

TOWN OF BATH
STEUBEN COUNTY NY

DRAFT
Comprehensive Plan

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Prepared by the Bath Town Land Use Regulations Committee
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Bath Town Comprehensive Plan
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1.0 Introduction

The Town of Bath Comprehensive Plan gives municipal officials and residents guidelines for orderly development that preserves the Town's rural character.

Implementing the Comprehensive Plan will:

- Promote development in a planned, sensible manner that avoids costly sprawl.
- Preserve farmland, forests, and open space.
- Protect our environment.
- Retain the value of our homes, farms, and businesses.
- Maintain our highway system.
- Improve the quality of life in general to keep and attract new residents and visitors.

Successful implementation of the plan depends on:

- The commitment of residents and town officials to future generations and the long-term health of the Town of Bath.
- The commitment of residents and town officials to updating land use laws where necessary, fairly but seriously enforcing those laws, and budgeting in a responsible manner for roads or other facilities when needed.

Implementation of the plan will fulfill our vision of the Town of Bath as a vibrant, rural community with a healthy economy. The Town's rural and agricultural character will attract tourists and the community will be safe for residents, their families and visitors. At the same time, appropriate development will provide job opportunities for our residents, creating a stable economic climate in which the town can grow.

2.0 The Plan

2.1 Infrastructure

2.1.1 Roads

Situation

Like most rural towns, the Town of Bath's largest expense is road maintenance and repair. "Rural" roads in the town generally have a gravel surface, should be driven at lower speeds, and are primarily used to access individual homes, farms, and recreational lands. "Collector" roads have higher traffic volume and speeds and connect to central destinations. There are private roads in the town that access multiple properties. The town is bisected by Interstate 86. (Interchange issues are discussed in a separate section of this plan.)

Town roads are maintained by town employees under the supervision of the appointed Superintendent of Highways, with oversight from the town board. County Roads are maintained by crews employed by the County Department of Public Works, headed by the Commissioner of Public Works, with oversight by the County Legislature. State highways are managed by the New York State Department of Transportation (DOT) which has a regional office in nearby Hornell and a shop off Route 53 just north of Kanona in the Town of Bath.

Policy

It is the Town of Bath's policy to maintain rural roads to a standard that reflects the traffic volumes and speeds on rural roads. Maintenance and repairs will be performed as economically as possible. Rural roads will only be upgraded when it benefits the town as a whole, not individual landowners, and the expense of any upgrades will be carefully considered to protect the taxpayers. Any new rural roads will be soundly constructed.

It is the Town's policy to protect the capacity of collector roads to carry higher volumes of traffic at higher speeds through appropriate maintenance and repairs and through thoughtful land use planning along such routes.

Private roads within the town shall be well planned and constructed to prevent damage to public roads and neighboring properties from erosion, etc. and to provide emergency access. Private roads will only become public roads at the town's discretion and not at the taxpayers' expense.

Recommendations

- The town should designate and display on a map rural roads, collector roads, and private roads.
- "Curb cuts" on collector roads should have minimum separation distances that will encourage the use of access roads, shared driveways, clustered developments, etc. in order to preserve higher speed travel on the road. Driveway cuts should be evaluated and an appropriate distance set based on speed, site distances, etc.
- The town should consult the Cornell Local Roads Program for design, construction, and maintenance recommendations for rural roads.
- New private roads within subdivisions or developments should meet all requirements of public roads or, at the very least, have a wide enough right of way to upgrade the road to public standards at a later date. .
- Private roads will be taken over as public roads at the town's discretion and any such private road must meet standards developed by an engineer designated by the town who must also approve the road for town takeover. Engineering and upgrade costs should be born by the owner of the private road. In addition, the private road must be in condition to withstand normal use for a period of five years with only normal maintenance. Private developers may be required to maintain a new road for a period of five years to ensure proper construction.
- With help from the Cornell Local Roads Program, the town should develop a five-year and yearly maintenance and capital improvement plan for the roads.
- The town should work with DOT to develop detailed corridor plans for the state highways in the town as well as plans for the interchanges.

- Subdivision review and site plan review processes should strongly encourage the use of interior access roads to avoid excessive curb cuts.
- Subdivision and land use regulations should include design guidelines for private roads and driveways to avoid soil erosion onto public roads and allow access by emergency vehicles. The cost of damage to public roads caused by stormwater runoff from private roads and driveways should be born by the owners of such roads and driveways, not the taxpayer.

2.1.2 Highway Interchanges

Situation:

With the upgrade of Route 17 to Interstate 86, the upgrade of US 15 to Interstate 99, and Interstate 390 intersecting Interstate 86 just west of the Town of Bath, the four highway interchanges within the town (two of them within villages), and their surrounding areas, are becoming development magnets. The highway interchange areas face specific development pressures and unique conditions not found elsewhere in the town. Developers strive to maximize their investment return with little regard for their developments' long term impacts on the surrounding community.

Traffic flow, community image, and economic development will compete and conflict at our highway interchanges:

- The primary purpose of highway interchanges is the smooth flow of traffic from the interstate to the local roads system. Traffic control should be a major factor when reviewing proposed highway interchange developments.
- Highway interchanges are the “front doors” of our community and offer visitors the first, and perhaps only, impression of our town.
- Economic development opportunities at the interchange areas are not limited to services for travelers. The town should think beyond the realm of fast food, gas stations, and convenience stores. Interchange areas are ideal spots for employment centers such as office parks, regional shopping centers, or industrial uses.

Policy:

The Town of Bath will promote managed, sensible growth of the highway interchange areas in a way that protects the transportation routes and assures compatibility of the various uses.

Recommended Uses at Highway Interchanges:

- Traveler service facilities such as gas stations, service garages, restaurants, convenience stores, and hotels/motels.
- Trucking terminals and warehouses.
- Office parks or buildings for uses such as call centers, data processing centers, research and development, or general office uses.

- Regional shopping malls or outlet centers.
- Institutional uses that may benefit from highway access such as schools, hospitals, or places of worship.
- Commercial uses to serve interchange area employees, such as banks, dry cleaners, or day care centers, may be allowed but should be carefully planned in conjunction with the office park or industry.
- Farmers' Markets for local and New York-grown agricultural products should be allowed on a seasonal, permanent, or weekly basis, on their own lot, or within the parking lot of another business, to serve both employees and travelers.

General Recommendations:

- Driveways and access points to the crossing road should be limited for traffic safety.
- Detailed traffic studies should be provided by developers when deemed necessary.
- Landscaped setbacks from the crossing road should be required in case the road needs to be widened in the future.
- Landscaping should be required to avoid "seas of pavement".
- Stormwater runoff and potential flooding should be carefully managed due to the amounts of impermeable surfaces inherent with intense development.
- Consistency of character should be encouraged by requiring the use of natural building materials, screening dumpsters, loading docks, etc. and installing utilities underground. Good character promotes economic development and preserves property values.
- Plan signs to avoid distracting clutter and do not allow flashing or blinking lights. Avoid signs that detract from the community's appearance.
- Exterior lighting should be designed and installed to avoid the distracting glare and light pollution that often accompanies interchange developments. Shields, reflectors, recessed lighting, etc. should be required to keep light on the subject property and not "pollute" neighboring properties. A reasonable maximum height, such as 25 feet, should be established for light fixtures.

2.1.3 Public Water Supply; Public Sewers; Natural Gas; and Electricity

Situation

Bath Electric, Gas and Water Systems (BEGWS) supply public water, sewer, electric and natural gas service in limited areas of the Town of Bath near the Village of Bath. . BEGWS is the only municipal system in New York State that bundles all four services.

The sewer treatment plant in Bath currently has an excess capacity of about 300 million gallons per day. Significant industrial users of the sewer system include: North American Philips, Bath VA Medical Center, Steuben County Leachate Treatment Facility, Ira Davenport Memorial Hospital, and Mercury Aircraft Company.

BEGWS's electric service franchise serves some limited areas outside the village limits and provides electricity at reduced rates. Some parts of the Town are provided cheaper electricity by the Steuben Rural Electric Cooperative, established in 1941. (Locals sometimes refer to this

as REA electric since the Cooperative was established under the 1936 Rural Electrification Act that brought electricity to remote, rural areas of the United States.) The remainder of the Town receives electricity from NYSEG at much higher rates.

BEGWS's franchise for natural gas service includes the entire Town of Bath, although only a limited area near the Village currently receives service. Gas is purchased from the Corning Natural Gas Company and is brought to BEGWS through a pipeline from Woodhull. Gas piped to the Hammondsport area passes through BEGWS pipelines.

A recent effort to expand public water and sewer service to the Spaulding Drive and Lake Salubria areas was voted down by landowners in the proposed water and sewer districts.

Policy

Industrial, commercial, and high-density residential development will be encouraged in areas where water and sewer service are available. Any expansion of such services will be given careful consideration and any expansions will not be at the expense of the taxpayers as a whole, but paid by those who benefit from the expansion, unless such expansion will produce a substantial positive impact on the tax base.

Recommendations

- The Town should support any proposed expansions of BEGWS or Steuben Rural Electric Cooperative franchise areas in order to provide cheaper electricity to residents, industries, or commercial areas.
- The Town should encourage measures to conserve water, electricity, and natural gas by its employees, citizens, businesses, and industry.

2.1.4 Onsite Wastewater Treatment Systems and Private Water Supplies

Situation

Homes in the Town of Bath, outside the Village of Bath, have onsite wastewater treatment systems (OWTS), commonly called septic systems, to treat household wastewater. Water for household use is pumped from private drilled wells although some older homes may use dug wells or springs established many years ago. Adequate distances between OWTS and water supplies are essential to prevent the spread of disease.

A licensed design professional (LDP) must design OWTS for newly constructed homes or homes adding bedrooms. An LDP is a professional engineer or architect licensed to practice in NYS who bases the system design on soil types, percolation tests, etc. which they must oversee. When an OWTS is repaired or replaced, it can be done in-kind or like for like, without a LDP, as long as the absorption field is not relocated or extended to a new area. The Town of Bath currently has a design program using a LDP that should reduce homeowner costs when professional design work is required.

The NYS Department of Health sets standards for constructing individual drinking water supplies. Businesses drilling water wells in NYS must register annually with the NYS DEC. As of January 1, 2003, on-site supervision of water well drilling must be done by an individual who has passed an exam and been certified by the DEC. The DEC must be notified prior to drilling a water well and a well completion report must be filed with DEC , with a copy provided to the well owner, when the well is finished.

Certain higher density subdivisions require approval of water supply and waste disposal by the DOH and the DEC.

Policy

In order to protect the health, safety, and welfare of the Town's residents, the siting and construction of private drinking water supplies and onsite wastewater treatment systems will meet standards set by the State Department of Health and the New York State Department of Environmental Conservation. Systems that are no longer functioning properly will be repaired or replaced.

Recommendations

- The Town should work with Cooperative Extension or other appropriate agencies to provide information about septic system maintenance and drinking water testing.
- The Town should consider a program to require inspection of OWTS when property is transferred.
- The Town should work with not-for-profit homeowner assistance agencies to obtain grants to repair or replace non-functioning OWTS owned by low-income homeowners.
- The Town should continue its program with a LDP to design OWTS at a reduced cost to homeowners.

2.1.5 Communications

Situation

Today's economy requires businesses to have on-demand access to worldwide information networks, including wireless communications and the Internet. Many areas of the Town of Bath do not have cell phone reception. Many areas of the town are limited to dial-up internet service or expensive satellite or wireless service.

Policy

The Town of Bath will strive to have up-to-date communications technology available to encourage businesses to locate in the Town.

Recommendations

- The Town should work with economic development agencies to assess communication assets and deficiencies in the Town and identify potential solutions to problems.
- The Town should review how other local governments are providing wireless or other communication networks to their communities as potential models for a program in Bath.

