

TOWN OF BENNINGTON
WYOMING COUNTY, NEW YORK

COMPREHENSIVE PLAN

Prepared By

The Town of Bennington Comprehensive Plan Committee

with assistance from

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Town of Bennington Comprehensive Plan

Table of Contents

Introduction	1
Planning Process	1
Legal Basis and SEQR Compliance	2
Maintenance of the Plan	3
Chapter 1. Overview of Existing Plans, Laws and Programs	4
A. Town of Bennington Zoning Regulations	4
B. Agricultural District Program	7
Chapter 2. Inventory and Analysis of Existing Conditions; Projections of Future Trends .	9
A. Natural Resources and Environmental Conditions	9
B. Land Use Patterns, Trends and Projections	10
C. Population and Housing	11
D. Employment and Economic Base	12
E. Public Utilities	13
F. Transportation	14
G. Parks and Recreation	14
H. Community Services and Government Administration	14
Chapter 3. Development and Conservation Opportunities and Constraints	43
A. Natural and Physical Influences on Development	43
B. Prospects for Various Types of Development and Conservation	44
Chapter 4. Goals and Recommended Actions	46
GOAL I: Retain the Rural and Agricultural Character of Bennington	46
GOAL II: Provide for Commercial and Industrial Development in Appropriate Locations, and at Appropriate Scales	48
GOAL III: Maintain the Attractiveness of Residential Areas, both in Hamlets and in the Countryside	49
GOAL IV: Establish a Town Road System that Provides Reasonable Service to Residents at Affordable Cost	49
GOAL V: Protect Natural Features and Environmental Quality	50
GOAL VI: Ensure Effective and Efficient Provision of of Solid Waste and Recycling Services	51
GOAL VII: Maintain an Appropriate Level of Maintenance and Recreational Programs at Pine Tree Park	51

Chapter 5:	Land Use Plan	52
Chapter 6:	Implementation, Adoption and Maintenance	54
	Implementation of the Plan	54
	Adopting the Comprehensive Plan	54
	Environmental Review of the Comprehensive Plan	54
	Regular Review of the Comprehensive Plan	54
	Revising the Comprehensive Plan	62
	Location of Comprehensive Plan Documents	62

LIST OF APPENDICES

Appendix A:	Residents Survey Report
Appendix B:	Environmental Record
Appendix C:	Analysis of Park Needs
Appendix D:	Record of Comprehensive Plan Revisions

List of Figures

1.	Zoning Map	5
2.	Land in Agricultural Districts	8
3.	Location Map	15
4.	Hydrography	16
5.	Wetlands	17
6.	Flood Hazard Areas	18
7.	Soil Associations	19
8.	Existing Land Use	22
9.	Special Permits and Home Occupations	24
10.	Public Safety, Recreation and Government Services	27
11.	Churches and Cemeteries	28
12.	Regional Highway Access	29
13.	Road and Highway Jurisdictions	30
14.	Unpaved and Seasonal Town Roads	31
	Land Use Plan	Following Page 53

List of Tables

1.	Permitted and Special Permit Uses by Zoning District	6
2.	Soil Characteristics and Limitations to Development and Agriculture	20
3.	Land Use by Tax Parcel	23
4.	Businesses Operating with a Special Permit or as a Home Occupation	25
5.	Population by Age: 1970-1990	32
6.	Age of Residents: 1990	33
7.	Household and Family Characteristics	34
8.	Housing Units by Number of Units in Structure	35
9.	Residential Occupancy by Tenure	36
10.	Value of Owner-Occupied Units	37
11.	Monthly Rent	38
12.	Labor Force Status	39
13.	Place of Work	39
14.	Employment by Type of Industry	40
15.	Occupations of Residents	41
16.	Household Income	42
17.	Immediate Priorities	55
18.	Short Term Priorities	58
19.	Medium Term Priorities	59
20.	On-going Priorities	60

INTRODUCTION

Public agencies, private organizations and individuals in the Town of Bennington continuously make decisions and take actions that affect land use and development, public services and facilities and the well-being of the community. The purpose of this Comprehensive Plan is to identify those activities and decisions that have the greatest effect on the community, and to determine whether significant changes are needed to adjust the course that the community is on.

This Plan document includes:

- an evaluation of existing laws, plans and programs that influence community development and planning in the Town of Bennington;
- an inventory of existing conditions, an evaluation of past trends, and a projection of future community needs;
- analysis of the desirable characteristics, the potential opportunities and the significant problems or constraints that exist in the community;
- a statement of the community's goals and policies;
- a new land use plan that presents a vision of the community's desired development patterns over the next twenty years;
- a program of actions that would implement the goals and policies and the land use plan; and
- a strategy for maintaining the Plan over the next several years.

PLANNING PROCESS

In 1995, the Bennington Town Board decided to prepare a Comprehensive Plan for the Town. The Town contracted with Stuart I. Brown Associates, a planning and management consulting firm based in Fairport, New York, to coordinate the preparation of the Plan.

The Town created a Comprehensive Plan Committee (CPC), and directed it to encourage broad public participation, incorporate public input and to formulate a plan of action containing sound planning principles to guide the Town of Bennington into the twenty-first century. The CPC included representatives of several Boards and committees, including the Town Board, Town Planning Board and Zoning Board of Appeals, as well as the Zoning Enforcement Officer and

several interested citizens. The following members of the CPC contributed substantial time, thought and inspiration to the completion of the draft Comprehensive Plan:

Joseph Heller Jr., Chairman
Karen Baker, Assistant Chairman
William Foley
Audrey Keicher
Bud Kelly
Sylvia Lapp

The following people contributed to the preparation of the Comprehensive Plan in their official capacities:

Jim Schlick, Supervisor
Bernard Frounack, Councilman
Don Joller, Councilman
J. Wawrzyniak, Councilman
Chester Zymowski, Councilman
Ellen Grant, Planning Board
Deena Mack, Zoning Enforcement Officer
Richard Jensen, Highway Supervisor

One of the early steps in the planning process was a survey of all residents in the Town, conducted in July, 1995. Two public informational meetings were held, on November 16 and November 30, 1995, to report the survey results. Appendix A of this document contains the final report from the survey.

During the next several months, the Comprehensive Plan Committee held periodic workshop meetings. A public informational meeting was held in Spring 1997 to present the Plan's recommendations and to solicit comments and concerns from the public. Following this input, the CPC prepared a final draft of the Plan and submitted it to the Town Board for formal adoption.

When adopted by the Town Board, the Comprehensive Plan will serve as a basis for consistent decision making and will provide documentation for the public to refer to when concerns arise about the accountability of such decisions.

LEGAL BASIS AND SEQR COMPLIANCE

Under New York State Town Law (Section 272-a), the Town Board is responsible for adopting and maintaining the Comprehensive Plan. The Plan serves as a basis for the control of land uses, accountability of decisions by the various boards and agencies, and for directing public

improvements to help achieve a desired pattern of land use as well as efficiency of public investment.

The adoption of a municipality's comprehensive plan is considered a Type I action under New York State Environmental Quality Review (SEQR) regulations. Appendix B contains the environmental review record, including the Full Environmental Assessment Form and the Determination of Significance.

MAINTENANCE OF THE PLAN

As conditions and community priorities change over time, it is extremely important that the Town of Bennington take steps to ensure that the Comprehensive Plan is maintained and kept up to date. Every two years, the Town should:

- re-examine community conditions, as well as the actions that were proposed and those that were actually undertaken;
- reconsider the community's long-term vision, goals, and recommended actions, and evaluate the expected consequences of those actions; and based on these efforts,
- amend the Plan as needed or establish a new Plan to guide subsequent actions.

It is the intent of the Bennington Town Board to periodically review and update the Comprehensive Plan in order to ensure its continued relevance.

CHAPTER 1

OVERVIEW OF EXISTING PLANS, LAWS AND PROGRAMS

This chapter describes and evaluates existing plans, laws, regulations and programs that may influence land use, conservation and community development in the Town of Bennington. The laws and programs which have the most significant impact on the future development of Bennington are the Town Zoning Regulations and the County Agricultural District Program.

A. TOWN OF BENNINGTON ZONING REGULATIONS

The Town of Bennington Zoning Law was last printed in January 1986. Subsequent amendments to the text and zoning map were adopted in 1993, 1994 and 1995.

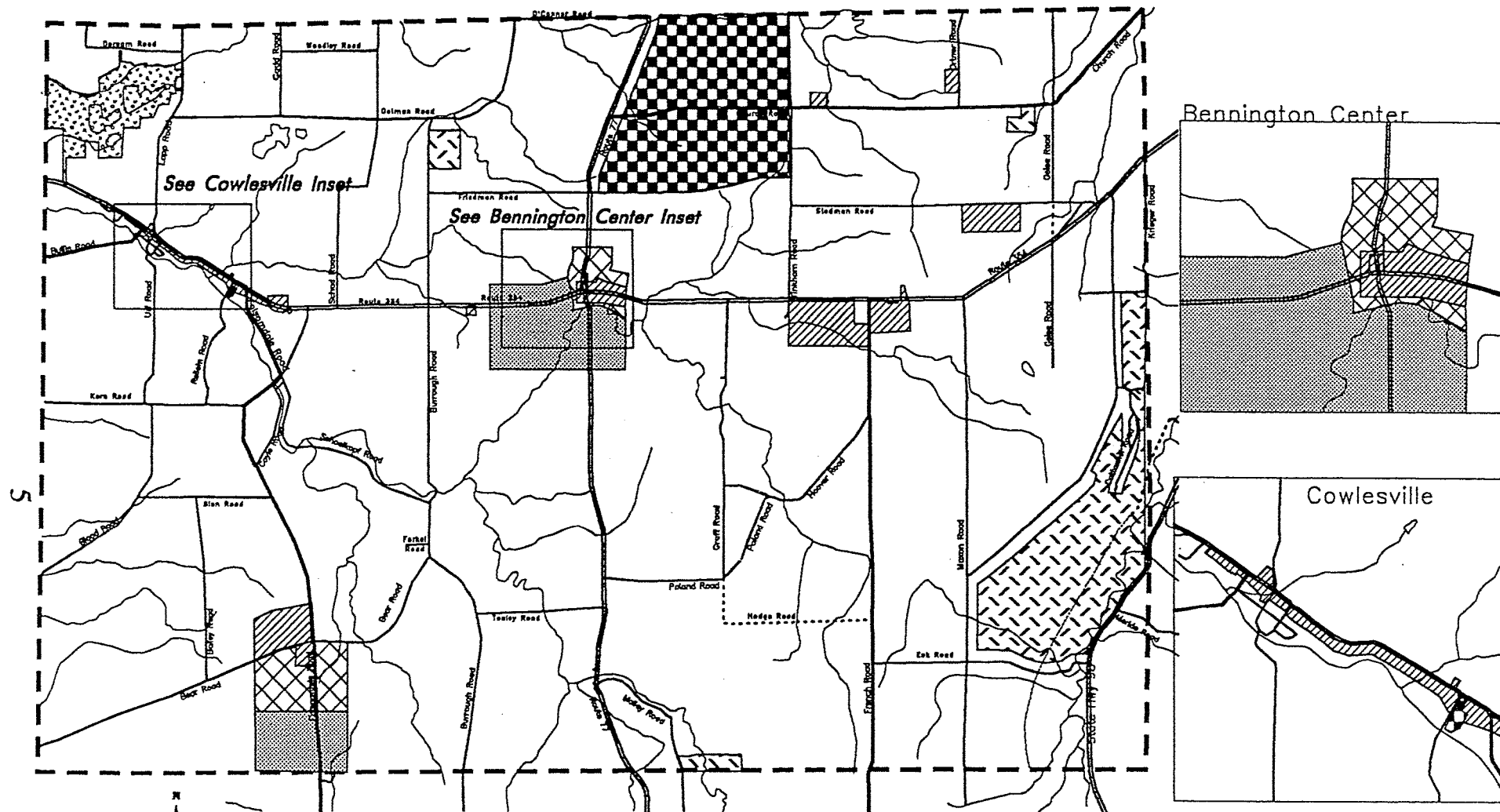
The current Zoning Law divides the Town into six zoning districts, as shown in Figure 1. The A-R Agricultural-Residential District encompasses most of the land in the Town. The R-1 Residential districts are located south and west of Bennington Center and in the southwestern portion of the Town. The R-M Residential - Multiple districts are located near Bennington Center and along Bear and Folsomdale Roads in the southwestern portion of the Town. The B-Business districts are located along Route 354 in and to the east of Cowlesville and in Bennington Center, as well as in several other locations in the Town. The M-Manufacturing district is located at the northern boundary of the Town, east of Route 77. The S-Seasonal districts are located in the southeastern portion of the Town, southeast of the intersection of Getman Road and Burrough Road, and in the southern portion of the Town, west of Manley Road. The uses permitted "by right" and with a special permit in each of these zoning districts are shown in Table 1.

The Town Board has responsibility for issuing special permits, which have been granted for several businesses throughout the Town. Home occupations also require a Special Permit.








In 1994, the Town passed a moratorium on the approval of any subdivision, landfill, junkyard, mobile home park, or placement of any trailer, tower or windmill. The moratorium was designed to be in effect for two years, while the Town developed a new zoning law.







EXISTING ZONING DISTRICTS - TOWN OF BENNINGTON

Figure 1



Zoning Districts - 1996

	A-R	Agricultural/ Residential		M	Manufacturing
	R-1	Residential		S	Seasonal
	R-M	Residential-Multiple		CD	Cluster Development
	B	Business			

-  Town Boundary
-  Highway
-  County Highway
-  Town Roads
-  Seasonal Road
-  Abandoned Railroad

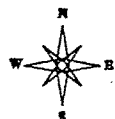
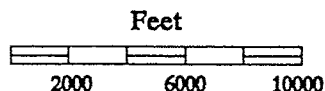


Table 1

ZONING DISTRICTS, PERMITTED USES, and MINIMUM LOT SIZES
Town of Bennington Zoning Law (1986 and as amended)

ZONING DISTRICT	PERMITTED USES (1) SPECIAL PERMIT USES (Town Board) (2) SPECIAL PERMIT USES (Zoning Board of Appeals)	MINIMUM LOT SIZE	MINIMUM WIDTH (feet)	MINIMUM SETBACKS (feet)		
				FRONT	SIDE	REAR
A-R Agricultural/ Residential	Agriculture and Forestry	Not specified				
	Kennels or riding stables	Not specified		100	100	100
	Veterinarian facilities	Not specified		100	100	100
	Single Family Dwellings	80,000 sq. ft.	200	50	30	30
	Churches, Schools, Fire Station, Cemeteries	Not specified				
	(1) Home Occupation	80,000 sq. ft.	200	50	30	30
	(1) Gun club or other private recreational facility	Not specified				
	(1) Sand or gravel pit or quarry	Not specified				
	(1) Landfill	Not specified				
	(2) Mobile home for farm labor	Not specified				
	(2) Temporary mobile home while building	Not specified				
	(2) Replacement of non-conforming mobile home	Not specified				
	(2) Drive-in theater	Not specified				
	(2) Hospital	10 acres	Not Specified			
	(2) Seasonal tent or trailer camp	100 acres	Not Specified			
	(2) Windmills exceeding 30 feet in height	7,000 sq.ft.	Not Specified			
R-1 Residential	Single Family Dwellings	20,000 sq.ft.	100	50	30	30
	(2) All those permitted by the ZBA in the A-R District	20,000 sq.ft.	100	50	30	30
	(2) Mobile Home Park	See specific design standards in Section 2.2.1				
R-M Residential - Multiple	Single Family Dwellings	20,000 sq.ft.	100	50	30	
	Two Family Dwellings	30,000 sq. ft.	125	50	35	35
	Multiple Family Dwelling	40,000 sq. ft.	150 ft.*	50	35	35
	(2) All those permitted in R-1 District	Not specified				
S Seasonal	Single Family Dwellings for seasonal occupancy (as defined)	20,000	100	25	25	30
B Business	Retail and Service Uses listed in Section 2.4.1	No minimum	100	35	5	35
	(2) All those permitted in R-1 Districts	No minimum	100	35	5	35
	(2) Gasoline service station	No minimum	100	35	5	35
M Manufacturing	All permitted uses in A-R District	20,000 sq.ft.	60	30	15	25
	Manufacture, assembly, fabricating or processing	No minimum	100	50	20	50

* 150 feet for the first unit plus 20 feet for each additional unit

B. AGRICULTURAL DISTRICT PROGRAM

The New York State Agricultural District Program was created by State legislation in 1971. The program encourages owners of productive agricultural land to form districts within the County. Districts should consist of predominantly "viable farmland." The Districts in Wyoming County are reviewed, and may be renewed, in 8-year cycles. Inclusion in the Agricultural District denotes a commitment on the part of the county to retain the use of such land for agriculture. Land within Wyoming County Agricultural District #4 is shown in Figure 2.

Benefits to owners of land in Agricultural Districts include property tax assessments that are based on the value of land for agricultural purposes, rather than its value for development. Depending on the community, the "agricultural use" tax assessments represent a partial exemption from property taxes. If land within an Agricultural District on which the tax exemption has been claimed is sold for non-farm purposes, the buyer must repay the amount of property taxes saved over the life of the District, up to 8 years.

Additional protections include the following:








- Farmland within agricultural districts is protected from government actions that might seek to acquire farmland through "eminent domain."
- Before a local or county government may undertake a project that affects land within an Agricultural District, it must submit a "Notice of Intent" to the County Agricultural and Farmland Protection Board and the State Department of Agriculture and Markets for consideration of the impacts on agriculture.
- Local governments are prohibited from passing laws or regulations that would unnecessarily restrict normal farming operations within Agricultural Districts.
- A person who buys property within an Agricultural District must be notified about the possible presence of noise or odors associated with farm practices.
- Before undertaking non-farm activities within Agricultural Districts, government agencies may need to prepare or require an Agricultural Data Statement to determine the potential impact of the activity on farming within the Agricultural District.

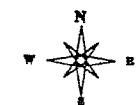
LAND IN AGRICULTURAL DISTRICTS - (as proposed to be modified) TOWN OF BENNINGTON

Figure 2

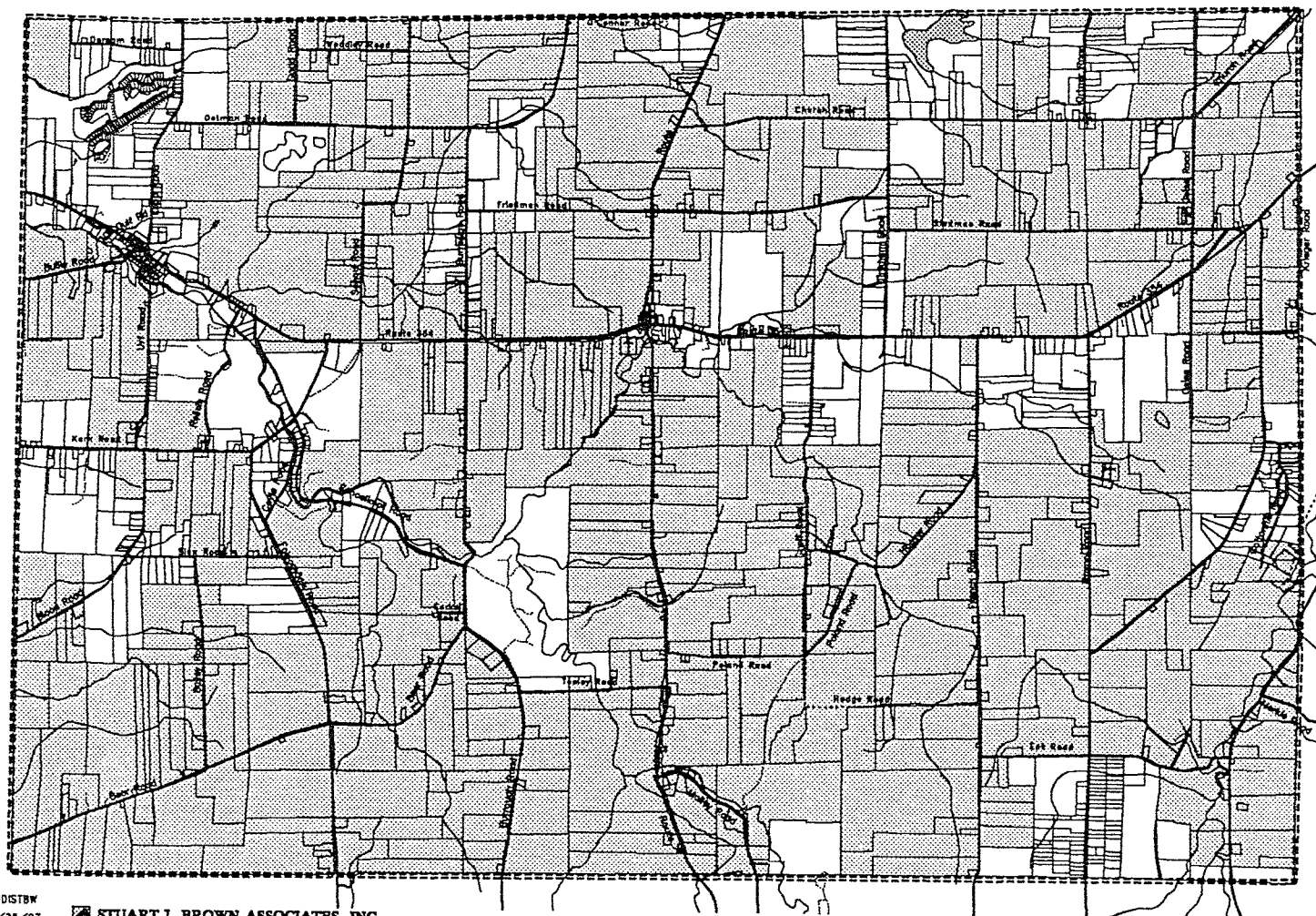
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Land in
Agricultural
Districts

-  Town Boundary
-  County Highway
-  Highway
-  Private Road or Driveway
-  Seasonal Road
-  Town Roads
-  Cemetery



Miles
0 0.2 0.4 0.6 0.8 1



CHAPTER 2

INVENTORY AND ANALYSIS OF EXISTING CONDITIONS; PROJECTIONS OF FUTURE TRENDS

This Chapter includes an overview of natural resources in Bennington, land use patterns, population and housing statistics, transportation resources, economic base, utilities, parks and recreational facilities, and other community services, as well as an analysis of future needs. All of the Figures and Tables referred to in this Chapter are included at the end of the Chapter.

A. Natural Resources and Environmental Conditions

The Town of Bennington is located in the northwest corner of Wyoming County. The location of the Town is depicted in Figure 3.

Streams

Streams running through Bennington include Cayuga Creek, which flows toward the northeast across the western portion of the Town, and its tributaries - Right Branch, Gillett Creek, Fenton Creek, and Red Brook. A segment of Tonawanda Creek flows along the west side of NYS Route 98, in the southeasternmost portion of the Town. (See Figure 4)

Public Water Supply Watershed

The watershed for the Village of Akron public water supply is located in the northeast portion of the Town of Bennington. Watershed rules and regulations, specified in the NYS Sanitary Code, are enforced by the Village's watershed inspector. The location of the watershed is shown in Figure 4.

Wetlands

Wetlands, such as swamps, marshes, or wet meadows where the ground water level is near or above the surface, provide several ecological benefits. They can store, like a sponge, large quantities of stormwater runoff, and provide unique habitats for a variety of plants and animals.

Both State and Federal laws and regulations are in effect to protect and preserve wetlands. New York State's Freshwater Wetlands Act directed the Department of Environmental Conservation (DEC) to map significant wetlands and prepare regulations restricting activities that would destroy or disturb the wetlands. The State delineates wetlands with an area of 12.4 acres (5 hectares) or larger, plus smaller wetlands of unusual importance. Land within 100 feet of delineated wetlands are also regulated in order to protect a sufficient buffer area. State-regulated wetlands located in the Town of Bennington are shown in Figure 5.

The U.S. Army Corps of Engineers (Corps) issues permits for activities in those wetlands subject to regulations under Section 404 of the Federal Clean Water Act. Maps of hydric soils and maps prepared by the U.S. Fish and Wildlife Service for the National Wetlands Inventory can be used in the preliminary identification of Federally regulated wetlands. Field investigation, based on criteria established by Federal regulations, is required to delineate the boundaries of these wetlands.

Flood Hazard Areas

Land within the 100-year floodplain have been mapped by the Federal Emergency Management Agency (FEMA) as part of the National Flood Insurance Program (NFIP). The "100 year flood" is estimated to be a flood with a 1% chance of occurring during any one year. Areas subject to such flood hazards are shown on Figure 6.

Soils

Soil characteristics present moderate limitations to development in much of the Town. Soil Associations are depicted in Figure 7. The characteristics of these soil associations, including any limitations posed to development, are summarized in Table 2.

B. Land Use Patterns, Trends and Projections

The use of land in 1995 is depicted in Figure 8. The data was adapted from real property assessment records, with the assistance of the Comprehensive Plan Committee. Table 3 summarizes the acreage of land in various categories, as well as the proportion of the Town's property tax base comprised of land in each category.

