

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

CITIZENS' IMPLEMENTATION COMMITTEE

February 15, 2022, at 9:00 AM

Rev. 2/28/2022

MEETING REPORT

Meeting Called by: Shawna Bonshak, Chair

Committee Members: Oksana Fuller **R** Karen Parkhurst Sal Pietropaolo **R**
Doug Finch Shawna Bonshak Sarah Reynolds
Tom Schwartz **R** Chuck Oyler **R** Patti Venezia

Secretary: Kimberly Burkard

Guests:

R=remote attendance

CALL TO ORDER

- Ms. Bonshak opened the meeting at 9:00am.

APPROVAL OF PAST MINUTES (FEBRUARY 1, 2022)

- Motion to approve minutes from February 1, 2022 by Ms. Fuller and seconded by Ms. Parkhurst. Motion carried by voice vote.

NEW BUSINESS

- Conservation Easement Project Team
 - Detailed information on conservation activities and structure in the Town shared by Mr. Finch including whiteboard information shared at the end of this meeting report:
 - The two things that the Conservation Easement Team started with were updating Conservation Subdivisions and Conservation Easements—mostly specifically Conservation Subdivision as updates were necessary. Conservation Subdivision was updated in the fall of 2021. Conservation easements are the next to be addressed.
 - White board chart was referenced for the following—see the end of the report for the chart.
 - Two ways to do conservation in the Town: easements and fee titles.
 - **Fee title:** Town holds the ownership of the property. There are private and public opportunities.

- **Private:**
 - Example One: Finger Lakes Land Trust and the new Vista project. Town contributed money towards it and there is an intermunicipal agreement but it is Finger Lakes Land Trust private fee title ownership that conserves that land.
 - Example Two: Ducks Unlimited does own land and holds easements.
- **Public:** Properties owned and titled by the Town of Canandaigua. Town of Canandaigua owns 72 parcels. Unless the Town declares the property as surplus, it will forever be the Town of Canandaigua's property and are thereby protected. These parcels are not on the tax rolls and some are tiny and may involve services such as water/sewer lines, pump stations, etc. Mr. Finch urges considering the opportunities afforded by the resources the Town has.
 - Example: Onanda Park
 - Example: Buffalo Street Parcel—57 acres of open space leased to Mark Stryker who farms it.
 - Example: Pocket Parks
 - Example: Cheshire Parcel—Town acquired through public fee title in Cheshire a piece of property at the top of the gully in order to install a gravity sewer line to the pump station. If the sewer work never occurs, this property (that is sitting empty) could become a pocket park.
- **Easement:** easement on the parcel
 - **Private:** Unlimited number of private easements
 - Land Trust
 - Finger Lakes Land Trust
 - Genesee Land Trust
 - Nature Conservancy
 - Volunteer Programs: land owners extinguish development rights
 - **Public (Quasi):**
 - Town?
 - TDR: There is an opportunity for the Town to have this kind of program.
 - PDR
 - Federal
 - State
 - Purdy PDR: Public-private easement done through a NYS program and the Town holds an easement on that property protecting 184 acres.
- **Why Conservation?**
 - Natural Resource Protection
 - Recreation
 - Open Space
 - Historical
 - Cultural
 - Ag
 - Viewshed

- **TOC Program**
 - Factor in all avenues
 - Funding
 - Town Invest
 - Open Space
 - Land Bank?
 - Funds
 - Grants
 - NYEPF
- **Possible Incentives**
 - Tax Credit
 - NYS (25%) up to \$5K for if you voluntarily put your property into some sort of conservation easement. This would be listed as an exemption.
 - Local Recognition: plaques or other recognition items
 - Save Natural Resources: NY Env. Protection Fund, etc.
 - Development Density
 - Tax Credit Income
- Mr. Finch suggested that existing team or new team needs to kick off soon and dive deeper into some of these topics.
- Ms. Parkhurst asked if developers who did a Conservation Easement would get tax credits. Mr. Finch not necessarily. He explained that the NYS program has voluntary credits by the person who owns the land. He continued that the developer programs are as a planning board requirement. Example: Morrel Project that has an open space public easement. HOA will own the land in this example. The incentive in this case was increased density.
- Ms. Parkhurst asked if the Town owned property could be used for individually owned affordable housing development. Mr. Finch said it depends upon how the parcels were acquired. Any parcel owned by the Town that has been used for Parks & Recreation, has to remain so in perpetuity for public parks and recreation purposes. (There is a special approval from the NYS legislature that is possible to convert park property to another use.) But this effectively removes many of the Town owned parcels from consideration. Many of the rest of the parcels already have a use (ex. pump station, storm water ponds) and may be tiny. The Buffalo St. Ext. parcel is one of the largest that the Town owns but it was purchased through Open Space Reserve Fund money and so it must remain open space. Excepting out the previously mentioned parcels and there are few that are able to developed for something like affordable housing. Mr. Finch noted that direction must come from the Town Board in terms of affordable housing.
- Ms. Bonshak asked if a BID has ever done housing. Mr. Finch said that the Geneva Housing Authority is similar to a BID but supplemental NYS laws that allow for the creation of a BID are very specific. The LDC has the authority and ability to buy, own, lease, and sell property. Mr. Finch noted that people buying affordable housing to sell for market rates is an issue.
- Mr. Finch shared a document of his initial ideas with regards to Conservation (included below):

