

New York State Wetlands Forum, Inc.

2016 Annual Conference and Meeting Saratoga Springs, New York

April 5 & 6, 2016

<u>State Environmental Quality Review Act (SEQRA) – Quinella/Exacta Rooms</u>

Moderator: Mr. Chris Einstein, Clough Harbour and Associates, LLP

The SEQRA Statute & Regulations

Speaker: Ms. Terresa Bakner, Whitman Osterman & Hanna, LLP

Planning & Implementing Resource Conservation through SEQRA Speaker: Mr. John Behan, Behan Planning

Planning & Implementing Resource Conservation through SEQRA

(Sometimes the questions are complicated and the answers are simple.

Dr. Suess, Oh the Places You'll Go.)

SEQRA defines a Generic Environmental Impact Statement as providing environmental review for "an entire program or plan having wide application or restricting the range of future alternative policies or projects."

Hudson River Estuary Program: The GEIS is a useful vehicle for conducting comprehensive environmental and development planning for a geographic area that a municipality wishes to protect or develop or redevelop carefully. Instead of looking at one project in one place, a GEIS can be used to understand the collective impacts of development on the community including effects on natural resources, traffic, and town services.

Equitably Managing the Cost of Development for Municipal Infrastructure

(. . . Versus last one at the door picks up the tab.)

TOWN OF COLONIE



GEISGeneric Environmental Impact Statement

Courtesy of:

Joe LaCivita
Director of Planning and Economic Development
Town of Colonie

TOWN OF COLONIE

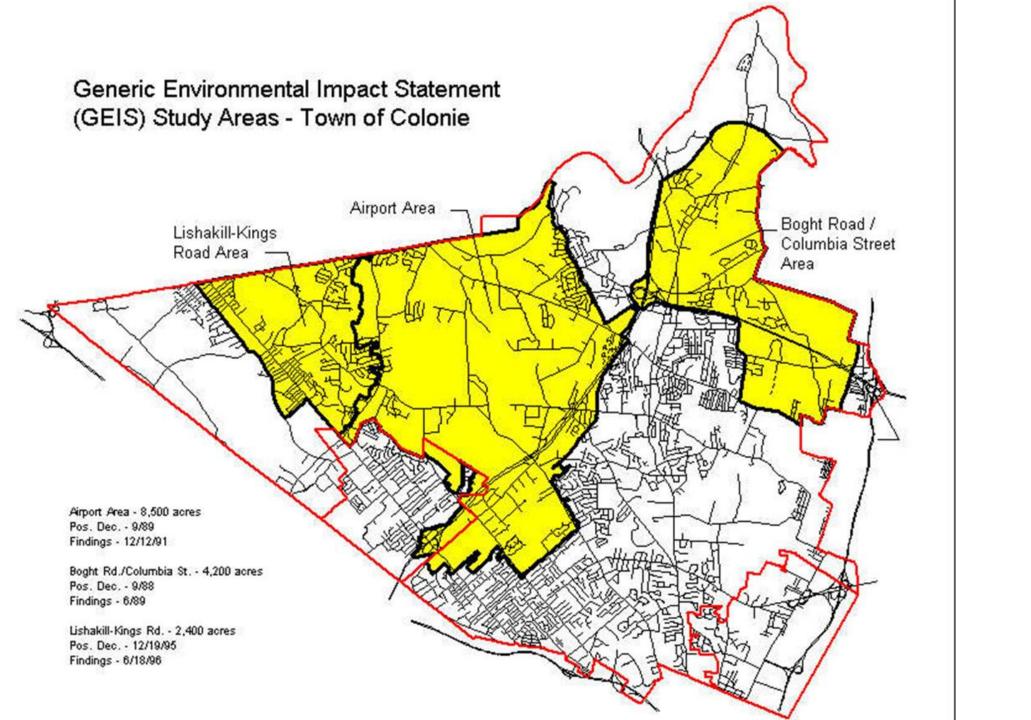
One of the Capital Region's oldest suburban communities

