

**Town of Bethlehem
Citizens Advisory Committee On Conservation**

September 11, 2006 Meeting Minutes

Members Present:

John Smolinsky, Chairman
Michael DiPaolo
Nancy Heinzen
John Mead

Valerie Newell
Michael Waldenmaier
Caleb Wistar

Staff Members Present:

George Leveille
Janine Saatman
Deborah Kitchen

Administrative Actions:

Chairman Smolinsky informed the committee that CACC's second quarterly report will go to the Town Board sometime in October. He hopes that the Funding Report will accompany that report and is trying to look ahead in order to plan when materials would need to be to the Town Board if CACC is to meet that goal.

Draft Work Plan:

1) Slingerlands area trail network –

George Leveille updated the committee on the work of the Town's consultant, Edwards and Kelsey. They have completed the "complete streets audit", which is the initial task in the development of a Slingerlands Integrated Pedestrian Network Plan. Edwards and Kelsey also participated in the Town's pre-charrette for the New Scotland Road hamlet master plan on August 31st. They will be at the charrette taking place on September 15th and September 16th in the auditorium of Town Hall. CACC members are welcome to attend. Val Newell asked if the results of the pre-charrette will be available before the charrette? George indicated that they would be.

It is anticipated that the consultant will present their concept at CACC's October 10th meeting. Then their report, which is expected to be used as a basis for a SAFETEA-LU (NYSDOT Transportation Enhancements Program) application next year, will be finalized.

No new information regarding results of CDTC's Regional Greenway Visioning Workshop (June 20, 2006) or the Albany County/Audubon Normanskill Corridor Study is available at this time.

A member of the public asked about the times of the hamlet design charrette taking place on September 15th and 16th.

2) Open space protection funding -

Next, members discussed Draft #4 of the Open Space Funding Report, which the committee received prior to the meeting. The first topic of discussion was the report's scope. The Chairman

indicated he believes that the report is within the scope of the Town Board's direction. Val Newell disagreed and referenced the Executive Summary of the Town's Comprehensive Plan (Comp Plan), CACC's work plan (revised June 2, 2006), and a motion made at the March 8, 2006 Town Board meeting (a copy of which was distributed to the other members present) as evidence of this. Specifically, she believes that the "tools" section of the report goes beyond what the CACC was asked to do in identifying funding programs. John Smolinsky had provided numerous references to the Comprehensive Plan, various Town Board documents, and CACC's work plan as a basis for the scope of CACC's report. The Chairman reminded CACC that the entire Comprehensive Plan was adopted by the Town Board and not just the Executive Summary. Val Newell indicated she believes that the official map portion of the report is not in sync with the official map portion of the Comp Plan and NYS Town Law. Val noted the Town can certainly have an "official map", but it should contain only those things called for under NYS Town Law § 270, namely proposed and existing streets and other public facilities. It is Val's opinion that designations of future uses other than streets and infrastructure (i.e. hoped-for parkland, trails and targeted conservation areas which are privately owned) is not in compliance with that section of Town Law. She suggested that any "lands of conservation interest map" that would include private property should go through a process similar to that required for changes in zoning.

A discussion of the definition of an official map and its contents followed. It was mentioned that it is described in NYS Town Law § 270 and that the Comp Plan gives some guidance as to the future development of an official map. George Leveille suggested that the official map can be addressed by adding language stating how each tool relates to the recommendations of the Comp Plan, either in each section, or included in the executive summary. Mike DiPaolo agreed with Val that the official map section could be misconstrued. He suggested identifying and defining terms used in the report that might be misinterpreted. He feels that the Town Board will determine if the report is in compliance and that the executive summary will be a very important component of the report.

For the information of other committee members, Mike DiPaolo relayed that the Mohawk Hudson Land Conservancy (MHLC) does not contact property owners for land. They invite participants and then when willing landowners come forward, they look for tools which can be mutually agreed upon to achieve the common goal of the property owner and the MHLC.

Nancy Heinzen stated that she took conservation seriously as part of this undertaking. She discussed the importance of stormwater management in developments and the need for "green infrastructure", such as buffers along streams. With regard to official maps, she would love to see wetlands included. There needs to be planning so that stormwater management methods can be incorporated into projects cheaply. Ideally, she would like wetlands identified countywide. After discussion with the committee, it was agreed that the features Nancy was referring to relate to a "Lands of Conservation Interest" map, rather than an Official Map. Nancy feels that the regulatory tools should be included; tools should not be left out because they can work together. Developers are integral in what happens to open spaces. If the Town doesn't follow stormwater management regulations correctly, they will be fined. John Smolinsky agreed that regulatory tools should be included. Mike DiPaolo was also in agreement, but reiterated that the emphasis should be on willing landowners.

