

Municipal Conservation Policy Options

Presentation to Gallatin Town Board
November 19, 2024

DRAFT

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**Hudson River
Estuary Program**

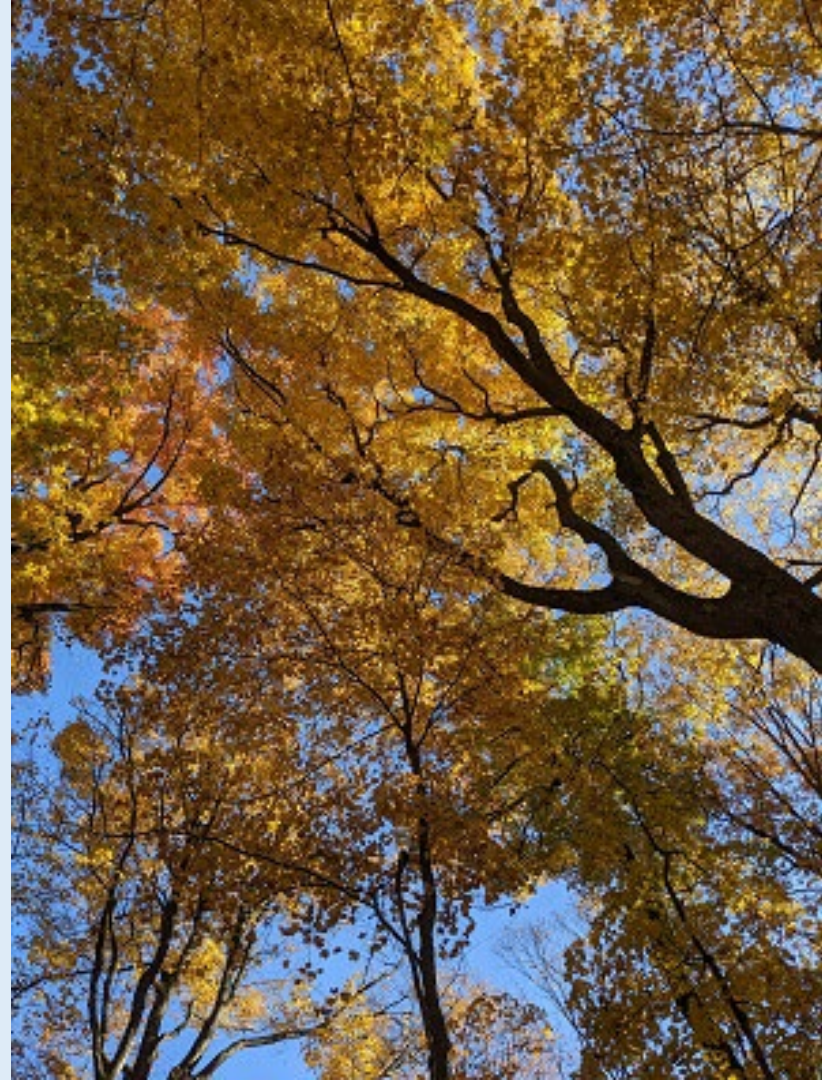
A Program of the New York State Department of Environmental Conservation



