

Meeting Notes

Comprehensive Plan Assessment Committee (CPAC)

6PM, Tuesday, February 12, 2013, Town Hall Auditorium

Attendees: David Barnet, James Booker, Jessica Brand, Linda Jasinski, Edward Kleinke, Jill Knapp, Valerie Newell, John Privitera, Lee Rosen, Loretta Simon, Bruce Smith, David VanLuven

Elected Officials & Town Staff: John Clarkson, John Smolinsky, Bill Reinhardt, Mike Morelli, Robert Leslie, Dan Coffey, Leah Farrell, Kathleen Reid

Meeting Summary

Deputy Supervisor, John Smolinsky, opened the meeting. Due to the large audience he described the Committee's mission and gave a rundown of the agenda that is focused on open space preservation, needs and opportunities.

Mr. Smolinsky began a presentation on the works of the Citizens Advisory Committee on Conservation (CACC). During the Comprehensive Plan, surveys demonstrated that open space preservation was a "hot topic" and an important issue to town residents. As a result of the Comprehensive Plan, the Town Board created the CACC, a non-regulatory advisory committee, in 2006. Under the Town Board direction CACC developed a [Funding & Tools Report](#) which presented a review of open space funding methods, conservation methods and ownership and regulatory methods for conservation. CACC also produced the Slingerlands [Pedestrian Network Plan](#) undertaken by a consultant with CACC's input & review. In 2008, the Town Board requested CACC to develop recommendations on open space needs & opportunity.

Rob Leslie, Deputy Town Planner continued the presentation by describing the process that resulted in the The Open Space Needs and Opportunities Report. The most recent and last task CACC completed in 2009 was to identify the issues, needs, and opportunities regarding open space and establish a framework for open space planning in Bethlehem. Mr. Leslie went over the participants and the planning process for the report. Three different maps identified Bethlehem's Open Space Resources as follows:

- Recreation and Pathways
- Natural Systems
- Agricultural and Farmland

The above resources helped to define Open Space in Bethlehem. Key Points for the success of any type of open space program would depend on the voluntary participation by willing land owners. The Town has approximately 1800 acres of recreational, conservation lands & educational lands, representing 6 % of the total land acreage in the Town. Conservation lands represent the greatest area of classified lands, approx. 37% of recreation lands identified on the map, followed by public recreation, private recreation, and education.

The parkland set aside fund contains approximately \$230,000. The town accepts payment in lieu of park land, which, can be used for maintenance projects, purchasing playground equipment, obtaining parkland, etc. Approximately, 45 to 50 miles of sidewalks are located in the Town.

The four major actions included in the recommendations are as follows:

1. Open Space in Development – Goal to encourage open space resources & its design.
2. Connections to Nature and Other Places – Goal to provide connections to parks, schools natural areas and other natural area through greenways & pathways.
3. Land Conservation -
 - Work with willing landowners to conserve lands with important resources.
 - Retain economic value of rural lands.
 - Increase public awareness to increase respect for private landowners.
 - Look at challenges facing landowners of large private property.
4. Open Space Financing – Identify opportunities to strengthen and balance grey infrastructure such as roadway and sewer/waterline projects to help achieve open space amenities in the town.

Mr. Smolinsky opened the floor to the Committee for a discussion on open space issues. The following are the Committees comments:

- Important to quantify the open space resources (acreage)
- Identify and protect natural resources rather than waiting for projects to come before the Planning Board to protect them.
- Maintain agriculture with willing landowners in the community.
- Regarding land preservation criteria, the size of the parcel is an important criterion. Large parcels are preferred. Public access to the open space is key. During land use review, reach an agreement with the developer so that when land is set aside within a development project the public can have access, not only the residents of the development.
- Regarding land preservation criteria, view corridors towards the Helderbergs or towards the Hudson River are important.
- There's value in working with large land owners or medium size open space land owners who have opportunities to develop their land. Talk with MHLC, Scenic Hudson, Peter TenEyck at Indian Ladder Farms, or other non-for-profits that have money to understand what purchase of development rights and conservation easements mean.
- Landowners may not fully understand the opportunities in a conservation easement as it relates to partially developing the land (negotiate the terms), develop the land to a degree that makes sense to the landowner's family for succession planning. Explore what it means for income taxes or agricultural assessment. Explore a broader seminar on this issue so everyone understands how some of these devices help landowners plan their farms and their wealth.
- Town had an opportunity to help farmers when they lost their agricultural assessments because soils are not good for growing food crops.
- There needs to be an honest discussion regarding the viability of farming in Bethlehem. Soils in Town are good for hay, not for food crops.

