

Introduction

As mentioned throughout this plan, partnership with landowners is the key to a successful open space program in New Paltz. This partnership allows for open discussion and creative “win-win” solutions for landowners, the Town, Village, and community. The open space program includes a suite of potential options for landowners of different means and circumstances. With all options, voluntary program participation is essential to creating an environment that will foster partnership and make landowners feel comfortable participating.

Landowner Options: Suited to Needs

Developing the right set of options for protecting open space lands depends greatly on the circumstances and needs of the landowner as well as the long-term use goals of the open space.

For example, a landowner who is not ready to permanently protect his/her land for a variety of personal reasons but needs some temporary financial relief may wish to apply for a term conservation easement, which would allow him/her to keep using the land while protecting the land from development for a given period of time (10-15 years, for example). This approach can be used to “buy time” while the landowner works towards his/her long-term goals and also offers short-term tax abatements. Another landowner who wishes to develop a part of his/her land but protect a large amount as open space through a conservation easement may work with the Town through a cooperative planning process to obtain the necessary density or use variances in zoning in exchange for permanent protection of a significant portion of the land. These are just a few of the potential options.

Following are several tools or options, suited to specific needs/desires of a landowner. Following these options is a chart detailing the potential



An example of a cooperative approach: the scenic Tyson property is conserved with an easement held by a local land trust while the lands remain in private ownership and on tax rolls. The property is important to the viewshed of the Shawangunks (to and from the Village), and to the rural character of the Butterville-Canaan foothills.

application of the options for landowners with specific needs as follows:

- Landowner wishes to continue farming
- Landowner interested in open space conservation
- Landowner interested in protecting historic/scenic qualities of the lands
- Landowner wishes to develop all or part of the lands

State Farmland Protection Program

The state Farmland Protection Program is administered by the New York State Department of Agriculture and Markets. The program awards grants to local governments (town or county with approved agricultural protection plan) that cover up to 75% of the cost to acquire development rights (also known as Purchase of Development Rights, or PDR) on qualifying farms. It requires a 25% local match, which can come from the municipality, landowner (who can offer a bargain sale of the 25% or sell at 25% below appraised value and use this as a tax deduction), or other partner such as a private land trust.

A Future Purchase of Development Rights (PDR) Program

The Town could develop its own program to purchase development rights to specific properties, as well as to supplement the state and nonprofit grant programs to purchase development rights. Under PDR, the development rights of a property are purchased but the property otherwise can continue to be farmed or used for purposes other than development, which is restricted as part of the easement. PDR can be applied to agricultural properties as well as lands with scenic, natural, or other open space values. The development of a Town PDR program is dependent on the establishment of a dedicated fund for the program. This can be created through municipal bonding, a dedicated reserve

account, or other mechanisms. According to the American Farmland Trust, a nationwide authority on farmland protection, the success of a local PDR program depends on several factors, including:

- The types of land-use restrictions developed
- Easement costs
- Raising purchase funds
- Administration of the program
- Monitoring and enforcement of easements

PDR Grant Application Assistance

The Town and Village, and other partners such as nonprofits, could offer assistance to landowners in the preparation of grant applications for state, local, and other grant programs. Grant applications can be time-consuming for landowners and often can be quickly completed by an experienced grant writer. This type of service is greatly appreciated by landowners who have busy schedules.

Term Conservation Easements

In general, term easements provide tax abatement in exchange for protection of the agricultural, open space, or historical values of land or buildings. The easement is created for a specific period of time (for example 5 to 20 years) and the landowner's taxes are abated (for example by 30%, 50% or 80% for differing terms) for this period in compensation for the term conservation easement. Term easements are generally considered to be a short-term option to protect land. However, the term easement offers an alternative (or supplement) to a PDR or other land protection program and provides a valuable short-term option to "buy time" while finances are raised to purchase land outright or through a PDR program or other mechanism, or as community values shift. Term easement programs can be developed to protect agricultural, open space, and historic properties of lands and buildings. While the open space and agricultural

conservation easements limit development, the preservation easement limits the types of modifications that are allowed to be made to the property. For example, the easement may prohibit the modification or removal of historic features. This type of program would be voluntary.

Lease of Development Rights

The lease of development rights (LDR) is similar to PDR except that the Town leases development rights from the landowner for a specific period of time, rather than purchasing the development rights outright. The landowner receives reduced property taxes and in some cases an annual fee for lease of the development lands from the municipality. Under this option, less up-front cash is needed by the community to protect the land. This option does not ensure permanent protection, but may be a good way to protect vulnerable agricultural lands from conversion (to development) in the short-term and could be complemented by a PDR program.