2.1.6 Wind Energy Projects and Renewable Energy Production

Situation

Alternative energy production is a way to reduce carbon dioxide levels while reducing our dependence on petroleum products. As the world's supply of oil dwindles and prices rise, energy production from renewable resources is seen as an economically feasible alternative.

In recent years, six wind energy projects, often called wind farms, have been proposed in various parts of Steuben County. The projects consist of multiple wind turbines, each approximately 450 feet tall and producing 1.5 to 2 MW of electricity that is fed to the electrical grid. One Steuben County project has completed the environmental review process and is near construction while the other projects are in various stages of review. The major impact of these state-of-the-art turbines, seems to be visual, although studies are continuing on bat and bird mortality. While individual turbine footprints are small, wind farms require large tracks of remote land. The wind power companies pay landowners annually to lease land. Payments-in-lieu-of-taxes (PILOTs) to local governments and school districts are negotiated by the Steuben County Industrial Development Agency. Additional payments are often made to repair or upgrade roads used during construction.

In addition to being near "on ramps" to the electrical grid, sufficient wind resources are needed to make a wind farm economically practical. Wind resources maps developed by AWS Truewind (www.awstruewind.com) indicate that the Town of Bath probably does not have sufficient wind levels for large-scale wind energy production using current turbine technology. As wind turbine technology advances, some areas in the southern part of Bath, might be potential sites for wind farms. Individual wind generators designed to produce electricity for single homes, farms, or businesses (not to feed the grid), are probably viable in most areas of the town.

Biodiesel, ethanol, and grass/wood pellets are potential markets for agricultural products grown in Bath. Biodiesel is often made from canola, a crop suited to this area. Ethanol is usually made from corn which can be grown in limited areas of Bath. New technology is being developed to manufacture alternative fuels from grass and woody growth. Companies are also researching the use of grass pellets for heating. Farmers could grow grass for the pellet industry using existing equipment. There is already one company in Steuben County producing wood pellets and another company plans to build an electric plant fueled by timber harvesting waste. Biodiesel and ethanol plants are being built in western New York and it is predicted that such plants will be widespread since it's most efficient to have them near agricultural areas. It is common in the Midwest for ethanol plants to be owned by farmer cooperatives.

New technology is making solar energy more practical in our northern climate but it still has longer payback times than other renewable energy sources.

Policy

The Town of Bath supports the development and use of environmentally responsible renewable energy sources, especially those that strengthen the local agricultural economy, reduce green house gas emissions, and lessen dependence on nonrenewable sources such as petroleum or coal.

Recommendations

- Criteria, including appropriate setbacks from property lines, for industrial and individual wind turbines should be included in the existing site plan review law and in any future land use laws. Setbacks should be measured from property lines, not structures, and should be at least one and one-half times the height of the turbine or some distance up to 1,500 feet. Other criteria should address noise, lighting, abandonment, etc. Regulations from other areas are available for guidance.
- Any recommendation should allow wind farms and individual wind generators, either by permit or special permit, in the rural areas of the town. Solar panels should be allowed, by right, in all areas of the town.
- Any recommendation should make ethanol, biodiesel, and wood/grass pellet manufacturing facilities allowed uses in industrial zones.
- The town should monitor the experiences of other towns as wind farms are built and become operational and make adjustments to criteria in site plan and regulations accordingly.
- The town should investigate incentives available from the New York State Energy Research and Development Authority (NYSERDA) for installing solar electric and on-site wind generation systems for the operation of town facilities.
- When purchasing vehicles, the town should consider alternative fuel vehicles now available on the state bid list.

2.1.7 Steuben County Landfill

Situation

The Steuben County Landfill, operated by the Steuben County Department of Public Works, located on Turnpike Road just off County Route 15 (Knight Settlement Rd.), provides valuable, convenient services to County and Town residents. The landfill accepts residential, commercial, industrial, and construction/demolition debris. Recyclable materials, tires, bulky household items, deer carcasses, scrap metal and appliances are also accepted at the landfill. The County operates three transfer stations in Erwin, Hornell, and Wayland. Refuse and recyclables from the transfer stations are trucked to the landfill in Bath daily. A very limited amount of garbage is shipped to the landfill from outside the County. The Bath landfill is open Monday through Friday, 7:30 a.m. to 3:30 p.m. and Saturdays 7:30 a.m. to 12:30 p.m. Fees are charged by bulk load weight or by the bag. Tickets must be purchased in advance from the DPW office, the

Town Clerk's Office, and various businesses. The landfill annually holds special collection events including: tire amnesty, computer/electronics collection, and household/farm hazardous waste collection.

Steuben County developed a county-wide landfill and transfer station system in the 1970s and operated a landfill in Bath from 1978 to 1988. A new lined landfill was opened in November 1988 and operated until New Cell 1 of the Bath Landfill Expansion opened in 2004. Currently the County has space constructed to accept garbage until early 2010. Three additional permitted cells will provide space until 2025. (Using smaller "cells" instead of one large "pit" reduces the amount of rainwater mixing with the garbage and forming leachate.) The County owns approximately 400 acres at the landfill site and could potentially handle 150 years of solid waste disposal.

The County's original leachate pre-treatment plant was located on County Route 113 but was replaced by a state-of-the art plant on Turnpike Road in 1996. A pipeline was constructed from the plant to the Village of Bath's sewage treatment facility to transport the leachate for final treatment and discharge. The County is currently exploring the feasibility of generating electricity to run the leachate pretreatment plant using methane gas produced by the landfill.

The landfill is extensively regulated by the DEC and must follow various rules including excluding recyclables from the landfill and covering the landfill cell's surface with soil each night. By law, all loads going to the landfill must be covered to avoid litter along the roads. From time to time, blowing litter has been a reported problem at the landfill that is quickly addressed by the County's mobile work program.

The Steuben County Department of Public Works Landfill Division continues to be self-supporting and does not require tax dollars to operate.

Policy

The Town of Bath recognizes the valuable, and cost-effective service provided to Town and County residents by the Bath Landfill operated by the Steuben County Department of Public Works. The Town also recognizes the landfill is a unique industrial-type operation with distinctive impacts and requirements. The Town of Bath will cooperate with the County when practical to keep the Landfill operating in an environmentally and financially sound manner.

Recommendations:

- Recommendations near the landfill should protect its functionality by excluding incompatible uses such as high-density residential and institutional uses.
- The Town of Bath should cooperate as appropriate with Steuben County to assure the continued operation of the landfill.

2.2 Natural Resources

2.2.1 Water Quality and Quantity

Situation

Good water quality and a plentiful water supply are essential to the general health, safety, and welfare of Town of Bath residents. Clean, plentiful water is also an invaluable asset for economic development.

Nearly all the town is in the Cohocton River Basin (See Map 3.1.10) that drains to the Chemung River then the Susquehanna River, eventually reaching the Chesapeake Bay. Being in the Chesapeake Bay watershed, as 90% of the county is, has special implications that are detailed in this section. A small part of the northern edge of town is in the Keuka Lake watershed that eventually drains to the Great Lakes. International treaties restrict water diversions from the Great Lakes Basin, making sewer line extensions, etc. from the Chesapeake Basin to the Great Lakes Basin subject to international negotiations.

A large portion of the Town of Bath along the major river valleys lies over a DEC designated “Primary Aquifer”, which means it is a very productive aquifer that supplies major public water systems. (See Map 3.1.10). There is significant interaction between surface water and groundwater in the aquifer due to its gravel composition. This makes contamination of the aquifer and public water supplies a real threat. The Village of Bath has four wells in the aquifer (See Map 3.1.10). NYS Department of Health has been conducting a Source Water Assessment Program (SWAP) across the state to evaluate potential contamination of water supplies.

NYS Department of Environmental Conservation (DEC) monitors and regulates lakes, streams, and groundwater. In addition to issuing discharge permits, they sample water for quality on a regular basis. Streams in the Chemung Basin, which includes most of Bath, were last sampled in 2002- 2004. Intensive sampling of rivers and streams will be repeated in 2007-2009 and will be coordinated with sampling of lakes and groundwater. During the last sampling period, the following problems were identified in the Town of Bath:

- Cohocton River: aquatic life threatened by nutrients from agricultural run-off
- Five Mile Creek: aquatic life stressed by nutrients and pesticides from agricultural run-off
- Lake Salubria: recreation impaired, swimming stressed, and aquatic life probably stressed by algae/weed growth and nutrients caused by on-site septic systems.

In addition to making the state’s Priority Waterbodies List as impaired, Lake Salubria is also on the EPA’s 303(d) list and has been selected for development of a TMDL, or Total Maximum Daily Load, for phosphorus. Studies in the watershed will be completed during Summer 2007 and a draft of the TMDL will be available for public review by Fall. The TMDL report will identify sources of phosphorus in the watershed and recommend ways to reduce the phosphorus load below TMDL levels. It is suspected that most of the phosphorus is coming from on-site wastewater treatment systems (septic systems) which crowd the lake’s shore. A significant amount of phosphorus may also reside in the sediments and fuel weed growth.

The Susquehanna River Basin Commission (SRBC, www.srbc.net) was formed in 1970 to “enhance the public welfare through comprehensive planning, water supply allocation, and management of the resources of the Susquehanna River Basin.” The SRBC coordinates the water resources efforts of NY, MD, PA and the Federal Government within the Susquehanna Basin. New York is represented by a commissioner, and alternates, appointed by the governor. SRBC main focus areas are:

- flood damage reduction
- sustainable use of surface water and groundwater for municipal, agricultural, recreational, commercial, and industrial purposes
- fisheries, wetlands, and aquatic habitats
- water quality
- ensuring flow to the Chesapeake Bay

One local involvement of the SRBC is consumptive water use regulation. SRBC water withdrawal permits are required for uses that consume 20,000 gallons of water or more per day over a 30-day average. Regulated operations must compensate for their water use at times of “critical low flows”. The SRBC is also involved locally in flood forecasting and during times of drought emergencies.

In 1992, 15 Soil and Water Conservation Districts from New York, including Steuben’s, and three from Pennsylvania, formed the Upper Susquehanna Coalition (USC) to develop strategies, partnerships, programs, and projects to protect the headwaters of the Susquehanna River and the Chesapeake Bay watershed. The EPA has listed the Chesapeake Bay as impaired and will require regulatory TMDLs for the Bay by 2011. Voluntary partnerships facilitated by the USC are committed to correcting nutrient and sediment problems in the watershed to remove the Bay from the Clean Water Act Impaired List by 2010, thus avoiding regulatory action. A draft Tributary Strategy for New York was open for comment until July 15 2007. The Strategy describes practical, cost effective ways to reach nutrient and sediment reductions for each tributary for each major contributing source: agriculture, forest/open space, wastewater, urban stormwater, and septic systems. The Steuben County Soil and Water Conservation Service is actively participating in the USC partnerships and is an excellent resource for town highway departments, farmers, developers, and homeowners who wish to lessen their impacts on water quality.

Policy

The Town of Bath recognizes the value of plentiful supplies of clean water for the health of our citizens and our economy and understands that actions in our local watershed effect the environment and the lives of others living downstream. The protection of our water resources will be a top priority in all matters undertaken by the Town. The Town recognizes that voluntary efforts now, may avoid regulatory actions later.

Recommendations:

- The town should be aware of the results of DEC stream, river, lake, and groundwater sampling.

- The town should stay involved in the Lake Salubria TMDL process to be aware of any potential town impacts.
- The town should evaluate its drought emergency plan to make sure it is adequate and up to date. If the town does not have a plan, they should work with the Steuben County Office of Emergency Management and the SRBC to develop one. Coordination with agencies during droughts is important for clear and consistent communication to the public.
- The town should keep up-to-date with the Chesapeake Bay Program to be aware of any potential impacts in the Town.