TOWN OF CANANDAIGUA
CONSERVATION PROGRAM

The objective of this proposed program is to create a comprehensive Town of Canandaigua Conservation Program that will bolster existing efforts in the Town of Canandaigua to promote the protection of natural resources, agriculture protection, and open space of high-quality parcels for protection throughout the Town of Canandaigua.

Existing efforts by the Town of Canandaigua such as Conservation Subdivision, Town of Canandaigua Strategic Farmland Protection Area, Padelford Brook Greenway, possible Agriculture Protection Overlay District, Natural Resource Inventory, Open Space Plan and Index, and development review relating to protection of natural resources during development application review should continue.

The concept of the Conservation Program is to create an umbrella program that has specific avenues for conservation program identified so that the most appropriate path is able to be determined when reviewing applications or when land is available for consideration of conservation.

	Conservation Easements – Private	PDR – NYS (FPIG)	PDR – Federal	TDR	Town – EDR / Conservation Easement	Town - Owned
Land Size:	Varies	50 acres avg minimum				
Value % of Development Rights fund:		75%	50%			
Award to landowner:	Varies (if any)	\$2M max per project				

Conservation Easements - Private

Conservation Easements, privately held fall into any number of categories including land that is part of a conservation subdivision and the conservation easement is held by the Homeowners Association, land that has conservation easements held by groups such as Finger Lakes Land Trust, or even private conservation easements that have been placed on parcels by current or previous landowners who wish to make sure their property sees limited future development.

Generally, the Town of Canandaigua is not involved in the monitoring or enforcement of Conservation Easements – Private; however, the Town may wish to map those parcels that have private conservation easements for the purposes of knowledge of the parcels and identification of lands which have conservation easements for the purposes of future development review.

PDR – NYS (Purchase Development Rights – State of NY Program (Ag & Mkts)

PDR – Federal (Purchase Development Rights – US Gov’t Federal Program)

The PDR – Federal is a program for Agriculture Protection efforts under the Federal Program with the USDA Natural Resources Conservation Service (NRCS). NRCS provides financial assistance to eligible partners for purchasing Agricultural Land Easements that protect the agricultural use and conservation values of eligible land. For working farms, the program helps farmers and ranchers keep their land in agriculture. Under the Agricultural Land Easement component, NRCS may contribute up to 50 percent of the fair market value of the agricultural land easement. The program also protects grazing uses and related conservation values by conserving grassland, including rangeland, pastureland and shrubland. Where NRCS determines that grasslands of special environmental significance will be protected, NRCS may contribute up to 50 percent of the fair market value of the agricultural land easement.

To the best of our knowledge at this time, no conservation easements associated with the NRCS program exist in the Town of Canandaigua.

TDR – Transfer of Development Rights

Town – EDR (Town, Extinguish Development Rights)

Town – EDR is the creation of a Town of Canandaigua Extinguishment of Development Rights, while the property remains owned by another person or entity.

