

WESTERN CLIFTON PARK

Land Conservation Plan & Final Generic Environmental Impact Statement



MARCH 2005



Prepared for the:

Town of Clifton Park Town Board

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WESTERN CLIFTON PARK LAND CONSERVATION PLAN

& FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

Town of Clifton Park
Saratoga County, New York

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Date of FGEIS Acceptance: March 14, 2005

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Section I

Introduction

The following is a Final Generic Environmental Impact Statement (FGEIS) for the Western Clifton Park Land Conservation Plan, pursuant to the State Environmental Quality Review Act (SEQR). The purpose of this FGEIS is to respond to comments on the Draft Generic Environmental Impact Statement (DGEIS) provided during the comment period.

A. PROJECT BACKGROUND

The Study area comprises approximately 13,900 acres of land in the western portion of the Town of Clifton Park. The study area is primarily comprised of rural lands that include large lot residential, farms, environmentally constrained lands, and undeveloped land, as well as the historic hamlets of Rexford, Vischer Ferry, and Grooms Corners. The primary transportation corridor through the Study area is NYS Route 146, extending from the Rexford Bridge eastward across the Town.

The project involves the preparation of a Generic Environmental Impact Statement (GEIS) to establish a new plan and zoning for the conservation of land resources and the preservation of rural character; and to evaluate the cumulative impacts of future development in the Study Area and to identify appropriate mitigation to minimize the environmental and social-cultural impacts.

A GEIS is a tool provided by the State Environmental Quality Review Act (SEQR) to address broad land areas or programs that impact land use and the environment. The level of detail for a GEIS is usually at a planning or concept level, meaning that site details are not necessary. This allows the preparer of the GEIS to focus on broader issues and cumulative impacts.

The Town of Clifton Park Town Board conducted coordinated review and established itself as Lead Agency on December 15, 2003. A Positive Declaration was issued the same day, authorizing the preparation of the Draft GEIS. The Town Board elected to conduct public scoping in accordance with 6 NYCRR 617.8. A public scoping session was held on January 12, 2004. The scope remained a draft while both the Build-Out Analysis and Land Conservation Plan processes were undertaken. The build-out analysis was presented to the Town Board on February 11, 2004. After consideration of the build-out results by the Town Board and public, it was determined that the planning phase should be undertaken to revise zoning and development patterns in the Study area to reduce density and conserve land resources. A community workshop was held on May 12, 2004 to help establish a vision for the Study area. Planning recommendations followed and the Land Conservation Plan was presented to the Town Board on

June 25, 2004. A public hearing on the Land Conservation Plan was held on August 16, 2004. Based on the results of the planning process and community outreach, the Final Scope was prepared and filed with the Town and Involved Agencies on October 4, 2004.

The DGEIS was prepared and determined complete on December 20, 2004 and subsequently filed along with a Notice of Completion and Hearing Notice pursuant to 6 NYCRR 617.8(d). The public hearing was held on January 18, 2005. A transcript of the hearing is provided in Appendix B of this FGEIS. The comment period for the DGEIS closed on January 28, 2005.

B. Document Organization and Summary

The FGEIS is divided into three major sections, an introduction, responses to substantive comments raised during the comment period and Appendices that include written comments and the public hearing meeting notes. The introduction is provided to summarize the actions which have led to the preparation of the FGEIS, describe the general organization of the document, and discuss future actions that may occur following the filing of the is FGEIS. Section II, Response to Public Comments provides a summary of similar questions or concerns followed by the response.

Pursuant to 6 NYCRR 617.14(I) this FGEIS includes the DGEIS by reference (*Western Clifton Park Land Conservation Plan & Draft Generic Environmental Impact Statement*, Clough, Harbour & Associates LLP, December 2004).

Substantive comments were taken from the written comments submitted to the Lead Agency and those comments made during the public hearing. Written comments are provided in their entirety in FGEIS Appendix A.

This FGEIS represents a culmination of almost 3 years of study and planning that began with the Town's Open Space Plan. Although adopted separately, the Open Space Plan was the foundation for the Land Conservation Plan and proposed zoning contained within the DGEIS. Support for land conservation efforts has grown throughout the Town. Not surprisingly, many of the comments received during the comment period affirmed support for the Land Conservation Plan.

Concerns expressed during the public hearing related to issues of habitat preservation, definition of hamlet boundaries, and the need for and cost of water service. Other issues raised in the written comments included the desire for more flexibility in the zoning relative to clustering, open space funding options, and use of open space.

C. Future Actions

Following the filing of this FGEIS, there will be a ten-day period provided for agencies and the public to consider the FGEIS. Comments on the FGEIS may be submitted by agencies and the general public, however, this not an official comment period. Such comments may be considered by the Town during preparation of the Findings Statement but the Town is not obligated to respond to these comments.

Pursuant to 6 NYCRR 617.15(c)(1), no further SEQR compliance is required if subsequent proposed actions will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS or Findings Statement. An amended findings must be prepared if a subsequent proposed action was adequately addressed in the GEIS but was not addressed or was not adequately addressed in the Findings Statement for the GEIS.

A Negative Declaration must be prepared if a subsequent proposed action was not adequately addressed in the GEIS and the subsequent action will not result in any significant environmental impacts. A supplement to the FGEIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the GEIS and the subsequent action may have one or more significant adverse environmental impacts.

Procedures for implementing mitigation costs, if any, will be provided in the Findings Statement. The Lead Agency anticipates recouping the costs of preparing the GEIS through the mitigation cost structure. Adoption of the Findings Statement by the Town will constitute adoption of the mitigation guidelines to be applied to review and approval of future development proposals within the Study Area.

Section II

Response to Public Comment

A. General

Comment: The recommendations of the DGEIS should be incorporated into Town zoning.

Response: The intent of the GEIS process was three-fold: identify issues of current zoning and development patterns, establish a plan for land conservation, and implement the plan through zoning. The draft zoning legislation is provided in DGEIS Appendix G. This addresses density, design, and amenities. Coupled with the zoning are the Design Guidelines provided in DGEIS Appendix F. The combination of these elements will incorporate many of the recommendations of the DGEIS. Furthermore, all future projects that are subject to SEQR within the study area must adhere to the thresholds and procedures identified in the DGEIS or as modified in the Findings Statement. The Findings will become a second set of development guidelines. This is one of the major advantages of conducting cumulative impact analysis. It provides the community with detailed development guidelines without the need to incorporate them into the zoning. In some cases, there may be specific elements of the GEIS that require more detail and stronger implementation. Under these circumstances, communities can further develop the recommendations/requirements to become local law. This was the case for western Clifton Park and the reason for incorporating the new zoning as part of this SEQR process.

Comment: Future development proposals should be considered to have an adverse impact on open space and the environment. Negative declarations for future projects should only be considered when all recommendations of the DGEIS have been carefully evaluated.

Response: Comment noted.

Comment: The Town's Planning and Building Department staffing should be increased in order to properly implement the elements of the Open Space Plan and the DGEIS.

Response: Comment noted.

B. Zoning & Design Guidelines

Comment: Will the new zoning restrict the use of Planned Unit Developments?

Response: The new zoning should eliminate the need for a PUD in the study area. The purpose of a PUD is to allow a developer to propose a unique project, which very often involves mixed uses at higher density, and provide community benefits or amenities. The primary, community derived amenity for the study area is open space and rural character. The Land Conservation Plan and associated zoning and design guidelines thoroughly addresses open space and requires all residential projects to incorporate a minimum of 50 percent open space. Additionally, the zoning provides opportunities for mixed commercial and residential development in appropriate locations and in a manner consistent with small rural hamlets. Furthermore, amenity zoning allows a developer to increase density on a given site if they preserve an appropriate acreage of the identified open space parcels or contribute to the Town's open space fund. The zoning clearly expresses the vision for the study area as derived from the Town's adopted Open Space Plan and as refined through additional community outreach incorporated into the GEIS process.

Comment: The program for transferring development rights only balances density within the study area. This program should be expanded to areas outside of the study area so that density could be transferred out and into appropriately developed areas.

Response: The Land Conservation Plan (DGEIS Appendix D, p.8) recommends that the Town consider looking at other areas outside of the study area as receiving zones. This was not considered in the draft zoning for the study area since the expansion of zoning beyond the study area would require much more evaluation and would be outside the scope of this study. The first step in considering the establishment of receiving zones, either through true transfer of development rights or by amenity zoning, is to evaluate the existing conditions of potential receiving zones and developing a community-derived vision and concept plan to protect the character of the existing hamlet and promote development and infill that enhances these qualities. In addition to the potential for preserving open space, the community could also benefit from improvements to some hamlet areas that are losing their identity due to the impacts of surrounding development and increased traffic.

Comment: Clustering should not be mandatory in the CR Zone for projects of less than 10 homes. Ultimately, it should be at the Planning Board's discretion as to whether a cluster should be required.

Response: Clustering is an important component of conservation subdivisions. By making the conservation subdivision mandatory, the vision and goals of the Open Space Plan and the Land Conservation Plan will be more secure. The build-out analysis clearly laid out the impacts of sprawl development on rural character.

Comment: Training should be provided for the boards on implementation of the new zoning.

Response: Future Town workshops on the new zoning are anticipated.

Comment: The Lead Agency was concerned about the viability of the Open Space Incentive Zoning relative to the cost of purchasing land. In addition, the Lead Agency wanted to have some dollar amounts included in the zoning to address the payment in lieu of land option.

Response: The issue is the cost of purchasing land for open space (community benefit) vs. the incentive (increased density) received. Based on some rough estimates of land values, it was concluded that use of the Open Space Incentive Zoning would be very limited. Since the intent of the new zoning is to provide flexibility and an alternative means of preserving open space, the draft Open Space Incentive Zoning was modified under Special Condition C as follows:

Table: Determination of amenity land required for commercial, two-family, semi-detached, and multi-family dwelling incentives

	Density increase	Amenity required
Office	1,000 gsf	1 acre unconstrained land OR \$20,000 (\$20/gsf)
Retail	1,000 gsf	1.5 acres unconstrained land OR \$30,000 (\$30/gsf)
Two-family, semi-detached, and multi-family apartments over commercial or retail ground floor space	One equivalent dwelling unit	2 acres unconstrained land OR \$20,000

For example, a project that is seeking a density increase of 2,000 sf of office, 2,000 sf of retail space, and 2 residential units beyond the base density would be required to provide 9 acres of unconstrained land as a conservation site. Alternatively, \$140,000 could be paid to the Town's Open Space Fund.

The required amenity or benefit for the Conservation Residential zone did not change from the draft. The intent for the residentially zoned areas is to balance density, since density drives many other impacts. A cost per unit of \$30,000 was added for the payment alternative. The revised zoning is provided in FGEIS Appendix C.

