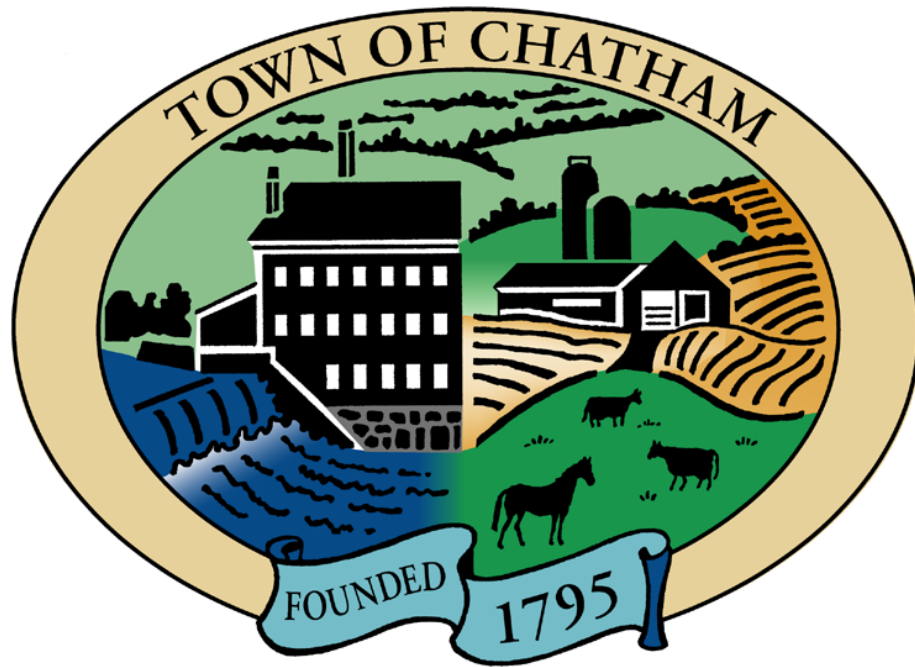




# **TOWN OF CHATHAM COMMUNITY PRESERVATION PLAN**

**A VISION FOR THE PRESERVATION OF CHATHAM'S  
FARMS AND NATURAL RESOURCES**

**ADOPTED MAY 18, 2023**



CHATHAM   
*Keep Farming*



## ACKNOWLEDGMENTS

**T**he 2023 Town of Chatham Community Preservation Plan was prepared for the Town Board by the Chatham Agricultural Partnership (CAP) and the Chatham Conservation Advisory Council (CAC) with assistance from the New York State Department of Environmental Conservation Hudson River Estuary Program, Cornell University, and Columbia Land Conservancy (CLC).

CAP and the CAC are especially grateful to Ingrid Haeckel, Conservation and Land Use Specialist at the Hudson River Estuary Program and Cornell University Department of Natural Resources and the Environment for assistance with preparation of this plan. CAP and the CAC also thank Professor George Frantz of Cornell University Department of City and Regional Planning, Christine Vanderlan of the Hudson River Estuary Program (formerly CLC), and Town Historian Richard Dorsey for contributions to the plan, Terence Duvall of CLC for early assistance with the farmland prioritization methodology, and Conrad Vispo of the Hawthorne Valley Farmscape Ecology Program (FEP) for review and comments on the draft plan.

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*The Town of Chatham Community Preservation Plan was developed through a partnership with Cornell University and Columbia Land Conservancy with funding from the Environmental Protection Fund through the New York State Department of Environmental Conservation Hudson River Estuary Program.*

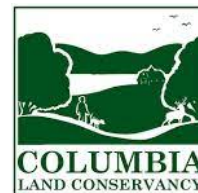


Department of Environmental Conservation

Hudson River Estuary Program



Cornell University



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Appendix B: List of all parcels containing priority resources in the Town of Chatham

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Appendix D: Large format maps for preservation priorities

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*Fog nestles into Hartigan*

## EXECUTIVE SUMMARY

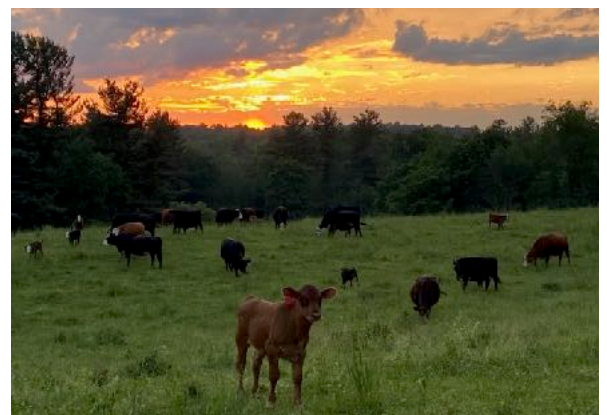
The Town of Chatham is a rural community of working farms and pastoral landscapes with a remarkable stock of historic hamlets and buildings. In 2007, the Town of Chatham received state-authorization to pursue establishment of a Community Preservation Fund (CPF) to protect farmland, natural areas, and historic properties. The “Town of Chatham Preservation Fund” legislation, found in Section 64-i of Town Law, lays out the requirements for a Community Preservation Project Plan to identify eligible parcels for protection and specifies preservation of farmland as its highest priority. This Community Preservation Plan has been drafted according to the state requirements. It builds on the Town’s Agricultural Protection Plan and the Comprehensive Plan Update, which has reaffirmed the community’s desire to protect working farms, farmland and rural character. The Community Preservation Plan is organized into four sections:

**Part 1: Introduction** provides an overview and the context for community character preservation efforts in the Town of Chatham, including how this plan builds on and integrates prior plans and studies.

**Part 2: Community Preservation Plan Methodology, Preservation Themes, and Priority Parcels** describes the methods used to identify key parcels and project areas that will direct priorities for land preservation. Preservation themes include Farmland, Aquifers and Water Resources, Scenic Ridgelines, Woodlands and Wildlife Habitats, Recreation and Trails, and Historic Properties.

**Part 3: Summary and Evaluation of Land Use Alternatives to Protect Community Character** identifies alternative regulatory and other mechanisms to protect lands deemed eligible for preservation.

**Part 4: Conservation Partners for Land Protection** describes state agencies, regional organizations, and county and local organizations involved in land conservation or stewardship, as well as grants that could be used to leverage a future Community Preservation Fund.



*Evening Calf Check (Peat Meadow Farm)*

Adoption of this Community Preservation Plan for Chatham will allow the Town to consider a public referendum where residents can decide whether to approve the Community Preservation Fund (CPF). If approved, the CPF would provide a reliable ongoing source of funding for conservation easements or acquisition from willing landowners. It would furthermore enable the Town to leverage significant state and federal conservation funding for farmland protection. This Plan establishes eligible properties for potential use of the CPF. The Plan can furthermore inform land use planning and decision-making by local boards.

## **PART 1: INTRODUCTION**

### **A. COMMUNITY SETTING**

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#### **LANDSCAPE AND COMMUNITY CHARACTER**

The Town of Chatham is in the north-central area of Columbia County, in the Mid-Hudson Valley region of New York State. Chatham is bordered by the towns of New Lebanon, Canaan, Austerlitz, Ghent, and Kinderhook in Columbia County, and the town of Nassau to the north in Rensselaer County. The Town spans approximately 53.4 square miles, including the northern half of the incorporated Village of Chatham, which covers approximately 390 acres of the Town along its border with Ghent. In addition, several historic hamlets are present including East Chatham, Old Chatham, Malden Bridge, New Concord, North Chatham, and Chatham Center. Major transportation corridors through the Town include the northern terminus of the Taconic State Parkway, Interstate 90, New York State Route 66, and New York State Route 203. The Town has a population of 4,014 residents according to the 2020 Federal Census, a slight decrease from 4,128 in the 2010 Census.<sup>1</sup> The Town of Chatham has 93 miles of paved and gravel roads.

Chatham's landscape is a patchwork of lands shaped by current and past rural land uses such as agriculture, forestry, or low-density residential uses, interspersed with open spaces left or reverting to a natural state. The Town's network of working farms, farmland, meadows, forested hills, river valleys,

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<sup>1</sup> U.S. Census Bureau



and historic hamlets together contribute to the community's bucolic rural character and a sense of place that is treasured by residents. These values are summed up in the Town's 2009 Comprehensive Plan vision for rural character in Chatham.

The Community Preservation Plan is guided by this vision for preservation of Chatham's community character, which the Town has defined by its rural, agricultural, and historic qualities and its natural habitats, open spaces, and by its sense of community and quality of life.

## **NATURAL FEATURES**

The land in Chatham generally rises from lowlands in the west toward the Taconic Ridge in the east with elevations ranging from 250 along the Kline Kill to 1,100 feet above sea level on the eastern town boundary. The west and south of Chatham is dissected by wide river valleys including the Kinderhook Creek, Valatie Kill, and Stony Kill. These waterways also contain outwash gravels that are the area's only true aquifers and are vulnerable to contamination. All land in the Town drains into the Kinderhook Creek, which eventually meets Claverack Creek in Stockport. Other tributary streams include the Indian Creek, Kline Kill, and Green Brook. Most streams in Chatham provide coldwater habitat for trout, as well as habitat for migratory American eel. Kinderhook Lake is the Town's largest waterbody, covering about 73 acres of the Town's northwestern corner and straddling Chatham's border with Kinderhook. Other large waterbodies include Sutherland Pond, Smith Pond just outside the Village of Chatham, and Bachus Pond along Chatham's northern border. Many wetlands are also present throughout the Town and contribute clean water and wildlife habitat.

Nearly all of Chatham was cleared for agriculture in the 19<sup>th</sup> century. By 1875, less than 10 percent of Chatham's land was reportedly forested, and plowed ground, pasture, and hayfield accounted for over 70 percent of the land cover.<sup>2</sup> Much forest has regrown on abandoned farmlands and today most of the Town (62%) is forested (including forested wetlands),<sup>3</sup> with several large core forest blocks (>500 acres) present north of the I-90 corridor.<sup>4</sup> Many forested hills and ridgelines in the town have been identified

*2009 Comprehensive Plan Vision for Rural Character in Chatham:*

*We value and protect the Town of Chatham's rural character, which is distinguished by a well-defined, traditional settlement pattern consisting of small hamlets surrounded by working farms, forests and open space. The Town has an extraordinary stock of historic buildings, many unpaved roads and scenic by-ways, beautiful open views, hills and woodlands, streams and creeks and natural habitats that provide rich biodiversity. The hamlets and the natural and working landscape give the Town its unique rural quality and sense of place, shape its culture and community, help define its attractive quality of life, and contribute to its economic vitality. (pg. 16)*

<sup>2</sup> Conrad Vispo, personal communication. December 2022.

<sup>3</sup> Forest cover calculated from the 2019 National Land Cover Database, <https://www.mrlc.gov/>

<sup>4</sup> NYNHP Hudson Valley Forest Condition Index, <https://www.nynhp.org/projects/hudson-valley-forest-patches/>

as an important scenic resource. In addition, “ancient” and more recently recovered floodplain forests are present along stream corridors in the Town, providing valuable habitat and mitigating the damaging impacts of floods.<sup>5</sup> Other notable habitats include a documented calcareous cliff community on Tony’s Nose, a limestone hill south of Old Chatham.<sup>6</sup> A variety of flora and fauna have been documented in the Town’s natural areas, including several of conservation concern, rare dragonflies and butterflies, and rare plants.

Table 1 provides a summary of land use and land cover in the Town of Chatham based on the 2019 National Land Cover Database (NLCD), generated from Landsat satellite imagery and other sources.

| Table 1: Land Use and Land Cover in the Town of Chatham |              |                 |
|---|--------------|-----------------|
| Land Use/Land Cover Class                               | Square miles | Percent of Town |
| Open Water  | 0.29         | 0.5%            |
| Developed, Open Space                                   | 2.46         | 4.6%            |
| Developed, Low Intensity                                | 1.80         | 3.4%            |
| Developed, Medium Intensity                             | 0.83         | 1.6%            |
| Developed, High Intensity                               | 0.12         | 0.2%            |
| Barren Land   | 0.03         | 0.1%            |
| Deciduous Forest  | 22.02        | 41.2%           |
| Evergreen Forest  | 2.96         | 5.5%            |
| Mixed Forest  | 5.11         | 9.6%            |
| Shrub/Scrub   | 0.29         | 0.5%            |
| Herbaceous  | 0.19         | 0.3%            |
| Hay/Pasture   | 12.41        | 23.2%           |
| Cultivated Crops  | 1.64         | 3.1%            |
| Woody Wetlands  | 3.05         | 5.7%            |
| Emergent Herbaceous Wetlands                            | 0.21         | 0.4%            |

Source: 2019 National Land Cover Database, <https://www.mrlc.gov/>  
 Classification descriptions available at <https://www.mrlc.gov/data/legends/national-land-cover-database-class-legend-and-description>

<sup>5</sup> Knab-Vispo, Claudia and Conrad Vispo. 2010. Floodplain Forests of Columbia and Dutchess Counties, NY: Distribution, Biodiversity, Classification, and Conservation. Farmscape Ecology Program, Hawthorne Valley Farm. Ghent, NY. [http://hvfarmscape.org/sites/default/files/fep\\_floodplain\\_forest\\_report\\_nov\\_2010.pdf](http://hvfarmscape.org/sites/default/files/fep_floodplain_forest_report_nov_2010.pdf)

<sup>6</sup> New York Natural Heritage Program Biodiversity Databases [accessed March 2022].

About 24 percent of Chatham is covered in hayfields, pastures, meadows and other herbaceous vegetation, or shrubland. These open pastoral landscapes and natural areas support unique biodiversity and contribute significantly to the Town’s scenic and rural character. Hayfields and pastures may also have important wildlife habitat and nature conservation value. Grassland bird species of conservation concern may find suitable habitat in hayfields that are harvested later in the season. Hayfields and unmanaged oldfield or meadow habitats also support a variety of invertebrates including native pollinators and may provide habitat for rare plants and animals.

Natural areas in Chatham also sequester and store carbon, helping mitigate climate-warming greenhouse gas emissions. Undeveloped lands contribute to the Town’s resilience to the rapidly changing climate by absorbing runoff from storms, recharging aquifers and groundwater, moderating temperatures during heat waves, and providing valuable core habitat and migratory pathways for plants and animals.

Further information about habitats, natural areas, and water resources in Chatham is available in the Town’s 2009 Comprehensive Plan appendix, the 2017 Chatham Source Water Protection Plan, the 2018 Columbia County Natural Resources Inventory, and in Habitat and Water Resource Summary reports prepared for the Town by the DEC Hudson River Estuary Program in 2012.



*Woodstork near Crellin Park (L. Laurange)*

## **AGRICULTURE AND FORESTRY**

About 18% of Chatham (6,129 acres) is classified in agricultural land use by Columbia County, and 44% of the Town (15,168 acres) is located within a county-designated agricultural district. Throughout the town, 10,132 acres currently have an agricultural tax exemption, an increase from the 8,371 acres that had an agricultural assessment in 2009.<sup>7</sup> Some parcels being farmed are outside of Agricultural Districts and don’t have an agricultural tax exemption. About 21% of the Town (7,152 acres) is active or fallow fields or pasture based on visual interpretation of 2019 aerial imagery (The 2019 National Land Cover Database estimate indicates 23% of the Town is hay or pasture). By contrast, at the height of agriculture in Chatham in the 19<sup>th</sup> century, roughly 24,000 acres of land in the Town were actively farmed.

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<sup>7</sup> Town of Chatham Assessor

Approximately two-thirds of the Town's farm properties are tillable, with acreage used for grass silage, green chop, grass/mixed hay, silage, alfalfa, corn, soybean, and a variety of fruits, vegetables, and plants. Other crops include Sudan grass, sorghum, hops, barley, oats, wheat, and rye. Of the remaining acreage, about 18% are pasture, 11% are wood lots, 3% are wetlands, and the remaining 3% are used for other purposes such as barns and outbuildings.<sup>8</sup> Generally, better farmland soils are located in the valleys in the west and south of the Town, which also support better groundwater availability. The most productive farmland soils are in alluvial deposits along floodplains bordering the Kinderhook Creek and its major tributaries. Upland areas may have less productive soils but continue to be valuable for agriculture, including crop production for grains and grasses as well as pasturage. They may also be used for greenhouses, Christmas tree farms, forestry, and silvopasture.

The Chatham Agricultural Partnership (CAP) defines a farm operation based on New York State Ag and Markets Law, as follows: "The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, aquaculture, livestock and livestock products as a commercial enterprise, including commercial horse boarding operations, timber processing, compost, mulch or other biomass crops, and the management and harvesting of farm woodland".

Chatham was historically a dairy farming community, but today only one large dairy farm remains (A. Ooms & Son Dairy, straddling Kinderhook and Chatham). Much of the land formerly in dairy operations in the 2000s is now used to raise beef cattle or has transitioned to crop production, and the Town has avoided significant loss of farmland since then. In addition to the shift from dairy to beef cattle, the Town has seen an increase in equine operations, more haying, an increased number of smaller, niche farms, and a new winery and distillery.<sup>9</sup> This mirrors the trend seen nationally and in New York State of increased diversification of farming operations.<sup>10</sup> Proximity to the New York City market has been a major driver of Chatham's past and present agricultural economy, and has supported the trend in farm diversification as well as demand for high quality local foods.



*Ooms & Sons Dairy (J. Meyers)*

<sup>8</sup> Chatham Keep Farming study, 2007

<sup>9</sup> 2021 Town of Chatham Farm Inventory

<sup>10</sup> New York State Farm Bureau

The rise of the local food movement has renewed interest, raised awareness, increased support for local farmers, and is helping to sustain farming in Chatham. There is also growing recognition that localizing agriculture reduces carbon emissions and risks associated with long-distance food transport and increases resilience of the food system. More broadly, localization is about creating a new economy where the goods and services a community needs are produced locally and regionally whenever possible, reducing dependence on global supply chains and markets. Supporting local agriculture is an important strategy in increasing food security in a changing climate.

Chatham's equine industry has also grown in recent years and includes a range of private, commercial, and nonprofit horse farms as well as other equine-oriented organizations. The equine community supports local hay producers, feed stores, veterinarians, farriers, horse event venues, and commercial boarding stables and contributes to the maintenance of rural character, scenic views, and the environmental benefits of open lands. Preservation of forage lands and continued hay production are essential to Chatham's horse farms.