New York State Agricultural District Benefits

New York State's agricultural districts program is a multi-faceted initiative designed to promote the continued use of farmland for agricultural production. The program's benefits include "preferential real property tax treatment (agricultural assessment and special benefit assessment), and protections against overly restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices." In the New Paltz community, there are currently two agricultural districts: District 2 and District 3. Many (but not all) of the active farms are enrolled in the district.

Clifton Park's Term Conservation Easement Program

The Town of Clifton Park, in Saratoga County, NY developed a term conservation easement program to respond to landowners' needs. The Town offers term easements for agricultural, open space, and historic properties. There is a minimum 15-year term for the easements (but no maximum), and the reduction in taxes increases as the easement term increases. The program was enacted in 1996. Approximately 2,450 acres have been enrolled in the program as of 2004.

New York State Agricultural Assessment

The state's agricultural assessment allows owners of farmland to receive a lower land assessment if the farming operation meets certain criteria. Through this program, agricultural land is assessed for its value for agricultural production rather than for development.

Right of First Refusal with Farm Landowners

Landowners whose circumstances do not allow for a conservation easement or other type of permanent mechanism for conservation may offer "right of first refusal" to farmers interested in their lands. A list of interested farmers could be generated through the agricultural lands database (see page 40 for more detail on the agricultural lands database). The "right of first refusal" allows interested farmers to match a purchase offer when the land eventually goes up for sale. This is specifically important for farmers looking to increase contiguous land holdings.

Conservation Easement and Purchase of Development Rights (PDR) Programs

Ownership of land includes a suite of legally recognized rights including the right to subdivide and develop, farm, and harvest timber, to name a few. Landowners can choose to forego a portion of these rights to protect the land for future generations. These rights can be donated or sold to a municipality or land trust through the creation of a conservation easement and the landowner can continue to use the land for purposes that are not prohibited by the terms of the easement. The landowner continues to hold the deed to the property, including the right to sell, donate, or transfer the property.



In Pittsford, NY an early vision and action plan (“Greenprint for Pittsford’s Future”) has resulted in the protection of all seven of the Town’s active farms through a PDR program, including Mark Green’s farm, pictured above.

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A conservation easement restricts development of a property only to the extent necessary to protect the land’s conservation value. For agricultural lands, the conservation value is often achieved by restricting new subdivision and development to protect farming operations. This does not mean that new farm buildings are prohibited.

A Purchase of Development Rights (PDR) Program is a type of conservation easement program that is focused on farmland protection. It is a way of compensating willing landowners for not developing their lands. Development rights are purchased from a landowner in order to ensure that the land is kept undeveloped. The benefit to the landowner includes the receipt of cash payment for keeping the land in farming production, possibly tax benefits for a reduced assessment of the land (based on farming rather than development potential), and in many cases, the comfort of knowing that the farm legacy will live on.

A conservation easement is a carefully-crafted document between the landowner and the easement holder (municipality or land trust, for example). The easement parameters are flexible and can be defined by the landowner to ensure that his/her goals are met.

Under a conservation easement, the landowner:

- Still owns the property and can still sell the land (the easement, however, stays with the land and the property is sold with the easement).
- Does not have to put an easement on all of his/her property (for example, a portion can be reserved for the family and can retain development rights).
- Does not require public access on the property.

Resource or Character-Based Design Guidelines

Resource or character-based design guidelines help to define a more specific vision (than general design guidelines) for the appearance of new changes in the landscape. The images below illustrate the types of design guidelines or standards that might apply to a rural countryside setting in New Paltz.



A new residential development is disguised along the roadway by conserving a horse farm as part of the roadside buffer. (Malta, NY)



A home is “tucked” in to the surrounding woodlands rather than sited in the middle of the open fields. (East Greenbush, NY)

Assistance for Farm Business Corporations

The Town could explore specific ways to help farmers/farm families who have incorporated their farms as business corporations. By doing so, they do not qualify for as many of the tax benefits through agricultural districts, STAR for farmers, etc.

Permanent Conservation Easement

A permanent conservation easement restricts development on land in perpetuity, as defined by the easement language. The conservation easement can be used to protect agricultural value, scenic quality and views, important wildlife habitat, or other unique open space features. Conservation easements are discussed in detail in the text box on page 36.

Town-Financed Conservation Easement Transaction Costs and Easement Monitoring

The conservation easement process most often involves the need for a lawyer, appraiser, and possibly financial advisor. Once the easement is developed, the landowner may need to contribute to an easement monitoring program. Transaction costs (appraisals, attorney fees, surveys, title searches, etc.) are also associated with the easement. These costs can be prohibitive to landowner participation in a PDR program. By offering to compensate the landowner for these costs, the Town may encourage broader participation and interest in the program.

