Appendix IX: Draft Green Infrastructure Policy

GREEN INFRASTRUCTURE PLANNING and REVIEW

1. **GI Definition.** Green Infrastructure (GI) is comprised of an interconnected network of natural areas and other open spaces that conserves natural ecosystem values and functions, sustains clean air and water, and provides a wide array of benefits to people and wildlife. GI has also been described as referencing the ecological framework needed for environmental, social and economic sustainability and as our nation's *natural life sustaining system.*

2. **Community Investment.** The community must be prepared to invest in GI in much the same way as it has "grey infrastructure"[1]. Such investments in GI would include looking at conservation values and actions in concert with land development, growth management and planning for built infrastructure.

3. **GI Mapping.** GI should be mapped. At a minimum[2], the following should be included as essential GI components: Streams[3] and Open Water; Wetlands; Floodways and 100-year Floodplains; Forested areas of 10 acres or more; Parks and Trails; and, selected Steep Slopes[4].

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[1] In discussions of green and grey infrastructure, grey infrastructure is commonly taken to consist of components such as roads, buildings, pipelines, utilities, and similar constructed improvements.

[2] The list provided here of components to be mapped is not all-inclusive. Other natural resources, such as agricultural soils, may also be considered contributors to GI. Agricultural uses, more properly classified as commercial or economic resources, are the focus of Comprehensive Plan Chapter 3.

[3] Whether or not specifically identified in GI mapping, the need for conservation of headwaters and intermittent streams or vernal springs should not be overlooked as these are important from hydrologic and environmental perspectives.

[4] "Reliance on the Natural Resource Inventory" which follows as topic number 10, is relevant regarding the classification of steep slopes. Reservations have been expressed in the past regarding the status of steep slopes as a natural resource. Although the potential for a steep slope to contribute to or support a natural resource is clear, how a slope with no connection to other resources would qualify as a natural resource is much less clear. Fortunately, the topic of steep slopes is one that has been developed in the Natural Resource Inventory (NRI) recently completed. The NRI provides an approach to determining when steep slopes should be characterized as resources and identifies criteria useful in the review of proposals that would disturb, re-grade or eliminate steep slopes. The NRI analysis of steep slopes should be useful in resolving much of the ambiguity encountered in the past regarding steep slopes and the NRI should be relied upon to distinguish slopes that contribute to GI and are therefore worthy of conservation from those that do not and therefore are not.

4. **Green Infrastructure Components.** The green infrastructure policies and plans refined and implemented should include, at a minimum, the following green infrastructure components:

   - Open Water and Streams, including intermittent and headwater streams;
   - Wetlands (Federal as well as NYS DEC Freshwater wetlands), including ephemeral wetlands and vernal pools;
   - Floodways and 100 year floodplains;
   - Steep slopes, above an appropriate threshold identified in the Natural Resource Inventory and, presumably, a lower threshold in the presence of highly erodible soils;
   - Forested areas of 10 or more acres in extent (or less extensive forested areas should the town determine to accord these protection as well);
   - Agricultural soils recognized as prime, as prime were they to be drained, and/or to be of state-wide importance; and,
   - Parks and Trails.

5. **Adjacent Areas and Buffers:** Adjacent areas are just that - lands adjacent to a GI component or other natural resource. The term buffer is sometimes used to refer to a strip of land adjoining an environmentally sensitive resource that is regulated with the intention to protect the resource. NYS Department of Environmental Conservation (NYS DEC) and U.S. Army Corps of Engineers (US ACOE) literature frequently use the terms adjacent area and buffer interchangeably**.**

6. **Zones of GI Influence: Buffers and Adjacent Areas to be included within the GIP&R Scope.** Whether referenced as adjacent areas, buffers or by some other term, GI mapping and conservation planning should include associated areas known to be influenced by the presence of GI components. At a minimum, the following should be included within zones of known influence:

   - With respect to streams, a vegetated riparian[5] no-impervious-surface-buffer to be delineated and preserved landward of the stream bank areas no less than 75 feet in

