

Recommendations for the Town of Ovid, NY

*A Report Summarizing Findings from the Ovid Strategic Visioning Sessions,
August 18th, 2009 – October 28th, 2009*

Final Report



This is a final report which has been reviewed by members of the Town of Ovid Stakeholders Advisory Committee. Input from Committee members was solicited between 1/15/10 and 2/02/10.

Open discussion on the contents of the report ensued at a Stakeholders Advisory Committee meeting on 2/02/10. Revisions were made and a Final Draft was made available for further review until 2/12/10. No further comments were submitted during that time period.

This report will therefore be submitted as ‘final’ to the Town of Ovid Town Board as of 02/16/10.

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**Final Report
February 2010**

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GENESEE/FINGER LAKES
Regional Planning Council

Mission Statement

The Genesee/Finger Lakes Regional Planning Council (G/FLRPC) will identify, define, and inform its member counties of issues and opportunities critical to the physical, economic, and social health of the region. G/FLRPC provides forums for discussion, debate, and consensus building, and develops and implements a focused action plan with clearly defined outcomes, which include programs, personnel, and funding.

ACKNOWLEDGEMENTS

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This report, along with other relevant project information, is
available online at the following web address:

<http://gflrpc.org/OvidStrategicVisioning.htm>

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EXECUTIVE SUMMARY

Leaders from the Town of Ovid, NY approached Genesee/Finger Lakes Regional Planning Council (G/FLRPC) in August of 2008 to discuss a variety of concerns regarding the local planning process. After further deliberation over the course of several months, G/FLRPC staff agreed to assist the Town of Ovid with a series of facilitated public meetings that would bring together a selected number of local residents – referred to as the “Stakeholder Advisory Committee” – in an effort to discuss and elucidate some of these outstanding planning and land use issues. The results from that process are summarized herein.

Section I provides a brief Project Overview to the reader which includes a summary of the project’s history, intended goals and anticipated outcomes. Section II of the report, “Summary of the Visioning Process,” provides the reader with a more detailed synopsis of the project approach and design and how that approach was eventually modified to better suit the needs and concerns of the participants. The section provides an overview of each meeting’s goals and further points to the responses that were provided by participants during several group exercises.

Section III of the report, entitled “Recommendations,” provides four specific steps that local leaders and residents should consider as they attempt to move forward with local planning issues. Those recommendations include:

- Address the “Process Problem” through Collaborative Decision Making
- Prepare a New Comprehensive Plan
- Consider Revision to Local Land Use Laws and Practices
- Develop Regional Approaches and Solutions to Local Problems

Details are provided explaining each recommendation and why it was selected. One of the more significant findings put forth attempts to address the problem of “process” by explaining how local officials and citizens can foster a more productive decision-making environment. An additional primary finding put forth in this section states that near-term efforts in land use planning in the Town of Ovid may best be focused on the process of drafting a new comprehensive plan for the Town. If done with independent assistance and with a concerted effort to involve the public, the process can begin to address many of the concerns that have been raised by Stakeholder Advisory Committee members throughout this visioning project. The issue of local laws is also addressed, stating that any new laws addressing land use should not be considered until the comprehensive plan is completed. The planning process should provide clarification of local needs and concerns as they pertain to land use planning and regulation. Finally, the importance of developing regional approaches to local governance is offered as a potential opportunity that can conserve local resources and provide innovative solutions to municipalities like Ovid.

The report finishes with a brief Conclusion and Appendices which serves as a repository for a variety of reference materials.

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I. PROJECT OVERVIEW

In August of 2008, Town of Ovid Supervisor David Dresser and Town Planning Board Chair Holly Bailey approached Genesee/Finger Lakes Regional Planning Council (G/FLRPC) to discuss a variety of issues that the Town was facing. The discussion focused on the comprehensive planning process that had been used locally as well as on land use regulatory options for rural municipalities in New York State. Supervisor Dresser and Holly Bailey mentioned some of the difficulties that they were facing with the mechanics of local land use decisions as well as with a variety of local concerns that were being expressed by members of the public regarding the decision making process in Ovid. Acknowledging a contentious atmosphere, they articulated a strong desire to identify approaches that could perhaps improve the quality of public discourse in the Town and also begin to move the Town toward a more open and positive public decision making process.

After further deliberation over the course of several months, G/FLRPC staff agreed to assist the Town of Ovid with a series of facilitated public meetings that would bring together a selected number of local residents in an effort to discuss and elucidate some of these outstanding planning and land use issues. “Strategic visioning” was recommended by G/FLRPC staff to the Town of Ovid Planning Board as an amenable framework for discussing and clarifying some of the issues that local officials and members of the public were concerned with. In the spring of 2009, Town officials initiated the process of creating a local committee to address these and other issues.

In the spring of 2009, with assistance from G/FLRPC, the Town of Ovid began the process of soliciting local residents to participate in the strategic visioning project as members of a “Stakeholders Advisory Committee.”

The purpose, strategy and anticipated outcomes of the project were described to the Committee as follows:

Purpose:

The purpose of [the] *Strategic Visioning for the Town of Ovid* project is to engage identified stakeholders¹ in a facilitated process that will seek to identify local needs and concerns pertaining to land use, economic development and other quality of life issues in the community, including housing, historic and environmental preservation, property values and taxation, and other important issues as deemed necessary. A strategic visioning process was recommended as a means of initiating dialogue regarding the local land use decision making process in an effort to foster a more productive and open public conversation on these and other issues of local importance.

What is “Strategic Visioning?”

“Visioning” can take a variety of forms, but it is generally considered to be a facilitated planning process through which a community can develop a shared vision for its future. An explanation of a contemporary approach to community visioning is provided by Steven Ames in his article titled “Community Visioning: Planning for the Future of Oregon’s Local Communities,” available online at <http://www.design.asu.edu/apa/proceedings97/ames.html> (last viewed 12/12/09).

¹ Stakeholder: Any local citizen who can be reasonably affected by the outcome of a specific project or decision. It is understood that stakeholders will have some ability to affect the outcome of the project or decision to some degree. Stakeholders therefore include project promoters and detractors as well as those responsible for making final decisions (elected and appointed officials).

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Strategy:

Project staff will work with stakeholders to identify local issues that participants are most concerned with. Through a series of approximately 6 facilitated meetings, staff will explore these issues in depth, in a collaborative fashion. The primary objective of this project is to promote a better understanding of how collaborative land use decisions can be made and to identify realistic solutions and strategies that local officials and citizens can turn to in an effort to move forward.

Notes will be taken at each meeting in order to establish a record of the conversations that take place. Various exercises will be designed to encourage thoughtful dialogue among participants pertaining to the specific subjects identified above. Participants will be encouraged to offer input into the process.

Outcome:

The primary outcome of the *Strategic Visioning for the Town of Ovid* project will be a written document which details meeting proceedings and provides local officials with a series of recommendations. It is anticipated that this document could assist the Planning and Town Boards with future planning and decision making.

Five meetings of the Stakeholder Advisory Committee were held between August and October of 2009.² While the restrictive timeline and small number of participants made it difficult to conduct what is generally considered to be a true community-wide “strategic visioning” process, the format nonetheless attempted to integrate some basic elements that are typical of protracted community visioning processes. Meeting discussions and exercises attempted to get participants to identify core community values, discuss emerging trends and issues of local concern, and begin to formulate a preferred future for the Town.

The outcomes of those meetings are summarized in Section II and Appendix A of this report.

² Meeting summaries of each meeting are available online at the project website, <http://gflrpc.org/OvidStrategicVisioning.htm>.

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II. Summary of the Visioning Process

The original design of the strategic visioning process was intended to be a flexible series of meetings structured on the collaborative process outlined by the Rocky Mountain Institute in its 1997 publication, “Economic Renewal Guide: A Collaborative Process for Sustainable Community Development.” The guide outlines a process for community self-reflection and mobilization through a multi-step process, including:

- Envisioning the community’s future
- Identification of local assets
- Generating ideas for moving forward
- Evaluating local progress

It became evident after the second Stakeholder Advisory Committee meeting that this approach would not be appropriate for the Town of Ovid for several reasons. Members of the Committee expressed their dissatisfaction with this general approach and requested a clarification of specific objectives and anticipated outcomes of the overall process as well as clarification of the roles and responsibilities of the Committee and how the Committee’s work would be used by the Town when the project is completed. Some of these concerns were aired directly to the Town of Ovid Town Board during the September 2009 Town Board Meeting. Several Committee members expressed a strong desire to focus more intently on how the Town has dealt with recent planning issues, specifically local land use laws and the comprehensive planning process. In an effort to address the concerns of members of the Stakeholder Advisory Committee, Supervisor Dresser issued a statement of clarification to each member. This letter can be found in Appendix B of this report.

G/FLRPC staff acknowledged that the Rocky Mountain Institute’s approach, while valuable, may be premature and not necessarily appropriate given the Town’s immediate needs at this point in time.

Staff continued with some of the exercises that were originally scheduled for the Committee but by the third meeting the process was adjusted to focus more on the local land use decision making process. The final schedule of meetings was as follows:

- **Meeting 1: Introductory Meeting (August 18th, 2009)**
 - Objectives:
 - Introduce the concept to participants
 - Solicit input on what participants would like to accomplish
 - Begin to solicit input on what participants like/dislike about their community
- **Meeting 2: Envisioning the Community’s Future (September 8, 2009)**
 - Objectives:
 - Begin to form a collective understanding of the Town’s history
 - Continue to solicit input on what participants like/dislike about their community
- **Meeting 3: Collaborative Decision Making (September 29, 2009)**
 - Objectives:
 - Gain a common understanding of collaboration and how it can be applied to land use decisions

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- Discuss types of decisions that are appropriate for collaborative processes
 - Identify specific moments when the traditional decision making process can be supplemented
 - Assess whether a decision is right for a collaborative process
- **Meeting 4: The Land Use Decision Making Process (October 14, 2009)**
 - Review the variety of land use tools in NYS and how they function and can be applied locally
 - **Meeting 5: Land Use Decision Making in Ovid (October 28, 2009)**
 - Review the history of land use decisions in the Town of Ovid
 - **Meeting 6: Review of Draft Report and Discussion of next steps(February 2, 2010)**
 - This final official Committee meeting was used to review and discuss the recommendations outlined in the report and to have a conversation about the value of the project and what actions, if any, should take place in the future.

