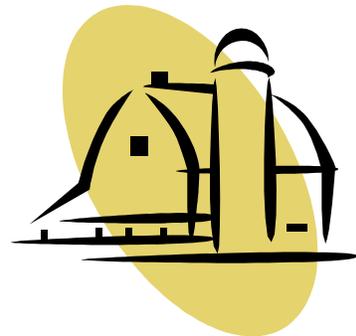
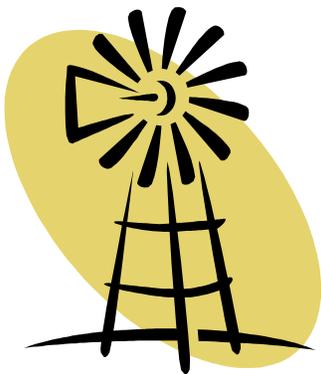


# **Town of Pomfret Comprehensive Agricultural Protection Plan**

**FINAL REPORT**

**December 2010**



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## **ACKNOWLEDGEMENTS**

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### **Our special thanks to all who assisted in the creation of this document**

*Town Departments*

*New York State Department of Agriculture and Markets*

*American Farmland Trust*

*Chautauqua County Planning and Economic Development Department*

*Fredonia Central School District*

*And the Citizens of the Town of Pomfret*

### **Project Consultant**



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## **EXECUTIVE SUMMARY**

This document is the Comprehensive Agricultural Protection Plan for the Town of Pomfret, Chautauqua County, New York. The Town of Pomfret is located in north-central Chautauqua County and has a population of 15,020 (including the Village of Fredonia). The Town is governed by a five member Town Board, which includes the Town Supervisor.

In 2005, the Town of Pomfret chose to commence the preparation of a Comprehensive Agricultural Protection Plan as a means of better managing future growth and development and to preserve and enhance the viability of agriculture in the community. In 2008, the Town secured funding through the New York State Department of Agriculture and Markets to ensure that the Plan more effectively evaluated agricultural land use and practices in the Town to protect and promote this industry. Therefore, this Comprehensive Agricultural Protection Plan includes all the components of, and in essence comprises, an Agricultural Preservation Plan. By formatting this plan as a comprehensive plan, and as supported through adoption by the Town Board, the Comprehensive Agricultural Protection Plan becomes a more powerful tool for protecting agriculture in the Town.

The Town of Pomfret assembled a Comprehensive Agricultural Protection Plan Advisory Committee to oversee the development of the Comprehensive Plan, which included the members of the Planning Board and members of the agricultural community, with assistance from the Town Board and Town Departments. This Committee met on a regular basis to coordinate the development of the Plan.

The Town of Pomfret is committed to the idea that a critical element of the planning process is effective public participation. Hence, this Plan was prepared from the beginning with acknowledgement of public concerns and desires. The Town conducted two public meetings, a stakeholders' meeting with farmers, and utilized a public comment survey. In addition, as noted above, the entire process was overseen by an Advisory Committee that was comprised of representatives from local government, the agricultural community, the business community, and others who worked hard to make sure this Plan focused solidly on agriculture and addressed the issues and opportunities in the Town. The Committee met on a regular basis to provide guidance and insight into the planning process and ensure that the final document would be an effective plan for protecting and enhancing agriculture, and that the concerns of local citizens were taken into consideration.

The Comprehensive Agricultural Protection Plan, which has been developed with the support and input of the both municipal officials and the general public, acts as a guide for ensuring that the Town's land use regulations are built on a solid foundation and can effectively promote and protect agriculture. The Plan recognizes the Town's long and vital agricultural heritage and represents a consensus of the community. It provides a vision for agricultural protection in the Town of Pomfret and includes goals and objectives to guide future growth, while protecting agriculture and preserving the rural character that enhances the quality of life in the community.

### **Goals and Objectives**

The goals and objectives of the Comprehensive Agricultural Protection Plan are large-scale visionary ideas that facilitate the development of recommendations and implementation actions, and set forth a vision for the Town. The goals are as follows:

***Goal A: Preserve and Promote the Rural, Agricultural Character of the Town***

The Town of Pomfret is mainly a rural, agricultural community with several historic hamlets scattered throughout the countryside. Elements of the community that contribute to this rural character include open fields, forested lands, protected environmental lands and habitats, and lands used for agriculture and viticulture.

***Goal B: Protect and Enhance the Agricultural Economy of the Town***

Agriculture and agri-business are integral components of the character and economy of the Town of Pomfret. Major agricultural operations in the Town include vineyards, field crops, livestock farms, and fruit orchards. Many agricultural-business facilities, such as food and beverage processing facilities, choose to locate within or near the Town due to the presence of the Lake Erie Concord Grape Belt.

***Goal C: Encourage Diversity in Economic Development throughout the Town***

Although agriculture is an important economic resource for the Town, other forms of economic development should be promoted to diversify the Town's economy, assist farmers in the off season, provide jobs, and increase the Town's tax base.

***Goal D: Encourage Diverse Development Styles and Housing Types***

Allowing flexibility in the design style of development is important for protection agricultural uses and adapting to market changes. Furthermore, as the population of the Town changes over time and economic conditions vary, the housing stock should be diversified to accommodate the changing needs of the community.

***Goal E: Protect the Environmental Resources of the Town***

The Town consists of several natural habitat areas and other environmental resources that contribute to the rural character and beauty of the community. Additionally, there are numerous lakes and streams, watersheds, wetlands, and floodplains that are vital environmental resources. A majority of the Town is dependent upon groundwater for potable water supply, so water quality is also an important issue.

***Goal F: Provide Potable Water to Appropriate Areas of the Town***

Potable water for most residents of the Town of Pomfret comes from private wells. Potable water is a quality of life issue that can be adversely affected if the viability of private wells diminishes or the quality of groundwater becomes degraded. The Town supports providing public water to appropriate areas of the Town, where feasible, in order to provide a potable and dependable supply to residents in need.

***Goal H: Maintain and Promote Efficiency in Government***

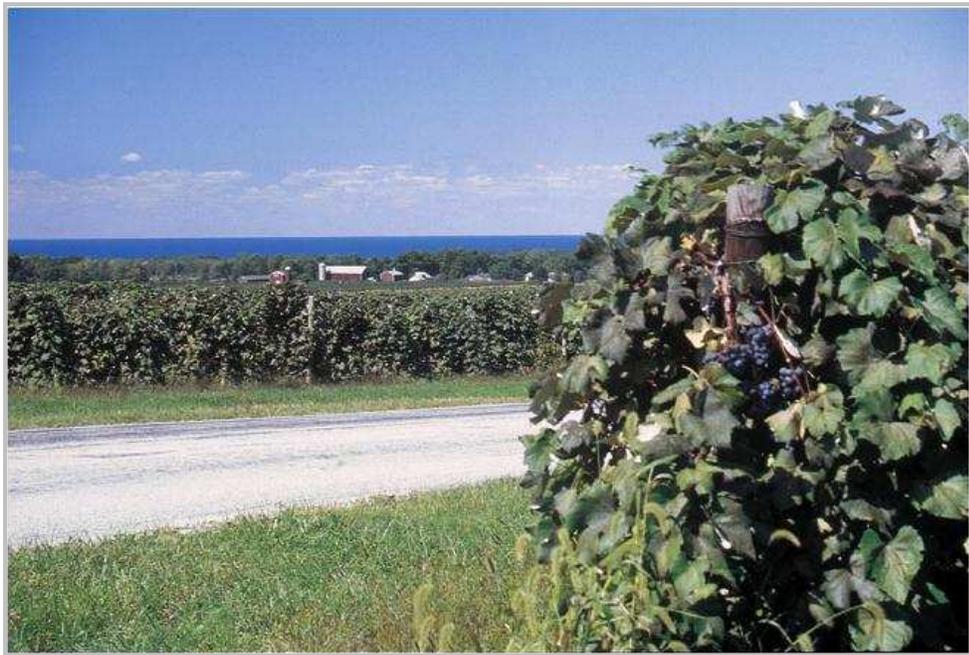
The Town of Pomfret should strive to offer the highest quality and most cost-effective services possible.

**Vision Plan**

To portray the overall vision for the Town’s future, a Vision Map was created to identify areas that possess unique or significant characteristics that warrant specific attention to preserve and enhance their character. The following vision areas were identified:

***Agricultural Preservation Area***

The primary goal and vision of the Town of Pomfret is to protect and enhance the agricultural industry in the community. Pomfret’s history has been founded on agriculture and the Town desires to see this heritage continue well into the future. The Agricultural Preservation Area is designed to recognize and highlight the areas of the Town that contain active farming, vineyards, livestock operations, prime farmland soils, soils of Statewide significance, forested lands and other features and areas that are significant to and supportive of agriculture. This Area also incorporates the large areas of designated agricultural districts in the Town. These key features and areas are important for the continued viability of farming and viticulture and for enhancing the agricultural economy of the Town. The prime farmland soils, combined with the unique micro-climate of the lake plain, support one of the few Concord grape growing regions in the world. The grape industry is a vital contributor to the economic base of the Town and the region. The viability of the vineyard and fruit growing industry has resulted in the locating of food and beverage processors, wineries, and self-pick farms in and around the Town, which helps to further sustain and support the economic stability of the Town and enhance the agricultural character of the community.



Horse farming and other agricultural pursuits are also taking root, including new technologies like biomass crop production. The Town desires to foster this continued expansion and diversity of the farming industry in the area, while at the same time strengthen traditional agricultural uses.

It should be noted that, as the Town moves forward with plans for public water, mandatory lateral restrictions for potable water supply will be put in place where public water infrastructure is proposed in the Agricultural Preservation Area. Such restrictions are essential in order to diminish growth pressure on important agricultural resources in the Town. Furthermore, agricultural preservation strategies are being established to preserve valuable farm soils from being permanently damaged or eliminated, and to ensure the continued growth and enhancement of viable farming practices in the Town. For all of these reasons, these are the lands and uses that are to be protected and preserved for agriculture in the Town, as identified in this Plan.



***Upland Agricultural / Rural Area***

The upland area of the Town, where prime farm soils and agricultural districts are less common, is still a viable area for agriculture. The upland area includes some areas with soils of State-wide significance and a wide extent of agricultural uses. The vision for the Upland Agricultural / Rural Area is to preserve and enhance agricultural uses and other rural uses in the higher elevations of the Town, where topography and less rich soils constrain viticulture, certain types of produce crops and other more traditional farming uses. The steeper, more

rugged topography is more conducive for horse farming, the raising of corn and other crops that are better adapted to poorer soils (including biomass crop production), rural residential lots, and larger areas of undisturbed woodlands (which support managed timber harvesting and wildlife habitat). The Upland Agricultural/Rural Area possesses a character that is common to other parts of Chautauqua County. Land use in this area should be limited to agriculture and related uses (where soils and topography permit) and rural residential uses that maintain the rural and natural character of the area (and open space). Non-agricultural uses and home-based businesses may be suitable in the Upland Agricultural / Rural Area if they are complimentary to agriculture or other rural type uses (i.e., uses that allow farmers to remain prosperous in the off season). Forestry management practices should be promoted to maintain and preserve the vast amount of forested land. The harnessing of alternative energy from sources such as wind, solar, and geothermal are examples of a non-agricultural uses that are compatible with existing uses in the area and the vision for the Upland Agricultural / Rural Area, so long as the benefits to the community outweigh the potential impacts.

***Resource Protection Area***

The vision for the Resource Protection Area is to protect the watershed areas of the Town that drain to the Fredonia Reservoir, and the important natural resources in the vicinity of Bear Lake, which extend into the Town of Stockton. The protection of these watershed and natural resource areas is intended to maintain and improve the long-term quality of the reservoir that supplies the residents of the Village of Fredonia and Town of Pomfret with potable water and enhance the quality of Bear Lake, which is an important recreational resource. The Resource Protection Area is viewed more as an overlay to be placed on top of existing lands uses. Much of the land in this area is viable for farming. Therefore, agricultural activities are encouraged in the area around the Fredonia Reservoir (the area around Bear Lake contains extensive areas of wetlands that constrain farming). The Conservation C1 zoning classification should be expanded in these areas to ensure that agricultural operations, land management, and development areas occur in a manner that limits adverse impacts to these important surface water resources. This zoning district should also be revised to allow for a wider array of agricultural uses.

***Industrial Area***

The vision for the Industrial Area is to create opportunities for economic development by providing an area where non-retail oriented commercial and industrial uses can locate. This is an area well suited for the development of agricultural support facilities that would benefit the growing agricultural base in the Town. The industrial area is located in the northwest portion of the Town, offering potential access to the nearby railroad, New York State Thruway interchange, and SUNY Fredonia campus. The location of this area minimizes impacts to prime farmland soils, residences, and sensitive environmental resources since the majority of the area has been previously disturbed. When developed, businesses locating within the Industrial Area should be held to performance standards that create an aesthetically appealing industrial or business park setting and that minimize potential negative impacts to the surrounding area.

***Village Transition Area***

The vision for the Village Transition Area is to concentrate potential future growth to areas that are adjacent to the Village of Fredonia, creating a hierarchical transition from the Village core to the rural agricultural countryside of the Town of Pomfret. The Village Transition areas are areas where land use has already exhibited change through the creation residential developments with smaller lots and overall increased residential use. These are areas where continued growth is expected to occur over time. The Village Transition areas are also areas with limited agricultural use; they do not include significant areas of prime farm soils or are areas where such soils have already been impacted by development. It should be noted that any farming activity that exists in these small areas may continue as long as the property owners are amenable to such land use. There is no pressure from the Town to encourage transition in these areas. They have only been identified as the logical locations for potential higher density residential development in the future, based on land use trends to date. In addition, the Village of Fredonia Wastewater Treatment Plant has limited excess capacity that could provide necessary utility service to support growth in these small areas. Potential public water and/or sanitary sewer extensions are likely to occur along the more prominent corridors that radiate from the Village; therefore, higher intensity mixed uses should be focused in these areas to maximize the cost effectiveness of utility infrastructure and to create active, pedestrian friendly areas that act as a seamless extension of the Village.

It should also be noted that the Village Transition Area is not proposed to encompass the extent of the existing water districts. The existence of water districts in the Town, such as the Berry and Chestnut districts, which were established many years ago, has not created pressure for development. Stable agricultural uses presently exist in both of these area and these uses are expected and encouraged to continue and to expand. Similarly, the Town is not encouraging growth or land use transition in the North End water district. Lateral restrictions will be enforced throughout these areas to properly manage any potential future development.

***Laona and Cassadaga Hamlet Areas***

The vision for the Laona and Cassadaga Hamlet Areas is to promote small-scale, mixed use development of these traditional rural settlement areas of the Town. The hamlets should act as focal points for denser residential and small-scale commercial growth to accommodate some of the daily needs and services of the surrounding rural/ agricultural community. These area also provide a logical location, outside of the Village, for residential and neighborhood scale commercial growth. Supporting development within the hamlet areas is a way to protect the agricultural and rural character of the Town by focusing on these existing nodes of activity.

Both hamlets have the potential to be developed with uses and services that support and promote the local agricultural industry. The vision for these areas includes shops that sell locally grown produce or products made from local materials, such as wines and jams. Other attractions could include wine tasting, antiquing, small restaurants, local crafts, a farmers market , wine and food festivals, spas, bed and breakfast lodging and similar

elements to create a unique environment and a niche commercial area - - a Pomfret sized “Napa Valley” community. The zoning in these areas should allow for mixed use to encourage the use of structures for both commercial and residential use. The zoning in these areas should also be reviewed to ensure that it would support the vision as set forth in this Plan.

***State Route 60 Commercial Area***

The vision of the State Route (SR) 60 Commercial Areas is to promote and continue a regional commercial retail and service activity that serves not only the residents of the Town (and Village of Fredonia), but also residents of adjacent communities. The SR 60 Commercial Area applies to one small section of the Town that runs from the Town line, near the New York State Thruway interchange ramp, south to the vicinity of Lakeview Road. The SR 60 area includes, and has the potential for the expansion of businesses and services that support the agricultural industry in the Town and surrounding area.

New development and redevelopment in the SR 60 area should incorporate high quality design and aesthetic features that collectively act to promote a “gateway” appearance to the Town of Pomfret and offer a safe and pleasant shopping experience. This corridor should be supportive of alternative modes of transportation, allowing for the continuation of pedestrian friendly corridors extending from the Village of Fredonia while also accommodating the demands of residents that must drive their vehicles from the surrounding rural countryside. Access management principles and other design management techniques aimed at improving the context of this area should be considered to enhance community character and better integrate this area into the surrounding area and Village.

***Lakeshore Area***

The vision of the Lakeshore Area is to provide areas along the lakes within in the Town for seasonal type residential and recreational development. The Lakeshore Area encompasses lands along Lake Erie, Bear Lake and the Cassadaga Lakes, including the Lily Dale community. Development in these areas should be low impact and conscious of the environmental resources of the lakeshore and overall water quality of the lakes. Opportunities for public access and recreational opportunities should be promoted so that the lakes can be enjoyed by all. In the case of Lily Dale, which offers a unique cultural experience, development in this area should also be geared towards supporting and attracting a tourist base around this resource.

**Implementation**

The Comprehensive Agricultural Protection Plan sets forth an Implementation Strategy to guide the Town through the adoption of the Plan and for implementing the recommended action items identified in the Plan, which are important for agricultural protection and for achieving the future vision for the Town. The Key Features of the implementation strategy for agricultural preservation in the Town include:

- **Adoption of a Lateral Restriction Law** – the purpose of this law is to effectively manage growth and residential development in the Agricultural Preservation area.
- **Formation of an Agricultural Advisory Committee** – the Town has taken the steps necessary to establish a Committee to provide guidance on agricultural issues and land use policies impacting farms, and to minimize, mediate and resolve conflicts between farmers and non-farm neighbors.
- **Conservation Subdivision** – the use of alternative design styles for residential development will be strongly encouraged, and preferred over traditional land development techniques in an effort to protect viable farmland and open space.
- **Agricultural Zoning** – revise the existing AR-1 and AR-2 zoning districts to lend preference to farming and agricultural activities, making residential use secondary to farming.
- **Adoption of a Local Right to Farm Law** – the adoption this law is intended to demonstrate local commitment to the continuance of farming and agriculture activities in the community.

The Implementation Strategy categorizes recommended action items according to the timeframes for which they should be implemented, and includes Immediate Actions, Near-Term Actions, Mid-Term Actions, and On-Going /Long Term Actions. The emphasis is on achieving the goals and vision for agricultural protection in the Town.

The prioritization of the recommendations should be viewed as flexible. For example, if funding becomes available for a particular item, the Town may choose to reassign it a higher priority in order to take advantage of the opportunities to lower local costs. It is important to continue to monitor progress and reprioritize implementation actions as circumstances change.

Finally, the implementation strategy allows the Town to track its achievements for implementing recommended action items and provides guidance for evaluating the success of each implemented action item.

### **Annual Review**

The Comprehensive Agricultural Protection Plan recommends that the Town of Pomfret Town Board establish a Comprehensive Agricultural Protection Plan Committee to conduct an annual review of the Plan. This Comprehensive Agricultural Protection Plan Committee will be responsible for ensuring that the Plan remains a dynamic and useful document that continuously aims to achieve the overall vision and individual goals of the Town, particularly those aimed at achieving agricultural protection. This is accomplished through constant implementation of recommendations, monitoring of conditions, and evaluation of applied measures. This Committee would most likely consist of members of the Town Planning Board, assisted by representatives from the local community, as designated by the Town Board.

## **SECTION 1.0 – INTRODUCTION**

In 2005, the Town of Pomfret chose to commence the preparation of a Comprehensive Agricultural Protection Plan as a means of better managing future growth and development. In 2008, they secured funding through the New York State Department of Agriculture and Markets to ensure that the Comprehensive Agricultural Protection Plan effectively evaluated agricultural land use and practices in the Town to ensure the protection and promotion of this industry. The New York State Department of Agriculture and Markets defines an Agricultural and Farmland Protection Plan as “the preservation, conservation, management, or improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production.” This Comprehensive Agricultural Protection Plan is development to comply with the intent of a State Agricultural and Farmland Protection Plan.

### **1.1 Regional and Local Setting**

The Town of Pomfret is located in north-central Chautauqua County, New York. The Town was first settled around 1806 and formed in 1808 from the Town of Chautauqua. The Town is bordered on the north by Lake Erie and the Town of Dunkirk, and surrounds the Village of Fredonia on three sides. The Towns of Sheridan and Arkwright lie to the east, the Town of Stockton and Village of Cassadaga border to the south, and the Town of Portland forms the western boundary (see Map 1 – Regional Setting/ Location Map and Map 2 – Aerial View).

The Town consists of approximately 38.7 square miles, or about 24,970 acres. Within the Town of Pomfret are several unincorporated hamlet areas. Van Buren Bay hamlet is located along the shores of Lake Erie. Laona is located on State Route 60, south of the Village of Fredonia near the intersection with Webster Road. South of Laona is the hamlet of Shumla. In the western part of the town, the hamlet of Lamberton is located on West Main Street (U.S. 20), near the intersection of Harmon Hill Road. The Lily Dale community, which is the largest spiritualist center in the country, is located along the southern border near the Village of Cassadaga.

Pomfret remains a rural community and the vast extent of agricultural activity in the area helps to protect and preserve the local character and heritage of the Town. In 2006, at the time of the last U.S. Census Bureau American Community Survey, the Town (outside of the Village of Fredonia) had an estimated population of 3,893 persons. Including the Village, the Town’s population in 2006 was estimated at 15,020.

The Town of Pomfret is governed by a five member Town Board, which includes the Town Supervisor. The Town consists of a five member Planning Board and a seven member Zoning Board of Appeals.

## **1.2 Reasons for Preparing a Comprehensive Agricultural Protection Plan**

New York State Town Law §272-a gives a local municipality the authority to develop and adopt a Comprehensive Plan and offers the following support:

*“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 the citizens.”*

Although the Town is currently not experiencing growth pressure or development issues, the Town chose to undertake the development of a Comprehensive Agricultural Protection Plan as a means to protect and enhance the viability of agriculture, better manage future growth and development, and to preserve the rural character. The Comprehensive Agricultural Protection Plan sets forth a future vision for the community and establishes the steps to take to achieve this vision.

## **1.3 Public Participation Overview**

The Town of Pomfret is committed to the idea that a critical and necessary element of the planning process is continuous and effective public participation. Hence, this Plan was prepared from the beginning with acknowledgement of public concerns and desires and consisted of on-going public outreach.

The Town of Pomfret assembled an Advisory Committee to oversee the development of the Comprehensive Agricultural Protection Plan, which included representation from a range of stakeholders in the area, including town officials and the agricultural community, who worked hard to make sure this Plan expressed the issues and opportunities of the Town. The Committee met on a regular basis to provide guidance and insight into the planning process and ensure that the final product would be an effective Plan and that the concerns of local citizens were taken into consideration.

The Comprehensive Agricultural Protection Plan Advisory Committee’s public outreach efforts consisted of two public meetings; numerous Committee meetings open to the public, and a public comment survey. The first public meeting was held on May 31, 2007 in the Pomfret Town Hall, 9 Day Street, Fredonia, New York to gather input from Town officials, Planning Board members, and the general public for the development of the Comprehensive Agricultural Protection Plan. Input from this meeting was essential in developing the findings and preparing a draft set of goals and objectives. A second public meeting was held on August 5, 2008 to review the findings and to present the draft goals and objectives of the Comprehensive Agricultural Protection Plan. Input from this meeting was used to finalize the goals and objectives and begin establishing a vision plan for the Town. To ensure that the Plan acknowledged and addressed the concerns and needs of the agricultural community, a Stakeholders’ Meeting with local farmers was held on May 12, 2009.

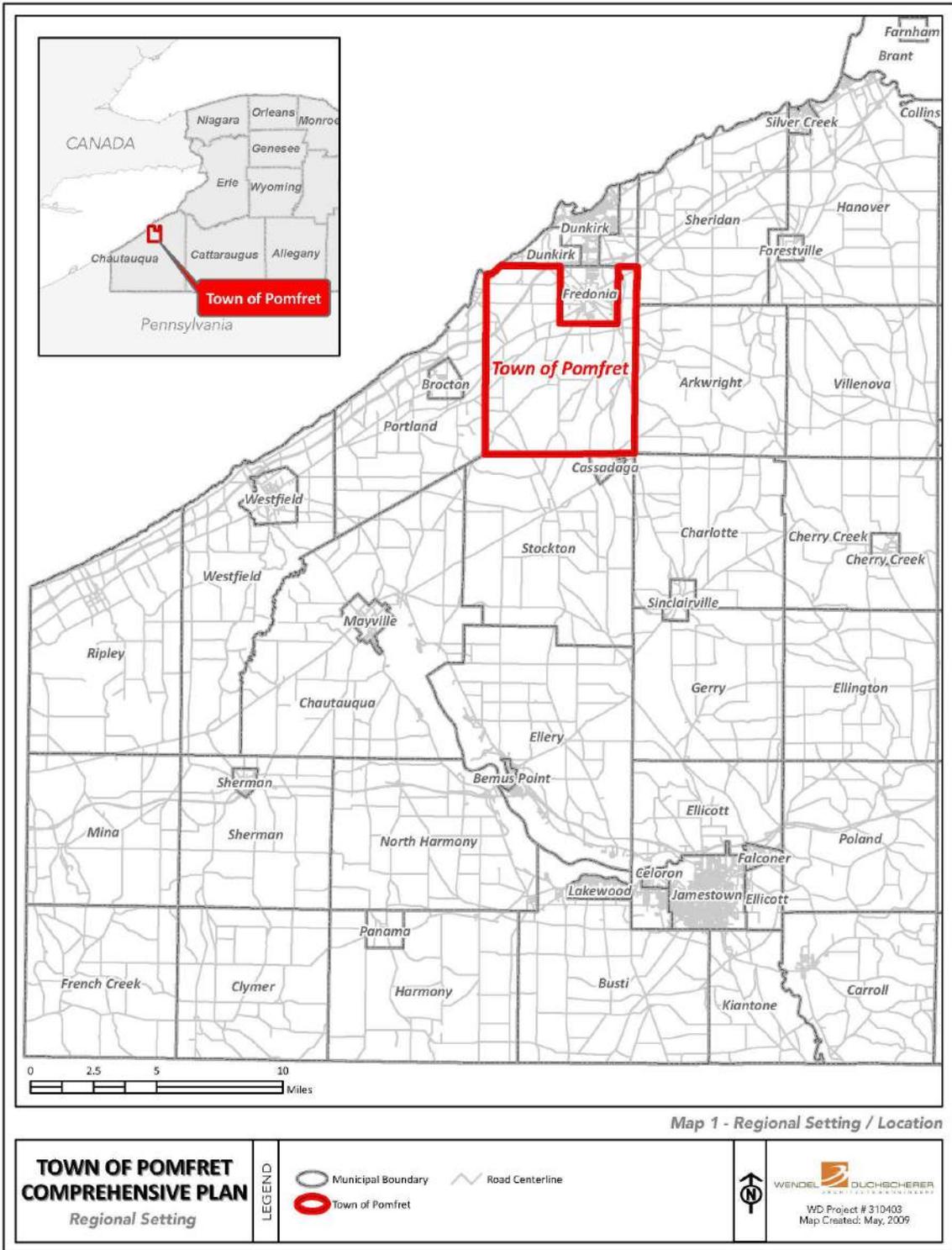
#### **1.4 How the Plan will be Utilized**

New York State does not dictate what form a Comprehensive Plan must take, but suggests that it consist of written and graphic materials, including but not limited to maps, charts, studies, resolutions, reports, and other descriptive material that identify the goals, objectives, and recommendations that the Town wishes to set forth to attain its vision. It examines the land use, environmental, demographic, physical, and developmental aspects of the Town, as well as the regulatory setting that guides these factors.