Agriculture

Approximately 43% of the land area in Bennington was identified as agricultural. Residential parcels occupy approximately 37% of the land area. These parcels may include residences associated with a farm, as well as residences surrounded by a significant amount of vacant land.

Residential

Housing in Bennington consists primarily of single family homes. Of the 1,058 residential parcels, 906 (86%) were single family dwellings, 16 were two-family dwellings, 2 were three-family residences, and 32 were mobile homes. A small mobile home park, intended for seasonal use, is located southeast of the intersection of Getman and Burrough Road. A clustered residential development, which incorporates relatively small lots and common open space, is located west of Lapp Road in the northwest corner of the Town.

Commercial/ Industrial

Existing commercial businesses in the Town of Bennington include several small stores and restaurants or service establishments located in the B-Business zoning districts. A small manufacturing business is located southeast of the hamlet of Cowlesville at the intersection of Schoelkopf Road and Folsomdale Road. Manufacturing establishments are also located in the hamlet of Cowlesville and at the intersection of Reilen Road and Clinton Street. A golf course is located on Stedman Road.

In addition, several businesses of various types operate with a Special Use Permit granted by the Town. These include automobile sales and repair, a saw mill, a landscaping business, excavation operations, and a bus company. Home occupations operating with a permit from the Town include beauty and barber shops, and repair businesses. The locations of these businesses are shown in Figure 9. Table 4 lists the businesses operating with Special Permits and as Home Occupations.

Recreation

The Town Park (Pine Tree Park) is located on the west side of Lapp Road, north of the hamlet of Cowlesville. A boy scout camp is located west of Burroughs Road along Cayuga Creek, west of Route 77.

Commercial recreation facilities include a golf course on the south side of Stedman Road in the northeast portion of the Town. Darien Lakes State Park and amusement center is located north of the Town of Bennington in the Town of Darien, Genesee County.

Public/ Community Service

The Town Hall and Highway Garage are located in Bennington Center, northeast of the intersection of Routes 77 and 354. Fire stations are located in Cowlesville and in Bennington Center. Locations of these public safety and governmental facilities are depicted in Figure 10.

Seven small cemeteries are located in Bennington, in the following locations: On the east side of Lapp Road, just north of the hamlet of Cowlesville, northwest of the intersection of Kern and Reilein Roads, south of Bennington Center on the west side of Route 77, east of Bennington Center on the south side of Clinton Street, northwest of the intersection of Geise Road and Stedman Road, on the east side of Maxon Road, and northeast of the intersection of Church and Ortner Roads. The locations of these cemeteries are shown in Figure 11.

C. Population and Housing

Total Population

According to the U.S. Census, the population of the Town of Bennington in 1990 was 3,046. The population grew by 14% during the 1970's, and by 5% during the 1980's. (See Table 5.)

Population by Age

As shown in Table 6, the distribution of Bennington's population by age group was very similar to that of Wyoming County as a whole. School aged children (ages 5 through 17) comprised 20% of the total population, and residents over the age of 65 represented 10% of the population.

Characteristics of households

Eighty-two percent (82%) of all households in the Town in 1990 were comprised of married couples; one-half of these households included children. A total of 15% of the households consisted of single persons; the occupants of nearly one-half (45%) of these households were older than 65 years of age. The remaining households were comprised of single parent families (5%), adult relatives sharing housing (5%) and unrelated individuals (3%). The distribution of household types in the Town of Bennington is shown in Table 7.

Households in Bennington are more likely to consist of families than are those in Wyoming County as a whole. Similarly, the number of persons per household (2.96) is larger than that for Wyoming County (2.79).

Housing

According to the U.S. Census, approximately 89% of the housing units in Bennington in 1990 were detached single family dwellings, and 4% were mobile homes (see Table 8). Approximately 81% of all dwelling units were owner-occupied in 1990. The Census counted 119 renter-occupied dwellings (11%), 60 dwellings which were used for seasonal or recreational purposes, and 31 which were vacant (see Table 9).

According to the Census, the median value of owner-occupied housing in 1989 was \$68,600 (see Table 10). This is considerably higher than the median for Wyoming County as a whole (\$52,500). The Wyoming County Business Outlook reported that the average sales of single family dwellings, including mobile homes and seasonal residences, between January 1990 and June 1992 was \$75,932 in Bennington, compared to \$52,493 for Wyoming County as a whole.

Nearly one-half (45%) of the housing units in the Town were built during the 1950's, 1960's and 1970's, and approximately 33% were built before 1940. In Wyoming County as a whole, 51% of all housing units were built before 1940, and only 33% were built during the 1950's, 1960's, and 1970's.

The median monthly rent in Bennington, as reported by the 1990 Census, was \$281 in Bennington and \$266 for Wyoming County as a whole (see Table 11). Nearly one-third (31%) of the rents reported were between \$250 and \$299 per month. The estimates for the Town of Bennington are based on a relatively low number of rental units.

D. Employment and Economic Base

According to the 1990 Census, approximately 1,641 residents of Bennington aged 16 or older were in the labor force in 1989 (see Table 12). Of these, 1,581 were employed, and 60 (3.7%) were unemployed. A total of 81.7% of males and 58.3% of females age 16 or older were in the labor force.

Approximately 11% of all employed residents worked in the Town of Bennington, and 22% worked elsewhere in Wyoming County. Residents who commuted out of the County comprised 66% of all employed residents in 1989 (see Table 13).

Estimates from the 1990 Census of the number of Bennington residents employed in specified industries are shown in Table 14. Twenty percent (20%) of employed residents worked in service industries in 1989, including health (106 residents), education (80 residents), and business and repair services (42 residents). Approximately 16% of the employed residents worked in manufacturing industries. Retail trade employed approximately 240 residents (15%) in 1989. Public administration (including the State prison in Attica), transportation, and agriculture each employed approximately 9% of Bennington's work force.

Table 15 shows the 1990 Census estimates of the number of Bennington residents employed in various occupations. Approximately one-quarter (28%) of employed Bennington residents worked in technical, sales or administrative support, including clerical, occupations in 1989. Approximately 21% worked as machine operators, laborers or in transportation or material handling jobs, and 13% had occupations in precision production, craft or repair, including skilled trades. Sixteen percent (16%) percent of employed residents held managerial or professional occupations. A total of 14% of residents were employed in service occupations, including protective services, and 7.5% were employed in farming, fishing or forestry.

Major sources of employment within Wyoming County include the Attica and Wyoming Correctional facilities (approximately 1,485 employees, Attica Central Schools (225 employees), Wyoming County government (950 employees), Champion products (1,030 employees as of June 1993), and Wyoming County Community Hospital (535 employees.) In addition, the Town of Bennington is within reasonable commuting distance of Buffalo, Batavia, and Rochester.

The median household income of Bennington residents in 1989 was \$36,250. This amount was slightly higher than that of Wyoming County as a whole (\$35,337). (See Table 16.)

E. Public Utilities

The Highland Glens cluster development, located in the northwest corner of the Town, is the only area in Bennington with a community water supply. The remainder of the Town relies on individual, on-site wells.

The public water supply reservoir for the Village of Akron, Erie County, is located in the northeastern portion of the Town. However, water from this supply is not distributed to any properties in Bennington.

The provision of public water service in Bennington would require the extension of water mains from neighboring Towns, such as connecting to the Erie County Water Authority lines to the west, or to the Village of Akron public water supply.

No properties in the Town of Bennington are served by public sewer lines.

F. Transportation

Two State highways pass through the Town of Bennington and intersect at the hamlet of Bennington Center. Route 77 is the main north-south route, which accesses Exit 48A of the NYS Thruway to the north, in the Town of Pembroke, Genesee County, and Route 98 to the south, in the Town of Java. Route 354 connects Bennington with Attica to the east and Buffalo to the west. A segment of NYS Route 98 passes through the southeast corner of the Town. Regional highway access to the Town of Bennington is illustrated in Figure 12.

County highways in the Town of Bennington include Folsomdale Road (County Highway 35), Church Road (County Highway 5), French Road (County Highway 62) and Bullis Road (County Highway 26). The jurisdiction of each of the roads and highways in Bennington is shown in Figure 13.

Bennington contains a total of 65.58 miles of Town roads. Many segments of Town roads are unpaved, and a few segments are restricted to seasonal use only. The locations of seasonal and unpaved roads are shown on Figure 14.

G. Parks and Recreation

Pine Tree Park, the Town Park located on Lapp Road north of the hamlet of Cowlesville, includes athletic fields and facilities for picnics. A committee of volunteers administers the recreational programs at the park, and organizes fundraisers to finance improvements.

H. Community Services and Government Administration

The Town of Bennington operates a Highway Department, and has a part time Town Clerk, a part time Assessor, and a part time Zoning Enforcement Officer. Enforcement of the NYS Uniform Fire Prevention and Building Code is conducted by Wyoming County staff.

Four volunteer fire companies serve Bennington: the Cowlesville Fire Company and the Bennington Fire Company, as well as the Harris Corners and Varysburg companies. The Ambulance and Rescue Squad is also operated on a volunteer basis. Locations of public safety and governmental facilities are shown in Figure 10.

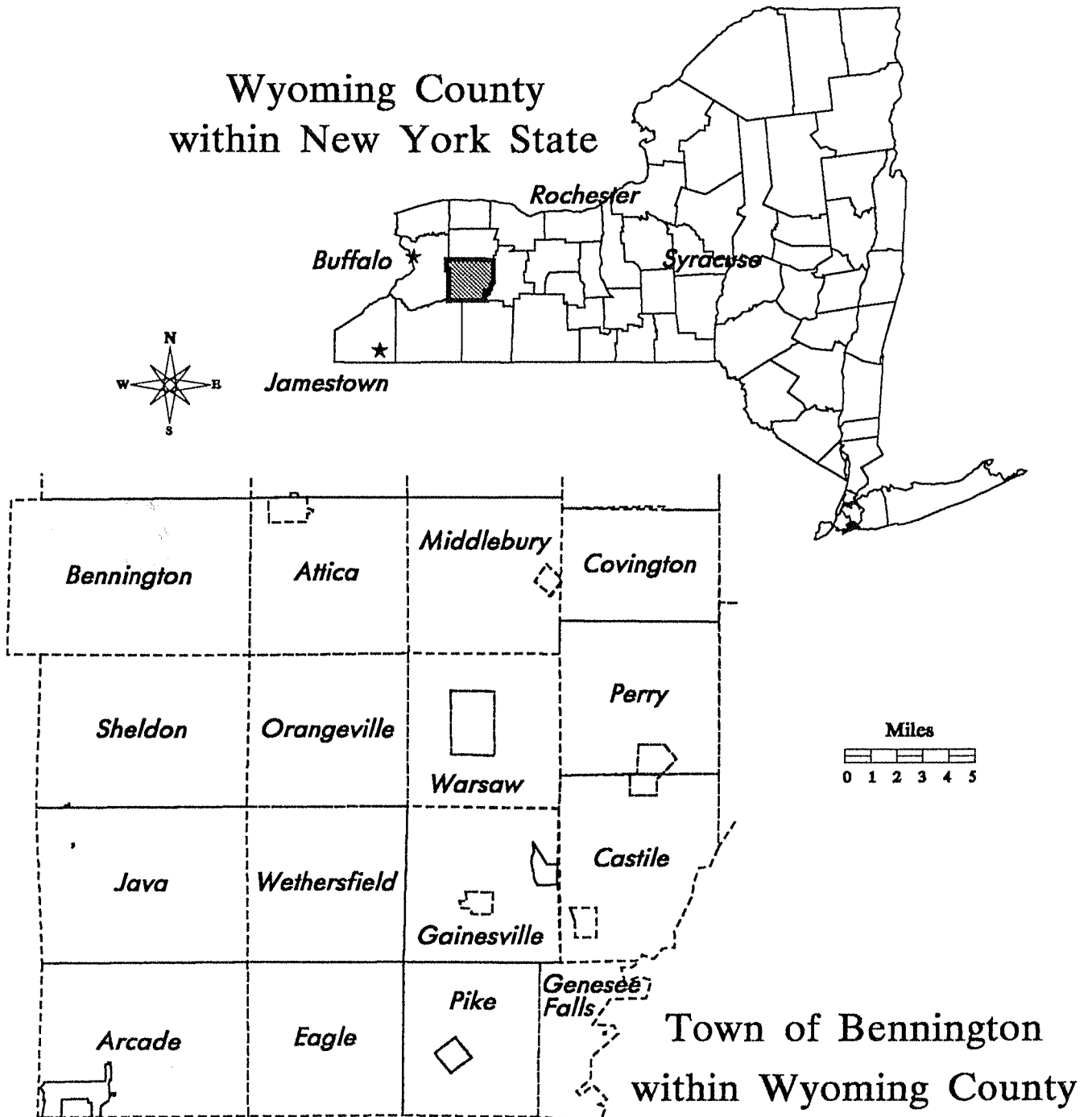
Most of Bennington is within the Attica School District. Portions of the Town are within the Alden, Alexander and Iroquois school districts. No schools are located within the Town.

Churches in the Town include the Baptist Church on Church Street in Cowlesville, the Sacred Heart Roman Catholic Church in Bennington Center, Our Lady Help of Christians, Salem United Church of Christ, and the Folsomdale Baptist Church. The locations of Bennington's churches are shown on Figure 11.

Figure 3

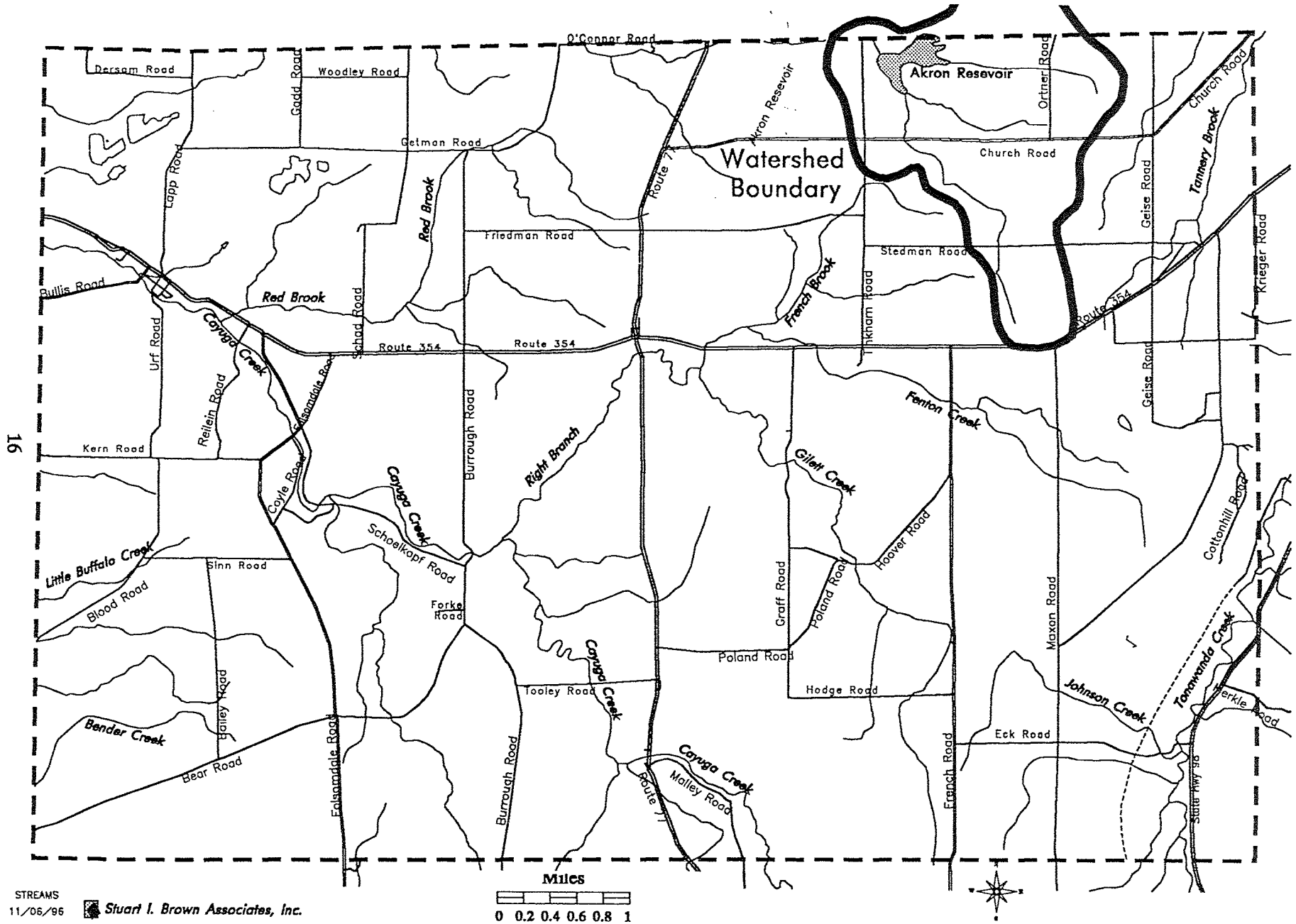
LOCATION MAP

TOWN OF BENNINGTON, WYOMING COUNTY



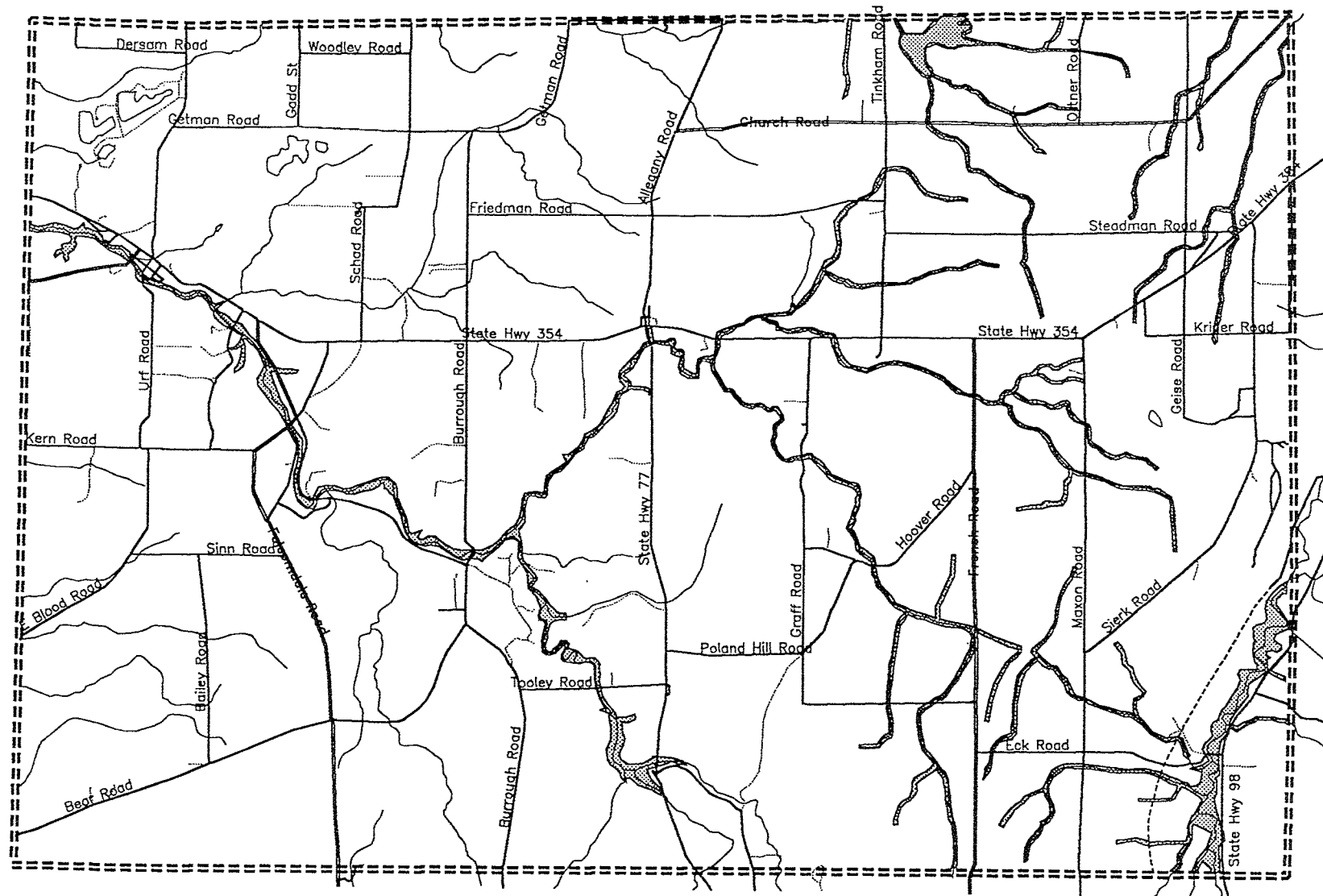
HYDROGRAPHY - TOWN OF BENNINGTON

Figure 4



FLOOD HAZARD ZONES - Town of Bennington

Figure 6

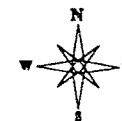


Flood Hazard Zones

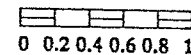
SOURCE: Federal Emergency Management Agency (FEMA)
Flood Insurance Rate Maps
All boundaries are approximate.



- Town Boundary
- Abandoned Railroad
- County Highway
- Highway
- Private Road or Driveway
- Town Roads



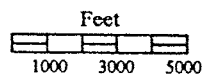
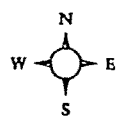
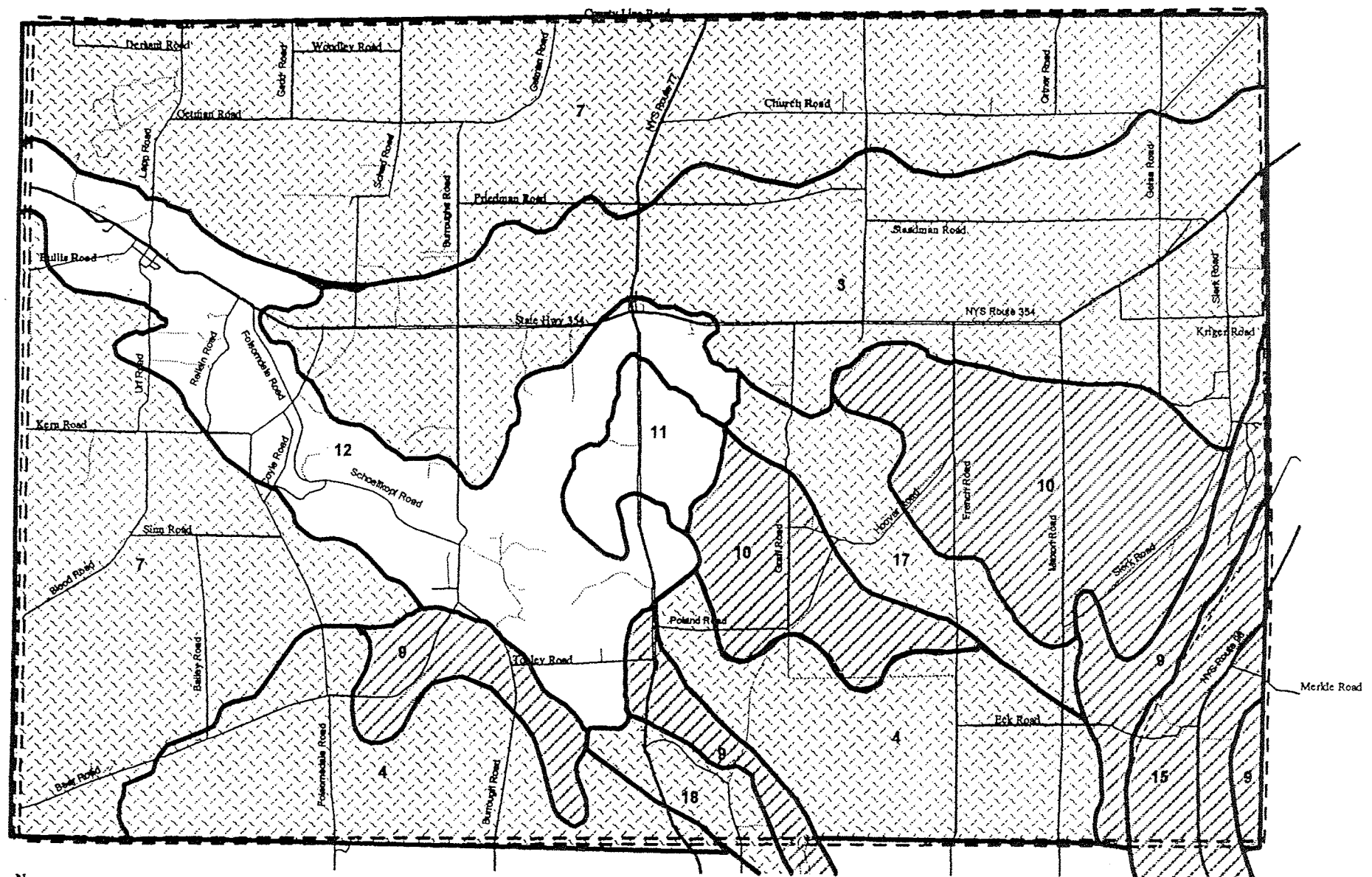
Miles



SOIL ASSOCIATIONS - TOWN OF BENNINGTON

Figure 7

61



Limitations of Soils to Development and Agriculture



Few Limitations



Moderate Limitations



Severe Limitations

- Town Boundary
- Abandoned Railroad
- County Highway
- Highway
- Private Road or Driveway
- Town Roads
- Seasonal Road

SOILS
11/11/96



Stuart L. Brown Associates, Inc.

