



Marbletown

COMMUNITY
PRESERVATION PLAN
2022

TOWN BOARD OF THE TOWN OF MARBLETOWN

May 31, 2022

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ACKNOWLEDGEMENTS

The 2022 Community Preservation Plan was prepared for the Town Board of the Town of Marbletown by the Marbletown Community Preservation Task Force. The Task Force included volunteers from the Environmental Conservation Commission, Historic Preservation Commission, Housing Committee, and at-large residents representing a cross section of civic leaders in the Town, 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.

The Town of Marbletown Community Preservation Task Force worked with municipal leaders and community members to develop this 2022 Marbletown Community Preservation Plan. The Plan was prepared for the Town Board of the Town of Marbletown. The Community Preservation Fund program in Marbletown was inspired by the residents of the Town of Marbletown and complies with the requirements of New York State's Hudson Valley Community Preservation Act.

ADOPTED BY TOWN BOARD ON _____ 2022

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Rich Parete, Supervisor
Don LaFera
Daisy Foote
Tim Hunt
Ken Davenport

COMMUNITY PRESERVATION TASK FORCE

Dale Robbins - Chair
Jonathan Bergman
Paul Brillinger
Olivia Fleming
Marian Martinez
Bill Merchant
Carol Reiser
Dan Shuster
Daisy Foote, Liaison
Tim Hunt, Liaison

*Technical Assistance in the Preparation
of the Community Preservation Plan*

Provided by

J. THEODORE FINK, AICP, GREENPLAN INC
AND

RICK LEADERER-BARNES, UPSTATE GIS

EXECUTIVE SUMMARY

This Community Preservation Plan (CPP) is respectfully submitted to the Marbletown Town Board and residents of Marbletown. It was prepared by a Committee composed of local citizen volunteers, with technical assistance from environmental planning professionals. The Plan implements the Town's adopted planning policies for natural and cultural resource preservation and helps prepare for the community's future. The Town's adoption of the Community Preservation Plan is the next important step in achieving the community's natural and cultural resource preservation goals.



Photo: Dale Robbins

The CPP is also required by law as outlined in the Hudson Valley Community Preservation Act (HVCPA), enacted by the New York State Legislature in 2007 and amended for Ulster County in December of 2019. The HVCPA will also allow for the establishment of a Community Preservation Fund and a ballot initiative that, if approved by the voters, would implement a Real Estate Transfer Tax, a sustainable funding source for land conservation.

And finally, if the Community Preservation Fund is adopted and Real Estate Transfer Tax becomes law, a Community Preservation Fund Advisory Board will be appointed. This Board would evaluate potential projects based on the Community Preservation Plan and make recommendations for the use of the Fund to the Town Board. The CPP is updated every five years.

With that in mind, there are four components to consider in the Town’s preservation initiative:

- 1. **The Community Preservation Plan** is a plan for preserving community character and designed to implement Marbletown’s land use vision and policies for protecting green spaces and agricultural lands, preserving natural resources, protecting historic features and providing lands for recreation and trails. It is reviewed and adopted by the Town Board following a Public Hearing. It is a state requirement that all properties under consideration for preservation be identified in The Community Preservation Plan. The 2022 Community Preservation Plan presents a data-driven approach for identifying and evaluating parcels highlighted for preservation in order to protect open space and community character in Marbletown.
- 2. **The Community Preservation Fund** is a fund to be used exclusively for preservation purposes and to be adopted by the Town Board. When the Fund accrues value, the Town may leverage this value to seek matching funds from conservation organizations, private donors as well as county, state and federal resources. This Fund can only be used to acquire properties or easements on properties from willing landowners.
- 3. **The Real Estate Transfer Tax (RETT)** is a law to be enacted if voted on by the residents of Marbletown in a ballot referendum. RETT is **a one-time fee paid by the buyer of a property**, not to exceed 2%. This percentage will be determined by the Town Board following input from the community in a Public Hearing. The median cost of a home in Ulster County (currently 320K) will be exempt from this tax. For example in 2022, if a home costs 400k, only 80k will be subject to the tax.
- 4. **The Community Preservation Fund Advisory Board** is an Advisory Board appointed by the Marbletown Town Board. The Advisory Board evaluates potential projects based on the Community Preservation Plan and makes recommendations for the use of the Community Preservation Fund to the Town Board. The Advisory Board can only recommend properties already identified in the Community Preservation Plan.

The Community Preservation Plan is presented in three parts:

Part 1: This section summarizes official town policies, plans, and planning studies such as the 2005 Comprehensive Plan, the 2008 Natural Heritage Plan, the Agricultural & Farmland Protection Plan and studies like the Aquifer Protection Study & Biodiversity Report, just to name a few. We are fortunate in Marbletown to have created extensive community planning and environmental studies for decades.

Part 2: This section identifies every parcel that can be preserved in a GIS Mapping system. It presents the methodology used in developing the Plan and summarizes eight Resource Preservation Areas where priority projects and parcels have been identified for use of the Community Preservation Funds. Based on this, a scoring criteria has been developed as an objective and fair tool for prioritizing preservation. The Parcel analysis may also be a useful tool for the Planning Board and other local boards and commissions when evaluating proposed land uses in the Town.

Part 3: This section evaluates available land use alternatives to preservation such as the Zoning and other local laws.

This Community Preservation Plan builds on the work that residents and Town officials have, over time, carefully crafted as official Town policies within Marbletown's adopted Natural Heritage and Comprehensive plans. Marbletown has identified the challenge of balancing conservation and development in its official municipal planning documents, due primarily to the impacts of new land uses in undeveloped areas. The Town's adopted Comprehensive Plan states:

Marbletown is a quiet and peaceful place, rich in local history and surrounded by natural beauty and open space. We cherish the quality of our natural environment and acknowledge our dependence upon healthy, intact local ecosystems for the clean air and pure water, food, fiber and fuel we require to sustain our health and our spiritual and emotional well being. We cherish the rural character and small town atmosphere of our community, and embrace sound planning as a tool to balance growth and conservation... We seek to preserve these qualities that we love and which make Marbletown a unique and special place.

In an on-going planning process, that has spanned more than 50 years since the 1969 Development Plan was prepared, residents have reaffirmed their desire to protect and preserve the diverse natural and historic features of undeveloped lands and farmland, which when taken together shape the Town's community character. The priorities in a 2022 survey conducted in Marbletown clearly identified clean drinking water as the number one concern and protection of agricultural lands and wildlife habitat as close seconds. The development of a Community Preservation Fund would allow the Town to have the resources to protect open space, agricultural lands and culturally significant properties.

Residents' right to own land and to buy and sell it freely, however, must also be respected. This Community Preservation Plan is specifically designed to allow Marbletown to accomplish both purposes. It is an entirely voluntary program that involves landowners who would like to conserve their property, when it contains important natural or cultural resources.

The Community Preservation Plan outlines priority resource areas and priority projects for preservation that together form a comprehensive system of open space and historic preservation priorities for the Town of Marbletown. If priority lands are preserved using the Community Preservation Fund, in combination with other land use tools and techniques, the Community Preservation Plan can facilitate the short and long range protection of Marbletown's environment, economy, and community character in the manner envisioned in Marbletown's official land use policies.

***THE COMMUNITY
PRESERVATION PROGRAM IS
VOLUNTARY AND PROVIDES A
WAY FOR WILLING
LANDOWNERS TO CONSERVE
THEIR PROPERTY***

PART 1: INTRODUCTION & PURPOSES

A. INTRODUCTION

Marbletown has described its vision for the future as: “A quiet and peaceful place, rich in local history and surrounded by natural beauty and open space...We seek to preserve these qualities that we love and which make Marbletown a unique and special place.” This Community Preservation Plan is designed to address residents’ vision for preserving the very qualities that make the Town a “special place.” This Community Preservation Plan documents the Town’s long-term commitments to protecting its community character including natural resources, green spaces like farms and forests, recreational opportunities, and historic features.

Marbletown is noted for its Shawangunk Mountain ridgeline, globally rare natural communities, sensitive ecological areas, and unique water resources including the Rondout and Esopus creeks. Parts of the New York City water supply system are located in the Town, historic hamlets like Stone Ridge and High Falls can be found here along with important remnants of early commerce like the D & H Canal and O & W railroad, as well as scattered 17th and 18th century stone houses and farmsteads that provide evidence of the enduring desirability of the Town and its important resources. Numerous remaining active farms continue to provide a bounty of Hudson Valley agricultural products.

Marbletown covers a finite land and water area of about 55.2 square miles (or about 35,315 acres). Since its earliest settlers set down roots in the 1660’s, Marbletown’s population has grown steadily and its land area has become developed with houses, businesses, institutions, and industries. In the year 2010, Marbletown had a population of 5,607 and by 2020, Marbletown had a growing population of 5,658.¹ Population projections indicate that the Mid-Hudson region of New York State, of which Ulster County is a part, will experience

continued population growth through 2040, the last year studied.² This projection indicates a continued steady population growth for the region as a whole.

As population grows and vacant land is developed to accommodate the growth, open space, natural areas, and other treasured community resources will diminish unless the community plans properly for both conservation and development. Marbletown's population density of about 103 persons per square mile is within New York State's definition of a rural community.³ Residents want to keep it that way. But with the vast majority of the Town zoned for one to four acre residential lots, unless greater accommodations are made for natural and cultural resource preservation, that rural character can easily be lost. In the Town's 2005 Comprehensive Plan it states: "Areas of significant open space should be preserved between the hamlets, particularly wetlands, bedrock outcrops, fields and farmland and undeveloped stream and creek corridors, to maintain the functional and visual separation of developed areas, and the rural and natural character of the Town." (see page 19 of the Plan). The 2008 Marbletown Natural Heritage Plan echoes the 2005 Plan's sentiment with multiple strategies for protecting rural character.

This Community Preservation Plan builds on the work that residents and Town officials have, over time, carefully crafted as official Town policies within Marbletown's adopted Natural Heritage and Comprehensive plans. These plans are described and their official Town policies, related to protection of community character and natural resources, are summarized below.

The Community Preservation Plan includes an identification of all parcels analyzed and scored according to eight established resource categories. State law requires that individual parcels of land must be identified and considered for preservation in a Community Preservation Plan before they can be considered for preservation under the Hudson Valley Community Preservation Act. These include but are not limited to lands that contain important water resources, are agricultural lands, represent scenic viewsheds, contain a historic structure or resource, are favorable for recreation including trails, possess wildlife habitats or other natural areas, or have been recognized as important open space resources or greenbelt opportunities. Once identified in a Community Preservation Plan, such areas are eligible for use of Community Preservation Funds for preservation through acquisition of land or interests in land (such as a conservation easement). Some of the benefits of conservation are outlined below.

SOME OF THE BENEFITS IDENTIFIED BY THE TRUST FOR PUBLIC LAND ARE AS FOLLOWS:

- 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.
- 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 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.
- 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.

In addition to the above conservation benefits, 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 this Community Preservation Plan.

These studies and their findings include the following:

- The Costs of Sprawl,⁴ 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. Marbletown’s 2022 Comprehensive Plan established a clear policy to avoid sprawl in its goals addressing sustainable development.

- According to the National Trust for Historic Preservation: “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.”
- According to a study of the economic impact of historic preservation on the local economy, commissioned by the Advisory Council on Historic Preservation (an independent federal agency), the study found historic preservation 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 US 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 Plan integrates the Town’s past plans and planning studies and seeks to fulfill established Town policies for protection of the Town’s unique rural character. This includes priorities for protection of open space, natural and cultural resources and the voluntary acquisition of open space parcels or interests in parcels with resources important to the community.⁵ This Community Preservation Plan provides a detailed evaluation of all land use controls and other alternatives already available to the Town to protect community character. These alternatives can and should continue to be used to assist in protecting Marbletown’s community character.

The Community Preservation Plan must be prepared in accordance with New York State laws established for the above purposes, among other purposes discussed below.⁶ The Hudson Valley Community Preservation Act, which was originally adopted in 2007 and

amended in 2019, permits local governments in Ulster County to establish a Community Preservation Fund, only when it is consistent with state laws. The preparation of this Community Preservation Plan is the first step in a process that will ensure Marbletown fully complies with state law. For Marbletown's open space and other conservation planning goals to be realized, the following steps must be taken before it can create the Marbletown Community Preservation Fund:

- The Town Board is required to prepare and adopt a Community Preservation Plan after holding a public hearing.
- The Community Preservation Plan must list every project that the Town plans to undertake.
- The Community Preservation Plan must include every parcel that could potentially be acquired from willing landowners in the Town, in order to protect natural and cultural resources and to preserve the Town's community character.
- The Community Preservation Plan must evaluate all other available tools and techniques the Town can use to protect natural and cultural resources and must also establish priorities for their preservation.
- The Community Preservation Plan must be adopted by local law at least sixty (60) 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.
- The adopted Community Preservation Plan becomes the basis for creation of a Community Preservation Fund which is also adopted by local law and is then further subject to a voter referendum on election day in November.
- If approved in the referendum, the Community Preservation Fund allows expenditure of moneys deposited into the Fund, which can then be used to acquire parcels or conservation easements on parcels and other actions.
- 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.
- The Town Board must create a Community Preservation Fund 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 Ulster County Agricultural and Farmland Protection Board.

- Funds deposited into the Community Preservation Fund may only be spent on projects that are included in the Community Preservation Plan. Each project in the Community Preservation Plan 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.
- The Plan must be updated not less than once every five years.
- 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 be complied with prior to any actions related to the Community Preservation Plan or Fund by the Town Board.

This Community Preservation Plan begins the above process. Part 2 below, beginning on page 36, presents the methodology used in developing the Plan and summarizes eight Resource Preservation areas where priority projects and parcels have been identified for use of Community Preservation Funds. Part 3 identifies and evaluates the Town's land use controls, like Zoning, that are already available to use "in order to protect community character" in the event they would be: "the best alternative for the protection of community character." The remainder of Part 1 will discuss Marbletown's on-going community planning process, which has resulted in adoption of a series of official Town policies for protecting and preserving its community character.



B. MARBLETOWN PLANNING BACKGROUND

Community character is a term that is used throughout this Community Preservation Plan. But what does “community character” mean? Typically, a municipal comprehensive plan defines itself by describing what is unique about the community and its character. An urban area like the City of Kingston can be expected to define its “character” quite differently from the way rural Marbletown defines its character.

Community character can be thought of as a unique combination of traits or characteristics and values. It is applied to the existing natural environment of a community like forests, meadows, water resources, open spaces, wildlife habitats, and geography. It is also applied to the existing cultural environment like farms, scenic areas, historic buildings and districts, land uses, and settlement patterns. Community character can also be defined by its overall setting, like a rural community character as opposed to an urban or suburban community character.

When Marbletown adopted its 2005 Comprehensive Plan, it essentially defined its “community character” as a rural community with “woods and mountains, clear streams, abundant wildlife, spectacular views, historic hamlets and rich agricultural lands” and where “Housing opportunities for the full economic range of the Town’s population should be provided in a form that is compatible with the scale and pattern of existing

development.” (see pages 14 and 22 of the Plan). This is part of what makes Marbletown... Marbletown and the Town Comprehensive Plan as a whole provides a more complete description of the Town’s community character.

The Hudson Valley Community Preservation Act defined community character by establishing a set of natural and cultural resource traits that, if identified in the community within a community preservation plan, will then allow for the establishment of a community preservation fund. The 14 essential traits listed in the Hudson Valley Community Preservation Act are as follows:

**PRESERVATION OF COMMUNITY CHARACTER MUST INCLUDE
ONE OR MORE OF THE FOLLOWING ELEMENTS:**

1. Establishment of parks, nature preserves, or recreation areas;
2. Preservation of open space;
3. Preservation of lands of exceptional scenic value;
4. Preservation of fresh and saltwater marshes or other wetlands;
5. Preservation of aquifer recharge areas;
6. Preservation of undeveloped beachlands or shoreline;
7. 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;
8. Preservation of unique or threatened ecological areas;
9. Preservation of rivers and river areas in a natural, free-flowing condition;
10. Preservation of forested land;
11. Preservation of public access to lands for public use including stream rights and waterways;
12. 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;
13. Undertaking any of the paragraphs of this subdivision in furtherance of the establishment of a greenbelt;
14. 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

When Marbletown prepared its 2005 Comprehensive Plan, it recognized that the 1969 Development Plan was out of date. The 2005 Plan recommended specific actions to address conservation and development as follows: “Natural Resource Protection: In order to preserve the rural character of the Town and the natural resource base upon which our community depends, important natural resources must be identified and conserved, and land conservation and stewardship promoted. The Town should develop and maintain an inventory of natural resources identifying areas of steep slopes, erodible soils, karst topography, agricultural and poor soils, unfragmented woodlands and forest, wetlands, aquifers, streams and floodplains, open fields, habitat for rare or threatened species, and other biotic, scenic, and outdoor recreational natural resources. It should identify, quantify and describe the quality of surface and groundwater resources as related in the Aquifer Protection Study completed in 2004 and from other resources.” (see pages 14 and 15 of the Plan).

