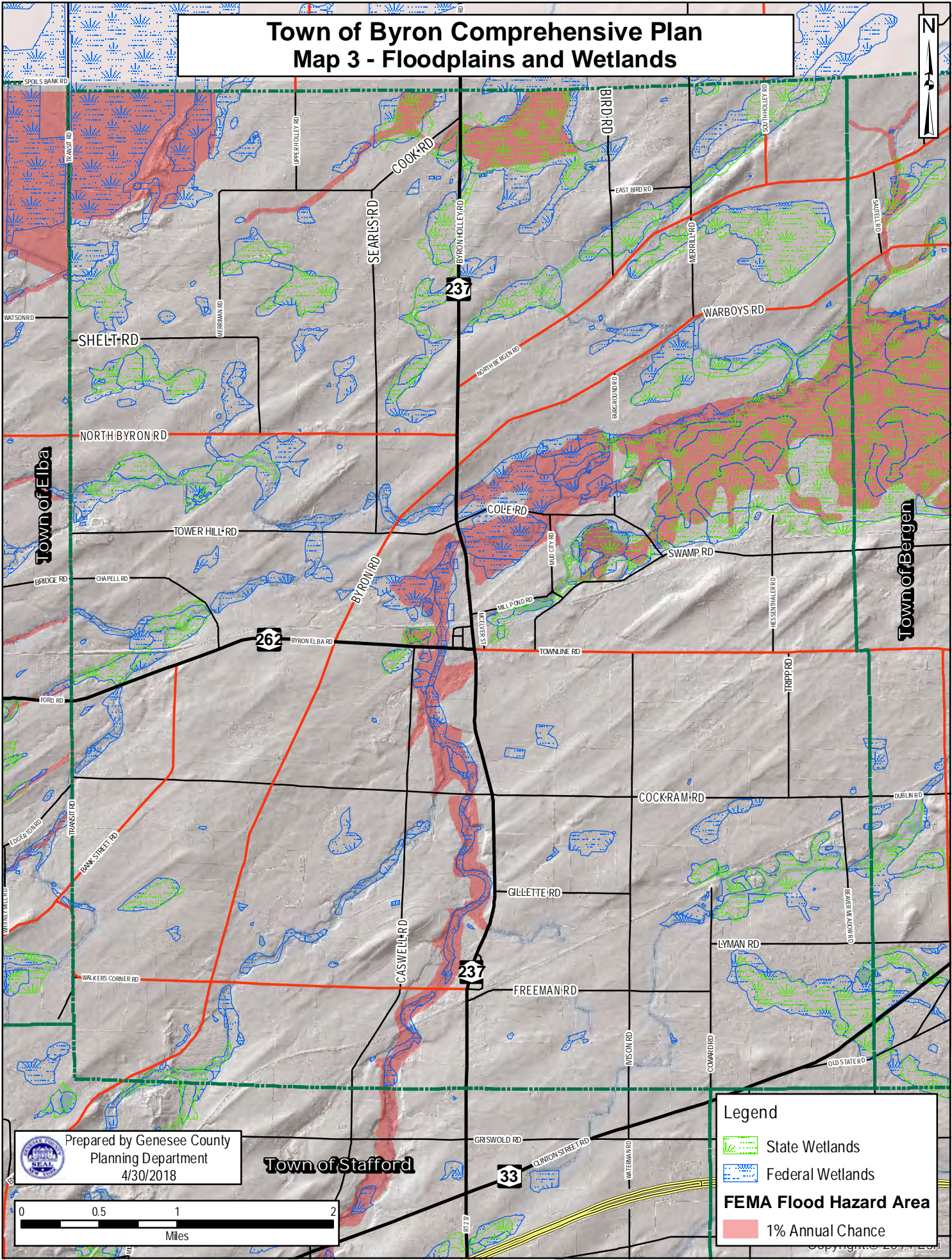
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4/30/2018



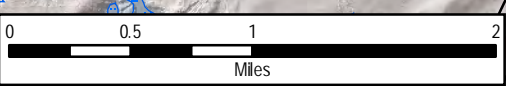
**Legend**

-  Perennial Stream
-  Intermittent Stream
-  Aquifer




# Town of Byron Comprehensive Plan Map 3 - Floodplains and Wetlands



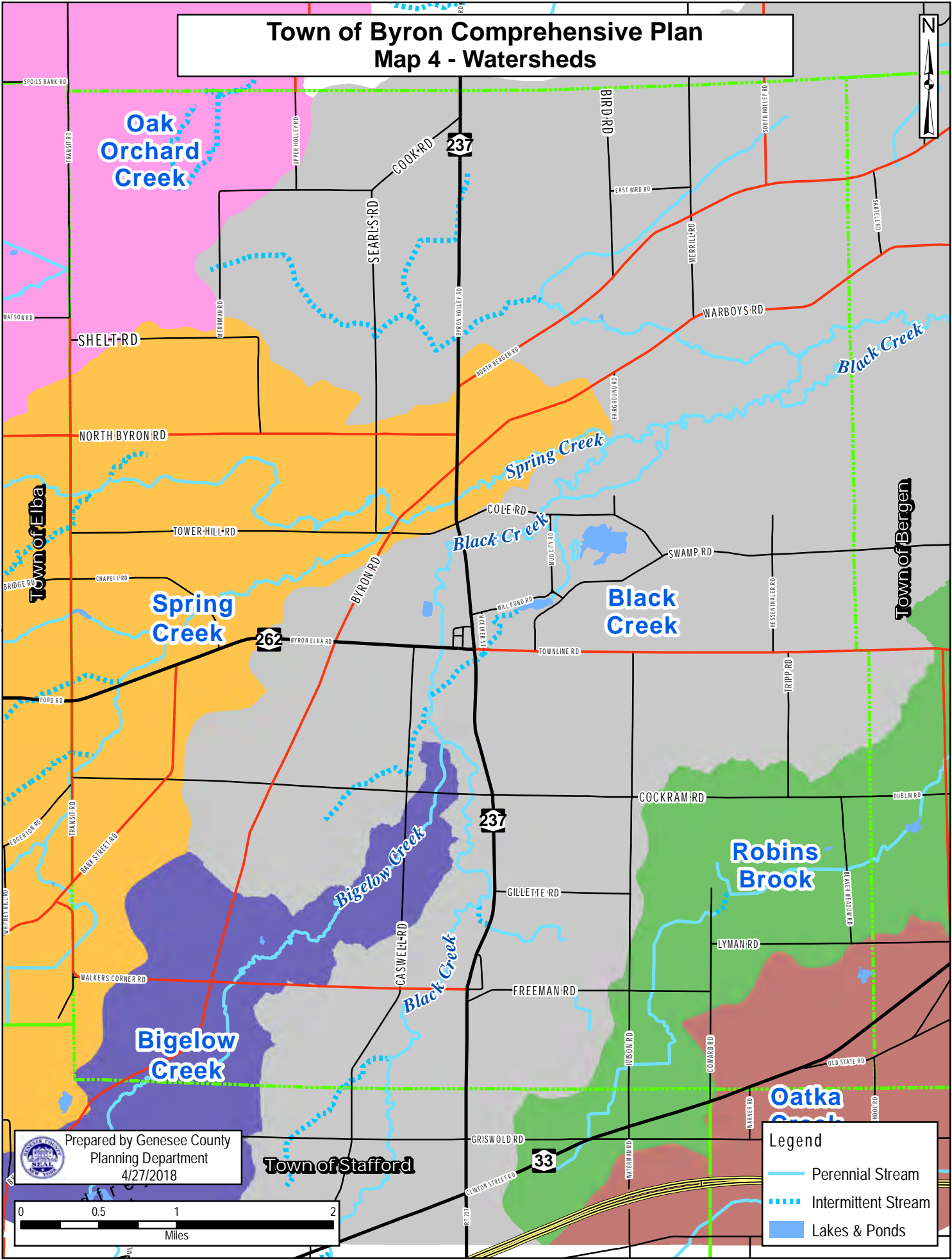
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4/30/2018



**Legend**

-  State Wetlands
-  Federal Wetlands
- FEMA Flood Hazard Area**
-  1% Annual Chance

# Town of Byron Comprehensive Plan Map 4 - Watersheds



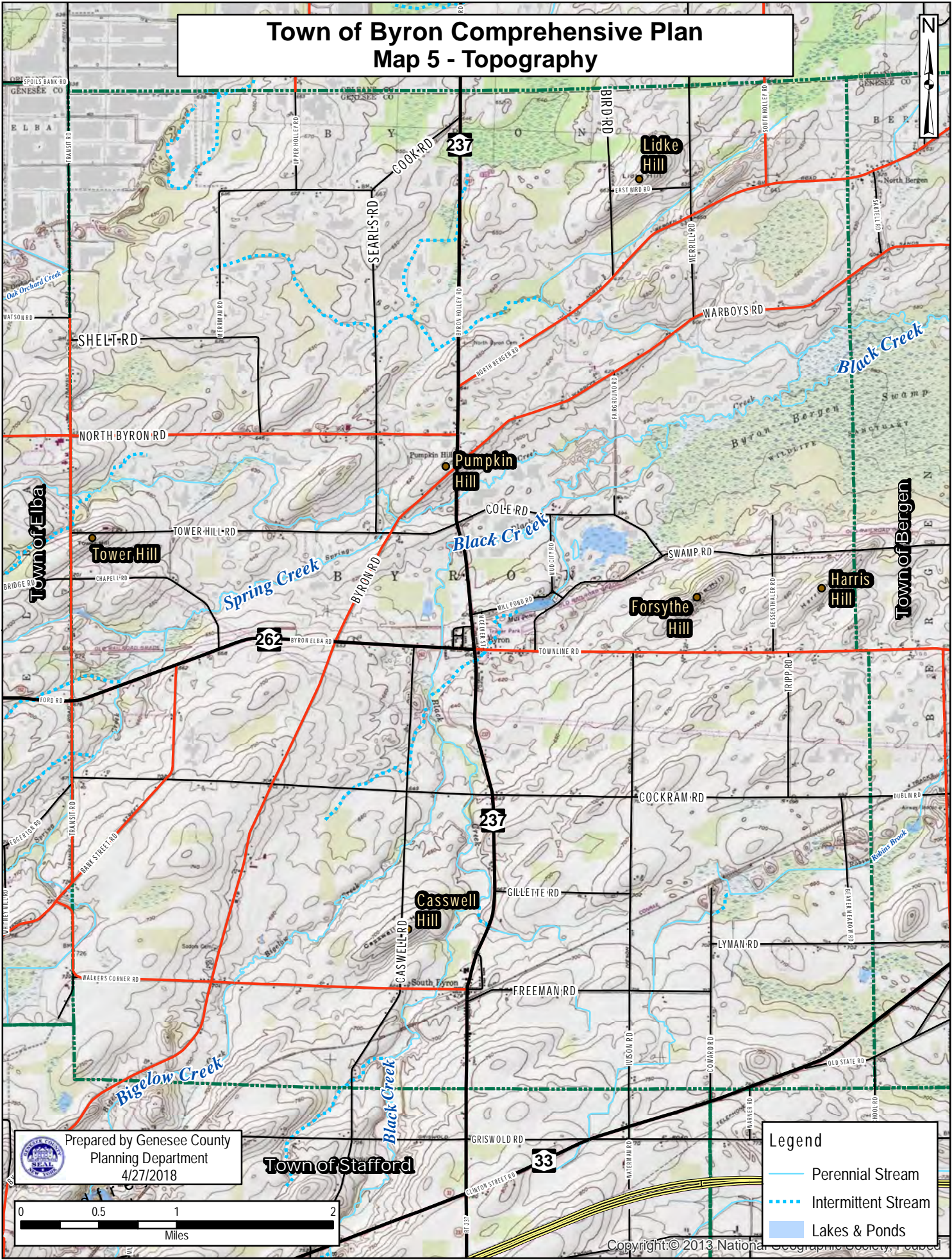
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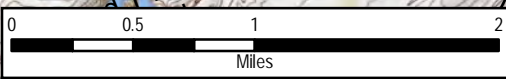
**Legend**

- Perennial Stream
- ⋯ Intermittent Stream
- Lakes & Ponds

# Town of Byron Comprehensive Plan Map 5 - Topography

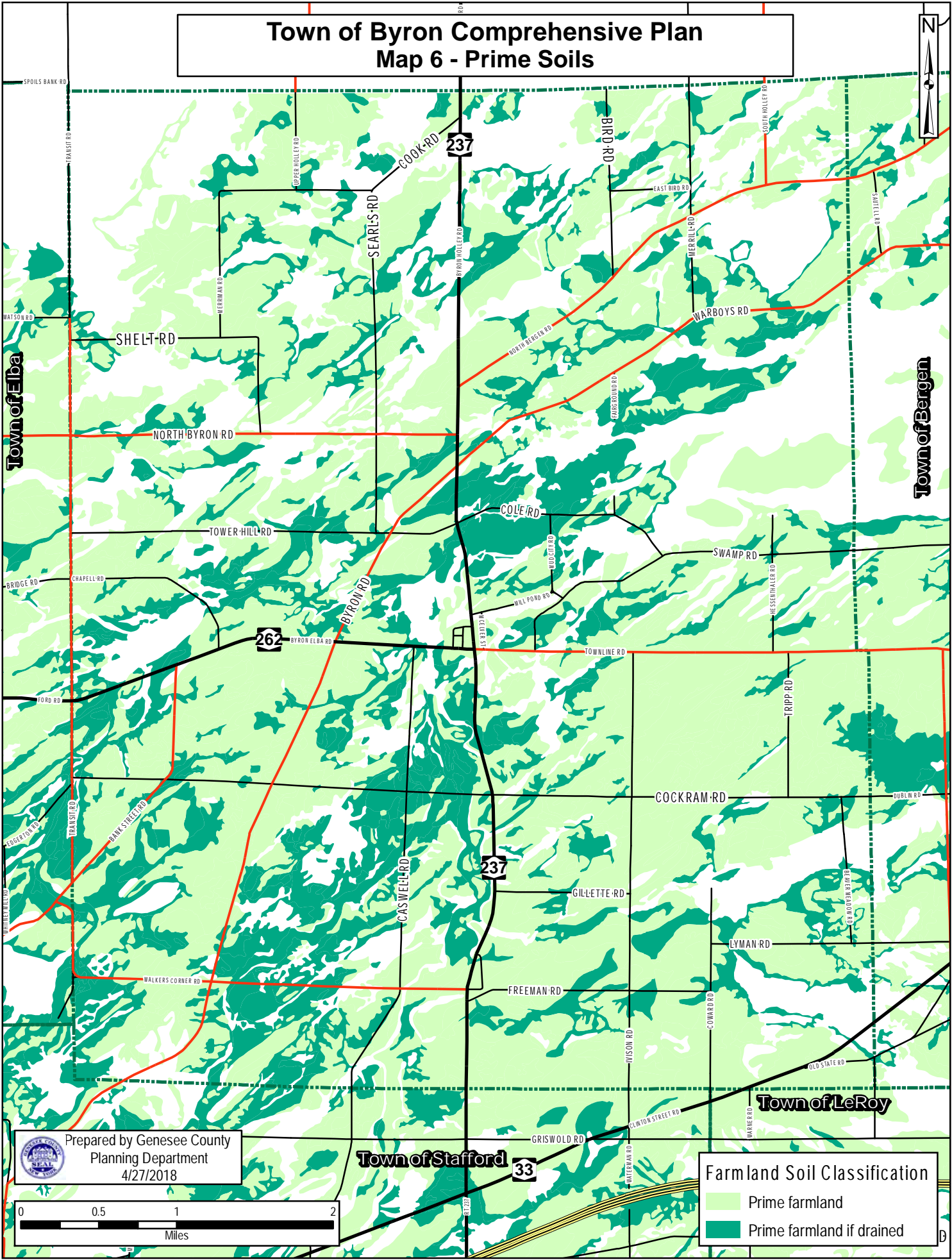


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Legend	
	Perennial Stream
	Intermittent Stream
	Lakes & Ponds

