

Town of Shawangunk

New York

October 2011



Farmland Preservation Plan

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Executive Summary
Town of Shawangunk Farmland Preservation Plan

Introduction

As the face of agriculture changes nationwide, and very specifically in the Hudson Valley, agriculture in the Town of Shawangunk is affected by many outside factors. The intent of the Town of Shawangunk Farmland Preservation Plan (The Plan) is to ensure that agriculture in the Town can survive and prosper with the support of the Town and its citizens.

An example of such change comes from new initiatives to “buy local” and the recent USDA “Know Your Farmer, Know your Food” campaign, which are supporting significant growth in demand for locally and regionally produced agricultural products. Shawangunk’s location of less than two hours from the nearly insatiable New York City market – as well as the broader metropolitan area and the Hudson Valley – makes new agricultural endeavors a reality.

Yet, high land values and pressure from development mean that farmers are hard pressed to purchase existing farmlands to expand operations or to start anew. Because of regional land economics, young and beginning farmers are often forced to start operations on small lots that are frequently close in proximity to non-farm neighbors or with less than optimal soils.

This Plan encourages the Town to support such grows in ways no previously conceived.

Agriculture in the Town of Shawangunk

The Town has a total area of 56.5 square miles, the Wallkill River flows through the eastern half of the Town. The western half (Walker Valley) climbs the slopes of the eponymous mountains. Shawangunk’s natural terrain is characterized by cliffs, crevices, steep slopes, and numerous ravines in the western portion of the Town. These natural features have made development in the area difficult, but facilitate preservation and conservation efforts. The eastern portion of the Town is characterized by favorable agricultural soils in broad river valleys and hilly terrain, which favor both agricultural production and residential development.

Community surveys and meetings expose a strong connection between the residents of Shawangunk and its long standing agricultural heritage. The desire to maintain agricultural activity in the face of growth is nearly universal among farm and non-farm residents. In terms of residents, the quality of life elements that most often draw new residents are the rural character of the area and the accessibility of agricultural operations, such as the region’s many orchards, wineries, and roadside stands.

Based on records from the Town assessor’s office, there are 7,774 acres of agricultural land on the tax rolls in Shawangunk. More than 3,600 acres of the Town’s agricultural land is used for field crops such as wheat, hay, dry beans, corn, and oats. Nearly 1,300 acres can be found in horse farms with the balance in varied uses the largest of which are livestock (pasture), dairy, and orchards.

Agricultural soils, which are the life blood of agricultural operations, are widely distributed in the Town with concentrations of high productivity soils in the eastern half of the Town (east of the hamlet of Wallkill). The uplands, west of the hamlet of Wallkill, have a lower density of high productivity class soils which makes them more suitable for hay production, pasture, grapes, and forest products. With this variety of soils, the entire Town is suitable for some type of viable agricultural or forestry use.

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With growth in non-traditional agriculture on the rise in the Town of Shawangunk, the Town recognizes that soils may not be the best, or only, criteria for evaluating land resources. Within Shawangunk, operations such as raised bed organic market gardening and grass-fed meat and dairy operations are a testament to this trend. Based on interviews, local organic farmers may value proximity to markets more than previously-determined "good agricultural soils," and are prepared to "build" the soils over several years of time. This may present opportunities for larger farmsteads to attract new farmers through partial development deals, which can sell a portion of the farmstead to a farmer at less than market value.

Development Places Pressure on Agricultural Land Use

Not unlike other areas in the United States, Shawangunk's agricultural lands are challenged by population growth and the trend of young families and baby boomers to move away from the city center to larger homes on rural lots. This pressure, though seemingly slow due to its dispersion, has a strong affect on agricultural viability. The effects are often felt first by farmers, who find it more difficult to farm due to higher traffic loads or due to increased parcelization of land. It is often hard for the community to feel the same effects of dispersed development particularly since Shawangunk has maintained an image as a tranquil community with a desirable quality of life.

Population trends, household structure, and demand for housing are often good measures for assessing how development is proceeding and therefore, how it may affect agriculture. Within Shawangunk, this pattern demonstrates an all too common theme whereby the area around the village of Walkkill, the historic population and housing center of the Town, shows little growth with the bulk of growth occurring in outlying areas. By example, within a one-mile ring around the village, the number of owner-occupied units declined two percent between 2000 and 2009. On the other hand, growth rates of owner-occupied units within the greater five-mile radius was ten percent between 2000 and 2009 and is expected to be as high as nine percent between 2009 and 2014. This pattern is indicative of sprawling rural development which is driven by Shawangunk's proximity to Orange County, a high growth suburban county; proximity to New York City; and generally low housing prices and reflected in a 19 percent increase in population between the 2000 and 2010 Census years.

This pattern of development and its associated infrastructure are often incompatible with agriculture. It often leaves those pursuing agriculture in a vulnerable position from a zoning, land acquisition, and production point of view by limiting access to fertile lands, making equipment transportation difficult, and creating an environment of conflict through trespass and nuisance claims. Communities, such as Shawangunk, can also be negatively affected as the cost to service new rural residents rises beyond the tax revenue generated by each additional unit. This adds to the cost of government services which in turn raises the cost of farming.

The Town of Shawangunk Supports Agriculture through Policy

The Shawangunk Comprehensive Plan serves as a development policy for the future of the Town of Shawangunk and is the primary tool to help guide future growth, while protecting the community's future resources. The Comprehensive Plan recognizes the challenges presented by this type of development and offers community derived solutions, many of which are supportive of agriculture.

The community vision represented in the plan was developed through a process that confirmed that local residents strongly identify with the scenic, cultural, and open space attributes of the Town. With this in mind, the Comprehensive Plan Committee adopted a vision of the development of the Town and

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how that development will contribute to the well-being of the community to include specific guidance to protect natural resources, promote agriculture and forestry, and protect open space.

Shawangunk's zoning policies are a direct outgrowth of the Comprehensive Plan and are guided by its deep rooted links to its agricultural heritage and natural resources, as well as links to other towns surrounding the Shawangunk Mountains and to the mountain range itself. Thus, policies are directed toward the conservation, preservation, and sustainability of the Town's natural resources, heritage areas, and agricultural land. Zoning policies are also guided by zoning instruments developed by higher levels of leadership in the State. Legislative enactments from the State of New York declared that it is an important State policy to provide for open space and to conserve, protect and encourage the preservation of agricultural lands and other natural and ecological resources.¹

Within the Town's zoning code, there are exemplary, if not underutilized, code elements that could be effectuated to improve agricultural development opportunities. Key among these is Section 177-17 which allows for incentive zoning. This underutilized zoning provision allows developers to avail themselves of several development benefits, such as higher density, lower road frontage requirements, and decreased setbacks. Protections of open space and provision of public services are the general incentive requirements offsetting the increases allowed in density.

Collectively, the Town's planning and zoning processes set the regulatory stage for community growth and development, while supporting agricultural activity. The Farmland Preservation Plan extends this reach to provide directed support to the agricultural industry in the forms of agricultural land preservation programming, enhancement of zoning and land use controls for agriculture, and support the economic vitality of agriculture. A summary of these recommended actions is provided below.

