



Town of Halfmoon  
Saratoga County

**Natural Resource &  
Open Space  
Conservation Plan**

Prepared For:  
Town of Halfmoon  
2 Halfmoon Town Plaza  
Halfmoon, New York 12065

Prepared By:  
Halfmoon Open Space Committee

Consultant:  
Clough Harbour & Associates LLP

January 2010

# TABLE OF CONTENTS

	<u>Page</u>
Table of Contents.....	i
List of Figures.....	ii
<b>I. Introduction</b>	
A. Project Background and Context .....	I-1
B. Study Purpose and Goals.....	I-1
C. Open Space Definition and Benefits .....	I-2
D. Public Input.....	I-3
E. Planning Process.....	I-4
<b>II. Natural Resources and Open Space</b>	
A. Resources .....	II-1
B. Existing Open Space .....	II-6
<b>III. Criteria for Selecting Lands as Open Space</b>	
A. Criteria for Selection .....	III-1
<b>IV. Identification of Open Space Areas</b>	
A. Summary of Analysis and Open Space Identification .....	IV-1
B. Northwest Quadrant .....	IV-2
C. Southwest Quadrant .....	IV-5
D. Northeast Quadrant .....	IV-8
E. Southeast Quadrant.....	IV-10
F. Open Space Plan .....	IV-13
G. Pedestrian/Wildlife Greenways.....	IV-14
<b>V. Strategies for Natural Resources &amp; Open Space Conservation</b>	
A. Existing Tools .....	V-1
B. New Tools .....	V-7
C. Incentives .....	V-10
D. Funding Sources.....	V-11
E. Next Steps .....	V-12

**LIST of FIGURES**

	<b><u>Following</u></b>
Figure II-1 Hydrologic Resources Map .....	Page II-2
Figure II-2 Slopes Map .....	Page II-4
Figure II-3 Existing Open Space & Agriculture Lands Map.....	Page II-6
Figure IV-1 Analysis Map .....	Page IV-1
Figure IV-2 Analysis Map, Northwest Quadrant.....	Page IV-2
Figure IV-3 Analysis Map, Southwest Quadrant.....	Page IV-5
Figure IV-4 Analysis Map, Northeast Quadrant.....	Page IV-8
Figure IV-5 Analysis Map, Southeast Quadrant.....	Page IV-10
Figure IV-6 Open Space Opportunities Map .....	Page IV-13

# Chapter I: Introduction

## A. Project Background and Context

This report has been prepared as a direct result of the Town of Halfmoon Comprehensive Plan and Generic Environmental Impact Statement (GEIS) adopted October 7, 2003. The Action Plan outlined in Chapter 5 of the Comprehensive Plan identified the preparation of an Open Space Conservation Plan as an immediate action in the Implementation Priority Table. The importance of such a document is highlighted by the considerable growth that the many areas of the Town have been and will continue to experience. The pace of development will have an impact on the Town's natural resources, community character and infrastructure.

## B. Study Purpose and Goals

The purpose of the Natural Resource & Open Space Conservation Plan is to identify appropriate strategies that will conserve unique natural areas and culturally important open space within the Town that could be lost to future development pressures. Goals for the Plan have been formulated with the Halfmoon community's natural assets and future course of development in mind. The analytical process follows a groundwork that has been designed to achieve community goals. The Plan also identifies the principles and techniques that will be utilized to conserve these resources.

Goals of the Town of Halfmoon Natural Resource & Open Space Conservation Plan include the following:

- Conserve existing agricultural operations.
- Conserve and enhance the ecological health of the community.
- Conserve important views and viewsheds.
- Provide public outdoor recreational spaces for active and passive uses.
- Identify opportunities to link trails and complete trail systems, and to enhance trails through the permanent protection of open space.
- Conserve the rural/agricultural heritage of the Town.
- Encourage a more traditional pattern of rural hamlet development and preserve the character of the Town's existing hamlets, such as Church Hill Road.

An analytical focus of this work has been to identify appropriate open space parcels in the Town, in order to develop a sound conservation plan

for these resources. Important open spaces generally include farmlands and natural features such as wetlands, endangered species habitats, streams, steep slopes, etc. that should be protected because of their ecological value, as well as their valuable contributions to community's character. This Plan sets forth strategies for the Town of Halfmoon, which foster and guide the preservation of natural resources and unique open spaces located throughout the Town.

### **C. Open Space Definition and Benefits**

For the purposes of this Plan, the definition of open space offered by the 2009 Final New York State Open Space Conservation Plan, prepared by the New York State Department of Environmental Conservation (NYSDEC) & Office of Parks, Recreation and Historic Preservation in partnership with the New York State Department of State (DOS) and Department of Agriculture and Markets has been included below.

“Open space may be defined as an area of land or water that either remains in its natural state or is used for agriculture, free from intensive development for residential, commercial, industrial or institutional use. Open space can be publicly or privately owned. It includes agricultural and forest land, undeveloped coastal and estuarine lands, undeveloped scenic lands, public parks and preserves. It also includes water bodies such as lakes and bays. The definition of open space depends on the context...A small park or a narrow corridor for walking or bicycling is open space, though it may be surrounded by developed areas. Cultural and historic resources are part of the heritage of New York State and are often protected along with open space.”

As identified in the definition above, open space is characterized by its surroundings. Within this context the Town of Halfmoon Open Space Committee determined that open space generally contains one or more of the following elements:

- Rural landscape
- Agricultural areas
- Ecological and environmentally sensitive areas
- Shorelines
- Recreation areas
- Trails
- Important views/viewsheds

An Open Space Conservation Plan identifies the open spaces that should be conserved for the future. As development in any community

intensifies, people tend to migrate towards the rural fringe. Resulting land use patterns usually lack high-quality open space areas, and important natural resources may be compromised. An open space plan can identify areas that should be protected and ensure that open space is considered as growth proceeds. The benefits of such are far reaching. The protection of open space shields sensitive resources such as wetlands and stream corridors, threatened and endangered species, forested areas, views, and historic landscapes, while directing development to more appropriate areas of a municipality.

The availability of open space also facilitates recreational opportunities, both passive and active. Location, size and physical features determine the types of recreational opportunities appropriate to a particular parcel. Parks of all types and sizes from ball fields to picnic areas add to the quality of life of an area.

Waterfront access will also be improved through the implementation of an Open Space Plan. In Halfmoon, this includes its extensive waterfront areas along the Hudson and Mohawk Rivers and their corresponding canal way corridors. Community connectivity through trails and other linkages between neighborhoods, recreational facilities, and other areas of the Town is also an important component of the overall recreational opportunity an Open Space Plan can bring to an area.

Finally, open space adds to the overall quality of life of an area. Although difficult to quantify in terms of dollars, it is part of what makes a community attractive to both residents and visitors. The value of open space may sometimes be overlooked until its existence is threatened by development. This Open Space Plan seeks to prevent community losses by presenting a realistic approach to saving Halfmoon's natural resources and most important open spaces.

## **D. Public Input**

Based on recommendations in the Comprehensive Plan, the Town appointed an Open Space Committee in the Spring of 2005. The committee held a series of regular meetings open to the public. These meetings were advertised in local newspapers and announced at Town Board and Planning Board gatherings. The committee established open space conservation goals by first listing the types of natural and open resources that are most important and may be considered for protection. Based on existing resource mapping and their knowledge of the Town, the committee specifically identified the locations of important resources in the Town.

To further assist in pinpointing these areas, a bus trip was arranged in the fall of 2005. Participants included the committee, several Town officials, the Town's consultant and additional residents. The committee created a draft base map and an inventory list of open space resources that could potentially be protected.

On February 15, 2007 the committee met to review its progress to date and to determine a course of action to complete the Open Space Plan. The committee recognized that input from the community at large was a necessary component of the Open Space Plan process. Subsequently, two public workshops were held to gather contributions from Town residents. The public workshops were held March 15 and April 26, 2007 at the Town's Senior Center.

During these meetings a brief presentation was given to identify the purpose of the meeting and the document being prepared. The public was provided with a working definition of open space that incorporates the need for, and benefits of, preserving open space resources. Additionally, a summary of available techniques to conserve open space was presented.

The presentation was followed by a break out session in which attendees viewed maps of the Town and identified resources that, in their view, should be considered for some level of protection. The Town was divided into quadrants, and descriptive resource and parcel mapping was prepared for each area. Participants were divided into small groups and armed with pen, paper and markers to identify significant open space areas shown on the Town wide maps. Members of the Open Space committee and other Town officials were available to facilitate discussion and answer questions throughout the process. Upon the conclusion of the break out session, each group reported its findings to the entire audience.

This information was used in the preparation of the draft Natural Resource & Open Space Conservation Plan.

## **E. Planning Process**

The following steps were taken by the Town and its consultants to identify critical natural resources and prime open space that should be considered for protection/conservation, and to establish the protection/conservation strategies necessary to achieve the goals of this Open Space Plan. Information gathered during these steps was presented to the Open Space Committee and to the public during the workshops described above.

## **1. Identify Natural Resources**

The preliminary phases of this process included completion of an existing natural resources inventory. The inventory was accomplished with the use of existing documents such as the Town of Halfmoon Comprehensive Plan (2003) and existing Geographic Information System (GIS) data provided by the Town of Halfmoon, as well as various other state and national agencies.

Several natural resource maps provide a visual depiction of the approximate location and scale of these resources. These maps play a critical role in the planning process. Providing this information strengthens the justification for designating certain areas as open space and creating regulations for others.

The natural resources considered important to the Town include surface water, aquifers, floodplains, steep slopes, wetlands, hydric soils, and forested areas. These resources are illustrated graphically in this report. Other resources that are not graphically represented, but are discussed below, include prime and state important agricultural soils and threatened and endangered species habitat.

## **2. Inventory Existing Open Spaces within the Town**

Identification of existing open space involved an inventory of existing undeveloped or mostly-undeveloped land and a desktop (map review) evaluation of the natural resources that may exist within those properties. Locating these properties will benefit the process of identifying potential open space.

Open space that has been inventoried for this process includes properties that are publicly and privately owned. Privately owned open space properties evaluated include agriculturally used, agriculturally exempt lands, abandoned agriculture, vacant farmland, residential vacant land, rural vacant land. Publicly owned open space property consists of any publicly held undeveloped lands and includes schools, cemeteries, public golf courses, and other New York State and Town owned conservation land and parks.

An inventory of agricultural land identified in this Plan as being active or exempt, was provided by the town assessor. Other public lands and identified open space parcels were inventoried using the comprehensive plan as well as 2009 New York State Office of Real Property Service land

use data. Table 1 below identifies the following land uses in 2003 and 2009.

TABLE 1  
Land Use Comparisons

Land Use	2003*	2009**
Agriculture	5947 acres	3982 acres
Vacant	5838 acres	3576
Recreation/entertainment***	333 acres	253 acres

\* Town of Halfmoon Comprehensive Plan and GEIS, 2003

\*\*2009 Tax Data

\*\*\*Based on NYS property class codes, this code includes recreation businesses (indoor or outdoor sports facilities). This does not represent Town owned properties.

Since 2003, over 4000 acres of potential open space is no longer available for protection as they have been developed. These acreages identify open land, not protected land. The results of a more thorough review of available open space lands are delineated in Figure II-3. Lands that are under development pressure or are currently under construction or under review by the Town have been removed as potential open space.

### **3. Determine Existing Land Use Patterns & Development Pressures**

Following the review and inventory of all natural resources and open space within the Town, areas experiencing development pressure were analyzed. This process included mapping known areas that currently have development interest or are under review, development that has been approved or is already under construction, and areas that have already been developed. The properties that are not highlighted in one of these categories are considered undeveloped land.

This map allows us to visually depict areas under development pressure by locating undeveloped land that is being encroached or surrounded by previous, new, or potential development. The map also highlights currently threatened lands that are in the early stages of development.

### **4. Identify Land Areas to be Considered for Conservation**

Using the mapping exercise above, natural resource mapping was overlaid on the parcel mapping to identify those features, such as wetlands, that would constitute development constraints and potential open space opportunity.

Once all of the mapping has been overlaid, there is an opportunity to identify open spaces under development pressure or resources that would be significantly impacted if development occurred on or in close proximity to them. Natural resources in developing areas that are being pressured by adjacent development, or are currently being considered for development are generally at the highest risk. All undeveloped properties containing sensitive natural resources that have not been impacted but can be considered for conservation either through regulatory or non-regulatory (incentive-based) means have been identified through the use of the GIS mapping. These include forested areas, stream corridors, steep slopes, wetlands, and floodplains.

#### **5. Review Existing Natural Resource and Open Space Conservation Tools**

In order to recommend strategies to conserve open space, there must be a clear picture of existing tools currently in place. This process includes a complete review of existing zoning, subdivision and site plan regulations. The Halfmoon Town Code includes a number of zoning regulations intended to help preserve natural assets, which are detailed in Section V.

Documents addressing issues related to open space have been generated for the Town of Halfmoon in the past, including the Northern Halfmoon GEIS, Trails Master Plan, and Waterfront Vision Plan. These documents have been reviewed, and applicable content applied to the Natural Resource and Open Space Conservation Plan.

#### **6. Prepare Recommendations to Create Additional Open Space Protection Techniques**

A set of regulatory guidelines exists at the local and state levels, which serve to conserve natural resources. Following the analytical process and a review of the regulations currently in place, additional non-regulatory guidelines are offered to further protect important natural assets in the Town of Halfmoon. This Natural Resource and Open Space Conservation Plan has identified locations meeting the criteria for possible preservation. The recommendations provide direction by which the Town may communicate and work cooperatively with residents to conserve these valuable areas, and propose funding avenues to support preservation efforts.

## Chapter II: Natural Resources & Open Space

### A. Resources

The Town of Halfmoon enjoys a wealth of natural resource amenities, and as the Town experiences growth into the future, it is important to identify and conserve these natural assets. Natural resources are often associated with open space, so the Halfmoon Natural Resource and Open Space Conservation Plan provides a prime opportunity to protect natural areas for both ecological and human benefit.

#### 1. Water Resources

##### *Streams & Rivers:*

The most notable surface water features include the Hudson River, which borders the Town of Halfmoon to the east, and the Mohawk River, which marks a southern boundary in the western portion of the Town. A number of stream systems flow through the Town and empty into the Hudson River. These include the Dwaas Kill, McDonald Creek and Anthony Kill, as well as several smaller streams. Both the Old Champlain and Erie Canals are historic water features in the Town. The Old Champlain Canal is adjacent to the Hudson River while the Erie Canal is adjacent to the Mohawk River.

