

Comprehensive Plan

The Town Of
Rochester
New York



October 11, 2006

REVISED DRAFT

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Plan Appendices (See accompanying CD-ROM)

Summary Results of Comprehensive Plan Outreach

Draft Natural Resources Inventory, 2006

New York Rural Water Association Report, 2006

“Planning & Sitting Your House: A Guidebook” the Dutchess Land Conservancy, undated.

Analysis of Demographics of the Town of Rochester, 2006

Town of Rochester Cost of Community Services Study, 2005

Introduction

From its beginnings, the Town of Rochester has been distinguished by the individualism and self-reliance of its residents. This is acknowledged on the Town's website, which suggests that:

Rochester, in spite of industrial development around it, continued in its ways as a farming and small mill community. Overall, there was little centralized community development in the township. Rochester's flat terrain along the Rondout meant that only three locks were needed to pass along the township. In addition, the position of the (D&H) canal between the Shawangunk Mountains and the Rondout Creek, severely limited access throughout the township. Consequently, the growth of communities along the towpath was limited in comparison to the other townships.

From "Canal & Commercial Expansion" section of Town History on Town of Rochester website at: (http://www.townofrochester.net/Pages/RochesterNY_Historian/full_history)

In short, people kept to themselves, but were not afraid to express their opinions or engage in vigorous discussions on important issues or ideas. So it remains to this day.

Much has changed in the last 200 years. The Town's population has just about doubled since 1969 and agriculture has given way to various businesses and occupations that have arisen over the years such as retailing, health care, construction, education, and tourism, among others. Farming, which kept much of the land open and employed many, has changed considerably as a result of consolidation and specialization. Though the types and sizes of farms are different now, they still supply many self-employment opportunities.

A Brief History of Rochester

Beginning in the 1680s, settlers from the Netherlands, France and England came to the Town of Rochester by way of Kingston, Hurley or New Paltz. Even before 1700, there were enough inhabitants for a log meeting-house to have been built for public worship.

In the original Rochester Patent (named in honor of the Earl of Rochester) which was dated 1703, Queen Anne of England granted to Town Trustees the right to convey to settlers private ownership of lands in the Town of Rochester, an area which included the present towns of Rochester, Wawarsing and Gardiner, and portions of Sullivan and Delaware Counties.

The basic activity of nearly every family in the town of Rochester during the 18th and 19th centuries was farming. However, there were many other occupations, including milling of corn, wheat and lumber (and, later, paper), quarrying of millstone and bluestone, production of wintergreen oil, blacksmithing, coopering, shoemaking, wagon-making and store-keeping.

Economic boom times for Alligerville and Port Jackson (now Accord) came during the era of the Delaware and Hudson Canal which was constructed alongside the Rondout Creek and operated between Kingston, New York, and Honesdale, Pennsylvania from 1928 until 1902. Port Jackson was the location of stores, hotels and a lumberyard. In addition to more hotels and merchant establishments, Alligerville had also a brickyard, carriage manufacturer, boat yards and a millstone dock. Many residents from the Town were employed on the canal during the warm-weather months when it was operating.

The entire Town of Rochester enjoyed a period of prosperity from 1902 into the 1950s when the New York Ontario & Western Railway (with stations in Accord and Kyserike) provided

transportation-to-market for products of the locals farms, mills and quarries. Additionally, the trains brought in summer visitors from urban centers, chiefly New York City, who sought fresh air and healthful food for their families. For the better part of the 20th century, the summer resort industry played an important role in the economic life of the Town. Accommodations for paying guests were provided first in private homes. By the 1950s tourist trade had expanded to hotels boarding houses, bungalow colonies, and camps. However, this most of tourism faded in the 1960s.

Given the changes in population, farming, tourism, and other occupation opportunities the central challenge facing this Comprehensive Plan is how Rochester responds to these changes in ways that protect the qualities that have attracted people here for over 300 years.

What is A Comprehensive Plan?

Under New York State law, a Comprehensive Plan is an officially adopted document that sets the general direction for development and growth in a town and identifies ways in which the Town can move in that direction. According to New York State law, a Town Comprehensive Plan is:

The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village or city.

New York State Consolidated Laws, Section 272-a2(a)

State law does not require a Town to have a Comprehensive Plan. However, if a Town wishes to change its zoning, it should be able to refer to a duly adopted plan as the basis for making those changes. A Town that tries to change zoning regulations without a plan in place can be accused of acting arbitrarily. A publicly adopted plan serves as a reference point. This means that, when considering zoning changes, the Town will be able to refer to a plan that has been adopted through an extensive public review process. Even if no major zoning changes are to take place, the Town should keep its Comprehensive Plan current in order to provide broad public justification for its zoning.

A Comprehensive Plan is NOT a law. However, it does set a *general framework* for the types of laws the Town *should consider* as it makes or changes laws related to zoning and development.

The Need to Update the Plan

In order to maintain Rochester's scenic beauty, small-town life, sense of history, and the possibilities of rewarding occupations, it is proposed that this updated plan will replace the Town's current plan which was adopted in 1969, a time when a Comprehensive Plan had no formal role in New York State law.

In 1969, a town's plan could address any issue or make any recommendation with little or no ramifications for the town itself. This changed in the 1990s when New York State law finally gave Comprehensive Plans a formal role. As a result, any town wishing to either institute zoning or change their zoning was required to justify those actions on the basis of an adopted Comprehensive Plan. Since our 1969 plan does not properly conform to current law, it is important to update it and make sure that it fits into current legal framework. For example, the commercial development guidelines in the 1969 plan are made under the assumption that Route

209 would be re-routed as part of a limited access highway. It is difficult to follow guidelines and bring current zoning into compliance with a plan that was based upon a new alignment for Route 209 that never happened.

Planning in the Face of Change

This Comprehensive Plan is intended to ensure the Town of Rochester has policies in place so that the property rights of landowners and the community are protected by a balanced set of standards that preserve the rights to use land as desired *and* address the impacts of such development on adjacent landowners and their property rights.

During the forty-seven years since the 1969 plan was adopted, Rochester and Ulster County have been changing dramatically. According to the 1969 plan, the four largest job sectors (in Town or elsewhere) were manufacturing (23%), agriculture (14%), retail (11%) and construction (11%). The 2000 Census indicates that the four major employment resources for residents are health care (11%), retail (11%), education (11%), and construction (9%). By 2000, according to the US Census Bureau's ZIP Code Business Patterns data, there were 66 businesses in the Accord ZIP Code (the only sub-county area for which data were available). This included firms involved whose activities range from construction to professional/scientific services. Some 54 of those 66 firms have fewer than five employees. Only one (in the category of "accommodation & food services") is listed for over 100 employees.

Agriculture, long the mainstay of the local economy, sustained a significant downsizing in the 1950s with land in farms falling from 27,000 acres in 1950 to 14,000 by 1964. Local farms that have survived into the 21st century face a combination of changing consumer preferences along with increases in global competition and State and federal regulation.

Tourism in the area has changed from an industry dominated by large-scale full-service resorts to a diversified activity serving day-trippers, climbers, and others whose lodging preferences range from Bed & Breakfasts to campgrounds. (In the Town of Rochester, only the Pine Grove Dude Ranch and the Hudson Valley Resort survive as full-service resorts.) Over the last decade, tourists frequenting the area are attracted by various regional and community events, which help to bolster Rochester's businesses, agriculture, and arts. Above all, tourists come to Rochester because of the scenic beauty of its agricultural lands, forests, water courses, and rural atmosphere.

