

## 6. Goals, Action Items and Implementation



Sustainable agricultural practices require both land and people; farmers provide the knowledge and labor to work the land. Concurrently, farmers depend on productive land to sustain their livelihood.

Based on community input gathered at the Stakeholder Meeting, Community Engagement Meeting, and the review of various previously completed and adopted Town of Pleasant Valley Planning and Policy Documents (including: the Comprehensive Plan and the Recreation Master Plan), the Open Space Committee developed the following primary goals for Open Space and Farmland Protection:

### **GOAL: Protect the Natural Environment**

#### **Action Item: Consider Designation of Critical Environmental Areas**

To be designated a Critical Environmental Area (CEA), an area must have an “exceptional or unique character” with respect to one or more of several New York State Department of Environmental Conservation (NYSDEC) determined criteria, including the following: (1) a benefit or threat to human health; (2) a natural setting (e.g., fish and wildlife habitat, forest and vegetation, open space and areas of important aesthetic or scenic quality); (3) agricultural, social, cultural, historic, archeological, recreational, or

educational values; or (4) an inherent ecological, geological or hydrological sensitivity to change that may be adversely affected by any change.

*The Dutchess County Natural Resource Inventory<sup>1</sup>* has identified the Dutchess Wetland Complex East Park Site (in the northwest corner of Pleasant Valley) and the Dutchess Wetland Complex Lagrange site (in the southern portion of Pleasant Valley) as Significant Biodiversity Areas (SBAs). In addition, Hudsonia, Ltd. is currently working with the Pleasant Valley Conservation Advisory Council (CAC) mapping important ecological areas throughout the Town. Once completed, the Town could consider augmenting the list of designated Critical Environmental Areas to include some or all of the significant resource areas identify therein.

If the Town of Pleasant Valley chooses to designate a Critical Environmental Area within the Town boundaries, development applications designated Type 1 or Unlisted Actions would be evaluated as to their potential impact to the environmental characteristics of the CEA pursuant to the State Environmental Quality Review Act (SEQRA) Section 617.7. Practically speaking, this would mean an extra layer of review would be required for development projects located in CEAs.

<sup>1</sup> <http://www.co.dutchess.ny.us/CountyGov/Departments/Planning/16138.htm>

*Implementation:*

The Conservation Advisory Council could lead the effort to identify, prepare the application materials for, and follow through on designation of Critical Environmental Areas (CEAs). The CAC would submit the application materials to the Town Board for their review and approval.

**Action Items: Map Significant Areas of Biodiversity within the entire Town and Adopt the Maps**

As previously discussed, Hudsonia, Ltd. is currently assisting the Pleasant Valley Conservation Advisory Council (CAC) in mapping the important habitats throughout the Town. The habitat mapping and accompanying descriptive narrative will include many different types of stream corridors, wetlands, forests, and fields and provide a comprehensive inventory of the biodiversity throughout the Town and the important connections to habitat areas in adjacent communities.

The level of detail provided in the Hudsonia, Ltd. mapping would be suitable for general land-use planning but significant additional detail would be required for detailed site planning and design. As such, this Plan recommends that, when the CAC and Hudsonia, Ltd. have completed their report, the Town considers adopting this report as a guidance tool for the Planning Board. When development applications are submitted to the Planning Board, Applicants would be required to review the Hudsonia mapping to identify whether their development project is located within any designated areas of significant habitat. If this is the case, Applicants would be required to provide supplementary analysis for the specific resource to ensure that the proposed project would not negatively impact that resource.

*Implementation:*

Adoption of the Hudsonia, Ltd. report as a guidance document would be an action of the Town Board. Once it is adopted as an official guidance document, the Planning Board would use the report as an additional reference tool to inform land development decisions.

**Action Item: Prepare Scenic Viewshed Mapping and Viewshed Protection Regulations**

The Town of Pleasant Valley is characterized by spectacular long views across undeveloped open spaces, water resources and historic properties, recreation areas, and farms. It is not only the views *of* these valuable resources that are important, but also the views *from* these areas that significantly contribute to the rural character of Pleasant Valley.

The first step in protecting these resources is to identify and map important scenic viewsheds. Viewshed mapping takes into account not only topography but also visibility from various locations within the Town and the land uses that exist within or adjacent to the viewshed. Once the mapping has been prepared, policies to implement viewshed protection can be crafted and adopted with the map. The Town can consider amending the Zoning Code to create a Scenic Viewshed Protection Overlay district. Development applications that are located within this district would be required to identify alternative locations on their property outside the viewshed protection area, or propose mitigation measures to minimize impact on the viewshed.

The Planning Board may also want to consider incorporating NYSDEC's Assessing and

Mitigating Visual Impacts<sup>2</sup> guidelines into their Site Plan and Subdivision application process. This guidance document provides both applicants and Boards with a toolbox for analyzing potential impacts to viewsheds, important historic and cultural resources created by development projects.

