

East Greenbush Town Board  
Jack Conway  
Tina Tierney  
Hollie Kennedy  
Rick Matters  
Bridget Fritz

May 8<sup>th</sup>, 2019

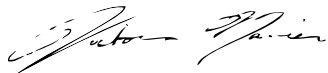
East Greenbush Town Board,

The Natural Resources Work Group (NRWG) would like to thank you for your support of the Natural Resources Inventory (NRI) project. Over the last year since the Town Board constituted the NRWG we have worked to complete the NRI with assistance from the NYSDEC Hudson River Estuary Program. The NRWG has sought public input throughout the process by hosting public presentations and publishing project updates on the Town of East Greenbush's Website. The goal in creating this essential tool for planning and development has been to prioritize the balance of growth while protecting our resources and maintaining the exceptional quality of life for East Greenbush residents. The completed NRI is comprised of twenty five maps and accompanying report documenting the towns naturally occurring and cultural resources. The full NRI is available in digital form at <https://www.eastgreenbush.org/board-committees/natural-resources-work-group>. The NRWG intends to make printed editions available of the NRI after any requested updates are finalized.

The NRWG has compiled key recommendations developed from our work on the NRI. Among these recommendations is that a Conservation Advisory Council be established to periodically update the NRI while playing an advisory roll to help applicants through the planning board process. In the following materials we provide our list of recommendations, a CAC fact sheet from the NYSDEC, CAC resources and a copy of the 1971 East Greenbush Conservation Commission Law.

In the coming months the Town Board has the opportunity to review the completed NRI, hold a public hearing, vote on NRI adoption and research the beneficial impacts a CAC could provide to East Greenbush. The NRWG is always available to provide more information, receive comments and answer any questions.

On Behalf of the East Greenbush Natural Resources Work Group I respectfully submit,

A handwritten signature in black ink, appearing to read "Victoria Manieri".

Victoria Manieri (NRWG Chair)

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## Natural Resources Working Group Recommendations

The purpose of the Natural Resources Inventory (NRI) is to identify and document resources located within the Town of East Greenbush including geology and soils, water resources, and habitats, as well as sites of cultural, historic, recreation, and scenic importance. The inventory will serve as an essential tool for Town Boards and Departments involved in zoning and planning, residents, consultants, and potential developers.

The NRI highlights East Greenbush's unique and important habitats, such as the globally rare freshwater tidal wetlands of Papscanee Creek and Marsh along the Hudson River, large forest blocks and meadows in the eastern portion of town, and two major stream systems (Mill Creek and the North Branch Moordener Kill) that can sustain native trout. By protecting these habitats, along with other important features like wetlands, riparian zones, and recreational access, the residents of East Greenbush glean benefits such as clean water, buffer from weather extremes (e.g., heat waves and flooding), increased recreation opportunities, and other rewards of living in a green and healthy community.

During the process of creating the NRI, the Natural Resources Working Group, in consultation with NYS DEC, compiled ideas and recommendations for how to encourage smart growth while protecting our resources and quality of life for residents. Below are key recommendations:

### **1. Review existing Town of East Greenbush conservation commission local law (1971) to revitalize a Conservation Advisory Council informed by the NYS model law detailed in the state's 1997 Open Space Planning Guide. This council will promote community involvement in natural resource protection.**

- Work with the Town Board, Planning Board, and Zoning Board of Appeals to advise on environmental concerns with respect to land-use policy, planning, and decision-making.
  - Advise in the development and revitalization of local environmental policies
  - Assist with project review in the evaluation of environmental impacts to wetlands, streams and associated buffer areas, forested lands, open space, and plant and animal habitats of concern.
  - Guidance on the purpose and establishment of such a Council can be found in "[Conservation Advisory Councils and Boards](#)" by Westchester County Department of Planning and the NYSDEC publication "[Conservation Advisory Councils and Boards, Building Capacity for Local Conservation in New York](#)"
  - Formalize the role of the CAC by creating a business plan
- Educate the public and foster environmental stewardship in the town
- Research and pursue funding opportunities for conservation and stewardship activities
- Develop sustainable in-house GIS capacity. The GIS data underlying the NRI maps should be archived with the Town. Encourage the Town to procure software or vendor services to keep the NRI data up-to-date and fully utilize this rich spatial dataset.
- Update NRI as needed. The NRWG recommends that the NRI maps, related GIS data, and report be updated every 5-10 years, as part of comprehensive plan updates, or as

needed to address natural resource or legal changes. Work with NYSDEC and Hudson River Estuary Program to identify updates which may be needed.