*Levon at Golden Rule Stable (J. Lawrence)*

Although Chatham has been fortunate to avoid major farmland loss in the past decade, the Town's farming system is complex, full of interdependencies, and extremely fragile. Other Hudson Valley towns have seen farms go out of business and farmland steadily converted to residential and commercial uses. These remain risks for Chatham. In addition, changing land ownership patterns, rising property values, competition with solar development, changing climate conditions and extreme weather, and other challenges of maintaining a modern farm threaten Chatham's farming economy and the Town's landscape. Furthermore, more than half the land farmed is owned by non-farmer landowners. Many farmers in the Town rely on an extensive patchwork of leased lands, and a change in ownership or use by the lessor may severely impact the viability of their farm operations. Even relatively small fields or marginal soils may play a critical role for small to medium size farms, which often comprise newer operations and younger farmers who are vital to the future of farming. Chatham Agricultural Partnership is currently working to support local agriculture which in turn supports local economic vitality and community resilience.

Farmland protection is an important strategy to preserve a viable land base for future agriculture in Chatham. CAP is currently working on an update to the 2009 Farmland Protection Plan to address other

strategies to support local agriculture. Farmland protection in many cases also overlaps with goals for nature conservation, as many farm properties include natural areas with abundant biodiversity such as woodlands, wetlands, and stream corridors.

CAP includes forest management and timber processing in its definition of farm operations, but less is known about the Town’s forest product economy and private forest management. Forests are widespread in Chatham and provide clean air and water, ground water recharge, wildlife habitat, sequester carbon, and protect soils from erosion. Managed forests also contribute to the economy through local forest products including soft and hardwood lumber, firewood, maple syrup, and other uses.

Forest management is an important strategy for maintaining forest land because it can provide income to landowners, which may help reduce the economic pressure to sell off land for development. Forestry can also diversify sources of income for farmers and protect or regenerate soils. Following sustainable management practices can help ensure forests remain healthy, biodiverse, and productive into the future.

As with farming, forestry depends on a critical mass of large tracts of forest land. As more properties are subdivided into smaller lots, the cost of forest stewardship rises, and many smaller parcels are no longer suitable for forestry practices. New York’s 480a forest tax law provides property tax relief to encourage long-term management of woodlands to produce forest crops. To be eligible, a parcel must have at least 50 contiguous acres of woodland devoted to forest crop production. Currently, only seven families in Chatham with a total of approximately 520 acres of land are enrolled in the program.



*Floodplain Forest Along Kinderhook Creek (Hawthorne Valley FEP)*

## **HISTORY AND HISTORIC DISTRICTS AND PROPERTIES**

Chatham lies within the ancestral territory of the Mohican people, who inhabited parts of the Hudson Valley region for millennia prior to the arrival of European settlers in the 1600s. Disease and violent conflict decimated indigenous populations in the decades after European arrival. Mohicans and other

tribes were displaced or forcibly removed from their lands. In the 1730s many of the remaining Mohicans left New York to join a mission established in the Housatonic River Valley in Massachusetts and were henceforth known as the Stockbridge Indians.<sup>11</sup> They were subsequently displaced and forced westward several times, ultimately settling in Shawano County, Wisconsin. Although few traces of pre-European settlements are evident today in Chatham, it is likely that the fertile river valleys in the Town were first cultivated by indigenous people.

The culture and society of Native American indigenous groups was and continues to be based on gratitude and reciprocity with the natural world, recognizing humans as part of a community that includes the environment, rather than as separate from and above nature. Land is not considered an economic asset; it is seen akin to a relative and is vital to the sustenance of current and future generations. Land is connected to spiritual beliefs, traditional knowledge and teachings, and cultural reproduction; moreover, commonly held land rights reinforce nationhood.

Many descendants of the Mohican people are members of the Stockbridge-Munsee Community, a federally-recognized tribe based in Wisconsin. The Stockbridge-Munsee Community operates a Historic Preservation Office in Williamstown, MA, and conducts outreach in the Hudson Valley. They recently regained ownership of part of Papscanee Island in Rensselaer County, site of a historic Mohican village and ceremonial center.

Source: <https://www.mohican.com/>

Europeans began settling in Chatham under English rule in 1687.<sup>12</sup> Patents, or land grants, were given to settlers, and tenants of these land grants were allowed to live within these patents by paying rent, usually consisting of a portion of their crops. Quakers and New England immigrants were slowly establishing themselves in the area before 1750, with more rapid settlement between 1750 and 1770. By the end of the Revolution, the Hudson and Mohawk Valleys were referred to as the breadbasket of the nation. The 19<sup>th</sup> century brought an expansion of grist mills and sawmills, as well as paper, fulling, and plaster mills, carding machines, tanneries, wool and cotton factories, distilleries, furnaces, blacksmith shops, and iron works. Agriculture began a slow decline with the opening of the Erie Canal in 1825 and increasing competition from farming operations and availability of superior farmland to the west.<sup>13</sup> By the early 1900s, Chatham emerged as center for commerce and industry owing to the multiple inter-state rail lines crossing the town.

Chatham is rich in historic structures and hamlets contributing to the Town's character and cultural landscape. Designated historic districts include North Chatham, Riders Mills, and New Concord. Several historic homes and farmsteads as well as the Taconic State Parkway have also been recognized on the State and National Historic Registers of Historic Places. Many other historic buildings are present and

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<sup>11</sup> <https://www.mohican.com/brief-history/>

<sup>12</sup> History from the 2009 *Comprehensive Plan*

<sup>13</sup> *Comprehensive Plan*, 2009

## TOWN OF CHATHAM COMMUNITY PRESERVATION PLAN

considered highly qualified for listing on the State and National Registers. Knowledgeable historic associations and cemetery groups exist in Chatham, North Chatham, Riders Mills, and New Concord. State and National Register of Historic Places listings in the Town of Chatham are briefly described below.

**New Concord Historic District.** A large collection of houses built in the first half of the 1800s and some even earlier anchored around a village green in New England style. Once a center of rural life, it has largely remained untouched by modern development and displays its historical past. One outstanding part is the Georgian style Anson Pratt house c 1812.

**North Chatham Historic District.** Parcels fronting on either side of the main highway going through North Chatham, showing a variety of attractive house styles, and still having agricultural land in back. One major component is the restored old trolley station, which once served the Albany Hudson Fast Line, and now the Albany Hudson Electric Trail. This new trail takes its users through beautiful farmland.



*North Chatham Historic District, est d. 1785 (D. Hegeman)*

**Riders Mills Historic District.** A collection of historic houses on either side of the Kinderhook Creek as it runs through Riders Mills. These survived the flood of 1869, which wiped out the mills on either side of the creek. Notable are the mansions of the Rider sons, Thomas and Jonathan Rider on either side of the creek, and the restored 1796 Riders Mills brick one room schoolhouse with its vaulted ceiling.



**Crandell Theatre.** A classic 1920s movie theater built in the Spanish Renaissance style. It is adaptable for showing cinema and holding live performances. It has been in operation over 90 years in largely unaltered condition. It is now owned and operated by the Chatham Film Club. It is the venue for the annual Chatham Film Festival and the annual Farm Film Fest.

**Knollcroft.** A summer home built by New York financier George Chesterman in 1880. It is a spacious two-story frame and brick structure in striking Queen Anne style. It is nestled in a hillside across the road from a generally agricultural area near New Concord, attractive to residents and visitors alike.

**Peck House.** A large center entrance federal style house that was expanded in 1848. The occupants would be three generations of the Peck family: Dr. Richard Peck, the first physician in North Chatham; his son Dr. Oliver Peck, physician and farmer; and Oliver's daughter Bessie Peck, civic leader and philanthropist responsible for starting the North Chatham Free Library.

**Rowe-Lant Farm.** An ancestral brick farmhouse c 1790 and related buildings devoted by many generations of related owners to farming the rich land immediately south of East Chatham. The area would come the site of the Boston Albany Railroad, the Berkshire Spur of the Thruway and the Taconic Parkway. Despite the arrival of all these transportation corridors, this site has retained its character as a large open farmed area.

**Spengler Bridge.** An elegant, historic iron bridge spanning the Kinderhook Creek. It was built in 1880 and named for a County Highway Superintendent. Construction was by the Morse Bridge Company utilizing a unique Pratt Truss design. It has survived many floods and storms as one of the finest remaining examples of this style and has a length of 138 feet and a width of 16 feet. Efforts are underway to restore this bridge for non-vehicular recreational usage.



Spengler Bridge (S. Metzner)

**Tracy Memorial Village Hall Complex.** A massive but graceful brick structure with an iconic grey marble portico. It was built in the period 1912 to 1913 having been designed by Horace W. Peaslee, a Washington architect who originally came from the Town of Chatham. A water fountain in the street in front and a former fire house in the rear contribute to this architectural gem which has been in use for almost a century.

**James G. Van Valkenburgh House.** A stately Georgian style frame house and other structures built in Chatham Center in 1843 by John Jay Van Valkenburgh and wife as a wedding present to their only son James G. Van Valkenburgh. James and wife Eveline would live out the century in this elegant farmhouse. It has survived to this day with most of its land, which abuts the Kinderhook Creek.

**Wilbor House:** A large federal style farmhouse slightly north of the square in Old Chatham. Built about 1790, it still looks out at open fields, which were most recently a horse farm. The Wilbor family originally migrated from Rhode Island and were very influential in the early history of Chatham, later renamed Old Chatham.

**John S. Williams House and Farm.** This c.1790 property is distinguished for its classically inspired house and well-preserved rural agricultural landscape. The original house was significantly enlarged in 1936 by John S. Williams, who also established the Shaker Museum on the property in 1950. An active farm for over two hundred years, the property has been home to notable agricultural endeavors including the Old Chatham Shepherding Co. and now Silver Brothers Spirits Co., a farm-distillery that produces whiskey made from grain grown on the property.

**Taconic State Parkway.** The 104-mile parkway between Kensico Dam in Putnam County and the Berkshire Spur of the Thruway in Chatham was completed in 1963 and follows a winding, hilly route designed by landscape architect Gilmore Clarke to offer scenic vistas of the Hudson Highlands, Catskills, and Taconic regions.

## SCENIC LANDSCAPES

The Town of Chatham's working farms, rolling hills, ridgelines, streams, ponds and marshes, valleys and vistas, and acres of woodlands contribute to its natural beauty and scenic qualities. The Town's road network includes numerous scenic examples of roads that allow the public to enjoy the beauty of Chatham's landscapes and rural character. Chatham's scenic roads are a testament to how road design can complement visual beauty. It is no wonder that Chatham is featured as a destination for scenic

drives. This section describes a few of Chatham’s most notable scenic roads. A town-wide scenic resource inventory should be developed to fully document scenic roads, viewpoints, and highly visible scenic landscapes.

**County Route 17/ State Route 66.** Driving from North Chatham where County Route 17 turns into State Route 66, travelers are offered glimpses of beautiful hillsides dotted with family farms adorned with handcrafted signs. Beautiful horse farms may be seen along the rolling countryside. The road winds its way toward the historic Chatham Center red truss bridge, which offers a brief but beautiful peak at Kinderhook Creek before it ascends towards an open horizon with a breathtaking view of both the Catskill and Berkshire Mountains.

**Bashford Road.** Chatham’s extensive network of dirt roads represent over half of the Town’s 93 miles of roads. Dirt roads provide not only a beautiful byway for various modes of transportation but also a gateway to trail systems and public lands where one may observe nature while walking, biking, trail riding, bird watching, fishing, picnicking, or otherwise enjoying the natural environment. Bashford Road is notable with glimpses into pastoral farms, stately homes, vistas that overlook Chatham Center and beautiful wildlife passing through. This narrow road does not overpower the beautiful areas it bisects, a large tract of dusky wooded areas, hay fields and pasturage, a pond and multiple horse farms. Bashford Road is a classic example and element of Chatham’s rural character.



*Highland Road (A. Mesick)*

**County Road 13.** Traveling from Chatham Center, County Road 13 takes visitors on a winding roadway with hillsides that offer memorable scenic views before reaching Old Chatham, the Town’s earliest settlement. Branching off of County Road 13, travelers can also access Rock City Road leading to Ooms Public Conservation Area with its open meadows, woodlands, and hills that highlight Sutherland Pond. Scenic roads passing through this area capture a landscape that represents the timeless, natural beauty that defines Chatham and makes it unique.

## PARKS, TRAILS, AND PROTECTED LANDS

Despite the tremendous resources present in Chatham, just 2,217 acres (6.5 percent of the Town) have been protected as parkland, nature preserves, or under private conservation easements. This is the third lowest percent of protected land among Columbia County towns (only Kinderhook and Germantown have less protected land as a percent of total area). By contrast, 38.7 percent of the Town of Stuyvesant and 30.8 percent of the Town Ancram have been protected.<sup>14</sup> Table 2 presents a summary of parks and protected land in Chatham by category. Fee-owned lands are lands directly owned by a government or private conservation organization. A conservation easement is a voluntary, legal agreement that permanently limits uses of the land in order to protect its conservation values.

**Table 2: Parks and Protected Land in the Town of Chatham**

| Protection Category                  | Acres         |
|--------------------------------------|---------------|
| Fee-Owned Private Conservation Area  | 390.4         |
| Private Owner, Conservation Easement | 1783.0        |
| Town/Village Parkland                | 47.0          |
| <b>Total</b>                         | <b>2216.8</b> |

Notwithstanding the relative low percentage of protected land in Chatham, the Town is fortunate to have multiple parks and public conservation areas offering recreation opportunities, as well as a stretch of the Empire State Trail and several public fishing rights easements along Kinderhook Creek. The Town also maintains many gravel/dirt roads that are used for walking, biking, bird watching, and horseback riding. Chatham also boasts a large network of horseback riding trails on private lands. The following section briefly describes existing public parks, nature preserves, and publicly accessible open spaces in Chatham, which are displayed in Figure 1 (large format map available in Appendix D).

**Crellin Community Park** is located a half mile northwest of the Chatham Village. The park is a merger of an existing 25.8-acre parcel owned by the Town of Chatham and a 20.7-acre parcel generously bequeathed to the Town by Sonoco Crellin Inc. The park was established in 1972 and is owned and operated by the Town of Chatham. Park amenities include two pavilions, a swimming pond, two tennis courts, a basketball court, skatepark, playgrounds, a fitness/hiking



*Summer Camp at Crellin Park (Modern Masterpiece Photography)*

<sup>14</sup> Columbia Land Conservancy Land Statistics, 2020.

trail, three soccer playing fields, a softball field, a community garden, two bicycle pump tracks, and a trout stream. The park hosts a six-week summer day camp for students ages 4-12. A 3.5-mile trail system connects Crellin Park and neighboring PS21 (described below). A *Town Parks and Recreation Master Plan* was updated in 2021 and identified the need to study potential connections from Crellin Park to the Albany Hudson Electric Trail and Harlem Valley Rail Trail, as well as expanding trail connections to PS21.

**Ooms Public Conservation Area** is located at 480 Rock City Road and is owned by the Columbia Land Conservancy. This 180-acre conservation area features a 35-acre pond (Sutherland Pond, sometimes referred to as Ooms Pond), 3 miles of trails, and a pastoral landscape with open meadows, rolling grasslands, wetlands, brush, and trees. The conservation area is named after the Ooms family, who arrived from the Netherlands and set up a dairy operation over the hill from the pond in the 1950s. In 2001, the Columbia Land Trust, in conjunction with the Open Space Institute, purchased the land from the Ooms family. The pond is named after the Sutherland family that lived across the road in the 1800s. Canoeing, kayaking, and fishing (by permit) are allowed. Fishing permits are issued by the Columbia Land Conservancy and are required for all anglers 16 and older.



Ooms Pond Conservation Area Trailhead (D. Collins)

**New Town Park** is located between the Taconic Parkway and Route 295, behind the Town Hall, and is currently defined by the footprint of the frisbee golf area on the larger 118-acre Town property. The parcel was sold to the Town in 2003 by Cathedral Corporation (formerly Columbia Corporation) to develop the Town Hall and associated parking. Approximately 13 acres of the property are set aside for use by the Highway Department to mine sand and gravel for construction and maintenance of local roads. Remaining land was envisioned for the development of a community park with a network of trails. A

2007 “New Park Concept” was prepared in the first *Parks and Recreation Master Plan* but has yet to be implemented. Over time, however, a good portion of the land was used to create Stony Kill Disc Golf, an 18-hole disc golf course located behind the Chatham Town Hall. Created by members of DisCap (aka Stony Kill Disc Golf), a volunteer organization, this course is free and open to the public. Note: New Town Park appears as Town/Village property in Figure 1 because only the frisbee golf course area is considered parkland.

**Wilson M. Powell Wildlife Sanctuary** is a 145-acre, mostly wooded conservation area located on Hunt Club Road in Old Chatham. The Sanctuary was established in 1959 and is owned and maintained by the Alan Devoe Bird Club and protected under conservation easement by the Columbia Land Conservancy. There are 4 miles of hiking trails through the woods including and a lookout point at Dorson’s Rock, which provides a beautiful view of the surrounding countryside and the Catskill Mountains. Reilly Pond is a large pond on the property with a blind for bird watching. The trails are open to pedestrians and bridle riding only. Hunting, fishing, and trapping are not permitted. Dogs are not allowed.



*Dorson's Rock Old Chatham NY (K. Woodfield)*

**Freund Wildlife Sanctuary** is a 57-acre nature preserve on Pitts Road in Old Chatham owned and managed by the Nature Conservancy. Donated by Emmanuel and Frances Freund, the site includes two marked hiking trails that pass through former farmland that is now forested with mature trees. The secluded site includes spring-fed streams and is home to a wide variety of flora and wildlife.

**Albany Hudson Electric Trail (AHET)** is a 36-mile segment of the 750-mile Empire State Trail that runs from the City of Hudson to the City of Rensselaer, passing through the northwest corner of Chatham. AHET passes through woods, streams, wetlands, farmland, and small hamlets along the route of the historic Albany-Hudson Electric Trolley, which transported millions of people from 1899 to 1929. 85% of AHET is an off-road “rail trail”, built on the former electric trolley rail corridor now owned by National Grid, and the rest of the trail route is comprised of on-road connections on the shoulders of public roadways. Most of the off-road trail is paved, but some sections



*The restored trolley station in North Chatham was in use 1900 - 1929 (D. Hegeman)*

are surfaced with stone dust. The trail is accessible to bicyclists, walkers, and runners of all ages and abilities. During winter months the trail is open for hiking, bicycling, cross-country skiing, and snowshoeing as conditions allow. The trail was created by the Hudson River Valley Greenway and is maintained by Columbia Friends of the Electric Trail.

