

**TOWN OF FENTON
COMPREHENSIVE PLAN
2007**

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1.0 INTRODUCTION

*“Among the most important powers and duties granted by the [State] legislature to a town government is the authority and responsibility to undertake town comprehensive planning.”
Section 27s-a(1)(b) New York State Town Law*

As state law makes clear, a comprehensive plan is a powerful document. In a court of law, the comprehensive plan gives validity to local land use decisions. In a town with a comprehensive plan, other governmental agencies must consider the impact of capital projects on the adopted plan. By preparing a comprehensive plan, a community lays out its shared vision and builds consensus for projects and policies. A comprehensive plan can be used to protect resources and guide development.

This Comprehensive Plan was drafted by a special board created by the Town Board in close cooperation with the Broome County Department of Planning and Economic Development. In preparation of this plan, historic and current community information was assembled, including population, age, household size and type, income, occupation, industry, housing condition, transportation infrastructure, utilities, public facilities, environmental resources, land use, agriculture and existing ordinances. Various authorities such as the Binghamton Metropolitan Transportation Study and Cornell Cooperative Extension were consulted.

To gather public input, the Town conducted a survey of residents and held numerous public meetings. Using records from the Broome County Office of Real Property, 2,157 surveys were mailed to property owners. The Town also conducted a series of open meetings to discuss elements of the Comprehensive Plan. At the public hearing on June 15, 2005, the staff of the Planning Department conducted a modified Strengths-Weaknesses-Opportunities-Threats (SWOT) exercise with the Town Board and Town residents. Through this SWOT analysis, residents listed the assets that a community can draw on, the shortcomings or deficits that must be overcome, the opportunities that should be seized upon, and the dangers that face the Town. This extensive work resulted in the recommendations found in the concluding chapter of this plan.

This comprehensive plan will ultimately be judged by how successfully it is implemented. The recommendations in Chapter 15 are the result of a great deal of work, input, and analysis, and now they should be put into action. Implementation will only be successful if the plan is dynamic. The plan should be reviewed periodically, at a minimum in five-year increments, to ensure that it remains relevant to the challenges faced by the Town of Fenton.

2.0 LOCATION

The Town of Fenton is located in the northeastern portion of Broome County (see Map 2-1 in Appendix A). It is bordered on the north by Chenango County, on the east by the Town of Colesville, on the south by the Town of Dickinson, Village of Port Dickinson, and the Town of Kirkwood, and on the west by the Town of Chenango and Town of Barker. The Town encompasses 19,919 acres. The Town of Fenton, along with the rest of Broome County and Tioga County, is located in the Binghamton Metropolitan Statistical Area. It is accessible by automobile from New York State Routes 12, 79, 88, and 369. NYS Route 81 is accessible by automobile from various routes in the Town, including from NYS Route 79 and from NYS Route 88 via NYS Routes 12A and 12.

The Chenango River runs south along the western boundary of the Town of Fenton. Page Brook, Ballyhack Creek, and Osborne Creek are major streams that run through the Town. Chenango Lake and Lily Lake are located in the Chenango Valley State Park which borders the Chenango River in the northwestern portion of the Town.

The hamlet of Port Crane, which includes the Town Hall, is located approximately 5 miles from the City of Binghamton. Hillcrest is located in the southwestern portion and North Fenton is located in the northern portion of the Town at the junction of NYS Routes 79 and 369.

3.0 BRIEF HISTORY OF FENTON

3.1 Overview

The Town of Fenton was first settled around 1788 by Elisha Pease, who cut his way into the wilderness and cleared land for a farm. Jared Page, who gave his name to Page Brook, settled in the Town around 1794. In 1855 the Town of Fenton was officially formed by an act of the County Board of Supervisors from territory originally belonging to the Town of Chenango. The first election took place in the tavern of Charles Hull in the spring of 1856. The Town of Fenton was originally named Port Crane after Jason Crane, an engineer employed in constructing the Chenango Canal. The name was changed to Fenton in 1867 in honor of Reuben Fenton who was at the time Governor of New York State. The early population changed as follows: 1860, 1,345; 1870, 1,499; 1880, 1,555; 1890, 1,280; 1900, 1,171; 1910, 1,050; 1920, 1,111.

The Town of Fenton was comprised of several hamlets in the early years. North Fenton, a hamlet located at the junction of NYS Routes 79 and 369 by the northern town line, was originally called “Ketchums Corners” and renamed in 1869. North Fenton had one church (Methodist Episcopal) and a public school located on Main Street, a cheese factory and one store. A school house was also located on Beartown Road. Quinneville was located northeast of North Fenton on the northern town line. Pleasant Hill was located to the south with Pleasant Hill Road beginning at Ballyhack Road. Wyman Corner was a hamlet located in the southeastern part of the town.

The hamlet of Port Crane, located near the Chenango River, was a port on the now-defunct Chenango Canal. Port Crane was first settled around 1800 and had a population of approximately 400 people at the time the Town was formed. The hamlet continued to be a center of population until the 1900s. Because of its prosperous location on the Chenango River, it became the principal trade center. It was for many years a depot for large quantities of lumber.

With the opening of the Chenango Canal in 1837, Port Crane prospered. During the canal years, boat building and repairing were an important part of its industry. The hamlet had two churches, Baptist and Methodist. The Baptist Church of Port Crane was on Canal Street and the Methodist Church was on Pine Street. The school was located on Depot Street. Port Crane had three general stores which were owned and operated by J. D. Youngs, H. A. Snow and W. E. Potter.

Fenton reached the height of its prosperity between 1840 and 1865 due to its status as a port along the Chenango Canal. As with practically every village that was located on the line of the canal, when the canal closed in 1878, the economy declined. Very little is left of the original development in Port Crane. The Chenango Canal was replaced by the Delaware and Hudson Railroad as the means of transporting goods.

Like other towns in Broome County, Fenton had many sawmills located along the streams, and many people were employed in the lumber business. In 1832 Samuel Andrews established a mill in Osborne Hollow, known as the Shear mill which became a landmark for many years. The Hungerford sawmill was located along Ardman Hollow Creek (Osborne Creek) in Port Crane. With the clearing of the forests, farming, instead of lumbering, became the principal occupation of the people and remained the livelihood of the residents even through the height of prosperity of the Town during the canal years.

3.2 Existing Historic Resources

Chenango Canal

The Chenango Canal was a towpath canal that followed the Chenango River for much of its course from Binghamton on the south end to Utica on the north end. It provided a significant link in the water transportation system of the northeastern United States, connecting the Susquehanna River to the Erie Canal. The Canal started at the confluence of the Chenango and Susquehanna Rivers. The canal was authorized by the New York State Legislature in 1833 and completed in 1836. Navigation commenced on the canal in 1837. Local leaders from the Chenango Valley lobbied for its construction. It had 116 locks, 12 dams, 19 aqueducts, 56 road bridges, 106 farm bridges, and 53 feeder bridges over its entire length. Packet boats and barges were drawn by horse and mule teams on the towpath.

The opening of the canal cut the shipping time from Binghamton to Albany from 9 days to 4 days. Its construction led to a manufacturing boom in the Chenango Valley. The construction of the railroad in the Chenango Valley after the Civil War rendered the canal obsolete. The canal was closed in 1878 by a vote of the State legislature. The canal was sold off piece-by-piece and filled in. Portions of stone aqueducts, locks and other structures remain in place along the route, particularly at Chenango Valley State Park.

Wyoming Conference Home

The Wyoming Conference Home, located on Chenango Street in Hillcrest, is one of the oldest institutions in Broome County. In 1919, the Home for Orphan Children of Wyoming Conference of the Methodist Episcopal Church was incorporated under the laws of the State of New York, for the purpose of receiving orphans and caring for them until they could be placed in good homes. Prior to this time the Wyoming Conference had established a home in Binghamton. With the number of orphans increasing beyond the capacity of the home, a farm house was secured in the Town of Fenton for this purpose. This house soon became overcrowded, and subsequently provision was made for a much larger building. Money was raised by local people to secure a site and erect a structure for the Home and the old Macumber place located in Hillcrest was purchased. This farm contained 24 acres of land, and was adapted to the work for which the institution was organized. A colonial-style building with a brick-faced exterior was erected at a cost of \$110,000, with an added expense of \$10,000 for furnishings and equipment. It provided accommodations for 60 children. The Wyoming Conference Home at Hillcrest was inspected and formally accepted by the building committee and dedicated in 1922. This multi-story building is located 240 feet back from the street. An emergency hospital was built in 1927 and later used as a girls' dormitory. Buildings were added to the site in later years. (See the Children's Home of the Wyoming Conference in Chapter 11.)

Stone Barn

The structure known as the Stone Barn is located at 543 NYS Route 369. The structure was built by Mirnel Youngs in 1839. The property was originally owned by John Hull, the first Town Supervisor. A house was located on the property at the confluence of Page Brook and the

Chenango River, about 412 feet from the main road, NYS Route 369. The huge steel silo which stands at the south end of the barn was later added to the property.

North Fenton Methodist Church

The First Methodist Episcopal Church in North Fenton was built in 1832. In 1871 the present church was built. The Church is located on NYS Route 79.

Port Crane Community Baptist Church

The First Baptist Church and Society of Port Crane was organized in 1860. The church members first met for worship in the Port Crane school house. In 1870 the First Baptist Church of Port Crane purchased the First Baptist Church of Binghamton and moved the church structure and materials to its present location at 38 Canal Street in Port Crane via the Chenango Canal. The church was re-erected the same year (1870) on the church property. The church name was changed in 1924 to the Community Baptist Church of Port Crane and again in 1974 to the First Baptist Church of Port Crane.

4.0 POPULATION

4.1 Introduction

An analysis of a community’s population trends is essential to the planning process. The evaluation of demographic data is an important factor for future decisions regarding land use, infrastructure, and community services. Future land use and development policies will be partially based on expected population growth or decline, population age, household and family characteristics, and income and poverty levels.

Population data for the Town of Fenton was collected from the United States Census of Population and Housing (Census), the most comprehensive source of demographic data for the Town of Fenton. Data is provided for 2000, the latest year for which reliable figures are available and in some cases for earlier decades to show population trends. Also, comparisons are made between the population figures for the Town of Fenton, Broome County, and other towns, where applicable, to put the data in perspective.

4.2 Population Trends

Table 4-1 shows the total population for Broome County and the Town of Fenton over the last six decades. In 2000, the Town had a population of 6,909 persons or about 3.5 percent of the countywide population. The Town has the fourth largest population of the 16 towns.

As shown in the table, the population of the Town of Fenton increased from 1940 through 1980, and then decreased in each subsequent decade, with a 4.5 percent decrease from 1990 to 2000. In comparison, the countywide population declined in each subsequent decade after 1970 and decreased by 5.5 percent from 1990 to 2000.

Table 4-1: Total Population 1940 – 2000									
Area	1940	1950	1960	1970	1980	1990	2000	Change 1990-2000	
								No.	%
Broome County	165,749	184,698	212,661	221,815	213,648	212,158	200,536	-11,624	-5.5%
Fenton	2,732	4,168	5,920	6,719	7,400	7,236	6,909	-327	-4.5%

Source: U.S. Census of Population and Housing.

4.3 Census Tract and Block Group Population

The Town of Fenton has two census tracts: CT 122.01 and CT 122.02. CT 122.01 has three block groups and CT 122.02 has four block groups. These census tracts and block groups are listed in Table 4-2 and depicted on Map 4-1 in Appendix A. As shown in Table 4-2, nearly two-thirds of the population of the Town resides in CT 122.02.

Hillcrest is located in Block Groups 1, 2, and in portions of Block Group 9 of CT 122.01. Port Crane is located in Block Groups 1 and 8 of CT 122.02. More than two-thirds of the population of the Town resides in these two communities. Block Group 2 in CT 122.01, Hillcrest, is the most densely settled area in Fenton. Map 4-2 depicts the population density for the Town.

Area	2000	Percent
Town of Fenton	6,909	100%
CT 122.01 (Hillcrest)	2,680	39%
Block Group 1	747	11%
Block Group 2	1,208	18%
Block Group 9	725	10%
CT 122.02 (Port Crane)	4,229	61%
Block Group 1	930	13%
Block Group 2	1,306	19%
Block Group 3	800	12%
Block Group 8	1,193	17%

Source: U.S. Census of Population and Housing.

Table 4-3 shows the change in population by census tract and block group over the last decade. CT 122.02 (Port Crane) experienced the largest decrease in population between 1990 and 2000, with nearly 75 percent of the decrease in the population of the Town occurring in this census tract. These changes are also shown on Map 4-3.

Area	1990	2000	Absolute Change	Percent Change
Town of Fenton	7,236	6,909	-327	-4.5%
CT 122.01 (Hillcrest)	2,764	2,680	-84	-3.0%
Block Group 1	783	747	-36	-4.6%
Block Group 2	1,281	1,208	-73	-5.7%
Block Group 9	700	725	25	3.6%
CT 122.02 (Port Crane)	4,472	4,229	-243	-5.4%
Block Group 1	1,017	930	-87	-8.6%
Block Group 2	1,230	1,306	76	6.2%
Block Group 3	958	800	-158	-16.5%
Block Group 8	1,267	1,193	-74	-5.8%

Source: U.S. Census of Population and Housing.

4.4 Urban and Rural Population

The U. S. Census classifies the population of an area as either urban or rural. Fenton's population was 37 percent urban and 63 percent rural in 2000. In comparison, the countywide population was 74 percent urban and 26 percent rural. Fenton had the fifth largest rural population in Broome County in 2000.

4.5 Age

Table 4-5 shows the number and percentage of persons in the “under 18” (school age), “18 to 64” (working age), and in the “65 and over” (retired) age categories, as well as the median age, in the Town of Fenton. The Broome County figures are provided for comparison.

Table 4-4: Population by Age in 2000								
Area	Total	Under 18		18 to 64		65 and over		Median Age
		No.	%	No.	%	No.	%	
Broome County	200,536	46,095	23%	121,610	61%	32,831	16%	38.2
Town of Fenton	6,909	1,732	25%	4,065	59%	1,112	16%	41
CT 122.01 (Hillcrest)	2,680	661	25%	1,481	55%	538	20%	42.7
Block Group 1	747	152	20%	443	60%	152	20%	43.6
Block Group 2	1,208	355	29%	598	50%	255	21%	41.5
Block Group 9	725	154	21%	440	61%	131	18%	44
CT 122.02 (Port Crane)	4,229	1,071	25%	2,584	61%	574	14%	40
Block Group 1	930	218	23%	591	64%	121	13%	40.2
Block Group 2	1,306	369	28%	790	61%	147	11%	39.4
Block Group 3	800	174	22%	474	59%	152	19%	44.0
Block Group 8	1,193	310	26%	729	61%	154	13%	38.3
Notes: CT = Census Tract BG = Block Group Source: U.S. Census of Population and Housing.								

The Town of Fenton has a slightly higher percentage of the “Under 18” population and a slightly lower percentage of the “18 to 64” population compared to the County. The Town of Fenton has a higher median age due to the substantially higher median ages and older population in several block groups.

As shown in Table 4-5, the age of the population varies by block group. The school age population is concentrated in Block Group 2 in CT 122.01 (Hillcrest) and in Block Groups 2 and 8 in CT 122.02 (North Fenton). The “over 65” population is concentrated in Block Groups 1 and 2 in CT 122.01 and in Block Group 3 in CT 122.02.

The percentage of population by age group for Broome County and the Town of Fenton are illustrated in Charts 4-1 and 4-2, respectively.

Figure 4-1: Broome County Population by Age in 2000

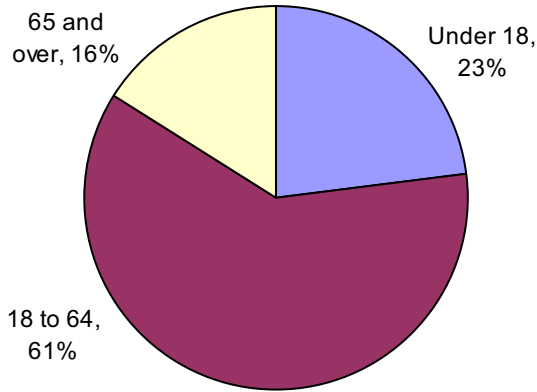


Figure 4-2: Town of Fenton Population by Age in 2000

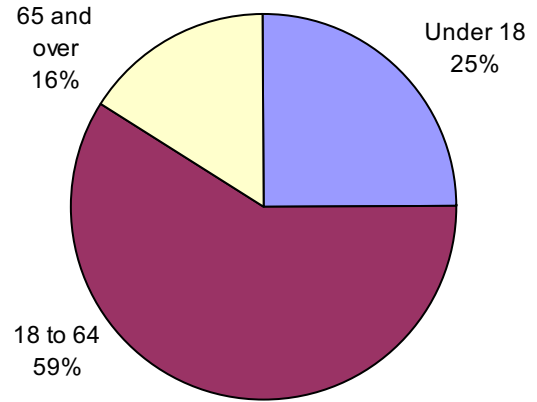


Table 4-6 shows the change in the age of the population in the Town from 1990 to 2000. The “20 to 24” and “25 to 34” age groups experienced the biggest percentage decrease in population while the “75 to 84” and “85 and over” age groups experienced the biggest percentage increase.

Age	1990	2000	Absolute Change	Percentage Change
Under 5	504	352	-152	-30%
5 to 9	516	492	-24	-5%
10 to 14	542	570	28	5%
15 to 17	302	318	16	5%
Under 18	1,864	1,732	-132	-7%
18 to 19	186	145	-41	-22%
20 to 24	396	260	-136	-34%
25 to 34	1,168	645	-523	-45%
35 to 44	1,141	1,184	43	4%
45 to 54	781	1,073	292	37%
55 to 59	371	399	28	8%
60 to 64	353	359	6	2%
18 to 64	4,396	4,065	-331	-8%
65 to 74	632	588	-44	-7%
75 to 84	285	426	141	49%
85 and over	59	98	39	66%
65 and over	976	1,112	136	14%
Total	7,236	6,909	-327	-5%

Source: U.S. Census Population and Housing.

4.6 Race and Ethnicity

The race and ethnicity of Broome County and the Town of Fenton are presented in Table 4-7.

Table 4-6: Race and Ethnicity in 2000				
Race/Ethnicity	Broome County		Fenton Town	
	No.	%	No.	%
Total Race:	200,536	100%	6,909	100%
White alone	183,153	91.33%	6,738	97.52%
Black/African American alone	6,575	3.28%	60	0.87%
Amer. Indian and Alaskan Native alone	384	0.19%	21	0.30%
Asian alone	5,585	2.79%	17	0.25%
Native Hawaiian and Other Pacific Islander alone	53	0.03%	0	0%
Some other race alone	1,593	0.79%	13	0.19%
Two or More Races	3,193	1.59%	60	0.87%
Total Hispanic or Latino	3,986	1.99%	55	0.80%
Notes:				
Hispanic or Latino refers to ethnicity. Race and ethnicity are mutually exclusive and, therefore, the percentages, when added together, total more than 100%.				
Hispanic or Latino could be of any race.				
Source: U.S. Census of Population and Housing.				

4.7 Household and Family Size

Table 4-8 shows the average number of persons per household and per family. The average household and average family sizes for the Town of Fenton are similar to the countywide figures.

Table 4-7: Household and Family Size in 2000		
Area	Broome County	Town of Fenton
Households	80,749	2,763
Average Household Size	2.37	2.47
Families	50,231	1,949
Average Family Size	2.97	2.93
Notes:		
Average Family Size: A measure obtained by dividing the number of members of families by the total number of families (or family householders).		
Average Household Size: A measure obtained by dividing the number of people in households by the total number of households (or householders).		
Source: U.S. Census of Population and Housing.		

4.8 Family Type

The Census provides a measure of family type as shown in Table 4-9. More than two-thirds of the households in the Town of Fenton have no people under 18 years, similar to the countywide figure. This observation mirrors the notion of a growing “empty-nester” population in Broome County.

The percentage of female households is slightly less than the percentage countywide.

Table 4-8: Household Type in 2000				
Area	Broome County		Town of Fenton	
	No.	%	No.	%
Total:	80,749		2,763	
Households with one or more people under 18 years:	24,500	30%	895	32%
Female family householder , no husband present	5,767	7%	153	6%
Female non-family householder	86	<1%	3	<1%
Households with no people under 18 years:	56,249	70%	1,868	68%
Female family householder, no husband present	2,957	4%	85	3%
Female non-family householder	16,858	21%	460	17%
Notes:				
Two types of female householders are distinguished: a family householder and a nonfamily householder. A family householder is a householder living with one or more people related to him or her by birth, marriage, or adoption. The householder and all people in the household related to him are family members. A nonfamily householder is a householder living alone or with nonrelatives only.				
Source: U.S. Census of Population and Housing.				

4.9 Group Quarters Population

According to the Census there are two general categories of people in group quarters, 1) the institutionalized population which includes people under formally authorized supervised care or custody in institutions at the time of enumeration (such as correctional institutions, nursing homes, and juvenile institutions) and 2) the noninstitutionalized population which includes all people who live in group quarters other than institutions (such as college dormitories, military quarters, and group homes).

Table 4-10 lists the group quarters population for the Town of Fenton. The Children’s Home Wyoming Conference provides most of Broome County’s juvenile institutional care (see Section 11.6 Other Local Facilities in Chapter 11 Public Services and Facilities).

Table 4-9: Group Quarters Population in 2000

Group Quarters	Broome County	Town of Fenton	Census Tract 122.01, Block Group 2
Institutionalized Population	3,338	73	73
Juvenile Institutions	91	73	73
Short-Term Care	10	10	10
Type Unknown	81	63	63

Notes:

The institutionalized population of the Town resides in the Children’s Home Wyoming Conference (Haskins Group Home)

Source: U.S. Census of Population and Housing 2000

4.10 School Enrollment

The Census provides figures for school enrollment among the population aged 3 years and over as shown in Table 4-11. The percentage of the population of the Town of Fenton enrolled in school is slightly lower than the percentage countywide. A substantially higher percentage of the students from the Town of Fenton are enrolled in elementary school (grades 1 through 8) or high school (grades 9 through 12).

Table 4-10: School Enrollment for Population Aged 3 Years and Over in 2000

Population	Broome County		Town of Fenton	
	No.	%	No.	%
Total	194,171		6,685	
Enrolled in School	56,153	29%	1,795	27%
Enrolled in nursery school, preschool	3,298	6%	128	7%
Enrolled in kindergarten	2,690	5%	108	6%
Elementary School (grades 1-8)	22,164	39%	851	47%
Enrolled in grade 9 to grade 12	10,790	19%	425	24%
Enrolled in college, undergraduate years	14,554	26%	250	14%
Enrolled in graduate or professional school	2,657	5%	33	2%
Not enrolled in school	138,018	71%	4,890	73%

Source: U.S. Census of Population and Housing.

4.11 Educational Attainment

The Census provides the educational attainment for persons age 25 and over as shown in Table 4-12. The figures are not available at the block level, so the effect of the institutionalized population can not be determined. As shown in the table, the Town of Fenton has a higher percentage of high school graduates and persons with some college or an associate degree.

Table 4-11: Educational Attainment for Population Aged 25 and Over in 2000				
Population	Broome County		Town of Fenton	
	No.	%	No.	%
Population Age 25 and Over	132,541	100%	4,772	100%
No schooling completed	1,166	0.9%	28	0.6%
Less than 9 th Grade	5,590	4.2%	126	2.6%
9 th to 12 th , no diploma	14,705	11.1%	515	10.8%
High school graduate (includes equivalency)	43,393	32.7%	1,766	37.0%
Some college, no degree	24,311	18.3%	987	20.7%
Associate degree	13,355	10.1%	560	11.7%
Bachelor's degree	16,662	12.6%	462	9.7%
Master's degree	9,788	7.4%	283	5.9%
Professional school degree	2,489	1.9%	29	0.6%
Doctorate degree	1,082	0.8%	16	0.4%
Source: U.S. Census of Population and Housing.				

4.12 Income

The 2000 Census reports the median household, family, and per capita income for 1999. These figures are provided for Broome County, Town of Fenton, the census tracts, and the block groups in Table 4-13. The income figures for the Town of Fenton are slightly higher than the countywide figures. As shown in the table, the income figures are substantially higher in Census Tract 122.01 (Hillcrest) than in the County as a whole or elsewhere in the Town of Fenton.

Table 4-12: Income in 1999			
Area	Median Household Income	Median Family Income	Per Capita Income
Broome County	\$35,347	\$45,422	\$19,168
Town of Fenton	\$39,622	\$45,869	\$19,780
CT 122.01 (Hillcrest)	\$42,031	\$50,880	\$21,910
Block Group 1	\$33,542	\$43,250	\$16,968
Block Group 2	\$42,257	\$53,500	\$23,391
Block Group 9	\$49,615	\$51,806	\$24,331
CT 122.02 (Port Crane)	\$37,122	\$42,428	\$18,430
Block Group 1	\$36,597	\$45,298	\$22,361
Block Group 2	\$44,667	\$50,938	\$19,406
Block Group 3	\$27,596	\$31,534	\$16,672
Block Group 8	\$38,750	\$40,987	\$15,608
Notes: CT = Census Tract BG = Block Group Source: U.S. Census of Population and Housing Sample Data			

4.13 Poverty

The 2000 Census lists the numbers of individuals and families living below the poverty level based on 1999 income figures. As shown in Table 4-14, the percentage of individuals and households below the poverty level is substantially lower in the Town of Fenton than in Broome County as a whole. Below poverty is most prevalent among individuals under 65 years and non-family households.

Table 4-13: Individuals and Households Below Poverty in 1999				
Populations	Broome County		Town of Fenton	
	No.	%	No.	%
Individuals ¹	191,350	–	6,784	–
Individuals Below Poverty	24,559	13%	464	7%
Under 65 years	22,327	91%	401	87%
65 to 74 years	1,008	4%	24	5%
75 years and over	1,224	5%	39	8%
Households ¹	80,917	–	2,772	–
Households Below Poverty	10,356	13%	204	7%
Family Households	4,471	43%	91	45%
Non-family Households	5,885	57%	113	55%

Notes:

¹Refers to the total population of individuals and households for whom poverty was determined in 1999.

The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is poor. If the total income for a family or unrelated individual falls below the relevant poverty threshold, then the family or unrelated individual is classified as being “below the poverty level.” The poverty thresholds used in the 2000 Census do not vary by geographical location.

Source: U.S. Census of Population and Housing.

5.0 HOUSING

5.1 Introduction

An analysis of a community’s housing is important to the planning process. Future land use and development policies are partially based on housing conditions and future housing demand.

Housing data for the Town of Fenton were collected from the United States Census of Population and Housing (Census), the most comprehensive source of housing data. Data are provided at the town, census tract, and census block group level for 2000, the latest year for which figures are available and in some cases for earlier decades to show trends. The census tracts (CT) and block groups (BG) are shown on Map 4-1 in Appendix A. Comparisons are made between the population figures for the Town of Fenton, Broome County, and other towns where applicable to put the data in perspective.

5.2 Housing Units

As shown in Table 5-1, the Town of Fenton had 2,941 housing units in 2000 or about 3 percent of the countywide total. Nearly two-thirds of the dwellings are located in CT 122.02, which encompasses Port Crane. However, CT 122.01, which encompasses Hillcrest, has the higher concentration of housing units per square mile.

Table 5-1: Total Housing Units 2000		
Area	2000	Percentage of Total
Broome County	88,817	100%
Town of Fenton	2,941	3%
CT 122.01 (Hillcrest)	1,147	39%
Block Group 1	352	12%
Block Group 2	481	16%
Block Group 9	314	11%
CT 122.02 (Port Crane)	1,794	61%
Block Group 1	410	14%
Block Group 2	503	17%
Block Group 3	398	14%
Block Group 8	483	16%
Source: U.S. Census of Population and Housing.		

5.3 Urban and Rural Housing Units

The Census classifies the housing of an area as either urban or rural. As shown in Table 5-2, Fenton's housing was 38 percent urban and 62 percent rural in 2000. Countywide the housing stock was 76 percent urban and 24 percent rural. Fenton had the fifth largest rural housing stock of the towns in 2000. This rural housing is primarily located in North Fenton.

Area	Total Units	Urban		Rural	
		No.	Percent	No.	Percent
Broome County	88,817	67,081	76%	21,736	24%
Town of Fenton	2,941	1,105	38%	1,836	62%
CT 122.01 (Hillcrest)	1,147	867	76%	280	24%
CT 122.02 (Port Crane)	1,794	238	13%	1,556	87%

Source: U.S. Census of Population and Housing.

5.4 Housing Type

The predominant housing type in the Town of Fenton is the single-family house followed by the mobile home. As shown in Table 5-3, nearly three-quarters (71 percent) of the dwellings are single-family houses and nearly one-quarter (22 percent) are mobile homes which includes mobile homes located in mobile home parks. The multi-family units comprise 7 percent of the housing stock. This housing is located primarily in Hillcrest (BG 1, 2 and 9 in CT 122.01) and in Port Crane (BG 1 and 8 in CT 122.02). Single-family housing is located throughout Fenton.

Area	Total	Single-Family		Multi-Family		Mobile Home	
	No.	No.	%	No.	%	No.	%
Broome County	88,760	52,198	59%	31,211	35%	5,351	6%
Town of Fenton	2,941	2,098	71%	210	7%	633	22%
CT 122.01 (Hillcrest)	1,147	980	85%	123	11%	44	4%
Block Group 1	340	289	85%	51	15%	0	0%
Block Group 2	480	453	94%	27	6%	0	0%
Block Group 9	327	238	73%	45	14%	44	13%
CT 122.02 (Port Crane)	1,794	1,118	62%	87	5%	589	33%
Block Group 1	402	249	62%	32	8%	121	30%
Block Group 2	502	458	91%	32	6%	12	3%
Block Group 3	408	121	30%	8	2%	279	68%
Block Group 8	482	290	60%	15	3%	177	37%

Source: U.S. Census of Population and Housing.

5.5 Mobile Home Parks

The Town of Fenton has the largest number of mobile homes of any municipality in the County and 12 percent of the mobile homes countywide. The Town has established zoning for mobile homes and has created Mobile Home Park Districts as described in Chapter 13, Sections 13.6 and 13.18 and in Chapter 7, Section 7.1 of this Comprehensive Plan. Table 5-4 lists the mobile home parks, location, and units, all of which are located in North Fenton. Map 5-1 shows the location of the mobile home parks. [See also Chapter 99 (Mobile Homes) and Section 150-19 of Chapter 150 (Zoning) of the Town of Fenton Code.]

Table 5-4: Mobile Homes Parks		
Mobile Home Park	Location	Units
Hillcrest Power Equipment (Car Wash and Mobile Home Park)	417 West Service Road	7
Glendale Court	176 Ballyhack Road	10
Burke’s Mobile Home Park	5 and 13 East Niles Road	14
Riverside Mobile Home Park	54 Towpath Road	17
Hickory Ridge Park	434 NY Route 369	18
Hillside Estates	244 Ballyhack Road	24
Mountain View Park	464 NY Route 369	31
MBM – Nowlan Ridge	940 Nowlan Road	52
Fenton Mobile Homes	780 NY Route 369	60
Forest Manor LLC	895 NY Route 369	105
Virginia City Mobile Home Park	761 NY Route 369	130
Total	11 mobile home parks	468 units
Notes:		
The list of mobile home parks was provided by the Town of Fenton. The units are estimates based on review of 2002 aerial photographs compiled by the Broome County Department of Planning and Economic Development.		
A car wash and mobile home park occupy the property located at 417 West Service Road. The name of this site is the “Hillcrest Power Equipment”.		
Source: Fenton Town Clerk, Fenton Town Engineer and Broome County Department of Planning and Economic Development.		

5.6 Housing Growth

As shown in Table 5-5, the number of housing units in the Town of Fenton increased by 4 percent from 1990 to 2000 compared to 1 percent countywide. BG 9 in CT 122.01 and BG 2 in CT 122.02 had the largest gain in housing units with nearly one-third of the new housing construction occurring in these two rural areas. These two areas also experienced the greatest increases in total population (see Chapter 4: Table 4-3). BG 9 in CT 122.01 and BG 2 in CT 122.02 are located in rural areas of the Town of Fenton. BG 9 in CT 122.01 is located between the New York, Susquehanna and Western Railway and Depot Hill Road in the eastern portion of the census tract. It encompasses a small portion of Hillcrest. BG 2 in CT 122.02 is located in the eastern portion of North Fenton.

Table 5-5: Total Housing Units 1990 – 2000				
Area	1990	2000	Change 1990-2000	
			No.	Percent
Broome County	87,969	88,817	848	1%
Town of Fenton	2,823	2,941	118	4%
CT 122.01 (Hillcrest)	1,116	1,147	31	3%
Block Group 1	348	340	-8	-2%
Block Group 2	493	480	-13	-3%
Block Group 9	275	327	52	19%
CT 122.02 (Port Crane)	1,707	1,794	87	5%
Block Group 1	393	402	9	2%
Block Group 2	437	502	65	15%
Block Group 3	403	408	5	1%
Block Group 8	474	482	8	2%

Source: U.S. Census of Population and Housing.

5.7 Building Permits

Building permit data, which are compiled in the *Broome County Construction Report*, also show trends in housing construction. They track the amount and value of residential construction, alterations, additions, and repairs. Table 5-6 lists the number and value of building permits issued for new construction in the Town of Fenton from 1995 through 2004. In 1995, the Town of Fenton issued 4 housing permits for a total value of \$247,000 (not adjusted for inflation). In 2004, the Town issued 25 housing permits for a total value of approximately \$2.2 million. Housing construction increased substantially beginning in 1998. Since 1998, mobile home installations have accounted for a large percentage of the new construction.