See Table 2 for names and descriptions of Soil Associations

Table 2

**SOIL CHARACTERISTICS AND LIMITATIONS TO DEVELOPMENT AND AGRICULTURE
Town of Bennington**

Soil Association	Location	Characteristics
Few limitations		
11 Chenango-Howard-Castile Association	Along stream valleys just south of Bennington Center along Route 77	Some of the best farmland in the County is in this association. The drier areas of this association also provide excellent homesites.
12 Howard-Chenango Association	Along portions of the valleys formed by Cayuga Creek and Right Brook, including the hamlet of Cowlesville and Bennington Center	Some areas in this association provide excellent homesites. Most of the soils are dry and provide favorable filtration for sewage disposal. The onsite water supply generally is good. Grading is necessary in many areas of the association, but the soils are easy to manage.
Moderate limitations		
3 Darien-Ilion Association	Upland areas along most of the length of Clinton Road (Route 354)	This association includes somewhat poorly drained and poorly drained, medium lime soils that have a moderately fine textured subsoil. The terrain is nearly level to gently sloping land. The slow permeability in the subsoil and seasonal wetness severely limit residential development.
4 Erie-Langford Association	Southern portion of the Town	Large areas in this association have bedrock at a depth of 4 - 6 feet. The Erie soils include areas where runoff is slow or water accumulates. Drainage is a moderate restriction to residential development.
7 Fremont-Marilla-Hornell Association	Northern and western portions of the Town	Although some scattered areas are suitable for homesites, the seasonal wetness and slow permeability of most of the soils are limitations to residential development. These soils require lime and fertilizer applications to be productive for agriculture.

Table 2

**SOIL CHARACTERISTICS AND LIMITATIONS TO DEVELOPMENT AND AGRICULTURE
Town of Bennington**

Soil Association	Location	Characteristics
Moderate limitations (continued)		
17 Howard-Madrid Association	Eastern portion, along Gillett Creek	Some areas in this association provide dry homesites. Other areas are hilly and would require grading. Soils are generally well-drained.
18 Varysburg-Williamson-Churchville Association	Sides of the southern portion of the Cayuga Creek valley in the south-central portion of the Town	This association has a diversified soil pattern in gently sloping to moderately steep terrain. A few areas provide good homesites, but most of the soils are moderately to seriously limited. Bearing strengths are extremely variable within very short distances, and highway locations and building foundations require careful investigation. Slippage of side slopes is prevalent in at least half of the areas.
Severe limitations		
9 Manlius-Lordstown Association	Narrow bands of soils in the southwest and southeast portion of the Town	This association includes steep and very steep hillsides, most of which are wooded. These areas are generally too steep for use other than woodland, wildlife habitat or recreational purposes.
10 Lordstown-Tuller-Arnot Association	Upland areas in the eastern portion of the Town, south of Route 354	A relatively thin soil mantle covers hard sandstone bedrock in this association. Although a few areas of these soils are deep enough to permit farming, the shallow depth to bedrock limits most non-farm uses.
15 Caneadea Association	Along Tonawanda Creek in the southeastern corner of the Town	The terrain in this association is gently sloping to steep. Most areas were originally cleared and farmed, but only the more favorable slopes are now cultivated. The dominant soil in this association is seasonally wet, slowly permeable, and highly erodible and unstable. In addition, the steepness of soils in this association is a deterrent for many uses, due to the severe hazard of sheet and gully erosion.

SOURCE: U.S. Department of Agriculture, Soil Conservation Service, Soil Survey of Wyoming County, New York, April 1974.

EXISTING LAND USE

Town of Bennington - 1996

Figure 8



Table 3

LAND USE BY TAX PARCEL - 1995
Town of Bennington

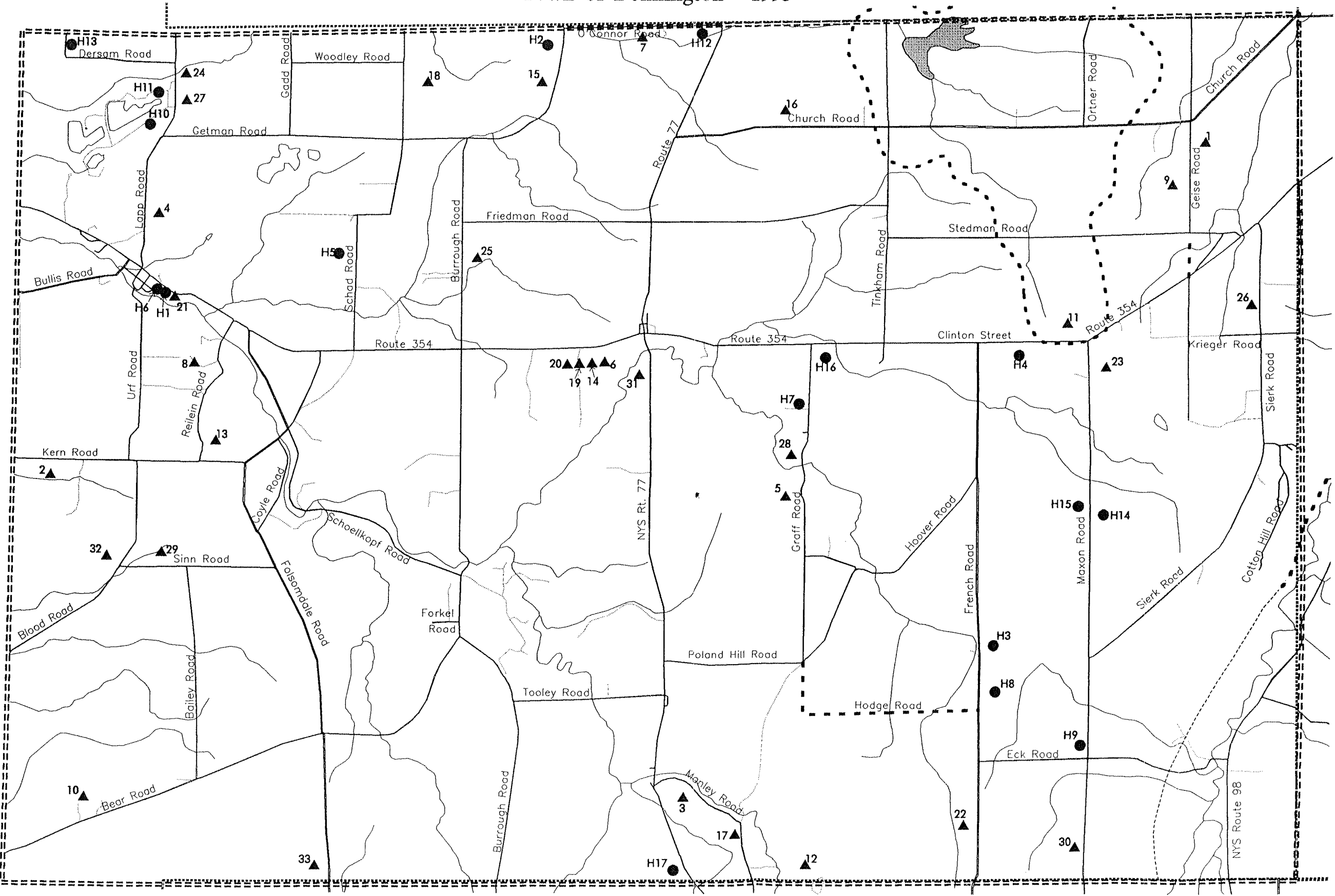
Land Use Category	# Parcels	Approximate Area (Acres)	% Total Land Area	% Total Taxable Assessment
Agriculture	177	15,062	42.7%	10.7%
Residential	1,058	13,120	37.2%	68.7%
Vacant	408	5,034	14.3%	4.2%
Commercial	14	426	1.2%	1.0%
Recreation	4	769	2.2%	0.3%
Public & Community Service	21	31	0.1%	0.0%
Industrial	7	642	1.8%	1.3%
Utilities & Transportation	135	180	0.5%	13.6%
TOTAL:	1,824	35,264	100.0%	100.0%

SOURCE: Wyoming County Real Property Tax Records - 1995

SPECIAL PERMITS & HOME OCCUPATIONS

Town of Bennington - 1995

Figure 9

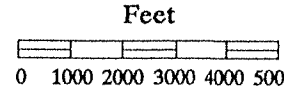


▲ SPECIAL USE PERMITS

1. Construction
2. Signs
3. Construction
4. Commercial
5. Commercial
6. Bus Dispatching
7. Auto Sales
8. Gravel pit
9. Commercial Trucking
10. Landscaping/ Nursery
11. Commercial
12. Campgrounds
13. Gravel Pit
14. Milk Hauler, Trucking
15. Used Car Sales
16. Plumbing/ Heating
17. Excavation
18. Excavation/ Trucking
19. Tractor Trailers
20. Lime Business
21. McDonalds Bus Service
22. Saw Mill
23. Store/ Auto Inspection
24. Garage Doors
25. Welding/ Fabrication
26. Used Car Sales
27. Logging Business
28. Food Broker
29. Contractor/ Builder
30. Motor Vehicle Repair
31. Motor Vehicle Repair
32. Mike Baron
33. Dairy Equipment

- HOME OCCUPATIONS
1. Hair Styling
 2. Oil Filters, etc.
 3. Craft Sales
 4. Office Services
 5. Antenna Services
 6. Wood/ Metal manufacture, sales
 7. Auto, Machine Shop
 8. Printing
 9. Real Estate
 10. Ceramics/ Porcelain
 11. Imprinted wearables

13. Real Estate
14. Computer software
15. Computer services
16. Law Office
17. Packaging Maple Syrup
18. Dog grooming



- Reservoir Watershed
- Town Boundary
- Abandoned Railroad
- County Highway
- Highway
- Private Road or Driveway
- Seasonal Road
- Town Roads

Table 4

**BUSINESSES OPERATING WITH A SPECIAL PERMIT
OR AS A HOME OCCUPATION
TOWN OF BENNINGTON - 1996**

SPECIAL USE PERMITS

#	NAME	ADDRESS	TYPE OF BUSINESS
1	Chuck Rogers	535 Geise Road	Light Commercial
2	David Ludwig	74-76 Kern Road	Sign Business
3	William Ayers	1846 Manley Road	Construction
4	M & J Excavation	633 Lapp Road	Light Commercial
5	M & J Excavation	1272 Graff Road	Light Commercial
6	Richard McDonald	1156 Clinton St.	Dispatching Buses
7	R. Breissinger	1148 O'Connor Road	Auto Sales
8	R & J Kissell	1026 Reilein Road	Gravel Pit
9	Norm Kriger	588 Geise Road	Light Commercial - Truckin
10	Gordon Fisher	117 Bear Road	Landscaping, Nursery
11	Louis Breton	2033 Clinton Street	Light Commercial
12	Theod. Attea Buf Hls Rts. 20 A		Campgrounds
13	Frognone&Dombrow	1133 Reilein Road	Gravel Pit
14	David McCabe	1134 Clinton St.	Milk Hauler, trucking
15	Arlene Muniak	967 Getman Road	Used Car Sales
16	David Bradfield	1607 Church Road	Plumbing/ heating
17	Dennis Becker	1560 Manley Road	Excavation
18	Al Zielonka	331 Schad Road	Excavation/ trucking
20	Anthony Michalek	1038 Clinton St.	Lime Business
21	McDonald's Bus Ser.	248 Sargent St.	Bus Business
22	Richard McMurray	1938 French Road	Saw Mill
23	Geo. & Betty Pfaff	1019 Maxon Road	Store Auto Inspection
24	Edward Myers	325 Lapp Road	Garage Door Business
25	Wayne Helser	723 N. Burrough	Welding/ fabrication
26	Kevin Skoczylas	896 Sierk Road	Used Car Sales
27	Robert Schlossin	429 Lapp Road	Logging Business
28	John Emerling	1177 Graff Road	Food Broker
29	Brian Sulzbach	270 Sinn Road	Contractor/ Builder
30	Diane Lohman	1904 Maxon Road	Motor Vehicle Repair
31	Raymond Reiner	978 Aleghany Road	Motor Vehicle Repair
32	Mike Baron		
33	Jeffrey Ripstein	Folsomdale Road	Dairy Equipment
34	Nathan DeGroot	Sinn Road	
35	Chris Saylay	Route 77	Diesel Mechanic
36	Gary George	Route 77	Construction

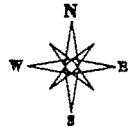
Table 4

**BUSINESSES OPERATING WITH A SPECIAL PERMIT
OR AS A HOME OCCUPATION
TOWN OF BENNINGTON - 1996**

HOME OCCUPATIONS

#	NAME	ADDRESS	TYPE OF BUSINESS
H1	Sandra Jerge	251 Sargent St.	Hair Styling Salon
H2	Gary Arcese	1048 Getman	Oil Filters etc.
H3	Marilyn Britton	1543 French Road	Sale of Crafts
H4	Caroline Weber	2002 Clinton Street	Office Services (typing) etc.
H5	Eric Unselt	758 Schad Road	Antenna Services
H6	Thomas Rumley	800 Urf Road	Manufacture/ sale of wood & metal sporting goods
H7	Allen Linsey	996 Graff Road	Auto Machine shop
H8	Thomas Hudson	1639 French	Printing
H9	Esther Kohlhagen	1780 Maxon	Real Estate
H10	Antoinette Rhodes	438 Lapp Road	Ceramics/ Porcelain
H11	Cindy Ciupek	27 South Shore Drive	Imprinted Wearable
H12	Diane Lautenschlagge	1348 O'Connor Road	Repair/ Sale of toy trains
H13	Paul Dersam	27 Sullivan Road	Real Estate
H14	A. & H. Thomas	1453 Maxon	Computer Software

Figure 10



PUBLIC SAFETY, RECREATION, AND GOVERNMENT FACILITIES **Town of Bennington**

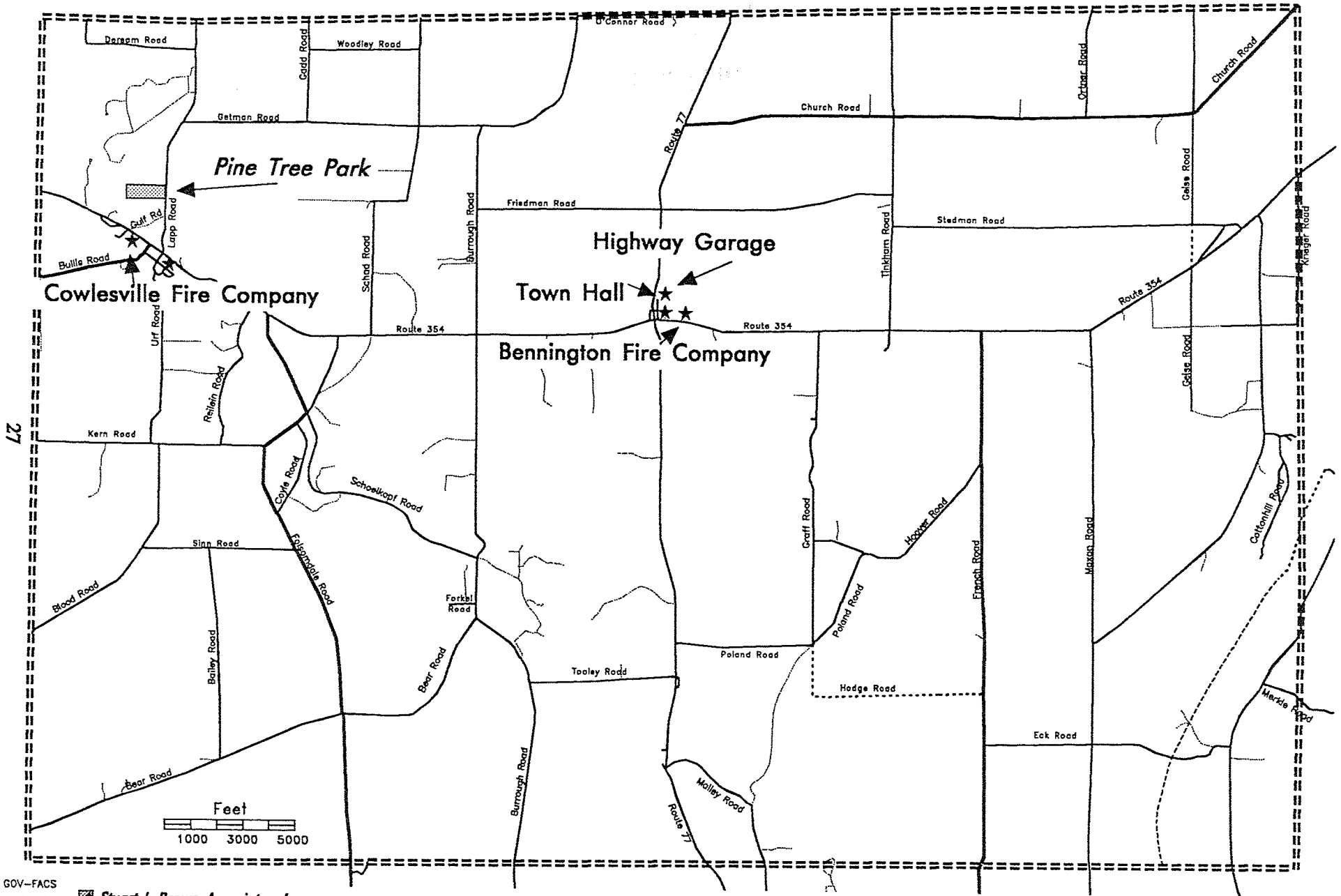


Figure 11

CHURCHES AND CEMETERIES

Town of Bennington

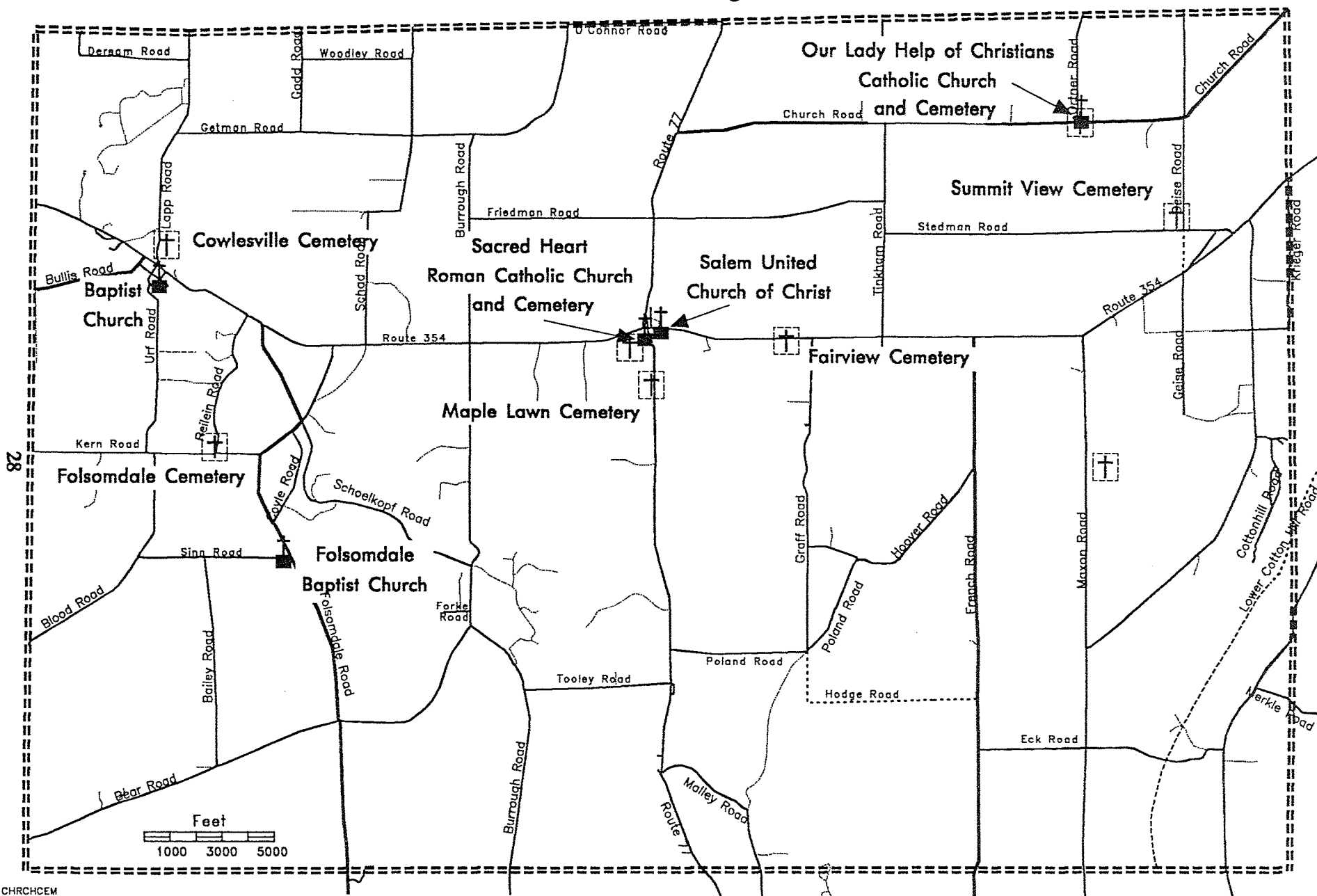
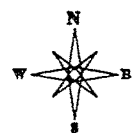