Farmland Preservation Recommendations

Farmers in the Town of Shawangunk share the Town's interest in conserving critical natural resources, particularly its working lands. There are however, significant challenges in developing a specific farmland preservation program at the Town level that include cost, administrative burden, and development of local expertise. With these challenges in mind, the Farmland Preservation Plan recommends targeted actions that fit the nature of farming in Shawangunk while matching the needs and resources of the broader community. These include:

1. Explore the development of a Town of Shawangunk Agricultural Land Preservation Program that provides a formal structure for long-term planning, coordination, and management of farmland preservation efforts. Such an endeavor must incorporate the unique geographic and cultural situations facing Shawangunk.
2. Develop a formula to strategically utilize farmland protection funds since high levels of interest in Purchase of Development Rights Programs often means that program funds must be rationed to projects that meet or exceed a community's baseline expectations. This recommendation establishes a process for targeting and prioritizing applicants.
3. Encourage Ulster County Agricultural and Farmland Protection Board to update the County Farmland Protection Plan. Such an effort should seek to integrate the farmland protection activities of individual towns within County initiatives.

¹ State of New York General Municipal Law § 247 and Environmental Conservation Law § 49-0301.

Zoning and Land Use Recommendations

Despite its rural nature, Shawangunk is quickly becoming a residential community rather than a farming community. The dispersed nature of development and the small geographic area of the Town make it difficult for the Town and land owners to make the best use of conservation techniques such as incentive zoning, cluster subdivisions and transfer of development rights. If development pressures rise and create the economic imperative to use conservation tools, the Town must be positioned to capture this advantage, without jeopardizing the future of working farms. The following recommendations are intended to support this transition in land use code.

1. Update zoning code and subdivision regulations to improve agriculture's ability to operate. Such a change would include an update of the Town's definition of agriculture as well as examining means to improve utilization of conservation tools such as cluster subdivision.
2. Support improvements to New York State Right to Farm provisions to provide additional protections to farmers from spurious claims made against sound agricultural practices. This type of additional protection often relieves pressure on operating farms from new residential neighbors.
3. Act on the New York Planning Federation Zoning Review. In 2008, the New York Planning Federation reviewed land use code in the Town of Shawangunk to assess its "agricultural friendliness." This recommendation suggests that the Town act to update its code according to the prescriptions given.

Economic Viability Recommendations

It is often argued that profitability at the farm level is the best form of conservation. The economic viability recommendations in this Plan reflect this sentiment with a particular focus on supporting young and beginning farmers as well as leveraging key regional resources such as tourism and the Town's proximity to large, urban markets.

1. Support a regional agribusiness incubator to serve as a catalyst to create new agricultural ventures and grow existing ones. The incubator will do so by providing networking, industry specific consultation, and access to capital and markets, as well as, leveraging regional resources such as the Ulster County Development Corporation and the Hudson Valley Agribusiness Development Corporation.
2. Create a virtual "farm-mart" for agricultural resources to act as an information hub for farmers and showcase Shawangunk's agricultural assets. The concept of a virtual "farm-mart" borrows on the idea of a hub as a center for innovation, interaction, and commerce, but on a hyper-local level. The farm-mart would be a living resource with peer reviews of local vendors and service providers, land and capital resources, and discussion forums for relevant current topics.
3. Support development of a micro-farm and small farm education and marketing network to enhance the working environment of this growing segment of agriculture. This recommendation would focus on creating or adapting programming to assist in the development of small farm enterprises in the Town to include providing assistance with business planning, marketing, and expansion.
4. Support regional agritourism development as a means to leverage an existing regional tourism base for the benefit of agriculture. This recommendation suggests a regional approach to offering family, private, and corporate events; entertainment; and education on existing, operating farms and forestland. Agritourism development should build on the existing success

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of the Shawangunk area as a tourist attraction, including the existing farm venues, trails, parks, festivals/events, and natural assets. Leveraging these assets to create a series of promotions targeted at weekend trips, corporate events, and weddings would sustain existing farm operations or provide cash flow to further develop these businesses into diversified farm operations.

Implementation of the Plan

The Town of Shawangunk Farmland Preservation Plan provides a guiding vision for agricultural preservation and development in the Town, as well as a strategic direction for achieving those ends. Both the vision and strategy are based on long-held community interests, as well as the current economic realities of the agricultural industry.

Developing a process to accommodate change while keeping the Plan relevant will, therefore, be critical to the success of farmland protection efforts in Shawangunk. Developing a farmer-led committee to conduct an annual review of the Farmland Preservation Plan and to prepare an annual work plan for implementing the Plan elements is essential to maintaining the relevance of the Plan to the industry and community. This agricultural advisory committee would be officially created and charged with identifying the top two or three initiatives annually to be incorporated into the Town's agricultural preservation work plan. At a minimum, the annual work plan will include specific actions to be taken, a budget note, staffing requirements, and other information as needed.

If it is to positively influence the future of the agricultural industry, the Town of Shawangunk will require support and cooperation from its farmers, agribusinesses, neighboring jurisdictions, Ulster County and many others. Necessary support will come in many forms, ranging from funding to technical service provisions. The Shawangunk Farmland Preservation Plan provides a framework for developing these invaluable partnerships.

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Section 1: Vision of Agricultural Protection in Shawangunk

Purpose of Plan

Nationwide, agriculture is changing; in the Hudson Valley’s Town of Shawangunk, the nature of this change is affected by many outside factors. This document, the *Shawangunk Farmland Preservation Plan*, seeks to ensure, through the support of its citizens, the survival and prosperity of agriculture in the Town of Shawangunk

With new initiatives to “buy local” and the recent USDA “Know Your Farmer, Know your Food” campaign, markets for locally produced products are skyrocketing. Shawangunk’s location less than two hours from the nearly insatiable New York City market – as well as the broader metropolitan area and the Hudson Valley – makes new agricultural endeavors a reality.

Yet, high land values and pressure from development mean that farmers are hard pressed to purchase existing farmlands to expand operations or to start anew. Because of regional land economics, young and beginning farmers often are forced to start operations on small lots that are often in close proximity to non-farm neighbors or with less than optimal soils.

In response to the above opportunities and challenges, the Town of Shawangunk (Town) has developed a Farmland Preservation Plan (Plan) to assess the Town’s farmland and agricultural resources, identify opportunities and issues for agricultural and farmland preservation, formulate strategies and recommendations for protection, and provide guidance for implementation.

Quantitative and qualitative methods were applied in the different components that make up this plan. Quantitative methods include the collection and analysis of acreage data for agricultural districts and agricultural use. Qualitative methods include the administration of a survey to measure land ownership per farm, land use, and farming practices. The survey used a purposive sampling of local farmers to

obtain information from sources who are most familiar and knowledgeable about the Town's agricultural sector. These methods guided the Plan's findings and helped shape the recommendations and implementation strategies.

Integration with Open Space Planning

As with zoning, local planning seeks to protect the natural resources of the region in mind. Thus, open space plans are more expansive in scope and more collaborative with comprehensive plans than are farmland preservation plans. One of the most recent plans developed is the Shawangunk Mountains Regional Open Space Plan, which for Shawangunk focuses on those areas of the Town west of the Walkkill River.