C. Hamlets

Comment: The hamlet areas should have defined boundaries so that they do not end up creeping together, thus losing their identity. The Town should consider an historical overlay for the hamlets to address design. Define a hamlet core with an outer boundary to distinguish limits of development area. The hamlets should be identified as “historic hamlet districts.”

Response: The boundaries of the hamlet areas are defined by the proposed zoning as reflected on the Land Conservation Plan (DGEIS Figure II-5 and as revised and provided in FGEIS Appendix D). Beyond the parcel boundaries of the new hamlet zoning are lands zoned for Conservation Residential which provides opportunity for an open space buffer. The largest Mixed Hamlet is located at the intersection of Balltown Road and Glenridge Road. The golf course buffers this hamlet to the east. To the south is Rexford and the proposed Residential Hamlet (HR) zone. The integration of these two areas will be critical. The Proposed Land Conservation Plan Recommendations call for the development of a vision and concept plan through further community outreach, particularly with the residents of the Rexford area. The result of this additional work would be refined hamlet design guidelines.

Comment: There should be a maximum building size in the mixed hamlet zone.

Response: The proposed hamlet design guidelines provided in DGEIS Appendix F provide clear guidance on the scale of commercial facility that would be acceptable in the HM zone. However, it is reasonable to establish an upper size threshold so that the intent is very clear. Therefore, the zoning has been revised (FGEIS Appendix C) to include the following:

- Maximum building size – office: 40,000 gsf (20,000 gsf footprint)
- Maximum building size - retail: 20,000 gsf
- Maximum building size – mixed: 40,000 gsf (20,000 gsf footprint)
- Maximum building height: 40’
- Minimum greenspace: 25%

The revised zoning is provided in FGEIS Appendix C.

A minimum greenspace requirement for this zone was added to be more consistent with hamlet uses and densities.

Comment: Architectural standards and historic issues are not addressed for the hamlets.

Response: Hamlet Design Guidelines are provided in DGEIS Appendix F.

Comment: Why is the hamlet area circled on Riverview Road identified as CR and not HR?

Response: Presumably the hamlet in question is the Vischer Ferry hamlet. DGEIS Figure II-4 (South) shows a circle around this area. This area was considered for potential infill development and expansion but after further consideration it was determined that its historic character could be compromised and was therefore excluded from consideration for expansion as a Residential Hamlet. Grooms Corners was another area that initially seemed to have potential for Mixed Use Hamlet expansion, but after further review was considered constrained both by historical character and active farming.

Comment: Mixed residential and commercial uses were not mentioned in the DGEIS. The HR zone would benefit from such uses.

Response: All commercially zoned land in the study area is proposed for the Mixed Use Hamlet (HM) zoning. These areas are identified on the Land Conservation Plan (DGEIS Figure II-5) and discussed on DGEIS page II-9 and in DGEIS Appendix D.

D. Ecology

Comment: The DGEIS does not address contiguous open space corridors for wildlife habitat. The open space parcels are situated as islands.

Response: The Land Conservation Plan (DGEIS Figure II-5) has been revised to incorporate additional lands for potential permanent easements. As a result, potential open space parcels are linked from north to south, with the exception of major roadways, such as Route 146. Other linkages are present through regulated wetland and stream corridors that are unlikely to be developed. The revised figure is provided in FGEIS Appendix D.

Comment: What are the criteria for the on-site biological studies?

Response: There are two primary purposes for requiring a habitat evaluation for SEQR compliance. The first is to better define the actual site conditions in accordance with the habitat types identified in the DGEIS. This will help the planning board in the process of determining what areas of the site should be included in the 50 percent open space requirements. Habitat is not the only consideration. There are numerous issues that the Planning Board will be dealing with, such as agricultural land preservation, visual impacts, and linkages/associations with adjacent parcels, to name some. It is intended that the habitat information provide the Planning Board with sufficient information to weigh the importance of the issue and make an informed decision. The second purpose is to identify habitat for a threatened or endangered species. Should the habitat for such a species be identified on a project site, then the importance for preserving this habitat becomes a critical issue.

Comment: The DGEIS does not include a probability matrix or field checking for ecological resources. The potential list of threatened and endangered species did not include the bald eagle, which the commenter observed in the southern portion of the study area.

Response: The extent of ecological investigation was limited by both time and financial resources. The Final Scope noted the request for this additional information but concluded that such an effort was beyond the scope of a GEIS. The bald eagle was not identified in the Breeding Bird Atlas (1980-1985 and 2000-2004) and therefore was not included in the list of potential threatened and endangered species. However, sightings of these eagles have become more common along the Mohawk and Hudson rivers and other larger water bodies.

Comment: The retention of mature trees should become an ecological factor considered during subdivision and site plan review.

Response: Mature trees are included as an item to be located when preparing the site resource map for the conservation subdivision review process. This item is included in the identification of “vegetative cover conditions” listed as item 1. on page 18 of the Design Guidelines (DGEIS Appendix F).

E. Preservation & Use of Open Space

Comment: The DGEIS should call for the aggregation of lands to create large areas of open space. A core greenbelt should be established through the center of the study area.

Response: The Land Conservation Plan (DGEIS Figure II-5 and as revised in FGEIS Appendix D) identifies large areas of land to be considered for open space conservation. The current priority of the Open Space Plan Implementation Committee is to focus on the core of agricultural lands in the southern portion of the study area to preserve the nucleus of farming and the rural character that so many enjoy.

Comment: Developers should contribute to open space preservation.

Response: The draft Open Space Incentive Zoning provided in DGEIS Appendix G provides opportunities for developers to transfer the development rights of a designated open space parcel to the project parcel or to contribute to the Town's open space fund. The developer is also contributing to the open space of the community by providing a minimum of 50 percent open space per project, 25% of which must be developable land.

Comment: What are the permitted uses within dedicated open space? Can it be clearcut? Responsible hardwood harvesting should be permitted and should be considered an agricultural use.

Response: The allowable uses for permanently protected open space are identified in the draft Conservation Residential (CR) zoning contained in DGEIS Appendix G. Timber harvesting is permitting but not clear cutting.

Comment: Open space properties should be ranked for acquisition.

Response: The Town's Open Space Plan (reiterated in DGEIS Section III.E, p. III-57) sets priorities for those parcels that should be considered first for permanent conservation easements. They include those parcels currently under the Town's term easement program. This is further refined by important farmland characteristics such as the presence of prime and statewide important soils, scenic and historic significance, and important environmental/ecological features, to name some. A land conservation goal of 300 to 600 acres in the next 2-5 years is also proposed in the Open Space Plan.

Comment: A primary consideration for open space management should be aquifer recharge. CARA should be further explored to define application.

Response: Aquifer recharge is an important concern for the Town. Recharge areas within the study area occur primarily in the southern portion, associated with the Mohawk River. The remaining portion of the study area is composed primarily of silts and clays, which are less conducive to recharge. The reduction in density and new design opportunities proposed in the DGEIS will also have a beneficial impact on groundwater.

Comment: A secondary focus of the open space should be on public passive recreational uses.

Response: Open space uses are identified in DGEIS Appendix G, page 3 of the Conservation Residential Zoning. Public passive recreational uses are identified.

Comment: The minimum 50% open space provision for conservation subdivisions should be comprised solely of developable land. The current draft zoning allows for constrained lands to be included and a minimum of 25% developable land.

Response: The intent of the open space provisions are to address rural character issues as well as other important environmental issues such as habitat, topography, aquifer recharge, stream protection, cultural resource protection, etc. The extent of development in the study area is driven by density. Lands with greater constraints may have more than 50% open space. Additionally, the greater flexibility in design, provided by the proposed zoning, would permit clusters that do not necessarily require the majority of developable land. Overall, the 25% developable land provision appears to be fair, especially given the decrease in density. However, the effectiveness of the open space requirements needs to be monitored as projects are constructed under the new zoning. If the intent of the plan is being compromised then it may be necessary to adjust the open space requirements accordingly.

F. Water Service

Comment: Water extensions into the study area should not be prohibited. Water service is important.

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The mitigation costs show a public share for the potential water extensions. Existing ratepayers should not have to pay for water extensions.

&

The provision of water to the study area will affect the advancement of development. If water is extended it should be done so in a manner consistent with the goals of the Land Conservation Plan and preservation of the “core greenbelt.”

Response: Water extensions into the study area will not be prohibited and may be extended either by developers as part of future development projects or by the Town as a town-wide improvement. The provision of municipal water to all residents of the Town, thereby improving domestic supply and fire protection, is a desirable goal for the Town. It is the intent of the Town to extend the availability of municipal water to more residents than currently exists. The purpose of providing water is not to promote growth but rather to provide all residents with a safe and reliable water supply. Options for partial and full transmission of water to the study area are provided in DGEIS Section III.L, beginning on page III-106. The primary issue of concern is cost.

The mitigation cost approach to addressing water system improvements must include a public share if a portion of the system will service existing development. It becomes a simple percentage between existing development and full build-out under the proposed zoning. If one of the two options presented in the DGEIS is acted on for the study area, it is possible the public share could be addressed as a hook-up fee for all existing development within the new district(s). Therefore, those outside the new district(s) (outside the study area) would not pay for these improvements.

Although the provision of municipal water may affect the rate of development, one of the primary goals of the new land use plan is to put zoning in place that will allow the Town to develop in accordance with its Comprehensive Plan and protect open space and the study area’s rural character, regardless of whether or not municipal infrastructure is available. This has been achieved in the DGEIS.

G. Transportation

Comment: There may be a change in commuting patterns if the Luther Forest Technology Center is developed. This may affect the study area.

Response: LFTC may have a profound effect on the entire region if developed as proposed. This issue was considered and is discussed on page 80-81 of DGEIS Section III.H. Regional

work related travel patterns for the LFTC scenario apparently have not been studied or at least the results have not been released by the Capital District Transportation Committee (CDTC) to date. The CDTC regional model continues to show a majority of trips to Albany County from Clifton Park.

Comment: Potential new collector roads designed to relieve traffic from heavily traveled major routes in the study area may also serve to fragment the “core greenbelt” and create unintended “development centers.”

Response: The potential new linkages identified in the DGEIS were intended as concepts to begin discussion on the issue. They are not intended as proposed capital improvements and have not been sufficiently studied to understand the environmental and social-cultural impacts that they may cause. As a result, the Town Board is not supporting these linkages in any manner at this time. The need for future new collector roads should be explored as growth occurs within the study area. This need would have to be weighed against the impacts to determine public benefits and costs. The potential for unintended development centers is an important consideration that should be carefully considered should any of these concepts be carried forward in the future.

H. Noise

Comment: Confirm that the Federal Aviation Administration recommendations regarding noise compatibility and land use have been considered in the DGEIS.

