

DRAFT GENERIC
ENVIRONMENTAL IMPACT STATEMENT

For

**Proposed Incentive Zoning Law
of the
Village of Macedon,
Wayne County
New York**

February 2009

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I. SUMMARY

In accordance with Section 7-703 of the Village Law of the State of New York, Incentive Zoning can be adopted at a local level for use in local planning efforts. This technique is proposed to be adopted by the Village Board of the Village of Macedon as a Local Law, which would empower the Village Board to provide for a system of zoning incentives, or bonuses, as the Village Board deems necessary and appropriate. These incentives would advance the Village's specific physical, cultural and social policies in accordance with Village's Master Plan.

The Village's master plan identifies many community objectives which the Village and its citizens have determined to be important in the proper growth and management of the Village of Macedon.. Through existing land use planning techniques and in today's economic climate at all levels of government, achievement of many of these objectives can be difficult. The incentive zoning process allows a cooperative effort between the Village and any developer or landowner to achieve benefits for the community through incentives.

The incentive zoning procedure will be a public process with at least one public meeting and one or more public hearings on each request for incentive zoning. The incentives will be granted at the sole discretion of the Village Board following input from many sources, including the public hearing testimony, Planning Board input, Wayne County Planning Department input and input from other reviewing agencies as appropriate. The proposed process is identified in Section II. of this Draft Generic Environmental Impact Statement (DGEIS).

The main purpose of this DGEIS is to identify and evaluate significant environmental impacts, which may be associated with adoption of this incentive zoning law. The anticipated impacts that will be addressed include:

- Direct disturbances resulting from construction of increased development.
- Operational impacts from ongoing activities resulting from construction.
- Cumulative impacts on demand for services, transportation, utilities, open space, recreation, wildlife habitat, visual aesthetics and agriculture.
- Cumulative mitigative benefits that can be expected from this action.
- Growth inducement potential.

In addition, this DGEIS will identify specific mitigation measures intended to address the adverse impacts associated with adoption of this local law. These measures will identify thresholds that need to be considered to avoid overburdening existing transportation, drainage and utility systems or other community assets.

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This document will also identify which amenities and benefits should be pursued in order to accomplish the goals and objectives of the Village's master plan. It should become apparent in the process which amenities the Village should actively consider and which areas of Village would be most appropriate for which amenities. Evaluation of these mitigation measures will involve review of many previously prepared studies, reports and recommendations, including but not limited to:

- 1996 Master Plan
- 2007 CAPS Study

Alternatives to this proposed action will be discussed in Section VII of this DGEIS. It is important to evaluate alternatives which might accomplish the same goals as the proposed action and how effective and practical those alternatives may be. The alternatives that will be discussed include:

- Consideration of selected zoning districts for implementing this action
- Alternative thresholds for allowable increased development
- Alternative land use planning techniques for achieving the same goals as incentive zoning
- No action alternative

In summary, it is the intent of the Village Board to fully evaluate all of the aspects associated with the adoption of this incentive zoning law and to provide the citizens of the Village full opportunity to comment on this action.

II. DESCRIPTION OF THE PROPOSED ACTION

A. INTRODUCTION

The Village of Macedon has, through its current master plan, identified objectives that should be pursued. It is the pursuit of these goals that will be the main focus of considering any application under the proposed Incentive Zoning Law and furthering these goals will be considered proper justification for incentives to development. Future planning and land use decisions which are not precisely based upon these goals should fully evaluate all aspects and provide a sound argument and rationale that is as convincing as that stated in the master plan.

It is NOT the intent of the Village Board to utilize incentive zoning on a frequent basis for the main purpose of assisting development. It is the intent to provide a flexible means to obtain certain described amenities for the community that under other means would be difficult or

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impossible to obtain. Discretionary use of this law will provide the Village with the opportunity to further the objectives of the master plan and the review procedure proposed to be implemented will assist in the determination of appropriate scope of incentives that might be granted in each case.

The proposed Incentive Zoning Law will encompass all zoning districts in the Village of Macedon. The potential use of incentive zoning will vary from district to district and it is somewhat difficult to anticipate to what extent any district may be involved with a request for incentive zoning without actually having development applications pending or proposed. The following discussion of the Village's zoning districts will attempt to realize potential use based on current development trends and those anticipated through previous land use studies.

B. PURPOSE AND RATIONALE

The Village of Macedon is currently considering this Incentive Zoning Law in order to further the objectives of the Village Master Plan. The statement of purpose contained in the law states:

"The purpose of the system of incentive, or bonus, zoning shall be to advance the village's specific physical, cultural and social policies in accordance with the village's comprehensive plan and in coordination with other community planning mechanisms or land use techniques."

The Village currently has numerous land use methods to help guide development, including the local Zoning Ordinance, state and local subdivision regulations, Village Law 7-728 and Village Law 7-738. However, as development pressures increase, government funding at all levels becomes more scarce and social, physical and cultural demands become more prominent, the Village must use every creative resource available to provide the delicate balance between appropriate land development and provision of reasonable services for residents. Incentive Zoning is yet another land use planning technique that can assist the Village in achieving this delicate balance.