# Town of Byron Comprehensive Plan Map 6 - Prime Soils



Town of Elba

Town of Bergen

Town of LeRoy

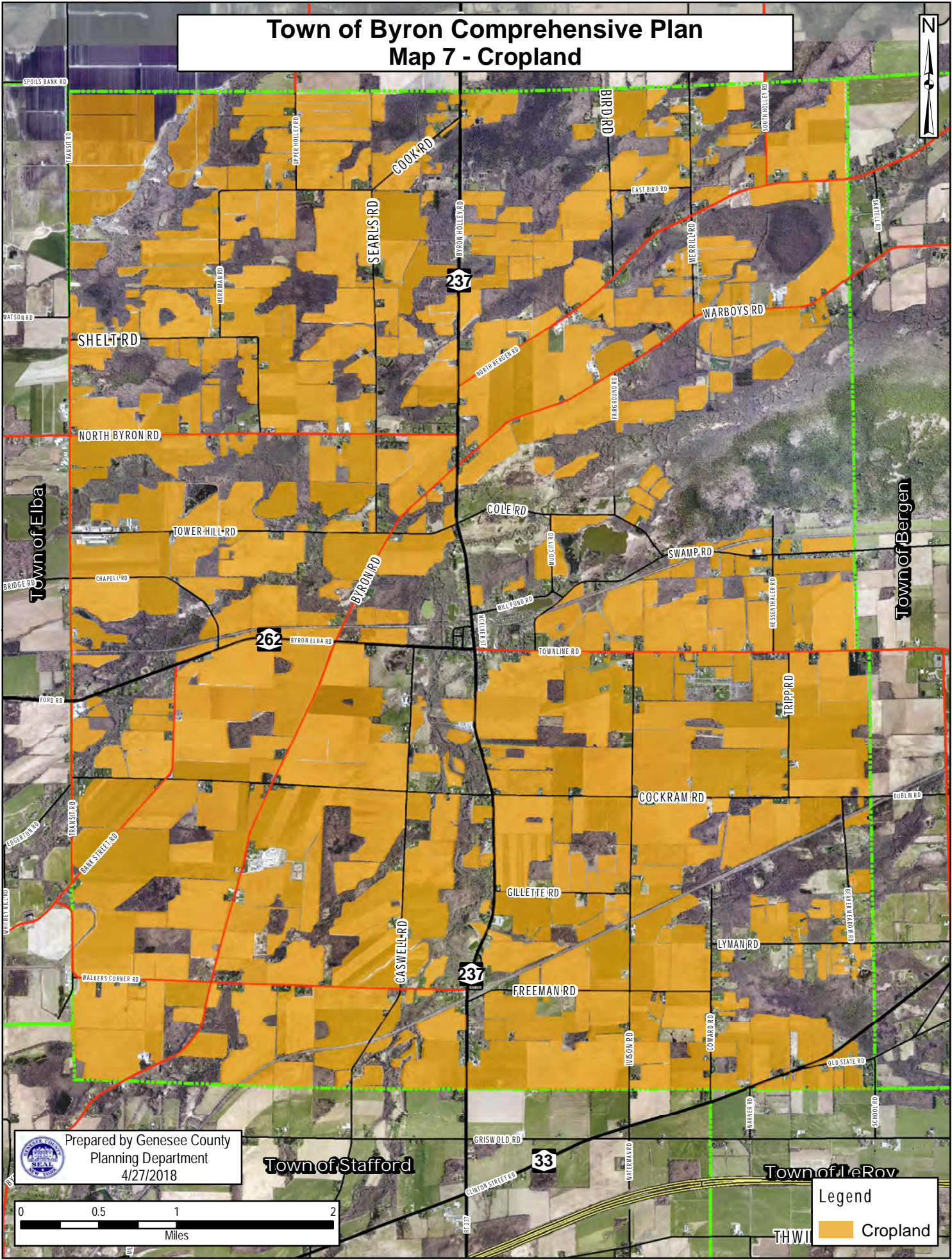
Town of Stafford

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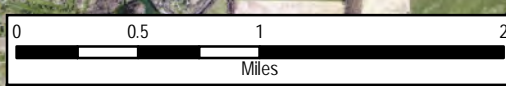


Farmland Soil Classification	
<span style="display:inline-block; width:15px; height:10px; background-color:lightgreen;"></span>	Prime farmland
<span style="display:inline-block; width:15px; height:10px; background-color:darkgreen;"></span>	Prime farmland if drained

# Town of Byron Comprehensive Plan Map 7 - Cropland



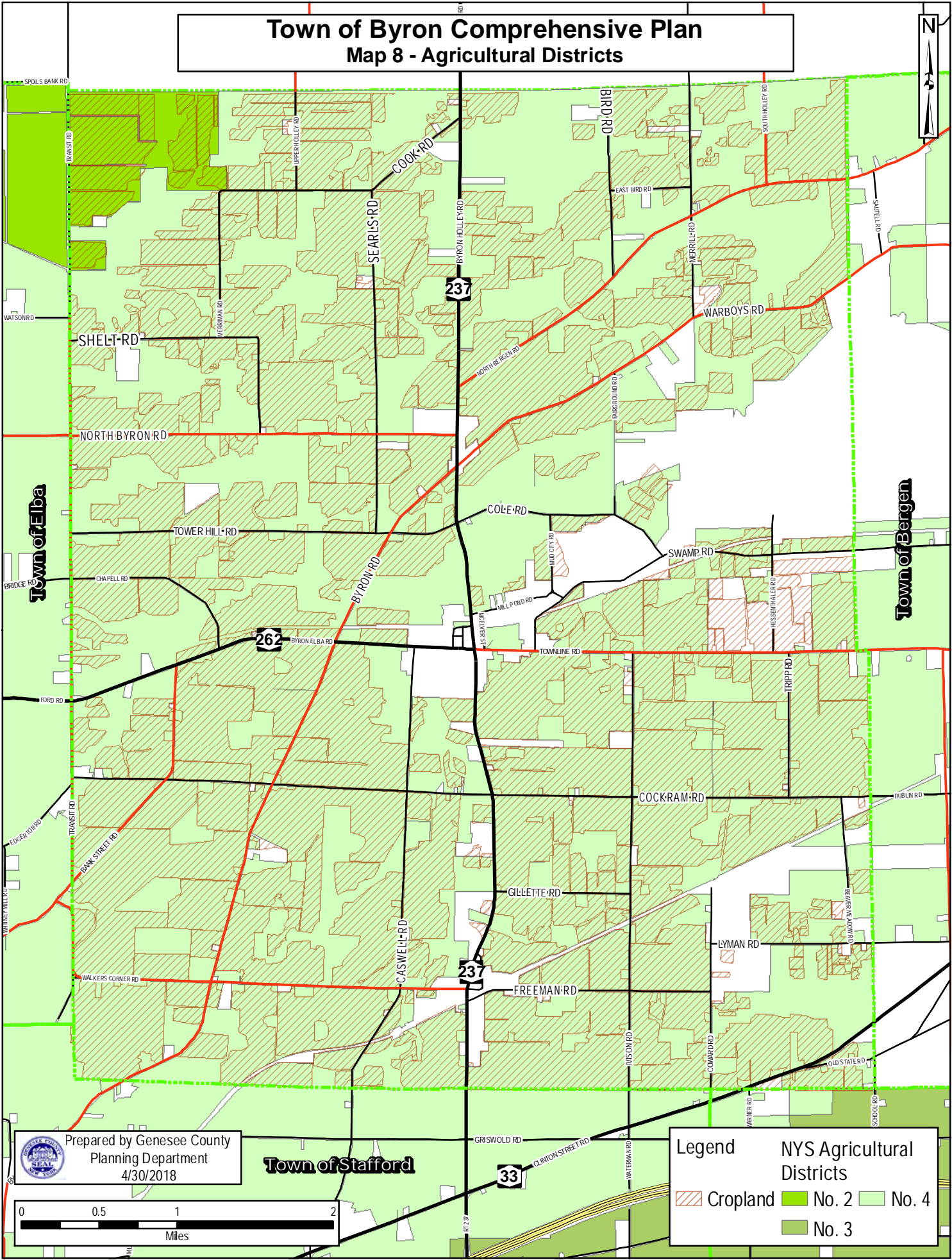
Prepared by Genesee County  
Planning Department  
4/27/2018



Legend  
 Cropland

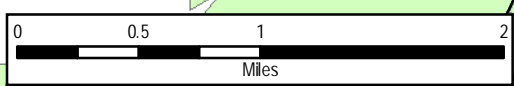
# Town of Byron Comprehensive Plan

## Map 8 - Agricultural Districts



Legend		NYS Agricultural Districts	
	Cropland		No. 2
	No. 3		No. 4

Prepared by Genesee County  
Planning Department  
4/30/2018



## D. Land Use Controls

- **Land Use – Map 9**

According to Real Property Tax Services data, land use in the Town of Byron is broken down as follows:

Town of Byron – Land Use		
	Acres	Percent
Agriculture	15,283 acres	74%
Residential	1,447 acres	7%
Commercial	16 acres	0.08%
Industrial	14 acres	0.07%
Conservation/Recreational	1,110 acres	5.4%
Government/Institutional	39 acres	0.2%
Transportation /Utilities	102 acres	0.5%

- **Zoning and Smart Growth – Map 10**

The Zoning Law of the Town of Byron as adopted on September 11, 2014 identifies the following zoning districts in the Town:

- ***Agricultural District*** (400 acres) - The Agricultural (A) Zoning District is designed primarily to preserve productive farmland and secondarily to maintain the rural environment of the district. Agricultural and residential uses have a number of inherent conflicts between them. The purpose of this district is to minimize these conflicts by separating such uses by providing an area where agricultural uses are the primary uses permitted in the district. Active agricultural operations and agricultural-based business are the predominant uses established in the district. Such uses shall continue to be permitted in this district. Before a zoning or building permit can be issued for any building project, the Planning Board shall be required to do a site plan review, with preserving agricultural land as the main criteria.
- ***Agricultural Residential District*** (17,331 acres) - The Agricultural-Residential (A-R) District is designed to accommodate primarily agricultural uses in order to preserve the town’s agricultural base and maintain its rural nature, while accommodating residential uses also. It is recognized, however, that agricultural and residential uses have a number of inherent conflicts between them. Individuals who plan to develop residential uses within the A-R District should be aware of such inherent conflicts and understand that residences are a secondary use. The primary intent would be to use marginal agricultural land for residential use in an effort to preserve more viable land for agriculture. The majority of the Town falls into this zoning designation.
- ***Residential District*** (894 acres) - The purpose of the Residential (R-1) District is to promote orderly development of the Town and to encourage well designed living environments which protect and stabilize the residential character of the town. R-1 Districts are generally located in the hamlet areas.



- **Neighborhood Commercial District** (17.7 acres) - The purpose in creating the Neighborhood Commercial (C-1) District is to provide locations where establishments may be appropriately located to serve frequent commercial and personal service needs of residents within convenient traveling distance. C-1 Districts are located in Byron Center and South Byron.
- **General Commercial District** (62 acres) - The purpose in creating the General Commercial (C-2) District is to provide locations where larger establishments may be appropriately located to serve frequent commercial personal service needs. Both commercial districts generally fall within the two larger hamlets in the Town.
- **Industrial Use District** (170 acres) - The purpose of the Industrial (I-1) District is to provide for the establishment of industrial uses essential to the development of a balanced economic base, to create local job opportunities in an industrial environment and to regulate such development so that it will not be detrimental or hazardous to the surrounding community and to the general health, safety, and well-being of the Town of Byron.
- **Land Conservation District** (1,509 acres) - The purpose of the Land Conservation (L-C) District is to prohibit building in the areas within said District. Allowed uses include parks, trails, and agricultural uses. The Bergen-Byron Swamp falls within this zoning category.

- **Smart Growth – Map 10**

The Genesee County Smart Growth Plan was prepared by the Water Resources Agency on behalf of the County Legislature, in conjunction with a plan to extend water service in Genesee County. The purpose of the Smart Growth Plan is to minimize the impacts from additional growth and development that would otherwise occur as a result of the extension of water service. The County Legislature committed to preparing the Smart Growth Plan as a mitigating action identified in the Environmental Impact Statement prepared for the extension of water service.

