

New Paltz

Community Preservation Plan 2020



JUNE 30, 2020

Town Board of the Town of New Paltz

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The 2020 Community Preservation Plan was prepared for the Town Board of the Town of New Paltz by the Ad Hoc New Paltz Community Preservation Task Force. The Task Force included volunteers from the Environmental Conservation Board, Historic Preservation Commission and the Clean Water Open Space Protection Commission, thus representing a cross section of community leaders from the Town and Village, all of whom donated their time to serve the community. The Plan itself is based upon the work of many others who preceded the Task Force. This includes numerous dedicated volunteers, officials and consultants who helped prepare the 1995 Town and Village Comprehensive Plan, the 2003 Inventory of Open Spaces, the 2006 Town Open Space Plan, the 2010 Farmland Preservation Plan, the 2011 Comprehensive Plan, and a number of other Town planning projects. The Community Preservation Fund program in New Paltz was inspired by the New York State Community Preservation Law, as amended in 2019 through the efforts of Senator Jen Metzger, who is responsible for expanding the program to include Ulster County.

The Task Force is especially grateful to Ingrid Haeckel, Chair of the Town of New Paltz Environmental Conservation Board and a member of the Community Preservation Task Force, who assembled and integrated complex Geographic Information Systems (GIS) information on thousands of parcels in the Town and Village and skillfully created the Community Preservation Plan maps and spreadsheets. Photographs are courtesy of Lynn Bowdery, F. Danisi, Ted Fink, John Gotto, Ingrid Haeckel, Cara Lee, M. Moser, and Julie Seyfert-Lillis.

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_____ 2020

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Executive Summary

This Community Preservation Plan is respectfully submitted to the residents of New Paltz with the aim of fulfilling the community's established preservation goals. It was prepared by citizen volunteers and municipal officials to help both the Town and Village preserve their natural and cultural resources and plan for the future. It provides a way to raise funds to accomplish open space, natural resource, historic preservation, and recreation goals and priorities established over the past several decades by both municipalities.

New Paltz covers a finite land area of 33.88 square miles (or 21,632 acres). Since its founding in 1677, New Paltz's population has grown steadily and its land area has become developed with houses, businesses, institutions, and industries. The estimated 2019 population of New Paltz, including both the Village and Town, is 14,036. Population projections¹ indicate that the Mid-Hudson region of New York State, which includes Ulster County, will experience continued population growth through 2040, the last year studied. This projection indicates a continued steady population growth of six percent in the next 20 years alone that would result in almost 1,000 new residents. Every new resident of New Paltz will need a home to live in and will consume goods and services in the community whether they moved here because of the high quality of life or are born into the community. 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 conservation and development.

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

The New Paltz community has identified this dilemma in its official municipal plans. The 2006 Open Space Plan states:

"As the population continues to grow and suburbanize, it is increasingly important to define a vision and goals for the future of the New Paltz community. Protecting New Paltz's open space includes preservation and conservation of significant ecological areas...However, it also includes protection of the character of the community, which includes a balanced mix of farms, old fields, historic landscapes, streams, and water features to name just a few. This can be accomplished through comprehensive protection of open

¹ According to the Cornell University Program on Applied Demographics, which is used by the New York State Department of Labor for the period from 2010 to 2040.

space, and with development that respects the open space assets and unique character of the land...This open space plan sets the stage for identifying, prioritizing, and implementing protection of the community's open spaces. The plan recommends an open space program that includes three components: a comprehensive land conservation program (to protect open spaces outright through purchase, conservation easements, and other mechanisms); a conservation development program that provides tools for planning new development in a way that will protect the rural character and ecological integrity of the New Paltz community; and a strategic funding program to ensure that the open space program can be fully implemented."

The takeaway from the above quote is that New Paltz residents cherish and wish to protect the diverse natural and historic features which make up the Town's community character. Our constitutional right to own land and to buy and sell it freely as a commodity, however, must also be respected. This Community Preservation Plan is specifically designed to allow New Paltz to accomplish both purposes. The tools to do this have been expanded significantly since New Paltz adopted its Open Space Plan in 2006.

New York State has recently amended its laws that apply to local government by providing a new tool to carry out the protection and preservation of the Town's assets, 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 identified in the state's legislation. It is an entirely voluntary program that rewards willing landowners and property owners, 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 annual tax, the Community Preservation Plan proposes a new revenue source that applies only to transfers of land ownership. When land or property passes from one owner to another, a "transfer tax" is collected. The revenues from that transfer must be deposited and dedicated as a 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 designated historic properties, on resources identified in this Community Preservation Plan. It is 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 development.

The New Paltz Community Preservation Plan respects the goals and recommendations made in the Town's official plans, such as the 1995 and 2011 Comprehensive Plans,

the 2003 Inventory of Open Spaces, the 2006 Open Space Plan, and the 2010 Farmland Preservation Plan. Each of these plans spelled out how important it was to protect natural and cultural resources in the community. Each plan also identified numerous ways the Town could accomplish its goals. The Community Preservation Plan provides the means to preserve the lands and resources that have been identified as most important to residents of the Town by introducing a new and effective means to preserve those lands.

The Community Preservation Plan has identified areas in the community (referred to as projects and focus areas) that have been identified in prior plans. State law requires that individual parcels of land within the project or focus areas must be identified and considered for preservation. These include lands that contain important water resources, are agricultural lands, are within scenic viewsheds, contain a historic structure or resource, are favorable for recreation including trails, contain wildlife habitats or other natural areas, or have been recognized as important open space resources. The Community Preservation Plan recognizes that all parcels identified cannot be acquired, even if every willing landowner wanted to sell their land or the development rights to their land. Existing land use protection alternatives like Zoning and conservation subdivision are also explored in this Community Preservation Plan. The Plan recognizes that sufficient funds must be available for the Town to work with willing property owners.

The benefits to New Paltz of adopting and implementing a Community Preservation Plan are numerous and have been well studied for decades. According to The Trust for Public Land (TPL),² land conservation is a wise use of the public dollar and should be viewed as an investment rather than a cost. Some of the benefits 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, such as schools, but pay property taxes just like every other landowner.
- 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

² Conservation: An Investment That Pays. The Economic Benefits of Parks and Open Space by The Trust for Public Land, 2009.

habitats, and orderly and fiscally sound land development (i.e. cows don't go to school).

- 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 been important federal studies on the issue of land conservation, as well as private studies based on federal data collection activities, that support land conservation efforts like the Community Preservation Plan. These studies and their findings include the following:

- The Costs of Sprawl,³ a landmark 1974 publication of the US Environmental Protection Agency, Department of Housing and Urban Development, and Council on Environmental Quality 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." Numerous studies since that time have repeatedly examined the issue 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.
- According to the National Trust for Historic Preservation:⁴ "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."

³ 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.

⁴ The Greenest Building: Quantifying the Environmental Value of Building Reuse, prepared by the Preservation Green Lab, a project of the National Trust for Historic Preservation, January 2012.

- According to a study commissioned by an independent federal agency, the Advisory Council on Historic Preservation,⁵ concerning the economic impact of historic preservation on the local economy, the study found it 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 U.S. 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 more than 30 years of planning by the Town and Village to envision and then create a community that respects its natural and cultural environment. This Plan integrates the numerous plans and planning studies conducted by the Town and Village and seeks to fulfill established Town and Village policies for protection of the environment. In order for the Community Preservation Plan to become effective, it must follow New York State Laws established for that purpose. The Hudson Valley Community Preservation Act, which was adopted in 2007 and amended in 2019, is known as an enabling act. This type of law permits local government to take an action, only when it is consistent with state law. Zoning, which is addressed in Part 3 of this Community Preservation Plan, is another example of an enabling act.

The preparation of this Community Preservation Plan is the very first step in a process that will ensure New Paltz complies with state law. For New Paltz's open space and other planning goals to be realized, the following steps must be taken before the New Paltz Community Preservation Plan can take effect:

⁵ Measuring Economic Impacts of Historic Preservation, prepared by PlaceEconomic and the University of Pennsylvania for the Advisory Council on Historic Preservation, November 2011.

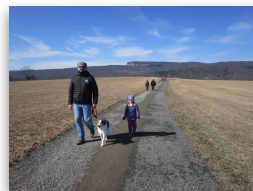
1. All communities that are considering whether to establish a community preservation program, under the Hudson Valley Community Preservation Act, must first prepare a Community Preservation Plan and hold a referendum.
2. The Community Preservation Plan must identify every parcel which could be acquired in the community, in order to protect natural and cultural resources.
3. The Community Preservation Plan must evaluate all available tools and techniques the community can use to protect natural and cultural resources in the community and also establish priorities for their preservation.
4. The Community Preservation Plan becomes the basis for expenditure of moneys deposited in a Community Preservation Fund, adopted by local law, which is then used to acquire parcels or conservation easements on parcels and other actions. The Plan must establish priorities for use of the Fund. Up to ten percent (10%) of the Fund may be used for management and stewardship of parcels identified in the Plan. The Fund may be used for costs relating to an approved project as well as direct acquisition costs such as the costs of title, appraisal, survey, and legal expenses for acquisition of easements, fee interests, or other Fund purposes approved under the Plan. Monies in the Fund may be used to establish a transfer of development rights (TDR) program but use of the Fund for TDR would only be permitted after the Town has completed a study of this planning tool pursuant to Section 261-a of New York State Town Law and has amended the Community Preservation Plan to use the Fund for this additional purpose. 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 effectuating the purposes of the Fund.
5. The Community Preservation Plan must be completed at least ninety (90) days before a mandatory referendum is held. The Plan must be available for public review at the Town Clerk's office, at local public libraries, and posted on the Town's website.
6. The Plan must be adopted by local law by the Town Board after a public hearing is held.
7. The Town Board must create a Community Preservation 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.

8. Funds deposited into the Community Preservation Fund may only be spent on projects that are included in the Community Preservation Plan, each project 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.
9. The Plan must be updated not less than once every five years.
10. The Plan 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. The State Environmental Quality Review Act (SEQR) must also be complied with prior to any actions related to the Community Preservation Plan by the Town Board.

This Community Preservation Plan begins the above process. It is divided into three parts. Part 1 provides an introduction and background on the Plan, including its purpose and a summary of the Plan document. Part 2 presents the methodology used in developing the Plan and summarizes seven focus areas where priority projects and parcels are identified for use of Community Preservation Funds. 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.”⁶

Together, the seven focus areas and the priority projects and parcels form a comprehensive system of open space and historic preservation priorities for the Town and Village of New Paltz. 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 New Paltz’s environment, economy, and community character.

⁶ 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>



PURPOSE

1. Introduction, Purpose and Summary

A. Introduction

New Paltz is one of the oldest communities in the Hudson Valley of New York State. It was inhabited by the Esopus tribe of the Lenape people before Europeans arrived, when Henry Hudson sailed up the Hudson River in 1609. The tribe later sold large tracts of their land to a small group of French Huguenots, who founded the community of New Paltz in 1677.

Today, New Paltz is a diverse community that hosts a State University College – SUNY New Paltz – within a state- and nationally-significant scenic, natural, and historic setting in Ulster County. The most prominent natural feature of the Town, visible from many locations throughout the community, is the Shawangunk Ridge. Internationally known for its recreational assets and outstanding ecosystems, the ridge is prized for the Mohonk Preserve’s lands, Mohonk Mountain House (a National Historic Landmark), Minnewaska State Park Preserve (outside of New Paltz), and many other natural and cultural features that together, attract a half million visitors to the community each year. Ringed by the Shawangunk Mountains Scenic Byway, a New York State Scenic Byway designated by the governor and legislature, the ridge was also designated by The Nature Conservancy as one of the “Earth’s Last Great Places.” With easy access from New York State’s Thruway interchange, the Town of New Paltz is the major gateway to the ridge and to the Walkkill Valley. New Paltz is far more than just the “Gunks” though. This Community Preservation Plan addresses a broad range of vulnerable natural and cultural resources in the Town that are essential to protecting the community’s unique natural and historic environment.

On June 22, 1998, in a Southampton farm field, Governor George E. Pataki signed state legislation amending both town and state tax laws to enable the five towns within the Peconic Bay region of Long Island to establish, through local referendums, Community Preservation Funds, supported by revenues from up to a maximum two percent (2%) real

The Community Preservation Program is voluntary and provides a way for willing landowners to conserve their property.

estate transfer tax paid by the buyer. This groundbreaking legislation was designed to help communities on Eastern Long Island preserve their “community character” in the face of widespread suburban development. Community Preservation Funds established under this 1998 Law have enabled Southampton and numerous other towns in the State to pursue long-standing farmland and open space protection goals through a new municipal tool that permits voluntary acquisition of land and “development rights”⁷ on land in identified areas. The program requires municipalities to first identify the priorities and goals for open space protection in a Community Preservation Plan (CPP), by identifying lands that contribute to the municipality’s unique community character, to obtain the consent of voters in the municipality through a referendum, and to adopt a local law that implements the program, among other procedures. This process is discussed in Part 2.

What is meant by the term “community character” as used in this Plan and the state legislation? The first thing to know about “community character” is that there is no one definition; each community defines what is unique about the municipality in its own way. An urban area like the City of Kingston can be expected to define its “character” differently from the more rural Town of New Paltz.

Community character can be thought of as a combination of traits or characteristics and values. It is applied to the existing natural environment of a community like its forests, meadows, water resources, open spaces, and geography. It is also applied to the existing cultural environment like farms, scenic and aesthetic areas, historic buildings and districts, land uses, settlement patterns, as well as the health and safety of its residents.



When New Paltz adopted its 1995 Comprehensive Plan, it essentially defined its “community character” as that of a “small town” with outstanding “scenic beauty.” The 1995 Comprehensive Plan, when looked at in its entirety, describes the community in terms of its natural environment or the “physical characteristics of the land,” its existing land use and vacant land, its public utility infrastructure, its regional setting and transportation, its population

and housing, its scenic resources, and its community values. This is perhaps the best definition of what constitutes New Paltz’s “community character.” The 1995 Plan, which is still valid today, is the foundation upon which this Community Preservation Plan is built.

⁷ Development rights, as used in the CPP, refer to the purchase of land use rights, usually coupled with a conservation easement, by a public agency. The easement extinguishes the right to develop the property under existing municipal land use control rules.

The State's community preservation program is entirely voluntary, providing a way for landowners to participate in conserving their land for the benefit of all. The state's program is designed to permit acquisition of land and development rights on land that has been identified as important to the community. The program also recognizes that all parcels identified within a community preservation plan cannot be acquired, even if every willing landowner wanted to sell their land or the development rights to their land. As a result, alternative land preservation tools are explored in this Community Preservation Plan. These include land use controls that the Town of New Paltz has already enacted like cluster subdivision, conservation easements, tax abatements, public/private partnerships and/or other cooperative agreements with private landowners. It could also include new tools, like a transfer of development rights (TDR) program, that was recommended in the 1995 Comprehensive Plan and 2010 Farmland Preservation Plan but not adopted to date. The Hudson Valley Community Preservation Act requires that a TDR program be studied and considered by any municipality that has established a Community Preservation Fund. Before the Fund may be used for a TDR program, it must be studied pursuant to Section 261-a of New York State Town Law, all sections of Section 261-a must be complied with, and the Community Preservation Plan must be amended to provide for this use of the Fund. These are discussed in Part 3.

New Paltz residents 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 several decades ago. Adoption of the Comprehensive Plan in 1995 set the stage for additional plans, planning programs, planning-related studies prepared by the Town or others, for actions by the Town and Village together, and involvement with private sector partners assisting the Town and Village. The full list of plans, planning programs and planning studies undertaken by or in New Paltz over the past few decades include the following:

- * Town of New Paltz, New York Planning Study, in 1966
- * Community Values Survey, in 1986
- * Town of New Paltz Comprehensive Master Plan (also known as the Community Comprehensive Plan: Town and Village of New Paltz, New York), in 1995
- * New Paltz Inventory of Open Spaces, in 2003
- * Town of New Paltz Reconnaissance-Level Historic Resource Survey, in 2004
- * Village of New Paltz Reconnaissance-Level Historic Resource Survey, in 2004
- * Shawangunk Mountains Scenic Byway Corridor Management Plan, in 2005
- * Town of New Paltz Open Space Plan, in 2006
- * Town and Village of New Paltz Build-out & Fiscal Analysis, in 2007

- * Northern Wallkill Biodiversity Plan: Balancing Development and Environmental Stewardship in the Hudson River Estuary Watershed, by the Metropolitan Conservation Alliance of the Wildlife Conservation Society, in 2007
- * Wallkill River Watershed Conservation and Management Plan, by the Wallkill River Task Force, in 2007
- * Northern Shawangunk Mountains Important Bird Area, by the National Audubon Society, in 2007
- * Town of New Paltz Farmland Preservation Plan, in 2010
- * Town of New Paltz, New York Comprehensive Plan: Planning for a Sustainable Future⁸, in 2011
- * Stone House Landmark Designation Initiative by the Town Historic Preservation Commission, in 2014
- * New Paltz Downtown Historic District Listing on the National Register of Historic Places, in 2014
- * Natural Areas and Wildlife in Your Community: A Habitat Summary Prepared for New Paltz by the Hudson River Estuary Program and Cornell University's Department of Natural Resources, in 2019
- * Conservation Finance Feasibility Study by The Trust for Public Lands, in 2020
- * Town of New Paltz Community Survey, in 2020

Specific plans that were adopted and/or authorized by the Town have been summarized in this Community Preservation Plan. The remaining studies and reports highlighted above were all consulted for the preparation of this Community Preservation Plan document. Each of the documents outlined in this Community Preservation Plan build upon the official policies of the Town (and as applicable the Village) 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 give New Paltz its unique character.

In addition to the Town (and Village) policies, studies, and reports, there have also been relevant efforts made by Ulster County and the State of New York to identify and recommend protection of natural and cultural resources, including open space, in New Paltz. Ulster County prepared an Open Space Plan (County Plan) and it was adopted by the Ulster County Legislature in December of 2007. The 2007 County Plan updated a 1972 Open Space and Parks Plan prepared by the Ulster County Planning Board. The Ulster County website for the County Plan states that: "Our Shawangunk Ridge and 'forever wild' Catskill Forest Preserve are two of the most significant open spaces in the Hudson Valley." For New Paltz, a goal of Ulster County

⁸ The 2011 Comprehensive Plan is considered a planning study instead of a comprehensive plan amendment since it has not been officially adopted by the Town Board pursuant to Section 272-a.7 of New York State Town Law.

is to: “Plan for and create additional recreational opportunities.” This includes: “Working with partners, create a spatially connected system of open space/recreation/historic sites that connects trails, park lands, and other recreational areas with and through towns, cities, and villages.”

An additional goal of the County Plan is to: “Coordinate local and regional plans for landform and natural feature protection.” A recommended action is stated as follows: “Coordinate open space plan goals and actions with the Shawangunk Scenic Byway...” The County Plan is consistent, in general, with New Paltz’s goal of protecting its community character including open space.

The 2016 New York State Open Space Conservation Plan highlights “Regional Priority Conservation Projects” that apply to New Paltz. 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 New Paltz are as follows:

HUDSON VALLEY/NEW YORK CITY FOODSHED

- ▶ The Wallkill River Valley of Orange and Ulster counties, including productive farmland in the Town of New Paltz.



PLUTARCH/BLACK CREEK WETLANDS COMPLEX

- ▶ This encompasses a very large wetland complex and stream corridors (Swarte Kill and Black Creek) in the Town of New Paltz, which is important because of its size and variety.



SHAWANGUNK MOUNTAINS REGION

- ▶ The Shawangunk Mountains are a distinctive part of the Appalachian Mountains, stretching from Kittatinny Mountain in New Jersey 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.”



The State Plan is consistent, in general, with New Paltz's goal of protecting community character including open space. The State 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."