Shawangunk Mountains Regional Open Space Plan of 2008

In December 2008, the Shawangunk Mountains Regional Partnership released its Regional Open Space Plan, which provided an assessment of the mountains' resources, such as its natural habitats, waterways, farms, orchards, vineyards, and forests. Following the assessment, strategies were formulated to preserve the resources. These include:

Partnering with Land Trusts

The Shawangunk Mountains Region is an expansive resource of 134,000 acres. Protection of this resource requires the collaborative efforts of land trusts in the area. There are six active land trusts with different, yet complementary, roles. The Open Space Institute (OSI) and The Nature Conservancy (TNC) are the more high-profile trusts in the region. They are responsible for the coordination and execution of larger conservation projects. Four additional local land trusts focus on specific areas around the mountains.

Conservation Financing

Existing funds should be leveraged for conservation initiatives. Additionally, State legislation should be sought for a real estate transfer fee to the municipalities around the region in order to fund local conservation efforts.

Resource-Friendly Growth

At the municipal level (such as local boards), planning and development should always have a regional perspective because of the area's vast coverage of natural resources. Cooperation between municipalities is vital and beneficial.

Conservation Advocacy

At the State and federal levels, a voice should advocate for the region and facilitate the conservation of land and resources, while supporting resource-friendly growth.

Progress Tracking

Systems should be implemented to monitor the progress of local and regional efforts, so that both achievements and challenges can be properly documented and addressed.

Overview of Agricultural Resources and Pressures

The following sub-sections address the Town of Shawangunk's agricultural resources, including soils and waterways, and the pressures detected on those resources.

Topography and Soils

The Town encompasses a total area of 56.5 square miles. The Wallkill River flows through the eastern half of the Town. The western half (Walker Valley) climbs the slopes of the Shawangunk Mountains. Shawangunk's natural terrain is characterized by cliffs, crevices, steep slopes, and numerous ravines in the western portion of the Town. These natural features have made development in the area difficult, but facilitate preservation and conservation efforts. The eastern portion of the Town is characterized by favorable agricultural soils in broad river valleys and hilly terrain, which favor both agricultural production and residential development.

Shawangunk is one of the southern towns of the greater Shawangunk Mountains Region, a 134,000-acre resource in New York known for its scenic, natural, recreational, and historic areas.

Figure 1: Shawangunk Water Resources

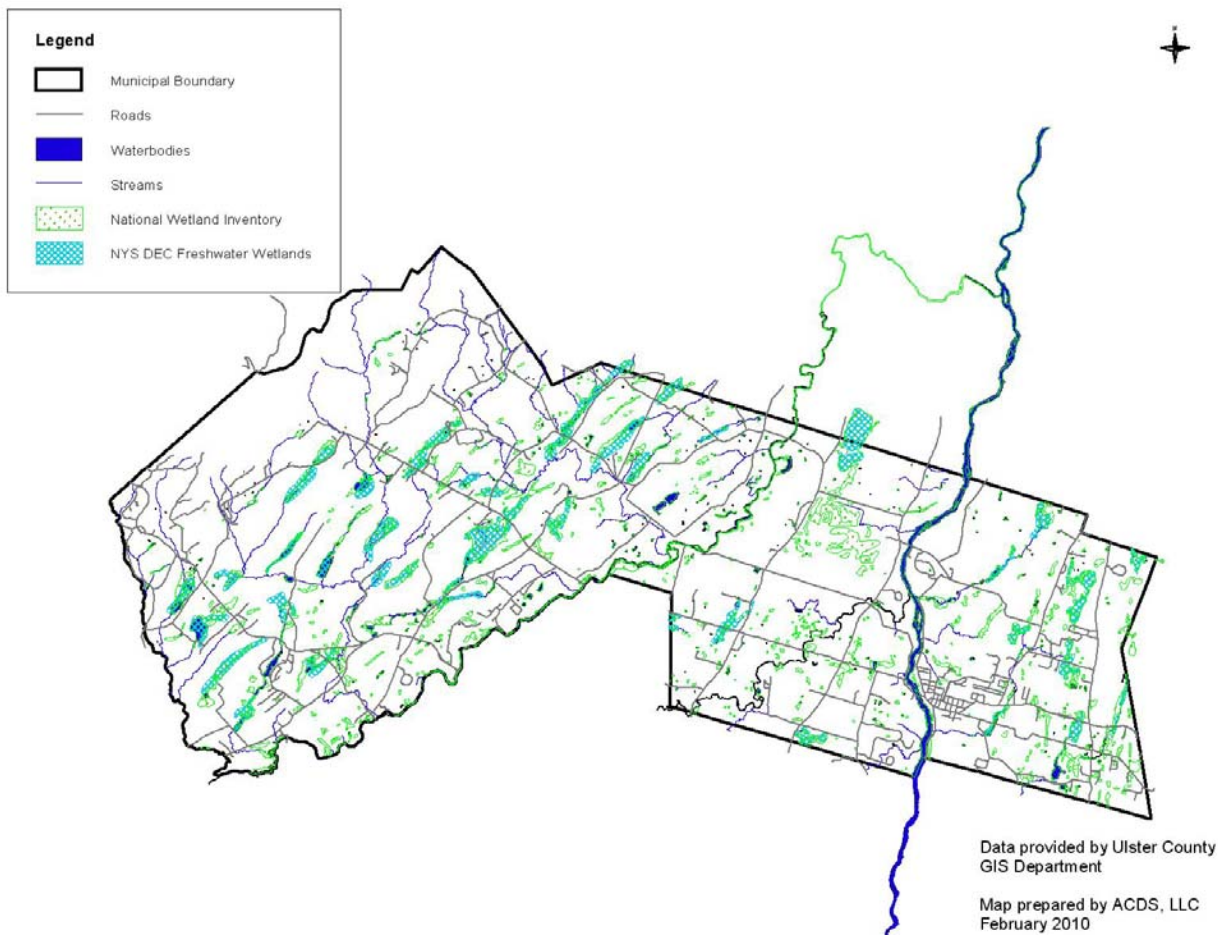


Table 1: Active Farmland Inventory by Property Tax Code, in acres

| Property Class Code | Description | Acres |
|---------------------|---|--------------|
| 105 | Vacant Agricultural Land (productive but without structures) | 1,244 |
| 110 | Livestock – General | 186 |
| 112 | Livestock – Dairy Products | 40 |
| 113 | Livestock – Cattle | 152 |
| 116 | Livestock – Other | 93 |
| 117 | Livestock – Equine | 1,278 |
| 120 | Field Crops | 3,602 |
| 151 | Orchard Crops | 305 |
| 152 | Vineyards | 53 |
| 170 | Nursery and Greenhouse | 10 |
| 210 | Residential – Single Family | 23 |
| 220 | Residential – Two Family | 18 |
| 240 | Residential – Rural with Acreage (10 + acres) | 56 |
| 241 | Residential – Rural with Acreage (10 + acres) Used in Agricultural Production | 419 |
| 250 | Residential – Estate with Acreage (5 + acres) | 104 |
| 280 | Residential – Multipurpose | 88 |
| 281 | Residential – Multiple Residences | 16 |
| 312 | Residential – Vacant Land with Small Nonresidential Improvement | 15 |
| 314 | Residential – Vacant Lot of 10 acres or less | 17 |
| 710 | Industrial Manufacturing and Processing | 55 |
| | TOTAL | 7,774 |