The Smart Growth Map delineates Priority Development Areas and Reserved Development Areas within Genesee County. For the Town of Byron, the Smart Growth Plan identifies Priority Development Areas at the hamlet of Byron (Center), located at the intersection of Byron Holley Road (NYS Rt. 237) and Townline Road (NYS Rt. 262); the hamlet of South Byron, at the intersection of Byron Holley Road (NYS Rt. 237) and Walkers Corners Road (County Rt. 19); and the hamlet of North Byron, at the intersection of Byron Holley Road (NYS Rt. 237) and Warboys and North Byron Roads. These areas are depicted as dotted lines on the zoning map.

The Smart Growth Plan maps and recommendations should be reviewed every three (3) years. The Town of Byron did not express an interest in revisions to the Smart Growth Plan or the Development Area boundaries during the 2016 review.



**Smart Growth Areas**

- **Sewer and Water Districts – Map 11**

*Town of Byron Sewer System*

The Town of Byron currently has three sewer districts serving the hamlets of South Byron, Byron (Center), and North Byron. Individual households and businesses within the three separate sewer districts are each connected to a septic tank. The effluent from these tanks goes into a gravity fed sewer pipe to three separate filter beds. In some cases the gray water is diverted to a holding tank which is then pumped into pipes to facilitate gravity feed to the filter beds. The filter beds (3) are comprised of three sections for each of the three districts and rotated so the effluent is distributed equally throughout the bed.

The septic tank for each unit is pumped approximately once every three years for residential and more often for businesses. One third of the total units is pumped each year.

The Town has contracted with a firm to maintain the sewer system at this time. The firm’s employees are licensed sewer department operators that allow them to do daily maintenance and testing. These employees are also on call for emergencies. Monthly reporting to the New York State Department of Environmental Conservation is handled by this contractor.

Each of the three filter beds has three sections with two sections operating at one time. A section is rested (changed) every three to four months. The system was constructed in the 1980s. South Byron and Byron Center discharges are to Black Creek. North Byron’s discharge is to Spring Creek. Average discharge per unit per day is about 160 gallons.

<b>Town of Byron – Sewer System Data</b>			
<b>Discharge - gal/day</b>	<b>Byron Center (54%)</b>	<b>South Byron (75%)</b>	<b>North Byron (53%)</b>
Permitted limit	53,000	25,000	6,000
2011 average	30,000	23,000	3,000
2012 average	27,000	20,000	3,000
2013 average	31,000	18,000	4,000
2014 average	28,000	19,000	3,000
2015 average	28,000	14,000	3,000
# tax parcels	137	84	18
# units	214.5	87	17

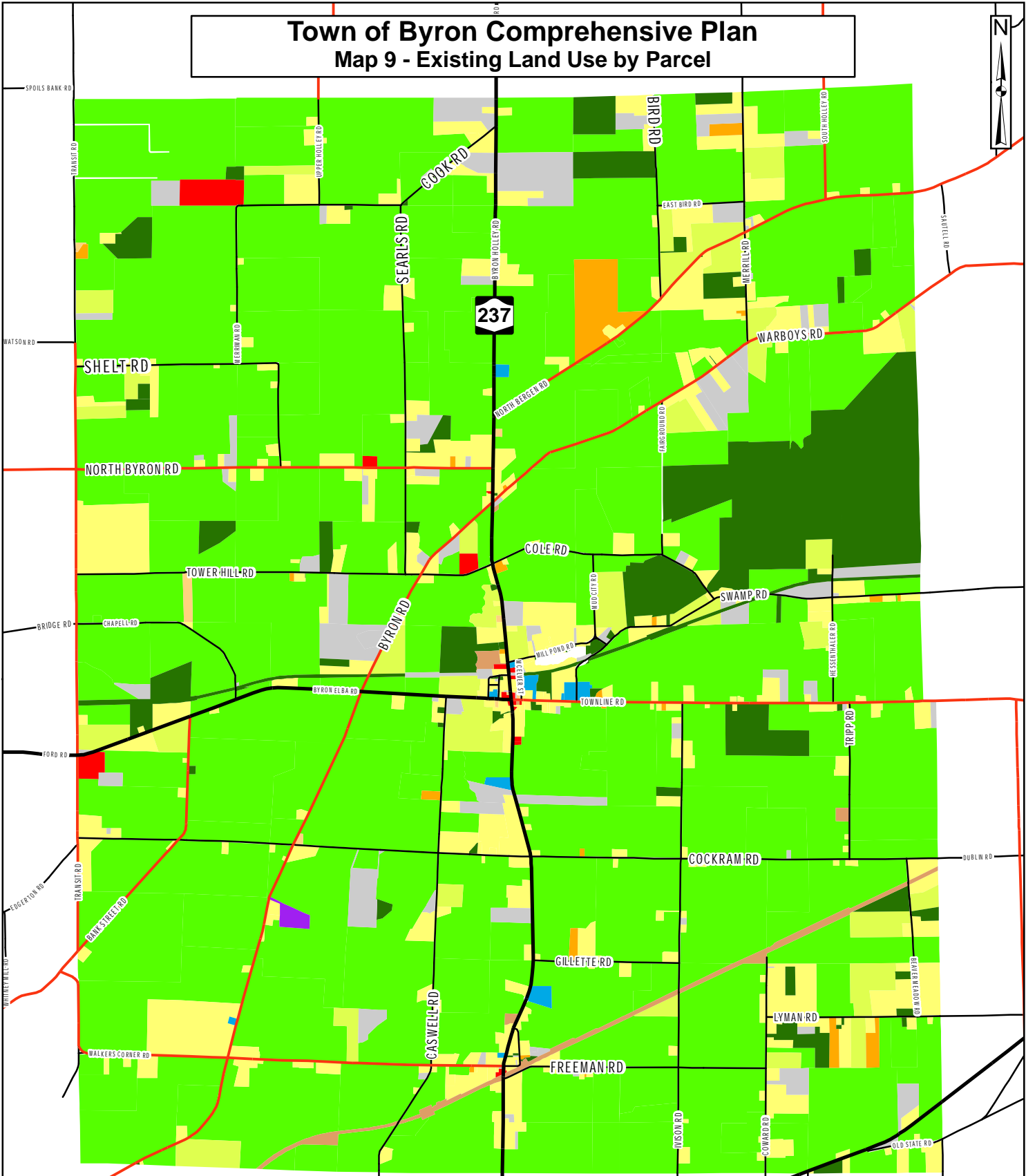
## *Town of Byron Water Districts*

There are six completed water districts that serve households and businesses in the Town of Byron. Public water is provided to the Town of Byron by the Monroe County Water Authority through the Genesee County Public Water Supply Program.

- The first Byron water district (Water District #1) brought water from the Town of Bergen down Route 262, through the hamlet of Byron (Center) to Black Creek. It extended north on Route 237 to Black Creek and south on Route 237 to the Town Highway Garage and Town Hall. This district includes all of McElver, Terry, and Pauline Streets, as well as Millpond Road and portions of Mud City and Swamp Roads.
- Water District #2 brought water from the Town of Stafford down Route 237, through the hamlet of South Byron, to the Town Hall (Water District #1). In the hamlet of South Byron it includes all of East Main and Mechanic Streets, as well as portions of Walkers Corners and Freeman Roads. This district also extended the water line from District #1 north on Route 237, through the hamlet of North Byron to North Bergen Road.
- Water District #3 extended water a short distance south on Ivison Road from Route 262 (Water District #1).
- Water District #4 extended water west on Cockram Road from Route 237 (Water District #2) to Caswell Road.
- Water District #5 extended water on Swamp Road (from Water District #1) to the Bergen town line. It includes Hessenthaler and Cole (to Mud City Road) Roads.
- Water District #6 extended water a short distance to the east on Cockram Road from Route 237 (Water District #2). It also extended water down North Byron Road from Route 237 (Water District #2) to Transit Road.
- Current proposed Water District #7 will extend water further west (from Water District #1), and across Black Creek, on Route 262 to Byron Road. It will extend south on Caswell Road to Walkers Corners Road, a short distance east on Walkers Corner (to Water District #2), and west on Walkers Corners to Batavia-Byron Road. It will extend north on Batavia-Byron Road to Cockram Road, then on Cockram Road, east to Caswell Road and a short distance west.
- Current proposed Water District #8 will extend water to many homes in the southeast portion of the Town. It includes all or portions of the following roads: Ivison, Tripp, Cockram, Gillett, Beaver Meadow, Lyman, Coward, and Freeman Roads.

# Town of Byron Comprehensive Plan

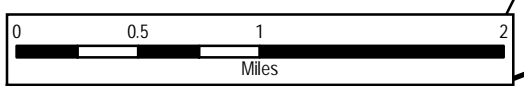
## Map 9 - Existing Land Use by Parcel



### Existing Land Use

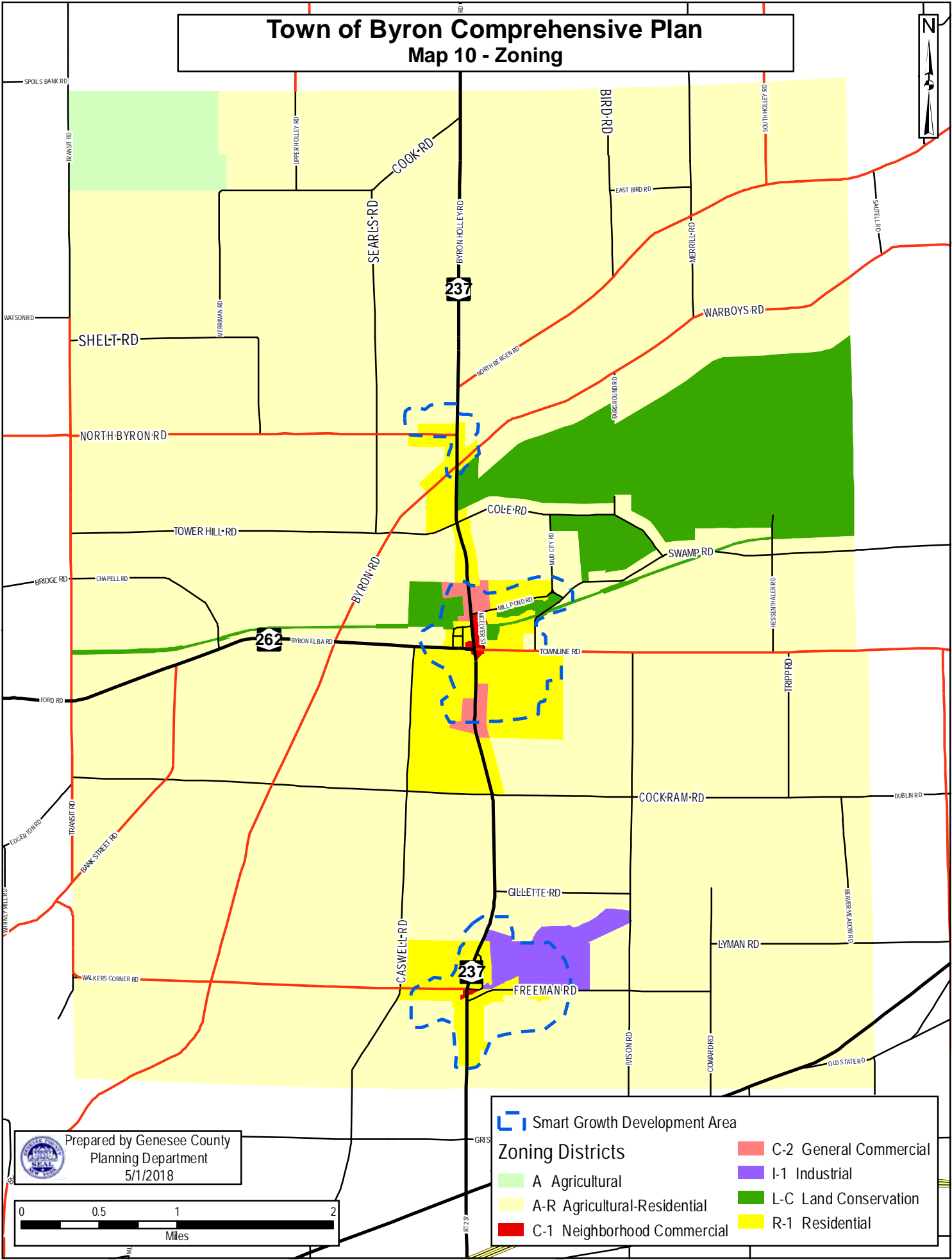
- |   |  |  |
|---|--|--|
|  Agriculture           |  Mobile Home Residential  |  Industrial               |
|  Rural Residential     |  Commercial               |  Transportation/Utilities |
|  Single and Two-Family |  Conservation/Recreation  |  Vacant                   |
|  Multi-Family          |  Government/Institutional |  |