Surface water features in New York State are designated with a water quality classification for the purposes of regulating discharges into these water bodies in accordance with the State Pollutant Discharge Elimination System (SPDES). These classifications refer to the suitability of a given water feature (lake, pond, river, stream) for human use. The higher the classification, the better the water quality and the more suitable the water feature is for human use.

Normal designations range from A (suitable for most uses) to D (unsuitable for primary contact); each water quality classification carries with it a set of discharge limitations designed to protect or improve water quality. A “T” modifier is used for those streams that support a breeding trout population. A “Ts” modifier identifies streams with a potential for trout spawning. The ecology and geomorphology of streams with a classification of C(T) or higher are protected/regulated pursuant to Article 15 of the NYS Environmental Conservation Law and its implementing regulations (6 NYCRR 608).

Within the Town of Halfmoon the Anthony Kill, McDonald Creek, Dwaas Kill, Hudson River, and various tributaries to these streams are designated Class C(T) or higher and as such are regulated by the State. The Mohawk River is designated as Class A, making it suitable for swimming and other contact recreation as well as drinking water.

***Wetlands:***

Figure II-1 illustrates the State and Federally Regulated wetlands located within the Town of Halfmoon.

Federal wetlands include those adjacent to historically or truly navigable waterways. In the Town of Halfmoon, the old Erie Canal and Champlain Canal are considered historically navigable; the Hudson and Mohawk Rivers are considered truly navigable. The U.S. Corps of Engineers (COE) defines federally regulated wetlands as:

*Those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas (33 CFR 328.3).*

The National Wetlands Inventory (NWI) Maps identify potential Federal wetland areas, and Figure II-1 shows some wetland areas lining the major rivers in the southwestern and eastern portions of the Town. A total of approximately 1,900 acres of NWI wetlands are located in the Town of Halfmoon. NWI wetlands cover portions of the land area surrounding the Champlain Canal. A large NWI wetland area covers much of the extreme northwestern portion of the Town. This wetland area is south of Round Lake. Other Federal wetlands cover low-lying portions of the Town, some of which represent stream headwaters.

New York State regulates all wetlands with an area of 12.4 acres (5 hectares) or more, pursuant to the Freshwater Wetlands Act (Article 24 of the Environmental Conservation Law (ECL) of 1975). State classifications are based on variations in cover type, ecological associations, special features (critical or fragile resources), hydrological and pollution control features, and distribution and location that affect wetland benefits (6 NYCRR 664.5). The highest classification is I and is afforded the greatest amount of protection; the lowest is IV. A 100-foot buffer zone is extended from the wetland boundary to protect the wetland

**Legend**

- Wellhead Protection Areas
- FEMA Flood Zone
- Wetlands
- Hydic Soils
- Unconfined Aquifer

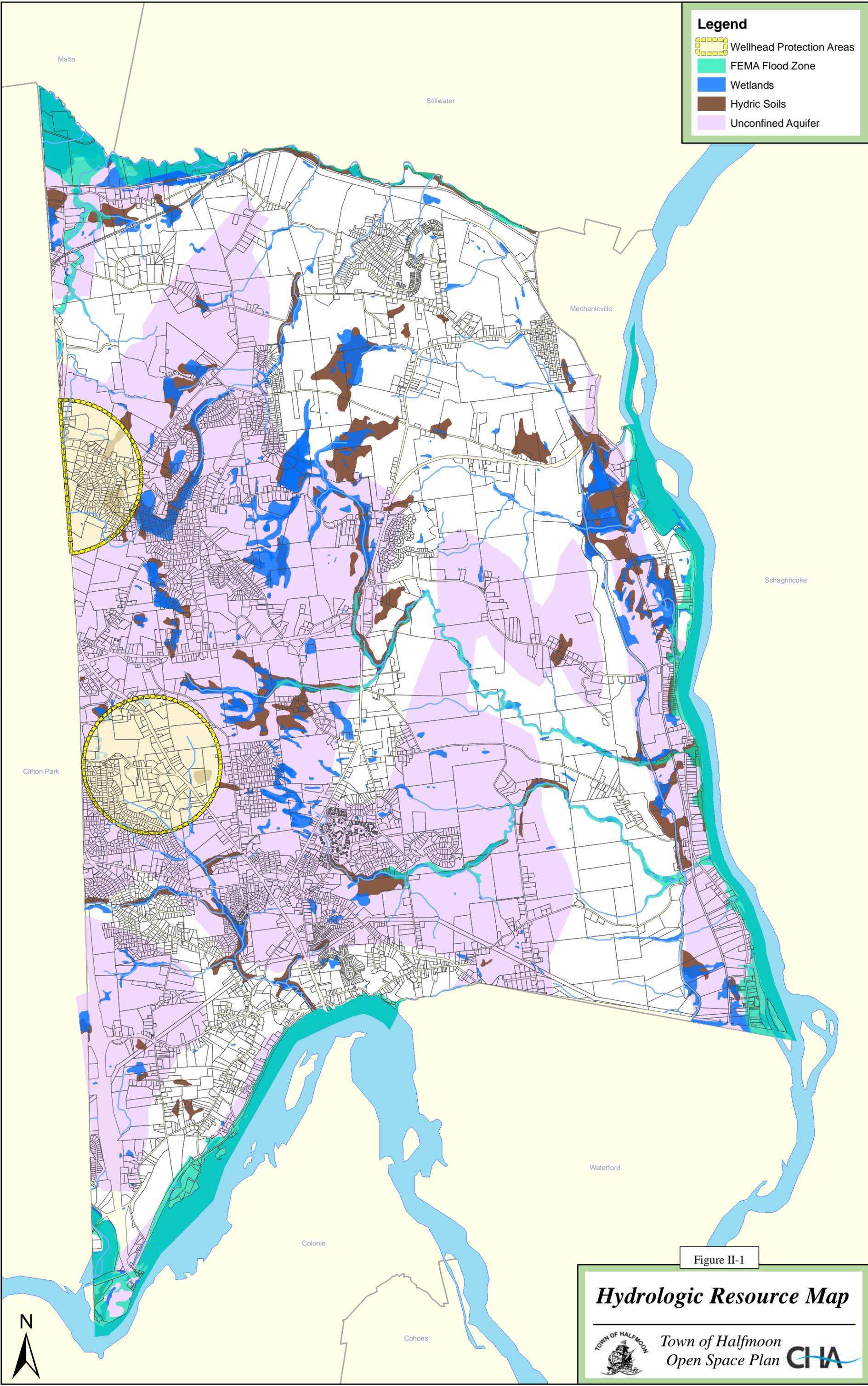


Figure II-1

**Hydrologic Resource Map**



Town of Halfmoon  
Open Space Plan



T:\Projects\External\_Projects\16640\GIS\Maps\Hydrologic Natural Resource Map.mxd (Map Date 09/2/2009)

from encroaching development and other impacts. Any work to occur within the buffer zone would require a permit from NYSDEC.

Figure II-1 identifies the mapped State wetlands within the Town. A total of approximately 556 acres of State wetlands are located in the Town of Halfmoon. The most expansive State wetlands are located in northwestern Halfmoon and in the central portion of the Town, between Vosburgh and Werner Roads. Other State wetlands include areas near the McDonald Creek headwaters and some low-lying central and eastern parts of the Town.

The highest quality State wetlands (Class I) are located in the northwest portion of the Town, northwest of Ushers Road. Class II wetlands are generally located in the central and western portion of the Town. The lowest quality wetlands (Class III & IV) are found in the vicinity of Vosburgh Road in the central region of Halfmoon. All wetlands have multiple functions and benefits including storm and flood water retention, improving water quality, wildlife habitat, and recreational opportunities.

Hydric soils are also depicted on Figure II-1. These poorly drained soils are generally located in and around wetland areas. In most cases, the extent of these soils further defines the extents of wetland areas. Hydric soils are unstable for development because of their natural retention of water.

***Flood Zones:***

The flooding potential in Halfmoon is limited, mainly due to the rapid rise in topographic elevation from the major water bodies (Hudson & Mohawk Rivers, Anthony Kill, Dwaas Kill). Areas with serious flooding potential are generally located within the flat floodplains adjacent to water bodies.

The Federal Emergency Management Agency (FEMA) maps 100-year floodplains for communities, which are illustrated in Figure II-1. The 100-year floodplain is defined as an area of land that can be expected to have a 1% chance of flooding each year. The 100-year floodplain may also contain areas subject to more frequent flooding. It should also be noted that there are many small streams within the Town that are not mapped as floodplain, yet portions of these streams can flood frequently, especially during the spring. .

Within the Town of Halfmoon, approximately 166 acres of land lining the Hudson River, and approximately 171 acres lining the Mohawk River, are identified as FEMA flood zones. Other flood zones within Town boundaries cover a total area of 477 acres. This area includes locations

south of Round Lake and some of the land along Dwaas Kill. Areas lining McDonald Creek and others are also FEMA flood zones.

## **2. Aquifers & Wellhead Protection Areas**

Approximately 58% of the Town of Halfmoon land area is underlain by unconfined aquifers. An unconfined aquifer is one that is open to receive water from the surface, and whose water table surface is free to fluctuate up and down, depending on the recharge/discharge rate. There are no overlying "confining beds" of low permeability to physically isolate the groundwater system.

Areas near the Hudson River and along Route 9 are located in unconfined aquifers that may produce more than 100 gallons per minute. Soils in these areas generally consist of sand and gravel deposits. Unconfined aquifers that can produce 10 to 100 gallons per minute are located in large areas of the central portion of Town. These aquifers also generally consist of sand and gravel.

Two Wellhead Protection Areas are located in the western portion of Halfmoon along the highly productive Clifton Park-Halfmoon aquifer, as shown in Figure II-1. The Hoffman Well Field is located in northwestern Halfmoon along the Town's western border, and the Twin Lakes Well Field is located further to the south. Although, neither of these well fields are currently active it is critical to continue to protect this resource. Land uses that could potentially impact water quality are restricted within the wellhead protection area. Existing and future land uses in the Town that overlie aquifers outside of these designated protection areas have the potential for contaminating the Town's water supply and future well areas and the water supply of individual wells.

## **3. Steep Slopes**

Most topographic features in the Town of Halfmoon are the products of a major glacial event occurring between 70,000 to 16,000 years ago. Subsequent to these events, surface drainage has cut steep slopes and ravines into parts of the physical landscape. Figure II-2 displays the Town's topographic characteristics in percent slope. The orange and bright red colors highlight Halfmoon's steepest sloped areas while the darkest green color represents flat areas.

Generally speaking, the steepest pitches (15% slope and greater) are found around the area's streams. Areas of steep slope are ecologically sensitive and relatively unstable for development. A ridge roughly transects the Town in a north/south direction, just west of the Champlain Canal.

**Legend**

**Percent Slope**

- 0 - 5%
- 5 - 10%
- 10 - 15%
- 15 - 20%
- 20% +

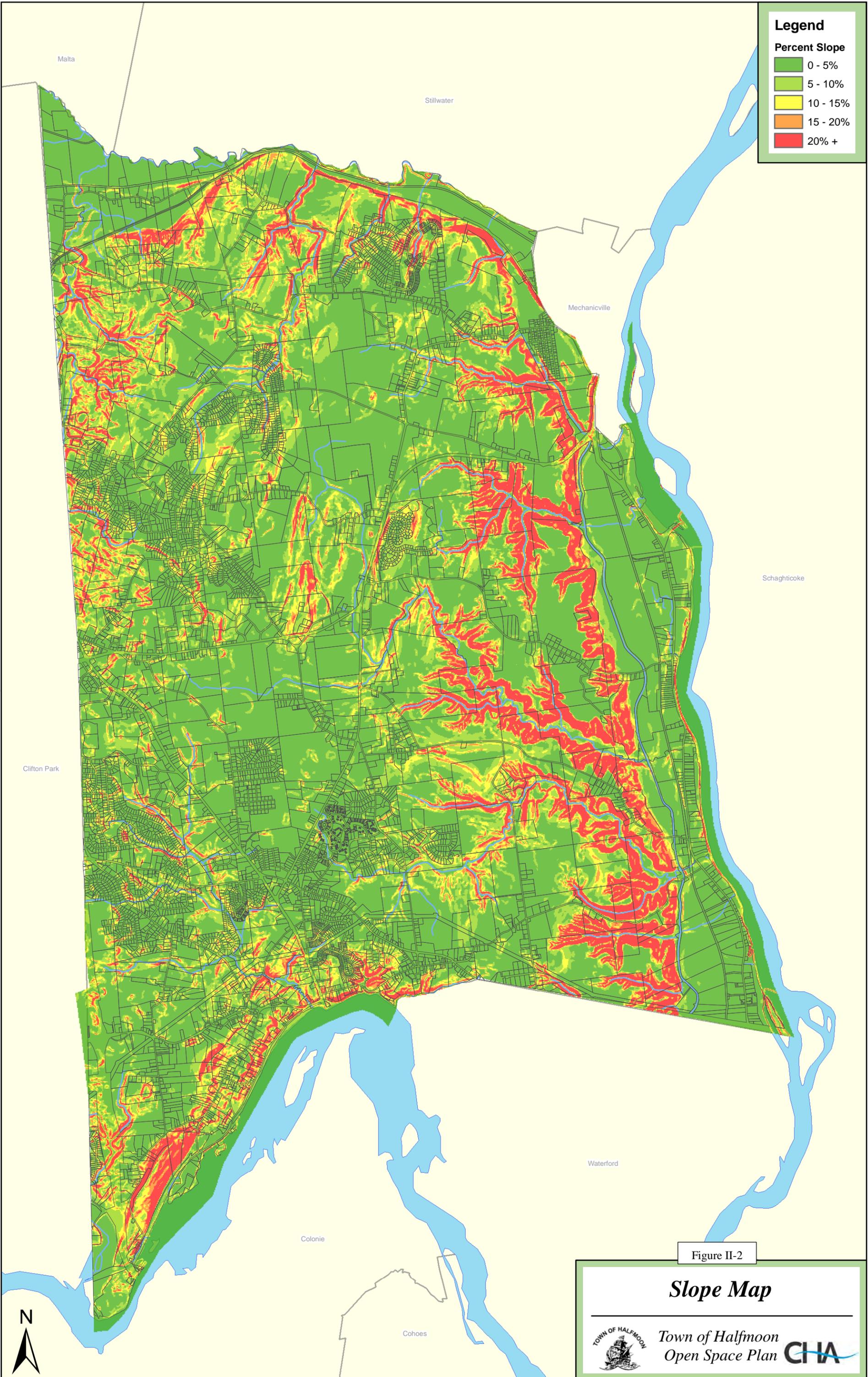


Figure II-2

**Slope Map**



Town of Halfmoon  
Open Space Plan



Another steeply sloped ridge is located in the Town's southeastern corner, bordering the Mohawk River to the north. Some other areas adjacent to the Mohawk River, Anthony Kill, McDonald Creek, and other small tributaries are steeply sloped ravines. Steep slopes are noticeably absent along the banks of the Hudson River. A series of steeply sloped hills exists in the northwestern Town area. Remaining areas in the Town of Halfmoon consist of rolling to flat topography.