The above recommendation became the foundation for preparation of several documents that followed the Plan’s adoption. This included the 2005 Index of Natural, Cultural, and Historic Resources, the Significant Habitats and Biodiversity studies completed in 2006 and 2007, the Natural Heritage Plan in 2008, and the Agricultural and Farmland Protection Plan in 2010. Some of the tools and techniques evaluated in Part 3 of this Plan are in place as a result of the 2005 Plan’s recommendations.

Marbletown’s 2005 Comprehensive Plan and the plans that followed provide a solid basis for this Community Preservation Plan. Each of the relevant and adopted plans will be described in Part 1 below. The full list of plans, planning programs and planning studies undertaken by or in Marbletown over the past few decades indicates that residents clearly strive to protect the fragile natural resources of the community. Relevant plans and planning studies include the following list from the Town’s website:

[Home](#) » [Government](#)

Adopted Town Plans / Studies

- [Agricultural and Farmland Protection Plan](#)
- [Aquifer Protection Study](#)
- [Development Plan 1969](#)
- [Marbletown 2005 Index of Natural, Cultural, and Historic Resources Part 1](#)
- [Marbletown 2005 Index of Natural, Cultural, and Historic Resources Part 2](#)
- [Marbletown's GIS Website](#)
- [Marbletown Natural Heritage Plan](#)
- [Marbletown Biodiversity Report 2007](#)
- [Marbletown Biodiversity Report 2012](#)
- [Marbletown Business District Zoning Study](#)
- [Marbletown Govt Climate Action Plan 2019](#)
- [Marbletown Govt GHG Inventory Baseline 2017](#)
- [Ulster County Hazard Mitigation Plan](#)
- [Hamlet Strategic Plan](#)
- [Significant Habitats in the Town of Marbletown](#)
- [Town Plan 2005 - Complete File](#)
- [FEMA Flood Maps](#) - Any questions regarding why your property is in a flood zone, should be directed to FEMA [on their website](#).

In addition to the above, two other planning studies were completed addressing historic resources. They are:

- **Marbletown, New York Reconnaissance Level Survey of Its Historic Resources by Ruth Piwonka in 1990 and 1991 for the Town Historic Preservation Commission**
- **Town of Marbletown Historic Resource Survey Update Part 1, 1669-1900, prepared in 2019 by Larson Fisher Associates for the Town Historic Preservation Commission**

Plans that were adopted and/or authorized by the Town have been summarized in this Community Preservation Plan. With the exception of the 1969 Development Plan, the other plans and planning studies were all consulted for the preparation of this Community Preservation Plan document.

Each of the documents summarized in this Community Preservation Plan build upon and reinforce adopted policies of the Town and provide a basis for implementing the overall vision of residents to protect the community through identification of its natural and cultural resources, and the values that residents place on their preservation, that each give Marbletown its unique character.

In addition to the Town policies and planning reports, there have also been relevant efforts made by others to identify and recommend protection of natural and cultural resources,

including open space, in Marbletown. Ulster County prepared an Open Space Plan and the County Legislature adopted it in December of 2007 as an element of the Ulster County Comprehensive Plan. This is discussed below.

The 2016 New York State Open Space Conservation Plan highlights “Regional Priority Conservation Projects” that apply to Marbletown. Projects in the State Open Space 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 State Open Space Plan describes the Hudson Valley as follows: “This region, including the Upper Hudson Valley or Capital Region (Region 4), is rich in wildlife habitat with 22 significant habitat types that support species of greatest conservation need...”

The State’s Open Space Plan is discussed further below. The analysis will begin with Marbletown’s most recent comprehensive planning process, the 2005 Comprehensive Plan.

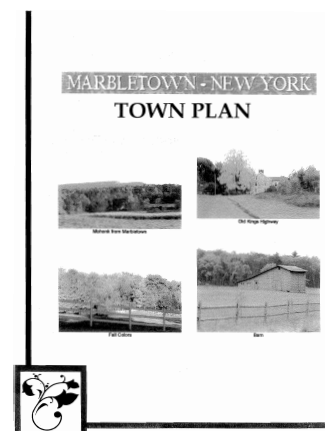
FIRST: WHAT IS A COMPREHENSIVE PLAN?

Comprehensive plans are documents that analyze and establish official policies for community land use planning issues, including protection of the environment. Comprehensive plans describe the local natural environment, expressed community values, existing land use and related things like vacant lands, aesthetics, historic resources, infrastructure, and the regional setting including transportation, population, housing, and socio-economic issues.

NYS Town Law defines a “town comprehensive plan” as: “the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village or city.”

TOWN OF MARBLETOWN COMPREHENSIVE PLAN - 2005

Marbletown’s residents and officials expressed a vision for the future of the community in the vision statement on page two above, taken from the 2005 Comprehensive Plan. It is a simple yet elegant vision statement because it says much about the future of Marbletown and what its residents want their community to be. The vision statement was carefully translated into workable and achievable policies and recommendations to preserve the natural and cultural environment and to work together as a community to achieve



its preservation goals. This set the stage for further policy development designed to protect Town resident’s “quiet enjoyment of natural beauty, open space and healthy, intact local ecosystems for the clean air and pure water, food, fiber and fuel we require to sustain our health and our spiritual and emotional well being can be realized.”

There were notable planning milestones in the Town well before the 2005 Plan was adopted. They included the following:

- * 1969 Development Plan led to preparation of a Zoning Ordinance and Subdivision Regulations
- * 1985 Business Study confirming business development should be confined to the area of existing hamlets instead of major roads, a visionary policy the prevented sprawl
- * 1988 Zoning amendments established new density standards based in natural features and development constraints
- * 1997 Public Opinion Survey of Town residents showed there is strong support for using planning tools and municipal regulations to insure that development occurs in a manner that is orderly, compatible with the historical layout of the community, and respectful of community values (e.g. peaceful and quiet).
- * 1999 Zoning amendments addressing business districts that established design standards and guidelines that respect the scale and character of the hamlets
- * 1995 to 2005 four historic districts were placed on the National Register of Historic Places
- * Early 2000’s the O & W rail right-of-way became the first Rail Trail in the Town and paved the way for residents to enjoy multiple other new trails through existing or planned links including to the Statewide Empire State Trail
- * From 2000 to 2005 there were a series of workshops that engaged Town residents in the



Neighboring Trails In Ulster County:



Minnewaska State Park Preserve



development of the vision statement found on page 2 above as well as identification of at least 53 planning issues that needed to be acted upon

- * 2003 Aquifer Protection Study identified and provided recommendations for protecting important drinking water resources in the Town
- * 2000 Report on Open Space recommended completing a comprehensive natural resources inventory, Open Space Index, and Open Space Protection Plan the Town, which were both acted upon
- * 2007 Significant Habitats in the Town of Marbletown, prepared by Hudsonia, Ltd. identified and mapped upland and wetlands habitats in a 6,000 acre area of the Town; a 2006 Biodiversity Assessment of a 7,500 acre area of the Town was also studied intensively by Hudsonia and then updated in 2012
- * 2010 Agricultural and Farmland Protection Plan for the Town of Marbletown was prepared to analyze and understand the foundations of the agricultural economy in the Town and to create a Plan that addresses a suite of issues facing farmers and citizens in the Town and sets the stage for agricultural growth in the future

The following is a listing of Marbletown's adopted policies and recommendations related to this Community Preservation Plan that are the official "goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town..." (New York State Town section 272-a.2(a)):

THE ENVIRONMENT:

- The fragile features which form the natural environment -- steep slopes, shallow soils, karst topography, wooded ridges and hilltops, major stream corridors, rich agricultural soils, wetlands, stream corridors, flood plains and groundwater--" must be protected from physical, chemical, biological and aesthetic degradation to preserve the Town's main natural and economic resources
- Recognizing the special nature of the Catskill and Shawangunk Mountains and the flatlands between them, a coherent and sustainable approach to development should be implemented which provides special protections for surface water and groundwater quality, woodlands, wetlands and agricultural soils

- The rural quality of the Town should be preserved by maintaining a landscape where the predominant feature is the natural environment and the intrusion and impact of development is minimized
- In order to preserve the rural character of the Town and the natural resource base upon which our community depends, important natural resources must be identified and conserved, and land conservation and stewardship promoted

NATURAL RESOURCE PROTECTION GOALS:

- Important natural resources must be identified and conserved, and land conservation and stewardship promoted
- Develop and maintain an inventory of natural resources identifying areas of steep slopes, erodible soils, karst topography, agricultural and poor soils, unfragmented woodlands and forest, wetlands, aquifers, streams and floodplains, open fields, habitat for rare or threatened or endangered species, and other biotic, scenic, and outdoor recreational natural resources
- Identify, quantify and describe the quality of surface and groundwater resources as related in the Aquifer Protection Study completed in 2004 and from other sources
- Town zoning ordinances, development guidelines, planning activities and other initiatives must clearly reflect the identified natural resource protection priorities
- Populations of species facing declines due to loss of habitat should be protected through local measures
- Management and stewardship of wooded lands to maintain healthy, productive forests resilient to catastrophic events such as infestation, windthrow and fire should be encouraged

RECREATIONAL USE OF NATURAL RESOURCES AND OPEN AREAS:

- Recreational use of resources such as parks, woodlands and waterways will be promoted where appropriate in terms of public safety, public health and resource conservation
- Recreational use must ensure the protection and fauna and ecosystem function, and take into consideration other assets provided these resources such as protection of the air and water quality, promotion of public health and economic uses of natural resources such as agriculture and forestry

WETLANDS PRESERVATION:

- Zoning requirements and review of subdivision and site plans will be used to shield designated and other freshwater wetlands and their associated drainage basins from the adverse effects of development

- In order to better protect wetlands additional strategies may be employed
- Some seasonal wetlands or those falling outside the protections afforded federal and state law may need protection on the local level, particularly under circumstances where such habitats are being used by rare, threatened or endangered species, or where the wetlands provide essential water recharge services for a connected aquifer

SCENIC RESOURCE PROTECTION:

- Some areas possessing these features [scenic resource] or qualities have already been recommended as targets for Open Space Preservation...areas along or visible from Routes 209 and 213, providing “gateways” or “buffers.” They are either agricultural land, contain historic buildings and features, lie close to the Esopus Creek, or provide views toward the Shawangunk Ridge
- As outlined in the current Open Space Plan, a variety measures exist, including purchase of development rights, conservation easements, local land use ordinances, such as zoning and subdivision ordinances, and conservation development guidelines
- An expanded Open Plan is needed that addresses the Town’s resources in a comprehensive manner and recommends specific measures in areas. It is of critical importance that the Town possesses this type of tool for land use planning and planned development purposes

DEVELOPMENT PATTERNS:

- Agricultural Forest Lands and other Space: Agricultural lands, particularly those visible from major road corridors, such as Routes 209 and 213, reflect the origins of Marbletown. They maintain its development pattern defining the entrances to Town and creating buffers around the hamlets, should be incorporated under formal open space protection and Town planning, and preserved to the maximum extent possible. Preservation of the Town’s remaining agricultural land can reinforce the viability of farming by maintaining a critical mass of productive lands and creating opportunities for a new generation of farmers
- Forests and woodlands also define the Town by creating vegetative expanses between hamlets and residences, contribute notably to the open, rural and mountainous character the Town, and are an important economic resource. Maintenance of contiguous unfragmented forests and woodlands should be encouraged
- Other open fields along the major road corridors and along the Rondout and Esopus Creeks which maintain the Town’s rural landscape should be preserved to protect scenic views of open fields, ridgelines and mountain tops, as seen from public roads
- Other types of open space such as woodlands and wetlands are also important and should continue to be protected by existing legislation

•

HISTORIC AND CULTURAL RESOURCES:

-
- All practicable means to protect these [historic and cultural] resources should taken and should likewise be addressed in development planning
 - The Town will conduct and maintain an inventory of cultural resources to identify priority historical and cultural resources for conservation
 - This data be used as a to protect these resources that include, for example, landowner incentives for conservation and state preservation easements. This should also be used to inform ordinances, guidelines and site-specific proposals
 - Archaeological resources are non-renewable resources that should be preserved continued use and enjoyment by future generations

It is clear from a reading of the above goals that Marbletown is committed to achieving preservation of the natural and cultural resources that give the Town its unique community character. They provide a firm foundation on which to base the recommendations for creation of a Community Preservation Fund to: “Implement a plan for the preservation of community character” in accordance with subsection 3(a) of the Hudson Valley Community Preservation Act (see General Municipal Law Chapter 24, Article 2, Section 6-s).

It should be noted that as a result of the Town’s 2005 Comprehensive Plan, the Town voters passed a referendum to authorize the borrowing of up to two million dollars for municipal Purchase of Development Rights (PDR) and the establishment of the Marbletown Preservation and Investment Commission to oversee the PDR program. The PDR program was added to the Town Code as the Agricultural, Clean Water and Open Space Preservation and Acquisition Local Law (see Part 3 below for a description). Although the Commission was created, the referendum was not implemented with a new PDR program. Nonetheless, it shows a commitment on the part of the community to preservation of natural resources and open space.

TOWN OF MARBLETOWN OPEN SPACE INDEX - 2005

Following the 2005 Comprehensive Plan adoption and its recommendation to prepare an Open Space Index and an Open Space Plan (see Comprehensive Plan page 15), the Town Board next commissioned preparation of an Open Space Index. The newly reconstituted Environmental Conservation Commission led the effort, assisted by Ulster County, the

Conway School of Landscape Design and numerous local advisors. The result was a comprehensive inventory of open space in Marbletown entitled Marbletown 2005 Index of Natural, Cultural, and Historical Resources. The Index included an inventory and mapping of geology, water resources, forested lands, agriculture, biodiversity and threatened wildlife habitats, mines, historic and archaeological resources, and cultural resources such as public recreational lands and scenic corridors and vistas in the Town. The Index also included as appendices the results of public forums as well as the results of a survey of residents from the forums.

It should be noted that in addition to the Index, in 2019 a Historic Resource Survey Update Part 1, 1669-1900 was completed by Larson Fisher Associates for the Marbletown Historic Preservation Commission and funded by a grant from the New York State Historic Preservation Office. This Survey Update included an historic overview update to an earlier historic resource survey, completed by Ruth Piwonka in 1991. The Survey Update also included assessments of significance and National Register eligibility, and notable properties with National Register recommendations provided. The Survey Update reinforced the remarkable number of historically significant structures that are found in the Town that had not been previously identified.

The Index was designed to be an on-going inventory of the Town's natural, historical, and cultural resources that could be updated as new information became available. It included information about the: "Importance of the resources to the environment and society... recommendations...concerning the resource's preservation and means for conducting more comprehensive inventories...[and] maps in Geographical Information Systems (GIS) format..." The Index in turn became a basis for the Town's 2008 Natural Heritage Plan. During preparation of the Index, public forums were held by the Environmental Conservation Commission to identify areas to be protected, areas suitable for future development, and areas already protected through a series of mapping exercises.

