

Local Heritage, Local Resources, Local Control

The Community Preservation Act: Local Heritage, Local Resources, Local Control

The Community Preservation Act gives municipalities the power to voluntarily create a Community Preservation Fund to preserve natural areas and water resources, working farms, and historic structures and heritage.



Photo courtesy John Stage and Warwick Smart Growth Alliance

Guided by local leaders, the Preservation Act lets communities decide how to support land conservation and historic preservation efforts.

The Community Preservation Act: Local Benefits

Funds created in East Hampton, Riverhead, Shelter Island, Southampton, and Southold have generated more than \$300 million for the preservation of natural areas, working farms, and historic structures. Without these funds, many of the places that make these communities unique would have been lost to development.

The impact of local preservation funds has exceeded Long Island's expectations—they've helped preserve the natural beauty, character and integrity of the North Fork, Shelter Island, and the South Fork. The Community Preservation Act is an opportunity for towns across New York State to govern their own destiny.

*Paul Brennan, Vice President
Prudential Douglas
Elliman Real Estate
Bridgehampton, NY*

New York Farm Bureau supports the Community Preservation Act because it lets local communities decide for themselves how to best preserve family farms, working landscapes, and the rural character of our communities.

*John Lincoln, President
New York Farm Bureau*

Supporters

1 in 9 Coalition
Adirondack Council
Adirondack Mountain Club
Agricultural Stewardship Association
American Farmland Trust
Audubon New York
Battkill Conservancy
Catskill Center for Conservation and Development
Citizens Campaign for the Environment
Citizens for Open Space of Goshen, New York
Columbia Land Conservancy
Concerned Residents of Southeast
Dutchess Land Conservancy
East End Forever
Environmental Advocates of New York
Environmental Defense
ForSomers.org
Friends of the Bay
Highlands Coalition
Hudson Highlands Land Trust
Hudson River Sloop Clearwater
Lake George Land Conservancy
Land Trust Alliance
Long Island Environmental Voters Forum
Long Island Pine Barrens Society
Natural Resources Defense Council
New York Farm Bureau
New York League of Conservation Voters
New York State Association of Towns
New York-New Jersey Trail Conference
North Shore Land Alliance
Northeast Organic Farmers Association of NY
Open Space Institute
Parks & Trails New York
Peconic Land Trust
Preservation League of NYS
Putnam Smart Growth Alliance
Putnam Valley Residents Coalition
Riverkeeper, Inc.
Rondout Valley Grower's Association
Saint Peter Damian Fraternity, Secular Franciscan Order
Saratoga P.L.A.N.
Scenic Hudson
Serpentine Art and Nature Commons, Inc.
Sierra Club - Atlantic Chapter
Southern Madison Heritage Trust
Sterling Forest Partnership
The Fishkill Ridge Caretakers
The Nature Conservancy
The Ramapo River Committee
The Trust for Public Land
Town of Marbletown Environmental Conservation Commission
Utica/Central New York Citizens in Action
Vision Long Island
Wallkill Valley Land Trust, Inc.
Westchester Land Trust
Woodstock Land Conservancy

For more information about the Community Preservation Act visit www.savenys.org.

The Community Preservation Act

A New Tool for Protecting New York State's Natural & Historic Heritage



Cities and towns across the state are facing mounting pressure from development. As proposals for subdivisions, strip malls, and commercial office parks come forward, local officials must carefully balance the potential of economic growth with the need to preserve the character of their communities and the quality of their drinking water.

The character of a place is defined by its forests and fishing holes, family farms, and historic buildings, and the role these places play in people's lives. Ironically, it is often a community's unique character that makes it attractive to developers, as well as a good place to live and do business. And without resources to preserve natural areas, water resources, and historic buildings, many of New York's cities and towns cannot purchase land for public use—thus preserving it and their heritage and their quality of life—and cannot establish voluntary conservation restrictions on private lands for their community's benefit.

The Community Preservation Act will give cities and towns a new way to protect their natural and historic heritage.

With the input of community residents, Clifton Park has developed its own plan to preserve open spaces and farmland. Our residents have been overwhelmingly supportive and we have protected more than 700 acres in the last few years. Establishing a Community Preservation Fund would provide much needed support to help our town preserve even more open space.