Summary of Meeting Results

Several exercises were designed by staff in an effort to collect input from Committee members regarding their opinions on various local issues, situations or subjects. The information was collected in an effort to inform project staff regarding the issues that Committee members find important, thereby informing the recommendations contained in this report. As importantly, however, the responses provided by Committee members serve as a useful benchmark for fellow Committee members, residents, and local leaders alike as they each attempt to evaluate and consider local needs and concerns.

A selection of results from several of the exercises that were held with Committee members can be found in Appendix A of this document. Not every exercise that was engaged with the Committee has been included in this document; those that are included have received only minor edits and are reported faithfully. Exercise results have been selected for inclusion due to their specific relevance or level of insightfulness.

Full summaries from each meeting held during the Strategic Visioning Process, including all exercises conducted, can be found online at the project website, <http://gflrpc.org/OvidStrategicVisioning.htm>.

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III. Recommendations

The primary goal of this process has been to formulate a set of recommendations that would provide Town officials with an actionable ‘way-forward’ regarding some of the local issues identified by Committee members. The following four recommendations have been formulated by G/FLRPC staff for the Town Board and local residents to consider. They are based in large part on the input provided by the Town of Ovid Stakeholders Advisory Committee during the visioning process.

Recommendation #1: Address the “Process Problem” through Collaborative Decision Making

It is evident that there are polarizing viewpoints among Ovid residents and local leaders with regard to the development of an approach to land use regulation in the Town. Past interactions between residents and local officials as well as comments generated during the visioning process indicate a significant problem with the *process* through which these issues have been discussed and eventually acted upon. This issue of the “process problem” is not unique to Ovid by any means. In fact, it has been such a common issue within New York State municipalities that it has motivated planners, land use attorneys and academics to develop new approaches to the local community decision making process that is traditionally used. Utilizing a variety of mediation techniques, *collaborative public decision making* is gaining ground as a preferred alternative to the traditional decision making process in villages, cities, and towns. It is an approach that can hold significant promise for the Town of Ovid if its local leaders are open and committed to the principle.

In the “Starting Ground” guidebook series published by the Land Use Law Center at Pace University School of Law, strategies for understanding the complexities of local land use matters are presented in detail for local officials. The volume titled “A Local Leader’s Guide to Land Use Mediation” details some important steps that Ovid officials should consider closely as they address land use issues in a public forum. Elements of those steps are summarized below.

Power, Rights, and Interests: Making Interest-Based Decisions Locally

During the Ovid strategic visioning meetings, one meeting’s discussion focused on “the three bases” upon which all disputes are resolved and all agreements are reached – the bases of *power, rights, and interests*.³ The extent to which parties use one base over another influences whether a process is more adversarial or collaborative. The diagram on page 6 [“The Relationship between Power, Rights and Interests in Decision Making”] begins to illustrate this premise.

The basic conclusion that one may draw from the framework of power, rights and interests is that an interest-based resolution can more effectively settle a dispute than a rights- or power-based resolution. When decisions are made on the basis of rights or power, they are automatically less stable because they can be undone by different powers and amended rights. Decisions coming from collaborative processes,

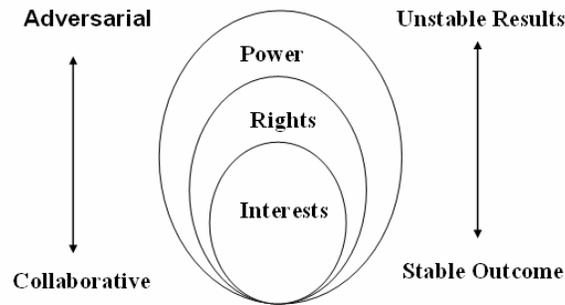
³ This concept was originally pioneered by William Ury, Jeanne Brett, and Stephen Goldberg, in their publication *Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict*, (San Francisco: Jossey-Bass Publishers, 1988). Information and diagrams used in this report have been derived from publications of the Land Use Leadership Alliance Training Program of the Land Use Law Center at Pace University.

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however, are more stable because they seek to meet the interests of other parties. Therefore, it is easier to implement a decision reached through an interest-based or collaborative process.

The Relationship between Power, Rights and Interests in Decision Making



Decisions based on “interests” are more stable than those based on “rights” or “power.”

Examples of Rights, Power, and Interest-based Decisions

Rights-based decision: Power wielded over those with less power; acts of aggression; withholding benefits.

Example: Town enacts a law ignoring public input

Power-based decision: Law or contract; concepts of seniority, reciprocity or fairness.

Example: A local citizen group or individual enters into litigation challenging aspects of the Town law in court

Interest-based decision: Reconciliation based on common interests; compromise.

Example: The citizen group, other affected individuals and Town officials engage in informal discussions early on in order to identify common interests and develop ways to address the concerns of all interest groups.

As written by Sean Nolon in “A Local Leader’s Guide to Land Use Mediation”:

The typical land use decision-making process is a positional process because it mostly considers the parties’ positions. The process often begins with the landowner or applicant investing significant time and money preparing a proposal based on the zoning code – this forms the applicant’s “position.” By the time residents get a chance to provide input on the proposal, there is often little that they can do to influence its design so they express their “position” as complete opposition to the proposal. As a result, decision-making boards find themselves in the difficult position of trying to make the best decision in the context of these opposing positions and all the facts marshaled to support them. (4)

The example above, while describing a specific land use permit/application process, is very similar to some of the interactions that have been occurring in the Town of Ovid as local officials have tried to address the issues of comprehensive planning and land use control. The process has often been wrought with significant tension (as evidenced by public statements and remarks made during the visioning process from local officials and residents) thereby fostering a contentious atmosphere or pushing people away from the process altogether.

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Nolon continues:

A different model, finding increasing success in our region and across the county, focuses on satisfying the interests that underlie competing positions rather than choosing between opposing positions. Commonly referred to as mediation, facilitation, or consensus building, this interest-based approach turns the typical process on its head by not considering the parties' proposals (or options) until the end. Instead, this approach uses the early stages to uncover all of the issues and interests that a proposal must address to satisfy all the parties' needs. Use of this interest-based approach increases the likelihood that a community will achieve an 'implementable' outcome from situations that would have become hostile and counterproductive. (3-4)

While the quotations above focus on a situation involving the "traditional land use approval process" in a municipality, the lessons are nonetheless equally relevant to problems faced by Ovid over the past several years.

As Nolon explains, a common perception is that if one side of an argument is to achieve its goals, the other side can't have what it wants. Yet this is not always so. Positions become so hardened by distrust for the other parties that no one will budge, even if an alternative is proposed that would achieve their goals. Issues are dealt with in absolute terms, making productive discussions and the prospect of compromise difficult things to achieve.

"Mediation may be employed to bring the interested parties together much earlier in the process, so that a project's design accommodates the concerns of as many of the interested parties as possible."⁴

The elements of the collaborative decision making process can be used to bring different stakeholders together early on as issues are developing so that local officials can put forth a good-faith effort to accommodate the concerns of as many viewpoints as possible.

What can be done locally to avoid getting caught in an adversarial process?

Supplement the process to be more:

- Inclusive
 - Start early
 - Frame the initiative broadly
 - Emphasize relationship building
- Transparent
 - Publish widely through many channels
 - Distribute meeting agendas or pertinent information before and during the meeting
 - Distribute meeting notes promptly and post them conspicuously (online if possible)
- Responsive
 - Adjust to new information
 - Anticipate the next steps

⁴ Nolon, Sean, Ed.. "A Local Leader's Guide to Land Use Mediation." 3.

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Techniques to supplement the land use decision-making process so that it can be more collaborative:

- Start by asking questions to uncover interests. Encourage participants to speak about their own interests, rather than to attack or criticize others.
- Don't propose solutions or debate positions.
- Encourage stakeholder participation early in the process.
- Encourage, seek, and value input from all stakeholders throughout the entire process.
- Encourage full participation of interested stakeholders.
- Build trust and positive relationships among stakeholders.
- Share information among all interested stakeholders.
- Explore a range of solutions and options for resolution.

Nolon explains that “collaborative moments” can be applied at numerous times in typical land use decision-making processes. To an extent, some of these techniques have already been employed locally through the strategic visioning project. An excellent place to expand on these techniques – and begin to determine where the Town of Ovid’s “interests” truly lie – is through the update and revision of the Town’s Comprehensive Plan.

Recommendation #2: Prepare a New Comprehensive Plan

The comprehensive plan is a municipality’s “primary [vehicle] for protecting the public interest and attaining local development objectives, as well as a unique description of present and future goals for growth.”⁵ A full review and update of the Comprehensive Plan for the Town of Ovid should occur, preceded by a concerted effort to engage the public on issues of concern in an effort to “uncover all of the issues and interests” that Ovid residents find important.⁶ A public participation plan should be drafted as part of the comprehensive planning process which should clearly outline how and when the public will be engaged in order to provide input to the plan. This public process should include a series of town-wide public meetings, targeted focus groups, as well as an extensive survey tool to fully assess and gauge the public’s opinions regarding a variety of relevant issues. An independent planning consultant or firm should be hired by the Town to direct the comprehensive planning process and to provide professional expertise and oversight. Securing outside assistance will be critical to the success of this process. A third-party consultant will be able to provide a level of technical expertise and experience that most municipalities do not have. More importantly, however, a third-party contractor will help to ensure that the planning process remains objective, fair and credible in the eyes of the public.

The Comprehensive Plan for the Town of Ovid was originally adopted by the Town Board in May of 2002. Unfortunately, the process behind the Plan was flawed on a number of levels. First, public input was not adequately sought as the plan was being developed. Rather, the Plan was written independently by the Planning Board; when the draft was completed, it was submitted to the public for review before being adopted by the Town Board. Greater public input should have been sought throughout the

⁵ New York State Department of State Office of General Council. Legal Memorandum LU09, “Defining a Community through the Plan.” Available online at <http://www.dos.state.ny.us/cnsl/lu09.htm> .

⁶ Legal Memorandum LU09.

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comprehensive planning process by using tools and forums such as public meetings, information sessions and survey techniques. Second, coming in at 4 pages in length, the plan does not provide the level of detail that is necessary to provide local leaders with a solid basis and clear direction for making future land use and planning decisions. It does not provide even the most basic of descriptive data or material, such as socio-economic statistics and trends, transportation data, or maps. Finally, a significant procedural misstep was made by the Town during the Plan's adoption when Town officials failed to perform review as stipulated under the State Environmental Quality Review Act.⁷

For all of these reasons, the Town should immediately begin to set aside the necessary funds in order to secure a qualified consultant to develop a new comprehensive plan for the Town of Ovid.

