



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

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March 9, 2020

Re: Proposed 6-month Subdivision Moratorium in the Western GEIS area

To: Clifton Park Town Board Members

Friends of Clifton Park Open Space (FRIENDS) supports the imposition of a six month subdivision moratorium in the western GEIS area of Clifton Park. As was noted in the public announcement, the moratorium will evaluate development impacts in the area that have occurred since the adoption of the CR Zone governing the area in 2005. FRIENDS believes that such a moratorium should be enacted to determine if open space preservation and agriculture protection have proceeded as intended. In other words, can we still expect the maximum number of residences in western Clifton Park, as envisioned by the Western GEIS, to be 1/3 of the pre-Open Space Plan estimate, and have we been successful in our efforts to sustain the farms extant in the study area?

Should the moratorium be adopted, we would like to see the scope of work include the following specific issues/items:

▪ **PDDs:**

When the Open Space Plan was adopted in 2003, a sizable portion of open space in the area was contained in four golf courses: Edison, Mohawk River, Eagle Crest and Van Patton. The committee chose to include them as de-facto open space in the belief that the industry was stable and those spaces would remain open. Subsequently, we have learned that a great many golf courses have and are failing around the nation, including one or more in Clifton Park. Given this circumstance and requests for PDD modifications to allow for different levels of residential development, FRIENDS believes that these PDD islands in the CR Zone should revert to CR zoning codes should a PDD change its intended use/purpose. If the primary driver of this moratorium is concern about overdevelopment, disregarding these islands of open space, which have recently considered residential development projects, would be a serious oversight.

▪ **Renewable Energy Production:**

During 2019 we witnessed four approvals of Special Use Permits to install solar photovoltaic power generation plants. FRIENDS supports the provision of energy from renewable sources, and we applaud the town's initiative to enter into PILOT agreements with the solar power companies for each site. As an aside, we think the school district would have been wise to participate in those tax payer support agreements. However, we are concerned that the companies have not had to abide by many of the CR Zone's requirements.

- ✓ In two of the four cases all buildable land was cleared of trees to complete the projects. For any other form of development, the CR Zone would have required preservation of portions of buildable land as well as a 50% set-aside of the total parcel as dedicated open space. We are not sure why, but the solar power plant developers and property owners were not required to adhere to this rule.
- ✓ Normally, to maximize the use of a parcel of land in the CR Zone, beyond its density threshold, developers purchase increased density via the incentive zoning option. We would like to see these industrial uses also adhere to the incentive program and be subject to the same open space requirements as residential projects.
- ✓ It is noteworthy that other communities in the capital region are dealing with this issue by declaring moratoriums and enacting local laws to better control them (Nassau, Berne and Duanesburg).
- ✓ Three of the four approved power projects are located on existing or former farmland. In one case the farmer had to return agriculture incentive funds to the state because of the project. This raises the question about the preservation of precious agriculture in town when the farmer is now engaged in an industrial enterprise and not farming.
- ✓ We understand that a fifth solar power plant project was presented to the Planning Board at its February 25th meeting.

▪ **Who Controls Preserved Open Space:**

FRIENDS would seek to insure that all portions of developed lands in the CR Zone identified as open space have permanently preserved status. We have seen some projects identify open space parcels in their site plans as a few large landowner lots with deed restrictions, which are generally ineffective. We believe that these lands should be turned over to the town or placed in a conservation easement with a recognized, third party land preservation organization. As we and this Town Board have noted many times, we support the creation of a green belt, or Green "C" as an overarching concept, to link contiguous green spaces across various development projects as much as possible. Who controls the open space parcels is critical to this concept.

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▪ **Zoning Variances in the CR Zone:**

The CR Zone law should be reinforced to deter the granting of zoning variances except for small lot-line or setback adjustments needed by existing property owners. We have witnessed, at least, two cases involving residential developers claiming grievances for land they did not own at the time. Each of these cases needed substantial variances from the Zoning Board of Appeals (ZBA) to complete their projects, and one of the two cases provided no open space preservation considerations. While admittedly small developments, the practice can have a significant cumulative impact on the CR Zone, if left unchecked.

▪ **Corporate Commerce Zone:**

Regarding the exploration topic of land mapping, FRIENDS would like consideration given for the inclusion of unused parcels in the Corporate Commerce zone into the CR Zone, which intrudes into the GEIS area from Tanner Road.

The list of **Topics of Exploration** and **Proposed Actions** is quite comprehensive and, given its large scope, we encourage the town to engage a professional consultant as it did for the development of the Open Space Plan and subsequent GEIS. The town has an extremely competent Planning Department staff, but their on-going responsibilities may not allow them to dedicate the time and effort needed for such a study. We also ask that the town utilize the public input process utilized for both, the original Open Space Plan and the recently completed Town Center Park planning project. A broad stakeholders group can help channel diverse voices into a common conversation.

We are mindful that some development interests may consider the CR Zone regulations to be too onerous, but the public and this town administration wanted development in the western part of Clifton Park to be substantially different from the eastern portion in order to preserve its' rural character. We encourage you to keep the basic framework and purpose of the CR Zone intact and improve its capacity to protect our open spaces.

We thank you for this opportunity to address this important issue,
Friends of Clifton Park Open Space

CC: Rocky Ferraro, Chairman, Clifton Park Planning Board
David Miller, Chairman, Clifton Park Open Space, Trails and Riverfront Committee
John Scavo, Director, Clifton Park Planning Department