

**TOWN OF DAY COMPREHENSIVE PLAN
COMMITTEE MEETING
APRIL 21, 2009**

Members Present: Ted Mirczak
Mary Ann Johnson, Supervisor
Dave Davidson
Ken Metzler
Judy Traeger
Larry DiRubbo
Richard Lamb, Consultant

Members Absent: David Cox
June Dixon

Others: Thomas Martin, NYS Department of Environmental Conservation
Suzanne Denn, Town Board Member

Minute Review:

The review of March 16, 2009 and April 2, 2009 minutes were deferred to the May meeting. Supervisor Johnson requested very abbreviated minutes in the future due to budgetary constraints with CD versions to be retained for reference.

Thomas Martin, NYS Department of Environmental Conservation:

The Department of Environmental Conservation was formed in 1895 by legislation and is protected by the Constitution. Their mission statement includes “lands protected as wild forests which cannot be released or exchanged, taken by any corporation, public or private and the timber shall not be destroyed or sold.” This is the only language which defines DEC other than Court cases which dictate how the lands are managed. The people of New York State currently own 2.72 million acres of forest preserve in the Adirondack Park. The first conservation easement was negotiated in 1963. A conservation easement is a land transaction which buys certain interest in the land (development rights, conservation rights, mineral rights, and timber rights) through negotiations with the landowner. DEC generally purchases all the development rights which are then extinguished and the land is required to remain in perpetuity as sustainable forests. DEC also purchases full recreational rights or portions thereof which are the case in the Town of Day.

Professor Lamb reviewed a map of forest lands with Mr. Martin and the Committee Members. Recreational easements were purchased on IP lands consisting of pre-existing snowmobile trails and are included on DEC maps. It is purchased this way in order to harvest traditional timber products and include recreation and clean water and air. New York State has a plan of action as to how they would like to see the Park to be structured in the future which would include open space in concert with viable,

sustainable communities with a balance of public and private land. In the past 15-20 years, large timber companies had begun to make strategic business decisions to sell their land. New York State was poised along with partners, The Nature Conservancy, Open Spaces Institute and the Conservation Fund to protect the open space character of the land forever while allowing for forest products to be profitable in this state and allow recreation to continue. The people of the State have invested one hundred million dollars in conservation easements in the Adirondacks. At the present time, every forest products company has divested itself of its holdings. Among the reasons for companies to purchase these forest lands are good tax treatments, leasing to hunting camps and profitability when they resell the parcels. The future of forestry appears to be very stable in the future particularly when considering those European companies which have existed over hundreds of years and look very long term are investing in the State. Presently, the logging industry is on the decline in the State due to mechanization and the downturn in the economy.

These easements would still allow future negotiations with the landowner to purchase additional rights if there is something on those lands which is critical to the community for public recreation. The State is currently in negotiations regarding the Spruce Mountain Fire Tower located in Corinth on IP lands and originally did not purchase easement rights across IP lands. They are renegotiating that easement.

Mr. Martin reviewed the questions (copy attached) provided by the Committee with the following notations:

1. The Nature Conservancy and other non-profits work as the State's agent in purchasing private lands.
2. Maps, actual easement documents and contact information regarding Lyme Adirondack Timberlands property will be provided.
3. In addition to Lyme Adirondack Timberlands, NYS controls an additional 10,000+ acres which are public lands and never subject to closure for permissible activities. Amendments can easily be added which deal with hiking trails, canoeing access sites, etc. and would be done within 90 days.
4. In the case of the overlook on Clute Mountain, this access would need to be obtained from two different landowners. While DEC can work with TNC, local towns or interested parties within a town are encouraged to work directly with the landowner to seek permission. Under the General Obligations Law, a landowner would be protected from any liability if the general public can recreate for no charge and a person is injured. Injuries from snowmobiling or swimming are not included. List of attorneys to be provided. Contact person: Neil Woodworth, Adirondack Mountain Club.
5. Contact Tate Connor regarding hiking trail which would not be difficult to obtain approval for.

