

MINUTES, Gardiner Open Space Commission, February 11, 2019.

Present: Jean McGrane, Rebecca Benner, Linda Geary, Kay Hoiby, Kelly George, Laura Rose.

Quotes (Jean)

"Destroying rainforests for economic gain is like burning a Renaissance painting to cook a meal." -E.O. Wilson

"The Holy Land is everywhere" - Black Elk

"Like music and art, love of nature is a common language that can transcend political or social boundaries." - Jimmy Carter

Minutes

-January meeting minutes approved: Linda moved, Becca seconded, all approved.

-Our minutes are to be posted on the town website.

Laura Rose to send all to Marybeth Majestic.

Outreach Reports:

1. Kay Hoiby's ongoing communication with the Town of Shawangunk.

Kay met with Dave Haldeman and Kris Pedersen of Shawangunk's Environmental Management Council.

Kay brought in detailed information about Shawangunk's methods for encouraging and monitoring conservation. These steps are becoming more and more familiar to us as a group. To a large extent, they echo what other towns are doing.

First, their zoning law clearly defines how they can and can't build out their town, and it focuses on encouraging conservation. Their zoning includes specific instructions on what conservation easements will look like, including how they will be established, and then monitored.

Their zoning encourages cluster development, and has specific instructions for flag lots.

Kay to circulate a copy of this law to the group.

Second, their application process for building includes clear instructions to potential developers about what is expected. Rather than have developers and their lawyers propose their own ideas about offering easements, including proposing their permissible uses, the town spells out exactly what is expected.

The town also offers a template for each projected conservation easement, meant to be part of the deed, which is consistent with the uses that will be permitted.

They have two different templates, 1) for agricultural use and 2) for non-ag.

As a group, we intend to advocate for the idea of our town adopting an instruction sheet and templates to present developers with. While these may ultimately be somewhat flexible or negotiable, establishing a clear standard should be helpful.

Laura Wong-Pan to be asked to work on developing instructions and template(s.)

Third: Shawangunk expects the developer to map and do baseline reporting on any easement, and they have a document that's used to show what's expected. The developers know in advance, from their application process, that these steps will be expected of them, and they sign off on this before their applications are accepted by the town. *Kay brought in copies of this document for the group.*

Fourth: The town maintains a folder &/or binder for each easement that includes the baseline form, photos and more. The town has a specific location for housing all of them, making them easy to locate. *(Our group agrees that this would be a helpful practice for Gardiner.)* Kay was invited to review their folder for Prospect Heights, which is a decade old but still informs their monitoring.

Fifth, Shawangunk monitors each easement annually. They have a check off form, to make the job clear. *Kay shared copies of this form with our group, one blank and one filled in.* The filled in form cited changes to an easement area. It recommended action, such as clearer marking of boundaries, and the removal of trash.

We wondered what kind of teeth exist to be sure their recommendations are enforced. Our group discussed whether we felt this would be adequate monitoring for our town.

Sixth: The monitoring in Shawangunk is done by their Environmental Management Council. This is a wholly volunteer group. We discussed whether we thought that volunteer monitoring would work for any of Gardiner's conservation easements, and if so, which group(s) in Gardiner might be interested in participating. Our ECC was mentioned as a potential option; *Jean to reach out.*

Seventh, Kay was told: there haven't been any major violations yet, but if there were, they would be handled by the Shawangunk Code Enforcement Officer.

Since rectifying violations is potentially the most complicated piece of long-term conservation, we again compared this process to what the Wallkill Valley Land Trust is able to do, in terms of enforcement. *We intend, as a group, to recommend a pilot program with WVLT for the Shaft Road conservation easement.*

GOSC is leaning towards working with the Wallkill Valley Land Trust where we can in our town, as they are capable of handling all of it; including making sure the initial deed (and mapping) is appropriately in keeping with the town's conservation goals, baseline monitoring, annual monitoring and enforcement, including filing lawsuits where necessary.

We are also leaning towards building the costs in for this as part of any significant development project that will have an easement included. This cost would be charged up front by the Town to potential developers before issuing permits.

Last. Before easements are accepted by the town, Shawangunk's Environmental Management Council reviews them. It has been suggested that our commission review easements, such as Heartwood, before they are accepted by the Town of Gardiner.

We agree that this is a responsibility that makes sense for GOSC.

2. This led to a discussion of Heartwood and the Shaft Road development.

We have spoken with both Paul Colucci and WVLT about the Shaft Road easement to better understand the process that was used to develop it. We also discussed how this process might be improved in the future, to ensure proper monitoring etc.