#### **4. Prime Farmlands and Statewide Important Soils**

State-defined Farmlands of Statewide Importance and Prime Farmland Soils cover much of the Halfmoon land area. There is no apparent pattern that is readily defined. Soils in the low-lying areas surrounding streams and rivers are generally not identified as high-quality agricultural land.

#### **5. Forested Lands**

There are a number of forested areas within the Town. One large area is the stretch of forested land lines the Town's northern border, starting in the wetland areas south of Round Lake and extending eastward to the Town's northeast corner just short of reaching the Hudson River.

Stream corridors tend to remain forested; several of these forested waterways originate in centrally located Town areas and extend eastward. The majority of these large forested tracts end at or near the Champlain Canal's western shore. Forested stream banks provide preferred conditions and habitat for terrestrial and aquatic wildlife. Stream bank vegetation is especially important for regulating temperatures in trout production waters. Forested stream banks also provide natural filtering of run-off limiting the migration of sediment into streams.

A forested area covers much of the space between Routes 9 and 236 in Central Halfmoon. Additionally, much of the Town's southwestern region, inland from the Mohawk River, is forested.

#### **6. Endangered Species**

The NYSDEC Natural Heritage Program was contacted in 2003 during the development of the Town of Halfmoon Comprehensive Plan. This communication revealed "no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity" of the Town. However, previous contact with this agency in conjunction with preparation of the North Halfmoon GEIS revealed two State-listed endangered species, one State-listed threatened species, and two rare but

unprotected species. The endangered species include the Karner blue butterfly (*Lycaeides Melissa samuelis*) and swamp smartweed (*Polygonum setaceum var interjectum*), a vascular plant.

The Karner blue butterfly is both a federally and State-listed endangered species. This species feeds on only the wild or blue lupine plant, and caterpillars need these plants to survive. The general locations of Karner blue butterfly habitat are found in the far northern portions of the Town.

The two species of plants identified in the NYSDEC correspondence have not been reported within the Town. The hoary puccoon (*Lithospermum canescens*) is a rare plant last seen in the Jonesville area. The State-listed endangered swamp smartweed has been identified on the shore of Round Lake. Due to the proximity of its known occurrence to Town boundaries, it is possible this species could occur in wetland portions of the Town's northwestern corner.

## B. Existing Open Spaces

Open spaces often hold valuable natural resources. The Town of Halfmoon recognizes this linkage, and has made an effort to develop public parks and trail systems to help enhance the community's natural quality. Other types of open space likewise provide valuable community services. As part of the planning process, an inventory was conducted in order to identify the community's existing open spaces. Figure II-3 illustrates the locations of these open space resources and Table 2 provides an estimate of existing open spaces within the Town by acreage.

TABLE 2  
Existing Open Space

Land Use	Acreage
Town Owned Land	408.30
County Owned Open Space	15.27
State Owned Open Space	246.37
Public golf Courses	193.6
Cemeteries	56.41
Public Schools	110.60
Agricultural Exemption	1107.65
Agricultural Use	592.82
<b>TOTAL</b>	<b>2731.02</b>

**Legend**

- Town Owned Lands
- County Owned Open Space
- State Owned Open Space
- Public Golf Courses
- Cemetery
- Public Schools
- Agricultural Exemption
- Agricultural Use

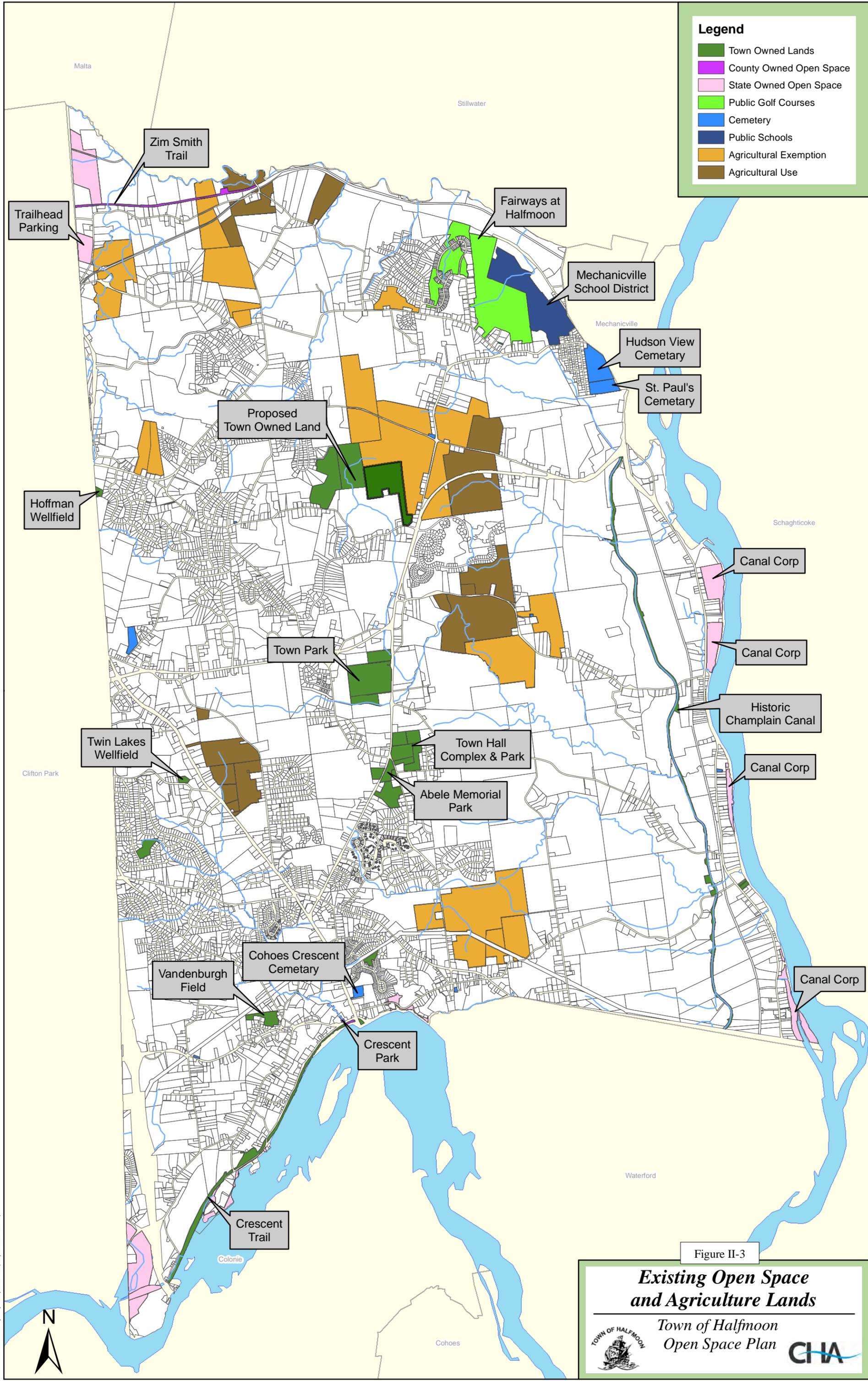


Figure II-3

**Existing Open Space and Agriculture Lands**

Town of Halfmoon  
Open Space Plan



K:\16440\Data\GIS\Maps\Open Space.mxd (Map Date 01/2010)

## **1. Parks**

The Town owns lands that contribute to available open space that are both developed and undeveloped. The following Town Parklands contribute to open spaces within Halfmoon:

The Town's premier park is the Halfmoon Town Family Park, located near the Town's geographic center on NYS Route 236. Amenities at the Town Family Park include: picnicking areas, playgrounds, baseball fields, walking/biking trails, a recreation pavilion, an amphitheater and several acres of open space appropriate for various activities ranging from Frisbee to cross-country skiing.

The Town Hall Complex includes baseball and soccer fields and a 5,000 sq. ft. recreation pavilion. Abele Memorial Park located adjacent to the Town Hall complex, features a gazebo and landscaped areas suitable for both passive and active recreation. Together with two additional adjacent parcels also owned by the Town, there is approximately 24 acres of open space at this location.

There are approximately 55 acres of open space associated with the Vosburg Road PDD. This Town owned land is not currently proposed for a specific public recreational use but may be part of a future trail system.

Crescent Park is a waterfront park on the Mohawk River, just west of US Highway 9, Crescent Bridge. Crescent Park includes trailhead parking for the Crescent Trail, which extends 1.75 miles to the west along the northern shore of the Mohawk River. Crescent Park extends to the east under the Crescent Bridge, where newly constructed fishing access is available for physically challenged persons.

The Town has received \$242,500 to develop approximately 3 acres on the Hudson River into a waterfront park. Amenities planned for this park include: river access and docking for car-top boats (i.e. canoes, kayaks); picnic area with pavilion, restrooms and open space appropriate for activities such as volley ball, bocce or similar activities not requiring large amounts of space. The Waterfront Park is scheduled to open in 2010.

## **2. Golf Courses**

The Fairways of Halfmoon is a golf club located in the northeastern portion of the Town. Based on the most recent tax data, the golf course property is approximately 194 acres. The course is open to the public, but use of the grounds is limited to golf and compatible activities.

### **3. Cemeteries**

There are a number of cemeteries in the Town of Halfmoon. While these are not considered Open Space in the traditional sense, they do represent undeveloped lands that could be considered “free from intensive development”. Several of the larger cemeteries are shown on Figure II-3.

### **4. Schools**

All the facilities of the Mechanicville City School District (MCSD) are located within the Town of Halfmoon. The MCSD campus is located in the northeast corner of the Town (Figure II-3) and includes the high school, middle school and elementary school buildings. The District Offices, bus garage and bus parking facilities are also located on the campus. These facilities together with the District’s athletic fields cover a 110-acre area and include a conservation easement for wetlands. A little league field north of the School District accounts for 2.4 additional acres of public open space.

### **5. Farmlands**

The central region of the Town has been identified as a “Core Farm Area” in the Green Infrastructure Plan for Saratoga County (November 2006). The Plan identifies these areas as large areas of farmland with high-quality soils available for agricultural production.

Based on the most recent Saratoga County tax parcel data there are approximately 593 acres of land being used agriculturally in the Town. These active farmlands are generally located in three areas of the Town (Figure II-3). Several large tracts of land are located near the intersection of Ushers Road and Staniak Road, north and south of County Route 109 near State Route 146, and east of US Route 9 near Sitterly Road.

An additional 1,100 acres of agricultural lands were identified as receiving an agricultural exemption (tax break). These lands are generally located in proximity to the previously mentioned active farmlands as well as north of the Middletown Road and Brookwood Road intersection, east and west of Upper Newtown Road, and near Dwaas Kill (Figure II-3).

### **6. Other Public Lands**

The NYS Thruway Authority and the Canal Corporation own Hudson River waterfront properties that remain undeveloped. A 32-acre inactive landfill is located in central Halfmoon.

## 7. Trails

The Town of Halfmoon is in the early stages of developing a trail network that will facilitate pedestrian and bicycle access to many of the Town's natural and historical assets. The 2004 Comprehensive Plan revision calls for the creation of a number of trails, and the 2006 Trails Master Plan describes the Town's current and anticipated trail assets.

Progress is being made to achieve the vision of the Trails Master Plan. Most importantly, the Town owns nearly the entire Champlain Canalway and Erie Canalway Corridors within the Town borders. These properties are being developed into "linear parks" or multi-use trails with various amenities, such as, trailhead parking and interpretative signage. Recent achievements to implement the Trails Plan include: the construction of 1.75 miles of trail on the Historic Champlain Canal towpath, and 1.75 miles of trail on the Historic Erie Canalway Corridor.

The Town has obtained a \$2.1 million grant in conjunction with the Town of Clifton Park to construct the Erie Canalway Trail west of Clamsteam Road to the Halfmoon-Clifton Park town-line. Additional grants have been acquired to construct trailhead parking and interpretive signage on the Historic Champlain Canalway trail.

Crescent Park Trail allows pedestrians and bicyclists to cross busy Route 9 under the Crescent Bridge to a small parking lot on Terminal Road. Recent improvements to Crescent Park include the installation of interpretive signage regarding the Erie Canal and hamlet area of Crescent. Additional improvements include parking and fishing access for physically disabled persons. The physically disabled parking is located on Terminal Road, and the fishing access improvements include guiderails, tables and benches on the Mohawk River bank beneath the Crescent Bridge.

A number of major and secondary trails have been proposed as future recreational assets. These proposed Halfmoon trails currently stand at various phases of the development process, and are not yet available for public access.

The Zim Smith Trail is a significant Saratoga County Trail that is partially located in the Town. The Trail runs along the Town's northern border, and extends to the west, where the trail continues to Ballston Spa and beyond. The Zim Smith is strategically located near the Anthony Kill, the Dwaas Kill and a State forest preserve. The Trail's current eastern terminus is located within the Town at Coons Crossing Road. The Town and other interested agencies and organizations are exploring opportunities to extend

the Zim Smith eastward, to eventually connect with the Champlain Canalway Trail.

## Chapter III: Criteria for Selecting Lands for Open Space

### A. Criteria for Selection

Following the establishment of project goals and identification of Halfmoon's key natural resource and open space assets, a set of criteria is needed in order to formulate recommendations for selecting potential areas within the Town for preservation as open space. The criteria presented here describe the types of lands/resources that may offer benefits to the community and should be considered for preservation. This is based upon a complete review of existing resources, as well as input from the Halfmoon Open Space Committee and public workshop participants. Criteria are listed in no particular order of significance, and represent a set of site characteristics that aligns with the project goals stated in Chapter I.

