

OPEN SPACE, CONSERVATION EASEMENTS, AND PROPERTY VALUES

In late Winter 1992, the Mendon Master Plan Committee, as it was then known, commissioned a survey of town residents. Several of the 62 questions in the survey, and one in particular, elicited respondent attitudes and opinions with regard to open space. The percentage that returned their survey was much higher than normal, which was surprising. Even more surprising was the approval of the statement "I like living in a predominantly rural community that has the majority of its population (density) concentrated around the village of Honeoye Falls and the hamlet of Mendon."

A resounding 91.3% "voted" in favor of preserving open space in the Town of Mendon.

At that same time, and before the survey responses were received and tabulated, the idea of a land trust in the Town of Mendon was advanced. The concept proposed included focusing on preserving open space in Mendon as, through the coming years, developers and land speculators pursue subdividing and developing new housing.

In October 1992, a land trust was organized. In March 1993, the Mendon Foundation was recognized by the IRS as a 501(C)3 corporation. That qualifies the Mendon Foundation as a not-for-profit corporation, donations to which are deductible on federal, and most state (including New York), tax returns.

The Mendon Foundation believes that it can be the major influence on the preservation of open space in Mendon. Most of the Foundation's success in ensuring that the Mendon of the future will continue to resemble the Mendon of today (a result almost all of us say we want) will be a result of the tax deductibility of the conservation easement which assigns development rights to the Mendon Foundation. Just how will that happen?

Assume a property owner has a residence, and perhaps an outbuilding or two, on, let's say, 40 acres. The property is in an R-1 zone requiring at least one acre for

each residential lot. The owner expects to remain in the residence for a considerable time into the future, and is sympathetic to, maybe even enthusiastic about, retaining the open space the property acreage provides.

The property owner obtains an appraisal (tax deductible) from a professionally recognized appraiser that establishes the market value of, let's say, 35 of the 40 acres as the location for a residential development.

The appraiser also establishes the market value of the 35 acres if, through deed restriction (conservation easement), construction on the acreage by the owner, current or future, is prohibited. The difference, for purposes of this example, might be \$5,000 per acre. Thus, the property owner could realize a possible \$175,000 income tax deduction. This could be taken in the current year and/or applied against past and future years.

In this example, the property owner decides to convey a conservation easement to the Mendon Foundation. Bingo! A \$175,000 tax deduction. But, the property owner has the best of all worlds. Not much has changed, perhaps not even the owner's net worth. All other rights are retained by the owner. The 40 acres remains the owner's property to enjoy, to farm, to leave in meadow and woods, whatever.

What happens to the value of that residence on that 40 acres? Some buyers would no longer have interest in a property that could no longer be subdivided and sold off. But, others would cherish the open space and elbow room and would see little or no loss in value despite the development restriction. The longer the property owner retains his residence, the more likely the full value will be recovered, and even enhanced, when ultimately sold. What happens to the value of adjacent properties, those across the way? Ask any real estate professional if "forever wild" areas enhance property values. In fact, all properties in reasonable proximity to this 40 acres will have increased value in the eyes of most potential buyers, once the conservation easement is in place.

(continued inside)

LIVING WITH OUR WHITE-TAILED NEIGHBORS

As this newsletter "goes to press," this year's bait and shoot program conducted by Monroe County in and around Durand Eastman Park has totaled 112 white-tailed deer. And, it came to our attention recently, that the Town of Amherst, a Buffalo suburb, has contracted for \$4,800 per year with an individual who will pick up and dispose of deer carcass road kills from the roads within that town.

This beautiful creature can be a problem, perhaps even in Mendon at some future time. We are grateful to John R. Hauber, senior wildlife biologist at the State Department of Environmental Conservation in Avon and a Lima resident, for the following two articles which speak to living with our white-tailed neighbors.