Communities undertaking the development or revision of the comprehensive plan should make a concerted effort to involve the public throughout the process, not simply at compulsory junctures so that they may “rubber stamp” material that the Town intends to enact. In order to achieve a sense of community ownership of the plan and to capture the true values and interests of the community, local officials need to challenge the public to come forth and provide their insight and ideas to the comprehensive planning process. When this is achieved, the final plan gains significantly more credibility and value in the eyes of the public and is a far more useful tool for local decision makers.

There is no mandated process or format that a comprehensive plan must take or specific content that one must have. The New York State Legislature provides the authority to Towns to prepare a comprehensive plan under Section 272-a of New York State Town Law. Section 272-a.3 further provides useful recommendations regarding the topics that municipalities may consider when preparing such a plan. A truly “comprehensive” master plan for a community should address each of these issues, although the level of detail necessary for any community is left to their discretion and is dictated in large part on local

What a comprehensive plan should address:

- General goals, objectives and policies for the immediate and long-range enhancement, growth and development of a community;
- Existing and proposed land uses, and their intensity;
- Agricultural uses, historical resources, cultural resources, natural resources, coastal resources and sensitive environmental areas;
- Population, demographic and socio-economic trends;
- Transportation facilities;
- Utilities and infrastructure;
- Housing resources and needs;
- Infrastructure;
- Other governmental plans and regional needs;
- Economic development;
- Proposed means to implement goals, objectives and policies.

Summarized from New York State General Municipal Law Section 272-a.3.

conditions.

⁷ See the July 9, 2008 “Supervisor’s Statement” in Appendix B for an overview and explanation of the history and decisions related to the local a land use ordinance, draft zoning process, and the comprehensive planning process.

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Perhaps most importantly, the comprehensive planning process can be used as a forum to discuss and debate most if not all of the issues that have been raised through this visioning process. Issues such as economy, land use control, housing, and involving the public in local decision-making can all be adequately addressed through a protracted comprehensive planning process. If designed carefully and conscientiously, the process can be an important step toward the reconciliation of past errors, rectifying some of the animosity that has been permeated the public process in the Town of Ovid over the past several years. As stated above, the process can “uncover all of the issues and interests” that Ovid residents find important. Once those become clear, the path forward with regard to local land use planning and management will be much more evident.

It is important to again emphasize the need for acquiring independent assistance with this process in order for it to be successful. An independent consultant can play an important role in finding a reasonable balance between competing local viewpoints and varying interests. After a comprehensive plan is completed, local officials and the community at large can begin to make more informed and deliberate decisions regarding the appropriate level and function of land use regulation that is necessary in the Town of Ovid.

Recommendation #3: Consider Revision to Local Land Use Laws and Practices

If the comprehensive plan is rewritten and that process has been a thorough one, it should provide ample insight into what changes, if any, need to be made to local laws. When asked what issue(s) they would like to talk about most during the visioning process, the issue of “zoning” was commonly referenced by Stakeholders Advisory Committee members either in writing or during discussion. The attempt by the Town of Ovid Town Board to draft a local zoning law beginning in 2005 generated some discontent among a number of local residents and disappointment and frustration among others. While some of the complaints voiced by the public may have been legitimate, the Town’s primary goal – that of protecting the quality of life of local residents – was quickly lost in the ensuing controversy that erupted during the zoning debate. As cited under Recommendation #1, a primary problem with this effort was the process under which it was initiated.

Zoning has been used as an effective tool by many communities in New York State to help manage local land use resources and to ensure the health, safety and general welfare of the community. Zoning, however, is not a “means to an end.” Indeed, there are many communities across New York State that have experienced problems with the zoning process on a variety of levels.

In the simplest of terms, zoning is the physical categorization and separation of land uses into distinct districts (e.g. residential, commercial, industrial, etc.). The primary purposes of a zoning law is to minimize conflicts between “incompatible” land uses, to protect the quality of life of residents, to protect the property values of land owners, and to encourage the general safety, well-being and orderly growth of the community at large.

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Over the course of the past 20 to 25 years, traditional “Euclidean” zoning has been the subject of significant criticism due to the unforeseen consequences that its application has had on communities across the United States.⁸ Critics – citing mountains of evidence in the form of years of planning decisions gone awry – claim that the over-application of Euclidean zoning in American communities has created a system that institutionalizes poor and at times contradictory land use decision making. Criticism of traditional zoning practices ranges widely; below are five common complaints:

- Zoning laws often become needlessly complex and difficult for local officials and the public to interpret;
- Zoning often mandates an inappropriate degree of separation between land uses that are not necessarily incompatible;
- Over time, the zoning law bears little relationship to rationally-developed public policies and plans;
- Administration of zoning laws can be weak, arbitrary, and sometimes corrupt;
- Zoning has the potential to institute poor planning decisions in the form of continued open space consumption and suburban “sprawl” by mandating large lot sizes and set back distances from roadways and essentially outlawing compact development styles.

Each of these criticisms is valid. Zoning, however, should not be maligned as a draconian approach to land use regulation. It is a valuable tool with many potential benefits. When used effectively and fairly, zoning can help communities and neighborhoods protect and maintain the qualities and characteristics that residents value.

Zoning is a purpose-driven activity. Over the course of the draft zoning effort initiated in 2005, the Town of Ovid failed to adequately define and communicate the purposes that zoning would serve the Town and its residents if and when instituted. Any land use control mechanism must be preceded by a clear local policy that is rooted in public consensus and springs from a cohesive community vision or plan. Therefore, at this point in time, it does not appear that the Town of Ovid is prepared to institute a zoning law. It remains to be seen if zoning is appropriate for the Town in the future.

The current Land Use Law (Local Law No. 1, 2004) in effect in the Town of Ovid provides for only minimal oversight of new development in the Town and gives local officials little power to influence future growth and development in the Town. Below are two specific land use control mechanisms that the Town may want to consider to help manage land use in the Town in lieu of a zoning law.

Site Plan Review Regulations

Towns have been authorized to enact site plan review regulation by the New York State Legislature under Section 274-a of New York State Town Law. A “site plan” is defined under this section of law as a drawing, prepared in accordance with local specifications, that shows the “arrangements, layout, and design of the proposed use of a single parcel of land.” Site plan review regulations may be enacted as

⁸ Euclidean zoning, also known as building block zoning and conventional zoning, is a type of zoning code popular in the United States. Refer to http://planningwiki.cyberbia.org/Euclidean_zoning for a detailed explanation on the subject.

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part of a local zoning law or as a separate set of regulations; they contain the specifications that a site plan drawing must include and the standards it must meet before development on a parcel of land will be permitted. Site plan review is typically administered by the Town Planning Board, but those duties can be retained by the Town Board or other administrative agency.

As explained by Sean Nolon in the guidebook *Basics of Land Use Practice* from the Starting Ground series:

Local site plan regulations require the developer of an individual parcel of land to file a drawing of that parcel's planned development for review and approval by a local board. Often, site plan regulations apply only to larger-scale commercial developments such as shopping malls, industrial and office parks, or residential developments such as condominium or town house projects. Some communities, however, subject smaller parcels to site plan review....When such regulations have been adopted, individual parcels subject to their terms may not be developed until a site plan has been submitted, reviewed, and approved. (36)

The elements that are typically requested in a site plan include (but are not limited to):

- Traffic access
- Parking
- Landscaping and buffering
- Drainage, stormwater and erosion control
- Utilities
- Roads
- Curbs
- Lighting
- Location and dimensions of the principal and accessory structures and any intended improvements.

The purpose of site plan regulations is to ensure that the development of individual parcels of land do not have an adverse impact on adjacent properties or the surrounding neighborhood. Such regulations also ensure that the parcel's development fits properly into the community and conforms to its planning objectives.

Special Use Permits

Towns have been authorized to issue special use permits regulation by the New York State Legislature under Section 274-b of New York State Town Law. These statutes define a special use permit as:

The authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

In the case of the Town of Ovid, which has no zoning law, all land uses are permitted unless otherwise stipulated under state or federal law. Therefore, a special use permit system would impose special restrictions on any particular land use that the Town has determined to warrant special review. Examples

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include outdoor wood boilers, residential or commercial wind turbines, group homes, swimming pools, day care centers, marinas, gas stations, convenience stores and a wide variety of other types of uses. The purpose of the special use permit is to apply conditions that must be met before the property owner can be permitted to operate it within Town limits. This system can afford local residents an added level of security that such a use is compatible with surrounding properties and with the values of the community as a whole.

Recommendation #4: Develop Regional Approaches and Solutions to Local Problems

According to the *New York State Local Government Handbook*, New York State has more than 1,600 “general purpose local government units” (also known as counties, cities, towns and villages). While there are hundreds of municipalities across New York State with their own unique qualities and traits, they share many common problems and concerns. For this reason, municipalities like those in Seneca County and others across the Finger Lakes Region need to look to each other for support and ideas on how to develop successful approaches to local problems and concerns.

During the course of strategic visioning meetings, several Committee members mentioned their desire to reach out to neighboring municipalities in an effort to better understand their approaches to some of the issues that have been identified in Ovid. This is a relatively simple step that Ovid residents and officials can take almost immediately. Issues such as managing and sharing public resources, improving public process and participation, comprehensive planning, conducting surveys, and determining the appropriate type of land use regulation are among those that should be discussed. In doing so, Ovid residents and officials will very likely begin to realize that they are not alone in dealing with these issues and, further, their neighbors very likely have many valuable lessons that they are eager to share with them. In addition, residents in neighboring towns will likely have a great deal to learn from the experiences of those in Ovid.

The problems that Upstate New York communities are facing now and in the years to come are extremely complex. Increasing costs of public administration, a declining working age population, erosion of the local tax base, and providing adequate rural health care to an aging population – this is a short list of the many challenges that communities are struggling with. In light of an atmosphere of increasing costs and decreasing public funds, regional strategies to these problems is becoming an increasingly sensible approach, if not the only approach altogether.

The towns and villages across Seneca County, while each unique, have far more in common with each other than not. For a number of years, several towns in Seneca County have used a regional approach to building permit review and inspection, thereby saving money and increasing the level of efficiency with which this important duty can be served. Innovative approaches to intermunicipal cooperation should not stop there, however. Municipalities may want to explore ways in which other essential public services can be shared and administered jointly, thereby decreasing costs while maintaining or improving the level of service to the public. Municipalities can also develop regional approaches to comprehensive planning and land use regulation while still maintaining local home rule autonomy over resources within their jurisdiction.