Town – Owned

- Mr. Finch said the document is partially filled and needs more work to fill it in.
- Mr. Finch said that when a planning board considers a subdivision, they make a decision on whether they are going to charge an “in-lieu-of-fee.” This fee, for example, can be charged if the developer doesn’t build a park in their development. The fee, which has been established by the Town Board, then can be used to support parks & rec programs in the Town. The Parks & Rec Fund can be used for new park opportunities.
- Mr. Finch added that in the Form Base Code area there is a \$1000 fee for each unit being created. Ex: if a 50 unit apartment building is built in Uptown, a \$50,000 fee would be paid by the developer to the Town. These funds can be used differently than the “in-lieu-of-fund” for funding parks & rec maintenance, improvements, and recreation as this fee was created by the Town. The Form Base Code fund can support open space recreation. The Open Space Fund is a separate reserve fund with very specific legislation. It can be used to purchase land or it can be used to create public easements, ex: Town PDR, TDR, etc. The Open Space Fund is created through Town Board allocation of surplus at the end of the year. Mr. Finch said that the Open Space Fund currently has approximately \$1.2 million in it. Form Base Code Fund is currently \$0. The “in-lieu-of-fund” currently has \$400,000 in it. There are also grants that could be applicable.
- Mr. Finch said that people have been asking if the planning board can direct a portion of money to the Open Space Fund and a portion to the “in-lieu-of-fund.” The “in-lieu-of-fund” is determined and dictated by NYS law and very specific things can be done with it. The Town can create other funds and fees. Mr. Finch suggested that the Town could drop the “in-lieu-of-fee” to \$500 and create a new fund/fee to split it but the Town is always going to need money for Parks & Rec.
- Pocket parks could be funded from a number of different funds.
- Mr. Schwartz noted in privately owned conservation easements, the entity donating that can also take a tax credit on their income tax for the loss of the value of the property. The value loss is a tax deduction carried over five years—if the donor has income to be sheltered. Mr. Finch added that the Town is a not-for-profit entity so donations to the Town or LDC can be tax deductible.
- Mr. Finch said that with a PDR, NYS funds 75% of the value and the Town funds \$50/acre with 24.999% being gifted by the the land owner to the Town. The land owner gets a check but there is an opportunity to shelter some of that income through the capital gains with the gifting of the PDR.
- For every unit built in Uptown, the developer has to pay a \$1000/unit fee to the Form Base Code Fund.
- Blue Heron Park is in the new Uptown BID and the BID can make improvements in Uptown (including Blue Heron Park) to enhance the area. This includes flowers and landscaping.
- TDR Programs have “sending” and “receiving” areas. Initially, Uptown was to be the receiving area—send development rights to here from other areas in the Town like the Paddleford Brook Greenway and the Strategic Farmland Protection Area. But now this area is zoned with the Form Base Code and it no longer makes sense to have it be a sending or receiving area as there is no density left to build out. There are still the MOU2 and MOU3 areas that could be sending or receiving areas. Creation of a “Land Bank” could come into play when developers want to build in certain areas, ex: Strategic Farmland Protection Area, and they could make a contribution to the Land Bank which could in turn be used to conserve other property.