Response: The Town created an Airport Overlay district in response to the FAA noise study recommendations. The purpose of the overlay is to require that prospective residents of new development projects are properly notified that they can expect higher than normal noise levels for a rural or suburban residential area due to airport operations.

I. Recreation

Comment: Revise Figure III-11 to eliminate trails in the southerly portion of the Vischer Ferry Nature Preserve that run through Canal lands. These lands are critical to the operation and maintenance of the Canal system. Existing Real Estate Permits do not include this land for public use and the Canal Corporation does not intend to all future trails in this area.

Response: The Town is aware of these lands and understands their importance to the Canal Corporation. The trail system is a conceptual representation of the trails within the Preserve. Actual trails available for public use are shown on trail mapping available in Town Hall and at the Preserve. No trails are proposed on Canal Corporation lands for which an agreement or permit is not in place.

Comment: There should be a recreational component to the plan; possibly a park in the Rexford area.

Response: The DGEIS discusses recreational resources in Section III.F (p. III-60). The Land Conservation Plan (DGEIS Figure II-5) identifies a potential park north of the existing Rexford Hamlet within a proposed Mixed Use Hamlet.

J. Fiscal

Comment: Does the fiscal impact model evaluate the use of Purchase of Development Rights?

Response: The fiscal model scenarios looks at the permanent protection of 1,700 acres of open space whereby the Town would purchase 1,400 acres through a purchase of development rights (PDR) program and another 300 acres purchased fee simple. This is explained in DGEIS Section III.N (p. III-123).

Comment: Table III-N-1 appears wrong. There is a \$5 increase under CR zoning with easements vs. a \$4.50 increase for current zoning. There should be no net increase unless municipal services are increased.

Response: Scenario 3: New Zoning & Conservation takes into consideration the cost of permanently protecting 1,700 acres of land through permanent easements; a cost of approximately \$15 million or \$1.2 million per year for 20 years.

Comment: Funding for open space should be borne by the developers of property and perhaps a small percent real estate transfer tax.

Response: The proposed incentive zoning could result in developers purchasing development rights or paying into an open space fund in exchange for site density increases (not overall study

area density). Developers will pay for open space directly through the proposed zoning (3-acre average density) and the provision of a minimum of 50 percent open space (25 percent of which must be developable land). Some funding may come from grants. The Town will need to monitor the effectiveness of the incentive zoning. If development occurs at a pace that is impacting important open spaces and farmlands, then the community will have to determine whether or not it is willing to pay for the amenity of open space.

Comment: Did the fiscal model utilize new home prices for average size lots in determining property values? This will impact sensitivity analysis for the different build-out scenarios.

Response: The model input for home prices was developed in consultation with the town assessor and took into account new home prices. Different values were used for different zoning districts. New homes were estimated at an average of \$370,000 in the R2 and R3 zoning districts and an average of \$220,000 for the R1 zoning district. This information is presented on page III-121 of DGEIS Section III.N.

Comment: Can sensitivity analysis be performed considering different growth scenarios in other communities? What would the impact of LFTC have on the Town?

Response: The fiscal model was constructed for the Town of Clifton Park only. Within the Town, different scenarios can be evaluated (3 were considered for this GEIS). Crossing borders would require considerable additional base information. The implications of LFTC were not considered in the fiscal model. It is highly speculative at this point but by implementing the growth measures proposed in the Land Conservation Plan and associated zoning, the Town places itself in a good position to handle potential impacts such as increased growth rates and development pressure.

Comment: The financial goal should be not to increase per-capita taxes in the Town. The 12% increase for build-out is too high but likely understated due to the anticipated school aid redistribution to NYC.

Response: The build-out provided many eye-opening conclusions, fiscal impact being one. The response was that the Land Conservation Plan does provide some mitigation for the tax impact while also addressing density and design to prevent the loss of rural character.



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

February 22, 2005

Christopher R. Einstein
Clough, Harbour & Assoc
III Winners Circle
P.O. Box 5269
Albany, New York 12205-0269

Re: SEQRA
Western Clifton Park GEIS
Clifton Park, Saratoga County
03PR05326

Dear Mr. Einstein:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation that you provided on your project. Preliminary comments and/or requests for additional information are noted on separate enclosures accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate Section 106 consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director

CMB:bsa
Enclosure

cc: John Wilkinson, Hartgen

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FEB 25 2005

Archeology Comments

03PR5326

The OPRHP has received the Draft Phase IA sensitivity assessment for the western portion of the town of Clifton Park. The document provides a general overview of historic development in the Town which can be used for future planning. Our office would recommend that it **not** be confused as a Phase IA substitute for individual projects where more details are needed in order to assess the potential for the project to have an impact/effect on historic properties in or eligible for inclusion in the State and National Registers of Historic Places.

If you have any questions, please contact Cynthia Blakemore at (518) 237-8643, extension 3288.

**BUILDINGS/STRUCTURES/DISTRICTS
EVALUATION COMMENTS**

PROJECT NUMBER O3PR05326

(Western Clifton Park GEIS/ ./T/CLIFTON PARK)

-
- Based upon a review of the information submitted and the scope of the project described, the NYS Office of Parks, Recreation and Historic Preservation has no concerns regarding historic buildings/structures/districts within your project area.
- The following State/National Registers of Historic Places listed/eligible property/district is located within or adjacent to your project area. However, given the scope of the project, the NYS Office of Parks, Recreation and Historic Preservation has no concerns regarding historic buildings/structures/districts within your project area.

Grooms Tavern Complex, Grooms Corners
Vischer Ferry Historic District, Vischer Ferry
Rexford Aqueduct State Historic Site, Rexford
Clifton Park Center Baptist Church & Cemetery, Clifton Park Center

* Archaeology comments will be provided in a separate attachment.

If you have any questions concerning this information, please call Raymond Smith

**PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED ABOVE WHEN
RESPONDING TO THIS REQUEST**



Friends of Clifton Park Open Space, P.O. Box 821, Clifton Park, New York 12065

Steering Committee

Frank Berlin 377-8324
Margaret Catellier 371-6392
Susan Burton 371-4703
Gil Kortz 371-6386
Ray Seymour 877-8878
Clark Wilson 399-2608

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January 27, 2005

Clough, Harbour & Associates LLP

To: Clifton Park Town Board Members:

Re: Public Comments—Draft GEIS Impact Statement and Western Clifton Park Land Conservation Plan

Friends of Clifton Park Open Space would like to take this opportunity to compliment the Town Board, its staff, and the consultants who were responsible for the Draft Generic Environmental Impact Statement (DGEIS) presented to the public at the January 18, 2005 Town Board meeting, and to offer a number of comments on the Western Clifton Park Land Conservation Plan. *As stated in our initial comments at the beginning of this process, our primary goal is to incorporate an approach—with implementation and enforcement mechanisms—which will preserve a core, contiguous green belt running naturally through the center of the study area, and which focuses development at the edges of this space and in the existing hamlets.*

As we have noted previously, our mapping of existing water and natural resources, agriculture and Land Trust properties, wetland, etc. discovered this **natural, large unbroken space** shaped like a reverse comma running through the study area. It represents the most logical area to be targeted with more specific recommendations for new planning tools such as zoning changes, appropriate economic incentives, infrastructure evaluations and the proper use of public money to insure its preservation in accordance with the Open Space Plan. It is important for all of us to maintain and reinforce this vision of a **large, contiguous corridor**. As mechanisms are introduced to implement the recommendations offered in the DGEIS, and measures are taken to direct and enforce preservation and development initiatives in the town, we believe that this goal must remain paramount.

The comments that follow represent questions/issues that, we hope, will be addressed or corrected in the Final Findings Statement:

Friends of Clifton Park Open Space, P.O. Box 821, Clifton Park, New York 12065

Calculating Density and Open Space:

One distinction made in the Clough Harbour report is how undevelopable or constrained land is used in density and open space requirements calculations. In the report, density is based on only developable or unconstrained portions of the land; wetlands, streams, steep slopes, etc. are not included (Section III-50). The open space requirement calculation, however, can include the portion containing constrained lands. (Section III-51). According to the DGEIS, a minimum of 25% of developable land must be included in the open space calculation, but we think that **constrained land should not participate in any calculations, because no one is supposed to build on them anyway.** We continue to maintain that the 50% open space requirement for the study area should be based purely on the developable portion.

Hamlets:

FCPOS applauds the recommendations for Hamlet Zoning and reasonable incentives for development in these existing villages on the fringes of the study area. We also note the reference in the report regarding to the loss of traditional boundaries for these communities (Section III-52). As was noted by a citizen during the public hearing on January 18th, we believe that it is important to guard against "hamlet-creep" to ensure development in these pockets does indeed provide for a more reasonable scale of development to fit the hamlet setting. We agree that hamlet rezoning is essential to control commercial uses, which under current zoning would permit shopping centers and other big box facilities that would be inconsistent with the hamlets and their rural surroundings.

We strongly encourage the Town Board to adopt the proposed "hamlet rules" for all hamlets in the town; not just the ones in the study area. Further, we think that it would be beneficial to have the hamlet zoning rules framed within a general context of "historic hamlet districts" designated by the town. This "historic district" and the boundary issue could be resolved by establishing geographic inner boundaries that recognize the hamlet core and outer boundaries that limit the development area.

Access and Collector Roads:

Access Management for secondary collector roads is a means to reinforce secondary circulation throughout the town, and reduce traffic pressure on the existing roads. We understand and agree with the concept that such roads can reinforce the rural atmosphere of the study area. Our understanding of the specific Proposed Secondary Access/Circulation Roads noted in Section III-86, however, would create a series of significant cuts across the **contiguous space we are seeking to conserve.** As was observed by a number of citizens at the January 18th public hearing, such corridors serve as natural paths for the advancement of development, which could severely fragment the study area (figure III-12). Should they be constructed as described in the report, the new access and collector roads could become "development centers" for the western part of town, which would sub-divide the **core green-belt area.**

Friends of Clifton Park Open Space, P.O. Box 821, Clifton Park, New York 12065

Utilities:

Along with roads, the other major factor that will affect the advancement of development into the **core open space corridor** that we seek to preserve, is the extension of water. Under Utility Improvement Costs Apportionment, the DGEIS outlines two potential plans to bring water into the study area. Both include a 28.6% share of the cost to be borne by the public. **If this is adopted, we strongly urge the town to spend the public's money wisely, and use the extension of water lines as a strategic tool to control both open space preservation and continued development.** The use of public funds coupled with the proposed zoning changes should put the town in a true leadership position regarding open space preservation. Both of these goals are desirable and defining water districts and capital improvement development can be used to implement the goals of the Land Conservation Plan.

