

**Varick/ Romulus Depot Zoning Study**  
**Part 2: Analysis of Existing Zoning Districts – Romulus and Varick**  
 Interim Report – 12/16/13

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**Existing Romulus Zoning Districts**

The following zoning districts govern land in the portion of the Depot located in Romulus:

Energy Development	3,524 acres
Industrial/ Warehouse	1,200 acres
Institutional/ Governmental	886 acres

**Energy/ Development**

The Energy Development district comprises approximately 3,524 acres in the Romulus portion of the Depot. A large area at the center is occupied primarily by “igloos.”

The Donohue Report designated the central area for “Development Reserve” and part of the southern area for “Training Area.” The Crotty Report recommended that the Training Area be reduced in size and that the Development Reserve be designated for more specific uses.

The Town of Romulus Zoning Regulations state that:

*The Energy/Development (E/D) District is intended to promote the development of the central and western portions of the former Seneca Army Depot in a manner so as to promote the management of renewable resources, development of “alternative energy sources”, and development of industrial (and or agricultural) uses which provide a product for, or utilize and promote the alternative energy sources. This development is to be done in a manner so as to allow existing wildlife species to continue a viable presence within the district.*

A variety of agricultural, energy, industrial and business uses are permitted with a special use permit. Only “Wildlife Refuges” are permitted “by right.”

**Energy Development District – Town of Romulus**

<b>Uses Allowed “by right”</b>	<b>Special Permit Uses</b>
Wildlife Refuges	Agricultural Use
	Agricultural Structure
	Cemetery
	Communication Towers
	Hiking Trails
	Nature Preserves
	Outdoor Recreation
	Agricultural Business
	Conference Center
	Eating & Drinking Places – mobile
	Assembly
	Laboratory/R&D Facility
	Manufacturing

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Uses Allowed “by right”	Special Permit Uses
	Printing and Publishing
	Truck Terminal
	Warehousing
	Energy Production
	Wind Energy

### **Industrial/Warehouse**

The Industrial/ Warehouse area (approximately 1,200 acres) is located on the east side of the Depot and includes several existing warehouse-type buildings. It includes land owned and managed by Flaum Management. Active businesses include Seneca BioEnergy. A water treatment plant is at the northern edge.

This area includes land designated “Utility” in the Donahue Report. The Crotty Report concurred with the suitability of this use but recommended that a smaller area be designated as “Utility.”

Romulus’ I/ W zoning permits a wide variety of commercial, industrial, recreational and agri-business uses. However, energy uses are not permitted.

Although “agricultural uses” are not permitted, agricultural structures are, as well as commercial stables and agricultural businesses

Romulus Zoning regulations state:

*The purpose of the Industrial/Warehouse (I/W) District is to delineate an area best suited for Industrial, Office Development, Warehouse and Distribution uses because of location, existing services (i.e., rail), topography, existing facilities, previous use of the property and the relationship to other land uses. It is also the intent of the district to require that such uses be planned in a manner as to minimize degradation of groundwater and surface water quality, and wetlands, minimize disturbance of natural vegetation and harmonize with nearby residential areas.*

### **Industrial/Warehouse District – Town of Romulus**

Uses Allowed “by right”	Special Permit Uses
Agricultural Structure	Adult Entertainment
Medical and Health Care	Communication Towers
Bank	Confined Animal Feeding Operation
Commercial School	County Offices
Conference Center	Day Care Center

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Uses Allowed “by right”	Special Permit Uses
Financial, Insurance & Real Estate	Public/Semi-Public Facility
Indoor Recreation	Stable – Commercial
Large Product Retail	Agricultural Business
Laundromat	Animal Hospital
Laboratory/R&D Facility	Auction Sales - permanent structure
Personal Service Shop*	Bank
Professional Office*	Commercial School
Retail Store*	Conference Center
Small Product Retail*	Eating & Drinking Places – mobile
Wholesale Outlet*	Golf Courses (including driving range and miniature golf
Assembly	Junkyard
Laboratory/R&D Facility	Mortuary or Funeral Parlor
Manufacturing	Motel/Hotel
Printing and Publishing	Motor Vehicle Repair Shop
Truck Terminal	Nursery/Garden Shop
Warehousing	Restaurant
	Shopping Center
	Tavern, Bar, Nightclub
	Theater – indoor

\*No zoning permit required

### **Institution/ Government**

This District occupies approximately 860 acres in the southeast portion of the Depot. It includes the Five Points Correctional Facility.

