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# TOWN OF COLONIE COMPREHENSIVE PLAN

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TOWN OF COLONIE  
ALBANY COUNTY, NEW YORK  
COMPREHENSIVE PLAN ADVISORY COMMITTEE (CPAC) MEETING



To: Town of Colonie Comprehensive Plan Advisory Committee (CPAC)  
From: Katie Crawford, Land Use Planner I – Barton & Loguidice, D.P.C.  
Re: February 15, 2017 Committee Meeting - Summary Notes  
Date: February 16, 2017

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Meeting Location: Town of Colonie Public Operations Building  
Meeting Time: 6:00 pm – 8:00pm  
Meeting Attendees: Committee, Barton & Loguidice, and several members of the general public

## **Summary Notes**

This was the seventh meeting of the Comprehensive Plan Advisory Committee (CPAC) for the Town of Colonie Comprehensive Plan Update project. The meeting was attended by the CPAC, consultants (B&L), and several members of the general public.

The meeting began with a review of the agenda (attached).

### Community Outreach Process

#### Community Survey:

The subcommittee developed a draft set of questions for the survey that was sent to the Siena Research Institute for their review. Siena redrafted the questions and sent a draft survey questionnaire back to the subcommittee. The subcommittee is reviewing the changes and will work with Siena to create a final draft prior to the next CPAC meeting in March. This will ensure that the survey will follow the revised schedule shown on the agenda and be out in April. The subcommittee will plan to meet again before the end of the month so that the draft survey questionnaire can be sent to the CPAC members for review prior to the March meeting.

#### Neighborhood Coalition Meeting:

The Neighborhood Coalition meeting was held on January 25<sup>th</sup>. The Coalition was appreciative of the update on the planning process. Many members of the Coalition asked questions about the process. Overall coalition member's comments were consistent with other comments received at the previous series of public workshops. About 25 residents were present, including representation from the Vly Road, Forts Ferry, West End, Latham Association, Green Meadows Association, and Greater Loudonville Association neighborhood groups.

## Additional Outreach:

Supervisor Paula Mahan will be filming a short piece on the Town's comprehensive plan to air on the Colonie Connect program. The filming will take place on March 15<sup>th</sup> at 3 PM, and will air the following week. Supervisor Mahan will be reviewing the comprehensive planning process and also talking about the survey. This will help to raise awareness of the survey prior to it being delivered, hopefully leading to a higher response rate.

## Open Space Conservation

Mr. Welti gave a brief presentation on past and current open space conservation efforts in the Town (*see attached presentation*). The presentation summarized the recommendations found in Section 5 of the 2005 Comprehensive Plan.

Section 5 of the 2005 Comprehensive Plan provides an overview of the how Open Space Conservation and Recreation fit within the overall goals of the Comprehensive Plan and includes an inventory of existing open space resources found within the Town. Opportunities for future recreation and open space preservation efforts can also be found in this section. Strategies for achieving these goals were outlined, they include:

- Consider acquisition from **willing** selling/donors utilizing one or many of the following approaches
  - Fee simple acquisition – outright purchase of the property
  - Help concerned land owners preserve their land – the municipality does not necessarily need to own the land -
    - Purchase of Development Rights (PDR)
      - The value of the property is determined for its potential and current use – an easement is then put in place so that the property can no longer be developed (but the property owner has been justly compensated) – this is flexible option
    - Conservation easements - Land Owners can utilize the conservation easement for tax benefits
    - Transfer of Development Rights (TDR)
      - Sending and receiving areas are identified - this encourages infill development and preservation of open space
        - This option requires more upfront planning than others
  - Incentive Zoning
    - The Town identifies desired public benefits – the developer includes these public benefits in their development proposal – in return the developer receives an incentive such as a density bonus
  - Conservation Subdivision Design
    - Cluster of homes on smaller lots in order to preserve more green space within the plot
      - This mechanism allows for special natural features to be protected

This section also included recommendations for potential funding sources.

- Local Bond Act
  - This would be to provide the capital for the purchase of the conservation lands that had been previously identified
- Grant Funding

- Farmland Protection – targeted at providing funding for the preservation of high yielding farm land
- Real Estate Transfer Tax
  - Town takes a percentage of the value of a real estate transfer to be put into a fund for conservation activities

Potential partnerships were covered in the last section of the plan; including the Open Space Institute, Trust for Public Land, American Farmland Trust, Albany County Land Conservancy, public agencies on the federal, state, and regional level, the local development community, and neighboring municipalities.

