

## **LOCAL LAW “L” FOR 2022**

### **A LOCAL LAW OF THE COUNTY OF ALBANY CREATING THE ALBANY COUNTY NATURE AND HISTORIC PRESERVE SYSTEM**

Introduced: 9/12/22

By Messrs. Reinhardt, Perlee, Drake, Mauriello, Miller, Commisso, Simpson, Burgdorf, Ms. Lockart, Mr. Grimm and Ms. Plotsky:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

#### **SECTION 1. Title.**

This Local Law shall be known as the “Albany County Nature and Historic Preserve System Law.”

#### **SECTION 2. Legislative Intent and Purpose.**

The Albany County Legislature recognizes the unique benefits that open spaces and historic sites and buildings provide to residents of the County, and wishes to establish regulations for the use and continued sustainability of nature and historical preserves owned or managed by the County.

The Albany County Legislature finds that nature preserves offer unmatched combinations of undeveloped land, scenic vistas and/or open space which can provide for management and preservation of rare, threatened or endangered species of flora and fauna, provide habitat for birds, fish and other wildlife, permit the study of the natural sciences, and provide areas for passive recreational uses.

The Albany County Legislature further finds that historical preserves offer an important way for us to share our understanding of the past with future generations. History teaches us new things about ourselves, and helps build toward the future. Sometimes historic preservation involves celebrating events, people, places, and ideas that we are proud of; other times it involves recognizing moments in our history that can be painful or uncomfortable to remember. Both are equally important.

Accordingly, the Albany County Legislature determines that certain open spaces and historic sites and buildings should be preserved for the benefit of the residents of Albany County, as a part of a County-wide Preserve System. The Legislature likewise finds that expenditures made in support of these nature and historical preserves are a proper County charge.

In 1976, the Albany County Legislature previously established the "Albany County Nature and Historic Preserve," which only ever contained one property – the Ann Lee Pond EcoRegion Preserve. In an effort to revamp and revitalize this program for current environmental, ecological, and historical needs, the Albany County Legislature finds that it is appropriate to repeal the Local Laws which created the 1976 Preserve, and create a Preserve System to better protect, preserve, and enhance the natural and historical features of Albany County. This Preserve System will also address the ever-worsening effects of climate change by providing for forested parcels to sequester carbon in the atmosphere, helping to mitigate temperature fluctuation, preventing soil erosion, ensuring appropriate water quality, as well as serving many other beneficial functions.

### **SECTION 3. Repealer.**

This Local Law expressly repeals, abrogates, and annuls Local Law Nos. 7 and 8 of 1976, which established the "Albany County Nature and Historic Preserve."

### **SECTION 4. Establishment of the Albany County Nature and Historic Preserve System.**

The Albany County Legislature hereby establishes a Preserve System to be known as the Albany County Nature and Historic Preserve System. This Preserve System shall consist of those land areas and historic sites and buildings designated by the County Legislature to be a part of the Preserve System. The interests of the County can be that of ownership, or rights of lesser degree such as open space easements, conservation easements, easements calling for the maintenance and preservation of historic sites and buildings, or co-management agreements.

### **SECTION 5. Qualifications for Preserves.**

To be considered for inclusion in the Albany County Nature and Historic Preserve System, a parcel of real property must meet one or more of the following criteria:

1. It provides habitat for endangered, threatened or special concern wildlife species, as listed in the New York State Environmental Conservation Law or the Federal Endangered Species Act.
2. It provides habitat for wildlife which are of special concern to the County of Albany or those that are of special or unique local importance.
3. It contains habitats that contain or support occurrences of rare plant or wildlife species or ecological communities identified by the New York State Natural Heritage Program.

4. It contains habitat that provides breeding, feeding, nesting or resting areas for significant concentrations or populations of wildlife or is a locally important haven for wildlife.
5. It contains wetlands.
6. It contains tree specimens listed on the state or national tree size records list: large, old growth forest stands or vegetational communities which are unusual in the County or significant populations of protected plants as defined in the New York State Environmental Conservation Law.
7. It contains examples of forests or other vegetational communities that were, but are no longer, common in Albany County, or contains outstanding examples of such which are unique to Albany County.
8. It provides scenic views, natural beauty or important local visual buffers or noise buffers.
9. It contains significant prehistoric or historic cultural resources or is adjacent to sites containing significant cultural resources.
10. It contains significant prehistoric or historic cultural sites or is adjacent to prehistoric or historic cultural sites.
11. It provides an interconnection between two or more existing Albany County or state preserves.

