

**Town of New Paltz**  
**Clean Water and Open Space Protection Commission (CWOSP)**  
**DRAFT Minutes, Meeting of July 11, 2018, at the Community Center**

**Members Present:** Kevin Borden, Lynn Bowdery, Richard Fiesel, John Gotto, Michael Knutson, Cara Lee, and Tom Weiner

**Town Officials:** None

**Public present:** None

**Minutes taken by:** Lynn Bowdery, CWOSP Commission member and Secretary

**1. Meeting called to order at:** 7:08 PM by Co-chairman Kevin Borden

**2. Public comments:** None.

**3. Review, amend and approve minutes of previous meeting:** Michael Knutson moved to accept the minutes of the April 11 meeting as read. Richard Fiesel seconded the motion. All present voted in favor. Note: There was no May meeting and there was not a quorum for the June meeting and so there are no minutes for May and June.

**4. Natural Resources Inventory Discussion/Commitment Process:** The CWOSP Commission has committed to contribute 20 hours of participation in the process of having an improved NRI created. It is needed particularly for Climate Smart Community uses, but is also very useful to the EnCB, CWOSP Comm. and Planning Board, as well as providing information to the public. The existing NRI is inadequate for many uses, being rudimentary and not digitized or available online. Lynn Bowdery noted that the Planning Board needed more specific information, and had a while ago been considering adopting Habitat Assessment Guideline, for which a good NRI would be useful. CWOSP will wait to be contacted when our participation is appropriate. The letter supporting the creation of an NRI for the Town of New Paltz is attached.

**5. Solar Law Discussion to Further Develop Recommendations to Solar Law Working Group:** Mike (Michael Knutson) and Cara have volunteered to represent the CWOSP Comm. in the Solar Law Working Group. We will notify Supervisor Neil Bettez and the Town Board of this. Cara requested that we review the most recent NYSERDA model solar law and identify the parts we have hesitations about in how it would apply to New Paltz. We can confer with NYSERDA about questions we might have. She said we should also be thinking about where in the Town solar developments should go. She reported that she went to a NYSERDA event in Kingston for town officials, which covered facets of taxation and use of town property among other things. She also had a conversation with Amanda LaValle, Coordinator of the Ulster County Department of the Environment. The County is very interested in solar development on municipal landfills. Cara reported on this to Town Board member and CWOSP Comm. liaison Marty Irwin, that the county has money to spend on solar development on town landfills. Cara suggested that New Paltz should push toward a project on our landfill and that CWOSP Comm. should discuss this more with our Town officials, and ask that the supervisor get a small group together to talk to the county. Kevin Borden observed that the Supervisor had said New Paltz should be using solar to power the Town and Village offices. The goal is for New Paltz to be generating as much solar energy as the distribution system can accept.

**6. Update on WVLТ Conversation, Creation of CWOSP Statement/Talking Points on Easement Importance/Monitoring:** Cara and Mike met with the Executive Director of the Wallkill Valley Land Trust (WVLТ), Christie DeBoer, to discuss cluster subdivision conservation easements (CEs), and farmland preservation opportunities. Cara provided a review of the cluster subdivision CE situation: The Town's Cluster Subdivision Law, Article VA §121-25 of the Town Code, requires CEs in concept, but it hasn't worked well and is costly and difficult to monitor for compliance with the restrictions imposed. The applicant for a cluster subdivision which received conditional approval in the past but was never finalized is before the Planning Board; to finish it, the Town must accept the CE that was required, but

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there is reluctance by the Town to accept any new conservation easements on cluster subdivisions, and other ways of protecting the preserved undeveloped land are being explored. The CWOSP Comm. has an interest in this issue, since it involves the protection of open space in the town. Previously CWOSP Comm. arranged for the Town to have the conservation easements that it holds monitored by the Wallkill Valley Land Trust, paid for from the annual CWOSP Comm. budget. The Town's easements had previously not been monitored. Monitoring a particular cluster subdivision, in which the land protected by the conservation easement is part of 10 different properties, has proved to be time-consuming and expensive to monitor and complicated to enforce. Cara has written the text of a letter to be sent to the Supervisor and Town Board by the CWOSP Comm., which was reviewed and discussed. Cara will incorporate the suggestions and circulate the letter to the members for final approval and John will send it on to Supervisor Bettez and the Town Board. It is attached to these minutes. We discussed how CWOSP Comm. could help find ways to improve the Cluster Subdivision conservation easement requirements.

Mike reported on their meeting at WVLT regarding other opportunities for land conservation. WVLT has received a grant to produce a map of scenic resource areas in southern Ulster County, including New Paltz. WVLT would like to work cooperatively with other entities including the county to leverage funding. They are working on the long view, to elevate the story of open space protection and would like to come up with a generalized map with preservation priorities. We should look at the map when it is done and look at long-term strategies to work together. Regarding farmland preservation: nothing is ripe right now. We do have mutual goals. The map might be ready to review by our next meeting.

**7. Thoughts on Next Meeting Agenda and Adjournment:** Tom Weiner brought up future priorities for CWOSP, noting that "Clean Water" is in the name. Should we be working with the Wallkill River Watershed Alliance? Cara said that CWOSP should consider it if a suitable project occurs. Cara also said that she heard from Dan Porter that some landowners in the Libertyville area are interested in land preservation, and he wants to know what we would suggest. We can send people from CWOSP to talk to people and walk the land if requested. For the next agenda, follow up on items 5 and 6.