A Short Term Action, identified in the Implementation Section of the 2005 Comprehensive Plan was to: Identify priority areas for open space conservation and develop a funding mechanism for conserving open space.

This next step was never taken following the completion of the 2005 plan – depending on feedback from the survey and future public discussion this may be a focus of the current Comprehensive Plan Update.

Mr. LaCivita provided some details on the progress of open space conservation efforts in the Town since 2006:

- Conservation overlay added 252 acres in protected space
- There are 13 items that have yet to be included in the above counts
- 124 acres have been designated near the Stump Pond for conservation (they were a gift to the town)

In addition, he noted that there are approximately 82 acres of land that are part of utility corridors that cannot be disturbed. He is continuing to work with the Town's GIS department to create an updated inventory of the Town's open space resources.

Mr. Stuto noted that the conservation overlays and the existing open space map are often reviewed by the Planning Board before decisions are made.

#### Community Preservation Fund – Real Estate Transfer Tax

Another idea discussed at the meeting was the notion of a Community Preservation Fund (CPF). In a CPF, money is set aside for the purpose of land acquisition. Some of this money comes from the real estate transfer tax. This method adds up to 2% on real estate transactions (above the median home value) to the existing real estate transfer tax. The money is placed in a designated fund. Authorization to establish a CPF has not been approved statewide – in order to include this, the locality must get permission from the State Legislature to approve this mechanism on the local level.

GEIS mitigation fees can also go towards conservation funds if the GEIS is setup to do so. The Town of Clifton Park is an example.

Determining what mechanisms the Town should go forward with should be a priority for the plan.

#### Next Steps

The next CPAC meeting will be held on March 15<sup>th</sup> at the Public Operation Center at 6:00 pm.

## Public Comments

Mr. Welti opened the floor for members of the public who attended the meeting to provide comments to the committee.

Wendy, transfer tax question - Does it include all commercial and residential real estate? Yes, it does.

Paul, survey question - Would it be an option that residents who want to take the survey but were not selected as part of the sample could still take it? Siena has advised against this.

Paul, comment - Bethlehem's open space preservation program for large lots with development pressures - They developed a plan to allow large land owners to temporarily sell their development rights so that they do not feel pressured to develop their land. This is a term easement program - they provide tax abatement dependent on the number of years (the term) agreed to.

Jennifer, comment - Has been encouraging people to make comments on the website for the plans consideration.

Jennifer - can there be an informal web based survey that could be done in tandem with or after the formal survey is completed? As noted above, this is not recommended.

Sue, open space map question - Will the 2005 map be updated? Yes, the map will be updated, but some details of the program will need to be developed following the comprehensive planning process. Trends for open space since 2005 may show where changes to zoning, etc. should be made.

Paula, open space comment - The Town does identify where there are needs within the existing parks. Funding for park upkeep was not specifically outlined when these parks were established. There will need to be a balance between acquisition of new lands and upkeep of existing lands.

Wendy - can neighborhood associations work in partnership with the Town to revitalize pocket parks? A "friends of parks" group may be a good solution to keeping these parks up and could also solicit funding through a "friends of parks" group.

Paul, open space comment - NYC parks conservatory raises money for the NYC parks and they partner with local govt.

Sue, suggestion - The Town should hire a grant coordinator for the Town to organize funding opportunities.

## Wrap-up and Adjournment

The meeting was adjourned just before 8:00 pm.



**Town of Colonie**  
**Comprehensive Plan Advisory Committee (CPAC)**  
**February 15, 2017, 6:00 PM**  
***Agenda***

- I. **Welcome and Agenda Review**
  
- II. **Community Outreach Process**
  - A. Community Survey
    - Subcommittee update
    - Final Draft prior to our March 15<sup>th</sup> CPAC Meeting (tentative)
  - B. Neighborhood Coalition Meeting – January 25<sup>th</sup>
  - C. Additional Outreach
    - Colonie Connect
  
- III. **Open Space Conservation** – presentation and discussion
  - Recommendations from the 2005 Comprehensive Plan – Sections 5 & 6
  - Progress/accomplishments since 2005
  - Discussion
  
