



# Gardiner

## COMMUNITY PRESERVATION PLAN 2022

TOWN BOARD OF THE TOWN OF GARDINER

*May 31, 2022*

*Updated June 30, 2022*

# ACKNOWLEDGEMENTS

The 2022 Community Preservation Plan was prepared for the Town Board of the Town of Gardiner by the Gardiner Community Preservation Committee with assistance from Ted Fink of GREENPLAN Inc.. The Committee included volunteers from the Town Planning Board, Gardiner Ad Hoc Drinking Water Protection Committee, Open Space Commission, Environmental Conservation Commission, Climate Smart Gardiner, Parks and Recreation Committee, as well as active farmers, and interested citizens, thus representing a cross section of the community, all of whom donated their time to serve the community. Neil Curri, GISP of PVE, LLC and Ethan Skutches of Vassar College Academic Computing Services prepared the Geographic Information systems (GIS) database and mapping for the Plan through the Hudson River Estuary Program's financial assistance, noted below. The Plan itself is based upon the work of many others who preceded the Committee.

Support was provided by the Hudson River Valley Greenway and both support and technical assistance were provided by the New York State Department of Environmental Conservation Hudson River Estuary Program. Ingrid Haeckel of the State's Estuary Program was of great help in fostering the process, providing GIS mapping assistance, editing parts of the Plan, and providing valuable insights into the prioritization process. The Town of Gardiner Community Preservation Committee worked with municipal leaders and community members to develop the 2022 Gardiner Community Preservation Plan. The Community Preservation Plan for Gardiner was inspired by the residents of the Town. The proposed Plan complies with the requirements of the New York State Hudson Valley Community Preservation Act. The cover photograph is courtesy of Jon Benner Sr. Other photos are captioned by the contributing photographer.

ADOPTED BY TOWN BOARD ON \_\_\_\_\_ 2022  
[townofgardiner.org](http://townofgardiner.org)

Assistance with mapping and prioritization analysis for the Town of Gardiner Community Preservation Plan was provided through a partnership project between PVE, LLC and Cornell University Department of Natural Resources and the Environment, with funding from the Environmental Protection Fund through the New York State Department of Environmental Conservation Hudson River Estuary Program. The Town of Gardiner also received financial assistance for this work from the Hudson River Valley Greenway.

## TOWN BOARD OF THE TOWN OF GARDINER

Marybeth Majestic, Supervisor  
Warren Wiegand  
Laura Faye Walls  
Carol Richman  
Franco Carucci

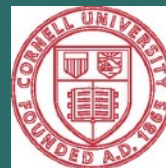
## COMMUNITY PRESERVATION COMMITTEE

Jean McGrane-Co-chair  
David Dukler-Co-chair  
Toni Benevento  
Jon Benner  
Ilka Casey  
Roberta Clements  
Rod Dressel  
Rebecca Fullam  
Linda Geary  
Kay Hoiby  
Deyano Manco  
Mare Moran  
Neil Rindlaub  
Laura Rose  
Warren Wiegand

### *Technical Assistance in the Preparation of the Community Preservation Plan*

#### *Provided by*

J. THEODORE FINK, AICP, GREENPLAN INC.  
NEIL CURRI, PVE, LLC  
ETHAN SKUCHES, VASSAR COLLEGE  
INGRID HAECKEL, NY STATE DEC



Cornell University



**Hudson River Valley Greenway**



**Department of Environmental Conservation**

**Hudson River Estuary Program**

# *Table of Contents*

## **EXECUTIVE SUMMARY**

### **PART 1**

---

#### **1. INTRODUCTION & PURPOSES**

- A. Planning Background
- B. Gardiner's Community Character
- C. Planning in Gardiner & the Region

### **PART 2**

---

#### **2. PRESERVATION CATEGORIES & PRIORITIES**

- A. Overview
- B. Methodology for Preservation Categories & Priorities
- C. Preservation Categories & Priorities
  - 1. Wildlife Habitats & the Ridge
  - 2. Water Resources
  - 3. Farmland
  - 4. Scenic & Rural Character
  - 5. Parks & Trails
  - 6. Historic Properties & the Gardiner Hamlet
- D. Conservation Hubs & Corridors
- E. Using the Conservation Scores

### **PART 3**

---

#### **3. EVALUATION OF ALTERNATIVE LAND USE PROTECTION TECHNIQUES**

- A. Overview
- B. Available Land Use Protection Alternatives
- C. Evaluation of Available Land Use Protection Alternatives

[Appendix A: Preservation Category and Priority Parcels Spreadsheet Updated June 30, 2022](#)

[Appendix B: High Resolution Preservation Category Maps Updated June 30, 2022](#)

[Appendix C: 2022 Community Preservation Plan Survey Results](#)

[Appendix D: Preservation Category Data and Mapping Sources Updated June 30, 2022](#)

*Cover Photograph: Jon Benner Sr.*

# EXECUTIVE SUMMARY

This Community Preservation Plan is respectfully submitted to the residents of Gardiner. It was prepared for the Gardiner Town Board by a Committee composed of citizen volunteers and municipal officials, with technical assistance from environmental planning professionals and staff from the New York State Department of Environmental Conservation Hudson River Estuary Program. The Community Preservation Plan (CPP) is designed to implement the Town's adopted planning policies for natural and cultural resource preservation and to plan for the community's future. The CPP lays the foundation for a new and sustainable way for the Town to raise funds for land conservation by establishing a dedicated Community Preservation Fund, with the adoption of a Real Estate Transfer Tax (RETT). RETT is a one-time fee paid by the buyer of a property and it can only be enacted if voted on by the residents of Gardiner. When the Fund accrues value, the Town will have leverage to seek matching funds from conservation organizations, private donors as well as county, state and federal resources. It is a state requirement that all properties under consideration for use of the fund be identified in the Community Preservation Plan. **The Fund can only be used to acquire properties or easements on properties from willing landowners.** The establishment of the Community Preservation Fund by the Town is the next important step in achieving the community's natural and cultural resource preservation goals.

Gardiner covers a finite land and water area of about 45 square miles (or about 28,800 acres). Since its founding in 1853, Gardiner's population has grown steadily and its landscapes, once populated by farms, forests, and meadows, has seen increasing development pressure for houses, businesses, institutions, and industries. In the year 2000, Gardiner was the second fastest growing municipality in Ulster County and had a population of 5,238. The April 1, 2020 Census shows Gardiner's population is about 5,610. Population projections indicate the Mid-Hudson region of New York State will experience continued population growth through 2040. Every new resident of Gardiner will need a home to live in and will consume goods and services in the community. As population grows, unprotected open space, natural areas, and other treasured community resources will diminish unless the



*Photo: Roberta Clements  
Wallkill Valley Farmland and the Ridge*

community plans properly for both conservation and development.

For several decades now, Gardiner has recognized the challenge of balancing conservation and development in its official municipal planning documents, due primarily to the impacts of new land uses in undeveloped areas. The Town's recently adopted Comprehensive Plan Update, 2022 states:

*“Our Vision for Gardiner is to make the Town an even more attractive and vibrant place for people to make their home. To do this we need to solidify the protection of our environment: including saving open space, ensuring water quality, sustaining our climate, and savoring our agricultural heritage...”*

In an on-going planning process that has spanned 30 years since the 1992 Comprehensive Plan was prepared, residents have reaffirmed their desire to protect and preserve the diverse natural and historic features of undeveloped lands and farmland, which when taken together shape the Town's community character. Residents' right to own land and to buy and sell it freely, however, must also be respected. This Community Preservation Plan is specifically designed to allow Gardiner to accomplish both purposes.

The Community Preservation Plan outlines priority resource areas and priority projects for preservation that together form a comprehensive system of open space and historic preservation priorities for the Town of Gardiner. If the priority lands are preserved using the Community Preservation Fund, in combination with other land use tools and techniques, the Community Preservation Plan will ensure the short and long range protection of Gardiner's environment, economy, and community character in the manner envisioned in Gardiner's official land use policies.

***THE COMMUNITY  
PRESERVATION PROGRAM  
IS VOLUNTARY AND  
PROVIDES A WAY FOR  
WILLING LANDOWNERS TO  
CONSERVE THEIR  
PROPERTY***

# PART 1: INTRODUCTION & PURPOSE

Gardiner is a scenic and rural community that possesses natural resources of State and National importance. Portions of Minnewaska State Park are found in Gardiner along with portions of the Mohonk Preserve, a private land conservation area with international significance. The Town is noted for its Shawangunk Mountain ridgeline, globally rare natural communities, sensitive ecological areas, and unique water resources including the Wallkill River and the Shawangunk Kill, one of New York State's designated Wild, Scenic and Recreational Rivers. A New York City water supply aqueduct passes through the Town and historic hamlets and other cultural resources are found in many locations. Numerous working farms provide a bounty of Hudson Valley agricultural products.

Gardiner has created plans and land use controls for at least 30 years to protect what's most important to its residents — the natural fabric of the community. While much has been accomplished to protect these resources, much work remains to be done if Gardiner is to achieve its goals to preserve the community's character.

As population grows and land development to accommodate that population occurs, open space, natural areas, and other treasured community resources will diminish unless the community plans properly for both conservation and development. Gardiner's population density of 125 persons per square mile is well within New York State's definition of a rural community.<sup>1</sup> Residents want to keep it that way. Being rural means maintaining a low density of development where farms, fields, wetlands, and forests allow nature to predominate. If additional land conservation is to become a reality, the costs of doing so must also be financed. The Community Preservation program<sup>2</sup> can only begin after voters approve a referendum that allows creation of a dedicated fund, financed by real estate

transactions, designed to capture a small percentage of the costs of buying land in Gardiner, borne solely by the buyer.

The Town's 2004 Comprehensive Plan states: "The central thrust of this plan is to preserve the Town's rural character." (see Plan page E-2). Both the 2007 Open Space Plan and the 2022 Comprehensive Plan Update echo the 2004 Plan's sentiment. This Community Preservation Plan builds on the work that residents and Town officials have, over time, carefully crafted as official Town policies within Gardiner's adopted Open Space and Comprehensive plans. These plans are described and their official Town policies, related to protection of community character and natural resources, are summarized below.

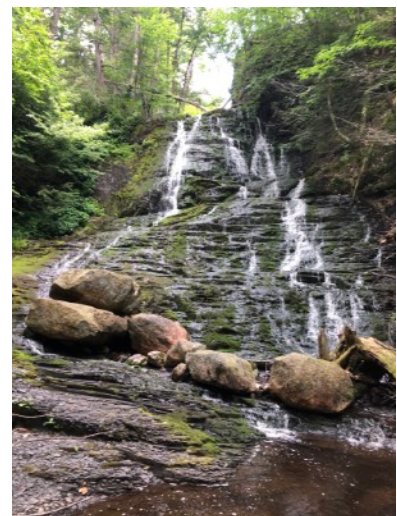
***WE ABUSE LAND BECAUSE WE REGARD IT AS A  
COMMODITY BELONGING TO US. WHEN WE SEE LAND AS  
A COMMUNITY TO WHICH WE BELONG, WE MAY BEGIN  
TO USE IT WITH LOVE AND RESPECT.***

ALDO LEOPOLD

This Community Preservation Plan (CPP) includes a listing of all parcels in the community that possess natural and cultural resources that have been identified in the Town's plans as worthy of preservation. State law requires that individual parcels of land must be identified and considered for preservation in a CPP before they can be considered for preservation using funds from the Community Preservation Fund. The Town's priorities for preservation have been identified based upon this CPP and past planning efforts and these include lands that primarily contain:

- \* Meadows, forests, wildlife habitats, Ridge
- \* Rivers, streams, wetlands, drinking water
- \* Farmland, agricultural resources
- \* Scenic views, rural character
- \* Potential parks, recreation lands, trails
- \* Historic properties, Gardiner hamlet

Once identified in a Community Preservation Plan, such parcels and areas are eligible for use of Community Preservation Funds for preservation through acquisition of land or interests in land (such as a conservation easement). The CPP recognizes that all parcels identified cannot be acquired. This is the case even if every willing landowner wanted to sell their land or the development rights to their land. Other existing alternatives are available to the Town to continue to protect the Town's community character and these are identified and evaluated in Part 3.



*Photo: Roberta Clements*

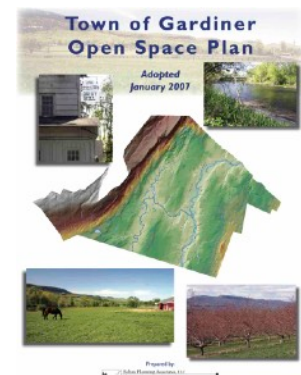
## A. PLANNING BACKGROUND

With the passage of the Hudson Valley Community Preservation Act, New York State has provided a new planning tool for local municipalities in Westchester, Putnam, and Ulster<sup>3</sup> counties (and to specific Hudson Valley towns elsewhere) to carry out protection and preservation of a community’s character. Towns in the three counties may now establish a Community Preservation Fund after preparing a Community Preservation Plan. The Community Preservation Fund (CPF) is a dedicated revenue source that can only be used to protect community character, as it has been defined in the State legislation. Community character includes resources such as open space areas, lands of exceptional scenic value, parks, nature preserves or recreational areas, historic places and properties, wildlife habitats, farms and other important community resources. **It is an entirely voluntary program that rewards willing landowners, who wish to conserve their private lands or historic resources for the public interest, by providing a financial incentive to do so.**

Rather than burden existing landowners with a new tax, the Community Preservation Fund is obtained from revenues generated when a transfer of land ownership occurs. When land or property passes from one owner to another, a “transfer tax” is collected from the buyer. The revenues from that transfer must be deposited into a dedicated Town of Gardiner Community Preservation Fund that can only be used to purchase land and interests in land, like conservation easements or to help sustain the preservation of properties identified in this Community Preservation Plan. It is akin to an insurance policy because it provides an assurance that the Town’s valuable natural, historic, and cultural resources will remain as they are for the foreseeable future, despite projected population growth and new real estate development. When new residents move to Gardiner because of its beauty, abundant natural resources and greenspaces, the CPP provides a sound investment in protecting the features that may have attracted them in the first place.

The Gardiner Community Preservation Plan respects and builds upon the goals and policies made in the Town’s official plans and other planning documents, such as the 2004 Comprehensive Plan, the 2007 Open Space Plan, the 2021 Natural Resource Inventory, and the adopted Comprehensive Plan Update, 2022.

Each of the above plans and planning studies demonstrate that Gardiner’s residents and Town officials have continuously sought effective ways to protect its most important natural and cultural resources over the past two decades. In nearly all cases, each of the above documents spell out how important it is for Gardiner to protect its natural and cultural resources and, in the process, to preserve its community character. Each plan and planning document also identifies numerous ways the Town can accomplish its goals.





The Community Preservation Plan provides a primary means to protect the lands and resources that have been identified as most important to residents of the Town and it is important to note that the Town's 2022 Comprehensive Plan Update recommends preparation of this Community Preservation Plan. The 2007 Open Space Plan also cites creation of a Community Preservation Fund as "An emerging and promising opportunity for local open space financing," with the first step in the process being preparation of this Community Preservation Plan.

The Community Preservation Plan has identified areas in the community (referred to as preservation categories) that were identified in prior plans and planning documents as well as new areas identified through the 2021 Natural Resource Inventory and this Community Preservation Plan. State law requires that individual parcels of land identified as a preservation priority must be included in the Community Preservation Plan in order to be considered for preservation through the Community Preservation Fund. These include lands identified in Gardiner that contain important: (1) meadows, forests, wildlife habitat, and the Ridge; (2) rivers, streams, wetlands, and drinking water; (3) farmland and agricultural resources; (4) scenic views and rural character; (5) parks, trails, and recreation lands; and (6) historic properties and the Gardiner hamlet, all of which have been recognized as important open space resources.



*Photo: Jean Ann McGrane*

This Community Preservation Plan recognizes that all parcels identified in this Plan as worthy of preservation cannot be acquired through the use of revenues from the Community Preservation Fund. This is true even if every willing landowner wanted to sell their land or the development rights to their land. In this case, existing land use protection alternatives like the Town Zoning Law and its conservation subdivision rules are also explored in this Community Preservation Plan for their role in protecting natural resources. The Plan recognizes that sufficient funds must be available in the Community Preservation Fund for the Town to work with willing property owners; if they are not available, then the Town must continue to work, as it does at present, with its other tools to protect Gardiner's community character.

The benefits to Gardiner of adopting and implementing a Community Preservation Plan are numerous and have been studied for decades. According to The Trust for Public Land (TPL),<sup>4</sup> land conservation is a wise use of the public dollar and should be viewed as an investment rather than a cost. The reasons for this are outlined below:

## BENEFITS OF CONSERVATION IDENTIFIED BY TPL ARE AS FOLLOWS:

- More than 30 studies have demonstrated a positive effect on nearby residential and commercial property values as a result of their proximity to parks and preserved open lands.
- Parks and open spaces in a community boost local economies by attracting businesses and residents in search of locations with a high quality of life, like retirees, who place a lesser burden on local services.
- Protected areas support leisure time and recreational activities such as biking, wildlife viewing, and hiking that pump dollars into local economies.
- Protecting farmland provides benefits like local food security and employment opportunities, rural and environmental amenities like viewsheds and wildlife habitats, and orderly and fiscally sound land development.
- Conserving lands like floodplains prevent the cycle of paying for flood damages from natural disasters, that are becoming more frequent due to changes in the climate.
- Ecosystems in their natural state perform multiple free life support services, many of which have an economic value. These include but are not limited to providing drinkable water, breathable air, and a stable climate, recycling waste, pollinating food crops, and providing physical buffers against storms.
- Parks, greenways, trails, and open spaces promote exercise, active living, and support walking, biking, jogging, and other active sports that keep people healthy, thereby reducing annual health care needs.

There have also been important federal, academic, and private organization studies based on federal data collection activities, that support land conservation efforts like this Community Preservation Plan. Some of these studies and their findings include the following:

- [The Costs of Sprawl](#),<sup>5</sup> a landmark 1974 publication of the US Environmental Protection Agency, US Department of Housing and Urban Development, and federal Council on Environmental Quality<sup>6</sup> found that “sprawl is the most expensive form of residential development in terms of economic costs, environmental costs, natural resource consumption, and many types of personal costs.” We have known since at least 1974 and numerous studies since that time have concurred and come to the same conclusion. Properly planned development and conservation go hand in hand and save municipalities and landowners money while providing significant environmental advantages over unplanned development, especially sprawl-style development. Gardiner’s 2022 Comprehensive Plan established a clear policy to avoid sprawl in its goals addressing sustainable development.

- According to the National Trust for Historic Preservation: “The reuse of existing buildings results in fewer environmental impacts over their life spans compared to demolition and new construction. Conserving buildings prevents demolition waste from entering landfills and reduces sprawl by encouraging the revitalization of our existing communities. Further, historic buildings are often more energy efficient than more contemporary buildings due to careful siting choices and the use of passive heating and cooling systems.”<sup>7</sup> The planning profession and building industry both refer to this as adaptive reuse.
- According to a study of the economic impact of historic preservation on the local economy, commissioned by the Advisory Council on Historic Preservation (an independent federal agency), the study found historic preservation to be positive in a multitude of ways: “The good news is historic preservation is good for the economy. In the last fifteen years, dozens of studies have been conducted throughout the United States, by different analysts, using different methodologies. But the results of those studies are remarkably consistent — historic preservation is good for the local economy. From this large and growing body of research, the positive impact of historic preservation on the economy has been documented in six broad areas: 1) jobs, 2) property values, 3) heritage tourism, 4) environmental impact, 5) social impact, and 6) downtown revitalization.”
- The Outdoor Industry Association commissioned a 2017 study entitled *The Outdoor Recreation Economy*, based upon data from the US Bureau of Economic Analysis. An important finding of this study is that: “Outdoor recreation is among our nation’s largest economic sectors, representing the lifeblood of thousands of American communities and providing livelihoods for millions of American workers...The outdoor recreation economy generates: \$887 billion in consumer spending annually, 7.6 million American jobs, \$65.3 billion in federal tax revenue, and \$59.2 billion in state and local tax revenue...Time and time again, when leaders invest in outdoor recreation the result is healthier communities and healthier economies.”

This Community Preservation Plan builds upon 30 years of planning by Gardiner (beginning with the 1992 Town Plan). The CPP integrates the Town’s plans and planning studies and seeks to fulfill established Town policies for protection of the environment, which can be summarized as follows:

- Establishing priorities for protection of open space, natural and cultural resources and the voluntary acquisition of open space parcels or interests in parcels with resources important to the community.<sup>8</sup>
- Addressing adaptation to and mitigation of the effects of climate change on the community. This includes preparation of the Town’s Climate Action Plan by Climate Smart Gardiner with goals established for carbon reduction in the community.

- Evaluating all land use controls and other alternatives available to the Town to protect community character.
- Establishing specific preservation priorities for use of the Community Preservation Fund once established.

The Community Preservation Plan must be prepared in accordance with New York State laws established for the above purposes, among other purposes discussed below.<sup>9</sup> The Hudson Valley Community Preservation Act outlines the following steps that must be taken before Gardiner can create a Community Preservation Fund:

1. The Town Board is required to prepare and adopt a Community Preservation Plan after holding a public hearing.
2. The Community Preservation Plan must list every project that the Town plans to undertake, include every parcel that is necessary to be acquired in the Town to protect natural and cultural resources and to preserve the Town's community character, and must establish priorities for their preservation.
3. The Community Preservation Plan must evaluate all other available land use controls the Town can use to protect natural and cultural resources.
4. The Community Preservation Plan must be completed and adopted at least ninety (90) days before a mandatory referendum is held and must be available for public review.
5. The adopted Community Preservation Plan becomes the basis for creation of a Community Preservation Fund which is also adopted by local law and is further subject to a voter referendum. The State Environmental Quality Review Act (SEQR) must be complied with prior to any actions related to the Community Preservation Plan or Fund by the Town Board.
6. If approved in the referendum, the Community Preservation Fund allows expenditure of moneys deposited into the Fund, which can then be used to acquire parcels or conservation easements on parcels and for other related purposes.
7. Monies deposited in the Fund must not be transferred to any other account. Monies in the fund may be used to repay indebtedness or obligations incurred pursuant to the local finance law, consistent with the purposes of the Fund.
8. The Town Board must create a Community Preservation Fund Advisory Board, that consists of five or seven legal residents of the Town who serve without compensation; no member of the Town Board may serve on the Advisory Board. The Act requires that "A majority of the members of the Board shall have demonstrated experience with conservation or land preservation activities" and a "reasonable effort to appoint at least one member who is an active farmer must be made as well as a member of the County Agricultural and Farmland Protection Board.

