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## MEMORANDUM

**TO:** Peter Fairweather, AICP  
**FROM:** Glenn D. Hoagland  
**DATE:** April 3, 2004  
**RE:** **Issues for Inclusion in Town of Gardiner Comprehensive Plan**

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The Mohonk Preserve appreciates the invitation we received by letter dated February 20, 2004 from the Comprehensive Plan Review committee to provide our comments on issues we believe should be addressed in the updated plan. It is well-recognized in the current Town of Gardiner Comprehensive Plan that the rural, historic and natural attributes of the town are what make it so attractive and livable. As one of the fastest growing towns in our region, the pressures of growth have increasingly threatened the Town's character. Gardiner has a timely opportunity to adopt a new comprehensive plan that will meet the challenges of absorbing and guiding that growth, while preserving what makes the Town unique.

### 1. SIGNIFICANCE OF THE RIDGE TO GARDINER

The Mohonk Preserve, New York's largest member and visitor supported nature preserve, protects over 6,500 acres of the northern Shawangunk ridge. As of 2004 the Preserve holds 1,917.37 acres in the Town of Gardiner, where our headquarters and Visitor Center are also located. Gardiner residents, including school children and families, visit extensively and enjoy field studies and interpretive programs. The Preserve is open for general access and use of the land 365 days per year. Several hundred Gardiner households are members and supporters of the Preserve. Non-members can enjoy free access to the Visitor Center. In addition, there are two free open house weeks per year to all the lands of the Preserve for local residents.

The Town of Gardiner has long been, and is increasingly recognized by the general public as a "gateway town" to the Shawangunks. The ridge is widely known as one of the most important sites in the northeastern United States for landscape-level biodiversity conservation, earning it a designation by The Nature Conservancy as one of Earth's "Last Great Places." The Mohonk Preserve, Minnewaska State Park Preserve, and Sam's Point Preserve are part of a 50-square mile natural area comprising over 35,000 acres of semi-wilderness land used by hikers, bird watchers, bicyclists, climbers, skiers, and other outdoor enthusiasts. Its sky lakes, dramatic cliffs and rock outcrops, scenic vistas, secluded glens, cascading waterfalls, and old-growth Hemlock ravines are home to rare and endangered plants and wildlife and fragile ecosystems, some of which have remained undisturbed since the last ice age. New York State, in its Open Space Conservation Plan, cites the Shawangunk Ridge as a "major resource area" and a top priority for protection. The Plan identifies the combination of ecological factors, the extremely high watershed protection value to surrounding valleys, and the need to maintain unfragmented forest and barrens to protect the aquifer to assure quality ground and surface water flow. The Plan further recognizes the ridge as a greenway corridor for scenic enjoyment, recreation and as a regional anchor for heritage and ecotourism that contributes significantly to the

economy. Indeed, the 500,000 annual visitors to the Shawangunk Ridge contribute over \$10 million in direct spending to the area economy. The 150,000 annual visitors to the Mohonk Preserve alone contribute over \$3 million to the local economy

## **2. THE GATEWAY TO THE SHAWANGUNKS**

The Routes 299 and 44/55 corridors west of the Wallkill River in the valley and foothills approaching the Shawangunk Ridge in Ulster County is an especially important scenic travel corridor. It is a tourism asset to the Hudson Valley Region and an access route for outdoor enthusiasts seeking to enter the Shawangunk Ridge landscape. Of these 500,000 outdoor recreational visitors per year to the northern Shawangunk Mountains, the majority pass through the notch in the ridge known as the Trapps. Their primary destinations are either Minnewaska State Park Preserve or the Mohonk Preserve. The Trapps cliffs within the Mohonk Preserve in Gardiner are the most popular climbing cliffs east of the Mississippi River and, with 50,000 annual rock climbing visits, the Preserve is the second-most visited rock-climbing destination in the U.S. (after Red Rocks, Utah).