2.2.2 Forest Management and Timber Harvesting

Situation

This area was nearly 100% forest when it was first settled by non-native Americans following the Revolutionary War. The land was quickly cleared and converted to agricultural use. Lumber was shipped by river to distant markets. Aerial photos from the early part of the last century show the area almost completely in crops and pasture. Now, nearly 100 years later, much of the town of Bath is once again covered in trees.

Forests are important to the local economy because timber sales provide: income to land owners and farmers; jobs; and wood products we all use. Forests are also important for hunting, outdoor recreation, and tourism. Forests are important for reducing sediments in streams, rivers, and lakes. This part of the country is able to produce high quality hardwood lumber.

Good forest management practices provide more profit to landowners and allow timber to be harvested in a sustainable way. Good management can improve wildlife habitat, recreational access, property values, and water quality. When timber is high quality and therefore more valuable, landowners are less likely to subdivide and sell their land thus preserving open space.

Poor timber management often results in “high grading” where all the highest value, genetically superior trees are removed for quick profit leaving behind an inferior stand to reproduce for the future. Poorly managed timber harvests often cause severe erosion from logging roads and skid trails. Public roads and neighboring properties are sometimes damaged by storm run off from timber cutting sites. While clear cutting is often an appropriate choice for some timber stands, clear cuts should be carefully planned to avoid erosion. Timber theft can destroy years of careful forest management, cause environmental damage, and cost landowners money.

Research from many states shows that professional forestry assistance results in higher timber sale returns and residual timber stand values. Fees charged for forest management assistance and timber sale marketing are generally more than offset by these higher values. Forestry management help is available from the NYS DEC and the DEC’s Cooperating Foresters program. Tax relief for long-term forest management is also available through Section 408-a of the Real Property Tax Law.

Policy:

Forests are an important resource for the Town of Bath and timber sales and wood products are important to our local economy. The Town of Bath encourages good forest management practices that will protect property and the environment while leading to a long-term, sustainable, high quality, timber industry.

Recommendations:

- Agricultural or other rural zones in the land use law should allow timber related land uses such as sawmills, log storage areas, etc.
- Log landings for any timber sale should not be in the public right of way for traffic safety and to protect public property.
- The Town should make use of Miscellaneous Provisions of the Highway Law Section 320 to recoup any damages to local roads caused by logging.
- The town should have educational materials from the DEC and Cornell Cooperative Extension available for landowners.

2.2.3 Soil Erosion and Storm Water Management

Situation

Soil erosion is a frequent cause of property and infrastructure damage and water pollution. The Town of Bath's steep, narrow valleys and many watercourses make the town particularly subject to soil erosion. Heavy rainstorms often wash out stream banks and roadside ditches.

When one acre or more of soil will be disturbed, a Phase II Construction Permit (GP-02-01) is required from the DEC. The permit requires implementation of a Storm Water Pollution Prevention Plan (SWPP): Basic Plans for single family residences and agricultural construction located in non-TMDL or non-303(d) watersheds; and Full Plans for all other uses. Agricultural field crop activities and certain road maintenance practices are exempt from the Phase II Construction Permit requirements. SWPPs must be available at construction sites at all times.

Erosion from areas of less than one acre of soil disturbance can still cause turbidity violations defined as "substantial visible contrast to natural conditions", even though no permit is required.

While the DEC issues Phase II construction permits, they do not review all SWPPs or their implementation. Often, local review is the only review.

Policy

To protect life, property, infrastructure, and water quality, the Town of Bath will encourage good storm water management practices; the stabilization of stream banks and roadside ditches; and appropriate development patterns and practices to prevent soil erosion.

Recommendations

- The land use law or site plan review law should require storm water management on development sites, limit impermeable surface coverage of lots, and include standards for driveway construction that will protect public roads and their ditches.
- Recommendations should consider “Land Conservation Zones” that limit development in areas of excessively steep slopes.
- Cluster subdivision developments should be encouraged through the subdivision law since they limit impervious surfaces and leave open space for storm water retention and absorption.
- Recommendations should include a 50 ft. set back from streams with vegetation preserved to stabilize soils. One alternative to a setback would be to require a site plan or special use permit for any construction within 50 ft. of a stream.
- The town should continue to require that SWPPs be submitted to the Town as part of the building permit or site plan review process.
- The Planning Board should receive training to help them review SWPPs and should enlist the aid of the SWCD or other experts when needed.
- The Code Enforcement Officer should be trained and authorized to inspect storm water management practices and should report defects or deficiencies to the developer for correction or to the DEC for enforcement.
- The Town should work closely with the SWCD to develop stabilization projects to address any stream bank or road ditch erosion problems
- The New York State Storm Water Management Design Manual, the New York State Standards and Specifications for Erosion and Sediment Control, the New York Contractors Erosion and Sediment Control Field Notebook, the Stormwater Management Guidance Manual for Local Officials and Stream Processes: A Guide to Living in Harmony with Streams should all be available for reference by the code enforcement officer, members of the Planning Board, and the Highway Superintendent.

2.2.4 Wildlife, Hunting, and Open Space

Situation

More white-tail deer are harvested from Steuben County than any other county in New York State. Bath has the largest deer harvest of any town in Steuben County. Wild turkey, other game birds, and black bear are also hunted. The Cohocton River is a well-known fishing destination. Bath’s variety of habitats, offers many opportunities to observe various types of wildlife, song birds, and birds of prey. Public lands and private hunting leases are available. Hunters, fishermen, and others who enjoy wildlife spend money in the local economy on equipment, meals, lodging, hunting leases, and guide services. Currently in Bath, Triple R Mountain Spring Farm offers weekly hunting leases on about 500 acres on Platt Hill Rd.

Steuben County hunting and fishing opportunities have been heavily promoted by the Steuben County Conference and Visitors Bureau. Venison is an important part of the diet of many local families and is also supplied to food pantries through the Venison Donation Coalition.

Policy

The Town of Bath recognizes the value of hunting, fishing, and other outdoor recreation to the local economy and culture and will promote the preservation of open space and habitat to support wildlife.

Recommendations

- A recommendation should allow bed and breakfasts/hunting cabin rentals, commercial hunting lease operations, guide services, and other similar uses in the rural areas of the town.
- The Town should promote hunting, fishing, bird watching, and other outdoor pursuits in any tourism development programs.

2.2.5 Mines

Situation

Regulation of mineral extraction involves two types of gravel mines: those that mine over 1,000 tons or 750 yards of material in a year and require a DEC permit; and mines that fall under that threshold and do not require a DEC permit. There are currently 13 sand and gravel mines in the Town of Bath that have Mined Land Reclamation Permits (MLRP) from the DEC and an unknown number of smaller or inactive sand and gravel pits.

Local governments have limited control over MLRP mines. They can control ingress and egress and haul routes on locally controlled roads and can, through zoning special permits, decide where mining is allowed. Enforcement of conditions on the DEC MLRP can also be conditions of a local special use permit. Local governments can have extensive regulatory control over non-MLRP gravel pits. Basically, the town cannot regulate any aspects of gravel mining that are regulated by the state under the Mined Land Reclamation Act.

When the DEC receives an application for an MLRP, it notifies the chief administrative officer (Town Supervisor), and the town has 30 days to comment on the permit and supply supporting documentation. The DEC's chief concern is mitigating environmental impacts during the life of the mine and reclaiming the land in an environmentally sound and stable manner. This may not leave a closed mine in condition for reuse. The MLRP comment period is an opportunity for the Town to influence how the mine will be reclaimed after it closes, making the land reusable for residential, commercial or other use in such a way that benefits the community. For example, Hanson Aggregates Kanona Mine's final reclamation objective is a 71 acre pond with a 19 acre meadow available for a recreation or wildlife area or possible residential development.

The main concerns for sand and gravel operations are:

- The visual impacts of a mine during extraction and after reclamation.
- Erosion and sediment control.
- Safety due to unstable banks.
- Groundwater contamination due to the permeable nature of sand and gravel.
- Reuse of the mine after closure.

The above concerns are especially noted for non-MLRP mines that receive little oversight. Small abandoned gravel pits often don't re-vegetate easily, can be safety concerns if unstable, and sometimes become "dumps" for household waste and construction debris. Dumping of toxic materials in an abandoned pit would pose an unacceptable risk to nearby wells and water supplies.

Sand and gravel operations are unique in their potential to alter the landscape but also offer opportunities for amenities such as ponds and lakes for residential, recreational, or commercial uses.

Policy

Gravel mining is a legitimate commercial use of natural resources that should be controlled whenever possible in order to protect the interests of the town and the quality of life of those who live near a sand or gravel extraction operation. Gravel operations can be a compatible use in rural areas.

Recommendations

- The Town should carefully examine and comment on DEC MLRP applications to assure the best possible use of reclaimed lands after mining operations cease and to protect town interests during operations.
- The town should examine existing MLRP permits on file with the DEC so the town is aware of permit requirements, life of mine timelines, and the reclamation plans for the properties. Land use recommendations should take into account reclamation plans as appropriate.
- The town should locate active and abandoned non-MLRP gravel pits and survey them for illegal dumping, erosion, or other concerns. The town should work with the landowners to correct any deficiencies.

2.2.6 Natural Gas Exploration and Drilling

Situation

Exploration and drilling for natural gas in Steuben County has increased dramatically since 1996 when highly productive wells were developed in Prattsburgh. Steuben County ranks second only to Chemung County in natural gas production in New York. The Trenton-Black River formation that underlies this area is estimated to hold the largest natural gas supplies in the country. Wells in the Trenton-Black River formation are about 10,000 feet deep and cost about \$5

million. Experts predict that once infrastructure is in place to transport gas from these deep wells, development of lower- production, shallow wells will be economically feasible.

Gas exploration companies hire “landmen” to acquire mineral leases. Lease payments can be substantial but landowners should be aware that certain risks and inconveniences are involved. (Seismic testing, for example, can alter water supplies.) Amendments made to state law as recently as 2005 include options for landowners that may influence their leasing decisions. Legal assistance from an attorney well-versed in oil and gas law can protect landowners’ rights and potentially increase landowner revenues, bringing more money into the local economy. The local economy also benefits when landowners receive payments from gas production and successful gas wells pay property taxes based on their production value.

Well drilling and operation is regulated by the DEC’s Division of Mineral Resources to protect the environment, to safeguard correlative rights, and to direct how the resource is developed in order to ensure greater ultimate recovery of natural gas. After drilling is complete and land is reclaimed, natural gas wells have a much smaller footprint.

Policy

Natural gas production could potentially be an important economic boost to the Bath economy but care should be taken that landowners’ rights are protected and they are fairly compensated for the natural gas resources that lie below their properties. Any lease or gas development opportunities proposed on land owned by the town will be carefully examined to be sure they are in the best interests of the taxpayers.

Recommendations

- Town officials should stay informed about gas exploration activities occurring in the town.
- The town should have copies of the DEC’s brochure, “A Landowner’s Guide to Oil and Gas Leasing”, available at the town offices.
- Should any leasing or exploration activities be proposed on town-owned lands, the town should consult a competent oil and gas attorney.

2.2.7 Flooding

Situation

The Town of Bath experiences flooding periodically from localized thunderstorms, heavy rain events like hurricanes or tropical storms, ice jams and rapid snow melt. The Cohocton River is the principal source of flooding but steep, narrow valleys in the town are also subject to flash floods. Floods and the resulting damage have been well documented over time.

