

MINUTES, Gardiner Open Space Commission, June 3, 2019, 5-6:30PM.

Present: Jean McGrane, Rebecca Benner, Laura Wong Pan, Kay Hoiby, Kellie George, Laura Rose, Paul Colucci. Excused: Linda Geary.

Quotes:

"Land is not merely soil, it is a fountain of energy flowing through a circuit of soils, plants and animals."

"We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect."

"To those devoid of imagination, a blank place on the map is a useless waste; to others, the most valuable part."
All from: *A Sand County Almanac* by Aldo Leopold.

Opening Business.

Motion made by Becca to approve April minutes. Kay seconded, all approved April minutes. Paul Colucci, Chair of the Gardiner Planning Board, joined us.

Meeting with Paul Colucci, Town Planning Board Chair:

Jean began by outlining the goals of our meeting with Paul, which included:

- Learning more about the Planning Board's current process for reviewing projects that require conservation easements and the challenges the Board faces in addressing them.
- Exploring opportunities to address these challenges, using what we have learned about the best ways to take on and manage conservation easements.
- Learning how we can better incorporate our group in the creation and monitoring of the Town's conservation easements, moving forward.

Paul explained the current process for projects that come before the Planning Board. Currently, if there are proposed conservation easements, they come in late in the process and are consequently discussed by the Planning Board late too. We discussed the challenges this can create and potentially having the conservation easement proposals and evaluations done early in the process instead.

Paul agreed that it would be helpful to have the easements on the table early in the process.

We discussed options for assistance to the Board in evaluating projects, which can include utilizing a Land Trust experienced in negotiating conservation easements and/or possibly the Gardiner Open Space Commission, or the Environmental Conservation Commission. Paul indicated that he would be open to exploring this type of change with the Planning Board.

The timing is good for such a change, since the Planning Board is reevaluating the whole application process, including: creating a project review and approval checklist, plus a schedule for, and a flow chart of, documents any developer will need before their project is reviewed by the full Planning Board. Paul said that they are moving towards small pre-application meetings, to assist applicants in getting their documents together in advance.

We discussed the feasibility of changing the structure of how conservation easements are processed by the town entirely, by offering potential developers a template, describing exactly what's required for their easement, at the time of application. Rather than keep the town in the position to having to respond to

developers' ideas and requests late in the process, we can instead present information up front about the conservation values we are looking to preserve, what can and can't be done on and with the land set aside, and present any other important detail that we want included in each conservation easement.

Laura R. said there are several model templates produced by New York State, for both agricultural and non-agricultural conservation easements. Evaluating these, along with additional conservation easement templates that are available, can help us custom design forms for the Town to adopt.

Our Commission offered to do this work, and custom design both ag and non-ag templates for the Town. Having these in place would likely make the process for developing and approving a conservation easement more effective, and efficient.

Paul asked for more information about the origin of the templates and wanted to be sure that both the Planning Board, and the Zoning Board of Appeals, could be involved in reviewing them, before they are adopted. Laura WP offered to take the lead for our group and present options for review.

Paul then briefly discussed our Commission's comments on the proposed agricultural and non-agricultural easements for the Heartwood project. These comments were forwarded to the owner/ developer, and his lawyer, who have responded to the Town.

The group then asked Paul what he envisioned the scope of the Gardiner Open Space Commission's involvement in conservation easements might be moving forward. He proposed sending them to us as soon as the Planning Board receives them. Questions that came up included:

Who does the environmental analysis? Who decides where on the property the easement will be? While the idea of GOSC providing feedback to the Planning Board on proposals seems like a good idea on its face, the importance of being very clear about where our responsibilities begin and end, including as they relate to the responsibilities of the Environmental Conservation Commission, was emphasized.

Paul invited us to visit the Planning Board in the near future.

Discussion after the meeting:

When Paul left, we talked about being pleased that he was open to our input and involvement. And we discussed: is this a responsibility we want to take on? Everyone present agreed that it's a very good opportunity for us to be of service to the town in an area where help is needed.

It is in line with what we've been doing, to date. However, there are many details to be worked out before anything concrete can go forward.

Reports on Outreach

Meeting with Marybeth Majestic, Town Supervisor:

Jean, Becca, Laura WP and Linda met with Marybeth and Warren Wiegand on May 30 to discuss the work we've done this year, including around conservation easements. Marybeth asked for a flow chart on a proposed procedure for the evaluation and management of conservation easements.

Outcome: Becca will work on a monitoring checklist; Jean will work on the flowchart. Laura WP and Linda will work on templates for the town to consider. Jean and Kay will work on funding ideas. The goal is to present all of this information to the Town Board at their August meeting.

Meeting with Andy Lewis, Gardiner's Code Enforcement Officer:

Laura R met with Andy on May 15th. They discussed the elements of a potential Conservation Easement Management Program for the Town including: early evaluation, completion of baseline inventories by a qualified party, ongoing monitoring of all existing conservation easements and enforcement if problems arise.

They discussed how the Code Enforcement Officer might become involved in this process. Laura shared Linda Geary's review of the Town's laws, showing that the Code Enforcement Officer is currently described as responsible for conducting the annual monitoring of the Town's conservation easements. Andy said he would be open to future discussions on what his role could be in implementing a Conservation Easement Management Program within the Town.

Meeting with Roberta Clements, Chair of Gardiner's Environmental Conservation Commission (ECC):

Kay and Jean met with Roberta Clements on May 2nd. They just completed the proposed Wetlands Law, to be presented at the June 4th Town Board meeting. Their next big project is to create a Natural Resource Inventory for the Town. Roberta also mentioned that they are reviewing the Timber Harvesting Law.

Call to Behan Associates:

Becca asked if Behan can help us develop a prioritization plan, so we can choose parcels to preserve. This could be in the form of a Natural Resources Inventory (NRI), or something else. Funding this was discussed; the DEC has grants for this purpose. Becca will reach out to New Paltz to see if they might be interested in joining on an NRI grant proposal. It is essential to connect with the ECC to ensure we are not overlapping on any of their efforts in this area.

Laura R would like to know if the digital record of the maps Behan had already produced for our town in the original Open Space Plan are available, so we can see them online as well as in the existing paper version. A great deal of work on prioritization already exists; it would be much easier to pinpoint where their different layers sit in a digital format, especially if they could be seen with a parcel-viewer overlay.

Meeting with Julia Solomon, Director of Land Protection at Mohonk Preserve:

Kay, Jean and Laura R met with Julia and Ed Pestone, the Land Projects Manager at the Preserve, on May 22nd. They discussed some of the work they are doing, and we shared what we have been working on. Julia was very helpful, offering us resource information about conservation easement monitoring, baseline documentation and mapping. All agreed that our organizations can and should support each other.

Hudson Valley Natural Resources Mapper Training Workshop, with Nate Nardi-Cyrus of the DEC, at the Cornell Cooperative Extension:

Laura R attended this workshop on May 6th and got hands on experience in using the mapping tool. It is a little cumbersome but also offers a wealth of information. You can choose an area or parcel and gradually add on all of the layers of value that the DEC has mapped for it, such as wetland, biodiversity, forest, stream and watercourse, etc.

Link to the tool: <https://www.dec.ny.gov/gis/hre/>

Next Meeting: July 8, 2019, 5-6:30 PM **Quotes:** Laura WP **Snacks:** Kay