

FRIENDS OF CLIFTON PARK OPEN SPACE

www.cpopenspace.org

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Town Considers Purchase of Stony Creek Reservoir

The Stony Creek Reservoir---located in Clifton Park---is owned by the Town of Colonie. It was originally considered as a drinking water supply for the Latham Water District. But the Town of Colonie no longer considers it necessary, has declared it obsolete, and issued a Request for Proposal (RFP) from potential buyers to purchase the property.

The Reservoir consists of 1000+ acres of land---with 365 acres of water and 608 acres of woods and wetlands. It is the 4th largest waterbody in Saratoga County behind Sacandaga Reservoir, Saratoga Lake and Galway Lake Reservoir. It contains a Class A dam---about 807' long, 20' wide, and 47' high with a storage capacity of 8,100 acre-feet and a drainage area of approximately 11.2 square miles.

The Reservoir is located north of Crescent Road, south of Grooms Road, east of Vischer Ferry Road and west of Moe Road. If you drive on Englemore Road then you ride right across it. It is currently zoned R-1, R-3 and a Land Conservation Overlay Zone for NYS DEC freshwater wetland and buffers. It is not open for any public use as it is being held as a public water supply.

New private uses could include residential development, solar arrays, etc. We would prefer it be owned by the town for the public's benefit.

BOARD OF DIRECTORS:

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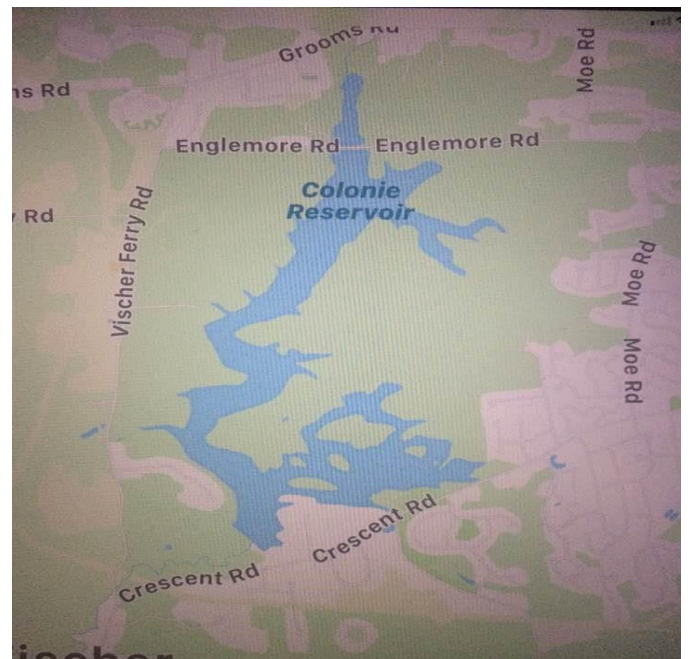
FRIENDS Start Stony Creek Reservoir Petition

You can sign at the link below:

<https://www.change.org/p/town-of-clifton-park-town-board-stony-creek-reservoir-for-sale>

The petition reads:

"Because the Stony Creek Reservoir is centrally located in town and has been literally untouched by development for 70 years, it is a unique regional ecological resource ideally suited for public preservation by the Town of Clifton Park. The acquisition of the Stony Creek Reservoir will preserve nearly 1,000 acres of pristine woodlands and watershed in Southern Saratoga County and help maintain and enhance the quality of life, the environment, sustainability, and economic competitiveness of the town and the surrounding areas. Therefore, we support a process for the Town of Clifton Park to work with the Open Space Institute toward the acquisition of the Stony Creek Reservoir from the Town of Colonie."





FRIENDS has long been involved with land preservation in western Clifton Park, and now there is a new opportunity to preserve open land in the eastern part of town—the Stony Creek Reservoir.