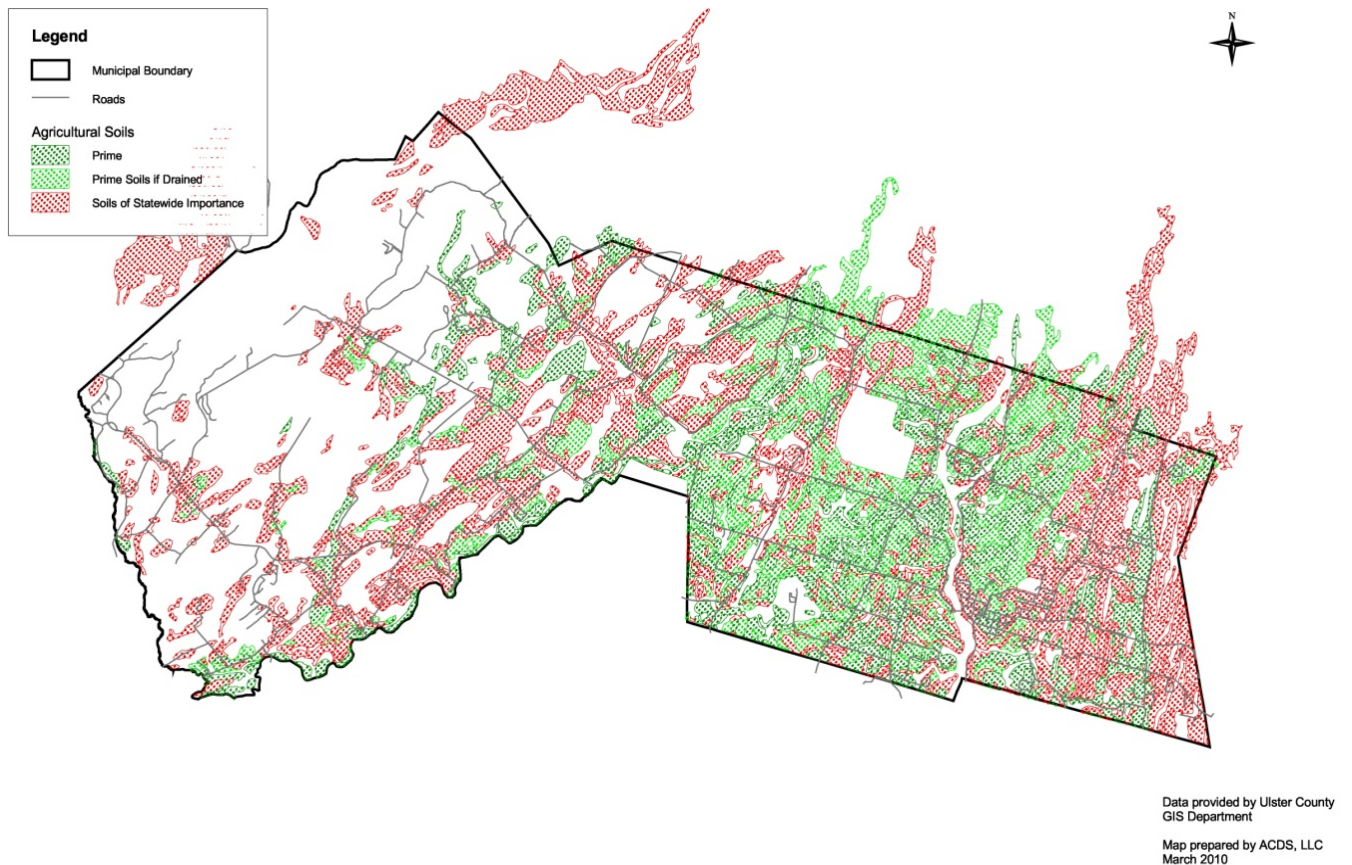
Source: Shawangunk Tax Assessor's Office

Based on records from the Town assessor's office, there are 7,774 acres in agricultural use on the tax rolls in Shawangunk, with the largest acreage allocation (73.6 percent) in field crop and livestock production. Much of the Vacant Agricultural Land, which makes up another 16 percent of the Town's agricultural land base, consists of outparcels to farmland that may alternate in uses, ranging from forage and field crop production to rotational grazing paddocks to part of a crop rotation system. The dominance of field crops and horse farms makes the agriculture sector of the Town different from much of Ulster County, which produces mostly tree fruits, vegetable, livestock, and berries.

The balance of agricultural land uses (10.4 percent) generally represents a wide array of uses, from small market garden operations within a residential setting to farmstead housing. For many of these parcels, the classification between agricultural and non-agricultural use is not distinct. For instance, portions of some lands that are officially classified as non-agricultural in use may be allocated for farming purposes, such as those formerly used by the Department of Corrections onsite farming activities within the criminal justice system.

Additionally, Shawangunk has recently seen a rise in suburban/urban scale agriculture, whereby intensive small-scale operations of less than ten acres are being undertaken in more densely populated areas of the Town. These operations often challenge classification under the traditional Property Classification Codes and are believed to be increasing in number in the Town. Their two-fold effect on the area is somewhat contradictory: creating land-use conflict within residential neighborhoods, but also serving as a source of new farm operations.

Figure 2: Shawangunk Prime Soils Map



Agricultural soils are widely distributed, with concentrations of high productivity soils in the eastern half of the Town (east of the hamlet of Walkkill). The uplands west of the hamlet of Walkkill have a lower density of high productivity class soils. The western portion of the Town, however, has soils suitable for hay production, pasture, grapes, and forest products, making the entire Town suitable for some type of productive agricultural or forestry use.

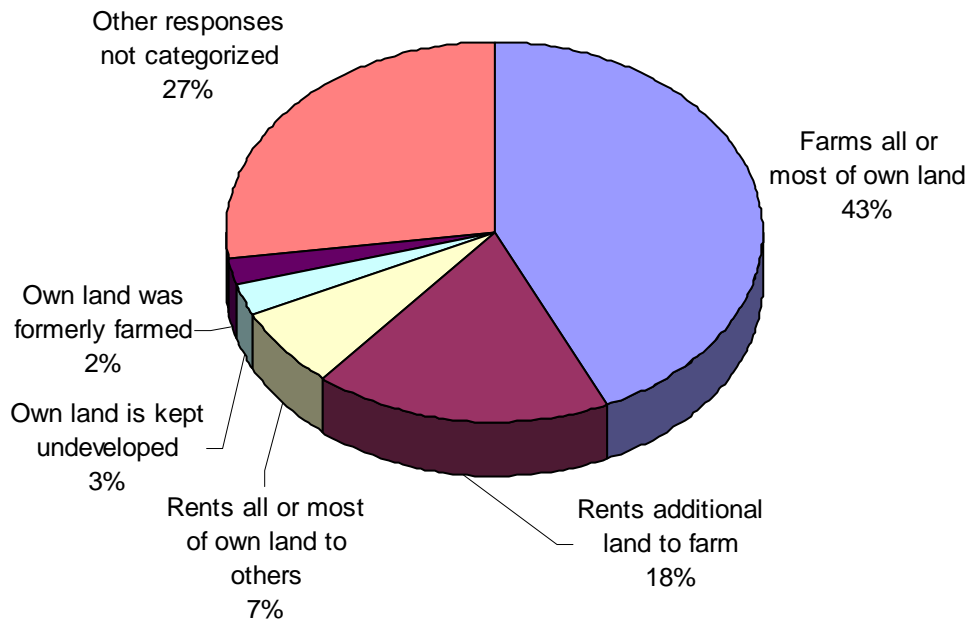
With growth in non-traditional agriculture is on the rise, the Town recognizes that soils may not be the best, or only, criteria for evaluating land resources. In fact, advances in organic and ecological agriculture, which focus on soil building within high intensity production systems, do not require the best soils. Within Shawangunk, operations such as raised-bed organic market gardening and grass-fed meat and dairy operations are testimonies to this trend. Based on interviews, local organic farmers may value proximity to markets more than previously-determined "good agricultural soils," and are prepared to "build" the soils over several years of time. This may present opportunities for larger farmsteads to attract new farmers through partial development deals, which allow the sale of a portion of the farmstead to a farmer at less than market value.