Prepared by Genesee County  
Planning Department  
4/27/2018



# Town of Byron Comprehensive Plan

## Map 10 - Zoning

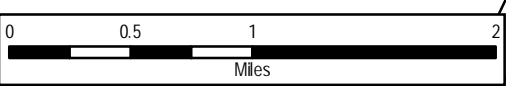


**Smart Growth Development Area**

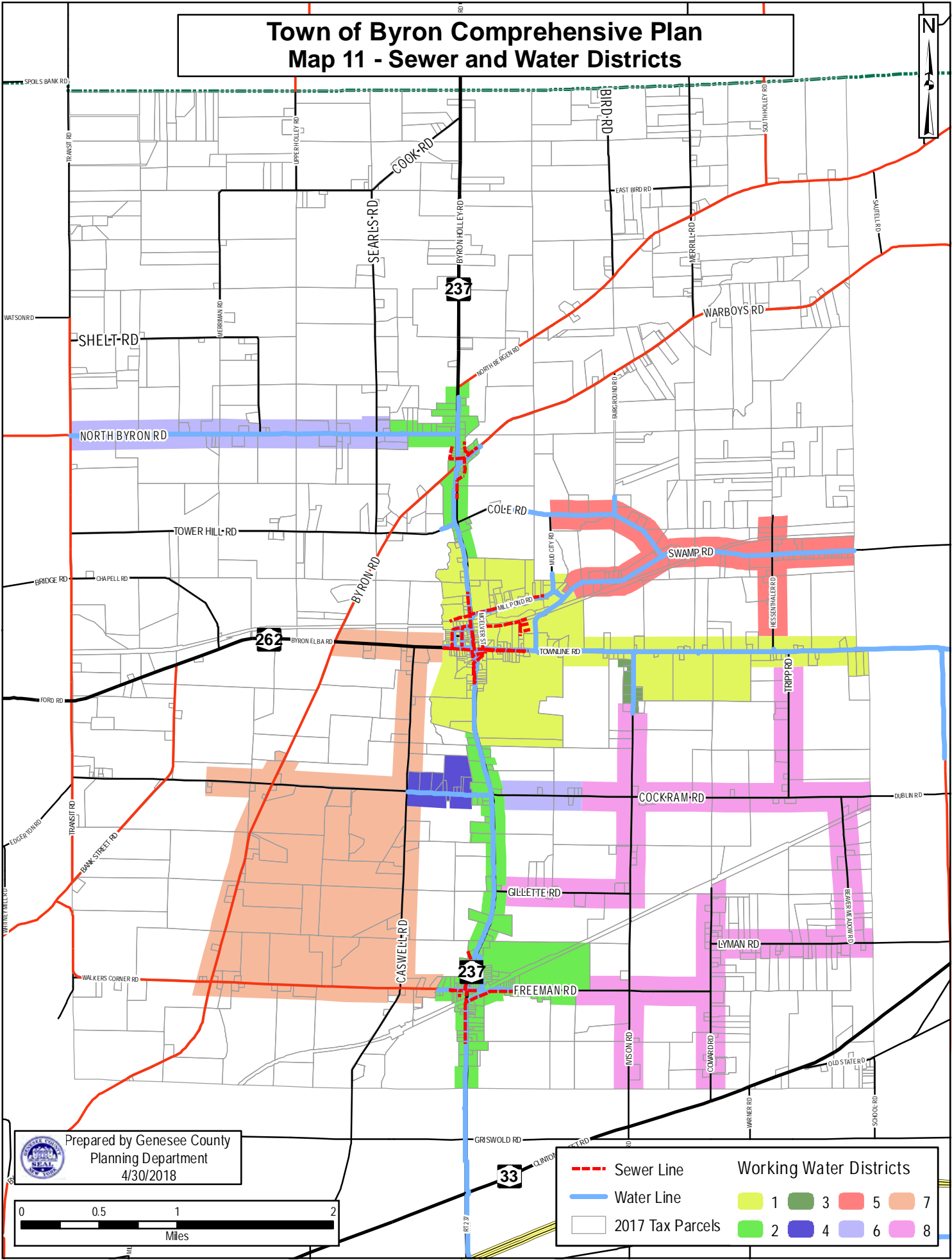
**Zoning Districts**

A Agricultural	C-2 General Commercial
A-R Agricultural-Residential	I-1 Industrial
C-1 Neighborhood Commercial	L-C Land Conservation
	R-1 Residential

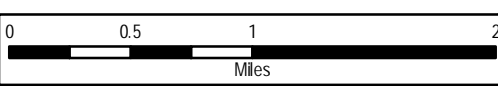
Prepared by Genesee County  
 Planning Department  
 5/1/2018



# Town of Byron Comprehensive Plan Map 11 - Sewer and Water Districts



Prepared by Genesee County  
Planning Department  
4/30/2018



	Sewer Line		1		3		5		7
	Water Line		2		4		6		8
	2017 Tax Parcels								

## 3. HISTORY

### A. History of the Town

Byron was divided from the town of Bergen on April 4, 1820, and was named for Lord Byron. The town was first settled by Bonhomie Preston in 1807, on lot 197, about a mile north of Byron Center. The first birth was that of a son of Elisha Taylor, in 1809; the first marriage that of Samuel Montgomery and Polly Parks, in 1811; and the first death that of a son of Mr. Haskins. Theater T. Holbrook taught the first school, in 1810-11; Ira Newburg kept the first inn, in 1815; and Amos Hewett the first store, in 1813. William Shepard erected the first saw mill in 1813, and Asa Williams the first grist mill, in 1814. The first religious services were held in 1809 by Rev. Royal Phelps, of the Presbyterian Church, from Cayuga County. The first Church (Baptist) was organized in 1810 by Elder Benjamin M. Parks.



The population of the town in 1865 was 1,645, and its area 20,531 acres.

According to *“A Descriptive and Biographical Record of Genesee County (1899)”*:

Byron Center, was the most important hamlet and is situated near the center of the town, on Black creek and the (former) West Shore Railroad (built in 1890s). A considerable business in grain and pork was done here. The hamlet contains two churches (Presbyterian and German Evangelical), a good school, two flouring mills, an iron foundry and manufactory of agricultural implements, a hotel, about ten stores, and a few smaller industries. Near the hamlet is the Byron cheese factory, built in 1867. It was the first in the county. It received milk from 224 cows and produced cheese for the English market.

The Genesee mills stand half a mile east of the hamlet, on the Mill Pond. The creek plus steam power furnished power to turn all machinery. It produced flour and feed for livestock. McElver & Sons agricultural works were established at Byron Center about fifteen years ago (1884). They manufactured agricultural implements and did repair work in castings. The machinery was driven by steam power.

North Byron is situated about a mile north of Byron Center. It is a small hamlet. It has one church (Freewill Baptist). North Byron is known as “Pumpkin Hill” for a hotel and tavern sign in the shape and color, of a pumpkin.

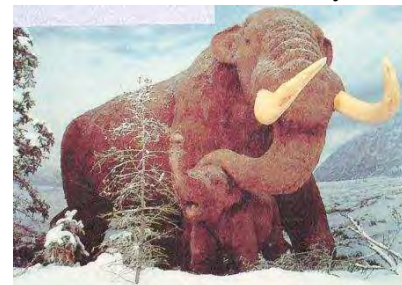
South Byron is in the southern part of the town, on the main line of the New York Central and Hudson River Railroad (built in 1837). It contains a Methodist Episcopal church, an excellent school, three or four stores, a hotel, a mill and a produce warehouse. South Byron was described as a “flourishing grain market”. A hop growing farm was located east of South Byron.

Agriculture and the railroads have had a significant influence on Byron’s history. Several large farms from 50 to over 100 acres are described. For that time period of the 1800s that would seem to be a significantly large acreage for farms. Both crops (grain, beans, vegetables, fruit and provender or livestock feed) and livestock (horses, cattle, sheep and hogs) was produced on Byron farms. Much of this production was processed by local businesses (grist or grain mills, cheese factory, cider mills and butcher shops). Three produce and grain elevators in Byron Center (2) and South Byron (1) operated from the early 1900s into the 1970s.

Several large farms including L-Brooke Farms (1966) - formerly G.F. Britt & Sons – (1955), Hohn Farms (1977), Lea-View Farms (1975), Sharp Farms (1968), Zuber Farms (1973), and S.J. Starowitz Farms (1982) still produce significant variety and quantity of agricultural products. L-Brooke Farms began manufacturing farm machinery in 1968 under the name “Byron Enterprises” to keep farm laborers busy during the winter months. The company started by building harvesters for corn, beans and peas. Today Oxbo International Corporation develops, manufactures and supplies specialized agricultural equipment for niche market agribusiness worldwide. Oxbo currently offers equipment for: berries, citrus, coffee, field corn, fresh market vegetables, forage, jatropa, olives, seed corn, processed vegetables, and vineyards.

## B. Byron Dig at the Hiscock Archeological Site

The Hiscock Site in Byron is an archeological excavation site where many mastodon and paleo-Indian artifacts have been unearthed. The site is named for the (Charles) Hiscock family who, in 1959, accidentally dug up a large mastodon tusk while using a backhoe to deepen a pond. The site is now owned by the Buffalo Museum of Science and many specimens were discovered with the help of hundreds of volunteers, since analysis began in 1982. Dr. Richard Laub, Curator of Geology, headed the Byron Dig. The dig is probably among the top three archeological sites for uncovering mastodon remains in the world, and it's also given up a treasure trove of human habitation finds. The dig site was closed in July 2011 but still remains in the ownership of the Buffalo Museum of Science.



## C. Sulphur Springs

Byron is the site of natural sulfur springs, as noted in the following excerpt from a book about the springs written in 1842:

GENESEE COUNTY. In this county, we have, near North-Byron, a sulphureous spring, the gas of which is so copiously given out as to be inflamed; and in the southeast part of the same town, are springs of a similar kind. A very remarkable locality in this vicinity deserves to be particularly noticed here, as the occurrence is undoubtedly to be referred to the same general agencies which are concerned in the production of sulphuretted hydrogen. I refer to the Sour Spring, so called, which exists in the southwest corner of the town of Byron. The acid is produced from a hillock





about two hundred and thirty feet long and one hundred feet broad, elevated four or five feet above the surrounding plane. According to Prof. Eaton, the strength of the acid increases in a drought. He states, that when he examined the locality, considerable rain had recently fallen, and the acid in most places was very dilute, but in some it appeared to be perfectly concentrated, and nearly dry in its combination with the charred vegetable coat. In this state it was diffused throughout the whole hillock, which was every where covered with charred vegetable matter to the depth of five to thirty or forty inches, occasioned by the action of the sulphuric acid. Wherever holes were sunk in this hill, the acid accumulated, and also in the depressions of the contiguous meadow grounds. There is another locality of a similar kind a hundred rods west of Byron Hotel, and two miles east of the former, which is remarkable in consequence of the great quantity of acid.

*(Mineralogy of New York - Comprising Detailed Descriptions of the Minerals Hitherto Found in the State of New-York, and Notices of Their Uses in the Arts and Agriculture. By Lewis C. Beck, M. D. Professor of Chemistry and Natural History in Rutgers College, New-Jersey, Albany: Printed By W. & A. White & J. Visscher. 1842.)*

## 4. VISION AND GOALS

### A. Public Input

- **Public Input – Comprehensive Plan Steering Committee**

The Town of Byron Comprehensive Plan effort was spearheaded by a Steering Committee that incorporated a range of viewpoints. Members included Planning Board, Town Board, residents, business owners, agriculture, and other perspectives. This group met on a monthly basis to work on the document.

- **Public Input - Meetings**

Two public meetings were held for this project. The first public meeting, held on January 17, 2017, was an introductory meeting to get initial input from the public on the direction of the plan. A summary of the meeting and input received is included in the appendix to this plan.

The meeting began with an Open House, where attendees could view maps, provide written input, comment on photo boards and talk to members of the Comprehensive Plan Update Steering Committee. The group then gathered for a brief presentation on the project, followed by the opportunity to raise questions and comments. Comments received from the public made clear that residents value the quality of life and sense of community in Byron. There is strong interest in preserving the rural quality of the community, while still allowing some growth and investment. Hamlet revitalization and improving the visual character of these areas was noted. Concerns were raised about the capacity of local infrastructure. Attendees were encouraged to fill out the online survey.



The second public meeting was held on May 24, 2018, and included an overview of the Plan document. The finalized maps were available for review. The presentation addressed the purpose and benefits of comprehensive plans, followed by a discussion on the major findings from the research and a summary of the public survey results. Finally, the presentation outlined the goals for the Town of Byron, and the priority recommendations contained in the Comprehensive Plan. Attendees were given the opportunity to raise questions and comments, and discuss the results with members of the Steering Committee. The meeting closed with a discussion on the proposed Vision Map.

- **Public Survey Results**

The Town conducted a community input survey to obtain additional public input on major issues facing the Town. A total of 198 persons responded, representing approximately 8% of all residents, or 22% of households. Briefly, the majority of responses were from long-time residents of the Town, with 84% having lived in the Town for at least ten years, and 58% for more than 21 years. The most chosen response for why they chose to live in Byron was the rural character, selected by 46% as “very important, and 82% as “important” or “very important.” Other factors include convenience, housing costs, the school district and the natural environment.

When asked to rate various types of development for the Town, the most popular response was a park with a picnic area and/or playground (86%), followed by a farmers’ market (82%). Farming (78%), hiking and biking trails (72%), elder care (71%) and activities for youth (70%) also received high scores.

Agriculture is a high priority for Town residents. Over 95% of respondents feel local agriculture is very or somewhat important, and 65% believe the Town government should take an active role in supporting agriculture. By a factor of 80% or more, residents value agriculture for its role in the economy and for its contribution to rural character. Means of supporting agriculture that were favored include agricultural economic development (79%), zoning changes (75%) and grants and other support to assist local farmers (71%). Most of those answering the survey (87%) were not themselves involved in farming.

In terms of housing, the quality of the housing stock was the greatest concern, identified by 72% of respondents as a need in the Town of Byron. There was some interest in housing for senior citizens (55%), but other housing issues did not raise to a major priority.

A majority of residents support a range green energy initiatives, including energy conservation; residential and commercial solar; wind; green businesses and community-based bio-digesters. Similarly, residents support environmental initiatives: 80% were strongly or moderately in favor of designating areas of Byron as “Forever Green,” and preserving important areas of woodlands and open space. Nearly 90% state that natural resources, such as streams, wetlands and forests, are important, and a between 70 and 77% support habitat protection, natural history sites preservation, and open space protection. Nearly 80% participate in hiking and walking activities, while 59% rate biking as an important outdoor recreational activity.

Over three-quarters of respondents support the Town seeking grants for activities such as improving the character of the hamlet areas. A similar percentage supports the Town taking more proactive measures to encourage new businesses, and 88% favor supports for existing businesses in Byron.

Residents support the Town revising its land use regulations in order to achieve local goals, such as improving the upkeep of dilapidated buildings, developing standards to protect land values, and protecting environmentally sensitive areas.

Full survey results are included in the appendix to this plan.