[5] In general, stream riparian buffers are linear strips of lands adjacent to streams where vegetation (native plants, flowers, shrubs and trees) helps control nonpoint source pollution by holding and using nutrients and reducing sedimentation; slows floodwater; recharges groundwater; shades streams to optimize light and temperature conditions for aquatic plants, fish, and other animals; supplies food, cover, and water for many species; and serves as migration routes and stopping points between habitats for a variety of wildlife. As noted in the narrative

width, extended as necessary to incorporate any other adjacent floodways, 100-year floodplains, steep slopes and/or forested area having a boundary within 75 feet of the stream bank;

- With respect to wetlands (either NYS DEC or US ACOE), regulated or non-regulated areas within 100 feet of the wetland boundary;
- With respect to steep slopes, an immediately adjacent area within 50 feet of the slope summit or toe;
- With respect to forested areas of 10 or more acres in extent (or less extensive forested areas should the town determine to accord these protection as well), an area a minimum of 50 feet in width immediately adjacent to the forest edge; and,
- With respect to trails, although there is a zone of influence that arguably extends beyond the boundary of a trail, no adjacent area should be designated as doing so would discourage landowners from agreeing to designation of trail segment or easement across their property.

7. **Green Infrastructure Planning and Review.** Implementation of a formal Green Infrastructure Planning and Review (GIP&R) process would represent a valuable investment in GI. GIP&R should be required prior to any disturbance within a mapped Green Infrastructure area of influence.

8. **Planning and Review within GI Zones of Influence – Stewardship rather than Exclusion.** Development should not be subject to an automatic preclusion wherever GI components are present. The presence of GI components defines a zone of influence rather than a zone of exclusion. Development within areas influenced by the presence of GI components should be required to conform to certain design criteria or guidelines that reflect an appropriate level of stewardship. Areas within which multiple resources overlap or are found together (sometimes referred to as an area of co-occurrence or simply a co-occurence) may contribute significantly to bio-diversity and may, therefore, require more stringent protection.

9. **Maximum Yield.** The maximum number of development units that a given parcel might reasonably support and whether that number is lower than the maximum permitted in the

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accompanying Strategy 2, Chapter 5 of the New York State Stormwater Management Design Manual, August 2010 (included as Appendix X) is an excellent reference that should serve as a guide regarding the need for and necessary extent of riparian buffers along perennial streams. The Town's Natural Resource Inventory should also be a useful reference in this regard.

zoning code is a determination that must take into account the unique characteristics of a site including applicable environmental and other constraints. In Victor, the determination should be made in a site-specific manner taking into account all relevant aspects of the site and the development proposal. Victor should not rely on an approach that relies upon a calculation made in advance utilizing a formulaic reduction factor applied to the maximum number of units that would otherwise be permitted.

10. **Reliance on the Natural Resource Inventory**. The Natural Resource Inventory (NRI) called for in preceding drafts of this Comprehensive Plan has since been completed. The NRI maps natural resources, identifies areas within which valued resources are co-located in a manner that contributes to ecological diversity, analyzes and describes types of land cover, presents an index of open spaces, and develops criteria for evaluation and conservation of steep slopes. The NRI information, maps and templates should be relied upon in all efforts to identify, analyze, review and conserve GI. The NRI has been incorporated in the Comprehensive Plan as Appendix XX and similar information presented in the body of the Comprehensive Plan should not be taken as preempting or superseding that provided in the NRI. The NRI will be useful to the developer in initially understanding the resources found within the Town and in participating in a collaborative GIP&R process. Finally, the NRI will likely require annual review and update in response to changed priorities and/or conditions. Utilization of the informational base provided by the NRI should be integrated into the GIP&R process as much as possible.

11. **Purpose of the Green Infrastructure Planning and Review requirement.** The purpose of the GIP&R requirement is to provide the framework for land use planning and decision-making within the development market so as to promote choices that will identify and prioritize conservation opportunities and approaches to land development so as to optimize the use of land to meet the needs of people and nature.

12. **Objectives of Green Infrastructure Planning and Review:**

    a. Formalize and support a collaborative process intended to promote compliance with the "make the development fit the site rather than the reverse" ethic;

    b. Ensure that planning and design efforts account for natural resources and green infrastructure components as early as possible (beginning in the pre-application phase);

    c. To provide a basis for informed decision making relative to potential conflicts between development of various land uses and GI or other natural resources;

d. Reduce the level of uncertainty regarding resource-related expectations and related informational requirements;

e. To ensure that potential impacts to GI are identified and then avoided whenever it is practical to do so; and,

f. To ensure that unavoidable impacts are adequately mitigated and/or offset in a manner that conserves the integrity of the GI system and the overall value of GI within the Town.

