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**COMPREHENSIVE PLAN  
TOWN OF MARILLA  
ERIE COUNTY, NEW YORK**

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## TABLE OF CONTENTS

	<u>Page No.</u>
SECTION 1: INTRODUCTION .....	1
SECTION 2: PURPOSES OF PLANNING .....	2
SECTION 3: BACKGROUND INFORMATION .....	5
3.1 History of the Community .....	5
3.2 Regional Considerations .....	6
3.2.1 Federal and State	
3.2.2 County and Regional	
3.2.3 Local Responsibility	
3.3 Existing Considerations and Trends .....	8
3.3.1 Physical	
3.3.2 Social	
3.3.3 Population and Housing	
3.3.4 Facilities and Services	
3.3.5 Highways	
3.3.6 Postal, Fire, Ambulance and Police Services	
3.3.7 Schools	
3.3.8 Solid Waste Disposal	
3.4 Future Outlook .....	12
3.4.1 Growth	
3.4.2 Energy	
3.4.3 Government	
3.4.4 Public Services	
3.4.5 Agriculture	
SECTION 4: GOALS AND POLICIES .....	17
4.1 Introduction .....	17
4.2 Land Use Goals and Policies .....	18
4.3 Transportation Goals and Policies .....	22
4.4 Open Space, Conservation and Recreation Goals and Policies .....	23
4.5 Community Facilities and Services Goals and Policies .....	24
4.6 Summary .....	25
SECTION 5: COMPREHENSIVE PLAN RECOMMENDATIONS .....	27
5.1 Development Areas .....	27
5.1.1 Marilla	
5.1.2 Porterville	
5.1.3 Summary	
5.2 Agricultural Areas .....	31
5.3 Conservation/Open Space .....	38
5.4 Circulation .....	39
5.5 Public Services .....	40
5.6 Next Steps .....	41

SECTION 6: IMPLEMENTATION	42
6.1 Regulatory Activities	42
6.1.1 Zoning	
6.1.2 Subdivision Regulations	
6.2 Other Regulatory Controls	44
6.2.1 Wetlands Management Act	
6.2.2 State Environmental Quality Review Act (SEQRA)	
6.2.3 Official Map	
6.2.4 Agricultural Districting	
6.3 Management Activities	46
6.3.1 Capital Improvement Program	
6.3.2 Governmental Cooperation	
6.3.3 Sharing Services	

### LIST OF TABLES

Table 1: Existing Land Use	9
Table 2: Functional Highway Classification System	11
Table 3: Types of Agricultural Operations	33

### LIST OF FIGURES

	<u>Follows</u>
	<u>Page No.</u>
Figure 1: Regional Location Map	8
Figure 2: Functional Highway Classification	11
Figure 3: School Districts	12

### MAPS

Map No. 1 Water Districts	10
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### APPENDICES

#### Resource Planning Maps

- General Map
- Zoning Map
- Soils Map
- Soils Suitability Table
- Soil Permeability
- Steep Slopes
- Flood Zone Location Map
- Wetland Delineation Map
- Aquifers
- Watersheds Location Map
- Agricultural Resources
- Surface Geology Map
- Bedrock Geology Map

## SECTION 1: INTRODUCTION

When we look at the county and region around us, we can point to problems which have resulted from the lack of planning or inadequate attempts at planning. These problems are reflected in: misuse and neglect of valuable land resources; pollution of ground waters and water resources; flood damage; inadequate housing; and uncoordinated government policies. As the Town of Marilla considers land use policies to guide future development, local officials, and citizens alike must recognize that existing problems will intensify and new ones will emerge - problems that must be dealt with at the taxpayers expense. A successful comprehensive plan program will enable the town to anticipate and deal with these problems rather than reacting to their occurrences on a "crisis" basis.

The comprehensive plan is a graphic and written report that provides direction to guide future growth and development in the Town of Marilla. The plan should be viewed as an expression of the desires of the people of the community at this time. The recommendations and policies of the plan should be evaluated on a regular basis and amended as necessary to reflect changing desires and needs as the community grows.

The responsibility for preparing the town's comprehensive plan is the role of the Marilla Town Board. This responsibility is specified in Section 272-a of the Town Law of the State of New York. Originally, this planning document was prepared under the direction of the Town Planning Board with financial assistance provided by the Erie County Community Development Consortium. In addition, the Erie and Niagara Counties Regional Planning Board and Erie County Soil Conservation Service assisted in the preparation of the original Master Plan by making plans, maps and reports on Erie County and the Town of Marilla available. The Town Board has been assisted in the planning process by the Planning Board, several town officials, representatives of local business, and the citizens of Marilla. In 1998, the Town Board requested that the Planning Board perform a substantial update of the original Master Plan to make this Comprehensive Plan a more current reflection of the Town's planning policies. This report represents the culmination of an effort which began in 1981 and builds upon earlier studies of commercial development and economic and feasibility analyses.

The implementation of the comprehensive plan is the responsibility of elected officials and appointed boards serving the Town of Marilla. It is the Town Board which must take the major actions to carry out the plan's recommendations through the enactment of zoning and other codes and ordinances required to achieve the goals of the plan.



## SECTION 2: PURPOSES OF PLANNING

A municipality may be thought of as being comprised of people, land, and a certain community spirit that is manifested as the people and land develop in harmony. But, people may be mobile, and as they come and go, so may community spirit change. The municipality, however, is fixed to the land. A municipality's only inherent possession is land, and the well-being and prosperity of the community is dependent upon the manner in which this land is utilized.

Land values are greatly affected by development potentials, the effectiveness of local land management policies, and the availability of public services and facilities. For example, the availability of water supply and sewage disposal facilities is often significant in determining the use of a property. The offensive use of one parcel of land can drastically reduce the value of neighboring lands. Each landowner within the community is at the mercy of his neighbors, and all must cooperate in the common interest if they are to enjoy maximum social and economic benefits from their respective properties. It is, therefore, not only important but imperative that the use of land be intelligently planned for the maximum benefit of the Town of Marilla and its residents.

In order to reach the end product, a meaningful comprehensive plan, many sources of background information must be collected and analyzed in order to help local legislative and administrative boards to determine where growth should take place and how it should be phased. These background studies have been accomplished as part of the town's planning program and include:

1. Gathering of current data and preparation of a base map to be used throughout the planning program.
2. Land use surveys, mapping and analysis.
3. Inventory and analysis of natural features including topography, floodplains, state and federal wetlands, woodlots, farmlands, bedrock geology, watersheds, soil types, cultural resources, and other physical resource characteristics of the community.

4. Assessment of housing conditions, housing needs, population trends and projections, and business and economic potentials.
5. Inventory of community facilities and services (e.g., utilities, transportation, schools, parks, public administrative facilities, etc.).

Based upon the findings of these basic elements, composite statements of goals and policies are offered to guide future development so as to avoid problems and to meet the needs of the people of Marilla. From these goals and policy statements, specific land use recommendations are made that provide the basis for the establishment of the comprehensive plan. The desired land use pattern shown on the plan map describes the proposed distribution of future growth areas, conservation open space uses, and agriculture.

The comprehensive plan becomes the community's message to its residents, to developers, and to other levels of government, that the Town of Marilla has given consideration to its environs and has proposed a program of development based upon sound planning principles and direction. It is important for the town to have such a statement of policy, with supporting documentation that led to that policy.

Business and industrial firms and, to some extent, individual homeowners are all engaged in looking into the future from time to time in order to provide some direction to their day-to-day activities. Most business and industrial firms, for instance, project their anticipated needs and goals for at least a five-year period. A community likewise must have some direction to its day-to-day activities. This direction should be provided by a glance into the future also, except that the community should think ahead fifteen to twenty years because of its size, complexity, enduring qualities, and limited flexibility. A comprehensive plan can provide insight and direction for community action.

A comprehensive plan can help guide continuing planning activities in the following ways:

1. By dealing with minor problems so that they do not become major problems in the long-range future.

2. By limiting the impact of changes which can be foreseen and which will occur in the future.
3. By shaping new development to the community's needs.
4. By guiding both public and private action to save money, time, and effort.
5. By providing continuity of future programs for community improvement.
6. By providing a unifying focal point for the efforts of all community interests.

### SECTION 3: BACKGROUND INFORMATION

The first section of the report describes existing conditions affecting land use and development in Marilla. An understanding of factors and trends encompassing natural resources, population, housing, and the availability of utilities and other services is important in determining future needs and potentials in establishing development policies for the town. The section also describes how the policies of higher levels of government (county, state, and federal) may influence future land use and development in the community. This portion of the report provides the basis for the development of comprehensive plan policies and recommendations to guide and control future development in the Town of Marilla.

#### 3.1 HISTORY OF THE COMMUNITY

The Township of Marilla was formed by the Erie County Board of Supervisors on December 2, 1853, from two separate tracts of land which were previously purchased by the Ogden Company from the Indians in the area. Marilla took its name from the wife of an early settler - Mrs. Marilla Rogers. The township was initially known as South Alden. The first settlement in the town was called "Shanty Town," (located in the present Hamlet of Marilla) and named for the inhabitants who were engaged in the manufacturing of wood shingles for roofs.

From 1847 to the close of the Civil War, the Hamlet of Marilla grew from a collection of small houses on Two Rod Road to a flourishing community. In 1865, a large fire destroyed most of the businesses which included a sawmill, flourmill, hardware and grocery stores, and a tavern. In 1866, the hamlet area was rebuilt adding a blacksmith shop, wagon shop, and grocery store. Up until the 1900s the hamlet area grew quite steadily in population and services. Then with the advent of the country's industrial revolution and the invention of the horse-less carriage, many residents relocated out of Marilla to the rapidly growing industrial community of Buffalo, 15 miles away. This trend continued during the 1900s until the late 1950s and 1960s when the population began moving out of the crowded urban area into the rural peaceful hinterlands of Marilla.

The following census data (1855 and 1875 based on the state census and other years based on the federal census) obtained from the Marilla Library depicts local population trends for the town:

1855 - 1,377 persons  
1875 - 1,867 persons  
1950 - 1,497 persons  
1970 - 3,250 persons  
1980 - 4,861 persons  
1990 - 5,250 persons

Incentives for new single family housing construction caused by the coming of age of the “post-war baby boom” resulted in a substantial increase in the town’s population. The industrial expansion of Erie County combined with increased mobility of the private automobile and cheap gasoline prices created a significant increase in the non-farm residential development of the town. The rural “country atmosphere” served as an inducement for people to relocate to the area. All of these factors contributed to an acceleration of scattered non-farm residential development and attendant land speculation activities.

### 3.2 REGIONAL CONSIDERATIONS

Policies, plans, and capital improvements instituted by higher levels of government often play a significant role in shaping the future development of local communities. An understanding of how actions by federal, state, and county governmental units may influence the development of Marilla is essential to the establishment of sound local policy.

#### 3.2.1 Federal and State

Legislation and policy established by the federal and state governments have recognized the protection of the natural environment as a major priority. Local policies and actions to protect viable farmlands and farming operations, wetlands, floodplains, water resources, and other environmentally sensitive areas would be strongly supported by federal and state agencies. Support of agricultural districts, soil erosion control programs, and local land use control programs that foster preservation and expansion of the town’s prime farmlands would have a significant impact on land use policies in the Town of Marilla.

Federal and state aid programs are placing increased emphasis on conformance with county and regional plans as a prerequisite for funding of local projects or programs. As most communities are dependent on such aid for major capital improvements, local priorities and needs may be sacrificed or deferred to maintain eligibility for funding. State and federal program funding policies of the New York State Department of Agriculture and Markets and the U.S. Department of Agriculture (USDA) mandate that program managers evaluate funding proposals to determine if such projects would contribute to the early retirement of farmland. If such a determination is made, only those projects that would correct an existing environmental and/or health problem are to be funded.

### 3.2.2 County and Regional

The USDA Natural Resources Conservation Service and the Erie County Department of Environment and Planning all support the planning concept that Marilla should protect its prime farmlands and foster farming operations as an essential component of the area's overall economic development program.

In order to accomplish this objective and to provide opportunities for future growth consistent with local desires and market forces, the comprehensive plan concept builds upon existing land use patterns, available transportation facilities, and the potential for providing/enhancing utility services. Further, existing natural resources - prime agricultural areas, soils with limited permeability, wetlands, and steeply sloped areas - have been identified to insure their protection from the effects of future development. The comprehensive plan recommends that the major share of Marilla's future residential development should occur in and around the Hamlets of Marilla and Porterville and in the northwesterly portion of the town which has experienced a considerable amount of new residential construction in recent decades.

Although none of the agencies cited above have direct land use powers they can influence development activities within the town. Local officials and Planning Board members must be cognizant of plans and development policies designed by these agencies in order to

insure that programs at each level of government serve to reinforce rather than contradict town policies.

### 3.2.3 Local Responsibility

Although programs and funding actions by higher levels of government may influence future growth within Marilla, the principal responsibility for controlling land development within New York State has been delegated to local governments (cities, towns, and villages). If the town is to take this responsibility seriously it must, at a minimum: Establish policies for guiding future growth; develop a general physical design plan for the community; and adopt the necessary zoning, subdivision regulations, and other regulations necessary to carry out the plan. These tools must be developed in concert with local residents and property owners and should be discussed with state and county officials prior to adoption. Through the implementation of such a process the town can exert a very substantial positive influence on future growth and development.

## 3.3 EXISTING CONSIDERATIONS AND TRENDS

An understanding of the existing physical, social, and economic resources is important in determining the cause of problems which may exist in a community and to identify policies and actions necessary to prevent future conflicts. A detailed analysis of physical features and environmental conditions within the Town of Marilla has been accomplished. This analysis was undertaken to identify the potential of various areas in the town to support development and to provide the basis for a future land use plan which is environmentally sound. The maps which were prepared to provide the basis for this analysis may be found in the appendix of this report.