Table 5-6: Town of Fenton – Building Permits for New Residential Construction						
Year	Permits	Value	Mobile Home Permits		Mobile Home Value	
			No.	%	No.	%
1995	4	\$247,000	–	–	–	–
1996	7	\$593,900	–	–	–	–
1997	6	\$484,000	–	–	–	–
1998	17	\$997,292	10	59%	170,000	17%
1999	25	\$1,465,200	11	44%	202,200	14%
2000	25	\$1,117,000	16	64%	197,000	18%
2001	25	\$1,592,191	15	60%	–	–
2002	24	\$457,000	15	63%	–	–
2003	23	\$1,770,620	15	65%	661,500	37%
2004	25	\$2,168,000	14	56%	476,000	22%

Notes:
 Number of Permits refers to all new residential construction and does not include alterations, additions, and repairs.
 – Data not available.

Source: *Broome County Construction Report*.

5.8 Age of Housing

The age of the housing stock is often a key indicator of the quality of the housing, trends in housing construction, and housing demand. As shown in Table 5-7, nearly one-third of the housing in Fenton was constructed in the post-war years (1940 to 1959), with the majority constructed in Hillcrest (CT 122.01). From 1970 to March 2000 housing construction in Fenton outpaced housing starts countywide. The older housing stock is located in CT 122.01, which encompasses Hillcrest. The newer housing is located in CT 122.02 which encompasses North Fenton.

Year	Total	1939 or Earlier		1940 to 1959		1960 to 1969		1970 to 1979		1980 to 1989		1990 to 3/2000	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Broome County	88,817	29,350	33%	25,334	28%	11,497	13%	9,376	11%	8,219	9%	5,041	6%
Fenton	2,941	492	17%	898	31%	397	13%	473	16%	425	14%	256	9%
CT 122.01 (Hillcrest)	1,147	264	23%	618	54%	115	10%	78	7%	45	4%	27	2%
CT 122.02 (Port Crane)	1,794	228	13%	280	15%	282	16%	395	22%	380	21%	229	13%

Source: U.S. Census of Population and Housing.

5.9 Housing Tenure

Table 5-8 lists the number of renter-occupied and owner-occupied housing units. The Town of Fenton has a substantially higher percentage of owner-occupied units than the County as a whole. A high 87 percent of the occupied housing units in Fenton are owner-occupied compared to 65 percent countywide.

Area	Occupied-Housing Units	Owner-Occupied		Renter-Occupied	
		No.	Percent	No.	Percent
Broome County	80,749	52,566	65%	28,183	35%
Fenton	2,763	2,408	87%	355	13%

Source: U.S. Census of Population and Housing.

5.10 Occupancy Status

Table 5-9 shows the occupancy status of housing units for the Town of Fenton. The Town has a slightly higher percentage of occupied-housing units than the County as a whole. Ninety-four percent of the housing in the Town is occupied, compared to 91 percent countywide.

Table 5-9: Occupancy Status in 2000					
Area	Total Housing Units	Occupied		Vacant	
		No.	Percent	No.	Percent
Broome County	88,817	80,749	91%	8,068	9%
Fenton	2,941	2,763	94%	178	6%

Source: U.S. Census of Population and Housing.

5.11 Vacancy Status

Table 5-10 shows vacancy status. Fenton had a substantially higher percentage of homes for sale and a substantially lower percentage of homes for rent than the County as a whole in 2000. More than three-quarters of the homes for rent and more than one-half the homes for sale are located in North Fenton. Over 95 percent of the housing units for seasonal, recreational, or occasional use are located in North Fenton.

Table 5-10: Vacancy Status in 2000											
Area	Total	For Rent		For Sale Only		Rented or sold, not occupied		For seasonal, recreational, or occasional use		Other Vacant	
		No.	%	No.	%	No.	%	No.	%	No.	%
Broome County	8,068	3,183	39%	1,183	15%	601	7%	1,272	16%	1,829	23%
Fenton	178	42	24%	45	25%	21	12%	23	13%	47	26%
CT 122.01 (Hillcrest)	46	9	20%	20	43%	7	15%	1	2%	9	20%
CT 122.02 (Port Crane)	132	33	25%	25	19%	14	10%	22	17%	38	29%

Source: U.S. Census of Population and Housing.

5.12 Housing Value Range

Table 5-11 shows the number of housing units within a range of housing values. Nearly three-quarters of the housing in Fenton is valued from \$50,000 to \$99,999, compared to nearly two-thirds countywide. According to the U.S. Census, no housing was valued over \$199,000 in 2000. In comparison, 4 percent of the housing units were valued over \$199,000 countywide.

However, according to the 2000 tax rolls for the Town of Fenton, 13 residential properties with a taxable status date of March 1, 1999 and a valuation date of January 1, 1999 were valued at \$200,000 or more.

Table 5-11: Value for Specified Owner-Occupied Housing Units								
Area	Broome County		Town of Fenton		CT 122.01		CT 122.02	
	No.	%	No.	%	No.	%	No.	%
Total Units	41,671	100%	1,740	100%	869	100%	871	100%
Less Than \$50,000	5,522	13%	185	11%	77	9%	108	13%
\$50,000 to \$99,999	26,838	65%	1258	72%	654	75%	604	69%
\$100,000 to \$149,000	5,956	14%	247	14%	124	14%	123	14%
\$150,000 to \$199,000	1,833	4%	50	3%	14	2%	36	4%
\$200,000 Or more	1,522	4%	0	0%	0	0%	0	0%

Source: U.S. Census of Population and Housing.

5.13 Median Housing Values

Table 5-12 lists the median value for specified owner-occupied housing units and for owner-occupied mobile homes in Broome County and in the Town of Fenton. “Specified Owner-Occupied Housing Units” include only one-family houses on fewer than 10 acres without a business or medical office on the property. The median value for specified owner-occupied housing units for the Town of Fenton is similar to the countywide figure. The median value for owner-occupied mobile homes in the Town of Fenton is substantially less than the countywide figure.

Table 5-12: Median Value for Owner-Occupied Housing Units and Mobile Homes in 2000		
Area	Median Value for Specified Owner-Occupied Housing Units	Median Value for Owner-Occupied Mobile Homes
Broome County	\$75,800	\$26,800
Fenton	\$75,600	\$16,100
CT 122.01 (Hillcrest)	\$74,000	\$10,000
CT 122.02 (Port Crane)	\$77,800	\$16,200

Source: U.S. Census of Population and Housing.

5.14 Housing Turnover

The housing turnover rate is a general indicator of stability of the housing market. The figures for 2000 are provided below in Table 5-13.

As shown in the table, the housing market in Fenton tends to be more stable than in the County as a whole. In the 5 years prior to the 2000 Census, 30 percent of the householders residing in Fenton moved into their units, compared to 41 percent countywide. A high 54 percent of the householders residing in Fenton moved into their unit prior to 1990, compared to 46 percent countywide.

The housing market is more stable in CT 122.01 than in CT 122.02. A high 28 percent of the householders residing in CT 122.01 moved into their unit in 1969 or earlier, compared to 12 percent in CT 122.02.

Table 5-13: Tenure by Year Householder Moved Into Unit in 2000											
Area	Total Units	1969 or earlier		1970 to 1979		1980 to 1989		1990 to 1994		1995 to 2000	
		No.	%	No.	%	No.	%	No.	%	No.	%
Broome County	80,749	14,282	18%	8,804	11%	13,572	17%	10,991	13%	33,100	41%
Fenton	2,763	500	18%	450	16%	535	20%	442	16%	836	30%
CT 122.01 (Hillcrest)	1,101	303	28%	166	15%	209	19%	103	9%	320	29%
CT 122.02 (Port Crane)	1,662	197	12%	284	17%	326	20%	339	20%	516	31%

Source: U.S. Census of Population and Housing.

6.0 EMPLOYMENT AND BUSINESS CHARACTERISTICS

6.1 Introduction

Economic data for the Town of Fenton was collected from the United States Census of Population and Housing (Census). Data is provided for 2000 or for the latest year for which reliable figures are available. Telephone interviews were conducted with the major employers.

6.2 Civilian Labor Force, Participation and Unemployment

The civilian labor force consists of non-military residents aged 16 years and older who are available for work and are either employed or unemployed. The unemployment rate measures the percentage of the labor force that is unemployed at the time the Census was conducted. The Census labor figures for 2000 are provided in Table 6-1.

As shown in Table 6-1, the percentage of the population 16 years and over in the civilian labor force is higher in the Town of Fenton (64 percent) than in the County as a whole (60 percent). In 2000, the unemployment rate in the Town (4 percent) was lower than the countywide unemployment rate (5 percent).

Table 6-1: Civilian Labor Force, Participation and Unemployment in 2000				
Population	Broome County		Fenton Town	
	No.	%	No.	%
Population 16 Years and Over	159,704	100%	5,365	100%
In Labor Force	96,563	60%	3,430	64%
In Armed Forces	55	<1%	-	-
In Civilian Labor Force	96,508	60%	3,430	64%
• Employed	91,340	95%	3,307	96%
• Unemployed	5,168	5%	123	4%
Not in Labor Force	63,141	40%	1,935	36%
Source: U.S. Census of Population and Housing.				

The labor force in the Town of Fenton declined by approximately 6 percent from 1990 to 2000, representing a loss of 181 persons. This is slightly greater than the Town population decline of 4.5 percent for the same period.

6.3 Occupations

The 2000 Census lists the employed civilian population 16 years and over by occupation. These figures are provided in Table 6-2 for the Town of Fenton and Broome County. As shown in the table, the percentages for Fenton are nearly identical as the countywide percentages.

Table 6-2: Occupations of the Employed Civilian Population 16 Years and Over in 2000				
Employed Labor Force	Broome County		Fenton Town	
	No.	%	No.	%
Total Employed Labor Force	91,340	100%	3,307	100%
Management, Professional, and Related	31,581	35%	1,075	33%
Service	14,766	16%	571	17%
Sales and Office	24,779	27%	884	27%
Farming, Fishing, and Forestry	269	<1%	6	<1%
Construction, Extraction, and Maintenance	6,369	7%	263	8%
Production, Transportation, and Material Moving	13,576	15%	508	15%
Notes:				
Occupation describes the kind of work the person does on the job. For those persons who worked two or more jobs, the data refer to the job at which the person worked the greatest number of hours.				
Source: U.S. Census of Population and Housing.				

6.4 Labor Force by Industrial Sector in 2000

The 2000 Census also lists the employed civilian population by industrial sector. These figures are provided below in Table 6-3 for Broome County and the Town of Fenton.

As shown in the table, just under one-quarter (24 percent) of the employed civilian population of the Town of Fenton work in the education, health, and social service sectors. The second largest category of employment is manufacturing at 19 percent. These percentages are similar to the countywide percentages.

Table 6-3: Industry for the Employed Civilian Population 16 Years and Over in 2000				
Subject	Broome County		Fenton Town	
	No.	%	No.	%
Total Employed Labor Force	91,340	100%	3,307	100%
Agriculture, forestry, fishing and hunting, and mining	535	1%	15	<1%
Construction	4,666	5%	160	5%
Manufacturing	15,824	17%	614	19%
Wholesale Trade	3,694	4%	150	5%
Retail Trade	10,657	12%	405	12%
Transportation and warehousing, and utilities	4,363	5%	233	7%
Information	2,449	3%	94	3%
Finance, insurance, real estate, and rental and leasing	4,638	5%	178	5%
Professional, scientific, management, administrative & waste management	6,541	7%	138	4%
Educational, Health, and Social Services	23,535	26%	782	24%
Arts, Entertainment, Recreation, Accommodation, and Food Services	6,614	7%	210	6%
Other Services	3,929	4%	166	5%
Public Administration	3,895	4%	162	5%
Notes:				
Industry refers to the kind of business conducted by a person’s employing organization. For those persons who worked two or more jobs, the data refer to the job at which the person worked the greatest number of hours.				
Source: U.S. Census of Population and Housing.				

6.5 Employers

The two largest employers in the Town of Fenton, the Chenango Valley School District and the Children’s Home of the Wyoming Conference, are not-for-profits. Chenango Valley School District provides primary and secondary education at several sites within the Town of Fenton. The Children’s Home of the Wyoming Conference was incorporated in New York in 1918, but its roots go back to the 1850’s. During the first half of the twentieth century, the Children’s Home operated as an orphanage. In the 1950’s and 60’s, the Children’s Home expanded to serve families and provide social service programs. Today, the Children’s Home of the Wyoming Conference is licensed by New York State Department of Social Services to provide care for emotionally disturbed children and children without parental resources. The Children’s Home is also licensed by the New York State Board of Regents to provide schooling for kindergarten through 12th grade.

The next largest employer, at 278 full-time employees, is Elliott Manufacturing, Co. LLC. Elliott Manufacturing produces flexible shafting, flexible couplings, universal joints, valve operators and remote valve control components. They operate out of a 250,000 square foot manufacturing facility located at 11 Beckwith Avenue in Hillcrest. Elliott Manufacturing has 5 times more full-time employees than the next largest major employer.

Table 6-4 below lists the largest employers in the Town.

Table 6-4: Major Employers in the Town of Fenton			
Business or Institution	Number of Employees		
	Part-time	Full-time	Total
Chenango Valley School District	101	305	406
The Children’s Home of the Wyoming Conference	N/A	300	300
Elliott Manufacturing	3	278	281
Weathermaster Roofing	-0-	50 ¹	50 ¹
Bothar	-0-	50 ¹	50 ¹
Panko Electric	-0-	24	24
Laidlaw Educational Services	83	7	90
Notes:			
¹ Seasonal N/A = Not Available All figures are approximate.			
Source: Broome County Department of Planning and Economic Development			

6.6 Place of Work

Clearly Fenton is a bedroom community. According to the Census, just 10 percent of workers residing in the Town of Fenton work in the Town. Countywide three times as many workers live in the same town or city where they work. These figures are shown in Table 6-5.

Table 6-5: Place Of Work For Workers 16 Years and Over in 2000				
Subject	Broome County		Fenton Town	
	No.	%	No.	%
Total Workers	89,552	100%	3,280	100%
Worked in minor civil division of residence	29,800	33%	312	10%
Worked outside minor civil division of residence	59,752	67%	2,968	90%
Notes:				
A Minor Civil Division (MCD) is the primary governmental and/or administrative subdivision of a county. In New York, towns are (MCD's).				
Source: U.S. Census of Population and Housing.				

6.7 Travel Time to Work

The average travel time for Fenton residents (20.9 minutes) is higher than the countywide average (18.9 minutes). Table 6-6 shows the daily travel time to work for workers 16 and over in 2000. The majority of Fenton residents (52 percent) spent more than 20 minutes traveling to work compared to 37 percent for the county as a whole.

Table 6-6: Travel Time To Work for Workers 16 Years And Over in 2000				
Commute Time	Broome County		Fenton Town	
	No.	Percent	No.	Percent
Total Workers	89,552	100%	3,280	100%
Did not work at home	87,315	98%	3,202	98%
Less than 5 minutes	3,580	4%	50	2%
5 to 9 minutes	12,564	14%	201	6%
10 to 19 minutes	38,609	44%	1295	40%
20 to 29 minutes	19,160	22%	1117	35%
30 to 39 minutes	7,268	8%	348	11%
40 to 59 minutes	2,919	3%	102	3%
60 to 89 minutes	1,713	2%	50	2%
90 or more minutes	1,502	2%	39	1%
Worked at home	2,237	2%	78	2%
Mean Travel Time (in minutes)	18.9		20.9	
Source: U.S. Census Bureau				

7.0 Introduction

This chapter identifies and examines land use patterns in the Town of Fenton. These patterns have been largely determined by topography, waterways, transportation infrastructure, and other environmental constraints. Existing land uses reveal historical development patterns and areas for future growth and open space protection.

The primary source of land use information used in this chapter is the Broome County Real Property Tax Service. The Service maintains all property information in the Town of Fenton, including land use information that is provided by the Town of Fenton Assessor. Property information from July 2005 is used.

7.1 Current Land Use Patterns

The Town of Fenton has a diverse cross-section of land uses. The southwestern part of town (the Hillcrest area) is highly developed with mature suburban residential development and a number of industrial uses. The Hillcrest area is clearly connected with the urbanized core of Greater Binghamton. To the east and north of Hillcrest is the unincorporated hamlet of Port Crane. Port Crane has historically been the center of activity for the Town and serves as a transition area between Hillcrest and the rest of the Town. North of Port Crane, the town is characterized by large parcels of forested and agricultural land interspersed with rural residential development.

The Town of Fenton has a total area of 19,987 acres and as of July 2005 contained 3,093 tax parcels. Nearly 6,000 acres, or almost 30 percent of the total land area of the Town is classified as vacant. This vacant land is a tremendous resource and represents a significant potential for change in Fenton. An important challenge for Town residents and officials is managing the use and development of vacant lands. Great care must be taken to ensure that vacant lands are used and developed in ways that reflect the goals and visions of the Town and its people as expressed in this Comprehensive Plan.

Table 7-1 and Map 7-1 show the amount of land used for different general purposes based on property information from the Broome County Real Property Tax Service.

Table 7-1: General Land Use in 2005				
Land Use	Parcels		Acreage	
	Number	Percent of Total	Acres	Percent of Total
Agricultural	42	1.4%	2,619.7	13.1%
Commercial	53	1.7%	92.9	0.5%
Community Services	51	1.6%	291.1	1.5%
Industrial	29	0.9%	384.1	1.9%
No Data	25	0.8%	11.4	0.1%
Public Services	6	0.2%	64.1	0.3%
Recreational	4	0.1%	963.0	4.8%
Residential	2,240	72.4%	9,629.9	48.2%
Vacant	643	20.8%	5,929.8	29.7%
Total	3,093	100.0%	19,986.0	100.0%
Source: Broome County Real Property Tax Service, July 2005				

Residential

Like most municipalities, residential uses dominate the landscape in the Town of Fenton. Residential uses encompass 9,630 acres of land, including 72 percent of all parcels and 48 percent of the total land area of the Town. Not surprisingly, single family homes are the predominant type of residential dwelling in the Town. There are nearly 2,000 single family homes compared to less than 10 multi-family residences. Single family homes on smaller lots are found mostly in Hillcrest and Port Crane. Rural residences with substantial acreage account for 42 percent of the residential acreage in the Town. Table 7-2 summarizes residential land use in the Town.

Table 7-2: Residential Land in 2005				
Residential Land Uses	Parcels		Acreage	
	Number	Percent of Total	Acres	Percent of Total
One Family Year-Round Residence	1,916	85.5%	4,547.2	47.2%
Two Family Year-Round Residence	51	2.3%	36.4	0.4%
Three Family Year-Round Residence	3	0.1%	0.7	0.0%
Rural Residence with Acreage	115	5.1%	4,079.9	42.4%
Seasonal Residences	15	0.7%	288.8	3.0%
Mobile Home	111	5.0%	469.0	4.9%
Multiple Mobile Homes	8	0.4%	7.5	0.1%
Residential - Multi-Purpose/Multi-Structure	1	0.0%	1.2	0.0%
Apartments	6	0.3%	2.7	0.0%
Mobile Home Parks (trailer parks, trailer courts)	14	0.6%	196.6	2.0%
Total	2,240	100.0%	9,629.9	100.0%
Source: Broome County Real Property Tax Service, July, 2005				

Commercial

There are only 73 parcels (or 2.4 percent of all parcels) listed as commercial properties in the Town of Fenton. However, these properties are an important part of the Town’s landscape and include uses such as restaurants, automotive related businesses, and other retail services. There are several commercial properties in Port Crane, however Hillcrest, especially along the I-88 service roads, is the center of commercial activity in the Town. Table 7-3 details the commercial land use characteristics of the Town.

Table 7-3: Commercial Land in 2005				
	Parcels		Acreage	
	Number	Percent of Total	Acres	Percent of Total
Restaurants	1	1.9%	0.5	0.5%
Motor Vehicle Services	1	1.9%	0.3	0.3%
Auto Dealers - Sales and Service	3	5.7%	2.1	2.3%
Service and Gas Stations	7	13.2%	2.2	2.4%
Auto Body, Tire Shops, Other Related Auto Sales	7	13.2%	15.4	16.5%
Parking Lot	1	1.9%	0.0	0.0%
Warehouse, Distribution, and Terminal Facilities	12	22.6%	40.6	43.6%
Retail and Neighborhood Shopping Centers*	4	7.5%	7.4	8.0%
Miscellaneous	17	32.1%	24.6	26.4%
Total	53	100.0%	93.1	100.0%
Note:				
* Retail and Neighborhood Shopping Centers may include other land uses, such as restaurants.				
Source: Broome County Real Property Tax Service, July, 2005				

Industrial

Hillcrest has an important industrial history. Elliott Manufacturing is still a large employer and an important feature in the area. No manufacturing activities occur in the rural parts of Fenton, however, there are two important mining and quarrying areas in the Town. The first is along the Chenango River in Hillcrest where gravel mining has left a significant mark on the landscape. Quarries also exist on several properties near Chenango Valley State Park.

Table 7-4 shows the number of parcels and acreage dedicated to industrial uses.

Table 7-4: Industrial Land Use in 2005				
Land Use	Parcels		Acreage	
	Number	Percent of Total	Acres	Percent of Total
Manufacturing and Processing	9	31.0%	24.19	6.3%
Mining and Quarrying	20	69.0%	359.9	93.7%
Total	29	100.0%	384.1	100.0%
Source: Broome County Real Property Tax Service, July 2005				

Agricultural

Agricultural lands have historically dominated the landscape in most of Fenton. Today, there are only 42 parcels classified as agricultural, however these parcels constitute over 2,600 acres, approximately 13 percent of the total land area of the Town. Table 7-5 details the agricultural land uses according to Real Property information. Agriculture in the Town of Fenton is more fully discussed in Chapter 9.

Table 7-5: Agricultural Land in 2005				
Land Use	Parcels		Acreage	
	Number	Percent of Total	Acres	Percent of Total
Agricultural Vacant Land (Productive)	7	16.7%	286.54	10.9%
Dairy Products: milk, butter and cheese	8	19.0%	664.21	25.4%
Cattle, Calves, Hogs	3	7.1%	223.76	8.5%
Sheep and Wool	1	2.4%	101.44	3.9%
Other Livestock: donkeys, goats	1	2.4%	25.52	1.0%
Horse Farms	2	4.8%	101.75	3.9%
Field Crops	17	40.5%	1203.29	45.9%
Other Fruits	3	7.1%	13.22	0.5%
Total	42	100.0%	2,619.7	100.0%
Source: Broome County Real Property Tax Service, July 2005				

8.0 ENVIRONMENT

8.1 Introduction

This section identifies the important environmentally sensitive natural features that affect development decisions in the Town of Fenton. These features are important to the planning process because they influence the location, type, scale, and intensity of development. The natural features of the Town of Fenton also contribute to the community’s character and quality of life. Any unique natural features of town or countywide importance should be preserved to help maintain the high quality of life of town residents and visitors.

8.2 Topography

Topography has played a very important role in the development patterns in the Town of Fenton. For example, the neighborhood of Hillcrest, the most populated area in the Town, developed on relatively flat land within the Chenango River Valley. It is physically separated from other areas of the town by steep hills that characterize most of the Town. While most of the Town consists of steep hills and well-defined river valleys, the western part of the Town is dominated by the Chenango River and its floodplain. The elevation of the Town ranges from 840 feet above mean sea level (MSL) along the Chenango River in Hillcrest to 1,710 feet above MSL in the eastern part of the Town just south of Hawkins Hill Road.

Slope conditions are one of the most important factors that affect the development potential of land. In the Town of Fenton steep slopes are common in areas outside of the major river valleys. Slopes of less than 10 percent are most suitable for development while development on land with slopes of 10-15 percent generally requires additional costs. Land with slopes greater than 15 percent is usually unsuitable for development. Slope percentages for land in the Town of Fenton are shown in Table 8-1 and illustrated on Map 8-1. Approximately 54 percent of the land has a slope of 10 percent or less.

Table 8-1: Slope Characteristics	
Percent Slope	Percent of land area
0-5%	20%
5-10%	34%
10-15%	20%
15-20%	11%
>20%	15%

Several river and stream valleys trace through the Town of Fenton and, because of their relatively flat terrain, received the majority of development over the years. However, lands within river valleys may also be limited in development potential if they are located within a 100-year floodplain.

8.3 Unique Natural Areas

The most important and unique natural area in the Town of Fenton is Chenango Valley State Park. The park sits on the east bank of the Chenango River and includes floodplain lands, kettle ponds, and a deep ravine. The kettle ponds, found throughout the region, were formed when large chunks of ice, left from retreating glaciers and covered with soil and till, finally melted. At 1,134 acres, the State park is a unique natural resource that draws thousands of visitors to Fenton each year.

The Town should work to identify other unique natural areas and features that are valuable to Town residents such as ridgelines, wetlands, streams, scenic vistas, and other valued open space. Once identified the Town should consider implementing techniques to preserve and protect these spaces.

8.4 Surface Water

Among the important natural features in the Town of Fenton are the surface waters including ponds, lakes, rivers, streams, creeks, and wetlands. The significant surface waters located in the Town are described below and are shown on Map 8-2 in Appendix A.

Watersheds

A watershed is defined as an area of land that drains into a body of water. The four main drainage basins in Broome County are the Delaware River, the East Susquehanna River, the Chenango River, and the West Susquehanna River. Within these major drainage basins are a number of minor drainage basins and sub-basins. The Town of Fenton is located within the Chenango River basin.

Rivers and Streams

All water bodies in New York State are classified by the New York State Department of Environmental Conservation (DEC) on a scale from AA to D according to their use and quality. Waters characterized as AA or A are considered safe as a source of drinking water. Class B waters are suitable for fishing, swimming, and other contact recreation, but not as a source of drinking water. Classification C is for waters that support fish, but that are not suitable for swimming or drinking water. The lowest classification standard is D. The Chenango River is a Class B water body. All streams located in the Town of Fenton are rated class C.

The *Chenango River* forms the western boundary of the Town of Fenton and is a major natural feature in the central part of Broome County. It drains the areas nearest the river including Chenango Valley State Park. Several smaller streams drain the rest of the Town.

The Hillcrest area is drained by *Phelps Creek* which drains into the Chenango River in the Village of Port Dickinson.

Osborne Creek is the largest stream in the Town of Fenton. It drains the southern part of North Fenton and empties into the Chenango River just above the hamlet of Port Crane.

Ballyhack Creek drains the central part of the Town. It empties into the Osborne Creek.

The northern part of the Town of Fenton is drained by *Page Brook*. The stream runs south along the eastern border of Chenango Valley State Park before draining into the Chenango River just south of the park.

Wetlands

Wetlands are areas that are periodically or permanently saturated, flooded, or inundated. Wetlands include swamps, bogs, marshes, ponds, and the floodplains adjacent to rivers and streams. Wetlands provide habitat for wildlife and plants, play a role in stormwater management and flood control, filter pollutants, recharge groundwater, and provide passive recreational and educational opportunities.

There are two legally recognized classifications of wetlands: federally regulated wetlands and state regulated wetlands. The DEC requires a permit for any activity in or within 100 feet of any wetland 12.4 acres or larger. The Army Corps of Engineers regulates activities on wetlands that are greater than one acre in size and that are connected to a navigable waterbody.

State wetlands regulated by DEC are shown on DEC Freshwater Wetland maps. Federal wetlands regulated by the Army Corps are shown on the United States Fish and Wildlife Service National Wetlands Inventory (NWI). These sources were consulted to determine the location of jurisdictional wetlands in the Town of Fenton.

There are only three NYS regulated wetlands in the Town of Fenton. One is located along the Chenango River in Hillcrest. The other two are located near the eastern part of Chenango Valley State Park. There are many smaller wetlands regulated by the Army Corps of Engineers located throughout the Town of Fenton. The mapped wetlands are shown on Map 8-2 in Appendix A.

There are most likely other small wetlands in the Town of Fenton that are not mapped or protected. Wetlands are valuable and care should be taken to protect them even if they are too small to fall under state or federal jurisdiction.

8.5 Ground Water

Water that does not run off into surface waters may seep into pore spaces between soil particles. Once pores are filled, subsurface water is then called groundwater. In Broome County, underground water is stored in aquifers, areas of sand, gravel, or fractured rock that hold a large portion of the groundwater. Groundwater is the primary source of drinking water in Broome County.

The Environmental Protection Agency (EPA) has designated Sole Source Aquifers throughout the United States. These are protected aquifers that supply water to areas with few other

alternative sources for drinking water. Most of Broome County, including the Town of Fenton, is located above an EPA designated aquifer known as the *Clinton Street Ballpark Aquifer*. Public and private wells that provide drinking water to Town of Fenton residents draw water from this aquifer.

The DEC defines aquifers differently. Aquifers are classified on the basis of their importance as public water supplies, their productivity, and vulnerability to pollution. *Primary* aquifers are highly productive, vulnerable aquifers that are currently used by a sizeable population via public water supplies. *Principal* aquifer systems are geologically and hydrologically similar to primary aquifers, but support a smaller population. Map 8-3 in Appendix A shows the DEC designated aquifer in the Town of Fenton.

Regardless of which definition is used, the aquifer located in the Town of Fenton provides drinking water to all residents and efforts must be made to prevent contamination of ground water. The Town has an Aquifer Protection Law (Chapter 57 of the Town Code) that attempts to minimize the potential for contamination of the aquifer that supplies water to Hillcrest. The law created a wellhead protection zone, and aquifer recharge zone, and a watershed zone. Certain uses are prohibited in these zones and permits are required for most new development within these zones.

8.6 Stormwater

In 2003, the DEC implemented Stormwater Phase II regulations. The goal of the new regulations is to apply appropriate technologies and management practices to prevent pollution from non-point sources from entering the stormwater system and to address stormwater runoff. To accomplish this goal, the regulations consist of two State Pollutant Discharge Elimination System (SPDES) General Permits, both of which went into effect on March 10, 2003.

The first permit applies to all construction projects that disturb one acre or more of land excluding most residential and agricultural projects. If total disturbance is 1 acre or greater, the project is subject to Stormwater Phase II Regulations and the operator must obtain a (*SPDES*) *General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-02-01)* from the DEC. To receive a Permit, the applicant must complete a Stormwater Pollution Prevention Plan (SWPPP) and file a Notice of Intent (NOI) with the DEC stating that the SWPPP will be implemented.

The Second Permit applies to operators of small municipal separate stormwater sewer systems (MS4's). The Town of Fenton is an MS4 because it operates a stormwater system and because it is located within the Binghamton urbanized area. To receive the (*SPDES*) *General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s) (Permit No. GP-02-02)*, the Town filed a NOI with the DEC. The NOI states that the Town will develop and implement a Stormwater Management Program (SWMP) that will comply with the Stormwater Phase II Regulations. The Town of Fenton must report annually to DEC on their progress toward implementation of this program. It is expected that by March 2008 the program will be fully implemented. The Town is a member of the Broome-Tioga Stormwater Coalition, which includes all of the MS4's from Broome and Tioga counties. The goal of Coalition

members is to work together on stormwater issues and secure state funding to help member communities implement stormwater management programs.

8.7 Floodplain

A floodplain is the relatively flat area of low land adjoining a body of water (i.e., lake, stream, river, or wetland) that may periodically become inundated during a flood. Flood management experts are most concerned about 100-year floodplains, which are lands where floods have a one-percent chance of occurring during any given year. The 100-year period has special significance for floodplain management because it is the maximum level of flooding that can reasonably be expected and planned during a project's lifetime. Development within the 100-year floodplain is usually regulated so that flood storage capacity of the floodplain is not reduced. Floodplain development in the Town of Fenton is regulated through Chapter 81, Flood Damage Prevention of the Town Code.

The Federal Emergency Management Agency (FEMA) prepares floodplain maps for communities. Flood zones are mapped on the FEMA Flood Insurance Rate Maps (FIRM), which indicate the areas that require special flood insurance for development. Zone A on the FIRM indicates the Flood Hazard Area boundary which is the area likely to experience a flood once every 100 years. FIRM maps were prepared for the Town of Fenton in 1981.

There are several flood prone areas within the Town including most lands along the Chenango River, including a large low-lying area between Port Crane and the Page Brook outlet. There are also 100-year flood zones along Phelps Creek, Page Brook and Osborne Creek. The 100-year flood zones in the Town of Fenton are shown on Map 8-4.

8.8 Soils

Soils can have a significant impact on land use within a municipality. Some soils are deep and nutrient rich and are ideal for agriculture while other soils are rocky or sandy. Well-drained soils are suitable for traditional septic systems whereas other soils require more innovative waste-management systems.

Soil information for the Town of Fenton was obtained from the U.S. Department of Agriculture Natural Resources Conservation Service *State Soil Geographic Database* (STATSGO). Soil maps for the STATSGO database are produced by generalizing the detailed soil survey data. The mapping scale for STATSGO is 1:250,000. This level of mapping is designed to be used for broad planning uses. The Town of Fenton portion of the STATSGO soil map is provided on Map 8-5 in Appendix A.

There are six major soil associations found in the Town of Fenton: *Mardin-Lordstown-Volusia*, *Chenango-Howard-Palmyra*, *Valois-Bath-Howard*, *Tioga-Middlebury-Chenango*, *Bath-Mardin-Lordstown*, and *Urban Land-Howard-Niagara* associations.

The majority of soil in the Town of Fenton is of the *Mardin-Lordstown-Volusia* association. These soils occur primarily on the uplands in all parts of the Town. These soils have slow

infiltration rates and severe limitations that reduce the choice of agricultural plants or require special conservation practices. Development of most kinds is difficult.

The northwestern edge of the Town near Chenango Valley State Park is comprised of *Chenango-Howard-Palmyra* soils. These soils have high infiltration rates and are deep, well-drained to excessively drained sands and soils. They have few to some limitations that restrict their use or reduce the choice of plants or require moderate conservation practices.