Since 1969, changes in technology have substantially changed the way almost every Town business operates. With the advent of the Internet, telecommuters who live in Rochester can work virtually anywhere, and the development of home businesses is on the rise.

While these shifts in occupations and work patterns have occurred, the Town's population grew at a rate of 24% from 1990 to 2000, making it the fastest growing town in Ulster County. According to estimates from the US Census Bureau, by 2005, the Town's population increased to approximately 7,306, though the rate of growth has slowed to 4 percent since 2000. Through all of its changes and growth, the Town of Rochester has remained a community with great natural beauty, a strong sense of history and a high quality of life. This updated Comprehensive Plan is built on the premise that these values must be maintained.

The Planning Process

The formal planning process for updating the Comprehensive Plan began with the review of goals from previous planning efforts in the Town, including the 1969 plan, a 1990 plan that was not adopted, and the 2004 “Imagine Rochester” visioning process. The goals from these previous efforts were reviewed, integrated, and drafted into a single set of goals. These were reviewed by the Planning and Zoning Committee and then offered for public review and comment. In April, June, and August of 2006, ten public meetings were held to listen to the views and ideas of Town residents. A summary of these meeting results is included in the plan appendices.

The development of this Comprehensive Plan, at meetings of the committee and general public, has been greeted with mixtures of praise, doubt, and skepticism. Overall, there was a strong persistent expression of love for the Town, coupled with a desire to make it an even better place in which to live. In honoring this sentiment, this Comprehensive Plan has sought to find areas of common ground—not an easy thing to achieve in a Town of rugged individualists—and is offered as a first step of an ongoing process of maintaining and/or improving the present and future quality of life for all of its residents.

The General Approach of this Plan

To the greatest extent possible, the goals and objectives of this plan are intended to be met through incentives, voluntary guidelines, and cooperative efforts. The plan itself has been drafted to reflect areas of community consensus where they exist. It seeks to establish a reasonable balance between important the goals of the community and the rights of individual property owners so that:

- Growth can take place without compromising the quantity and quality of drinking water available to all Town residents.
- New development is sited and designed to minimize the amount of taxes that must be raised town-wide to provide new facilities and services to support that development.
- Town government expands its ability to collaborate and share services and purchasing with a variety of other governments, including the School District as part of its efforts to hold down costs.
- Rochester may take advantage of changes in the national and regional economy to build the Town’s economic base by encouraging small business, tourism, arts, agriculture and historic preservation. (NOTE: for the purposes of this Plan, a small business is an enterprise employing 25 or fewer persons.)
- To the greatest extent possible, the Town remains an affordable place to live.
- Development complements and strengthens Rochester’s small town quality and character.
- Growth occurs in a way that minimizes loss of open spaces or scenic views.
- As part of this plan approach, eminent domain and condemnation of property and homes will not be used in implementing the recommendations of this plan.

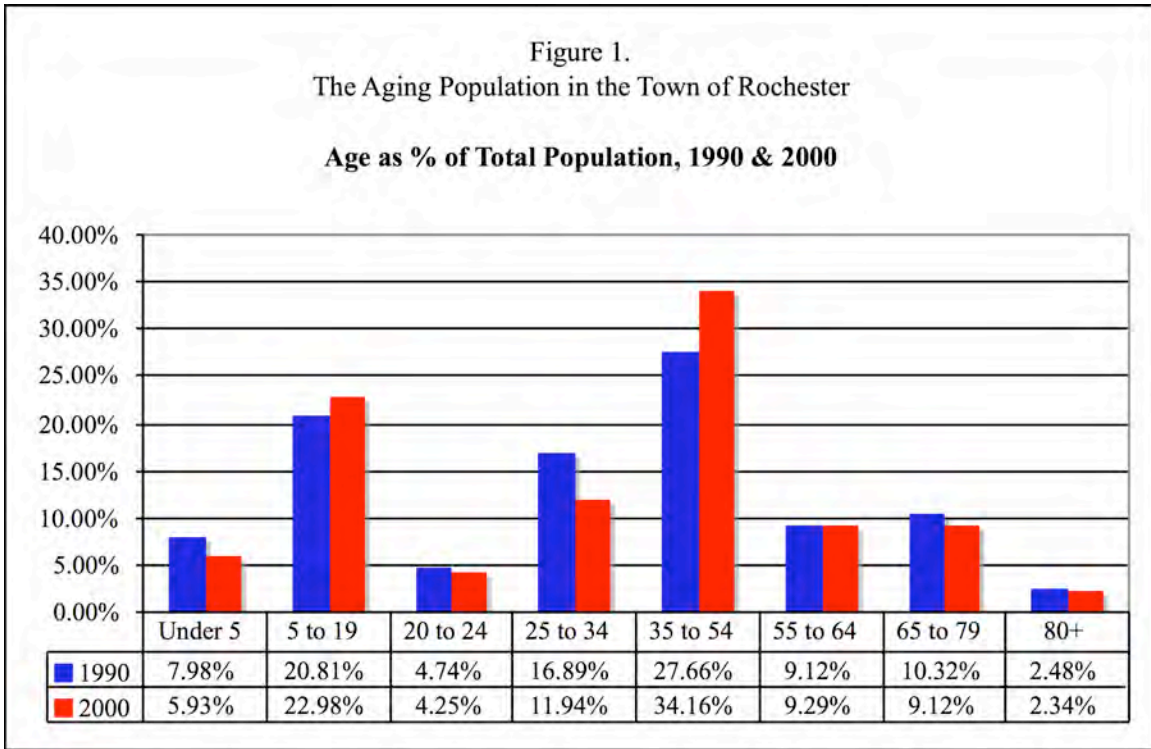
The issue of housing affordability has been a key concern in creating this plan. Table 1 provides an overview of housing in Rochester for 2005, the latest year for which complete data are available.

Table 1. HOUSING AFFORDABILITY IN ROCHESTER, 2005		
Median Value of Single-Family Residences Sold, Jan. 1 to Dec. 31, 2005		\$221,000
Tax Rates (per 1000 AV using Residential Assessment Ratio of 50.00)		Taxes
County	5.42	\$599
Town (Highway & General)	5.44	\$601
Rondout Valley School District	32.57	\$3599
Fire (Accord)	1.65	\$182
Mortgage Costs		
Annual Costs of an 80% Mortgage at 7% for 30 years		\$14,115
Mortgage & Taxes		\$19,096
Affordability Measures		
Estimated Median HH Income, 2005*		\$50,491
Percent of MHHI		38%
Threshold Income at Which Housing Costs = 30% of HH Income		\$63,257
<p>Source: NYSORPS, Records of 138 sales of single-family homes (including manufactured housing), January to December, 2005</p> <p>* Uses 1999 Census Median HH Income of \$43,071 inflated to 2005 dollars using the Consumer Price Index.</p>		

Housing experts such as the US Department of Housing and Urban Development use a general “rule of thumb” that housing costs become burdensome to a household when those costs (e.g., payments for mortgages and taxes for homeowners) exceed thirty percent of household income.

Table 1 compares the costs of owning the median value of a house sold in 2005 with the median household income for 1999, adjusted for inflation through 2005, as recorded by the US Census Bureau. Note that costs for a house priced at the median sale price of \$221,000 are \$18,977, or 38 percent of the estimated 2005 median income of \$50,491.

As a further indication of the burden of housing costs in Rochester, the tables shows that the amount of household income that is required if \$14,155 in housing costs are to remain at 30 percent of income is \$63,257, 25% above the estimated median household income for the Town. It is clear that Rochester must find ways and establish guidelines to help make housing affordable for people of all age brackets.