### 3.3.1 Physical

The Town of Marilla encompasses approximately 28 square miles (17,728 acres) of land area in the east central portion of Erie County (see Figure 1). The land form is characterized by steep slopes and hills in the southern portion of town that transcend to gently undulating and nearly level lands in the central and northern portions of town. The steep slopes

# REGIONAL LOCATION MAP

## Town of Marilla

O N T A R I O

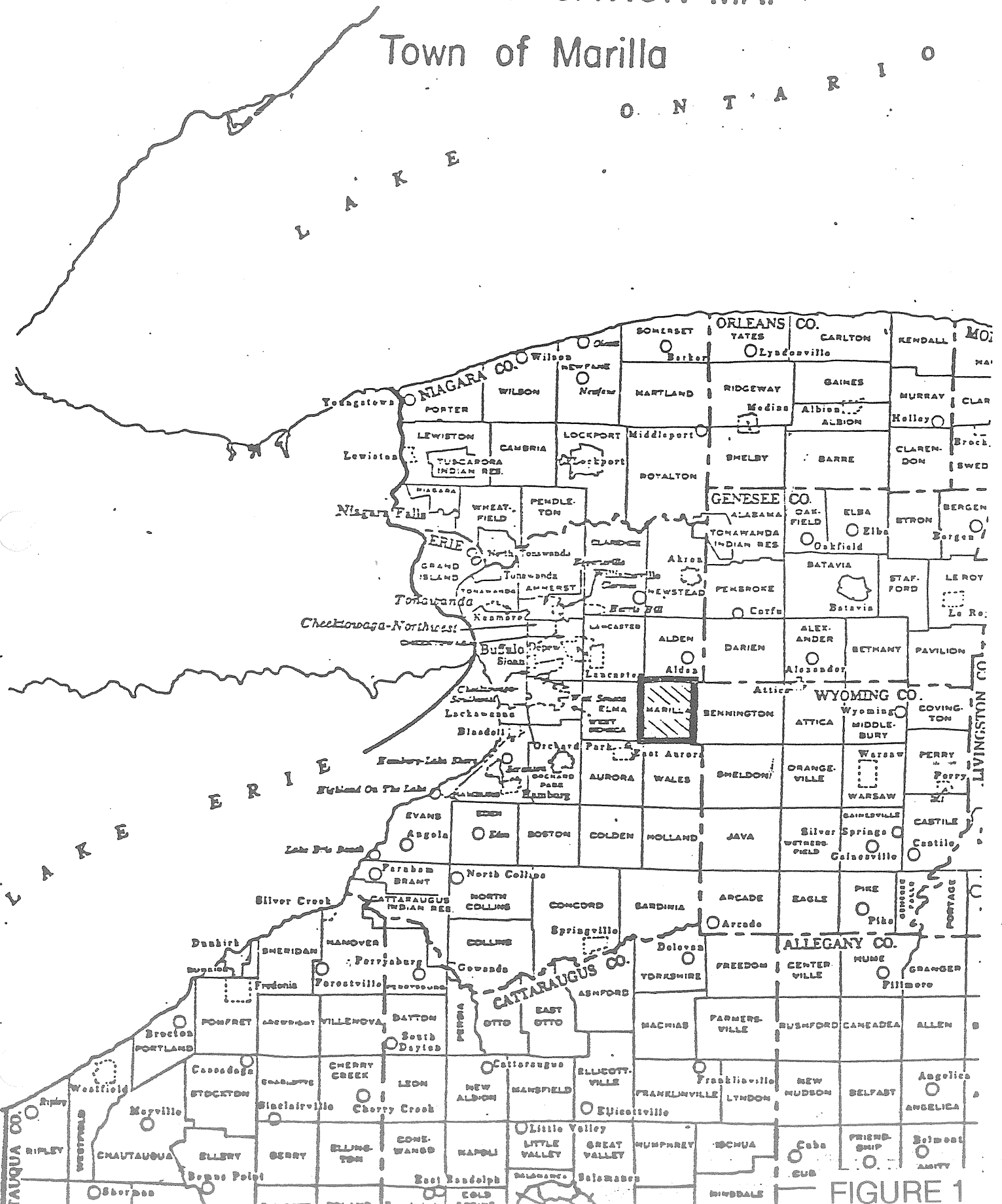


FIGURE 1



in the southern portion occur along the banks of Buffalo Creek and frame the hamlet area of Porterville adding great scenic value to this area of the community.

Table 1 below summarizes existing land use in the town based upon a study undertaken by the Erie and Niagara Counties Regional Planning Board in 1976.

TABLE 1  
EXISTING LAND USE  
TOWN OF MARILLA

1976		
<u>Land Use</u>	<u>Acreage</u>	<u>Percent of Total</u>
Residential	856	4.5
Commercial	37	less than 1
Industrial	51	less than 1
Outdoor Recreation	213	1.0
Forest/Brushland	7,196	40.6
Wetlands	55	less than 1
Agricultural	9,247	52.1
Water	57	less than 1
Public /Semi-Public	16	less than 1

The predominant soils series include Blasdel-Farnham, Darien, Orchard Park, Manlius, and Alton-Palmyra-Phelps. These soils range from moderate to very slow permeability below a depth of 11-inches and most have a seasonally high water table 1½ to 2 feet below the surface. These types of soils have moderate to severe problems related to private septic systems and wells. Although these limitations to development are apparent, the topsoils have been extensively classified as prime and unique soils for farmland by the Erie County Natural Resources Conservation Service. (See Appendix for soil information and suitability characteristics.)

### 3.3.2 Social

The Hamlet of Marilla serves as the population and service center to residents of the town, with the hamlet area of Porterville serving as a neighborhood residential center. Dispersed throughout the central and northern portions of the town are isolated subdivision tracts existing within rather large rural-agricultural areas. There are three mobile home parks. One mobile home park - Bush Gardens - is located in the northeastern area while the other two - Hillside Estates and Log Cabin Mobile Home Parks - are located in the southwestern area along the Elma-Marilla Town Line. Nearly all of the business and employment activities in the town are concentrated in or near the Hamlet of Marilla. The town's governmental offices, highway facilities, library, elementary school, and fire hall are also located within the Hamlet of Marilla.

### 3.3.3 Population and Housing

The population of the town has grown steadily, more than tripling in size from 1,497 in 1950 to 5,250 in 1990. The total number of housing units in Marilla increased from 948 units in 1970 to 1,781 units in 1990, a gain of 87.9 percent in 20 years. Population projections estimate that population and housing units in the town may increase by approximately 19 percent over the next twenty years. An assessment of housing needs has been prepared as part of this plan (see Section 3.4.1).

### 3.3.4 Facilities and Services

There are currently three (3) existing water districts and one (1) proposed water district in the Town of Marilla. A map indicating the areas served, and proposed to be served, by municipal water service is included as Map 1. Water Districts are generally concentrated in the western and northern portions of the Town and are located to provide municipal water service to the highest density of the Town's population. The remainder of the population is reliant upon on-site, individual wells. There are no plans to extend public sewers to serve Marilla.

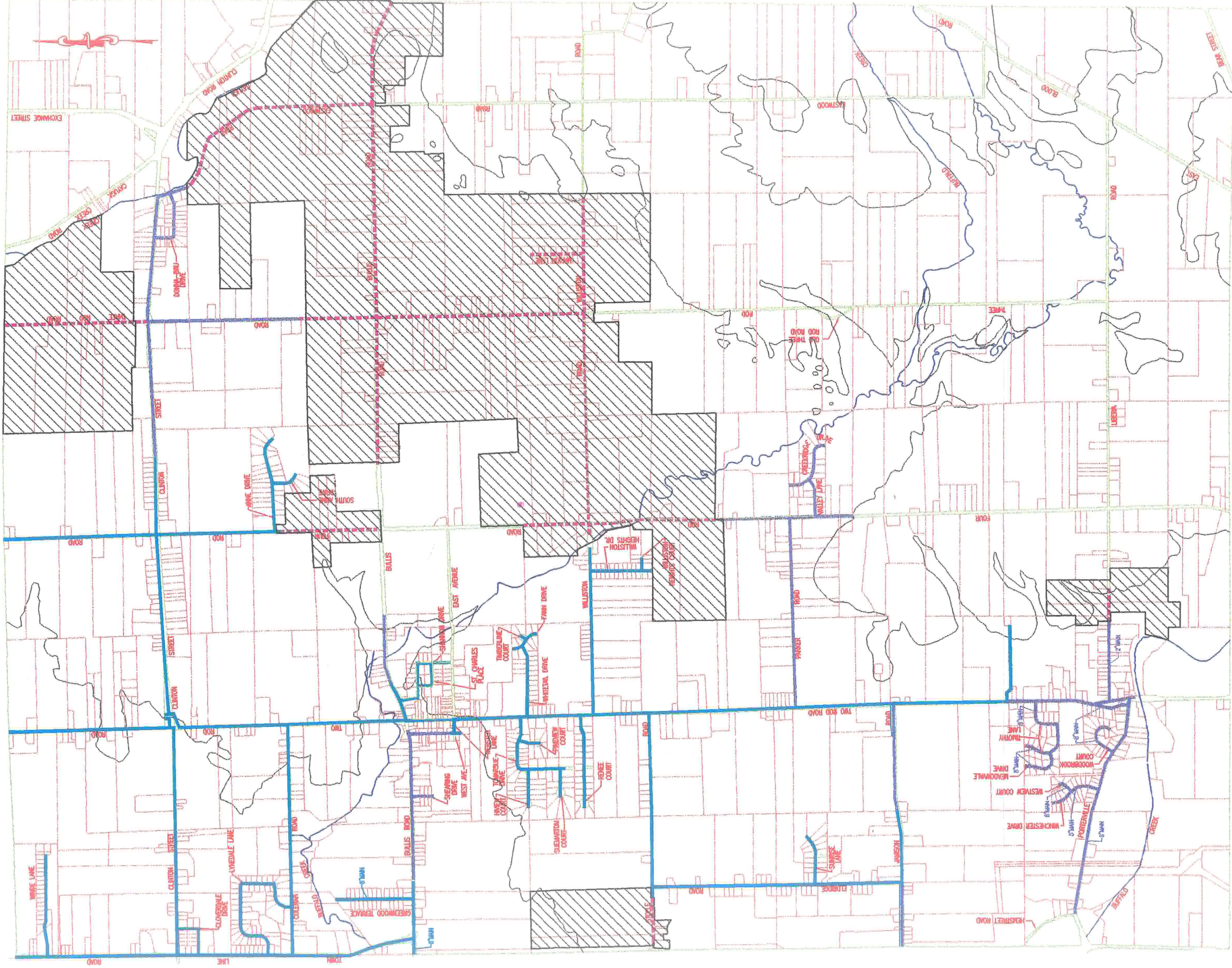




**EXHIBIT 1.0 LOCATION MAP**  
**TOWN OF MARILLA**  
**PROPOSED WATER DISTRICT No. 4**  
SCALE: 1" = 1000'

- LEGEND**
- EXISTING WATER DISTRICT No. 1
  - EXISTING WATER DISTRICT No. 2
  - EXISTING WATER DISTRICT No. 3
  - PROPOSED WATER DISTRICT No. 4

TOWN OF ALDEN



TOWN OF ELMA

TOWN OF BENNINGTON

TOWN OF WALES

MAP 1

### 3.3.5 Highways

The following table summarizes the jurisdictional responsibilities for the maintenance of highways within the Town of Marilla:

State Highways	11 miles
County Highways	35 miles
Town Highways	<u>14 miles</u>
Total	<u>60 miles</u>

The map on the following page (Figure 2 and Table 2) delineates the functional highway classification system for the Town of Marilla.

TABLE 2

#### FUNCTIONAL HIGHWAY CLASSIFICATION SYSTEM

<u>Classification</u>	<u>Highways</u>	<u>Function</u>
Rural Arterial	Clinton Street, Jamison Road and Exchange Street	To carry through traffic at fairly high speeds on relatively long trips.
Rural Collector	Two Rod Road, Four Rod Road and Bullis Road	To connect more remote rural areas with higher order trafficways. Serves shorter trips and has lower volumes than arterials.
Local Collector	Liberia Road, Elma-Marilla Town Line Road, East Avenue, Williston and Coleman Roads	To collect traffic from a limited number of local roads and provide connections to higher order roadways.
Local Streets	All others	To provide access to adjacent lands rather than to carry through traffic. Characterized by lower traffic volumes and speeds.



★★★★★

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ALL OTHER

RURAL ARTERIAL  
RURAL COLLECTOR  
LOCAL COLLECTOR  
LOCAL STREET

# TOWN OF MARILLA

FUNCTIONAL HIGHWAY CLASSIFICATION

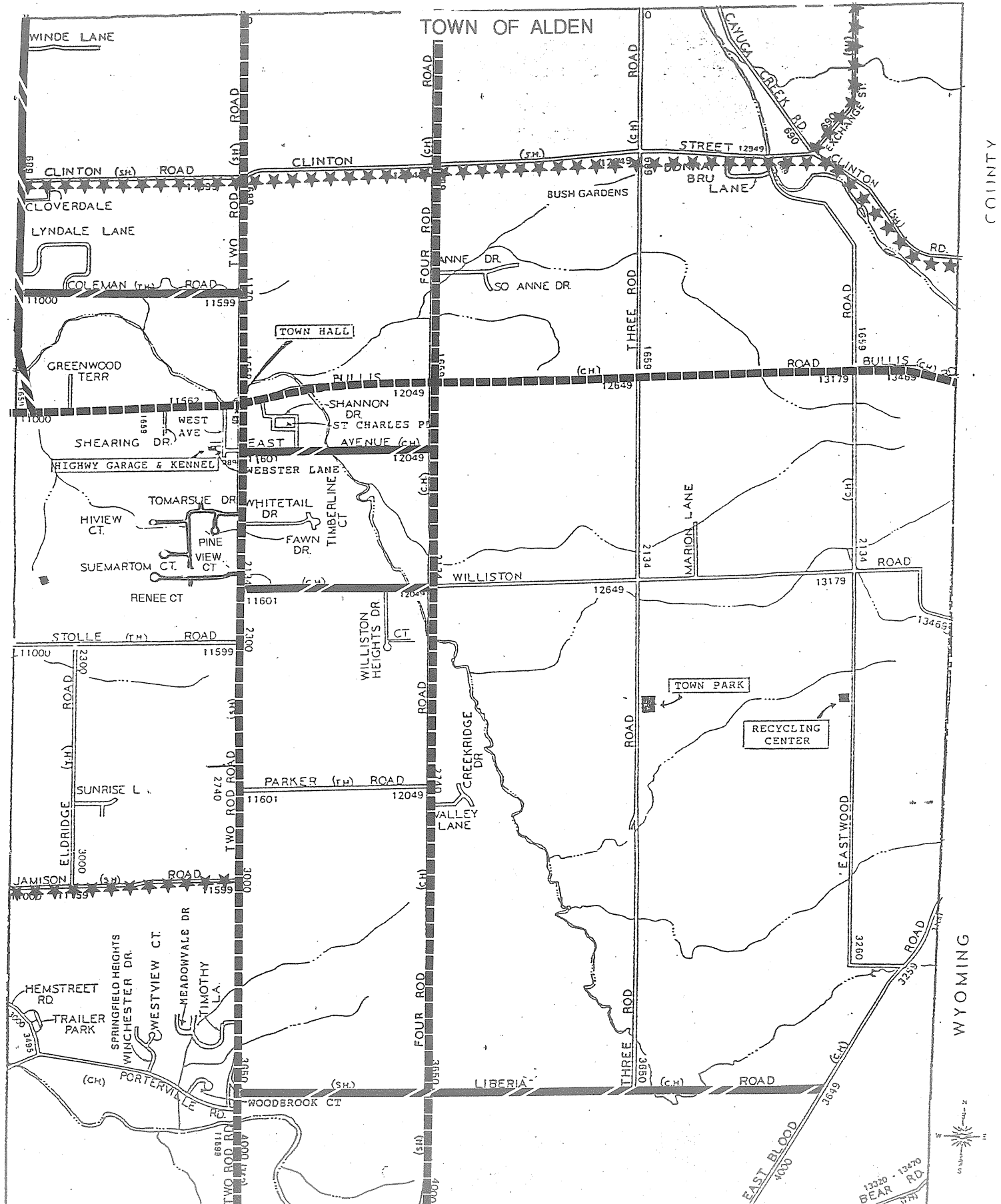


FIGURE 2

### 3.3.6 Postal, Fire, Ambulance and Police Services

There is one post office in the Town of Marilla. However, town residents are served by five different postal zones and five different postal offices. This fragmentation of postal addresses exerts a negative impact on local efforts to establish a sense of community.

