

TOWN OF CLIFTON PARK
COUNTY OF SARATOGA
STATE OF NEW YORK

NOTICE OF PUBLIC HEARING REGARDING
PROPOSED AMENDMENTS AND REVISIONS TO CHAPTER 152 OF THE TOWN CODE
RELATIVE TO THE VISCHER FERRY NATURE AND HISTORIC PRESERVE

Please take notice that the Town Board of the Town of Clifton Park will conduct a public hearing on October 18, 2020 at 7:05 p.m. in the Wood Memorial Meeting Room in the Town Office Building, located at One Town Hall Plaza, Town of Clifton Park, County of Saratoga, State of New York to consider revisions and amendments to the Town's code relative to the Vischer Ferry Nature and Historic Preserve.

The proposed legislation would acknowledge and accept a new and consolidated Use and Occupancy Permit from the New York State Canals Corporation, encompassing all Canals Corporation Lands within the Town, and adding certain Town owned lands to the Vischer Ferry Preserve for management purposes, and continue the prohibitions against Deer Hunting within and Nature Preserve Lands.

Copies of the proposed local law are posted at <https://cliftonpark.org/government/legal-notices.html> , and are available for review in the Town Clerk's office during normal business hours.

Teresa Brobston, Town Clerk

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 152

Nature Preserves

[HISTORY: Adopted by the Town Board of the Town of Clifton Park 2-26-1979 by L.L. No. 5-1979; amended in it entirety 6-18-2007 by L.L. No. 5-2007. Subsequent amendments noted where applicable.]

§ 152-1 Purpose and definition.

- A. The Town recognizes the unique characteristics and benefits to the Town of nature preserves within its borders, and wishes to establish regulations for the use of nature preserves owned or under management by the Town. These regulations shall apply to the Dwaas Kill Nature Preserve, the Vischer Ferry Nature and Historic Preserve, the North Woods Nature Preserve (former Round Lake Reservoir lands), Riverview Nature Preserve and all other nature preserves now owned, managed, or subsequently acquired, designated, or established by the Town of Clifton Park.
- B. The Town of Clifton Park finds and determines that these nature preserves offer unique 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 including biology, botany, ecology, entomology, ecology and geology, and to provide areas for passive, nonmotorized recreational uses including but not limited to educational activities, walking, fishing, hiking, photography, cross-country skiing and snowshoeing.
- C. Preserves may be maintained, altered or modified by the Town to preserve, improve, alter or enhance their character, desirability and usefulness to the people of the Town, consistent with the purposes stated herein.

§ 152-2 [Boundary descriptions.] Vischer Ferry Nature and Historic Preserve.

[A]The Vischer Ferry Nature and Historic Preserve, [property to be used only for the purposes of recreation and historical and nature preservation, hereinafter designated as the "Vischer Ferry Nature and Historic Preserve,"] was originally established in 1977 on lands of the New York State Canal Corporation, for nature preserve and recreational purposes, made possible by the issuance of a Use and Occupancy permit to the Town from the New York State Canal Corporation. Lands encompassed within the Preserve were expanded through the issuance of subsequent permits from the Canal Corporation, to the Town, and by land acquisitions made by the Town.

B Boundary:

The Vischer Ferry Nature Preserve [shall be generally] consists of all NYS Canal Corporation Lands within the Town of Clifton Park, County of Saratoga, [defined as the area of land in the Town of Clifton Park, Saratoga County, that is] bordered by the Mohawk River on the south, Lock 19 of the Old Erie Canal on the west, Riverview Road on the north to the border line with the Town of Halfmoon on the East. [and a line running near the Clute Dry Dock on the east and that is further defined on the map which is part of the official agreement between the New York State Department of Transportation and the Town of Clifton Park dated April 7, 1977, New York State Department of Transportation Waterways Maintenance Subdivision Permit No. 77-02-10.] The Vischer Ferry

Nature Preserve Lands permitted to the Town are shown on a map on file with the Clifton Park Town Clerk dated (DATE) together with NYS Canal Corporation Use and Occupancy Permit no (ID THE PERMIT) issued on (DATE), which supersedes and consolidates all previously issued permits.

Also included within the Vischer Ferry Nature Preserve are the following lands acquired by the Town of Clifton Park for Park and Nature Preserve purposes:

1 SBL 293.-2-1, 24.8 Acres acquired on December 10, 2001 for Nature Preserve purposes (Resolution 260 of 2001)

2.SBL 288.-1-76; 2.84 acres acquired for Park and Preserve purposes on October 27, 1997 per Resolution 214 of 1997

3. SBL 288.-1-48.1; 15 Acres acquired March 12, 2003 for Park and Preserve purposes per resolution 308 of 2003.

4. SBL 287.16-1-18 , acquired April 28, 2006, pursuant to resolution 84 of 2006 for Park and Nature Preserve purposes

5. SBL 288.-2-31, acquired April 28, 2006, pursuant to resolution 84 of 2006 for Park and Nature Preserve purposes

The Consolidated Nature Preserve Boundaries, incorporating the above referenced Town owned Lands acquired for Park and Nature Preserve purposes, dated [], and Titled "Vischer Ferry Nature and Historic Preserve Management Area" is on file with the Town Clerk.