**2. Develop a strategic approach to protecting natural resources through actions such as:**

- Create an open space plan for the Town of East Greenbush that prioritizes open space areas
  - Define what residents value in open space in EG
    - Look at Rensselaer Land Trust (RTL) community values survey
    - In Community survey to town residents in 2005 for Land Use Plan Update and Zoning Study, 65% of respondents feel that it is very important that natural resources be protected during development
  - Use maps from the NRI to identify key areas of open space in EG (private and public)
  - Prioritize areas for protection
  - Identify a range of strategies to conserve resources and develop an action plan
  - Consult with local land trusts (like RLT) to identify opportunities for conservation of land for the town and interested residents
    - provide information to residents about creating conservation easements.
- Protect and improve water resources for people and wildlife
  - Assess infrastructure in town that influences runoff into local streams and lakes, wetlands and flood control. Conduct a town-wide culvert assessment.
    - NYSDEC best management practices for stormwater management should be adopted to further preserve the integrity of these resources. (New Scot p25)
  - Implement riparian zone protection policies and restoration efforts
    - Leverage NYSDEC Trees-for-Tribs resources
  - Identify and assess potential sources of pollution, including to aquifers. Consider implementing a Critical Aquifer Recharge Area overlay zone.
  - Increase public access to water for recreation
  - Hampton Manor Lake is part of the NYSDEC Lake Condition Inventory (LCI) and its water quality sampled and evaluated regularly. Work with NYSDEC on data collection efforts, stay informed about changing lake conditions, and identify strategies to preserve or enhance the lake.
- Protect and enhance our forest resources and urban trees to protect wildlife and water quality and help mitigate impacts of heat waves
  - Encourage private forest owners to develop sustainable forest management plans
  - Develop sustainable forest management laws and programs at the town level
    - Discourage fragmentation of large forest blocks
  - Implement a forest management local law that addresses the unique characteristics of these forests in need of protection and provides forest owners clarity regarding forestry operations
  - Identify and enhance urban forests
    - Encourage tree plantings (tap into state programs like Trees for Tribes)
    - Apply for funding through DEC to develop an urban tree inventory
- Protect our town's unique plants, animals, and habitats

- o Use the information and maps from the NRI, especially the Significant Ecological Features Map
- o Maintain habitat connectivity both on-site and with the surrounding area.
- o Promote bird and pollinators by encouraging native plantings on town land and on new development sites
- o Encourage local surveys to identify currently unmapped wetlands and vernal pools
- Agricultural resources - Recognize importance of agriculture, and promote innovative practices among farmers that enhance viability of ag business while protecting water, etc.

### **3. Encourage smart growth and development to protect resources while boosting the economy and increasing the efficiency of project review.**

- Adopt development review procedures that consider natural resources as early as possible
  - o Involve the CAC with application review
  - o Use the NRI when evaluating development applications
  - o Develop a checklist of steps for developers to ensure steps are taken when working on applications
  - o Encourage developers to use the NRI when creating their applications
  - o Offer pre-application meetings with the CAC for developers to discuss natural resource protections early in the design process
  - o Require site assessments before development to identify natural resources
    - Wetlands - federal wetland maps are considered incomplete and before development occurs, a wetland biologist should conduct a site visit to determine possible federal wetlands.
  - o Establish habitat assessment guidelines to identify significant habitats on sites and strategies to minimize impacts before initiation of SEQR
  - o Make NRI GIS data, such as maps, layers and shapefiles, and attribute tables, available to Land Development Review applicants to incorporate in their site planning and drafting processes
- Update local zoning laws and develop incentives to promote the protection of natural resources
  - o Explore the use of conservation overlay districts for stream corridors and aquifers
  - o Promote healthy wetlands by maintaining large forested buffers as recommended by state wetland experts (~130 feet recommended by NYNHP 2018, <http://www.nynhp.org/epa-adjacent-areas>)
  - o Strengthen Conservation Analysis Code to encourage cluster development and conservation subdivision design based on conservation analysis
  - o Encourage redevelopment or retrofitting of existing sites/structures to minimize the disturbance of new lands
  - o Include natural resource considerations when evaluating the extension of public utilities, such as water supply and sanitary sewer, as these actions lead to future development
- Engage local businesses in partnerships to help promote the goals of the CAC

