

Town of Bovina Delaware County, NY

Comprehensive Plan



Prepared by:

**Town of Bovina Planning Board
Town of Bovina Town Board**

With assistance from:

**Delaware County Planning Department
and Shepstone Management Company**

Town of Bovina, Delaware County, New York Comprehensive Plan - 2002

Foreword

This Plan was prepared by the Town of Bovina Comprehensive Planning Committee with the support of the Town of Bovina's Town Board and Planning Board. We also received tremendous help from the 244 individuals who took the time to return our planning survey.

Funding for this project was made available through the New York State Department of State Master Planning and Zoning Incentive Award Program. The generous support of the A. Lindsay and Olive B. O'Connor Foundation has also been invaluable to the project.

This Comprehensive Plan looks forward 10-20 years with policy framework for the Town of Bovina. The Town is small, but growing recently at a pace well ahead of the State and region. The Town population, in fact, was up 20.7% in 2000 over 1990 although it still far fewer people than it had in 1820.

Second-home construction and conversions of those dwellings to first-homes are big contributors to the recent gains. Taking a long range view of this activity as it impacts upon Bovina is a major purpose of this Plan. Other challenges it addresses include sustaining a vital agricultural industry and developing tourism opportunities.

**Town of Bovina Planning Board
Town of Bovina Town Board**

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1.0 The Keys to Success

This Comprehensive Plan sets forth a combination of strategies to deal with the growth and future needs of the Town of Bovina. These strategies are largely based upon a "Town of Bovina Planning Survey" conducted in 2002. The survey results (see Appendix H) indicate that the vast majority of residents choose to live in Bovina for its rural atmosphere and farmland character. Most have relocated in Bovina from outside the Town and County.

Most residents (some 87%) also state that the Town has either improved for the better or not changed in its desirability as a place to live. Their dislikes are largely limited to the costs of services and taxes and the impact of the New York City watershed regulations. They strongly support environmental protection, however, and local land use regulations to achieve this. They also welcome most new development (mobile home parks, mini-storage warehouses and commercial junkyards excepted) but want to see much of it subjected to site plan review by the Town. Many either already have or desire to establish home occupations. They endorse using their tax money to provide fire protection, take care of the roads, maintain the library and establish a sewage maintenance district for Bovina Center. They give high marks to nearly all public and semi-public services excepting for overall code enforcement (about which they have mixed feelings).

Residents want to see cellular towers, junk vehicles and mobile home parks regulated. They support local laws protecting the right to farm and right to timber using sound management practices. They also support limiting property taxes on farms, helping farmers with Concentrated Animal Feeding Operation (CAFO) and watershed regulation compliance and Agricultural District development. They are, however, quite cynical about the ability to free up the area for economic development through phosphorous reduction efforts. They are, too, strongly supportive of Bovina Center sidewalk improvements, help with historic preservation and restoration, help with commercial building facade improvements, housing rehabilitation loans and grants and a new central Post Office.

When residents were asked to describe how they wanted to see in Bovina in the next 10-20 years, "development of the tourism industry" ranked highest, followed by "a thriving timber industry," "profitable farms and farmland preservation," "a clean and green environment," and "preservation of historical heritage." Bringing these dreams to life involves several keys to success. These include the following:

- The Town cannot afford to tip the scales too far in the direction of either development or preservation - balance is essential. Both can be accommodated with careful planning and enforcement of land use regulations. Balance among agricultural, commercial, industrial, residential and open space uses is also key to maintaining a working landscape, assuring

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economic opportunity and growing the tax base relative to service demands.

- The Town is evolving from a cultural perspective. It now represents a combination of residents who have lived in Bovina their entire lives and seek economic gains and those from urban areas who have already made their economic gains and have sought out the Town for non-economic reasons. This has the potential to produce conflicts regarding development policy. This can lead to conflicts regarding development policy. Nevertheless, such conflicts are unnecessary. Good design and planning can provide for both jobs and environmental protection where residents work together to find the correct solutions. This can be encouraged by ensuring that both groups are involved on boards and committees responsible for the Town's future. Inviting the County, the State and other groups to Bovina to do regular planning educational sessions within the Town is another useful technique employed by other towns.
- Survey results indicate that residents want practical and responsible land use regulation. They wish to allow for a wide variety of activities, subject to reasonable review and attachment of conditions. This demands a flexible Zoning Law of the type the Town now has. It needs to be regularly updated, however. Moreover, the Town Board must ensure that enforcement of its provisions is both comprehensive and fair. A Zoning Law that is not enforced is worse than none at all. Conversely, zoning enforced without regard to common sense and practicality will quickly lead to disrespect for the Zoning Law. This, too, will make future enforcement all that more difficult. A balanced approach is essential.
- Change is inevitable and, more often than not, desirable. The Town can influence change positively if it stays actively involved in issues such as phosphorous reduction and historic preservation. Benign neglect, by contrast, will only lead to some other entity controlling the Town's destiny. This is because all change produces some winners and losers who will, absent Town leadership, form into special interests lobbying whoever will listen to adopt their point of view. If the Town doesn't listen, some other entity will, usurping the Town's ability to deal with the matter. Active involvement and leadership by Town officials in issues of importance both locally and regionally is, therefore, also key.

No Town is guaranteed success in wrestling with the issues of the day but this Comprehensive Plan is intended to set out a practical framework for Bovina to grow and develop. Its success will be measured in largely intangible qualities of life that the above "keys to success" help frame.

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2.0 Background Studies

2.1 Regional Location and History

2.1.1 Regional Setting.

The Town of Bovina is located at a Latitude of 42° 15' 44" N and a Longitude of 74° 46' 57"W (coordinates for Bovina Center) in the eastern central portion of Delaware County, east of Delhi, southwest of Stamford and northwest of Margaretville, New York. Adjoining municipalities include the Towns of Andes, Delhi, Middletown, Roxbury and Stamford. NYS Route 28 bisects the southern portion of the Town and links it to other portions of Delaware County and the I-87, I-88 and I-90 interstate highways. The Town consists of approximately 26,880 acres or 42 square miles of land, all of which lies within the New York City water supply system watershed.

2.1.2 History

This following brief history of the Town of Bovina is based on a 1970 history written to commemorate the 150th birthday of the town and distributed by the Bovina Library Association. It has been updated and added to, using information from an historical piece written by Jane Hilson in the 1950s. The text was written by Ray LaFever and reviewed by Town Supervisor Charles LaFever and by Jack and Barbara Hilson. It was submitted to the Delaware County NY Genealogy and History Site February 8, 1999 by Ray LaFever.

Brief History of Bovina

written for the town's 175th anniversary in 1995

The Bovina of 1995 was formed from parts of Delhi, Stamford, and Middleton by an act of the state legislature on February 25, 1820. The name, Bovina, comes from the Latin word bovinus, meaning cattle. It was suggested by Gen. Erastus Root because it was a pioneer town in the dairy industry.

Pre-1820 History

A vast area between the east and west branches of the Delaware River had been claimed by the Dutch, English, and French. By a treaty in 1701 England became the owner. In 1708 Queen Anne granted the land to a group of eight men in what was known as the Hardenburgh Patent. After many years the land was surveyed into 41 lots. The land now known as Bovina came into possession of the Livingston family, ancestors of the Gerry family. The Gerrys own a large estate around Lake Delaware in the southern part of the township. The area known as Bovina lay first in Albany County. Later, it was Ulster County, and finally, in 1797 became part of Delaware County.

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In 1790 four young men from Westchester County made a prospecting trip through the area. One of them, Elisha Maynard, whose father emigrated from Northern England, stayed to clear a piece of land and build a small cabin. He sowed a plot of winter rye and left for home. The next spring he returned with his family and possessions piled on a sled pulled by four oxen from the Hudson River. He was Bovina's first settler. In 1793, his son, Elisha, was born, the first birth of a white settler in Bovina. The Maynard's had eleven more children. The first marriage to take place in Bovina was James Russell and Nancy Richie in 1794. The first recorded death was Hezekiah Davis in 1798

Four years after Elisha Maynard settled in what is now Bovina, Alexander Brush came from Long Island and settled on the site of the present Bovina Center. He cleared brush from an area that is now the home of Tim McIntosh and purchased about 400 acres of land, including the present site of the hamlet of Bovina Center. Parts of this land he later sold to new settlers. In 1796, he erected the first grist mill in Bovina at the site of the current Town Garage. Brush also was the local preacher for the Methodist Society. In later life he became blind and crippled, but continued to preach - often from a rocking chair. For nearly a half century after his death Bovina was called "Brushland" in his honor. Mr. Brush's friend and nearest neighbor was James Bogardus. His home was on the site of the Parsons residence, next to the current United Presbyterian Church. He cleared and owned a large piece of land at the northern end of the village. For many years, Brush and Bogardus existed here in real pioneer fashion.

Creation of the Town

In February 1820, a committee composed of Lewis Mabie and Robert Hamilton accomplished of the task of creating the Town of Bovina. They submitted a handwritten account of expenses of setting up the town:

| | |
|--|--------------|
| To Walter Crozer for surveying | \$ 27.00 |
| Chain and flag bearers 23 days | 17.25 |
| 2 gallons rum for surveyors | 2.25 |
| To Charles Hathaway for map of Bovina | 1.25 |
| For going twice to Albany (11 days service of man and horse) | <u>19.25</u> |
| | \$ 67.00 |

On the first Tuesday in March 1820, the first town election was held at the home of John Hastings. Those elected included: Supervisor, Thomas Landon; Town Clerk, Charles Leet; Assessors, Peter Drummond, John Hastings and Robert Hamilton; collector, John Seacord. Also elected were three commissioners of highways, two overseers of the poor, four constables, seven fence viewers and damage appraisers, four pound-masters, three commissioners of common schools, three inspectors of schools, and thirty overseers of highways.

Thirty-six farms and forty-two original families were in Bovina after it became a separate town. Most of the early settlers were of Scottish descent. It is likely that the hills and valleys reminded them of Scotland. The population in 1820 was 1267 hitting a high of 1436 in 1845, then gradually decreasing to 550 in the 1990 census.

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Historic Events

Bovina's small size and relative remoteness would seem to preclude it from participation in any significant historical events. This assumption is not always true. For instance, it played its part in the Anti-Rent war of the 1840s. Anti-Renters gathered to protest the injustice of the land lease system in effect in New York State. Land in Delaware County, as in much of New York, was given by grant or purchase. Owners then induced settlers to lease parts of this land. This method allowed a few families in New York State to control the destiny of thousands of people. Settlers had a difficult task making rent payments and feeding their families. The John Secord Hotel was the site in the hamlet in 1844 of the areas first meeting of Anti Renters. As in other areas of the county and state, they formed an organization to resist evictions. They used tin dinner horns to signal an eviction and work warpaint and Calico for a disguise. The most infamous moment in the War took place in nearby Andes with the killing of Under-Sheriff Osman Steele during an eviction. Eighty-four persons were convicted for their role in this incident. Two men were sentenced to hang for the murder, one of them a Bovina resident named Edward O'Connor. The governor later commuted the sentences to life imprisonment. The new governor pardoned all the anti-renters.

The result of the anti-rent agitation was that new laws were enacted, which cured some of the evils of the lease-hold system. The tenants were able to buy, at easy prices, the land they had tilled and occupied.

Bovina currently is a 'dry' town, meaning that the sale of alcoholic beverages is not allowed. This has not always been the case. Bovina had several distilleries in the 19th century, including one built by Cornelius Davis in what was then Brushland and another at the Butt End built by William Doolittle. Bovina officially went dry in 1947. An effort to relax the restrictions was attempted in the 1980s but the voters decided to stay 'dry.'

In the 1970s, Bovina had a 'border dispute' with the Town of Andes. This all started when New York State mandated uniform tax maps be created. When these were completed around 1977, they revealed a different border between Bovina and Andes. There were three possible lines: 1) the tax map line; 2) the generally accepted line from the original survey; or 3) the line from the actual description. The original survey contained some errors. The issue was settled by a compromise between the towns and approved by the county and state.

Industries

Early settlers came here, mainly, to carry on agriculture. They turned their attention to sheep raising and later to dairy farming. Bovina farmers earned a reputation for breeding very fine strains of cattle. Their cows were shipped to various distant points. Once, Bovina butter was said to be the best in the United States, and even was served on the table in the Presidential mansion in Washington.

Bovina had industries other than agriculture. Using natural water power, woolen mills, cider mills, grist mills, and sawmills sprang up here and there. The first grist mill was erected in 1796. Early mills sometimes were several miles from farms, requiring a long, backbreaking, and sometimes dangerous journey by foot to grind a farmer's grist into flour. The manufacturing of woolen cloth was first carried out by Thomas H. Johnson and his brother. This involved a carding mill for preparing

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the wool, a fulling mill for its weaving, and a woolen mill for making the garments. Several shops for blacksmiths, coopers, joiners, tinsmiths and carpenters provided work for people in those particular trades. There were three blacksmith shops in the hamlet. There was also a large tannery. This processed the bark used in tanning hides. Bovina at one time had four cooperages in the hamlet. There were many other small businesses. In the house now owned by Amy Burns was located the town's first telegraph office. There have been stores on the sites of Russells store and the now closed Hilson Brothers for over 100 years. There were hotels on the site of Lillian Hilson's and Burt and Anne Tator's homes and on the site of Mary Jardine's house. The small house that once existed between Therese Aitkens' house and Amy Burn's home was once a tailor's establishment.

The Bovina Center Cooperative Creamery was established in 1902, milk that time coming from 67 dairies and totaling 22,000 pounds. The creamery closed in the mid-1970's and is now the McIntosh Auction Barn. Today, there are fewer than ten working dairy farms in Bovina.

Russell's General Store has been operated by the Russell family since January 1, 1919, when Cecil Russell bought the store. He operated it until his passing in 1982. His daughter Marjorie continues to operate Bovina's only general store. Until recently, Alex and Jack Hilson operated a general store and feed store.

Post Offices and Postmasters

Like other conveniences the postal service was quite limited. Mail for the community was brought in about once a month from Delhi or Stamford. Four post offices have served the communities, only one of which still remains.

1. Fish Lake was established at Lake Delaware (then know as Livingston Lake's) in January 1821. Thomas Landon, the town's supervisor, was the first postmaster and George Chase the last to serve, when it closed May 30, 1844.
2. Bovina post office served the Butt End area from April 1821 to April 1947. John Hastings was the first and Mina B. Wilson the last to faithfully distribute mails in the northern end of the town.
3. Bovina Valley covered the area around the "Hook" from February 1862 to May 1903. Andrew Strangeway was the first and William F. Mason the last postmaster.
4. Bovina Centre, with Hiram Davis as postmaster, opened in April 1836. In 1849 the name was changed to Brushland. The post office at that time was located at the current site of the Bovina Museum. In 1886 the name reverted to Bovina Centre. Finally in 1893 it became Bovina Center. Patricia Parsons was the last regular postmaster in Bovina Center. The Post Office closed in 1993 but was reopened as a Community Post Office under contract with the town in late 1993.

Churches

From the beginning, love of county and love of God went hand in hand with these Scottish settlers. An

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early canvas of the Delaware County Bible Society showed a bible in every home. The canvas also revealed that more than 60% of the children enrolled in the public school were also in the Bible School.

The first sermon preached in Bovina was preached in 1795 in the bar room of the Red House, a hotel kept by Thomas Landon at what is now Lake Delaware. Four churches were established at different times in Bovina.

1. United Presbyterian - In October 1809 Dr. Bullions organized the congregation under the name, "Associate Presbyterian Church of Little Delaware." Services were held in homes, schools, barns and taverns until 1815 when the first church building was raised on the south side of the graveyard at the end of Reinertsen's road. The building was 36 feet by 30 feet. Rev. Robert Laing was called as the first resident pastor with an annual salary of \$250. The present church in Bovina Center was built in 1849, and 10 years later it was enlarged by adding galleries. Dr. James Lee was pastor from 1856 to 1879. He served as a chaplain during the Civil War. In later years two other Bovina pastors, Rev. Harvey McClellan and Rev. Stanley McMaster, left Bovina to serve as chaplains in the Armed Forces. McClellan served during the Second World War.
2. Methodist was served by Alexander Brush -- the local preacher. In 1812 Rev. William Jewett was called to minister to a thriving congregation. The church building was erected in 1849, where Gertrude Hall has a home now. The Methodists were not popular among some of the other settlers, some of whom thought Methodism was a fearful disease. With dwindling membership early in the 20th century, the group disbanded about 1915 at the close of Rev. Elmer Benn's pastorate.
3. Reformed Presbyterian was organized in 1814. Rev. James Douglas who came from Scotland became the first ordained pastor. The first church was a stone structure located in the Butt End area. In 1861, the church was relocated to the hamlet, located where the Fire Hall is now. Many loyal families supported the work of the church for more than a century, but membership began to decrease. It was closed in 1944 at the end of Rev. Norman Spear's pastorate.
4. St. James Episcopal - In 1910, parishioners began worshiping in a chapel owned by Mr. William Mason. The first rector was Father William Long, who lived next door to the chapel, in the house presently occupied by the John Masons. James Gabriel and James Fisk were the first to be baptized in the chapel in 1914. In 1922 the corner stone of the beautiful stone church was laid. It was designed by Mr. Ralph Cram, an English Architect. It was erected by Angelica, Mabel, Robert and Peter Gerry in memory of their parents, Mr. and Mrs. Elbridge T. Gerry.

Schools

The first school in Bovina was established in 1808. It was located where the United Presbyterian Church now stands and was later moved to the site of the Joe Dibble home, just across the road. When the town was formed there were six one-room schools, with a student population of about 400 children between ages five and fifteen. Total expense of these schools was \$221.87. Later the number of schools grew to twelve, one located in each neighborhood: 1. Maynard, 2. Pink Street, 3. Butt

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End, 4. Bovina Center, 5. Miller Ave., 6. The Hook, 7. Coulter District, 8. Biggar Hollow, 9. Yankee Town, 10. Bramley, 11. Coulter Brook and 12. Dean District.

With the formation of the central school districts, Bovina no longer has its own schools. Bovina's last school to close was No. 4 in 1961. Mrs. Mary Jardine was the last teacher. This school building was built in 1893. It is located in the hamlet and is now the Bovina Public Library. The Maynard School has been preserved as it was at the time of its closing. It is owned by the town but maintained by the Bovina Historical Society. Most children in the Town of Bovina now go to Delaware Academy and Central School in Delhi, though some go to either South Kortright or Andes Central Schools.

Other Public Institutions

In Bovina Center there is a public library of several hundred volumes. The first library was in the basement of the United Presbyterian Church. In 1917, it was moved to the building now owned by the Historical Society. It is now located in the former District 4 Schoolhouse. It is supported by gifts of money, books, magazine subscriptions by individuals and organizations, as well as by state aid and town funds.

For years, Strangway's Hall, over the present garage, was a site for dances and other entertainments. The Town owned Community Hall was built in 1930 with a combination of public donations and tax dollars. Land was donated by John, Jim and Jane Hilson. It still serves as the community hall and is used for a variety of public, recreational and social events. It now also houses the Community Post Office and the offices of the Assessor and Town Justice.

The water system, promoted principally by J.W. Coulter, Andrew Doig, and Alexander Hilson, was built in 1913 and now supplies the town with pure water. The fire department was organized in 1915. The first officers of the company were Alex Myers, chief engineer; John R. Aitken, the foreman of the Hose Company; and David Currie, the foreman of the Hook and Ladder Company.

Trade Centers

There are today, as in the years gone by, three centers of population and business.

1. The Butt End where the northern part of the town formerly came to pick up the mail, to purchase staple groceries and exchange greetings with neighbors. Butt End was a name given to the northern portion because it was said to be the stronger section. So in a joke, that section was likened to the butt end of a tree. The name still is used to refer to northern Bovina.
2. The Hook named for the shape of the road served the southern end of the town in much the same manner.
3. Brushland, also know as The Huddle, and now Bovina Center was near the center of the town. People from the various neighborhoods frequently came to the post office, stores or mills and it was during these trips that they exchanged local news.

