



Town of Collins

Comprehensive Plan Update

June 2024



Funding provided by Erie County
This is an addendum to the 1999 Comprehensive Plan

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TOWN OF COLLINS
COMPREHENSIVE PLAN UPDATE
ACKNOWLEDGEMENTS

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**THIS PLAN UPDATE WAS MADE POSSIBLE THROUGH A GRANT RECEIVED FROM
ERIE COUNTY.**

This plan is an addendum to the 1999 joint Comprehensive Plan.

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INTRODUCTION

The Comprehensive Plan

In New York State, towns and villages are given the power of zoning with one requirement: that zoning must be in accordance with a Comprehensive Plan (New York State Town Law §263). As zoning and land use issues have changed and become increasingly complex in the 21st century, it has become extremely important to have a modern, up-to-date Comprehensive Plan. Comprehensive Plans must address not only the zoning issues of the community but many of the other factors that could affect the day-to-day life of residents and the community's vision for the future.

The Town of Collins's current Comprehensive Plan (A joint plan with the Village of Gowanda) was adopted in 1999. The Town has seen some minor changes since 1999, regional planning has taken place, and the impacts of green energy projects may impact the Town's future. Therefore, the Town pursued a grant with Erie County to complete a minor update to the 1999 Comprehensive Plan to specifically address these issues. This document, the "Town of Collins Comprehensive Plan 2023 Update", builds on the 1999 plan and when appended to the 1999 Plan will represent the official Town of Collins Comprehensive Plan in accordance with New York State Town Law §272-a. It includes a background of how the Plan was created, an update to the inventory of existing conditions, minor revisions to the 1999 goals and objectives to guide future growth of the Town while preserving its rural character, and recommendations to achieve those goals. The Town in the future may complete a more comprehensive update of the Plan, including the Village.

Besides providing a rational basis for decisions regarding zoning and other land use regulations, the Comprehensive Plan helps guide local officials, who can look to the stated vision for the community for assistance in making decisions in a manner that is consistent with that vision. It also has an influence on other levels of government. All plans for capital projects of any state or federal governmental agency on land included in the Comprehensive Plan must take the Plan into consideration in their decision-making. The Comprehensive Plan, developed with the support and input of both local officials and the public, acts as a standard for ensuring the Town's land use regulations are built on a solid foundation and represent a consensus of the community, which can aid in seeking governmental grants as well.

Planning Process

The process of developing this Plan was guided by the Town's Comprehensive Plan Committee, which was comprised of representatives from the Town Board, Planning Board, Zoning Board of Appeals, Village of Gowanda, Erie County, the business community, and the farming community. The Comprehensive Plan Committee met several times during 2023 to provide direction to the Town's consultant, Wendel, who drafted this Plan.

In addition, a public information meeting was held on May 21, 2024, to gain input from the community regarding the key issues facing the Town. Once the draft was completed, official public hearings were conducted, and the Town completed the required adoption process in late 2024.

The Town of Collins

The Town of Collins is located on the southern border of Erie County, New York and is approximately 48 square miles in size (See Map 1: Regional Setting). The Town is bordered by the Town of North Collins to the north and by the Cattaraugus Reservation to the west. The southern boundary of the Town is Cattaraugus Creek, which is also the southern boundary of Erie County. The Towns of Persia, Otto, and East Otto in Cattaraugus County border the Town to the south. The Town of Concord borders the Town to the east.

The Town of Collins was first settled in 1811 and was incorporated as a Town in 1821 when it separated from the Town of Concord. The Town lost land to create the Towns of Brant in 1839 and North Collins in 1852, and the Village of Gowanda was incorporated in 1847.

From its early days, agriculture was the foundation of the Town, with enough dairy farms to support nine cheese factories by 1880. By 1900, approximately 2,875 people lived in the Town. The Town continued to grow steadily throughout the 20th century, and by 2000, the population had grown to 8,300. Since then, the Town has lost about 2,300 people, due to a decrease in the inmate population at the State's correctional facilities (see page 13 for more information).



View of Main Street Looking East, 1910
from Collins Regional Historical Society

INVENTORY UPDATE OF EXISTING CONDITIONS AND ANALYSIS

LAND USE & ZONING

Existing Land Uses

The Town of Collins is dominated by agricultural and rural land uses (see Map 2: Land Use). These uses include agricultural lands, forested areas, fallow fields, vacant land, and large rural residential lots. Most of the Town is in a County-approved, State-certified agricultural district. In contrast to the rural uses characterizing most of the Town, there are several areas which are more densely developed. These include the hamlet of Collins Center, near the intersection of Routes 75 and 39, and the hamlet of Collins near the intersection of Routes 62 and 39, where most Town facilities are located.

Agricultural Lands: According to state assessment data, the Town has 163 parcels categorized as agricultural lands. The most common agricultural uses are dairy farms, field crops, and fallow lands (productive vacant agricultural lands). A total of 37.5 percent of the Town's land area is in agricultural use, according to assessment data.

Residential Uses: Most residential development in Collins is rural in nature, with homes located along Town roadways on large lots. As noted above, there are some hamlet areas and lands near the Village where homes are closer together. The majority of homes in the Town are single-family units, although there are some two- and three-family homes.

Based on Town building permit data over the last 10 years, the Town has had, on average, about 1-2 homes built per year.

Commercial and Industrial Uses: Most commercial lands in the Town are located along Route 62 and Route 39. Commercial uses are small businesses, located on small parcels. Industrial uses are extremely limited in the Town.

Recreational Uses and Parks/Forested Land: Recreational uses include the Gowanda Country Club, the Collins Conservation Club, and the Gowanda Rifle Club. Parks and forested land include the Zoar Valley Multiple Use Area, Collins Center Park, Collins Park, and Beaver Meadows Park.

Public and Community Services: Public services include utilities and are rather limited in the Town. Community services in the Town include the library, the LK Painter Community Center, Town facilities, fire stations, and cemeteries, as well as the correctional facilities. Further discussion of these uses is included in the section on community facilities.

The biggest change is that the correctional facilities have seen a major decrease in population due to the closure of the Gowanda Correctional Facility.

The total breakdown of uses by percentage of land in the Town is as follows:

Land Use	Acres	Percent
Agricultural	11,030.2	37.5%
Residential	8,954.1	30.4%*
Commercial	221.0	0.8%
Recreational	281.8	1.0%
Industrial	27.5	0.1%
Public Services	134.1	0.5%
Community Services	382.3	1.3%
Parks/Forested Land	1,218.0	4.1%
Vacant Land	3,865.7	13.1%
No Data Available	3,311.9	11.3%
Total	29,426.6	100.0%

Note: figures based on Town assessment records and exclude acreage in Town dedicated to rights-of-way, surface water and other lands not included in property valuation system.

** Note: Many of these lots are large-sized lots that include open space and greenspace.*

Zoning

The Town of Collins adopted its current Zoning Code in 1987 and it has been amended several times since. The code establishes the following four zoning districts (see Map 3: Existing Zoning):

- Residential District (R)
- Residential-Agricultural (R-A)
- Commercial District (C)
- Manufacturing District (M)

Furthermore, a Wellhead Protection Overlay District was created in 2009 to protect the groundwater supply in the Town (see Map 4: Wellhead Protection Overlay District Map).

The vast majority of the Town is zoned Residential-Agricultural (R-A), which is intended primarily for agricultural and rural residential uses. Uses permitted by right in the R-A District are one- and two-family dwellings; churches or similar places of worship, parish houses, and convents; public parks, playgrounds, golf courses, and similar recreational areas; schools; libraries; Town and County facilities; forest farming; animal hospitals, riding stables, and the keeping of small animals; private

wildlife reservations or conservation projects; hospitals; cemeteries; farm stands; and a variety of agricultural, floricultural, and horticultural pursuits. Gun clubs, gravel pits, quarries, and mobile homes are allowed with a special use permit.

The Residential District (R) is limited to areas near the Village, in the hamlets of Collins and Collins Center, and along select roads like Gowanda Zoar Road, Quaker Road/Street, Bagdad Road, Main Street (Route 39), Route 75, and Brown Street. Uses permitted by right in the R District are one- and two-family dwellings; churches or similar places of worship, parish houses, and convents; public parks, playgrounds, golf courses, and similar recreational areas; schools; libraries; and Town and County facilities. Limited agricultural uses are allowed: farm stands and the growing of crops and agricultural products. Housing of livestock and grazing are not allowed in the R District.

The Commercial District (C) is limited to areas along Route 62, Route 39, and Taylor Hollow Road, and a small parcel on Konert Road. Uses permitted by right in the C District include all of the uses permitted by right in the R District, in addition to retail stores; personal service shops; restaurants; hotels, banks, credit unions, and business and professional offices; mortuaries and funeral homes; commercial recreation establishments; boat sales; motor vehicle sales, service, or repair; laundromats and dry cleaners; wholesale business and storage; building material supply and incidental millwork; monument works; feed and solid fuel storage; and contractor's equipment storage; provided that these uses occur in an enclosed building. Shops for custom work, such as woodworking, plumbing, and electrical trades, are also allowed, with limitations on the number of employees and the type of tools used in the shop. Gas stations and public garages are allowed as well. Farm implement sales, service, and rental, and service buildings and storage yards, are allowed when fenced or screened accordingly. Mobile home parks and travel trailer camps are allowed when approved by the Town Board.

The Manufacturing District (M) is limited to a few parcels on Taylor Hollow Road/Richardson Road, Route 62, Wheater Road, and Knight Street/Palmerton Street. Uses permitted by right in the M District include all of the uses permitted by right in the R-A and C Districts, without limitations on the number of employees. Uses permitted by special permit include any other use, except any dwelling, which during normal operation will not cause or result in any dissemination of observable dust, smoke, gas or fumes, beyond the boundaries of the parcel on which the use is located; dissemination of any noise, vibration, or odor beyond the boundaries of the M District; glare or flashing of lights materially observable from within a R or R-A District; hazard of fire or explosion; or hauling of materials, goods, or products to or from the site in a volume or manner materially incongruous with the normal traffic on streets in the neighborhood.

The following table summarizes required bulk standards by zoning district.

Bulk Standards by Zoning District

	R	R-A	C	M
Min. Front Yard Depth	40'	40'	25'	25'
Min. Side Yard	10'	10'	10', where lot is adjacent to an R or R-A district	10', where lot is adjacent to an R or R-A district
Total Side Yard	25% of lot width	25% of lot width	-	-
Min. Rear Yard	25% of lot depth, not to exceed 50 feet	25% of lot depth, not to exceed 50 feet	25', where lot is adjacent to a R or R-A district	25', where lot is adjacent to a R or R-A district
Min. Lot Width at Building Lines	100'	100'	-	-
Max. Height	30'	30' for residential buildings, no limit for farm structures	30'	Cannot exceed setback from street line
Min. Lot Size (sf)	20,000	40,000, but not less than 20,000 per dwelling unit	40,000, but not less than 20,000 per dwelling unit	-

The Wellhead Protection Overlay District was adopted in 2009 to “protect, preserve, and promote the safe use of the existing and potential groundwater supply from development or land use practices that may adversely affect the quality or availability of water from the Town wells; to protect and preserve potential sources of future water supply for the public health, safety and general welfare; and to ensure an adequate supply of suitable drinking water for the residents of the Town.” (see Map 4: Wellhead Protection Overlay District Map). Uses prohibited in the Wellhead Protection Overlay District include such as sand and gravel mining or dredging; hazardous waste treatment, storage, or disposal; storage or stockpiling of animal waste/manure; and underground storage of petroleum. Other uses which are otherwise allowed by right in the underlying zoning district require a special use permit, except residential development (provided that no septic system will be located within 300 feet of a municipal well), commercial and industrial development of less than \$10,000 in

development costs and where the Code Enforcement Officer determines that there is no likelihood of any use or activity otherwise prohibited in the overlay district, and any municipal use.

Article VIII of the Zoning Code provides supplemental regulations, including for off-street parking and nonconforming buildings or uses. The Zoning Code also describes the standards for special use permits (Article VII), including standards applicable to all special uses as well as standards applicable specifically to satellite antennas, telecommunications towers, kennels, and adult uses. The Zoning Code sets forth the required processes for obtaining permits and for the Zoning Board of Appeals (Article IX) and establishes the process for amending the code (Article X).

Solar Energy System Regulations

In 2017, the Zoning Code was amended to add regulations for solar energy systems.

The solar law divides solar energy systems into three types: roof-mounted, ground-mounted, and large or utility-scale. Roof-mounted and ground-mounted systems are permitted in all zoning districts with a building permit. Large- or utility-scale systems are permitted only in the R-A District and require a special use permit.

Wind Energy Regulations

The Town currently does not have a law that specifically regulates wind energy projects (turbines). According to the Town's zoning law, if a use is not specifically listed as an allowed use, it can only be interpreted as a use allowed by Special Use Permit through a process with the Planning Board and Town Board (The town may want to look at updating this section of their Code). At this time, it is presumed that a wind energy project would not be determined to be an allowed use in the community. If it is agriculture-related, as an accessory use, it may be allowed under NYS Agricultural and Markets Law. If it falls under the control of NYS (currently 94-C regulations), then the Town has no local regulations to be reflected in that application.

Battery Energy Storage System Regulations

The Town currently does not have a law that specifically regulates battery energy storage system projects (BESS). According to the Town's zoning law, if a use is not specifically listed as an allowed use, it can only be interpreted as a use allowed by Special Use Permit through a process with the Planning Board and Town Board (The town may want to look at updating this section of their Code). At this time, it is presumed that any large-scale BESS would not be determined to be an allowed use in the community. Smaller scale units for residential and business use may be allowed through a building permit. If it is agriculture-related, as an accessory use, it may be permitted under NYS Agricultural and Markets Law. If it is associated with a proposed wind or solar energy project under the control of NYS, the Town's local regulations can be waived under NYS 94-C. The Accelerated Renewable Energy Growth and Community Benefit Act added a new section 94-C to the Executive Law and established the Office of Renewable Energy Siting ("ORES"), within the New York State Department of State, as part of the 94-C Process. This office is responsible for the environmental review and permitting of proposed major renewable energy facilities, which includes renewable energy systems with a nameplate generating capacity of 25 megawatts (MW) or more, co-located energy storage systems, and electric transmission facilities less than 10 miles in length (see

Appendix C). It should be noted that these regulations are being proposed to be updated through the Regulatory Accountability and Process Improvement Act (RAPID ACT).

Land Subdivision Regulations

The subdivision regulations for the Town of Collins were adopted in 1987 and amended in 2015. The subdivision regulations control the division of land into smaller lots, blocks, sites, or parcels. The intent of these regulations is to “encourage the most appropriate and best development of land in order to protect and promote the general health, safety and welfare.”

Subdivision is defined by the subdivision regulations as “the division of any parcel of land resulting in the creation of lots, plots, or sites, with or without streets or highways, for the purpose ... of immediate or future development, or for the immediate or future sale, lease, or any other transfer of any interest in any portion of such original parcel.” Subdivisions can be categorized as “major” or “minor.” Minor subdivisions consist of up to four lots fronting on an existing improved public street that does not require the construction of any new streets or roads. Major subdivisions are any subdivisions that have not been categorized as minor.

Minor subdivisions do not require Planning Board approval:

- adversely affect the development of the remaining lands of the subdivision
- adversely affect the development or quiet enjoyment of adjoining property
- conflict with the Town’s Comprehensive Plan or Zoning, and meet the minimum separate distances and design standards for on-site water supply and sewage disposal systems of the Erie County Department of Health

Minor subdivisions that do not meet these criteria must go through the procedures for major subdivision review.

For major subdivisions, the applicant must follow a two-step process after the optional sketch plan phase, first submitting a preliminary plat for Planning Board review and approval, and then submitting the final plat for approval.

The subdivision regulations outline the general requirements and design standards for improvements. The design standards provide the applicant with guidance regarding street layout, street names, arrangement of lots, and preservation of “worthwhile trees and shrubs which exist on the site.”

Agricultural Protection

The vast majority of the Town of Collins falls within a designated NYS Agricultural District, subject to the regulations set forth in Article 25-AA of the New York State Agriculture and Markets Law (See Map 5: Agricultural Districts).

Lands within Agricultural Districts may have additional protections and incentives to encourage continued agricultural use of these lands. Agricultural properties, whether they are within or outside of an Agricultural District, can receive favorable tax assessments, protection against unreasonable laws and other provisions. To qualify to be included within an Agricultural District, the lands must meet certain criteria, and each Agricultural District must go through recertification every eight years.

There are a number of benefits for active farm operations within Agricultural Districts. Local laws may not unreasonably restrict farm operations within an Agricultural District and existing and proposed laws are subject to review by the State Department of Agriculture and Markets to ensure that they comply with the law and are not overly restrictive. Real estate agents are required to disclose to potential buyers that the property they are about to acquire is located in an Agricultural District or within 500 feet of any farm operation and/or farmland. In addition, any application for special use permit, site plan approval, use variance, or subdivision on lands within an Agricultural District or within 500 feet of any farm operation and/or farmland must submit an agricultural data statement to the reviewing authority. Agricultural data statements must be submitted to the Erie County Department of Environment and Planning (see Appendix D).

The Agricultural Districts Law mandates that governmental agencies must avoid or minimize potential adverse impacts to farming operations when undertaking, acting upon or advancing funds for projects within an Agricultural District that involve the acquisition of land or the use of public funds for construction purposes. Such projects must be reviewed by the staff of the New York State Department of Agriculture and Markets (AGM) to assess its impacts on farmland. They may recommend actions designed to minimize negative impacts.

The State has also established a Right-to-Farm Law. The State Right-to-Farm Law provides that agricultural practices conducted on farmland shall not be found to be a nuisance if these agricultural practices are reasonably and necessary to the particular farm operation, conducted in a manner that is not negligent or reckless and consistent with accepted and sound agricultural practices. Agricultural practices, to be protected, also must not violate any local, state, and federal laws, or constitute a threat to public health, safety, or welfare, or unreasonably obstruct the use of navigable waters or public roadways. Any disputes of farm nuisances are resolved by the AGM Commissioner.

The Town of Collins adopted a Right-to-Farm Law in 2005 and Erie County adopted a Right-to-Farm Law in 1999. These laws provide additional support to the protection and encouragement of agricultural interests within the Town of Collins. Erie County also adopted an Agricultural and Farmland Protection Plan in 2012, which includes several strategies to promote and protect agriculture in the County. The County Agricultural and Farmland Protection Plan is currently being updated.

DEMOGRAPHICS

This section provides a demographic overview of the Town of Collins, including population, housing, income, and economic data.¹ For the purposes of developing the Comprehensive Plan, the analysis includes the Village of Gowanda, unless otherwise noted.

Population

The most current available population count for the Town of Collins, which is the 2017-2021 American Community Survey, indicates that the Town has a total of 5,974 residents, which includes the portion of the Village that falls into the Town. The Town's population decreased approximately 28 percent between 2000 and 2021.

This data is skewed by the inclusion of inmates at correctional facilities in the Town's population by the U.S. Census Bureau. In recent years, the number of inmates at state correctional facilities has been decreasing. For example, in 2022, the population of the Collins Correctional Facility was 943, compared to 1,059 in 2016. The Gowanda Correctional Facility, which had a capacity of over 2,300, closed in March 2021. When it closed, there were approximately 826 inmates who were transferred to other correctional facilities in other parts of the state.

In 2021, 917 people, or 15 percent of the population, lived in "group quarters," which includes not only correctional facilities, but also nursing facilities, military barracks, and college dormitories. Excluding those who live in group quarters, the Town's population actually increased by 15 percent between 2000 and 2021. Over the same time frame, the population of Erie County fluctuated, but ultimately increased by 0.04 percent.

Population Trends

	2000	2010	2021	2000-2021
Collins (incl. Village)	8,307	6,601	5,974	-2,333 (-28%)
Group Quarters	3,914	2,661	917	-2,997 (-76.5%)
Not in Group Quarters	4,393	3,940	5,057	664 (15.1%)
Erie County	950,265	919,040	950,683	418 (+0.04%)

Source: 2000 and 2010 Census, 2017-2021 American Community Survey

¹ Current figures are from the 2021 American Community Survey 5-Year Estimates (U.S. Census Bureau) which are estimates with varying margins of error. Figures for 2010 data are from the Decennial Census or 2006-2010 American Community Survey 5-Year Estimates.

Age Composition

Since 2010, the Town has seen an increase in a younger population. The share of citizens aged 65 and over did increase from 12.1 percent of the population to 16.3 percent between 2000 and 2021, but the proportion of minors more than doubled from 11.1 percent to 23.4 percent. Collins is also younger than the County overall, where 18 percent of the population in 2021 was aged 65 or older. This can likely also be attributed to the decrease in population at the Town's correctional facilities, which are more likely to fall in the 18-to-64 age category than the general population.

Age Distribution, Collins, NY

	2010	2021
Under Age 18	11.1%	23.4%
Age 18 to 64	76.8%	60.3%
Age 65 and older	12.1%	16.3%

Source: 2006-2010 American Community Survey, 2017-2021 American Community Survey

The median age in the Town was 38.7 years in 2021, a decrease from 39.3 years in 2000. In Erie County, the median age is now 40.2 years.

Household Trends

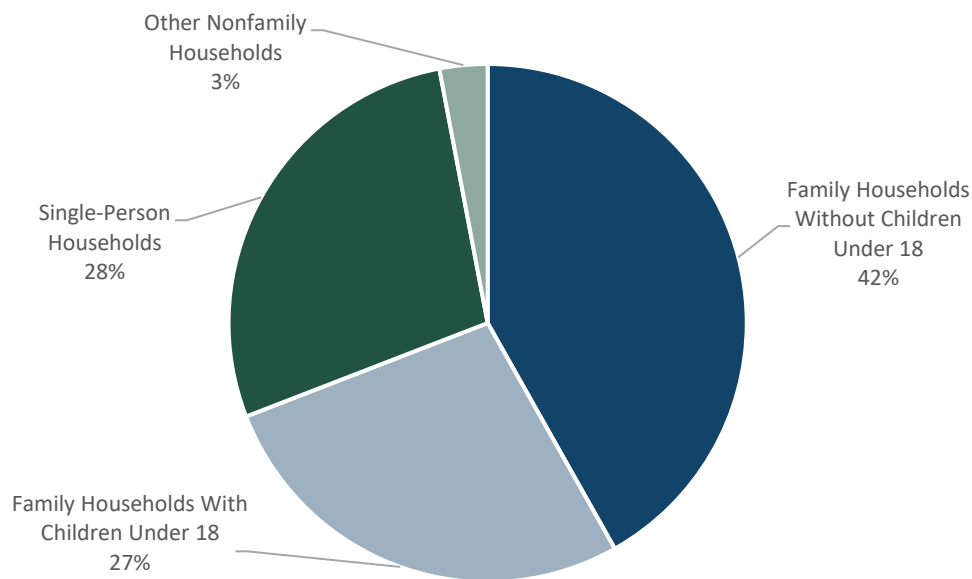
The number of households in the Town of Collins increased between 2010 and 2021. There were 1,954 households in 2010 and 1,976 in 2021, which represents a slight increase of 22 households (1.1 percent). The size of households in Collins has also been increasing. In 2010, the average household size in the Town was 2.1. In 2021, the figure had increased to 2.6. This figure is higher than the County, where the average household size was 2.4 in 2010 and 2.3 in 2021.

The majority of households in Collins are categorized as families (69 percent). About 28 percent of households are single-person households.² The remaining three percent of households are unrelated persons living in the same home (roommates, unmarried couples, etc.) In Erie County, only 58 percent of households are families, while 36 percent are single-person households.

Three out of ten (31 percent) households in Collins include children under the age of 18. At the other end of the spectrum, a slightly larger amount (37 percent) includes persons aged 65 years or older.

² Under Census definitions, a person living alone is not categorized as a family household.

Household Type



Source: 2017-2021 American Community Survey

Housing

The number of housing units in the Town of Collins has increased considerably since 2010. According to American Community Survey estimates, in 2021, there were 2,263 housing units in the Town, which represents a net increase of 374 units, or 19.8 percent, since 2010. This does include the portion of the Village that falls into the Town. Building permit records, which do not include the Village, show a much smaller rate of growth, with two to three new homes built per year on average. This new construction is nearly offset by the number of residential demolitions that occur each year (about two on average).

Because the increase in housing units is greater than the increase in households, housing vacancy is still high in Collins. In 2010, 12.9 percent of all housing units in the Town were vacant. In 2021, 12.7 percent of housing units were vacant, which is much higher than the vacancy rate in Erie County overall (7.8 percent). Some of these vacant units are for rent (14 percent) or used only seasonally, recreationally, or occasionally (15 percent). The other 72 percent of vacant units are categorized as “other vacant” by the American Community Survey.

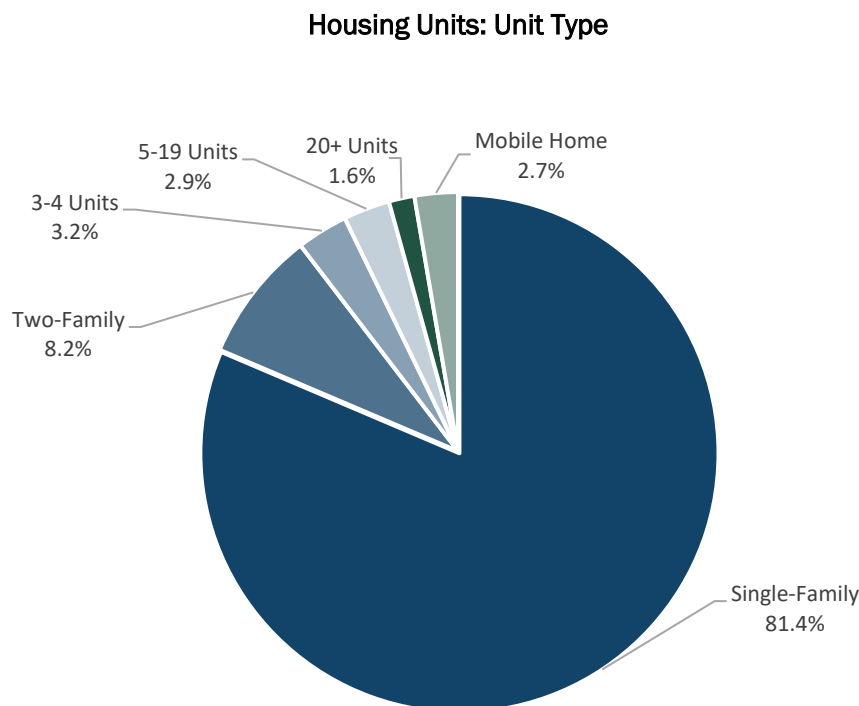
There are many reasons why these units might be vacant. The owner may be elderly and living in a nursing home or with family members, or the unit may be being held for settlement of an estate. The owner may also be using the unit for storage or repairing or renovating the unit. However, it is likely that many of these homes are “zombie homes” – homes that have been abandoned by their owners

during the foreclosure process but not actually foreclosed on – or homes that have been abandoned for another reason.

Not taking into account these properties, or properties that are used seasonally, recreationally, or occasionally, the vacancy rate in Collins is lower, at 1.7 percent. There are currently no vacant owner-occupied homes. Rental vacancy rates in the Town are much higher, at 9.2 percent.

The majority of housing in the Town of Collins is owner-occupied. 78.7 percent of the Town's housing units are owner occupied, and only 21.3 percent are rental units. In comparison, approximately 65.2 percent of the County's housing stock is owner-occupied. Most of the renter-occupied housing is in the Village.

The majority of housing units in the Town (81 percent) are single-family homes. Mobile homes account for approximately 60 housing units (3 percent), all of which are outside the Village. 8.2 percent of the housing stock consists of doubles and 7.7 percent of the housing stock is in buildings with 3 or more units per structure.