- The Reservoir and adjoining land are pristine—having been untouched for almost 70 years. Preservation of the Reservoir can serve as a counterbalance to overdevelopment in the area.
- No commercial or residential development is proposed for the site by the Town of Clifton Park. A public planning process would identify future uses of the Reservoir.
- The Reservoir is the largest body of water in Clifton Park & is identified as a specific goal and long-range opportunity for protection in the Town Open Space Plan. It is also recognized for protection in the Saratoga County “Green Infrastructure Plan” and in the NYS “Open Space Plan”—qualifying the property as a priority acquisition eligible for NYS’s Open Space Program Grant funding.
- Preserving the Reservoir opens the way for potential public uses including hiking, passive recreation and non-motorized use of the waterbody.
- The Reservoir is a significant fisheries habitat.
- Due to its location in Southern Saratoga County, the site can provide opportunities for tourism and regional economic benefits.

SOME HISTORY...*(Taken from John Scherer’s NY Almanac Article: Stony Creek Reservoir-A Short History)*

It was completed in 1953 at a cost of \$1,800,000 and holds 1.4 billion gallons of water that is piped under the Mohawk River to the residents of Colonie. The Latham Water District closed the floodgates on the dam across Stony Creek in the beginning of June 1953. By June 14 the lake began to form with a depth of 12 feet.

The reservoir project was opposed by the Clifton Park Town Board, and was opposed bitterly by the residents in the Vischer Ferry area, as well as by some Colonie residents. At risk were several historic homes, a cemetery and a town road that would be inundated by the waters of the reservoir. Landowners would lose valuable property along Stony Creek. The State approved the project in 1951.

The residents of Vischer Ferry and landowners around the proposed reservoir, led by A. C. Stevens and former Town Historian Howard Becker, signed petitions against the reservoir. The people in Vischer Ferry were especially concerned about being in the floodplain below the 35- foot dam. Lawyers were hired and suits were filed, but to no avail. Colonie eventually purchased the land by eminent domain. The courts awarded Chester Hall \$47,000 for his land and historic home.

By spring of 1952, work had begun on the reservoir, the land was cleared, existing structures leveled, and construction on the dam and spillway begun. Finally, by the end of the year the dam and spillway were almost complete and the Stony Creek began to flood the surrounding land.

Clifton Park Passes Solar Moratorium Law

On January 11, 2021 the Town Board passed Local Law No.2 entitled “Clifton Park Ground Mounted Solar Moratorium of 2021”. This moratorium applies for 6 months-until July 11th, and exempts projects currently submitted for consideration.

The Moratorium was invoked because of issues arising from new technologies and actions of various NYS agencies meant to allow individual ratepayers and homeowners to participate in commercial-sized solar facilities driven by new taxpayer-funded subsidies and incentives for solar/renewable energy projects. The scope of State controlled projects is 20 MW. That includes both residential & non-residential zones.

During this town moratorium, FRIENDS feels it is important to take the time to examine the issues of solar installations more fully and review new ideas, definitions and see what actions some other towns have taken. FRIENDS has already submitted memos (July 2020), and ideas (July, 2020), and public hearing testimony (January, 2021) to the Town Supervisor, Town Board members, and many Town directors and committee members.

Our concerns revolve around

- Town-wide Concerns
- Conservation Residential Zone Concerns
- Conditions & Safeguards
- Community Benefits & Amenities
- PILOT Funds

FRIENDS appreciate this moratorium, and asks the Town to seriously consider the merits of these ideas.

It’s All In The Implementation...

Over time, developers have found a variety of ways to use zoning tools to overcome the primary intent of the Town’s zoning codes. These include asking for Special Use Permits or Planned Development Districts. FRIENDS has often expressed our concerns over reliance on these tactics.

The town is duly concerned with protecting farmland as well as compliance with NYS solar guidelines. But NYS Energy & Research Development Authority (NYSERDA) guidelines say nothing about how to protect the community character or conservation or residential concerns of a local municipal’s citizens. These kinds of protections lie within the purview of municipal government.

For these reasons, we need to provide concise planning tools within any new solar zoning ordinance. We need regulations which will give the town entities reviewing & approving these projects concrete language in its provisions which then protects them and allows them to properly weigh the interests of all parties as new solar array projects come forward.

Grooms Road Solar “Farm” Facility.....