### **4. Position East Greenbush to be prepared and resilient in a changing climate**

- Plan ahead for more frequent extreme weather events and sea level rise in the Hudson River corridor by conducting a climate vulnerability assessment.
  - Increase flooding resiliency – consider sea level rise and storm surge, stormwater, riparian areas, floodplains. Allow water to move freely by discouraging floodplain development.
  - Prepare for and mitigate effects of extreme temperatures/heatwaves (e.g., enhance trees plantings to curb urban heat island effects)
  - Encourage sustainable shorelines and limit new development within tidal wetland pathways
  - Address emergency response issues as part of the resiliency dialog, especially in vulnerable parts of Town, such as the Papscanee Island corridor
- The Town should promote climate conscious practices including obtaining Climate Smart Certification, which provides a framework for actions that help reduce risks and costs associated with a quickly changing climate and mitigate emissions.

## **5. Improve outdoor recreation opportunities and access to natural and scenic areas**

- The town should strive to grow bicycle and pedestrian connections between key parts of town (neighborhoods, schools, commercial areas), including parks and protected lands. The incoming multi-use path (AHET) will provide a backbone to which other paths and sidewalks can connect and eventually provide a valuable network of safe linkages to many parts of town. The NRWG encourages the Town to implement the action items identified during the the 2018 Complete Streets Workshop, such as adopting a Complete Streets resolution and creating a priority bike/ped network.
- Develop a funding strategy for components of the Amenities plan to create and maintain more recreational spaces for residents.
- Papscanee Island County Nature Preserve is the only formal preserve in the town dedicated to conservation, but is likely unknown to many residents since it is far from the core residential areas. The town could help highlight and promote use of the park, such as by including wildlife sightings from the park in the town media.

## **6. Preserve and enhance important Scenic and Historic resources**

- Encourage re-use of remaining historic buildings with emphasis on restoration of altered exterior features (engage Town Historian in providing photos, renderings, newspaper articles and other documentation of original building characteristics and landscaping).
- Create a community restoration/revitalization program through public-private partnerships with local banks, community loan funds and charitable foundations leveraged by matching funds from cash amenities paid to the Town from private developers. Establish a pool of money that will provide small loans and/or matching grants to owners of historically significant structures (50+ years old).
- Encourage adaptive re-use of deteriorating, abandoned or under-utilized commercial, civic, religious and municipal buildings that do not conform to current zoning through expansion of special use permits, creation of historic preservation overlay districts (possibly the Columbia Turnpike corridor) or other special approval processes that will streamline individual re-development plans for historically significant properties.

- Create a listing/catalog of federal, State & private resources (historic preservation & low income housing tax credits, energy conservation grants, NYSEDA incentives, NYS Federal Home Loan Bank “Community Lending Programs,” Capital District Community Loan Fund programs and products, etc.) made available to private developers and existing property owners that will assist in utilizing historic properties for affordable housing, business district revitalization and neighborhood preservation.
- For scenic roads, look for opportunities to create safe pull-offs for cars to allow residents to enjoy the scenery, including sunsets and fireworks displays.

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## **What is a Natural Resources Inventory?**

The purpose of a Natural Resources Inventory (or NRI) is to identify and document naturally occurring resources including geology and soils; water resources; habitats and wildlife; sites of cultural, historic, recreational, and scenic importance; existing land use; and climate conditions within an area.

The Town of East Greenbush Natural Resources Work Group (NRWG) was convened in Spring, 2018, consisting of volunteers who reside in East Greenbush and have experience in land use, conservation, open space planning, civil engineering and historic preservation. This group has been tasked with the creation of a Natural Resources Inventory (NRI) and was awarded technical assistance and mapping support services from Cornell University and the Hudson River Estuary Program of the New York State Department of Environmental Conservation at no cost to the Town.

The NRI is comprised of 25 maps and an accompanying report with narrative descriptions, supporting data tables, and recommendations.