The Page Brook stream corridor has *Valois-Bath-Howard* soils. These soils have some to very severe limitations with some sub-groups having severe limitations that make them unsuited to cultivation. They have moderate to slow infiltration rates with moderately deep, moderately well, to well-drained and soils with layers that impede downward movement of water.

A strip of land south of Chenango Valley State Park is comprised of *Tioga-Middlebury-Chenango* soils. These soils predominately have some limitations or require moderate conservation practices and have moderate to high infiltration rates. *Tioga-Middlebury-Chenango* soils are deep, well-drained to moderately deep, moderately well-drained.

The Ballyhack Creek and Osborne Creek stream corridors have *Bath-Mardin-Lordstown* soils. *Bath-Mardin-Lordstown* soils have some to very severe limitations with some sub-groups generally unsuited to cultivation. These soils have slow infiltration rates with layers that impede downward movement of water.

The Chenango River corridor from Ballyhack Creek south to the Town border is comprised of *Urban Land-Howard-Niagara* soils. These are deep, well-drained to moderately well drained soils. The capabilities of the sub-groups in this association range from some limitations or requiring moderate conservation practices to soils and landforms that have limitations that restrict their use.

8.9 Other Environmental Considerations

According to the Broome County Department of Environmental Health there are ten sites in the Town of Fenton that have known or suspected environmental issues. These sites, shown on Map 8-6, are as follows:

- *CAE-Link (now occupied by B. W. Elliott Manufacturing Company, LLC)*, located at 14 and 36 Nowlan Road.
- *Triple Cities Metal Finishing*, located at 4 Nowlan Road.
- *Tri-Cities Barrel Company*, located at 319 Route 7B.
- *U.S. Medical Depot* property, located at 1151 Hoyt Avenue.
- *Brandywine Lot 134 Dump*, located at 251 W. Service Road.
- *Scudder-Davies Dump*, located on the east side of Rt. 369 north of the Fenner Hill Road intersection.
- *Illsley C & D Site*, located between I-88 and the Chenango River in Hillcrest.
- *Weber Ash Disposal Site*, located near Weber Road.
- *Town of Fenton Landfill*, located on Spencer Road.

The Tri-Cities Barrel site is listed on the Federal National Priorities List (NPL) as a result of contaminated wastewater from chemical drum cleaning being disposed of in a series of unlined lagoons. The site was cleaned extensively through the removal of 350 drums and 61,000 tons of impacted soils. CAE-Link is a New York State Superfund site and a New York State Voluntary Cleanup Program (VCP) site. The property was extensively cleaned by the previous owners and more work has been done by the current occupant. Triple Cities Metal Finishing and the U.S. Medical Depot are both VCP sites.

The most prominent of these sites is the 129-acre former U.S. Medical Depot. The property was used as a medical supply depot during and after World War II. The property was later converted to a Defense National Stockpile Center. The site had several environmental issues including the burial of medical supplies onsite, the use of the site as an unofficial fire training center, mercury contamination in the buildings and in a stormwater collection pond, and contaminated soil at a former incinerator on the property. The site has been studied and extensively cleaned by a team that included the Army Corp. of Engineers and the Defense Logistics Agency. The result is the property currently meets residential standards.

The possible connection between these environmentally impacted sites and incidences of childhood cancer in the Hillcrest area has been studied by the New York State Department of Health (DOH). Six children under the age of 14, living within blocks of each other, were diagnosed with various cancers from 1980 to 1998. The New York State DOH review of the cancer cases was released in 1999, but no explanation was found for the unusual pattern of the cancers. When trichloroethylene (TCE) was found in soil gas samples in the area, Hillcrest again came under state investigation in 2003. The DEC is investigating whether vapors from the soil have entered the air in residents' homes. That investigation is ongoing.

9.0 AGRICULTURE

9.1 Introduction

Agriculture is an important industry in Broome County and in the Town of Fenton. Planning for its future is essential because farming provides tremendous benefits to the area. Farms help strengthen the local economy by supporting farm-related businesses such as feed supply and equipment stores but they also support a wide variety of non-farm related businesses such as hardware stores and banks. Agricultural lands also contribute to the rural character and open space in the Town. The *Broome County Agricultural Economic Development Plan* (December 2001) cites the following top ten benefits of farming for Broome County:

1. Farming represents a \$99,158,000 business investment in Broome County.
2. Farming provides year-round business for other Broome County enterprises.
3. Income from agriculture goes further than other sectors in helping the economy.
4. Agricultural opportunities can actually increase with development of an area.
5. Farms lower taxes.
6. Farms create rural character and attract tourism.
7. Successful farming limits suburban sprawl.
8. Farms and forests preserve natural environments.
9. Farms and forests support wildlife and sport hunting.
10. Farmland is an invaluable resource for future generations.

The *Broome County Agricultural Economic Development Plan* is discussed further in section 9.6 of this chapter.

Although most communities value agriculture, farming continues to decrease and many remaining farmers are finding it increasingly difficult to remain profitable. According to the United States Census of Agriculture, there was a significant loss of farmland in Broome County, about 6.6 acres per day, between 1992 and 1997. In Broome County where the population has been stable or declining over the last two decades, most loss of farmland is probably attributed to low profits and shifts to less land intensive farming. While traditional dairy farms have declined in number, the region is starting to see an increase in specialty farms that grow produce for niche markets. Specialty produce can be very profitable and may be the future of farming in the region. Since agriculture is an important but threatened segment of the economy, local governments must plan for its future.

9.2 Agricultural Profile of the Town of Fenton

Table 9-1 shows that in 2000, there were 31 farms in the Town of Fenton with an average size of 117 acres. This is smaller than the average of 168 acres per farm for Broome County. There is only one dairy farm in the Town but 23 livestock farms. The Town is also home to a number of specialty farms.

Table 9-1: Agricultural Profile of the Town of Fenton as of 2000		
Land Use	Broome County (1997)	Town of Fenton (2000)
Acres in Agricultural District	146,542	5,271
Actively Farmed Acres	85,804	3,637
Number of Farms	511	31
Average Farm Size	168	117
Farms by Type		
Dairy	65	1
Cash Crop	N/A	4
Livestock (Non-Dairy)	351	23
Horticulture Specialties	N/A	1
Hay	360	2
Honey		1
Gross Farm Sales (estimated)	\$24,016,000	N/A
Source: Cornell Cooperative Extension of Broome County and the 1997 United States Census of Agriculture.		

9.3 New York State Agricultural Districts

The primary land use tool used in Broome County to protect farmland is the New York State Agricultural District. The Agricultural Districts Law (Article 25-AA of the Agriculture and Markets Law) was created in 1971 to protect New York’s farming communities. The purpose of the agricultural districting is to encourage the continued use of farmland for agricultural use through landowner incentives and protections designed to forestall the conversion of farmland to non-agricultural uses. Benefits include tax benefits and protections against overly restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices.

There are three agricultural districts in Broome County. Each district undergoes a full review every eight years during which they may be terminated, modified, or left unchanged. All agricultural district changes must be approved by the Broome County Legislature and certified by the State of New York Commissioner of Agriculture and Markets.

9.4 Agricultural District No. 4

Agricultural lands in the Town of Fenton are located in Agricultural District No. 4., which extends across eleven municipalities in Broome County (See Map 9-1). The eight year review for District No. 4, completed in 2000, reported that agriculture was still a viable and important industry in Broome County. In fact, during the last revision 9,476 acres were added the District and only 831 acres were removed resulting in an increase of over 14 percent. At present, approximately 26 percent of land in the Town of Fenton is in the Agricultural District. Table 9-1 shows the changes in Ag. District No. 4 between 1992 and 2000.

Town	Total Town Acreage	Ag. District acreage in 1992	Additions	Deletions	Ag. District acreage in 2000	Percent Increase
Barker	21,147	132	0	0	132	0%
Binghamton (T)	15,756	344	611	0	955	177.6%
Chenango	21,170	2,503	603	0	3,106	24.1%
Colesville	47,179	27,236	3,045	112	30,169	10.8%
Conklin	15,077	2,612	440	0	3,052	16.9%
Fenton	19,919	4,496	775	0	5,271	17.2%
Kirkwood	18,392	298	568	0	866	190.6%
Maine	28,446	2,564	767	0	3,331	29.9%
Sanford	55,337	0	319	0	319	N/A
Union	19,879	448	410	0	858	91.5%
Windsor	54,866	19,079	1,938	719	20,298	6.4%
Windsor (V)	(includes village)	168	0	0	168	0%
Total	317,168	59,880	9,476	831	68,525	14.4%

Source: Broome County Agricultural District No. 4 Eight-year Review, 2000.

Table 9-3 shows the number of acres actively farmed in Ag. District No. 4 in 1992 and 2000. Due to the sizeable additions to the District in 2000, there was a 28 percent increase in the number of acres farmed. The new District contains 42,554 farmed acres on 2,335 parcels.

Town	Farmed Acres 1994	Farmed Acres 2000	Actual Change	Percent Change
Barker	131	131	0	0%
Binghamton (T)	341	950	609	179%
Chenango	2,218	2,819	601	27%
Colesville	13,320	16,355	3035	23%
Conklin	2,127	2,561	434	20%
Fenton	2,868	3,637	769	27%
Kirkwood	254	818	564	222%
Maine	1,913	2,674	761	40%
Sanford	0	319	319	N/A
Union	375	781	406	108%
Windsor	9,417	11,347	1,930	20%
Windsor (V)	163	163	0	0%
Total	33,127	42,555	9,428	28%

Source: Broome County Agricultural District No. 4 Eight-year Review, 2000.

In 2000, the Town of Fenton had 5,271 acres in Agricultural District No. 4. This was a 17 percent increase from 1992. Sixty-nine percent of that total, or 3,637 acres, is listed as being actively farmed. Despite the challenges mentioned above, it appears that agriculture in Broome County is stabilizing.

9.5 Agricultural Districts Law and Local Government

The New York State Agricultural Districts Law imposes certain restrictions on local governments as outlined below:

1. Local ordinances cannot restrict structures and activities normal to farming.
2. Public agencies cannot take farmland and public funds cannot be used to fund non-farm development without special justification.
3. Sewer and water taxes cannot be levied on farmland beyond a house and lot once a district has been formed, and
4. Property tax assessments may be based on agricultural use instead of market value

Additionally, Section 305-a (1)(a) of the Agriculture and Markets Law (and Section 283-a of the Town Law) states:

“Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall . . .not unreasonably restrict or regulate farm operations within agricultural districts . . . unless it can be shown that the public health or safety is threatened.”

The New York State Department of Agriculture and Markets can review proposed or existing local laws and ordinance to determine compliance with Section 305-a. In reviewing local laws and ordinances, the Department of Agriculture and Markets examines the following factors:

1. Is the affected farm within an agricultural district?
2. Does the regulated activity encompass farm operations?
3. Is the local law or ordinance reasonable?
4. Is the public health and safety threatened by the regulated activity?

If the Department of Agriculture and Markets concludes that the proposed law or ordinance unduly restricts farming, they will contact the municipality and attempt to arrive at a solution. If a solution cannot be found, the Department of Agriculture and Markets may bring an action in State Supreme Court or may issue an order to comply with Section 305-a of the Agriculture and Markets law.

Section 239-m of General Municipal Law (GML) provides another protection for farms. According to §239-m(3)(b)(vi), special use permits, site plans, and use or area variances that are within 500 feet of a farm operation located in a agricultural district must be submitted to Broome County Department of Planning and Economic Development for review. The County’s review is advisory only. However, according to GML §239-m(5), if the County Planning Department, “recommends modification or disapproval of a proposed action, the referring body (*local*

planning board or zoning board of appeals) shall not act contrary to such recommendation except by a vote of a majority plus one of all members thereof.”

9.6 Local Planning

The most successful local agricultural plans are those that combine various land use tools. Agricultural districts can discourage urban sprawl, leap-frog development, and the costly expansion of public services. In addition, there are other measures local governments can use to protect and promote agriculture and guide development in desired directions. This section outlines those measures available to agricultural towns in Broome County.

Broome County Agricultural Economic Development Plan

The *Broome County Agricultural Economic Development Plan* is a county-wide agricultural plan prepared for the Broome County Agricultural and Farmland Protection Board by the Cornell Cooperative Extension Service of Broome County, the Broome County Department of Planning and Economic Development, and the Shepstone Management Company. The *Plan* was adopted by the Broome County Legislature in 2001. The full text of the *Agricultural Economic Development Plan* can be reviewed online at:

www.gobroomecounty.com/planning/PlanningPubs.php.

The *Plan* provides a framework for establishing farm policy in the rural towns and provides Major Agricultural Initiatives for the towns to follow. The initiatives are described below:

1. Added Value Enterprise Initiative establishes measures to promote agricultural enterprises.
2. Direct Marketing Initiative outlines measures to develop markets for farm products. The initiative recommends the establishment of an Agricultural Marketing Specialist.
3. Agricultural Tourism Initiative establishes measures to promote agriculture as a tourist attraction.
4. Forest Management Initiative establishes measures to promote the local forest industry.
5. Agricultural Planning Initiative recommends the following measures to ensure agricultural interests are incorporated into land use planning and zoning.
 - Agricultural zoning districts should generally match the New York State Certified Agricultural Districts;
 - Local zoning laws should provide for small niche type agricultural enterprises outside agricultural districts;
 - Local officials should be provided continuous education on farm issues and agricultural law;
 - Agricultural community should be involved in local government and planning; and

- Right-to-farm laws should be encouraged in Broome County’s major agricultural towns to protect the rights of farmers to grow and expand within the community.
6. Agricultural Awareness Initiative outlines measures to maintain good relationships between farmers and farm neighbors.

Local Zoning

A combination of zoning and agricultural districts can be useful for guiding land use patterns in desired directions. Zoning that directs growth away from farming areas toward places where there is adequate infrastructure to support development and achieves a balance between agricultural and non-agricultural development benefits the entire community. Examples of zoning that support agriculture are provided below:

- Farm-based businesses, including traditional and accessory farm uses, are clearly provided for in the zoning code.
- Zoning permits on-farm enterprises and agricultural support businesses.
- Farm-based businesses not related to production such as farm stands or u-pick operations, remain an accessory use and do not interfere with adjacent farms or cause nuisances for neighbors.
- Zoning allows farmers to expand their business with non-traditional off-season or complementary seasonal uses.

Fenton’s Zoning Ordinance and its relationship to agriculture is discussed in Chapter 13: Ordinance Review.

Communication between Farm and Non-Farm Communities

Farm and non-farm conflicts have the potential to increase as residential growth spreads into farming areas. The relationship between agricultural and residential use is a critical issue in general in Broome County. More communication between farm and non-farm communities and more education to deal the agricultural issues is needed in Broome County.

Some towns have instituted a local agricultural notice program targeted to builders and realtors to avoid potential conflicts between farms and residences.

Workshops and farm tours hosted by the local town, local farmers, and farm agencies are other tools that can be used to help the community understand the value of agriculture to the community.

Representation on Planning Board

Town Boards also have the authority to appoint one or more agricultural members to the Planning Board to involve members of the agricultural community in local government and planning. In towns where an agricultural district exists, Section 271.11 of the New York State Town Law provides that a town board may include on the planning board one or more agricultural members who earn at least \$10,000 per year in gross income from agricultural pursuits in the town. Such members can be in addition to the other members the Town Law specifies each Board must have.

10.0 TRANSPORTATION

10.1 Introduction

It is important that a town comprehensive plan include recognition of the close linkage between transportation and land use. The value of land for development is dependent in part on access. A parcel of land located immediately adjacent to an interchange on an Interstate highway, for example, has much greater value for commercial development than a similar parcel situated on an unimproved Town road. As such, decisions on transportation improvements must be coordinated with the Town's desired land use patterns.

It is also important that all transportation facilities in the Town provide an acceptable level of reliability and safety to Town residents, visitors, and through traffic. This applies to all modes of travel, including automobile and truck travel as well as cycling and walking.

Road networks in New York are multi-jurisdictional in nature. New York State, through its Department of Transportation (NYSDOT), owns and is responsible for the maintenance of Interstate and State highways. Broome County is responsible for County roads through its Department of Public Works. The Town of Fenton has jurisdiction over the remainder of the public roads in the Town.

10.2 Highways and Roads

There are 90.5 centerline miles of public roads in the Town of Fenton. Of these, 22.3 miles are owned by New York State, 18.1 miles by Broome County, and 50.1 miles are Town roads.

Interstate 88 traverses the Town, and provides local access at Interchange 2 (NYS Route 12A/Chenango Bridge) and Interchange 3 (Port Crane). Traffic volume (reported as Annual Average Daily Traffic) between Interchanges 1 and 3 is 27,000 vehicles per day (VPD). East of Interchange 3 the volume drops to 14,800 VPD. A segment from Interchange 2 to about 2 miles east of Interchange 3 was the subject of a "mill and resurface" pavement rehabilitation in October 2005.

Other State highways include NYS Routes 79, 369, and 7B(990K), which was formerly designated as NYS Route 7, which is now coincident with Interstate 88 west of Interchange 4.

- Route 79 traverses the northern edge of the Town, a distance of approximately 6.6 miles. AADT ranges from 800 – 1,850 VPD.
- Route 369 connects from Port Crane to North Fenton, and provides primary access to the Chenango Valley State Park. Its length is 6.3 miles, and AADT ranges from 6,500 VPD between I-88 and the State Park, to 2,500 VPD at the northern terminus.
- Route 7B parallels I-88 from Port Crane to Sanitaria Springs, a distance of approximately 3.7 miles. Since it serves primarily local traffic, the AADT is 1,000 VPD.

There are a number of Broome County highways in the Town, ranging from urban arterial streets to rural roads. There are two county roads that are urban in character:

- Broome County Route 312, Chenango Street. In the Hillcrest neighborhood of the Town, Chenango Street extends from the Port Dickinson line at the south to its termination at the I-

88 Service Roads on the north. It is a two-lane urban collector street, providing direct access to commercial and residential properties as well as indirect access for adjacent neighborhood streets.

- County Route 80, Nowlan Road. It extends from Chenango Street east to NYS Route 7B, but the segment east of Stratmill Road is a Town road. The portion in the Hillcrest neighborhood is an urban two-lane street, while the remainder is suburban/rural, providing direct access to individual properties.

All of the remaining Broome County roads in the Town are rural in character, with the exception of a small portion of County Route 165 in the hamlet of Port Crane. They provide direct access to adjacent properties, which are primarily large-lot residential or agricultural. An inventory of these roads is as follows:

- CR 120, Ganoungtown Road, from NYS Route 269 to Ballyhack Road
- CR 124, Beartown Road, from NYS Route 369 to the Fenton-Colesville Town line
- CR 165, Crocker Hill Road, from Nowlan Road to the hamlet of Port Crane
- CR 185, Stratmill Road (portion), from Nowlan Road to the Fenton-Kirkwood Town line
- CR 193, Ballyhack Road, from NYS Route 369 immediately north of I-88 Interchange 3 to Ganoungtown Road
- CR 211, Tunnel Road (portion) from the Fenton-Colesville Town line to the Fenton-Colesville Town line

These roads are all similar in nature. They typically have 11-foot wide lanes, a marked center line but no edge of pavement markings, and no paved shoulder. Speed limits vary from 30 mph to 45 mph.

The Town of Fenton has jurisdiction over the remaining roads in the town. These roads also vary from urban neighborhood street design in the Hillcrest area and Port Crane, to rural low-volume road design throughout much of the Town.

There is little traffic congestion on any of the roads in the Town. Exceptions include the interchanges with Interstate 88, particularly the eastbound off ramps in the afternoon peak period. While Interchange 2 is constrained by the NYS Route 12A bridge over I-88 and the Chenango River, the Town should consider this issue in relation to any potential redevelopment of the U. S. Medical Depot site that might be provided access to that interchange. Congestion at Interchange 3 has been addressed by NYSDOT with the recent installation of a traffic signal at the intersection of the eastbound off-ramp/NYS Route 369/Albany Street. If the Town should choose to encourage additional commercial development in Port Crane, especially near the interchange, it may prove necessary to add an additional lane to the ramp.

Safety is the other critically important factor in assessing transportation facilities. NYSDOT provided a listing of crashes for each roadway in the Town for a three-year period. There do not appear to be any exceptionally hazardous roadway locations in the Town. It is often the case on low-volume rural roads that while they do not meet textbook design standards, the traffic is nearly all local and familiar with the roadway terrain and geometry.

13.3 Public Transportation

The residents of the Town of Fenton are served by the Broome County Department of Public Transportation. A small area of the Town is served by the urban fixed-route bus service, BC Transit, and its companion service for disabled people, BC Lift. The remainder of the Town is served by the rural dial-a-ride, BC Country.

BC Transit's Route 40, which begins at BC Junction in downtown Binghamton, follows Chenango Street through the Hillcrest neighborhood, then uses the I-88 West Service Road to access NYS Route 12A and Chenango Bridge. There is service every thirty minutes. On weekdays, the first outbound bus leaves BC Junction at 6:20 AM, and the last one at 5:50 PM; the first inbound bus leaves River Road and Poplar Hill Road in Chenango Bridge at 5:25 AM, and the last one at 5:48 PM. On Saturday, service is hourly throughout the same service hours. There is limited BC Transit service on Sunday, with this route only traveling as far as Chenango Street and Old State Road.

BC Lift is a paratransit service designed to meet the requirements of the Americans with Disabilities Act. It serves individuals who live within $\frac{1}{4}$ mile of a BC Transit bus route, but who, as a result of a disability, cannot use BC Transit. People reserve a ride by calling at least 24 hours in advance, and receive curb-to-curb service. BC Lift vehicles are equipped with wheelchair lifts, and are accessible to people regardless of disability.

Therefore, residents of Hillcrest have a reasonably good public transit option available to them, except at night and on Sunday.

Rural residents have much more limited public transportation service. BC Country is also a curb-to-curb service with a 24-hour advance reservation requirement. It offers service from rural locations into the urbanized area, but the only destinations in the rural area are Office for Aging senior centers. Thus, a resident of Fenton could ride to and from the Harpursville Senior Center, but to no other rural destinations. On the positive side, service is available on all weekdays, which is not the case in all areas of Broome County. The service operates from 6:00 AM to 6:00 PM. There is no weekend service. In general, isolation of the rural poor and elderly who do have a car or cannot drive has been identified as a significant social issue to which lack of public transportation contributes.

Since transit is a County service, the Town may choose to advocate on behalf of its transit-dependent residents for improved service with the Broome County Executive and Legislature.

10.4. Non-Motorized Transportation

Pedestrian and bicycle travel has gained greater recognition in transportation planning. People want safe places to walk, and want to be able to travel safely by bicycle as well. That means having sidewalks in appropriate locations, and crosswalks. Cyclists can benefit from a variety of on-street treatments, from designated bicycle lanes to wider curb lanes. In addition, the provision of trails can benefit both user groups. Walkers use them mostly for recreation, but cyclists may use them as an off-street part of a longer trip.

The Town of Fenton has expressed interest in the development of bicycle facilities associated with the BMTS Greenway Plan. This Plan was adopted in 1999. It proposes two new riverbank trails in the Town of Fenton.

The first is an extension of the Port Dickinson Park Trail network north along the east bank of the Chenango River through the abandoned gravel mine property. The plan proposed that this trail could be completed as part of the mine reclamation activities required of the owners. It was proposed that a trail head access point and parking lot would be constructed at some point along the West Service Road.

The second proposal, which was identified as more long term in the Greenway Implementation Plan, would construct bicycle/pedestrian bridges over the Chenango River to provide better access to the Chenango Valley State Park. This proposal would address the current obstacle to bicycle travel to the park from the metropolitan area. Because I-88 between Exits 2 (Chenango Bridge) and 3 (Port Crane) is not legally accessible to cyclists or pedestrians, the only access to the park is by traveling a considerable distance north on NYS Route 12 to Chenango Forks and crossing at that point. The Greenway Plan proposes constructing a bridge connecting River Road in the Town of Chenango to NYS Route 369 in the vicinity of Ballyhack Road; and constructing another bridge connecting to Rogers Road or going directly into the park. NYS Route 369 would be improved and signed as a bicycle route between these points.

The Town has the opportunity to participate with BMTS and the New York State DOT on greenway development efforts. There is a clear benefit to the quality of life for Town residents and visitors in developing better bicycle and pedestrian facilities.

11.0 PUBLIC FACILITIES AND SERVICES

11.1 Introduction

Like most communities, the Town of Fenton maintains a number of facilities that are used to provide services to Town residents. Although the County does not maintain any facilities in the Town, the State of New York maintains Chenango Valley State Park and a Department of Transportation facility in Port Crane and the federal government maintains the U.S. Medical Supply Depot in Hillcrest. The major public facilities in the Town of Fenton are described below and shown on Map 11-1 in Appendix A.

11.2 Federal Facilities

Defense National Stockpile Center

The Defense National Stockpile Center (DNS) in Hillcrest, also known as the U.S. Medical Depot, is one of several depots located across the country operated by the U.S. Defense Logistics Agency. These depots are used by the federal government to stockpile materials in an effort to limit dependency on foreign countries during times of war. The U.S. Medical Depot in Hillcrest was used to stockpile raw material and supplies during the Cold War. However, the U.S. Congress has determined the Depot is no longer necessary and the facility is now closed. The federal government is in the process of decommissioning the site, which is anticipated to be completed by 2010, and will deed the property over to other government agencies or the private sector. In 2003 the federal government completed a project to clean the compound of contaminants to residential standards after pollution was found in the soil. The cleanup is further described in Chapter 8: Environment. In November 2004 the Town of Fenton Town Board rezoned the site from the Limited Industrial to Residential B (see Chapter 7: Land Use).

11.3 State Facilities

Chenango Valley State Park

The Chenango Valley State Park, located in the northwestern part of the Town along the Chenango River, is the only state park in Broome County and is the major attraction in the Town of Fenton. The park covers 1,134 acres and offers a variety of facilities including a beach, nature trails, boat rentals, an 18-hole golf course, cabin rentals, and 216 campsites. The park is open year-round. It attracted approximately 310,000 visitors in 2003.

New York State Department of Transportation Garage

The New York State Department of Transportation operates a truck and salt storage facility located at the intersection of NYS Route 369 and Ballyhack Road in Port Crane, just north of Exit 3 on NYS Route 88.

11.4 County Facilities

There are no significant county-owned facilities located within the Town of Fenton.

11.5 Town Facilities

Town Hall

The Fenton Town Hall, formerly the Port Crane School, is located at 44 Park Street in Port Crane. The Town purchased the building from the Chenango Valley School District and has used the building as the Town Hall since 1980. The Town also owns and maintains several ball fields, a tennis court, and a newly-constructed playground on the nine-acre property that includes the Town Hall. The playground was built in 2001 with funding from the Town and from the Port Crane Civic Association.

Town Highway Department Garage and Salt Storage Facility

The Town of Fenton Highway Department occupies several buildings owned by the Town. The main facility is located at 16 Palmer Hill Road and includes three buildings: the main garage, an old garage, and a newly constructed cold-storage facility. The Town is currently analyzing the best course of action for the old garage and is considering demolishing the structure, rebuilding it, or renovating it. The cold-storage facility was built in 2003 to store equipment that is used during the winter months. The Town plans on adding electricity and other improvements to the building as time and budget permit.

The Town maintains a salt-storage facility and a gravel pit at 41 Pigeon Hill Road. The storage structure is seven years old and has a capacity of several hundred tons.

11.6 Other Local Facilities

Children’s Home of the Wyoming Conference

The Children’s Home of the Wyoming Conference is a non-profit organization that provides a wide array of services to troubled and high-risk youth. These services include a fully-accredited school for grades K through 12, residential care, family support programs, and family counseling. The Conference’s main facility is located on approximately sixteen acres at 1182 Chenango Street in Hillcrest. The Conference maintains programs at eight facilities throughout the Southern Tier and employs approximately 300 staff, including 200 at the Chenango Street location. The Children’s Home of the Wyoming Conference moved to Chenango Street in 1918 and due to the age of some structures, the Conference has begun planning for some building renovations and construction at the site.

Hillcrest Community Association ball fields

The Hillcrest Community Association maintains two ball fields next to the Hillcrest Fire Station at the end of Alida Ave.

School Districts

The Town of Fenton is served by three school districts. Map 11-1 shows the schools for the Town.

- The *Chenango Forks School District* serves most of the central and northern part of the Town of Fenton.
- The *Chenango Valley School District* serves the southern part of the Town, including Hillcrest and Port Crane. The Chenango Valley Junior-Senior High School is located in the Town of Fenton at 221 Chenango Bridge Road. The district office is located at 1160 Chenango Street in Hillcrest.

The District is currently pursuing plans to acquire between 40 and 50 acres of the U.S. Medical Depot property to add to its Junior-Senior High School campus.

- The *Harpursville School District* serves the extreme eastern portions of the Town.

Libraries

Two public libraries serve the residents of the Town of Fenton. These libraries are described below:

- The *Broome County Public Library*, located at 185 Court Street in Binghamton, offers free library services to anyone who resides in Broome County.
- The *Fenton Free Library*, located at 1062 Chenango Street in Hillcrest, also provides services for residents of the Town of Fenton.

11.7 Public Safety

Fire Protection

Three all-volunteer fire companies serve the Town of Fenton. These fire stations are shown on Map 11-1 and described below:

- The *Hillcrest Fire Department* covers the small but populated area of Hillcrest. The station is located at 1115 Avenue B.
- The majority of the Town is served by the *Port Crane Fire Department*. The department has two stations, both of which are located in the Town. The main station is located at 844 NYS Route 369. Station #2 is located at 12 Canal Street in Port Crane.
- The extreme northern part of Fenton is served by the *Chenango Forks Volunteer Fire Company*. The station is located at 2640 NYS Route 12 in the Town of Barker.
- A small area of the Town around Tunnel Road is served jointly by the Port Crane Fire Department and the *Sanitaria Springs Fire Company*. The Sanitaria Springs station is located at 811 NYS Route 7B in Sanitaria Springs.

Police Protection

The Town is served by the Broome County Sheriff's Office, which is located at the Broome County Public Safety Facility off Upper Front Street in the Town of Dickinson, and by the New York State Police.

Emergency Medical Services

In the Town of Fenton, paramedic and emergency transportation services are provided by the Broome County Volunteer Emergency Squad. It is a part-volunteer, part-paid squad that is the primary emergency medical service provider to several municipalities in Broome County. The fire departments that serve the town also provide basic life support.

12.0 PUBLIC UTILITIES

12.1 Introduction

With the exception of a small sewer district on Porter Hollow Road, public water and sewer utilities are only available in the Hillcrest area of the Town of Fenton. Map 12-1 in Appendix A shows the areas of the Town served by public water. Map 12-2 in Appendix A shows the areas of the Town served by public sewer.

12.2 Water Supply

Most properties in the Town of Fenton rely on private wells for water. The only area served by a public water supply is Hillcrest. *Hillcrest Water District No. 1* was first formed in the late 1920's and supplies water to all of Hillcrest and also to Port Dickinson. Water is supplied to the District from three wells located in a 2.39 acre well field.

Although Hillcrest's water supply system dates from the 1920's, careful planning and routine upgrades have strengthened the integrity and reliability of the system. These upgrades have included digging a third well, constructing storage tanks, upgrading pipes, and eliminating numerous dead ends. Most recently, the Town replaced the aging control system and wiring on the two oldest wells (wells #1 and #2) with a digital control system.

To protect the public water supply from contamination, the Town of Fenton adopted an Aquifer Protection Ordinance. This ordinance (Chapter 57 of the Town of Fenton Code) prohibits some land uses within the wellhead protection zones and requires that most non-residential development projects within the zones receive a development permit from the Town Planning Board. More information about the Aquifer Protection Ordinance is found in *Chapter 13: Ordinance Review* of this Comprehensive Plan.

Although there has been no contamination to date, the Town is concerned that pollution from old private septic systems in Hillcrest could eventually infiltrate the Town's public water supply since the soil in the area is gravelly and very porous. To address this concern, the Town considered implementing a significant sewer expansion project in Hillcrest that would have provided public sewer to most properties in the neighborhood (see Section 12.3).

12.3 Sewage Disposal

Most properties in the Town of Fenton rely on private on-site systems for sewage disposal. There are, however, two sewer districts that provide public sewage disposal.

The *Porter Hollow Sewer District* serves approximately fifteen homes along Porter Hollow Road. These homes are served by a community sand filter sewage disposal system that is maintained by the Town. Although routine maintenance is required, the Town monitors the system and believes that it is in good condition and operating well below capacity.

Hillcrest Sewer District No.1 is the only area in the Town of Fenton served by a traditional public sewer system. The system was installed in 1986 and the sewered area includes properties directly south of the Medical Depot property, the B.W. Ellicot Manufacturing Company property, properties along the north side of Nowlan Road, and properties along the west side of Chenango Street from Nowlan Road south to the Village of Port Dickinson. Map 12-2 shows the boundaries of the District. Wastewater from the district is conveyed to and treated at the Binghamton-Johnson City Joint Sewage Treatment Plant (BJCJSTP) in the Town of Vestal.

Many of the residential properties in Hillcrest that are not served by public sewer are small and have aging and substandard on-site septic systems that do not meet public health requirements. The Town of Fenton is concerned that pollution from failing septic systems could contaminate the Town's water supply. To address this concern, the Town considered a significant expansion to Sewer District No. 1. The Town entered into an agreement with the City of Binghamton and the Village of Johnson City in 2004 which would allow the sewer district boundaries to be expanded as long as the average wastewater flows into the BJCJSTP do not exceed the previously agreed upon limit of 125,000 gallons per day. The expansion would provide public sewer to most of the un-served areas of Hillcrest. However, due to cost factors, the expansion would not serve properties located west of Interstate 88.