C Uses

The Vischer Ferry Nature Preserve lands shall be for use as a nature and historic preserve, for the purposes of recreation, historic and nature preservation, including: the maintenance of the hiking trails constructed along on the east and west sides of Ferry Drive, and maintaining certain pedestrian bridges, canoe/kayak boat ramps, parking facilities, trailheads and signage.

D [§ 152-3] Hunting and discharge of firearms restricted.

Hunting shall be restricted within The Vischer Ferry Nature Preserve. Within the Vischer Ferry Nature and Historic Preserve only, hunting shall be restricted to the use of shotguns for duck hunting only, said hunting being limited to the first seven calendar days of duck hunting season as established by the State of New York. Discharge of firearms, or bows of any type, for hunting, target shooting or any other purpose during any time of the year other than as set forth above relative to waterfowl hunting, is prohibited. Hunting is allowed to the exclusion of all other uses, recreational or otherwise, during the above-described seven-day period. [Hunting and any discharge of firearms is prohibited at any other publicly owned nature preserve.]

B. Dwaas Kill Nature Preserve. The Dwaas Kill Nature Preserve shall only be used for the purposes of recreation and historic and nature preservation, is hereinafter designated as the "Dwaas Kill Preserve" and shall generally be defined as the area of land of approximately 248.485 acres that is bordered on the south by Kinns Road, north by the Canadian Pacific Railway Company (formerly the Delaware and Hudson Railroad) rail line, to the east by Pierce Road, and to the west by Carlton Road, and that is further defined by a subdivision plan/survey map on file with the Town Clerk dated July 21, 2005.

C. North Woods Nature Preserve (former Round Lake Reservoir Lands). The North Woods Nature Preserve formerly known as the "Village of Round Lake Reservoir property," shall only be used for the purposes of recreation and historic and nature preservation, is hereinafter designated as the "North Woods Nature Preserve" and shall generally be defined as the area of land of approximately 80.746

acres that is bordered on the south by West Terrace Court, Burning Bush Boulevard, and Brier Court, to the north by Shadow Wood Way, to the east by Forest Drive and to the west by South Hollow Road and Blue Spruce Lane, and that is further defined by a survey map on file with the Town Clerk dated October 25, 2003.

- D. Riverview Nature Preserve. The Riverview Nature Preserve is approximately six acres, along the south side of Riverview Road, bounded by Riverview Orchards to the west, residences of Brian Drive to the east, and lands of New York State Canal Corporation along the southern boundary. The Mohawk River is along the strip of Canal Corporation land along the preserve's southern boundary.

§ 152-3 Hunting and discharge of firearms restricted.

Hunting and any discharge of firearms, or bows of any type, are prohibited within any Nature Preserve owned, or managed, by the Town of Clifton Park.

§ 152-4 Motorized vehicles restricted.

Motorized vehicles or crafts of any sort, except for emergency vehicles and vehicles operated by police, environmental conservation officers, town officials or others designated by them on official business, are banned from the nature preserves. 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 an individual with a disability.

§ 152-5 Nature preserves hours.

The nature preserves shall be open for general public use from 1/2 hour before sunrise to 1/2 hour after sunset. These hours may be varied by the Town Supervisor for special events. These hours shall not conflict with time periods set forth from time to time by the New York State Department of Environmental Conservation or the United States Fish and Wildlife Service for the regulation of waterfowl hunting seasons and hours.

§ 152-6 Prohibited acts.

It shall be unlawful and constitute an offense for any person to:

- A. Utilize or make use of any preserve within the Town except during the hours set forth in this article.
- B. Use or utilize any preserve within the Town for any act or use which is prohibited by this article.
- C. Vandalize, spray paint, break, or damage any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, and the like in any nature preserve within the Town.
- D. Operate any motor vehicle of any sort 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.
- E. Except for lawful hunting and fishing as permitted herein, it shall be unlawful and a violation for any person to harass or harm wildlife, or to permit his or her dog or other domestic pet to do so.
- F. Use or ignite fireworks of any kind, including sparkling devices as defined in Subparagraph (vi) of Subdivision (a) of Paragraph 1 of § 270.00 of the New York State Penal Law, as referenced in § 156-h of the New York State Executive Law. **[Added 8-17-2015 by L.L. No. 9-2015]**

- G. Except for Duck Hunting as described in Section 152-D, above, within the Vischer Ferry Nature Preserve, the discharge of all firearms, rifles, or bows of any type is strictly prohibited within Nature Preserves within the Town of Clifton Park.
- H The removal, destruction, or defacement of any signs or postings prohibiting trespass or hunting with any Nature Preserve owned or managed by the Town of Clifton Park is strictly prohibited.

§ 152-7 Penalties for offenses.

[Amended 9-8-2020 by L.L. No. 6-2020]

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 [\$250,] \$500.00 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 property.

§ 152-8 Town security officers.

[Amended 9-8-2020 by L.L. No. 6-2020]

The town security officers are authorized to provide for compliance with this chapter and hereby authorized to issue and serve appearance tickets and to participate in the prosecution of any offenses found in this chapter.

§ 152-9 Written plea agreements.

[Added 9-8-2020 by L.L. No. 6-2020]

Appearance tickets issued under this chapter may be resolved by written plea agreement lodged with the court, subject to judicial approval, for individuals represented and unrepresented by counsel. Electronic signatures, scanned or photocopied signatures on plea agreement forms shall be presumptively reliable.