*Implementation:*

The CAC can lead the initiative to prepare a map of significant viewsheds and draft protection guidelines. The map and guidelines can be used by the Planning Board for guidance when reviewing development applications. The Planning Board may also consider utilizing existing guidance documents to assist in the review of applications until a more formal process and map have been formulated and adopted.

If the Town Board elects to formally adopt the map and guidance document into policy or create a Scenic Viewshed Protection Overlay District in the Zoning Code, the map and protection measures would need to be incorporated into the Town Code and therefore would require a SEQRA review with the Town Board acting as Lead Agency.

**Action Item: Protect Creek Buffers, Wetlands, Trees and Valuable Natural Resources**

This Plan identifies six Significant Resource Areas, which were developed by overlapping layers of important resources and existing land conservation patterns. This Plan recommends that any land conservation efforts by the Town should be focused within these areas:

**Gretna Road/Salt Point Area:** Important conservation goals in this area include preservation of working farms (agricultural resources), wetland systems (critical habitat areas) and maintaining the Town's rural character (scenic viewsheds).

**VanWagner Road Area:** Important conservation goals in this area include preservation of working farms (agricultural resources), wetland systems (critical habitat areas) and maintaining the Town's rural character (scenic viewsheds).

**Wappinger Creek Area:** Important conservation goals in this area include the protection of water quality while still placing importance on habitat protection and maintenance of scenic beauty.

**Traver Road and Drake Road Area:** Important conservation goals in this area include preservation of working farms (agricultural resources), wetland systems (critical habitat areas) and maintaining the Town's rural character (scenic viewsheds).

**Pine Hill Area:** The primary conservation goal in this area is the preservation of contiguous forests.

<sup>2</sup> Source for more information: [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/visual2000.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/visual2000.pdf)

**Taconic East Area:** Important conservation goals in this area include conservation of high quality forests, critical habitat areas and protection of water quality.

*Implementation:*

If the Town chooses to become a more active player in the land conservation process, these Significant Resource Areas should be the focus of their initial efforts. When development applications are presented to the Planning Board, the Applicant would be required to review this mapping to see if their applications fall within high priority areas. If so, the Town would work with the Applicants to explore the feasibility of alternate site layouts that may be more protective of the environmental features. The Town can also explore the purchase or transfer of development rights for these priority parcels.

**Action Item: Minimize the Loss of Contiguous Open Space Resources and Working Farms**

The Town's adopted Comprehensive Plan forms the policies for land development and the Zoning Code provides the regulatory framework for implementing these policies. To preserve the rural character of the Town, a stated Comprehensive Plan goal, the Town can consider policies to focus additional development to the hamlets and prioritize preservation of open space and properties in active agricultural operations. The Planning Board can work with Applicants to focus new development in areas that are not characterized with prime agricultural soils, or contiguous forests, wetlands or important habitats. In addition, the Town can adopt policies to minimize the impact that adjacent development has on working farms. These policies could include increasing buffer requirements between

residential and commercial developments that are adjacent to working farms. These policies would apply to new development projects, only. Developments that are currently adjacent to these resources, would, in most cases, not be subject to these newly adopted setback or buffer requirements.

*Implementation:*

Only the Town Board can revise sections of the Zoning Code. The Town Board could work with the Agriculture and Farmland Committee and the Planning Board to better understand current challenges and typical development projects, and then formulate recommendations for policy changes. Any amendment to the Town's Zoning Code would be subject to the State Environmental Quality Review (SEQRA) laws and its corresponding public hearing processes.

**GOAL: Support Farming Activities to Preserve the Viability of Agricultural Lands**

**Action Item: Form an Agriculture and Farmland Committee**

As previously noted, supporting farming as a commercial enterprise is mutually beneficial to the farmers and to the Town. Properties in active agricultural production contribute to the local and regional economy through sale of products and job creation and cost the Town very little in services. Maintaining open space and farmland protects the rural character and the scenic viewsheds in the Town.

This Plan recommends that the Town create an Agriculture and Farmland Committee comprised mainly of farmers and other interested Town members to support agriculture. This

Committee would keep farmers informed of tax advantages, new developments, etc. and help those that are having problems, whether financially or with other farm issues. They would have a set meeting schedule, address particular agriculture issues, and formulate policies to address those issues. The Committee would take the lead on creating a reference guide for farmers outlining tax incentives, “right-to-farm” initiatives, and other pertinent town, county, state and federal laws and regulations.

This Committee would also be tasked with coordinating marketing efforts described in more detail in this Chapter.

#### *Implementation:*

The Town Board would form an Agriculture and Farmland Committee, who would work with the Town Board to review relevant issues and form agreements and policies to implement these agreements. The Committee would be all voluntary, its mission, goals and responsibilities would be codified in the Town Code.