In September 2005, a study entitled "Map Plan Report Proposed Extension No. 1 to Hillcrest Sewer District No. 1 Town of Fenton Broome County, New York State" was revised. It assessed the feasibility of providing public sewer to the remaining areas of Hillcrest. Following completion of the study, the Town sent a letter to each Hillcrest property owner who would be included in the expanded sewer district asking if they would want to expand the public sewer system in Hillcrest. The response was significant opposition due to the cost.

13.0 ORDINANCE REVIEW

13.1 Introduction

A comprehensive plan update provides the community an opportunity to review the adequacy of its local laws, ordinances, and resolutions. Court decisions, or changes in state laws, may make certain ordinances or definitions out of date. In other instances, there may be gaps or oversights in the current legal framework for making land use decisions. Finally, some ordinances, although well intentioned, may not be functioning as originally planned.

In accordance with Subdivision 3 of §20 of the Municipal Home Rule Law, the local laws, ordinances, and certain resolutions of the Town of Fenton are known collectively as the “Code of the Town of Fenton”. This chapter discusses the ordinances that affect land use. These ordinances include: Zoning, Subdivision of Land, Mobile Homes, Aquifer Protection, Freshwater Wetlands, Junkyards, and Adult Entertainment. Telecommunications Facilities regulations were made part of the Town’s Zoning Ordinance in 1999.

13.2 Zoning Ordinance

The Zoning Ordinance provides the most extensive regulation of land use in most communities. New York’s zoning-enabling statutes (the state statutes which give cities, towns and villages the power to enact local zoning laws) all require that zoning laws be adopted in accordance with a comprehensive plan. The comprehensive plan should provide the foundation for the local zoning law.¹

Chapter 150 of the Fenton Town Code addresses zoning. The chapter is also known and cited as the “Zoning Law of the Town of Fenton”. The Town of Fenton adopted its first Zoning Ordinance in 1927 covering only the Hillcrest community. Following the adoption of the Town Comprehensive Plan in 1967, the Zoning Ordinance was amended in 1971 to encompass other areas of the Town. The Zoning Ordinance has been subject to ongoing revisions. Updates were made in 1976, 1978, 1980, 1981, 1982, 1984, 1987, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1997, 1999, and in 2000. The present zoning covers the entire Town of Fenton.

13.3 Definitions

Definitions are provided in § 150-3 of the Zoning Ordinance. The ordinance does not define the following terms: nonconforming use, nonconforming lot, convenience store, agriculture, farming, and agricultural-tourism (agri-tourism).

The New State Department of Taxation and Finance defines farm production to mean the production of tangible personal property for sale by farming. Farming includes agriculture, horticulture, viniculture, viticulture, aquaculture, silviculture, or floriculture; stock, dairy, poultry, fruit, vegetable, fur-bearing animal, graping, truck and tree farming; ranching, operating nurseries, greenhouses, vineyard trellises, or other similar structures used primarily for the

¹ Zoning and the Comprehensive Plan, James A. Coon Local Government technical Series, New York State Department of State, December 1999.

raising of agricultural, horticultural, vinicultural, viticultural, silvicultural, or floricultural commodities; operating orchards; raising, growing, and harvesting crops, livestock, and livestock products; and raising, growing, and harvesting woodland products, including but not limited to timber, logs, lumber, pulpwood, posts, and firewood.²

Agri-tourism business is farm based and is accomplished with recreational and retail purposes beyond basic food and fiber production. Examples include farm tours, specialty products, production demonstrations, hayrides, sleigh rides, horseback rides, product tastings, historic buildings and exhibits. Business types include farm stands, Christmas tree farms, u-pick operations, maple products, greenhouses, nurseries, wineries, livestock breeding and sales, farm-based bed & breakfast operations, farmers markets and others.³

13.4 Zoning Map

The Zoning Map is an official document, mandated by New York State law to be kept on file in the Town Clerk's office. The Zoning Map is referenced in §150-5 of Article II of the Zoning Ordinance. A copy of the Zoning Map is provided as Map 13-1 and Map 13-2 in Appendix A. The last revision to the Zoning Map occurred in 2004 when the Town Board rezoned the U. S. Army Medical Depot site in Hillcrest from the Industrial District to the Residential-B District. The rezoning of the Medical Depot site was done in anticipation of redevelopment of this land.

13.5 Schedule of Zoning Regulations

The Zoning Ordinance establishes permitted uses, lot limitations and yard requirements (minimum lot area, minimum lot frontage, and minimum lot depth), maximum percentage of lot coverage, building setbacks, building height limitations, and off-street parking and loading requirements.

The Zoning Ordinance requires the following dimensions for new residential construction in the Residential-A (R-A), Residential-B (R-B), Neighborhood Commercial (C-N), General Commercial (C-G), Limited Industrial (I-L), Industrial (I), Agricultural-Residential-A (Ag-R-A), and in the Residential-Mobile Home (R-MH) districts (mobile homes located on individual lots)

- *minimum lot size of 12,000 square feet (approximately ¼-acre lot)*
- *minimum lot frontage of 70 feet, or 70 feet measured at the front building line, provided that such lot has a minimum width of 50 feet at the front lot line*
- *exception to minimum lot frontage allowed for flag lots such that 25-foot wide access drive allowed for flag lots meeting minimum area requirements*
- *minimum lot depth of 150 feet*

The Zoning Ordinance requires the following dimensions in the Residential-Multiple District (R-M), if not served by public sanitary sewers:

² ST-125 (2/04) Farmer's and Commercial Horse Boarding Operator's Exemption Certificate, New York State Department of Taxation and Finance.

³ Environmental Gardening & Land Use, Cornell Cooperative Extension, Niagara County, December, 2002.

- *minimum lot size of 15,000 square feet for one-or two-family dwelling units and 8,000 square feet for each additional dwelling unit in the same building*
- *minimum lot frontage of 100 feet*
- *minimum lot depth of 150 feet*

These minimum lot sizes are inadequate for unsewered areas. Septic system design must be approved by the Broome County Health Department and they recommend a minimum 2-acre (87,120 square feet) lot for new residential construction on lots not served by public sanitary sewer. This recommendation is based on the *Individual Residential Wastewater Treatment Systems Design Handbook* published in 1996 by the New York State Department of Health.

13.6 Zoning Districts

The Town of Fenton is divided into twelve use districts, covering single-family and two-family residential, multi-family residential, mobile homes, neighborhood commercial, general commercial, limited industrial, industrial, agricultural-residential, mobile home parks, and mining. The districts are described below. The permitted and existing uses are listed in Table 13-1. A map of the Zoning Districts is attached as Map 13-1 and Map 13-2.

The district regulations do not include a purpose statement such as the intent of the district, the type of development allowed, the type of development encouraged and suitable, the intensity of development intended in the district, the preferred location, and the items, such as the availability of infrastructure and access to an adequate street system, that need to be considered before development can occur in the district. An example of a purpose statement is provided below:

The purpose of the Commercial Neighborhood (C-N) District is to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential neighborhoods. The C-N District is suitable for commercial uses of a low intensity and of a neighborhood character which cater directly to residents of the immediate neighborhood only, rather than to the entire Town. One of the intents of this zoning district is to provide goods and services that people frequently use in close proximity to their homes. The C-N District should be located convenient to the neighborhood(s) it serves. The uses in this district are intended to be of low intensity to be compatible with residential living. Ample landscaping and creative design are encouraged in the C-N District. Uses include small groups of retail commercial, professional, office, recreational, and other convenience commercial uses.

The districts located in the Town of Fenton are described below:

§150-10. Residential-A District (R-A): The R-A District encompasses the rural areas along Crocker Hill Road, Nowlan Road, Stratmill Road, NYS Route 7B, and Depot Hill Road east of Hillcrest. In addition, the District encompasses Port Crane and extends just north and east of Port Crane. The predominant uses in the district are single-family and two-family residential houses in a rural setting.

The permitted uses are one- and two-family dwellings, including modular homes, public parks and recreation areas, temporary incidental structures, accessory uses or incidental buildings, and home occupations and professional offices. Places of religious worship, parish houses, convents, public schools and private schools, public utility structures, nursing and convalescent homes, and accessory buildings designated for storage of commercial vehicles are permitted subject to site plan approval.

§150-11 Residential-B District (R-B): The R-B District is located in the more densely populated, suburban area of Fenton. It extends east from the commercial development along the East Service Road to encompass most of Hillcrest, including the Medical Depot. It also extends west of the NYS Route 88 west ramp.

The permitted uses are the same as those permitted in the R-A District, excluding livestock.

The regulations do not include supporting uses that could be considered for this District, for example, a community center.

§150-12 Residential-Multiple Districts (R-M): Fenton has one R-M District. It is located on the south side of NYS Route 7B at the intersection of Fuller Road.

The R-M district allows all of the permitted uses in the R-A District, and adds two uses: one (1) multiple residential structure or single structure with maximum of six (6) dwelling units per lot, and boardinghouses. The regulations permit more than one (1) multiple residential structure or single structure with maximum of six (6) dwelling units per lot subject to site plan review.

§150-13. Neighborhood Commercial District (C-N): The Town of Fenton has several small pockets of neighborhood commercial located adjacent to residential neighborhoods. The C-N District encompasses several parcels along Chenango Street and Nowlan Road. The C-N District also covers two parcels located along the West Service Road. These parcels border a residential neighborhood and industrial uses.

The permitted uses are multiple residential dwellings, uses permitted in R-A District, except one- and two-family dwellings, modular homes, and temporary structures, business and professional offices, hospitals and medical centers, retail establishments subject to conditions, including requirement that business deals directly with consumer, restaurants and lunch counters, clubhouses, residential dwelling units if located above first story, and enclosed accessory uses or incidental buildings. Funeral homes, gasoline service stations, and public utility structures are permitted subject to site plan review.

The C-N District permits several uses that are not necessarily associated with neighborhood commercial districts, such as hospitals and business and professional offices.

§150-14. General Commercial District (C-G): The C-G District encompasses three strips of parcels located along the East Service Road in Hillcrest, several parcels off NYS Route 369, several parcels located along Niles Road and Towpath Road near the NYS Route 88 west on-ramp and several parcels located along Nowlan Road next to the railroad tracks.

The C-G District allows a wide variety of permitted uses including retail establishments, funeral homes, clubhouses, gasoline service stations, appliance sales and service, furniture, shoe, department and specialty stores, hotels or motels, theaters, indoor recreational facilities, offices, and restaurants, including drive-in food service. With site plan review, more intensive land uses such as automobile, trucks, mobile home sales, repair and service shops, machinery and equipment sales, fabricating and assembly facilities are allowed.

This broad list results in an inappropriate juxtaposition of land uses. In the Hillcrest area, the C-G District includes the Nelson Ellis Wayside Furniture and Rugs, Inc. and the Dale Development Plaza along the East Service Road. South of the furniture shop and plaza, is the Will Equipment and Storage. This heavy equipment storage yard is not in keeping with the nature of the nearby retail uses. In the Port Crane area near Exit 3 off of Interstate 88, Ben Daniels Construction Equipment and Ashley Custom Trailers & Hitches are in the C-G District. These businesses are adjacent to residentially zoned properties.

In addition to the incompatible land uses, this area is characterized by poor vehicular access management. Some properties have no curbing and other properties have numerous curb cuts. As a result, vehicles are not properly routed. Proper design and construction of vehicular entrance and egress preserves the flow of traffic, decreases accidents, maintains the capacity of the road system, and reduces pedestrian/vehicle conflicts. Access management techniques include:

- Relocating, consolidating, or eliminating driveways
- Promoting the use of shared driveways
- Increasing corner clearance
- Improving turn radius and driveway width
- Increasing throat length
- Prohibiting left turns out of driveway
- Providing internal access roads
- Redesigning the frontage road

This area also has sparse or non-existent landscaping. Landscaping can improve the appearance of properties and screen incompatible land uses. Buffer strips between properties can diminish the impact of conflicting land uses.

There are several techniques to address these issues. The schedule of permitted uses in the zoning ordinance could be amended to prohibit the more intensive land uses such as machinery and equipment sales in the C-G district. These uses could be added to the uses subject to site plan review in the Light Industrial district. This would turn the existing more intensive businesses into legal, non-conforming uses. These grandfathered businesses would be subject to the strict standards of a use variance if they sought to expand or enhance their operations. Over time this may have the effect of encouraging businesses to relocate to a new area if they are looking to expand operations.

Alternatively, a new zoning district could be created. The new district would be more restrictive than C-G, but allows higher intensity land uses than the Neighborhood Commercial. The C-G district could be retained where it is appropriate and the new, more restrictive district would be added in the more retail-oriented areas. This would have the effect of preserving the areas that are not currently overly developed, but would not have an impact on those areas that already have high intensity land uses.

Another option would be the imposition of special conditions on certain land uses within the existing C-G district. This option is most effective in dealing with the appearance and physical characteristics of the properties. For example, landscaping standards can specify the size and location of buffer strips, and access management requirements can detail the width and number of curb cuts permitted.

Unfortunately, retrofitting an already developed area to provide better access management or landscaping is very difficult. However, the zoning ordinance can specify that already developed properties must come into compliance with new guidelines when substantial enlargements or improvements are made, if there are significant changes in vehicle trip generation, or when new permits are requested.

Section 13.10 of this chapter discusses a mechanism (performance guarantees) to ensure that special conditions are fully implemented when a project is approved.

§150-15. Limited Industrial Districts (L-I): The L-I Districts encompasses two swaths of parcels located along the West Service Road and several parcels located in the southeast corner of Nowlan Road and Chenango Street in Hillcrest.

The use permitted-by-right is agriculture. The following uses are permitted subject to site plan review: laboratories and research institutes; printing and publishing businesses; laundries, dry-cleaning plants; warehouses and wholesale businesses; truck and freight terminals; truck, automobile and equipment sales, repair and service shops; light manufacturing uses that are reasonably free from odor, air pollutants, dust, dirt, vibration, noise and unusual fire and explosion hazards.

Some of the uses permitted subject to site plan review in the Fenton L-I District are not customarily found in a limited industrial district. A review of limited industrial district definitions from other zoning ordinances found that, typically, this zone is designed to accommodate a limited group of business, professional, research and technical manufacturing uses which have clean and quiet operations. The limited industrial zone usually allows industrial parks, wholesale and intensive retail commercial uses, warehouses, distribution centers, light manufacturing, offices, and public and quasi-public uses.

Like the C-G Districts, the L-I Districts are characterized by poor vehicular access management and a lack of landscaping or screening. Heavy equipment is stored outside and the districts have a heavy industrial appearance. Located at the entrance to the Town along the East Service Road, these properties do not make an attractive gateway to the Town.

The means to address these issues is similar to those for the C-G District. The more intensive land uses can be excluded from L-I District, but allowed in the Industrial District. Special conditions could be imposed on development plans in the L-I District. In addition, access management and landscaping standards could be developed and imposed when businesses are enlarged or enhanced.

§150-16. Industrial Districts (I): The I District encompasses approximately 20 acres located in the southwest corner of the Franklin Avenue Extension and Nowlan Road in Hillcrest. These parcels are occupied by two manufacturing and processing companies: B. W. Elliott Manufacturing Co., Inc. and Megatest Development. This district borders residential neighborhoods, commercial neighborhood uses, agricultural-residential uses and limited industrial uses.

The regulations permit the following uses subject to site plan review: those uses permitted in the I-L District; truck, auto and equipment sales, repairs and service shops; building materials and equipment sales; and accessory uses and buildings. The following uses are permitted subject to site plan review and performance standards: unspecified industrial uses; junkyards, auto wrecking and salvage storage. The performance standards address noise, smoke, toxic or noxious matter, glare, and vibration.

The existing uses in the I District are uses that are typically found in a limited industrial district.

§150-17. Agricultural-Residential-A Districts (Ag-R-A): The Zoning Code contains two agricultural districts: Agricultural-Residential-A (Ag-R-A) and Agricultural-Residential-B (Ag-R-B). Ag-R-A encompasses the rural areas of the Town with the majority of North Fenton included.

The permitted uses in the Ag-R-A District are agriculture, one- and two-family dwellings, churches and home occupations and offices as allowed in R-A District. Public utility structures, outdoor recreation, radio and television towers and facilities, accessory uses or buildings, animal hospitals or kennels, composting facilities, and accessory buildings designated for storage of commercial vehicles are permitted subject to site plan review.

The Zoning Code does not describe the purpose of either district or the type of farming allowed in either district. There are no references to large-scale farming, small niche farming operations, timber, pick-your-own produce, Christmas tree farms, or farm stands.

§150-17.1. Agricultural-Residential-B Districts (Ag-R-B):

The Agricultural-Residential-B Districts (Ag-R-B) covers a small area on Porter Hollow Road at the border with the Town of Colesville. In addition to the uses permitted in the Ag-R-A District, sawmills and accessory uses are allowed in the Ag-R-B District.

§150-18. Residential-Mobile Home District (R-MH): The R-MH District occupies a large area extending from the Residential-A District located north of NYS Route 88 and Port Crane to the Agricultural-Residential District located north of Ganoungtown Road.

The permitted uses in the R-MH District are those uses permitted in the R-A District. In addition, mobile homes located on individual lots are permitted in the R-MH District. Mobile homes are also regulated by Chapter 99 of the Town Code. This is discussed in Section 13.17 of this chapter.

§150-19. Mobile Home Park District (MHP): The Town of Fenton has several MHP Districts covering the 11 mobile home parks. These districts are located throughout the Town of Fenton.

The permitted uses are mobile home parks, subject to the provisions of the Mobile Home and Mobile Home Park Law of the Town of Fenton.

§150-20. Mining District (M): The Town of Fenton has six M Districts. There are four M Districts scattered west of NYS Route 369 in Fenton and two M Districts located along the Chenango River west of the West Service Road. The permitted uses in the M District are mining operations. However, not all the properties located in the M District are dedicated to mining. Several properties located west of the West Service Road in the M District are occupied by uses other than mining. According to Broome County Parcel Information, these uses include a trucking terminal, residential vacant land, and warehouse or distribution facilities. The businesses include a paving company, a development corporation and a construction company.

One property located west of NYS Route 369 has two district designations: Agricultural-Residential and Mining. The Broome County Parcel Information lists the use as a one-family, year-round residence.

Section 150-20(F) (6) of the Zoning Ordinance requires applicants for a mining permit provide a bond to cover the cost of reclamation of the mine. The Ordinance, however, does not provide guidance to setting the amount of the bond.

13.7 Zoning Actions

The number and extent of variances granted by the Zoning Board of Appeals is one measure of the effectiveness of a community’s zoning ordinance. If use variances are frequently granted, it may indicate that the zoning districts do not reflect current development pressures and trends. If bulk variances are routinely granted it may demonstrate that the zoning ordinance is not in keeping with current design and construction standards.

According to the Town Clerk, there were four variance requests (one use variance and three area variances) from January 2004 through July 2005. All four of these requests were granted as follows:

- Use variance to allow the outdoor storage, display and sale of building materials on portion of lot in the Commercial – General District
- Area variance to allow construction of garage addition with less than the required side-yard setback
- Area variance to allow construction of front porch addition with less than the required front and side yard setbacks
- Area variance to allow construction of a front porch addition with less than the required front yard setback

13.8 Home Occupations

Home occupations are addressed in the residential district regulations. Section 150-10 A. (8) Residential-A District (R-A) of the Zoning Chapter of the Town Code further defines home occupations and offices for the practice of licensed professions, except veterinary medicine, to include maximum gross floor area, signage, and employee requirements. However, the section does not establish a list of occupations meeting the standards.

13.9 Off-Street Parking and Loading

Article III District Regulations of the Zoning Ordinance specifies the number of off-street parking spaces and loading area requirements for each use district. Article V Supplementary Regulations of the Zoning Ordinance specifies the standards of development for vehicle parking spaces and off-street loading areas.

The standards do not differentiate between the various types of parking configurations (e.g., 90-degree parking configuration with two-way vehicular traffic or angled parking with one-way traffic) and do not specify lane widths.

The Zoning Ordinance does not designate an ‘all weather surface’ for parking lots and drives. Furthermore, the Zoning Ordinance stipulates that in residential districts, off-street parking spaces shall be located on the premises they are intended to serve. In all other districts, required off-street parking spaces may be located either on the same lot or within 200 feet of the lot served. The Zoning Ordinance does not stipulate where on the lot the parking is permitted. The combined lack of a requirement for an all weather surface and a restriction on location could result in parking on the grass of front yards even in the residential districts. Section 107-4(5) of Chapter 107 (Property Maintenance) of the Town Code does state that “No automobiles, motorized vehicles, boats, trailers or other large equipment or objects shall be habitually parked on any open, unpaved or unstoned lawn area in front of the dwelling unit.” The Zoning Code should be amended to reference to Section 107-4(5) of the Town Code and/or to incorporate a similar provision.

13.10 Performance Guarantees

One of the primary frustrations that arises in administering any zoning ordinance is ensuring that when projects are built they fully follow the approved site plan. For example, a project may receive approval at the end of a construction season and there is no opportunity to install landscaping until the following year. Zoning administrators need a mechanism to compel developers to implement all elements of a site plan or conditions of approval.

One such mechanism is a provision for performance guarantees that can be placed upon developers seeking approvals. These can include money placed in escrow, letters of credit, or performance bonds. The intent of a performance guarantee is to ensure that all elements of a site plan are built. With proper provisions in the zoning ordinance, the Town can require that funds sufficient to complete the site plan are placed in escrow until such time as all elements of the site plan are finished.

13.11 Adult Entertainment Business

Chapter 50 Adult Entertainment of the Fenton Town Code was adopted by the Town Board in 1983. The Town Board added terms to the definitions section in 1997. There are two traditional planning techniques for regulating adult entertainment businesses, either (1) concentrating these uses within certain areas or (2) dispersing these uses throughout commercial or industrial districts. The Town follows the dispersal model by prohibiting adult entertainment businesses within 500 feet of any town or county road, state highway, residential dwelling, church, school, park, playground or existing adult entertainment business. In what appears to be an oversight, the 500-foot prohibition list does not include the Mobile Home Park District.

13.12 Aquifer Protection

Chapter 57 Aquifer Protection of the Fenton Town Code was adopted by the Town Board in 1991. The law establishes three wellhead, aquifer recharge and watershed protection zones to minimize the potential for contamination of the aquifer which supplies or in the future may supply water to users in the Hillcrest Water District No. 1 in the Town of Fenton, and thereby to protect and maintain groundwater quality in the protection zones tributary to the Hillcrest Water District well field. The law regulates land use activities in the three zones. It requires permits for nonconforming uses and for any new construction, development or change of use within Zones I, II, and III that exceeds certain criteria, and establishes enforcement procedures and penalties for offences.

The law does not specifically require applications for new development permits to provide (1) an aquifer impact statement demonstrating that no activities will be conducted upon the property that will result in groundwater infiltration into the aquifer such that the New York State Drinking Water Standards will not be violated at the property line, (2) details of the proposed aquifer usage, (3) potential impacts resulting from the planned discharges or withdrawal, and (4) proposed measures to mitigate any adverse impacts.

13.13 Freshwater Wetlands

Chapter 85 Freshwater Wetlands was adopted by the Town of Fenton in 1976, amended 1980, citing freshwater wetlands located in the Town of Fenton as invaluable resources for flood protection, wildlife habitat, open space and water resources. The ordinance defines freshwater wetlands in accordance with §24-0107 of the New York State Environmental Conservation Law. The ordinance requires a permit, issued by the Town Board, to conduct a regulated activity on any freshwater wetland or adjacent area, except for a few specific activities identified in the law that are exempt from the permit requirements. The law outlines the contents of the permit application, noticing and public hearing requirements, procedures for issuing a decision on the permit application, standards for the permit decision, permit conditions, bonding requirements, suspension or revocation of permits, penalties for offenses, enforcement, and review and appeal. The law represents a major step in addressing wetlands but it does not provide the following:

- List of prohibited activities in any wetland or the wetland/watercourse buffer area
- Require that the plans submitted for the permit application be certified by an engineer, architect, land surveyor or landscape architect licensed with the State of New York

- Require that application describe the relationship of the proposed area to be disturbed to property lines, buildings, roads, and water courses within a certain radius (i.e., two-hundred fifty [250] feet)
- Require estimated quantities of material of excavation or fill, location of any well and depth thereof and any sewage or wastewater disposal system within one hundred (100) feet of the disturbed area
- Existing and proposed contours in the proposed disturbed area and adjacent area
- Description of a proposed drainage system
- Erosion and sediment control measures
- Statement prepared by a professional engineer licensed by the State of New York of the impact of the project on upstream and downstream areas
- Copies of all applicable town, county, state or federal permits or permit applications which are required for such work or improvement
- Require alternatives to the proposed action.
- The law states that “the permit shall expire on a date certain,” but does not provide a specific time frame.

13.14 Wireless Telecommunications

One significant change to the Zoning Ordinance occurred in 1999 with the adoption of Article IIIA (Telecommunications Facilities) to Chapter 150 (Zoning) of the Fenton Town Code. This section of the zoning ordinance governs the location, design, and construction of telecommunications facilities such as cellular telephone towers. The ordinance promotes the shared use of existing towers and the placement of antennas on existing structures and gives the Town reasonable control, to the extent permitted under the Telecommunications Act of 1996, over height, location, lighting and materials used on towers. The ordinance also provides for the removal of telecommunications facilities at the expense of the owner of the tower special permit. It requires the applicant to provide an appropriate and adequate reclamation bond following receipt of its tower permit, site plan approval and building permit, but before construction, for the purpose of removing the telecommunications facility and restoration of the land in case the applicant fails to do so as required by the ordinance. If the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased.

The law states that the Town Board may impose reasonable restrictions and/or conditions on height, but does not specify height limitations, different height limitations in different zoning districts, or a preferred style of tower. The Town Board may also require a viewshed analysis be prepared by the applicant. This would give the board a definitive understanding of the visual impact of the proposed tower on the Town.

13.15 Building Construction and Fire Prevention

Chapter 67 (Building Construction and Fire Prevention) of the Town Code was adopted in 1989 and amended in December 2006 with the adoption of Local Law No. 5 of 2006 to reflect changes to the New York State Code.

13.16 Unsafe Buildings

Chapter 71 (Unsafe Buildings) of the Town Code was adopted in 1985 and replaced by Chapter 107 (Property Maintenance) in 2001.

13.17 Local Landmarks

The Town of Fenton has no Local Landmark Code.

13.18 Mobile Homes

The Town of Fenton adopted Chapter 99 (Mobile Homes) (also known as the “Mobile Home and Camp Law of the Town of Fenton”) of the Town Code in 1976. The Town has established a Mobile Home Park District and a Residential – Mobile Homes District (see Map 13-1 and Map 13-2). The Mobile Home Law governs the location, duration of stay, and inspection of mobile home parks, mobile homes on separate lots, and tourist camps. The Town of Fenton has 11 mobile home parks and, according to the U. S. Census 633 mobile homes. Approximately 440 mobile homes are located in the mobile home parks and the other 189 mobile homes are located on single lots outside the parks. Map 5-1 shows the location of the existing mobile home parks.

The Fenton Mobile Home and Camp Law has several shortcomings; specifically it:

- does not require common open space for mobile home parks
- does not require minimum lot size for mobile homes on individual lots
- does not specify that all mobile homes shall be in compliance with standards equal to or more stringent than the U.S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976) and any amendments and revisions thereto. The law does not require that the applicant is responsible for providing adequate evidence that these standards have been complied with. The presence of a permanent certification label affixed to the mobile home by the manufacturer shall be presumptive evidence that the construction of a mobile home is in compliance with such standards.
- does not require that mobile homes not located within an approved mobile home park be placed on a permanent foundation extending below the front line or upon a reinforced concrete slab
- does not address anchors or tie-downs capable of securing the stability of the mobile home
- does not require skirting to screen the space between the mobile home and the ground

13.19 Junk Yards

Chapter 94 Junkyards of the Town Code regulates the storage of junk vehicles. It was adopted in 1976.

The law does not define Enforcement Officer or Junk Motor Vehicle. Sample definitions are provided below:

Enforcement Officer: The person(s) appointed by the governing board to enforce the provisions of this law.

Junk Motor Vehicle: Any motor vehicle, or used parts or waste materials from motor vehicles which, taken together, equal in bulk one or more such vehicle, which is:

- (1) unlicensed or unregistered; or
- (2) abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or
- (3) not in condition for legal use upon the public highways.

(Source: James A. Coon Local Government Technical Series, New York State Department of State, January 2004.)

- §94-4 (Application for license; certificate of approval) requires the application for the license and the certificate of approved location to contain a description of the land to be included within the junkyard. The ordinance requires the Town Board to take into account the suitability of the applicant with reference to his ability to comply with the fencing requirements or other reasonable regulations concerning the proposed junkyard, to any record of convictions, proof of legal ownership or right to such use of the property, nature and development of surrounding property, and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke or of other causes. The Town Board may also take into account the effect of the proposed junkyard on the aesthetics of the environment by considering the type of road servicing the junkyard, the natural or artificial barriers protecting the junkyard from view, the proximity of the proposed junkyard to residential and recreational areas or main access routes as well as the reasonable availability of other suitable sites for the junkyard.
- §94-11 (Fencing) requires every junkyard to be completely surrounded with a fence at least eight (8) feet high which substantially screens the yard. Where the topography, natural growth or timber or other natural barrier accomplish the purposes of the chapter, the fencing requirements may be reduced by the Town Board.
- §94-4 does not require a site plan drawn to scale that shows the following:
 - (1) address and real property tax number of the site;
 - (2) property lines including the names of owners of adjacent property and adjacent land uses;
 - (3) streams, lakes, wetlands, flood plains, and other water bodies, including those available for fire protection purposes;
 - (4) topography of the site and any plans for grading the property to be shown at a contour interval of not more than five feet;
 - (5) the location of all wells and sanitary facilities on the property or within 100 feet of the boundary of the property;
 - (6) depth to the water table;
 - (7) drainage patterns on the site;
 - (8) existing and proposed structures, including fences;
 - (9) existing and proposed junk storage areas, indicating the type of junk or material which will be stored in each area; and

- (10) existing aquifers; and
 - (11) soil type.
- In addition, the permit does not require the following information:
 - (1) name, residence, address and telephone number of each individual owner, partner, or if a corporation or other organization, each officer and director;
 - (2) trade name, address and telephone number of the business
 - (3) statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, or any violation of Article 6 of the General Business Law;
 - (4) name and address of the owner of the real property and the nature of the right under which the applicant possess the property
 - (5) valid junk dealer's license as required under Article 6 of the New York State General Business Law;
 - (6) New York State Department of Motor Vehicles dismantler's permit as required;
 - (7) description of the junkyard operation; Specifically, questions such as where will vehicles be flushed or emptied of fluids, how will fluids be handled and disposed of, how will waste tires be disposed, what is the depth to the water table, will the applicant be dismantling vehicles, will the applicant be selling parts, will the applicant be operating a crusher, and will burning occur on site should be answered in the application.
 - References to "church" in §94-4 and in §94-7 should be replaced with "religious institution" or other generic term. School in §94-4 should be replaced with educational facility.
 - The Town Board might also want to add the following considerations to §94-8 in determining the appropriateness of the proposed junkyard location: (1) whether or not the proposed location will affect the public health and safety by reason of offensive or unhealthy noise, odors or smoke, or of other causes; (2) the proximity of flood plains, (3) potential impact to groundwater supplies and/or public water supplies; (4) local drainage patterns; and (5) the availability of municipal fire protection and the adequacy of the water supply for fire protection purposes.
 - There is no provision in the local junkyard law requiring a fire break and safe access on the site for fire vehicles. An example of this provision is as follows:

Inside, adjacent to and continuous with the fence or enclosure, one strip of land at least ten feet in width which shall be kept free of all dry grass, junk, plant growth, or other combustible material so as to provide a fire lane or break around the entire area where business activity is conducted. (Source: James A. Coon Local Government Technical Series, New York State Department of State, January 2004.)
 - §94-9 (Grant of denial of application; appeal) requires the Town Board to make a decision within two weeks after the public hearing. This time frame might not be sufficient to adequately review the application and consider testimony at the hearing.

- According to the New York State Department of State, the disposal of waste tires is an important solid waste issue facing automobile recyclers. Chapter 94 makes no reference to the disposal of tires at junkyards. It is possible that used tires could be improperly disposed of at an automobile junkyard. The New York State Department of Environmental Conservation requires a permit for the storage of 1,000 or more tires, whether they are whole or shredded. This requirement includes used tires being held for resale. Used tires that are still on rims and bolted on automobiles (up to four per vehicle) are not regulated and do not count as part of regulatory threshold of 1,000 waste tires. (Source: Controlling Junk, James A. Coon Local Government Technical Series, New York State Department of State, January 2004.)
- The application currently does not describe how the junkyard owner will dispose of the junk. Both burning and burying of items must be done in compliance with state law.
- Junkyards must show regular and proper disposal of material. If the junk remains onsite indefinitely, the site would become a solid waste disposal site and would be subject to other State regulations.
- The need to comply with additional environmental laws is not cited in Chapter 94.

13.20 Subdivision of Land

Chapter 127 of the Fenton Town Code regulates the subdivision of land. This chapter was adopted by the Town Board at the time of adoption of the Town Code in 1971. Chapter 127 closely follows Town Law of New York State with a few exceptions as outlined below:

The definition of Subdivision and Preliminary Plat in §127-4 (a) are not consistent with Town Law of New York State. §276. 4. (a) of the Town Law gives the following definition for subdivision:

"Subdivision" means the division of any parcel of land into a number of lots, blocks or sites as specified in a local ordinance, law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located. Subdivisions may be defined and delineated by local regulation, as either "major" or "minor", with the review procedures and criteria for each set forth in such local regulations.

