

CHAPTER 3  
PHYSICAL DEVELOPMENT CONSTRAINTS ANALYSIS

**INTRODUCTION**

The Town of Chili has large tracts of vacant land in each of its sub- areas except for Sub-area #2 (Chili Avenue Corridor) and Sub-area #7 (northeastern Chili). The availability of vacant land will continue to attract a diversity of development proposals during the Plan period. Although regional and state population projections expect a much slower rate of town population growth, the county continues its economic development efforts to attract new development. Therefore, it is essential for the town to also be prepared for continued development and growth.

To create meaningful goals and policies that guide town actions on growth and development, it is necessary to analyze both natural and cultural constraints, as were identified on the various resource maps contained in Chapter 2 Existing Conditions. The identification and evaluation of these constraints serves as a relative measure of the factors that have been and must be considered as development proceeds; further, the analysis provides a reference point for the Town's review of future development projects.

This chapter is not intended to replace or duplicate the analysis of undeveloped or open lands contained in either of the documents entitled *Town of Chili Open Space Inventory, and the Town of Chili Open Space Plan*. For a more in-depth analysis of existing open space features in the Town, please refer to these two documents.

**NATURAL CONSTRAINTS**

Natural constraints involve factors produced by the forces of nature. The natural predominate constraints to development in the town are flood prone areas (Areas of Special Flood Hazard) and wetlands (both Federal and State). A total of 9,737 acres of land in the Town of Chili (approximately 38% of the total acreage) are designated wetlands with a majority located south of Black Creek. Areas of Special Flood Hazard (both the 100-year floodplain and the 500-year floodplain) within the Town of Chili occupy approximately 6,544 acres of land (or about 26% of the Town) most of the flood prone areas exist south of Black Creek, along Little Black Creek and along the Genesee River.

**CULTURAL CONSTRAINTS**

Cultural constraints involve factors produced by the actions of people and their programs. The Town's predominate cultural constraints to development are posed by the Monroe County Agricultural District, the Greater Rochester International Airport, delineated strategic farmlands, and the lack of public water and sewer in large portions of the town. Additional constrained areas include those affected by former waste disposal sites. Land located within the Monroe County Agricultural district affects approximately one-quarter of the Town's total land area.

Another Cultural Constraint was enacted in 2010, when the State of New York enacted the Smart Growth Public Infrastructure Policy Act under the provisions of the State Environmental Conservation Law. This legislation restricts the ability of state agencies to participate in capital projects that are not located within a defined Community Center as described in an officially adopted municipal comprehensive plan. Previously, grant programs for extending public water and sewer services into and through rural areas were possible. Now, however, with the new legislation such grant awards have been made more difficult, if not impossible to obtain. For the Town of Chili, the Plan has identified the Community Center and has provided direction for the Town to be in a much stronger position to receive grant funding assistance for the development of the Chili Center Area.

The extension of public sewer, water and other utilities, major highway improvements and services to non-farm development are restricted under the provisions of the New York State Agriculture and Markets Law during the life of the County Agricultural District.

While the boundaries of the agricultural district are subject to review at eight-year intervals, land may be added to the County Agricultural District annually. It is only during the eight-year review and renewal period that land may be removed from the boundaries of the County Agricultural District. Residents of the town have clearly demonstrated over the past forty (40) years that they are pleased by the community's agricultural lands and the rural character that is being preserved by the Town's farmland protection measures. The County Agricultural District was last renewed in 2014 for another eight-year period. During this last eight-year renewal, there were additional farmlands in Chili added to the County District.

Development potentials within the environs of the Greater Rochester International Airport are also constrained by several factors. Specifically, the environs cover approximately 4,400 acres (18% of the Town of Chili) and include all land located within one mile of the airport's boundary, and within the three-mile instrument equipped approach-departure corridors off the ends of each major runway. Also, the environs include certain areas outside the one mile and three-mile areas delineated by noise level contour lines. As stated in the *Airport Environs Master Plan February 1991*, prepared by Monroe County Department of Planning, Runway Protection Zones must be free of all structures and communications that would interfere with or pose hazards to the aircraft operations. Other factors that serve to constrain development in this area are building height limitations which may interfere with safe aircraft operations. Provisions of the Monroe County Charter serve as the basis for the regulation of land use in the vicinity of the airport.

Elsewhere new development is also restricted, to a certain degree by the present location and sizing of sanitary sewers and public water lines. Presently, for the most part, these utilities are limited to the northern half and eastern edge of town (the area north of Black Creek). Extensions to the public water distribution system and sanitary sewer services are possible, however, in some areas of the town such as the area south of Black Creek, where the costs for such extensions would be borne solely by developers.

### **OVERALL PICTURE OF PHYSICAL DEVELOPMENT CONSTRAINTS**

Having assembled the basic environmental information discussed above, an overall (generic) picture of physical development constraints has been prepared on Figure 3-1 on the next page entitled Development Constraints Map.

The Development Constraints Map was prepared from the composite of the officially mapped areas of both natural and cultural constraints that are identified above in this Chapter. The Development Constraints Map serves to point out those areas of the town that are felt to be best left untouched or preserved as open space.

In summary, areas suitable for future development in the town are limited by a variety of overlapping natural and cultural factors as stated above. Despite these factors, approximately 6400 acres, or 27% of the Town remains developable with limitations. This land is described as opportunity areas for physical development and is discussed below.