**PS21/ Performance Spaces for the 21<sup>st</sup> Century**, Crellin Park's northern contiguous neighbor, is a state-of-the-art theater built in 2018 hosting innovative programming, which includes dance, theater, and other contemporary performance arts. PS21's buildings are situated in restored apple orchard fields. There is an additional 90 acres of publicly accessible conserved meadows and woodlands. The Town enjoys a wonderfully collaborative relationship with PS21, which amongst other successful ventures has resulted in an extensive 3.5-mile trail system that connects the two properties. The bulk of these trails are on PS21's land. PS21 and the Town of Chatham plan to improve these trails with benches, trail markers, a kiosk, and the creation of a map.

**Public Fishing Rights (PFR)** are permanent easements purchased by the New York State Department of Environmental Conservation. Several easements exist along Kinderhook Creek between Malden Bridge and the Rensselaer County border (and others further upstream) and are usually a 33' strip corridor along one or both banks of the stream. These easements are for the purpose of fishing and no other purpose. More information and maps of the PFRs are available at [https://www.dec.ny.gov/docs/fish\\_marine\\_pdf/pfrkinderhook.pdf](https://www.dec.ny.gov/docs/fish_marine_pdf/pfrkinderhook.pdf).

**Chatham Central School District** lands straddle the Town and Village of Chatham and the Town of Ghent and include mountain bike trails and walking trails around Smith Pond.



*Fisherman, Kinderhook Creek (G. Franz)*

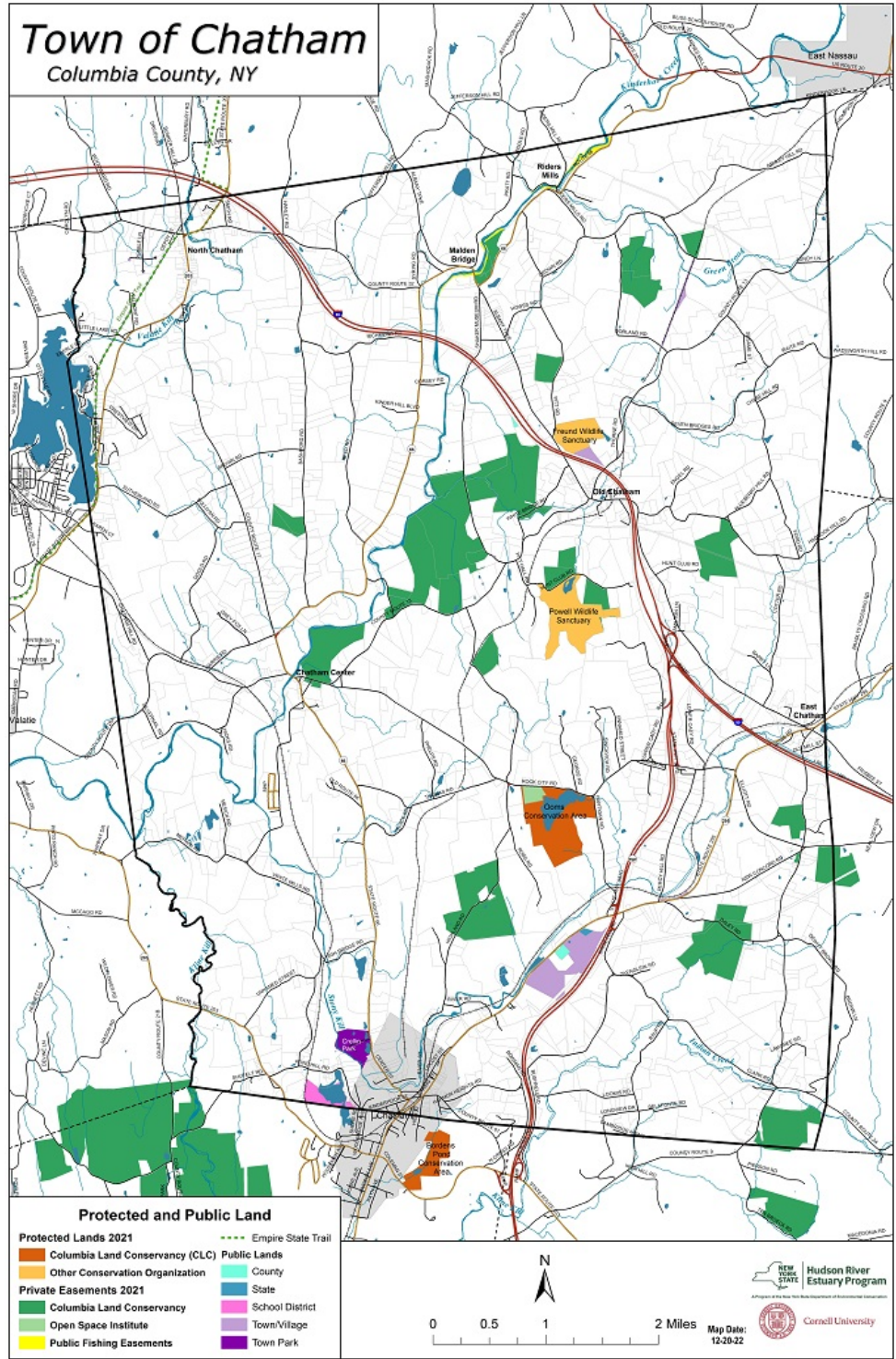


Figure 1: Protected and Public Land in the Town of Chatham (large format map available in Appendix D).



**Private Protected Lands.** In addition to fee-owned publicly accessible parks and preserves, several farms and other private lands have been protected under conservation easements held by Columbia Land Conservancy, the Nature Conservancy, and the Open Space Institute, totaling 1,783 acres.

## B. COMMUNITY PRESERVATION PLAN FRAMEWORK

Preserving working farms and farmland in Chatham is vital to the long-term viability of agriculture in the Town and is a primary goal of this plan. Recognizing the importance and benefit of farms along with other important natural, scenic, and historic resources contributing to Chatham’s unique rural character, the Town initiated a planning process to identify and prioritize lands eligible for protection to preserve community character.

On May 6, 2021, the Chatham Town Board designated the Chatham Agricultural Partnership (CAP) to lead an effort to develop an Agriculture and Open Space Plan for the Town, henceforth “Community Preservation Plan” (CPP), to update priorities developed in the Town’s 2009 Agricultural Protection Plan in addition to other community conservation priorities including water resources, wildlife habitats, farmland, recreation sites, trails, and scenic ridgelines, along with strategies for supporting dedicated, ongoing sources of public funds for land conservation. CAP consists of nine members appointed by the Town Board. These are residents of the Town and include the Town Supervisor and members of various committees including the Town Board and Comprehensive Plan Update Review Committee.



*Rotational Grazing (Peat Meadow Farm)*

## TOWN OF CHATHAM COMMUNITY PRESERVATION PLAN

A draft of this CPP was completed in June 2022 and was approved by CAP in August. That same month, the Town Board appointed members to a Conservation Advisory Council and tasked them with further developing the non-farmland priorities in the CPP. The CAC consists of seven members who are residents of the Town with background and interest in conservation of the environment.

Assistance to develop the CPP was provided by the Hudson River Estuary Program of the New York State Department of Environmental Conservation through a partnership with Cornell University, the New York State Water Resources Institute, a Cornell University Department of City and Regional Planning workshop, Columbia Land Conservancy, and Hawthorne Valley Farmscape Ecology Program.

The CPP follows requirements for a Community Preservation Project Plan described under Section 64-i of Town Law, "Town of Chatham Preservation Funds." This legislation from 2007 authorizes the Town of Chatham to pursue establishment of a Community Preservation Fund (CPF) and real estate transfer tax and specifies preservation of farmland as its highest priority. The authorization expires on December 31, 2027, unless renewed by state law. The legislation is similar to the Hudson Valley Community Preservation Act, which provides CPF authorization to municipalities in the counties of Putnam, Ulster, and Westchester. To date, ten other communities in New York State have established CPFs, including Hudson Valley towns of Warwick, Red Hook, New Paltz, Gardiner, and Marbletown.

The CPP builds upon the prioritization framework developed for the 2009 *Agricultural Protection Plan*, incorporating information about important natural resources, plant and animal habitats, and historic properties, and identifies parcels and projects that are eligible for protection through the CPF as open space in order to preserve the Town's community character. In addition, it furthers the goals of the Town of Chatham 2009 *Comprehensive Plan* to protect farmland and rural character and preserve natural resources and historic structures. Part 2: Methodology, Preservation Themes, and Priority Parcels describes the methods and priorities of this plan.

The CPP incorporates the following:

1. The Plan identifies every parcel in the Town which should be further evaluated for preservation in order to protect community character. Funds from an eventual CPF may only be expended for parcels which have been included in the CPP.
2. The Plan provides for a detailed evaluation of all available land use and regulatory alternatives to protect community character, including but not limited to:
  - a. Fee Simple Acquisition
  - b. Zoning Regulations, including density reductions, cluster development, and site plan and design requirements,
  - c. Transfer of Development Rights

- d. Purchase of Development Rights
  - e. Scenic and Conservation Easements
3. The Plan establishes project areas for community character preservation. According to CPF-enabling legislation, preservation of community character shall involve one or more of the following:
- a. preservation of open space;
  - b. establishment of parks, nature preserves, or recreation areas;
  - c. 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;
  - d. preservation of lands of exceptional scenic value;
  - e. preservation of freshwater marshes or other wetlands;
  - f. preservation of aquifer recharge areas;
  - g. preservation of undeveloped beach-lands or shoreline;
  - h. 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;
  - i. preservation of unique or threatened ecological areas;
  - j. preservation of rivers and river areas in a natural, free-flowing condition;
  - k. preservation of forested land;
  - l. preservation of public access to lands for public use including stream rights and waterways;
  - m. 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; and
  - n. establishment of a greenbelt.

Preparation of this Community Preservation Plan is the first step in a process toward establishment of a CPF. In order to establish a CPF, the Plan must be adopted by local law, along with local laws establishing the CPF, the CPF Advisory Board, and the real estate transfer tax. The real estate transfer tax must then be approved by Chatham voters through public referendum. If approved by voters, the Plan becomes the basis for expenditure of moneys deposited into the CPF and must be updated at least every five years. CPFs may be used to acquire parcels or conservation easements on parcels. Up to ten percent (10%) of the CPF may be used for management and stewardship of parcels protected using the CPF. The CPF may also be used for costs relating to an approved project as well as direct acquisition costs such as title, appraisal, survey, and legal expenses. The CPF Advisory Board would present recommendations for project expenditures to the Town Board, which would need to hold a public hearing prior to approving acquisition of any lands or interests in lands. All legal requirements for creation and implementation of a CPF are described in Chatham’s enabling legislation under New York State Town Law.

## **C. LOCAL AND REGIONAL PLANNING CONTEXT**

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This section summarizes relevant inventories and plans from the local and county level that relate to the preservation of community character in the Town of Chatham. The CPP builds upon the data, goals, and recommendations of these prior planning efforts, but also fills gaps to address emerging priorities, such as climate change adaptation and resilience.



*Sutherland Pond*

## TOWN OF CHATHAM COMPREHENSIVE PLAN

Land use development policies and regulations within the Town are guided by the Town's adopted 2009 *Comprehensive Plan*.<sup>15</sup> The plan is divided in two parts: Part I contains the vision, goals, strategies, and implementation plan. Part II is a separate document and contains the inventory of resources, analysis of trends, public input, and resource maps.

### **2009 *Comprehensive Plan Vision:***

*"As a place where history, landscape, and community are tightly intertwined, the Town of Chatham is treasured by its residents. For over 250 years, Chatham has been distinguished by a special sense of place and the values that flow from its relationship to the land. With its historic settlement pattern of hamlets and farms connected by open space, woods, and streams, Chatham is noted for a singular vision that embraces the challenge and opportunity of change and an unwavering commitment to protecting our land and preserving our heritage.*

*Our quality of life is defined by the prized attributes of rural character: active, sustainable agriculture; scenic beauty; cultural and historic richness; a healthy environment; diverse housing resources; and economic vibrancy provides a touchstone for community decision making."*

### **-Town of Chatham 2009 *Comprehensive Plan***

The 2009 *Comprehensive Plan* included the following goals related to preservation of natural resources, and historic character, and farmland:

- Chatham preserves and protects those areas that are most valuable for agricultural use, as well as wildlife habitat, scenic vistas, and areas which are environmentally sensitive.
- The Town's historic structures, landscapes and cemeteries are identified, protected and preserved for the enjoyment of all.

Strategy 5.1 calls to "Preserve as much of the Town's remaining active farmland as possible through a multi-pronged strategy," including creation of a Community Preservation Plan and establishment of Purchase of Development Rights (PDR) or Leasing of Development Rights (LDR) programs with willing landowners to protect high priority farmlands. These programs would be funded through bonds, real estate transfer tax, or grants.

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<sup>15</sup> [https://www.chathamnewyork.us/how\\_do\\_i/comprehensive\\_plan.php](https://www.chathamnewyork.us/how_do_i/comprehensive_plan.php)

In addition to prioritizing farmland for preservation, the Comprehensive Plan Steering Committee identified prominent ridgelines as one aspect of the landscape that contributes significantly toward Chatham’s rural character.

## **TOWN OF CHATHAM COMPREHENSIVE PLAN UPDATE**

Recognizing the urgent need to address emerging issues such as broadband and cell service, preserving and protecting agriculture, affordable housing, solar development, a Comprehensive Plan Update was initiated in 2021. The community outreach process has included a community-wide survey to solicit input on a variety of issues to inform the updated plan, and a series of focus group discussions held in Spring 2022.

A hybrid online and paper community survey was undertaken September-December 2021.<sup>16</sup> Survey results showed that farmland protection and policies supporting working farms were the top land use priority and the third priority overall (behind improved availability of broadband internet and improved cell service). Seventy (70%) of respondents were very likely to support a “farm-friendly” zoning audit to identify zoning changes which will help support local farmers and agriculture. Improvements to existing parks and trails, or creation of new ones, was identified as a moderate priority. Preservation of scenic ridgelines and historic character was also favored by many residents. Over 74% of survey respondents were very likely to support limitations for new development on sensitive ridgelines to protect scenic views and reduce erosion. Over 42% of respondents noted that they live in Chatham because they wanted to live in a rural community. Over 39% of respondents were very likely to support establishment of additional historic district areas.

The Comprehensive Plan Update is expected to be completed in Spring of 2023.

## **THE KEEP FARMING INITIATIVE AND CHATHAM AGRICULTURAL PARTNERSHIP**

In early 2004, the Town of Chatham was selected as one of two national pilot sites for the Glynwood Center’s Keep Farming Program. A Community Agricultural Partnership was formed with 25 members, and another 25 people served on teams that gathered data and made recommendations. Thirty Chatham farms participated in the study, representing about 80% of the agricultural activity in the Town. At that time, 450 citizens gave input regarding their buying habits and interest in local foods.

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<sup>16</sup> <https://www.chathamnewyork.us/survey/index.php>

## TOWN OF CHATHAM COMMUNITY PRESERVATION PLAN

Based on the recommendations from the Keep Farming study<sup>17</sup>, the Chatham Town Board created the Chatham Agricultural Partnership (CAP) as a Town committee in early 2007. CAP members are appointed by the Town Board. The mission of CAP is to “maintain the long-term viability of agriculture in the Town of Chatham. CAP provides a direct connection between the farming community, town government and the community at large. The committee maintains an inventory of farms in the Town of Chatham, provides advice and feedback to the Town Board and other committees, and fosters connection to food and farming through collaborative events such as the Farm Film Fest, annual farm tour, and other outreach.”



*Staron's Roadside Farm Stand (D. Staron)*

## TOWN OF CHATHAM AGRICULTURAL PROTECTION PLAN

CAP successfully applied for grant funding in 2007 to develop an *Agricultural Protection Plan* and led the planning effort with assistance from Community Planning and Environmental Associates, the Hudson Group, and the Columbia Land Conservancy. The *Agricultural Protection Plan* was adopted by the Town in 2009 and subsequently approved by Columbia County and the New York State Department of Agriculture and Markets.<sup>18</sup>

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<sup>17</sup> <https://chathamkeepfarming.org/about/team-report-stage-one/>

<sup>18</sup> <https://chathamkeepfarming.org/the-town-of-chathams-agricultural-protection-plan/>

The *Agricultural Protection Plan's* vision is for Chatham to nurture and sustain a viable agricultural economy. Recommendations most relevant to this Plan include:

- Position the Town to take advantage of future opportunities for private and public funding for Purchase of Development Rights (PDR) and Lease of Development Rights (LDR) purposes for the high priority farmland identified in the Plan.
- Continue to educate Chatham residents about the purpose and benefits of the Community Preservation Fund and the use of PDR and LDR programs as tools for farmland protection.
- Position the Town to move ahead with a referendum for the Community Preservation Fund dedicated to farmland protection (for which the enabling legislation has been passed) at an appropriate time.



*Raking First Cutting (Peat Meadow Farm)*

In conjunction with the 2009 Comprehensive Planning Process, CAP and the Comprehensive Plan Agriculture Subcommittee developed a prioritization of farms and farmland for protection. After first identifying all of the agricultural land parcels in the Town, the committee developed a detailed farmland prioritization.

The following factors were incorporated into Chatham's Land Evaluation and Site Assessment (LESA) model, in addition to presence of prime farmland soils or farmland soils of statewide importance:

- Adjacent farmland
- Access to a major transportation corridor
- Sensitive water features on the parcel
- Adjacent land that is already protected or preserved in some way
- Area of the parcel that is being actively used for farming



The LESA model is intended to help identify which lands are most appropriate to designate for long-term continuation in agricultural uses, and which farms should be given the highest priority for purchase of development rights monies.

In 2021, CAP began the process of updating the *Agricultural Protection Plan* in conjunction with the creation of this Community Preservation Plan and the Comprehensive Plan update. The farming context, environmental assessment, and farm inventory have been updated, along with the establishment of some new strategies to reflect changes in local farming. The updated plan will be adopted as an appendix to the Comprehensive Plan Update in 2023.