Fire protection is provided throughout the town by the Marilla Volunteer Fire Department. The fire hall, located on West Avenue in the Hamlet of Marilla, serves as the local base of fire protection services. The Fire Department also provides emergency medical service to the town residents from this fire facility.

Police protection and services are provided by the Erie County Sheriff's Department Road Patrol, operating out of the Elma substation and the New York State Police operating out of the Alden substation.

### 3.3.7 Schools

There are two central school districts serving the town, they are: The Iroquois Central School District, which has an elementary school located in the town on Bullis Road and the Alden Central School District (see Figure 3).

### 3.3.8 Solid Waste Disposal

The town currently provides municipal solid waste collection services. The town has a contract with American Ref-fuel Company in Niagara Falls, New York. The municipal solid waste is utilized as a renewable resource providing fuel for an incinerator which generates electricity.

## 3.4 FUTURE OUTLOOK

Precise forecasting of future occurrences is a difficult task at any time. In today's uncertain times, such ventures are even more risky. The discussion of trends in this section is not intended to

# TOWN OF MARILLA

## SCHOOL DISTRICTS

TOWN OF ALDEN

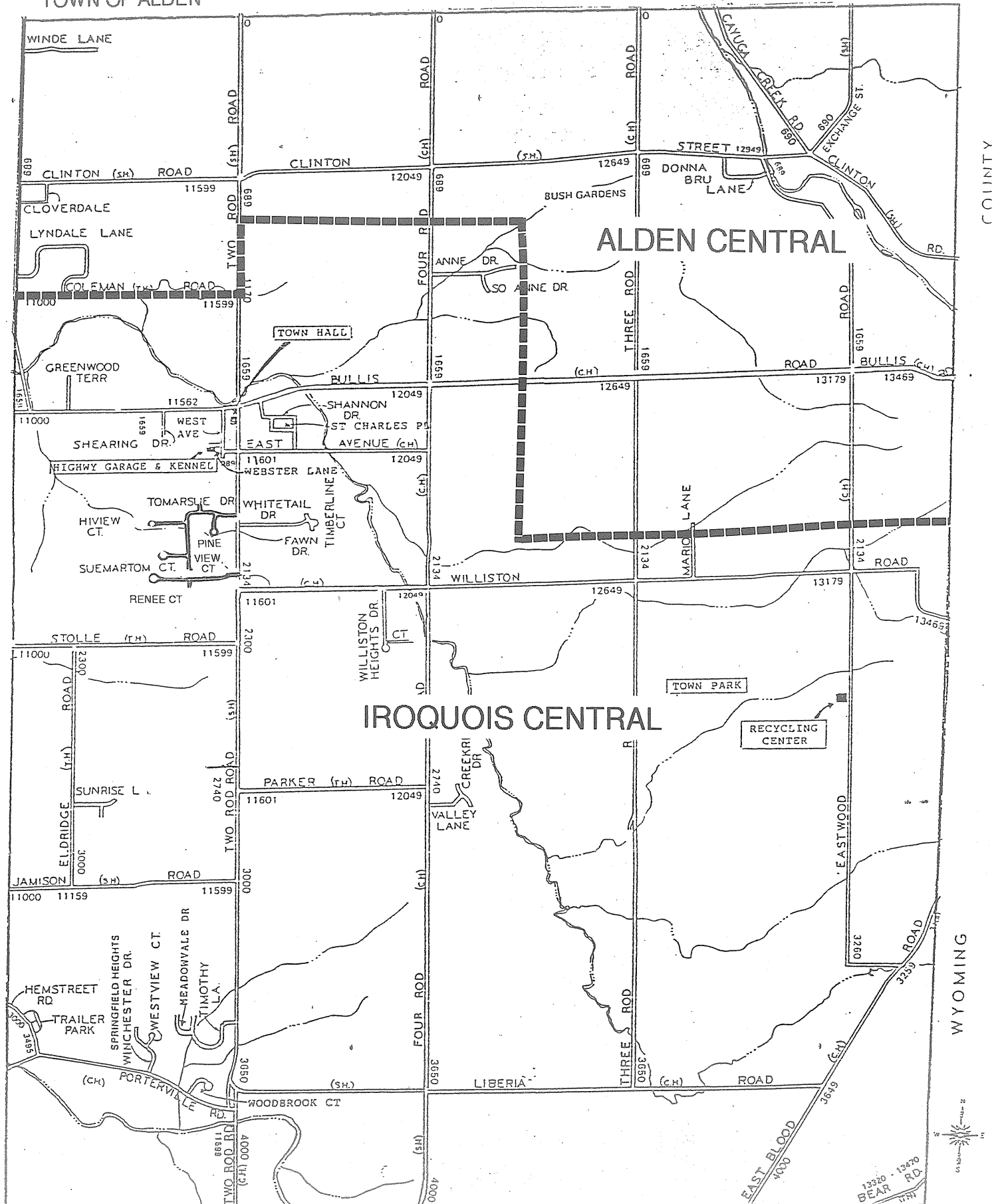


FIGURE 3

provide precise forecasts, but rather a general indication of future growth and development potentials based upon the continuation of existing policies.

#### 3.4.1 Growth

During the decade from 1980 to 1990 Marilla's population has increased at an average rate of 38.9 persons per year. This can be compared to an increase of 161.1 persons per year in the decade of 1970 to 1980. This substantial decrease in population growth rates is representative of a larger scale population decrease in Western New York. Some communities, primarily the City of Buffalo and some first ring suburb towns, have experienced a net decrease in population. It would be optimistic, i.e. representing a relatively high estimate, to anticipate an addition of 50 persons per year over the next several decades. Utilizing an estimate of 3.0 persons per household, 5,280 people in 1,781 households in 1990, a population increase of 1,000 people over the next 20 years (50 people per year) could result in 333 additional housing units. Whether or not the town would be able to continue to grow at such a rate is highly speculative and dependent on many factors at local, regional, and state-wide scales.

The actual size and composition of future population and household characteristics are subject to many variables. The most notable factors influencing future growth appear to be: State and regional employment conditions, inflation, interest rates, energy availability and individual family lifestyles. Marilla is, however, attractively located within the region and should experience a rate of growth which exceeds county and area-wide averages. Therefore, rather than attempting to define specific population targets, the town's planning efforts should be directed to identifying those areas which are suitable for and capable of sustaining development and establishing a program to channel growth to these areas. Conversely, areas which are environmentally sensitive and cannot support growth or are classified as prime agricultural production lands should be protected from development.

#### 3.4.2 Energy

Future energy policy is generally beyond the jurisdictional limits within which a rural municipality can have a significant impact. The most effective method that the town could



utilize to implement a policy of energy conservation would be to develop land use regulations which encourage orderly compact development.

#### 3.4.3 Government

The rapidly escalating cost of providing services at all levels of government has resulted in a re-evaluation of priorities and a general retrenchment. The federal government is re-evaluating the merits of many of its programs. Similarly, state and county agencies are under pressure to bring the cost of government under control. In many instances, major projects have been deferred indefinitely or the responsibility for implementation returned to local governments.

In the future, the state and federal governments will provide guidelines to assist local and county governments to carry out priority projects. An example of this trend is the move toward "Block Grants." Under the block grant approach the federal government will provide funds for general program categories such as Health, Social Services, or Community Development. The local government would then be responsible for deciding exactly how such funds should be spent. In addition, the Clean Water Act provided a mechanism for funding projects which will have a substantial impact on improving water quality.

#### 3.4.4 Public Services

As previously mentioned, there are currently three existing water districts and one additional water district proposed in the Town of Marilla. These extensions of the Erie County Water Authority system from the Town of Elma provide domestic water supplies and fire protection. As the majority of the population is already serviced with municipal water, extensions of the existing system will likely be limited to small districts adjacent to existing waterlines where population densities warrant additional service and completing loops to increase pressure.

At present, it appears that there is no need to provide municipal sanitary sewage collection systems. However, in the future, municipal sanitary sewage collection and treatment

could be required if substantial ground water contamination occurs. A future sanitary sewage system would likely be limited to the hamlet of Marilla.

#### 3.4.5 Agriculture

Farming is the largest industry in the state, an industry whose products have national importance in meeting world demands for U.S. exports. New Yorkers must be made aware of the importance of our agricultural resources and the need to retain productive agricultural soils and farming operations. In 1979 western New York ranked first nationally in the production of sauerkraut and sweet corn; second in the production of cherries, apples and grapes; and, third in the production of onions.

Despite its large urban and suburban population, Erie County has a significant agricultural base. In 1978 the county ranked fourth out of 62 counties in all of New York State in the total value of agricultural products sold with a total of approximately \$59 million. The county ranked very high in the sale of dairy products and the raising and sale of vegetables and grapes. In addition, it ranked fourth in New York State in the total number of farms.

The eleven-county area of western New York contains some 4 million acres of productive soils, or 13 percent of the total land resource of the state. This area comprises one-half of the prime farmland in New York and 15 percent of the prime farmland in the entire northeast region of the country. According to the National Agricultural Lands Study, the northeast region has about 25 percent of the nation's population, but contains only 4 percent of the total cropland and 4 percent of the nation's potential cropland.

The value of farm products sold from the Marilla agricultural district was estimated at \$4 million in 1981. This was an increase of \$2.5 million (167 percent) over the 1973 estimate. Total value of land and buildings in the town's agricultural district was estimated at \$7.4 million in 1981, up from \$4.5 million in 1973 (an increase of 64 percent).

The need to retain prime growing areas will continue as national projections estimate that the demand for U.S. agricultural products may increase by as much as 250 percent by the

year 2000. One out of every three acres of crops in the United States is currently exported. by 1990 it is estimated that one out of every two acres will be exported. This demand for exports is occurring simultaneously as the domestic consumption of agricultural products continues to rise. Our ability to retain farmland in production will be tested by the estimate that 23 million new homes will be needed in the United States during the 1980s to meet projected national demands for housing. In addition to the acreage required to be consumed for residential uses, it is generally acknowledged that each acre of residential development normally requires four additional acres of land for support services and facilities (shopping, schools, parks, roads, industry, etc.).

New York State loses approximately 75,000 acres of farmland per year to land conversion and soil erosion according to Natural Resources Conservation Services estimates. At this rate, it is estimated the state will lose more than three-quarters of a million acres of productive farmland by the year 1990. Once agricultural lands are converted to other purposes, they seldom, if ever, are returned to production.

As Marilla continues to grow, additional pressures will be felt to convert valuable production land to urban or suburban uses. The town should make a conscious effort to restrict the conversion of such lands to development unless it can be demonstrated that the approval of the proposal is consistent with the town's overall development plan. In addition to supporting a strong agri-business economy, urban policies, which promote a healthy and diversified agricultural industry benefit area residents through the availability of reasonably priced food. As transportation costs continue to rise, inflating the price of food, locally grown and manufactured food products are of increasing importance to state residents.

## SECTION 4: GOALS AND POLICIES

### 4.1 INTRODUCTION

Any planning action or recommendation should be based upon locally determined goals and policies. While goals provide a sense of direction for the community, policies are action oriented and directed to achieve the town's more general goals. Policies provide the foundation for implementing ordinances and programs and are designed to guide public actions.

This section of the comprehensive plan report specifies a series of goals and policies for Marilla and serves as a basis for the establishment of specific comprehensive plan recommendations. In order to provide a comprehensive statement for future direction, goals and policies have been delineated for the areas of land use and development, agriculture, open space, conservation and recreation, transportation, and community facilities and services. This portion of the plan is intended to provide a statement of town policies suitable to guide the Town Board and its advisory bodies in making the day-to-day decisions affecting growth and development and the administration of town programs.

The goals and policies statements included herein are intended to serve two important functions:

1. To Provide Direction and Guidance to Town Decision-Makers, Other Governmental Agencies and Potential Developers

As a major element in the town's on-going planning process, the policy statements provide a workable framework to guide the development of short-range town programs, including capital improvements. Potential developers can determine, in advance, whether or not specific proposals are consistent with local policies and assess their chances for approval. Other governmental units such as county, state, or regional agencies are easily made aware of the town's planning objectives so that their respective plans and programs can be developed consistent with those of the Town. Finally, the clear organization of goals and policies identifies the steps which Marilla will have to take in order to achieve the objectives of the community's comprehensive plan program.

## 2. To Permit Public Comment and Involvement in the Local Planning Process

The establishment of a concise listing of planning goals and policies for the town lends itself to greater citizen involvement and useful input. This distinct statement of town goals and policies, removed from the distraction of details, allows for easy public debate, evaluation and eventual adoption by the town as official public policy. Finally, its concise presentation makes it easier for review and revision as part of the town's ongoing planning program.

### 4.2 LAND USE GOALS AND POLICIES

#### Agricultural Goals

Maintain the viability of the town's agricultural economy and protect prime agricultural production lands.

#### Policies

Foster agriculture through the adoption of land use regulations which do not curtail farming operations within the town's agricultural areas.

Permit commercial and industrial land uses in agricultural areas only where such uses will not be detrimental to agricultural and farming operations.

Limit residential development in agricultural areas and direct growth to areas not in conflict with existing agricultural operations in order to minimize potential disruptions to farming operations.

Support state and county programs that foster agricultural growth as part of the region's economic development.

Encourage the state and county to renew and sustain the agricultural district formed within the town under the New York State Agricultural Districts Law.

Limit the placement of utilities, services, and other land uses that would encourage growth and development in those areas of the town zoned as agricultural.

Develop tax abatement programs which would encourage property owners to keep rural land areas in open space, conservation, and agricultural uses.

