

# Protection of Open Spaces and other critical Environmental Resources

Moderator: **David J. Miller**, Executive Director, Audubon New York;  
Panel Members: **Andy Beers**, Deputy Director, The Nature Conservancy;  
**Paul Gallay**, Executive Director, Westchester Land Trust;  
**Francis Sheehan**, Director, Office of Natural Resources Planning,  
New York State Department of Environmental Conservation

“Through its tremendous legacy of public parks and the many successful programs for protecting open spaces, New York has been a leader in conserving its resources for future generations. Continuation of funding for both state and local stewardship of open spaces will allow this legacy to continue.”

- *Quality Communities Task Force Report*



*Moderator*

## **David J. Miller**

Executive Director, Audubon New York

Before Mr. Miller provided introductions for the three panelists, he highlighted the importance of getting local communities involved in open space planning processes. He highlighted the Town of Clifton Park, New York as a pilot project of Audubon, where a local stakeholders group is working with town leaders.

Mr. Miller also emphasized the importance of the state's Open Space Plan and the funding mechanisms that support its implementation. “The investments in open space in the state's Environmental Protection Fund, as well as from the federal Land and Water Conservation Fund, will provide benefits for generations to come,” he said.

## Francis Sheehan

Director, Office of Natural Resources,  
New York State Department of  
Environmental Conservation

Mr. Sheehan gave an overview of the Quality Communities Task Force Report's recommendations relating to open space protection.

- Recommendation #15, Open Space Funding: Mr. Sheehan commented on New York's strong tradition in open space funding and the creation of a statewide open space plan.
- Recommendation #16, Conservation Donor Credit: According to Mr. Sheehan, this initiative has been included in the governor's budget and, at the time of the conference was under discussion in the legislature. Mr. Sheehan felt that this was potentially a great new incentive that would provide the state with an additional tool for open space conservation and to purchasing land on a fee simple basis.
- Recommendation #17, Open Space Districts: According to Mr. Sheehan the authorization and creation of open space districts would provide property owners within the district local property tax reductions in exchange for agreeing to keep their land as open space for a period of time. Mr. Sheehan emphasized that open space districts could particularly help high growth areas like Westchester County, Dutchess County, Monroe County, and Long Island, "where you've got a lot of incredible growth pressures going on where land prices are exorbitant." According to Mr. Sheehan, this would be a purely voluntary action by local governments and the legislation is

being worked on by the governor's office for introduction later this year.

- Recommendation #18, Enhancing the state's existing purchase of development rights (PDR) program: According to Mr.

**"The state's Farmland Protection Program has always used the PDR concept to great success here in New York."**



Sheehan, currently the state uses its PDR program to protect several categories of land. Working forests allow the land to remain open for public recreation, wildlife and water quality benefits, in addition to timbering. And, the state's Farmland Protection Program has had great success using PDR to protect farms identified through county-based farmland protection programs.

- Recommendation #19, Transfer of Development Rights: According to Mr. Sheehan, this recommendation is based on the success of the Long Island Pine Barrens, where transfer of development rights was used to conserve portions of the core of the Long Island Pine Barrens. This recommendation will look to create a pilot project with another group of municipalities to try to duplicate the success of the Pine Barrens program.

In addition to stressing the importance of state level funding, Mr. Sheehan also pointed out two federal initiatives that could be crucial for New York state. One is increased funding for the Land and Water Conservation Fund, which has been proposed in the CARA legislation in Congress. The second proposal is by the former Vice President Al Gore called Buy American Bonds, which would provide zero interest loans to communities for open space on a federal level as well as other enhancements.

**Paul Gally**  
Executive Director,  
Westchester Land Trust

According to Mr. Gally, “The Quality Communities Task Force Report has all the goods that we need to use and make use of to make open space preservation part of an integrated land use strategy.” In addressing the specific recommendations, Mr. Gally emphasized that each of them “require significant local involvement and community support to succeed.”

