

City of Saratoga Springs

Conservation Area and No Cut Buffer Planning Board Policy

Draft 12-05.18,18

The City of Saratoga Springs places a strong prioritization on the balance of development with protection of the City’s open spaces and natural areas. Designated conservation areas can serve an important role within the City as a means for natural resource protection, ~~protection~~ preservation of open space, wildlife habitat, stormwater management, ensuring consistent natural community character, aesthetic beautification as well as buffering among properties and land uses within the City. The City’s Urban Forestry Master Plan (2013) notes the benefits of trees, in particular improved air quality, stormwater benefits, and aesthetic/ commercial value, equating each tree with a notable assessed value of benefits per year.

The City’s Comprehensive Plan (2015) notes a primary goal is “to encourage quality development that can be clearly balanced with the preservation, protection, and enhancement of open space. In fact, economic growth and open spaces are interdependent and there is compelling evidence that the presence of ample and accessible public open space increases ~~se~~ community property values and contributes to economic growth.”

The Planning Board provides strong support for ~~respecting~~ the roles that wetlands, waterways, and designated protective buffers play in terms of natural resource protection, stormwater management, flood prevention, and community environmental health and aesthetics ~~natural resource protection~~. The Board strongly discourages physical alteration, temporary disturbance, or permanent structures being constructed within such identified areas that may include ACOE or DEC jurisdictional wetlands, DEC wetland 100 foot buffer areas, City–designated watercourse and other special protection or preservation districts.

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Comment [BN1]: KM: consider, perhaps, "...City-designated watercourse and other special protection or preservation districts." ...just a thought; I am thinking of future cases where additional districts may be created by the City. In this instance, broader language allows the policy to adhere to future statutory changes w/o having to be rewritten OR subject to "interpretation", in the face of new laws.

Unless otherwise considered and acted upon by the Planning Board, the following items shall be the ~~required implementation~~ implemented for any no cut buffer or conservation area considered during any applicable Planning Board action.

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Proposed Plan Details and Planning Board Review:

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~~1.~~ Identified conservation area(s) shall be clearly provided on any plans related to the overall activity. Metes and Bounds shall be required for any proposed no cut buffer or preservation area ~~included within a proposed activity~~.

~~1.~~

~~2.~~ The Planning Board encourages coordinated input and review of proposed conservation areas with other interested parties that may include ACOE, DEC, City Open Space Committee or relevant stakeholder(s). As applicable, utilizing the SEQR coordinated review process to complete a comprehensive review with other involved agencies continues to be strongly encouraged.

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~~4.~~

~~3.~~ Proposed easement, deed restriction or general restrictions language shall be provided on the proposed plan as well as any required separate documentation.

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~~4.~~ Any adjacent clearing and grading limits shall be clearly delineated on the plans provided in concert with the no-cut buffer ~~upon plans~~ provided for ~~final review by to~~ the Planning Board.

Comment [BN2]: KM: Consider changing to "...and approval..."

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~~5.~~ Proposed permanent signage, fencing and physical boundary markers shall be noted on plans and included for review and approval by the Planning Board.

~~3.~~

2. The Planning Board provides strong support for respecting the role of wetlands and designated DEC 100ft. buffers. Proposed activity

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3.6. All conservation area mapping and required details shall be added to the City's inventory of public and privately held easements and preservation areas.

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4.7. Any deed restriction or conservation easement required by the Planning Board shall be filed prior to, or at the same time, as any final approved site plan or subdivision plat.

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Notice of the conservation area shall be provided to property owners within 500 ft. of the approved conservation area.

Pre-Construction through Construction Activity:

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6.1. Upon any approval at a Planning Board meeting, the area identified for protection shall be clearly delineated on site by installing orange 4ft. tall heavy duty plastic snow or safety fencing securely attached to steel (14 gauge min.) U channel fence posts spaced no greater than 25 ft. apart along all abutting or at all clearing facing or publicly accessible frontages of the site. The location of fencing shall be established on the approved plan prior to any action.

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Comment [BN3]: KM: this part of the statement seems like it is missing something.... Maybe "...25 ft. apart along all interior, abutting and/or publicly accessible frontages of the site."

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7.2. Signage printed on laminate or otherwise protected from weather of at least 8 1/2"x 11" noting "Natural Conservation area, no tree cutting or disturbance permitted at any point for any reason. More information can be obtained from the City of Saratoga Springs Planning Department at 518.587.3550x2533, or www.saratoga-springs.org." shall be posted at minimum every 50 feet along all fencing.

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7.

3. Notice to property owners within 500 feet of the approved conservation area shall be provided by the project sponsor in coordination with Planning Department staff prior to the pre-construction meeting. At minimum a map of the identified conservation area, and required conditions shall be provided.

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4. All details related to avoidance of impactsing to the conservation area and adherence of required conditions above shall be reviewed at the project pre-construction meeting. Review of required temporary and permanent physical boundary markings and signage shall also be reviewed.

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8-5. Should a site with an active approval that contains a conservation area be sold or conveyed to another party, proof of the new owner's acceptance of the overall project conditions and restrictions is required to shall be provided to the City Planning Office. Such correspondence should shall include all relevant project information including Planning Board project number, Tax Parcel ID, and a copy of the most recent plans as an attachment.

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Permanent Protection Provisions:

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1. Permanent Signage, fencing, and permanent markers identifying the area shall be provided to ensure ongoing protection and public notification of the conservation area. The party or parties responsible for the maintenance of the conservation area shall also be provided (ex. Home Owners Association/HOA), if other than the City of Saratoga Springs.

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2. The minimum requirements for the permanent markers shall include reinforced steel or metal pipe driven securely into the ground. The reinforcing steel or metal pipe shall have a brass cap affixed to the top similar

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to survey monuments. The brass cap shall be visible at the ground surface, indicating the purpose of the marker. Larger or more conspicuous markers may be required by the Planning Board or utilized by the applicant with the Planning Department's approval. The number of permanent markers depends on the configuration of the ECA and associated buffers. At a minimum, at least two markers shall be required to delineate a short, straight-line buffer. More markers would be needed to delineate more complex buffer shapes and lengths. Location of the markers shall be clearly shown on the site plan.

Comment [BN4]: KM: "ECA" does not appear elsewhere in this document, you should spell this out and then use "ECA" parenthetically.

3. Prior to the as-built acceptance, Engineering and Planning shall ensure that all conditions of conservation area protection, as approved by the Planning Board, have been met.

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have been met.