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Outline

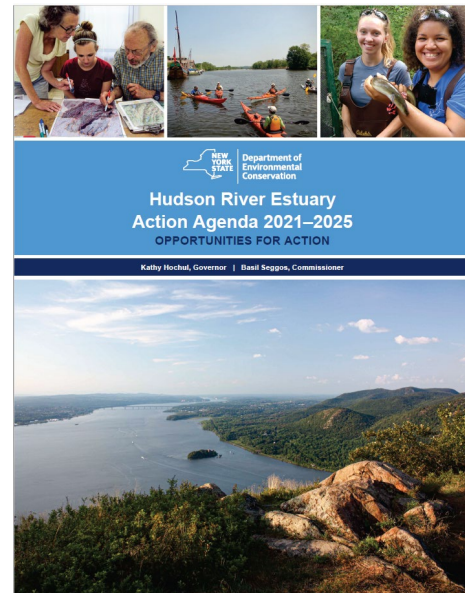
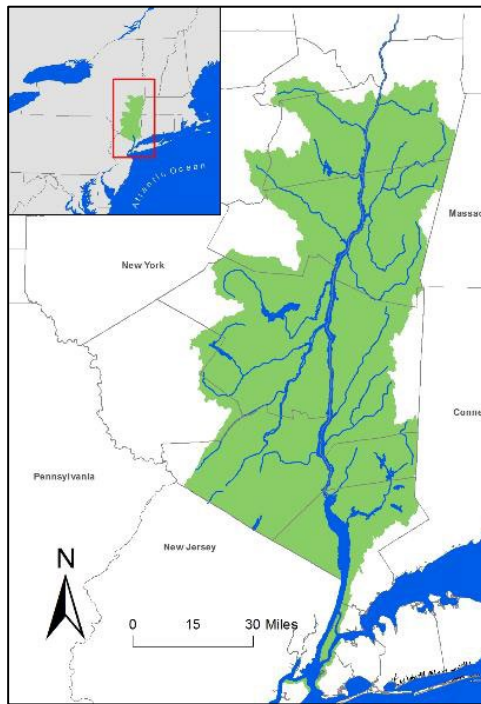
- Introduction
- Overview of conservation planning
- Adoption of conservation policies in the region
- A closer look at policies
- Key points



Hudson River Estuary Program

Helping people conserve, restore, and enjoy the Hudson River

- Fish, wildlife, and habitats
- Clean water
- Healthy streams
- Conserved natural areas
- Climate adaptation
- Education
- Access to the river



Department of
Environmental
Conservation

Conservation Planning

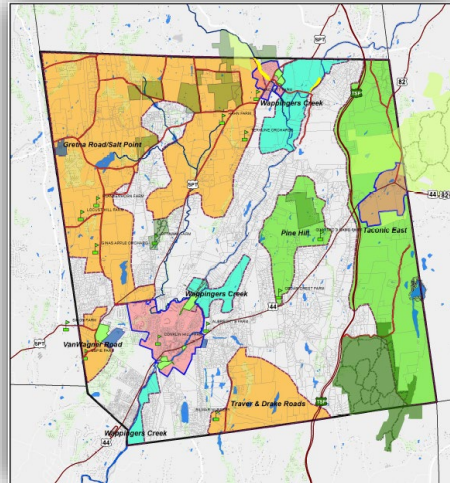
identify
what you
have



prioritize



plan,
protect,
manage



Conservation Principles

Protect large, contiguous, undisturbed areas

Preserve working forests and farmland potential

Maintain, create, or restore broad buffer zones

Locate and plan new development in ways that protect natural areas

Minimize disruption to storage and movement of water

Minimize alteration to natural features, including vegetation, soils, and bedrock

Encourage the use of green infrastructure to manage stormwater in developed areas

This list is based in part on the general conservation measures included in the *Biodiversity Assessment Manual for the Hudson River Estuary Corridor* by Erik Kiviat and Gretchen Stevens (2001).

Natural Resources Inventory (NRI)

- A series of maps, data, and a report describing the natural resources in a municipality.
- Stand-alone document or part of a comprehensive plan or other plan.

Examples:

[Columbia County Natural Resources Inventory](#)

