

**A. INTRODUCTION AND REGIONAL SETTING**

The manner in which property is used is one of the primary concerns in the development of this Comprehensive Plan. The Village of Attica is a largely built community, with limited areas of remaining vacant land available for development. However, the Village's downtown contains vacant buildings, many of which were formerly used commercially.

The Village of Attica is primarily a residential Village with some supporting commercial, industrial, and institutional uses located in or near a traditional downtown center. The main sources of jobs and economic activity, however, originate outside the Village borders in the surrounding Town of Attica. The Town of Attica is predominantly a rural Town with most of the land used for agriculture, but the Town is also home to two large correctional facilities (Attica Correctional Facility and Wyoming Correctional Facility), located immediately adjacent to the southern Village boundary.

Roughly 80 percent of the Village is located in the Town of Attica in Wyoming County. A rural and agricultural county, Wyoming County is comprised of 16 towns and 9 villages with a combined population of approximately 43,424 residents in 2000, of which six percent resides in the Village of Attica. The other 20 percent is located in the Town of Alexander, in Genesee County. With 60,370 residents in 2000, Genesee County is comprised of the City of Batavia, as well as 13 towns, 6 villages, and the Tonawanda Indian Reservation (see Chapter 2.2, Socioeconomic Conditions"). The Genesee County portion of the Village has recently experienced some strip commercial development, whereas the Wyoming County portion of the Village has not seen any new commercial development in many years.

Physically, the Village is "divided" into quarters. The Norfolk Southern Railroad line runs east-west across the Village, while Tonawanda Creek runs north-south through the Village. These factors, in addition to the environmental constraints caused by the floodplains of Tonawanda Creek and Baker Brook, have resulted in limitations to new development in the Village. Attica is situated within easy access to the New York State Thruway and other state roads leading to the cities of Buffalo, Batavia, and eventually Rochester (See Chapter 2.7, "Transportation and Infrastructure").

**B. LAND USE****TOTAL ACREAGE**

The Village of Attica has a total land area of approximately 861 acres, or roughly 1.3 square miles. The vast majority of the acreage is developed land, which is defined as land developed for residential, commercial, industrial, or institutional uses. Approximately 80 percent, or about 687 acres, is estimated to be in residential use (See Table 2.1-1). Commercial office, retail, and commercial service uses cover about 17 acres, or two percent of total acreage. Industrial uses make up 3.5 percent of the Village land area. Community service uses - such as schools,

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churches, and government facilities - comprise 11 percent of the total acreage. An estimated 30 acres are occupied by parks and open space areas. An estimated 1.5 acres is vacant land. Generalized land use is described in Table 2.1-1, below.

**Table 2.1-1  
Village of Attica Generalized Land Use, 2002**

Type	Acres	Percent of Total Acreage (%)
Residential	687	79.8%
Commercial	18	2.0%
Industrial	30	3.5%
Community/Public Service	94.5	11.0%
Park and Recreation	30	3.5%
Vacant and Unclassified	1.5	0.2%
Total Acreage	861	100.0%

**Source:** AKRF, Inc., 2002 (Based on Wyoming County tax maps)

*RESIDENTIAL*

Single family residential dwellings are the most prevalent land use in the Village. According to 2000 U.S. Census data, there were 1,165 housing units in the Village (an increase of 50 units since 1990). Almost 93 percent of the housing units in Attica are occupied. Residential density is generally consistent throughout the Village.

*COMMERCIAL*

Commercial uses are primarily focused in the downtown central business district (CBD), located along Main, Market, and Exchange Streets. These businesses are mostly operating from buildings constructed at the turn of the century. On Main Street, many of the large, former residences have been converted into service-type businesses. The CBD is characterized by distinct village-style development containing two- and three-story mixed use buildings.

