

Conservation Advisory Councils and Open Space Preservation

from: Primer For Local Officials and Citizens
Local Land Use Law and Practice in New York
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Conservation Advisory Councils (CACs) are created by local legislatures to advise on the development, management, and protection of local natural resources. The CAC must cooperate with other official municipal bodies active in the area of community planning and development approvals.

CACs are created to study and protect local open areas including those areas characterized by natural scenic beauty, which, if preserved, would enhance the value of surrounding development, establish a desirable pattern of development, achieve objectives of the comprehensive plan, or enhance the conservation of natural or scenic resources. CACs are directed to keep an inventory and map of all local open areas and obtain information pertinent to their proper utilization. The inventory should identify open areas and list them in priority order for acquisition or preservation. The map is to identify open areas designated for preservation including those having conservation, historical, or scenic significance.

Once the local legislative body has received and approved the CAC's open area inventory and map, it may redesignate the CAC as a Conservation Board. At this juncture, the inventory and map become the official open space index of the municipality and the Conservation Board can be assigned additional duties to assist the community with its open area planning and to assure the preservation of its natural and scenic resources.

These duties include:

- the review of applications made to other local bodies that seek approval to use or develop any area on the open space index; and
- the submission of a report on such requests for approval regarding the impact of the proposal on the listed open area and on the open area objectives of the locality.

Both CACs and Conservation Boards are authorized to perform other duties assigned to them by resolution of the local legislative body, as long as they are consistent with their general statutory advisory role regarding the development, management, and protection of local natural resources.

The formation of a Conservation Advisory Council provides an opportunity for the legislature to appoint local experts in this subject matter to an official advisory body that can assist, guide, and encourage other local bodies in protecting and preserving open areas and natural resources. The work of an effective CAC accomplishes the purpose of identifying and collecting needed data regarding the community's natural resources, open areas, and historic and scenic assets. Once accepted by the local legislature, a CAC's open area inventory and map becomes the official index of these assets and expresses the community's commitment to their responsible management and protection.

CACs and Conservation Boards may also assist the planning board, special board, or local legislature in preparing or amending the comprehensive plan with respect to open area information, policy, and protection. CACs and Conservation Boards can help prioritize the importance of open areas and advise their legislatures regarding effective strategies for protecting open areas including acquisition, cluster development, overlay zoning, and critical environmental area designation, among others. They can also assist local lead agencies when assessing and mitigating the adverse environmental impacts of development approvals and other local actions.

Most communities can benefit from the work of an effective Conservation Advisory Council. In rural areas where development pressure is less, advance planning can help preserve agricultural lands, maintain scenic beauty, and protect priority natural areas from the impacts of development. In developed communities, the conservation, enhancement, and increase of available open space and natural features can be a significant method of maintaining the quality of life and property values of local residents. The Conservation Board can also assist with the review and modification of development proposals that might affect priority open areas.

To establish a Conservation Advisory Council, the local legislature must pass a local law or ordinance. A CAC shall be made up of between three to nine members, who are appointed by the legislature for a term of not more than two years. Up to two appointees may be between the ages of sixteen and twenty-one. The chair of the CAC is also designated by the legislature from among the CAC membership. Members of the CAC may be removed by the legislature for cause and after a public hearing. CACs must keep records of their meetings and file an annual report with the legislature by the end of each year.

Upon submission and acceptance of the open space inventory and map of the CAC, it may be redesignated by the legislature as a Conservation Board. This designation gives the Conservation Board the authority to review development and other land use proposals that affect any of the listed open areas. Upon the receipt of such a referral, the Conservation Board must submit a written report to the referral body within forty-five days. Its report must evaluate the proposed use or development in light of the open area planning objectives of the municipality and include an analysis of the effect of the development on open areas listed in the local open space index.

If the local legislature decides to create the CAC by local law, a public hearing must be held. This

presents an opportunity for the local legislature to receive citizen input, as well as generate interest in, and support for, the CAC's activities.