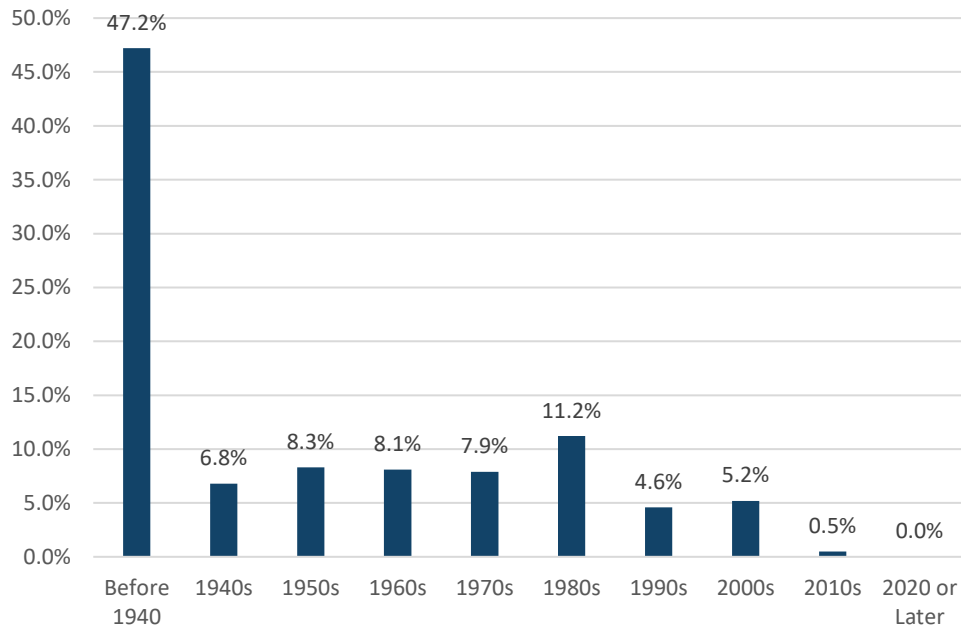


Source: 2017-2021 American Community Survey

Slightly more than 47 percent of the housing units in the Town were constructed prior to 1940, with another 31 percent constructed between 1940 and 1979. Housing construction peaked in the 1980s, with 11 percent of units built in that decade alone. After 1990, housing construction dropped

considerably. 4.6 percent of housing units were built in the 1990s and 5.2 percent were built in the 2000s. 0.5 percent of housing units have been built since 2010.

Housing Units: Year Built



Source: 2017-2021 American Community Survey

Economic Profile

In 2021, 46 percent of the Town's population over the age of 16 was employed, with the unemployment rate hovering around 2.8 percent. This rate is slightly lower than the County as a whole, which had an unemployment rate of 3.2 percent in 2021.

22.5 percent of the Town's workforce works in the health care and social assistance industry. Other strong employment sectors include retail and public administration, with each employing greater than 15 percent of the labor force. Public administration includes correctional facilities; the Collins Correctional Facility is a major employer in the Town, with over 700 employees. The other correctional facility in the Town, the Gowanda Correctional Facility, closed in March 2021, displacing over 500 employees. About 4 percent of the Town's workforce makes their living from agriculture. The following table is a breakdown of employment in the Town.

Occupation:	Employed in 2021	% Employed in 2021
Agriculture, Forestry, Fishing & Hunting	52	3.9%
Construction	96	7.3%
Manufacturing	72	5.5%
Retail Trade	254	19.3%
Transportation, Warehousing & Utilities	47	3.6%
Information	19	1.4%
Finance, Insurance & Real Estate	30	2.3%
Professional, Management & Administrative	91	6.9%
Educational Services	84	6.4%
Health Care & Social Assistance	294	22.4%
Arts, Entertainment & Recreation	18	1.4%
Accommodation & Food Services	25	1.9%
Public Administration	209	15.9%
Other Services	25	1.9%

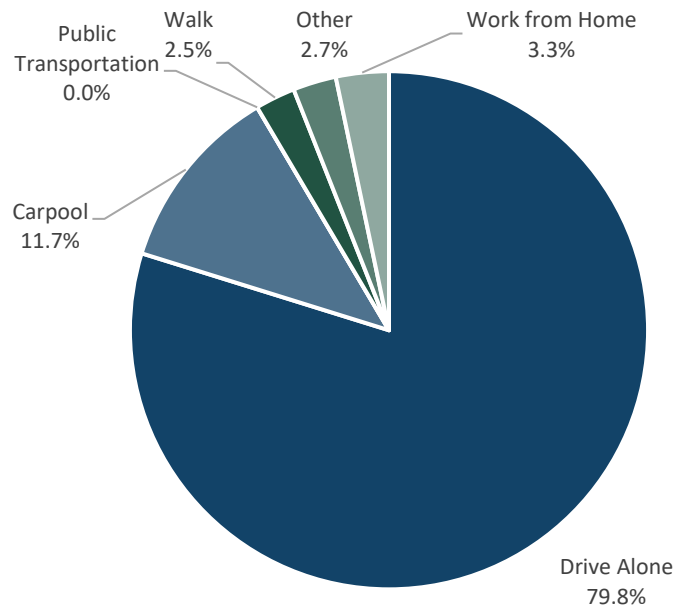
Source: 2017-2021 American Community Survey

Commuting Patterns

In 2021, 80 percent of Collins workers drove alone to work, with 12 percent carpooling. Only 2.5 percent walked, and 3.3 percent worked from home.

35 percent of Collins workers who do not work from home have a commute that is less than 15 minutes to work. Another 23 percent of workers have a 15- to 30-minute commute, about 23 percent commute 30 to 45 minutes, about 9 percent commute 45 to 60 minutes, and only 2 percent have a commute that is more than an hour each way.

Commuting Patterns

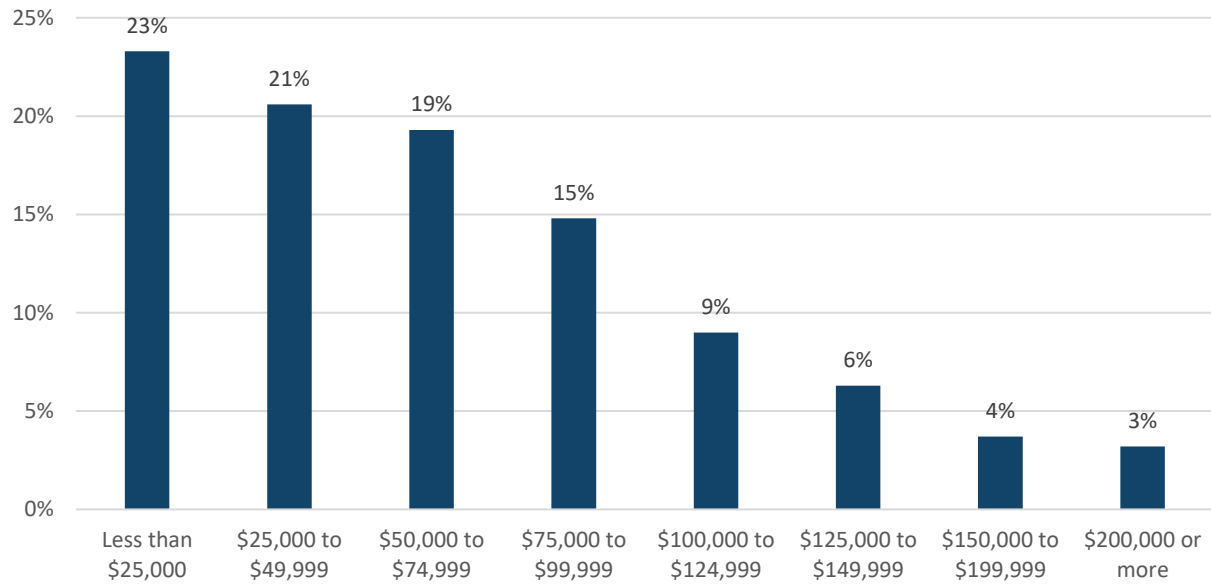


Source: 2017-2021 American Community Survey

Income

In 2021, 23 percent of households in Collins earned an income less than \$25,000, 21 percent earned between \$25,000 and \$50,000, and 19 percent earned between \$50,000 and \$75,000. The median household income in 2021 was \$56,250, up slightly from \$53,037 in 2010 (dollars adjusted for inflation). In comparison, the 2021 median household income for Erie County was \$62,578. The following chart shows the breakdown of household income for the Town in 2021.

Household Income Distribution



Source: 2017-2021 American Community Survey

Poverty is relatively low in the Town (9 percent compared to 14 percent for Erie County). However, 22 percent of the population lives near the poverty line (on incomes of between 100 percent and 200 percent of the poverty line).

ENVIRONMENTAL RESOURCES

Topography

Most of the Town is characterized by rolling hills. However, in the southern part of the Town along Cattaraugus Creek, especially in the Zoar Valley Multiple Use Area, there are large areas with steep slopes. In some areas, the drop off is as much as 400 feet.

Soils

Over 70 percent of the soils in the Town are prime agricultural soils, including many areas where the soils are farmland of statewide importance.

Less than 5 percent of the Town's soils are hydric.

Drainage/Water Features

The water features in the Town of Collins account for approximately 0.8 percent of the total surface area in the Town. Water features include a number of creeks, including the Cattaraugus Creek, and ponds (see Map 6: Environmental Conditions).

Water in the Town drains southernly to Cattaraugus Creek, eventually emptying into Lake Erie. Cattaraugus Creek generally forms the southern border of the Town. Major creeks in the Town include Clear Creek, Grannis Creek, Coon Brook, and the north branch of Clear Creek, which cuts across the northwestern corner of the Town. Various other tributaries and intermittent streams throughout the Town convey water to one of these major creeks.

There are a few ponds in the Town, including Ross Pond and Holcomb Pond.

Wetlands

There are numerous state and federal wetlands scattered throughout the Town, especially along many of the creeks and tributaries (See Map 6: Environmental Conditions). In total, state and federal wetlands account for approximately 10 percent of the total surface in the Town.

State wetlands are those under jurisdiction of the New York State Department of Environmental Conservation (NYSDEC) and are identified by the existence of certain species of vegetation that grow well in wet soils. The Freshwater Wetlands Act protects all wetlands over 12.4 acres (5 hectares) or larger. The State also regulates the land area within 100 feet of protected wetlands. Wetlands smaller than this size may be protected if they are considered to be of local importance. State wetlands are ranked in four classes ranging from Class I, which is a wetland of greatest importance and contains the highest restriction, to Class IV. Regardless of the wetland class, a permit is required to conduct any regulated activity within a wetland area or the 100-foot buffer that surrounds a wetland.

Federal wetlands are regulated under the jurisdiction of the U.S. Army Corps of Engineers through Section 404 of the Clean Water Act, irrespective of their size, and Section 10 of the Rivers and Harbors Act of 1899. Many wetlands that are state wetlands are also federal wetlands; however, many smaller wetlands that do not meet the state's minimum size requirement are only under federal jurisdiction. A recent Supreme Court decision may drastically reduce the number of wetlands under federal jurisdiction. Under the law, a permit is required for any structure or work that takes place in, under, or over a navigable waterway or wetlands adjacent to navigable waters (such as dock construction, dredging, and shoreline protection). In addition, any activity that involves a discharge of dredged material or fill material into navigable waters or associated wetlands requires a

permit, as well as activities that would drain or flood wetlands or significantly disturb the soil, such as land clearing, ditching, stream channelization, and excavating.

Wetlands are shown on Map 6: Environmental Conditions.

Floodplains

A flood is defined as "a general and temporary condition during which the surface of normally dry land is partially or completely inundated"³. Flooding can be caused by heavy rains, melting snow, inadequate drainage systems and other sources, and is projected to become both more frequent and more severe due to climate change. Floodplains are areas situated adjacent to rivers and streams that are likely to experience recurring floods. Floodplains are therefore "flood-prone" and are hazardous to development activities and to agricultural production. The 2022 Erie County Multi-Hazard Mitigation Plan estimated that excess moisture, precipitation, and rain and/or flooding caused over \$2.1 million in crop losses in Erie County.

There are two types of floodplains that exist within the Town: 100-year floodplains and 500-year floodplains. The 100-year floodplain is the area surrounding a water feature that is inundated with water during a 100-year flood event, or a flood that has a 1 percent chance of occurring in any given year. The 100-year flood is more technically referred to as the 1 percent annual chance flood. The 500-year floodplain is the area surrounding a water course that is inundated with water during a 500-year flood event, or the 0.2 percent annual flood. The 100-year floodplain is divided into the floodway and the floodway fringe. The floodway is the portion of the floodplain which includes the stream's channel and any adjacent areas that must be kept free of encroachments that might block flood flows or restrict storage of flood waters. The flood fringe is the area covered by flood waters but that does not carry strong currents of flood waters.

Approximately 5% of the Town's land area falls within a 100-year or 500-year floodplain, according to the 2022 Erie County Multi-Hazard Mitigation Plan. The extent of floodplains throughout the Town is mostly confined to the areas along Cattaraugus Creek, Clear Creek, and Grannis Creek.

Floodplains are shown on Map 6: Environmental Conditions.

Habitats

Zoar Valley is considered to be a "Significant Natural Community" by New York State.

Aquifers

There are two main aquifers in the Town, which are protected by the Town's Wellhead Protection Overlay District (see section on Zoning for more information).

³ Source: US Legal, Inc.

TRANSPORTATION

Highway Network

The following major federal, state, and county roads are located in the Town of Collins:

1. US Route 62 is a north-south route that connects Collins with North Collins, Eden, and Hamburg, as well as municipalities in Cattaraugus County. The route is functionally classified as a principal arterial and handles 3,800-5,600 vehicles per day.
2. State Route 39 runs between Collins and Sardinia, passing through Concord and Springville. The route is functionally classified as a minor arterial and handles 3,500-4,300 vehicles per day.
3. State Route 75 connects the hamlet of Collins Center with points north, and eventually connects with US Route 62 in Eden. This corridor is classified as a major collector that handles about 900 vehicles per day.
4. State Route 438 connects the Cattaraugus Reservation with the Village of Gowanda, passing through the southwestern corner of the Town. This route is classified as a major collector and handles about 4,600 vehicles per day.

The remainder of the road system in the Town consists of minor collectors and local roads that handle less than 500 vehicles per day.

According to the Greater Buffalo Niagara Regional Transportation Council (GBNRTC) Moving Forward 2050 Long-Range Transportation Plan, most of the county and state routes were in “good” or “fair” condition as of 2016. However, the 2023-2027 Transportation Improvement Program (TIP) includes a major repaving of US 62 from the intersection with NY 39 to Water Street in the Village. The estimated cost for this project is \$3.8 million.

Railroad

There is one railroad line that runs through the Town, somewhat parallel to US 62. The line is operated by the Buffalo Southern Railroad, a Class III railroad that provides access between Buffalo and Gowanda.

Public Transportation

The Town is not served by fixed-route public transportation. Rural Transit Service (RTS), a non-profit transportation service, provides on-demand service for eligible residents, including senior citizens, low- and moderate-income individuals, and disabled individuals. RTS operates between 8:30 and 4:00 p.m. on weekdays, and rides must be scheduled at least 48 hours in advance. Individuals may schedule up to two rides per week.

Bicycle and Pedestrian Facilities

Sidewalks and other pedestrian facilities in the Town are limited mainly to the Village of Gowanda and portions of NY 39/Main Street. There are currently no on- or off-road bicycle facilities. The GBNRTC Buffalo Niagara Regional Bicycle Master Plan (2020) recommends on-road bicycle routes (enhanced shoulder) on US 62 and NY 39.



Example of an Enhanced Shoulder
from FHWA Small Town and Rural Multimodal Networks Guide

UTILITIES

Public Water

There are three water districts in the Town.

Public Sewer

Most of The Town does not have public sewers available. A small area of the Town, outside of the Village, has public sewer.

Other Utilities

Major gas and electric utility distribution lines cross the Town. Natural gas lines are available to many homeowners, with over 80 percent of households using natural gas as the primary means to heat their homes.

According to state data, only 78 percent of residents have access to broadband, or “high-speed,” internet.

Due to the proximity to electric distribution lines, the Town has one proposed 10-megawatt solar energy project. There is a 200 mega-watt utility-scale wind energy project in a conceptual stage, that is being proposed in the northern portion of the Town, as well as the neighboring Towns of Concord, North Collins, and Eden, and Brant.

COMMUNITY FACILITIES & SERVICES

Municipal Buildings

The Collins Town Hall is located at 14093 Mill Street and includes the Town Clerk's office, Assessor's office, Code Enforcement office, and the Town Court. The highway garage is located nearby at 14097 Palmerton Street.

Schools

The Town of Collins is served by three public school districts: Gowanda Central, Springville-Griffith Institute, and North Collins Central. Most of the western side of the Town falls into the Gowanda Central School District, whereas most of the eastern side of the Town falls into the Springville-Griffith Institute School District. Only a small portion of the Town along its northern border falls into the North Collins Central School District.

Fire, Police & Emergency Services

The Town is serviced by two main fire departments: Collins Fire Company, located at 2365 Main Street, and Collins Center Fire Company, located at 3514 Route 39. A small portion of the Town is under contract with the Village of Gowanda for fire protection. Fire and ambulance dispatch is provided through a contract with the Town of Evans Police Department.

The New York State Police, located at 13670 Route 62, and Erie County Sheriff's Department, located at 10571 Main Street in North Collins, provide police coverage for the Town.

Garbage/Recycling

The Town does not offer curbside garbage pickup. Garbage and recycling can be brought to the Town's transfer station twice a week with the appropriate stickers purchased from the Town Clerk. Residents can contract directly with collection companies for curbside pickup.

Parks & Recreation

The Town Park, located at 14150 School Street, offers baseball/softball fields, a basketball court, tennis courts, a playground, two shelter buildings, and a walking path. The Collins Center playground, located at 14322 School Street, has a basketball court, shelter building, and baseball/softball field in addition to playground facilities. Beaver Meadows Park acts as a rest stop/picnic area.

The Zoar Valley Multiple Use Area, which is governed by the NYSDEC, is located in the southern portion of the Town, is nearly 3,000 acres and also offers recreational opportunities such as canoeing, kayaking, rafting, cross-country skiing, snowshoeing, hiking and nature trails, hunting, fishing, and bird watching.

The Gowanda Country Club is a private golf club that has an 18-hole golf course located at 2623 Brown Street that offers pristine views and rigorous play for golfers of all ages and for every skill level.

Other Community Facilities

The Collins Public Library is located near the Town Hall at 2341 Main Street.

FOOD INSECURITY

Coming out of the Covid-19 pandemic, food insecurity and food inequities have been exacerbated in an already vulnerable system. 12% of all households in the Buffalo-Niagara region lack access to a grocery store due to proximity and lack of vehicle ownership, and over 20% of children in Western

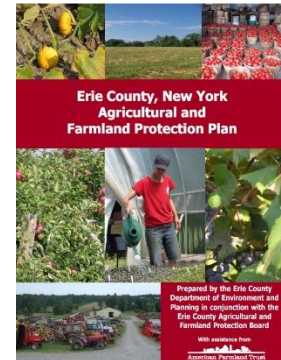
New York are food insecure (according to Partnership for the Public Good). The USDA Food Access Research Atlas is a mapping tool that provides a spatial overview of food access indicators for low-income and other census tracts using alternative measures of supermarket accessibility and has designated the Village of Gowanda as an area of concern, in terms of food access. The Food Policy Council of Buffalo & Erie County has a Local Food Action Plan that may be incredibly useful to The Town of Collins and Village of Gowanda, as it provides goals and recommended actions aimed at creating a healthy, equitable, and prosperous food system in Erie County (see Appendix E). While food insecurity is currently not a pressing issue in the Town of Collins, both municipalities have an opportunity to collaborate to set a foundation for increasing food access, stabilizing food systems, and creating healthier, stronger communities for generations to come.

REGIONAL PLANS & DEVELOPMENT TRENDS

County Plans

There are several recent Erie County planning efforts which are relevant to the Town:

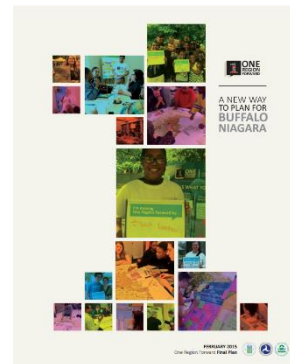
- Erie County Community Climate Action Plan (2023): This Plan, which was officially adopted in December 2023, sets goals related to consumption and waste, transportation, housing and neighborhoods, economic and workforce development, commercial energy conservation and renewable energy, nature-based solutions, and agriculture and food systems, with overarching goals of achieving climate justice and climate resilience and reducing greenhouse gas emissions.
- Erie County Agricultural and Farmland Protection Plan (2012, being updated in 2023): This Plan provides information on existing agricultural farming conditions in the County and includes recommendations on how to protect, grow, and diversify the County's agricultural business community. The plan identifies a large swath of the Town as having the best agricultural soils in the County where non-farm development should not occur.
- Erie County Comprehensive Economic Development Strategy (2022): This Plan addresses the recovery and resilience of the economy following the COVID-19 pandemic. It includes an analysis of the strengths, weaknesses, opportunities, and threats of and to the economy (SWOT analysis) and provides a strategic framework to promote economic growth in the County, focusing on four goals: infrastructure, business support, quality of life, and regional collaboration.
- Erie County Multi-Hazard Mitigation Plan (2022): This Plan identifies the hazards that communities in Erie County are most vulnerable to. The Town of Collins was found to be at high risk of earthquakes, severe storms (including severe winter storms), utility interruptions, and wildfires. The Plan recommends mitigation actions to reduce risks associated with these hazards.



Regional Plans

Since the last comprehensive plan, there have also been several new regional planning initiatives:

- Western New York Economic Development Strategic Plan: A Strategy for Prosperity (2011): Updated annually by the Western New York Regional Economic Development Council, this plan aims to create a more dynamic and sustainable economy for the region. The Strategy for Prosperity focuses on job readiness, smart growth, and entrepreneurship.
- Western New York Regional Sustainability Plan (2013): This plan inventoried greenhouse gas emissions for the five-county region (Erie, Niagara, Chautauqua, Allegany, and Cattaraugus counties) and identified strategies to reduce emissions, improve energy efficiency, and deploy renewables.
- One Region Forward (2015): This plan provides a framework for sustainable development in the Buffalo Niagara region, centered around five “Big Ideas:” efficient land use, diverse transportation options, quality housing, strong food systems, and preparation for the impacts of climate change.
- Moving Forward 2050 (2018): The Greater Buffalo Niagara Regional Transportation Council (GBNRTC) developed this plan to create a more efficient, greener, smarter, and sustainable transportation system in the Buffalo Niagara region for future generations. This plan includes a goal for upgrading rural roadways, bridges, and culverts to improve safety and reduce maintenance and deterioration of infrastructure.
- Bike Buffalo Niagara Regional Bicycle Master Plan (2020): Also developed by GBNRTC, this plan guides the development of a comprehensive network of on street and off-street bicycle facilities in the Buffalo Niagara region, including several in Collins (see Bicycle and Pedestrian Facilities on page 29 of the master plan).



VISION AND DIRECTION OF THE PLAN (RECOMMENDATIONS)

This section of the Comprehensive Plan updates the targeted areas identified in the Town of Collins's 1999 Plan. This update builds upon and, where necessary, clarifies the goals and amends the recommendations outlined in the 1999 Comprehensive Plan. This update was also designed to expand upon the 1999 goals, by ensuring consistency with regional planning documents including, but not limited to:

- *One Region Forward: A New Way to Plan for Buffalo Niagara* (2014)
- *Framework for Regional Growth: Erie & Niagara Counties, New York* (2006)
- *Western New York Regional Sustainability Plan* (2012)
- *Regional Economic Development Council: A Strategy for Prosperity in Western New York* (2011)
- *Erie County Agricultural and Farmland Protection Plan* (2012).

The goals of the Town focus on the major issues and concerns of the Town and are aimed at helping guide future growth and development in the Town of Collins. A particular issue that has occurred over the last several years is the potential for large scale, commercial/utility grade, green energy projects such as solar and wind installations. This issue will be addressed in this Plan update.

The goals outlined in this Comprehensive Plan constitute what is most important to the Town by representing local values and priorities, and by providing direction for the Town's future. This update adds clarity and detail to the goals outlined in the 1999 Plan and will be used to guide future Town decisions on growth, development, and budgets. It provides a framework for decision making not only at the Town level, but for decision makers at the County and State levels as well.

The goals are intentionally broad, with each goal having specific objectives identified. These objectives form the recommendations of the Plan and are the tools by which the Town can implement its vision. Generally, each set of goals and objectives have been developed with a horizon of 5 to 10 years.

Land Use Goals and Objectives:

1. Reduce conflicts between incompatible land uses:
 - a. By coordinating the comprehensive plans of Collins and Gowanda
 - b. By reviewing the Town's zoning ordinances to ensure consistency with the comprehensive plan.
 - c. By seeking to control development into developed areas, or into areas adjacent to developed areas (developing areas), as defined by the Erie Niagara Framework for Regional Growth.
 - d. By considering regional planning documents and objectives into land use decisions.
2. Promote and protect agriculture as a viable land use and business:
 - a. By identifying important farmlands and areas of prime and important agricultural soils and protecting them from development pressures.
 - b. By encouraging all forms of farming including Agritourism and Agricultural related businesses.
 - c. By creating local laws, ordinances and incentives that promote, protect, and facilitate farming.
 - d. By working with Erie County to implement the recommendations of the County Agricultural and Farmland Protection Plan and working closely with the County on its update.

3. Encourage commercial development within the Village and the Hamlets of Collins and Collins Center:
 - a. By zoning the appropriate areas of the Town and Village for commercial development.
 - b. By providing proper incentives such as a Downtown Revitalization Initiative grant or a NY forward grant, when needed, to encourage redevelopment of outdated land uses and buildings.
4. Encouraging “in-filling” of appropriate land- uses, especially in the already developed areas of the community:
 - a. By limiting the areas which receive municipal services such as sewer and water.
 - b. By creating zoning laws that allow for in-fill development, in appropriate areas, that do not require variances.
5. Continue working with the Village of Gowanda in creating connections between the two communities and the important assets in the region.

Recommended Actions

1. Continue to enact zoning regulations and a zoning map that balances the competing needs of the various land uses in the Town, as represented in the Vision Map (included at the end of this Section). This Vision map illustrates the generalized land use pattern of the Town and how those uses fit together. The Vision Map includes important agricultural areas, major forest and recreational areas, conservation areas/creek protection areas, recreation/conservation areas, hamlet areas (growth areas), and the rural area of the Town that is not part of any other of these areas. This map is not a future land use map, but it allows the reader of this Plan to understand how these land uses come together and what is needed in these areas.
2. Continue to develop regulations and guidance documents that help to reflect the agrarian nature of the Town and protect these businesses from adverse impacts that could lead to changing the character of the community. See the recommendations on agricultural and farmland section.
3. Consider creation of other zoning overlay districts for the Hamlet areas and other areas denoted in the Vision map.
4. Develop updated regulations for large-scale renewable energy projects, especially for those systems that occupy large areas of land or can impact other resources within the community.
5. Continuing coordinating land use issues with the Village (update the joint Plan).

Natural Resources and Environmental Protection Goals and Objectives:

1. Preserve and maintain the quality of the community’s natural features, such as floodplains, water bodies, wetlands, forested lands, viewsheds, etc.
 - a. By restricting development in environmentally sensitive areas in accordance with state and federal regulations.
 - b. By encouraging agricultural practices which are environmentally friendly, such as pesticide reductions, proper storage and disposal of animal wastes, erosion prevention, etc.
 - c. By creating conservation areas along the community’s scenic or environmentally sensitive areas, to protect these areas from adverse development.
 - d. By strictly limiting development which alters viewsheds throughout the Town of Collins.
2. Protect the quality of both groundwater and surface water supplies in the community.

- a. By restricting developments which would cause contamination of these supplies.
- b. By carefully monitoring of water quality at the source of intake.