Closely related to housing affordability is the aging of Rochester’s population. As shown in Figure 1, from 1990 to 2000, the Town saw an increase in the proportion of its population between the ages of 35 and 54, while the Town’s share of 20 to 34 year-olds diminished. This suggests that, over the next ten to fifteen years, a greater proportion of the population in the Town will be approaching the traditional retirement age of 65. Therefore, it is important for the Town to begin to respond to the changes associated with an aging population now so that policies will be in place as more residents reach or pass retirement age. Guidelines need to be in place to support this segment of the population when it begins to look for smaller, more manageable residences. This entails planning for Town programs and facilities able to respond to an aging population.

Finally, building and maintaining constructive working relationships among all stakeholders in the community is the single most important thing to make this plan a success. All members of the community should play a role in reviewing and finalizing this plan, and should continue to be involved in its implementation through the boards, committees and other entities. Community participation and willingness to find balanced solutions to difficult problems is the key to Rochester’s future. When adopted, this Comprehensive Plan should be a living document that changes to meet community needs. The Plan should be revisited by 2009 to ensure that it remains relevant and as another way of building and maintaining those working relationships.

How the Plan is Organized

This updated version of the Comprehensive Plan is organized by elements within which are three sections Goals, Objectives, and Policy Recommendations. At the end of the discussion of the six elements, is an Implementation Schedule.

Goals:

The plan goals set a direction for actions by the Town by addressing the following six elements of growth and development:

- Environmental Quality.
- Land Use.
- Economic Development.
- Community Character.
- Infrastructure.
- Government Services.

Objectives:

Each plan goal is accompanied by objectives that identify specific actions that the Town can take to move in the direction set by the goals. There are, however, alternative ways these goals can be accomplished.

Policy Recommendations:

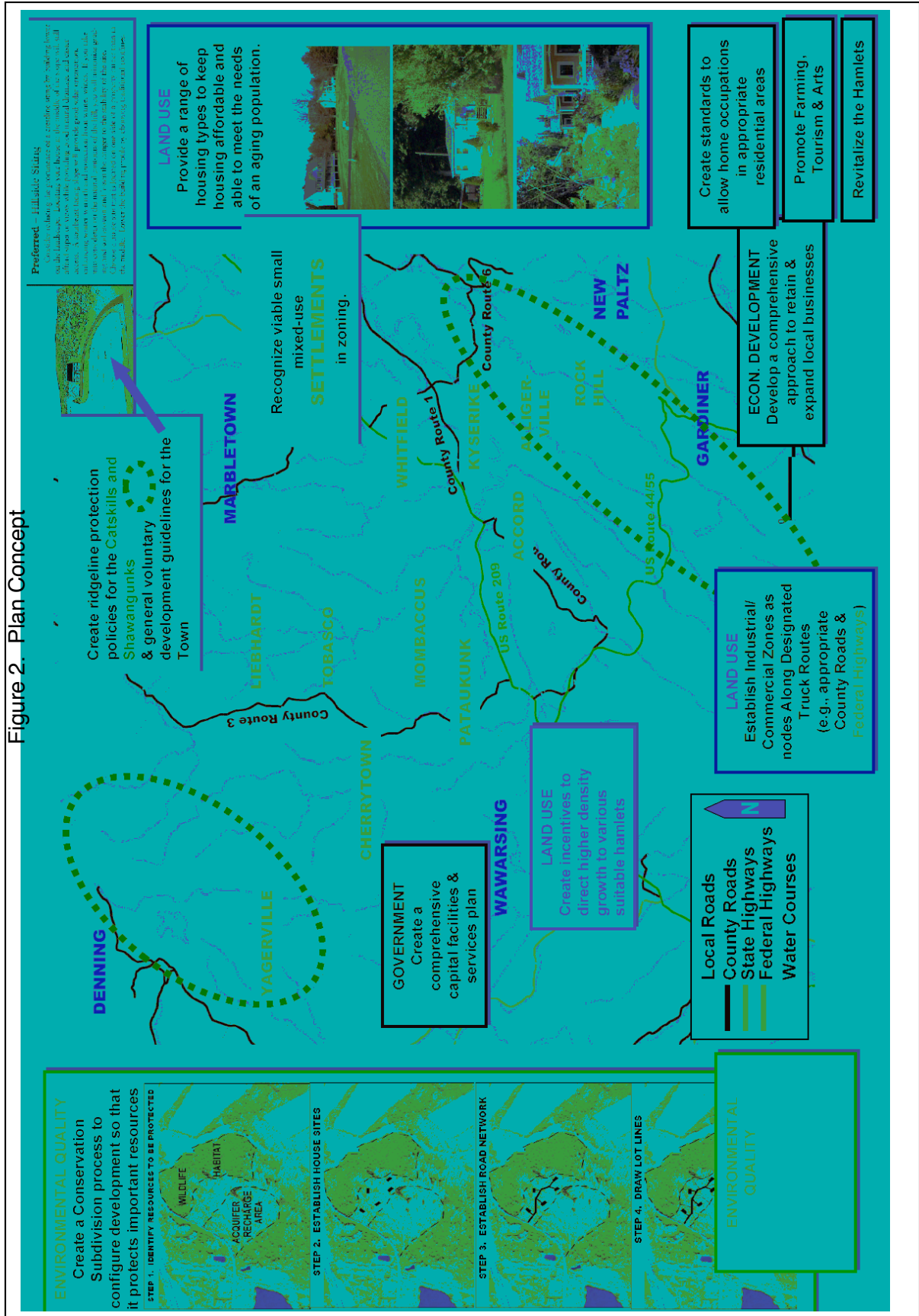
The plan goals and objectives are followed by policy recommendations identifying tools that Town government can use to accomplish Plan objectives. Recommendations may indicate potential laws, government programs, voluntary actions, regulations and other initiatives designed to achieve the objectives associated with each goal.

Implementation Schedule:

Because the broad scope of issues can make it difficult to decide which items in the Plan should be the first to be addressed, the Implementation Schedule provides an illustrative timeframe for enacting the recommendations, indicating which measures should be adopted within the first year, the first two years and within five years.

Plan Concept:

Figure 2 provides an overview of the major elements of the Comprehensive Plan. It is intended to show in summary form how the major recommendations interact to accomplish the Plan's purpose and goals.



Plan Element: Environmental Quality

Goal:

Strike a balance so that growth can take place in a way that protects the environmental resources we all need to live.

Objectives:

Protect the quantity and quality of the water supply by:

- **Strengthening measures to prevent groundwater contamination**, such as limiting density of development in areas of lowest groundwater yields and in aquifer recharge areas.
- **Developing standards to assure protection of surface waters**, including standards for development to assure stream bank protection.
- **Protecting the quality of wetlands and other water bodies.**
- **Providing sewage collection and treatment for hamlets** as appropriate without using eminent domain or condemnation of property or homes.

Protect the Town's important natural resources as identified through the Town's Natural Resources Inventory as adopted by the Town Board.