## **PHYSICAL DEVELOPMENT OPPORTUNITIES**

While the presence of federal and state freshwater wetlands, extensive mapped flood prone areas, lands located within, the County's Agricultural Districts and lands located within the airport environs inhibit development in certain areas in the Town of Chili, the patterns of their location also clearly define the parameters of developable areas. The more easily developable areas within the Town are generally located north of Black Creek (totaling approximately 3350 acres) and have a variety of attributes that encourage growth and development. All opportunity areas north of Black Creek can be served by public utilities (e.g., water and sewer). They also contain large parcels of land suitable, for the most part, for development. In addition, access either exists or is readily accessible to major transportation routes such as NYS routes 490, 33 and 33A interconnecting these physical development opportunity areas and facilitating varied types of residential, commercial, and industrial development are all potentially viable within these Sub-Areas.

While the area north of Black Creek is near the Greater Rochester International Airport such proximity restricts residential development in the extreme northeastern quadrant of the town. Most industrial land uses, however, if designed according to county standards, are said to be compatible with airport restrictions. The opportunity zones for physical development located south of Black Creek is considerably less despite the presence of, approximate total of 8,000 acres of land most of which includes a wealth of the productive agricultural land base in the Town. Generally, most of the soils south of Black Creek are classified as either prime farmland or farmland of statewide importance. According to the acreage of actively farmed agricultural soil classifications, approximately 4300 of these acres south of Black Creek have soils that are either classified as prime farmland or farmland of statewide importance. This Plan envisions that most of this farmland is not needed to support projected growth and development, especially within the southern portion of the Town over at least the next planning period (2022 through 2030) and longer.

Despite the development limitations south of Black Creek, there are some remaining physical development opportunity areas totaling approximately 3700 acres of other open space that may be suitable for Farming, and which is located within the "Strategic Farmland Protection Area" contained in the adopted *Town of Chili Agriculture and Farmland Protection Plan*. This Strategic Farmland Protection Area represents 77% of the total acreage of active farmland and other open lands suitable for farming located in the Town.

The *Town of Chili Agriculture and Farmland Protection Plan* finds that buildout of all of the parcels south of Black Creek currently classified Agricultural and Vacant comprise a total of 7491 acres. Regulated wetlands reduce the amount of buildable land to approximately 6,425 acres. If all this land were developed at a density of 2 acres per dwelling unit, the land could accommodate an additional 2891 new housing units. This additional amount of projected new residential dwellings exceeds the trend that is occurring elsewhere throughout the entire Town.

This buildout projection demonstrates that under the existing zoning districts, the potential for more low density rural residential type of development, on sites not served by public water or sewer service over the long-term growth period (beyond 2030) is likely to occur using two acres of land per dwelling. Most of this remaining land is, therefore, not envisioned to be needed to support projected growth and development during the remaining planning period. This prediction is also based in large part upon the inability by the Town to secure federal and/or state infrastructure funding, the tax cap limits imposed by the State Comptroller's Office on new taxing districts and the recently enacted farmland protection policies contained in the *Town of Chili Agriculture and Farmland Protection Plan*.

It is precisely the federal and state program funding restrictions that have been imposed upon the Town that has created the inability to finance the extension of public utilities to large portions of the area south of Black Creek. The Plan recommends that the previously designated Planned Residential.

Development is no longer feasible. Therefore, this area is no longer envisioned to be a logical extension for the density of residential development that was previously envisioned in the 2011 Edition of the Plan. Although this area has few or no predominate natural constraints existing in the remaining portion, it is not likely that this will be serviced by sanitary sewer in the foreseeable future.

Another opportunity area south of Black Creek for development exists along the far southeastern boundary of the town, in an area just north of the Village of Scottsville. This area has access to a major collector highway (State Route 383), public water and few natural constraints to development. With the recent connection of the Village of Scottsville's sewer treatment plant into the Monroe County's Pure Waters Program there appears to be additional capacity for that plant to treat additional sewage. Therefore, there is a greater opportunity for more dense residential development within this small area than there is on the surrounding lands. However, this area's location is within an established agricultural district and the lack of sanitary sewers will cause a moderate restriction upon the extent of development within this potential opportunity area.

Continued development within these designated opportunity areas south of Black Creek, if done correctly, would have minimal effect upon changing those strategic farmland soils, the continued viability of agricultural operations, and preservation of the rural-like qualities enjoyed for decades by the residents of Chili. In this regard, previously described physical development constraints could be utilized as valuable open space and recreational resources.

Open space resources that complement the Genesee Valley Greenway Trail and link this recreational resource with other developing county, regional and state-wide trail systems, and parklands.

The Plan emphasizes the area south of Black Creek remaining, rural and maintaining the active agricultural operations within the area identified in the adopted *Town of Chili Agriculture and Farmland Protection Plan* as being the Town's established "Strategic Farmland Protection Area." To lessen the impacts of development, natural constraints including federal and state freshwater wetlands, floodplains, Black Creek, Mill Creek, and major woodlands can be preserved through additional layers of review and approval provided by Environmental Protection Overlay Zoning Districts and further evaluation of tax breaks for sustaining active farmlands and farming operations within this area.

## **SUMMARY**

The town has significant acreage suitable for potential growth and development. As previously stated, a total of 27% of the town is currently developable with limitations. These factors play a predominate role in determining physically where development may take place. Many more factors, however, need to be addressed to establish a sound growth management program that balances development and open space.

Open Space plan for the Town of Chili has been adopted by the Town Board. As the Town's Open Space Inventory notes;

*"A significant issue facing the town is finding a balance between creating new residential and economic opportunities without damaging one of the characteristics that makes it such a desirable place to live. To address this issue, there are two basis (sic) challenges; understanding the underlying economics that drive the loss of open space. Identifying the local government policies that affect open space."*

The most successful pattern of future land use will need to protect the Town's existing sense of openness. This sense has long been one of the defining characteristics that continue to attract people, businesses, and industries to the town. Finding solutions for maintaining the vast agricultural and rural character of the area south of Black Creek while meeting the needs of a growing community in the area north of Black Creek will be the challenge that local government will face if Chili intends to remain such a desired place to live.