Resource or Character-based Design Guidelines/Standards

Design guidelines for residential and other types of development (for example commercial corridor guidelines) can help landowners understand how to create development that enhances New Paltz's open spaces and preserves the "rural character" and other special character areas in New Paltz. Design guidelines should be based on character areas rather than universally applicable to the Town.

For example, design guidelines for the Route 208 South corridor might focus on preserving the rural roadside character by defining architectural and landscape guidelines/standards for residential and commercial development along the roadways. An example of such a standard might include setting development back from the road at a distance that conforms to the roadway character, to continue the roadway "greenspace" buffer. Architectural standards, including suitable lighting and signage, for example, would complement the appropriate siting and context of development.

For the Butternut-Canaan Foothills/Mountain Rest Road area design guidelines/standards might focus on preserving the natural, wooded and scenic views of the Shawangunk Mountains and might include site planning guidelines that call for a compact building footprint while tucking development into wooded areas. They might also include architectural standards, such as roof and building color palettes that blend into the landscape.

Cooperative Land Planning

Cooperative land planning is essentially the spirit of this entire plan. The concept of cooperative planning includes an ongoing discussion between landowners and the Town and Village as to their needs and options. The Town and Village may be able to provide the landowner with options (many of which are outlined in this report) so that the community's open space goals can be

met as well within the context of the landowner's needs.

Open Space Incentive Zoning

Incentive zoning allows a landowner or developer to work with a municipality to obtain specific incentives in exchange for providing desired community amenities such as open space conservation. Incentives may include modifications to density, allowed uses, setbacks, or other zoning controls. The landowner or developer may provide, in exchange, dedicated open space, trail access, park land or potentially cash (in lieu of land) to contribute to a PDR program.

Coordinated Area-specific Master Plans

Landowners can directly benefit from working cooperatively with the Town and Village to develop plans for specific areas of New Paltz. Such a detailed master plan might include an in-depth site analysis of potential conservation resources and identification of potential areas that may be preferred for future development. For example, a master plan for the "Heart of Town" area might engage the public in a discussion about the desired level and intensity of development for the remaining undeveloped lands and would help to frame future scale and location of development and conservation efforts. Area-specific master plans, such as a future area master plan for the Mill Brook Preserve, can also be created in a spirit of cooperation between multiple adjacent landowners.

New Paltz Open Space Plan

Landowner Options Table: the table below provides an overview of the type of options available to landowners of differing circumstances. The options are discussed in this section of the plan in more detail.

Program or Option	Landowner Interested In...			
	Continuing Farming	Open Space Conservation	Protection of Scenic or Historic Qualities	Developing Part or All of Lands
State Farmland Protection Program	●			
A Future Town Purchase of Development Rights (PDR) Program	●	●	●	●
Term Conservation Easements	●	●	●	
New York State Agricultural District Benefits	●			
New York State Agricultural Assessment	●			
Lease of Development Rights	●			
Right of First Refusal with Landowners	●	●	●	
Assistance for Farm Business Corporations	●			
Permanent Conservation Easement	●	●	●	●
Town-financed Conservation Easement Transaction Costs and Easement Monitoring	●	●	●	●
Resource or Character-based Design Guidelines/Standards		●	●	●
Cooperative Land Planning	●	●	●	●
Open Space Incentive Zoning		●	●	●
Coordinated Area-specific Master Plans		●	●	●

Other Potential Policies to Help Farmers Keep Their Lands Open:

Create an Agricultural Lands Database

The Town/Village could create and maintain a database of agricultural land supply in the community to serve as a clearinghouse/point source on available agricultural land supply, land use and protection status in New Paltz. This database would help direct farmers to potential parties with interest in renting or leasing lands, as well as other business development and growth sharing opportunities. It would provide information to long-time existing farmers, as well as new, start-up farms and community supported agriculture. Agricultural education and outreach materials should be created along with this database. The materials could be used to inform landowners who are interested in conservation about their options, including economic and other implications of their choices.

Form a New Paltz Agricultural Committee

Form a dedicated agricultural committee in New Paltz, and/or merge with a regional agricultural committee, such as exists in the Rondout River Valley on the western side of the Ridge. The committee is an invaluable tool to help inform the Town of emerging concerns and issues and can help represent the agricultural community through planning processes. This committee could help maintain the agricultural lands database and could also help develop agricultural educational material working with county and state resources.

Create a Town Agricultural Land Reserve

The Town could protect important agricultural lands for future agricultural needs by creating an agricultural land bank or land reserve. Through this process, the Town could purchase important farm lands (potentially through the right of first

refusal option) and hold the lands for future sale or lease to interested farmers (who may be identified through the agricultural lands database). This type of land reserve helps to safeguard important agricultural lands until need or demand for such lands arises.