## **COLUMBIA COUNTY AGRICULTURE AND FARMLAND PROTECTION PLAN**

This Plan sets out a four-pronged program to support this vision: economic and promotional support for farming; enhanced agricultural infrastructure, farmland conservation; and agricultural education and outreach. The Plan reports the results of a Land Evaluation and Site Assessment model used to prioritize farmland in the county for protection. The model incorporated farmland soils, long-term commitment to farming, long-term viability, conversion pressure, and non-agricultural open space values. The Plan endorses the use of economic development, land protection, and municipal policies *“to ensure that a critical mass of high quality agricultural land remains available for farming.”*

The Plan recommends studying the feasibility of establishing a funding mechanism for farmland preservation, including but not limited to bonding (PDR), Community Preservation Fund (CPF), lease of development rights, equity insurance, equity mortgage, county-wide Transfer of Development Rights program, etc. to determine the best option for funding a farmland protection fund.

### ***Agriculture and Farmland***
















***Protection Plan Vision*** -“agriculture continues to be a key economic sector in Columbia County through preservation, conservation and management of viable agricultural lands.”

### ***2014 Agriculture and Farmland Protection Plan***



Boice Brook Stable, Chatham (P. Lyden)

**Agricultural Land Protection Priority Map**

-  Town-City Boundaries
-  Village Boundaries
- Roads**
-  Interstate
-  U.S. Highway/State Route
-  County Road
-  Local Road
-  Private Road
-  Waterbodies
-  Streams
-  Property Boundaries
- Priority Key**
-  1 - Highest Priority
-  2
-  3
-  4
-  5

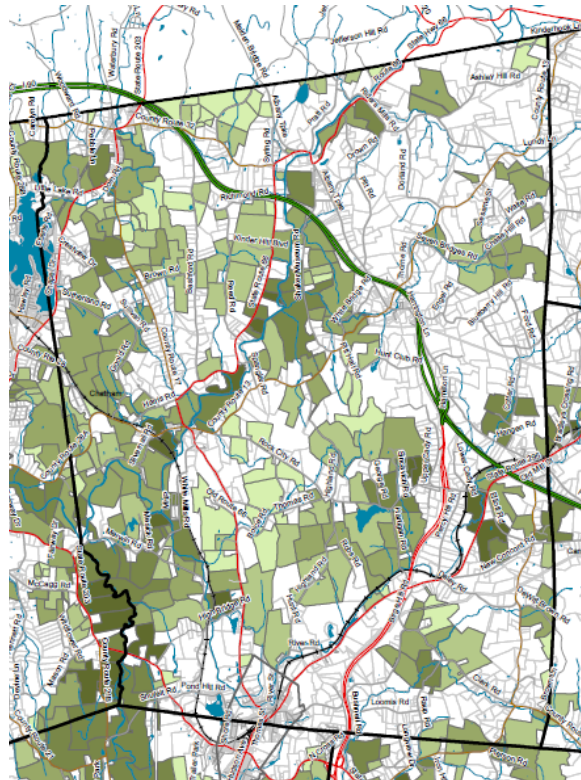


Figure 2: Inset of County Farmland Protection Plan Priority Map showing priority parcels in Chatham. Available at: <https://sites.google.com/a/columbiacountyny.com/columbia-county-agriculture-and-farmland-board/maps>

**NEW YORK STATE OPEN SPACE CONSERVATION PLAN**

The *New York State Open Space Conservation Plan* is a comprehensive statewide plan that describes current open space conservation goals, actions, tools, resources and programs administered by state and federal agencies and conservation nonprofits.<sup>19</sup> Since 1992, the Open Space Conservation Plan has served as the blueprint for the State's Open Space Program, guiding the investment of land protection funds from the Environmental Protection Fund. As required by law, the Plan is updated periodically, relying heavily on the work of the nine Regional Advisory Committees.

The Plan also identifies the Albany Hudson Electric Trail as a priority. Work on the trail was completed in December 2020.

New York State defines open space as public or private land not intensively developed for residential, commercial, industrial or institutional use. It includes farms and forests, coastal and estuarine lands, scenic lands, parks and preserves. It also includes water bodies, such as lakes and bays.

Open space is defined partly by its surroundings. A vacant lot or small marsh can be open space in a city. A narrow pathway for walking or bicycling is open space, even though surrounded by developed areas.

<sup>19</sup> <https://www.dec.ny.gov/lands/98720.html>

The Plan acknowledges that many of the priority project areas are large and will require a balance between conservation and compatible, natural resource-sensitive economic development. A combination of different funding sources, landowner incentives and other conservation tools are needed to succeed in conserving these open space resources for the long term.

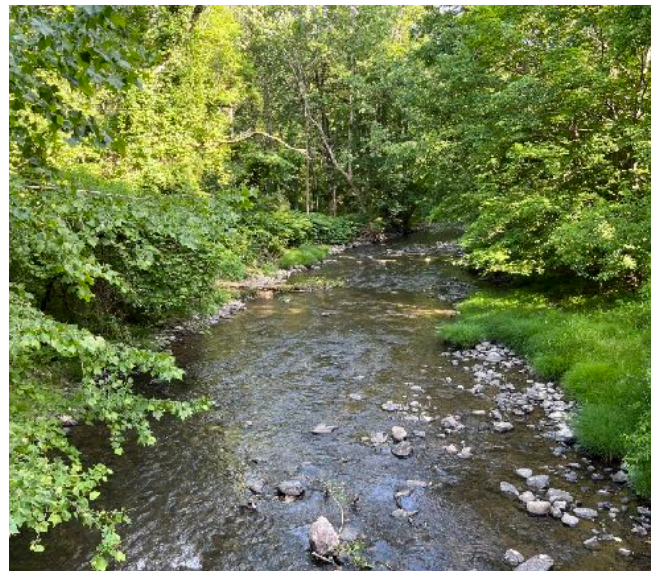
**Priority Open Space Conservation Project- Oomsdale Farm and surrounding landscape.** “The focal point of this project area is Oomsdale Farm, which occupies approximately 400 acres in Chatham, Columbia County, and includes high-quality farmland, significant habitat for grassland nesting birds, and spectacular scenic vistas from the high open fields. Also included in this landscape complex are the Kinderhook Lake watershed, Kinderhook Creek corridor and associated floodplains, forestland, and open grassland fields. This area represents an outstanding opportunity to preserve a productive working landscape, while protecting a sizable expanse of nesting habitat for increasingly uncommon grassland birds, as well as the significant contributing features of the surrounding landscape. (pg. 120).”

**The 2016 New York State Open Space Conservation Plan**

## TOWN OF CHATHAM SOURCE WATER PROTECTION PLAN

In 2017, the New York Rural Water Association (NYRWA) prepared a *Source Water Protection Plan* in cooperation with the Town of Chatham.<sup>20</sup> This plan inventories and maps the drinking water resources of Chatham, discusses sources of drinking water, inventories potential sources of contamination, and outlines potential protection planning strategies.

Eighty-two percent of households in the Town of Chatham utilize individual bedrock wells. There are also 17 public water systems in Chatham, all of which rely upon groundwater wells for their source of supply. Some areas of the Town, particularly in the southeast, suffer from low well water yields. Unconsolidated (sand and gravel) aquifers have the highest



*Stony Kill Running under River Road (A. Mesick)*

<sup>20</sup> <https://cms7files1.revize.com/chathamny/Source%20Water%20Protection%20plan.pdf>

water yields and were mapped by NYRWA using a combination of detailed surficial geology mapping and subsurface data. These aquifers are located within the valleys of the Kinderhook Creek, the Valatie Kill, the Stony Kill, and the Kline Kill. The plan also identifies potential sources of pollution and areas of the Town with higher susceptibility to groundwater contamination, which overlap with the unconsolidated aquifers in topographically higher areas. NYRWA recommends measures to steer higher-risk land uses away from these areas.

The *Source Water Protection Plan* presents several recommendations regarding potential zoning changes to protect groundwater. In addition, some changes in subdivision, site plan review, and permitting laws are presented in the plan. Non-regulatory protection recommendations highlighted in the plan are farmland protection, public education, and future study in hamlet areas. Notably, the plan identifies the benefits of farmland protection for groundwater. It states: “many highly sensitive hydrogeological areas as well as areas of higher groundwater recharge in Chatham are occupied by farmland used for livestock grazing and hay production. These less-intensive uses largely preserve groundwater recharge rates and are preferred to residential, commercial, or large-scale agricultural uses that would either increase the amount of impervious surfaces or increase the risk of pollution” (pp. 30-31).

## **COLUMBIA COUNTY NATURAL RESOURCES INVENTORY**

In 2018, the Columbia County Environmental Management Council and Columbia Land Conservancy published *the Natural Resources Inventory (NRI) for Columbia County*, prepared by Hudsonia Ltd with significant contributions from the Hawthorne Valley Farmscape Ecology Program.<sup>21</sup> The NRI is intended as a practical reference for residents, landowners, developers, municipal agencies, conservation NGOs, and others interested in understanding, using, and caring for the land and water of the county.

The maps and narrative illustrate and describe many of the resources on which we depend, both directly and indirectly: geology, landforms, streams, ground-water, habitats, good farmland soils, plants, animals, and places of scenic and recreational value. The NRI describes threats to resources of concern and discusses general conservation measures, ways to identify conservation



*Bloodroot in floodplain forest, Kinderhook Creek  
(Hawthorne Valley FEP)*

<sup>21</sup> <https://sites.google.com/columbiacountyny.com/emc/natural-resource-inventory-nri?pli=1>

priorities, specific conservation tools and strategies, and other ideas and information for planning the best uses, conservation, or restoration of important resources.

The County Planning Department has made data from the NRI available through an interactive online mapping portal on its website, Columbia County GeoData.<sup>22</sup> This allows municipal committees to find specific information about local natural and agricultural resources including streams and watersheds, water bodies, aquifers, high biodiversity areas, wetlands, farmlands, priority agriculture soils, forest blocks, geology, and more.

## **CONCLUSION**

Chatham residents have repeatedly expressed a strong desire for preservation of agriculture, the Town's rural character, and natural environment, as well as for historic preservation. This Community Preservation Plan is consistent with the Town of Chatham 2009 *Comprehensive Plan* and with the community priorities of the current Comprehensive Plan Update process, with the Town's 2009 *Agricultural Protection Plan*, the 2014 *Columbia County Farmland Protection Plan*, the 2016 *New York State Open Space Plan*, and the 2017 *Town of Chatham Source Water Protection Plan*. This Plan utilizes data from these prior plans as well as from the *Columbia County Natural Resources Inventory* to identify priority parcels for preservation in the Town of Chatham.



## **PART 2: METHODOLOGY, PRESERVATION THEMES, PRIORITY PARCELS**

### **A. INTRODUCTION**

This Community Preservation Plan presents a data-driven approach for identifying and prioritizing parcels eligible for preservation to protect farmland and community character in Chatham. One major purpose of this analysis is to establish eligibility for future expenditure of a community preservation fund, should the Town establish one and receive voter approval in a public referendum. The Plan will serve as a decision support tool for a potential 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 when evaluating proposed land uses in the Town.

The Plan identifies the potential presence of preservation values on every parcel in Chatham based on mapping data available at the town-wide level. A parcel scoring system was developed to prioritize

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<sup>22</sup> <https://geodata-cc-ny.opendata.arcgis.com/pages/ccnri>

## TOWN OF CHATHAM COMMUNITY PRESERVATION PLAN

farmland and evaluate the presence of additional priority natural and cultural resources, which together were organized into six preservation themes: Farmland; Aquifers and Water Resources; Scenic Ridgelines; Woodlands and Wildlife Habitats; Recreation and Trails; and Historic Properties. Farmland priorities and preservation themes are mapped, and results are listed parcel by parcel in Appendix A of the Community Preservation Plan. Appendix A can be used to identify where priority farmland parcels align with priority natural and cultural resources.

Appendix B lists every parcel identified in Chatham containing at least one attribute contributing to community character. The broad array of resources evaluated results in nearly every parcel in the Town falling within at least one preservation theme. Funds for preservation efforts will always be limited and should be directed to the best opportunities for achieving the goals of the enabling legislation. The Community Preservation Plan can be used to focus preservation efforts on the highest scoring priorities and locations with overlapping preservation values. 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, public/private partnerships, and/or other cooperative agreements with private landowners. These are described in Part 3 of the Plan.



*Fresh Bales, Shaker Museum Road (K. Driessen)*

## **B. METHODOLOGY FOR ESTABLISHING PRESERVATION THEMES AND PRIORITIES**

The inventory and parcel prioritization process for this Plan was carried out during a series of monthly meetings from July 2021 through March 2022 by members of the Chatham Agricultural Partnership (CAP) and a project advisory team led by staff from the Hudson River Estuary Program of the NYS Department of Environmental Conservation, Cornell University, and the Columbia Land Conservancy. CAP reviewed the 2009 Agricultural Protection Plan and evaluated additional and updated natural and cultural resource information. CAP's focus and the highest priority of this Community Preservation Plan is farmland protection. The committee chose to build on the prior 2009 farmland prioritization methodology. After replicating the analysis with updated information, some adjustments were made to the criteria to develop the final updated farmland protection priorities, described below.

In addition to farmland, additional resources contributing to community character were evaluated according to Chatham's Community Preservation Fund enabling legislation. These resources were grouped into the following additional preservation themes: Aquifers and Water Resources; Scenic Ridgelines; Woodlands and Wildlife Habitats; Recreation and Trails; and Historic Properties. The Plan evaluated the presence/absence of these additional resources for every parcel in the Town, but did not score or prioritize them. Presence of additional preservation theme resources is noted for priority farmland parcels in Appendix A and for all parcels in Appendix B. The presence of additional preservation resources on the priority farmland parcels could be considered to elevate the importance of an agricultural parcel by achieving broader community preservation benefits. Parcels providing multiple community preservation benefits may have greater conservation value.

In August 2022, the Town Board tasked the Conservation Advisory Council (CAC) with further evaluation of non-farmland conservation priorities in the Plan. The CAC met with Estuary Program staff in October and November and reviewed and provided input on the mapping criteria used to determine the non-agricultural preservation themes. The CAC recommended including further detail on the acreage of mapped natural resources for listed parcels in Appendix B, which could be used as needed for further parcel evaluation. In addition, the CAC opted to include mapping for two focus areas to help prioritize future conservation efforts focused on major stream corridors and woodlands. The CAC noted the need for additional study to update the Town's mapping of scenic ridgelines and identify additional high priority scenic areas, and to undertake a community trail planning study.

The Community Preservation Plan provides a standard assessment framework for evaluating the relative conservation significance of parcels in the Town, but there may be additional factors not captured by this analysis that will inform funding recommendations. Preservation of working farms to sustain local agriculture is the top priority of this plan. Ultimately, should the Town of Chatham establish a Community Preservation Fund (CPF), the future CPF Advisory Board will have discretion over

recommending parcels for preservation to the Town Board based on an assessment of conservation value in addition to willing landowner interest, availability of funds, and eligibility as established through this Plan. The Town Board will have the ultimate decision-making authority over CPF expenditures.

## **FARMLAND PRESERVATION PRIORITIES**

To identify priority farmland parcels, CAP updated the Land Evaluation and Site Assessment (LESA) model developed in the 2009 *Town of Chatham Agricultural Protection Plan*. The original LESA model was designed to reflect criteria for eligibility under State and Federal farmland protection programs. In this way, highly ranked farm parcels in Chatham’s LESA model are also likely to be identified as meeting important funding criteria, which are described in further detail in the *Agricultural Protection Plan*.

Good agricultural soils are beneficial to farming and account for half of the LESA model score. County soil survey data for farmland soils were included in the model. Prime Farmland Soils as defined by the U.S. Department of Agriculture and New York State are considered the most productive soils for farming. Farmland Soils of Statewide Importance are soils that do not meet all criteria for Prime Farmland. Though not as productive as Prime Farmland, if managed properly, these soils can produce fair to good yields. In addition, some soils are classified as “Prime Farmland if Drained.” Some of these soils have been drained for farming while others meet the criteria for freshwater wetlands. Although farmland soils receive a heavy weight in the model, farms in some cases rely on average to poor soils, so it should not be the only criteria considered in conservation decisions. It is also noted that certain farming practices can improve soils over time.



Stan Staron at the wheel with freshly dug potatoes, Staron Farm is the largest potato grower in Columbia County (D. Staron)

An important component of the LESA model is the identification of “active farmland” both on and near farm parcels. CAP chose to define active farmland broadly, including recently abandoned or fallow



farmland that could be returned to agriculture. Active farmland in Chatham and within a ½ mile buffer area around the Town was delineated by digitizing farm fields based on 2019 National Agriculture Imagery Program (NAIP) aerial imagery and cross-checked with digitized farm fields from the 2009 plan and a similar 2016 farm field map produced by staff at Columbia Land Conservancy. Any parcel with at least 3 acres of fields was considered active or potential farmland and included in the analysis. Parcels with greater acreage of active or potential farmland received a higher score. There may be farm parcels with fewer than 3 acres of fields not captured by this analysis that should be considered to be eligible for protection if otherwise included in this plan. Mapped active and potential farmland is shown in Figure 3 (large format maps available in Appendix D).

The LESA model recognizes the importance of protecting a critical mass of farmland in Chatham to the viability of the local farm economy. Each farm is an anchor that provides stability for other nearby farms and the larger farm economy including farm-related businesses and services. In addition to the amount of farmland on the parcel itself, the model calculated the amount of active or potential farmland within a ½ mile buffer around the property, classified according to quantiles. A higher amount of farmland surrounding a property reflects proximity to other farms and potential opportunities for additional land access. Similarly, the model prioritizes farmland adjacent or in close to proximity (within ½ mile) to farms that are already protected by a conservation easement. Focusing preservation efforts in such areas will help to protect a critical mass of farmland.

Data obtained from the office of the assessor and from the 2021 comprehensive plan update's Community Wide Survey, revealed that many of our farmers rely on a patchwork of leased lands which may be combined with lands that they own. Furthermore, 21% of farmers stated that their operations were in danger of having to reduce or shut down. Farmers may be offered various options such as leasing/ selling productive ground for solar development or other non-agricultural uses. This tenuous relationship is of great concern to the Town of Chatham and has precipitated the Town to explore various methods to protect the viability of farmers' operations.