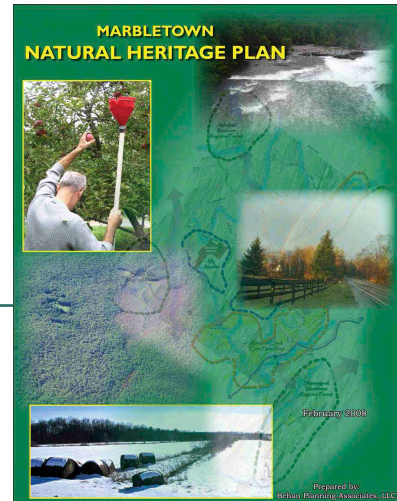
TOWN OF MARBLETOWN NATURAL HERITAGE PLAN - 2008

Following Town Board adoption of the 2005 Comprehensive Plan as well as completion of the Marbletown 2005 Index of Natural, Cultural, and Historical Resources, work began on one of a principal Comprehensive Plan recommendations, preparation and adoption of an open space plan. The Marbletown Natural Heritage Plan is the result. The overall goal of the Natural Heritage Plan is as follows: "The goal of this plan is to determine resources of

natural heritage significance within Marbletown and develop recommendations for preservation of these resources.” The Natural Heritage Plan followed this overall goal with the following recommendations:

***NATURAL HERITAGE PLAN “MAJOR”
RECOMMENDATIONS:***

- Continue to develop a local land conservation program
- Support sustainable land uses
- Continue to advance research, management and stewardship efforts
- Continue to partner with existing organization in outreach efforts
- Expand options for conservation financing



NATURAL HERITAGE PLAN VISION:

- Conserve a network of high-quality lands within regional forests
- Preserve the quality and quantity of the town’s major aquifer resources, which are capable of supporting future growth of the town
- Retain and preserve core farmlands
- Promote conservation of significant supporting forest lands, balanced with landscape-friendly uses
- Conserve riparian buffers along streams to maintain water quality, provide wildlife habitat and connectivity, and prevent flood damage

The Natural Heritage Plan set goals for meeting the above policies. This included obtaining conservation easements on 3,500 acres of land within 10 years (350 acres/year), with the following breakdown: 1,500 acres of forest, 750 acres of priority aquifer, 750 acres of core farms, and 500 acres of river and floodplain. The Plan further set an additional goal to obtain term easements on an additional 2,000 acres of land within 10 years (200 acres/year) including to: “support the Community Preservation Act.

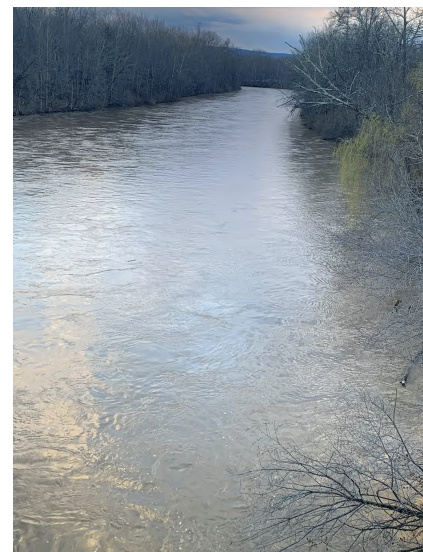


Photo: Daisy Foote

This would allow municipalities in New York State the option of creating a voter-approved community preservation fund by imposing a real estate transfer tax of up to 2 percent of the purchase price above the median home value in the county. The Community Preservation Act would authorize towns to do so without further approval from the Legislature. If necessary, the town could ask for individual approval from the State Legislature to submit such a referendum.” (see pages iv, 49, and 63).

This strategy included: a) working with local and regional land trusts; b) pursuing other funding sources for preservation; c) conducting parcel evaluations; and d) prioritizing parcels for conservation, all of which are hallmarks of a community preservation plan as proposed herein. The Natural Heritage Plan concluded with the following statement:

“This chapter has provided a plan of action for the town to advance its Natural Heritage Vision. Fulfilling this plan of action will require leadership and partnership among town boards, landowners, conservation organizations, businesses, and many others – in order to be successful. The action plan calls for investment in planning for conservation, as well as in embracing resource-friendly development, economic development activities and private-sector solutions. Accomplishing the goals of this plan will help the town to further resource conservation goals in balance with economic development.”

AGRICULTURAL & FARMLAND PROTECTION PLAN - 2010

In 2009, Marbletown began the process of developing an Agricultural and Farmland Protection Plan designed to analyze and understand the foundations of the agricultural economy in the Town and to address a suite of issues facing farmers and citizens, while setting the stage for agricultural growth in the future. The overall Vision of the Plan is: “To enhance the economic viability of Marbletown’s working lands in a manner consistent with community character and open space needs.” Key elements of the Town Agricultural and Farmland Protection Plan in relation to the Community Preservation Plan are as follows:

RECOMMENDED ACTIONS RELATED TO COMMUNITY PRESERVATION PLAN:

- Enhance Town of Marbletown Agricultural Land Protection Program by expanding landowner financing options, exploring new funding vehicles, and educating landowners on the locally relevant tools and techniques of land conservation
- Integrate the Marbletown Agricultural and Farmland Protection Plan into agency work plans to increase the effectiveness of its implementation and to promote agriculturally friendly policies

ULSTER COUNTY OPEN SPACE PLAN - 2007

The Ulster County Legislature adopted an Open Space Plan: Resource Protection and Management in December 2007 as an element of the Ulster County Comprehensive Plan.

The County Plan's purpose is stated as follows:

“Ulster County has a long history of open space protection. The environmental conservation movement has its roots here. With our “forever wild” Catskill Forest Preserve and Minnewaska State Park we have two of the most significant open spaces in the region. Each community in the county has valuable open space resources. Abundant and critical water resources, rich biodiversity, renowned recreational and historic sites, and valuable, productive agricultural lands are all part of Ulster County’s open space landscape. These contribute to the well-being of the region’s environment, economy and quality of life.

However, these resources are still at risk...The focus of this Plan is a framework for coordinated management and protection of natural resources. By putting the power of existing organizations together, we can focus our financial and human resources to protect our open spaces as we grow. The Plan recommends that the County use

“this management framework to coordinate and supporting the many efforts to protect open space resources in Ulster County.”

The County’s Plan and its recommendations are included here because they provide a regional context for Marbletown’s efforts to implement its own Natural Heritage Plan and to establish a Community Preservation program to finance recommended actions in the Town Natural Heritage Plan. In addition, the County Open Space Plan reinforces the importance of Marbletown’s natural and cultural resources and highlights many that are of Countywide significance. As stated in the County’s Open Space Plan: “All levels of government have policies and plans that affect open space in the county. This plan aims to integrate their goals and addresses these state, local and other county plans in its recommendations.”

Relevant recommendations from the Ulster County Open Space Plan are summarized below. A landscape feature that is highlighted over and over again in the County Open Space Plan is the Shawangunk Ridge, described as: “A distinctive ridge noted for its natural, scenic, historic, and recreational resources.” Other Marbletown resources that are also highlighted for protection include the critical watersheds, existing farming operations, habitat areas necessary to maintain ecological communities and species diversity, viewsheds and scenic vistas, water resources including aquifers, aquifer recharge areas, well heads, and critical watershed areas, historic and scenic corridors.

The County Plan’s recommendations were distilled down to ten Open Space Plan principles. The County’s 10 principles align well with Marbletown’s 2005 Comprehensive Plan as well as the 2008 Town Natural Heritage Plan. The County open space principles include the following:

Resource Actions

Resource Actions

I. Protected Open Space



Identify, permanently protect, and manage critical open space resources and systems

Need: Protected open space and other critical natural resources require identification, policies for protection, ongoing management and stewardship, coordination among municipalities, agencies and nonprofits, and consistency among various plans and programs.

Overarching Goal: Preserve and protect open space, unique natural areas, cultural landscapes and sites, wetlands, water and woodland resources, scenic views, and areas of natural beauty by protecting the open space “systems” in which they operate and the rural character of Ulster County.

Protected Open Space Partners:

- Ulster County Legislature
- Ulster County Planning Board
- Ulster County Department of the Environment
- Ulster County Environmental Management Council
- New York City Department of Environmental Protection
- New York State Department of Environmental Conservation
- Ulster County Municipalities
- Ulster County Land Trusts and Conservation Nonprofits
- Regional Organizations with Related Missions

Goals	Recommended Actions
I. Protect critical open space resources and systems	<ul style="list-style-type: none"> a. Support the implementation of the acquisition of areas identified New York State Open Space Conservation Plan. b. Work to ensure that Priority Conservation Areas are identified and incorporated into Open Space Plans at all levels. c. Work with area land trusts to establish inventory practices to track easements; work with proper authorities to allow better inventory practices and wider knowledge of protected land. d. Encourage proper land management by offering land and site management planning assistance for forestry, agricultural and other protected landscapes.

4-17

2007 ULSTER COUNTY OPEN SPACE PLAN EXCERPT

1. Identify critical natural resource systems
2. Preserve and protect open space, unique natural areas and heritage areas and sites, wetlands, water and woodland resources, scenic views, areas of natural beauty, and the rural character of Ulster County.
3. Integrate and link planning, development and environmental goals and efforts by creating a coordinated policy and management framework.
4. Integrate considerations of community well-being, economic prosperity, and ecological integrity.
5. Protect water resources and the critical watershed areas of the county.
6. Enhance the viability of existing farming operations and agricultural businesses, and encourage new ones to be formed.
7. Protect and enhance the county's most valuable open space landforms and natural features with coordinated planning and safeguard policies.
8. Safeguard priority biological diversity areas by promoting biologically-sensitive land use and increasing research and understanding.
9. Create, preserve, enhance and provide managed access to parks, hiking trails, active and passive recreation facilities, and historic resources.
10. Balance consideration of present and future generations through sustainable development (i.e., development that meets the needs of the present without compromising the ability of future generations to meet their own needs.)

NEW YORK STATE OPEN SPACE CONSERVATION PLAN - 2016

New York State established a formal Open Space Conservation program in 1990 and this program has as its centerpiece a Statewide Open Space Conservation Plan. Preparation of the State Plan was a partnership between several agencies including the Department of Environmental Conservation, Office of Parks, Recreation and Historic Preservation, Department of Agriculture and Markets, Department of Transportation, and Department of State.

The State Plan begins with a definition of “open space,”



which provides a common understanding of what open space means in the context of land use development and conservation in New York State. The State definition is as follows:

“Open space is defined as land which is not intensively developed for residential, commercial, industrial or institutional use. Open space can be publicly or privately owned. It includes agricultural and forest land, undeveloped coastal and estuarine lands, undeveloped scenic lands, public parks and preserves. It also includes water bodies such as lakes and bays. What land is defined as open space depends in part on its surroundings. A vacant lot or a small marsh can be open space in a big city. A narrow corridor or pathway for walking or bicycling is open space even though it is surrounded by developed areas. And while not strictly open space, this Plan also discusses cultural and historic resources which, along with open space, are part of the heritage of New York State.”

The current State Open Space Conservation Plan was prepared in 2016 and includes a number of recommendations that are relevant to Marbletown’s Community Preservation Plan. The 2016 State Open Space Conservation Plan highlights “Regional Priority Conservation Projects” that apply to Marbletown. 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 Marbletown are as follows:

SHAWANGUNK MOUNTAINS REGION

The Shawangunk Mountains are a distinctive part of the Appalachian Mountains, stretching from Kittatinny Mountain in New Jersey and Blue Mountain in Pennsylvania 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.

Protection of the Shawangunks is critical to maintaining the input of high-quality water to the Rondout and Wallkill valleys. Five “sky lakes” along the northern part of the ridge are headwaters to streams that join the Rondout and Wallkill rivers, both tributaries to the Hudson River. In the southern Shawangunks, streams originating on the ridgetop flow east to the Shawangunk Kill, (sic) a designated Wild and Scenic River...The Shawangunk Mountains are the northern section of a 256-mile-long Kittatinny- Shawangunk Ridge and Corridor that runs from Pennsylvania through New Jersey to southern New York. The Nature Conservancy has identified the northern Shawangunks as a globally significant forest block, home to exemplary natural communities, including the globally rare dwarf pine ridge community, over 7,000 acres of pitch pine-oak-heath rocky summit, one of the largest chestnut oak forests (38,000 acres) in New York, extensive northern hardwood forests, and cliff, talus and ice cave communities. Within these communities are over 57 known rare or imperiled plant and animal species...The Shawangunk Mountains are in proximity to other significant biodiversity areas identified as priorities in this plan, including the Karst Aquifer Area, the Catskill Mountains, the Basha Kill Wetlands Complex, the Great Rondout Wetlands, the Shawangunk Grasslands, the Plutarch/Esopus Wetlands and the Wallkill River Valley. Stream corridors, flood plains areas, forest blocks, wetland complexes and agricultural lands that can provide natural linkages between the Shawangunks and these features should be considered as priorities for protection, in order to create wildlife migration corridors and to provide flood control, habitat and trail connections across an increasingly developed landscape.

Protection of approximately 12,500 additional acres of land is needed to protect biodiversity and scenic and recreational values of the Northern Shawangunks. Highest priority projects include Peterskill Gorge, Sanders Kill Area, Witch’s Hole/ Stonykill Falls Area, Palmaghatt Ravine-Millbrook-Bayards-Near Trapps Escarpment, Trapps Gateway, the Verkerderkill Falls/Sam’s Point Preserve area and other areas listed above that link the Shawangunks to other nearby conservation priorities.”

TURTLE CONSERVATION SITES

“These wetlands and associated uplands provide habitats for a high diversity of turtles, including some of New York’s most imperiled species. The wetlands are scattered across Columbia, Dutchess, Putnam, Ulster, and Orange counties. Some important concentrations include the Fishkill Creek, Wallkill River, Sprout Creek, Housatonic River, Great Swamp and Wappinger Creek drainage basins. This area supports the highest diversity of turtles in New York State and provides habitat for five species of state-listed endangered, threatened and special concern species, including the bog turtle (state endangered, federally threatened) and Blanding’s turtle (state threatened). These sites include rare and significant ecological communities, such as calcareous fens, dwarf shrub bogs, shrub swamps and floodplain forest. This project includes additions to James Baird State Park and the Wallkill River National Wildlife Refuge, as well as the creation of new preserves, and encompasses the Dutchess Meadows project.”

KARST AQUIFER REGION

“The Karst Aquifers are situated in a narrow band of carbonate rocks that extend through Ulster County, generally trending south-southwest through portions of the Towns of Saugerties, and Ulster, the City of Kingston, and the towns of Esopus, Marbletown, Rosendale, Rochester and Wawarsing, and into the Sullivan County Town of Mamakating and the Orange County Town of Deerpark. Additionally, similar bands dominate portions of the landscape in the Towns of Goshen, Minisink, Warwick and Wawayanda in Orange County. This landscape feature is characterized by caves, sinkholes, mines, springs, lakes and disappearing streams. The area is rich in biological, geological and historical resources, and provides diverse outdoor recreational opportunities and critical water reserves. In many locations, outcroppings and ridges are very visible from roads and community centers and could have important scenic value to local communities and visitors. Several scenic byways, heritage trails, and bike trails have been designated within and within sight of this region and would benefit from permanent protection of their viewsheds.



Photo: Natural Heritage Plan



Photo: Ted Fink

HUDSON VALLEY/NEW YORK CITY FOODSHED

“With its prime agricultural soils, thousands of working farms, abundant transportation connections, and accessibility to Albany, New York City, and other population centers, farmland in the Hudson Valley comprises a vital component of the New York City/Hudson Valley ‘Foodshed,’ an area with the potential to serve the growing demand for fresh local foods in the region...protecting prime farmland soils throughout the Hudson Valley will help meet growing demand for locally produced food, enable the region’s agricultural economy to grow, and bolster the food security of the New York City metropolitan region and the Hudson Valley. Conserving the region’s farmland...also will help conserve wildlife habitat and the region’s rural character...Priority farmland clusters include...The Rondout Valley of Ulster County, including important farmland in the Towns of...Marbletown...”

GREAT RONDOUT WETLANDS

“Great Pacama Vly: When considering biodiversity in the Catskill region, this wetland stands out as being a critical area in need of protection. Encompassing approximately 315 acres at the intersection of the Towns of Marbletown, Olive and Rochester, the Great Pacama Vly is the only site in the Catskills where black spruce is known to be found, and it harbors rare species and communities found nowhere else in the state. There is currently a 50-acre parcel of detached State Forest Preserve in the center of the wetland, which should be expanded to include the whole wetland and any buffer areas.”