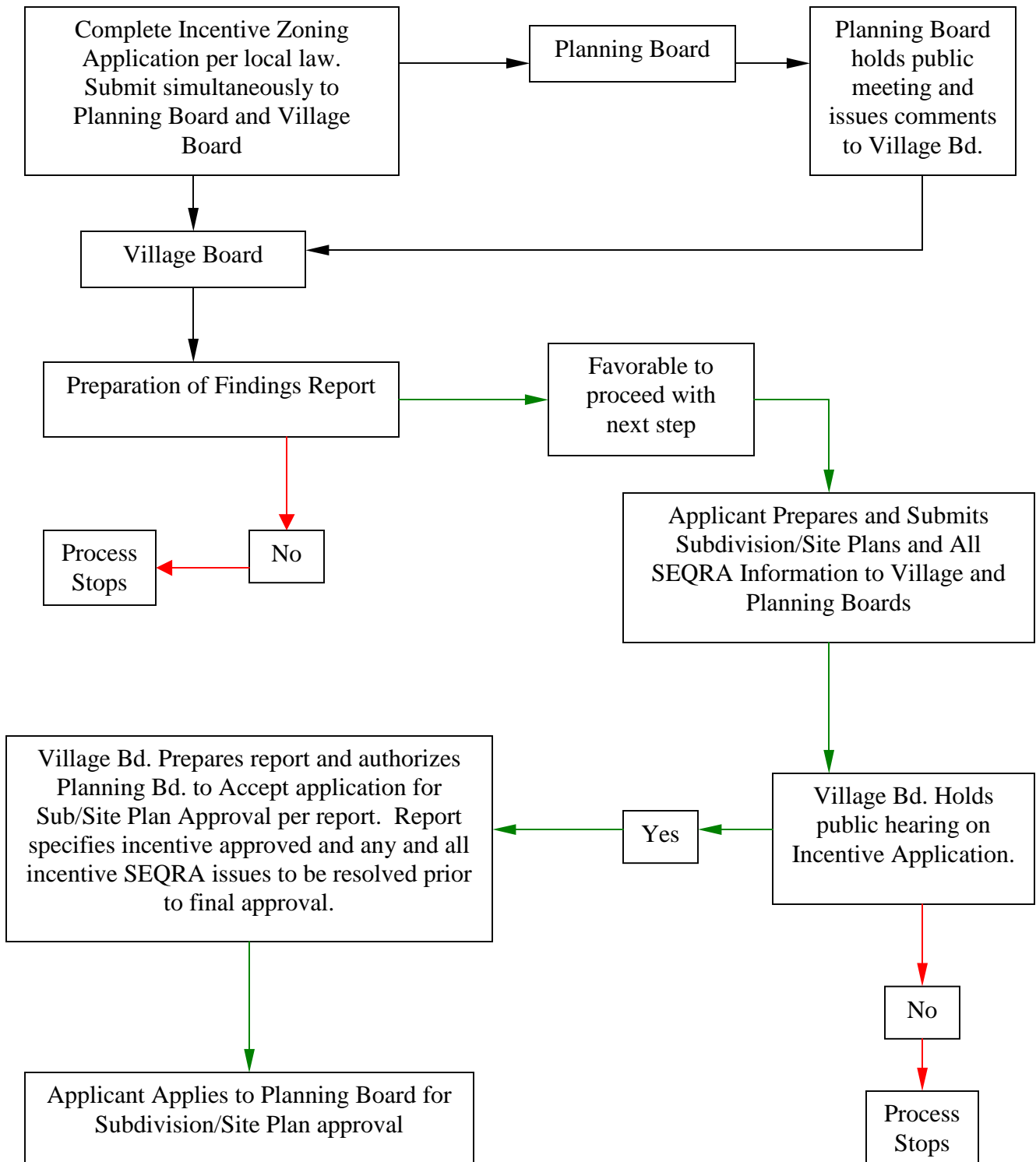
C. PROPOSED PROCEDURE

The following outline describes the procedure to be followed in processing an application for incentive zoning:

- 1) Applications for incentives in exchange for amenities shall be submitted to the Planning Board for Sketch Plan Review and to the Village Board concurrently, after discussions with Village Staff for appropriate input. Both applications shall follow the adopted procedures and shall include the following information:
 - a) Proposed amenity.

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- b) The cash value of the proposed amenity.
 - c) A narrative which:
 - i) Describes the benefits to be provided to the community by the proposed amenity.
 - ii) Gives preliminary indication that there is adequate sewer, water, transportation, waste disposal and fire protection facilities in the zoning district in which the proposal is located to handle the additional demands the incentive and amenity, if it is an on-site amenity, may place on these facilities beyond the demand that would be placed on them as if the district were developed to its fullest potential.
 - iii) Explains how the amenity helps implement the physical, social or cultural policies of the Master Plan as supplemented by the local laws and ordinances adopted by the Village Board.
 - d) The requested incentive.
 - e) Sets of maps containing both the requested incentive layout and a layout conforming to current requirements.
 - f) Completed Environmental Assessment Form – Part I
- 2) The Planning Board shall schedule and hold a public meeting in conformance with its adopted meeting schedule and submission deadlines and shall hear testimony on the proposed application. Following said meeting, the Planning Board shall prepare comments pertaining to the application and forward them to the applicant and the Village Board.
- 3) The Village Board shall determine, based upon input from the Planning Board and other information/input it deems necessary, if the application warrants further consideration under this Local Law. Said determination shall be disclosed in a findings report or similar document, a copy of which shall be made available to the applicant and the Planning Board. If further consideration is deemed appropriate a public hearing will be scheduled before the Village Board. The Village Clerk shall give notice of the hearing in the official newspaper of the Village at least five (5) days prior to the date of the hearing.
- 4) The applications shall be referred to other agencies for input as appropriate, including but not limited to the Wayne County Department of Planning, Village's Consulting Engineer, and applicable County, State or Federal agencies.
- 5) All applicable requirements of the State Environmental Quality Review Act (SEQRA) and shall be complied with as part of the review and hearing process. In addition to other information that may be required as part of an environmental assessment of the proposal, the assessment shall include verification that the zoning district in which the proposal is

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to be located has adequate sewer, water, transportation, water disposal and fire protection facilities to:

- a) First, serve the remaining vacant land in the district as though it were developed to its fullest potential under the district regulations in effect at the time of the amenity/incentive proposal; and
 - b) Then, serve the on-site amenity and incentive, given the development scenario in Subsection E-1 above.
- 4) In order to approve an amenity/incentive proposal, the Village Board shall determine that the requirements of SEQRA have been met and the proposed amenity provides sufficient public benefit to provide the requested incentive. Thereafter, the Planning Board is authorized to act on an application for approval pursuant to The Village of Macedon Zoning Ordinance

D. EXISTING ZONING DISTRICT DESCRIPTIONS

- 1) **R-1 Residential District**
This district has only one permitted use, single family dwellings. There are permitted accessory uses and special uses permitted with approval. Some of these uses allowed under the special use provisions are two-family dwellings, multiple family developments, townhouse clusters and developments and cluster residential developments.

The R-1 District is located in the northwest, west and southern portions of the Village and is the predominate zoning district in the Village with respect to size.

Since there is sewer available in all residential districts, the minimum lot size is 15,000 square feet. Mathematically this would yield 2.9 dwelling unit per acre, however depending on overall lot dimensions, set backs and right of way considerations, the yield is approximately 2.5 units per acre.

A recent analysis of types of building classification in the different zoning districts indicates that there are currently two (2) apartment complexes, five (5) two family residence, one (1) restaurant, one (1) day care center, and one (1) office building in this district.

- 2) **R-2 Residential District**
Permitted uses in this district are single and two family dwellings. Special uses permitted are the same as the R-1 Residential District in addition to duplexes.

This district is in the center of the village and incorporates much of the older housing section of the village on both sides of Main St. It includes Poplar, Race, West, Lapham,

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and Stone Streets as well as the northern portions of Center and Erie Streets and Railroad Ave.

Two Family units in this zone require 20,000 square foot lot size or approximately 4 dwelling units per acre. Single-family lots require 10,000 square feet, or approximately 4 dwelling units per acre.

3) C - Commercial District

The village has just one commercial all-inclusive commercial zone. The permitted uses are considerable and in keeping with the small scale of the village. However the zoning code does not specifically prohibit any large-scale commercial enterprise except for the limitation that the total gross square feet cannot exceed twice the lot area on which it is situated.

This district is located on both sides of Main Street from halfway between West and Center Streets to Route 350. Easterly of Route 350, it extends to western boundary of the village on the south side of Main St.

The size and density of this district is not governed by minimum lot sizes for the permitted uses. Rather it is controlled by setbacks and maximum building cover as well as indirectly by the amount of parking required in addition to the building. The permitted special uses of Motor Vehicle Service Stations, Auto Repair Shops and Car Washes are governed by minimum square foot size of building.

4) I-Industrial District

There is only one industrial district in the Village. The permitted uses are limited to processing, assembly, compounding or packaging of previously prepared or refined materials.. In addition office buildings for administrative purposes and laboratories for research and processing and fabrication incidental thereto. The only limitation on lot size is for the special uses of Motor Vehicle Service Stations and Repair Shops and Car Washes.

