

VIII. Recommended Actions

A common denominator in successful agricultural and open space protection programs throughout the nation is the availability of a significant source of funding to the host municipality or county. This funding is typically used to buy open space, purchase the development rights on properties, and/or acquire conservation easements. Funding for these purposes is frequently raised through bonding (borrowing) by the municipality, with grant programs often being used to supplement the money levied through bonding.

In Glenville's case, input on the open space plan process has yielded a somewhat mixed message. Residents are concerned about the loss of open space to development and they want something done to curb costly sprawl and to save open space. Yet, there is reluctance to commit funding to open space protection and there is an aversion to the idea of the Town acquiring properties for preservation, unless it is done so through voluntary efforts of property owners.

In the absence of a large dedicated fund for open space protection in Glenville, the challenge then is how can the Town develop an effective open space protection program using primarily passive and/or voluntary tactics? And how will this be accomplished without committing significant funding or resources?

The answer, it seems, is to address open space preservation through a multi-faceted approach. Instead of tapping a large block of funding for the acquisition of properties or development rights, the Town of Glenville will have to employ numerous strategies, each with its own unique strength and application, however narrow that application might be. What follows is a summary of the strategies that Glenville should use to promote open space preservation.

1. Adoption of this Open Space Plan by the Glenville Town Board

This is a self-apparent action, for the Glenville Town Board needs to adopt the Open Space Plan in order for this document to have the effect of policy. Implicit in the adoption is that the Open Space Plan will be periodically updated to incorporate new open space strategies, revise existing strategies, and to reflect changes in public sentiment and/or legislative direction. No more than five years should pass without an update to the Open Space Plan.

2. Accept Donations of Property that have Merit as Open Space

Consistent with a theme that was repeated at the three public hearings, the Town should embrace voluntary open space preservation options. The donation of undeveloped

property to the Town, other government agency or land conservancy is the most efficient and cost-effective means to preserve open space.

Prior to the Town accepting donations of open space properties, the property should be evaluated using the open space scoring system (see Appendix C) that has been developed for this purpose. The scoring system allows the Town to gauge the relative value of land for open space preservation, based on the presence or absence of a number of natural resources and physical characteristics.

Scoring results for would-be property donations must be judged in totality, not just on the point value. For example, properties that possess a number of features (i.e. wetlands, flood plains, scenic views, proximity to existing park, etc.) will score high, and will typically be viewed as having considerable merit for open space preservation. Yet, a property that scores relatively low (three or four points, for instance), shouldn't necessarily be dismissed as a donation candidate.

It is possible, for example, that a property could be devoid of all but one feature, yet that one feature or characteristic could be of such value that the property donation offer should be accepted. An offer of a property with historic value comes to mind, as does the offer of a property that is adjacent to an existing park or preserve.

On the flip side, there could be instances where a property scores well, but there could be an overriding factor that deflates the high score. For example, a property that possesses steep slopes, a stream and a wetland would score well, but if the property is landlocked or difficult to access, there may not be much merit in accepting the would-be donation after all.

3. Revise the Town's Zoning Ordinance and Subdivision Regulations so that Open Space Preservation is Integrated into the Planning/Zoning Review Process

Just as the Town carefully considers items such as storm water management, landscaping and water/sewer service as part of the review of subdivision and site plan review applications, the preservation of open space should be integrated into the planning/zoning review process. This should go beyond merely ensuring that the minimum percentage of green space is provided on each development site. Open space needs to be incorporated into the design of development projects so that the open space is meaningful relative to function, form and location, in addition to being compatible with neighboring properties.

This action requires amendments to both the Town's Zoning Ordinance and Subdivision Regulations. Further, some semblance of the Open Space Committee, with assistance from Planning Department staff, should be involved early in the review of development applications to identify pertinent open space issues with every planning/zoning application that goes before the Glenville Environmental Conservation Commission (GECC). Relevant open space issues should be identified prior to the GECC's review,

but certainly no later than the initial review of planning/zoning applications by the Planning & Zoning Commission (PZC).

Whatever the final composition of this open space advisory body, their recommendations to the GECC and PZC should be guided by the Open Space Plan's goals and objectives, Open Space Areas Map, and Open Space Scoring System. The work of this advisory body should include a recommendation on whether or not the set-aside of open space above and beyond the minimum green space requirement is called for on the project site, how the open space may be configured, the manner in which the open space should be preserved, and compensation (if any) that is due the owner. Compensation, if appropriate, could take many forms including allowance of greater density on the developed portion of the site, outright purchase, purchase of development rights or transfer of development rights.

4. Grant the Planning and Zoning Commission the Authority to Mandate Clustered Subdivisions

Clustered subdivision is a form of development where the new homes are grouped together on smaller lots so as to retain most of the project site as open space. This particular form of development is typically targeted for rural areas, but it is perhaps better-suited for "fringe" areas, where suburban development is pushing into rural areas, and where public water and/or sewer may be available to allow for the higher density of development that would occur on the clustered portion of the project site.