6. Easements for biking trails are very easily obtainable.

7. It would be helpful to the Town's case to identify possible hiking trails or other public access if it were included in the Comprehensive Plan along with specifics they would like to recommend. The State would not have to develop a new Unit Management Plan for easement lands to include the recommendations of the Comprehensive Plan but would develop a recreation management plan which is less onerous. Regarding fee lands, it would be a separate process under a Unit Management Plan. Tate Connor, DEC, Warrensburg would be responsible for these plans. The Town of Day should determine the types of recreation easements for these lands due to the release of the draft of the Wilcox Lake Wild Forest for public review this summer. Negotiations can be made only with the landowner as the leasee does not have the right to allow others on the land. If the State has purchased all the rights to the land, the negotiation would be with the State.

AANR (Adopt a Natural Resource Agreement) would enable volunteers to work on State trails with Workmen's Compensation coverage provided by the State.

8. Suggestions for Comprehensive Plan: Growth in paddling; short day hikes; and, family loop trails with 5-7 stops may require easements. Highway signs promoting points of interest (cultural or natural resource based). Consider how to use lands as an asset for the community as there are more opportunities to use public lands than ever before. Providing outdoor activity for residents and seasonal visitors. Invite Tate Conner, DEC, Warrensburg to speak on the easements and opportunities for the Town.

Property Owners Association:

Chairman Mirczak and Professor Lamb will attend the meetings on June 20 and August 15, 2009. The Association newsletter has a deadline of April 28th and Committee Member Davidson will compose a release to be approved via email with the other Committee Members.

Survey Review:

A summary of survey results would need to be published on the website and news releases made. A discussion of which graphs would be utilized was discussed and the consensus was that Format 1 and the pie graph for EMS are the best choices. Use of the Summary Graph may fix priorities.

Determination of what the discussion groups will focus on would be determined by survey results and discussion at the public meetings. Professor Lamb stated consideration must be also given to which subjects can be actionable by the Town and then prioritized. Individual surveys would be made available to the public at the Town Hall only.

Plan Overall Outline Review:

Chairman Mirczak reviewed with Committee Members with March 2 “Proposed Outline” (copy attached). Under “Goals – Issues – Recommendations”, 3rd bullet would deal with proposals specific to the goal and not possible rule or law changes. Vision Statement would be moved from B. “The Plan Itself” to C. “Land Use Plan” as the first statement. Vision statements would also be included in the Zoning Law. While this Committee will not be undertaking the duty to make changes to Zoning Law, the Comprehensive Plan must support law changes.

Professor Lamb stated the plan must be drafted, there must be at least one public hearing, and it must be sent to Saratoga County Planning Board for their approval with final approval by the Town Board. He further stated data information which he has prepared could be put on the website and attributed to Professor Lamb for public informational purposes.

Chairman Mirczak will revise the Proposed Outline as Draft 2.

Goals and Recommendations:

Chairman Mirczak stated as the goals and recommendations are adopted, they must all be supported by information from the survey results and speakers at the meetings.

Professor Lamb stated the towns he has worked with previously did not have workshops, only informational meetings. While there may be increased interest at workshops or informational meetings, it has been his experience that these meetings are not always well attended. The first meeting should be informational reviewing what the process is, what the survey results were and what the priorities of the Committee are. Both oral and written comments should be taken at the meetings with each meeting beginning with a 30 minute explanation and 30 minutes for public input on both general and specific issues. The informational meeting will be July 11 at 10 a.m. with workshops on August 8 and 22 beginning at 10 a.m.

Discussion ensued on the Goals and Recommendations Checklist as follows:

General Growth Philosophy:

Growth should neither be encouraged or discouraged, but continue to be guided.

Goal: Preserve the scenic rural character that is the town’s principal resource.

All Committee Members agree with the goal but make the following changes to the Recommendations:

1. This statement will remain part of the checklist.

2. The statement will remain with possible changes as there is a hesitancy to regulate architectural design in all site plan reviews.

3. This statement will remain part of the checklist. If a particular parcel is undeveloped in a scenic view, would the landowner be prevented from building or restrict the location of the building? An additional consideration would be how the new APA regulations impact renovation of some existing structures in lakefront residential zone.

4. Change to: Require that a landscaping plan be approved by the Planning Board for non-residential development as part of the site plan review process.

5. Change to: Require vegetative buffers around cluster housing or planned unit development, if any, so that it is less visible from public roadways.

6. This statement will remain part of the checklist with future considerations to deed restrictions.

The remainder of the list will be reviewed at the May meeting.

Respectfully submitted,

Diane Byrne