
FRIENDS OF CLIFTON PARK OPEN SPACE

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Public Hearing Aug 10th on Exxon Mobil Station at Exit 10

In December, 2003, FCPOS sent a letter to the Clifton Park Planning Board suggesting that any proposal to develop an Exxon-Mobil combined gas station, convenience store/carwash at Ushers Road and Van Patten Drive near Exit 10 be accompanied by a public hearing. As this project comes under additional review, we renew our call for this public forum.

Concerns about this project have been expressed, in writing, by numerous groups, including members of the Town Board, the Building Department and the NYS Association of Service Stations and Repair Shops. Comments have ranged from outright opposition to serious concerns from citizens about traffic safety and disruption of the country-like character of the area.

As noted in some of the correspondence already received on this project, there are already two vacated gas stations at Exit 9 which have considerably more traffic to support such ventures. Also, a prior application from the Stewart's Shops at Ushers Road for a gasoline facility was rejected by the Planning Board. In essence, **approval of this Exxon/Mobil facility could trigger one or more applications for similar stations that would be almost impossible to deny.**

Furthermore, it is a reality that, in most cases, the **failure or closure of gas stations results in a significant responsibility to the public, because few other commercial enterprises want to purchase and reuse the land when there is a high probability of environmental damage and expensive restitution.** We are not



aware of any requirement that a company operating a gas station posts a permanent bond for purposes of eventual or inevitable environmental clean-up, but it is something that should be considered.

As we understand the situation, the parcel under consideration is zoned for light industrial use. **The current project does not meet that definition. Therefore, a special use permit is required to proceed.** It is our understanding that Town Law requires a public hearing for such exceptions. In light of growing concerns from a wide variety of groups, not the least of which is local residents, we renew the call for a public hearing. Furthermore, we believe it is important that it be scheduled at a time and place which will allow for meaningful citizen participation.

Secondly, **we urge the Planning Board to deliberate on the proposed project from a broader perspective rather than as an insolated parcel of land.** There are several residential neighborhoods in this area as well as a number of trails. The Town's interest in extending trail networks and securing smaller pocket parks could apply here. This coupled with the current view shed, which is quite remarkable, could effectively conform to and enhance the attractiveness of the area. By looking at the "bigger picture" The Planning Board is less likely to succumb to the often-used tactic of impact mitigation. Reducing the size of a sign, or changing traffic patterns and traffic signals, building artificial berms and planting shrubs will not make the Mobil-Exxon project a more beautiful place than it is now.

The Town's comprehensive Plan and Open Space Plan formally embody the Town's movement to drive both open space and continued development into a more singular, overarching design. **These goals and ideals—derived after extensive input from all segments of the residential and business communities—have as much value as any artificial price tag for commercial development, wholly contingent on the town granting a particular exception to validate the asking price for a single parcel or project.**

In light of this second concern for a more comprehensive planned approach, we again call upon the Planning Board to hold a public hearing at an appropriate time and place on the request before it for a special use permit for this Exxon-Mobil proposal at Ushers Road.

STEERING COMMITTEE

Frank Berlin, Friends of Veteran's Park

Margaret Catellier, Citizens Assn. for Reasonable Expansion

Ray Seymour, Saratoga P.L.A.N.

Clark Wilson, Rexford Civic Association

Susan Burton, League of Women Voters of Saratoga County

FCPOS Recommendations-- GEIS Western Clifton Park

As the town proceeds with its evaluation of various build-out scenarios for the Generic Environmental Impact Study (GEIS), moratorium area, the Friends of Clifton Park Open Space (FCPOS) would like to put forward some suggestions for consideration by the Town Board. We noted Councilman Roth's observation during the Town Board's special meeting on build-out in the GEIS area, that a full build-out as described by the consultant would make a mockery of the town's stated intention to preserve open space. At the conclusion of the special session, Supervisor Barrett indicated that the Board would be looking for a different result for the GEIS area, and requested input from interested citizens and groups. In light of this invitation, FCPOS has reviewed the preliminary build-out analysis against the Open Space Plan (OSP) adopted in 2003.

FCPOS has previously identified and mapped specific criteria throughout the town, which included:

- Agriculture Districts
- Farmland not in Agriculture Districts
- Town sponsored Conservation Easements
- Properties held by Land Trust (now *Saratoga P.L.A.N.*)
- Parks
- Streams
- NYS DEC Wetlands—Current & Proposed

As well as: Aquifers & Recharge Areas, Habitats, Historical Sites,

FCPOS has developed maps for each of these specific areas. When these maps are overlaid one on the other, a very concise, concentrated area stands out as a contiguous green belt that spans the current study area in the western half of the town.