John Gotto moved that the meeting be adjourned. Cara Lee seconded the motion. All in favor. The meeting was adjourned at 8:18 PM.

Our next meeting will be August 8, 2018.

Attached letters to Town Board follow:

June 19<sup>th</sup>, 2018  
Neil Bettez, Supervisor Town of New Paltz  
52 Clearwater Road New Paltz, NY 12561

Dear Neil,  
As Co-Chairman of the Town of New Paltz Clean Water and Open Space Protection Commission (CWOSP), I am writing to offer the strong support of CWOSP for the Town of New Paltz application for grant funding for preparing a [digitized, publicly accessible](#) Natural Resources Inventory. This will benefit our community in recognizing and conserving our valuable natural resources, as well as be used to complete steps to become certified in the NY State Climate Smart Communities program. We understand that the Town will be working with the Village of New Paltz as a partner so that the Village can also complete required steps to become certified in this program. This project is closely aligned with the mission and goals of our organization and we look forward to participating in this project.

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CWOSP was formed in 2007 to participate in implementing the Town of New Paltz Open Space Plan, approved by voters in 2006. Our mission is to provide interested landowners with options and funding sources for completing conservation projects that are a priority to the Town of New Paltz. We meet monthly in support of these goals.

The New Paltz CWOSP is committed to contributing to this project by providing volunteers from our commission members to

- provide existing local natural resource data;
- participate in discussion of resources of conservation concern, threats to those resources, and recommendations for conservation measures that could be carried out by landowners and municipal agencies;
- review and provide comment on an explanation of how to use the information in the NRI for land use planning, municipal policy-making, and environmental reviews of development projects;
- review and comment on draft and final maps and reports;
- support and participate in community engagement events; and
- assure the integration of priority areas identified in the Town Open Space Plan and general conservation principles in the NRI project.

We will provide and coordinate volunteers to provide 20 hours of volunteer time for this project, and we are committing this contribution to be included in the grant budget as part of the matching requirement. We understand that the state's approved hourly rate for volunteer commitments, based on guidance and standards established by the Independent Sector coalition of charities, foundations, corporations, and individuals that publishes research important to the nonprofit sector, and the Financial Accounting Standards Board, is \$23.56/hour as of 2015. Our commitment, therefore, is to contribute time of volunteers for this project that can be valued at a total of \$471.20 for the purposes of the grant budget and required matching resources.

Thank you for implementing this important project and we look forward to working with the Town and Village to complete the Natural Resource Inventory project and Climate Smart Communities Certification.

Sincerely,

John Gotto

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DRAFT  
Neil Bettez  
Supervisor, Town of New Paltz  
New Paltz Town Board Members  
P.O. Box 550  
New Paltz, NY 12561

(DATE)

RE: Conservation Easements

Dear Neil and Town of New Paltz Board Members,

It has come to the attention of the Clean Water Open Space Protection Commission (CWOSP) that the Town Board has found the implementation of the conservation easements provision of the cluster subdivision code challenging and potentially expensive. CWOSP supports requiring conservation easements for cluster subdivisions and larger subdivision developments as an important part of our town's strategy for protecting open space and providing valuable habitat linkages across the landscape in the face of development. Thus, we wish to offer some suggestions to address the issues that have come up.

A conservation easement is a voluntary legal agreement between the land owner and a land trust or government agency that permanently limits uses of the property to protect its conservation values. Conservation easement agreements allow for land owners to retain ownership and retain many of their rights, including selling the property and limited development, but the land remains protected in perpetuity.

Creating effective easements that provide conservation value and can be easily monitored and enforced can be challenging – there is no “one size fits all” formula. However, there are principles and practices that can better inform development of easements to avoid some of the pitfalls New Paltz is experiencing with easements that already exist or are pending. While we will have to live with some existing language which has proven to be challenging to steward, we should learn from those experiences going forward.

We recommend creating a committee to review the intent of the cluster subdivision law and provide recommendations on future easement design to insure they are effective and manageable. The committee should include individuals from CWOSP, the Planning Board, Town Board, the Building Inspector and conservation professionals who live and work in the community. In addition to providing guidance on easement terms, the committee may also want to consider additional options in situations where there is limited conservation value to be gained. One example might be a conservation fee (like a recreation fee) that could be used for conservation purposes, e.g. monitoring and enforcement of the easements held by the Town, or future land conservation efforts.

CWOSP has played an important role in assuring that the Town's easements are properly monitored by contracting with the Wallkill Valley Land Trust. While our Town Building Inspector has played an increasingly active role in easement monitoring, we think that working in partnership with CWOSP and the Land Trust is still a good model. Taking advantage of the Land Trust's experience is cost effective, reduces the work load for the Building Inspector, and provides that the conservation “industry standard” set by the national Land Trust Alliance is being met with our easement program in New Paltz. While

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CWOSP has not formally developed its budget for the upcoming year, we expect to include a line for easement monitoring for the upcoming year and urge support for this work from the Town Board.

We would like to invite you to our next meeting on August 8<sup>th</sup> to discuss our proposal, or could meet at another mutually convenient time.

Thank you for your consideration.

Sincerely,