83,015 population 57.9 Square Miles Overall 324 miles of town roadway





43 miles of sidewalks



Analyzed Cumulative impacts of projected growth

A legal SEQRA document to rely on

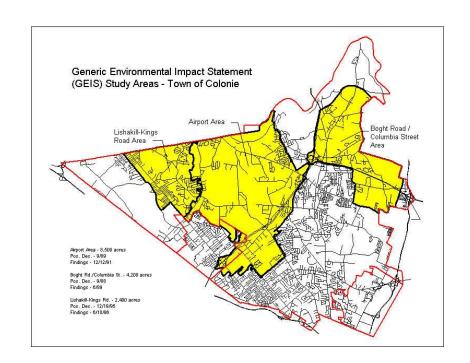
Creates set policies and procedures for future actions

Provides a rational nexus for improvements to development build-out



RESULTS:

A level playing field



Know up front the requirements within the GEIS area

Each projects pays its proportionate share of improvements (Pay For What is Used) such as Highway and Water System upgrades



What Improvements can be done with Colonie GEIS Mitigation Fees?

Road Traffic Signal Upgrades Bike/Pedestrian Recreational fields park (new and upgrades) walking trails open space preservation





COLONIE'S SUGGESTIONS FOR IMPLEMENTATION:

Don't do this by yourself
 Engage your local Engineer and Planning Consultant

- Bring the appropriate groups to table
 Make the process count
- Look to your local Municipal Planning Organization (MPO)
 Capital District Transportation Committee



System-wide improvements planned



Looking ahead at the impact of growth and finding better alternatives . . .

(. . . Versus incremental fragmentation of resources and loss of rural character.)

Statement of Findings

Western Clifton Park Land Conservation Plan & Generic Environmental Impact Statement

Town of Clifton Park Saratoga County, New York



Western Clifton Park Generic EIS

Growth Management and Rural Character Conservation

Evaluate

• The **cumulative impac**t of new development on the 13,900-acre western section of the Town of Clifton Park.

Identify

 Mitigation measures to ensure orderly and equitable growth

Create

 A new plan and zoning code that would implement the community vision



Build-out analysis

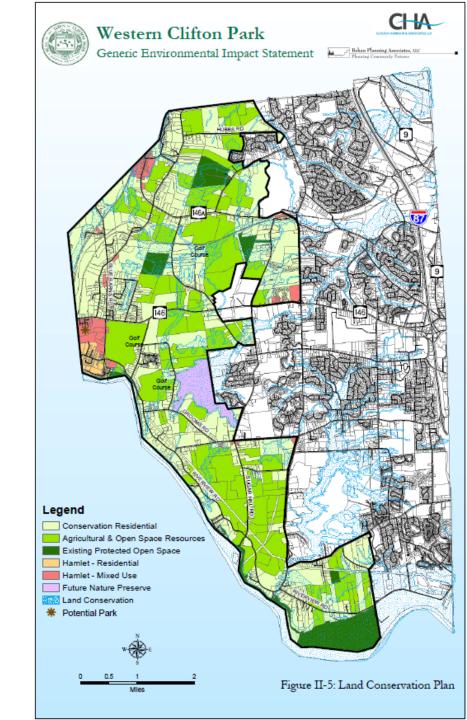
- Additional growth on 7,000 acres
- Significant loss of wetlands.
- Potential impact to threatened or endangered species
- Loss of habitat to common wildlife species
- Traffic growth (traffic model)
- Impact on farmland and prime soils
- Fiscal impact (fiscal impact model)

Conclusion

 Residential and commercial growth would be out of character with the rural nature of the area, contrary to town goals, and unacceptable.

Land conservation plan

- Refined open space plan
- Rural conservation zoning
- Open space incentive zoning
- Transfer of development rights
- Hamlet mixed use zones.
- Development design guidelines.
- Purchase of development rights.