The industrial district is located on the north side of main street from Rt 350 east to the village boundary. It also includes all of the canal lands and all property north of the canal.

The size and density of this district is not governed by minimum lot sizes for the permitted uses. Rather it is controlled by setbacks and maximum building cover as well as indirectly by the amount of parking required in addition to the building. The permitted special uses of Motor Vehicle Service Stations, Auto Repair Shops and Car Washes are governed by minimum square foot size of building.

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III. ENVIRONMENTAL SETTING

A. PHYSICAL FEATURES AND AREAS

The Village of Macedon is making progress in identifying and protecting natural features that are important to the community. These features warrant special consideration by way of their uniqueness, sensitivity and functional value to the Village and its residents.

In addition, state and federal laws have created areas that are to receive additional consideration when considering development. These natural features and regulated areas are identified below.

- 1) **Steep Slopes**
This classification encompasses those changes in topography of 15% or greater. These slopes are primarily located along the Ganargua Creek and in proximity to the major drumlin at the end of Stone St. and in some areas along the canal. These areas are usually heavily wooded and can be unstable. Maintenance of the vegetative cover and topsoil on these slopes is critical in preservation of these natural features. Any development proposed on these areas should be limited and receive additional review.

- 2) **Floodplains**
Floodplains are low areas adjacent to streams, lakes and rivers, which tend to flood during heavy periods of precipitation. These lands provide storage of floodwaters and the protection of these storage areas is critical in minimizing impacts to the health, safety and welfare of the Village's population. Floodway and floodplain mapping for the Village of Macedon has been provided by the Federal Emergency Management Agency (FEMA) for all of the major watercourses. These maps provide geographical assistance in determining where the areas are most likely to flood under certain rainfall conditions. These areas have been categorized into the following zones:

ZONE	EXPLANANTION
A	Areas of 100-year flood, base elevations not determined
AO	Areas of 100-year shallow flooding, no flood hazared factors determined
AH	Areas of 100-year shallow flooding, flood elevations and flood hazard factors determined
A1-A30	Areas of 100-year flood, base flood elevations and flood hazard factors determined
A99	Areas of 100-year flood to be protected by flood protection system under

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	construction
B	Areas between 100-year and 500-year flood
C	Areas of minimal flooding
D	Areas of undertermined but possible flood hazard
V	Areas of 100-year coastal flood, base flood elevation and flood hazard factors not determined
V1-V30	Areas of 100-year coastal flood, base flood elevation and flood hazard factors determined

3) Wetlands

Wetlands are areas where groundwater levels approach or cover the surface of the land. The amount of water coverage varies from standing water to seasonal flooding to spongy soils. Wetlands are generally identified by vegetation, but the presence of certain soil types and water regime can also be identifying factors. The Village of Macedon recognizes the value of wetlands as they:

- Provide natural flood control by detaining/retaining stormwater runoff;
- Provide water quality benefits by trapping silt and sediment and filtering pollution from stormwater;
- Assist in recharging groundwater resources and aquifers;
- Provide natural wildlife habitat areas; and
- Provide natural open space.

Wetland regulation is currently provided at two levels in the Village of Macedon. The U.S. Army Corps of Engineers regulates federal wetlands by permit. These wetlands can vary in size down to less than one acre. Mapping assistance has been provided by the U. S. Department of the Interior on the National Wetland Inventory maps, however, specific determinations based on certain criteria are required for actual federal wetland delineation. The New York State Department of Environmental Conservation regulates wetlands that are 12.4 acres or larger. These wetlands also entail a 100-foot adjacent area or “buffer” area outside of the wetland limits that are regulated.

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4) Watercourses

Natural watercourses collect and convey surface water flows within a geographically defined drainage basin. These areas are closely related to floodplains and wetlands and are affected by many of the same conditions. Watercourses can also be man-made. The prime focus on preservation is the natural water carrying abilities of the streams, creeks and ditches of the Village. Hydraulic capacity of the watercourse is dependent upon a number of factors, including types of soils, slope of the channel, size/width of the channel, obstructions such as vegetation, rocks, fallen trees, inappropriately sized culverts, etc. Watercourses are also very susceptible to the erosive effects of moving water. The Village is committed to protect the hydraulic capacities and natural benefits of these watercourses and drainage systems.

B. MANAGEMENT AREAS AND UTILITIES

While the above are specific area and physical features in Village, additional environmental management is carried out in the Village in several management areas.

1) Stormwater Management

The Village of Macedon has been designated by the U. S. Environmental Protection Agency as a community with a Regulated Municipal Separate Storm Sewer System (MS4). This means that the community has to regulate its stormwater in accordance with EPA and New York State Department of Conservation rules and regulations. In this regard, the Village of Macedon was required to sign a Notice of Intent that they would comply with the designation. Part of these rules and regulations required the village to adopt new local laws concerning stormwater management. One such local law added a new Article to the Village's zoning ordinance in 2007. This local law is now Article XIV - Stormwater Control of the zoning ordinance. This local law requires any construction project to control erosion and sediment control as well as, depending on the size of the project, post construction water quality.

2) Drainage

In addition to erosion and sediment control and post construction water quality, the village is required, as an MS4 to map and regulate existing storm sewers and outfalls from these storm sewers. This mapping is underway and will be completed soon. The regulation of the outfall consists of monitoring the discharge for any harmful waste that should not be in the storm water and eliminating it if it should occur.

3) Sanitary Sewer System

The village's sanitary sewer system and the sewage treatment plant were built and put into service in 1970. Since that time, every property that is required to have sanitary service is connected to the village collection system. The exception to this is the land north of the Erie Canal. This area does not have sewers due to the cost of putting a sewer under the canal. The current properties on that side of the canal are on septic systems. The treatment plant treats waste from the village as well as a portion of the Town of

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Macedon and is operated under a SPDES permit from the New York State Department of Environmental Conservation. The plant was expanded to accommodate the needs of the Town, however, the village has reserved capacity for additional growth in the village. The current daily flows into the plant are not near the capacity at this time.

Any new construction or development on the south side of the canal is required to connect to the sanitary sewer system. Any significant new development on the north side of the canal would be required to connect as well. This is one of the reasons for the limited growth in the industrial district on the north side of the canal.

All existing connections as well as any new services are required to comply with the village sewer use law.

4) **Water System**

The entire Village of Macedon is serviced with public water via a water system owned and operated by the Village of Macedon. The village purchases water from the Wayne County Water and Sewer Authority and then distributes this water through its system to the village residents and businesses. This system is operated as a public water supplier under New York State Department of Health rules and regulations.

The village has one main connection to the Wayne County Water and Sewer Authority's system at which point the water consumption by the village is metered. There are three (3) other closed connections that can be utilized in case of an emergency or when the water tank is off line.

Current and future users are required to comply with the village's water use law. Any new construction or development is required to connect to this system. Most of the village can be serviced by the existing system. The only exception would be the top of the drumlin at the end of Stone St. The elevation of the top of this drumlin is too high to furnish adequate fire flow.