Encourage legislative changes which would reduce property tax pressures on agricultural lands so as to minimize the conversion of prime agricultural production lands to urban uses.

Encourage the development and implementation of a townwide drainage program in an effort to increase farm production and the number of acres which can be viably farmed.

Promote the sale of local products by encouraging a farmers market, local utilization, and the development of export markets.

#### Residential Goals

Maintain a continuing program directed towards the preservation of sound residential neighborhoods and the elimination of blight and/or deteriorating conditions.

Meet the housing needs of the community by providing for a variety of choices in new housing and by encouraging the improvement of existing housing.

Establish a program which insures the development of quality living areas through the use of good site planning principles.

#### Policies

Encourage a housing mix including low density multifamily townhouses which will provide adequate and affordable housing for all age groups and income - young marrieds, families, single-headed households, and retired persons.

Maintain the integrity of residential areas by allowing only those uses which are compatible with the nature and intensity of neighboring residential uses.

Encourage the development of the Hamlet of Marilla as the "community center" of the town by reinforcing existing services and amenities and by encouraging the establishment of additional community facilities and activities. Promote the establishment of neighborhood organizations in Marilla and the hamlet area of Porterville and the active involvement of such groups in the improvement of local services, facilities, transportation, and living conditions.

Work with builders, unions, bankers, and others to find ways to lower the cost of housing.

Limit new residential development in environmentally sensitive areas, including areas subject to natural flooding, erosion, wetlands, steeply sloped areas, and other unsuitable locations.

Achieve a high quality of design in residential developments through such measures as clustering to protect natural features, conserve energy, and reduce public service costs. Streets should be designed so as to offer a variety of visual exposures and to discourage high speed through traffic.

#### Commercial Goals

Encourage the development of and maintenance of commercial facilities needed to serve the projected population growth of the town.

#### Policies

Stabilize and improve existing commercial areas through the encouragement of building renovation, parking and access improvements, and landscaping in order to minimize potential traffic hazards and to upgrade the general attractiveness of such areas.

Encourage the grouping of compatible commercial uses within the Hamlet of Marilla.

Restrict the conversion of residential uses to commercial uses to those areas which have been specifically designated for commercial development. Require a high standard of design and construction for such conversions. Limit commercial uses in residential areas to home occupations which will not diminish the residential character in any way.

Encourage the development of small commercial centers within well defined nodes in areas that are accessible to major population concentrations and which have convenient transportation services.

Discourage strip commercial development along the major roads in the town.

Require adequate landscape screening and separation between residential and commercial areas so as to minimize land use conflicts and achieve high visual appeal.

#### Industrial Goals

Strengthen the community's economic base by being receptive to proposals for small scale light industrial uses.

#### Policies

Develop a positive plan to attract desirable industrial uses in order to provide increased employment and to widen the tax base without creating a burden on local public services.

Locate industrial land uses along major highways with public water supplies.

Support economic development programs at the regional and county levels aimed at fostering growth in the industrial community.

Improve the appearance of existing commercial-industrial operations, through building renovation, landscaping, buffering, and other design methods.



#### 4.3 TRANSPORTATION GOALS AND POLICIES

Provide a circulation system which is adequate to support proposed land uses with maximum economy, safety, and amenity by adhering to the Town Highway Specifications.

Support the expansion of public transportation services which would improve the accessibility of town residents to take advantage of the cultural, recreational, educational, and employment opportunities of the region and county.

##### Policies

Encourage the provision of adequate facilities for pedestrian and bicycle access to shopping, recreation and other activity centers.

Recognize that the transportation network also serves as a component of the local recreation system and therefore should enhance the opportunities and special amenities for driving pleasure, sightseeing, bicycling, walking, etc.

Minimize, to the extent feasible and in accordance with the Town Subdivision Law, the number of individual access drives to highways in order to maintain their safety and traffic-carrying capacity by requiring the use of such measures as:

- a. Parallel access roads;
- b. cul-de-sacs and loop roads;
- c. shared entranceways for neighboring commercial and industrial uses; and,
- d. reverse frontage, whereby lots front on an internal subdivision street rather than on the highway.

Particular emphasis should be given to applying this policy to development along Bullis, Two Rod and Jamison Roads and Clinton Street.

Support county and regional transit efforts aimed at creating an efficient metropolitan transportation system.

Encourage and support a highway functional classification system which is consistent with and furthers the objectives and recommendations of the town's comprehensive plan (See Figure 4 and Table 2).

#### 4.4 OPEN SPACE, CONSERVATION, AND RECREATION GOALS AND POLICIES

Optimize use of the non-renewable natural resources within the town to enhance and revitalize the natural landscape, create uses oriented toward open space systems, and attain a natural environment benefitting the community's character.

Protect the community's important environmental resources (aquifers, wetlands, and floodplains) from the potential adverse effects of development.

Provide a balanced and readily accessible program of recreation and facilities for persons of all ages, income levels, and cultural backgrounds in the town.

##### Policies

Coordinate drainage planning efforts with those of neighboring towns that include the same drainage basins as the Town of Marilla and carefully evaluate the effects on drainage of all proposals for development.

Require developers to dedicate easements along creeks and other major drainageways to allow for their maintenance and to reduce the risk of flood damages.

Require, as a condition for the approval of development proposals, the application of effective measures to minimize erosion, sedimentation, and drainage problems both during and after construction.

Maintain wetland areas in their natural state by prohibiting drainage, filling, and development in these areas, unless it is demonstrated that each of the following two conditions is met:

1. The wetland area has a very low biological productivity; and,
2. the wetland area does not serve an important hydrological function of controlling flooding problems or purifying water.

Regulate development within flood hazard areas so that it meets the requirements of the Federal Flood Insurance program and so that it will be resistant to flood damages, will not restrict the flow of flood waters, and will not increase flood hazards.

Coordinate public action and private initiative to attain the open space and recreational recommendations of the plan.

#### 4.5 COMMUNITY FACILITIES AND SERVICES GOALS AND POLICIES

Provide facilities for municipal government offices and services and maintenance responsibilities that are sufficiently financed, properly sited, and adequately designed for present and future expansion.

##### Policies

Establish a program for capital improvements which will allow for needed improvements to be undertaken without significant increases or fluctuations in the town tax rate.

Implement an ongoing program to insure adequate maintenance, repair, and replacement of existing town lands, buildings, equipment, roads, and drainage facilities.

Consider the costs/benefits of the expansion of the existing public water system by evaluating the potential options and alternatives.

Study and consider drainage needs in the town through the preparation and implementation of a comprehensive drainage plan.

Work closely with county and state officials to bring local concerns into their decisions which affect the town, particularly decisions concerning improvements to county and state highways within the town.

Keep abreast of various state and/or federal grant programs as potential sources of revenues to help defray the cost of needed public improvements to local taxpayers.

Participate in the planning and development of cooperative programs which maximizes the availability of public services to residents without placing an undue burden on taxpayers.

Support programs to provide quality public safety services (police, fire, and emergency medical services) to ensure protection for local residents and their property at optimum levels and foster improved communication linkages between public safety providers and the community.

#### 4.6 SUMMARY

The goals and policies delineated herein represent a written statement of the manner in which the town desires to see development directed. The statements present a clear and concise picture of the standards and criteria the town will use in considering the merits of development proposals. In such a way, the position of the community is clear at the outset and it is the role of the Planning Board and the Town Board to insure the effective application of these objectives. In addition to assisting in the review of private development proposals, the statements provide a blueprint for the investment of public dollars for community facilities and services.

In the future as current projections and estimates become realities, it may be desirable to modify these goals and policies to conform to new or changing community standards and needs.

Should this occur, the comprehensive plan would also require re-examination and revision as necessary to reflect such new goals. It is the responsibility of the Town Planning Board to recognize development problems and changing conditions and trends which would necessitate the revision of the plan and report such concerns to the Town Board.

## SECTION 5: COMPREHENSIVE PLAN RECOMMENDATIONS

The goals and policies defined in the previous section of this report provide essential guidelines to assist the town in making decisions relative to future land use and public investments. These goals have been translated into a suggested physical development pattern to establish a basis for the town's land use program.

The land use patterns are not intended to be defined rigidly in order to provide a certain degree of flexibility in interpretation. However, if the goals and policies on which the form is based were to change, there would be reason to modify the suggested land use patterns.

This portion of the report is designed to describe: (1) the major land use categories presented on the map both in terms of the intent of the plan and the nature and types of uses contemplated in each area and, (2) steps which the town should begin to take to realize the recommendations contained in the plan. If the ideas embodied in the plan are to advance from the concept stage to reality, they must be incorporated into a continuing planning and management program which deals with development issues. Unless such a process is initiated, hap-hazard, uncoordinated sprawl development undoubtedly would destroy the existing character of Marilla - a character most residents want to retain.

In addition to describing the land use categories delineated on the map, the following narrative also provides suggested actions for circulation and public services. These two categories are included in this section because of their significant influence in determining land use.

### 5.1 DEVELOPMENT AREAS

The comprehensive plan depicts two major development areas centered around the Hamlets of Marilla and Porterville. The plan recommends that the major portion of the town's future growth take place within or adjacent to these areas. By encouraging future growth to occur in these areas, the Town of Marilla should realize the following benefits:

1. The disruption of prime agricultural and environmentally sensitive lands will be minimized.

2. Public services could be delivered on a cost-effective basis.
3. Compact development would increase the potential to implement lower cost innovative sanitary sewer facilities in the long-term future.
4. Transportation facilities are in place and are adequate to support new development (Routes 354, 358 and Bullis and Jamison Roads).
5. The opportunity to support existing as well as potential new business and service uses would be increased.
6. A sense of community can more readily be established.

#### 5.1.1 Marilla

This hamlet area is the largest of the two development areas and serves as the social, economic, and governmental center of the community. Efforts should focus on the preservation and rehabilitation of existing buildings and uses, the provision of additional off-street parking, and the adoption of land use controls which would permit new growth to occur without conflicting with existing uses. New investments which would reinforce Marilla as the center of local activity should be encouraged while actions which would diminish the hamlet's status as a healthy and functional center should be discouraged.

Residential areas should include a variety of housing types (single family dwellings, duplexes, and townhouses) adequate to provide housing for families of different sizes and income groups. While a majority of the residents will occupy single family dwellings, reflecting a nationwide desire to own a home, trends indicate that the elderly, young couples and single persons will continue the demand for a variety of housing types. The need for alternative housing choices has increased in recent years due to smaller households, an aging population, and changing lifestyles. As such, opportunities should be provided to enable owners of larger dwellings to convert such buildings into rental units to serve the needs of

smaller households. Care will have to be taken to insure that adequate off-street parking is provided and that such conversions do not exert a negative impact on adjacent properties.

Residential densities within this area may range from single family dwelling units to multifamily dwellings and townhouse developments in appropriately zoned areas. Care must be taken, however, to insure that sites proposed for multifamily use are capable of supporting such higher density development. Further, one type or style of residential use should not be permitted to saturate the community center.

The attraction of limited scale commercial development should be encouraged within the Hamlet of Marilla. A variety of establishments providing everyday goods and services (for example a food store, barber shop, drug store, liquor store, etc.) would be the most appropriate types of commercial uses in the community center. Such development would reinforce the concept of Marilla as the center of town and serve as a convenience to local residents.

Convenience commercial development may occur on individual lots within the center of the hamlet area (Bullis and Two Road Roads and West Avenue are particularly attractive for such uses) or as part of a "mini-plaza" type of development. As such a plaza would normally require at least five acres of land with good highway access. It is unlikely that such a development would occur within the Hamlet of Marilla. Based on the limited availability of adequate land area within the hamlet itself, the plan recommends that the town encourage convenience commercial development to occur at the intersections of Two Rod Road with both Jamison Road and Clinton Street. Although the Clinton Street site is very close to Marilla, the Jamison Road location could serve residents of the Porterville area as well as Marilla. Both locations have good highway access and may attract consumers from other towns as they travel through the Town of Marilla.

Commercial development should be limited to meet the convenience retail and service needs of area residents. The plan does not recommend general commercial areas that provide for a much broader range of business establishments (e.g., motels, automobiles, large appliances, theater, etc.) as such uses would be inconsistent with the character of Marilla and local planning objectives.



Although the Town of Marilla has limited potential for industrial development, the town should not overlook opportunities to retain its existing employers and attract new jobs. Small light industrial uses which are not labor intensive or dependent upon public utilities could be compatible within or dependent upon public utilities could be compatible within or adjacent to the Hamlet of Marilla. As an example, a location along either Jamison Road or Clinton Street would be attractive for warehousing, storage, goods movement, and supporting services for agriculture. New economic activities would help absorb the burden of higher public service costs and provide additional employment to serve an increasing percentage of two-income households.

Commercial and industrial uses are important to create a community center atmosphere. In order to achieve this objective such uses must be provided in a manner which minimizes potential impacts on adjacent land uses and public services. These impacts can be controlled by development regulations which impose strict standards governing off-street parking, buffering, lighting, and other potential nuisances. The town's existing land use controls should be evaluated and modifications enacted to achieve required levels of control for such uses.

#### 5.1.2 Porterville

This hamlet area is defined as a growth node in the comprehensive plan. The types and densities of residential uses proposed for Marilla would also be appropriate in Porterville.

Porterville is envisioned as a residential neighborhood. Small retail convenience outlets would be consistent with this objective. Development regulations which would increase the attractiveness of this area for residential development should be enacted. Large-scale commercial uses and other non-residential development which would be inconsistent with this objective or detract from the role of Marilla as the community center should be discouraged.

### 5.1.3 Summary

The development of a neighborhood area which serves all income groups and supports the concept of maintaining the Hamlet of Marilla as a strong community center is a primary goal of the town comprehensive plan. In support of this goal, town policies and programs should be directed to four specific areas:

1. Preservation of the existing housing stock and particularly the hamlet areas as the core of the community.
2. Establishment of regulations which would channel future housing development to areas within and adjacent to Marilla and the development node of Porterville.
3. Establishment of regulations which would permit a variety of housing types and development densities.
4. Restriction of rural non-farm residential development.

Local efforts should be geared to the preservation of existing housing through the adoption of codes and ordinances that would remove deteriorating and/or blighting influences and prevent their re-occurrence. Conflicting land use patterns, inadequate public services and environmental problems are examples of such influences.

Residential growth outside the development areas should be strictly controlled. Such uses should only be permitted at very low densities and in those areas which do not conflict with farming activities and environmentally sensitive areas.

## 5.2 AGRICULTURAL AREAS

Large areas of Marilla are recommended to remain as rural or in agricultural use. Farmland land uses and rural areas contribute significantly to the economic well-being of a community as well as an entire county or region. These areas serve to maintain economic stability, are a desirable scenic

element in the local environment and help to maintain an ecological balance. It is important that those soils which have been determined to be extremely viable for agricultural protection be continued for such use. Once land has been taken out of production, its potential for reversion to agricultural use is very limited.