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Conclusion

One hundred seventy-five years after its formation, Bovina is the smallest in area, and the most sparsely populated town in Delaware County. Nestled in the foothills of the Catskills, it attracts hundreds of summer guests from the New York metropolitan area. The town is easily accessible by Route 28. Within driving distance are golf courses, ski centers and areas excellent trout and bass fishing. In recent years, bed and breakfast establishments have sprung up in the area.

Today, Bovina Center is much the same in many ways. The Scottish thrift and piety of the town's ancestors have transmitted traits in its citizens that make this a quiet and hospitable little town.

2.2 Natural Features

2.2.1 Geology.

The relief of the Town was formed by glaciers and is, therefore, characterized by both steep slopes and depressions. The glacial deposits of stone and debris contribute the great variety of soils present in the area and account for their limited suitability for on-site sewage disposal in some instances. The Town is part of the glaciated low plateau section of the Appalachian Plateaus Province and the geologic formations include sandstones, shales, and conglomerates. They typically produce very good quality water in moderate supplies.

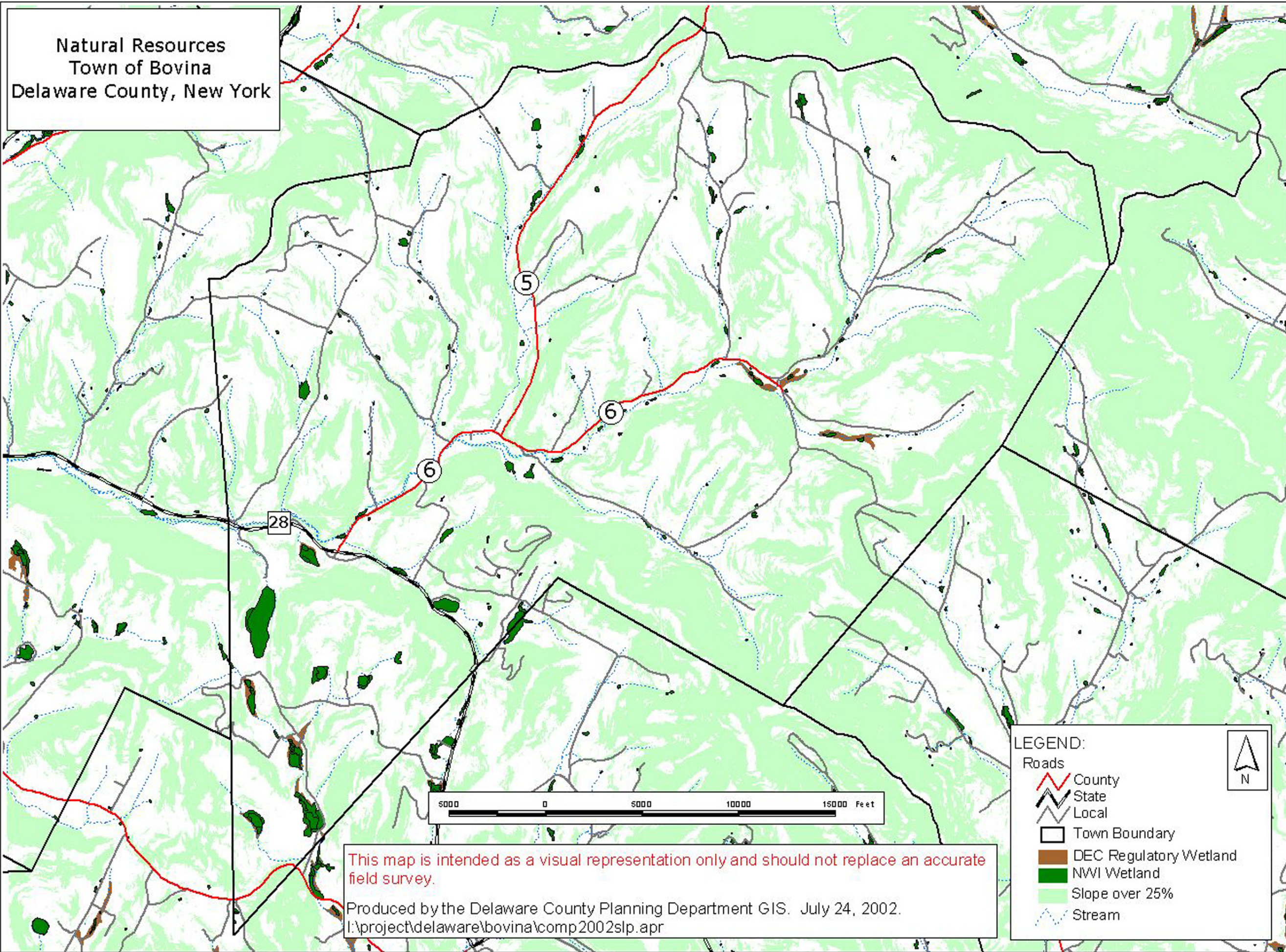
2.2.2 Water Resources.

The Town of Bovina lies entirely within the Delaware River Basin. Most of the Town drains into the Little Delaware River, which is a tributary to the NYC-owned Cannonsville Reservoir. Small areas in the southern end of the Town and along the eastern ridge drain toward the Pepacton Reservoir.

Water quality, as a practical matter, is very high and this is why New York City has been able to avoid the filtering of its water supply. Nevertheless, the Cannonsville Reservoir has experienced higher than desired levels of algae growth and there is some concern with regard to the phosphorous loadings to this watershed. The sources of these loadings are difficult to identify but appear to include stormwater runoff, agricultural activities, natural forest runoff, septic systems and discharges from sewage treatment facilities.

The Town of Bovina has no sewage treatment facilities, but surveys indicate some potential need for community subsurface facilities or, as an alternative, some more intensive management of on-lot systems, within the hamlet of Bovina Center. Buffering of such disposal areas, farm activities and new development, particularly in steep slope areas, is appropriate as a means of reducing phosphorous loadings and, thereby, permitting economic growth.

Natural Resources
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This map is intended as a visual representation only and should not replace an accurate field survey.

Produced by the Delaware County Planning Department GIS. July 24, 2002.
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LEGEND:

Roads

- County
- State
- Local

Town Boundary

DEC Regulatory Wetland

NWI Wetland

Slope over 25%

Stream

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There is an existing public water supply system for Bovina Center. The Town is presently engaged in major upgrading of the system to ensure both quantity and quality of supply. A stormwater management project for the hamlet is also planned.

2.2.3 Soils.

The primary limiting factors relating to soil types found in the Town of Bovina are shallow depth to bedrock, flooding, seasonal high water tables and slope. Large areas of the Town fall into these categories. Soils have been mapped and are being incorporated into the County's Geographic Information System (GIS). Steep slopes (25% or more) have also been included on a Natural Resources Map prepared by the Delaware County Planning Department. This map follows.

Nevertheless, soils maps can be misleading simply because they tend to group soils in large blocks (typically 5 acres or more) without regard to the many variations that can occur in such areas. Smaller amounts of better soils can be found in numerous mapped areas classified as severely limited. Consequently, it is appropriate to use the soils data very carefully and only as a guide for further studies and engineering considerations.

2.2.4 Vegetation and Wildlife.

The Town is for the most part heavily wooded, as it was when the region was first settled. The wide variety of deciduous hardwood trees is both an economical and recreational asset and part of what makes the area special. Hunting and fishing are very popular due to the abundance of fish, game and the wooded environment. These characteristics have also attracted a large number of second homes. This is likely to continue and be even more of an economic resource in the future.

Timbering is an economic activity that needs to be promoted and protected, provided best management practices are applied. There is a strong need to create economic incentives for land to remain under sustained forestry management programs. The New York State § 480-a program offers landowners forestry tax benefits but, because the remaining taxpayers have to pick up the costs of any tax benefits given to woodlot owners, the burden of this program is squarely upon municipalities, and this does not allow the Town to promote the program. Amendments to this legislation are needed to spread the burden Statewide in the manner of the Farmer's School Tax Refund so that all taxpayers who benefit from the open space preserved can help to pay the costs. Such legislation is presently under consideration. If passed, it will allow the Town to safely promote the program without fear of weakening its tax base.

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2.2.5 Wetlands.

A Natural Resources Map of the Town has been assembled by the Delaware County Planning Department. It indicates the Town's major areas of wetlands are found generally in that portion of the municipality that lies to the south of Route 28. There are also scattered wetlands along the edges of major streams through the Town, including the Little Delaware River. Wetland meeting both State and Federal criteria are found in the Town.

2.3 Existing Land Use

An Existing Land Use Map of the Town of Bovina follows. It is assembled from assessment information gathered by the Office of Real Property Services for Delaware County and is largely self-explanatory. However, one must use the data cautiously. A single house on 100 acres, not being used for any other particular purpose, for example, results in the entire tract being classified as residential when only a fraction, perhaps an acre, is actually in that use and the remainder is vacant or in some passive agricultural or forestry use. Nevertheless, the pattern is clear.

Most of Bovina is in agricultural or forestry use. The Watershed Agricultural Council, in fact, identified 23 farms in the Town as of 1998. There is a small concentration of commercial and residential activity in Bovina Center and scattered houses on large lots throughout the Town. There is also a variety of small home-based enterprises, mostly service-related. The trend toward service businesses is nationwide and Bovina's future is probably in that direction as well.

2.4 Population and Economic Base

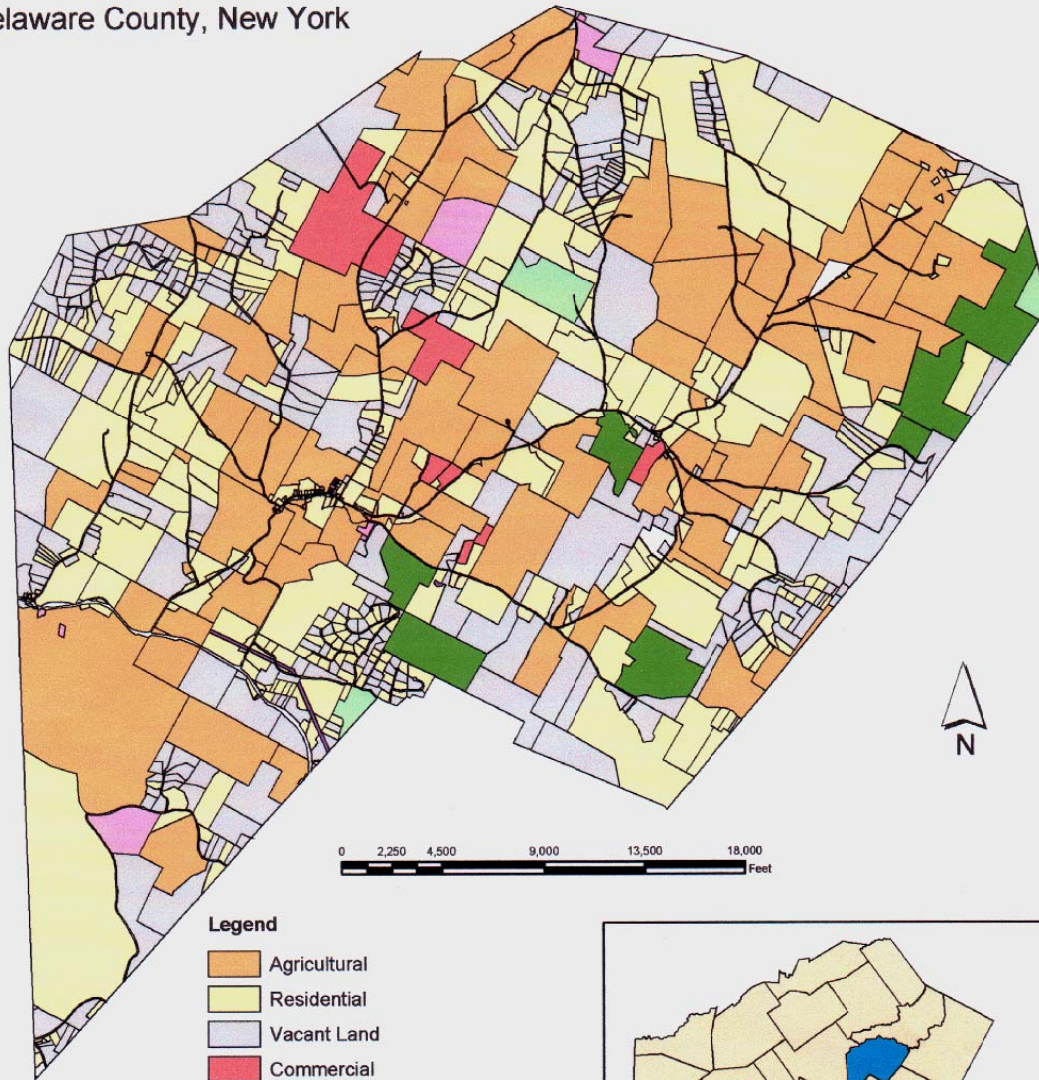
2.4.1 Population Trends.

The following table illustrates the growth of Bovina compared to Delaware County and the State:

| POPULATION PATTERNS, 1960-2000 | | | | | | | | | | |
|--------------------------------|------------|------------|-----------------|------------|-----------------|------------|-----------------|------------|-----------------|----------------------|
| | 1960 | 1970 | % Chg. 60-70 | 1980 | % Chg. 70-80 | 1990 | % Chg. 80-90 | 2000 | % Chg. 90-00 | Persons/ Sq. Mile |
| New York State | 16,782,304 | 18,236,967 | 8.7% | 17,558,165 | -3.7% | 17,990,778 | 2.5% | 18,976,457 | 5.5% | 401.8 |
| Delaware County | 43,540 | 44,718 | 2.7% | 46,824 | 4.7% | 47,225 | 0.9% | 48,055 | 1.8% | 57.7 |
| Town of Bovina | 594 | 506 | -14.8% | 562 | 11.1% | 550 | -2.1% | 664 | 20.7% | 27.0 |

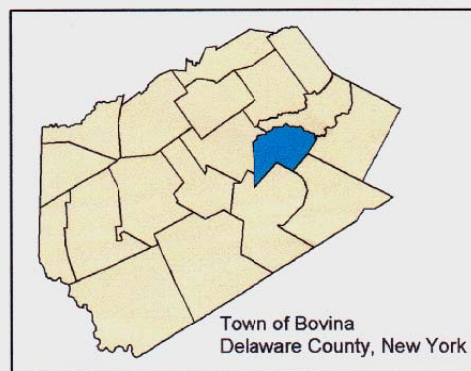
Source: U.S. Census

Property Classification
Town of Bovina
Delaware County, New York



Legend

- Agricultural
- Residential
- Vacant Land
- Commercial
- Recreation & Entertainment
- Community Services
- Public Services
- Wild, Forested, Conservation Lands & Public Parks
- Data not available



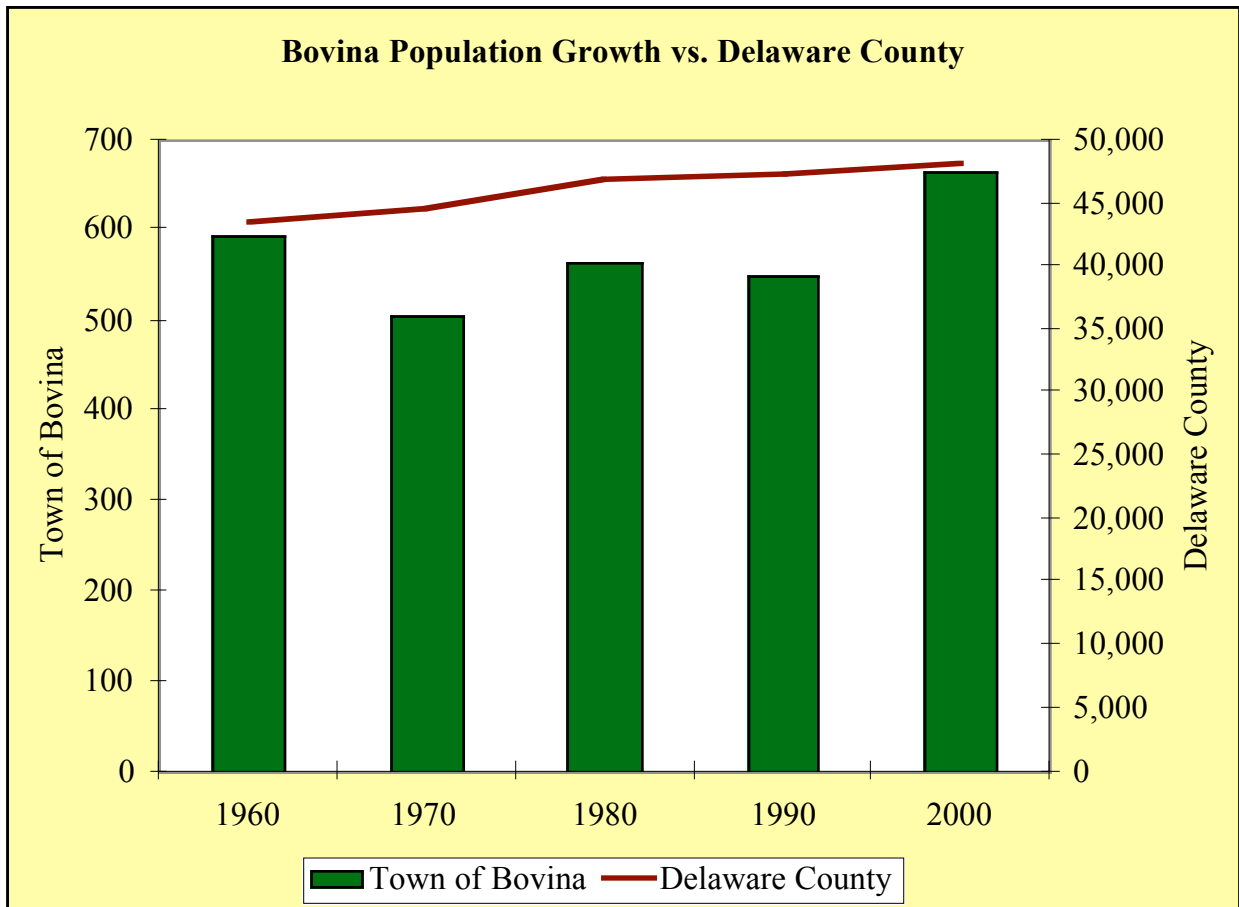
This map is intended as a visual representation only and should not replace accurate field determination of features represented herein.

Property classifications taken from the 2001 assessment roll in most cases.
Produced by the Delaware County Planning Department GIS. July 26, 2002.
I:\project\delaware\bovina\comp2002.mxd

Town of Bovina, Delaware County, New York

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Based on Census Bureau data for 2000, the Town of Bovina is one of the fastest growing towns in Delaware County with a 20.7% increase. Delaware County experienced a slight 1.8% population increase so the Town's gain is very positive by comparison. Also, some of the growth has been obscured by declining household sizes as the population has aged over the years. The following chart further illustrates that, while Bovina's recent growth far exceeds that of the County, they have grown at about the same overall rate since 1960:



Source: U.S. Census

The causes of recent growth appear to be related to second-home growth (see Section 1.5), conversions of these homes to permanent residences and the Town's close proximity to the City of Oneonta.

2.4.2 Age of Household Members.

The Town of Bovina population is somewhat older than Delaware County as a whole, with a

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very high 21.8% of the people over 65 years of age. The County proportion, by contrast, was 18.6%. The under 18 years age group, moreover, made up only 19.9% of all the Town of Bovina residents compared with 23.1% for the County. The largest age cohort, the 45-54 year age group, accounted for 17.3% of Bovina residents but only 14.4% of the County, indicating the Town represents a somewhat more dependent population in regard to care of the elderly, with fewer persons of working age and more retirees.

The Town's older population, however, is somewhat less dependent than the County with respect to education needs, suggesting less pressure on school facilities from Town growth for the moment, although that could change with more conversions of second homes to first homes. Second home conversions at present appear to be oriented toward retirement but that can easily change as these homes pass to second generations. Planning ahead can take advantage of the front-end gain and minimize the long-term costs and tax impacts.