## **Where can the NRI be found?**

The NRI and more information on the project can be found on the Town of East Greenbush webpage under Boards and Committees -Natural Resources Work Group

<https://www.eastgreenbush.org/board-committees/natural-resources-work-group>

Question and comments about the NRI can be made to [nri@eastgreenbush.org](mailto:nri@eastgreenbush.org).

## **CAC Resources:**

NYS Enabling Legislation: <https://www.nysenate.gov/legislation/laws/GMU/239-Y>

NYSACC :

- o <http://nysaccny.org/how-to-form-a-cac>
- o Fact sheet about NYS enabling legislation:  
<http://www.nysaccny.org/content/cacinfo/article12f.pdf>

Westchester County white paper:

<https://www.westchestergov.com/planning/environmental/Reports/CAC%20Guide.pdf>

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# CONSERVATION ADVISORY COUNCILS AND BOARDS



Hudson River  
Estuary Program

## Building Capacity for Local Conservation in New York

### What is a Conservation Advisory Council (CAC)?

In municipalities throughout New York, **Conservation Advisory Councils (CACs)** and **Conservation Boards (CBs)** advise local governing boards, planning boards, and zoning boards of appeals on matters related to the environment. By providing a scientific perspective on land-use planning and decision-making in their communities, CACs and CBs contribute to the conservation and improvement of the local environment and quality of life for residents.

In their municipal roles, CACs and CBs develop town-wide inventories of natural resources and open space, conduct research, review development proposals, conduct site visits, deliver education programs, implement stewardship projects, and gather and distribute information to other town agencies, land-use applicants, and the general public.

### How do CACs or CBs benefit local governments?

CACs and CBs provide a formal structure within local governments for natural resource-based planning and advising on environmental matters. Because the CAC or CB can do some of the "legwork" associated with planning and environmental reviews, it can extend the work of a time-strapped planning board. The CAC can help to provide more thorough information about natural resources at a site and a more detailed analysis of planning issues and environmental impacts, resulting in a more comprehensive base of information for the land-use decision-making carried out by the planning board and by other local agencies. CACs can also help to raise environmental awareness, educate the public, and coordinate municipal officials, government agencies, and outside groups engaged in local or inter-municipal environmental planning or stewardship efforts.



Photo: Laura Heady

#### RESOURCES FOR CACs and CBs:

- New York State Association of Conservation Commissions  
[www.nysaccny.org](http://www.nysaccny.org)
- *A Guide to the Organization of Local Environmental Advisory Councils*  
<http://planning.westchestergov.com/images/stories/reports/CACguide97.pdf>
- Environmental Leaders Learning Alliance  
Conservation Accreditation Program Training Course  
[www.ellahhh.net/ella-cap-program-training-course](http://www.ellahhh.net/ella-cap-program-training-course)
- *Conserving Natural Areas and Wildlife in Your Community*  
[www.dec.ny.gov/lands/50083.html](http://www.dec.ny.gov/lands/50083.html)
- *Creating a Natural Resources Inventory*  
[www.dec.ny.gov/lands/100925.html](http://www.dec.ny.gov/lands/100925.html)
- *New York State Local Open Space Planning Guide*  
[http://www.dos.ny.gov/lg/publications/Local\\_Open\\_Space\\_Planning\\_Guide.pdf](http://www.dos.ny.gov/lg/publications/Local_Open_Space_Planning_Guide.pdf)

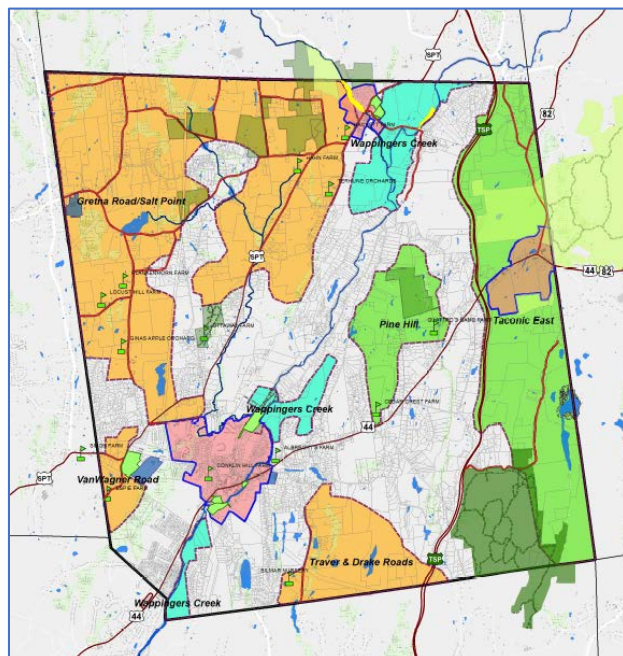
### How is a CAC or CB established?