§127-4 of the Fenton Town Code defines subdivision as the following:

The division of any parcel of land into two (2) or more lots, plots or sites or other divisions of land for immediate or future sale or for building development in such a way as to create one (1) or more new streets or highways or extensions of existing streets or highways.

In comparison, §127-4 does not mention “transfer of ownership.” The issue arose in another community in Broome County where subdivision regulations were not triggered because a large parcel was divided and then transferred via a family gift.

§ 127 does not provide minimum standards for the Sketch Plan, Preliminary Plat or Final Plat. Subdivision regulations generally require the applicant to show lot lines, topography, utilities, easements, and proposed and existing building locations. An example of a subdivision plan requirements from the Town of Rye, New York are attached.

§127-9. A. outlines the procedures for the approval and certification of final plats. The first sentence of this section states that “two (2) ink-on-linen, Mylar or other equivalent drawings of such plat shall be submitted . . .” §127-27 outlines the submission requirements for final plat approval. The first sentence of this section states that “Two (2) plats for filing with the County and Town Clerks, printed upon linen or be clearly drawn in India ink upon tracing cloth or a Mylar drawing or an acceptable substitute.” These references to the required drawings should be updated. The required dimensions should be reviewed and revised as necessary.

Reference to Article 78 in §127-15 should be revised to state: Article 78 of the Civil Practice Law and Rules.

Table 13-1: Town of Fenton Zoning Districts

District	Uses Permitted-by-Right	Uses Permitted Subject to Site Plan Review
Residential-A (R-A)	<ul style="list-style-type: none"> • One- and two-family dwellings, including modular homes • Public parks and recreation areas • Temporary incidental structures • Accessory uses or incidental building • Home occupations and professional offices, except veterinary medicine 	<ul style="list-style-type: none"> • Places of religious worship, parish houses and convents • Public schools and private schools • Public utility structures • Nursing and convalescent homes • Accessory buildings designated for storage of commercial buildings
Residential-B (R-B)	<ul style="list-style-type: none"> • Same as permitted in R-A District 	<ul style="list-style-type: none"> • Same as permitted in R-A District
Residential-Multiple (R-M)	<ul style="list-style-type: none"> • Same as permitted in R-A District • One (1) multiple residential structure or single structure with maximum of six (6) dwelling units per lot • Boardinghouses 	<ul style="list-style-type: none"> • Same as permitted in R-A District • More than one (1) multiple residential structure or single structure with maximum of six (6) dwelling units per lot
Neighborhood Commercial (C-N)	<ul style="list-style-type: none"> • Multiple residential dwellings • Uses permitted in R-A District, except one- and two-family dwellings, modular homes, and temporary structures • Business and professional offices • Hospitals and medical centers • Retail establishments subject to conditions, including requirement that business deals directly with consumer • Restaurants and lunch counters • Clubhouses for federally tax-exempt fraternal, civic and recreational organizations • Residential dwelling units if located above first story • Enclosed accessory used or incidental building 	<ul style="list-style-type: none"> • Funeral homes • Gasoline service stations • Public utility structures
General Commercial (C-G)	<ul style="list-style-type: none"> • Retail establishments, funeral homes, clubhouses, gasoline service stations as permitted in the Neighborhood Commercial District • Appliance sales and service, furniture, shoe, department and specialty stores 	<ul style="list-style-type: none"> • Public utility structures • Automobile, trucks, mobile home sales, repair and service shops • Machinery and equipment sales, fabricating and assembly

Table 13-1: Town of Fenton Zoning Districts		
District	Uses Permitted-by-Right	Uses Permitted Subject to Site Plan Review
Limited Industrial (L-I)	<ul style="list-style-type: none"> • Hotels or motels • Theaters, indoor recreational facilities • Offices • Accessory uses or buildings with enclosed storage • Restaurants, including drive-in food service • Agriculture 	<ul style="list-style-type: none"> • Animal hospitals and kennels • Drive-in theaters • Laboratories and research institutes • Blueprinting, photocopying, printing and publishing businesses • Laundries, dyeing and dry-cleaning plants • Warehouses; wholesale businesses • Truck and freight terminals • Gasoline service stations • Truck, automobile and equipment sales, repair and service shops • Light manufacturing uses, reasonably free from odor, air pollutants, dust, dirt, vibration, noise and unusual fire and explosion hazards • Public utility structures • Accessory uses or buildings with enclosed storage
Industrial (I)		<ul style="list-style-type: none"> • Uses permitted in the I-L District • Truck, Auto and equipment sales, repairs and service shops • Building materials and equipment sales • Industrial uses subject to performance standards • Junkyards, auto wrecking and storage of salvage subject to performance standards • Accessory uses and buildings
Agricultural-Residential-A (Ag-R-A)	<ul style="list-style-type: none"> • Agriculture • One- and two-family dwellings • Churches 	<ul style="list-style-type: none"> • Public utility structures • Outdoor recreation • Radio and television towers and facilities

Table 13-1: Town of Fenton Zoning Districts

District	Uses Permitted-by-Right	Uses Permitted Subject to Site Plan Review
	<ul style="list-style-type: none"> • Home occupations and offices as allowed in R-A District 	<ul style="list-style-type: none"> • Accessory use or building • Animal hospitals or kennels • Composting facilities • Accessory building designated for storage of commercial vehicles
Agricultural-Residential-B (Ag-R-B)	<ul style="list-style-type: none"> • Uses permitted in Ag-R-A District • Sawmills and accessory uses 	
Residential-Mobile Home (R-MH)	<ul style="list-style-type: none"> • Uses permitted in the R-A District • Mobile homes located on individual lots 	
Mobile Home Park (MHP)	<ul style="list-style-type: none"> • Mobile home parks subject to Fenton Mobile Home and Mobile Home Park Law 	
Mining District (M)	<ul style="list-style-type: none"> • Mining operations 	

14.0 INPUT FROM TOWN RESIDENTS

14.1 Introduction

The Town Board sought input from the Town of Fenton residents through a survey that was mailed to all owners of property in the Town and through a public hearing conducted by the Town Board for the purpose of gathering input during the drafting of the Comprehensive Plan.

14.2 Survey

In early 2005, the Town Board, in close collaboration with the Broome County Department of Planning and Economic Development, prepared a mail survey with 22 questions. Using records from the Broome County Office of Real Property, 2,157 surveys were mailed to property owners. A total of 90 were returned undelivered by the Post Office, and 427 surveys were completed. This results in a 21 percent return rate (427 completed of 2,067 delivered). The survey results are provided in Appendix B.

The overall impression in reviewing the survey results is that respondents were pleased with the Town. Ninety percent reported that the Town was an ‘Excellent’ (27 percent) or ‘Good’ (63 percent) place to live, and 97 percent responded that it was a safe place to live.

The first question on the survey asked residents to list the three major assets of the Town. Broome County Planning staff aggregated the responses to this open-ended question into 15 categories. A total of 18 percent of survey respondents considered ‘Rural Character’ to be the primary asset of the Town. Of nearly equal weight to Rural Character in Fenton were Location/Highway Access (17 percent) and Town Services (14 percent). Question 8 of the survey backs-up this high opinion of Town Services. A total of 92 percent of respondents rated the Town’s snow plowing efforts as ‘Good’ or ‘Excellent’ and 81 percent rated Fenton’s road maintenance as ‘Good’ or ‘Excellent’.

Only two major shortcomings received double-digit responses, Limited Retail/Restaurants (13 percent) and Lack of Sewer/Water (11 percent). Also at the top of the list of shortcomings were Lack of Grocery Stores (8 percent), Code Enforcement/Appearance (8 percent) and Pollution (7 percent). Although it did not rank highly as a shortcoming, a number of residents complained in the comment section about trains idling near Nowlan Road. The idling was noisy, produced excessive exhaust, and disrupted traffic. This issue arose again at the public hearing.

The lack of restaurants, retail, grocery stores, and sewer/water could be broadly termed a moderate ‘pro-development’ thread within the survey. On question 6, nearly three-quarters of respondents wanted to see more grocery stores. The desire for more agriculture tourism, such as farmers markets, produce stands, farm tours, was second place at 67 percent of respondents. More doctors offices were sought by nearly 60 percent of respondents.

Question 5 asked how respondents would like to see the Town’s population change over the next 10 years. Fifty-nine percent of respondents want to see the population ‘grow significantly’ or ‘grow slightly’. This desire for growth was tempered by over a third of respondents who want the population to ‘stay about the same.’ Also, throughout the survey the type of development

sought was carefully delineated. Over 70 percent of respondents wanted less heavy industry, and a majority wanted fewer storage container yards (56 percent) or truck terminals (55 percent). This concern about heavy industry coincides with the concern about pollution listed in Question 1.

Concerns about pollution and the nature of development were also seen in Question 13. Here respondents were asked which of a long list of activities were most important for the Town to undertake. The top rated activities were as follows:

	<u>Very Important</u>
Control illegal dumping	83%
Protect groundwater	81%
Allow junkyards in specific areas ONLY	75%
Protect natural resources	72%
Protect air quality	71%
Permit industrial development in specific areas ONLY	66%
Permit commercial development in specific areas ONLY	61%

This desire to control the impacts of development was also addressed in Question 12, ‘How would you describe the current land use controls in the Town of Fenton?’ One-third (33 percent) of respondents said current laws were ‘not restrictive enough’ while nearly half (48 percent) considered them ‘just right’. Twenty percent found the current regulations to be too restrictive.

Development concerns were not restricted to commercial or industrial land uses. Over two-thirds of respondents (65 percent) wanted to see fewer mobile home parks and nearly as many (61 percent) wanted fewer individual mobile homes. On Question 13, strong majorities thought that it was ‘Very Important’ or ‘Important’ to ‘Allow mobile home parks in specific areas only’ (57 percent) or ‘Allow individual mobile homes in specific areas only’ (55 percent).

Three housing types, however, were strongly desired by the respondents. Fifty-three percent of respondents wanted to see more single-family housing. However, only 35 percent wanted more subdivisions. Nearly 60 percent said that they would like to see more ‘Senior Housing’ and over 50 percent wanted more ‘Retirement Communities’. Senior housing and activities was another thread throughout the survey. On Question 8, 61 percent of respondents rated the current senior citizen activities and services as ‘Fair’ or ‘Poor’.

Questions 9, 10 and 11 dealt with public water and sewer in Port Crane and Hillcrest. For these questions, the survey responses have been filtered for those respondents who indicated that they resided in Port Crane or Hillcrest. For the question, ‘Should public water be available in Port Crane?’ nearly seventy percent of respondents from Port Crane said yes or maybe. An even higher percentage of Port Crane respondents (71 percent) said yes or maybe to the question ‘Should a public sewer be available to Port Crane?’ The most positive response came from Hillcrest residents when asked ‘Should the public sewer system be expanded to serve all Hillcrest?’ Over 70 percent of Hillcrest respondents said yes and another 16 percent said maybe for a total of 87 percent of respondents interested in public sewer expansion in Hillcrest.

The last section of the survey dealt with three areas of the Town that pose special development challenges and opportunities. Respondents were asked to name their preferred development options for the former Defense National Stockpile Center (Medical Depot), the New York State Route 369 Corridor, and the Brandywine Highway Corridor which includes Interstate 88 (I-88) and the East and West Service Roads.

Defense National Stockpile (Medical Depot)

The 129-acre former U.S. Medical Depot is located in the Hillcrest area. The property was used as a medical supply depot during and after World War II and was later converted to a Defense National Stockpile Center. The site had several environmental issues but has been studied and extensively cleaned by a team that included the United States Army Corps of Engineers and the Defense Logistics Agency. Further details regarding this site are in Chapter 8 - Environment.

The survey provided eight development options for the property. Of these, the two strongest candidates were ‘Senior Housing’ (59 percent) and ‘Parks, open space, walking trails’ (50 percent). Sixteen respondents wrote in that the site should be used by the Chenango Valley School District. Sixty percent of respondents did not want the Depot used as an industrial park.

New York State Route 369 Corridor

Question 15 asked for development options for the portion of Route 369 from the entrance of Route 7 (7B) to the intersection with Fenner Hill Road. This area is a major gateway to the Port Crane community and has excellent access to I-88.

Of the seven options listed, a grocery store was the most popular (66 percent). The other option that garnered a majority positive response was ‘Restaurants, Drugstores, Discount Stores’ (56 percent). Eighteen respondents wrote in support for commercial, shopping plaza, and/or a restaurant. The industrial park option had less support here than at the Depot site with 70 percent responding no to the ‘Industrial Park - Machinery Equipment Sales, Fabricating and Assembly’ option.

Brandywine Highway Corridor

The Brandywine Highway Corridor is a major gateway to the community encompassing I-88 and the East and West Service Roads. The area along the West Service Road is occupied by industrial uses including an old gravel mine, trucking terminals, construction yards, and warehouse, truck sales and distribution facilities. Respondents were given six possible redevelopment options for the I-88 East and West Service Roads. Over 80 percent (85 percent) of those surveyed want to restrict businesses to protect groundwater because of the proximity to Hillcrest water wells. Another two thirds (69 percent) want to establish a beautification/redevelopment plan for the corridor and 62 percent want to provide recreational activity in the corridor possibly including trails, walkways, vista points, river access. Of the three areas, industrial development faces the least opposition along the Brandywine Highway with 51 percent stating they do not want industrial uses along the West Service Road.

14.3 Public Meetings

On June 15, 2005, the Town Board held a public hearing to discuss elements of the Comprehensive Plan. The public hearing was advertised by a legal notice in the Press and Sun-Bulletin and a press release was sent to all local print and broadcast media. A total of 23 persons attended the hearing. At the hearing, the staff of the Broome County Planning Department reviewed the results of the survey and conducted a Strengths-Weaknesses-Opportunities-Threats (SWOT) analysis of the Town. Through the SWOT analysis, residents listed the assets that Fenton can draw on, the shortcomings or deficits that must be overcome, the opportunities that should be seized upon, and the dangers that face the Town. There can be substantial overlap between these categories. For example, a soft housing market may be considered a weakness for current property owners but an opportunity to attract new residents.

The natural beauty of the Town and its rivers were considered strengths. Related to this is the peace and quiet of the rural areas. These strengths, along with the ‘neighborliness’ of residents, can be considered to be some of what makes up the ‘rural character’ that was rated highly on the survey. Other elements of rural character are the high level of community activities and the strength of churches as community centers. The Town is not seen entirely as a rural community however, and its mix of suburban and rural settings was also considered a strength.

The Town’s proximity to the interstate highway system was another positive listed at the public hearing. Combined with the land available in Fenton, there is an opportunity for additional commercial development. Land alone, however, was not seen as enough to spur development. A significant weakness was the lack of public water, sewer and natural gas in parts of the Town. Commercial development, especially in Port Crane, is hampered by this lack of utilities.

However, residents cautiously viewed development as an opportunity. Development was also considered a threat to the rural and agricultural character of Fenton. Residents at the hearing were concerned about the potential impacts, such as increased traffic, that are associated with further development. Additional development impacts such as storm water runoff, mining and pollution were all cited as weaknesses at the hearing. Senior housing was seen as a development opportunity, but also as a threat if it becomes low-income housing or a property tax burden. Consistent with the survey however, the lack of restaurants and grocery stores was seen as a weakness. These were commercial development opportunities that residents could agree upon.

Similar to the survey, residents were asked to provide comments on three specific areas, the New York State Route 369 Corridor, the Defense National Stockpile (Medical Depot), and the Brandywine Highway Corridor which encompasses the I-88 and the East and West Service Roads. The Route 369 Corridor was seen as a place where development could be contained within a manageable area. Residents consider the Medical Depot to be a threat, both to the public health and the image of the Town, but also as an opportunity given its large size and flat topography. The Brandywine Highway Corridor was cited as an example of unplanned development that became highly visible with the reconfiguration of the highway. Residents saw business park development as an opportunity for this area. Highway access is difficult, making retail development an unlikely scenario.

The notes of the public hearing SWOT are attached as part of Appendix B.

15.0 GOALS AND RECOMMENDATIONS

15.1 Introduction

In establishing the goals and recommendations provided in this chapter, the Town of Fenton Comprehensive Plan Committee consulted with various authorities such as the Broome County Department of Planning and Economic Development and the Binghamton Metropolitan Transportation Study. This work was augmented by the information provided in this Comprehensive Plan as well as by the results of the survey of residents that was conducted and by the community input that was generated during the series of public meetings that were held during the preparation of this document.

15.2 Goals

The Comprehensive Plan Committee has named six overarching goals for the Town of Fenton. The identification of these goals comes from the public meetings, the survey and the extensive discussion and consideration by the residents of the Town. To achieve these goals, a number of specific recommendations are made in Section 15.3. Progress towards these goals will be brought about by the implementation of the specific recommendations of Section 15.3. The six goals for the Town of Fenton Comprehensive Plan are as follows:

15.2.1 Preserve Rural Character

The first question on the comprehensive plan survey asked residents to list the three major assets of the Town. When these open-ended responses were aggregated, it was clear that the various elements of ‘Rural Character’ were the primary assets of Fenton. Rural Character has many facets, including the open space, agriculture, lack of heavy industry and limited commercial development. Unchecked suburbanization and commercial development can erode this character. This erosion can occur with the introduction of a major new commercial development or by numerous, smaller-scale changes. Proactive steps should be taken to ensure that as development proceeds Fenton does not lose the rural character residents value so highly.

15.2.2 Protect Natural Resources

Fenton is a town that recognizes the importance of its natural resources and the need to protect and preserve them. From the survey, 81 percent of residents want to protect groundwater, 72 percent want to protect natural resources, and 71 percent want to protect air quality. In the Brandywine Corridor, 85 percent of survey respondents want to restrict the types of businesses allowed in order to protect groundwater supplies. Protection of natural resources is especially important in a community where the majority of the area of the town is served by private wells. The integrity of these resources has been threatened by past environmental practices at local industrial and government sites. Fenton has been very progressive in implementing local environmental regulations such as aquifer protection and local wetlands ordinances, but there is more work to be done, including cost-effective enforcement practices to leverage the regulations intent.

As noted in Chapter 12, many residential properties located in Hillcrest that are not served by public sewer are small and have aging and substandard on-site septic systems that do not meet public health requirements. The Town of Fenton is concerned that pollution from failing septic systems could contaminate the Town's water supply. To address this concern, the Town remains interested in an expansion to the Hillcrest Sewer District No.1. The Town entered into an agreement with the City of Binghamton and the Village of Johnson City in 2004 which allows the sewer district to be expanded as long as the average wastewater flows into the Binghamton-Johnson City Joint Sewer Treatment Plant do not exceed the previously agreed upon limit of 125,000 gallons per day. At this time, it appears the residents cannot support an expansion of the sewer district without an outside funding source. It is recommended that the Town continue to pursue efforts to bring public sewer to the un-served areas of Hillcrest.

15.2.3 Improve the Appearance of the Town

Nearly 60 percent of survey respondents thought that it was 'Important' or 'Very Important' to improve the appearance of the gateways to Fenton, and a similar percentage wanted to improve the appearance of the Brandywine corridor. Almost 70 percent thought that a beautification/redevelopment plan or program should be developed for the Brandywine corridor. Landscaping, buffers, and well designed vehicular access would address these important issues.

15.2.4 Protect, Preserve and Enhance Local Housing Stock

It is essential for communities to preserve and protect their housing stock. The home is typically a household's largest investment. In addition, for a bedroom community like Fenton, single-family homes form the bulk of the Town's assessment roll. Fenton is fortunate that its housing stock is on average newer than the countywide stock and more likely to be owner-occupied. The housing stock, however, should be balanced to meet the needs of all segments of the community.

Fenton has the largest number of mobile homes of any town in Broome County. Mobile homes account for between 44 percent and 65 percent of annual new residential construction. According to the comprehensive plan survey, 65 percent of respondents want fewer mobile home parks and 61 percent want to see fewer individual mobile homes. Mobile homes, individually and in mobile home parks, appear to be an overrepresented part of the housing stock for the Town.

Senior housing, however, is underrepresented in Fenton. Between 1990 and 2000, the population between 75 to 84 years of age grew by 49 percent, and the population aged 85 and over increased 66 percent. Despite the growing elderly segment of the population, there are no senior housing facilities in the Town.

15.2.5 Properly Guide Development

There are nearly 6,000 acres of vacant land in Fenton. This tremendous land bank offers great potential for development, but it also threatens the rural nature of the Town if not managed properly. There is some support for development. Seventy-five percent of survey respondents want more grocery stores, and the limited retail and lack of restaurants was the greatest

shortcoming listed. However, there is also great concern about the nature and location of development. Seventy percent of survey respondents wanted less heavy industry, 56 percent wanted fewer storage container yards, and 55 percent wanted fewer truck terminals. Over 70 percent thought it was ‘Important’ or ‘Very Important’ to have buffers between residential areas and commercial and industrial activity.

15.2.6 Update Laws and Ensure Consistency

Through the process of preparing a comprehensive plan, a community has an excellent opportunity to assess the adequacy and consistency of its local laws, ordinances, and resolutions. Court decisions, changes in state laws, or the development of new land uses make certain ordinances or definitions out of date. In other instances, there may be gaps or oversights in the current legal framework for making land use decisions. Finally, some ordinances, although well intentioned, may not be functioning as originally planned.

15.3 Recommendations

To achieve these six larger goals, there are a series of specific recommendations. These recommendations are grouped into 21 categories. Many of these individual recommendations address more than one goal. For example, the recommendations in the Agriculture category (Section 15.3.1) would help Preserve Rural Character (Section 15.2.1), Protect Natural Resources (Section 15.2.2) and Properly Guide Development (Section 15.2.5). The Town should develop an implementation plan with short and medium range objectives to carry out these specific recommendations.

15.3.1 Agriculture

One key component of the rural character of Fenton is the relative strength of local agriculture. Preservation and enhancement of farming in the Town holds the potential for many benefits including the preservation of open space. The *Broome County Agricultural Economic Development Plan* outlines a farm policy that can, in part, be instituted at the local level. The local initiatives have been incorporated into the following recommendations.

The Agricultural community should be more involved in local government and planning. Section 271-11 of the New York State Town Law allows a municipality to add a farmer to their planning board to serve as a representative of agricultural interests, if an agricultural district created pursuant to Section 303 of Article 25-AA of the Agriculture and Markets Law exists wholly or partly within the boundaries of such town as is the case in the Town of Fenton. The Town of Fenton should take this opportunity to give a direct voice to the farming community on planning matters. The agricultural member would be among the seven (7) Town Planning Board members appointed by the Town Board.

The Fenton Zoning Ordinance does not define the following terms: agriculture, farming, or agricultural-tourism (agri-tourism). The New State Department of Taxation and Finance defines farm production to mean the production of tangible personal property for sale by farming. Farming includes agriculture, horticulture, viniculture, viticulture, aquaculture, silviculture, or

floriculture; stock, dairy, poultry, fruit, vegetable, fur bearing animal, graping, truck and tree farming; ranching, operating nurseries, greenhouses, vineyard trellises, or other similar structures used primarily for the raising of agricultural, horticultural, vinicultural, viticultural, silvicultural, or floricultural commodities; operating orchards; raising, growing, and harvesting crops, livestock, and livestock products; and raising, growing, and harvesting woodland products, including but not limited to timber, logs, lumber, pulpwood, posts, and firewood. The Town should provide a comprehensive definition for agriculture and farming.

For farmers to be successful, they must frequently add accessory and complementary businesses and operations. An example of these additional operations is agri-tourism, a term that can include, but is not limited to, farm tours, specialty products, production demonstrations, hayrides, sleigh rides, horseback rides, product tastings, historic buildings and exhibits. Business types include farm stands, Christmas tree farms, u-pick operations, maple products, greenhouses, nurseries, wineries, livestock breeding and sales, farm-based bed & breakfast operations, farmers markets and others. Agri-tourism is not currently provided for in the Fenton Zoning Ordinance.

In addition to agri-tourism uses, farms may need to add non-traditional, off-season or complementary seasonal uses in order to thrive. This can include woodlots, mail-order sales, and small niche type enterprises. Again, these uses are not covered by the Fenton Zoning Ordinance.

The Town should also consider providing flexibility for temporary signage, hours of operation, vehicular access, parking and storage areas. Allowing for agri-tourism and non-traditional farm uses, however, does not mean that there are no regulations on these activities. Fenton should establish site plan review over these businesses to ensure that they do not interfere with adjacent farms or cause nuisances for neighbors.

There are other activities in support of agriculture that the Town could undertake outside of amending its Zoning Ordinance. Establishment of a Farmers Market would provide a direct retail outlet for agricultural products and raise the visibility of local farmers. The Town could work with Cornell Cooperative Extension and the local farmers to create a 'Farm Days' event where the community could tour the Fenton farms.

15.3.2 Open Space

Open space is another key component of the Town's rural character. Open space is land not intensively developed, and it includes waterfront land, working farms, forests, parks, and scenic landscapes. This land may be publicly or privately held. Over 80 percent of survey respondents thought that it was important or very important to preserve open space. In addition, 66 percent wanted to improve access to the Chenango River.

Open space protection can include a variety of methods. One example is the cluster or conservation subdivision. Through a conservation subdivision, a developer concentrates residential development on a portion of the land, leaving a large area untouched. This method of development is discussed further in the Subdivision section of these recommendations. Waterfront access can be improved through the development of public boat launches and fishing

access, greenways, and walking/biking trails. Open space protection can create opportunities for ‘eco-tourism’ as people travel to Fenton because of improved river access.

To pursue these objectives, the Town should prepare an open space protection plan. Through the development of an open space plan, a community first prepares an inventory of the open space and then recommends the techniques to preserve these lands. In order to be successful, this plan should work to preserve open space while being respectful of the rights of property owners.

15.3.3 Alternative Sources of Energy

The Town Board recognizes that alternative energy sources is an abundant, renewable, and nonpolluting energy resource and considers the use of alternative energy (such as wind and solar) important. The Town Board could receive requests in the future from local residents and businesses for the installation of alternative energy sources, such as wind turbines, for homes and businesses. The Town Board should consider adopting a local law regulating the development of alternative energy sources to accommodate the necessary infrastructure for residential and commercial alternative energy-generating facilities so that these facilities may be developed in a manner deemed compatible with the general health, safety and welfare of the residents of the Town. Such a local law would regulate and restrict the height, size, location, and other features of alternative energy sources.

15.3.4 Conservation Advisory Committee

To create the open space plan, the Town Board should establish a separate committee. One mechanism for doing this is through the creation of a Conservation Advisory Committee (CAC). Sixty percent of survey respondents thought it was important or very important to establish a CAC for Fenton.

A CAC can be constituted in a variety of ways. They may consist of members of the community that are knowledgeable in environmental issues, planning board members, Town Board members, and/or various agency and organization representatives. If a CAC is created, it can continue on beyond the development of the open space plan to advise the Town Board and Planning Board on environmental matters. A CAC can also educate the community on environmental issues that affect residents of Fenton.

15.3.5 Environmental Impact Review

One clear issue to arise from the preparation of the Comprehensive Plan is that residents in Fenton want to protect their natural resources. There are numerous regulatory tools available to local municipalities to allow them to manage growth and development so that there are no significant adverse environmental impacts. Fenton has been very progressive in adopting local environmental controls such as aquifer and wetland protection ordinances although these controls and ordinances are not framed within the context of an overall environmental protection plan. These ordinances can be improved as indicated below.

The Planning and Zoning Boards should require additional information as part of the site plan review process to enable them to consider the potential for adverse environmental impacts. This additional information should include, but not be limited to, the following:

- (1) Name and address of person or firm preparing the plan and map;
- (2) Property boundary line plotted to scale, with distances, angles and area shown;
- (3) North arrow, scale and date;
- (4) Topographic features, including existing and proposed contour intervals of no more than five feet;
- (5) Vegetative cover, including existing wooded areas or areas that contain rare or threatened ecosystems, flora, or fauna;
- (6) Soil characteristics, such as load bearing capacity and drainage capacity;
- (7) Hydrologic features including drainage and runoff patterns, flood hazard areas, wetlands and depth to groundwater;
- (8) Location, proposed use, design and construction materials of improvements not requiring structures, such as parking, loading, and outdoor storage areas; and a state-certified environmental engineer;
- (9) Location, size and design of all outdoor lighting facilities and public address systems.

By requesting appropriate information at the time of the application, the Planning Board would ultimately streamline the application process. The developer would know, up front, what is required. This would save time by avoiding the need to appear before the Board at multiple meetings.

15.3.6 Aquifer Protection

Chapter 57 Aquifer Protection of the Fenton Town Code was adopted by the Town Board in 1991. The law is a progressive attempt to minimize the potential for contamination of the groundwater and drinking water supply. The law, however, should be amended to require applicants for new development permits to provide the following:

- (1) an aquifer impact statement demonstrating that no activities will be conducted upon the property that will result in groundwater infiltration into the aquifer such that the New York State Drinking Water Standards and NYS Department of Environmental Conservation groundwater standards will not be violated at the property line;
- (2) details of the proposed aquifer usage;
- (3) potential impacts resulting from the planned discharges or withdrawal; and
- (4) proposed measures to mitigate any adverse impacts.

15.3.7 Freshwater Wetlands

In 1976, the Town of Fenton adopted a Freshwater Wetlands ordinance. The law represents a major step to protecting wetlands but it should be amended as follows:

- (1) A list of prohibited activities in any wetland or the wetland/watercourse buffer area should be prepared;
- (2) Certification by an engineer, architect, land surveyor or landscape architect licensed with the State of New York should be required for plans;
- (3) The application should describe the relationship of the proposed area to be disturbed to property lines, buildings, roads, and water courses within a certain radius (i.e., two-hundred fifty [250] feet);
- (4) Require estimated quantities of material of excavation or fill, location of any well and depth thereof and any sewage or wastewater disposal system within one hundred (100) feet of the disturbed area;
- (5) The site plan should show existing and proposed contours in the proposed disturbed area and adjacent area;
- (6) Require a description of a proposed drainage system;
- (7) The applicant should be required to show erosion and sediment control measures;
- (8) A statement prepared by a professional engineer or certified environmental engineer licensed by the State of New York of the impact of the project on upstream and downstream areas;
- (9) Copies of all applicable town, county, state or federal permits or permit applications which are necessary for the work or improvement should be provided by the applicant;
- (10) Require alternatives to the proposed action; and
- (11) Stipulate a specific time frame for the end of the permit.

15.3.8 Mining

Section 150-20(F) (6) of the Zoning Ordinance requires applicants for a mining permit provide a bond to cover the cost of reclamation of the mine. The Ordinance, however, should provide guidance to setting the amount of the bond, and in updating that bond amount as appropriate. When the New York State Department of Environmental Conservation sets a bond amount for a State regulated mine it considers the following factors:

- Type of mine
- Location of mine
- Proposed land-use objective and reclamation requirements
- Length of the permit period
- Proposed method and schedule of reclamation

Some communities require a detailed breakdown of estimated reclamation costs including, but not limited to, the estimated cost of backfilling and regrading, revegetation, engineering, labor, mobilization, removal of structures, drainage and erosion control measures and long-term stabilization. The Town of Fenton should revise its mining permit requirements to provide standards for setting the amount of the reclamation bond.

15.3.9 Wireless Telecommunications

In 1999 the Town of Fenton adopted an ordinance regulating wireless telecommunications. The Town has the opportunity through this ordinance to impose height limitations, different height limitations in different zoning districts, or a preferred style of tower. These additional conditions should be considered by the Town as it prepares its open space plan.

In addition to height and design restrictions, the ordinance could be amended to include a requirement that applicants for a wireless telecommunications permit supply a viewshed analysis. This type of analysis is very common and is a powerful tool in assessing the visual impact of proposed towers.

15.3.10 Junk Yards

Chapter 94 Junkyards of the Town Code regulates the storage of junk vehicles. It was adopted in 1976. The ordinance has a number of shortcomings that should be addressed:

§94-4 should be changed to require a site plan drawn to scale that shows the following:

- (1) address and real property tax number of the site;
- (2) property lines including the names of owners of adjacent property and adjacent land uses;
- (3) streams, lakes, wetlands, flood plains, and other water bodies, including those available for fire protection purposes;
- (4) topography of the site and any plans for grading the property to be shown at a contour interval of not more than five feet;
- (5) the location of all wells and sanitary facilities on the property or within 100 feet of the boundary of the property;
- (6) depth to the water table;
- (7) drainage patterns on the site;
- (8) existing and proposed structures, including fences;
- (9) existing and proposed junk storage areas, indicating the type of junk or material which will be stored in each area;
- (10) existing aquifers; and
- (11) soil type.

In addition, the permit should be amended to require the following information:

- (1) name, residence, address and telephone number of each individual owner, partner, or if a corporation or other organization, each officer and director;
- (2) trade name, address and telephone number of the business
- (3) statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, or any violation of Article 6 of the General Business Law;
- (4) name and address of the owner of the real property and the nature of the right under which the applicant possess the property

- (5) valid junk dealer’s license as required under Article 6 of the New York State General Business Law;
- (6) New York State Department of Motor Vehicles dismantler’s permit as required;
- (7) description of the junkyard operation; Specifically, questions such as where will vehicles be flushed or emptied of fluids, how will fluids be handled and disposed of, how will waste tires be disposed, what is the depth to the water table, will the applicant be dismantling vehicles, will the applicant be selling parts, will the applicant be operating a crusher, and will burning occur on site should be answered in the application.