Following are several classifications of resources worthy of conservation/protection. Rather than focusing on one or two resources, the Town recognizes the practical limitations of landowner willingness and availability of funding resources. Therefore, the Town will remain flexible and consider the feasibility of protecting various individual parcels, features or areas whereby successful land conservation becomes a reality. The types of lands/resources worthy of future conservation/protection are described below:

- **Active and Inactive Farmlands** contribute to the rural character of some Halfmoon areas, and offer a modern-day connection to the region's agricultural heritage. Locally grown products offer environmentally sustainable food sources, and farm products have traditionally played roles in shaping a regional identity. Farmlands provide wildlife habitat, maintain rural character, and provide open space and scenic views. This type of land is often highly conducive for development because of its characteristics. Farmland is usually unconstrained and flat, lending it to lower development costs. As shown on the following analysis quadrant maps, agricultural lands are being encroached by existing and proposed development.
- **Key Waterfront Locations** offer a host of recreational opportunities, and also serve important ecological functions. The Halfmoon community enjoys a location rich in Hudson and Mohawk River waterfront amenities. Preserved waterfront lands along these

waterways could provide opportunities for fishing, boating, and other recreational activities. Riparian habitat along the banks of these rivers supports diverse plant and animal life, buffers the waterways from pollution, and enhances offshore aquatic habitat. While other uses could occupy shoreline locations as well, it is important to set aside key locations for community benefit.

- **Wetlands, Floodplains, and Streams** often constitute natural barriers to development, but their ecological and recreational value makes these natural features important targets of open space planning. Their preservation could enhance fishing, hiking, and passive recreational opportunities in some of the Town of Halfmoon's most unique natural areas. These features provide rich aquatic and terrestrial habitat supporting diverse native and, particularly in the case of wetlands, migratory wildlife. Wetlands and floodplains provide valuable ecological services, including stormwater collection and the filtration of potential aquatic pollutants. Wetlands are usually associated with a surface water feature and in some cases are the collection areas or headwaters of creeks and streams. Quality of headwaters affects the downstream ecosystem.
- **Woodlots** offer recreational opportunities, such as hiking, and provide wildlife habitat. Their presence plays an important role in maintaining the rural character of sparsely developed areas. Forest habitat fragmentation threatens types of wildlife that require wide territorial areas, so it is important to maintain expansive and continuous swaths of wooded open space.
- **Steep Slopes** are often associated with waterways and wooded areas, and geological features such as hills and ravines are attractive components of the natural landscape. Terrain heterogeneity can inhibit development because of stability issues and erosion potential. Steeply sloped areas should remain vegetated to maintain stability. Sloped areas offer valuable natural assets and generally face limited development pressure.
- **Potential Open Space and/or Lands for Future Public Recreation:** As surrounding areas are developed, certain properties warrant consideration for conservation measures to provide access and protection to the Town's natural amenities. Conservation measures should aim to provide this access, given the likely course of future growth. In addition, the Town may want to consider setting aside lands for future park development as the Town continues to grow. Vacant parcels located within existing residential development, or

within areas within the Town marked for future development should be identified.

- **Greenways:** A greenway network serves to link many of the Town's valuable natural assets, providing recreational and ecological corridors which enhance the quality of adjoining resources. This network will also reduce the negative ecological impacts associated with habitat fragmentation and provide much needed natural drainage areas.

The Town was evaluated by quadrant to identify those areas with important open space resources that should be considered for conservation. This evaluation was based on the degree to which land areas embody one or more of the site selection criteria listed above. A description of each quadrant is provided in "Chapter IV: Identification of Open Space Areas."

In addition to the identification of natural and land use based open space criteria; the identification of inventory parcels was also useful in understanding potentially available open space as a snapshot in time. The locations of these parcels and their proximity to each other and other secured open space also indicates the degree of opportunity to preserve rural land uses in certain areas of Town.

The inventory parcels were identified through a detailed process. First, all parcels of 20 acres or greater were identified through a GIS data base. The purpose of selecting 20 acres as a minimum parcel size was to identify workable areas and avoid being overwhelmed with parcels scattered throughout the Town. It was also understood that the inventory parcels are not the only parcels or areas of Town that would be considered for open space conservation. What was intended was to determine if existing rural areas could be better defined, as well as to locate concentrations of open space. This is useful information to identify and prioritize areas for land conservation techniques in both the near term and the future.

Once all the parcels of 20 acres or greater were selected, a detailed process of eliminating parcels that are developed or under review for development was undertaken with Town officials and staff and the public. Those parcels that remained became the "inventory parcels" that are shown on Figure IV-6 in Chapter IV.

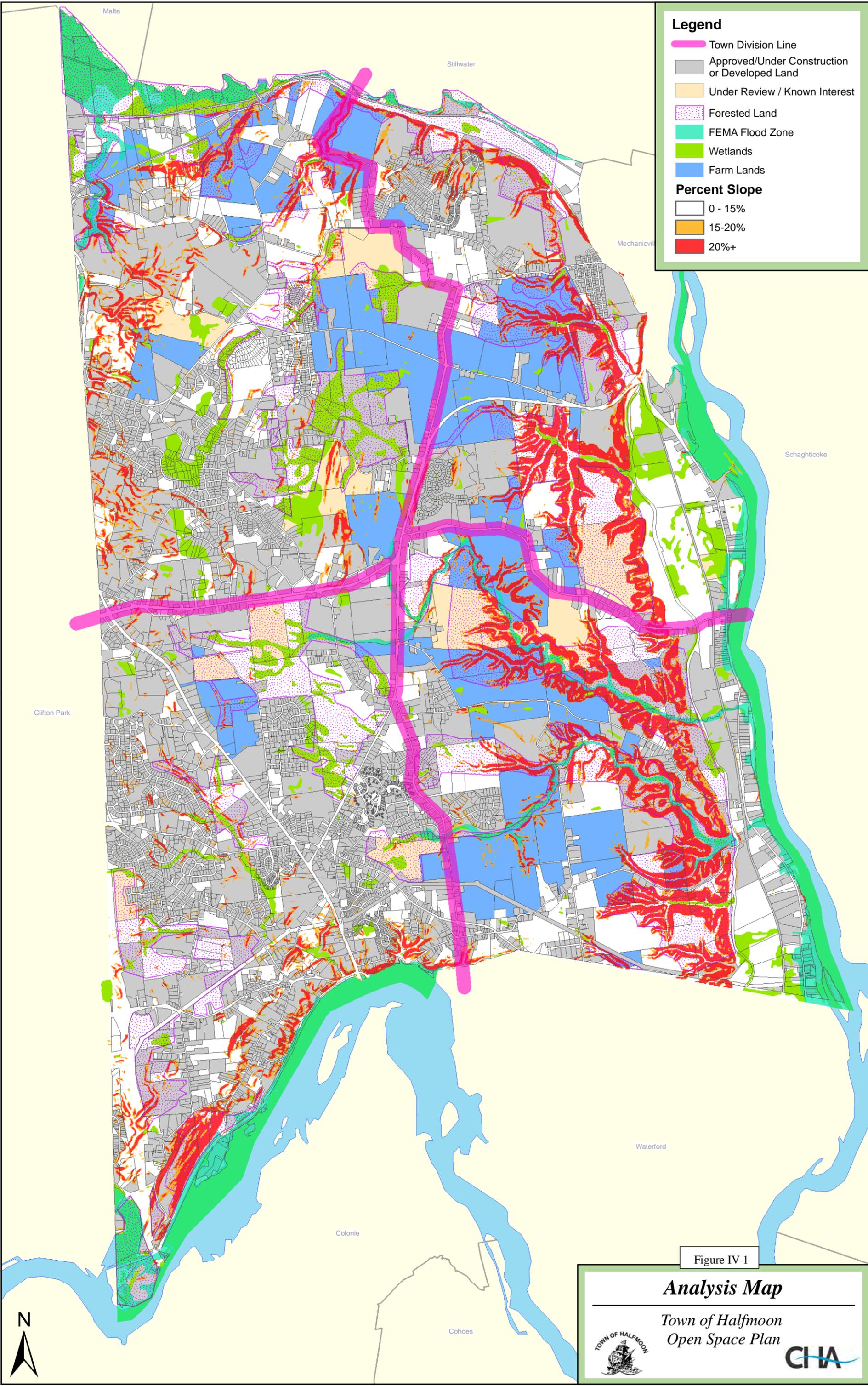
## **Chapter IV: Identification of Open Space Areas**

### **A. Summary of Analysis and Open Space Identification**

In order to identify key areas where open space protection should be considered, the Town was divided into four quadrants as shown on Figure IV-1. Generally, the Town is divided east and west by Staniak, Pruyne Hill and Harris Roads and north and south by Route 146 and Upper Newtown Road. An analysis map has been created for each quadrant which identifies natural resources and development pressures. Developed and undeveloped parcels were determined by the New York State Office of Real Property Services land use data. Areas considered as undeveloped, include agricultural lands, parks and recreational areas, vacant land, and large lot residential. Some of these lands may have small developed components, such as a single family home on a large lot or a playground in a park. Parcels identified as being approved/under construction or under review/known interest were generated from Town data and staff knowledge of potential projects.

Each quadrant of the Town is described below with a summary of the natural resources and land uses located within that quadrant, followed by a description of properties currently under pressure for development. Areas within the quadrant that warrant specific review for consideration as open space are also described below.

The identification of areas containing important physical features or characteristics does not preclude the Town from pursuing or taking advantage of opportunities to protect or preserve areas outside of these locations. The circles shown on Figure IV-2 thru IV-5 identify areas that typically have several important characteristics in close proximity.



**Legend**

- Town Division Line
- Approved/Under Construction or Developed Land
- Under Review / Known Interest
- Forested Land
- FEMA Flood Zone
- Wetlands
- Farm Lands

**Percent Slope**

- 0 - 15%
- 15-20%
- 20%+

Figure IV-1

**Analysis Map**

Town of Halfmoon  
Open Space Plan



## **B. Northwest Quadrant**

### **1. Natural Resources and Land Uses**

Many properties located immediately north of Route 146 in this quadrant are used for commercial purposes. Central-northwestern Halfmoon is highly developed, and most properties in this area are residential. Several large parcels bounding the developed area north of Farm to Market Road face development pressure (Figure IV-2). The northwestern corner of Halfmoon, north of Ushers Road, is covered by wetlands associated with Round Lake and the Anthony Kill. The Dwaas Kill headwaters are located in the northwestern quadrant, as are the headwaters of some smaller streams and tributaries. The Anthony Kill forms the Town's northern boundary in this quadrant. Steep slopes surrounding the area's streams limit the development potential of these locations. A considerable amount of undeveloped land exists between the Anthony Kill and Farm to Market Road, and several agricultural properties are among those identified as open space as shown on Figure II-4 (Existing Open Space Map). This quadrant contains most of the identified agricultural land in the Town.

### **2. Development Pressure**

In the northwestern quadrant, three large properties near the Farm to Market and Cary Road intersection have been identified as approved for construction or currently under construction. A large parcel at the southwestern corner of this intersection is currently under review for future development. There is also a large parcel under review and another approved development in the vicinity of McBride Road, north of Farm to Market Road. Additionally, three parcels have been identified as being under review between Vosburgh Road and Werner Road and another approved development north of Vosburgh Road. These parcels, either recently developed or proposed for future development, emphasize the development pressure in this section of Town and may warrant consideration of the remaining undeveloped lands and the effects that buildout of this area may have on the Town.

### **3. Open Space Areas**

The following areas considered for open space protection are identified in Figure IV-2 and are described below.

**Legend**

-  Town Division Line
-  Opportunity Areas
-  Approved/Under Construction or Developed Land
-  Under Review / Known Interest
-  Forested Land
-  FEMA Flood Zone
-  Wetlands
-  Farm Lands
  
- Percent Slope**
-  0 - 15%
-  15-20%
-  20%+

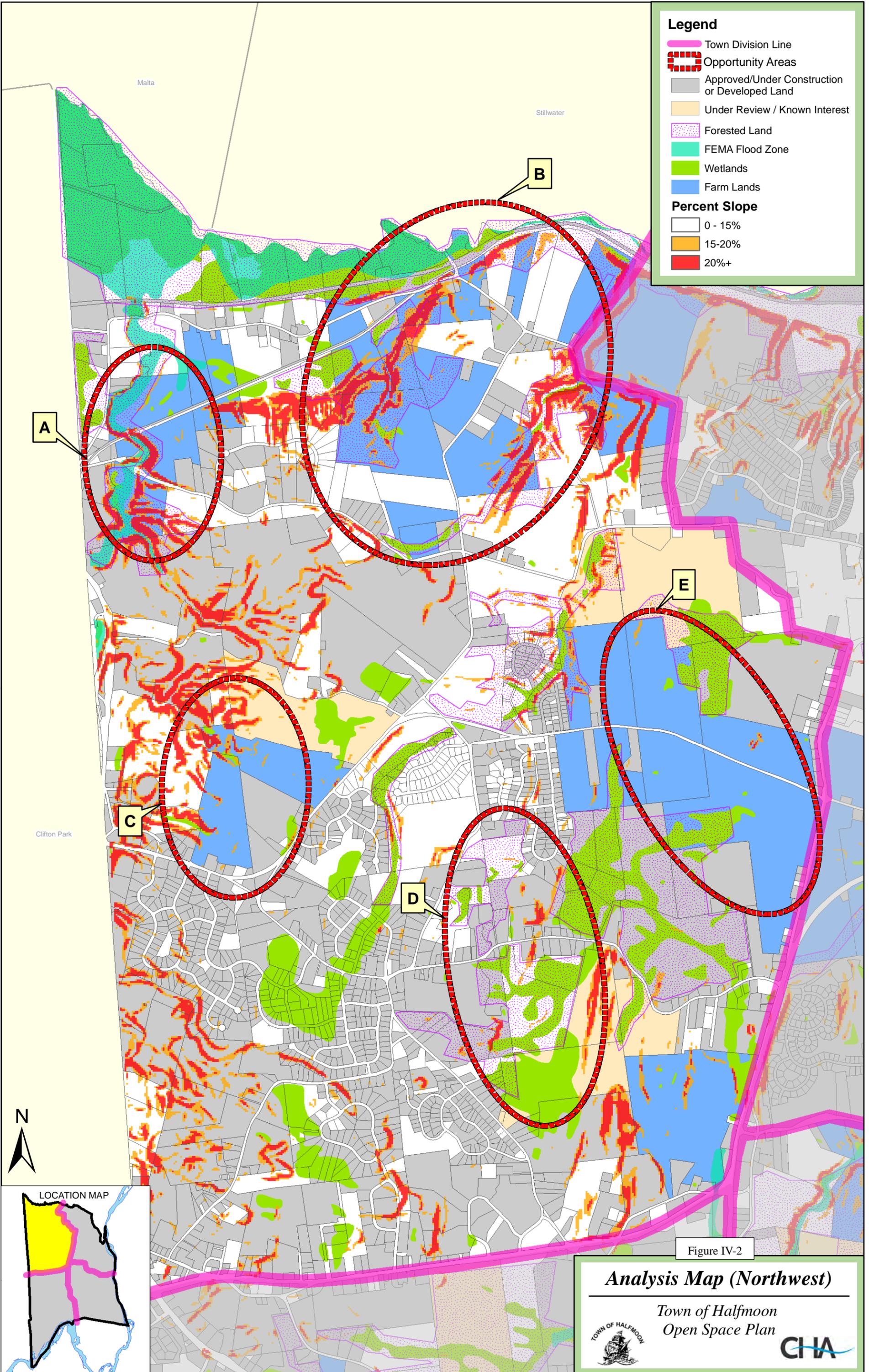


Figure IV-2

**Analysis Map (Northwest)**

Town of Halfmoon  
Open Space Plan



### **Area A**

Area A has several characteristics that make it a target for natural resource and open space conservation. This area is generally north and south of Tabor Road and east of Dwaas Kill. Key features and criteria found within this property included the following:

- Agricultural land north of Tabor Road and east of Dwaas Kill
- Flood zone associated with Dwaas Kill
- Contiguous tract of forested land extending along Dwaas Kill from Anthony Kill to south of Tabor Road
- Steep slopes along stream banks and within watershed area of Dwaas Kill, which potentially supports trout spawning

### **Area B**

Area B encompasses multiple agricultural parcels and also features areas of important natural resources. This area is generally located in the Cary Road area north of Johnson and Tabor Roads. Key features and criteria found within this area include the following:

- Various sized parcels of agricultural use and exemption west of Cary Road
- Non-agricultural areas contain forested land and steep slopes that could form greenways linking the wetlands and forests associated with Anthony Kill
- A tributary to the Anthony Kill begins at headwater wetlands west of Cary Road and Johnson Road intersection
- Experiencing development pressure from the south

### **Area C**

Area C is located north of Farm to Market Road in the vicinity of the Anthony Road intersection. Key features and criteria found within this property include the following:

- Previous development immediately south, west and north
- Development pressure from the west
- Contains isolated agricultural lands

**Area D**

Area D is located to the north and south of Vosburgh Road, and west of Werner Road. This area includes valuable natural resources and is nested within a developed area. Key features and criteria found within this property include the following:

- Isolated forested areas within a developed area
- Large wetland complexes and headwaters associated with tributaries of McDonald Creek which is capable of supporting trout populations
- Development pressure from all sides
- Potential open space or lands for neighborhood public recreation

**Area E**

Area E is located along Farm to Market Road, west of Pruyn Hill Road. This area contains several of the Town's largest contiguous agricultural parcels, which span into the northeast quadrant. Key features and criteria found within this area include the following:

- Large contiguous tracts of agricultural lands
- Development pressure from the north and south
- Large areas of hydric soils and wetland complexes that feed tributaries

## **C. Southwest Quadrant**

### **1. Natural Resources and Land Uses**

The Mohawk River forms a southern boundary in the Town's southwestern quadrant, as shown in Figure IV-3. Much of the Town's commercial and residential development takes place in the southwestern quadrant. A portion of extreme southwestern Halfmoon, just inland from the Mohawk, is steeply sloped and remains undeveloped. Route 9 divides the quadrant diagonally, and many of the properties lining this roadway have commercial uses. The intersection of Routes 9 and 146, in central-western Halfmoon, is a significant crossroads surrounded mostly by commercial land use. Land area south of Route 9 is largely residential; lot sizes are relatively small and density is high. A dense pocket of residential development exists in the triangular area bounded by US Route 9 and NYS Routes 146 and 236. This residential pocket is surrounded by undeveloped land on three sides, and much of this undeveloped land is farmland, forested or wetland area. With a couple exceptions, the open space areas in this quadrant are somewhat fragmented and small in scale.

### **2. Development Pressure**

A stretch of contiguous undeveloped parcels is located in the southwest quadrant of Halfmoon, in the triangular area bounded by US Route 9, NY 146, and NY 236 as shown in Figure IV-3. Among these parcels, two have been targeted for development projects that are currently under review, and two have been approved for development. This open space area is rather large, and it is surrounded on all sides by developed land. Its highly accessible location and proximity to pre-existing commercial and residential development make this undeveloped land area attractive for development.

### **3. Open Space Areas**

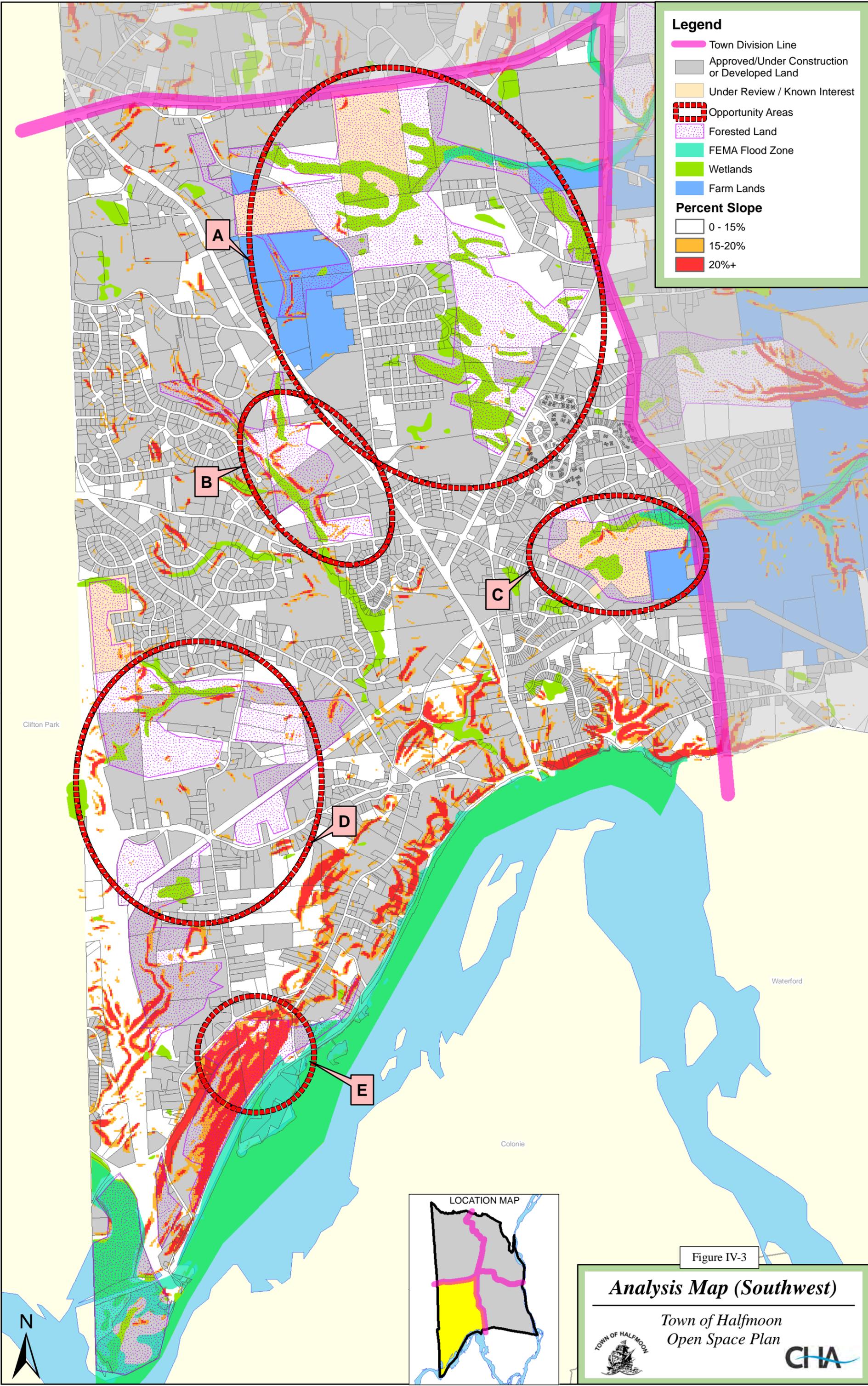
The following areas considered for open space protection are identified in Figure IV-3, and are described below.

#### **Area A**

Area A is generally located within the triangle created by Route 236 to the east, Route 146 to the north and US Route 9 to the west. This area contains farmland and important natural resources; it has been surrounded by developed land and is experiencing development pressures from all sides. These large tracts of undeveloped land help to maintain the rural

**Legend**

- Town Division Line
- Approved/Under Construction or Developed Land
- Under Review / Known Interest
- Opportunity Areas
- Forested Land
- FEMA Flood Zone
- Wetlands
- Farm Lands
- Percent Slope**
  - 0 - 15%
  - 15-20%
  - 20%+



Clifton Park

Waterford

Colonie

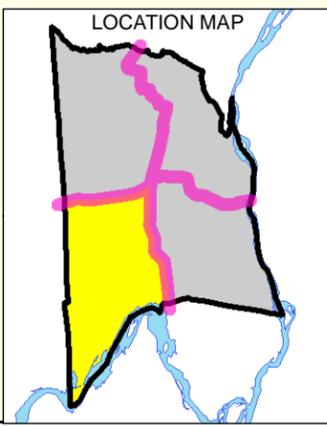


Figure IV-3

**Analysis Map (Southwest)**

Town of Halfmoon  
Open Space Plan



character of the community. Key features and criteria found within this property include the following:

- Several contiguous parcels of agricultural use between Plant Road and US Route 9, located within a commercial corridor.
- Headwater collection areas for several tributaries, including tributaries to McDonald Creek which is a designated trout stream and tributaries to the Mohawk River which is designated Class A water
- Large contiguous wetland systems
- Contiguous tracts of forested land within large undeveloped parcels
- Development pressure from all sides threatens to isolate and fragment these natural areas
- Several parcels along US Route 9 are within a wellhead protection area

### **Area B**

Area B identifies lands west of US Route 9, immediately north of Grooms Road. This area includes a densely developed neighborhood that is experiencing fragmentation of natural resources. Fragmented resources limit the mobility of wildlife and are less resilient to degradation. Key features and criteria found within this property include the following:

- Fragmentation/isolation of forested areas by intensive development.
- Possible provision of open space/recreation area
- Stream corridor creates a potential pedestrian/wildlife greenway parallel to US Route 9 and maintains water quality for tributaries of the Mohawk River
- Fringe wetlands along stream banks maintain water quality
- Properties in this area are zoned Commercial (C-1) and Professional Office/Residential (PO-R)

### **Area C**

Area C is west of Harris Road and north of Guideboard Road. This property also contains forest and wetland habitat that appears to be encroached upon by development. Key features and criteria found within this property include the following:

- A section of stream capable of maintaining trout populations runs through this area
- Large areas of hydric soils and wetlands are adjacent to this stream

- Forested area isolated by existing development
- Currently under review for development and is zoned Residential (R-1)
- Contiguous to utility corridor maintaining greenway connectivity
- Provides a natural presence in a highly developed area

#### **Area D**

Area D is located along the western boundary of the Town near Interstate Route 87. This area is very similar to Area B and C in that it contains pockets of isolated forested land surrounded by existing development. Key features and criteria found within this property include the following:

- Contains headwater drainage areas and wetlands associated with a tributary to the Mohawk River
- Fragmented forested lands provide wildlife habitat and recreational opportunities in a developed area of the Town
- Area is mostly zoned Residential (R-1) but also Light Industrial (LI-C) and Commercial (C-1)
- Utility corridor provides open space connectivity

#### **Area E**

Area E follows along the Mohawk River waterfront south of Clam Steam Road and east of Interstate 87. This area is a good example of a steeply sloped forested area. Preservation of forested slopes will reduce erosion potential and sedimentation into the Mohawk River. Key features and criteria found within this property include the following:

- Steeply sloped forested waterfront
- Connection to the Town owned land that fronts most of the Mohawk River within the Town

## **D. Northeast Quadrant**

### **1. Natural Resources and Land Uses**

Halfmoon's largest contiguous pocket of agricultural property extends between the northwestern and northeastern quadrants, surrounding the intersection of Farm to Market and Pruyn Hill Roads. Portions of the northeastern quadrant, as identified in Figure IV-4, feature dense residential development, including the area east of Staniak Road and north of Johnson Road. Two stream systems drain this portion of the Town in an east-west direction, and the steep terrain surrounding their waters inhibits development. West of the Old Champlain Canal are substantial areas of uninterrupted forest land that contain these stream resources. East of the Old Champlain Canal, there is little development aside from a handful of properties along US Route 4 & 32. The Hudson River shoreline and some inland areas are designated as Federal (NWI) wetlands, and much of this low-lying area is identified as FEMA Flood Zone. Most of the land between Farm to Market and Upper Newton Roads is either agricultural or other undeveloped lands.

### **2. Development Pressure**

Several properties adjacent to pre-existing development currently stand at varied phases of the development process. Properties in this portion of the Town are likely to be targeted as development expands outward from established areas of the Town.