Town of Bovina Population by Age, 2000

| | | Town of Bovina | | Delaware County | |
|---------------|-------|----------------|---------------|-----------------|---------------|
| | | | % | | % |
| 0-4 | Years | 26 | 3.9% | 2,469 | 5.1% |
| 5-9 | Years | 30 | 4.5% | 2,966 | 6.2% |
| 10-14 | Years | 51 | 7.7% | 3,447 | 7.2% |
| 15-19 | Years | 38 | 5.7% | 3,770 | 7.8% |
| 20-24 | Years | 24 | 3.6% | 2,372 | 4.9% |
| 25-34 | Years | 51 | 7.7% | 4,730 | 9.8% |
| 35-44 | Years | 99 | 14.9% | 6,798 | 14.1% |
| 45-54 | Years | 115 | 17.3% | 6,938 | 14.5% |
| 55-59 | Years | 43 | 6.5% | 3,016 | 6.3% |
| 60-64 | Years | 42 | 6.3% | 2,621 | 5.5% |
| 65-74 | Years | 87 | 13.1% | 4,668 | 9.7% |
| 75-84 | Years | 47 | 7.1% | 3,092 | 6.4% |
| 85 | Years | 11 | 1.7% | 1,168 | 2.4% |
| Totals | | 664 | 100.0% | 48,055 | 100.0% |

Source: U.S. Census

Therefore, the school impacts should not be viewed as so much a present-day problem as a possible future need. The Town's average family size (2.78 persons compared to 2.90 at the County level) is very low and supports this conclusion. Families are smaller in the Town of

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Bovina and include fewer children than is the case for the County as a whole.

2.4.3 Population by Sex.

The male gender is a slight majority of the population in the Town of Bovina with 50.3% (334 persons) in 2000 as compared to 49.7% (330 persons) for females.

2.4.4 Years of Education.

The 2000 Census indicated 403 persons or 90.2% of the population aged 25 years or more had a high school diploma. Some 43.8% possessed a college degree (Associate or higher). The dropout rate for the Town was 9.8% as of 2000, compared with 20.1% for the County. These numbers may have been affected by in-migration of higher educated individuals from other areas.

Town of Bovina Education Levels, 1990 - 2000

| | Town of Bovina 1990 | Town of Bovina 2000 | Delaware County 2000 |
|--------------------------|------------------------------------|------------------------------------|-------------------------------------|
| Persons 25+ Years | 892 | 447 | 33,070 |
| % Under 12 Yrs Education | 33.6% | 9.8% | 20.1% |
| % 12 Years or more | 66.4% | 90.2% | 79.9% |
| % 2+ Years College | 11.8% | 43.8% | 25.5% |
| % 4+ Years College | 4.0% | 29.8% | 16.6% |

Source: U.S. Census

The Town does enjoy close proximity to several higher education facilities, including SUNY-Delhi as well as other colleges in Oneonta and Cobleskill. These are complemented by other resources available through BOCES and others that offer strong support for industrial employment.

2.4.5 Incomes.

Data gathered during the 2000 Census indicates per capita income for the Town of Bovina was \$19,653 compared to \$17,357 for the County as a whole. Median household income in the Town, moreover, was \$43,359 compared to \$32,461 for Delaware County. Per capita income Statewide was \$23,389, indicating the great need for economic development within the Town, County and Catskill/Delaware region as a whole. The Town of Bovina has made great progress

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over the last decade as the following numbers indicate. However, much of it stems from immigration of higher income households (especially as second homes convert to first homes) rather than real improvement in existing resident incomes. Some of those benefits will, of course, be spread throughout the population, but not all.

Town of Bovina Incomes, 1990 - 2000 **(In Inflation Adjusted 2000 dollars)**

| | Town of Bovina 1990 | Town of Bovina 2000 | Delaware County 2000 | New York State 2000 |
|---------------|------------------------------------|------------------------------------|-------------------------------------|------------------------------------|
| Per Capita | \$17,193 | \$19,653 | \$17,357 | \$23,389 |
| Median Family | \$36,389 | \$46,094 | \$39,695 | \$51,691 |

Source: U.S. Census

Along this line, information gathered by the Catskill Watershed Corporation suggests that real wages connected with jobs actually within the region have been declining for several years. Indeed, for the period 1990-1997, real wages have declined by up to 25.8% in every economic sector other than finance, insurance and real estate. Average New York State wages for 1997 were typically 24% to 70% above those for Delaware County, with some sectors as much 213% higher. (See West of Hudson Economic Development Study for the Catskill Watershed Corporation, "Baseline Economic Analysis & Community Assessment, 1998.)

2.4.6 Employment Status.

The Town of Bovina had 291 employed persons over 16 years of age in 2000, of which 111 or 38.1% were female. The unemployment rate as a whole was 7.3%. The following is a breakdown of this labor force by class (private industry vs. governmental employment):

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Town of Bovina Employed Persons by Class, 1990 - 2000

| | <u>1990</u> | <u>2000</u> |
|---|------------------|------------------|
| Private for profit wage & salary workers | 118 | 179 |
| Self-employed workers | 67 | 63 |
| Unpaid family workers | <u>2</u> | <u>0</u> |
| Sub-total (private industry workers) | 187 | 242 |
| Government workers) | <u>33</u> | <u>49</u> |
| Total (all workers) | 220 | 291 |

Source: U.S. Census

Government represents approximately 17% of all employment for Bovina workers. However, there is also a relatively high level of self-employment (22%) with 63 persons engaged in home occupations or other local businesses of their own. Private employment increased by 61 persons or 52% for the decade, a very impressive gain. Again, however, this tends to reflect more of a movement into the Town of individuals with higher paying jobs elsewhere than gains in employment opportunities locally or for existing residents. That is to say some of the gains simply reflect gentrification.

2.4.7 Employment by Industry and Occupation.

The tables below provide a breakdown of the employed Town population aged 16 years or more in 2000 by industry and occupation.

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Town of Bovina Employment by Industry, 2000

| <u>Industry</u> | <u>Persons 16+ Employed</u> | <u>%</u> |
|---|---------------------------------|---------------|
| Educational, health and social services | 62 | 21.3% |
| Professional, scientific, management, administrative and waste management services | 42 | 14.4% |
| Agriculture, forestry, fishing and hunting, and mining | 40 | 13.7% |
| Construction | 32 | 11.0% |
| Arts, entertainment, recreation, accommodation and food services | 17 | 5.8% |
| Manufacturing | 17 | 5.8% |
| Public administration | 16 | 5.5% |
| Transportation and warehousing and utilities | 13 | 4.5% |
| Finance, insurance, real estate and rental and leasing | 12 | 4.1% |
| Information | 12 | 4.1% |
| Retail trade | 12 | 4.1% |
| Other services (except public administration) | 12 | 4.1% |
| Wholesale trade | <u>4</u> | <u>1.4%</u> |
| Totals | 291 | 100.0% |

Source: U.S. Census

There are relatively high numbers of persons in higher paying professional occupations within the Town. Agriculture also plays a prominent role and retail is far less important than in many towns, despite Delhi being so close. The impact of the SUNY campus on professional and educational jobs is very apparent, however. Migration of professionals into the area is also clearly playing a role as the table following indicates.

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Town of Bovina Employment by Occupation, 2000

| <u>Occupation</u> | <u>Employed Persons 16+</u> | <u>%</u> |
|--|--|-----------------|
| Management, professional and related occupations | 130 | 44.7% |
| Sales and office occupations | 56 | 19.2% |
| Construction, extraction and maintenance occupations | 37 | 12.7% |
| Service occupations | 29 | 10.0% |
| Production, transportation and material moving occupations | 22 | 7.6% |
| Farming, fishing, and forestry occupations | 17 | 5.8% |
| Totals | 291 | 100.0% |

Source: U.S. Census

Some 21 persons or 7% of the labor force worked from home in 2000. The average travel time to work was 30.5 minutes, compared to 31.7 minutes average Statewide and 24.0 minutes Countywide. Bovina residents commute about 25% further to work than most County residents and most upstate New York residents, the Statewide figures being distorted by long Metro area commutes. More jobs and economic opportunity closer to home are essential. Once again, immigration may be affecting the numbers as individuals with jobs in the metro area move into Bovina. Nonetheless, those individuals will be among the first to desire more employment closer to home. Jobs, for this reason, tend to follow new residents over time, particularly as employers become able to identify groups of workers with particular skills residing in an area.

2.5 Housing

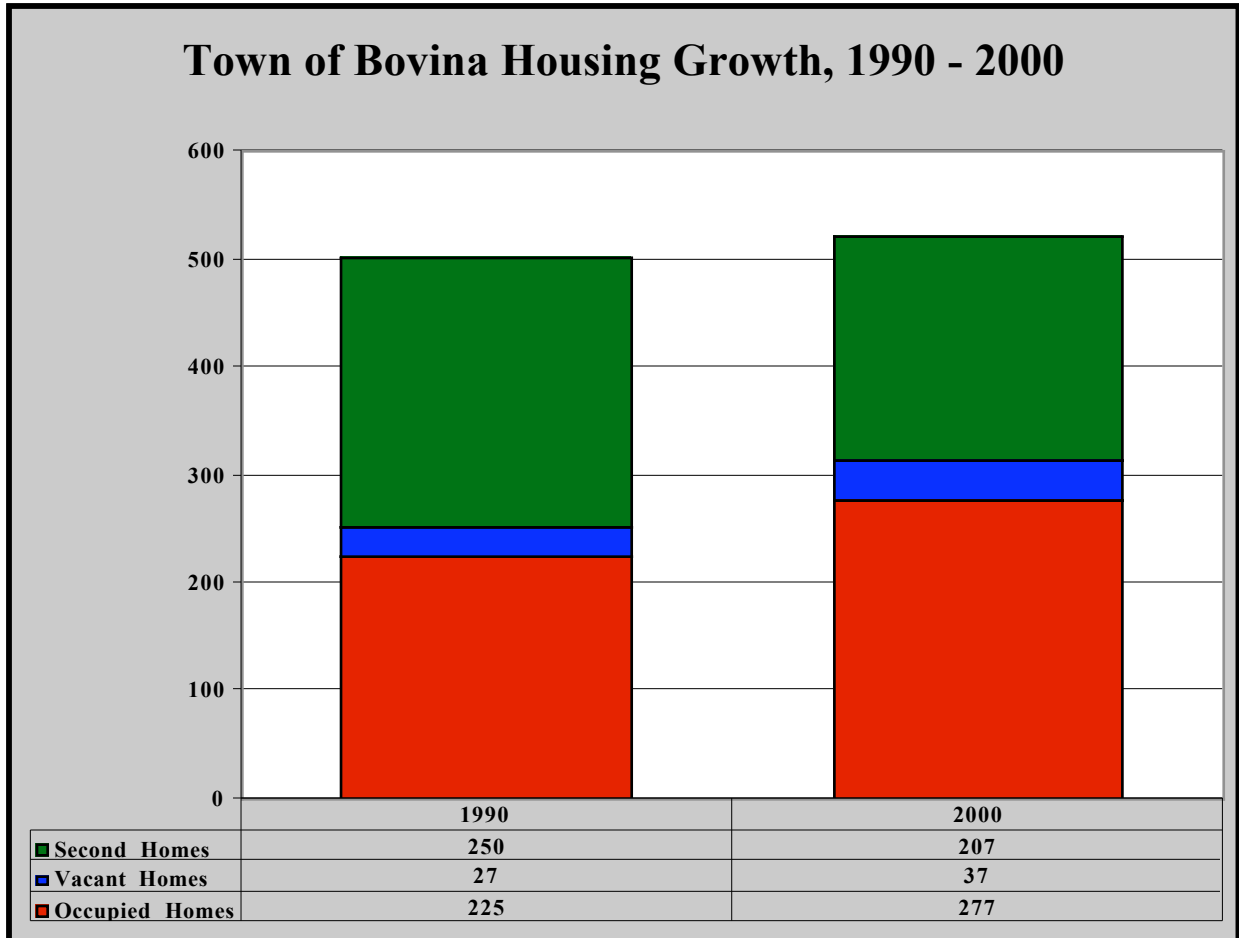
2.5.1 Housing Stock.

The 2000 U.S. Census indicated the Town of Bovina had 521 housing units, of which 277 were occupied. Some 230 of these were owner occupied and 47 were renter occupied. There was a total gain of 19 housing units or 3.9%, indicating that much of the population growth for the decade (20.7%) was attributable to conversions of second homes to first homes. There were 207 vacant units in seasonal, recreational or occasional use (second homes) in 2000, down from 250 in 1990.

Second homes made up 39.7% of the housing stock in 2000, down from 49.8% in 1990. The chart on the following page illustrates the changing pattern. Second home conversion to first

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homes will have major impacts in the future as the occupants, who once paid taxes without demanding much in services, become part of the services-consuming local population. The impacts will be gradual but cumulative, particularly in regard to schools. They could also create demands for new services and infrastructure not previously required.



Source: U.S. Census

Second homes do offer short-term positive economic contributions in the way of construction but also have additional downsides. If, for example, the construction itself is of a seasonal occupancy nature and the home is later converted to permanent occupancy, the unit may not be energy efficient or properly served with sewer and water capacity. Early deterioration of the unit may also be a problem. Finally, the experiences of other second home communities suggests such conversions will continue even as new second homes are being constructed with attendant long term impacts on school systems serving Bovina and municipal services. The patterns of development tend to shift over time from older to younger households as families follow retirees. Even small numbers of family second to first home conversions, moreover, have a large impact

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because new costs are added for educating children while free revenue from outside to support existing education services is lost.

2.5.2 Number of Persons Per Household.

The number of people living in each household was 2.40 persons in 2000. This was only slightly higher than the County average of 2.39 persons.

2.5.3 Housing Values.

The 2000 Census revealed a median housing value of \$92,900 for the Town. Countywide, the median value was \$72,400, much lower than the Town. The value of new housing being constructed appears to be driving values up as a whole in Bovina.

2.5.4 Housing Type.

Single-family homes in 2000 accounted for 446 units and comprised 85% of the housing stock in Town of Bovina. This was followed by two-family and multi-family units at 13 and 5 units, respectively, or a combined 3.5%. Manufactured Homes totaled 56 units or 10.7% of all housing in Bovina.

2.5.5 Contract Rents.

Rents within the Town were relatively low in 2000, the median rent being only \$425. The median rent Countywide in 2000 was \$451.

2.5.6 Housing Needs.

The Town needs to ensure that its land use regulations do not unnecessarily raise the cost of moderate income housing by requiring excessive lot sizes or adding too many regulatory oversight costs. This can be accomplished using cost-effective Conservation Subdivision designs (see Land Use Plan). The Town will also benefit from a housing rehabilitation grant program under the Community Development Block Grant program to help Bovina Center homeowners upgrade units.

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3.0 Goals and Objectives

The following are the goals and objectives on which this Plan is based (goals are bold-faced type):

3.1 Use positive incentive-based programs to guide development.

- 3.1.1 Preserve and respect the rights to use of private property by limiting land use regulations to those essential to the health, safety and welfare of the community.
- 3.1.2 Employ the Town's Subdivision Regulations and Zoning Law in ways that allow the Town to develop in a traditional mixed-use fashion, with regulations directed more toward the quality of development than the location.
- 3.1.3 Incorporate flexibility into land use standards to fit individual development circumstances and offer bonuses for developers who provide additional open spaces, protect important environmental features or otherwise contribute to quality forms of development.
- 3.1.4 Encourage home occupations and limit oversight to those features having a direct bearing upon adjacent land uses.

3.2 Provide for the orderly future growth and development of the Town of Bovina.

- 3.2.1 Encourage the use of subdivision and land development techniques that preserve the open space and working landscape character of the Town.
- 3.2.2 Minimize, through zoning, the removal or disruption of historic or traditional uses and structures.

3.3 Provide adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding.

- 3.3.1 Maintain firefighting equipment needed to enhance the capacities of the local fire companies to address emergencies and institute volunteer recruitment incentives.
- 3.3.2 Ensure a high quality housing stock at various price ranges by allowing for Manufactured Homes but regulating their placement.
- 3.3.3 Use the Town's Floodplain Damage Prevention Law as a tool to steer development away

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from dangerous flood locations.

3.4 Preserve the character of existing rural highways and promote safe, efficient and uncongested circulation of traffic.

3.4.1 Minimize curb cuts and require use of joint accesses.

3.4.2 Reduce speeds on designated Town roads possessing specific hazards.

3.4.3 Require new roads to be designed so as to preserve natural topography and tree cover, minimize cut and fill and preserve and enhance views.

3.4.4 Require developers to provide for walking as well as vehicular connections to adjacent land uses and open spaces.

3.4.5 Scale street widths and alignments to neighborhood size to the extent practical while meeting minimum standards for safety and maintenance.

3.4.6 Adopt highway management programming techniques (e.g. Delaware County Action Plan) wherever possible.

3.5 Protect surface and groundwater supplies from pollution, maintain high quality physical environments and preserve wildlife habitats.

3.5.1 Incorporate stormwater management and erosion and sedimentation control planning requirements in both site plan and subdivision reviews so as to reduce phosphorous loads to streams.

3.5.2 Encourage conservation subdivision designs where lots are clustered to provide open space buffers that can trap stormwater run-off.

3.5.3 Develop effective on-lot sewer management programs or other treatment options for Bovina Center to eliminate malfunctioning systems with potential impacts on nearby streams.

3.6 Promote the economic development of the Town of Bovina so as to improve incomes, create new business and employment opportunities and raise the standard of living within the community.

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- 3.6.1 Develop scenic biking, driving and hiking tours through the Town along with accompanying brochures and other promotional devices (e.g., an internet website) to take advantage of Bovina's agricultural, architectural, natural and historic assets.
- 3.6.2 Seek out State and local Historical Society and other assistance in identifying buildings of historical significance in throughout the Town for purposes of recognition in promotional materials, inclusion in scenic drives or walking tours, signage (where appropriate) and securing of funding assistance and tax credits for restoration on a strictly voluntary basis where such designations will not adversely impact economic development opportunities.
- 3.6.3 Encourage, through the use of Catskill Watershed Corporation (CWC) and other incentive programs, the development of natural resource based industries such as small secondary wood processing operations that can utilize the Town's extensive forest resources.
- 3.7 Encourage the retention and further development of the Town of Bovina's vital agricultural sector so as to improve farm incomes and maintain the working landscapes that define the Town's character.**
- 3.7.1 Encourage the use of the New York State Agricultural District program within the Town as a means of offering farmers protection of their rights to farm, complementing this effort with the application of a local right to farm law.
- 3.7.2 Continue the participation of farmers and agri-business owners in local government through the appointment of a specific agricultural member to the Town Planning Board under the authority of § 271(11) of the Town Law. Also, arrange for training of Town officials on agricultural planning issues through Cornell Cooperative Extension and the County Planning office.
- 3.7.3 Work with landowners, the Delaware County Agricultural and Farmland Protection Board, the Watershed Agricultural Council, the O'Connor Foundation, the New York State Department of Agriculture and Markets and others to develop a local purchase or lease of development rights program to protect the best farmland and give farmers an opportunity to recover some of the equity and facilitate farm transfers to younger generations. (Both towns and counties are eligible for State matching funds in this regard provided there is a plan that recommends such programs.)
- 3.7.4 Expand farm-based tourism by soliciting and encouraging farm stands and associated promotions (e.g., corn mazes, animal petting and feeding) that can be cross-promoted with scenic driving tours.

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- 3.7.5 Actively promote Bovina (and Delaware County) as a location for new farm and agri-business enterprises by working with schools and using targeted advertisements and mailings in cooperation with the RC&D program, the Chamber of Commerce, the County Planning office, Southern Tier East and real estate firms.
- 3.7.6 Promote the horse industry as a vehicle for keeping farmland in productive use, increasing agricultural tourism and maintaining a core of agricultural support industries such as feed mills. (The Town's proximity to Albany and New York City makes it ideal for this purpose and there are already local "drives" and other events that could be easily steered toward Bovina with some incentives.)