Value of Farmland to the Community

Community surveys and meetings revealed a strong connection between the residents of Shawangunk and its long-standing agricultural heritage. The desire to maintain agricultural activity in the face of growth is nearly universal among farm and non-farm residents. The quality of life elements that most often draw new residents to the Town are the rural character of the area and the accessibility of agricultural operations, such as the region's many orchards, wineries, and roadside stands.

For many residents, the anchor for this image is the Borden homestead and former Borden milk processing facility in the hamlet of Wallkill. This site is the birthplace of the Borden brand of dairy products, one of the most notable brands of dairy foods in the United States. While the plant has been idle for many years, the farm still supports an active dairy operation.

Figure 3: Farmers' Use of Land



Supplemental research to measure local support for farmland was conducted by the study team through a survey of local farmers that returned 32 responses. Findings show that 43 percent of the respondents farm all or most of their land, while 18 percent of respondents rent additional land. More than one-fourth of surveyed respondents gave disparate reasons for using land, such as vineyard expansion and horse boarding. Regardless of the use, survey results show that farmland has a high utilization rate in the area, with only five percent of the respondents declaring that their land is not being farmed. The survey indicates that farming is a thriving practice and farmland is valued for its economic productivity.

Extent of Development Pressure on Farmland

Not unlike other areas in the United States, Shawangunk’s agricultural lands are challenged by population growth and the trend of young families and baby boomers to move away from the city center to larger homes on larger lots. Despite this trend, Shawangunk has maintained an image as a tranquil community with a desirable quality of life.

Population Trends

In keeping with growth patterns established in the prior decade, Shawangunk added 19 percent to its population between 2000 and 2010 bringing the Town’s total population to 14,332. Despite apparent town-wide growth, some areas, such as the Hamlet of Wallkill, declined in population while other areas exhibited growth. Generally speaking, population over this decade became more dispersed. According to analysis done using ESRI data, this trend is expected to continue.

Note: The methodology applied in this plan to assess population trends was to establish one- and five-mile rings around Wallkill and to examine population indicators.¹ The hamlet of Wallkill was chosen as the center point for drawing population rings due to the fact that it is the government center for the Town. The Ulster County Data Book may be used for further town-wide demographic analysis.

Table 2: Select Demographic Data

| | One-Mile Radius | | | Five-Mile Radius | | |
|------------|-----------------|-------|-------|------------------|--------|--------|
| | 2000 | 2009 | 2014 | 2000 | 2009 | 2014 |
| Population | 1,979 | 1,947 | 1,925 | 23,907 | 26,273 | 27,207 |
| Households | 689 | 680 | 674 | 7,447 | 8,269 | 8,625 |
| Families | 499 | 484 | 477 | 5,590 | 6,116 | 6,335 |

Source: ESRI

Table 2 shows that the population within a one-mile radius of the hamlet of Wallkill is declining. The 2009 population is 1,947, a two-percent drop from 2000 levels. In 2014, the population is expected to decline one percent from 2009. Consequently, household and family numbers in Shawangunk are expected to follow the declining trend. But, an opposite trend can be seen in the greater five-mile radius. The population rose ten percent between 2000 and 2009 and is expected to rise four percent between 2009 and 2014. Household levels are anticipated to follow the same trend, with an eleven percent increase between 2000 and 2009 and a four percent projected increase from 2009 to 2014. The number of families is expected to follow a nearly identical trend. The fact that households, population, and family trends following a similar trend indicates that household structure changes little over time.

¹ The GIS coordinates of Shawangunk served as the center of both rings.

Housing Trends

Population trends and household structure affect the demand for housing. As with 2010 population, the Town of Shawangunk saw an increase housing from 2000 and 2010 with the addition of 133 units for 4 percent growth in the decade. This indicates that population growth was absorbed largely within existing housing units and shows a decline in housing growth over the prior decade which was 11.5 percent. This analysis is supported by an increase in average household size between 2000 and 2010 of 16 percent.

Table 3 demonstrates growth patterns in housing similar to the pattern for population growth, whereby the area around the village of Walkill shows little growth and the bulk of change occurs in outlying areas. Within the one-mile ring around the village, the number of owner-occupied units declined two percent between 2000 and 2009, but is expected to rise a modest three percent from 2009 to 2014. Rented units grew only one percent from 2000 to 2009 and are expected to decline nine percent between 2009 and 2014 as vacancies increase.

Table 3: Housing Data

| | One-Mile Radius | | | Five-Mile Radius | | |
|-------------------------------|-----------------|------|------|------------------|-------|-------|
| | 2000 | 2009 | 2014 | 2000 | 2009 | 2014 |
| Average Household Size | 2.62 | 2.59 | 2.59 | 2.89 | 2.88 | 2.87 |
| Owner-Occupied Housing Units | 483 | 471 | 485 | 5,534 | 6,069 | 6,610 |
| Renter-Occupied Housing Units | 206 | 208 | 189 | 1,913 | 2,200 | 2,016 |
| Median Age | 33.9 | 34.8 | 34.7 | 35.5 | 37.2 | 37.4 |

Source: ESRI.

On the other hand, growth rates of owner-occupied units within the greater five-mile radius should be higher. Growth rates were ten percent between 2000 and 2009 and nine percent between 2009 and 2014. Occupancy of rental units was fifteen percent from 2000-2009, but is expected to drop eight percent from 2009-2014. Not only is residency in Shawangunk expected to grow, but also ownership of housing units. Furthermore, higher occupancy levels at the outer rings follow the common trend of homebuyers purchasing units further out from the town center for greater affordability and larger land areas. In part this is driven by family structure. It stands to reason that larger households, particularly families, are attracted larger housing units.

Table 4: Owner-Occupied Housing by Value

| Largest Values of Owner-Occupied Housing | | | |
|---|-------------|---------------|-------------------------|
| One-Mile Radius | Year | Number | Percent of Total |
| \$125,000 - \$149,999 | 2000 | 133 | 26.9% |
| \$200,000 - \$249,999 | 2009 | 110 | 23.4% |
| \$300,000 - \$399,999 | 2014 | 160 | 32.9% |
| Five-Mile Radius | Year | Number | Percent |
| \$125,000 - \$149,999 | 2000 | 1,126 | 20.4% |
| \$200,000 - \$249,999 | 2009 | 1,249 | 20.6% |
| \$300,000 - \$399,999 | 2014 | 1,740 | 26.3% |

Source: ESRI

The occupancy of owner-occupied housing units is not only expected to increase, but the value of preferred housing units should also rise. Table 4 shows that the largest segment of owner-occupied housing units within a one-mile radius of the Hamlet of Wallkill were in the \$125,000-\$149,999 range in 2000. Between 2009 and 2014, 23 percent of the housing is expected to be valued in the \$200,000-\$249,999 range, which suggests significant upward income mobility for owners of housing units in Shawangunk. Increases are also expected within the greater five-mile radius, following a similar pattern.