An expansive commercial area, roughly 0.5-acres, is located in the northern portion of the Village on Prospect Street in Genesee County within the Tonawanda Creek floodplain. This area has grown over the last 15 years and mainly contains national and regional retail and restaurant chains, and is anchored by a grocery store. The pattern of development differs from the traditional village in downtown Attica. The auto-oriented, suburban style development includes auto-related uses, fast-food establishments, and parking in front of the establishment.

*INSTITUTIONAL AND COMMUNITY SERVICE*

As is characteristic of traditional villages, mixed among the residential and commercial sections are pockets of institutional uses such as schools, government facilities, and churches. Many of the institutional uses are located on Main Street and Prospect Street, including properties of the

Attica Central School District. The Village offices and the Attica Fire Company are located on Water Street. The Police Department/Department of Public Works building is located on Exchange Street. Parks include the Attica Village Park and the Attica Youth Association Park, both of which are located on Exchange Street. Other recreational spaces are located at the High School/Middle School complex on Main Street, and at Prospect Elementary School on Prospect Street. These facilities are described in detail in Chapter 2.2, “Community Facilities and Recreation.”

#### *INDUSTRIAL AND UTILITY LANDS*

The Norfolk Southern rail right-of-way runs east-west through the Village. This line has the potential to provide direct access to freight transport, but is currently not used by any businesses in the Village. There is an additional secondary spur from the main tracks southwest of the intersection of Main and Favor Streets, which runs northeast. Industrial and vacant lands are primarily located adjacent to the rail right-of-way.

Attica’s most notable industrial site, the former Westinghouse Foundry, is situated adjacent to the Norfolk Southern track. The Westinghouse Corporation owned and operated an iron foundry from the turn of the century to 1986. Though some industries are currently operating at the Westinghouse Site, the majority of the 28-acre parcel is underutilized. A former foundry sand landfill is located in the southwest portion of the site, and a lagoon and wetlands are located to the west of the landfill. In 1998, the U.S. Environmental Protection Agency (EPA) removed hazardous materials from the site and launched a Brownfield Site Investigation in order to determine the extent of contamination of the site. The EPA collected site samples in 2000, and tests indicated that no further removal actions were required.

The Godfrey Milling company is located in the western portion of the Village on West Avenue, adjoining the Norfolk Southern right-of-way. On the opposite side of the street is an auto dealership, which recently expanded. These uses are immediately adjacent to residences.

#### *VACANT*

The Village has very little remaining vacant, undeveloped land. There are few existing vacant parcels and buildings in the Village which present development and redevelopment opportunities for industrial, commercial, housing, and recreational uses. The amount of vacant land in the Village of Attica is estimated at roughly one acre. As seen in Figure 2.1-1, vacant parcels are located in and around the downtown CBD. The largest industrial vacancy is the 40-acre former Westinghouse Factory site, located at the foot of Favor Street south of Main Street. The CBD contains an estimated 40,000 square feet of vacant space.

### **C. LAND USE REGULATIONS**

#### **ZONING**

The stated purpose of the Village of Attica’s zoning law, Chapter 62 of the Code of the Village of Attica, “promote the health, safety, and general welfare of the community by regulating and restricting dimensions and uses in accordance with §7-700 of the New York State Village Law.”

Zoning regulates the uses allowed in the various districts, as well as certain aspects of the dimensional requirements of those uses. Current zoning provides for the development of the Village as a predominantly residential community with a limited amount of supporting

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commercial and industrial facilities. The Village has three zoning districts, including one residential district (Zone A), one commercial district (Zone B) and one industrial district (Zone C). The Village zoning also includes supplemental development provisions, including regulations for special permits, and signs and billboards.

The Village zoning districts are described in Table 2.1-2, below, and illustrated in Figure 2.1-1.