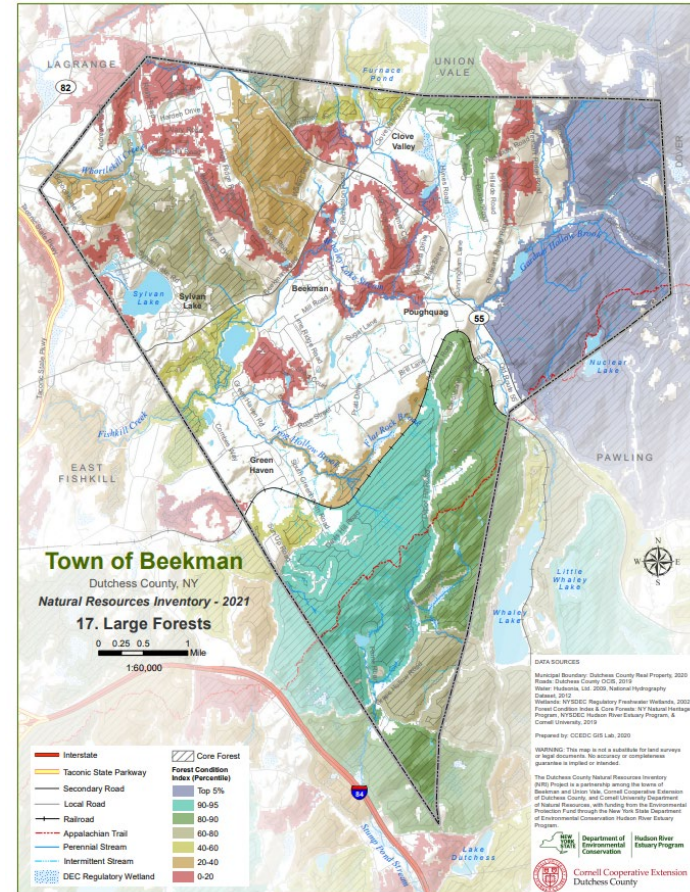
[Ancram Natural Resources Conservation Plan](#)

[Canaan Natural Resources Inventory](#)

[Hillsdale Natural Resources Inventory](#)

[New Lebanon Natural Resources Conservation Plan](#)

Town of Beekman NRI
Large Forest Map



Using the NRI

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The NRI is used in application review

- can be incorporated into existing processes
- reference for planning boards, conservation advisory councils, applicants, residents

Examples:

- Using natural resource information to inform project reviews
- preparing for site visits
- using a checklist to standardize the questions asked as part of application review

Blooming Grove GIS Maps, Natural Resources Inventory & Conservation Advisory Comm. Will Aid Town To Prepare for Future

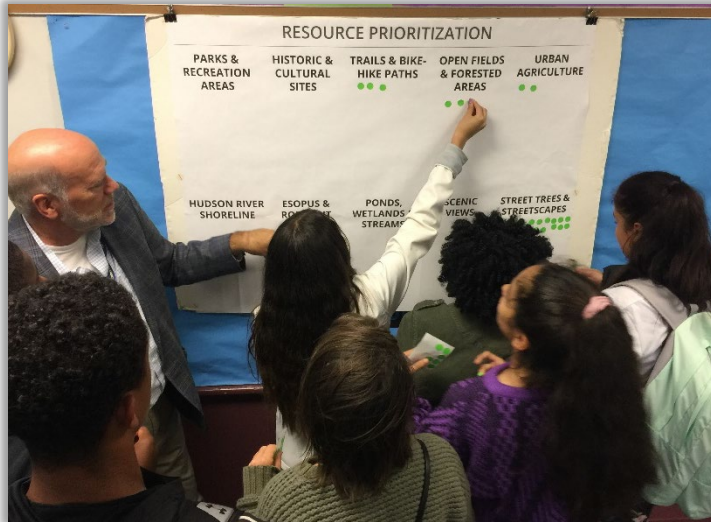
By ocpstny, February 23, 2018



Using the NRI

The NRI is a foundation for conservation policies:

- include local laws approved by the municipal legislative board



City of Kingston. Photo by Susan Hereth

Examples:

- conservation overlay zoning
- conservation subdivision
- wetland and watercourse laws
- open space financing
- Conservation Advisory Councils and Conservation Boards

What are Hudson Valley communities doing?