This natural, large unbroken space already has several protection values identified in the Open Space Plan, such as: Agricultural Districts, Easement Programs, Land Trust properties, town parks, wetlands, etc. In essence, it represents the most logical area to be targeted with more specific recommendations for new planning tools such as zoning changes, appropriate economic incentives, infrastructure evaluations and the proper use of public moneys to insure its preservation in accord with the OSP.

Recognizing that the Town Board is asking that other "growth scenarios" be considered, FCPOS, with this letter and presentation, offers some ideas that, we believe, would preserve the semi-rural character of western Clifton Park and should be considered in any alternative growth scenarios for the GEIS. Green-Belt Preservation: Again, FCPOS has spent considerable time and effort identifying specific areas important for any town.

Many of these areas lie within the GEIS boundaries and should be protected. These areas are identified on the maps shown and stand out as each of the resource areas is overlaid on a map of the town—one set upon the others.

Re-zoning: The first phase of the GEIS determined that full build-out under current zoning regulations would drastically change the character of western Clifton Park. Zoning is needed that would significantly reduce the total number of new residences and businesses allowed in the area under consideration. FCPOS suggests the following approach:

Reduce overall residential density by requiring much larger lots—two to five acres per dwelling unit. We hasten to note that this 'large-lot' zoning, by itself, is not a satisfactory solution because it fragments the natural areas that we desire to protect and degrades the natural open space and aesthetic resources of the community. Additional mechanisms must be applied in combination with this zoning protocol to protect the natural resources and rural character of western Clifton Park

We recommend an integrated planning approach using:

- Incentive zoning,
- transfer of development rights and,
- open space mitigation fees.

Properly implemented, we believe, our proposal will preserve high quality open space; protect the quality of life for current residents; allow responsible development; and protect a landowner's right to financial rewards with greater flexibility to sell or retain their land.

Incentive Zoning: Under this mechanism, greater residential and commercial density would be allowed at the 'edges' within the GEIS area while protecting the undeveloped central core as well as the special areas identified by FCPOS and OSP. Relatively higher density developments in the "edge" areas would be allowed through the transfer of development rights from the core areas to be protected.

Transfer of Development Rights (TDR): Incentive zoning could use TDR only through willing buyers and willing sellers of development credits. Areas that are preserved with TDR are called "sending sites". Development credits from those sites are transferred to "receiving sites". With TDR, the sending site landowner selling the credit retains ownership of the underlying land. He or she realizes the financial benefit from the development value of the land by selling the credit, not by developing the property itself. The public receives a permanent easement on the sending site that precludes future development and restricts the types of uses allowed, and those public resources are preserved for perpetuity.

Buyers of credits can use them to build additional units in a subdivision, townhouse or apartment project on a receiving site. One of the challenges for TDR, however, is to find receiving sites that can accommodate extra units without significant impacts to the environment or to neighborhoods. The GEIS can identify feasible receiving areas and develop a TDR implementation system of policies and regulations that will make the review process work smoothly for developers and the Planning Board.

Open Space Mitigation: The first phase of the GEIS showed that development in western Clifton Park would result in significant impact on existing open space. FCPOS believes there is a need for the mitigation of this environmental impact.

An **Open Space Fund** has been established by the Town using public funds and this fund can be used to purchase open space or development rights in western Clifton Park. Fairness requires, however, that the cost of mitigating the loss of open space be shared between the public who suffers the loss and the developers who create the impact. Since development itself creates the need to preserve the open space that has made the town attractive in the first place, the developers should share in these costs.

One way that developers can pay their fair share is with an **Open Space Mitigation Fee**. This mitigation fee would be deposited into the Town's Open Space Fund for each dwelling unit, commercial or industrial development. In this way developers share in the cost of addressing the need they have created.

FCPOS asks that the GEIS consultants evaluate this funding mechanism and recommend an appropriate fee, proportional to the need of the community. Without this cost-sharing mechanism, the full burden of open space mitigation (as well as on-going services) falls exclusively on the taxpayer.

As an example: Assume a uniform residential zoning of 5 acres per dwelling unit throughout western Clifton Park. A developer plans to develop 50 acres on Waite Road—where the GEIS has determined that development is permissible. Based on the zone, he can build ten homes in this subdivision. If he purchases development rights on 50 acres where development is not desired, however, he can build twenty homes on Waite Road where the infrastructure (roads, water and sewer) is in place. This will probably be a good economic tradeoff for the developer and creates less impact on the total available open space. Under this scenario, the developer pays a mitigation fee into the Open Space Fund for the first ten homes but not on the houses for which he has purchased development rights.