The Town of Bath joined the National Flood Insurance Program in 1983. The 100-year flood plain is documented on the Flood Insurance Rate Maps (FIRM) (See map 3.1.4). Development in the flood plain is regulated by local ordinance to reduce flood damage. Regulatory floodways

are reserved for the conveyance of flood waters and have stricter development standards. Regular insurance policies do not cover flood damage. Homeowners may purchase additional flood insurance, however the coverage does not cover damage to basements or its contents. Lenders require flood insurance for structures in the flood plain and rates vary depending on the elevation of the structure compared to flood elevations.

Environmental Emergency Services, Inc. in Corning, coordinating with the Steuben County Emergency Management Office and other agencies, operates a Flood Warning System to help save lives and property.

In 2001, the Regional Flood Mitigation Specialist, worked with the Towns of Bath and Avoca and the Village of Bath to create a Flood Mitigation Action Plan. Southern Tier Central Regional Planning and Development Board sponsored this project with funding from the NYS Emergency Management Office and FEMA.

Policy

Floods are forces of nature that cannot be controlled by humans but flooding affects can be mitigated through proper planning and development. To save lives and protect property, the Town of Bath will respect flood plains and floodways by encouraging development appropriate for those areas.

Recommendations

- The Town should review “Flood Mitigation Action Plan – Town of Avoca, Town of Bath, and Village of Bath, April 2001.”
- The Town should enforce the flood plain and floodway regulations already in place.
- The Town should work with agencies such as DEC, and the Steuben County Soil and Water Conservation District to manage streams and stream banks to help minimize flooding.

2.3 Economic Development

2.3.1 Agriculture

Situation

Agriculture has always been, and continues to be, an important economic force in the Town of Bath, one that circulates dollars in the local economy. Farms have a positive effect on the tax base since they pay more property taxes than they demand in services, unlike residential properties. Farms are important to quality of life, rural character, community appearance, and tourism. They benefit wildlife and the natural environment by protecting open space. Being able to feed our families is a national security issue. We should never forget that the American farmer feeds us three times a day.

Town of Bath farmers are facing challenges from high property taxes, low prices for their crops, housing sprawl and other development. Also, farm operators are aging and facing the challenge of transferring operations to a new generation of farmers.

PLEASE SEE APPENDIX 3.3 WHY FARMING IS SO IMPORTANT TO THE TOWN OF BATH for a complete discussion of this issue.

Policy

The Town of Bath will value, protect, and promote farming, farmland, and local farm products. Housing and other development will be encouraged in areas away from viable and valuable farmland.

Recommendations

- The assessor should work proactively with farmers and farmland owners to assure that agricultural lands and buildings are receiving all agricultural assessments or exemptions to which they are entitled.
- The town should encourage, in cooperation with the Steuben County Planning Department, enrollment of all viable farmlands in the NYS Agricultural Districts program.
- The town should support local farmers markets and any regulations adopted will not hinder farmers from direct marketing locally grown agricultural products at roadside stands or through other venues.
- The town should cooperate as needed with the Steuben County Conference and Visitors Bureau in creating destinations for farm based tourism such as on-farm bed and breakfasts, farm tours, and you-pick operations.
- The town should work with various economic development agencies, Cornell Cooperative Extension, Farm Bureau, and any other appropriate groups to develop a cooperative “value-added” processing and sales facility in the Town of Bath, preferably within the Village of Bath where water, sewer, and cheaper electrical rates are available. The concept is to provide a certified facility where farmers can add value to locally grown farm products by producing, for example, jams and jellies, pickles, canned fruits or vegetables, baked goods, dried foods, soaps, yogurt, and cheeses. There could also be potential for processing fiber such as wool into yarns, etc. An attached sales area would be available to direct market products, also on a cooperative basis, and could become a shopping destination for both local residents and tourists.

2.3.2 Tourism

Situation

Tourism is a major industry in Steuben County focused mainly on Keuka Lake, wineries, and the City of Corning. The Steuben County Conference and Visitors Bureau promotes the county as a tourism destination and their marketing materials often emphasize the county’s scenery, outdoor activities and rural flavor in general.

Most lodging/accommodations available in the Town of Bath are likely used by travelers making a one-night stay on their way to somewhere else along the Interstate. Some guests may be staying longer to visit the area wineries. During certain seasons of the year, hunters and fishermen stay in the area. Most available lodging is at chain hotels; there are few, if any, bed and breakfasts or other alternatives.

There are several campgrounds located in the town. The campgrounds bring visitors to Bath for extended stays during the camping season from May to October.

The Chemung Basin River Trail and the Finger Lakes Trail pass through the town and bring in visitors on a regular basis. Trails and walking paths draw tourists who spend money in the nearby communities.

Policy

Tourism brings new money into the local economy. The Town of Bath's rural and woodland experiences have the most potential for increasing tourism and the town will encourage the development of new opportunities for tourists to stay and enjoy the area.

Recommendations:

- The Town should cooperate and assist with the development of the Chemung Basin River Trail along the Cohocton River which will bring kayak and canoe enthusiasts to the area and create opportunities for businesses that serve them.
- The Town should work with the Finger Lakes Trail Conference to discuss potential spur trails to other areas of the town such as Mossy Bank Park.
- Other potential areas for trails or walking/biking paths should be studied.
- Any recommendations should allow bed and breakfasts, campgrounds, and cabin rentals in the rural areas of the town.
- In recommendations, businesses that attract tourists such as antique shops, hunting leases, guide services, retreat centers, u-pick farms and other farm-related experiences should be allowed in the rural areas.
- The Town should partner with the villages in the Town to study ways to increase tourism in the town by providing unique shopping, outdoor recreation, and other experiences. The Steuben County Conference and Visitors Bureau should be able to assist with such a study.

2.3.3 Industry and Industrial Parks

Situation

The Town of Bath has two industrial parks (See Map 3.1.6). The Town of Bath Industrial Park and the Steuben County Farm Industrial Park are both near the State Route 54/County Route 113 intersection. Both industrial parks have nearby rail access, and water, sewer, and natural gas service from the Village of Bath. The industrial parks are located within NYSEG's electric

service territory. The 99-acre Steuben County Farm Industrial Park is owned by the Steuben County Industrial Development Agency and is entirely vacant. Two parcels of land, covering approximately 68 acres, in the Bath Industrial Park are vacant. One (18.61 acres) is owned by Mercury Aircraft, Inc. and the other (49.12 acres) is owned by Steuben Community Properties, Inc.

Potential new industries that would fit well with the town's agricultural sector would be bio-fuels production (ethanol or bio-diesel), grass pellet manufacturing, food processing, or other industries that add value to local agricultural products.

Policy

It is a priority of the Town of Bath to recruit more industry to the town to provide quality jobs and support the tax base. The Town has the advantage of having two existing industrial parks with excess capacity and the Town should work with economic development agencies to bring industry to the area. After the industrial parks are full, the town should, if necessary, consider developing other industrial areas where sewer and water service are available.

Recommendations

- The town should cooperate with the Steuben County Industrial Development Agency, the Empire Zone program, and any other economic development agencies to find industries to fill the vacancies in the industrial parks in the town.
- Light industries are low in intensity, cleaner and generally compatible with commercial uses. Light industries do not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation or other nuisance characteristics. Light industries operate in a manner that controls the external effects of the manufacturing process through prevention or mitigation devices or by conducting operations within a building.
- The town should encourage maintaining the viability of the existing railroad system.

2.3.4 Business and Commercial Development

Situation

Most retail, dining, and service businesses in the Town of Bath are near villages, hamlets, or highway interchanges. Businesses include car repair garages, truck stops, convenience stores, beauty salons, etc. A drive-in movie theater east of the Village of Bath is a unique feature in the area.

Residents of the area would like more shopping, dining, and entertainment choices.

“Home occupations” are common throughout the town.

Policy

Commercial and business development will be well planned to avoid traffic congestion, sprawl, strip malls, and excessive signs. Commercial establishments and businesses will have an aesthetically pleasing appearance, including landscaping. When possible, commercial growth shall be located and designed so residents can walk or bike to and between businesses. Home Occupations that do not alter the character of their neighborhoods will be allowed. The Town of Bath welcomes quality retail, dining, and service businesses but market forces will determine the number and types of businesses in the town.

Recommendations

- Existing sign standards should be reviewed to be sure they protect the town from overly large signs or an excessive number of signs.
- A recommendation could include provisions for Planned Unit Developments or Mixed Use Neighborhoods that would create “new urbanist”-type communities where people could live, work, and shop within their neighborhood.
- Parking lots should be adequate but not excessive. “Seas of pavement” should be avoided. Parking should generally be located behind businesses, or at the very least, beside businesses, to re-create a more traditional development pattern and avoid the shopping mall model. Drainage from parking lots must be carefully managed to avoid damage to neighboring properties and the environment.
- The Town should work with the area Chamber of Commerce or other business groups to improve the general appearance of local businesses.
- Restaurants, antique shops, farms stands, and sales of home-made crafts or baked goods should be allowed in the rural and agricultural areas to provide unique dining and shopping experiences for tourists and local residents.
- Home occupations should be allowed throughout the town.

2.4 Housing

2.4.1 Housing Conditions and Affordability

Situation

Current housing in the Town of Bath includes site-built, modular, and manufactured homes, usually on individual lots. Manufactured homes include both “single-wide” and “double-wide” types. It is suspected that some homes in the town may not meet building code standards but overall housing conditions are generally unknown. Housing affordability does not seem to be an issue at this time. There seems to be a variety of housing available for diverse family sizes.

Policy

The Town will have diverse housing options to accommodate all income levels and family sizes. Housing for the elderly should be available so older citizens can live independently in the community as long as possible. Housing shall be safe, well kept, and comply with the New York State codes.

Recommendations

- The town should work with a housing agency to conduct a housing study to assess housing conditions and needs.
- Qualifying low-income homeowners should be encouraged to apply for programs through housing assistance or other agencies to bring homes into code compliance.
- If a land use law is developed, special elderly housing provisions should be included to assure that the older citizens have options to live independently but in close proximity to friends and family who can provide assistance when necessary.

2.4.2 Subdivisions and Rural Character

Situation

When residents are asked what they like most about the Town of Bath, most mention its rural atmosphere and lifestyle. Bath, like many upstate communities, is experiencing “sprawl without growth.” The population of the town is not increasing, yet more and more land is being used for residential development. The uncontrolled growth of rural homes eventually eliminates the “country peace and quiet” that people sought in the first place. Such scattered development makes the delivery of services more expensive (road maintenance, school busing, public safety, etc.) and impacts agriculture, forestry, wildlife, and tourism, all important economic engines in the community.

Cluster developments and conservation subdivisions are land use tools that allow residential development in an orderly manner while preserving open space. This is done through a four step subdivision design process:

1. Identify sensitive resources (wetlands, streams, agricultural lands, steep slopes, etc.)
2. Locate house sites to avoid sensitive resources.
3. Align roads/access.
4. Draw lot lines.

Traditional subdivision design usually addresses only lot lines and road access to the new lots. “New urbanist” or “neotraditional” developments attempt to recreate a village atmosphere and are appropriate in more densely developed areas.

In other parts of the United States, conservation subdivisions and new urbanist communities consistently have higher property values than suburban developments.

Policy

In order to control service delivery costs, protect economic assets, and preserve rural character, the Town will discourage sprawl and encourage residential development in a well planned, orderly manner.

Recommendations

- The town should follow conventional municipal planning practices which allow for residential growth while at the same time retaining the town's rural character.
- Recommendations for development should be the result of careful study keeping in mind the town's goal of preserving agriculture, wildlife and tourism.

2.4.3 Manufactured Homes and Manufactured Home Parks

Situation

“Single-wide” manufactured homes, often called mobile homes, are an affordable housing option for many residents and are generally not objectionable when well maintained. Studies in other rural Steuben County towns similar to Bath have raised concerns about the affect of single-wide manufactured homes on the tax base. Namely, their studies show single-wide manufactured homes require the same amount of government services as other homes but pay considerably lower property taxes than “double-wide”, modular, or site-built homes.