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Municipalities with selected conservation policies

More than 50%

Steep slope protection

Conservation subdivision

More than 40%

Conservation district

CAC or CB

More than 30%

Conservation overlay

More than 20%

Stream buffer protection

Natural Resources Protection in the Hudson Valley: Municipal Conservation Stories



Daria Ponstingel
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Cornell University



CCSS
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Supplementary Regulations

Apply town-wide, often apply to all uses

- setbacks and buffer requirements
- lighting standards to reduce light pollution

Town of Ancram Zoning Code

A. Regulations for All Districts...

3. c. Stream Buffers and Streamside Vegetated Buffers.

2. There shall be a minimum 25 feet of undisturbed vegetated buffer along all streams, fens, seeps, vernal pools or other hydrologically sensitive areas as identified on the current Ancram Significant Habitats Map. This streamside vegetated buffer shall consist of undisturbed vegetation designed to conserve the areas immediately adjacent to streams and rivers extending along both sides of a water course and including any adjacent wetlands, floodplains or slopes...

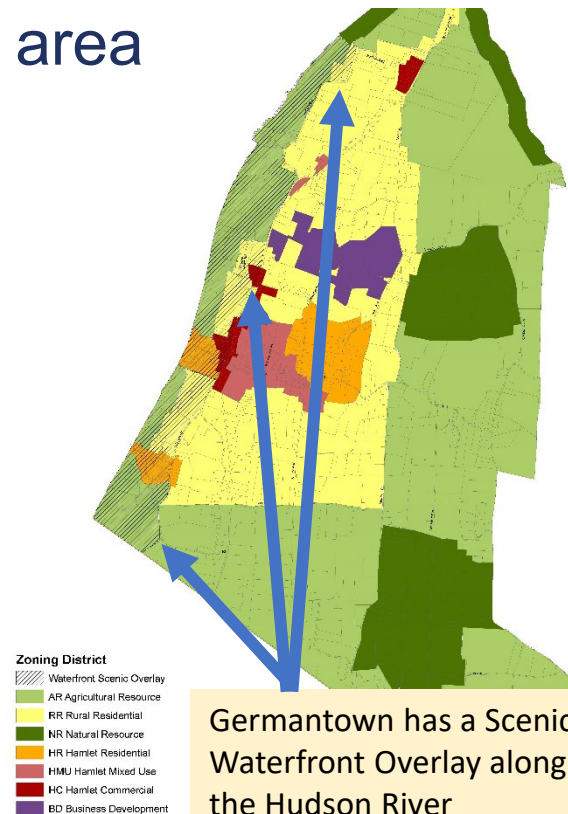


Conservation Overlay

Addresses resource protection in a defined area

- Sets standards to conserve resources or area *or*
- Requires applications go through a special process leading to conservation of desired resources or areas *or*
- A combination of standards and process

For more about conservation overlays, consult [Creating Conservation Overlay Zoning: A Guide for Communities in the Hudson River Estuary Watershed](#) by J. Theodore Fink and Emily Svenson, 2022.





- wetlands and streams protection
- steep slopes protection
- floodplain protection
- aquifer protection

May be in a separate chapter of the code
(not zoning)