5) **Transportation**

The principle transportation network in the Village of Macedon is two highways under the jurisdiction of New York State Department of Transportation. These two highways are Route 31, which is Main St., and Route 350. Route 31 cuts through the center of the village dividing it in an east west direction creating the north and south halves of the village. Route 350 begins at Route 31 and travels north from the village into the Town and beyond.

The remainder of the roads in the village are village streets. All of these streets are owned by the village and maintained by the Village Department of Public Works. The only transportation related facility not under Village of State of NY jurisdiction is the bridge over Ganargua Creek on Erie Street. This bridge as well as a portion of Erie Street

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was recently reconstructed and realigned to relocate it to exit onto Route 31 at the traffic signal at the intersection of Route 31 and Route 350.

Both of the commercial and industrial districts have direct access onto NYS highways. The village streets are mainly utilized for local residential traffic except for Erie Street south. This section of the village street is an arterial that is a continuation of County Rd. ____ in the village. This street connects the village to the Town and County to the south.

The other type of transportation in the village is the Erie Canal. Lock 30 of the New York State Canal System is located in the Village and is operated by the New York Canal Authority. The canal crosses the village in the northern portion and is roughly parallel to Route 31 in the village.

6) Pedestrian System

The village just completed the Circulation, Accessibility and Parking Study which addresses pedestrian access. The village has accepted the recommendations of that report and will be incorporating them into the objectives of the village master plan.

7) Zoning Districts

The proposed Incentive Zoning Law is intended to apply to all zoning districts in the Village of Macedon. A brief description of all districts can be found in Section II Description of the Proposed Action, found previously in this Draft Generic Environmental Impact Statement.

8) Agricultural Districts

There are no agricultural districts in the Village, however there are Agricultural Districts in the Town of Macedon that either border the village or are in close proximity.

IV. SIGNIFICANT ENVIRONMENTAL IMPACTS

Implementation of the Incentive Zoning Law of the Village of Macedon should result in an overall positive impact, as the full intent is the pursuit of the objectives outlined in the Village's Master Plan. Some of the significant environmental impacts that can be anticipated can be generically described as follows:

A. DIRECT DISTURBANCES RESULTING FROM CONSTRUCTION OF INCREASED DEVELOPMENT

It is proposed that the Village Board will be granted the ability to supersede the Zoning Ordinance of the Village of Macedon to grant bonuses in exchange for amenities to further the objectives of the Village Master Plan. The more common anticipated uses of this Incentive Zoning law include:

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1) Increased Density – Residential

This bonus could be granted to developers, which would, in effect, allow a residential density above that allowed under the Zoning Ordinance. Along with the increased density, it can be anticipated that construction related impacts will proportionately increase. This could involve a greater potential for soil erosion, longer construction schedules, increase in the number of material deliveries, greater number of workers reporting to the site, greater demand on inspection services provided and increased probability of off-site construction due to the demand for services and/or the amenities agreed to as a result of the higher density bonus.

For a likely example, if a 20 acre parcel in a R-1 zoning district were able to provide an extension of sidewalks to an existing neighborhood that did not previously have them, a bonus of higher density could be granted in exchange for the new facilities (additional length of sidewalk) which would provide the developer with additional lots as an incentive. If 50 lots could be developed under the existing R-1 (15,000 sf lots) density, a bonus granted could be 10% or an additional 5 lots. As a result, the above-anticipated impacts could be expected to increase by approximately 10%. This would not always be the case, as other variables will be present in specific circumstances. In some cases, the impacts would not be any greater, as the construction would be occurring on the site anyway, resulting in some additional materials being delivered on the same number of vehicles, utilizing the same size work crews and inspectors and disturbing the same amount of land area. This involves more houses on the same acreage, resulting in slightly smaller lot sizes.

A more intense but less likely example would involve granting up to 100% greater density than allowed by zoning. This would, in effect, double the anticipated impacts and demand on services. However, this is not anticipated to be a typical implementation of the Incentive Zoning Law. It is the intent of the Village Board to grant bonuses that are approximately equal in value to the amenities received, as fair compensation for those amenities. It is possible that the value of some amenities may warrant doubling the density on smaller sized projects where the value of the amenity is substantial.

2) Increased Density – Commercial

The Village Zoning Code does not have density requirements for commercial uses. Instead, density is reached through a series of provisions including building setbacks, building heights, parking requirements, buffer requirements, fire lanes, etc. It is like that increased density, as a bonus under incentive zoning would result from waiving the minimum requirements of one or more of the above-mentioned provisions.

An example would be for the Village Board to determine that additional roadway improvements were in the Village's best interest, but the creation of the need was not the total responsibility of the proposed development. As an incentive to contribute the needed roadway improvements, lessening the setback requirement and/or parking ratio

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mandated by the Zoning Ordinance could provide additional commercial square footage. Under this scenario, additional traffic would likely be increased above that allowed by a project in conformance with code, but the overall traffic flows in the area would be better as a result of the roadway improvements. It is also possible that two or more developments could participate in an incentive zoning amenity, such as roadway improvements. With significant capital improvements expected, the offsetting costs would result in substantially higher densities. Moderate amenities would result in lesser bonuses.

3) Changes in Allowable Uses

Permitted uses in all zoning districts have been very carefully evaluated and included in the Zoning Ordinance. It is not anticipated that any significant change in allowable use for a property would become the bonus granted for amenities. By significant change, the Village Board refers to allowing a high intensity commercial or industrial use to occur in a residential area or allowing other non-residential uses to alter the character of this primarily residential community. It is also not anticipated that residential uses, specifically single-family residential uses will be allowed to significantly encroach into commercial or industrial districts. These districts have been carefully planned and the potential for expansion is limited, therefore, only permitted and conditionally permitted uses in these districts are anticipated to develop.

Additional impacts that can be associated with the use of Incentive Zoning directly associated with construction include:

4) Loss of wildlife habitat area and open space

These impacts are not expected to be significantly more adverse than those that would normally occur during development without Incentive Zoning. The main reason is that the Village's preservation of significant environmental areas such as wetlands, floodplains, watercourses, steep slopes which are also the prime wildlife habitat areas. Indeed, use of Incentive Zoning could result in greater efforts to preserve these areas by implementing dedication of sensitive areas, dedication of recreational areas, reducing setbacks or lot areas to encourage greater preservation techniques than are otherwise available. Preservation of open space has not been a prime goal in the Village of Macedon, however Incentive Zoning may be a method to allow for it. However, there are currently several methods already available, which the Village may employ, such as Village Law 7-730, Village Law 7-738, direct purchase, and others. These are further described in the alternatives section of this DEIS. Therefore, the limited use of Incentive Zoning is not anticipated to significantly impact the loss of wildlife habitat areas or open space.

5) Alteration of drainage patterns

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The use of Incentive Zoning is anticipated to have a positive impact on the Village's drainage system. Use of Incentive Zoning could assist in the timely and cost-effective completion of any identified or unidentified improvements to the Village's system. A typical scenario could involve granting additional density in exchange for providing land area and construction of a regional stormwater management facility designed in accordance with an approved drainage study for the watershed. This would not take the place of the stormwater management facilities that would be required for the development itself.

Additional density would have to be considered in final calculations for detention/retention after consideration of the initial requirements of the development without the incentive.