CACs and CBs are established by a municipality under Article 12-F Section 239-x of NYS General Municipal Law and are sometimes called environmental commissions. A CAC may be established by ordinance or by local law and is composed of 3-9 residents appointed by the local governing board. Members should have a strong interest in the mission of the council, the time and willingness to work on CAC tasks, and willingness and ability to work cooperatively with other municipal agencies. It is helpful to have some members with knowledge and experience in the environmental sciences, planning, engineering, and law; however, there are no minimum professional qualifications. CAC members with an eagerness to learn are equally valuable and can attend trainings and educational opportunities to build their knowledge and skills.

## Open Space Definition

*"Any area characterized by natural scenic beauty or, whose existing openness, natural condition or present state of use, if preserved, would enhance the present or potential value of abutting or surrounding development or would establish a desirable pattern of development or would offer substantial conformance with the planning objectives of the municipality or would maintain or enhance the conservation of natural or scenic resources."*

- NYS General Municipal Law Article 12-F Section 239-x



Priority Open Space Areas, Town of Pleasant Valley Open Space and Farmland Plan (2013)

## Natural Resource and Open Space Inventories

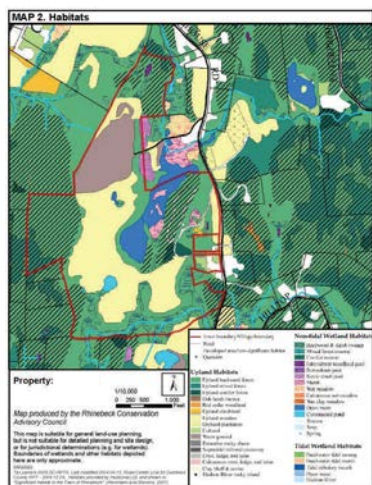
State enabling legislation directs CACs to complete an **open space inventory (OSI)** prioritizing open areas in a municipality for conservation based on natural, scenic, and cultural values. A **natural resources inventory** is the implicit foundation for an OSI and serves to identify and describe naturally occurring resources. On the basis of this information, an OSI lists important lands in the community according to priority for conservation or acquisition and displays them on an open space map. An OSI is often developed within a broader **open space plan**, which outlines strategies for the use and conservation of priority lands, and serves to complement and inform the local comprehensive plan.

### DEVELOPING A STRONG ADVISORY ROLE:

- Establish good working relationships with other local agency members by regularly attending their meetings.
- Take a collaborative, constructive approach.
- Maintain a scientific, objective perspective.
- Build expertise by attending educational trainings.
- Engage from the start of a project.
- Provide reviews and recommendations in a timely fashion.
- Ask questions!

## Conservation Board Status

When a local legislature adopts the open space inventory and map prepared by the CAC, the inventory becomes the official **open space index** for the municipality. The legislature may then pass a resolution to designate the CAC as a conservation board (CB). A CB remains advisory; however, it acquires a formal role in the environmental review process for any proposed actions on properties listed in the open space index. In some municipalities, CBs are asked to comment on all projects—not just those included in the index. In others, CACs are asked to provide reviews without having acquired board status.



Natural resource maps compiled by the Rhinebeck CAB are used to inform environmental review.

## CASE STUDY: Town of Rhinebeck Conservation Advisory Board (CAB)

In the Town of Rhinebeck in Dutchess County, **the CAB provides natural resource information to the planning board** for all new development proposals. The CAB maintains a database of publicly available information about soil, slopes, habitats, floodplains, wetlands, etc. When a new proposal is referred to the CAB, the members use computer mapping software to prepare site-specific maps and identify sensitive natural resources for the planning board. The Rhinebeck CAB also maintains a database of **habitat-based conservation recommendations** from scientific reports and literature. For each development project before the planning board, the CAB assembles a set of development guidelines based on the types and configuration of habitats shown on the natural resource maps they've created. The maps and recommendations provide objective, science-based information to the land use review process. In one instance, the CAB maps alerted the planning board of an area protected by the town's wetland watershed zoning provisions and changes were made to the project design. The planning board now relies on the CAB's analysis and provides a **site resource analysis assessment checklist** to applicants to streamline the review process and get everyone on the same page.