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4.0 Plans

4.1 Land Use

4.1.1 Land Use Development Trends.

Town of Bovina land use development trends include the following:

- There has been a decline in active farmland. Nevertheless, there are some 23 farms in the Town, based on Watershed Agricultural Council mapping of such enterprises. Seven of these are significant commercial operations. Some farms have also specialized in organic goods, export cattle, gourmet beef and other products to gain a better position in the market that will help to ensure the continuation of farming in the region.
- There has been a decrease in the number of second home properties as these units have converted to permanent housing. There has also been a simultaneous growth in the number of bed and breakfast operations, however, suggesting that visitation is actually increasing even as second homes decrease. These newer operations have also tended to replace what was once a strong farm and boarding house industry in the Town.
- There has been some very limited commercial redevelopment as historic properties in Bovina Center have been put to use as niche business enterprises. The bed and breakfasts also represent a form of commercial development. A water bottler has also established operations in the Town.
- The New York City Department of Environmental Protection has been acquiring conservation easements on large tracts of land, limiting future development of these areas of the Town.
- Many homes and properties are being acquired by out-of-county buyers. This is creating some different expectations regarding appropriate levels of growth and services.
- Bovina Center was, in 2000, recognized as a National Historic District. The District encompasses some 133 buildings. It supports preservation of the hamlet's primary features (essentially Late Victorian in character) and the general land uses associated with them.

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4.1.2. Impact of Existing Land Use Controls on Future Land Use.

There are both Land Subdivision Regulations and a Zoning Law now in effect in the Town of Bovina that serve to guide development. There are also New York City Water Supply Watershed Regulations in effect. The details of these regulations as they impact upon future land use are as follows:

- **Subdivision Regulations**

The Town Planning Board adopted Subdivision Regulations, pursuant to § 268 of the Town Law, in 1975. It subsequently amended these in 1997 with the assistance of the Delaware County Planning Department. They include soils criteria, environmental considerations, detailed road design standards and regulations for commercial subdivisions.

A Boundary Line Adjustment exemption similar to that used in other towns could be helpful in dealing with minor matters of lot line adjustments, but is not currently part of the regulations. A table of contents would also be useful in navigating the regulations.

Design standards are generally adequate but stormwater management needs more attention and there should be a general requirement that post-development run-off not exceed pre-development conditions. Stream buffers, and provisions to encourage conservation subdivisions (where lots are clustered to preserve open space buffers) should also be considered. There is insufficient attention to the requirements of the State Environmental Quality Review Law (SEQRA). Likewise, there are no cross-references to State Department of Health or New York City Watershed regulations.

Finally, the street standards need to be reevaluated. The 22 feet minimum pavement width for local residential streets is excessive (particularly if the Town is going to take over and pay to maintain the roads), while the 12 inch minimum culvert size is inadequate and should be updated to the 18 inches required in the Town road specifications. Also, the typical section requirements and tables of road standards are inconsistent, separated within the document and in the wrong places. A local law establishing standards for road takeovers by the Town is needed along with cross-references in the Subdivision Regulations.

- **Zoning Law**

The Town enacted a Zoning Law in 1993 and amended it in 1996. It establishes a General

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Rural (GR) District and a Hamlet (H) District, both of which provide for mixed use development. The Hamlet District encompasses Bovina Center and the remainder of the Town falls into the GR District. The Hamlet District is more restrictive as to uses, not allowing for Manufactured Homes, travel trailer parks and certain industrial uses, while classifying as Special Uses many of the other uses allowed as Principal Permitted Uses in the GR District.

The GR District is more restrictive as to density, however, requiring a minimum of two acres for a given new residential lot with a maximum of one lot per seven acres average (with some exceptions). The Hamlet District, by contrast requires from one-half to two acres per lot, depending on the sewage systems used. Cluster provisions allow for a 25% density bonus in either district if this technique is employed.

The following are several observations regarding the Zoning Law:

- The Zoning Law does not adequately address the issue of mixed use buildings in the Hamlet District. Mixed commercial uses and mixed commercial-residential structures are both likely in a hamlet setting. Not specifically providing for such mixed use activities can lead to needless interpretation and variance requests and discourage economic use of larger older buildings for multiple uses. Clarification of accessory use procedures should also accompany an update to distinguish between such activities and mixed uses.
- The sign regulations do not provide the flexibility to erect the small miscellaneous signs that often accompany a commercial use (e.g. price signs, parking directional signs, brand name advertising signs, etc.). Sixteen square feet of signage in the Hamlet District is not enough.
- There are no Historic District standards connected with the Zoning Law, that designation having come after the Zoning Law was enacted. Impacts on the District should be a Special Use review criteria under Section 5.06. The language of Section 1.03.C would be appropriate in that regard.
- There are no provisions to limit the use of manufactured homes and similar structures for storage and non-residential purposes.
- There are no provisions to deal with communications towers.
- The one-half acre minimum lot size for Hamlet District lots employing standard sewage systems is inadequate to provide system replacement areas in the event of

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malfunctions.

- Section 1.07, however admirable as a goal, is unnecessary as a requirement of law. It also raises questions regarding the legality of the law if the mandated update has not taken place (one should have been done in 2001).
- The justification for limiting density to one building lot per seven acres, as required in the GR District, needs to be documented by reference to the Town Zoning Commission Issue Papers. The combination of this standard with a minimum lot size of two acres provides some flexibility in support of the regulation, but absent a clear and compelling purpose for such a severe restriction, it very difficult to defend. Issue Papers No. 6 and No. 7 offer those clear and compelling purposes. Recent sewage studies regarding the failure of on-lot sewage treatment systems provide additional justification. The regulation is, moreover, appropriate as a means of protecting farmland, discouraging steep slope development and controlling phosphorous runoff into the reservoirs. Missing are the links between these specific objectives and the regulation. Such relationships can be established through special overlay districts and cross-referencing of standards.

It would also be helpful to offer a much more substantial density bonus (presently limited to one building lot per 5.6 acres) for use of cluster techniques under Section 4.13. Finally, some use might be made of the "Town of Bovina Development Guidelines" prepared for the Delaware County Planning Board in 1992 as a justification for the low density in "Farmland Character" and "Woodland Character" areas of the Town.

- The use of a lot frontage criteria and the definition of lot width as frontage are impractical for larger subdivisions involving new roads. They result in unnecessarily large lots on turns and spread out development in wasteful ways. Average lot width is a far better criteria and affords the flexibility to do intelligent lot designs.
- It is somewhat unusual to apply lot depth to width ratios to single lots. Otherwise, it is often impossible to subdivide large irregular lots. This can deprive landowners of an economic return on those parcels. A review of this matter is warranted.
- Section 3.01.F.2 is rendered ineffective by references to nonexistent permit requirements within stream corridors and wetlands margin. A more effective regulation would involve an actual setback except for DEC permitted activities. Another approach might be to limit the amount of disturbance in these areas to 10% or some other acceptable standard.

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- Section 3.01.F.3 needs to be explained better and linked more definitively to the overall density permitted in those areas where permitted density and minimum lot sizes differ.
- Section 4.10 regarding storage of uninhabitable manufactured homes is good but should be expanded to prohibit use for non-residential purposes other than offices.
- Section 4.13 pertaining to cluster subdivisions is important. However, the density bonus is inadequate given the very low density proposed in the GR District. Also, more detail is required with regard to open space standards.
- Special use and site plan review procedures should incorporate SEQRA requirements. The Planning Board should also consider adopting its own SEQRA Type II list to clarify when it will review unlisted actions.
- Nonconforming use provisions need to be clarified in several respects. It is not clear what can be done with a nonconforming vacant lot, for instance, if normal setback requirements cannot be met. Increases in nonconformity also need to be defined more precisely. Moreover, it may be unrealistic to restrict nonconforming uses to no expansions (see Section 6.05.A). However, the Town's GR District allows a wide array of uses and not that many uses may, therefore, actually be affected. If so, changes in this regard may not be warranted. A workshop session to review actual uses and assess this and zoning districting as a whole using the County's GIS capabilities is warranted.
- Article 9 is no more than a restatement of State law and as such is unnecessary. It is also counterproductive if the State laws regarding these matters should, themselves, be amended.
- The Schedule of Use Regulations is unnecessarily detailed for a small rural community. Broader categories of uses would be more appropriate. Also, stating that unlisted uses are not allowed is unrealistic for dealing with new evolving uses such as cellular towers.

It would be more effective to provide for Town Board or Planning Board classification of new uses when proposed, using Home Rule authority. Moreover, the Schedule does not provide for some legitimate uses such as multi-family housing. Specifically denying opportunities for these uses opens the Town up to exclusionary zoning challenges that could allow for them everywhere if successful. This principal also

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applies to uses such as adult stores. It would be far better to allow such uses under stringent regulations designed to protect the public health and safety.

- **New York City Watershed Regulations**

The regulations adopted with respect to the New York City water supply watershed are complex and comprehensive in scope. Procedurally, they have an impact on everything. The overall standards for water quality also have potentially greater impact than the regulations themselves to the extent they form a basis for New York City review and approval of applications.

Much of the frustration with City involvement in local land use regulation derives from the mere fact that it is involved, despite the Memorandum of Agreement between local and City authorities. The procedurally heavy approaches employed by City agencies to make decisions often result in excessive delay from a local perspective as well as additional costs. Nevertheless, the Watershed Regulations themselves are not nearly as much an obstacle to development as the procedures used to apply them. The standards, in fact, are not substantially different than those imposed by many communities on their own initiative. These include the following requirements:

- 1) New petroleum storage facilities (including those used for home heating fuel storage) must be located at least 100 feet from a stream and 500 feet from a reservoir.
- 2) All new subsurface sewage disposal systems must be approved by the City's Department of Environmental Protection and be located at least 100 feet from a stream or wetland and 300 feet from a reservoir (increased to 250' and 500', respectively, for "raised systems").
- 3) Impervious surfaces constructed in connection with new commercial uses are prohibited within 100 feet of a stream or wetland or 300 feet of a reservoir (not prohibited within designated hamlets such as Bovina Center, but subject to review and permit).
- 4) New residences are generally prohibited within 100 feet of a stream or wetland or 300 feet of a reservoir.
- 5) Stormwater pollution prevention plans for review by the City are required in connection with new subdivisions, earth disturbances of 5+ acres and creation of impervious surfaces of 40,000 sq. ft. or more or located within commercial zones.

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While the Watershed Regulations are not limited to these measures and administration is surely an issue, these are probably not standards that the Town would reject out-of-hand absent City influence and oversight. The key to improving the workability of these regulations may be for the Town to assume more control itself by developing its own compatible standards so that the major issues are resolved before the New York City DEP is called upon to render a decision.

The Town's land use regulations as a whole provide a reasonable basis for dealing with most of the development faced by Bovina. However, they need to be updated.

4.1.3 Future Land Use.

Few specific areas of the Town of Bovina warrant or would support commercial and industrial development except on an isolated scattered basis. The types of industrial uses likely to be attracted to the Town are generally unobtrusive. A tool and die shop is an example and, because these uses employ relatively small numbers of people (typically 10-30 persons) and take place inside enclosed structures, they could be located anywhere in the Town with little impact. The existing water bottler is another example.

The Town's most serious land use challenges are likely to come from dealing with residential growth. Meeting the demands on the area for phosphorous reduction without imposing unreasonable restrictions on landowners will also be a major burden. Respondents to the planning survey were highly skeptical this could ever be accomplished. Accordingly, land use controls must provide flexibility to accommodate development in a number of areas but in a manner which allows the Town to exercise reasonable control to deal with the impacts of that development. The existing Subdivision Regulations and Zoning Law are organized in this fashion and, with the improvements proposed, will largely achieve those purposes for Bovina.

4.1.4 Land Use Recommendations.

Specific recommendations relating to land use in the Town of Bovina are provided below:

- A. The Town of Bovina Zoning Law should be updated to address items set forth in Section 3.1.2 above and elsewhere herein that will allow the Town to develop in a traditional mixed-use fashion. The observations presented offer detailed direction for the update. Only textual changes are required. No Zoning Map changes are warranted. Illustrations and standards from the "Town of Bovina Development Guidelines" publication should also be incorporated into the Zoning Law, either directly or by reference. The illustrations are particularly useful in explaining zoning concepts and regulations.

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Implementation Priority: *Immediate*
Responsible Parties: *Delaware County Planning Department*
 Planning Board
 Town Board

- B. Communications towers are being erected at a rapid rate in rural areas to meet cellular phone service demands. This presents a number of issues with respect to aesthetics, access, erosion from steep gravel road construction and safety. The Town should work with the County Planning Department to enact a version of the County's model law regulating these uses or prepare its own local law.

The law need not be complicated but should address the above issues and specifically provide for controls on lighting, use of balloon tests and virtual reality computer modeling or other visual depictions to indicate how the structures will appear, camouflaging where appropriate, co-location of communication arrays on the same tower and removal of abandoned towers. The law should allow for emergency services communications as well as ham radio operations without significant restrictions. A Sample Cell Tower Law is also attached as Appendix A. Similar controls should apply to windmills, a prospective use of the Town's high ridges. Ridgelines along the Little Delaware River valley should be discouraged as sites for all towers as this would seriously detract from the appeal of Bovina Center. Route 28 locations, however, would be practical and not typically interfere with landscape perspectives.

Implementation Priority: *Immediate*
Responsible Parties: *Delaware County Planning Department*
 Planning Board
 Town Board

- C. The Town Subdivision Regulations should be updated to address the issues identified in Section 3.1.2 hereof and provide for Conservation Subdivisions and similar types of incentives and performance measures. This type of subdivision is a distinct form of clustering where the emphasis is put on preserving usable open space, not just the lands that cannot be developed. This concept, also known as Open Space Design Development, can be used to avoid the carving of the entire Town into 5 and 10 acre lots and, instead, preserve larger contiguous tracts. It can also facilitate the continuation of farming as an enterprise on the saved open spaces. A model provision is found as Appendix D.

The update should include a Boundary Line Adjustment exemption such as that used by

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many other towns in the County. More specific stormwater management requirements to limit runoff to pre-development flows would also be appropriate. Stream buffers, too, should be included, specifically as they relate to steeper slope areas.

Additional considerations in a Subdivision Regulations update should include multi-family development and recreational vehicle park standards.

Implementation Priority: *Immediate*
Responsible Parties: *Delaware County Planning Department*
 Planning Board
 Town Board

- D. The Town should consider a separate Junkyard Law setting some specific standards for such enterprises with an effective enforcement program, including annual inspections. The standards now contained in the Zoning Law are inadequate and, to the extent they classify a single junk vehicle as a junkyard, are unrealistic. Section 136 of the General Municipal Law establishes basic requirements on towns to regulate junkyards but includes no specific enforcement provisions, leaving that matter to local officials.

A Town Junkyard Law would serve this purpose and replace the State rules with more detailed standards governing commercial junkyards and prohibiting backyard versions. Such regulations received strong support in the community survey conducted during the public participation phase of the planning process. A sample Junkyard Law is attached as Appendix C. It should cross-referenced in the Zoning Law. Also, enforcement will be key to any success with this Law as it will replace existing State and Town of Bovina law.

Implementation Priority: *Short-term*
Responsible Parties: *Planning Board*
 Town Board

- E. The Town has no standards with respect to manufactured home park development. It should consider enacting a Manufactured Home Law for this purpose that would address density, sewer and water requirements and the provision of a recreation area. A sample Manufactured Home Park Law is attached as Appendix E.

Implementation Date: *Long-term*
Responsible Parties: *Delaware County Planning Department*
 Planning Board
 Town Board

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4.2 Community Facilities and Recreation

Although its base is small, Bovina's population continues to grow at a rather significant rate. Providing its present and future residents with essential public services and facilities is the subject of this Community Facilities and Recreation Plan. Town government bears direct responsibility for a large portion of these needs and, therefore, is the logical entity to implement programs addressing them.

4.2.1 Parks and Recreation.

The Town has a small park in Bovina Center. It offers playground facilities. A Town-owned baseball field is also located nearby. Additional land could be available on the recently acquired Town property near the Town of Stamford or at the site of the existing Town shed, if replaced, but there has been no major demand for more recreation facilities.

The community survey conducted for this plan (see Appendix H) supported this conclusion, with the majority of respondents suggesting that recreation support continue at the present level of funding. Recreational facilities receiving the most support for additional funding were, in order of priority; a) trail systems, b) a senior activities center, and c) other youth-based recreation. Trail development could take place on the new Town property and, if a new Town Hall were to be constructed where the Town highway shed is now located, this would be a good location for indoor senior and youth-based activities. No immediate action is necessary, however.

4.2.2 Town Hall.

The Bovina Community Hall is a small facility that cannot easily accommodate large groups of people or provide space for important services. The structure is also old and not easily renovated to meet current standards. It should be replaced with a larger, more modern facility at the site where the Town highway shed is now located with that facility being relocated to the new Town property. A new Town Hall should serve as the center for Town government and associated activities. Features that can serve to facilitate broader use of this facility are also very appropriate. The scope of the project should be modest so as to remain cost effective. It is recommended the Town Board consider using its Good Neighbor funding under the Watershed Agreement (approximately \$239,000) for this project. This will reduce the direct impact on taxpayers.

Residents responding to the survey (see Appendix H) were equally divided on this issue. Therefore, caution is warranted in moving forward. Replacement of the Town highway shed received much clearer support and should be the higher priority. Getting it out of Bovina Center will represent both an aesthetic and environmental improvement, the existing shed being only

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about 100 feet from the Little Delaware River.

Implementation Priority: *Long-term*
Responsible Parties: *Town Board*

4.2.3 Fire and Ambulance.

Three different fire districts, including Bovina, Andes and Delhi, provide the Town with emergency services. Significant volunteer support is provided from Bovina residents but it is increasingly difficult to obtain daytime volunteers. There do not appear to be serious needs in this regard at the present time that are not already being addressed by volunteers or these supplementary programs. Nevertheless, residents surveyed indicated these types of services are the most appreciated of all community services. Volunteer recruitment incentives such as awards and recognition, high-quality meeting places, the best equipment and support (e.g. child care) need to be developed to maintain this high level of service. Consolidation of fire districts, although not recommended at this time, may become an option for conserving or enhancing resources in the future, should volunteer support dissipate.

Implementation Priority: *Immediate and Continuing*
Responsible Parties: *Fire Districts*
 Town Board

4.2.4 Sewage Facilities.

Given the scattered development within the Town and increased sophistication of design with respect to on-lot sewage disposal systems, continued use of such systems is warranted in most instances. Subsurface disposal is the preferred option in others as a means of reducing impacts on both ground and surface water from excess nutrients. This includes the Bovina Center area.

A septic system management program to address malfunctions in Bovina Center is demanded. Such a program, however, should be locally managed so as to achieve maximum effectiveness with the least economic impact on individual landowners. The Town should continue working with its engineers to explore the various options for serving the approximately 70 equivalent dwelling units concentrated within the hamlet. The goal should be to establish a program based as much as possible on voluntary compliance using positive incentives. Continued New York City financial help with the replacement and upgrading of systems is also needed if such a monitoring program is to be effective.

Density within the hamlet suggests community subsurface treatment is appropriate. Bovina Center residents participating in the community survey conducted as part of planning process

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also identified sewage system maintenance as their most important priority for the hamlet.

Some funding has been obtained through the Army Corps of Engineers but without extensive additional outside funding from the City or other sources it will likely not be feasible to pursue such a project. Bovina Center has not, to date, been ranked sufficiently high on the City's list of priorities. Moreover, City funding provided to date has been inadequate to even complete the first tier of prioritized projects. Therefore, addressing Bovina Center's needs will require a greater commitment from the City to upgrading those sewage treatment systems impacting water quality within hamlets such as Bovina Center. Community subsurface sewage treatment systems are a cost-effective alternative to the very large facilities constructed to serve other communities. They should receive greater attention and a higher funding priority than they have to date.

| | |
|---------------------------------|--------------------------|
| <i>Implementation Priority:</i> | <i>Immediate</i> |
| <i>Responsible Parties:</i> | <i>Town Board</i> |
| | <i>New York City DEP</i> |

4.2.5 Library Service.

The Town is served by an excellent library in Bovina Center. It is, indeed, unusual to have such a facility in a community of Bovina's size. There are no serious unmet needs in this regard.