In determining the appropriateness of the proposed junkyard location, §94-8 should be expanded to allow the Town Board to consider the following:

- (1) whether or not the proposed location will affect the public health and safety by reason of offensive or unhealthy noise, odors or smoke, or of other causes;
- (2) the proximity and potential impact on flood plains,
- (3) potential impact to groundwater supplies and/or public water supplies;
- (4) local drainage patterns; and
- (5) the availability of municipal fire protection and the adequacy of the water supply for fire protection purposes.
- (6) the visual impact on the community and the proposed landscaping or other screening.

The definitions for Enforcement Officer or Junk Motor Vehicle should be added. References to “church” in §94-4 and in §94-7 should be replaced with “religious institution” or other generic term. School in §94-4 should be replaced with “educational facility.”

A provision should be added that requires a fire break and safe access on the site for fire vehicles.

The time permitted for the review of the application should be extended from the current two weeks after the public hearing to 30 days. This will give the Town Board adequate time to review the application and testimony from the public hearing.

The junkyard ordinance should be amended to regulate the disposal of tires. New York State Department of Environmental Conservation requires a permit for the storage of 1,000 or more tires, whether they are whole or shredded. The Fenton junkyard ordinance should be amended to address the storage of less than 1,000 tires.

Finally, Section 94 does not address the disposal of junkyard material. Junkyards must show regular and proper disposal of material. If the junk remains onsite indefinitely, the site would become a solid waste disposal site and would be subject to other State regulations. The junkyard operator should be required to document how they will be disposing of junk and maintain reasonable records that document their disposal methods.

15.3.11 Mobile Homes and Mobile Home Parks

The Town of Fenton adopted Chapter 99 (Mobile Homes) (also known as the “Mobile Home and Camp Law of the Town of Fenton”) of the Town Code in 1976. The Town has established a Mobile Home Park District and a Residential – Mobile Homes District (see Map 13-1 and Map 13-2). The Mobile Home Law governs the location, duration of stay, and inspection of mobile home parks, mobile homes on separate lots, and tourist camps. The Fenton Mobile Home and Camp Law, however, has several shortcomings. These issues should be addressed as follows:

- (1) New mobile home parks should be required to provide common open space;
- (2) Minimum lot sizes should be established for mobile homes in mobile home parks;
- (3) All mobile homes should be required to be in compliance with standards equal to or more stringent than the U.S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976) and any amendments and revisions thereto. The presence of a permanent certification label affixed to the mobile home by the manufacturer should be presumptive evidence that the construction of a mobile home is in compliance with such standards;
- (4) All mobile homes should be required to be placed on a permanent foundation extending below the front line or upon a reinforced concrete slab, have anchors or tie-downs capable of securing the stability of the mobile home, and skirting to screen the space between the mobile home and the ground;
- (5) Should any mobile home on an individual lot, or within a mobile home park, be replaced, the replacement mobile home must comply with all of the new standards; and
- (6) Any mobile home on an individual lot, or within a mobile home park, that is totally destroyed or damaged to an extent of 25 percent of its fair market value will be considered a cessation of its continuous use and must be brought into conformance with the new standards.

In addition to the above recommended changes, the Town Board should review the Residential-Mobile Home (R-MH) district. Currently, the R-MH district measures over 2,100 acres. The Town of Fenton should reduce the size of the R-MH district to better control the number and location of mobile homes on individual lots.

15.3.12 Subdivision of Land

Subdivisions are a vital part of the character of a community. The manner in which undeveloped land is turned into neighborhoods will have an impact on the community in many ways. These impacts include traffic, stormwater runoff, and open space.

Currently, Fenton’s subdivision regulations do not require sufficient information from the developer to allow for an adequate review of the potential impacts. The subdivision regulations should be amended to require that plats show the lot lines, topography, utilities, easements, and proposed and existing building locations. The subdivision plan requirements from the Town of Rye, New York attached to this plan provide a reasonable model to follow in drafting new requirements.

In addition to requiring adequate information to assess the impacts of subdivisions, the Town should provide developers with all the tools they need to create well planned communities. Without flexible design standards and cluster or conservation subdivision regulations, developers seeking to maximize the potential of a piece of property are forced to take a ‘cookie-cutter’ approach. With a conservation subdivision, a developer can build the same number of units, each on a smaller lot, while setting aside land for open space conservation. The land that is set aside may be steeply sloped and therefore ill-suited for building or it may contain the stormwater retention pond for the subdivision. With these context sensitive design tools, Fenton would be retaining an essential part of its open space while protecting the rights of property owners to develop their land. The Town should incorporate cluster or conservation design methods into its subdivision regulations.

Finally, the current Fenton Town Code provides a definition of a subdivision that is not in keeping with the Town Law of New York State. The State’s definition is more comprehensive, and the Fenton definition should be changed to be consistent with State law.

15.3.13 Senior Housing

Nearly 60 percent of survey respondents wanted to see more senior housing in Fenton, making it the most in demand type of housing in the Town. Just over 60 percent thought that it was ‘Important’ or ‘Very Important’ to encourage senior housing.

Housing options for the elderly begin with helping seniors maintain their current home in safe condition. Repair and weatherization programs are in place for seniors throughout the County. The first step to securing decent, safe, and affordable housing for the elderly is to promote the current repair and weatherization programs to Fenton’s seniors.

When living alone is now longer an option, then planned senior housing is appropriate. Senior housing includes a wide spectrum of housing choices from retirement communities for active seniors to congregate care and skilled nursing facilities for the frail elderly. Senior housing is typically provided by a non-profit or private developer and not by the local municipality. The Town should work with these entities to determine if there is sufficient market demand to support senior housing development. If the local market is strong enough to warrant new senior housing, the Town should encourage its development by working with the appropriate agencies. This can include site selection, grant writing, and zoning changes when necessary.

15.3.14 Zoning Districts

The Town of Fenton is divided into ten use districts, covering single-family residential, multi-family residential, mobile homes, neighborhood commercial, general commercial, limited industrial, industrial, agricultural-residential, mobile home parks, and mining.

The district regulations should be amended to include a purpose statement for each district. The purpose statement could include the intent of the district, the type of development allowed, the type of development encouraged and suitable, the intensity of development intended in the

district, the preferred location, and the items, such as the availability of infrastructure and access to an adequate street system, that need to be considered before development could occur.

15.3.14(a) General Commercial District (C-G)

A new zoning district should be created that is more restrictive than C-G, but allows higher intensity retail land uses than the Neighborhood Commercial. This new district would be used in areas such as Nelson Ellis and Dale Development Plaza along the East Service Road in Hillcrest. This would have the effect of preserving the areas that are not currently overly developed.

The C-G district would be retained where it is appropriate, but special conditions should be imposed on the higher intensity land uses. These conditions would include landscaping standards that specify the size and location of buffer strips. Landscaping can improve the appearance of properties and screen incompatible land uses. Buffer strips between properties can diminish the impact of conflicting land uses. Related to the use of buffer strips is the relationship between the proposed use of a site and the lot size. The minimum lot sizes established should allow for the separation of incompatible land uses. In addition, access management standards should be imposed within the C-G district. Access management techniques include:

- Relocating, consolidating, or eliminating driveways
- Promoting the use of shared driveways
- Increasing corner clearance
- Improving turn radius and driveway width
- Increasing throat length
- Prohibiting left turns out of driveway
- Providing internal access roads
- Redesigning the frontage road

Proper design and construction of vehicular entrance and egress preserves the flow of traffic, decrease accidents, maintains the capacity of the road system, and reduces pedestrian/vehicle conflicts.

15.3.14(b) Limited Industrial Districts (L-I)

Like the C-G Districts, the L-I Districts are characterized by poor vehicular access management and a lack of landscaping or screening. Heavy equipment is stored outside and the districts have a heavy industrial appearance. Located at the entrance to the Town along the Arterial Highway, these properties do not make an attractive gateway to the Town.

The means to address these issues is similar to those for the C-G District. The more intensive land uses should be excluded from L-I District, but allowed in the Industrial District. Access management and landscaping standards should be developed as part of the site plan review process. For both the C-G and L-I districts, the Zoning Ordinance should specify that previously developed properties must come into compliance with the new landscaping and access management standards when substantial enlargements or improvements are made, if there are significant changes in vehicle generation, or when new permits are requested.

15.3.15 Performance Guarantees

One of the primary frustrations that arises in administering any zoning ordinance is ensuring that when projects are built they fully implement the approved site plan. Zoning administrators need a mechanism to compel developers to implement all elements of a site plan or conditions of approval.

One such mechanism is a provision for performance guarantees that can be placed upon developers seeking approvals. These can include money placed in escrow, letters of credit, or performance bonds. The intent of a performance guarantee is to ensure that all elements of a site plan are built. The Zoning Ordinance should be amended to include provisions for performance guarantees. This would enable the Town to require that funds sufficient to complete the site plan are placed in escrow until such time as all elements of the site plan are finished.

15.3.16 Zoning Ordinance Review and Update

In addition to the substantial changes recommended above, the Zoning Ordinance should be amended in a number of smaller ways. Definitions should be added for nonconforming use, nonconforming lot, and convenience store as well as for the agricultural terms listed in Section 15.3.1 and for enforcement officer and junk motor vehicle as mentioned in Section 15.3.10.

Additional recommended changes to the Zoning Ordinance are as follows:

15.3.17 Minimum Lot Sizes

The Zoning Ordinance establishes minimum lot area for residential new construction. These lot sizes range are as small as approximately 1/4 acre (12,000 square feet). This is inadequate for new home construction in unsewered areas. Septic system design must be approved by the Broome County Health Department and they recommend a minimum 2-acre (87,120 square feet) lot for new residential construction on lots not served by public sanitary sewer. This recommendation is based on the Individual Residential Wastewater Treatment Systems Design Handbook published in 1996 by the New York State Department of Health. The minimum lot sizes in unsewered areas should be amended to a minimum of two acres.

15.3.18 Home Occupations

Section 150-10 A. (8) Residential-A District (R-A) of the Zoning Chapter of the Town Code defines home occupations and offices for the practice of licensed professions, except veterinary medicine, to include maximum gross floor area, signage, and employee requirements. This section of the Zoning Ordinance should establish a list of approved home occupations.

15.3.19 Off-Street Parking and Loading

Article III District Regulations of the Zoning Ordinance specifies the number of off-street parking spaces and loading area requirements for each use district. Article V Supplementary Regulations of the Zoning Ordinance specifies the standards of development for vehicle parking

spaces and off-street loading areas. The Institute of Transportation Engineers has published formulas for the number of parking spaces generated by each land use. Fenton's parking formulas should be amended to be in keeping with the ITE recommendations for required parking spaces.

These sections of the ordinance should also be amended to differentiate between the various types of parking configurations (e.g., 90-degree parking configuration with two-way vehicular traffic or angled parking with one-way traffic) and to specify lane widths for the various configurations.

The Zoning Ordinance should also designate an 'all weather surface' for parking lots and drives within the commercial, industrial and high density residential districts. Finally, the Zoning Ordinance should be amended to designate appropriate areas on a lot for parking. For example, required front yard should not be permitted to be used for parking.

15.3.20 Adult Entertainment Business

The Town prohibits adult entertainment businesses within 500 feet of any town or county road, state highway, residential dwelling, church, school, park, playground or an existing adult entertainment business. In what appears to be an oversight, the 500-foot prohibition list does not include the Mobile Home Park District. This should be addressed as part of a Zoning Ordinance update.

15.3.21 Ensure Adequate Wastewater Infrastructure

Many of the residential properties in Hillcrest that are not served by public sewer are small and have aging and substandard on-site septic systems that do not meet public health requirements. The Town of Fenton is concerned that pollution from failing septic systems could contaminate the Town's water supply. The Town should continue to pursue a long term solution to this issue by seeking federal and state funding for wastewater treatment.

15.4 Maintenance of the Plan

To be effective, a comprehensive plan must remain current. As conditions change and new information becomes available, the plan should be reviewed to ensure that it remains accurate and relevant to the needs of Fenton residents. To keep the plan current, the comprehensive plan should be reviewed, and amended as necessary, no later than five years after its adoption and every five years thereafter. This should include updated demographic information as it becomes available from the 2010 Census.

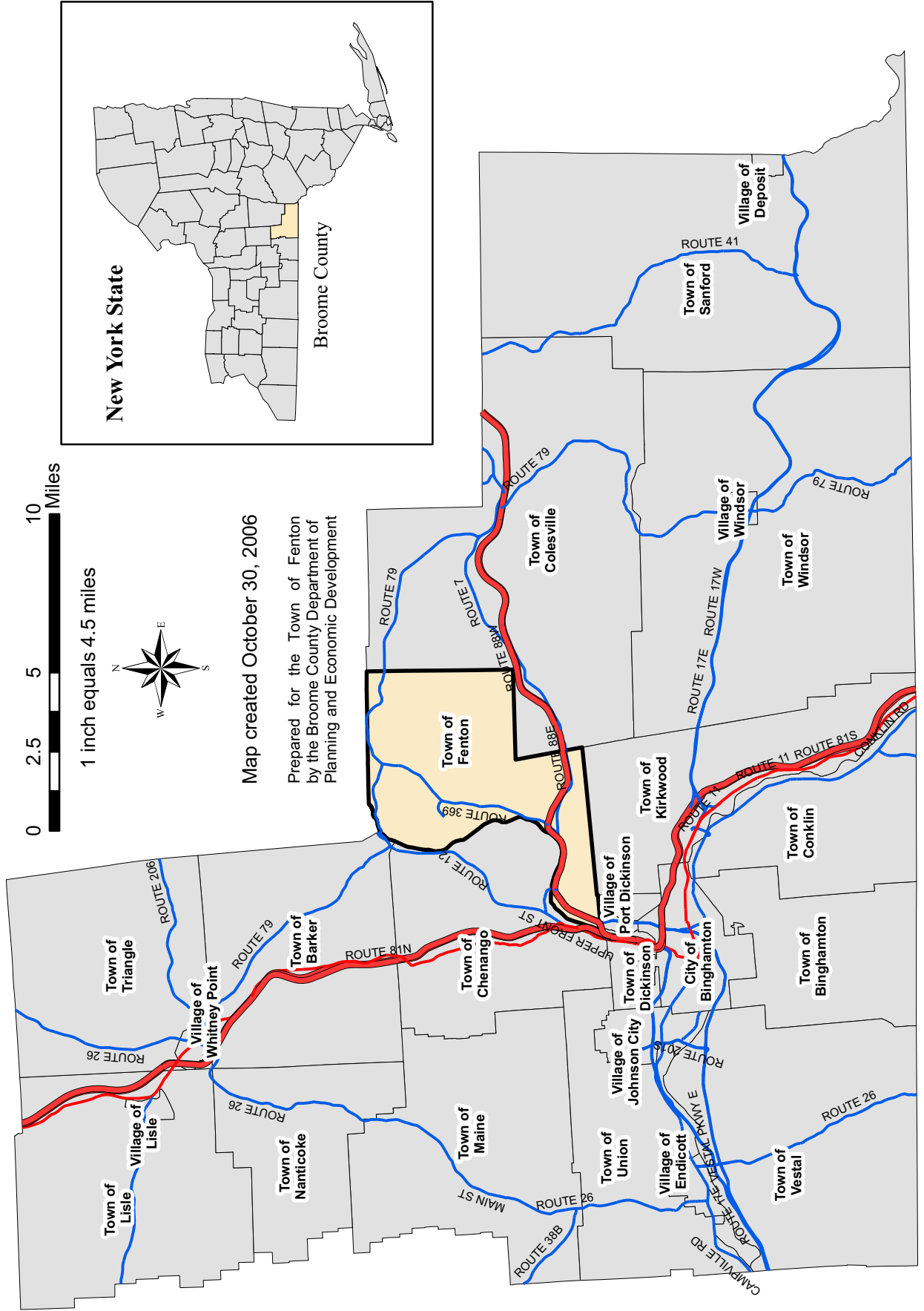
APPENDICES

APPENDIX A

MAPS

Town of Fenton Comprehensive Plan




Map 2-1 Location

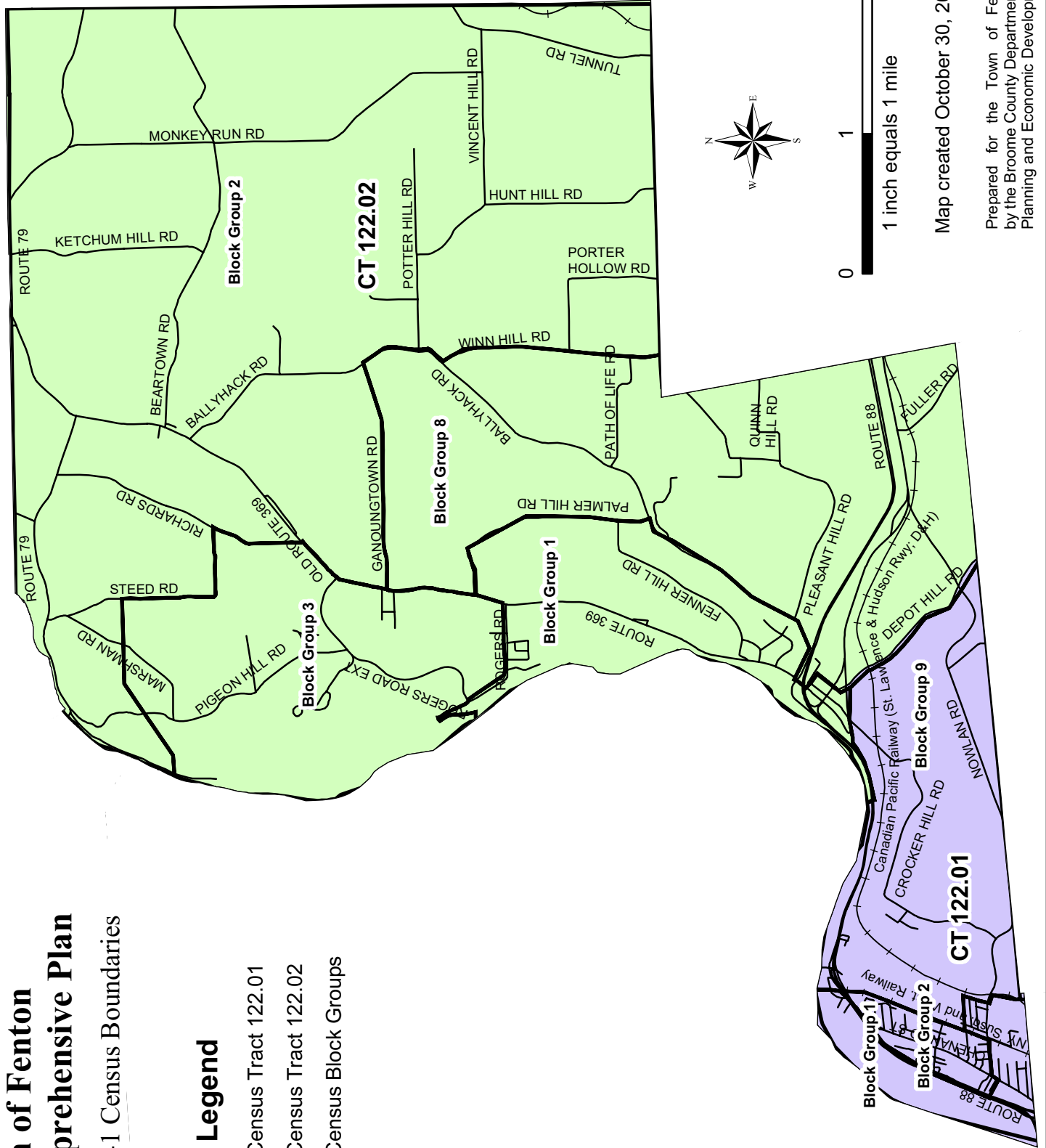


Town of Fenton Comprehensive Plan

Map 4-1 Census Boundaries

Legend

-  Census Tract 122.01
-  Census Tract 122.02
-  Census Block Groups




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Town of Fenton Comprehensive Plan

Map 4-2 Population Density


Legend


 Census Tracts

Population per square mile

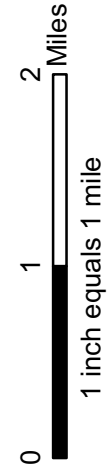
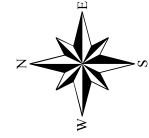
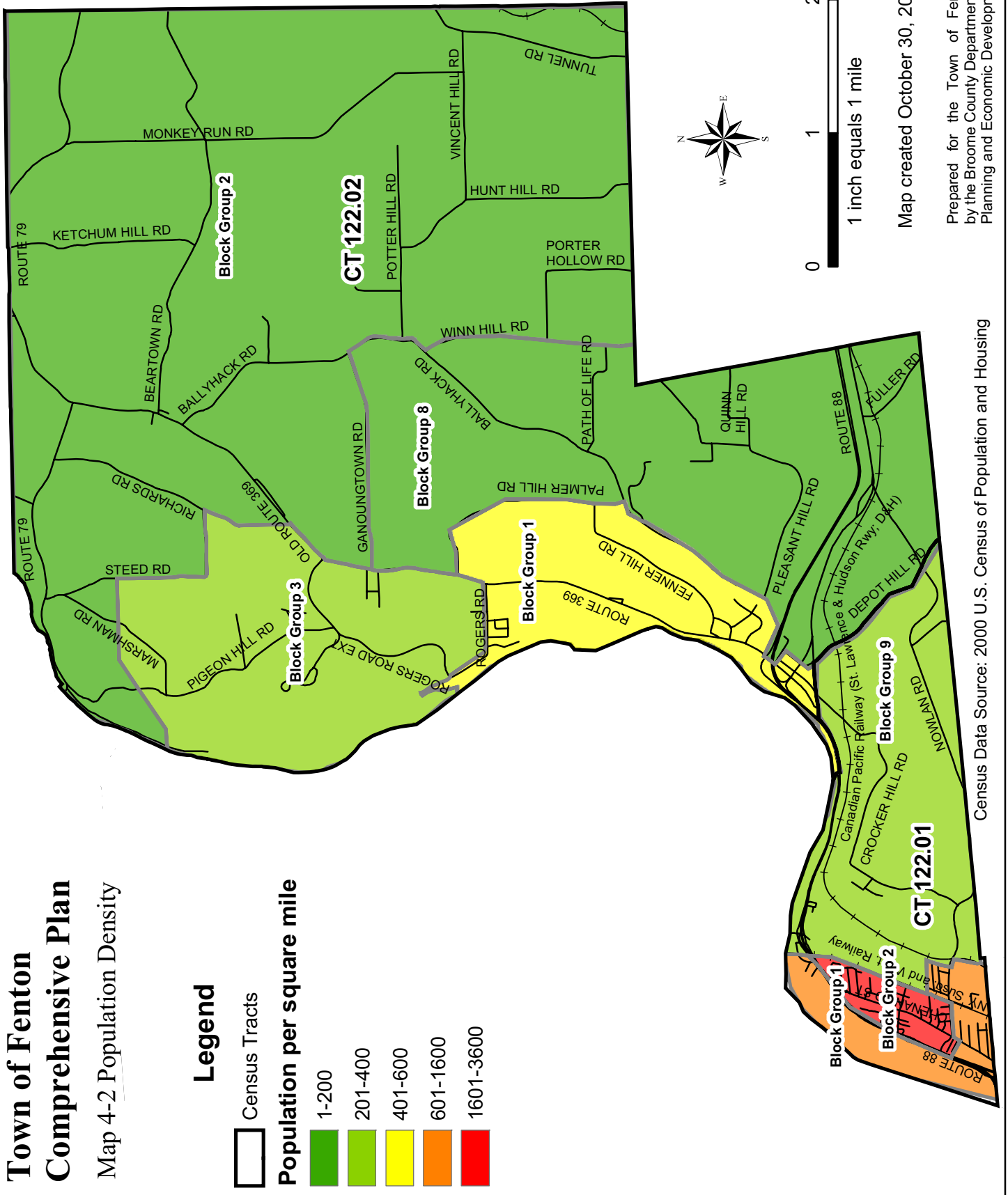
 1-200

 201-400

 401-600

 601-1600

 1601-3600



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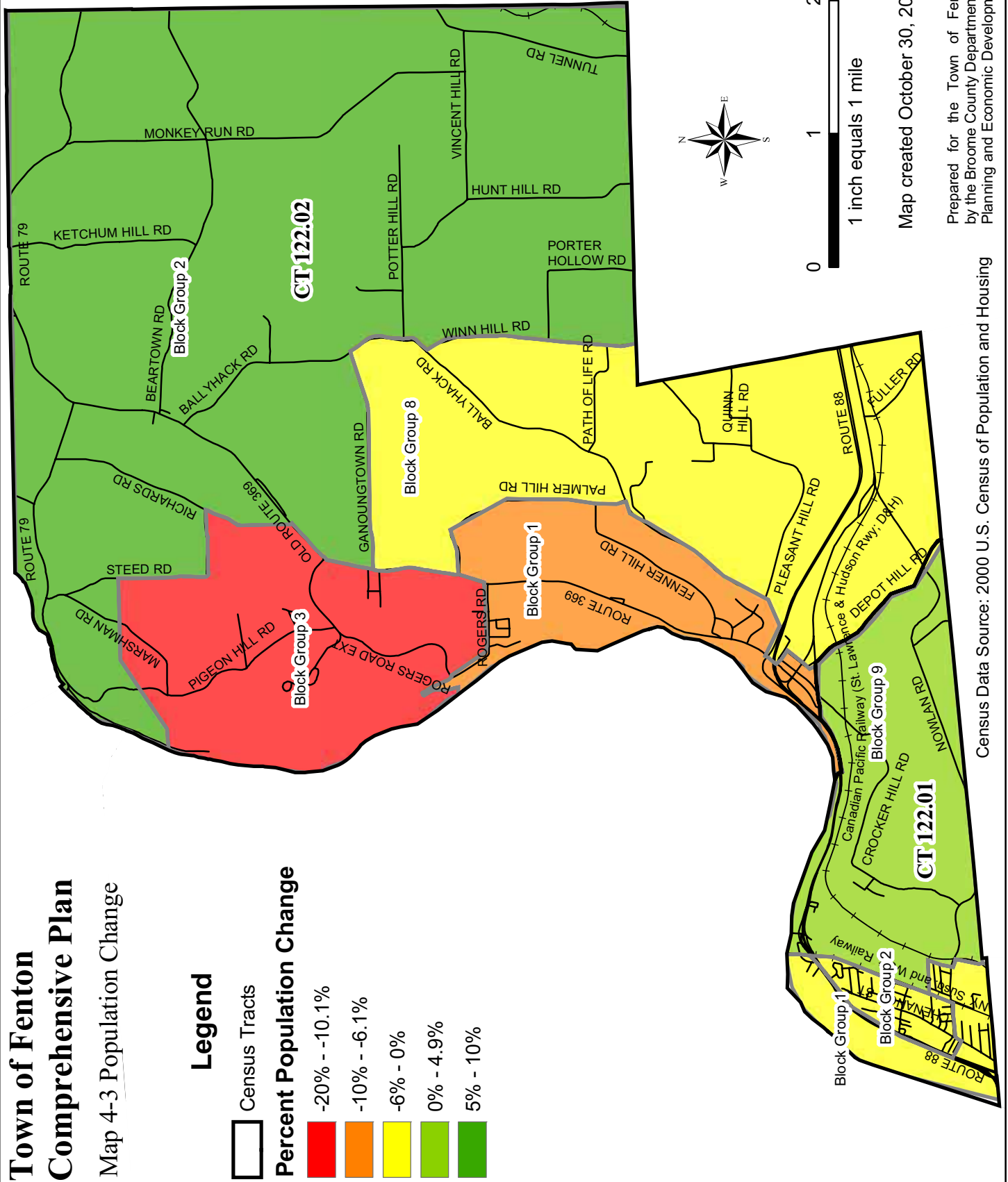
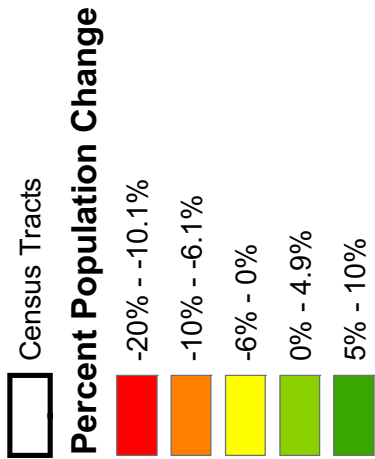
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Census Data Source: 2000 U.S. Census of Population and Housing

Town of Fenton Comprehensive Plan

Map 4-3 Population Change

Legend



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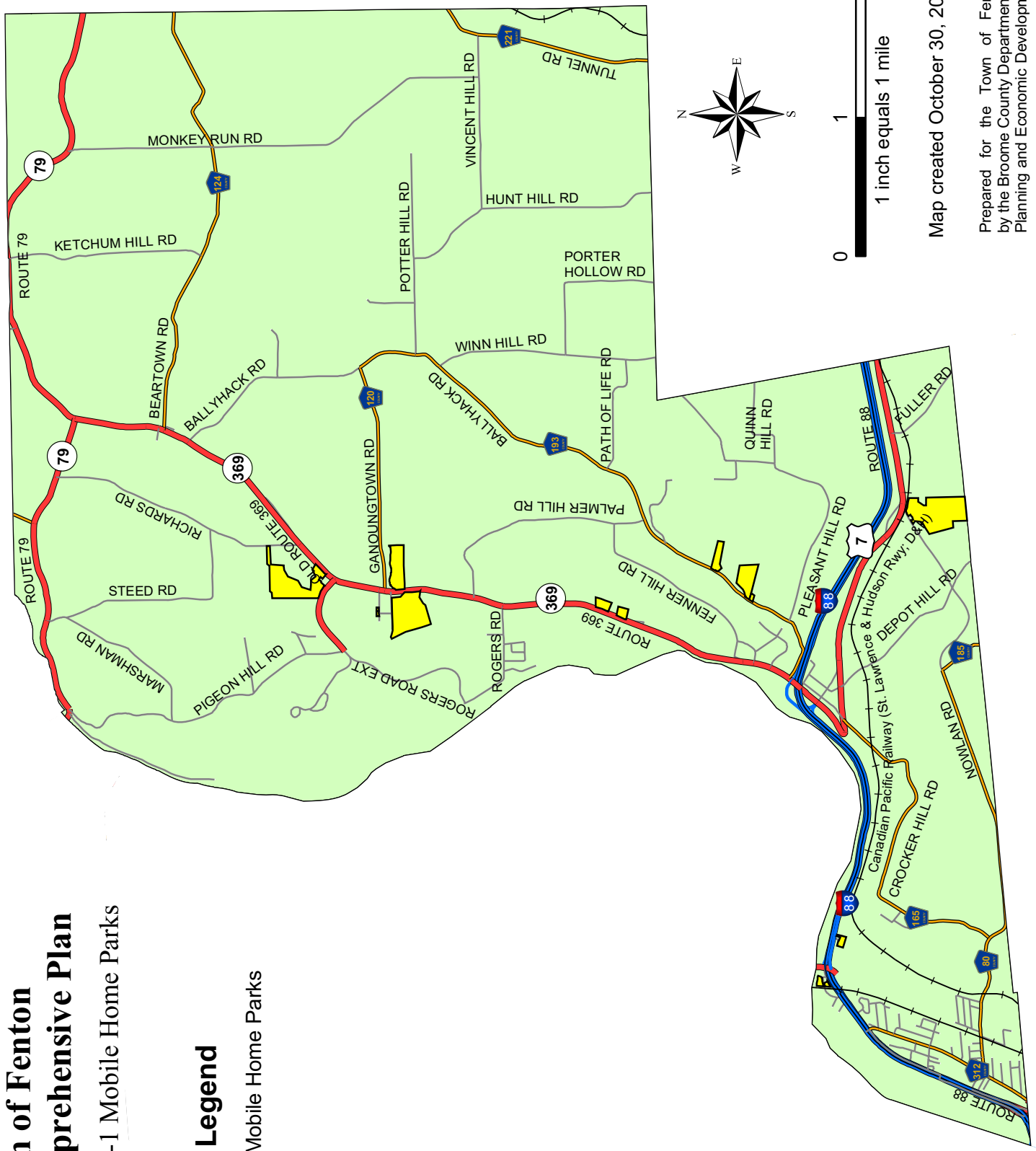
Census Data Source: 2000 U.S. Census of Population and Housing