Ecological Factors:

The DGEIS outlines many environmental and ecological factors to be considered as part of the Land Conservation Plan including wetland and water, wildlife, agricultural, developed and natural land, vegetation and ground covers, endangered species, and habitats. The study provides a good summary when it notes that standard subdivisions maximize development land—extending lot lines to the project boundaries. The result is increased potential for negative water quality impacts, reduced habitat value, increased storm water runoff, fragmentation of habitat, and the general imposition of humans and human activity within/near wildlife habitat. Conversely, those species that thrive from human activities become more prevalent and are often referred to as nuisance species. (Section III-34). Hence its conclusion that with a conservation approach to development, there is greater opportunity to protect important ecological communities and to lessen the potential for fragmentation.

We would like to add to the ecological factors list, a protocol that focuses on the retention of mature trees. Trees are a beautiful, natural resource that take years to mature and their removal cannot be properly mitigated. Healthy, mature trees are part of the view shed and rural character that we are all interested in preserving. **Therefore, we are asking that the town include mature tree preservation as a standard requirement for subdivision approval.**

Finally, as important as the measures referenced above are to accomplishing the goals of the proposed Land Conservation Plan, another essential element for their achievement is the implementation and enforcement measures noted below. Therefore, to insure that the recommendations in the DGEIS are realized, we believe that:

- The DGEIS recommendations must be incorporated into Town Zoning Ordinances

Friends of Clifton Park Open Space, P.O. Box 821, Clifton Park, New York 12065

- Because this new plan represents what can be construed as a fundamental shift in perspective - open space preservation is the first priority in the study area—town officials must be trained in the provisions, and to understand their implications in order to represent the best interests of the town. It is also possible that implementation of the plan's recommendations will require the realignment of roles and responsibilities of: the Planning Board, the ECC, the Zoning Board, and the Building Department.
- The plan calls for all project sites to undergo a habitat resource investigation by a qualified wildlife biologist. (Section III-35). This kind of activity, along with other evaluations for site placement and site review negotiations call for an enhanced level of expertise and involvement on the part of town representatives.
- **The importance of the State Environmental Quality Review Act (SEQRA) will have to be emphasized even more. From our perspective, and in accord with the open space preservation priority, development proposals should be assumed to have a "positive impact" as defined by SEQRA, and reviews by the town's responsible committees and boards must be used to provide earnest and consistent consideration of the seriousness of potential environmental impacts outlined in the DGEIS. Given this, a negative declaration for a proposal should be issued only after all recommendations in the DGEIS have been carefully evaluated. As our town comes under continuing development pressures, the systematic, reflective consideration of SEQRA factors will be more important in balancing Town goals for preservation and growth.**
- Administration and implementation cannot be accomplished without the manpower to conduct the town's business on a day to day basis. Hiring an Open Space Coordinator, as outlined in the Open Space Plan, to administer so many of the provisions outlined in the DGEIS is crucial. In addition, staffing increases for the Building Department will be necessary to provide adequate oversight and enforcement of new regulations.

Once again, we compliment the thoroughness and thoughtfulness of this Western Clifton Park Land Conservation Plan and Draft Generic Environmental Impact Statement. We look forward to a final Findings Statement and more specifically crafted draft zoning revisions. More importantly, we urge the town to implement both the procedures for implementing its provisions and the mechanisms for their enforcement.

Friends of Clifton Park Open Space
Steering Committee

Cc: J. Kemper
J. Grasso

COMMENTS FROM JAN. 18, 2005 PUBLIC HEARING

FRANK

- JO PRESERVATION OF THE COMMON A CROSS TOWN FOR 2,500 LOTS BUILD-OUT MORE O.S. FRANKS
- DOES IT RESPECT P.U.D.'S
- SHOULD PROHIBIT WATER EXTENSIONS
- SHOULD ALLOW TDR TO EXISTENTIAL PART - CAN USE RUD PROCESS
- P.U.C. PLAN - ~~RETRACT~~ IDENTIFY AT REXFORD
- DEFINITION OF BOUNDARIES OF HAMLETS, HAMLET CRISP

SEYMOUR

- SUPPORTS PLAN, VERY WELL DONE, SUPPORTS "CONSERVATION" SUBDIV. PROCESS, ~~FOR~~ O.S.
- RECOMM. FOR HAMLETS LINES, BUT WIP. FOR HISTORICAL OVERLAY, STYLE OF DEVELOPMENT

KOBBERTHAL

- REAL POTENTIAL WITH STUDY, DESIGN IS GOOD FOUNDATION, NEED TO AUGMENT LARGER BLOCKS OF O.S.
- DEVELOPERS SHOULD CONTRIBUTE TO O.S. PRESERVATION
- ENV. FEES SHOULD HAVE TO PAY FOR WATER
- STRONGLY SUPPORTS STUDY

BECK

- CONCERN OVER CLEARCUTTING TREES
- WHAT DOES "OPEN SPACE" RESTRICT, EX. CUTTING?
- NEED MAX. BLOCK SIZE

EWING

- FH ON PER. CHOICES? DOES SOGO EXC. COVER LANDS
- MAX. DELISTED BORDERS
- CRUC. FOR OUT-SITE BISO. STUDY?
- ADH. TO PROB. MATRIX, NO FIELD CHECKING, DID IT LIST BAND EAGLES
- LIKES DOT MAP, DID IT EXCLUDE CONT. LANDS
- BIN BORDERS FOR DOT MAPS
- DOES FISCAL IMPACT ANALY. EVAL. P.D.F. IMPLEMENTATION
- OTHER EXPENS. TAILOR. APPLIC. GREENLANDS SPEAKS COM.
- TRAINING FOR BORDERS
- FAIR PROBABILITIES FOR ADULTS

FOR MANEVAL

- APPENDICES ONLINE?
- CHANGE IN CONNECTING PATTERNS?
- WANTS TO PRESERVE FISH CHARACTER, MATCHES FROM FISHIA SURVEY, SPECIAL SITE CHARACTERISTICS
- GOOD COLLECTION OF OPEN SPACES
- HAMLET'S DIDN'T ADDRESS ARCHITECTURAL STANDARDS, HISTORICAL
- CAN WE RE-DIRECT WATER

EDMUND

- WHAT DOES IT SAY ABOUT ALLOWING WATER FOR EVERYONE

BAMS

- VERY HAPPY, P. 81, CONCERN OVER COMPLEX THROUGH APPROPRIATE

PLANNING BOARD DRAFT GEIS QUESTIONS/COMMENTS

January 13, 2005

1. From the Planning Board perspective, the Viewshed Analysis requirement in *Appendix G, page 9, section t* as provided for in the Design Review Process for the Conservation Residential (CR) District is unworkable, and should be eliminated due to its completely subjective nature. All references in the Final GEIS should reflect this deletion. Refer also to *Appendix F, page 4*. Also, exactly what and where are the lands specified in *Appendix G, page 8, section q*?
2. Why is there no allowance for PUD's in the CR District? This dramatically restricts the Town Board from reviewing any unforeseen or alternative projects/proposals that could come before the town at any point in the future. This restriction should be eliminated.
3. *Section III, Page 17, 5th bullet point* allows for both above ground and below ground storage tanks with proper containment. What's the Town Board's position on this?
4. Why must there be both required clustering and a 50% open space requirement – *Sec. III, pgs 50-51*? If someone is paying for the minimum 3 acre buildable land for a house, they should have the option of not having big homes clustered together. We are penalizing landowners for the sake of a few percentage points of more Open Space, over and above the 50% restriction. Cluster development can be encouraged, as it currently is – but it should not be mandated. There appears to be contradictions in this study. *Appendix F, pg 15, para.2* states “the flexibility in lot sizes and dimensional standards for individual home sites allows for the conservation of open space and other community amenities while encouraging site layout creativity.” Mandating clustering does not in the Planning Board's opinion constitute “flexibility” or “site plan creativity”. See *Appendix F, pg 16* for examples.
5. Which is more important? Protecting open space/open fields, or conserve woodland areas and habitats? Both are listed as “key conservation principles” of the CR District in *Appendix F, pg 20*. Yet, if because of the other restrictions a parcel contains such as wetlands or meeting the 50% open space requirement, then a landowner may have no alternative than to build in one of these “key” areas. Which takes precedence, from the Town Board's perspective?
6. What is the goal of Hamlet Zoning in terms of traffic? If we as a town are trying to reduce the number of trips on our main roads to the Exit 9 business district by locating some retail in the hamlet zones, then we must allow for increased traffic in these hamlet zones. Yet on *Sec III, pg.52, paragraph 2*, a stated goal of the reduced density for hamlets is to “significantly reduce potential traffic impact”.
7. *Sec III, pg.52, paragraph 2*, states a hamlet “concept plan based on community inputis recommended to provide clear illustrations of design concepts and architectural themes.” How will these “architectural themes” be enforced? By the Planning Board? If not, by who? What constitutes “community input”? What standards are to be used? How will sidewalks be handled, since our town has no comprehensive sidewalk laws?
8. *Sec III pgs. 112-113* relate to potential direct costs associated with expansion of town water. Is the Town Board comfortable defending these numbers/this plan in the GEIS to our citizens?
9. According to the Fiscal Impacts analysis *Sec. III pgs 126-128*, there does not appear to be a big fiscal impact whether or not we reduce zoning – certainly not by the appearance on the graphs. Is this an accurate assumption?

10. *Appendix F, Section G, pg 10.* What exactly is a "context-sensitive road"? Regarding buildings not protruding over hilltops and ridges, nor in open fields, how is this practical when so much of the rest of the parcel may be undevelopable because of all the rules we're imposing?
11. For the Open Space Incentive Zoning, *Appendix G, pg 3, section C*, why are we requiring 4 acres (176,000 sq. ft.) of developable land be donated in exchange for an increase of 1,000 sq. ft. of retail space? This seems excessive and harsh, and again gets back to the important concept of limiting travel on our busy main roads to the Exit 9 area by encouraging appropriate retail development in the hamlets, etc.
12. What will be the Town's official position on the expansion/modifications it wants to see on Route 146? What specific direction will be given to the Planning Board for accommodating future potential expansion on Rt. 146?

GRASSO X
EINSTEIN



**New York State Thruway Authority
New York State Canal Corporation**

John L. Buono
Chairman

200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189

Michael R. Fleischer
Executive Director
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VIA FACSIMILE

January 27, 2005

Joseph Grasso
Clough, Harbour & Associates LLP
III Winners Circle
P.O. Box 5269
Albany, New York 12205-0269

**RE: WESTERN CLIFTON PARK – LAND CONSERVATION PLAN &
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)**

Dear Mr. Grasso:

The New York State Canal Corporation (NYSCC) has reviewed the referenced documents received on January 3, 2005. The Town of Clifton Park is currently permitted under three separate Real Estate Permits to use and occupy certain Canals lands within the Vischer Ferry Nature Preserve (Preserve) for hiking trails. Figure III-11: Recreation and Pathways of the DGEIS illustrates existing and potential trails. This map shows a trail network located in the southerly portion of the Preserve within the study area that runs through Canal lands critical to the operation and maintenance of the Canal system. The existing Real Estate Permits do not include this land for public use nor does the NYSCC intend on allowing this area to be developed as a future trail. Please revise Figure III-11 eliminating the trails in this location.

