

Amendments
to the
Town of Florida
Comprehensive Plan

Montgomery County, New York

February 21, 2011

C.T. Male Associates, P.C.

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Executive Summary

These 2011 Amendments to the Town of Florida Comprehensive Plan serve as a stand alone document that supplements the Town of Florida Comprehensive Plan previously adopted in February 1996. In accordance with New York State (NYS) General Municipal Law, the legislative boards of the Town of Florida (Town) have decided to amend portions of their 1996 Comprehensive Plan for the purpose of remaining consistent with its future growth, development and preservation.

These Comprehensive Plan Amendments include updates to Chapter 1 "Introduction and Purpose," updates to Chapter 6 "Socioeconomic Resources" that revise the demographic data from the 1990 U.S. Census data to 2000 U.S. Census data, and the creation of Chapter 8 "Future Zoning Ordinance Issues," which discusses zoning issues that were not necessarily addressed by the 1996 Comprehensive Plan. Following the adoption of these Comprehensive Plan Amendments, the Town will consider the Chapter 8 amendment on zoning issues and then strive to formally adopt amendments that will update the Zoning Ordinance.

Ultimately, these 2011 Amendments to the Town of Florida Comprehensive Plan will serve to strengthen the Comprehensive Plan and its subsequent Zoning Ordinance amendments, with the objective of protecting the goals and ideals the Town has long served to protect. These Comprehensive Plan Amendments will also serve as the basis of future zoning and planning decisions in the Town, and must continue to reflect the wants and needs of the citizens, while also preserving and enhancing the character and environment of the Town.

Chapter 1

Introduction & Purpose

1. Introduction and Purpose

The New York State (NYS) General Municipal Law promulgates that local municipal legislative boards may prepare a comprehensive land use plan for the future development of their respective municipality. Section 272-a states in part that:

"Among the most important powers and duties granted by the legislature to a town government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens" (NYS General Municipal Law §272-a).

The Town of Florida (Town) has recognized this fact by deciding to amend portions of their 1996 Comprehensive Plan for the purpose of remaining consistent with its future growth, development and preservation. In recent years, the Town has experienced a change in both its economic and demographic condition. This change has been characterized by a reduction of small farms and agricultural production, an increased demand for undeveloped land, the loss of local job opportunities, and the loss of younger generations of Town residents to areas with more opportunities for education and employment. These changes have brought about new challenges for the community and questions about its future such as

- How can farming and farmland be protected?
- How can we preserve our rural setting?
- How can we provide jobs and opportunities for the upcoming generations?
- How can we stabilize our tax base?
- How can we allow and encourage new development without harming the environment?

The Town's location, adjacent to both the New York State Thruway (Interstate 90) Exit 27 and the City of Amsterdam, has made it a candidate for new industrial activity. With the addition of the Industrial Business Park (IBP) zoning district to the Town and the influx of industrial firms like Hero/Beech-Nut, Hill & Markes, and Target Distribution Center that have developed into the IBP district, job opportunities for Town residents have been markedly improved. At the same time, however, the Town is concerned about the potential for rapid future development and the subsequent loss of both its rural character and its farming community. Finding solutions to these conflicting challenges requires a balanced, intelligent and equitable

approach. The Town is faced with the classic challenge of how to balance environmental preservation with economic development.

The Town believes that the most effective means of dealing with this challenge is to amend portions of their Comprehensive Plan. These amendments to the Comprehensive Plan include an inventory and analysis of the Town's environmental, social and economic resources and trends. These amendments to the Comprehensive Plan also provide an inventory of areas where the current Town Zoning Ordinance may be lacking and make recommendations on how to address these issues in future revisions to the Zoning Ordinance. According to the Zoning Enabling Statutes of New York State, "all zoning codes are to be written in accordance with a comprehensive plan." The process of amending the Town's Comprehensive Plan is important in that it sets the foundation for future revisions to the Zoning Ordinance. This information, along with the public's input, would allow the Town to make informed, balanced, and representative decisions about how it should develop in the future. The Comprehensive Plan would serve as both an informational document of the Town's natural and human resources, and as a policy guide for the Town's future growth and development.

The Town adopted its first "master plan" in 1965. The Town also adopted Subdivision Regulations in 1964 and a Zoning Ordinance in 1976. The Zoning Ordinance was subsequently revised in 1986, 1988 and 1989, and the Subdivision Regulations were revised in 2003. The current Comprehensive Plan was completed and adopted in February 1996. These amendments represent the first update to the Comprehensive Plan since its original adoption in 1996. These amendments to the Comprehensive Plan include updates to Chapter 1 "Introduction and Purpose," updates to Chapter 6 "Socioeconomic Resources" that revise the demographic data from the 1990 U.S. Census data to 2000 U.S. Census data, and the creation of Chapter 8 "Future Zoning Ordinance Issues," which discusses zoning issues that were not necessarily addressed by the 1996 Comprehensive Plan. Following the adoption of these amendments to the Comprehensive Plan, the Town will consider the zoning recommendations, goals and objectives discussed in Chapter 8 and then strive to formally update the Zoning Ordinance accordingly. Amending the Zoning Ordinance will provide the legislation necessary not only to enact the vision of the Comprehensive Plan, but also allow the Town's Zoning Code Enforcement Officer

to enforce problems that have been occurring within the Town.

Ultimately, these amendments will serve to strengthen the Comprehensive Plan and its subsequent Zoning Ordinance amendments, with the objective of protecting the goals and ideals the Town has long served to protect. These amendments to the Comprehensive Plan will also serve as the basis of all future zoning and planning decisions in the Town, and must continue to reflect the wants and needs of the citizens, while also preserving and enhancing the natural environment that is synonymous with the Town.

Chapter 6

Socio-Economic Resources

6. Socio-Economic Resources

A. Agricultural Resources

The primary land use in the Town of Florida (Town) is agricultural, consisting mainly of dairy, beef and crop farming. The Town is completely located within Montgomery County (County) Agricultural District #3, established in accordance with Article 25AA of the New York State Agriculture and Markets Law. This program is designed to protect farming by protecting farmers from anti-nuisance ordinances, limiting promotion of non-farm development and limiting the acquisition of land by eminent domain. It is important to note that the County will begin its review of Agricultural District #3 in 2010, and to be completed by 2011.

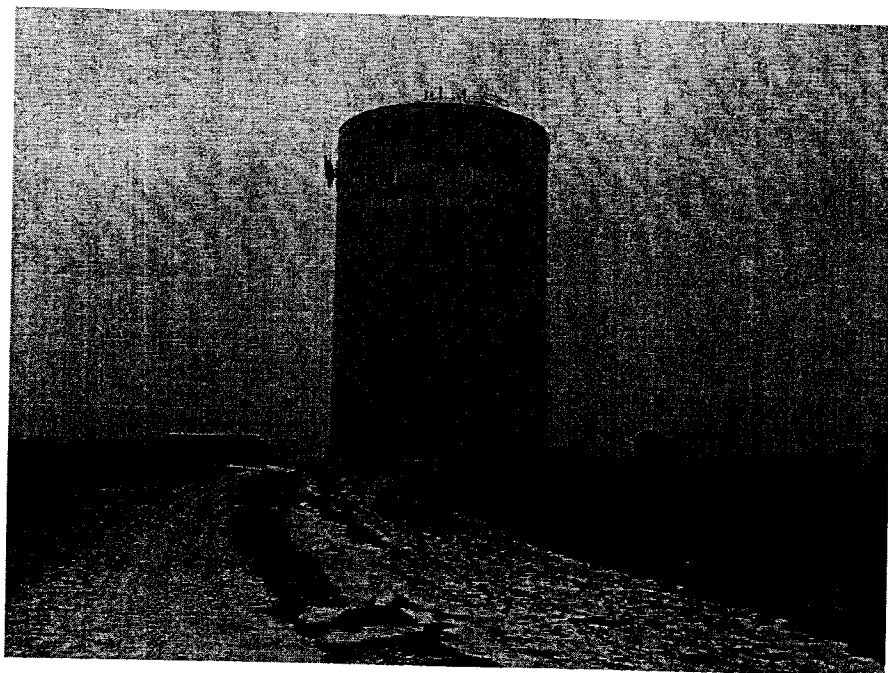
Map categories are based on soil group ratings according to the New York Agricultural Land Classification. Soil groups 1 and 2 are shown as one category, groups 3 and 4 as another, and 5 and 6 as the last category. Groups 1 and 2 are the best ("prime") soils for intensive agricultural use (row, forage and fiber crops) and should be preserved wherever possible. Groups 3 and 4 are nearly prime soils ("important") and are used for the production of food, feed, fiber, forage and oilseed crops. The importance of these soils should also be considered when development is proposed. The final category, groups 5 and 6, are soils that can be used for agricultural production; however, their natural yield capacity is only moderate and therefore their preservation is not required.



Agricultural land comprises nearly 60% of the Town of Florida



Hay production is a common site in the Town of Florida



Municipal water tower near the Industrial Business Park

B. Transportation

The Town's highways are maintained by three agencies: the New York State Department of Transportation, the Montgomery County Highway Department and the Town Highway Department. The Town residents are almost completely dependent on their private automobiles and trucks for transportation. The closest train station for use by Town residents is the Amsterdam Amtrak Station, which is served three times daily by Amtrak passenger trains. The region is also served by municipal bus system in the City of Amsterdam that extends along Route 30. Florida and the surrounding Towns are also served by a county bus system, known as the Montgomery Area Xpress (MAX), running Monday through Friday throughout Montgomery County.

Highways

The Town is served by a 125.95-mile network of State highways, County roads and Town highways. There are 21.7 miles of State highways, plus 10 miles of the New York State Thruway; 51.96 miles of County roads; and approximately 42 miles of Town highways. The 31.7 miles of total state operated highways make up 25% of the total road mileage in the Town. The State highways include Interstate Route 90 (State Thruway), and Routes 5S, 161 and 30. The County roads comprise 41% of the total roads in the Town. The Town highways comprise 33% of the total roads in the Town.