## B. Vision Statement

Based on input from the public, and discussions on the part of the Byron Comprehensive Plan Committee, the following is the vision for the future of the Town of Byron:

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*The Town of Byron should seek to preserve its rural nature and agricultural base. There is room and a need for limited residential, industrial and commercial development, but the current character of the community is what has attracted and keeps the residents of the Town here – the character should not be radically altered. Any new development must place in a very planned, measured, and directed manner.*

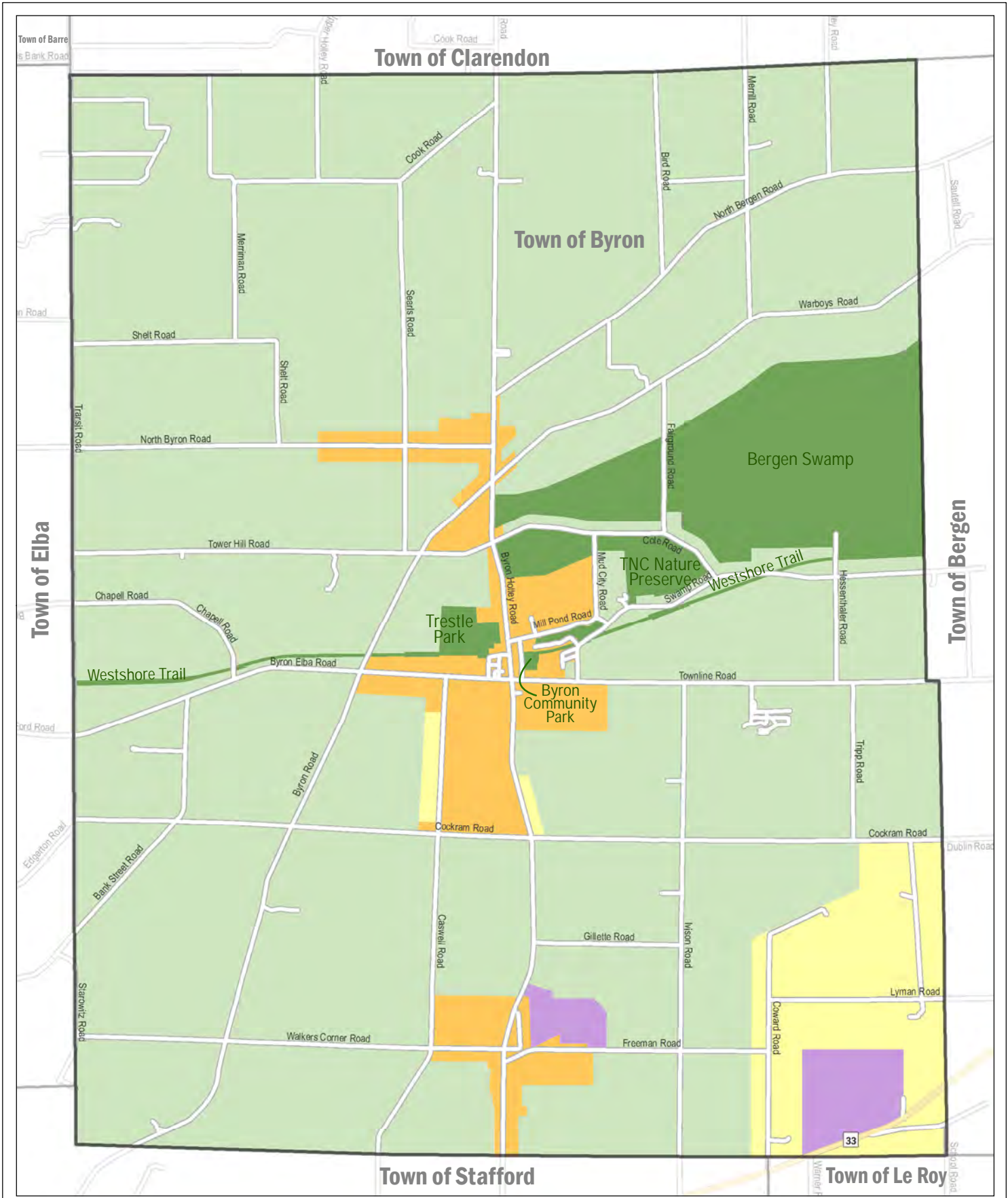
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The intent is to retain a large proportion of the Town for rural and agricultural uses, while recognizing that the areas around the hamlets offer opportunities for compatible development. This vision has been translated into a visual depiction on Map 12: Vision Map.

## C. Goals

As a result of the survey, the public meetings and the input from the Steering Committee, the following goals have been established for the Town of Byron:

1. Preserve agricultural base – land and farm operations.
    - Encourage roadside farm stands.
  2. Maintaining the “rural character” remains the most crucial factor.
    - Improve condition of housing stock and character of hamlets
    - Create a positive business environment and encourage new development in the Town in a manner that doesn’t hurt small town character.
    - Maintain and (perhaps) add parks, picnic areas, playgrounds, and hiking and biking trails.
    - Creation and enforcement of laws to protect environmentally sensitive areas and minimize environmental impacts from development
    - Creation and enforcement of laws to address property maintenance
  3. Explore opportunities to address needs of an aging population.
  4. Explore opportunities to maintain and add youth activities.
  5. Encourage green energy projects.
  6. Continue to extend public water and sewer.
  7. Consider adoption of policies or procedures regarding management of the Town’s (capital) assets.
-



**Town of Byron  
Comprehensive Plan  
Map 12: Vision Map**

<b>LEGEND</b>	Town of Byron	Land Conservation
	Agriculture / Rural Residential	Residential
	Industrial	Residential / Commercial

0 1,000 2,000 4,000  
Feet

WD Project # 494301  
Map Created: August, 2018

Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. shall assume no liability for 1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused or 2. Any decision or action taken or not taken by the reader in reliance upon any information or data furnished hereunder. Data Sources: Esri, HERE, DeLorme, MapmyIndia, OpenStreetMap contributors, Clark Patterson Lee, NYS GIS Program Office

## 5. GOALS DISCUSSION

### A. Agriculture: Preserve agricultural base – land and farm operations.



Agriculture is extremely important to Town of Byron’s economy and its way of life. It supports many families throughout the Town, either directly or indirectly, through an interrelated chain of business from seed suppliers, to farmers, from processing companies to outlets selling farm products. It is part of the culture of the Town, from children participating in 4-H programs, through the Farm Bureau and the County Fair. It contributes to local residents’ pride in their community, and the beauty of its landscape. For these reasons and more, it is a priority of the Town of Byron to keep agriculture vital and successful in the Town.

The Town of Byron has been successful with preserving agricultural land. To date, development pressures have been low, and most of the conversion of agricultural land to non-agricultural uses has been for residential development. Both Town laws and priorities, as well as County programs and policies, such as the Smart Growth Plan, have been important in achieving this success. The agricultural community has also played a crucial role, keeping on top of new technologies, identifying new markets and adopting new

ways to be more efficient. It is important for the Town of Byron to build upon this success, and adopt policies and programs that can enhance and support the agricultural community.

The key to protecting farmland in the Town of Byron is the continued strength of the economics of farming. Local farmers recognize the value of prime farmland, and are dedicated to protecting it for agricultural use □ as long as farming remains a viable business that can support their families.

The following are recommendations for preserving and supporting agriculture in the Town of Byron:

1. Adopt a Town-level Farmland Protection Plan – a Town Farmland Protection Plan would build upon the Genesee County Agriculture and Farmland Protection Plan, and develop policies and actions in support of farming at the Town level.
2. Create a Strategic Farmland Map (prime soils, Agricultural Districts) – The map would highlight priority lands for agricultural protection, giving the Town guidance on where to discourage non-agricultural development.
3. Consider the designation of an ‘agricultural production zone’
4. Establish a Town agriculture committee - Town Law Section 271(11) permits towns with state agricultural districts to allocate planning board seats to farmers. Agricultural advisory committees can also be established to provide guidance to a town.
5. Adopt a Right-to-Farm Law - Several municipalities in New York State have passed local “Right to Farm” laws. Such laws typically establish a town policy in support of farming, define “generally accepted agricultural practices,” and affirm a farmer’s right to employ such practices. The laws also include a requirement that purchasers of property within the town be notified of the policy of encouraging farming, and that farm practices may include odors, noise and other activities. A “grievance” procedure is established to resolve complaints between farmers and non-farm neighbors. A local grievance committee may be formed to hear and resolve complaints. This committee would include local farmers and may include non-farm representatives. The Town could appoint an existing committee, such as the Conservation Advisory Council or Planning Board, to act as the Grievance Committee. In some counties, the Agricultural and Farmland Protection Board may take on the responsibility of handling local grievances under the “Right-to-Farm” law. A new committee would need to follow the requirements of the NYS Open Meetings Law and schedule and advertise its meetings in advance.
6. Encourage Roadside Stands - The purpose of a roadside stand is to allow farmers, who are actively farming, a means of low cost entry into direct marketing their farm products. It is characterized as a direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts. Permitted activities include: the marketing of agricultural products, products that are agriculture-related, including specialty foods, gift items, mass produced items that reflect the history and culture of agriculture and

rural America; crafts; pick-your-own fruits, vegetables and nuts; and community supported agriculture (CSA).

7. **Water** - Water is necessary for both safety and economic competitiveness reasons, as was demonstrated by the drought in 2016. Health codes set standards, particularly for larger employers, and new federal food handling regulations underscore the need for clean, abundant water. Both dairy and produce operations are able to have higher yields with access to water. The Town's efforts to extend water lines can support agricultural operations. At the same time, it could encourage non-agricultural growth. The Town needs to develop a mechanism to inform potential purchasers of property in agricultural districts, where water lines may exist, that connection to the water line may be restricted.
8. **Drainage/Stormwater Management** - The Town may also want to explore the feasibility of establishing drainage districts, based on the Town's watersheds.
9. **Broadband** - For farm operations, high speed internet is increasingly a necessity. Many modern farming techniques use web-based applications, such as GPS, to maximize yields, track production, and manage operations. The Town should prioritize extending high-speed internet throughout the Town.
10. **Three-Phase Electricity** - It is recognized that high quality electrical service is needed at the agricultural business parks; what is less well known is the increasing necessity of three-phase electrical power for farms. This type of service is expensive, and the rules for qualifying for service are extremely complex and poorly understood. The County and Town should work with the PSC to determine if a farm qualifies as a major user, eligible under the tariff process for assistance.
11. **Educate and Engage the Consumer** - As a smaller percentage of the population is directly connected to agriculture, more education is needed about agriculture, its practices and its benefits. It is important to maintain the connection between farmers and consumers, to educate the public about where their food comes from, and to increase awareness about the realities of life in an agricultural community. With the development of the Science and Technology Advanced Manufacturing Park (STAMP) project, there may be an influx of new residents to the Town that did not grow up in a farming community. Such outreach will help mitigate conflicts between agriculture and the public, and increase awareness of and sensitivity to agricultural needs.
12. **Model Zoning and Subdivision Codes**: The Town should modify its zoning and subdivision regulations. This includes considering "form-based" models, as well as more traditional agricultural zoning districts. A "form-based" approach for very rural lands would be a unique approach. Instead of setting standard side- and rear-yard setbacks typically seen in agricultural zoning districts, the form-based code would emphasize ensuring adequate buffers between agricultural uses and adjacent non-agricultural development to minimize potential conflicts from agricultural operations, either through vegetative screening (hedgerows, woodlots) or appropriate placement (distance from active agricultural uses.) The intent of the zoning would be to minimize conflicts between farming as an activity and adjacent land uses. Some sample provisions are included in the Implementation chapter of the Genesee County Agricultural and Farmland Protection Plan (May 2017).



13. Community digester. There have been digesters developed on individual farms including one farm in the Town. However, the Town could investigate the feasibility of a community digester to generate electricity. The facility would accept plant-based farm waste from area farms, providing a means of using agricultural by-products. The challenge would be identifying an appropriate location. It needs to be accessible to potential suppliers of food waste, have access to the grid, public water and good transportation access. At the same time, there should be adequate distance from neighbors, to mitigate odors and other impacts.
14. Accessory dwelling units –Farmers’ needs for people on-site to care for animals and plants may conflict with zoning regulations limiting the number of residences allowable on a site. Many local farm businesses are family-owned and operated. Owners – often more than one family or generation– frequently live at the farm. Farmers also often provide housing for employees so they can help with night births or animals escaping from fences, and to provide affordable housing for both year-round and seasonal workers. The Town allows accessory apartments with a Special Use Permit in the A-R and R-1 zoning districts, but they are explicitly defined as only allowed for elderly or infirm family members, which does not address the needs of the agricultural community.
15. Greenhouses - Greenhouse crops are a fast-growing segment of agriculture, but local restrictions on erecting greenhouses and excessive tax assessments can burden growers. Many different types of greenhouses are used by growers for one or all stages of plant production. Greenhouses range from temporary, low-cost, portable structures to extremely high-tech, computerized, environmentally controlled growing spaces. Greenhouses can be important to both specialized and diversified farm enterprises that grow vegetables, fruits, and/or flowers and plants. Crops are produced in agricultural enterprise greenhouses, and may also be sold directly from the greenhouse. This is distinguished from a commercial florist greenhouse which displays and sells product purchased elsewhere.

References: Genesee County Agricultural and Farmland Protection Plan – May 2017  
Planning for Agriculture in New York: A Toolkit for Towns and Counties –  
American Farmland Trust (2011)  
Town of Elba Right-To-Farm Law – Local Law #2 of 2013 (February 3, 2013)

## A. Rural character: Maintaining the rural character remains the most crucial factor



What do we mean by “rural Character?” Fred Heyer observed in his recent report on preserving rural character that “rural character is a bit like pornography - it’s very difficult to define, but you know it when you see it” (Heyer, 1990). In simplest terms, rural character describes visual or thoughtful perceptions of both natural and developed landscapes synonymous with a rural “sense of place”. Whatever rural character is, Byron’s residents value it highly and are adamant that it be preserved. Those living in rural areas report that growth, development, and urban sprawl are the most negative influences on rural character in their communities. While development pressure has been non-existent in Byron for a long time, it is possible to envision that a project such as the Science and Technology Advanced Manufacturing Park (STAMP) in the Town of Alabama could change that in a short period of time. Preserving rural character in the context of planning policy, therefore, may from a community perspective be shorthand for limiting change and warding off growth.

Rural character encompasses expanses of open land occupied by farms or other resource uses (including natural resources) with small towns and villages scattered between. Rural areas are undergoing rapid change as they become less isolated and more quickly accessible. Farm operations have become more like corporate enterprises. Horse power has long given way to sophisticated machinery. Forestry and mining operations have also become highly mechanized. Highways and computers bring urban areas and services closer to the country. They also bring increasing numbers of former urban residents who are taking up residence in the country.