13. **Hierarchy of Requirements.** Criteria and requirements should be organized as a progressive hierarchy. As a general principle, the initial assumption should be full compliance with the most protective requirements in the hierarchy. Recourse to less restrictive requirements should only be supported where it can be shown that conformance with the more restrictive requirement would be impossible, infeasible, unreasonable or impractical and/or where a more relaxed standard is essential to achieve some purpose or benefit.

14. **Hierarchy of responses to potential impacts: Avoid, Minimize, Mitigate.** Avoidance, Minimization and Mitigation of Impacts must be considered in that order. In other words, avoidance of potential impacts should be the highest priority. Impacts that cannot be avoided entirely must be minimized to the maximum extent practicable. Impacts that remain despite efforts to both avoid and minimize them must be mitigated.

15. **Mitigation through replacement or offset.** All reasonable effort shall be made to avoid the removal, loss or disruption of a resource. Where removal, loss or disruption cannot be avoided and is otherwise permitted by applicable federal, state and local requirements, the resource should be replaced. All reasonable effort shall be made to replace a removed, lost or disrupted resource upon the site. Where replacement elsewhere cannot be avoided, then all reasonable effort shall be made to replace a removed, lost or disrupted resource upon an adjacent site. Where replacement beyond an adjacent cannot be avoided, then all reasonable effort shall be made to replace a removed, lost or disrupted resource elsewhere within the Town. Where replacement anywhere within the Town cannot be accomplished, then a payment in lieu of replacement shall be made to conservation fund related to Green Infrastructure.

16. **Mitigation replacement ratios.** In general, mitigation should be proportional to the impact that cannot be avoided. Accordingly, replacement at a ratio greater than 1.0 may be appropriate in certain instances, such as where the resource removed, lost or disrupted is located within an area where multiple resources overlap or where the value contributed by the resource is otherwise extraordinary. Furthermore, the level of impact, while important,

is not the only factor considered in the environmental evaluation of projects. Project benefits and project feasibility must also be taken into account. Although fact situations may present themselves where replacement at a ratio of two, three or more may be appropriate, mandatory ratios should not be specified in advance and evaluation of such instances should be left to the discretion of the board conducting the review and completing the associated environmental review. The GIP&R process should provide the involved board a recommendation regarding the need for mitigating replacement at ratios of 1.0 or greater.

17. Green Infrastructure Planning and Review Focus. The Green Infrastructure Planning and Review process should provide a basis for informed decision making relative to four fundamental topics:

- The presence of green infrastructure components and the consequent potential for conflicts between proposed land uses or development and green infrastructure;
- The significance of potential impacts and the availability of practical alternatives that would avoid potential impacts to green infrastructure;
- With respect to potential impacts anticipated to be unavoidable, identification and incorporation of mitigation and/or offsets in a manner that would conserve the integrity of the green infrastructure system and the overall value of green infrastructure within the community; and,
- Identification of circumstances in which the anticipated unavoidable impacts are so severe that preclusion of the proposed land use or development may be warranted despite the opportunities available for mitigation or offset.

18. The GIP&R process must include submission and review of four basic planning components. Prior to disturbance within a mapped GI area of influence a four-part plan regarding GI within and adjacent to the area proposed for disturbance shall be prepared and submitted for review. The four part plan shall consist of the following: 1) GI Resource Plan, 2) GI Impact Plan, 3) GI Preservation and Mitigation Plan, and, 4) GI Conservation and Management Plan.

1. *GI Resource Plan:* The GI Resource plan shall be sufficient to inventory and assess green infrastructure existing within the project area as well as within 200 feet of the project area boundary.

a. GIP&R implementation should define three alternative levels of detail to be provided in this and the three successive plans [Simplified, Intermediate and Full] according to the general presence and extent of potentially affected resources within the area as well as the scale, scope and complexity of the proposed development;

b. GIP&R implementation shall designate the official responsible for initial determinations relative to completeness, accuracy and sufficiency of a plan submitted for review; and,

c. A site visit may be required at this stage as necessary to view resources and confirm the accuracy of a GI Resource Plan submitted for review.