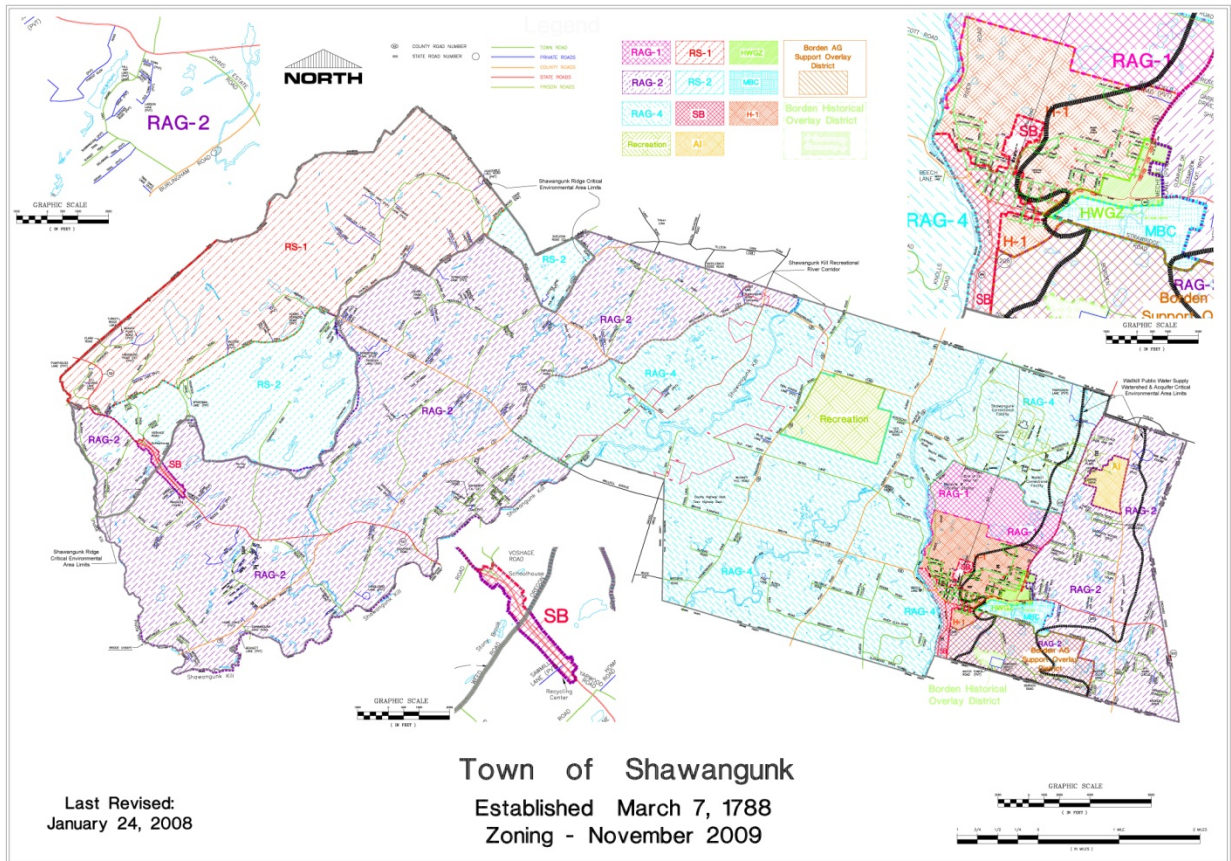
Zoning

Shawangunk’s zoning policies are guided by its deeply rooted links to its agricultural heritage and natural resources. Thus, policies are directed toward the conservation, preservation, and sustainability of the Town’s natural resources, heritage areas, and agricultural land. Zoning policies are also guided by zoning instruments developed by higher levels of leadership in the state. Legislative enactments from the State of New York declared that it is an important State policy to provide for open space and to

conserve, protect and encourage the preservation of agricultural lands and other natural and ecological resources.²

Within the Town’s zoning code, there are exemplary, if not underutilized, code elements that could be effectuated to improve agricultural development opportunities. Key among these is Section 177-17, which allows for incentive zoning. This zoning provision allows developers to avail themselves of several development benefits, such as higher density, lower road frontage requirements, and decreased setbacks. Protection of open space and provision of public services are the general incentive requirements offsetting the increases allowed in density.

Figure 4: Shawangunk’s Generalized Zoning Map



These incentive provisions are intended to be used by developers seeking more intense use of their investment properties, but also by farmers in pursuit of marketing, manufacturing, or agriculturally adapted developments on the farm. Utilization of the incentive zoning program seems to be hampered by a lack of understanding of its provisions and the need for higher development pressure to provide the required liquidity to motivate its use. Promotion of the incentive zoning option and its possible uses, or adaptation of the ordinance to allow easier density exchange, may improve its utilization rate. Use of Incentive Zoning to promote broader application of conservation developments or to allow unique and

² State of New York General Municipal Law § 247 and Environmental Conservation Law § 49-0301

appropriately scaled commercial farm development would require applying Incentive Zoning to all Residential and Agricultural Districts, with the intent to preserve the overall planned density.

Characterization of Agricultural Viability

As noted below, Shawangunk has numerous advantages that provide opportunities for sustainable growth of the agricultural sector. These include local support for agriculture, an existing agricultural heritage, and natural land formations that limit development. Furthermore, the Town of Shawangunk has significant market access – an asset that cannot be easily created.

SWOT

In creating the Shawangunk Farmland Preservation Plan, strengths, weakness, opportunities, and threats (SWOT) were assessed for the agricultural industry, both production agriculture and agricultural support industries. The SWOT criteria identified are drawn directly from the study team’s interviews with the agricultural industry within the town and county, as well as through the landowners’ survey. As such, this analysis should be considered an industry self-assessment. Brief discussions of selected issues are provided in Table 5 and following text.

Table 5: SWOT Results

| Strengths | Weaknesses |
|--|--|
| <ul style="list-style-type: none"> • natural land formation limits development opportunities • agricultural heritage • public support for agriculture • high economic value (value-added, jobs) • availability of infrastructure • local support for purchase of development rights • good agricultural soils | <ul style="list-style-type: none"> • cost/availability of leasing land for agricultural production • residential development in close proximity to working farms • limited new farmer recruitment • intermixing of residential and agricultural uses (use conflicts) • raised septic fields that facilitate development of poorly drained, non-agricultural soils |
| Opportunities | Threats |
| <ul style="list-style-type: none"> • farming for the next generation • expansion of on-farm value-added production • improvements in marketing infrastructure • demand for regional foods • active land preservation program in Town of Montgomery allows leveraging of regional preservation investments | <ul style="list-style-type: none"> • regional farmland loss • development pressure from Orange County • speculative holding of land • low commodity pricing • limited inter-jurisdictional planning |

Strengths

1. Natural Landscape Limits Growth and Development

Shawangunk’s cliffs, crevices, and steep slopes provide a good base of open space to locals and present challenges to developers. Ravines are also common in the core Shawangunk area.