We need to recognize, preserve, protect, and enhance the character and quality of Byron’s rural area in a manner that promotes traditional rural lifestyles, farmland and agricultural enterprises, open space, scenic vistas, recreation, and historic resources, while also allowing for compatible limited residential development and service areas. Rural character refers to the patterns of land use and development where open space, natural landscapes, and vegetation are predominant over the built environment. Agrarian

lifestyles, rural-based economies, and agricultural landscapes are usually found in rural areas, as are wildlife habitats and very low-density development. Regardless of how rural character is defined, as more people become interested in rural areas, preserving the unique character of these areas may become a challenge.

Small towns and rural communities throughout the United States are looking for ways to strengthen their economies, provide better quality of life, and build on local assets. Many rural communities and small towns are facing challenges, including rapid growth at metropolitan edges, declining rural populations, and loss of farms and working lands. Slow-growing and shrinking rural areas might find that their policies are not bringing the prosperity they seek, while fast-growing rural areas at the edge of metropolitan regions face metropolitan-style development pressures.

Part of the problem is that planning, zoning, and other local tax and government policies too often work against the stated master plan goals of preserving rural character and open space. We need to identify those for Byron. Implementing comprehensive plan goals to promote rural character, in the words of one seasoned planning board member, “is not a painless process.” Preserving rural character requires conserving open space and historic places. The planning, zoning, and tax policies required to achieve that goal may be controversial.

When communities frame comprehensive plans around preserving rural character, people are seeking to hold onto and promote traditional rural or small-town values of family, community, independence, responsibility, self-government, conservation, entrepreneurship, and strong work ethic in a fast-changing world. Everyone wants the calendar-photography scenes of rural character, but along with the pretty side of rural character comes a gritty side. Farms are businesses that may have some commercial and industrial aspects. Trucks deliver supplies, haul crops from field to barn, and produce to market. Along with peaceful cows or woolly sheep grazing in the meadows, odors may emanate from stored silage feeds, and from storing and applying manure in accordance with environmental standards. Best management practices (BMPs) help keep odors and flies to a minimum. Genesee County Soil & Water Conservation District and the USDA Natural Resources Conservation Service offer technical assistance to farmers and communities to ensure BMPs are followed. The NYS Department of Agriculture & Markets investigates and handles complaints.

The following are some recommendations to accomplish the rural character goal:

1. The Town of Byron should use smart growth strategies as a tool that can help the Town achieve their goals for growth and development while maintaining their distinctive rural character. This approach includes:
  - Planning where development should or should not go can help a rural community encourage growth in town, where businesses can thrive on a walkable main street and families can live close to their daily destinations. For Byron, this would be within the hamlet areas.
  - Planning where agriculture should dominate the landscape and development should be discouraged.

- Policies that protect the rural landscape help preserve open space, protect air and water quality, provide places for recreation, and create tourist attractions that bring investments into the local economy.
  - Policies that support walking, biking, and public transit help reduce air pollution from vehicles while saving people money.
2. Zoning, a responsibility of Town Board and Town Planning Board, is another tool the Town has available to assist in maintaining rural character. By definition, zoning involves the use of legislation at the local level to regulate area land use. It also serves to divide the land, placing restrictions and standards on the activities permitted in certain zones or districts. The following are some recommendations:
- Avoid converting natural areas to landscaped areas, for lawns, and the use of invasive vegetation
  - Avoid developing on or near 100-year floodplain
  - Encourage efficient use of land and public services
  - Emphasize need for community open spaces, for the protection of natural, historical, and cultural sites
  - Encourage the use of buffer zones along significant riparian zones where possible
  - Encourage connectivity of natural and man-made corridors throughout the community

The Town Board and Planning Board should periodically review the Zoning Law of the Town of Byron to ensure the Law creates a positive business environment and encourages new development in the Town in a manner that doesn't hurt the small town (rural) character. The Zoning Law (adopted September 11, 2014; amended May 11, 2016) currently separates residential land use and commercial land use with its R-1 Residential District (strictly residential use) and C-1 Neighborhood Commercial District and C-2 General Commercial District (strictly commercial). The Town Board and Planning Board should investigate a mix of land uses in appropriate locations and consider modifications to existing District designations. Zoning districts with homes, stores and services, civic places, and other land uses put residents closer to jobs and their daily needs, allowing them to walk, bike, or drive shorter distances. This convenience is particularly important for people who do not have cars. The varied uses create lively neighborhoods with a sense of place. Adjusting zoning codes to allow mixed-use districts is often a critical first step in developing these areas.

The Zoning Law of the Town of Byron currently identifies Land Conservation Districts (L-C) within the Town. As described in Section 9.10 (a) Intent – “The purpose of the Land Conservation (L-C) District is to prohibit building in said Districts. Periodic review and enforcement of laws should take place to protect environmentally sensitive areas and minimize environmental impacts from development.

3. Existing codes and laws need to be enforced and periodically reviewed. They need to be made accessible to all residents. Additional mechanisms to encourage and facilitate property maintenance need to be considered

**Code Enforcement: What is code enforcement in the Town of Byron?**

- **Local Code Enforcement: Definitions**

*Code Enforcement Officer* – The public official, agency or organization appointed by the Town Board of the Town of Byron to enforce the New York State Uniform Fire Prevention and Building Code in the Town of Byron (Article 18, Section 370-383, Executive Law).

*Zoning Enforcement Officer* – The official designated by the Town Board of the Town of Byron to enforce the provisions of this Local Law (Zoning Law of the Town of Byron)

Responsible property ownership and maintenance is at the heart of neighborhood stability. While property ownership confers important rights, it also confers equally important responsibilities on the owner. While most owners meet their obligations – maintaining their properties and complying with codes so they do not cause harm to their occupants, their neighbors and their communities – many do not. In those cases, the Town has the task of encouraging negligent owners to carry out their responsibilities, and if they do not, take action to minimize the harm to the community. This is the role of code enforcement.

Code enforcement, defined broadly to include all of the elements involved in obtaining compliance from private owners of problem properties, is a critical element in fighting neighborhood decline, preserving sound neighborhoods and restoring distressed areas. Few public officials fully appreciate or understand the role that code enforcement plays as the first responders to vacant and foreclosed homes and the policy value that code enforcement can offer in protecting neighborhoods and stabilizing property conditions. When used proactively, code enforcement can help the Town identify, halt and reverse the negative impact of vacant, abandoned and problem properties.

- **New York State Building Codes**

<https://www.dos.ny.gov/dcea/pdf/2017-Uniform-Code-Supplement-3-17-2017.pdf>

New York State implementation of the 2015 International Codes began with publication of a Notice of Adoption on April 6th, 2016. On October 3, 2016 the newly adopted 2015 I-Codes [here](#) formally took effect.

- **Property Maintenance Code 2015 of New York State**

301.1 Scope

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility

The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe

condition that part of the *dwelling unit, rooming unit, housekeeping unit* or *premises* which they occupy and control.

### 301.3 Vacant Structures and Land

Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

- **Community Code enforcement program**

Rehabilitating vacant or blighted properties in the hamlets and other central locations can clean up environmental hazards and make these locations more attractive to investors and residents. The program could include reviewing and revising existing codes to more explicitly address the code violation issues in the community, preparing community code enforcement guidelines or protocols so that community members are clear about what they can do to report code violations to the Town, and developing a website or other tools for reporting and tracking progress resolving complaints. Some communities have hired outside consultants to train all of the actors in the code compliance process, including community members, Town staff, and property owners.

- **Adaptive re-use of buildings**

Development standards and building codes designed for new construction often make rehabilitating older, historic buildings prohibitively expensive. The Town should review and revise development standards, zoning, building, and safety codes to allow adaptive reuse of existing buildings in the hamlets and central locations, encouraging infill development and reducing environmental impacts from new construction. Changes to allow adaptive reuse could include reducing minimum residential unit sizes and commercial or residential parking requirements or grandfathering in nonconforming building heights; setbacks; floor plans; and electrical, mechanical, fire, and life safety requirements.

- **Dealing with problem property owners**

Problem properties, occupied or vacant, are everywhere. They can range from poorly maintained but habitable rental buildings to abandoned buildings, open and unsecured, that represent major neighborhood eyesores. In most cities, the great majority of problem properties are privately owned, most often by owners who do not live in the property themselves. Seeking to preserve, strengthen or revitalize neighborhoods, including the hamlets, and coming up with effective strategies to deal with owners of privately-owned problem properties, encouraging responsible owners and cracking down on bad apples, is a critical element in any such undertaking.

- **Dealing with owners of vacant properties**

Dealing with privately-owned vacant properties is both simpler and more complicated than dealing with occupied rental properties. The properties do not have tenants, and the issues are often clearer; at the same time, since the owner is unlikely to have any cash flow from the property, the Town's ability to motivate him or her to reuse it in a productive way may be limited, particularly in weak market areas.

While some owners of vacant property may have knowingly bought them vacant, and may have some strategy to reuse or hold them, many were not vacant when their owners or their owners' ancestors first acquired them. These owners may have limited or no attachment to the property, and may even be hard or impossible to find. In such situations, the Town's leverage with them will be limited.

At that point, the Town must be willing either to take control, or let the building remain in limbo. It is difficult, therefore, to separate out strategies to deal with privately-owned vacant properties from strategies to gain control of vacant properties.

Whatever the Town's overall approach toward its vacant properties, having a vacant property registration ordinance is a critical part of any strategy. It allows the Town to both identify owners of vacant properties and hold them to minimum standards of care for their properties.

- **Working with rental landlords and property investors**

Rental housing is an important part of any town's housing stock, particularly where homeownership may be unfeasible or unsuitable for much of the population. At the same time, rental housing tends to create many problems for code enforcement and community stabilization. This has become more urgent in many towns in recent years, as the wave of foreclosures has resulted in the loss of thousands of homeowners, and in thousands of houses being bought by investors, and in some cases, speculators.

While there are many irresponsible people buying rental properties, some of whom may plan to "milk" the property for a few years and then walk away, there are also many responsible landlords, who want to hold and maintain their properties. Some are successful, while others may be hindered by limited resources, lack of training or skills or adverse economic conditions in the neighborhoods where they own properties. This dictates that if a town wants to take steps to foster a sound rental stock, it should not simply "crack down" on violators, but develop a mix of strategies designed to encourage good landlords and discourage bad ones. That involves at least three distinct steps:

- Getting landlords "into the system" through registration and licensing programs;
  - Setting and enforcing reasonable property standards; and
  - Providing incentives to reward responsible landlord behavior.
4. The Town Board should investigate both public and private community development and human service organizations (such as PathStone - <https://pathstone.org/>) to assist Town residents and landowners with property maintenance.
  5. It is a responsibility of the Town Board, Planning Board and Park Committee to see that all existing parks, picnic areas, playgrounds, and hiking and biking trails continue to be maintained. Future parks should be considered for the hamlets of South Byron and North Byron. Land use protection mechanisms should be considered in collaboration with the Buffalo Society of Natural Sciences (Buffalo Museum of Science) to protect the Hiscock (Byron Dig) Site.

## C. Explore Opportunities to Address Needs of an Aging Population

According to the 1993 Byron Comprehensive Plan, persons 55 years and over were approximately 15% (352 people) of the total population over the last 20 years. 2010 Census Data show persons 55 years and over now represent 26.2% (621 people) of the population. Persons 65 years and over equal 13.0% (307 people). Clearly the Town's population is aging.

A key consideration is to put in place a plan, assessment or process related to older adults that enables them to remain valued members of the community. The U.S. Centers for Disease Control and Prevention defines aging in place as "the ability to live in one's own home and community safely, independently, and comfortably, regardless of age, income, or ability level".

- Some issues for consideration in Byron:
  - **Transportation** - Most people will outlive their ability to drive, and many will face isolation when they can no longer get behind the wheel. Older adults in rural and suburban areas will feel this acutely as communities designed for the car offer few other transportation options. Byron should continue to support providers of transportation services for older adults and investigate potential impediments to expansion or modification of these services.
  - **Housing** - Options can be scarce. Rural areas have fewer multifamily apartments. Assisted living facilities are limited and often costly. Housing is usually located away from shops, services, and other community resources. Help for modification of existing homes is available, due in part to federal funding for such programs, especially for income-restricted individuals. Non-profit organizations are especially important in the provision of housing services. *Byron should better define the housing needs of its aging population and encourage both public and private solutions to meet those needs.*
  - **Health Care** - Rural seniors suffer more chronic disease, have less supplemental health insurance, and typically must travel farther to receive care. Recent state and federal health policy promotes more home health care to cut costs and reduce the time seniors spend in hospitals and nursing homes. As with housing, the role of nonprofits is very important in health care, but for-profit delivery is critical as well. For rural areas, reliance on local government and for-profits is high. The 2010 Affordable Care Act emphasizes prevention through attention to the impact of planning and community design on public health. Funding is available to help communities address broader physical design and service delivery beyond traditional medical services. Byron should explore opportunities to address the needs of elders in innovative and holistic ways.
  - **Public Safety/Emergency Services** - Many older people are increasingly vulnerable on two fronts. Elder abuse is a growing but often unrecognized problem. The growing number of extreme weather events also puts many older adults at risk. Heat waves, floods, hurricanes, and fires, among others, are a particular threat to older adults who rely on caregivers, have chronic illnesses, or are affected by cognitive, sensory or mobility impairment. Byron should



consider specialized training for public safety/emergency staff in dealing with older adults. Knowing where older adults reside (so that services can be delivered in severe weather, for example) as well as having evacuation plans in place for older adults in the event of a natural disaster or other crisis is another important consideration.

- **Aging and Human Services** - This category reflects a range of services that help older adults age in place, extending the time they can live independently while reducing the cost burden of moving to an institutional setting. A widespread desire among older people to remain in their own homes, as well as government policy and funding, especially through the Older Americans Act, are driving a shift in this direction.

Older adults in rural places enter nursing homes at higher rates, younger ages, and with less impairment and stand to benefit significantly from expanded in-home support services. Byron should continue to support and encourage both public and private agencies that provide in-home support services.