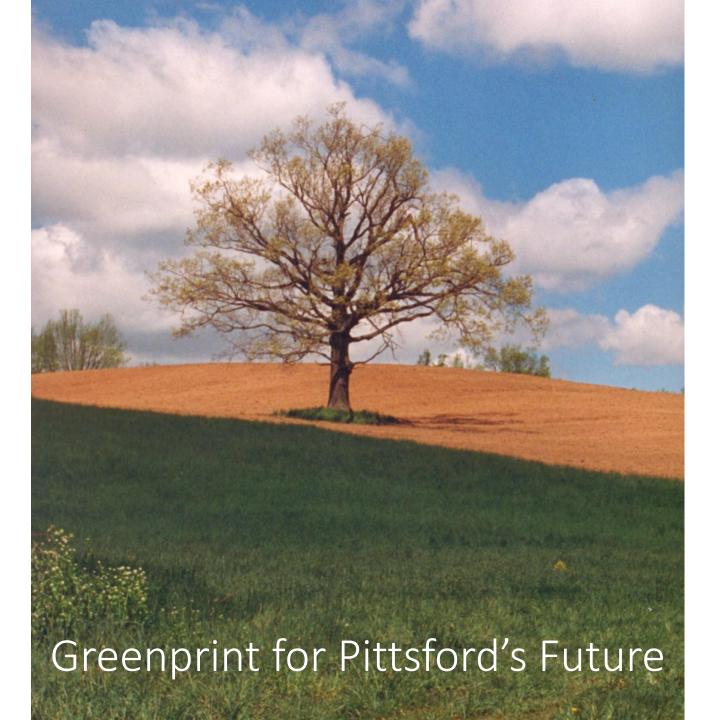
Findings—wetland related

- Reduce density by half.
- Require a minimum of 50 percent open space
- Preserve stream corridors and wetlands
- Preserve natural buffers
- Stream/wetland buffers of 100 feet or 50 feet

- Require sites to undergo a habitat resource investigation by a qualified wildlife biologist
- Requires outreach to NYSDEC and USFWS
- Requires contiguous habitat and open space to prevent habitat fragmentation both internally and between parcels/projects.

Protecting Resources at a Town-Wide Scale

(. . . Versus . . .well, we saved a few remnants of our resources.)



The Greenprint for Pittsford's Future

- 2,400 acres protection goal
- Identified through a rigorous "Resource Inventory and Evaluation"
- Considered 94 undeveloped parcels covering 3,600 acres.
- Pittsford took the bold step of creating a townwide plan for resource protection—and implemented it!

GREENPRINT FOR THE FUTURE





Agricultural lands are an important part of the landscape and character of Pittsford.

LEGEND



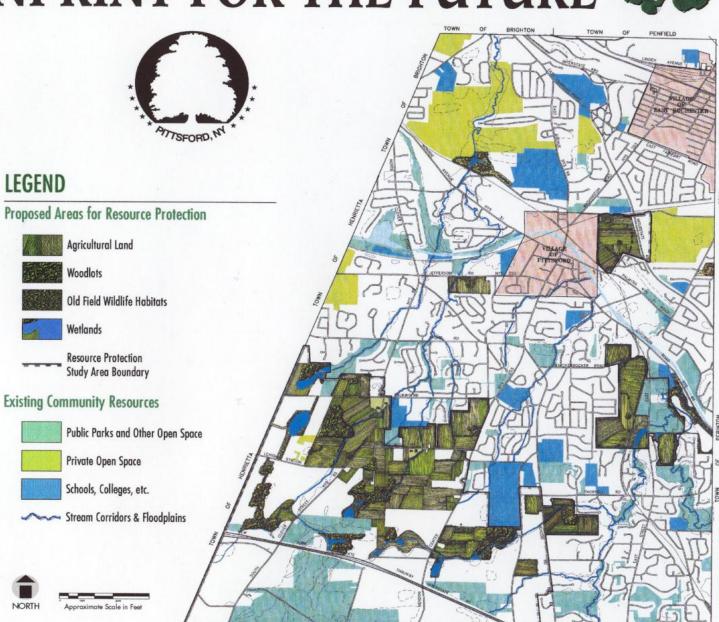
Pittsford's woodlands provide diversity to the landscape and are important habitat for a large number of plants and animals.