The New York State Legislature extended the allowance for establishing a community preservation program to a limited number of Hudson Valley communities in 2007. Then, in 2019, the Legislature amended the 2007 Hudson Valley Community Preservation Act to permit Ulster County municipalities to join the program, that had previously been available only to communities in Westchester and Putnam counties. This amendment permits towns, villages and cities in Ulster to collect revenues from a real estate transfer tax and to use those revenues to preserve "community character." This legislation allows the Town of New Paltz to protect its natural and cultural environment, which is vital to the future social, economic and environmental health of the Town. It supplements the Town of New Paltz Open Space Protection Program, established for the purpose of fee simple acquisition as well as purchasing development rights and acquiring conservation easements on important open space lands in the Town (see Part 3 below).

To date, 4,733.6 acres of land have been preserved in the Town as shown in Table 1.1 below. Public agencies have protected 945.1 acres of land in the Town. The private sector has protected the greatest share of land in the Town with a total of 2,952.3 acres of privately-owned land in New Paltz that is protected through a conservation easement, partially protected by conservation easement, or owned outright by a conservation organization and either partially or fully protected. The Wallkill Valley Land Trust, Mohonk Preserve, Scenic Hudson Land Trust, the Huguenot Historical Society, and the Open Space Institute have been partners in the efforts to acquire open space lands or interests in open space lands. The Town and conservation organizations have preserved an additional 836.2 acres of land through conservation easements.

New Paltz has been successful in leveraging other public agency funding for some properties. 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 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 military installations, and state forests).

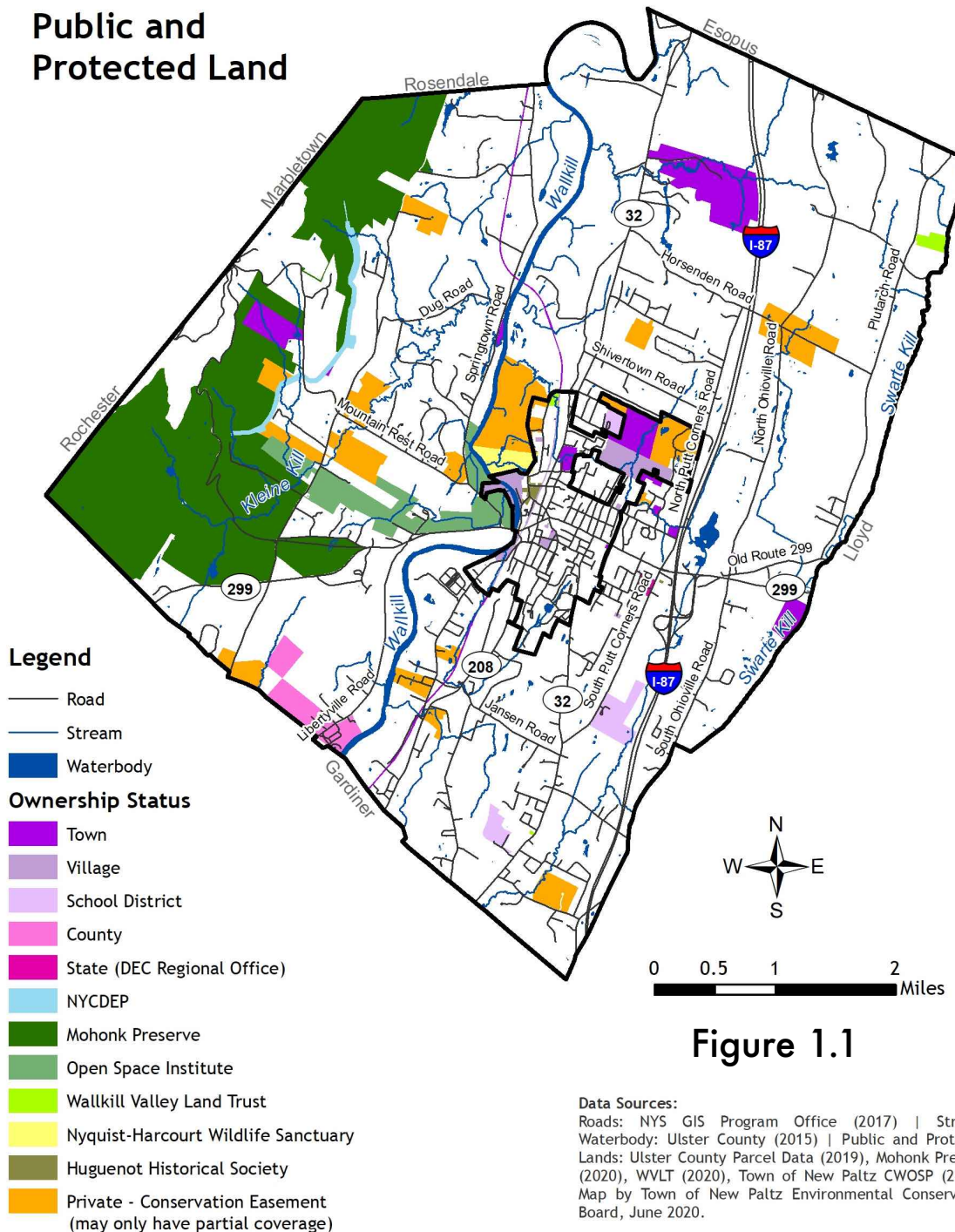
Parcels in the Town and Village that are publicly owned or protected are shown on Figure 1.1. These consist of publicly owned or operated parkland, recreation areas or designated open space that may have conservation restrictions. Others are publicly owned but may not necessarily be dedicated to conservation or recreation, such as the State Department of Environmental Conservation Region 3 offices on South Putt Corners Road, or the Village water supply system on Mountain Rest Road. Privately conserved areas not open to the public may include working farms with conservation easements restricting development. Land trusts and The Mohonk Preserve are conserved lands, where the public is invited, but is sometimes expected to pay a fee for use.

Table 1.1: Public & Protected Land	
Protection/Ownership Status	Acres
Town of New Paltz Property	456.1
Village of New Paltz Property	134.0
New Paltz Central School District Property	120.4
Ulster County Property	149.6
New York City Department of Environmental Protection Property	73.8
New York State Property	11.2
Public Lands Subtotal	945.1
Mohonk Preserve Property	2525.0
Open Space Institute Property	335.4
Wallkill Valley Land Trust (WVLT) Property	25.4
Nyquist-Harcourt Wildlife Sanctuary	56.9
Huguenot Historical Society Property	9.6
Protected Private Lands Subtotal	2952.3
Town Conservation Easements	213.9
WVLT Conservation Easements (excl. Town/Village Property)	441.9
Mohonk Preserve Conservation Easements	180.4
Lands Subject to Conservation Easements Subtotal	836.2
Total Acres of Public or Protected Lands in New Paltz	4733.6



Town of New Paltz Community Preservation Plan

Public and Protected Land



This Community Preservation Plan builds upon the Open Space Inventory, Open Space Plan, the Town's Comprehensive Plan and Farmland Preservation Plan, and new initiatives, including but not limited to, regulatory techniques like subdivision, zoning and wetland protection laws, as well as a multitude of other conservation strategies that have been adopted by the Town.

The following is a summary of the plans and planning studies have either been officially adopted by the Town of New Paltz or were authorized by the Town Board or Town Planning Board. Each of the plans and planning studies illustrate the prior efforts to identify important natural and cultural resources of New Paltz and to reinforce the values that residents have placed on them.

1966 & 1995 Town Comprehensive Plans

The Town of New Paltz has a long history of community planning. Formal Townwide master (or comprehensive) planning originally started in 1966 with the publishing of the Town of New Paltz, New York Planning Study, prepared by Brown and Anthony City Planners Inc., in consultation with the Town of New Paltz Planning Board. As a result of the 1966 Plan, a zoning map and regulations were adopted by the Town Board in 1967, using the Plan as its guide.

In August of 1995, the Town Board adopted a community Comprehensive Plan (1995 Plan) that included the Village of New Paltz. The 1995 Plan continues to serve the community today. The 1995 Plan included 10 basic policies to guide the community's values and preferences. The policies established in this 25 year old planning document are as relevant to preparation of the Community Preservation Plan today as they were in 1995.

The 1995 Plan cites a community survey that was undertaken in 1986. In the 1986 survey, residents of the Town of New Paltz said that among the characteristics of the Town they valued most highly were the Town's scenic beauty, its small town character and its location. The qualities that threatened those characteristics, they said, were traffic, impact of growth on open space, and the cost of housing. Nearly a quarter century later, residents still hold the Town's beauty and natural setting among the qualities they value most and they still worry that the volume of traffic, the loss of open space and housing cost are among the biggest threats to the character of the community.

2003 New Paltz Inventory of Open Spaces

In 2000, the New Paltz Town Board established an Open Space Committee. The Committee was charged with defining, inventorying, and evaluating "priority open space resources" and to "recommend and promote a plan for the protection of these

resources. The Committee's first task was to create an inventory of open space resources, as authorized by Sections 239-X and 239-y of New York State General Municipal Law. The result of the Committee's efforts was the publication of the New Paltz Inventory of Open Spaces in December of 2003. The Village was an active participant in the preparation of the Inventory. The Inventory recommended conducting a survey of community interest in protecting open space and preparing a plan for the protection of open space in the community.

Then, the Committee conducted an Open Space Survey of 1,600 households including both property owners and renters. The survey had a response rate of 35%, which is considered an outstanding result. The survey findings indicated that 77% of the respondents want the Town and Village to actively pursue protecting open space as a strategy to keep New Paltz fiscally healthy and affordable, 66% supported concentrating development in or near the village center of New Paltz, and preserving open space in outlying areas, an overwhelming number (82%) supported policies to retain agricultural activity in the community, 67% of the respondents favored some level of a tax increase to support open space protection, and over 75% believed the community should pursue innovative strategies to protect open space. Then in 2006, Town Officials responded with preparation of the Town's first Open Space Plan.

2006 Town Open Space Plan

The Open Space Plan was a logical next step in New Paltz's planning efforts to protect its community character. In each of the previous cases, the community's determination to preserve its character was consistently and firmly established in its adopted and authorized planning studies and documents. This Community Preservation Plan is an important next step in the Town's efforts to protect open space and its community character.

The Comprehensive Plan's first policy statement speaks of the need to "Preserve and enhance the natural beauty and rural quality of the community and protect the small-town atmosphere of the Village core." The Open Space Plan states: "Protecting New Paltz's open space includes preservation and conservation of significant ecological areas such as the Shawangunk Ridge and wetlands near the Wallkill River and the Swartekill on the eastern side of the Town. However, it also includes protection of the character of the community, which includes a balanced mix of farms, old fields, historic landscapes, streams, and water features to name just a few. This can be accomplished through comprehensive protection of open space, and with development that respects the open space assets and unique character of the land."

On page 44 of the Open Space Plan - Fulfilling the Community Vision: Recommendations and Action Plan, the Open Space Plan states: "Acreage goals set a milestone to achieve and a sense of accomplishment when they are reached. Ultimately, they are used as a measure of program success." Below are land

conservation acreage goals from the Open Space Plan, including specific milestones for the same resource character areas discussed in Part 2 of this report.

- “Aim to protect an additional 3,000 acres of Town and Village lands in the long-term. This amount would more than double the existing 2,800 acres (12% of total Town and Village land area, 22,848 acres) protected to date and would protect approximately 25% of the total Town and Village land area.
- Aim to protect a balanced mix of acreage and resources in each of the open space vision character areas. Acreage milestones for each character area are as follows:

Shawangunk Ridge: 500 acres

Butterville-Canaan Foothills: 500 acres

Wallkill Flats and River Corridor: 500 acres

North Woods and Eastern Wetlands: 500 acres

Orchards, Farms and Ridge-Views: 1,000 acres”

The Open Space Plan, on page 44, goes on to state: “Implementing both the land conservation program and the development-side planning requires an appropriate funding program. Thus, when planning a comprehensive open space protection program in New Paltz, three important and intersecting components should be considered concurrently: the land conservation program, financing the open space program, and planning for future settlement.” This Community Preservation Plan addresses all three overarching goals of the 2006 Open Space Plan.

The Open Space Plan was prepared for the Town and Village of New Paltz in recognition of the development pressures on the community. The Open Space Plan outlines many tools and options for the protection of open space, including agricultural conservation tools, conservation easements, design guidelines, incentive zoning and area-specific master planning. It also presents resource criteria for rating and prioritizing for an open space conservation program. These are some of the many tools available to the Town and Village of New Paltz that are discussed in this Community Preservation Plan. The Open Space Plan includes the following action-oriented set of recommendations:

- Create and implement a local land conservation program that works with willing landowners to conserve valued open space.
- Develop conservation financing, to enable the community to purchase open space and conservation easements from willing landowners.
- Plan for development in New Paltz that respects and conserves open space, by working with developers or landowners via the site planning when development proposals are put forward.

The Open Space Plan identifies seven character areas that compose the open space of the Town. These include:

- Heart of New Paltz and the connections to and from the Village and Town, including trails and greenway links throughout the community
- Shawangunk Ridge
- Butternut-Canaan Foothills
- Wallkill River Corridor and Flats
- Northern Woods and Eastern Wetlands, including the Plutarch wetlands complex
- Orchards, Farms and Ridge-Views
- Scenic Cultural Landscapes experienced along many scenic roads in the community

2010 Town of New Paltz Farmland Preservation Plan

In 2009 and 2010, the Town of New Paltz, with the support of the New York State Department of Agriculture and Markets, prepared a Farmland Preservation Plan (Farmland Plan). The Farmland Plan has two primary purposes: 1) to analyze and understand the foundations of the agricultural economy in the Town of New Paltz and 2) to create a Farmland Protection Plan that not only addresses a suite of issues facing farmers and citizens today (such as supporting a critical mass of farms in the Town) , but also sets the stage for agricultural growth in the future. The Farmland Plan's Agricultural Preservation Vision is: "To enhance the economic viability of New Paltz's working lands in a manner consistent with community character and open space needs."

New Paltz's Farmland Plan includes a wide variety of recommendations to accomplish the community vision for agriculture, as expressed in the Plan. The most relevant recommendations, as they pertain to the Community Preservation Plan are to:

- "Enhance Purchase of Development Rights Opportunities: New Paltz should establish a preservation target, such as protection of 50% of the undeveloped 'Prime Soils' as defined in by the Natural Resource Conservation Service.
- Providing information to local landowners on the availability and terms of open space and agricultural preservation programs including the use of these tools in estate and transition planning.
- Open Space Bond, including the real estate transfer tax capability through the New York State Community Preservation Act.
- Develop a Strategic Farmland Map: Strategic farmland mapping is a tool that is sometimes used as part of the priority-setting task for PDR programs...this

tool maps the soil resource, the contiguous farmland blocks, and the direction of development pressure.”

The Farmland Plan also includes a number of recommendations for the Town’s land use control system, several of which are described further in Part 3 herein.

2011 Town Comprehensive Plan

More than 10 years passed since the Town adopted the 1995 Comprehensive Plan for New Paltz. The 1995 Plan was updated and revised in 2011 with a new plan for the Town only. The 2011 Plan was authorized but not adopted by the Town Board. It was entitled Chapter 1.0 Planning for the Future: The Comprehensive Plan (2011 Plan). It is important to note that the 2011 Plan document was consistent with and reiterated the 10 basic policies established in the 1995 Plan. This indicates a strong desire of Town residents to protect and preserve open space as a basic characteristic of the community. The Town policies established 25 years ago are as follows, from the 1995 Plan and as reiterated in the 2011 Plan:

1. Preserve and enhance the natural beauty and rural quality of the community and protect the small-town atmosphere of the Village core.
2. Protect environmentally sensitive areas and natural resources, scenic roads and vistas, waterways, floodplain and wetlands by establishing guidelines and regulating development density.
3. Establish environmentally sound land use development policies to ensure a balanced and orderly pattern of future growth and economic stability, with regard to the community’s fiscal base, including the protection of farmland.
4. Accommodate present and future population by encouraging the development of an appropriate variety and quantity of sound housing which will serve various income levels and age groups, including low and moderate income housing.
5. Encourage higher density development to locate in areas served by public water and sewer facilities.
6. Foster and preserve the community’s heritage by protecting historic structures and sites.
7. Provide adequate public utilities and recreation facilities, and minimize the fiscal burden of such services on the existing community.
8. Seek by all reasonable means to provide better traffic conditions and adequate parking in the center of the community and encourage circulation within secondary networks.
9. Promote environmentally sound management of the waste stream.

10. Encourage regional cooperation to safeguard New Paltz's environmental setting.

2020 New Paltz Community Preservation Plan Survey

In 2020, the Community Preservation Task Force, comprised of members of the Town Environmental Conservation Board, Clean Water Open Space Protection Commission, Historic Preservation Commission, and Town Board undertook a new community survey to identify community priorities for open space protection and historic preservation, and concerns with regards to these resources. A post card invitation to participate in the survey was mailed to a random selection of 1440 residents and businesses, and a separate link to participate in the survey was disseminated through the Town website and social media. The survey received 504 responses. The full survey results can be found in Appendix C. A snapshot of survey respondents' priorities for preservation are as follows:

Resource	Very Important/ Important to Conserve Resource	Very Concerned/ Concerned for Loss of Resource
Clean Water	97%	82%
Working Farms	94%	79%
Parks/Trails	93%	–
Wildlife/Habitats	92%	77%
Scenic Views	90%	56%
Historic Character	84%	61%

B. Purpose of Community Preservation Plan

The 2020 New Paltz Community Preservation Plan (CPP) builds upon and is an extension to the goals, policies, and recommendations presented in the 1995 and 2011 Comprehensive Plans, the 2003 Inventory of Open Spaces, the 2006 Open Space Plan, the 2010 Farmland Preservation Plan, other plans, studies and reports identified in this Community Preservation Plan, the Town Zoning Law, as well as other specific Town Code provisions related to protection of the community's natural and cultural resources. Other initiatives, including but not limited to regulatory techniques and conservation strategies noted below, that have been adopted and authorized by the Town Board to protect its natural and cultural resources, are also available to implement this Community Preservation Plan. The Community Preservation Plan provides the means to preserve the lands and resources that have been identified as most important to residents of the Town by introducing a new and effective means to preserve those lands. That is the purpose of the Community Preservation Plan.

The 2020 Community Preservation Plan includes the following features, as required by and enumerated in the Hudson Valley Community Preservation Act and as further described above in the Executive Summary:

1. The Community Preservation Plan lists every project that the Town could potentially undertake pursuant to the Community Preservation Fund. A project may be an assemblage of parcels, such as a number of parcels that are located within a scenic viewshed, comprise a large wetland complex, or may be a group of adjoining farms within a State Agricultural District for example.
2. The Community Preservation Plan includes every parcel in the Town that the Town should consider for preservation, using the tools described in Parts 2 and 3 in order to protect community character, and includes priorities for their preservation.
3. The Community Preservation Plan provides for a detailed evaluation of all available land use tools and techniques to protect community character, including but not limited to:
 - a. Fee simple acquisition
 - b. Zoning regulations
 - c. Transfer of Development Rights
 - d. Purchase of Development Rights
 - e. Incentive Zoning
 - f. Conservation and Public Access Easements

4. The Community Preservation Plan establishes the priorities for preservation and includes the preservation of water resources, agricultural lands, scenic resources, recreation and trails, historic resources, habitats and natural areas, and open space as its highest priorities. The Community Preservation Plan adheres to the following criteria, as proclaimed in the Hudson Valley Community Preservation Act, as indicators of the community's character:
 - a. Establishment of parks, nature preserves, or recreation areas
 - b. Preservation of open space
 - c. Preservation of lands of exceptional scenic value
 - d. Preservation of fresh and saltwater marshes or other wetlands
 - e. Preservation of aquifer recharge areas
 - f. Preservation of undeveloped beachlands or shoreline
 - g. 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
 - h. Preservation of unique or threatened ecological areas
 - i. Preservation of rivers and river areas in a natural, free-flowing condition
 - j. Preservation of forested land
 - k. Preservation of public access to lands for public use including stream rights and waterways
 - l. 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
 - m. Undertaking any of the paragraphs of this subdivision in furtherance of the establishment of a greenbelt
 - n. 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
5. The Hudson Valley Community Preservation Act also requires a number of other steps to be taken, before New Paltz can establish its own community preservation program, including but not limited to the following:
 - a. The Town Board must provide a minimum of ninety (90) days for public review of the Community Preservation Plan before a referendum is held; the Community Preservation Plan must be available at Town Hall, at public libraries in the community, and on the Town's website during this

time.