9. Funds deposited into the Community Preservation Fund may only be spent on projects that are included in the Community Preservation Plan. Each project in the Community Preservation Plan must first be recommended by the Advisory Board, and a public hearing must be held by the Town Board before any lands or interests in lands are acquired.
10. The Plan must be updated not less than once every five years and the Plan and updates must be filed with the state Commissioner of Environmental Conservation, the Commissioner of Agriculture and Markets and the Commissioner of the Office of Parks, Recreation and Historic Preservation.



*Photo: Nick Martin*

This Community Preservation Plan begins the above process. Part 2 below, beginning on page 35, presents the methodology used in developing the Plan and summarizes the Preservation Category areas where priority projects and parcels have been identified for use of Community Preservation Funds. Part 3 identifies and evaluates the Town’s land use controls, like Zoning, that are already available to use “in order to protect community character” in the event they would be: “the best alternative for the protection of community character.” The remainder of Part 1 will discuss Gardiner’s on-going community planning, which has resulted in adoption of a series of official Town policies for protecting and preserving community character.



*Photo: Roberta Clements*

## B. GARDINER'S COMMUNITY CHARACTER

Community character is a term that is used throughout this Community Preservation Plan because the Hudson Valley Community Preservation Act focuses on preservation of community character. But what does “community character” mean? Typically, a municipal comprehensive plan defines itself by describing what is unique about the community. An urban area like the City of Kingston can be expected to define its “character” quite differently from the way rural Gardiner defines its character.

Community character can be thought of as a unique combination of traits or characteristics and values. It is applied to the existing natural environment of a community like forests, meadows, water resources, open spaces, wildlife habitats, and geography. It is also applied to the existing cultural environment like farms, scenic areas, historic buildings and districts, land uses, and settlement patterns. Community character can also be defined by its overall setting, like a rural community character as opposed to an urban or suburban community character.

When Gardiner adopted its 2004 Comprehensive Plan, it essentially defined its “community character” as a rural community with “large areas of open space and agriculture” where “most housing will be clustered in or near the hamlets of Gardiner and Ireland Corners, as well as Tuthill Town and Benton Corners.” and where: “All development will be designed to protect water resources, and to preserve important natural features including those found on and along the Shawangunk Ridge. All development will also be designed and sited to protect and/or enhance the natural scenic beauty of the Town.” These are what make Gardiner...Gardiner and the Town

Comprehensive Plan as a whole is a description of the Town’s community character and residents’ vision for it remaining so.

The Hudson Valley Community Preservation Act defined community character by establishing a set of natural and cultural resource traits that, if identified in a community preservation plan, will allow for the establishment of a community preservation fund. There are 14 essential traits, from the Hudson Valley Community Preservation Act, that are allowed to be included in a community preservation plan as follows:

## PRESERVATION OF COMMUNITY CHARACTER MUST INCLUDE

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Establishment of parks, nature preserves, or recreation areas;</li> <li>2. Preservation of open space;</li> <li>3. Preservation of lands of exceptional scenic value;</li> <li>4. Preservation of fresh and saltwater marshes or other wetlands;</li> <li>5. Preservation of aquifer recharge areas;</li> <li>6. Preservation of undeveloped beachlands or shoreline;</li> <li>7. Establishment of wildlife refuges for the purpose of maintaining native animal species diversity, including the protection of habitat essential to the recovery of rare, threatened or endangered species;</li> <li>8. Preservation of unique or threatened ecological areas;</li> </ol> | <ol style="list-style-type: none"> <li>9. Preservation of rivers and river areas in a natural, free-flowing condition;</li> <li>10. Preservation of forested land;</li> <li>11. Preservation of public access to lands for public use including stream rights and waterways;</li> <li>12. Preservation of historic places and properties listed on the New York state register of historic places and/or protected under a municipal historic preservation ordinance or law;</li> <li>13. Undertaking any of the paragraphs of this subdivision in furtherance of the establishment of a greenbelt;</li> <li>14. Preservation of land which is predominantly viable agricultural land, as defined in subdivision seven of section three hundred one of the agriculture and markets law, or unique and irreplaceable agricultural land, as defined in subdivision six of section three hundred one of the agriculture and markets law</li> </ol> |
|--|---|

With the exception of “undeveloped beachlands or shoreline” (see # 6 above), Gardiner possesses all of the above listed traits that meet the State’s requirements for preparation of a community preservation plan. These are the resources identified within Gardiner’s planning and Zoning documents. The next section of this Plan will outline how Gardiner has identified and prioritized protection of these resources and traits. The following summarizes each planning initiative and how it fits into this Community Preservation Plan.

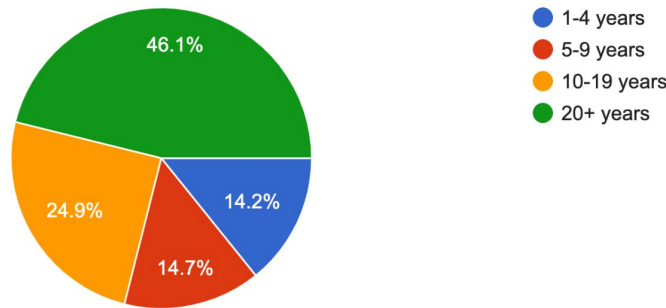
## 2022 GARDINER CONSERVATION SURVEY

In 2022, the Gardiner Community Preservation Plan Committee prepared and administered a new public opinion survey, focused on conservation priorities for Town residents. The survey was prepared by a Community Survey Subcommittee. In the Spring of 2022, a postcard was forwarded by mail to all registered voters in the Town asking them

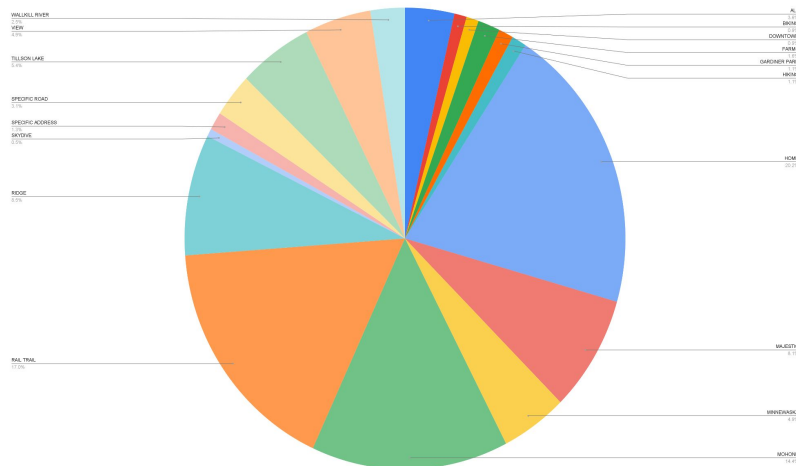
to take an electronic survey by navigating to the questionnaire on [Google Forms](#). The response was greater than expected with a total of 571 responses or almost one in ten residents. The full survey results can be found in Appendix C. A snapshot of survey respondents' priorities for conservation and its importance towards conserving lands for natural and cultural resources to those who live, work, and play in Gardiner are shown in the following charts:

### Time in Gardiner

How long have you lived in Gardiner?  
570 responses



### Favorite Outdoor Location in Gardiner

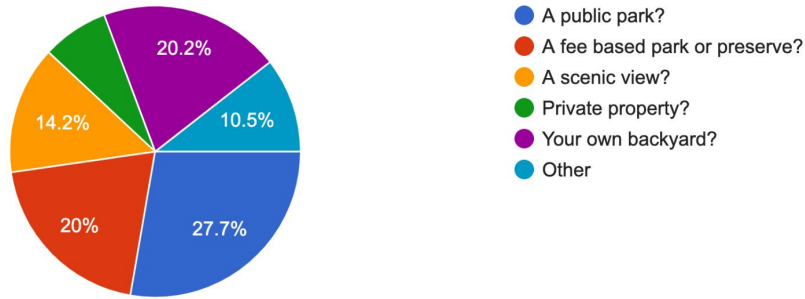


Categories by Percentage: Descending Order	
20.2%	- Home/Backyard
17%	- Rail Trail
14.4%	- Mohonk Preserve
8.5%	- Ridge
8.1%	- Majestic
5.4%	- Tillson Lake
4.9%	- Minnewaska
4.9%	- Views
3.6%	- All of it
3.1%	- A specific Road
2.5%	- Walkkill River
1.6%	- Farms
1.3%	- A specific Address
1.1%	- Gardiner Park
1.1%	- Hiking
.9%	- Downtown
.9%	- Biking
.5%	- Skydive

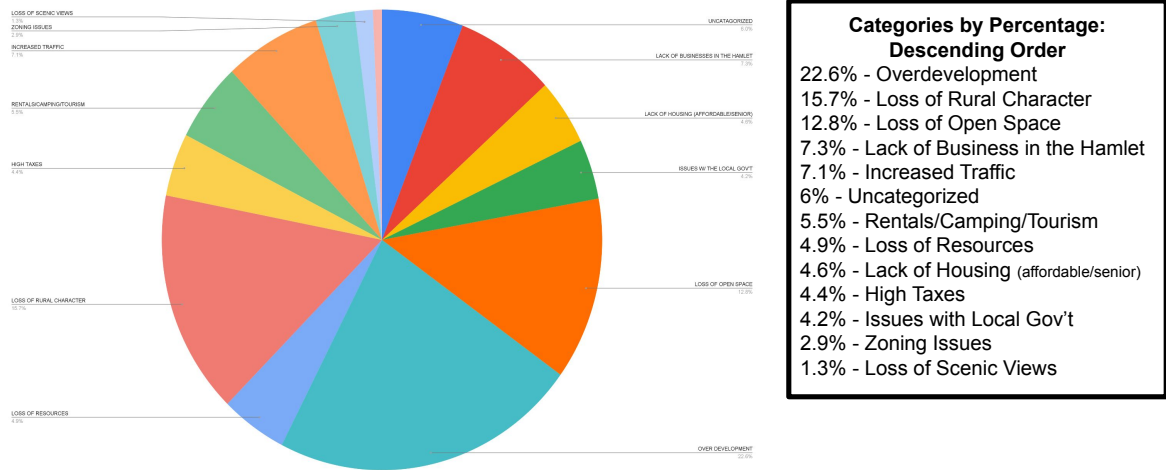


## Outdoor Location Type

Is the place you named above...  
570 responses



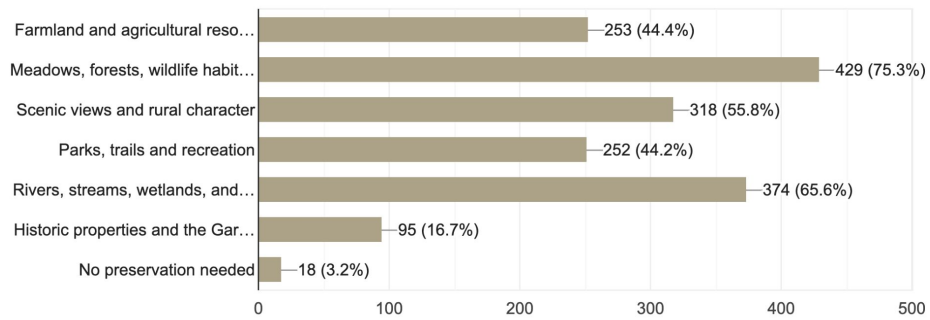
## Main concerns over Gardiner’s future growth:



## Top Preservation Priorities for Gardiner?

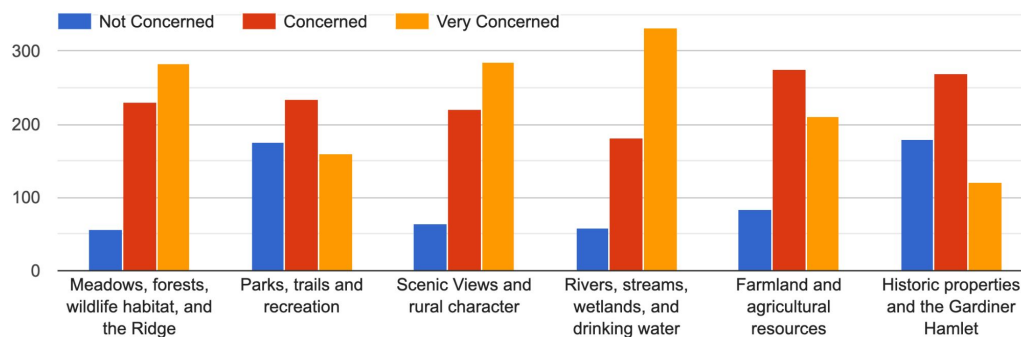
Which resources do you think should be the top priorities for preservation in Gardiner? Choose your top three.

570 responses



## Concern for the Gardiner’s Attributes

How concerned are you about the decline or loss of the following attributes of Gardiner?



## C. PLANNING IN GARDINER AND THE REGION

When Gardiner commissioned preparation of the 2022 Comprehensive Plan Update, it recognized that the 2004 Comprehensive Plan was out of date. While that statement may

be true in some respects, the 2004 Plan’s policies to address protection of the environment are still relevant today. The 2004 Plan recommended specific actions to address conservation and development as follows: a) prepare an Open Space Plan — this was prepared and adopted in 2007; b) amend the Zoning to implement the 2004 Plan’s recommendations to establish important environmental regulations — this was accomplished in 2008 by Local Law No. 6 of 2008; and c) inventory open spaces and natural resources in the Town — this was the foundation for preparation of the Open Space Plan in 2007 and the Town’s Natural Resource Inventory in 2021. Many of the tools and techniques evaluated in Part 3 of this Plan are in place as a result of the 2004 Plan’s recommendations. It is also important to note that Gardiner’s 2022 Comprehensive Plan Update recommends that the 2007 Open Space Plan continue to be implemented by the Town. Further, the 2022 Plan states that it: “Is an Update as it both builds on the foundation of the 2004 adopted Plan while incorporating new information and recommendations to supplement the earlier Plan.”

### WHAT IS A COMPREHENSIVE PLAN?

Comprehensive plans are documents that analyze and establish official policies for community land use planning issues, including protection of the environment and protection of community character. Comprehensive plans describe the local natural environment, expressed community values, existing land use and related things like vacant lands, aesthetics, historic resources, infrastructure, and the regional setting including transportation, population, housing, and socio-economic issues.

NYS Town Law defines a “town comprehensive plan” as: “the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village or city.”

Gardiner’s 2022 Comprehensive Plan Update and the plans that came before it are the basis for this Community Preservation Plan. Each of the relevant plans will be described in Part I below. From a review of the current and prior plans, it is evident that Gardiner’s residents and public officials have consistently supported preservation of the community’s unique natural and cultural resources through land use planning, open space conservation, and active civic engagement that began in the 1990’s. Adoption of a new Comprehensive Plan in 2004 set the stage for additional plans, planning programs, and planning-related studies prepared by the Town or others. The full list of plans, planning programs and planning studies undertaken by or in Gardiner over the past few decades indicates that residents clearly strive to protect the fragile natural resources of the community. Relevant plans and planning studies include the following:

- Comprehensive Plan, Town of Gardiner, 2004

- Gardiner Open Space Plan including a Conservation Value Scoring System and Conservation Hubs and Corridors, 2007
- Gardiner Natural Resources Inventory, 2021
- Gardiner Open Space Commission Conservation Value Scoring Update, 2021
- Gardiner Comprehensive Plan Update, 2022
- Gardiner Community Preservation Survey, 2022

Plans that were adopted and/or authorized by the Town have been summarized in this Community Preservation Plan. With the exception of the 1992 Plan, the other plans and the natural resources inventory were all consulted for the preparation of this Community Preservation Plan document.

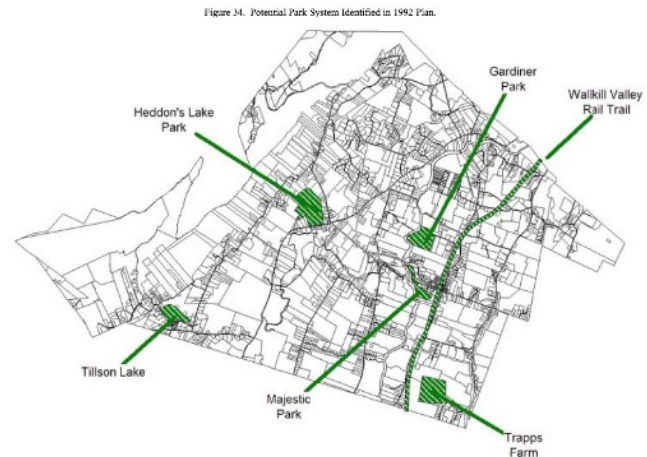
The 1992 Plan was prepared more than 30 years ago and it was highlighted in the 2004 Comprehensive Plan for insufficiently translating its recommendations and findings into new

Town policies. However, the 2004 Town Plan did discuss those areas of the 1992 Plan that were in agreement with the findings and recommendations made in the 2004 Town Plan. Those are highlighted in the 2004 Plan discussion below.

Each of the documents summarized in this Community Preservation Plan build upon the official policies of the Town and provide a basis for implementing the overall vision of residents to protect the community through preservation of those natural and cultural resources, and the values that residents place on their preservation, that each give Gardiner its unique character.

In addition to the Town policies and planning reports, there have also been relevant efforts made by others to identify and recommend protection of natural and cultural resources, including open space, in Gardiner. Ulster County prepared an Open Space Plan and the County Legislature adopted it in December of 2007 as an element of the Ulster County Comprehensive Plan. This is discussed below.

The 2016 New York State Open Space Conservation Plan highlights “Regional Priority Conservation Projects” that apply to Gardiner. Projects in the State Open Space Plan are described as representing: “The unique and irreplaceable open space resources of New York that encompass exceptional ecological, wildlife, recreational, scenic, and historical



*1992 Plan's Proposed Town Park System*

values.” The State Open Space Plan describes the Hudson Valley as follows: “This region, including the Upper Hudson Valley or Capital Region (Region 4), is rich in wildlife habitat with 22 significant habitat types that support species of greatest conservation need...” The State’s Open Space Conservation Plan is discussed further below. The analysis will begin with Gardiner’s most recent planning process, the 2022 Comprehensive Plan Update.

## TOWN OF GARDINER COMPREHENSIVE PLAN UPDATE - 2022

---

Gardiner’s residents and officials express a vision for the future of the community in the following sentence, appearing on page one of the 2022 Comprehensive Plan Update, adopted by the Town Board on May 3, 2022:

### PLAN VISION:

“Our Vision for Gardiner is to make the Town an even more attractive and vibrant place for people to make their home. To do this we need to solidify the protection of our environment: including saving open space, ensuring water quality, sustaining our climate, and savoring our agricultural heritage...”

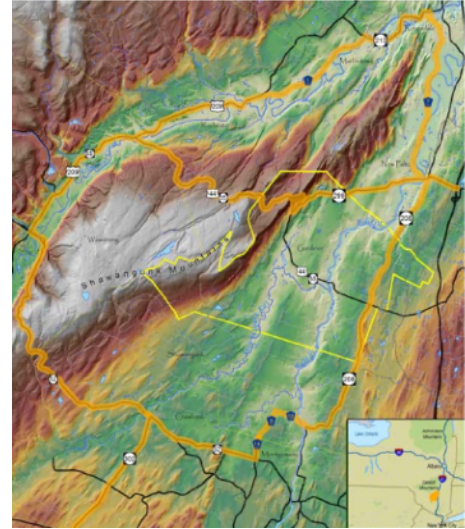
This is a simple yet elegant statement because it says much about the future of Gardiner and what its residents want their community to be. The 2022 Plan Update takes that vision and translates into workable and achievable policies and goals to preserve the natural environment and to work together as a community to achieve preservation priorities so that saving open space, ensuring water quality, sustaining climate, and protecting the Town’s agricultural heritage can be realized. The 2022 Plan Update also makes the case for the continued relevance of the 2004 Comprehensive Plan and 2007 Open Space Plan and in doing so, the current Town Plan acknowledges the continuity of planning goals that have stood the test of time among Gardiner’s residents.

Gardiner’s decades long history of community planning for open space protection started in 1992 with preparation of a Town Comprehensive Plan. Ten years later, the Town commissioned a new and updated Comprehensive Plan. The 2004 Comprehensive Plan was prepared by Fairweather Consulting and was adopted by the Gardiner Town Board. The 2004 Plan stated at the outset:

“In order to ensure that the Town’s local policies were prepared for the challenges of the next decade, the Town Board convened a committee in 2003 to review and, as necessary update the Town’s

**Comprehensive Plan.** The consensus of the Committee was that the basic tenets of the existing comprehensive plan were probably sound. In fact, one of the major criticisms of the 1992 plan was that many of its recommendations and findings were never incorporated into Town policy. The process of updating the Town Comprehensive Plan was undertaken in 2003 and 2004 by a subcommittee of the Town Planning Board.”

Following the 2004 Plan adoption and its recommendation to “Develop and Implement Open Space Plan including long-term parks plan,” the Town Board next commissioned preparation of an Open Space Plan. This Plan, prepared by Behan Planning Associates LLC, was adopted as an official Town plan in 2007. Chapter 2 of the Open Space Plan was a “Resource inventory and analysis of Gardiner’s natural systems (rivers, streams, wetlands, and other wildlife habitats), working landscapes (farms, orchards and forests), and cultural and recreational landscapes (trails, scenic roads, and historic buildings). It became the official “blueprint for action” and “was created by the community, with guidance from the town’s open space committee and open space planning professionals. This plan identifies and prioritizes the building blocks of the town’s open space network - water resources, farms and wildlife habitats, as well as scenic landscapes, recreational opportunities, and historic resources.”



*Shawangunk Mountains Scenic Byway from 2007 Open Space Plan*

Taking advantage of new computer technologies including Geographic Information Systems (GIS) software, in 2020 the Town, with assistance from a partnership with Cornell University and the New York State Department of Environmental Conservation (DEC) Hudson River Estuary Program and with financial assistance from the New York State Environmental Protection Fund, the DEC Hudson River Estuary Program and Members of the Town of Gardiner’s Environmental Conservation Commission, Open Space Commission, and Planning Board prepared and published in 2021 the Town of Gardiner Natural Resources Inventory (NRI). The NRI represents the most complete picture of important natural, historic and scenic resources, and working landscapes prepared to date in the Town. A central goal of the 2022 Comprehensive Plan Update is to incorporate the NRI as a component of the Plan Update and to use it as a resource for planning and zoning decisions in the Town.