While municipalities are given the power to regulate land uses within the community, these decisions should be based on sound planning principals, and not be arbitrary or capricious. The Town Law indicates that municipal planning, zoning, capital budgeting, and other land use regulation decisions made in the Town should be done so in accordance with a Comprehensive Plan. A Comprehensive Plan provides an accessible and clear guide for entities seeking to undertake an action or project in the community. It also provides the Town with greater leverage on land use and planning related activities and programs instituted by other governmental authorities, such as State or County agencies, who are required to take local plans into consideration. By preparing the Comprehensive Plan in the form of an Agricultural Protection Plan, the Town has greater ability to protect and enhance this industry because it is putting the power of a comprehensive plan behind it, as dictated under Town Law.

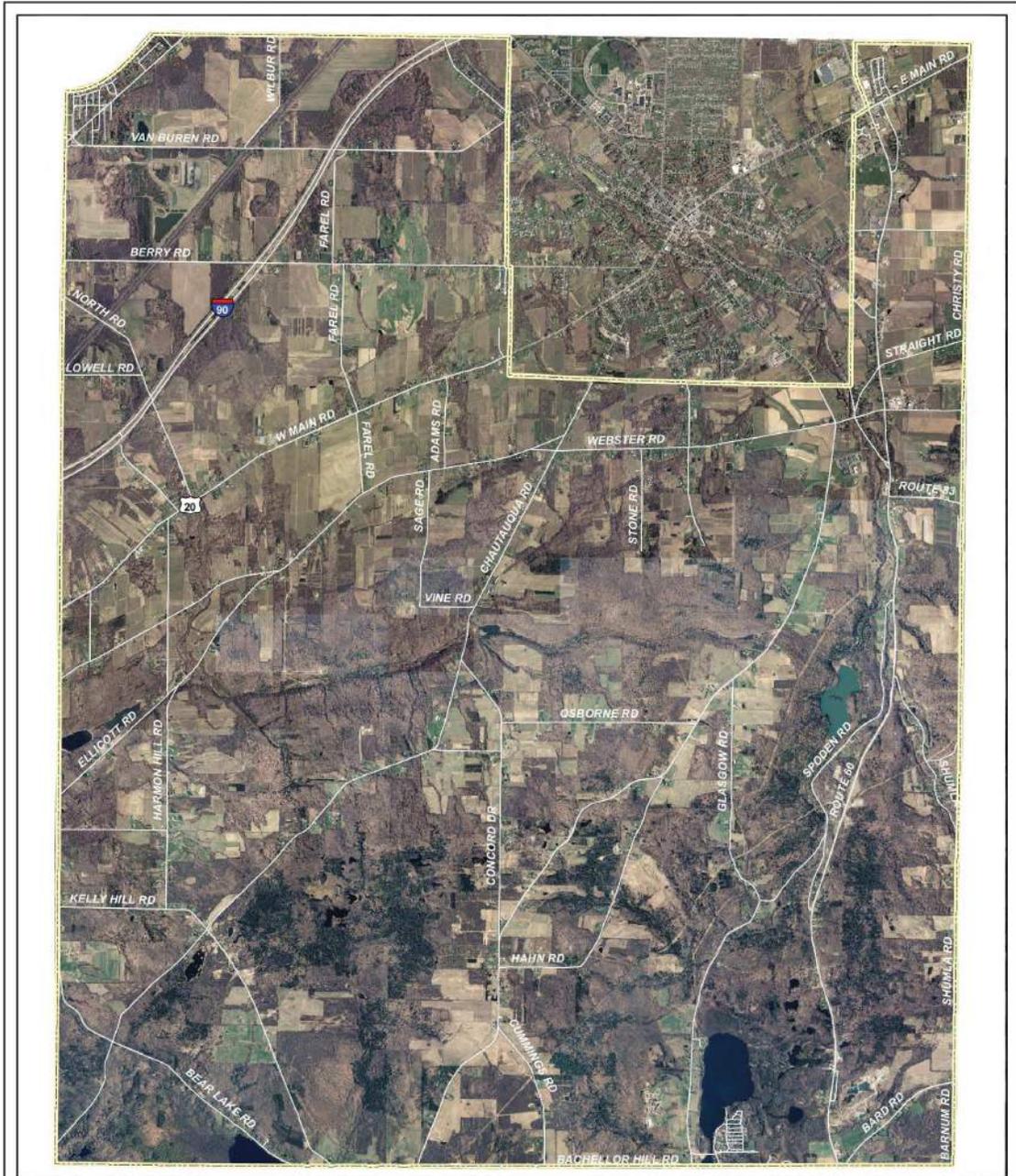


TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN



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TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN



Map 2 - Aerial Photography

<p><b>TOWN OF POMFRET COMPREHENSIVE PLAN</b> Aerial Photography</p>	<p><b>LEGEND</b></p> <p> Town Boundary</p>	<p>0 2,000 4,000 Feet</p>	<p> <b>WENDEL DUCHSCHERER</b> ARCHITECTS &amp; ENGINEERS WD Project # 310403 Map Created: May, 2009</p>
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A Town of Pomfret Comprehensive Agricultural Protection Plan addresses the issues and concerns specific to the Town based on input from local residents and stakeholders, gathered through a variety of forums. The Plan provides a vision for a community and reflects the principals and concepts that the community feels will protect agriculture, preserve the rural character, and enhance the quality of life of the Town. The goals and objectives, recommendations, and implementation strategy included in this Plan are designed to address the Town's unique issues and concerns. This Plan demonstrates the cooperation and commitment of the community, which also lends strong support for grant funding opportunities. This provides an assessment of where the community is, identifies what the community would like to be, and includes recommendations and strategies to attain its vision.

Once adopted, the Town of Pomfret should begin to implement the Plan by amending its land use regulations to conform to the Comprehensive Agricultural Protection Plan and consider the Plan in all of its land use making decisions (site plans, subdivisions, and zoning actions) and capital budgeting actions. Copies of the adopted Comprehensive Agricultural Protection Plan must be filed with County and State agencies and should be referenced by those agencies in planning projects and actions that could affect the Town of Pomfret.

## **SECTION 2.0 – INVENTORY OF EXISTING CONDITIONS**

This section identifies the existing conditions and resources of the Town of Pomfret, including farmland and agriculture, other land use patterns, environmental resources, demographics, transportation and utilities. The Town of Pomfret is dominated by agricultural land uses, forested or vacant land, and large lot residential uses, with residential neighborhoods and commercial uses clustered near the Village of Fredonia. A thorough evaluation of the existing conditions and resources provides an understanding of “where the Town is” today.

### **2.1 Farmland and Agriculture**

There are over 9,350 acres of land devoted to active agricultural operations throughout the Town of Pomfret. There are many vineyards, along with other active cropland (see Map 3). The Town is seeing an increase in horse farming; however, there are only a few remaining dairy farms. Although once common, this industry has slowly died off over the years. The rural countryside between the CSX and Norfolk Southern Railroad and a line approximately following Chautauqua Road, Osborne Road, and Fredonia Stockton Road to the Village line is dominated by grape vineyards and fruit orchards that prosper off the favorable lake enhanced climate and great soil conditions. Several of these vineyards are members of the Lake Erie Concord Grape Belt Association, which celebrates the self proclaimed largest Concord Grape growing region in the world and strives to promote the economic development of the grape and wine industries, tourism, and other industries dependent upon the Concord Grape. In addition, local viticulturists are experimenting with other varieties of grapes.

To the east of Route 60, there are additional lands in agricultural use. Here you find more vineyards and other agricultural activity. Heading south into the hilly sections of the Town, the soils and topography are less conducive to supporting extensive agricultural uses, giving way to forested lands and open fields. These areas, however, are useful for horse farming or other crops that can thrive in less productive soils and these uses are expanding in this area. In addition, biomass crop production is a growing industry in the Town.

#### **2.1.1 Agricultural Districts**

A large portion of the Town, particularly the northern half, is designated as an Agricultural District under the New York State Agriculture and Markets Law (see Map 4 – Agricultural Districts). The Agricultural Districts Law mandates that governmental agencies must avoid or minimize potential adverse impacts to farming operations when undertaking or acting upon any project within an Agricultural District that involves the acquisition of land or the use of public funds for construction purposes. There are a number of benefits for agricultural landowners located within an Agricultural District. One is that agricultural land is assessed on its value as farmland, not on its potential development value, which reduces the tax burden on agricultural lands. State law also states that local laws may not unreasonably restrict farm operations within an Agricultural District and existing and proposed laws are subject to review by the State Department of Agriculture and Markets to ensure that they comply with the law and are not overly restrictive. Real estate agents are

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required to disclose to potential buyers that the property they are about to acquire is located in an Agricultural District or within 500 feet of any farm operation and/or farmland. In addition, any application for Special Use Permit, site plan approval, use variance, or subdivision on lands within an Agricultural District or within 500 feet of any farm operation and/or farmland must submit an agricultural data statement to the reviewing authority.

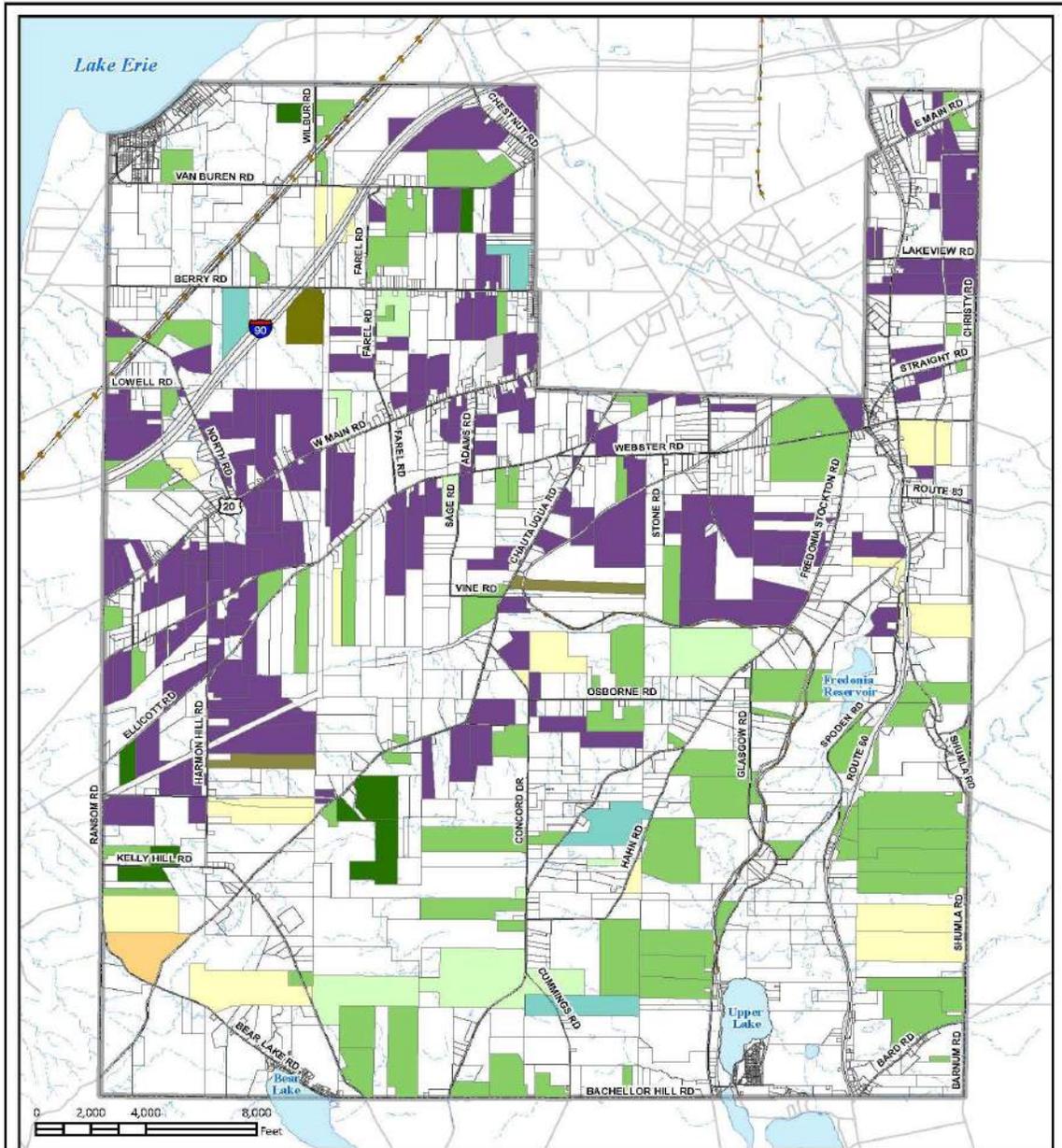
### **2.1.2 Lake Erie Concord Grape Belt Heritage Area and Association**

The Lake Erie Concord Grape Belt was recognized in 2006 as one of New York State's newest Heritage Areas and the first State agricultural heritage area in the nation. The Concord Grape Belt Heritage Area aims to promote the agri-tourism potential of the area to support the local economy. This is the largest viticulture area in North America, outside of California, covering a 30,000-acre swath of grapes extending the length of eastern Lake Erie.



The Lake Erie Concord Grape Belt Heritage Association was formed in 2004 to promote the agricultural heritage and small town life and bring greater recognition and tourism to the region. Their mission is to encourage and support the dynamic economic development of the grape and wine industries, tourism, and associated industries throughout the Lake Erie region, which is built upon the Concord grape heritage and results in an enhanced quality of life for the citizens of the region.

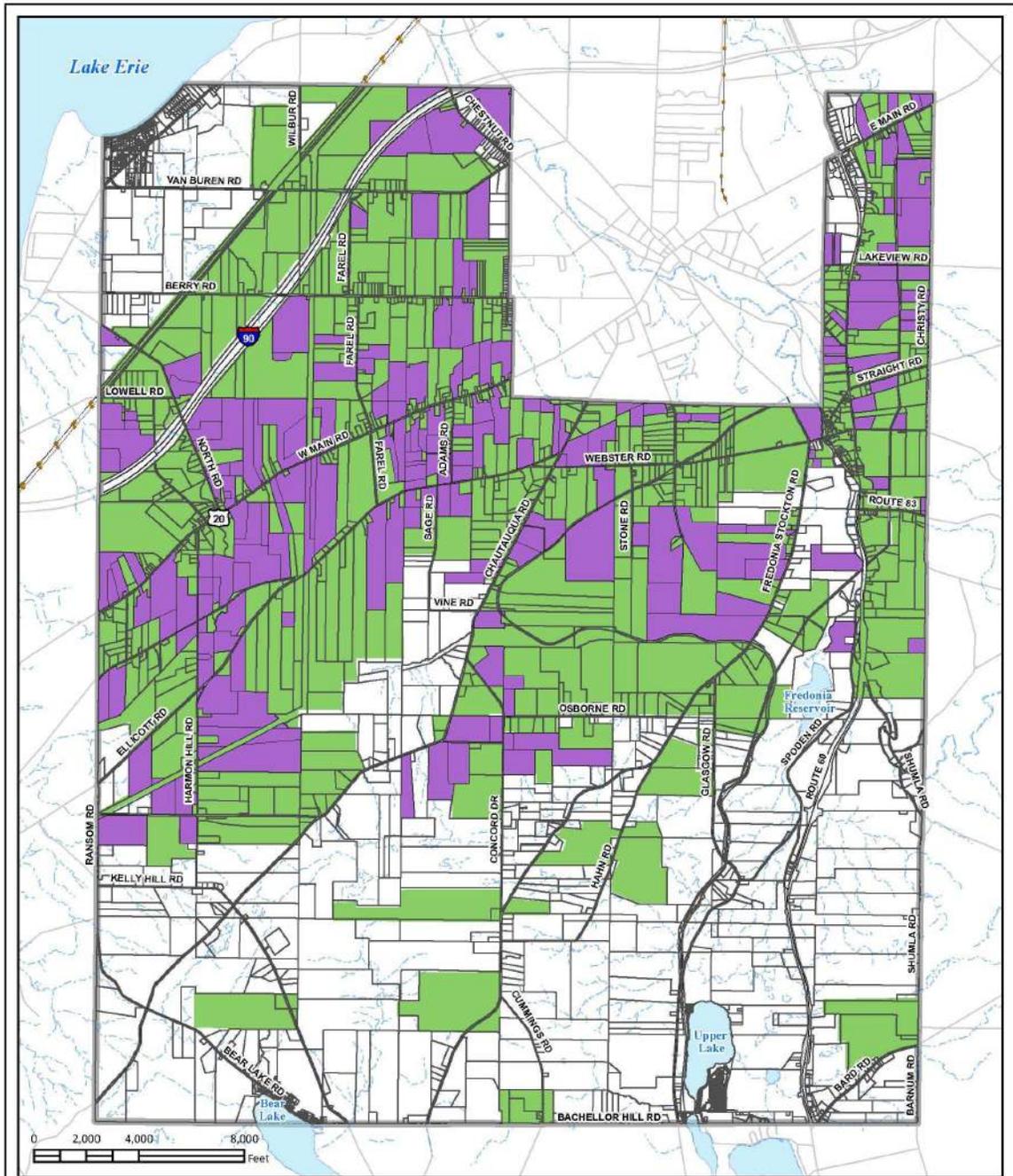
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Map 3 - Agricultural Uses

<p><b>TOWN OF POMFRET</b> <b>COMPREHENSIVE PLAN</b> Agricultural Uses</p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Town Boundary</li> <li> Parcels (2006)</li> <li> Roads</li> <li> Railroad</li> <li> Streams</li> <li> Lake</li> </ul>	<p><b>Agriculture Types</b></p> <ul style="list-style-type: none"> <li> Agricultural Vacant Land</li> <li> Livestock Products</li> <li> Dairy Products</li> <li> Cattle, Calves Hogs</li> <li> Other Livestock</li> <li> Field Crops</li> <li> Trunk Crops</li> <li> Apples, Pears, Peaches etc.</li> <li> Other Vineyards</li> </ul>		<p></p> <p>WENDELL DUCHACHENER ARCHITECTS &amp; ENGINEERS 3110403 WD Project # 310403 Map Created: April, 2010</p>
		<p><small>Wendell Duchacener Architects &amp; Engineers, PC 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: NYS GIS Clearinghouse, Town of Pomfret, Chautauque County.</small></p>		

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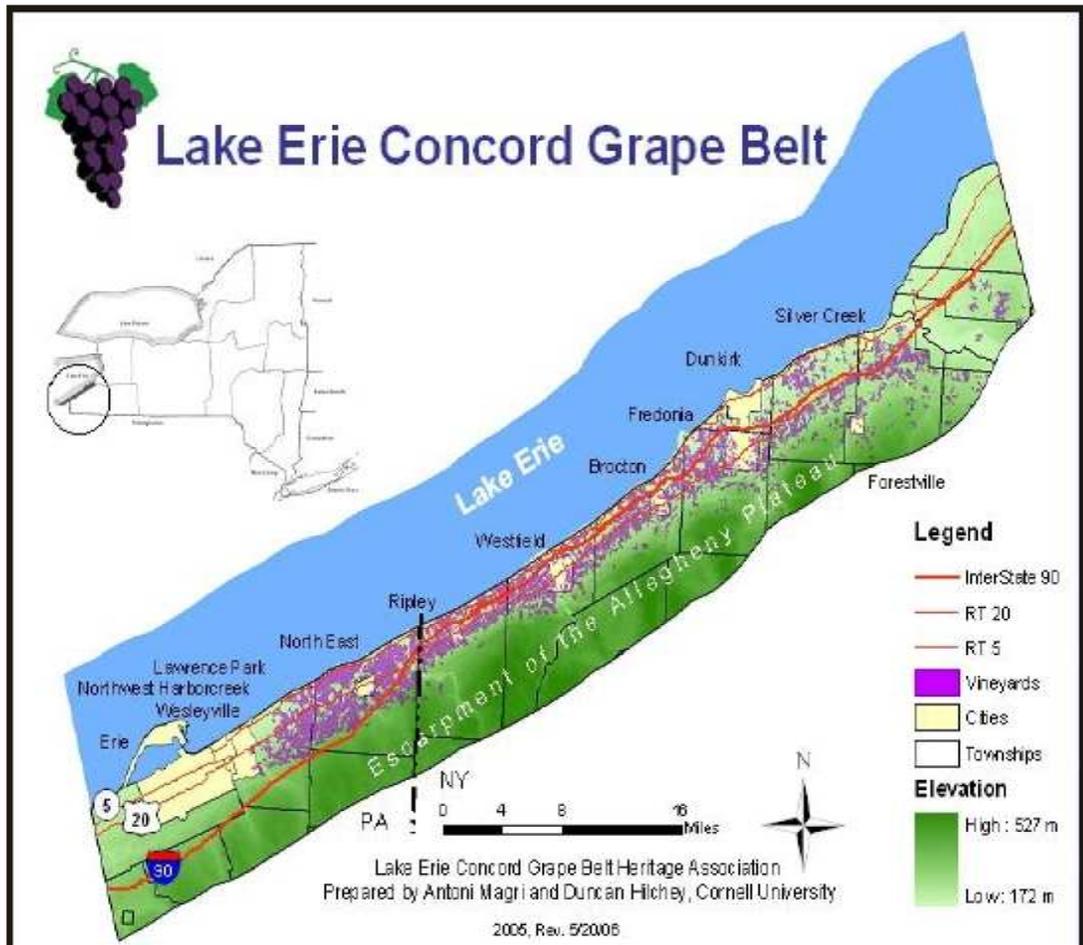


Map 4 - Agricultural Districts

<p><b>TOWN OF POMFRET COMPREHENSIVE PLAN</b></p> <p>Agricultural Districts</p>	<p>LEGEND</p>	<ul style="list-style-type: none"> <li> Town Boundary</li> <li> Parcels (2009)</li> <li> Roads</li> <li> Railroad</li> <li> Streams</li> <li> Lake</li> <li> Agriculture Districts</li> <li> Vineyard</li> </ul>	 <p>WO Project # 310403 Map Created: June, 2010</p>
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In 2007, the Association conducted a study that confirmed that grapes are an important foundation of the Chautauqua County economy. Each year about 585 growers produce 104,000 tons or more of grapes on 19,000 acres. Value added products like juices, jellies, and dozens of other products are processed locally and sold across the U.S. and exported around the world, generating close to 660 jobs in 2004. In addition, the local wine industry, including both growers and vintners, is undergoing rapid expansion and creating opportunities for increased tourism in the region. Each year the Association undertakes a variety of activities and projects to showcase the grape belt and the region.



### 2.1.3 Chautauqua County Farmland Protection Plan

The Chautauqua County Farmland Protection Plan was adopted in September 2000. The Plan was developed in response to concerns of the agricultural community, government, and agri-business owners over the loss of productive farmland in Chautauqua County and about maintaining and preserving the viability of agricultural industries. The Plan acts as a hands-on resource book for county and town officials, agricultural landowners, and

residents that provides goals and strategies relating to land preservation/ conservation strategies and ways to enhance the viability of the farm economy.

**Goals of the Farmland Protection Plan**

The goals of the Chautauqua County Farmland Protection Plan are as follows:

1. Identification of Lands to be Protected: The lands to be protected fall into two distinct physiographic areas, the lake plain where grape vineyards and potential grape vineyards exist and the inland plateau where there are significant dairy lands. These areas require preservation and conservation measures.
2. Analysis of Lands to be Protected: The lands on the lake plain, both vineyard and potential vineyard, should be looked at as critical to the County's economy. This area is one of the few places in the world where Concord grapes can grow. The food processors are located here in part because grapes, especially the Concord, are grown here. The income derived from the Concord grape, both direct and value added, is significant and could be even greater if lands capable of supporting vineyards were preserved and protected.

The dairy industry has been the main source of farm income in Chautauqua County since the mid 1800's. The dairy industry is viable in the County, but for it to remain so, there needs to be an effort made to preserve the land best suited for that use.

3. Description of Other County and Municipal Land Use Plans: Chautauqua County has endeavored consistently to make farmland and forestland preservation and conservation a part of the fabric of land use in the County. This is shown by early efforts to protect farmland and forestland through Agricultural Districts, the County Right-to-Farm Law, the County Comprehensive Plan, and the efforts to persuade local towns and villages to acknowledge the importance of farmland and forest preservation through the help of zoning and comprehensive plans. The County is also helping local towns guide growth through the creation and implementation of two Local Waterfront Revitalization Plans, involving 14 municipalities.

**Key Strategies of the Farmland Protection Plan**

The key strategies of the Chautauqua County Farmland Protection Plan are as follows:

1. **Strategy 1:** Enhance farm and forest industry profitability and increase economic development efforts in support of farming.
  - a. Convene a countywide agricultural summit.
  - b. Employ an agricultural economic development specialist.
  - c. Help farmers meet agricultural environmental challenges.
  - d. Adopt modern technology and management.
  - e. Maintain infrastructure, both maintenance and enhancement.

- f. Make tax structure competitive.
  - g. Recruit and train local agricultural and forest production force.
2. **Strategy 2:** Farmland and forestland protection-preservation and conservation.
- a. Establish Agricultural Districts in all towns.
  - b. Initiate a county right-to-practice forestry law.
  - c. Specific farmland protection
  - d. Education of local governments concerning land preservation and conservation issues and techniques.
3. **Strategy 3:** Agri-business retention and development
- a. Promote continued financing for agricultural and forest industries.
  - b. Develop new markets and new product opportunities.
  - c. Develop a Chautauqua County based food, agricultural, and forestry leadership development program.

#### **2.1.4 Chautauqua County Right-To-Farm Law**

Chautauqua County has an adopted Right-to-Farm Law that protects and encourages agricultural interests within the Town of Pomfret. The Right-to-Farm Law states that agricultural practices conducted on farmland shall not be found to be a nuisance if such agricultural practices are:

- 1. Reasonably and necessary to the particular farm operation,
- 2. Conducted in a manner that is not negligent or reckless,
- 3. Conducted in conformity with accepted and sound agricultural practices,
- 4. Conducted in conformity with all local, state, and federal laws and comprehensive plans, except for those that unreasonably restrict farm operations within an Agricultural District in accordance with NYS Agricultural and Markets Law Section 305-1,
- 5. Conducted in a manner that does not constitute a threat to public health, safety, or welfare, and
- 6.) Conducted in a manner that does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

## **2.2 Other Land Use Patterns**

### **2.2.1 Residential**

In the rural areas outside of the Village of Fredonia, intermixed within the grape vineyards, fruit orchards, forested lands, field crops and open lands, are a number of large lot single-family residential dwellings (see Map 5). Higher density residential uses can be found in the hamlet areas of the Town and in areas in close proximity to the Village. The neighborhoods of Martha's Vineyard and Johnson Street, just west of Fredonia, as well as areas along Berry Road to about Farel Road consist of small lot residential dwellings on less than two acre lots. There is also higher density residential located along Chestnut Street, northwest of the Village, along SR 60 in Laona, and along West Main Street (U.S. 20) immediately southwest of Fredonia and again near Lambertton. The area between Route 5 and the Lake Erie Shoreline is dominated by small lot cottage type neighborhoods that make up the Van Buren area. A similar residential composition exists along the north side of Bear Lake in the southwestern portion of the Town. The Lily Dale community, south of Upper Cassadaga Lake, consists of a modified street grid pattern lined with residential lots as small as 2,000 square feet.