- b. A townwide referendum must be conducted so that voters in the community provide their consent to the program.
- c. The Town Board must adopt the Community Preservation Plan by local law following a State Environmental Quality Review Act (SEQR) process.
- d. A five or seven member Advisory Board must be established to review and make recommendations on acquisitions of interests in properties listed in the Community Preservation Plan and the members of such Board must have demonstrated experience with conservation or land preservation activities.
- e. Funds collected from the program may only be expended for projects which have been included in the Community Preservation Plan.
- f. The Community Preservation Plan must be filed with the State departments of Environmental Conservation, Agriculture and Markets, and Office of Parks, Recreation and Historic Preservation.
- g. A public hearing must be held before any lands or interests in land may be acquired under the Community Preservation Plan and must reach a finding that acquisition is the best alternative for protection of community character of all the reasonable alternatives available to the community.

C. Community Preservation Plan Summary

The Community Preservation Plan is divided into three parts summarized as follows: Part 1: Introduction, Purpose and Summary; Part 2: Community Preservation Focus Areas, Projects, Parcels and Priorities; and Part 3: Summary and Evaluation of Land Use Alternatives to Protect Community Character, as required by the Hudson Valley Community Preservation Act.

The Community Preservation Plan was prepared in draft form by the New Paltz Community Preservation Task Force. The Task Force includes representation from the Town Board, Environmental Conservation Board, Historic Preservation Commission, Clean Water and Open Space Protection Commission, and the local farming community. The Task Force worked with the Town's consultant to prepare this Community Preservation Plan, to update the Town's Open Space Plan, and to ensure the Community Preservation Plan met the requirements of the Hudson Valley Community Preservation Act and reflected the goals and objectives of the Town's planning program. The Task Force met twice a month beginning in January of 2020 to prepare this Community Preservation Plan and to recommend its adoption by the Town Board.

A total of seven focus areas or themes were identified and mapped for the Community Preservation Plan in Part 2. The sources of the natural and cultural resource-based criteria, data, and mapping used to develop priorities for each of the seven focus areas are summarized below. All data used in the preparation of this Community Preservation Plan are from publicly available geographic information systems (GIS) sources or from supplemental data that were collected by the Community Preservation Task Force. It should be noted that the seven focus areas are not listed in any particular order and are of equal importance to preservation of the community's natural and cultural resources. Each focus area will be considered as part of a total assessment of the parcel(s) proposed for preservation.

CPP FOCUS AREAS

1. Water Resources
2. Agricultural Lands
3. Scenic Resources
4. Historic Resources
5. Recreation Lands and Trails
6. Habitats and Natural Areas
7. Open Space Areas

The use of Geographic Information Systems (GIS) has become a standard land use planning tool. The computer-based GIS tools allow for analysis that permits environmental information in a public database to be correlated with individual parcels of land. By consulting this information, maps that illustrate natural and cultural resources present on parcels in the Town can be prepared. The resulting maps are presented below in Part 2. This Community Preservation Plan is based on those

analyses. The GIS tool makes it possible to combine and overlay many different kinds and sources of natural and cultural resource information. In this way, decision-making is predicated upon a much more complete and integrated understanding of the natural and cultural resources that contribute to the ecological health and community character of New Paltz. The following are the sources of GIS data that were used to develop the themes for each of the seven focus areas. Inclusion of one or more of these sources represents an “attribute” to be considered in the method of assigning priority to parcels as described in Part 2:

1. Water Resources

1. New York State Department of Environmental Conservation (DEC) aquifer mapping
2. Mountain Rest Reservoirs Watershed
3. Ulster County streams and waterbodies
4. FEMA Flood Hazard Areas
5. New York Natural Heritage Program Riparian Buffers
6. State Protected Freshwater Wetland mapping
7. United States Fish & Wildlife Service National Wetlands Inventory mapping
8. Natural Resources Conservation Service Hydric Soil mapping

2. Agricultural Lands

1. Natural Resources Conservation Service Prime Farmland Soils and Prime Farmland Soils if Drained
2. Natural Resources Conservation Service Farmland Soils of Statewide Significance
3. New York State Department of Agriculture and Markets designated Agricultural Districts
4. Properties currently receiving an agricultural tax exemption
5. 2006 Town Open Space Plan “Farmland Clusters”

3. Scenic Resources

1. New York State Scenic Byway, NY State Department of Transportation, Office of Environment, Landscape Architecture Bureau
2. 2003 Town Open Space Inventory of scenic roads and views, as verified and updated by the Task Force in 2020

4. Historic Resources

1. Historic Resources identified by the Town Historic Preservation Commission including designated local landmarks
2. Candidate local landmarks
3. Candidate local historic districts
4. Buildings/sites on the National or State Register of Historic Places

5. Buildings/sites within the Huguenot Street Historic Landmark District, New Paltz Downtown Historic District, and other Historic Districts

5. Recreation Lands and Trails

1. Lands adjacent to existing park and recreation lands
2. Lands adjacent to the River to Ridge Trail, Walkkill Valley Rail Trail, Empire State Trail
3. Lands adjacent to the Walkkill River
4. Lands providing potential for extension of major trails or the Mill Brook Preserve

6. Habitats and Natural Areas

1. New York State DEC Significant Biodiversity Areas
2. New York Natural Heritage Program Important Areas for Rare Animals
3. Audubon New York Important Bird Areas
4. New York Natural Heritage Program Significant Natural Communities
5. Metropolitan Conservation Alliance Northern Walkkill Priority Biodiversity Areas
6. The Nature Conservancy Resilient Sites for Terrestrial Conservation
7. New York Natural Heritage Program Forest areas of greater than 100 acres
8. The Nature Conservancy and New York Natural Heritage Program Matrix Forest Blocks and Linkage Zones
9. National Land Cover Database identified meadows, shrubland, or agricultural fields greater than 25 acres
10. Parcels adjoining protected lands

7. Open Space Areas

1. Parcels identified by the 2006 New Paltz Open Space Plan within Open Space Plan Character Areas

Properties that have already been protected by conservation easements or other means and properties that are fully “built out”⁹ in accordance with the Zoning Law have been excluded from consideration in the Community Preservation Plan.

Part 2 and Appendix A of the Community Preservation Plan identify the parcels within each of the seven focus areas, based on the above sources and the methodology described in Part 2.B. Together, the seven focus areas and the priority projects and parcels form a comprehensive system of open space and greenways that, if preserved using the Community Preservation Fund in combination with other land use

⁹ Built-out parcels are those parcels that have been fully developed as permitted by the Zoning Law. For example, a parcel with a house developed on a three acre lot in the A-3 Zoning District, where a minimum lot size of three acres is required, would be fully built-out because it cannot be subdivided and only one house is allowed per lot. Build-out status was determined from the 2007 build-out and fiscal analysis described below in Part 3.B.10.

alternatives, will ensure the short- and long-range protection of New Paltz's rural, natural, scenic, historic, open space, and agricultural environment as well as its social, economic and community character.

The Community Preservation Plan also provides the following elements:

- * An overview of New Paltz's history of open space and community preservation planning efforts, that are an essential component of the Community Preservation Plan, are provided above.
- * An overview of past and current open space and farmland protection investments through expenditures by the Town, other government sources, and private sources such as Scenic Hudson, The Nature Conservancy, Mohonk Preserve, Wallkill Valley Land Trust, the Trust for Public Land, and the Open Space Institute.
- * Methodology, definition, mapping and listing of focus areas and priority parcels and projects.

Part 3: Evaluation of Alternative Land Use Techniques to Protect Community Character provides an identification and summary of New Paltz's existing land use controls and strategies available to protect the community's natural and cultural resources. The land use controls and strategies are evaluated in relation to the recommended focus areas. The Hudson Valley Community Preservation Act requires that the Community Preservation Plan "Shall provide for a detailed evaluation of all 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. Purchase of development rights
- e. Scenic and conservation easements"

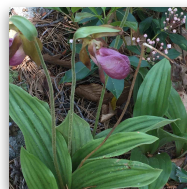
The Community Preservation Plan identifies and evaluates 19 classes of land use techniques or methods that are available to the Town of New Paltz to protect community character. These are in addition to the use of the Community Preservation Fund and are outlined in Table 3.2. The majority of the land use alternatives are identified by corresponding sections of the Town Code. Other important alternatives are defined by classes, such as fee simple acquisition or the purchase of development rights, which may be accomplished through the Community Preservation Fund, but also by the formation of partnerships with County, State and Federal funding programs as well as private financing strategies in order to leverage the greatest fiscal and public benefits. The actual evaluation of alternative land use techniques, as presented in Tables 3.1 and 3.2, uses a matrix format that assigns and ranks the

potential application of land use techniques in relation to each focus area and the underlying categories of potential priority parcels and projects.

There are five appendices to this Community Preservation Plan. Appendices A, B, and C are attached to this Community Preservation Plan document. Appendix A is a series of tables that show all parcels that fall into one or more of the seven focus areas, the section, block and lot number of the individual parcels, the parcel acreages, and the number of attributes on each parcel based upon the GIS analysis. Appendix B is a description of the significant habitats and natural areas found in New Paltz, prepared by Nate Nardi-Cyrus, the Conservation and Land Use Specialist with the New York State Department of Environmental Conservation's Hudson River Estuary Program and Cornell University's Department of Natural Resources. Appendix C is a summary of the 2020 New Paltz Community Survey along with the complete survey results.

Appendix D and Appendix E are separate documents available for viewing at New Paltz Town Hall, Elting Memorial Library, or on the Town of New Paltz website as PDF files. Appendix D contains detailed maps of the focus areas. Appendix E is the complete focus area spreadsheet analysis, showing which parcels contain features or attributes that qualified them for inclusion in the Community Preservation Plan document. Due to the complexity of Appendix E, which contains 212,848 individual cells, this document should be viewed on a computer.

In summary, the following sections of the Town of New Paltz's Community Preservation Plan have been completed to further the goals and objectives of the Town's Comprehensive Plan, Open Space Plan, Farmland Preservation Plan, and other ongoing open space and farmland preservation programs. The Community Preservation Plan will serve as an important guide that will enable the Community Preservation Fund Advisory Board to make recommendations to the Town Board concerning the acquisition of real property and interests in real property to protect community character and to ensure that New Paltz's rural, natural, scenic, historic, open space, and agricultural environment and economy will be sustained.



FOCUS AREAS

2. Community Preservation Projects, Parcels and Priorities

A. Introduction

The 2020 Community Preservation Plan presented in this document is one that is consistent with New Paltz's long standing conservation efforts, which have been ongoing for more than three decades. In the Town's 1995 Comprehensive Plan, 2006 Open Space Plan, 2010 Farmland Preservation Plan, and 2011 Comprehensive Plan, New Paltz identified natural and cultural resource conservation and open space protection as an area of critical concern Townwide.

Throughout the multi-year planning processes, residents' desire to protect water resources, agricultural lands, scenic resources, historic resources, biodiversity, recreational lands and trails, habitats and natural areas, and open space has prompted consideration of a whole range of conservation initiatives. These include the Town's Clean Water and Open Space Program, approved by voter referendum, and the current initiative to implement a Community Preservation Fund (CPF), which also requires a voter referendum. Both of these programs are designed to fund acquisition of key parcels, that comprise New Paltz's community character, thereby building upon and implementing the ongoing policymaking efforts of the Town.

Other techniques and tools to protect open space are also available and may leverage Town dollars through public and private partnerships, including arrangements with private land trusts, New York State, and the U.S. Department of Agriculture. Open space protection remains a top priority for the Town and residents have consistently expressed their desire to protect open space resources including the environmental resources identified in this Community Preservation Plan.

These actions represent a substantial investment by the Town in open space protection over a period of many years. The protection of open lands will remain a top priority for New Paltz, as its residents have time and time again voiced their desire for natural and historic/cultural resources to be safeguarded for present and future generations. New Paltz is therefore deeply committed to accomplishing the community preservation objectives of the Hudson Valley Community Preservation Act and to maintain and enhance its status as a vibrant, healthy, and beautiful place to live with an admirable quality of life.

The lands identified with one or more important resources worthy of protection in this Plan, are referred to as Community Preservation Focus Areas. They are displayed on maps, and are listed in seven tables in Appendix A of this Community Preservation

Plan. An eighth table consolidates all of the 35 different attributes to provide an overview of parcels that are a priority for preservation.

Community Preservation Focus Areas depict lands meeting priority criteria for protection to meet conservation goals, pursuant to the Hudson Valley Community Preservation Act (the enabling legislation), and which is required before the Town Board authorizes the establishment of the Town of New Paltz Community Preservation Fund. The purpose of the Fund, as authorized by the Act, includes preservation of one or more of the following features, whose protection would contribute toward the Act's purposes:

- a. Establishment of parks, nature preserves, or recreation areas
- b. Preservation of open space
- c. Preservation of lands of exceptional scenic value
- d. Preservation of fresh and saltwater marshes or other wetlands
- e. Preservation of aquifer recharge areas
- f. Preservation of undeveloped beachlands or shoreline
- g. 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
- h. Preservation of unique or threatened ecological areas
- i. Preservation of rivers and river areas in a natural, free-flowing condition
- j. Preservation of forested land
- k. Preservation of public access to lands for public use including stream rights and waterways
- l. 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
- m. Undertaking any of the paragraphs of this subdivision in furtherance of the establishment of a greenbelt
- n. 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

It is recognized that all parcels identified within this Community Preservation Plan cannot be acquired, even if every landowner was willing to sell. Consequently, use of alternative land preservation tools has been explored, including, among other options, zoning, clustering, conservation easements, tax abatements, public/private

partnerships and/or other cooperative agreements with private landowners. Following is a breakdown of the total number of parcels with one or more attributes in each focus area. Please note that many parcels identified in Appendix A have multiple attributes and consequently, many parcels are listed multiple times, depending upon the number and type of attributes identified on any one parcel.

TABLE 2.1 SUMMARY OF FOCUS AREA PARCELS

1. 964 parcels with unprotected water resource lands
2. 1,366 parcels with unprotected agricultural lands
3. 319 parcels with unprotected scenic resources
4. 450 parcels with unprotected historic resources
5. 392 parcels with potential recreation lands and trails
6. 1,110 parcels with unprotected habitats and natural areas
7. 850 parcels with unprotected open space areas

B. Methodology for Establishing Focus Areas & Priorities

To implement a plan for preservation of community character, a clear definition and prioritization of land protection focus areas is required. The inventory of parcels identified in this Community Preservation Plan was developed by the Town of New Paltz Community Preservation Task Force, with the assistance of many private individuals and organizations, as well as consideration of local, county and state agency plans and reports, to meet this requirement. The initial stage of developing a Community Preservation Plan involved looking at existing conditions, through field inventories where applicable, aerial photographic and geographic information system mapping and local geographic research, followed by an evaluation of which areas are most important to protect. Focus areas for the conservation efforts were identified and mapped primarily with Geographic Information System (GIS) and Parcel Access databases in the public domain.

The Hudson Valley Community Preservation Act requires that priorities for preservation must be identified in the Community Preservation Plan. If a parcel contains multiple natural and/or cultural resources, it can be viewed as a higher priority because its preservation may meet not just one but possibly multiple goals identified by the Town in its official plans. For example, a parcel or parcels identified in the Community Preservation Plan may contain important prime farmland soils, be a working farm located within a New York State Agricultural District, receive an agricultural tax exemption, and have been identified within one of the Town's 2006 Open Space Plan "Farmland Clusters." By itself, that would mean the parcel(s) were important in advancing farmland and open space protection goals in the Town. But, the agricultural parcels may also contain historic buildings, the farm may be located along the Scenic Byway and within a scenic viewshed, may contain state protected freshwater wetlands, flood hazard areas, or have important drinking water resources – additional priorities warranting protection.

The parcel or parcels, used in the above example, may be a priority for preservation by the Town based upon the multiple goals established in the Town's official planning documents. However, the community may only effectively realize its many goals for preservation, under the Community Preservation Plan, if the landowner is willing to participate in the program. Further, sufficient funds must be available in the Community Preservation Fund if the landowner is willing to participate so that the intended goals of the Community Preservation Plan can be realized. There may be other landowners who also wish to participate in the Community Preservation Plan program at the same time and so there is likely to be competition for the limited available funds. Sorting out which parcels will be selected for participation will be the job of the Community Preservation Fund Advisory Board, which will make its recommendations to the New Paltz Town Board. If use of the Community Preservation Fund is not possible in the above example, the Town will also have other tools and

techniques available that could assist in preserving or protecting the parcel or parcels. These are as described in Part 3.

Coordinated display of the geographic data sets showed where protected lands currently exist and where new conservation corridors could logically be formed. Information on existing protected lands was particularly important, as their geographic arrangement showed where gaps in land protection can be filled. Water resources, farmlands, and all other resources addressed by this Community Preservation Plan, that are of high priority for preservation, were also easily revealed.

Protection priorities were set for the Community Preservation Plan using a range of criteria. Numerous plans and planning reports, as identified above, had already documented the significance of many focus areas, both as natural and recreational areas and as valuable agricultural and cultural resources. Detailed maps from the plans identified in this Community Preservation Plan showed currently vacant and other unprotected land areas that are already of high priority for protection. It is the goal of the Community Preservation Plan to compile this information in order to identify key areas Townwide. These are the priorities for public land acquisition, land use regulation and other public and private strategies necessary to preserve community character.

Together, a total of 35 different sources of data and mapping were used to create the seven (7) focus areas and priorities. The Ulster County Tax Parcel maps were used as a base for identifying parcel boundaries and related features such as roads. All sources of information, that are included in the Community Preservation Plan's identification of focus areas and parcels, are as follows:

1. New York State Department of Environmental Conservation (DEC) aquifer mapping
2. Mountain Rest Reservoirs Watershed
3. Ulster County streams and waterbodies
4. FEMA Flood Hazard Areas
5. New York Natural Heritage Program Riparian Buffers
6. State Protected Freshwater Wetland mapping
7. United States Fish & Wildlife Service National Wetlands Inventory mapping
8. Natural Resources Conservation Service Hydric Soil mapping
9. Natural Resources Conservation Service Prime Farmland Soils and Prime Farmland Soils if Drained
10. Natural Resources Conservation Service Farmland Soils of Statewide Significance
11. New York State Department of Agriculture and Markets designated Agricultural Districts
12. Properties currently receiving an agricultural tax exemption
13. 2006 Town Open Space Plan "Farmland Clusters"

14. New York State Scenic Byway
15. 2003 Town Open Space Inventory of scenic roads and views, as updated by the Task Force in 2020
16. Historic Resources identified by the Town Historic Preservation Commission including designated local landmarks
17. Candidate local landmarks
18. Candidate local historic districts
19. Buildings/sites on the National or State Register of Historic Places
20. Buildings/sites within the Huguenot Street Historic Landmark District, New Paltz Downtown Historic District, and other Historic Districts
21. Lands adjacent to existing park and recreation lands
22. Lands adjacent to the River to Ridge Trail, Walkkill Valley Rail Trail, Empire State Trail
23. Lands adjacent to the Walkkill River
24. Lands providing potential for extension of major trails or the Mill Brook Preserve
25. New York State DEC Significant Biodiversity Areas
26. New York Natural Heritage Program Important Areas for Rare Animals
27. Audubon New York Important Bird Areas
28. New York Natural Heritage Program Significant Natural Communities
29. Metropolitan Conservation Alliance Northern Walkkill Priority Biodiversity Areas
30. The Nature Conservancy Resilient Sites for Terrestrial Conservation
31. New York Natural Heritage Program Forest areas of greater than 100 acres
32. The Nature Conservancy and New York Natural Heritage Program Matrix Forest Blocks and Linkage Zones
33. National Land Cover Database identified meadows, shrubland, or agricultural fields greater than 25 acres
34. Parcels adjoining protected conservation lands
35. Parcels identified within the broad areas designated in the 2006 New Paltz Open Space Plan as "Open Space Plan Character Areas"

It is a purpose of the Community Preservation Plan to assemble this information in order to identify key areas Townwide that are priorities for land acquisition or acquisition of interests in land, land use regulation and other public and private strategies necessary to preserve New Paltz's natural, cultural, scenic, and other community resources. Categorizing parcels into the seven focus areas by the important natural and cultural resources found on them helps the Town meet several objectives. These include:

1. To identify open space areas that have already been defined through past open space and farmland preservation plans, planning studies and related

town, county and state land inventories and acquisition programs, including citizen input obtained from community surveys, during public hearings and public meetings on Town planning projects;

2. To identify parcels that have natural resource, agricultural, historic, scenic, recreational, and/or other important community benefits such as water resource protection, and habitat and natural areas protection;
3. To present the parcels in an organized system that will aid in decision-making about prioritization, acquisition and/or other land preservation activities;
4. To furnish consistent and comprehensive information for inventory and mapping purposes; and
5. To provide uniformity of prioritization for individual parcels and categorization of such parcels with respect to eligible community preservation categories.

