

From the Southern Area DRAFT GEIS See bottom of page 1 for "voluntary FILM."

A recommended new standard of 1 playing field for every 3,000 population versus the NRPA recommended standard of 1 for every 5,000 people was suggested by the Town for implementation for baseball fields. The Town is in a current deficit of baseball fields, having a need for 4 additional. For softball fields, the same standard and revised recommendation as determined by public input was established, indicating a need for 2 additional softball diamonds. The Town has a current deficit of 1 playing field for field hockey; the standard indicates 1 field for every 20,000 population; the Town did not recommend deterring from this standard in that most hockey fields can be doubled for other sports, i.e. lacrosse. With respect to mixed field use, there is no established ratio for recommended number of facilities; however the Town suggested 1 field per 3,000 population, thereby putting them at a current deficit of 2 fields. For basketball, the NRPA standard is 1 for every 5,000 population. The Town adjusted that to reflect 1 for every 2,000 population, putting them at a current deficit of 3 courts. Multiple recreation courts, for basketball, volleyball, and tennis, have a standard of 1 court per 10,000 people. The Town did not alter from this standard and as such is currently in need of 2 courts. The standard requirement for skate parks is 1 per 50,000 people; the Town did not deviate from this standard and as such is currently in need of 1 skate park. The Town also has a need for 1 swimming pool, as the standard calls for 1 pool per 20,000 people. For natural skating areas, the standard is 1 per 2, 500; the Town deviated from this to indicate only 1 for every 10,000, thereby putting them at a current deficit of 2 natural skating areas.

3.7.5.2 Impacts and Mitigation - All Growth Alternatives

At full build out, each growth alternative could result in additional population in the Southern Area of the Town of New Hartford. This would have a direct correlation to the number of recreational facilities required as discussed above. By 2030, no one particular alternative would grow the study area more than the other since they are all based on a constant rate of development. The population would be more spread out in Alternatives 1 and 2. Alternatives 3 & 4 allow recreational facilities to be located within walking distance of a larger number of people. Regardless of how the Town is built-out, there is a current identified need for additional facilities.

3.7.6 Economy

In order to preserve the character of the Town of New Hartford, the alternatives concentrate commercial growth in the hamlets. These commercial centers are envisioned to serve residents of the Southern Area generally and the residents in and around the hamlets specifically. A large influx of commercial growth is not anticipated as a result.

3.8 Mitigation Costs – Fees In Lieu Of Mitigation

As the Town develops, government can expect demand for services to increase. Normally, these costs are shouldered by residents and businesses through local real estate taxes. However, there are circumstances under which development generates more than its fair share of demand for services. In the case of two previously prepared GEIS studies for the Town of New Hartford, it was shown that New Hartford's Commercial Drive and French Road areas are regional shopping and retail destinations, generating adverse impacts from outside of the community as well as from within. These impacts, mainly traffic and public safety, are mitigated during the development process through design and construction considerations and/or voluntary Fees In Lieu of Mitigation.

From the Southern Area Draft GEIS yet to be approved by the town board.

In the case of the Southern Area of the Town of New Hartford, the adverse impacts can generally be expected to be generated from within, mainly by residential development, and these potentially adverse impacts can be expected to be wide-ranging. Their intensity will be exacerbated as development continues and because of the conditions identified in this study, they are local to the southern portion of the Town. As a result, the cost of mitigating these potentially adverse impacts should be borne where they are generated.

Implementation of fees in lieu of mitigation (FILM) is an option the Town could pursue to supplement the Town's existing capital expenditures for these items. Mitigation costs would be presented as a voluntary contribution that comes from the developer; is based on an established formula for specific itemized Town improvements that are a direct result of the development, i.e. transportation, land for recreational uses; and are proportioned such that no developer or private citizen is inadvertently overcharged (or charged) for items that would otherwise not be needed if it were not for the proposed development. The premise of implementing FILM is to provide an option to developers for mitigating potentially adverse impacts that are anticipated as a result of proposed development.

Under SEQR, providing the option of having a developer contribute fees in lieu of mitigation is considered to be a "means of mitigation and as such are not mandatory, rather a choice to provide a means to mitigate the impacts imposed upon the environment"¹ (within the Study Area and/or off-site) as a result of a project. Along those lines, providing this option to developers should be treated as a 'last resort' to mitigating impacts; if a developer presents a plan for mitigation of impacts to the Town, this plan ought to be considered for implementation versus collection of fees for future improvements.

Previously prepared GEIS studies for the French Road/Burrstone Road area and the Commercial Drive/Seneca Turnpike area presented a proposed cost implementation plan for the collection and distribution of fees in lieu of mitigation for projects that were proposed for these areas of the Town. Within this Plan, a method for composing the formula to use in collection of fees was provided. This method was reviewed in concert with this GEIS along with other municipalities where State enabling legislation exists as a basis for allowance of mitigation costs. Further, the National Realtors Association was reviewed in determining appropriate building costs.

¹ Letter from Rayhill & Rayhill (Phillip Rayhill) – Town of New Hartford Attorneys to Joseph W. Sarno, Chief Examiner of Municipal Affairs, Office of the State Comptroller, November 29, 1994 Re: fees in lieu of mitigation