The predominant pavement width on County roads is 17 feet and one third of all County roads are less than 17 feet in width. Approximately 40 miles, or 84%, of county road pavements are less than 20 feet wide. Only about 8 miles of all county roads have a pavement width of 20 feet or more. The most common width of Town roads is 18 feet. Approximately 15 miles (35%) of the town roads have pavements less than 12 feet wide.

Bridges

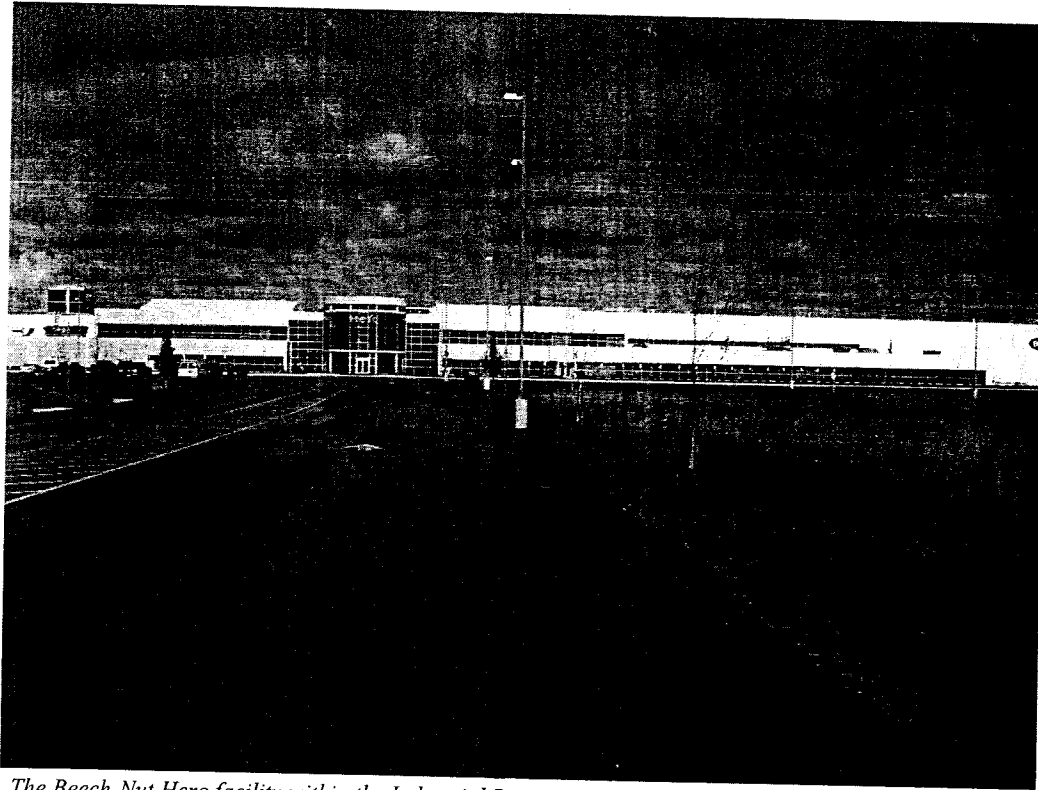
There are seven county bridges having over 20-foot spans, five of which are on county roads and two on town roads. The two county bridges on town highways are located on Cemetery Drive and Hartley Road. The other county bridges are located on Dunlap Road, Fort Hunter, Pattersonville, Sulphur Springs and Thayer Roads.

C. Land Use

An updated parcel specific Land Use Map has been prepared for the Town (see Land Use Map). The land use map was created using the Town Assessor's property code classifications on record at the Montgomery County Real Property Tax Service Agency. There are 33,811 total acres of land in the Town. The primary land use in the Town is agricultural, which includes approximately 60% of the Town. Agricultural land totals 20,050 acres with an average parcel size of 108 acres. Rural residential is the second largest use of land with 4,970 acres devoted to this use or 14.7% of the total land area. Vacant land constitutes another 3,888 acres or 11.5% of the land area. Commercial land use is primarily located along the Route 30 corridor and in a limited area on Route 5S in the northwestern portion of the Town. Manufacturing uses are located in the area of the Industrial Business Park (IBP) zoning district along Route 5S between the City of Amsterdam and the Schenectady County border, a small area just south of Amsterdam, and in a small area along Route 5S west of Amsterdam. There are also natural product uses (mining) adjacent to the first manufacturing area. A mobile home residential area is located in the northeastern corner of the Town. Historical areas include the Hamlet of Fort Hunter. This area includes several historic sites relating to the Canal area such as "Clinton's Ditch," the Schoharie Creek Aqueduct and the Queen Anne Parsonage. Residential dwellings exist throughout the Town.



Mohawk Hills residential subdivision on Route 5S



The Beech-Nut Hero facility within the Industrial Business Park (IBP) zone on Route 5S west of Amsterdam



A limestone mine in the Natural Products Zone

D. Zoning

A Zoning Ordinance serves as the means of implementing the goals and visions a municipality has for itself as described in a comprehensive plan. Part of the process of amending the Comprehensive Plan involves analyzing the Town's current Zoning Ordinance to determine its adequacy in implementing the goals and objectives established in this Plan.

Zoning is the most common tool in the United States for regulating the use of the land. Zoning is the division of a municipality into districts which are subject to different regulations regarding the use of the land, and the height and bulk of buildings which are allowed. The Town adopted its first Zoning Ordinance in 1976. The Zoning Ordinance was subsequently revised in 1986, 1988, and 1989. The Zoning Ordinance will also likely be revised in 2010-2011 to reflect some or all of the suggestions in Chapter 8 of this comprehensive plan.

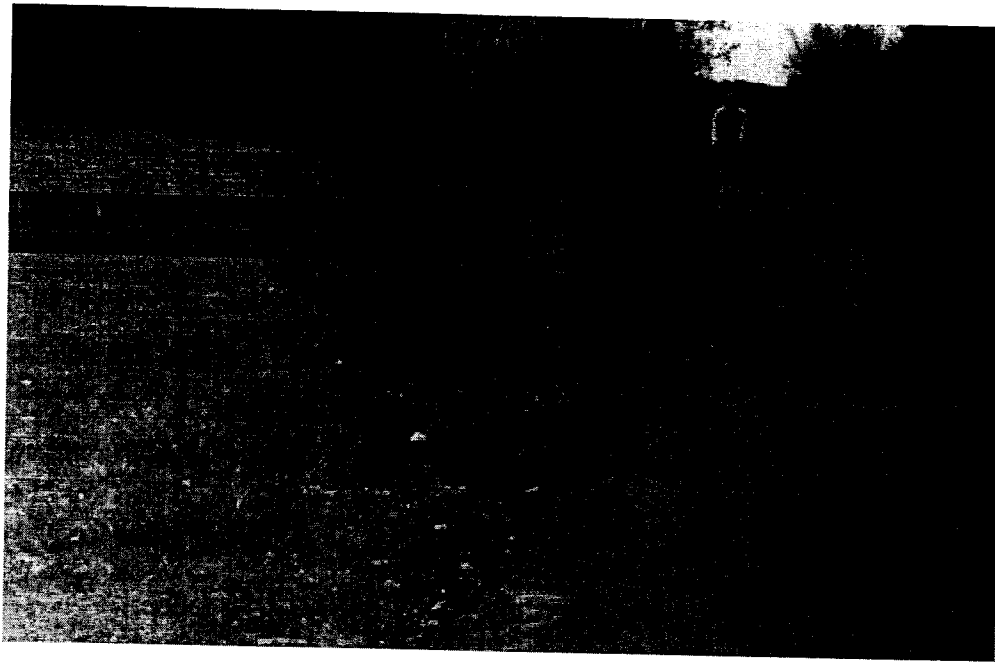
The Town's current Zoning Ordinance allows for seven different land use categories: R-1 Residential; R-M Mobile Home residential; A-Agricultural; C-1 Commercial; M-1 Manufacturing; N-P Natural Product; H-P Planned Historical; and IBP Industrial Business Park (see Zoning Map). The majority of the Town, 86%, is zoned Agricultural. Approximately 5.3% of the Town is zoned Residential; 2.3% Planned Historical; 2.2% Natural Products; 2.0% Industrial Business Park, 1.1% Commercial; 1% Mobile Homes; and .5% for Manufacturing. The Town's Zoning Ordinance includes a "schedule" that lists the districts, permitted principal uses, special exemption uses, minimum lot size, lot coverage, minimum living area, building height, and yard dimensions.

E. Municipal and Community Resources

The Town has one library located in the old Town Hall building on Fort Hunter Road. The Amsterdam library is also available to all residents of the Town. There is a seven-mile bicycling/hiking trail, part of the Erie Canal Trailway, along the Erie Canal/Mohawk River beginning at the confluence of the Schoharie Creek and extending east towards Pattersonville. The Montgomery County Snowmobile Club and the Florida Snowmobile Club continue to be active throughout the Town as well. The Town also has a youth commission.

There are two churches in the Town; the Florida Reformed in Minaville and Jehovah's

Witness Kingdom Hall on Fort Hunter Road. The Town has two diners, a small engine repair shop, an automobile service garage, an auto parts business, a heating fuels dealer and a small veterinary office. The oldest historical structure is Queen Anne's Parsonage, which was built in 1712.



A section of the Erie Canal Trailway/Bikepath

The Florida Volunteer Fire Department contracts annually with the Town for protection in a duly established Fire Protection District that includes all of the territory of the Town, except for "The Fort Hunter Fire District" and "The Fort Hunter Fire Protection District" which provide protection for the Hamlet of Fort Hunter and its surrounding area. The Florida Volunteer Fire Department owns two firehouses. The main station is located on Route 30 in the center of Minaville. The auxiliary station is located on Bulls Head Road at Pattersonville Road near the eastern border of the Town.

Ambulance service is provided to the Town by the Greater Amsterdam Volunteer Ambulance Corp. and to a limited extent by the Greater Amsterdam Volunteer Ambulance Corps (GAVAC).

Police protection in the Town is provided by the New York State Police and the Montgomery County Sheriff's Department. The Sheriff's Department has also established an emergency 911 system for the County including the Town.

