

**MINUTES**  
**Town of Gardiner Open Space Commission**  
**October 18, 2021 6:00 PM**  
**Format: Zoom meeting**

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1. June and August Minutes were approved by group via email. September minutes will be voted on at the next meeting, scheduled for November 8, 2021 at 6 PM, via Zoom.
  
2. Agricultural Land Protection, presentation by Jeff Kehoe, Farmland Preservation Planning. He has advanced degrees in land management and planning and works with towns and counties to assist them with planning for farmland protection. He prepared a power point presentation entitled “Is your Town Planning for Agriculture?” He raised some of these points:
  - If you do not plan for agriculture, the farms will disappear
  - Having Agricultural Districts forms the basis for ag exemptions and grants and other protections for agricultural properties. Ag District program was established around 1974 and currently includes over 9 million acres in 53 counties. It is a voluntary program established at the County level.
  - Right to Farm Laws include: Agriculture Districts Law, Section 25AA, County Right to Farm Laws, and Local Right to farm laws. (For instance: Town of Rochester, Section 75-3, Right to engage in agriculture activities.)
  - Agricultural Protection Plan should be developed with a robust public participation process, with expert assistance. The goals will be to preserve farms, increase farm profits; minimize atty fees for Town and farmer; and encourage new agricultural investments.
  - Ulster County is currently working on an updated Agricultural Land Protection Plan.
  - American Farmland Trust (AFT) document entitled Planning for Agriculture in New York is the go-to book for assisting towns and counties to develop agriculture protection plans.
  - Short of developing an Agricultural Protection Plan, a town could take steps to preserve farms including: updating agriculture related definitions in the Town Code; adopt a Right to Farm law; create agricultural zoning; including agriculture in the Comprehensive Plan; adopt an Ag Data Statement.
  - For an Ag & Farmland Protection Planning Grant, all Towns are eligible, and towns can ask for up to \$25,000, which requires \$6,700 in-kind contributions (e.g. County Planning, CCE, Land Trusts), and a \$1,700 cash match. Town can use the grant to incorporate studies and analyses into a Comprehensive Plan.
  - In our region, values for highest and best use far exceed the land values for agriculture, which make it difficult to preserve agriculture.
  
3. GOSC decided to review the Comprehensive Plan when a draft is ready, to see how it incorporates agricultural protection.

4. Community Preservation Plan update: Town will apply for a greenway grant to assist with the planning. Has to go in by Nov 8<sup>th</sup>. They are getting letters of support for the grant. Motion to support the application for greenway grant (LWP), seconded by Kay, and all in favor. A committee will be formed to develop this Plan. Laura R to draft a letter of support from our group.
5. Invitation to tour Gardiner Park. Tara will give a tour on Sunday October 24 at 3pm.
6. Complaint from Ann and Michael Hartner about trees planted by Heartwood, reportedly blocking views of the Ridge. LWP will look at the Conservation Easement to see if there is anything in there addressing this issue.
7. Proposal: Joe Katz wants to amend conservation easement over his property so that it becomes a public park, with a parking lot. He is considering donating the land to have it converted into a park. He asked for our input, and potentially, help with funding. GOSC discussion about whether the WVLT would permit the amendment of the existing conservation easement. The existing CE allows for the building of one home but now Katz reports that he doesn't want any building on the property. Laura Rose reported that the building envelope permitted in the Katz easement requires passing through an endangered species area, a flood zone and wetlands, and DEC requirements around getting a driveway to it, and getting the house high enough in the existing approved location, would be both difficult and expensive. The DEC has walked this property, and made recommendations about a potential build when the property was on the market a few years ago. Linda Geary mentioned that the amendment might not be possible if the CE prohibits or limits amendment. Jean McGrane will ask for a copy of the Conservation Easement. ECL Article 49, title 3 contains rules on conservation easements.
8. William Albright had a client who had an interest in a conservation easement on his property. LWP will contact him and provide him with an application, if appropriate. Jean to forward his contact information to Laura W.
9. Conservation Analysis Issue: Applicants are preparing their own conservation analyses for projects going before the Planning Board. ECC raised the issue in their comments for a recent project. Per Linda: we were going to recommend to the Planning Board that they pass a resolution requiring the Conservation Analysis to be done by a third party. The Code does not identify the credentials needed to do a conservation analysis, and just limits it to "land planning professional." Jean will write up a memo as to what it is she wants GOSC to do, after the Greenway Grant application is done.
10. Budget: Thanks to Laura Rose for getting cost estimates from Kelly Dobbins and WVLT, which helped Jean in formulating our budget request.
11. Open Space Database: Laura Rose is working on converting it to an Excel spreadsheet and revising it.
12. ECC Drinking Water Protection Sub Committee. Linda reports that November 20 is the next meeting. Steve Winkley assists Towns in finding solutions to water problems. They are going to test the wells in the hamlet to get a baseline. ECC has a concern for protecting the aquifers.

Meeting adjourned at 7:50 PM.