4.2.6 Solid Waste.

The Town is served by private haulers who take the solid waste to the County landfill facilities in the Town of Walton. The landfill has 18-20 years of capacity remaining and the County is now implementing composting measures that may double the life of the operation. The Town operates a transfer station on its new Town property near the Town of Stamford line. There are no current unmet needs in regard to solid wastes.

4.2.7 Water Supplies.

There is a public water supply system serving Bovina Center, which system requires upgrading. The Town Board has been updating its facilities but additional funding is required to continue the work of replacing water lines, upgrading the filtration plant and improving well water sources. Identifying and securing such assistance is a necessity. A wellhead protection study and set of overlay district protections is warranted.

| | |
|---------------------------------|-----------------------|
| <i>Implementation Priority:</i> | <i>Immediate</i> |
| <i>Responsible Parties:</i> | <i>Water District</i> |
| | <i>Town Board</i> |

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4.2.8 Stormwater Management.

The Town Board has been working with Delaware County, the Catskill Watershed Corporation and the Army Corps of Engineers to develop a stormwater management system to serve Bovina Center using Watershed Environmental Assistance Program (WEAP) funding. The design has been completed and the project funded. Completing construction of this project is an essential corollary to the propose community subsurface sewage treatment system. New NPDES permitting requirements extending regulation to projects disturbing as little as one acre in size will also cause impacts on stormwater management Townwide. The Planning Board will need to be aware of these requirements as it processes development proposals.

Implementation Priority: Immediate
Responsible Parties: Delaware County
Town Board

4.2.9 Lighting.

The Town has a lighting district serving Bovina Center. There are no unmet needs concerning it.

4.3 Transportation

Highways influence the direction of overall growth as well as the location of specific commercial, industrial and residential developments. This plan addresses the needs of this highway system, as well as other modes of transportation to the extent they exist.

4.3.1 Functional Road Classifications.

Every road plays a particular role in moving people and goods within and through the Town. The following table identifies roads by those functions based on future traffic expectations.

| <u>CLASSIFICATION</u> | <u>FUNCTION</u> | <u>ROADS</u> |
|-----------------------|---|--|
| ARTERIAL | Carries medium-to-heavy volumes of traffic at moderately high speeds and provides access to major traffic generators. | NYS Route 28 |
| COLLECTOR | Provides connections between Arterials and Local Roads at | County Road No. 5 County Road No. 6 |

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| | | |
|-------|---|-----------------------------|
| | comparatively slower speeds and carries moderate traffic volumes | Bovina Road New Road |
| LOCAL | Provides direct access to abutting properties and channels Local traffic to Collector Roads. | All other existing roads |

Most of these highways are already functioning adequately in the above capacities. Some efforts are warranted to bring about a more functional system, however. These include the following:

- A. The upgrading of County Road No. 6 from Route 28 to New Kingston is essential to its service in a collector capacity. There is presently a gap in County Road No. 6 through portions of the Towns of Bovina and Middleton that needs major improvements. It consists of Town Road sections that should be turned over to the County for upgrading as part of County Road No. 6. The growth of the Town will demand higher capacity highways. An alternate route to Route 28 such as County Road No. 6 will serve to reduce traffic through Bovina Center in the future while offering more convenience to residents. Such a project is long-term in nature and will require extensive coordination with the County. Planning, nonetheless, must begin now to make it reality in 10 to 15 years. The Town should initiate the process by contacting the County to make its needs known, allowing the latter to conduct some early feasibility evaluations. The Town of Bovina should also support County in its efforts to develop and implement a Highway Management Plan using the DCAP process.

Implementation Priority: Long-term
Responsible Parties: Town Board
Town Highway Superintendent

- B. The Town should enact a Local Road Law incorporating its specific standards for highways being dedicated to the Town, so as to address procedural and enforcement issues and ensure it is not burdened with unnecessary new upgrading or maintenance expenses for sub-quality roads. A sample Road Law may be found as Appendix G.

Implementation Priority: Immediate
Responsible Parties: Town Board
Town Highway Superintendent

- C. The Town of Bovina should support County in its efforts to develop and implement a Highway Management Plan as recommended in the Delaware County Action Plan

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(DCAP). Other DCAP recommendations should be similarly supported by participation of the Town of Bovina in County programs to develop a database of information on impacts, along with capital improvements budgeting and implementation of best management practices to simultaneously improve roads and reduce pollution.

Implementation Priority: *Long-term*
Responsible Parties: *Town Board*
 Town Highway Superintendent

4.3.2 Other Recommendations.

- A. Highway maintenance should, employing a highway capital improvement program, be directed towards reducing traffic hazards, cutting back the long-term cost of highway improvements and increasing highway capacity.

Implementation Priority: *Immediate and Continuing*
Responsible Parties: *Town Board*
 Town Highway Superintendent

- B. Accident-prone areas should be continually documented for justification of improvement projects, working cooperatively with NYS DOT and the Delaware County Department of Public Works.

Implementation Priority: *Immediate and Continuing*
Responsible Parties: *Town Board*
 Town Highway Superintendent

- C. There is, in addition to the service provided by the Office of Aging, public transportation available on Route 28 to points such as Oneonta and Kingston using the Trailways system. There are no serious unmet needs with regard to public transportation.

- D. Railroad freight service is available in nearby Deposit and Oneonta and the reasonable accessibility of the Broome County and Albany International Airports suggests the Town has no further needs in either of these categories. Commuter rail service between New York City and Binghamton is also being discussed. This would come into Delaware County through Hancock and Deposit.

4.4 Agriculture, Tourism and Economic Development

4.4.1 Strengths, Weaknesses, Opportunities and Threats

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Some basic observations regarding economic development in the Town of Bovina are appropriate at the outset. These include the following:

A. Strengths

The Town of Bovina possesses several strengths insofar as future economic development is concerned. These include the following:

- Delaware County possesses a strong agricultural economic sector. There are, as indicated earlier, seven major farms operating in the Town plus a number of smaller agricultural enterprises. These include some niche businesses. The industry is under significant pricing pressure. Nevertheless, there are growth opportunities in agriculture. Many of these are being exploited through an economic development program managed by the Watershed Agricultural Council (WAC). This organization helped spur the development of Catskill Family Farms, a regional farm cooperative marketing specialty agricultural products to New York City restaurants. Also, the area is excellent for growing grasses on which to raise heifers, beef and other foraging animals.
- The Bovina area also produces some of the best hardwoods in the world. There are several nearby processors of forest products and markets that can consume virtually any wood product manufactured locally.
- This area of Delaware County has a uniquely appealing charm that derives from its scenery, history and natural features. The Little Delaware River, the hillsides sloping down to it, Bovina Center and the farmland vistas along NYS Route 28 and throughout the Town all contribute to a marketable rural character. The Bovina Center Historic District also offers a special appeal.
- The proximity of the Town to various urban areas is, though sometimes forgotten due to the rural character of the area, the substantial asset. Most of the population of the United States and Canada lies within a few hours of Bovina constituting a market of extraordinary size and wealth for those who wish to sell to it.
- Because the Town is located within the New York City Watershed it has access to funding made available by the City, including the \$60 million under the purview of the Catskill Watershed Corporation. This is funding designated for economic development and not available to most other towns in New York State.
- Being in the watershed has also allowed the Watershed Agricultural Council to market

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farm products to New York City buyers on the basis that their purchases help protect water quality when the products come from farms that have participated in quality improvement measures.

- Delaware County Agricultural District No. 9 protects large areas of Bovina farmland by enrollment in agricultural assessment programs. More importantly it protects farming operations from complaints regarding normal agricultural practices. The County's Agricultural and Farmland Protection Plan uses the Agricultural District program as a foundation to set forth a number of agricultural economic development opportunities and policies supported by the Town of Bovina.

B. Weaknesses

Weaknesses of the Bovina economy include the following:

- The watershed protection regulations that have been placed on the Town of Bovina and its property owners by New York City are a disadvantage in attracting new business and expanding existing businesses. The problem stems less from the regulations themselves than the administrative delays and frustrations that accompany them. The watershed area is generally perceived, perhaps incorrectly, as a difficult place to do business. This problem can be mitigated with more streamlined procedures and better communications.
- There is insufficient infrastructure to accommodate much new commercial or industrial development in the Town of Bovina.
- Beside Bovina Center, there are no large centers within the Town that can offer support services for other businesses.
- The Town of Bovina lacks a single large tourist attraction (with the exception of the Bovina Center Historical District) that it can promote.
- Depressed farm pricing in the dairy industry, combined with generally small farms, make it quite difficult for area farmers to compete in commodity markets.

C. Opportunities

There are several opportunities available to the Town for economic development. These include:

- The Town offers very appealing working landscapes, beautiful wooded areas, superb hunting, hiking, fishing, the Bovina Center Historical District and several other features

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that can easily be packaged to sell the charm of the area to tourists. The growth in bed and breakfast activity and historical role of farm boarding houses in the Town support this conclusion.

- There are, as suggested above, many opportunities to sell agricultural specialty products. These include not only the vegetables and meats being marketed to New York City restaurants, but also products such as high-quality hay. Additionally, there are opportunities in agricultural tourism and equine activities. Counties adjacent to Delaware are already experiencing large increases in numbers of horses.
- Forest products represent another opportunity. There are not only possibilities for further harvesting of hardwood products, but also the development of new added value operations on a small scale. The Catskill Watershed Corporation has already helped to fund such enterprises in other parts of the watershed. There are clearly opportunities in the Town of Bovina to develop small wood products manufacturing enterprises producing items such as cabinets, crafts and wood specialty items.
- Other small-scale industrial enterprises with relatively minor infrastructure needs and modest employment are also appropriate to the Town of Bovina. Small metal fabrication operations, for example, generate very low demand for community services, are conducted entirely inside, pay well because they are capital intensive and cause little or no impact on the environment. Moreover, because the products are typically shipped to metropolitan markets in small quantities there is no reason they cannot be located almost anywhere provided the owners have a relatively quick access to their customers for occasional visits. This type of enterprise fits very well with all the rural areas surrounding the New York City metropolitan area and can work well for Bovina.

D. Threats

There are also some clear threats to the Town's economic development, including the following:

- The increasing attention to nutrient levels and desire to prevent watershed development that could impact upon those levels may reach the point that virtually all development is strangled unless systems are developed where tradeoffs for lowering of these nutrient levels can be made to accommodate new development. Fortunately, the County has taken a proactive role and developed an "Action Plan for Watershed Protection and Economic Vitality" that addresses these issues. Successes to date have permitted removal of phosphorous restrictions on the Cannonsville Reservoir.

There is great skepticism among residents as to whether fair tradeoffs are possible but

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there is no real alternative. The County has conducted a Phosphorous Study and, through its Action Plan, has committed to management programs that will allow new economic development as existing phosphorous levels are reduced. These measures should give the County more control over its own destiny.

- The beauty of the area tends to produce strong preservationist attitudes among residents and visitors alike. Notwithstanding the good intentions and values involved, this can become a source of conflict within the community and raise obstacles to further economic development, even when such development is fully environmentally compatible. Likewise, the acquisition of conservation easements on large tracts by the City of New York can, if overdone, render otherwise valuable land unsalable or create a real estate market that is purely second-home residential in nature. This will detract from establishing a balanced economy and tax base.
- Recent changes in the way many agricultural products are priced threatens the stability of small farms forming the backbone of the Town's agricultural sector. Many small farmers are not ready to compete in the marketplace in the manner needed to survive.

4.4.2 Recommendations

Given the above analysis, the following recommendations are offered for the economic development of the Town of Bovina:

- A. The Town should work with the Chamber of Commerce (perhaps with O'Connor Foundation funding) to develop a professional tourism promotion brochure for the Town. The Town of Colchester's brochure provides a very effective example. The Bovina Center Historic District provides a centerpiece for such an effort. The "Bovina Center Self-Guided Tour" pamphlet developed in 1995 to celebrate the Town's Sesquicentennial provides an excellent foundation for such a brochure. The information should be consolidated into a more easily printable document that can be distributed for free.

Implementation Priority: *Short-term*
Responsible Parties: *Planning Board*
 Town Board

- B. Promotion of the Town for tourism purposes as well as home-based and other businesses can be also facilitated through the development of a Town website. Use will grow rapidly as new information is added and the Internet becomes a primary method of doing business. It could be used, for example, to provide more information on each Town business, make all Town regulations directly available to the public and advertise tourist

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attractions. It could also be used to communicate information on assistance available to businesses from CWC and others. Grant funding for website development should be sought from sources such as the O'Connor Foundation. A local business association could and should be organized to help maintain the website insofar as the tourism promotion side is concerned.

Implementation Priority: *Short-term*
Responsible Parties: *Town Board*

- C. The Town should work with the County Industrial Development Agency to create an incentive program for the attraction of small industries to communities without infrastructure. Towns such as Bovina are very suitable for agricultural and forestry specialty manufacturers, tool and die and other metal fabrication shops, health services and other small enterprises with few infrastructure demands. These small businesses (typically 10 to 30 employees) are historically high growth in terms of employment. They are also attracted to rural communities on the urban fringe as that's where the owners can find good labor, attractive living conditions and close access to the metropolitan areas. Yet, there are few efforts made to target them for solicitation. A tax-abatement program specific to such enterprises and offered with the upfront cooperation of the Town and assistance from the Catskill Watershed Corporation should be pursued.

Implementation Priority: *Long-term*
Responsible Parties: *Planning Board*
 Town Board
 Catskill Watershed Corporation
 Delaware County IDA
 Delaware County Planning Department

- D. The Town and County should encourage the development of compatible agricultural and forestry businesses such as wood processing by documenting Bovina's (and Delaware County's) competitive advantages and working to promote them with the Watershed Agricultural Council. This can be accomplished largely through educational programs and seminars. The Industrial Development Agency should also be involved. The Town and County can be the catalysts in organizing such endeavors by approaching WAC and suggesting the possibilities of working together in a joint solicitation of new businesses in these categories.

Implementation Priority: *Long-term*
Responsible Parties: *Planning Board*
 Town Board
 Delaware County IDA

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*Delaware County Planning Department
Watershed Agricultural Council*

- E. The Town should continue to encourage the development of home-based businesses by allowing them everywhere in the Town with minimal oversight, relying upon the existing accessory use provisions of its Zoning Law. Home-based businesses demand this type of streamlined procedure.
- F. The Town should enact a Right-to-Farm Law to protect the rights of agricultural industries to grow and expand. Similar protections for forestry enterprises may also be appropriate. A sample Right-to-Farm Law may be found in Appendix B.

Implementation Priority: Short-term
Responsible Parties: Planning Board
Town Board

- G. The Town Board should work with New York City DEP officials to develop a policy for Town review and input on conservation easement purchases within the Town. Zones of non-acquisition can be also established to protect areas from being acquired by the City. The intent, however, should not be to discourage the City from making such purchases (which do, after all, compensate landowners from preserving land and protect open space valuable to residents as well) but, rather, to ensure that the form and bulk of such purchases do not discourage resales or tip the development balance too far in the direction of second-home residential or open space uses.

Implementation Priority: Short-term
Responsible Parties: Planning Board
Town Board

- H. The Town should become an active participant in the implementation of the "Delaware County Action Plan for Watershed Protection and Economic Vitality." This well-reasoned and practical plan sets out a strategy for nutrient reduction as a means of providing for future economic development. Bovina residents are yet to be convinced this is possible (see Appendix H for survey results) but there is little choice if the goal is to improve the quality of life for existing residents. Economic development and jobs are essential.

The Action Plan recommends stormwater management projects, stream corridor management, Town road management for phosphorous reduction and manure management. Composting of manure for application to farm fields or export as a soil conditioner is being studied and pursued within the Town on a pilot basis. These

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projects need to be strongly encouraged and supported by the Town in what the Action Plan describes as a "synergistic combination for both water quality and community development." This means, in practical terms, supporting on-farm manure processing and manure hauling over Town roads, two activities that new residents of the Town from more urban areas may not appreciate without continuous education to explain the environmental and economic development benefits.

Implementation Priority: *Immediate and Continuing*
Responsible Parties: *Planning Board*
 Town Board

- I. The Town should pursue Community Development Block Grant funding to sponsor a housing rehabilitation program, historic preservation and sidewalk improvements in Bovina Center. A sample Sidewalk Law to ensure these improvements are maintained is attached as Appendix F. There was strong support for these activities in the community survey. An inspection of conditions also supports the need for such assistance. It would help to enhance the appeal of the hamlet for tourism purposes while addressing quality of life issues.

Implementation Priority: *Immediate*
Responsible Parties: *Planning Board*
 Town Board

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5.0 Relationships to Adjoining Communities, the County and the Region and Environmental Impacts

This Comprehensive Plan has been funded with assistance provided in conjunction with the New York City Watershed Agreement. The provisions of that Agreement and the regulations applicable to the watershed were examined as this Plan was assembled. The impacts on adjoining communities and the County as a whole were also considered. Finally, the environmental impacts attendant to the recommendations contained herein were reviewed. Findings with respect to environmental impacts are as follows:

5.1 Phosphorous Levels and Other Impacts

Some of the potential environmental impacts associated with the recommendations contained herein may be found in Section 3.4.1(D) of this Plan. Many of the recommended measures will directly address land use and environmental concerns, but the economic development suggestions, if implemented, could cause some additional growth and development and increase the need for sewage treatment services. Likewise, this development may increase impervious surface and stormwater runoff with attendant impacts on phosphorous levels in the Cannonsville Reservoir if not carefully planned and monitored. Phosphorous is a concern in regard to management of all water bodies, and particularly within the New York Water Supply System watershed, because it is a nutrient that contributes to plant growth, increased sedimentation as those plants grow and die and the early death of a water body. The process is known as "eutrophication" and is accompanied by other conditions that threaten the health of water supplies. The phosphorous can come from agricultural activities, sewage systems, stormwater run-off and even decaying leaves. Increased development, therefore, can lead to increased phosphorous loadings.

Agreements with New York City have made the accommodation of new development (particularly with respect to expansion of sewage treatment plants) dependent on reduction of existing loadings on a 3 to 1 basis - that is to say 3 units of phosphorous must be removed from existing flows for every new unit allowed to be introduced. The arrangements for this off-set program have yet to be fully developed but Delaware County has prepared a "Comprehensive Strategy for Phosphorous Reductions" that sets for a framework. It includes initiatives to work with towns such as Bovina in better controlling stormwater, managing stream corridors and dealings with malfunctioning on-lot sewage systems to reduce phosphorous. Each of these matters is already addressed to some extent in this Plan with specific recommendations along those lines - recommendations that are, most importantly, in the Town's own interest to avoid flooding, pollution and unsafe conditions but that will also help to address County and City concerns. Therefore, this Plan should produce a positive environmental impact with respect to phosphorous.

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5.2 Impacts That Cannot Be Mitigated

There are no environmental impacts that cannot be mitigated by good site plan review procedures contained in the existing Zoning Law. Those procedures will be enhanced by referral to the goals and objectives as outlined in this Plan.

5.3 Irreversible Commitments of Environmental Resources

There are no recommendations contained in this Plan for actions that would constitute an irreversible commitment of environmental resources. Indeed, many of the recommendations relate to protection of those resources. Moreover, it is anticipated that all actions would be subject to individual review under SEQRA.

5.4 Alternatives

The various alternatives for development of the Town have been considered in the context of the land use and economic development discussions contained herein. There are no development alternatives available to the Town that are not environmentally sound. The emphasis, on low-impact development, a necessity to comply with the intent and letter of the Watershed Agreement and the watershed protection regulations. The Town could, of course, attempt to resist new commercial, industrial and residential development, but that course of action will do nothing to improve the environment, whereas carefully planned development subject to site plan review can actually incorporate environmental improvements to deal with stormwater and actually reduce phosphorous impacts, as an example.