**Table 2.1-2**  
**Existing Dimensional Requirements, Village of Attica Zoning Law**

<b>Dimension</b>	<b>Residential (Zone A)</b>	<b>Business (Zone B)</b>	<b>Industrial (Zone C)</b>
Minimum Front Yard	10 ft.	n/a	10 ft.
Minimum Side Yard	5 ft.	n/a	10 ft.
Minimum Rear Yard	15 ft.	n/a	10 ft.
Maximum Lot Coverage	35%	n/a	n/a
Maximum Building Height	45 ft.	75 ft.	n/a
<b>Legend:</b> ft.=feet; n/a=regulation not specified			
<b>Source:</b> Code of the Village of Attica, Chapter 62, Zoning			

*RESIDENCE DISTRICT*

The residential district (Zone A) is the largest zoning district in the Village, covering about 677 acres. Minimum lot size requirements for dwelling units in the residential district are not specified, however it is stipulated that no building shall occupy more than 35 percent of the lot area. Permitted uses in Zone A include one- or two-family dwelling houses; multiple or apartment houses; rooming or boarding houses; churches; clubhouses; schools; libraries; professional offices; artists' studios; home occupations; and other accessory buildings such as private garages, greenhouses, and nurseries. The residential district contains controls for rear yards, side yards, front yards, frontage on public streets, maximum lot coverage, and maximum building height. The dimensional requirements reflect a traditional village-style density and height, with buildings close to the street and each other, and development of up to four stories.

*COMMERCIAL DISTRICT*

The commercial district (Zone B) delineates the downtown area centered along Main Street and Market Street, and permits a full range of commercial business uses, specifically including retail stores, banks, theaters, offices, newspaper establishments, hotels and restaurants. The zoning does not provide specific density controls, except pertaining to building height. In Wyoming County, roughly 28 acres of land in the Village is in Zone B. In Genesee County,

*INDUSTRIAL DISTRICT*

The industrial district (Zone C) is mapped in two main areas in the Village, and covers a total of approximately 30 acres. The larger of the two industrial areas is located in the southeast quadrant of the Village, encompassing the location of the Westinghouse site. The smaller area

is located along the Buffalo Avenue corridor in the northwest quadrant of the Village. Zone C permits any business “that is not detrimental to the public safety and general welfare,” as well as all uses permitted in the residential and commercial districts. No density controls are specified except that residences constructed in Zone C must comply with Zone A requirements.

## **OTHER LAND USE REGULATIONS**

### *FLOODPLAIN REGULATIONS*

There is currently no “floodplain” zone designated in the Village, except for the area delineated by the Flood Hazard Boundary Map by the Federal Emergency Management Administration (FEMA). For areas located within the floodplain, the Town Board reviews building permit applications and evaluates them based on standards for flood hazard reduction, including anchoring, construction methods, and construction materials. The Town Board may also issue variances for buildings or improvements occurring on ½-acre or less, or for structures that are registered on the National Register of Historic Places or the State Inventory of Historic Places. The flood prevention ordinance also states that variances should not be issued within any designated floodway if it would increase flood levels.

### *SPECIAL PERMITS*

Special Permit review is conducted by the Zoning Board of Appeals (ZBA) for the establishment of a hospital, sanitarium, railway passenger station, neighborhood store, garage or gas station, or other public or semipublic utility in Zone A (Residence District). Special permit conditions require that the structure is beneficial to the Village as a whole and not detrimental to the comfort and well being of the neighborhood, and will not cause substantial depreciation in the property values of the neighborhood.

Garages and gas filling stations require a special use permit. The ZBA must provide property owners within 300 feet of the proposed location with written notice of the proposed establishment, and in return receive written consent by 75 percent of all property owners within 200 feet of the proposed location. Further restrictions are given to garages and gas stations in the residential zone. Neither a garage nor gas station may be located within 25 feet of any street, or shall be within 200 feet of any public school, church, or hospital.

Though the locations of garages and gas stations are restricted, other auto-related uses, including auto dealers and drive-thru establishments, are not regulated.