Restrict activities or development in
sensitive areas and buffer zones

Enable development or activities in sensitive
areas subject to strict standards

Resource Protection Laws

Such as a tree law or land clearing regulation or timber harvest regulation

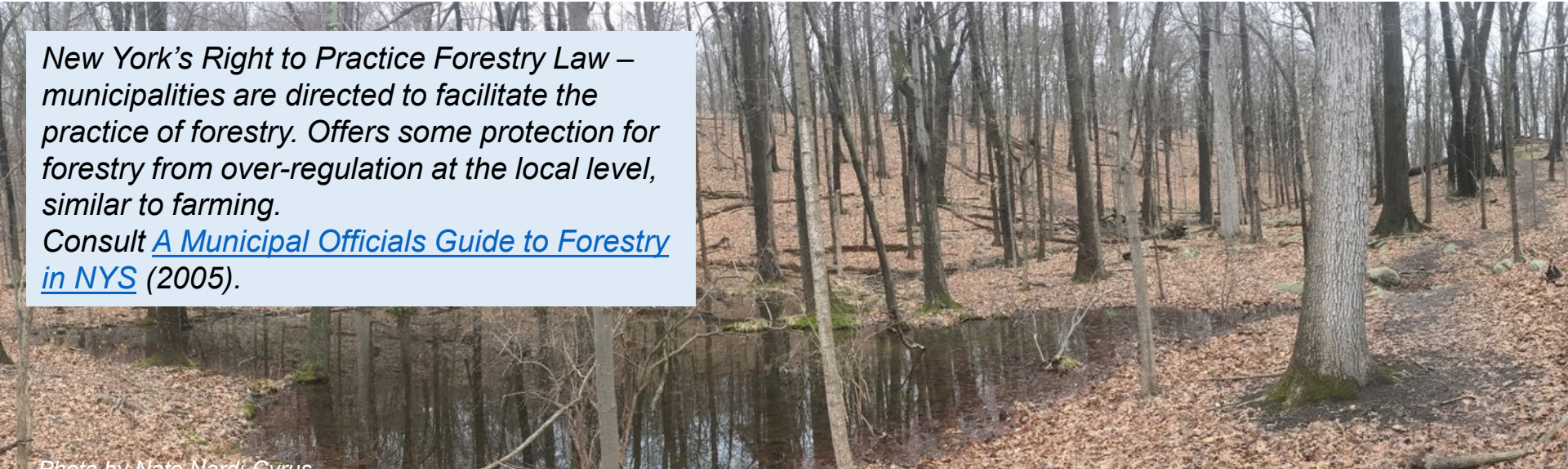
Create rules or standards for certain activities to avoid negative impacts to resources

May require a local permit for an activity

May require mitigation (planting trees to replace ones removed)

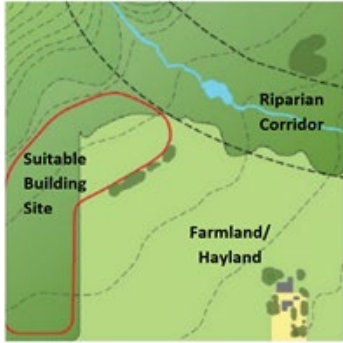
New York's Right to Practice Forestry Law – municipalities are directed to facilitate the practice of forestry. Offers some protection for forestry from over-regulation at the local level, similar to farming.

Consult [A Municipal Officials Guide to Forestry in NYS](#) (2005).



Conservation Subdivision

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Existing Conditions

Relies on site analysis
Guides the protection of natural areas in the context of new development



Photo: Laura Heady

Keys to effectiveness

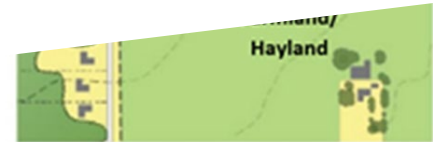
- *Conservation design process*
- *Set a minimum % of reserved open space*
- *Management of the reserved open space*
- *Mandatory were appropriate*

The developers, operating as Woodstock National LLC, presented their 620-acre concept to the Woodstock Planning Board on July 20. The preliminary plan includes an 18-hole golf course and 191 housing units, including 90 single-family houses in a "conservation subdivision" that avoids wetlands and buffers, 12 to 24 units of affordable housing, and 77 townhouses.

Proposal in Woodstock and Ulster, NY as reported in the Times Union, August 2024



Conventional Subdivision



Conservation Subdivision

Conservation Advisory Council (CAC)

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An **advisory** body to address the development, management, and protection of the environment

NYS General Municipal Law ([Article 12-F § 239-x](#))

Roles:

- Advises municipal agencies
- Inventory and mapping
- Research and planning
- Education
- Hands-on projects



***Town board**, once it adopts an open space index, may convert CAC to a Conservation Board that plays an official role in review of projects.*



