

# Biodiversity Conservation & Review of Development Proposals (for planning boards and conservation commissions)



The procedures outlined below will help town agencies effectively incorporate biodiversity conservation into review and design of land development proposals. We recognize that biodiversity is just one of many issues to be considered for each project, but hope to elevate it to a standard and early part of the conversation for applicants, planners, and regulatory agencies. We also recognize that there may be situations where public safety, traffic, public infrastructure, or economic concerns need to take precedence over biological conservation and that, for certain projects with obviously negligible impacts, town agencies may decide to waive all or certain parts of these procedures.

## PRELIMINARY MEETING

1. **Request (or require)** that the applicant attend an informational meeting with the planning board prior to preparing or submitting any site plan, subdivision plan, or other formal drawing of the proposed project.
2. **Prior to the preliminary meeting:**

**Gather existing maps and other spatial information.**

  - Topographic maps
  - Soil survey
  - Aerial photos
  - Townwide maps of habitats, steep slopes, aquifers, farmland soils, etc. (if available)
  - Wetland maps- New York State Freshwater Wetlands, National Wetlands Inventory
  - NYSDEC/NY Natural Heritage Program (NYNHP) Important Areas map and Significant Biodiversity Areas map

**Gather other existing information relevant to the site.**

  - Reports and other published and unpublished literature on habitats and biota
  - Municipal land use documents such as comprehensive plan, open space plan, and overlay zoning districts

**Use those resources to identify environmental constraints on and near the site, such as:**

  - Large, undeveloped areas including large forests and meadows
  - Wetlands, streams, floodplains (read the topography; do not rely solely on existing wetland and hydrography maps)
  - Special habitats and their conservation zones (if known)
  - Links between important habitat areas
  - Important conservation areas identified in comprehensive plan, open space plan, and other townwide or regional documents
3. **Discuss with the applicant project designs that will avoid or minimize harm to biologically sensitive areas.**
4. **Require field assessments and an NYNHP inquiry to further identify site constraints.**

## **APPLICATION**

1. **Submittals (from the applicant)** to the planning board should include:
  - site drawings showing environmental constraints and proposed new development features
  - a brief written report on the conservation analysis, based on existing data & field assessments
2. **Oral presentation (by the applicant)** should include a description of the site, the environmental constraints, the proposed project, and the expected impacts on biological resources.

## **Review**

1. **Field visit (by the planning board and conservation commission)**, with site drawings and conservation analysis report in hand, to review constraints and proposed mitigation, and to identify other concerns, if any.
2. **Consult with experts, if needed.**

On the basis of the submitted materials, field observations, and your own judgments, decide whether further field assessments by the applicant are necessary, and whether other experts should be called in to help with the review. For example:

  - an independent engineer to review the features related to soil erosion, stormwater management, and structural integrity of proposed features
  - an independent biologist to identify habitats and other biological resources of conservation concern, and to assess the conservation needs of the site
  - an independent wetland delineator to review the wetland boundaries identified by the applicant
  - an independent landscape architect to help reduce development footprints, impervious surfaces, and other environmental impacts

### **3. Consider whether the proposed project is designed to:**

- ▶ Avoid or minimize disturbance in the sensitive areas that have been identified
- ▶ Minimize habitat fragmentation, and preserve broad links between habitat areas on and off the site
- ▶ Accommodate the needs of species of conservation concern
- ▶ Maintain broad buffer zones around sensitive areas, including but not limited to streams, wetlands, and aquifer recharge areas
- ▶ Minimize impervious surfaces
- ▶ Maintain pre-construction volumes, timing, and patterns of surface water runoff
- ▶ Protect Prime Farmland Soils and Farmland Soils of Statewide Importance, and protect farmland contiguity as much as possible

4. **Discuss with the applicant any further revisions to the site design that would improve the outcomes for biological and water resources.** Review your existing authority under the comprehensive plan and town code, and remember that New York State municipalities have considerable latitude to protect the public welfare by regulating land uses and other activities.