

# GREENPLAN

March 15, 2022

Rich Parete, Supervisor  
Town Board of the Town of Marbletown  
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Re.: *Marbletown Community Preservation Plan  
Planning Services Proposal*

Dear Supervisor Parete and Members of the Town Board:

Thank you for inviting GREENPLAN to present a proposal for assisting the Town of Marbletown with preparation of a Community Preservation Plan (CPP). In recent discussions with Supervisor Parete, Board Member Daisy Foote, and Dale Robbins of the Preservation & Investment Commission, I have become familiar with Marbletown's interest in establishing a Community Preservation Fund (CPF) to protect the Town's natural and cultural resources. This letter will describe GREENPLAN's qualifications to assist the Town with this process, provide examples of previous similar experience in other towns, and the proposed work tasks and fee structure for assisting the Town.

## 1. STATEMENT OF UNDERSTANDING

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Marbletown is a Hudson Valley community with outstanding natural beauty and a rural quality and small-town atmosphere valued by its residents. The resources that comprise these characteristics are the essence of Marbletown's community character. As evidenced in the Town's planning and zoning programs, residents place a high priority on preserving and enhancing these attributes and Town officials have been dedicated to a continuing planning process for their protection.

Land use controls can be an effective means to protect the resources most valued by residents. However, rules and regulations alone cannot preserve the most valuable resources in the Town but can only guide new development to avoid them as much as possible.

Community preservation plans, on the other hand, are designed to provide a basis for funding the protection of important lands, but they must meet specific New York State requirements. By implementing a new long term funding program for purchases of land or interests in land, the overall goals of the Town's 2005 Comprehensive Plan and 2008 Natural Heritage Plan, among several other plans and studies, can be realized.

Chapter 596 of the New York State Laws of 2007 established the Hudson Valley Community Preservation Act for Putnam and Westchester counties. The Act was amended to include Ulster County in 2019. The Town of Marbletown has determined that it will work towards offering its residents an opportunity to

participate in the program through a public referendum in 2022. There are several steps required by the State law in order to establish a Community Preservation Fund but the first prerequisite is the preparation of a Community Preservation Plan.

Marbletown is well positioned to accomplish this task due to its adopted Comprehensive Plan, Natural Heritage Plan, Agricultural and Farmland Protection Plan, Biodiversity studies, and others. Broad support in the community for these initiatives bodes well for the success of a CPP. Updating the Town's goals for priority conservation opportunities is strongly supported by the Natural Heritage Plan, which specifically recommends supporting the State's Hudson Valley Community Preservation Act and also provides numerous specific recommended actions to fund the preservation of open space and natural/cultural resources in the community.

## 2. SCOPE OF WORK

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Six work tasks are identified in this proposal. I will work with the Town Board and a Town authorized committee to carry out the tasks needed to prepare a Community Preservation Plan, thereby meeting the State's statutory requirements for establishing a Community Preservation Fund. My work will include the following tasks and work products:

- a. I will assist the Town Board's appointed committee to organize and identify priorities for preservation of Marbletown's community character. The committee will hold regularly scheduled meetings to guide the development of the CPP. I will attend the meetings and, as needed, will participate in a pre-meeting with the Committee Chair to discuss the goals for each meeting, agendas, and approaches to accomplishing all needed tasks.
- b. Chapter 1 of the CPP consists of an examination of and rationale for establishing the priorities for preservation in Marbletown. The appropriate means to identify the priorities will be an examination of the official adopted Town policies for preservation of natural and cultural resources and may include a community survey to update those priorities, if time permits. In accordance with the State enabling act, priorities must comply with specific natural and cultural resource categories including the following: (1) parks, nature preserves, or recreation areas; (2) open space; (3) lands of exceptional scenic value; (4) marshes or other wetlands; (5) aquifer recharge areas; (6) shorelines; (7) wildlife refuges and habitats for rare, threatened or endangered species; (8) unique or threatened ecological areas; (9) rivers and river areas in a natural, free-flowing condition; (10) forested lands; (11) public access to waterways; (12) historic places; (13) greenbelts; and (14) agricultural lands. Parcels with some or all of the above conservation values are identified and grouped according to the selected priorities within the CPP as discussed in Task "c" below.
- c. Chapter 2 of the CPP consists of a summary of GIS mapping that will be conducted by a GIS consultant of the Town's choosing (the cost of which is not included in the Estimated Budget presented in this proposal). However, all GIS work tasks will be coordinated for the CPP preparation. My role will be to work closely with the Town's selected GIS expert to ensure identified parcels and resources are incorporated into the CPP.
- d. A required component of the CPP is a detailed evaluation of all available land use alternatives to protect community character, including but not limited to: (1) Fee simple acquisition; (2) Zoning and other land

use control regulations; (3) Transfer or Purchase of Development Rights on land; (4) Private conservation; and (5) Other land use alternatives available to implement the CPP. I will describe each of these in the CPP in Chapter 3.

- e. I will prepare a complete draft CPP document that addresses the above tasks and integrates them in a form needed to accomplish the public referendum. The task will be to present the work in a clearly written, visually rich product. The CPP will meet the statutory requirements of the Hudson Valley Community Preservation Act. This proposal assumes that there will be at least two iterations of the draft CPP document prepared, based upon committee and Town Board input and that any changes requested by the committee or Town Board will be addressed by subsequent drafts.
- f. Adoption of the CPP by the Town Board is a Type 1 Action subject to the State Environmental Quality Review Act (SEQR). This task includes my preparation of all documentation required for the Town Board to comply with SEQR. For purposes of this proposal, I assume that the Town Board will adopt a Negative Declaration following a review of the Full Environmental Assessment Form (FEAF) and the SEQR Criteria for Determining Significance [6 NYCRR 617.7(c)]. If the Town Board were to adopt a Positive Declaration, then a contract extension will be required and it would not be possible to meet the deadlines for a referendum in 2022.