### **2.2.2 Commercial/ Industrial**

The largest concentration of commercial uses within the Town can be found clustered near the intersection of SR 60 and East Main Street (U.S. 20) east of Fredonia. Less intense commercial uses extend south along SR 60 to just south of SR 83 and east along East Main Street into the Village. There are some commercial uses intermixed along Route 5 in Van Buren, along West Main Street (U.S. 20), and near the Lily Dale community.

Industrial uses are rare throughout the Town. A landfill for ash generated from the NRG Dunkirk Power Plant covers a large site between Route 5 and the CSX and Norfolk Southern Railroad in the northwestern area of the Town. There are several sand and gravel mines located throughout the town. Some of the larger mines include the Longhouse Estate mine on SR 60 near Lily Dale, Frazier mine on SR 60 near the Fredonia Reservoir, and the Cole mine near the intersection of SR 60 and East Main Street.

### **2.2.3 Parks , Recreation and Trails**

The Fredonia-Pomfret Recreation Department offers year-round organized recreational activities and youth services. Hillview Golf Course, a public 18-hole facility, is located on Berry Road at the western boundary of Fredonia. Several campgrounds are in existence along State Route 60 near Cassadaga Lake and along the western shore of Bear Lake. Lake Erie State Park is just west of the Town in the Town of Portland.

There is a public boat launch located just outside the Town on Bear Lake Road that provides access to Bear Lake and one located on Dale Drive in Lily Dale that provides access to the Cassadaga Lake system. The lakes are popular for bass, pike, and muskellunge fishing. The

presence of trout and salmon populations along with public fishing access at several locations along Canadaway Creek provide one of the best locations for Western New York anglers. As a result of the abundant fish populations off Van Buren Point in Lake Erie, this area attracts significant recreational fishing pressure.

The New York State Seaway Trail is a scenic route paralleling Lake Erie, the Niagara River, Lake Ontario, and the St. Lawrence River. The Trail is marked with green and white markers and follows State Route 5 through the Town of Pomfret. The Lily Dale Assembly is a marked attraction along the 454-mile long Trail.

The Chautauqua – Lake Erie Wine Trail meanders throughout the Lake Erie Concord Grape Belt connecting sixteen wineries from Silver Creek to northeast Pennsylvania. Most wineries are within a few miles of U.S. Route 20 and although there are not any wineries in the Town of Pomfret, the Trail leads tourists through the vineyards of the Town on route to nearby wineries.

## **2.3 Land Use Regulations**

### **2.3.1 Zoning**

The Town of Pomfret adopted a Zoning Law in 1994 that establishes ten zoning districts (see Map 6 – Zoning). The majority of the Town is zoned Agricultural Residential (AR1 or AR2), which is intended to provide for a compatible mix of agricultural and residential uses with the intent to preserve the rural character. Through a Special Use Permit, the zones allow for retail sales operated from a home, minor retail, service, or office establishments, and recreational uses. There is a two acre minimum lot size for single family residential units and other non-residential uses. If either water or sanitary sewer service is available to the site, the minimum lot size for single family residential units in the AR2 may be reduced to one acre.

A very small Residential (R1) district borders the west side of Fredonia along Berry Road while Large Lot Residential (R2) zones extend north of the Village along Chestnut Street and along SR 60 near the intersection of Webster Road. Areas along the Lake Erie, Bear Lake, and the Cassadaga Lakes shorelines are zoned Lakeside Residential (R3). The R-1 Zoning district is a floating zone in which the regulations are set forth in the Zoning Code but the zone initially is not designated on the Zoning Map. The zoning district is activated through a request by a property owner, Planning Board, or Town Board member and implemented through the amendment of the Zoning Map. The R-1 district is intended to provide for new residential subdivisions and to protect existing residential neighborhoods from encroachment of other non-compatible uses. Areas zoned R-1 are typically serviced by both public water and sanitary sewer and have a minimum lot size requirement of 20,000 square feet. The R-2 district primarily protects existing residential neighborhoods from encroachment of non-compatible uses. Typically, lots in an R-2 district are serviced by either public water or sewer and have a minimum lot size of one acre for single family residential units (two acres if not serviced by water or sewer) and two acres for other uses.

The R-3 district is intended to provide for a mix of residential uses, including cottages and boathouses, which are located near the lakeshores and allowable on smaller lot sizes. This district also allows a range of retail, eating and drinking establishments, service, office, and recreational related uses.

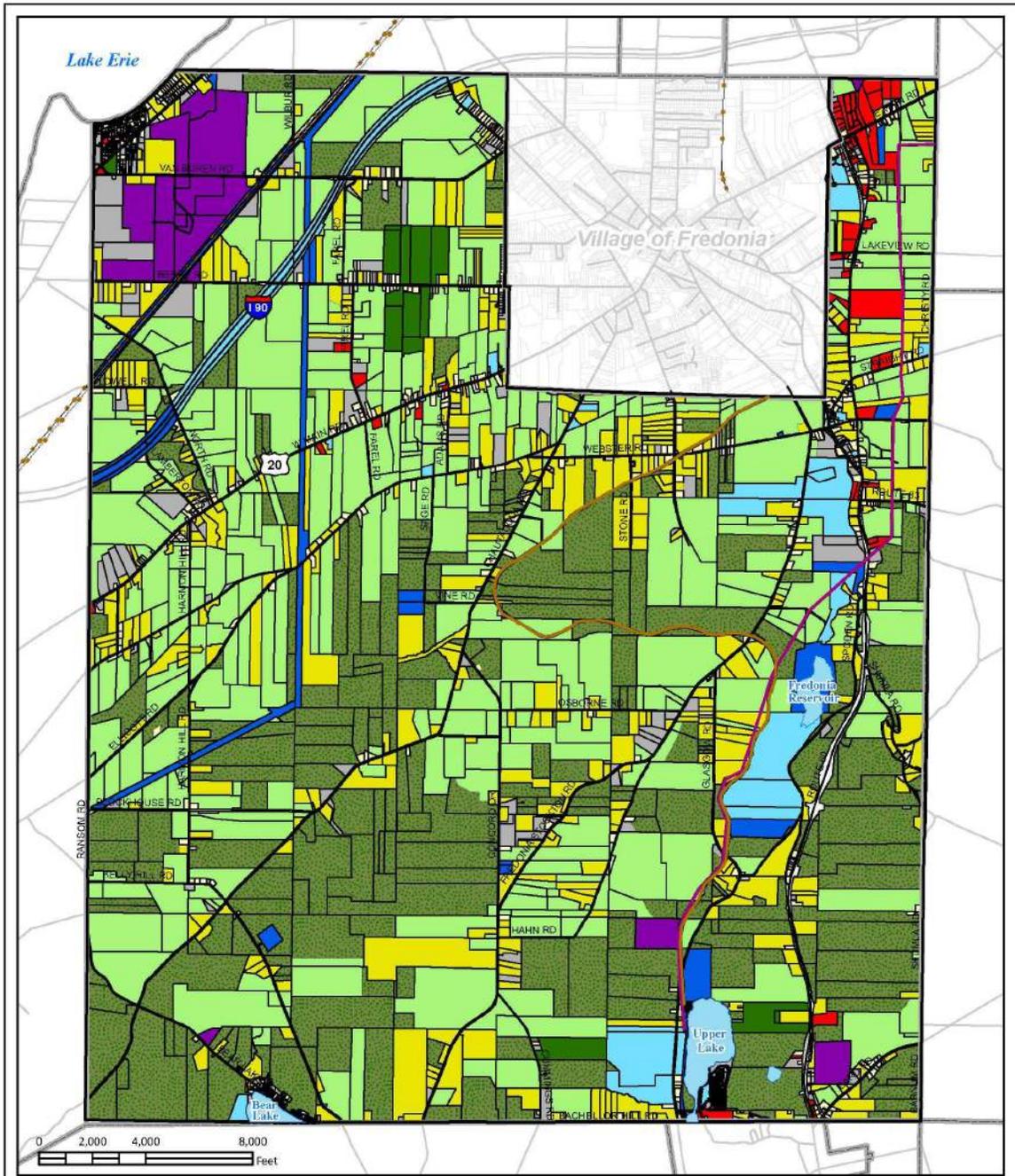
Neighborhood Business (B1) and Highway Business (B2) zoning exists along State Route 60 from the northern Town line to State Route 83 and near the southern border. The purpose of these zones is to promote vehicle oriented retail and service uses while enhancing the aesthetic appearance of the Town. The B-1 district is a floating zone with a minimum lot size of two acres. The B-2 district is much less restrictive with a wide variety of uses permitted. There is a two acre minimum lot size for non-residential uses and residential uses not serviced by public water and/or sewer infrastructure. Residential uses serviced by either public water and/or sewer require a minimum lot size of one acre.

An Industrial 1 (I1) district is located near the intersection of State Route 60 and Lakeview Road. South of State Route 5 and bordering the railroads is a large Industrial 2 (I2) district. The I1 district is intended to provide for a variety of wholesale and light industrial uses that produce few nuisances. Residential and agricultural uses are not permitted in the I1 district. The I2 district is intended to promote heavier industrial uses, however, allowing residential and agricultural uses in the interim development stages. The minimum lot size for both districts is two acres.

Several Conservation (C1) zones are located throughout the Town, one in the southwest corner near Bear Lake, one along Glasgow Road west of the Cassadaga Lakes, one along State Route 60 south of State Route 83, one near the intersection of State Route 60 and State Route 83, and one along State Route 60 just south of East Main Street (U.S. 20). This district is intended to promote the preservation of natural resources of the Town. This district allows a range of agricultural and recreational uses and residential uses are permitted by Special Use Permit. All uses require a minimum lot size of five acres.

The Zoning Code also provides supplemental regulations for a number of uses with regards to traffic, safety, health, neighborhood character, public costs, environmental protection, nuisances, land use preservation, and aesthetics. Supplemental regulations are established for cluster residential developments, mixed uses, multi-family residential, shopping centers, home occupations, household sales, roadside stands, drive-in businesses, ponds, lakeshore regulations, parking, loading and unloading areas, signs, fences/ walls, television dish/ antennas, solar systems, gravel operations, gas compressors, junk yards, heavy vehicles, large group gatherings, mobile homes, mobile home parks, temporary dwelling units, temporary mobile homes, travel trailer parks, fuel tanks, aircraft landing strip, topsoil/ excavation, day care center, recreational vehicle/ trailer storage, storage structures, seasonal recreation camps, trash storage, kennels, industrial uses, bed & breakfast, offices, temporary retail outlet, restaurants, vehicle sales, shooting ranges, vehicle repair/ auto body repair, motor vehicle service stations, pools, junk vehicles, animals, poultry, and birds, toxic waste/ flammable liquids, and telecommunications facilities.

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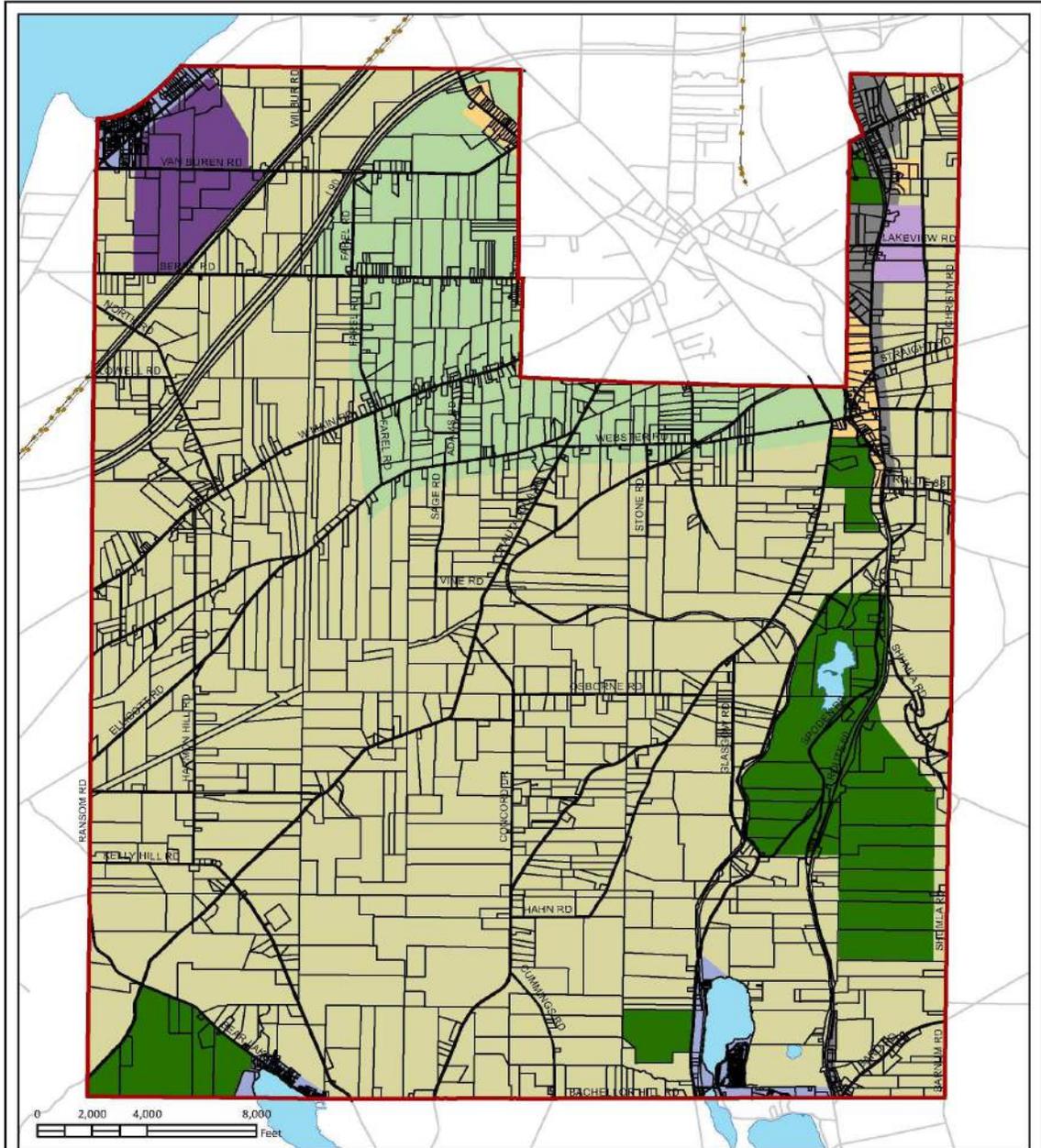


Map 5 - Existing Land Use

<p><b>TOWN OF POMFRET COMPREHENSIVE PLAN</b></p> <p><i>Existing Land Use</i></p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Town Boundary</li> <li> Parcels (2007)</li> <li> Roads</li> <li> Railroad</li> <li> Railroad ROW</li> </ul>	<p> Utility Easement</p>	<p> Vacant</p>	<p> Industrial</p>
		<p><b>Land Use</b></p> <ul style="list-style-type: none"> <li> Agriculture</li> <li> Residential</li> <li> Rural Residential</li> </ul>	<ul style="list-style-type: none"> <li> Commercial</li> <li> Parks / Recreation</li> <li> Recreation / Entertainment</li> <li> Community Service</li> </ul>	<ul style="list-style-type: none"> <li> Public Service</li> <li> Wild / Forested</li> </ul>

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Map 6 - Zoning

<p><b>TOWN OF POMFRET</b> <b>COMPREHENSIVE PLAN</b></p> <p>Zoning</p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Town Boundary</li> <li> Parcel (2009)</li> <li> Roads</li> <li> Railroad</li> <li> Lakes</li> </ul>	<p><b>Zoning (Draft)</b></p> <ul style="list-style-type: none"> <li> Agricultural Residential - AR 1</li> <li> Agricultural Residential - AR 2</li> <li> Highway business - B 2</li> <li> Conservation - C 1</li> </ul>	<ul style="list-style-type: none"> <li> Industrial - I 1</li> <li> Industrial - I 2</li> <li> Residential - R 1</li> <li> Residential - R 2</li> <li> Residential - R 3</li> </ul>	<p>WENDEL DUCHSCHERER ARCHITECTS &amp; ENGINEERS</p> <p>WD Project # 310403 Map Created: May, 2009</p>
		<p><small>Wendel Duschcherer Architects &amp; Engineers, P.C. shall assume no liability for 1. Any errors, omissions, or inaccuracies in the information provided regardless of how issued or; 2. any decision or action taken or not taken by the reader in reliance upon any information or data furnished hereunder. Data Source: NYS GIS Clearinghouse, Town of Pomfret, Chautauque County</small></p>		

In 2007, the Town adopted a Local Law entitled Wind Energy Facilities Law, which amended the Zoning Law and established regulations for Wind Energy Conversion Systems (WECS). The Law sets standards for commercial wind farms, residential windmills, and meteorological (met) towers.

### **2.3.2 Land Subdivision Regulations**

The Subdivision Regulations of the Town of Pomfret were adopted in 2004 to control the subdivision of land. The regulations outline the subdivision approval process, required improvements, plan submittal requirements, and design standards. The design standards are intended to regulate the size of lots and blocks, layout of streets and driveways, sidewalks, access to lots, buffering or screening, future subdivision, non-residential standards, easements, erosion and sediment control, stormwater management, sewage disposal, water supply, landscaping, monuments, street signs, street lighting, and utilities.

## **2.4 Topography and Soils**

### **2.4.1 Topography**

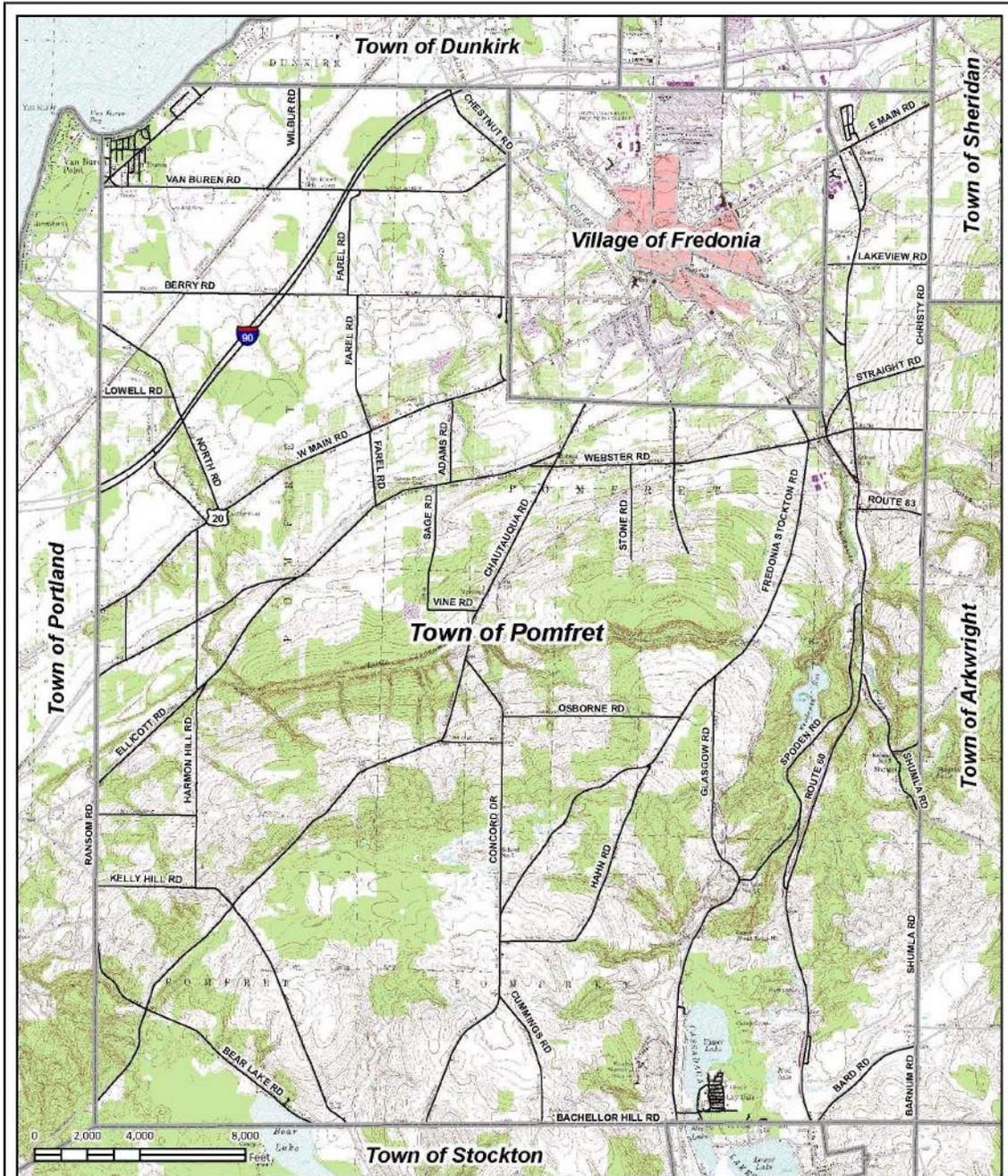
The topography of the Town of Pomfret ranges from relatively flat land along the shores of Lake Erie (the Erie-Ontario Plain) to the gentle slopes that lead into the Allegheny Plateau Escarpment, to the hilly terrain of the interior sections of the Town (Allegheny Plateau Escarpment). A majority of the southern part of the Town contains steep slopes, particularly along Canadaway Creek (which runs parallel to State Route 60, south of State Route 83), along Little Canadaway Creek, and along Harmon Hill Road, Chautauqua Road, Fredonia Stockton Road, and Glasgow Road. The elevation of the Town ranges from about 580 feet above mean sea level (msl) near Lake Erie to about 1,600 feet above msl near the southern border of the Town (see Map 7 – Topography).

### **2.4.2 Soils**

The primary soil units in the Town of Pomfret include the following, noted in order of their location from northwest to southeast in the Town (see Map 8 – General Soils):

1. Niagara-Canandaigua-Collamer – These soils are nearly level and gently sloping, very deep, somewhat poorly drained, and poorly drained, moderately fine textured soils with medium lime content, and are typically found on lowland lake plains. These soils are found in the northern portion of the Town, north of U.S. 20.
2. Urban Land-Howard-Niagara – These soils consist of extensive asphalt and/or impervious area coverage or consist of nearly level, very deep, and somewhat poorly drained soils typically found in the lake plain. These soils are found along U.S. 20 west of Fredonia and along Chestnut Street.

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Map 7 - Topography

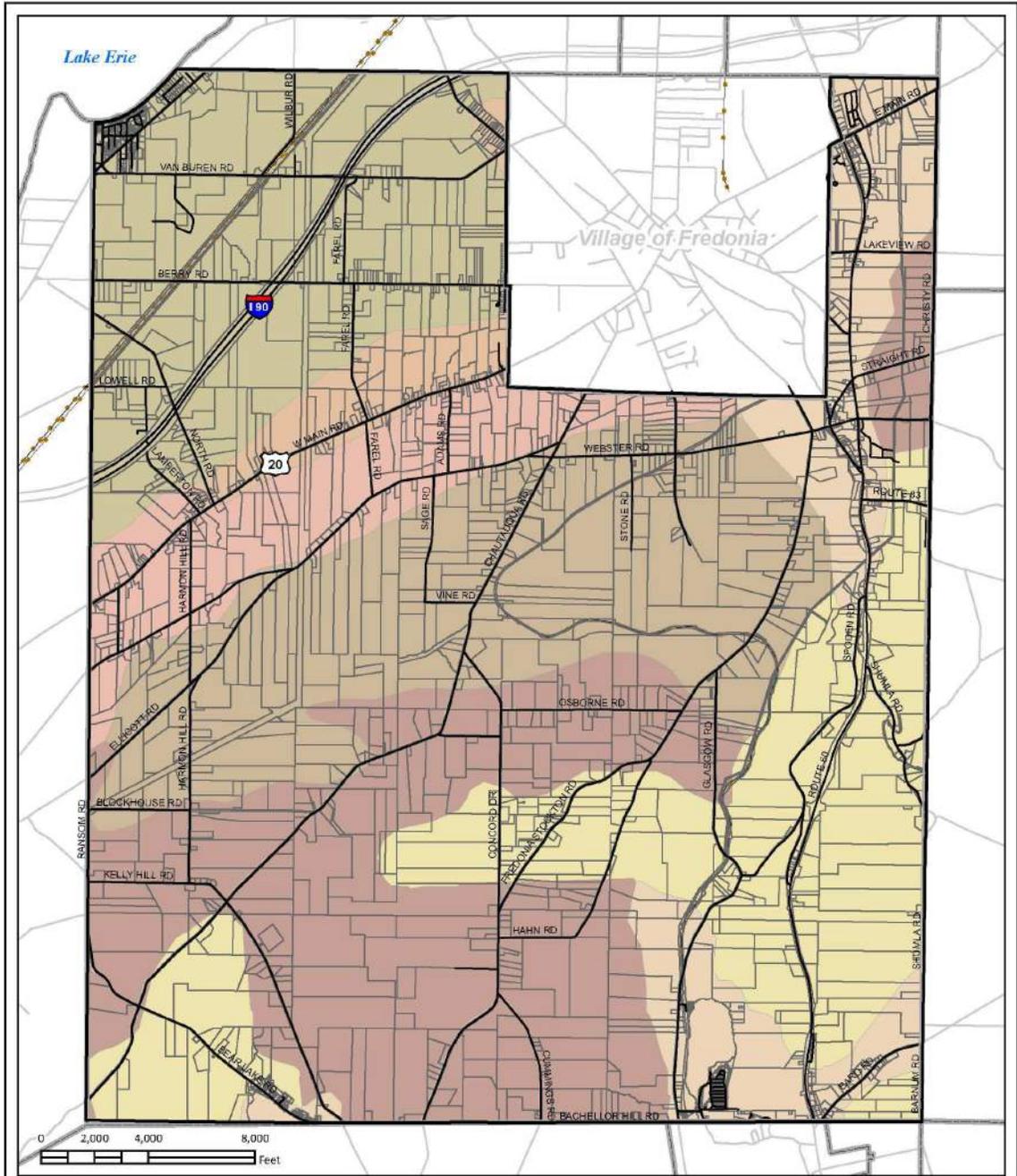
<p><b>TOWN OF POMFRET COMPREHENSIVE PLAN</b> Topography</p>	<p>LEGEND</p>	<p>○ Municipal Boundary    ≡ Roads</p>	<p> WENDEL DUSCHSCHERE ARCHITECTS &amp; ENGINEERS P.C. 75 WEST STREET, SUITE 200 DUNKIRK, VERMONT 05834 WD Project # 310403 Map Created: May, 2009</p>
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3. Darien-Cazenovia-Nunda – These soils are nearly level, very deep, and somewhat poorly drained with a dark grayish brown silt loam at the surface. These soils are found south of U.S. 20 west of Fredonia.
4. Chenango-Howard-Palmyra – These soils are nearly level, very deep, and well drained to somewhat excessively drained with a brown silt loam at the surface. These soils are found along SR 60 east of Fredonia, near Lily Dale, and near Bear Lake.
5. Orpark-Hornell-Fremont – These soils are nearly level to moderately steep, moderately deep, somewhat poorly drained, moderately fine textured soils that have a low content of lime, and are typically in upland areas. These soils are situated across the central portion of the Town.
6. Mardin-Lordstown-Volusia –These soils are sloping, very deep, and moderately well drained located on hillsides and side slopes that receive runoff from higher elevations. These soils are located across some of the uplands areas in the southern portion of the Town.
7. Valois-Bath-Howard – These soils are gently sloping to very steep very deep, and well drained with a dark brown silt loam at the surface. These soils are found along SR 60 in the eastern portion of the Town, across the uplands area in the southern portion of the Town, and near Bear Lake.