B. OPERATIONAL IMPACTS FROM ONGOING ACTIVITIES RESULTING FROM CONSTRUCTION

Operational impacts are those that will have some permanency in the ongoing activities and relate to the following discussion for cumulative impacts. It can be reasonably expected that associated bonuses will create additional demands on services that should be reasonably proportional to the amount of bonus granted. For example, a 10% increase in residential density should result in an approximate 10% increase in traffic generation, 10% increase in impacts on the school system, 10% increased demand on sewer, water, electric usage, etc.

It may be more difficult to anticipate the correlation between increases in commercial intensity and the demands on services, as the type of use, amount of lot coverage, type of bonus granted, etc. are variables not easily predicted, except on a case-by-case basis. It can reasonably be anticipated that bonuses granted to commercial uses will tend to increase the intensity allowed on a given site, thereby resulting in increased demand on police, fire and other emergency services, additional traffic generation and possibly additional impervious area requiring additional drainage improvements and additional demand on utilities such as sewer, water and electric. It is likely that these increased demands would be somewhat related to the amount of bonus or incentive granted. Economic impacts to the school districts and tax base would likely be positive.

C. CUMULATIVE IMPACTS

It is the intent of this section to identify the cumulative impacts associated with the adoption of the Incentive Zoning Law of the Village of Macedon. Discussion of the identified impacts follows:

1) Demand for Services

Any increase in demand for services is expected to be light to moderate over anticipated development without the use of incentive zoning. As development density is increased, it can be anticipated that the demand for services will also increase proportionately. This

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would include additional police coverage, ambulance coverage, demand on school facilities, park & recreation services, sewer, water, drainage and transportation services as well as other services routinely provide for development.

Additional development within the school districts will need to be closely coordinated with those districts so that substantial project impact can be avoided or, at least planned for and reasonably accommodated. Overcrowding of schools can occur under existing zoning and development trends, additional housing density in all but senior-type housing will could impact this situation.

Impacts to the emergency response units such as fire, police and ambulance will likely be increased with additional density, but these demands on services should not be as critical as with the schools. The Macedon Police Department, Wayne County Sheriff's Department and the New York State Police provide police coverage. The first two agencies have existing patrol routes that may need to be expanded slightly, but additional density should not significantly impact routes. There may be some additional increase in the number of calls as the density increases, however. This is also true of the ambulance and fire coverage. However, additional population also provides an additional volunteer base upon which to draw from, assisting in the mitigation of the impact. All emergency services should expect a need to increase facilities and personnel as Macedon's population increases. Incremental increases due to incentive zoning should be minimal as the intended use is anticipated to be infrequent.

2) Transportation

Cumulative impacts on transportation can be anticipated to be light to moderate. As density is increased, these impacts will be noticed in the marginal systems first. The 2008 Circulation, Access and Parking Study, incorporated herein by reference, indicates that the Village's main vehicular intersections are now performing adequately. However, there is still a need for pedestrian and bicycle accommodations to allow better cross traffic access and better intra-village pedestrian and bicycle access. As amenities have been identified previously, transportation improvements could be provided in exchange for increased density bonuses. In an environment where significant sources of transportation funding are rare, this amenity could provide a reasonable means to supply needed improvements. Specific cumulative impacts are difficult to anticipate as Village highway systems are at different levels of service and geographic locations of sites where incentive zoning may be used are highly speculative. Most of the road systems and intersections of concern are under the jurisdiction of the New York State Departments of Transportation. All development applications with access to a state highway will be reviewed by NYS DOT Region 4.

3) Utilities

The impact on utilities are somewhat easier to anticipate and plan for. Development impacts on utilities are normally proportionate to the density. As a result, cumulative demands will be the means by which applications for incentive zoning can be partially

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evaluated. Sanitary sewers have finite capacities. Downstream pipe sizes, etc. can be documented and determined when necessary. These capacities cannot easily be exceeded without major capital improvements. At this time there are no known capacity limitations, however, each proposal would have to be evaluated at the time it is presented to ensure that capacity remains. It is more likely that some sewers may need to be replaced than are capacity problems. The Village has completed a collection system inventory and is in the process of determining the current condition of all sanitary sewers in the village. This information will be used at the time of the project is presented to determine if there are any downstream issues or incentives that could be proposed.

Other incentives that could be provided include contributions to the sewer reserve for specific upgrades to the sewage treatment plant or for equipment for maintenance of the sewer collection system.

No analysis exists for the current stormwater system in the Village. Any project proposed would have to be evaluated at the time, both for immediate and cumulative stormwater impacts as well as any mitigation of these impacts. Incentive zoning would tend to increase the development density and likely require additional mitigation. Mitigation would likely take the form of additional detention or enlargement of existing facilities, such as pipes, channels, etc. Any increase in density, other than very small increments, should warrant mitigation in one form or another. Therefore, cumulative impacts on drainage quantity could be minor and may be easily mitigated. However, one incentive that could occur is for additional water quality management to make up for areas of the village that do not now have any mitigation and were constructed prior to any quantity or quality mitigation being required. These measures will likely include the use of “wet ponds” for stormwater storage and incorporation of containment of the water quality volume permitting a standing time to help pollutants to settle out before being discharged. These activities are being pursued in cooperation with Ontario Wayne County Stormwater Coalition.

Cumulative impacts on public water supplies should also be minor.

The water system has adequate capacity for the currently zoned areas. Increased density in these areas or substantial changes in the zoning or uses in these zones could require higher than anticipated flows. If such a project were to be proposed, a detailed analysis would have to be performed to determine if adequate flow could be provided at this project. Other incentives that could be provided off site are upgrades to existing pipes, to the existing tank or contributions to the water reserve fund for better meter reading device, leak detection equipment, etc.

Cumulative impacts on other utilities, such as natural gas, electric, telephone and cable TV are not expected to be significant. The utility companies planning for future development are routinely updated on development trends and increases in density would be able to be accommodated through proper planning.

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4) Affordable Housing Opportunities

These cumulative impacts in Macedon are not expected to be significant. Areas where higher densities are allowed (multifamily and townhouses by special permit in R-1 and R-2 Districts with up to 10 units/acre) would be attractive for affordable housing opportunities. These opportunities currently exist in the R-1 district however this type of development would not be likely in the R-2 district since there are minimal if any existing parcels that meet the minimum lot size requirement of 3 acres. The only likely area that creates an opportunity for affordable housing is the remaining large parcel of land in the R-1 District. There have been proposals in the past for a similar type of development, but there were no incentives offered since there was no local law allowing it.

Conversely, the use of incentive zoning should also not decrease the opportunities for affordable housing in Macedon. Although not specifically incorporated as new zoning districts, it is possible that similar densities could be incorporated through other existing techniques and Incentive Zoning.

5) Open Space and Recreation

These cumulative impacts should be positive as the intent of implementation of incentive zoning was to advance objectives of the Master Plan, which includes preservation of open space and recreational amenities. The Village has indicated a strong attitude towards open space preservation and the use of incentive zoning should provide yet another tool to help accomplish this. Preservation of open space could take many forms, including dedication of lands to the Village, Wayne County or a land trust organization, allowing reduced lot sizes where low density zoning limitations are in effect, or encouraging development to preserve significant features of a given site in exchange for a bonus in another location. This type of use of incentive zoning is expected to enhance the Village's efforts to preserve open space. Incentive zoning is a tool that could help achieve this objective. Potential cumulative impacts should be mostly positive. Higher densities will generate additional demands on current systems, but use of incentive zoning could help compensate for those demands.