2. *GI Impact Plan:* The GI Impact Plan shall be produced by combining the GI Resource Plan with a proposed development concept plan that identifies, locates and characterizes associated physical activities with the potential to affect GI resources. This plan shall be accompanied by:

a. Descriptions of the proposed development or activity as well as descriptions of alternatives that have been explored to avoid or minimize any identified potential impacts;
b. Information as to how any such alternatives not incorporated into the project plan proved to be impractical; and,
c. Justification as to why the remaining anticipated impacts should be considered unavoidable.

3. *GI Preservation and Mitigation Plan:*

a. All reasonable effort should be required to avoid the removal or disruption of a green infrastructure resource;

b. Where removal or disruption cannot be avoided (and is otherwise permitted by applicable federal, state and local requirements) the alternatives that were explored to avoid such impacts and why it is not feasible to incorporate these should be described;

c. The plan base shall include all GI existing upon the site that will remain unaffected by the proposed disturbance;

d. The plan shall describe all proposed additions to or augmentations of existing GI, including that proposed to mitigate anticipated GI Impacts found to be unavoidable;

e. The plan shall comply with all requirements for mitigating GI Impacts including offsets and/or replacement at designated ratios; and,

f. The plan shall characterize the value of the resources that would be present following the proposed development or activity and how that value would compare to that of the resources now upon the site.

4. GI Conservation and Management Plan:

a. Mitigation of unavoidable impacts that remain should be required through additions to or enhancements of existing green infrastructure;

b. All reasonable effort should be made to replace a removed or disrupted resource upon the site;

c. Where a removed or disrupted resource cannot be replaced upon the site despite all reasonable effort having been made, then all reasonable effort should be made to replace a removed or disrupted resource upon an adjacent site;

d. Where a removed or disrupted resource cannot be replaced upon the site or upon an adjacent site despite all reasonable effort having been made, then all reasonable effort should be made to replace a removed or disrupted resource elsewhere within the Town;

e. Where a removed or disrupted resource cannot be replaced upon the site, upon an adjacent site, or elsewhere within the Town despite all reasonable effort having been made, then a payment in lieu of replacement should be made to a conservation fund related to green infrastructure;

f. Resources removed or disrupted from within areas where multiple resources are present or overlap should be replaced at a ratio, or level, that is higher than that which would otherwise be required;

g. As indicated earlier in this chapter, the policy should identify under what circumstances the presence of unavoidable impacts which cannot be mitigated would preclude development;

h. The policy should include provisions intended to provide a strong deterrent to failure to preserve a resource identified in the Inventory or developed to mitigate an avoidable impact;

i. The plan shall illustrate measures to be taken to ensure the persistence and viability of all GI depicted in the GI Preservation and Mitigation Plan;

j. The plan shall include measures and practices to be relied upon for GI protection during development, and, following development, for GI stabilization, re-establishment, monitoring, long term care, and replacement; and,

k. The plan shall describe conservation easements and other similar measures relied upon to permanently protect a resource and provide good stewardship.

19. Participants, Authority and Costs. Participants in GIP&R should include the Town Director of Development, the Conservation Board, a single representative from each board considering a proposal (Town Board, Planning Board, Zoning Board), a representative of the Town's Sustainability Advisory Committee, at least one staff representative from the Planning and Building Department, and representatives from appropriate consultants as needed including the Town Engineering/Planning consultant, the Town Environmental consultant, the Town Traffic consultant, and the Town Attorney. Attendance by some of the foregoing may not be essential in every case.

With respect to the need for potential changes to the power or jurisdiction of boards involved in GIP&R, none appear necessary. Instead, normalizing the GIP&R process with guidance and requirements relative to participation and administration should be sufficient. Rather than increase the number of boards with regulatory authority, the goal is merely to ensure that GI and natural resources are considered as early as possible in the process, that a reliable base of information is developed to support informed decision making, and that meaningful dialogue and consideration regarding GI and natural resources takes place early in the design process.

Regarding the cost of municipal consultants involved in the GIP&R process, consultant fees accrued during pre-application stages would remain the responsibility of the Town, as they are now. Consultant costs incurred following submission of a formal application would be charged-back, as they are now. That being so, some increase in the town's cost to support the pre-application process should be anticipated.