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Improving communication between municipalities will therefore be an important first step toward realizing that many of the problems being faced locally very likely are not uncommon. Innovative solutions that other Upstate New York communities can benefit from may be close behind.

IV. Managing the Planning Process

A Note to Readers

This section has been added to the report in response to comments made by Stakeholder Advisory Committee members during Meeting No. 6 on February 2, 2010. At that meeting, Committee members stressed their desire to have a method by which they would be able to continue discussing planning issues and begin to develop more specific community goals and objectives. The following section has been included in an attempt to illustrate the form that a long-term planning process might take.

Excerpts have been taken from Chapter 4 of the American Planning Association publication “The Small Town Planning Handbook.”⁹ This is a very valuable guide that provides communities like Ovid with a step-by-step explanation of initiating a grass-roots comprehensive planning process. Where appropriate, contextual clarification or explanation has been added; such text is shown in brackets.

In some instances, some of the steps outlined by the authors have already been completed by the Town of Ovid through the strategic visioning process, while others have not yet been considered or may not even be relevant. The excerpt is intended to illustrate the variety of options available to the Town with regard to organizational frameworks and approaches as they continue to plan for their Town’s future.

To that end, this excerpt is intended to act as a general guide only; it is not necessarily a recommended course of action. It is important for local officials to carefully consider next steps before taking further action on involving the public or initiating engagement tools, such as a survey or public workshop. Local officials and residents are encouraged to contact G/FLRPC for additional advice and guidance before continuing local planning initiatives.

Chapter 4, pages 20 – 25 of *The Small Town Planning Handbook*, “Determining Community Goals and Objectives.”

Determining Community Goals and Objectives

The purpose of this Chapter is to help you draft goals and objectives for the community. Goals and objectives do not come from flashes of insight. Instead, they evolve from detective work, data gathering, and much discussion to determine how to maintain the community’s good aspects and improve on its weaknesses.

The test of a community plan is how well it expresses the goals and objectives of the general public. Traditionally, the *town planning commission* [in this context, the “planning commission” is the appointed group that has been empowered with limited decision-making authority by the Town Board – it may be a board or a designated committee] is responsible for determining and stating these goals and objectives. The advice and opinions of elected and appointed representatives should be sought. But public participation – through public meetings, community education, and surveys – is necessary to identify goals and objectives

⁹ Daniels, Thomas L., John W. Keller and Mark B. Lapping. The Small Town Planning Handbook, Second Ed. Chicago: American Planning Association/Planners Press. 1995.

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that have broad public support. Public participation is also important if the townspeople are to become stakeholders in the planning process.

Goals are necessary to assure that the needs and desires of the community are understood. Goal statements cover a wide range of topics. On a personal level, they are like asking: “What do you want out of life?” Objectives are more specific and measurable tasks. They are like asking: “What will you do to achieve your goals in life?” Objectives may be long term, short term, or medium range, but they are tasks to be accomplished as part of attaining a stated goal.

The goals and objectives are statements of policy: recommendations of what needs to be done and how. The implementation of planning occurs when the governing body commits the town’s money and personnel to carry out the goals and objectives set forth in the “mini-plan.”¹⁰

Citizen Involvement and Action

Most people pay little attention to community planning until they are personally affected. But this is not to say that these citizens do not care about planning in their community. It is the responsibility of the planning commission to encourage public participation in the planning process. For example, federal and state grant programs often have citizen participation requirements for local jurisdictions. Public participation is crucial to ensure that the goals and objectives statements in the community’s plan represent the actual needs and desires of the community. When the town plan is based on a consensus of community opinion, there is a better chance of organizing resources, taking action, and achieving community goals.

Phases of Participation

Citizen participation consists of two distinct phases – technical and general. The technical phase features gathering information, analyzing facts, and making estimates of future needs. During the technical phase, input from public officials and employees and planning professionals is assembled to study and analyze facts, not opinions or desires. Community officials should contact federal, state, and county agencies about existing regulations, available funding, and other future plans which may influence the community’s choice of objectives.

Do not automatically assume that the planning process always begins with the collection of technical information. In a community of fewer than 500 people, the process of citizen participation should often precede all technical planning efforts. The public must look at the community and determine some broad goals. The most important of these goals is the survival of the community. In other words, what price will the public be willing to pay to continue living in their town? A public meeting or series of meetings is a good way to involve citizens and air their concerns. Such meetings are often the source of community planning action.¹¹

¹⁰ The authors recommend that small communities prepare a “mini-plan” which is a less formal version of an official comprehensive plan. Mini-plans can be useful if a municipality is not prepared to conduct or cannot afford a full-scale comprehensive plan. It contains many of the same components of a comprehensive plan but is developed independently by a local committee.

¹¹ Note: this paragraph accurately describes the Ovid Strategic Visioning process that was conducted in the fall of 2009; additional meetings including a wider array of residents could be held in the future.

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The general phase involves broad public participation. To stimulate interest, you should ask the local and area newspapers, or other existing media, to run a series of articles or discussions on planning both prior to and during the drafting of goals and objectives. Different sections of the mini-plan, as they are completed and recommended by the planning commission, could also be published.

A town or neighborhood meeting can be an effective way to elicit public input. You should publish notice of any meetings well in advance. You may also want to send a letter about planning activities to each household in the community. Mailing costs can be saved by hand delivery through local youth or service organizations. Planning commissioners and the members of the local governing body should then hold neighborhood meetings (unless the town is very small and a single meeting will do) to receive citizen input and comments on the technical information that has been gathered.

Figure 4-1 Managing the planning process

Action 1	Public and elected officials recognize the necessity for local planning
Action 2	Willingness to commit people and money to the planning process
Action 3	Appointment of a “planning commission” [or committee]
Action 4	General information gathering Form planning advisory committee Public information and needs surveys
Action 5	General public participation: [focused] town and/or neighborhood or area meetings
Action 6	Form citizen’s advisory committee
Action 7	Statement of general planning goals and objectives by the planning commission
Action 8	Approval or modification of general goals and objectives by the governing body and a firm commitment of budgeted resources to prepare and implement the plan
Action 9	Planning commission prepares a general work schedule and gives notice of working meetings

After neighborhood meetings have been held, the planning commission should hold general public hearings. Notification of public hearings must meet all state requirements governing public notice. Notice should be published in newspapers at least three weeks in advance and each week thereafter until the meeting is held. In addition, ask that the general public planning hearings be announced at the regular meetings of any professional, service, or social organization. Announcement signs should also be placed at gathering places throughout the community.

Getting Started

The most difficult phase in planning is getting started. Because there are many tasks to complete, it often is hard to know where to begin. Figure 4-1 shows the nine actions in managing the planning process.

A recognized need for planning begins with the public-at-large. Generally, the public must let the planning commission know that a town plan is needed or needs to be updated. Planning commissioners learn of the

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public's desires at planning commission meetings, at town or neighborhood meetings, and through informal conversation. It is important for commissioners to understand the subtle ways in which the need for a plan may be voiced. For example, the suggestion "Don't you think the school is getting overcrowded?" may indicate the need to plan for a new school.

Commitment

"He has shown us how a few committed people with powerful and humane ideas can make things happen..." ~David Johnson on Lewis Mumford

The planning commission then recommends that personnel and money be authorized to prepare a plan. But final approval of expenditures rests with the town governing body. It is important to obtain this approval before any planning studies are undertaken by the planning commission. It will cost about \$5,000 to \$10,000, exclusive of printing and distribution costs, to produce a useful plan.¹² More funds may be needed if private consultants are hired. In addition, the local governing body must allow certain employees (the town assessor, for example) to devote time for gathering information for a town plan. The mini-plan should be completed within one year, and the planning commission and governing body should agree to update the mini-plan every three to five years.

At this point, actions 1 and 2—creating the planning commission and committing money and people—have been completed. Action number 4, information gathering and public participation, now becomes the primary task.

The planning commission then should draft a preliminary agenda of the actions needed to be accomplished to complete the mini-plan. After reading this handbook, we suggest that you discuss and construct an agenda similar to the one presented in Figure 4—1.

Your preliminary agenda will be somewhat rough and subject to change as you work on specific tasks and data gathering. But the preliminary agenda is a good starting point because it provides a common frame of reference and sets some targets and deadlines.

Establishing a Citizens' Advisory Group

A citizens' advisory group can help the planning commission to shape the planning agenda. This advisory group may be organized along neighborhood lines or drawn from the public-at-large. Neighborhood groups tend to work best in ethnically diverse towns or in communities that have a range of incomes by neighborhood. The group should have between 15 and 25 people. Our experience is that the advisory group works best when drawn from the general public, resulting in a group of different ages, genders, ethnic backgrounds, length of residence in the community, occupations, and incomes. For example, men and women often have very different views of their community, and an effort should be made to include a good balance of both on the committee. Short- and long-term residents often have different perceptions of the community. It is also important to include a wide range of ages on the advisory committee. Remember that the under-21-year-old group can comprise a significant portion of the community and should be included. Business people, teachers, health care personnel, and a parent with young children are important

¹² Note: this is when a "mini-plan" is conducted in-house utilizing local resources (circ. 1995 dollars).

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members to select. So are representatives from service organizations, law enforcement, and town or county employees.

Always include a representative from the local newspaper for two reasons. First, all planning meetings are open meetings, and the press should always be notified. And, second, local reporters and publishers like to keep track of what is going on in the community. Finally, if this plan is being prepared for a town or village, you should be aware that a sense of community may not stop at the town boundary. Include people who live outside the town but consider it their home; you should especially include those involved in agriculture, ranching, fishing, forestry, or mining.

Making Use of the Citizens' Advisory Group

The citizens' advisory group should be appointed by the planning commission. Each member of the planning commission should be able to suggest appointments to the citizens' advisory group. Notice of the planning commission meetings with the advisory group should be published. Count on at least two meetings of no more than three hours' duration. All meetings should be tape-recorded or videotaped for later study and reference.

When meeting with the citizens' advisory group, the role of the planning commission is to listen and occasionally ask questions and clarify responses. It is often helpful to ask one person to run the meeting. This person serves as a facilitator (much like a talk-show host) to manage the flow of the meeting, not to participate in the outcome. If you cannot locate someone in your community who is qualified and willing to help, check in neighboring communities or with your county or regional council, or ask a city planner from a nearby area or perhaps someone from your state university.