In the town of Bath there are 352 parcels with one manufactured home on the lot (assessment code 270) and 50 parcels with more than one manufactured home on the lot (assessment code 271). This means that 14.82 percent of the parcels in the town have manufactured housing. Additionally, there are 17 Manufactured Home Communities (assessment code 416) in the town with conditions and appearances ranging from poor to excellent.

Several towns in Steuben County limit single-wide manufactured homes to “mobile home parks”.

Policy

The Town of Bath permits a wide range of housing types in the town and strives to make housing safe and affordable. Due to concerns about tax base erosion, the Town will more closely manage the use of “single-wide” manufactured homes.

Recommendations

- In recommendations for manufactured home law, the town should specify manufactured homes may only be used for human habitation and abandoned manufactured homes should be removed and properly disposed of within six months of abandonment.

- It is recommended that single-wide mobile homes be located mobile home parks/manufactured home communities.
- Any manufactured home law should be up-to-date with the latest design standards for siting, screening, driveways, landscaping, etc.

2.5 Other Quality of Life Issues

2.5.1 Public Transportation

Situation

Bus service in the town of Bath includes a route around Bath that stops at the VA, various stores, apartment complexes, the Steuben County Office building. Buses also are routed from Bath to Hornell and Corning, providing riders with low-cost public transportation to three population centers around Steuben County. From Hornell, people can also reach Alfred, Canisteo, Wayland, and Dansville. The bus service offers monthly passes for riders, in addition to student passes and reduced fares for young children.

There are a few commercial bus companies which stop in Bath, carrying passengers to more distant locations.

Public transportation is used by those who are unable to drive, those who do not own a car or residents who are trying to conserve energy. Other reasons to use the bus system include saving money, particularly in view of recent increased gas prices, reducing pollution and traffic congestion, and having time to do other things while someone else drives. The bus system takes people to work, shopping, services, medical appointments, etc. Many students use the bus system to reach Corning Community College.

Policy

Public transportation is an important asset to the quality of life in the Town of Bath and should be encouraged for both social and environmental reasons.

Recommendations

- The Town of Bath should support Steuben County and Arc of Steuben efforts to expand the public transportation system and run it at a reasonable cost.
- During the site plan review process, when appropriate, the Town should ask developers to include attractive and well-maintained bus stops.

2.5.2 Trails, River Trail, and Parks

Situation

Hiking and biking trails, river trails (canoeing, kayaking), and parks are community assets that improve the quality of life and attract tourism. Trails, parks, and outdoor recreation bring substantial revenues to local economies. Studies also show that residents of communities with walking and biking opportunities weigh less on average and experience numerous health benefits.

The Finger Lakes Trail system (www.fingerlakestrail.org) runs throughout central New York and connects with trails across New York State and eventually the Appalachian Trail which runs along the eastern border of the United State from Maine to Georgia. The Finger Lakes Trail system links public lands and crosses private lands through landowner agreements. The trail is exclusively for foot travel. Part of the trail enters Bath at the Wheeler line, heads south, then turns west near the Cochrane Road / Knight Settlement Road intersection. Members of the Finger Lakes Trail Conference have expressed an interest in a spur trail from this point to Mossy Bank Park.

Other hiking trails are located in Mossy Bank Park and the State Lands north and northeast of the Village of Savona.

The Chemung Basin River Trail (www.chemungrivertrail.com) includes the Cohocton and Canisteo Rivers which drain into the Chemung. The river trail is intended for canoes, kayaks, and “car top-sized” boats. A boat access point to the Cohocton River is located in Bath near Exit 39 of I-86. Some people also use the DEC fishing access parking area south of Kanona. The fishing access runs from the Village of Bath to the Village of Avoca.

NYS DOT’s Bike Route 17 follows State Route 415 through the Town of Bath.

A snowmobile trail developed by the Bath Snowflakes Club using state funding runs through the Town of Bath and connects with similar trails in Schuyler and Allegany Counties. The trail includes public lands, local roads, and crosses private lands by agreement.

See Map 3.1.7 for locations of outdoor recreation facilities.

Policy

In order to attract tourism and additional revenues and to improve the quality of life, the Town will encourage the development of trails, river trails, and other outdoor recreation opportunities.

Recommendations:

- The town should support efforts of local snowmobile clubs to develop and promote the snowmobile trail and winter tourism.

- The town should work with the Finger Lakes Trail Council to develop a spur trail from the existing trail to Mossy Bank Park and should support efforts to maintain the current trail.
- The town should support efforts to promote the Chemung Basin River Trail and assist with river access development where feasible.
- The town should work with other agencies to identify potential hiking or biking trails and work with various agencies to develop them.

2.5.3 Adult Uses

Situation

Comprehensive planning efforts in the Town of Bath resulted from community concern about an “adult outlet” located at Exit 39 of Interstate 86. The committee hosted community meetings and studied ways to address the impacts of the adult business.

Adult uses have freedom of speech and expression protection under the First Amendment of the United States Constitution and Article 1 Section 8 of the New York State Constitution. While the town may not suppress or limit the content of the adult use, or ban the use, they may enact regulations to mitigate negative secondary effects.

The Land Use Committee reviewed secondary effects studies, and summaries of secondary effects studies, conducted by various communities in New York State and across the country. They found many of these studies, performed on a neighborhood level, were relevant to conditions in the Town of Bath.

Unique negative impacts of adult uses identified by these studies include:

- Increased crime levels in the vicinity of the use
- Degradation and blighting of neighborhoods
- Depreciation in value of nearby commercial and residential properties
- Lack of investment in new commercial or residential uses nearby; hindering of economic development.
- Noise, glare, and traffic during non-traditional business hours

The Committee then identified land uses in the Town that would be sensitive to the negative impacts:

- Residences including, single-family, two-family and multi-family dwellings.
- Schools and day care centers.
- Places of worship or other religious facilities
- Public parks, trails, playgrounds, playing fields, cemeteries, civic facilities, and other similar uses.

The Committee reviewed legal considerations and regulatory options and also examined regulations put in place by other communities in Steuben County to address negative affects of adult establishments.

Policy

Adult uses in the Town of Bath will be carefully regulated to protect all neighborhoods and land uses from the negative impacts associated with adult use businesses.

Recommendations

- The town should amend the existing site plan review law to require that adult uses be at least 1,000 feet from the identified sensitive land uses and at least 1,000 feet from any other adult use. Such spacing requirements should also be included in any future land use laws. Distances should be measured from property line boundaries.
- Should a local law be developed, adult uses should be allowed only in industrial zones by special permit, in addition to the distance requirements from sensitive land uses and other adult uses.
- The sign law, site plan review law, and any future land use law should specify that adult businesses may have no outdoor displays, signs, or graphic images advertising the business other than one identification sign that includes only the name of the establishment.

2.5.4 Historic Preservation and Cultural Resources

Situation

White immigrants from New England first settled in the Bath area in significant numbers during and following the Revolutionary War. The Village of Bath was designated the County Seat in 1796. Homes and structures dating from the earliest settlement of Bath, through the 19th century, give the Town a sense of history and character.

Archeological relics from the Native Americans who lived here before European settlement are sometimes found when land is disturbed for agriculture or development. These remnants of other cultures remind us of the long, rich history of the area.

The Bath area has a very active historical society and the Steuben County History Center is located in the Village of Bath. People often travel to the area to do genealogical research at the History Center.

Historical resources enhance community character, provide a sense of historical perspective, highlight the uniqueness of our area, and attract new residents and tourism.

Policy

The Town of Bath recognizes the value of historic resources to the Town's quality of life and will take reasonable measures to preserve and protect those resources.

Recommendations

- The Town should work with the historical society to identify and document significant historical resources and support nomination to the New York State and National Registers of Historic Places.
- Protection of historical and archeological resources should be an important part of any environmental review.

2.5.5 Junk Control and Community Appearance

Situation

Junk accumulation is often an eyesore that can lower property values, be an attractive nuisance to children, and be a potential risk to the environment and public health. Piles of rubbish or debris on neighboring lands can detract from the enjoyment of one's property. Poor community appearance can hurt tourism and investments while encouraging undesirable land uses. Communities sometimes experience a cascade effect from poor community appearance from which it is hard to recover. At the same time, junk yards, salvage operations, and scrap yards are necessary services that contribute to the local economy.

The Property Maintenance Code of New York State addresses junk cars and the Fire Code of New York State regulates the outdoor storage of materials, the storage of combustibles, and tire storage.

Those buying or selling old metal must have a Junk Dealer's License from the chief elected official of the municipality according to Article 6 of the State General Business Law, unless they have a Scrap Processing License under Article 6-C. Junk Dealers Licenses expire annually on June 30 and cost \$5 to renew. No one with convictions of larceny or receiving stolen goods may acquire a license.

Junk can be more broadly defined beyond motor vehicles to include appliances, furniture, etc. Local ordinances may regulate the location and operation of junkyards and junkyards could also be included in Site Plan Review Law. Some municipalities license businesses that collect and sell junk. The town's Code Enforcement Officer or the town Health Officer can declare accumulations of garbage, debris, or rubbish a danger to public health, safety, and welfare.

Policy

Junk yards, salvage operations, and scrap yards are necessary services that contribute to the local economy. But the presence of these services must be balanced with community appearance, health, and safety, which are important for attracting tourism, investment, new residents, and for the quality of life in general. Junkyard laws should be enforced in a consistent and fair manner. Homeowners and other property owners are expected to

maintain their properties in a safe and healthy manner and to dispose of refuse, garbage, or debris properly and in a timely manner.

Recommendations

- The Town should address the possible existence of unlicensed automobile junkyards in the Town and strive to bring such junkyards into compliance with applicable laws.
- The Town should evaluate whether or not additional local regulations are needed to address junk or rubbish accumulation other than automobiles.
- Property owners should be reminded periodically of services available for the disposal of garbage, rubbish, or no longer needed items.
- The Town should assess the level of illegal dumping or littering along roads in the town and evaluate various options for addressing the problem, if one exists.
- The Town of Bath should consider instituting a “Town Clean Up Day” to remove rubbish from the Town’s roadsides. The Town should seek cooperation with the Steuben County landfill for disposing of collected materials.
- If recommendations are adopted, junkyards, scrap yards, etc., should be carefully defined and allowed by special permit.
- Any recommendations or junk control laws adopted by the Town of Bath should make allowances for owners of antique, classic, or hobby vehicles (race cars, demolitions derby cars, etc.) and necessary parts donor cars, to keep multiple vehicles of these types, as long as such vehicles are kept in a neat, orderly, and environmentally sound manner and are not kept in the front yard of the home.

2.5.6 Handicap Accessibility

Situation

The 2000 Census for the Town of Bath indicates 2,542 people over the age of 5, or 23.3%, are disabled. The United State disability rate is 19.3% and the Steuben County disability rate is 20.8%

Policy

The Town of Bath will strive to make public buildings, other public facilities, and businesses accessible to all citizens and comply with American Disability Act requirements.

Recommendations

- The Town should examine town properties and meeting places to determine how accessibility could be improved.
- Handicap accessibility should be part of the site plan review process.
- Businesses should be made aware that a large part of the town’s population is disabled and that it is to their advantage to make their businesses accessible.

3.0 Appendices

3.1 Maps

3.2 Background Information

3.2.1 PREVIOUS PLANNING ACTIVITIES

The Town of Bath completed a Comprehensive Plan in 1967 that was never formally adopted by the Town Board. Although the plan itself was not adopted, the Town Board did adopt the recommended subdivision regulations and have amended them as needed. Two attempts to adopt zoning regulations failed and zoning regulations have never been approved for the Town.