*Supervisor Phil Barrett
Town of Clifton Park*

Local Heritage, Local Resources, Local Control

¹The Brookings Institution, "Sprawl Without Growth: The Upstate Paradox," 2003.

The Community Preservation Act

Development in New York State

Between 1982 and 1997, more than 425,000 acres of forests, working farms, and orchards in Upstate New York were converted into "big box" stores, subdivisions, and office parks.¹ This represents a 30% increase in developed lands accompanied by less than 3% population growth, a trend that continues today.

When growth is poorly planned, historic homes are demolished to make room for new housing and turn-of-the-century downtowns deteriorate due to neglect. Family farms that define rural character are lost to office parks and strip malls. Natural areas where families hike, hunt and fish are paved over. As our landscape is "hardened" by parking lots and pavement, water resources are strained by runoff and pollutants. The end result of this pattern of development? The quality of life in New York's cities and towns is jeopardized.

The Problem: Scarce Resources Limit Preservation

Striking a balance between preserving a community's character and developing its economy is difficult when municipal budgets are tight, and state and federal funds are scarce. And despite an effort on the part of New York State to protect natural areas, keep working farms profitable, and preserve historic structures, community needs far outstrip the resources state government can provide. State grants are highly sought after and take a great deal of time to secure. Local bond initiatives are sometimes unpopular with residents leery of taking on additional municipal debt. Raising property taxes is also not appealing to voters. While the state is expected to earmark more than \$180 million to address environmental needs this year, unfunded demand to support preservation efforts is anticipated to top \$1 billion per year over the next 10 years.

"The Community Preservation Act could help support historic preservation efforts across New York State, from facade easements on Main Street to grants for improvements in residential historic districts. Funds for community preservation are critically needed to maintain the Empire State's significant landscapes and architectural heritage."

*Jay DiLorenzo, President
Preservation League of
New York State*

Community Preservation Funds: Another Option for Local Funding

In 1998, several Long Island towns pioneered the use of Community Preservation Funds. Voters in East Hampton, Riverhead, Shelter Island, Southampton, and Southold approved the creation of these dedicated funds by wide margins. Supported by locally generated revenue from a modest real estate transfer tax, the towns have generated more than \$300 million to protect natural areas, working farms, and historic heritage. In 2002, residents voted by more than 2 to 1 margins to extend the program another 10 years.

Drawbacks: Creating a local preservation fund can be unduly burdensome. Currently, municipalities must seek the permission of the Governor and the State Legislature before establishing a fund.

A New Tool To Preserve Local Treasures

Local Heritage, Local Resources, Local Control

The Community Preservation Act gives municipalities the power to voluntarily create a Community Preservation Fund to preserve natural areas and water resources, working farms, and historic buildings. The Act also removes the obstacle of seeking legislative approval to fund local efforts (see sidebar).

The Community Preservation Act:

- Gives cities and towns a tool for preserving the places that make them special and unique.
- Is voluntary, and only affects those communities that support the creation of a Community Preservation Fund through public referendum.
- Lets communities decide how to best raise funds.

The Benefits of Local Control

Towns and cities want to decide for themselves how best to fund local preservation efforts. They often don't want to risk having their decisions overridden by legislators who do not represent them and who may not appreciate the challenges faced by their communities.

In a state whose constitution is predicated on home rule, it makes sense that New Yorkers decide for themselves how best to protect their heritage.

How it Works

The Community Preservation Act gives communities the power to:

How will the CPA affect property values?

In the Long Island towns that have Community Preservation Funds for which statistics are available, these funds have not had a negative impact. **Property has appreciated** at a higher rate than the rest of the state.

- Create a preservation fund.
 - Communities can establish a local real estate transfer fee to preserve local treasures.
 - Deposits to the fund can come from whatever source the community chooses, such as property tax revenue or bond money.
 - The fund can accept gifts of land or other resources.
- Towns are required to adopt a preservation plan that identifies areas to protect. State grants are available to develop such a plan.
- Local governments will also have the option of adopting a local law to create a real estate transfer fee (two percent maximum). The fee on real estate transfers must be approved by voters through referendum. Any fee assessed only applies to properties whose value is over the median sales price of residential property within that county—ensuring that housing for working families remains affordable.