The meetings must be well organized, although the format and atmosphere can be informal. A common approach is to have a member of the planning commission give a 10- to 15-minute presentation on the community planning process, the purpose of the meeting, and general introductions. An overhead transparency projector or large flip chart should be used to make key points for this presentation and throughout the meeting. The next phase of the meeting should be conducted by the facilitator, because only one person can successfully direct and elicit conversation. Possibly the best method of directing the meeting is to use the SWOT approach, that is, gathering opinions about the town's (S) strengths, (W) weaknesses, (O) opportunities, and (T) threats. Carefully construct your questions around each SWOT category. Two scenarios commonly used by the facilitator to encourage comments are:

1. Facilitator: Assume that I am visiting your area to investigate the possibility of locating my small computer assembly plant here. I plan to bring about eight employees with me and hire about 10 part-time local workers. I have visited five rural communities in this region and will be making my decision within several months. What can you tell me about your area – strengths, opportunities, drawbacks, and challenges that might influence my decision?

2. Facilitator: I was born, raised, and have lived most of my life in rural areas and communities. I have very strong images of my community, some very positive and others not so pleasant. We often call it "the rural sense of place." What can you tell me about your sense of place in this community? What are some of your strongest images?

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The role of the citizens’ advisory group is to help the planning commission focus their thoughts before establishing goals and identifying action projects. Because the opinions of the citizens’ advisory group are assumed to be representative of the community, it is very important that sufficient time be allowed to cover a broad range of issues, concerns, and community strengths. The discussion should include residents who have both short- and long-term memories of the community. Our experience shows that people who live in a town less than five years have very different perceptions than long-time residents. When drawing your own list of topics, do not avoid controversial issues, but at the same time, be aware that these issues should be approached in a sensitive manner. A general list of topics for discussion are:

- General economy and income levels.
- Employment opportunities.
- Attitudes toward growth.
- Satisfaction with local services.
- Educational assessment.
- Health care and social services.
- Police and Fire protection.
- Other emergency services.
- Condition of neighborhoods and the community.
- Arts and entertainment; cultural atmosphere
- Opportunities for volunteerism.
- Safety and security.
- Availability and affordability of housing.
- Recreational opportunities for children adults.
- Community attitudes toward local businesses.
- Opportunities for elderly citizens.
- General opportunities for youth.
- The visual appearance of the community.
- Stability of property values.
- Opportunities for tourism.
- The qualities that make this community unique.
- The reasons why people leave this community.

The final task of the citizens’ advisory group is to help establish a list of priorities for community goals. At the conclusion of the meetings, there should be four sets of issues—community strengths to be reinforced, weaknesses to be addressed, opportunities to be sought, and threats to be examined – that can be used as the goal statements. One community’s suggestions can be seen in Figure 4—2.

Figure 4 – 2 Sample community survey topics

Evaluation topics

Local Government Resources

Water supply and quality
Solid waste collection
Condition of streets
Condition of sidewalks
Fire services

Police services
Other utility services
Customer service to the public
Management quality of government
Public transportation

Community Resources

Primary schools
Secondary schools
Vocational Training
Adult education
General health care

Hospital/clinic quality
Physicians
Dentists
EMT service
Specialized health care

Economic Development

Adequate number of retail stores
Attitude of merchants
Variety of goods

Parking for shopping
Appearance of downtown
Industrial development

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New jobs
Wages and benefits
Agricultural markets

Current local industry
Retail development

General Public Opinions

Community appearance
Entrances to community
Housing appearance
Adequate housing
Community spirit
Arts and entertainment

Senior citizen opportunities
Youth opportunities
Recreational services
Cultural opportunities
New residents
Entrepreneurship

[Additional steps include the preparation of a community survey and compiling the information gathered into a community ‘mini-plan’.]

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V. Conclusion

The Town of Ovid needs to consider a new approach to planning and public involvement. This approach should focus on better communication, a more concerted effort to involve the public in the decision making process, as well as the need to find a balance between what the public wants and what the Town truly needs in terms of land use planning and regulation. This is by no means an easy process; it is one that takes even the most dedicated and savvy of local governments years to achieve. By setting both near- and mid-term goals based on the recommendations outlined above, however, the Town of Ovid can put itself in an excellent position to advance some valuable local planning initiatives. By doing so, the Town can improve the level of confidence that local citizens have in their Town government and improve the Town's image both locally and regionally.

The Town of Ovid is already a great place to live, as evidenced by many of the positive comments put forth by the participants in this process. Further, it is full of active and responsive local residents who are eager to participate in local planning endeavors in an effort to achieve some sense of local accomplishment and improvement. Many of the concerns that were raised by project participants regarding planning and decision making in the Town are by no means unique to Ovid or, for that matter, insurmountable. Ovid residents and officials need to work to reconcile past differences and begin to focus on how it can collectively improve upon existing resources and assets. Now is the time for local leaders and residents to begin to set a course forward.

This report outlines some of the steps that the Town can take to achieve a specific set of goals in the years to come. To an extent, the recommendations may over-simplify the process of achieving those goals, especially after local officials begin to look for ways to implement them. To that end, a variety of materials and resources have been referenced in Appendix C that can assist local citizens and their representatives by providing important background information on the process of land use control and local governance in New York State. With continued dedication by local officials and diligent action and involvement by local citizens, the Town can achieve a more positive, responsive and effective planning atmosphere.

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APPENDIX A: SUMMARY OF GROUP EXERCISE RESPONSES

Handout “Gauging Committee Perspectives” included a series of four questions. Responses are summarized below. (It is important to note that some respondents chose not to answer every question or to combine their answer to two questions with one response; each respondent’s answers to the question have been included in its own individual cell).

Distributed 8/18/09

1) What do you hope to get out of this Strategic Visioning process? What would you like the process to try to accomplish or clarify? What expectations or goals do you have?
<ul style="list-style-type: none">• Get the pulse of the town public feed back from citizens• Get members of the town involved• See how many town members will get involved
<ul style="list-style-type: none">• Personally I don't need to get anything with the exception of being heard and learning others' opinions. I would like to get beyond tossing opinions around and come to some consensus regarding what we would like to see happening in Ovid. I'm not as concerned about what "everyone" thinks as I am about what those who will actually do something think.
<ul style="list-style-type: none">• Learn more about other opinions• Process should help build consensus• My expectation is that all voices are heard. My goal is to discover the majority opinion...help chart a path to more/better jobs...encourage young people to stay after school
<ul style="list-style-type: none">• I expect to receive an education on the needs and solutions for the Town of Ovid.• Open solicitation of the public for their point of view• That this committee is able to receive the concerns of the community
<ul style="list-style-type: none">• I hope to find out people’s ideas on what the town is going to do for the future• I would hope this committee can come up with good ideas
<ul style="list-style-type: none">• Support efforts of the committee• Hope process establishes some consensus• Expectations are that committee will be successful
<ul style="list-style-type: none">• More harmony in the process of land use planning and zoning so that the boards can continue their work• I would like to see this group come up with a plan for an 'ideal Ovid'
<ul style="list-style-type: none">• I came here to learn and to try to contribute -- don't know enough to have specific goals!
<ul style="list-style-type: none">• To find out what the majority of the town wants via: online survey that our group will develop through several meetings; other surveys mailed out
<ul style="list-style-type: none">• I would like the process to clarify how to pull together the many opposing viewpoints of its residents• I really have no expectations
<ul style="list-style-type: none">• To help get an overview of how the Planning Board should operate and pitfalls it should avoid• Help bring unity to the Town that seems to have come about over the last year• Clear vision of the planning process
<ul style="list-style-type: none">• To submit a reasonable vision of zoning and the future development of our area that takes the concerns of business, farmers, and residents seriously and come up with a plan that will TRY to make everyone happy

2) What topics would you like to discuss and work on?
<ul style="list-style-type: none">• Ways to get public involved without confrontation!• How do we preserve without upsetting citizens?• How do we enforce personal property maintenance? People want neighbors to be neat and tidy, but how?

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<ul style="list-style-type: none"> • I am concerned about the future locally for our kids • I would like to see the various groups (i.e. Amish, migrant workers, the poor...) all valued and considered important community members • I would like to see the rural character of Ovid preserved
<ul style="list-style-type: none"> • Identify opportunities for job-creation • Preserve property rights • Encourage small/home businesses • Consolidate town/village and 5 other towns
<ul style="list-style-type: none"> • What the public wants concerning land use and zoning • Also to have a permanent visioning committee for any future issues that may come up
<ul style="list-style-type: none"> • I would like to see some way or ways to attract new people to the community • Good basic zoning that is not overdone, and with the community backing
<ul style="list-style-type: none"> • Village center -- physical and economic health • Infrastructure • Property conditions • Maintaining rural character • Waterfront regulations
<ul style="list-style-type: none"> • How to bring more businesses to Ovid? How do we keep and make Ovid attractive enough to bring in small business? • How do we make Ovid a great place for kids? • What do we need to do to attract employed, taxpaying residents to Ovid? • How do we make Ovid a better place for the lower income people? What services do they need that they are not getting?
<ul style="list-style-type: none"> • Thinking about optimal land use, what are appropriate controls on development preserving [open] space and environmental protection • How to generate new sources of income to have jobs so people who grew up here can stay here, while preserving our rural character • Similarly, ensuring the tax base is strong enough so people don't have to leave because property taxes become unaffordable
<ul style="list-style-type: none"> • The question of zoning should be discussed because that's really what motivated the formation of this committee and is why most of us are here
<ul style="list-style-type: none"> • Preserving wood lands • Preserving farmland • Gas wells
<ul style="list-style-type: none"> • Preserving property rights while maintaining values in property • Amish looks good but has its concerns
<ul style="list-style-type: none"> • Lake side development of businesses. As owner of [a local business] I am concerned about my ability to improve or develop my property in the future • It is important to protect the beauty of the area while allowing development of both residential and commercial enterprises to help expand the contributing tax base in the area • There were many unfair restrictions in the previous draft regarding farming

3) Whose interests do you feel you most closely represent

<ul style="list-style-type: none"> • Try to be neutral and learn from other members what is important and how people feel
<ul style="list-style-type: none"> • The unrepresented i.e. the youth the poor
<ul style="list-style-type: none"> • Tourism industry • Home business • Merchants
<ul style="list-style-type: none"> • I will attempt to remain neutral, listening to other points of view and at the end of the process, I will make a decision