The State's Open Space Conservation Plan is consistent, in general, with Marbletown's goal of protecting community character including open space. The State Open Space Conservation Plan, in addition, fully supports the efforts of local communities to find ways to finance open space acquisition and it 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."

This Community Preservation Plan supplements the Marbletown Natural Heritage Plan, Town Comprehensive Plan, other Marbletown plans and planning studies as well as other government agency plans and planning studies. Each of the identified studies recommend a viable and long term funding mechanism to be 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 and/or the region.

2022 COMMUNITY PRESERVATION PLAN SURVEY

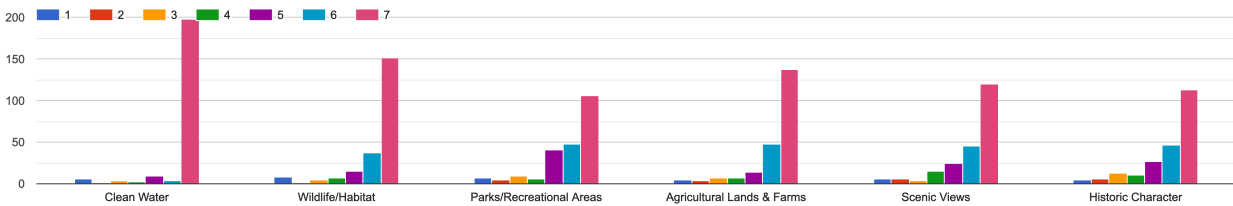
In 2022, the Community Preservation Task Force undertook a new online community survey, through the Google Forms application, to identify community priorities for resource preservation and resident concerns about these resources. The Task Force prepared the survey based upon similar types of surveys conducted by other towns in the Hudson Valley for their own community preservation planning efforts. Participation in the survey was widely distributed to residents through a number of media. The survey asked if the respondent lived in Marbletown but it did not restrict or discount any survey responses by asking whether the individual was registered to vote, a prerequisite to participation in the referendum for creation of the Community Preservation Fund. In this way, the survey can be considered to be a broader perspective on Town resident views as a whole rather than just the voting population that will participate in the referendum. Residents were notified of the survey through the following means:

- Emailed twice to those residents who signed up for notifications via the Town's website
- Posted on the Town's Facebook page and other local Facebook groups and Listservs
- Announced regularly at Town Board meetings and other Town Committee meetings
- Posted on the Town's website
- Flyers were posted around Town and distributed by hand

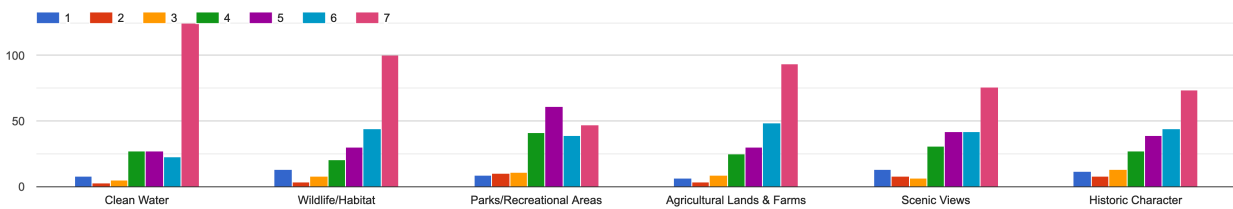
- Bluestone Press announced the survey with an article about the Community Preservation Plan and the RETT

The survey received a total of 226 responses and was available for respondents to fill out over seven weeks during April and May of 2022. The full survey results can be found in a series of charts and histograms found in Appendix C. A snapshot of the survey respondents’ priorities for preservation are shown in the following charts:

In your opinion, how important is it to conserve the following resources in Marbletown? Please rank from 1 ("not at all important") to 7 ("very important"), with 4 being neutral ("no opinion"):

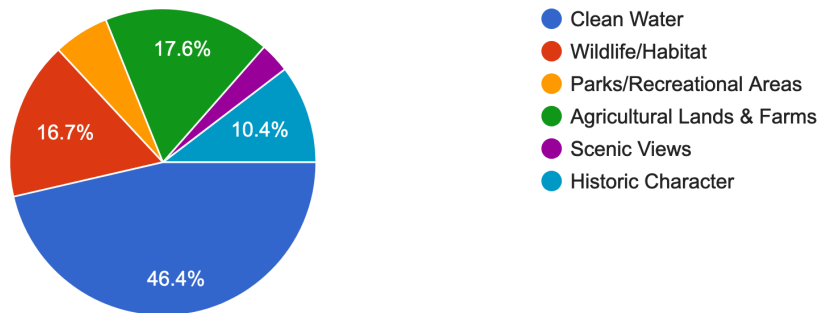


How concerned are you about the decline or loss of resources in Marbletown? Please rank from 1 ("not at all concerned") to 7 ("very concerned"), with 4 being neutral ("no opinion"):



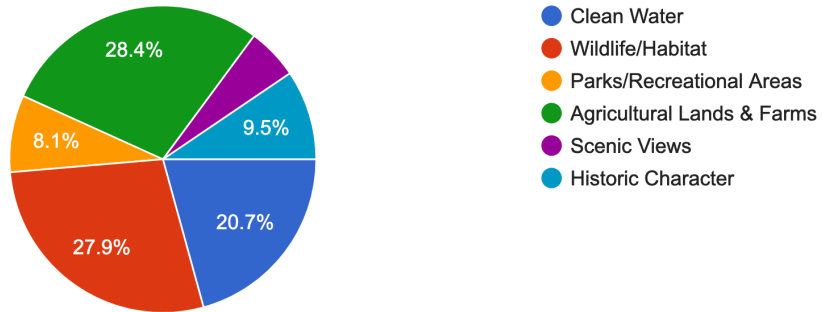
What do you think is the top preservation priority for Marbletown?

222 responses



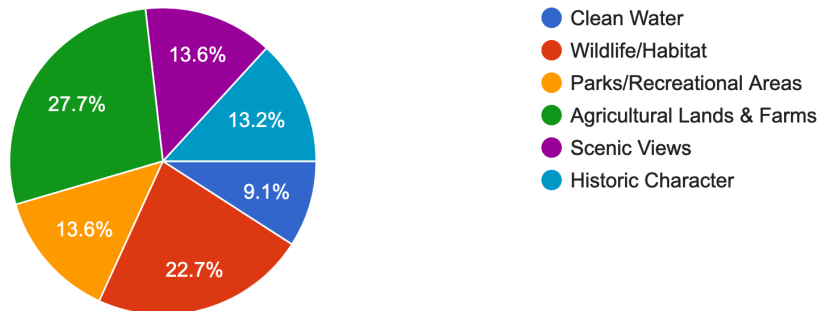
What do you think is the second highest preservation priority for Marbletown?

222 responses



What do you think is the third highest preservation priority for Marbletown?

220 responses



C. SUMMARY

Lands that have already been protected are identified on Figure I.1 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. They were identified in the Natural Heritage Plan and Figure I.1 on the next page is a reproduction of a map of the lands provided in the Plan.

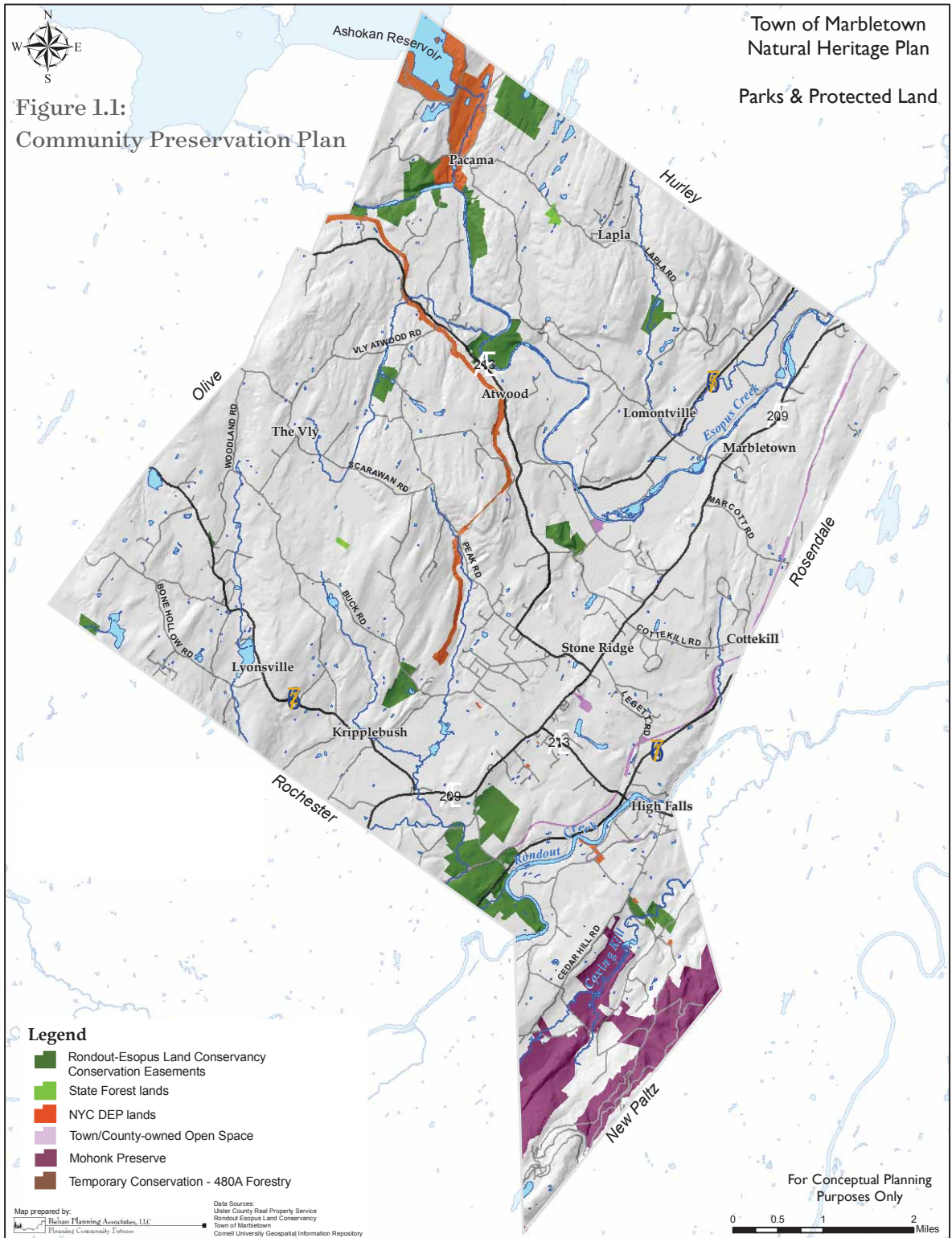
Protected lands include properties where full development is limited by a conservation organization or government entity. Examples of protected lands include state and municipal parks, land trust properties, private lands under conservation easement, and sometimes other government land holdings, like federal, state, or county lands where conservation restrictions are in place. This Community Preservation Plan begins the above described process and it is a way to fund preservation of additional lands within Marbletown in accordance with the Town's official land use policies.



Photo: D & H Canal Historical Society

The next section of this Community Preservation Plan presents the methodology used in developing the Plan and summarizes the eight Resource Category areas where priority parcels have been 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.”⁷

Together, the eight Resource Category areas and the priority parcels form a comprehensive system of open space preservation priorities for the Town of Marbletown. 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 help ensure the short and long range protection of Marbletown's environment, economy, and community character.



PART 2: RESOURCE CATEGORY PARCELS AND PRIORITIES

A. OVERVIEW

The 2022 Community Preservation Plan presents a data-driven approach for identifying and prioritizing parcels worthy of preservation to protect open space and community character in Marbletown. One major purpose of this analysis is to establish eligibility for future expenditure of the Community Preservation Fund, should the Town vote for the initiative, and to provide a decision support tool for the future Community Preservation Fund Advisory Board to make recommendations for conservation projects to the Town Board. The parcel analysis will also be a useful tool for the Planning Board and other local boards and commissions when evaluating proposed land uses in the Town.



Photo: Marina Krupp

A parcel scoring system was developed based on data available at the town-wide level for different types of natural and cultural resources, which were then organized into eight resource preservation categories. Within these categories, a total of 45 preservation criteria (e.g., mapping data sets) were identified or developed, reflecting resources or attributes worthy of preservation in Marbletown. The criteria and resource preservation categories were weighted to reflect the relative priority for protection expressed by

Marbletown residents in the 2022 community survey and in the 2008 Natural Heritage Plan. Parcel scores reflect the sum of different preservation criteria mapped on a site.

The resulting model scores every parcel in Marbletown for conservation values based on available data and reflects the conservation priorities expressed in the Town's plans and reaffirmed in the 2022 community survey. Scores are displayed on preservation category and total score maps and are listed parcel by parcel in Appendix A of this Community Preservation Plan. The scores can be used to identify parcels with high concentrations of natural and cultural resources, as well as priorities for specific types of resources. In addition, the scores can be used in conjunction with the 2008 Natural Heritage Plan, which may serve as focus areas for pursuing conservation projects with willing landowners.

Nearly every parcel in Marbletown contains at least one attribute contributing to community character. It is therefore recognized that it would never be possible (or desirable) to acquire every parcel identified within this Community Preservation Plan, even if every landowner were willing. Consequently, the scoring system is intended to guide the future Community Preservation Fund Advisory Board to focus their choices for voluntary conservation projects on the highest scoring parcels overall or within the Resource Preservation Categories.

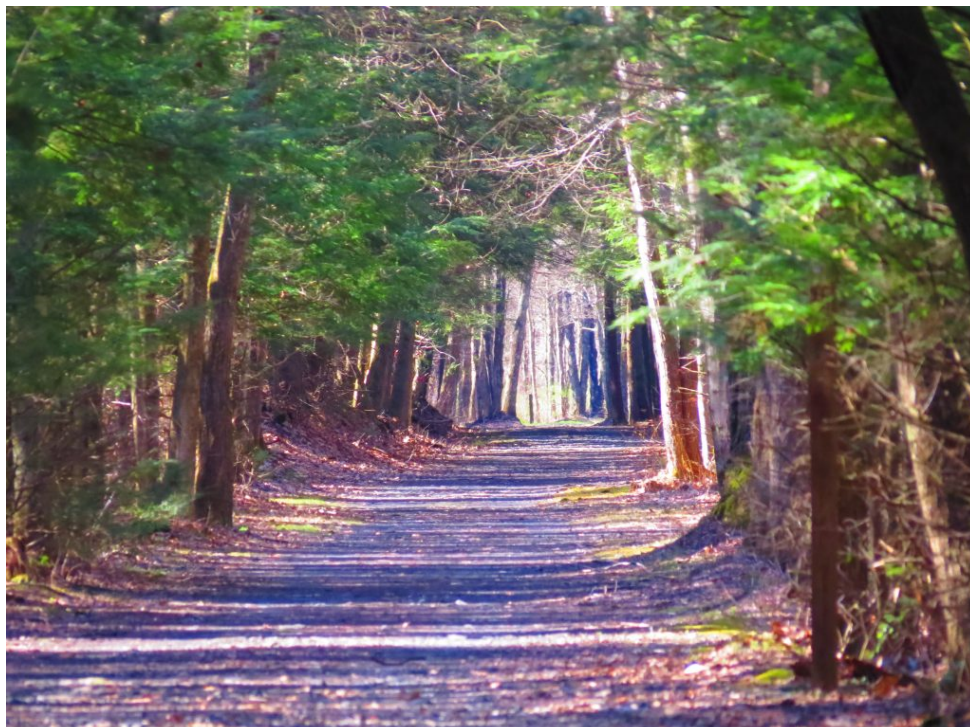
In addition, use of alternative land preservation tools help preserve open space and will complement the future work of the Community Preservation Fund Advisory Board, including, among other options, zoning, clustering, conservation easements, tax abatements, public/private partnerships and/or other cooperative agreements with private landowners. These are described in Part 3 of this Plan.

The lands identified with one or more important resources worthy of protection are referred to as Community Preservation Resource Categories. They are described and displayed on maps below, and are listed in the spreadsheet found in Appendix A of this Community Preservation Plan.