6) Wildlife Habitat

are not expected to be significantly adverse. As previous stated, wildlife habitat areas are normally coincident with other sensitive environmental features, such as wetlands and woodlots. It can be expected that additional treed areas will be reduced in size when higher density is obtained, but preservation of significant areas can also be achieved as amenities associated with higher density bonuses. There are currently adequate protective regulatory measures in place at the local, state and federal levels to preserve the integrity of significant wildlife habitat areas. It is not anticipated that infrequent use of incentive zoning will significantly alter this approach.

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7) Visual Aesthetics

These impacts are difficult to anticipate without specific applications of the incentive zoning law. There are certainly several areas in the Village of Macedon where visual aesthetics may be important to specific groups of residents, travelers or users of an area. There are, however, no inventories of these areas that have been established.

It is possible that incentive zoning could consider additional height bonuses in exchange for amenities, however, the Village's height restrictions in all districts are considered adequate to accommodate even relatively intense uses. Therefore, use of this type of bonus will likely be very infrequent. It can then be presumed that cumulative impacts to visual aesthetics will likely be minor and insignificant.

8) Agriculture

There should not be any direct impacts on agriculture in the Village since there is no agricultural activity and no agricultural districts in the Village. The only impact would be on the lands immediately adjacent to the Village that are currently under production and/or in an agricultural district. These impacts could be beneficial in that if more and/or higher density development would take place in the Village, the demand for and development of these lands would be less.

D. CUMULATIVE MITIGATIVE BENEFITS

Cumulative mitigative benefits that can be expected from this action include fulfilling the objectives of the Village's Master Plan. As stated earlier, this incentive zoning law will likely be used very infrequently, so that the expected benefits will likely be minimal, but for the purposes of this discussion, some of the following benefits may be possible:

1) Transportation Benefits

The transportation benefits that could be expected might include financial contributions to identified road system improvements, dedication of additional right-of-way areas where a need exists, construction of additional improvements (on-site or off-site) to facilitate existing, pending or future planning efforts, such as the Village's Circulation, Access and Parking Study(CAP). The CAP is a planning effort for most of the Village, however it focuses on the downtown and Main. Street area and involves a study of land uses, proposed improvements by New York State Department of Transportation and recommendations on coordinated vehicle access, parking, pedestrian and bicycle access. Implementing the recommendations of this plan will require substantial flexibility on behalf of the Village and the use of incentive zoning may be one tool that could assist.

2) Utility Benefits

Benefits that could be expected might include the extension of sanitary sewers to unsewered areas (such as the area north of the canal). It could also include the rehabilitation or upgrading of existing public water supplies to areas of the village where the water system is old or in need of upgrading. It is unlikely that incentive zoning would

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be utilized to further the single benefit of electric or gas service areas of Cable TV service areas. It is intended that incentive zoning be utilized infrequently and only when there is an overwhelming need that cannot be reasonably accomplished by other means.

- 3) **Preservation of Open Space and Wildlife Habitat Areas**
These are definitive benefits that be obtained. Preservation of areas previously identified could be enhanced by the use of incentive zoning, where other methods are impractical or unavailable. As stated earlier, many of the significant wildlife habitat areas are located within the Village's Steep Slopes, Wetlands, Watercourses, Woodlots and Floodplains. These areas are already under strict regulatory control of the Village and in many cases, other government agencies. Utilization of incentive zoning may further enhance the ability to preserve and protect these areas. Benefits which could be obtained include the dedication of lands to the Village or conservation land trust, use of a Conservation Easement to restrict the use of certain areas, linking wildlife habitat areas which cross property boundaries and encouraging less encroachment into sensitive areas while still permitting reasonable use of property.
- 4) **Implementation of Regional Stormwater Management**
This is another area where incentive zoning could play a beneficial role for the Village. Regional solutions to proper stormwater management are the recommended approach in containing stormwater impacts. By not requiring detention on each and every development that is proposed, the Village must take an active position to insure that regional recommendations are implemented in a timely fashion and in strategic locations that are not always located on the site proposed for development. In this situation, it is likely that benefits which could be obtained could be in the form of lands and/or construction services for regional stormwater management, new or enlarged pipes, culverts or ditches, funding for off-site regional management facilities or a combination of these features.
- 5) **Benefits to Developers**
This area could be another byproduct of incentive zoning. The Village of Macedon recognizes the importance of properly managed growth for a healthy community. Encouraging proper development is an important aspect to maintaining a healthy growth rate. Incentives offered to developers for many of the benefits that the Village can expect will be the result of negotiations based upon value, i.e. value of the benefit and value of the incentive. It is likely that each party will view the value of a certain incentive differently. Benefits to the community can only be obtained if the value of the incentive offered is considered worthwhile by the developer. Defining the value of the incentive will be important early in the negotiation process. Value of the amenity or benefit obtained must be evaluated as to its importance to the community and this will enter into the negotiations for the incentive. Benefits for developers could include additional density, reduced lot sizes/area, modification of setbacks or other standard requirements. This could promote a more economical layout than would be obtained if all requirements were adhered to.

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E. GROWTH INDUCEMENT POTENTIAL

Implementation of incentive zoning could tend to create additional densities above and beyond those that would be achieved without incentive zoning. Residential growth is expected to be the prime benefactor of additional density obtained. Inherent factors that accompany residential growth include additional traffic generation, demands upon school systems, demands upon services such as police, ambulance and fire response units, and demands upon utilities such as sewers, water, gas, electric and drainage facilities.

The prime areas for increased residential densities appear to be the R-1 zoning district, located in the western portion of the Village. As explained earlier, development in this area has been slow, even with the presence of sanitary sewers, due to a low market demand for these lots that are currently available. Development pressures in the single family zoning districts in the Town of Macedon have remained reasonably constant, and the availability of developable lands within this type of district is diminishing. This will be placing more development pressure on the R-1 district, especially where sewers are available. The Village should expect an increase in the number of development applications in this district as vacant single family lands in the Town become more scarce and the economy recovers.

There should be no appreciable growth inducement potential for the R-2 zoning district, as this area is fairly well developed.

Growth inducement potential in commercial or industrial areas is not expected to be significant due to the limited locations and area of these zoning classifications except for the vacant industrial property on the north side of the canal.

Slight increases are expected through normal development procedures in areas already zoned for those uses. Other than the property cited above, the use of incentive zoning will not likely provide a significant increase in density or use of these zoning districts.

V. MITIGATION MEASURES

One of the features of implementing an incentive zoning law is to provide for impact mitigation that is not available or easily attainable through other means. Anticipated mitigation will be based upon the 1996 Master Plan of the Village of Macedon. The master plan is considered an instrument of Village policy and as such, should not totally eliminate the possibility of future decisions that do not align precisely with it. However, deviation from this plan should not be routinely followed or easy to achieve. A sound argument and rationale should be provided which is at least as convincing as that presented in the master plan in order to deviate significantly from the adopted recommendations.