John Mead stated that he feels the document should be friendly to willing landowners. He feels that regulations such as those for stormwater, with the possibility of associated fines, are not a friendly approach. He indicated that, in many cases, practices that cause undesirable effects on resources are used due to a lack of education and also a lack of money to implement approaches which may cost more. With regard to the discussion of the official map section of the report, he suggested leaving the first paragraph in and taking the lands of conservation interest information out.

George Leveille reiterated that how various items comply with the Comp Plan's recommendations can be addressed up front in the report. Val Newell suggested that addressing this in each section might make the document friendlier. Nancy Heinzen again expressed her belief that the document should include the whole range of ideas. John Mead indicated that in their review of the report, he, Val, and Mike W. are trying to look out for the interests of all property owners.

The committee agreed that information regarding official maps and lands of conservation interest mapping should be separate sections.

The discussion proceeded to the advantages/disadvantages listings in the report. In response to comments (particularly from Val, Mike W. and John M.), these have been revised and some items added under a new, separate heading of "landowner issues". George indicated that he feels the perspective is much clearer now. John Smolinsky said that the committee may want to suggest additions to these items, particularly the landowner issues. Val commented that the second item under landowner issues on page 7 should be moved to disadvantages. She also recommended removing the "issues of willing landowners" items as separate listings and incorporating that information into the text if it is not already there. Caleb suggested that a matrix of issues could be added to the executive summary.

Regarding some other specific changes to the report, John Mead stated that he doesn't feel individual speakers should be identified on page 29 (in the "Foster Participation of Willing Landowners" section). Mike Waldenmaier also recommended eliminating the last bullet on page 29, since it is redundant. John M. questioned the references to 10-acre and 25-acre lots in the natural resource zoning section; he believes it conflicts with the Comp Plan. George responded that something of this nature would require additional Town Board action.

The committee next turned their attention to the "Criteria for Establishing Land Preservation Priorities". There was discussion of the applicability to Bethlehem of the criteria listed. Val stated the need to mention willing landowners. Nancy mentioned that the criteria is representative of what could be used; the Town may want to change the list or customize it for Bethlehem. Janine Saatman suggested adding "Example" to the title of the section and substituting language such as "when willing landowners come forward with parcels" for "when parcels become available" in the last line of paragraph three of the criteria section.

Nancy distributed a revised table of contents to the committee members. CACC agreed to some restructuring of the report as well as some heading changes as suggested in the redrafted table of contents. The possibility of combining items C and D under Section VI was discussed.

The Chairman stated that perhaps the final report will be ready for the October 10th CACC meeting and then for presentation to the Town Board at its second meeting in October. He also indicated that he could meet with George Leveille, Caleb Wistar, Val Newell, and Mike DiPaolo before the next CACC meeting to discuss revisions to the report.

George L. agreed to draft the executive summary and work with staff to finalize the funding report. The final draft will:

- 1) Add the executive summary which, among other things, will include a general landowners' issues statement and a clear statement of what the report is and what it isn't. It will also include a description of the Comp Plan framework and how the various open space tools relate to it.
- 2) Reorganize the report and change some headings along the lines of Nancy's proposed table of contents.
- 3) Include separate discussions of "official maps" and "lands of conservation interest" maps.

- 4) Delete Appendix 1 and any references to it.
- 5) Edit Appendix 2 (now to be called Appendix 1) to clarify that it is an example list of open space criteria based on several land conservancies, the Open Space Institute, and NYS Region 4 Open Space Advisory Committee.
- 6) Incorporate minor edits as suggested by several CACC members.

Val suggested bringing someone in to speak to CACC about conservation easements, perhaps Roland Vosburgh. She also wanted to make the report available for public comment. The Chairman reiterated his view that the distribution of the draft report be limited to the CACC until it is finalized and presented to the Town Board.

A member of the public asked about the number of conservation subdivisions the Town currently has in the process. Another asked for clarification of the next CACC meeting date.

A resident commented that his experience with official maps is that in practice they are limited in scope. Another resident felt that natural resource zoning and official maps are not friendly to landowners and suggested sticking to the Comp Plan recommendations. In addition, she expressed that the committee should stick to the tasks assigned and not prematurely expand those tasks to include an open space plan.

Action Items:

Committee members should provide any further comments on Draft #4 of the funding report ASAP. George will work with staff to draft the final versions of the report. Comments on it will be discussed at the October 10th meeting.

John S., George L., Caleb W., Mike D, and Val N. may meet prior to the next meeting regarding revisions to the report.

Next Meeting:

Tuesday, October 10, 2006 at 7:30 p.m. in Room 101 of Town Hall