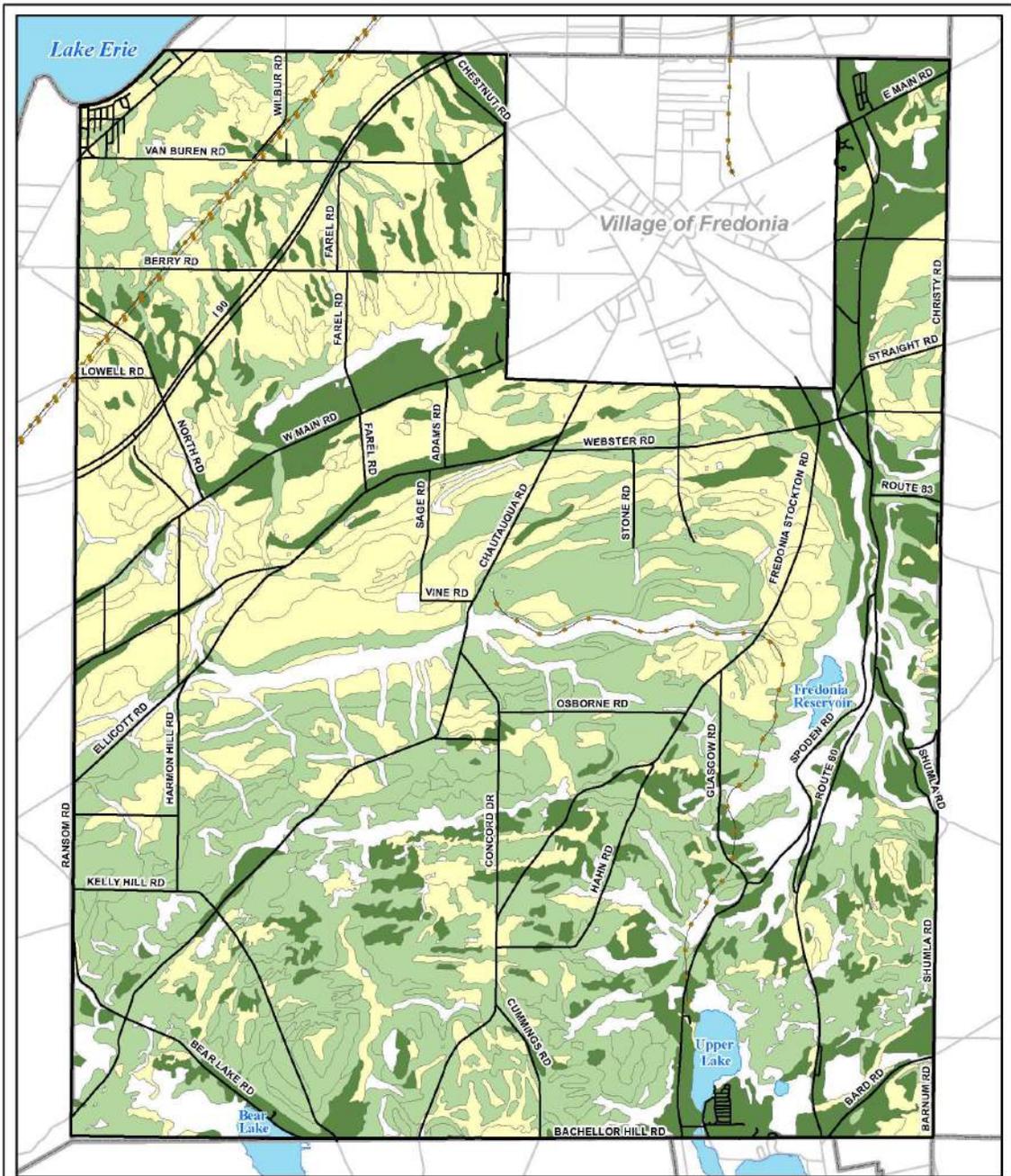
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Map 8 - General Soils

<p><b>TOWN OF POMFRET COMPREHENSIVE PLAN</b></p> <p>General Soils</p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Town Boundary</li> <li> Parcels (2009)</li> <li> Roads</li> <li> Rail Road</li> </ul>	<p><b>General Soils</b></p> <ul style="list-style-type: none"> <li> Onpark-Hornell-Fremont (NY953)</li> <li> Valois-Bath-Howard (NY125)</li> <li> Martin-Lordstown-Votusia (NY126)</li> <li> Darien-Cazenovia-Nunda (NY131)</li> </ul>	<ul style="list-style-type: none"> <li> Chenango-Howard-Palmira (NY134)</li> <li> Niagara-Canandaigua-Collamer (NY139)</li> <li> Urban Land-Howard-Niagara (NY143)</li> </ul>	<p></p> <p><b>WENDEL DUCHSCHERER</b> ARCHITECTS &amp; ENGINEERS</p> <p>WD Project # 310403 Map Created: May, 2009</p>
		<p><small>Wendel Duchsherer Architects &amp; Engineers, PC 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: NYS GIS Clearinghouse, Town of Pomfret, Chautauque County, SSURO</small></p>		

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN



Map 8 - Prime Agricultural Soils

<p><b>TOWN OF POMFRET COMPREHENSIVE PLAN</b></p> <p><i>Prime Agricultural Soils</i></p>	<p>LEGEND</p> <ul style="list-style-type: none"> <li> Town Boundary</li> <li> Roads</li> <li> Railroad</li> <li> Prime Farmland if Drained</li> <li> Farmland of Statewide Importance</li> <li> Prime Farmland</li> </ul>	<p></p> <p>WENDEL DUCHSCHERER ARCHITECTS &amp; ENGINEERS</p> <p>WD Project # 310403 Map Created: May, 2009</p>

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### **2.4.3 Prime Farmland**

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, without tolerable soil erosion. Approximately 4,155 acres, or 17 percent of the Town contains soils that meet the requirements of prime farmland. An additional 8,716 acres, or 35 percent of the Town contains soils that meet the requirements of prime farmland if drained. In total, 12,871 acres, or 52 percent of the Town has the potential to be prime farmland. These prime soils can be found primarily in the northern third of the Town. Pockets of these prime soils stretch south along Canadaway Creek and SR 60 and also border Upper Cassadaga Lake and Bear Lake. In addition to the prime farmland soils, 8,942 acres of soils are classified as Soils of Statewide Importance. These soils are mainly located within the hilly terrain in the southern portion of the Town, with intermittent pockets located along the lake shore (see Map 9 – Prime Agricultural Soils).

### **2.4.4 Soils of Statewide Importance**

Soils of Statewide Importance are soils that are considered important for the production of farm crops. Although important to agricultural activity in the State, these soils exhibit certain characteristics, such as seasonal wetness or erodibility, and do not meet all of the criteria to qualify as prime farm soils. In Pomfret, these soils support a substantial amount of farm production.

## **2.4 Environmental Resources**

### **2.5.1 Surface Waters**

The northwestern portion of the Town of Pomfret is bordered by nearly a mile stretch of Lake Erie lakeshore. Bear Lake and the Cassadaga Lakes (Upper Cassadaga Lake, Middle Cassadaga Lake, and Lower Cassadaga Lake) are partially within the Town along the southern border and are popular among boaters and anglers. Bear Lake is a 141 acre lake in the southwest portion of the Town. The Lake is unique in that 70 percent of the shoreline is wetlands, creating an excellent habitat for bass and other predator fish. The Cassadaga Lakes are actually a series of three interconnected lakes totaling 217 acres in surface area. Upper Cassadaga Lake and a portion of Middle Cassadaga Lake lie within the southeastern portion of the Town. Fredonia Reservoir collects stream runoff from the hills of southern Pomfret before flowing into Canadaway Creek. This Reservoir also supplies water for the Village of Fredonia's water system.

Canadaway Creek originates in the hills east of Pomfret and meanders through the eastern portion of the Town before traversing Fredonia on its way to emptying into Lake Erie. The creek drains approximately 40 square miles of mostly residential, agricultural, and forest land. The Little Canadaway Creek begins in the hills of the southern portion of the Town and winds through the western end of Pomfret before draining into Lake Erie near Greencrest in

the Town of Portland. Beaver Creek flows from just south of Webster Road, west of Fredonia, into Canadaway Creek in the Town of Dunkirk. Crooked Brook emerges from the Hills, west of Pomfret, and travels through the northeast portion of the Town near the intersection of East Main Street (U.S. 20) and Bennett Road (State Route 60), before exiting into the Town of Dunkirk (see Map 9 – Environmental Features).

#### **2.5.4 Wetlands**

Along the lakes and many creeks and streams of Pomfret are numerous state and federal wetlands (see Map 9 – Environmental Features). The larger wetlands are located near Upper Cassadaga Lake, Bear Lake, and along Canadaway Creek. Pockets of wetlands also exist in the northwestern portion of the Town, especially between West Main Street (U.S. 20) and Lake Erie.

State wetlands are those under jurisdiction of the New York State Department of Environment and Conservation (NYSDEC) and are identified by the existence of certain species of vegetation that grow well in wet soils. The Freshwater Wetlands Act protects all wetlands of 12.4 acres (5 hectares) or larger. The State also regulates the land area within 100 feet of protected wetlands. Wetlands smaller than this may be protected if they are considered to be of local importance. State wetlands are ranked in four classes ranging from Class I, which is a wetland of greatest importance and contains the highest restriction, to Class IV. Regardless of the wetland class, a permit is required to conduct any regulated activity within a wetland area or the 100 foot buffer that surrounds a wetland.

Federal wetlands are regulated under the jurisdiction of the U.S. Army Corps of Engineers through Section 404 of the Clean Water Act, irrespective of their size, and Section 10 of the Rivers and Harbors Act of 1899. Many wetlands that are state wetlands are also federal wetlands, however, many smaller wetlands that do not meet the state's minimum size requirement are only under federal jurisdiction. Under the law, a permit is required for any structure or work that takes place in, under, or over a navigable waterway or wetlands adjacent to navigable waters (such as dock construction, dredging, and shoreline protection). In addition, any activity that involves a discharge of dredged material or fill material into navigable waters or associated wetlands requires a permit, as well as activities that would drain or flood wetlands or significantly disturb the soil (such as land clearing, ditching, stream channelization, and excavating).

#### **2.5.3 Floodplains**

There are two types of floodplains that exist within the Town, 100-year floodplains and 500-year floodplains. The 100-year floodplain is the area surrounding a water feature that is inundated with water during a 100-year flood event, or a flood that has a 1 percent chance of occurring each year. The 500-year floodplain is the area surrounding a water course that

is inundated with water during a 500-year flood event. The 100-year floodplain is divided into the floodway and the floodway fringe. The floodway is the portion of the floodplain which includes the stream's channel and any adjacent areas that must be kept free of encroachments that might block flood flows or restrict storage of flood waters. The flood fringe is the area covered by flood waters but that does not carry strong currents of flood waters.

The extent of floodplains throughout the Town is constrained to a limited number of lakes, creeks, and streams (see Map 10 – Floodplains). The shores of the Cassadaga Lakes are encompassed mainly by a 500-year floodplain while a very limited 100-year floodplain surrounds Bear Lake. Canadaway Creek includes both 100-year and 500-year floodplains, however, neither extend far beyond the creek banks. A 100-year floodplain stretches along a portion of Little Canadaway Creek and Beaver Creek. The immediate areas adjacent to Crooked Brook also contain a 100-year floodplain.

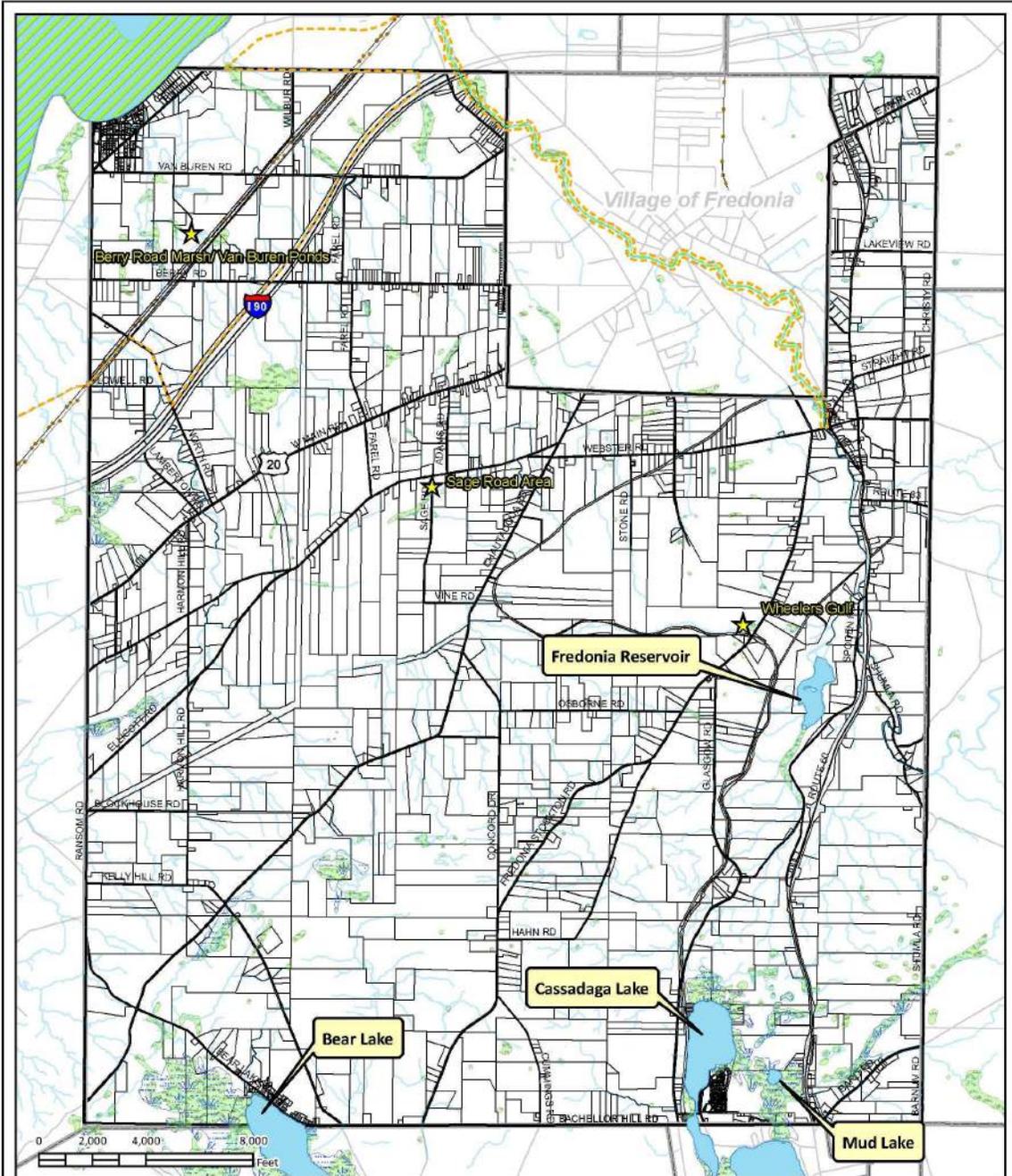
#### **2.5.4 Habitats**

There are three major habitat areas that are designated as Important Birding Areas in the Town. Berry Road Marsh/ Van Buren Ponds is located in the northwestern portion of the Town. Central to the Town is the Sage Road Area, located along Sage Road south of Webster Road. Wheelers Gulf is located off of Fredonia Stockton Road south of Fredonia and is privately owned with no public access (see Map 9 – Environmental Features).

There are two areas in the Town of Pomfret that are State Designated Coastal Fish and Wildlife Habitats. These include Canadaway Creek and Van Buren Point. Canadaway Creek habitat extends approximately six miles from Lake Erie to Laona Falls, southeast of the Village of Fredonia, and is a major tributary to the lake. The creek drains approximately 40 square miles of residential land, agricultural land and forests, and much of the land bordering the creek is deciduous forest. The creek is significant because it provides habitat for major salmonid spawning runs for concentrations of coho and Chinook salmon, steelhead trout, and brown trout migrate from Lake Erie into the creek each fall. This creek is among the top four lake tributaries that are stocked by NYSDEC each year to support the salmonid fisheries. Additionally, the creek is a popular stopover for migratory birds in the fall and spring.

Van Buren Point is located on the shoreline of Lake Erie and encompasses approximately 2,500 acres of open water that include shallow, gravelly shoals that serve as important spawning area for a variety of warm water fish species, including walleye, yellow perch, and smallmouth bass.

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

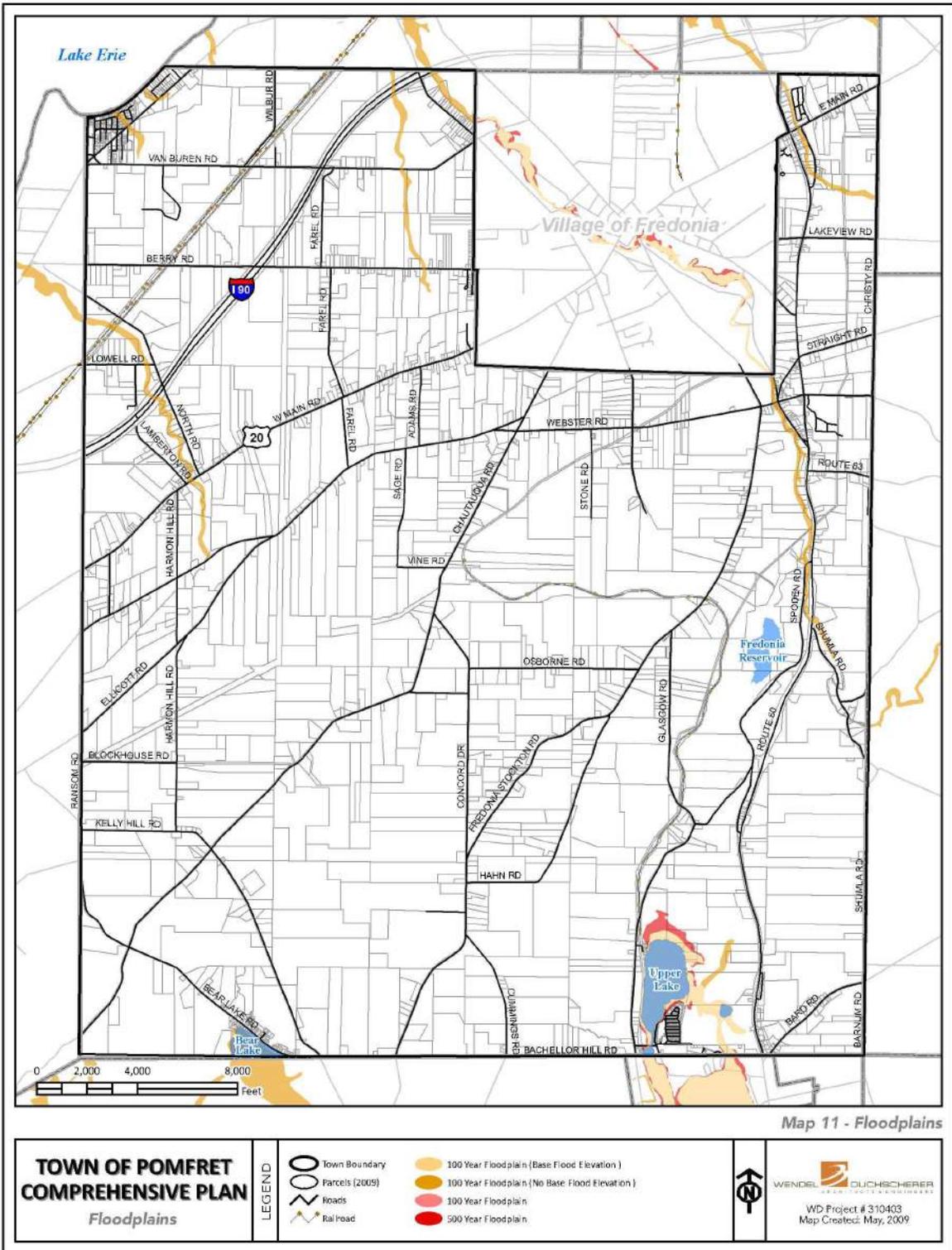


Map 10 - Environmental Features

<p><b>TOWN OF POMFRET COMPREHENSIVE PLAN</b></p> <p><i>Environmental Features</i></p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Town Boundary</li> <li> Parcels (2009)</li> <li> Roads</li> <li> Railroad</li> <li> Streams</li> <li> Lakes</li> <li> Coastal Boundary</li> <li> Coastal Habitats (NYS DOS)</li> <li> Birding</li> <li> Wetland DEC</li> <li> Wetland NWI</li> </ul>		<p><b>WENDEL DUCHSCHERER</b> ARCHITECTS &amp; ENGINEERS</p> <p>WD Project # 310403 Map Created: May, 2009</p>

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TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN



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**2.6 Demographics**

The demographic background, including population, housing, income, and economic data for the Town of Pomfret is based on the 2000 U.S. Census. Although this data is already eight years old, it provides the most comprehensive data for the area, as well as the preferred Town geography for the creation of a background report. The 2006 U.S. Census Bureau American Community Survey provided population estimates for several communities, including the Town of Pomfret. The 2007 Census Bureau population estimates do not go beyond the county level geography, and therefore, cannot be used for the Town.

**2.6.1 Population**

The Town of Pomfret has experienced a slight 2.7 percent increase in population between 1990 and 2006, but has experienced a slight decline of 104 persons since 2000. The 2006 Census Bureau population estimate shows the Town’s population at 3,893. Including the Village of Fredonia, the population for the area in 2006 was 15,020. During the span between 1990 and 2006, the Village experienced an increase in population of 6.2 percent. The overall population in Chautauqua County has exhibited a continuing decline, and has lost 7,950 residents, or 5.9 percent between 1990 and 2007.

*Figure 1: Town of Pomfret Population*

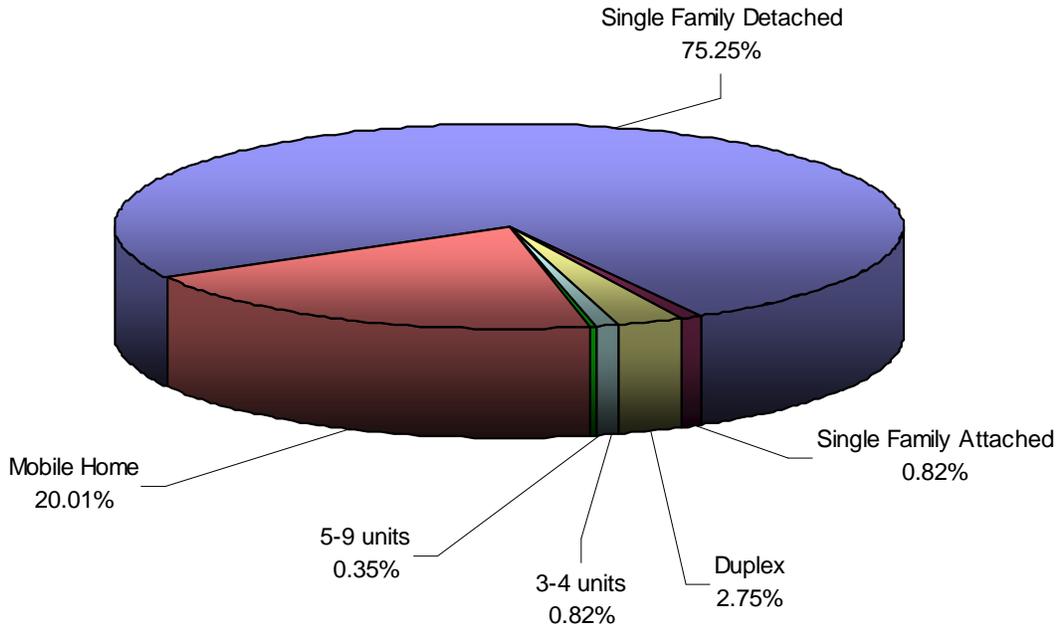
	<b>Town</b>	<b>Village</b>	<b>County</b>
1990	3,788	10,436	141,895
2000	3,997	10,706	139,750
2006	3,893	11,127	133,945(2007)

The Town’s overall population has aged slightly since 1990. In 2000, there were 992 persons in the Town of Pomfret under the age of 18, making up 24.8 percent of the population and remaining fairly consistent with the 996 under the age of 18 in 1990. Senior citizens over the age of 65 account for 13.9 percent of the Town’s population, up slightly from 512 in 1990 to 557 in 2000. There were 965 Pomfret children enrolled in school in 2000, down 6.0 percent from 1990.

**2.6.2 Housing**

The number of housing units in the Town of Pomfret has increased at a slightly greater pace than the population. In 2000, there were 1,729 housing units in the Town of Pomfret, an increase of 5.4 percent since 1990. Nearly three fourths of the Town’s housing units are owner occupied, with 1.5 percent remaining vacant. The majority of housing units are single family homes, with only 67 units in structures containing multiple units. Mobile homes account for 305 housing units. Slightly more than 30 percent of the housing units in the Town were constructed prior to 1930, with another third constructed between 1940 and 1979.

Figure 2: Town of Pomfret Housing Units, 2000



**2.6.3 Economic**

As of the 2000 U.S. Census, approximately 55 percent of the Town’s population is employed, with the unemployment rate hovering around 4.2 percent. The State University of New York at Fredonia employees nearly 1,000 people and its importance to Pomfret is evident in that 27 percent of the Town’s workforce is employed in the educational, health, and social service industry and another 7 percent are employed in the arts, entertainment, and recreation industry. Manufacturing, retail trade, and transportation, warehousing, and utilities are all very strong employment sectors for the Town with each employing greater than 10 percent of the labor force. The following table is a breakdown of employment of the Town’s residents.

The Carriage House Companies, Inc. in Fredonia, a food canning and packaging company, is one of the major employers of the area, providing manufacturing and wholesale jobs. Nearly 4 percent of the Town’s workforce makes their living from agriculture as grape vineyards and fruit orchards dot the rural countryside paralleling Lake Erie. The grape industry represents a \$50 million economy for the municipalities along Lake Erie, of which the Town of Pomfret is a major contributor and beneficiary.