Following is a breakdown of the total number of parcels with one or more attributes in each Resource Category. Please note that many parcels identified in Appendix A have multiple attributes and consequently, the number of parcels may be listed multiple times in Table 2.1, depending upon the number and type of attributes identified on any one parcel. For instance, a farm may have an important aquifer, woodland areas, an historic barn or farmhouse, and represent a scenic resource in the community. The farm's parcel(s) will be shown multiple times for each category identified.

Table 2.1 Summary of Resource Category Parcels

Resource Category (# of criteria used)	Number of Parcels
Drinking water resources (4)	2,437
Wildlife habitats (10)	3,764
Forests and woodlands (6)	3,224
Streams and wetlands (6)	2,368
Recreation and trails (4)	2,785
Scenic areas (5)	2,255
Historic and cultural resources (5)	1,564
Agricultural resources (5)	2,748



B. METHODOLOGY FOR ESTABLISHING RESOURCE CATEGORIES & PRIORITIES

To implement a plan for preservation of community character, a clear definition and prioritization of land protection areas is required. The inventory of parcels identified in this Community Preservation Plan was developed by the Town of Marbletown 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 additional 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. Resource Categories 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. 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 Marbletown Town Board. If use of the Community Preservation Fund is not possible, 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.

In order for the town to identify parcels that are eligible for future funding, a parcel rating system was developed. The system assigns points to parcels based on the presence of important environmental, agricultural, historic or cultural resources. Parcels are further ranked in order to prioritize parcels for conservation should the Town have the opportunity to protect multiple properties.

For the parcel ratings, a GIS analysis was completed. GIS data was collected that corresponded to identified resource priorities. Over 40 data layers were obtained or created for the analysis. Each layer was assigned a score of one point, except for a few layers that had more than one component of varying relative importance, in which case these layers had a score of two points for the higher value resource and one point for the lower value resource. See Table 2.3 in Appendix D that identifies the data layers used in the

analysis and their associated point scores. The majority of the data used in the analysis was from public sources.

To determine which parcels would be scored, any parcel that was already fully protected was removed from consideration. If a parcel was only partially protected through an easement it was still included in the scoring. A total of 2,437 parcels were included in the analysis.

In addition to creating buffers for several of the layers, two newly created viewshed layers were created for the Community Preservation Plan. The viewshed layers identify predicted visibility from scenic roads within the Town as well as predicted visibility of the Town from the top of Sky Top at Mohonk Mountain House on the Shawangunk Ridge. The viewshed layers were created by using elevation point data obtained from Light Detection and Ranging (LiDAR) in 2013 and 2016, converting the data points into a digital surface model (DSM) which includes the tops of buildings, trees and other features on the landscape as well as the bare ground, and then evaluating the areas that would be visible on that DSM from evenly spaced points along scenic roads and from a cluster of points associated with Sky Top. The predicted visibility of each point, within their respective analysis, was merged together and areas of two acres or more were selected out to create the final visibility layer used in the project scoring.



Photo: Daisy Foote

Once all the GIS layers had been collected, modified or created, and merged if needed, parcels were systematically selected that intersected each of the target layers. If a parcel intersected a layer it was given the corresponding number of points for that layer (as previously stated, usually one point). Based on the large number of layers included, every parcel analyzed received at least one point. Once scores were assigned to each parcel for each layer intersected, the scores were summed based on Resource Category (e.g. Scenic Areas, Forests and Woodlands, Agricultural, etc). The total score for each category was

then mapped, with the scores broken out into three tiers – high, medium and low. Where possible, a quantile distribution was applied in an attempt to group similar numbers of parcels into each tier. However, that frequently was not possible given how the scores broke out. For example, in Drinking Water Resources the resulting scores only had a maximum of three points, and only 45 parcels (out of 2,433 parcels receiving drinking water points) scored three points, thus it was not possible to group parcels into equal numbers. Table 2.2 below illustrates the score distribution for the High, Medium and Low tiers for each category.

Table 2.2. Priority Parcel Score Values for each Resource Category

Resource Category	High Priority Scores	Medium Priority Scores	Low Priority Scores
Drinking Water	3	2	1
Habitats	6-9	4-5	1-3
Forests and woodlands	4-6	3	1-2
Streams and wetlands	3-5	2	1
Recreation and trails	3-6	2	1
Scenic areas	3-5	2	1
Historic and cultural	3-4	2	1
Agricultural	4-6	3	1-2

The three scoring tiers for each category were then translated to a three-point scale which was added together to get a composite score for each parcel. This method eliminates one category being more heavily weighted than another. For example, parcels could have up to nine points in Habitat but only three points in Drinking Water, thus a medium priority Habitat parcel could drown out a high priority Drinking Water parcel if raw scores were added together. By translating the High, Medium and Low tiers to three, two and one point, respectively, it normalizes the resulting category scoring. Maps showing the Resource Category results are shown in low resolution below following the descriptions of each resources. High resolution and detailed parcel priority maps can be found in Appendix B, a separate electronic file. The associated data in Appendix A shows the prioritization scoring results in a large spreadsheet that is best viewed on a computer. Within each Resource Category 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.

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 revenues in the Community Preservation Fund 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 Marbletown realize its goals for natural and cultural resource protection.

Any property identified in this Community Preservation Plan could theoretically be 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 eight Resource Category areas and the reasons why each are important to Marbletown residents and businesses. The descriptions also provide a rationale for why the Resource Category 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 eight Resource Category areas. It also identifies the significance of the resource and how information on the resource was developed. Then, the results of the parcel by parcel spreadsheet analysis is summarized by focus area from the parcel data shown in Appendix A. The complete Community Preservation Plan spreadsheet can be consulted on a computer at Marbletown Town Hall, at Stone Ridge Public Library or on the Town's website. When reviewing the eight Resource Category 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. At the end of the sections describing and illustrating the eight Resource Category areas, a final map shows all of the priority parcels for all eight categories in Figure 2.9.



1. DRINKING WATER RESOURCES

Aquifers supplying potable groundwater to Town of Marbletown residents and businesses are essential to maintaining quality of life as well as the human and environmental health that Marbletown residents and businesses depends 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 as documented in the 2005 Aquifer Protection Study of Marbletown, prepared by Mid-Hudson Geosciences for the Environmental Conservation Commission. Protection of the aquifers that supply groundwater, are therefore necessary. The New York State Department of Environmental Conservation (DEC), in cooperation with the United States Geological Survey and Environmental Protection Agency, have undertaken mapping of primary and principal aquifers in New York State for this reason and such mapping is also outlined in the Aquifer Protection Study.

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

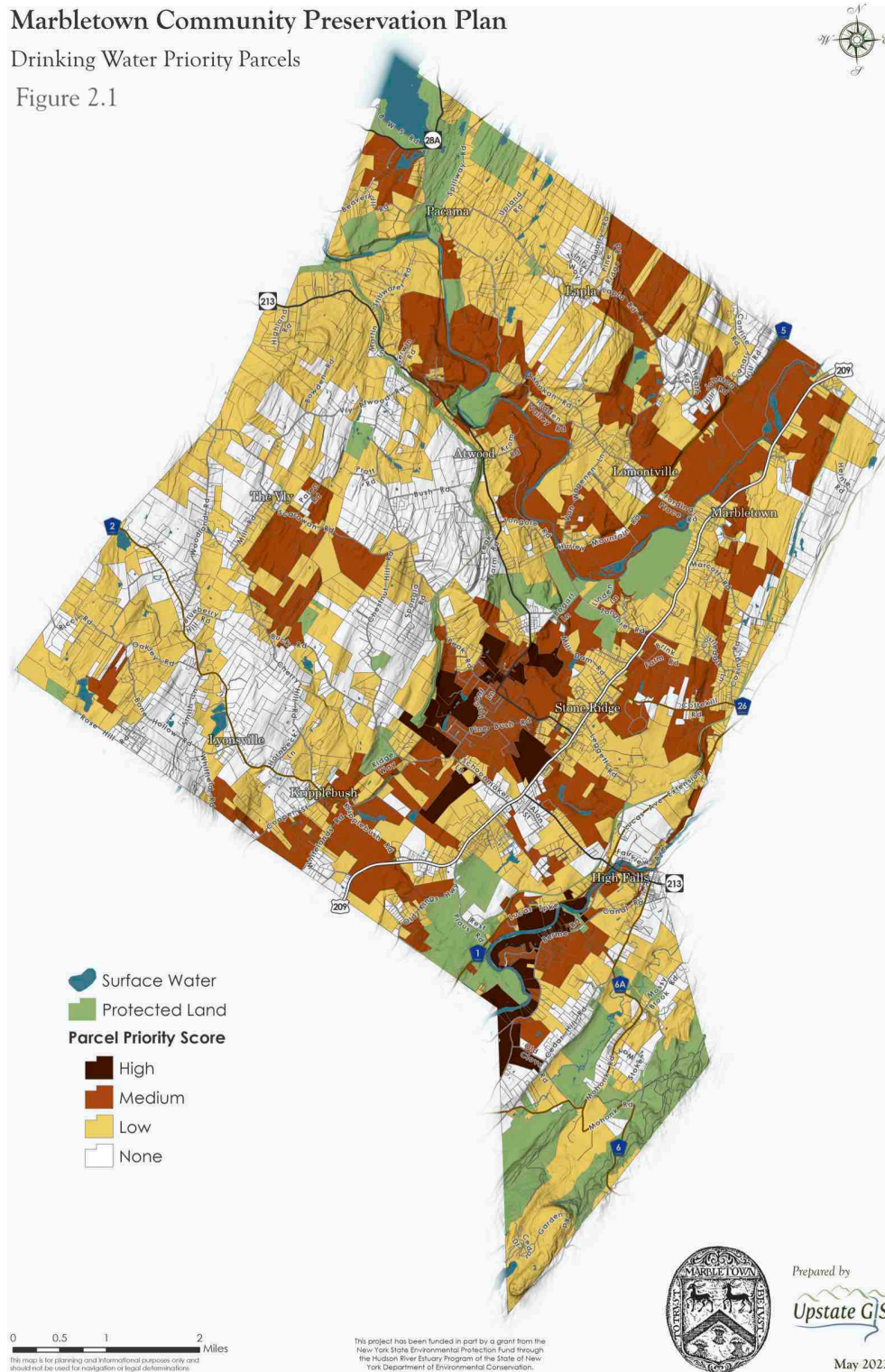
valleys. These aquifers typically form flat areas, that are also suitable for development, and they generally provide an ample groundwater supply. Because of development however, coupled with the high permeability of sand and gravel deposits and shallow depth to the water table, these aquifers are particularly susceptible to contamination from point sources. All aquifers in the Town of Marbletown, mapped by the state and federal governments and further studied in the Aquifer Protection Study, have been included in the Community Preservation Plan.

A portion of the Ashokan Reservoir and its watershed are found in the northernmost area of the Town. The Reservoir is a major component of the Catskill System of the New York City Water supply system. It was created by the damming of the Esopus Creek, which eventually flows northeast and drains into the Hudson River. The Reservoir supplies about 40 percent of New York City's daily drinking water needs in non-drought periods. Its drainage basin covers 225 square miles in 11 different towns including Marbletown. The highest priorities in this Resource Category Area are 2,437 parcels that contain lands essential to maintaining drinking water resources. The priority parcels with one or more drinking water resources and the points assigned to the parcel on this basis can be found in Appendix A.

Marletown Community Preservation Plan

Drinking Water Priority Parcels

Figure 2.1



2. WILDLIFE HABITATS

In order to identify and prioritize ecologically significant Resource Category areas for the 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.

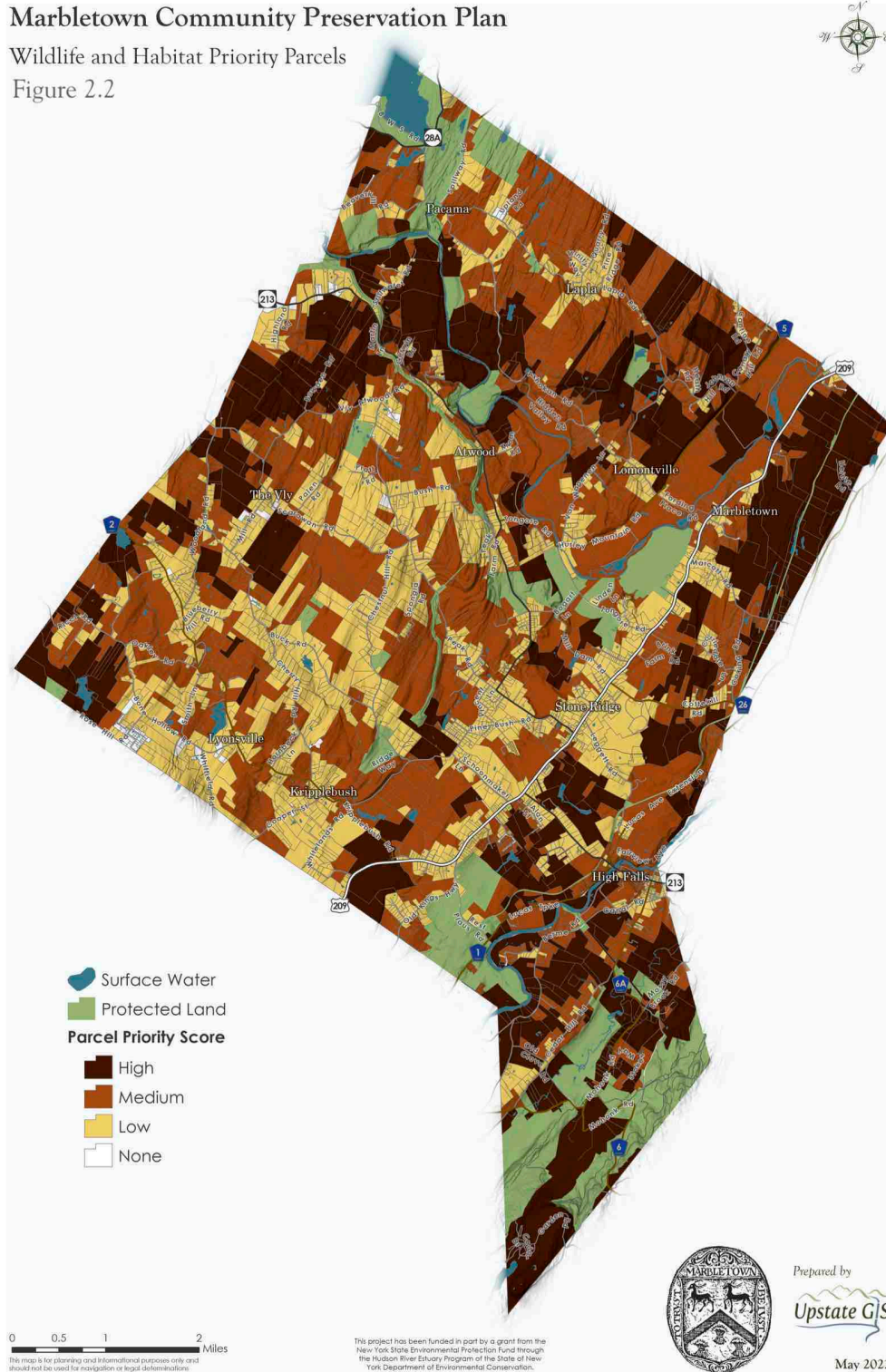
Audubon Important Bird Areas - Audubon New York has identified part of the Shawangunk Ridge as an Important Bird Area due to its significance for forest birds. An ornithological summary from Audubon states that this area is an “exceptional example of a characteristic higher elevation forest bird community 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>.

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 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 Marbletown by the New York Natural Heritage Program.

The highest priorities in this Resource Category Area are 3,764 parcels that contain wildlife habitats and natural areas. The priority parcels with one or more wildlife habitat resources and the points assigned to the parcel on this basis can be found in Appendix A.

Marbletown Community Preservation Plan
Wildlife and Habitat Priority Parcels
Figure 2.2



3. FORESTS AND WOODLANDS

Marbletown 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 forests and woodlands. 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 Marbletown can use to attain its goals to protect community character, including its forests and woodlands.