WHITE-TAILED DEER AND MAN: CO-EXISTENCE

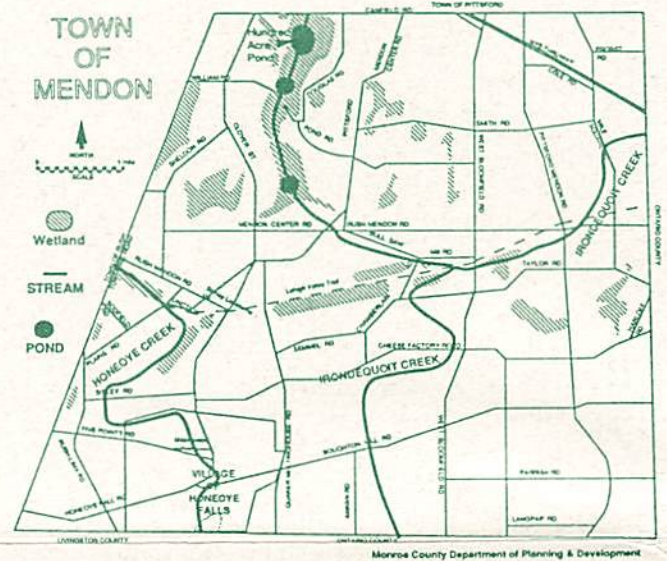
BY JOHN R. HAUBER

Thoughts of the white-tailed deer brings imagery to nearly all people: the admiration of their grace, respect for their ability to disappear into the brush, the fright of their sudden appearance on the highway, contempt for their foraging on the just-right sweet corn, amazement at their adaptability, consternation at their persistent browsing in the garden and on landscape plants, and the succulence of venison tenderloin. They certainly are a species which stirs a variety of reactions, often both positive and negative in the same breath.

Relatively abundant in early settlement days, the white tail was exploited for food. Its habitat was converted to agricultural ground and by the late 1800s, the species was nearly extirpated from Western New York. Later, abandonment of farm lands (which continues today), modern conservation and sport hunting regulations, and the ability of deer to live under a variety of habitat and development conditions has resulted in a thriving white tail population today.

This is no accident, no coincidental happening. The conditions providing the requirements of this species are here and, to some degree, the deer have responded in spite of ourselves. Man wreaks havoc on earth and yet Mother Nature repairs the damage if given a little time. However, as long as man exists, his actions will be felt by wildlife species. All natural systems are not re-established. Significant voids occur in the habitat, predator-prey relationships where deer are concerned are gone, and certain interactions of deer and man are unacceptable.

Thus, many must accept responsibility for his actions. That responsibility can best be achieved through wildlife management. The art and science of conservation is the ability to sustain wildlife populations annually through wise use. This is a practice of keeping such populations compatible with each other, as well as within constraints that minimize conflicts with mans activities.



As our lands, including Mendon, progress through development, deer inevitably will (and do now) interact with us. To ensure these interactions are neutral to positive, we must understand the species and plan for compatible existence.

The reproductive capability of deer can result in the doubling of the population every two to three years. They essentially will live in our backyards if we allow it. But, then, who needs the hassle of mowing five acres of grass? Why not leave a good portion of the extra space for wildlife use and our enjoyment? Remember though, that deer essentially have no natural predators in our area. The family dog and automobile are the biggest threats locally.

However, since man has eliminated the natural checks and balances, man must assume the predator's role to keep the populations in check. Sportsmen harvest, without question, is the only effective, economical, efficient way to control free ranging deer populations. The majority of sportsmen respect the quarry of their pursuit, are responsible to landowners and the lands on which they hunt, and provide nearly all funding used for

(continued on insert page)

WHITE TAIL (continued)

wildlife management. They often also are our neighbors, if not ourselves.

Land owners reserve the right of allowing trespass on their lands, as well they should. However, they also should recognize that we are of the land, not above it. What we sow, so shall we reap. Wildlife does not exist in a vacuum. It exists all around us and is, thus, affected by our actions and, thus, affects us, too.

Setting aside lands and development rights is an excellent way of ensuring habitat for many species we enjoy to watch and pursue. Habitat corridors between these lands, and especially along drainages, allow safe travel and a constant mixing of genetic pools. Some species may live their entire lives within a few hundred square feet, while others require hundreds of acres. Changing seasons bring different conditions, as well as requirements for the various species. A cognizant appreciation for these may result in a healthy environment for wildlife, while also presenting man with a landscape of values he can use and cherish.