The seven classes of focus areas defined by this Community Preservation Plan are outlined in Table 2.1. The location and boundaries of each focus area are illustrated by the maps provided in this Community Preservation Plan below. Descriptions of each of these focus areas are provided in this Part 2 of the Community Preservation Plan and detailed maps can also be found in Appendix D

Within each focus area, Appendix A of the Community Preservation Plan lists every parcel that would be eligible as a project site, which the Town will have the ability to undertake pursuant to the Community Preservation Fund. Every parcel that can be considered for preservation in the Town is identified.

Parcels with attributes identified in this Community Preservation Plan range from one (1) attribute to as many as twenty three (23) different attributes on one parcel. The number of attributes on a particular parcel defines the priority assigned to that parcel. All available land use tools and techniques which may be applied to preserve or protect such lands are also noted, with respect to both the larger focus areas and the individual parcels and categories of parcels.

Because some parcels have more attributes than others does not guarantee that they will be preserved using the Community Preservation Fund. The parcel's owner(s) must also choose to participate in the program and there must be sufficient funds available to the Town in order to do so. But the Community Preservation Plan begins a process where it becomes possible to envision how high ranking properties can be preserved. It is hoped that this Plan will begin a dialogue between landowners and the Town to help the community realize its goals for natural and cultural resource protection.

Appendix E presents the full analysis of every parcel in the town against the 35 attributes that were available to identify the natural and cultural resources from the GIS information. As shown in Appendix E, each parcel was assigned a "1" for the presence of the attribute on a parcel or a "0" for the absence of an attribute on the assessment. There are 145 parcels in the Community Preservation Plan that contain at least one attribute and 1,431 parcels that contain multiple attributes. The tables in

Appendix A summarize and categorize the parcel analysis by focus area, priority, number of attributes, and acreage.

The Community Preservation Plan has examined large connected lands as important for protection and for their potential to offer the greatest value to the community in protecting open space, natural, and cultural resources. In general, larger blocks of preserved lands will have greater benefits to the community for a variety of reasons. First, if such parcels are farmed, it will help to solidify an important “critical mass” of farms and farmers to maintain industry strength. Water resources throughout a watershed or aquifer generally span a large number of parcels. Large intact and contiguous wildlife habitats, such as the existing Town/Village Mill Brook Preserve are essential for biodiversity protection. Scenic viewsheds encompass broad areas and historic resources often stretch across numerous land areas in historic districts. Recreation areas, especially trails, also span multiple properties and acquisition of lands for recreational use may lack the important natural and cultural resources that would rank them higher for the use of the CPF.

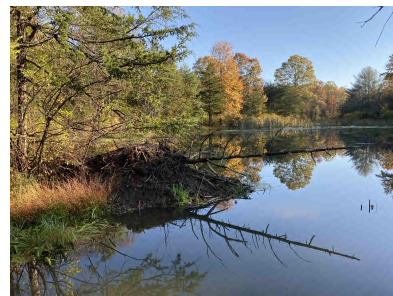
Any property identified in the Community Preservation Plan could be theoretically eligible for funds in any given year provided sufficient revenues are available. The cataloguing process identified the range of attributes that would be worthy of meeting multiple preservation goals of the Community Preservation Plan, while reserving the actual assessment of parcels to be made at such time as a proposal is presented to the Town for funding. In this way, all attributes possess similar values and are treated equally on a case by case basis. The following describes the seven focus areas and the reasons why each are important to New Paltz residents and businesses. The descriptions also provide a rationale for why the focus areas were included in the Community Preservation Plan.

The Community Preservation Plan does not attempt to spell out how the Community Preservation Plan Advisory Board will select parcels for funds deposited into the Community Preservation Fund. That will be done on a parcel by parcel basis once the program has been established. But this Community Preservation Plan provides a decision-support tool for prioritizing protection efforts for the Community Preservation Plan Advisory Board.

The following describes each of the seven focus areas. It also identifies the significance of the resource and how information on the resource was developed.

1. Water Resources

Aquifers supplying potable groundwater to Town of New Paltz residents and businesses are essential to maintaining quality of life as well as human health and environmental health that New Paltz’s residents depend upon. A majority of Town residents rely exclusively upon

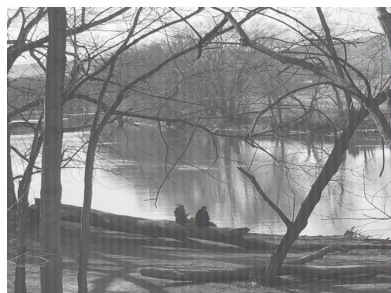


groundwater as their sole source of drinkable water. Groundwater can be easily contaminated as a result of land use and other activities that occur over the aquifers found within the Town. Protection of the aquifers that supply groundwater, are therefore necessary. The New York State Department of Environmental Conservation (DEC), in cooperation with the United State Geological Survey, have undertaken mapping of primary and principal aquifers in New York State for this reason.

Aquifers can consist of high yield bedrock formations, but the most productive aquifers consist of unconsolidated deposits of sand and gravel that occupy major river and stream valleys. These aquifers typically form flat areas, that are also suitable for development, and they generally provide an ample groundwater supply. Because of development however, coupled with the high permeability of sand and gravel deposits and shallow depth to the water table, these aquifers are particularly susceptible to contamination from point sources.¹⁰ All aquifers in the Town of New Paltz, mapped by the state and federal governments, have been included in the Community Preservation Plan.

The Village of New Paltz and a small portion of the Town rely on a drinking water system that is supplied from the Catskill Aqueduct of the New York City water system as its primary source of water. The Village serves Village residents, SUNY New Paltz, and adjacent water districts in the Town. The Village has a backup water supply system that consists of a series of ponds fed by headwaters of the Kleine Kill, an existing water treatment facility, and a reservoir on Mountain Rest Road. New Paltz Village maintains its municipal drinking water system based upon this system but studies have been ongoing for several years to assess the system for greater reliability and efficiency. The Village water system currently provides 1,105 service connections within the Village and 269 service connections outside the Village within Town water districts. The Village's water system provides a peak flow of 1,200,000 gallons per day of potable water. The watershed area that feeds the Village's surface water supply backup system has been mapped and the parcels within the watershed are included in the Community Preservation Plan.

The Ulster County Geographic Information System (Ulster County GIS) maintains geographic datasets for Ulster County. This includes surface water features (Area and Linear files) in Ulster County derived from LiDAR datasets and one foot (1')



orthoimagery. Streams and water bodies in the Town of New Paltz were identified using the Ulster County data.

The Federal Emergency Management Agency (FEMA) has continuously monitored flooding and flood hazard areas since its inception in 1979. FEMA has mapped flood hazard areas and floodplains in New Paltz. The land area covered by the floodwaters of the base flood is identified as the Special Flood Hazard Area (SFHA)

¹⁰ See <https://www.dec.ny.gov/lands/36118.html>.

on National Flood Insurance Programs maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. All of the identified floodplain and flood hazard areas in New Paltz were identified for this Community Preservation Plan and are included in the Community Preservation Plan's water resource map, Figure 2.1 below.

The New York Natural Heritage Program (NYNHP) has identified riparian buffers statewide and provided GIS data on their location in an effort to help identify and prioritize riparian (stream-side) sites for restoration or protection. The data identifies sub-watersheds and catchments based on the presence and extent of several ecological indicators, such as percent canopy cover, impervious surface, erosion risk, and so on, that contribute to the health of associated streams. It is also designed to guide related conservation work, such as land protection for drinking water sources and rare habitats. The riparian buffers are based upon the concept that upland habitat contributes to stream health and that the condition of the habitat in the riparian zone has a more direct impact on water quality. Data from the NYNHP was used in identifying riparian buffers.



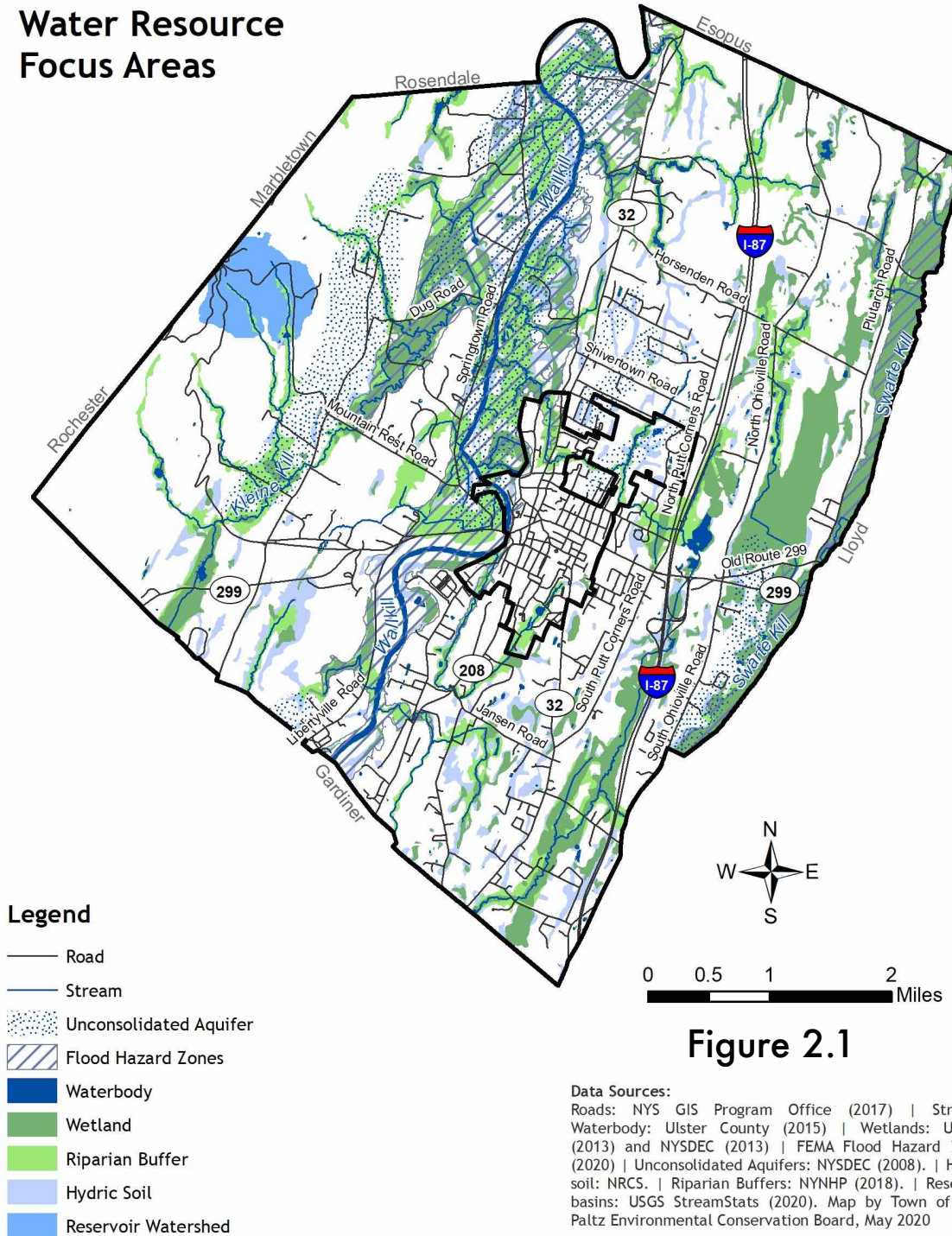
Wetlands (swamps, marshes, bogs, and similar areas) are areas saturated by surface or ground water sufficient to support distinctive vegetation adapted for life in saturated soil conditions. Wetlands serve as natural habitat for many species of plants and animals and absorb the forces of flood and erosion to prevent loss of upland soil. In New York State, most freshwater wetlands greater than 12.4 acres in size are regulated under Article 24 of the Environmental Conservation Law, based upon a scientific and

social basis that wetlands are valuable to the people and environment of New York State. Some of the functions and benefits of wetlands cited by New York State include flood and stormwater control, surface and groundwater protection, erosion control, pollution treatment and nutrient cycling, fish and wildlife habitat, and public enjoyment, among others. All State Protected Freshwater Wetlands mapped in the Town of New Paltz have been included in this Community Preservation Plan. The Town of New Paltz also has a Wetlands and Watercourse Protection Law (Chapter 139 of the Town Code as described in Part 3) that is designed to regulate activities that may



Town of New Paltz Community Preservation Plan

Water Resource Focus Areas



cause a substantial adverse effect on the functions served by wetlands or the benefits derived from wetlands.

Similarly, the Federal government recognizes that wetlands provide a multitude of ecological, economic and social benefits including habitats for fish, wildlife and plants - many of which have a commercial or recreational value. Wetlands recharge groundwater, reduce flooding, provide clean drinking water, offer food and fiber, and support cultural and recreational activities. The US Fish and Wildlife Service (FWS) is the principal Federal agency tasked with providing information to the public on the status and trends of the Nation's wetlands. The FWS National Wetlands Inventory (NWI) is a publicly available resource that provides detailed information on the abundance, characteristics, and distribution of US wetlands. NWI data are used by natural resource managers, within the FWS and throughout the Nation, to promote the understanding, conservation and restoration of wetlands. NWI mapping was used in developing the Community Preservation Plan.

Finally, the Federal Natural Resources Conservation Service identifies and maps soils that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part. These are identified as hydric soils. Some of these areas may be considered wetlands but have not been included in either the State or Federal wetland mapping programs. Lists of hydric soils were sourced from the Ulster County Soil Survey.

2. Agricultural Lands

For farming to be successful, there must be a favorable climate. Farmers also need to acquire practical experience, have a knowledge of science, a sense of business, a market to sell products, a love of the land, and plenty of courage and determination. But good soil is perhaps the most essential element needed for farming, because it determines not only what can be grown but whether yields will be high or low.

Prime Farmland soils are defined by the US Department of Agriculture (USDA) as: "Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management."



Some soils will also be classified as "Prime Farmland if Drained." Prime Farmland if Drained soils may also be identified as freshwater wetlands. New Paltz is fortunate to have significant land areas with Prime Farmland soils including those that are "Prime" if properly drained. However, it should be noted that farms within a New York State Agricultural District are generally excluded or permitted without permits (in both the State and local wetland rules) for the growing of agricultural products within wetlands.

In New York State, Soils of Statewide Significance are the soils that do not meet all the criteria for Prime Farmland or Prime Farmland if Drained, but are mineral soils in specific land capability classes. Soils of Statewide significance are also found in the Town of New Paltz and, according to the USDA, such soils are favorable for cropland, pastureland, rangeland, forestland, or other land "but not urban build-up land or water."

Both Prime Farmland soils and Soils of Statewide Significance have been identified by the Natural Resources Conservation Service of the USDA. All such soils that exist in New Paltz have been included in the Community Preservation 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. Therefore, all three soil classifications have been included in the Community Preservation Plan priorities. As population in New Paltz grows (and throughout the world, which grows by 200,000 persons every day), the loss of any soil that is favorable to growing crops represents a lost opportunity for feeding this growing population.

The New York State Legislature declared in the Agriculture and Markets Law (AML) that: "It is hereby found and declared that agricultural lands are irreplaceable state assets. In an effort to maintain the economic viability, and environmental and landscape preservation values associated with agriculture, the state must explore ways to sustain the state's valuable farm economy and the land base associated with it. External pressures on farm stability such as population growth in non-metropolitan areas and public infrastructure development pose a significant threat to farm operations, yet are the pressures over which farmers have the least control. Local initiatives in agricultural protection policy, facilitated by the agricultural districts program established in article twenty-five-AA of this chapter, have proved effective as a basic step in addressing these pressures. In an effort to encourage further development of agricultural and farmland protection programs, and to recognize both the crucial role that local government plays in developing these strategies, plus the state constitutional directive to the legislature to provide for the protection of agricultural lands, it is therefore declared the policy of the state to promote local initiatives for agricultural and farmland protection."

New York State's Agricultural Districts Law (Article 25-AA of AML) was enacted in 1971 to help keep farms in active agricultural production. County agricultural district designation entitles 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. An agricultural district can be developed when a group of interested landowners – who collectively own at least 500 acres – submit a proposal to their county requesting the formation of a district. In New Paltz, Agricultural District #2 contains broad areas, primarily west of the Thruway and covering much of the Wallkill Valley, that have been designated in the District. There are farms east of the Thruway, which are in Agricultural District #1. Farmers and rural landowners enrolled in this State-certified agricultural district program receive important "right-to-farm" protections and special property treatment. Agricultural tax exemptions limit local property tax liability to a prescribed agricultural assessment value. These exempted parcels are good indicators of active farmland.



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."

The 2006 Town Open Space Plan recognizes the importance of agriculture as follows: "Communities that protect their resources as they grow become noteworthy from an economic perspective. These are not esoteric values. These are real values evidenced on a daily basis in the real estate marketplace. By conserving open space; views to the mountains, working farmlands, places to observe and enjoy wildlife, recreation areas, and by creating a trail system, the community has invested in securing its real estate value. Proximity to open space is a recognized economic amenity. Lands near and adjacent to open space and recreation amenities are higher in value than those that are distant or where these amenities are unavailable. Conserving open space resources in the community will help to protect and enhance residential values."

New Paltz includes farms in its definition of open space from the 2006 Open Space Plan as follows: "Open space is a system of natural, cultural and recreational lands and resources that collectively provide critical benefits for people and wildlife. An open space system includes natural resources such as streams, wetlands and watersheds. It includes working landscapes such as farms and managed forests." [emphasis added]. The Open Space Plan recommended protection and preservation of farms and agricultural lands in a number of locations (farmland clusters) including the following: Buttermilk-Canaan foothills, Wallkill Flats and River Corridor, North Woods and Eastern Wetlands, and the Orchards, Farms and Ridge-Views areas.



In 2010, the New Paltz Town Board authorized and prepared a Farmland Preservation Plan (Farmland Plan). It found that total farmland in the Town had been cut in half since 1960, losing over 6,000 acres. In particular, the challenges facing New Paltz's agricultural operations, specifically high land costs and high level of land subdivision, have contributed to the loss.