As an involved agency, this office wishes to continue to be included in discussions on the development of your plan. Since the NYSCC has jurisdiction over all activities undertaken on Canal property, it is important that you continue to provide this office with the details of this project as they develop.

Please keep in mind that any project proposed on NYSCC property will require a permit. You or the Town may contact this office directly to discuss our permit issuance requirements. Should you have any questions, please feel free to contact me at (518) 471-5033. Thank you for the opportunity to provide input on your proposed project.

Sincerely yours,

Garret R. O'Connor, PLS
Albany Division Canals
Real Property Management

cc: Steven Sweeney, Division Canal Engineer
Robert Romeo, Division Environmental Specialist
David Boshart, Director, Office of Land Management

Einstein, Chris

From: Steve Iachetta [SIACHETTA@albanyairport.com]
Sent: Friday, December 31, 2004 2:17 PM
To: Moore, Charles
Cc: Einstein, Chris; Fairchild, Larry
Subject: Town of Clifton Park GEIS- CHA No. 12803.102.11 06

Mr. Moore,

Please confirm that the Federal Aviation Administration Record of Decision recommendations issued November 11, 1996 regarding ALB airport noise compatibility and land use in the Town of Clifton Park have been considered or incorporated within the subject DGEIS. This FAA ROD was previously transmitted to Msrs. Fairchild and Einstein of your firm along with the 1996 approved and updated 2002 Federal noise study and contour map documents.

Thank you very much and best New Year wishes,

Stephen Iachetta, AICP

ALB-Albany International Airport

iachetta@albanyairport.com

518-242-2238; fax 242-2641; cell 378-5968

Grasso, Joseph

From: Jim Larkin [j.e.larkin@verizon.net]
Sent: Friday, January 28, 2005 5:41 PM
To: Jason Kemper; Grasso, Joseph
Cc: Adam Kramer; Carli & Paul Pelagalli; Jay Russell; Sandy Pace; Scott Hughes; Steve Bulger; Tom Lewis; Tom Paolucci; Tony Karam
Subject: Western Area GEIS Comments

Jason & Joe

After reviewing the Recommendations and the various sections of the GEIS, I have some Comments, Questions and Suggestions:

Overall, this is very good. I especially found the CR, HR and PDR constructive. The details in Sec. III are exhaustive and show soundly the rationale for the recommended direction.

The 2 goals I see in performing the GEIS are to better define what we want in the Western part of town and how to direct and manage the growth toward that end. A key component is open space preservation. After attending the Conference yesterday, a key element - which only the TB can finalize is: What is going to be the purpose of the Open Space characterized in the plan options.

C1. While I think the density provisions of CR are laudable, I don't think that a cluster design-build should be mandatory. I believe the submission of a cluster if more than say 10 homes is proposed, should be required. But I think it should be up to the planning board to evaluate the submission and determine based on its merits, location, etc. if a cluster should be required.

C2. Net fiscal impact on town...Table III, N-1 appears wrong. There is a \$5 increase under CR + Easement vs. 4.50 for current zoning. No net increase is appropriate unless you are increasing the municipal services. It appears table is wrong or the results are not good.

C3. Traffic - GOS pain for middle income wage earning families, I intuitively think will support a 1.5-2 hr commute, based on my experience working downstate and in NYC. Barring safety issues, I think that should kept in perspective.

C4. Open space preservation funding should not be funded from the town general tax (may not be today - I don't know) after implementation of this open space plan. Funding for open space preservation should be borne by 1. The developers of property (regardless of size) and - possibly - 2. A small % real estate transfer tax.

Q1. For every \$1 of capital investment, each use requires a different amount of municipal resources: Mfr = 0.29, Comm = 0.37, Res = 1.19. Were these weightings used in any kind of financial analysis (linear programming? etc.) to establish crossovers? If so, could you share them with me?

Q2. Were current NEW home prices, for avg. size lots, used in determining property values under full build out using the different scenarios? This will impact sensitivity analysis to financial, budgeting, and planning concerns under the different buildout scenarios.

Q3. I saw one intersection circled as Hamlet on Riverview Rd, yet I saw it proposed to be CR instead of HR. Why?

Q4. Can sensitivity analysis be performed considering different growth scenarios in neighboring towns, counties/region, & state? Competitive factors can make a big difference and be negative or positive. For instance, LFTC - the probabilities of growth projections vary over different timeframes. What kind of impact will that have on our town plan?

S1. I did not see mixed use (e.g. residential above retail/commercial, etc.) in the plan. I think that HR would benefit from the mixed use

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concept and that development at intersections that could potentially become a focus of micro-locality commerce should be considered for such use.

S2. Financial requirements should be to NOT increase the per-capita tax in CP. 12% increase is too high for school tax under any build out scenario and is tremendously understated if one considers that our school taxes are likely to be redistributed to NYC/downstate, thus increasing our rates.

S3. Land Use - Aquifer recharge should be Primary consideration of open space management - for sources of both residential well and CPWA deep wells. CARA was a good suggestion and should be further explored to define parameters for application. Secondly, focus should be on public use (recreational, including hunting, fishing, trapping, hiking, snowmobiling, xcountry skiing) of open space areas and they should be contiguous. Within that context, Natural Lands should be preserved as best as possible and hardwoods harvested responsibly in concert with proper woodlot management practices. Hardwood harvesting should be a component of our town agricultural activity.

Please contact me if I may clarify concerns or you would otherwise like my additional contributions.

Thanks!

Jim Larkin

"Contemplate the mangled bodies of your countrymen, and then say, 'What should be the reward of such sacrifices?' ... If ye love wealth better than liberty, the tranquility of servitude than the animating contest of freedom, go from us in peace. We ask not your counsels or arms. Crouch down and lick the hands which feed you. May your chains sit lightly upon you, and may posterity forget that ye were our countrymen!" -- Samuel Adams

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January 18, 2005

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG

Present: Councilman Paolucci
Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Mark Heggen, Comptroller
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the January 3, 2005 meetings, organizational and regular, as presented.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Speaking with regard to the tabled tsunami resolution, Supervisor Barrett reported Town Attorney Trainor researched the legality of using public funds and recommended this not be done. The Supervisor said he would support setting up an account to receive private donations. Councilman Speckhard reported an amended resolution is on the agenda this evening.

Supervisor Barrett announced the retirement of Highway Superintendent Louis W. Gerard effective January 29, 2005 after a long and distinguished career. He said he always appreciated his help and admired his dedication to public service and hopes Mr. Gerard will stay involved in

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the transition. The Supervisor asked anyone interested in the position of Highway Superintendent should let the Town Board know right away.

Councilman Speckhard read Mr. Gerard's letter into the record.

Councilman Speckhard praised and congratulated the Friends of Grooms Tavern on their outstanding newsletter and encouraged them to continue their fine work.

PUBLIC HEARING, 7:10 PM
REGARDING THE DRAFT GENERIC ENVIRONMENTAL
IMPACT STATEMENT FOR WESTERN CLIFTON PARK

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 4, 2005.

Joseph Grasso, Clough, Harbour & Associates, reviewed the process to date, noting it is a culmination and compilation of work over the past fifteen months. He said the public has played a great role in the process.

Chris Einstein, Clough, Harbour & Associates, discussed the purpose and finer points of the Draft GEIS. It is recommended that more work be done in the future on the hamlet areas to develop a vision and concept plans. He noted benefits of zoning will be greater flexibility and design through development guidelines proposed. Open space can be under private or public ownership. Mr. Einstein reviewed "amenity zoning" which will allow a developer to purchase the development rights of an important open space parcel and take those development rights to a parcel that might be more suitable for increasing the density. The Final GEIS will be prepared at end of the public comment period which will run until January 28, 2005. The Final GEIS will be available for public review. After the Final GEIS public review, the Findings will be prepared and will be the development guidelines.

Supervisor Barrett said the town is approaching forty years of strong residential growth. He reviewed issues of concern, including traffic and infrastructure, effect on emergency services and school system. He said this plan gives the Town Board flexibility and thanked the public for their time and comments.

In response to Councilman Roth's request, Mr. Einstein reviewed development rights explaining this needs to be done through legislation and will allow a developer to purchase development rights of a parcel and transfer those rights to a parcel where it makes sense to allow the density.

Jennifer Vigianni, Behan Associates, working with Clough, Harbour & Associates on the GEIS, further explained development rights.

Councilman Roth wants landowners understand that development rights are a possibility.

Councilwoman Walowit stated the transfer of land has to stay within the study area.

The public hearing was opened for comments from the audience at 8:00 p.m.

Youseff Ballout, Torrero Drive, expressed concern that there appears to be no effort to keep contiguous open space across the western side of town. He believes early on in the process people expressed their view of the necessity of keeping that corridor open across the entire western part of the town. He said it now appears as islands of open space. Mr. Ballout said the town will have to take leadership when developments come in to continue the contiguity. He said if a developer's request for an exception to zoning doesn't appear to be addressed in the GEIS and feels there should be restrictions on size and necessity of PUDs. Mr. Ballout said it behooves the town to extend water lines to residents in the western part of town that need it, especially in the existing hamlets but he doesn't think it is clear in the plan that there should be total prohibition, unless there is some real reason for new water and sewer lines, into the open space areas in the western part of town. This should be clearly defined that this is not a desired action. He stated the real reason for Transfer of Development Rights (TDR) is to preserve open spaces. Mr. Ballout said there should be a plan of creating recreational facilities but facilities should not be placed in the envisioned open space areas within the western part of town because water and sewer lines would have to be extended, thereby opening the door for additional development to come in. He recommended recreational facilities be placed near existing residential areas such as the hamlets. Mr. Ballout said boundary of hamlets needs to be defined and advised the Board to pay attention to "hamlet creep", continuous growth.

Mr. Grasso, in response to Mr. Ballout, said key open space parcels have been identified and it is hoped under Planning Board review they will get extra scrutiny. He explained PUDs would be restricted on the conservation residentially zoned properties, which is most of the study area, but not restricted in hamlets in order to allow some flexibility regarding the mixed uses. Mr. Grasso said the whole document is based on density and the valuation of impacts of that density. Regarding prohibition of water extensions and other public utilities, although new development requiring the extension of those utilities isn't envisioned, provisions have been made for the extension of water to the western portion of town. Mr. Grasso explained regarding the transfer of development rights out of the study area to the eastern part of town, this is not evaluated in the study but can be looked at in the future. He reported a recreational center has been identified as part of the Rexford hamlet, as well as the establishment of a park by Veterans' Memorial Park.