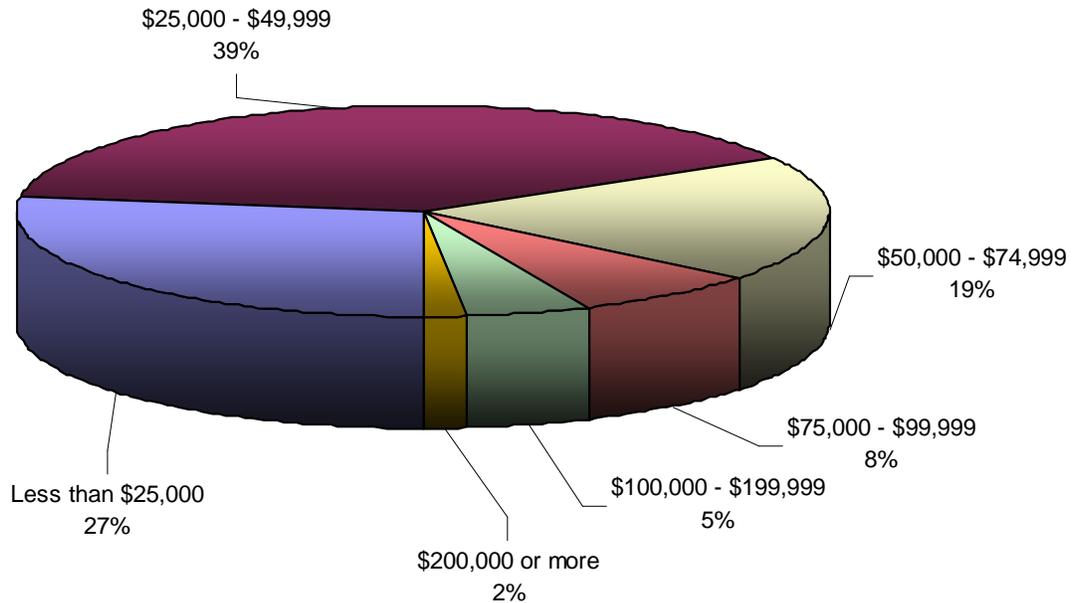
Figure 3: Town of Pomfret Employment

Occupation:	Employed in 2000	% Employed in 2000
Agriculture	69	3.9%
Construction	67	3.8%
Manufacturing	308	17.2%
Wholesale Trade	32	1.8%
Retail Trade	180	10.0%
Transportation, Warehousing & Utilities	181	10.1%
Information	27	1.5%
Finance, Insurance & Real Estate	56	3.1%
Professional, Management & Administrative	84	4.7%
Educational, Health & Social Service	486	27.2%
Arts, Entertainment & Recreation	126	7.1%
Public Administration	38	2.1%
Other Services	132	7.4%

**2.6.4 Income**

Nearly two out of every five households in the Town of Pomfret have an income between \$25,000 and \$50,000, with slightly more than a quarter of the population earning less than \$25,000. The following chart shows the breakdown of household income in 2000.

Figure 4: Town of Pomfret Household Income, 2000



## 2.7 Utilities

There are several water and sewer districts located within the Town of Pomfret that provide service to residents and for which fees are collected by the Town.

The Van Buren area along Lake Erie is serviced by the Van Buren Water District, which gets water from the City of Dunkirk water system, and the Portland-Pomfret Sewer District operated by Chautauqua County.

The Berry Road Water District services areas just west of the Village of Fredonia along Berry Road. The Johnson Street Sewer District and Martha's Vineyard Drive Sewer District service their respective neighborhoods, which lie just west of the Village of Fredonia along Berry Road. The areas northwest of Fredonia along Chestnut Street are serviced by the Chestnut Road Water District. The Route 60 Water and Sewer District services the areas along State Route 60 south of the New York State Thruway to just south of East Main Street (U.S. 20). The Route 20 Water and Sewer District provides service to areas along East Main Street northeast of Fredonia, near the intersection with SR 60. These areas all get water from the Village of Fredonia water system and have sewer service provided by the Village sanitary sewer system. The Village of Fredonia Waste Water Treatment Plant has a capacity of 3.3 million gallons. The Plant currently handles an average flow of approximately 3 million gallons, with primary emphasis on removing biological oxygen demand and suspended solids.

The Lily Dale community is serviced by the Lily Dale Sewer District, operated by the Town of Pomfret. The Lily Dale community currently purchases potable water from the Village of Cassadaga. They are in the process of developing their own water source.

The Town of Pomfret Town Board, as the water commissioners for the Town, passed a resolution in May 2009 forming the North End Water District, subject to a referendum vote (see Map 12 – North End Water District). In August 2009, landowners within the water district voted to approve the formation of the water district. The creation of the water district is the first step in implementing a waterline construction project that will eventually provide residents within the district with a reliable and safe source of potable water. When complete, the project will consist of 30 miles of waterline and service 530 homes. Phase I of the project will service 363 homes and consist of 10.2 miles of waterlines to be constructed along the following roads:

- U.S. Route 20 between the Town of Portland and Village of Fredonia and between SR 60 and Christy Road;
- SR 60 between U.S. Route 20 and Webster Road;
- McAllister Road between U.S. Route 20 and SR 60;
- Wilson Road between SR 60 and Webster Road;
- Seymour Road between the Village of Fredonia and Webster Road;

- Webster Road between Rood Road and SR 60; and,
- Chautauqua Road between the Village of Fredonia and Webster Road.

Design for Phase I of the project is expected to begin in the spring of 2010. The Town has undertaken initial planning to restrict lateral connections and will create a board to assist with identifying and enforcing lateral restrictions (see Appendix I – NYS Department of Agriculture and Markets Guidelines- Conditions on Future Service).

## **2.8 Transportation**

### **2.8.1 Existing Highway Network**

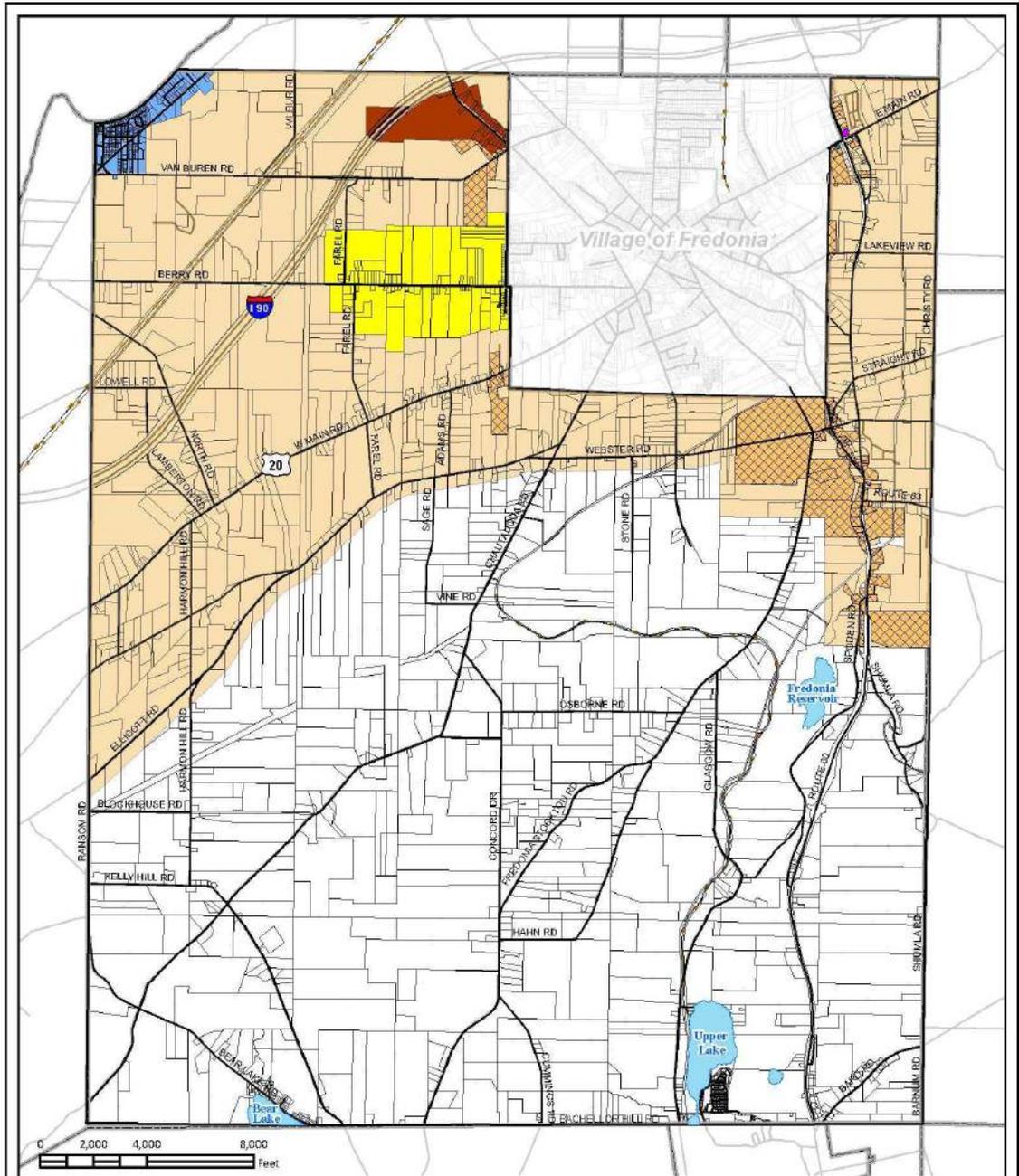
The transportation system in the Town of Pomfret is dominated by a road system that radiates from the Village of Fredonia. There are also several major corridors paralleling Lake Erie that provide access between Buffalo and Erie, Pennsylvania. Very few cross-town roads exist that provide access between these routes without traveling back towards Fredonia or using roads in adjacent towns. All but approximately six miles of road within the Town are hard surfaced.

The New York State Thruway (I-90) runs through the northwest corner of the Town. Although there is not an interchange located directly in the Town, access to State Route 60, which is a major north-south corridor through the eastern portion of the Town, is provided by an interchange just north of Fredonia. An average of 23,350 vehicles per day travel the section of Thruway in the Town.

U.S. Route 20 extends from the western portion of the Town to the northeastern corner, bisecting the Village of Fredonia along the way. The corridor is known locally as West Main Street and East Main Street and handles approximately 4,800 daily vehicles west of Fredonia and close to 14,000 near the intersection with State Route 60. State Route 5 follows the Lake Erie shoreline, a portion of which passes through the northwest corner of the Town. On average, about 3,900 vehicles travel this route each day.

State Route 60 runs along the eastern portion of the Town, just east of Fredonia, and provides access to the New York State Thruway to the north, State Route 83, and the Village of Cassadaga to the south. This road extends further north into the City of Dunkirk and south to the City of Jamestown. Approximately 15,000 vehicles per day travel this corridor between the Thruway and State Route 83. The section of road south of State Route 83 experiences close to 10,000 vehicles per day. State Route 83 extends east of the Town to Cherry Creek and handles less than 2,000 vehicles per day. The remainder of the road system in the Town consists of two-lane county roads and local roads that handle less than 1,000 vehicles per day.

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN



Map 12 - North End Water District

<p><b>TOWN OF POMFRET COMPREHENSIVE PLAN</b> North End Water District</p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Town Boundary</li> <li> Parcels (2007)</li> <li> Roads</li> <li> Railroad</li> </ul>	<p><b>Water Districts</b></p> <ul style="list-style-type: none"> <li> Current Customers Not in a District</li> <li> Rt 20 Water District</li> <li> Rt 60 Water District</li> </ul>	<ul style="list-style-type: none"> <li> Berry Water District</li> <li> Chestnut Water District</li> <li> Van Buren Water District</li> <li> New Water District</li> </ul>	<p> WENDEL DUTSCHCHERER ARCHITECTS &amp; ENGINEERS P.C.</p> <p>WD Project # 310403 Map Created: May, 2009</p>
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There are three roads that flood during certain events and have been identified as risks. Farel Road, about 1,000 feet north of Berry Road floods three to four times per year during heavy rains or rapid snow melting. The existing culvert is unable to handle the heavy runoff and needs to be replaced with a larger culvert. In addition, a large willow tree at the mouth of the culvert needs to be removed. A larger culvert and excavation of the drainage area would help alleviate flooding of Bear Lake Road, near Chautauqua Road, which experiences flood waters up to 10 feet deep at times. The shoulders of Kelly Hill Road near Harmon Hill Road routinely becomes washed creating safety hazards and limiting access to adjacent properties. A larger culvert along with the installation of catch basins and spillways would help alleviate this problem.

Sidewalks and other pedestrian facilities in the Town are limited outside of the Village of Fredonia. The New York State Seaway Trail along the Lake Erie shoreline and several scenic roads that meander throughout the grape vineyards provide for bicycling opportunities.

### **2.8.2 Railroad**

Two major railroad lines parallel each other through the northwest portion of the Town, one operated by CSX and the other by Norfolk Southern. These railroads connect major rail yards in Buffalo and Cleveland, Ohio. The CSX rail line is very active, handling over 80 trains per day at speeds of 50-70mph while less than 20 trains operate along the Norfolk Southern rail line. There is an abandoned rail line that meanders south from the Village of Fredonia into the upland area of the Town. The right-of-way is primarily in private ownership now.

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### **SECTION 3.0 – GOALS AND OBJECTIVES**

This section presents the goals and objectives that were developed for the Town of Pomfret Comprehensive Agricultural Protection Plan with the assistance of the Comprehensive Agricultural Protection Plan Advisory Committee. These goals and objectives have been designed utilizing the Town’s rationale for preparing the Comprehensive Agricultural Protection Plan, analyzing the data and information from the Inventory of Existing Conditions and from the Findings, input from residents and stakeholders that was gathered at public meetings and from written comments, and coordination with Town officials and advisory boards. These goals and objectives section provide a framework to support the vision for “Where the Town wants to be” in the future.

The Town’s primary purpose for developing this Comprehensive Agricultural Protection Plan is to recognize, better understand and establish a strategy for protecting the agricultural and rural character of the community. Therefore, the goals and objectives focus on the major issues and concerns of the residents and Town officials and are aimed at protecting and enhancing important agricultural resources, managing future growth and development, and maintaining the rural character of the Town. The recommendations contained in Section 4.0, along with the implementation strategy set forth in Section 5.0 of this Plan, provide more specific direction and actions that the Town can follow to achieve the intent of the goals and objectives.

#### **3.1 Goals and Objectives**

The goals and objectives listed in this section are large-scale visionary ideas that can be utilized to evaluate actions in the Town of Pomfret. They were designed to help facilitate the development of recommendations and implementation actions, and set forth a vision for the Town. These goals are general in nature so that they can be utilized to guide decision-making in the Town across a broad range of issues. The recommendations that follow in Section 4.0 include more specific actions that the Town can implement to achieve the intent of these goals and objectives. The Town has identified eight town-wide goals.

<p><b>Town of Pomfret Comprehensive Plan Goals</b></p> <ul style="list-style-type: none"><li>A. Protect and Promote the Rural, Agricultural Character of the Town</li><li>B. Protect and Enhance the Agricultural Economy of the Town</li><li>C. Encourage a Diversity of Development Styles and Housing Types</li><li>D. Provide Potable Water to Appropriate Areas of the Town</li><li>E. Protect the Environmental Resources of the Town</li><li>F. Maintain and Promote Efficiency in Government</li></ul>
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**Goal A: Preserve and Promote the Rural, Agricultural Character of the Town**

The Town of Pomfret is mainly a rural, agricultural community with several historic hamlets scattered throughout the countryside. The Town recognizes that the protection and preservation of agricultural use contributes to the preservation of open space and maintains the rural community character and heritage of the area. Protecting and promoting the agricultural industry in the Town, which includes vineyards, field crops, keeping of animals, biomass crops and forested lands, among other uses, is of primary importance to the future of Pomfret.



**Objectives**

1. Promote an understanding of agriculture and its importance to the region's economy, culture, and landscape. Build public support for the region's farms and farmers.
2. Promote the protection and preservation of farms and farming related activities that are economically viable (maintain a critical mass of agricultural uses).
3. Consider farming as the highest and best use for areas with prime farm soils or soils of Statewide importance.
4. Encourage growth patterns, land use policies, and conservation measures that are respectful of agricultural operations, support agriculture, and protect productive farmland.
5. Promote environmental stewardship of the land.
6. Establish and maintain partnerships with not-for-profit agricultural support and government agencies.
7. Manage the extension of infrastructure as appropriate to support and protect agriculture.
8. Preserve and enhance viewsheds that contribute to the rural and agricultural character of the Town.
9. Support and continue agriculture and viticulture as a means of economic development.
10. Promote agri-tourism as a means of enhancing the economic vitality of agriculture and viticulture.
11. Encourage and promote agricultural support businesses and activities in the Town.
12. Encourage and allow farm related business as a secondary interest and support service to farming.
13. Encourage farmland owners to utilize available tax relief programs.
14. Avoid and mitigate conflicts between farmers and non-farm neighbors.
15. Encourage flexible Town policies to support agriculture.

**Goal B: Protect, Enhance and Expand the Agricultural Economy of the Town**

Agriculture and agri-business are integral components of the character and economy of the Town of Pomfret, including vineyards, field crops, livestock farms, and fruit orchards. Agriculture related businesses support farming and contribute to the regional economy. The existing economic base of the Town and viability of existing businesses should be protected and expanded. Many agri-business facilities, such as food and beverage processing facilities, choose to locate within or near the Town due to the presence of the Lake Erie Concord Grape Belt Heritage Area.

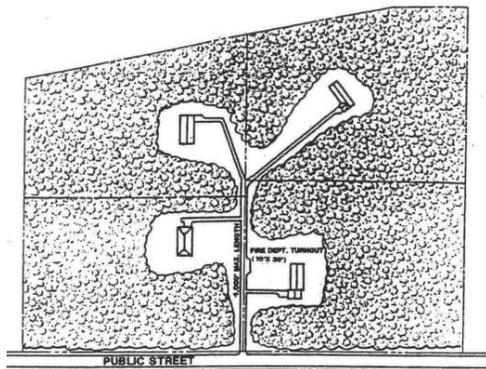
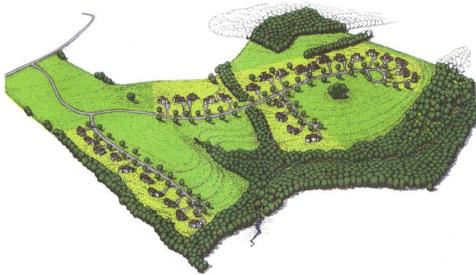


**Objectives**

1. Support agriculture as a business.
2. Foster a viable agricultural economy and support the development of additional agricultural activity within the Town.
3. Treat viable farmland and farm soils as a viable resource that warrants protection from development.
4. Promote organic farming as a viable form of sustainable, value-added agriculture.
5. Realize the economic potential of agricultural tourism.
6. Encourage accessory farm-related uses as a means of supporting agriculture in the Town.
7. Promote and build upon the Agricultural District regulations and the County's Farmland Protection Plan.
8. Encourage the expansion of new technologies, such as biomass production, and explore and promote new markets and agricultural activities.
9. Promote locally grown products.
10. Promote farm markets and roadside stands.
11. Capitalize on the opportunities presented by the Lake Erie Concord Grape Belt Heritage Area.
12. Capitalize on the economic development opportunities resulting from the State University of New York at Fredonia.
13. Business and industrial economic development should be located in a manner that does not sacrifice viable and valuable farmland and farm soils.
14. Encourage development of new businesses that are compatible with neighboring agricultural uses and are in character with the surrounding area.
15. Target areas for new businesses and industries along major transportation corridors and in areas with adequate infrastructure.

**Goal C: Encourage Diverse Development Styles and Housing Types**

As the population of the Town changes over time and the economic conditions vary, the housing stock should be diversified to accommodate the changing needs of the community. Alternative styles of development should also be encouraged as a means of protecting farmland and keeping acreage in active agricultural use.



**Objectives**

1. Encourage conservation subdivision as an alternative to standard subdivision layout to protect agriculture.
2. Encourage open development areas and clustered development as a means of keeping agricultural land intact.
3. Maintain the high quality of the existing housing stock.
4. Encourage the provision of a greater variety of housing styles and types to accommodate a wider range of housing preferences, income levels, and household types.
5. Maintain and protect residential property values.
6. Encourage the development of housing in a manner that discourages sprawl and enables residents to use existing services and infrastructure efficiently.

**Goal D: Provide Potable Water to Appropriate Areas of the Town**

Potable water for most residents of the Town of Pomfret comes from private wells. Potable water is a quality of life issue that can be affected if the viability of private wells diminishes or if the quality of groundwater decreases. The Town supports providing public water to appropriate areas of the Town, where feasible, in order to provide a potable and dependable supply to residents in need. Appropriate restrictions should be utilized to protect agriculture.



**Objectives**

1. Continue to work with the County and regional water district to further outline appropriate ways to bring potable water to appropriate areas of the Town.
2. Apply appropriate restrictions and mitigations to ensure that the provision of public water does not result in development impacts that would adversely affect agriculture.
3. Provide public water to areas where the quality or quantity of potable water resources threatens public health.
4. Provide public water in areas of denser development and where additional growth is appropriate.
5. Promote the provision of assistance for improving farming practices to protect the quality of groundwater and the environment.

**Goal E: Protect the Environmental Resources of the Town**

The Town consists of several natural habitat areas and other environmental resources that contribute to the rural character and beauty of the community. Additionally, there are numerous lakes and streams, watersheds, wetlands, and floodplains that are vital environmental resources. A majority of the Town is dependent upon groundwater for potable water supply, so water quality is also an important issue.



**Objectives**

1. Protect and preserve the State designated Coastal Fish and Wildlife Habitats located along Canadaway Creek and at Van Buren Point.
2. Promote conservation farming to reduce the impact on natural habitats and environmental resources.
3. Protect groundwater and surface water resources from contamination from failing septic systems and other sources of pollution.
4. Encourage public education to promote septic system maintenance.
5. Promote the protection of natural drainage and stream corridors and watersheds.
6. Promote the protection of floodplains and wetlands.
7. Promote the protection of lake shores.

**Goal F: Maintain and Promote Efficiency in Government**

The Town of Pomfret should strive to offer the highest quality and most cost-effective services possible.



**Objectives**

1. Promote the consolidation and sharing of services, equipment, and personnel, to the extent practicable, with the Village and other municipalities to cut costs and to maintain a high level of service.
2. Maintain and enhance the strong collaboration between the community and the school districts.
3. Advocate effective zoning, land use, and development regulations and enforcement.
4. Manage long-term growth and development in the Town through a comprehensive planning process.
5. Plan for and foster a balance and diversity of uses within the Town to control the costs of, and need for, public services and future service upgrades.

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## **SECTION 4.0 – FINDINGS AND RECOMMENDATIONS**

This section of the Comprehensive Agricultural Protection Plan identifies critical themes and key findings, outlines specific recommendations, and establishes the vision plan for the Town.

### **4.1 Critical Themes and Key Findings**

A thorough analysis of the inventory of existing conditions found in Section 2.0, consultation with the Comprehensive Agricultural Protection Plan Advisory Committee and Town officials, and extensive public outreach resulted in the development of several critical themes and key findings. These themes and findings outline existing and future issues and portray the Town's position on certain issues. Using the critical themes and key findings allows for the identification of opportunities that the Town should build upon to help achieve its goals and objectives, and constraints that can hold the Town back from achieving its vision for agricultural and farmland protection.

#### ***Character of the Town***

1. The Town of Pomfret is a rural community with widespread agricultural activity, forested and vacant lands, and many large lot rural residential uses.
2. The Town exhibits of a range of topography that provides for a unique natural beauty and scenic views.
3. The Village of Fredonia acts as the Town center for retail, government, community, and transportation. There are smaller hamlets, in particular, Cassadaga, Lily Dale, Laona and Van Buren Bay, that are local centers of denser development (some with a small collection of retail uses).
4. Poor land use decisions and lack of growth management strategies can lead to the potential loss of the rural/ agricultural character of the Town.
5. The lack of tree planting and/or landscaping associated with site development detracts from the aesthetic quality of the Town.

#### ***Farmland and Agriculture***

1. The Town has a long standing history of agricultural use, although the nature of farming has shifted from produce crops and dairy farming to viticulture.
2. In addition to vast areas of prime farm soils, the Town contains large areas of soils that are of statewide importance for agriculture. These soils extend beyond the areas of prime soils and enable additional agricultural activity in the Town.
3. Large portions of the Town are within an Agricultural District. These districts encompass the majority of areas where prime farmland soils, and some soils of Statewide Importance, are located.

4. The viability of some properties for farming use in the Agricultural Districts may be diminished and a few locations, closer to the Village, have been converted to residential or commercial uses.
5. The Town benefits from the unique micro-climate of the lake plain that supports one of the few Concord grape growing regions in the world.
6. Viticulture is a thriving and growing industry that is diversifying from Concord grapes to other varieties, which will allow for continued growth and other economic opportunities.
7. The majority of the operating grape vineyards and fruit orchards are located within the Agricultural Districts of the Town.
8. Horse farming and equestrian activities are another agricultural industry that is increasing in the Town and region.
9. There are opportunities for biomass crop production in the Town for the support of a growing alternative energy industry.
10. Organic farming is an emerging component of the overall agricultural industry in the Town.
11. Tree harvesting is considered a viable agricultural practice for several Town residents that can provide opportunities for species renewal.

***Economic***

1. The Town economy relies heavily upon and agriculture production, particularly the grape and fruit industry, as well as SUNY Fredonia.
2. Organic farming is an emerging industry that has potential to improve the economy in the Town.
3. Numerous farms in Pomfret benefit from the Lake Erie Concord Grape Belt Association, which strives to promote the economic development of the grape and wine industries, tourism, and other industries dependent upon the Concord grape.
4. There are opportunities for biomass crop production in the Town for the support of a growing alternative energy industry.
5. Both the Seaway Trail and Chautauqua – Lake Erie Wine Trail attract visitors to the area.
6. There is strong wind energy potential in the Town.
7. The New York State Thruway interchange at SR 60 and the SUNY Fredonia campus provide excellent economic development opportunities.
8. Additional quality housing is needed to support economic development opportunities.
9. There is a lack of office parks to foster business growth, especially for opportunities that may spillover from the University.

***Environmental***

1. Tree harvesting is considered a viable agricultural practice in the Town.
2. Tree harvesting can provide opportunities for species renewal.
3. Clear cutting of land negatively impacts waterways and watersheds (particularly Canadaway Creek), causing increased surface water runoff and reduced water quality.
4. There are several important habitat areas throughout the Town for bird populations that also act as stop over points for migratory birds.
5. There are several lakes and creeks throughout the Town that provide important animal and plant habitats.
6. Numerous state and federal wetlands exist throughout the Town, which act as breeding grounds for fish and other species.
7. The percolation capability of soils should be evaluated to ensure that septic systems will function properly. In addition, the public should be educated in the importance of proper septic system maintenance.

***Land Use/ Zoning***

1. The existing Land Subdivision Regulations sets forth standards for the division of land.
2. The need to understand where good farm soils are located is important in determining where development should not occur so that good farm soils are not lost to non-agricultural development.
3. The restrictions on roadside stands and sales of produce from homes would hinder the agricultural economy.
4. The Conservation C1 zoning district is used to preserve natural areas or environmentally significant areas of the Town. Existing Conservation C1 districts preserve environmentally and culturally sensitive areas.
5. Some of the properties on the hillsides, that are located within Agricultural Districts, may no longer be viable for agriculture.
6. The Village of Fredonia is surrounded by properties in the Town of Pomfret that are located within an Agricultural District. This is likely the highest growth pressure area of the Town, and is zoned AR2, which allows smaller residential lots sizes when at least one public utility is available. This portion of the Town is located within the recently created North End Water District.
7. The rural countryside has been, and continues to be, subdivided into frontage lots, many of which are for residential purposes, exacerbating the potential conflict between agricultural and residential land uses.
8. All of the land along the Lake Erie shoreline is under private ownership prohibiting any public access to the Lake.

9. Commercial uses continue to push further south along State Route 60.

***Infrastructure/ Utilities***

1. Public water and sewer service should be evaluated for areas where growth and denser development could occur, as set forth in the Town’s vision for growth management.
2. The Town of Pomfret recently created the North End Water District for the northern portion of the community.
3. The area that falls within the boundaries of the North End Water District includes agricultural land uses that are located within Agricultural Districts. Making water service available throughout this area may increase property values, making it more lucrative to sell agricultural areas for residential or other development. Strong lateral restrictions must be established to control future growth and preserve the important agricultural uses (and soils) in areas where water is planned.
4. The Village of Fredonia is serviced by a Wastewater Treatment Plant for sanitary sewerage. This plant has limited available capacity for the potential treatment of sanitary waste from areas immediately surrounding the Village. .