The model also includes surface water features such as streams, rivers, ponds, lakes, and wetlands, as well as 100-ft buffers around those features, and mapped 100 and 500-year FEMA floodplains. Surface waters may provide an important water source for irrigation or livestock. The preservation of natural buffers along waterbodies is one of the most effective strategies to protect clean water and aquatic habitats. On-farm natural habitats can also support pollinators and provide a host of additional environmental benefits. Surface water features were identified using the National Hydrography Dataset, DEC wetland map, and the National Wetlands Inventory. Note that additional small streams and wetlands are present in Chatham that are not captured by these maps.

The Federal Emergency Management Agency (FEMA) has mapped special flood hazard areas in Chatham including the 1% (100-year) and 0.2% (500-year) floodplains. The 1% flood hazard area is where the National Flood Insurance Program's floodplain management regulations must be enforced. Flood hazard areas are subject to periodic flooding and are changing with time as climate change

causes more frequent intense precipitation events. Preserving undeveloped floodplains also allows streams and rivers the space they need to meander and adjust their course over time, while reducing potential conflicts with infrastructure and development.



*Squash Taking in the Sun- Staron Farm*

Aquifers are considered separately in the model based on unconsolidated (sand and gravel) aquifer mapping from the New York Rural Water Association (NYRWA) for the Town of Chatham *Source Water Protection Plan* in 2017. Aquifers were mapped using a combination of detailed surficial geology mapping and subsurface data and occur in the valleys of Kinderhook Creek, the Valatie Kill, the Stony Kill, and the Kline Kill. Wells tapping these aquifers have much higher yields than bedrock wells, averaging 20 gpm. Areas where unconsolidated aquifers are situated in topographic highs (i.e., outside of valley low areas) with relatively gentle slopes have the highest hydrogeologic sensitivity to contamination. These are also the areas with higher aquifer recharge potential.

Table 3 summarizes the farmland prioritization criteria and scoring system for farmland parcels, with a maximum possible score of 100. Mapped farmland protection priorities are shown in Figure 4 (large format maps available in Appendix D).

| Table 3: Farmland Prioritization Criteria and Scoring System   |                  |
|--|------------------|
| Farmland Prioritization Criteria   | Potential Points |
| <b>Agricultural Soils</b> - ½ x Total Percentage of Prime Soils, Prime if Drained Soils, or Soils of Statewide Importance  | 50               |
| <b>Active Farmland</b> - Actively farmed area on the parcel itself<br>- >50 acres - 15 points<br>- 25-50 acres - 10 points<br>- 3-25 acres - 5 points  | 15               |
| <b>Adjacent Farmland</b> - Total acreage of active farmland area divided by total acreage within 1/2 mile of property<br>- 1-17% - 0 points<br>- 18-27% - 5 points<br>- 28-33% - 10 points<br>- 34-48% - 15 points                             | 15               |
| <b>Proximity to Protected Farmland</b> - Adjacency or location within ½ mile of protected farmland<br>-adjacent to protected farm- 10 points<br>-within 1/2 mile of protected farm- 5 points   | 10               |
| <b>Surface Water Features</b> - Percentage of property in a floodplain, or within 100 feet of a lake, pond, stream, or mapped DEC and NWI wetland, including any surface water features on the property<br>->25% 5 points<br>>0, <25% 2 points | 5                |
| <b>Aquifers</b> - Percentage of property underlain by a mapped aquifer from the Source Water Protection Plan<br>->25% 5 points<br>>0, <25% 2 points  | 5                |

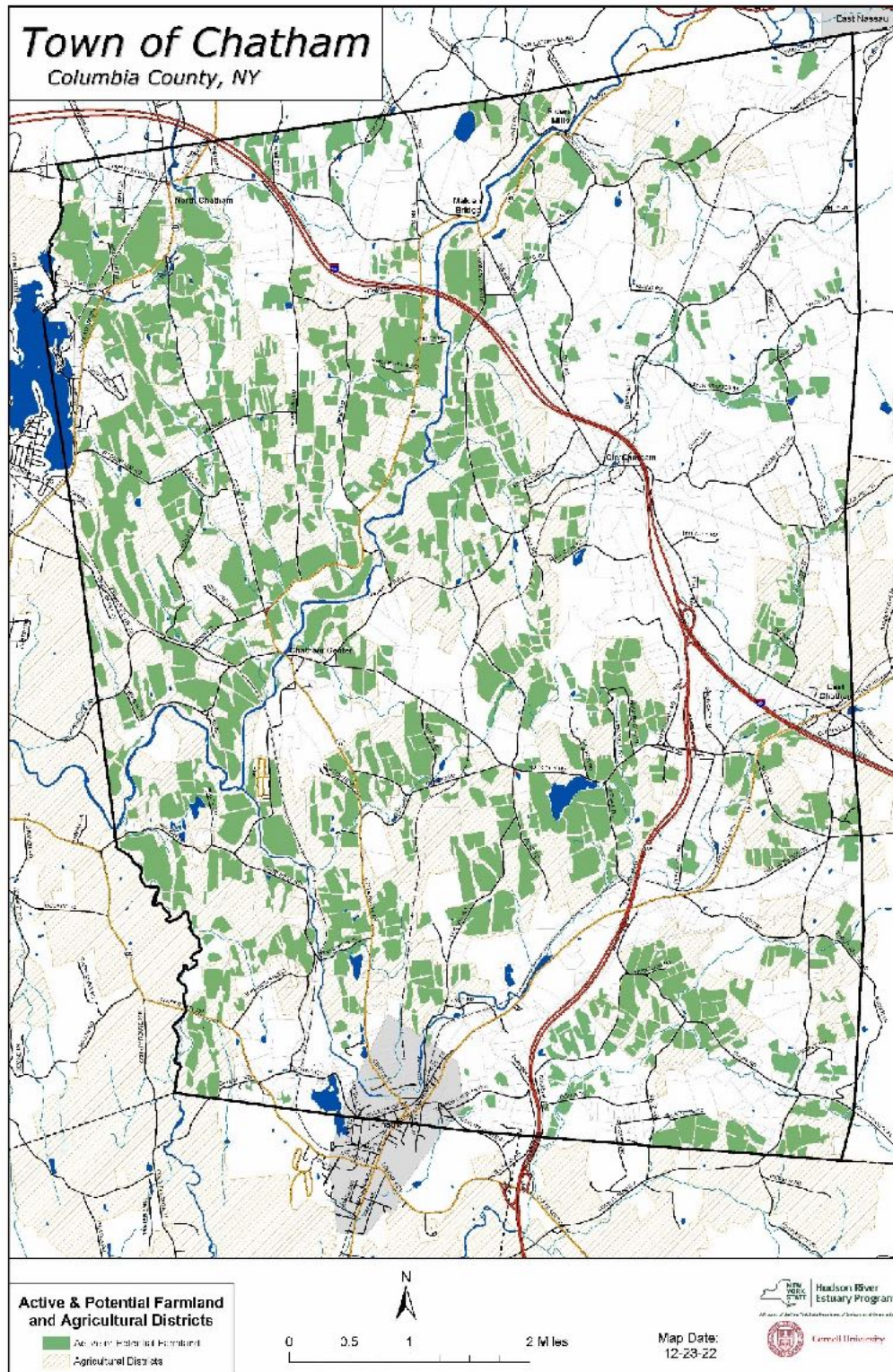


Figure 3: Active and Potential Farmland and Agricultural Districts in the Town of Chatham

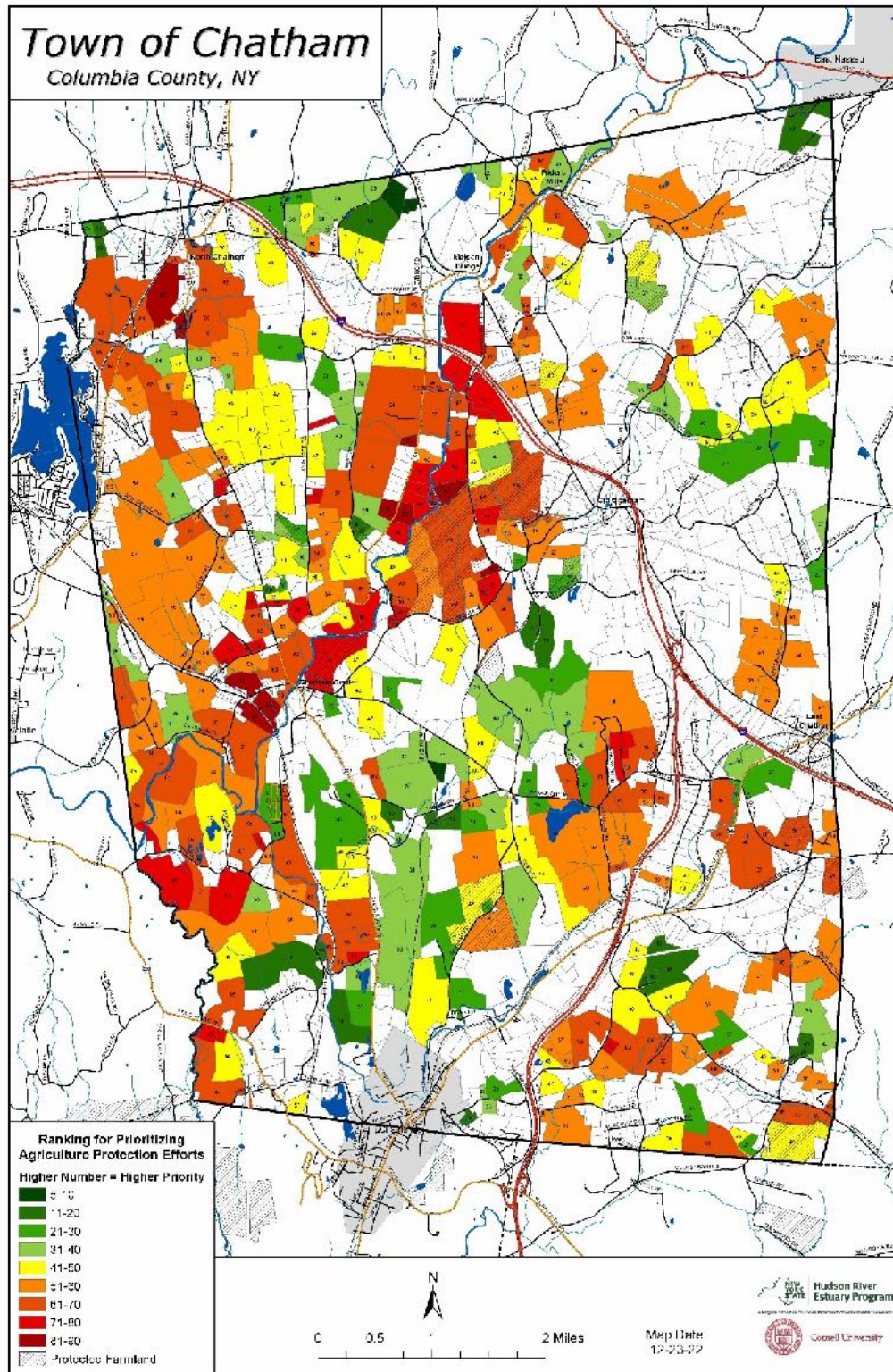


Figure 4: Farmland Protection Priorities in the Town of Chatham

## AQUIFERS AND WATER RESOURCE PRESERVATION PRIORITIES

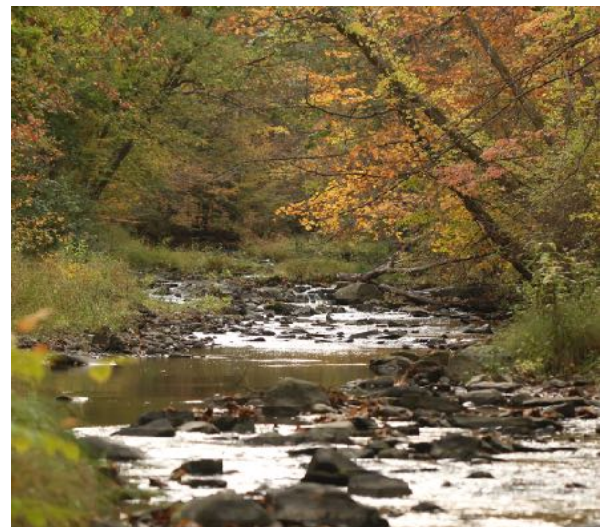
Parcels identified in this preservation theme contain one or more of the following:

- FEMA Flood Hazard Areas (100- and 500-year floodplains)
- Surface Water Features including streams, ponds, lakes, and DEC/ NWI wetlands, and a 100-foot buffer around them.
- Unconsolidated Aquifers mapped in the *Town Source Water Protection Plan*

These are the same criteria used for Surface Water Features and Aquifers in the Farmland Prioritization and are replicated here to identify other properties in the Town where important water resources are present. Mapped aquifer and water resource preservation priorities are shown in Figure 5 (large format maps available in Appendix D).

### *Stream Corridor Focus Area*

Given the wide geographic extent of aquifers and water resources in Chatham, the Plan also identifies a Stream Corridor Focus Area to aid in priority-setting. The focus area encompasses a 600-foot buffer along the main stem of Kinderhook Creek and several of its major tributaries, including the Stony Kill, Kline Kill, Indian Creek, and Green Brook, based on the significance of these streams and adjacent riparian areas for aquatic habitat and fisheries, erosion and flood control, plant and animal habitat and travel or dispersal corridors, and groundwater supplies. The Kinderhook, Stony Kill, and Kline Kill are cool temperature medium rivers, while Indian Creek and Green Brook are smaller coldwater creeks and headwaters. The main stem of the Kinderhook is stocked annually with brown trout while the focus area tributaries are classified as trout-spawning waters capable of supporting wild trout populations. The 600-foot buffer is based on scientific guidance to protect water quality and benefit terrestrial wildlife along streams.<sup>23</sup>



*Stony Kill Creek at Crellin Park in Chatham  
(Hawthorne Valley FEP 2020)*

Conserving or restoring forested or vegetated buffer areas along these streams is beneficial for clean water, cool temperatures required by trout, providing natural travel corridors for wildlife movement, and will help avoid or minimize damages from flood events. The valleys along these streams also coincide with the Town's major high-yield aquifers, which offer the

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<sup>23</sup> Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina, <https://www.ncwildlife.org/portals/0/conserving/documents/conservingterrestrialhabitatsandspecies.pdf>

greatest opportunity for public water supply. This focus area also overlaps with many priority agricultural parcels in the Town.

## WOODLANDS AND WILDLIFE HABITAT PRESERVATION PRIORITIES

Parcels identified in this preservation theme contain one or more of the following:

- Important Areas for rare animals, rare plants, or significant natural communities
- Forest at least 100 acres in size (at least 3 acres of which is present on the parcel)
- Core forest at least 250 acres in size
- Floodplain forest

The New York Natural Heritage Program (NYNHP) has mapped significant natural communities and important areas for sustaining populations of rare animals and rare plants in Chatham based on documented occurrences.<sup>24</sup> These areas include the specific locations where a species has been observed, the adjacent habitat, as well as areas critical to maintaining the habitat. A rare habitat known as a calcareous cliff community is documented on a steep knoll called Tony's Nose in Chatham. Such habitats are associated with calcium-rich bedrock and often support rare plants, such as smooth cliff brake (a fern), documented in Chatham. The mapped important areas for rare animals encompasses riparian habitat for the ostrich fern borer moth along upper Kinderhook Creek, and for several rare dragonflies associated with high quality stream habitat, such as the umber shadowdragon and russet-tipped clubtail.



*Piliated Woodpecker, Chatham (L. Laurange)*

Large forests provide vital habitat to numerous species of plants and wildlife. In general, larger, more connected, intact forests are more valuable for wildlife habitat. This Plan considers forests at least 100 acres in size based on NYNHP's Hudson Valley Forest Condition Index (FCI).<sup>25</sup> Forests with core habitat (at least 100 meters from the forest edge) greater than 250 acres in extent are more likely to support populations of forest-interior wildlife including many songbirds requiring large intact forest areas to

<sup>24</sup> Natural Heritage Important Areas, <https://www.nynhp.org/projects/udson-river-important-areas/>

<sup>25</sup> Hudson Valley Forest Condition Index, <https://www.nynhp.org/projects/udson-valley-forest-patches/>

successfully sustain populations. Preserving large, connected forests will also help many plants and animals to move or shift range as the climate warms. Core forests at least 250 acres in size in Chatham were identified using the FCI dataset and are based on an analysis of 2016 forested land cover. Woodland and Wildlife Habitat preservation priorities are shown in Figure 6 (large format maps available in Appendix D).

Floodplain forests are a subset of forest habitats, home to a unique suite of plants and animals that tolerate occasional flooding, such as the ostrich fern borer moth. The Farmscape Ecology Program at Hawthorne Valley Farm has mapped recent and “ancient” floodplain forests, forested since at least the 1940s, based on analysis of historical aerial photos, soils, and vegetation surveys.<sup>26</sup> A small fraction of floodplains in Chatham are forested today; where they remain, they are a priority for conservation for their habitat value and flood control benefits.

Notably, many farms in Chatham include examples of natural areas identified in this preservation theme, as well as other habitats of value to nature conservation.

### **Old Chatham Forest and Biodiversity Focus Area**

Although forests are common throughout Chatham, large forests including core forests greater than 250 acres are found primarily in the northeast corner of the Town. The Plan identifies this Old Chatham Forest and Biodiversity Focus Area to highlight several large, intact forests with good core forest habitat, overlapping with important areas for biodiversity along the upper Kinderhook Creek and Green Brook. It is approximately bounded to the south by I-90, to the west by Pitts Rd, and to the north and east by the Town boundary. The largely forested landscape of this corner of Chatham is likely due to the higher elevations and more pronounced topography in this area, which reflects the transition from the Slate Hills to the Taconic Mountains physiographic region.<sup>27</sup>

The Old Chatham Forest and Biodiversity Focus Area has relatively good habitat connectivity to larger forests of the Rensselaer Plateau and Taconic Ridge



*Hickory Hairstreak (Hawthorne Valley FEP)*

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<sup>26</sup> Knab-Vispo, Claudia and Conrad Vispo. 2010. Floodplain Forests of Columbia and Dutchess Counties, NY: Distribution, Biodiversity, Classification, and Conservation. Farmscape Ecology Program, Hawthorne Valley Farm. Ghent, NY. [http://hvfarmscape.org/sites/default/files/fep\\_floodplain\\_forest\\_report\\_nov\\_2010.pdf](http://hvfarmscape.org/sites/default/files/fep_floodplain_forest_report_nov_2010.pdf)

<sup>27</sup> A physiographic region is a large area with distinctive topographic relief, landforms, and geology. A map of physiographic regions is provided in the 2017 *Source Water Protection Plan*.