As land transitions into old fields, the landscape reverts to its natural state, increasing its habitat diversity and value.



Wetlands purify water, control flooding, and are important plant and wildlife habitats.



Resources evaluated and scored

- Agricultural
- Ecological
 - Water (including wetlands)
 - Botanical
 - Wildlife habitat
- Recreation, greenway, and historical resources

Fiscal Impact Model

- Evaluated cost to service future development for town's eventual build out
 - Town and School District Costs

• Cost to implement the Greenprint (and protect 2,400 additional acres from development).

• Showed that typical homeowner would pay \$50/year each year for 20 years for Greenprint (bonds) vs. \$80 additional/year without end.

Also recognized

- Development would continue
- Directed growth to the non-Greenprint lands
- That utilities could be extended to serve these areas

The Generic EIS

- Compared implementing the Greenprint vs. full build out
- Described the resources that would be protected.
- Recognized new growth with and without the Greenprint
- Established threshholds for:
 - The cost of implementing the Greenprint
 - The cost of NOT implementing the Greenprint
 - New development potential with the Greenprint

Key findings and legislation authorized;

- Significant beneficial impact on natural resources, community character, and land use.
- Development outside the Greenprint areas would not have a significant impact.
- Authorized town bond funding not to exceed \$9.9 million.
- "Open Space Incentive Zoning" allowed transfer of development rights from the Greenprint areas to other areas.

http://www.nypf.org/editable/documents/46825Winter2015FINALNEWSLETTER.pdf



Results

- 2,400 acres protected
- Spent \$2.2 million less than the \$9.9 million authorized
- 7 historic family farms protected
- Interconnect water resources, wetlands and wildlife habitats protected
- Helps maintain good water quality from stormwater
- Adds to economic amenity of properties
- Enhances quality of life and sense of place

The next wetland and related resource protection and restoration project.

Generic environmental impact statement (GEIS)

- SEQR provides for a generic EIS: An underutilized and tremendously effective tool.
- Can be used to create and review a wetland and water resource management plan, projects, regulations, and mitigation fees.

Wetlands, Water Resources and Stormwater Management Plan and Generic EIS

- Problem identification and potential solutions . . . and benefits
- Partnership formation
- Incorporates environmental review

- Public involvement program
- Analyze water and related resources such as ecological, recreation, and infrastructure
- Concept plans including green infrastructure
- Review alternative actions

- Key projects identified
- Regulatory and incentive approaches
- Financing
- Monitoring
- Final plan, implementation, findings.

Generic EIS Process (municipal or intermunicipal)

- ID a degraded or "at risk" resource
- ID governmental unit to lead
- ID current conditions, problems, & potential solutions w/ involved communities
- Develop plan & projects
- Evaluate plan, regulations, through Draft GEIS
- Finalize mitigation measures & costs
- Each community adopts SEQR Findings & Actions

- Evaluates cumulative impacts of current policies
- Considers alternatives.

- Identifies optimal solutions to wetlands/stormwater management, including land conservation.
- Can establish both regulatory and incentive-based zoning for local adoption.

- Opportunity to create a Transfer of development rights (TDR)-type program
- Greater opportunity for local gov't buy-in, requiring involved agency action on Findings
- Can establish a project funding mechanism through future development. Even pays for GEIS over time.

Keeping water clean





Make no little plans . . . they have no magic . . . Make big plans, aim high in hope and work.

Daniel Burnham

Thank you.

For updated information contact:

jbehan@behanplanning.com

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