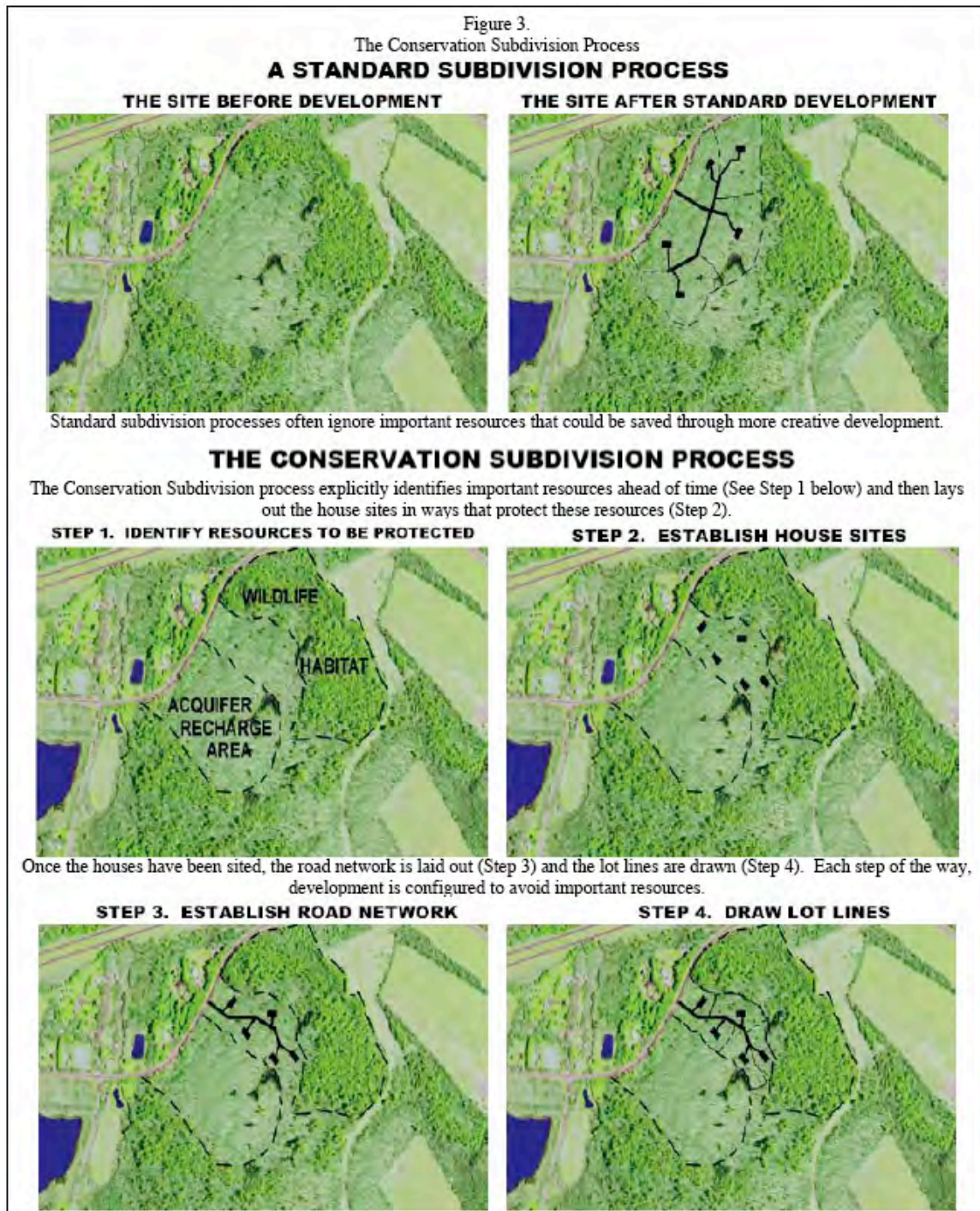
Minimize disturbance to wildlife and vegetation from the effects of new development and the activities that accompany it.

Policy Recommendations:

Provide incentives to encourage Conservation Subdivision practices in the Town. This process involves identifying the important resources to be protected on the site of a proposed subdivision. It is a process that involves the Planning Board and the applicant walking the land together to confirm the resources on site to be preserved and to consider various design options possible under this approach. See Figure 3 for an illustration of the process.

Under Conservation Subdivision techniques, density is not affected. This approach configures development so that it has minimal impact on the important resources associated with the land to be developed. The first step is not to lay out house lots, but to identify the physical location of environmental and cultural resources on the property that are worthy of protection. Once the resources to be protected have been defined, and mapped, the next step is to map the areas where development can take place. House footprints are then sited in the "developable" area. Streets and trails are added (also taking care to avoid the critical resources on site). Finally, the lot lines are defined, producing a subdivision that meets the existing density schedule, but are configured to conserve the site's critical resources. The number of units developed through the Conservation Subdivision process is the same as in a regular subdivision process.

Land set aside during Conservation Subdivision should be put into formal conservation easements or other forms of legal protection so that it is protected in perpetuity. Rochester should create a system that provides developers with incentives for adopting this process.



Adopt special policies for protecting water resources. The New York Rural Water Association has recently completed an inventory of groundwater resources for the Town mapping important aquifers, and other important components of the Town’s drinking water resources. (See

Appendix) This information will enable the Town to evaluate the feasibility of implementing a variety of groundwater protection policies. Given the importance of maintaining the quality of drinking water supplies, the Town should ensure that it has policies in place to protect them. The town should evaluate the effectiveness of such policies as:

- **Providing incentives for Conservation Subdivisions** in areas containing important groundwater supplies and aquifers.
- **Developing a water resources overlay in the Town's zoning.** Based upon information from the New York State Rural Water Association mapping and other information from local well drillers, developers, and the sanitarians from the Ulster County Health Department, the Town can identify those areas in Town in which any proposed subdivision should be required to perform more extensive tests of water supplies. An overlay zone would be created that does not change the existing uses or density allowed. However, developments proposed in the overlay zone may be required to perform a more extensive pump test than would normally be the case.
- **Reducing density in areas** in which groundwater may be particularly sensitive to development.
- **Reviewing zoning and subdivision regulations** to ensure they minimize the use of impervious surfaces in important groundwater recharge areas in the Town.

Use the Conservation Subdivision process to protect other natural resources defined in the Natural Resources Inventory, including habitat of endangered wildlife and important types of vegetative cover. The Town should consider a variety of incentives to encourage use a Conservation Subdivision process, depending upon conservation goals, the importance of the resource, the configuration of the landscape, and the need to protect individual property rights.

Ensure completeness and accuracy of maps of wetlands in the Town. In order for development to take place in an environmentally sound manner and with minimal delays, the Town should keep an updated set of maps of the wetlands in Town. This will enable both the applicant, and the planning board, to be able to quickly and accurately assess the impact of development proposals on wetlands and make appropriate revisions to those proposals with minimal expenditure of time and other resources.

Plan Element: Land Use

Goal:

Shape future development in a balanced manner so that it:

- Minimizes tax increases needed to support new growth.
- Maximizes the ability of people of all means to find an affordable place to live in Rochester by providing for a range of housing choices and lot sizes.
- Promotes residential development sited and scaled to blend in with the historic character of Rochester.

Objectives:

Direct growth by encouraging concentrations of new residential and mixed-used, and nonresidential developments in areas which presently are or which can be conveniently be served by roads, utilities, schools and other facilities.

Direct large-scale or intensive development to areas with adequate infrastructure.

Broaden housing opportunities in the Town of Rochester to provide housing for all populations including young families, senior citizens, working families and households, single adults, and others.

Offer incentives to encourage better site design and green design principles in new development projects that will encourage design principles fostering energy conservation, waste reduction, use of nontoxic materials, and ecologically safe processes in building.

Include protection of historic resources as one of the Town's site planning and subdivision review criteria.