- Overlay agricultural lands on top of Parks and Recreation lands map to gather a snapshot of total open space lands in Town.
- During the development of the Open Space Report, landowners preferred the term conservation easement option.
- Regarding land preservation criteria, corridors on the edges of town such as the connection at Five Rivers provided by the Phillipin Kill Manor development project.
- The Natural Systems map shows constrained land, which consists of wetlands, steep slopes, and flood plain areas. They should not be accessible to the public. These constrained lands provide a great opportunity for open space in the community, yet not available to the public or for development.
- Currently, there is no formula for how much open space there should be in a Town. As development occurs you lose the feeling of open space. The questions remains how do you keep the same feeling in Town once open space starts to get developed? Focus on important views rather than preserving an amount of acreage. Focus on protecting what we do have (quality over quantity).
- Landowners have not come forward to participate in a preservation program because no program exists.
- Van Dyke Spinney and Phillipin Kill Manor are good examples of preserving portions of open space and providing public access through development projects.
- The government should not purchase land with tax payer's money for open space. Private entities such as MHLC, Open Space Institute should purchase open space.
- Government should not be involved in the conversation regarding where to get money to purchase open space (e.g. bonding, taxes, etc.) since there are agreements that can occur between developers and not-for-profit conservation organizations.
- Having a "toolbox" of options to purchase open space is beneficial. For example, perhaps use funding from development to purchase open space lands (amenity fund).
- Regarding land preservation criteria, need to identify views, habitats that are important to the community.
- If we don't have a program no one will think about coming to the town to donate land.
- MHLC recently closed on a 117 acre easement with a landowner in the Town of Glenville. Glenville has an open space plan that provides criteria for land protection. There was no cost to the Town because the landowner made a donation.
- A conservation easement does not remove the property from the tax roll. Landowner will still pay local taxes on property. NY State recognizes there is value in giving up development rights. At the State level, the conservation easement tax credit offers taxpayers whose land is restricted by a conservation easement as annual New York State income tax credit of up to 25% of the school district, county, and town real estate taxes paid on the restricted land, up to an annual maximum of \$5,000 per taxpayer. Landowner pays all local property taxes first and then when you file NYS tax return if you have a conservation easement on your property you can receive a tax credit. Conservation easement does not impact the local community.
- Existing tool box (which is primarily through the zoning law and subdivision regulations) is not adequate for every land protection situation we have in Town. For example, if we wish to connect the Rail Trail to existing neighborhoods we may need an easement, or a corridor from a willing landowner – our existing tool box does not enable the Town to be able to do that.
- First objective should be to determine the kinds of open space lands to be protected and identify the tools we would need to do that.

- The larger issue - is it appropriate for government to be involved in funding land protection with interested land owners? When a community's interests intersect with a landowner's interests then it is worth it for both parties to work together for their common interests. The majority of land protection examples (agricultural easements) throughout the State have a significant amount of State government funding. We need to tap State & Federal grants to make land preservation deals happen.
- There is land between developments in town that would be good for small pocket parks, at an acre or less. Once an appraiser sees a residence next to a park the value of that residential parcel increases, and the taxable land removed due to the park is then shifted to parcels in the vicinity to offset the removal of the park land from the taxable land.

PUBLIC COMMENTS:

Dennis Northrup, Selkirk –

- Could we compare Bethlehem to surrounding areas based on their open space land acreage?
- Town should contact landowners by phone or mail to see if they are willing to volunteer some of their property.

Mike Waldenmaier, Glenmont –

- How many Towns in NYS? How many Towns have an official map? Have we purchased any open space with the parkland set-aside-fees.

Tom Newell, Glenmont –

- Connectivity next to landowners open space (agriculture) causes problems for landowners with trespassing and disrespect to the property owners.
- There may be issues with properties next to the Rail Trail regarding litter and kids parting.
- Formal connection via a public trail between Haswell Farms and Somerset developments would continue the trespassing problem. It would not be solved by public use.

Stephanie Newell, Glenmont –

- Trespassing and litter are ruining our land (hay), and ruining our income. Rides horses on her property in back field and almost ran over an unleashed dog (owner was trespassing on the property).
- Father's family land/property is her future. In 10 years she plans to operate a horse stable on the property and would not be able to allow a public trail on the land. She is only able to do that with the help of the Town, not the Town backing her into a corner by saying you can only have a horse stable if a public trail is provided.

Martin Cross –

- Likes committee and understands what Committee is trying to do.
- Does not see many people representing farmers and their land on the Committee. Feels the town should convene small group of farmers to discuss preserving the land as they know the land best.
- Farmers are willing to talk to the town, and to come to a meeting to discuss the issues.
- Federal and State government pays for the land with "our" money because we pay taxes.
- There is trespassing on his property (on Route 144). Trespassers release his cows. Will town protect him if he allows public access on his property?

Dan Northrup, Selkirk –

- Has illegal dumping, snowmobiles, and trespassing on his property.
- How do you protect the land...give it to MHLC?

Jim Bohl, Selkirk –

- Trespassing – constantly kicking out hunters. Who protects the landowner who watches over the land?
- We pay taxes on the land we own. It's our land not yours – we pay taxes on it.
- Most people who want green space don't have skin in the game.

Libby Liebschutz, Delmar (former chair of CACC) –

- CACC had participation by large landowners and residents of the community in town that were comfortable putting their name and endorsement on recommendations that CACC made.
- Increase the flexibility and add a tool to the tool box to help get additional funding in town to help landowners get what they want and to preserve part of their property. It will not hurt to have another tool in the tool box.
- There are many ways to protect open space that doesn't need public access to the land, people find it very valuable who can just view and drive by and see and enjoy the land.

Nancy Neff –

- There is not an open piece of land that wouldn't fall under the land preservation criteria mentioned by Committee members and identified in the CACC report. Committee is prioritizing but not leaving anything out.
- Landowners "choose" a life style of rural living. They choose to have open space.
- If the Town wants people to farm in this town we need to make it flexible so they can farm. Farmers need a side business to go along with their farm so they can continue to pay taxes. Zoning Law does not allow flexibility in uses, it's all about control.
- Desired viewscapes should not trump the landowners wants and should not infringe on their rights.

Mr. Smolinsky closed the meeting by stating the Committee will continue the discussion of open space at the next meeting on March 12, 2013.

The CACC Presentation – Open Space, can be found on the [CPAC website](#) along with the meeting material handed out on Potential CPAC Recommendations handed out at the meeting. A video recording of the meeting can be found on the Town website.

Next Meeting Tuesday March, 12, 2013 @ 6PM