Uses allowed with a special permit uses include a wide range of retail, service and recreational uses in addition to the public and institutional uses permitted “by right.” “Agricultural uses” are not permitted, although “agricultural business” and “agricultural structures” are (with SUP.)

Romulus Zoning regulations state:

*The Institutional /Governmental (I/G) District is intended to designate areas utilized by a public or private organizations for a purpose providing services the community and state (i.e. school or other educational activity); and those areas under the jurisdiction of either the NY State or Federal government and utilized for activities and purposes of their designation and which are also operated by them with neither local oversight nor any local control whatsoever.*

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**Industrial/Warehouse District – Town of Romulus**

<b>Uses Allowed “by right”</b>	<b>Special Permit Uses</b>
Correctional Facility	Agricultural Structure
Public/Semi-Public Facility	Cemetery
Police Training Academy	Church - building only
Flea Market - permanent structure	Communication Towers
Indoor Recreation	County Offices
	Day Care Center
	Family Day Care Center
	Firing Range
	Medical and Health Care
	Nature Preserves
	Outdoor Recreation
	Wildlife Refuges
	Agricultural Business
	Animal Hospital
	Auction Sales - permanent structure
	Campground/Travel Trailer Park
	Conference Center
	Eating & Drinking Places – mobile
	Golf Courses (including driving range and miniature golf)
	Large Product Retail
	Laundromat
	Motor Vehicle Repair Shop
	Nursery/Garden Shop
	Personal Service Shop
	Restaurant
	Retail Store
	Small Product Retail
	Tavern, Bar, Nightclub
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**Existing Varick Zoning Districts**

Two zoning districts govern the Varick portion of the Depot: Small Business Park and Institutional (BPI) and Conservation, Recreation and Green Energy (CRE).

The SBPI District is located at the northern end of the Depot, with approximately 850 acres. It includes:

- a. the “Q Area” that was originally built for maximum security. Includes warehouses and storage bunkers (“igloos”). Includes
- b. the Finger Lakes Technology Group (“FLTG Park”)
- c. Hillside Agencies
- d. A strip of vacant land along the east side Perimeter Road at the western boundary of the Depot.

A water tank and sewage treatment plant are located in this district.

The Donahue Report recommended most of this area for Institutional/ Training uses. The Crotty Report concurred with this designation but recommended that the igloo areas be designated “Conservation.”

**Small Business Park and Institutional (BPI)**

The Varick zoning regulations state:

Small Business Park and Institutional District is intended to create an environment favorable to small businesses and institutions that create little disturbance, and no deleterious effects on the natural environment. Preferred uses are those that benefit from campus-like setting, such as assembly, laboratories, research and development, electronic data storage, light manufacturing, printing and publishing.

This district permits a wide variety of institutional, recreational and commercial uses, as well as light manufacturing, research and development laboratories, gas wells and utilities.

**Small Business Park and Institutional (BPI) District – Town of Varick**

Permitted Uses	Conditional	Special Uses
Post Office	Place of worship	Water tower
School (K-12) <36 students	Storage of supplies and materials for commercial and industrial purposes (outdoors).	Wireless telecommunications infrastructure
School (K-12) >36 students		
Town or County municipal office		
Fire house		
Hiking, biking Trail		
Wildlife refuge or nature preserve		
Art studio		

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Permitted Uses	Conditional	Special Uses
Child day care center		
Commercial services (such as plumbing, electrical, carpentry, printing, off-premise catering.)	Restaurant, without vehicular-oriented or drive-through service	Gasoline sales, more than three pumps
Equipment rental, including boats, canoes, sporting goods, appliances and tools		
Funeral home		
Gas well		
Gasoline sales, three pumps or less		
Health care services (such as physician, dentist, chiropractor, massage therapist, other licensed health care professional)	Storage of Commercial Vehicles	Retail Sales, 3000 to 30,000 square feet
Laboratory/R&D Facility		
Light manufacturing		
Nursery/Garden Shop		
Office, general business		
Personal services (such as accountant, salon, barber, fishing guide, laundromat)		
Physical fitness (such as gym, dance studio, yoga studio)		
Private group instruction (such as seminar or retreat center, for less than 30 participants)		
Private individual instruction (such as piano lessons)		
Public utility infrastructure for the transmission of gas, electricity, telephone and cable services.		
Residential Care Home, with one to nine residents		
Institutional Care facility, 10 or more residents		
Retail sales, less than 3000 square feet, indoors		
Vehicle service		
Veterinary service		
Warehouse		