## **Background**

Agriculture in the Town of Marilla has always been known as dairy country, as dairying has always been the major focus of agricultural activity since the 1800's. Marilla continues to be viewed as a rural/agricultural town and an important part of Erie County's \$100 million agricultural industry.

With the continuing loss of farmlands and agriculture all across New York State and the nation, as well as the local town and county level, there is an increasing awareness of the importance of agriculture and the role it plays in the economy as well as the well-being of a community. Efforts to protect farmlands and agriculture is coming to the forefront and is gaining a high profile to plan for its continuance and lessen its demise. This is occurring at a time when New York State has seen the loss of 11,000 farms and about 2.1 million acres of farmland in the last 20 years. On a smaller scale, this loss has become evident in Erie County and its municipalities. There is now a realization that protecting farmland and maintaining a viable farming sector can help communities control poorly planned growth and its associated costs. As a growth management strategy, protecting farmland offers a hedge against expensive urban sprawl and development while supporting an important contributor to the local economy.

### Agricultural Operations and Productivity

The number of agricultural operations and productivity has changed markedly over the years. The Census of Agriculture which first reported agricultural activity in 1930, reported 188 farms on 14,570 acres. In 1964, the last agricultural census year<sup>1</sup> 115 farms on 11,452 acres County-wide basis, the latest Census of Agriculture in 1992 shows that while farm numbers are

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<sup>1</sup>The 1964 Census of Agriculture is the last year that figures were reported on a town basis. Since then, the Census of Agriculture is reported by County as the smallest area denomination and is now reported every 5 years for the years ending in 2 and 7. Thus the next Census of Agriculture will be reported for 1997. (preliminary data released end of 1998)

declining, the average acreage per farm continues to increase - a trend that is evident not only in the Town of Marilla but in Erie County, the State, and the Nation. Increased levels of mechanization in all areas of agriculture has been an important factor in allowing large farms to be operated with less and less labor.

The continuing decline in the number of farms and increase in the average size of farms is evident from the data in Table 3. While there were 115 farms on 11,452 acres (an average of  $100\pm$  acres per farm) in 1964, data from the 1997 Agricultural District Survey indicates that there are 36 farms on 10,200 acres (an average of  $283\pm$  acres per farm).

**Table 3**  
**Types of Agricultural Operations\***  
**Town of Marilla**

<u>Agricultural Category</u>	<u>Number</u>
Dairy	16
Cash Crop (grain & vegetables)	8
Livestock (other than dairy)	8
Equine	1
Horticulture (including nursery)	3
Total	36

\*Source: 1997 Agricultural District survey

Note: The Town of Marilla has identified 41 agricultural operations within the Town's borders.

### **The Present**

Agriculture still maintains a stronghold on the Town's economy. One only needs to drive through the various areas of the town to see the evidence of agriculture. There is a strong tie to the land as agriculture contributes significantly to the economy of the Town.

Changing times and market conditions, however, have had an impact on agriculture as witnessed by the changing agricultural operations. This has not diminished the extent of agriculture appreciably as farmers and growers adjust to the change. While dairying is by far the largest type of agricultural operations, cash crop farming (in grains and vegetables) and horticulture specialty growing add to the diversity.

The agricultural operators in the Town of Marilla took the initiative in 1973 to petition the Erie County Legislature to form an agricultural district in accordance with the New York State Department of Agriculture and Markets law, Article 25-AA. This law enables the county and state to certify the creation of such districts as a means of assisting agriculture by providing incentives to farmers and growers and assisting in farmland protection endeavors. An agricultural district must be recertified every eight (8) years by the county and state, the Erie County Agricultural and Farmland Protection Board and the Department of Environment and Planning play a major role in collecting data, analyzing the data and making recommendations to the Erie County Legislature. As a part of its data collection, a survey of agricultural operators is conducted.

Marilla's agricultural district has been reviewed in 1997 for recertification. The significance of the agricultural district is the acknowledgement and recognition of agriculture in the Town of Marilla on the part of the public and local, county and state governments. The entire Town of Marilla is encompassed within the agricultural district except for the hamlets of Marilla and the various subdivisions which have been excluded.

The agricultural lands in the Town of Marilla are predominantly situated in Agriculture (A) zones. Subdivisions are in Rural Residential (R-R), Mobile Home Parks in MH and several businesses in Business (B) and Industrial (I) Zones. The Agriculture (A) zone is most prevalent throughout the Town of Marilla, encompassing about 90% of the town area. It attests to the predominant land use being agriculture.

Sewer districts are not situated in the town. Water districts however, have been established to meet the increased demands for quality drinking water. Map 1 shows the location of these water districts. As these districts overlap with the certified agricultural district, the Town has placed restrictions on the lateral expansion of water lines to reduce development pressure in the agricultural lands.

#### **Land In Agricultural Use and Present Types of Operation**

The town has witnessed changes in its agricultural base, especially in the past decade, as a surge of development began to occur. It is noted that this latter activity is reduced substantially as the

town has made progress to halt the conversion of farmland. Agricultural acreage and the various types of agricultural use may change over time resulting from an operator's needs and the market economy. Several farms have ceased operations by the owners but the land has been rented to other operators, thereby continuing the agricultural use of the land. At the same time, a number of farms have expanded operations. It is estimated that the number and type of agricultural operations currently existing in the Town of Marilla are indicated in Table 3.

While the Marilla Agricultural District as a whole contains 15,824 acres, approximately 10,200 acres or 65% of the district is in agricultural use. On a town-wide basis, the agricultural district encompasses about 89% of the town acreage of 17,730± acres. The agricultural district was formed to protect not only the active farmland in the town, but viable farmlands that may not be active now for various reasons (including lands in such federal programs as the Conservation Reserve and Production Flexibility Contract programs), open space and woodland that can serve as buffers to active farmlands, as well as lands that assist in preserving the rural character of the town. It becomes very significant, that the Town of Marilla is primarily an agricultural community with the largest part of its land base devoted to agriculture.

#### **Agricultural Economic Impact**

Agriculture is a major contributor to the economic well-being of the community by its reduced demand for services. The American Farmland Trust has conducted cost/benefit studies in various towns across the country including the New York counties of Dutchess and Schuyler. The unanimous conclusion is that farmland pays more in taxes than it requires in services, thereby becoming more cost effective to keep land in farming rather than encouraging residential development. A similar benefit exists with commercial and industrial uses. However, as the latter generate more jobs, more demand for residential development is created which in turn creates more demand for services. While more than paying for itself, farmland also provides fresh food, protects wildlife, keeps land open and attractive and can provide attractive vistas which can become an attraction to tourism.

### Future Plans for Agriculture

The agricultural economy is affected by many outside forces as are most other economies. Government policies at all levels can have a major affect upon the industry as can competition, surplus development, development of raw agricultural products, etc. Coupled with the federal governments free-market on deregulation, a changing face of agriculture is inevitable, and this will likewise impact agriculture down to the local level.

The Town of Marilla has already taken significant low-cost measures to support the continuance of agriculture. Erie County supports the Town of Marilla's actions as they are consistent with the development patterns that the County perceives. In pursuit of these goals, the Town has advanced several initiatives including water line lateral restrictions, land use controls, adopted a Right to Farm Law, and promoted financial incentives for agricultural preservation.

Erie County adopted "Erie County Farms for the Future, an Agricultural and Farmland Protection Strategy" in July, 1996. This was completed with farmland protection grant dollars from the NYS Department of Agriculture and Markets. The Town of Marilla is considered an Agricultural Reserve Area in the County plan (Def. agricultural, farm, and some open land in the agricultural reserve zone should be considered lands reserved for agriculture, exclusively if possible. The entire Town of Marilla is included in this zone.).

With this in mind, the following recommendations have been put forth to enhance the continuation of agriculture and farmland protection in the Town of Marilla.

### Recommendations

A wide array of measures are available to a community interested in protecting its agricultural base, ranging from little or no-cost to high-priced measures. As pointed out earlier in this section, with the easing of development pressures upon the town, agriculture can be given the impetus to flourish without the continuous uncertainties that exist in developing municipalities. Therefore, the following recommendations are geared to providing farmland protection and a means of developing an environment conducive to continued agricultural practices.

1. Reevaluate the town's zoning structure and ordinance annually to determine how agriculture fares under the ordinance. The "A" zoning district should clearly recognize agriculture as the primary use, and, as much as possible protect agricultural operators from adverse impacts of conflicting land uses. Any development within the "A" zone should be considered by the Planning Board/Town Board in terms of its impact upon surrounding agriculture.
2. Give strong consideration to long-term farmland protection measures above and beyond the actions already taken by the Town.
3. It is further recommended that the Town of Marilla establish a working relationship with a local land trust (i.e., Western New York Land Conservancy) which can provide assistance and support for long-term conservation easements.
4. It is important that the Town of Marilla continue to be cognizant of the requirements on when an Agricultural Data Statement is to be filed for proposed development actions so that an affected farmer in the agricultural district can be informed. Equally important are the Notice of Intent provisions where public acquisition is planned of agricultural land within an agricultural district or where public funds are to be used for commercial or industrial development or for public infrastructure such as sewer or water facilities. These provisions are in accordance with Sections 305-a and 305 (4), respectively, of Article 25AA of New York State Agricultural & Markets Law.
5. Reach out to all agricultural land owners (including those who rent their lands for agriculture) so that they are aware of the benefits of the agricultural district including the agricultural assessments. By encouraging landowners to keep land in agriculture, it becomes a tax benefit to them, reduces the need for community services, and ultimately plays an important role in keeping potential development from occurring on such lands.
6. Having developers provide buffer strips in future developing areas to place a physical barrier between potential conflicting land uses. Such provisions can be placed in the zoning ordinance and subdivision regulations, for example. Buffers may range from single grassed and/or



wooded areas with agreed upon distances separating the developed area from the farmland to more elaborate buffers including drainage ways and berms.

7. Discourage development of prime agricultural lands in rural residential zones.

### 5.3 CONSERVATION/OPEN SPACE

The conservation/open space category includes areas of a unique character or having special needs warranting preservation (floodplains, wetlands, woodlands, and steeply sloped areas). Permitted uses in such areas include recreation, agriculture, forestry, and conservation. The primary intent of the conservation/open space category is to preserve the open space and rural character of the community, provide green space and recreation opportunities in developing areas, and to prevent potentially hazardous environmental situations resulting from improper development.

The town should act in a number of areas to insure the preservation of Marilla's existing rural character and to prevent the occurrence of environmental and economic problems which may result from poorly planned and inappropriate development. These activities are summarized in the following paragraphs.

The limits of potential flood areas have been accurately defined. A policy needs to be adopted which declares such areas "off limits" to major developments. In addition, a comprehensive policy for the management of land use and drainage within the community must be adopted. This should be accomplished in co-operation with the state, Erie County, adjoining towns, and the Federal Emergency Management Agency.

As information program should be established to point out the value of wetlands in the ecology of the community. The program should be directed to developers, farmers and individual citizens alike showing the advantages to be gained from the protection of wetlands. Local activity should build upon the provisions of the State Wetlands Act by keeping the wetlands inventory and mapping up-to-date, carefully establishing a buffer area around each wetland and determining the specific drainage characteristics of each wetland area. Applicants proposing to alter a wetland should be required to provide a detailed description of how the potential action would affect local hydrology and ecology and

provide evidence of compliance with all U.S. Army Corps of Engineers and New York State Department of Environmental Conservation requirements.

In cooperation with conservation agencies, wood lots with outstanding natural value should be identified. This information should be developed by a detailed survey similar to the wetlands inventory. Development regulations should include provisions designed to prevent unnecessary destruction of forest and brush lands. In addition, wood lot management programs should be suggested to prevent the loss of individual tree species by selective lumbering and potential erosion problems resulting from careless cutting practices.

Steep slope areas should be kept in a natural state. Development in such areas should respect the natural terrain and carried out in a manner which minimizes run-off and erosion. Where ground cover has been removed and erosion problems exist, soil and vegetation management programs should be encouraged.

The town should work closely with the county and state to establish a program for the acquisition of future park and conservation areas, as well as the preparation of management plans for each area. Specific proposals could include: Additional improvements at the town park to provide more varied recreation opportunities; the development of a linear park or greenway along Buffalo Creek, Little Buffalo Creek, Cayuga Creek and Ellicott Creek; and, the establishment of neighborhood recreation facilities in the community center (Marilla) and the growth node (Porterville). Through the application of the Town Subdivision Law, the town requires subdividers to set aside land for neighborhood recreation areas or contributing money to an escrow account which would provide a fund for acquisition and development of recreation facilities.

As indicated previously, in addition to its importance to the economic health of Marilla, the preservation and encouragement of agricultural activities would be a major factor contributing to the maintenance of the town's rural character.

#### 5.4 CIRCULATION

The comprehensive plan does not recommend the construction of major new transportation facilities. Rather, the policies and programs of agencies responsible for providing transportation

services should be oriented to improving the existing highway system. Actions should be pursued which would: reduce existing road hazards; improve the flow of traffic; and, minimize the disruption of the existing system. In addition, by encouraging compact orderly development patterns, the potential for linking Marilla to the regional transit system would be improved.

In cooperation with state and county agencies the town has delineated the primary function of each road within the town. Table 2 summarizes the functional highway classification system in Marilla and the role of each type of roadway.

The next task in the highway improvement planning process should be to inventory the highway system to determine characteristics and potential problem areas. Needed improvements such as widening, turning lanes, drainage improvements, right-of-way grading to eliminate snow drifting problems, and realignment should be noted and prioritized. Design standards should be incorporated into applicable development regulations to insure that future circulation improvements are adequate to accommodate projected changes in land use.

Strip roadside development and unlimited access to roads should be discouraged. A policy to control roadside development and highway "cuts" should be established in conjunction with state and county personnel. This would insure that monies spent on highway improvements would return the greatest level of public benefit.

## 5.5 PUBLIC SERVICES

Policies and programs related to the provision of public services, particularly sewer and water, often provide the key to local efforts to successfully direct future development. As such, any decisions to enhance/provide such services in the future should be consistent with and support the three principal goals of the comprehensive plan: (1) The enhancement of the Hamlet of Marilla as the center of the community; (2) encouraging additional growth to locate within and/or adjacent to the Hamlet of Porterville; and (3) discouraging residential sprawl in the more rural and agricultural areas of the town.

The expansion of the public water system in Marilla should serve a community purpose, be consistent with the goals of the plan, and should be pursued by the town in response to local initiative.