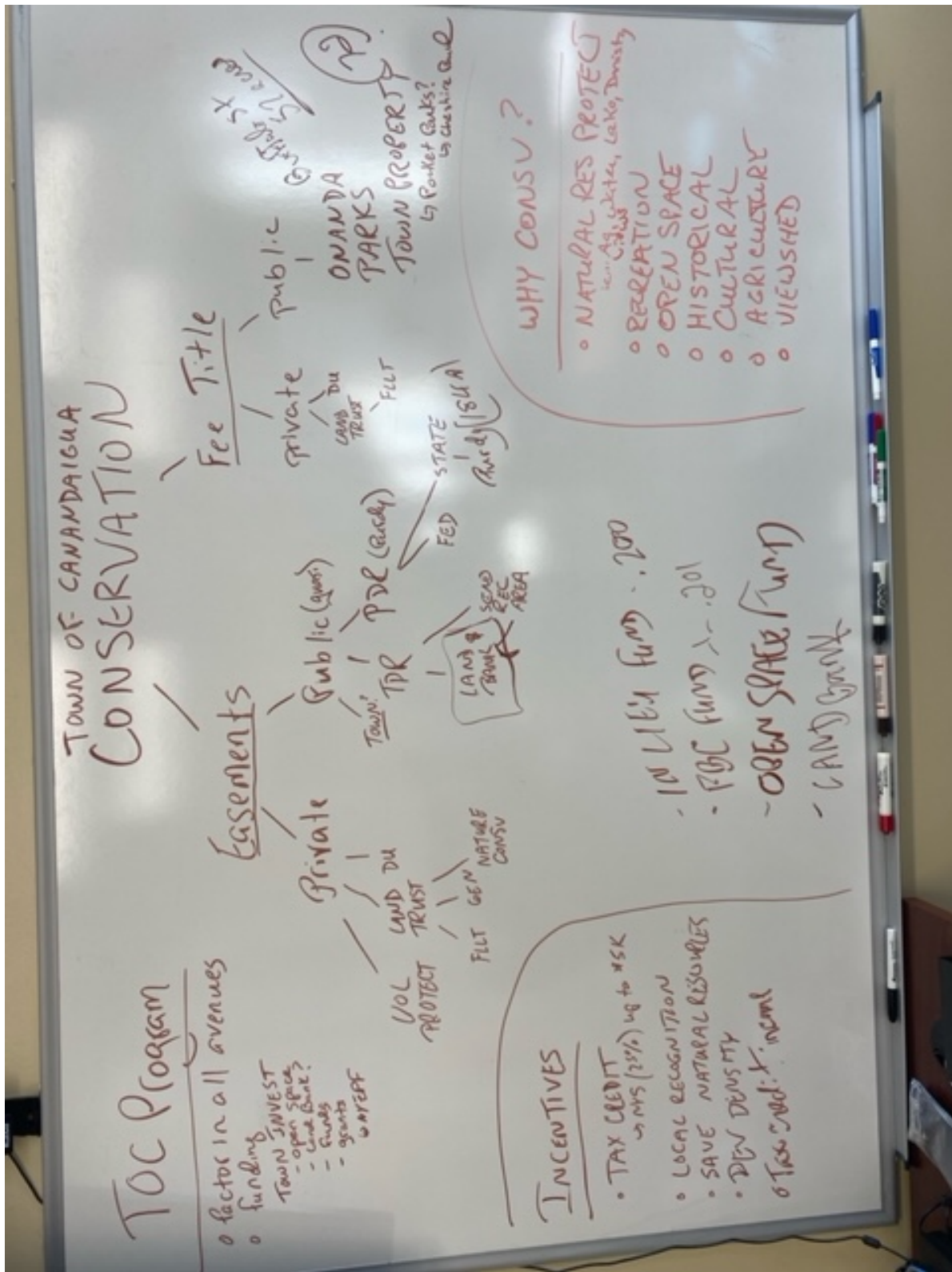
- Mr. Finch noted that in a recent conversation with the Ag Committee, the Ag Committee is looking to protect an area of farmland along RTE 5&20 on the west side of the Town. Some of the land is at high risk of development because of water and sewer in the area. He said a modified TDR program could be created could send development rights out of this area and to receive them in the Land Bank. The Land Bank would be a separate fund with its own set of rules.
- Mr. Finch noted that the development rights have been extinguished in 2000+ acres in the Paddleford Brook Greenway.
- Mr. Pietropaolo asked if maps were available (on the website) for these different areas. Mr. Finch said that there were. He also added that there is a land conservation rating for every parcel in the Town that is part of the Open Space Plan. (The Oriana Conference Room has many of these maps on the walls.) Mr. Finch directed people to review the Open Space Plan and the Agriculture Enhancement Plan for the maps. Ms. Reynolds said that the maps are also part of adopted plans. The website search function will help to locate the maps.
- Mr. Schwartz asked if TDRs could be used to extinguish commercial use for a particular parcel (zoned commercial, owned by a car dealer) on the east side of RTE 332. There is a commercial area zoned along RTE 332 even though it goes through the Strategic Farmland Protection Area and the Paddleford Brook Greenway. There is nothing to prevent commercial use in the 150' from the roadway in this commercial zone. Mr. Finch said an offer to purchase that property has been made and there are plans to construct a commercial operation (agriculture related) there.
- Mr. Finch noted limited support from the Ordinance Committee for a recent Strategic Farmland Overlay—issue was private landowner rights. The area noted for farmland conservation (RTE 5&20 from Town Hall to Bloomfield) has prime soils that will vanish to development if not protected.
- Mr. Schwartz asked if the transfer of development rights could be used to extinguish commercial use. Mr. Finch said it could be and that it has a higher value than agricultural use. Mr. Finch has heard commercial use in Uptown/Form Base Code sales/transfer of title for \$150K-\$250K/acre. Commercial in the Town has gone for approximately \$15K/acre and \$3-5K/acre for farmland.
- Mr. Oyler said that in talking with people in other municipalities that have implemented TDR programs, their biggest problem was bookkeeping—credits, debits, how much credit a landowner is getting, etc. He saw that as one area where analysis was lacking and movement should be made on. Mr. Finch said that an analysis was done for a TDR program in the Town. The report was done by BFJ Planning and is on the website. Mr. Finch said that talks about TDRs have broken down in the past when trying to assign credit values. He said that he believes a land bank would be a simpler process where there is a fee instead of credits albeit the value of the property still must be understood. What is wetland worth? Farmland? Prime Soils? Open Space? Tributary? Perhaps appraisal can be done on a case-by-case basis to make it simpler as the Town has much diversity in land use and masses.
- Open Space Reserve Fund is specific on what it can be used for. More recent reserve funds that have been created with maximum flexibility. Use is dependent on enabling legislation.
- Mr. Finch said a project team must be kicked off to delve into this conservation work.
- Ms. Bonshak introduced the CIC Project Team Kick Off meeting on March 1. Email to be sent. Goals and status to be shared. March 1, 6:30pm at Town Hall