(US Route 20 posing the main barrier). Notably, the forest patch east of County Route 13 ranks in the top 91<sup>st</sup> percentile of Hudson Valley forests in the FCI, while four other forest patches in the focus area rank above 80<sup>th</sup> percentile. This area also provides watershed protection to the Green Brook, one of the highest quality streams in Chatham.



*Leaf Beetle in floodplain forest, Kinderhook Creek (Hawthorne Valley FEP)*

Conserving large forests such as these is vital for wildlife and biodiversity and contributes to clean surface and groundwater supplies, managing stormwater runoff, carbon storage and sequestration, local climate moderation, and opportunities for forestry and related economic activities. Although there is little overlap between this focus area and the priority agricultural parcels, the Town may wish to pursue conservation projects in this area if opportunities arise.



*Woodlands of Chatham (L. Laurange)*

## SCENIC RIDGELINE PRESERVATION PRIORITIES

Parcels identified in this preservation theme contained part of a highly-visible scenic ridgeline, as mapped by GIS consultant Don Meltz for the Town's 2009 *Comprehensive Plan* and described in the *Comprehensive Plan Appendix*. The scenic ridgelines were mapped through a GIS viewshed analysis based on locations along town roads throughout Chatham with documented views of scenic ridgelines. Scenic ridgeline preservation priorities are shown in Figure 7 (large format maps available in Appendix D).

Preservation of scenic ridgelines is a high priority in Chatham because of their visual prominence as rural landmarks. They contribute to the rural character and beauty of Chatham's landscape that Town residents have repeatedly expressed as highly important. Note that the scenic ridgeline data have not been verified, and that many other locations in the Town undoubtedly have scenic value, including agricultural lands adjacent to roads, bridge crossings over streams, and other natural settings. The Town should pursue a town-wide scenic resource inventory to inform future planning and conservation efforts.



*Barn on Phelps Road (P. Lyden)*

## RECREATION AND TRAIL PRESERVATION PRIORITIES

Parcels included in this preservation theme include those located adjacent to existing trails, parks, or public recreation areas, including: the Empire State Trail (e.g. Albany-Hudson Electric Trail), Crellin Park, New Town Park, Chatham Central School District Property, PS21, Powell Wildlife Sanctuary, Freund Wildlife Sanctuary, and Ooms Conservation Area. Parcels adjacent to these existing recreation areas and trails may buffer these properties from development on surrounding lands, as well as offer potential for expansion of trails or facilities. These lands, as presently managed, individually also support some of the other themes in the plan. For example, the Powell Wildlife Sanctuary contains 145 acres of a core forest (at least 250 acres in area), supporting the protection of wildlife habitat and woodlands. Current recreation and trail properties are shown in Figure 8 (large format maps available in Appendix D) and are described in Part 1 of the Plan.

The Town should consider a future planning effort to identify additional trail development and linkage opportunities. In addition, the Town’s many dirt/gravel roads are widely used for walking, biking, and horseback riding, and could contribute act as linkages in a broader trail system.



Ooms Conservation Area

## HISTORIC PRESERVATION PRIORITIES

Properties located on the State and National Registers of Historic Places were included in this preservation theme, including all properties within the historic districts. These include:



Society of New Concord Meeting House

- Knollcroft
- Peck House
- Wilbor House
- James G. Van Valkenburgh House
- John S. Williams House and Farm
- Rowe-Lant Farm
- Parcels within the New Concord Historic District
- Parcels within the North Chatham Historic District
- Parcels within the Riders Mills Historic District

Historic districts and properties are shown in Figure 9 (large format maps available in Appendix D) and are described in Part 1 of the Plan.