***Transportation***

1. There are a few secondary roadways in the Town that become flooded during heavy rain or snow melting events due to poor drainage and/or substandard culverts.
2. The majority of roads throughout the Town are of good quality and are capable of handling additional traffic without sacrificing safety and level of service.
3. The Town has an adequate transportation system, which consists of the New York State Thruway, with an interchange just north of the Town at SR 60, and several State routes, including U.S. 20, SR 5, SR 60, and SR 83.
4. All but approximately six miles of roadways throughout the Town are surfaced with hard pavement.
5. There is a double track CSX and Norfolk Southern railroad line that transects the northwest portion of the Town.

**4.2 Recommendations**

This section of the Comprehensive Agricultural Protection Plan identifies the vision for the Town and outlines specific recommendations that, when implemented, will help the Town achieve this vision and attain the goals and objectives identified in Section 3.0. These recommendations are based on the critical themes and key findings of the Town outlined in Section 4.1.

The Comprehensive Agricultural Protection Plan identifies eight town-wide goals for Pomfret. For each goal, specific recommendations were developed to guide the Town towards attaining the respective goal and achieving the vision for agricultural protection.

**Goal A: Preserve and Promote the Rural, Agricultural Character of the Town**

The following recommendations are geared towards attaining the goal of Preserving and Promoting the Rural, Agricultural Character of the Town.

1. Coordinate with and implement the recommendations of the Chautauqua County Farmland Protection Plan.
2. Comply with the Chautauqua County Right-to-Farm law.
3. Adopt a local Right-to-Farm law.
4. Create an Agricultural Advisory Committee to assist in clarifying, mediating, and alleviating conflicts that may arise, and to promote the concerns and desires of farmers. This Committee would be utilized to provide a better understanding of the needs of farmers and farming operations in the Town and keep farming viable.
5. Reevaluate the Town's Agricultural Districts to ensure that properties that have the potential to operate as viable farmland are included, and identify other viable farmland that should be included in the Agricultural District. Properties that are no longer viable for farming should also be removed from the Agricultural District.
6. Develop local farmland protection mechanisms to further preserve agricultural resources valuable to the Town using the following tools:
  - a. Conservation Easements – A tool used to permanently preserve farmland or other important open space/ forested land. Conservation easements can be voluntary agreements between landowners and the Town, or the Town could set up a trust fund to purchase conservation easements. Conservation easements also provide estate tax relief to the beneficiary of the land.
  - b. Purchase of Agricultural Conservation Easements (PACE) – A tool used similarly to conservation easements, except that the landowner can voluntarily agree to, or agree to sell their development rights to permanently limit the uses of the land to agricultural.
  - c. Lease of Development Rights (LDR) – A tool used to preserve farmland or other important open space/ forested land for a period of time (such as 25 years). This allows for the long-term preservation of this land; however, does not restrict the landowner from ever developing or selling the property for development purposes. An LDR can also be used to restrict the long-term use of land for agricultural purposes only and can be a viable alternative for farmers not willing to enter into a permanent conservation easement.
  - d. Transfer of Development Rights (TDR) – as a long-term mechanism, work with the Village of Fredonia to identify lands that would support a TDR program, wherein development rights could be transferred from valuable farmland in the Town to allow denser development in the Village, where infrastructure exists to support it.
  - e. Alternative Housing Design – strengthen the Town's cluster development regulations to promote and ensure that the major subdivision of land in the Town is designed in a manner that protects and preserves valuable farmland. Also utilize open development

area design for residential development that incorporates open space and agricultural land as another alternative to standard subdivision design in agricultural areas.

7. Implement rural development guidelines to ensure that the removal of vegetation and/or grading of lands, the use of land, and the development of residential and other buildings is undertaken in a manner that is consistent with the rural character of the Town and preserves sensitive resources valuable to the Town.
8. Consider revising the Town of Pomfret Zoning Law to redefine “agriculture” to allow for a greater range of agricultural operations.
9. Revise the AR1 zoning district to strengthen agricultural protection and ensure a proper focus on agriculture rather than residential development.
10. Revise the Town of Pomfret Zoning Law to remove multi-family residential as a use permitted by Special Use Permit in the Agricultural Residential AR1 district to preserve the rural intent of the zone.
11. The Town should work with the Cornell Cooperative Extension and other farm agencies to provide agri-preneurship programs to farmers of the Town of Pomfret. Agri-preneurship programs provide educational opportunities for farmers centered around business planning, management, financing, marketing, and operations that help keep their farming operations viable and productive.

***Goal B: Protect and Enhance the Agricultural Economy of the Town***

The following recommendations are geared towards attaining the goal of Protecting and Enhancing the Agricultural Economy of the Town.

1. Support and promote agri-tourism through agri-clustering, the geographic and themed clustering of agricultural businesses that collaborate in marketing to provide similar or complimenting services that enhance the viability of agriculture and agri-tourism by creating a themed route or event. An example would be the agri-clustering of vineyards, self-pick farms, produce stands, juiceries, wineries, riding stables, bed & breakfasts, and bicycle rental shops to maximize patronage.
2. Support local agriculture by promoting the sale of locally grown produce at local farmers markets, festivals, restaurants, retail and grocery stores, wholesalers, and schools/ colleges.
3. Support the Lake Erie Concord Grape Belt Heritage Association culinary bounty program that encourages Concord grape related cuisine and product development. A Concord grape festival or market could be considered as a means to promote this effort.
4. Support the Village of Fredonia Farmer’s Market as a means for local farmers to market and sell their produce and act as a place for consumers to purchase locally grown produce.
5. Facilitate advertising and transportation opportunities to allow local farmers to get their produce to potential markets.
6. Enhance and promote the Chautauqua – Lake Erie Wine Trail and Seaway Trail by protecting and preserving important farmland, open space, and scenic views, improving wayfinding,

- providing visitor facilities, and developing bicycle trails and routes to increase the potential visitor base to the area and enhance the visitor's experience.
7. Build upon existing tourism related resources (lakes, Lily Dale, Chautauqua – Lake Erie Wine Trail, agriculture) to enhance the tourism industry.
  8. Promote humane standards of care for farm animals.
  9. Promote organic farming practices.
  10. Encourage the development of facilities that support and/or generate alternative energy (wind, solar and photo-voltaic, geothermal, and biomass) that can promote economic development and green infrastructure throughout the Town
  11. Revise and update the Town of Pomfret Wind Energy Law to ensure that new technologies and best practices are accounted for.
  12. Promote the coexistence of alternative energy resources (wind turbines, solar and photo-voltaic, geothermal, and biomass) with agricultural operations by developing standards that allow for the production of alternative energy facilities while not negatively impacting agricultural operations or other important sensitive resources. Alternative energy facilities can provide additional revenue sources to farmers while not impacting much land, thereby increasing the agricultural viability of the Town.
  13. Work with New York State Energy Research and Development Authority (NYSERDA) to identify opportunities for biomass crop production and transportation to biomass facilities, and to educate farmers on the viability of producing/ harvesting biomass crops.
  14. Coordinate with the Chautauqua County Industrial Development Agency and Southern Tier West Regional Planning and Development Board to identify and pursue economic development opportunities throughout the Town.
  15. Develop a hamlet zoning district or overlay (or revise the Neighborhood Business B1 district) for use in the Town's hamlet areas. This district or overlay should promote the establishment of Laona and the Lily Dale as traditional hamlet areas that function as central gathering places and service centers for the nearby rural/ agricultural countryside. Focus new development within these hamlets to preserve the small-scale, historic character of these areas, helping to preserve the rural/ agricultural character of the Town. The hamlet zoning district or overlay (or revised Neighborhood Business B1 district) shall:
    - a. Define a specific purpose and character for the hamlets and utilize design and aesthetic development standards to achieve this character.
    - b. Allow most businesses / mixed uses that offer essential services, particularly uses that support agriculture, as permitted uses rather than by Special Use Permit to promote these areas as traditional service centers.
    - c. Allow a minimum lot size for all uses located within the hamlet areas of 20,000 square feet to promote a traditional hamlet center.
    - d. Place a maximum building size on all structures located in the hamlet areas to 10,000 square feet since this zone is meant to promote neighborhood businesses and preserve

the character of the hamlet. Consideration can also be given to establishing a maximum building footprint of 5,000 square feet, which would allow for additional development on upper floors, further enhancing the hamlet character.

- e. Consider a performance based zoning district for the hamlet areas that regulates development based upon its ability to conform to the vision of the hamlet, enhance the appearance and functionality of the hamlet, and minimize impacts on the surrounding community rather than having to meet pre-established use and bulk regulations.

***Goal C: Encourage Diverse Development Styles and Housing Types***

The following recommendations are geared towards attaining the goal of Encouraging a Diversity of Housing Types.

1. Promote conservation subdivision design in important agricultural areas to preserve farmland.
2. Revise the Cluster Residential Development section of the Town of Pomfret Zoning Law as follows:
  - a. Redefine the purpose of cluster residential development to state that the Town's Comprehensive Agricultural Protection Plan recognizes areas of the Town, primarily within the Agricultural Preservation Area, Resource Protection Area, and Upland Agricultural / Rural Area, that include important natural resources, scenic views, open space, forested areas, and farmland that define the rural/ agricultural character of the Town and require preservation.
  - b. Further state that the Cluster Residential Development should:
    - i. Permit flexibility in land development by allowing for reduced lot sizes without increasing the overall density in exchange for the permanent preservation of important natural and environmental resources, watersheds, scenic views, open space, forested areas, and farmland that are important to maintaining the rural/ agricultural character of the Town.
    - ii. Provide a permanent buffer between a Residential Cluster Development and adjacent agricultural lands to maintain the viability of farming and minimize the impacts of each use on each other.
    - iii. Promote greater efficiency in siting infrastructure.
    - iv. Meet the goals and objectives of the Comprehensive Agricultural Protection Plan.
  - c. Allow the lot sizes of a Cluster Residential Development to be reduced by 50% (1 acre lot) if developed in an AR1 district. This will increase the amount of preserved land.
  - d. Require that at least 50 percent of the original lot size of a Cluster Residential Development be permanently preserved.
  - e. Require that the permanent preservation of important and sensitive areas be done so through a conservation easement.

- f. Provide a stipulation that allows the preserved area in a clustered residential development to be used for agricultural purposes (e.g., the owner of a 100-acre lot may sell the lot to a developer who, in turn, may develop a 20-lot clustered development on 50 acres of the site. The land owner or another farmer can then continue farming the remaining 50 acres through a Purchase of Agricultural Conservation Easement or Lease of Development Rights that restricts the use on this land to farming only and doesn't allow the remaining land to be used for any other purpose).
  - g. The Planning Board should require cluster development design for any subdivision of greater than four lots within the Agricultural Preservation Area, Resource Protection Area, or Upland Agricultural / Rural Area.
3. Focus smaller lot residential development within the areas of the Village Transition Area, Lakeside Area, and hamlet area where denser development is appropriate.
  4. Maintain quality of housing stock through active code enforcement.
  5. Revise the Town of Pomfret Zoning Law to create a separate Manufactured Home Park District. Individual manufactured homes will continue to be a permitted use within the other zoning districts to promote housing affordability.
  6. Encourage multi-family housing to be located within appropriate growth areas of the Village Transition Area, such as near the Village of Fredonia and SUNY Fredonia.

***Goal D: Provide Potable Water to Appropriate Areas of the Town***

The following recommendations are geared towards attaining the goal of Providing Potable Water to Appropriate Areas of the Town.

1. Any revisions to the Town of Pomfret Zoning Law or Zoning Map that would promote growth and denser development within the Town should be coordinated with the North End Water District and other existing water and sanitary sewer districts to ensure that proper infrastructure is in place to support the development.
2. Institute lateral restrictions within the water districts to protect viable farmland from development pressure and to direct development to preferred growth areas. Lateral restrictions are a feasible means of balancing the need for potable water with the need to protect important farmland and agricultural uses.
3. Consider long-term measures to upgrade aging sanitary sewer infrastructure in Lily Dale.
4. Revise the Town of Pomfret Land Subdivision Regulations to require testing of soils in areas without public water service and/or public sanitary sewer service to identify poor or problematic soils that might require stricter standards or larger lot sizes.
5. Work with the Cornell Cooperative Extension and Chautauqua County Soil and Water Conservation District to educate and promote the minimizing of non-point source pollution to surface and groundwater resources.
6. Support / sponsor educational opportunities on groundwater protection and septic system maintenance.

7. Support and sponsor programs that educate the public and help identify and mitigate failing septic systems to protect groundwater resources.

***Goal E: Protect the Environmental Resources of the Town***

The following recommendations are geared towards attaining the goal of Protecting the Environmental Resources of the Town. Several of the recommendations identified under Goal A: Preserve and Promote the Rural, Agricultural Character of the Town can be applied to preserving environmental resources as well.

1. Consider expanding the Conservation C1 district to other portions of the Town where important sensitive resources are located and should be preserved, especially reservoir watershed areas.
2. Encourage the use of sustainable farming techniques to protect important resources.
3. Revise the Town of Pomfret Zoning Law to establish a minimum green/ open space percentage (25%) for site development that preserves natural vegetation and requires landscaping for all non-residential and non-agricultural development within the Highway Business B-2 district.
4. Encourage sustainable forestry techniques that permits tree harvesting as a viable operation while not negatively impacting the character of the Town or damaging sensitive environmental resources.
5. Adopt a local Managed Forest Law that encourages land owners of large, contiguous forested to participate in Forest Stewardship Programs, Cooperating Forester Program, best management practices, and/or Forest Law 480-a. New York State Forest Law 480-a applies to the taxation of forest land and allows the Town to provide tax incentives to land owners that participate in sustainable management of forest lands and allows harvesting of forested lands in a sustainable manner.

***Goal F: Maintain and Promote Efficiency in Government***

The following recommendations are geared towards attaining the goal of Maintaining and Promoting Efficiency in Government.

1. Identify opportunities for shared municipal services and facilities.
2. Locate community and governmental resources in centers of population (Village of Fredonia or hamlet areas of the Town).
3. Coordinate municipal planning efforts with neighboring municipalities.
4. Pursue grant money from NYSERDA for retrofit of municipal vehicles and facilities to alternative energy vehicles.
5. Support and enhance continued senior services offered by the Town to retain and nurture the senior citizen population base out of the Town.
6. Explore opportunities to work with SUNY Fredonia Center for Rural Regional Development & Governance.

***Town-Wide Recommendations***

The following recommendations are not geared towards attaining a specific goal but are rather town-wide recommendations that achieve multiple goals and promote a town-wide vision.

1. Maintain a Comprehensive Agricultural Protection Plan Committee to assist with implementation of the Comprehensive Agricultural Protection Plan and to reevaluate the Plan every 5 years or so and update, as necessary, to conform to changing conditions and to ensure that action items recommended in the Plan are attaining the goals and objectives.
2. Establish an annual Comprehensive Agricultural Protection Plan implementation budget to provide funding for implementing recommended action items.
3. Consider revising the Town of Pomfret Zoning Law to eliminate the Agricultural Residential AR2 district. The Town Board should consider a general rezoning to place land currently zoned as AR2 outside of the Village Transition Area into the Agricultural Residential AR1 district and place land currently zoned as AR2 within the Village Transition Area to Residential R1 with Residential R2 along major corridors to allow for more dense development in appropriate areas directly outside the Village of Fredonia.
4. Revise the Town of Pomfret Zoning Law as a whole to promote sustainable (“green”) development and growth standards.
5. Expand site plan review to include all non-residential and non-agricultural development and all residential development consisting of more than 4 units.
6. Develop a site plan waiver law to allow development that is minor in nature to forego full site plan review by the Planning Board and apply for a site plan waiver, reviewed by the Town Engineer, Code Enforcement Officer, and Planning Board Chairman.
7. Revise the Town of Pomfret Zoning Law as a whole to distinguish between which uses are permitted as primary uses on a property and which are permitted as accessory uses.
8. Work with county and state transportation officials to repair identified road flooding hazard areas throughout the Town, including along lower Farel Road, Kelly Hill Road, and Bear Lake Road.
9. Encourage light industrial/ business park development near the ash landfill area or near the New York State Thruway interchange.
10. Revise the Town of Pomfret Zoning Law to establish performance standards that permit uses within the Industrial I1 and I2 districts that promote economic development, conform to the vision of the community, and minimize adverse impacts on the Town.
11. Adopt a Local Law authorizing the Town to issue Real Property Tax exemptions to applicable commercial, business, or industrial real property owners, in accordance with NYS Real Property Tax Law, Section 485-b.
12. Revise the Town of Pomfret Zoning Law to create an overlay district for the SR 60 corridor that consists of the following:

- a. Establish standards that enhance aesthetics and landscaping of development sites, reduce sign clutter, limit light and noise impacts, and encourage the development of alternative transportation modes.
- b. Reduce the 2 acre minimum lot size for non-residential uses within the overlay district to 1 acre and require enhanced aesthetics, landscaping, and preservation of sensitive resources to improve the layout and appearance of the site and to make these additional standards more cost effective for the applicant through lot size reduction.
- c. Incorporate streetscape improvements along the SR 60 corridor to beautify the corridor and create a “gateway” to the Town of Pomfret.
- d. Incorporate access management along the corridor in the form of traffic signal synchronization, sufficient driveway spacing, cross-access, and shared drives to improve traffic flow and safety.
- e. Incorporate sidewalks and pedestrian facilities along the SR 60 corridor to make the area a pedestrian friendly extension of the Village of Fredonia.
- f. Ensure sufficient screening/ buffering of commercial uses from adjacent non-commercial uses.
- g. Consider a performance based zoning district for the SR 60 corridor that regulates development based upon its ability to conform to the vision of the corridor, enhance the appearance and functionality of the corridor, and minimize impacts on the surrounding community rather than having to meet pre-established use and bulk regulations.

### **4.3 Vision Plan**

To portray the overall vision of the Town, a Vision Map was created to identify areas of the Town that have characteristics that are unique to that area and require specific recommendations to preserve and enhance their character (see Map 13 – Vision Map). In total, eight vision areas were created that identify portions of the Town that possess a character that is unique and should be preserved and enhanced. These eight vision areas include the Village Transition Area, SR 60 Commercial Area, Lakeshore Area, Hamlet Area, Industrial Area, Agricultural Preservation Area, Resource Protection Area, and Rural Upland Area. The following summarizes the vision areas along with the general guiding principles aimed at attaining the desired vision for each area.

#### ***Agricultural Preservation Area***

The primary goal and vision of the Town of Pomfret is to protect and enhance the agricultural industry in the community. Pomfret’s history has been founded on agriculture and the Town desires to see this heritage continue well into the future. The Agricultural Preservation Area is designed to recognize and highlight the areas of the Town that contain active farming, vineyards, livestock operations, prime farmland soils, soils of Statewide significance, forested lands and other features and areas that are significant and supportive to agriculture. This Area also incorporates the large areas of designated agricultural districts

in the Town. These key features are important for the continued viability of farming and viticulture and for enhancing the agricultural economy of the Town. The prime farmland soils, combined with the unique micro-climate of the lake plain, support one of the few Concord grape growing regions in the world. The grape industry is a vital contributor to the economic base of the Town and the region. The viability of the vineyard and fruit growing industry has resulted in the locating of food and beverage processors, wineries, and self-pick farms in and around the Town, which helps to further sustain the economic stability of the Town and enhance the agricultural character of the community.

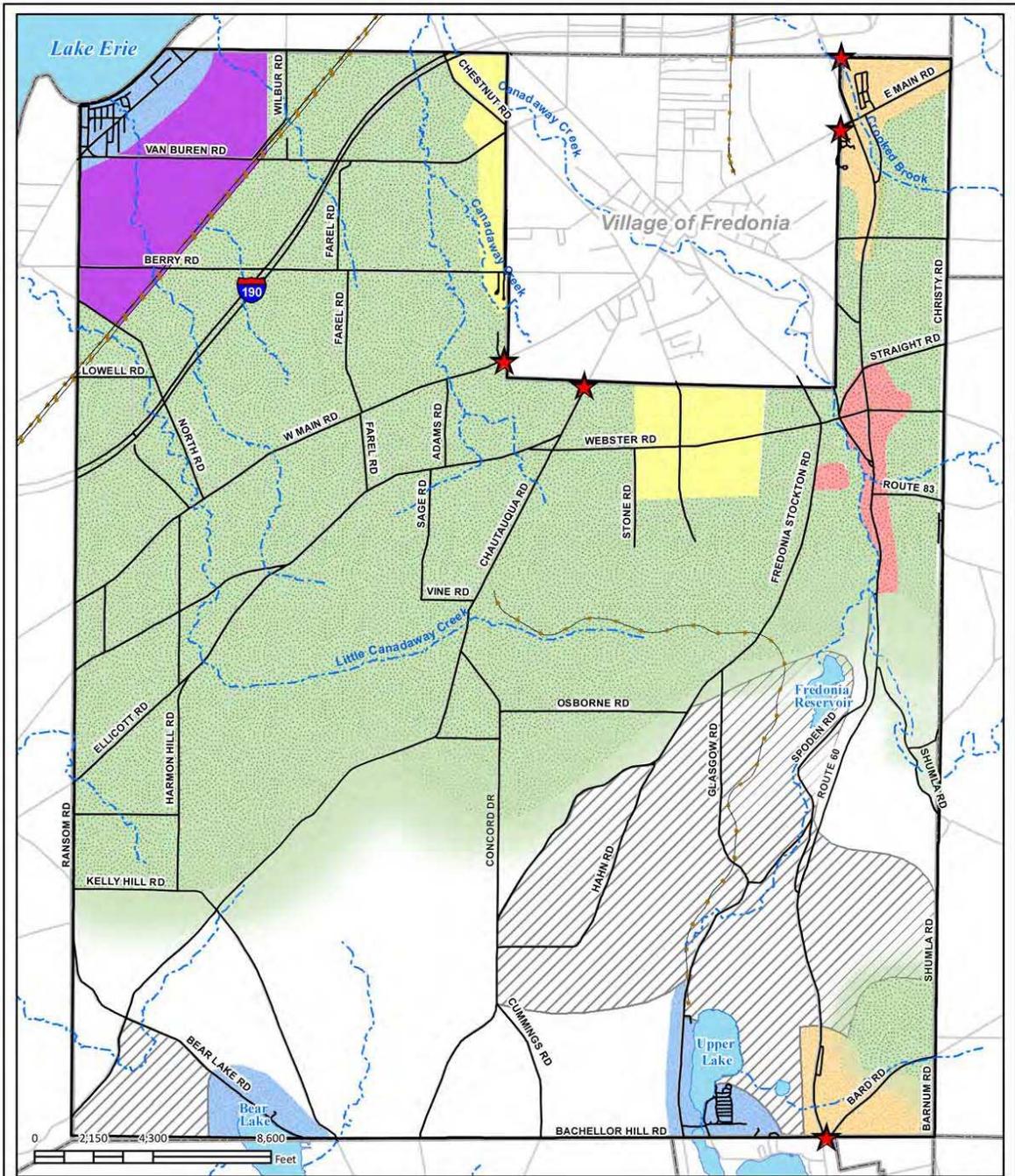
Horse farming and other agricultural pursuits are also taking root, including new technologies like biomass crop production. The Town desires to foster this continued expansion and diversity of the farming industry in the area, while at the same time strengthen traditional agricultural uses.

It should be noted that, as the Town moves forward with plans for public water, mandatory lateral restrictions for potable water supply will be put in place where public water infrastructure is proposed in the Agricultural Preservation Area. Such restrictions are essential in order to diminish growth pressure on important agricultural resources in the Town. Furthermore, agricultural preservation strategies are being established to preserve valuable farm soils from being permanently damaged or eliminated, and to ensure the continued growth and enhancement of viable farming practices in the Town. For all of these reasons, these are the lands that are to be protected and preserved for agriculture in the Town, as identified on the following Vision Map.

**Agricultural Preservation Area Guiding Principles**

1. Institute farmland protection strategies to preserve and enhance agricultural operations, such as clustered development and transfer of development rights.
2. Institute strategies to permanently preserve environmentally sensitive areas, important open space areas, and areas of prime farmland soils.
3. Encourage continued development of agricultural operations and facilities, and agri-businesses or establishments that compliment these agricultural operations.
4. Encourage residential subdivisions of greater than four lots to follow cluster development subdivision standards and preserve important environmental features, open space, and farmland.
5. Allow, with restrictions, home based businesses and other low-impact enterprises that enhance the viability of farming and help support farmers in the off-season.
6. Allow, with restrictions, the commercial and non-commercial harnessing of alternative energy sources, such as wind, solar and photo-voltaic, geothermal, and biomass, as long as their impacts on agricultural operations, residents, sensitive resources, environmental resources, and the character of the Agricultural Preservation Area are minimal or mitigated.
7. Ensure adequate buffering between agricultural uses and non-agricultural uses to uphold the viability of farming and to minimize the impacts of each use on each other.
8. Institute lateral restrictions for potable water supply where public water infrastructure exists or is proposed in agricultural areas to diminish growth pressures on prime farming and vineyard areas.