Located within 1/2 day's drive of over 20 million people, the Mohonk Preserve and Minnewaska State Park Preserve have experienced growth in visitor demand due to the popularity of the trail and carriage road networks for hiking and bicycling, and the cliffs for climbing. The ridge's respective land managers are cognizant of the need to protect the integrity of the ridge ecosystem, as well as to ensure a high quality recreational experience for those numbers the ecosystem can accommodate. This means establishing reasonable capacity limits. These managers also recognize that these numbers translate into a growing constituency supportive of preserving this special place. Ecotourists help support land protection and management directly. They also contribute to the local economy through their spending on such items as food, lodging, and other retail purchases related to their visits.

On peak weekends a state of "greenlock" exists at or near the trailheads in the northern Shawangunks, particularly the popular and easily accessible Trapps Cliffs area of the Mohonk Preserve, where outdoor enthusiasts compete for limited parking. Hazardous roadside overflow threatens human safety. This outdoor recreation demand is likely to increase and with it pressure for roadside development that intends to capture tourism dollars.

The Town of Gardiner has worked diligently with the Mohonk Preserve and others to address these challenges and opportunities in as comprehensive a manner as possible, and the Preserve has been working on its "Trapps Gateway Initiative," recognizing that there is a need for both additional protection and improved visitor management. This has involved acquisition of key parcels in the Trapps Gateway area to serve three main objectives:

- provide a buffer for transition to the ridge and thus control unwanted roadside development;
- ensure adequate off-road parking, thereby eliminating roadside parking on the state highway;
- provide an interpretive focal point to sort and orient visitors seeking information, the late arrival seeking a short-term visit, and others who would benefit from information on this most unique mountain ridge.

The Preserve's Trapps Gateway Initiative is a combination of strategies to help maintain the integrity of the approach to the Shawangunk Ridge and to help ensure that the Routes 299 and 44/55 travel corridor is a regional tourism asset. This mostly wooded, undeveloped transition zone to the

ridge is a surprisingly beautiful landscape. The Open, Space Institute, in partnership with the Mohonk Preserve, has purchased a few highly strategic foothills tracts adjacent to existing Preserve lands in the Trapps. These lands will create roadfront protection along the Mountain Zone of Routes 299 and 44/55, link a trail network between State DEC land and the Mohonk Preserve, enhance interpretive opportunities, and protect Trapps Cliffs views for the public. Other roadside tracts surrounding this area are well-suited to limited development using conservation easements. It is our hope that a formal, sanitary, low-impact tent campground can be sited carefully in this area. Such a facility would help respond to demand from the recreational overnight visitors that have long been attracted to the Shawangunks, but have not had an adequate facility.

In the ARR 200 Zone The Town of Gardiner has in place relatively low zoning densities and rural use specifications (base zoning density to one house per four acres). The existing Comprehensive Plan designates a "Mountain Residence District" nearest the ridge. However, these measures alone do not ensure development of high quality in the approach to the precious Shawangunk Ridge. If it is to be successful, zoning must be coupled with good site planning, as well as other non-zoning techniques, on individual properties as they are developed in order to enhance the ecology and economy of the area.

### **3. NEED FOR A TOWN-WIDE CONSERVATION-BASED PLANNING APPROACH**

Land use planners, governments, and conservationists in the Hudson River Valley have studied and developed a modern approach to rural landscape planning that sets an example. In 1992 the New York State Council on the Arts and others funded the *Hudson River Valley Rural Design Guidebook*, published by the Columbia Land Conservancy and the Dutchess Land Conservancy. That work set forth the following broad principles, highly applicable to Gardiner, that must be brought together to achieve the goals of rural landscape planning:

#### **Preserve Critical Resources.**

New development must be channeled into appropriate areas where negative impacts on fragile ecological and scenic resources can be minimized. Appropriate development **does not:**

- disrupt or damage ecologically significant land, productive agricultural lands, water resources and watersheds, and/or wildlife;
- obstruct or interrupt scenic viewsheds enjoyed by the public; or
- disrupt traditional centers of village and hamlet life or damage productive farm or forest land.

#### **Respect Historic Settlement Patterns, Scale, and Design.**

New development must be created in patterns and densities that reinforce the scale, architectural design, and historically mixed uses now existing in rural hamlets and villages, and in the surrounding countryside.

#### **Use Existing Hamlets to Guide New Development.**

New development may be extended sensitively from the compact centers of existing rural hamlets and towns and, in appropriate situations, may replicate small communities in new developments.