- **Exercise and Nutrition** - Healthful food and adequate physical activity are critical to keeping all of us healthy and independent as we age. Investing in proper nutrition and exercise saves money by keeping older adults healthier and reducing the amount of care they need. Hunger and food insecurity can jeopardize older adults' ability to get a diverse, nutritious diet. Nutrition services are available, including congregate meals and in-home meal delivery. The Town should continue to support those organizations that provide these services. Nutrition services account for one-third of the Older Americans Act budget, which helps explain the prevalence of these services.

- **Taxes, Income and Workforce Development** - Lower incomes contribute to older adults' greater dependence on services. Local governments address this through tax breaks, help getting government assistance and workforce development. Older adults are staying employed longer or are returning to the labor force to supplement their retirement incomes. Workforce development services can help older adults reenter the labor force and supply critical skills to area employers.

- **Community & Civic Engagement** - Social ties contribute significantly to an older person's mental and physical well-being. In fact, research shows that weak social connections are on par with smoking and alcohol consumption – and trump obesity and physical inactivity – as risk factors in mortality.

As older adults confront major life changes like retirement, children moving away, the death of a spouse, or diminished independence, communities play important roles in keeping their social relationships strong and plentiful. This role can be direct – by offering classes at a senior center – and indirect, by providing transportation options that allow older people to get out and about. Older adults' expertise and talents are an increasingly important resource for all communities. But how well do communities utilize these resources? Byron should consider engaging older adults in local planning and decision-making processes.

Byron should consider inter-generational programs. Opportunities exist for creative policies and programs that simultaneously serve children and seniors through shared services. For rural areas with limited facilities, co-locating services for children and older adults in schools can be an effective approach. Multi-generational programming can strengthen community ties, improve interagency coordination, and stretch taxpayer dollars.

- **Land Use and Strategic Planning** - Land use and physical design challenges can make it harder for older adults to remain independent. Limited transit and housing options and physical disconnects between the two become barriers as we get older. New initiatives such as mixed-use zoning, density bonuses, complete streets and universal design can help people age in place. Zoning requirements that support aging in place such as “complete street” zoning requirements and building codes that incorporate universal design should be considered in Byron.

Byron should undertake strategic planning for older residents that can better identify and address present and future challenges. Collaborative planning that engages other government agencies, nonprofit organizations, health care providers, the business community and other actors can lead to more streamlined, cost-efficient solutions. Byron could certainly benefit from creating strategic partnerships with key stakeholders and/or regional service infrastructure that scales up services to gain efficiencies in both delivery and funding.

- Some resources:
  - ❖ Johnson’s Elderly Care <http://johnsonselderlycare.com/>
  - ❖ Gillam Grant Community Center <http://www.gillamgrant.org/>
  - ❖ Genesee County Office for the Aging  
[http://www.co.genesee.ny.us/departments/office\\_for\\_the\\_aging/index.php](http://www.co.genesee.ny.us/departments/office_for_the_aging/index.php)
  - ❖ New York Connects Genesee Care Options  
[http://co.genesee.ny.us/departments/office\\_for\\_the\\_aging/nyconnects/index.php](http://co.genesee.ny.us/departments/office_for_the_aging/nyconnects/index.php)
  - ❖ National Association of Area Agencies on Aging (n4a) <https://www.n4a.org/>

Reference:

*Planning for the Aging Population: Rural Responses to the Challenge by Lydia Morken and Mildred Warner Department of City and Regional Planning, Cornell University prepared for the National Association of Area Agencies on Aging (n4a) October 2012*

[s3.amazonaws.com/mildredwarner.org/.../5a05087ac5578fa1f3cbf7b4fcef24a](https://s3.amazonaws.com/mildredwarner.org/.../5a05087ac5578fa1f3cbf7b4fcef24a)

## D. Explore Opportunities to Maintain and Add Youth Activities

In 2010, according to Census Data, persons 17 years and under represent 22.6% (536 people) of the total population of the Town.

The Town of Byron currently supports a variety of activities for youth. The Town's support and maintenance of three parks (Community, Trestle, and Turtle) and the West Shore Trail is one example. The parks provide playgrounds, basketball courts, a tennis court, a soccer field/baseball field, hiking trails, and fishing opportunities. The Town continues to support a summer recreation program at the Community Park. Gillam Grant Community Center also offers a variety of youth programs, available for Byron youth, with support from the Town. Byron-Bergen Central School offers additional program opportunities to Byron youth.

The Town should continue to support current youth activity initiatives and seek opportunities, including funding, for new programs.



**Byron Community Park**

## E. Encourage Green Energy Projects

The US Environmental Protection Agency (EPA) defines *green* power as electricity produced from solar, wind, geothermal, biogas, eligible biomass, and low-impact small hydroelectric sources. *Green energy* can be produced with little pollution, it's far more environmentally-friendly than other types of energy, and it doesn't contribute to climate change or global warming like traditional energy sources. Plus, unlike fossil fuels such as coal and oil, *green energy* sources are renewable, *meaning* they replenish naturally and are in continuous supply.

The Town should seek opportunities to convert its own energy uses to green energy sources. Some opportunities might include energy efficient street lights, sewer system pump stations, municipal building uses, and energy efficient vehicles.

The Town should encourage both public and private investment into the production of green energy where appropriate in the Town.

The Town Planning Board should review the Town Zoning Law for impediments to green energy production and assure proper planning for location of green energy production facilities.

## **F. Continue to Extend Public Water and Sewer**

The Town of Byron is currently served by six public water districts. Two additional districts are very close to the start of construction. With the construction of the new districts nearly all the concentrated areas of population (the hamlets, Lyman and Beaver Meadow Roads, and Cockram Road) are covered by water districts. Additional water districts should be completed as requested by residents, as necessary, and subject to availability of funding support.

Three sewer districts (combined into one for bookkeeping purposes) currently serve the three hamlets in the Town. Discharge data indicates two systems (Byron Center and North Byron) are operating at just over 50% capacity and the South Byron system is operating at 75% capacity. This leaves some room for possible expansion. However, the current system has been in place for about thirty years (with a life expectancy of twenty years) and water quality standards for discharge (to Black Creek and Spring Creek) are becoming more restrictive. The Town of Byron needs to consider improving and updating the existing system, constructing a new system within the Town, or connecting to another system outside the Town.

## **G. Adopt Policies or Procedures Regarding Management of the Town's (Capital) Assets**

Asset management is a planning process that ensures that you get the most value from each of your assets and have the financial resources to rehabilitate and replace them when necessary.

Capital assets are defined as tangible or intangible assets that are used in operations and that have useful lives of more than one year, such as land and improvements to land, buildings and building improvements; vehicles; machinery; equipment; and sewer, water and highway infrastructures.

Municipal (capital) assets are property owned, controlled or used by the local governments. This includes buildings, equipment, and facilities (e.g. water systems). These assets can be managed directly or indirectly for the benefit of their constituents in the attainment of local service delivery goals. Municipal asset management is the process of inventory, valuation, use, strategic portfolio reviews, reporting and auditing of municipal assets and, in some cases, state properties as part of the decision-making process of local governments.

The main benefits of an effective asset management system are to help local governments:

- Provide local residents with improved services based on municipal asset use (such as infrastructure, water systems, parking, etc.)
- Increase revenues
- Improve the overall credit rating for the Town
- Attract more domestic and foreign investors

- Improve land valuation (for example, through relocation of public properties, sale and leases, and improvements in infrastructure such as better roads) that make land assets attractive for productive and real estate purposes.
- Enhance the environment and improve quality of life (for example through public parks and greenways)

An effective asset management system can provide useful information to the Byron Town Board as well as other stakeholders, about the actual and potential net worth and asset base of the Town.

The Byron Town Board currently has “pieces” of an asset management plan in place. The Town Board should adopt an asset management plan, policy, or program with the following (potential) outline:

- Asset Inventory
- Risk Assessment
- Asset Protection
- Asset Maintenance
- Asset Performance
- Asset Disposal

References:

[http://www.osc.state.ny.us/localgov/pubs/lmgg/capital\\_assets.pdf](http://www.osc.state.ny.us/localgov/pubs/lmgg/capital_assets.pdf)

<https://nepis.epa.gov/Exe/ZyPDF.cgi/2000261D.PDF?Dockey=2000261D.PDF>

[http://www.dec.ny.gov/docs/water\\_pdf/mssamguide.pdf](http://www.dec.ny.gov/docs/water_pdf/mssamguide.pdf)

<https://www.epa.gov/sites/production/files/2015-10/documents/assetmgt101.pdf>



## 6. PROCESS AND IMPLEMENTATION STRATEGIES

### A. Comprehensive Planning Process

The June 3, 2014 meeting of the Byron Town Planning Board began discussions of updating the 1993 Town Comprehensive Plan. At the October 2014 meeting the Planning Board discussed a possible request of the Town Board to add community members to assist with the plan update. At the December 9, 2015 meeting, the Byron Town Board authorized the Byron Town Planning Board to organize a Comprehensive Plan Committee to complete the update of the Byron Comprehensive Plan (adopted October 13, 1993). The authorization to create the committee called for the Committee to consist of the five current Planning Board members (Aaron Sharp, Bill Corson, Josh Kent, Jim Lamkin and George Squires), three to four additional members, two Town Board members, and a secretary. According to the Planning Board recommendation, the three to four additional members would be “persons who own real property or maintain a residence or business in the Town of Byron.”

The Byron Comprehensive Plan Committee began meeting January 2016. A first consideration was a recommendation to the Town Board to advertise for planning services of a private consultant to assist the committee. A request for proposals was issued March 2016. Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC (Wendel) was selected May 2016 as the consultant to assist the committee. A “kick-off” meeting was held November 2016 with the Byron Town Board, Comprehensive Plan Committee and Wendel. The primary purpose of the meeting was to determine the “scope of work” necessary to complete the plan update and identify parties responsible for work tasks. It was emphasized that the Byron Comprehensive Plan Committee would be responsible for writing the plan with assistance from the consultant (Wendel).

A public meeting was held on January 17, 2017 to introduce Byron residents to the Comprehensive Plan update process and solicit feedback on important issues throughout the Town. 47 people were in attendance at the South Byron Firemen’s Recreation Hall.

The Town also sponsored a public survey to solicit additional public input. Framing Byron’s Future – Comprehensive Plan Public Survey was available to Byron residents during February and March 2017. About 200 people responded to the survey.

A second meeting of the Byron Town Board, Comprehensive Plan Committee and the consultant (Wendel) was held on May 2, 2017. The purpose of the meeting was to discuss progress, including the public survey results, and review ‘next steps’ to complete the plan. Wendel staff were to meet with the Comprehensive Plan Committee in late June 2017 to discuss goals and recommendations. The meeting on June 27, 2017 produced a better definition of the Comprehensive Plan goals based on the public meeting and the survey results. Once the goals were firmly identified the Committee identified strategies to achieve the goals. The strategies were then prioritized.

With the completion of the Draft Byron Comprehensive Plan Update, another public meeting date was held on May 24, 2018. The consultants gave a presentation of the Plan, outlining the major findings and priority recommendations. The public was provided the opportunity to comment and ask questions.

Byron Comprehensive Plan Committee members:

George Squires, Chairman – Byron Planning Board Member  
Aaron Sharp – Byron Planning Board Member  
Bill Corson, Vice Chairman – Byron Planning Board Member  
Jim Lamkin - Byron Planning Board Member  
Josh Kent – Byron Planning Board Member  
Christopher Hilbert – Byron Planning Board Alternate Member  
Roger Rouse – Community Member At-large (2016-2017)  
Candace Hensel – Community Member At-large  
Sue Fuller – Byron Town Board Member  
Jim Cudney – Byron Town Board Member  
Laura Bestehorn, Secretary (2016 – June 2017)  
Sara Stockwell, Secretary (July 2017 – 2018)

The Wendel Consultant Team:

Andrew C. Reilly, PE, AICP – Principal-In-Charge, Planner  
Ellen L. Parker, AICP, MUP, LEED Green Associate – Project Manager  
Matthew Bowling – Planner  
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## **A. Recommended Strategies to Implement Plan Goals**

All of the recommendations listed below are important to achieving our goals for the Town of Byron. The high priority recommendations should be acted on within the next five years. We view the medium priority recommendations as actions for the next ten years. And finally, the low priority actions should be considered before the next Comprehensive Plan Update in twenty years. We recognize that low and/or medium priority items may move up the list. We also recognize that some recommendations may never be considered. While the list of recommendations is identified as high, medium, or low, items listed within the categories are not prioritized.

## Goal #1 - Preserve the agricultural base – land and farms.

### High priority strategies:

1. Consider adopting a Right-to-Farm Law.
2. Public water should be extended to both dairy and produce operations.
3. Prioritize extending high-speed internet throughout the Town.
4. Modify zoning and subdivision regulations.

### Medium priority strategies:

1. Consider adopting a Town-level Farmland Protection Plan
2. Consider creating a Strategic Farmland Map of the best crop production areas.
3. Review the Town Zoning Law to remove unintentional impediments to roadside stands selling locally grown farm products.
4. Work with the NYS Public Service Commission (PSC) to determine if a farm qualifies as a major user, eligible under the tariff process for assistance.
5. Pursue natural gas upgrades.
6. Conduct outreach that will help mitigate conflicts between agriculture and the public and increase awareness of and sensitivity to agricultural needs.
7. Review zoning regulations that may impose impediments to farm operations in providing housing to farm owners, employees, year-round and seasonal workers.

### Low priority strategies:

1. Consider the designation of an “agricultural production zone”
2. Consider establishing a Town agriculture committee
3. Consider developing a mechanism to inform potential purchasers of property in agricultural districts, where water lines may exist, that connection to the water line may be restricted.
4. Explore the feasibility of establishing drainage districts, based on the Town’s watersheds.
5. Investigate the feasibility of a community digester to generate electricity.
6. Encourage the construction and use of greenhouses where appropriate as a supplement to agricultural production.