When the Farmland Plan was prepared, New Paltz had 3,003 recorded farmland acres divided into 53 parcels, making up less than 13% of the town's total land mass. Approximately half of this acreage was not being actively farmed at that time,

although the parcels remain in one of the two Agricultural Districts. According to the Farmland Plan: “These lands offer watershed protection, wildlife habitat, scenic views, are valuable to the local tourist economy, and may have the potential to be returned to agricultural use. Some of these properties are under conservation easements, but for others the threat of development is an important concern.” The recommendations for protecting farmland in the Town are consistent with the Town Comprehensive Plan and with this Community Preservation Plan.

The Community Preservation Plan has identified each of the above agricultural lands, agricultural resources, and recommended actions. Each parcel that is farmed, is within Agricultural Districts #1 and #2, contains agricultural soils, is currently receiving an agricultural tax exemption, or has been identified in the Town’s Open Space and Farmland Preservation plans have been included in the priority listing of parcels eligible for funding under the CPF. Figure 2.2 shows the areas identified in the Community Preservation Plan as Agricultural Lands.



Town of New Paltz Community Preservation Plan

Agricultural Land Focus Areas

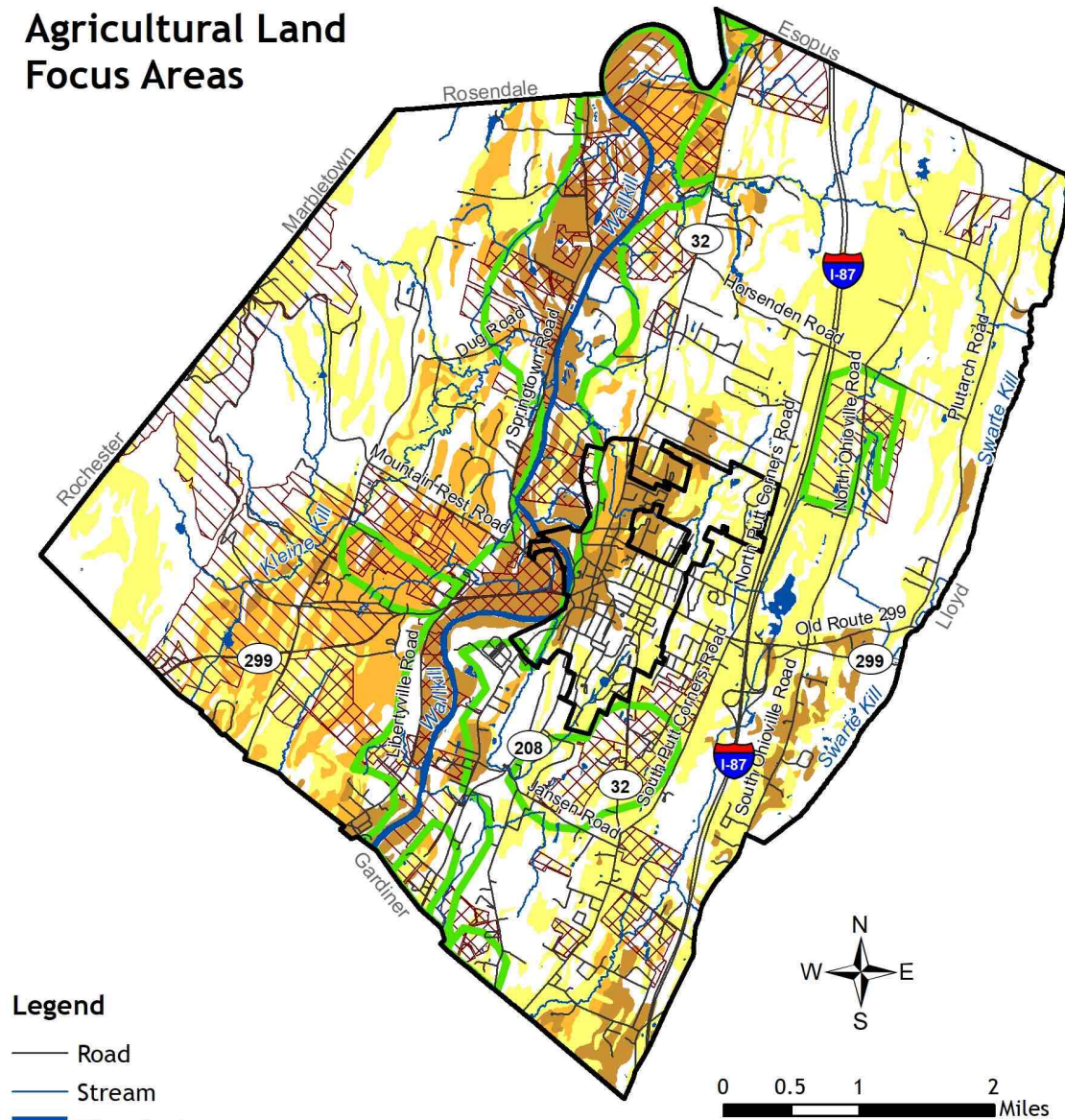


Figure 2.2

Data Sources:
 Roads: NYS GIS Program Office (2017) | Stream/
 Waterbody: Ulster County (2015) | Ag District: NYS Dept of
 Ag and Markets (2018) | Farmland Soils: NRCS. | Ag
 Exemptions: New Paltz Assessor (2020). | Farm Clusters:
 Open Space Plan (2006). Map by Town of New Paltz
 Environmental Conservation Board, May 2020

3. Scenic Resources

The Shawangunk Mountains Scenic Byway was officially designated a New York State Scenic Byway by the State legislature in the fall of 2006. The Byway consists of an 88-mile transportation corridor through New Paltz and eight other towns and two villages. The Shawangunk Mountains Regional Partnership is the management organization for the Byway. In 2005, a Corridor Management Plan was completed



for the Scenic Byway. It was prepared by the Shawangunk Mountains Scenic Byway Steering Committee with representatives from both the Town of New Paltz and the Village of New Paltz. The full Plan can be accessed through the following link: <https://www.mtnscenicbyway.org/about-the-byway/>.

An important strategy for management of the Scenic Byway, as recommended in the Corridor Management Plan is to guide development off the Shawangunk ridge and to use planning and funding opportunities for the preservation of open space, including agricultural lands. This includes the use of local funding to preserve lands identified as important scenic resources, agricultural resources, and other lands that contribute towards the scenic beauty of the Scenic Byway area. In addition, the Corridor Management Plan recommends the use of conservation subdivision design, which the Town of New Paltz is already including in its alternative tools and techniques available for protecting scenic resources (see Part 3 below).

New Paltz's Inventory of Open Spaces (Inventory), completed in 2003, discusses areas of scenic views. The Inventory, compiled by members of the Open Space Committee is extremely useful as a tool to identify valuable open space resources. This data set is a point file with a directional component that 'points' to the direction of the scenic view." The Inventory goes on to state: "Perhaps the most frequently mentioned issue regarding open space resources in New Paltz has been the importance of scenic views in and around the Town and Village of New Paltz. As New Paltz continues to grow into a thriving, diverse community, it is increasingly important to the residents of New Paltz to maintain traditional character and identity of the Town and Village: that of a picturesque town situated among breathtaking views with an opportunity to enjoy mountains, rivers, trees and fields. Of great importance to this identity is the



preservation of scenic views on both sides of the Wallkill River, facing the mountains to the West as well as the town to the East.”

Although often considered only within the context of scenic roads, scenic vistas merit special attention and treatment. The term "scenic vistas" refer to those locations or vantage points where broad expanses of unique and outstanding beauty are apparent. Generally the vantage point for such a vista is elevated from the surrounding area to increase the extent of the view and to identify scenic vistas of primary interest. The extent of the vista may change depending on the season of the year and the corresponding amount of foliage.



Scenic vistas in New Paltz were identified as part of the Town Inventory of Open Spaces. The majority of those vistas identified included views of the Shawangunk Ridge and beyond. Other scenic vistas of interest include streams and tributaries, wetland areas near the Wallkill River, and agricultural and open space areas. Many of the vistas are located along the designated Shawangunk Mountain Scenic Byway in the Town. The Town recognizes that scenic roads and scenic vistas are valuable resources for both residents and visitors to New Paltz. However, these resources often cannot be fully appreciated for a variety of reasons including: a) limited or no access through private property; b) unmarked scenic view areas; c) a lack of off-road parking areas; d) overgrown vegetation that obscures views; and e) visually discordant utility lines, guard rails and other roadside structures.

The Inventory recommends updating the Town’s land use regulations, as the Town has already done since 2003, and to institute a land preservation program for acquiring land and interests in land for the purpose of expanding existing protected open spaces and the acquisition of new ones. Use of a real estate transfer tax was one of

the recommended strategies in the Inventory for New Paltz to consider in its planning program.

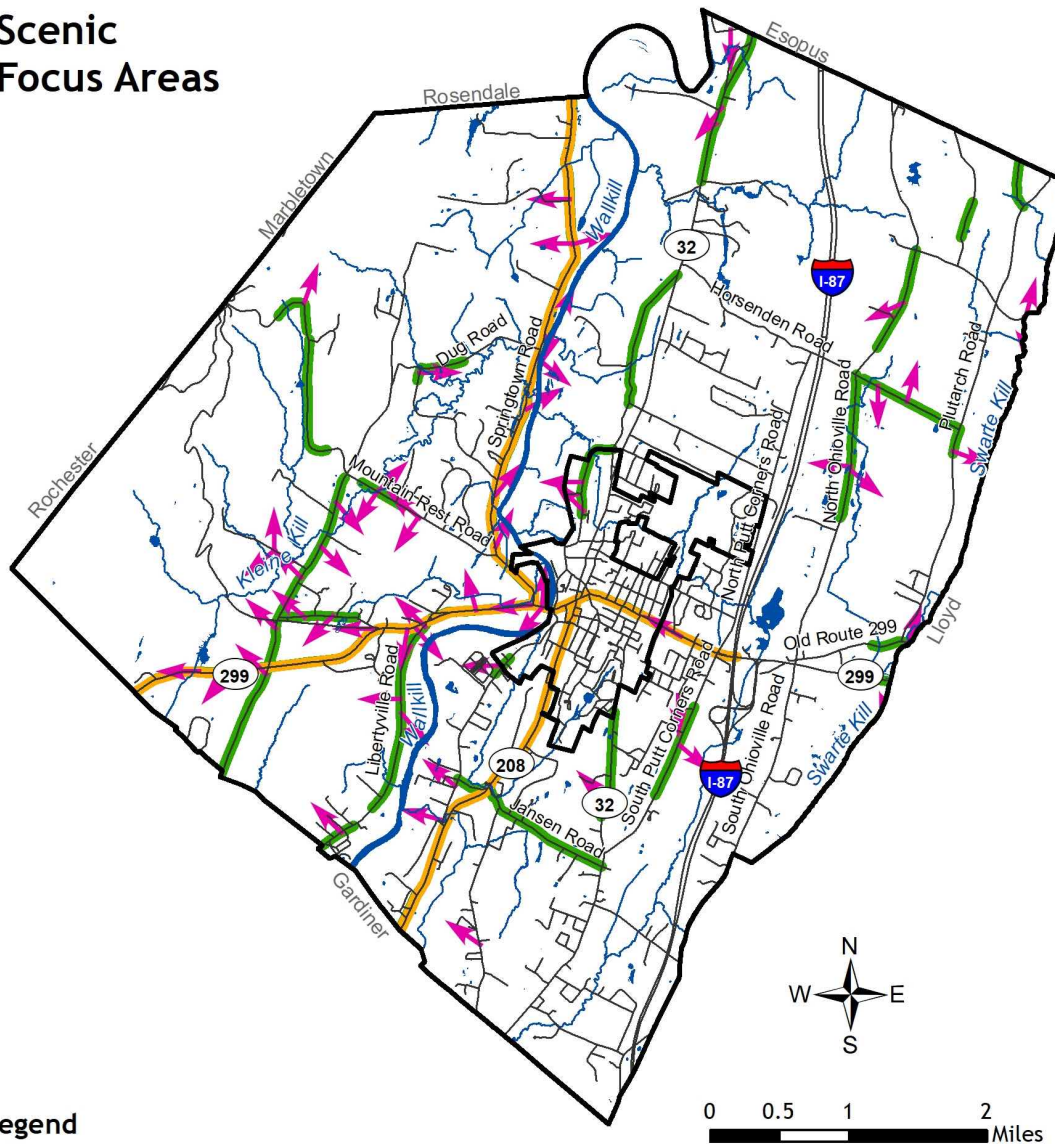
The Community Preservation Plan Task Force members reviewed the 2003 Inventory of Open Space's scenic views data and conducted windshield surveys to determine what, if any, changes had occurred to the features since 2003. The data included in the list of scenic resources in this Community Preservation Plan represent that updating of data. Figure 2.3 identifies those lands containing scenic attributes with an emphasis on the foreground/lands adjacent to the scenic road or viewpoint.





Town of New Paltz Community Preservation Plan

Scenic Focus Areas



Legend

- Road
- Stream
- Waterbody
- Scenic Views
- Scenic Byway
- Scenic Roads

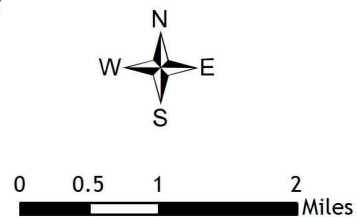


Figure 2.3

Data Sources:
 Roads: NYS GIS Program Office (2017) | Stream/
 Waterbody: Ulster County (2015) | Scenic Roads and
 Views: 2003 Open Space Inventory, verified/updated by
 Community Preservation Task Force (2020) | Scenic Byway:
 NYSDOT. Map by Town of New Paltz Environmental
 Conservation Board, June 2020

4. Historic Resources

The New Paltz Comprehensive Plan places great importance on historic resources as a “heritage asset,” giving the community a “unique identity.” The Plan also states that: “Historic preservation is critical to maintaining the heritage and sense of place of communities. Historic preservation in New Paltz is of particular importance, with its wealth of sites of



national, state and local historic significance and extraordinary glimpse of village life in early settlements. As such, the Town and local organizations have taken special measures to ensure the resources that tell the history of New Paltz are maintained.” The Plan identifies the many ways in which New Paltz’s unique character has been identified, such as the Town of New Paltz Reconnaissance-Level Historic Resource Survey in 2004, the Open Space Inventory in 2003, the Historic Inventory of Open Space Areas in 2007, the National Register Nomination for the Ohioville Historic District, as well as the National Register designations including Mohonk Mountain House National Historic Landmark, the Huguenot Street National Historic Landmark District, and the Jean Hasbrouck House National Historic Landmark.

Other National Register sites, buildings and districts have been designated in New Paltz. The Comprehensive Plan sets as policy for New Paltz the need for “Properties



of national historic significance...to be carefully preserved as development occurs.” The Comprehensive Plan also establishes, as a matter of Town policy, preservation of historic resources, including rural landscapes, from the Open Space Inventory, properties that have received the Historic Preservation Commission’s landmark designation,

properties on the Reconnaissance-Level Historic Resource Survey, properties and districts eligible for local, and State and National designation as historic. The Historic Preservation Commission identified several candidate historic district areas. They are as follows:

- Springtown Road
- Butterville Road
- Libertyville Road
- Plains Road and Rt 208 South
- The Wallkill Flats
- Huguenot Street and Old Kingston Road
- Route 32 North
- Mill Brook Greenway
- North Ohioville Road



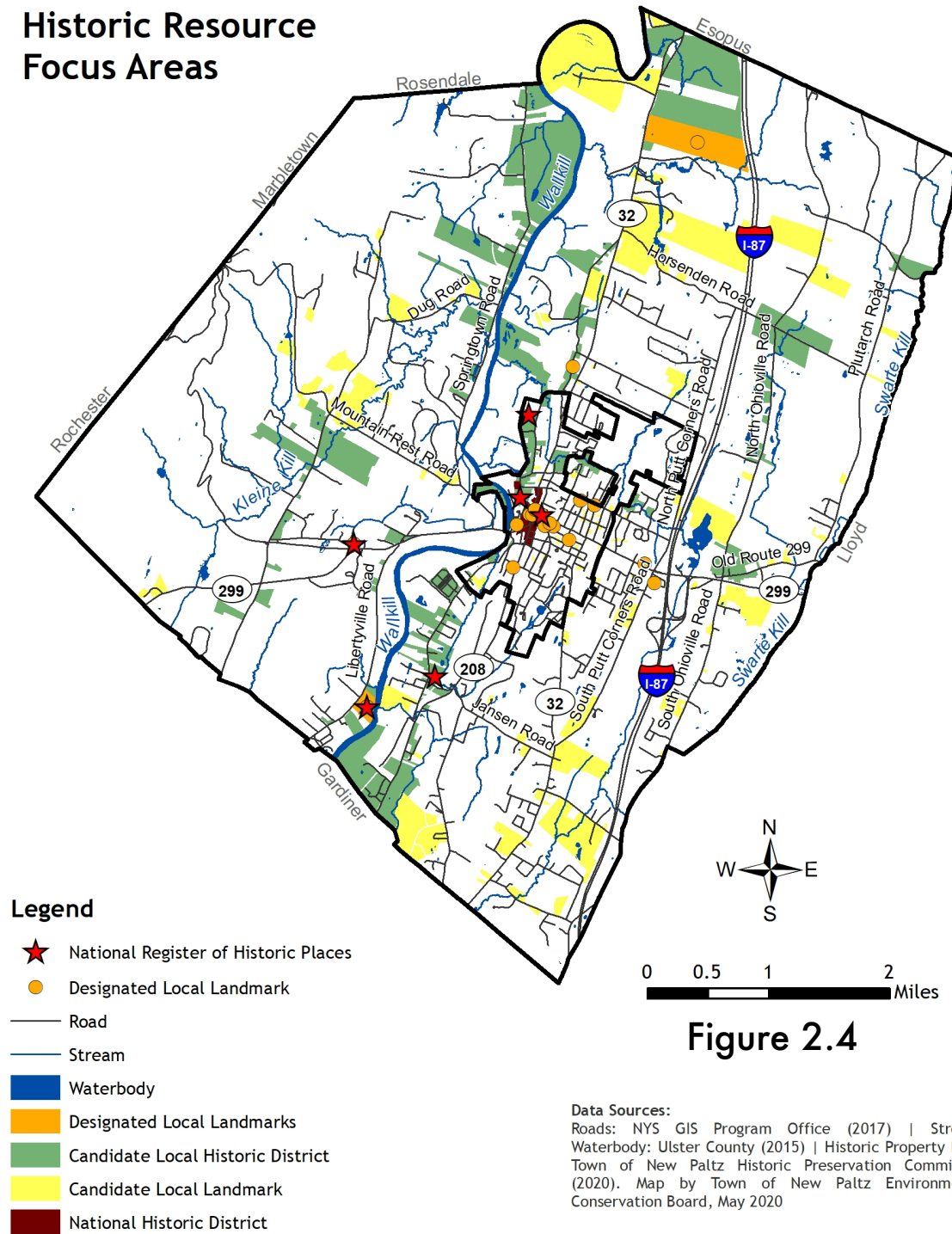
The Plan further recommends that land use controls be developed and implemented to protect historic and cultural resources. The Community Preservation Plan recognizes that identification and listing on historic resource surveys and the National and State registers of historic places does not mean that the historic resource is protected. The Community Preservation Plan has included all historic resources identified to date in the parcel spreadsheet. Each of the historic resources has been ranked and is identified herein for protection using the CPF. Figure 2.4 identifies parcels with Historic Resources.





Town of New Paltz Community Preservation Plan

Historic Resource Focus Areas



5. Recreation Land and Trails

The New Paltz Comprehensive Plan recognizes the need for parks and recreational facilities to meet the current and future recreational needs of the community. The Plan provides an inventory of all existing facilities that was up to date in 2011. It includes not only those facilities owned and/or managed by the Town or Village, but other facilities such as County parks, private recreational facilities like the Wallkill Valley Rail Trail, Mohonk Preserve, and school facilities.