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN



Map 13 - Vision Map

<p><b>TOWN OF POMFRET COMPREHENSIVE PLAN</b></p> <p><i>Vision Map</i></p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Town Boundary</li> <li> Roads</li> <li> Railroad</li> <li> Stream / Creek</li> <li> Lakeshore Area</li> <li> Laona &amp; Cassadaga Hamlets</li> <li> Agricultural Preservation Area</li> <li> Industrial</li> <li> SR60 Commercial Area</li> <li> Transition Area</li> <li> Resource Protection Area</li> <li> Gateway</li> <li> Upland Agricultural Rural Area</li> </ul>	<p></p> <p>WENDEL DUCHSCHERER ARCHITECTS &amp; ENGINEERS, P.C.</p> <p>WD Project # 310403 Map Created: November, 2010</p>

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## TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

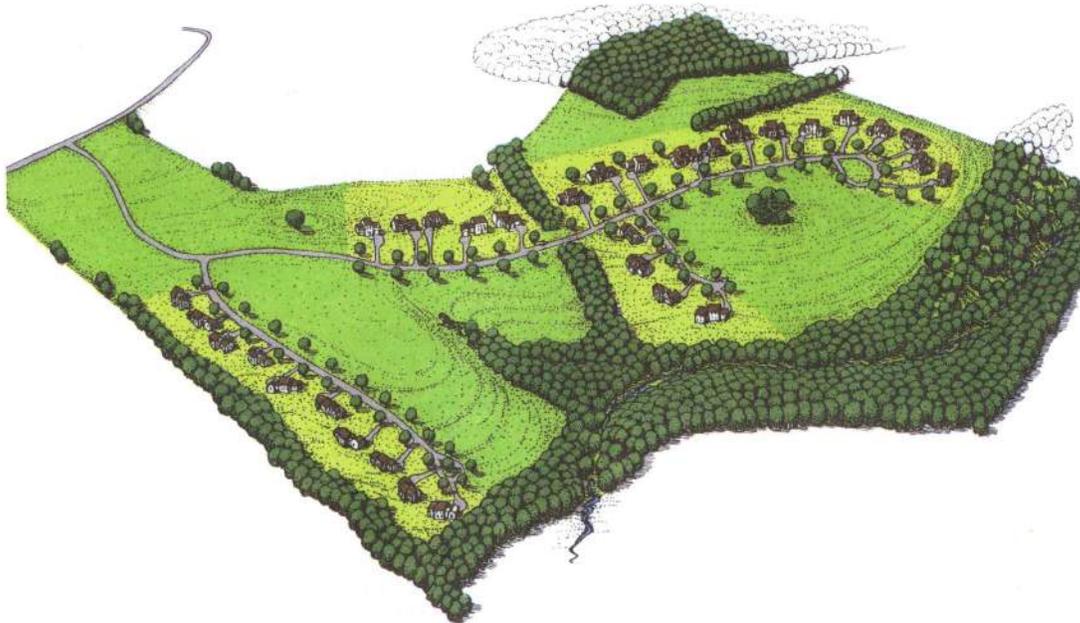
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*Below is a sample farm developed as a traditional subdivision with 33 large acreage lots. There is no preservation of farmland or open space; all the land has been subdivided for rural residential lots.*



*SOURCE: Arendt, Randall G. (1996). "Conservation Design for Subdivisions, a Practical Guide to Creating Open Space Networks." Island Press. Washington, D.C. and Covelo, CA.*

*Below is the same farm developed as a cluster residential development which affords the developer more flexibility in exchange for preserving the farmland and open space.*



*SOURCE: Arendt, Randall G. (1996). "Conservation Design for Subdivisions, a Practical Guide to Creating Open Space Networks." Island Press. Washington, D.C. and Covelo, CA.*

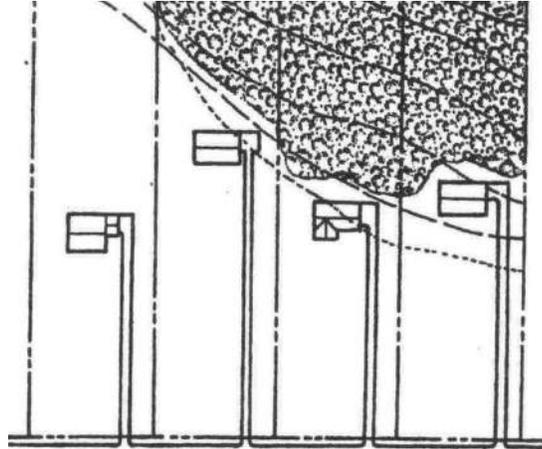
***Upland Agricultural / Rural Area***

The upland area of the Town, where prime farm soils and agricultural districts are less common, is still a viable area for agriculture. The upland area includes some areas with soils of State-wide significance and a wide extent of agricultural uses. The vision for the Upland Agricultural / Rural Area is to preserve and enhance agricultural uses and other rural uses in the higher elevations of the Town, where topography and less rich soils constrain viticulture, certain types of produce crops and other more traditional farming uses. The steeper, more rugged topography is more conducive for horse farming, the raising of corn and other crops that are better adapted to poorer soils (including biomass crop production), rural residential lots, and larger areas of undisturbed woodlands (which support managed timber harvesting and wildlife habitat). The Upland Agricultural / Rural Area of Pomfret exhibits a character that is common to other parts of Chautauqua County. Land use in this area should be limited to agriculture and related uses (where soils and topography permit) and rural residential uses that maintain the rural and natural character of the area (continue the use of conservation subdivision and open development area design). Non-agricultural uses and home-based businesses may be suitable in the Upland Agricultural / Rural Area if they are complimentary to agricultural or other rural services (such as uses that allow farmers to remain prosperous in the off season). Forestry management practices should be promoted to maintain and preserve the vast amount of forested land. However, these practices should be undertaken in a manner that respects the land and resources. The harnessing of alternative energy sources, such as wind, solar and photo-voltaic, geothermal, are examples of non-agricultural uses that are compatible with existing uses in the area and the vision for the Upland Agricultural / Rural Area, so long as the benefits to the community outweigh the potential impacts.

**Rural Upland Area Guiding Principles**

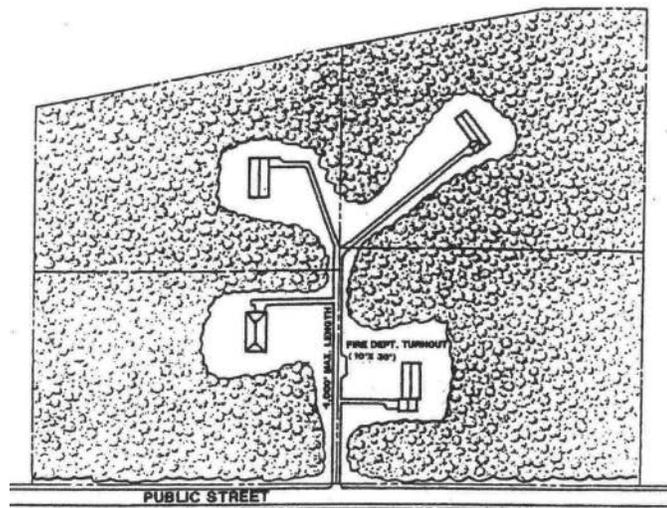
1. Institute forest management strategies to preserve forested lands. Allow the harvesting of timber in a sustainable manner.
2. Restrict permitted uses to agricultural operations, rural / large-lot single-family residential, and establishments that compliment agricultural operations and rural residences.
3. Allow, with restrictions, home based businesses and other low impact enterprises that enhance the viability of farming.
4. Allow, with restrictions, the commercial and non-commercial harnessing of alternative energy sources, such as wind, solar and photo-voltaic, geothermal, and biomass, as long as their impacts on agricultural operations, residences, sensitive receptors, environmental resources, and to the character of the Rural Upland Area are minimal or mitigated.

The image below shows a typical rural residential development along road frontage that preserves little forested area.



SOURCE: Heyer, F., (1990). "Preserving Rural Character". Planners Press. Chicago

The image below shows the same rural residential subdivision developed under conservation residential development regulations, with the majority of the forested area preserved.



SOURCE: Heyer, F., (1990). "Preserving Rural Character". Planners Press. Chicago

### **Resource Protection Area**

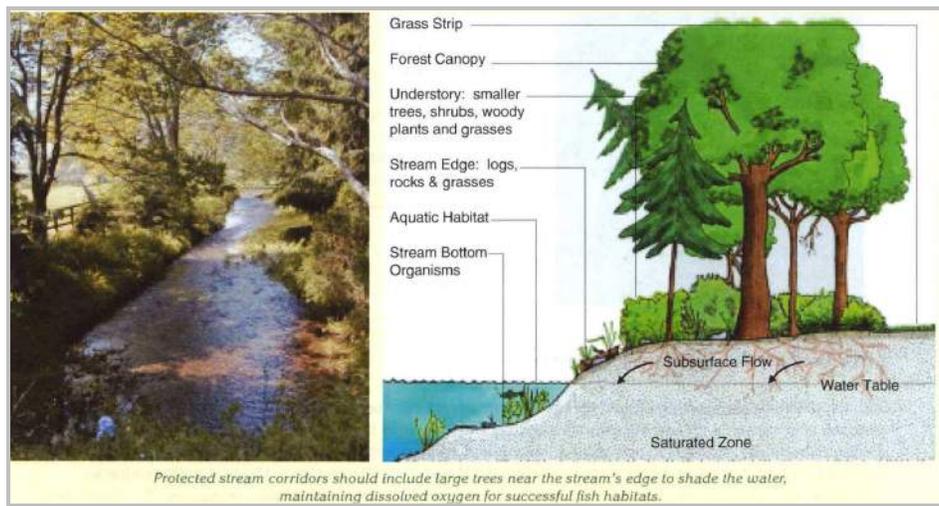
The vision for the Resource Protection Area is to protect the watershed areas of the Town that drain to the Fredonia Reservoir, and the important natural resources in the vicinity of Bear Lake, which extend into the Town of Stockton. The protection of these watershed and natural resource areas is intended to maintain and improve the long-term quality of the reservoir that

supplies the residents of the Village of Fredonia and Town of Pomfret with potable water and enhance the quality of Bear Lake, which is an important recreational resource. The Resource Protection Area is viewed more as an overlay to be placed on top of existing lands uses. Much of the land in this area is viable for farming. Therefore, agricultural activities are encouraged in the area around the Fredonia Reservoir (the area around Bear Lake contains extensive areas of wetlands that constrain farming). The Conservation C1 zoning classification should be expanded in these areas to ensure that agricultural operations, land management, and development areas occur in a manner that limits adverse impacts to these important surface water resources. This zoning district should also be revised to allow for a wider array of agricultural uses.

**Resource Protection Area Guiding Principles**

1. Restrict permitted uses to agricultural operations and rural single-family residences located on lots of at least five acres.
2. Consider the general rezoning of this area to Conservation C1 district to promote the conservation of resource protection areas.
3. Conservation farming strategies should be utilized to minimize harmful runoff within important watershed areas.
4. Institute open space protection and forest management strategies to preserve natural watersheds and improve the quality of water draining to the reservoirs.
5. Preserve a 50-foot vegetative buffer along stream corridors and lakeshore to improve water quality by removing nutrients, sediment, animal-derived organic matter, and pesticides from surface runoff.
6. Locate all septic systems at least 100 feet from the edge of river or stream corridors and lake shores.

*This image shows a best management practice for stream corridor and lake shore protection. The multiple zone buffer system helps remove nutrients, sediment, animal-derived organic matter and pesticides from surface runoff.*



SOURCE: Dutchess County, New York Planning & Development Greenway Guide

***Village Transition Area***

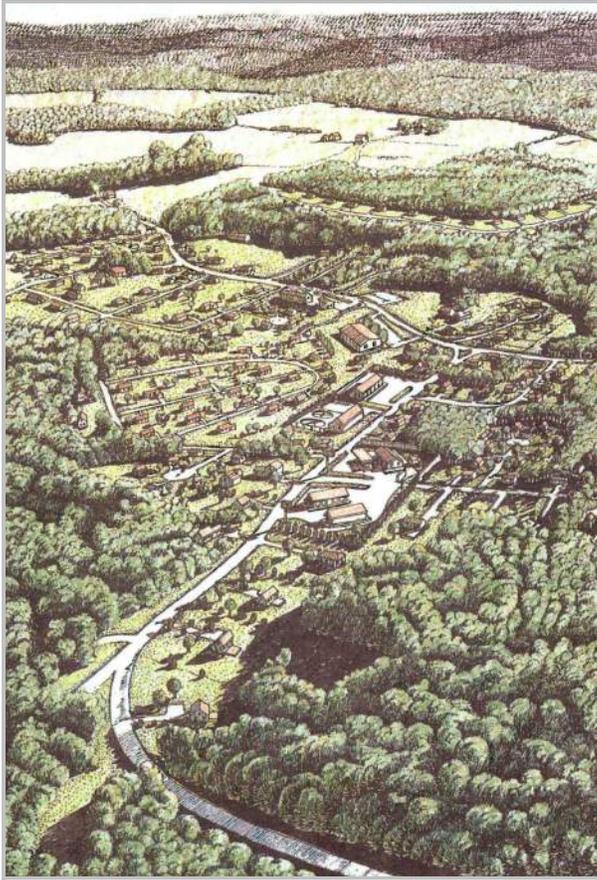
The vision for the Village Transition Area is to concentrate potential future growth to areas that are adjacent to the Village of Fredonia, creating a hierarchical transition from the Village core to the rural agricultural countryside of the Town of Pomfret. The Village Transition areas are areas where land use has already exhibited change through the creation residential development with smaller lots and overall increased residential use. These are areas where continued growth is expected to occur over time. The Village Transition areas are areas with limited agricultural use; they do not include significant areas of prime farm soils or are areas where such soils have already been impacted by development. It should be noted that any farming activity that exists in these small areas may continue as long as the property owners are amenable to such land use. There is no pressure from the Town to encourage transition in these areas. They have only been identified as the logical locations for potential higher density residential development in the future, based on land use trends to date. In addition, the Village of Fredonia Wastewater Treatment Plant has limited excess capacity that could provide necessary utility service to support growth in these small areas. Potential public water and/or sanitary sewer extensions are likely to occur along the more prominent corridors that radiate from the Village; therefore, higher intensity mixed uses should be focused in these areas to maximize the cost effectiveness of utility infrastructure and to create active, pedestrian friendly areas that act as a seamless extension of the Village.

It should also be noted that the Village Transition Area is not proposed to encompass the extent of the existing water districts. The existence of water districts in the Town, such as the Berry and Chestnut districts, which were established many years ago, has not created pressure for development. Stable agricultural uses presently exist in both of these area and these uses are expected and encouraged to continue and to expand. Similarly, the Town is not encouraging growth or land use transition in the North End water district. Lateral restrictions will be enforced throughout these areas to properly manage any potential future development.

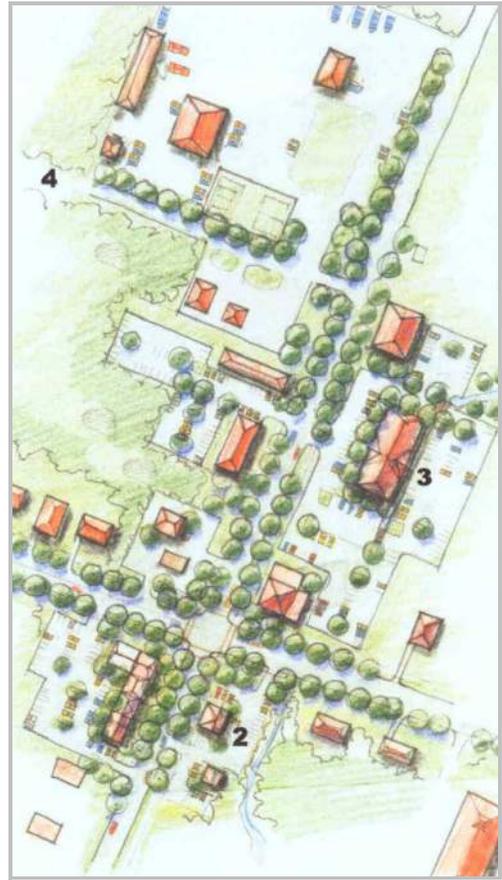
***Village Transition Area Guiding Principles***

1. Focus growth within the Village Transition Area, especially growth that compliments the Village of Fredonia and SUNY Fredonia.
2. Locate denser development and more intense mixed uses along corridors that radiate from the Village and that contain public water and/or sanitary sewer infrastructure.
3. Ensure adequate buffering between agricultural uses and non-agricultural uses to uphold the viability of farming and to minimize the impacts of each use on each other. Institute the use of lateral restrictions for public water, as required.
4. Promote connectivity and walkability, with direct connections to the Village of Fredonia.
5. Utilize design standards and guidelines to ensure that the character of building design is in concert with the surrounding area.

The following image on the left depicts the typical rural/suburban residential sprawl that can occur throughout the Town if growth is not controlled. The image on the right shows how development in the Village Transition Area should focus more dense mixed uses along major corridors to gradually transition from the Village core to the rural countryside.



Source: Arendt, Randall (1994). "Rural by Design: Maintaining Small Town Character". Planners Press. Chicago and Washington.



Source: Town of Clarkson, New York

### **Laona and Cassadaga Hamlet Areas**

The vision for the Laona and Cassadaga Hamlet Areas is to promote small-scale, mixed use development of these traditional rural settlement areas of the Town. The hamlets should act as focal points for denser residential and small-scale commercial growth to accommodate some of the daily needs and services of the surrounding rural/ agricultural community. These area also provide a logical location, outside of the Village, for residential and neighborhood scale commercial growth. Supporting development within the hamlet areas is a way to protect the agricultural and rural character of the Town by focusing on these existing nodes of activity. Both hamlets have the potential to be developed with uses and services that support and promote the local agricultural industry. The vision for these areas includes supporting new cottage industries and shops that sell locally grown produce or products made from local

materials, such as wines and jams. Other attractions could include wine tasting, antiquing, small restaurants, local crafts, a farmers market , wine and food festivals, spas, bed and breakfast lodging and similar elements to create a unique environment and a niche commercial area - - a Pomfret sized “Napa Valley” community. The zoning in these areas should allow for mixed use to encourage the use of structures for both commercial and residential use. The zoning in these areas should also be reviewed to ensure that it would support the vision as set forth in this Plan.

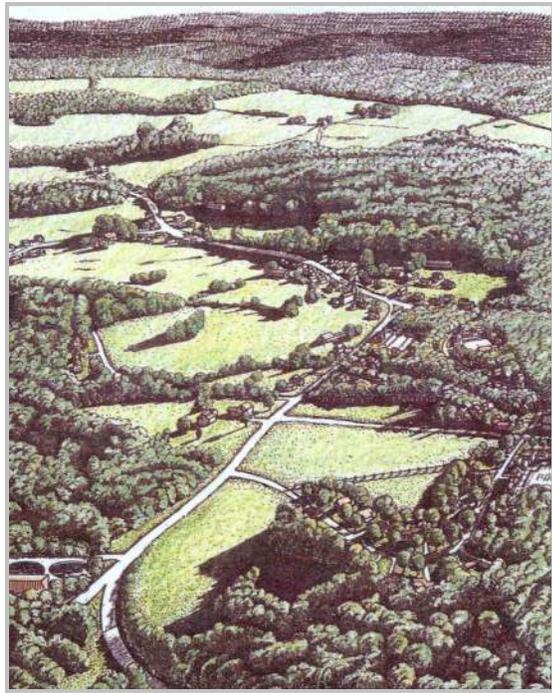
**Laona and Cassadaga Hamlet Area Guiding Principles**

1. Focus small-scale development within the Hamlet Areas that provides some of the daily needs and services of the surrounding rural/ agricultural community.
2. Encourage mixed use, multi-story buildings located on narrow lots and close to the street in order to realize the traditional character of the hamlets.
3. Hold development to high quality design and aesthetic standards that preserve and enhance the traditional character of the hamlets. Corporate building designs and images should be discouraged as development shall take on a quality unique to the character of the hamlet.
4. Support and promote locally grown/produced agricultural products and services and encourage tourist oriented businesses and cottage industries.

*The image to the right shows how the Hamlet Area aims to direct development of the rural countryside to the identified hamlets to preserve rural character of the Town. The image below portrays the character that a typical structure located in a hamlet should take on.*



Source: Lily Dale Assembly



Source: Arendt, Randall (1994). “Rural by Design: Maintaining Small Town Character”. Planners Press. Chicago and Washington.

**State Route 60 Commercial Area**

The vision of the State Route (SR) 60 Commercial Areas is to promote and continue a regional commercial retail and service activity that serves not only the residents of the Town (and Village of Fredonia), but also residents of adjacent communities. The SR 60 Commercial Area applies to one small sections of the Town that runs from the Town line, near the New York State Thruway interchange ramp, south to the vicinity of Lakeview Road. The SR 60 area includes, and has the potential for the expansion of, businesses and services that support the agricultural industry in the Town and surrounding area.

New development and redevelopment in the SR 60 area should incorporate high quality design and aesthetic features that collectively act to promote a “gateway” appearance to the Town of Pomfret and offer a safe and pleasant shopping experience. This corridor should be supportive of alternative modes of transportation, allowing for the continuation of pedestrian friendly corridors extending from the Village of Fredonia while also accommodating the demands of residents that must drive their vehicles from the surrounding rural countryside. Access management principles and other design management techniques aimed at improving the context of this area should be considered to enhance community character and better integrate this area into the surrounding area and Village.

**SR 60 Commercial Area Guiding Principles**

1. Focus regional retail and service development within the SR 60 Commercial Area.
2. Develop high quality design and aesthetic standards to create an attractive “gateway” to the Town of Pomfret.
3. Begin to coordinate policies for access management along the SR 60 corridor.
4. Require developments to accommodate multiple modes of transportation, including vehicular, transit, bicycle, and pedestrian.
5. Ensure adequate buffering between commercial uses and non-commercial uses to uphold the viability of farming and to minimize the impacts of each use on each other.

*Below is an image of a standard retail strip plaza that could be developed along the SR 60 corridor under the existing zoning regulations of the Town.*



*Below is an image of how additional design and aesthetic standards can enhance the appearance of a retail plaza located along the SR 60 corridor.*



*Below is an example of how a chain store can be made to fit into the rural character of the Town.*



*Source: Northern New England Chapter of the American Planning Association*

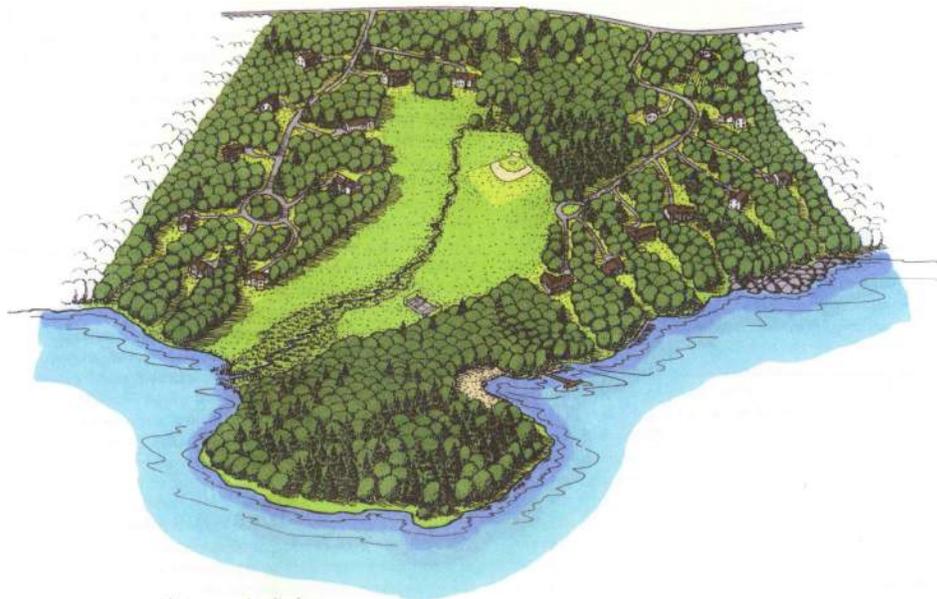
### **Lakeshore Areas**

The vision for the Lakeshore Areas is to provide areas along the lakes for seasonal type residential and recreational development. The Lakeshore Areas encompasses lands along Lake Erie, Bear Lake and the Cassadaga Lakes, including the Lily Dale hamlet. Development in these areas should be low impact and conscious of the environmental resources of the lakeshore and overall water quality of the lakes. Opportunities for public access and recreational opportunities should be promoted so that the lakes can be enjoyed by all. In the case of Lily Dale, which offers a unique cultural experience, development in this area should also be geared towards supporting and attracting a tourist base around this resource.

#### **Lakeshore Area Guiding Principles**

1. Focus seasonal residential and recreational development within the Lakeshore Area.
2. Allow neighborhood type commercial establishments that serve the lakeside residential areas to locate along major corridors.
3. Require that development be low impact and respectful of the environmental resources of the lakeshore and overall water quality of the lakes.
4. Preserve a 50 foot vegetative buffer along creek and stream corridors to improve water quality by helping to remove nutrients, sediment, animal-derived organic matter, and pesticides from surface runoff and to prevent bank erosion.
5. Provide opportunities for public access and recreation to the lakes.

*Below is an image depicting how residential lots developed along the lakeshore should mostly preserve the natural vegetative areas. In addition, opportunities for public recreation and lake access should be incorporated.*



Source: Arendt, Randall G. (1996). "Conservation Design for Subdivisions, a Practical Guide to Creating Open Space Networks." Island Press. Washington, D.C. and Covelo, CA.

**Industrial Area**

The vision of the Industrial Area is to create opportunities for economic development by providing an area where non-retail oriented commercial and industrial uses can locate. This is an area well suited for the development of agricultural support facilities that would benefit the growing agricultural base in the Town. The industrial area is located in the northwest portion of the Town, offering potential access to the nearby railroad, New York State Thruway interchange, and SUNY Fredonia campus. The location of this area minimizes impacts to prime farmland soils, residences, and sensitive environmental resources since the majority of the area has been previously disturbed. When developed, businesses locating within the Industrial Area should be held to performance standards that create an aesthetically appealing industrial or business park setting and that minimize potential negative impacts to the surrounding area.

**Industrial Area Guiding Principles**

1. Encourage non-retail based commercial and light industrial growth within the Industrial Area that has economic development potential.
2. Hold businesses that locate in the Industrial Area to performance standards that create an aesthetically appealing industrial setting and that minimize potential negative impacts to the community.
3. Ensure adequate buffering between industrial uses and non-industrial uses to uphold the viability of farming and to minimize the impacts of each use on each other.

*Below is an example of how performance standards can result in the development of a high quality development that capitalizes of the Town's location near SUNY Fredonia.*



*Source: Riverview Commerce Park, Town of Tonawanda, New York*

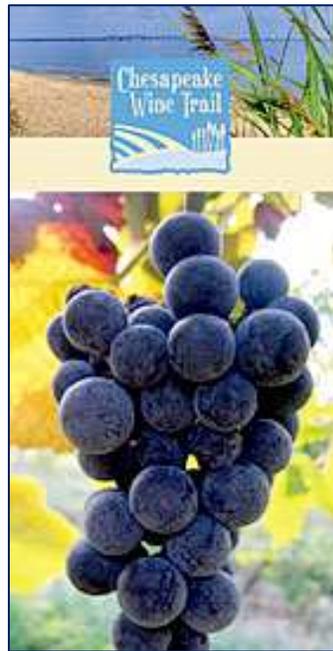
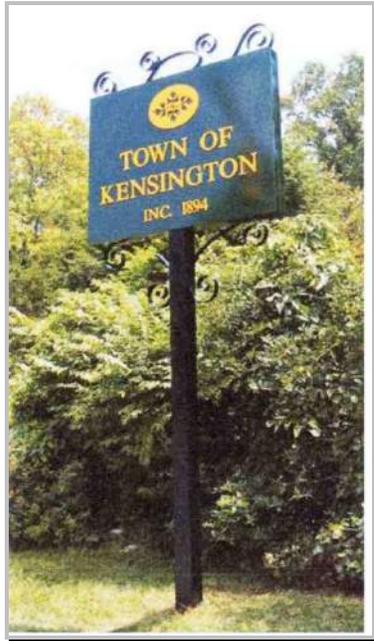
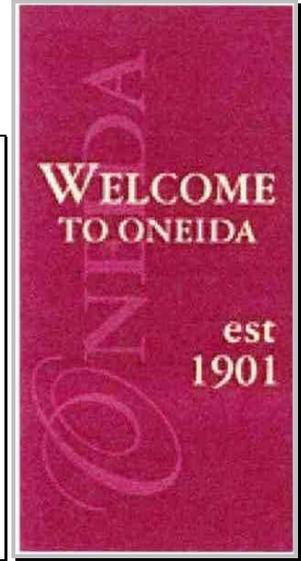
**Gateways**

In addition to these eight vision areas, there are several important entryways or “gateways” into the Town that can welcome travelers into the Pomfret agricultural community. Entryways that have been identified as important gateways include:

**Town Gateways**

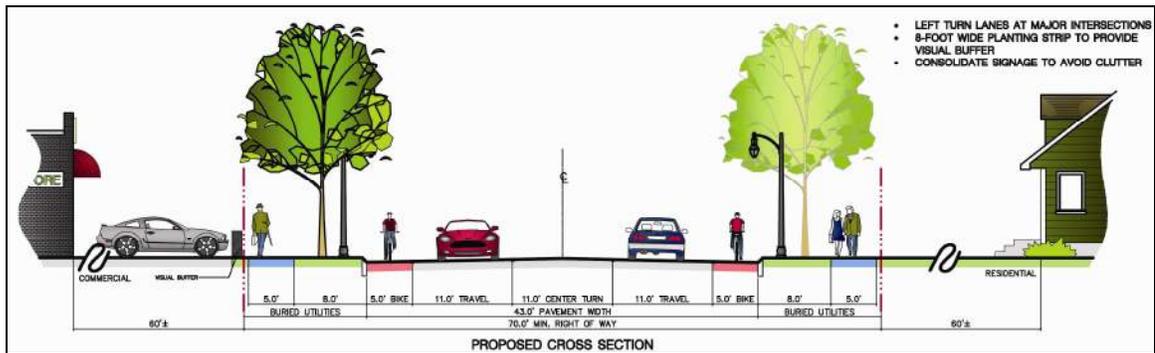
1. SR 60 at the boundary with the Town of Dunkirk – This gateway is an important entryway into the Town from the New York State Thruway interchange and other locations to the North. Improvements that can be made to this gateway include attractive signage and lighting, streetscape improvements, aesthetically pleasing and unique development, plentiful landscaping to promote the agricultural use and heritage of the area. The area should be accessible for all modes of transportation and should aid in creating a special place that will make the transition into the Town of Pomfret noticeable and memorable.
2. East Main Street, at the boundary with the Village of Fredonia – This location acts as an important gateway between the Town of Pomfret and Village of Fredonia, greeting visitors traveling between the Village and SUNY Campus, and the New York State Thruway. The goal of the Comprehensive Agricultural Protection Plan is to make this transition of places as seamless as possible to gradually move from village to surrounding agricultural and rural area without a definitive change in character at the municipal boundary. This gateway should incorporate attractive signage and lighting, streetscape improvements, and incorporate pedestrian amenities to facilitate safe access between the Village and the Fredonia Central School Complex and State Route 60.
3. West. Main Street, at the boundary with the Village of Fredonia – This location acts as an important gateway between the Town of Pomfret and Village of Fredonia. Here again, the goal is to make transition between places as seamless as possible by gradually transitioning from village to the surrounding agricultural and rural area without a definitive change in character at the municipal boundary. This gateway should incorporate attractive signage and lighting, maintain the village-like roadway character and promote the agricultural heritage of the Pomfret community.
4. Chautauqua Road, at the boundary with the Village of Fredonia – This is a local entryway between the Village of Fredonia and the Town of Pomfret, mainly used by residents of each municipality. The goal at this location is to make this entryway a seamless and gradual transition from village to agricultural countryside without a definitive change in character at the municipal boundary. However, since this gateway is currently surrounded by agricultural areas and is used mostly by local residents, it should continue to act as a gateway identifying the transition between the rural residential portions of the Village and more agricultural areas of the Town. This gateway could incorporate unique agricultural signage and other features that celebrate the agricultural character of the Town.
5. SR 60 at the boundary with the Village of Cassadaga – This location acts as an gateway between the Town of Pomfret and Village of Cassadaga, and is close to the entrance to the Lily Dale community. Similar to the gateways at the Village of Fredonia, this gateway should identify a transition between communities, with that promote the more rural countryside and agricultural heritage of the Town, as well as the presence of the Lily Dale community.