### **Respect Natural Resource-Based Industries.**

Development must respect, accommodate, and be integrated with such natural resource-based industries as farming and forestry [and ecotourism] that are economically productive uses of rural open space.

### **Treat Open Space As Critical Infrastructure**

From the outset, open space must be viewed as a crucial part of a town's infrastructure, and private development must not result in negative impacts on it. If planned sensitively, open space and private development can mutually reinforce public and private benefits. Landowners, developers, and localities should be encouraged and required to set aside environmentally or scenically significant open space for permanent protection and management.

The existing Comprehensive Master Plan of the Town of Gardiner acknowledges the rich natural features of the Town and states, as a general objective, the need to "preserve those natural features." A general objective for retail development is to "encourage the continued growth and improvement of Gardiner's local retail service areas primarily as community serving areas and not for extensive regional service purposes."

The plan goes on to identify development criteria to meet the Plan's objectives. Those criteria include:

- preserve, rehabilitate, and strengthen existing activity centers;
- design the activity centers and the facilities within them at a pedestrian scale;
- reserve all of the remaining open mountain areas and much of the remaining river valleys for public enjoyment;
- protect and preserve special natural resources and areas, unique geological and open space areas, and key water bodies and watersheds.

Thus, the existing Town of Gardiner Comprehensive Master Plan sets out to create small local retail centers to serve the local population. The Plan also recommends sensitive development, stating that *"In general, development should not obscure the landscape, one of the Town's most important natural resources."*

The updated plan for Gardiner should build upon these goals and support a legally defensible town-wide resource-based model for achieving its long-term development and open space protection goals, while keeping the cost of government down, based on the following parameters:

- Identify growth limits and servicing capacities;
- Serve with infrastructure those areas for planned growth;
- Emphasize diversified housing opportunities with higher densities near areas that are designated for serviced growth, for example by allowing mixed use and residential hamlets to flourish with compact growth and affordable housing;

- Plan water resources protection and delivery/distribution systems comprehensively;
- Avoid a proliferation of private sewage treatment plants, favoring centralized facilities;
- Retain the local agricultural land base, as much as possible to preserve the agricultural heritage of the countryside landscape, to sustain existing agricultural businesses, and to protect good soils from development so as to secure them for future food production potential;
- Define and secure linked networks of natural areas for wildlife habitat, water quality protection, floodwater management, slope and soil retention, etc.

#### **4. USE INNOVATIVE PLANNING AND ZONING TOOLS**

When a land trust does conservation land planning for a landowner, it first analyzes the important natural attributes of the property. It then seeks to locate development in a manner and at a density that respects those attributes, while providing the owner with a fair return. The landowner then grants a conservation easement that spells out the limitations on development while protecting the natural attributes that have community value. A good set of local zoning regulations should follow the same basic principles at a town-wide level.

The Town should make a map of potential conservation lands and areas for appropriate development based on resource criteria. This will identify the logical inter-connected network of open space and for guiding growth to be non-sensitive areas in every property. It will serve as the template for the creative layout and design of each new subdivision. Each new subdivision would then become the "building blocks" of the town-wide network of linked open space.

#### **Uncoupling Density and Lot Size in Zoning**

Many towns have attempted to minimize the impact of development in rural or sensitive areas by increasing the minimum lot size from, for example, two to five acres. The outcome is often unsuccessful unless coupled with creative ways to guide and design the location of development, and to control the protection of the resulting open space. Low residential density does not have to mean large lots. Through "clustering" or "average density zoning" standard, cookie cutter lot sizes can be suspended in favor of compact lot sizes and more efficient and meaningful patterns of development. For example, the Town of Red Hook in Dutchess County allows for a farmer to sell off a house lot in a five-acre zone, using only one acre, if a conservation easement is placed on a portion of the corresponding acreage to assure that the overall average density is maintained. In several towns if the protection of 60% or 70% of the tract can be achieved, a density bonus is given for clustering on the remaining land that is most suitable for development.