Raymond Seymour, Nadler Road, member of the Friends of Clifton Park Open Space and the Open Space Committee, applauded the Town Board for taking this monumental revolutionary step, stating the document is very well done and visions incorporated in it are excellent. He said the citizen participation has demonstrated that residents want to see a different implementation for the western part of town. Mr. Seymour recommended having an historic designation for hamlets which will make the area attractive and increase property values. He reported many studies have been done that property adjacent to preserved land is always more valuable.

Supervisor Barrett stated this is the last chance to change the direction of the future of our town, how it's going to look and the effects that continued development will have. He said if the same

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development occurs in the western part of town as in the eastern, the town will have a hard time coping with it.

Bill Koebbeman, Riverview Road, said if the GEIS is effectively implemented, western Clifton Park can be a model for other communities. He continued the underlying residential density of three acres is a good foundation to build on. He said proactive action on the part of the Town Board and Planning Board will be necessary to implement aggregate large blocks of fragmented open space, as well as money. Mr. Koebbeman feels it is fair for developers to contribute through an open space mitigation fee. He said he doesn't want to pay to have water lines run into the area because it undermines the public's objective of preserving the area and the objective of the plan. He suggested that the plans recommendation of the public paying 28 percent of the cost of running water lines be eliminated. Mr. Koebbeman said he strongly supports the results in the primary recommendations of the study and hopes the Board will rigorously implement them.

Frank Berlin, Main St. Jonesville, spoke in support of the GEIS and of having the residents involved in the study. It was noted that Ballston Lake is considered one of the hamlets. He questioned what can be considered green space.

Supervisor Barrett said the plan protects hamlets from big box stores.

William Engleman, Partridge Plateau, questioned if there will be public hearings held regarding zoning changes, does the 50 percent open space include or exclude unbuildable areas of protected wetlands and other LC zones and the allowable maximum density bonus. He reviewed his comments from the draft scoping of a year ago, noting field checking is important. He recommended a large map of the GEIS study area be displayed in the town hall lobby and library.

Supervisor Barrett announced the Historic Preservation laws of the town are currently undergoing a change.

Mr. Grasso, answering Mr. Engleman's questions, said there will be public hearings for zoning changes, 50 percent open space does not entirely exclude constrained lands and would be looked at on a case to case basis by the Planning Board. Maximum density bonus is included in the plan. He reported field checking was beyond the scope of the study and will come up during site plan review.

Pam Marshall, Fairlawn Court, wants to see nature and the rural character preserved, noting wildlife needs connected parcels. She recommended a survey of flora and fauna be done when developers come before the Planning Board. Ms. Marshall asked that type of architecture in hamlets be specified.

Beth Edelman, Brian Drive, Rexford, spoke in favor the GEIS study and asked if the GEIS addresses allowing water for everyone. She stated water is desperately needed by hundreds and hundreds of people all over town and would like to see a study done on the economy of scale if everyone in Clifton Park were to receive water and divide the cost among everyone, as well as what the cost would be to the town as opposed to the individuals involved.

1/18/2005

Supervisor Barrett reported the Clifton Park Water Authority look at the cost a number of years ago and it came to many millions of dollars.

Pauline Boehm, Riverview Road, said she is very happy about the study and land conservation plan but expressed concern with the mention of the possibility of a secondary circulation road from Waite and Miller Roads to Appleton Road.

Mr. Grasso reported it is not a connection to Appleton Road but basically an east to west connector which could possibly relieve some traffic from Route 146.

Ms. Marshall asked if there was a way to direct drainage from heavy rains into town aquifer recharge areas.

Mr. Engleman recommended reading materials by Randall Arendt. He hopes there will be methods of training for Planning Board and Zoning Board of Appeals members regarding proper standards and how subdivisions can be designed. Mr. Engleman said he hopes there will be a public committee that will take on a role of advising the Boards and ranking properties for conservation and possible acquisition. He recommended extending the public comment period.

Supervisor Barrett said it will be important for the Planning Board and ZBA to understand the spirit of the plan.

Councilman Speckhard said it is important to realize that this is a very important culmination of a long time of town planning which could have been established in 1980 when the town Master Plan process was started. He said if this plan is adopted, the Board is saying that this development process in the western part of town is extremely acceptable to us and also implies the necessity to do other things to support, rather than underplay or defeat it, noting that water will be extended out to Rexford Water District and coming south from the County. He said it is important to pay attention to the impacts on the natural environment. Councilman Speckhard stated this is a fantastic plan and thanked all for the great comments.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 9:15 p.m.

PRESENTATIONS TO THE BOARD

Town Administrator Shahan reported the radar sign is being well received in the community. Supervisor Barrett said security personnel are monitoring speeds as well. Mr. Shahan said negotiations with the Town Hall and Highway Unions have resulted in five year contracts.

Comptroller Heggen reported it is anticipated the books for 2004 will be closed the middle of February. He said the town is ahead of budget for revenues and below expenditures.

PUBLIC PRIVILEGE ON RESOLUTIONS

1/18/2005

Question from the floor asked why, at this point in time, the Town Board is considering the resolution on tsunami relief when so many other organizations are involved. Councilman Roth responded the more organizations involved, the more people will give and this is just another mechanism.

Councilman Speckhard said this is "community giving" and sets up a person to person relationship.

Resolution No. 19 of 2005, a resolution appointing Frank Kunker, 6 Bay Hill Court, Clifton Park, to the Clifton Park Water Authority.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, an opening exists on the Clifton Park Water Authority, and

WHEREAS, Frank Kunker has been recommended to serve on the Water Authority; now, therefore, be it

RESOLVED, that Frank Kunker, 6 Bay Hill Court, Clifton Park, be appointed to the Clifton Park Water Authority, for a five-year term, term to expire December 31, 2009.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 20 of 2005, a resolution authorizing an inter-municipal agreement between the Town of Hadley and the Town of Clifton Park for bus transportation to and from the 2005 Association of Towns Meeting.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, a proposal has been made that the Town of Hadley and the Town of Clifton Park enter into an inter-municipal agreement providing for bus transportation to and from the 2005 Association of Towns Meeting which is being held in New York City; now, therefore, be it

RESOLVED, that the Town of Hadley and the Town of Clifton Park enter into an agreement which provides that:

1/18/2005

1. The Town of Hadley will provide bus seats to and from the 2005 Association of Towns Meeting, at a cost to be determined by the Town of Hadley, not to exceed \$40.00 per person with the understanding that the seats are a non-refundable purchase. The bus will depart and return to pre-designated areas.
2. The Town of Hadley will provide receipts for paid reservations for bus transportation to and from the Association of Towns Meeting.
3. The Town of Hadley will pay for no other cost or amount or consideration.
4. The term of the agreement shall be from February 20 - 23, 2005.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 21 of 2005, a resolution to establish a town account to accept contributions from residents of the Town of Clifton Park, or any other community, to aid the victims of the earthquake and tsunami disaster in Asia.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, it appears that 160,000 plus fatalities will result from this disaster and the possibility of secondary deaths from hunger or disease could push this toll much higher without a steady supply of aid to the region, and

WHEREAS, on January 10, 2005, Resolution No. 18 of 2005 was introduced and tabled due to the need for more information and clarification; now, therefore, be it

RESOLVED, that the Town of Clifton Park will accept contributions payable to "TOCP Tsunami Relief Fund", deposited to a separate account, and be it further

RESOLVED, that the following each thirty-day period for the next ninety (90) days, a check equal to all contributions for each thirty-day period will be processed and made payable to a local non-profit organization that is also committed to assisting Tsunami victims or, if necessary, one of the following agencies - **American Red Cross, Lutheran World Relief, Unicef**, and a complete list of contributors will accompany the payment to the agency as

1/18/2005

designated, and such agency will provide the town with descriptive information regarding the distribution of funds received from the Town of Clifton Park, and be it further

RESOLVED, that the Town Comptroller will assign an account number for accepting contributions to the "TOCP Tsunami Relief Fund; and be it further

RESOLVED, that the Town Director of Community Development will publicize the existence of the Town Relief Fund and advocate and encourage private contributions to the fund.

Town Attorney Trainor stated he has reviewed this resolution and it has his approval. Councilman Paolucci asked if donations going through the town are tax deductible. He said he supports this resolution if it encourages people to donate as a community.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

MOTION by Councilman Paolucci, seconded by Councilman Roth, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 9:43 p.m.

Patricia O'Donnell
Town Clerk

DRAFT: November 11, 2004

Revised: March 11, 2005

HAMLET MIXED USE (HM) DISTRICT

Outline:

1. Purpose
2. Permitted Uses
3. Space and Bulk Standards
4. Mixed-Use Buildings
5. Density Bonuses (Amenity Zoning)
6. Site Plan Review (procedure)

1. Purpose

The purpose of the Hamlet Mixed-Use (HM) District in Western Clifton Park is to provide primarily for focused business development to serve adjacent residential hamlets and neighborhood areas and to allow for a creative mix of commercial and complementary residential uses. However, the district may remain primarily commercial uses, such as a mix of offices and retail uses. The allowance for residential uses is intended to foster the creation of places within town where one could walk from home to work to neighborhood businesses. In addition, the HM district is intended to allow for development that generates a low-traffic impact. Finally, the site layout and related designs for development within the HM District should be in a manner that respects and enhances the traditional hamlet context of the proposed project within the specific HM district location.

In general, development should:

- Enhance existing, unique, traditional hamlet settlement patterns within Western Clifton Park
- Restore, conserve and enhance the “sense of place” of the hamlet of Rexford through complementary, compact, new development, infill development and redevelopment layout and design
- Support a primarily business and residential setting within the HM District that connects and transitions to nearby Hamlet Residential District to the south and the rest of the hamlet of Rexford
- Foster pedestrian-friendly, walkable environments
- Utilize area master planning, and site plan layouts and architectural styles consistent with the form of traditional hamlet of Rexford
- Support connections within the hamlet of Rexford and vicinity both within the hamlet and outside of the hamlet,
- Create access and connections such as to the Mohawk River waterfront and to the Mohawk Towpath Scenic Byway, and other existing and proposed town-wide and regional pathways and trails

This section is further intended to support the protection of town-identified open space within Western Clifton Park with the provision of potential density incentives and

transfer of development from town-identified open space areas to the HR zone as is applicable.