The Town also owns two buildings; the current Florida Town Hall located on Fort Hunter Road, and the former Florida Town Hall, which is located further east on Fort Hunter Road near Minaville. The current Town Hall building serves as the focus of civic business and location of the municipal courthouse, and also contains recreational field space for the residents of the Town. The former Town Hall serves as the offices for the Town Highway Department and the Town Library.

F. Cultural Resources

The Town contains many historic, architectural and cultural resources which evoke its noble heritage. These visible reminders of the accomplishments of the past serve as a source of civic pride and provide educational and cultural benefits to the citizens. The distinctive character that these resources lend to the Town creates pleasure and appreciation, with the result that land values are stabilized and improved. These landmarks and historic areas likewise serve to attract visitors, thereby providing support and stimulus to the economy. Among the significant properties or areas within the Town of Florida include:

- The Erie Canal Lock 28 National Historic Landmark (below) which is located partly in The Hamlet of Fort Hunter and runs from the easterly most property line of the Schoharie Crossing Historic Site, crossing the Schoharie Creek at the point where the canal is broken by the N.Y. State Thruway. This area is owned by New York State and protected by state and federal historic preservation laws;



Erie Canal Lock 28 Historic Landmark



Schoharie Crossing State Historic Site with Aqueduct

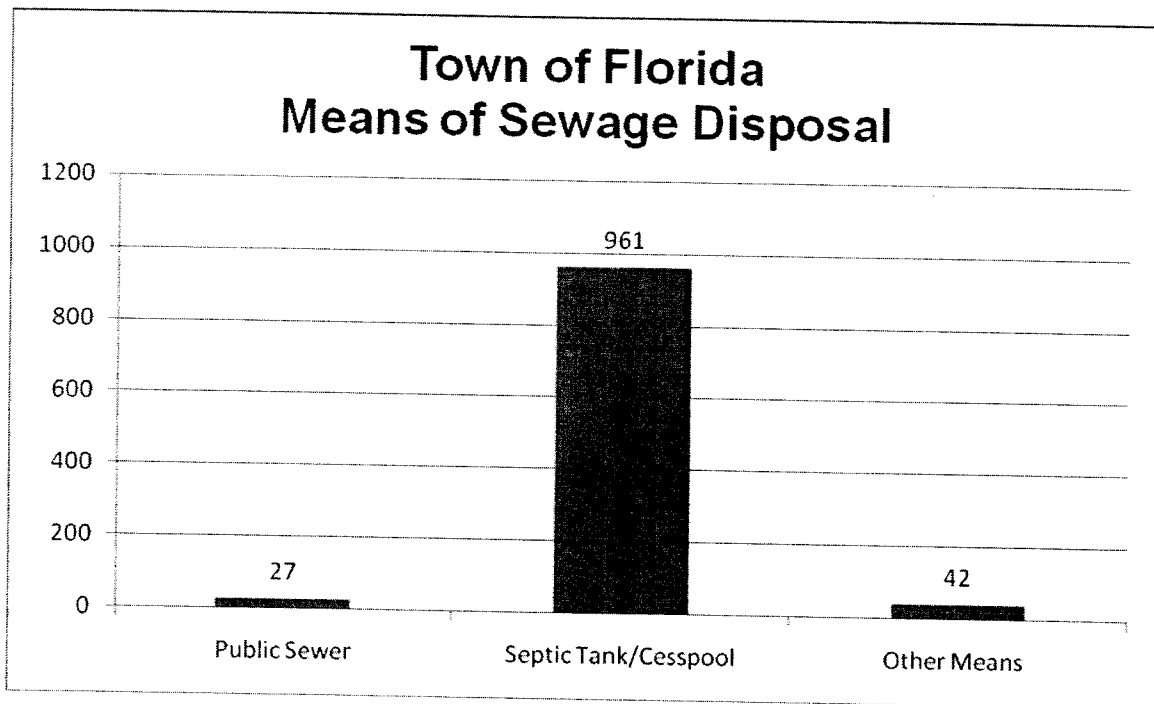
- Fort Hunter, in an area next to Schoharie Creek and the Erie Canal National Historic Landmark, was also the site of three other important historical sites. The first of these sites is I-CAN-DE-RO-GA or TI-ON-ON-TO GEN of the Lower Castle Mohawk's Wolfclan. This was the last Mohawk Indian village in the Mohawk Valley (1700-1775). This same area contains the site of Old Fort Hunter, built circa 1711-1712, for protection from the Mohawk Indians. The fort was stockaded and surrounded Queen Anne Chapel. The chapel was torn down in 1821 to make way for the Erie Canal.
- The Queen Anne Parsonage, a stone house built in 1712 to serve the Queen Anne Chapel. The parsonage is located east of Fort Hunter along Queen Anne Road. Additionally, because of the Town's location along the Mohawk River, there is the possibility of the existence of unknown archaeologically sensitive sites and artifacts.

G. Sewage Disposal & Water

Beginning with the 2000 Census, sewage disposal data is no longer tabulated for the Town. According to 1990 US Census (see Figure 2), 961 residents used a septic tank or cesspool as a means of sewage disposal. There were 27 people connected to public sewers, and 42 people used "other means" of sewage disposal. The location of septic systems on a parcel is regulated by the Town's Zoning Ordinance and Subdivision Regulations, and all systems must conform to the standards that have been created and enforced by the New York State Department of Health. The lack of a comprehensive sanitary sewer system throughout the Town, including a municipal sewer and treatment facility, is a concern in terms of both the public health and future development potential.

Figure 3

Source: US Census Bureau 1990 (This data was not available in the 2000 census).



The residents of the Town primarily receive their drinking water from private water wells. Several parcels north of Interstate 90 are served by the municipal City of Amsterdam Water Supply.

H. Demographics

The information contained in this section is based on the 2000 U.S. Census Bureau data and other recorded statistical sources. At the time these 2011 Amendments to the Florida Comprehensive Plan were drafted, detailed data from the 2010 census had not yet been released from the Census Bureau. The purpose of this section is to analyze and show graphically, certain characteristics and trends about the residents and housing inventory within the Town. The following four topics will be discussed in this section:

- 1) Population Characteristics
- 2) Employment Characteristics
- 3) Housing Characteristics
- 4) Household Characteristics

Population Characteristics

The Town's 2000 population of 2,731 is the highest it has been in the past 100 years. Unlike most surrounding municipalities, and Montgomery County as a whole, the Town has experienced a steady, uninterrupted increase in the number of residents over the past seven decades. This growth rate, however, has increased over the past ten years (3.5% growth from 1991 to 2000), as compared to the previous decade (2.3% growth from 1981 to 1990), compared to the previous four decades (see Figure 3, and Table 2). The Town's greatest increase in population occurred between 1970 and 1980, when the Town grew by 295 people, at a rate of 12.9%.