2. Public Support for Agriculture

Strong support for the protection of the Town's farmland, as well as a desire to keep agriculture economically sustainable, was evident throughout the community meetings held as part of this project. Survey results show that 65 percent of farmers do not believe additional development should be allowed in areas where there is active farming. There was also strong support for greater diversity in farming activities. The availability of horse stables and riding farms was desired by nearly 15 percent of respondents. Access to farm stands was expressed by 14 percent of respondents, while 13 percent stated the need for farmers' markets.

Respondents also expressed a desire to keep their farming operations for the long term. Nearly 31 percent plan to be farming in the next 10 years, while 25 percent expect to have a member of the family continue to farm the land. Furthermore, 13 percent of respondents stated intentions to sell development rights to their farms to be able to continue farming, which suggests a more permanent intention to remain in agriculture. A summary of survey results can be found in Appendix B.

3. Local Support for Purchase of Development Rights

The survey conducted for this study directly questioned respondents about the desirability of Purchase of Development Right (PDR) programs and conservation easements. Fifty (50) percent of farmers would consider the options, while 25 percent would like more information. Only 14 percent would not consider it. Local support is present among an informed group of farmers and there is the potential for additional support among those who want more information, so sound decisions relevant to PDRs and easements can be made in the future with consultations from a key group of residents.

A transfer of development rights (TDR) program was also a key consideration in the Shawangunk Mountains Regional Open Space Plan under the Resource Friendly Growth strategy.

Weaknesses

1. New and Beginning Farmers for Continuation of Agricultural Industry

The future of farming is predicated on a renewing source of new farm operators. With few farm families producing a next generation, identifying or recruiting a new source of farmers becomes central to justifying investment in and support of farmland preservation.

A rise in market gardeners was apparent throughout the interview process. However, these micro-farmers are faced with a number of struggles, such as the intermixing of non-Prime and Prime soils and proximity to non-farm neighbors, often within a suburban community. New farmers are also limited by their access to affordable land.



2. Intermixing of Residential and Farming Uses

The high level of parcelization within the town makes it generally difficult for agricultural operations to expand to adjacent or nearby parcels that are of sufficient size to be economically viable (the exceptions generally being horticultural operations, market gardens, and small-scale livestock operations). Parcelization also has the additional impact of increasing the “zone of conflict” between agricultural uses and potentially incompatible uses, such as residential and retail/commercial.

Opportunities

1. Active Land Preservation Program in the Town of Montgomery as a Basis for Coordinated Regional Land Preservation

Active farmland preservation programs in the region provide the basis for protecting regionally significant agricultural resources. This is particularly true given the commitment of Shawangunk’s neighbors, the town of Montgomery and the county of Orange, to provide local funding for easement acquisition, as well as support for preparing landowner applications for State preservation program funding.

2. Demand for Local and Regional Foods throughout the Northeast

Changing consumer purchasing power and food buying habits yield an expanded level of direct marketing opportunities, improved price points, and additional product development opportunities locally. An example is consumers’ desire for locally produced foods or synthetic-hormone free animal products, which offers an appropriate niche for small, vertically integrated producer cooperatives. Changes in demographics and consumer demand also create opportunities to develop new products and services.

Threats

1. Potential Speculative Holding of Land

The growing population, an anticipated higher demand for owner-occupied housing units, and the area’s natural features that limit development might result in a tight housing supply that could lead to artificially inflated property values and speculative land holding. This perceived threat is less likely to happen if real estate markets remain soft. The study team believes the rate of population growth, as estimated in Table 2, is moderate enough to be accommodated by the current local housing supply and future development trends.



2. Long-term Trend toward Residential Housing Development, Particularly as Spillover from Orange County

Land use patterns in the region are changing rapidly as the suburban reach of the New York metropolitan market places pressure on land resources in counties that are critical to maintaining a healthy agricultural infrastructure. This development manifests itself as low-density residential development and attendant retail-commercial development. The threat posed by this development is four-fold.

- The first threat stems from the nature of conflicting land uses. Agriculture, despite providing a pleasant and pastoral landscape, is a commercial and industrial land use that produces dust, odors, slow-moving traffic, and other conditions that conflict with residential use. There are true economic costs associated with managing farm operations, especially livestock operations, in close proximity to rural residences. In addition to the direct costs associated with operational changes, there are social costs that include neighbor infighting, nuisance suits, and crop damage.
- The second threat from current land development pressure comes from the patchwork of development. As developed parcels leapfrog existing farms, they limit the expansion capability of existing operations, while impacting successful intergenerational transfers due to the dual impacts of potential land appreciation (estate valuation) and the operational challenges of growing a business that is landlocked. In addition, the patchwork of farms requires farmers to travel greater distances between parcels, increasing both the time and expense of farming.
- The third issue involves the quality of land resources being consumed by development. To put it simply, the best soils and topography for farming are the easiest lands to develop and generally the first to convert.
- The fourth issue centers on the increase in land value due to low density development patterns. As a result of increased demand for land, farmers are forced to compete for land at higher prices. This impacts both operational costs and farm transition potential as farmland owners often concentrate their equity in land holdings.

Vision of Agricultural Viability

It is clear from the surveys, the Town of Shawangunk Comprehensive Plan, and the Open Space Plan that agricultural operations are essential to preserving the quality of life in Shawangunk. However, the definition of agriculture and the means for sustaining it are always evolving. It is therefore paramount that the community adopts a Vision of Agricultural Viability to be used as a guideline for future planning and process review for the Shawangunk Farmland Preservation Plan.

Vision of Agricultural Viability

*To protect and enhance the agricultural industry in Shawangunk
in a manner that protects the farmers' ability to operate profitably
while providing for community character, natural resource protection, and open-space needs.*

2



Section 2: Integrating Agricultural Land Preservation Tools into the Conservation Tool Kit

This section of the Shawangunk Farmland Preservation Plan highlights the land preservation needs and appropriate tools to service those needs for local landowners and farm operators. This section will address the desires of the community for preserving farmland and summarize what tools will be appropriated for fulfilling those desires.

Preservation Needs

Nearly all farm operators in the Town of Shawangunk are challenged by farmland loss due to low-density development. The effect of farmland loss has been particularly acute in the dairy sector, which has been the historic economic backbone of the community and the anchoring agricultural land use.