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<ul style="list-style-type: none"> • Bringing new people into the community • Providing housing
<ul style="list-style-type: none"> • Village center
<ul style="list-style-type: none"> • Lakeshore resident • Experienced zoning person
<ul style="list-style-type: none"> • Someone who has not been involved in past battles but who wants Ovid to move forward in a positive way
<ul style="list-style-type: none"> • Those who value: the scenic beauty; the natural resources; farming (small farms as they are, not Big corporate takeovers), the tranquility of the area; the small vineyard owners
<ul style="list-style-type: none"> • Land owners • Lakefront owners
<ul style="list-style-type: none"> • Farmers • Land owners • Elderly
<ul style="list-style-type: none"> • Business owners and residents

<p>4) What do you perceive to be the biggest impediments to achieving progress in the Town?</p>
<ul style="list-style-type: none"> • Personal beliefs negative or positive
<ul style="list-style-type: none"> • Old boy network • ‘Don’t step on my toes’ attitude • Stuck in a rut attitude • Hopelessness • Poor self-image as a community
<ul style="list-style-type: none"> • Lack of communication • No history of citizen involvement • Outside retirees moving to town • Poor economic base • Prison employees all came from elsewhere
<ul style="list-style-type: none"> • The lack of communication
<ul style="list-style-type: none"> • Getting people to agree on something • Getting information out to every household
<ul style="list-style-type: none"> • Pre-determined mindsets • Grudges • Property rights -- real and perceived
<ul style="list-style-type: none"> • Apathy among the residents and feeling unwelcome or uncertain enough of the process that they don't participate
<ul style="list-style-type: none"> • [vague answer – editor was unable to interpret]
<ul style="list-style-type: none"> • The need to develop more fun events, like our annual strawberry festival, that bring us together • The need for a community center that would house: a café that encourages dialogue naturally; a used bookstore; teen and adult ed. Classes • The need for a better town of Ovid web site that is interactive and has a Blog
<ul style="list-style-type: none"> • Lack of interest • Lack of good local jobs
<ul style="list-style-type: none"> • Nay-sayers • Not being open minded
<ul style="list-style-type: none"> • Farmers and business owners who do want to see any restrictions at all, and residents who want to restrict all development and create a private lake side community. There seem to be very few that are in the middle ground where I consider myself

5) Similarly, what do you consider to be the biggest challenges that Ovid's residents will face in

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the next 5-20 years?
<ul style="list-style-type: none"> Lack of jobs...to attract new faces to the town. Why would people move to Ovid?
<ul style="list-style-type: none"> Few young people in the community
<ul style="list-style-type: none"> Declining population No jobs Diminished tax base No local goods and services Taxes too high!
<ul style="list-style-type: none"> Harmony
<ul style="list-style-type: none"> Taxes People moving away Good elected leaders
<ul style="list-style-type: none"> Employment opportunities Willingness to consider new ideas
<ul style="list-style-type: none"> Maintaining the beauty of the area while expanding it enough to have a solid economic base
<ul style="list-style-type: none"> Increasing property values as outsiders buy up property for second homes and telecommuting Less state/federal aid and high costs driving higher property taxes Less green space, more water problems (septic, older infrastructure) unless development is regulated Less community feeling as more "outsiders" without family ties move in
<ul style="list-style-type: none"> Drilling the Marcellus Shale by multinational corporations based in Canada can disrupt our roads and create pollution Overcoming apathy and feeling disempowered
<ul style="list-style-type: none"> Gas well development Scattered housing Loss of jobs
<ul style="list-style-type: none"> Gas leasing Lake concerns -- over against villager's or county folks
<ul style="list-style-type: none"> Lack of employment opportunities in the area Rising property taxes due to lack of growth and not expanding the contributing tax base by encouraging businesses to expand or set up in the area

Handout: "What I Love About My Community." Participants were asked to list responses to the following questions.

Distributed 9/08/09

What I love about my community	What I would like to change about my community	When these things have changed, the community will be like this:
<p>The lakes. The beauty of the area. The friendly people who talk to you in the stores, on the street, at gatherings. I love the access to fun social opportunities – wine tasting, the new little bistros popping up at the wineries. I like the proximity to Rochester and Syracuse. I like that everyone knows you and so many people pay attention to the local history and ancestry. I like that there's not much traffic. I like that there are many writers and artists who live in the area. I like that</p>	<p>The poverty – the lack of employment. The messy properties with discarded autos and farm equipment. Lack of clothing stores and a really good drugstore. Lack of hotels on the lake</p>	<p>Better tourism which would result in better employment opportunities. People would enjoy sight-seeing more if messy properties were cleaned up and painted.</p>

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<p>classes are small in the schools and teachers know most of the students in the school. I like the strawberry festival and the 3 Bears. The awesome state parks...</p>		
<p>The people are great, caring, helpful – most would go way out of their way for you. The scenery is great. I love the water – Cayuga Lake. The ravines and waterfalls and woodland, wildlife... The cropland is very good. I like buying my food here from the Big M or roadside stands. I like the open spaces with picturesque Amish farms. The school is good.</p>	<p>I would like better town roads. More higher-value investment in housing or businesses to decrease the individual tax burden. I would like neater looking properties – none with 200 dead lawnmowers in the yard.</p>	<p>There will be more higher income residents in an already pretty nice town.</p>
<p>[It's] one of the most scenic areas; a safe area; a rural area (farming); good schools; a good community (i.e. school organizations, community cooperation, churches, fire department, Masons, Rotary); hunting, fishing; good people</p>	<p>Due to the fact we are between two lakes and mid-way down the lakes, services are restricted in order to go out for dinner. A 20-30 minute ride is in order. Politically the public has not been involved, a small group of activists have caused turmoil.</p>	<p>Logistically there is no way to change our [public] services [water, sewer, etc.]. When the public is involved much more cooperation will prevail.</p>
<p>I could have lived anywhere in the world and have seen much of it, but when my husband and I drove into the area we knew we were home. The fall of the land with the open rolling hills and cultivated fields, the well-kept farms, the old houses which were obviously well cared for and the beautiful lake all formed a place where we knew we would be happy. To be able to purchase our beautiful antique stone farm house and 60 acres of land for a moderate price were certainly deciding factors. Then as we met the folks who lived here we felt even more at home. The older folks reminded us of the New Englanders we had grown up respecting. Younger people with creative, nontraditional thinking felt really comfortable. The closeness to the artistic and music offerings of Ithaca, Rochester, Geneva and Syracuse added to our quality of life. The thing we value most is the way we were accepted and valued.</p>	<p>I would like to see public transportation more available throughout the area. I would like to see more nice affordable housing for young families. It would be nice to be able to purchase more of the necessities of life at a reasonable price locally. The conditions of the town roads could stand improvement.</p>	<p>There would be some smaller modern homes in a small development in one or two of the cornfields just outside of town. There would be regular bus service to Geneva, Ithaca, Watkins Glen, Rochester and Syracuse. The passenger trains would be back stopping a couple of times a day going both north and south. There would be a couple of grocery stores to provide competition.</p>
<p>People allowed to do what they want; not snobby; clean lake water; many farms; rural values; no crime; safe for children; diversity; no traffic</p>	<p>Get rid of village and consolidate with the Town; Merge schools, fire departments, road crews, etc.; discourage people who move here from somewhere else to make new laws; encourage job creation; poor to</p>	<p>Just like it was...lower taxes, more young families.</p>

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	no access to lake for locals.	
The beauty of the lakes; the quietness of the countryside; no heavy traffic; abundance of wildlife; cost of property compared to other areas of the country; small school setting; closeness to major colleges, Watkins Glen Speedway, and other natural sights.	Unkempt houses and/or trailers; few skills job opportunities; poor condition of some town roads; two prisons nearby; large landfill within sight	Look for businesses that will create better jobs
Natural beauty of the Finger lakes area. Passion people have for their specific areas of interest be it farming, business, residential. I respect the importance of history to this area. There are families that have been here 100+ years. Many are welcoming to newer inbound people who have chosen to move into the area. The “Main Street” feeling (that remains) and the “home town” feel to historic buildings	Improve the diversity – both physical as well as social views and attitudes. Tolerance for people with different views. Attract more businesses to create jobs. Attract more young families. Develop more tourism to the area without changing the rural charm and beauty of the area.	Stable, more inspiring...will have more opportunity for future generations and might possibly convince younger generations to stay here and build their lives.
Small, quiet community; Does not have every need – but has many compared to other towns; Good school; Good roads; People are involved with the community; Village has room for expansion of homes; Village has water and sewer; History – three bears; Almost centrally located between Ithaca/Geneva and Waterloo and Seneca Falls; Has a part-time medical staff	Have some basic medical services [nearby] they are at least ½ hour away; box stores are ½ hour away; does not have a wide variety of churches	Attract more residents; the more people that pay taxes the better the town services can be. The more ideal the town, the better chance of attracting new people.
Small town; slow pace; little traffic; small school; little crime; beautiful landscapes; between lakes; close to urban areas; agricultural area; close to major colleges; tourism; little to no development (housing)	More community involvement in government; more jobs – good paying; retail development within the village; more family/locally owned businesses	Thriving community – not stagnate
I can see the stars at night, see the birds and wildlife in my yard and on my road, smell hay being cut in spring, see the calves and foals and lambs around the same time, buy produce from the person who grew it. I can call the Highway Superintendent when our road needs work and he knows me by name and also is completely honest, as is almost everyone because you get ‘found out’ in a small town! Our neighbors have very different views on lots of things but we all visit and entertain each other because we’re community – great tolerance of	Small towns can turn nasty – can be feuds and intolerance that lasts for years! Property taxes on lake and on land where vineyards are possible are sky-rocketing, driving existing people out. Similarly, threat of development makes me wonder if it still will be quiet, if I’ll still see the stars, even if I can afford to live [where I presently live] in 10 years	If we could broaden the tax base and bring in new economic benefits without destroying the rural character, that would be great – a way to perhaps capitalize on that character. Need to be able to preserve farming, green space, appropriate development. Also need to foster tolerance – find ways to bring community together (physically, that is) so people get to know each other.