Policy Recommendations:

Create incentives to direct new development to locate in or near existing concentrations of development, including Accord and other centers. Means to accomplish this include:

- **Incentive zoning** that encourages developers to site larger projects in or near hamlet areas enabling developers to slightly expand the size of proposed projects within specified guidelines in exchange for payments to the Town. Such payments could then help to support the creation and/or expansion of sewer and water facilities, sidewalks or other public infrastructure for hamlet areas.
- **Transfer of Development Rights (TDR) systems** that set development patterns through a free market mechanism. According to the New York State Department of State's 1998 publication *Creating the Community You Want: Municipal Options in Land Use Control*:

Transfer of development rights (TDR) is an innovative and complex growth management technique. It is based on the concept that ownership of land gives the owner a “bundle of rights,” each of which may be separated from the rest. For example, one of the “bundle of rights” is the right to develop land. With a TDR system, landowners are able to retain their land, but sell the development rights for use on other properties. TDR has been most often applied for preservation of farmland in New York. Under common TDR systems, a farmer is able to keep the land in agriculture by selling the property’s development rights, which are then used on non-agricultural land. . .

Under the State zoning enabling statutes, areas of the municipality which have been identified through the planning process as in need of preservation (e.g., agricultural land) or in which development should be avoided (e.g., municipal drinking water supply protection areas) are established as “sending districts.” Owners of land in these designated areas may sell the rights to develop their lands, and those development rights may be transferred to lands located in “receiving districts.” Those rights usually take the form of a number of units per acre, or gross square footage of floor space, or an increase in height. The rights are used to increase the density of development in the receiving district. Receiving districts are those areas which the municipality has determined are appropriate for increased density based upon a study of the effects of increased density in such areas. For example, a town may determine that it is appropriate to preserve prime agricultural land, which it designates as a sending district, and that its unincorporated hamlet area may be developed at a higher density and designated as a district where development rights can be used to increase density above what is allowed by right. In this manner, owners of land in sending districts are able to realize a level of economic return while the municipal goal of preserving the land is achieved. The TDR system will be successful, however, only where there is a demand to increase development in the receiving districts and where the municipality does not undermine the incentive to purchase development rights by rezoning receiving districts to higher densities which will alone meet market demand.

Creating the Community You Want: Municipal Options in Land Use Control. pp. 8-9.

Under a TDR system for Rochester, the “sending areas” may be comprised of zoning districts in remote areas of the Town. The “receiving zones” could be in or immediately adjacent to the hamlet of Accord and/or other areas that have vacant land with the potential to receive additional development (e.g., the land is currently served by or could be served by municipal sewer and water and has ready access to major roads).

Ensure that new high intensity and/or high-impact industrial or commercial uses are sited along roads that have sufficient capacity to handle the weight of truck traffic. The Town should establish its zones for high-intensity/high- impact industrial and commercial uses on State, County or other roads that have the capacity to accommodate extensive truck traffic. This will keep the heavy traffic associated with such uses on roads designed to withstand that traffic. At the same time, this policy will also limit the impacts such activities have on residential areas (e.g., noise, air quality, etc.) by keeping such uses to areas that have the capacity to handle high traffic impacts.

Adopt and implement policies to promote housing that is affordable to those making less than the median household income in Rochester. Among the policy options to be considered include:

- **Incentive Zoning** can be used to encourage various housing styles by allowing a developer additional density in a project if it contains smaller, more affordable houses along with standard, market-rate units.

- **Inclusionary Zoning** that requires developers to set aside a certain number of units in large-scale residential projects for purchasers who meet certain income guidelines.
- **Planned Unit Developments** enable a developer to use a single large parcel of land to create mixed-use developments that can include a wide range of housing styles from large-lot estates to small apartments in the second floor of commercial buildings.
- **Allowing mixed uses** particularly in the hamlet areas which have traditionally been a source of starter housing for young couples and an option for housing for the elderly. Apartments and condominiums on the upper floors of nonresidential development offer a traditional style of hamlet housing.
- **Delineation of areas for manufactured housing developments** so this type of lower-cost housing can be provided.
- **Federal and/or State grants** through such programs as the Department of Housing and Urban Development's HOMES program which can provide funding for the creation of housing for those with moderate to low incomes, including senior citizens.

NOTE: This effort should also seek to provide housing options to accommodate an aging population in the Town of Rochester. For example, it may be important to create smaller residences in or near hamlet areas that retirees could move into as they become unable to care for larger, more isolated houses. This would allow these residents to remain in Rochester while making the houses available for growing families and others.

Adopt incentive zoning provisions that encourage energy conservation. These provisions could award developers the right to build additional units if they incorporate energy conservation measures as passive solar heating and energy saving landscaping in the site design of their proposal. Alternatively, density bonuses could be awarded developers in return for monetary contributions that could help finance a low-interest revolving loan fund to help property owners in the Town improve the energy efficiency of their properties.

Consider data on natural resources, the economy and other factors in developing zoning. A number of studies have recently been completed that focus on the Town of Rochester and provide information that may be useful in generating and evaluating zoning recommendations intended to implement plan recommendations. Such sources include:

- The Cost of Community Service Study
- The Town Environmental Conservation Commission
- The New York Rural Water Resources Association
- The Accord/Kerhonkson Business Alliance
- The Historic Preservation Commission.

Plan Element: Economic Development

Goal:

Enhance both the tax base and local job opportunities by supporting a diverse economic base that includes all current businesses and trades, tourism, agriculture, services and manufacturing all sited and scaled to blend in with the historic character of Rochester.

Objectives:

Encourage and assist local businesses and trades to grow in the Town to improve both our tax base and job opportunities in Rochester

Promote and market the tourism and vacation industry in the Town including but not limited to well-planned resort, recreation and Bed & Breakfast development.

Recognize and respond to the economic development potential of part-time residences in the Town in ways that strengthen Rochester's economy and community.

Provide for continued commercial and industrial growth (including, but not limited to, small business) compatible with the Land Use Goals of the Comprehensive Plan including but not limited to allowing higher density development in hamlet areas.

Create community and cultural facilities integrated with commercial development in hamlet areas.

Promote hiking, sightseeing and other outdoor recreation related businesses.

Provide sites for compatible industries (keeping in mind that the predominant character of the Town is residential).

Allow for home-based occupations, addressing impacts on quality of life in residential areas by tailoring standards to the size and types of enterprise involved, recognizing that many such businesses have few or no such effects.

Promote energy conservation and renewable energy resources.

Improve communications technology (e.g., Internet, cellular, etc.) throughout the Town.

Take measures to preserve productive farmlands as a viable industry resource and as a means for maintaining open space by maintaining right to farm protections.

Support creation of local Purchase of Development Rights (PDR) programs and/or Transfer of Development Rights (TDR) programs designed to preserve farmland and other open space.

Provide opportunities for farmers to earn supplemental income as a means for remaining in farming. This could include policies that:

- Encourage direct marketing of agricultural products through farm stands and similar activities.
- Provide opportunities for farmers to earn non-farm income on their properties, such as allowing farm buildings to be re-adapted to other, similar uses (e.g. small engine repair) and finding ways to allow farm-related mining below the DEC threshold of 1,000 tons per year to occur with the minimum amount of impact on residential areas.
- **Encourage or support agri-tourism activities** by farms in the town.
- **Promote and develop agriculture** in the Town through a coordinated plan of activities.
- **Promote historic preservation as a source of economic development** by linking historic preservation goals and programs with other community enhancement programs including open space maintenance and acquisition, recreation and park development and hamlet redevelopment efforts.

Policy Recommendations:

Develop a comprehensive approach to retain and expand local businesses, including:

- Allowing home occupations in appropriate residential districts with up to date definitions making it a simple process for appropriate businesses to be permitted to operate out of residences. This effort should recognize how such businesses have been and are being changed by such factors as the Internet and computer technology in general.
- Creating industrial and commercial zones in Town that provide places for home-based businesses to “graduate to” as they become more successful. As indicated elsewhere in The Economic Development section of this Plan, these zones need to be located along truck routes so the businesses in them can grow with out “neighbor problems.” The zones should be clearly defined and titled in local zoning law to reduce the potential for future conflicts that can occur when people unknowingly build or buy homes next to industrial areas.