Mr. Gally highlighted the importance of the conservation donor tax credit, the open space conservation districts and enhancing the state’s purchase of development rights (PDR) program, which will all enable communities to protect more land than they can afford to buy outright and also help to keep the land productive. Mr. Gally pointed out the complexity of using transfer of development rights in terms of addressing the potential equity issues and different regional needs.

Mr. Gally then focused on the types of ideas that the Westchester Open Space Alliance is having success with in integrating local open space protection strategies with the Quality Communities Task Force Report’s recommen-

dations. According to Mr. Gally, in Westchester County they have been able to find a lot of common ground on open space issues, in particular because Westchester has lost 25 percent of its unprotected land since 1990, a number which continues to grow.

According to Mr. Gally, the Westchester Open Space Alliance was formed to include community groups and to get a regional force together to come to some sort of common understanding as to what smart growth means in a complicated place like Westchester County. The regional model they are working on is emphasizing that different solutions will be needed depending on the community, whether it is infill development or brownfield clean ups or conservation subdivisions and that models need to be created for all these different solutions. In addition, they are concentrating on public participation to earn buy-in on which lands to protect and which to develop.

According to Mr. Gally, they are also working to debunk the myth that open space advocates are elitists. They are educating people that protecting open space is really about “trying to identify the areas where preservation belongs, because that’s where the natural resources are, and where development belongs, because that’s where the infrastructure resources are” in order to maintain strong communities for all citizens.

As of this conference, Mr. Gally said that they are helping nearly half of Westchester’s communities from urban to rural and have seen great success in the past year with 10 communities passing local referenda or other

“The Quality Communities Task Force Report has all the goods that we need to use and make use of to make open space preservation part of an integrated land use strategy.”



capital investments totaling \$26 million to protect open space and leverage with state and federal monies. According to Mr. Gallay, these communities were successful because they educated the public and elected officials on the benefits of open space. The referenda passed by an average margin of 2 to 1, with broad support from a diverse constituency.

In follow up to the referenda, citizen advisory committees are being formed to inventory open space resources to ensure appropriate land is bought with the money. In addition, Mr. Gallay pointed out that donations of land are up as citizens see that towns are making a commitment to protecting open space.

Mr. Gallay concluded by pointing out the need for additional open space strategies by local communities such as conservation overlay zones and cluster subdivisions. He emphasized the opportunity for academics, planners and elected officials to study what has worked and what hasn't and to harness the expressed needs of the communities. He said, "This is an opportunity for people to give voice to the concerns that they have always had. It's an opportunity to do it in an equitable fashion, because it focuses not only on where preservation should go but also on affordable housing and other smart growth principles."

### **Andy Beers** Deputy Director, The Nature Conservancy

According to Mr. Beers, the six open space recommendations in the Quality Communities Task Force Report cover what needs to be focused on in New York state. He emphasized though that open space "is not in itself a solution to smart growth, but it is an important component of that. And having active, aggressive, well-funded, well-organized open space protection programs is a key element of a successful anti-sprawl effort."

In terms of open space protection, however, he said that the key to the recommendations will be how aggressively the state moves to do more than simply continue current levels of funding, because open space protection is really about providing significant public funding. Mr. Beers complimented the governor and legislature for providing record levels of funding for state land purchases, but again emphasized that it was not enough. According to Mr. Beers, the \$58 million in funding proposed for this year will only cover about a quarter of the eligible sites identified in the governor's budget. Mr. Beers compared New York to Florida, which, while he acknowledged as having greater growth pressures, has dedicated \$300 million a year for open space purposes for the last 12 years running, some four times the amount that New York has spent.

Mr. Beers addressed the grant program that gives 50% matching grants to local governments for parks and historic preservation as similarly being inadequately funded. While it has funded hundreds of important projects across the state in rural, suburban and urban areas, in last year's round there was a 6 to 1 ratio of applications versus available dollars, leading to many worthy projects not being funded. Mr. Beers emphasized the need for everyone to contact their state legislators and the governor to register their support for increased open space funding.