In addition to GREENPLAN's Services listed above, GIS consulting services and legal expertise are required (not included in the Scope of Work or Estimated Budget presented in this proposal). Christine Chale, Esq. of Rodenhausen Chale & Polidoro LLP was instrumental in the development of the local laws and administrative documentation needed in Red Hook, New Paltz and other towns and she has the ability to ensure compliance with the State's Community Preservation Act. I would be happy to work with Ms. Chale, or any other attorney chosen by the Town, to ensure the CPP and CPF are conducted in accordance with New York State laws. As far as Geographic Information Systems (GIS) work is concerned, I propose to work on the development of mapping and database products included in the CPP with the GIS consultant selected by the Town. My understanding is that the Town is already in a position to engage a GIS specialist on the CPP development.

### 3. ESTIMATED BUDGET

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The estimated not-to-exceed cost for conducting the above six tasks associated with the CPP preparation is \$14,000. My rate of compensation is \$140 per hour. I generally bill my time on a monthly basis but can also do so based on milestone events or lump sum payments if the Town would prefer an alternative arrangement. Total project costs will not exceed the total estimated budget unless additional work tasks, beyond the six identified herein, are requested and authorized by the Town Board.

I anticipate that all report preparation and all deliverables will be via electronic means. The CPP will be developed as a PDF file (with internal hyperlinks) for distribution and use by the Town and its anticipated committee. Other file formats will be provided, such as Microsoft Word or Apple Pages, if requested.

## 4. QUALIFICATIONS

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GREENPLAN was founded in 1991 to provide specialized planning services, like community preservation plans, to municipalities. GREENPLAN serves a variety of cities, towns and villages by helping each achieve their own unique vision for the future. We do so principally through creative community planning services. Our goal is to help residents create vibrant and sustainable “places” for people to live, work and prosper.

My career has focused on the practice of environmental planning, working in the public, private and non-profit sectors. In addition to providing planning services to 57 municipalities throughout New York State over the past 30 years, I have also assisted Dutchess County, Tompkins County and the State of New York on various planning projects since 1991. In 2014, I joined the faculty of Marist College’s School of Science, teaching three courses in the Environmental Science and Policy Department. Before that, I also taught Land Use Planning at Bard College’s Graduate School of Environmental Studies. But I continue to assist numerous municipalities throughout the Hudson Valley on planning projects. I am also called upon frequently as an expert witness in court cases because of the personal trust and confidence needed in helping resolve land use disputes. I hold a Masters Degree in Urban Planning and Policy from the University of Illinois. Guiding my professional judgement on all planning matters is my certification by the American Institute of Certified Planners (AICP), which I have maintained since 1987. AICP requires adherence to a Code of Ethics and Professional Conduct.

I am well versed in the preparation of a CPP. I prepared the first two CPPs in the Hudson Valley for the towns of Warwick and Red Hook, which have both gone through several updates since their initial preparation. I also prepared the New Paltz CPP and am working with Gardiner in Ulster County and Philipstown in Putnam to develop CPPs. In both Warwick and Red Hook, I was responsible for preparing the initial plan and its amendments in these two towns, where special State legislation (amendments to NY State Town Law) was required to establish their community preservation funds.

Community engagement is a fundamental basis for municipal planning. I have been trained under Pace University's Land Use Law Center and the Glynwood Center's Land Use Leadership Alliance Training Program. The program deals with land use law, conflict resolution and community decision-making to accomplish sustainable community development.

GREENPLAN’s work has resulted in awards and other recognition. As Town Planner for the Town of Warwick for the past 32 years, planning and zoning documents that I wrote resulted in two smart growth awards, are used as models by several State agencies including the Hudson River Valley Greenway, and were cited by the Harvard Environmental Law Review as an example of an "innovative land use law...[and a] successful approach...to emulate and encourage..."

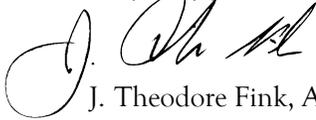
Planning and zoning documents prepared for the Town of Red Hook over the past 16 years resulted in Pace University Land Use Law Center's “Groundbreakers Award” in 2009 and in 2011 the New York Planning Federation’s Pomeroy Award for Zoning Achievement. The Northern Dutchess Alliance awarded the Town of Red Hook their “Charting Our Course” Award in 2012 for the Town’s planning and zoning work.

In addition to the CPP work, GREENPLAN provides varied services that include training and assisting planning boards with the review of development projects, helping communities develop comprehensive plans, “centers and greenspaces plans,” open space plans, build-out analyses, design standards and guidelines, and environmental impact assessments. We also prepare zoning laws, subdivision regulations,

and wetland laws, as well as other specialized land use controls like form-based zoning, ridgeline overlay districts, biodiversity conservation overlay districts, aquifer protection overlay districts, wireless tower regulations, scenic protection overlay districts, intermunicipal agreements, and affordable housing regulations. We have prepared and also help administer architectural and site design pattern books, general design guidelines and standards as well as specialized manuals for conservation (cluster) subdivision, signage, lighting, landscaping, and scenic corridor protection, among others. We work for both urban and rural communities primarily in the Hudson Valley and Upstate New York.

If any additional options are requested, then please let me know what those options would involve and I will be happy to provide estimates and a revised proposal for them as well. I look forward to the potential for serving the Town of Marbletown and to the successful preparation and implementation of a Community Preservation Plan.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Theodore Fink". The signature is fluid and cursive, with a large initial "J" and a stylized "F".

J. Theodore Fink, AICP  
President

Cc.: Dale Robbins (via email at: [dale@piedesign.com](mailto:dale@piedesign.com))