Figure 3

Source: US Census Bureau, 2000

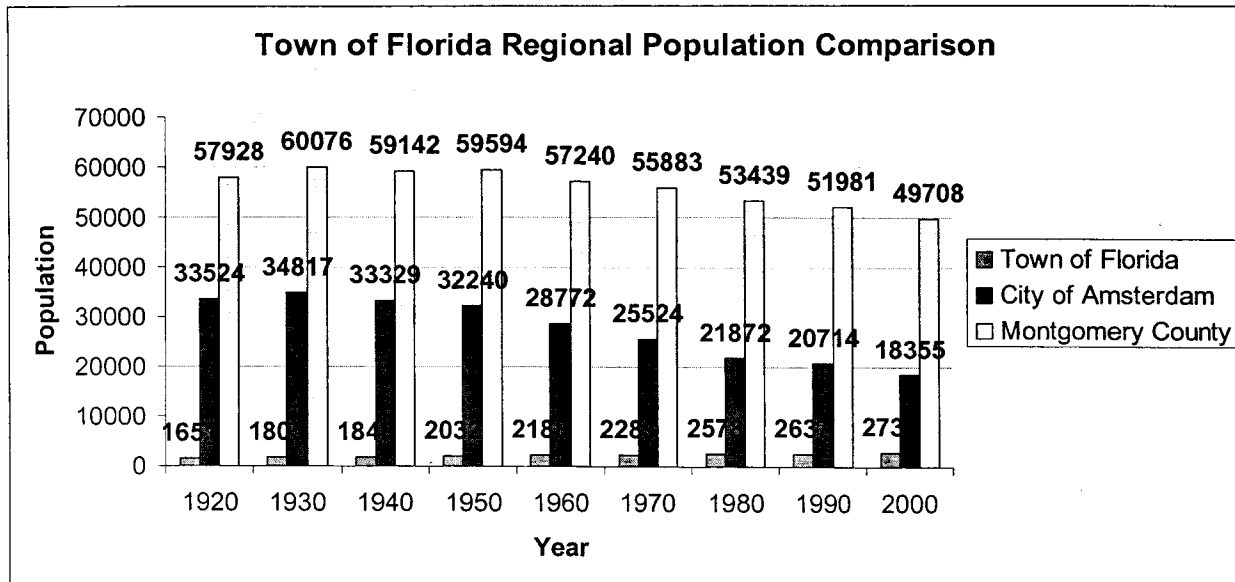


Figure 4

Source: US Census Bureau, 2000

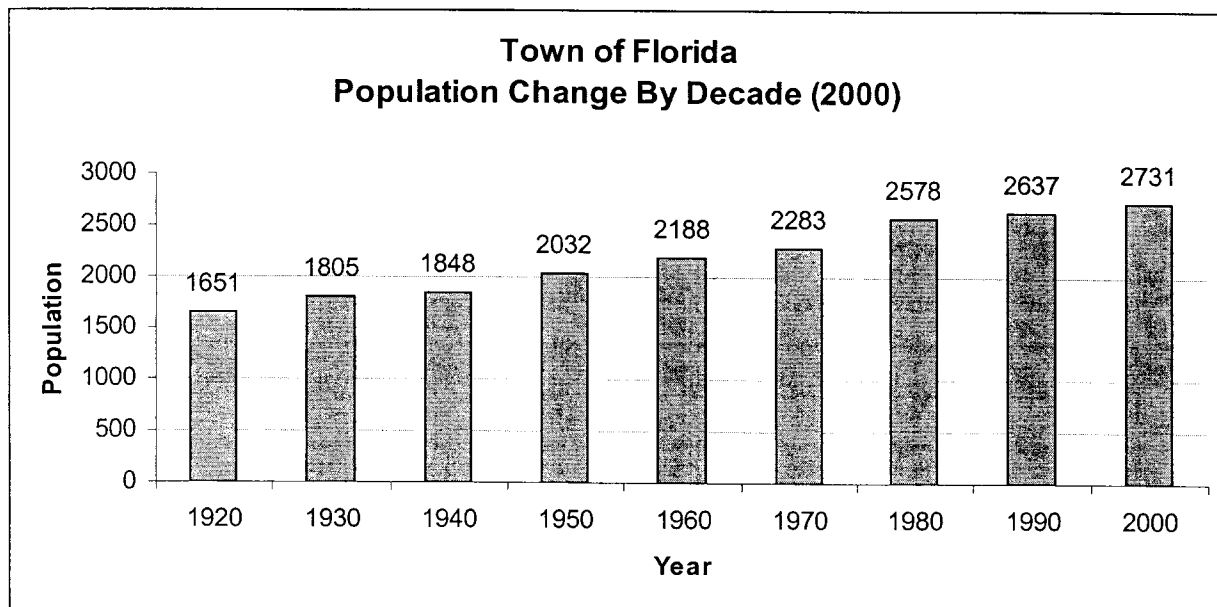


Table 2: Town of Florida Percent Population Change By Decade

Source: US Census Bureau, 1910-2000

Decade	Number of Persons	% Change from Previous Decade
1991 - 2000	2731	3.5
1981 -1990	2673	2.3
1971 - 1980	2578	12.9
1961 - 1970	2283	5.3
1951 - 1960	2168	7
1941 - 1950	2032	10
1931 - 1940	1848	2.4
1921 - 1930	1805	9.3
1911 - 1920	1651	

Many factors will have an impact on the future growth rate in the Town. These factors include: the future increase of population in the City of Amsterdam; the change in the demographic make up of the City of Amsterdam population; and an increase in the crime rate in the City of Amsterdam. These factors have elsewhere led to an increase in suburbanization as city residents located to the periphery in search of more abundant and more affordable land, and to escape increases in crime, pollution, congestion, and high taxes.

In addition, the growth rate in the Town will greatly depend on future employment opportunities in the region. Employment opportunities will depend on many factors including those that are local, national, and international. Local factors include Montgomery County's successful completion of its industrial business park areas and local economic development official's success in attracting new businesses into these industrial business park areas.

According to the 2000 Census, the median age of the residents in the Town is 40.2 years

old, up slightly from the median age of 34.9 years in the 1990 census. The median age reported in the 2000 Census is slightly below the county average of 39.7 years and slightly above the state average of 35.9 years. Figures 5 shows age distribution by sex in the year 2000.

Figure 5

Source: U.S. Census Bureau, 2000

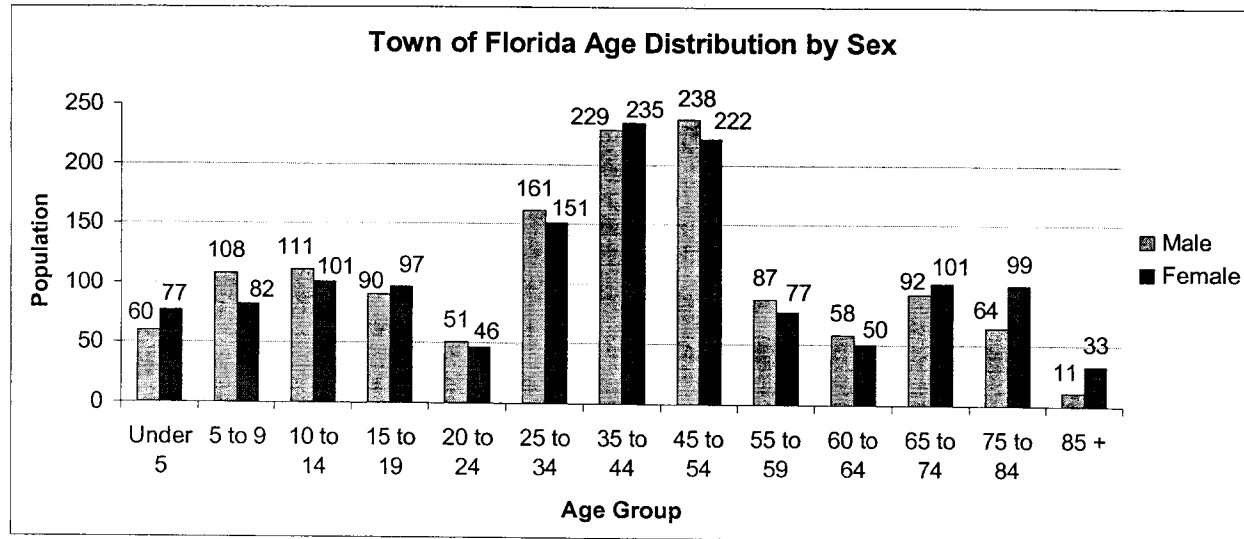
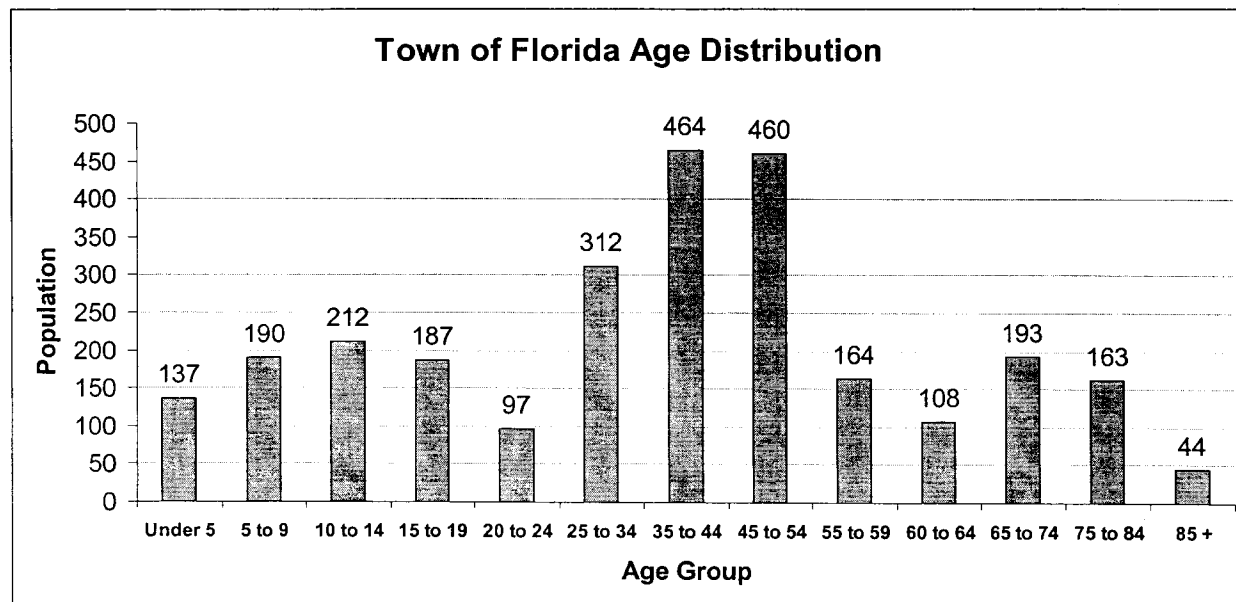


Figure 5 indicates that, similar to national trends, there are a greater number of females than males in the Town. The total number of females in the Town is 1,371 as compared to a total of 1,360 males, a contrast to when males outnumbered females in the 1990 Census.

Figure 6

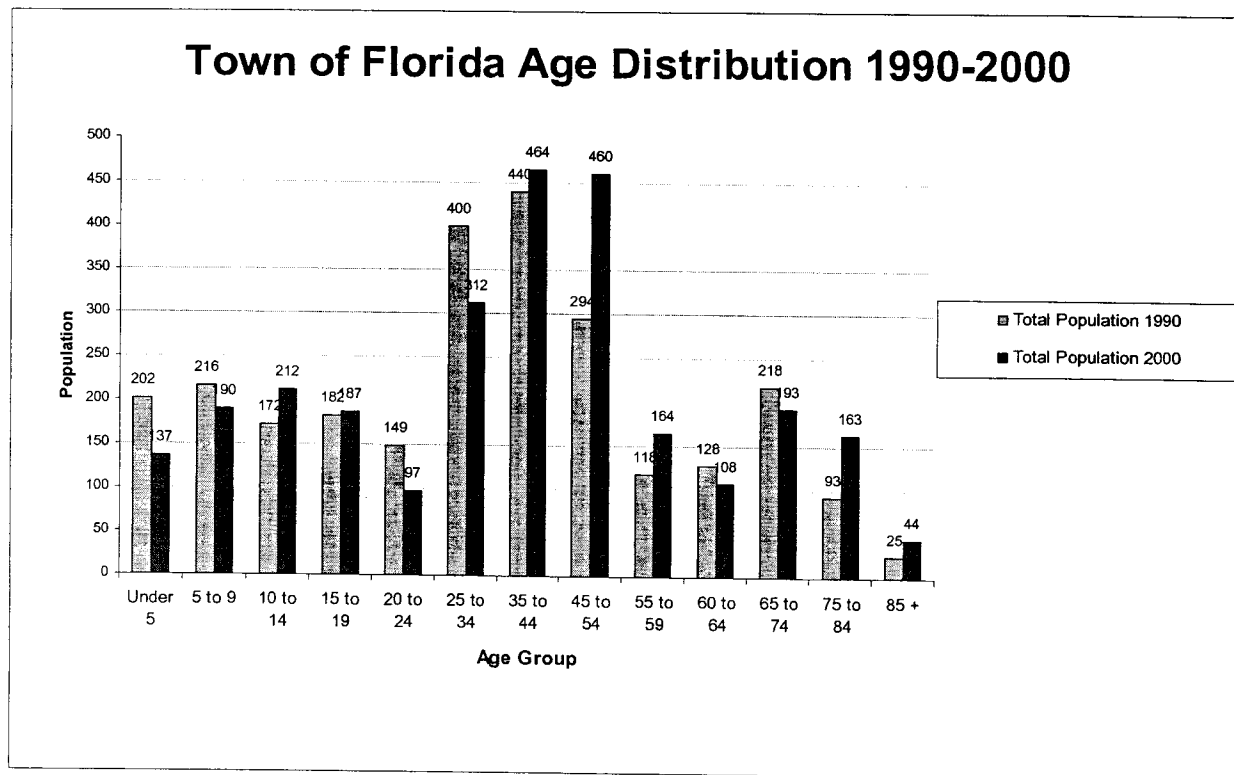
Source: US Census Bureau, 2000



According to Figure 6, the largest part of the Town's population is between 35 and 54 years old. There is a noticeable decrease in the total number of Town residents under the age of 34, between 1990 and 2000 (refer to Figure 7). These figures indicate that the Town is losing a large number of its younger residents that are under the age of 34.