The 2022 Town Comprehensive Plan Update presents its policies and recommendations using five topical areas including Land Use, Resource Protection and Open Space,

Sustainable (Economic & Community) Development, Community Infrastructure and Services, and Agriculture. The highest priority for implementation in the Town is to: “Complete a Community Preservation Plan.” (see page 3 in Chapter 3 of the Comprehensive Plan). Policies and recommendations of the 2022 Plan Update relevant to this Community Preservation Plan are summarized by each of the five major land use sections below:

***LAND USE GOALS:***

---

- Complete a Community Preservation Plan addressing options for a dedicated, fiscally responsible, and sustainable means for financing resource, open space, recreation land, and farmland protection.
- Continue to implement the Town Open Space Plan.
- Continue and strengthen support for farmland preservation working with willing property owners.
- Incorporate the 2021 Town Natural Resources Inventory (NRI), as a reference and resource tool, into the Town Code to ensure significant resource locations are considered prior to any substantive land use decisions.

***RESOURCE PROTECTION AND OPEN SPACE GOALS:***

---

- Protect the quantity and quality of water resources throughout the Town, with particular attention on drinking water sources.
- Preserve open mountains (notably Shawangunk Ridge) and much of the river valleys (notably Wallkill River and Shawangunk Kill) for public enjoyment.
- Establish a framework for a conservation network in the Town, connected to neighboring towns, that focuses on the important resources and findings of the Town Open Space Plan and Natural Resources Inventory (NRI).
- Help maintain the economic viability of agriculture and diversity of income for farmers. Agriculture is a leading economic sector and a primary element of the traditional landscape of the Town.
- Improve and expand public access and outdoor recreation options. This includes trails connected to existing public and conservation lands and to important resources.

***SUSTAINABLE DEVELOPMENT GOALS:***

---

- Protect and foster the Town’s heritage through preservation of historic, scenic and ecological areas and landmarks, along with a strong agriculture and outdoor recreation based economy.
- Build a Climate Smart Gardiner through actions keyed to the Climate Smart Communities pledge.

**COMMUNITY INFRASTRUCTURE AND SERVICES GOALS:**

---

- Continue to develop a Town parks system and outdoor recreation program for the benefit of Gardiner residents and visitors.

**AGRICULTURE GOALS:**

---

- Work in partnership to improve the viability of farms and farm businesses throughout the Town.
- Help maintain the economic viability of agriculture and diversity of income for farmers. Agriculture is a leading economic sector and a primary element of the traditional landscape of the Town.
- Support new and next generation of farmers and farm business owners.
- Ensure Town policies and codes remain farm-friendly.

It is clear from a reading of the above goals that Gardiner is committed to achieving preservation of the natural and cultural resources that give the Town its unique community character. They provide a firm foundation on which to base the recommendations for creation of a Community Preservation Fund to: “Implement a plan for the preservation of community character” in accordance with subsection 3(a) of the Hudson Valley Community Preservation Act [see General Municipal Law Chapter 24, Article 2, Section 6-s].

**TOWN OF GARDINER OPEN SPACE PLAN - 2007**

---

Following Town Board adoption of the 2004 Comprehensive Plan, work began on one of its principal recommendations, preparation and adoption of an Open Space Plan. The 2022 Comprehensive Plan Update recognizes the importance of the 2007 Open Space Plan and due to that importance, incorporates the 2007 Plan into the 2022 Plan Update. Chapter 2 of the 2022 Plan Update speaks to the continuing relevance of the 2007 Open Space Plan as follows:

“In 2007 the Town adopted a new Open Space Plan. Prepared through the leadership of the Town Open Space Commission working with Behan Planning Associates, this Open Space Plan is an important foundation for the Gardiner Comprehensive Plan Update. The 2007 Open Space Plan supplements this Update and should be



referenced as an element of the Adopted Comprehensive Plan Update...Important land use planning measures included in the 2007 Open Space Plan remain valid today and are supported in this Comprehensive Plan.”

The Open Space Plan had three major recommendations for a comprehensive approach to conservation that is balanced with land-use and settlement patterns that support the town’s open space resources as follows:

**OPEN SPACE PLAN “MAJOR” RECOMMENDATIONS:**

- Create a Land Conservation Program.
- Develop a Comprehensive Approach to Conservation and Development.
- Create a Fiscally-responsible Land Conservation Strategy.

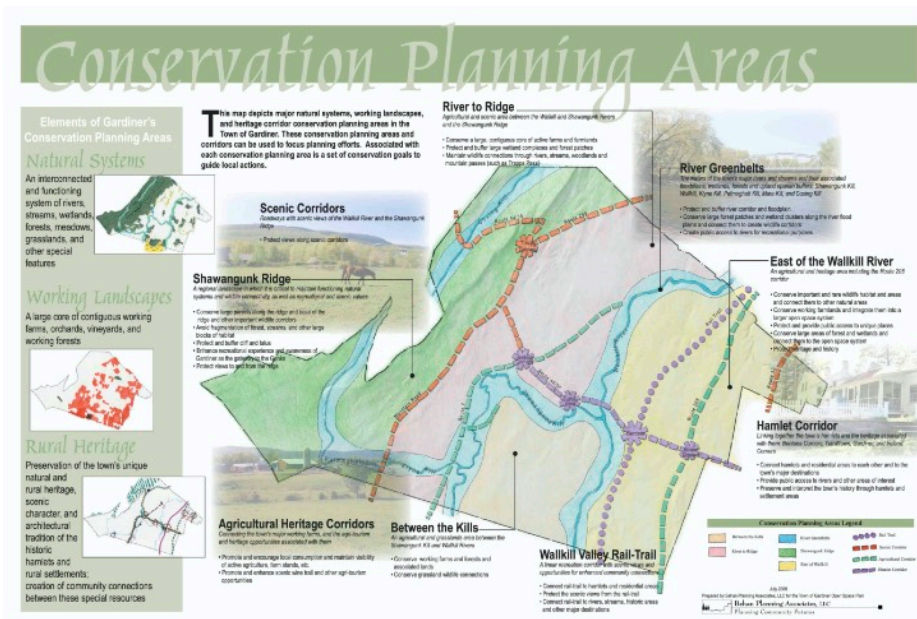
To accomplish the above three major recommendations, the Open Space Plan outlined a series of further steps the Town could take to begin implementing the Plan that it called a “Strategic Action Plan.” Resources were grouped into conservation planning areas and corridors (see pages 18 to 34 in the Open Space Plan). The planning areas and corridors consisted of the following:

Open Space Plan Planning Areas and Corridors	
Conservation Planning Areas	Conservation Planning Corridors
Shawangunk Ridge	Hamlet Corridor
River Greenbelts	Agricultural Corridor
East of Wallkill	Scenic Corridor
River to Ridge	Wallkill Valley Rail Trail
Between the Kills	

The strategies included: a) using data in the Open Space Plan in the Town’s current planning and development efforts; b) creating committees to oversee the recommended conservation efforts; and c) conducting pilot projects to build momentum for the land conservation program. The Open Space Plan concluded with the following statement:

“This plan is a comprehensive inventory and analysis of Gardiner’s open space resources. It is a plan that was created using the best available scientific knowledge and ecological

data and balanced with community values and ideals. Conservation of a significant portion of the Priority Conservation Network would paint a future in Gardiner that most residents would like to see. It would help to protect the town’s vulnerable water resources. It would lead to conservation of significant areas of working farmlands, sustaining the local economy and protecting aquifer resources in the process. It would lead to significant conservation of the Shawangunk Ridge, closing smaller, key gaps in important areas such as the cliff and talus slopes. It would lead to balanced conservation of other important natural areas throughout town such as the grasslands, the Plattekill Gorge, and the river greenbelts. It would lead to trail connections for people, access to the town’s rivers and natural areas, and expanded opportunities to capture the town’s recreational and agri-tourism potential. It would help to protect scenic views of the Shawangunk Ridge, and provide a future for the town that sustains the quality of life that Gardiner’s residents have grown to love.”



As outlined above, the 2007 Open Space Plan is an official Town policy document that is now an element of the 2022 Comprehensive Plan Update. The recommendations from the Open Space Plan therefore, have great relevance for the preparation of this Community Preservation Plan. Like the 2022 Plan Update, the 2007 Open Space Plan includes detailed recommendations for specific resources to be protected or preserved in Gardiner as shown in Table 1.1 on the following page.

**TABLE 1.1: 2007 OPEN SPACE PLAN ACTIONS**

RESOURCE	OPEN SPACE RECOMMENDATION
Aquifer recharge, cliff and talus areas	<ul style="list-style-type: none"> <li>• Protect and buffer cliff and talus (water recharge/water quality)</li> <li>• Strengthen protection of water resources in the Town’s (Zoning Regulations and) planning tools</li> <li>• Take measures to identify and protect the drinking water aquifers and recharge areas serving the Town.</li> </ul>
Wetlands and woodlands	<ul style="list-style-type: none"> <li>• Conserve large forest patches and wetland clusters along the river floodplains and connect them to create larger wildlife corridors</li> <li>• Conserve large areas of forest and wetlands and connect them to the open space system</li> <li>• Protect and buffer large wetland complexes and forest patches</li> <li>• Ensure permanent protection of important wetland features such as kettle shrub pools and vernal pools, ensure that these features are provided adequate buffer distance and connectivity.</li> <li>• Work with landowners and conservation partners to conserve a significant acreage of riparian forest lands, wetlands and other important river buffer lands. This could be accomplished through a combination of fee-simple purchase of land as well as through easements and conservation development</li> </ul>
Major wildlife corridors inc. farms, grasslands, woodlands, streams	<ul style="list-style-type: none"> <li>• Conserve large parcels along the ridge and base of the ridge, and other important wildlife corridors (river and stream corridors and passes)</li> <li>• Maintain wildlife connectivity through rivers, streams, forests, and mountain passes (such as Trapps Pass)</li> <li>• Avoid fragmentation of forest, streams, and other large blocks of habitat</li> <li>• Conserve grassland wildlife connections</li> <li>• Work with landowners and conservation partners to conserve a grassland habitat connection to the National Wildlife Preserve</li> </ul>
Rare/important wildlife habitats	<ul style="list-style-type: none"> <li>• Conserve important and rare wildlife habitat and areas and connect them to other natural areas</li> </ul>
Recreation opportunities, trails + trail connections	<ul style="list-style-type: none"> <li>• Provide public access to rivers for recreational purposes (kayaking, canoeing, fishing, hiking, picnicking, etc.)</li> <li>• Designate the Shawangunk Kill and Wallkill Rivers as greenways and work towards developing linear trail corridors along these rivers that connect to a series of parks, access areas and other destinations</li> <li>• Create a public park with boat launching facilities and a swimming area along the Wallkill River in the vicinity of its confluence with the Shawangunk Kill</li> <li>• Work with land conservation partners in planning for the Awosting Reserve to ensure that Gardiner’s conservation and recreation goals are met.</li> <li>• Provide public access to rivers and other areas of interest</li> <li>• Connect rail-trail to hamlets and residential areas</li> <li>• Connect rail-trail to rivers, streams historic areas and other major destinations</li> </ul>
Scenic views & landscapes, esp. Shawangunk Ridge & scenic roads	<ul style="list-style-type: none"> <li>• Protect views to and from the ridge</li> <li>• Protect and provide public access to unique places such as the Plattekill Gorge with public access and viewing areas</li> <li>• Work with landowners and conservation partners to fill conservation “gaps” along the ridge and the base of the ridge, including conservation of the cliff and talus lands and necessary buffer areas</li> <li>• Protect views along scenic roads (Route 32, Route 299, Route 44/55, North/South Mountain Road, Route 7, Route 208)</li> <li>• Protect the scenic views from the rail-trail</li> </ul>
Rivers, streams, ponds	<ul style="list-style-type: none"> <li>• Protect and buffer the river corridors and floodplains</li> </ul>
Historic resources, hamlets	<ul style="list-style-type: none"> <li>• Protect heritage and history</li> <li>• Preserve and interpret the town’s history through hamlets and settlement areas</li> </ul>
Farms and agricultural production areas	<ul style="list-style-type: none"> <li>• Conserve working farmlands and integrate them into a larger open space system</li> <li>• Conserve working farms and forests and associated lands</li> <li>• Conserve a large, contiguous core of active farms and farmlands</li> <li>• Protect priority farmlands through PDR or conservation easement</li> </ul>
Lands next to protected areas	<ul style="list-style-type: none"> <li>• All of the above</li> </ul>

ULSTER COUNTY OPEN SPACE PLAN - 2007

The Ulster County Legislature adopted an “Open Space Plan: Resource Protection and Management” in December 2007 as an element of the County’s Comprehensive Plan. The Plan’s purpose is stated as follows:

“Ulster County has a long history of open space protection. The environmental conservation movement has its roots here. With our “forever wild” Catskill Forest Preserve and Minnewaska State Park we have two of the most significant open spaces in the region. Each community in the county has valuable open space resources. Abundant and critical water resources, rich biodiversity, renowned recreational and historic sites, and valuable, productive agricultural lands are all part of Ulster County’s open space landscape. These contribute to the well-being of the region’s environment, economy and quality of life.

However, these resources are still at risk...The focus of this Plan is a framework for coordinated management and protection of natural resources. By putting the power of existing organizations together, we can focus our financial and human resources to protect our open spaces as we grow. The Plan recommends that the County use this management framework to coordinate and supporting the many efforts to protect open space resources in Ulster County.”

Resource Actions

Resource Actions

I. Protected Open Space

Identify, permanently protect, and manage critical open space resources and systems



**Need:** Protected open space and other critical natural resources require identification, policies for protection, ongoing management and stewardship, coordination among municipalities, agencies and nonprofits, and consistency among various plans and programs.

**Overarching Goal:** Preserve and protect open space, unique natural areas, cultural landscapes and sites, wetlands, water and woodland resources, scenic views, and areas of natural beauty by protecting the open space “systems” in which they operate and the rural character of Ulster County.

Protected Open Space Partners:

- Ulster County Legislature
- Ulster County Planning Board
- Ulster County Department of the Environment
- Ulster County Environmental Management Council
- New York City Department of Environmental Protection
- New York State Department of Environmental Conservation
- Ulster County Municipalities
- Ulster County Land Trusts and Conservation Nonprofits
- Regional Organizations with Related Missions

Goals	Recommended Actions
I. Protect critical open space resources and systems	a. Support the implementation of the acquisition of areas identified New York State Open Space Conservation Plan. b. Work to ensure that Priority Conservation Areas are identified and incorporated into Open Space Plans at all levels. c. Work with area land trusts to establish inventory practices to track easements; work with proper authorities to allow better inventory practices and wider knowledge of protected land. d. Encourage proper land management by offering land and site management planning assistance for forestry, agricultural and other protected landscapes.

4-17

Ulster County Open Space Plan

### Box 9: Success Story – The Walkkill Valley Rail Trail



The Walkkill Valley Rail Trail is noted by the State's Hudson River Valley Trail Vision as an example of a very successful local initiative that "contributes to the spiritual and economic vitality of the communities in which it lies. Maintenance and promotion are provided almost exclusively by volunteers from more than 200 members of the Walkkill Valley Rail Trail Association."

George Danskin, Former President  
Walkkill Valley Rail Trail Association

For more information, see: [www.gorailtrail.org](http://www.gorailtrail.org).

### *Ulster County Open Space Plan*

The County's Plan and its recommendations are included here because they provide a regional context for Gardiner's efforts to implement its own Open Space Plan and to establish a Community Preservation program to finance recommended actions in the Town Open Space Plan. In addition, the County Open Space Plan reinforces the importance of Gardiner's natural and cultural resources and highlights many that are of Countywide significance. In addition, many are also of state and national significance. As stated in the County's Open Space Plan: "All levels of government have policies and plans that affect open space in the county. This plan aims to integrate their goals and addresses these state, local and other county plans in its recommendations."

Relevant recommendations from the Ulster County Open Space Plan are summarized below. A landscape feature that is highlighted over and over again in the County Open Space Plan is the Shawangunk Ridge, described as: "A distinctive ridge noted for its natural, scenic, historic, and recreational resources." Other Gardiner resources that are also highlighted for protection include the Shawangunk Kill, the Walkkill, critical watersheds, existing farming operations, habitat areas necessary to maintain ecological communities and species diversity, viewsheds and scenic vistas, water resources including aquifers, aquifer recharge areas, well heads, and critical watershed areas, historic and scenic corridors.

The County Plan's recommendations were distilled down to ten Open Space Plan principles. All of the County's 10 principles align with the Town of Gardiner's 2022 Comprehensive Plan Update including the 2007 Town Open Space Plan. The County open space principles are as follows:

1. Identify critical natural resource systems
2. Preserve and protect open space, unique natural areas and heritage areas and sites, wetlands, water and woodland resources, scenic views, areas of natural beauty, and the rural character of Ulster County.
3. Integrate and link planning, development and environmental goals and efforts by creating a coordinated policy and management framework.
4. Integrate considerations of community well-being, economic prosperity, and ecological integrity.
5. Protect water resources and the critical watershed areas of the county.
6. Enhance the viability of existing farming operations and agricultural businesses, and encourage new ones to be formed.
7. Protect and enhance the county's most valuable open space landforms and natural features with coordinated planning and safeguard policies.
8. Safeguard priority biological diversity areas by promoting biologically-sensitive land use and increasing research and understanding.
9. Create, preserve, enhance and provide managed access to parks, hiking trails, active and passive recreation facilities, and historic resources.
10. Balance consideration of present and future generations through sustainable development (i.e., development that meets the needs of the present without compromising the ability of future generations to meet their own needs.)

## NEW YORK STATE OPEN SPACE CONSERVATION PLAN - 2016

New York State established a formal Open Space Conservation program in 1990 and this program has as its centerpiece a regularly updated New York State Open Space Conservation Plan. Preparation of the State Plan has involved a partnership between several agencies including the Department of Environmental Conservation, Office of Parks, Recreation and Historic Preservation, Department of Agriculture & Markets, Department of Transportation, and Department of State. The State Plan is relevant to Gardiner's Community Preservation Plan because it highlights open space resources in the Town for preservation including the Ridge and other resources.



The State Plan begins with a definition of “open space” which provides a common understanding of what open space means in the context of land use development and conservation. The State definition is as follows:

Lead Agencies:

**The Department of Environmental Conservation**

Basil Seggos, Commissioner

**The Office of Parks, Recreation and Historic Preservation**

Rose Harvey, Commissioner

Partnering Agencies:

**The Department of Agriculture & Markets**

**The Department of Transportation**

**The Department of State**

**DEFINITION OF OPEN SPACE**

Open space is defined as land which is not intensively developed for residential, commercial, industrial or institutional use. Open space can be publicly or privately owned. It includes agricultural and forest land, undeveloped coastal and estuarine lands, undeveloped scenic lands, public parks and preserves. It also includes water bodies such as lakes and bays. What land is defined as open space depends in part on its surroundings. A vacant lot or a small marsh can be open space in a big city. A narrow corridor or pathway for walking or bicycling is open space even though it is surrounded by developed areas. And while not strictly open space, this Plan also discusses cultural and historic resources which, along with open space, are part of the heritage of New York State.

*2016 New York State Open Space Conservation Plan Inside Cover Excerpt*

The current State Open Space Plan was prepared in 2016 and includes a number of recommendations that are relevant to Gardiner’s Community Preservation Plan. The 2016 State Open Space Conservation Plan highlights “Regional Priority Conservation Projects” that apply to Gardiner. Projects in the State Plan are described as representing: “The unique and irreplaceable open space resources of New York that encompass exceptional ecological, wildlife, recreational, scenic, and historical values.” The regional priority projects included in the State Plan applying to Gardiner are as follows.



## SHAWANGUNK MOUNTAINS REGION

The Shawangunk Mountains are a distinctive part of the Appalachian Mountains, stretching from points south in New Jersey and Pennsylvania to Rosendale New York. The geologically unique mountain region is considered one of New York's iconic landscape features. According to the State Plan:

‘The publicly accessible recreational opportunities in the Shawangunks exemplify the “quality of life” benefits of conservation investment for people, as well as solid economic return. A recent economic study (2010) conducted by The Mohonk Preserve, The Nature Conservancy and the NYS Office of Parks, Recreation and Historic Preservation revealed that the three major preserves serve as important economic engines, driving local tourism and contributing \$12.3 million to the local economy, while supporting 350 local jobs.

Protection of the Shawangunks is critical to maintaining the input of high-quality water to the Rondout and Wallkill valleys. Five “sky lakes” along the northern part of the ridge are headwaters to streams that join the Rondout and Wallkill rivers, both tributaries to the Hudson River. In the southern Shawangunks, streams originating on the ridgetop flow east to the Shawangunkill, (sic) a designated Wild and Scenic River...The Shawangunk Mountains are the northern section of a 256-mile-long Kittatinny- Shawangunk Ridge and Corridor that runs from Pennsylvania through New Jersey to southern New York. The Nature Conservancy has identified the northern Shawangunks as a globally significant forest block, home to exemplary natural communities, including the globally rare dwarf pine ridge community, over 7,000 acres of pitch pine-oak-heath rocky summit, one of the largest chestnut oak forests (38,000 acres) in New York, extensive northern hardwood forests, and cliff, talus and ice cave communities. Within these communities are over 57 known rare or imperiled plant and animal species...The Shawangunk Mountains are in proximity to other significant biodiversity areas identified as priorities in this plan, including the Karst Aquifer Area, the Catskill Mountains, the Basha Kill Wetlands Complex, the Great Rondout Wetlands, the Shawangunk Grasslands, the Plutarch/Esopus Wetlands and the Wallkill River Valley. Stream corridors, flood plains areas, forest blocks, wetland complexes and agricultural lands that can provide natural linkages between the Shawangunks and these features should be considered as priorities for protection, in order to create wildlife migration corridors and to provide flood control, habitat and trail connections across an increasingly developed landscape.

Protection of approximately 12,500 additional acres of land is needed to protect biodiversity and scenic and recreational values of the Northern Shawangunks. Highest priority projects include Peterskill Gorge, Sanders Kill Area, Witch's Hole/Stonykill Falls Area, Palmaghatt Ravine-Millbrook-Bayards-Near Trapps Escarpment, Trapps Gateway, the Verkerderkill Falls/Sam's Point Preserve area and

other areas listed above that link the Shawangunks to other nearby conservation priorities.”