2. Permitted Uses

Business Uses	
General business offices	P
Medical and dental offices and clinics, excluding overnight occupancy by patients.	P
Attorneys' offices	P
Offices for licensed professionals, for example, architects, accountants, engineers, psychologists, optometrists and chiropractors.	P
Insurance offices of independent or general agents, including regional or district offices of individual companies.	P
Mortuaries or funeral homes.	P
Center for the day care of children.	P
Real estate offices	P
Banking institutions	P
Financial services, e.g., investment counseling and tax services	P
Animal hospital/veterinary offices, with the exclusion of outdoor runs and commercial kennels.	P
Mixed-use buildings, with combination of commercial uses on ground floor with residential units on upper floors *	P
Home occupation	P
Day-care home	P
Bed-and-breakfast facilities	S
Facilities for the sale and/or consumption of farm- and country-related edible and nonedible products at farm markets. Such facilities shall be consistent with the customary activities and operations normally associated with a farm	S
Animal-care facilities, provided that any structure or area used for such purposes, including pens or exercise runs, shall be at least 100 feet distant from any residential district	P
Bank or savings-and-loan association	P
Boardinghouse	P
Bowling alley	P
Convenience food store	P
Day-care center	P
Dry-cleaning establishment, where not more than five persons are employed and where no flammable cleaning fluids are used	P
Personal service establishments	P
Restaurant; or barroom, provided that no portion of the portion of a building occupied by such uses shall be located within 300 feet of the boundary line of any residential district	P
Commercial recreation facility, subject to the provisions of § 208-94	S

Municipal Uses	
Private schools, excluding business, dancing, trade or any other commercially oriented school	P
Nonprofit institutions for charitable, religious, cultural or community purposes.	P
Emergency ambulance facilities if and only as long as these facilities are under contract to the Town of Clifton Park to provide general health services to the Town	P
Public utility structures.	P
Radio installations, amateur (HAMS). See § 208-95A	P
Electrical substation, gas district governor station, telephone exchange or other public utility building, structure or use, except a business office, storage yard, or repair shop, and subject to the provisions of § 208-79E(2).	S
Federal, state, county or Town municipal building	P
All other telecommunication towers as in § 208-95B. [Added 12-9-1996 by L.L. No. 11-1996]	P
Cemeteries	S
Church or other place of worship	P
Section 208-96, Temporary uses and structures.	S
Public library	S
Residential Uses	
One-family dwellings	P
two-family dwellings	P
Community residences	P
Dwelling, two-family and/or semidetached	P
Accessory Structures: buildings accessory to the above which are an integral part of any of the above uses and are not in conflict with the purposes of this article as set forth above, which determination shall be made by the Planning Board	P

P=permitted

S=pursuant to § 208-79 et seq (Special Permits)

**see "mixed-uses" (section 4 below)*

3. Space and Bulk Standards

A. One-family detached dwellings – Limited to no more than 25% of a parcel's total potential density

Base density: 1 unit per acre

Minimum lot size: 6,000 square feet

Minimum lot width: 50'

Minimum lot frontage: 50'

Front yard: 5'

Rear yard: 25'

Side yard: 5' (20' adjacent to commercial units)

Maximum building height: 35'

B. Commercial uses and two-family, semi-detached, and multi-family dwellings – Limited to no more than 25% of the parcel’s total potential density.

Base Density:

Office uses: 4,000 gross square feet (gsf) per acre

Retail uses: 2,000 gsf per acre

Two-family, semi-detached and multi-family dwellings: 3,000 gsf per acre

For example, a project that includes 4,000 gsf of office space, 2,000 gsf of retail space, and 3,000 square feet of multi-family space would require three (3) acres of unconstrained land.

Minimum lot size: 12,000 square feet

Minimum lot width: 80’

Minimum lot frontage: 50’

Front yard: 10’

Rear yard: 30’

Side yard: 0’ (20’ adjacent to residential uses)

Maximum building size – office: 40,000 gsf (20,000 gsf footprint)

Maximum building size - retail: 20,000 gsf

Maximum building size – mixed: 40,000 gsf (20,000 gsf footprint)

Maximum building height: 40’

Minimum greenspace: 25%

4. Mixed-Use Buildings (residential uses may be allowed above commercial uses)

Buildings in the HM District may include residential units as subordinate use to primary ground floor commercial use subject to the following provisions:

- i. Residential units shall not be permitted over an auto service station, or establishments storing or retailing flammable or fume producing goods.
- ii. The habitable area of each residential unit shall be at least five hundred (500) square feet.
- iii. Each residential unit shall be a separate dwelling unit with provisions for complete living including sanitary and sleeping facilities for year-round use by one (1) family.
- iv. Residential units shall not be located on the first floor of the building and each apartment shall contain all services for safe and convenient habitation meeting the New York State Fire, Building, Health and Environmental Codes.
- v. Residential units shall have access to the outside of the building which must be distinct from the access to uses on the first floor.
- vi. Each residential unit shall meet all applicable Town of Clifton Park off-street parking requirements.

5. Density Bonus (through Open Space Incentive Zoning provisions)

A. Residential Bonus

Applicants may propose and seek Town approval for an increase in the density of residential units within the Hamlet Mixed-Use (HM) zoning district per §(number) Open Space Incentive Zoning upon securing the required applicable development rights to town-identified open space parcels within Western Clifton Park.

B. Office and Retail Bonus

Applicants may propose and seek Town approval for an increase in the density of gross square footage of commercial units within the Hamlet Mixed-Use (HM) zoning district per §(number) Open Space Incentive Zoning upon securing the required applicable development rights to town-identified open space parcels within Western Clifton Park.

6. Site Plan Review

All building and zoning permit applications in the HM District shall be subject to site plan approval. Applications will be considered by the Planning Board in accordance with Article XVI Site Plan Review and Approval and the Western Clifton Park Design Guidelines.

Draft: November 11, 2004

Revised: March 11, 2005

Open Space Incentive Zoning

Purpose and objectives

- A. It is the purpose of this article to empower the Town Board to grant incentives to the private sector engaged in the land development process to advance the town's specific policies in accordance with the Town's GEIS for the Western Lands of Clifton Park, the 2003 Comprehensive Plan Update, the 2003 Open Space Plan, and in coordination with other community planning mechanisms or land use techniques.
- B. This authority may be used by the Town Board to assist the following objectives from the town's GEIS for the western lands, Comprehensive Plan, and Open Space Plan:
- (1) To protect wildlife nature preserves, watersheds and water quality, highly valued ecological resources and environmentally sensitive areas.
 - (2) To protect active farm operations.
 - (3) To ensure that all development occurs in an ecologically sound manner.
 - (4) To preserve important open spaces, develop a comprehensive trails and pathway system; preserve scenic roads, cultural resources, and historic and archaeological resources.
 - (5) To protect wetlands and stream corridors for their benefits to wildlife habitat, flood and stormwater control, groundwater protection, erosion control, and recreation.
 - (6) To preserve open space for ecological, aesthetic, and recreational purposes.
 - (7) To preserve and enhance the existing diverse residential, rural, and historic character of Clifton Park and to provide for a diversity of housing.
 - (8) To allow for an increase in density on a given site providing the overall density of the Western Lands of Clifton Park is balanced.
 - (9) To establish permanent easements on town-identified open space parcels to prevent further development.
 - (10) To allow for an increase density of both commercial and residential development within the HM zone to create a more viable, walkable hamlet community.

Authority

In accordance with § 261-b of the Town Law of the State of New York, the Town Board is empowered to provide for a system of zoning incentives as the Town Board deems necessary and appropriate, consistent with the purposes and conditions set forth herein.

Applicability

This chapter applies only to Western Clifton Park zoning districts: Conservation Residential CR, Hamlet Residential HR, and Hamlet Mixed Use HM districts in the Town of Clifton Park, as shown on the Town of Clifton Park Zoning Map.

Permitted incentives

The Town Board may grant the following specific incentives within the procedures set forth in this Section:

- Incentive A.** Single-family residential incentives: increases in single-family dwelling unit density beyond the base density within the HM, HM, or CR districts.

Incentive B. Commercial, two-family, semi-detached, and multi-family residential incentives: Increases in commercial uses and two-family dwelling, semi-detached dwelling, and multi-family dwelling unit density only in the HM district.

Community benefits or amenities.

- A. The following community benefits or amenities may, at the discretion of the Town Board, be accepted in exchange for an incentive as provided in “Permitted Incentives” above. These community benefits or amenities may be either on or off the site of the subject application and may involve one or more parcels of land. **Community benefits or amenities may only be located within the CR district.**
 - (1) **Permanent conservation easements:** agricultural conservation, open space, scenic, ecological, historic or other types of permanent conservation easements would be acceptable, on town-identified open space parcels within Western Clifton Park. Proof of perpetuity (signed purchase contract or easement title) is required in writing to the Town of Clifton Park Town Board prior to approval of an open space incentive zoning proposal.
 - (2) **Permanent protection of land in fee simple** for conservation and other community benefit purposes on town-identified open space parcels within Western Clifton Park. Proof of perpetuity (executed purchase contract or transfer of ownership of title) is required in writing to the Town of Clifton Park Town Board prior to approval of an open space incentive zoning proposal.
 - (3) **Cash in accordance with the Special Conditions below, paid to the Town of Clifton Park’s dedicated open space fund account for utilization by the town exclusively for the permanent protection of open space and farmland in Clifton Park.** Proposed cash must be placed in an escrow account to be held by the town and documented in writing to the Town of Clifton Park Town Board prior to approval of an open space incentive zoning proposal.
 - (4) Any combination of the above-listed community benefits or amenities.
- B. These amenities will be in addition to any other mandated requirements pursuant to other provisions of the Town of Clifton Park Code and any other applicable law or regulation.

Special conditions.

- A. All proposed amenities to be provided by the applicant must show a demonstrable benefit to the benefit area.
- B. Where Incentive A (increase in single-family residential density) is sought, the Town Board shall only receive amenities per the following conditions:
 - (1) The incentive granted will be in a one-to-one proportion to the development potential of the unconstrained land, as described in the table below and determined by the Town Board at the time of application.

Table: Determination of amenity required for single-family dwelling unit incentive

	Density increase	Amenity required
Single-family residential	1 unit	3 acres unconstrained land
OR		
Single-family residential	1 unit	\$30,000

(2) Residential unit density increases will be granted in increments according to the table above, of double the original base density, or in other words, not to exceed a 100% increase of the original base density for the incentive site.