If public health problems warrant the expansion of public water in areas where growth is not desirable, service extensions should be accomplished by strict controls which would limit additional development along the route of the extension.

The Town of Marilla is entirely dependent upon private systems for the disposal of sanitary wastes. This is a problem in several areas as local soil characteristics exhibit moderate to severe limitations for septic systems. The response to this problem has been to require large lot sizes to permit adequate space for leach fields. As the town continues to grow the continuation of such a policy may conflict with local desires to protect agriculture and to maintain the town's rural character. New and innovative disposal systems are being developed to serve rural areas. While the cost of these new systems are less than the traditional sanitary systems which have been built during the past couple of decades, the per unit cost is directly related to the density of development in the area the system is designed to serve. Unless future development is encouraged to locate within or adjacent to the established hamlet areas, the cost of providing such services in the future may be prohibitive.

The provision of other public services such as recreation, education, health, and general governmental administration should be directed to reinforce the Hamlet of Marilla as the center of the community. Whenever possible, new facilities should be planned and designed to facilitate shared use arrangements with neighboring municipalities, school districts, and Erie County.

## 5.6 NEXT STEPS

Although the comprehensive plan is a vital element in the town's program to achieve and maintain a quality community, it is merely one of the first steps in the planning process. The recommendations contained in the plan are general in nature and the proposed comprehensive plan map represents a conceptual picture of the future community. Numerous other activities and planning efforts are required to realize the objectives of the plan. As an example, the town may wish to appoint a task force of officials and citizens with a charge of undertaking an in-depth analysis of the Marilla area. The results of this effort would be to prepare a detailed design plan for the hamlet and to specify particular actions which should be pursued to enable this area to become the true "community center" of the Town of Marilla.

In addition, there are a variety of implementation measures which would assist the town in attaining the goals of the plan. Examples of these actions include: Zoning, subdivision regulations, SEQR, wetland and floodplain regulations, criteria for site plan approval, and building construction standards. These and other implementation devices are detailed in the next section of this report.

## SECTION 6: IMPLEMENTATION

Regardless of how desirable or logical the goals and recommendations of the comprehensive plan may appear, they have no direct legislative authority regarding the future growth of Marilla with the exception that the Town's Zoning Ordinance is required to be in accordance with the comprehensive plan. Only by having a Zoning Ordinance in accordance with the aforementioned policies will the results of the planning process be useful in guiding the day-to-day decisions of the town and provide direction to private developers and individual citizens. State enabling legislation assigns broad authority to local governments to regulate growth and development. The following section of the report discusses some of the ways in which the comprehensive plan can become a positive tool for local development.

### 6.1 REGULATORY ACTIVITIES

A wide range of regulatory devices are available to assist municipalities control land development patterns and achieve planning objectives. As the implementation of many of the suggestions in the plan are dependent upon the enactment of such regulations, it is essential that the policies and priorities which support these ordinances be clearly identified and understood by local officials, landowners, and developers affected by such policies. The following narrative describes several of these techniques which may be utilized by the community to guide future land use:

#### 6.1.1 Zoning

Zoning is the division of a community into zones or districts according to existing or desired future uses of properties for the purpose of controlling or directing future development patterns.

By grouping together compatible uses, zoning seeks to:

1. Conserve the value of individual properties, uses, and unique areas;
2. Assure orderly and efficient community growth; and,
3. Protect the general public health, safety, and welfare.

In order to achieve the land use concepts of the comprehensive plan, existing zoning regulations have been and should continue to be reviewed. Modifications should be made to reflect the plans and policies described in this report. Unlike the comprehensive plan, which is a policy and conceptual document, zoning is supported by state law and has the force of police power.

In addition to standard zoning provisions, with which most officials are familiar, there are several special zoning techniques which may be useful in carrying out the intent of the plan.

**Zoning Overlay Districts.** The establishment of supplemental zoning controls and regulations superimposed over an existing basic zone for areas which exhibit special characteristics such as wooded areas, steep slopes, wetlands, and floodplain areas.

**Variable Density Distribution.** Permits higher density development in specific areas of proposed developments in exchange for the establishment of open space areas in other portions of the same development.

**Provisional Time Development.** The establishment of restrictive zoning controls in specific areas until support services are available or other specified areas are fully developed.

#### 6.1.2 Subdivision Regulations

While zoning is largely concerned with the uses and arrangement of buildings on individual lots or properties, subdivision regulations are concerned with the arrangement of

individual lots in relationship to one another and to the land on which they are located. In addition, subdivision regulations can direct the type of services to be made available within a development as well as standards for their location and construction.

Subdivision regulations are often viewed merely as a procedure to improve the layout of new developments. In actual practice, however, the proper use of the subdivision process can be most instrumental in determining the future character, style, and efficiency of the town.

The Town of Marilla has adopted a Subdivision Law which governs the characteristics of future subdivisions and provides design standards. The effective use of the town's subdivision regulations can help Marilla attain the following objectives:

1. Insure a quality residential area by involving health and environmental authorities in the development process prior to construction.
2. Minimize potential strip development problems and insure adequate access to interior land areas.
3. Reduce maintenance, public service costs, and potential health and safety problems by insuring that adequate provisions are made for drainage and other improvements in the initial planning of a project.
4. Improve police and fire protection through effective street design and naming requirements.
5. Reduce energy consumption by creating more efficient land development patterns.

The town's existing subdivision regulations and procedures should be reviewed at least every ten years or more frequently as required. Modifications should be made where necessary to reflect the development policies outlined in the comprehensive plan. Proposals for new development should be reviewed for compliance with these policies prior to approval.

## 6.2 OTHER REGULATORY CONTROLS

Although zoning and subdivision regulations are the most commonly used devices to control development, several other tools are available to assist local governments in their efforts to direct future development.

### 6.2.1 Wetlands Management Act

This state law gives municipalities the authority to adopt local legislation to preserve freshwater wetlands. Under this legislation localities have the authority to regulate activities which would drain, fill, or pollute wetland resources. Implementation of such controls would insure the preservation of wetlands essential to the local ecology and prevent development from occurring in environmentally sensitive locations.

### 6.2.2 State Environmental Quality Review Act (SEQRA)

SEQRA Legislation requires local governments to determine whether actions they undertake directly or those for which they issue licenses, permits, or other entitlements may have a significant effect on the environment. If proposed actions have the potential to cause a significant adverse environmental impact, an environmental impact statement describing both the positive and negative impacts of the proposed action must be prepared. The implementation of this legislation insures that information on major developments affecting the community will be analyzed to determine the environmental consequences of proposed actions.

### 6.2.3 Official Map

An official map is an ordinance which identifies and protects public services (streets, parks, drainage areas, etc.) which are essential to properly serve future development. Once the map is adopted, no development may occur that would modify the facilities shown on the map unless a public hearing has been held and a variance granted to allow such use to occur. An official map is a tool which may be used to retain rights-of-way for proposed highway improvements, locations for future parks and the retention of drainage areas.



#### 6.2.4 Agricultural Districting

The Agriculture and Markets Law of New York State was established to encourage a strong agricultural industry by providing farmers with opportunities to protect themselves from rising costs and governmental actions associated with urbanization and to discourage urban development within good farming areas. Agricultural districts are created for a period of eight years and can be renewed to provide continued protection. The comprehensive plan recognizes the existing agricultural district in Marilla and recommends that its integrity be protected.

Towns also have the capability of establishing “mini-agricultural districts” in those areas not covered by a state established district. These districts can offer the same tax benefits and restrictions on non-farm activities without requiring the lengthy application process and costs associated with the creation of a state district.

### 6.3 MANAGEMENT ACTIVITIES

In addition to the adoption of specific ordinances and regulations to direct long-term growth objectives, the day-to-day management and coordinative activities of government can have a substantial impact on development patterns. For maximum effectiveness, management activities should be based on the policies that shape the comprehensive plan. Examples of useful management activities are described below:

#### 6.3.1 Capital Improvements Program

Public expenditures are made on a continuing basis for the purchase, installation and/or replacement of public facilities. Capital projects normally include, but are not limited to, such activities as land acquisition, purchase of highway equipment, park development, utility and street construction, drainage improvements, etc. The intent of a capital improvements program is to plan such commitments on a scheduled basis over a period of years (usually six to ten) in accordance with the needs and priorities of the comprehensive plan.

Even if a formal capital improvements program is not developed and adopted, it should be recognized that the expenditure of public funds often provides an inducement for private

investments. By timing proposed expenditures consistent with comprehensive plan objectives, the town can act positively to achieve its development goals.

#### 6.3.2 Governmental Cooperation

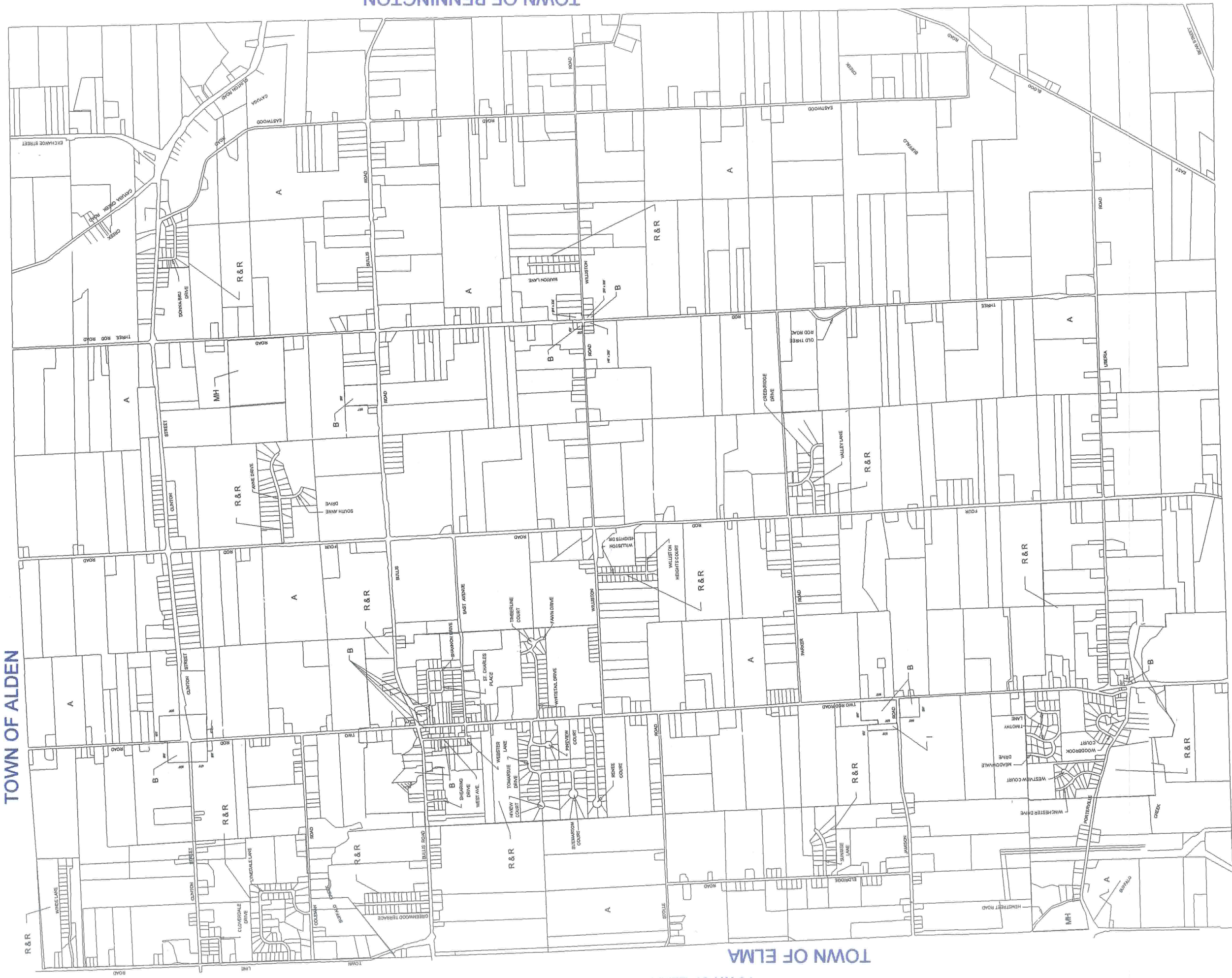
As previously discussed, future growth and development within the Town of Marilla will be influenced by actions at several levels of government. In order to successfully accomplish the objectives presented in the comprehensive plan, it is essential that the town convey a clear understanding of its basic goals to all other governments having responsibilities within the community. This should provide a basis for developing a cooperative framework to achieve these goals.

Of particular importance is the need for the town to cooperate closely with the Erie County Department of Environment and Planning. As the plan proposes the reinforcement of the Hamlets of Marilla and Porterville by encouraging new development to locate in such areas, it is important that governmental agencies work closely together to agree on common goals, compatible development regulations and investment policies. Coordination with the county is especially important due to the potential impact of regional and county policies and activities to implement highway improvements, water service, park developments, and waste disposal.

#### 6.3.3 Sharing Services

In a similar manner, the development of a program to share common services and facilities should be practiced wherever possible. Sharing can prevent unnecessary duplication of facilities by the town as well as other agencies. Further, such an approach supports the concept of a strong community center. Possible areas of shared programs and services could include road maintenance and construction, park and recreational facilities, planning and drainage studies and common use of local facilities by government and educational agencies.