At a Meeting of the Town Board of  
The Town of East Greenbush, County of  
Rensselaer, State of New York, held  
at the Town Hall in the Town of East  
Greenbush on the 6th day of January,  
1971

P R E S E N T :

Supervisor John S. Devey  
Councilman Michael J. Colabelli  
Councilman Kenneth G. Orvis  
Councilwoman Ruth A. Holbein  
Councilman Millard C. Mull

WHEREAS, pursuant to a Resolution duly adopted by the  
Town Board of the Town of East Greenbush, County of Rensselaer,  
State of New York, on the 2nd day of December, 1970, the Town  
Clerk of the Town of East Greenbush, County of Rensselaer, State  
of New York, did cause to be published in the Troy Record, the  
official newspaper of the Town of East Greenbush, County of  
Rensselaer, State of New York, and being a newspaper published  
in the County of Rensselaer, State of New York, and having a  
general circulation in said Town, a public notice of a public  
hearing to consider the adoption of a local law to provide for  
a commission of the Town of East Greenbush, Rensselaer County,  
New York, for the conservation of the environment of the Town  
of East Greenbush, Rensselaer County, New York to be known as  
the Commission of the Town of East Greenbush, Rensselaer County,  
New York for the conservation of the environment; and

WHEREAS, said notice was published in the Troy Record  
on the 16th day of December, 1970; and

WHEREAS, pursuant to said Resolution of said Town Board,  
the Town Clerk of the Town of East Greenbush, County of Rensselaer,  
State of New York, posted in accordance with Section 130 of the  
New York State Town Law, said notice on the 16th day of December,  
1970, on the sign board maintained by said Town Clerk in accordance  
with Section 30 of the New York State Town Law, in the Town Hall  
in said Town; and

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, did pursuant to said notice conduct a public hearing at the Town Hall in the Town of East Greenbush, County of Rensselaer, State of New York, on the 29th day of December, 1970, at 8:00 o'clock in the evening of said day, with respect to the proposed adoption of said local law

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, after due deliberation deemed it to be to the best interests of said Town of East Greenbush, County of Rensselaer, State of New York, and the residents thereof, that such local law be enacted as proposed;

THEREFORE, be it enacted by the Town Board of the Town of East Greenbush, Rensselaer County, New York, as Local Law Number 1 of the year 1971 a local law to provide for a commission of the Town of East Greenbush, Rensselaer County, New York, for the conservation of the environment of the Town of East Greenbush, Rensselaer County, New York to be known as the Commission of the Town of East Greenbush, Rensselaer County, New York for the conservation of the environment. Said Local Law shall provide as follows:

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of East Greenbush, County of Rensselaer, State of New York file one certified copy of said local law in her office and that one certified copy be filed in the office of the State Comptroller and three certified copies in the office of the Secretary of State within five days of the date of enactment.

The foregoing was duly moved by Councilman Orvis, Seconded by Councilman Colabelli and put to a vote resulting as follows:

Supervisor Devey	VOTING	YES
Councilman Colabelli	VOTING	YES
Councilwoman Holbein	VOTING	YES
Councilman Orvis	VOTING	YES
Councilman Mull	VOTING	YES

Town of ..... as follows.  
~~Village~~



Section 1. Definitions.

As used in this Local Law.

- (a) town shall mean the Town of East Greenbush, Rensselaer County, New York;
- (b) town board shall mean the Town Board of the Town of East Greenbush, Rensselaer County, New York; and
- (c) supervisor of the town shall mean the Town Supervisor of the Town of East Greenbush, Rensselaer County, New York.

Section 2. Legislative intent.