To the greatest extent possible, clarify and simplify the process by which existing small businesses can expand in sites zoned for such uses. The Town should review its regulations on commercial and industrial zones to ensure maximum “user-friendliness” to businesses in a manner that upholds the requirements for general public health and safety. Simple, clear regulations will reduce the costs involved for small businesses in Town seeking to expand in existing commercial and industrial zones. NOTE: For the purposes of this Plan, a small business is an enterprise employing approximately 25 persons or fewer.

Ensure that zoning and other regulations provide existing businesses with the flexibility to respond to changing market demands. This involves maintaining a close working relationship between the business community and Town government. If appropriate, the Town could also encourage businesses to use such techniques as Generic Environmental Impact Statements to secure “pre-approvals” for potentially substantial changes in a business that are likely to be required to remain competitive.

Enable low-impact small businesses to locate in “mixed-use” zones. This Plan identifies hamlets as having the potential to host a mix of both residential and non-residential uses. Low-

impact small businesses such as business and personal services should be considered for inclusion in such districts, thereby providing more potential locations for such enterprises.

Develop a hamlet revitalization program for suitable hamlets. The Town should seek grants and other support for the creation of a “Main Street” program for the hamlets. In addition, the Town should consider creating special mechanisms for hamlet revitalization such as local development corporation(s) to administer revolving loan funds focusing on hamlet businesses along with establishing a Business Improvement District (BID) for each hamlet. Under a BID, property owners within a set boundary agree to have a special assessment levied on their properties. That assessment is then earmarked for projects and activities specifically designed to promote business opportunities in the BID. Activities can range from façade improvement programs to joint promotion and marketing efforts. As part of this effort, identify ways in which the siting of Town facilities and/ or cultural facilities can contribute to hamlet revitalization.

Promote Tourism and the Arts as sources of economic development for Rochester through such initiatives as:

- Ensuring there are adequate standards in Rochester’s zoning for Bed & Breakfasts in residential zones and that small scale inns and lodges are accommodated in appropriate locations in zoning.
- Providing infrastructure such as signage, trails and information sources (e.g., links on the Town website) for self-directed visits by agri-tourists, ecotourists and heritage tourists.
- Ensuring that existing tourism enterprises are able to operate in a manner that minimizes conflicts with other existing uses in Town.
- Ensuring that uses related to artists and artisans are allowed in appropriate industrial and commercial zones, including any opportunities for artist “live/work” space in hamlet areas.
- Creating a committee to promote tourism and the arts in Rochester through festivals and other promotional activities.

Encourage local activities to maximize the tourism potential of the Town’s extensive inventory of historic houses. Rochester has a large number of historic homes. The Town should encourage festivals and other activities that would better realize the potential for these homes to serve as tourist attractions. This could include open houses conducted by the homeowners, creation of a self-guided driving tour and other activities. Encourage local and county promotion efforts to highlight the inventory of early structures.

Create and implement policies to promote local agriculture, including:

- Maintaining “right to farm” protections that reinforce State regulations protecting farmers’ rights to use accepted farming practices on their lands.
- Supporting the participation of Rochester’s farms in the Ulster County Purchase of Development Rights (PDR) program. Under this program the County seeks to purchase the development rights from farms on a willing-seller, willing-buyer basis. A farm selling its development rights foregoes future development opportunities in exchange for a one-time cash payment negotiated with the County.

- Investigating the feasibility of creating a local Purchase of Development Rights (PDR) program in which the Town itself raises money through grants or a tax on real estate property transfers to purchase development rights on farms in Rochester, again on a willing-seller-willing-buyer basis. This program could also be useful for preserving other valuable open space.
- Encouraging participation of farms as sellers in any Transfer of Development Rights (TDR) programs created in the Town. For example, such programs could be designed so that development rights purchased from farms provide more development potential than similar rights purchased from non-farm properties. Thus, developers looking to purchase such rights will have additional incentives to negotiate with farmers. Once again, this program could also be useful in preserving other valuable open space.
- Reviewing local zoning and other regulations to ensure that they:
 - ▶ Encourage direct marketing of agricultural products through farm stands and similar activities.
 - ▶ Provide opportunities for farmers to earn non-farm income on their properties, such as allowing farm buildings to be re-adapted to other, similar uses (e.g., small engine repair) and allow farm-related mining to occur below the DEC threshold of 1,000 tons per year with the minimum amount of impact on residential areas.
- Support agri-tourism activities by ensuring local regulations allow for such activities and encouraging local and county tourism promotion efforts to highlight agri-tourism in Rochester.
- Consider creating a either a plan, or town committee, to promote and develop agriculture in the Town. This would combine the above initiatives with others that could provide farms with expanded markets, enhanced tax planning opportunities and similar benefits.

Plan Element: Community Character

Goal:

Recognize and respond to the wide variety of individuals, enterprises and organizations that help define Rochester's character. Shape growth so that it contributes to and strengthens the qualities that make Rochester unique.

Objectives:

Ensure that all planning processes in the Town reflect the wide variety of interests and perspectives found in the Town. One of Rochester's strengths is the range of experiences and ideas represented in its citizenry. To the greatest extent possible, Town planning efforts should reflect this variety in such town-wide initiatives as revising zoning, planning for capital facilities, or arranging for community festivals.

Develop standards of ridgeline protection for the Catskills and the Shawangunk Ridge that limit clearing and intensity of use so as to maintain existing character.

Create guidelines for new development and its landscaping that maintain a high-quality built environment while preserving and using natural beauty wherever possible.

Where appropriate, recognize historical small neighborhoods or settlements in zoning to preserve small-scale mixed use where it remains viable.

Protect and preserve the Town's historically significant buildings and sites in a manner that actively involves private owners of such properties.

Prevent intrusion of incompatible uses in residential areas.

Ensure signage in Town is both attractive and functional.

Create an Open Space Plan to provide for significant areas of open space including preserving wooded areas and agricultural lands to the extent possible. The plan should define a system of open spaces (forest, farmland, vacant land, and water courses) in addition to park and recreation facilities.

Create incentives to encourage the designation and protection of historic resources.

Develop a public signage program intended to identify the historic resources and historic hamlets of the Town.

Develop an education program in conjunction with the Friends of Historic Rochester and other preservation groups that raises residents' and visitors' awareness of the rich diversity of historic resources that exist in the Town.

Policy Recommendations:

Create and implement local policies to ensure high standards for design and development.

Policies to be considered include:

- **Ridgeline protection policies** to ensure that new development is compatible with the scenic beauty of the Shawangunks and Catskills. The policies adopted by the Town should take the approach most likely to achieve ridgeline protection, given configuration of the ridgelines and affected properties and the need to protect individual property rights. Generally, such policies either encourage or require that new development be sited so that the buildings do not extend above the ridgeline to preserve the existing view from the valley below. As with the Conservation Subdivision process, the potential approaches range from voluntary guidelines to incentives to mandatory standards.
- **General site development guidelines** to help property owners and/or developers create projects that have minimal environmental impacts and blend well with the existing scenery. Design guidelines developed by the Dutchess Land Conservancy are included in the appendix as a suggestion for what might be included in these design guidelines.
- **Standards or guidelines for clearing** substantial areas of land that either contain, or are adjacent to important water resources. This is not intended to restrict sustainable forestry practices. Rather it is intended to address improper clearing associated with subdivisions, site development or other actions requiring permits that can lead to erosion and thus dramatically impair water quality. While a voluntary approach is preferred, it may be necessary to mandate clearing standards for such areas.