FIGURE 12

Regional Highway Access

Town of Bennington

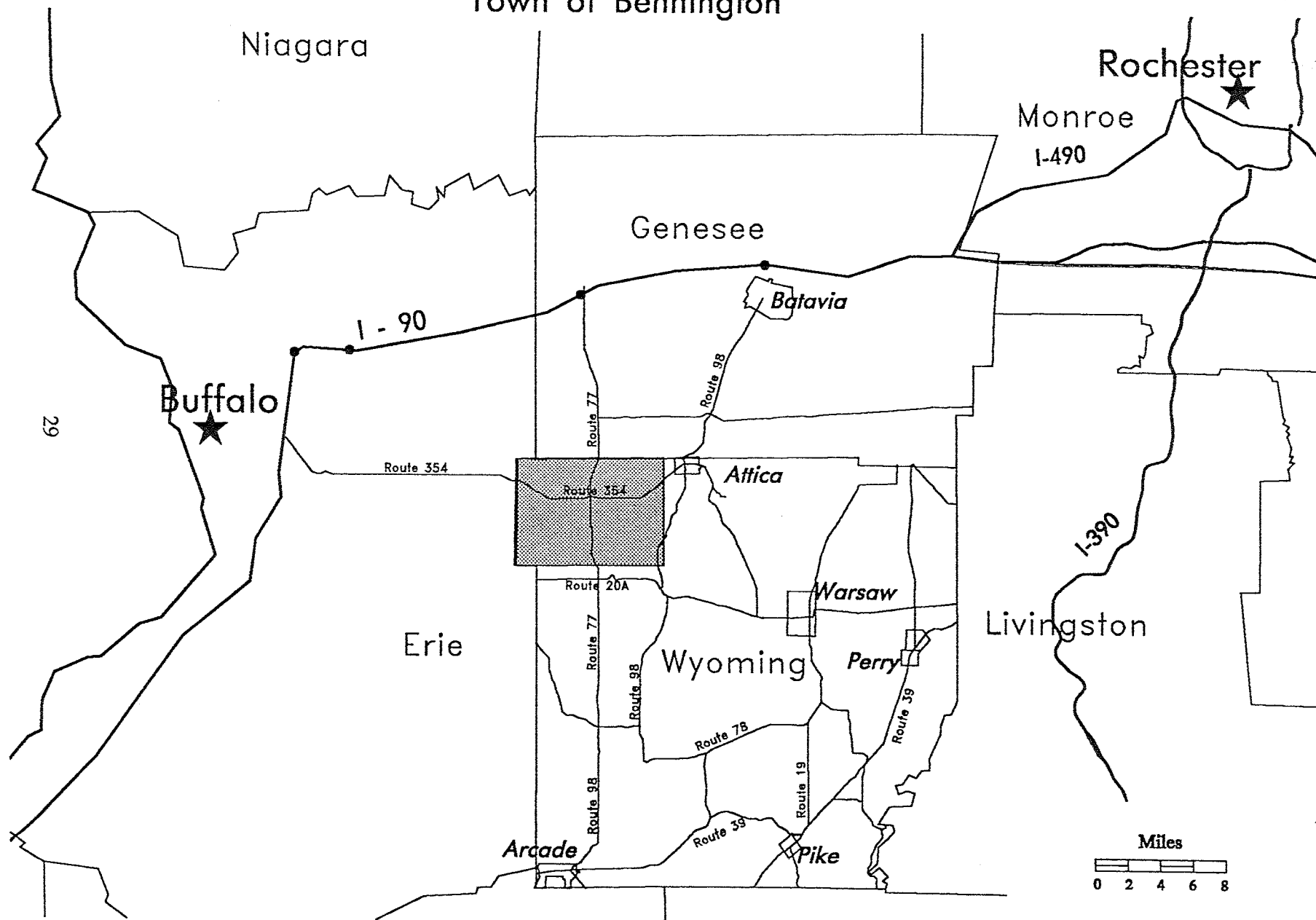
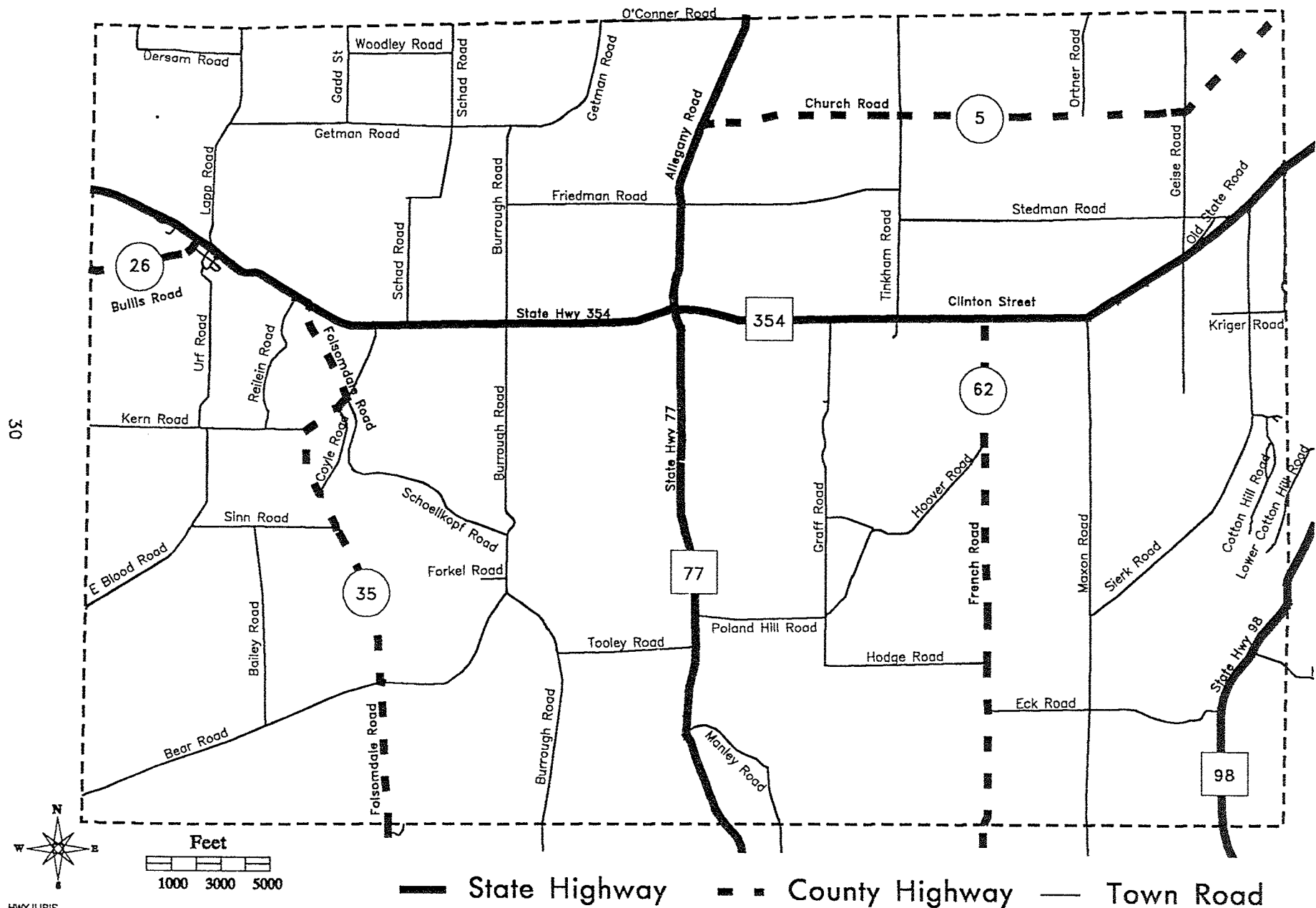


Figure 13

ROAD AND HIGHWAY JURISDICTIONS - TOWN OF BENNINGTON



UNPAVED AND SEASONAL TOWN ROADS - TOWN OF BENNINGTON

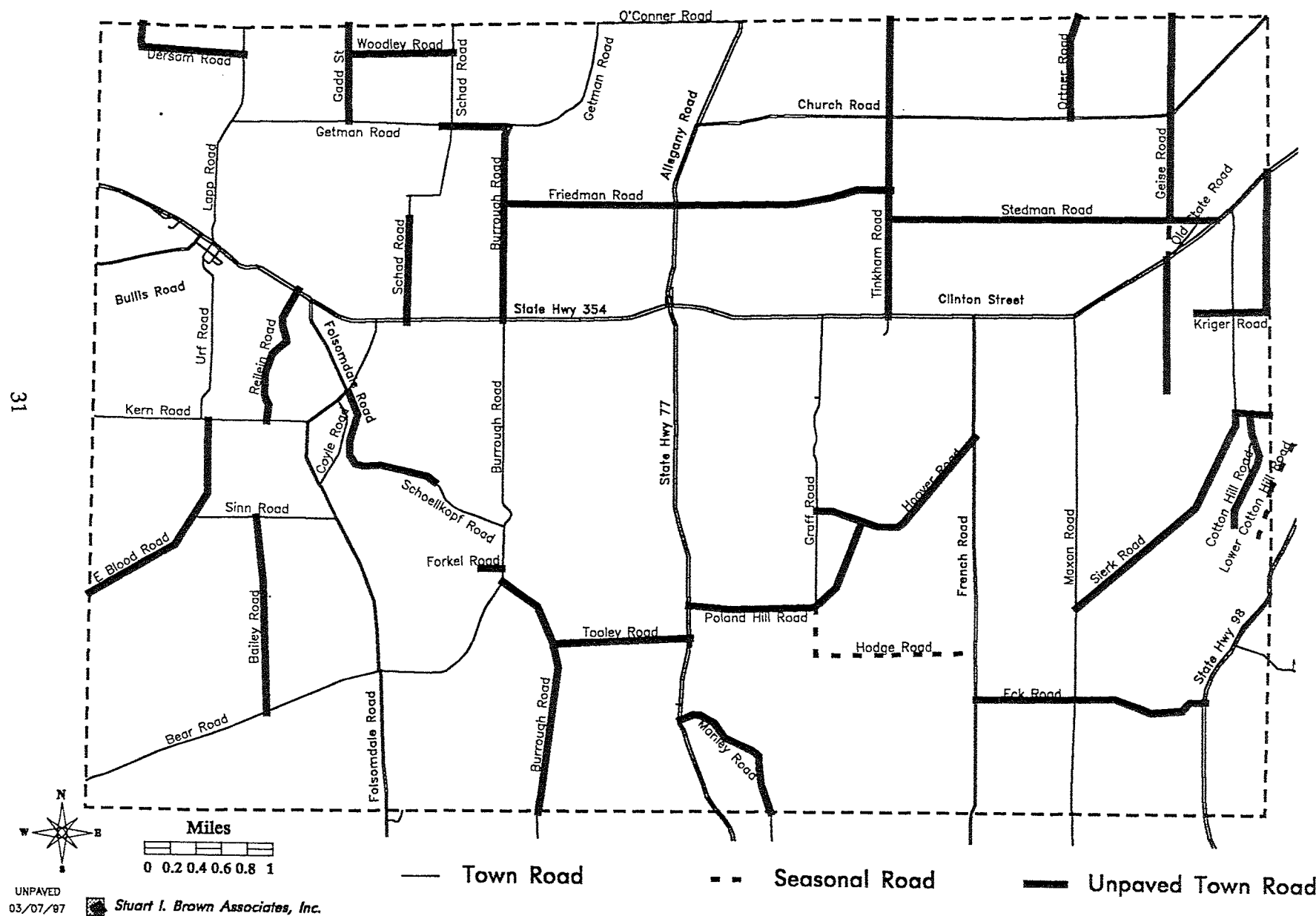


Table 5

**POPULATION BY AGE
TOWN OF BENNINGTON
1970-1990**

Age Category	1970		1980		1990	
	No.	Percent	No.	Percent	No.	Percent
Less than 5	252	9.9%	196	6.8%	214	7.0%
5 - 17	809	31.8%	748	25.9%	621	20.4%
18 - 64	1,303	51.2%	1,687	58.4%	1,903	62.5%
65 or older	181	7.1%	257	8.9%	308	10.1%
TOTAL POPULATION	2,544	100.0%	2,889	100.0%	3,046	100.0%

Source: U.S. Census Bureau, Census of Population and Housing (1970,1980,1990)

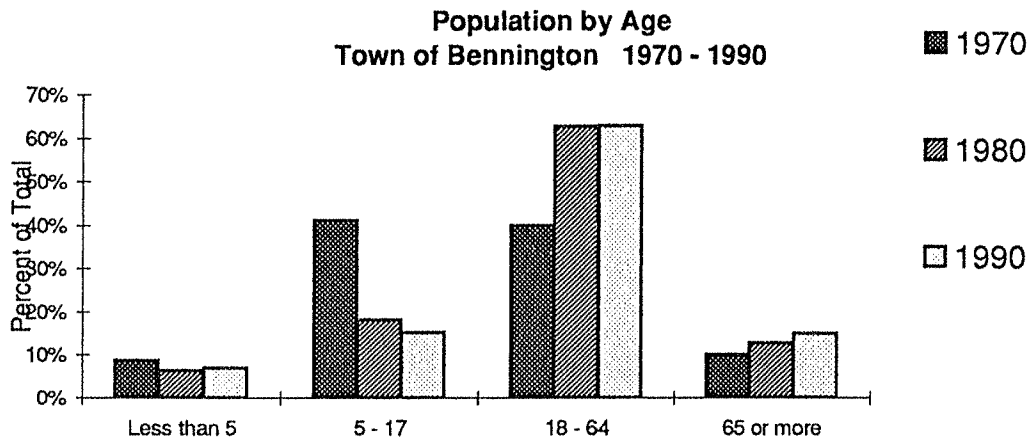


Table 6

**AGE OF RESIDENTS
TOWN OF BENNINGTON
1990**

	Town of Bennington		Wyoming County	
	#	%	#	%
Under 5 years	214	7.0	2,972	7.0
5 to 17 years	621	20.4	8,249	19.4
18 to 24 years	295	9.7	4,128	9.7
25 to 44 years	959	31.5	14,496	34.1
45 to 64 years	649	21.3	7,528	17.7
Age 65+	308	10.1	5,134	12.1
Total:	3,046	100.0	42,507	100.0

SOURCE: 1990 Census of Population and Housing, STF 1A

**Age of Population
Town of Bennington and Wyoming County - 1990**

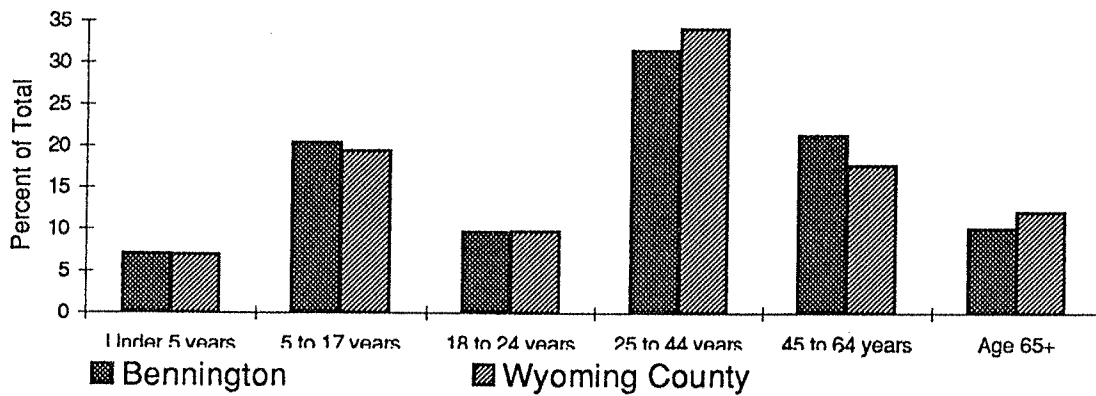


Table 7

HOUSEHOLD AND FAMILY CHARACTERISTICS TOWN OF BENNINGTON, WYOMING COUNTY 1990

	Town of Bennington		Wyoming County	
	#	%	#	%
Total Households	1,028		13,897	
Family Households	847	82.4	10,528	75.8
Married couple with no children	379	36.9	4,340	31.2
Married Couple with children	379	36.9	4,517	32.5
Single Parent (Female) with children	30	3.5	764	7.3
Single Parent (Male) with children	13	1.3	288	2.1
Other family (Adult relatives sharing housing)	46	4.5	619	4.5
Non-family households	181	17.6	3,369	24.2
Single Person household	153	14.9	2,847	20.5
Householder 65 years and over	69	6.7	1,391	10.0
Unrelated individuals	28	2.7	522	3.8
Total Population	3,046		42,507	
Persons living in households	3,046		38,776	
Persons living in group quarters	0		3,776	
Persons per household	2.96		2.79	

SOURCE: 1990 Census of Population and Housing, STF 1A

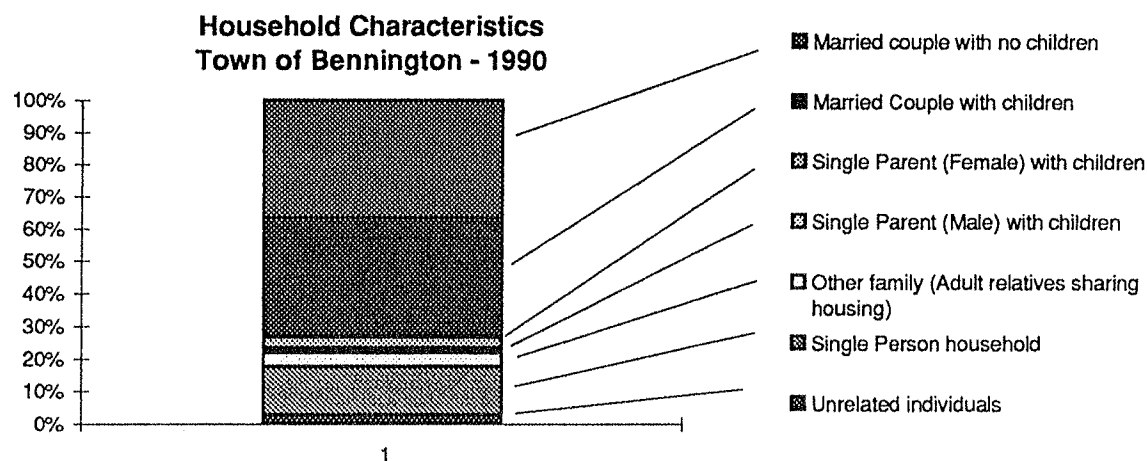


Table 8

**HOUSING UNITS BY NUMBER OF UNITS IN STRUCTURE
TOWN OF BENNINGTON
1990**

UNITS IN STRUCTURE	# HOUSING UNITS	PERCENT OF TOTAL
1 (detached)	996	89.0%
1 (attached)	6	0.5%
2	53	4.7%
3 or 4	11	1.0%
5 to 9	-	0.0%
10 to 19	1	0.1%
Mobile Home	40	3.6%
Other	12	1.1%
Total	1,119	100.0%

Source: 1990 Census of Population and Housing, Summary File 1A

Table 9

**RESIDENTIAL OCCUPANCY BY TENURE
TOWN OF BENNINGTON, WYOMING COUNTY
1990**

Category	Bennington		Wyoming County	
	Number	Percent	Number	Percent
Owner Occupied	909	81.2	10,443	65.9
Renter Occupied	119	10.6	3,454	21.8
Vacant	31	2.8	625	3.9
Seasonal/ Recreational	60	5.4	1326	8.4
TOTAL	1,119	94.6	15,848	91.6

Source: 1990 Census of Population and Housing, Summary File 1A

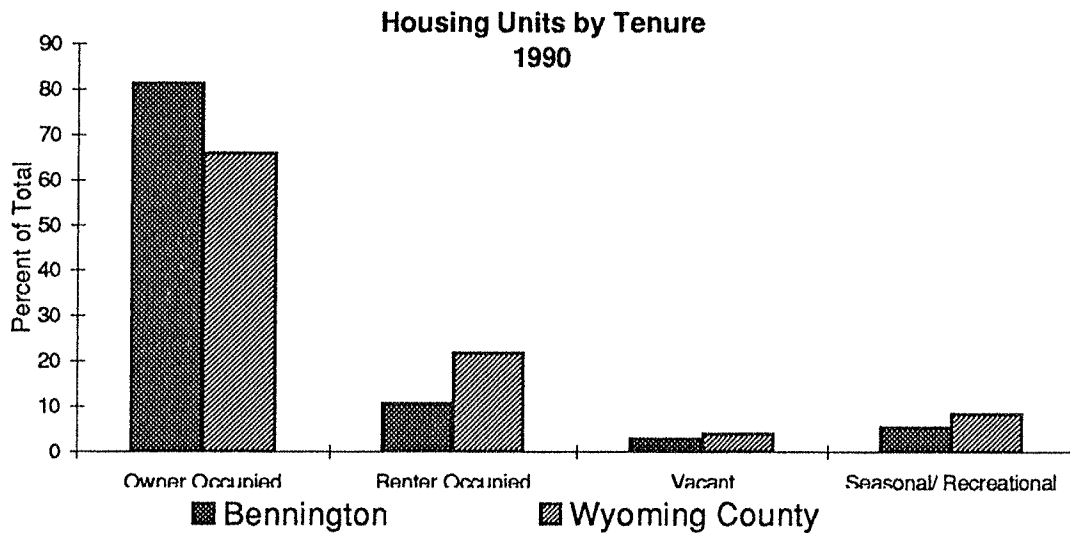


Table 10

**VALUE OF OWNER OCCUPIED UNITS SURVEYED
TOWN OF BENNINGTON
1990**

Category	Bennington		Wyoming County
	Number	Percent	Percent
Less than \$45,000	62	12.1	36.7
\$45,000-59,999	129	25.2	26.0
\$60,000-74,999	113	22.1	18.9
\$75,000-99,999	145	28.3	13.4
\$100,000-149,999	53	10.4	4.1
\$150,000 or more	10	2.0	0.8
TOTAL	512	100.0	100.0
MEDIAN VALUE	\$68,600		\$52,500

Source: 1990 Census of Population and Housing, Summary Tape File 1A

Note: Units surveyed excluded mobile homes, houses with a business or medical office, houses on 10 or more acres, and dwellings in multi-unit buildings.

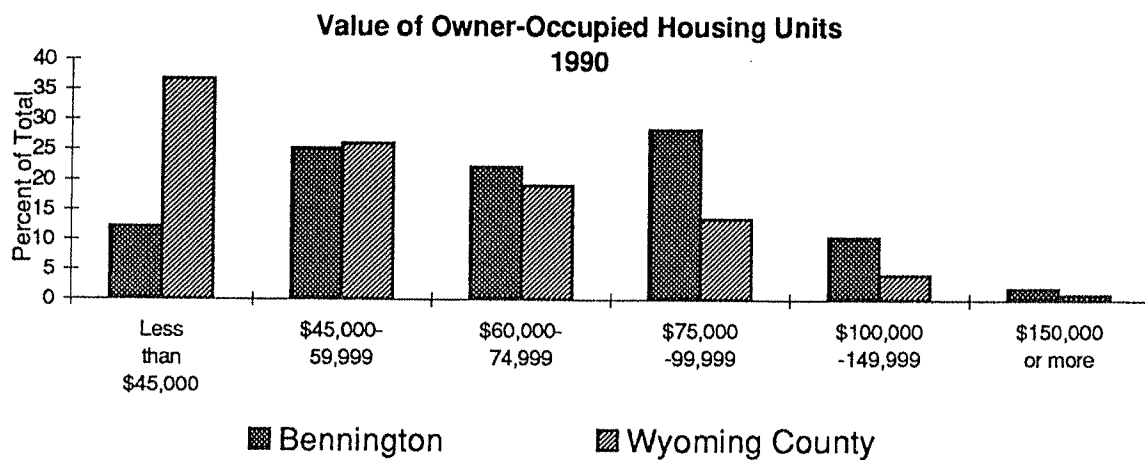


Table 11

**MONTHLY RENT
TOWN OF BENNINGTON
1990**

Category	Bennington		Wyoming County
	Number	Percent	Percent
Less than \$200	11	16.4	18.5
\$200 to \$250	12	17.9	23.5
\$250 to 299	21	31.3	24.4
\$300 to 349	13	19.4	20.7
\$350 to 400	5	7.5	8.2
\$400 or more	5	7.5	4.6
TOTAL	67	100.0	100.0
MEDIAN RENT	\$281		\$266

Source: 1990 Census of Population and Housing, Summary Tape File 1A

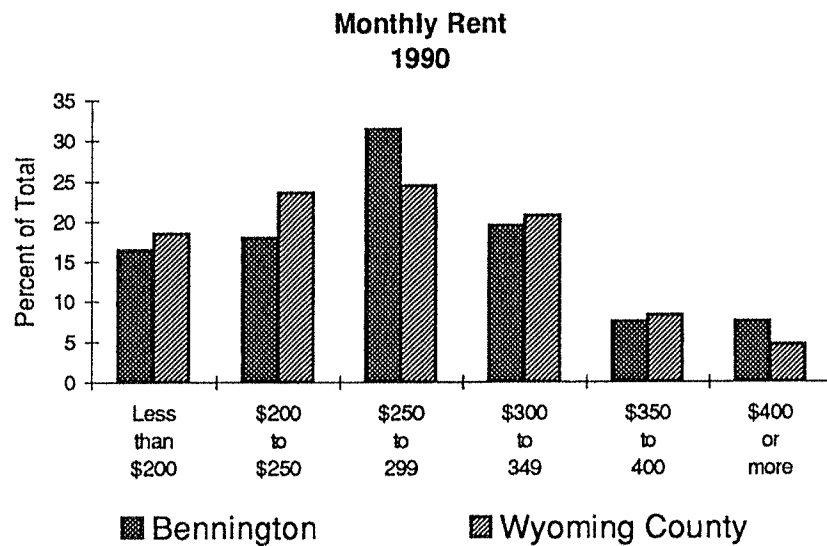


Table 12

LABOR FORCE STATUS
TOWN OF BENNINGTON

	Total	Male	Female
Persons, 16 years or older	2,334	1,198	1,136
Civilian Labor Force	1,641	979	662
Employed	1,581	958	623
Unemployed	60	21	39
% Unemployed	3.7	2.1	5.9
Not in Labor Force	693	219	474
% Not in Labor Force	29.7	18.3	41.7

Source: 1990 Census of Population and Housing, Summary File 3A

Table 13

PLACE OF WORK
EMPLOYED RESIDENTS AGE 16 AND OLDER
TOWN OF BENNINGTON

	#	%
Workers age 16 years and older	1,530	
Place of Work		
Town of Bennington	169	7.2%
Elsewhere in Wyoming County	338	14.5%
Elsewhere in New York State	1,018	43.6%
Outside New York State	5	0.2%

Table 14

EMPLOYMENT BY TYPE OF INDUSTRY
TOWN OF BENNINGTON, WYOMING COUNTY
1990

Activity	Town of Bennington		Wyoming County
	Number	Percent	Percent
Agriculture, Forestry, Fisheries	146	9.2	9.3
Mining	20	1.3	0.7
Construction	162	10.2	7.4
Manufacturing			
Non-durable goods	64	4.0	8.6
Durable goods	187	11.8	12.6
Transportation	143	9.0	4.2
Communications & Other Public Utilities	58	3.7	1.7
Wholesale Trade	64	4.0	3.0
Retail Trade	240	15.2	14.3
Finance, Insurance, & Real Estate	37	2.3	3.5
Services			
Business & Repair	42	2.7	2.9
Personal	29	1.8	1.8
Entertainment & Recreation	16	1.0	1.1
Professional & Related			
Health	106	6.7	8.5
Education	80	5.1	8.6
Other	40	2.5	4.7
Public Administration	147	9.3	7.2
Total Employed Persons Age 16+	1,581	100.0	