Figure 7

Source: US Census Bureau, 2000



Race and Ancestry are two other important population characteristics to consider. Similar to Montgomery County as a whole, the Town is predominately Caucasian. Less than 2% of the Town residents are a race other than White. The racial breakdown by percentage includes: Caucasian (98.2%); African American (0.2%); American Indian (0.1%); and Asian (0.1%).

Polish, German, and Irish, respectively, are the most common ancestral origins of the Town's residents. Other ancestral origins in the Town include Italian, Dutch, and Hispanic. The Town's ancestral origins are similar to those of the other municipalities in Montgomery County.

The final population characteristic to be considered is the density of persons per square mile. The Town is comprised of 33,811.2 acres or about 50.4 square miles. By dividing the Town population of 2,731 by 50.4 square miles, the population density in the Town equates to approximately 54.2 persons per square mile. Certain areas, such as Fort Hunter, Minaville and Scotch Bush, contain densities moderately higher.

Employment Characteristics

This section contains information about labor and employment trends, commuting times, and means of transportation to work. Figure 8 indicates Town employment by industry type. This information should not be confused with "occupation" (Figure 9), which is the actual job performed by the individual. For example, if a person were a manager of a mining operation, this data would report his employment in the mining industry and not his occupation as a manager.

Figure 8

Source: U.S. Census Bureau, 2000

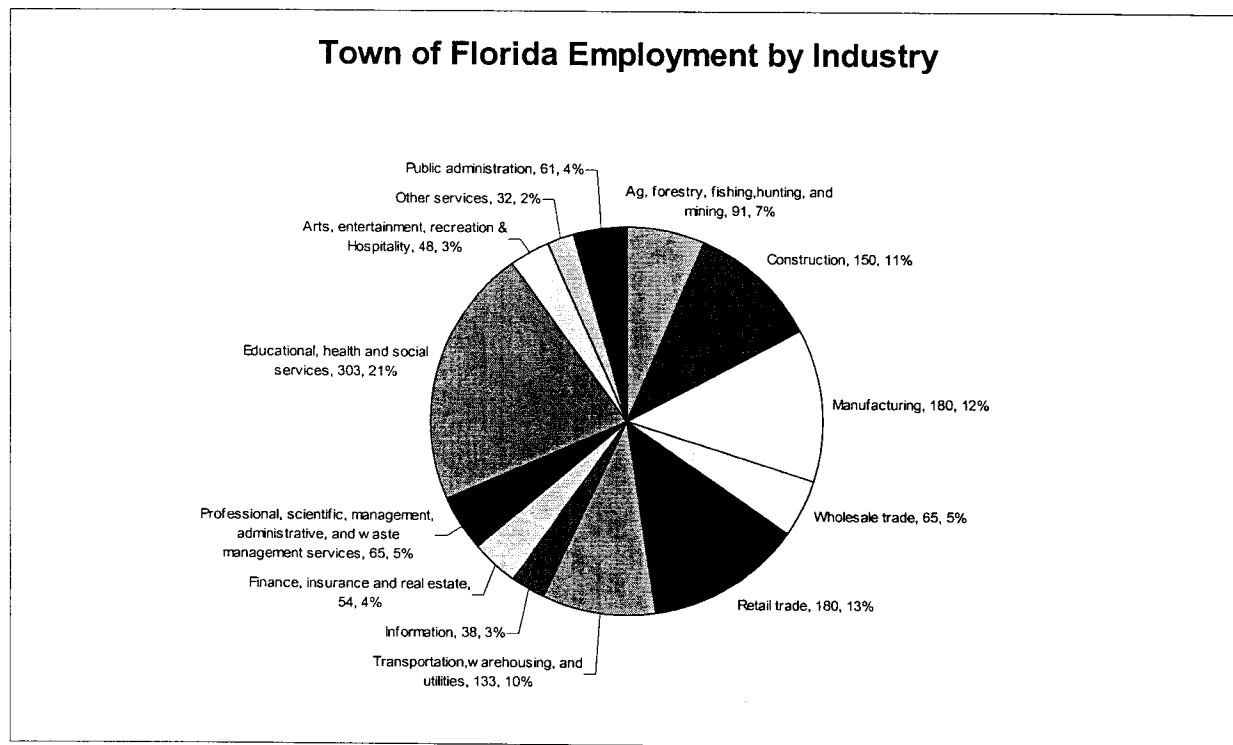
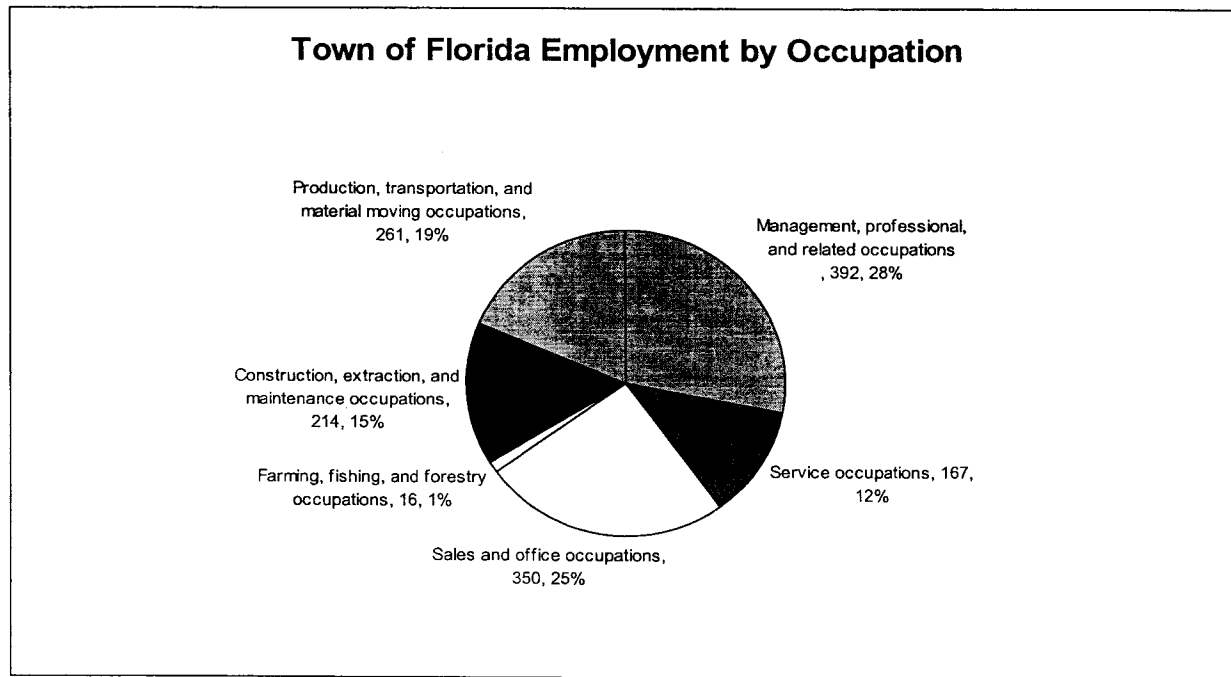


Figure 9

Source: U.S. Census Bureau, 2000



The health industry represents the largest type of employment for Town residents (21%). This is followed closely by retail trade (13%); manufacturing (12%) and construction (11%)

It has been of particular concern to the Town residents that farming as an occupation has been declining. According to the 1980 Census, there were 225 people employed in the Agriculture and Forestry industry. By 1990, there were 157 people in the Town employed in the same industries. By 2000, the number employed in this industry decreased to only 91 people. It is interesting to note that the agriculture, forestry and fisheries industry dropped from 12.2% of the Town population in 1990 to 7% of the Town population in 2000. In only a twenty-year period the Town has experienced a 60% reduction in the number of its residents employed the Agricultural and Forestry.

Of the 1,274 employed persons in the Town, 776 people work within Montgomery County and the remainder commute outside the County for work. Approximately 81% of the commuters travel less than 35 minutes to work. This accounts for most of the people who work within Montgomery County, Fulton County, Schoharie County, and the Eastern Capital District (refer to Figure 11).