*Photo: Phillis Bridge Farm*



*Photo: Hal Cooper*

## HUDSON VALLEY/NYC FOODSHED

“With its prime agricultural soils, thousands of working farms, abundant transportation connections, and accessibility to Albany, New York City, and other population centers, farmland in the Hudson Valley comprises a vital component of the New York City/Hudson Valley “Foodshed,” an area with the potential to serve the growing demand for fresh local foods in the region...protecting prime farmland soils throughout the Hudson Valley will help meet growing demand for locally produced food, enable the region’s agricultural economy to grow, and bolster the food security of the New York City metropolitan region and the Hudson Valley. Conserving the region’s farmland, which represents nearly 20% of the region’s land base, also will help conserve wildlife habitat and the region’s rural character...Priority farmland clusters include...The Wallkill River Valley of Orange and Ulster counties, including productive farmland in... Gardiner...”

## WALLKILL VALLEY

The Wallkill River begins in the mountains of northern New Jersey and enters New York via the Wallkill River National Wildlife Refuge on the NY/NJ border...and then winds through a variety of landscapes, some amazingly rich in biodiversity and productive farmland...The Shawangunk National Wildlife Refuge (Galeville Grasslands) and surrounding agricultural landscape in southern Ulster County and northern Orange County provide an area of rare grassland habitat large enough to support a suite of grassland-dependent birds, including short-eared owls, northern harriers, upland sandpipers, vesper sparrows, grasshopper sparrows and many others. Audubon recognizes this area as an Important Bird Area. This area also provides significant recreational opportunities, including hiking, bird watching and hunting. Opportunities to conserve additional lands in this area should be pursued.

## TURTLE CONSERVATION SITES

“These wetlands and associated uplands provide habitats for a high diversity of turtles, including some of New York’s most imperiled species. The wetlands are scattered across Columbia, Dutchess, Putnam, Ulster, and Orange counties. Some important concentrations include the... Fishkill Creek, Wallkill River, Sprout Creek, Housatonic River, Great Swamp and Wappinger Creek drainage basins. This area supports the highest diversity of turtles in

New York State and provides habitat for five species of state-listed endangered, threatened and special concern species, including the bog turtle (state endangered, federally threatened) and Blanding’s turtle (state threatened). These sites include rare and significant ecological communities, such as calcareous fens, dwarf shrub bogs, shrub swamps and floodplain forest. This project includes additions to...the Wallkill River National Wildlife Refuge, as well as the creation of new preserves...”



Photo: Ted Fink

The State Open Space Plan is consistent, in general, with Gardiner’s goal of protecting community character including open space. The State Open Space Plan, in addition, fully supports the efforts of local communities to find ways to finance open space acquisition and includes a recommended action to: “Expand enabling legislation and encourage communities to adopt the Community Preservation Act (CPA) to boost local planning and open space conservation. The CPA allows localities to designate up to 2% of the real estate transfer tax revenues to an open space acquisition account, approved by local residents.”

## PRESERVATION EFFORTS IN GARDINER TO DATE

To date, approximately 6,581 acres of land have been preserved in the Town as shown in Table L.2 below. Public agencies and private landowners have shared protection of land in the Town almost equally. The Wallkill Valley Land Trust, the Open Space Institute, the Mohonk Preserve and others have been partners in the efforts to acquire open space lands or interests in open lands. The Town, conservation organizations, and others who have participated in preserving open space in Gardiner can be found in the Gardiner Open Space Commission’s Preserved in Gardiner

Database, prepared in 2019 by Commission and Community Preservation Committee Member Laura Rose. Successful efforts include protection of both the Hess and Kiernan farms, among others.

Protected lands are identified on the map found below and these lands may include properties protected by government agencies and/or through Fee Acquisition. Fee Acquisition means land acquisition



Photo: [www.kiernanfarm.com](http://www.kiernanfarm.com)

in which one party (or parties) agrees to sell, and another party (or parties) agrees to purchase a parcel of land for an agreed upon price.

Protected lands include properties where full development is limited by a conservation organization or government entity. Examples of protected lands include state and municipal parks, land trust properties, private lands under conservation easement, and other government land holdings (e.g. state government buildings, federal lands or military installations, and state forests). The Public and Protected Lands map is taken from the Town’s 2021 Natural Resource Inventory.

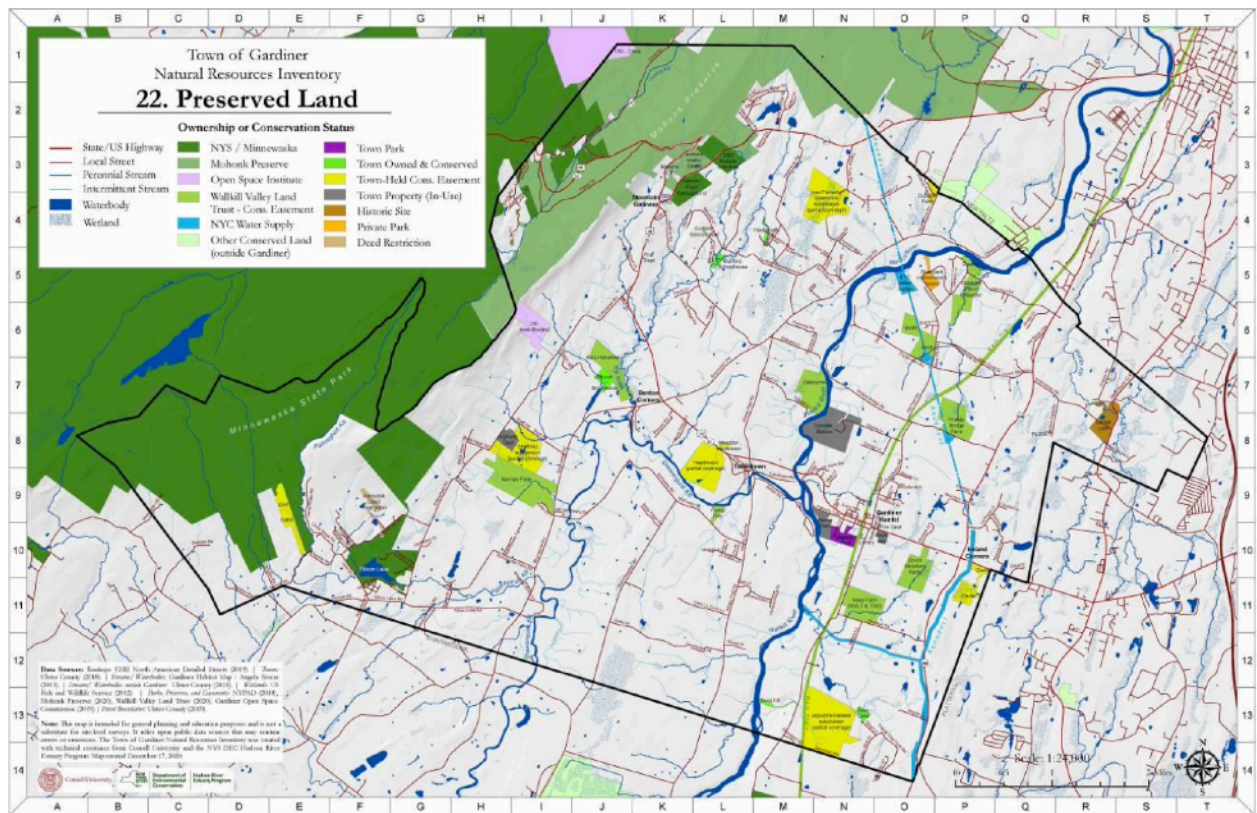


Figure 1.1: Public and Protected Land in Gardiner from the Town NRI

These lands include publicly owned or operated parkland, recreation areas or designated open space that may have conservation restrictions. Privately conserved areas not open to the public may include for example endangered species habitats or working farms with conservation easements restricting development. Land trust properties are conserved lands, where the public may be invited, but is sometimes expected to pay a fee for use. The breakdown in ownership, taken from the 2021 Natural Resource Inventory is as follows:

<b>TABLE 1.2: PUBLIC &amp; PROTECTED LAND</b>	
<b>PROTECTION/OWNERSHIP STATUS</b>	<b>ACRES</b>
Town of Gardiner Property	275
New York State Parks Property - Minnewaska State Park Preserve	2,890
<b>Public Lands Subtotal</b>	<b>3,165</b>
Mohonk Preserve Property	1,966
Other Private Protected Property	1,450
<b>Protected Private Lands Subtotal</b>	<b>3,416</b>
<b>Total Acres of Public or Protected Lands in Gardiner</b>	<b>6,581</b>

This Community Preservation Plan begins the process of identifying and then pursuing new voluntary partnerships between the Town, landowners, land trusts and others to find fiscally responsible ways to preserve more of what is special about Gardiner for present and future generations. Part 2 of this Community Preservation Plan presents the methodology used in developing the Plan and summarizes Preservation Categories where priority projects and parcels are identified for use of Community Preservation Funds. Following that, Part 3 identifies and evaluates Town land use controls, like Zoning, that are already available to use “in order to protect community character” in the event acquisition of land or interests in land is determined not to be “the best alternative for the protection of community character.”<sup>10</sup>

# PART 2: PRESERVATION CATEGORIES AND PRIORITIES

## A. OVERVIEW

The 2022 Community Preservation Plan presents a data-driven approach for identifying and prioritizing parcels worthy of preservation to protect open space and community character in Gardiner. One major purpose of this analysis is to establish eligibility for future expenditure of the Community Preservation Fund, should the Town vote for the initiative, and to provide a decision support tool for the future Community Preservation Fund Advisory Board to make recommendations for conservation projects to the Town Board. The parcel analysis will also be a useful tool for the Planning Board and other local boards and commissions, when evaluating proposed land uses in the Town, under one or more of the alternatives discussed in Part 3.

A parcel scoring system was developed based on data available at the town-wide level for different types of natural and cultural resources, which were then organized into six preservation categories. Within these categories, a total of 39 preservation criteria (e.g., mapping data sets) were identified, reflecting resources or attributes worthy of preservation in Gardiner. The criteria and preservation categories were weighted to reflect the relative priority for protection expressed by Gardiner residents in the 2022 community survey and in the 2007 Open Space Plan. Parcel scores reflect the sum of different preservation criteria mapped on a site. Sub-scores for preservation categories allow the evaluation of priorities at the category level (e.g., highest ranked parcels for Farmland or Habitat protection), in addition to total conservation score.

The resulting model scores every parcel in Gardiner for conservation values based on available data and reflects the conservation priorities expressed in the Town's plans and reaffirmed in the 2022 community survey. Scores are displayed on preservation category and total score maps and are listed parcel by parcel in Appendix A of this Community Preservation Plan. The scores can be used to identify parcels with high concentrations of natural and cultural resources, as well as priorities for specific types of resources. In addition, the scores can be used in conjunction with the "Conservation Hubs and Corridors" from the 2007 Open Space Plan, which may serve as focus areas for pursuing conservation projects with willing landowners.

Nearly every parcel in Gardiner contains at least one attribute contributing to community character. It is therefore recognized that it would never be possible (or desirable) to acquire every parcel identified within this Community Preservation Plan, even if every landowner were willing to participate. Consequently, the scoring system is intended to guide the future Community Preservation Fund Advisory Board to focus their choices for voluntary conservation projects on the highest scoring parcels overall or within the Preservation Categories.

In addition, use of alternative land preservation tools help preserve open space and will complement the future work of the Community Preservation Fund Advisory Board, including, among other options, zoning, clustering, conservation easements, tax abatements, public/private partnerships and/or other cooperative agreements with private landowners. These are described in Part 3 of the Plan.

Within Part 2 of this Plan, Section B describes the methodology for establishing and scoring preservation categories and priorities; Section C describes the preservation categories and priorities, Section D describes the Conservation Hubs and Corridors from the 2007 Open Space Plan, and Section E describes uses of the conservation scores and priorities.

## B. METHODOLOGY FOR ESTABLISHING PRESERVATION CATEGORIES & PRIORITIES

A Prioritization Sub-Committee of the larger Community Preservation Plan Committee was established to develop the methodology for prioritizing parcels, reflecting community preservation goals in the Town of Gardiner as outlined above in Part I. The Sub-Committee was comprised of four members including members of the Town’s Open Space Commission (GOSC), Jean McGrane and Laura Rose, Environmental Conservation Commission (ECC) Roberta Clements and community volunteer, Jon Benner. Advising and Geographic Information Systems (GIS) analysis were provided by Neil Curri, GISP, GIS Analyst at PVE LLC., student intern Ethan Skuches of Vassar College, and Ingrid Haeckel, Conservation and Land Use Specialist at the DEC’s Hudson River Estuary Program and Cornell University. The Prioritization Sub-Committee met bi-weekly from March to May 2022 to develop the parcel prioritization scoring methodology.

In developing this methodology, the Prioritization Sub-Committee chose to build upon prior planning and conservation priority-setting efforts in Gardiner, including the 2007 Open Space Plan, 2021 Natural Resources Inventory, and the Open Space Commission’s 2021 scoring criteria for land donations and conservation easements. In addition, the Sub-Committee relied on results from the Community Preservation Plan Committee’s 2022 Community Survey about conservation priorities.

### BACKGROUND

The 2007 Open Space Plan was the Town’s first effort at identifying priority areas for protection, resulting in a “priority conservation network” also referred to as “conservation hubs and corridors.” The Conservation Network is described as a starting point for achieving an appropriate balance between conservation and development. It states:

*Gardiner’s conservation network is an interconnected system of large conservation ‘hubs’ surrounded by a matrix of living landscapes. Conservation hubs are the network’s anchors and provide large blocks of wildlife habitat and unfragmented farmlands. Conservation corridors provide for movement between the hubs. The living landscapes are the background matrix of developed and undeveloped lands, which provide ‘stepping stones’ and smaller scale connectivity for wildlife and people.*

*(Open Space Plan, pg. 37)*

The Conservation Network was developed based upon “Open Space Priority Area Rating Criteria,” which are defined in Appendix C of the Open Space Plan. The rating criteria were developed using the best available science and resource management assumptions. The criteria were translated into a GIS model that rated overlapping resources but did not score individual parcels. The rating criteria were intended for initial rating and prioritization, to be supplemented with analysis of on-site resources for further evaluation



of site-specific priorities. Thus, the resulting conservation network is not a set of priority parcels, but rather areas (conservation hubs and corridors) that follow resource patterns.

In 2020 and 2021, the Gardiner Open Space Commission (GOSC) and Environmental Conservation Commission (ECC) partnered with the DEC Hudson River Estuary Program to develop a town-wide Natural Resources Inventory (NRI,) expanding upon the information available in the Open Space Plan, integrating new and updated data, and creating large-format maps suitable for parcel-level evaluation.

After completion of the NRI, GOSC used the Open Space Plan's text (including the Open Space Priority Area Rating Criteria in Appendix C) to help create an application to rate potential land donations and conservation easements for their conservation values. For this application, priority categories were established and weighted to help group and score sets of questions. Maps from the NRI were incorporated as a tool to use in the evaluation of each parcel's conservation values. The resulting Open Space Application Evaluation Criteria were adopted by the Town in 2021.

Then, in the Fall of 2021, GOSC and ECC members partnered with Vassar College's GIS lab to develop an interactive online [NRI map viewer](#). This new tool allows anyone with a computer browser to access the NRI map layers. One can zoom to a parcel by parcel level to turn individual layers on and off and view overlapping resources within an area of interest.

## DATA COLLECTION FOR PRESERVATION CRITERIA

The GOSC's Open Space Application Evaluation Criteria served as a starting point for prioritizing parcels for the Community Preservation Plan. However, the Application included questions one would need to research or ask a landowner. The challenge for the Community Preservation Plan was to develop a model that could be fully data-driven, so that each parcel in the Town could be scored, via computer, for its conservation values.

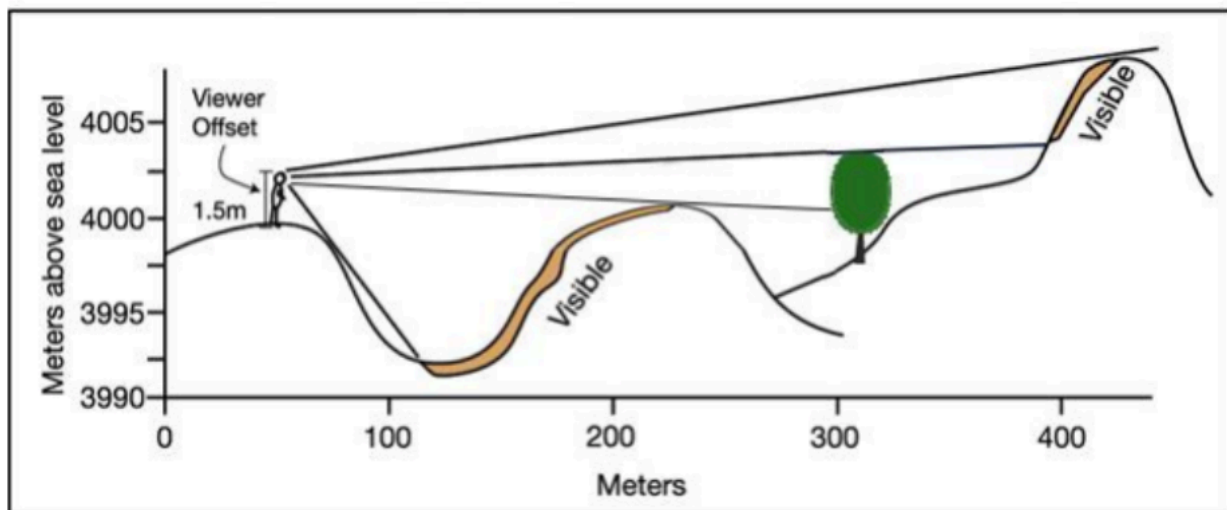
A database was compiled listing the preservation criteria from the Application and the corresponding GIS data source and map in the NRI, to the extent possible. The Prioritization Sub-Committee also identified a few additional layers of information in the NRI to add to the parcel analysis that had not been included in the GOSC Application. As noted, some evaluation criteria used in GOSC's Application could not be used based on a lack of readily available spatial data. These criteria can still be collected on a case-by-case basis when evaluating future candidate parcels for preservation.

In the process of reviewing the existing information, some gaps were identified, notably for scenic resources and farms. In response, Sub-Committee member Jon Benner solicited input from knowledgeable community members to compile a list of parcels with active farm operations in the Town. In addition, the GIS team developed a scenic viewshed analysis based on scenic roads identified in the Open Space Plan and elevation data, resulting in a map of highly visible ridgelines and hills, visible from multiple viewpoints along the Town's

scenic roads. The viewshed analysis technique is explained in the illustration and description below:

### *Viewshed Analysis*

A viewshed is the area of a landscape likely to be visible from an observer location or multiple viewer locations. The image below illustrates a viewshed from a single viewer location. The brown areas are visible to the observer and are therefore part of the observer's viewshed. The output of a GIS-based viewshed analysis is a map of all areas visible from one or more viewer locations based on the elevation of the surrounding landscape.



From <http://lwr.state.wi.us/docview.asp?docid=24782>, adapted from <https://mapaspects.org/node/3745/index.html>

To identify scenic viewsheds in Gardiner, viewer locations were established approximately every 1500 feet along previously identified local scenic roads and the Scenic Byway. The results were classified into highly visible areas, visible from 20-59 locations along the local scenic roads and Scenic Byway, and very highly visible areas, visible from 60-137 locations

along the local scenic roads and Scenic Byway. In the resulting map, highly visible areas and very highly visible areas were located primarily on hills and ridgelines. This information was used to score parcels contributing to scenic views in Gardiner, including the most visible areas of the Ridge as well as other highly visible hills and knolls.

## PRESERVATION CATEGORIES AND SCORING

A total of 39 preservation criteria were chosen based on the best available spatial data for conservation values in the Town. The preservation criteria were organized thematically into six Preservation Categories drawing from the GOSC’s Application, the Open Space Plan rating criteria, and the Community Survey developed for the Community Preservation Plan:

**Preservation Categories**

1. Wildlife Habitats and the Ridge
2. Water Resources
3. Scenic and Rural Character
4. Farmland
5. Parks and Trails
6. Historic Properties and Hamlet

The Sub-Committee discussed including climate resilience as a preservation category but determined it to be a cross-cutting theme that relates to resources in multiple preservation categories. In particular, preservation of forests, wetlands, floodplains, stream corridors, and areas modeled with above-average resilience for biodiversity will benefit the town’s efforts to adapt to climate change. Active farm operations, and farmland soils were also considered important resources contributing to community resilience to the impacts of climate change.

In the Spring of 2022, a Community Survey was developed by the Community Preservation Plan Committee Education and Outreach Sub-Committee to gather current-day information on the preservation priorities of Gardiner’s residents, to inform and validate the final prioritization decisions. The Community Survey asked residents to identify their choice of the top three priorities for preservation in Gardiner among the six preservation categories. The Prioritization Sub-Committee used the relative votes assigned by the public to each preservation category, in conjunction with the Open Space Plan and NRI data, to

create a weighted point system with a maximum possible score of 100 points if all preservation criteria are present on a parcel.

Table 2.1 lists the preservation categories used in the Community Survey, the percentage of survey respondents who identified the category as a top priority for preservation in Gardiner, and the corresponding number of points in the scoring system for criteria in that preservation category. Note that the points awarded for the water resource and scenic and rural character categories were adjusted slightly based on a review of the Open Space Plan rating system, GOSC Application, and CPP Committee discussions.

Table 2.1: Preservation Categories, Community Survey Priorities, and Points for Parcel Scoring System		
Preservation Category	Percent of survey respondents identifying category as a top priority	Possible points for parcel scoring system
Meadows, forests, wildlife habitat, and the Ridge	25%	25
Rivers, streams, wetlands, and drinking water	22%	25
Scenic views and rural character	18%	15
Farmland and agricultural resources	15%	15
Parks, trails, and recreation	14%	15
Historic properties and the Gardiner hamlet	5%	5

**Table 2.1 Notes:** Survey respondents’ percentages do not equal 100 due to rounding. Each parcel can receive a maximum possible score of 100 points.