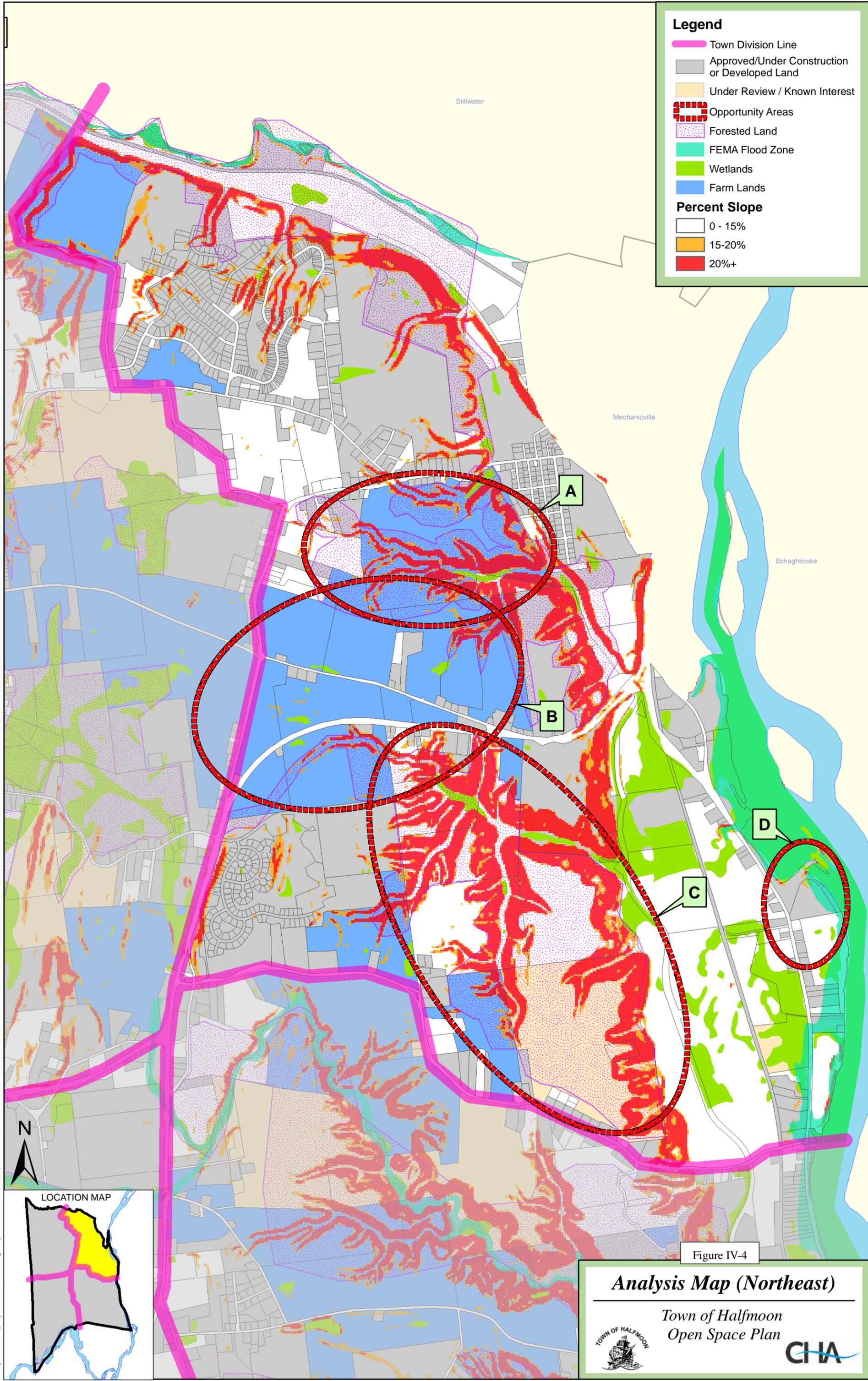
### **3. Open Space Areas**

The following areas considered for open space protection are identified in Figure IV-4 and are described below.

#### **Area A**

Area A is located east of the Pruyn Hill Road and McBride Road intersection. A large parcel within this area has been identified as having development interest. Much of the Town north of Pruyn Hill Road has been developed in proximity of the school. Development pressure is currently being experienced in this area. Key features and criteria found within this property include the following:

- Several stream corridors with steep slopes
- Contiguous forested land



**Legend**

- Town Division Line
- Approved/Under Construction or Developed Land
- Under Review / Known Interest
- Opportunity Areas
- Forested Land
- FEMA Flood Zone
- Wetlands
- Farm Lands

**Percent Slope**

- 0 - 15%
- 15-20%
- 20%+

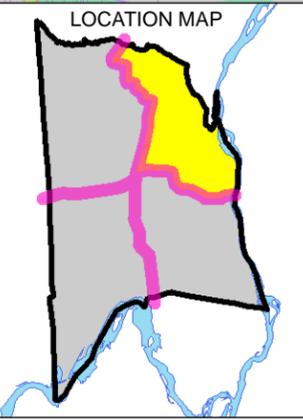


Figure IV-4

**Analysis Map (Northeast)**

Town of Halfmoon  
Open Space Plan




T:\Projects\External\_Projects\16640\GIS\Working\Analysis\_NE\_Quadrant.mxd (Map Date: 09/2009)

- Potential greenway connection to Anthony Kill and McDonald Creek areas

### **Area B**

Area B is located east of Pruyn Hill Road, to the north and south of Farm to Market Road. This area is an extension of an agricultural area originating in the northwest quadrant, which has been previously discussed. This area is the largest contiguous agricultural property in the Town.

- Contiguous agricultural uses
- Wildlife habitat

### **Area C**

Area C is located north of Upper Newtown Road between Pruyn Hill Road and the Champlain Canal. This area contains a variety of natural features and is experiencing development pressure from all sides. Key features and criteria found within this area include the following:

- Large contiguous undeveloped parcels
- Confluence of several tributaries of the Hudson River
- Forested flatlands and steep ravines
- Agricultural land along Upper Newtown Road
- Current and potential future development pressure, some parcels are zoned Commercial (C-1)
- Adjacent to Champlain Canal creating contiguous greenways

### **Area D**

Area D is located along the Hudson River Waterfront. This area has been identified as an opportunity area in the Halfmoon Waterfront Vision Plan. This area is unique in that it contains a historical hydroelectric plant and the Lock #2 canal structure. Recreational opportunities exist in this area.

## **E. Southeast Quadrant**

### **1. Natural Resources and Land Uses**

The southeast quadrant of Halfmoon possesses a host of natural features, including streams, ravines, woodlands, and the Hudson River shoreline as shown in Figure IV-5. McDonald Creek is located between Upper and Lower Newtown Roads, to the east of NY 236. An uninterrupted stretch of forested land extends in a north-south orientation to the west of the Old Champlain Canal, and westward along McDonald Creek. Steep slopes surround most of the creeks. Federal (NWI) Wetlands are located along the Hudson River, and a mixture of residential and commercial properties line US Route 4 & 32. Industrial land use covers much of the area around the Route 4 & 32 and Lower Newtown Road intersection. There are several contiguous undeveloped properties south of this industrial area, and to the west are several agricultural properties.

### **2. Development Pressure**

Much of Southeastern Halfmoon is covered by active and inactive agricultural land. With the exception of three parcels along Harris Road, no pending development plans involve these properties. The unaccommodating terrain in much of southeastern Halfmoon reduces development potential across this area. Steep slopes, forested areas, and stream channels inhibit widespread development. Further north, along Upper Newtown Road, several large properties are under consideration for development. Steep slopes and stream channels exist to the north and south of Upper Newman Road, but accessibility from both Upper Newtown and Harris Roads seems to encourage development interest.

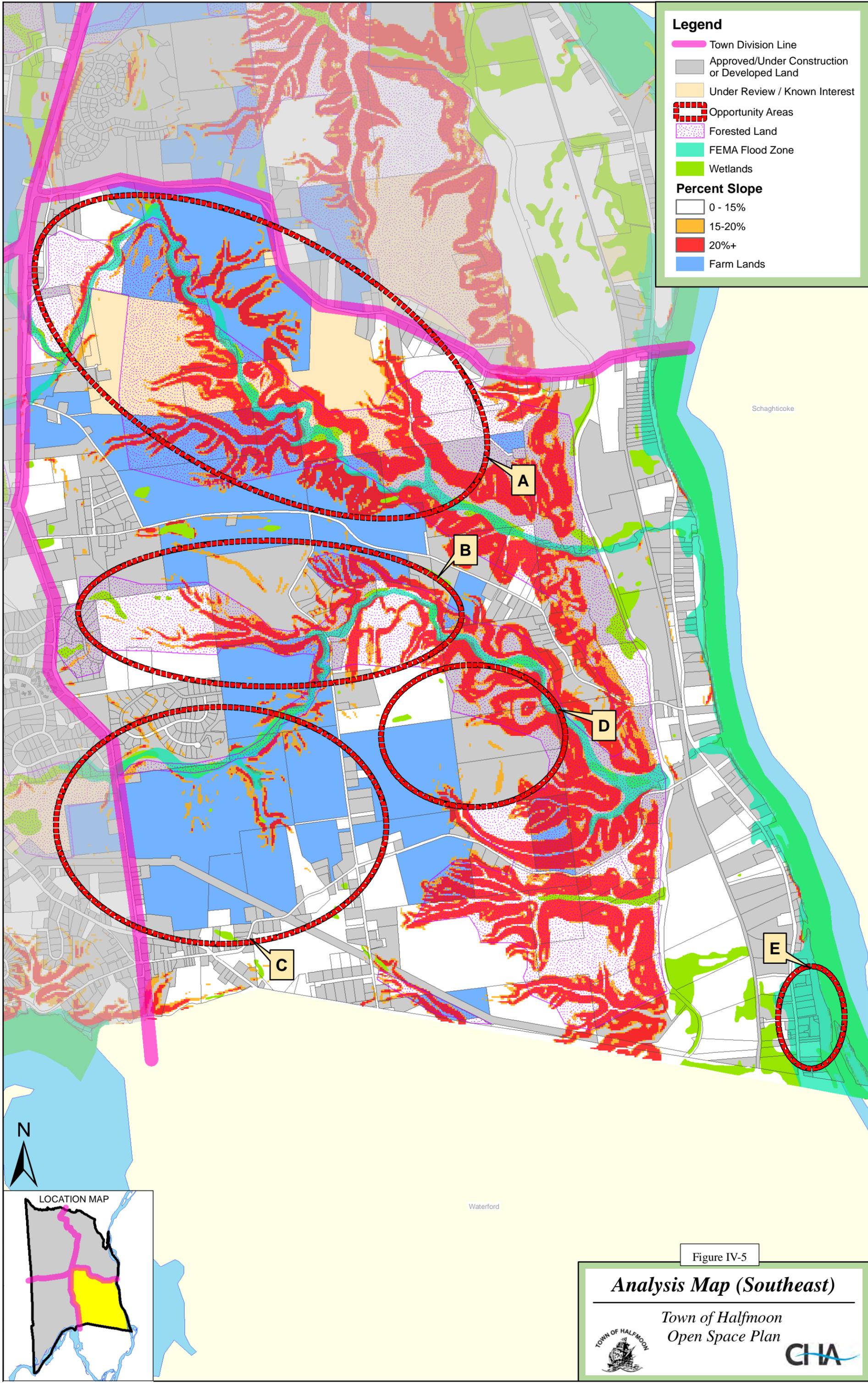
### **3. Open Space Areas**

The following areas considered for open space conservation are identified in Figure IV-5 and are described below.

#### **Area A**

Area A is generally located between Upper and Lower Newtown Roads. This area has a variety of natural resources and potential for open space and recreational opportunities. Key features and criteria found within this property include the following:

- McDonald Creek, a designated trout stream, and its tributaries drain this area



- Flood zone and the steeply sloped ravine created by McDonald Creek provide a buffer for these surface waters.
- Includes part of the largest contiguous forested area in the Town, providing greenway connections with the Champlain Canal area
- Properties in this area are experiencing development pressure
- Tributary corridor north of Lower Newtown Road off of Hayner Road provides opportunity for recreational opportunities and pedestrian greenway connection from the Town complex and parks on Harris Road
- McDonald Creek corridor north of Hayner Road near Fellows Road provides greenway opportunities
- Agricultural land is located along Upper Newtown Road

### **Area B**

Area B is located along Lower Newtown Road, east and west of northern Button Road. This area contains natural resources associated with a potential trout stream. Key features and criteria found within this property include the following:

- Wetlands and headwater collection area for a trout stream
- Steeply sloped hills and ravines
- Large forested parcels
- Area faces development pressure and possible resource fragmentation and degradation

### **Area C**

Area C is located north of Brookwood Road between Button Road and Harris Road. This area is agricultural land that provides natural relief and rural character to the highly developed area west of Harris Road. Key features and criteria found within this area include the following.

- Large contiguous parcels of agricultural land
- Provides rural character for the densely developed western half of the Town
- Wildlife greenway connection to utility corridor which connects the Town east to west

### **Area D**

Area D is located east of Button Road and north of Brookwood Road. This area contains mining operations that may or may not have the potential for future expansion. This area is known to have sand and gravel deposits.

**Area E**

Area E is located along the Hudson River waterfront. This area was identified as an opportunity area in the Halfmoon Waterfront Vision Plan. The Historic Lock #1 canal structure is located in this area. Potential recreational opportunities may exist.

**Area F**

Area F is bounded by the Champlain Canal to the west, and is in a portion of the Town that is zoned for industrial uses. In addition to its canal frontage, much of the area is forested. Its protection could allow for development of the Town's trail network in this natural area.

**Area G**

Area G covers a forested portion of southeastern Halfmoon that possesses a wealth of natural resources, including stream networks and steeply sloped terrain. Much of this land is not well suited for development because the terrain limits its accessibility.

## **F. Open Space Plan**

The efforts to identify natural and cultural resources throughout the Town and the process of refining the inventory through committee and public workshops resulted in the identification of the focus areas discussed above. Combining this information with the knowledge of development projects under consideration by the Town or under construction, led to the creation of the Open Space Opportunities Map (Figure IV-6). This map includes many of the features identified in other resource mapping but most importantly identifies the remaining large parcels of undeveloped land in the Town. These inventory parcels are primarily located in what are still rural areas of the Town, yet under significant pressure for development.

The Open Space Opportunities Map provides focus on areas that, if addressed in a comprehensive manner, could help to retain some of the Town's agricultural heritage. These parcels include important natural resources such as wetlands and stream corridors. They include historic homesteads and preserve scenic views. They can also be used to help focus development by surrounding existing developments or developable land with open space, creating opportunities for traditional rural hamlet development as opposed to a sprawling suburban footprint. Although there are many competing interests for open space, it is the rural landscape that defines the Town and attracts so many people.

Further prioritization of areas and possibly even parcels during the implementation process for the Plan would help with funding proposals and would bring to light appropriate land conservation tools discussed in Chapter V. Other smaller undeveloped parcels may be equally important for other reasons, which can be brought forward and prioritized through the implementation process.