Figure 10

Source: U.S. Census Bureau, 2000

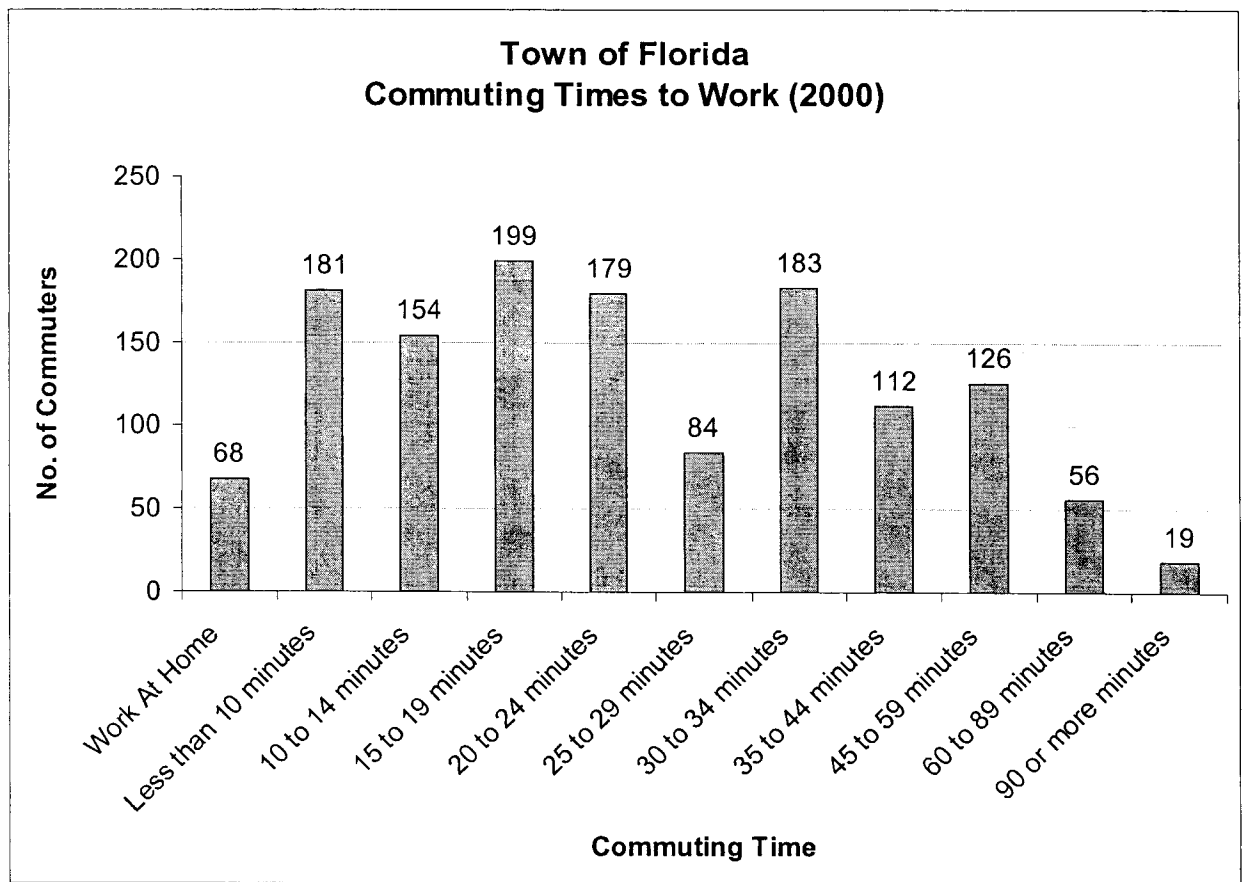


Figure 11

Source: U.S. Census Bureau, 2000

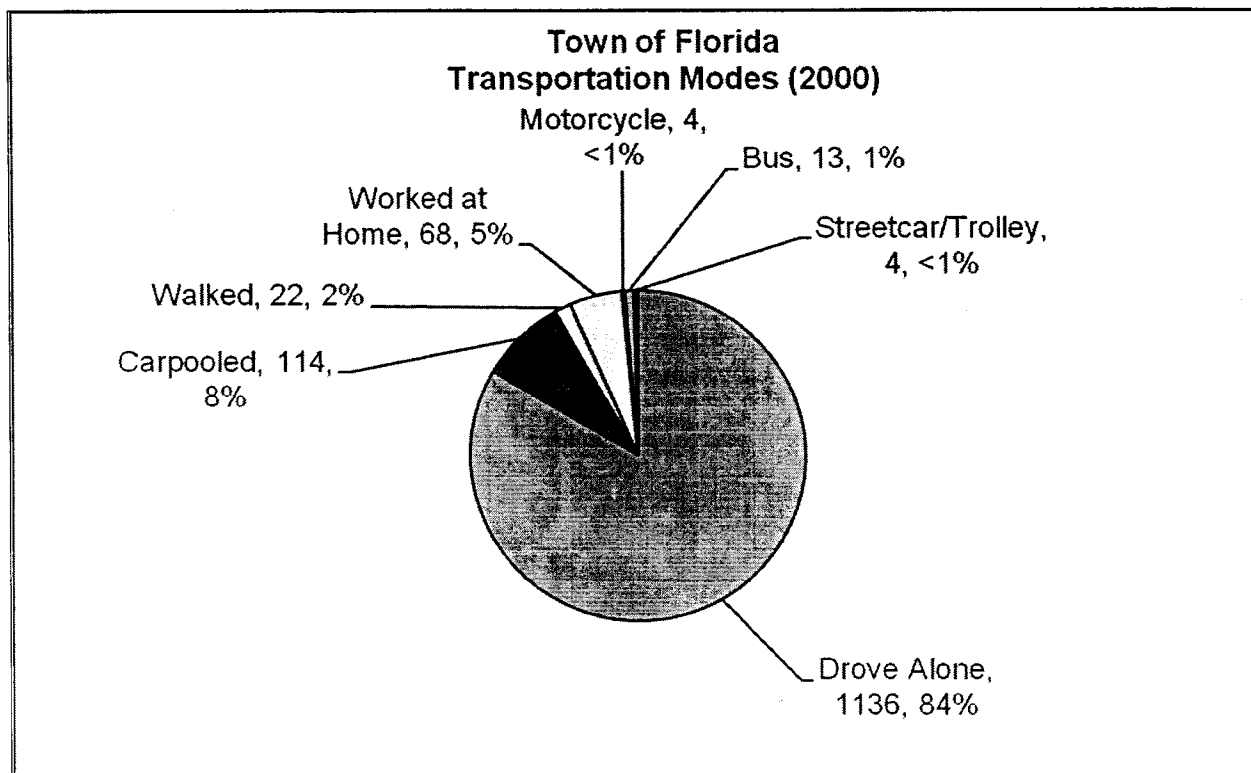


Figure 11 displays the means of transportation to work for the Town residents. This characteristic is important for analyzing the need for transportation related services such as park and ride areas and bus services. The automobile remains the primary mode of transportation to work for residents in the Town. In 2000, 92% of Town residents commuted by automobile (both alone and carpool), up from 86.5% in 1990.

Housing Characteristics

A *housing unit* is defined as any room or group of rooms intended to be occupied as separate living quarters. According to the 2000 Census, there were 1030 housing units in the Town. Figure 12 displays the status of these units. A large majority (81%) of the housing units in the Town is owner occupied and, at the time of the most recent census, the Town had a 7% vacancy rate.

Figure 12

Source: U.S. Census Bureau, 2000

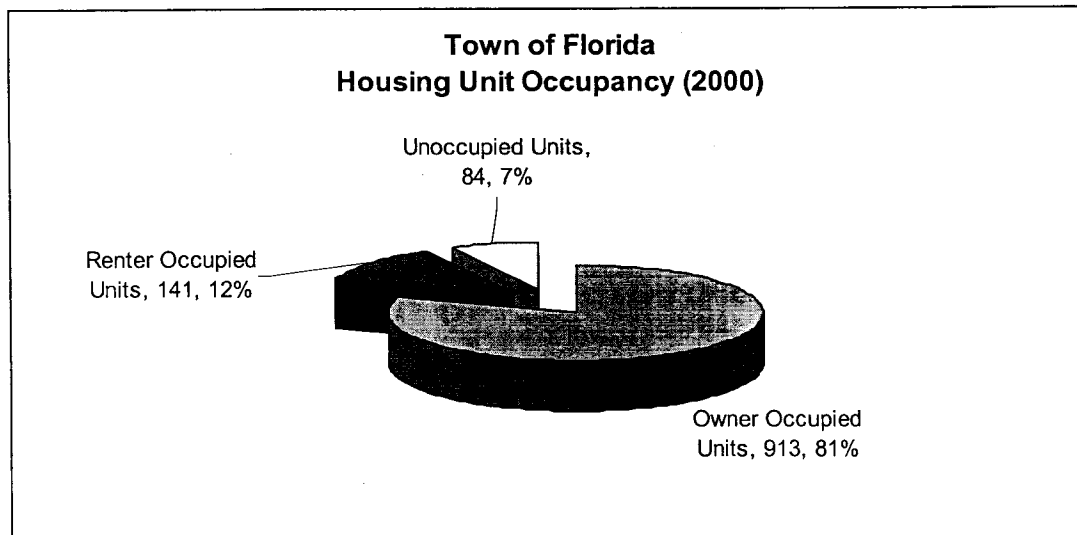
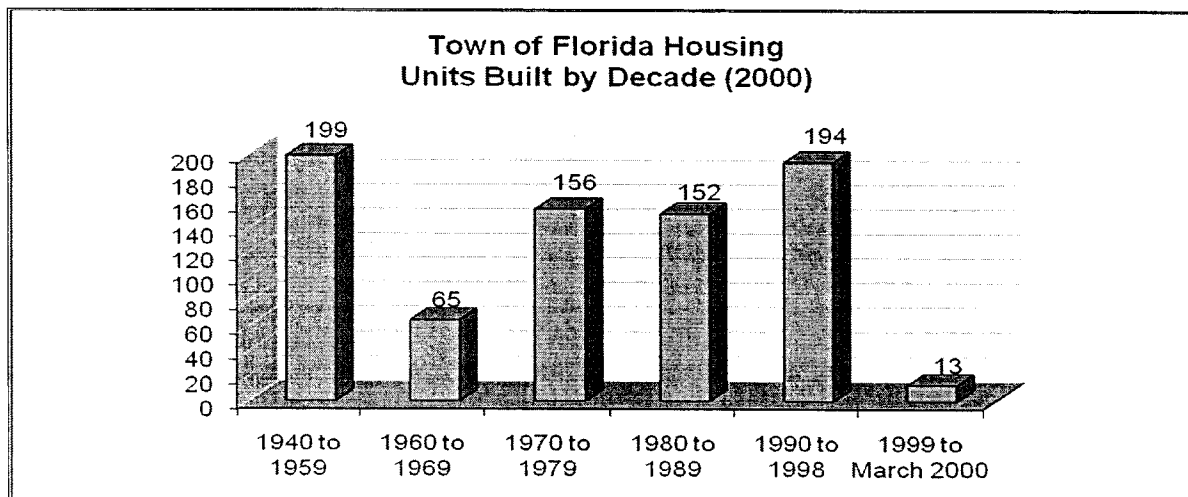


Figure 13 displays the number of housing units built in the Town since 1940. Prior to 1940, there were a total of 359 housing units built. According to Figure 13, the most housing units built in a ten-year period were 194, built between 1990 and 1998. This number has steadily increased since 1960.