The Village Board has proposed seven categories of amenities for which incentives may be offered.

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A. Preservation of open space.

The Village of Macedon, along with many other area communities are experiencing some growth. As this growth occurs, open space becomes more important to accommodate the needs of the growing community. Preservation of open space can take many forms, from public ownership to legal restrictions of use. These are currently several means to assist a local community in open space preservation that will be discussed in more detail, later in the alternatives section. Some of these forms include the use of Village Law Section 7-738, Village Law Section 7-730, The use of incentive zoning to assist in preservation of open space is anticipated to be infrequent and utilized only when other means are not practical or if a specific parcel or portion of a parcel is determined to be very significant and identified for preservation Strategic acreage that could be obtained at little or no direct cost to the taxpayer of the Village of Macedon would be considered in achieving the goal of preservation of open space.

B. Parks

An example of this type of use would be to obtain additional park lands or Village-owned lands that were directly adjacent to an existing park or public lands or if the Village were to actively pursuing purchase of lands and this opportunity arose in close proximity to those lands already identified for purchase. Additional lands, strategically located, that could be obtained at little or no direct cost to the Village taxpayer would be considered in achieving the goal of providing parks. This would involve direct Village ownership and most likely, would involve some form of active or passive recreational use and possibly one or more functional uses such as stormwater management. Some of the recommendations in the Master Plan that could be achieved or partially achieved with incentive zoning include obtaining strategically located parcels to eventually meet the goals identified.

C. Utilities and Appurtenances

The use of incentive zoning to obtain or upgrade utilities and applicable appurtenances is viewed as a unique opportunity to obtain needed infrastructure in an area or areas where this infrastructure is required or in need of upgrading.

Another area where incentive zoning may play a key role in provision of utility expansion is in watershed management of stormwater. This includes regional detention/retention ponds, upgrading infrastructure, cleaning ditches and maintaining watercourses. Use of incentive zoning could provide assistance in obtaining these specific lands to accommodate the goals of the drainage studies as well as assistance in construction of these facilities. Specific increases in allowable density due to bonuses granted through incentive zoning will have to be considered in sizing of final improvements, but this should not be difficult as the additional density can be calculated in the computer model of the affected watershed.

Use of incentive zoning for watermain extensions is less likely to occur due primarily to the small area of the Village not currently served with a public water system. Use of incentives to obtain additional extension of public water should not, however, be excluded if it is determined to be practical and beneficial.

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Use of incentive zoning for other utilities such as telephone, electricity, natural gas or cable television will not likely be implemented in any significant manner. It is not the Village's policy to dictate policy or substantially regulate these utilities.

D. Street and Road Improvements

Each development is required to mitigate its own impacts on area road systems, as these impacts are identified. Rarely are conditions desirable when relating to traffic volumes. These types of improvements are usually the most significant from a cost standpoint during peak hours on main County and State highway systems and intersections. With few exceptions, most Village Streets operate at acceptable levels. Perception of unreasonable delays at intersections and access points tends to be that most major roads in the Village need improvements. It is not practical to expect development to improve existing problems. It is also difficult for a local government to fully fund improvements on State and County highway systems, regardless of need. Budget constraints at the State and County levels require a priority listing of necessary improvements throughout the agencies' jurisdiction. The Village of Macedon's priorities may not necessarily be another agency's priorities. In addition, the recently completed CAP study has identified many needs and improvements the Village cannot afford and that the waiting time for state or federal funding is too long. Therefore, specific improvements not related to a specific development will need to be creatively implemented. The use of incentive zoning may be one method to help achieve these improvements.

E. Preservation of Cultural and Historic Facilities.

Macedon's historic and cultural heritage is very important to the community. Therefore, preservation techniques from incentive zoning to inclusion in the State and National Registers of Historic Places need to be evaluated to preserve the integrity of the wide variety of building styles that characterize the Village of Macedon. Specifically, the use of incentive zoning could provide additional buffers between new development and existing historically significant structures, could encourage compatible design styles, could incorporate landscaping or preserve existing vegetation to adequately buffer new development or otherwise enhance or at least, not detract from the character of significant structures.

F. Other Facilities or Benefits.

This category was included in the Incentive Zoning Law to cover unforeseen needs that may arise that would specifically benefit the community but would not fit in one of the above categories. This is at the total discretion of the Village Board. Possible benefits could include provision of services, structures, equipment or labor that would be considered a benefit to the community. These benefits should be clearly defined and should promote one or more of the community objectives identified in the Village's Master Plan.

G. Combination of Amenities or Cash in Lieu of Amenities.

This category is expressly permitted by the State enabling legislation and allows a community to accept cash payments to assist in promoting specific benefits to that community. It also permits a combination of the above named amenities to assist a community in achieving its goals. It is

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likely that a combination of amenities could be accommodated in a single development, such as obtaining open space that could also be utilized as a community park or regional stormwater management area. Proper use of an open space area could also enhance the preservation of an historic structure. Cash to help achieve a goal could supplement any amenity. These types of combinations are considered by the Village to be in agreement with the intent and purpose of incentive zoning.

VI. UNAVOIDABLE ADVERSE IMPACTS

There are no anticipated adverse impacts that could not be avoided if the proposed Incentive Zoning Law of the Village of Macedon were adopted. This proposed law would be implemented solely at the discretion of the Village Board and, therefore, no action would need to be taken if substantial adverse impacts were identified and could not be adequately mitigated. There is no action that **MUST** occur under this law. Discretionary use of incentive zoning is intended to provide the Village with flexibility in land use decisions that further the goals of the Village's Master Plan. It is anticipated that this law will be used infrequently and only when the desired result is not reasonably attainable through other, more conventional means.

VII. ALTERNATIVES

This section intends to discuss possible alternatives to full implementation of incentive zoning on a village-wide basis. Evaluation of these alternatives will assist in deciding a proper course of action on the proposed law.

A. CONSIDERATION OF SELECTED ZONING DISTRICTS

Currently, the proposed Incentive Zoning Law of the Village of Macedon is intended to be utilized in all zoning districts of the Village. A possible reduction in districts could limit the use of incentive zoning to only a few, select districts where anticipated use would be likely. The following discussion will focus on the amenities that the Village would likely gain, benefits achieved and possible impacts.

- 1) **R-1 Residential District**
The Village could benefit from this district being included in the incentive zoning. The main reason is that most of the developable land left in the Village is in this district. Therefore, any major development in the Village will most likely be in this district.

- 2) **I- Industrial District**
The intent of this zoning classification is not seen as permitting heavy manufacturing of goods but encourages research & development uses, light fabrication and assembly operations, etc. The Village Zoning Ordinance has enlisted specific requirements in anticipation of worst-case scenarios of industrial uses. Current trends in light industrial-type of uses include more office uses, computer-based operations. These types of uses should be further encouraged in order to accomplish the goals of providing a sound tax base.

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This district has the second most vacant land in the Village for development. The major deficiency to the undeveloped industrial land is that there is no sewer to the north side of the canal. This situation is likely to only be overcome by utilizing incentive zoning. In so doing the Village also needs to be sensitive to the bordering residential areas. However, the canal is between any developable land and the bordering residential districts. Additional flexibility in accommodating the preferred uses in the Industrial district could utilize incentive zoning along with other techniques to properly promote development within this district.

