

**TOWN OF BETHLEHEM
CITIZENS ADVISORY COMMITTEE ON CONSERVATION (CACC)**

DRAFT February 11, 2008 Meeting Record

Members Present:

Libby Liebschutz, Chair; Jeff Freedman, Nancy Heinzen; John Mead; Ted Putney; David Erik VanLuven, Mike Waldenmaier; Caleb Wistar,

Staff Members Present:

Jeff Lipnicky, George Leveille

The meeting was called to order at 7:05 p.m.

Chair Report:

- A. **Approval of January 14, 2008 Meeting Record:** Ms. Liebschutz asked the members if they had any comments or corrections on the draft January 14, 2008 meeting record that was circulated. Ms. Heinzen clarified that she did not express concern about the economic viability of farming as reflected in the draft record. After discussion it was agreed that the relevant language would be amended to reflect this. No additional changes were suggested and the minutes were adopted unanimously.

Farm and Open Space Protection Program (Open Space Plan):

A. **Update on DEDP submittal to Town Board regarding request for approval to hire consultant:**

Ms. Liebschutz asked Mr. Leveille to walk the CACC through his memo to the Town Board dated February 7, 2008. Mr. Leveille indicated that the memo outlines a recommended approach to conducting the Open Space Study and also recommends the hiring of a consultant, Behan Planning Associates, to assist the Town in preparing the plan. Major points made by Mr. Leveille include the following:

- o Both the guiding principles underlying the study and the potential scope for the study were put together with input from the CACC.
- o The Town issued an RFQ for the study in November-December 2007.
- o The Town received four responses, from which two consultants, Behan Planning and Chazen Engineering, were invited to interview.
- o Because of limited funding resources the consultants were interviewed with the idea that the selected consultant would be hired to mentor staff and CACC through the study process, with a significant portion of the work to be done by Town staff.
- o Behan was selected because of their experience in open space planning and because their proposed approach was more consistent with the mentoring concept.
- o The focus of the initial phase of the study would be on the identification of issues/needs/opportunities and to understand what the community's expectations are.
- o The study will entail a 12 to 18 month process with the first phase taking 3 to 5 months.
- o There is \$ 25,000 available to conduct the first phase of the study. This coincides with the estimated cost from Behan. Behan would bill the Town on an hourly basis up to that amount.
- o The Town has also applied for a grant to conduct a farmland protection study. If approved it would add an additional \$ 25,000 that would be available for the farmland element.

Mr. Wistar asked whether DEDP was requesting the Town Board to approve the study scope that is attached to the February 7th memo. Mr. Leveille indicated that the draft scope is intended to be

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representative of what might be included in the study, and the actual scope will be determined as the Town moves through the process. Ms. Liebschutz indicated that the last task given the CACC by the Town Board was to report to the Town Board on a recommended approach. She asked whether the proposed scope is in response to that. Mr. Leveille indicated it was. Ms. Heinzen asked whether Behan Planning would also do the Farmland element of the Plan. Mr. Leveille indicated that the American Farmland Trust would undertake this component of the study. Mr. Putney asked whether there were sufficient staff resources for DEDP to undertake the study in a timely manner. Mr. Leveille indicated there was. Ms. Liebschutz indicated we would hope to soon have a schedule for the study. Mr. Leveille indicated that the initial phase involves a two-stage process – identify issues and gather information in the form of inventory. The outcome would be a needs analysis to help define what the issues are. Ms. Liebschutz thanked Mr. Leveille for his report.

B. Guest Speaker – Jennifer Viggiani, AICP, Town of Clifton Park Open Space Coordinator

Ms. Liebschutz next introduced Jennifer Viggiani, the Open Space Coordinator for the Town of Clifton Park and indicated that Ms. Viggiani was invited to talk to the CACC about the Clifton Park experience with open space planning. Ms. Viggiani greeted the CACC and proceeded with a presentation in which she covered the following major points:

- o The Clifton Park open space planning effort came in response to a concern that the western portion of the Town was losing its character.
- o In response a committee consisting of various stakeholders was appointed in 2002 by the Town Board and charged with investigating the issue.
- o A key element of the study was a public outreach campaign, which included a planning charette conducted at the local High School and various meetings throughout the Town. The public outreach was aimed at identifying sensitive and special places in the Town.
- o Analysis also included a fiscal impact study to understand the potential cost of an open space protection program.
- o The open space plan was adopted in 2003 and contained five major concepts including : protect working farms; protect key natural resources; provide more recreation land; and protect places of historic and scenic value. Goals were set for each concept. For example, one goal was to obtain a large recreation area; another was to improve access to the Mohawk River and other water bodies.
- o The Town followed up the open space plan with a GEIS covering the western part of Town. Included were an analysis of traffic and the fiscal impact of developing this area.
- o Out of the GEIS effort a land conservation plan was crafted and the outcome was the adoption of zoning changes. Among the changes were the following:
 - A reduction in permitted densities in certain areas to one unit per three developable acres.
 - Added flexibility to allow clustering of housing units.
 - Creation of open space amenity zoning. This zoning allows large landowners who were impacted by the zoning changes to request an increase in density up to 100% in certain areas. In return, the landowner would protect land or provide a \$ 30,000 payment per unit to be used for open space protection. Another component is a transfer of development rights program.
- o To date three applicants have gone through the process. It is expected that payments will bring in close to \$ 1 million for open space.
- o One key to success is to have open dialogue and to be fair with landowners.

In response to questions from the CACC, Ms. Viggiani indicated the following:

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- o Perington, NY also had a program based on the payment for density concept.
- o The Town Board is the decision-making body regarding incentive zoning decisions.
- o Large landowners were generally supportive of the zoning changes and incentives. Largely, she believed, because land values continued to increase.
- o There was a two-year moratorium in effect while the study was underway.
- o Infrastructure is available at the edges of the study area, but not throughout the western part of town. She added that it will be interesting to see if the zoning is maintained as infrastructure expands in the area.
- o She did not believe the change from 1 acre to 3 acre zoning had a significant effect on land values or affordable housing because developers gained the ability to cluster units. In addition, she indicated there were other pieces to the puzzle. For example, Clifton Park adopted legislation in the 1990's under which farm parcels can receive an assessment based on 25% of assessed value in exchange for a temporary easement (15 – 25 years) that restricts development of the parcel.
- o Under the open space program the Town has had a number of successes, including the protection of two farms. The Town paid \$ 800k and \$400k respectively for permanent conservation easements on these farms. Partial funding also came from Saratoga County. The Town has also bought nature preserve acreage and added recreation land.
- o The impetus for conducting the open space study was a growing concern over traffic and housing growth that was starting to change the character of the western part of the Town. A survey of residents revealed a willingness to pursue the open space effort.
- o The Town has established criteria to identify parcels for open space protection. The public has also identified certain parcels and landowners themselves have contacted the Town to express interest in the program.
- o No land has been taken by eminent domain. An open space program needs to be about willing landowners. Taking land by eminent domain would conflict with what people were told in Clifton Park during the planning process.
- o The Town did another survey of residents last year, wherein it was found that the community continued to be supportive of the open space program. She further indicated that for the program to be successful there needs to be an ongoing dialogue with the Town Board, residents and landowners.

A brief discussion took place among CACC members and the audience regarding the viability and attractiveness of cluster development.

Ms. Viggiani then responded to additional questions from the CACC. She indicated that:

- o The Town's wish list of parcels for inclusion in the open space program has often coincided with landowner interest in participation in the program.
- o The Town also has a riverfront committee that is working on a local riverfront study, but no LWRP. There has not been a big push for an LWRP. The canal corporation owns much of the riverfront land.
- o In conducting its surveys of Town residents, the Town did not conduct separate surveys for farmers/large landowners and general residents. However, they are looking at potentially doing this in the future.
- o The funding sources for land purchase were Saratoga County and the Town itself. The Town has had a surplus attributable to its sales tax revenues.
- o The Town has not yet received funding through its payment for density program, but is expecting approximately \$ 990k from projects currently in the works.

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Ms. Viggiani went on to briefly discuss transfer of development rights in Clifton Park and indicated that the Town is looking at potentially allowing the transfer of density rights from the western part of Town to the more built-up areas near Exit 9.

Ms. Liebschutz and the CACC thanked Ms. Viggiani for sharing her experience with the Clifton Park open space program.

Other Business:

Ms. Liebschutz reminded everyone that the open space study proposal and consultant selection recommendation from DEDP would be on Wednesday's Town Board agenda (2/13/08). She also indicated that there was great information related to the open space plan on the Clifton Park website, and that the next CACC meeting is scheduled for March 10, 2008 at 7:00.

Adjournment:

The meeting was adjourned at 8:32 p.m.

Next Meeting:

March 10, 2008, Rescheduled to March 24, 2008 at 7:00 PM