- IV. **Next Steps**
  - Upcoming CPAC Meeting: March 15<sup>th</sup>
  
- V. **Public Comment**
  
- VI. **Wrap-up and Adjournment**



# TOWN OF COLONIE COMPREHENSIVE PLAN ADVISORY COMMITTEE (CPAC)

## OPEN SPACE CONSERVATION

February 15, 2017

Public Operations Center  
Town of Colonie, New York



## 2005 Comprehensive Plan

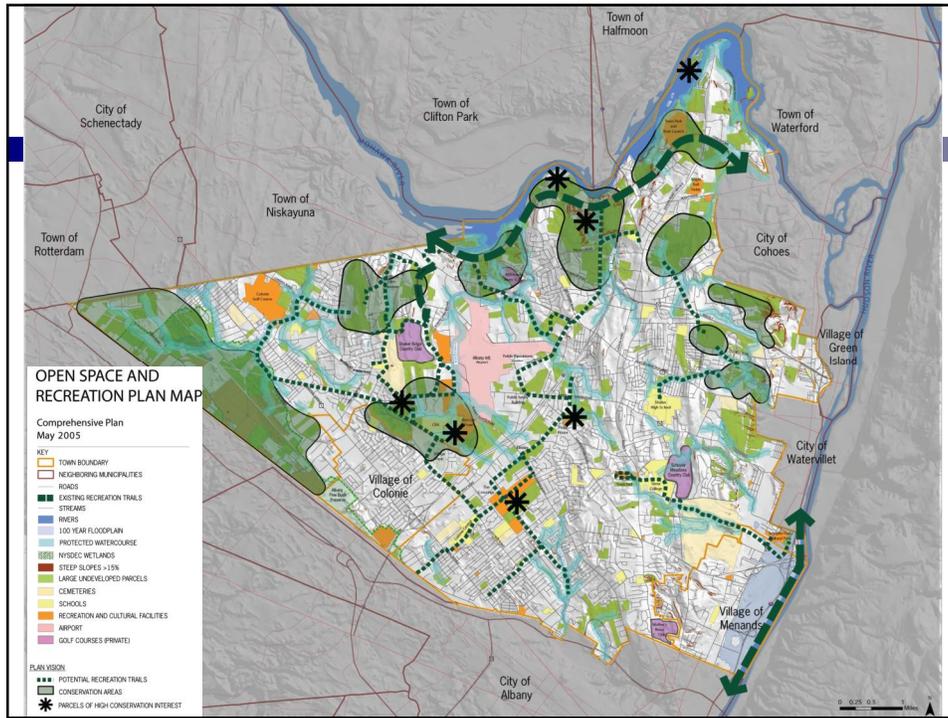
- Section 5 – Town-wide Open Space and Recreation Plan
  - Overview
  - Existing Open Space and Recreation Resources
  - Opportunities for Open Space and Recreation
  - Recommended Actions and Strategies for Open Space and Recreation
  
- Section 6 – Open Space and Recreation Plan Map

## 2005 Comprehensive Plan

- Section 5 – Town-wide Open Space and Recreation Plan
  - Overview
  - Existing Open Space and Recreation Resources
  - Opportunities for Open Space and Recreation
  - Recommended Actions and Strategies for Open Space and Recreation
  