5.5 Conclusion

This Plan, if implemented, will cause no significant adverse effects on the environment that could be classified as important. Rather, the Plan will significantly improve the environment by upgrading infrastructure and providing specific goals and objectives relating to environmental protection that can be employed in site plan review. It also provides for low-impact forms of development that are consistent with protection of the environment.

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6.0 Appendices

- A - Sample Cell Tower Law
- B - Sample Right-to-Farm Law
- C - Sample Junkyard Law
- D - Sample Conservation Subdivision Provisions
- E - Sample Manufactured Home Law
- F - Sample Sidewalk Law
- G - Sample Road Law
- H - Community Survey Results

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APPENDIX A - SAMPLE CELL TOWER LAW

Be it enacted that the Town of Bovina Zoning Law be amended to add a new § 4.15 as provided below:

§ 4.16 Telecommunication Facilities

A. Purpose

The purpose of these supplemental regulations is to promote the health, safety and general welfare of the residents of the Town of Bovina; to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations, to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from telecommunications towers by requiring careful siting, consideration of visual impact assessment and appropriate landscaping so as to minimize the impact upon the environment.

B. Application

- (1) No telecommunications facility, except those approved prior to the effective date of this section, shall be used unless in conformity with these regulations. No telecommunications facility shall hereafter be erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as a telecommunications facility unless in conformity with these regulations. These regulations shall not, however, apply to emergency services communications systems or to ham-radio and television facilities of less than 100 feet in height.
- (2) Applicants proposing a new telecommunications facilities, physical expansions of existing telecommunications facilities or the location of telecommunications facilities within or on other existing structures shall require a Special Use permits and Site Plan Review hereunder.
- (3) Applicants proposing to co-locate new telecommunications arrays on a previously approved telecommunications facilities without extending the height thereof or otherwise physically expanding the facilities except for additional equipment buildings within previously designated fenced-in areas shall not require a Special Use Permit or Site Plan Review but shall require Accessory Use permits.
- (4) All applications for Special Use permits to construct telecommunications facilities shall be accompanied by the following additional information where applicable:
 - (a) Documentation of intent from the owner of any existing facility to allow shared use of the same.
 - (b) A site plan depicting all existing and proposed structures and improvements including antennas, roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. Any methods used to conceal the modifications of the existing facility shall also be indicated on the site plan.
 - (c) A Professional Engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of any existing structure, and explaining what modifications, if any, will be required in order to so certify. A soils report prepared by such Professional Engineer shall also be submitted to support the design specifications of the foundation for any new tower, and anchors for the guy wires, if used.
 - (d) A completed Visual Environmental Assessment Form addendum. This addendum shall be accompanied by a visual impact assessment which shall include:
 - [1] A Zone of Visibility Map, which shall be provided in order to determine locations where the tower may be seen.
 - [2] Visual representations of "before and after" views from key viewpoints both inside and outside of the town, including but not limited to state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the

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APPENDIX A - SAMPLE CELL TOWER LAW

public, and from any other location where the site is visible to a large number of visitors or travelers. The Board shall determine the appropriate key sites at a pre-submission conference with the applicant.

- [3] Assessment of alternative tower designs and color schemes (see below).
 - [4] Assessment of the visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.
 - [5] Review of those alternative sites determined to be feasible from an engineering perspective (see requirements below) to determine which would be in the best interest of preserving the aesthetic and natural character of the neighborhood.
- (e) A certified copy of the Federal Communications Commission (FCC) license to operate the telecommunications facility.
- (f) If land is leased, documentation of intent from the owner to allow use and affirming intent to remove the tower if abandoned, obsolete or unused for more than twenty-four (24) months.
- (g) A letter of intent committing the owner of any proposed new tower and successors in interest to negotiate in good faith for shared use of the proposed tower by other telecommunications providers in the future. Failure to abide by the conditions outlined in the letter may be grounds for revocation of any Special Use Permit granted. The letter shall commit the new tower owner and his/her successors in interest to:
- [1] Respond 90 days to a request for information from a potential shared-use applicant.
 - [2] Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers.
 - [3] Allow share use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charge may include but is not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity and depreciation, and all the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- (h) Documentation that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as Federal Aviation Regulations (Code of Federal Regulations - Part 77).
- (i) All property owners and adjacent municipalities within five-hundred (500) feet of the outside perimeter of the communications structure, including guy wires, shall be notified by certified mail at least ten (10) days prior to the Planning Board granting Special Use approval for such a structure. This responsibility shall be the applicant's and such applicant shall provide proof of notification as part of their final application.
- (j) A site location alternative analysis, including an analysis of the location priorities set forth in Section I of this Ordinance, describing the locations of other sites considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs and the reason why the subject site was chosen. The analysis shall address the following issues:
- [1] How the proposed location of the wireless telecommunication tower or antennae relates to the objective of providing full wireless communication services within the Town of Bovina.
 - [2] How the proposed location of the wireless telecommunications tower/facility relates to

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the location of any existing antennas or towers within or near the Bovina area.

- [3] How the proposed location of the wireless telecommunications tower/facility relates to the anticipated need for additional antennae or towers within and near the Town of Bovina by the applicant, and by other providers of wireless telecommunications services within the area.
- [4] How the proposed location of the wireless telecommunications tower/facility relates to the Town's goal of maintaining concealed or reduced tower height with groups of towers within close proximity to one another rather than isolated, taller towers with many users at greater tower heights at random locations throughout the Town of Bovina.

C. Special Definitions.

ANTENNA - A device of thirty-five (35) or more feet in height used to collect or transmit telecommunications or radio signals. Examples are: panels, microwave dishes, and single pole known as whips. This definition is not meant to include home television or amateur radio apparatus.

ARRAY - Telecommunications signal receiving or transmitting device attached to telecommunications tower and not extending the height thereof.

TELECOMMUNICATIONS FACILITY - Consists of the equipment and structures involved in receiving or transmitting telecommunication or radio signals, but limited to those facilities with respect to which the State and Federal governments have not, under public utility laws, strictly pre-empted the Town of Liberty from regulating.

TELECOMMUNICATIONS EQUIPMENT BUILDING - The building in which the electronic receiving and relay equipment for a telecommunications facility is housed.

TOWER - A structure of thirty-five (35) or more feet in height that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures includes monopoles and lattice construction steel structures.

D. Design and location standards. The following design and location standards shall apply to all telecommunications facilities:

- (1) The location of the tower and equipment building shall comply with all natural resource protection standards of this Law.
- (2) An evergreen screen consisting of a row of eight (8) feet high evergreen trees planted ten (10) feet on center maximum, shall be located around the perimeter of the security fence. The Planning Board may, however, modify or waive screening requirements if the site is entirely or partially wooded so as to provide existing screening. Existing on-site vegetation shall be preserved to the maximum extent possible.
- (3) An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
- (4) The tower and antenna shall be designed and constructed to all applicable standards of the American National Standards Institute, TAI/EIA-222-F manual, as amended, and withstand wind gusts of up to 100 miles per hour.
- (5) An antenna may not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
- (6) Telecommunications facilities shall be permitted as a sole use on any lot in a GR District subject to Special Use procedures and the following:

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- (a) Minimum lot size. Five (5) acres
- (b) Minimum yard setback requirements. Two-hundred (200) feet
- (c) Maximum height. Tower - Two-hundred (200) feet
Equipment building - Thirty (30) feet

Provided no residences directly adjoin the site, and the applicant can demonstrate that lesser standards will, because of buffers and screening, not have a major aesthetic impact on the area or unduly interfere with the use and enjoyment of such adjacent properties, setback requirements may specifically be reduced to the fall-down limit plus fifteen (15) feet. This provision shall also apply where the net effect of requiring the full setback would be to necessitate additional lighting or tower height.

- (7) A telecommunications facility shall be permitted on a property with an existing use subject to the following conditions:
 - (a) The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 - (b) Minimum lot area. The minimum lot area required above shall apply to the area proposed for use as a telecommunications facility and the land remaining for accommodation of the principal use on the lot shall comply with the standard minimum lot area for the district.
 - (c) Minimum setbacks. The minimum yards required above shall apply to the area proposed for use as a telecommunications facility and the land remaining for accommodation of the principal use on the lot shall comply with the standard minimum yard provisions of the district.
 - (d) Access. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - (e) Maximum height: Tower - Two-hundred (200) feet
Equipment building - Thirty (30) feet
- (8) Where an antenna for a telecommunications facility is to be attached to an existing structure or building it shall be subject to the following conditions:
 - (a) Maximum height. Seventy-five (75) feet above the existing building or structure.
 - (b) If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the minimum setback requirements for the subject zoning district, an eight (8) foot high security fence shall surround the building, a buffer yard shall be planted as required above and vehicular access to the building shall not interfere with the parking or vehicular circulations on the site for the principal use.
 - (c) Elevations of existing and proposed structures showing width, depth, and height, use statistical data on the antenna and support structure shall be presented.
 - (d) The antenna or array shall be camouflaged or otherwise designed to be aesthetically compatible with the existing architectural and natural environment.
- (9) Notwithstanding minimum setbacks provided for above, any tower shall be setback from all property lines a distance that is at least equal to the height of the tower.
- (10) Vehicular access shall be provided to the facility and be of such passable condition as to be safely accessible by emergency and maintenance vehicles and equipment. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the edge of cuts or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Parking shall be

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provided to assure adequate emergency and service access in accordance with the Code.

- (11) No signs shall be permitted on either the tower or equipment building, except for those signs required by law or containing such information as owner contact information, warnings. These signs shall not exceed 2 square feet in total area. Absolutely no commercial advertising shall be permitted on any wireless telecommunications tower or equipment building.
- E. Plan Review Criteria. Communications facilities shall be subject to all the ordinary review criteria applicable to Special Uses plus the following:
- (1) The Planning Board shall be satisfied that the tower for the communications facility is the minimum height necessary for the service area and that the site chosen is the one that will afford the opportunity to construct the lowest height communications tower possible, taking into consideration all lands available within a reasonable distance including those which may lie within adjoining municipalities.
 - (2) The need for additional buffer yard treatment shall be evaluated. Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements. Existing trees on the site which serve to provide a natural buffer shall be preserved unless absolutely required to be removed for purposes of access or safety.
 - (3) Visual assessment data shall be used to determine how the communications facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents as well as travelers. Camouflaging or relocation of the structure may be required. The Planning Board shall also consider alternative sites in assessing visual impacts and the imposing of conditions as may be required to minimize such impacts including requirements that any tower be of a shape, contour and finish (either painted or unpainted) that minimizes its visual impact. The Planning Board may also require a tower to be in the shape of a tree, flagpole, church steeple or other similar tall structures. Accessory structures shall similarly maximize the use of building materials, colors and textures designed to blend with natural surroundings.
 - (4) Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.
 - (5) All communications structures shall be lighted for safety in a manner consistent with industry best practices and where lighted additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.
 - (6) Should any tower cease to be used as a communications facility, the owner or operator or then owner of the land on which the tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Town of Bovina to remove the facility and charge back the cost of removal to the foregoing parties. The Town of Bovina may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
 - (7) Shared use of existing structures (for example, municipal water towers, multistory buildings, church steeples and farm silos) and existing or approved towers shall be given preference over construction of new towers. Where shared use of all existing tall structures and existing or approved towers is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Subsection (11) above. Any proposals for a new telecommunications tower on an existing site shall also be subject to Special Use permit procedures.
 - (8) An applicant for approval of a communications structure shall include with the application evidence of written contact with all wireless service providers who supply service within the Town for the purpose of assessing the feasibility of co-located facilities and co-location shall be mandatory wherever physically feasible. Should co-location not be feasible, the applicant shall demonstrate that a good faith effort has been made to mount the antenna on an existing building or structure, including of proof of contacts, building investigations and similar evidence. Should such efforts fail to result in a suitable site, a new communications tower may be permitted, but shall be constructed to provide

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available capacity for other providers should there be a future additional need for such facilities, including provision of the necessary tower height to accommodate such other users without adding additional height in the future. Where co-location is proposed, the different companies using the facility shall also work from common maintenance and service buildings, if the same are located on the site.

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APPENDIX B - SAMPLE RIGHT-TO-FARM LAW

BE IT ENACTED by the Town Board of the Town of Bovina, Delaware County, New York, as follows:

§ 10-1. Legislative Intent and Purpose.

The Town Board recognizes farming is an essential enterprise and an important industry which enhances the economic base, natural environment and quality of life in the Town of Bovina. The Town Board further declares that it shall be the policy of this Town to encourage agriculture and foster understanding by all residents of the necessary day to day operations involved in farming so as to encourage cooperation with those practices.

It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agri-businesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in the Town of Bovina, it is necessary to limit the circumstances under which farming may be deemed to be nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

§ 10-2. Definitions.

- A. "Farmland" shall mean land used in agricultural production, as defined in subdivision four of section 301 of Article 25AA of the State Agriculture and Markets Law.
- B. "Farmer" shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.
- C. "Agricultural products" shall mean those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:
 - (1) Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
 - (2) Fruits, including apples, peaches, grapes, cherries and berries.
 - (3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
 - (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
 - (5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk and milk products, eggs, furs, and poultry products.
 - (6) Maple sap and sugar products.
 - (7) Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
 - (8) Aquaculture products, including fish, fish products, water plants and shellfish.
 - (9) Short rotation woody crops raised for bioenergy.
 - (10) Production and sale of woodland products, including but not limited to logs, lumber, posts and firewood.
- D. "Agricultural practices" shall mean those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop production methods, and construction and use of farm structures.

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APPENDIX B - SAMPLE RIGHT-TO-FARM LAW

E. "Farm operation" shall be defined in section 301 (11) in the State Agriculture and Markets Law.

§ 10-3. Right-to-Farm Declaration.

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge, research and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

- A. Reasonable and necessary to the particular farm or farm operation,
- B. Conducted in a manner which is not negligent or reckless,
- C. Conducted in conformity with generally accepted and sound agricultural practices,
- D. Conducted in conformity with all local state, and federal laws and regulations,
- E. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
- F. Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this local law shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice, as outlined in this section.

§ 10-4. Notification of Real Estate Buyers.

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchase of property within an agricultural district or on property with boundaries within 500 feet of a farm operation located in an agricultural district.

A copy of this notice shall included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

§ 10-5. Resolution of Disputes.

- A. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for a determination by the Commission or Agriculture and Markets about whether the practice in question is sound pursuant to Section 308 of Article 25AA of the State Agriculture and Markets Law.
- B. Any controversy between the parties shall be submitted to the committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware

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of the occurrence.

- C. The committee shall be composed of three (3) members from the Town selected by the Town Board, as the need arises, including one representative from the farm community, one person from Town government and one person mutually agreed upon by both parties involved in the dispute.
- D. The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
- E. The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Therefore after, the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting at a mutually agreed place and time to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each consider to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in the dispute.
- F. Any reasonable costs associated with the function of the committee process shall be borne by the participants.

§ 10-6. Separability.

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not effect the remainder of this Local Law. The Town hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

§ 10-7. Precedence.

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

§ 10-8. Effective Date.

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

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APPENDIX C - SAMPLE JUNKYARD LAW

A local law regulating the operation of junkyards in the Town of Bovina.

Be it enacted by the Town Board of the Town of Bovina, Delaware County, New York as follows:

§ 20-1. Purpose.

This Law is enacted for the purpose of establishing minimum health and safety standards for junkyards in the Town of Bovina. The regulations contained are enacted pursuant to the authority granted towns by § 136 of the General Municipal Law and § 136(1) of the Town Law.

§ 20-2. Jurisdiction and Scope.

This Law shall apply to all junkyards hereafter proposed in the Town of Bovina and expansions of existing junkyards. The following land uses shall be exempt from these requirements provided they do not include a junkyard operation:

- A. Storage areas for officially recognized and operable antique or classic automobiles or other operable special purpose vehicles.
- B. Agricultural equipment which is utilized as part of an active farming operation or contractors' construction equipment which is part of an active contracting business.
- C. Automobile repair businesses or automobile, vehicle and equipment sales operations managed by State licensed dealers.

§ 20-3. Definitions.

The term "junkyard" shall be interpreted and are hereby defined as follows:

- A. An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used materials, including but not limited to wastepaper, rags, metal, glass, building materials, house furnishings, machines, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other disposition of the same.
- B. Any place where two (2) or more old, secondhand, abandoned, partially disassembled, dilapidated or unlicensed vehicles or parts of vehicles, no longer intended or in condition for legal operation on the public highways, are stored outside for any purpose for a period of six (6) months or more. The Town of Bovina Code Enforcement Officer(s) shall determine when a vehicle or part thereof shall meet these conditions and it shall be the burden of the landowner in such instance to demonstrate conclusively, within a period of seven (7) days after notice, that a vehicle is legally operable.

§ 20-4. License Required.

- A. No owner or occupant of any land within the Town of Bovina shall use or allow the use of such land for a junkyard unless a license has been obtained and maintained as herein provided, which license shall be applied for concurrently with application for site plan review pursuant to the Town of Bovina Site Plan Review Law.
- B. The Code Enforcement Officer of the Town of Bovina shall issue a license within ten (10) days after approval of the application by the Town Planning Board pursuant to this Law and the site plan review criteria contained in the Town of Bovina Site Plan Review Law. Said license shall be effective from the date of issuance until renewal as provided herein, surrender by the licensee or revocation by the Code Enforcement Officer for failure to comply with this Law.
- C. No license shall be issued until the Code Enforcement Officer has received;
 - (1) A written application from the applicant on the form provided by the Town Code Enforcement Officer.

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- (2) The required fees.
- D. The license may be transferred to a new owner of a junkyard provided all of the requirements of this Law are met and the Town is so notified.
- E. Any disapprovals shall be in writing and include the reasons therefore.
- F. The Code Enforcement Officer shall enforce all of the provisions of this Law and shall have the right, at all reasonable times, to enter and inspect any junkyard. The Town Board shall specify the frequency of such inspections.
- G. If the Code Enforcement Officer finds that a junkyard for which a license has been issued, is not being operated in accordance with this Law, he may serve, personally or by certified mail to the holder of the license, a written order requiring the licensee to make the corrections specified in such order within ten (10) days.
- H. If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within ten (10) days after the service of such order, the Code Enforcement Officer may suspend or revoke such license and the holder of the license shall thereupon terminate the operation of such junkyard.
- I. Any license not used for the purpose intended within two (2) years of the date of issuance shall automatically expire.
- J. Junkyard owners shall be required to renew licenses every two years. Information required for renewal, however, shall be limited to ownership data, the number of vehicles stored on site, copies of State and other permits required and evidence regarding compliance with previously established conditions of site plan approval and/or license issuance. An inspection of the junkyard premises by the Town Code Enforcement Officer and/or other Town officials shall be made to ascertain compliance with these regulations and the license requirements as a condition of renewal.

§ 20-5. Standards Applicable to New Junkyards.

All new junkyards shall conform to the following standards:

- A. Junkyards shall be located no closer than five-hundred (500) feet to an existing public right-of-way or five-hundred (500) feet to any adjoining property.
- B. All new junkyards must erect and maintain a eight (8) foot fence or dense natural screening along the boundaries of the property adequate to discourage the entrance of children or others into the area and to contain, within such fence, all materials in which the owner or operator deals. Such fence or screening shall also substantially screen the junkyard from public view and otherwise comply with the requirements of § 136 of the General Municipal Law.
- C. No junkyard shall be used as a dumping area for refuse or for the burning of trash.
- D. All dismantling operations shall take place inside an enclosed structure and any parts of vehicles or equipment shall similarly be stored inside an enclosed structure. All vehicles awaiting dismantling or retained for sale or use intact shall be stored in improved parking areas specifically designated for this purpose.
- E. The Planning Board, in acting upon the Site Plan Review application for any new junkyard, shall consider aesthetics and the impact on surrounding property consistent with the demands of § 136-7 and § 136-8 of the General Municipal Law.

§ 20-6. Standards Applicable to Existing Junkyards.