#### **SECTION 6. Inclusion of the Lawson's Lake Preserve.**

The Albany County Legislature hereby adds to the Albany County Nature and Historic Preserve System the lands known as the Lawson's Lake Preserve. The Lawson's Lake Preserve is located at 293 Lawson Lake Road in the Town of New Scotland. Situated on the eastern escarpment of the Helderberg Plateau and on the border of the towns of Coeymans and New Scotland, this 420-acre park includes a lake, wetlands, forested upland, open fields, waterfalls, and streams.

The lands known as the Lawson's Lake Preserve are owned by Albany County and are described in two deeds: Trinity Institution Inc. to the County of Albany (a parcel of 457.9 acres), recorded in Liber 2188 of deeds at page 577 on May 28, 1980; and John W Coffey to the County of Albany (a parcel of 25.9 acres), recorded as Instrument R2021-4296 2188 on February 10, 2021.

#### **SECTION 7. Inclusion of the Ann Lee Pond EcoRegion Preserve.**

The Albany County Legislature hereby adds to the Albany County Nature and Historic Preserve System the lands known as the Ann Lee Pond EcoRegion Preserve, which lands were previously designated as a portion of the Albany County Nature and Historic Preserve by Albany County Legislature Resolution 158 for

1978. The Ann Lee Pond EcoRegion Preserve is located at 870 Watervliet Shaker Road in the Town of Colonie. Situated near the Albany County International Airport, this 180-acre area includes a large pond, wetlands, forest, and meadows.

The lands known as the Ann Lee Pond EcoRegion Preserve are owned by Albany County and are described in two deeds: Thomas Bergan to the County of Albany (a larger parcel which includes the Ann Lee Pond parcel of 175.4 acres), recorded in Liber 768 of deeds at page 394 on or around December 22, 1925; and Ashfield Associates to the County of Albany (a parcel of 5.894 acres), recorded in Liber 2656 of deeds at page 404 on May 19, 2004.

#### **SECTION 8. Preserves Designated on Lands Not Owned by Albany County.**

Albany County may consider the designation of private lands or public lands, other than those owned by the County, as preserves. Such designation shall be at the request of the private entity or public agency controlling the subject land and said preserve designation shall only ensue upon the execution of a cooperative management agreement between the County and the private or public owner. Said agreement shall include designation of responsibility for liability and a determination of reasonable financial remuneration required to maintain and manage the non-County preserve. Upon designation as a part of the Albany County Nature and Historic Preserve System, said lands shall be subject to all the requirements of this chapter.

#### **SECTION 9. Administration.**

The Preserve System shall be in the custody of and maintained by the Commissioner of Public Works and the Commissioner of Recreation of the County of Albany, under the guidelines and directives established by the County Legislature. Upon review and determination that particular parcels may be appropriate for addition to the Preserve, the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature may recommend parcels to the Albany County Legislature for proposed addition to the Preserve System.

#### **SECTION 10. Regulations.**

Individual Preserves may be maintained, altered or modified by Albany County to preserve, improve, alter or enhance their character, desirability, usefulness and sustainability to the people of the County. These regulations shall apply to all

individual Preserves now contained within the Albany County Nature and Historical Preserve System, as well as all other nature and historical preserves subsequently acquired, designated, or established by Albany County.

## **SECTION 11. Management of Preserve System.**

The Commissioner of Public Works of the County of Albany and the Department of Public Works shall be primarily responsible for and shall supervise the management of the Albany County Nature and Historic Preserve System, with assistance from other County departments and divisions as needed. Management of the Albany County Nature and Historic Preserve System shall be conducted as follows:

1. The Albany County Office of Natural Resource Conservation shall prepare a proposed general use plan for each separate Preserve in the Albany County Nature and Historic Preserve System.
  - a. In the preparation of such plan, environmental conservation, preservation, and sustainability efforts shall be considered foremost.
  - b. The general use plan shall include the types of passive and/or active uses which may be acceptable; shall identify significant sensitive areas which should be protected from human disturbance; shall recommend locations for new trails, parking, signs and access points; shall identify desirable restoration activities; shall determine hours, days, and seasons of use; shall recommend limits on access, if necessary; shall recommend the preparation of educational publications and displays; and shall include such other topics as may be deemed necessary and/or advisable.
  - c. The general use plan shall also designate zones within the separate Preserve to provide a framework for parks management. Management issues will vary between zones and on a Preserve-by-Preserve basis. The general use plan shall set forth the management policies for each separate zone. The zones which may be designated are:
    - i. Nature Reserve Zones – includes significant natural features that require management to ensure long-term protection of the natural heritage, such as woodlands, wetlands, meadows, waterways, ravines, gorges and escarpment faces, steep slopes, etc. Necessary management policies could include: identifying and protecting species and habitats of significance; delineating and enforcing mowing limits; using native plant species for re-vegetation and restoration efforts; and restricting uses to those with little or no negative impacts to vegetation, wildlife habitat,

soil erosion or water quality; protecting natural features from degradation and visual impacts; developing and posting signage to promote appropriate uses; as well as such other policies as may be deemed necessary and/or advisable.

- ii. Recreation Zones (active and/or passive) – includes “maintained” landscape areas of the properties in which facilities development is permitted to support active and/or passive recreation activities such as sports fields, specialized activities, picnic areas, parking lots, etc. Necessary management policies could include: designing structures that are compatible with the surrounding environment; consolidating activity areas to minimize incursions into natural and open space zones; providing screening and buffering of developed areas; and maintaining scenic vistas and views.
- iii. Heritage Zones – includes areas of significant cultural heritage that require management to ensure the preservation of the assets. Necessary management policies could include: restoring historic structures to ensure heritage preservation, safety, and functionality; and providing screening and buffering of developed areas.
- iv. Service Zones – includes maintenance and service areas for the developed parks, as well as access points or staging areas where minimal use facilities are needed to support allowable uses within a Nature Reserve Zone. Necessary management policies could include: restricting development to areas where little or no negative impacts to vegetation, wildlife habitat, soil stability, or water quality will occur; consolidating uses and activity areas to minimize space requirements and reduce incursions into the natural and/or passive areas; and monitoring use and impacts on the natural environment and provide mitigation.
- d. During the planning process, the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature shall take steps to secure broad participation from Albany County residents, so as to ensure that the general use plan reflects community interests.
- e. The Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature may also consult with such other regional and municipal planning boards or agencies in the County as are necessary.

- f. Prior to approval of the general use plan for the Preserve, the Albany County Legislature shall conduct a Public Hearing on the plan.
  - g. The general use plan for each Preserve shall be reviewed and updated periodically.
- 2. Upon dedication as a part of the Albany County Nature and Historic Preserve System, said Preserve shall be posted with appropriate signs identifying the land as an Albany County Preserve, and designating the applicable zones within the Preserve.

## **SECTION 12. Maintenance.**

It shall be the continuing responsibility of the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature to monitor the Preserve System. These agencies shall report to the Albany County Legislature any deviations from the approved general use plan.

## **SECTION 13. Uses.**

- A. Albany County Nature and Historical Preserve System lands shall each have rules and regulations in accordance with the general use plans, as adopted from time to time and updated jointly by the Albany County Office of Natural Resource Conservation and the Conservation, Sustainability & Green Initiatives Committee of the Albany County Legislature.
- B. Albany County Nature and Historical Preserve System lands shall be used as nature and historical preserves, for the purposes of recreation, historic and nature preservation, and promotion of sustainability and prevention of further climate change, including but not limited to, the cultivation of native tree species and the distribution thereof, at reasonable cost via the Albany County Soil and Water Conservation District, to units of local government and or the public.
  - a. At the Ann Lee Pond EcoRegion Preserve, the following uses are permitted: hiking, bird watching, picnicking, nature photography, outdoor education, shoreline fishing, snowshoeing, and cross country skiing.
  - b. At the Lawson's Lake Preserve, the following uses are permitted: hiking, bird watching, picnicking, fishing, ice fishing, nature photography, outdoor education, shoreline fishing, snowshoeing, kayaking, canoeing, ,and cross country skiing. Swimming, camping, and contained fires may be permitted pursuant to special permit

issued by the Commissioner of the Albany County Department of Recreation.

C. Dogs are welcome in the Preserve System under the immediate control of an owner. Pet waste must be picked up and removed to protect water quality and maintain enjoyment of the trails.