We are not clear as to whether or not the Town has fully accepted the conservation easement on Shaft Road. We will follow up to determine this before our next meeting. We have found no evidence that a Baseline Documentation Inventory has been established.

We will reach out to both the Planning Board, and WVLT to determine if there is a way to get one completed.

We then discussed the conservation easements proposed at Heartwood. There needs to be follow up to determine what the specific language of these easements is and how effective the proposal will be in meeting the Town's open space conservation goals. This points to how very useful templates for developers could be for our town.

We also discussed the possibility of public access becoming part of the Heartwood conservation easements. We agreed it may be too late in the process for that, but knowing how public access can be incorporated into a project in the future could be useful. *Jean to reach out to Jason West of the Wallkill River Alliance to learn more about efforts to create public recreation in local river corridors.*
As it's private property, can we ask for public access?

3. Report on Meeting with the Open Space Institute - Jean and Laura R.

- Laura and Jean met with Dawn Haight, Director of Stewardship, Robert Anderberg, Senior Vice President and General Counsel and Dene Hofheinz Lee, Senior Project Manager.

OSI has been a leader in open space preservation in our area, helping to preserve much of the land around Awosting that is now part of Minnewaska State Park, as well as Tillson Lake and parcels currently part of the Mohonk Preserve. They were involved in the preservation of Kiernan Farm, Phillis Bridge and they currently still own the easement on the Hess Farm.

Their current interests include protecting land at the base of the tallus slope. They own acres at the base, off of N. Mountain Road, that used to belong to Studley. They are looking at additional parcels. Their current focus is on orchestrating, funding and passing off projects to local partners. They are not interested in ongoing monitoring.

At our meeting

- They gave us a map showing their work in Gardiner.

-They wanted to know if the Town of Gardiner might be interested in monitoring the Hess Farm.

They are also likely to approach the Wallkill Valley Land Trust for this job.

-OSI will be a good organization for us to approach for financial resources if we work on a project that would be of interest to them.

4. Review of our meeting with Cara Lee of New Paltz.

New Paltz's Clean Air Open Space group has an official relationship with their Planning Board.

Becca to follow up with Cara – When a developer comes with a new easement what is the process of building out the easement terms? Who signs off on what has to happen?

We touched on the Gardiner Open Space Bond, and the fact that it has expired.

Following Up, Next Steps

1. We have achieved some clarity around what we wish to do to help improve preservation efforts in Gardiner. We are close to ready to make recommendations to the town around: a) existing open space (acres the Town owns,) b) incoming and c) future open space projects.

We are going to start to work to draft a set of recommendations. Jean and Laura R. to start the framework; pieces to be assigned to others in the group once the outline is made.

2. We will go back to our existing Open Space Plan to identify new projects to preserve once we've helped sort the proper steps for the preservation of the lands we already own as a town, and we've established our role in helping the town work with incoming projects. *Jean to reach out to Behan for digital copies of the maps and the Open Space Plan.*

(Does the town have these on a disc? Can Behan give us copies that are interactive?)

3. Becca to follow up with Town of Red Hook, Jean to follow up with Marbletown (why didn't they spend their Open Space Bond and did they let it expire?) Linda Geary to follow up with a new review of Gardiner's Zoning Laws.

Gardiner Conservation Easement Database and Mapping.

Laura R. shared the updated database. It is taking shape and getting there. She was in contact with Eric Humphries of Minnewaska State Park, and Julie Solomon of Mohonk Preserve, for additional information. (A meeting with Mohonk Preserve will be planned in the spring. They are interested in our resurgence and in interacting with us.)

Dawn Haight forwarded Laura a digital version of the map of Gardiner that had been given to GOSC at our meeting with OSI. It shows where Minnewaska and Mohonk Preserve are, and it has an overlay of parcel boundaries. Dawn updated that map to include shading the parcels that are monitored by the WVLT, which was quite helpful.

Laura had the map printed out full-sized and used it, along with the Ulster County Information Services site, to proof the information in her database. She labeled and outlined each conserved area, as well as town owned parcels.

The group spent time looking at the database and the map. It is useful to have a visual representation of both the database and preserved areas. We looked at which parcels have water access.

The map will be scanned back in and distributed to all members.

Next meeting: Quotes and Snacks: Kellie
Monday March 11, 2019, Town Hall, 5-6:30 PM.