Existing junkyards shall be exempt from all requirements of this Law except as to expansions beyond the 5 vehicles

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APPENDIX C - SAMPLE JUNKYARD LAW

provided for herein. A junkyard shall be considered expanded if there is any increase in the number of old, secondhand, abandoned, partially disassembled, dilapidated or unlicensed vehicles or parts of vehicles, no longer intended or in condition for legal operation on the public highways, that are stored outside for any purpose for a period of six (6) months or more, or there is any enlargement of the land area used for the junkyard operation.

§ 20-7. Site Plans, Notifications and Fees.

- A. Any person or persons proposing to establish or expand a junkyard in the Town of Bovina shall prepare site plans of the same to be submitted to the Planning Board under Site Plan Review procedures. Plans shall be prepared by a professional engineer at a scale of one (1) inch equals one-hundred (100) feet or larger. They shall be in sufficient detail to document compliance in every respect with the standards of this Law.
- B. Existing junkyards shall be identified and notified of any non-conformities with this chapter within sixty (60) days of the effective date of this chapter. The Town of Bovina Code Enforcement Officer shall be responsible for this procedure and shall, additionally, inform all owners of existing non-conforming junkyards of the action which must be taken to comply with this chapter, the time available to take those actions and the consequences of violations.
- C. The Town Board shall establish and may, from time to time, revise a fee schedule for junkyard plan submissions, inspections, licenses and renewals.

§ 20-8. Variation of Standards.

Variations to the standards contained herein may be approved by the Town Board upon recommendation of the Town Planning Board or Code Enforcement Officer to accommodate unusual site conditions.

§ 20-9. Penalties for Offenses.

- A. Any person, partnership, association or corporation who violates any provision of this chapter shall be guilty of an offense against this Law and subject to a fine of not more than five-hundred (\$500) dollars. Each day of continued violation after notice thereof shall constitute a separate and distinct violation.
- B. In addition to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any portion of this Law.

§ 20-10. Severability.

Should any section of provisions of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 20-11. Effective Date.

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

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APPENDIX D - SAMPLE CONSERVATION SUBDIVISION PROVISIONS

Conservation Subdivisions

1. The Town of Bovina Planning Board shall be authorized, pursuant to and in supersession of § 278 of the Town Law, to modify applicable provisions of the Town of Bovina Subdivision Regulations so as to accommodate conservation subdivision projects. Also known as "cluster development", conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities and preserve open space. They shall be allowed anywhere within the Town of Bovina and be processed pursuant to subdivision plat approval procedures.

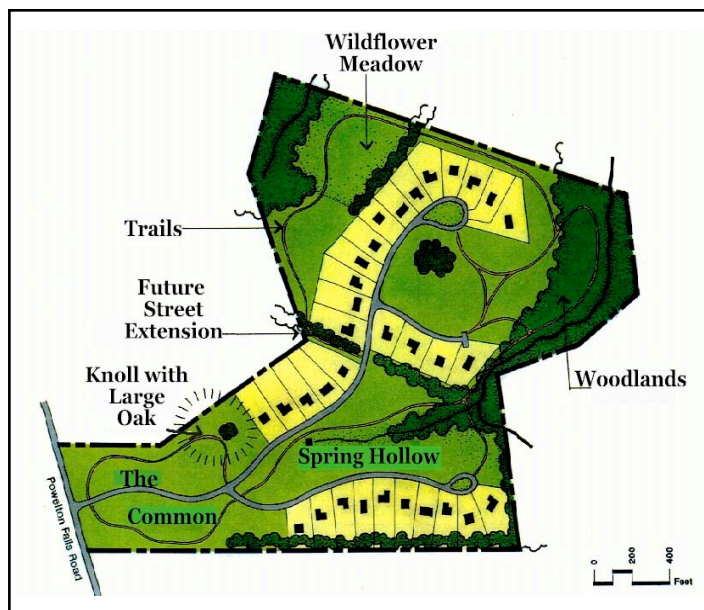


Illustration Courtesy of Natural Lands Trust

2. The Planning Board may suggest or require conservation subdivisions, as a form of development, in those instances where conventional subdivisions or residential developments would cause significant loss of open space or otherwise result in significant negative environmental impacts.
3. Conservation subdivisions provide for single-family dwelling units wherein dwelling units are grouped in sections in order to maximize the amount of common open space and to preserve the natural settings. Proposed developments shall be processed in the same manner as major subdivisions and in accord with the standards below.
4. Conservation subdivisions shall include at least five (5) lots and 10 acres of land and the Planning Board shall have the authority to require an alternative Sketch Plat, for any subdivision of ten (10) lots or more, depicting how the property might be developed using this technique. If this alternative Sketch Plat is determined to provide a superior design in accord with the purposes of this Law and the same density can be achieved, the Planning Board may then require use of this technique.
5. The maximum permitted number of dwelling units shall be determined by deducting from the total tract area:
 - (1) All areas within the rights-of-way of any existing or proposed streets; and
 - (2) All areas occupied by public utility easements.
 - (3) All wetlands, floodplains, slopes of 15% or more, water bodies and other undevelopable areas.

The net figure shall then be divided by the minimum lot size applicable and rounded to the nearest whole number of dwelling units permitted.

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APPENDIX D - SAMPLE CONSERVATION SUBDIVISION PROVISIONS

6. Only single-family detached and two family dwellings shall be employed in this concept. All other dwelling types shall be considered multi-family dwellings.
7. Development standards for lot size, lot width and lot depth may be reduced, provided no dwelling structure (single-family or two-family) is located on less than 43,560 square feet of land where on-site sewer and water facilities are to be provided or 21,780 square feet of land where off-site sewer and water facilities are to be provided; and further provided the total density (in individual dwelling units) for the tract shall not exceed that which would result from a conventional subdivision plan designed in accord with this Law, as determined from the basic Sketch Plan submission. Yard requirements may also be reduced, but in no instance to less than thirty (30) feet for the front yard and twenty (20) feet for the side and rear yards.
8. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection. No less than 40% of the total land area of the conservation subdivision shall be dedicated to permanent open space and at least 50% of the such open space shall be usable for active recreational activities and not include water bodies, wetlands, floodplains, slopes over 15% in grade or other undevelopable areas.
9. The open space resulting from conservation subdivision design shall be permanently protected through a conservation easement and generally titled to a property owner's association (POA) prior to the sale of any lots or dwelling units by the subdivision. Membership shall be mandatory for each property owner within the subdivision and successive owners with voting of one vote per lot or unit and the subdivider's control, therefore, passing to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs.

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APPENDIX E - SAMPLE MANUFACTURED HOME LAW

BE IT ENACTED by the Town Board of the Town of Bovina, Delaware County, New York, as follows:

§ 30-1. Purpose.

The purpose of this Law is to promote the general welfare of the Town of Bovina, including the retention of its rural character, preservation of the qualities of its natural environment and the protection of its inhabitants by establishing specific requirements and regulations governing the occupancy and maintenance of mobile (manufactured) home parks.

§ 30-2. Definitions.

For the purpose of this Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

- A. **Mobile Home (a/k/a "Manufactured Home").** A factory-built single-family dwelling constructed on a chassis to facilitate its transportation to the site. Such structures shall be self-contained single units (excludes modular homes), and shall meet the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and applicable standards of the New York State Uniform Fire Prevention and Building Code. A mobile home shall not be construed to be a travel trailer or a recreational vehicle. Double-wide units shall be considered mobile homes, not modular homes.
- B. **Manufactured Home Lot.** A designated site of specific total land area which is located within a manufactured home park for the accommodation of one mobile home and its occupants.
- C. **Manufactured Home Park.** A parcel or contiguous parcels or land which has been designated and improved for the purpose of placing five (5) or more manufactured homes for occupancy as single-family dwellings.
- D. **Manufactured Home Stand.** A durable surface located on a manufactured home lot which is capable of supporting and which is used for placement of a manufactured home.
- E. **Modular Home.** A factory-built dwelling which is not constructed on a chassis so as to allow repeated towing.

§ 30-3. Licenses Required for Manufactured Home Parks.

- A. No person, partnership, association or corporation, being the owner or occupant of any land within the Town of Bovina, shall use or allow the use of such land for a manufactured home park unless a license has been obtained as herein provided.
- B. Issuance of license.
 - (1) The Town Code Enforcement Officer of the Town of Bovina shall issue a license after approval of the application by the Town Planning Board. The Board shall apply site plan review and special use criteria contained in the Town of Bovina Site Plan Review Law as a factor in making a decision on the project but only after the Town Board shall have first created a district for such housing as provided for in that Law. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement Officer and shall be renewed annually based on an inspection by the Code Enforcement Officer as to continued compliance with the standards of this Law.
 - (2) No license shall be issued until the Code Enforcement Officer has received;
 - (a) A written application from the applicant on the form provided by the Town Code Enforcement Officer.
 - (b) The required fee as herein provided. Such fees shall be set by resolution of the Town Board.

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- (c) Evidence there is a or will be a New York State Approved sewage disposal system designed by a Licensed Professional Engineer.
 - (3) The license shall be transferred to a new owner of a manufactured home park provided all of the requirements of this Chapter are met and provided the Town is so notified.
- C. Supplemental license.
- (1) Any person holding a license for a manufactured home park who desires to add additional lots to such park shall file an application for a supplemental license.
 - (2) The application for such supplemental license must be accompanied by four sets of plans and specifications and shall be filed and processed as provided herein for new manufactured home parks.
 - (3) When approved, the Town Code Enforcement Officer shall issue a supplemental license which will be effective from the date of issuance and continue until surrender by the licensee or revocation by the Code Enforcement Officer.
- D. The applicant shall pay the Town such a fee(s) as are established by resolution of the Town Board. Fees may be assessed for both the initial license and to cover subsequent inspections on a periodic basis.

§ 30-4. Application Procedure.

- A. Each application for a manufactured home park license shall be in writing and signed by the applicant.
- B. Four (4) copies of the application and plans and related information shall be filed with the Code Enforcement Officer on a form supplied by the Code Enforcement Officer. No application shall be deemed filed until all required information shall have been filed with the Town of Bovina Planning Board. The Planning Board shall advise the applicant of any such deficiencies within thirty (30) days of its receipt thereof.
- C. The Code Enforcement Officer promptly shall transmit copies of the application and plans to the Town Planning Board who shall process the application pursuant to the Town of Bovina Site Plan Review Law.
- D. The Code Enforcement Officer, within ten (10) days of the filing of the Planning Board decision shall issue the license provided approval has been granted and all other requirements of this Law are met.
- E. Any disapprovals shall be in writing and include the reasons therefore. The Code Enforcement Officer shall not issue a license, in any instance, where the Board has not approved the Site Plan. If the application is disapproved, the applicant shall have the right to appeal pursuant to Article 78 of the Civil Practice Law and Rules.

§ 30-5. Application Data.

- A. Each application shall be accompanied by four (4) complete sets of plans which have been prepared by a licensed land surveyor or engineer.
- B. Each application shall contain the following information:
 - (1) The name and address of the applicant; or the name and address of each partner if the applicant is a partnership; or the name and address of each officer and director if the applicant is an association or corporation including principal shareholders (more than 5% ownership).
 - (2) The description of the land that is proposed to be used as a manufactured home park, together with a map showing its location in the Town.

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APPENDIX E - SAMPLE MANUFACTURED HOME LAW

- (3) The number of lots to be provided in such manufactured home park.
 - (4) The names and addresses of the owners of the property on which the manufactured home park is to be located and a written statement signed by the owners consenting that the premises be used for a manufactured home park.
- C. Four (4) copies of a location map shall be presented with the application which shows all land within 300 feet of the park, the location of all streets and roads adjacent to and within the park and the location of all water and sewer lines and utilities adjacent to and within the park.
- D. Proposed development. The application shall be accompanied by four copies of a development plan showing the following:
 - (1) The location and widths of all entrances, exits and streets.
 - (2) The location, size and arrangement of each lot within the park.
 - (3) The method and plan for electric lighting.
 - (4) The location and plan of all proposed structures and improvements.
 - (5) Plans for landscaping.
 - (6) Storm water drainage.
 - (7) Utilities.
 - (8) Off-street parking facilities.
 - (9) Fencing and screening.
 - (10) Signs and other structures.
 - (11) Names of owners of adjoining properties.
 - (12) Recreational facilities.
 - (13) Location and type of trash receptacles.
 - (14) All other applicable information required by the Town Site Plan Review Law.

§ 30-6. Requirements for Manufactured Home Parks.

- A. Site
 - (1) The park shall be located on a well-drained site which is properly graded to ensure rapid drainage and free at all times from stagnant pools of water.
 - (2) The park shall be at least ten (10) acres in size and have at least three-hundred (300) feet frontage on a public road. Additional park land must be contiguous to the existing park and shall not be bisected by a public road except to the extent a new such road may be approved as part of the plan.
- B. Manufactured Home Lots
 - (1) Each manufactured home park shall be marked off into manufactured home lots.
 - (2) Reserved.

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- (3) Each manufactured home lot shall have a total area of not less than 8,000 square feet.
- (4) No more than (1) manufactured home shall be placed on any manufactured home lot.
- (5) The lot numbers shall be legibly noted for each lot on the plans submitted

C. Manufactured Home Placement

- (1) All manufactured homes shall be parked or otherwise be located:
 - (a) At least fifty (50) feet from an adjacent manufactured home.
 - (b) At least seventy-five (75) feet from an adjacent property line.
 - (c) At least seventy-five (75) feet from right of way line of public street or highway.
 - (d) At least twenty-five (25) feet from the nearest edge of any roadway located within the park.

D. Manufactured Home Stand. Each manufactured home lot shall have a manufactured home stand which will provide for the practical placement on a permanent foundation or the lot of both the manufactured home and its appurtenant structures and provide for the retention of the home on the lot in a stable condition.

E. Accessibility and Lighting

- (1) Each manufactured home park shall be accessible from an existing public highway or street.
- (2) Where a manufactured home park has more than sixteen (16) manufactured homes, two (2) points of entry and exit shall be provided.
 - (a) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.
 - (b) No individual manufactured home shall have direct access to a State, County or Town road without first entering a street or driveway in the manufactured home park leading to an exit. This requirement may be waived by the Planning Board for good cause in the case of individual park lots.
 - (c) All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway or street.
 - (d) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with manufactured homes attached and shall be at least fifty (50) feet in width.
- (3) Each manufactured home park shall have roads to provide for the convenient access to all manufactured home lots and other facilities within the park.
 - (a) The road system shall be so designed to permit the safe and convenient vehicular circulation within the park. All streets shall be provided with safe, dustless all-weather surfaces.
 - (b) All roads shall have the following minimum pavement widths:
 - [1] One way traffic movement - 12 feet
 - [2] Two way traffic movement - 20 feet

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- (c) The roads shall be constructed in accord with the requirements set forth in the Town Subdivision Law and Town highway specifications.
 - (d) Except in cases of emergency, no parking shall be allowed on such street unless such street is at least 28 feet wide, in which case parallel parking shall be allowed on one side of the street only.
 - (4) All means of egress, drives and public places shall be adequately lighted.
 - (5) One non-flashing, illuminated sign shall be permitted on the park. Such sign shall not be greater than thirty-two (32) square feet in area and shall not extend more than eight (8) feet above ground level. Such sign shall be located at least 20 feet from any property line or street right-of-way line and meet all other applicable sign requirements of the Town of Bovina Site Plan Review Law.
- F. Parking
- (1) Two (2) off-street parking spaces shall be provided on each manufactured home lot. Each space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet
 - (2) One off-street parking space or common area, readily accessible to the occupants of the manufactured homes it is intended to serve, shall be provided for each five (5) manufactured home sites to accommodate guests and delivery and service vehicles.
- G. Utilities and Service Facilities
- The following utilities and services shall be provided in each manufactured home park in accordance with the regulations and requirements of the New York State Department of Health:
- (1) An adequate supply of pure water meeting New York State Department of Health standards for drinking and domestic purposes shall be supplied by pipes to manufactured home lots and buildings within the park. Documentation of compliance with the Department of Health's requirements in Part 17 of the Sanitary Code shall be provided.
 - (2) Each manufactured home lot shall be provided with a sewer, which shall be connected to the manufactured home situated on the lot, to receive the waste from the shower, tub, flush toilet lavatory and kitchen sink in such home. The sewer shall be connected to a public or private off-site sewer system meeting New York State Department of Health standards so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
 - (3) Garbage containers with tight fitting covers shall be provided in quantities adequate to permit the disposal of all garbage and rubbish. The containers shall be kept in sanitary condition at all times. The containers shall be located no farther than two-hundred-fifty (250) feet from any manufactured home lot, shall be stored in covered collecting enclosures and garbage shall be removed and disposed of as frequently as may be necessary to ensure that such containers shall not overflow. The operator of the manufactured home park shall provide for all trash removal services.
 - (4) Manufactured homes which do not contain toilets, lavatory and tubs or showers shall not be permitted in any manufactured home park. Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager or the park in a clean, sightly and sanitary condition.
 - (5) Each manufactured home lot shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.
- H. Recreation and Open Space
- (1) Each manufactured home park shall provide common open space for the use of the occupants of

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the park.

- (2) Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least fifty (50) percent of the gross land area of the park such that the net overall density of the park shall not exceed one (1) dwelling unit or manufactured home per 16,000 square feet of park land area.
- (3) Any manufactured home park or more than ten (10) manufactured home sites shall provide, as part of its open space, areas for active recreational use. These recreation areas shall not include any wetlands, steep slopes or other land areas unusable for development and shall consist of contiguous land areas which can be used for active recreational activities such as ballfields. No less than 20% of the open space provided shall be dedicated to such recreational areas and no individual area so designated shall be less than two (2) acres in size. Each manufactured home park affected by this section shall provide at least one developed picnic area, including tables and benches, and a system of marked and improved trails or sidewalks connecting each manufactured home to the recreation and other open space areas created. Unless the park shall be restricted to senior citizens, it shall also include at least one improved ball field. These recreational improvements shall be included on the landscaping plans presented as part of the application package.

I. Landscaping

- (1) Ground cover shall be provided on those areas not used for the placement of manufactured homes and other buildings, walkways, roads and parking areas.
- (2) Screening acceptable to the Planning Board and Code Enforcement Officer shall provide for adequate shade and a suitable setting for the manufactured homes and other facilities. It shall include landscaping materials meeting the requirements of the Town of Bovina Site Plan Review Law. A side or rear yard adjacent to an existing developed area shall be a minimum width or depth of 100 feet and the 50 feet nearest to the existing developed area shall be planted or screened with materials approved by the Planning Board and Code Enforcement Officer. Such screening shall be designed to create and maintain a high quality neighborhood character for existing residents as well as new manufactured home park residents. Natural landscape buffers shall be required as opposed to fencing or other artificial measures. It shall provide, to the maximum extent practical, for the effective screening of other development from the view of manufactured home residents and of all manufactured homes and accessory structures from view by adjoining. The Planning Board shall also require and approve a landscaping plan for the interior of the manufactured home park to buffer individual manufactured homes, provide shade and green areas and ensure a wholesome living environment.
- (3) Skirting acceptable to the Planning Board and Code Enforcement Officer shall be installed along the perimeter of each manufactured home, extending from the manufactured home stand to the floor of the manufactured home unit and fully screening the area beneath the unit from view. The landscaping plan required above shall also address landscaping of individual manufactured home sites and ensure effective separation of manufactured homes from each other for purposes of privacy as well as aesthetics.

J. The owner or operator of each manufactured home park shall keep a register wherein there shall be recorded the name and permanent address of the owner and occupant of each manufactured home situated in the court, the registration number of the same, the date it was admitted and the date of its removal. Such register shall be signed by the owner of the manufactured home or the person bringing the same into the court. Such register shall be open for inspection to the Town Code Enforcement Officer, the Town Planning Board, the Town Board or the Town Assessor at all reasonable times. Registers shall be kept for a period of seven (7) years.