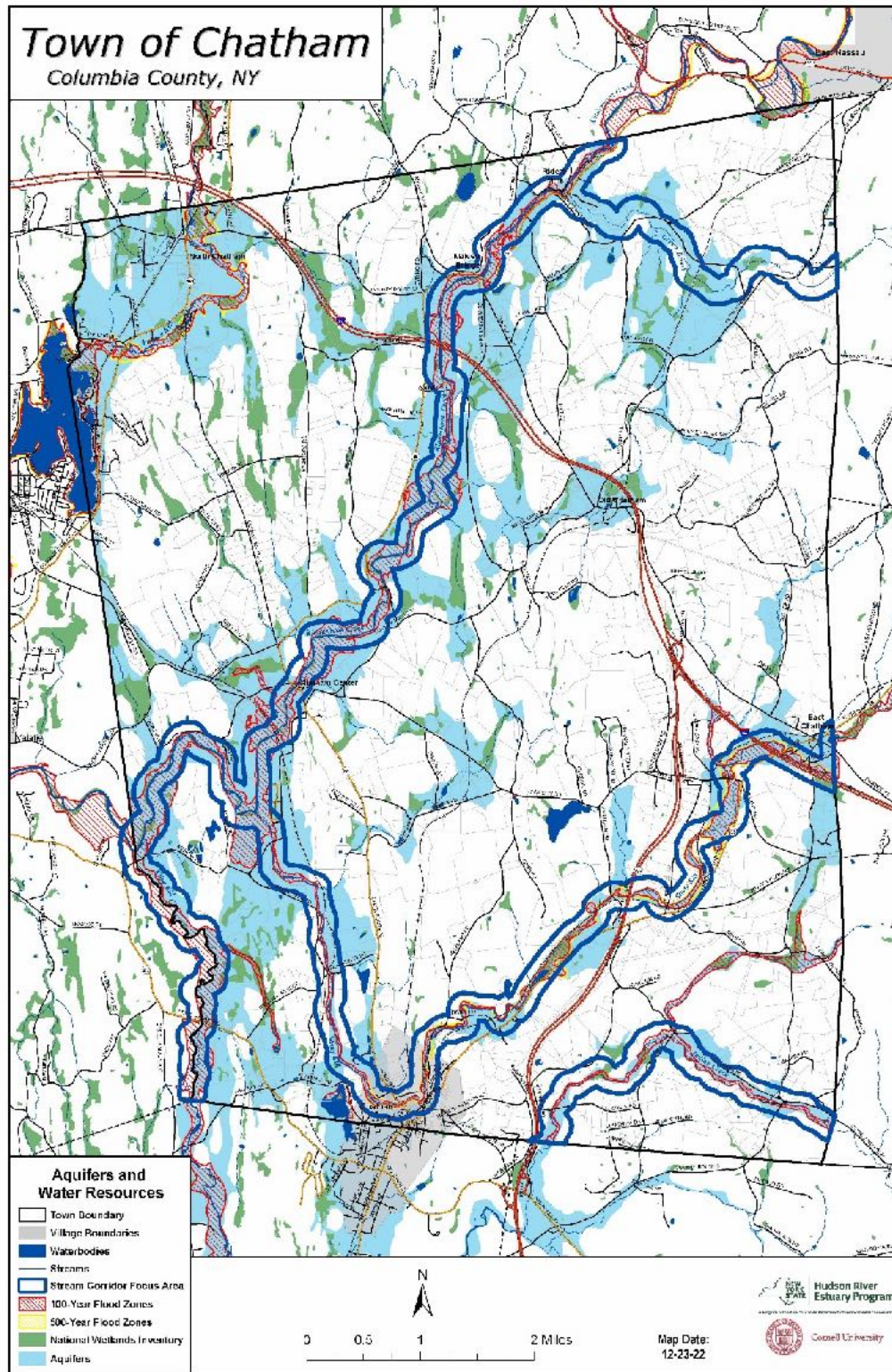


Figure 5: Aquifers and Water Resources in the Town of Chatham

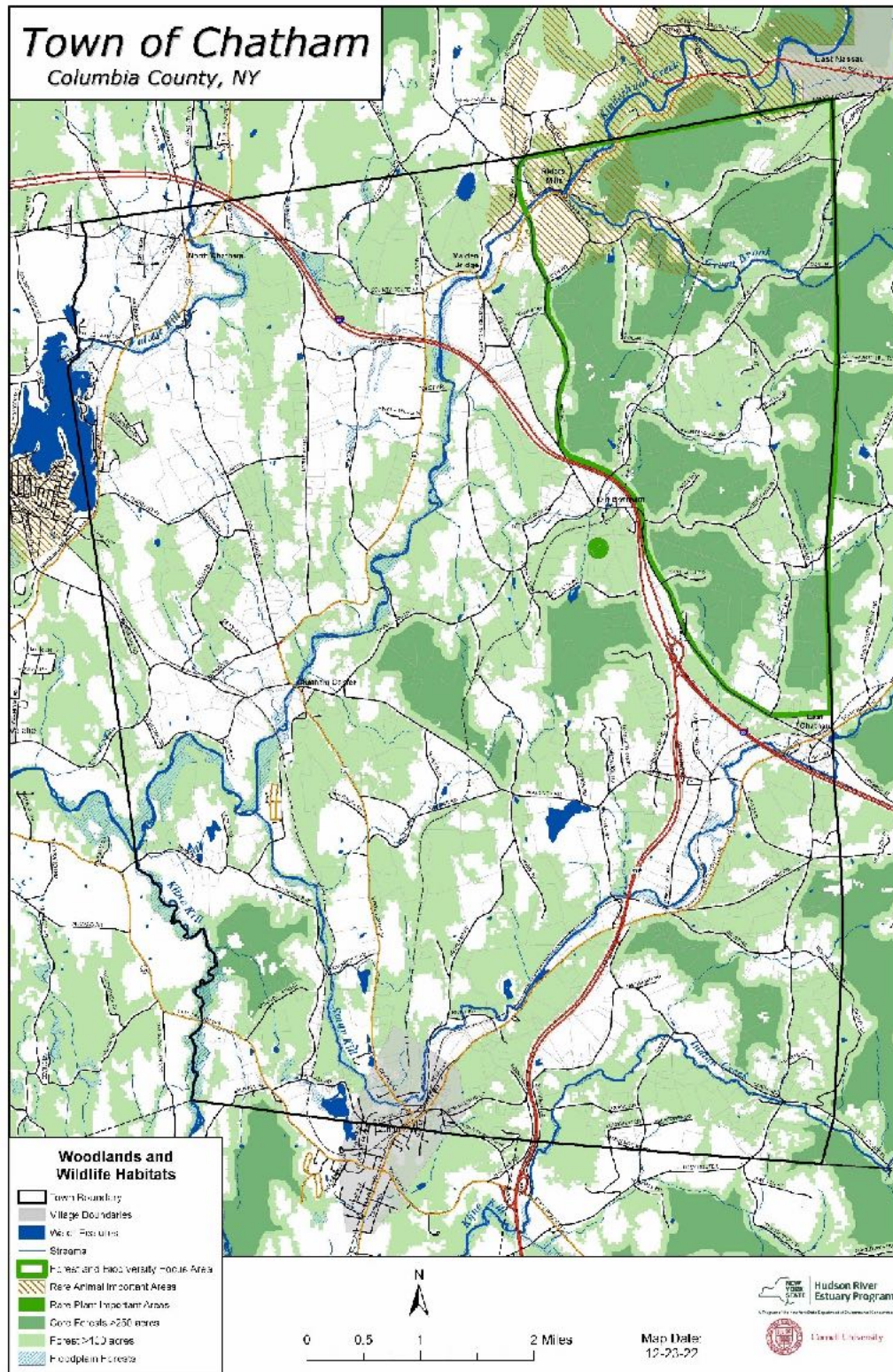


Figure 6: Woodlands and Wildlife Habitats in the Town of Chatham

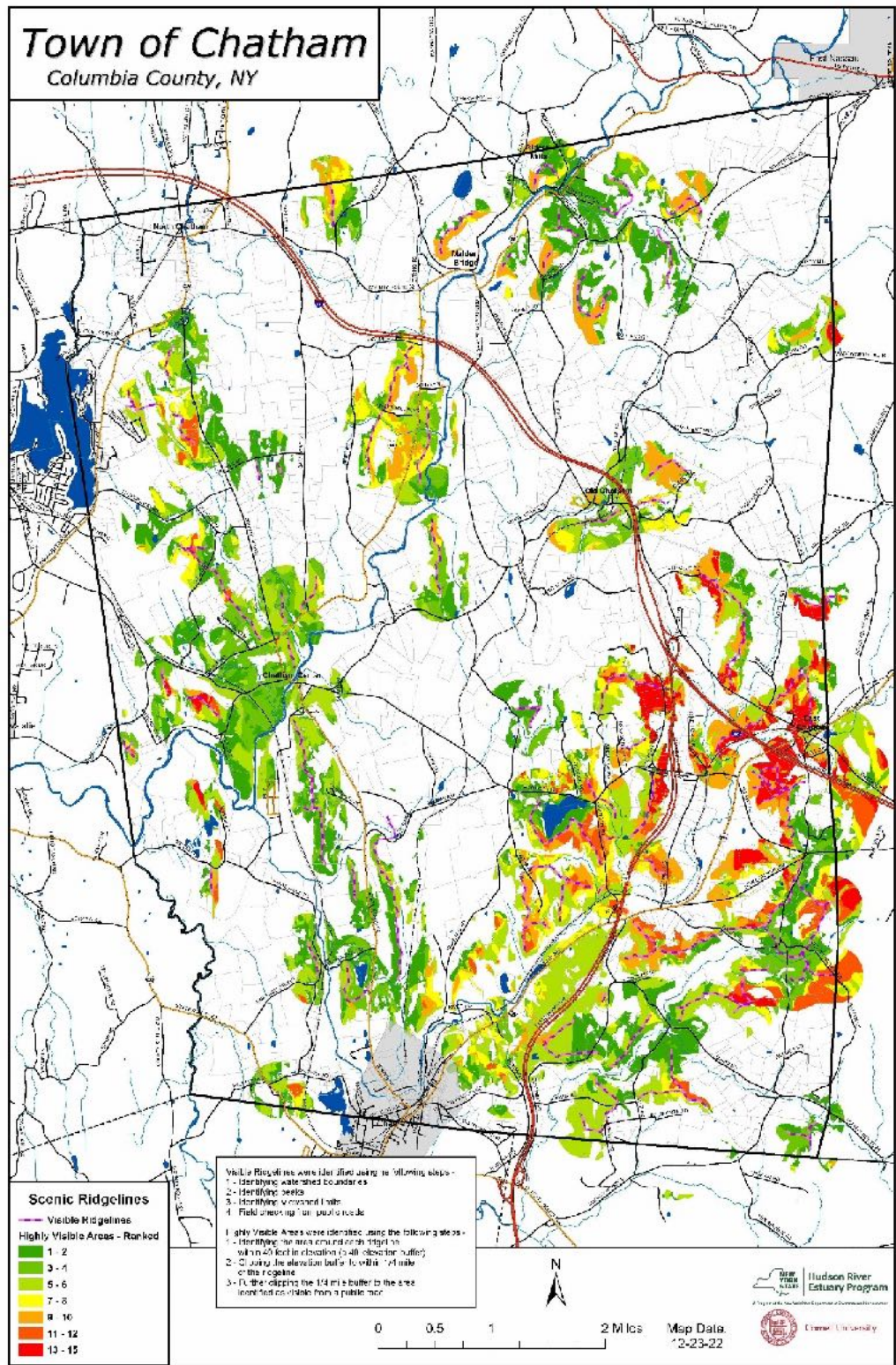


Figure 7: Scenic Ridgelines in the Town of Chatham

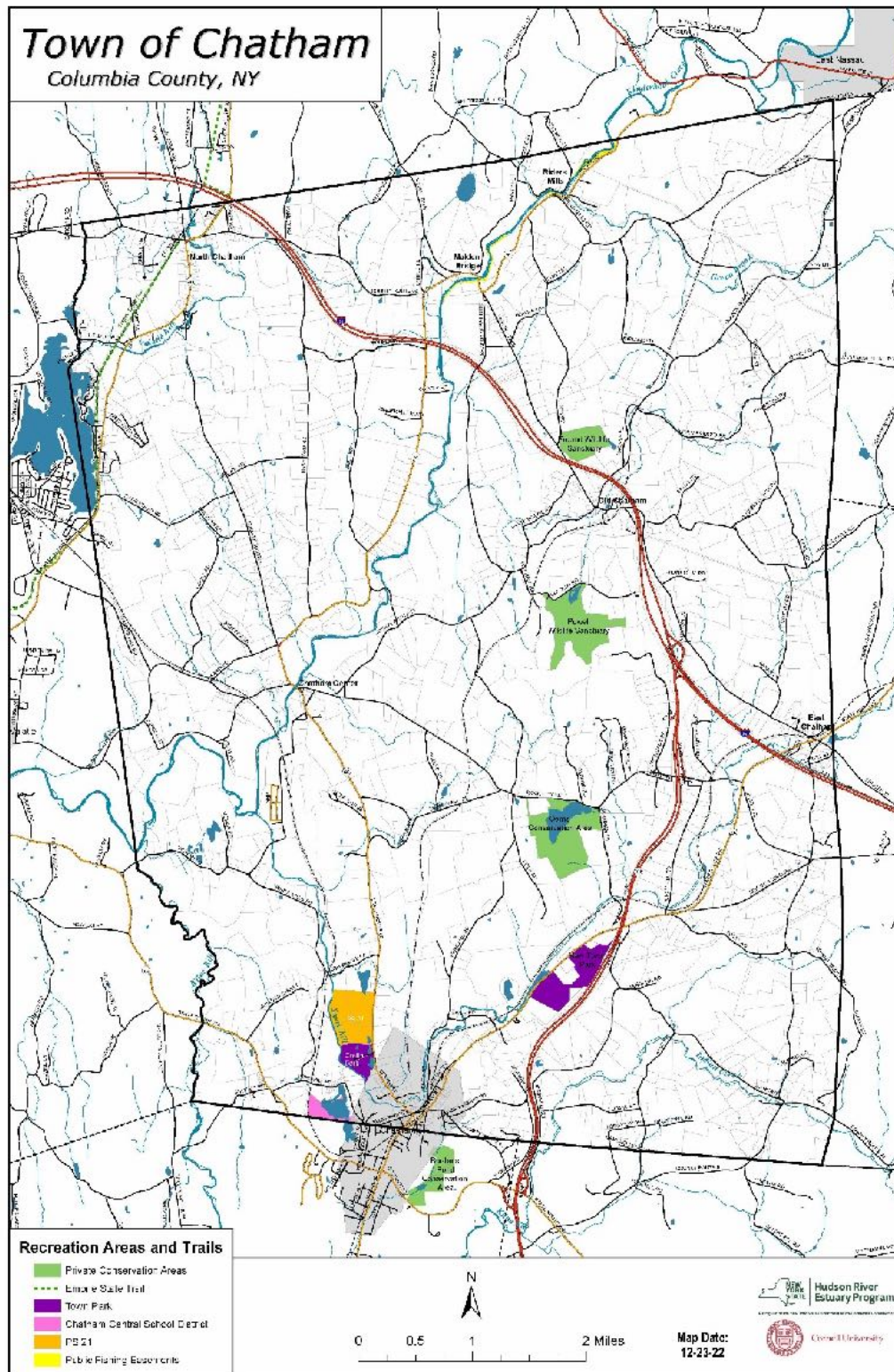


Figure 8: Recreation Properties and Trails in the Town of Chatham



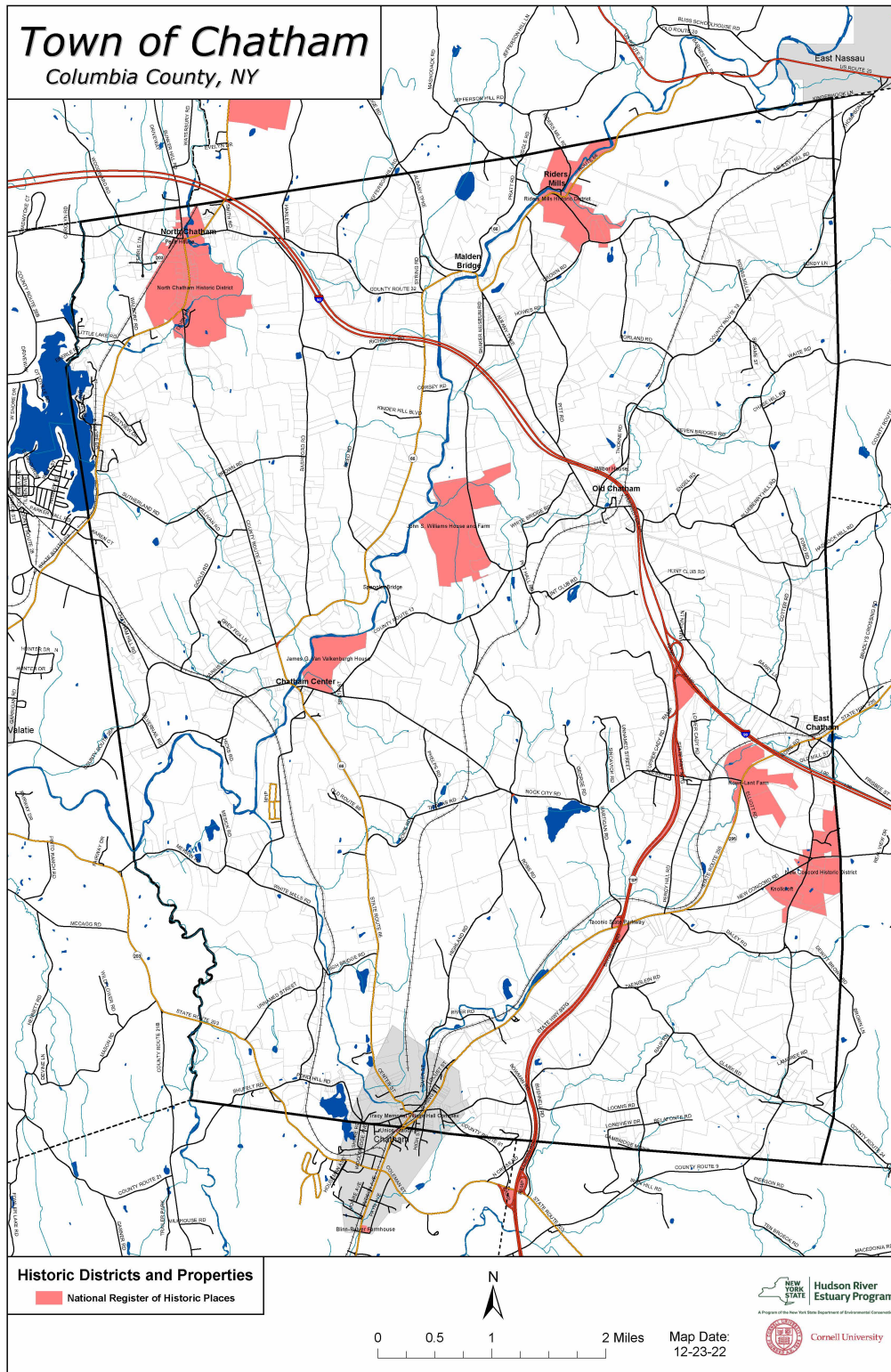


Figure 9: Historic Districts and Properties in the Town of Chatham

## C. SUMMARY OF PRESERVATION THEMES AND PRIORITY PARCELS

The Community Preservation Plan identifies 2,277 parcels in the Town of Chatham and 341 parcels in the overlapping Town and Village containing at least one resource contributing to community character. Of these, 350 parcels were identified as potential priorities for farmland protection, totaling 16,152 acres. Table 4 breaks down the numbers of parcels and acreage in each preservation theme – note that parcels may contain resources spanning multiple themes.

The listing of a parcel in this Plan does **not require** any action by the Town or on the part of the landowner. Rather, it establishes eligibility for potential future use of a Community Preservation Fund to advance protection of priority resources contributing to agriculture and the rural, scenic, natural, and historic character of the Town of Chatham. Conservation projects would only be pursued with willing landowners. Note that some parcels included in the plan may already be held under some level of protection by conservation organizations, held under conservation easement/agricultural easement, or owned by government agencies, and would not be eligible for expenditure of the CPF unless doing so would fully protect the property.

| <b>Preservation Theme</b>         | <b># of Parcels</b> | <b># of Acres</b> |
|-----------------------------------|---------------------|-------------------|
| Farmland                          | 350                 | 16,152            |
| Aquifers and Water Resources      | 2,005               | 28,317            |
| Scenic Ridgelines                 | 1,031               | 21,159            |
| Woodlands and Wildlife Habitats   | 1,015               | 25,324            |
| Recreation and Trails             | 99                  | 2,272             |
| Historic Properties and Districts | 125                 | 1,311             |

A detailed list of priority farm parcels is provided in Appendix A. A list of all parcels containing at least one preservation theme for parcels in the Town of Chatham (outside of the Village) is provided in Appendix B. A list of parcels containing at least one preservation theme in the overlapping Town and Village of Chatham is provided in Appendix C. Large format maps showing priority resources and parcels are provided in Appendix D.

The methodology used to identify preservation values and priorities in this Plan is broad and inclusive. It emphasizes intact, connected resources such as:

## TOWN OF CHATHAM COMMUNITY PRESERVATION PLAN

- large areas of contiguous farmland;
- stream corridors;
- core woodlands and wildlife habitats; as well as
- opportunities to expand from existing protected areas, farmland, trails and to create a more connected conservation network.

The results indicate that nearly every parcel in Chatham contains at least one attribute contributing to community character. It would be impossible to protect all parcels identified within this Community Preservation Plan, even if every landowner were willing. Part 3 of the plan discusses other land use tools and strategies available to the Town to preserve priority resources. Part 4 of the plan describes potential conservation partners and additional grant funding sources for land conservation projects.



*Double Rainbow (K. Driessen)*



# **PART 3: SUMMARY AND EVALUATION OF LAND USE ALTERNATIVES TO PROTECT COMMUNITY CHARACTER**

## **A. INTRODUCTION**

The following section focuses on the regulatory and other alternatives currently available to the Town of Chatham to preserve important resources contributing to community character. For each of the themes in the plan, the applicable land use alternatives are identified.

## **B. IDENTIFICATION AND SUMMARY OF LAND USE ALTERNATIVES**

### **EXISTING ZONING REGULATIONS**

Chapter 180 of the Town of Chatham Code (Zoning) regulates the location of land uses within the Town of Chatham as well as the permitted intensity of land use within each zoning district. The Town’s zoning regulations have significant implications for the preservation of community character in the Town outside the Village of Chatham, which has its own distinct zoning and land use regulations.

Other land use regulations in the Town of Chatham that shape community character include the Subdivision of Land (Ch. 170), Conservation Subdivision (Ch. 135), and Flood Damage Prevention (Ch. 140).

#### **Current Zoning Code**

The current zoning divides the Town of Chatham into 10 zoning districts. Of the 10 zoning districts, the RL-1 (Rural Lands One), RL-2 (Rural Lands Two), and RL-3 (Rural Lands Three) zoning districts cover around 94% of the Town (all of the town outside the village of Chatham). These three zoning districts are key in terms of preserving Chatham’s farmland and open space resources and rural, agrarian character.

The RL-1 (Rural Lands One) zoning district has the lowest intensity of land use of any zoning district, permitting low impact land uses, with a minimum residential lot size of 10 acres. The criteria used in selecting areas zoned RL-1 include the lack of roads or road network within the area; the topography of the land/presence of steep slopes, presence of wetlands, remoteness from population concentrations, and the suitability or unsuitability of the land for sewage drainage fields. Permitted land uses by right are:

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- Agricultural, including nurseries and greenhouses;
- Forestry;
- Golf courses;
- Public outdoor recreation;
- Single-family dwelling (up to 2 dwellings per 10-acre lot).

Other uses permitted with Special Permit<sup>28</sup> in the RL-1 district are:

- Animal hospital;
- Commercial horse farms and riding academies;
- Clubhouse, in connection with golf course or other outdoor recreation facility;
- Nonprofit recreation facilities;
- Public buildings Residential cluster;
- Travel trailer camps;
- Water recreation and water storage facility.

The RL-2 (Rural Lands Two) zoning district contains the majority of farm lands in Chatham and the intent of this zoning district is to protect the Town's agricultural sector against incompatible land uses which may adversely impact agricultural operations and investments and Chatham as an agricultural community. The minimum required lot size in the zoning district is 5 acres. Permitted land uses by right are:

- Agricultural, including nurseries and greenhouses and sale of farm produce;
- Commercial horse farms and riding academies;
- Forestry;
- Golf course and tennis courts;
- Public outdoor recreational facility;
- Single-family dwelling (up to 2 dwellings per 5-acre lot);
- Two-family dwelling;

Other uses permitted with Special Permit in the RL-2 district are:

- Animal hospital;
- Cemeteries;
- Churches;
- Commercial horse farms and riding academies;

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<sup>28</sup> Per Section 180-44, Approval of Special Permits, the Zoning Board of Appeals "...shall grant special use permits upon the finding by the Board that granting this special use permit will be in harmony with this chapter and will not adversely affect the neighborhood in which the use will occur," and "shall have the authority to impose such reasonable conditions and restrictions as are directly related to an incidental to the proposed special use permit."

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- Clubhouse, in connection with golf course or other outdoor recreation facility;
- Drive-in theaters;
- Mobile home parks;
- Nonprofit recreation facilities;
- Planned business development;
- Public and semipublic buildings and uses;
- Recreational facilities and recreational buildings;
- Residential cluster<sup>7F29</sup>;
- Summer camps and retreats;
- Travel trailer camps;
- Water recreation and water storage facility.

The intent of the RL-3 (Rural Lands Three) zoning district is to provide for rural residential development at a low density (though higher than in RL-1 or RL-2), in areas of the Town where soils exhibit good drainage characteristics and can safely accommodate on-site sewer systems. These areas are also serviced by good roads capable of safely handling typical traffic. The minimum required lot size in the zoning district is 3 acres. Permitted land uses by right are:

- Public or private school;
- Single-family dwelling (up to 2 dwellings per 3-acre lot);

Other uses permitted with Special Permit in the RL-2 district are:

- Churches;
- Hospitals or clinics;
- Mobile home parks;
- Nonprofit recreational areas;
- Planned business development;
- Public buildings;
- Residential cluster;
- Water recreation and water storage facility.

While zoning methods can help guide development away from important resources and avoid or mitigate impacts to them, zoning is an insufficient tool to fully protect many resources and conservation values. Nonetheless, zoning is an important tool to assist the Town in working towards achieving its community preservation goals.

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<sup>29</sup> Residential Cluster is defined in Section 180-4 is: "A device of the law to allow flexibility of development of housing with provisions for open space for the smaller projects that would not be possible under other provisions of this chapter."

## **Subdivision of Land**

Chapter 170, Subdivision of Land, and Chapter 135, Conservation Subdivisions, of the Town of Chatham Code regulates the subdivision of lands within the Town outside the limits of the incorporated village. The statute states that the Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential development and to the community, such as large trees or groves, watercourses and waterfalls, beaches, historic spots, vistas and similar irreplaceable assets.

The Planning Board has the authority, based on Chapter 135 of the Town of Chatham Code, to require conservation subdivision design, a variation of the cluster subdivision concept that emphasizes the protection of the ecological and scenic assets of a site and the community. The authority extends to subdivisions defined in the Town Code as “major” subdivisions (5 lots or more, or any size subdivision requiring any new street or extension of municipal facilities), or to parcels greater than 50 acres in size and for which an applicant seeks subdivision of such parcel into more than three parcels. In addition, any applicant who so chooses may utilize these provisions.

According to Section 135-1, the purposes of the conservation subdivision concept in the Town of Chatham are:

- To conserve open land, including those areas containing unique and sensitive natural features such as steep slopes, streams, floodplains, critical wildlife habitats, and wetlands;
- To protect agricultural areas by conserving blocks of land large enough for continued agricultural operations;
- To conserve elements of the Town's rural character, and to minimize views of new development from existing roads;
- To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads and the amount of paving required;
- To provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups;
- To create neighborhoods with direct visual or physical access to open land and that have strong neighborhood identity consistent with the rural character and traditional settlement patterns of the Town;
- To provide standards reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties.

The regulations require a detailed site inventory and site analysis plan that includes the development site and lands within 500 feet of it. The site inventory and analysis mapping shall include:

- Slopes of 25% or greater;
- Water resources including wetlands; known aquifer and aquifer recharge areas; flood-prone areas; streams and other water bodies;
- Agricultural lands within a New York State certified agricultural district or, lands within 500 feet of an agricultural district, or lands with soils classified in groups 1 to 4 of the NYS Soil Classification System;
- Lands within or contiguous to a Critical Environmental Area;
- Lands contiguous to publicly owned or designated open space areas or privately owned, designated natural areas;
- Structures or sites having received national, state or local historic designation or for which evidence exists of significant historic value;
- Scenic viewsheds and special features identified in the Town Comprehensive Plan;
- Significant natural areas and features including areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species; mature forests over 100 years old; locally important vegetation (such as trees over 24 inches in diameter at breast height); or unique natural or geological formations;
- Existing and potential walking, hiking or equestrian trails, bikeways, and pedestrian routes of Town, county or state significance;
- Lakes, ponds or other significant recreational areas or opportunities or sites;
- General locations of vegetative cover conditions on the property according to general cover type, including cultivated land, grassland, old field, hedgerow, woodland and wetland, isolated trees with a caliper in excess of 12 inches;
- Any ridgelines on the property;
- Location and dimensions of all existing streets, roads, buildings, utilities and other man-made improvements;
- All easements and other encumbrances on the use of the property, including conservation easements.

The conservation subdivision process includes a four-step design process to be followed by the applicant in collaboration with the Planning Board. Step 1 consists of delineation of open space lands using the mapping created as part of the site analysis. Primary conservation areas consist of streams



and other water bodies, floodplains, wetlands and slopes over 25%. Secondary conservation areas that consist of natural and cultural resources on the tract that would ordinarily be overlooked or ignored during the design process, such as agricultural lands, woodlands, significant natural areas and features, stone walls, hedgerows, meadows, historic structures and sites, historic rural corridors, scenic viewsheds, and trails. These are prioritized in terms of highest to least suitability for inclusion in the developed areas of the site.

Step 2 consists of locating the house sites using the proposed open space lands map developed in Step 1 to identify the best locations from the standpoint of protecting primary conservation areas and secondary conservation areas. Step 3: consists of laying out streets and pedestrian paths within the proposed development. The street plan shall be designed to provide vehicular access to each residence, in a manner that reflects site topography and minimizes impacts on proposed open space lands especially in crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 25%. Finally, Step 4 consists of drawing proposed lot lines to delineate the boundaries of individual residential lots.

The design of a conservation subdivision must preserve at least 50% of the tract's total acreage as open space land, with at least 50% of the minimum required open space usable for active recreational or agricultural activities. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a conservation easement or deed restriction. Maximum impervious coverage in the form of access drives, parking areas or structures shall not exceed more than 35% of any given acre of land.

Conservation subdivision has limitations in that its purpose is to balance resource conservation with development—but that very development may damage or compromise the resources that should, ideally, be protected. These regulations limit development to a certain extent, but do not fully protect resources or prevent a landowner from subdividing and developing buildable property.

### **Parkland and Recreation Fees**

Section 170-19 of the Town of Chatham subdivision regulations, authorizes the Planning Board to require the developer to set aside or reserve land for public parks or playgrounds. The amount of land required to be dedicated is five acres of recreation space per 100 dwelling units proposed. In no case however can the Planning Board require dedication of more than 10% of the land in the parcel being proposed for subdivision.

For sites where due to the configuration of the site, topography, or other constraints, no suitable land for park, playground or other recreation purposes be identified, the Planning Board has the authority to waive the parkland requirement and require a payment in lieu of land to the Town. This money must

be allocated toward improvements to public parks and recreation facilities or acquisition of park land elsewhere in the Town.

### **Flood Damage Prevention**

Chapter 140 of the Town of Chatham Code, Flood Damage Prevention, is intended to reduce the potential for damage and loss to property in the Town of Chatham from flooding and erosion. This may include destruction or loss of private and public housing stock, damage to businesses and industry, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. The provisions of Chapter 140, among other purposes, are intended to promote the public health, safety and general welfare by directing development away from identified Areas of Special Flood Hazard and the streams contained within them, or ensure that development in such areas is done in a manner to minimize the potential for loss or damage of property. Specific provisions include:

- Regulation of land uses which are dangerous to health, safety and property due to water or erosion hazards, or which may result in damaging increases in erosion or in flood heights or velocities;
- Requirements that land uses vulnerable to floods be protected against flood damage at the time of initial construction;
- Regulation of filling, grading, dredging and other development which may alter natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;
- Regulation of the construction of flood barriers which may unnaturally divert floodwaters or which may increase flood hazards to other lands.