## **LAND USE AND ZONING ANALYSIS**

### *INCOMPATIBLE AND NONCONFORMING USES*

Land use and zoning issues are typically based on instances of incompatible land uses located next to each other, land uses that do not conform to the uses stipulated in the zoning law (including those that pre-date zoning), and land uses which do not comply or meet the minimum dimensional requirements (e.g., lot area, setbacks) set forth for the given zoning district. It has been several years since a variance was issued.

The zoning law is written to be very flexible, and does not incur many restrictions to property owners. For this reason, there are few instances of noncompliant or nonconforming uses of land in the Village. One instance of a potential incompatible land use is found on Favor Street where the residential district abuts the industrial district. This area contains residences in the vicinity

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of the former Westinghouse site and no buffer area exists to physically or visually separate the two areas. Though the Westinghouse site is currently underutilized, it might be construed as a visual eyesore by nearby residents. Once the site is redeveloped and reused, new issues may arise, involving visual, noise, and air quality. Another possible conflict is located on West Avenue and involves the auto dealership across from Godfrey Milling Company. The proximity of the establishment to the residential area and the lack of buffering may present visual and traffic-related issues for the residents in that neighborhood.

No provisions are stated for dedicating a percentage of a parcel to greenspace or buffering. This shortcoming has led to a potentially dangerous situation in the Genesee County floodplain area. The zoning law does not provide any specific regulations pertaining to regulating the design or location of auto-related, fast food, drive-thru uses, or other high volume traffic-generators. Consequently, these types of uses have been built in the Genesee County portion of the Village, and in Wyoming County on West Avenue adjacent to a residential neighborhood.

### *DEVELOPMENT IN FLOODPLAINS*

There are two floodplains in the Village. The larger of the two is located along Tonawanda Creek, predominantly along the eastern side of the Creek. A smaller floodplain is located along the eastern border of the Village. Flooding in the Village has been a major issue. In 1998, the Village suffered a major flood. The basements of businesses and residents on Prospect, Washington, Water, North and Exchange Street flooded, and many local streets were flooded three feet deep. As discussed earlier in this chapter, a large scale commercial area has been developed on Prospect Street in the Genesee County portion of the Village over the last 15 years. This area, zoned "business," contains highway-style commercial uses that include large areas of surface parking. The configuration does not allow for adequate drainage since the surface is almost completely impermeable. As the development does not incorporate any flood mitigation measures, the area is particularly at risk if another flood were to occur. In addition, according to New York State Department of Environmental Conservation (NYSDEC), this development has added to the threat of flooding in this area (see Chapter 2.6, "Natural Resources"). This situation is potentially problematic for the businesses that are located there, particularly the daycare center.

### *CONFLICTING DEVELOPMENT PATTERNS*

As discussed in Chapter 2.5, "Visual Character," the traditional Village "Main Street" development pattern of Attica's central business district and its historic residential neighborhoods are perhaps the community's strongest asset. The historic vernacular architecture, tree-lined streets, and compact and walkable nature of the Village makes it a visually attractive place for residents and visitors.

Contrasting with this character is the newer, more suburban-style developments occurring on the Village periphery, particularly at the north end of Prospect Street. Over the past 15 years, commercial development in this area has been more highway-style than village-style, and contrasts sharply with the remainder of the Village.

*BUILD OUT ANALYSIS*

An estimated 4,051,080 square feet, or 93 acres, of land in the Village of Attica are vacant. However, only about one-quarter of this acreage is suitable for development. The development potential of Attica’s vacant land has been calculated to indicate the maximum build out that could occur under the existing zoning. The build out analysis is not a projection of the amount of development that will actually occur, and it is important to note that the estimates are not based on market analysis or land development trends. Rather, the build out analysis is meant to show the maximum amount of theoretical development possible given existing vacant land, existing zoning, and environmental factors such as the presence of floodplains. Table 2.1-3, below, provides the methodology in estimating the maximum development potential for Attica.