- Section 6 – Open Space and Recreation Plan Map

## 2005 Comprehensive Plan

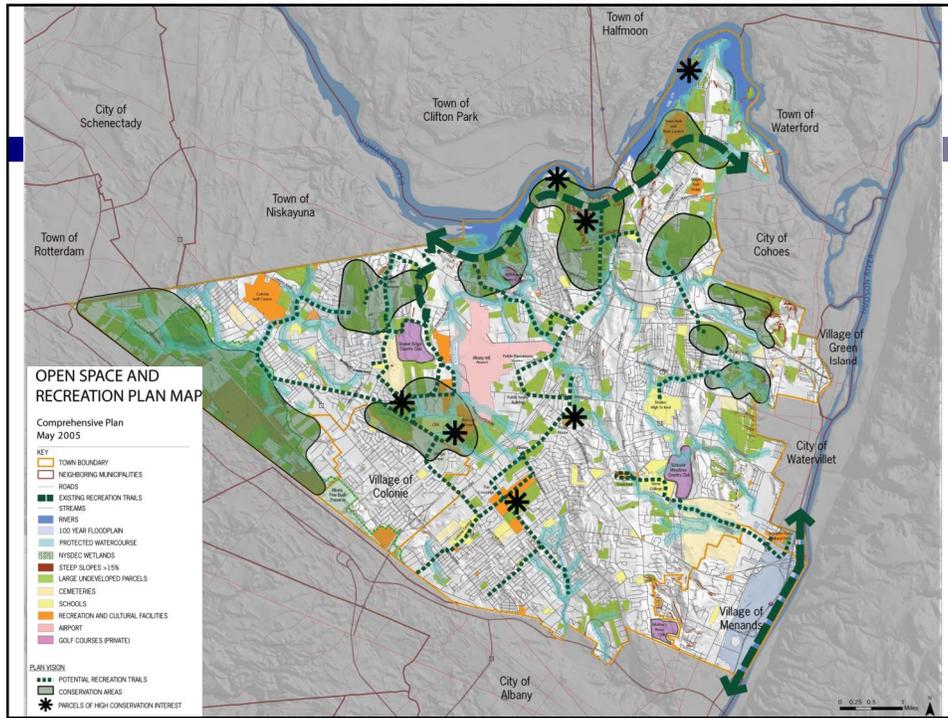
- Opportunities for Open Space and Recreation
  - Recreation Resources
  - Potential recreational trails
  - Scenic roads
  - Conservation areas and areas for conservation design
    - Albany Pine Bush Preserve
    - Ashford Glen Preserve
    - Ann Lee Pond Area
    - Area north of Albany Intl. Airport
    - Mohawk River Revitalization Area
    - Delphus Kill Area
    - Fonda Road Area
    - Area south of Boght Ball Fields and east of Route 9
    - Area north of Route 7 near the boundary with Cohoes
    - Area south of Route 7 in the vicinity of Haswell Road
    - Area between Troy-Schenectady Road (Route 2) and Route 155 near Watervliet



## 2005 Comprehensive Plan

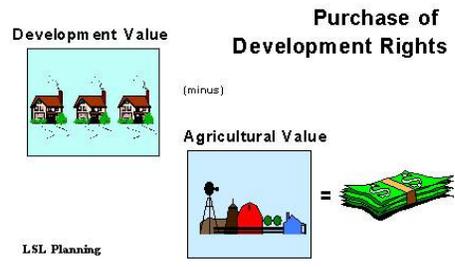
### Opportunities for Open Space and Recreation

- ❑ Recreation Resources
- ❑ Potential recreational trails
- ❑ Scenic roads
- ❑ Conservation areas and areas for conservation design
- ❑ Parcels of high conservation interest
  - Ann Lee Pond / Shaker Heritage Site
  - Stump Pond
  - Parcels adjacent to The Crossings
  - Pruyn House
  - Kettle Bog
  - Islands on the Mohawk River
  - 2002 Albany Pine Bush Management Plan – parcels identified for full protection



## 2005 Comprehensive Plan

- Recommended Actions and Strategies for Open Space and Recreation
  - ▣ Consider acquisition of open space from willing sellers or donors.
    - Fee Simple Acquisition
    - Purchase of Development Rights (PDR)
    - Conservation Easements



# 2005 Comprehensive Plan

## n Transfer of Development Rights (TDR)

**Transfer of Developments Rights  
The Concept**

Owner of "sending" parcel sells development rights in exchange for permanent conservation easement.

growth area

preservation area

Owner of "receiving" parcel buys development rights to build at densities higher than allowed under base zoning.

Smart Growth / Smart Energy Toolkit      Transfer of Development Rights

# 2005 Comprehensive Plan

- Recommended Actions and Strategies for Open Space and Recreation
  - Encourage the use of Incentive Zoning
    - n Public benefits in exchange for a density bonus
    - n Public benefits, such as: preservation of open space, recreational trails, public access to preserved open space

## 2005 Comprehensive Plan

- Recommended Actions and Strategies for Open Space and Recreation
  - Require the use of Conservation Subdivision Design as development occurs
    - Revise zoning regulations to require the use of conservation subdivision design in conservation areas as illustrated on the Open Space and Recreation Map

## 2005 Comprehensive Plan

- Recommended Actions and Strategies for Open Space and Recreation
  - Require the use of Conservation Subdivision Design as development occurs

### **Conservation Subdivision Design** (term coined by Randall Arendt)

Uses open space resources present on a site to be developed as the starting point for design (In the same way that a golf-course community is designed).

The **four-step conservation subdivision design process** is quite simple:

1. Identify conservation areas – potential development areas follow once the conservation areas have been “greenlined”.
2. Locate house sites
3. Align streets and trails
4. Draw in the lot lines

**Conservation easement** – a legal tool that ensures that conservation lands set aside as a result of this process remain undeveloped.