Town of Fenton Comprehensive Plan

Map 5-1 Mobile Home Parks

Legend

 Mobile Home Parks













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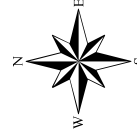
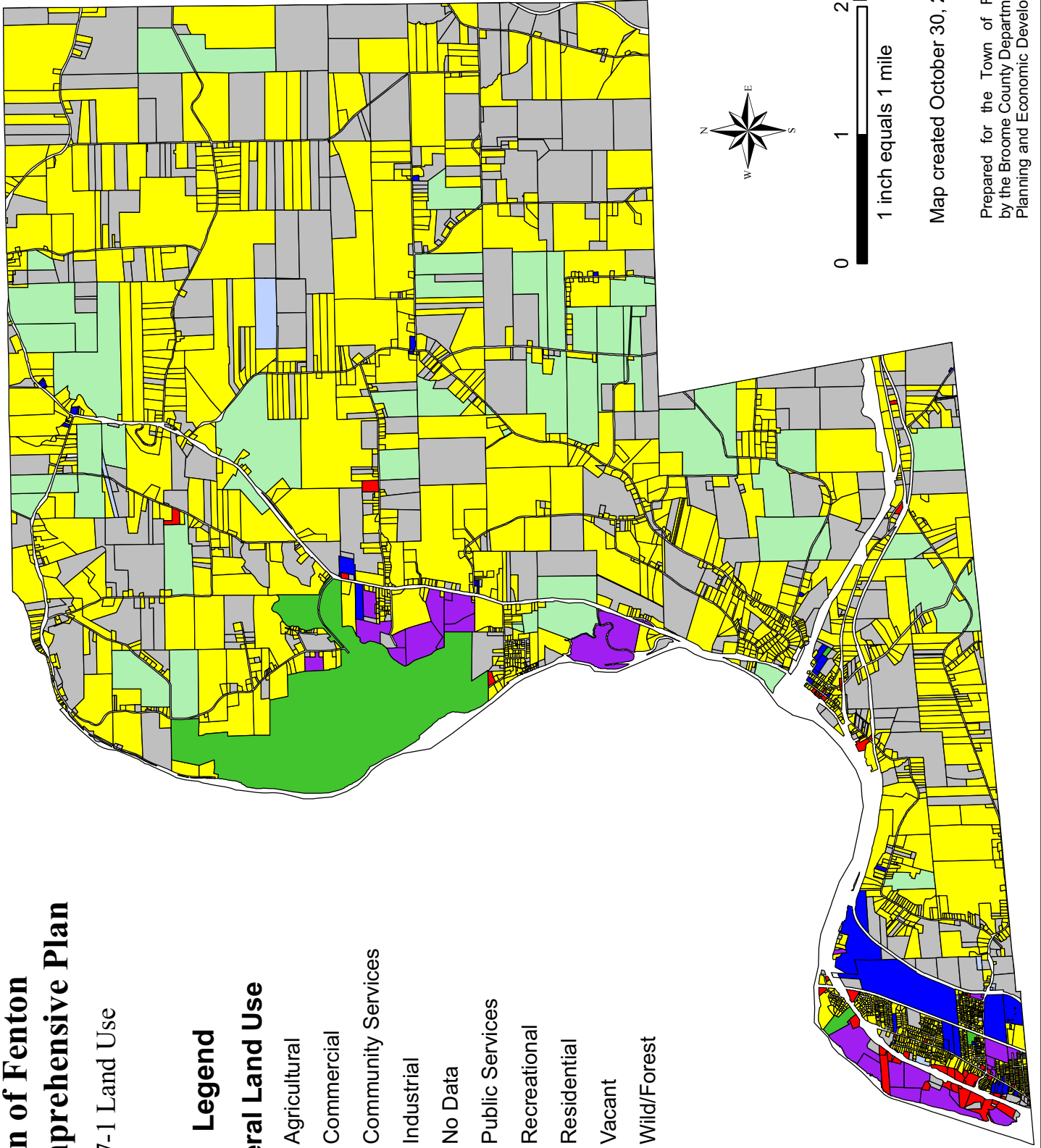
Town of Fenton Comprehensive Plan

Map 7-1 Land Use

Legend

General Land Use

-  Agricultural
-  Commercial
-  Community Services
-  Industrial
-  No Data
-  Public Services
-  Recreational
-  Residential
-  Vacant
-  Wild/Forest



Map created October 30, 2006

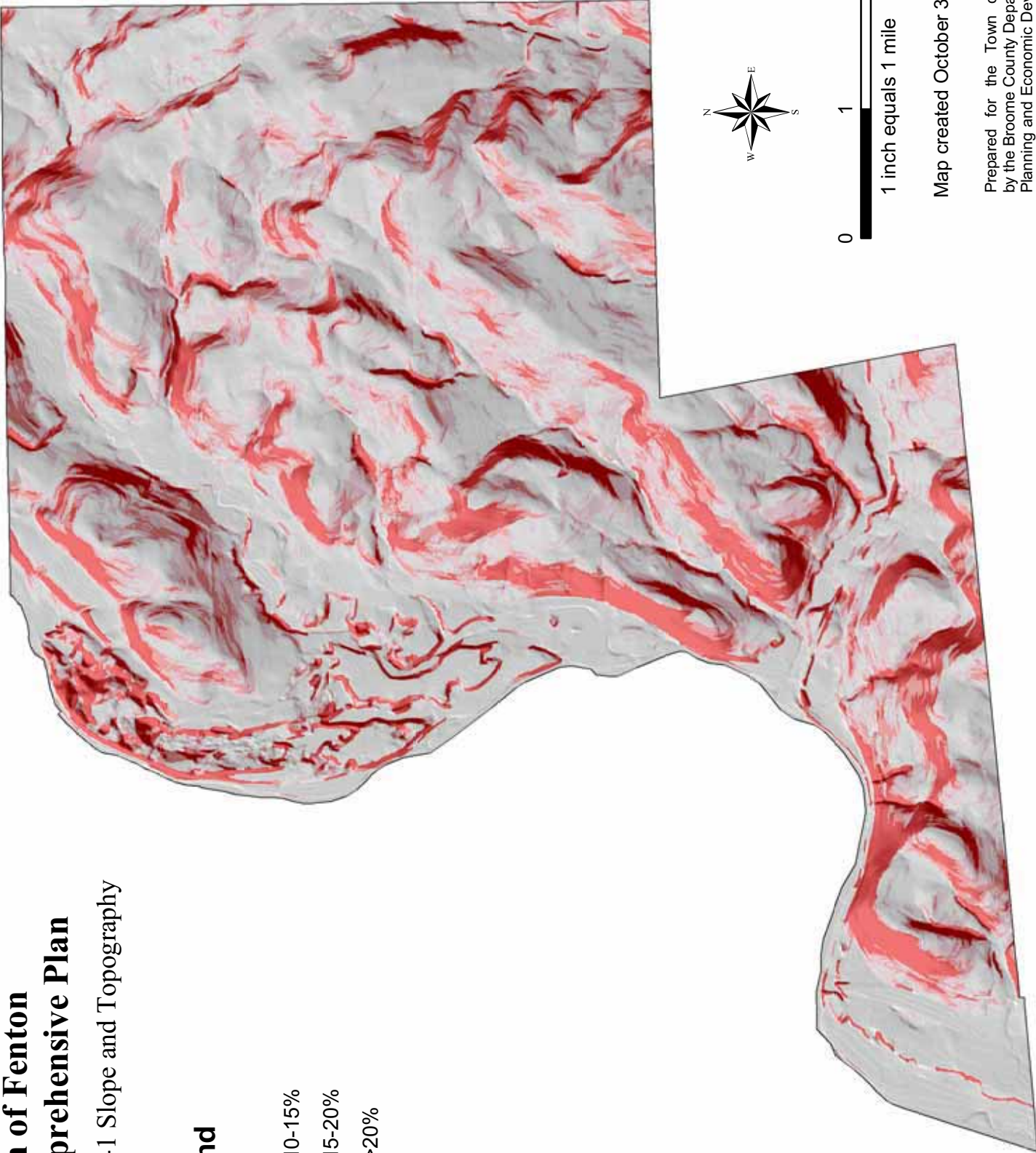
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Town of Fenton Comprehensive Plan

Map 8-1 Slope and Topography

Legend

- | | |
|--------------|--------|
| Slope | 10-15% |
| | 15-20% |
| | >20% |






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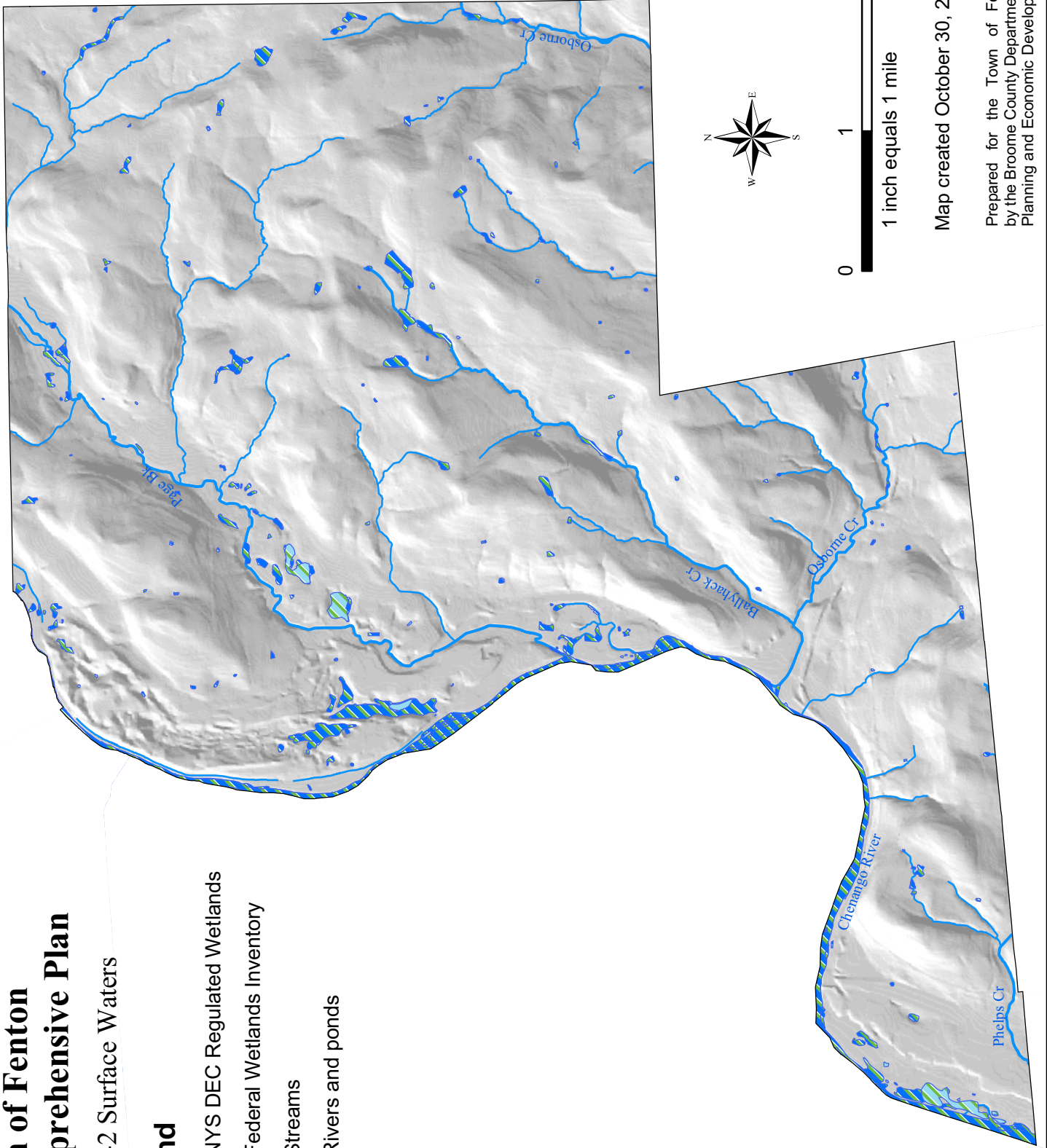
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Map 8-2 Surface Waters

Legend

-  NYS DEC Regulated Wetlands
-  Federal Wetlands Inventory
-  Streams
-  Rivers and ponds



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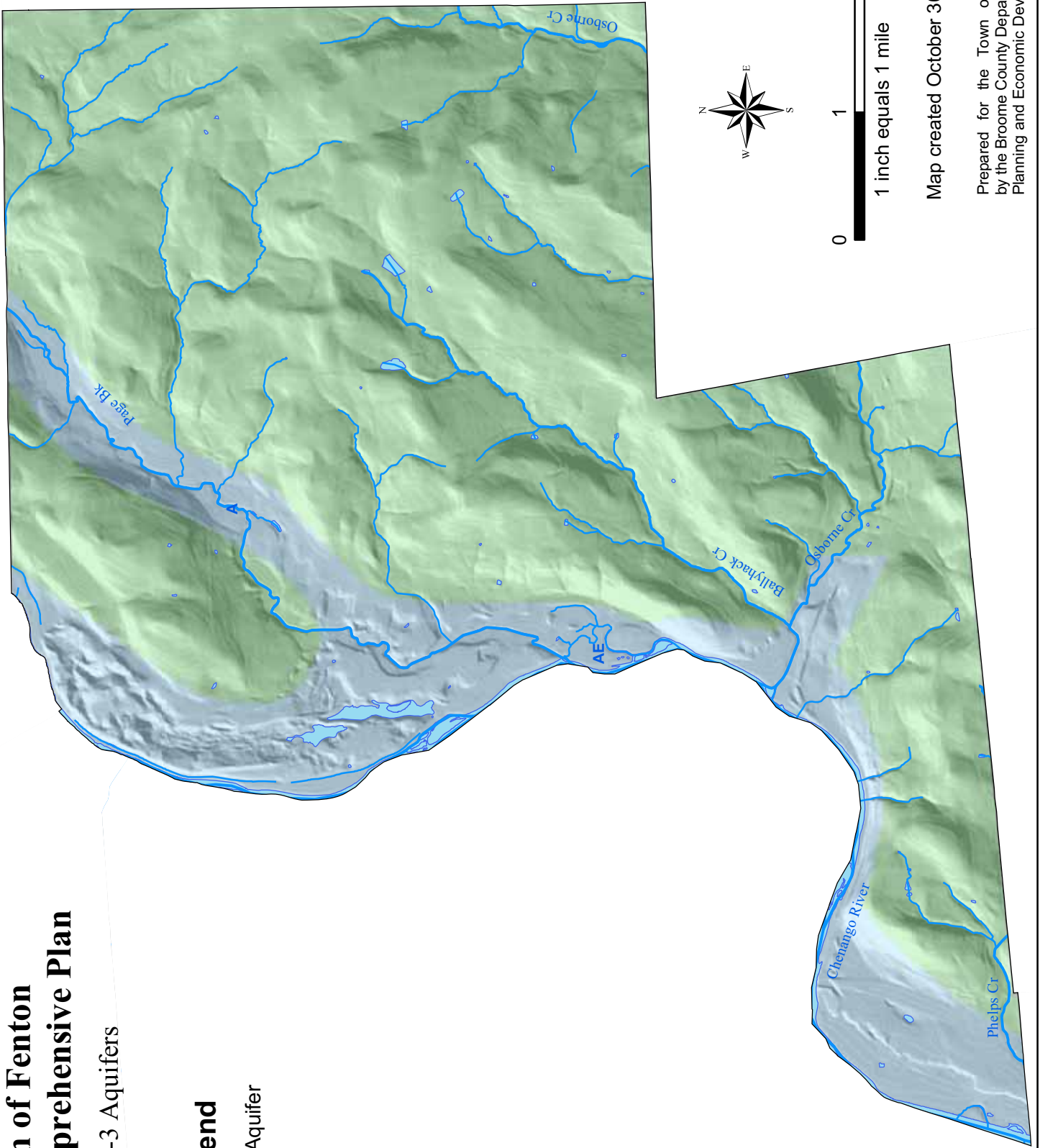
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Town of Fenton Comprehensive Plan

Map 8-3 Aquifers

Legend

 Aquifer



1 inch equals 1 mile

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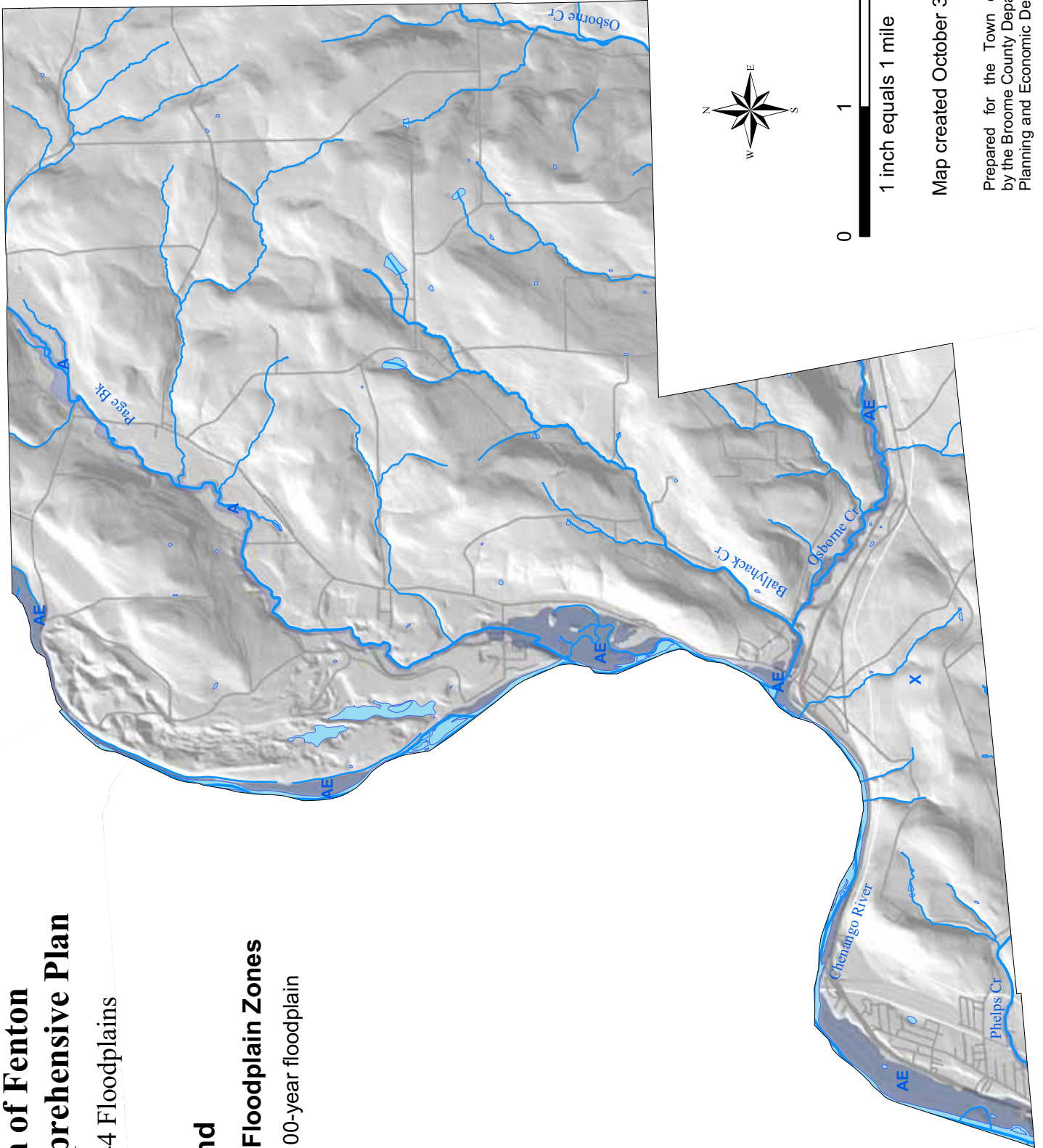
Town of Fenton Comprehensive Plan

Map 8-4 Floodplains

Legend

FEMA Floodplain Zones

 100-year floodplain



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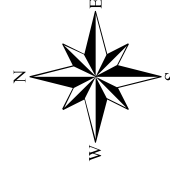
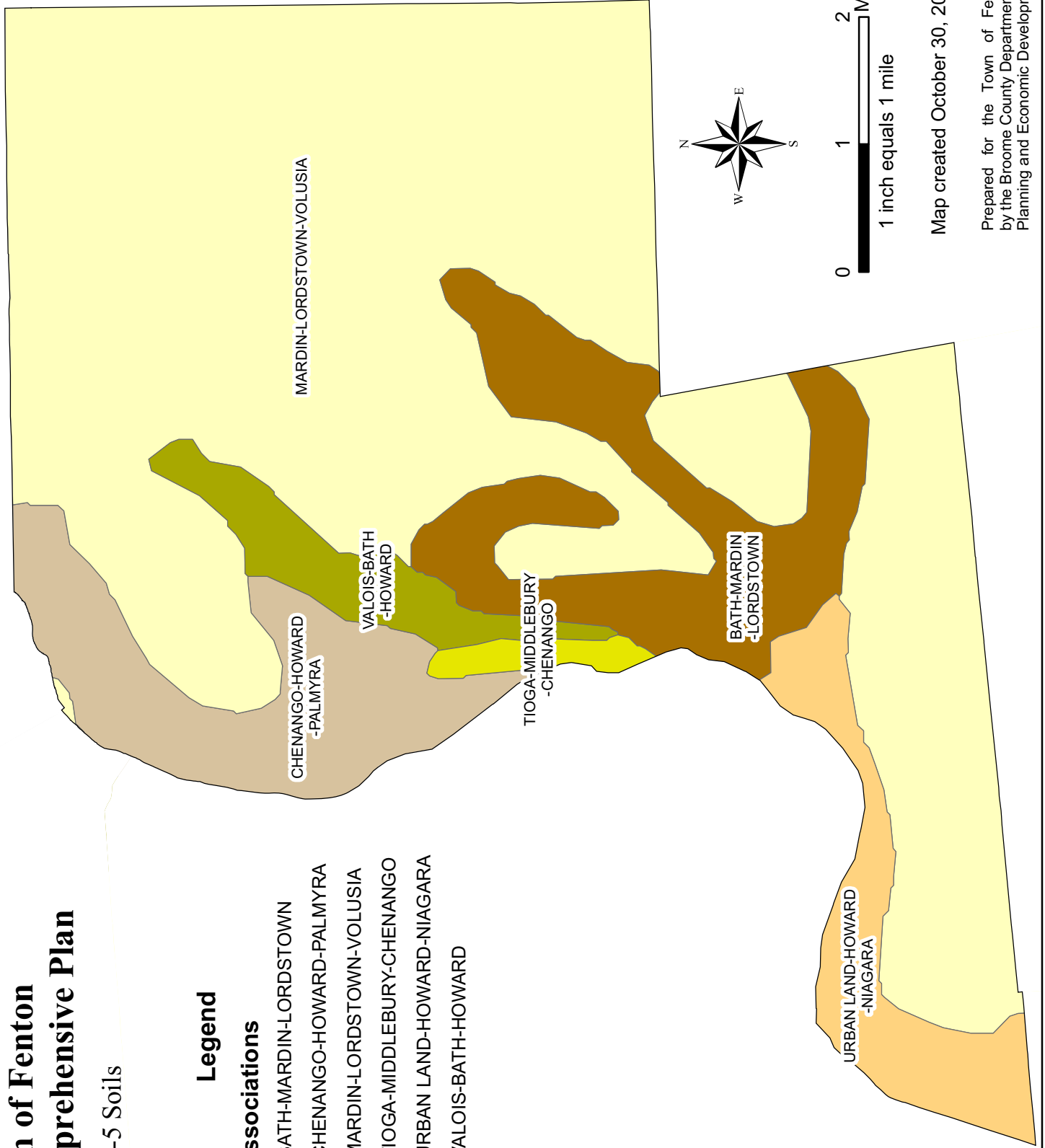
Town of Fenton Comprehensive Plan

Map 8-5 Soils

Legend

Soil Associations

-  BATH-MARDIN-LORDSTOWN
-  CHENANGO-HOWARD-PALMYRA
-  MARDIN-LORDSTOWN-VOLUSIA
-  TIOGA-MIDDLEBURY-CHENANGO
-  URBAN LAND-HOWARD-NIAGARA
-  VALOIS-BATH-HOWARD



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Town of Fenton Comprehensive Plan

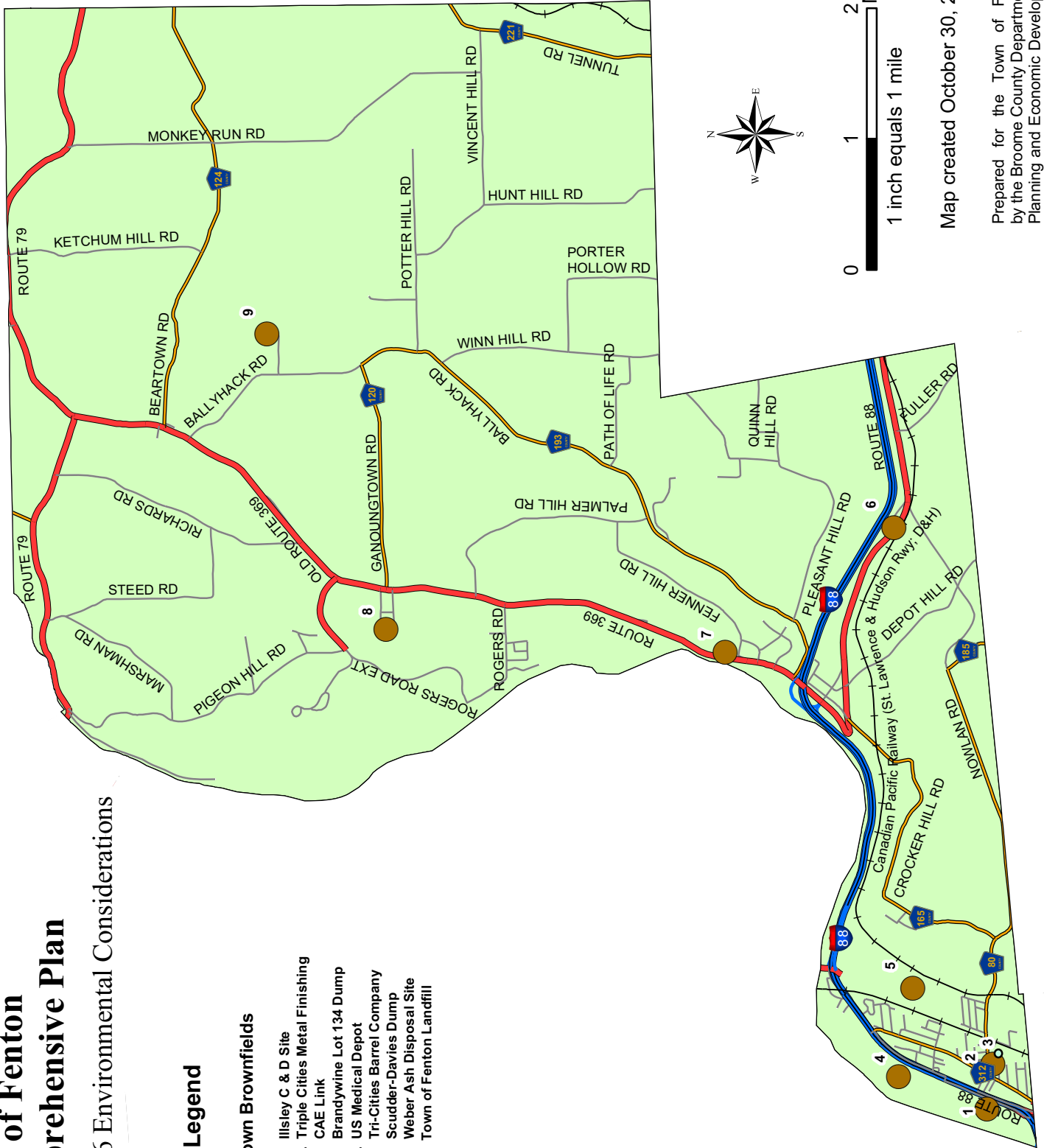
Map 8-6 Environmental Considerations

Legend



Known Brownfields

1. Illsley C & D Site
2. Triple Cities Metal Finishing
3. CAE Link
4. Brandywine Lot 134 Dump
5. US Medical Depot
6. Tri-Cities Barrel Company
7. Scudder-Davies Dump
8. Weber Ash Disposal Site
9. Town of Fenton Landfill



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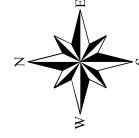
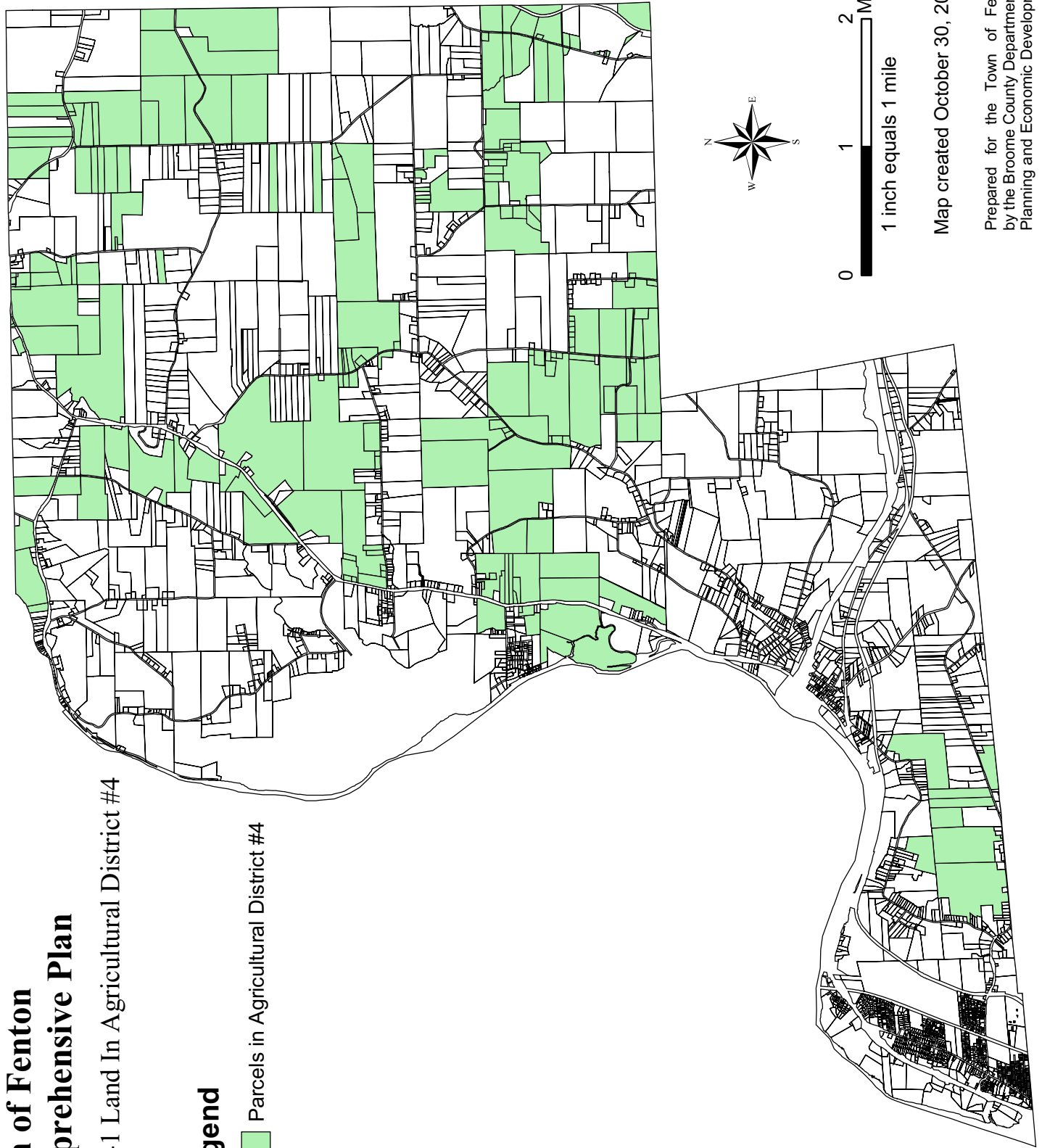
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Town of Fenton Comprehensive Plan

Map 9-1 Land In Agricultural District #4

Legend

 Parcels in Agricultural District #4



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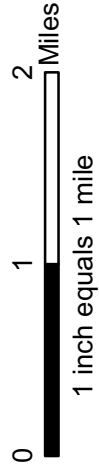
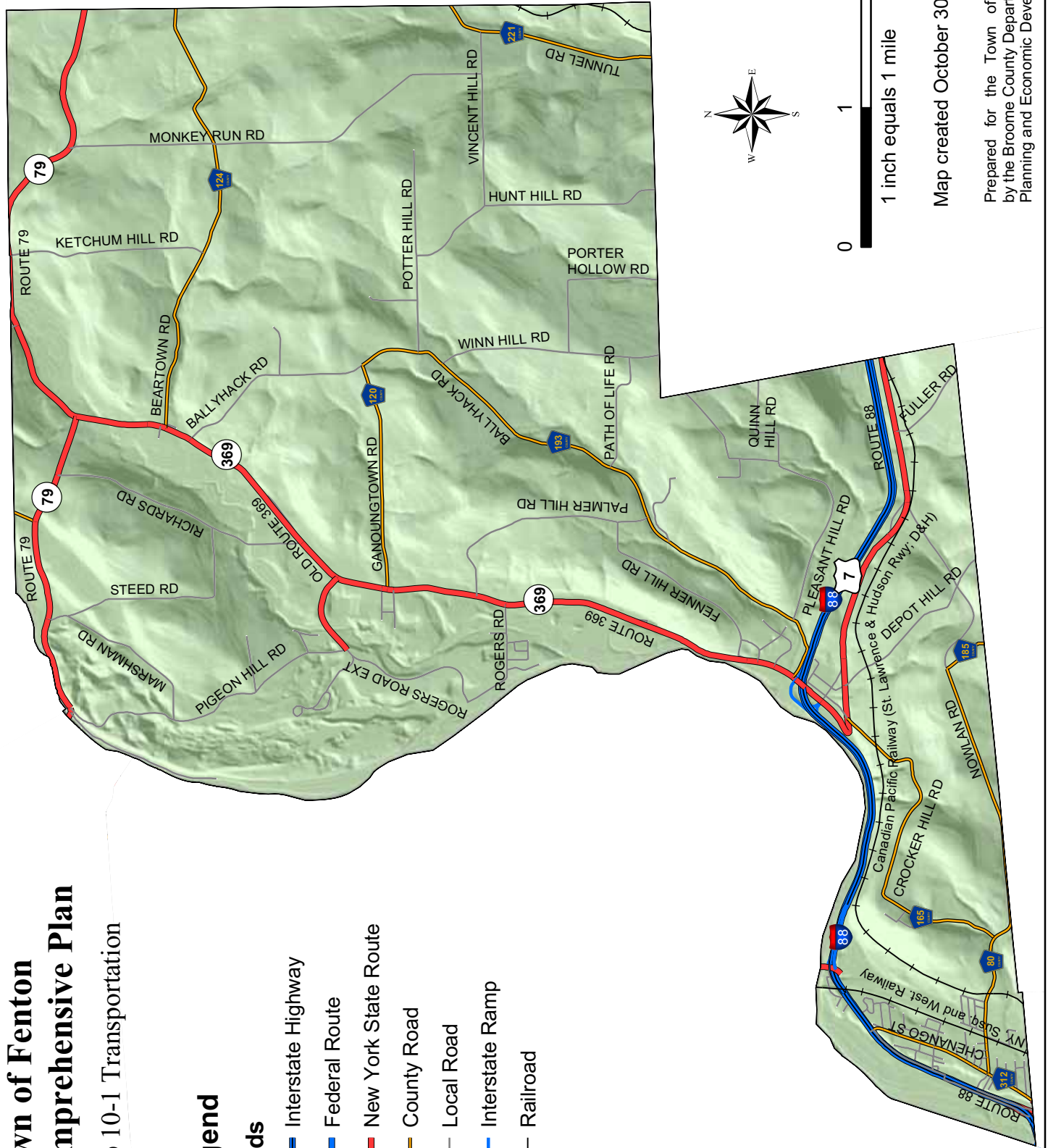
Town of Fenton Comprehensive Plan