Recommended Actions

Groundwater Protection

1. Get a better understanding of groundwater conditions in the Town, and work with other agencies and organizations to obtain grant funding and complete a study.
2. Provide information to residents regarding groundwater protection. Include information on the proper disposal of automotive and household chemicals, septic system maintenance, and the application of lawn care chemicals, and work with the Erie County Department of Environment Planning to distribute information about County household hazardous waste collection events and vouchers.
3. Provide information regarding agricultural environmental management practices used by farmers to protect groundwater (See Agriculture section). Assist farmers with applying for grants to help with these management practices.
4. Ensure that future development does not result in the contamination of groundwater by toxic substances.
5. Consider additional Conservation Overlays or Zoning Districts to protect these other important natural features.
6. Continue to properly regulate and control, to the extent practicable, any mining in the Town. (Control through the Town is provided through local zoning, where to allow and not allow).
7. Participate in the “Cattaraugus Creek Integrated Watershed Action Plan” (IWAP) and help with the implementation of this Plan.

Stream Corridor Protection

1. Establish zoning regulations that promote the establishment and preservation of riparian buffers and limit the removal of vegetation in erodible areas along Cattaraugus Creek.
2. Seek funding to help landowners construct improvements to prevent further erosion.
3. Work with the County, Lake Erie Watershed Protection Alliance, Erie County Soil and Water Conservation District, and other regional organizations to develop programs for the protection of these important stream corridors.

Gravel Mining

1. The Town has 3 active gravel mines at the present time, and there are other lands which are NYSDEC permitted to be mined in the future.
2. Continue to work with NYSDEC in the review and monitoring of existing mines and reclamation plans.
3. The Town should utilize this Plan, other Plans and the information submitted about any future gravel mining sites, to make decisions on allowing any future gravel mining sites (it is a zoning decision that requires reference to the Comprehensive Plan)

Agriculture and Farmland Goals and Objectives:

1. Stabilize and strengthen the local farming community.
 - a. By supporting land use regulations which protect and promote agriculture, such as the Agricultural District Program.
 - b. By encouraging the protection of the Erie County Agricultural District Southwest #8
 - c. By supporting farm operations in State-certified, County-adopted Agricultural Districts
 - d. By reviewing administrative measures such as ‘right to farm’ laws which demonstrate the community’s commitment to agriculture.

- e. By encouraging very low-density development in areas of prime and important agricultural soils.
 - f. By creating zoning that allows farmers to be creative and create different sources of revenue.
 - g. By limiting the spread of municipal services in areas outside of current service districts.
 - h. By working with Erie County on their update to the County's Agricultural and Farmland Protection Plan and potentially developing a Town of Collins Farmland and Protection Plan.
- 2. By discouraging rezoning of land in agricultural districts for non-agricultural purposes. Promote the preservation of prime and active farmland to reinforce existing agricultural and farming operations.

Recommended Actions:

- 1. Provide information to landowners to encourage the protection of agricultural land through private conservation easements. Distribute information about programs operated by the Western New York Land Conservancy and literature published by the American Farmland Trust.
- 2. Provide information to residents about the value of agriculture to the Town and about customary agricultural practices.
- 3. Continue to establish zoning regulations that discourage intensive development in high quality agricultural areas, considering the County's Agricultural and Farmland Protection Plan and information concerning prime and statewide important soils.
- 4. Establish subdivision regulations to enable the Planning Board to review new residential development and to encourage designs and buffers that minimize conflicts with neighboring agricultural uses.
- 5. Consider applying for an agricultural grant to help complete a Town Agricultural and Farmland Protection Plan.
- 6. Refer to the County's Agricultural and Farmland Protection Plan when considering actions that could affect agriculture. When the County's Plan is updated, actively participate in this process.
- 7. Consider the utilization of monies generated from large-scale solar energy system projects (if located properly) in the Town to help protect other farmlands in the Town or to help farmers continue to farm.
- 8. Encourage sustainable siting of large-scale renewable energy projects so that prime farmland soils and important soils are not negatively impacted, by improving the Town's solar energy law (update of Town law).
- 9. Consider new zoning language/laws for Agricultural areas/lands to allow for more creative uses of the land that allows farmers the opportunity to create other income generation (ultimately allowing the farmer more options to stay in business).
- 10. Once established, promote the Erie County Agribusiness Industrial Park located in the Town of Evans.

Housing and Residential Development Goals and Objectives:

- 1. Promote affordable housing choices and opportunities.
 - a. By participating in various state and federal housing programs that are designed to make housing affordable to various groups; for example- senior citizen housing developments, or first-time home buyer programs for young families.
- 2. Maintain and improve the quality of the existing housing stock.

- a. By encouraging maintenance and upkeep of properties by identifying areas where homeowner assistance programs can be concentrated.
 - b. Through better enforcement of existing building codes.
- 3. Explore Community Development Block Group funding.
 - a. By communicating with the Erie County Department of Environment and Planning on the availability of housing rehabilitation programs and affordable housing initiatives.

Recommended Actions:

- 1. Periodically disseminate information to residents about the Erie County and Southtowns Rural Preservation Company housing assistance programs by distributing program literature at the Town Hall and to banks, senior citizens, churches; sponsoring seminars; making announcements at Town Board meetings.
- 2. Revise zoning regulations to encourage well-designed residential development that is consistent with the natural and agricultural features of the Town.
- 3. Revise Town zoning regulations to encourage higher density residential development in appropriate areas of the Town, such as the Village of Gowanda, and the hamlets of Collins and Collins Center.
- 4. Retain/Create provisions in the Town zoning regulations that permit a wide range of housing types and sizes to accommodate affordable housing needs in the community.
- 5. Develop subdivision regulations to provide for the orderly division of parcels of land for residential development.
- 6. Pursue funding for housing improvements in targeted areas within the Village and targeted areas.
- 7. Consider the use of tax breaks (485 programs) to help encourage residents and businesses to invest in their properties.
- 8. Research and develop appropriate tools to encourage the re-use, transformation, or demolition of existing vacant structures.

Economic and Business Development Goals and Objectives:

- 1. Preserve and strengthen the local economic base.
 - a. By diversifying the economic base of the community by attracting new business and taking advantage of opportunities in the tourism market.
 - b. By identifying areas for growth of the community.
 - c. By encouraging zoning which accommodates small, campus-type industrial parks, to provide adequate space for existing companies to expand, and to attract new businesses.
- 2. Re-use former sites of economic activity
 - a. By continuing to push for the clean-up of former industrial or hazardous waste sites, and then promote these locations for new development.
 - b. By pushing for improvements to the rail line and rail station to take advantage of this resource for both commerce and tourism uses.
 - c. By having New York State provide a repurposing plan for the closed Gowanda Correctional Facility Campus in the Town of Collins.
- 3. Encourage growth of commercial development within already developed areas, such as the Village and the Hamlets of Collins and Collins Center.
- 4. Foster a competitive business climate to ensure quality service and pricing.

- a. By promoting the Village and Hamlets for businesses which can serve markets that are currently unserved or under-served in the community.

Recommended Actions:

1. Revise zoning regulations and review procedures to accomplish the goals and recommendations of this Plan. For example, allow agritourism in the appropriate areas of the Town.
2. Designate business districts to allow both commercial and industrial uses in appropriate areas.
3. Continue to permit hybrid industrial–retail businesses in the industrial-use districts.
4. Permit small-scale business development within the Hamlets that would be compatible with nearby residential neighborhoods (for example, neighborhood or traditional business district).
5. Permit the establishment and operation of farm markets that sell farm products and goods that are not grown or produced on the property on which the market is located.
6. Continue to permit the establishment and operation of bed and breakfast inns, trailer camps and outdoor recreational businesses in the Town.
7. Develop and utilize design standards to ensure that buildings that are constructed or modified in the Hamlets for commercial use have a scale and appearance that is in harmony with the residential/rural neighborhoods.
8. Continue to provide property tax incentives for commercial development and redevelopment through Section 485-b of the NYS Real Property Tax Law. Also consider Enhanced Section 485-b in targeted areas. (see Appendix F for further information).
9. Make Section 108 financing available to local businesses that need low-cost financing, and for which the WNY Regional Economic Development Council (REDC), and the Erie County Industrial Development Agency (ECIDA) financing is not suitable and/or not available. (see Appendix G for further information).
10. Encourage commercial developers to donate cross-access easements for use for internal roadways and shared access driveways with adjoining commercial parcels.
11. Improve tourism by working with NYS on promoting the Zoar Valley and its wonderful attributes.
12. Help to promote existing agritourism efforts by the County.
13. Consider the use of Host Community Agreement monies generated from large scale energy projects to promote and improve economic opportunities in the Town.

Cultural, Historic, and Visual (scenic) Resources Goals and Objectives

1. Develop a Preservation/Enhancement Action Plan to recognize, protect and enhance the historic, cultural, and visual resources in the Town and Village and thus promote a vibrant, revitalized community with new opportunities for tourism and economic development.
 - a. Establish a local committee to further the development and implementation of a Preservation/ Enhancement Action Plan which would (1) determine action plan issues and related project priorities (2) solicit and secure grants and community-based support to assist in implementing the plan.
 - b. Continue the development of an inventory of historic, cultural, and visual resources in the Town and Village that can serve as the framework and authoritative basis for the Action Plan.
2. Identify and adopt appropriate guidelines and regulations to protect these resources in the Town and Village.

- a. Develop a Town-Village Historic Resources Designation Process consistent with the criteria and methodology established for the National and State Registers of Historic Places and Erie County's Listing of Historic/Cultural Resources with county- wide significance.
 - b. Use municipal regulatory authority such as zoning, State Environmental Quality Review (SEQR), site plan review, demolition review, and a sign ordinance as means to protect and enhance these resources.
3. Integrate Cultural, Historical, And Visual Resources Action Plan efforts with economic development and tourism activities to encourage revitalization of the Town and Village.
 - a. Recognize the Hollywood Theater Revitalization Project as a means to increase community interest and involvement in linking the distinctive heritage of the Town and Village with community revitalization efforts.
 - b. Create local incentives to encourage preservation and enhancement of these resources i.e., revolving loan fund, HUD Community Development low and moderate – income housing rehab grants, Erie County Community Development Block Grant funds.
 - c. Develop other community- based efforts and activities to increase awareness and pride in these resources for residents in the Town and Village as well as for visitors from other areas i.e., historic markers program, driving/walking tours, thematic festivals, tourism brochures.

Recommended Actions

1. Establish a recognition program for privately owned historic buildings.
2. Provide information to owners of historic buildings and properties regarding grant programs.
3. Distribute pamphlets and sponsor workshops that provide suggestions for appropriate exterior treatments of historical buildings and appropriate landscaping.

Parks and Recreation Goals and Objectives:

1. Preserve and enhance permanent open space in the community.
 - a. By Preserving the Cattaraugus Creek as a “green corridor” through the community by creating a conservation area along the corridor.
 - b. By limiting the spread of municipal services in areas outside of current service districts or in non-targeted areas for development.
2. Provide additional recreational facilities where needed.
 - a. By investigating potential for developing a new community center to serve the residents of the Village of Gowanda.
3. Preserve existing parks and promote enhancements for other facilities as required.

Recommended Actions

1. Develop a master plan for the important parkland, recreation, and open space features.
2. Encourage community organizations to continue to provide recreational programs and opportunities.

Transportation and Infrastructure Goals and Objectives

1. Minimize traffic congestion and maintain existing roads.
 - a. Work with state and county governments to ensure that roads are maintained in good condition.
 - i. Identify the “farm-to-market” roads and encourage special attention to these roads in the county and state budget process.

2. Encourage the continuation of alternative transportation services throughout the community.
 - a. Work with transportation service providers, such as the “Rural Transit Service” and “Going Places,” to ensure that residents, especially the elderly, have transportation services available to them.
3. Support the continued development of railroad facilities throughout the community for commercial use, while promoting the development of passenger service for tourism/excursion purposes.
4. Support and encourage the installation of sidewalks, bike paths and trails to provide alternative transportation in the Village and hamlets, and connections to important community features.
5. Promote development of government services and utilities in an efficient, cost-effective manner.
 - a. By limiting the spread of municipal services in areas outside of current service districts and directed growth areas.
6. Discourage intense development in areas which do not have water or sewer services.
 - a. By restricting development in wetlands and other environmentally sensitive areas in accordance with state and federal regulations.
 - b. By promulgating zoning that reflects the lack of infrastructure in areas of the Town.

Recommended Actions

1. Work with Erie County and NYS in continuing the push for improvements to internet services.
2. Pursue an expansion of the cable television service area to the extent feasible at the time a successor franchise agreement with the cable television service provider is being negotiated.
3. Apply for grants to help replace aging and undersized water system infrastructure.

Municipal & Community Resources Goals and Objectives

1. Develop and encourage intra-municipal cooperation and communication between the Town and the Village to provide quality services.

Recommended Actions

1. If the Town pursues a full update of the Comprehensive Plan, there should be consideration and coordination of a joint plan with the Village of Gowanda.

Vision Map

The Vision Map was developed with input from the Comprehensive Planning Committee, through the development of Goals and Objectives and by analyzing the data/mapping for the Town against the Town’s goals and objectives and those of the region. To assist with this visioning and analysis, a map was generated to identify Community assets/attributes and their spatial relationship in the Town (see Map 13). The Vision Map illustrates the Town of Collins’s general vision for its future as it relates to the different areas of the Town. It is not a future land use map or zoning map and can only be utilized in conjunction with the entire Plan. It supplements the recommendations by adding a spatial concept to them. This section discusses these features and how they work together and shape the Town’s future.

Regional Assets

The Town of Collins includes the Village of Gowanda that, in accordance with regional plans, represents a regional center. The area just north of the Village also has been identified as local center and includes areas of denser development. The Village and the other local center are connected by the Route 62 corridor. This highway represents an important local and regional connector, connecting the Town and Village to the communities to the north and to the south, and other regionally important areas. Along Route 62, just north of the Village, is the other major highway within the Town, Route 39. Route 39 runs east from its connection to Route 62 to Collins Center and further east to the Town of Concord and other regional assets. The Vision map highlights these important corridors and shows a proposed gateway element at Route 62's entrance into the Town from the north. It also shows proposed wayfinding signage at the Route 62 and 39 intersection to help travelers with the locations of important elements of the Town and region.

Growth Areas

Due to the existing development patterns in the Town, the Village and other local center, the importance of the Route 62 corridor, and the goals of the community, the Vision map illustrates an area along the Route 62 corridor from the North Collins border to the Village of Gowanda as a potential focus/growth area. The Village and other local town center area are the primary areas for growth but the areas along Route 39 also have potential for different forms of development.

Environmental Assets

The Town of Collins contains numerous land and water features that play an integral role in shaping the environmental makeup of the Town. Zoar Valley acts as the largest and most dominant feature of the Town, as it completely borders the south-central side of Collins, into the towns of Otto and Persia. The location of this feature is illustrated on the Vision map.

Other important assets include Cattaraugus Creek, Clear Creek, Grannis Creek, and Coon Brook. For the Cattaraugus Creek area, the Vision map illustrates the approximate watershed area, and the Plan includes recommendations to protect and promote this area.

The Town is essentially split in half by the Route 39 corridor and is generally described as having flatter terrain north of this corridor and tougher, hillier terrain with steep slopes to the south of it. The toughest terrain (which has seen little development) is illustrated on the Vision map in the southeastern corner of the Town.

Land Uses

The Town of Collins has a predominantly rural agrarian landscape, and agriculture is a significant component in its economy. Much of the soils in the Town are prime agricultural soils, including many areas where the soils are farmland of statewide importance. There is good farmland in the northwest corner of the Town, with development immediately south, by Route 62, and much of the land north of Richardson Road is also considered good farmland. Erie County Agricultural District, Southwest #8, covers most of the clusters of parcels throughout the Town. The County has illustrated on their mapping where they consider the highest clusters of good farmlands, and that area is shown on the Vision map.

Another interesting component of the Town is the predominance of gas wells throughout the Town. The southern portion of the Town contains a commercial underground natural gas storage field where natural gas is pumped into the ground in times of low demand and pumped out during times of high demand.

Recreational land uses include the Gowanda Country Club to the northwest and the Zoar Valley Multiple Use Area in the south-central section of the Town. The Town of Collins has three Town-owned parks, recreational land, and other Town-owned parcels that help to keep their residents engaged, active, productive, and happy.

As is the case in many small towns, the Commercial zoning in the Town of Collins is located along the major thoroughfares of the Town, including US Route 62 and New York State Route 39. Commercial zoning is concentrated in the Village of Gowanda and the hamlets of Collins and Collins Center.



Town of Collins

Comprehensive Plan Update

Maps



- Map 1: Regional Setting
- Map 2: Land Use
- Map 3: Existing Zoning
- Map 4: Wellhead Protection Overlay District Map (Erie County)
- Map 5: Agricultural Districts (Erie County)
- Map 6: Environmental Conditions
- Map 7: Agricultural Parcels and Cropland Coverage (Erie County)
- Map 8: Clusters of Parcels with High Agricultural Soils Value (Erie County)
- Map 9: Agricultural Soils (Erie County)
- Map 10: Framework for Regional Growth Policy Areas (Erie County)
- Map 11: Natural Resources Ratings (Erie County)
- Map 12: Siting Study (Erie County)
- Map 13: Vision Map

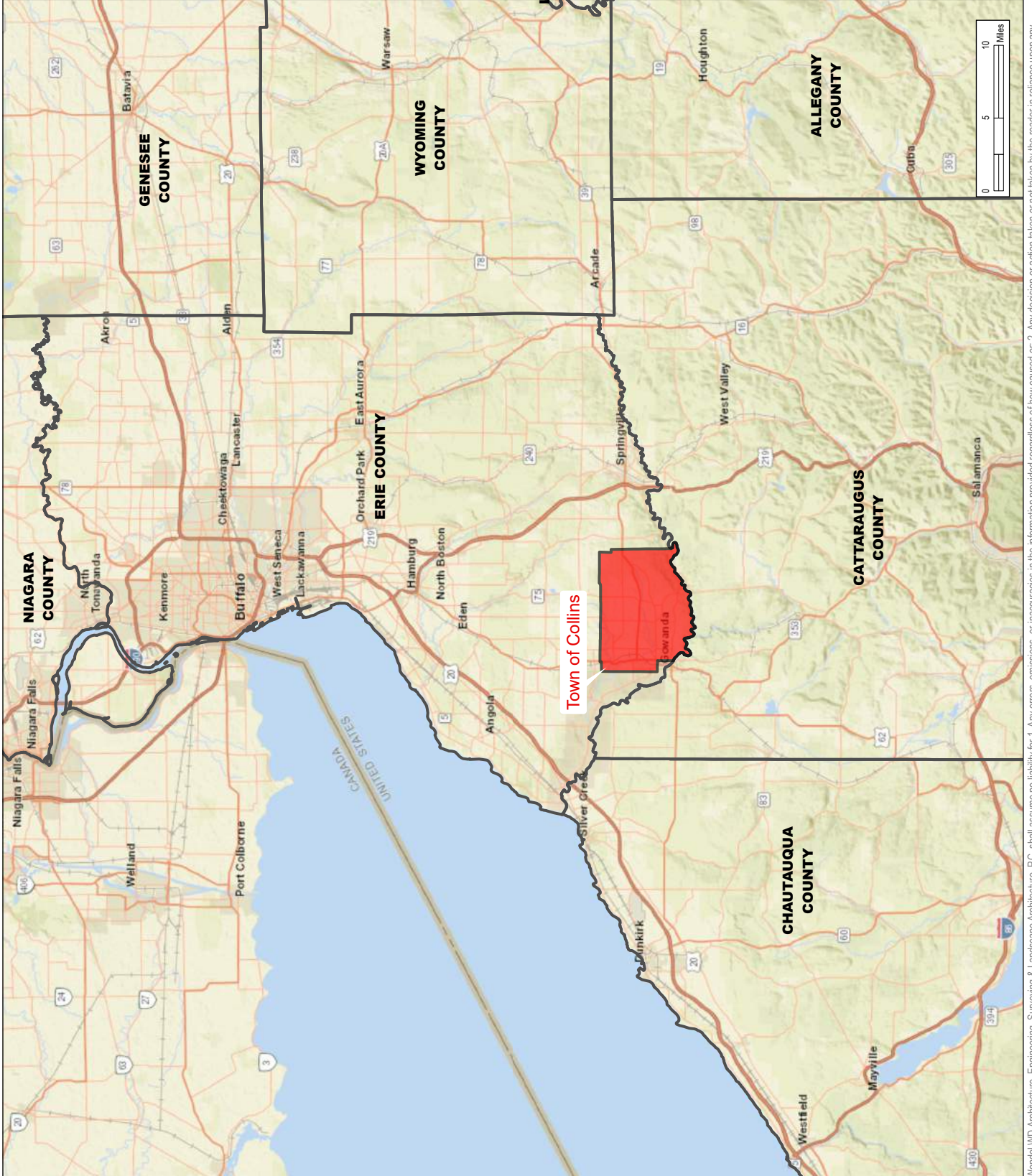
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Town of Collins Comprehensive Plan Update Regional Setting



LEGEND
Town of Collins



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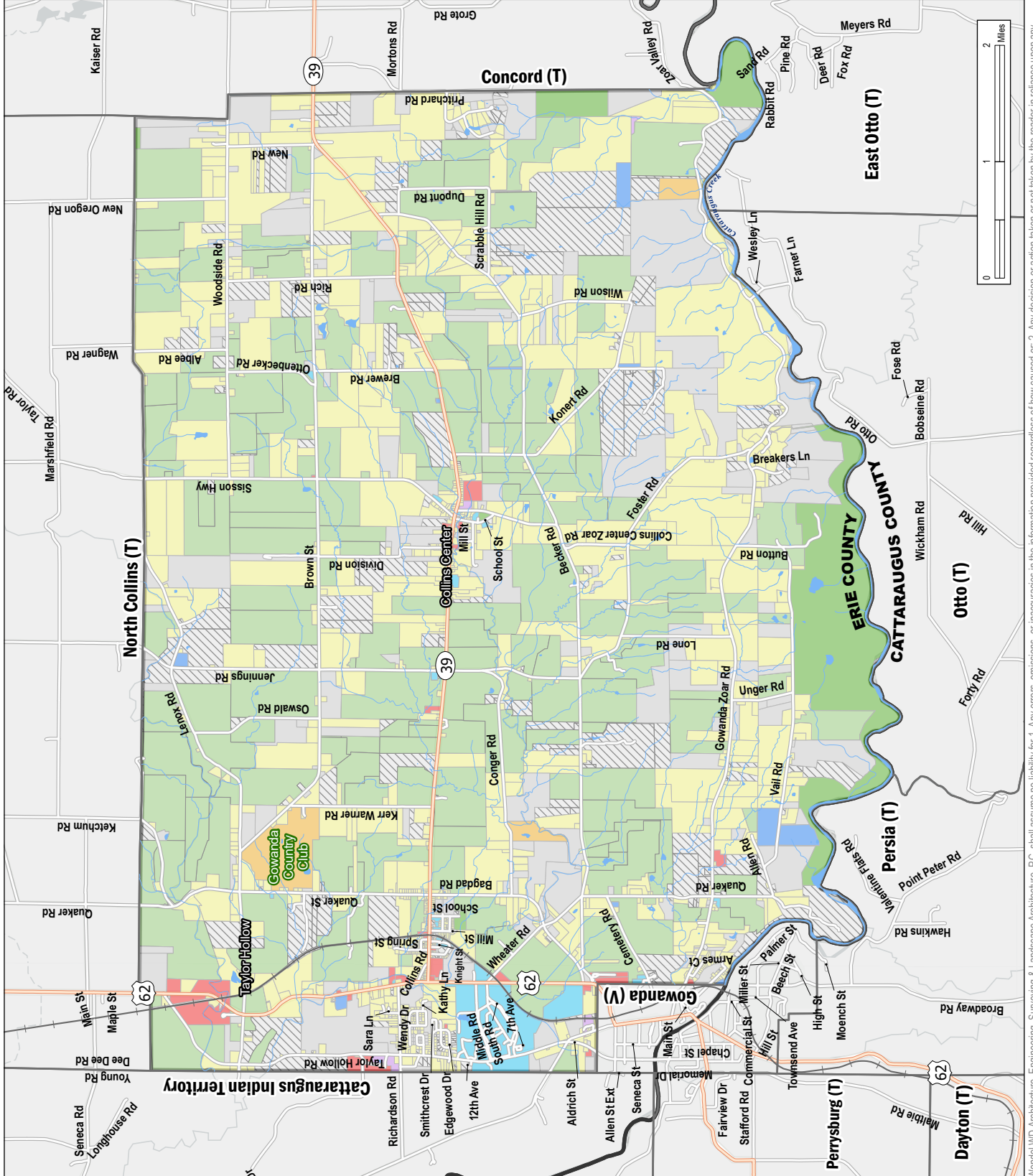


Town of Collins Comprehensive Plan Update Land Use



LEGEND

Land Use (2022)
No Data
Agricultural
Residential
Vacant Land
Commercial
Recreation and Entertainment
Community Services
Industrial
Public Services
Wild, Forested, Conservation Lands and Public Parks