In other cases it may be desirable to keep lot size very large, maintaining low density, controlling home siting and protecting large lots and important resources from further subdivision using conservation easements. In such "conservation density subdivisions" it is often appropriate to allow flexibility in road and lot design. This can be done by relaxing frontage requirements and allowing in some cases shared driveways and unpaved roads built to rural specifications. The town must ensure that the roads are properly built and maintained, and that conservation easements are used to permanently limit further

density along the roads. This is a way to allow well-sited housing on large lots while not imposing a high cost on the town to provide extensive services and infrastructure.

### **Site-Specific Landscape Planning**

While respecting the right of landowners to develop, the Town can become much more involved in assisting landowners in carefully siting their homes in ways that are compatible with the landscape. Helping guide landowners to avoiding home siting and driveways/roads that fragment forests, impinge on waterbodies or wetlands, or open fields, are key ways to conserve the countryside. Siting that is below the crestline of hills, and at field edges, can minimize off-site visual impacts to the community, while protecting the property's most valuable natural assets. Minimal site clearing, size, height, solar orientation, color and reflective materials are all landowner choices that can enable development to complement rather than overwhelm the landscape. Careful landscape shielding (using mature trees as windbreaks and visual buffering), erosion control, and use of native landscaping all benefit landowner and community alike. Maintaining large enough intact blocks of farmland and forestland make keep landowners eligible for New York State tax exemption programs for working landscapes.

### **Area-Specific Standards in Overlay Districts**

Such site specific performance criteria can be written into subdivision regulations townwide, and through special overlay districts that complement existing zoning. *The Shawangunk Ridge Conservation and Design Guidebook* notes that important resources like (but not limited to) the Shawangunk Ridge can be protected using this home rule technique to enhance existing zoning. Without changing the base zoning measures to protect the environment are built into the overlay district to ensure more careful site planning. Since the guidelines and expectations for special resources are clearly defined in advance within an overlay district, major battles at planning board between a town and developer may be minimized or eliminated, leading to a quicker and less costly approval process.

### **Ensuring Proper Open Space Set-Asides In Cluster Subdivisions**

There are established methods for securing the proper ownership, restriction, transfer and disposition of open space lands set aside in cluster subdivisions. The Town should spell these out in its ordinances to ensure that clustering is pragmatic and effective. More effective than deed restrictions or note on the plat of a subdivision, the Town or a qualified recipient can obtain as a condition of approval a permanent, statutory conservation easement in connection with a cluster. This will ensure there will be no future rezoning or development of open space set aside, nor will it be abandoned. Ensuring ongoing management and maintenance standards for open space land set aside is as important as the method of restriction. Regardless of whether open space is owned in common by a homeowners association, held by a qualified non-profit organization, held in private ownership, or dedicated to the Town, it can be permanently protected by conservation easement. The Town can spell out enforceable standards as a condition of subdivision approval. Ownership of taxable open space can be structured so that real property taxing authorities can satisfy claims, if any, against such land for non-payment of taxes. Thus open space land can be retained in private ownership, legally protected, and continuing as taxable, without becoming a delinquent "no man's land."

## **5. USE NON-ZONING MEASURES TO PROTECT TARGETED LANDS**

Many towns throughout New York have used creative non-zoning measures to balance community goals for growth and development and land conservation. The Town of Gardiner, in conjunction with its Comprehensive Plan, should undertake a Cost of Community Services Study and a Build-Out Analysis as essential planning tools.

### **Cost of Community Services Study**

The Town of Gardiner should conduct its own study to analyze the impact on the cost of government required to service various forms of development. Many Hudson Valley towns have conducted such studies in order to help them understand ways to keep the cost of government down through guiding the amount and type of land use desired and encourage land uses that pay their own way. Net tax-positive land uses are those that result in more net economic return to the Town than the cost of municipal services they require. Farmland, for example, in most towns requires approximately .25 in services for every dollar it pays in taxes. Most forms of residential development are net-negative land uses to towns, requiring over \$1.25 in services for every dollar paid in taxes. Included in such a study should be not only what a given use pays in taxes, but what it contributes to the overall economy, such as the substantial local economic activity (and related sales tax revenues), job creation/retention, and the degree to which the use has an impact on school system expenditures.