Map 10-1 Transportation

Legend

Roads

-  Interstate Highway
-  Federal Route
-  New York State Route
-  County Road
-  Local Road
-  Interstate Ramp
-  Railroad



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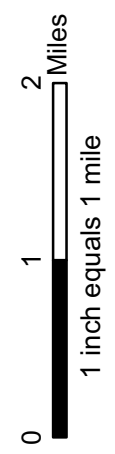
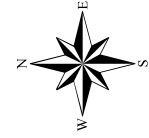
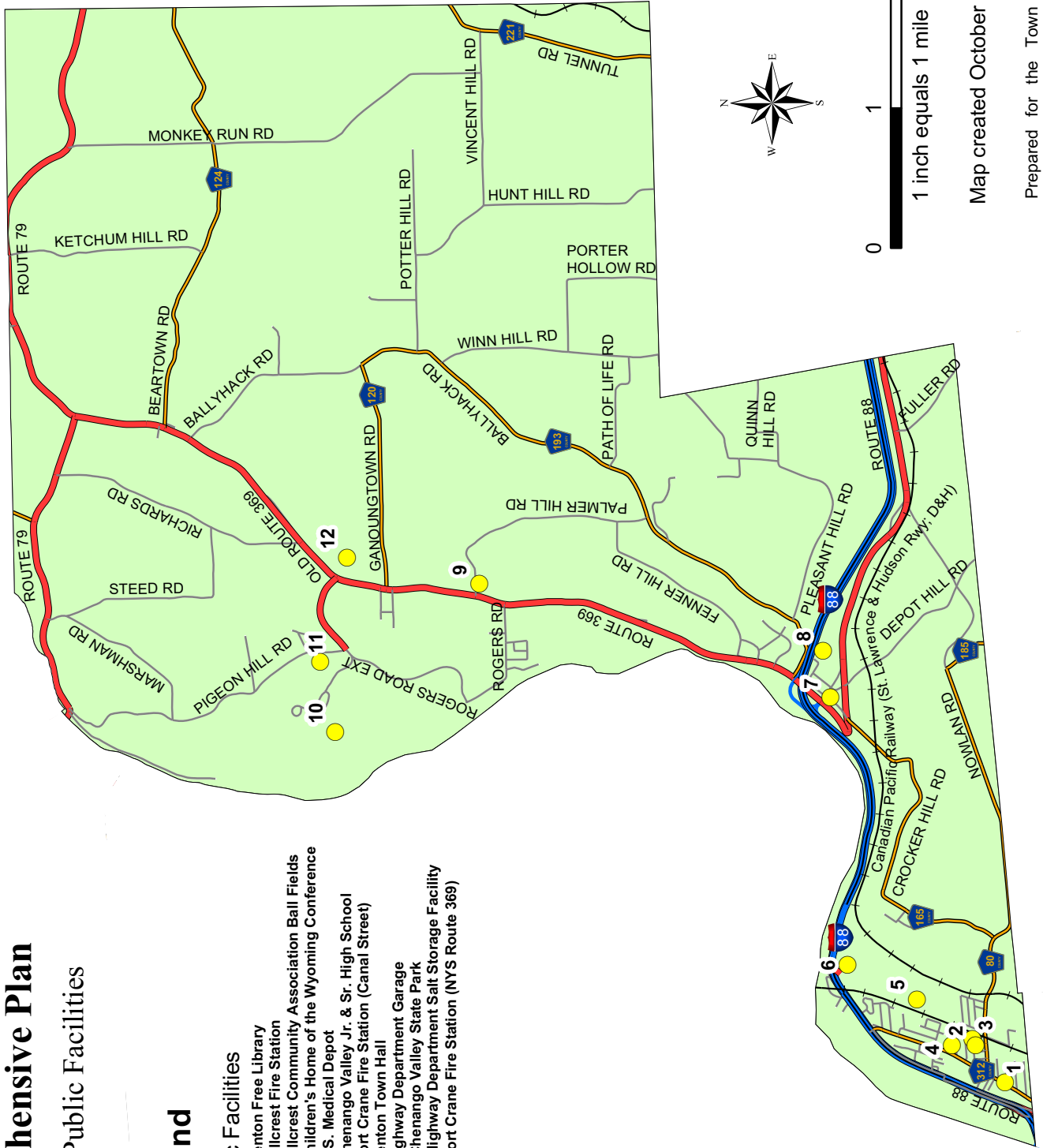
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Town of Fenton Comprehensive Plan

Map 11-1 Public Facilities

Legend

- Public Facilities
- 1. Fenton Free Library
- 2. Hillcrest Fire Station
- 3. Hillcrest Community Association Ball Fields
- 4. Children's Home of the Wyoming Conference
- 5. U.S. Medical Depot
- 6. Chenango Valley Jr. & Sr. High School
- 7. Port Crane Fire Station (Canal Street)
- 8. Fenton Town Hall
- 9. Highway Department Garage
- 10. Chenango Valley State Park
- 11. Highway Department Salt Storage Facility
- 12. Port Crane Fire Station (NYS Route 369)



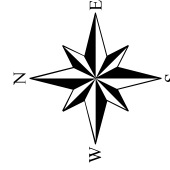
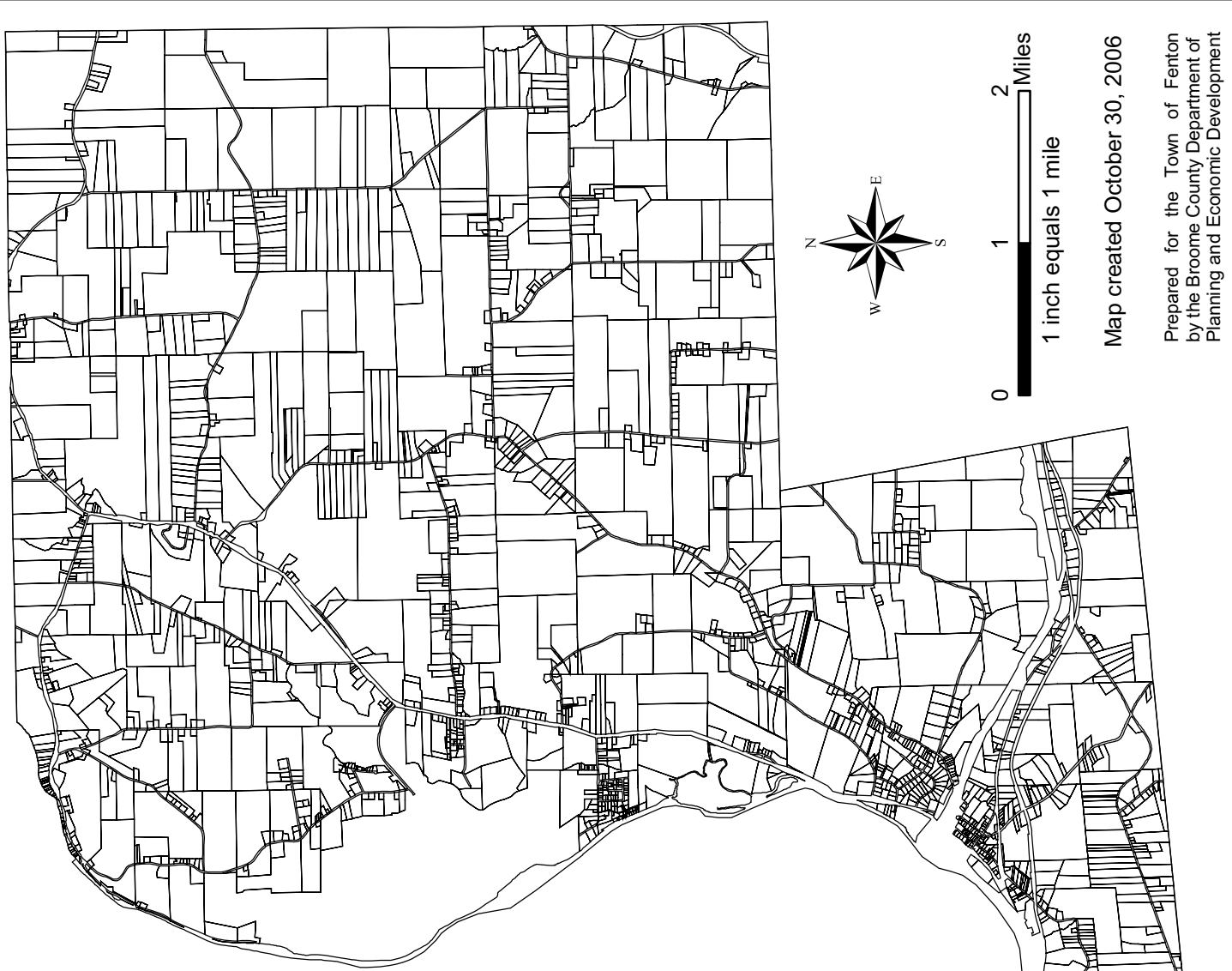
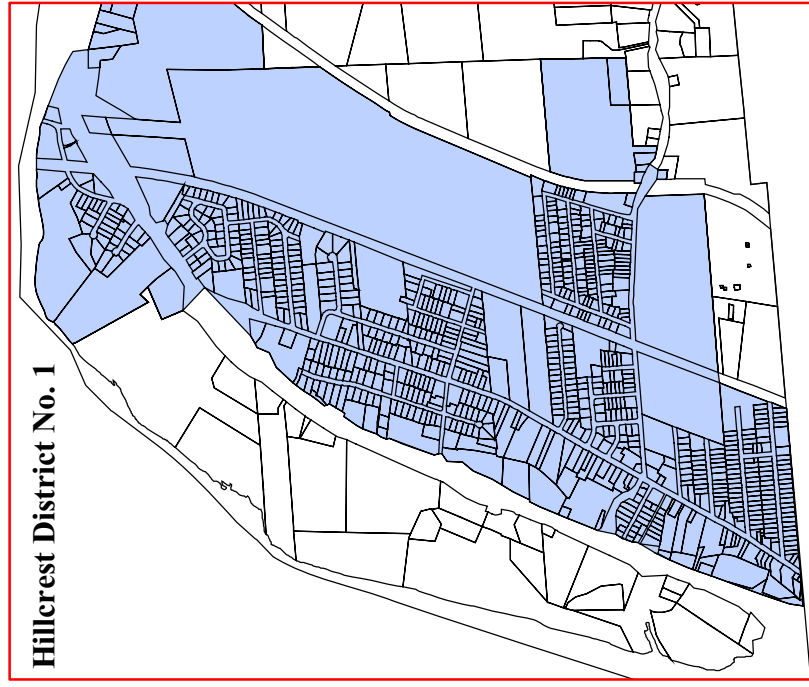
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Town of Fenton Comprehensive Plan

Map 12-1 Water District

Legend

 Hillcrest Water District boundary



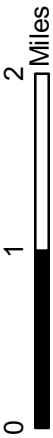
1 inch equals 1 mile

Map created October 30, 2006


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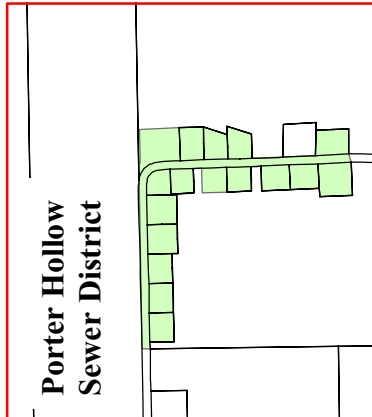
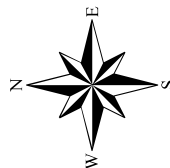
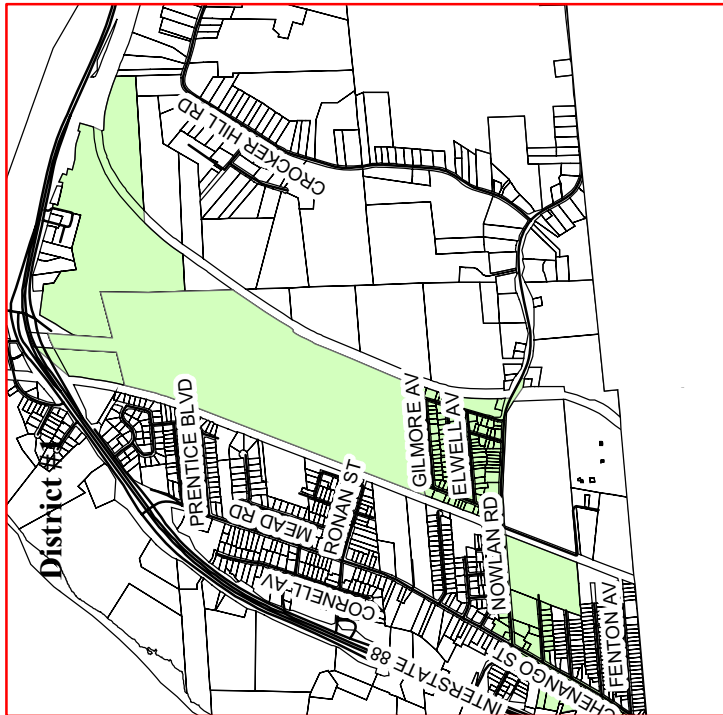
Town of Fenton Comprehensive Plan

Map 12-2 Sewage Disposal



Legend

 Public sewer areas



Prepared for the Town of Fenton
by the Broome County Department of
Planning and Economic Development














Map created October 30, 2006

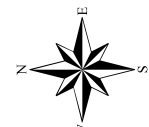
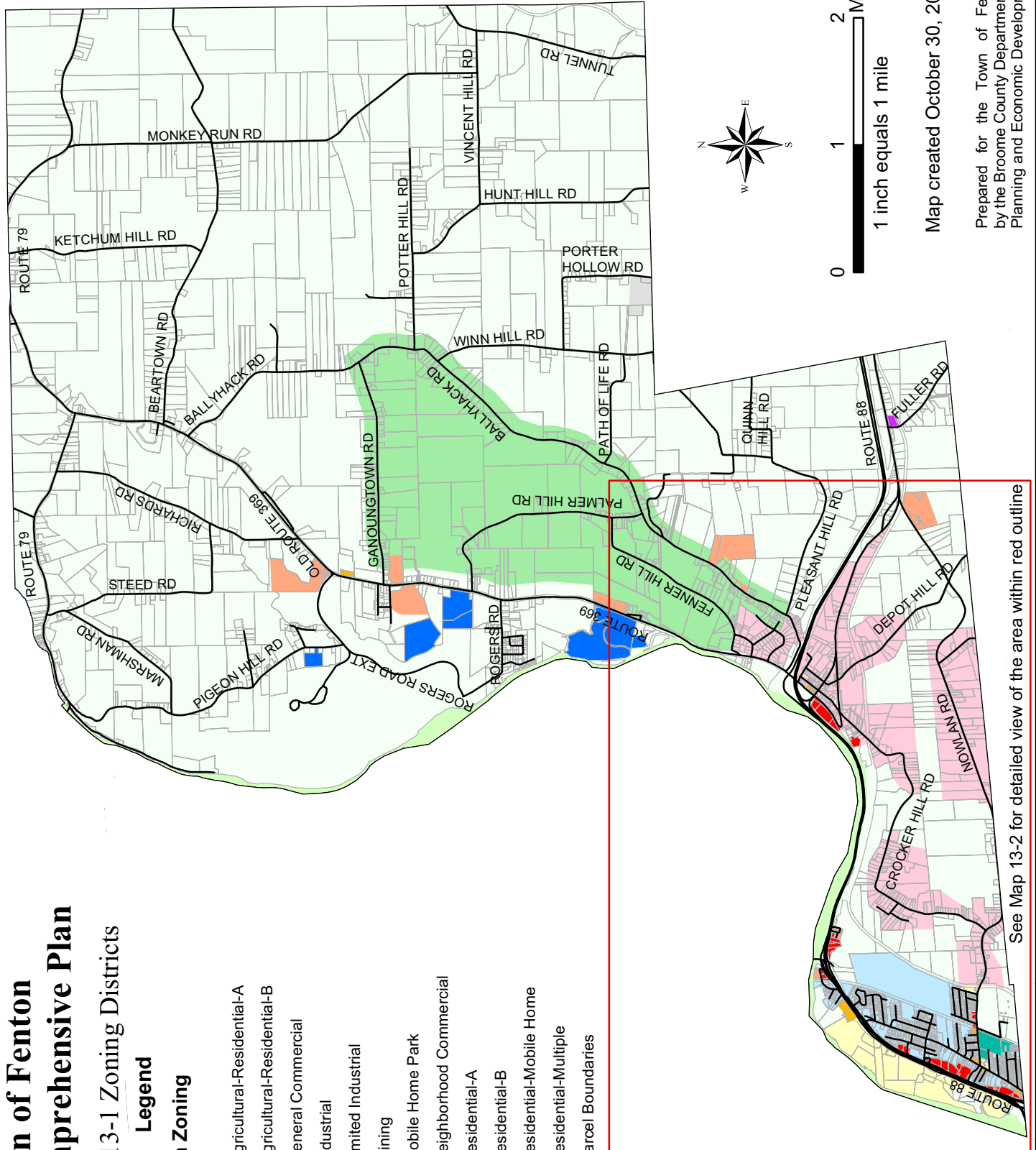
Town of Fenton Comprehensive Plan

Map 13-1 Zoning Districts

Legend

Fenton Zoning

- | | | |
|-------------|---|----------------------------|
| Zone |  | Agricultural-Residential-A |
| |  | Agricultural-Residential-B |
| |  | General Commercial |
| |  | Industrial |
| |  | Limited Industrial |
| |  | Mining |
| |  | Mobile Home Park |
| |  | Neighborhood Commercial |
| |  | Residential-A |
| |  | Residential-B |
| |  | Residential-Mobile Home |
| |  | Residential-Multiple |
| |  | Parcel Boundaries |
















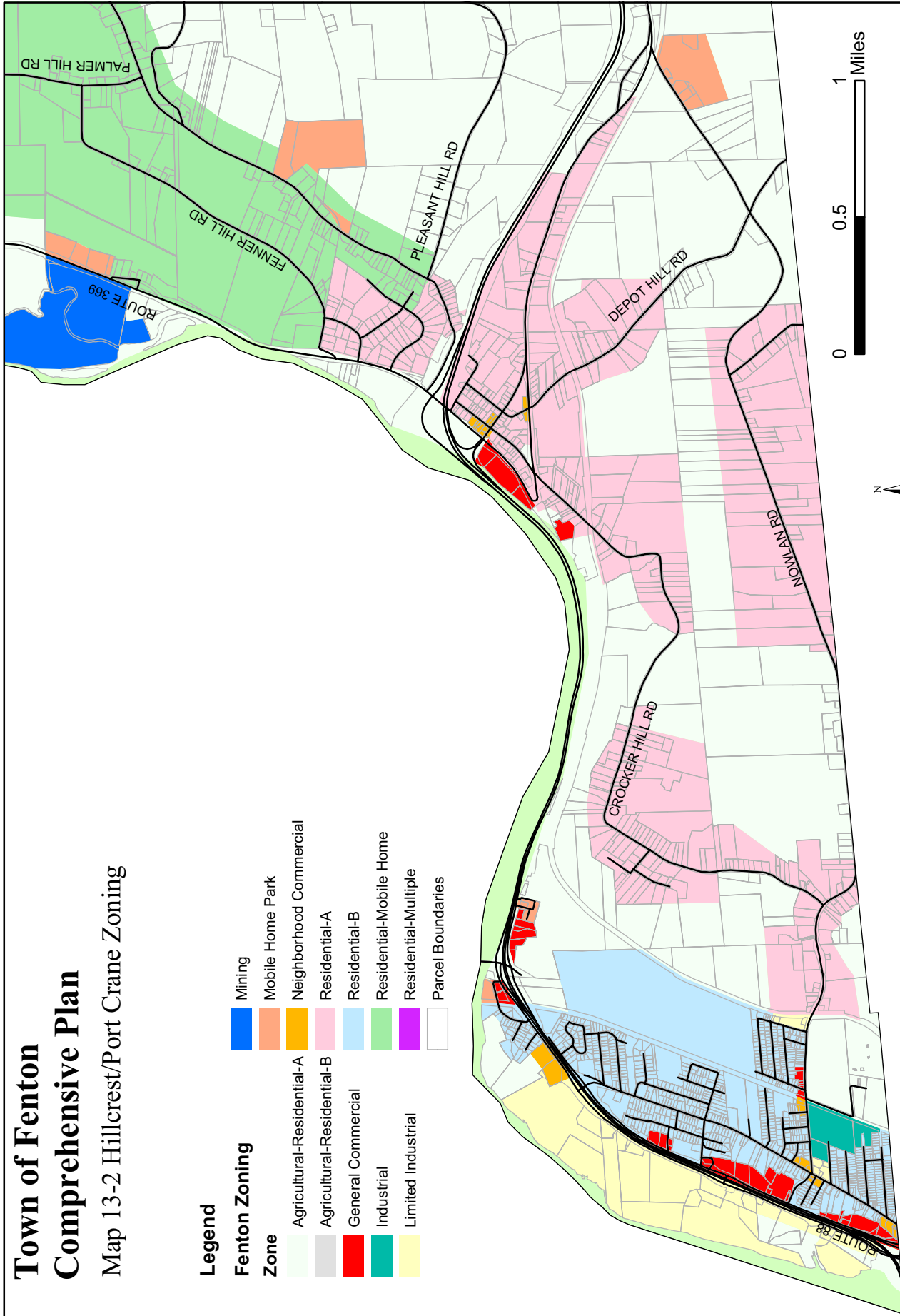
Map created October 30, 2006
 Prepared for the Town of Fenton
 by the Broome County Department of
 Planning and Economic Development

See Map 13-2 for detailed view of the area within red outline

Town of Fenton Comprehensive Plan

Map 13-2 Hillcrest/Port Crane Zoning

- Legend**
- | | |
|--|---|
|  Mining |  Mobile Home Park |
|  Agricultural-Residential-A |  Neighborhood Commercial |
|  Agricultural-Residential-B |  Residential-A |
|  General Commercial |  Residential-B |
|  Industrial |  Residential-Mobile Home |
|  Limited Industrial |  Residential-Multiple |
| |  Parcel Boundaries |



Map created May 17, 2007

Prepared for the Town of Fenton
 by the Broome County Department of
 Planning and Economic Development

APPENDIX B
PUBLIC INPUT

Town of Fenton Comprehensive Plan
Public Hearing
SWOT Analysis
June 15, 2005

STRENGTHS

- Neighborliness – nice neighbors
- Natural beauty of the Town
- Proximity of the Town to interstate
- High elevation of the Town reduces floodplain hazards
- Scenic beauty of the secondary roads
- Stable population
- Quality schools
- Safety of the Town – low crime rate
- Chenango Valley State Park
- Housing – relatively affordable
- Taxes – relatively low
- Peace and quiet of rural areas
- Diversity of Town – suburban and rural
- Fenton Free Library
- Rivers (strength and weakness)
- Churches – community centers
- Community activities
- Town services
- Service clubs
- Park and baseball fields
- What attracted people to settle in Fenton - Proximity to jobs (Link) and highway access
- Space available for development
- Access to higher education – BCC and Binghamton University
- Home improvements have increased property values

WEAKNESSES

- Rivers (strength and weakness)
- Restaurants and grocery stores – lack of
- Utilities (water, sewer, and natural gas) – lack of
- Service roads – isolation of
- Code enforcement – difficult to enforce codes
- Pollution – underground contamination – perceived and actual serious issue
- Senior housing – lack of; population is aging, elderly want to remain in the community but can not continue to live in their homes; community needs senior housing to keep the elderly in the Town

WEAKNESSES (continued)

- Parks and recreation – lack of
- Railroads extending through Hillcrest on daily basis creates noise and blocks traffic
- Stormwater runoff – difficult to address problem
- Mining – too much and lack of municipal control over mining
- Outdoor air pollution – outdoor burning and topography – mountains trap air pollution in the valleys
- Banks – leaving

OPPORTUNITIES

- Senior housing (opportunity and potential threat if becomes low-income housing and tax burden)
- Medical Depot (opportunity and threat)
- Commercial development – expansion into Town of Fenton from Town of Chenango
- Commercial development – but difficult to expand without utilities (water and sewer)
Hillcrest has utilities but poor access for commercial development.
Port Crane has good access but no utilities
- Business park development in the Brandywine Highway Corridor
- Recreational development along the Chenango River
- Hiking trails along the Chenango River
- Water available for:
 - consumptive use
 - recreational use
- Medical facilities – outpatient and health care clinic

THREATS

- Senior housing (opportunity and potential threat if becomes low-income housing and tax burden)
- Medical Depot (opportunity and threat)
- Environmental concerns
- Potential migration of City of Binghamton criminal population into Town of Fenton as City of Binghamton takes tough stand against criminals
- Affordable housing – potential threat to housing values
- Traffic will increase with further development on Route 369
- Septic systems and septic overflow in Hillcrest and Port Crane on small lots
- Agriculture – loss of
- Potential development – threat to rural/agricultural character of the Town
- Route 369/I-88 Intersection at Exit 3 – dangerous intersection

Town of Fenton Comprehensive Plan
Public Hearing – SWOT Analysis
June 15, 2005

1. Route 369 Corridor

Strengths

- Contains commercial development

2. Medical Depot

Strengths

- Large flat site is ideal for development

3. Brandywine Highway Corridor

Weaknesses

- Unplanned development – corridor evolved over time

Opportunities

- Business park development

APPENDIX C
TOWN OF RYE SUBDIVISION
PLAN REQUIREMENTS



Subdivision Submission Requirements

City of Rye, New York Planning Department

1051 Boston Post Road, Rye, New York 10580

Phone: (914) 967-7167

Fax (914) 967-4641

www.ci.rye.ny.us/planning.htm

The following checklist provides the specifications for preliminary and final subdivision plats and construction plans. Noncompliance with any of the requirements listed may result in delays in the processing of your application. This checklist is intended as an aid to expedite the work of the Commission and the applicant. It is not intended as a substitute for, nor does it contain all of the information and requirements in the Land Subdivision Regulations.

SPECIFICATIONS FOR PRELIMINARY LAYOUTS (§170-20)

Preliminary layouts submitted to the Planning Commission shall be drawn to a convenient scale, not more than forty (40) feet to an inch, and shall show the following information:

- A. The location of the property with respect to surrounding property and streets; the names of all adjoining property owners of record or the names of adjoining developments; the names of adjoining streets. There shall be included an area map at a scale of one (1) inch equals four hundred (400) feet, showing all streets and property within one thousand (1,000) feet of the proposed subdivision and identify all property held by the subdivider and all boundaries of zoning districts within this area.
- B. The location and dimensions of all boundary lines of the property (include entire area proposed to be subdivided and remainder of the tract owned by the subdividing owner), certified by a surveyor.
- C. The location of existing streets, sewers, drains, water mains, easements, water bodies, streams and other pertinent features, such as swamps, buildings, outstanding trees and outlines of densely wooded area, that may influence the design of the subdivision. Topography shall be shown at a contour interval of not more than five (5) feet, or as required by the Planning Commission, referenced to City of Rye datum.
- D. The location, width, grade and profiles showing existing surfaces and proposed grades of all streets; typical cross sections of the proposed grading of the entire right-of-way and thirty (30) feet on both sides.
- E. Proposed connections with existing water supply and sanitary sewerage system or alternative means of providing sanitary waste treatment and disposal as provided in Section 89 of the Public Health Law; proposed provisions for collection and discharging surface or subsurface water, including the proposed location and sizes of drains, culverts, catch basins, curbs and gutters; the proposed locations of fire hydrants, street trees, streetlighting standards, street signs, monuments or other improvements to be provided in connection with the subdivision.
- F. The approximate locations, dimensions and areas of all proposed or existing lots.



Subdivision Submission Requirements

City of Rye, New York Planning Department

Page 2 of 4

- G. The approximate location and dimensions of all property proposed to be set aside for park and playground use.
- H. The name and address of the owner or owners of land to be subdivided; the name and address of the subdivider, of other than the owner; and the name of the surveyor and engineer.
- I. The date of the map, approximate true North point and scale.
- J. The location, caliper and species of all trees eight (8) inches or more in caliper.
- K. Base flood elevation data.

CHECK LIST FOR SUBDIVISION PLATS

Subdivision plat shall be accompanied by separate sheets of construction plans (if required) and shall be submitted to the Planning Commission for approval as follows:

- A. Drawing scale and size of plat and construction plans. The plat shall be clearly and legibly drawn on transparent linen tracing cloth with black waterproof ink or on mylar, at a scale of not more than 100 feet to the inch, but preferably at a scale of 40 feet to the inch. Maps shall be on uniform size sheets, not larger than 24" by 36", but the map part proper shall not exceed 19' by 34'. Whenever any project is of such scale that more than one sheet is required, an index map on the same size sheet shall be filed showing the entire subdivision at an appropriate scale. Construction plans may be drawn in pencil on good quality tracing paper.
- B. Information to be shown on plat. Plats shall show the following information:
 - 1. Proposed subdivision name or identifying title which shall not duplicate or too closely approximate that of any other development in the City.
 - 2. Date of plat, approximate true north point, and graphic scale.
 - 3. Name, address and signature of owner, subdivider, engineer and surveyor.
 - 4. Names of owners of record of abutting properties or developments.
 - 5. Boundary line of the property being subdivided.
 - 6. Locations, names and widths of existing and proposed streets.



Subdivision Submission Requirements

City of Rye, New York Planning Department

7. Locations and names of existing and proposed public open spaces.
8. Locations and widths of existing and proposed easements.
9. Lot lines with accurate dimensions and bearings or angles.
10. Lot areas in square feet, or acres to hundredths, for all lots shown. Any city line, or any school, sewer or other tax district line; where a lot is divided by such a City or district line the area of the lot in each municipality or district shall be shown.
11. Setback lines or approximate house locations, where specified.
12. Block and lot numbers as assigned by the Rye City Assessor.
13. Sufficient data acceptable to the City Engineer to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground. Where practicable these should be referenced to monuments included in the State system of plan coordinates and, in any event, should be tied to reference points previously established by public authority.
14. The proposed subdivision plat shall be properly endorsed by the County Health Department, as required by the County Sanitary Code, before any formal public hearing is scheduled. The plat should be in final form before submission to the County Health Department for approval. Where the proposed subdivision is to be served by a sanitary sewer, proof of State Health Department approval shall also be submitted.
15. Every subdivision plat submitted to the Commission for its approval shall carry the following endorsement:

Approved by Resolution _____ of the Planning Commission of the City of Rye, New York on the _____ day of _____, 20____, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval. Signed this day of _____, 20_____.

Chairman

Secretary



Subdivision Submission Requirements

City of Rye, New York Planning Department

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INFORMATION TO BE SHOWN ON CONSTRUCTION PLANS (if required)

Improvements shall be designed and construction plans drawn by a licensed professional engineer. Construction plans shall show all necessary information for the construction of all improvements, except that where requirements have been waived by the Planning Commission applicable specifications may be omitted. Written specifications may also be required for any unusual construction or use of materials. Construction plans shall show the following among other things on plans, profiles, cross-sections and detail drawings:

1. Plans shall show: the location of street pavement, curbs, gutters, sidewalks, pedestrian walks, manholes, catchbasins, street trees, street lighting standards, fire hydrants and street signs; the widths of pavements, sidewalks and pedestrian walks; the location and size of existing and proposed sanitary sewers, stormwater drains, water and gas mains and other underground utilities and structures.
2. Profiles shall show existing and proposed elevations along the center lines for each 50 feet of all proposed streets as well as center line elevations of intersecting streets for a distance of 100 feet; elevations along pedestrian walks; size and invert elevations of existing or proposed storm and sanitary sewers and locations of manholes and catchbasins; grades of proposed streets and sewers; size and location of water and gas mains and underground utilities. All elevations must be referred to City of Rye datum.
3. Cross-sections shall show existing and proposed elevations at five points on lines at right angles to the center lines at right angles to the center lines of all streets and spaces 50 feet apart long the center lines; said elevation points to be at the center line of the street, each map showing present and proposed contours at a satisfactory interval may be substituted for the cross-sections.
4. Detail drawings shall show typical cross-sections of pavement, gutters and sidewalks and construction drawings for manholes, catchbasins or other structure needed for the completion of improvements

The subdivider, before filing the plat, shall have a duplicate made on tracing cloth or mylar and 4 prints and deliver the duplicates and prints to the Planning Commission for its files