**Legend**

-  Forested Land
-  Zim Smith Trail
-  Heritage / Scenic Trail
-  Park / State Land
-  Inventory Parcels
-  Wetlands
-  Pedestrian/Wildlife Greenways

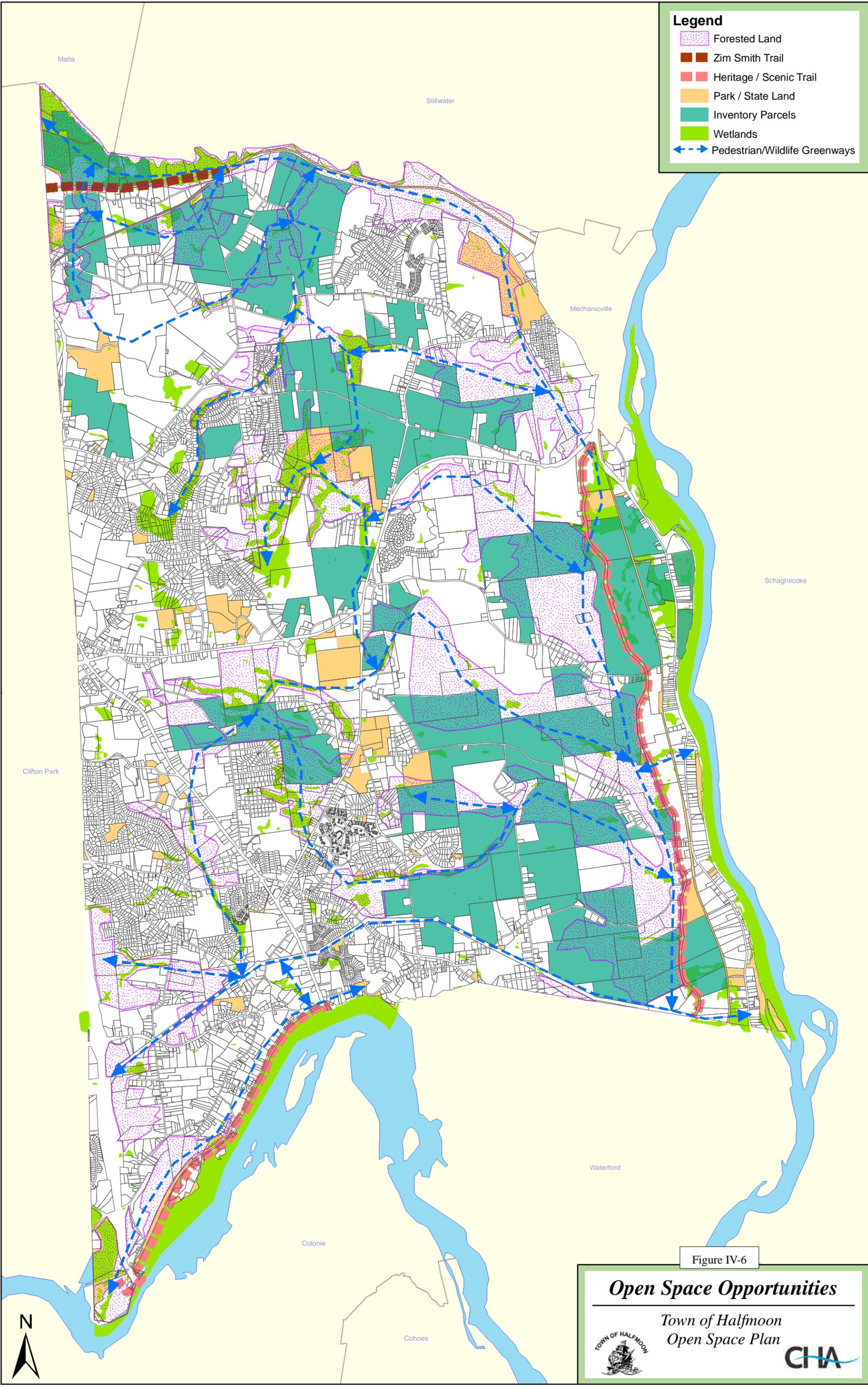


Figure IV-6

**Open Space Opportunities**

Town of Halfmoon  
Open Space Plan



## **G. Pedestrian/Wildlife Greenways**

Figure IV-6 also highlights potential greenways that could exist if unique natural resources are protected and open spaces are preserved throughout the Town, as identified above. Creation of these greenway connections is crucial in providing appropriate wildlife habitats while providing open space and recreational opportunities for residents. Each greenway has its own unique characteristics, and some may be suitable for low impact recreational opportunities while others with steep slopes and wetlands provide habitat protection and travel corridors for wildlife. Development of these greenways should be coordinated with the development of trails as proposed in the Town's Trails Master Plan.

As shown in Figure IV-6, greenways could provide important recreational and ecological connectivity throughout the Town. A major north to south greenway is present along the Champlain Canal, and a major east to west greenway is along McDonald Creek and its tributaries. A utility corridor on the southern end of the Town also provides a valuable east/west wildlife greenway. Stream corridors provide connectivity between all of the Town's natural resources. Where appropriate, greenways could be utilized as trailways, providing a safe and scenic alternative to on-road trails.

## **Chapter V: Strategies for Natural Resources & Open Space Conservation**

There are numerous regulations in place at the State and federal levels that are intended to protect natural resources and consequently result in some open space preservation. However, these regulations tend to focus on specific resources of importance that result in unplanned, uncoordinated pieces of habitat. Call it “spot preservation.” All of these regulations provide for permits to impact these resources and thus wetland, streams and other aquatic resources are regularly lost. Their effectiveness at meeting local open space goals is very limited.

The Town of Halfmoon has incorporated open space through the use of zoning, development review processes, and SEQR and therefore has a base of tools to help support an Open Space Plan. But, as discussed in this chapter, the Town’s current land planning tool box will benefit from the inclusion of other incentive based and non-regulatory land conservation techniques.

### **A. Existing Tools**

The Town of Halfmoon currently utilizes a number of planning and zoning techniques that protect natural resources and open space as either a primary or secondary goal. This section identifies each of these tools and provides a critique of their effectiveness towards meeting the goals of this Plan.

#### **1. Zoning**

##### **Planned Development Districts (PDD)**

Chapter 165 of the Town of Halfmoon Code is the Town’s Zoning Ordinance. Article XI of the ordinance is related to Planned Development Districts. Some of the stated objectives of a PDD are to achieve more usable open space and recreational areas; to allow a development pattern which preserves outstanding natural topography and geological features, scenic vistas, trees and historical sites and prevents disruption of natural drainage patterns; and to allow a development pattern that preserves the rural character of the Town. These objectives are accomplished during an extensive PDD review process performed by the Town Board and the Planning Board. During that process, critical environmental areas are identified. By allowing flexible and innovative design techniques, these areas are protected or preserved using other tools mentioned in this chapter.

PDD projects recently approved or under review which have successfully preserved, and in some cases allowed the Town to obtain, open space include:

- Smith Road PDD (Summit Hills)–43.38 acres of open space dedicated to the Town

- Vosburg Road PDD – 55.66 acres of open space dedicated to the Town
- Sheldon Hills PDD–72.66 acres of open space owned by Homeowners Association
- Glen Meadows PDD - 115 acres of open space (Town and HOA)
- Swatling Falls PDD – 53.4 acres of open space (Town and HOA)
- Brookfield Place PDD–31.87 acres of open space and other preserved land (HOA and restricted private)

### **Deed Restrictions**

One tool that is used in conjunction with Town Board and Planning Board reviews of PDDs and Subdivision applications is the deed restriction. In the case of the Brookfield Place PDD mentioned above, a portion of the open space preserved is actually part of the private subdivision lots. Several other development projects currently under review in the Town have utilized deed restrictions as a method of preserving open space.

In the property deed for each lot identified to contain open space is a restriction which requires the initial lot purchaser and any subsequent owner to maintain the identified area as open space in its pre-developed condition. These deed restrictions typically allow for some limited maintenance of the identified area by the lot owner such as removal of damaged trees. For the most part however, the lot owner is required by the deed to respect the integrity of the open space. The benefit of this tool is the preservation of contiguous open space within and between development projects, while limiting the Town's responsibility for ownership, maintenance and liability. Deed restrictions can therefore be an effective tool with very little budgetary impact to the Town.

To date, we have a limited history on the long-term enforcement of these deed restrictions. In previous discussions, enforcement of these deed restrictions has not been considered to be the responsibility of the Town. Rather, it has been stated that it will be the responsibility of a Homeowners Association (HOA) or a civil matter between neighbors. An additional concern is that as parcels are sold, the new owners are less likely to be familiar with the deed restrictions established by the original developer as part of the project approval. So as time goes on, maintaining the integrity of the open space protected by deed restrictions may prove to be increasingly difficult.

### **Wellhead Protection Overlay District**

The purpose of the Wellhead Protection Overlay District is to protect the Town's public water supply. There are two Wellhead Overlay Protection Districts: the Hoffman Well field including the area of Route 9 and Farm to Market Road, and the Twin Lakes Well field encompassing the intersection of Route 9 and Sitterly Road. Zoned areas are subdivided into the Remedial Action Area and the Zone of Influence. The remedial action area consists of a 200' radius surrounding the municipal well field. Uses are restricted to open space, conservation activities, or municipal uses such as pump stations or wells.

Any proposed uses within the Zone of Influence must meet the requirements of the underlying zoning as well as additional performance standards associated with this zone. Well fields are located in a fairly developed portion of Halfmoon, and most of the land area within these overlay districts has already been developed.

This is a very important and effective tool for protecting groundwater supplies. It is less effective at preserving open space due to its relatively small preservation zone. Additionally, the Town has invested heavily in a treatment plant and Hudson River intakes. While the well fields remain important back up sources of water, it is unlikely that the Town will expand its groundwater supply.

### **Champlain Canal Overlay District**

The purpose of this overlay district is to protect and preserve the Champlain Canal. Again, projects must meet the requirements of the underlying zoning as well as the criteria listed below:

- Setback and buffers should be greater than what is required in the underlying zone.
- Public access to the canal right-of-way is encouraged.
- Preservation/Enhancement of canal structures is encouraged

This overlay district provides important protection of historic resources, trails that contribute to the Town's recreation goals, and some open space, particularly linkages. It is unlikely that this overlay will be expanded to provide any significant additional protection of open space through such means as wider buffers.

### **Flood Conservation Districts**

Flood Conservation Districts within the Town of Halfmoon hold requirements corresponding to the National Flood Insurance Program (NFIP). These areas correspond with the areas shown on the Flood Hazard Boundary Maps prepared by FEMA as part of the NFIP, and are illustrated in Figure II-1.

The purpose of this zoning overlay is to recognize the importance of designing projects to prevent significant flood damage. However, it does not regulate the amount of development within the 100-year floodplain. Therefore, it is not effective as a means of conserving open space.

### **Mineral Resource Protection Law**

To protect both the existing mining operations and adjacent properties, this law requires a 50-foot buffer between the property line of a mining operation and adjacent properties.

Although these buffers are important in protecting adjacent uses from unforeseen and unintended impacts of the adjacent mining activities, the buffers are too small to have an appreciable effect on the goals of the Open Space Plan.

### **Soil Disturbance**

If a project involves soil disturbance of greater than 1 acre, the applicant must prepare a soil disturbance plan based on NYS guidelines for Erosion and Sedimentation Control. The plan must be reviewed and approved by the Planning Board prior to the start of any soil disturbance activities. This requirement applies to activities which directly or indirectly change the natural topography or vegetative cover either by excavation or tree clearing.

The requirement for a soil disturbance plan is consistent with the State Pollutant Discharge Elimination System (SPDES) requirements to protect streams and other resources down gradient of a project from erosion and sedimentation. Although very important in the protection of the quality of natural resources, particularly stream and other aquatic resources, this tool is not effective in conserving open space.

## **2. Town Planning Documents**

### **Northern Halfmoon GEIS**

The Town has prepared the Northern Halfmoon Draft Generic Environmental Impact Statement (GEIS) and deemed it complete. This document evaluates the cumulative impacts of future development over a 20-year period in an 8,800 acre area of the Town, and was prepared in February 2001; the Statement of Findings was adopted March 5, 2002. The GEIS identifies mitigation measures intended to address the impacts of projected future development in the Northern Halfmoon area. This process allowed the Town to identify several planning techniques that protect natural resources and conserve open space.

The GEIS document features a set of Development Guidelines for Open Space Conservation (See Draft Northern Halfmoon GEIS, February 2001, Appendix C), and all residential proposals located within the Northern Halfmoon GEIS boundaries are subject these guidelines. These guidelines were developed to create additional economic, environmental, and community benefits. The guidelines are not just about protecting resources; they are meant to encourage and maintain creative, successful, and attractive new development in Halfmoon.

The Development Guidelines for Open Space Conservation consist of a three step process:

- **Step 1- Site Analysis and Conceptual Planning**  
This initial step identifies existing resources and important conservation areas, depicts general development formats, areas and density, and also identifies trail corridors and circulation patterns.
  
- **Step 2- Refined Development Plans**

These plans will provide the location and design of streets, trails, lots and greens, preliminary grading and drainage, water and sewer systems and other utility design in a technical manner. The level of detail should be adequate to determine location of project elements, but not necessarily details on utility sizing or grading specifications.

- **Step 3- Construction Plans**

After resolution of the design and development issues, the preparation and review of construction plans will take place. These plans will include all of the required details for the actual layout and construction of the project.

The conservation development process is mandated through the GEIS and therefore all projects within the Northern Halfmoon study area must undergo this process as well as meet the additional environmental guidelines provided in the GEIS Findings Statement in order to be compliant with the GEIS and forego the need to prepare a supplemental EIS. The GEIS can be a very effective tool in land management and in this case calls for the conservation of 20% quality open space that attempts to link land and provide for open space beyond the undevelopable areas.

The effectiveness of the GEIS to meet the goals of this Open Space Plan are limited by its applicability to only one portion of the Town and the fact that on its own the GEIS cannot effectively preserve large areas of open space and or other important goals such as the preservation of agricultural/rural character. This shortcoming is recognized in the GEIS and as a result, recommendations were provided for future town-wide actions to conserve open space and preserve some of the Town's agricultural/rural heritage through many of the techniques discussed in this Chapter.

### **Trails Master Plan**

The Trails Advisory Committee, with assistance from CHA, prepared a Trails Master Plan which was adopted by the Town in January 2006. Preparation and implementation of this document was one of the Plan Recommendations outlined in the Comprehensive Plan. The Trails Master Plan provides vision and direction for the development of alternative transportation and recreation in the Town. The report identifies trail projects and includes a proposed trails map.

All development projects presented to the Town Board or Planning Board are reviewed to determine if trailways or linkages should be included in the proposed project. The Town has used this Plan to complete grant and funding applications in order to construct trails within the Town.