Wildlife cannot be positively (conservationally) managed by emotion and politics. The biology of the species is real. The interaction with land, water, foods and shelter is real. So, also, is the responsibility through respect that we need for each other and the wildlife species around us. We, and they, deserve no less.

LANDSCAPING TO SURVIVE WILDLIFE

BY JOHN R. HAUBER

While most worthwhile foods of wildlife are green, at sometime during the year all green plants are not nutritious foods for wildlife. If you have, expect to have, or desire to have, wildlife near your home, acknowledge right now that food availability is what draws them. Deer, in particular, are capable of eliminating the food resources on which they survive.

Planting Douglas fir, hemlock, arbor vitae, apples, yews, euonymus, and English ivy may give you a beautiful landscape where few deer exist. But, plant them in deer country and you have rung a significant dinner bell. Less appetizing species you may wish to try include are red cedar (juniper), spruces, pachysandra, bittersweet, and barberry.

Your horticulturist and nurseryman can help greatly in planning acceptable species combinations for years of landscape beauty. Remember, there are other eyes and noses on the outside being affected by what you plant.

Many commercial varieties of landscape plants are genetically bred for floral characteristics and not to produce fruit. To capitalize on flowering ability and have a bonus of fruit for yourself and wildlife, be sure the nursery or garden store knows your desires.

YES, I am interested in the Mendon Foundation.

\$25 membership fee enclosed.

I would like a Foundation member to contact me.

\$50 business membership fee enclosed

I would like to be a volunteer for the Foundation.

Name _____

Address _____

Phone (Day) _____

Phone (Evening) _____

Please mail to: The Mendon Foundation, P.O. Box 231, Mendon, New York 14506-0231

THANKS TO GENESISTEMS FOR COMPUTER CONTRIBUTION

The capability of the Mendon Foundation took a giant step forward recently when Eric Muench, president of Genesistems, Inc., 131 Gould St., Rochester, contributed an IBM compatible computer and software package. The computer and software enable the Mendon Foundation to better fulfill its mission in a variety of ways.

Accounting and bookkeeping functions will be streamlined. Member recruiting operations will be advanced through the systematic compiling, storage and retrieval of mailing lists. The matching of volunteers to vital projects will also be coordinated faster and easier. Even the publishing of the Foundation's newsletter will be more time efficient through computerization.

Those who have had an opportunity to review the capabilities of the new computer and software system are very impressed with the professionalism and expertise with which Eric Muench and Genesistems, Inc. approached this situation, even though it represented a contribution of equipment, software and customer service time on their part.

The Board of Directors of the Mendon Foundation expresses deep appreciation for this generous gift, and we enthusiastically urge all members to consider Eric Muench and Genesistems, Inc. whenever you may be in the market for a custom software package and equipment solution for your business in the future.

LAND TRUSTS & CONSERVATION EASEMENTS

Land trusts are non-profit, tax-exempt organizations involved in protecting land resources for public benefit. Many are referred to as conservancies, foundations or associations. They develop from perceived community needs and are funded largely through membership dues and individual, business and foundation donations.

America's nearly 900 land trusts have protected over 2 million acres of wetlands, wildlife habitat, farmland, urban gardens, parks, forests, ranches, watersheds, coastlines and river corridors. They protect land that has natural, recreational, scenic, historic, or productive value.

A Conservation Easement is a valuable mechanism that can be used to protect land through a land trust. It is a legal agreement the landowner makes with a third party to restrict use of the land in specified ways. The third party is usually a land trust or public agency. The landowner can often realize estate, property or current income tax benefits with this approach.

Easements restrict development to the degree necessary to protect the significant value of the property. Sometimes this totally prohibits construction, sometimes it does not, depending on the objective of the protection. When an owner sells or gives away only one or two rights, private ownership may be maintained.

Easements may be limited or perpetual. Perpetual easements qualify a donor for tax benefits. An easement is attached to the land deed and the original owner and all subsequent owners are bound by its restrictions.