An abundance of information exists on the natural environment of the community. The Marbletown Environmental Conservation Commission, the New York Natural Heritage Program, and The Nature Conservancy have all studied the forests and woodlands in the community and have identified their 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 forest and woodland 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 Marbletown in attaining its vision to protect the natural environment as an essential component of its community character.

Most of the data used to identify forests and woodlands comes from the New York Natural Heritage Program (NYNHP). This includes the Important Areas for Rare Plants, Core Forests, High Ranking Forests, and Roadless Blocks 100 or more acres in size. Important Areas represent zones that are important to the health of rare species and significant ecological communities, and are designed by the NYNHP to be incorporated into land-use and conservation plans. Identified areas include lands needed to support the continued presence and quality of known populations of rare plants, known locations of rare ecological communities, and/or high-quality examples of common ecological communities. Important Areas include the specific locations where the plants or ecological communities have been observed.

Globally-rare matrix forest blocks, forests large enough to withstand major natural disturbances, maintain important ecological processes, and support populations of forest-interior wildlife and plants. These have been identified by both The Nature Conservancy and NYNHP. The blocks were developed using 2010 forest cover data from the NOAA

Coastal Change Analysis Program and buffered roads. It is important to note that the large forest blocks are mapped from a regional perspective and do not capture fragmentation by local roads, driveways, or low-density residential development.

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.

The New York State Department of Environmental Conservation recognizes the Shawangunk Ridge as a Significant Biodiversity Area (SBA). 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 2016 New York State Open Space Conservation Plan, discussed above in Part 1, identifies the Shawangunk Ridge as a priority for protection. The State Plan also identifies the Pacama Vly, a wetland area located at the intersection of the towns of Marbletown, Olive and Rochester. The Pacama Vly is the only site in the Catskills where black spruce is known to be found, and it harbors rare species and communities found nowhere else in the state.

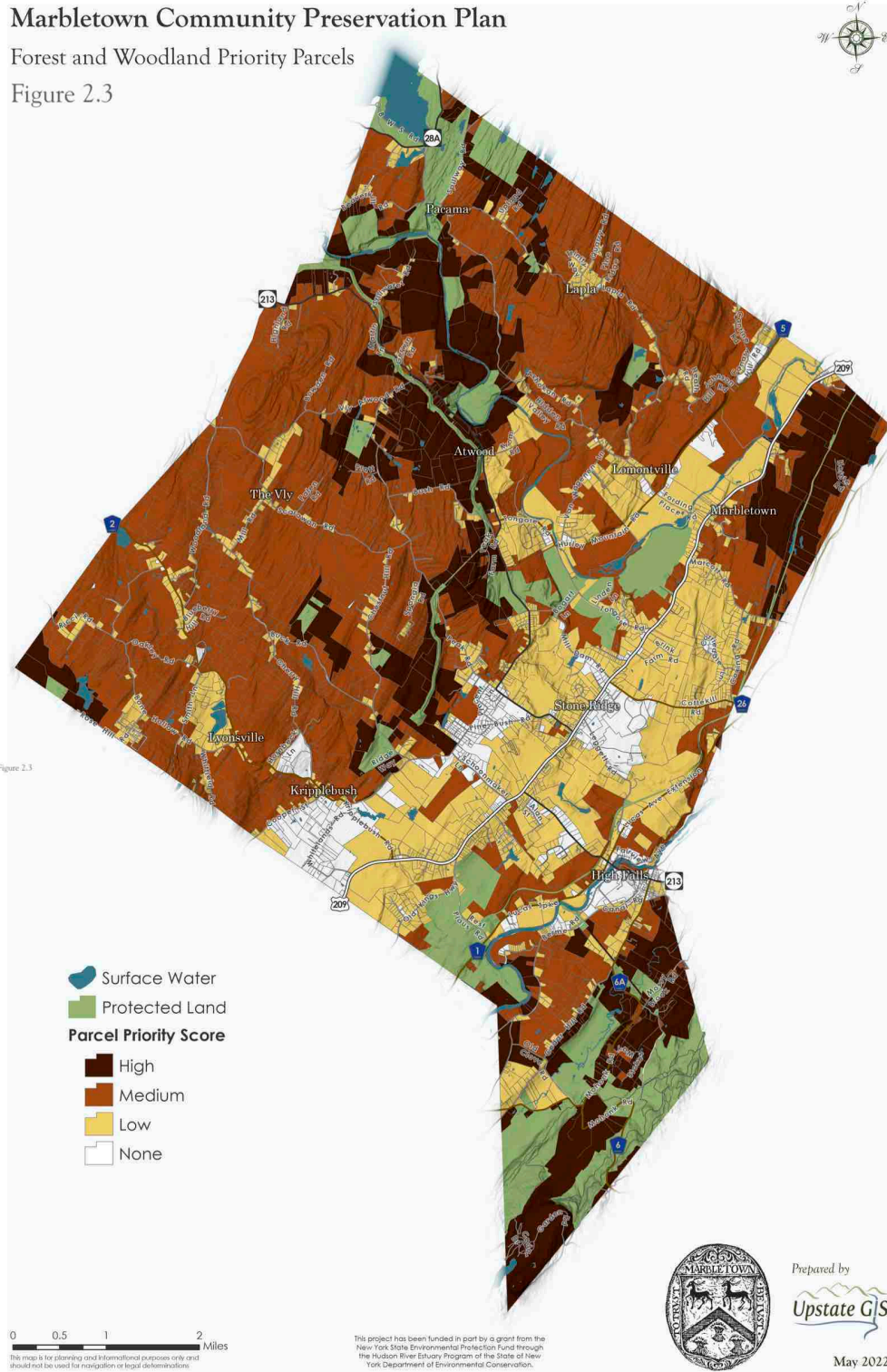
Large forests greater than 100 acres provide habitat for a wide range of plant and animal species. Forests with interior core habitat greater than 500 acres are most likely to support populations of forest-interior wildlife including many songbirds requiring large intact forest areas. Matrix forests 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. Figure 2.3 shows those parcels that contain one or more forest and woodland areas described above and found in the spreadsheet in Appendix

A. The highest priorities in this Resource Category Area are 3,224 parcels that contain forests and woodlands of significance in the ecology of the Town. The priority parcels with one or more forest and woodland resources and the points assigned to the parcel on this basis can be found in Appendix A.

Marletown Community Preservation Plan

Forest and Woodland Priority Parcels

Figure 2.3



4. STREAMS AND WETLANDS

Streams and water bodies in the Town of Marbletown were identified using a variety of data sources. 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 Marbletown. The land area covered by the floodwaters of the base flood is identified as the Special Flood Hazard Area (SFHA) 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 Marbletown were identified for this Community Preservation Plan and are included in the Community Preservation Plan's Streams and Wetlands map, Figure 2.4 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.

The NYNHP Important Areas for Fish have been included. Important Areas represent zones that are important to the health of rare species and significant ecological communities, and are designed by the NYNHP to be incorporated into land-use and conservation plans. Identified areas include lands and waters needed to support the continued presence and quality of known populations of rare animals, known locations of rare ecological communities, and/or high-quality examples of common ecological communities. Important Areas include the specific locations where the animals or ecological communities have been observed, as well as the habitat to support rare animal populations, including areas which may be used by rare animals for breeding, nesting, feeding, roosting, or over-wintering. They also include areas that support the natural processes critical to maintaining animal habitats, or critical to maintaining significant ecological communities like stream 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 Marbletown have been included in this Community Preservation Plan.

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.

Hudsonia, Ltd. has also identified wetlands in the Town through its two habitat studies described in Part I of this Community Preservation Plan. They included Significant Habitats in Selected Areas in the Town of Marbletown (an 6000 acre area) prepared in 2007 and a Biodiversity Assessment of 7500 Acres in Marbletown prepared in 2006. The two areas studied were adjacent to one another and included the Catskill foothills and along the Rondout Creek. In the Significant Habitats study alone, Hudsonia found there were 26 intermittent woodland pools; extensive crest, ledge, and talus habitats, 22 conifer and mixed forest swamps (including a tamarack/red maple swamp), and large forested areas exceeding 1,000 acres. Some of these areas were included in the Resource Category above for Wildlife Habitats.

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 many have not been included in either the State or Federal wetland mapping programs since these programs rely on aerial photo interpretation and not field surveys for specific wetland characteristics like soils. Lists of hydric soils were sourced from the Ulster County Soil Survey.

The Town of Marbletown 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 2,368 parcels of land that contain one or more water resources that are necessary for preservation of Marbletown's community character. The priority parcels with one or more stream and wetland resources and the points assigned to the parcel on this basis can be found in Appendix A.

Marletown Community Preservation Plan

Streams and Wetlands Priority Parcels

Figure 2.4



5. RECREATION AND TRAILS

The 2005 Marbletown Comprehensive Plan recognizes the need for parks and recreational facilities to meet the current and future recreational needs of the community. The Plan outlines the importance of recreation and trails to Town residents and identifies the availability of outdoor recreation areas as a community asset and valuable component of the Town’s character. Such areas identified in the Town Plan include areas for hiking and walking, boating, swimming, biking, horseback riding, wildlife photography, bird watching, nature study and the like.



Photo: Marina Krupp

The O & W Rail Trail is an important component of the Town’s recreational assets and this trail connects seven municipalities from Kingston to Ellenville. Since the Comprehensive Plan was prepared, the Empire State Trail has been established. The Empire State Trail is a state-wide, multi-use path designed to accommodate shared use by pedestrians and

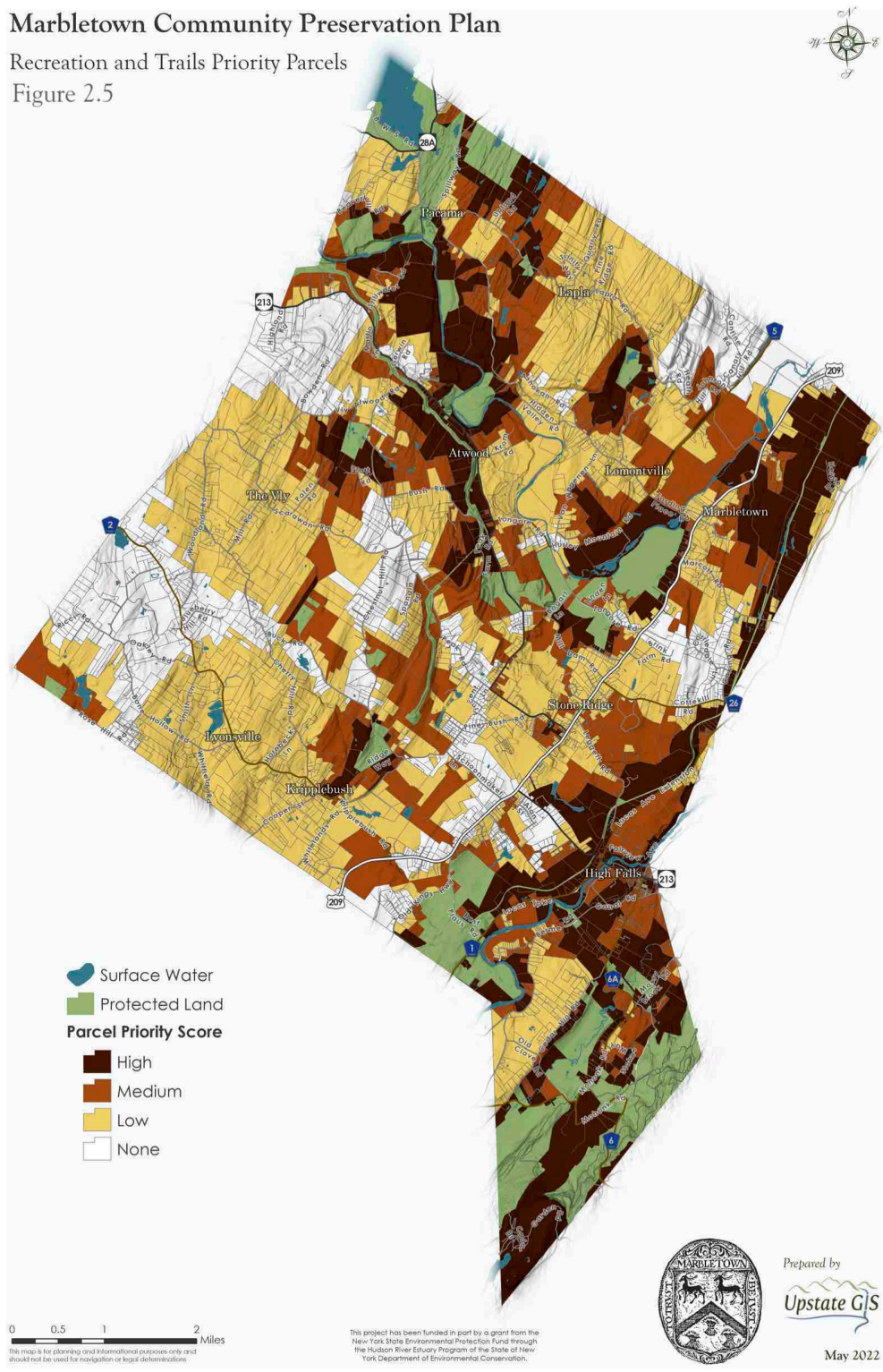
bicyclists. It connects major population areas from Buffalo's Tift Nature Preserve on Lake Erie to Albany, north to the Canadian border near Rouses Point, and south to New York City at Battery Park. The O & W currently connects to the Empire State Trail in Kingston via City streets (Washington Avenue). There are planned connections with other areas including High Falls, Ulster Community College in the Town (May of 2022) and elsewhere. Neighboring trails with potential connections include the Hudson Valley Rail Trail, the Wallkill Valley Rail Trail, the Kingston Greenline Trail, the Ashokan Rail Trail, and trails maintained at Minnewaska State Park Preserve and the Mohonk Preserve.

Figure 2.5 shows parcels with potential 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. Properties adjoining existing recreation lands, including trails, are included because they have the potential for enhancing community character. There are 2,785 parcels that have been identified with one or more recreational or trail features that makes them a priority for preservation. The priority parcels with one or more recreation and trail resources and the points assigned to the parcel on this basis can be found in Appendix A.

Marletown Community Preservation Plan

Recreation and Trails Priority Parcels

Figure 2.5



6. SCENIC AREAS

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 Marbletown 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 the Town of Marbletown. 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 Marbletown is already including in its alternative tools and techniques available for protecting scenic resources (see Conservation Design Overlay District in Part 3 below).



Photo: Marina Krupp

Marbletown’s Natural Heritage Plan, completed in 2008, and the Town’s Open Space Index (Marbletown 2005 Index of Natural, Cultural, and Historical Resources) both address

scenic corridors, vistas, views, and other scenic resources. The two documents are useful as a tool to identify valuable aesthetic resources in the Town. Lands adjacent (within 250 feet) of the Shawangunk Mountains Scenic Byway have been included. Lands adjacent to (i.e. within 250 feet) of local scenic roads such as Routes 209, 213, Hurley Mountain, Mohonk Road, and Cottekill, Atwood and Lucas roads along with lands adjacent to roads leading into the Town's hamlets.

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 Marbletown were identified for the Community Preservation Plan through GIS analysis. Areas visible from the Shawangunk Mountains Scenic Byway and the local scenic roads identified above were included in a viewshed analysis conducted at an even distribution of points along such roads. In addition, a viewshed analysis of areas visible from Sky Top at the Mohonk Mountain House, a National Historic Landmark site, were also included.

The Town recognizes that scenic roads and scenic vistas are valuable resources for both residents and visitors to Marbletown. 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 scenic areas identified in this Community Preservation Plan are identified on Figure 2.3. Priorities within this Resource Category Area are as follows. There are 2,255 parcels with one or more important scenic features in the Town. The priority parcels with one or more scenic resources and the points assigned to the parcel on this basis can be found in Appendix A.