TOWN OF ALDEN



TOWN OF WALES  
TOWN OF WALES



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**GENERAL MAP**  
**TOWN OF MARILLA, NEW YORK**

EXHIBIT

1



TOWN OF ALDEN

TOWN OF BENNINGTON

TOWN OF ELMA

TOWN OF WALES  
TOWN OF WALES

LEGEND

R&R	RESIDENCE
B	BUSINESS
I	INDUSTRIAL
A	AGRICULTURAL
MH	MANUFACTURED HOME



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# ZONING MAP TOWN OF MARILLA, NEW YORK

EXHIBIT

1







# SOILS SUITABILITY GENERALIZED CHARACTERISTICS

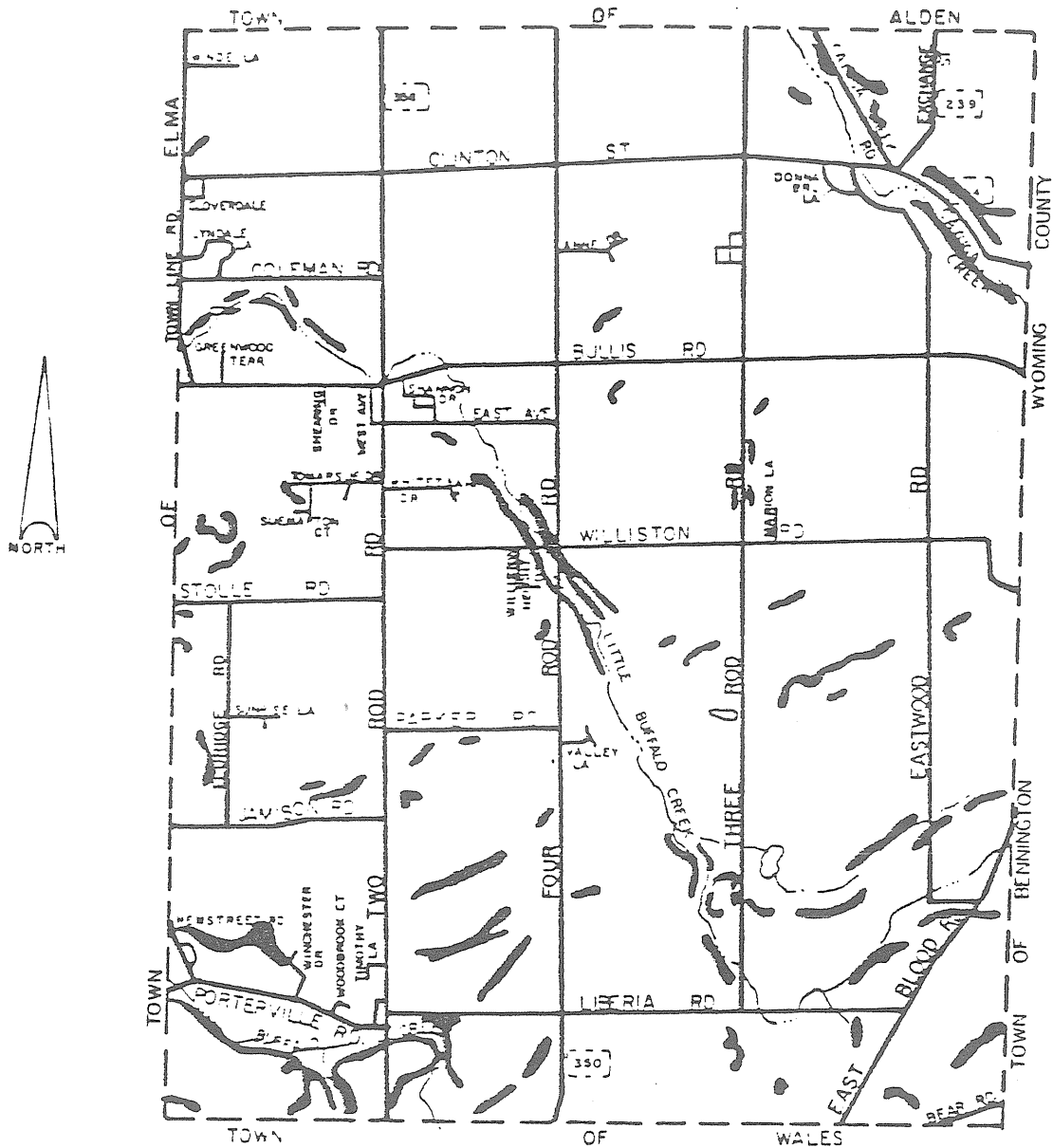
Map No.	Name of Soils	Suitability for Homesites	Farmland	Percolation	Surface Runoff	Comments
2	Churchville Remson, nearly level	Fair-seasonal high water table	Fair	Slow or Very Slow	Slow	Seasonal wetness
3	Darien, nearly level	Poor-seasonal wetness (early spring)	Fair	Slow	Slow	Poor soil tilth
4	Derby, gently sloping	Poor-	"	"	"	Erosion problems in slope areas
7	Schuyler-Valois-Mardin, moderately steep	Poor-	Poor	"	"	"
11	Angola, nearly level	Poor-	Fair	"	"	"
14	Manlius, gently sloping	Good-well drained	Fair	Moderate	Readily	Droughtiness
16	Manlius - rock outcrop, very steep	"	"	"	"	Low Fertility
17	Orpark, gently sloping	Fair-seasonal high water table	Fair	Mod slow	Slow	Forested areas w/steep slopes
19	Canandaigua, level	Poor-prolonged high water table	"	"	"	"
20	Collamer, gently sloping	Good-brief seasonal high water table	"	Moderate	Moderate	Drainage req'd for field crops
24	Minoa-Cosad, nearly level	Fair-seasonal high water table (spring)	Good	"	"	Easily cultivate, but highly erode
27	Rhinebeck, nearly level	"	Poor	Slow	Slow	Responds well to good management
29	Alton-Palmyra-Phelps, gently sloping	Good-well drained	Good	Moderate	Moderate	Clay texture
30	Blasdell-Farnham, gently sloping	Good-well drained	"	"	"	Easy to cultivate
32	Chenango-Varysburg-Blasdell, mod. steep	Good-well drained	Poor	"	Rapid	Seasonal crops
33	Red Hook, nearly level	Fair-seasonal high water table	"	Slow to Moderate	Slow	Steep slopes
34	Teel-Middlebury, nearly level	Poor-seasonal high water table	Fair	Poor	"	Areas drained can be used for crops
35	Wayland, level	"	Poor	Very Poor	Very Slow	Hazard of floods
37	Palms, level	Poor-water table at or near surface	"	"	"	Frequent flooding; prolonged wetness

[illegible]

SOIL PERMEABILITY  
SUITABILITY FOR SEPTIC SYSTEMS

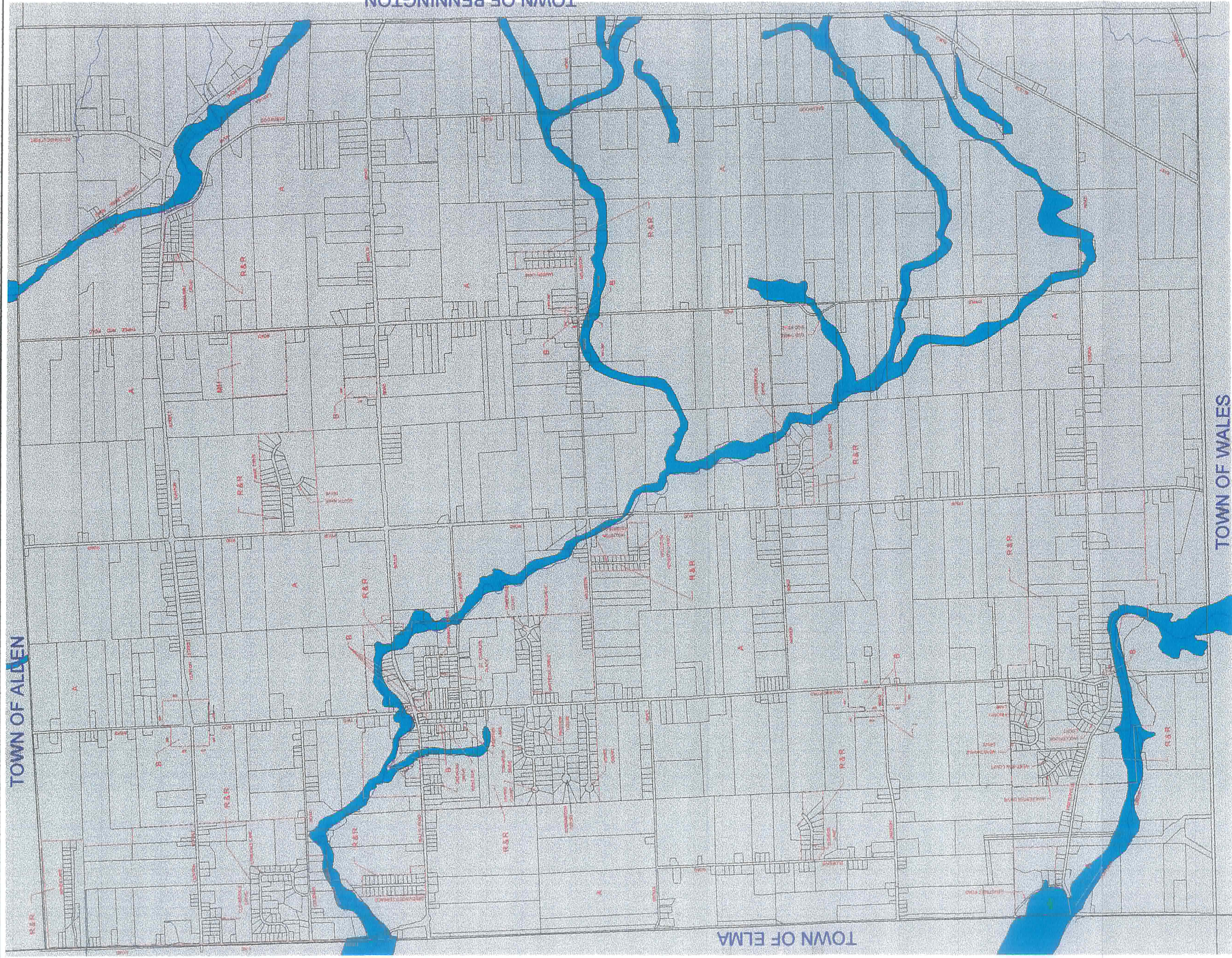


# TOWN OF MARILLA



STEEP SLOPES





FLOOD ZONE AREA



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# FLOOD ZONE LOCATION MAP

## TOWN OF MARILLA, NEW YORK

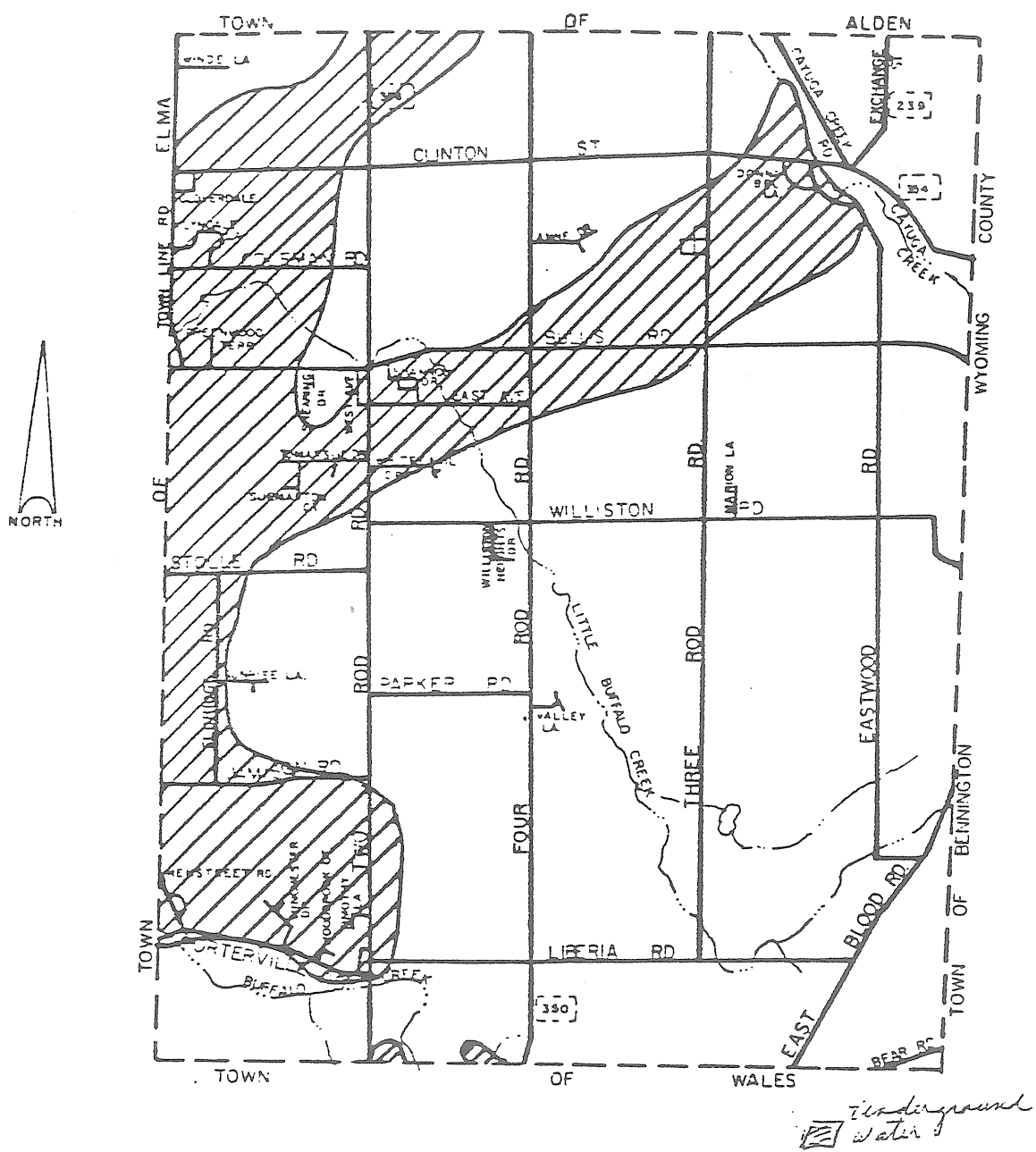
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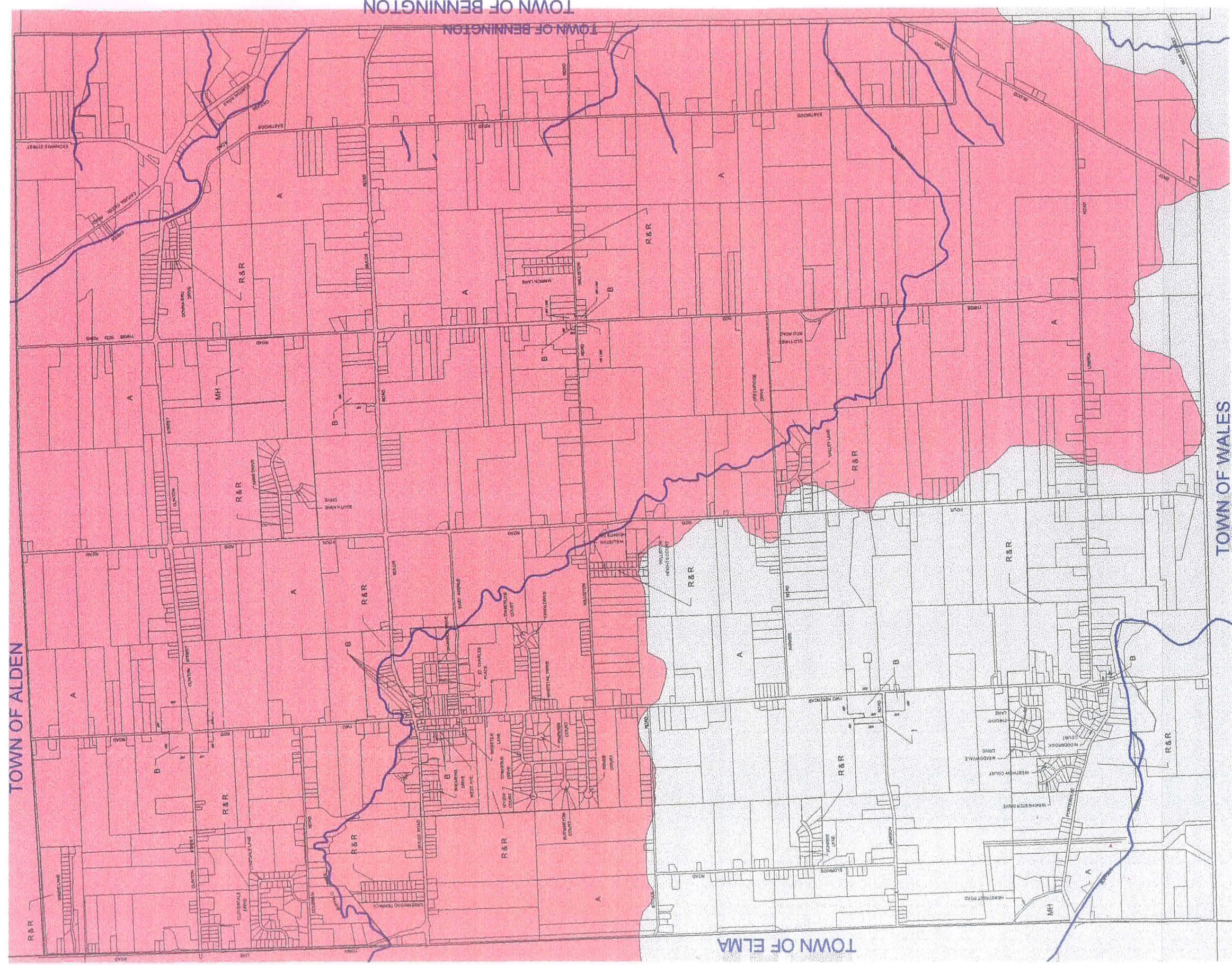
# TOWN OF MARILLA