**Conservation, Recreation and Green Energy (CRE)**

Varick’s Conservation, Recreation and Green Energy (CRE) zoning district area includes all of the Depot land in Varick outside of the BPI district – approximately 3,250 acres.

The Donahue Report designated this area as Conservation/ Recreation and Green Energy. The Crotty Report recommended that energy uses be located outside of the igloo areas, which were recommended for Conservation.

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Varick’s zoning regulations state:

This district is intended to 1) conserve the natural flora and fauna, retain habitats supporting its Important Bird Area status, maintain the white deer herd; 2) provide outdoor recreation opportunities; and 3) provide a site for development of on-site or renewable sources of energy that are clean and have low off-site environmental impact, such a solar, wind, or biomass. Energy production that encourages business development elsewhere on the former Seneca Army Depot property is particularly desirable.

**Conservation, Recreation and Green Energy (CRE) District – Town of Varick**

<b>Permitted</b>	<b>Conditional</b>	<b>Special Use</b>
Park	Agriculture	Water tower
Hiking, biking Trail	Bar	Bed and Breakfast lodging
Wildlife refuge or nature preserve	Restaurant, without vehicular-oriented or drive-through service	Campground, Cottages, Travel Trailer Camp
Gas well		Equipment rental, including boats, canoes, sporting goods, appliances and tools
Gasoline sales, three pumps or less		Gasoline sales, more than three pumps
Laboratory/R&D Facility		Inn
Public utility infrastructure for the transmission of gas, electricity, telephone and cable services		Private group instruction (such as seminar or retreat center, for less than 30 participants)
		Sexually oriented business
		Wireless telecommunications infrastructure

Zoning regulations specify conditions for certain uses, including:

**310.8 Agriculture in CRR District.** Green energy-related agriculture is permitted to the extent that the natural flora and fauna in conserved, habitats supporting its Important Bird Area status are retained, and the white deer herd is maintained.

**310.16 Livestock in Conservation, Recreation and Green Energy District.** Animals for riding and transport (e.g. horses) are permitted, animals raised for food or sale (e.g. cattle, pigs) are not permitted.

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**311.14 Hospitality Uses in Conservation Recreation and Green Energy District.** Uses that involve accommodating visitors shall not impair habitat of the natural flora and fauna, compromise its Important Bird Area status, or harm the white deer herd through construction or activities, including traffic, or to reduce the recreational opportunities for the public. It is the applicant's responsibility to provide project plans and engineering or biological assessments of impact with the amount of detail the Planning Board deems necessary for it to evaluate the project

**311.4 Gasoline sales, more than 3 pumps.** Site shall be on a state highway. Lighting shall not produce glare for drivers, nor spill light over to adjacent properties. Pumps shall be at least 500 feet from any residence on an adjacent property. The design shall enhance the appearance of the neighborhood.

The Code Enforcement Officer is responsible for determining whether these conditions are met.

For Special Permit Uses, the Planning Board applies the following general criteria as well as specific criteria for certain uses:

The Planning Board shall use its discretion to determine whether the proposed use is consistent with the intent of the District for which it is proposed, does not have undue negative impact on the community, and conforms to the specific provisions of the Special Use. The Planning Board will also determine whether the proposed development requires a State Environmental Quality Review.

Comments:

The conditions for a special permit for Hospitality Uses are very broad and would be difficult to defend legally if challenged. For example – “shall not harm the white deer herd” could include the possibility of hitting a single deer with a vehicle. Clearer guidance would be helpful.

NY Audubon may be able to review the Important Bird Habitat (IBA) boundaries to delineate those portions of the Depot that are considered critical habitat. These delineations could provide guidance to potential developers and the Planning Board in selecting appropriate sites and reviewing applications for development.