A recreation needs analysis was conducted of the current and projected population of the Town against National Recreation and Park Association standards. According to the Plan: “New Paltz parkland standards are in line with National Standards for the projected 2030 time frame.” However, the Plan recommends that: “A comprehensive trail system connecting parks and major population areas throughout the Village and Town” be established and that the Mill



Brook Preserve be included in any park planning process. The Plan also recommends that: “There is a need for pedestrian/bicycle infrastructure (trail system) that links major population and recreation areas in the Town and Village. It is recommended the Town, in cooperation with the Village, develop a plan to bring these pedestrian/bicycle routes to realization.” Finally, the Plan recommends that additional smaller parks be developed throughout the community “where existing neighborhoods are not served.”



Since the Comprehensive Plan was last updated, the Empire State Trail has been established, which connects the major population areas in the Town and Village to the Wallkill Valley Rail Trail, the Walkway Over the Hudson and New York City. In addition, the River to Ridge Trail created by the Open Space Institute on land they protected has been established, connecting the Town and Village with the Mohonk Preserve. This Plan identifies additional parcels that link additional population areas in the Town and Village to the existing trails and parks.

The 134-acre Mill Brook Preserve in the heart of the Village has a system of trails for passive recreation,

including ones that connect different neighborhoods. The Mill Brook Preserve was created to protect open space, conserve biodiversity and wildlife habitats, allow the existing natural systems to provide flood protection, erosion control, drainage, and other natural functions, and to provide recreational and educational opportunities for residents and visitors.



The WVRT is a 22+ mile rail trail and linear park, maintained by the Walkkill Valley Land Trust, that winds along the former Walkkill Valley Railroad rail corridor in Ulster County. It passes through the towns of Gardiner, New Paltz, Rosendale, and Ulster to the Kingston city line.

The Empire State Trail is a state-wide, multi-use path designed to accommodate shared use by pedestrians and bicyclists. In New Paltz, the Empire State Trail includes the Walkkill Valley Rail Trail north of Henry W. Dubois Drive and the Hudson Valley Rail Trail.

Proximity to entrances to the Empire State Trail and Rail Trail will allow for connecting trails in the future. All parcels that were identified as needed to accomplish the above recommendations have been added to the Community Preservation Plan and can be found on the parcel spreadsheet and tables herein.

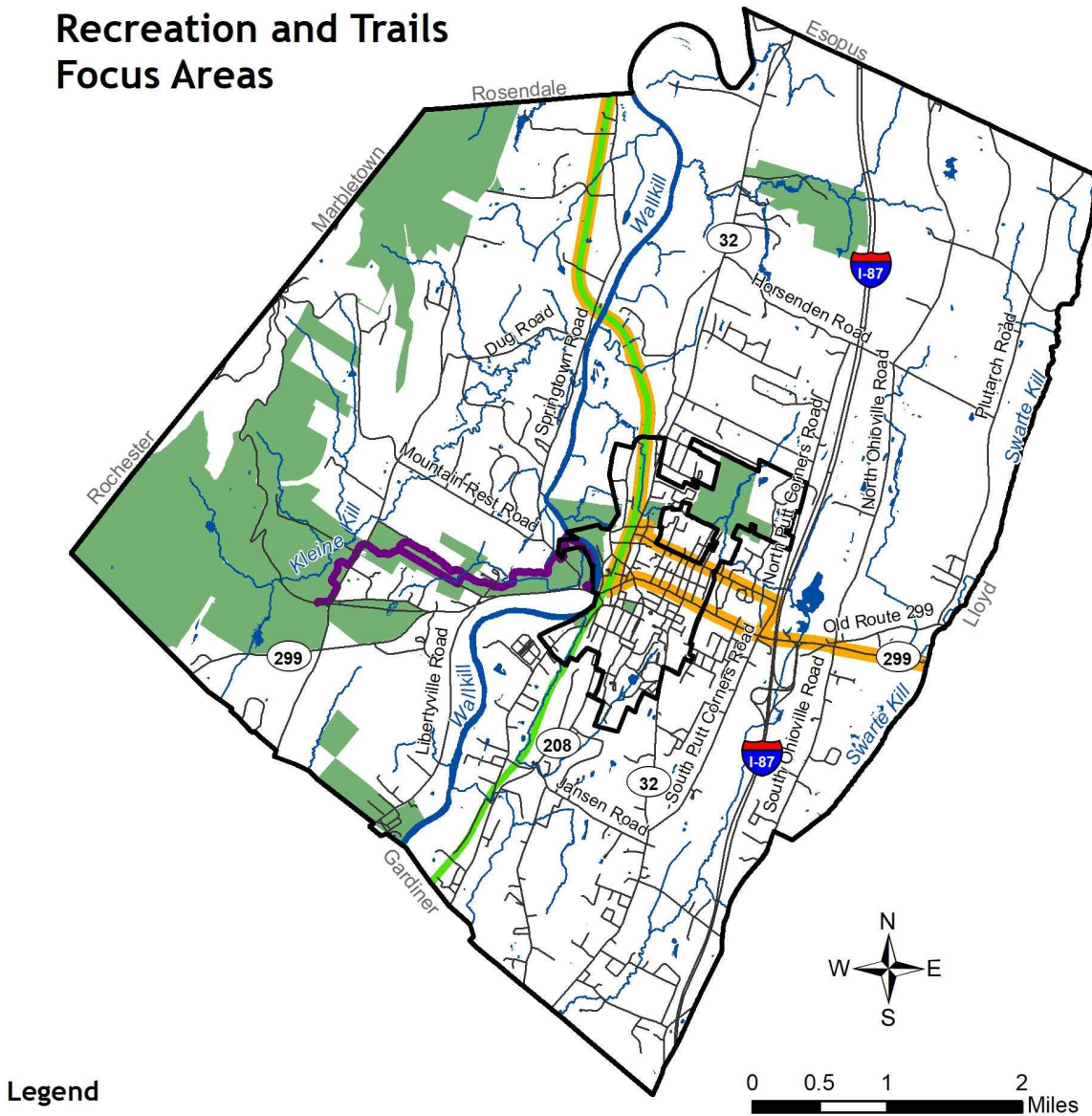
Figure 2.5 shows parcels with recreation lands and trail attributes. Parcels adjacent to existing parks, preserves, and trails provide an opportunity to expand and to connect with these existing amenities and have been included.





Town of New Paltz Community Preservation Plan

Recreation and Trails Focus Areas



Legend

- Road
- Stream
- Waterbody
- Protected/Public Land with Recreation Access
- Empire State Trail
- Wallkill Valley Rail Trail
- River to Ridge Trail

Data Sources:

Roads: NYS GIS Program Office (2017) | Stream/
Waterbody: Ulster County (2015) | Empire State Trail:
Hudson Valley Greenway (2020). | River to Ridge Trail: OSI
(2020). Rail Trail: WVLT (2020). Map by Town of New Paltz
Environmental Conservation Board, May 2020

Figure 2.5

6. Habitats and Natural Areas

New Paltz residents and officials have consistently supported protection of the community's natural environment, in the official policies of the Comprehensive Plan, planning studies supporting the Comprehensive Plan, and in the Town's Zoning and other land use controls. The Town's planning program has resulted in significant progress towards protection of habitats and natural areas. For instance, the Environmental Conservation Board has developed Habitat Assessment Guidelines for the review of proposed developments, and has proposed the establishment of Critical Environmental Areas. For every undeveloped parcel of land in the community that becomes subject to development, an additional loss of the natural environment occurs. The Community Preservation Plan is one of a number of options the Town of New Paltz can use to attain its goals to protect community character, including habitats and natural areas.



Fortunately, an abundance of information exists on the natural environment of the community. The New Paltz Environmental Conservation Board, New York State, Cornell University, Audubon New York, The Nature Conservancy, Mohonk Preserve, Hudsonia, Ltd., The John Burroughs Natural History Society, the Metropolitan Conservation Alliance, and the Federal government have all studied the flora and fauna of the community and have identified its significance. This Community Preservation Plan relies on the science-based studies of ecology and natural areas in the Town. This information is widely available in GIS databases, that were used to develop a parcel by parcel analysis of those habitats and natural areas



in the community that are of conservation concern. The parcel spreadsheet in Appendix A reflects the data, mapping, and other information that is available to guide New Paltz in attaining its vision to protect the natural environment as an essential component of its community character.

Appendix B contains a publication, prepared by the Hudson River Estuary Program of the State Department of Environmental Conservation and Cornell University for the Town of New Paltz, describing the information available on habitats and natural areas in the community. Information used to identify habitat and natural area priority areas is summarized below:

Parcels Adjacent to Protected Conservation Land. Protected conservation lands have the potential to become “islands” if development occurs on adjacent land. These “islands” of preserved land are often insufficient to protect an entire ecosystem, a significant biodiversity area, or other important habitat or natural area. Protection of land adjacent to existing conservation lands enhances habitat connectivity and the long-term viability of preserved land to provide ecological values. These parcels were identified and included.

Significant Biodiversity Areas - The New York State Department of Environmental Conservation recognizes the Shawangunk Ridge and Esopus/Lloyd Wetlands and Ridges (covering the northeast corner of the Town) as Significant Biodiversity Areas (SBAs). SBAs contain high concentrations of biodiversity or unique ecological features. The Hudson River Estuary Wildlife and Habitat Conservation Framework states “The Shawangunk Ridge contains an



unusual diversity of plant communities and a high diversity of associated plant and animal species. The high diversity in the area is due in part to the wide range of topography and substrate. The area contains communities that range from wetland to ridgetop, slope, and cliff. The forest habitats are important as a migration corridor for raptors, other migratory birds, and wide-ranging mammals.” The Esopus/Lloyd Wetlands and Ridges SBA supports outstanding wetland resources unique in the Hudson Valley region. The intricate topography of ridges and valleys in this area coupled with relatively low development intensity has enabled the persistence of a rich complex of upland and wetland habitats that support many rare species. For a description of the key ecological features of each Significant Biodiversity Area see the following publication: <http://www.dec.ny.gov/lands/5096.html>.

Audubon Important Bird Areas - Audubon New York has identified part of the Shawangunk Ridge as an Important Bird Area due to its significance for forest birds. An ornithological summary from Audubon states that this area is an “exceptional example of a characteristic higher elevation forest bird community with particularly good representation of a pine woods community.” For more information, visit the following link: <https://www.audubon.org/important-bird-areas/state/new-york>.

Important Areas for Rare Animals - The New York Natural Heritage Program has identified important areas for sustaining populations of rare animals based on documented occurrences. These areas include the specific locations where a species has been observed, the adjacent habitat, as well as areas critical to maintaining the habitat.

Significant Natural Communities - Significant natural communities may provide habitat for rare plants and animals, support intact ecological processes, and contribute to

other ecosystem benefits. Significant examples of chestnut oak forest, hemlock northern-hardwood forest, and floodplain forest have been mapped in New Paltz by the New York Natural Heritage Program.

Northern Wallkill Biodiversity Areas - The Northern Wallkill Biodiversity Plan, a product of the Metropolitan Conservation Alliance, identified a mostly interconnected network of core habitat in the towns of New Paltz and Lloyd. The plan identifies priority species within these areas and bases their importance on documented sensitive to development. Priority species include grassland breeding birds, amphibians and reptiles, and wetland specialists. The Community Preservation Plan identifies priority areas for biodiversity in the Town to sustain these species.



Forest Areas Greater Than 100 Acres - Large forests greater than 100 acres provide habitat for a wide range of plant and animal species. Forests with interior core habitat greater than 500 acres are most likely to support populations of forest-interior wildlife including many songbirds requiring large intact forest areas..

Matrix Forest Blocks and Linkage Zones - Matrix forests represent the largest, most intact forests in the northeastern United States, whose size and natural condition allow for the maintenance of ecological processes, forest communities, and populations of forest-interior species. Linkage zones are largely intact forested connections between matrix forest blocks that allow animals and plants to move or disperse across the landscape. Conserving large high-quality forests and connections between them will allow plants and animals to migrate to suitable habitat as the climate warms.

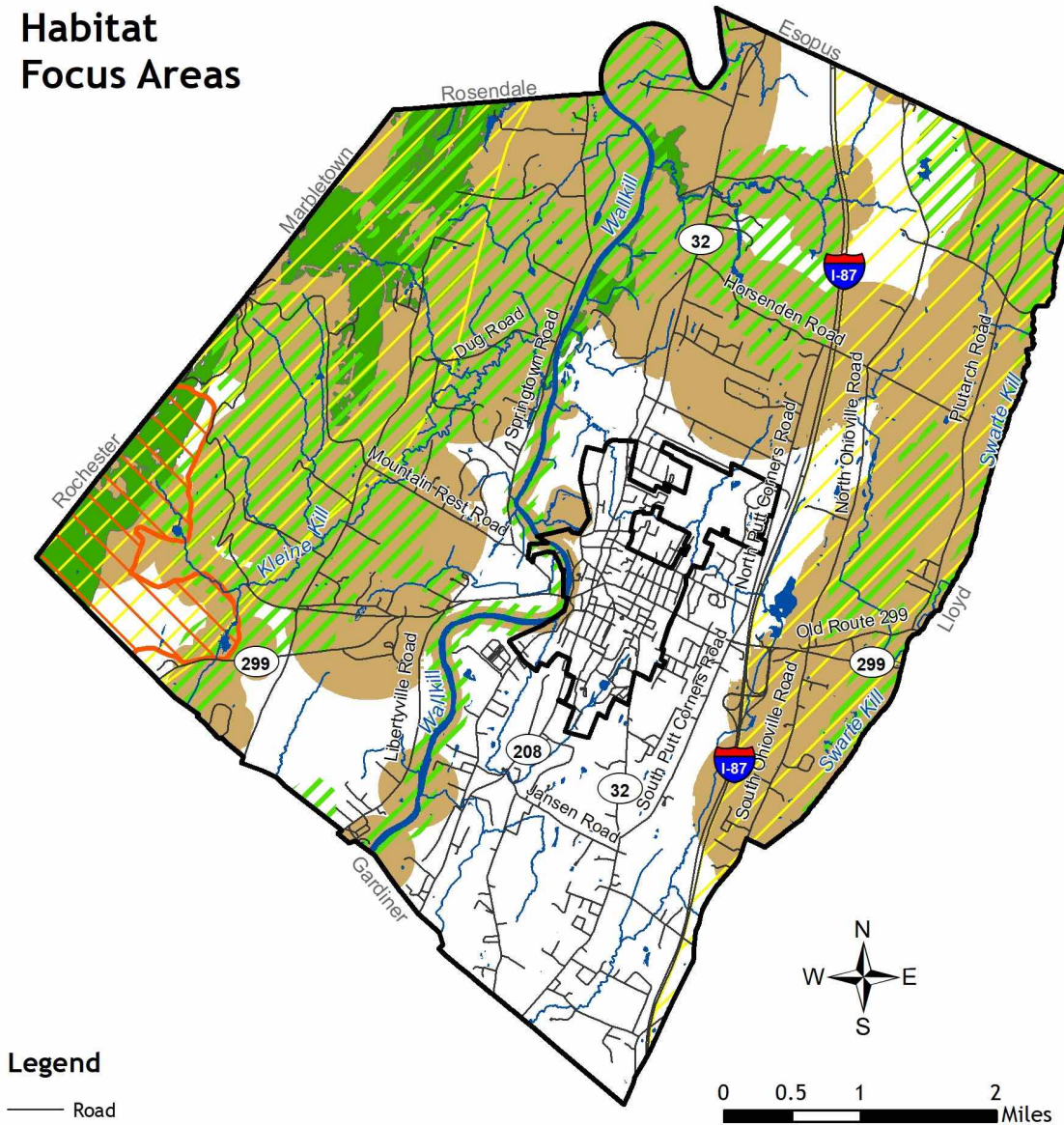
Open Fields and Meadows Greater Than 25 acres - Farmland, both active and recently abandoned, encompasses many different unique habitats including meadows, grasslands, shrublands, and young forest. Large, unfragmented farmland habitats generally support higher populations of rare or declining species, such as northern harrier and bobolink. Clusters of adjacent fragmented patches, regardless of their size, can offer many of the benefits of larger contiguous patches.

Figure 2.6a shows those parcels that contain one or more habitats and Figure 2.6b shows natural areas described above and in Appendix B.



Town of New Paltz Community Preservation Plan

Habitat Focus Areas



Legend

- Road
- Stream
- Waterbody
- Audubon Important Bird Area
- Hudson Valley Significant Biodiversity Area
- Northern Wallkill Priority Biodiversity Area
- Significant Natural Community
- Important Area for Rare Animals

Data Sources:

Roads: NYS GIS Program Office (2017) | Stream/Waterbody: Ulster County (2015) | Significant Biodiversity Area: NYSDEC/ Cornell (2006) | Northern Wallkill Priority Biodiversity Area: WCS MCA (2006) | Audubon Important Bird Area (2017) | Significant Natural Community and Important Area for Rare Animals: NYNHP (2019). Map by Town of New Paltz Environmental Conservation Board, May 2020

Figure 2.6a



Town of New Paltz Community Preservation Plan

Natural Area Focus Areas

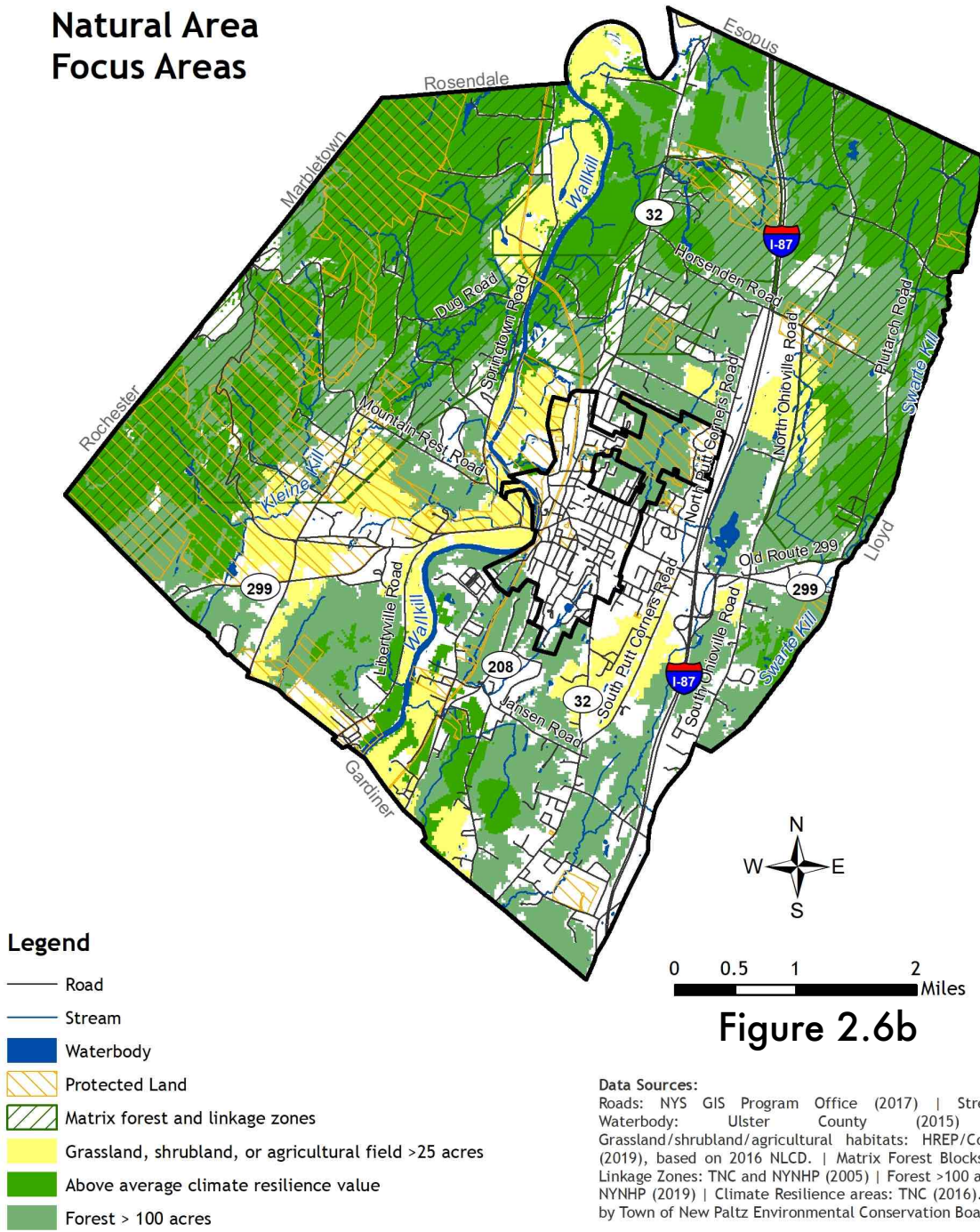


Figure 2.6b

7. Open Space Areas

Assemblages of parcels identified in the 2006 New Paltz Open Space Plan as Open Space Character Areas, have been included in this Community Preservation Plan. The Open Space Plan states: "It is impossible to plan for open space in New Paltz without understanding the context of the landscape, which has such a profound effect on land uses and human experiences. The open space vision for the New Paltz community reflects landscape-level 'character areas': places with similar natural and physiological features that determine the character of the land's uses and open space resources. They include the following:

- Shawangunk Ridge
- Butterville-Canaan Foothills
- Wallkill Flats and River Corridor
- North Woods and Eastern Wetlands
- Orchards, Farms and Ridge-views
- Mill Brook Preserve Concept Area
- Scenic Cultural Landscapes"



The Open Space Plan provides specific recommendations for the minimum number of acres of open space to be protected as follows: "Below are some land conservation acreage goals, including specific milestones for the resource character areas discussed in Part 2 of this [Open Space Plan] report.

