§ 239-y. Designation of council as conservation board. 1. As used in this section, the following words and phrases shall have the following meanings:

a. "Open area". Any area characterized by natural scenic beauty or, whose existing openess, natural condition or present state of use, if preserved, would enhance the present or potential value of abutting or surrounding development or would establish a desirable pattern of development or would offer substantial conformance with the planning objectives of the municipality or would maintain or enhance the conservation of natural or scenic resources.

b. "Conservation open areas inventory". An inventory of open areas within the municipality with each such area identified, described and listed according to priority of acquisition or preservation.

c. "Conservation open areas map". A map or maps identifying open areas within the municipality which are earmarked for preservation, including but not limited to open areas that are required to be set aside out of subdivision plats, publicly owned open areas, open areas preserved by non-public organizations and open areas having conservation, historical or scenic significance.

d. "Open space index". The conservation open areas inventory and conservation open areas map after acceptance and approval by the local legislative body.

2. The local legislative body of any city, town or village, which has created a conservation advisory council may, by resolution, redesignate such council as a conservation board provided such council has prepared and submitted to the local legislative body the conservation open area inventory and map which are accepted and approved by the local legislative body as the open space index of the municipality.

3. General powers and duties of conservation boards. To further assist a city, town or village in the development of sound open area planning and assure preservation of natural and scenic resources on the local

level, a conservation board shall:

a. Review each application received by the local legislative body or by the building department, zoning board, planning board, board of appeals or other administrative body, which seeks approval for the use or development of any open area listed in the open space index. The conservation board shall submit a written report to the referral body within forty-five days of receipt of such application. Such report shall evaluate the proposed use or development of the open area in terms of the open area planning objectives of the municipality and shall include the effect of such use or development on the open space index. The report shall make recommendations as to the most appropriate use or development of the open area and may include preferable alternative use proposals consistent with open areas conservation. A copy of every report shall be filed with the legislative body;

b. Make available for public inspection at the office of the conservation board copies of all such reports of the conservation board;

c. Notify the department of environmental conservation of its creation within thirty days of the resolution of the legislative body;

d. Perform any duties assigned to it by resolution of the legislative body.

4. In addition to the foregoing a conservation board may:

a. Exercise any of the functions and responsibilities heretofore granted to conservation advisory councils;

b. Request the assistance of the department of environmental conservation in the preparation of any report.