3) C-Commercial District

The commercial district is currently undergoing a revitalization effort with inclusion into the National Main Street Program. It is anticipated that this area could be a potential use of incentive zoning techniques for revitalizing this area. The flexibility that this tool allows can open the possibilities for redevelopment.

4) R-2 Residential District

The remaining district of R-2 Residential may see some use of incentive zoning, although the potential is less due to the current density of the area. The small lots sizes also will limit the potential of onsite incentives. However, since there is no way to tell what may come in the future, it would not make sense to eliminate this last district in the village form incentive zoning.

In summary, the Village Board wishes to provide the maximum flexibility in achieving objectives set by the Village's Master Plan.. Selective districts identified for implementation of incentive zoning is not the desirable alternative that the Village Board intends, and is therefore rejected.

B. ALTERNATIVE THRESHOLDS FOR ALLOWABLE INCREASED DEVELOPMENT

It is difficult to identify specific thresholds that could be implemented to cover all future actions considered under incentive zoning as the types of bonuses and amenities that may be considered in any given application vary greatly and are speculative. Previous discussion has centered on the likely increase in density to be that reason to provide the amenity. This could result in a 10% increase in density or a 100% increase in density. It is possible that the Village Board could limit any increases in density, residential or non-residential, to a specific percentage, but this, again would not provide the maximum flexibility in achieving the goals that the Village may be seeking. If, for example, the Village Board were limited to a 50% increase in density or a 50% limit to any modification to Code requirements, this would undoubtedly limit the scope and types of amenities sought. In addition, if a development application can adequately demonstrate that additional density reduced or modified Code requirements or other incentive considered can be reasonably accommodated, the use of strict thresholds may not accomplish the intended result. Therefore, use of strict thresholds on bonuses granted is not considered the preferable option.

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C. ALTERNATIVE LAND USE PLANNING TECHNIQUES FOR ACHIEVING THE SAME GOALS AS INCENTIVE ZONING.

Currently, there are several existing land use planning techniques, laws and policies which could, to some extent, accomplish the goals sought through incentive zoning. However, there is no one, single technique which could fully accomplish the intended results of incentive zoning. These techniques each have their own intended use and should not necessarily be retrofit to accomplish results that are beyond the scope of any specific technique. Some of the most commonly used and effective measures include:

- 1) **Village Law 7-738**
This commonly used technique allows a Planning Board to identify the density of a given subdivision of land and then modify the requirements of the underlying zoning district to accomplish an intended result. This must also provide an identified benefit for the community. The use of Village Law 7-738 usually results in a “clustered” layout of the subdivision. This use, however, does not empower the Planning Board to increase the allowable density of the proposed project. On the contrary, the Village zoning ordinance requires that the applicant establish the density which could be achieved, absent of the use of Village Law 7-738, before it will even consider an application under Village Law 7-738. This technique is often used by the Planning Board to preserve open space, preserve sensitive areas, provide functional lands for parks or drainage features, etc. The use of Village Law 7-738, however, cannot adequately accomplish all of the goals of incentive zoning.
- 2) **Village Law 7-730**
This law empowers the Planning Board to, among other things, provide lands for community parkland or funds in lieu of land, to accommodate for recreational needs generated through subdivision applications. This is a very specific technique that could be and is used to assist the Village in provision of recreational opportunities. This, however, is also limited in scope to these provisions and cannot accomplish other amenities sought by the Village to further the goals of the Village's Master Plan.
- 3) **Area and Use Variances**
These are waivers granted to the Village Zoning Code that are under the jurisdiction of the Zoning Board of Appeals. Area variances consist of granting such things as reduced setbacks, reduced lot sizes, reduced parking requirements, modified structure heights and modifications lot coverage requirements. Use variances are substantially less common than area variances and, when granted, provide the applicant with the ability to use the property/structure for a use not allowed within a specific zoning district.

There are several factors that the Zoning Board of Appeals must consider in balancing two elements: benefit to the applicant and detriment to the health, safety and welfare of the community or neighborhood. These factors for an area variance are:

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- a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.
- b) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
- c) Whether the requested variance is substantial.
- d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- e) Whether the alleged difficulty was self-created (this will not necessarily preclude the granting of a variance).

A use variance can only be granted in the event that the applicant can demonstrate to the Zoning Board of Appeals that the zoning has created unnecessary hardship. This requires a four-part showing that:

- a) Under the applicable zoning regulations, the applicant is deprived of all economic use of benefit from the property.
- b) The hardship is unique, and does not apply to a substantial portion of the district or the neighborhood.
- c) The variance will not alter the essential character of the neighborhood.
- d) The alleged hardship is not self-created.

The area variance and use variance could possibly accomplish some of the goals of the developer, but there is no provision of providing any amenities for the community. In addition, specific circumstances must exist in order to grant a variance and new development, in most cases, cannot meet the requirements for a use variance and use of area variances are primarily limited to accommodating development in a specific layout. Most of the goals identified in the Village's Master Plan could not reasonably be obtained through area or use variances. Therefore, this alternative will not likely accomplish the desired results sought through incentive zoning.

4) **Rezoning**

Rezoning of property is under the direct jurisdiction of the Village Board. This would permit a change of permitted use and/or densities on a specific parcel or within a specific area. It could meet anticipated goals of developers in provisions for alternative uses or densities, but there are not provisions for incorporation of amenities to be granted by a developer which would further the goals of the Village's Master Plan. Rezoning of lands in Macedon constitutes a comprehensive review procedure involving input from many agencies and resources and is not taken lightly by the Village Board. It is likely that any use of property not suitable for rezoning would also not be suitable for implementation of incentive zoning. This may be due, in part, to the limitation of existing zoning district requirements and densities. Incentive zoning, however, may provide an acceptable option to slightly increase the intensity of use or density in

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exchange for an identified amenity. Therefore, the use of rezoning is not considered an acceptable alternative that would fully accomplish the goals intended under incentive zoning.

D. No Action

This alternative involves the abandonment of pursuit of an incentive zoning law and continuing to pursue the goals of the Master Plan utilizing existing techniques and financial resources available. This option will significantly increase the time frame for obtaining amenities to achieve the stated goals and likely some goals would not be attainable. This option would also not provide any incentives for developers to help maintain a healthy growth pattern for the Village of Macedon. The Village anticipates that developer incentives will help provide solutions to some of the existing and anticipated problems that face the Village. No action on the proposed incentive zoning law will force the Village to deal with these issues with existing resources. This will likely result in a demand for increased revenue or dealing with conditions as they exist and develop. It is easy to identify problem areas. It is much more difficult to provide solutions. The proposed incentive zoning law should be an effective tool in certain situations to provide amenities necessary to keep the Village of Macedon a nice place to live and work. The No-Action alternative is not the preferable course of action.

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APPENDIX

**TOPOGRAPHIC MAP
WETLANDS MAP
FLOODPLAIN MAP
ZONING MAP
WATER SYSTEM MAP
SEWER SYSTEM MAP**