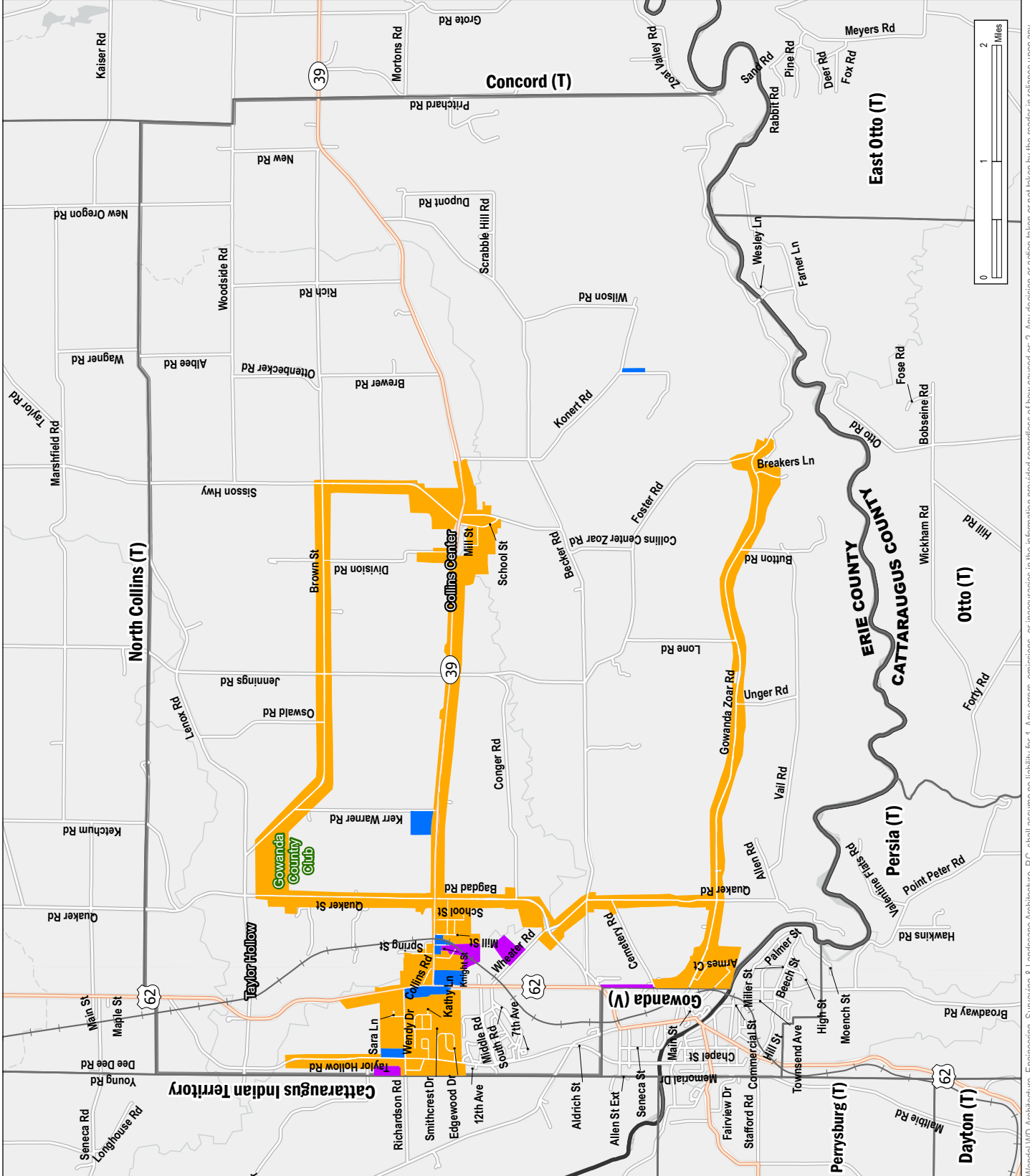
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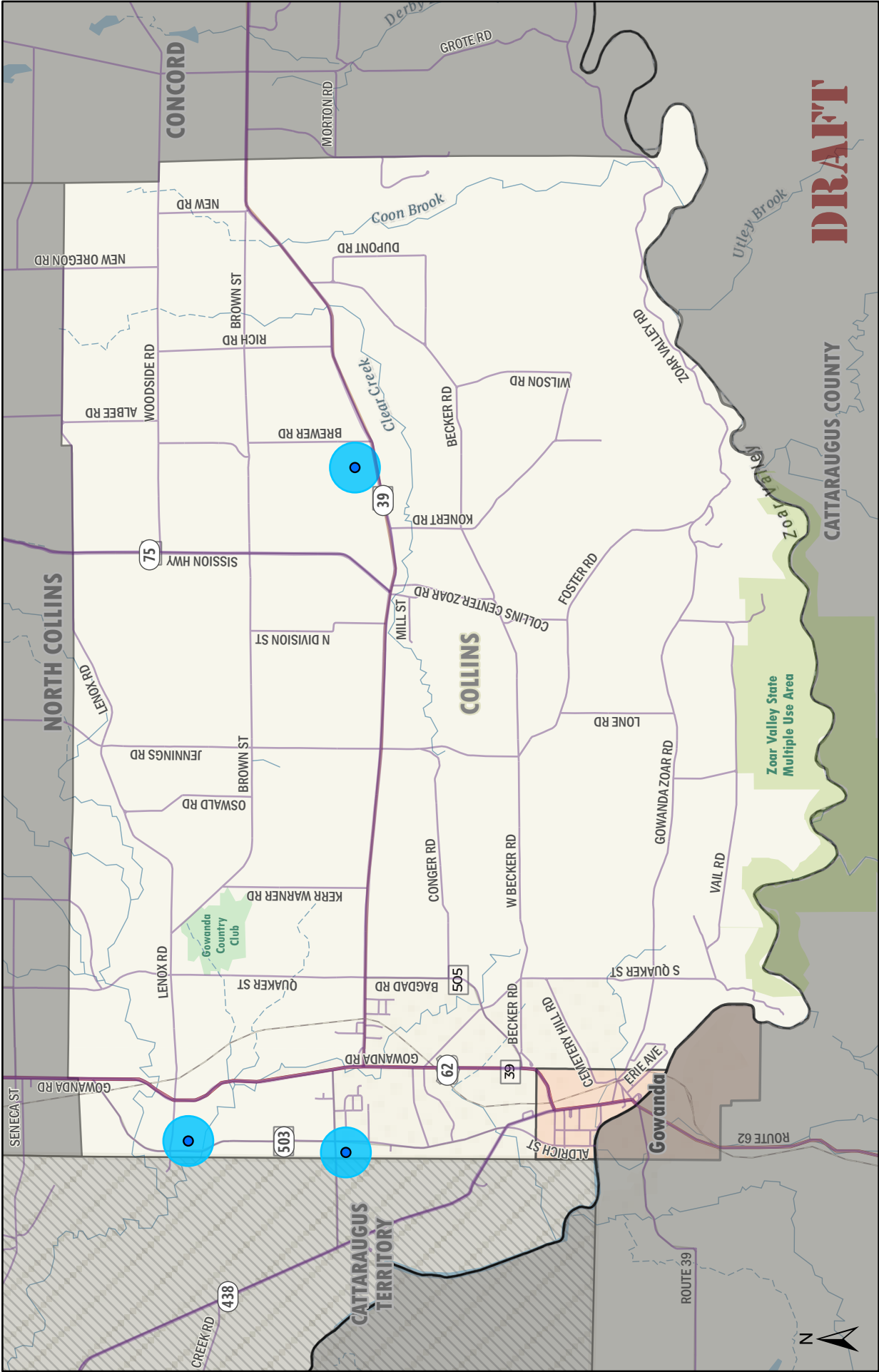
Town of Collins Comprehensive Plan Update Existing Zoning



LEGEND	
Existing Zoning	
Manufacturing	
Commercial	
Residential/ Agriculture	

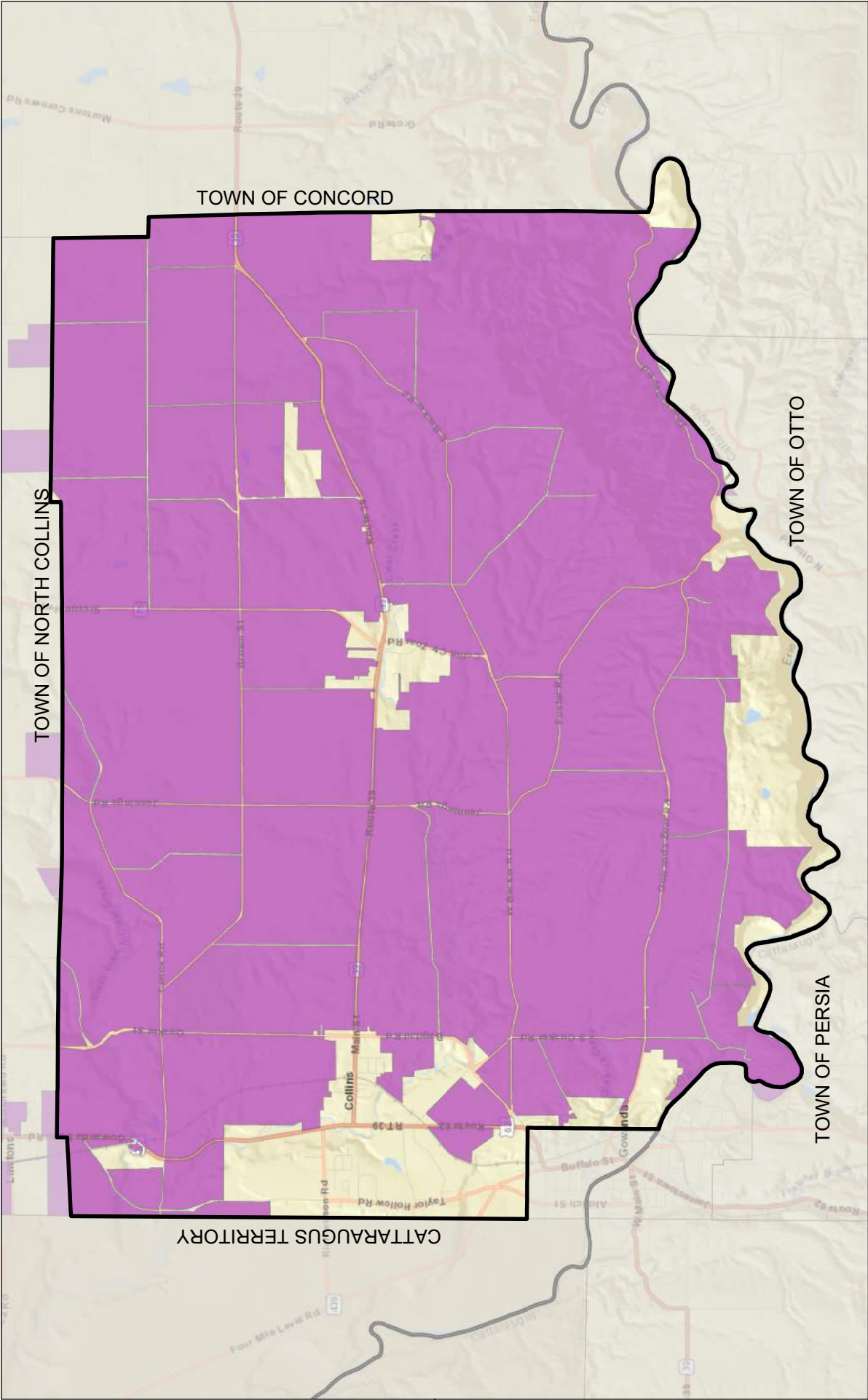


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<p>Town of Collins, Erie County, NY</p> <p>Wellhead Protection Overlay District</p>	<p>Town Well</p> <p>Wellhead Protection Overlay District</p>
<p>MAP ADAPTED FROM THE TOWN OF COLLINS COMPREHENSIVE PLAN AND PREPARED BY THE ERIE COUNTY OFFICE OF GIS, 1/25/2024</p>	<p>0 0.5 1 2 3 4 Miles</p>

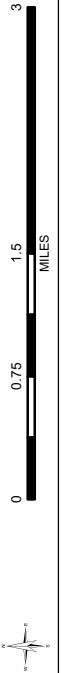
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AGRICULTURAL DISTRICTS
COLLINS, NY

TOWN OF COLLINS COMPREHENSIVE PLAN UPDATE

MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF
ENVIRONMENT & PLANNING BY GATTIS2, 2/3/2023



 Collins  Southwest Agricultural District #8

SOURCE: Erie County Office of Agriculture, 2023.

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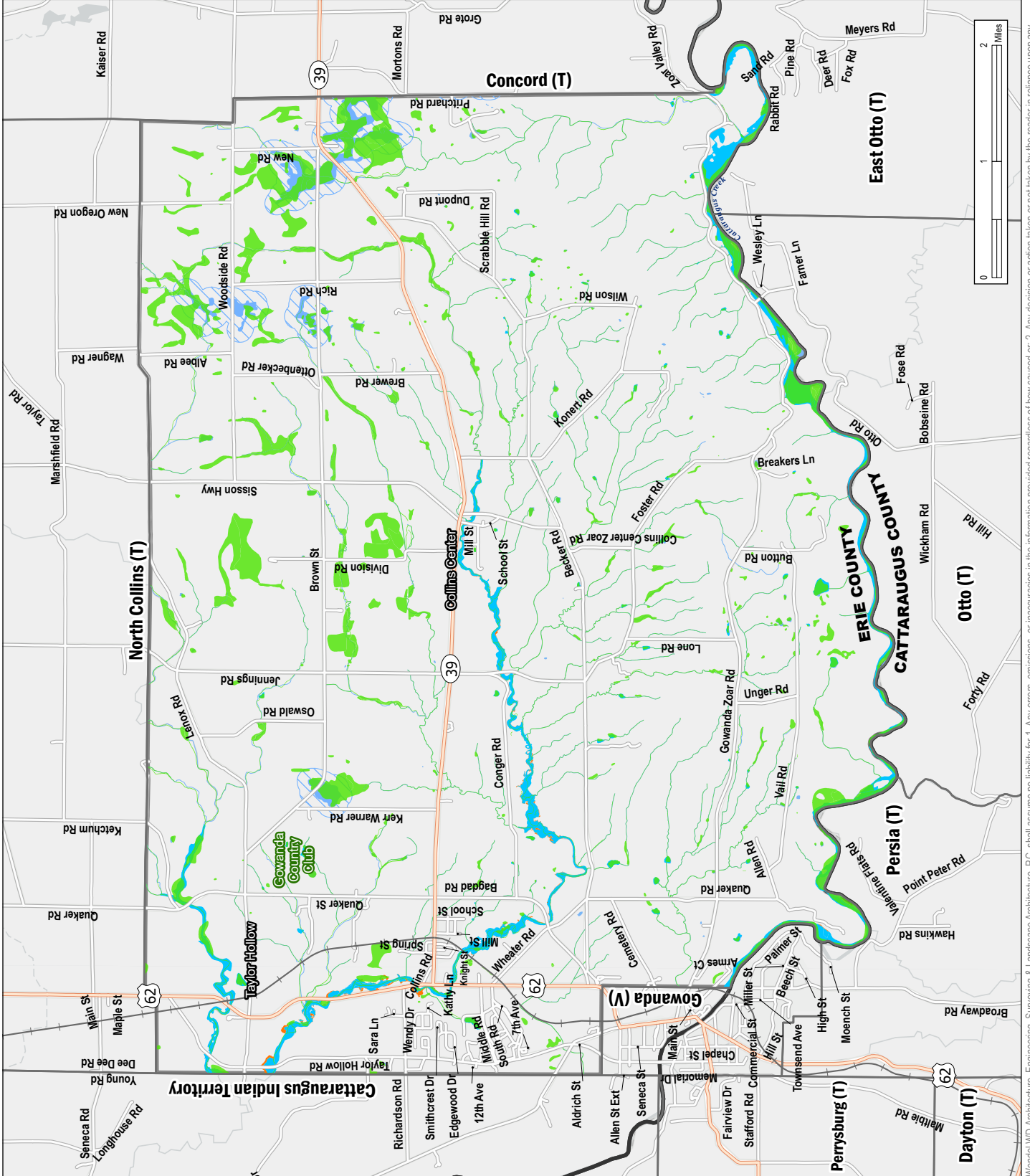


Town of Collins Comprehensive Plan Update Environmental Conditions

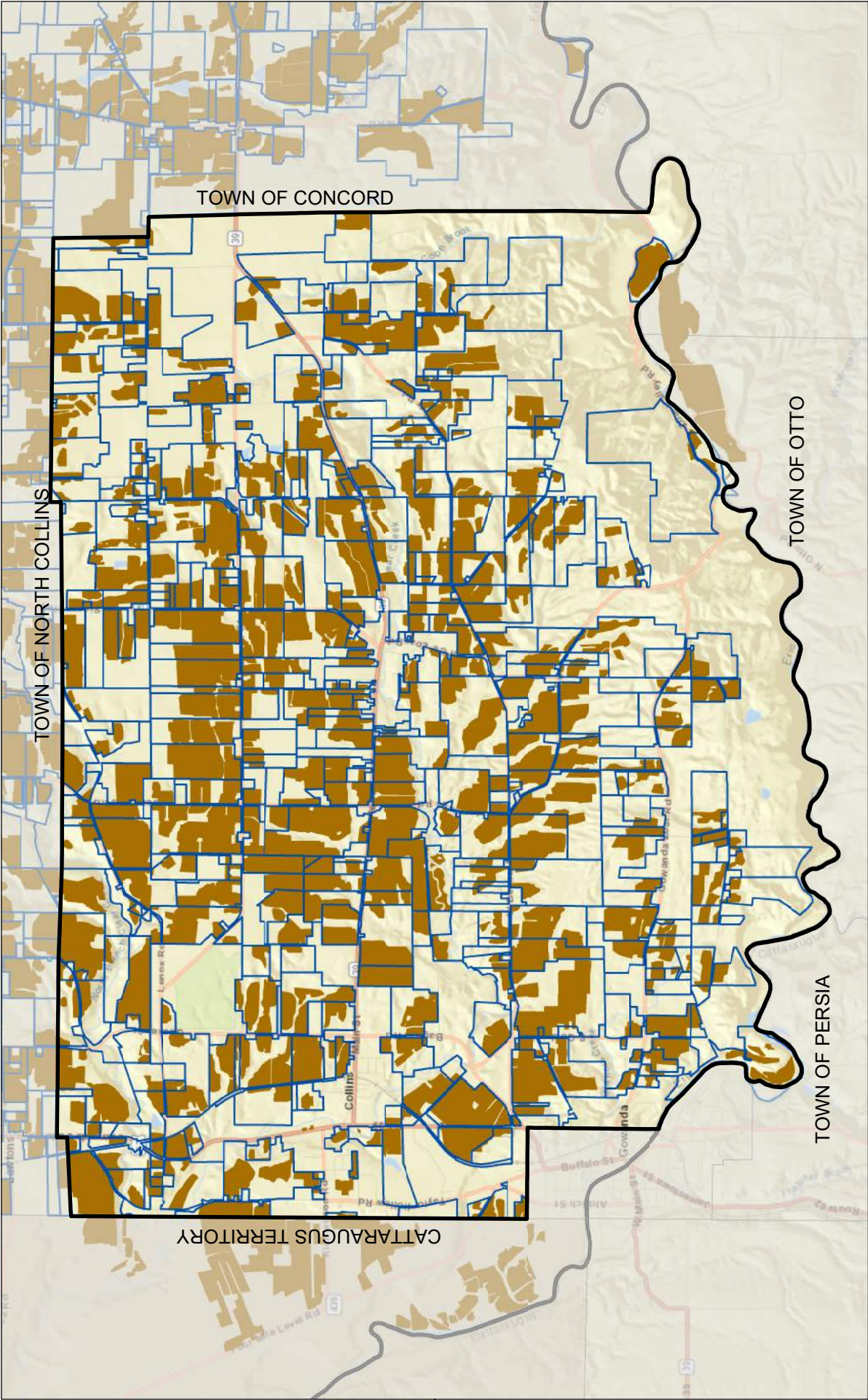


LEGEND

- Federal Wetlands
- State Wetlands
- Wetland
- Checkzone
- FEMA Floodzones
- 100 Year Floodzone
- 500 Year Floodzone



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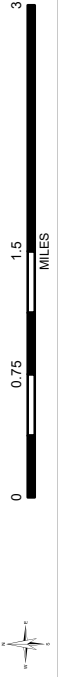
**AGRICULTURAL PARCELS AND
CROPLAND COVERAGE**
COLLINS, NY

TOWN OF COLLINS COMPREHENSIVE PLAN UPDATE

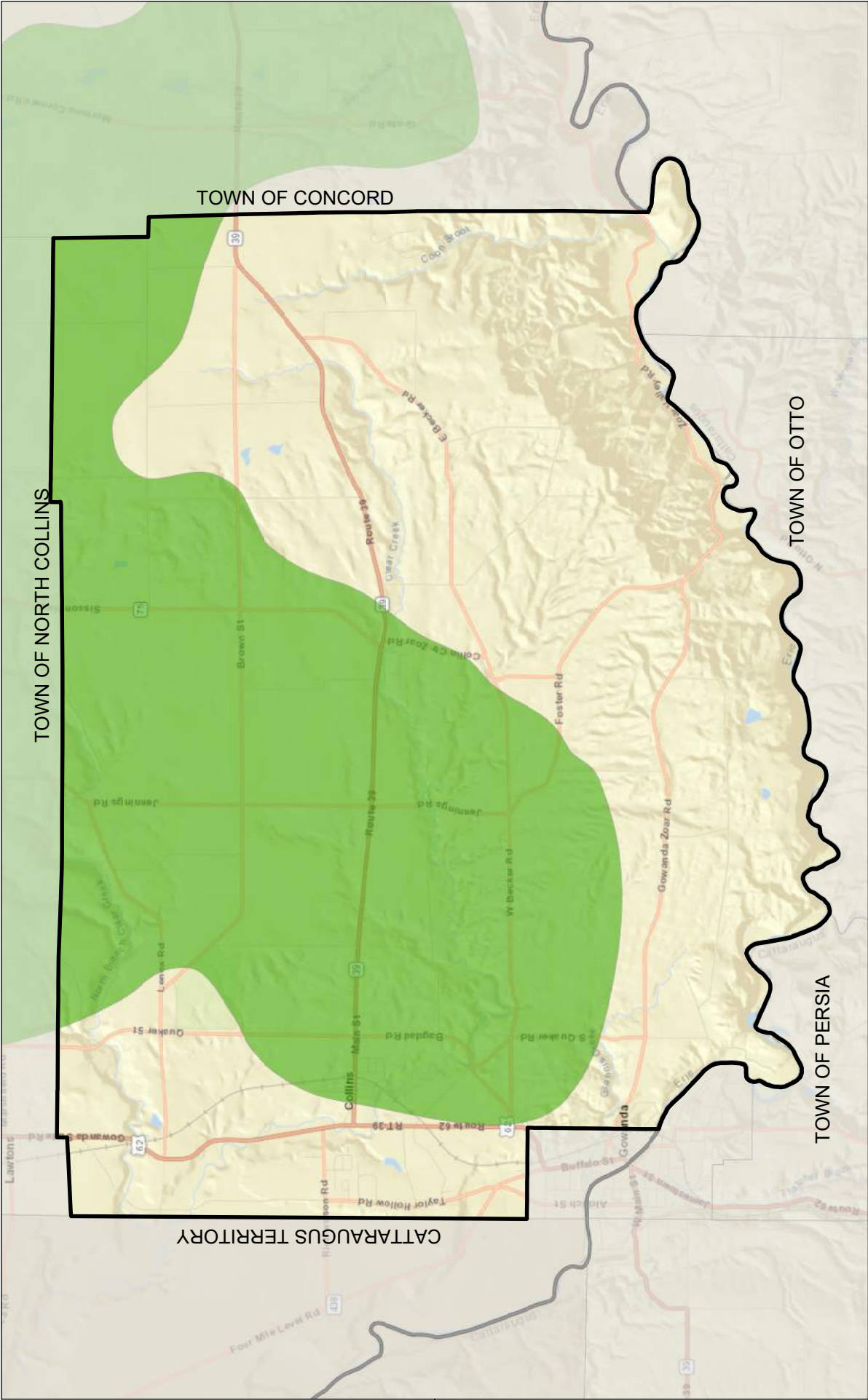


 Agricultural Parcels  Cropland

SOURCE: Erie County Agriculture and Farmland Protection Plan, 2012.



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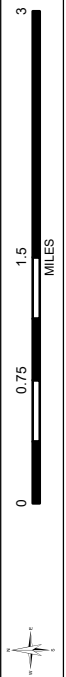
**CLUSTERS OF PARCELS
WITH HIGH AGRICULTURAL
SOILS VALUE**

TOWN OF COLLINS COMPREHENSIVE PLAN UPDATE



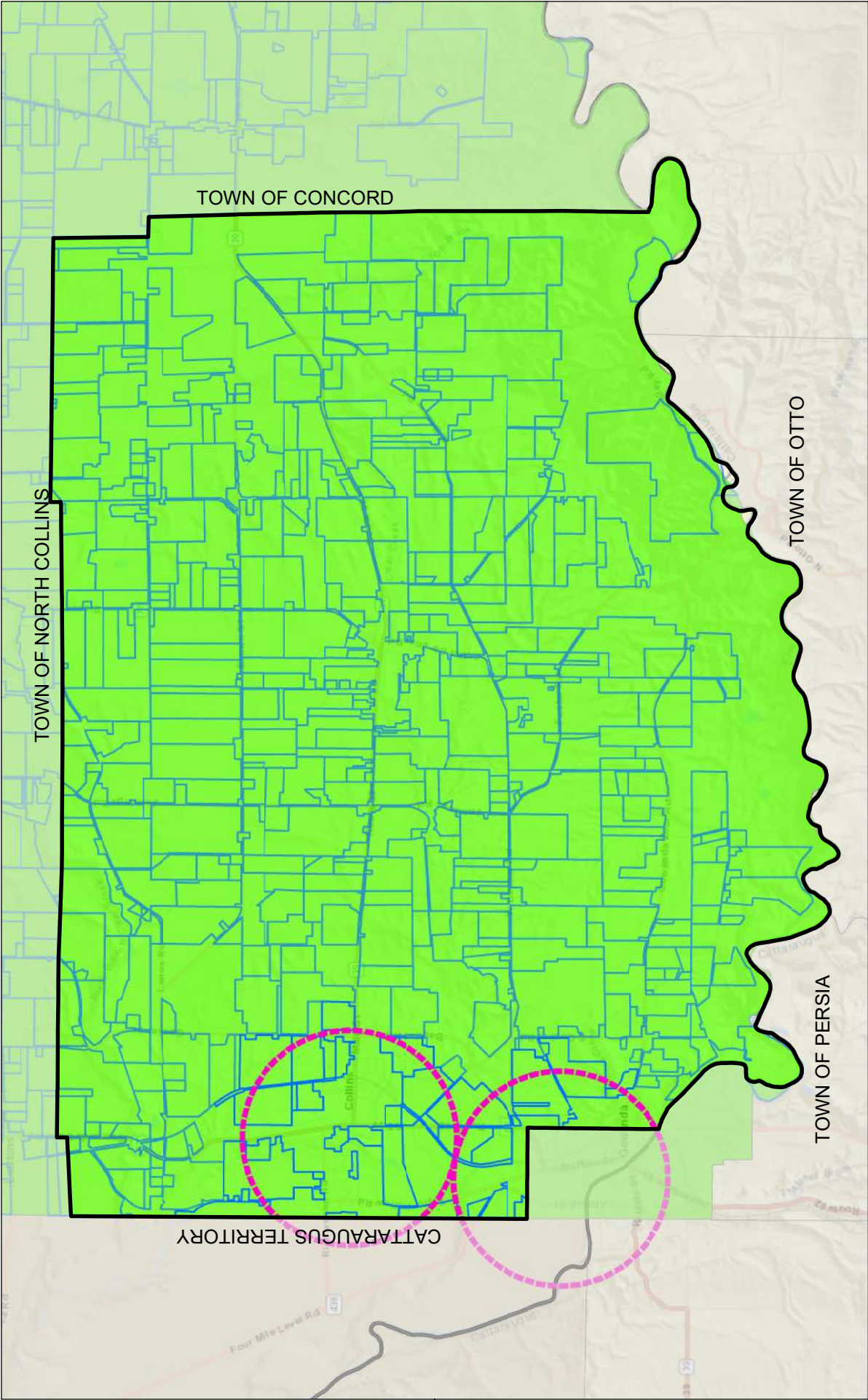
Areas with Clusters of High Agricultural Soils Values

SOURCE: ERIE County agriculture and farmland protection plan, 2012





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
Policy Area

 Rural Areas

 Developing Areas

 Developed Areas

 Centers


 Agricultural Parcels

**FRAMEWORK FOR REGIONAL GROWTH
POLICY AREAS**
COLLINS, NY

TOWN OF COLLINS COMPREHENSIVE PLAN UPDATE

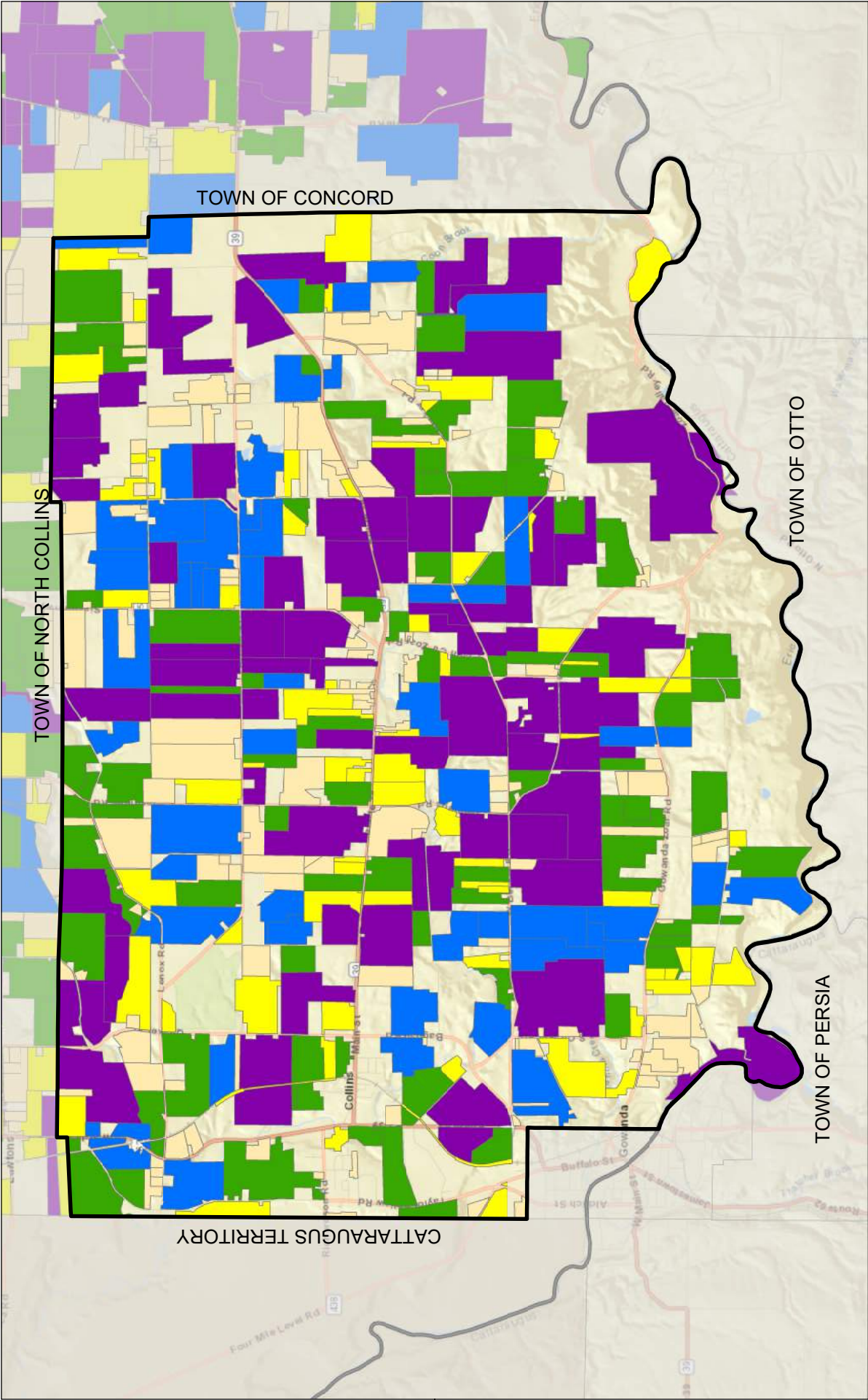
MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF
ENVIRONMENT & PLANNING BY GATTIS2, 2/3/2023

SOURCE: Erie Niagara Framework for Regional Growth, 2006.