Agricultural / Farm Viability Grant Application Assistance

The New York State Department of Agriculture and Markets administers a Farmland Viability Grant Program for farmers. Under the program, funding is provided to applicants who wish to develop or implement a business plan or a Comprehensive Nutrient Management Plan (CNMP). One of the requirements of the grant is that there is a demonstrated mechanism for increasing profitability while practicing sound environmental management of the farming operations. Business plans may address the “value-added processing of agricultural products, transitioning to an alternative product, construction of new facilities, or the protection of natural resources.” The Town/Village could help landowners prepare grant applications for this program.

Support Local Research and Development

Supporting local research, such as the existing Cornell research farming area along the Wallkill River, and the work of SUNY students, all helps to maintain and enhance the agricultural community in the region. These types of innovative work demonstrate the region’s commitment to cutting-edge agricultural research and development. The community can aid such research efforts by reaching out to the respective universities to identify potential opportunities for support.

Support Agritourism

Agritourism is a growing sector in the region, especially in Ulster County and New Paltz, and should not be overlooked as an important income-generating tool. Agricultural landowners can increase their diversity and profitability, and

in some cases extend their income throughout the four seasons, by incorporating agritourism opportunities into their business plans. The Shawangunk Wine Trail is an excellent example of successful agritourism in the New Paltz region. Other examples of agritourism include bed and breakfast (B&B)'s, corn mazes, and hay rides, all of which help to supplement farm income and generate interest and new customers.

The region's chamber of commerce and other organizations also produce valuable guides and materials that help to promote New Paltz' farm stands, pick-your-own, and other agritourism destinations. The Town and Village can continue to support and expand upon such valuable marketing and explore future areas for expanded agritourism. Additionally, the Town's zoning code and other land-use regulations can be reviewed to ensure that agritourism options are fully supported.

Support Farm Products Through Local Consumption

The Town and Village, along with the local institutions (e.g., SUNY), could support local agriculture by contracting with local farms to purchase their goods for regular and special events. For example, the local school districts, with support from the Town and Village could contract with local farms for school lunches, helping to support local farmers, keeping expenditures local, and also providing for healthier alternatives to school lunches. More information on connecting farms and schools is available from the national Farm to School Program (<http://www.farmtoschool.org>) and the Cornell Farm to School Program (<http://www.cce.cornell.edu/farmtoschool>).

Local Laws

The Town and Village's comprehensive plan and zoning ordinance, which are essentially land-use blueprints for the future, can be fully supportive of agriculture. The comprehensive plan can include an agriculture element, with specific goals

and objectives for protecting farmland as a part of the area's economic base and rural character.

The Town's zoning ordinance can ensure that agricultural uses are allowed in various zoning districts and that allowed accessory uses provide flexibility for landowners. For example, providing flexibility for farmers or large-acreage landowners to develop a bed & breakfast or a farm stand to supplement the farm income will help to diversify income options and thus keep the land in farming while ensuring enough land resources remain available for agricultural production.

For landowners that choose development as an option, the Town's subdivision regulations could also allow for creative conservation development of farms so that the land and rural heritage is preserved to the maximum extent during development. The conservation design process detailed in Part II of this report, which could be applied towards new subdivisions, could help to achieve the goals of preserving rural heritage and minimizing impacts to any adjacent farms.

The Town should formally recognize the State's existing "Right to Farm Law" to build awareness of this important existing legislation to support continued viability of farms in New Paltz. The state's "Right to Farm Law" helps protect farmers from nuisance lawsuits when they are abiding by reasonable standards of operation. Building awareness of this law is especially useful in growing communities such as New Paltz, in which subdivisions are erected within close proximity to farms and the residents become increasingly intolerant of essential farmland operations (tilling, spraying, smells of livestock, etc.). These types of land-use conflicts can also be abated through the use of good site planning and design of subdivisions, and through the inclusion of appropriate buffers, landscape treatments, and other techniques.

Another mechanism for protecting farms from nuisance suits has been implemented by the Town of Goshen. The Town requires that subdivisions created near active farms include a notice in the deed that there is a farm nearby that may create typical farm noises and odors.

Summary

This section has outlined many options for landowners to keep farming, conserve their lands, and to develop with sensitivity for the community's natural, cultural, agricultural and scenic character. The Town and Village, working with landowners, should develop a land conservation program that implements the most desired and useful options for landowners. Landowners can then partner with the Town and Village to create "win-win" open space conservation results.



A winter setting at Taliaferro Farms, a community supported agriculture (CSA) operation near the Wallkill River.