After determining the maximum point allowance for each preservation category, the Sub-Committee assigned possible points for the criteria within each category. Table 2.2 outlines the detailed scoring system, including each of the preservation categories, the criteria used to score resources in each category, total possible points for each of the criteria, and the corresponding NRI map where the criteria can be viewed (where applicable). More detail on the GIS data sources for each of the preservation criteria is provided in Appendix D. The preservation categories and criteria are briefly described in Part C, below, along with maps showing the priority parcels for each category and total conservation score.

Parcel scores are generated from the sum of points for preservation criteria mapped on a site. Sub-scores for preservation categories were also calculated and allow for the

evaluation of priorities at the category level (e.g., highest ranked parcels for Farmland or Habitat protection), in addition to total conservation score. As no parcel in Gardiner scored higher than 68 points, note that for the maps depicting priority parcels, parcels are classified into five categories based on the score percentiles: highest (80-100<sup>th</sup> percentile), higher (60-79<sup>th</sup> percentile), high (40-59<sup>th</sup> percentile), medium (20-39<sup>th</sup> percentile), and low (1-19<sup>th</sup> percentile). This approach was chosen to facilitate comparison of parcel scores. The score category (e.g., highest, high) is also provided in the parcel list in Appendix A.

More information and a description of the mapping sources used are available in the [Town of Gardiner Natural Resource Inventory report](#). All mapping criteria can be viewed using [Gardiner’s online NRI map viewer](#).

Table 2.2: Preservation Categories, Criteria, and Possible Points			
Preservation Category	NRI Map	Preservation Criteria	Possible Points
<b>Wildlife Habitats and the Ridge</b>	17	Contains an important area for rare animals, including: aquatic, terrestrial and/or wetland species.	3
	17	Contains an important area for rare plants.	3
	14	Contains an Audubon Important Bird Area.	2
	14	Part of a Matrix Forest or Linkage Zone.	1
	4	Contains Steep Slopes, greater than 8%.	1
	1	Within the SP 1, 2, or 3 zone	2
	n/a	Adjacent to the SP 1 zone.	1
	18	Property within a large rated forest block. Top 20th percentile: 2 points Below top 20th percentile: 1 point	2
	22	Property is adjacent to already preserved land, ie. conservation easement, municipal park or nature preserve.	2
	19	Property is located within an intact habitat core.	2
	16	Property contains a meadow >100 acres or a floodplain forest.	2
14	Within the Shawangunk Kill Significant Biodiversity Area	2	

Table 2.2: Preservation Categories, Criteria, and Possible Points			
Preservation Category	NRI Map	Preservation Criteria	Possible Points
	20	Preservation offers assistance in adaption to climate change. Land is scored above average for: Climate Resilience for Biodiversity.	2
<b>Water Resources</b>	8	Property lies over an aquifer recharge area	5
	9	Preservation will ensure the Open Space Plan's recommended waterway buffers be conserved, including: 535 ft buffer along the Shawangunk Kill and Wallkill 330 ft buffer for other named streams including the Coxing Kill, Marakill, Palmaghatt, Plattekill, and/or 100 ft buffer for unnamed streams.	4
	9	Property contains a river, tributary, stream, pond or lake	5
	13A	Presence of land within National Wetlands Inventory, DEC mapped wetlands, or contains hydric soils.	3
	13B	Presence of wetland habitats from the Gardiner Habitat Map.	2
	11	Located within a 100-year or a 500-year floodplain	3
	10	Has a Class A or B protected waterway, Trout and Trout Spawning Waters, or Important Area for American Eel	3
<b>Farmland</b>	N/A	Property is part of active farm operation	3
	21	Property Contains Prime Farmland Soils (5 points) or Property Contains Prime Soils if Drained (2 points)	5
	21	Property Contains Farmland of Statewide Importance	3
	21	Adjacent to protected or active farm	2
	21	Property in an Agricultural District	1
	21	Property receives an Agricultural exemption (for 2022)	1
	23	Property has frontage along the scenic byway	3
	23	Property has frontage along class 1, 2, or 3 scenic roads	3

Table 2.2: Preservation Categories, Criteria, and Possible Points			
Preservation Category	NRI Map	Preservation Criteria	Possible Points
<b>Scenic and Rural Character</b>	N/A	Property contains highly visible ridgelines and hills	3
	N/A	Project has meadows with open space buffers along class 1,2, or 3 scenic roads	3
	N/A	Property has significant acreage (25-50, 51-100, or >100 acres)	3
<b>Parks and Trails</b>	22	Property is adjacent to the Rail Trail	4
	N/A	Property is adjacent to municipal park or nature preserve	4
	22	Property is part of or adjacent to Town of Gardiner property.	4
	9	Land is adjacent to the Shawangunk Kill or Wallkill River	3
<b>Historic Properties and Hamlet</b>	23	National/State Register of Historic Places	2
	23	Property is adjacent to National/State Register of Historic Places	1
	23	Property is a local historic site	1
	N/A	Property is within the Gardiner hamlet (and project would enhance character of the hamlet).	1

**C. PRESERVATION CATEGORIES AND PRIORITIES**

This section briefly describes the preservation categories and displays maps of priority parcels. Appendix A lists every parcel that is eligible for potential conservation using the Community Preservation Fund. Table 2.3 presents a breakdown of the total number of parcels with one or more attributes in each Preservation Category. The highest parcel score was 70.<sup>11</sup> The average score was 23, and median score was 21.<sup>12</sup> Parcel scores are printed on the maps except for very small parcels. All scores will be made available in the NRI mapper in June 2022.

Table 2.3 shows the preservation category in the first column. The number of parcels receiving one or more points per category is shown in the second column. The remaining

column shows the combined acreage of the parcels, by category. There were 2,928 parcels that received one or more points.

**Table 2.3 Summary of Parcels and Acres by Preservation Category (Updated 6/30/22)**

Preservation Category	Number of Parcels	Category Acres
Wildlife Habitats and the Ridge	2,728	27,124
Water Resources	2,354	26,200
Farmland	2,629	26,162
Scenic and Rural Character	2,205	25,282
Parks and Trails	832	10,485
Historic Properties and Hamlet	400	5,798

The methodology used to identify conservation values and priorities in this Plan is broad and inclusive. It emphasizes intact, connected resources such as large, core habitats and wildlife corridors, as well as opportunities to expand from existing protected areas, farmland, and trails and to create a more connected conservation network. The results indicate that nearly every parcel in Gardiner contains at least one attribute contributing to open space and community character. It would be impossible to protect all parcels identified within this Community Preservation Plan, even if every landowner were willing to participate. Part 3 of the plan discusses other land use tools and strategies available to the town to preserve priority resources.

### 1. WILDLIFE HABITATS AND THE RIDGE

Preservation of rare plant and wildlife habitats and the Ridge was the top priority of Gardiner residents in the 2022 Community Survey and reflects a consistent, long-standing desire to preserve the Town’s unique natural areas and ecological resources. Preservation criteria or data sets used to evaluate parcels in this category were drawn from state, regional, and town-level studies of wildlife habitats, ecosystems, biodiversity.

The Shawangunk Ridge is a defining natural feature in Gardiner and considered one of the top priorities for biodiversity conservation in New York State. The Nature Conservancy has named it “one of the last great places on Earth” for conservation because of its



significant ecology including rare and endangered species habitat and diverse ecosystems. The Audubon Society has also mapped portions of the Ridge as an “Important Bird Area” of continental significance, noting that it supports an exceptional example of higher elevation forest bird community. The cliff and talus complex on the Ridge in Gardiner is also thought to be the largest of its type east of the Mississippi and a high priority for protection. Approximately 66% of the cliff and talus community of the Shawangunk Ridge is in the Town of Gardiner.



*Photo: Alexandra Lotero Vanderkam*

While significant portions of the Ridge have been successfully protected by New York State and the Palisades Interstate Park Commission, the Mohonk Preserve, and the Open Space Institute, further conservation is necessary to protect portions of the Ridge and its foothills, which also provide important habitat for rare species and support habitat connectivity. Data for the Town’s SP-1, SP-2, and SP-3 zoning districts were used to prioritize parcels on the Ridge, along with parcels adjacent to the SP-1 district. Many of the additional habitat and ecological data used in this category coincide with locations on the Ridge.

The Shawangunk Kill corridor is also an ecological priority area in Gardiner. It is mapped by the DEC as a Significant Biodiversity Area owing to high water quality and minimal human disturbance, and high concentrations of rare species. The river supports high fish and mussel diversity, and high-quality riparian habitat. Rare plant species have been documented along the Shawangunk Kill near the confluence with the Wallkill River, and important remnant patches of floodplain forest are present near the Town’s southern boundary. The Wallkill River corridor also serves as a wildlife corridor in Gardiner,

connecting the Wallkill River Valley to the Shawangunk foothills and Ridge, and providing north-south connectivity.

The New York Natural Heritage Program has mapped several important areas for rare plants and rare animals in Gardiner. They include the specific locations where a species has been observed, the adjacent habitat, as well as areas critical to maintaining the habitat. Documented rare species in Gardiner include bald eagle, bog turtle, peregrine falcon, pied-billed grebe, timber rattlesnake, and several species of rare grassland breeding birds, mussels, dragonflies, and moths, among others. They are described in the 2021 Natural Resources Inventory.

Several of the criteria used in this category evaluate important forest resources. The Shawangunk Ridge is mapped by the Nature Conservancy as a “matrix forest block,” a rare example of a forest area large enough to withstand major natural disturbances, maintain important ecological processes, and support populations of forest interior wildlife and plants. The northern portion of the Ridge is mapped as a regional forest linkage zone, providing connectivity with other matrix forests such as the Catskills and beyond. The Plan also looked at forest blocks at least 100 acres in size and their rating in the Hudson Valley Forest Condition Index. Forests on the Ridge are not surprisingly among the highest rated in the region for ecological value.

Additional important habitats recognized in the Open Space Plan and considered in this category include large meadows, floodplain forests, and steep slopes. Meadows and fields greater than 100 acres in size are uncommon and valuable for grassland breeding birds and pollinators among other species. Floodplain forests are unique transition habitats providing important connections between aquatic and upland areas in addition to reducing the damaging impacts of floods. Steep slopes are sensitive to erosion and may provide habitat for rare species of plants and wildlife. They include notable cliff communities on the Shawangunk Ridge, cool ravine habitats in Plattekill Gorge and along the upper reaches of the Palmaghatt Kill, as well as less prominent ledges and outcroppings.



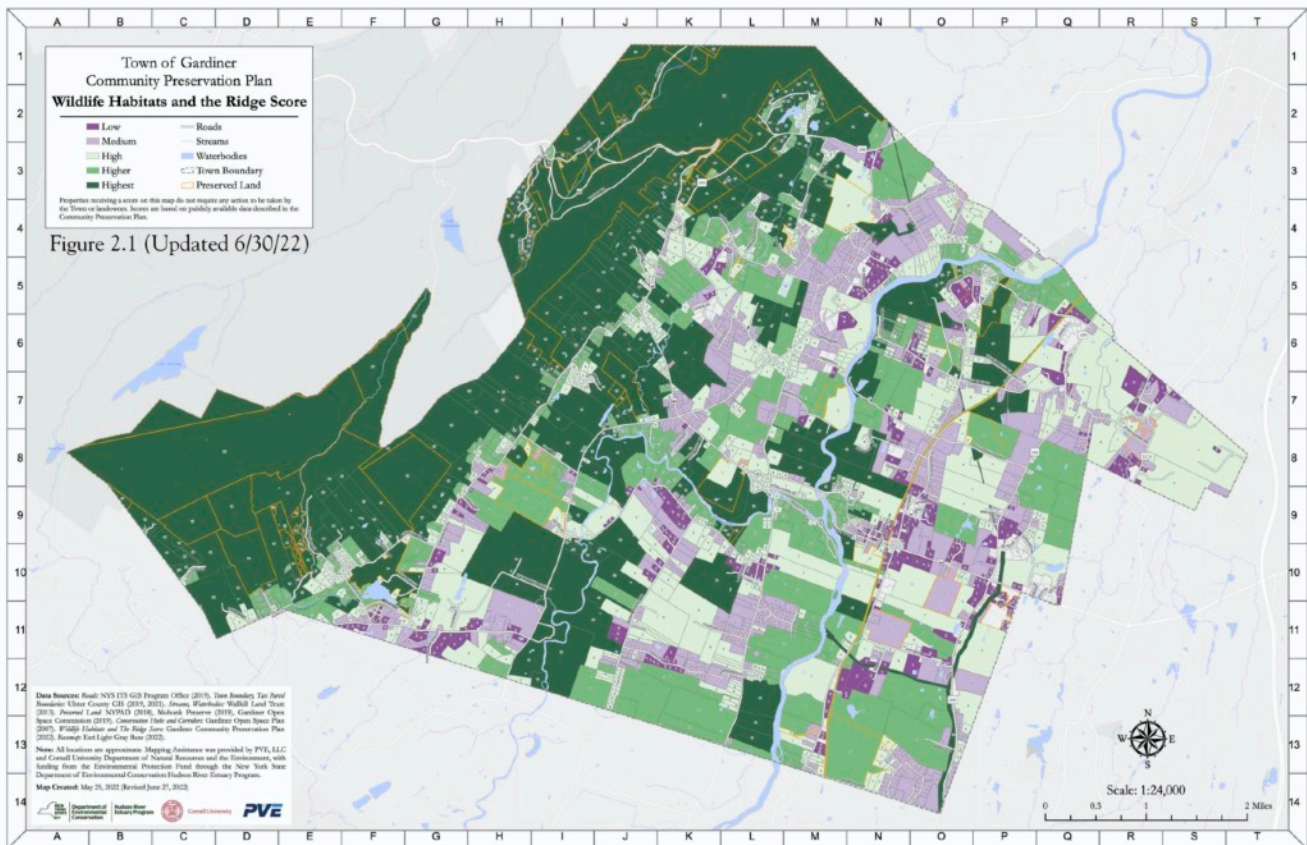
*Photo: Toni Benevento*

With an eye to how rapidly changing climate conditions might impact habitats and wildlife, this category also evaluated parcels using data from The Nature Conservancy, which models predicted above-average climate resilience. These data represent places with high geophysical complexity and intact, connected habitat that are likely to support biodiversity into the future. Ulster County’s Intact Habitat Core data were used to further prioritize large interior forest and wetland habitat areas. Parcels adjacent to protected land were also prioritized, since they enhance habitat connectivity and the long-term viability of preserved land to provide ecological values.

Relevant goals and recommendations from the Open Space Plan for preservation of wildlife habitats and the Ridge include:

- Conserve large parcels along the Ridge and base of the Ridge, and other important wildlife corridors (river and stream corridors and passes).
- Conserve important and rare wildlife habitat areas and connect them to other natural areas.
- Work with landowners and conservation partners to conserve and buffer a large core of wetland and woodland habitat.
- Work with landowners and conservation partners to conserve a grassland habitat connection from the Galeville Grasslands in southern Gardiner to the Shawangunk Grasslands National Wildlife Refuge in the neighboring Town of Shawangunk.

Figure 2.1 shows priority parcels for Wildlife Habitats and the Ridge in Gardiner.



## 2. WATER RESOURCES

Gardiner is rich in water resources, including rivers, smaller tributary streams, ponds, lakes, wetlands, adjacent riparian and floodplain areas, and aquifers. These features provide important ecological and habitat values, flood control, and clean water for people and wildlife, in addition to recreation opportunities.

The Wallkill River and Shawangunk Kill are the town's two major rivers. The Wallkill River originates in New Jersey and flows north through New York, joining the Rondout Creek before draining into the Hudson River Estuary.

The Wallkill was recently listed as "Impaired" by the DEC due to excess nutrient pollution and pH. The Shawangunk Kill originates in Orange County and flows parallel to the Shawangunk Ridge, entering the Wallkill River in Gardiner. As noted previously, it is designated as a Significant Biodiversity Area by the DEC, supporting high fish and mussel species diversity. The Shawangunk Kill was recently assessed as "Stressed" (needing verification) due to dissolved Oxygen levels, pH, and total dissolved solids.



*Photo: Ted Fink*

In addition to rivers and streams, Tillson Lake is the town's only current lake, formed by damming of the Palmaghatt Kill in 1929. Heddens Lake was formed by damming the Mara Kill in the 1930s, but the dam recently breached and drained the lake, and the area has since converted to wetland. Numerous ponds are also present throughout Gardiner.

The CPP evaluated the presence of streams and waterbodies present on parcels based on the Gardiner Habitat Map created by Angela Sisson in 2013. In addition, the Plan scores parcels based on the presence of water resource conservation buffers recommended in the Open Space Plan and mapped in the NRI, including: 535 feet along the Wallkill River and Shawangunk Kill, 330 feet along the Coxing Kill, Mara Kill, Palmaghatt Kill, and Platte Kill, and 100 feet along unnamed perennial streams and open waterbodies.

New York State's Water Quality Classifications were used to score parcels containing Class A or Class B waters suitable for public water supply or primary and secondary contact recreation and fishing. These include the Wallkill River, Shawangunk Kill, Mara Kill, Palmaghatt Kill, Plattekill, and their tributaries. Trout or trout-spawning waters were evaluated using the same data set, and include the Coxing Kill, Palmaghatt Kill, and Plattekill. In addition, the Plan identifies properties within buffers along the Wallkill River and Coxing Kill mapped as Important Areas for American eel habitat.

The CPP scored parcels based on the presence of 100-year and 500-year floodplains using Special Flood Hazard Area mapping from the U.S. Federal Emergency Management

Agency. Left in a natural state, floodplains help to attenuate and absorb flood waters and reduce downstream flood damage as well as reducing risk to people, property, and infrastructure.

Wetlands are areas saturated by surface or groundwater sufficient to support distinctive vegetation adapted to life in saturated soil conditions. They include a variety of habitats, such as forested and shrub swamps, marsh, wet meadows, and woodland or vernal pools. The CPP relies on wetland maps from the U.S. Fish and Wildlife Service National Wetlands Inventory and wetland habitats mapped in the Gardiner Habitat Map, as well as mapping for hydric soils from the Ulster County Soil Survey. A hydric soil forms under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part – and typically indicates a wetland area. Wetlands parallel to the Route 208 corridor were identified as a conservation corridor in the Open Space Plan and include important kettle shrub pools, a unique type of wetland with similar properties to a vernal pool, formed in glacial outwash soils.



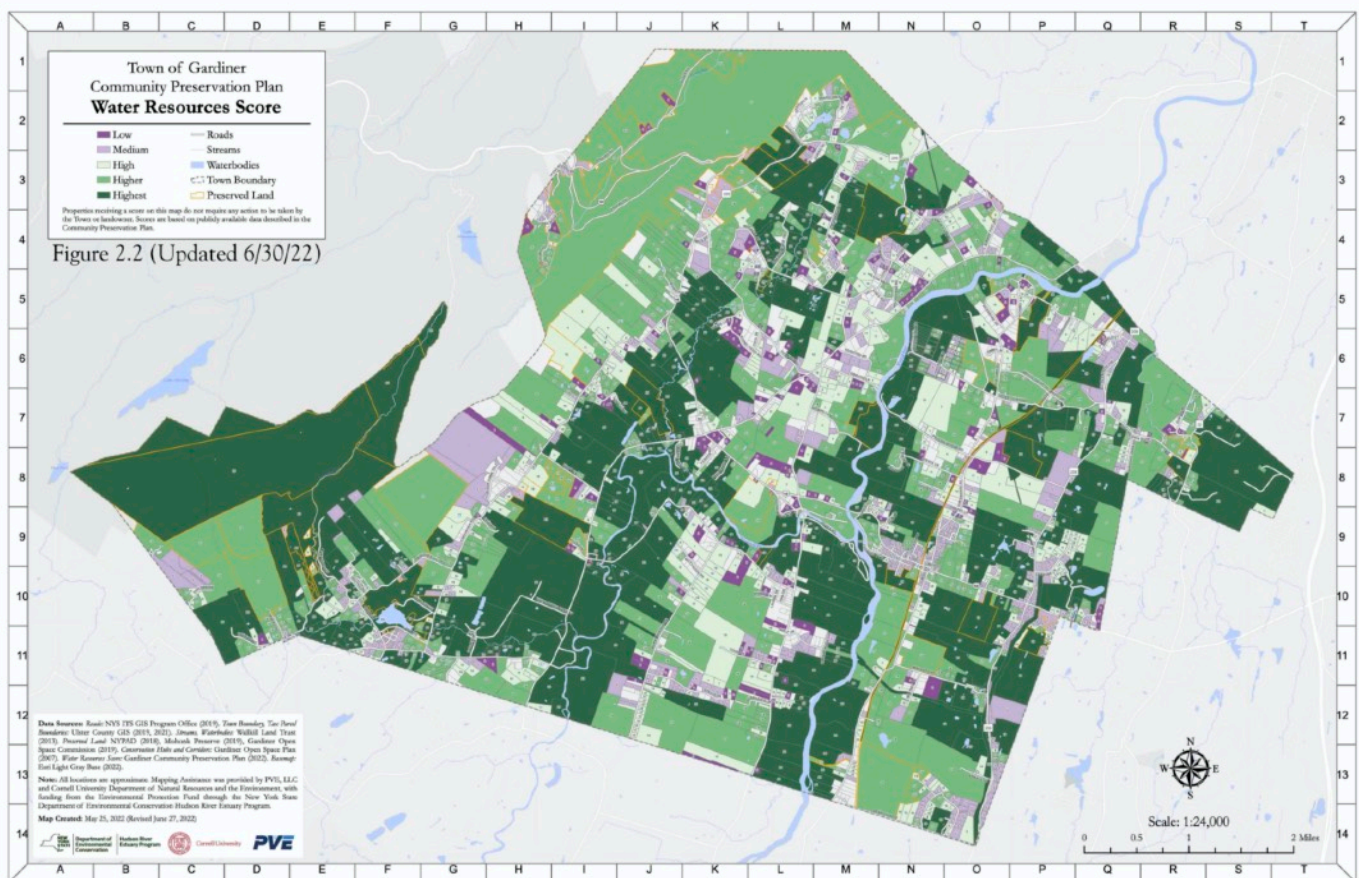
*Photo: Ted Fink*

All Gardiner residents rely on water in private wells supplied by unconsolidated aquifers and other groundwater stored in the cracks and fractures of bedrock. Unconsolidated deposits of sand and gravel can store large quantities of water as aquifers but are vulnerable to contamination from the overlying land use. They may also provide important base flow to streams during dry periods of the year. The CPP evaluates parcels located within important areas for aquifer recharge areas based on mapping done by the Chazen Companies.