Source: 1990 Census of Population and Housing Summary, File 3A

Table 15

**OCCUPATIONS OF RESIDENTS
TOWN OF BENNINGTON and WYOMING COUNTY
1990**

Occupational Categories	Bennington		Wyoming County
	Number	Percent	Percent
Managerial & Professional Specialty			
Executive, Administrative, & Managerial	131	8.3	6.7
Professional Specialty	128	8.1	11.0
Technical, Sales, Admin. Support			
Technical & Related Support	76	4.8	3.0
Sales	146	9.2	7.6
Administrative Support, including Clerical	215	13.6	13.6
Service Occupations			
Private Household	-	0.0	0.1
Protective Service	94	5.9	3.9
Other Service	131	8.3	11.3
Farming, Forestry, Fishing	119	7.5	8.3
Precision Production, Craft, & Repair	208	13.2	14.7
Operators, Fabricators, & Laborers			
Machine Operators, Assemblers, Inspectors	109	6.9	9.2
Transportation & Material Moving	154	9.7	5.6
Handlers, Equipment Cleaners, Helpers, Laborers	70	4.4	5.0
Total Employed Persons Age 16+	1,581	100.0	100.0

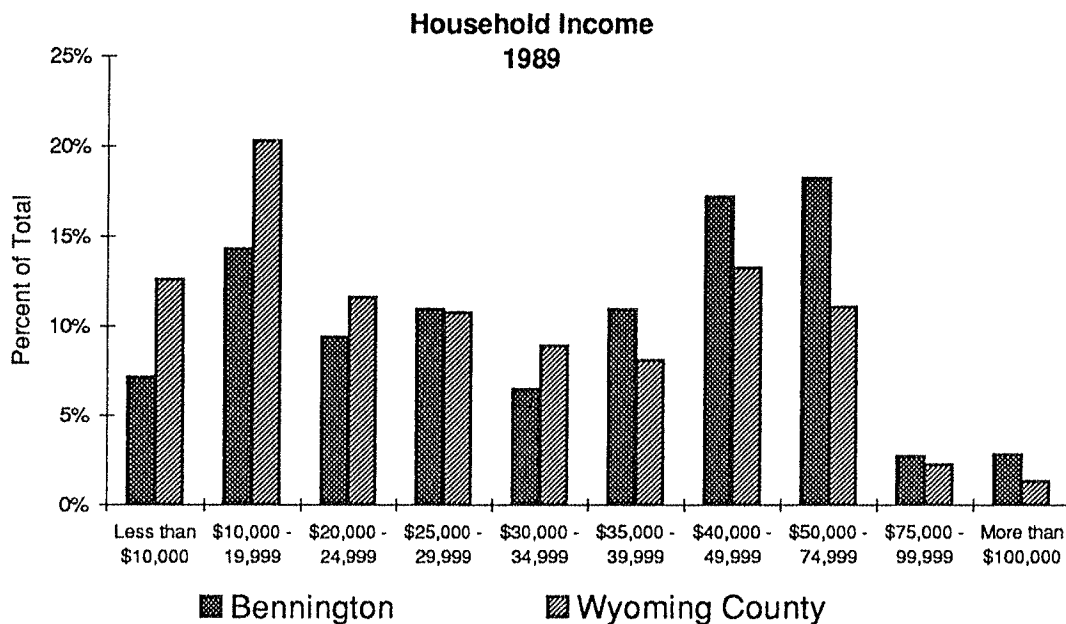
Source: 1990 Census of Population and Housing, Summary File 3A

Table 16

HOUSEHOLD INCOME
TOWN OF BENNINGTON & WYOMING COUNTY
1989

Category	Bennington		Wyoming County	
	Number	Percent	Number	Percent
Less than \$10,000	74	7.1%	1,753	12.6%
\$10,000-19,999	148	14.3%	2,825	20.3%
\$20,000-24,999	97	9.4%	1,615	11.6%
\$25,000-29,999	113	10.9%	1,496	10.7%
\$30,000-34,999	67	6.5%	1,237	8.9%
\$35,000-39,999	113	10.9%	1,124	8.1%
\$40,000-49,999	178	17.2%	1,840	13.2%
\$50,000-74,999	189	18.2%	1,540	11.1%
\$75,000-99,999	28	2.7%	313	2.2%
More than \$100,000	29	2.8%	182	1.3%
TOTAL	1,036	100.0%	13,925	100.0%
MEDIAN INCOME	\$ 36,250		\$ 35,337	

Source: 1990 Census of Population and Housing, Summary File 3A



CHAPTER 3

DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS

This Chapter presents the issues, needs and opportunities discussed during the planning process and identified during the Residents' Survey. The opportunities for and constraints against future development and conservation in Bennington are presented in six categories: Natural Resources and Agriculture; Housing and Residential Development; Business and Economic Development; Transportation; Public Utilities; and Parks and Recreation.

A. NATURAL AND PHYSICAL INFLUENCES ON DEVELOPMENT

Natural and physical limitations to future development in the Town of Bennington include soil characteristics, environmental features such as wetlands and flood hazard areas, transportation facilities, and public utilities.

Natural Resources

Natural resources within the Town of Bennington that affect the potential for future development include soils, wetlands and flood hazard areas. Soil conditions present the most widespread limitations, as many parts of the Town are not suitable for on-site septic systems due to poor drainage, and other areas are too unstable to support building foundations.

Wetlands and floodprone areas severely limit development in certain areas in the Town. However, as shown in Figures 5 and 6, the amount of land affected is relatively small.

Transportation

The two State highways in Bennington - Route 77 and Route 354 - provide excellent access to the NYS Thruway, the Buffalo area and to Attica and Batavia, as shown in the Regional Highway Access Map (Figure 12). These highways contribute to the potential for both residential and business development in Bennington.

Many segments of Town roads are not paved, and some are restricted to seasonal use only. Such limitations may increase the potential for retaining open spaces. Figure 13 shows the locations of roads in Bennington that are restricted to seasonal use.

Public Utilities

Bennington is not served by public water or sewers. As a result, the potential for intensive residential, commercial or industrial development is limited. Development is likely to be limited to projects that can be accommodated by individual, on-site water supply and sewage disposal.

B. PROSPECTS FOR VARIOUS TYPES OF DEVELOPMENT AND CONSERVATION

Agriculture

Soils in Bennington are variable, and most are moderately productive for agriculture. Farmland with less productive soils has been left idle, as agricultural operations consolidate.

Concerns between agriculture and residences include the potential for contamination of groundwater due to applications of fertilizer, manure and pesticides, as nearly all of the residences in Bennington rely on individual wells.

Housing and Residential Development

The Town of Bennington is attractive to residential development due to its rural environment and its location within commuting distance of Buffalo, Batavia and Rochester. As no public water nor sewer service is available within the Town, new housing on single lots must rely on individual wells and septic systems, and larger scale development would require either extensions of public services into the Town or a community or package system for water supply and sewage disposal. Soil characteristics limit the viability of conventional septic systems in large areas of the Town. However, more sophisticated on-site sewage disposal systems may be installed which can operate effectively in areas with poor natural drainage. Such systems are considerably more expensive than conventional systems.

The road system, and especially the number of unpaved roads in Bennington, limit the Town's attractiveness for residential development. On the other hand, the dirt roads may be considered to be an integral part of the Town's rural character.

Agriculture is also part of the Town's rural character. Country living, open spaces and farmland were identified by 68% of the respondents to the Residents Survey as "the one main reason [they] chose to live in Bennington." A total of 92% of respondents "agreed" or "strongly agreed" that, "It is important that farming and agriculture related industries continue to be strong in Bennington." However, potential conflicts with residential uses include noise, odors, and potential groundwater contamination due to applications of fertilizer and pesticides.

The rural and open character of Bennington will continue to attract new residential development, despite the constraints posed by soils, lack of public utilities, and unpaved roads.

Business and Economic Development

In Bennington, large parcels of land are available, with few immediate neighbors, and Town policies are generally encouraging toward the establishment of new businesses. As shown in the "Regional Highway Access" map (Figure 12), NYS Route 77 provides easy access to the NYS Thruway, and NYS Route 354 offers a direct route to the Buffalo area. The hamlets of Cowlesville and Bennington Center are appropriate for neighborhood stores and service businesses, although more intensive businesses in these hamlets may pose conflicts with nearby residential neighbors.

The lack of public utilities limits the type and intensity of commercial and industrial development that can be established in Bennington. The types of businesses that are viable without public water and sewer include those with relatively few employees and modest needs for water and sewer in their production processes or services.

Several businesses have been established in Bennington with Temporary Special Permits from the Town Board. These include the McDonald Bus Company and several small trucking firms, which store and service vehicles on their sites, a landscaping firm, a food broker, excavation companies, a campground, a logging business and a saw mill. Service businesses operating with Special Permits include contractors, motor vehicle repair and sales establishments. These businesses benefit from the large land areas available, and appear to function adequately without public water or sewer service.

Industrial businesses are appropriate in Bennington provided that adequate buffers minimize the impacts on neighboring properties, that adequate highway access is available, and that contamination of groundwater is prevented.

Parks & Recreation

Pine Tree Park, the Town Park located north of the hamlet of Cowlesville, provides organized activities for youth, as well as areas for family picnics. Although the location of the Park is less convenient to residents in the eastern portion of the Town, and is thus less used for casual activities, it is an important resource for the Town's youth. An analysis of the need for a park in the eastern portion of the Town is included in Appendix C.

Improvements to the Park and operation of the recreational programs are financed primarily through private fundraisers, and a committee of volunteers administers the operation of the Park.

Chapter 4

GOALS and RECOMMENDED ACTIONS

The Goals represent broad guidelines for public actions affecting the following issues:

- Rural and Agricultural Character
- Residential Neighborhoods
- Road System
- Natural Resources and Environmental Quality
- Community Services and Facilities
- Parks and Recreation

Specific Actions recommended in the Plan are intended to be achieved within the next 10 years. Priorities are categorized as follows:

Immediate: Should be accomplished within one year from adoption of the Plan.

These actions include changes to land use regulations, as the Town of Bennington has committed to preparing a new Zoning Law and Subdivision Regulations following completion of the Plan.

Short-term: Should be accomplished within one to three years following adoption of the Plan.

Medium: Should be accomplished within three to five years following adoption of the Plan.

Long term: Expected to be accomplished within five to ten years following adoption of the Plan.

On-going: Should be addressed on a continuing basis. Changes in administrative procedures may be required to begin some of these on-going actions.

GOAL I: RETAIN THE RURAL AND AGRICULTURAL CHARACTER OF BENNINGTON

1. Encourage the renewal of agricultural districts and encourage compliance with provisions of the Agricultural District law, such as requiring Agricultural Data Statements and notifying buyers of land within Agricultural Districts of the potential for noise and odors.

Priority:

On-going

Responsibility:

Town Board; Town Assessor

2. Provide tax breaks to farmland owners, through the Agricultural District Program, to encourage land to remain in agriculture.

Priority: **On-going**
Responsibility: Town Assessor;
Soil and Water Conservation District

3. Consider innovative zoning and subdivision review techniques which would assist in retaining agricultural land. Such methods may include development incentives combined with low density zoning.

Priority: **Medium**
Responsibility: Town Board; Planning Board;
Farmer organizations

4. Enact a local Right-to-Farm ordinance, which would provide farmers with additional protections against "nuisance" suits from neighboring landowners.

Priority: **Medium**
Responsibility: Town Board; Planning Board;
Farmer organizations

5. During the development of the new zoning law, consider regulations to control the impacts of high-intensity farming operations. Update definitions of agriculture to better reflect current practices. Consider regulations to control the impacts of residential development on farming operations and farmland.

Priority: **Immediate**
Responsibility: Planning Board; Town Board

6. Modify the zoning law to include Rural Residential and Rural Agricultural Districts, that would be distinguished by the relative priority of residential and agricultural uses.

Priority: **Immediate**
Responsibility: Planning Board; Town Board

GOAL II: PROVIDE FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN APPROPRIATE LOCATIONS, AND AT APPROPRIATE SCALES

1. Identify areas where most types of commercial development could occur without significant restrictions, and zone them for general commercial activities. Revise the zoning regulations to specify the types of businesses to be permitted in general commercial zones, and ensure that regulations are sufficient to protect the interests of the community.
2. Identify areas where most types of industrial development could occur without significant restrictions, and zone them for industrial activities. Revise the zoning regulations to specify the types of businesses to be permitted in industrial zones, and ensure that regulations are sufficient to protect the interests of the community.
3. Identify types of businesses that would be appropriate throughout the Town, subject to the conditions of a special use permit. Revise zoning regulations to ensure that the conditions for granting special permits adequately protect neighboring land uses and the interests of the community.
4. Identify types of businesses that would be appropriate in conjunction with a residence, subject to the conditions of a special use permit (home-based businesses). Enact regulations which specify the types of businesses that would be permitted, and establish simple permitting or licensing procedures.
5. Identify types of businesses that would be appropriate within a residence, without the need for a special use permit (home occupations). Enact regulations that would allow such home occupations without a permit.
6. Develop appropriate standards for each type of commercial development (general commercial, special use commercial, home-based businesses, and home occupations.) Standards should include criteria for access, parking, landscaping or screening, hours of operation, limits on noise and odor, and others as appropriate.
7. Develop appropriate sign regulations. Such regulations should allow adequate advertising for all types of businesses, with due consideration for the rural quality of Bennington.

Priority (1-7):
Responsibility:

Immediate
Comprehensive Plan Committee; Planning Board;
Town Board; Zoning Enforcement Officer; Zoning
Board of Appeals

GOAL III: MAINTAIN THE ATTRACTIVENESS OF RESIDENTIAL AREAS, BOTH IN HAMLETS AND IN THE COUNTRYSIDE

1. Continue to rely on the County Code Enforcement Officer to enforce existing codes, in order to prevent abandoned buildings and accumulations of "junk" from becoming safety hazards.

Priority: **On-going**
Responsibility: County Code Enforcement Officer; Zoning Enforcement Officer; Town Board

2. Review, revise and continue to enforce zoning regulations and special permit conditions to ensure that residential neighborhoods are not negatively affected by neighboring businesses.

Priority: **Immediate**
Responsibility: Zoning Enforcement Officer; Planning Board; Town Board

3. Continue to rely on the State Police and County Sheriff to enforce provisions of NYS General Municipal Law to restrict the accumulation of "junk" cars on private lots.

Priority: **On-going**
Responsibility: County Sheriff; State Police; Town Board

GOAL IV: ESTABLISH A TOWN ROAD SYSTEM THAT PROVIDES REASONABLE SERVICE TO RESIDENTS AT AFFORDABLE COST

1. Set criteria for road improvements, prepare a schedule based on objective priorities, and budget a sufficient amount for adequate maintenance and improvement of Town Roads.

Priority: **Short-term**
Responsibility: Highway Superintendent; Town Board (budget)

2. Seek outside funding sources to finance planning for and constructing needed road system improvements. Prepare a long-term road improvement plan. Consider hiring an engineering student intern to help in the development of such a plan.

Priority: **On-going**
Responsibility: Highway Superintendent; Town Board; Wyoming County Grantsman

GOAL V: PROTECT NATURAL FEATURES AND ENVIRONMENTAL QUALITY

1. Enact zoning regulations to ensure that wetlands and stream corridors are maintained in their natural state to the extent possible as part of the design of new development projects.

Priority : **Immediate**
Responsibility: Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals

2. Consider the incorporation of groundwater protection provisions in the standards for special permits and for general commercial and industrial development.

Priority : **Immediate and On-going**
Responsibility: Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals

3. Make the NYS Department of Environmental Conservation aware of potential violations of regulations governing disposal of hazardous materials.

Priority: **On-going**
Responsibility: Town Board; Planning Board; Zoning Enforcement Officer

4. Reference the Village of Akron Watershed Rules and Regulations in the Town Zoning regulations.

Priority: **Immediate**
Responsibility: Comprehensive Plan Committee; Planning Board; Town Board

GOAL VI: ENSURE EFFECTIVE AND EFFICIENT PROVISION OF SOLID WASTE AND RECYCLING SERVICES

1. Continue to operate the Town Transfer Station and publicize its hours and instructions for use.

Priority: **On-going**
Responsibility: Town Board; Highway Department

2. Consider measures to expand the recycling program and other related services.

Priority: **On-going**
Responsibility: Town Board; Town Clerk; Highway Department

3. Continue to support the activities of the four-County GLOW Solid Waste Management Committee.

Priority: **On-going**
Responsibility: Town Board

GOAL VII: MAINTAIN AN APPROPRIATE LEVEL OF MAINTENANCE AND RECREATIONAL PROGRAMS AT PINE TREE PARK

1. Continue to support use of Pine Tree Park for youth and family activities.
2. Continue to rely on volunteer assistance in organizing programs and other services at Pine Tree Park.

Priority (1-2): **On-going**
Responsibility: Recreation Committee; Town Board

3. Communicate to Town residents the need for maintenance and improvements at Pine Tree Park, the number of Town youth who benefit from the Park, and the Park's reliance on volunteers and donations.

Priority: **Short-term and On-going**
Responsibility: Recreation Committee; Town Board

4. Develop a long-term plan and budget for improvements and maintenance at Pine Tree Park. Consider the installation of bathroom facilities.

Priority: **Short-term**
Responsibility: Recreation Committee; Town Board

CHAPTER 5

LAND USE PLAN

This chapter presents the land use plan for the Town of Bennington. The plan is designed as a guide to future zoning and funding decisions at the local level, and is intended to complement the goals, policies and recommended actions presented in Chapter 4.

The Land Use Plan Map indicates preferred land uses for general areas in Bennington. The Town's zoning map and zoning regulations will need to be consistent with the Land Use Plan. The following identifies and describes the Land Use categories shown on the Land Use Plan for the Town of Bennington.

In areas designated **Rural Agricultural**, agriculture would be the preferred land use, although low density residential development would also be permitted. Within designated Agricultural Districts, non-farm uses should be limited as needed to assure the continued viability of farming.

In areas designated **Rural Residential**, residential uses would be protected, whenever possible from conflicts with other uses. Certain home-based businesses and home occupations may also be permitted in the Rural Agricultural and Rural Residential areas under specified conditions.

Areas designated for **Single Family Residential** use are located within and adjacent to the existing hamlets of Cowlesville and Bennington Center. Single family dwellings would be encouraged where on-site water supply and sewage disposal can be provided. Home-based businesses and home occupations may also be permitted under certain circumstances.

Areas designated for **Multi-Family Residential** are located in areas adjoining Cowlesville and Bennington Center. As no public water or sewer service currently exists in the Town, on-site systems would be required to serve multi-family residential development.

Clustered Development corresponds to the boundaries of the Highland Glens development in the northwestern corner of the Town. This area is predominantly developed.

Areas designated for **Seasonal Dwellings** are located along roads which are not maintained year-round. These areas are located south of Cottonhill Road in the southeastern portion of the Town, along Hodge Road, and along the east side of Burrough Road, north of Friedman Road. Year-round occupancy is not appropriate for residences in these areas, as access cannot be assured throughout the year.

The **Business** areas are intended for all types of retail and service businesses. These may include small stores, service businesses and offices. Business areas would also be suitable for larger operations which require highway access and a relatively large amount of land. These may include agricultural supply stores, automotive and equipment dealerships, commercial recreation, wholesale distributors, and other businesses.

Business areas are located along Clinton Street in the hamlets of Cowlesville and Bennington Center and between Tinkham Road and Maxon Road, as well as smaller areas on the south side of Stedman Road and the north side of Church Road. The areas along Clinton Street are suitable and attractive for commercial development due to their visibility from and access to a main highway. The locations along Stedman Road and Church Road are currently occupied by businesses.

Residences may be permitted in the upper stories of commercial buildings. Design guidelines should accompany approvals for new development to ensure that views, rural character, and highway speed limits are retained to the extent feasible.

The **Industrial** area is located along the east side of Route 77. A variety of industrial uses could be accommodated in this area, including manufacturing and assembly, warehousing, and research and development laboratories. Access to the State Highway and proximity to the NYS Thruway make this area suitable for industrial development. As no public sewer or water services are available in the Town, new development would need to provide these functions on-site.

Existing industrial uses on scattered sites elsewhere in the Town are expected to continue. However, new industrial development, other than certain home-based businesses and other small businesses, would be limited to areas designated for such use.

Areas designated for **Recreation** are best suited for open space and natural resource conservation. These include the site of the Boy Scout camp along Burrough Road and Pine Tree Park on Lapp Road.

Conservation areas coincide with the boundaries of the NYS Freshwater Wetlands which are regulated by the NYS Department of Environmental Conservation, and also include the Akron Reservoir lands. Although not shown on the Future Land Use Plan map, the conservation of stream corridors and wooded areas should also be encouraged.

The **Flood Hazard Overlay** corresponds with the 100-year flood boundaries shown on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM). Development in these areas, located along several streams in Bennington, should be restricted in order to maintain floodways and prevent property damage due to flooding.

CHAPTER 6

IMPLEMENTATION, ADOPTION AND MAINTENANCE

IMPLEMENTATION OF THE PLAN

The actions required to implement the Comprehensive Plan are listed in Chapter 4: Goals and Recommended Actions. Recommendations for future land use are presented in Chapter 5: Land Use Plan. This section presents the recommendations in a summary form. It is intended to assist the agencies responsible for implementing the Plan in monitoring the progress of implementation over the next several years.

Tables 17 through 20 present the Recommended Actions in order of priority: Immediate (within one year), Short-term (to be completed within one to three years), Medium term (3-5 years), and On-going.

ADOPTING THE COMPREHENSIVE PLAN

Under New York State Town Law (Section 272-a), the Town Board is responsible for adopting and maintaining the Comprehensive Plan. Following a public hearing, and after complying with the State Environmental Review (SEQR) provisions and making the required referral to the Wyoming County Planning Board, the Town Board can take action on the Plan or subsequent amendments by resolution. Action on the Plan confirms to the public and to all Town boards, committees, and staff its status as the official Town Comprehensive Plan.

ENVIRONMENTAL REVIEW OF THE COMPREHENSIVE PLAN

The adoption of a municipality's comprehensive plan is considered a Type I action under New York State Environmental Quality Review (SEQR) regulations. The Town Board will be responsible for assessing the potential environmental impacts of the Plan and determining their significance. Appendix B contains the environmental review record, including the Full Environmental Assessment Form and the Determination of Significance. The Town and Village Boards must continue to abide by SEQR before adopting any amendments to the Plan.

REGULAR REVIEW OF THE COMPREHENSIVE PLAN

The Plan should be reviewed every two years to ensure its continued relevance. Plan review should assess the status of the Plan and its implementation actions such as zoning revisions, capital improvement programming, special projects, and progress on other work plans identified in the Plan, and include recommendations for the upcoming year, including priorities for implementation, financing mechanisms, and any recommendations for modification or revision of the Comprehensive Plan.