Since 1967, in addition to subdivision regulations, the Town of Bath has adopted a number of ordinances that address: enforcement of the New York State Building Code; flood damage prevention; signs; mobile home parks; junk and junk cars. In April of 2006, the Town Board adopted a site plan review law that subjects most non-residential and non-agricultural uses to review by the Planning Board.

3.2.2 THE PLANNING PROCESS

May 23, 2005 – The Town Supervisor appointed an ad hoc Zoning Investigation Committee to make recommendations to the Town Board regarding zoning or land use regulations for the Town of Bath, NY. The stated purpose for the committee was to “examine the various aspects of zoning implementation. The Council envisions committee members will familiarize themselves with zoning rules and how they could be used in the Town of Bath.” This committee met monthly beginning in May 2005. The committee met with Steuben County Planning Director Greg Heffner who gave information regarding possible zoning for the town. The committee also studied the Land Use Regulations recently adopted by the Town of Fremont in Steuben County. Periodic reports were submitted to the Town Board.

November 28, 2005 – The Zoning Investigation Committee submitted its final report to the Town Board recommending that the Town move ahead with plans to establish Land Use Regulations. The committee reported that Land Use Regulations should be developed in order to attract businesses that will enhance the Town and make it more attractive for future development. The Committee recommended preparation of a Comprehensive Plan and Land Use Regulations.

January 19, 2006 – After reorganization, the Town Board appointed members of the ad hoc committee to serve on a Land Use Regulations Committee. The Committee was charged with studying Land Use regulations and submitting a Comprehensive Plan to the Town Board for their consideration within one year.

The Committee met regularly to discuss the various aspects of Land Use Regulation. Amy Dlugos, Senior Planner with the Steuben County Planning Department, met with the Committee to assist in preparation of the Comprehensive Plan for the Town.

April 24, 2006 – The Town of Bath added Local Law No. 2 of the Year 2006 entitled “Site Plan Review” as Chapter 96 to the Code of the Town of Bath.

October 2006 – The Committee hosted two public meetings to discuss the future of the Town.

3.2.3 COMMUNITY OVERVIEW

LOCATION / PHYSICAL CHARACTERISTICS

Location

The Town of Bath is located in Steuben County, the seventh largest county in the State of New York. The Town covers approximately 96 square miles. Bath is by far the largest town in Steuben County followed by the Town of Troupsburg at 61.2 square miles. Map 3.1.1 gives the location of Steuben County in New York’s “Southern Tier,” and Map 3.1.2 shows the location of the Town of Bath in the County. The Villages of Bath and Savona lie within the Town, as does the hamlet of Kanona. (Map 3.1.3) The Village of Bath is the County Seat. The Town of Bath lies in the southern part of “Finger Lakes Wine Country” an area noted for its beautiful lakes, scenery and ability to produce quality wines and grapes. The Buffalo and Syracuse airports can be reached in two hours and the City of Rochester and its airport are a one and one-half hour drive. The Corning-Elmira Regional Airport can be reached in less than 30 minutes. New York City, Philadelphia, PA and Cleveland, OH are approximately five hours away by car.

Topography, Floodplains and Wetlands

The Town of Bath is bisected by the Conhocton River valley in a northwest to southeast direction. Outside the Conhocton River Valley, and the valleys of its major tributaries, which are generally flat, the town is characterized by steep slopes and narrow valleys.

Map 3.1.4 shows the 100-year flood plain and the New York State designated wetlands within the Town. Floodplains occur along the Conhocton River with associated wetland areas. An extensive series of wetlands exists along State Route 226 and is associated with Mud Creek which drains Lamoka and Waneta Lakes north of the Town.

HISTORY

The area of the southern tier where the Town of Bath is located was first inhabited by the Seneca Nation, one of the Six Nations of the Iroquois Confederacy. During the Revolutionary War, the Iroquois allied themselves with the British, and all evidence suggests that it was during Revolutionary period that the white man came to the area in any significant numbers.

After the war, a territorial dispute between New York and Massachusetts delayed settlement of the region. An enormous portion of central New York from the Pennsylvania border to Lake Ontario was originally known as the Phelps-Gorham purchase (estimated at 2,200,000 acres). Robert Morris of Pennsylvania purchased a substantial portion of the area when Phelps and Gorham could not meet their financial obligations. Morris, in turn, sold to an English syndicate of William Pulteney, William Hornby, and Patrick Colquhoun. Their acquisition is estimated at 1,264,000 acres. They appointed Captain Charles Williamson as their agent to explore, develop, and promote the sale of their land.

Williamson explored the purchase and established his base at the head of the navigable waters of the Conhocton River, in 1793. This site is now Pulteney Park in the Village of Bath. To make the area accessible, a road was cut through the forests from Williamsport, Pennsylvania to Bath. The road was extremely rough and most provisions and supplies were brought in by water. Local farm products and lumber were shipped out by river when the water was high. The usual destination was Baltimore, as the Conhocton is a tributary of the Susquehanna River.

Williamson advertised the region extensively and ordered the construction of a race track and theater. It is believed that up to 2,000 persons attended a race in Bath in 1796. Speculation in land was intense, but most of the settlers were farmers of modest means. In March, 1796, Steuben County was created. Bath was then the principal community and became the county seat. The first recorded town meeting took place on April 4, 1797, and on June 19, 1797, 235 persons were assessed for highway purposes.

The importance of the Village of Bath as a center of commerce was somewhat diminished by the opening of the Crooked Lake Canal connecting Keuka Lake (called Crooked lake by early settlers) at Penn Yan with Seneca lake. Now goods could be shipped to the Erie Canal and New York City. The lakefront at Hammondsport became a thriving commercial and warehousing center. Eventually, the railroad replaced canals for the transport of goods. The Erie Railroad reached Steuben County in 1849, but bypassed Bath to the south. Bath was eventually served by the Erie, and also by the Delaware, Lackawanna and Western Railroad. In addition, the Bath and Hammondsport Railroad was completed in 1874, linking these rail lines in Bath with the Village of Hammondsport.

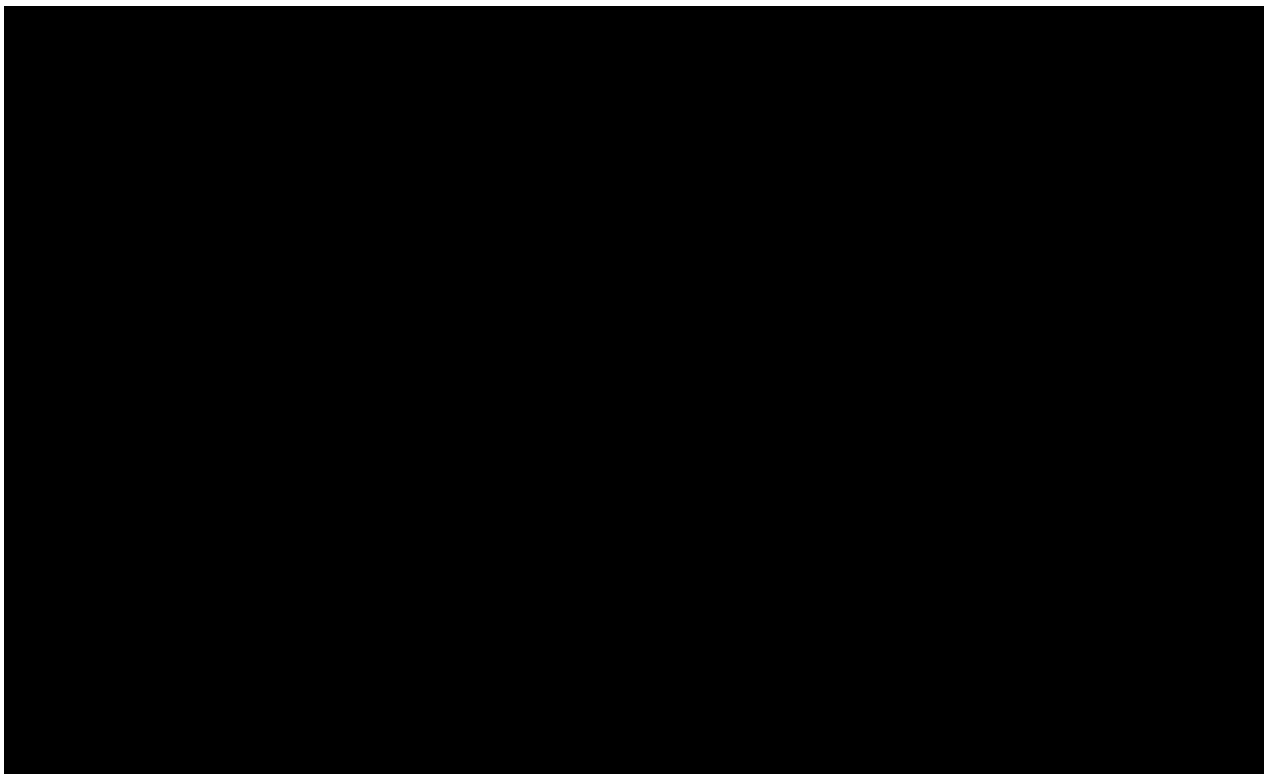
The economy of Bath has traditionally relied on agriculture and several relatively large employers, mostly in manufacturing. The Babcock Ladder Co. began in the early 1900's, making high quality wooden ladders. In the early 1940's, Lane Pipe Company began, making large pipe for road culverts. The early 1950's saw the founding of Westinghouse Electric, now Philips Lighting. Other nearby employers provided jobs for Bath residents, including Taylor Wine Co., until its move to Canandaigua, Mercury Aircraft, and Clark Specialty, in Hammondsport. Another major employer for Bath residents has been Corning, Inc., formerly the Corning Glass Works. Finally, being the County seat, Bath is the home of many County employees.

DEMOGRAPHICS AND HOUSING

Town Population

Graph A shows the population of the Town of Bath from 1890 through 2000. Population grew from 1930 and hit a peak of nearly 6,000 in 1990 before decreasing slightly in the 2000 Census. Population estimates made since the 2000 Census indicate the Town's population is remaining steady.

Graph A



Source: 2000 U.S. Census

Age Characteristics

Table A and Table B show the age characteristics of the Town population from the 1990 and 2000 Censuses. There appears to be a decline in young adults ages 25 through 34 and, while the number of youth remains constant, Table B shows a loss of adults and senior citizens.

Table A

Age Composition

<u>Age</u>	<u>1990</u>	<u>%</u>	<u>2000</u>	<u>%</u>
Under 5 years	427	7.18	414	7.35
5 to 9 years	425	7.14	341	6.05
10 to 14 years	401	6.74	412	7.31
15 to 19 years	366	6.15	445	7.90
20 to 24 years	298	5.03	260	4.61
25 to 34 years	830	13.95	617	10.95
35 to 44 years	994	16.71	878	15.58
45 to 54 years	609	10.22	800	14.20
55 to 64 years	702	11.78	581	10.31
65 and Over	1107	18.61	992	17.61

Source: U.S. Census Bureau

Table B

Population by Age Groups

<u>Age</u>	<u>1990</u>	<u>%</u>	<u>2000</u>	<u>%</u>
Youth (19 and under)	1619	27.94	1612	28.61
Adult (20 – 64)	3433	57.71	3136	55.66
Older Adult (65+)	1107	18.61	992	17.61

Source: US Census Bureau

Household Characteristics

Table C shows that the number of households with children has decreased while those without children have increased significantly. It should be noted that the total number of households increased nearly 7% from 1990 to 2000 while the total population dropped a little over 5%. This indicates the Town of Bath is experiencing a phenomenon common in rural, upstate New York, “sprawl without growth.”