plus zoom. There will be break-out sessions and it is not clear if those will be available via Zoom.

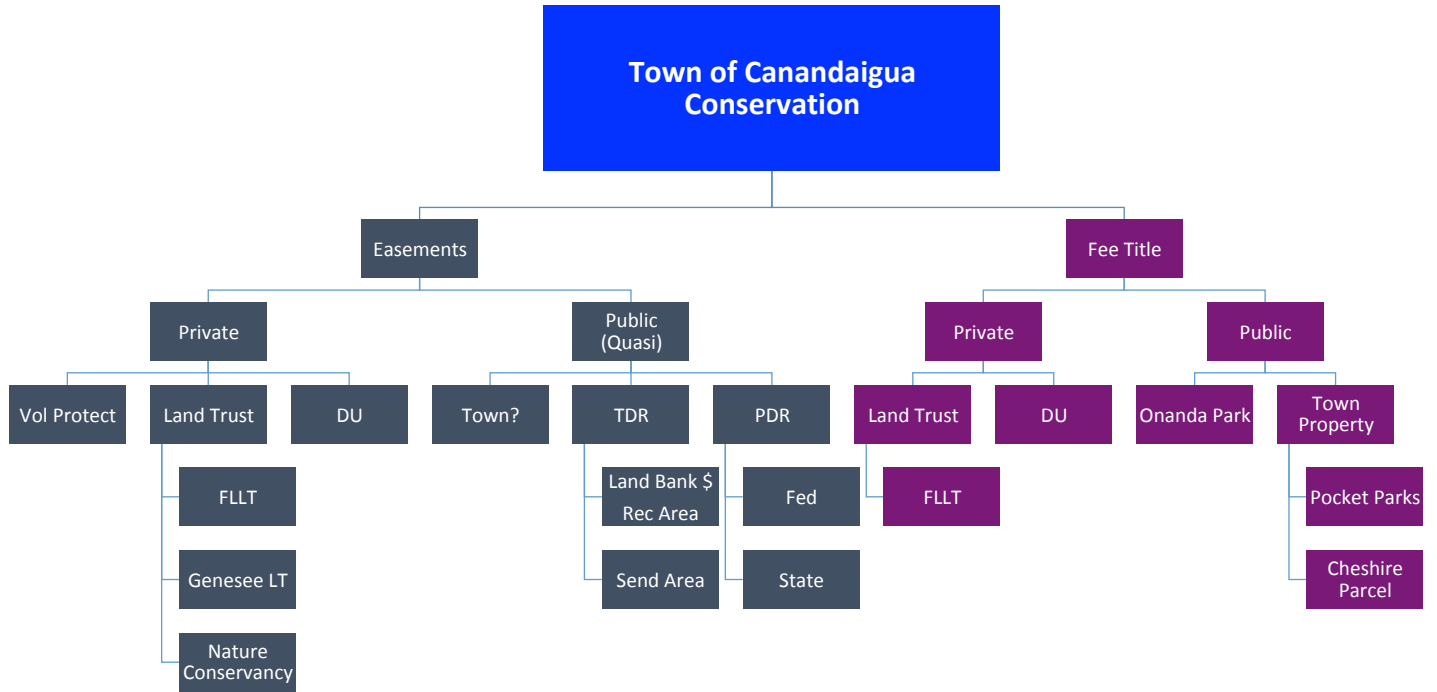
ADJOURNMENT AND NEXT MEETING

Adjournment @ 10:01am

Next Meeting, March 1, 2022, 6:30pm



Word Format of White Board Chart:



Why Conservation?

- Natural Resource Protection (Ag, water, lake, density, views)
- Recreation
- Open Space
- Historical
- Cultural
- Ag
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TOC Program

- Factor in all avenues
- Funding
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