This can be a very effective tool in providing important linkages that will help to promote healthier lifestyles and allow the public to enjoy linked open spaces. The Town has had great success working with developers in incorporating right of ways and at times having sections of the trails built through the development approval process. The ability of the Trails Master Plan to conserve large areas of open space is

negligible and therefore must work in conjunction with other tools to achieve open space goals.

### **Waterfront Vision Plan**

The Waterfront Visioning Plan presents a set of strategies to enhance ecological health and recreational enjoyment along the Mohawk and Hudson River waterfronts in Halfmoon. These waterways hold many of the Town's valuable natural and historical assets, and for this reason, its emphasis on their protection aligns with the intent of this Natural Resource and Open Space Conservation Plan. Key waterfront locations, wetlands and floodplains and potential recreation sites are identified as important selection criteria for lands considered in the current Plan, and locations with these characteristics are abundant along the Town's major waterways. Efforts to protect and guide the development of unoccupied waterfront spaces are important to Halfmoon open space planning.

### **3. Accomplishments to Date**

The Town has been successful in preserving open space through the PDD and subdivision plan review processes. The Town has also purchased land and in one case worked with a landowner to purchase the development rights. Some of these successes are listed above in the discussion on PDDs and below:

Vosburg PDD 55.6 acres, Windsor Woods Subdivision 89.07 acres, and Summit Hills PDD 43.38 acres are all examples of projects where open space was a key community benefit required by the Town. These adjacent parcels combine to create an important open space area. Each of these projects are also in the Northern Halfmoon GEIS study area and therefore subject to the quality open space provisions. By obtaining these three contiguous parcels, the Town will also be establishing a potential pedestrian link from residential developments on Farm to Market Road to Routes 146 and 236 and the Town Park.

The Town purchased 10.0 acres of a farm on Route 236. This land is adjacent to the new Town park and may be used for future recreational purposes.

Lastly, the Town was approached by a family who wanted to keep their 50.17 acre farm from being developed. They worked with the Town and Saratoga PLAN to have their development rights purchased and the land permanently placed into a conservation easement.

Recognition of these accomplishments is important as they serve as a springboard for the implementation of this Open Space Plan.

## **B. New Tools**

The Town's existing land management regulations and guidelines cannot, by themselves, advance the goals of this Open Space Plan. Fortunately, there are many regulatory and non-regulatory open space conservation tools that have been made available to communities over the years. The remainder of this Chapter identifies these various tools and their potential applicability to Halfmoon

Chapter IV of this document identifies important open space resources and greenway connections that are desirable for protection within the Town. The identification of these areas allows the Town to pursue opportunities to work with land owners, developers and land preservation groups to conserve these resources. These areas should be monitored and reviewed annually to chart the progress of the protection and expansion of the open space/greenway system. A review process will also allow the Town to recognize changes in development pressures affecting various land areas, and to identify important lands that may have been overlooked in this original Open Space Conservation Plan.

### **1. Partnerships with Land Trusts and Conservation Organizations**

#### **Land Trusts**

A land trust is a nonprofit organization that works to conserve land by undertaking or assisting in land or conservation easement acquisition, or by its stewardship of such land or easements. National, regional and local land trusts, organized as non-profit organizations under federal tax laws, are directly involved in conserving land for its natural, recreational, scenic, historical and productive values. Land trusts can purchase land for permanent protection, or they may use one of several other methods: accept donations of land or the funds to purchase land, accept a bequest, or accept the donation of a conservation easement, which permanently limits the type and scope of development that can take place on the land. In some instances, land trusts also purchase conservation easements.

Land trusts are independent, entrepreneurial organizations that work with landowners who are interested in protecting open space. However, land trusts often work cooperatively with government agencies by acquiring or managing land, researching open space needs and priorities, or assisting in the development of open space plans. And since land trusts are private organizations, they can be more flexible and creative in conservation options than the public agencies can in saving land.

#### **Saratoga P.L.A.N. (Preserving Land and Nature)**

Saratoga PLAN is a countywide land trust with non-profit status recognized by both NYS and the federal IRS. Saratoga PLAN's conservation expertise is available to assist the Town and its landowners meet the open space goals. As a land trust,

Saratoga PLAN's open space tools compliment those of the Town, providing the opportunity for a working partnership to achieve what the Town could not alone.

As a land trust, Saratoga PLAN has the organizational flexibility to effectively protect open space through: conservation easements, purchases, bargain sales, or donations of land. In addition to holding conservation easements, Saratoga PLAN monitors and enforces the terms of conservation easement agreements. Further, PLAN owns and manages preserved properties. Saratoga PLAN also supports local groups and municipalities as they pursue their land preservation efforts by providing technical assistance, resource materials and information.

## **2. Easements & Acquisition Techniques**

### **Conservation Easements**

Many state and local governments, as well as private land trusts, acquire conservation easements (remove the development rights) on properties to preserve land. This requires legally splitting the development rights of a property from other property rights. All conservation easements are voluntary and may be granted for a period of time (term easements) or be permanent. Land with a conservation easement can be sold or transferred to others, but land uses are limited by the restrictions of the easement. For example, a parcel of land may have a conservation easement that allows one single-family residence to be built, with the rest remaining as open space. Term easements are not particularly effective in communities facing development pressure. They are often used by landowners to obtain a tax break until such time that there is an opportunity for sale to a developer. Long term easements (20 years or more) can be effective in conserving lands while other methods are put in place to realize the community's goals.

Voluntary agreements are negotiated between the landowner and the government or land trust. Entities holding a conservation easement are responsible for monitoring and enforcing the provisions of the easement. The terms of conservation easements are flexible and specific to each property. Some allow development on a parcel, but it is usually limited to existing buildings. Others may allow agricultural or recreational uses, while others may restrict agricultural practices if environmental concerns exist. Land with a conservation easement remains privately owned and managed. It also remains on the tax rolls. Only donations of perpetual easements are considered as tax-deductible charitable contributions; limited term easements are not tax-deductible. The value of development rights is generally based on the difference between the dollar value of a property's development potential and its underlying land value. This is an important factor when conservation easements are established through a purchase of development rights program, discussed later.

According to federal law, easements donated for conservation purposes must provide "significant public benefit." Benefits include recreational, ecological, open space, and

historical contributions. Donation of a conservation easement to a government or nonprofit organization allows the owner to realize tax benefits. The advantages of donated conservation easements include:

- May be more widely accepted than regulatory programs due to their voluntary nature
- Potentially provide estate, income and capital gains tax relief
- Flexible technique meeting landowner needs
- Permanent preservation
- Relative ease of administration.

### **Purchase of Development Rights (PDR)**

When a conservation easement is purchased, it is called a PDR, or purchase of development rights. Some state and local governments and many private land trusts have programs established to purchase development rights. PDR programs are voluntary, and land is permanently protected from development once the development rights are purchased. This type of land transaction may protect open space, recreational, ecological, agricultural, or historic resources.

PDR programs are generally regarded as fair to landowners because the program is voluntary and the landowner is compensated directly for the land's development potential. Purchased conservation easements can help a landowner turn a fixed land asset into a liquid cash asset that can be reinvested or used to pay off debt. PDRs will protect resources from future development and may reduce property and estate taxes. The Town still collects taxes, albeit at a lower rate.

### **Transfer of Development Rights (TDR)**

Transfer of Development Rights provides a means to transfer development to another part of a community where development and infrastructure may already exist. The goal of a TDR is to direct growth to a previously developed, or developing, area. Growth directed to urban lands can make development less costly and it can preserve land at no direct cost to taxpayers. Like PDRs, protected lands remain in private hands and on municipal tax roles. This program requires the establishment of sending and receiving zones. The sending zones are those areas that a community wishes to conserve open space and the receiving zones are the developing areas. The transaction occurs through developers who, looking to increase the density of their development, finds a willing landowner in the sending zone and negotiates the purchase price of the development rights. A local government holds the rights transferred and the developer in the receiving area obtains a density bonus. This density bonus allows a higher density than the current zoning permits and higher densities mean an increase in developer profits. The only public cost is for program administration.

In order for this program to be effective, provisions in the zoning and subdivision regulations are required to provide the flexibility in design necessary for a developer to realize higher densities than could be achieved by the underlying zoning within the receiving zone. It is also likely that disincentives would be necessary within the sending zone to discourage developers from building there or alternatively to provide more sensitive design and greater open space through a conservation subdivision program.

TDRs allow the preservation of farmland or environmentally sensitive lands while simultaneously providing landowners compensation. They can be tailored to meet community land use goals, help implement local comprehensive plans and zoning ordinances, and they can provide permanent land protection. TDRs also promote efficient use of urban land. Conversely, TDRs can be complex to administer and require the upfront work of establishing the sending and receiving zones. As discussed later in the chapter, similar and often better results can be achieved with incentive zoning.

### **Outright Land Purchases or Donations**

A conservation sale involves a landowner selling his or her property at less than full market value to a public agency or private land trust. The difference between this value and the market price is considered a charitable gift. Landowners receive both monetary compensation and tax benefits. The buyer can prevent future development on the property by placing a conservation easement on it.

A **fee-simple acquisition** is an outright purchase of the land. Once purchased, the land can be leased or sold back into private ownership with attached conservation easements. Governments in New York can purchase land on a voluntary basis on the authority of the General Municipal Law 247. Local governments can also acquire property by eminent domain to protect the population's general health or welfare.

A **land donation** occurs when landowners donate their property to a public agency or private not-for-profit organization. As with donated development rights, parcel donations are considered charitable and provide tax benefits. Landowners who donate land often retain the right to use the land for a specified length of time, usually until death, and they may also request a conservation easement protecting the land from development.

## **C. Incentives**

To encourage the protection of important open spaces, the Town can offer incentives to land owners and developers. For land owners who wish to maintain their land as open space, the issue often rests with the ability to pay taxes on the property. The implementation of a conservation easement described above normally provides the landowner with an up-front payment related to the development value of a property, as well as a lower future assessment value for tax purposes. This can be accomplished

through negotiations with the Town or through a third party such as a land preservation group. Although this program would be entirely voluntary, to attract interested parties, public education and information is critical.

One potential incentive that has been recently introduced in the New York State Senate is legislation to create a working farmland tax credit (<http://www.farmland.org/programs/states/ny/NewYork2.asp>) to provide property tax relief. The proposed tax credit would refund property taxes (county, town, school) paid on qualifying agricultural land via a state income tax credit, so long as the land is committed to active agricultural use for at least eight years. This bill provides tax relief to farmers while protecting farmland. One million acres of farmland in New York are currently eligible for the tax credit as proposed. This program would provide both an incentive and tax relief to farmers and still remains entirely voluntary.

The Town could also consider its own tax incentive program for farmers. This program would require the creation of uniform procedures to assess the value of agricultural lands, as well as a definition of the types of land and/or operations that would qualify for such a program.

Density bonuses are the primary incentive for individuals interested in developing their properties. Successful incentive programs link community benefits and development activity. For example, in return for the provision of specified public benefits, the Town could permit an increase in allowable density. Within the framework of an open space preservation program, the types of benefits the Town could consider include: the acquisition of open space, development of trails or linkages, stream or river access, public waterfront facilities and protection of important resources. These amenities would be given to the Town in exchange for the density bonus.

Another incentive which may be employed independently, or in conjunction with density bonuses, is relief from formal dimensional requirements within a subdivision or site plan. This allows flexibility in design, thereby making it easier to protect important resources and/or open space.

## **D. Funding Sources**

### **Grants**

The Town should continue to explore grant opportunities (County, State, federal) to fund open space purchases. Most grant programs require some level of matching funds from the recipient municipality. Grants alone are rarely substantial enough to fund an open space project. The Town should be prepared to provide additional funding through bonding and grants from other sources, as well as Town funds. Examples of programs include the NYS Office of Park, Recreation & Historic Preservation Acquisition and Parks Programs grants, NYSDOT TEA-21 program, the Federal Land and Water Conservation Fund Program, and the National Recreational

Trails Program. Locally, Saratoga PLAN assists municipalities with the funding and acquisition of open space. National groups such as Ducks Unlimited and the National Wildlife Federation may provide assistance to communities striving to preserve open space.

### **Town Set-Asides (dedicated open space fund)**

One method of funding open space is to annually earmark monies specifically for open space preservation and development. The amount set aside in a given year would vary, depending on fiscal conditions and other financial obligations. This money would remain in the fund until a parcel or open space of interest to the Town became available. Monies could be used for outright purchase, the purchase of a conservation easement or to fund a specific purchase under a PDR program.

### **Bonds**

When a specific opportunity presents itself to the Town, bonding is one method of financing the acquisition of open space within the Town. This would allow the Town to purchase important lands and to spread the cost over a period of years. The Town has used bonding to finance many capital projects including the recent construction of the Town's Family Park on NYS Route 236. The annual bond repayment can then be factored into the Town's annual budget going forward or could be taken from fees collected as part of development projects being approved by the Town. As an example of the later, residential subdivision projects are assessed a fee per lot in lieu of the dedication of parkland. Since the outcome is the same, it would be logical for these park fees to be used to support the purchase of land if the opportunity arises.

## **E. Next Steps**

### **Plan Adoption**

The Town has taken an important action in preparing this Draft Open Space Conservation Plan. In order to effectively utilize this Plan, the Town must first adopt the Plan. The Plan adoption process is outlined as follows:

- Upon receipt of the Open Space Plan, the Town will address the potential environmental impacts of the Plan through the preparation of a Full Environmental Assessment Form. It is anticipated that the process can move forward with a Negative Declaration.
- The Town must conduct a public hearing to address Town Law requirements.
- In preparation for the hearing, the draft Plan will be posted on the Town website.
- Based on public input and Town review, any necessary modifications will be made and the Town Board will adopt the Plan by resolution.

### **Plan Implementation**

Upon adoption of the Plan, the Town should establish a working committee to oversee Open Space Plan implementation. The committee will be composed of Town staff and other key stakeholders such as large landowner and developer representatives. The committee will be charged with the overall task of implementing the Plan over time.

More specifically, the committee would undertake the following:

- Seek out and secure funding.
- Prepare informational pamphlets & other outreach materials to inform the public of opportunities.
- Approach landowners to discuss opportunities and work with interested landowners to secure open space through PDR, incentives and other methods.
- Consider incentive-based regulatory tools that might be effective for portions of the Town and present to Town Board.

### **Plan Update**

The working committee should also be charged with the periodic review of the Plan to ensure that it continues to reflect actual field conditions and Town goals and needs. This review should take the form of a brief report to the Town Board reflecting the Plan status and recommendations for modifications, as necessary.