### **Build-Out Analysis**

A build-out analysis would depict on a map all allowable zoning density throughout the town in each zoning district. Once the potential for developing all the remaining developable lots is understood, then the impact of a fully developed town under existing zoning can be related to the corresponding additional population, additional students, and pressures on road volumes, and other municipal services. This is one way to determine whether the zoning now in place is realistic relative to the overall capacity of the town to absorb growth, and to set desired targets under the new Plan. It can also be instructive in understanding what lands might benefit from consideration of non-zoning conservation techniques that might have to be instituted to compensate owners for protecting resource lands of community importance, without depriving them of their right to the underlying zoned development potential of their land.

### **Dedicated Revenue from New Taxes or Fees; Local Bond Referendum**

Several Towns throughout New York State have also made a local, voter-approved commitment to programs that manage growth and protect open spaces. These programs recognize that zoning alone cannot save all that needs to be saved, and certain circumstances may require that the owner be compensated directly for selling land or interests in land that needs to be protected to meet significant community goals. Such targeted purchases might be made when individual landowner circumstances warrant and allowable density cannot be reasonably re-configured using innovative zoning and site planning techniques to reconcile the equity extraction needs of the owner with the Town's desire to save important resources (e.g. working farmland, forest or scenic resources).

Towns in Suffolk and Westchester County have approved modest increases in taxes. For example, in 1996 Southampton voters approved an increase of 20 cents per \$1000 of assessed value which generates \$1 million per year for open space purchases. In 2000 Bedford voters approved a one-time increase of 58 cents per \$1000 of assessed value and raised \$3 million.

Municipal bond initiatives enable towns to purchase development rights (conservation easements) on targeted farmland and other properties that meet identified town goals. In such cases, the farmland stays in private ownership and on the tax rolls. In 2002 Town of Saratoga Springs residents approved a \$5 million conservation bond act. In 2002 Town of Orangetown, Rockland County, voters approved a special open space bond for \$6.96 million just to purchase a specific 348-acre parcel of land.

After completing a cost of community services study and an Open Space Plan, the Town of Red Hook voters in 2003 approved a \$3.5 million, 30-year term bond act. The overwhelming YES vote came after residents analyzed the cost per household of avoiding 300 – 400 houses on approximately 1,500 acres of remaining active farmland (\$57 per household for 30 years) verses the calculated cost of developing those 300-400 houses and having to build a new school to serve the 400-600 students the houses would generate (\$340 per household indefinitely (in 2003 dollars)). Other factors influencing the positive vote were the desire for locally grown food, the economic contribution of farm businesses, agri-tourism, retention of rural charm, and the availability of matching funding from non-profit land trusts, and county and state PDR programs.

The above examples show the voter desire and political will to purchase precious remaining open space lands in more suburban real estate market areas such as Suffolk, Rockland and Westchester County, despite the exorbitant cost. In still-rural Mid-Hudson Valley towns like Red Hook and Gardiner, a municipal easement purchase program initiated soon would involve foresight and will be much more economical than in the future. This might be timely for Gardiner.

## **6. ENGAGE IN INTER-MUNICIPAL EFFORTS TO CONSERVE THE SHAWANGUNK RIDGE AND OTHER RESOURCES**

As a local elected official was quoted saying, “The Ridge used to be what divided us, and now it is what unites us.” Given the resounding groundswell of recognition of the Shawangunk ridge as an intact but threatened large-scale landscape, we are encouraged that Gardiner is considering joining with other municipalities to embrace complementary inter-municipal planning approaches. The environmental and economic interdependence of ridge towns strengthens their resolve to work together to think regionally as well as locally.

### **Shawangunk Mountains Scenic Byway**

Gardiner’s passage of the resolution to join in this 11-municipality planning effort is to be commended. Each municipality will be able to define its local goals for scenic road corridor management to enhance the quality of the roadscape and to support heritage, agricultural, ecological and scenic tourism by the motoring public. Once passed this inter-town corridor management plan will yield state recognition as well as funding for wayside parks, roadside signage, shoulder and guiderail improvements where warranted, bicycle routes, farmstand recognition and the protection of scenic views both to and from the ridge. The new Comprehensive Plan should address the important possibilities of the Byway to support town planning and land use goals.