20. **Steps in the GIP&R process should be integrated with the NY State Environmental Quality Review (SEQR) process.** Green Infrastructure planning and review seeks to identify, evaluate, avoid, minimize and mitigate green infrastructure impacts as early as possible in the development planning process. This is entirely consistent with the SEQR imperative to "take a hard look" at potential environmental impacts. There would be no advantage to duplicating elements of the SEQR process without sufficient integration and the consequent redundant reviews would be disadvantageous to the development community as well as to the municipal officials and boards involved in such reviews. Therefore, the GIP&R process should inform and support SEQR rather than duplicate or complicate it. To this end GIP&R and SEQR should be integrated so far as possible and early steps in the GIP&R process should be utilized to lay a foundation for SEQR in order to avoid duplication of effort as well as additional costs and delays.

    Steps in the GIP Review process should be related to and integrated with standard steps in the traditional board review process. The GIP&R process should be implemented in a manner that supports and informs each of the approval review processes rather than duplicating or complicating it. With respect to major subdivision reviews in particular, initiation of the GIP&R review process should coincide with the pre-application process and then continue during the sketch plan and preliminary plan phases of traditional review. In fact, the iterative GIP&R review process should formalize, make more predictable, and also incorporate similar informal processes that now take place during pre-Application meetings and should also be integrated and coordinated with related activities that occur during the subsequent Sketch Plan and Preliminary Plan stages of review and approval.

21. **Development of a common progression for all land use approvals.** The GIP&R process should apply to and be integrated with all land use approvals. However, there is now very little correspondence among the various progressions of review steps described for each approval. Presently only major subdivisions reviewed by the Planning Board are subject to a voluntary pre-application process followed by a mandatory Sketch Plan review, Preliminary

Plan[6] review and approval and Final Plan review and approval process. From a GIP&R perspective the Pre-application, Sketch Plan review and Preliminary Plan review and approval stages are most important given the objectives of building an information base and accomplishing more meaningful dialogue early in the process. Minor subdivisions require only a final plan review and approval and no sketch review or preliminary plan review and approval. Site Plans reviewed by the Planning Board are now subject to only a voluntary pre-application process followed by a final plan review and approval process. Establishment of Planned Development Districts (PDDs) is now subject to only a voluntary pre-application process followed by a rezoning/Preliminary Development Plan review and approval given by the Town Board and a Final Site Plan review and approval with the Planning Board.

For reasons not directly related to GIP&R, other Comprehensive Plan strategies now recommend establishment of sketch plan review process for PDDs and for establishment of a Preliminary Plan review for Site Plans. For the sake of presenting a more uniform and easily understood process and in order to facilitate implementation of a single approach that will allow effective integration of GIP&R with various land use approvals, it is recommended that all land use approvals be required to follow the Pre-application, Sketch Plan, Preliminary Plan, Final Plan approval progression with appropriate waivers or other opportunities for straight-forward, smaller or low-risk proposals to consolidate multiple steps (such as the preliminary and final plan approvals, or even the sketch, preliminary and final plan approvals) when appropriate so as to reduce the number of required steps that would otherwise be required.

22. Three Phases of GIP&R. In general, GIP&R should begin in the Pre-application phase, continue during Sketch Plan review, and then conclude during Preliminary Plan review coincident with the conclusion of SEQR. Although the GIP&R process is expected to contribute much useful information and advice, the GIP&R process should remain advisory and should not commit any board or otherwise constrain it's subsequent decision-making. GIP&R does have the potential to increase the number of meetings and/or length of time required during the early phases of project review. However, any such increases would be offset by speedier, less burdensome and more predictable processes during later phases.