Because the clustered housing market is largely untested, developers have been reluctant to propose clustered subdivisions. Combined with the fact that the Town's Subdivision Regulations don't authorize the Planning and Zoning Commission to mandate clustering, Glenville has yet to review and approve a clustered single-family housing layout.

This recommendation, therefore, is to have the Town Board adopt amendments to the Town of Glenville Subdivision Regulations to give the PZC the authority to mandate clustered subdivisions where physical and environmental conditions allow for this form of housing development. This authority is given under Section 278 of New York State Town Law.

5. Revise the Town's Subdivision Regulations to Mandate Conservation Subdivision Design

As with clustered subdivision design, very few suburban housing developments incorporate conservation design principles. Rather, it is the "cookie-cutter," relatively uniform lot size layout that prevails, regardless of the physical and natural constraints of the property.

The Open Space Committee recommends that the Town Board adopt amendments to the Town of Glenville Subdivision Regulations requiring the incorporation of conservation design principles. While it seems common sense that developers would naturally pursue subdivision layouts that preserve hillsides and ridges, stream courses, mature trees, tree lines, stone walls, etc., all too often these features are obliterated in order to foster a rapid construction cycle.

The PZC should be given the tools to preserve natural features and open spaces within residential subdivisions. This is best accomplished through revisions to the Town of Glenville Subdivision Regulations. The revisions would take the form of adoption of a clear set of principles for conservation subdivision layout and design, with serious consideration also being given to simplifying the review process of any subdivision that incorporates conservation design principles.

6. Educate Landowners on and Promote the Use of Conservation Easements

In the last year, two western Glenville property owners voluntarily conveyed conservation easements over their own properties to permanently preserve the majority of their land as open space. In return, the landowners are entitled to a partial property tax exemption each year and a property assessment based on current use.

Conservation easements require oversight and management, typically by a land conservancy organization or the municipality. In the case of the two existing conservation easements in Glenville, management of the easements has been ceded to the Mohawk-Hudson Land Conservancy. The Open Space Committee is of the opinion that landowners will be more inclined to partner with a land conservancy than with a governmental entity, and therefore, it is recommended that the Town of Glenville play a supportive role to land conservancy organizations through the dissemination of educational materials, resources, contacts, etc.

The Town's website is a logical place to offer promotional materials about conservation easements. Periodic articles in the *Glenville Newsletter* is also recommended. Town Planning staff could also mail information on conservation easements to large lot owners, by using the same mailing list that was employed to notify landowners of the open space public hearings.

7. Continue Development of the Town's Pending Transfer of Development Rights (TDR) Program

In 2006, the Town, in partnership with the New York Planning Federation, received a grant from the Schenectady Foundation for the purpose of developing a Transfer of Development Rights (TDR) program. Pursuit of this grant was timed to coincide with

preparation of the Open Space Plan, knowing that TDR is one method – albeit complex – of open space preservation.

Per the scope outlined in the grant application, the Town is targeting preservation of 300 acres of open space using TDR. There has been progress on this project, to the point where “sending” and “receiving” areas have been preliminarily identified. The balance of 2007 will be spent further refining the boundaries of the sending and receiving areas and developing a ratio of sending to receiving acreage that is conducive to the current real estate market.

It is anticipated that the TDR project will wrap up by mid-2008, at which time the Open Space Plan will need to be amended to incorporate the newly-minted TDR program. There also exists the possibility that a TDR program may not be workable in the upstate New York market.

8. Designate Glenville and Scotia’s Well Fields as “Critical Environmental Areas”

The point was made earlier in this Plan that the most important natural resource in the Town of Glenville is the Schenectady/Great Flats Aquifer, and more specifically, the land that comprises the wellhead protection zone and primary recharge zone of the Town of Glenville and Village of Scotia’s well fields. More than 23,000 people get their drinking water from these two well fields.

If the Town Board were to designate these two well fields as critical environmental areas (CEAs), it would ensure that any development proposals in these areas would receive a high degree of scrutiny per the State Environmental Quality Review Act (SEQRA). The CEA designation, therefore, would place the burden on the developer to clearly demonstrate that the water supplies of the Town and Village would not be compromised by the development project. The CEA designation might also deter any would-be development proposals from being contemplated in these areas in the first place.

9. Promote Enrollment in the Agricultural District Program

The Agricultural District program is a New York State program that is managed by the State’s counties. A number of landowners in Glenville are enrolled in the program, thereby ensuring that their property is assessed on agricultural use value instead of, say, residential value. The program also protects farmers from ad valorem taxes, in this case higher property taxes that result from the installation of public water and/or sewer services to the property. In short, the Agricultural District program provides incentives to those landowners who want to keep using their properties for agricultural use.

The Town of Glenville has been passive relative to formation and expansion of the Agricultural District program as it applies to Glenville properties. The Town has neither

promoted nor discouraged the program and its associated open space preservation benefits. At the same time, the Town has witnessed the gradual loss of agricultural lands to various residential subdivisions and large commercial ventures.