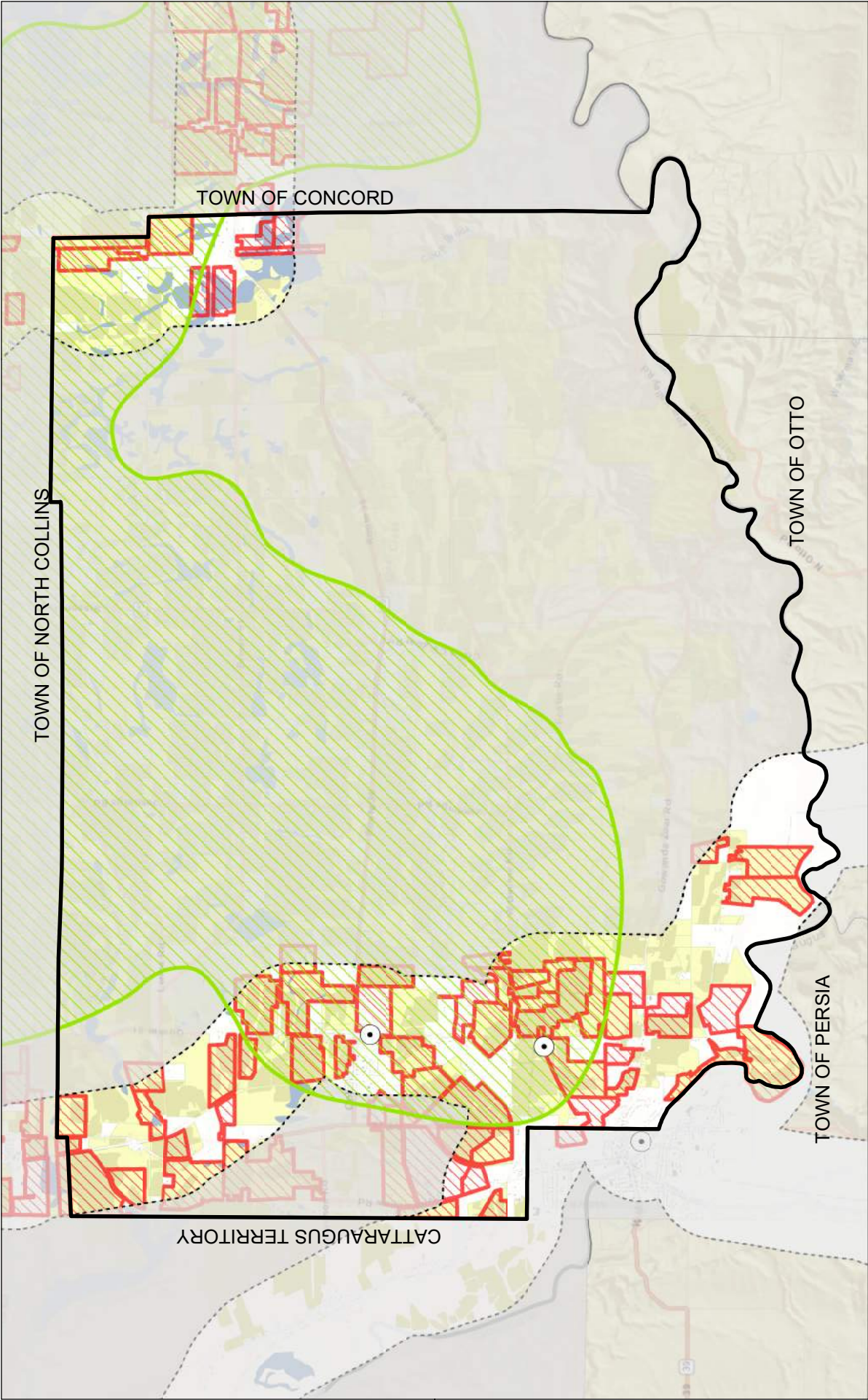
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MILES

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<h3>NATURAL RESOURCE RATINGS</h3> <p>COLLINS, NY</p>	<p>Natural Resources Value</p> <ul style="list-style-type: none"> < 1 acre 1 - 4 4 - 10 10 - 15 > 15 acres <p>* Based* Based on acres within 75 feet of a mapped stream; acres of federal or NYS wetlands, including 100 feet buffer from NYS wetlands. SOURCE: Erie County Agriculture and Farmland Protection Plan, 2012.</p>	<p>TOWN OF COLLINS COMPREHENSIVE PLAN UPDATE</p>	
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SITING STUDY UNDEVELOPED PROPERTIES WITHIN 0.5 MILES OF ELECTRIC TRANSMISSION LINES

TOWN OF COLLINS COMPREHENSIVE PLAN UPDATE

MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 2/3/2023

Vacant or Undeveloped Parcels (per NYS Property Classification Codes)

Portion of Undeveloped Parcel that is Wetland or Structure (does not meet criteria)

Substation

Electric Transmission Line

Half Mile from Electric Transmission Line

Cluster of High Agricultural Soils Values

Wetland (State or Federal)

Cropland

Ag Parcel

0 0.75 1.5 3 MILES

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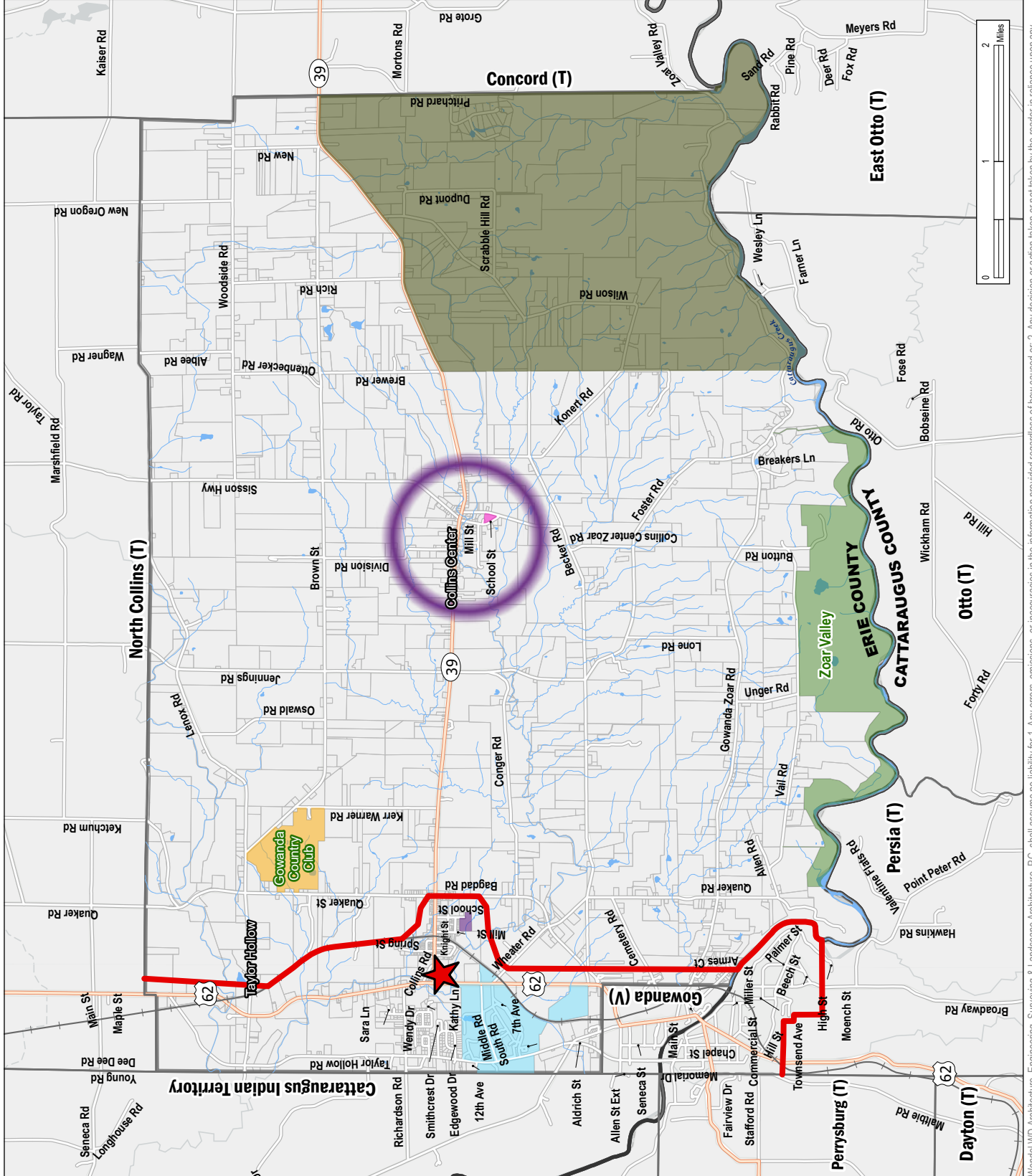


Town of Collins Comprehensive Plan Update Vision Map



LEGEND

- Parcels (2022)
- Wayfinding
- Gateway
- Waterway
- Hamlet Area
- Zoar Valley
- Collins Center Town
- Park
- Collins Town Park
- Community Facilities
- Forest Lands
- Recreation





Town of Collins

Appendices



- Appendix A: Draft Solar Law***
- Appendix B: Draft BESS Law***
- Appendix C: ORES 94-C Regulations***
- Appendix D: Erie County Ag Data Statement Form***
- Appendix E: Buffalo and Erie County Local Food Action Plan***
- Appendix F: RPTL Section 485-b Regulations***
- Appendix G: Section 108 Loan Guarantee Program Overview***
- Appendix H: Public Information Meeting Agenda***
- Appendix I: Public Information Meeting Flyer***
- Appendix J: Public Information Meeting (Meeting Minutes)***

Appendix A

AMEND THE TOWN OF COLLINS SOLAR ENERGY SYSTEMS LAW BY REPLACING THE EXISTING LAW WITH THE FOLLOWING:

§ 305-45.1. Solar energy systems.

A. Authority. This Zoning for Solar Energy Law is adopted pursuant to §§ 261 through 263 of the Town Law of the State of New York, which authorize the Town of Collins to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and "to make provision for, so far as conditions permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore."

B. Purpose.

- 1) It is in the public interest to provide for and encourage renewable energy systems. The purpose of this chapter is to facilitate the development and operation of renewable energy systems based on sunlight.
- 2) However, the Town of Collins recognizes a growing need to properly site energy systems within the Town to protect agricultural, residential, and business areas and to protect the health, safety, and general welfare of the citizens of Collins.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

APPLICANT — Any person or entity filing an application and seeking approval under this section. When the term "applicant" or "owner" or "operator" is used in this section, said term shall include any person acting as an applicant, owner, or operator.

BUILDING-INTIGRATED PHOTOVOLTAIC (BIPV) (Tier 1 system)— A combination of photovoltaic building components integrated into any building envelope system, such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM (Tier 2 system) — A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure for the primary purpose of producing electricity for on-site consumption.

LARGE- SOLAR ENERGY SYSTEM (Tier 3 system) — Solar energy systems of less than 20 acres in size (within the fenced in area) located on land primarily to convert solar energy into electricity for off-site energy consumption. The intent of this energy system is to supply energy into a utility grid for sale to the general public.

NON-PARTICIPATING PROPERTY — a property that is not affiliated with a Solar Energy System project in any contractual way related to the solar project.

PARTICIPATING PROPERTY — A property that is being leased for solar usage, or a property that has an agreement or lease related to the solar project.

PFAS (Perfluoroalkyl and Polyfluoroalkyl Substances) — A group of chemicals used to make fluoropolymer coatings and products, which pose an environmental concern as they do not break down in the environment, can move through soils and contaminate drinking water sources, and bioaccumulate (build up) in fish and wildlife, and therefore may be hazardous to human health.

ROOF-MOUNTED SYSTEM — A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for on-site or off-site consumption.

SOLAR ENERGY EQUIPMENT — Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM — An electrical generating system composed of a combination of both solar panels and solar energy equipment.

SOLAR PANEL — A photovoltaic device capable of collecting and converting solar energy into electrical energy.

UTILITY SCALE SOLAR ENERGY SYSTEM (Tier 4) – A solar energy system not meeting the definition of a Tier 1, 2 or 3 system.

- D. Applicability. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this section, excluding general maintenance and repair and building-integrated photovoltaic systems.
- E. Districts where permitted.
 - 1) Rooftop-mounted and Building Integrated Photovoltaics solar energy systems (Tier 1) are permitted in all zoning districts in the Town of Collins.
 - 2) Ground-mounted systems (Tier 2) are permitted in all zoning districts as accessory structures.
 - 3) Large-scale systems (Tier 3) are permitted only in the Residential-Agricultural (RA) District, with restrictions as noted in the following sections.
 - 4) Utility Scale (Tier 4) are permitted only in the Residential-Agricultural (RA) District, with restrictions as noted in the following sections.
- F. General regulations. The placement, construction, and major modification of all solar energy systems within the boundaries of the Town of Collins shall be permitted only as follows:
 - 1) Rooftop-mounted solar energy systems upon issuance of a building permit based on application information supplied to the Town's Code Enforcement Officer.
 - 2) Ground-mounted solar energy systems upon issuance of a building permit based on application information supplied to the Town's Code Enforcement Officer.
 - 3) Large- scale solar energy systems (Tier 3) will require a special use permit and site plan approval in addition to the requirements set forth in this section. These projects will require the completion of SEQR and may require a 239-m referral to Erie County.
 - 4) Utility scale solar energy systems (Tier 4) will require a special use permit and site plan approval in addition to the requirements set forth in this section. These projects will require the completion of SEQR and may require a 239-m referral to Erie County.
 - 5) All solar energy systems shall adhere to all applicable federal, state, county, and Town of Collins laws, regulations, and building, plumbing, electrical, and fire codes.

- 6) No element of the solar energy system shall reflect sunlight as glare or glint onto a neighboring property, public right-of-way, or aircraft flight path.
- 7) Tier 3 and 4 systems may be eligible for a Solar Energy System PILOT and will require a Host Community Agreement as determined by the Town Board.

G. Roof-mounted solar energy systems.

- 1) Height. Solar energy systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
- 2) Aesthetics. Roof-mounted solar energy system installations shall incorporate, when feasible, the following design requirements:
 - a. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.
 - b. Panels must be quick release panels for fire-fighting purposes.

H. Ground-mounted solar energy systems. Ground-mounted solar energy systems shall be subject to the following requirements:

- 1) Ground-mounted solar energy systems that use the electricity primarily on site are permitted as accessory structures in the Town of Collins.
- 2) Location shall be no closer than twice the standard setback requirements for an accessory structure in which the system is located.
- 3) Location of the system shall be only in the side or rear yard.
- 4) Orientation of the said solar energy system shall not be pointed at any adjoining residential dwelling.
- 5) Systems are limited to 50% for lot coverage. The surface of ground-mounted solar panels shall be included in lot coverage and impervious surface calculations.

I. Large- scale solar energy systems (Tier 3) and Utility- scale solar energy systems (Tier 4) are permitted through the issuance of a special use permit within the Residential Agricultural (RA) District in the Town of Collins, as restricted and limited below:

Tier 3 limitations:

- 1) Tier 3 systems are restricted (not allowed) in the Wellhead Protection Overlay, or within 500 feet of a gas well. They are also restricted within 500 feet from the gateway area as denoted on the Vision Map.

Tier 4 limitations:

- 1) Tier 4 Solar Energy Systems have all the same restrictions and requirements as Tier 3 systems, but with the following additional or modified restrictions and requirements. These additional restrictions and requirements are due to the potential significant impacts that occur for these utility-scale projects.

- 2) Tier 4 systems are restricted (not allowed) on any properties/lands within 1000 feet of Cattaraugus Creek.

J. Agricultural Impacts and limitations (Tier 3 and 4 systems)

- 1) Applications for Tier 3 and Tier 4 systems must include information on the agricultural operations occurring on the proposed site and in the area (Agricultural data statement and other information as determined by the Town) and information on the soils on the proposed site (Prime Farmland soils or Statewide Important Soils and Mineral Soils Group 1-4).
- 2) Systems must be laid out to avoid Prime and Statewide Important soils and if impacting these soils are limited to impacting 25 percent of those soils on the entire parcel.

K. Large-scale systems (Tier 3) and Utility-scale systems (Tier 4) shall adhere to the following height and setback requirements. Additional restrictions may be imposed during the special use permit process.

- 1) Tier 3 systems and Tier 4 systems shall adhere to the following height and setback requirements. Additional restrictions may be imposed during the special use permit process. .
 - a. Front yard setback: 300 feet (measured from the road ROW to the fence surrounding the panels and equipment)
 - b. Side yard setback (non-participating property): 100 feet (measured from the property line to the fence surrounding the panels and equipment)
 - c. Side yard setback (participating property): 20 feet (measured from the property line to the fence, or if no fence, the panels)
 - d. Rear yard setbacks shall be the same as side yard setback requirements:
 - e. Setbacks from residential structures (on non-participating property): 500 feet
 - f. Setback from existing residential structures (on participating property): 100 feet
- 2) Large-scale systems (Tier 3) shall be located only on lots with a minimum size of 10 acres. Utility-scale systems (Tier 4) shall be located on lots with a minimum size of 50 acres.
- 3) Lot coverage. Tier 3 and 4 systems are limited to 50% for lot coverage. Lot coverage is based on the fenced in area of the system.
- 4) All large-scale and utility scale solar energy systems shall be enclosed by fencing to prevent unauthorized access. The presence of site fencing has the potential to present a barrier to wildlife movement and may result in habitat fragmentation. Habitat fragmentation greatly decreases interior habitat and species. The Town and/or the NYSDEC may require gaps in fencing to allow for the movement of wildlife. Warning signs with the owner's contact information shall be placed on the entrance and the perimeter of the fencing. The height and type of fencing shall be determined by the special use permit process. The special use permit shall also determine the size and location of perimeter signage.
- 5) On-site electrical interconnection lines and distribution lines shall be placed underground, unless otherwise required by the utility.
- 6) The removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar installation (and limits of disturbance must be shown on the

site plan drawings).

- L Emergency Operations Plan. For Tier 3 and 4 Systems, a copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
- 1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - 2) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - 3) Procedures to be followed in response to notifications from the Solar Energy System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service, and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - 4) The property must be inspected after a National Weather Service designation of a Severe Weather Watch or Severe Weather Warning to ensure that the property did not sustain damage. Report to be filed with Town Planning Board.
 - 5) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and/or extinguishing the fire.
 - 6) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - 7) Procedures for dealing with solar energy system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged solar energy system equipment from the facility. System owner shall provide guaranteed non-emergency and emergency response times of a qualified subject matter expert to the Town Hall and local first responders. Emergency response times shall not exceed 30 minutes.
 - 8) Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders, that shall include but not limited to a smoke plume test for evacuation purposes. All smoke plume test findings shall be made public.
 - 9) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures. Training of local first responders shall be done bi-annually. Training in a classroom setting shall be done annually in the winter and an onsite training session shall be done annually in the spring. This training shall include local and mutual aid first responders.
 - 10) The system owner shall notify the local Fire Department, County Emergency Management office and the Town Hall at least 1 week prior to any scheduled maintenance .

- 11) In the event of a fire, all contaminated soil must be removed and disposed of properly, in accordance with all applicable laws.

M. Visual Impacts:

1) Solar Energy Systems larger than 5 acres shall be required to:

- a. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, may be required to be submitted by the applicant.
 - b. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical, from public roadways and adjacent properties to the extent feasible at the start of activation. The Planning Board will in good faith determine the adequacy of these measures in its sole and absolute discretion.
 - c. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The landscaped screening shall be comprised of a minimum of 1 evergreen tree, at least 8 feet high at time of planting, plus 2 supplemental shrubs at the reasonable discretion of the Town Planning Board, all planted within each 10 linear feet of the Solar Energy System. Existing vegetation on the subject property may be used to satisfy all or a portion of the required landscaped screening. A list of suitable evergreen tree and shrub species shall be provided by the applicant for the Town to review. This minimum screening requirement will be reduced if adjoining properties are participating properties. Every effort should be made to plant native trees and shrubs to preserve the character of the area and support local wildlife. The contractor in conjunction with a local nursery should recommend shrub screening for planning board approval.
- 2) For all Tier 3 and Tier 4 projects, the recommendations of a landscape architect are required. The Planning Board will require that Tier 3 and Tier 4 systems involving complex or sensitive visual and/or aesthetic concerns be approved by a NYS registered landscape architect of the Town's choice.
- 3) For any buildings or structures (not panels) to be placed on the site, the applicant shall be required to submit plans illustrating how these structures will blend into the character of the area. For example, any buildings can be made to look like agricultural structures such as barns.

- N. Hazardous Materials: The Tier 3 or 4 project components shall not contain any hazardous materials that could contaminate soils, groundwater, or the air by their release (units shall not contain cadmium or other hazardous substances, such as PFAS). Specific material data information/specifications (SDS/MSDS sheets) shall be submitted on all components of the project. The applicant must ensure that no harmful chemicals will be leaked into the soils over the life of the project. For certain components of the project, information on spill containment

systems will need to be provided. This required information shall be reviewed by the Planning Board, their consultants and the Fire Department. This information must also be provided with the building permit (in case materials or equipment has changed).

O. Special use permit requirements.

1) The applicant for a special use permit must provide the following information:

- a. Verification of utility notification. Foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
- b. Name and address and contact information of the applicant, property owner(s), and agent submitting the proposed project.
- c. If the property of the proposed project is to be leased, legal consent among all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- d. Application to the Town of Collins Planning Board must be made and site plan approval granted from that Board.
- e. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- f. A property operation and maintenance plan are required, describing continuing photovoltaic maintenance and property upkeep, including mowing, trimming, etc.
- g. The Town of Collins may impose conditions on its approval of any special use permit under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
- h. Payment-In-Lieu-Of-Taxes (PILOT) agreement and Host Community Agreement (HCA), permitted per RPTL 487

2) Further, the Collins Town Board reserves the right to submit all plans, drawings, documents, etc., to an engineering firm of its choosing for review, with the costs of said review to be the responsibility of the applicant or his/her representative(s).

P. Decommissioning Plan

- 1) To ensure proper removal of large-scale or utility-scale systems, a decommissioning plan shall be required. The plan is to include removal of all infrastructures and the remediation of soil and vegetation back to its original state prior to construction, unless otherwise permitted. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer or licensed contractor. Inflation shall be taken into account in the cost estimates.
- 2) Further, the Collins Town Board reserves the right to submit all plans, drawings, documents, etc., to an engineering firm of its choosing for review, with the costs of said review to be the responsibility of the applicant or his/her representative(s).

Q. Procedures and fees.

- 1) Revocation. If the applicant violates any of the conditions of its special use permit or building permit or site plan approval or violates any other local, state or federal laws, rules or regulations, this shall be grounds for revocation of the special use permit or site plan approval. Revocation may occur after the applicant is notified, in writing, of the violations.
- 2) Time limit on completion. Upon receipt of any required approval by the Collins Town Board, the applicant shall have six months to apply for a building permit. After issuance of a building permit, the applicant shall have six months to begin the project and 12 months to complete the project. Upon receipt of any required approval by the Collins Town Board, the applicant shall have 12 months to begin the project before those approvals lapse. Prior to the lapse of any approvals, the applicant may, for just cause, apply by written request to the Town Board for an extension to this timeline.
- 3) Large-scale (Tier 3) and Utility-scale (Tier 4) solar energy systems. An applicant shall pay an initial application fee of such amount as the Town Board may, from time to time, determine by resolution, upon filing its special use permit and site plan application to cover the cost of processing and reviewing the application.
 - a. Fee for issuance of a building permit: In addition to any special use permit application fee, an applicant shall pay a building permit fee for large-scale and utility-scale solar energy systems of such amount as the Town board may, from time to time, determine by resolution.

R. Utility Grade Solar Energy System (Tier 3 and 4) Liability Insurance

- 1) The Holder of a Special Use Permit for a Solar Energy System shall agree to secure and maintain for the duration of the permit, public liability insurance as follows:
 - a) Commercial general liability covering personal injuries, death and property damage: \$10,000,000 per occurrence (\$20,000,000 aggregate) which shall specifically include the Town of Collins and its officers, councils, employees, attorneys, agents and consultants as additional named insured;
 - b) Umbrella coverage: \$10,000,000.
- 2) Insurance Company: The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with at least a Best's rating of "A".
- 3) Insurance Policy Cancellation: The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town of Collins with at least thirty (30) days prior written notice in advance of cancellation.
- 4) Insurance Policy Renewal: Renewal or replacement policies shall be delivered to the Town of Collins at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- 5) Copies of Insurance Policy: No more than fifteen (15) days after the grant of the permit and before construction is initiated, the permit holder shall deliver to the Town of Collins a copy of each of the policies or certificates representing the insurance in the required amounts.

- 6) Certificate of Insurance: A certificate of insurance states that it is for informational purposes only and does not confer sufficient rights upon the Town of Collins shall not be deemed to comply with this Law.
- 7) Indemnification: Any application for a Solar Energy System within the Town of Collins shall contain an indemnification provision. The provision shall require the Applicant/Owner/Operator to at all times defend, indemnify, protect, save, hold harmless and exempt the Town of Collins and its officers, councils, employees, attorneys, agents and consultants from any and all penalties, damages, costs or charges arising out of any and all claims, suits, demands, causes of action or award of damages whether compensatory or punitive, or expenses arising therefrom either at law or in equity which might arise out of or are caused by the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of said Solar Energy System, excepting however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town of Collins or its employees or agents. With respect to the penalties, damages, or changes referenced herein, reasonable attorneys' fees, consultant' fees and expert witness fees are included in those costs that are recoverable by the Town of Collins.