These new planning tools would encourage development on the boundaries (edges) and crossroads of this natural, continuous green-belt area in western Clifton Park. This green belt does not include the corporate commerce zone and identifies residential developments on its outskirts.

Stronger Safeguards & Incentives: Today the Town actively pursues the use of existing planning devices such as easements, trails, setbacks, etc. These tools have worked well and should be continued. However, we would like to offer suggestions on how to amend or alter them to provide stronger incentives with stricter safeguards for accomplishing their objectives. Our suggestions are:

1. Offer Permanent Easement options, which could provide an incentive to a landowner, by offering a premium or higher tax decrease for this additional concession.
2. Impose higher penalties for breaking new Temporary Easements indexed to the increasing value of the land.
3. Prohibit the inclusion in any subdivision of property the land that is not developable such as setbacks from streams, wetlands, no-cut areas, etc. In this way, these pieces of land, which are meant to be protected, do not fall through the cracks with no town inspections or hard-to-enforce deed restrictions.
4. Move land that cannot be developed into permanent easements with tax breaks to the land owner and incentives for allowing public trails, boardwalks, or other general use under public maintenance.

Agriculture: It is agriculture that dominates the greatest expanse of land in the GEIS area. Agriculture provides both a strong economic base to the town while it protects these areas as open space and provides all town citizens with beautiful vistas, enjoyable family activities, preserves for habitats and wildlife, protection of water resources and wetlands

Our best hope for protecting this valuable resource is to protect and nurture the agricultural heritage of the town. Tools in the arsenal of farm protection could include:

1. Change rural residential zoning areas to agricultural zoning,
2. Add a 500 feet minimum buffer zone between development parcels and land in active farming to preclude future mitigations requested from our farmers,
3. Provide more outlets for the sale of local farm products such as a public farmers market sponsored by the town.
4. Encourage local businesses with incentives and tax breaks to use local farm products,
5. Ease potential liability to farm businesses for “u-pick” places
6. Ease tax assessments on farm buildings

Purchasing development rights to recognize its value and to allow the public to continue to enjoy it and help the farmer remain in farming.

Infrastructure: another important criterion, which influences the distribution of development and its counterpart the preservation of open space, is infrastructure for water and sewers. As is well known, the soil composition between the eastern and western halves of Clifton Park is dramatically different. The western part of town

is dramatically different. It contains heavy, clay soil which makes it both difficult and expensive to locate water in this area. Additionally, constructing viable septic systems is equally difficult and even more expensive.

It is important to recognize both the cost to the public to extend municipal services for water and sewer, and the impact for development of recommendations made regarding extending water/sewer lines. FCPOS suggests no further extension of these services south of Rte 146--beyond the Corporate Commerce Zone.

Finally, there are four more issues, which should also be addressed in this evaluation:

Golf Courses: The decision to exclude areas currently used as golf courses from a build-out scenario. Since all of the golf courses in Clifton Park are privately owned and operated, it would be imprudent to assume that a decision by the owner(s) to sell the property for residential or other development purposes will not occur. An example of this occurred in the late 1980's, when the Van Patten company threatened to close its golf course in Clifton Knolls, so it could build more houses on the property. In order to preserve this small golf course, the Town allowed the company to construct additional homes (with individual curb cuts) on Clifton Park Center Road. This history demonstrates that, although these businesses represent large open space today, there is little to prevent their extensive residential development in the future.

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ADDRESS CORRECTION REQUESTED

Planned Unit Development: Today, PUD's require only a 10 acre minimum to circumvent all standard zoning requirements and receive consideration under special, often undefined standards. PUD developments in the western part of town should be considered only with much larger minimum acreage requirements such as 50 acres, which correlates with the anticipated reduced density.

Roadways across the Entire Town: The impacts of roads and highways as presented early in the GEIS appear to focus on the roadways in the GEIS study area. While the impacts presented are significant indeed, the actual impact is even greater. The consultants noted that the current east-west traffic flow and orientation would continue in the future, because there is no interstate parallel to the Northway on the West Side of town. Therefore, it seems that all of the east-west corridors—Crescent Road, Riverview/Grooms Road, Clifton Park Center Road, Rte 146, Kinns and Ushers Roads—will be heavily impacted in both the study area as well as the already built-up eastern areas.

Open Space Coordinator Position: The important work of the Town's Open Space Committee and the Clough Harbour consultants must, now more than ever, be focused and directed toward the hiring of additional paid, full-time staff. The Open Space Plan called specifically for the creation of an Open Space Coordinator position and FCPOS is asking that the town move forward now with this.

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