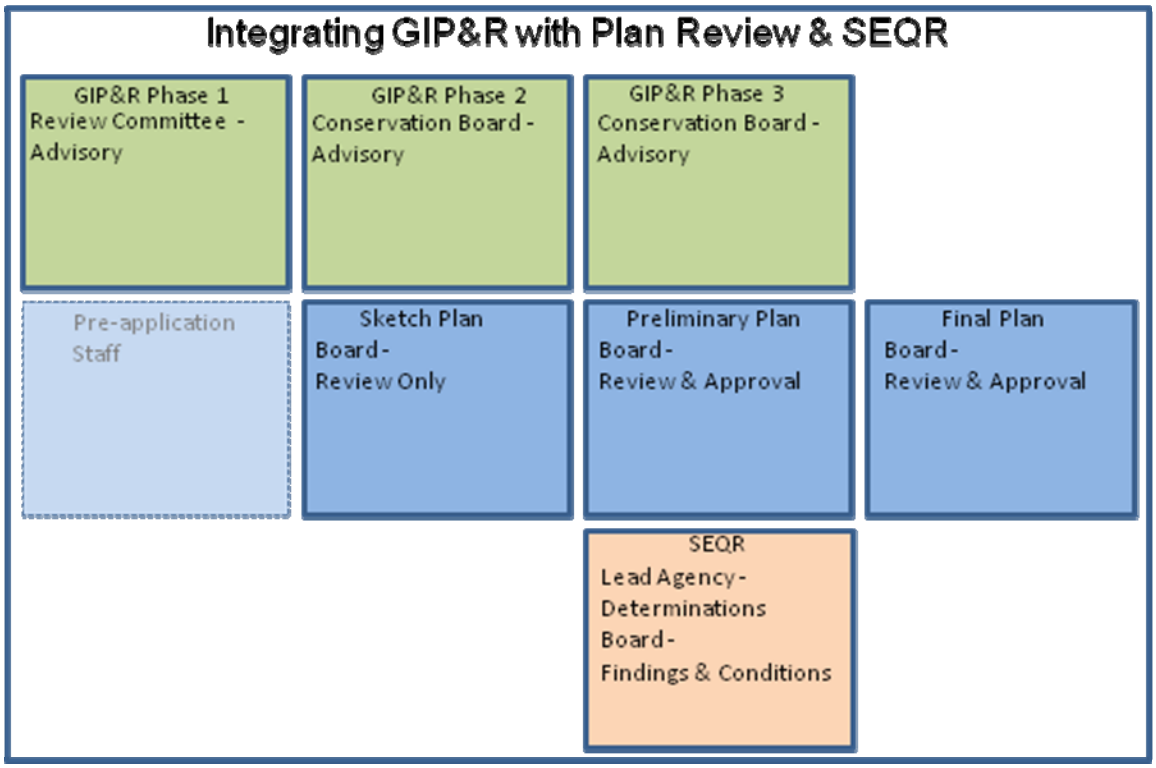
As shown in the following graphic:

[6] The "Preliminary" stage is something of a misnomer given that this is the stage at which the environmental review is concluded and at which the majority of the fundamental decision-making takes place. Final plans must be in conformance with approved preliminary plans and customarily offer additional detail only.

- GIP&R Phase 1 would be led by the Town Director of Development and would replace the present informal pre-application process administered by staff. Information required for Sketch Plan and environmental information relevant to SEQR would be identified;

- GIP&R Phase 2 would be led by the Conservation Board in consultation with the Town Director of Development and would replace the informal consultation now provided by the Conservation Board during Sketch Plan review. Environmental information relevant to SEQR would be compiled;

- GIP&R Phase 3 would be led by the Conservation Board in consultation with the Town Director of Development and replace the informal consultation now provided by the Conservation Board during Preliminary Plan review. In addition, it would be integrated with the SEQR process completed by the board serving as Lead Agency.



The detail provided below should be used to guide implementation of the GIP Review process and to integrate it with other aspects of the land use approval process. Although the following describes how each step in the GIP&R process would be integrated with a typical Planning Board review of a major subdivision, it should also serve as a model for integration with other land use approvals such as rezoning, site plans, and special use

permits (see the preceding topic regarding implementation of a common application and review progression).

23. Initial GIP&R - Phase 1 – The Pre-application Phase. When compared to the phases of GIP&R that follow, the pre-application phase is somewhat unique. As this phase precedes formal applications and the associated involvement by any board, the GIP&R component at this stage will parallel and be integrated with pre-application processes relevant to potentially involved boards. In later GIP&R stages when formal board review has begun, the GIP&R process will then have a somewhat narrower focus as other broader land use issues will then be pursued as part of the involved board's formal application review.