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<p>differences. Also we all help each other without needing to ask. Go cross-country skiing on the golf course – generally lots of parks and outdoor recreation opportunity in the area. It’s <u>quiet</u> – not a lot of noise from cars, industry. Can hear yourself think (except when the inmates at Willard are being drilled). Beautiful views across fields, lakes, wood lots. Good base of people who make their homes here for most or all of their lifetimes.</p>		
<p>A) It’s a <u>farming community</u>, which means I can enjoy: the beauty of natural, undeveloped landscapes; the ever-changing big sky-scapes; the stars at night; “quietude” (hearing natural sounds like crickets, spring peepers, etc.); the sweet smell of newly mowed fields; wildlife around me, like birds (which don’t exist in most populated areas due to noise and street lights); <u>fresh produce</u> from farm stands and from my own backyard; neighbors who lend a helping hand and who take the time to get together, instead of being “too busy” (as I’ve experienced in urban life). B) The people I’ve met have an independent, self-reliant spirit. They’re more patient, calmer, and friendlier than most people I knew in the big cities.</p>	<ul style="list-style-type: none"> -Ask the big box stores (Walmart, McDonalds, etc.) to leave, so that the locally-owned businesses on Main Street would be able to revive, and so that we wouldn’t have to travel 20+ miles to buy necessities (hardware, books, household items). -Start a community center (either a real one or one in cyberspace <i>via</i> an interactive web site) and use some of our taxes to plan a few annual events there, and/or education classes that are affordable – so people could know each other better. -We don’t need to keep spending so much on school renovations! -Remove “Mt. Trashmore,” which is leaching into the lake and wearing down our roads -Remove nuclear waste (carefully) at the Depot 	<p>-Remain mostly a farming community, which hospitality businesses that are locally-owned (wineries, restaurants, B&Bs) thriving; & with locally-owned small businesses on Main Street also thriving like it was before the 1980s; also the environment would be more protected.</p>

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APPENDIX B: SUMMARY OF PROJECT-RELATED CORRESPONDENCE

Ovid Supervisor's Public Statement

July 9, 2008

As part of my Supervisor's Report this evening I would like to read a prepared statement to express my position on matters related to the Town of Ovid's Comprehensive Plan, Land Use Ordinance, and proposed Zoning Ordinance. Although these are my opinions, I believe they are shared by a majority if not all members of the Board and I hope and trust the members of the Planning Board and the community as well.

As most of you know, the Planning Board was established by the Town Board in 1998 to begin a planning process designed to preserve and enhance the character of the Ovid community. Much has happened in the last ten years, but two things did not happen which should have. First, as I think most observers would agree, the public hearings prior to the adoption of the Comprehensive Plan and the Land Use Ordinance were not given adequate publicity. Second, a State Environmental Quality Review (SEQR) should have been conducted prior to their adoption and apparently was not in either case, at least no record of one can be found. I want to assure you that these mistakes will not be made in the future.

The Comprehensive Plan was adopted in 2002, but members of the Board which adopted it report that they were unaware at the time that a SEQR was required. The Land Use Ordinance was adopted in 2004, and members of that Board say they were unaware that a SEQR was required. Similarly, members of the Planning Board during those years were not aware that a SEQR was required. Although I was not on either Board during those years, I had been informed that a SEQR was not required for the Comprehensive Plan and it was only in the last month that I learned that one was required.

When I could find no record that any SEQR had been conducted, I immediately contacted our County Planning Office, which referred me to an attorney at the State's Division of Local Government. He informed me that the absence of a SEQR does not invalidate either the Comprehensive Plan or the Land Use Ordinance, but that a SEQR would be required to either amend or rescind them. The Town Board has already asked the Planning Board to review the Comprehensive Plan and evaluate the Land Use Ordinance, so I have placed on the agenda for the Board this evening a resolution stating its intent to become the Lead Agency for the conduct of a SEQR in connection with any amendment of its Comprehensive Plan or its Land Use Ordinance and any adoption of a Zoning Ordinance. In such a way I think we can correct the oversights of the past with respect to SEQRs.

With respect to publicity regarding the proposed Zoning Ordinance, the Planning Board has already begun by scheduling a public information session for next Wednesday, July 16th, beginning at 7:00pm in the Ovid Firehouse. I hope that all concerned residents will attend. Following presentations and comments from invited resource persons, there will be an opportunity for questions and answers. To facilitate the meeting, questions may be sent in advance via e-mail to: planningquestions@gmail.com or in writing to the Planning Board at P.O. Box 452, Ovid, NY 14521.

Additional information sessions may be held and at least one official public hearing must be held before the Planning Board passes any proposal on to the Town Board. The Town Board must hold at least one public hearing before it votes on any zoning proposal. Thus the residents of the Town may be assured that there will be ample opportunity for all residents to comment on and suggest changes for the draft document that has been proposed. This is an open-ended process with no timeline. I feel certain that substantial changes will be made to this document before it is even submitted to the Town Board.

All sorts of statements have been made to the media, in Shopper inserts, and in mass e-mails critical not only of the document but of the Planning Board, the Town Board, and individuals. I hope that comments in the future can be focused on the draft document and not those who have proposed it and those who must review it. It is well for all to remember that the composition/membership of both Boards has changed significantly since the Comprehensive Plan and the Land Use Ordinance were passed.

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One charge I would specifically like to refute is that the Planning Board illegally withheld documents from the public and that I supported it in that action. Our town attorney has confirmed that it was not illegal for the Planning Board to wait to release a draft zoning ordinance until it had completed it. When a resident asked for a copy of the unfinished draft with a Freedom of Information Law (FOIL) request this spring, I told the chair of the Planning Board that in my opinion she had to release it and that she should check with our Town Attorney. He confirmed that it had to be released and it was, within the required five working days. Thus this charge against the Planning Board and me was false.

Great care has been given by past Town Boards in appointing members to the Planning Board. The current Planning Board consists of a crop farmer, a grape grower, a self-employed businesswoman who co-owns a farm, a Village businessman, and a retired librarian – the only member who lives on either lake. Thus charges that the Planning Board does not represent farmers and merchants or favors lake property owners have no basis in fact. Such charges, unfortunately, serve only to divide our community. I would point out further that the Town Board is composed of three farmers, one Village resident, and only one member who lives on a lake. Thus the chance of adoption of a zoning ordinance disserving agriculture or favoring lake property owners is nil.

The members of the Planning Board are residents of Ovid who have volunteered their time to serve their community. They deserve respect from all of us for their efforts. They have acknowledged the oversights of previous boards and they are sincerely seeking input from the public on their first draft of a zoning proposal. I hope, therefore, that the public information session next Wednesday is characterized by civility and mutual respect and that attendees will leave with a genuine feeling that it has been a productive session and is the first of many meetings when they will be heard and listened to.

In addition, the public is invited to Planning Board meetings the first Wednesday of each month – there will be no August 2008 meeting - and to Town Board meetings the second Wednesday of each month at 7:00pm in the Town offices. Contrary to charges that “Everything is done in secrecy,” both boards are committed to open government.

Sincerely,

David L. Dresser
Supervisor, Town of Ovid
607-532-4891

The following letter was submitted to Stakeholder Advisory Committee members in September 2009 after concerns were raised at the September Town Board meeting regarding the process :

September 15, 2009

Dear _____,

After last week’s meeting of the Stakeholders Advisory Committee it was suggested by a member of the Committee that a letter from me regarding the purpose of the Committee might be helpful. This letter is written in response to that suggestion. I will try to address the concerns presented by three members of your committee at last week’s Town Board meeting, as well as those recorded in your committee’s 09/08/09 Meeting Summary.

The concerns expressed at the Town Board meeting were that the Committee seemed to have no goal, that issues of land use and zoning were not being addressed, and that there was no provision for community input. The concerns expressed in the Meeting Summary had to do with the leadership and direction of the Committee, the name and representativeness of the Committee, and what would be done with the report and recommendations of the Committee.

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The Stakeholders Advisory Committee was appointed by the Town Board to engage in a strategic visioning process to be facilitated by Brian Slack, Senior Planner with the Genesee/Finger Lakes Regional Planning Council (G/FLRPC). A diverse group of town constituents was chosen to develop, hopefully with consensus, a shared vision for the Town, to be recorded in a final report that could assist the Planning and Town Boards with future planning and decision-making. This should be the goal of the Committee.

The Committee is an advisory group, its members representing only themselves, all property owners in Ovid being stakeholders. Brian has outlined a six-session agenda and indicated it is subject to change. In the fifth session he proposes to discuss land use in Ovid, which could well touch on comprehensive planning and zoning. The sixth session is devoted to next steps, which could well include a recommendation for a public meeting for community discussion of your Committee's recommendations. A public meeting was included in the G/FLRPC's original proposal for a ten-month visioning process, which for staffing reasons had to be cut back.

The Town Board urges the Committee to move forward with Brian's agenda. In writing this letter I have consulted with the Director of the G/FLRPC, with Brian, with all Town Board members who attended last week's meeting, and with the chair of our Planning Board. All approve of this letter as written.

In closing, let me assure you that the Town Board has every intention of making your report public. We plan to post it on the Town website and invite public comment on it in one way or another. The Board is very grateful for the time and thought you are putting into this exercise and hopes that this letter has alleviated any concerns about its usefulness. If you have further questions, please address them to Brian or to me, and we will respond promptly.

Sincerely,

Dave

David L. Dresser
Town Supervisor

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APPENDIX C: IMPORTANT RESOURCES FOR LOCAL OFFICIALS AND RESIDENTS

The following is a list of important resources that local officials and residents should consider as they continue to plan for the Town of Ovid's future. Visit the New York State Department of State Division of Local Government Services website for a full list of a wide variety of other useful government publications, <http://www.dos.state.ny.us/lgss/publications.htm>.

Local Government Handbook

This handbook is an authoritative source of information about the origins and operations of the Empire State, including a brief history and overview of federal, state, and local government and describing their evolving relationships, structures, and functions.

<http://www.dos.state.ny.us/lgss/pdfs/Handbook.pdf>

Local Open Space Planning Guide

This guide is a collaborative project of the Departments of State and Environmental Conservation. It has been written to assist those citizens and local officials who want help and advice to conduct local open space planning. It sets forth a simple, step-by-step process for preparing a local open space conservation plan; recommends specific strategies and techniques for conserving open space; and includes useful sources of information. Revised May 2007.

<http://www.dos.state.ny.us/lgss/pdfs/openspaces.pdf>

The Rural Design Workbook: Rethinking Conventional Development

This workbook is an easy-to-use collection of real-life development designs and recommended land use language for use by municipal planning boards as they review subdivision and site plan proposals. It has been developed by the Southern Tier Central Regional Planning and Development Board in conjunction with classes in Cornell University's Landscape Architecture program, and emphasizes design which promotes environmental health and conservation, preserves the rural character, and provides financial benefits or alternatives.