Relevant goals and recommendations from the Open Space Plan for preservation of water resources include:

- Protect wide stream buffer areas and floodplains, especially large forest patches and clusters of wetlands that occur in these areas.
- Designate the Shawangunk Kill and Wallkill River as greenways and work toward developing trail corridors along these rivers.
- Maintain aquifer recharge capacity.

Figure 2.2 shows priority parcels for Water Resources in Gardiner.



### 3. FARMLAND

Farming remains an important economic activity in the Town of Gardiner and is tightly interwoven with the town’s scenic and rural character. Farms comprise some of the largest parcels in the town and often also support important wildlife habitat and water resources, among other values. Supporting local farms helps avoid carbon emissions associated with long-distance food transport and is an important strategy to increase community food security in a changing climate. Farmland is an irreplaceable asset – once developed, it cannot be recovered.

According to Ulster County: “There is no one dominant form of agriculture in Ulster County’s Wallkill River Valley, but the industry is active and varied...with everything from livestock to field crops, dairies to vineyards, apple orchards to horse farms, sheep and wool production to nurseries and greenhouses...[and] its share of ‘start-up’ farms while simultaneously home to operations owned by the same families for over a hundred years and in some cases, over two or three hundred years...Numerous roads crisscross the area with heavy tourist traffic. Wineries, orchards, horse farms among other operations all have different ways of attracting tourist dollars of those visiting the area, particularly on weekends and holidays. And to keep pace with a growing demand, the Wallkill River Valley has its share of ‘organic farms’...Agriculture can thrive all across this area because it has some of the best soils in New York State...The Wallkill River Valley is a place where the right conditions exist for an agricultural district to spread out and cover a larger area than what’s seen in other parts of Ulster County, making Agricultural District #2 the County’s largest agricultural district.”



*Photo: Becky Fuller*

Approximately 5,100 acres of land is actively farmed in Gardiner according to 2022 tax assessments, including 24 named farm operations ranging from vineyards and horse farms to larger orchards and beef farms. Agricultural operations are spread throughout Gardiner, but the Open Space Plan identifies two core farming areas: the Route 208 corridor, and the Shawangunk Kill valley up to the base of the ridge. Along the Route 208 corridor, the orchards and row crops of some of the most prominent farms are visible. In the Shawangunk Kill valley, farmland is predominantly used for cattle grazing or horse pasture. Gardiner also supports vineyards and Community Support Agriculture (CSA) farms.

The Open Space Plan notes that agricultural heritage corridors serve to connect many of the town's major working farms as well as providing agri-tourism opportunities. Two major agricultural heritage corridors are identified in Gardiner: Route 208 and Route 7/ Bruynswick Road. The Shawangunk Wine Trail currently follow Route 7 and connects Whitecliff and Rivendell Vineyards in Gardiner with many other vineyards in the region. Route 208 includes several farm stands for residents and tourists to visit, including those of Tantillo, Wright, and Dressel Farms.

Good agricultural soils are essential to farming and received a heavy weight in the parcel scoring system. Prime Farmland Soils as defined by the U.S. Department of Agriculture and New York State are considered the most productive soils for farming. Farmland Soils of Statewide Importance are soils that do not meet all criteria for Prime Farmland. Though not as productive as Prime Farmland, if managed properly, these soils can produce fair to good yields. In addition, some soils are classified as "Prime Farmland if Drained" and may be freshwater wetlands. Outside of the Ridge, most of Gardiner supports important agricultural soils. Agricultural soils adjacent to the Wallkill River and Shawangunk Kill are particularly fertile. All mapped agricultural soils in Gardiner have been included in this Plan as agricultural lands, whether they are currently farmed or have the potential to be farmed. Land use development, if it were to occur on such soils, would remove their potential for farming activities, essentially forever.



*Photo: Phillies Bridge Farm*

New York State Agricultural Districts entitle landowners to a mix of incentives aimed at preventing the conversion of farmland to non-agricultural uses. These districts are good indicators of active farmland and were used to score parcels. Local agricultural tax

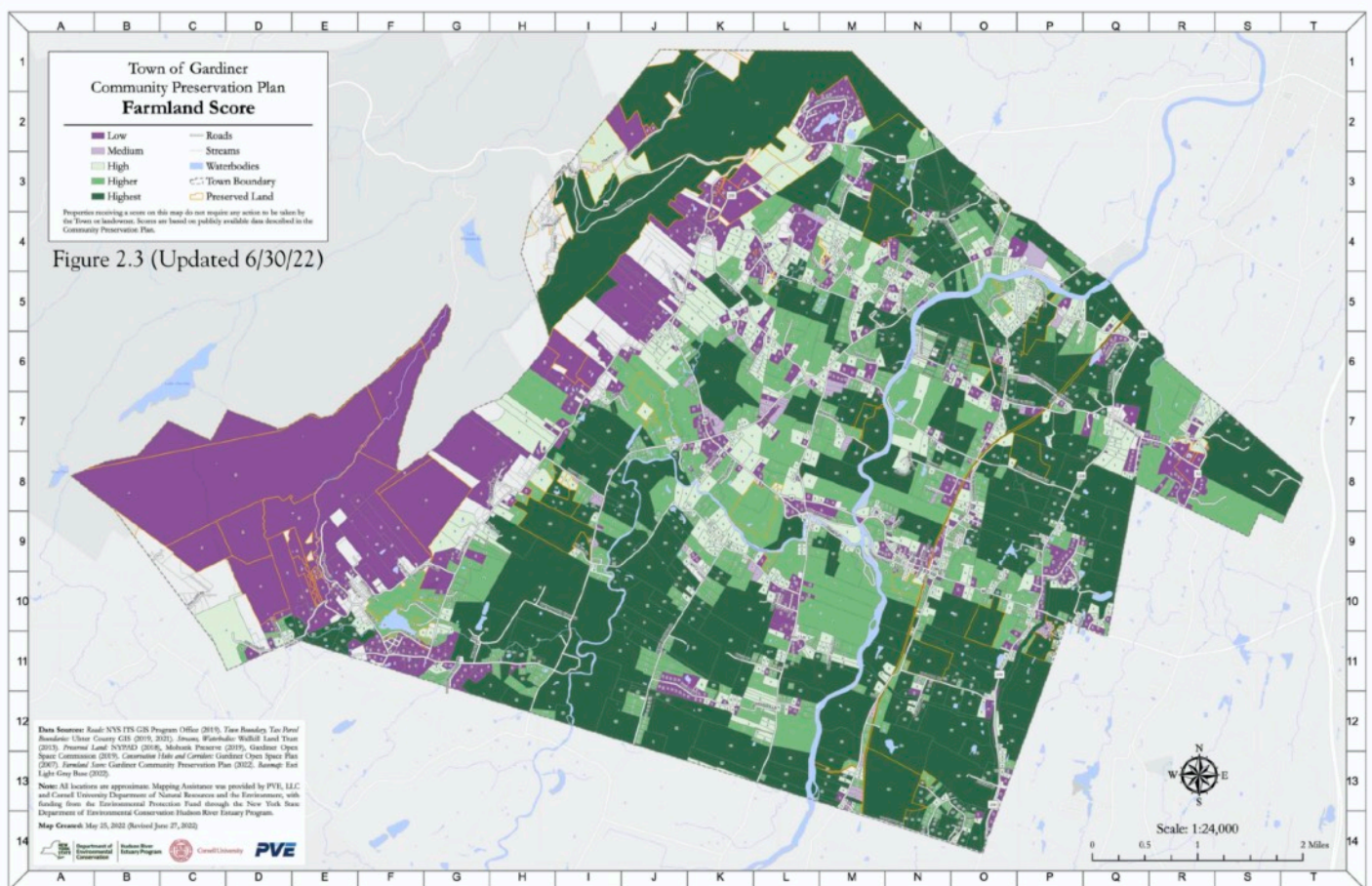


exemptions limit local property tax liability to a prescribed agricultural assessment value. Properties with an agricultural tax exemption in 2022 also received points in this category, but these include many properties that are not associated with farms. Active farm operations (commercial, named farms) identified by the Committee received additional points. Preserving land contributing to active farm operations is the top priority of this category. In addition, this category awarded points to parcels adjacent to protected farms, in order to prioritize protection of a critical mass of farmland in core farming areas of the town.

Relevant goals and recommendations in the Open Space Plan for farmland preservation include:

- Protect priority farmlands through PDR or conservation easement.
- Conserve large, contiguous core areas of active farms and farmlands.

Figure 2.3 shows priority parcels for Farmland in Gardiner.



## 4. SCENIC AND RURAL CHARACTER

Gardiner is a town of exceptional scenic beauty. Scenic views of the Shawangunk Ridge, found throughout the town, are highly prized by residents and visitors, as are views of rivers, forests, farms, historic homes, and diverse natural areas. In many cases, scenic beauty and rural character are intertwined. Agricultural landscapes maintain the open vistas of the Ridge, and views of farms along rural roads create a bucolic sense of place that helps define Gardiner's community character.

The Shawangunk Mountains Scenic Byway was designated in 2006 and includes sections of Routes 208 and 299 in Gardiner. In addition to the regional byway, there are approximately 49 miles of locally-designated scenic roads in Gardiner. Scenic roads were identified through a windshield survey conducted for the Open Space Plan. The roads were ranked on a 3-point scale, with Class 1 being the most scenic. Characteristics which contribute to the scenic nature of a roadway that were evaluated include agricultural landscapes; topographic features such as the Shawangunk Ridge and other hills and valleys; natural features such as streams, rivers, creeks, undeveloped woodlands or open meadows; and historical buildings or landscapes. Local scenic roads include North and South Mountain Roads, Route 299, Route 44/55, and Route 32, as well as Route 7 and Route 208. Preserving views along these roads has been identified as important to residents and contributing to the tourism economy. Parcels were scored in this category based on frontage along the Scenic Byway or local scenic roads, and additional points were awarded for meadows or fields present within scenic buffers along the scenic roads, as identified in the Open Space Plan.



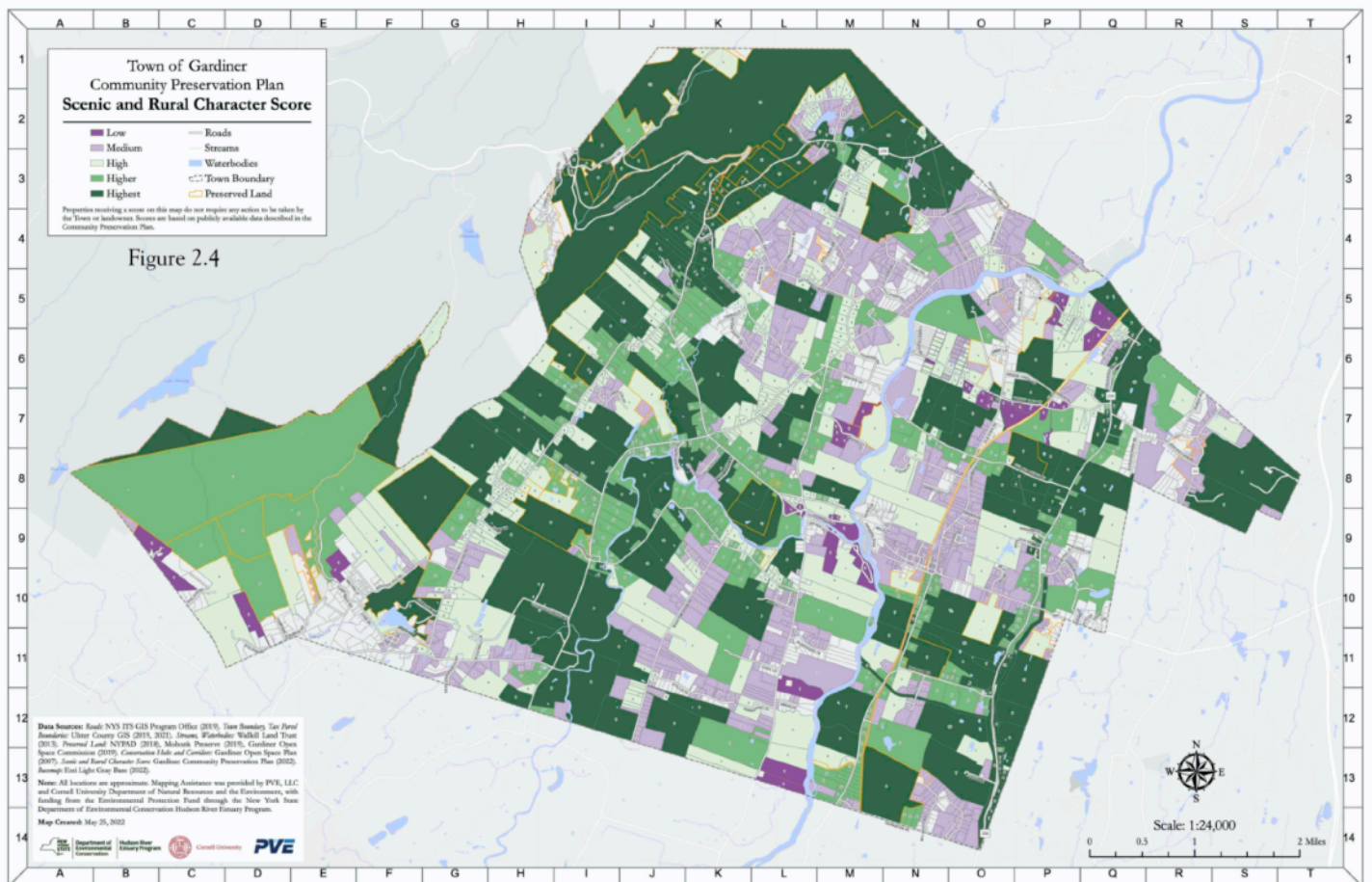
*Photo: Becky Fuller*

To better identify and prioritize scenic resources in the town, a GIS viewshed analysis was conducted for this Community Preservation Plan, based on spatial analysis of elevation data at points spread out along the previously identified local scenic roads and Scenic Byway (see Section 2 for a description of this analysis). The resulting map of highly visible ridgelines and hills in Gardiner is based on the number of locations that an area of the landscape can be seen from along scenic roads. Points were given for the most visible areas.

Finally, larger properties in the town are more likely to contribute to scenic views and rural character, and so parcels were also awarded points in this category based on size. Relevant goals and recommendations from the Open Space Plan for preservation of scenic views and rural character include:

- Protect views to and from the Ridge
- Protect views along scenic roads (Route 32, Route 299, Route 44/55, North/South Mountain Roads, Route 7, Route 208)

Figure 2.4 shows priority parcels for Scenic and Rural Character in Gardiner.



## 5. PARKS AND TRAILS

The Gardiner Comprehensive Plan recognizes the need for parks and recreational facilities to meet the current and future recreational needs of the community. The Open Space Plan called for creation of a Community Trail and Access Plan to focus on potential new trails and greenways, but it has yet to be created. Therefore, this Plan assesses potential value for parks and trails based on parcels adjacent to existing parks, trails, and preserved or publicly owned properties, and adjacency to the town's major rivers.

Presently, Majestic Park is the only designated Town Park in Gardiner. However, a recent proposal has been completed for Riverbend Trails at Gardiner Park, on town land adjacent to the Transfer Station. The Town has given approval for the construction of new trails, and tree planting, though the land is not formally designated as parkland.

Other public recreation areas in Gardiner include Minnewaska State Park, Wallkill Valley Rail Trail, and the Mohonk Preserve. This Plan scores all parcels adjacent to existing parks and preserved lands based on potential opportunity for expansion of trails or public access. Similarly, all town in-use properties (such as the Transfer Station) and any adjacent lands receive points in this category. Parcels adjacent to lands under conservation easement also receive points, considering potential for trail easements through such properties in the future.

The Wallkill Valley Rail Trail is a 22+ mile rail-trail and linear park, maintained by the Wallkill Valley Land Trust, that winds along the former Wallkill Valley Railroad corridor in Ulster County. The Rail Trail provides opportunities for bike and pedestrian travel through a variety of destinations in Gardiner. It also provides a scenic corridor with views of farms, woods, rivers, and open spaces it traverses. The Open Space Plan notes opportunities to create new trail networks connecting to the Rail Trail, providing east-west connections to other destinations in the town, such as hamlets and the Ridge. This Plan identifies all parcels adjacent to the rail trail for opportunities to develop connecting trails or public parks or nature preserves, as well as opportunities to protect scenic views from the Rail Trail. The Rail Trail links Gardiner now and in the future with other existing and planned trail networks in the state.



*Photo: Jon Benner Sr.*

Major rivers were also considered in this category based on recreation value. The stretch of the Shawangunk Kill in Gardiner is designated as a Recreational River under the New York State Wild, Scenic, and Recreational Rivers Act and it is used for boating and fishing. The Wallkill River is also used recreationally for boating and fishing. The Plan identifies all properties adjacent to both major rivers based on potential for creation of new greenway trails, boat launches, or parks.

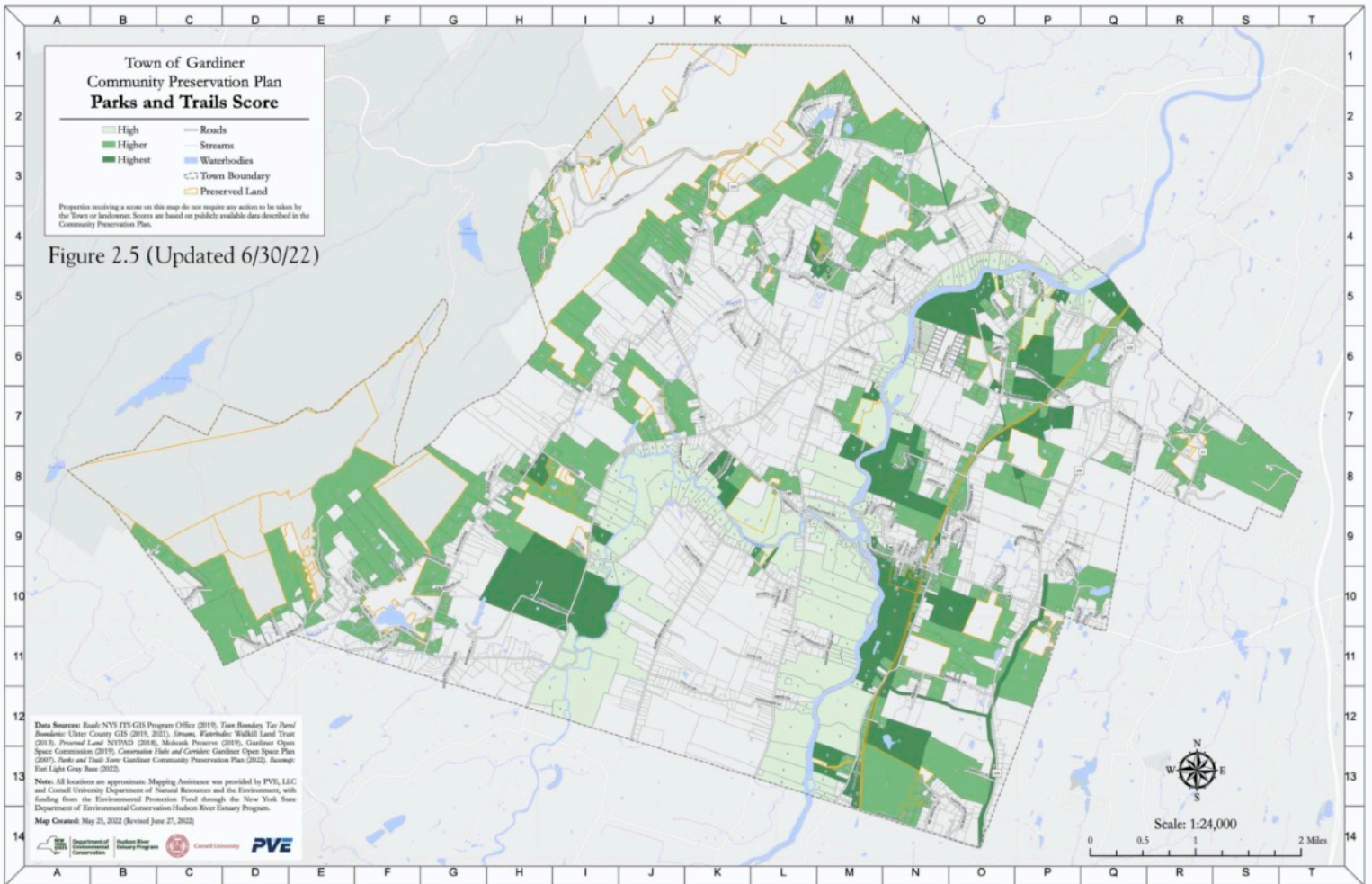
Relevant goals and recommendations from the Open Space Plan for expansion of parks, trails, and recreation opportunities include:

- Enhance the recreational experience and awareness of Gardiner as the gateway to the Gunks (Trapps Gateway area).
- Connect the Rail Trail to hamlets and residential areas and the Ridge.
- Protect scenic views from the Rail Trail.
- Provide additional public access to rivers for recreational purposes (e.g., kayaking, canoeing, fishing, hiking, picnicking, etc.).
- Designate the Wallkill River and Shawangunk Kill as greenways and work towards developing linear trail corridors along these rivers that connect to a series of parks, access areas, and other destinations.
- Create a public park with boat launching facilities in the vicinity of the Wallkill's confluence with the Shawangunk Kill.
- Create a preserve along the Plattekill Gorge with public access and viewing areas
- Work with landowners and conservation partners throughout the town to pursue, where feasible, passive public access to preserved natural areas for educational purposes.



*Photo: Jon Benner Sr.*

Figure 2.5 shows priority parcels for Parks and Trails in Gardiner.



## 6. HISTORIC PROPERTIES AND THE GARDINER HAMLET

Gardiner's historic properties and numerous hamlets are vital to the town's rural and historic character. This Preservation Category seeks to protect cultural resources that have been identified as significant for their historic values. It includes buildings, sites and districts that are listed on the State and National Registers of Historic Places, are adjacent to a listed historic property, or have been identified as locally important historic sites in the 2021 Natural Resources Inventory.

In the 2022 Community Survey, revitalization of the main Gardiner Hamlet was one of the most frequent priorities mentioned in open-ended responses. In recent years, the Town has upgraded its main Hamlet for walk-ability with sidewalks, and lighting.