TABLE 17

IMMEDIATE PRIORITIES

(To be completed within one year of adoption of the Plan)

Action		Responsible Agency
GOAL I: RETAIN THE RURAL AND AGRICULTURAL CHARACTER OF BENNINGTON		
5.	During the development of the new zoning law, consider regulations to control the impacts of high-intensity farming operations. Update definitions of agriculture to better reflect current practices. Consider regulations to control the impacts of residential development on farming operations and farmland.	Planning Board; Town Board
6.	Modify the zoning law to include Rural Residential and Rural Agricultural Districts, that would be distinguished by the relative priority of residential and agricultural uses.	Planning Board; Town Board
GOAL II: PROVIDE FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN APPROPRIATE LOCATIONS, AND AT APPROPRIATE SCALES		
1.	Identify areas where most types of commercial development could occur without significant restrictions, and zone them for general commercial activities. Revise the zoning regulations to specify the types of businesses to be permitted in general commercial zones, and ensure that regulations are sufficient to protect the interests of the community.	Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals
2.	Identify areas where most types of industrial development could occur without significant restrictions, and zone them for industrial activities. Revise the zoning regulations to specify the types of businesses to be permitted in industrial zones, and ensure that regulations are sufficient to protect the interests of the community.	Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals
3.	Identify types of businesses that would be appropriate throughout the Town, subject to the conditions of a special use permit. Revise zoning regulations to ensure that the conditions for granting special permits adequately protect neighboring land uses and the interests of the community.	Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals

Table 17

IMMEDIATE PRIORITIES (continued)

Action		Responsible Agency
4.	Identify types of businesses that would be appropriate in conjunction with a residence, subject to the conditions of a special use permit (home-based businesses). Enact regulations which specify the types of businesses that would be permitted, and establish simple permitting or licensing procedures.	Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals
5.	Identify types of businesses that would be appropriate within a residence, without the need for a special use permit (home occupations). Enact regulations that would allow such home occupations without a permit.	Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals
6.	Develop appropriate standards for each type of commercial development (general commercial, special use commercial, home-based businesses, and home occupations.) Standards should include criteria for access, parking, landscaping or screening, hours of operation, limits on noise and odor, and others as appropriate.	Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals
7.	Develop appropriate sign regulations. Such regulations should allow adequate advertising for all types of businesses, with due consideration for the rural quality of Bennington.	Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals
GOAL III: MAINTAIN THE ATTRACTIVENESS OF RESIDENTIAL AREAS, BOTH IN HAMLETS AND IN THE COUNTRYSIDE		
2.	Review, revise and continue to enforce zoning regulations and special permit conditions to ensure that residential neighborhoods are not negatively affected by neighboring businesses.	County Code Enforcement Officer; Zoning Enforcement Officer; Town Board

Table 17

IMMEDIATE PRIORITIES (continued)

Action		Responsible Agency
GOAL V: PROTECT NATURAL FEATURES AND ENVIRONMENTAL QUALITY		
1.	Enact zoning regulations to ensure that wetlands and stream corridors are maintained in their natural state to the extent possible as part of the design of new development projects.	Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals
2.	Consider the incorporation of groundwater protection provisions in the standards for special permits and for general commercial and industrial development.	Comprehensive Plan Committee; Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals
4.	Reference the Watershed Rules and Regulations in the Town Zoning regulations.	Town Board; Planning Board; Zoning Enforcement Officer

TABLE 18

SHORT TERM PRIORITIES (1 - 3 YEARS)

Action		Responsible Agency
GOAL IV: ESTABLISH A TOWN ROAD SYSTEM THAT PROVIDES REASONABLE SERVICE TO RESIDENTS AT AFFORDABLE COST		
1.	Set criteria for road improvements, prepare a schedule based on objective priorities, and budget a sufficient amount for adequate maintenance and improvement of Town Roads.	Highway Superintendent; Town Board (budget)
GOAL VII: MAINTAIN AN APPROPRIATE LEVEL OF MAINTENANCE AND RECREATIONAL PROGRAMS AT PINE TREE PARK		
3.	Communicate to Town residents the need for maintenance and improvements at Pine Tree Park and the number of Town youth who benefit from the Park, and the Park's reliance on volunteers and donations.	Recreation Committee; Town Board
4.	Develop a long-term plan and budget for improvements and maintenance at Pine Tree Park. Consider the installation of bathroom facilities.	Recreation Committee; Town Board

TABLE 19

MEDIUM - TERM PRIORITIES (3 - 5 YEARS)

Action		Responsible Agencies
GOAL I: RETAIN THE RURAL AND AGRICULTURAL CHARACTER OF BENNINGTON		
3.	Consider innovative zoning and subdivision review techniques which would assist in retaining agricultural land. Such methods may include development incentives combined with low density zoning.	Planning Board; Town Board; Farmer organizations;
4.	Enact a local Right-to-Farm ordinance, which would provide farmers with additional protections against "nuisance" suits from neighboring landowners.	Town Board; Planning Board; Farmer organizations

TABLE 20

ON-GOING PRIORITIES

Action		Responsible Agencies
GOAL I: RETAIN THE RURAL AND AGRICULTURAL CHARACTER OF BENNINGTON		
1.	Encourage the renewal of agricultural districts and encourage compliance with provisions of the Agricultural District law, such as requiring Agricultural Data Statements and notifying buyers of land within Agricultural Districts of the potential for noise and odors.	Town Board; Town Assessor
2.	Provide tax breaks to farmland owners, through the Agricultural District Program, to encourage land to remain in agriculture.	Town Board; Town Assessor; Soil and Water Conservation District
GOAL III: MAINTAIN THE ATTRACTIVENESS OF RESIDENTIAL AREAS, BOTH IN HAMLETS AND IN THE COUNTRYSIDE		
1.	Continue to rely on the County Code Enforcement Officer to enforce existing codes to prevent abandoned buildings and accumulations of "junk" from becoming safety hazards.	County Code Enforcement Officer; Zoning Enforcement Officer; Town Board
3.	Continue to rely on the State Police and County Sheriff to enforce provisions of NYS General Municipal Law to restrict the accumulation of "junk" cars on private lots.	County Sheriff; State Police; Town Board
GOAL IV: ESTABLISH A TOWN ROAD SYSTEM THAT PROVIDES REASONABLE SERVICE TO RESIDENTS AT AFFORDABLE COST		
2.	Seek outside funding sources to finance planning for and constructing needed road system improvements. Prepare a long-term road improvement plan. Consider hiring an engineering student intern to help in the development of such a plan.	Highway Superintendent; Town Board; Wyoming County Grantsman

Table 20

ON-GOING PRIORITIES (continued)

Action		Responsible Agencies
GOAL V: PROTECT NATURAL FEATURES AND ENVIRONMENTAL QUALITY		
2.	Consider the incorporation of groundwater protection provisions in the standards for special permits and for general commercial and industrial development.	Planning Board; Town Board; Zoning Enforcement Officer; Zoning Board of Appeals
3.	Make the NYS Department of Environmental Conservation aware of potential violations to ensure that regulations governing disposal of hazardous materials are effectively enforced.	Town Board; Planning Board; Zoning Enforcement Officer
GOAL VI: ENSURE EFFECTIVE AND EFFICIENT PROVISION OF COMMUNITY SERVICES		
1.	Continue to operate the Town Transfer Station and publicize its hours and instructions for use.	Town Board; Highway Department
2.	Consider measures to expand the recycling program and other related services.	Town Board; Town Clerk; Highway Department
3.	Continue to support the activities of the four-County GLOW Solid Waste Management Committee.	Town Board
GOAL VII: MAINTAIN AN APPROPRIATE LEVEL OF MAINTENANCE AND RECREATIONAL PROGRAMS AT PINE TREE PARK		
1.	Continue to support use of Pine Tree Park for youth and family activities.	Recreation Committee; Town Board
2.	Continue to rely on volunteer assistance in organizing programs and other services at Pine Tree Park.	Recreation Committee; Town Board
3.	Communicate to Town residents the need for maintenance and improvements at Pine Tree Park, the number of Town youth who benefit from the Park, and the Park's reliance on volunteers and donations.	Recreation Committee; Town Board

The Town Board should direct the Planning Board (or a special committee) to conduct this bi-annual review. The review should identify all actions proposed in the Plan, and note which have and have not taken place. Actions that are still needed should be included in the updated Action Plan.

REVISING THE COMPREHENSIVE PLAN

Circumstances that may warrant revising the Plan include:

- A finding of significant change within the community (e.g., demography, traffic, building activity, the economy, the environment, institutional activity) or other substantial unforeseen circumstances.
- A finding of significant public benefit associated with the proposed revision or a need to maintain and protect public investments and resources.
- The need to maintain compliance with new laws, regulations, court actions, or other mandates.

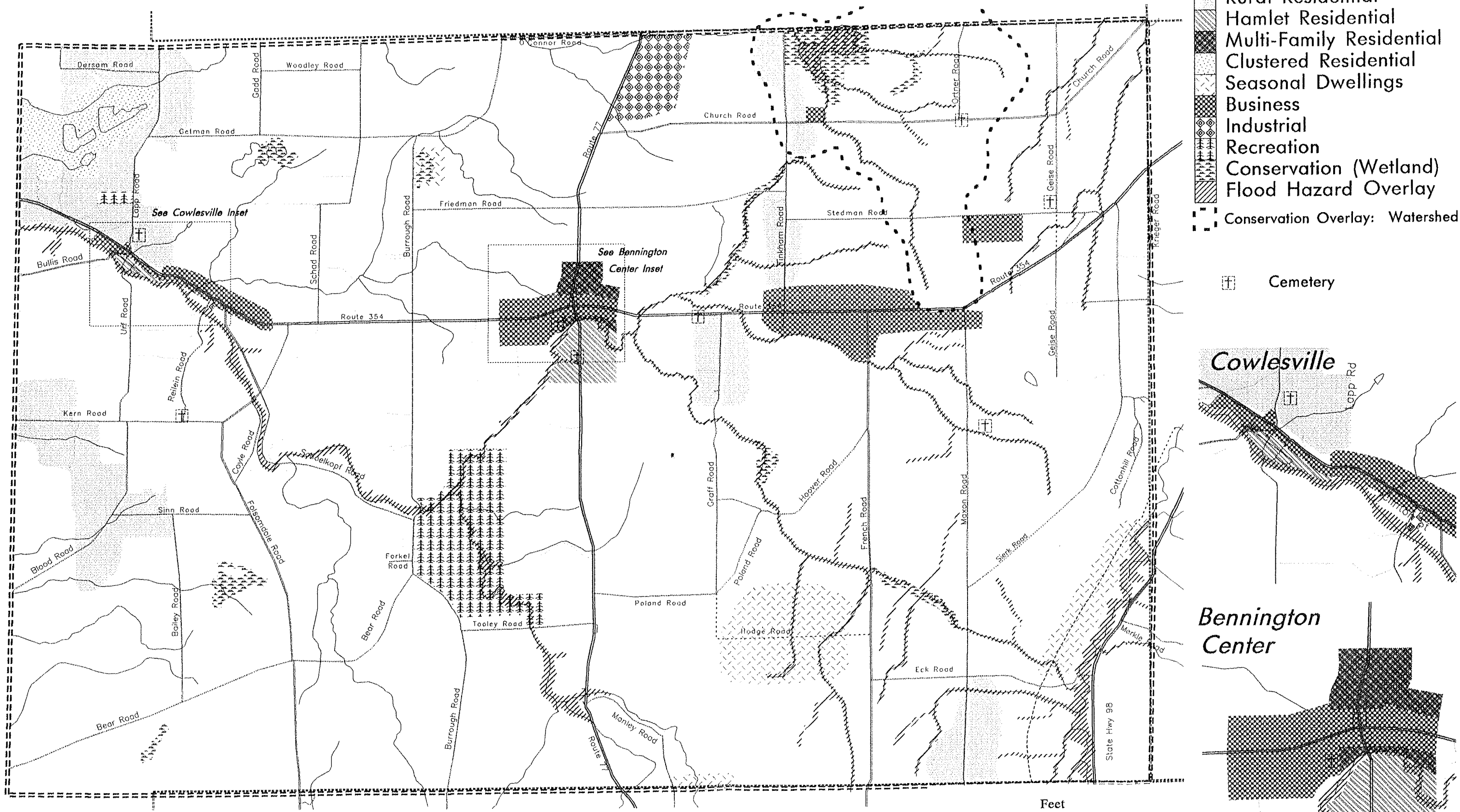
In the course of revising the Plan, the Town Board must also adequately evaluate environmental effects, alternatives, and other possible impacts as identified by SEQR.

The Town Board, with assistance from the Town Planning Board and other committees or officials as requested, shall determine and authorize all changes to be made in the Comprehensive Plan, including changes to text, maps, figures, and tables. New pages will be made available to insert into the original document, along with instructions for replacing superseded pages. Appendix D, the Record of Comprehensive Plan Revisions, will be updated each time a change is made to show the pages affected and the date of the revision. In addition, revision dates should be noted on the affected pages and on the maps.

LOCATION OF COMPREHENSIVE PLAN DOCUMENTS

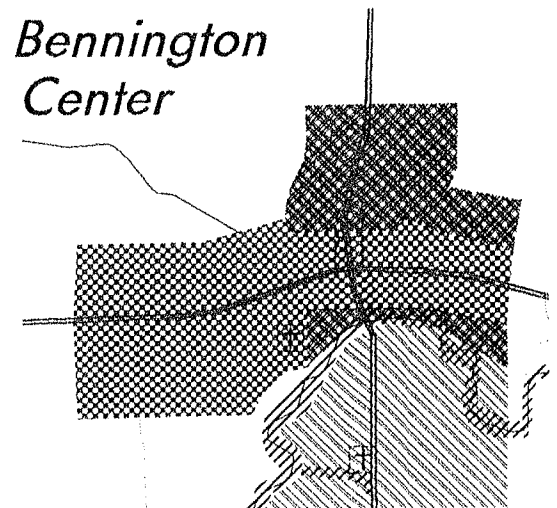
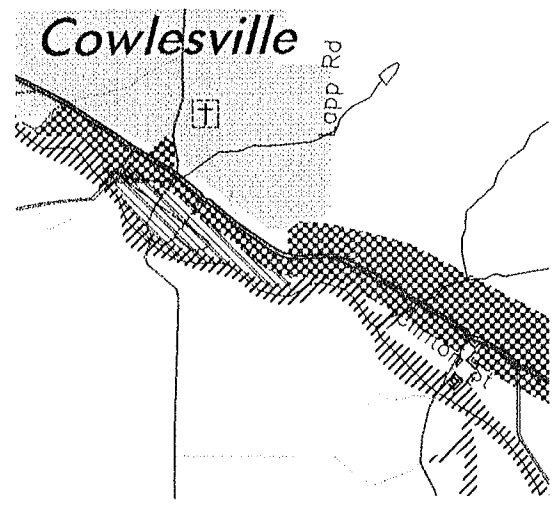
Official copies of the Bennington Comprehensive Plan will be filed in the office of the Town Clerk, in accordance with the provisions of NYS Town Law. In addition, copies will be sent to various local, regional, and state planning agencies, local libraries, and adjacent municipalities. The Plan can be read and purchased at the Town office.

FUTURE LAND USE PLAN - Town of Bennington



- Rural Agricultural
- Rural Residential
- Hamlet Residential
- Multi-Family Residential
- Clustered Residential
- Seasonal Dwellings
- Business
- Industrial
- Recreation
- Conservation (Wetland)
- Flood Hazard Overlay
- Conservation Overlay: Watershed

Cemetery



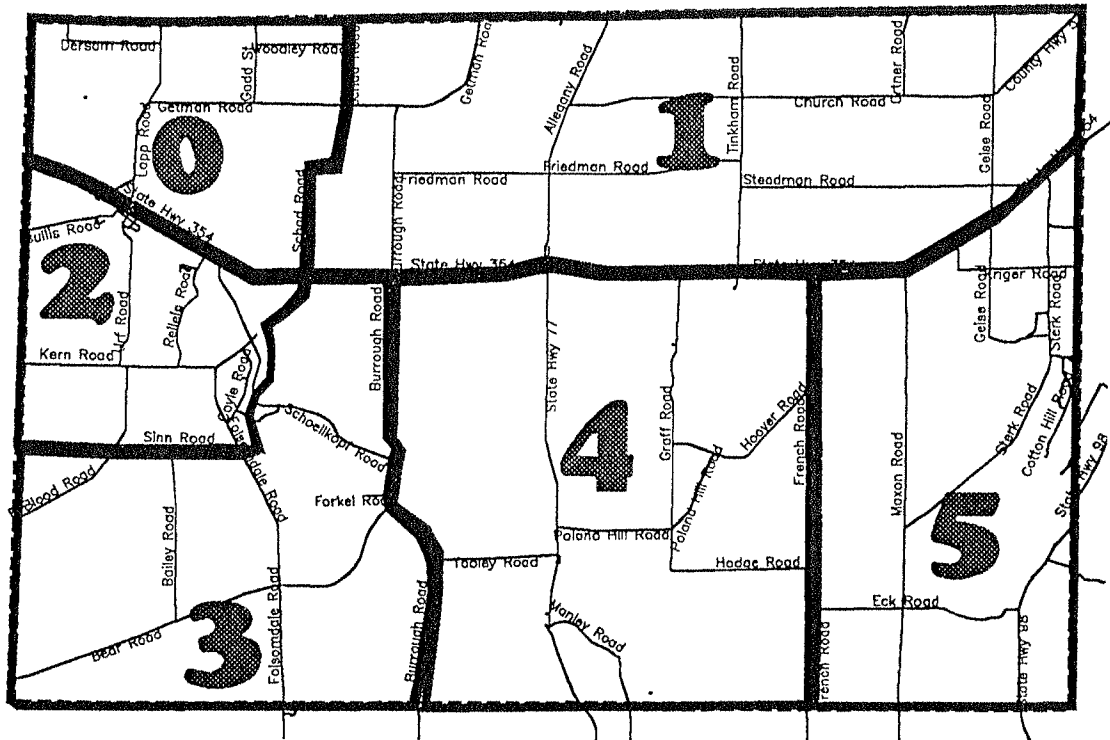
ADOPTED: June 10, 1997

APPENDIX A

RESIDENTS SURVEY REPORT

TOWN OF BENNINGTON

RESIDENTS SURVEY REPORT



Prepared for the Bennington Comprehensive Plan Committee

Cornell Information Technologies
Support Services Division



STUART I. BROWN ASSOCIATES, INC.

RESIDENTS SURVEY REPORT

Town of Bennington Comprehensive Plan

INTRODUCTION AND METHODOLOGY

The Town of Bennington has conducted a Residents Survey as the first step in preparing a Comprehensive Plan for the Town. The results will be used to identify the community's goals for the future development as well as for the conservation of the Town's resources.

During July 1995, the Town of Bennington distributed a 38 question survey to all households in the Town of Bennington. The mailing list was derived from tax parcel records. Additional copies of the survey packet were available at the Town office for residents who did not receive one in the mail.

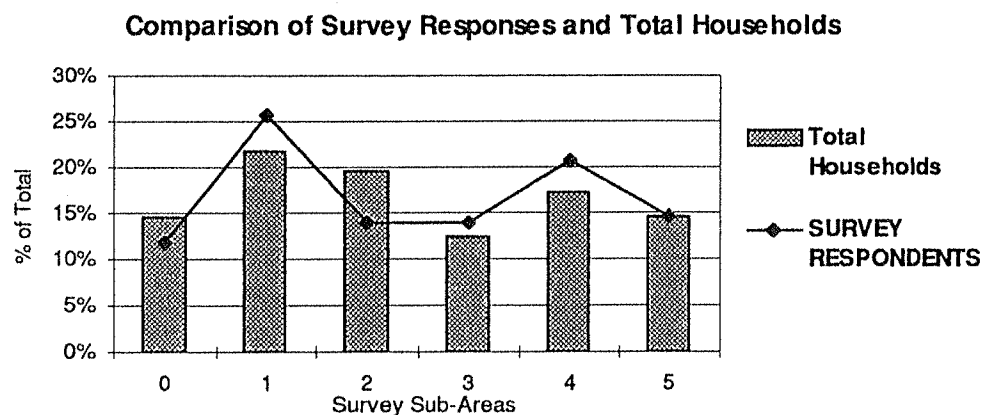
Business Reply envelopes were enclosed in each packet to encourage responses. In addition, drop-off boxes were placed at the Town Hall, Cowlesville Deli, the Town Transfer Station, and Ziewer's Grocery. A copy of the survey packet is attached to this report as Appendix A.

This report includes a written analysis of the survey results; a graphic summary of responses to each of the 40 questions and the "Special Codes" questions and a breakdown of results by the five sub-areas (Appendix A); transcriptions of the written Comments (Appendix B) and the open-ended questions (Appendix C); the computer printout of all the tabulations, including all of the cross-tabulations (Appendix D); and a copy of the survey packet (Appendix E).

WHO RESPONDED TO THE SURVEY?

Out of approximately 1,150 survey packets distributed to Bennington households owners, 403 envelopes were returned. The overall response rate from households of 38.3% is excellent for opinion surveys of this kind. The Committee received a total of 641 answer sheets, representing an average of 1.6 answer sheets per responding household.

Responses were fairly evenly distributed among all six survey sub-areas. (See the Survey Sub-Areas Map attached to this report.) As more than one response was accepted from each household, areas with a higher proportion of single person households returned fewer surveys.



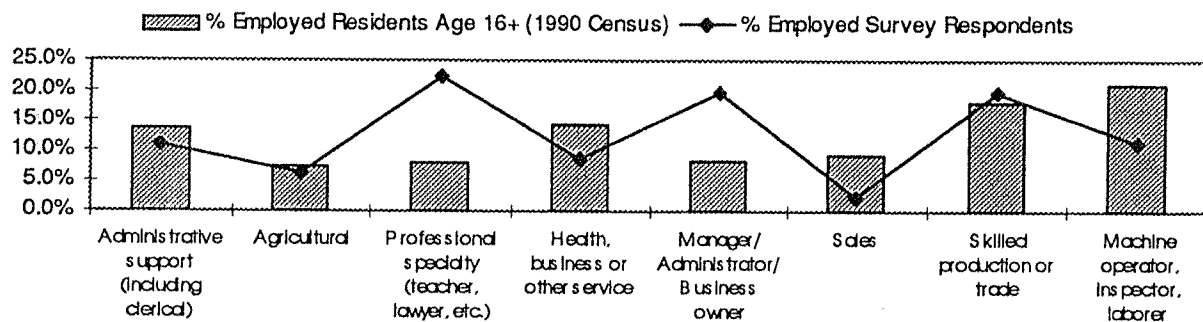
96% of all respondents were homeowners. As owner-occupied housing comprised 88% of all housing units, owner-occupants were slightly over-represented in the survey. Respondents were well distributed across age groups, except that only 4% of the respondents were under age 30.

Most of the respondents were married couples, either with children under age 18 at home (37%) or without children at home (38%). Only 8% of adults living alone responded to the survey, although they comprised 15% of all households in 1990.

More than half of the respondents (52%) had lived in their community either longer than twenty years or their entire lives. Only 13% of the respondents had lived in the community for five years or less.

Respondents were more likely to have professional or managerial occupations than the general public. Residents employed in production work or trades were somewhat under-represented.

**Comparison of Occupations of
Survey Respondents and Residents**



Although the entire population was not represented, the survey results provide a reliable basis on which to understand the opinions of residents. When interpreting the results, it is important to keep in mind the characteristics of the people who responded, as well as the missing opinions of under-represented groups.

SURVEY RESULTS

GENERAL LAND USE AND ZONING

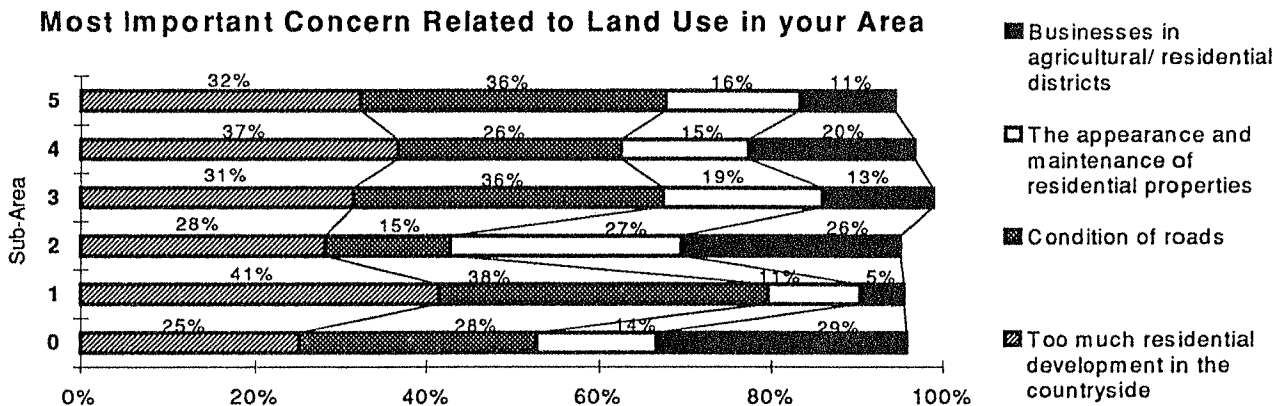
1. What is the one main reason you chose to live in Bennington?

Residents choose to live in Bennington for the country living, open spaces, farmland, and/or to be close to nature (68%). Nearly a quarter (23%) of the respondents were born in Bennington or have family ties in the Town. Only 7% identified Bennington's location and no (0) respondents selected the school system as the main reason they chose to live in Bennington. Differences among sub-areas were slight.

2. Which of the following is the most important concern related to land use in your area or neighborhood?

The two most important land use issues were "too much residential development in the countryside" (34%) and the "condition of roads" (31%). The "appearance and maintenance of residential properties" and "businesses in agricultural/ residential districts" were each cited by 16% of the respondents.

Significant differences among sub-areas were noted. Respondents from sub-area 1 were most concerned about residential development in the countryside, and least concerned about businesses in agricultural/ residential areas. Respondents from sub-area 2 were more concerned about the appearance of properties and about businesses in agricultural/ residential areas than were Town residents in general. Respondents from sub-area 3 were most likely to cite the condition of roads as the most serious problem. Among respondents who live on dirt or gravel roads, 49% felt that road condition was the most serious land use concern.



Written comments identified a variety of additional concerns regarding the roads, commercial and residential development, and environmental protection.

3. "Existing zoning and other local laws adequately regulate development in my area."

Nearly one-half (48%) of all respondents "agreed" or "strongly agreed" that zoning adequately regulates development. 35% of all respondents "disagreed" or "strongly disagreed," and 17% had no opinion.

Respondents from sub-area 4 were most likely to "disagree" or "strongly disagree" that zoning laws are adequate (43%). Among respondents with "some knowledge or experience" with local zoning regulations, 54% agreed that regulations were adequate, and 42% disagreed. Among respondents with "very little knowledge or experience," 40% had no opinion, 35% agreed and 26% disagreed.

Written comments expressed a range of opinions, both criticizing over-regulation and requesting more strict zoning.

4. "Existing local zoning and the State Building Code are enforced adequately by the Building Inspector/Code Enforcement Officer."

More than half (56%) of all respondents "agreed" or "strongly agreed" that zoning and building codes are adequately enforced. 25% "disagreed" or "strongly disagreed," and 19% had no opinion.

Among respondents with "some knowledge or experience" of local zoning, 65% agreed and 18% disagreed that codes are adequately enforced. Among those with "very limited knowledge or experience," 52% agreed and 24% disagreed, while 24% had no opinion.