In addition to state monies for open space funding, Mr. Beers pointed to the growing interest in local communities to raise local funds. He said that traditionally New York's communities have shown very little interest in raising local dollars, except for the eastern end of Long Island. He looks to the successful

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open space referenda in Westchester County over the last year as hope that New York's communities may be moving in a direction to put some of their own dedicated funds to work. In addition he pointed to the Town of Wilton in Saratoga County where voters will be asked to approve a \$3 million open space initiative [NOTE: this initiative was subsequently rejected by the voters]. With the exception of Pittsford, Mr. Beers noted that there has never been in upstate New York, north of Westchester, any passage of a dedicated open space funding program. He compared this to New Jersey where every year 20 to 40 municipalities, counties and townships have been passing open space funding programs. Given these statistics, Mr. Beers suggested that there should be more focus on what needs to happen in New York state to spur more local activity.

Mr. Beers highlighted legislation proposed by Assemblyman Richard Brodsky (A 7015) to create a municipal open space loan fund to provide zero interest loans to municipal governments that create dedicated funding sources for open space protection. Mr. Beers noted that the Assembly would initially capitalize it with \$15 million from the Environmental Protection Fund and that The Nature Conservancy (TNC), along with other organizations, are also seeking to expand the program so that nonprofit organizations could also secure no-interest loans.

Mr. Beers praised the Conservation Donor Tax Credit as “a major new financial incentive for open space protection in New York.” This will increase what a person donating land or a conservation easement is able to claim as a deductible charitable contribution as well as allow one to claim a large income tax credit rather than the deduction, which, according to Mr. Beers, is much more financially beneficial for all sorts of land owners.

Mr. Beers called the Open Space District recommendation “a novel idea” which would allow municipalities at their discretion to designate open space districts and then to create certain real property tax incentives for private land owners within those areas that voluntarily agree to conserve their land for some term period.

Mr. Beers also called for significantly increased funding for farmland preservation. According to Mr. Beers, New York state is proposing \$12 million in this year's budget, while our neighboring state of Pennsylvania will be spending almost \$100 million this year on farmland preservation. Mr. Beers said, “New York needs more farmland protection dollars ...the level of applications for those funds has been 6 to 7 times the available funding.”

Mr. Beers concluded by reemphasizing that the most important step the state could achieve this year in terms of open space protection is providing more funding at the state level.

John McKeith

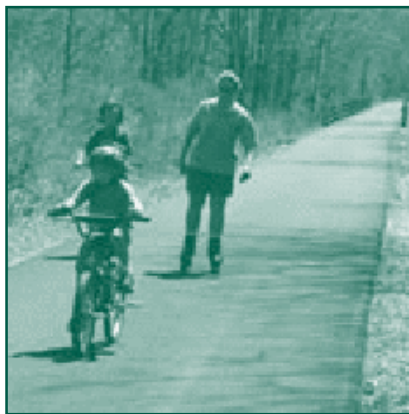


*The New York Open Space Protection Plan of 1998 stated, "The quality and character of the lives of the people of the state of New York depend upon the quality and character of the land on which we live. Our mountains, lakes, rivers, forests and coastline, our natural landscapes, urban parks and historic resources shape the way we spend our leisure time, affect the long-term strength of our economy, determine whether we have clean air and water, support the web of living things of which we are part, and affect how we think about ourselves and relate to other New Yorkers."*

Audubon



NYS DOS



*In Dutchess County, the Harlem Valley Rail Trail Conversion project created four miles of multi-use recreation trails for pedestrian, bicycle and equestrian use, with linkage to other sections of rail trail already existing.*

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*The illustration to the left shows the Waterfront Park and Commercial Development project located in the City of Hudson, Columbia County. The purpose of the project is to redevelop a former tank farm on the shore of the Hudson River into a seven acre waterfront park and upland commercial site. There are currently limited recreational activities and public access to the Hudson River in the City of Hudson. This park will be a focus of activity on the former industrial lands.*