Table C

Households

	<u>1990</u>	<u>%</u>	<u>2000</u>	<u>%</u>
With Children	594	32	555	28
Without Children	1255	68	1421	72
	1849		1976	

Source: US Census Bureau

Housing Stock

Table D examines the years homes were built. Nearly 80% of the homes in the Town have been built after 1940. A significant number of homes were built in the 1990s despite a drop in population. Table E shows the Town has a significant number of mobile homes while most housing is single-family. Nearly 80% of housing is owner-occupied as shown in Table F.

Table D

Year Built

Year	Number	Percent
1990-2000	454	21
1980-1990	353	16
1970-1980	441	20
1960-1970	248	11
1940-1960	264	11
Before 1940	471	21

Source: 2000 Census

Table E

Housing Types

Type	Number	Percent
Single-Family	1282	58
Multi-Family	106	5
Mobile Homes	816	37
Total	2204	

Source: 2000 Census

Table F

Owner Occupied or Renter Occupied

	Number	Percent
Owner	1570	79
Renter	406	21

Source: 2000 Census

COMMUNITY FACILITIES AND SERVICES

Utilities

Areas of the Town of Bath immediately surrounding the Village of Bath are served by the Bath Electric, Gas, and Water Systems, a municipal utility established in 1914, and directed by a Municipal Utility Commission appointed by the Village Board of Trustees. The municipal utility provides electric power, natural gas, water supply, and sanitary sewer services to the residents of the Village, and some special districts that have been created outside the Village boundary in the Town. The Bath municipal utility system is the only one in New York State that provides all four utility services.

Most areas of the Town receive electricity from NYSEG or the Steuben Rural Electric Authority (REA), an authority created in the 1930s to bring electric service to remote, rural areas. The Village and REA electricity rates are significantly lower than NYSEG rates. (Map 3.1.5)

Corning Natural Gas has the natural gas franchise for the entire Town of Bath although actual service covers a much smaller area that includes the Village of Bath. The current source of gas is a transportation line from the Town of Woodhull.

Most Town of Bath residents and businesses pump drinking water from private wells. A few areas in special districts near the Village of Bath are on the Village Water System. Water for the system is supplied from three groundwater well sites, each over eighty feet deep, from aquifers located near the Conhocton River. Water is pumped into two storage tanks, one on Maple Heights with a capacity of one million gallons, and the other on Mount Washington, with a capacity of 1.5 million gallons. The system is integrated, meaning that water from any of the three wells may be delivered to any customer, depending upon which well is in operation at any particular time. The Village system receives both chlorine and fluoride treatment. (Map 3.1.6)

Most residences and businesses in the Town have private septic systems to handle waste although some near the Village of Bath use the Village sewer system. Many significant waste water generators in the Town use the Village sewer system, including Philips Lighting, the Bath VA Medical Center, and the Steuben County Leachate Treatment Facility (Landfill). Ira

Davenport Memorial Hospital in Urbana and Mercury Aircraft in Hammondsport also uses the Village's wastewater treatment plant.

Transportation

Road Network

The Town of Bath has four interchanges off Interstate 86: Exits 38 and 39 near the Village of Bath, Exit 40 at the Village of Savona, and Exit 37 near Kanona. Interstate 86 is also New York State Route 17, also known as the Southern Tier Expressway. The portion of I-86 running through Steuben County is also U.S. Route 15, which separates from I-86 (as I-390) just west of the Town and continues to Rochester. U.S. Route 15 in the eastern part of Steuben County will soon be upgraded to I-99 and will intersect with I-86 several miles east of the Town.

State Route 54 runs north out of the Village, paralleling Keuka Lake, to Penn Yan in Yates County. State Route 226 runs north from Savona to Schuyler County. State Route 53 runs north from Kanona to Prattsburgh and Naples.

The Town is also served by many County and Town roads. County routes are generally paved and striped while Town roads generally have gravel surfaces.

The road network appears on Map 3.1.3.

Public Transportation

The Town of Bath is served by several bus routes. There are three routes that are part of the Steuben County Transit System. One provides local service to major points throughout the Village of Bath, while a second provides service between the Village of Bath and the Village of Hammondsport. The third route in the Steuben system runs between Bath and Corning and connects to the CEATS system that operates in the City of Corning and runs buses to Corning Community College. Connections are also available in Corning to the Chemung Transit System which has routes to the Arnot Mall / Consumer Square, and the City of Elmira. In addition, the Hornell Area Transit system has hourly runs between Hornell and Bath. The major transfer point for all these routes is the bus stop on East Morris Street in the Village of Bath across from the County Office Building. Buses can be flagged down at any point along their routes. Inter-city bus transportation is also available from Bath to Buffalo, Rochester, New York City, and other destinations.

Public Safety / Code Enforcement

The Town of Bath receives police service from the Steuben County Sheriff's Department, headquartered in the Town, and the New York State Troopers, Troop E, who also have offices in Bath. The Bath Veterans Administration campus has their own police force as does the Village of Bath.

Bath, Kanona, and Savona Volunteer Fire Departments provide fire and rescue services in the Town of Bath. The Bath VA campus has a professional fire department that assists when mutual aid is needed.

The Volunteer Ambulance Service of Bath, NY provides ambulance service for the entire Town. The service has three fully-equipped ambulances and a fully trained staff of over fifty volunteers, thirty-six of whom are certified Emergency Medical Technicians. Rural Metro provides advanced life support services when required.

Steuben County provides E911 service for all fire, police, and ambulance calls, including address verification and dispatching. The E911 Center, located in the Town, “went live” in May 2005 and is a state of the art facility complete with computer mapping, Pictometry aerial photography, and communication with mobile data terminals in emergency vehicles. It is also Phase 2 compliant meaning the Center can locate 911 calls from cell phones when the caller is unable to give his or her location.

The Town of Bath has a Code Enforcement Officer who administers the the New York State Uniform Fire Prevention and Building Code.

Communications

Newspapers

The residents of Bath have several newspapers available. The Steuben Courier Advocate, which has its office in the village, is a weekly newspaper which focuses mainly on news and events in the central Steuben County area. The most widely read daily newspapers are the The Leader from Corning, the Evening Tribune from Hornell, and the Star Gazette from Elmira. Also available daily are the Rochester Democrat and Chronicle, the Buffalo News and the New York Times.

TV Service

Two local stations serve Bath: WENY, Channel 36, is an ABC Network affiliate; WETM, Channel 18, is an NBC Network affiliate. Cable television supplied by Time Warner includes television stations in Buffalo and Rochester as well as PBS affiliate stations. Satellite TV service is available from companies such as Dish Network and DirecTV.

Radio

Radio service is provided by two local stations including WVIN – FM and WABH – AM, both transmitting from Bath. The Family Life Network also broadcasts from the Town of Bath. Several other stations are available to the Bath area from Corning, Elmira, Hornell, and other areas, depending on strength of station. Public radio, WSKG from Binghamton, is available to the Bath area from repeaters in Corning and Hornell.

Internet Service

Internet service is available through numerous dial-up providers. High speed “Road Runner” Internet service is available from Time Warner Cable and Verizon offers DSL in a few areas of the Town.

Schools and Higher Education

Most of the Town of Bath lies within the Bath-Haverling and Campbell-Savona School Districts. Small parts of the Avoca, Canisteo, and Hammondport School Districts are also in the Town.

Many institutions of higher education exist within a two-hour drive of the Town of Bath. These include: Corning Community College, Elmira College, Elmira Business Institute, Keuka College, Alfred State, Alfred University, St. Bonaventure University, Monroe Community College, Rochester Institute of Technology, University of Rochester, SUNY Geneseo, Finger Lakes Community College, SUNY Binghamton, Nazareth College, St. John Fisher College, Robert Wesleyan College, Rochester Business Institute, Bryant and Stratton Business Institute, Hobart and William Smith Colleges, Ithaca College, Mansfield University, Houghton College, and Cornell University.

Parks and Recreation

As in many communities, much of the recreation areas are part of the school district facilities. Fields adjacent to school complexes are used extensively for youth sports activities through much of the year. There are also several small parks and playgrounds located in the Villages. Mossy Bank Park, located in the Town of Bath but owned by the Village, is a popular site for picnics, hiking and other outdoor pursuits. In January 2007, Mossy Bank Park was annexed into the village. Additional recreation areas are available in the Villages, including the Skate Park and Pulteney Park in Bath. Pulteney Park provides green space, park benches, and a gazebo, and is the site of numerous seasonal Village activities, as well as a pleasant area for residents to congregate. State Forest lands known as Moss Hill in the eastern part of the Town are available for hunting and hiking. Map 3.1.7 shows the location of Mossy Bank Park and State owned lands.

Town Administration

The Town Offices, located on Liberty Street in the Village of Bath, are the site of Town administrative offices, meeting rooms, and other functions. The Town Clerk, Code Enforcement Office, Assessor, Tax Collector, and Town Justice Court are all located there. In addition the corresponding Village of Bath offices are also located in the same building. The Town Highway Garage is located on Wilson Avenue in the Village of Bath.

The Town is governed by a Town Supervisor and four-member Town Board. The Town has a seven member Planning Board that oversees subdivision approval and site plan review.

ECONOMY

Labor Force

Table G shows that most of those employed in the Town are employed in education, health , and social services followed by manufacturing.

Table G
Employment by Industry

	<u>Number</u>	<u>Percent</u>
Educational, health and social services	1215	39.71
Manufacturing	580	18.95
Retail Trade	166	5.42
Public Administration	88	2.88
Arts, entertainment, recreation, accommodation and food services	162	5.29
Other services (except public administration)	131	4.28
Finance, insurance, real estate, and rental and leasing	81	2.65
Construction	124	4.05
Professional, scientific, management, administrative, and waste management services	121	3.95
Transportation and warehousing, and utilities	135	4.41
Wholesale Trade	58	1.90
Information	74	2.42
Agriculture, forestry, fishing and hunting, and mining	127	4.15

Source: 2000 U.S. Census

Major Employers

According to the 2000 U.S. Census, the average travel time to work for Town of Bath residents is 19.2 minutes. Assuming that at least part of the commute is not on I86, it can be estimated that the average Bath worker is going no more than about 15 miles to 20 miles to work. Some workers are going to Corning and Hornell, which increases the average commute, while others work closer to their residence, many in the Town itself. Table H lists the major employers for Bath residents. The first group is within the Village of Bath, and includes Steuben County, the Haverling School District and the Village itself as an employer. The employers in

the second group are located in the greater Bath area, and probably employ a significant number of Town residents. The third group are major employers outside the Bath area, but who employ Town residents.

Table H
Major Employers
 (This is not a comprehensive list but represents types of employment in the area.)

Within the Village of Bath:

Steuben County (in County Office Building)	600
Haverling School District	200
Tops Market	125
Village of Bath	90
Babcock Ladders	30
Smart Systems	12
Cornell Cooperative Extension	18
Town of Bath	42

In Bath Area Outside Village of Bath:

Veterans' Administration Center	600
Philips Lighting	550
Ira Davenport Hospital / Taylor Health Care	400
Mercury Aircraft (Bath and Hammondsport)	400
Steuben Arc	370(countywide)
Transportation & Transit Associates (Avoca)	212
Simmons-Rockwell	90
Clark Specialty Corp.	59
Family Life Ministries	50
Haines Equipment (Avoca)	50
Wilkins Recreational Vehicles, Inc.	50
NYS Dept. of Environmental Conservation	30
Meyers Bath RV Outket	28
Lane Enterprises Inc. – Lane Metal Prod. Div.	15
USDA Building	25
Snell Farms/Hillside Children's Center	100

Other Steuben County Employers:

Corning, Inc. (Corning, Erwin)	4375
Guthrie Medical Group, P.C.	1400
St. James Mercy Hospital (Hornell)	890
Dresser Rand (Painted Post)	800
Alstom (Hornell)	765

Gunlocke Company, Inc. (Wayland)	605
Kraft Foods - Pollio (Campbell)	400
Wegmans	320
Storeflex Fixtures (Riverside)	89
Airflow – Prattsburgh	95

Retail Opportunities

There are two main areas of retail activity in the Village of Bath. In the downtown area, most commercial activity is located on Liberty Street, with some on Buell Street, East and West Steuben Street, and East William Street. The other commercial area is the West Morris Street area. Commercial activity begins on the extreme west end of Washington Boulevard, and on West Morris Street at the Tops Market. There are also scattered commercial uses further eastward on West Morris Street, including Bath Packing Co. The major commercial area, however, is to the west of the Washington Street – West Morris Street intersection. A shopping center and numerous fast food establishments makes this the busiest commercial area in the Village. In addition to local business, the fast food “alley” attracts a significant amount of traffic from I86.