- Aim to protect an additional 3,000 acres of Town and Village lands in the long-term. This amount would more than double the existing 2,800 acres (12% of total Town and Village land area, 22,848 acres) protected to date and would protect approximately 25% of the total Town and Village land area.
- Aim to protect a balanced mix of acreage and resources in each of the open space vision character areas. Acreage milestones for each character area are as follows:



- *Shawangunk Ridge: 500 acres*
- *Butterville-Canaan Foothills: 500 acres*
- *Wallkill Flats and River Corridor: 500 acres*
- *North Woods and Eastern Wetlands: 500 acres*
- *Orchards, Farms and Ridge-Views: 1,000 acres"*

The Community Preservation Plan has included the above open space character areas in the parcel spreadsheet and in the tables provided

in Appendix A. Tools recommended for preservation of the above open space character areas include a combination of land use controls, as described in Part 3 of this Community Preservation Plan, and acquisition of real property and interests in real property as described in Part 2. Figure 2.7 shows the areas with open space attributes.





Town of New Paltz Community Preservation Plan

Open Space Character Focus Areas

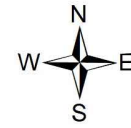
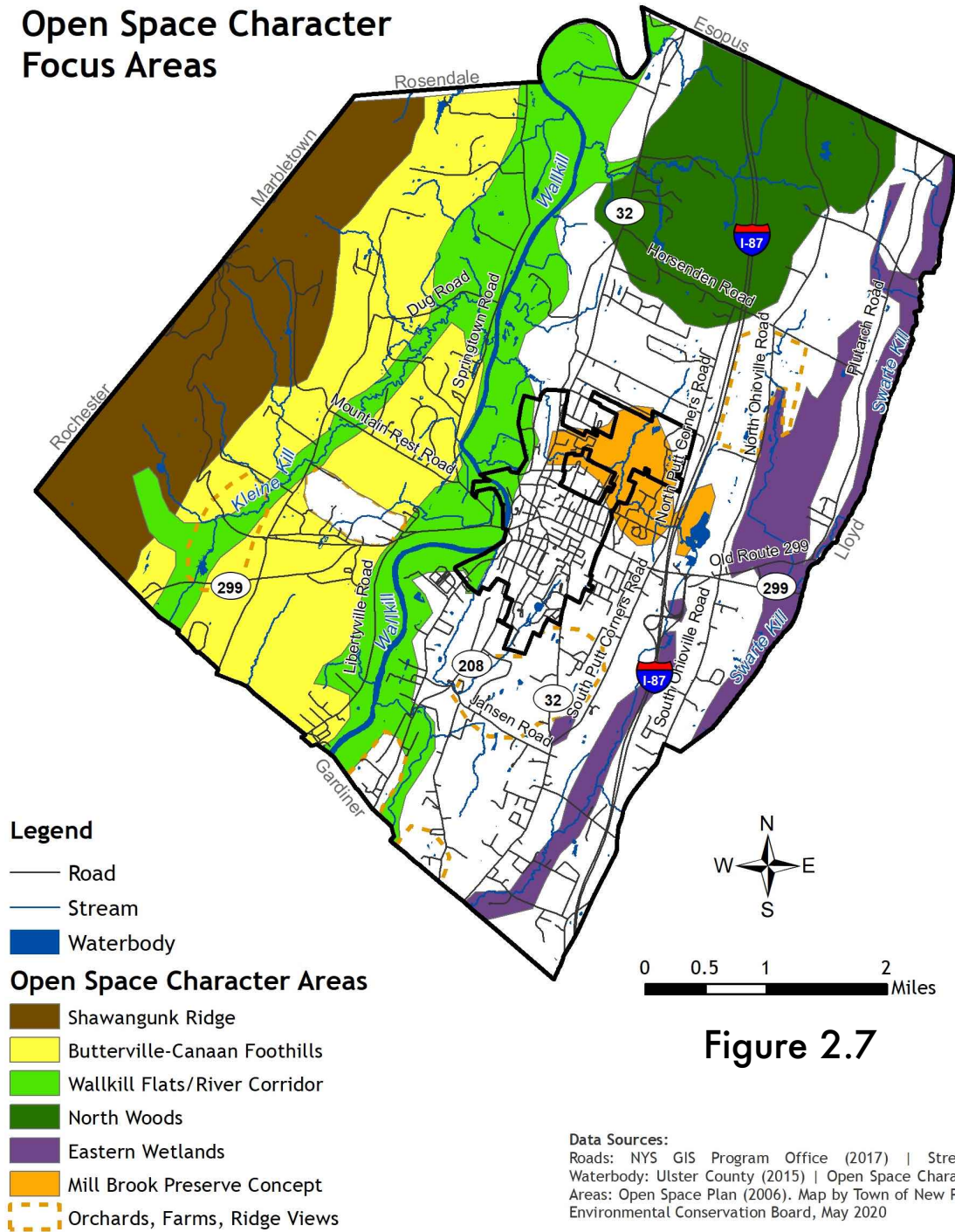


Figure 2.7

C. Focus Area Parcels

The following describes the results of the parcel by parcel spreadsheet analysis summarized by focus area as shown in Appendix A. The complete Community Preservation Plan spreadsheet analysis can be found in Appendix E, which can be consulted at New Paltz Town Hall, at Elting Memorial Library or on the Town's website. When reviewing the seven focus areas on the spreadsheet, readers should note that the parcel acreages are not cumulative but represent parcels with attributes present. Therefore, there is significant overlap because some parcels contain multiple attributes and their acreage may be identified multiple times.

1. Water Resources

The Town of New Paltz is within the Hudson River watershed. It contains an abundance of streams, lakes, ponds, wetlands, and aquifers, each of which have been identified by Federal, State and Local agencies. From an examination of the mapping and data available on these water resources, there are a total of 964 parcels of land that contain one or more water resources that are necessary for preservation of New Paltz's community character. Priorities within this Focus Area can be found in Table 2.1 in Appendix A.

2. Agricultural Lands

There are a total of 1,366 parcels that contain one or more agricultural features that are necessary for preservation of New Paltz's community character. They can be found in Table 2.2 in Appendix A.

3. Scenic Resources

Priorities within this Focus Area are as follows. There are 319 parcels with one or more important scenic features in the Town. They can be found in Table 2.3 in Appendix A.

4. Historic Resources

This Focus Area primarily 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, have been identified as eligible for listing on such registers, have been identified as eligible for local landmark or local historic district designation by the Town of New Paltz Historic Preservation Commission, or have been identified as a priority cultural resource worthy of preservation by the Town or Village of New Paltz or other source. There

are a total of 450 parcels of land in this focus area. They can be found in Table 2.4 in Appendix A.

5. Recreation Lands and Trails

Properties adjoining existing recreation lands, including trails, are included because they have the potential for enhancing community character. There are 392 parcels that have been identified with one or more scenic features that makes them a priority for preservation. They can be found in Table 2.5 in Appendix A.

6. Habitats and Natural Areas

In order to identify and prioritize ecologically significant focus areas for the Town's Community Preservation Plan, local, State and National mapping was used.. Pulling together this information showed where gaps needed to be filled, so that existing habitats and natural area complexes and other important ecologically significant areas could be tied together, to make the community preservation goals a reality for the Town.

In 2019, the New York State Department of Environmental Conservation (DEC) prepared a comprehensive description of habitats and natural areas in the Town of New Paltz. The result was a publication entitled: Natural Areas and Wildlife in Your Community: A Habitat Summary Prepared for New Paltz. The publication can be found in Appendix B. The highest priorities in this Focus Area are 1,110 parcels that contain significant habitats and natural areas. They can be found in Table 2.6 in Appendix A.

7. Open Space Areas

New Paltz's open space areas possess national and even international significance. New Paltz set a goal of protecting 3,000 acres of open space in the 2006 Open Space Plan. The Town has been recognized with New York State's Scenic Byways designation and is within the area designated by the federal government as the Hudson River Valley National Heritage Area and New York State's Hudson River Valley Greenway. The Community Preservation Plan identified an additional 850 parcels of land that are a high priority to protect in the Town. Open space areas identified in the 2006 Open Space Plan have been included in Table 2.7 in Appendix A.



ALTERNATIVES

3. Evaluation of Alternative Land Use Protection Techniques

A. Introduction

The following identification and evaluation of alternative land use tools and techniques, to protect the Town of New Paltz's community character as defined above in Part 1, focuses on 19 land use controls, including Town enacted laws, ordinances, regulations as well as other types of public and private strategies to protect New Paltz's community character. The identification and evaluation assesses each technique in relation to the seven focus areas identified in Part 2 of this Community Preservation Plan. Land use controls or strategies that present the best option for protection of a specific focus area instead of using the Community Preservation Fund revenues, are assigned a number one. Land use controls or strategies that may have a lower potential for success are assigned a number two and techniques with limited or no application are not assigned a ranking.

Table 3.1 provides a complete listing of the existing land use controls or strategies available to New Paltz for protecting its natural and cultural resources. The table defines 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 assigns the appropriate priority and application of land use alternatives to the focus areas. (See Table 3.2)

The matrix system uses a numerical index (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 each parcel of land. It should be noted that the eventual application of any land use controls or strategies, particularly those involving voluntary fee simple acquisition or the purchase of development rights, will be negotiated or structured on a case-by-case basis and combinations of land use controls or strategies identified may vary by parcel or project. The purchase of development rights is usually coupled with a conservation easement that extinguishes the development rights on a parcel or parcels of land.

The land use protection methods are listed in an evaluation matrix, which appears as Table 3.2. Table 3.2 summarizes the results of the analysis conducted for each protection method and the various focus areas and categories of parcels and projects that assist in assigning priorities. The potential application of a land use protection method is indicated by the assignment of a ranking number in terms of the potential for individual or combined applications. The absence of any ranking indicates that the land use protection method has limited or no value to a specific focus area or parcel. However it should be noted that, on a case-by-case basis, individual circumstances or property conditions may exist and are beyond the scope of this evaluation. Such conditions or circumstances could further alter the level of priority or potential for application of a particular land use protection method.

B. Identification and Summary of Available Land Use Tools and Techniques

A total of 17 applicable land use controls, to protect natural resources and community character, have been enacted by the Town of New Paltz. Two (2) additional classes of land use protection alternatives that are also relevant to protection of the Town's community character have also been identified. The two alternatives involve fee simple acquisition and private conservation strategies. Table 3.1 provides an outline of the 19 public and private land use protection alternatives that can be used to preserve natural and cultural resources in the community. 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 New Paltz's goals as enumerated in its land use plans. Following Table 3.1 is a comprehensive summary of each land use alternative.

ID No.	Town Code	Description
1	Referendum Approved 11/5/2006	Clean Water and Open Space Program Authorization
2	§ 12	Environmental Conservation Board
3	§ 44	Agriculture and Open Space Preservation and Acquisition

Table 3.1: Existing Land Use Controls/Strategies to Protect Community Character		
ID No.	Town Code	Description
4	§ 82	Flood Damage Prevention
5	§ 116	Stormwater Management and Erosion and Sediment Control
6	§ 121	Subdivision of Land
7	§ 121-25	Residential Cluster Subdivision Design
8	§ 130	Tree Conservation
9	§ 139	Wetlands and Watercourse Protection
10	§ 140	Zoning Law
11	§ 140-19	Zoning Law – Floodplain District
12	§§ 140-23, 24 and 25	Zoning Law – Planned Unit Developments
13	§§ 140-83 to 89	Zoning Law – Wallkill River Recreation Overlay District
14	§§ 140-117.1 to 117.12	Zoning Law – Clearing and Grading Control
15	§§ 140-118 to 131	Zoning Law – Historic Preservation Commission
16	§§ 140-132 to 145	Zoning Law – Steep Slope Protection
17	§§ 140-160 to 166	Zoning Law – Planned Resort Overlay District

Table 3.1: Existing Land Use Controls/Strategies to Protect Community Character		
ID No.	Town Code	Description
18	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
19	Private Land Conservation Strategies	Conservation Easements Tax Exempt Installment Sale Bargain Sale/Land Donation Like Kind Exchange Limited Development Family Limited Partnership Charitable Remainder Trust Combinations of the Above

The following is a summary of each individual or class of land use protection alternative identified by [Table 3.1](#) that will be available to the Town to implement the Community Preservation Plan. It should be noted that the village has adopted Zoning and other land use controls and these controls may be available to protect the resources identified in this Plan within the Village of New Paltz. This Community Preservation Plan does not include an examination of village land use controls.

1. Open Space Acquisition Bond Fund

The New Paltz Open Space Plan was adopted by the Town of New Paltz in June 2006 with broad support of the New Paltz community, including farmers, landowners and other stakeholders. The plan identified important resources in the town, including water resources; farmlands; forests and other significant natural communities; and historical and cultural resources. The plan identified

the need for a diverse set of options for landowners who are interested in conservation. One of those tools was a town-financed open space acquisition fund. As an implementation element of the plan, a \$2 million bond referendum was put forth and approved by voters on election day in November 2006. The bond passed with a majority vote and was placed into law on August 23, 2007 as Chapter 44 of the Code of the Town of New Paltz, New York (see Alternative No. 3 below). To date, the Town of New Paltz has expended approximately \$750,000 to acquire open space lands or interests in those lands. Each time the Town uses the bond funds, the taxpayers in the community must fund the debt service on the bond. (See Table 3.2)

2. Chapter 12: Environmental Conservation Board

The purpose of Chapter 12 of the Town Code is to preserve and improve the quality of the natural and man-made environment within the Town of New Paltz. The Chapter establishes the Environmental Conservation Board (EnCB) to foster unified action on environmental problems and to assist the Town of New Paltz in the development of sound open space planning and to assure the preservation and protection of natural and scenic resources. The EnCB reviews applications (such as applications for rezoning, subdivision approval, site plan approval, special approval, fill permits or variances) received by the Town Board, Planning Board, Zoning Board of Appeals, or other administrative body, which seek approval for the use or development of any open area identified in the index and which application involves property or a project that is: 1) A Type I action under SEQR and related regulations; 2) Within or contiguous to a CEA or unique natural area designated by the appropriate governmental entity; 3) Within an Environmental Protection Overlay District and requires a special approval from the Town Planning Board or a variance from the Town Board of Appeals; 4) Involves five or more acres of land; 5) Would create five or more building lots; or 6) Would be reasonably anticipated (based on recognized traffic generation guides) to create 50 or more vehicle trips per peak hour.

EnCB reviews the proposed use or development of the open area in the context of the Town open space index and the land use planning objectives of the Town. The review may make recommendations as to the most appropriate use or development of the open area and may include preferable alternative use proposals consistent with open areas conservation. (See Table 3.2)

3. Chapter 44: Agriculture and Open Space Preservation and Acquisition Program

On November 5, 2006, voters of the Town of New Paltz approved an Agriculture and Open Space Preservation and Acquisition Program (see # 1 above) to protect assets of the Town that provide New Paltz's residents with water that is clean, plentiful and sustainable; farm and forestry industries that are strong and sustainable; habitats for diverse plants and animals; recreational opportunities that are harmonious with the land's natural state, historical, cultural and scenic assets and variety; and educational and research opportunities about the natural world and our agrarian economy. Chapter 44 was adopted as Local Law No. 4 of 2007 on August 23, 2007. This Local Law authorized the expenditure of \$2 million for acquisition of such open spaces and areas, particularly the voluntary purchase of development rights, to protect and conserve open spaces as characterized in the New Paltz Open Space Plan, pursuant to § 247 of the General Municipal Law and § 49-0301 of the Environmental Conservation Law. In addition to establishing the Fund, Chapter 44 also established the Clean Water and Open Space Protection Commission, consisting of seven (7) members appointed by the Town Board. Chapter 44 establishes the powers and duties of the Commission, sets forth requirements for the use of funds, and provides for the administration of the funds including management of acquired lands. (See Table 3.2)

4. Chapter 82: Flood Damage Prevention

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. Chapter 82 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 is authorized to grant or deny floodplain development permits in accordance with the requirements of Chapter 82, among a number of other related duties authorized by Chapter 82. The Town Zoning Board of Appeals is also granted the authority to hear and decide on

appeals from a decision of the Building Inspector as well as requests for variances from the requirements of Chapter 82. (See Table 3.2)

5. Chapter 116: Stormwater Management and Erosion and Sediment Control

The Town's stormwater management rules establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within the Town of New Paltz. The objectives of the rules: a) meet the requirements of minimum measures 4 and 5 of the current version of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from municipal separate sewer systems (MS4s); b) require regulated land development activities to conform to the substantive requirements of the most current version of the NYS Department of Environmental Conservation (SPDES) General Permit for Construction Activities; c) encourage the use of green infrastructure practices as part of all land development activities, but especially those activities requiring site plan or subdivision plan approval, to control stormwater runoff, protect natural areas, reduce impervious cover, maintain natural hydrology, and using runoff reduction techniques to the maximum extent practicable; d) require that regulated land development activities be designed so that there is no net increase in stormwater runoff from those activities in order to reduce flooding, siltation, increases in stream temperature and stream bank erosion and maintain the integrity of stream channels; e) minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality and harm fish and wildlife habitats; f) minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; g) reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution through stormwater management practices and ensure that these management practices are properly maintained; h) adapt to current and projected climate change impacts, decrease risk of storm-related flooding, and increased resilience to severe storm surge; i) reduce the impact on the environment, protect water quality, reduce the potential for erosion and protect sensitive habitats by locating development away from floodplains, ecologically sensitive areas, and permeable soils to the extent practicable, and limiting the amount of clearing and grading. (See Table 3.2)

6. Chapter 121: Subdivision of Land

The Town has authorized its Planning Board to consider land subdivision as part of a plan for the orderly growth of the Town of New Paltz and for the

efficient, coordinated development and use of land and public roads and other infrastructure in the Town so to assure the comfort, convenience, health, welfare and safety of its citizens. Chapter 121 requires that all subdivisions must be consistent, where practicable, with the relevant community-wide goals, objectives and standards set forth in the Comprehensive Plan. Subdivisions must also, where practicable, protect significant cultural landmarks and resources and their surrounding visual context; protect significant agricultural lands and resources; and encourage protection of the rural appearance of the Town of New Paltz, including the preservation of valued natural features, such as open space, significant viewsheds, streams, ponds, fields, trees, and critical habitat areas, and artifacts, such as stone walls. Subdivisions located within the Floodplain Zoning District must comply with Chapter 82, Flood Damage Prevention, and Section 140-19, Floodplain District, of the Code of the Town of New Paltz. Uses and activities within floodplain areas must protect the natural beneficial functions of floodplains, must not be susceptible to damage by flooding or flood-related hazards and must not increase the danger to human life. (See [Table 3.2](#))

7. Chapter 121-25: Residential Cluster Subdivision Design

The Town of New Paltz has authorized its Planning Board to approve residential cluster subdivisions to further the goals of the Town of New Paltz Master Plan, enable and encourage flexibility of design, and development of land within the Town in such a manner as to promote the most appropriate use of land, facilitate the adequate and economical use of streets and utilities, and preserve the natural and scenic qualities of open or wooded lands. Cluster Subdivisions are authorized in the R-1, A-1.5, and A-3 Zoning Districts. Cluster subdivisions must be consistent with Section 140-41 of the Zoning Law and with Section 278 of New York State Town Law.