This Preservation Category includes all parcels within the main Gardiner Hamlet. Inclusion of parcels within the Hamlet may provide opportunities for projects to enhance pedestrian and bike connections within and beyond the Hamlet, in addition to opportunities for historic preservation. Note that for historic preservation projects to qualify under the Hudson Valley Community Preservation Act, the property must be listed on the State and National Register of Historic Places or designated as a local landmark. A complete list of State and National Register properties and districts is available in the 2021 Natural Resources Inventory.

### *Gardiner's Long Term History*

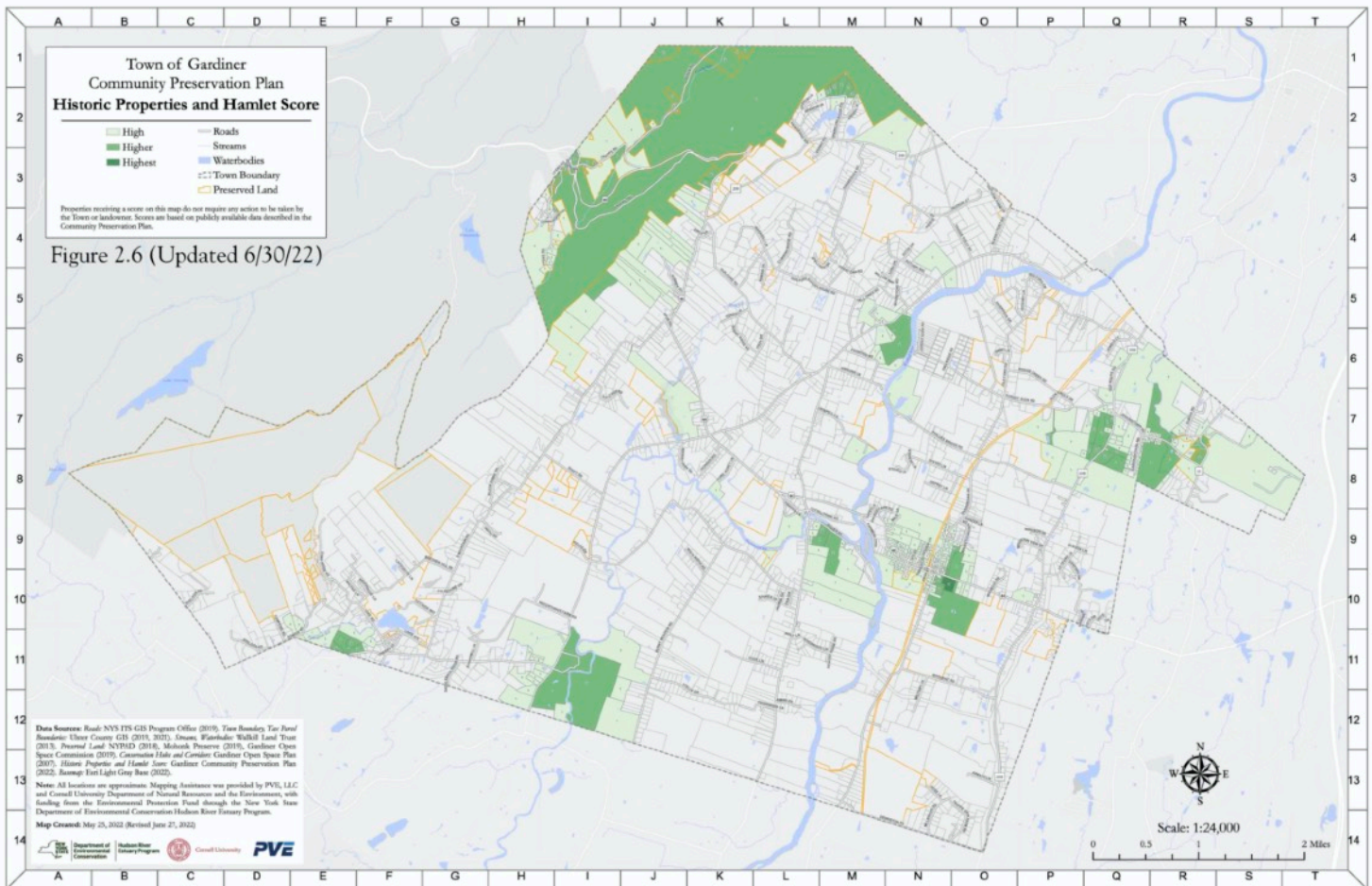
*There is an absence of mapped information about indigenous settlement in Gardiner. Native Americans settled the Hudson Valley region between 6,000 and 4,000 years ago. The first inhabitants in the Gardiner area of the Hudson Valley were the Lenape who spoke a dialect known as Munsee and are thus also known as the Munsee Lenape. They cleared and farmed fertile bottomlands of river valleys and hunted, fished, and gathered foods from surrounding areas. European settlement in the 1600s brought deadly diseases and warfare. Conflicts with European settlers led to the displacement of Munsee Lenape people, who were forced to move westward to reservations. Today, the descendants of Munsee Lenape people are federally-recognized as the Stockbridge-Munsee Mohican Nation and are based in Wisconsin.*

Relevant goals and recommendations from the Open Space Plan for historic preservation include:

- Preserve heritage and interpret the town's history through hamlets and settlement areas.
- Connect hamlets and residential areas to each other and to the town's major destinations, such as a hamlet greenway in the heart of Gardiner. The greenway should connect the Rail Trail, Majestic Park, rivers and access areas, the Tuthilltown Gristmill, and other historic points of interest.

- Work to obtain historic district designation for the many historic features in the Jenkinstown and Forest Glen areas.

Figure 2.6 shows priority parcels for Historic Properties and Gardiner Hamlet.





## D. CONSERVATION HUBS AND CORRIDORS

In addition to scoring parcels based on the presence of preservation criteria as outlined above, the analysis also identified whether a parcel is located within the Open Space Plan's Conservation Hubs and Corridors. These areas are envisioned in the Open Space Plan as the Priority Conservation Network where most conservation efforts should be focused. Conservation hubs are the network's anchors and provide large blocks of wildlife habitat and unfragmented farmlands. Conservation corridors provide for movement between the hubs. No additional points were assigned for the hubs and corridors in the Community Preservation Plan scoring system; rather, they are intended to serve as geographic focus areas for future conservation work, including work by the Community Preservation Fund Advisory Board, should one be established. Descriptions of these areas from the Town Open Space Plan are provided below.

### CONSERVATION HUBS

#### 1. SHAWANGUNK RIDGE

The Shawangunk Ridge hub is the town and region's largest landscape hub. In Gardiner, this hub includes approximately 7,600 acres of ridge land west of the "break in slope." Approximately 60% of this conservation hub (or 4,500 acres) is already protected as the Minnewaska State Park, the Awosting Reserve and the Mohonk Preserve. The major gap in conservation of the ridge is between the Mohonk Preserve and Minnewaska State Park, and mostly includes long parcels that begin at or near the break-in-slope and continue up to the ridge top.

The Shawangunk Ridge hub also includes a long band of unprotected cliff and talus habitat, which is important for the protection of rare species and several endangered plants, as well as for its role in aquifer recharge. Conservation of this large hub of unfragmented forest is critical to maintaining the ecological health of the Ridge, as well as the scenic and recreational assets that are so highly-valued by the community.

#### 2. SHAWANGUNK KILL SOUTH

The Shawangunk Kill South hub is the second-largest conservation hub in Gardiner, and includes approximately 2,300 acres of land adjacent to the scenic, ecologically-important southern stretch of the Shawangunk Kill. This area received the highest score in the priority rating system because of its important natural, agricultural, cultural and historical benefits. Significant agricultural resources in the Shawangunk Kill South hub include Watchtower Farm, Brykill Farm, Whitecliff Vineyard, and Majestic View Farm. It includes the scenic Route 7/Bruynswick Road and its viewshed of Shawangunks. It also includes

cultural resources such as the Wine Trail, historic buildings, landscapes listed by the State Historic Preservation Office, and a stretch of the Shawangunk Kill that is classified by the State DEC as a Recreational River. This area is ecologically significant and includes important natural communities such as the confined river and floodplain forest, as well as an endangered plant and excellent habitat diversity along the Shawangunk Kill and adjacent grasslands. This conservation hub is discussed in more detail at the end of this chapter.

### 3. SHAWANGUNK KILL/WALLKILL CONFLUENCE

The meeting place of the Shawangunk Kill and Wallkill waters has historically been an important location for settlement, as evidenced by the Tuthilltown and Gardiner Hamlets. The confluence of these two rivers offers ecological benefits, including a portion of the Shawangunk Kill confined river natural community, as well as a major floodplain and aquifer recharge area. This 500-acre hub also offers the opportunity for community benefits by connecting the Town’s existing population centers and Majestic Park to future open space lands.

### 4. GALEVILLE GRASSLANDS

The 600-acre Galeville Grasslands hub includes a few large patches of unfragmented grasslands along the southern border of Gardiner with the Town of Shawangunk. This area could become part of the larger Shawangunk Grasslands National Wildlife Reserve hub to the south. The grasslands are important habitat for a diversity of bird species, including several which are threatened or endangered. The Shawangunk National Wildlife Refuge has been designated as an Important Bird Area for its significance. This area also overlaps with the historically-significant working farmlands of Brykill Farm, which is also located in the Shawangunk Kill South Hub.

### 5. WALLKILL NORTH

This northern hub of approximately 400 acres on the Wallkill provides important floodplain and aquifer recharge benefits, and includes several larger areas of unfragmented forest immediately adjacent to the river. This area provides an opportunity to link together existing open space land and Town-owned land to form a greenway along the Wallkill in close proximity to the town’s major settlement area.

### 6. 208 NORTH

Phillies Bridge Farm is already permanently protected through a conservation easement held by the Wallkill Valley Land Trust. In addition to its community agricultural ties, this scenic working farm offers substantial wildlife benefits, including wet meadow habitat which is important for the state-endangered and federally threatened Bog Turtle. This area

is surrounded by the orchards and working farmlands of Dressel Farm, which is one of the town's largest working farms. The Rail Trail traverses this conservation hub and offers opportunities for community connections within the landscape. This 975-acre hub offers substantial conservation benefits to balance the rapidly growing Route 208 corridor.

## 7. PLATTEKILL GORGE

The Plattekill Gorge is a cool ravine habitat with steep slopes surrounded by hemlock forest. This is a unique habitat in Gardiner which may potentially house rare plant species (further study of this area is desired). The Plattekill Gorge extends beyond Gardiner into the adjacent Town of New Paltz. In addition to the unique habitat of the gorge, the 300-acre Plattekill Gorge conservation hub also includes several historic buildings (LeFevre House, Kettleboro School, Jenkins-DuBois Farm, and Locust Lawn Estate), the hamlet of Jenkinstown, and adjacent conserved lands owned by the Huguenot Historical Society.

## 8. 208 SOUTH FARMLAND

The 600-acre 208 South Farmland conservation hub includes a large unfragmented core of working landscapes including Tantillo, Wright and Four Winds Farms. This area also houses a large and fairly well-connected expanse of upland meadow, which is important bird habitat. Wet and calcareous wet meadows, which are of conservation importance, because they support rare species, are also dispersed throughout this conservation hub.

# CONSERVATION CORRIDORS

## 1. RIVER TO RIDGE CORRIDOR

This short (less than 1-mile) corridor provides a wildlife connection between the Shawangunk Ridge and the Shawangunk Kill along an unfragmented forest area. This area includes Majestic View Farm and several minor tributaries.

## 2. PALMAGHATT KILL/KLYNE KILL CORRIDOR

This important stream corridor connects the forested lands of the Shawangunk Ridge near Awosting Reserve to the Shawangunk Kill South conservation hub, along the Palmaghatt Kill and Kleine Kill Corridors. This 3-mile corridor connects to Tillson Lake and the hamlet of Rutsonville. A buffer width of 330 feet or more is recommended to protect the natural function of this corridor.

### 3. MARA KILL CORRIDOR

This 4-mile wildlife corridor connects the Shawangunk Kill to the Ridge via the Mara Kill and Trapps Pass area. It includes the former Heddens Lake parcels, and Just Resting Farm, as well as several large and significant wetland complexes and steep topography along the base of the Ridge. A buffer width of 330 feet or more is recommended to protect the natural function of this corridor.

### 4. WALLKILL RIVER CORRIDOR

The Wallkill River corridor is one of the region's primary wildlife connections, providing habitat connectivity through much of the valley. In many areas of the region, the valley has already been extensively fragmented, and this river corridor serves as the only safe passage for wildlife. In Gardiner, this corridor extends for approximately 7 linear miles. A conservation buffer width of 535 feet or more is recommended to provide for wildlife protection and maintain water quality.

### 5. SHAWANGUNK KILL CORRIDOR

The 5-mile Shawangunk Kill corridor is one of the town's most important wildlife resources, as it provides habitat for a diversity of wildlife, including rare and endangered species. This corridor is surrounded by a "core" of important farms and farmlands, which give way to scenic views of the Shawangunk Ridge. The Shawangunk Kill is designated by the State DEC as a Recreational River. Similar to the Wallkill River, a conservation buffer of 535 feet or more is recommended to protect the river's water quality as well as its integrity as a wildlife corridor. For more information on the many resources associated with the Shawangunk Kill, see the detailed discussion of the Shawangunk Kill South conservation hub above.

### 6. ROUTE 208 WETLAND CORRIDOR

The 5-mile Route 208 Wetland Corridor is a series of important wetlands and water features that extend along the Route 208 corridor from the town's north to south border. This corridor includes at least two known kettle shrub pools, as well as several other important wetland communities. These wetland areas should be buffered (including adjacent upland habitat) and connected together to form a connective corridor of wetland habitat. Minimum recommended buffer distances for wetlands range from 300 to 500 feet, depending upon wetland type and overall wildlife conservation goals.

## E. USING THE CONSERVATION SCORES

The Community Preservation Plan does not attempt to spell out how the Community Preservation Plan Advisory Board, should they be established, will select parcels for use of the funds deposited into the Community Preservation Fund. That will be done on a parcel-by-parcel basis by the Advisory Board. But this Community Preservation Plan provides a decision-support tool for prioritizing protection efforts for a potential future Town of Gardiner Community Preservation Plan Advisory Board, and its other Boards and Commissions. Any property identified in the Community Preservation Plan could be theoretically eligible for funds in any given year provided sufficient revenues are available. The Plan can help direct the Advisory Board to high-scoring properties based on total conservation score or the highest scores within a preservation category, such as farmland. The conservation hubs and corridors can serve as focus areas for initial research and outreach to landowners.

Scoring from the plan will provide a starting point for evaluating candidate properties for preservation, but additional information could also be gathered. It's possible that important attributes of a property are not reflected in the parcel score, but a low score would not prohibit the Town from pursuing a preservation project as long as the property is listed in this Plan. The GOSC's Open Space Application Evaluation Criteria lays out some additional site-specific questions that could be asked, which were not possible to evaluate on a town-wide level in this Plan, which uses a data-only model. The Advisory Board may also seek to collaborate with land trust partners such as Wallkill Valley Land Trust, Scenic Hudson, the Mohonk Preserve, and the Open Space Institute. In addition to staff expertise, these partners may help to leverage additional state and federal funding sources (such as through the State Department of Agriculture and Markets) and private donations to achieve larger conservation projects.

# PART 3: EVALUATION OF AVAILABLE LAND USE PROTECTION TECHNIQUES

## A. OVERVIEW

The following identification and evaluation of alternative land use tools and techniques to protect the Town of Gardiner’s community character, as described in Parts 1 and 2, focuses on other public and private strategies available to protect Gardiner’s community character. The identification and evaluation assesses 17 different planning tools for the six Preservation Categories identified in Part 2 of this Community Preservation Plan.

Table 3.1 provides a complete listing of the existing land use control alternatives available to Gardiner for protecting its open space, natural and cultural resources. Table 3.1 identifies each technique by the corresponding Chapter or Section of the Town Code. Each technique is also assigned an identification number to assist with the construction of a matrix that evaluates the effectiveness of the land use alternatives for the Preservation Category areas shown in Table 3.2.

Table 3.2 uses a matrix system using a numerical index (with a “1” or “2”) to indicate which land-use control or strategy is to be employed as a primary or secondary land protection strategy to preserve parcels identified in this CPP. It should be noted that the eventual application of any land use control or strategy used as an alternative to the CPF, particularly those involving voluntary fee simple acquisition or the purchase of development rights, will be negotiated or structured on a case-by-case basis. Combinations of land use controls or strategies identified may also vary by parcel or project. For instance, the purchase of development rights is usually coupled with a conservation easement that extinguishes the development rights on a parcel or parcels of land.

Table 3.2 shows the results of the analysis for each protection method and the Preservation Category areas that are used in the CPP to assign priorities. The absence of any ranking indicates that the land use protection method has limited or no value to a specific Preservation Category area or parcel. It should be noted that, on a case-by-case basis, individual circumstances and/or property conditions may exist that are beyond the

scope of this evaluation. Such conditions or circumstances could further alter the level of priority or the potential for application of a particular land use protection method.

A total of 15 different land use controls, to protect natural resources and community character, have been enacted by the Town of Gardiner. Two (2) additional classes of land use protection alternatives, that are also relevant to protection of the Town's community character, have been identified. The two alternatives involve fee simple acquisition and private conservation strategies. The tools and techniques described below can be used either individually or strategically together with the CPF, to maximize both public and private benefits to the community and to further implement Gardiner's land use goals. Following the list in Table 3.1 below is a summary discussion of each land use alternative.

**Table 3.1: Existing Land Use Controls and Strategies to Protect Community Character**

ID No.	Town Code Section	Section Title
<b>1</b>	§ 16	Commission for Conservation of the Environment
<b>2</b>	§ 121	Flood Damage Protection
<b>3</b>	§ 164	Open Space Preservation and Acquisition
<b>4</b>	§ 188	Subdivision of Land
<b>5</b>	§ 220	Zoning Law
<b>6</b>	§ 220-13	Floodplain Overlay District
<b>7</b>	§ 220-14.1	Scenic Protection Overlay District
<b>8</b>	§ 220-16	Shawangunk Ridge Protection District
<b>9</b>	§ 220-19 to 24	Residential Development in RA and SP Districts
<b>10</b>	§ 220-31	Rural Siting Principles
<b>11</b>	§ 220-32	Timber Harvesting
<b>12</b>	§ 220-34	Excavation, Grading, and Clearcutting
<b>13</b>	§ 220-35	Wetland and Watercourse Protection
<b>14</b>	§ 220-36	Steep Slope Protection
<b>15</b>	§ 220-37	Protection of Agriculture

<b>Table 3.1: Existing Land Use Controls and Strategies to Protect Community Character</b>		
ID No.	Town Code Section	Section Title
16	Fee Simple Acquisition	Town Community Preservation Fund Town Bond Financing Town Dedicated Capital Reserve Fund County, State and Federal Funds U.S. Dept. Of Agriculture Intergovernmental Transfers Special Assessment Districts Public/Private Partnerships Combinations of the Above
17	Private Land Conservation Strategies	Conservation Easements Public Access Easements Tax Exempt Installment Sale Bargain Sale/Land Donation Like Kind Exchange Limited Development Family Limited Partnership Charitable Remainder Trust Combinations of the Above

## B. AVAILABLE LAND USE PROTECTION ALTERNATIVES

The following is a summary of the Town of Gardiner’s available land use alternatives: “to protect community character, including but not limited to: (a) fee simple acquisition, (b) zoning regulations, including density reductions, cluster development, and site plan and design requirements, (c) transfer of development rights, (d) the purchase of development rights, and (e) scenic and conservation easements. (see New York State General Municipal Law, Chapter 24, Article 2, Section 6-s.6).

### 1. CHAPTER 16, COMMISSION FOR CONSERVATION OF THE ENVIRONMENT

The purpose of Chapter 16 of the Town Code is to preserve and improve the quality of the natural and man-made environment within the Town of Gardiner. The Chapter established



the Commission for Conservation of the Environment (CCE) in 1984 to foster unified action on environmental problems and to assist the Town of Gardiner in the development of sound open space planning and to assure the preservation and protection of natural and scenic resources. The Commission goes by the name Environmental Conservation Commission (ECC) today. The ECC has the authority to advise the Town Board on environmental issues, to educate residents on environmental problems and issues in the community, to conduct studies, surveys, and inventories of the natural and man-made features of the Town, to maintain an inventory/index of all open spaces in public or private ownership within Gardiner, to make recommendations to the Town Board of programs that can be included in the Town Comprehensive Plan and land use controls, maintain documents and maps of environmental conditions, and such other duties as may be assigned by the Town Board. (See Table 3.2)

## 2. CHAPTER 121: FLOOD DAMAGE PROTECTION

The Town participates in the National Flood Insurance Program. To qualify for and maintain participation in the program, the Town regulates uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities among other purposes. Chapter 121 requires that uses vulnerable to floods, including facilities which serve such uses: a) be protected against flood damage at the time of initial construction; b) controls the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; c) controls filling, grading, dredging and other development which may increase erosion or flood damages; and d) regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands. The program prohibits new structures in the Floodway zone.

The Town Building Inspector/Code Enforcement Officer is authorized to grant or deny floodplain development permits in accordance with the requirements of Chapter 121, among a number of other related duties authorized by Chapter 121. The Town Zoning Board of Appeals is also granted the authority to hear and decide on appeals from a decision of the Building Inspector/Code Enforcement Officer as well as requests for variances from the requirements of Chapter 121. (See Table 3.2)

## 3. CHAPTER 164: OPEN SPACE PRESERVATION AND ACQUISITION

On November 5, 2006, voters of the Town of Gardiner approved an Open Space Preservation and Acquisition Fund for the acquisition of open spaces and farmland,

including development rights on lands. This Local Law authorized the expenditure of up to \$150,000 for acquisition of such open spaces and areas, to protect and conserve open spaces as characterized in the Gardiner Open Space Plan adopted in January 2007. Chapter 164 created an Open Space Planning and Finance Commission, established the powers and duties of the Commission, sets forth requirements for the use of funds, and provides for the administration of the funds and other related matters. (See Table 3.2)

#### 4. CHAPTER 188: SUBDIVISION OF LAND

The Town has authorized its Planning Board to consider land subdivision as part of a plan for the orderly, efficient and economical development of the Town. Chapter 188 requires that land used for building purposes must be done safely and that new lots are created in harmony with the development of neighboring properties, are consistent with the Town Comprehensive Plan policies, can accommodate traffic and fire protection, and include proper provision for parks and other open spaces.