Create zoning districts or overlays that recognize small areas in the Town that have the potential to become or continue as small mixed-use areas at densities of less than one unit per acre. These zones would not create large hamlets like Accord, but would seek to preserve small neighborhood settlements like Alligerville or Kyserike.

Mitigate unwarranted noise and other nuisances from degrading the residential character of neighborhoods while at the same time allowing working residents to be able to perform regular maintenance of their properties (e.g., mowing, clearing brush, etc.). This could involve options such as:

- Considering noise control criteria for *new* commercial, industrial and institutional uses outside of commercial and industrial zones.
- Revising the schedule of zoning district regulations to limit *new*, nonresidential uses in predominately single-family residential zones while allowing them in other districts that allow mixed uses or are zoned at lower density.

Site new high intensity/high impact commercial and/or industrial uses along designated truck routes, as indicated in the land-use recommendations. This policy will help keep the noise or dust associated with such uses from unduly effecting residential areas.

Create an open space plan that identifies important areas in Town that should remain in open space as the Town develops and outlines techniques involving voluntary cooperation by the property owners, including incentives, conservation easements, programs to purchase properties or their development rights from willing sellers. In this way, the Plan should define ways to protect key individual property owners and the Town as a whole. The Open Space Plan will not use eminent domain as an implementation technique. It should also be developed in cooperation

with the efforts of Ulster County and the Shawangunk Mountains Scenic Byway to create their own open space plans.

Create an historic designation program to recognize historically significant sites in Rochester based upon voluntary participation of owners of historic properties with appropriate incentives for property owner participation. Also, coordinate this with other Town initiatives and programs.

Plan Element: Infrastructure

Goal:

Adopt Town Policies to minimize costs associated with constructing and maintaining public infrastructure needed to accommodate growth.

Objectives:

Provide adequate sewer and water capacity to accommodate growth of appropriate hamlets in the Town without use of eminent domain or condemnation of property or homes.

Promote concepts to reduce traffic congestion along highways in the Town.

Improve the safety of the roads in the Town by:

- Developing high standards for constructing and maintaining private roads.
- Evaluating and addressing the intensity of use compared to highway capacity when reviewing proposed land uses and/or development projects.
- Employing capital improvement programming.

Require adequate setbacks and off-street parking for both residential and nonresidential uses with public road frontage.

Seek alternatives to strip commercial development along Route 209 and other frontage access highways, by directing such development to hamlet areas and/or concentrated nodes that minimize the road frontage and necessary curb cuts.

Ensure that new construction provides adequate access for emergency services.

Provide for alternative means of transportation in addition to roads, including bicycle paths, trails and walkways.

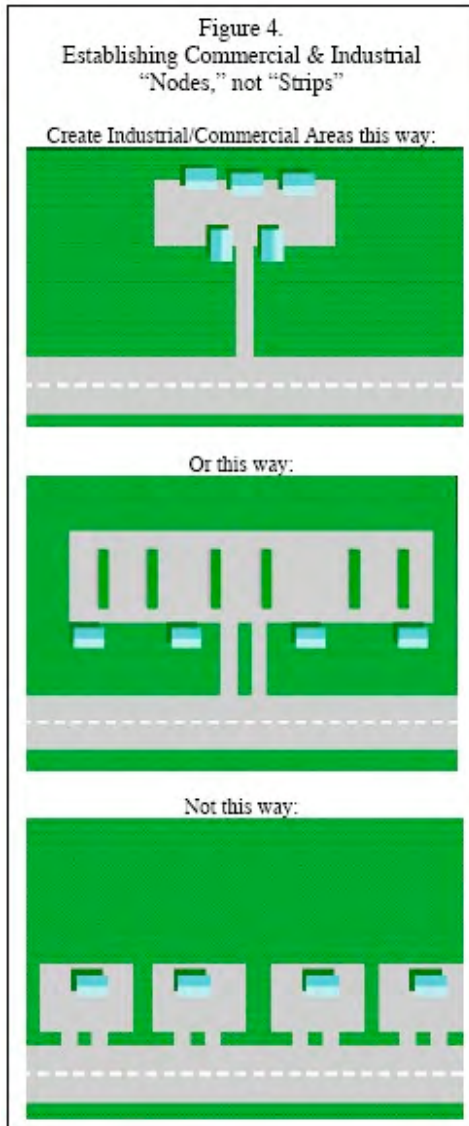
Policy Recommendations:

Define hamlet growth areas in zoning based upon the ability of those hamlets to either support growth through existing infrastructure, or the potential to absorb new infrastructure. Such areas should have adequate highway access and the ability to support public sewer and water infrastructure.

Consider truck routes when locating areas of new high density/high impact commercial and industrial use. As indicated under the Land Use objectives, zones for such uses should be sited on designated truck routes to ensure that the roads will be able to sustain the traffic associated with those uses.

Review zoning to ensure that wherever possible each type of use has appropriate front, side and rear setbacks. For example, uses in the high intensity/high impact industrial and commercial nodes should have substantial setbacks while uses in the hamlet areas can be configured close to

the road to be consistent with the existing built environment in the hamlet and/or traditional hamlet designs



Establish commercial and industrial zones as “nodes”, to the greatest extent possible, that have minimal road frontage on the major highways and/or truck routes. The zones should not be “strips” along the highway, but should be configured as “deep” zones that create complexes of industrial and/or commercial properties that access the road from a single major entrance. (See Figure 4 for illustration.)

Promote interconnection of local roads in appropriate locations. If local roads provide an interconnected network for local, short-distance trips, it can help keep such trips off major highways, leaving those roads for use by through traffic.

Local policies that create a plethora of cul-de-sacs and dead end streets force drivers to use major through routes for local trips, adding to overall traffic congestion. This has been shown to greatly increase congestion along major routes, because drivers have too few choices and cannot avoid certain routes under these circumstances.

Evaluate zoning to consider creating additional Business District depth along Route 209 so as to facilitate the ability to do in-fill development and utilize traffic access management techniques such as those proposed herein.

Review and, as necessary, revise road standards to ensure that they promote accomplishment of the Infrastructure objectives listed in this plan, including ensuring adequate standards for construction and maintenance consistent with the requirements of public health, safety and welfare.

Plan Element: Government Services

Goal:

Provide effective and cost-efficient services for the residents of the Town.

Objectives:

Seek ways to minimize or reduce increases in taxes and spending on the part of all jurisdictions serving the Town of Rochester.

Create and maintain reliable communication resources for the town so residents can better participate in local government.

Improve municipal codes and code enforcement by clarifying the code language, simplifying enforcement procedures and seeking to continually upgrade code enforcement practices in the Town.

Provide a capital facilities planning process with appropriate policies and incentives to ensure that the Town has adequate equipment and facilities for such needs as public safety (e.g., fire and rescue services), highways and transportation, recreation, and overall administration.

Ensure that local policies and regulations encourage development that minimizes the risk from fire and other hazards.

Address emergency management planning and public health needs as high priority activities that represent first-level responsibilities of local government.

Continue to pursue opportunities to work with other municipalities and agencies to reduce costs and improve the effectiveness of government services such as:

- Planning for open space for recreation (e.g., the Rail Trail).
- Identification and conservation of contiguous areas of natural habitat.
- Economic development including agriculture.
- Planning for areas such as the Route 209 corridor.