Below are examples of signage and streetscape treatments that can be used to enhance the Town's gateways.



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Below are examples of context sensitive streets or complete streets that are designed to compliment the surrounding neighborhood character and promote multiple transportation modes.



## SECTION 5.0 – IMPLEMENTATION STRATEGY

The Town’s Comprehensive Agricultural Protection planning process does not conclude with the preparation and adoption of the Plan; rather adoption is the first step of an on-going effort for achieving the overall vision and goals of the Town for agricultural protection. This process requires monitoring of conditions, implementation of recommendations, and evaluation of applied measures. This implementation section summarizes and organizes the various recommendations contained within the Comprehensive Agricultural Protection Plan into a table meant to simplify implementation of recommended actions by identifying the type of action and responsible parties, and by monitoring the success of implementing each action

The Key Features of the implementation strategy for agricultural preservation in the Town include:

- **Adoption of a Lateral Restriction Law** – the purpose of this law is to effectively manage growth and residential development in the Agricultural Preservation area.
- **Formation of an Agricultural Advisory Committee** – the Town has taken the steps necessary to establish a Committee to provide guidance on agricultural issues and land use policies impacting farms, and to minimize, mediate and resolve conflicts between farmers and non-farm neighbors.
- **Conservation Subdivision** – the use of alternative design styles for residential development will be strongly encouraged, and preferred over traditional land development techniques in an effort to protect viable farmland and open space.
- **Agricultural Zoning** – revise the existing AR-1 and AR-2 zoning districts to lend preference to farming and agricultural activities, making residential use secondary to farming.
- **Adoption of a Local Right to Farm Law** – the adoption this law is intended to demonstrate local commitment to the continuance of farming and agriculture activities in the community.

The prioritization of the recommendations should be viewed as flexible. For example, if funding becomes available for a particular item, the Town may choose to reassign it a higher priority in order to take advantage of the opportunities to lower local costs. It is important to continue to monitor progress and reprioritize implementation actions as circumstances change.

In addition, the Town should maintain a Comprehensive Agricultural Protection Plan Committee to oversee the process of implementing the plan. This Committee would be responsible for ensuring that recommendations are prioritized for action each year, they should encourage the Town Board to budget annually for implementation of the plan. They can also promote the celebration of accomplishments, encourage continued momentum, and make adjustments to recommendations and priorities over time.

The following table is categorized by timeframes to help the Town determine the order in which recommendations should be implemented, and includes Immediate and Near-Term Actions, Mid-Term Actions, Long-Term Actions, and On-Going Actions. Immediate and Near Term Actions are those recommendations that should be carried out within the first year after adoption of the Comprehensive Agricultural Protection Plan. These actions are the most important and can impact the success of other recommendations. Mid-Term Actions should be carried out within 2-4 years from the adoption of the Plan and are typically recommendations that address some of the most important issues. Ongoing Actions, Long-Term Actions and Other Considerations are also listed in the chart. Long-Term Actions should be carried out within 5+ years from the adoption of the Plan. Long-Term Actions typically take longer to implement due to their cost, the extent of planning involved, or because they are not as critical as other recommendations, and should be implemented beyond 5 years from the adoption of the Plan. On-Going Actions and Other Considerations are recommendations that don't have a timeframe or target completion date, and should be undertaken on an on-going basis or as determined by the Town.

The implementation table identifies what type of action should be undertaken by the Town in order to implement that action. Types of actions include legislation, which require passage of a Local Law by the Town Board; regulatory, which often require amendments or revisions to the Town Code or creating new regulations; administrative, which is clerical work often completed by the Town Clerk; procedural, which is often a resolution creating an advisory board or appointing members; planning, which requires planning related work by the Town or other boards and agencies; education, which requires the education of other agencies to the Town or education by the Town to individuals on a topic; research, which requires that the Town or another agency look into a topic further; or marketing, which requires the Town or other agencies to promote a topic.

The table identifies which responsible party or parties should take the lead or assist in implementing a particular recommendation. The Town Board and Planning Board will be involved in the majority of recommended actions. Additional comments are added, when applicable, to the Comments column and can include more specific ideas or information on funding and grant opportunities for the respective recommendation.

Finally, the table provides a column that allows the Town to track the implementation success of each recommended action that can be used to document the accomplishments of the Comprehensive Agricultural Protection Plan and should be used by the Comprehensive Agricultural Protection Plan Committee during its annual review. When a specific recommendation is implemented, the column marked "Implemented" should be checked, dated, and accompanied by the resulting action (the implementation of a Zoning Law change or creation of a Local Law). For actions that are on-going, the column can be marked with individual accomplishments that are geared towards achieving that recommendation.

**Figure 5: Implementation of Comprehensive Agricultural Protection Plan Recommendations**

**IMMEDIATE AND NEAR-TERM ACTIONS (WITHIN 1 YEAR)**

Action	Type of Action	Responsible Parties	Comments	Implemented
Adopt the Comprehensive Agricultural Protection Plan.	Legislation	Town Board	Requires that land use and capital improvement actions comply with the Plan.	
Authorize and maintain a Comprehensive Agricultural Protection Plan Committee.	Procedural	Town Board	To identify recommendations for implementation and monitor success of Plan.	
Distribute Copies of the Plan (Boards, Departments, etc.).	Administrative	Town	239-m county referral; regular internal Town use and review	
Establish an annual Implementation Budget.	Administrative	Town Board	To ensure implementation of recommended actions based on designated budget.	
Institute water lateral restrictions within the water districts to protect viable farmland from development pressure.	Regulatory	Town Board Water Districts	Restrict development and reduces pressure on farmland.	

**MID-TERM ACTIONS (2-4 YEARS)**

Action	Type of Action	Responsible Parties	Comments	Implemented
Create an Agricultural Advisory Committee.	Legislative	Town Board Planning Board	Provide the Town Board and Planning Board with input from the agricultural community	
Revise the AR1 zoning classification to strengthen agricultural protection.	Regulatory	Town Board Planning Board	Ensures a proper focus on agriculture rather than residential use.	

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

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**MID-TERM ACTIONS (2-4 YEARS)**

Action	Type of Action	Responsible Parties	Comments	Implemented
Revise the Town Zoning Law to redefine “agriculture”.	Legislative	Town Board Planning Board	Allows for a greater range of agricultural operations and doesn’t prohibit or overly restrict any agricultural operations.	
Adopt a local Right-to-Farm law.	Legislative	Town Board Planning Board	Minimize conflicts between agricultural operations and non-agricultural neighbors.	
Re-evaluate existing agricultural district boundaries to ensure all important lands are included and lands no longer viable are removed.	Legislative	Town Board Planning Board County	Clarify and alleviate conflicts, promote concerns and desires of farmers to retain viable farmland.	
Develop local farmland protection measures such as Conservation Easements, Purchase of Agricultural Conservation Easements, and/or Lease of Development Rights.	Regulatory	Town Board Planning Board	Tools for effectively protecting important agricultural resources - Examples given (see appendix).	
Adopt Rural Development and Hamlet Development Guidelines	Regulatory	Town Board Planning Board	Additional tools for ensuring proper design in the right places	
Revise the Town Zoning Law to remove multi-family residential as a use permitted by Special Use Permit in the AR1 district.	Regulatory	Town Board Planning Board	Aids in preserving the rural intent of the district.	
Revise the Cluster Residential Development regulations under the Zoning Law.	Regulatory	Town Board Planning Board	Examples provided.	

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

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**MID -TERM ACTIONS (2-4 YEARS)**

<b>Action</b>	<b>Type of Action</b>	<b>Responsible Parties</b>	<b>Comments</b>	<b>Implemented</b>
Consider eliminating the AR2 district or amend zoning to comply with Comprehensive Agricultural Protection Plan.	Regulatory	Town Board Planning Board	Replace the existing AR2 district outside of the Village Transition Area with the AR1 district and replace the existing AR2 district within the Village Transition Area with the R-1 and R-1 and R-2 district.	
Revise the Town Zoning Law to distinguish between which uses are permitted as primary uses on a property and which are permitted as accessory uses.	Regulatory	Town Board Planning Board		
Reevaluate the Town's Agricultural Districts.	Regulatory	Town Board Planning Board	Coordinate with NYS Dept. of Agriculture and Markets update of Agricultural Districts.	
Revise the Town Subdivision Regulations to require testing of soils in areas without public water service and/or public sanitary sewer service to identify problematic soils.	Regulatory	Town Board Planning Board County	Reduces the likelihood that septic systems will fail and helps to protect groundwater resources.	
Consider expanding the C1 (conservation) district to other portions of the Town where sensitive resources exist.	Regulatory	Town Board Planning Board		
Revise the Town Zoning Law to create a separate Manufactured Home Park District.	Regulatory	Town Board Planning Board	Provides better control of manufactured home parks and ensures public welfare and safety.	

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

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**MID -TERM ACTIONS (2-4 YEARS)**

Action	Type of Action	Responsible Parties	Comments	Implemented
Revise the Town Zoning Law to incorporate additional setback requirements structures abutting Lake Erie, and Bear and Upper Cassadaga Lakes.	Regulatory	Town Board Planning Board	Reduces the impact of development on water resources.	
Revise the Town Zoning Law to establish additional setback, screening/ buffering, and aesthetic standards for development located near important cultural, historical, or recreational resources.	Regulatory	Town Board Planning Board	Reduces the impact of development on sensitive resources.	

**ONGOING ACTIONS, LONG TERM ACTINS AND OTHER CONSIDERATIONS (0 to 5+ YEARS)**

Action	Type of Action	Responsible Parties	Comments	Implemented
Coordinate with and implement the recommendations of the Chautauqua County Farmland Protection Plan.	Regulatory	Town Board Planning Board	Enhance the opportunities for growth of agriculture and agri-business.	
Comply with and enforce the Chautauqua County Right-to-Farm Law.	Regulatory	Town Board Planning Board	To minimize conflicts and protect agricultural uses until the Town adopts its own Law.	
Support local agriculture by promoting the sale of locally grown products at local farmers markets, festivals, restaurants, wholesalers, and schools/ colleges.	Education Planning	Town Board Chautauqua County School District SUNY Fredonia NYS Ag & Markets Cooperative Extension Local businesses	Such efforts promote local agriculture, tourism and community spirit.	

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

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**ONGOING ACTIONS, LONG TERM ACTIONS AND OTHER CONSIDERATIONS (0 to 5+ YEARS)**

<b>Action</b>	<b>Type of Action</b>	<b>Responsible Parties</b>	<b>Comments</b>	<b>Implemented</b>
Encourage the use of sustainable forestry techniques that permit tree harvesting as a viable agricultural operation.	Education	Town Board Planning Board NYSDEC	Proper timber harvesting is important to the sustainability of natural resources and provides economic opportunities.	
Facilitate advertising and transportation opportunities to allow local farmers to get their produce to potential markets.	Education Research Planning	Town Board County NYS Ag & Markets Cooperative Extension	Helps support and strengthen local agricultural operations.	
Work with Cornell Cooperative Extension to provide agri-preneurship programs.	Education	Town Board Planning Board Cooperative Extension	Agri-preneurship programs provide farmers with education on business plans, management, financing, marketing, and operations.	
Promote organic farming practices.	Education	Town Board Planning Board County Cooperative Extension	Helps to diversity agriculture and introduce more sustainable farming practices.	
Support the Village of Fredonia Farmers Market.	Marketing	Town Board Village of Fredonia NYS Agriculture and & Markets	Provides a means for local farmers to market and sell their products and acts as a place for consumers to purchase locally grown produce.	
Promote humane standards of care for farm animals.	Education	Town Board Cooperative Extension	Follow NYS Agriculture and Markets standards.	

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

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**ONGOING ACTIONS, LONG TERM ACTIONS AND OTHER CONSIDERATIONS (0 to 5+ YEARS)**

Action	Type of Action	Responsible Parties	Comments	Implemented
Support and promote agri-tourism through agri-clustering of similar or complimenting businesses.	Education Research Planning	Town Board Planning Board Chautauqua County NYS Ag & Markets Cooperative Extension Chautauqua County Visitors Bureau Chautauqua – Lake Erie Wine Trail Lake Erie Concord Grape Belt Heritage Ass.	Agri-clustering is the geographic and themed clustering of agricultural businesses that collaborate in marketing to provide similar or complimenting services that enhance the viability of agriculture and agri-tourism by creating a themed route or event.	
Support the Lake Erie Concord Grape Belt Heritage Association culinary bounty program.	Marketing Education Planning	Town Board Chautauqua County NYS Ag & Markets Cooperative Extension Chautauqua County Visitors Bureau Chautauqua – Lake Erie Wine Trail Lake Erie Concord Grape Belt Heritage Assoc.	Encourages Concord Grape related cuisine and product development. A Concord Grape festival or market could be considered as a means to promote this effort.	
Work with NYSERDA to identify opportunities for biomass crop production and transportation to biomass facilities, and to educate farmers on the viability of producing/ harvesting biomass crops.	Education	Town Board Planning Board NYSERDA	Create a viable farming alternative, especially for less suitable soils.	

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

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**ONGOING ACTIONS, LONG TERM ACTIONS AND OTHER CONSIDERATIONS (0 to 5+ YEARS)**

<b>Action</b>	<b>Type of Action</b>	<b>Responsible Parties</b>	<b>Comments</b>	<b>Implemented</b>
Revise and update the Town’s Wind Energy Law.	Regulatory Planning	Town Board Planning Board	Ensure that Law incorporates new technologies and best practices.	
Promote the coexistence of alternative energy resources with agricultural operations.	Planning Education Regulatory	Town Board Planning Board NYSERDA	Maintain viability of agriculture, provide green alternative energy, and minimize impacts on the environment and community.	
Encourage the development of facilities that support and/or generate alternative energy that can promote economic development and green infrastructure.	Planning Research Education Regulatory	Town Board Planning Board Chautauqua County IDA Southern Tier West NYSERDA	NYSERDA funding opportunities and incentives.	
Enhance and promote the Chautauqua – Lake Erie Wine Trail and Seaway Trail.	Planning Regulatory	Town Board Planning Board Chautauqua – Lake Erie Wine Trail Seaway Trail, Inc. Chautauqua County Visitors Bureau	Increase the visitor base and improve visitor’s experience.	
Revise the Town Zoning Law to promote sustainable (“green”) development and growth standards.	Planning Regulatory	Town Board Planning Board	Encourage LEED certified buildings and green agricultural practices.	
Focus smaller lot residential within areas of the Village Transition Area, Lakeshore Area, and Hamlet Area.	Planning Regulatory	Town Board Planning Board	Maximize the cost effectiveness of public water infrastructure.	

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

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**ONGOING ACTIONS, LONG TERM ACTIONS AND OTHER CONSIDERATIONS (0 to 5+ YEARS)**

<b>Action</b>	<b>Type of Action</b>	<b>Responsible Parties</b>	<b>Comments</b>	<b>Implemented</b>
Coordinate municipal planning efforts with neighboring municipalities.	Planning	Town Board Planning Board	Ensures the planning efforts near municipal boundaries are compliant and seamless.	
Work with the Cooperative Extension and Chautauqua County Soil & Water District to educate and promote minimizing non-point source pollution to surface and groundwater resources.	Education Regulatory	Town Board Planning Board County	Work with Chautauqua County Soil and Water Conservation District.	
Pursue grant money from NYSERDA for retrofit of municipal vehicles and facilities to alternative energy vehicles.	Research	Town Board Planning Board	NYSERDA funding and incentive programs.	
Work with county and state transportation officials to repair identified road flooding hazard areas throughout the Town.	Planning	Town Board Planning Board NYSDOT County	Town has conducted a Risk Assessment for several roads that require improvement. Work with NYSDOT and County Division of Transportation.	
Consider taking long-term measures to upgrade the aging sanitary sewer infrastructure.	Planning	Town Board County Water/ Sewer Districts	Pursue Water and Waste Disposal Loans and Grants through USDA and seek other funding.	
Build upon the existing tourism related resources of the Town (lakes, Lily Dale, Chautauqua – Lake Erie Wine Trail, agriculture) to enhance the tourism industry.	Planning	Town Board Planning Board Chautauqua County Visitors Bureau		

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

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**ONGOING ACTIONS, LONG TERM ACTIONS AND OTHER CONSIDERATIONS (0 to 5+ YEARS)**

Action	Type of Action	Responsible Parties	Comments	Implemented
Any revisions to the Town Zoning Law or Zoning Map that would promote growth and denser development should be coordinated with the North End Water District and other existing water and/or sanitary sewer districts.	Planning	Town Board Planning Board Water/ Sewer Districts	This ensures that planned growth complies with proposed infrastructure extensions. The Town should also institute lateral restrictions.	
Support continuing efforts that build upon the Town Bicentennial Tree Project and plant additional trees within public spaces.	Planning	Planning Board	Increase tree canopy of public spaces and important sites.	
Encourage multi-family housing to be located within appropriate growth areas of the Village Transition Area.	Planning Regulatory	Town Board Planning Board	Focuses multi-family residential near Village and SUNY Fredonia and preserves rural character of Town.	
Support and sponsor educational opportunities on groundwater protection and septic system maintenance and remediation.	Education Regulatory	Town Board County NYSDEC NYS Dept. of Health	Work with Chautauqua County Soil and Water Conservation District.	
Identify opportunities for shared municipal services and facilities.	Planning Research Regulatory	Town Board Planning Board	Work with Village of Fredonia and Fredonia Central School District, Brocton Central School District, and Cassadaga Valley Central School District.	

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

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**ONGOING ACTIONS, LONG TERM ACTIONS AND OTHER CONSIDERATIONS (0 to 5+ YEARS)**

<b>Action</b>	<b>Type of Action</b>	<b>Responsible Parties</b>	<b>Comments</b>	<b>Implemented</b>
Develop a system of connecting greenways and bicycle trails throughout the Town.	Planning	Planning Board	Although in private ownership, an abandoned railroad line runs from the Village of Fredonia to the southern portion of the Town. Other greenways can be constructed along roadways or between developments.	
Explore opportunities to work with SUNY Fredonia Center for Rural Regional Development & Governance.	Planning Research Education	Town Board Planning Board SUNY Fredonia	Explore opportunities to work with SUNY Fredonia Center for Rural Regional Development & Governance.	
Provide and improve opportunities for public access areas to Lake Erie, Bear Lake, and Cassadaga Lake.	Regulatory	Town Board Planning Board	Seek permanent access easements or purchase of land.	
Identify/establish opportunities for future and improved public access to Lake Erie.	Research Legislative	Town Board Planning Board	Seek permanent access easements or purchase of land.	
Locate community and governmental resources in centers of population (Village of Fredonia and hamlets).	Planning Regulatory	Town Board Planning Board	Locate community and governmental resources in centers of population (Village of Fredonia and hamlets).	
Create an overlay district for the SR 60 corridor.	Planning Regulatory	Town Board Planning Board	Improve aesthetics along the SR 60 corridor.	
Develop a site plan waiver law.	Regulatory	Town Board Planning Board	Allows development that is minor in nature to forego full site plan review.	
Revise the Town Zoning Law to establish a minimum green/ open space percentage for a lot within the B2 district.	Regulatory	Town Board Planning Board	Add to the vision of creating SR 60 Corridor "gateway"	

TOWN OF POMFRET COMPREHENSIVE AGRICULTURAL PROTECTION PLAN

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**ONGOING ACTIONS, LONG TERM ACTIONS AND OTHER CONSIDERATIONS (0 to 5+ YEARS)**

<b>Action</b>	<b>Type of Action</b>	<b>Responsible Parties</b>	<b>Comments</b>	<b>Implemented</b>
Adopt a Local Law that authorizes commercial, business, or industrial Real Property Tax exemption, consistent with NYS Real Property Tax Law, Section 485-b.	Regulatory	Town Board Planning Board	Provides real property tax exemptions to commercial, business, or industrial property owners who make improvements to buildings.	
Develop a hamlet zoning district or overlay (or revise the Neighborhood Business B1 district) for the hamlet areas	Planning Regulatory	Town Board Planning Board	Promote the reestablishment of the traditional hamlet areas and encourage improved aesthetics.	
Revise the Town of Pomfret Zoning Law to establish performance standards within the Industrial I1 and I2 districts.	Planning Regulatory	Town Board Planning Board	This would permit uses based on their ability to conform to specific performance standards rather than based on pre-established use and bulk regulations.	
Encourage light industrial/ business park development near the ash landfill area or near the New York State Thruway interchange.	Planning	Town Board Planning Board Chautauqua County IDA Southern Tier West	Consider NYS Real Property Tax Law 485-b, Rural Business Opportunity Grants, Rural Business Enterprise Grants (RBEG), and other incentives and programs.	
Coordinate with Chautauqua County Industrial Development Agency and Southern Tier West Regional Planning and Development Board to identify and pursue economic development opportunities.	Planning Research Education	Town Board Planning Board Chautauqua County IDA Southern Tier West		
Support and enhance continued senior services offered by the Town to retain and nurture the senior citizen population base.	Planning Education	Town Board Planning Board Office for the Aging	Work with the Fredonia-Pomfret Office for the Aging.	

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## **SECTION 6.0 – ANNUAL REVIEW**

One of the recommendations in the Comprehensive Agricultural Protection Plan recommendations is for the Town of Pomfret Town Board to establish a Comprehensive Agricultural Protection Plan Committee to conduct an annual review of the Comprehensive Agricultural Protection Plan. The purpose of this review is to ensure that the Plan is being followed and remains a useful document that is continuously aimed at achieving the overall vision and individual goals of the Town. This is accomplished through constant implementation of recommendations, monitoring of conditions, and evaluation of applied measures. This Committee will most likely consist of members of the Town Planning Board, assisted by representatives from the local community, as designated by the Town Board. The annual review should include the following.

- The list of items, as contained in the implementation section of the Comprehensive Agricultural Protection Plan, should be reviewed to determine which items were accomplished during the previous year. It should also be determined if there is a need to update or amend this list.
- The listing of zoning amendments specified in the Comprehensive Agricultural Protection Plan should be reviewed to determine which items were accomplished and which ones should be undertaken in the coming years. The Planning Board should also determine if there are any new zoning amendments that should be added to this list.
- All site plan and subdivision approvals issued during the previous year should be reviewed in conjunction with the recommendations of the Comprehensive Agricultural Protection Plan to determine where this activity has occurred, if it has occurred consistent with the vision and recommendations of the Plan, and the overall impact of these planning approvals on agricultural protection and general land use trends in the Town.
- Any major rezoning decisions approved during the previous year should be reviewed in conjunction with the Comprehensive Agricultural Protection Plan to determine if these actions were consistent with the vision, goals, and recommendations of the Plan and the overall impact of the rezoning decisions on agricultural protection and general land use trends in the Town.

Comments from the Town Board, Town departments and committees, and public input gathered during the previous year should be evaluated in conjunction with the information ascertained from the reviews outlined above, and an action plan for Comprehensive Agricultural Protection Plan implementation activity in the coming year should be developed.

The Committee should prepare a statement outlining the accomplishments of the past year, including a listing of all site plan, subdivision, and rezoning approvals, and a list of accomplishments in terms of zoning code amendments and other implementation achievements, as specified in the Comprehensive Agricultural Protection Plan. This information,

along with the action plan for the continuing implementation of the Comprehensive Agricultural Protection Plan, should be presented to the Town Board for their review and approval.

By following this procedure, the Town will be able to continually monitor the effectiveness of the Comprehensive Agricultural Protection Plan in achieving the vision it articulates. It is anticipated that the Comprehensive Agricultural Protection Plan Committee will need to meet several times during the first year in order to establish procedures and review the priority actions. As items are implemented and the procedure becomes more established, less frequent meetings are likely to be sufficient. The adjustments, amendments, and changes recommended by the Committee and approved by the Town Board will be incorporated into the Comprehensive Agricultural Protection Plan by acceptance of the Town Board, and provided as an annual update document.

Approximately every five years, or as circumstances dictate the need, the Comprehensive Agricultural Protection Plan should be more thoroughly reviewed and updated, as necessary, to reflect current priorities, needs, and goals, using the annual update reports to assist in this effort. At the end of this more extensive review and update, the Town should incorporate all changes into an updated plan, and undergo formal adoption procedures (including public hearings and SEQR review) to accept the updated plan. Unless there are major changes to circumstances or conditions in the Town, it is anticipated that these reviews and re-adoption procedures will be simple. They are important, however, in order to ensure that the Comprehensive Agricultural Protection Plan remains a relevant and useful document to guide growth and development in the Town and help the citizens of Pomfret protect agricultural resources in the Town, meeting their vision and goals for the future.