Photo: Laura Heady

Local examples

Town	CAC or CB	Conservation Overlays	Conservation Subdivision or Equivalent	Other Regulations to Protect Natural Resources	Incentives for Open Space Conservation	Local Funding for Land Protection
Ancram	CAC	Ridgeline and steep slope protection overlay	Yes	<ul style="list-style-type: none"> Streamside vegetated buffers Springs and seeps (Supplementary Regulations) 	Yes	
Copake	CAC	Scenic corridor overlay	Yes	<ul style="list-style-type: none"> Setback of development of 100 feet from streams, ponds, creeks, lakes, other water bodies Rural siting guidelines may be required by Planning Board 		
Red Hook	CAC	Environmental protection overlays (aquifers and some streams)	Yes	<ul style="list-style-type: none"> Regulate tree and topsoil removal 	Yes	Yes

Example - Gardiner

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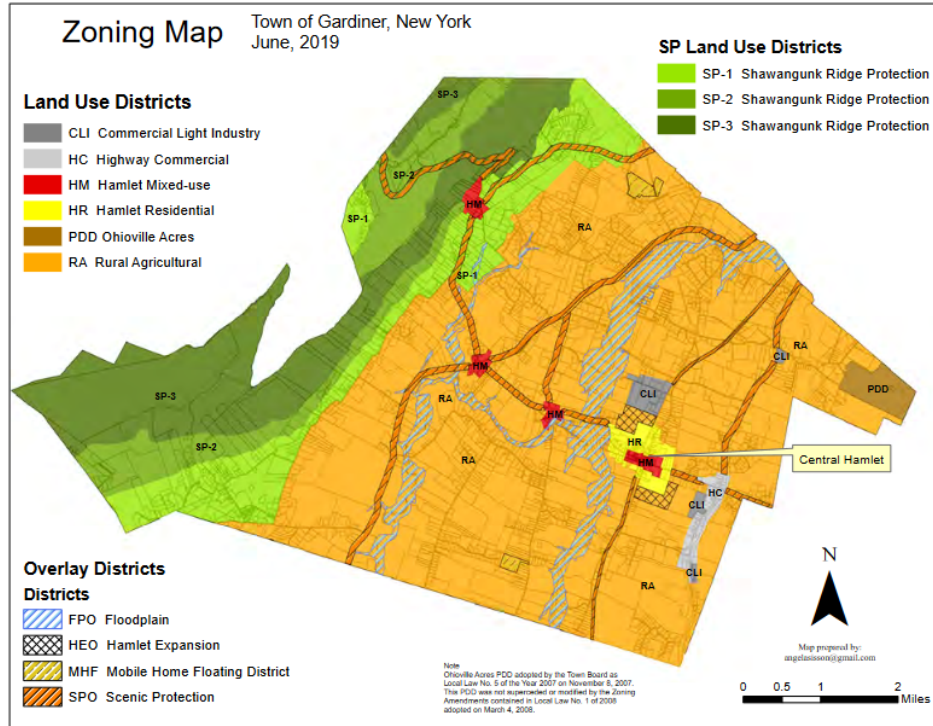