**Goal #2 - Maintain the “rural character”.**

**High priority strategies:**

1. Use smart growth strategies as a tool that can help the Town achieve their goals for growth and development while maintaining their distinctive rural character.
2. Review, modify, and create new zoning district designations and descriptions throughout the Town.
3. Periodically review the Zoning Law of the Town of Byron to ensure the Law creates a positive business environment and encourages new development in the Town in a manner that doesn't hurt the small town (rural) character.
4. Existing codes and laws need to be enforced and periodically reviewed.
5. Additional mechanisms to encourage and facilitate property maintenance need to be considered.
6. Prepare community code enforcement guidelines or protocols so that community members are clear about what they can do to report code violations to the Town and develop a website or other tools for reporting and tracking progress resolving complaints.
7. Review and revise development standards, zoning, building, and safety codes to allow adaptive reuse of existing buildings in the hamlets.
8. Consider adopting policies and procedures for dealing with problem and vacant property owners.
9. Investigate both public and private community development and human service organizations.
10. Continue to maintain all existing parks, picnic areas, playgrounds, and hiking and biking trails.

**Medium priority strategies:**

1. Land use protection mechanisms should be considered in collaboration with the Buffalo Society of Natural Sciences (Buffalo Museum of Science) to protect the Hiscock (Byron Dig) Site.

**Low priority strategies:**

1. Consider future parks for the hamlets of South Byron and North Byron.



**Goal #3 - Explore opportunities to address needs of an aging population.**

**High priority strategies:**

1. Continue to support providers of transportation services for older adults and investigate potential impediments to expansion or modification of these services.
2. Better define the housing needs of the Town’s aging population and encourage both public and private solutions to meet those needs
3. Continue to support and encourage both public and private agencies that provide in-home support services.
4. Continue to support those organizations that provide nutrition services, including congregate meals and in-home meal delivery.
5. Create strategic partnerships with key stakeholders and/or regional service infrastructure that that would enable scaling up services to gain efficiencies in both delivery and funding.

**Medium priority strategies:**

1. Explore opportunities to address the needs of elders in innovative and holistic ways.
2. Consider engaging older adults in local planning and decision-making processes
3. Consider inter-generational programs.
4. Undertake strategic planning for older residents that can better identify and address present and future challenges.

**Low priority strategies:**

1. Consider specialized training for public safety/emergency staff in dealing with older adults.

**Goal #4 – Explore opportunities to maintain and add youth activities.**

**High priority strategies:**

1. Continue to support current youth activity initiatives and seek opportunities, including funding, for new programs and improvements.
2. Continue to maintain facilities (parks and trails) that support youth activities.



## Goal #5 – Encourage green energy projects.

### High priority strategies:

1. Review the Town Zoning Law for impediments to green energy production and assure proper planning for location of green energy production facilities.

### Medium priority strategies:

1. Explore opportunities to convert the Town’s energy uses to green energy sources. Some opportunities might include energy efficient street lights, sewer system pump stations, municipal building uses, and energy efficient vehicles. A first step might be to conduct an energy audit through NYSERDA to study potential cost savings from instituting energy saving measures.
2. Encourage both public and private investment in the production of green energy where appropriate in the Town.

## Goal #6 – Continue to extend public water and sewer.

### High priority strategies:

1. Additional water districts should be completed as requested by residents, as necessary, and subject to availability of funding support.
2. Consider improving and updating the existing sewer system, constructing a new system within the Town, or connecting to another system outside the Town.

## Goal #7 – Consider adoption of policies or procedures regarding management of the Town’s (capital) assets.

### High priority strategies:

1. Consider adopting an asset management plan, policy, or program.
2. Consider opportunities for shared services.



## 7. ENVIRONMENTAL REVIEW

Under the New York State Environmental Quality Act (SEQR), the adoption of a municipality's Comprehensive Plan is automatically classified as a Type 1 action, which requires a more careful look at potential environmental impacts. To this end, the Town of Byron, as part of the adoption procedures for this document, will complete a Full Environmental Assessment Form (EAF) and perform a coordinated review under SEQR.

This section of the plan is intended to assist with evaluation of potential impacts, as required under SEQR. Section 2 of the Plan provides background on the demographics of the Town. Chapter 3 of the Plan provides an overview of the environmental setting in the Town of Byron, including the natural environment. The following background information is included in Chapter 3:

- Agricultural Uses
- Residential Uses
- Hamlet Areas
- Public Uses
- Recreation, Land Conservation, Parks & Trail Uses
- Industrial Uses
- Transportation
- Natural Resources

### A. Potential Significant Adverse Environmental Impacts

The underlying purpose and a major goal of the Comprehensive Plan is to promote appropriate land use and avoid significant adverse environment impacts in the municipality that it covers. To the extent feasible, this document intends to minimize potential adverse impacts and promote an environmentally sound future for the Town of Byron. The following section discusses specific categories in regard to potential impacts.

#### Short term/Long Term and Cumulative Impacts

An analysis of the environmental setting of the Town of Byron indicates the following potentially significant adverse environmental impacts could occur if the Town does not plan adequately and provide the proper tools for the management of development. The comprehensive plan is designed to properly guide growth in the Town to lessen the potential negative impacts of land use and development decisions.

#### Impacts on Land

- The Town values its rural character. Inappropriate planning and development actions could have an adverse impact on the character of the municipality.
- There are areas of wetlands and floodplains. These areas have been identified on Map 3 in this report. Improper development of these sensitive environmental areas could result in drainage, flooding and/or erosion problems.
- There are areas of mature woodland that should be protected, to the extent practicable, to preserve areas of open space.

- Most of the Town has soils classified as prime farmland or prime farmland when drained. Improper development of these areas could result in the loss of irreplaceable resources.
- The Bergen Swamp, a major area of protected wetlands, is a National Natural Landmark (see impacts on water, below).
- Additional lands are protected by the Nature Conservancy (approximately 82 acres).

## **Impacts on Water**

- Several streams cross the Town, notably Black Creek and its tributaries. Creeks are mapped on Map 2. These waterways are important for open space, drainage, fish and wildlife habitat and community character.
- There is a groundwater aquifer in the northwest corner of the Town, as shown on Map 2, and several springs throughout the Town. Inappropriate development could negatively affect these environmental features.
- There are significant areas of wetlands, including the Bergen Swamp, which is a nature preserve overseen by the Bergen Swamp Preservation Society. Improper development in or around these areas could lead to flooding and drainage problems and loss of plant and animal habitats.
- Byron drains to three watersheds: the Oak Orchard Creek, the Oatka Creek, and the Black Creek watersheds (see Map 4). Improper development in the watersheds could have adverse impacts on water quality, groundwater resources, and habitats in the Town and in downstream community.
- There are areas of floodplains in the Town, as shown on Map 3. Improper development in floodplain areas could lead to flooding or drainage problems, and/or hazards to public safety.
- There are sewer lines within the Byron hamlet area, which has limited capacity. The extent of the sewer lines is shown on Map 11. Most residents rely on private septic systems to treat sanitary waste. Improper development could lead to an overload of the sewer system, and/or septic system failures, resulting in stresses on the groundwater supply or quality.

## **Impacts on Flora and Fauna**

- There are known significant natural communities and rare plants and/or animals associated with the Bergen Swamp.
- There are additional areas of wetlands, woodlands, meadows and other undeveloped lands, particularly along the creek corridors. These environments support many non-threatened and non-endangered plant, avian and animal species.
- The Swamp and other undeveloped space in the Town provide important habitat for various resident and migrating species, and contribute to the character of the community. Improper planning and development could adversely impact these resources.

## **Impacts on Agricultural Land Resources**

- The predominant land use in the Town is agricultural, with approximately 73% of the land classified as farms. These farmed areas are an important part of the local landscape and contribute to the local economy. Map 7 depicts crop lands in the Town. Improper planning and development could have a negative impact on the viability of agriculture in the Town.
- Most of the Town falls within a State-designated Agricultural District (see Map 8). Improper planning and development could have adverse impacts on these Agriculture areas.

- The Town is characterized by significant areas of prime agricultural soils (Map 6) which could be affected by inappropriate development.
- Agricultural lands are considered an important part of the character of the Town. Development pressures could have a negative impact on these resources.

## **Impacts on Aesthetic Resources**

- There are many aesthetic resources throughout the Town associated with natural resources such as creek corridors, woodlots, and farmland that contribute to the visual character of the Town. Ill-planned patterns of development could have a negative effect on these resources.

## **Impacts on Historic and Cultural Resources**

- The Hiscock Archeological site is an excavation site where many artifacts have been found. Although it is not actively being excavated, additional archeological resources are likely located at this site.
- There are no structures officially listed on the National Register of Historic Places in the Town of Byron. There may be buildings with local significance.
- Inappropriate development could have a detrimental effect on historic resources.

## **Impacts on Parks and Recreation**

- There are two Town parks (Trestle and Turtle Parks) and the Westshore Trail. Improper planning and development could negatively affect these resources.

## **Impacts on Critical Environmental Areas**

- There are no designated critical environmental areas in Byron.

## **Impacts on Utilities**

- There are three sewer districts serving the hamlets of South Byron, Byron Center and North Byron as described in the inventory. There are six completed water districts. Improper planning and development can result in constraints placed upon the utility system.

## **Impacts on Transportation**

- State Route 237 is the major route through the Town. There are also County and Town roadways.
- The Westshore Trail is a recreational trail.
- The CSX rail line crosses through the Town.
- Improper planning and development could adversely impact transportation facilities in the Town.

## **Impacts on Public Health**

- The improper planning and development of the Town can have a negative impact on the public health, safety, and welfare.

## **Impacts on Growth and Character of Community or Neighborhood**

- The Comprehensive Plan is intended to manage growth in the Town in a manner that fits the character of the community.

## **B. Adverse Environmental Impacts that Cannot be Avoided**

With or without the adoption and implementation of the Comprehensive Plan, the Town could have new development that may potentially result in impacts on the environment.

The adoption of this plan and implementation of the suggested actions will allow the Town to better manage growth and development, reduce potential environmental impacts, and ensure better consideration of the environment in municipal decision-making. All development actions taking place after the adoption of this plan will be subject to the State Environmental Quality Review (SEQR) process on a site-specific basis. Nothing contained in this document supplants the need for adequate review of future actions. However, this comprehensive plan will be a resource that can be used to facilitate the review of proposed development actions.

## **C. Growth Inducing Aspects of the Plan**

Many of the implementation actions outlined in this plan will help to control growth within the Town and encourage growth where it can be best supported while avoiding sensitive areas.

## **D. Mitigation Measures**

It is the intent of the Comprehensive Plan to help to reduce the potential impacts that could be caused by future planning and development activities in the Town. This can be accomplished by providing techniques for guiding development that may occur, such as revised zoning or other development regulations and other smart growth tools. Alternatively, the plan can provide tools to help mitigate the potential impacts of development, whether those impacts are direct or indirect. Investments in infrastructure or other methods can mitigate negative impacts. This Comprehensive Plan suggests a number of techniques for guiding the direction and nature of growth in the Town of Byron.

The following section addresses the recommendations contained in the Comprehensive Plan, and discusses why and how the recommendations help mitigate potential impacts of future growth and development.

### **Impacts on Land**

- The Plan contains provisions designed to protect the character of the community and its environmental resources. These include smart growth strategies, revisions to existing zoning, and other measures to protect important features.
- In general, the Plan supports new growth being focused in the Town's hamlets, with limited, low density development occurring in other areas of the Town. It supports the preservation of open space and agricultural lands.

### **Impacts on Water**

- The creeks and streams within the Town have been identified. No recommendations in the plan would have a negative impact on these resources.

- Future development will need to assess impacts on water resources on a site-specific basis and avoid or minimize any impacts to the maximum extent practicable.

## **Air Quality**

- Future development will need to assess impacts on air quality on a site-specific basis and avoid any impacts to the maximum extent practicable.

## **Impacts on Plants and Animals**

- The Bergen Swamp is a significant habitat. Other habitat areas, such as wetlands, grass fields and woodlots are important resources. This Plan encourages the retention of habitat areas.

## **Impacts on Agricultural Land Resources**

- There are a number of recommendations designed to encourage continued agricultural land uses.

## **Impacts on Aesthetic Resources**

- The aesthetic resources of the Town includes historic structures, areas of woodlands, creek corridors and parklands. The Plan supports the protection of these resources.

## **Impacts on Historic and Archaeological Resources**

- There are no designated historic resources.
- The Plan supports the protection of culturally and historically sensitive areas in the Town.
- Future development will need to assess impacts on other archeological, cultural, and historic resources on a site-specific basis and avoid any impacts to the maximum extent practicable.

## **Impacts on Parks and Recreation**

- The Plan supports the improvement of open space and parks in the Town.
- None of the recommendations would have an adverse impact on parks or recreational resources.

## **Impacts on Critical Environmental Areas**

- There are no designated critical environmental areas in Byron.

## **Impacts on Utilities**

- Future development will need to assess potential impacts on utilities on a site-specific basis and avoid adverse impacts to the maximum extent practicable.

## **Impacts on Transportation**

- None of the recommendations would have an adverse impact on transportation in the Town.
- Future development will need to assess potential impacts on transportation on a site-specific basis and avoid adverse impacts to the maximum extent practicable.

## **Public Health**

- The purpose of the Comprehensive Plan is to protect the public health, safety and welfare.



**Impact on Growth and Character of Community or Neighborhood**

- Recommendations in this Plan will help direct growth appropriately and target it to appropriate areas, thereby minimizing negative impacts to the character of the community.

**E. Evaluation of Alternatives**

Throughout the Planning process, alternatives for helping the municipality achieve their goals and objectives were evaluated. The recommendations and implementation alternatives were designed not only to achieve desired results, but also to promote beneficial impacts to the environment, the needs of local residents, private property rights, quality of life and the vitality of the community.

The "No Action" alternative was considered. Under the "No Action" scenario, the Town would not have a Comprehensive Plan document to guide growth and development, properly plan for the Town's chosen future, and protect important community features.

The adoption of the Comprehensive Plan will enable the Town to address issues of community character; aesthetic resources; environmental features; plant and animal habitats; archaeological, cultural, and historic resources; open space, parks, and recreation; agriculture; economic development; utilities; and transportation issues in a more effective manner. It forms the basis for zoning and other changes to the Town's regulations and helps guide future decisions regarding important issues such as infrastructure and public spending.

The proposed plan more effectively allows the Town to achieve its goals and vision, and provide greater protection to the environment than the continuance of present trends under the No-Action alternative.