At the pre-application phase, the project sponsor would consult with a standing Pre-application Review Committee[7] of community land use stakeholders. Consultation with the committee should focus initially on orientation regarding the application process, the review and approval process, information gathering, understanding of the site, and identification of resources. This stage of consultation should then move on to consider the concept for development, Town policies and preferences, resource conservation priorities, and ways in which the project sponsor's objectives could be realized without compromising community policies, preferences and GI resources. The committee would produce a written record of proceedings organized as action items for all participants as well as recommendations for the board's reference in succeeding stages of review.

The project sponsor would be expected to provide a *Green Infrastructure Resource Plan* describing the site at this stage. The project sponsor would also be expected to provide a Concept Plan (sometimes called a "bubble plan") describing the proposed development in very general terms. The Concept Plan is one component of the full *Green Infrastructure Impact Plan* required in the following stage. However, it is recommended that the project sponsor *not* be asked to provide the full *Green Infrastructure Impact Plan* at this stage.

Meetings and consultation with the committee should proceed as collaboration rather than take on an adversarial tone. Although the pre-application phase of GIP&R would be presented as "mandatory", the committee would have authority to waive the need for any

[7] Preceding Topic number 17 identifies potential participants such as the Town Director of Development and other representatives from staff, from the Conservation Board, from the Planning Board and others. Involved boards would be represented by at least one designate. The committee and their meetings would be administered by the Town Director of Development or an alternate appointed chairperson. Options to consider would include rotating board appointments to the committee and scheduling meetings immediately preceding Planning Board or Town Board meetings rather than during the day.

consultation in appropriate instances based upon staff recommendations and/or waive the need for further pre-application phase consultation following an initial or subsequent meeting. Although presented as a "mandatory" step, failure to participate in requested pre-application meetings or activities should not preclude filing of a formal application. With respect to applicants who have refused full participation in the pre-application process, the committee would be expected in such instances to nonetheless share its comments and recommendations with any board with whom a land use application is subsequently filed.

A site walk coordinated with the committee, the Conservation Board and members of the Planning Board would be considered mandatory unless waived by the committee. As is the case now, an informal presentation to the Planning Board could also occur at this stage.

From a GIP&R perspective only, outputs from the committee consultation at this pre-application stage would include: confirmation of resource identification; identification of applicable resource-relevant Comprehensive Plan provisions; preliminary discussion of resources preferred for conservation; preliminary discussion, where applicable, of clustering preferences, open space set asides and conservation subdivision preferences; preliminary identification of potential impacts as well as preliminary discussion of potential alternatives that might avoid or minimize potential impacts; identification and discussion of issues likely to arise during subsequent review; identification of additional resource-related information that should accompany a formal Sketch Plan application and preliminary identification of similar information that would likely be requested at the Preliminary Plan stage. For example, it should be determined at this stage rather than later whether wetland delineation will likely be required. Although the possibility will always remain for a board reviewing a formal application or completing SEQR to subsequently expand informational requirements further, the goal should be to provide as much guidance as possible at this stage regarding the information necessary to accompany an application.

24. Intermediate GIP&R - Phase 2 – The Sketch Plan Phase. GIP&R would continue at this stage in parallel with Planning Board Sketch Plan review. Rather than relying on a Pre-application Review Committee, the consultation with the project sponsor relative to GI would now be led by the Conservation Board in their role as conservation and environmental advisors to the various boards involved in the review and approval of land use applications. Consideration should also be given to including a Planning Board designate as well as selected staff and consultants as participants in the Conservation Board's review. As in the preceding stage, a written record of proceedings organized as action items for all as well as recommendations for the Planning Board's reference in this and succeeding stages of review would be produced, an effort led in this instance by the Conservation Board.

The Conservation Board would have authority to waive the need for further consultation following an initial or subsequent meeting. It is intended for meetings and consultation with the board to continue as collaboration. Failure to participate in requested Conservation Board meetings or activities would not preclude progression of a Sketch Plan Review by the Planning Board, but in such instances the Conservation Board would be expected nonetheless to share its comments and recommendations with the involved boards. A site walk coordinated with the Conservation Board, members of the Planning Board and members of any other involved board should be considered at the discretion of the Conservation Board and/or other involved board.

In addition to the *Green Infrastructure Resource Plan* describing the site and the Concept Plan describing the proposed development, the project sponsor would now be expected to provide the full *Green Infrastructure Impact Plan* which would a conceptual level identification and evaluation of all potential impacts to GI and/or natural resources.