K. Fire District Approval and Firefighting Requirements

- (1) No application for a manufactured home park license shall be approved unless and until the

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appropriate officer of the applicable Town fire district shall have reviewed the plans as well as the site and determined the district fire-fighting equipment can provide adequate coverage of the park and that there are no major obstacles in the design or layout of the facility to providing fire protection. The applicant shall document to the fire district and the Planning Board, that there is a fire hydrant(s), with sufficient capacity to meet the fire-fighting needs associated with the development, located on the site and convenient for easy access. Water storage facilities may be provided as an alternative to hydrants if the same are secured from access by small children.

- (2) If the fire district approval cannot be obtained because the district lacks the specific services and facilities needed to serve the proposed park, the Town shall be authorized, through its Planning Board and Code Enforcement Officer, to require a condition of special use and site plan approval as well as licensing hereunder, a financial contribution from the applicant toward providing those services or facilities. Such contribution shall be reasonable and directly related to the costs of serving the manufactured home park.

L. Sales and Storage

- (1) No sales of manufactured homes for off-site placement shall be permitted within the manufactured home park, excepting for previously occupied manufactured homes sold individually by residents of the manufactured home park. Also, no manufactured home shall be used for rental purposes except for temporary periods in those instances where an individual owner of such home, not including the manufactured home park operator, shall have placed such home on-site for purposes of personal occupancy and is no longer, for reasons of health or circumstance able to live there.
- (2) No individual manufactured home shall be placed anywhere within the Town of Bovina for a period of six (6) months or more for any purpose other than use as a dwelling.
- (3) Storage of any unlicensed vehicles within a manufactured home park for a period six (6) months or more is prohibited.

§ 30-7. Enforcement.

The Code Enforcement Officer shall enforce all of the provisions of this Law and shall have the right at all reasonable times, to enter and inspect any manufactured home park or other premises used for the parking and placing of manufactured homes.

- A. If the Code Enforcement Officer finds that a manufactured home park for which a license has been issued, is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provisions of this Law, he may serve, personally or by certified mail to the holder of the license, a written order which will require the holder of the license to correct the conditions specified in such order within 10 days after the service of such order. The Code Enforcement Officer shall, for purposes of determining compliance with this Law, be authorized to make periodic inspections of all manufactured home parks and shall be provided entry to accomplish that task. The Town Board shall specify the frequency of such inspections and set fees to cover costs involved.
- B. If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within ten (10) days after the service of such order, the Code Enforcement Officer may suspend such license and the holder of the license shall thereupon terminate the operation of such manufactured home park provided residents have been afforded adequate opportunities consistent with State and/or Federal law to relocate.
- C. However, if the owner or operator of such manufactured home park shall thereafter correct such conditions and bring the manufactured home park into compliance with this Law, such owner may then apply for the issuance of a new license for such park and if the application is approved and a license granted, the applicant shall pay to the Town the fee required by this Law without any credit for the fee paid for the license which was revoked.
- D. Any license which is not used for the purpose intended within two (2) years of the date of issuance as

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evidenced by placement of the home(s) on the designated site, shall automatically expire.

- E. No license for a manufactured home park, or any portion of a manufactured home park, shall be issued unless and until all improvements as required herein, including landscaping and screening, have been physically installed, inspected and approved by the Code Enforcement Officer, excepting that roads shall be approved by the Town Highway Superintendent in consultation with the Town Engineer as may be required. In those instances where a manufactured home subdivision is to be created and individual lots are to be conveyed for purposes of placing a manufactured home, all required improvements will be installed or financially secured pursuant to Section 277 of the Town Law and all other requirements of the Town of Bovina's Subdivision Law shall be met. Such subdivisions shall be subject to the development standards provided herein and in the Town Zoning and Subdivision Laws. Should the latter development standards and the standards herein conflict the more restrictive standard shall apply.

§ 30-8. Penalties.

- A. Any person, partnership, association or corporation who violates any provision of this Law shall be guilty of an offense against this Law and subject to a fine of not less than one-hundred dollars (\$100) or more than three-hundred-fifty dollars (\$350). When a violation of any of the provisions of this Law is continuous, each day or portion thereof shall constitute a separate and distinct violation.
- B. In addition to the above provided penalties, the Code Enforcement Officer may maintain a civil action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Law or to restrain, by injunction, the violation of this Law.
- C. This § 8.0 is enacted pursuant to § 10 of the Municipal Home Rule Law and is intended to supersede § 135 of the New York State Town Law.

§ 30-9. Exceptions.

None of the provisions of this Law shall be applicable to the following:

- A. The business of manufactured home sales, except that where units are used as living quarters, they shall conform with the provisions of this Law
- B. The storage of an unoccupied manufactured home, provided, however, that such unoccupied manufactured home shall not be parked or located between the street line and the front building line of any premises or within any required yard area.
- C. A manufactured home located on the site of a construction project, survey project or other similar work project which is used solely as a field office or work or tool house in connection with such project, provided that such manufactured home is removed from such site within thirty (30) days after the completion of such project.
- D. A modular house or factory-manufactured home, other than a double-wide manufactured home, which is prefabricated in sections, transported to the building site then fastened together and anchored to a permanent and totally enclosed masonry foundation and which has a minimum width of 24 feet for its entire length and contains a minimum of 960 square feet of usable living space.

§ 30-10. Validity and Non-waiver.

- A. If any section, paragraph, subdivision or provision of this Law shall be found invalid, such validity shall apply to the section, paragraph, subdivision or provision adjudged invalid and the remainder of the Law shall remain valid and effective.
- B. The issuance of any permit or license pursuant to the provision of this Law shall not be deemed to waive compliance; by the holder thereof, by the property owner or by any occupant; of any court or manufactured home park statute of the State of New York Law or health regulation of the State of New York or the County of Delaware or the Town of Bovina or of any provision of this Law.

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§ 30-11. Waivers.

- A. The Planning Board may, for good cause shown, authorize waivers from the strict interpretation of the provisions of this Law affecting existing manufactured home parks and manufactured homes, excepting that it shall not waive any requirement which would otherwise require a variance of the Town of Bovina Site Plan Review Law.
- B. Procedure for waivers
 - (1) The owner of an existing manufactured home park or manufactured home outside a manufactured home park may apply for a waiver by filing an application with the Code Enforcement Officer together with an application for a license setting forth the reasons for the waiver.
 - (2) Fees for waiver applications shall be established by resolution of the Town Board.

§ 30-12. Separability.

Should any section or provision of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

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APPENDIX F - SAMPLE SIDEWALK LAW

A Local Law to promote the health, safety and welfare of the citizens of the Town of Bovina, Delaware County, New York, and establishing standards for constructions and maintenance, of sidewalks in the Town of Bovina.

Be it hereby enacted as follows:

§ 40-1. Sidewalks Required.

Sidewalks shall be provided on certain streets as herein provided.

§ 40-2. Widths Reserved for Sidewalks.

There shall be area reserved for sidewalks on at least one side of each street in that portion of the Town of Bovina described and depicted on the map attached hereto, from the property line to the curb line in such widths as the Town Board shall determine.

§ 40-3. Sidewalk Construction, Repair and Maintenance.

All sidewalks shall be:

- A. Repaired and maintained by the owner or occupant of lands fronting on the streets and avenue. Where sidewalks are constructed by a governmental entity such owners or occupants shall, nonetheless, be responsible for repairing and maintaining sidewalks.
- B. Not less than three (3) feet in width.
- C. Of such material as the Town shall have by resolution designated for the respective streets and avenues. The Town may adopt plans for streets, curbing and sidewalks on a block by block basis and require that all such improvements within the areas conform to the plans provided that elements of said plans are directly related to the health, safety and welfare of residents and pedestrians and do not impose an unreasonable cost burden.

§ 40-4. Curbing Height and Width.

All curbing, where used in this Town, shall be sixteen (16) inches deep by four (4) inches thick and set to line of grade given.

§ 40-5. Use of Fill Material on Sidewalks.

No earth, dirt, ashes or any other material shall be used or put upon any sidewalk within this Town, except to fill to within two (2) inches of the top. Grass strips may be used in conjunction with sidewalks provided a paved surface equivalent to the normal sidewalk requirement is maintained.

§ 40-6. Permission Required to Change Sidewalk Grade or Width.

No person shall alter or change the grade or width of any sidewalk in said Town, or cause the same to be done, without first having obtained the consent of the Town Board to do so.

§ 40-7. Destruction to Sidewalks Prohibited.

No person shall break or destroy any sidewalk in said Town unless such sidewalk is in need of repair and destruction is so ordered by the Town Board.

§ 40-8. Portion Not Used for Sidewalk May be Improved.

It shall be lawful for the owner or occupancy of any property fronting on any street or avenue in said Town to use such part thereof as is hereby reserved in front of his or her premises, except that part thereof used for a sidewalk, and to improve and beautify the same.

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§ 40-9. Permission Required to Build Sidewalks; Duties and Compensation of Engineer.

Before any new sidewalk shall be constructed, the owner or applicant thereof shall seek permission of the Town Board to construct the same. If the Town Board shall act favorably thereon, it shall give the applicant written permission, showing width, length and the thickness of the same, and shall instruct its engineer to furnish by sufficient stakes, well set, the grade and all necessary information for the proper laying of the same. The Town Board shall be resolution establish a permit fee. The engineer shall receive such compensation for his services as agreed upon by the Town Board and which shall be paid directly by the property owner.

§ 40-10. Notice to Construct; Effect of Noncompliance.

It shall be the duty of the Town Board to designate, from time to time, where sidewalks, trees, curbs, etc. are required and the manner and material thereof, and to give written notice thereof to the owner or occupants of property, requiring them to cause the same to be made or done within six (6) months after said notice or the same will be done by the Town with a charge of twenty percent (20%) added thereto.

The Town Board may also install sidewalks and curbs on its own initiative and assess the costs, thereof by resolution on individual property owners pursuant to provisions of the Town Law. Such assessments shall be based on a front foot allocation of costs and credit may be provided to owners supplying a portion of the labor or materials for the same.

§ 40-11. Repair Required Upon Notice; Effect of Noncompliance.

If any sidewalk shall be out of repair, the Town Board shall notify the owner or occupant of the land in front of whose premises the same may be to repair the same within thirty (30) days from the date of such notice (with extensions where necessary as determined by the Town Board), and if such persons shall neglect or refuse for such a period to put such sidewalk in repair, such repair shall be made by said Town Board and such persons all be liable to pay the cost and expense of such repair.

§ 40-12. Obstructions.

No person shall allow any vehicle to stand on the sidewalks or stretch any line, string or other obstacles across any sidewalk. No person shall encumber or obstruct any sidewalk in the Town with boxes, carts, wheelbarrows, baskets, barrels, signs, goods or other articles, except with the permission of the Town Board or such that a clear walking space of the width required for the sidewalk (three feet minimum) is maintained. No steps, signs, platforms, passageways, enclosures, windows, porches or any other obstruction shall be placed in or upon any sidewalks..

§ 40-13. Penalties for Offenses.

- A. Any person, partnership, association or corporation who violates any provision of this chapter shall be guilty of an offense against this Law and subject to a fine of not more than five-hundred (\$500) dollars. Each day of continued violation after notice thereof shall constitute a separate and distinct violation.
- B. In addition to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any portion of this Law.

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APPENDIX G - SAMPLE ROAD LAW

BE IT ENACTED by the Town Board of the Town of Bovina, Delaware County, New York, as follows:

§ 50-1. Title.

A Law regulating the construction and the dedication of any road ordained and other associated facilities (hereinafter referred to as improvements) offered to the Town of Bovina, Delaware County, New York. This Law may be referred to as the "Town of Bovina Road Law."

§ 50-2. Purpose.

This Road Law is enacted to ensure all improvements offered for dedication to the Town of Bovina meet the standards contained herein and have been reviewed and approved by the Town Board with the advice of the Town Engineer and the Town Highway Superintendent.

§ 50-3. Administration.

A. Application. Any person or persons proposing to dedicate any improvements to the Town of Bovina shall submit to the Town Clerk of the Town of Bovina, five (5) copies of a plan, prepared by a Professional Engineer setting forth the details of the proposed dedication. Said plan shall be submitted prior to commencing the construction or reconstruction of the road proposed for dedication. Similar as-built plans shall be required in those instances where existing roads are proposed for dedication. The plan shall include all information necessary to document compliance with this Law and shall include, as a minimum, the following information.

- (1) A map at a scale of one inch equals 100 feet showing the following:
 - (a) Locations, distances and bearings of right-of-way lines.
 - (b) Locations of storm drainage systems and devices.
 - (c) Locations of any existing or proposed easements.
 - (d) Location of utilities.
 - (e) Locations and names of the record owners of real property over which the road passes, said properties abutting on the road proposed for dedication.
 - (f) Road name(s).
- (2) Plans, profiles and cross sections of the roads.
- (3) Detailed specifications for drainage facilities.
- (4) Detailed specifications for any bridges.
- (5) Documentation regarding the identity of each property owner along the right-of-way of the proposed road and certification that each such property owner has joined in the application for dedication and that each such property owner releases any right to assert any claim such property owner might otherwise have against any person, persons, partnership, corporation or political subdivision by reason of the dedication.

B. Plan Distribution. The Town Clerk shall distribute the filed plans as follows:

- (1) One with the Town Highway Superintendent ("the Superintendent").
- (2) One with the Town Engineer.
- (3) One with the Town Planning Board.

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- (4) One with the Town Supervisor.
- (5) One in the Town Clerk's permanent files.

C. Plan Review.

- (1) No action shall be taken by the Town Board until such time as the Town Planning Board and the Town Engineer have reviewed the plan of the proposed dedication.
- (2) The Town Planning Board and the Town Engineer shall within forty-five (45) days of the Town Clerk's receipt of the application, review said application and make recommendations to the Superintendent.
- (3) The Superintendent shall, within sixty (60) days of receipt of said recommendations: (1) review the plans and make an inspection of the road site (the Superintendent may request the Town Engineer to assist with any inspection required by this Law); (2) notify the applicant of deficiencies, if any, in the plan, with such notification in writing, and (3) recommend acceptance or rejection of the plans to the Town Board.
- (4) The applicant shall make any necessary modifications to the plan and resubmit the plans to the Superintendent, who shall have an additional thirty (30) day review and notification period from the date of submittal. However, if more than one (1) year shall elapse between the original filing date and the amendment filing date, an additional filing fee shall be assessed.
- (5) Upon receipt of the Highway Superintendent's recommendation to accept the plans, the Town Board shall within sixty (60) days, vote to accept or reject the plans. The Town Board may make its own inspection of the road site prior to taking action. If the plans shall be rejected for any reason, the applicant shall be notified in writing within fifteen (15) days of the reasons for rejection and how the plans can be brought into compliance with the Law. The applicant may request a conference with the Town Board and Highway Superintendent to review the reasons the plans were rejected and how it can be corrected, which conference shall take place at the earliest date convenient to the Town Board. If the plans are accepted, the applicant shall be so notified and may proceed with construction pursuant to this Law.

D. Construction Procedure.

- (1) The construction or reconstruction of any improvements for dedication shall be in accord with approval plans.
- (2) Prior to the initiation of construction or reconstruction, the applicant shall propose an Inspection Schedule to the Superintendent for approval. The Inspection Schedule shall include inspections adequate to ensure compliance with this Law. Inspections shall be required at all phases of construction when a failure to inspect the construction would result in a physical impossibility to verify compliance at the time of the final inspection.
- (3) The applicant shall provide a minimum of two (2) working days notice prior to the time for each inspection required in the Inspection Schedule.
- (4) If the Superintendent discovers construction is not in compliance with the approved plans, all construction shall be terminated until such time as the identified deficiency is corrected.

E. Dedication Procedures.

When the improvements proposed for dedication are completed to the standards of this Law, the Superintendent shall make a final inspection and verify said completion to the Town Board. The Town Board, at their next meeting following receipt of the Superintendent's report, shall take action to initiate the dedication process as follows:

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APPENDIX G - SAMPLE ROAD LAW

- (1) The applicant shall provide to the Town three (3) complete sets on mylar and three (3) complete sets on paper of all plans of the improvements which shall be certified by a Professional Engineer as "AS CONSTRUCTED" plans with the plans labeled as such. The plans shall include the information required by Section 401 of this Law.
- (2) The "Date of Completion" of the improvements shall be established by the Town Highway Superintendent confirmed by the Town Board.
- (3) No improvements shall be accepted by the Town for dedication until one (1) year from the "Date of Completion" has passed. During said one year probationary period, the applicant shall be responsible for all maintenance and repair of the improvements proposed for the dedication.
- (4) At the end of the probationary period the Superintendent shall conduct an inspection of the improvements and verify to the Town Board the improvements integrity and functioning. Any deficiencies shall be corrected by the applicant.
- (5) Following the probationary period and upon the final verification by the Superintendent of compliance with this Law, the Town Board shall accept the improvements for dedication upon the receipt of the following:
 - (a) A maintenance guarantee in the amount of twenty-five (25) percent of the cost of the construction of the improvements as certified by the applicant's Professional Engineer. Such guarantee shall comply with Section 277 of the Town Law and shall be satisfactory to the Town Attorney as to form sufficiency, manner of execution and surety. The term of the guarantee shall be for twelve (12) months from the date of dedication. Upon the failure of any of the improvements, the Town shall enforce said guarantee and make any necessary repairs. If the proceeds of the guarantee are insufficient to complete the repairs, the Town shall institute legal or equitable action to recover the amount of the insufficiency.
 - (b) Deeds for the right-of-ways of all improvements which deeds shall be of a bargain and sale type with covenants against grantors acts and shall transfer all lands in fee simple.

§ 50-4. Standards.

A. Road Construction.

- (1) Private roads shall meet all Town construction requirements in compliance with AASHTO (American Association of State and Transportation Officials) standards for the design speed of 25 miles per hour. Bridges shall meet New York State Specification HS20-44 in compliance with AASHTO standards.
- (2) Road right-of-ways shall be a minimum of sixty (60) feet in width and surveyed by a licensed land surveyor with monument markers placed and shall be deeded to the Town by warranty deed with a clear title. The Town may also require title insurance.
- (3) The Town reserves the right to require verified core samples or other testing measures by approved agencies or other persons to ascertain compliance with these standards during construction and at the time of takeover.
- (4) No road less than 2,640 feet (one-half mile) in length shall be accepted by the Town of Bovina.
- (5) No branch, spur or interior sections of a subdivision road shall be accepted apart from the entire subdivision road.
- (6) No road shall be accepted by the Town of Bovina where less than three homes have been constructed, or where less than 20% the total number of lots in the subdivision have been built upon,

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whichever shall be greater.

B. Assessed Value Requirement.

- (1) Land and buildings accessed or abutted by a proposed road, with primary access being from said road, shall offer sufficient tax base (assessment value) at the time of takeover to raise, at current combined highway tax rates, sufficient tax revenue to support said road based on the current total highway levy. This amount shall be determined by dividing the total highway cost to the Town by the number of miles of road maintained by the Town. The required assessed value per mile shall be sufficient to generate those tax revenues required to pay the Town's share of these costs.
- (2) Total highway costs shall be determined on the basis of the amount to be raised by tax for the Town of Bovina Highway Fund in the Town budget for the year of takeover.
- (3) Required assessed value per mile shall be determined by dividing the current cost per mile for Town highway maintenance (town share) by the rate of general levy for the Highway Fund, multiplied by one-thousand (1,000).

§ 50-5. Variations.

Variations to the standards contained herein may be approved by the Town Board on the recommendation of the Town Highway Superintendent in cases where unreasonable hardship would result from strict application of the standard.

§ 50-6. Interpretation, Conflict and Separability.

A. Interpretation.

The provisions of this Law in their interpretation and application shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare.

B. Conflict.

This Law is not intended to interfere with, abrogate, or annul any other Law, Law, rule or regulations, statute or provision of law. Where any of the provisions of these regulations impose restriction different than any other Law, Law, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

C. Separability.

If any part or provision of this Law or application thereof to any person or circumstances is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares it would have enacted the remainder of this Law even without such part, provision or application.

COMMUNITY SURVEY RESULTS