The preservation and improvement of the quality of the natural and man-made environment within the Town of East Greenbush, Rensselaer County, New York, in the face of population growth, urbanization and technological change with their accompanying demands on natural resources, is found to be of increasing and vital importance to the health, welfare and economic well-being of the residents of the town. It is recognized that the preservation and improvement of the natural and man-made environment is, likewise, of vital importance to the

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health, welfare and economic well-being of future residents of the town. It is recognized that the biological integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of man's life experience cannot be protected without town government taking proper steps to preserve such biological integrity and fostering the preservation of the natural and functional beauty of the town. It is also recognized that proper cooperation and participation of interested residents of the town working in partnership with local and state agencies and with various public and private institutions, agencies and organizations is required to effectively deal with environmental problems within the town. It is recognized that establishment of a town commission for conservation of the environment is a necessary step in fostering unified action on environmental problems and that such a commission will perform a useful and necessary service in advising the town board with respect to environmental problems and possible solutions thereof; it is further recognized that the advise of such a commission will aid the Planning Board of the Town in planning where environmental factors are of legitimate town concern; and it is further recognized that review procedures with respect to buildings and sub-division building and other changes in the natural environment are within the proper and legitimate scope of such a commission. It is further recognized that such commission should work closely with the town board.

#### Section 3. Establishment of commission.

There is hereby created and established as part of the town government of the town a commission to be known as The Commission of the Town of East Greenbush, Rensselaer County, New York for the conservation of the environment. The Commission of the Town of East Greensubh, Rensselaer County, New York for the conservation of the environment is hereinafter referred to as the commission

#### Section 4. Membership.

The commission shall consist of seven (7) members each of whom shall be appointed by the town board for a term of three (3) years to expire on the thirty-first (31) day of December of the third (3) year of such term; provided, however, that of the seven (7) members first

appointed three (3) shall be appointed for a term to expire on the thirty-first (31) day of December, 1971, two (2) shall be appointed for a term to expire on the thirty-first (31) day of December, 1972 and two (2) shall be appointed for a term to expire on the thirty-first (31) day of December, 1973. Each member of the commission shall serve until the expiration of his term and until his successor has been appointed unless removed. A person appointed to fill a vacancy on the commission occurring other than by reason of expiration of a term shall serve until the expiration of the term so filled and until his successor has been appointed unless removed. Anything herein to the contrary notwithstanding, any member of the commission may be removed, either with or without cause, by the town board. No member of the commission shall serve more than two (2) consecutive terms except that no term of less than three (3) years shall be counted as a term for the purpose of this limitation nor shall this limitation be construed to, in any event, prohibit a former member of the commission <sup>being</sup> from appointed to fill a vacancy resulting from the death, resignation or removal of a member of the commission. Every member of the commission shall be a resident of the town. Any official of the town may be appointed to the commission. Any member of the town planning board or of any board or agency of the town other than the town planning board of appeals may be appointed to the commission.

#### Section 5. Ex-officio members.

The town shall annually appoint one (1) or more of its members as an ex-officio member, or ex-officio members, of the commission for a term to expire on the thirty-first (31) day of January of the year following appointment. The Chairman of the Planning Board of the Town of East Greenbush, Rensselaer County, New York, and the Chairman of the Zoning Board of Appeals of the Town of East Greenbush, Rensselaer County, New York and the Superintendent of Highways of the Town of East Greenbush, Rensselaer County, New York shall be an ex-officio member of the commission unless appointed a member of the commission. The town board may appoint, and at pleasure remove, such other ex-officio members of the commission as it may determine upon. No ex-officio member of the commission shall have any right to vote as a member of the commission but may indicate his approval or disapproval of any report of the commission to the town board or any board, department or agency of the town thereon.

## Section 6. Officers, meetings and rules and procedures.

The town board shall annually designate a member of the commission to act as chairman thereof. The Town Board shall annually designate a member of the commission to act as vice-chairman thereof. The town board shall annually designate a member of the commission to act as secretary thereof. Each Officer shall serve as such until the thirty-first (31) day of January of the year following the year of his designation as such and until his successor as such has been designated. No ex-officio member of the commission shall serve as an officer thereof. The commission shall adopt, and may from time to time amend, rules and procedures for its meetings. The commission shall keep accurate records of its meetings and activities.