D. Prohibited Acts.

a. The following uses and activities are prohibited in all Preserves in the Albany County Nature and Historical Preserve System:

- i. Using any preserve within Albany County outside of the designated hours of operation.
- ii. Using fireworks of any kind, including sparkling devices.
- iii. Possessing or consuming alcoholic beverages.
- iv. Kindling, building, or using an open fire, except by special permit at Lawson's Lake Preserve. This shall not include use of provided grills for grilling food.
- v. Overnight camping, except by special permit at Lawson's Lake Preserve.
- vi. Swimming, except by special permit at Lawson's Lake Preserve.
- vii. Feeding or sheltering wildlife.
- viii. Harassing or harming wildlife, or permitting a domestic animal to do so. This shall not include lawful fishing or ice fishing.
- ix. Trapping wildlife or using any non-official trapping device.
- x. Hunting or otherwise discharging any firearms, rifles, or bows of any type.
- xi. Removing, destroying, or defacing any signs or postings prohibiting trespass, hunting, or trapping within any Albany County preserve.
- xii. Vandalizing, spray painting, breaking, or damaging any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, or other surface in any Preserve.
- xiii. Littering, dumping, or burying any refuse, rubbish, debris, yard waste, fill, soil, or vehicles.
- xiv. Operating or using motorized watercraft on or within any body of water within any Albany County preserve.
- xv. Operating any motorized vehicle on any field, court, park or recreational facility other than for official purposes and in designated areas. This shall include motor vehicles, all-terrain-motorized vehicles, snowmobiles, motorized-trail bikes, motorcycles, or any other motor-driven craft.



#### **SECTION 14. Motorized Vehicles Restricted.**

Motorized vehicles or motor-crafts of any sort, except for emergency vehicles and vehicles operated by police, environmental conservation officers, County officials or others on official business, are banned from Albany County Nature and Historical Preserve System lands, except for use on designated roadways (or trailways, for snowmobiles) and parking areas. This shall include motor vehicles, all-terrain motorized vehicles, snowmobiles, trail bikes, motorcycles, motor boats or any other motor-driven craft. This shall not apply to wheelchairs or motorized vehicles designed to enable individuals with disabilities.

#### **SECTION 15. Hours.**

Albany County Nature and Historical Preserve System lands shall generally be open for public use from dawn until dusk, every day of the year. These hours may be varied by written permission from the County Executive for special events, as well as by the general use plan for each individual Preserve.

#### **SECTION 16. Responsibility for Loss, Damage, or Theft.**

Albany County shall not be responsible for loss, damage, theft, or injury to private or personal property used while at an Albany County Nature and Historical Preserve System preserve, nor shall it be responsible for injuries sustained by reason of the public use of said facilities. Albany County Nature and Historical Preserve System preserves shall be used at the sole risk of the public.

#### **SECTION 17. Removal of All or Portions of Lands from the Albany County Nature and Historical Preserve System.**

In the future, an overriding and pressing public need may arise which may require the Albany County Legislature to consider the removal of all or a portion of a preserve from the Albany County Nature and Historical Preserve System. To remove the preserve designation, the Albany County Legislature must comply with the following requirements:

- A. All preserve designation removal requests shall be designated Type I actions under the State Environmental Quality Review Act.
- B. A public hearing on such request must be held before the Albany County Legislature.
- C. No decision of the Albany County Legislature shall be made on removal of all or part of a preserve designation for a period of 30 days after closing the

public hearing. During that period, written comments shall be accepted by the Albany County Legislature.

- D. Any decision of the Albany County Legislature must comply with all applicable county, state, or federal laws and/or rules and regulations governing the disposition and/or alienation of public parkland.

## **SECTION 18. Penalties for Offenses.**

Any person found to have violated any of the provisions of this chapter shall be guilty of a violation and shall be subject to the following:

- A. For a first offense, a civil penalty not to exceed \$500, in addition to restitution for damage to preserve property.
- B. For a second offense committed within a period of 18 months, a civil penalty not to exceed \$1,000, in addition to restitution for any damage to preserve lands or property.

## **SECTION 19. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, subdivision, or part of this Local Law directly involved in the controversy in which such judgment or order is rendered.

## **SECTION 20. Effective Date.**

This law shall take effect immediately upon its filing with the Secretary of State.

*Referred to Conservation, Sustainability, and Green Initiatives and Law Committees – 9/12/22*