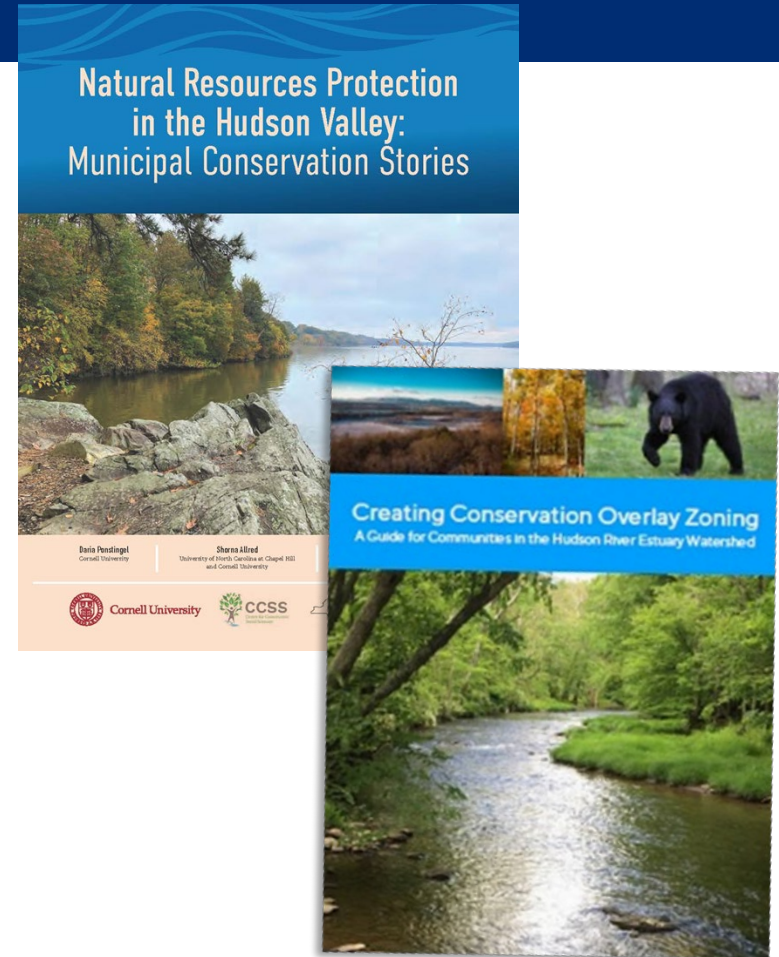
Photo: Shawangunk Mountains Regional Open Space Plan

The Town of Gardiner Zoning Map illustrates different types of conservation zoning approaches. Most of the town is divided into traditional zoning districts. The area along the Shawangunk Ridge is assigned to conservation zoning districts with limited uses and strict regulations. Overlay districts are imposed on top of the primary districts to protect floodplains and scenic road corridors that span multiple parts of the town.

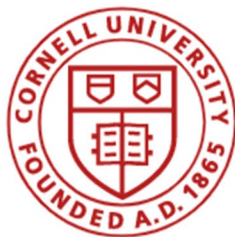
Map and caption copied from [Creating Conservation Overlay Zoning: A Guide for Communities in the Hudson River Estuary Watershed](#) by J. Theodore Fink and Emily Svenson, 2022.

Key points

- Many examples of time-tested local conservation policies in our region
- Municipalities use a combination of policies and practices
- NRIs and plans set the foundation for policies
- Local land use authority allows creativity



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Conservation Planning in the Hudson River Estuary Watershed

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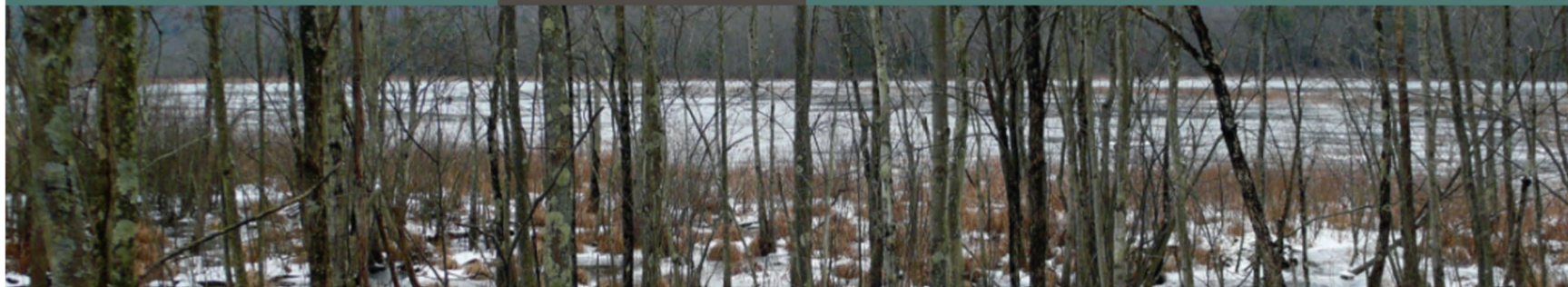
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Thank you!

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