Marletown Community Preservation Plan

Scenic Areas Priority Parcels

Figure 2.6



7. HISTORIC AND CULTURAL RESOURCES

The 2005 Marbletown Comprehensive Plan, 2008 Natural Heritage Plan, and 2005 Index of Natural, Cultural, and Historical Resources all place great importance on historic resources that: “add immense value to the town’s character and visual quality.” The Town’s Vision Statement, an overall goal to which the Town is committed to fulfilling, states at the outset that: “Marbletown is a quiet and peaceful place, rich in local history and surrounded by natural beauty and open space.” The Index similarly states that: “The historical character of the town is well preserved in the hamlets and on farms.”



Photo: Marbletown Historic Resource Survey Update

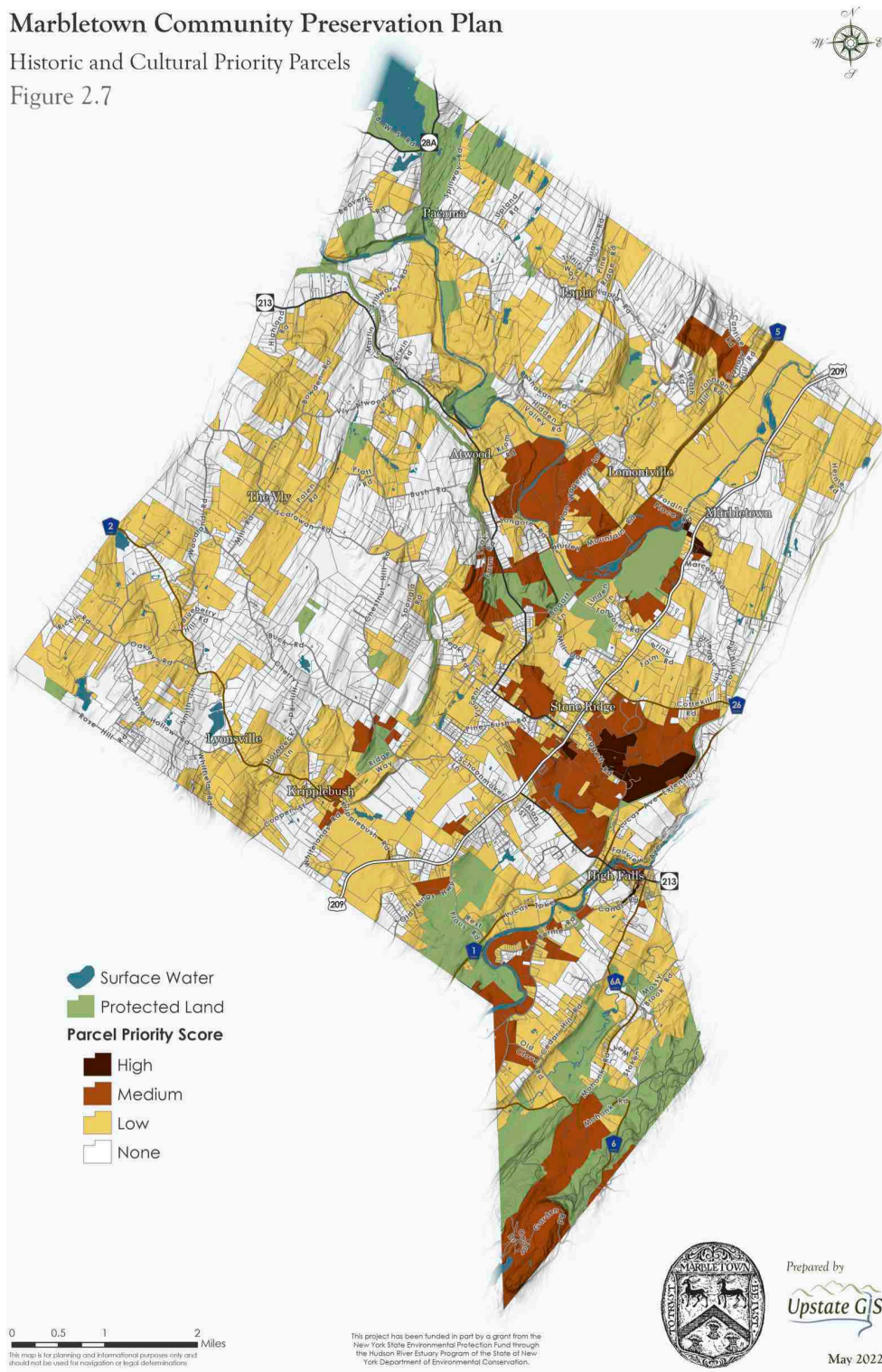
A great deal has been done to identify the Town’s historic resources including the above documents as well as the more recent 2019 Historic Resource Survey Update Part 1, 1669 - 1900 that is discussed above in Part 1. The data on historic resources for this Community Preservation Plan was obtained from records of designated Historic Sites and Historic Districts that have already received the recognition of the State and national Registers of Historic Places. Houses built before 1900 have also been inventoried on at least two occasions by Ruth Piwonka in 1991 and then by Larson Fisher Associates in 2019 (see above and Part 1). A database of Historic Marker sites in Marbletown was used lands adjacent to the D & H Canal were added, cemeteries and adjoining parcels were identified, and properties adjacent to special properties were included. These were for sites including the Hasbrouck House, Stone Ridge Orchard, Hansen Farm, Wynkoop House, Leggett Road Community, Depuy Canal House, Century Farms, Buck Road Farm, Stonedock, Dutch Barns on Bogart Lane, and Historic Churches.

This Focus Area primarily seeks to protect cultural resources that have been identified as significant or potentially significant for their known historic values or have been identified as a priority cultural resource worthy of preservation by the Town of Marbletown or other source. There are a total of 1,564 parcels of land in this Resource Category area. The priority parcels with one or more historic and cultural resources and the points assigned to the parcel on this basis can be found in Appendix A.

Marbletown Community Preservation Plan

Historic and Cultural Priority Parcels

Figure 2.7



8. AGRICULTURAL RESOURCES

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. Marbletown is fortunate to have significant land areas with Prime Farmland soils including those that are “Prime” if properly drained. It should be noted that farms within a New York State Agricultural District farms are generally exempt from State Wetlands Permit requirements and may conduct agricultural activities, like draining prime soils for growing crops within State Protected 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 Marbletown 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 Marbletown 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 Marbletown grows, the loss of any soil that is favorable to growing crops represents a lost opportunity for feeding a 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.”



Photo: Back Home Farm - High Falls
<https://backhomefarmny.com>

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 Marbletown, Agricultural District #3 contains broad areas, primarily along the Route 209 valleys of the Rondout and Esopus Creeks, Shawangunk woodlands, Catskill foothills, and other floodplain and wetland areas interwoven with open spaces. According to the 2010 Agricultural and Farmland Protection Plan, these areas generally make up the agricultural heritage and natural features of the Town. The above were all included in the parcel database. In addition, active farms and/or those receiving an agricultural tax exemption were taken from the County’s Real Property Tax parcel records, Century farms were added, and lands adjacent to protected farms was also included.

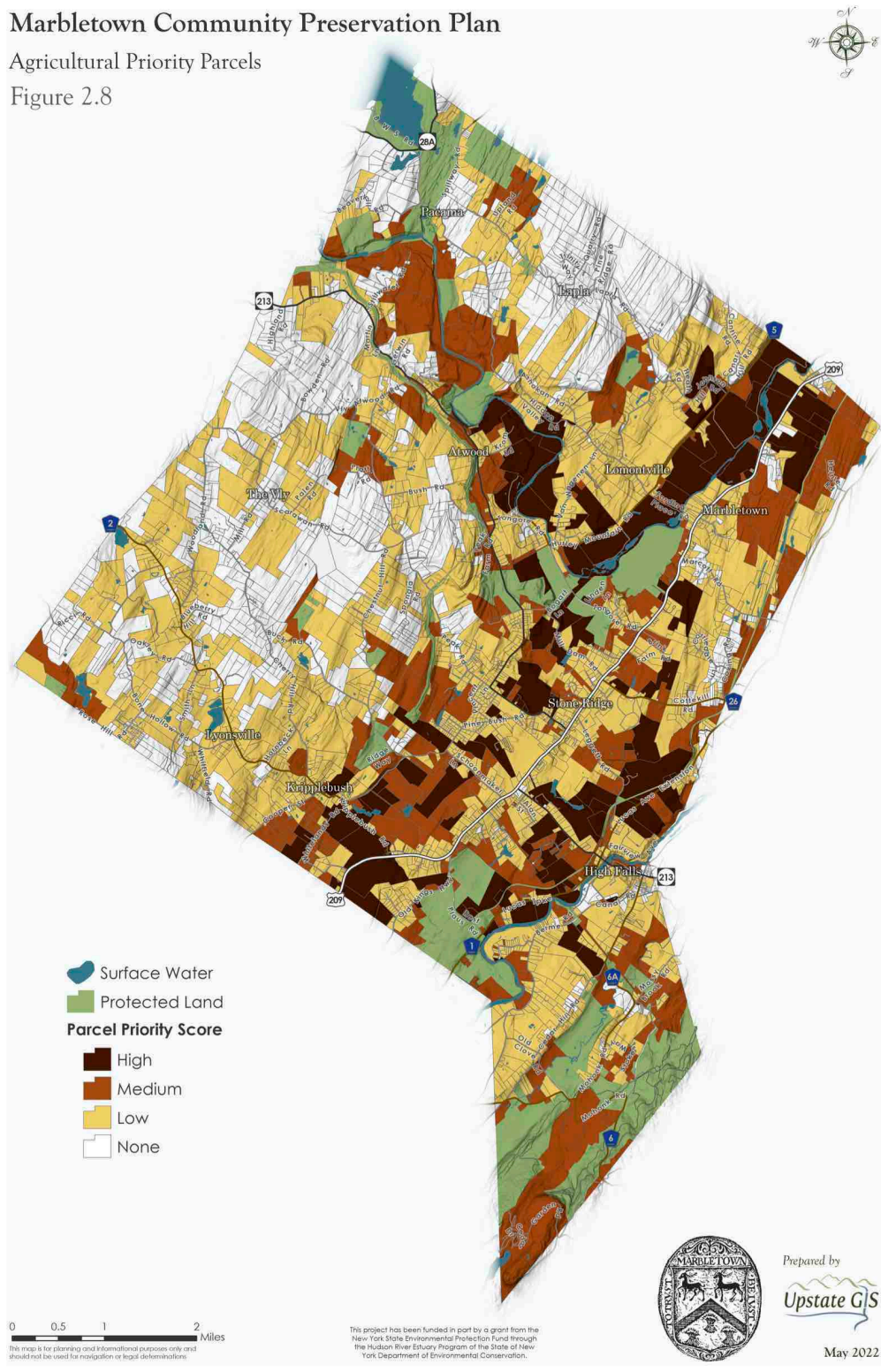
According to Ulster County: “Agricultural District #3 is centered in the Rondout Valley. Most of the farming in the District occurs in the low-lying area around the Rondout Creek with some of the best soils in New York State. This core area stretches from the southern half of Marbletown, through Rochester and into Wawarsing, ending just before Ellenville. The District has also added more locations outside the low-lying area around the Rondout Creek. Although, these are areas located outside the traditional core area of agriculture in the District, they illustrate the overall health of Agricultural District #3...Location has long made Agricultural District #3 and the Rondout Valley viable for agriculture. To the longtime benefit of the District’s farms, it not only has great soils and various resources, but region-wide access to consumers, too.”

The Community Preservation Plan has identified each of the above agricultural lands, active farms, and agricultural resources. Figure 2.8 shows the areas identified in the Community Preservation Plan as Agricultural Lands. There are a total of 2,748 parcels that contain one or more agricultural features that are necessary for preservation of Marbletown’s community character. The priority parcels with one or more agricultural resources and the points assigned to the parcel on this basis can be found in Appendix A.

Marletown Community Preservation Plan

Agricultural Priority Parcels

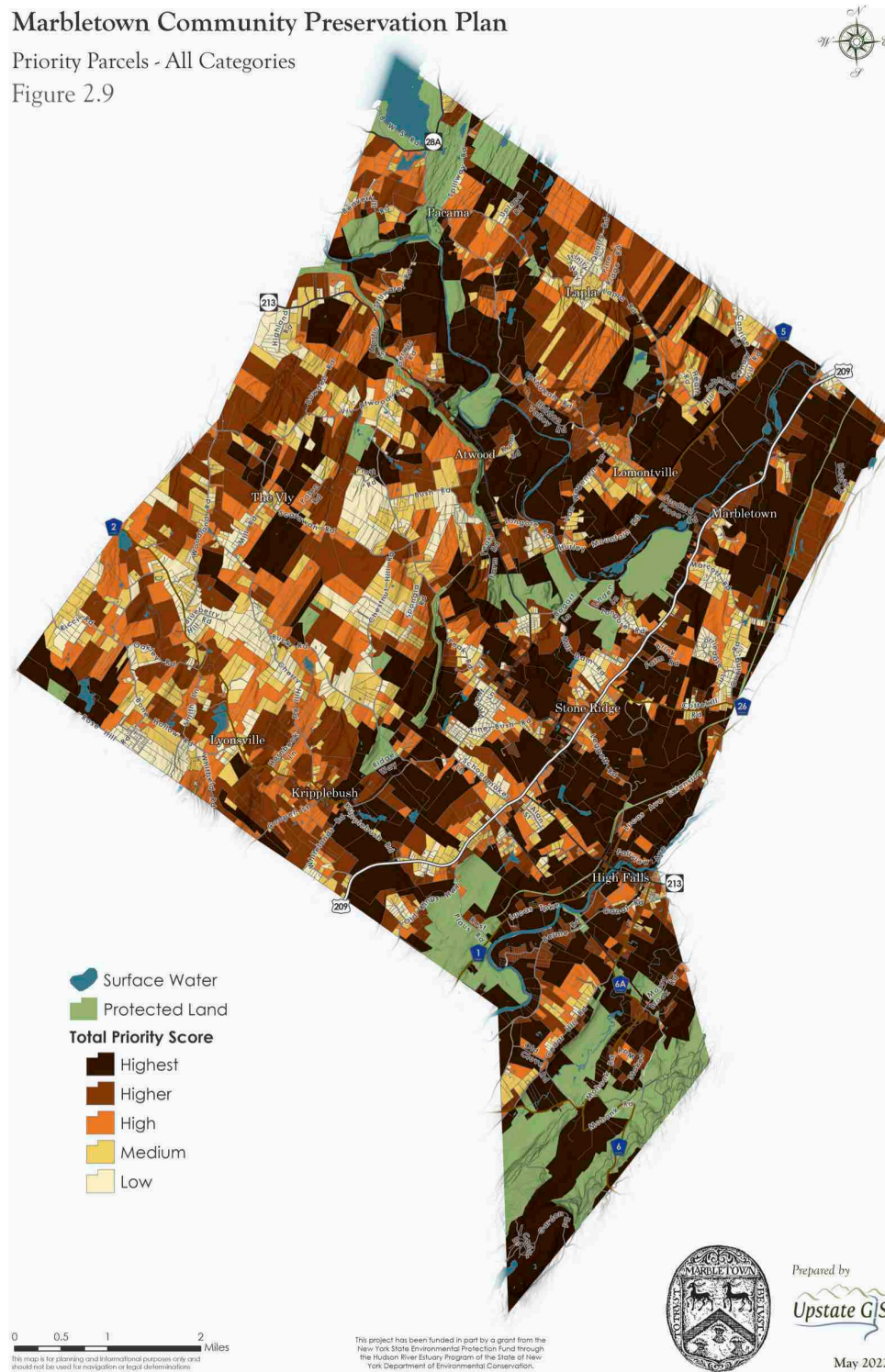
Figure 2.8



Marbletown Community Preservation Plan

Priority Parcels - All Categories

Figure 2.9

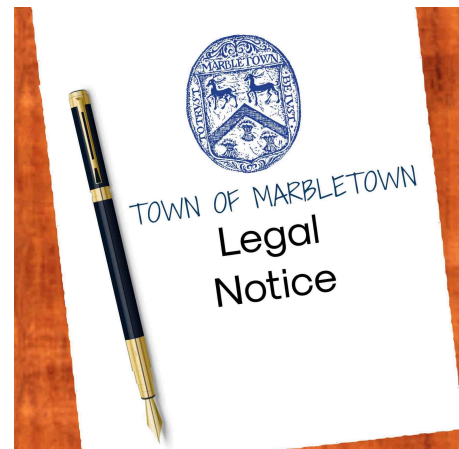


PART 3: EVALUATION OF AVAILABLE LAND USE PROTECTION TECHNIQUES

A. INTRODUCTION

The following identification and evaluation of alternative land use tools and techniques, to protect the Town of Marbletown's community character as described in Parts 1 and 2, focuses on 11 land use controls, including Town enacted laws, ordinances, and regulations as well as other types of public and private strategies to protect Marbletown's community character. The identification and evaluation assesses each technique in relation to the eight resource category 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 control alternatives available to Marbletown for protecting its open space, 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 identified in this CPP. It should be noted that the eventual application of any land use control or strategy, 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 appear in 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. It should be noted that, on a case-by-case basis, individual circumstances or property conditions may exist that 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. A total of nine different land use controls, to protect natural resources and community character, have been enacted by the Town of Marbletown. Two (2) additional classes of land use protection alternatives, that are also relevant to protection of the Town’s community character, have been identified. The two alternatives involve fee simple acquisition and private conservation strategies. 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 Marbletown’s land use goals. Following Table 3.1 below is a summary of each land use alternative.