Flood damage prevention laws when utilized in coordination with zoning and subdivision regulations can be an effective tool for protecting riparian corridors. Where aquifers occur along stream corridors, this law may help protect groundwater, too. Note, however, that the regulations do not prevent development in flood-prone areas; rather, they regulate how development may proceed in these high-risk areas.

### **Village of Chatham**

The Village of Chatham, located astride the border between the Town of Chatham and Town of Ghent is a separate incorporated governmental unit from the Town of Chatham. The Village controls land use and development within the 0.65 sq. mi. of the Town it occupies. The Village of Chatham zoning and other land use regulations can be found at: <https://ecode360.com/CH1066>.

## OTHER LAND USE ALTERNATIVES

In addition to the land use regulatory mechanisms adopted by the Town of Chatham and described in the previous section, there are a number of other land use alternatives that can supplement these regulatory mechanisms. These non-regulatory approaches can be enacted at the Town level to enhance the effectiveness of other community initiatives to better protect open space resources and community character.



Clocktower, Main Street, Village of Chatham (K. Stumph)

### Agricultural Districts

Since its adoption in 1971 Article 25-AA, the county-level Agricultural Districts program that authorizes under the New York Agriculture & Markets Law has provided for the protection and enhancement of agricultural lands, and the viability of farm operations in certified agricultural districts. The Agricultural Districts program also served to promote the availability of land for farming purposes and has provided farmers protection from adverse local government policies toward agricultural operations. Benefits to farmers who participate in the agricultural districts programs include:

- Limits on the ability of county and local governments to assess agricultural lands at levels higher than the agricultural value of the land;
- Limits on the power of local governments to impose benefit assessments or other levies for certain public infrastructure investments such as water and sewer and limits on the use of eminent domain for specific public infrastructure projects;

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- Provides farmers and agricultural operations located within County sponsored agricultural districts protections against local zoning regulations that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices;
- Requires that an agricultural data statement accompany applications for certain planning and zoning actions by a local government that may impact farm operations within an agricultural district, or lands within five hundred feet of such farm operations include.

The agricultural district program caps land assessment values at those for agricultural uses, as opposed to the value as developable land. This provides a property tax incentive to farmers and farmland owners to maintain their land as farmland. Numerous farms in the Town of Chatham are located in Columbia County Agricultural District 1.

Under Agriculture and Markets Law Section 305-a, the Commissioner of Agriculture or their designated staff has authority to evaluate the reasonableness of a local law with regard to agriculture. Each case investigated by the Department of Agriculture and Markets is evaluated individually and on its own merits. If a determination is made by the Department that a local law or ordinance is unreasonably restrictive as applied to agriculture, it will communicate this to the involved municipality. The next step is for the Department to work with municipal officials to resolve the issue in a manner that protects the rights of the farmer, while also addressing the concerns of the municipality.

In 2002, Town Law Section 283-a was amended by New York State to require local governments to ensure that their laws, ordinances, or other regulations that might apply to agricultural operations located in State certified agricultural districts do not "...unreasonably restrict or regulate farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law, unless it can be shown that the public health or safety is threatened."

Agricultural districts are established by local initiative, at the county level. At least 50% of the land within a district must be viable agricultural land. Statewide, agricultural districts on average contain approximately 70 percent farmland. The benefits and protections under the Agricultural Districts Law apply only to farm operations and land used in agricultural production. Land used in agriculture includes land owned by non-farmers who lease or rent their lands to farmers.

The Columbia County Board of Supervisors has the authority to create and manage agricultural districts within the county. The Town of Chatham however, can play an important role in the program by ensuring that all local property-based taxes, such as fire taxes, are based on the agricultural assessment for the land. The Town can also promote the participation in the annual enrollment program for new lands/farmers, and assist in the 8-year agricultural district review and renewal process.

## **Right To Farm**

Chatham's Right to Farm law, Chapter 137, declares that it shall be the policy of the Town to encourage agriculture and foster understanding by all residents of the necessary day-to-day operations involved in farming so as to encourage cooperation with those practices. The law does not protect farmland or regulate land use, but protects farmers operating within the agricultural district from nuisance suits over matters like noise or pollution. When land is located in an agricultural district, a disclosure must be made to potential buyers of the property, as well as recorded in property transfers. Such disclosures state that within the district, farming activities could cause noise, dust, and odors.

## **Conservation Easements**

The Environmental Conservation Law (Sections 49-0301 through 49-0311) provides the authority for not-for-profits and municipalities to acquire conservation easements for the purpose of conserving, preserving, and protecting the environmental, historical and cultural resources of the State, including agricultural lands. The Municipal Home Rule Law authorizes local governments to adopt local laws establishing programs to protect important agricultural and ecological lands through conservation easements.

A "conservation easement" is an easement, covenant, restriction or other interest in real property, which limits or restricts development, management or use of real property for the purpose of preserving or maintaining the agricultural, scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the property. A conservation easement can be held only by a public body or not-for-profit conservation organization. They are instruments that must be recorded in the office of the County Clerk where the property is located.

Conservation easements are detailed documents that contain a legal description of the land encumbered by the easement and usually includes a stamped and signed survey map that show all lands encumbered by the easement. The easement conveys to the easement holder the right to enforce the restrictions on the land. Easements are considered "perpetual," in that they run with the land itself, and all future owners of the property are subject to the easement terms.

The Conservation Easement Tax Credit (CETC) program offers New York State owners of land under a conservation easement a refundable income tax credit on their school district, county, and town property taxes paid during the first year.

To qualify for the CETC, an easement must meet several requirements:

- It must be a perpetual and permanent conservation easement as defined in Article 49 of New York State's Environmental Conservation Law.
- The easement land must be located in New York State.

- The easement must be held by a public or private conservation agency.
  - Public conservation agencies include any agency of federal, state, and local governments including soil and water conservation districts, as well as local municipalities such as villages, towns, and counties.
  - Private conservation agencies include not-for-profit land trusts and any other not-for-profit organizations that are involved with land conservation and have the power to acquire interests in real property.
- The easement must be filed with DEC and have a DEC CE identification number.
- The easement must comply with Section 170 (h) of the Internal Revenue Code; i.e. it was donated or partially donated (sold for less than fair market value) to a public or private conservation agency.

### **Purchase of Development Rights**

Purchase of development rights (PDR) as a tool for protecting agricultural lands has become a popular approach to permanently protecting the agricultural land resource of a community, through use of a conservation easements. As noted above, a conservation easement is a voluntary agreement between a landowner and a government agency or land trust, or other party, in which the landowner surrenders their rights to develop the land and accepts restrictions that protect the land. In exchange for ceding the development rights on their land, the landowner is compensated for the value of those development rights. The easement conveys to the easement holder the right to enforce the restrictions on the land.

The New York State Farmland Protection Implementation Grants (NYFPIG) program has provided funding for the purchase of development rights on farmland since the 1990s. When farmland owners sell their development rights, they retain all other rights of ownership and can continue to farm their land as they did before. The land continues to be taxable for property tax purposes, however its assessed value would be based on uses permitted under the conservation easement restrictions.

### **Transfer of Development Rights**

Another approach to protecting agricultural lands is through the transfer of development rights (TDR), authorized by NYS Town Law Section 261-a. Transfer of development is a market-based approach to land protection that permits farmers and other landowners in a rural area (sending area) to sell the development rights on their land to property owners/developers in a more urbanized area (receiving area), permitting them to increase the development density on their property. Transfer of development rights programs have worked best in states where counties regulate land uses in unincorporated rural areas, and the county is also experiencing significant population growth and development. Often the county serves as agent/facilitator in the conveyance of the development rights

from the rural landowner to urban developer. In New York, however, counties do not have such powers. A major challenge in implementing TDR is public resistance to increased density in the receiving areas that may arise in implementing a program. TDR also requires a very robust local real estate market in order to be attractive to buyers and seller of the development rights.

### Acquisition

Section 247 of the New York State General Municipal Law authorizes local governments to use public funds to protect open space resources. Under Section 247 the acquisition of interests or rights in real property, for the purpose of preserving open space areas, qualifies as a public purpose for which public funds may be expended or advanced in a town or village after due notice and a public hearing.

Lands may be acquired by purchase, gift, grant, bequest, lease or other legal means. A local government may acquire fee simple title in the lands, or a lesser interest, such as the development rights, conservation easement, covenant, or other means that would achieve the purposes of open space protection.

The New York State Environmental Protection Fund (EPF) provides mechanisms for open space conservation and land acquisition. The Fund supports the purchase by the Department of Environmental Conservation and Office of Parks, Recreation and Historic Preservation of lands to be included in the Adirondack and Catskill Forest Preserves, State Parks and State sites, Unique Areas and other State lands of ecological or historic importance. Title 9 of the Fund provides funds for local governments and not-for-profit organizations to purchase park lands or historic resources as well to develop and preserve these resources. The EPF also provides matching funds for open space protection to not-for-profit conservation organizations such as the Open Space Institute and Nature Conservancy.

The State defines open space as:

“any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. For purposes of this section natural resources shall include but not be limited to agricultural lands defined as open lands actually used in bona fide agricultural production.”

| <b>Table 5</b>  |  |   |
|---|--|---|
| <b>Summary of Land Use Regulation and Other Preservation Techniques</b> |  |   |
| <b>Town of Chatham Regulations</b>                                      |  |   |
| <b>Code</b>   | <b>Code/Law Section</b>                                | <b>Description</b>                                    |
| T-1   | Chapter 180  | Town of Chatham Zoning Code                           |
| T-2   | Chapter 170  | Subdivision of Land                                   |
| T-3   | Chapter 135  | Conservation Subdivisions                             |
| T-4   | Chapter 140  | Flood Damage Prevention                               |
| T-5   | Chapter 170-19   | Parkland and Recreation Fees                          |
| <b>New York State Regulations</b>                                       |  |   |
| S-1   | NYS Agriculture & Markets law Article 25-AA            | Agricultural Districts                                |
| S-2   | Article 49 Title 3, NYS Environmental Conservation Law | Conservation Easements                                |
| S-3   | NYS Agriculture & Markets Law Article 25-AAA           | Purchase of Development Rights                        |
| S-4   | NYS Town Law 261-a                                     | Transfer of Development Rights                        |
| S-5   | NYS General Municipal Law Section 247                  | Municipal Acquisition of Land for Open Space Purposes |
| S-6   | Article 49 Title 2, NYS Environmental Conservation Law | Acquisition of Land by NYSDEC for Open Space Purposes |



## C. EVALUATION AND APPLICATION OF LAND USE ALTERNATIVES

Table 6 summarizes the various techniques currently available to the Town of Chatham that may be used to preserve parcels or portions thereof containing natural and cultural resources within the community preservation themes. Note that different policies apply to certain kinds of projects, and local land use boards may have discretion in applying or waiving certain requirements. In addition, the Town’s Comprehensive Plan Update may bring about updates to zoning and land use regulations in the near future.

| Table 6<br>Preservation Techniques by Community Preservation Theme |              |                                  |  |   |   |   |   |               |               |  |   |
|--|--------------|----------------------------------|--|---|---|---|---|---------------|---------------|--|---|
| Preservation Theme   | T1<br>Zoning | T2<br>Sub<br>divi<br>sion<br>Law | T3<br>Con<br>ser<br>vati<br>on<br>Sub<br>divi<br>sions | T4<br>Flo<br>od<br>Da<br>ma<br>ge<br>Pre<br>ven<br>tion | T5<br>Par<br>kla<br>nd<br>and<br>Rec<br>rea<br>tion<br>Fee<br>s | S1<br>Agr<br>icul<br>tur<br>al<br>Dist<br>ricts | S2<br>Con<br>ser<br>vati<br>on<br>Eas<br>em<br>ent<br>s | S3<br>PD<br>R | S4<br>TD<br>R | S5<br>Mu<br>nici<br>pal<br>Acq<br>uisi<br>tio<br>n | S6<br>NYS<br>DEC<br>Acq<br>uisi<br>tion |
| Farmland   | X            | X                                | X  | X   |   | X   | X   | X             | X             | X  |   |
| Aquifers & Water Resources   | X            | X                                | X  | X   | X   |   | X   | X             | X             | X  | X                                       |
| Scenic Ridgelines  | X            | X                                | X  |   | X   |   | X   | X             | X             | X  | X                                       |
| Woodlands & Wildlife Habitat                                       | X            | X                                | X  | X   | X   |   | X   | X             | X             | X  | X                                       |
| Recreation & Trails  | X            | X                                | X  |   | X   |   | X   | X             | X             | X  | X                                       |
| Historic Properties  | X            | X                                | X  |   |   |   | X   | X             | X             | X  |   |



## **PART 4: CONSERVATION PARTNERS FOR LAND PROTECTION AND STEWARDSHIP**

Implementation of the Community Preservation Plan will likely require partnerships with state, county, and local agencies and organizations involved in conservation or land stewardship. The Town may also wish to seek opportunities for grant funding to leverage and maximize use of the Community Preservation Fund. This section describes potential partners for land conservation projects and stewardship, as well as relevant grant funding programs.

### **STATE AGENCIES AND FUNDING SOURCES**

**New York State Department of Agriculture and Markets** implements several programs to protect valuable, at-risk farmland from development and to ensure that the land continues to be used for agriculture. The agency's [Farmland Implementation Grant Program](#) offers financial assistance to municipalities, soil and water conservation districts, landowners, and land trusts, for projects such as the purchase of development rights on farms, option agreements, transactions costs for donated conservation easements on farmland, and amendments to local laws that affect agriculture.

**New York State Department of Environmental Conservation's Community Forest Conservation Grant Program** funds municipal land acquisition and conservation easements to establish community forests. Properties eligible to be purchased for community forests must be at least 10 acres in size with a minimum of 75% forest cover. Community forests are intended to build local ownership of forests, and engagement with forest stewardship as well as public access.

**New York State Office of Parks, Recreation, and Historic Preservation (OPRHP)** administers several [grant programs](#) that fund park planning, acquisition, and development. The New York State Environmental Protection Fund Grant Program for Parks, Preservation and Heritage (EPF) offers matching grants for the acquisition, planning, development, and improvement of parks, historic properties, and heritage areas. Municipalities are eligible to apply for these grants. OPRHP also offers grants with federal funding for park and trail projects, such as the Recreational Trails Grant program.

## REGIONAL ORGANIZATIONS AND FUNDING SOURCES

**Hudson River Valley Greenway (HRVG) and The Hudson River Valley Greenway Conservancy Trails Grant Program** funds recreational trail projects, such as trail planning, construction, and design, among other activities. In this grant program, HRVG emphasizes connections to the Empire State Trail. The Albany-Hudson Electric Trail that passes through North Chatham is part of the Empire State Trail.

**The Nature Conservancy (TNC)** is an international conservation organization that has worked extensively throughout the state to further land protection to prevent further fragmentation of important ecosystems. TNC owns the Freund Preserve in Old Chatham.

**Scenic Hudson** brings together people and organizations to sustain and enhance the Hudson Valley's inspirational beauty and health for generations to come. Scenic Hudson has conserved nearly 12,000 acres (70 privately-owned farms) in Columbia County and has worked to protect more than 140 farms throughout the Hudson Valley since 1992 and has extensive experience with state and federal grant programs.

## COUNTY AND LOCAL ORGANIZATIONS

**Columbia County Natural Resource Conservation Service (NRCS, of the US Department of Agriculture)** collaborates with farmers, communities, and other individuals and groups to protect natural resources on private lands. They identify natural resource concerns related to water quality and quantity, soil erosion, air quality, wetlands, and wildlife habitat, develop conservation plans for restoring and protecting resources, and help to direct federal funding to local conservation projects. The U.S. Department of Agriculture offers grants for the protection of farmland, through the [Agricultural Conservation Easement Program](#) (ACEP). Under ACEP, NRCS provides financial assistance to eligible partners, including municipalities, for purchasing Agricultural Land Easements or [Wetland Reserve Easements](#). Agricultural easements protect the agricultural use and conservation values of eligible farm properties. Wetland reserve easements protect or restore privately held farmed or converted wetlands to improve habitat.

**Columbia County Soil and Water Conservation District** provides technical assistance and education on matters related to water, soils, and other natural resources to municipalities, farmers, landowners, and residents, and promotes resource conservation and environmental stewardship. They host educational programs and provide consultations and other services, and assist with obtaining funding for projects that enhance environmental quality or economic viability of farm-related enterprises.

**Columbia Land Conservancy (CLC)**, is a nonprofit land trust that was created in 1986. Its mission is to conserve the farmland, forests, wildlife habitat, and rural character of Columbia County, strengthening connections between people and the land. CLC owns and manages the Ooms Conservation Area at

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Sutherland Pond in Chatham, as well as Borden’s Pond Conservation Area just outside the village of Chatham. CLC holds conservation easements on privately-owned land in the Town of Chatham and works with landowners seeking to conserve their land. CLC has extensive experience with state and federal land protection grant programs.

**Alan Devoe Bird Club** is an organization of Columbia County residents and visitors with a common interest in birds, other wildlife, the natural world, and in conservation of natural resources. The Club owns and manages the William M. Powell Wildlife Sanctuary in Old Chatham, a 140-acre conservation area open to public use for passive recreation.

**PS21 (Performance Spaces for the 21st Century)** is a contemporary arts venue with over 100 acres of publicly accessible open space adjacent to Crellin Park. PS21 has partnered with the Town to create trail connections with Crellin Park.

**Chatham Agricultural Partnership (CAP)** is a Town committee formed in 2004 with the mission to maintain the long-term viability of agriculture in Chatham. CAP will be an important partner in implementing the CPP, through their role of providing a direct connection between the farming community, town government, and the community at large. CAP played a key role in securing the state authorization for a community preservation fund in 2007. In 2021, CAP began the development of the CPP, and oversaw the identification of agricultural protection priorities. CAP may assist with implementing the plan by sharing information with the farming community, evaluating potential projects, and refining or updating agricultural protection priorities.

**Chatham Conservation Advisory Council (CAC)** is a Town committee re-established in 2021 to assist with conservation planning efforts. In its advisory role, the CAC may assist in implementing the plan by providing information about the plan to members of the community, in evaluating potential projects, and conducting further studies to refine conservation priorities.

**Chatham Parks and Recreation Committee** is a Town committee re-established in 2016 that advises the Town Board on governance of Crellin Park. The committee has worked on funding, programming, and promoting the park.