In addition to approving cluster subdivisions, the Planning Board is also empowered to require a cluster subdivision, based upon a set of standards relating to protection of the natural and scenic qualities of the land to be preserved, environmental resources and features of the land, open space identified as important to the Town, consistency with the Town Master Plan, and a number of other criteria that guide the Planning Board. On any subdivision approved by the Planning Board, at least 50 percent of the area of the cluster subdivision tract must consist of permanently restricted open space subject to a conservation easement. (See [Table 3.2](#))

8. Chapter 130: Tree Conservation

The Town of New Paltz has adopted a local law affording protection to all woody trees 7" or more in diameter that are on residential properties within 55 feet of the center of the roadway. The protected area on industrial and commercial properties is within 75 feet from the center of a roadway. Anyone who wishes to cut down a tree that meets these criteria must submit a complete application in writing to the Town Building Department. The completed application is reviewed by the Town of New Paltz Environmental Conservation Board (EnCB). The EnCB has been authorized to issue permits based upon the following criteria: a) The physical condition of the tree; b) The proximity of the tree or trees to existing or proposed improvements; c) The effect of the removal upon ecological systems, including the erosion potential of the property; d) The effect of the removal on the property values and aesthetics of the neighborhood; e) Any hardship or danger to the public or to the person or property of the owner of the subject premises; and f) The interference, if any, of the tree with a permitted use of the property. The EnCB is responsible for making a determination on the tree removal and may provide recommended actions as part of a restoration plan. Several exemptions exist which allow for removal of trees without a permit, including trees that have been severely damaged from storms or other natural causes and trees that could cause public endangerment. (See Table 3.2)

9. Chapter 139: Wetlands and Watercourse Protection

Local Law No. 5 of 2011 established a new section of the Town Code relating to wetlands and watercourse protection. The purpose of the Local Law is to protect the health, safety and well-being of the citizens of the Town of New Paltz and of property by preventing the despoliation and destruction of wetlands, waterbodies and watercourses, and associated buffer areas. These include both perennial and intermittent streams and vernal pools. Protected buffer areas include upland areas from 50 to 200 feet from the water resource depending on the type of regulated area. The Local Law cites numerous values and beneficial services of wetlands and watercourses based upon environmental science research conducted by federal, state, and local agencies as well as private researchers.

Applications for regulated activities are made to the Town Building Department or to the Planning Board, depending upon the activities that are proposed in regulated areas under the Local Law. The Building Department then refers the application the Town Wetlands Inspector for review. The Wetlands Inspector may issue a notice of determination that the activity proposed may proceed without the need to apply for a Wetland Permit. If a Wetland Permit is required, such activity requires Planning Board approval. The Planning Board is

empowered to review a number of rules requiring minimum information to be provided as well as criteria for approving or denying a Wetland Permit. The Planning Board is required to conduct a public hearing prior to approval or denial of a permit, but under certain circumstances, the hearing may be waived. (See Table 3.2)

10. Chapter 140: Zoning Law

The Town of New Paltz's Zoning regulations were adopted by the Town Board on December 6, 1976. They have been amended from time to time to adapt to changing conditions in the Town. New Paltz adopted a Master (Comprehensive) Plan in August of 1995 and then updated that 1995 Plan in 2011. In 2006, the Town prepared and adopted an Open Space Plan. In 2010, the Town Board authorized preparation of a Farmland Preservation Plan. New York State Town Law requires that all land use regulations must be in accordance with an adopted comprehensive plan. It is also important to note that the State Legislature has declared that: "Among the most important powers and duties granted by the legislature to a town government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens."

New Paltz'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, morals, convenience, economy, Town aesthetics and the general welfare and for the following additional purposes...To promote and effectuate the orderly physical development of the Town of New Paltz in accordance with the Comprehensive Master Plan...To encourage the most appropriate use of land in the community in order to conserve and enhance the value of property...To create a suitable system of open spaces and recreation areas and to protect and enhance existing wooded areas, scenic areas and waterways...To realize a development plan properly designed to conserve the use of land and the cost of municipal services...To enhance the aesthetic aspects throughout the entire community and maintain its present character and natural beauty."

Zoning in New Paltz 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 alone protect the character of the community. The 2011 Draft Comprehensive Plan included a build-out analysis of the community based upon its Zoning regulations. The build-out analysis revealed that New Paltz has a significant amount of vacant land and

open space that can still be developed and to demonstrate what kinds of development patterns are possible under a given set of conditions. The build-out analysis showed that up to 2,500 additional residential dwelling units could be developed on New Paltz's vacant and open space lands with up to 631,000 square feet of new commercial space and 3,153,000 square feet of new industrial space. The build-out analysis conducted for the 2011 Comprehensive Plan aligned roughly with another build-out analysis that was conducted in 2007 for the Town.

Both build-out analyses (i.e. 2007 and 2011) demonstrate that the Town has sufficient capacity to increase its land use development footprint significantly in the future, based upon the existing Zoning Law and the Town's vacant and open space lands available for development. Thus, Zoning regulations alone cannot preserve the character of the community unless significant changes are made to the Town's planning and zoning framework. Rather than assuming full build out is the goal or vision for the community, the Community Preservation Plan provides decision-makers with the tools needed for making well-informed land use decisions that can carefully balance development options with resource protection. As such, the Community Preservation Plan can satisfy the will of residents to preserve community character without the necessity of the Town impeding the expectations of landowners, who may presume a return on investment if they choose to develop their lands in accordance with the Zoning rules.

In addition to the overall purposes of the Zoning Law, the regulations contain a number of effective means of 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 11 to 17. (See Table 3.2)

11. Chapter 140-19: Zoning Law – Floodplain District

The Zoning regulations in Chapter 140-19 are designed to work in tandem with Chapter 82 of the Town Code. Chapter 140-19 states: "All construction of residential and nonresidential structures therein shall be subject to, and regulated by, the New York State Uniform Fire Prevention and Building Code and by all federal, state and/or local governmental and/or agency statutes, ordinances, laws, rules and regulations made and provided for the prevention of flood damage in the Town of New Paltz and as further set forth in Chapter 82, Flood Damage Prevention, of the Code of the Town of New Paltz, and

additionally shall be subject to and regulated by the standards and the requirements of the National Flood Insurance Program (NFIP).”

All development within the Floodplain Zoning District, as mapped on the Town of New Paltz Zoning Map, is subject to both the Zoning Law and Chapter 82. The Zoning Law’s Floodplain District is further subdivided into a Floodway (FW) subdistrict, a Flood Fringe (FF) subdistrict, and a General Floodplain (GF) subdistrict. Uses within the The Floodplain District have been established to permit only development within the special flood hazard areas that is appropriate in light of the probability of flood damage, the need to reduce flood losses, and allow for acceptable social and economic use of the land in relation to the hazards involved. Certain uses are prohibited, such as hospitals and nursing homes, police and fire stations, and public and private utility facilities. The Zoning rules outline specific standards and requirements all new uses and structure must conform to within the Floodplain District and additional standards have been adopted to pre-existing non-conforming uses and structures. (See Table 3.2)

12. Chapter 140-23, 24, and 25: Zoning Law – Planned Unit Developments

Planned Unit Developments (PUD) in New Paltz must be approved by both the Town Board and Planning Board. The Town Board is responsible for approving a rezoning classification of the site while the Planning Board is responsible for a referral recommendation on the rezoning classification and is also authorized to conduct site plan review of the proposed PUD. PUD’s are designed to provide more flexible land use and design regulations for creation of small to large scale neighborhoods in the Town with a mix of residential and nonresidential uses, planned as a complete unit. The purpose of a PUD, as it relates to preservation of the community’s character is to provide for “More usable open space and recreation areas...The conservation and preservation of trees and groves of trees, outstanding natural topography, geologic features, biodiversity, water resources and prevention of soil erosion...An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs...[and] To provide additional public benefits, as needed and as determined by the Town Board.” The development of a PUD must meet a minimum of 50 acres of land along with other basic requirements on ownership, location, uses and design criteria. (See Table 3.2)

13. Chapter 140-80 to 140-89: Zoning Law – Wallkill River Recreation Overlay District

The Wallkill River Recreation Overlay District recognizes that recreation and tourism are an important economic driver for the Town, while promoting consideration of the Town as a part of a larger environmental region and to: “Recognize the opportunities presented by the Wallkill River as an area of varied natural resources that can be used and enjoyed by the public while preserving and protecting sensitive wildlife habitat. As such, an objective of the overlay district is to encourage river-oriented recreational facilities, and associated accessory uses, as an integrated development with adequate transportation and utility facilities, while maintaining the integrity of the river environment. Provision for public access to and along the Wallkill River shall be encouraged as part of any application for designation of land as the Wallkill River Recreational Overlay District.”

The Overlay District acts as type of “floating” zoning district that exists within the text of the Zoning Law. The Overlay District however, cannot be put into effect until it is mapped on the Official Zoning Map. As such, the Overlay District is created only when an applicant applies for a Zoning Map amendment. Parcels that qualify based upon their location in relation to the Wallkill River and six specific highways, a minimum land area of 25 acres and several environmental features may apply to the Town Board for a Zoning Map amendment.

Chapter 140-80 to 140-89 establishes minimum requirements for the Overlay District including submission of an application, a management plan, review of the Zoning Map amendment by the Planning Board, and if approved by the Town Board, issuance of site plan and special permit approval from the Town Planning Board afterwards. Numerous restrictions are placed on new uses within an approved Overlay District including annual renewals of the special permit and other requirements. (See Table 3.2)

14. Chapter 140-117.1 to 140-117.12: Zoning Law – Clearing and Grading Control

Chapter 140-117.1 through 140-117.12 was established by Local Law No. 3 of 2002. Its purposes are to: “Guide future growth while protecting the community's many resources for the future...which include[d] Preservation and enhancement of the natural beauty and rural quality of the community... Protection of environmentally sensitive areas and natural resources, scenic roads and vistas, waterways, floodplain and wetlands by establishing guidelines and regulating development density...[and] Establish

environmentally sound land use development policies to ensure a balanced and orderly pattern of future growth.” A number of other purposes were established by Local Law No. 3 of 2002 including protection of water and soil resources, wildlife habitats and the public health, safety and welfare by providing reasonable regulations with respect to timber harvesting, site preparation, construction activities and other activities impacting on the land, including excavation, filling, grading and clearing, so as to protect the natural environment, prevent the indiscriminate and excessive cutting of trees and natural vegetation and prevent problems related to erosion, sediment or drainage.

Additional purposes related to preserving the quality of the natural environment were included in the Local Law. Clearing and grading control subjects certain activities to site plan review and approval by the Town Planning Board for vegetation removal, site filling, excavation, grading, clearing or other land disturbance, regulating timber harvesting, clearing, grading or filling near a watercourse, and any site preparation in a floodplain. Activities like agriculture are exempt from the regulations as are a list of 14 activities that can be considered activities regulated through other means, are identified as emergency activities, or are considered routine maintenance. Applications for regulated activities are made to the Building Department, which refers the application to the Town Planning Board for review and approval of plans. Approvals include a provision for preparation of a land stewardship plan, compliance with SEQR, enforcement, and appeals. (See Table 3.2)

15. Chapter 140-118 to 140-131: Zoning Law – Historic Preservation Commission

As with many communities in the area, New Paltz has a rich history that dates back to the first settlers, the local Indian tribes such as the Lenape, through to the formation of the hamlets and Village by the Huguenots, and finally to the current Town and Village. As people developed the land, built homes, farms, schools, and shops, they created a unique imprint, a character that really makes the area quite interesting as reflected in the style and architecture of the homes and buildings they created.

In 2002, the Town Board of the Town of New Paltz established the Historic Preservation Commission by Local Law No.1, as a Certified Local Government (CLG) body with functions and responsibilities enumerated in Chapter 140-118 to 140-131 of the Town Code. Local Law No. 1 of 2002 states that: “The protection, enhancement and perpetuation of landmarks and historic districts

are necessary to promote the economic, cultural and general welfare of the public.”

The Commission is composed of five members appointed by the Town Board. The Commission is empowered to employ staff and consultants, conduct historic surveys, accept façade easements and development rights, and to designate individual properties as local historic landmarks, as well as areas within the Town as historic districts. Historic landmark designations are an important recognition of the significance of historic properties and structures but cannot alone save an historic resource, especially those on private lands. However, their recognition by the Commission is a big step towards their ultimate preservation.

Owners of designated historic landmarks or properties within a historic district are required to obtain approval for exterior changes (roof, siding, gutters, etc.) from the Commission through a Certificate of Appropriateness. In addition, the Commission makes recommendations to the Planning Board regarding applications for site plan review or subdivisions of real property containing landmarks or within a historic district. The Commission has conducted surveys of significant historic, architectural and cultural landmarks within the Town. The survey data along with designated landmark information is available from the Interactive Online Map accessible from the Town’s Website. (See Table 3.2)

16. Chapter 140-132 to 140-145: Zoning Law – Steep Slope Protection

Steep slope protection in New Paltz is governed by Chapter 140-132 to 140-145 of the Zoning Law. According to the Zoning regulations: “It is the intent of the Town of New Paltz to preserve steep slopes to the greatest extent practicable and to regulate their use to protect the public interest by minimizing detrimental effects of disturbance and development of these areas. This section is intended to protect the public from the potential negative impacts of the erosion, siltation, pollution of water supplies, slope failure, increase in downstream runoff, alteration of scenic views, and destruction of potentially significant habitat, which may result from disturbance of steep slopes.” After a recitation of why steep slope regulations are necessary to accomplish the above purposes, the regulations then outline a series of activities that are either exempt from the regulations or are considered regulated activities subject to applications under review by the Town Zoning Board of Appeals, Town Planning Board, Town Board and Town Engineer. Standards of approval have been enumerated, procedures for issuance of a permit, referrals, public hearings, and appeals. The regulations include a process for inspection and monitoring approved activities, require SEQR procedures to be followed, and establish enforcement and appeals procedures. (See Table 3.2)

17. Chapter 140-160 to 140-166: Zoning Law – Planned Resort Overlay District

Local Law No. 7 of 2019 established a new Planned Resort Overlay (PRO) District. The purpose of the Local Law amending the Zoning Law is to: “Further the goals of the Town Comprehensive Plan, which recognizes that recreation and tourism are important drivers for the Town, and also promote the consideration of the Town of New Paltz as part of a larger environmental region, by encouraging recreation tourism, which supports the local economy since tourist visitors who stay overnight contribute substantially to the local economy, and also promotes healthy recreational and entertainment activities...To facilitate appropriate development at the Town's Gateway, close to the Thruway interchange, thus minimizing impacts on vehicular, pedestrian, and bicycle traffic in downtown and other congested parts of the Town and Village...To encourage development that meets the design standards of the Town's Gateway Committee report, including connectivity with bike and pedestrian connections to the Empire State Trail and Ohioville Hamlet...To capitalize on the Town's location near major existing regional historic, educational, and tourism attractions, such as Historic Huguenot Street, Mohonk Preserve, Minnewaska State Park, the Catskill Mountains, the Appalachian Trail, West Point, the Franklin D. Roosevelt and Eleanor Roosevelt National Historic Sites, Vanderbilt Mansion National Historic Site, the Walkway over the Hudson, and the Culinary Institute of America; and to enhance the stature of the community as a tourist and outdoor recreation destination...[and] To provide for planned resort development in a manner that is consistent with the character of the Town of New Paltz, that enhances the aesthetic aspects of the proposed development and its community context, and that encourages a plan of development that will meet design objectives to suitably protect environmentally sensitive resources, community character and natural features to the extent practicable.”

New development within the PRO District requires site plan review and approval by the Town Planning Board. New uses are permitted in a PRO above and beyond those that are permissible in the underlying Zoning District including hotels, restaurants, recreation and nature-oriented uses, spa services and facilities, auditoriums, amphitheaters, meeting rooms and conference facilities, nature centers, and cultural facilities. A wide range of accessory support uses are also permitted. Special area and bulk regulations apply to the PRO including a minimum parcel of 50 acres and a minimum 35 percent required open space. Development standards and objectives are established for PRO uses including such things as streets, parking, architectural design, building styles and materials, bicycle and pedestrian facilities, protection of

environmental resources, landscaping, lighting, signage, water supply and sewage disposal, and other matters. (See Table 3.2)

18. Fee Simple Acquisition

The use of public and private funding sources outlined in Table 2, 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. (See Table 3.2)

19. 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. Several of these key strategies are identified by Table 2. 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 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. (See Table 3.2)

C. Evaluation and Application 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 19 land use alternatives, previously identified and described, to the seven focus 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, assigns a column for each individual or class of land use protection alternative with the identification number from Table 3.2 listed at the head of the column. The matrix assigns a specific row to each focus area and underlying categories of parcels and projects described and mapped by Part 2 of the Community Preservation Plan and listed in the Appendices of the Plan.

Land use protection alternatives that present the highest priority for a specific focus area or underlying category of parcel or project 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. A complete description of the methodology for identifying focus areas and categories of parcels and projects is contained in Part 2 of the Plan.

It should be noted that several techniques are consistently referenced as the priority tools for preservation within each focus area. These include Conservation Easements, Purchase of Development Rights, Fee Simple Acquisition and Private Conservation. All of these focus on obtaining conservation easements or acquisition of a particular parcel. These are the most effective tools to ensure long-term protection of land. The Town understands that all of their preservation efforts cannot rely solely on those measures for a variety of reasons. These reasons include the availability of funds; landowner interest in a particular technique as well as the timing of various projects will all contribute to Town's ability to entertain a technique or a combination of techniques. 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 New Paltz Community Preservation Plan: Land Use Protection Alternatives to Protect Community Character																			
Land Use Alternatives (Click the number below to see which alternative it is)																			
Table 3.1 Tool →	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>
Focus Area																			
Water Resources		2	1	2	2	2	2		1	2	2		2	1		1		1	1
Agricultural Lands			1			2	2			2					2			1	1
Scenic Resources		2	1			2	2	2		2			2			1		1	1
Recreation and Trails			1			2	2					2	2				2	1	1
Historic Resources			1			2				2					1			1	1
Habitats and Natural Areas		2	1			2	2	2	1	2	2		2	1		2		1	1
Open Space		2	1			2	2	2		2	2	2	2		2		2	1	1

Appendix A: Parcel Priorities and Focus Areas

Appendix B: Natural Areas and Wildlife in New Paltz

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

Appendix D & E: Go to [TOWNOFNEWPALTZ.ORG](https://www.townofnewpaltz.org)