**Table 2.1-3  
Estimate of Maximum Development Potential**

	Wyoming County			Genesee County	Totals
	A	B	C	B	
Vacant Square Feet	1,840,685	0	1,314,026	914,760	4,051,080
Vacant Acres	42	0	30	21	93
Maximum Building Coverage	35%	n/a***	n/a***	n/a***	---
Number of Floors	3	5	2	5	---
Floor Area Ratio (FAR)	n/a	2.5	1	2.5	---
Maximum Developable Density %*	25% - 35%	---	65% - 75%	30% - 40%	---
Maximum Housing Units	14 - 21 **	---	---	---	14 - 21
Maximum Commercial/ Industrial Floor Area – Square Feet	n/a	0	854,000 - 985,500	457,000 - 686,000 -	1,311,000 - 1,671,500

**Notes:** \* Assumes maximum development of the available land due to general development constraints and environmental sensitivity, particularly the presence of the Tonawanda Creek Floodplain and the railroad rights-of-way.

\*\* Due to absence of the minimum parcel size regulation in the zoning law, the average village parcel size of 0.7 acres was used to calculate the number of potential single family housing units in Zone A.

\*\*\* Due to the absence of lot coverage regulations in the zoning law, it was assumed that the maximum lot coverage of 50 percent would be acceptable in the commercial (B) and industrial (C) zones.

**Source:** AKRF, Inc., 2003

*Residential Analysis*

Maximum development potential for residential land was estimated by dividing the total area by the average lot size per unit to yield a maximum number of units. The residential build-out indicates that between 14 and 21 single family housing units could potentially be built in the Village. According to the 2000 U.S. Census, Attica’s median household size was 2.42 people.

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This translates into a potential 33- to 50-person increase in population. Although there are currently 42 acres of residentially-zoned land in the Village, 29 of those acres are not developable due to their location immediately adjacent to Tonawanda Creek.

### *Commercial and Industrial Analysis*

Maximum development potential for commercial and industrial uses was estimated by establishing a Floor-Area Ratio (FAR) equal to the maximum allowable building coverage multiplied by the allowable number of floors. Attica's Industrial Zone (Zone C) currently has 30 acres of vacant land available. Of this, 28 acres is associated with the former Westinghouse Foundry. The main development constraints of these parcels are the railroad right-of-way and possible lingering contamination from Foundry operations from the turn of the century through 1986, and two oil spills that occurred in the 1990s. Assuming 65 to 75 percent can be developed, these parcels can yield between 854,000 and 985,000 square feet of industrial floor area.

In the Commercial Zone (Zone B) in Wyoming County, there are no sizable vacant parcels available for redevelopment. The Genesee County portion of the Village, however, has about 21 acres of vacant commercial land. Five of these acres are immediately adjacent to the Tonawanda River, and would not be suitable for any development. If developed, the remaining 16 acres could potentially yield between 457,000 and 686,000 square feet of commercial floor area.

## **RECENT AND PROPOSED DEVELOPMENTS**

### *RESIDENTIAL*

An apartment complex has been proposed off of Sokol Drive, in the northwest section of the Village off of Buffalo St. (Route 238). The proposed complex would be built in phases, with approximately eight units to be built in the first phase. The apartment complex located near this new development currently has second floor vacancies, but a waiting list for the first floor units. The goal is to provide additional first floor units that will be available primarily for senior citizens.

### *INDUSTRIAL*

The site of the former Westinghouse Factory has been divided into two parcels. The northern portion of the site is under private ownership and is being used for light manufacturing. The 22-acre southern parcel, the larger of the two, is also under private ownership. The U.S. Environmental Protection Agency is currently monitoring the water at this site, and the Village, along with the Town of Attica and the Wyoming County Industrial Development Agency (WCIDA), is applying for funds from the New York State Environmental Bond Act funds to remediate the site and prepare it for new industrial uses.