S. Abandonment and decommissioning.

- 1) Solar energy systems are considered abandoned after one year without electrical generation and must be removed from the property. Applications for extensions are reviewed by the Planning Board for a period of one year.
- 2) The Collins Town Board reserves the right to require a form of surety through escrow or bond, or the equivalency of, prior to the commencement of construction to cover the cost of decommissioning the site.
- 3) If the utility-scale solar energy system is not decommissioned after being considered abandoned, the Town of Collins may remove the system and restore the property in accordance with the decommissioning plan by utilizing the decommissioning bond, and/or imposing a lien on the property to cover all the costs.

T. Enforcement. Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Collins.

U. Severability. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned section as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in force and effect.

Appendix B

3/29/24

LOCAL LAW # X _____ - 2024

Be it Enacted by the Town Board of the Town of Collins as Follows.

Section 1. Chapter 305, Zoning, of the Code of the Town of Collins, is hereby amended to add a new Article, entitled “**Battery Energy Storage System**” as follows:

“Article
Battery Energy Storage System

§305-xxx Authority and purpose.

- A. Authority. This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); sections 261-263 of the Town Law section 10 of the Municipal Home Rule Law of the State of New York, which authorize the Towns to adopt zoning provisions that advance and protect the health, safety and welfare of the community.
- B. Statement of purpose. This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of the Town of Collins by creating regulations for the installation and use of battery energy storage systems, with the following objectives:
1. To provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of battery energy storage systems.
 2. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems.
 3. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources.
 4. To protect the public health and safety of the residents of the Town of Tonawanda.
 5. To regulate the development of Battery Energy Storage Systems in accordance with the Town’s Comprehensive Plan.

§215-185 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ANSI: American National Standards Institute

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1, Tier 2 (Tier 2A and 2B) or Tier 3 Battery Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. These are accessory uses to a principal use and are intended for energy use by the principal use and do not exceed storage of 110% of two-days' of energy for the user (as determined by the Town Building Department).
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area (a Tier 2A system) or in an outdoor area (a Tier 2B system). These are accessory uses to a principal use and are intended for energy use by the principle use and do not exceed storage of 110% of two-days' of energy for the user (as determined by the Town Building Department).
- C. Tier 3 Battery Energy Storage Systems (Utility Grade system) are systems that are designed independent of a User, with a purpose to store energy and then put that energy back into the power grid. They can be an accessory or primary use on a site. They also include any system not meeting the definition/requirements of a Tier 1 or Tier 2 system.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

- A. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- B. No other occupancy types are permitted in the building.
- C. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- D. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:

1. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
2. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY: Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE: Any residence located on Non-participating Property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UL: Underwriters Laboratory, an accredited standards developer in the US.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

§215-186 Applicability.

- A. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in Town of Collins after the effective date of this Local Law, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of

this Local Law shall not be required to meet the requirements of this Local Law.

- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

§215-187 General Requirements.

- A. A building permit, an electrical permit and potentially an operating permit shall be required for installation of all battery energy storage systems.
- B. Issuance of permits and approvals by the Collins Town Board or Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”)].
- C. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town Code.
- D. Fees: Fees as set by the Town Board periodically by resolution must be paid at the time of submission of an application for site plan approval, Special Use permit, a building permit, for an amended building permit, or for renewal of a building permit. The applicant, for Tier 2 or 3 projects, may also be required to pay the costs of the Town’s engineers and attorneys or outside professional consultants for time spent reviewing and analyzing the application.

§215-188 Permitting Requirements for Tier 1 Battery Energy Storage Systems.

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code, all other applicable Codes and the “Battery Energy Storage System Permit,” and are exempt from site plan review.

§215-189 Permitting Requirements for Tier 2 (2A and 2B) Battery Energy Storage Systems.

Tier 2A Battery Energy Storage Systems are located within a structure shall be permitted in all zoning districts, subject to the Uniform Code, all other applicable Codes, the “Battery Energy Storage System Permit,” and an Operating Permit, and are exempt from site plan review.

Tier 2B Battery Energy Storage System is located exterior of the primary building on-site and shall be permitted through the issuance of site plan approval within all zoning districts except any residential zoning districts (those districts where residential is allowed) and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section. Tier 2B Battery Energy Storage Systems associated with a Solar or Wind Energy project shall also only be allowed in conformance with the Town laws associated with these type projects (only allowed in the Zoning Districts that allow a solar and/or wind project).

Applications for the installation of a Tier 2B Battery Energy Storage System have the following requirements:

- A. They shall be reviewed by the Code Enforcement Officer for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Any deficiencies in the application must be addressed prior to substantive review.
- B. They shall be referred to the County Planning Board pursuant to General Municipal Law § 239-m, if required.
- C. The Planning Board shall take action on the application after the SEQR process is completed, which can include approval, approval with conditions, or denial.
- D. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
- E. Signage.
 - 1. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
 - 2. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- F. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties. In accordance with Town Law, there shall be no light spillage onto adjoining properties.
- G. Vegetation and tree cutting. Areas within ten feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth in accordance with all applicable codes. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
- H. Noise. The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 45 dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers

noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

I. Decommissioning

1. Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan may be required to include the following (Planning Board or Town Board to determine the extent of this plan depending on size and location of the installation):
 - a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, ancillary equipment and below ground infrastructure, security barriers, and transmission lines from the site.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. The anticipated life of the battery energy storage system.
 - d. The estimated decommissioning costs and how said estimate was determined.
 - e. The method of ensuring that funds will be available for decommissioning and restoration.
 - f. The method by which the decommissioning cost will be kept current.
 - g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
 - h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

J. Site plan application. For a Tier 2B Battery Energy Storage System the site plan application shall include the following information:

1. Property lines and physical features, including roads, for the project site.
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
3. A one- or three-line (as determined by the Town) electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

4. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
5. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
6. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
7. Zoning district designation for the parcel(s) of land comprising the project site.
8. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Town prior to final inspection and approval and maintained at an approved on-site location.
9. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
10. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
11. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established in the Town of Collins and by the Town Board through the approval process.
12. Prior to the issuance of the building permit, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.
13. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

- b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

K. Additional Standards (Tier 2B projects).

1. Setbacks. Tier 2B Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures, or as prescribed in the following paragraphs, whichever is greater.
 - a. Shall not be placed in the front yard.
 - b. Shall be setback a minimum of 20 feet from any side yard or rear yard if abutting a non-residential district.
 - c. Shall be setback a minimum of 50 feet from a side yard or rear yard abutting any residential district or a residential use.
2. Height. Tier 2B Battery Energy Storage Systems shall comply with the building height limitations for accessory structures of the underlying zoning district, or as required by the Fire Code.
3. Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports, or as otherwise required by any Federal, State or local laws or codes.
4. Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using

architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

§215-190 Permitting Requirements for Tier 3 Battery Energy Storage Systems.

Tier 3 Battery Energy Storage Systems are permitted only in the Manufacturing zoning district through the issuance of a special use permit and site plan approval, and shall be subject to the Uniform Code and the site plan application requirements set forth in the Tier 2B Section, with the below additional requirements, and other applicable sections of these regulations and the Town Code.

A. Special Use Permit Standards (Tier 3 projects).

1. **Setbacks.** Tier 3 Battery Energy Storage Systems (as measured from the fence line) shall be setback a minimum of 20 feet from any property line, or as prescribed in the following paragraphs, whichever is greater.
 - a. Shall not be placed in the front yard (for a property having a principal use). For a property not having a principal use or the BESS is the principal use, the front yard setback shall be at least 200 feet.
 - b. Shall be setback a minimum of 100 feet from any side yard or rear yard if abutting a property in a residential district or a property with a residential use.
 - c. Shall be setback a minimum of 20 feet from a side yard or rear yard abutting any property in a commercial district.
 - d. Shall be setback a minimum of 20 feet from a side yard or rear yard abutting any non-participating property in an Industrial district, and 20 feet for a participating property in an Industrial district.
 - e. Shall be setback a minimum of 100 feet from a side yard or rear yard abutting any non-participating property containing a petroleum storage tank and at least 200 feet from the tank itself. If a participating property, the setback from the tank shall be a minimum of 200 feet or as prescribed by any other law or requirement, whichever is greater.
 - f. Shall be setback a minimum of 20 feet from a side yard or rear yard abutting any non-participating property containing electrical infrastructure (substation, electrical towers, etc.).
 - g. Shall not be located within 200 feet any public park or recreation facility.
2. **Height.** Tier 3 Battery Energy Storage Systems shall have building/structure height limitation of 20 feet.
3. **Fencing Requirements.** Tier 3 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access, or as otherwise required in Federal, State, local laws and codes including national Codes and Standards, and/or professional consensus standards.
4. **Screening and Visibility.** Tier 3 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using

architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports. The Planning Board shall provide the direction on the location and type of screening based on a visual analysis/study to be submitted by the applicant.

5. Safety standards. Tier 3 Battery Energy Storage Systems shall meet all required New York State and Federal safety standards including, but not limited to requirements for spill containment, personal protection (eye wash stations, safety showers, etc.) and fire suppression. After completion of a Tier 3 system but prior to beginning operation, the fire department and applicable emergency service providers will be provided a training and education “day” with the owner and equipment manufacturers on the system (at the cost of the owner/applicant).
6. A Road Use Agreement with the Town may be required if utilizing Town roads for construction access.

B. Additional Site Plan and other requirements for Tier 3 systems

1. Access design: Due to the nature of these large facilities, it will be a requirement to have a primary and secondary means of access from the public Right-of-Way (ROW) to the site. The ROW used for access shall not be a dead-end road. Access shall be provided through roadways/driveways designed to Town standards with input from emergency service providers. Primary and secondary access may be created through a Public Improvement Permit.
2. Any infrastructure to be placed to service the site (water, sewer, etc.) must meet Town and other applicable standards. Public water and sewer extensions may be provided through a Public Improvement Permit.
3. A noise study will be required addressing noises and tonal issues.

C. Decommissioning Fund.

1. The owner and/or operator of any Tier 3 battery energy storage system, shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town Attorney for the removal of the battery energy storage system (in accordance with the approved Decommissioning Plan), in an amount to be determined by the Town (based on 125% of the estimated value for decommissioning), for the period of the life of the facility. This estimate will be updated on a prescribed basis and account for inflation, and the fund or bond will reflect these revised estimates. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant. The applicant shall also provide a notarized acknowledgement that if the costs for removal of battery facility exceed the bond for decommissioning the battery developer/owner are fully fiscally responsible.

§215-191 Safety.

- A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) with subcomponents meeting each of the following standards as applicable:

1. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power, and Light Electric Rail Applications),
 2. UL 1642 (Standard for Lithium Batteries),
 3. Other standards for other battery types,
 4. UL 1741 or UL 62109 (Inverters and Power Converters),
 5. Certified under the applicable electrical, building, and fire prevention codes as required.
 6. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.
- B. Site Access maintenance. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and emergency service providers.
- C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

§215-192 Permit Time Frame and Abandonment.

- A. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for construction and/or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 24 months after approval, the Town may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.
- B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2B or Tier 3 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan. The Town retains the sole right to make the determination site decommission completion (whether by the site owner or by the Town through the security). Any costs borne by the Town to make the determination that the site is decommissioned fully may be passed on to the developer/site owner.

§215-193 Construction Inspections (Tier 3 projects).

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subdivision B of this section is ready for inspection.

- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
1. Work site prior to the issuance of a building permit.
 2. Footing and foundation.
 3. Preparation for concrete slab.
 4. Framing.
 5. Building systems, including underground and rough-in.
 6. Fire-resistant construction.
 7. Fire-resistant penetrations.
 8. Solid-fuel-burning heating appliances, chimneys, flues or gas vents.
 9. Energy Code compliance.
 10. Inspection after all work authorized by the building permit has been completed and signed off by the Town Building Inspector and Town Engineer.
 11. A final inspection by the fire inspector must be completed prior to activation.
- C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- D. Fee. A fee will be set by the Town Board for construction inspections and that fee must be paid prior to or at the time of each inspection performed pursuant to this section.
- E. At the completion of construction, the applicant shall have an Engineer inspect and certify (PE stamped) that the project has been constructed in accordance with all required standards and in accordance with Town approvals.

§215-194 Ownership Changes (Tier 2 and 3)

If the owner (or lessee) of the battery energy storage system changes or the owner of the property changes, the special use permit and/or operating permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of any special use permit, operating permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Town of Tonawanda of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Town in writing.

The successor owner or operator shall assume in writing all of the obligations within the decommission plan. Proof of acknowledgement of the decommission plan and proof of bond may be requested by the Town at time of ownership change. The new owner should sign the acknowledgement regarding the costs exceeding the bond.

The special use permit and/or operating permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Town in the required timeframe. Reinstatement of a void special use permit

and/or operating permit will be subject to the same review and approval processes for new applications under this Local Law.

§215-195 Enforcement; penalties and remedies for violations.

- A. This section shall be enforced by the Town Code Enforcement Officer.
 - 1. Any person owning, controlling, or managing any building, structure or land who shall undertake a battery energy storage system in violation of this section, or who operates such facility in noncompliance with the terms and conditions of any permit issued pursuant to this section, shall be guilty of a violation and subject to a fine of not more than \$250 or to imprisonment for a period of not more than 15 days, or to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue.
 - 2. The Code Enforcement Officer may, after notice of violation, enter into a consent order with the applicant/owner/operator to remedy the violation with specifications to be taken and an agreed schedule.
 - 3. Special proceeding. In addition to any other remedy, the Town Board may institute an action or proceeding in equity, correct or abate any unlawful construction, erection, structural alteration, reconstruction, modification and/or use of a battery energy storage system, and shall be entitled to injunctive relief, including a temporary restraining order and a temporary injunction as the court deems appropriate.
- B. BESS's requiring an operating permit, shall be required to submit a certified report by the owner and be inspected annually, and shown to be in accordance with the operating permit and any other approvals.

§215-196 Stop Work Orders

- A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:
 - 1. Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, the Zoning Code or any other general or local laws, ordinances, rules or regulations without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work;
 - 2. Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
 - 3. Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of stop-work orders. Stop-work orders shall:

1. Be in writing;
 2. Be dated and signed by the Code Enforcement Officer;
 3. State the reason or reasons for issuance; and
 4. If applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property and, if the owner is not the permit holder, on the permit holder personally or by registered mail or certified mail. Service by registered or certified mail shall be sufficient if addressed to the address set forth in the building permit application. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any new applicant, owner, builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by registered mail or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.
- D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.
- E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subdivision A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under §205-67.3, Violations; penalties for offenses, of this article or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.”

Section 2. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State of New York.

Appendix C

The Office of Renewable Energy Siting

Consistent with the Climate Leadership and Community Protection Act (CLCPA), enabling legislation at Executive Law 94-c and the Office's regulations at 19 NYCRR Part 900, the mission of the **Office of Renewable Energy Siting** is to consolidate the environmental review and permitting of major renewable energy facilities in New York State into a single forum that provides a coordinated and timely review of siting permit applications. This process is designed to help meet the State's renewable energy objectives while ensuring the protection of the environment with consideration of all pertinent social, economic and environmental factors (including environmental justice) while providing opportunity for local government and community participation in the permitting process.

All large-scale, renewable energy projects 25 megawatts or larger will be required to obtain a siting permit from the Office of Renewable Energy Siting for new construction or expansion. Projects already in the initial phases of the current Article 10 siting process through the State's Siting Board may remain in Article 10 or opt to transfer into the new siting process. New projects sized between 20 and 25 megawatts may also elect to apply for a siting permit. The Office of Renewable Energy Siting has the authority to issue a single permit for the construction of major renewable energy facilities from both a state and local law perspective, but applicants will still be required to obtain any approvals necessary under federal law, including federally-delegated permits. The Office of Renewable Energy Siting has 60 days from the date of its receipt of a permit application to make a completeness determination. An application will not be complete without proof of consultation with the host municipalities and communities. After a completeness determination, draft permit conditions will be issued by the Office of Renewable Energy Siting for public comment. Within the established comment period, the host municipalities must submit a statement indicating whether the proposed renewable energy facility complies with applicable local laws. The Office of Renewable Energy Siting must issue a final decision on the siting permit within one year of the date on which the application is deemed complete and within 6 months if the facility is proposed to be located on brownfield, former commercial or industrial, landfill, former power plant, and abandoned or underutilized sites.

Contact the Office of Renewable Energy Siting: [\(518\) 473-4590](tel:5184734590) (tel:5184734590)

| General@ORES.ny.gov (mailto:General@ORES.ny.gov)

Appendix D

AGRICULTURAL DATA STATEMENT

NYS Agricultural and Markets Law requires the submission of an agricultural data statement by an applicant to the municipality for a rezoning, special use permit, site plan approval, use variance, or subdivision of parcel(s) occurring on property within an agricultural district containing a farm operation or on property within 500 feet of an active farm operation located in an agricultural district.

Applicant's Name & Address	Owner's Name & Address <i>(if different from applicant)</i>

Type of Application	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Site Plan Approval
	<input type="checkbox"/> Use Variance	<input type="checkbox"/> Subdivision Approval	

Project Description:

Project Address:

Project Location:

(Example: west side of Main Street or 250 feet south of Second Avenue)

Project Size:

(Square footage, acreage, etc.)

Current Use of Site:

(Identify: idle, hay, pasture, crop, brushland, forest, dairy, tilled, orchard, single residence, etc.)

History of Farming on Site:

(Last year farmed, type of activity, number of acres, by owner or another, etc.)

Other Site Information:

(Drainage direction and features, e.g. ditches, tiles, streams, gullies, proposed changes, etc.)

Include a tax or other map with project boundaries clearly marked and with nearby farm operations indicated. *(Municipal assessor or County tax office may be able to assist with this requirement.)*

Use the space below to provide the full mailing address of all farm operations within 500 feet of this project, including lands used in agricultural production. If necessary, please continue on a separate sheet. *(Municipal assessor or County tax office may be able to assist with this requirement.)*

Applicant Signature: _____

Owner Signature: _____
(If different from applicant)

THE MUNICIPALITY MUST REFER A COPY OF THIS STATEMENT TO THE ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING AT 95 FRANKLIN STREET, BUFFALO, NY 14202 OR
TO AGRICULTURE@ERIE.GOV AND TO ALL ADDRESSES ON THE FARM OPERATION MAILING LIST

Appendix E



Food Policy Council of Buffalo and Erie County

Local Food Action Plan 2020 - 2024



FOOD POLICY
COUNCIL
of Buffalo & Erie County

FOREWORD

Dear Erie County Resident,

Improving the health of our community and its residents has long been a top priority for Erie County leadership. It is also one of the most challenging. Erie County continuously strives to partner with community members, businesses, agencies and institutions to strengthen all components of community health, including nutrition and accessibility to healthy food options.

In May 2013, the Erie County Board of Health, with a unanimous vote, established the Food Policy Council of Buffalo & Erie County (FPC) as a sub-commission of the Erie County Board of Health. Since its creation, the FPC has advocated for an equitable and sustainable food system for the people of Buffalo and Erie County through policy recommendations, awareness, and education. The creation of the FPC has led to the implementation of new initiatives, such as the Greater Buffalo Urban Growers pledge, and has improved the relationship between government, producers, and institutions. As part of its efforts, the FPC has prepared a Food Action Plan, which was created to serve as a roadmap for local governments, agencies, institutions, businesses, residents, and community groups to establish best practices and strive for a more sustainable and equitable food system.

Erie County recognizes the relationship between an equitable and just local food system, economic opportunity, and the community's health. Grassroots urban farms, community-owned permanent and mobile markets, distribution systems, and community gardens create economic opportunity for community members and increase access to safe, healthy, and affordable food for all. This increased accessibility to healthier, safer, and more affordable food aids in the promotion of a healthy diet. A healthy diet can prevent chronic diseases and increase nutrition, which improves cognitive ability and lowers susceptibility of an individual to multiple illnesses. With increased health, we often see decreased medical spending, improved educational outcomes, and increased productivity and participation in the workforce. When a community has improved educational outcomes and economic opportunity, they can use the knowledge and the financial comfort they have gained to further improve their health. These cascading and additive effects demonstrate how a stable food system is part of the foundation on which we can build healthier, stronger communities here in Buffalo and Erie County.

Erie County leadership commends the FPC for taking the initiative to prepare this Food Action Plan. Its actions encourage continued collaboration of government, community organizations, and the people we serve and moves us closer to a stronger, more productive, socially responsible, equitable, and transparent food system.

Together, we will establish a food system that not only satisfies the needs of the community but works to increase its health for years to come.

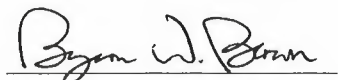
Stay Safe & Live Well,



Mark C. Poloncarz, Esq.
Erie County Executive



Gale R. Burstein, MD, MPH, FAAP
Erie County Commissioner of Health



Mayor Byron Brown
City of Buffalo



Buffalo and Erie County **Local Food Action Plan**



ACKNOWLEDGEMENTS

The Buffalo and Erie County Local Food Action Plan was prepared by the Erie County Department of Environment and Planning in partnership with the Food Policy Council of Buffalo and Erie County.

Special thanks to the General Mills Foundation, United Way of Buffalo & Erie County, and the Wellness Institute of Greater Buffalo for funding and support for this plan.

Buffalo and Erie County Food Policy Council

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Photos

Courtesy of Unsplash (unless otherwise noted)

Adopted October 2020

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EXECUTIVE SUMMARY

The Buffalo and Erie County Local Food Action Plan (BECLFAP) seeks to support and provide a framework for a local, healthy, equitable, and prosperous food system for Buffalo and Erie County.

A food system as described cannot be achieved without collaborative work from local government, businesses, organizations, and the residents of our region. THE BECLFAP represents a framework for these entities to play a role in bettering our regional food system.

This Executive Summary offers a high-level overview of the BECLFAP. We encourage you to read the chapters and appendices in full to gain a better understanding of our shared vision.

Process & Vision

The Buffalo and Erie County Food Policy Council (FPC) strives to build and strengthen a sustainable and just regional food system through policy recommendations, awareness, education and advocacy. The FPC seeks to accomplish these goals by providing local governments, as well as institutions and residents, information and advice about various policies and programs that support community-based food systems. These systems emphasize, strengthen, and make visible the relationships among producers, processors, distributors, and consumers of food at the local level. The economic benefits of a well-functioning community-based food system include: a well-functioning food system improves urban and rural economic growth by building linkages between producers and consumers and keeping more food dollars in the local community. The FPC can also address issues of food security; land use; access to healthy, fresh, and affordable food; procurement of locally produced food; and barriers in permitting and licensing that discourage access to and development of healthy, fresh, and affordable food retail.

The vision of adopting a Food Action Plan has long been a goal of the FPC and planning began in earnest in early 2019. The planning process was informed by current and former members of the FPC, community leaders, and local advocates. With input from community leaders and constituents, the FPC focused on six priority areas that emerged through our initial participatory efforts. Those six themes are: **Agriculture, Economic Development, Education, Environment and Climate Change, Food Access, and Health**. A subcommittee of the FPC (the working committee) focused their planning efforts within these priority areas and drafted goals and recommended actions that would best effect change within these areas.

Goals, Recommended Actions, and Implementation

The Plan is organized into six priority areas. Each priority area is then subcategorized into themes with corresponding goals, action statements, and a listing of potential partner agencies.

It is the FPC's hope that these recommended actions will serve as a guide for local governments, agencies, institutions, residents, and community groups as they take steps to improve regional food systems.

<i>Agriculture</i>	<i>Economic Development</i>	<i>Education</i>	<i>Environment and Climate Change</i>	<i>Food Access</i>	<i>Health</i>
<ul style="list-style-type: none">• Urban Agriculture• Farmers Markets• Community Gardens• Farmland Protection	<ul style="list-style-type: none">• Business Development• Procurement• Workforce Development	<ul style="list-style-type: none">• Consumers• Students• Elected Officials• Early Childhood	<ul style="list-style-type: none">• Food & Food-Related Waste Management• Natural Environment	<ul style="list-style-type: none">• Food Availability• Food Accessibility	<ul style="list-style-type: none">• Food Assistance Programs• Institutional Food Policies and Purchasing

The Goals and Recommended Actions section will outline the goal statement for each section, followed by a brief statement on the category, and specific actions for each subsection.

The Future of the Plan and Implementation section contains a matrix of all goals and actions accompanied by a list of potential partner(s).

The following format is used to present Goals and Recommended Actions in this section:

PRIORITY AREA

GOAL: Indicates the overall policy direction of the section

POTENTIAL PARTNER(S): Identifies potential partner(s) for carrying actions

SUBSECTION

ACTION: Specifies how the stated objective will be accomplished

INTRODUCTION

What is a Food System? Why Plan for a Food System?

A food system is the entire food environment from seedling to waste and includes consumers, producers, processors, distributors, and retailers.

The FPC is a result of grassroots advocacy by local food system partners and was officially established in 2013. The FPC is structured to provide representation for all areas of the local food system – from consumer advocates to farmers to local governments. While there are appointed seats, many members of the FPC serve on a volunteer basis.

An action plan for the local food system provides a road map for local governments, agencies, institutions, businesses, residents, and community groups. This Plan can enable these groups to institute best practices and strive for a more sustainable and equitable food system.

What is the Buffalo and Erie County Food Policy Council?

The mission of the FPC is to advocate for a sustainable and equitable food system for the people of Buffalo and Erie County.

The FPC is committed to building a local food system that provides everyone in Erie County a fair and just opportunity for health and well-being. Achieving this goal requires focus on equity, diversity, and inclusion. To that end, we are committed to fostering diverse perspectives. We recognize that individuals' perspectives are shaped by a host of factors, such as their race, ethnicity, gender, physical and mental ability, age, socioeconomic status, gender identity and expression, sexual orientation, familial status, education, religion, legal status, military service, political affiliation, geography, and other personal and professional experiences. We know that the presence of diverse perspectives alone is not sufficient. Therefore, we also are committed to creating inclusive environments where all individuals are encouraged to share their perspectives and experiences. We believe that only through valuing our differences and similarities, and remaining vigilant in advancing equity, will we be able to maintain an equitable workplace and actively pursue equity in all aspects of our work. We commit to being continuous learners and working alongside others to cultivate equity, diversity, and inclusion.¹

The FPC acknowledges and honors traditional Indigenous territories. The lands of Erie County have traditionally belonged to the Haudenosaunee and portions of them are now known as the sovereign nations of the Seneca and Tuscarora. With this acknowledgement the FPC hopes to demonstrate our respect for indigenous peoples, both past and present, and our deep remorse for the forced removal of these tribes, among the many other wrongs inflicted upon them.

¹ Adapted from the Robert Wood Johnson Foundation's statement on diversity and inclusion.

PLANNING PROCESS

A survey of current and past FPC members started the planning process. The majority of respondents indicated the main purpose of the FPC is to, “shape food policy and advise the government on how to effect positive change in moving toward a just food system in Buffalo and Erie County.”

A more inclusive survey of community leaders and advocates was held at a public workshop in April 2019. The purpose of this workshop was to engage in a broad, community-focused process to guide the development of the BECLFAP and to affirm the purpose and goals of the project. Forty community leaders attended the public workshop at Massachusetts Avenue Project (MAP) and provided valuable input on various aspects, including unmet needs and strengths, of the Buffalo and Erie County food system. A list of participants can be found in Appendix A.

Concurrently, the FPC reviewed existing plans relevant to the BECLFAP. Local plans reviewed included the Erie County Agricultural and Farmland Protection Plan (2012), One Region Forward – Grower Together Report (2015), and the City of Buffalo Unified Development Ordinance (2016). In addition, examples of food charters and food action plans from around the United States were reviewed and included the following:

- New Haven Food Action Plan (2013)
- Minnesota Food Charter (2014)
- City of Columbus & Franklin County (2016)
- Denver Food Action (2017)

This exercise helped to inform the content of the BECLFAP by examining best practices from existing food systems plans, examining regional priorities, and reducing any duplicative content that other local plans may have previously addressed.