This information is published in part by The Land Trust Alliance, a national land trust based in San Francisco.

• MENDON FOUNDATION • MISSION STATEMENT

The Mendon Foundation is a non-profit corporation established to:

PRESERVE, protect and enhance the scenic, natural, recreational and structural resources in the Town of Mendon and directly adjacent properties,

MAINTAIN a responsible stewardship of assets and properties held or controlled by the corporation,

ESTABLISH and promote local environmental education on issues pertinent to the preservation of natural resources in the Town of Mendon,

ESTABLISH and promote programs to monitor the natural resources in the Town of Mendon.

As we succeed in these objectives, we enhance property values for all Mendon property owners.

The Foundation is supported by membership fees, grants and other contributions. Donations to the Mendon Foundation are tax deductible.

Proceeds are used to cover easement acquisitions, monitoring and communications.

All labor is volunteer.

OPEN SPACE, CONSERVATION EASEMENTS, AND PROPERTY VALUES (continued from front page)

What will the town assessor think? Since the property has been assessed with the land retaining development rights, the assessor should recognize that a reassessment should reflect a reduced value when the conservation easement is recorded. This reduced assessment of the land value should continue until a sale, or a sale of a similar property, establishes a reason for an assessment increase.

As a result of the conservation easement, the town, therefore, might experience a reduction in tax base on this example property. However, as many other properties probably realize increased values from the creation of this conservation easement, the turnover of property ownership, in a normal year in the town, should result in a growth in tax base to more than offset the loss on the example property.

Thus, conserving open space through the conservation easement not only rewards the property owner, it increases property values throughout the town. The more success the Mendon Foundation has in establishing conservation easements, the more probable it is that property values will be increased.

Properties in Honeoye Falls, for example, will be more desirable, more valuable, if the rolling hills, the fields and woods, of the Mendon we know, are not totally covered with subdivisions, as future travelers motor to the village. The same will be true for properties in the town, even when not adjacent to a neighbor's "forever wild" acreage.

The Mendon Foundation is having discussions regarding conservation easements on certain properties. We invite property owners to investigate with us the income tax and property tax benefits that can be a result of conveying a conservation easement to the Mendon Foundation. It might very well be an opportunity "to have your cake and eat it, too."

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HOW YOU CAN GET INVOLVED

Are you interested in maintaining the feeling of natural spaciousness that is Mendon today?

Do you enjoy watching the wildlife in your open, wooded or wetland areas?

Would you feel comfort in knowing that there is a plan and an organization to support preservation of the rural Mendon charm that attracted so many of its current residents?

Let Us Hear From You.

By completing the form at the end of this newsletter, you will tell us of your support for the Foundation or that you have an interest in more information about us. Volunteer your time, talent or expertise. Join the Mendon Foundation today. Your membership fee is tax deductible.

TREES, SHRUBS, GROUND COVER & MORE

It is that time of year when the seed and nursery catalogs appear in your mailbox. It is also that time of year for the Monroe County Soil and Water Conservation District's annual Tree and Shrub Program.

We are enclosing with this newsletter their order form which the MCSWCD printed and folded for us. They offer perhaps the best deal around. This writer has made annual purchases for years with great results. The most successful might be the 18" bareroot twig that now, about 16 years later, is a glorious 35' Mountain Ash, splendid with its white June flowers and orange autumn berries.

An important mission of the Mendon Foundation is to preserve, protect and enhance the natural and scenic resources in the Town of Mendon. Planting trees, shrubs and ground cover is a win/win opportunity that works toward that goal. The MCSWCD program includes evergreens, hardwoods, flowering and berry-bearing trees and shrubs. Blue bird and wood duck nesting boxes, fertilizer tablets, and ground covers are offered also.

Though many readers are already aware of this program, we appreciate the opportunity afforded us by MCSWCD to bring this bargain basement opportunity to the attention of all our readers. Note that you must get your order to them by March 18.

Features in this Issue
 Tree & Shrub Order Insert
 Plus...
 Conservation & Property Values
 Land Trusts, Conservation Easements
 Local Waterways & Wetlands
 Our White-tailed Neighbors
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