

**Eden Conservation Advisory Board
Establishment of a Conservation
Easement Law
2003 Action Award**

This award-winning project from the Eden CAB involved drafting and passing a conservation easement law as proposed by a recently passed master plan.

The Conservation Easement Law restricts a landowner from developing land under easement for the purpose of preserving open space. The landowner gets preferential tax treatment for land under a Conservation Easement. The authority for a Conservation Easement flows from Section 247 of New York General Municipal Law. The landowner must voluntarily agree to a Conservation Easement. In return the Town grants a reduction in the property's assessed value. Conservation easements range from five years to perpetuity. A landowner may opt out of a term Conservation Easement before it expires, but must repay some back taxes and pay a penalty as well. If the landowner violates the Conservation Easement the easement may become void and back taxes and a penalty paid to the Town. The CAB conducts an annual review of the property to ensure compliance with the Conservation Easement.

The process involves the landowner making an application that is filed with the Town Assessor. The assessor, Conservation Board, and landowner negotiate the terms and conditions of the easement. Additional administrative steps, including a public hearing, must be completed before the Town accepts the conservation easement.

The Conservation Easement Law was about a year in production and required the services of members of the Conservation Advisory Board. There was very little cost involved except for legal consultation, which was provided by the Town attorney.

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