Several written comments expressed concern about uneven enforcement and about lack of adequate guidance in the regulations.

5. "I am satisfied with the quality of maintenance of buildings and properties in my area or neighborhood."

68% of respondents agreed or strongly agreed that building and property maintenance is adequate, while 29% disagreed or strongly disagreed and 3% had no opinion.

Respondents from sub-area 3 were more likely to disagree that properties were adequately maintained (45%). Those from sub-area 1 were most satisfied with maintenance in their area (78%).

Some written comments identified several properties that should be better maintained. Several other respondents felt that condition of properties should not be regulated by local government.

NATURAL RESOURCES AND AGRICULTURE

6. "The Town and Village should take action to protect important natural features, such as streams, woodlands, and wetlands."

More than three quarters (77%) "agreed" or "strongly agreed" that the Town should take action to preserve natural features, and 19% "disagreed" or "strongly disagreed." A few written comments revealed concerns about dumping refuse into creeks, while others felt that state and federal regulations were sufficient.

7. "It is important that farming and agriculture related industries continue to be strong in Bennington."

Overall, 60% of respondents "strongly agreed" and 32% "agreed" that farming and agricultural industries should continue to be strong in Bennington. Only 4% disagreed and 3% had no opinion. The level of support for continued farming in Bennington was among the highest revealed in the survey (92%).

8. What type of new residential development would you most like to see in Bennington?

38% of respondents would most like to see residential development in the form of single family homes on large rural lots. However, 45% would not like to see any new homes built in their area. 9% would prefer "single family homes in and around existing hamlets," 5% would prefer "apartments or townhouses, including senior citizen housing," and 3% selected "manufactured housing (modular homes)."

More than half of the respondents from sub-areas 1 (51%) and 2 (53%) indicated that "new residential development is not desirable." Respondents from sub-areas 0 and 5 were least resistant to new residential development.

Older respondents were more likely to support residential development of all kinds. Only 35% of respondents aged 62 or older felt that new residential development is not desirable, compared to 52% of respondents in their 30's and 48% of those in their 40's.

9. Who should finance the extension of roads to serve residential subdivisions?

77% of all respondents felt that developers should be required to pay for improvements, and pass the cost on to buyers. Of the 10% who indicated "No Opinion/ Other," several wrote that residential subdivisions should be discouraged. Responses to questions #8 and #9 reiterate the preference of most Bennington residents for low density development and the preservation of open land.

ECONOMIC DEVELOPMENT

10. Which one of the following types of businesses should be encouraged as the highest economic development priority in Bennington?

Most respondents (58%) felt that agriculture and agri-business should be encouraged as the highest economic development priority in Bennington. 15% would encourage additional retail, offices and other commercial services, and 8% desired more manufacturing and other industries. Only 4% felt that tourism and related businesses should be encouraged, while 15% indicated "No opinion/ Other."

Several comments indicated support for a combination of agriculture and tourism, while others discouraged any more commercial development.

11. Which one of the following best represents your opinion about commercial development (stores, restaurants, banks, offices, service establishments, etc.) in Bennington?

36% of respondents felt that "Commercial development should be concentrated in hamlets and at major crossroads and limited elsewhere." A smaller number (26%) felt that "the Town should not encourage more commercial development." 18% indicated that "commercial development should be encouraged along major highways in the Town," while 15% felt that it "should be allowed in all areas of the Town."

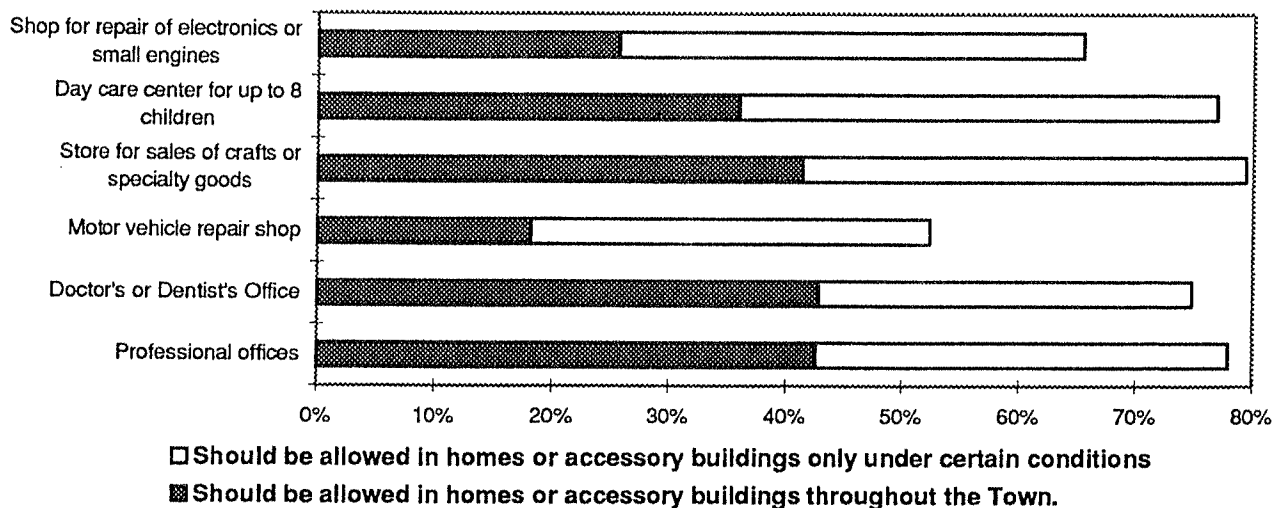
The least support for more commercial development was found among respondents from sub-area 4, where 32% felt that commercial development should not be encouraged. However, 22% from this sub-area felt that commercial development "should be allowed in all areas of the Town." The least opposition to commercial development was found in sub-areas 3 and 5, where only 14% and 18%, respectively, felt that it should not be encouraged.

12 - 17: Home based businesses

Questions 12 through 17 requested residents' opinions about what restrictions would be appropriate for various types of home-based businesses.

41% of respondents stated that "stores for sales of crafts or specialty goods" should be allowed to operate from homes or accessory buildings throughout the Town, while 38% felt that they should be allowed "only under certain conditions, such as restrictions as to size, number of employees, or whether an accessory building can be used." Only 17% felt that such businesses "should be restricted to designated commercial areas." Similar sentiments were indicated for professional offices (insurance sales, accountants, etc.), doctors' or dentists' offices, and small day care businesses (up to 8 children.)

Residents' Opinions on Home-Based Businesses

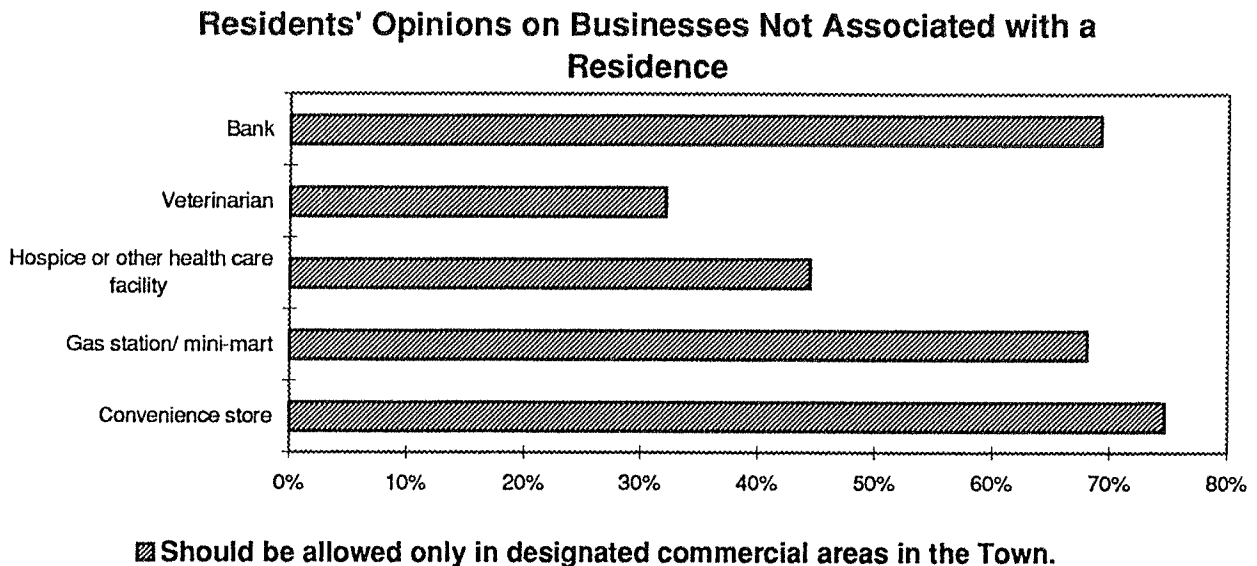


In contrast, respondents were slightly more likely to feel that a "shop for repair of electronics or small engines" should be "restricted to designated commercial areas" (28%). 39% of respondents felt that motor vehicle repair shops should be restricted to designated commercial areas.

Respondents from sub-area 5 were most likely to support home-based businesses in all areas of the Town. Respondents from sub-area 2 were more likely to prefer that such businesses be restricted to designated commercial areas.

18 - 22: Businesses not associated with a residence

Questions 18 through 22 requested residents' opinions about businesses that are not associated with a residence. The following figure illustrates the percentage of respondents who felt that the specified type of business "should be allowed only in designated commercial areas in the Town."



Most respondents felt that convenience stores (75%), gas station/mini-marts (68%), and banks (69%) should be restricted to commercial areas. A smaller proportion of respondents felt that hospices or other health care facilities (44%) and veterinarians (32%) should be limited to commercial areas.

Respondents from sub-area 3 were more likely to prefer that such businesses, except for veterinary offices, "be allowed only in designated commercial areas" (convenience store : 80%, gas station: 78%, bank: 79%, health care facility: 53%).

The written comments revealed a range of opinions both in support of and critical of home businesses and commercial development in general.

23. "Businesses conducted out of homes are a problem in my area because of traffic, noise, unsightliness or other reasons."

60% of all respondents "disagreed" or "strongly disagreed" that home businesses are a problem in their area. 16% had no opinion and 24% "agreed" or "strongly agreed." No significant differences among sub-areas were noted.

24. Home-based businesses should be restricted to the main dwelling, and not allowed to operate from accessory buildings such as garages or new buildings.

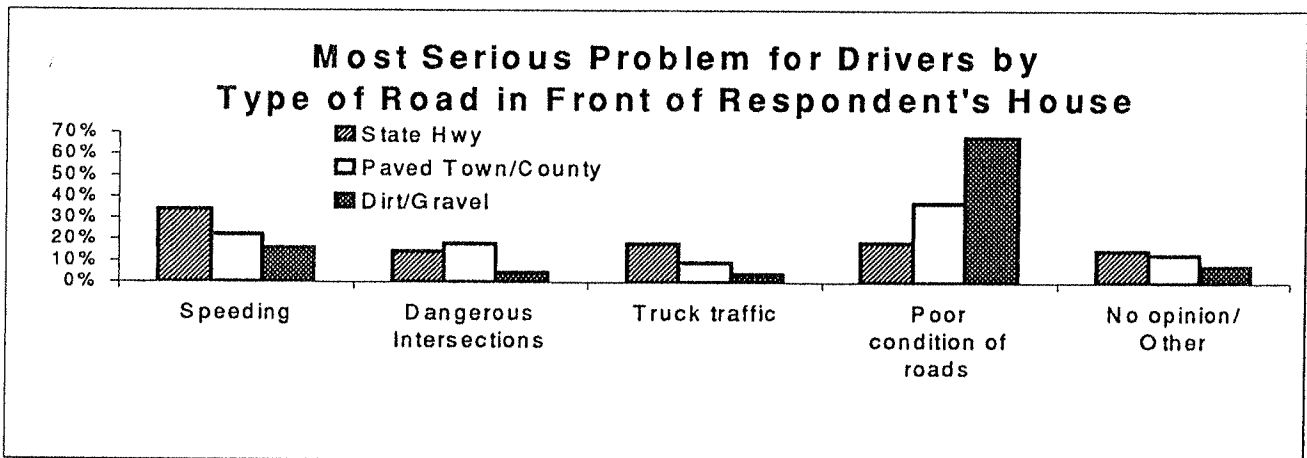
67% of respondents "disagreed" or "strongly disagreed" that "home based businesses should be restricted to the main dwelling, and not be allowed to operate from accessory buildings such as garages or new buildings." Several written comments noted that certain businesses are more suitable to out buildings than to the main residence.

TRANSPORTATION

25. As a driver, the most serious problem in the Town of Bennington is:

Nearly half (46%) of the survey respondents felt that the "poor condition of roads" is the most serious problem facing drivers in the Town. "Speeding" was cited as the most serious problem by 22%. 11% identified "dangerous intersections" and 9% noted "truck traffic." 12% selected "No opinion/ Other."

Among respondents who live on dirt or gravel roads, 68% considered road conditions the most serious problem for drivers. 34% of respondents who live on State highways felt that speeding was the most serious problem.



Respondents from sub-area 5 were most likely to consider road conditions to be the most serious problem (65%). Speeding was cited most often by respondents from sub-area 2.

Many of the written comments noted that several of the choices given are significant concerns. Several respondents complained about speeding by prison guards driving from Attica to the Buffalo area.

26. Which of the following best describes your opinion relative to public transportation services available to Bennington residents?

Only 1% of the respondents (8) reported that a member of their household ever uses the public transportation referral service that is available to Bennington residents. 39% stated that "it is important to continue [the service] for members of the community who cannot or choose not to drive." More than half (53%) of the respondents "did not know that there is a public transportation referral service" in Wyoming County.

UTILITIES/ PUBLIC SERVICES

Questions 27 through 32 asked respondents to rate the quality of various local government services. The following figure illustrates the proportion of respondents who rated each service "good" or "very good."

27. Snow plowing on roads

80% of respondents felt that snow plowing on roads was "very good" or "good," and 19% rated it "bad" or "very bad." Respondents from sub-area 2 appeared to be most satisfied, as 89% rated the service as "good" or "very good." The most dissatisfaction was found among respondents from sub-area 1, where 30% rated the service "bad" or "very bad."

Written comments noted particular problems with mailboxes hit by snow plows, and the need to have roads plowed earlier in the morning.

28. Road maintenance and repair

Respondents were less satisfied with road maintenance and repair, as 52% rated the service "bad" or "very bad" and 47% rated it "good" or "very good." Among respondents who live on dirt or gravel roads, 65% rated the service "bad" or "very bad."

Written comments focused on potholes, dust, and the means of selecting which sections of road get paved.

29. County Sheriff's Department

68% of respondents indicated that the services provided by the County Sheriff's Department were "good" or "very good." 12% had no opinion and 20% rated the service "bad" or "very bad." Several written comments noted slow response times.

30. NY State Police

New York State Police services were rated "good" or "very good" by 73% of respondents. 13% rated them "bad" or "very bad" and 14% had no opinion.

31. **Ambulance Service &**
32. **Fire protection**

The fire and ambulance services received the highest positive rating of all those rated in the survey, with 86% rating the ambulance service and 88% rating the fire protection as "good" or "very good." Written comments included praise for the volunteers.

33. **"I am satisfied with the operation and services offered at the Town transfer station for garbage and recyclables."**

65% of respondents "agreed" or "strongly agreed" with the above statement. 25% "disagreed" or "strongly disagreed."

Written comments included specific suggestions for improving the operation of the transfer station. Several others requested curbside pickup, recycling for more types of plastic, and changes in the pricing system.

34. **Which of the following is your main concern regarding your drinking water supply?**

59% of respondents reported problems with their drinking water, while 41% reported that "my drinking water is fine." 15% reported taste and odor concerns, 14% were concerned about possible chemical contamination, 10% reported insufficient quantity, and 20% noted both quality and quantity problems.

Of the 116 respondents who reported using dug wells as their water supply, 51% stated "my drinking water is fine."

Written comments embellished respondents' concerns about restricted quantities, natural taste and odor problems, and possible contamination from septic systems or agricultural runoff.

PARKS/ RECREATION

35. **Which of the following best describes you or your family's use of the Town Park (Pine Tree Park) on Lapp Road?**

36. **"I am satisfied with quality of Pine Tree Park on Lapp Road in Bennington."**

Most of the survey respondents (56%) had never been to Pine Tree Park. 20% reported visiting "one to two times a year" and 7% "at least once a week during nice weather." 14% had no opinion.

54% of respondents had no opinion about the quality of Pine Tree Park. Of those who had an opinion, 83% expressed satisfaction.

Respondents from the eastern portion of the Town (sub-areas 1 and 5) were most likely to report that they had "never been" to Pine Tree Park. Respondents from sub-areas 2 and 0 were most satisfied with the quality of the park.

Respondents with children under age 18 at home were somewhat less likely to report that they had "never been" to the Park (44%). This group was less likely to have "no opinion" regarding the quality of the Park (42%) and were slightly more satisfied with the quality (47%).

Several written comments expressed dissatisfaction with the fence at the Park, and with the time spent on work there by Town Highway Department staff. Others noted that the Park is not convenient to residences in the eastern part of the Town. Several were pleased that the Town provides such a facility for the children in the community.

37. Which of the following facilities are most needed at Pine Tree Park?

As most respondents do not use the park, 66% had no opinion about the type of facilities that are most needed. However, 23% (69% of those who had an opinion) felt that "bathrooms" are most needed. "Picnic areas" were selected by 5%, basketball courts by 2%, and soccer or other athletic fields by 3%.

A few written comments suggested tennis courts and hiking or nature trails.

PUBLIC INVOLVEMENT IN LOCAL GOVERNMENT

38. Through which of the following means would you prefer to find out about local government actions and community events?

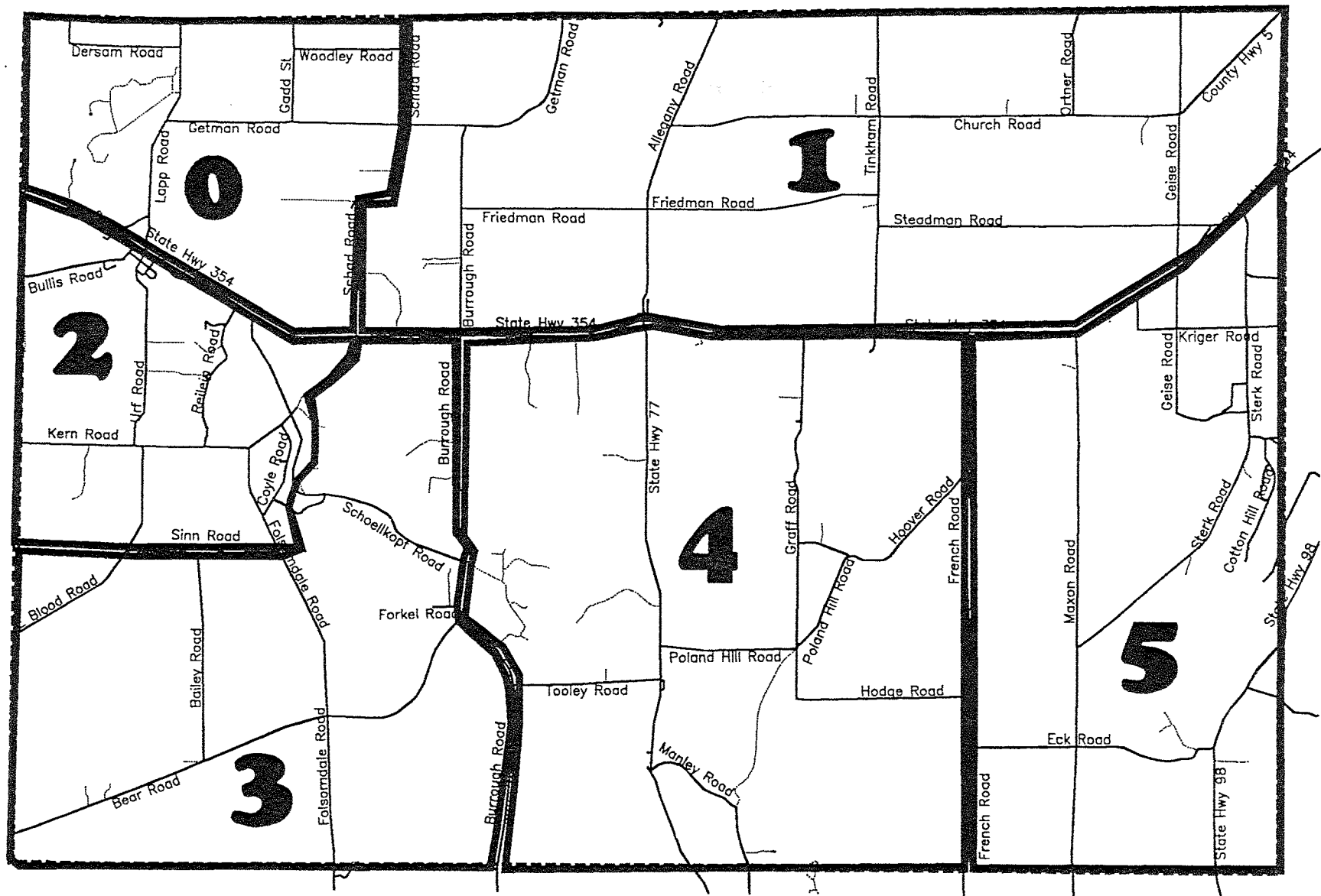
A large majority of the respondents (86%) would prefer to find out about local government actions and community events through ads or notices in the *Pennysaver*. 3% selected the *Batavia News*, 2% would prefer cable TV, and 2% would rely on friends or neighbors. 7% had no opinion.

Several comments favored a newsletter mailed to each household in the Town.

HOW WILL THE SURVEY RESULTS BE USED?

The survey results will be used by the Comprehensive Plan Committee to define goals and policies for the Town of Bennington and identify actions that need to be taken to meet community concerns. The results will also be considered in preparing revisions to the Town Zoning and subdivision regulations.

RESIDENTS SURVEY SUB-AREAS - TOWN OF BENNINGTON

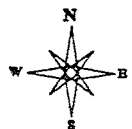


Sub-Areas
 Town Boundary
 Highway

Private Road or Driveway
 Town Roads

Miles

 0 0.2 0.4 0.6 0.8 1



APPENDIX B

ENVIRONMENTAL RECORD

ENVIRONMENTAL RECORD

COMPREHENSIVE PLAN

FOR THE

TOWN OF BENNINGTON

1997

STATE ENVIRONMENTAL QUALITY REVIEW

COMPREHENSIVE PLAN FOR THE TOWN OF BENNINGTON - 1997

The Town of Bennington proposes adopting a Comprehensive Plan to guide land use and development over the next twenty years. The adoption of a Comprehensive Plan is a Type I Action pursuant to the New York State Environmental Quality Review Act (SEQR). The Town has prepared the attached Full Environmental Assessment Form (EAF) with the assistance of its municipal planning consultant, Stuart I. Brown Associates, Inc.

The Comprehensive Plan provides a framework and guidelines for future land use and development, infrastructure improvements, and other public services. Potential environmental impacts were considered in each of the policies and recommended actions.

The environmental review for adoption of the Comprehensive Plan is intended to streamline the SEQR review for subsequent development in accordance with the Plan. However, additional environmental review will be required for individual projects to identify potential site-specific impacts.

Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: the full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potential-large, then part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE - Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☒ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

* A Conditioned Negative Declaration is only valid for Unlisted Actions

ADOPTION OF COMPREHENSIVE PLAN - TOWN OF BENNINGTON

Name of Action

TOWN OF BENNINGTON

Name of Lead Agency

James Schlick

Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

PART 1 - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION Comprehensive Plan for the Town of Bennington			
LOCATION OF ACTION (include Street Address, Municipality and County) Town of Bennington, Wyoming County			
NAME OF APPLICANT/SPONSOR Town of Bennington		BUSINESS TELEPHONE (716) 591-2157	
ADDRESS 905 Alleghany road			
CITY/PO Attica		STATE NY	ZIP CODE 14011
NAME OF OWNER (if different)		BUSINESS TELEPHONE	
ADDRESS			
CITY/PO		STATE	ZIP CODE
DESCRIPTION OF ACTION The Town of Bennington proposes adopting a Comprehensive Plan to guide conservation and development over the next 20 years. The Plan includes an overview of existing plans and regulations, inventory of existing conditions, analysis of development opportunities and constraints, policies and recommended actions, land use and public facilities plans, and procedures for adoption and maintenance of the Plan.			

Please Complete Each Question-Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project both developed and undeveloped areas.

1. Present land use: ☒ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☒ Rural(non-farm)
☒ Forest ☒ Agriculture ☐ Other _____

2. Total acreage of project area: 35,264 acres. See Narrative

APPROXIMATE ACREAGE

Meadow or Brushland (Non-agricultural) _____

Forested _____

Agricultural (Includes orchards, cropland, pasture, etc.) _____

Wetland (Freshwater or tidal as per Articles 24, 25 of ECL) _____

Water Surface Area _____

Unvegetated (Rock, earth or fill) _____

Roads, buildings and other paved surfaces _____

Other (Indicate type) _____

PRESENTLY

AFTER COMPLETION

_____ acres	_____ acres
_____ acres	_____ acres
_____ acres	_____ acres
_____ acres	_____ acres
_____ acres	_____ acres
_____ acres	_____ acres
_____ acres	_____ acres

3. What is predominant soil type(s) on project site? _____

- a. Soil drainage: ☐ Well drained 40 % of site ☐ Moderately well drained 45 % of site
☐ Poorly drained 15 % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System?
_____ acres. (See 1 NYSCRR 370).