Subdivisions must also, insofar as possible, preserve natural cover, conform to natural topography, limit stormwater runoff, preserve existing features such as trees, watercourses, ponds, historic places, and similar irreplaceable assets through harmonious design of the subdivision. See Subsection 9.a below for a discussion of cluster development, also known as an Open Space Development or a conservation subdivision. (See Table 3.2)

#### 5. CHAPTER 220: ZONING

Gardiner's Zoning Law, as amended, has established a number of purposes that support this Community Preservation Plan. The Zoning regulations, in general, are designed to protect and promote public health, safety, comfort, convenience, economy, natural, agricultural, and cultural resources, aesthetics, and the general welfare of the community. The Zoning has been enacted to: a) conserve the natural resources and rural character of the Town; b) minimize negative environmental impacts of development, especially in visually and environmentally sensitive areas; c) encourage a range of business activities in appropriate locations which are compatible with the Town's rural character and scale; d) protect the integrity of scenic views, ridgelines, steep slopes, agricultural land, existing and potential recreation areas, waterways, ground- and surface water supplies, ecological systems, wetlands, wildlife habitat, and natural vegetation; and e) maintains environmentally significant open space in its predominantly undeveloped state, in order to maintain property values and preserve the open and rural character of the Town. Additional purposes of Zoning are to: 1) preserve and protect lands and buildings that are historically significant; 2) to encourage the continuation of agriculture and the preservation of open space; 3) avoid regulating agricultural uses in a manner that

unreasonably restricts or regulates farm structures or farming practices, while encouraging other economic activities that require large areas of contiguous open space, such as forestry, tree farming and recreation; 4) preserve the natural beauty of the Town as provided in the Comprehensive Plan, especially the unique ecological and scenic resources of the Shawangunk Ridge and escarpment; and 5) guide development consistent with maintaining the Town's natural, scenic, and ecological resources among other purposes.

Zoning in Gardiner serves many purposes that are aligned with preservation of the Town's community character. However, rules that establish how development occurs, including allowable densities and uses and their accompanying environmental impacts, cannot by itself protect the character of the community. Approximately 13 percent of Gardiner's land area (3,600 acres) is considered vacant land. Approximately 5,700 acres of land in Gardiner is in active agricultural use while 7,829 acres of land were within a State Agricultural District. Both vacant and agricultural lands are subject to development unless there is some other method available for protecting the community character of these and other lands.

Most land in Gardiner is zoned within the Rural Agricultural (RA) District which permits single-family development and a variety of other permitted and special permit uses. The Zoning regulations alone cannot preserve the character of the community unless significant changes are made to the Town's planning and zoning framework. The Community Preservation Plan provides decision-makers with a tool needed for making well-informed land use decisions that can carefully balance development options with resource protection.

In addition to the overall purposes of the Zoning Law, the regulations contain a number of techniques that can assist in preserving community character on lands that are to be developed. While none are as effective as acquisition of interests or rights in real property to protect community character, they are available to assist the Town in working towards achieving its goals. The following specialized land use controls are found within the Zoning Law in alternatives 6 to 14. (See Table 3.2)

## **6. SECTION 220-13: FLOODPLAIN OVERLAY DISTRICT**

The Zoning regulations found in Chapter 220-13 are designed to work in tandem with Chapter 121 of the Town Code. Chapter 220-13 states: "The provisions of Chapter 121, Flood Damage Prevention, are incorporated herein by reference and shall apply in addition to any other applicable zoning or building regulations." All development within the Floodplain Overlay (FPO) Zoning District, as mapped on the Town of Gardiner Zoning Map, is subject to both the Zoning Law and Chapter 121. The mapped FPO District in turn is: "based upon maps provided by the Federal Emergency Management Agency (FEMA)." Use restrictions within the FPO are clear: "In addition to any restrictions, requirements, or

permits imposed or required by Chapter 121, no new structure intended for residential use and no new septic tank, leach field, or other sanitary sewage system shall be located within the Floodplain Overlay District. This shall not prevent the replacement of existing facilities.” (See Table 3.2)

## **7. SECTION 220-14.1: SCENIC PROTECTION OVERLAY DISTRICT**

The purpose of the Scenic Protection Overlay (SPO) District is as follows: “Special protection of scenic road corridors and the Wallkill Valley Rail Trail is necessary to preserve the attractive rural and historic quality of the Town.” The SPO District is identified on the Town of Gardiner Zoning Map as applying to lands lying within 200 feet of specific mapped segments of the right of way of Bruynswick Road, Route 44/55, Route 208, and Route 299 as well as within 100 feet of designated portions of the Wallkill Valley Rail Trail. Within the SPO District, all of the underlying land use regulations remain in effect but there are additional rules that apply in the Overlay District only. These include a requirement for Site Plan approval for construction of any structure or for an addition to any structure created greater than 500 square feet in area, certain filing or excavation activities in excess of 5,000 square feet, clear-cutting more than 5,000 square feet of vegetation, and grading of the landscape by more than 5,000 square feet. Agriculture and other existing or minor uses are exempted from site plan review and approval. New development must comply with general standards as well as specific landscape, architecture, fencing and other “rural siting principles” defined in Section 220-31 of the Zoning Law. (See Table 3.2 and # 10 below)

## **8. SECTION 220-16: SHAWANGUNK RIDGE PROTECTION DISTRICT**

The Town of Gardiner has long recognized the State, national and international significance of the Shawangunk ridge for its scenic character, water resources, and fragile ecology. The Shawangunk Ridge Protection (SP) District is divided into three subdistricts identified as the SP-1, SP-2, and SP-3 with the most restrictive being the SP-3 which covers the highest elevations on the ridge. The 1992 Town Comprehensive Plan and each Plan update since then has documented the importance of conserving its resources as a Town priority. Section 220-16 cites that: “protection of the scenic character and ecological integrity of the Shawangunk Ridge area are important to maintaining rural character, a sense of place, and scenic landscapes, all of which contribute to the Town’s quality of life and its attractiveness for tourism and for residential and commercial development.” The regulations of Section 220-16 are directed towards limiting development of the ridge and

directing development to areas of lower elevation through: “incentives for development to occur in the least sensitive locations.”

The SP District rules list certain uses that are prohibited in the District, requires a conservation analysis and conservation findings for special use permits, and provides a list of certain special conditions that are to be included where necessary to achieve the resource protection objectives of the SP District. Special dimensional standards apply such as very low densities including a minimum of 10 or 20 acres per use, low building heights, low impervious coverage requirements, maximum floor area of structures, and others. The Planning Board has been provided with the authority to mandate cluster development (open space developments), adherence to certain design requirements to ensure: “No more than a minimal impact on the scenic and ecological of the districts and the surrounding area...”, to hire specific qualified experts to assist in the review of the conservation analysis, and to refer all applications in the SP District to the Town Environmental Conservation Commission.

All land disturbances are regulated including clearing, excavation, grading, construction, reconstruction, and investigative land-disturbing activities and only certain activities are permitted on steep slope areas. Additional rules control clear cutting, use of retaining walls and terraces, roads, driveways and utilities, water resource protections, visual protection and landscaping, protection of habitats, forest management, lighting, water and sewer facilities, and use of conservation easements to ensure compliance with the requirements of the SP District. (See Table 3.2)

## 9. SECTIONS 220-19 TO 24: RESIDENTIAL DEVELOPMENT IN RA AND SP DISTRICTS

Sections 19 to 24 constitute Article V of the Zoning Law, which is designed to preserve large tracts of open space to maintain the rural appearance and environmental resources of the Town within the RA and SP Zoning Districts. These two districts comprise the majority of the land within the Town. Article V encourages several alternatives to conventional subdivision of land, which is discouraged. These alternatives include Open space development, density transfer (transfer of development rights), flag lots, and small-scale development. Each of the alternatives is described below:

- a. Open space development. This planning technique is also known as cluster development, conservation subdivision, or open space subdivision. It is authorized by Section 278 of New York State Town Law which defines it as: “a subdivision plat or plats, approved pursuant to this article, in which the applicable zoning ordinance or local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and

scenic qualities of open lands.” Gardiner’s open space development begins with a conservation analysis of each site proposed for subdivision where natural and cultural resources and features of the site are identified, mapped, and described. Conservation areas are designated for permanent protection with areas suitable for development becoming the basis for a subdivision design of the property in a density neutral manner. Bonuses in density are achievable if an applicant agrees to protecting more than the minimum amount of required open space or agrees to allowing public access to the protected open space for the benefit of the Town (such as for a trail connection or access to a natural area). Single-family, two-family, and multi-family dwellings are allowed, with multi-family subject to approval of a special use permit. The minimum amount of open space required in an open space development ranges from 50% to 80% of the parcel depending on the site location and other factors.

- b. **Density Transfer.** Gardiner permits residential density to be transferred from one parcel (a sending parcel) to another parcel (a receiving parcel). Any land with conservation value, that is located within the RA or SP Districts and is identified in the Town’s Open Space Plan as desirable for preservation, can be approved so that the density permissible under the Zoning Law can be extinguished and transferred to lands within the HM or HR District. The HM and HR districts have been determined as suitable for accommodating a density increase, thereby protecting the natural and open space quality of the RA and SP districts. Approval of a special use permit and other rules govern the process of transferring density. The proposed density transfer is also subject to a finding that it is consistent with the Town Comprehensive Plan, in addition to a number of other requirements.
- c. **Flag Lots.** A flag lot is a parcel of land that has road access through a narrow strip, known as a “flagpole” and where a house lot with its setbacks is considered the “flag.” Gardiner permits flag lots as a low density and low cost means of preserving roadside open space and avoiding the construction of expensive new Town roads. Requirements include a minimum lot size of 10 acres (excluding the “flagpole” area), a minimum road frontage of 25 feet or a deeded right-of-way easement over other land, minimum setbacks from lot lines, no more than three flag lots served by one common driveway, and a requirement that the flag lot not result in a degradation of natural resource and landscape features such as streams, steep slopes, ridgelines, wetlands, and ponds.
- d. **Small-scale Development.** Small scale development is permitted in the RA Zoning District, is limited to two new residential lots and is designed to minimize the burden and cost of development for landowners building on existing lots or creating only a small number of new lots. The program is intended to preserve open space, enable the Town to preserve its rural character and natural environment while allowing some small lot development in combination with the Town’s programs for preserving open space. (See Table 3.2)

## 10. SECTION 220-31: RURAL SITING PRINCIPLES

Gardiner's Zoning Law contains guidelines for the siting of non-residential uses that are subject to site plan or special permit approval. Section 220-31 also applies to the siting of residences in new subdivisions or other developments and are recommended for the siting of individual residences on existing lots. The guidelines, while voluntary, address issues like vegetation clearing, reuse of old farm roads and lanes instead of new roads or driveways, preservation of stone walls and hedgerows, siting buildings at the edges of fields or in wooded areas, screening and buffering through retention of existing vegetation, reducing the visibility of new buildings by minimizing the clearing of vegetation, minimizing construction on steep slopes, and in general, minimizing land disturbances. (See Table 3.2)

## 11. SECTION 220-32: TIMBER HARVESTING

Timber harvesting permits from the Town Building Inspector are required for all timber harvests within the RA and SP Zoning districts. In addition, a special use permit from the Planning Board is required for timber harvests within the SP-2 and SP-3 Zoning subdistricts. Permit applications must include submission of a Sustainable Forest Management Plan prepared by a qualified professional forester, specific on-site requirements that apply to the harvest area, adherence to numerous standards for the harvests designed to minimize the impacts of harvest activities, use of a performance guarantee, procedures for approval of a permit, and enforcement. Certain timber harvests are exempt including tree harvests for personal use by a landowner, farming, tree farms, and certain other minor activities. (See Table 3.2)

## 12. SECTION 220-34: EXCAVATION, GRADING, AND CLEARCUTTING

This section controls the clearing of land associated with construction of a structure for which a building permit has been issued or other approvals from the Town Planning Board. For any excavation or grading exceeding 2,000 square feet of area or for clear-cutting any area greater than three acres requires a zoning permit from the Building Inspector unless it is for work approved by the Planning Board or is part of a farm operation. (See Table 3.2)

### **13. SECTION 220-35: WETLAND AND WATERCOURSE PROTECTION**

Section 220-35 of the Zoning Law has been designed to work in conjunction with the wetland and watercourse protection laws of the State and Federal governments. As stated in this Section: “The Town also recognizes that both the state and federal governments regulate wetlands, and desires to avoid duplicating regulatory programs while cooperating with state and federal agencies.” The rules require that any applicant for a Town permit or approval that requires a State and/or Federal wetlands permit must submit all applications and correspondence with such agencies to the Town. Further, the rules also permit the Town’s reviewing Board or Town official with the authority to impose conditions to minimize damage to wetlands and watercourses. Similar requirements can be found in this section with respect to the State’s Protection of Waters program for stream disturbances except that the Town requires a 150 foot regulated area from the stream bank, where New York State regulates a 50 foot regulated area from top of the stream bank. Special setbacks for certain uses are also included in this section to control the siting of structures, septic systems, and other activities.

### **14. SECTION 220-36: STEEP SLOPE REGULATIONS**

Gardiner regulates alteration and construction on steep slopes exceeding a 15 percent rise in elevation (i.e. a 15 foot or greater vertical rise over 100 feet of horizontal run). The section cites the potential risks of erosion, sedimentation, landslides, and the degradation of scenic views from the alteration of steep slope areas as the reason for the rules. These include any application for approval of a subdivision, special permit, site plan, timber-harvesting permit, building permit, zoning permit or variance, that involves the disturbance of slopes greater than 15%, to include conditions that will ensure adequate erosion controls are in place, minimization of vegetation removal, avoidance of safety hazards from certain activities, engineering review of proposed plans, and satisfactory completion of the erosion, drainage, and sediment controls before a certificate of occupancy is granted.

### **15. SECTION 220-37: PROTECTION OF AGRICULTURE**

Section 220-37 is designed to protect existing farm operations from the nuisances associated with new nonagricultural uses that abut a farm. Buffers are required on new abutting nonagricultural uses to reduce exposures to a farm’s day to day operations, such as odors and noise. Farms within a State agricultural district are exempted for certain provisions of the Zoning Law that may have the effect of inhibiting normal farm operations



such as building height requirements for barns and silos, setbacks, and exemption from certain site plan and special use permit requirements as well as minor soil mining that does not require a State Mined Land Reclamation Permit. The section also requires the use of an Agricultural Data Statement in the review and approval of any application to a Town board that involves property within an agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation located in an agricultural district.

## 16. FEE SIMPLE ACQUISITION

The use of public and private funding sources will remain one of the primary alternatives for protecting critical open space resources defined by various plans and strategies. In conjunction with the potential for the establishment of a Community Preservation Fund through a real estate transfer tax, efforts should continue to be pursued to link the various available public sources of funding for fee simple acquisition with private strategies designed to establish financial incentives to encourage land preservation.

## 17. PRIVATE LAND CONSERVATION

There are many land conservation strategies that focus on protecting private lands without a change in ownership. Conservation easements are a significant strategy available to assist landowners and such strategies can provide tax, estate and related financial benefits. Every effort should be made to couple private land conservation strategies with public land use alternatives to maximize public investment and expand conservation efforts. A technique available to the Town and to private landowners, to conserve private lands, is a Transfer of Development Rights (TDR) program. This is an additional tool the Hudson Valley Community Preservation Act requires communities to “study and and consider” once a Community Preservation Fund is established.

A TDR program is a voluntary, market-driven growth management tool that permits higher intensity development in designated “receiving” areas in exchange for land or resource preservation in designated “sending” areas. Under TDR, a municipality establishes baseline development rights for both sending and receiving areas. To exceed these baseline development limits, owners in receiving areas must purchase unused development rights from owners in sending areas. The Community Preservation Act requires municipalities that have established a Community Preservation Fund to study and consider establishment of a TDR program pursuant to Section 261-a of Town Law. Gardiner’s Density Transfer provisions found in Section 220-22 of the Zoning Law may be a basis for further study of concertedly applying the TDR technique in the future.

## C. EVALUATION OF LAND USE PROTECTION ALTERNATIVES

The evaluation of available land use protection alternatives to preserve community character is a critical part of the Town's Community Preservation Plan. The potential application and prioritization of the 17 land use alternatives, previously identified and described, to the six Preservation Category areas and individual parcels will assist in maximizing the potential of the future Community Preservation Funds to accomplish the Town's preservation goals. A matrix has been constructed to assist with the evaluation and ranking of available land use alternatives. The matrix, which appears as Table 3.2 below, assigns a column for each individual or class of land use protection alternative with an identification number from Table 3.1 listed at the head of the column. The matrix assigns a specific row to each of the six Preservation Category areas and underlying categories of parcels and projects described and mapped in Part 2 of the Community Preservation Plan.

Land use alternatives that present the greatest potential for protection of a specific Preservation Category area or underlying category of parcels or projects are assigned a number one (1). Land use protection alternatives that may have a lower potential for application are assigned a number two (2), and alternatives with limited or no application are not assigned a ranking but are included because they may, under certain circumstances, result in a benefit. A complete description of the methodology for identifying Preservation Category areas and projects is contained above in Part 2 of the CPP.

It should be noted that several techniques are consistently referenced as the priority tools for preservation within each Preservation Category area. These include Conservation Easements, Purchase of Development Rights, Fee Simple Acquisition and Private Conservation. All of these Preservation techniques rely on obtaining conservation easements or acquisition of a particular parcel. These are the most effective tools to ensure long-term protection of land. Preservation efforts however, cannot rely solely on these measures for a variety of reasons. These include availability of funds, landowner interest in a particular technique, and the timing of various projects. Therefore, Table 3.2 describes the techniques available to the Town to supplement the priority tools available through use of Community Preservation Funds.

## Table 3.2: Town of Gardiner Community Preservation Plan: Land Use Alternatives to Protect Community Character

Land Use Alternatives (Click the number in the row below to see which alternative it is)

Table 3.1 Tools →	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
<b>Priority Preservation Category Area</b>																	
Meadows, forests, wildlife habitat, and the Ridge	2	2	1	2	2		2	2	1		1	2		1		1	1
Rivers, streams, wetlands, and drinking water	2	2	1		2	2			1				1	1		1	1
Scenic views and rural character	2		1	2	2		2	2	1		1	2		1		1	1
Farmland and agricultural resources			1	2	2				1						1	1	1
Parks, trails and recreation			1	2	2				1							1	1
Historic properties and the Gardiner hamlet			1		2				1							1	1

Table 3.1 Tools Key:

1. Commission for Conservation of the Environment
2. Flood Damage Protection
3. Open Space Preservation and Acquisition
4. Subdivision of Land
5. Zoning Law - General
6. Zoning Law - Floodplain Overlay District
7. Zoning Law - Agriculture
8. Zoning Law - Shawangunk Ridge Protection District
9. Zoning Law - Residential Development in RA and SP Districts
10. Zoning Law - Rural Siting Principles
11. Zoning Law - Timber Harvesting
12. Zoning Law - Excavation, Grading, and Clearcutting
13. Zoning Law - Wetland and Watercourse Protection
14. Zoning Law - Steep Slope Protection
15. Zoning Law - Protection of Agriculture
16. Fee Simple Acquisition
17. Private Land Conservation Strategies

**ENDNOTES:**

---

<sup>1</sup> The New York State Executive Law Section 481.7 defines “rural areas” as any municipality within a county of less than 200,000 population or “towns with population densities of 150 persons or less per square mile...”

<sup>2</sup> Gardiner’s Community Preservation Plan and Community Preservation Fund are sometimes referred to in the document as a program, which is a Plan or system under which action may be taken toward a goal.

<sup>3</sup> The Hudson Valley Community Preservation Act was enacted for Westchester and Putnam counties in 2007, with Ulster County added in 2019. Several municipalities in other counties have established community preservation programs under individual amendments to New York State Town Law.

<sup>4</sup> Conservation: An Investment That Pays, The Economic Benefits of Parks and Open Space by The Trust for Public Land, 2009.

<sup>5</sup> The Costs of Sprawl: Environmental and Economic Costs of Alternative Residential Development Patterns at the Urban Fringe, prepared by Real Estate Research Corporation, April 1974. US Government Printing Office, Washington, DC.

<sup>6</sup> The federal Council on Environmental Quality was created in 1969 by the National Environmental Policy Act (NEPA). The Council advises the President and develops policies on climate change, environmental justice, federal sustainability, public lands, oceans, and wildlife conservation, among other areas. The Council also coordinates the federal government’s efforts to improve, preserve, and protect America’s public health and environment.

<sup>7</sup> See the American Institute of Architects Center for Architecture series highlighting the issue with NYSERDA and the Building Energy Exchange at: <https://be-exchange.org/beyond-zero-series-carbon-neutral-adaptive-reuse/>

<sup>8</sup> See for instance the 2004 Gardiner Comprehensive Plan, page 29.

<sup>9</sup> New York State General Municipal Law Section 6-s, New York State Tax Law Section 33-B, and New York State Town Law Section 261-A.

<sup>10</sup> Follow the link for New York State Senate information on the Hudson Valley Community Preservation Act: <https://www.nysenate.gov/issues/hudson-valley-community-preservation-act>

<sup>11</sup> Highest score updated from 68 to 70 on 6/30/2022.

<sup>12</sup> Average score was updated from 24 to 23 on 6/30/2022. Median score was updated from 22 to 21 on 6/30/2022.

## **Appendix A: Preservation Category - Priority Parcel Spreadsheet**

Appendix A is a PDF file of a spreadsheet available through the link provided below. This PDF file cannot be printed on a standard printer, due to its size, and may only be printed on a commercial printer with the ability to print on 24" x 36" or larger paper.

[Click this link to go to the Town of Gardiner 6/30/22 CPP Update webpage.](#)

## **Appendix B: High Resolution Preservation Category Maps**

[Click this link to go to the Town of Gardiner 6/30/22 CPP Update webpage](#)

## **Appendix C: Community Preservation Survey Results**

[Click this link to go to the Town of Gardiner 6/30/22 CPP Update webpage](#)

## **Appendix D: Gardiner CPP Data Inventory & Conservation Criteria**

[Click this link to go to the Town of Gardiner 6/30/22 CPP Update webpage](#)