Since this Open Space Plan speaks to the importance of preservation of agricultural lands and other types of open space, it follows that the Town should promote the values and benefits of the Agricultural District program. One method of promotion would be to identify all properties that are in agricultural use but are not enrolled in the Agricultural District program. Once the properties have been identified, the Town should contact the landowners to make sure they are aware of the program and to assist them with enrollment, if the property owner is interested. Priority should be given to those agricultural properties that fall within one of the 10 open space areas identified on Map 4.

As with the education and promotion of conservation easements recommendation above, the Town should use its website to offer educational materials and enrollment information about the Agricultural District program.

10. Revise the Town of Glenville Comprehensive Plan

The Town of Glenville Comprehensive Plan was adopted in 1990. As the most vital planning, land use, and transportation policy document for the Town of Glenville, the Comprehensive Plan should be revisited every five to ten years. Clearly this is overdue in Glenville, to the point where a rewrite may be in order instead of revisions.

While the Comprehensive Plan is still a valuable policy document, the past 17 years have seen considerable residential development, road construction, and water/sewer expansion; so much so that the land use plan component of the Comprehensive Plan - arguably the most important element of the Comprehensive Plan - is largely obsolete. Further, changes to the Comprehensive Plan have not kept pace with amendments to the Town's Zoning Ordinance, to the point that these two documents are often at odds.

The Comprehensive Plan speaks in great lengths to the importance of preserving the rural character of the western portion of Town and to the preservation of open space, in general. Most of the goals, objectives and recommendations of the Comprehensive Plan relative to the preservation of rural character and open space are still quite valid. However, much of the Comprehensive Plan needs to be rewritten to reflect current land use conditions and the extent of infrastructure, and to acknowledge the particulars of this Open Space Plan, as well as the policies that have been adopted in the Town Center Master Plan and Freemans Bridge Road Master Plan, both of which were adopted by the Glenville Town Board in 2004.

11. Adopt a Capital Plan

Municipal water and sewer extensions have little competition when it comes to triggering sprawl and eradicating open spaces. If one were to overlay a water district map with a land use map of Glenville, the connection between sprawl and water service availability would be undeniable.

Sprawl is costly. Suburban residential development with lot sizes of ½ acre or more, as is typical in Glenville, is a significant tax drain. More money is spent on services by a municipality and school district in residential sprawl areas than is derived in property tax revenue. Open space and agricultural land, on the other hand, is tax beneficial when comparing costs for services versus property tax revenue derived. Most forms of commercial and industrial development, and certain forms of high density residential development, are also tax beneficial.

One very effective way to discourage costly sprawl is for the municipality to chart a long-term course for water and sewer services. This is accomplished through adoption of a Capital Plan. But, the Capital Plan cannot be created in a vacuum. The Capital Plan needs to be reflective of the Town's Comprehensive Plan, and vice versa, in order for both of these documents to be meaningful. In this manner, water and sewer service extensions can be directed to those areas that are targeted for commercial, industrial or higher density residential, thereby sparing rural areas from the development pressure brought on by municipal services.

The Capital Plan should not be limited to just water and sewer service provision, however. A thorough Capital Plan also addresses anticipated expenses and infrastructure investment for roads, drainage structures, parks development, open space acquisitions/investments, recreational trail development and preservation/improvements to historic structures and sites.

12. Tap the Subdivision Recreation Impact Fee Account for Extension of Existing Parks and Preserves and for the Acquisition of Critical Open Space Properties

A message has been sent from Town residents that they do not want to pay additional property taxes in order to acquire open space. Yet, the residents also sent a message saying that the Town needs to do more in the way of open space preservation.

The subdivision recreation fee account is the money that is collected from levies on residential subdivisions and other forms of housing development by the Planning and Zoning Commission. This money is collected on a per lot or per unit basis, as a means to address additional demand that is placed on parks, playgrounds and open space as a result of a growing population associated with new housing.

The law that authorizes levying this fee also authorizes the acquisition of land instead of a fee during the subdivision review process. Past practice in Glenville has been to assess the fee in most cases, and then use that money to make improvements to existing parks and preserves. However, there is no prohibition to using this money to expand existing parks and preserves or to acquire additional parks, playgrounds and open space.

It is recognized that build-out of the Town's existing parks is and should be a priority. Yet, if a critical open space property were to become available for purchase from time to time, or if the development rights on such properties became available for purchase or transfer, the Town Board should consider tapping the subdivision recreation fee account to assist in the purchase.

The Open Space Committee is hesitant to identify particular properties for this purpose, in recognition that identifying individual properties could affect the purchase price. Plus, the Committee does not want to limit the Town to a specific list of properties, knowing that there are a great many variables that could impact a decision to acquire property.

Given the above-noted concerns, if land acquisition opportunities present themselves, priority should be given to properties within the Town and Village well fields and to expansion of existing parks and preserves.



Dam and waterfall at the Indian Kill Nature Preserve