4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No

- a. What is depth to bedrock? _____ (in feet)

5. Approximate percentage of proposed project site with slopes: ☐ 0-10% 85 % ☐ 10-15% 10 %
☐ 15% or greater 5
6. Is project substantially contiguous to or contain a building, site, or district, listed on the State or the National Registers of Historic Places? ☒ Yes ☐ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks: ☐ Yes ☒ No
8. What is the depth of the water table? Varies (in feet)
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No **No individual homes and businesses served by private wells**
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☒ Yes ☐ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
☐ Yes ☐ No According to _____
- Identify each species _____
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
☐ Yes ☒ No Describe _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
☒ Yes ☐ No If yes, explain Pine Tree Park, private recreation areas
14. Does the present site include scenic views known to be important to the community?
☐ Yes ☐ No
15. Streams within or contiguous to project area: Red Brook, Bender Creek, Cayuga Creek, Fenton Creek, Tannery Brook, Johnson Creek, Tonawand Creek
- a. Name of Stream and name of River to which it is tributary Lake Ontario
16. Lakes, ponds, wetland areas within or contiguous to project area:
- a. Name Several State and Federally regulated wetlands; Akron Reservoir b. Size (in acres) _____
17. Is the site served by existing public utilities? ☒ Yes ☐ No **Portion of Area**
a) If Yes, does sufficient capacity exist to allow connection? ☐ Yes ☐ No **See Narrative**
b) If Yes, will improvements be necessary to allow connection? ☐ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?
☒ Yes ☐ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?
☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. PROJECT DESCRIPTION *(Not Applicable: Project is not site specific)*

1. Physical dimensions and scale of project (fill in dimensions as appropriate)

- a. Total contiguous acreage owned or controlled by project sponsor _____ acres.
- b. Project acreage to be developed: _____ acres initially; _____ acres ultimately.
- c. Project acreage to remain undeveloped _____ acres.
- d. Length of project, in miles: _____ (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed _____ %.
- f. Number of off-street parking spaces existing _____; proposed _____
- g. Maximum vehicular trips generated per hour _____ (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | _____ | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure _____ height; _____ width; _____ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? N/A tons/cubic yards.
3. Will disturbed areas be reclaimed? ☐ Yes ☐ No ☒ N/A
- a. If yes, for what intend or purpose is the site being reclaimed? _____
- b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? N/A acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? ☐ Yes ☒ No
6. If single phase project: Anticipated period of construction _____ months, (including demolition). N/A
7. If multi-phased:
- a. Total number of phases anticipated _____ (number).
- b. Anticipated date of commencement phase 1 _____ month _____ year (including demolition).
- c. Approximate completion date of final phase _____ month _____ year.
- d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No
8. Will blasting occur during construction? ☐ Yes ☐ No N/A
9. Number of jobs generated: during construction _____; after project is complete _____ N/A
10. Number of jobs eliminated by this project _____. N/A
11. Will project require relocation of any projects or facilities? ☐ Yes ☐ No If yes, explain _____ N/A
12. Is surface liquid waste disposal involved? ☐ Yes ☐ No N/A
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
- b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? ☐ Yes ☐ No Type N/A
14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No
- Explain _____
15. Is project or any portion of project located in a 100 year flood plain? ☒ Yes ☐ No
16. Will the project generate solid waste? ☐ Yes ☒ No
- a. If yes, what is the amount per month _____ tons.
- b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No
- c. If yes, give name _____, location _____
- d. Will any wastes **not** go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☐ No
- e. If Yes, explain _____
17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No
- a. If yes, what is the anticipated rate of disposal? _____ tons/month.
- b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? ☐ Yes ☐ No **See Narrative**
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☐ No **See Narrative**
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☐ No **See Narrative**
21. Will project result in an increase in energy use? ☐ Yes ☐ No **See Narrative**
- If yes, indicate type(s) _____
22. If water supply is from wells, indicate pumping capacity _____ gallons/minute. **See Narrative**
23. Total anticipated water usage per day _____ gallons/day. **See Narrative**
24. Does project involve Local, State or Federal funding? ☒ Yes ☐ No **Town funding.**
- If Yes, explain _____

25. Approvals Required:

		Type	Submittal Date
		Adoption of Plan by Resolution	May 1997
City, Town, Village Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____
City, County Health Department	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____
Other Local Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____
State Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____
Federal Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

- ☐ zoning amendment ☐ zoning variance ☐ special use permit ☐ subdivision ☐ site plan
☒ new/revision of master plan ☐ resource management plan ☐ other _____

2. What is the zoning classification(s) of the site? **Not site specific**

3. What is the maximum potential development of the site if developed as permitted by the present zoning?
Not site specific

4. What is the proposed zoning of the site? **Not yet specified; to be consistent with Land Use Plans**

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?
See Narrative

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?
Primarily Agricultural/Residential

8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? **N/A**
a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No
Extensions of sewer and water service are suggested but are not part of this action.

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? ☐ Yes ☐ No
a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No **See Narrative**

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☐ No
a. If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No **See Narrative**

D. Information Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

James Schlick

Applicant/Sponsor Name _____ Date _____

Signature _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Part 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other example and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- Maybe** answers should be considered as **Yes** answers.
- If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- Identify that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?

☐ NO ☒ YES

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e. rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts: Development in accordance with the plan will minimize impacts on sensitive lands.

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.).

☒ NO ☐ YES

• Specific land forms: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Chang
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected?
(Under Articles 15, 24, 25 of the Environmental Conservation Law, EC)
- ☒ NO ☐ YES

Examples that would apply to column 2

Developable area of site contains a protected water body.

- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts: _____

4. Will proposed action affect any non-protected existing or new body of water?
- ☒ NO ☐ YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts: _____

5. Will Proposed Action affect surface or groundwater quality or quantity?
- ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to the natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: _____

6. Will proposed action alter drainage flow or patterns, or surface water runoff?
- ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action would change flood water flows.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

- Proposed Action may cause substantial erosion.
- Proposed Action is incompatible with existing drainage patterns.
- Proposed Action will allow development in a designated floodway.
- Other impacts:

IMPACT ON AIR

7. Will proposed action affect air quality? ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will induce 1,000 or more vehicle trips in any given hour.
- Proposed Action will result in the incineration of more than 1 ton of refuse per hour.
- Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hours.
- Proposed action will allow an increase in the amount of land committed to industrial use.
- Proposed action will allow an increase in the density of industrial development within existing industrial areas.
- Other impacts:

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species? ☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Removal of any portion of a critical or significant wildlife habitat. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

9. Will Proposed Action substantially affect non-threatened or non-endangered species? ☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will the Proposed Action affect agricultural land resources? ☐ NO ☒ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| <ul style="list-style-type: none"> • The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|---|--------------------------|--------------------------|--|

- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).
- Other impacts: _____

IMPACT ON AESTHETIC RESOURCES

11. Will proposed action affect aesthetic resources? ☐ NO ☒ YES
(If necessary, use the Visual EAF Addendum in Section 617.21, Appendix B.)
Examples that would apply to column 2

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts: _____

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance? ☒ NO ☐ YES
Examples that would apply to column 2

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts: _____

IMPACT ON OPEN SPACE AND RECREATION

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? ☐ NO ☒ YES
Examples that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts: Some additional residential and commercial development is encouraged in areas that are currently open.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? ☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- Proposed Action to locate with the CEA?
- Proposed Action will result in a reduction in the quantity of the resource?
- Proposed Action will result in a reduction in the quality of the resource?
- Proposed Action will impact the use, function or enjoyment of the resource?
- Other impacts: _____

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems? ☐ NO ☒ Yes

Examples that would apply to column 2.

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts: New development in accordance with the Plan may increase traffic on State and local roads.

IMPACT ON ENERGY

16. Will proposed action affect the community's sources of fuel or energy supply? ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? ☒ NO ☐ YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts: _____

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety? ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e., toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.
- Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.

Other impacts: _____

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community?

Examples that would apply to column 2 ☐ NO ☒ YES

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed Action will conflict with official adopted plans or goals.
- Proposed Action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.)
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts: Additional development will change community character in the areas.

Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?

☐ NO ☐ YES

If any action in Part 2 is identified as a potential large impact or if you cannot determine the magnitude of impact, proceed to Part 3

Part 3 -- EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)

ENVIRONMENTAL ASSESSMENT FORM
Additional Details

PART I

A. Site Description

1 and 2. Present Land Use and description of project area

Agricultural land occupies approximately 43% of the land area of the Town of Bennington. Residential parcels occupy approximately 37% of the land area of the Town of Albion.

Commercial uses occupy less than 1% of the Town. Several small businesses are located in the hamlets of Cowlesville and Bennington Center. Other businesses are located on Church Road and Clinton Road (NYS Route 354).

Industries occupy approximately 3% of the land area in the Town of Bennington. A small manufacturing business is located southeast of the hamlet of Cowlesville at the intersection of Schoelkopf Road and Folsomdale Road. Premier Woodwork, a door manufacturing establishment, is located in the hamlet of Cowlesville.

Public and quasi-public uses include several churches and cemeteries, two Fire companies, the Town Hall and Highway Garage, and the Cowlesville Post Office..

Private utilities include gas, electric, and telephone service facilities.

Vacant land consists of several large and small undeveloped parcels.

Existing land use are illustrated within the Plan in Figure 8 and summarized in Table 3.

11. Threatened or endangered species

As the Plan encourages the preservation of existing open space and unique natural areas, it is unlikely that implementation of the Plan will affect any rare or endangered species. Future site specific development should be preceded by adequate environmental review to ensure that any rare species are protected.

B. Project Description

Land Use Plan

The Future Land Use Plan map shows the recommended land uses for the Town of Bennington over the next fifteen to twenty years. The locations of land uses are based upon analysis of existing conditions and future needs, the Goals and Recommended Actions developed by the Comprehensive Plan Committee, and evaluation of development opportunities and constraints. The categories of land use shown on the Future Land Use Plan include: Conservation, Agriculture, several types of Residential, Business, Light Industrial, and Recreation.

Goals and Recommended Actions

The Goals and Recommended Actions describe specific steps which need to be taken in order to implement the Plan. Policies and Actions address the following issues:

- Rural and Agricultural Character
- Commercial and Industrial Development
- Residential neighborhoods
- Transportation
- Natural Features and Environmental Quality
- Community Services and Facilities
- Parks and Recreation

The Actions identify the agencies or officials responsible for implementing the Actions, and note whether each Action is an immediate need, short term priority (should be completed within one to three years) or a medium range priority (should be completed within three to five years.)

The Goals and Recommended Actions were developed following a process of weighing the various goals of the Town, and considering the environmental and community impacts of each action. Specific implementation actions may require additional review under the State Environmental Quality Review Act.

12, 13, 16, 17, 19, 20, 21, 23.

The Plan does not anticipate nor encourage additional subsurface liquid waste disposal, surface waste disposal, herbicides or pesticides, odors, noise, nor increased energy use or water usage, as a result of implementation. However, the Plan does encourage existing commercial and industrial facilities to continue to operate within the Town, and encourages additional commercial and industrial development in locations designated for such use. Such facilities will need to obtain appropriate Village, Town and State permits, and will require site-specific environmental review pursuant to SEQR. As agricultural uses are encouraged to continue, continued use of herbicides and pesticides, noise and odors associated with farming is expected.

The Plan anticipates additional residential development in existing hamlets and on rural sites in the Town. Any increases in solid waste and recyclables are expected to be accommodated by existing landfills and recycling facilities. The extension of public water and sewer is not anticipated by the Plan, although the Plan does encourage consideration of such extensions.

24. Several of the proposed implementation Actions would require local funding, as well as coordination with programs or projects funded by State or Federal agencies.

C. Zoning and Planning Information

- 3, 5. The Plan accommodates additional residential development in rural areas of the Town.

Existing industrially zoned land along Route 77 is proposed to be reduced in size. Additional land along NYS Route 354 is proposed for commercial use. Land along Route 354 in the around the hamlets of Bennington Center and Cowlesville are proposed for additional business development.

Environmentally sensitive areas such as wetlands and stream corridors are proposed to be preserved in their natural states. Land use restrictions are encouraged for the watershed for the Village of Akron public water supply, in conformance with existing watershed regulations.

The "final" build-out of land in accordance with the Comprehensive Plan will depend on market conditions, landowner choices, and development of public facilities and infrastructure improvements.

11. As additional residential development will occur as the Plan is implemented, some increases in demand for educational or recreational facilities are expected. Demand for fire and police protection is not expected to increase significantly with additional commercial development in the Town business districts. However, incremental increases in demand should be evaluated in more detail as new businesses locate in Bennington or as existing businesses expand.
12. Implementation of the Land Use Plan may result in increased commercial development along Route 354 in Bennington, which may increase traffic. Individual development projects will require additional analysis of traffic impacts.

PART 2 - Project Impacts and their Magnitude

1. Physical change to the project site

Implementation of the Plan may result in additional residential, commercial and industrial development. The Plan directs such development to sites outside of designated floodplains, wetlands, and stream corridors. The Plan recommends that new development be designed to ensure compatibility with neighboring land uses.

3. Surface or groundwater quality or quantity

Development projects in accordance with the Plan will need to be designed to minimize stormwater runoff and protect the quality of receiving water.

4. Air quality

Additional industrial development may result from implementation of the Plan. New or expanded industries will meet state requirements for air quality, and will be evaluated locally to ensure that neighboring residences, air quality, and other environmental resources are not affected.

11. Aesthetic resources

Implementing the Plan would protect and enhance aesthetic resources, including the open character of farmland, wetlands and stream corridors in the Town.

14. Existing transportation systems

Implementation of the Plan may result in additional residential and business development in the Town. However, development is directed toward areas where it can be accommodated by the existing transportation system.

15. Sources of fuel or energy supply

It is unlikely that existing energy sources would be strained by new industrial development resulting from implementation of the Plan. If new industries require significant amounts of additional energy, the impacts on energy use would need to be evaluated in a project specific environmental review pursuant to SEQR.

18. Character of the existing community

Implementation of the Plan would result in a more orderly pattern of development, and retention of the rural character of the Town.

617.21
Appendix F
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number _____

Date June 10, 1997

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Bennington Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: *Adoption of Comprehensive Plan for the Town of Bennington*

SEQR Status: Type I ☒
Unlisted ☐

Conditioned Negative Declaration: ☐ Yes
☒ No

Description of Action:

The Bennington Town Board proposes to adopt a Comprehensive Plan pursuant to NYS Town Law Section 272-a. The Comprehensive Plan includes an inventory of existing conditions, an analysis of development opportunities and constraints, a set of goals and recommended actions to guide land use and community services, land use plan maps for the Town, recommendations for improvements in government services and infrastructure, and procedures for maintaining and updating the Plan.

Location: Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Town of Bennington (see attached location map)

Reasons Supporting This Determination:

(See 617.6(g) for requirements of this determination; see 617.6(h) for Conditioned Negative Declaration)

See Attached

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed

For Further Information:

Contact Person: *James Schlick, Supervisor*
Town of Bennington
Address: *1515 Graff Road*
Attica, NY 14011
Telephone Number: *(716) 591-1542*

For Type I Actions and Conditioned Negative Declaration, a Copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001.

Appropriate Regional Office of the Department of Environmental Conservation

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any)

Other involved agencies (if any)

TOWN OF BENNINGTON COMPREHENSIVE PLAN

NEGATIVE DECLARATION

REASONS SUPPORTING THIS DETERMINATION

Each of the potential impacts identified in Parts 1 and 2 of the full Environmental Assessment Form have been carefully evaluated and compared against the criteria in Section 617.11 of the SEQR regulations. As documented in the EAF, none of the expected impacts from the adoption of the Comprehensive Plan are likely to have any large or significant impacts.

The Comprehensive Plan includes a future land use map and a set of goals and recommended actions that were designed to preserve natural features, avoid conflicting land uses, enhance economic development and improve the delivery of government services. The Land Use Plan and the Goals and Recommended Actions were designed to minimize effects on air quality, ground or surface water quality and quantity, traffic or noise levels, increase in solid waste production, and the potential for erosion, flooding, leaching or drainage problems. The Land Use Plan identifies areas that are most suitable for business, residential, agricultural/ rural residential, public, recreation, and conservation uses.

Conservation and preservation measures are encouraged for environmentally sensitive areas, including wetlands, flood hazard areas, and stream corridors. The Plan encourages the improvement of residential areas and the protection of natural resources. Recommended actions include steps to protect water quality.

No specific activities are proposed that would bring large numbers of people to the Town. Potential increases in business activity are not expected to result in significant adverse impacts. Future proposals for new development will be required to undergo site-specific environmental review.

Actions likely to occur as a result of the adoption of the Comprehensive Plan are not expected to significantly impact the environment. Other than economic development activities, most of the recommended actions involve maintaining the rural character of the Town, protecting natural and recreational resources, improving infrastructure, and improving the delivery of public services.

APPENDIX C

ANALYSIS OF PARK NEEDS

APPENDIX C

ANALYSIS OF THE SUFFICIENCY OF PUBLIC PARK LAND Town of Bennington

The 16.6 acre Town Park, on Lapp Road in the Town of Bennington, is the only public park located within the Town. Additional recreational resources include the Village Parks in Attica and facilities at the Attica schools. These facilities serve the 3,046 residents of the Town of Bennington (based on the 1990 Census.)

The Town Park functions as both a "Neighborhood Park" for residents of Cowlesville, and a "Community Park" for residents of a larger area. Recommended standards for such parks, as adapted from standards published by the National Recreation and Parks Association (NRPA) and the New York State Comprehensive Recreation Plan (SCRPP), are shown in the attached Table - "General Park Standards."

These standards recommend approximately six (6) acres of "neighborhood parks," and 15 to 24 acres of "community parks" for the population of Bennington. With 16.6 acres, the Bennington Town Park is somewhat smaller in size than the standards recommend.

The standards recommend that community parks be located within one to two miles of the population to be served. The attached map "Bennington Town Park - Approximate Service Area" indicates the population residing within 2 miles and within 5 miles of the Town Park.

The park meets recommended size standards for the population residing within five miles of the Park, and exceeds standards for the population located within two miles of the Park. However, the Park does not meet accessibility standards for the population residing more than two miles from the Park.

In order to meet the recommended standards, a second park is needed to better serve residents of the eastern portion of the Town. Such a park would supplement the services that many residents currently receive from the parks and school facilities in Attica.

A park similar in size and facilities to the Town Park is recommended to be located near Bennington Center. Such a park could function as a "neighborhood park" for residents of Bennington Center, as well as a "community park" that is more accessible to residents of the eastern portion of the Town.

Financing the purchase of land and the development of a park can be done through fees on lots, imposed during subdivision review, as well as through grants, loans, and donations. Monies raised through subdivision fees would have to be set aside in a fund devoted entirely to park and recreation programs.

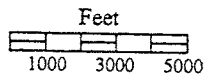
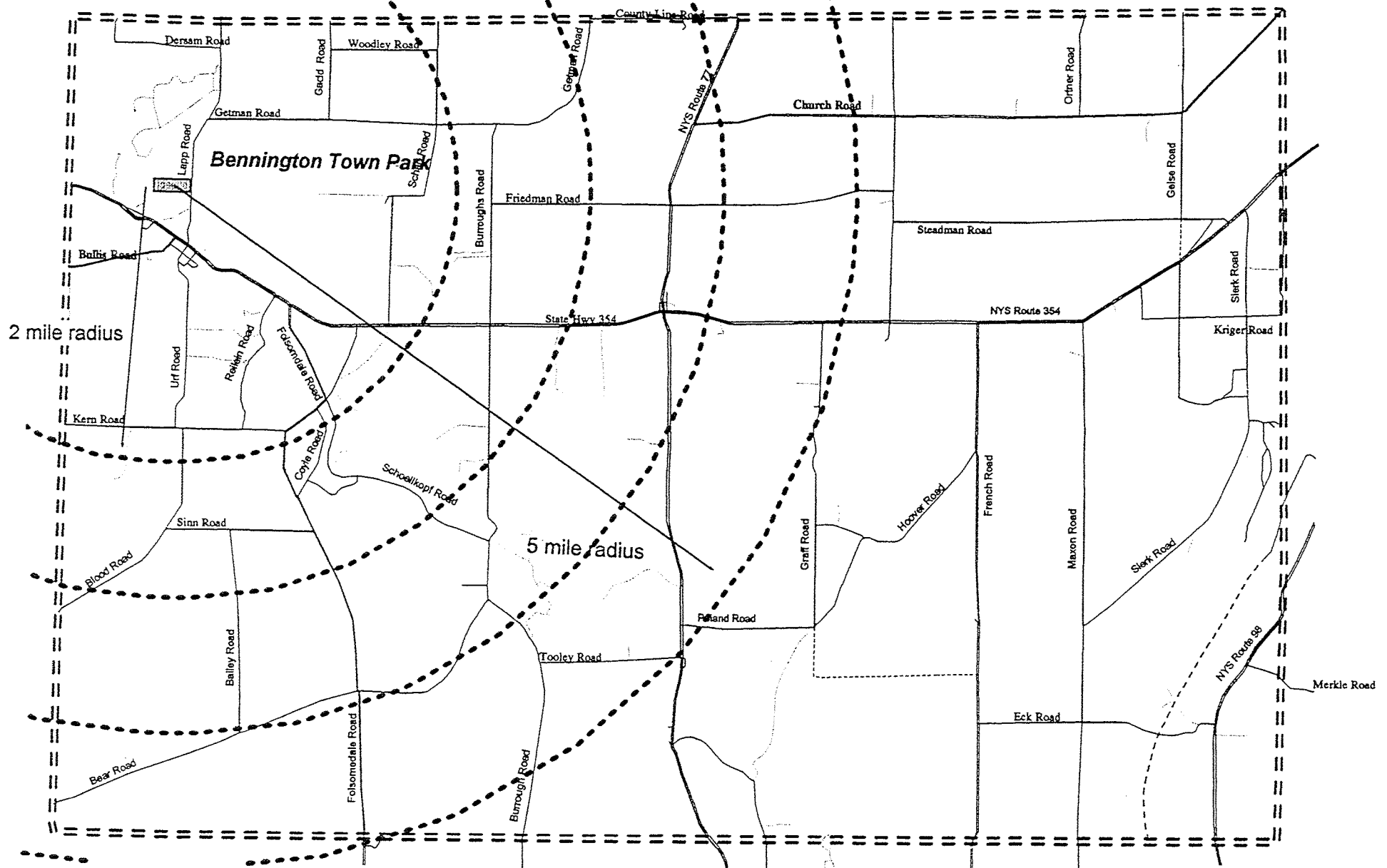
General Park Standards

CATEGORY OF PARK	FUNCTION	CATCHMENT AREA	RECOMMENDED STANDARDS
Mini-Park	Play lots or "vest pocket" parks	Serves concentrated or limited population or specific group such as tots or senior citizens. Located within neighborhoods and close to housing developments	0.25 acres per 1000 population
Neighborhood Park	Intense recreational activities, such as field games, court games crafts, playground apparatus, skating, picknicking, wading pools, etc.	Accessible to neighborhood populations; geographically centered; safe walking and bike access as well as automobile parking	2 acres per 1000 population; minimum 10 acres
Community Park	Recreational facilities such as athletic complexes or swimming pools; natural area for outdoor recreation such as walking, viewing, picnicking; or combination of the above	Serves neighborhoods within 1 - 2 mile radius. Should be easily accessible to community served.	Minimum 25 acres; 5 to 8 acres per 1000 population
Regional/ Metropolitan Park	Area of natural or ornamental quality for outdoor recreation such as picnicking, boating, fishing, swimming, camping, and trail uses; may include play areas	Serves communities within one hour driving time	200 or more acres; 5.0 to 10.0 acres per 1000 population
Special Use Recreational Lands	Sites with unique features or which provide for specific activities, such as golf courses, linear parks, community centers, outdoor theaters, trails, bikeways, athletic complexes, swimming holes, and other types of active and passive recreation.	Depends on demand for particular activity.	4.5 acres per 1000 population

SOURCE: Stuart I. Brown Associates

Adapted from the National Recreation and Parks Association (NRPA) and New York State Comprehensive Recreation Plan (SCRIP) standards.

BENNINGTON TOWN PARK - Approximate Service Area



Bennington Town Park:
16.6 acres

Population within
2 miles:
1,177
(14.1 acres per
1000 people)

Population within
5 miles:
2,218
(7.5 acres per
1000 people)

- Town Boundary
- - - Abandoned Railroad
- County Highway
- Highway
- - - Private Road or Driveway
- Town Roads
- - - Seasonal Road