Finally, the FPC began to draft goals and actions needed to achieve its main purpose – to shape food policy and contribute to a just food system. This process was conducted over several meetings and resulted in the final list of goals and recommended actions found in the Plan. The FPC intends to engage and collaborate with various stakeholders in the advancement and implementation of the Plan.

The Impact of COVID-19

The COVID-19 pandemic highlighted the weaknesses in the local and national food system. Inefficiencies in the supply chain and panic buying resulted in empty shelves in grocery stores while delays in the arrival of seasonal workers proved difficult for farmers. At the same time, record unemployment numbers resulted in a substantial increase of food bank visits. FeedMore WNY saw a 12% increase in food pantry visits and a 57% increase in households

visiting mobile food pantries (FeedMore WNY, 2020). Seniors relying on group dining accommodations were forced to transition to meal delivery, resulting in a 60% increase in the home-delivered meals program (FeedMore WNY, 2020).

In response to the pandemic, Erie County Executive Mark Poloncarz announced the Erie County Business Task Force in April 2020. The Task Force was charged with developing short- and long-term policy and procedural recommendations at the local, state, and federal and helping to identify the workforce needs that businesses will have in order to succeed in the present and future COVID-19 economy. The Task Force subsequently created the Agriculture and Food Systems Subcommittee (AFSSC) to focus solely on recovery in the agriculture and food sectors.

The AFSSC was convened in June 2020 and comprised of a number of representatives from retail, wholesale, distribution, farms, and restaurants. The AFSSC compiled a list of goals and actions, many of which complement those identified in this Plan. The FPC is identified as a potential partner in a number of these actions and will engage with other partners, where feasible, to achieve these outcomes.

At the time of this Plan's adoption, the AFSSCs recommendations had not been finalized and are therefore not included in the appendices.

VISION, GOALS, AND RECOMMENDED ACTIONS

The Need for Action

Equitable access to affordable, local, and healthy² food is chief among the needs of Erie County residents.

While, the Buffalo and Erie County food system does have its strengths, including the Buffalo Public School (BPS) Wellness Policy, a vibrant network of urban farms, and a growing recognition of the importance in local and accessible foods, there remains room for improvement. For example, inequitable access to healthy and local food and a lack of infrastructure to provide nutritional awareness are two examples of issues the local food system is faced with.

Our Vision

The overarching vision of this Plan is to support and advance a food system that is sustainable and equitable by providing a roadmap for both public, private, and non-profit interests to adopt and utilize. In addition to outlining goals and recommended actions, the BECLFAP includes a declaration of support which is intended as a tool for local governments, agencies, institutions, businesses, residents, and community groups to show their support and advance the goals and actions contained in this Plan.

The Plan

This Plan is intended for the people of Erie County, local governments, agencies, institutions, businesses, and community groups and aims to inform their decision-making regarding food systems best practices and/or policies. The FPC will act as a resource to these groups and offer support to the extent practicable.

The Plan reflects the six goal areas that emerged in the planning process. Each area has an overarching goal statement and identified a series of recommended actions to move towards achieving the goal.

The implementation matrix identifies potential partners for each of these goals. This list of potential partners is not intended to be comprehensive.

² Much of this Plan is based on the premise of “healthy” food, but how is that defined? Healthy is not defined only by a set of metrics outlining the nutritional value of food. Healthy food is nutritionally complete, but is also culturally-appropriate and grown locally with sustainable farming methods. Healthy food is good for people and communities.

AGRICULTURE

Agriculture is the spine of the food system and, for purposes of this Plan, includes traditional field grow methods as well as non-traditional methods (e.g., urban, greenhouse, hydroponic, etc.). The word “producer” as used in this Plan may be used to include farmers, growers, and value-added producers. The intent of the FPC is be as inclusive as possible of all types of agriculture and producers

Please note that several entities have already completed agricultural and farmland protection plans. As it is not the intent of the FPC to duplicate their work, large-scale or “traditional” agriculture is not addressed in-depth in the BECLFAP. Please review the Erie County Agriculture and Farmland Protection Plan, resources from Cornell Cooperative Extension of Erie County (CCE), the Sowing the Seeds for Southtowns Agribusiness report, or any number of municipal-level plans for a comprehensive examination on the state of agriculture in Erie County.

Goal: Support and enhance agricultural programs and policies.

Urban Agriculture

Urban agriculture is the growing of crops in an urban environment for commercial sales. Hydroponic and vertical growing operations can also be considered urban agriculture (if grown in urban geographies). In recent years, urban agriculture has experienced a resurgence in the City of Buffalo as the importance of accessible and healthy local food becomes paramount. Urban agricultural, while important to the food system, can often be hindered by legacy or inflexible zoning regulations/policy or lack of community awareness and mistrust.



Actions

1. Promote healthy farming practices, supportive policies, and research to better foster urban agriculture and farm businesses.
2. Support policies permitting the use of vacant land for urban agriculture, and free use of publicly-owned land.

Farmers Markets



Farmers markets are an important component of the local food system, offering in-season produce while strengthening community and supporting the local economy and farmers. These markets operate on a recurring basis at a regular location with multiple vendors. In addition to these traditional markets, mobile produce markets (AKA “veggie vans”) also play a vital role in the food system. Most markets require products to be local, although that definition may vary from market to market. Many

farmers markets, or certain participating vendors, accept Double Up Food Bucks, Supplemental Nutrition Assistance Program (SNAP) and Women, Infants, and Children (WIC) benefits and provide access to fresh and local food to underserved communities.

Actions

3. Support and promote existing farmers markets while advocating for their expansion to improve access to healthy and local food.
4. Support affordability by encouraging farmers markets to accept federal and state funded nutrition incentives, such as: Double Up Food Bucks, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and Supplemental Nutrition Assistance Program (SNAP). (See also: Health)
5. Support and advocate for policy permitting mobile markets and veggie vans.

Community Gardens

Community gardens differ from urban agriculture in that they are community-based collaborative projects focused on small-scale agriculture. Maintenance of the garden is typically shared by participants as is the bounty of fruits and vegetables. These spaces can increase affordable and healthy food access, act as green space and reclaim vacant lots, and contribute to skill-building and a sense of community.



Source: Grassroots Garden, Facebook

Actions

6. Establish accessible, adequate gardening plots, equipment lending libraries, garden education options, and seed and seedling giveaways. (See also: Environment and Climate Change)
7. Support businesses and organizations that offer workshops and assistance in backyard and community gardening by, for example, program promotion and property leasing.

8. Support policies permitting the use of vacant land for community gardens, and free use of publicly-owned land.

Farmland Protection



Erie County has lost substantial farmland since the 1970s when urban sprawl spread concentrically outward from the City of Buffalo, encroaching into what had historically been rural farm areas. Much of the remaining farmland is now located in an outer ring of land along the County's borders. Land development, including the development of housing subdivisions and large-scale renewable energy projects, lack of succession planning, and

shrinking profit margins are all threats to farmland protection. It is important to strike a balance between these development pressures and farmland protection so that Erie County can sustain its farmlands for future generations.

Actions

9. Encourage sustainable siting of large-scale renewable energy projects so that prime farmlands are not negatively impacted. (See also: Environment)
10. Promote farmland sustainability and longevity by encouraging succession planning; farm transition planning; connecting existing farmers with young farmers; and by increasing and coordinating efforts to promote WNY as a place to farm.
11. Promote supportive policies (i.e., zoning ordinances and comprehensive plans) throughout Erie County.
12. Support efforts to strengthen connections between local farmers and markets while making sure to address cultural and economic disparities and inequity.

ECONOMIC DEVELOPMENT

Agriculture and food-related business should be seen as an economic engine. Producing and buying food locally can keep those dollars in the local economy and also creates a valuable employment sector. The food system economy is combined of several sectors – each of which should be enhanced and promoted by Buffalo and Erie County.

***Goal:** Support efforts to develop a diverse, equitable, and sustainable food economy and promote food systems as an economic engine.*

Business Development

Challenges to food systems-related business development are multi-faceted. The regulatory environment can often be difficult to navigate for food and food-related businesses and farms. Traditional zoning ordinances divide communities into residential and commercial zones – often with the unintended consequences of creating food deserts and impeding equitable food access. The lack of market infrastructure and a profit-based model represent a major hurdle in food retailers' scalability and ability to enter certain neighborhoods.



Actions

13. Support "food system-friendly" zoning ordinances and policies to encourage: small-scale food production in communities; residential food sales; farm stands at community gardens, school gardens, urban farms, affordable housing projects, and public facilities; and adaptive reuse of vacant commercial and industrial structures for local food system uses.
14. Promote the Home Processor Exemption offered by the New York State Department of Agriculture and Markets (NYSDAM).
15. Encourage new and redeveloped projects to include neighborhood-scale food businesses in areas with low-food access by offering targeted financial incentives and site selection support.
16. Expand existing small business development programs to support food entrepreneurs at any level in the food system and ensure equitable access to these programs.
17. Ensure policies regulating food businesses are clear and appropriate, and assist new food entrepreneurs with navigating the permitting processes.
18. Support continued enhancement of food system infrastructure including, but not limited to, local meat processing plants, food incubators, and community kitchens.

19. Connect start-up funding sources with the food and food technology industries and support sustainable business development by advocating equitable access to capital.
20. Capitalize on available funding to support enhancement and expansion of food retail, including façade and streetscape improvements.

Procurement

The expansion of local purchasing from area farmers and producers can improve farm profitability and boost supply chain resiliency while consumers receive a fresh product that is grown nearby. Local procurement has myriad benefits including supporting local growers and providing consumers with access to healthy and local food and creating a sustainable local supply chain. The buying power of public and private institutions, businesses, and governments further compounds the importance and necessity of local food procurement and purchasing policies. Procurement should be equitable with special support for underrepresented businesses such as those owned by women and people of color.



Actions

21. Promote the adoption of a local and healthy food purchasing policy and encourage its use by municipal, county, school, and state agencies for their own operations and also for use in community benefit agreements with organizations that receive public subsidies. (See also: Health)
22. Introduce and better connect institutions with local food purchasing policies and opportunities.
23. Encourage the procurement of culturally-appropriate foods as part of local and healthy food purchasing.

Workforce Development

Succession planning in public and private institutions and businesses is a cornerstone in the sustainability of the region's workforce. The integration of agricultural and food production education, and small business development skills in schools and in workforce development programs is key to developing future farmers and food system advocates in Buffalo and Erie County. As awareness of our local food system continues to grow, careers in food production may become more attractive and should be a focus of workforce development and occupational training programs.



Actions

24. Support and elevate youth education and workforce development that focuses on food systems and farming, food production, and small business development.
25. Foster collaboration among schools that have agriculture and food programs to increase the number of students entering careers in the agriculture industries, the food system, and food justice.
26. Develop and enhance training programs for new farmers and farmers of color.
27. Support and promote food incubation programs (i.e., Providence Farm Collective).

EDUCATION

This Plan considers education for all people of Buffalo and Erie County, from consumers to elected officials. The FPC believes education on agriculture, health, and food systems should begin in early childhood and across all other age groups.

In this document, education not only means being knowledgeable about where one's food comes from, but also acknowledging the history of agriculture in the region and the important role that Indigenous, Black and Latinx farmers had, and still have in contributing to New York State's \$42 billion agriculture and food industry, and the disparities in representation that currently exist.³

***Goal:** Raise general awareness about local and healthy foods, alongside the multi-cultural history of farming, by fostering education in the schools and offering learning opportunities and programs in the public and private sector and to elected representatives and public officials*

Consumers



An educated consumer is an empowered consumer. In addition to being educated on where food comes from, and the processes behind it getting to market, it is important for consumers to be aware of how food is tied to diet related diseases. These diet-related diseases are often preventable and fall disproportionately on the most vulnerable populations of society.

For purposes of this Plan, consumers are the actual, final end users of the food product. Other cohorts will be addressed in later subsections of Education.

Actions

28. Increase awareness and advocate for adequate state and federal funding for healthy food skills-related education for Double Up Food Bucks, SNAP/EBT, WIC, the Farmers Market Nutrition Program, and the SNAP-ED Nutrition Program. (See also: Health)

³ An example of current disparities in farming is best summarized by the existence of only 139 black farmers among the 57,000 farmers in New York State.

Source: <https://www.nytimes.com/1977/12/07/archives/freed-black-farmers-tilled-manhattans-soil-in-the-1600s-blacks.html>; <http://www2.census.gov/prod2/statcomp/documents/1911-02.pdf>; https://www.nass.usda.gov/Publications/AgCensus/2017/Online_Resources/Race,_Ethnicity_and_Gender_Prfiles/New_York/cpd36000.pdf

29. Develop and deploy culturally appropriate public messaging campaigns to promote education on healthy eating, including how to shop for affordable healthy options and how to use those ingredients to cook nutritious meals and partner with multiple sectors to expanded community-based education on these subjects.
30. Promote and enhance existing campaigns, and launch new campaigns, to highlight the importance of supporting local foods and producers and encourage purchasing of locally produced food.
31. Advocate for education programs and policies that support chronic disease prevention treatment and education, and fresh fruit/vegetable prescription programs.
32. Raise awareness on food and food-related waste (i.e., composting, waste reduction, single-use packaging).

Students



Students are an important cohort in the future of Buffalo and Erie County's food system. Both the integration of food systems education in K-12 curricula and providing students with more agency regarding their food choices will help them to become smart and conscious adult consumers. Although, the education of students is the end-goal of this subsection, it cannot be achieved without the implementation efforts of caregivers, and

school staff.

Actions

33. Promote multidisciplinary efforts that educate youth through food production (i.e. gardening on school public and/or residential spaces), food choices (i.e. budgeting, shopping, nutrition), and food justice based community service.
34. Raise awareness of school wellness policies and their effect on school nutrition and food access.
35. Support platforms that engage students in the decision-making process on school food and food systems on a broader level.
36. Foster collaboration among schools that have agriculture and food programs to increase the number of students entering careers in the agriculture and food production industries, the food system, and food justice.
37. Promote multidisciplinary efforts that expand K-12 curricula to include education on food production (i.e. community or school gardening), food choices (i.e. budgeting, shopping, cooking, nutrition), and food justice based community service.
38. Educate youth on the minority and indigenous farming history of New York State.

39. Raise awareness on food and food-related waste (i.e., composting, waste reduction, single-use packaging).

Elected Officials

Local elected representatives have the clout and ability to affect change on our local food system. As such, ensuring these officials are equipped with the education necessary to support and adopt appropriate policy is imperative. The goals and actions in this Plan will need the support of the electorate and elected officials to be implemented.

Actions

40. Educate and engage local and state elected representatives and public officials on the importance of having a sustainable local food system.

Early Childhood

The youngest among us represent an opportunity to integrate food systems education early, and to continue that education as children progress from students to consumers. Supporting and promoting policy that bolsters equitable food access for all, including the pre-kindergarten set, is another puzzle piece in ensuring all stakeholders are equipped with the education they need to make sound and healthy food decisions.



Actions

41. Promote efforts to support breastfeeding through awareness through evidence-based strategies and appropriate local policies.
42. Encourage health care providers and health agencies to adopt and support standards and tools in their practices to promote health education and healthy behavior change.
43. Support expansion of training, continuing education credits, and incentives to early childcare providers who incorporate food skills education into their programs.
44. Raise awareness on food and food-related waste (i.e., composting, waste reduction, single-use packaging).

ENVIRONMENT AND CLIMATE CHANGE

No discussion of food systems would be complete without addressing our environment and changing climate. There is opportunity to be more resilient in all aspects of the food system, starting from seedling and ending with food and food-related waste.

Goal: Advocate for policies & programs that ensure a healthy and sustainable relationship between food production, consumption, and disposal, while aiming to improve efficiency and reduce consumption of natural resources

Food and Food-Related Waste Management

The National Resource Defense Council (NRDC) states up to 40% of the United States' food is never eaten and becomes food waste. Issues along the supply chain and cosmetic standards at retailers are among the causes of this waste. Food itself is not the only source of waste as food packaging, or food-related waste, including single-use and non-recyclable components are a waste stream of concern.



Actions

45. Build support for food waste recovery infrastructure among local leaders and large-scale food waste generators.
46. Build support for and recommend changes to policies, zoning, and health codes that support and encourage food waste recovery infrastructure and diversion.
47. Provide training, tools, and economic incentives for new and existing food businesses to develop, adopt, and implement food waste prevention plans.
48. Support municipal and county-wide purchasing policies requiring the reduction of packaging (i.e., single-use plastic).
49. Support municipal and county-wide efforts and policies to implement composting facilities.

Natural Environment



Maintaining the health of the soil, water, and air resources can only benefit the health of the local food system. To this end, climate resilient and sustainable farming practices should be pursued and supported. An early success is the Greater Buffalo Urban Growers Pledge, a pledge urban farmers can take to demonstrate their commitment to healthy soils on their farms.

Actions

50. Engage local environmental organizations to encourage farmers to use farming practices and technologies that protect the health of people, animals, soil, air, and water and are sustainable.
51. Provide resources, support, incentives, and promotion of farmers to encourage food production methods, such as sustainable and organic practices, to increase their customer base.
52. Support the creation of a consumer-producer-buyer verification process to support and increase consumer purchasing of healthy and local food.
53. Promote the inclusion of food systems as part of climate resiliency and/or disaster mitigation planning efforts. (See also: Food Access)
54. Encourage sustainable siting of large-scale renewable energy projects so that prime farmlands are not negatively impacted. (See also: Agriculture)
55. Support, promote, and broaden participation in the Greater Buffalo Urban Growers Pledge, especially among underserved communities.

FOOD ACCESS

Food access includes availability of culturally appropriate and affordable food sources and the ability to access these food sources (i.e., income or vehicles, access to public transportation). (See *Health* for the role of the Food Assistance Program that provides income supports).

Goal: Advocate for policies and programs that help ensure equitable access to healthy, affordable food through increased food availability and accessibility.

Food Availability

In the Buffalo Niagara Region, 12% of all households lack access to a grocery store due to proximity and lack of vehicle ownership⁴. In order to increase food availability, it is important to promote food retail and emergency food models that increase access, boost visibility, and are equitable (See also: Business Development).



Source: Sheila Bass

Actions

56. Advocate for zoning and land use policies to ensure appropriate support for community gardens, urban farmers, and backyard gardens.
57. Collaborate with the hunger relief network and other senior/multigenerational anti-poverty and food insecurity efforts. (See also: Health)
58. Advocate for a streamlined permitting process and support increased use of public spaces for non-permanent fresh food retail, demonstration, mobile vending, and farmers markets.
59. Engage partners and transportation organizations to explore and promote improved accessibility to healthy food retail, especially in areas where vehicle ownership is low, including the promotion of mobile and non-vehicle strategies.
60. Ensure the inclusion of tribal nations in food access work.
61. Support and help expand healthy options in corner stores, such as the Healthy Corner Store Initiative, and other small stores (i.e., create a staple food ordinance) in all neighborhoods, especially those with low food access.
62. Develop maps and other tools that highlight neighborhood assets, gaps, and opportunities for creating complete food environments in Buffalo and Erie County's low and moderate income neighborhoods (i.e., neighborhoods that are currently food deserts).
63. Support expansion and access to healthy after school and summer meals programs to reach more youth, in more public facilities, across Buffalo and Erie County.

⁴ Source: Partnership for the Public Good

64. Promote the inclusion of food systems as part of climate resiliency and/or disaster mitigation planning efforts (See also: Environment and Climate Change).

Food Accessibility



The planning and development of land and transportation networks inevitably impacts food access. The assumption that stakeholders have access to a personal vehicle results in a pattern of development that includes barriers (i.e., lack of pedestrian and cyclist infrastructure) to affordable, healthy, and local food. Enhancing the transit environment so that all forms of mobility are prioritized is essential in achieving the goal of an equitable food system.

Actions

65. Assess community needs and advocate for healthy food access as an important component of local governments' overall infrastructure and public transportation planning and options for active transport.
66. Advocate for Complete Streets, including the maintenance of sidewalks, metered crosswalks, and bike paths on all roadways, but especially those that provide access to stores, hunger relief programs, farmers markets, community gardens, and other food sources.

HEALTH

Health is addressed throughout this document and includes not only the nutritional content of food, but also considers farming methods and cultural-appropriateness as they relate to food. This section builds upon this definition to outline the actions needed to ensure “healthy food” is available to residents of all communities.

Goal: *Advocate for policies and programs that help ensure healthy food is available, accessible, affordable, and acceptable for all communities.*

Food Assistance Programs

Many more residents in Buffalo and Erie County depend on Supplemental Nutrition Assistance Program (SNAP) benefits and food assistance from food banks and/or food pantries. Food assistance programs, such as SNAP, boost access to healthy and local foods for low-and-moderate income consumers and are important components of an equitable food system. However, these food assistance programs may not be secure in times of crisis as SNAP benefits are only accepted at certain locations and food banks do not have an unlimited supply of food. These programs can be expanded upon by ensuring SNAP benefits are accepted at a variety of locations, apart from supermarkets and corner stores.



Source: Friends of the Night People, Facebook

Actions

67. Research the development of a gleaning program.
68. Ensure adequate state and federal funding for healthy food skills-related education (i.e., the SNAP-ED Nutrition Program offered by CCE) for SNAP/EBT and WIC participants.
69. Support affordability by encouraging farmers markets to accept federal and state funded nutrition incentives (i.e., Double Up Foods Bucks, WIC and SNAP programs). (see also: Agriculture)
70. Support the development and regular update of a list of local food pantries and soup kitchens, including food donation safety requirements, and distribute to local food businesses and institutions to encourage donations.
71. Collaborate with the hunger relief network and other senior / multigenerational anti-poverty and food insecurity efforts. (See also: Food Access)
72. Ensure engagement of those most impacted by health disparities, including low-income, African American, Hispanic, Native American, immigrant, refugee, and other underrepresented communities, in developing and implementing culturally appropriate food assistance, education, nutrition, gardening, and cooking programs.

73. Advocate for making more resources available to hunger relief programs for obtaining and storing healthy foods, including food grown by nearby farmers and foods familiar to customers' cultures.

Institutional Food Policies and Purchasing



Source: Sarah Gatti

incorporate healthy food service guidelines in their contracts with concession vendors. Such policies have the additional benefits of supporting local producers and are economically advantageous.

Actions

74. Promote the adoption of a local and healthy food purchasing policy and encourage its use by municipal, county, school, and state agencies for their own operations and also for use in community benefit agreements with organizations that receive public subsidies. (See also: Economic Development)
75. Increase funding available for schools to obtain necessary facilities upgrades, kitchen equipment, or other food preparation and teaching resources.
76. Promote awareness of Buffalo and Erie County Public School Districts' Wellness Plans to ensure healthy food environments in schools.
77. Coordinate with Buffalo Public Schools (BPS) to increase farm to school and other healthy school meal efforts, including garden to cafeteria programs, by seeking opportunities to reduce regulatory barriers.

THE FUTURE OF THE PLAN & IMPLEMENTATION

Implementation of any plan is essential and a valuable measure of its success. To this end, the current Food Action Plan working group will transition to a permanent committee of the FPC and will oversee the progress toward this Plan's objectives and serve as a liaison to the FPC and Food Action Plan working groups. These working groups will correspond with the six priority areas identified in this Plan and each group will endeavor to support each area's goals.

The goals and actions identified in the body of the Plan are laid out in the following implementation matrix. The matrix is formatted as follows:

PRIORITY AREA

GOAL: Indicates the overall policy direction of the section.

POTENTIAL PARTNER(S): Identifies potential partner(s) for carrying out actions. Please note these potential partner(s) are not intended to be a comprehensive list. Omissions are not intended.

SUBSECTION

ACTION: Specifies how the stated objective will be accomplished.

IMPLEMENTATION MATRIX

AGRICULTURE		
Goal: Support and enhance agricultural programs and policies.		
Potential Partner(s): Massachusetts Avenue Project, the Tool Library, Municipal Governments, Erie County Department of Environment and Planning, Erie County Agriculture and Farmland Protection Board, New York Farm Bureau, Cornell Cooperative Extension of Erie County, WNY Land Conservancy		
URBAN AGRICULTURE	A1	Promote healthy farming practices, supportive policies, and research to better foster urban agriculture and farm businesses.
	A2	Support policies permitting the use of vacant land for urban agriculture, and free use of publicly-owned vacant land.
FARMERS MARKETS	A3	Support and promote existing farmers markets while advocating for their expansion to improve access to healthy and local food.
	A4	Support affordability by encouraging farmers markets to accept federal and state funded nutrition incentives, such as: Double Up Food Bucks, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and Supplemental Nutrition Assistance Program (SNAP). (See also: Health)
	A5	Support and advocate for policy permitting mobile markets and veggie vans.
COMMUNITY GARDENS	A6	Establish accessible, adequate gardening plots, equipment-lending libraries, garden education options, and seed and seedling giveaways. (see also: Environment and Climate Change)
	A7	Support businesses and organizations that offer workshops and assistance in backyard and community gardening by, for example, program promotion and property leasing.
FARMLAND PROTECTION	A8	Support policies permitting the use of vacant land for community gardens, and free use of publicly-owned vacant land.
	A9	Encourage sustainable siting of large-scale renewable energy projects so that prime farmlands are not negatively impacted. (see also: Environment and Climate Change)
	A10	Promote farmland sustainability and longevity by encouraging succession planning; farm transition planning; connecting existing farmers with young farmers; and by increasing and coordinating efforts to promote WNY as a place to farm.
	A11	Promote supportive policies (i.e., zoning ordinances and comprehensive plans) throughout Erie County.
	A12	Support efforts to strengthen connections between local farmers and markets while making sure to address cultural and economic disparities.

ECONOMIC DEVELOPMENT		
Goal: Support efforts to develop a diverse, equitable, and sustainable food economy and promote food systems as an economic engine.		
Potential Partners: Municipalities, Erie County Department of Environment and Planning, Cornell Cooperative Extension of Erie County		
BUSINESS DEVELOPMENT	EC13	Promote the Home Processor Exemption offered by the New York State Department of Agriculture and Markets (NYSDAM).
	EC14	Support "food system-friendly" zoning ordinances and policies to encourage: small-scale food production in communities; residential food sales; farm stands at community gardens, school gardens, urban farms, affordable housing projects, and public facilities; and adaptive reuse of vacant commercial and industrial structures for local food system uses.
	EC15	Encourage new and redeveloped projects to include neighborhood-scale food businesses in areas with low-food access by offering targeted financial incentives and site selection support.
	EC16	Expand existing small business development programs to support food entrepreneurs at any level in the food system and ensure equitable access to these programs.
	EC17	Ensure policies regulating food businesses are clear and appropriate, and assist new food entrepreneurs with navigating the permitting processes.
	EC18	Support continued enhancement of food system infrastructure including, but not limited to, local meat processing plants, food incubators, and community kitchens.
	EC19	Connect start-up funding sources with the food and food technology industries and support sustainable business development by advocating equitable access to capital.
	EC20	Capitalize on available funding to support enhancement and expansion of food retail, including façade and streetscape improvements.
	EC21	Promote the adoption of a local and healthy food purchasing policy and encourage its use by municipal, county, school, and state agencies for their own operations and also for use in community benefit agreements with organizations that receive public subsidies. (See also: Health)
	EC22	Introduce and better connect institutions with local food purchasing policies and opportunities.
PROCUREMENT	EC23	Encourage the procurement of culturally-appropriate foods as part of local and healthy food purchasing.
	EC24	Support and elevate youth education and workforce development that focuses on food systems and farming, food production, and small business development
	EC25	Foster collaboration among schools that have agriculture and food programs to increase the number of students entering careers in the agriculture industries, the food system, and food justice.
	EC26	Develop and enhance training programs for new farmers of colors
	EC27	Support and promote food incubation programs (i.e., Providence Farm Collective)
WORKFORCE DEVELOPMENT	1	

EDUCATION		
<p>Goal: Raise general awareness about local and healthy foods, alongside the multi-cultural history of farming, by fostering education in the schools and offering learning opportunities and programs in the public and private sector and to elected representatives and public officials</p> <p>Potential Partners: Greater Buffalo Urban Growers Group, Municipal & County Government, Local School Districts, Cornell Cooperative Extension of Erie County</p>		
CONSUMERS	ED28	Increase awareness and advocate for adequate state and federal funding for healthy food skills-related education for Double Up Food Bucks, SNAP/EBT, WIC, and Farmers Market Nutrition Program. (See also: Health)
	ED29	Develop and deploy culturally sensitive public messaging campaigns to promote education on healthy eating, including how to shop for affordable healthy options and how to use those ingredients to cook nutritious meals and partner with multiple sectors to expanded community-based education on these subjects.
	ED30	Promote and enhance existing campaigns, and launch new campaigns, to highlight the importance of supporting local foods and producers and encourage purchasing of locally produced food.
	ED31	Advocate for education programs and policies that support chronic disease prevention treatment and education, and fresh fruit/vegetable prescription programs.
	ED32	Raise awareness on food and food-related waste (i.e., composting, waste reduction, single-use packaging).
	ED33	Promote multidisciplinary efforts that educate youth through food production (i.e. gardening on school public and/or residential spaces), food choices (i.e., budgeting, shopping, nutrition), and food justice based community service.
STUDENTS	ED34	Raise awareness of school wellness policies and their effect on school nutrition and food access.
	ED35	Support platforms that engage students in the decision-making process on school food and food systems on a broader level.
	ED36	Foster collaboration among schools that have agriculture and food programs to increase the number of students entering careers in the agriculture industries, the food system, and food justice.
	ED37	Promote multidisciplinary efforts that expand K-12 curricula to include education on food production (i.e. community or school gardening), food choices (i.e. budgeting, shopping, cooking, nutrition), and food justice based community service.
	ED38	Educate youth on the minority and indigenous farming history of New York State.
	ED39	Raise awareness on food and food-related waste (i.e., composting, waste reduction, single-use packaging).
ELECTED OFFICIALS	ED40	Educate and engage local and state elected representatives and public officials on the importance of having a sustainable local food system.