FRIENDS OF CLIFTON PARK OPEN SPACE would like your **financial help** in sustaining our research and outreach efforts. If you would like to help in this way, please detach, complete and mail the form below with your check made out to: **FCPOS, P.O. Box 821, Clifton Park, New York 12065**

--Or--Go to our website: www.cpopenspace.org and make a contribution directly from there.

Thank you very much for your support!

Yes, I want to help Friends of Clifton Park Open Space in their work to preserve the “Park” in Clifton Park

I would like to contribute: \$10 \$20 \$30 \$40 \$50 \$75 \$100

Name: _____

Address: _____ TOWN _____

Please make checks payable to: Friends of Clifton Park Open Space—or—FCPOS

Friends of Clifton Park Open Space is a 501C3 corporation and Contributions are fully deductible as a charitable donation

FRIENDS Drafts Position Paper on Solar Generation Facilities in Clifton Park

- **TOWN-WIDE CONCERNS:**

At the present time, solar arrays are permitted in residential zones pursuant to Special Use Permits (SUP's). However, SUP's are described as special uses and exceptions and can therefore be viewed as out of character or even conflicting with existing zones. FRIENDS has expressed this conflict and concerns with the solar arrays approved in the Town's Conservation Residential (CR) Zone.

The Town of Nassau in Rensselaer County has addressed this issue by passing "Local Law No.1 of 2019". This law states, "The Town of Nassau supports sustainable renewable energy systems such as solar energy...installed in the Town." "However, like any land use, solar energy systems have impacts on the community...which the town seeks to mitigate...". To do so, that town has conditions and requirements generally listed below:

1. First, the Town of Nassau is a rural community with a Comprehensive Land Use Plan similar to the Western GEIS and CR Zone of Clifton Park
2. Second, Nassau is particularly concerned with Large Scale Solar Energy (LSSE) Systems on the town's community character.
3. Third, these LSSE Systems are only permitted in certain designated zones.
4. Fourth, in these zones a Special Use Permit is required and must comply with 15 Siting Requirements and 11 Operational Requirements.

FRIENDS encourages our Town Board, in consultation with the Town Planning Board, to review the Nassau ordinance and its applicability to the Town of Clifton Park.

- **CONSERVATION RESIDENTIAL ZONE CONCERNS:**

Since 2005, the Town of Clifton Park, the Town Planning Board and FRIENDS have worked to implement the intent and provision of the Conservation Residential (CR) Zoning Laws. Success of that effort has inadvertently created a "solar industrial zone". Due to the attraction of the Zone's lower density requirements, solar companies are now aggressively seeking to exploit this situation and thereby compromise the rural, open-space character of the zone. Although FRIENDS is not opposed to responsible solar development, we recommend and encourage the Town to study the following compensation and mitigation measures during this moratorium.

- **CONDITIONS AND SAFEGUARDS (SECTION 208-79 D. (6))**

This section allows the Planning Board to attach "Conditions and Safeguards" to a Special Use Permit such as off-premise improvements to mitigate the impacts of a proposal. The Town of Portville in Cattaraugus County, NY has done this with a variety of projects with Borrego Solar.

- **COMMUNITY BENEFITS AND AMENITIES (SECTION 208-43.15):**

This section states: "All proposed amenities to be provided by the applicant must show demonstrable benefit to the area." Since solar panels are not mentioned in this "incentive" section, a Residential Equivalent Incentive for Solar Development (REIS) should be developed for the Conservation Residential (CR) Zone. A cash methodology and model developed by FRIENDS has been forwarded to the Town.

Funds to compensate for the loss of open space could be made by the developer and applied to open space acquisitions so that solar projects could benefit all town citizens. This alternative requires Town Board action.

- **PILOT Funds**

The Town presently receives Payments In Lieu of Taxes or PILOT funds for approved solar projects. These funds do not directly compensate the Town's CR Zone for the LOSS of open space. Therefore, the current payments do not help preserve the open space character of the CR zone. The Town Board should consider requiring a "solar mitigation fee formula" as part of the negotiated PILOT package.