## Section 7. Powers and duties of the commission.

The powers and duties of the commission shall be to:

- (1) Advise the town board and the town planning board on matters affecting the preservation, development, and use of the natural and man-made features of the town insofar as beauty, quality, biological integrity and other environmental factors are concerned and, in the case of man's activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long range value of the environment to the people of the town;
- (2) Develop and, after receiving approval by resolution of the town board conduct such programs, so approved, of public information in the town which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solution;
- (3) Conduct studies, surveys, and inventories of the natural and man-made features within the town and such other studies and surveys as may be necessary to carry out the general purposes of this Local Law;
- (4) Maintain an up-to-date inventory or index of all open spaces in public or private ownership within the municipality, including but not limited to natural landmarks, glacial and other geomorphic or physiographic features; streams and their flood plains, swamps,

marshlands and other wetlands; scenic and other open areas of natural or ecological value; and of the ownership, present use, and proposed use of such open areas so as to provide a base of information for recommendations by the commission for their preservation and/or use;

- (5) Seek to coordinate, assist, and unify the efforts of private groups, institutions, and individuals within the town in accord with the purposes of this Local Law;
- (6) Maintain liaison and communication with public and private agencies and organizations of local, state and national scope whose programs have an import on the quality of the environment or which can be of assistance to the commission;
- (7) Appoint residents of the town as liaison members of the commission, to act without vote as liaison with private agencies and organizations whose programs have an import on the quality of the environment or which can be of assistance to the commission;
- (8) Working in cooperation with the town planning board, recommend from time to time to the town board features, plans and programs relating to environmental improvement for inclusion in the master plan of the town and recommend appropriate and desirable changes in existing Local Laws and ordinances of the town relating to environmental control and recommend new Local Laws and ordinances relating to environmental control;
- (9) Prepare, print and distribute books, maps, charts and pamphlets in accordance with the purposes of this Local Law;
- (10) Obtain, and maintain in orderly fashion, maps, reports, books and other publications to support the necessary researches of the commission into local environmental conditions;
- (11) To the extent both practicable and deemed advisable by the commission, to advise the town planning board and officials of the town concerning the effect of proposed sub-divisions and highways on the environment including drainage and soil conservation and make such recommendations in connection therewith as the commission deems advisable;



- (12) Carry out such other duties as may be assigned to the commission from time to time by the town board or by Local Law or ordinance of the town.

#### Section 8. Acceptance of gifts.

When authorized by resolution of the town board, the commission may accept any gift, grant, deed, devise or bequest of property, real and/or personal, in the name of the town for the purpose of conserving and otherwise properly utilizing open spaces and other land and water resources within the boundary of the town. Any such gift, grant, deed or devise of real property may be accepted in fee or any lesser interest therein may be accepted such as, among other interests or rights, development rights, conservation and other easements, covenants and contractual rights and any conveyance of real property may be accepted with limitations or reversions.

#### Section 9. Reports.

The commission shall submit an annual report to the town board not later than the thirty-first (31) day of January of each year concerning the activities and work of the commission and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this Local Law.

#### Section 10. Compensation and expenses.

Neither any member of the commission nor any ex-officio member of the commission nor any liaison member of the commission shall receive any compensation for his services as a member, ex-officio member or liaison member of the commission but expenses previously authorized by the town board may, to the extent of such authorization, may be reimbursed any such member except that this provision shall not be construed to authorize any unlawful reimbursement of any town board member who is a member, ex-officio member or liaison member of the commission. The supervisor of the town shall be the fiscal agent of the commission. No expenditure of town funds shall be made on behalf of the commission except as appropriated and authorized by the town board.

#### Section 11. Construction.

This Local Law shall be deemed an exercise of the powers of the town board to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants of the town.

Section 12. Severability.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such Judgment shall not affect the remainder of this Local Law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this Local Law directly involved in the controversy in which such Judgment shall have been rendered.

Section 13. Title.

This Local Law shall be entitled A Local Law of the Town of East Greenbush, Rensselaer County, New York establishing and providing for a commission of the Town of East Greenbush, Rensselaer County, New York for the conservation of the environment of the Town of East Greenbush, Rensselaer County, New York to be known as the Commission of the Town of East Greenbush, Rensselaer County, New York for the conservation of the environment. This Local Law may be cited accordingly. This Local Law may also be cited by year and number of passage.

Section 14. Effective date. This Local Law shall take effect February 1, 1971.