Many residents travel to Corning, Hornell, or the Arnot Mall/Consumer Square area in Big Flats in Chemung County to shop.

LAND USE

Map 3.1.8 shows the use of land in the Town of Bath. The map uses the major assessment codes assigned by the Town Assessor to delineate agricultural, residential, commercial, and other uses of land. Approximately 52 percent of the town is classified residential followed by agricultural uses at about 30 percent. About 12 percent of the town is comprised of vacant land and a little over 2 percent is forested. Other uses including commercial and industrial, each represent 1 percent or less of the land area.

It should be noted that the land use map and percentages are based on codes assigned by the Assessor for property tax purposes and may be of limited value for land use planning purposes. Many of the properties classified as Residential may be in agricultural cultivation and leased to a farmer or they may be farmed on a part time basis by the landowners themselves. Also, large parcels are assigned only one code so a residential property that includes a large forested acreage will be entirely classified as residential.

AGRICULTURE

Agriculture is the number one industry in New York State and Steuben County, and is, most likely, the number one industry in the Town of Bath as well. Over 28% of the total land area in

the Town of Bath is in State Certified Agriculture Districts (Map 3.1.9). Parts of four Districts fall in the Town. Land in Districts is protected by right-to-farm laws, shielded from unreasonable local laws, and subject to special review when publicly funded projects or utility districts are proposed. Other agricultural lands in the Town that are not in a District are covered under Steuben County's Right to Farm Law.

Dairy farming is the predominant farm type in the Town followed by livestock production (principally beef), and small grains. Some of the milk from the Town is processed into cheese at the Kraft (formerly Polly-O) plant in nearby Campbell and some is made into yogurt by Crowley in Arkport.

Once a thriving center for implement dealers, etc., the Town of Bath is host to only one remaining agri-business – MJ Ward & Son Inc. in the Village of Bath. Two farmers markets in Pulteney Park, one on Wednesdays and one on Saturdays, are venues for local farmers to direct market fresh produce, preserves, flowers, plants, baked goods, etc.

Please see Appendix 3.3 for a complete discussion of why farming is vital to the Town of Bath.

3.3 Why Farming is So Important to the Town of Bath

(Adapted from Steuben County's Agricultural Expansion and Development Plan)

Agriculture is an industry of extraordinary importance to the Town of Bath and has exceptional potential for the future. Consider the following:

3.3.1 Farming is big business in Steuben County.

Farming in Steuben County involves some 1,501 business locations, both large and small, generating sales of \$84,800,000 in 2002. The average value of land, buildings and equipment used in these businesses was \$268,260 for a total investment of approximately \$584,582,462 - the equivalent of several major manufacturing facilities.¹

3.3.2 Income from agriculture goes further than other sectors in helping the economy.

Agriculture produces much higher economic multipliers than any other sector of the economy. Cornell University, in fact, suggests the income multiplier for the dairy industry statewide is approximately 2.29, meaning that every dollar of dairy farm earnings generates \$2.29 in earnings for the local economy as a whole. This compares to 1.66 for construction, 1.48 for services, 1.41 for the next best manufacturing enterprise (that happens to include lumber, wood and wine production commonly viewed as agriculture) and 1.40 for retail trade.²

3.3.3 Farms lower taxes.

Farms are tax winners despite preferential assessments afforded by the Ag District Law. A 1995 study of nearby Tompkins County found "agricultural .. uses should be recognized as beneficial because they do not demand a large amount of services and provide other benefits such as employment." The data, in fact, indicate agriculture typically requires only 15¢ to 40¢ of town and school expenditures for every \$1.00 in tax revenue it generates, whereas residential development costs \$1.09 to \$1.56 per \$1.00 of taxes gathered.³ This is consistent with results of a number of other similar studies done throughout the Northeast including 1992 and 1993 studies done for the Schuyler County Towns of Dix, Hector, Montour and Reading by the League of Women Voters.⁴ The latter studies, while somewhat older, indicated agricultural industries generated costs of only 28¢ to 32¢ for

¹ Source: US Census of Agriculture, 2002.

² Source: Policy Issues in Rural Land Use, Cornell Cooperative Extension, December 1996.

³ Source: Costs of Community Services Study, Tompkins County, Cornell Cooperative Extension of Tompkins County and Tompkins County Agricultural and Farmland Protection Plan, August, 1995.

⁴ These include studies by American Farmland Trust, Cornell Cooperative Extension and Commonwealth Research Group, Inc. of communities in Dutchess and Oneida Counties in New York and various other Connecticut and New England areas.

\$1.00 in tax revenue generated as compared to \$1.30 to \$1.80 in costs for residential properties.

3.3.4 Farming helps in controlling costly urban sprawl.

Maintaining farm as an economically rewarding enterprise for landowners discourages expensive urban/suburban sprawl, steering development instead toward hamlets and villages with existing infrastructure. "Gasoline taxes and other user fees only cover about 70% of the direct cash costs of building and maintaining the nation's road system," according to a recent article on sprawl and hook-up fees for sewer systems within areas of sprawl often cover less than half the real costs of those extensions.⁵ These differences are attributable to the high costs of servicing development spread out along highways and the deficits must be made up by all taxpayers.

3.3.5 Farming attracts tourists.

Farms and vineyards are essential to the tourism industry in Steuben County. Visitors are attracted to the County not only by its Corning museums but also by various wineries on the Keuka Lake Wine Trail, three major farmers markets and the diverse landscapes and scenic drives that Steuben County farms offer. The County's campground industry builds on these foundations and there are many more opportunities to do so. The **Corning and the Finger Lakes** brochure, for example, talks about Hammondsport as the "Wine Capitol of New York State" and devotes 2 full pages to "Farms and Markets" with tie-ins to local Bed & Breakfasts and references to "rolling hills, vineyards, farm country and forests." Preserving that farm country is essential for the County if tourism is to grow.

3.3.6 Farms create rural character - a precious asset.

Farms preserve rural character and open space that are also essential to the quality of life for permanent residents. Any number of surveys of rural residents and second-home dwellers indicate the primary reasons people live in such areas have to do with their appreciation of the natural resources and open spaces offered, but the anecdotal evidence is perhaps even stronger and local real estate brochures provide examples. They include references not only to the County's "scenic views" but also the "pastures"" created by its working farm landscapes.⁶

There is a direct relationship between farming and the attractiveness of the Town of Bath as a place to live. A Business Week article touting the success of the Ceramics Corridor and other high-tech growth regions noted that entrepreneurs value the open spaces and quality of life they find in the Finger Lakes and various "leafy small towns."⁷ Those open spaces

⁵ "Who Pays for Sprawl?", " U.S. News and World Report, April 27, 1998.

⁶ Advertisements in The Courier, Bath New York, September 19, 1999.

⁷ Business Week, October, 1992, p. 82-83.

are largely farms and the small towns everyone enjoys are supported by the agricultural economy.

3.3.7 Farms and forests preserve natural environments.

Farms and forests provide working self-sustaining landscapes which preserve and enhance environmental quality. This is particularly important to Finger Lakes Region and those portions of the County, including the Town of Bath, within the Chesapeake Bay watershed. A recent study of land use and water quality along 100 Wisconsin streams found that "watersheds with more than 20% of land in urban use had very poor biological diversity."⁸ Likewise, use of New York City watershed lands in the West-of-Hudson region of New York State for largely farm and forestry uses have allowed Federal water drinking quality criteria for filtration avoidance to be met. Farms and forests lead to better water quality.

The suburbanized Croton and other East-of-Hudson area watersheds, by contrast, cannot meet these same standards and demand extraordinarily expensive filtering processes to produce potable drinking water. Forest land, which is a part of nearly every farm, "may reduce sediment, nutrient and other pollutant loadings by as much as 85% by minimizing soil erosion and filtering watershed runoff."⁹

3.3.8 Farms and forests support wildlife and sport hunting.

Farms support wildlife such as deer, turkeys and small-game and thereby sustain hunting as a source of tourism to the area. The 2004 white-tail deer harvest in the Town of Bath was 623 (238 of which were bucks), the highest total in Steuben County. The Steuben County harvest of deer was 11,571 deer, largest of any county in New York State by a wide margin.¹⁰ Assuming an average expenditure of \$500 per deer harvested (a commonly used figure) this equates to a \$8,000,000 sport hunting economy. Additionally, Keuka Lake complements this by offering a fishing resource.

3.3.9 Agricultural opportunities can actually increase with development.

The leading agricultural county in New York is Suffolk County on Long Island - home to 1.3 million people and one of the most highly developed suburban environments in the nation, proving not only that farming and urbanization can co-exist, but also that the demand for agricultural products increases with the latter and raises the value of farming as an economic enterprise.¹¹ Steuben is starting to face some development pressures and farming will, for the same reasons, be ever more important to the County as it develops and grows in population. This is particularly true for the fruit and vineyard industry which depends so much on direct marketing.

⁸ Source: Land Works Connection, October, 1998, American Farmland Trust.

⁹ Source: Watershed Agricultural Council.

¹⁰ Source: New York State Department of Environmental Conservation.

¹¹ Source: Cornell Cooperative Extension of Suffolk County.

3.3.10 Farmland is an invaluable economic resource for future generations.

Farmland is an invaluable future resource for the Town of Bath in providing for a healthy and plentiful local supply of food products and generating new sources of farm income. Many new residents, as well as visitors to the Finger Lakes Region, are seeking locally grown fresh fruits, vegetables and flowers, both organic and non-organic. The region is already capitalizing on these opportunities (e.g. organic wine vineyards) but continuing to do so requires the protection of high-quality farmland, so that such enterprises might develop and flourish. They offer tremendous economic potential for the future and, once again, Suffolk County provides an illustration. Its agricultural economy has been reinvented several times with urbanization but, today, yields well over \$201,182,000 in annual sales from 651 farms averaging 52 acres in size. Its lead as New York's most valuable agricultural producer is lengthening because of the shift to these higher valued products. Steuben County's 1,501 farms have annual sales of 84,800,000.¹²

3.3.11 Farming provides a year-round business base for a wide spectrum of Steuben County enterprises.

Agriculture is much more than farming. A substantial number of non-agricultural businesses supply the needs of farmers. These include processors, vehicle and equipment dealers and other enterprises. Steuben County farmers, for example, own and must maintain and replace 2,134 trucks (1997 Census of Agriculture), 4,025 tractors and numerous other pieces of farm equipment and machinery. They also purchase over \$3,545,000 of petroleum products, \$17,431,000 of feed, \$8,059,000 of hired farm labor and approximately \$43,520,000 of other products and services from Steuben County and other nearby enterprises, many of which would not be considered farm supply businesses. For these businesses to survive and prosper, a core critical mass of farmers must be preserved and vice-versa. Otherwise, competitiveness cannot be maintained.¹³

¹² Source: Cornell Cooperative Extension of Suffolk county and the US Census of Agriculture, 2002

¹³ Source: US Census of Agriculture, 2002