Figure 13

Source: U.S. Census Bureau, 2000



Household Economic Characteristics

A *household* is defined as the number of occupied housing units and is the central concept that links population and housing. Households are made up of one or more persons sharing a housing unit. Another important definition to remember when discussing household characteristics is the *family*. According to the US Census Bureau, a *family* is persons related by blood, marriage or adoption, living together in a household. According to the 2000 Census, there are 1,049 households in the Town with 766 of these defined as families.

An important characteristic of households and families is the income level. The median household and family income provide a figure for the average income of each occupied housing unit. Per capita income defines the average income in the Town per person. A regional comparison of household, family and individual income levels is shown in Table 3. The majority of households in the Town of Florida earn between \$25,000 and \$75,000 (refer to Figure 14).

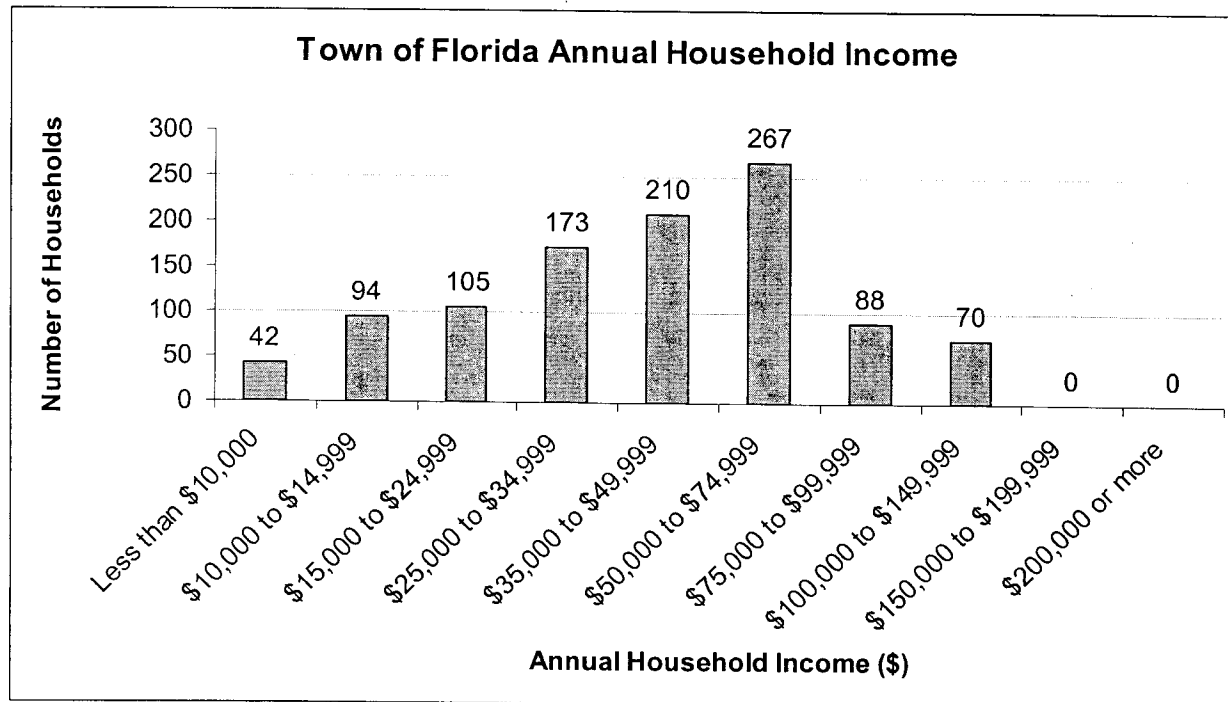
Table 3: Regional Economic Characteristics 2000

Source: U.S. Census Bureau, 2000

	FLORIDA	CITY OF AMSTERDAM	MONTGOMERY COUNTY
MEDIAN HOUSEHOLD INCOME	\$43,317	\$27,517	\$32,128
MEDIAN FAMILY INCOME	\$49,100	\$37,169	\$40,688
PER CAPITA INCOME	\$18,246	\$16,680	\$17,005
% BELOW POVERTY LEVEL PER CAPITA	4.3%	12.4%	9.0%

Figure 14

Source: U.S. Census Bureau, 2000



Chapter 8

Future Zoning Ordinance Issues

8. Future Zoning Ordinance Issues

One of the primary purposes of a Comprehensive Plan is to provide goals and objectives that the Town of Florida (Town) wishes to implement following the adoption of amendments to the Comprehensive Plan. In the United States, zoning is the tool commonly used to implement and enforce the aspirations detailed in a comprehensive plan.

There are some issues that are not regulated by the current Zoning Ordinance that have the potential to significantly impact the Town and its residents. In May 2010, representatives of the Town's legislative boards gathered to determine the issues that are discussed in this chapter. As an amendment to the Comprehensive Plan, this newly created chapter sets the foundation for addressing these issues with future amendments to the Zoning Ordinance.

Issue #1: Well Head Protection

Goal: Currently, the majority of residents in the Town are served by private drinking water wells on their property. Since the Town is primarily agricultural, many properties with private water wells also contain livestock, including but not limited to pigs, goats, sheep, cows, horses and chickens. Many property owners allow their livestock to roam freely which results in the random distribution of animal waste across the property. On several occasions livestock have been allowed to deposit waste in close proximity to these private drinking water wells, resulting in contamination to the drinking water supply. The Town needs to protect drinking water sources from potential contamination related to the keeping of livestock.

Objective: One method for protecting the private drinking water supply on a parcel may be for the Town to develop a Zoning Ordinance amendment to add a code section that addresses Well Head Protection. Such a code section would include buffer dimensions around a drinking water well head where livestock would be prohibited within a fixed radius from the well head. The code section may also include fencing requirements for each private well head on parcels where livestock are kept. For instance, the code section may require landowners to install an appropriate fence in a circle around the well head with a fixed radius from the well head.

Issue #2: Wind Towers

Goal: The Town is physically situated on a high topographic ridge in Montgomery County where windy conditions are common in areas with little tree cover. Because of frequent windy conditions and a large amount of developable agricultural land, the Town may become attractive to developers of wind turbines as a source of electricity. At present, the Town has a Zoning Ordinance (Local Law 1 of 2008) regulating the placement, dimensions, and composition of wind turbines, both stand-alone units and clustered together into wind farms. It is the vision of the Town to review these regulations and to revise them to address potential advancements in technology that have developed since the adoption of the local law 1 of 2008.

Objective: Local law 1 of 2008 regulating wind turbines and wind farms will be reviewed to ensure that it continues to accurately reflects the wishes of the Town with respect to the placement of the turbines (i.e., which zoning districts will allow the placement of turbines by special use permit), minimum distances to private residences, the appearance of the turbines (i.e., height, color, setback distance for a fall zone, appearance of equipment sheds, security fencing, etc.), what kind of screening may be utilized to mitigate potential visual impacts to surrounding land owners, present acceptable noise levels, and also provide an adequate escrow account mechanism funded by commercial applicants for the Town to hire professional consultants to review wind turbine applications. While wind is a potentially environmentally friendly source of power, there remains a strong need to regulate both private and commercial wind turbines in an effort to protect the Town, its natural environment, and its residents.

Issue #3: Mobile Storage Units

Goal: The current Zoning Ordinance does not fully address temporary mobile storage units, including but not limited to, trailer units and PODS®. Several private residents and commercial enterprises have utilized mobile storage units on their private property for the purpose of providing additional personal storage on their properties. The existing Zoning Ordinance does not place a limit on how long in duration temporary mobile storage units can remain on any given property. On some properties, mobile storage units have become a more permanent accessory structure. It is the Town's goal to more carefully regulate the use and placement of mobile storage units.

Objective: In order to regulate mobile storage units, a Zoning Ordinance amendment may be adopted to add a code section that regulates mobile storage units. Such a code section would include applicable definitions associated with mobile storage units, restrictions on where on a property the mobile storage units may be placed, restrictions on how long a mobile storage unit may remain on a property, and enforcement provisions. Ultimately, this new code section would prevent residents from allowing temporary mobile storage units to become permanent fixtures on properties within the Town.

Issue #4: Proximity of Fencing to Property Lines

Goal: As stated in the current Zoning Ordinance, fences may be built right up to the property line. In order to maintain the outward face of the fence, a property owner would have to obtain permission from the neighboring landowner to access the adjoining property in order to maintain the outward face of the fence. For example, if two property owners were unfriendly towards one another, access to the outward face of the fence may be prohibited under threat of trespass. Ultimately, such a situation may contribute to the fence falling into disrepair and resulting in a visually blighted or structurally inadequate fence. The Town believes it is necessary to provide a mechanism to which property owners can maintain their fences without illegally trespassing on a neighbor's property.

Objective: To accomplish this goal, a Zoning Ordinance amendment may be adopted to revise the existing fence code section that establishes minimum setback requirements for fences relative to a property line. For instance, if a fence setback of some set distance from the property line is established, an adequate strip of land would enable the property owner to maintain their fence without having to trespass onto a neighbor's property. This would also serve to eliminate potential conflicts that might arise from one property owner erecting a fence on a neighbor's property, because many fences are placed without having accurate knowledge about a property boundary.

Issue #5: Commercial Signage

Goal: The existing Zoning Ordinance contains some comprehensive regulations for on-site signs, but does not clearly regulate placement and composition of off-site signs located on parcels that are not owned, leased or operated by the posted commercial/political enterprise. Off-site signs have become more common within the Town, have no regulations, but are allowed with no review or scrutiny of the Town. The Town believes it is necessary to regulate off-site signs to minimize visual impacts and to protect the rural character of the Town.