**Ownership options for conservation lands** - an individual landowner or several landowners in the new conservation subdivision, a homeowner's association, the Town, or a land conservancy such as the Albany County Land Conservancy.

See Randall Arendt's, *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks* (1996) and *Growing Greener: Putting Conservation into Local Plans and Ordinances* (1999) for more information.

## 2005 Comprehensive Plan

### Recommended Actions and Strategies for Open Space and Recreation

- Require the use of Conservation Subdivision Design as development occurs



A comparison of a conventional subdivision (left) with a conservation subdivision (right). In both cases, a total of 16 residential lots were created. A conservation easement ensures that the open land preserved as part of the conservation subdivision (right) cannot be further subdivided or developed in the future. *Source: Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks (1996) by Randall Arendt.*

## 2005 Comprehensive Plan

### Recommended Actions and Strategies for Open Space and Recreation

- Develop a Parks and Recreation Master Plan
- Identify and pursue potential funding sources for conservation activities
  - A local bond act (referendum)
  - Real estate transfer tax
  - Grant funding – NYS Department of Agriculture and Markets (farmland protection)

The Town should consider gathering more information about funding conservation activities. Important considerations would include determining the amount of land to be protected, the anticipated cost of protection, the availability of grants funds, the average cost to taxpayers, and the fiscal costs and benefits associated with such an initiative. It is important to establish a common understanding of these issues with Town residents.

## 2005 Comprehensive Plan

- Recommended Actions and Strategies for Open Space and Recreation
  - Initiate and continue to foster partnerships
    - Land Conservation Organizations – Open Space Institute, Trust for Public Land, American Farmland Trust, Albany County Land Conservancy, etc.
    - Public Agencies – federal, state, regional
    - Local Development Community
    - Neighboring municipalities

## 2005 Comprehensive Plan

- Section 7: Implementation
  - Short-Term Actions (Within 1-2 Years)
    - 7.2.9 Identify priority areas for open space conservation and develop a funding mechanism for conserving open

As follow-up actions to the Comprehensive Plan the Town should develop a set of criteria that could be used to evaluate specific open space parcels proposed for acquisition (fee simple or easement). At the same time, the Town should investigate the establishment of a local funding mechanism for its open space conservation program. Overall goals in terms of protected acres, and estimates of associated acquisition costs should be evaluated. Ultimately, the Town should determine an appropriate level of funding, the methods for generating these funds (general funds, general revenue bonds, or other), and the process for gaining approval for such funding (some methods may require voter referendum). These follow-up activities could be organized through an existing entity such as the Town's Conservation Advisory Council, with assistance from the Department of Planning and Economic Development and, perhaps, outside expertise from a partner such as the Nature Conservancy and/or the Trust for Public Land.

# Other ideas

## Community Preservation Fund

- ✘ East End of Long Island
- ✘ Warwick
- ✘ Red Hook

**Victory For Proposition 1: The Vital Extension of Eastern Long Island's Community Preservation Fund**

By Anne Traskovsky

On Tuesday, November 8th, voters on the East End of Long Island had an important environmental decision to make on their ballots, whether or not to extend the Community Preservation Fund (CPF) in the five East End towns. Voters have spoken and the result, shown in a compelling photo in several of the CPF, the vital 2% real estate transfer tax that protects and preserves local farmland, water quality and open space. This ballot measure is essential for CPF from 2010 to 2015 in response to one of the environmental risks of inaction on the inclusive water resources. The revenue generated from the CPF goes toward protecting local and water resources, public safety, and by voting yes on Proposition 1, East End Towns are now authorized to use up to 10% of their Community Preservation Fund towards vital water quality benefits.

**TAKE ACTION**

What you need to know about the Peconic Bay Region Community Preservation Fund

### Who gets the 2% tax? Your Town Government!

*The Peconic Land Trust does not collect or distribute the CPF funds.*

CONGRATULATIONS ON YOUR NEW HOME!

The 2% Real Estate Transfer Tax

is collected at your closing, then sent to the East End Town Government where your property is located

TO LEARN MORE ABOUT THE CPF IN YOUR TOWN, PLEASE CONTACT:

RIVERHEAD 631.727.2004	SOUTHOLD 631.765.0711	SOUTHAMPTON 631.287.2300	EAST HAMPTON 631.264.7400	SHELTER ISLAND 631.740.3000
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THE TRANSFER TAX DOLLARS go to YOUR TOWN, to preserve the community character unique to the East End!

*The CPF Tax is not a deductible charitable contribution -- it is a Transfer Tax.*