#### **Action Item: Encourage Farmers to Apply for “Right-to-Farm” Protection**

“Right-to-Farm” protection is an entirely voluntary program overseen by the Dutchess County Agriculture and Farmland Protection Board on behalf of the Dutchess County Legislature. These protections stem from regulations set in the Agricultural District Program of the New York State Agriculture and Markets Law. The Town of Pleasant Valley is included in Agricultural District 20, which also includes the Towns of Clinton, Hyde Park, Milan, Red Hook and Rhinebeck.

“Right-to-farm” laws protect agricultural properties from private nuisance lawsuits and local land use regulations that may be restrictive to agricultural operations. A more complete description of these protections can be found in the *New York State Department of Agriculture and Markets Guidelines for Review of Local Zoning and Planning Laws*<sup>3</sup>. Generally, in a case where a farming operation may be in conflict with municipal land use and/or zoning regulations, “right-to-farm” laws may supersede the underlying land use law. To prevent these conflicts from occurring, municipalities can review their local land use regulations to ensure that there are in compliance with State Agricultural District laws.

To be eligible for “right-to-farm” protection, farmers submit an application to the Dutchess County Soil and Water Conservation District (DCSWD), which analyzes acreage, soils, and other conditions to determine whether the land is currently or potentially viable either as farmland or in support of a farm operation. After a formal hearing, if the farm is accepted into the program, the farmland would be certified and afforded

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<sup>3</sup> <http://www.agriculture.ny.gov/AP/agsservices/guidancedocuments/305-aZoningGuidelines.pdf>

*Implementation:*

The newly formed Agriculture and Farmland Committee would lead these initiatives in a coordinated effort with the Town Board, and the Planning Board, where zoning code revisions would be required. The essential component of this Action Item is adopting the “right to farm” laws. The Town’s Comprehensive Plan recommended that the Town adopt such laws, this Plan is reiterating that recommendation herein.

**Action Item: Adopt Policies for Land Conservation and Pursue Conservation Finance and Supportive Agricultural Funding Initiatives**

This Plan provides significant detail on programs available to the Town should they wish to pursue land conservation. All programs are 100 percent voluntary. Property owners who wish to investigate placing their property in various conservation easement programs would be required to pursue these initiatives on their own. However, if the Town wishes to become involved in the process—as land conservation is a mutually beneficial endeavor—both in terms of economics and community character, this Plan provides various tools the Town could implement toward that end.

Financing is essential to effectuate land conservation proposals. This Plan provides a range of Federal, State and Local conservation finance and farming support funding initiatives. Adoption of this Open Space and Farmland Plan will avail the Town with the opportunity to pursue these funding sources should the Town elect to pursue. Significant additional detail on these programs is provided in Chapter 5 of this Plan, and summarized below:

- Purchase or Transfer of Development Rights;
- Establish a Municipal “Greenspace” Fund through:
  - Private donations
  - Recreation, Open Space Development Fees
  - Real Estate Transfer Tax
  - Issuance of a Municipal Open Space Bond
  - Property Tax Revenue Allocation
- Promote Partnerships between agricultural professionals and owners of large parcels for a win-win situation - landowner gains a steward, professional has access to resource, town retains rural character.

*Implementation:*

As described in Chapter 5, there are many programs available to farmers to help fund and support agricultural operations. While the individual farmers would need to directly apply for these grants and funds, the Agriculture and Farmland Committee and the Dutchess County Farmland Bureau could certainly provide support and guidance for application procedures.

With the adoption of this Plan, the Town Board could directly pursue grants and funding to support open space and farmland preservation efforts to enable them to become an integral part in the conservation efforts within the Town.

**Action Item: Pursue Marketing Initiatives to Support Open Space and Farmland Preservation**

Various low-cost and high reward options for publicizing the rich open space and farmland heritage are available to the Town, including:

- Incorporating local farming into Pleasant Valley Days with a portion of the proceeds going to the municipal greenspace fund;
- Developing and promoting Community Supported Agriculture (CSAs);
- Creating a marketing campaign with a catch phrase about farming to brand Pleasant Valley;
- Creating a Town farm map listing location of farms, farm stands and markets, their hours of operation, contact information and products for sale. This map would be made available at locations throughout Town and also posted on the Town's website;
- Encouraging local businesses to use local products and have signage fostering "buy local" initiatives that help support the local economy;

*Implementation:*

The Agriculture and Farmland Committee would lead this effort with the help of local and regional Chambers of Commerce, the Cornell Cooperative Extension, local farmers organizations and with the Dutchess County Farmland Bureau, who can provide the expertise and resources to implement a regional tourism outreach effort by coordinating with neighboring Towns and Villages throughout the Hudson Valley.