Objective: The existing Zoning Ordinance chapter on commercial signs would likely be amended. Such an amendment may provide a mechanism by which a business owner would have to apply to the Town for a sign permit in order to place their sign on the property of another land owner. The review of a sign application would likely include a determination by the Zoning Code Enforcement Officer, or the Highway Department, that the sign would not impede safe operation of motor vehicles on public or private roads within the Town. The sign applicant would have to demonstrate to the Town that an off-site sign is beneficial for advertising their business and is necessary to direct patrons to their establishment. Overall dimensions and materials of the off-site sign may also be required in the submission of sign application documents to the Town for review.

Issue #6: Outdoor Wood Boilers

Goal: The existing Zoning Ordinance currently does not address Outdoor Wood Boilers (OWB). OWB's are wood-fired water heaters that are located outdoors or are separated from the space being heated. Wood-fed fires within the OWB's heat water, which is pumped into a residence or business piping. The energy may be used for heating, domestic hot water, swimming pools and spas. While often cheaper to use than standard home heating oil or electric baseboard heat, OWB's can include negative drawbacks. OWB's can cause dense smoke, particularly when the OWB has a very short smoke stack, where smoke is released at levels where people can easily breathe it. This smoke not only endangers the health, safety and welfare of the residents of the Town, but also its environment. According to the U.S. Environmental Protection Agency (EPA), even the cleanest OWB's are three (3) to five (5) times more polluting than wood stoves certified to meet emission standards. In order to protect the health, safety and

welfare of the residents of the Town, it may be appropriate for the Town to regulate OWB's.

Objective: Currently, the New York State Department of Environmental Conservation (NYSDEC) is in the process of implementing regulations for emission limits, location requirements, stack height and operating requirements for both new and existing OWB's. NYSDEC's proposed new OWB regulations are proposed to take effect in April 2011, and will require that all existing OWB's be phased out by the year 2020. Since NYSDEC is currently in the process of finalizing regulations on OWB's, it may not be necessary for the Town to adopt its own local ordinance on OWB's. If NYSDEC's regulations on OWB's never become adopted or are struck down by a court of law, or if the Town wishes to make more strict regulations than those of NYSDEC, then the Town should consider passing its own ordinance, code or local law regulating OWB's.

Issue #7: Future Commercial/Industrial Development in the Town

Goal: With the recent increase in commercial and industrial in the Town, primarily associated with the Industrial Business Park (IBP), it is anticipated that the Town will be experiencing increased development pressures from not only commercial and industrial entities, but also from the resulting influx of residents. The Town envisions that industrial growth will continue in the concentrated area around the designated IBP district, away from the more rural and residential portions of the Town. While the Town possesses a concentrated industrial identity, the Town truly lacks a central business district, or "downtown." An area of the Town that would be ideal for the planning of future concentrated commercial development is along the Route 30 corridor south of I-90 and the City of Amsterdam, between the City/Town border and the Route 30/Route 161 split. It is the vision of the Town to encourage the concentration of future commercial development within this geographical area, in a manner similar to a hamlet, village or "downtown" style setting.

Objective: The Town can accomplish a Route 30 "hamlet" area in a number of ways. One method of accomplishing a "hamlet" area would be for the Town to rezone a specific area along Route 30 as a "Mixed Use Hamlet District." This new zoning district would provide for taller buildings (maximum 3 or 4 stories) that contain retail commercial development on the ground floor with mixed use (retail commercial, office space and residential apartments/condos) on the

upper floors. In a hamlet scenario, front yard and side yard setbacks are typically set at 0-feet, and parking areas are either provided on the street or in the behind the buildings. Maximum lot coverage for buildings is also increased to enable the parcel to be developed in a dense manor, while ensuring that developers provide some green space on their parcels. On parcels where 90% to 100% lot coverage is proposed, the Town would benefit from an Open Space Mitigation Fee mechanism, whereby the developer is provided the incentive of maximizing the development density on their hamlet parcel by providing a monetary sum to the Town for the preservation of open spaces and/or the creation of park lands. Design standards would also be adopted for the new hamlet district to ensure buildings are aesthetically pleasing while functionally operable.

A zoning change in this portion of the Town could also be supplemented by a Transfer of Development Rights (TDR) or Purchase of Development Rights (PDR) program. In a TDR/PDR scenario, legislation would be adopted to allow rural landowners to sell the development rights of their properties to landowners/developers in the "Mixed Use Hamlet District," allowing for increased density in the hamlet while assuring that the rural portions of the Town remain undeveloped in perpetuity.

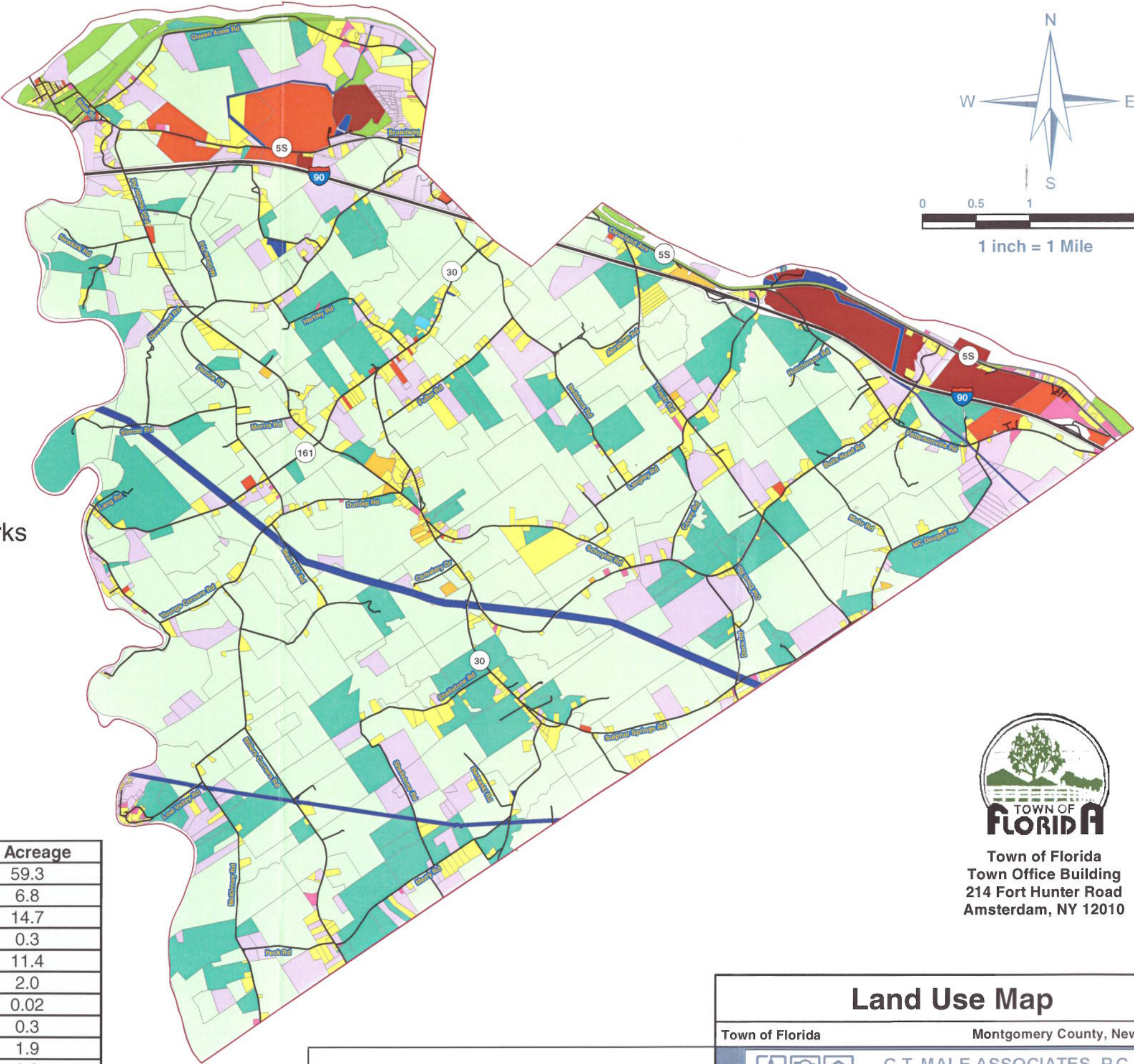
Encouraging the use of these "smart growth principles" within the new "Mixed Use Hamlet District" will be an effective way for the Town to achieve its primary goal of preserving agricultural land and open space while encouraging commercial and industrial investment in the Town. Concentrated development in one central location serves to prevent "sprawl-like" growth in the rural parts of the Town while preserving the landscape that has identified the Town since its founding in the 18th century.

Land Use Map

Legend

- Agricultural
- Residential
- Rural Residential
- Mobile Home
- Vacant Land
- Commercial
- Recreational
- Community Services
- Industrial
- Public Services
- Forested, Conservation Lands & Public Parks
- Florida Town Boundary
- Road Centerlines
- State Highway
- Interstate Highway

Land Use	Parcel Count	% Acreage
Agricultural	186	59.3
Residential	820	6.8
Rural Residential	101	14.7
Mobile Home	54	0.3
Vacant Land	408	11.4
Commercial	36	2.0
Recreational	2	0.02
Community Services	18	0.3
Industrial	5	1.9
Public Services	20	1.8
Forested, Conservation Lands & Public Parks	22	1.5
Total	1672	100



Town of Florida
Town Office Building
214 Fort Hunter Road
Amsterdam, NY 12010

Land Use Map

Town of Florida Montgomery County, New York



C.T. MALE ASSOCIATES, P.C.
50 CENTURY HILL DRIVE, LATHAM, NEW YORK 12110
(518) 786-7400 * FAX (518) 786-7299 * WWW.CTMALE.COM
Architecture * Building Systems Engineering * Civil Engineering *
Environmental Services * Geographic Information Services (GIS) *
Land Development * Land Surveying

Project Number: 10.1212
Data Source: NYSGIS Clearinghouse,
Montgomery County
Projection: State Plane NAD83
NYE (Feet)
Date: February 21, 2011
File: TownofFlorida_LandUse11x17.mxd
GIS: C. Secor