### **Green Assets Program**

The Shawangunk Ridge Biodiversity Partnership has launched an effort to make user-friendly information on the biological and scientific values of the ridge available for municipal planning. Called “Green Assets,” participating towns will have a chance to define their needs for ridge information and to work together to develop models both for application in individual towns, and for ridge-wide application



and cooperation, as appropriate. Charitable funding has enabled the hiring of a land use planner to coordinate and integrate municipal planning needs with ridge protection goals. We encourage Gardiner to embrace this effort to meld the work of public and non-profit ridge land managers with that of those who are leading Town planning efforts.

### **Ulster County Open Space Plan**

Gardiner's Comprehensive Plan could, with a strong open space protection resolve, feed into the pending update of the Ulster County Open Space Plan. Participation in this regional open space planning effort could lead to future collaborations with Ulster County for both planning and funding resources.

### **Ridge Economic Analysis**

It is a goal of many groups to pursue a more comprehensive and accurate study of the economic contribution of the Shawangunk Ridge to areas towns. This is essential in order to quantify the economic as well as environmental benefits of the ridge as it contributes to each town's and the region's economy, housing market, and jobs. To-date the only study is the 1997 Mohonk Preserve study that calculated, without using multipliers, that its 100,000+ annual visitors generated 13,500 lodging nights and \$3 million in direct spending in the local economy. Extrapolated out to the ridge as a whole, including Minnewaska, Sam's Point, this has been conservatively estimated at \$10 million. Better defining the ridge as an economic engine should be a multi-town participatory effort in which Gardiner should be involved.

## **7. CONCLUSION**

The Comprehensive Plan must support innovative regulatory and non-regulatory techniques for preserving inter-connected open spaces, permanently protected as the Town of Gardiner grows and develops. However, the plan must be balanced, "saving what needs to be saved, and building what needs to be built." It must provide adequate opportunities for residential and commercial growth to accommodate the needs of the locality and region. Plans that merely protect open space, without providing a variety of housing opportunities, will be vulnerable to legal challenge. Likewise, there can be no serious open space protection without techniques and incentives to ensure compact development in appropriate locations.

Gardiner must avoid the fate of so many other towns whose Comprehensive Plan goals paint a bucolic picture of the town as a rural paradise, while the zoning laws and subdivision regulations are a blueprint for standardized suburban sprawl. Gardiner can embrace practical conservation land planning techniques and incorporate them into local regulations in ways that reconcile the community's objectives with the landowners' objectives of realizing a fair financial return on their land.

With a new Comprehensive Plan that has carefully considered growth management, analyzed the cost of government services, and embraced systematic open space planning, Gardiner will be well-poised to become more proactive in employing a variety of tools and techniques to enhance local self-determination and balance growth and protection.

The Mohonk Preserve appreciates this opportunity to comment on ways to positively affect the future of the Town of Gardiner.

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Sources used in preparing these comments include:

*Shawangunk Ridge Conservation and Design Guidebook.* David Church and John Myers. Catskill Center for Conservation and Development and New York/New Jersey Trail Conference, 1993.

*Hudson River Valley Rural Design Guidebook.* Henry Tepper and Glenn Hoagland. Columbia Land Conservancy and Dutchess Land Conservancy, 1992.

*Gateway to the Shawangunks: Maintaining a Scenic Road Corridor (A Design Guidebook for the Protection and Management of a Special Landscape).* Stephan Yarabek and Glenn Hoagland. Mohonk Preserve and Friends of the Shawangunks, 1997.

*Planning and Siting your House: A Guidebook.* Rebecca E. C. Thornton. Dutchess Land Conservancy, 1997.

"*Regulatory Techniques for Preserving Open Space.*" Joel S. Russell. Exchange, Fall 1990. Land Trust Alliance.

"*Conservation Subdivision Design.*" Randall Arendt. Natural Lands Trust.

"*Conservation Zoning.*" Randall Arendt. Natural Lands Trust.

"*Useful Open Space: The Key to Good Clustering.*" Glenn Hoagland. *Planning News*, Vol. 55, No. 4, 1991. New York Planning Federation.