EARLY CHILDHOOD		ED41	Promote efforts to support breastfeeding through awareness through evidence-based strategies and appropriate local policies.
		ED42	Encourage health care providers and health agencies to adopt and support standards and tools in their practices to promote health education and healthy behavior change.
		ED43	Support expansion of training, continuing education credits, and incentives to early childcare providers who incorporate food skills education into their programs.
		ED44	Raise awareness on food and food-related waste (i.e., composting, waste reduction, single-use packaging).

ENVIRONMENT AND CLIMATE CHANGE	
<p>Goal: Advocate for policies & programs that ensure a healthy and sustainable relationship between food production, consumption and disposal; while aiming to improve efficiency and reduce consumption of natural resources</p> <p>Potential Partners: Erie County Department of Environment and Planning, Erie County Bureau of Purchasing, Buffalo Waterkeeper, Lake Erie Watershed Protection Alliance, Greater Buffalo Urban Growers Group, WNY Restaurant Association, nursing homes and hospitals, Cornell Cooperative Extension of Erie County, Erie County Soil and Water Conservation District</p>	
FOOD & FOOD-RELATED WASTE MANAGEMENT	ENV45 Build support for food waste recovery infrastructure among local leaders and large-scale food waste generators.
	ENV46 Build support for and recommend changes to policies, zoning, and health codes that support and encourage food waste recovery infrastructure and diversion.
	ENV47 Provide training, tools, and economic incentives for new and existing food businesses to develop, adopt, and implement food waste prevention plans.
	ENV48 Support municipal and county-wide purchasing policies requiring the reduction of packaging (i.e., single-use plastic).
	ENV49 Support municipal and county-wide efforts and policies to implement composting facilities.
NATURAL ENVIRONMENT	ENV50 Engage local environmental organizations to encourage farmers to use farming practices and technologies that protect the health of people, animals, soil, air, and water and are sustainable.
	ENV51 Provide resources, support, incentives, and promotion of farmers to encourage food production methods, such as sustainable and organic practices, to increase their customer base.
	ENV52 Support the creation of a consumer-producer-buyer verification process to support and increase consumer purchasing of healthy and local food.
	ENV53 Promote the inclusion of food systems as part of climate resiliency and/or disaster mitigation planning efforts. (See also: Food Access)
	ENV54 Encourage sustainable siting of large-scale renewable energy projects so that prime farmlands are not negatively impacted. (See also: Agriculture)
	ENV55 Support, promote, and broaden participation in the Greater Buffalo Urban Growers Pledge.

FOOD ACCESS	
Goal: Advocate for policies and programs that help ensure equitable access to healthy, affordable food through increased food availability and accessibility.	
Potential Partners: Go Bike Buffalo, ReddyBike, NFTA, local governments, University at Buffalo, Local Farmers Markets, Retail Store Owners, Buffalo Healthy Corner Store Initiative	
FOOD AVAILABILITY	F56 Advocate for zoning and land use policies to ensure appropriate support for community gardens, urban farmers, and backyard gardens.
	F57 Collaborate with the hunger relief network and other senior / multigenerational anti-poverty and food insecurity efforts. (See also: Health)
	F58 Advocate for streamlined permitting process and support increased use of public spaces for non-permanent fresh food retail, demonstration, mobile vending, and farmers markets.
	F59 Engage partners and transportation organizations to explore and promote improved accessibility to healthy food retail, especially in areas where vehicle ownership is low, including the promotion of mobile and non-vehicle strategies.
	F60 Ensure the inclusion of tribal nations in food access work.
	F61 Support and help expand healthy options in corner stores, such as the Healthy Corner Store Initiative, and other small stores (i.e., create a staple food ordinance) in all neighborhoods, especially those with low food access.
	F62 Develop maps and other tools that highlight neighborhood assets, gaps, and opportunities for creating complete food environments in Buffalo and Erie County's low and moderate income neighborhoods (i.e., prioritize neighborhoods that are currently food deserts).
	F63 Support expansion and access to healthy after school and summer meals programs to reach more youth, in more public facilities, across Buffalo and Erie County.
	F64 Promote the inclusion of food systems as part of climate resiliency and/or disaster mitigation planning efforts. (See also: Environment and Climate Change)
	F65 Assess community needs and advocate for healthy food access as an important component of local governments' overall infrastructure and public transportation planning and options for active transport.
FOOD ACCESSIBILITY	F66 Advocate for Complete Streets, including the maintenance of sidewalks, metered crosswalks, and bike paths on all roadways, but especially those that provide access to stores, hunger relief programs, farmers markets, community gardens, and other food sources.

HEALTH		
Goal: Advocate for policies and programs that help ensure healthy food is available, accessible, affordable, and acceptable for all communities.		
Potential Partner(s): FeedMore WNY, Erie County Senior Services, AARP, Food For All, Cornell Cooperative Extension of Erie County, Rustbelt Harvest		
FOOD ASSISTANCE PROGRAMS	H67	Research the development of a gleaning program.
	H68	Ensure adequate state and federal funding for healthy food skills-related education for SNAP/EBT and WIC participants.
	H69	Support affordability by encouraging farmers markets to accept federal and state funded nutrition incentives (i.e., WIC and SNAP programs). (see also: Agriculture)
	H70	Support the development and regular update of a list of local food pantries and soup kitchens, including food donation safety requirements, and distribute to local food businesses and institutions to encourage donations.
	H71	Collaborate with the hunger relief network and other senior / multigenerational anti-poverty and food insecurity efforts. (See also: Food Access)
	H72	Ensure engagement of those most impacted by health disparities, including low-income, African American, Hispanic, Native American, immigrant, refugee, and other underrepresented communities, in developing and implementing culturally appropriate food assistance, education, nutrition, gardening, and cooking programs.
	H73	Advocate for making more resources available to hunger relief programs for obtaining and storing healthy foods, including food grown by nearby farmers and foods familiar to customers' cultures.
	H74	Promote the adoption of a local and healthy food purchasing policy and encourage its use by municipal, county, school, and state agencies for their own operations and also for use in community benefit agreements with organizations that receive public subsidies. (See also: Economic Development)
	H75	Increase funding available for schools to obtain necessary facilities upgrades, kitchen equipment, or other food preparation and teaching resources.
	H76	Promote awareness of Buffalo and Erie County Public School Districts' Wellness Plans to ensure healthy food environments in schools.
INSTITUTIONAL		H77
		Coordinate with Buffalo Public Schools (BPS) to increase farm to school and other healthy school meal efforts, including garden to cafeteria programs, by seeking opportunities to reduce regulatory barriers.

Review

ONGOING REVIEW

The Food Action Plan Committee and working groups will be working on Plan implementation regularly and progress will be discussed at monthly FPC meetings.

A detailed review of the Plan's content and implementation progress will be conducted annually. Following this annual review, the Plan will be modified if needed.

FIVE-YEAR REVIEW

Five years after initial adoption, the Plan will be reviewed and updated as required. This may include revising the goals and actions as conditions dictate and editing the Plan to remove outdated references and/or actions to have been successfully implemented.

APPENDICES

APPENDIX A

Organizations Represented at April 2019 Public Workshop

Organizations Represented at April 2019 Public Workshop

1. Boulevard Produce
2. Braymiller Market
3. Buffalo and Erie County Food Policy (FPC)
4. Buffalo Common Council
5. Buffalo Niagara Medical Campus
6. Buffalo Public Schools Food Service
7. Cicatelli & Associates
8. Ciminelli Development
9. Erie County Department of Health
10. Farmer Pirates
11. Feedmore WNY
12. Field and Fork Network
13. Five Loaves Farm
14. FoodLink 716
15. Independent Health
16. Local Initiatives Support Corporation (LISC)
17. Massachusetts Avenue Project (MAP)
18. New York State Restaurant Association
19. Partnership for the Public Good (PPG)
20. United Way of Buffalo and Erie County
21. University at Buffalo (UB)
22. Wegmans
23. Wellness Institute
24. Westminster Economic Development Initiative (WEDI)
25. White Bike

APPENDIX B

Declaration of Support

Buffalo and Erie County Local Food Action Plan

Declaration of Support

We, the undersigned, support the vision and principles of the Buffalo and Erie County Local Food Action Plan.

VISION

We envision a county in which everyone has access to affordable, nutritious food, and where the food system, from seed to table and back to soil, is environmentally regenerative, economically viable, and supports a healthy life for all members of our community.

THEREFORE, WE BELIEVE:

1. Agriculture-friendly programs and policies should be supported and enhanced.
2. Efforts to develop a diverse and sustainable food economy, and to promote food systems as an economic engine, should be supported.
3. Awareness about local, healthy foods should be fostered in schools and offering, and learning opportunities offered in the public and private sector, and to elected representatives and public officials.
4. Policies and programs that ensure health and sustainability in the food system should be advocated for.
5. Policies and programs that ensure equitable access to complete food environment should be advocated for.
6. Policies and programs that ensure healthy food is available, accessible, affordable, and acceptable for all communities should be advocated for.

I am signing on:

- ☐ As an individual supporter
- ☐ For my organization
- ☐ For my local government
- ☐ For my institution

Name of Individual/ Org. / Gov. / Inst.:

Title/Position:

Phone Number:

Email Address:

I/WE WILL COMMIT TO DO THE FOLLOWING:

List the goals you support:

Comments:



Buffalo and Erie County **Local Food Action Plan**

Email completed form to fpc@erie.gov or complete online at erie.gov/dos

Thank you for your support of the Buffalo and Erie County Local Food Action Plan!

Appendix F

Exemption Administration Manual, Part 2: Industrial, Commercial, and Public Service—Section 4.06 - RPTL Section 485-b: Business Investment Property outside New York City

Assessor Manuals

Section 4.06 - RPTL Section 485-b: Business Investment Property outside New York City

Exemption code(s)

4760_	Initial exemption granted before 8/5/97
4761_	Initial exemption granted on or after 8/5/97

Year originally enacted:

1976

Related statutes:

None

Summary

To the extent allowed by local option, commercial and industrial facilities that are constructed, altered, installed or improved after July 1, 1976 (or some later date set by the taxing jurisdiction) at a cost exceeding \$10,000 (or some higher minimum chosen by the taxing unit) are partially exempt from taxation and special ad valorem levies, but are liable for special assessments. However, initial exemptions granted on or after 8/5/97 are liable for special ad valorem levies established for fire district, fire protection district, and fire alarm district purposes. The exemption may be granted only after the construction or improvement project has been completed.

State law allows the exemption to be granted to facilities used primarily for the buying, selling, storing, or development of goods or services, the manufacture or assembly of goods, or the processing of raw materials; however, local taxing jurisdictions may restrict exemption to only some types of businesses in any or all of these categories. If they are not excluded from eligibility by the taxing jurisdiction, the exemption also applies to hotels and motels, but not to property used primarily for the furnishing of other

types of dwelling accommodations to residents or transients. A taxing jurisdiction that restricts the exemption by type of business may also restrict it to one or more specific geographic areas.

This exemption may not be granted concurrent with or subsequent to any other property tax exemption for the same improvement, except that a subsequent exemption may be granted where, during the period of a previous exemption, payments in lieu of taxes or other payments were made to a local government in an amount equal to or greater than the amount of taxes that would have been paid on the improvements had the property been granted an exemption pursuant to RPTL §485-b. In that case, the property may be eligible for a §485-b exemption for a period of 10 years less the number of years such payments to the local government were made. (Note that, as is the case with other §485-b exemption applications, application for this type of subsequent exemption must be filed within one year of the date of completion of the construction or improvement project.)

Eligibility requirements

Ownership requirements:

Facility must be owned or operated by a private individual or organization.

Property location requirements:

Property must be located outside New York City. If a taxing jurisdiction has restricted exemption to a specific geographic area, the property must be located in that area.

Property use requirements:

As prescribed by state law, property must be used primarily for buying, selling, storing, or developing goods or services, for the manufacture or assembly of goods, for processing raw materials, or for hotel or motel purposes (but not for any other type of dwelling accommodations for residents or transients). However, local taxing jurisdictions may restrict eligibility for exemption to only some types of businesses in one or more of these categories. The cost of the construction or improvement project must exceed \$10,000 or any higher amount, not exceeding \$50,000, set by the local taxing unit. (See also Local Option below.) For purposes of this exemption the terms alteration, construction, improvement or installation all exclude ordinary maintenance and repairs.

Certification by state or local government:

Completion of the construction or improvement project must be demonstrated by a certificate of occupancy or other appropriate document. Changes in the assessing unit's level of assessment must be certified by the NYS Office of Real Property Tax Services.

Required construction start date or other time requirement:

Construction or improvement must begin after January 1, 1976, or any later date chosen by the taxing jurisdiction. However, initial exemptions granted on or after 8/5/97 are liable for special ad valorem levies established for fire district purposes.

Local option

Yes. Each county, city, town, village, and school district (except the city school districts of Buffalo, Rochester, Syracuse, and Yonkers) has several options under RPTL §485-b.

1. **Advisory Board:** Each taxing jurisdiction may, by resolution, establish an Industrial and Commercial Incentive Board (ICIB). The ICIB must present to the appointing local legislative body a plan that addresses the following:
 1. **Eligible Business Property:** The plan must designate which types of business real property should be eligible for the basic exemption. Such designation of eligible businesses must be according to specific sectors and subsectors, as defined in the North American Industry Classification System published by the U.S. Government.
 2. **Eligible Areas:** The plan must identify the specific geographic areas within which exemption should be available.
 3. **Extent of Exemption:** The plan must recommend whether the exemption to be granted should be the basic exemption or the accelerated strategic exemption (see #2 below).

In developing its plan, the ICIB must consider the planning objectives of each municipality within which the exemption would be available, the need for the exemption to attract or retain the type of businesses desired, and the economic benefit to the area of granting exemption to various types of business.

2. **Extent of Exemption:** Two levels of exemption are authorized by §485-b: (a) a 10-year "basic exemption" beginning in the first year at 50% of the increase in assessed value due to the improvement and declining by 5% each following year and (b) a 10-year "accelerated strategic exemption" at 50% of such value in the first three years and declining from 40% to 5% during the next seven years.

The basic exemption is available to all taxing jurisdictions, which (a) may choose whether to disallow the exemption or (b) may reduce the percentage of exemption authorized by state law. The option to disallow or reduce the exemption must be exercised by counties, cities, towns, and villages through enactment of a local law and by school districts through adoption of a resolution.

The accelerated strategic exemption is available only to those taxing jurisdictions which, upon the recommendation of an ICIB, restrict exemption both (a) to only certain types of business property within the categories specified by state law and (b) to such business property only within certain geographic areas. The option to restrict exemption must be exercised by counties, cities, towns, and villages through enactment of a local law and by school districts through adoption of a resolution. This local law or resolution may also permit eligible property to be granted the accelerated strategic exemption, provided that the law or resolution (a) contains findings that the adoption of the accelerated strategic exemption is necessary to encourage targeted economic development or create or retain permanent private-sector jobs and that the value of the exemptions to be provided is justified by the need to provide employment opportunities and broaden the tax base, (b) limits that applicability of the exemption to projects where the cost of construction, alteration, installation, or other improvement exceeds the sum of \$50,000, and (c) provides that the exemption is restricted by property type and geographic area as recommended by the ICIB.

If a county acts to restrict exemption, the restricted exemption applies to the taxes and special ad valorem levies of each city, town, village, and school district located in the area within which the restricted exemption is allowed by the county, unless such city, town, or village, by law, or school district, by resolution, determines that the restricted exemption is not applicable to its taxes and special ad valorem levies. However, initial exemptions granted on or after 8/5/97 are liable for special ad valorem levies established for fire district, fire protection district, and fire alarm district purposes. Upon enactment of its law restricting exemption, the county must notify all affected cities, towns, villages, and school districts of its actions and inform them of their options regarding such restricted exemption.

3. **Construction Start Date:** With respect to the basic exemption, the taxing jurisdiction may specify in its local law or resolution any date after July 1, 1976 as the date after which construction must have begun for the property to be eligible for exemption.
4. **Construction Cost:** For the basic exemption, the taxing jurisdiction may, in its local law or resolution, increase the required minimum cost of construction from any amount in excess of \$10,000 to any greater amount not exceeding \$50,000.

Limitation on exemption

Limitation on exemption by amount, duration, and taxing jurisdiction

	General municipal taxes	School district taxes	Special ad valorem tax	Special assessments
1. Amount	Yes*	Yes*	Yes*	No exemption allowed
2. Duration	10 years**	10 years**	10 years**	No exemption allowed
3. Taxing jurisdiction				
a. County or county special districts	Ex***	NA	Ex****	Tax
b. City	Ex***	NA	NA	Tax
c. Town or town special district	Ex***	NA	Ex***	Tax
d. Village	Ex***	NA	NA	Tax
e. School District	NA	Ex***	NA	NA
Ex-Exempt Tax-Taxable NA-Not Applicable				

***Basic Exemption:** Amount of exemption is limited, in the first year, to 50% of increase in assessed value attributable to the construction or improvement; in each succeeding year, the amount of exemption is decreased by 5%. Local option may reduce the annual percentage of exemption allowed by state law.

Accelerated Strategic Exemption: Of the increase in assessed value attributable to the construction or improvement, the amount of exemption is limited to 50% in each of the first three years, 40% in the fourth year, 30% in the fifth year, 20% in the sixth year, 10% in the seventh, eighth, and ninth years, and 5% in the tenth year.

**Less than 10 years if, under certain conditions, the exemption is granted subsequent to another exemption (see Summary, paragraph 3).

***Unless disallowed by local option.

****Unless disallowed by local option. However, initial exemptions granted on or after 8/5/97 are liable for special ad valorem levies established for fire district, fire protection district, and fire alarm district purposes.

Payments in lieu of taxes

None required.

Calculation of exemption

General Municipal and School District Taxes

The schedule to be followed in calculating the exemption depends on which of the two types of exemption available the taxing jurisdiction has chosen to grant: the basic exemption or the accelerated strategic exemption.

1. **Basic exemption:** Unless reduced by local law or resolution, the following percentages of the increase in assessed value resulting from the construction or improvement should be applied:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

2. **Accelerated strategic exemption:** The following percentages of the increase in assessed value attributable to the construction or improvement should be applied:

Year of exemption	Percentage of exemption
1 - 3	50
4	40
5	30
6	20
7 – 9	10
10	5

For both of the above types of exemption, the exempt amount for each year is to be calculated on the basis of the exemption base," defined as the increase in assessed value in the first year of the 10-year period, unless there has occurred in any year a change in the assessing unit's level of assessment of 15% or more, for a final assessment roll, in which case the exemption base must be adjusted by the fraction resulting by dividing the total assessed value of the parcel on that final roll (after accounting for any physical or quantity changes since the prior roll) by the total assessed value on the immediately preceding assessment roll. See Reporting Requirements (Assessor) below.

Special ad valorem levies and special assessments:

Special ad valorem levies:

See *General municipal and school district taxes* above. However, initial exemptions granted on or after 8/5/97 are liable for special ad valorem levies established for fire district, fire protection district, and fire alarm district purposes.

Special assessments:

No exemption allowed.

Coding of exemption on assessment roll

Code	Description of alternative codes possible
4760_	Initial exemption granted before 8/5/97
4761_	Initial exemption granted on or after 8/5/97

Assessment roll section(s):

Taxable (RPS Section 1).

Note: These codes should not be used to identify property that is exempt under any of the statutes listed under Similar Exemptions below. For coding of such property, see the Exemption Profile for the statute that applies.

Filing requirements (owner or occupant of property)

Form RP-485-b, *Application for Real Property Tax Exemption for Commercial, Business or Industrial Real Property*.

Application required first year only. Application must be filed within one year of the date of completion of the construction or improvement project.

Reporting requirements (assessor)

Where the exemption base is adjusted because of a change in the assessing unit's level of assessment of 15% or more (see Calculation of Exemption above), the assessor must provide written notice of such exemption adjustment to the property owner. The owner may apply for a correction as provided under RPTL § 553, 554 or 556, if he or she believes the adjustment was calculated incorrectly.

Similar exemptions

Subject	Statute
Branch banks in banking development districts	RPTL §485-f
Commercial properties in designated areas of Manhattan (New York City)	RPTL §499-b
Commercial properties in New York City except designated areas of Manhattan	RPTL §499-bb

Economic transformation areas	RPTL §485-p
Industrial and commercial properties in New York City (project certified by NYC Department of Finance)	RPTL §489-bbbb
Industrial and commercial properties in New York City (project certified by NYC Department of Finance after June 30, 2008)	RPTL §489-bbbbbb
Mixed-use properties in certain municipalities	RPTL §485-a
Mixed-use properties in New York City	RPTL §489-bbbbbb
Municipal industrial development agencies	RPTL §412-a; Gen Muny L §874
NYS Urban Development Corporation(industrial project)	McK U Con L §6272
Property improvements in empire zones	RPTL §485-e
Residential-commercial properties in certain counties	RPTL §485-n

Exemption application forms

[RP-485-b](#)

[RP-485-b-Ins](#)

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Please send general questions or comments to [ORPTS](#).

Appendix G

Section 108 Loan Guarantee Program Overview

The Section 108 Loan Guarantee Program (Section 108) provides communities with a source of low-cost, long-term financing for economic and community development projects. Section 108 financing provides an avenue for communities to undertake larger, more costly projects, where they may have limited resources to invest in upfront.

Section 108 can fund economic development, housing, public facilities, infrastructure, and other physical development projects, including improvements to increase their resilience against natural disasters. This flexibility of uses makes it one of the most potent and important public investment tools that HUD offers to states and local governments.

Section 108 assistance can be deployed in two ways:

- Directly by the community or its governmental or non-profit partner to carry out an eligible project, or
- Indirectly with a community or its partner re-lending (or, in limited circumstances, granting) the funds to a developer or business to undertake an eligible project

The program is authorized under Section 108 of the Housing and Community Development Act of 1974 as the loan guarantee component of the **Community Development Block Grant (CDBG) Program** (<https://www.hudexchange.info/programs/cdbg/>). The specific regulations governing the Section 108 Program may be found at **24 CFR 570** (<http://www.ecfr.gov/cgi-bin/text-idx?SID=3cf4d7b5c36d8040c0509ac6edf373b3&mc=true&node=sp24.3.570.m&rqn=div6>), Subpart M, Loan Guarantees.

Appendix H

TOWN OF COLLINS
Comprehensive Plan Update
Public Meeting
May 21, 2024

AGENDA

- I. Open House – 6:00 PM
 - General Discussions with Town Representatives
 - Display of maps
- II. Presentation – 7:00 PM
 - Previous Plan and Need for Update
 - County sponsored and Committee Run.
 - What is a Comprehensive Plan?
 - Existing Conditions and Regional Plans
 - Vision
 - Recommendations
 - What is Next?
- III. Public Input
 - Comments and Questions
- IV. Closing and Thank You!

Appendix I

Collins Comprehensive Plan Public Meeting

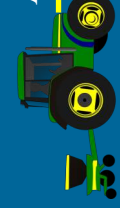
What is a Comp Plan?

- Assesses strengths and opportunities inherent in a community to develop a rational basis for proposed policies, codes, and other activities.
- Shapes new development to the community's needs and preferences.
- Guides both public and private action to save money, time, and effort.



Land Use Goals

Preserve and protect the rural and small town character of the Town of Collins



Agriculture/Farmland Goals

Promote the continued viability of agriculture and the retention of farmland



Open Space and Recreation Goals

Preserve and enhance permanent open space in the community. Provide additional recreational facilities where needed.



Economic and Business Development Goals

Maintain a supportive business environment to retain existing businesses and to attract new business development.



Visit the Town's website for opportunities to get involved!

www.townofcollins.com

Public Meeting at Collins Town Hall

May 21, 2024

14093 Mill St, Collins, NY

Open House: 6 PM

Meeting Time: 7 PM

Appendix J



MEETING MINUTES

375 Essjay Road, Suite 200
Williamsville, NY 14221

Phone: 716-688-0766
Fax: 716-625-6825

Project No. 623601

Project Title: Collins Comp Plan

Meeting Date: 5/21/24 6pm-8pm

Location: Collins

Subject: Public Hearing Notes

Public Hearing Notes:

1. The open house started at 6:00pm and there were approximately 10 people at the beginning of the open house.
2. During the open house, the attendees mostly asked questions about the proposed wind project. We tried to get them to relate their questions to the comprehensive plan. They wanted to protect the environment and their lives from the effects of any large-scale wind project.
3. By 7:00pm there were about 30 people in attendance, and the supervisor made open remarks, thanking the County for supporting and partially funding the CP update. He also talked about the previous plan and the need for an update.
4. Drew Reilly then gave a brief explanation of what a comprehensive plan is and how it can help the town. This is an addendum to the 1999 Plan, and he recommended that a full update be completed with the Town and Village in the future. Although the conversation turned again to the wind project, we did get the attendees to identify some things that should be added to, or considered, in the plan.
 - a. Needs to include a map of the Aquifer in the Town (it needs to be protected). Large scale wind turbines and their large concrete foundations can impact the aquifer.
 - b. One resident believed that there are fracking wells in the town. (We referred them to the "Well Map")
 - c. Some residents said that there are new gas lines (pipes) in the town, and they should be identified.
 - d. The town has numerous potentially historic homes and structures (barns). It was suggested that the town update the information in the 1999 plan and include more of the eligible homes and structures in the town in an historical designation.
 - e. Important fishing locations (residents need to identify).
 - f. Large wooded areas in the Town need to be identified and protected (see Vision map for the one large wooded area – are there more large important wooded areas?).
5. Drew and the supervisor closed the meeting, with a reiteration of the need for residents to identify those aspects of the town that make the community unique (Those that don't show up on any maps). The maps were left at the town and residents were encouraged to provide additional input over the next few weeks.

The above minutes represent Wendel's understanding of the major topics discussed. Please provide additions/deletions to the undersigned within 5 business days of receipt.

Prepared By: Wendel

Signed:

Dated: 5/28/2024

Printed Name: Andrew C. Reilly