As is the case now, the Conservation Board's reports and recommendations to the Planning Board would be advisory only and would not bind the Planning Board. Outputs from the Sketch Plan phase GIP&R consultation would include: discussion of relevant Comprehensive Plan provisions; identification of potential impacts; preliminary evaluation of potential impacts including identification of impacts that could lead to a positive SEQR determination regarding the need for a SEQR EIS; identification of resources preferred for conservation and identification of preferred methods for doing so including conceptual level delineation of any anticipated conservation easements; identification of potential alternatives to be considered; recommendation regarding preliminary SEQR classification; identification and discussion of issues likely to arise during subsequent stages of review; and identification of additional resource-related information that should accompany a Preliminary Plan application including studies, wetland delineations and the like.

25. **Final GIP&R - Phase 3 – The Preliminary Plan Phase.** The third and final phase of GIP&R should parallel receipt and review of a preliminary plan application as well as completion of the required SEQR process. The focus at this stage should be avoidance of impacts, minimization of impacts and mitigation of remaining impacts. GIP&R would continue under the Conservation Board's leadership at this stage. In addition to the Green Infrastructure Resource Plan and the full Green Infrastructure Impact Plan, the project sponsor would now be expected to provide a Green Infrastructure Preservation and Mitigation Plan as well as a Green Infrastructure Conservation and Management Plan. The Conservation Board would continue to produce a written record of proceedings organized as action items for all as well as recommendations for reference by the Planning Board or other involved boards during

this and succeeding stages of review.

Outputs from the Preliminary Plan phase GIP&R consultation should inform SEQR and the board decision-making on issues related to GI and natural resources and should include: confirmation that the proposed plan is in harmony with resource-relevant Comprehensive Plan provisions; detailed identification of resources to be conserved and of recommended methods for doing so including detailed delineation of any anticipated conservation easements; recommendation regarding potential conditions to be imposed relative to Green Infrastructure issues; identification of any additional information necessary to evaluate potential resource impacts including wetland delineations and the like; input to the Planning Board regarding identification and evaluation of potential impacts; input to the Planning Board regarding potential alternatives to be considered in the interest of avoiding or minimizing potential impacts; recommendation to the Planning Board regarding the need for a SEQR EIS as well as its potential scope; input to the Planning Board regarding findings and resource-related conditions to be considered for imposition following review of a SEQR EIS.

26. GIP&R regarding potential impacts to agricultural soils. Chapter 3 of the Comprehensive Plan is focused upon protection of agricultural operations. However, certain agricultural soils may also be considered a natural resource even in instances where they are not being tilled. In looking to avoid potential impacts to agricultural soils, the following should be taken into account:

- Although agricultural enterprises and uses are more properly viewed as economic and commercial resources rather than natural resources, certain agricultural soils may be viewed as a natural resource;

- Development should avoid impact to prime agricultural soils wherever it is possible to do so;

- The imperative to avoid impacts to prime agricultural soils notwithstanding, the situation with respect to potential impacts to such soils is different from one in which, for example, a regulated area such as wetlands would need to be completely avoided. With respect to prime agricultural soils, in instances where there are no alternatives available to a landowner for development of their property that would avoid such impacts, GI conservation requirements should not preclude all development (as might be the case where a regulated resource such as wetlands cannot be avoided). Simply put – the community is unwilling to deprive an owner of agricultural land dominated by prime soils of any opportunity to develop his site for

residential purposes in the same way that an owner of land dominated by regulated wetlands might be deprived of development opportunities; and,

- Sites with prime agricultural soils that could not be avoided were a property to be developed should be prioritized in the ranking of parcels for potential conservation via PDR or perhaps via some other approach that would set rural land aside in order to offset density bonuses awarded elsewhere.

27. Implementation. Implementation will likely require further refinement and testing prior to implementation. Testing during the implementation effort should include simulated application of anticipated requirements to hypothetical development sites to better understand how effectively they will protect green infrastructure as well as the associated impact upon site development plans. Furthermore, effective implementation and integration of the GIP&R process may require subtle changes in the affected review processes (site plan, subdivision, planned zoning district) to accommodate the envisioned GI&PR process and avoid duplication of efforts. This may include modifications called for elsewhere in the Comprehensive Plan, implementation of a phased site plan review process, for example.