

May 10, 2007

Town Supervisor Merrilyn Pulver  
Fort Edward Town Board  
Fort Edward Town Planning Board  
118 Broadway  
Fort Edward, NY 12828



To Supervisor Pulver and Fort Edward Town Board and Planning Board members;

As a member of Southern Adirondack Audubon Society I am concerned with some aspects of the proposed Planned Unit Development (PUD) law – specifically, the wording pertaining to open space and the conveyance of those areas in any future PUD project. I will express those concerns in this letter and respectfully request that my comments be entered into the public record.

One of the stated purposes of the PUD law is to “preserve the natural, environmental and scenic features.” On page two, in the list of possible benefits to be realized by PUDs, item (g) states “promotion and protection of the environmental integrity of the site and its surroundings.” Both of these are admirable objectives; however, the law as proposed does nothing to ensure that environmentally sensitive lands will be preserved. What this law will do is allow further fragmentation and destruction to environmentally important habitat in the Town of Fort Edward.

Page four, paragraph F defines open space as “parks, playgrounds, landscaped green space and undisturbed natural areas or natural areas maintained as habitat.” This broad definition of open space and percentages set forth may work well for PUDs in other towns - towns which do not have hundreds of acres supporting populations of endangered and threatened bird species. However, if the Town of Fort Edward adopts a PUD law, a tighter definition is justified, and indeed necessary, if this law is to be in line with the goals of the Town of Fort Edward Master Plan and afford protection to those species. The Town of Fort Edward Master Plan states as goals:

1. “protect and enhance lands within Fort Edward, which are environmentally significant or sensitive,”
2. “protect sensitive environmental areas in order to prevent development, which would endanger the environment or the citizens of Fort Edward.”

The Master Plan reflects the wishes of the residents – to maintain the rural character of the town as well as to protect the areas that are of environmental importance; such as the areas which support populations of wintering Short-eared Owls and Northern Harriers. Attendance at recent public meetings on the proposed PUD law has served to underscore their feelings on these issues.

**The proposed law, as it is now written, would allow destruction of all natural areas and their conversion to recreational or landscaped common areas.**

I would offer the suggestion that special wording should be inserted in this section which would directly address the protection of grassland habitat. This wording should state specifically the percentage of unfragmented land to be maintained as habitat for the benefit of New York State endangered and threatened species which depend on this land for their survival. The wording should also state specifically that this unfragmented land will include only acreage of the type that is beneficial to these species. Only in this way can protection be assured.

Another area of the proposed law which leaves open space unprotected is paragraph (4) on page 5. This states that, although all open space must be identified on the initial project application, the land may be conveyed in full at the start of the project, or proportionally in stages as the project progresses. As we all know, land adjacent to any residential development is subject to use as unofficial playground, dirt bike and four-wheeler activity, etc. and if land is to be protected as a natural area, it needs benefit of that protection from the initial phases of the project to ensure that valuable habitat is not rendered useless prior to the “official” protection date.

I would suggest that in addition to identifying all open space on original project applications and maps, that any and all lands designated as undisturbed natural areas, natural areas maintained as habitat, or any areas of agricultural lands which support threatened or endangered species, be conveyed as soon as the project is approved and that they be protected from any destructive uses during the construction phases.

I believe the Town of Fort Edward has a responsibility to protect its important grassland habitat, and, with teamwork among all those concerned, can move forward with necessary residential development while still protecting the important natural areas. Audubon is always willing to partner with those who are concerned about the health of the environment; please contact us if we can be of any assistance to you as you move forward on this issue.

Thank you for consideration of my views.

Sincerely,

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cc: Linda Miles, Fort Edward Town Clerk