C. Where Incentive B (increase in commercial, two-family, semi-detached, and/or multi-family residential density) is sought, the Town Board may only receive amenities per the following conditions:

(1) The incentive granted will be in proportion to the development potential of the conservation site provided in terms of unconstrained land, as outlined in the table below and determined by the Town Board at the time of application

Table: Determination of amenity land required for commercial, two-family, semi-detached, and multi-family dwelling incentives

	Density increase	Amenity required
Office	1,000 gsf	1 acre unconstrained land OR \$20,000 (\$20/gsf)
Retail	1,000 gsf	1.5 acres unconstrained land OR \$30,000 (\$30/gsf)
Two-family, semi-detached, and multi-family apartments over commercial or retail ground floor space	One equivalent dwelling unit	2 acres unconstrained land OR \$20,000

For example, a project that is seeking a density increase of 2,000 sf of office, 2,000 sf of retail space, and 2 residential units beyond the base density would be required to provide 9 acres of unconstrained land as a conservation site. Alternatively, \$140,000 could be paid to the Town's Open Space Fund.

(2) Commercial and two-family, semi-detached, and multi-family residential density increases will be granted in increments equal to the development potential of the amenity land provided per the above table, of double the original base density, or not to exceed a 100% increase of the original base density for the incentive site.

Criteria and procedure for approval.

A. Optional pre-application review. It is recommended that the applicant meet informally with town planning staff prior to completion of an application for purposes of gathering information for the proposed amenity/incentive exchange. The applicant is advised to review the GEIS, the Comprehensive Plan, the Open Space Plan, and any other materials the town may have on file regarding the open space incentive zoning program.

B. Applications requesting incentives in exchange for providing community benefits will be submitted to the Town Board in accordance with adopted procedures for requests to amend this chapter. The application will include the following information:

(1) The requested incentive.

(2) The proposed amenity.

i. The location of the proposed conservation site must be demonstrated. The proposed conservation site should be one of the priority open space

lands identified in the Land Conservation Plan in the Western Clifton Park GEIS and the Town of Clifton Park Open Space Plan.

- ii. The site's constrained land and unconstrained land must be mapped, and submitted as part of the application. **The proposed unconstrained land area that is the basis for the requested incentive must be specifically identified and highlighted on the map.**
- iii. The base density calculation must be provided that is the basis for the proposed exchange for incentives.
- iii. The proposed conservation site proposed for permanent protection must include this unconstrained land area and may include constrained land. Any proposed subdivision of land related to the efforts to obtain control of land for the incentive zoning proposal, must be approved by the Town as applicable.

(3) The estimated cash value of the proposed amenity.

(4) A narrative which demonstrates the following:

- (a) The benefits to the community, including the benefit area, from the proposed amenity
- (b) Consistency with the goals and objectives of the town's Comprehensive Plan, Open Space Plan, and western lands of Clifton Park GEIS
- (c) The relative importance and need for the amenity.
- (d) That there is adequate sewer, water, transportation, waste disposal and fire-protection facilities in the zoning district in which the proposal is located to handle the additional demands the incentive may place on these facilities beyond the demand that would be placed on them if the district were developed to its fullest potential.
- (e) That all conditions and other applicable requirements of the law are met.

(5) Any other information or support materials as needed or requested by the Town Board.

C. Review by Town Board. Within 45 days of submission of an application, pursuant to Subsection B herein, the Town Board will prepare a brief response to the proposal, outlining in writing the Town Board's determination on whether the proposal is worthy of further consideration and the basis for that determination. The Town Board may engage a consultant to assist in review of the application, the cost of which will be borne by the applicant. Suggested modifications to the proposal may also be provided by the Town Board to the applicant. At this point, the Town Board reserves the right to deny the project. However, with a supporting determination, the proposed application will be transferred to the Planning Board for review.

D. Advisory referral to Planning Board.

(1) The application will be submitted to the Planning Board for its nonbinding advisory opinion to the Town Board. The review at this stage is intended to obtain the input of the Planning Board for the subject land use decision. It is not intended to serve as a site or subdivision review, which would only occur after a decision by the Town Board on the incentive zoning request.

(2) The Planning Board will schedule a public workshop on the application, which may be conducted as part of its regularly scheduled meeting. The intent of the workshop is to share information between the applicant, the Planning Board and interested members of the public. The workshop will not supplant the formal hearing which will be conducted by the Town Board later in the review process.

(3) Within 45 days of receipt of the application from the Town Board, the Planning Board will prepare an advisory report to the applicant and the Town Board. The Planning Board's report will describe the beneficial aspects of the proposal and make recommendations for the amelioration of any adverse aspects of the proposal. The Planning Board's report and the application will then be transferred back to the Town Board for its final decision on the application. The Planning Board reserves the right to deny the project, and describe why in its findings back to the Town Board.

E. Compliance with SEQRA.

(1) Every decision by the Town Board concerning an application for use of incentive zoning on a particular project will fully comply with the provisions of SEQRA.

(2) The applicant will submit a Long Form Environmental Assessment, Part 1, to the Town Board after the referral by the Planning Board.

(3) The Town Board will establish itself as SEQRA lead agency for all applications submitted pursuant to this article.

F. Public hearing by Town Board. Prior to its final decision and in conjunction with its SEQRA review, the Town Board will conduct a public hearing in accordance with the standard procedures for adoption of an amendment to the zoning ordinance or local law. At least five days' notice (14 days if a draft environmental impact statement or supplemental environmental impact statement was required) of the time and place of the hearing will be published in the official newspaper of the town.

G. Findings and final decision.

(1) Following the public hearing and completion of the SEQRA process, the Town Board will approve, approve with modifications or conditions or deny the proposed incentive zoning application. A written statement of the findings will be prepared by the Town Board documenting the basis of its decision. The findings will include, but not be limited to, the following:

(a) SEQRA. That all requirements of SEQRA have been met, including the required findings under that law.

(b) Development capacity. That the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection, without reducing the availability of such facilities for projects permitted as of right under the Town of Clifton Park Code.

(c) Public benefit. That the public benefit realized by the amenity provided by the applicant is commensurate with the incentive granted by the Town Board and that there is specifically a demonstrable benefit to the incentive area.

(d) Project quality. That the project is in harmony with the purpose and intent of this article and with the stated objectives and will promote the purposes herein, that the project is sufficiently advantageous to render it appropriate for grant of an incentive and that the project will add to the long-term assets of the Town of Clifton Park.

(e) Comprehensive Plan. That the use of incentive zoning for the particular project is consistent with the GEIS, Comprehensive Plan, and Open Space Plan

- (2) The Town Board may impose conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.
- H. Plan review. Following the receipt of a favorable decision by the Town Board, an application for approval may be submitted pursuant to the applicable provisions of the Town of Clifton Park Code.

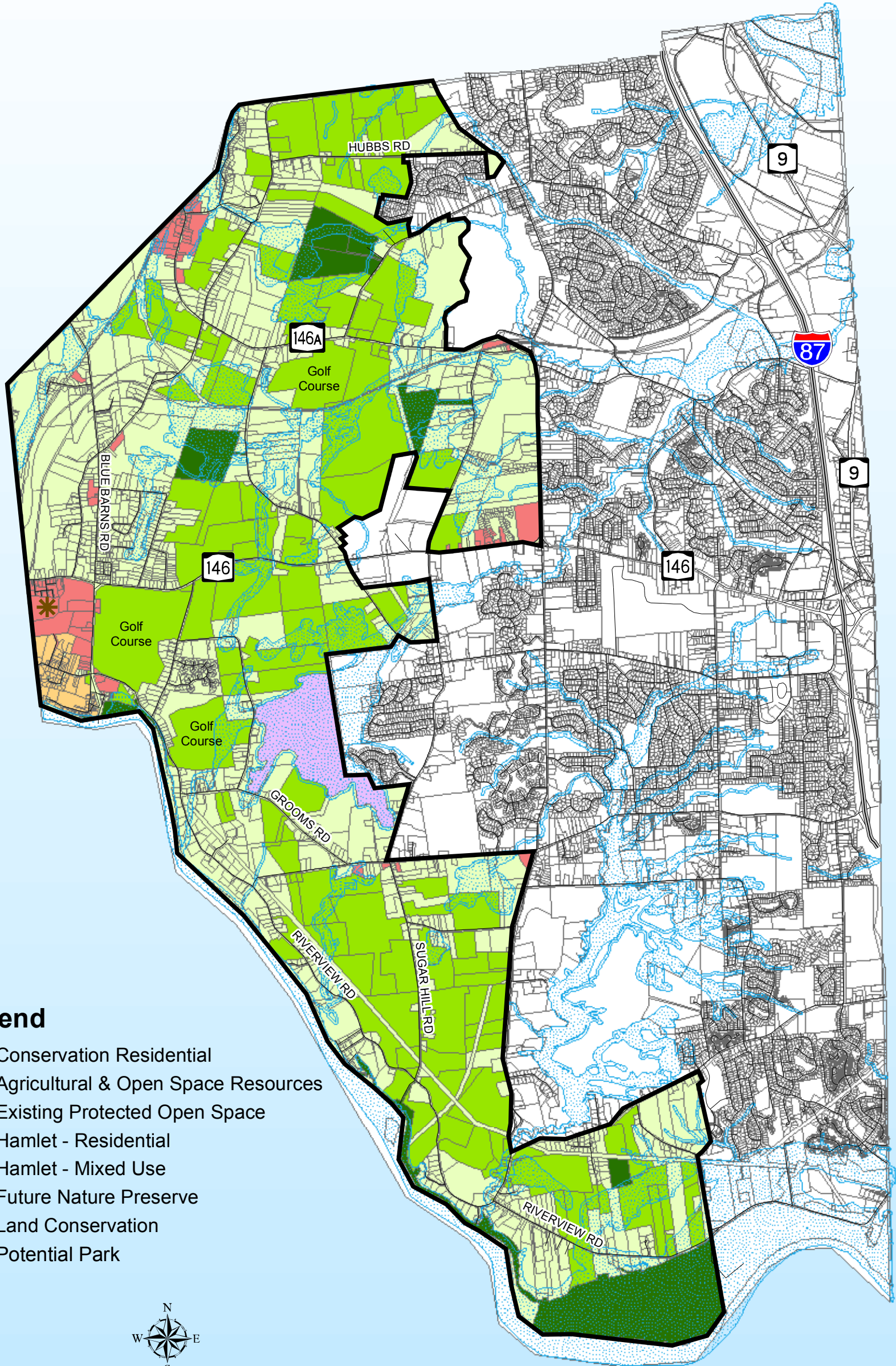


Western Clifton Park

Generic Environmental Impact Statement



Behan Planning Associates, LLC
Planning Community Futures



Legend

- Conservation Residential
- Agricultural & Open Space Resources
- Existing Protected Open Space
- Hamlet - Residential
- Hamlet - Mixed Use
- Future Nature Preserve
- Land Conservation
- ✱ Potential Park

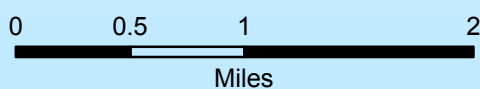


Figure II-5: Land Conservation Plan