## AQUIFERS

*water bearing saturation*





■ BUFFALO & HUNTER CREEKS WATERSHED  
■ CAYUGA & LITTLE BUFFALO CREEKS WATERSHED



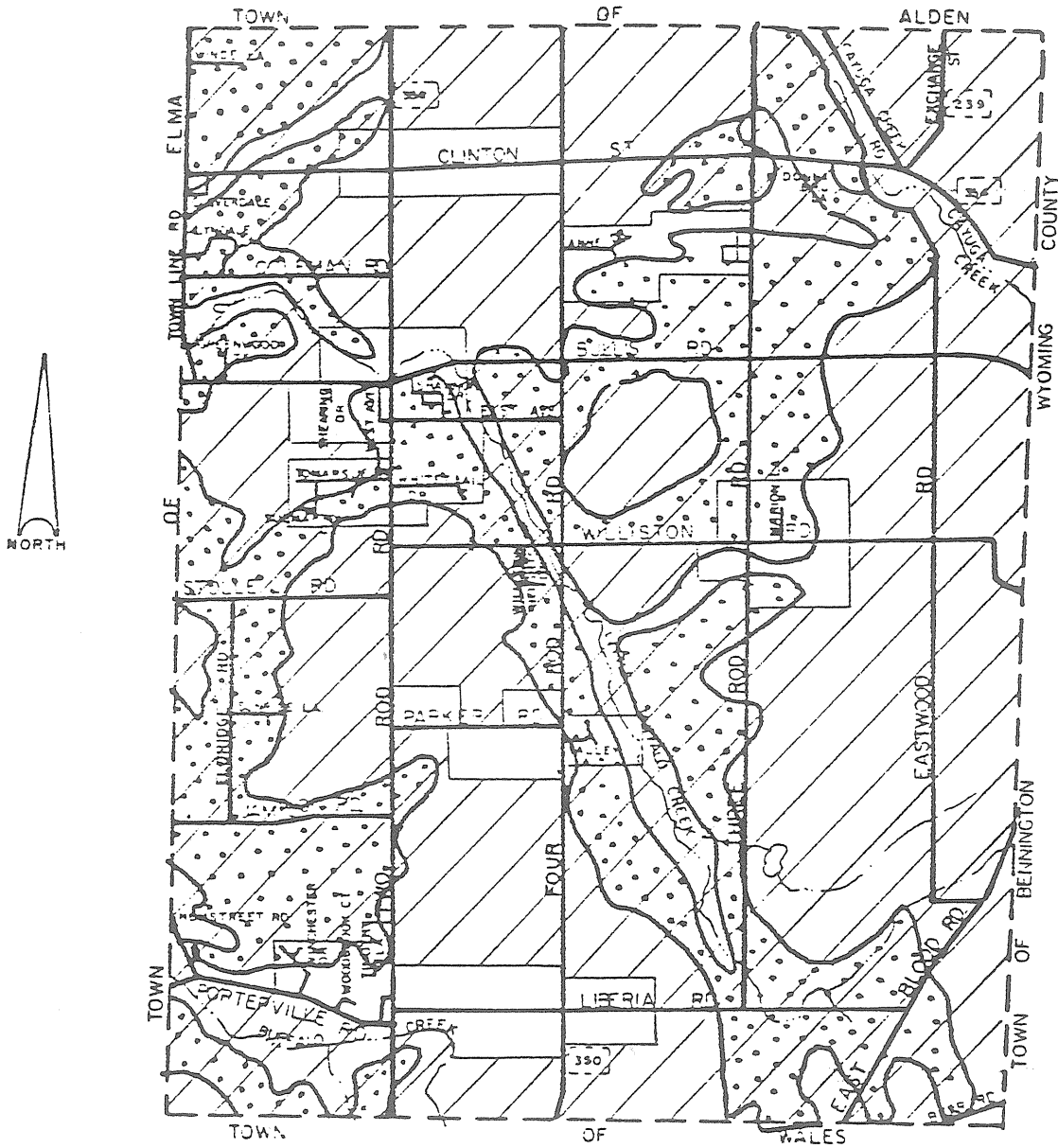
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# WATERSHEDS LOCATION MAP



## TOWN OF MARILLA, NEW YORK



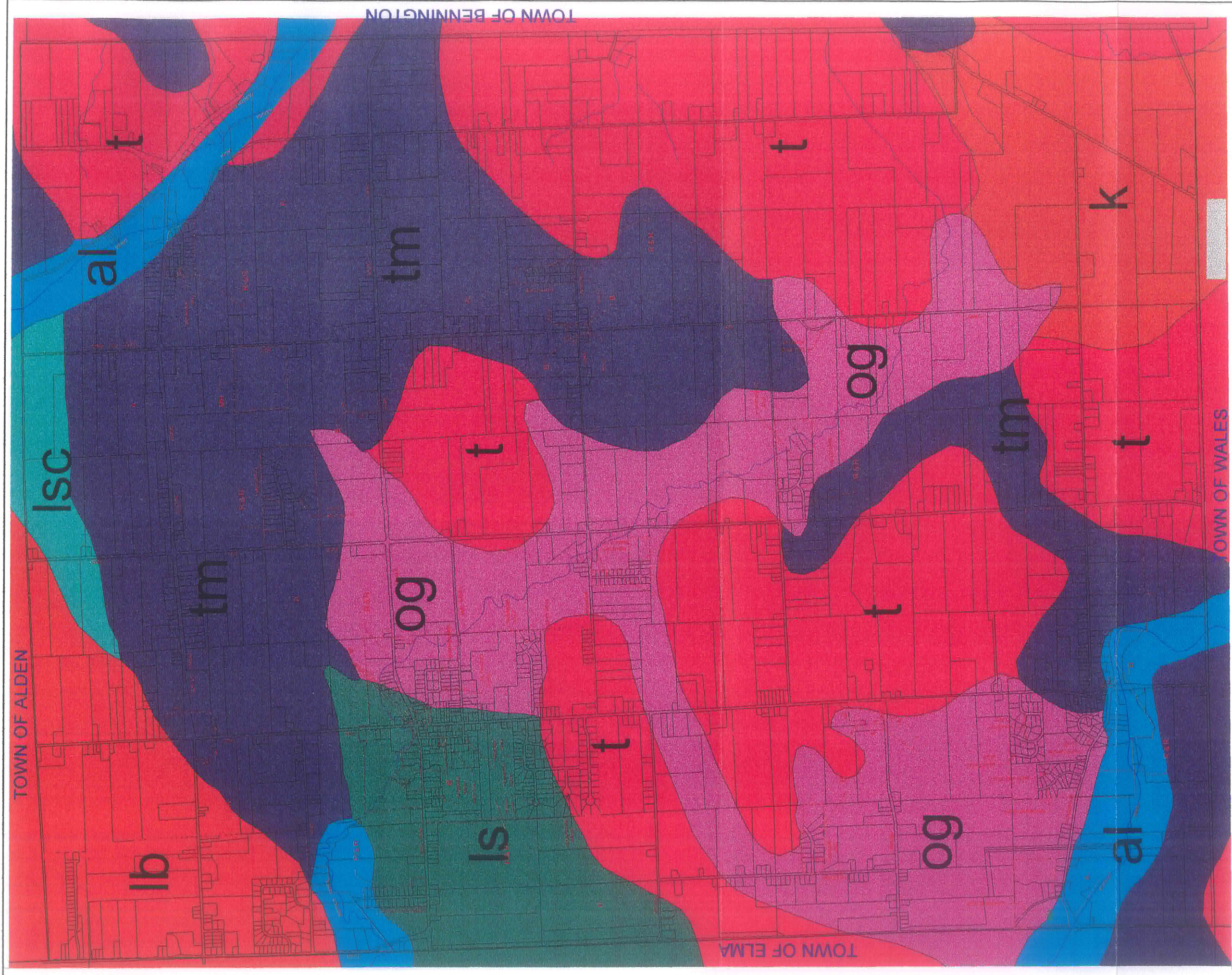
# TOWN OF MARILLA



## AGRICULTURAL RESOURCE

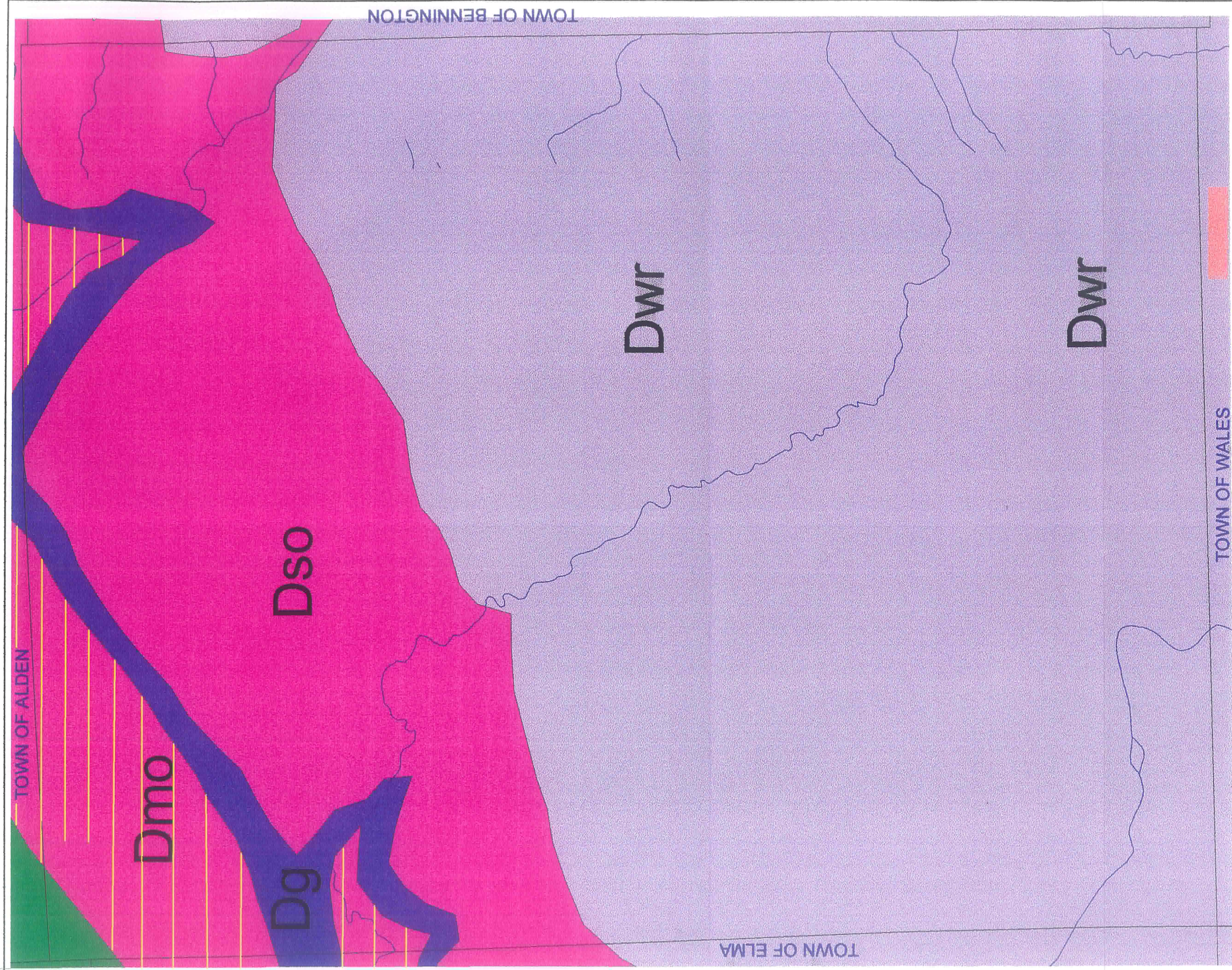
-  AGRICULTURAL DISTRICT
-  PRIME AGRICULTURAL LANDS





- |     |                        |    |                       |
|-----|------------------------|----|-----------------------|
| lb  | Lacustrine Beach       | tm | Till Moraine          |
| lsc | Lacustrine Silt & Clay | ls | Lacustrine sand       |
| al  | Recent deposit         | og | Outwash sand & gravel |
| t   | Till                   | k  | Kame deposits         |





TOWN OF WALES



Dso	Sonyea formation	Dmo	Moscow Formation
Dwr	Westfalls fomation	DI	Ludlowville Formation
Dg	Genesee Formation		



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# BEDROCK GEOLOGY MAP TOWN OF MARILLA, NEW YORK