<http://www.stcplanning.org/index.asp?pageID=48&catID=51>

Making the Most of Your Waterfronts: Enhancing Waterfronts to Revitalize Communities

This guidebook provides information on how to protect, restore and revitalize New York's coasts and waterways. It provides guidance on how to make the most of your waterfront - sharing lessons learned, specific techniques that have worked, sources of information and assistance, and the experiences of communities that have succeeded. The guidebook provides information on the benefits and requirements for participation in the Local Waterfront Revitalization Program (LWRP).

http://www.nyswaterfronts.com/communities_guidebook_lwrp.asp

Government, Law and Policy Journal, Winter 2007, Volume 9, Number 2, NYS Bar Association

This issue contains articles that provide insight into the processes and tools for change in how municipalities provide services. The articles present several different perspectives: state and local government; legislative and executive branch; and academic and practitioner.

http://www.nysba.org/AM/Template.cfm?Section=Government_Law_and_Policy_Journal&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=15050

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Intergovernmental Cooperation

This document provides practical suggestions, ideas and information to municipalities considering partnerships to provide services.

<http://www.dos.state.ny.us/lgss/pdfs/intergovt.pdf>

Guide to Planning and Zoning Laws of New York State (Revised 5/07)

This essential publication is for municipal officials, attorneys, and planning boards. It has the complete text of relevant laws, including statutory changes from the 2006 Legislative Session.

<http://www.dos.state.ny.us/lgss/pdfs/2007-guide-planning-zoninglaws.pdf>

Zoning and the Comprehensive Plan

This document explains the legal relationship between the comprehensive plan and municipal zoning regulations.

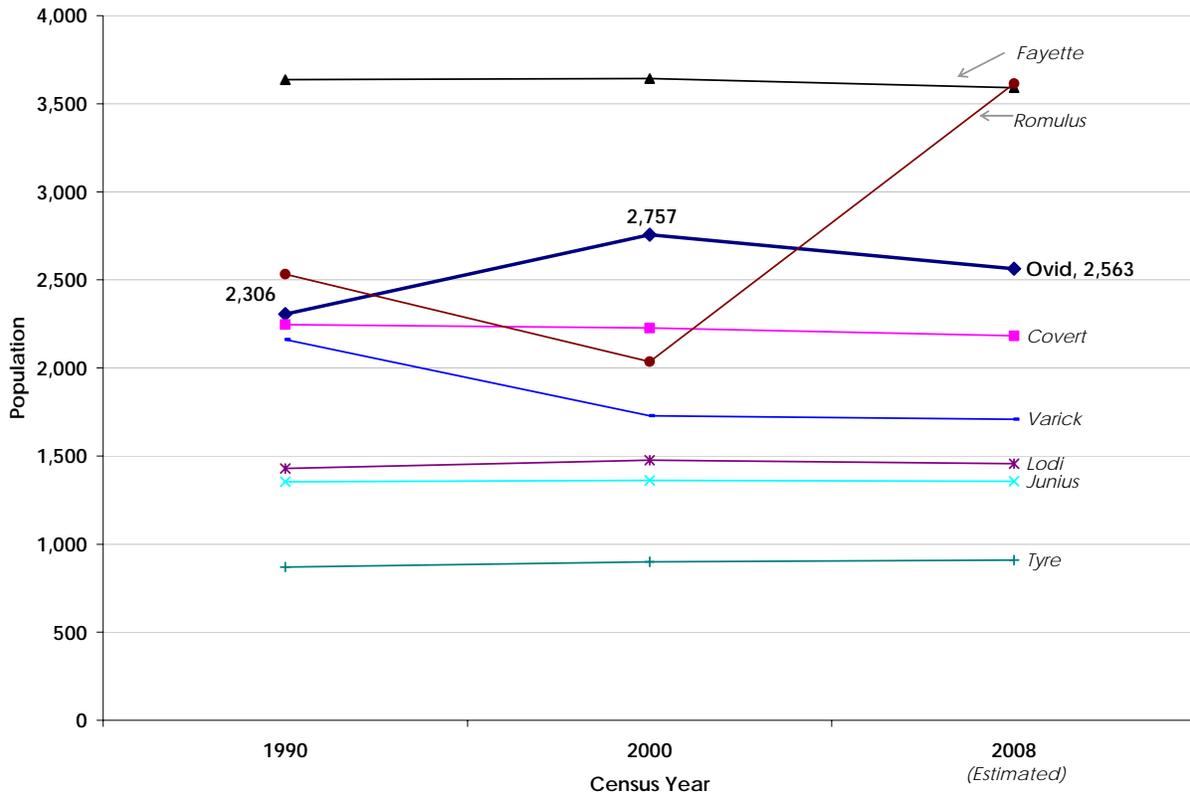
<http://www.dos.state.ny.us/lgss/pdfs/zncompplan.pdf>

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APPENDIX D: BASIC OVERVIEW OF LOCAL DEMOGRAPHIC AND DEVELOPMENT TRENDS

Population Data for Selected Seneca County Towns, 1990 – 2008¹³



	1990	2000	2008 (Estimated)
Fayette	3,636	3,643	3,591
Romulus	2,532	2,036	3,614
Ovid	2,306	2,757	2,563
Covert	2,246	2,227	2,182
Varick	2,161	1,729	1,709
Lodi	1,429	1,476	1,457
Junius	1,354	1,362	1,357
Tyre	870	899	909

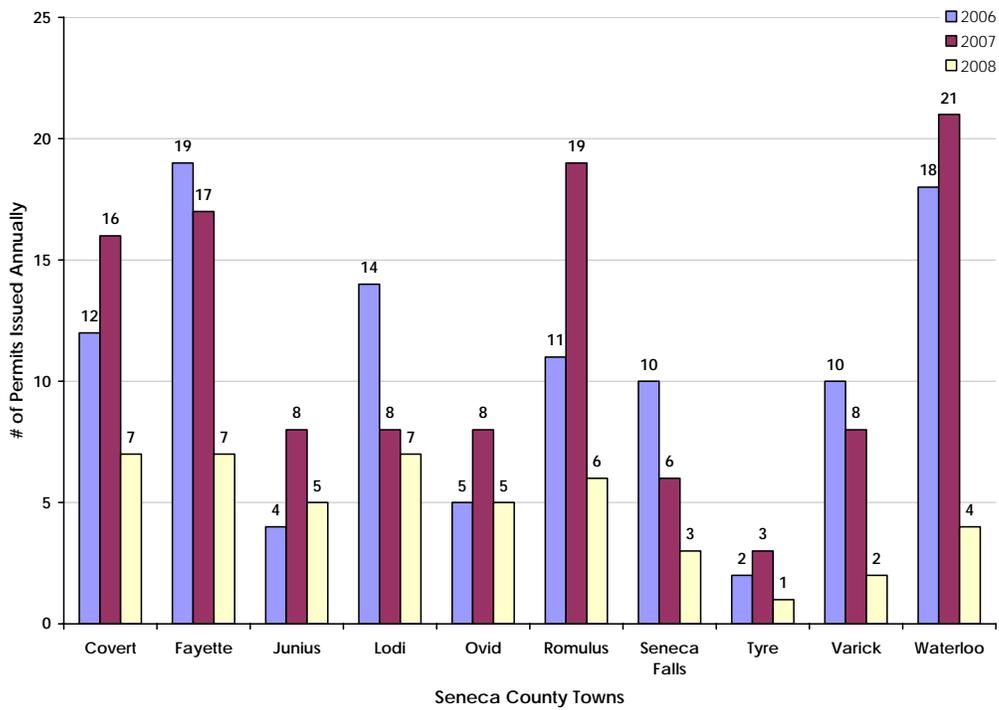
¹³ Population Data Sources: 1990 Census; Census 2000; U.S. Census Bureau, 2008 Population Estimates. Census figures include institutionalized populations housed locally, such as incarcerated individuals. This may account for a slightly higher population count in municipalities that have such institutions within their borders.

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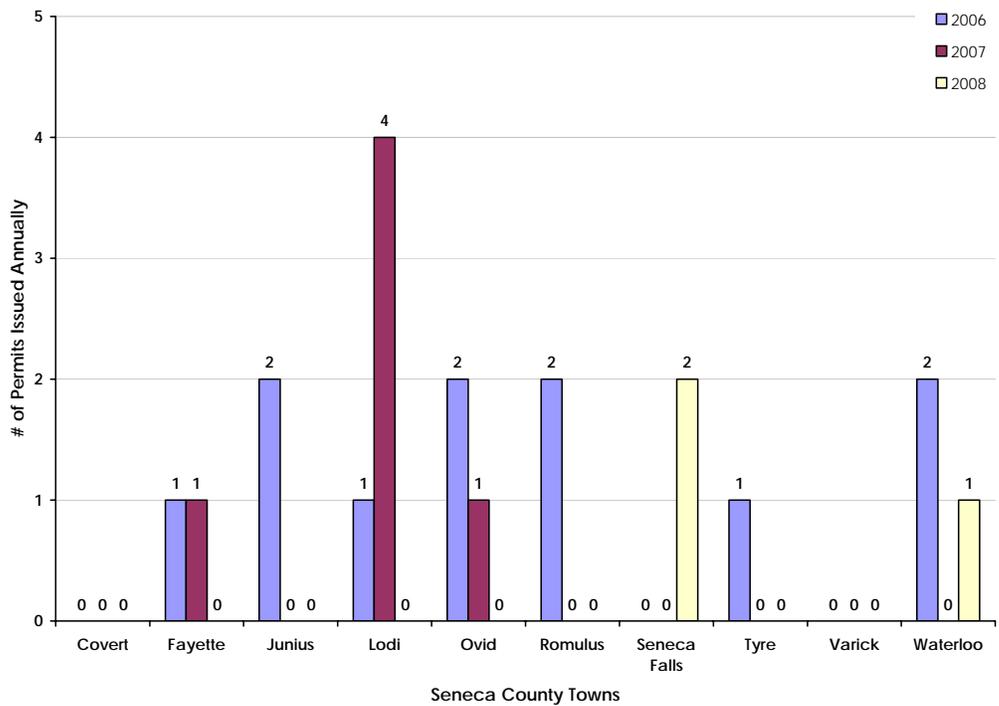
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Building Permit Data for Seneca County Towns, Years 2006 – 2008¹⁴

Residential Building Permits



Commercial Building Permits



¹⁴ Source: 2008 G/FLRPC Land Use Monitoring Report, online at <http://gflrpc.org/Publications/LandUseMonitoring.htm>