Table 3.1: Existing Land Use Controls and Strategies to Protect Community Character		
ID No.	Town Code Section	Section Title
1	§ 3	Agricultural, Clean Water and Open Space Preservation and Acquisition

Table 3.1: Existing Land Use Controls and Strategies to Protect Community Character		
ID No.	Town Code Section	Section Title
2	§ 20	Environmental Conservation Commission
3	§ 115	Flood Damage Prevention
4	§ 128	Heritage Preservation
5	§ 167	Stormwater Management
6	§ 169	Subdivision of Land
7	§ 200	Zoning Law
8	§ 200-38	Agriculture
9	§ 200-48	Conservation Design Overlay District
10	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
11	Private Land Conservation Strategies	Conservation Easements Public Access Easements Tax Exempt Installment Sale Bargain Sale/Land Donation Like Kind Exchange Limited Development Family Limited Partnership Charitable Remainder Trust Combinations of the Above

B. SUMMARY OF AVAILABLE LAND USE PROTECTION TECHNIQUES

1. CHAPTER 3, AGRICULTURAL, CLEAN WATER AND OPEN SPACE PRESERVATION AND ACQUISITION

The purpose of Chapter 3 of the Town Code is primarily twofold. One is to protect water, farm and forest industries, habitats, recreational opportunities, historic, cultural, and scenic resources, and two provide educational and research opportunities about nature and farming. and improve the quality of the natural and man-made environment within the Town of Marbletown. This was intended to establish the voluntary Marbletown Preservation and Investment Fund to purchase interests in property from willing sellers, approved in a voter referendum in November of 2006. The program was intended to act as a Purchase of Development Rights (PDR) program. PDR is a planning technique that compensates landowners for their willingness to accept a permanent restriction (through a conservation easement) on their land. The conservation easement limits future development allowed on the property in order to preserve the open space value of the land. The Fund was also authorized for management and stewardship of the properties protected by the fund, could accept gifts of land or interests in land and for other uses.

The other purpose of the Chapter was to create the Marbletown Preservation and Investment Commission. The Commission was responsible for overseeing the PDR program for the Town and had a variety of tasks assigned to it including education, outreach to landowners, making recommendations for the use of funds, preparing reports, and coordinating most aspects of the PDR program. Due to economic factors that arose in 2008, the PDR program did not get off the ground. The Commission has now been reconstituted as the Community Preservation Task Force to foster unified action on the Town of Marbletown Community Preservation Plan and Fund presented herein. (See Table 3.2)

2. CHAPTER 20: ENVIRONMENTAL CONSERVATION COMMISSION

The Town of Marbletown created its Environmental Conservation Commission (ECC) in 1972. The ECC went dormant for several years but was reformed and new members were appointed in 2003. Bylaws for the ECC were established in 2004 and are found in Chapter A208 of the Town Code. Since then, the ECC has been active and has carried on a variety of functions for the Town. The powers and duties granted to the ECC include: a) conducting

research on the Town's environment; b) coordinating its activities and cooperating with other municipal officials, other government agencies and non-governmental organizations for the purposes of community planning; c) preparing, printing and distributing documents about its work; d) preparing and maintaining an inventory and map of open areas within the Town; e) inventorying and mapping wetlands and making recommendations for ecological use of wetland areas; and f) other purposes assigned to it by the Town Board. (See Table 3.2)

3. CHAPTER 115: FLOOD DAMAGE PREVENTION

The purpose of Chapter 115, the Flood Damage Prevention Local Law, is to minimize public and private losses due to flood conditions through: a) regulations governing uses that may result in damage from floods; b) requirements that new construction be floodproofed; c) regulating alterations to floodplains, stream channels, and natural barriers to floods; d) controlling grading, filling and other land disturbance activities in floodplains; and e) regulating any flood barriers that would divert floodwater flows. The Local Law established the Town Code Enforcement Officer as the local floodplain administrator, requires a floodplain development permit for any regulated activity, provides for a floodplain permit application process, adherence to construction standards designed to work in concert with the National Flood Insurance Program, and requires that subdivisions and other proposed new development be reviewed for its potential effects on flooding so that such development meets the requirements of the Flood Damage Prevention Local Law. (See Table 3.2)

4. CHAPTER 128: HERITAGE PRESERVATION

Chapter 128 created the Town's Historic Preservation Commission. The Commission is charged with a variety of powers and duties related to protection and enhancement of the "landmarks and historic districts which represent distinctive elements of Marbletown's historic, architectural, and cultural heritage." The Commission is a New York State Certified Local Government responsible for identifying eligible properties and districts for designation as local historic landmarks. The Commission makes recommendations to the Town Board, on structures or sites proposed for designation as local landmarks, or historic district and it is the Town Board that designates the structure(s) or site as a landmark by local law. Once designated as a historic landmark, the property is subject to a special review process when a change to the exterior of a structure is proposed. Approval of the

Commission is also required for designated building demolitions, external modifications beyond usual repair in which a building permit would be required, or for moving a designated structure. The Commission issues a Certificate of Appropriateness before any proposed work can occur. (See Table 3.2)

5. CHAPTER 167: STORMWATER MANAGEMENT

The Town's stormwater management rules apply to all land development activities regulated by Chapter 200, Zoning (see below). Other activities not regulated by Chapter 200 are also subject to a review and approval of a stormwater pollution prevention plan (SWPPP) by the Town Engineer and Building Inspector. Minimum stormwater management requirements and controls are in place with Chapter 167 to protect and safeguard the general health, safety, and welfare of the public residing within the Town of Marbletown.

The purpose of the stormwater rules are to: a) meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s). Permit No. GP-02-02 or as amended or revised; b) require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised; c) minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels; d) minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality; e) minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and f) reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

Chapter 167 requires that applications for subdivision review (Chapter 169) and approval include a SWPPP as well as the other land development proposals required site plan and special use permit review and approvals. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted to gain compliance with Chapter 167. The requirements of

Chapter 167 are designed to work in concert with Chapters 115, 169 and 200 of the Town Code. (See Table 3.2)

6. CHAPTER 169: SUBDIVISION OF LAND

The Town has authorized and empowered its Planning Board to consider land subdivision as part of a plan for the growth and development of the Town and affording adequate facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare of its residents. The Planning Board is required to consider land subdivision plats as part of a plan for the orderly, efficient, environmentally sound, and economical development of the Town of Marbletown, consistent with the Town of Marbletown Comprehensive Plan and Zoning Law and the requirements of the State Environmental Quality Review Act.

Subdivisions and re-subdivisions proposed in the Town must be reviewed by the Planning Board in conformance with Chapter 169 and before they can be approved, the Planning Board must find that the land proposed for development is of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace. Proposed subdivisions must include: a) proper provision for drainage, water supply, sewerage, and other needed improvements and utilities b) streets must be of a width, grade, and location as to appropriately accommodate present and anticipated future traffic and to facilitate fire protection, while minimizing disruption of the natural environment; c) parks or other natural areas of suitable location, size, and character for playground or other passive or active recreational purposes must be shown on subdivision plats, where appropriate; and d) proper provision must also be made for leaving undeveloped natural areas and corridors to mitigate the adverse environmental impacts of subdivision and to sustain a diversity of native vegetation and wildlife, to protect water resources, agricultural land, and scenic viewsheds, and to implement the Town's policies of protection of its environmental and cultural resources.

Chapter 169 includes requirements for submission of detailed information on a site subject to subdivision review and approval. There is a formal process of review and approval based upon whether an application for subdivision approval is considered a minor or major subdivision. All major subdivision must go through a two step process to obtain approval including both preliminary and final approvals, Minor subdivisions may be subject to the rules for major subdivisions if there are "complexities of a particular application" involved

but are otherwise required to obtain Final approval without the necessity of obtaining both preliminary and final subdivision approval. (See Table 3.2)

7. CHAPTER 200: ZONING

Marbletown'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, comfort, convenience, economy, Town aesthetics, and the general welfare of its residents. The Zoning has also been enacted to protect and enhance existing wooded areas, scenic areas, and waterways and to preserve, where appropriate, the essentially rural character of the Town, to conserve the use of land and the cost of municipal services, and to enhance the aesthetic aspects throughout the entire community and maintain its present natural beauty.

The Zoning rules in Marbletown serve many other 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 by itself protect the character of the community. Both vacant and agricultural lands are available for development unless there is some other method available for protecting community character, like the Community Preservation program presented in this Community Preservation Plan.

Most of the land in Marbletown is zoned for residential land uses. There are six residential zoning districts, two business districts, a light industrial district, an industrial/business district, and a Conservation Design Overlay Zoning District that encompasses five of the six residential zoning districts. Single-family dwellings are permitted in all of the residential districts, are permitted by special use permit in the two business districts, and prohibited in the two industrial districts. Two-family dwellings and multi-family dwellings are also permitted in some of the districts subject to additional requirements. Permissible densities for residential land uses range from a minimum of one to four acres per dwelling unit or reduced to three-quarters ($\frac{3}{4}$) of an acre if a community water supply system is available. Agriculture is a permitted use in all zoning districts and is encouraged in designated agricultural districts but certain farming activities like animal production and roadside stands are limited to specific zoning districts. A variety of other land uses are permitted, specially regulated by special use permits, or subject to specific performance standards and other requirements.

The Zoning regulations alone cannot preserve the character of the community. The Community Preservation Plan provides decision-makers with a tool 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 techniques that can assist in 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 alternative 8. (See Table 3.2)

8. CHAPTER 200-38: AGRICULTURE

Section 38.A of the Town Zoning Law states that the Town's policy is to: "(1) Encourage farm operations, particularly in agricultural districts designated under Article 25-§ of the Agriculture and Markets Law, so as to promote production of food and other agricultural products on its agricultural lands and to preserve open space and the rural character of the Town...and...(2) Not unreasonably restrict or regulate farm operations which are consistent with Subsection A(1) above, unless it can be shown that the public health or safety is threatened. The Section specifies the allowances for agriculture in agricultural districts subject to the same minimum setbacks for structures that apply in the Zoning district and that temporary greenhouses and unenclosed odor or dust producing activities be setback a specified distance from property lines or roads.

Additional standards apply for farms outside of an agricultural district. There are special standards that apply to such farms including placement of structures, odor or dust producing substances, and the keeping of livestock and the noncommercial keeping of households pets, poultry or farm animals.

9. CHAPTER 200-48: CONSERVATION DESIGN OVERLAY DISTRICT

All subdivisions of four or more lots within the Town's residential A-3, A-2, R-1, and R-3 zoning districts must comply with Chapter 200-48. In the other zoning districts and for smaller proposed subdivisions, if proposed as conservation subdivisions, they must comply with Section 200-48. Conservation subdivisions are also known in New York State as a cluster development. This type of subdivision is specifically designed to preserve the natural and cultural landscape and protection of open space by allowing flexibility in lot dimensions and standards. At least 50 percent of a conservation subdivision must be preserved as open space and such protections are spelled out in Chapter 169, the Subdivision Regulations. Design standards and guidelines also apply to conservation subdivisions found in Appendix B of the Zoning Law.

In addition to Conservation subdivisions, Section 200-48 also permits average density subdivisions. This is a form of subdivision that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development. The remaining land may be included in large lots which exceed the area required in the zoning district or devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

10. FEE SIMPLE ACQUISITION

The use of public and private funding sources 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. The types of fee simple acquisition protection mechanisms that are available include the following:

- 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 (Conservation Organization) Partnerships
 Combinations of the Above

11. 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. 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 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. The types of private land conservation protection mechanisms that are available include the following:

Conservation Easements
 Public Access Easements
 Tax Exempt Installment Sale
 Bargain Sale/Land Donation
 Like Kind Exchange
 Limited Development
 Family Limited Partnership
 Charitable Remainder Trust
 Combinations of the above

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 17 land use alternatives, previously identified and described, to the six 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 below, assigns a column for each individual or class of land use protection alternative with an identification number from Table 3.1 listed at the head of the column. The matrix assigns a specific row to each of the six focus areas and underlying categories of parcels and projects described and mapped in Part 2 of the Community Preservation Plan.

To use the table, follow the row for each resource category to the boxes where there is a 1, a 2, or a blank. A 1 in the box means that the tool identified by number in the row above it titled “See Table 3.1 Tools by number →” will have the greatest potential for protection of a specific resource category. Land use protection alternatives that may have a lower potential for protection are assigned a number two (2), and alternatives with limited or no application are not assigned a ranking and are blank.

For example, if one looks at the row for Drinking Water Resources, there is a 1 in the first column, a 2 in the second column, and a blank in the third column. This means that for Drinking Water Resources, the “1. Agricultural, Clean Water and Open Space Preservation and Acquisition Law” found in Chapter 3 of the Town Code would have the greatest potential for protecting water resources (provided it was actively in use), the “2. Environmental Conservation Commission” found in Chapter 20 of the Town Code would have a lower potential for protection of drinking water, since it is solely an advisory body, and “3. Flood Damage Prevention Law” found in Chapter 115 of the Town Code would have limited or no effect on protecting drinking water because it is concerned almost exclusively with preventing flooding.

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 Marbletown Community Preservation Plan: Land Use Alternatives to Protect Community Character

Available Land Use Techniques											
Table 3.1 Techniques by number (see Tools Key below)→	1	2	3	4	5	6	7	8	9	10	11
Resource Category											
Drinking water resources	1	2			2		1		1	1	1
Wildlife habitats,	1	2				2	1		1	1	1
Forests and woodlands	1	2				2	1		1	1	1
Streams and wetlands	1	2	1		1	2	1		1	1	1
Recreation and trails	1	2				2	1		1	1	1
Scenic areas	1	2				2	1	2	1	1	1
Historic and cultural resources	1	2		1		2	1		1	1	1
Agricultural resources	1	2			2	2	1	2	1	1	1

Table 3.1 Tools Key:

1. Agricultural, Clean Water and Open Space Preservation and Acquisition
2. Environmental Conservation Commission
3. Flood Damage Prevention
4. Heritage Preservation
5. Stormwater Management
6. Subdivision of Land
7. Zoning Law
8. Zoning Law - Agriculture
9. Zoning Law - Conservation Design Overlay District
10. Fee Simple Acquisition
11. Private Land Conservation Strategies

Use of a "1" in the table means the technique has the greatest potential for protection of the resource category. A "2" means the technique has a lower potential for protection. A blank means limited or no potential for protection of a resource.

¹ United States Census of 2020, US Census Bureau.

² County Projections Explorer, Cornell University Program on Applied Demographics, as referenced by the New York State Department of Labor’s Population Data and Projections.

³ The New York State Executive Law Section 481.7 defines “rural areas” as any municipality within a county of less than 200,000 population or “towns with population densities of 150 persons or less per square mile...”

⁴ 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.

⁵ See for instance the 2005 Marbletown Comprehensive Plan strategies for Natural Resource Protection beginning on page 14.

⁶ New York State General Municipal Law Section 6-s, New York State Tax Law Section 33-B, and New York State Town Law Section 261-A.

⁷ 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>