## **D. PUBLIC POLICY**

### **PREVIOUS VILLAGE OF ATTICA PLANNING STUDIES**

#### *DOWNTOWN REVITALIZATION STRATEGY*

In 1999, the Cavendish Partnership completed the *Village of Attica Downtown Revitalization Strategy*. This Plan focused on design strategies to help revitalize Attica's central business district on Main, Market, and Exchange Streets, and identified the strengths and weaknesses associated

with downtown revitalization. The Plan also included cost estimates for each design element suggested by the consultant. The Plan focused primarily on urban design solutions to business development as opposed to economic or marketing strategies.

## **OTHER PLANNING STUDIES**

### *WYOMING COUNTY*

#### *Transportation Elements of Scenic and Historic Resources in Wyoming County*

Wyoming County is currently preparing a detailed study to protect scenic landscapes and views; promote historic properties; and conserve forested areas and other natural resources along county and state roadways in Wyoming County. The final project will include a set of recommendations that balance preservation with carefully planned access, promotional, and transportation improvements sensitive to the scenic, historic, cultural, recreational, and natural qualities that are so important to Wyoming County's character and economic health. With its abundance of historic resources, the Village of Attica will be included in this study and has the potential to benefit from the study's recommendations.

#### *Genesee-Wyoming County Joint Flood Mitigation Plan*

The Genesee-Finger Lakes Regional Planning Commission is currently working with Genesee and Wyoming Counties to devise a bi-county flood mitigation plan covering municipalities within the Tonawanda and Oatka Creek watersheds. Attica, like many other towns in the two counties, has been the site of severe flooding throughout the years from the presence of Tonawanda Creek. Few flood mitigation measures exist in these Towns, including Attica, to restrict development in the floodplain, and this has resulted in potentially dangerous conditions for certain portions of the Village. The Flood Mitigation Plan will eventually include recommendations for Floodplain zoning and development restrictions.

### *GENESEE COUNTY*

Genesee County is in the process of implementing a county-wide comprehensive plan that was adopted in 1997. Implementation is guided by a steering committee, and a major initiative thus far has been the institution of the Genesee County Smart Growth Plan. The Smart Growth Plan is intended to encourage the revitalization of villages and hamlets and protect agricultural and scenic resources. The Smart Growth Plan requires the County to restrict hook-ups to County-funded portions of the water system to new development that is not located in a specified development area. The Route 98 corridor in the Village of Attica is included in a designated development area, and development or redevelopment in this corridor is encouraged by the County.

### *NEIGHBORING TOWNS*

Currently, the towns immediately surrounding the Village of Attica do not have comprehensive plans. These towns include the Town of Attica in Wyoming County and the Town of Alexander in Genesee County. Other nearby Towns, including the Town of Sheldon in Wyoming County and the Town of Wales in Erie County, have recently been involved in comprehensive planning for their respective communities. Both plans include strategies for open space preservation and enhancement of rural character and hamlet areas.

*ROUTE 63 CORRIDOR STUDY*

A corridor study is underway to address truck traffic in the Route 63, 20 and 77 corridor in Genesee, Livingston, and Wyoming Counties. The Study focuses on the area that extends from New York State Thruway Exit 48A interchange southeast to the Route 390 Exit 6/7 in Mt. Morris. This includes the towns of Pembroke, Batavia, Stafford, Darien, Alexander, Bethany, Pavilion, Attica, Middlebury, Covington, York, Orangeville, Warsaw, Perry, Leicester, Geneseo, Mt. Morris and Groveland.

One of the main project objectives is to identify and implement transportation improvements in the Route 63 corridor that will allow for the safe and efficient passage of truck traffic through this corridor. The study will inventory the existing transportation system conditions, forecast future conditions, identify existing and future needs, and formulate and assess short and long-term alternative solutions/strategies to address identified needs. An implementation plan of the recommended improvements is an anticipated outcome of the study.