Policy Recommendations:

Continue to seek cost sharing among local governments through the Ulster County Supervisor's Association and other initiatives.

Create a comprehensive capital facilities and services plan that provides for sharing of facilities, joint purchasing and/or services for government agencies serving Rochester including the Town, the Rondout Central School District and the Town's fire districts. Slow or declining growth in school enrollments may free up space that could be used by Town offices. Also, costs for the construction of new facilities may be minimized if they are designed for use by multiple agencies and may even be eligible for multiple sources of building aid from state and federal agencies.

This Plan should also assess how community facilities and programs should be reconfigured and/or reorganized to accommodate an aging population.

Review existing zoning and development regulations to clarify and simplify them. Ambiguous, obsolete, or poorly organized regulations, can add significantly to the cost of complying with and/or enforcing local policies. Implementing this plan should include a thorough review and simplification of these regulations.

Seek additional areas for intermunicipal cooperation on such issues as transportation, economic development, provision of local services and others. The Scenic Byway may serve as a model for creating these other initiatives.

Ensure that local policies and regulations encourage development that minimizes the risk from fire and other hazards as part of the ongoing review of municipal regulations involved in implementing this plan.

Guidelines for Plan Implementation

The schedule below is intended *only* as a guide for implementing the plan. It groups actions into three potential priorities. “Immediate priority” actions should be initiated and completed within the first six months after plan adoption. “Secondary priority” actions should be completed within the first two years after plan adoption. “Long-term priority” actions should be completed within five years of plan adoption.

One of the first actions, after adoption of the Comprehensive Plan, is to establish a realistic implementation schedule. This schedule should be reviewed annually to evaluate progress and to modify as necessary.

TOWN OF ROCHESTER COMPREHENSIVE PLAN: IMPLEMENTATION SCHEDULE			
RECOMMENDATION	LEAD RESPONSIBILITY	ACTION	CRITERIA FOR EVALUATING SUCCESS
IMMEDIATE PRIORITY ACTIONS			
Implement a Conservation Subdivision process	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Adopt special policies for water resources	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Use Conservation Subdivision to protect other natural resources	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Create incentives to direct development toward hamlets	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Ensure high-impact industrial or commercial uses are sited on existing truck routes	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Adopt and implement policies to promote housing affordable to all residents	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Establish commercial and industrial zones as “nodes” rather than strips	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Continue to seek cost sharing among local governments	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Review and revise existing zoning to clarify and simplify	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board

Review and, as necessary revise road standards	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Finalize Natural Resource Inventory	Environmental Conservation Commission	Completion of Document	Final document referred to Town Board

TOWN OF ROCHESTER COMPREHENSIVE PLAN: IMPLEMENTATION SCHEDULE			
RECOMMENDATION	LEAD RESPONSIBILITY	ACTION	CRITERIA FOR EVALUATING SUCCESS
SECONDARY PRIORITY ACTIONS			
Create and implement policies to ensure high standards for design and development	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Review Town land use regulations for nuisance prevention provisions	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Create an Open Space Plan	Environmental Conservation Commission & Town Board	Plan created ECC	Plan adopted by Town Board
Create an Historic Site designation Program	Town Board upon Recommendation of Historic Preservation Commission	Enactment of resolution and signage	Designation resolution adopted by Town Board and signs erected
Develop comprehensive approach to retain and expand local business	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Develop hamlet revitalization program for Accord and other hamlets	Town Board	Plan created in cooperation with local merchants and others	Hamlets continue to improve in appearance and commercial viability
Promote tourism and the arts as economic development	Town Board	Create	Hamlets continue to improve in appearance and commercial viability
Create and implement policies to promote local agriculture	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local laws and programs (including PDR)	Farmers have additional support to stay in business from local laws and participation in such programs as PDR
Define hamlet growth areas based upon ability to support growth	Town Board upon Recommendation of Planning & Zoning Committee	Hamlets defined in zoning	Provisions adopted by Town Board

Create a comprehensive capital facilities and services plan	Town Board	Create plan with Town, Fire District and School officials	Plan adopted and implemented by participating jurisdictions
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TOWN OF ROCHESTER COMPREHENSIVE PLAN: IMPLEMENTATION SCHEDULE			
RECOMMENDATION	LEAD RESPONSIBILITY	ACTION	CRITERIA FOR EVALUATING SUCCESS
LONG-TERM PRIORITY ACTIONS			
Adopt incentive zoning provisions for energy conservation	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Create zoning districts or overlays for small mixed use neighborhoods	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Review zoning to ensure that each use has adequate setbacks	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Promote interconnection of local roads	Town Board upon Recommendation of Planning & Zoning Committee	Revision of road standards and/or subdivision process	Law adopted by Town Board
Develop a Town-wide communication committee	Town Board	Committee appointed	Committee recommendations for communications policies approved by Town Board
Seek additional areas for intermunicipal cooperation	Town Board	Continued work with other jurisdictions	Areas of intermunicipal cooperation expand
Ensure that local policies and regulations encourage development that minimizes risk of fire and other hazards	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Clarify and simplify the process by which existing small businesses can expand in sites zoned for such uses	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Enable low-impact small businesses to locate in "mixed-use" zones	Town Board upon Recommendation of Planning & Zoning Committee	Enactment of local law	Law adopted by Town Board
Encourage local activities to maximize the tourism potential of the Town's extensive inventory of historic house	Town Board in cooperation with various groups and owners of historic houses	Create festival and other activities	Increased interest in Rochester's historic homes
Review Comprehensive Plan for possible updating	Town Board	Appoint Comprehensive Plan review committee	Plan reviewed and recommendations made for updating

Definition of Key Terms

HAMLET: A small-scale compact mixed-use settlement with one or more community-related functions that accommodates development in a compact form.

INCENTIVE ZONING: The granting by the approving authority of additional development capacity in exchange for the developer's provision of a public benefit or amenity. For example, a developer may be given the right to increase the development on a parcel of land by several units in exchange for a payment to the Town's recreation fund or by guaranteeing that a certain proportion of the units on the parcel will be made available for senior housing.

MIXED-USE DEVELOPMENT: The development of a neighborhood, tract of land, building or structure, with a variety of complementary uses, such as, but not limited to residential, office, manufacturing, retail, public and recreation.

OPEN SPACE: Any parcel or area of land, forest or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests.

PURCHASE OF DEVELOPMENT RIGHTS (PDR): The process by which a willing seller negotiates a fee paid to that seller by a local government, land trust or other entity in exchange for removing the right to develop or build, expressed in dwelling units per acre or floor area, from a parcel of land. The price for the development rights is intended to compensate the seller for his right to forgo development on the parcel from which he removed the development rights.

SCENIC VIEW: A vista containing elements that are noteworthy for their historic, cultural, natural or aesthetic qualities. **NOTE:** Scenic views are composed of a variety of elements. The process of preserving scenic views may involve ensuring that certain elements are maintained during development through the Conservation Subdivision process or a similar technique. But the existence of a scenic view by itself is rarely if ever sufficient to involve prohibition of development in that area.

TRANSFER OF DEVELOPMENT RIGHTS (TDR): The creation of a market mechanism that allows a willing seller to negotiate a fee paid to that seller in exchange for removing the right to develop or build, expressed in dwelling units per acre or floor area, from land in one zoning district (the "sending" zone) and then transferring that right to land in another district (the "receiving" zone) where the transfer is permitted. The price for the development rights is intended to compensate the seller for his right to forgo development on the parcel from which he removed the development rights.

TRUCK ROUTE: Streets designated for use by all vehicles exceeding a certain weight.