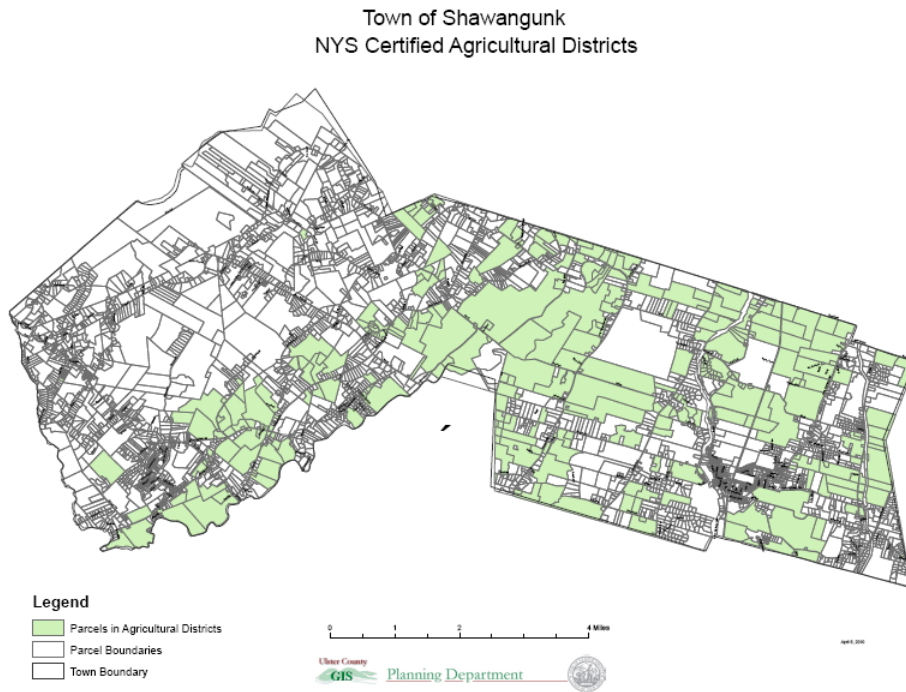
With the loss of agriculture, there has been a corresponding loss in the community benefits of agriculture, including the jobs and wealth creation spawned by agriculture and its associated input and output industries, the positive environmental benefits of agriculture, and enrichment of the local quality of life. The loss of all of these is being felt to varying degrees throughout the Town of Shawangunk and is recognized at many levels of the community.

Suburban development is the most common threat to farmland. This development and its associated infrastructure are incompatible with agriculture; it leaves those pursuing agriculture in a vulnerable position from zoning, land acquisition, and production points of view by limiting access to fertile lands and further development of agricultural production capabilities.

In response, the Town of Shawangunk and other governmental and non-governmental entities have structured means to provide land conservation assistance. These programs and regulatory structures

come in many forms, but are anchored by New York State's Agricultural Districts Law and the subsequent recommendation of agricultural districts by the Town of Shawangunk and Ulster County.

Figure 5: Agricultural Districts Map



New York State first formalized its agriculture and farmland protection efforts in 1971 with the passage of the Agricultural Districts Law (Law), also known as Article 25-AA. The Law recognizes that while agricultural land is one of the state's most important resources, farmland throughout New York is threatened by non-farm development. The Law's purpose is to provide local, non-regulatory mechanisms for keeping land in agricultural production.

The Agricultural Districts Law has been amended many times. In 1992, it was enhanced significantly to support New York State's farmland protection activities. These changes were included in the Agricultural Protection Act. Since then, other amendments have been made to the law, including stronger right-to-farm protections and the establishment of a statewide agricultural and farmland protection program, under which this planning activity is authorized.

Agricultural and farmland protection efforts in New York State are listed below.

- Agricultural districts
- Tax relief
 - o agricultural assessment
 - o ad valorem limitations
 - o farmers' school tax credit
 - o farm building exemptions
 - o sales tax relief for farm supplies
 - o local tax abatement

- Right-to-farm “package”
- Agriculture and farmland protection program
 - o planning grants
 - o PDR grants.

The players charged with the implementation and improvement of these efforts include the Advisory Council on Agriculture (ACA) at the State level and the Ulster County Agricultural and Farmland Protection Board (AFPB) at the county level. With the completion of this plan, the Town of Shawangunk will formally become a player in this farmland protection process.

In keeping with the intent of the above, the Town of Shawangunk worked with agricultural landowners and operators to determine if the protections and land preservation techniques currently provided through the Agricultural Districts Law were sufficient to meet their needs. Needs were assessed via a landowners’ survey conducted in the spring of 2009. Follow-up on issues identified in that survey consisted of interviews and public meetings during the summer and fall of 2009. The land preservation issues highlighted during these fact-gathering initiatives are described below.

1. Access to land is becoming a challenge, particularly for young and beginning farmers. This is an acute problem across production sectors and affects intergenerational transfers, as well as new farm acquisitions and farmland leases.
2. Current agricultural preservation programs are difficult to apply in the Town of Shawangunk due to unique local circumstances, such as broad flood plains, small parcel sizes, dispersed prime soils, and high levels of land fragmentation.
3. Development pressure, land fragmentation, and competition for land with non-operating uses put a premium on agricultural land that makes it less profitable to farm and difficult to expand. As a result, there is direct pressure for farmers, particularly new and expanding farmers, to grow their operations elsewhere.
4. A high tax burden places direct conversion pressure on farmland, particularly in poor performing economic cycles, which may contribute to farmland loss.
5. Competition for high productivity soils is high, particularly with non-farm uses. Protection of this resource is required if farming is to continue.
6. The design of the current State farmland protection program does not easily support farm transition options, particularly for intergenerational transfer. Simple changes to approach and design in a PDR program can increase the effectiveness of PDR as a financing tool for estate planning.
7. With major agricultural land holdings under ownership by Watchtower Farms and the New York Department of Corrections, significant farmland acreage is not on Shawangunk’s tax rolls.



In order for the Town of Shawangunk to develop effective tools for the protection of farmland, the above issues must be incorporated into programmatic responses that fit both the local need and the Town’s capacity to implement and manage change.

An integrated strategy of combining regulatory changes and market opportunities is essential, as none of the potential responses alone is a “silver bullet” that will ensure the continuation of agriculture. Communities with the greatest success in protecting their agricultural industries are those that employ a combination of these tools in a timely way. Vigorous regulatory and agricultural economic development programs are discussed in Sections 3 and 4 of this report.

Review of Tools and Programs

Local governments, farmers, key stakeholders, and other organizations have available to them a variety of programs and initiatives to achieve productive and sustainable farmland protection. The following table highlights these techniques.

Table 6: Summary Land Protection Tools and Techniques

| Protection Tool | Definition | Benefits | Drawbacks | Applicability/Status-Shawangunk |
|--------------------------------|---|---|--|--|
| Comprehensive Plan | Guiding vision of what a community wants to be in the future and a strategy for achieving it. | An organized way to identify productive farmland and set growth and protection goals; serves as basis for land use regulations. | Not legally binding; may be changed or ignored by officials as they rule on development proposals. | Shawangunk has completed a Comprehensive Plan that highlights the residents’ desire to maintain the community’s rural and agricultural heritage. |
| Differential Assessment | Taxation of farmland based on its agricultural use rather than its development value. | Modest incentive to keep land in commercial farming. | Benefits land speculators waiting to develop land. | Minimum of seven acres and \$10,000 in sales; horse boarding operations now eligible. |
| Agricultural Districts | State designation of an area of at least 500 acres of viable agricultural land. Initiated by landowners, adopted by the County. Land can go in any time, but can only come out when district is reviewed every eight years. | Farmed land within district provided protection from local ordinances, nuisance suits, and utility ad valorem taxes. Commissioner of NY State Ag & Markets has authority to rule on local land use conflicts. | Area defined by landowner willingness. County adopts, but Town ordinances are affected if there is a dispute. State has authority to rule on local land use conflicts. | Shawangunk is concerned that the process used to approve small parcels for inclusion in the Ag-Districts may allow non-conforming community uses. The concern is that the District program creates a situation whereby the Town may lose control of local land-use decisions. The Town has initiated discussion about bringing local ordinances in line with farm operation needs. |

Shawangunk Farmland Preservation Plan

| Protection Tool | Definition | Benefits | Drawbacks | Applicability/Status-Shawangunk |
|---------------------------------------|--|--|---|---|
| Purchase of Development Rights | Voluntary separation and sale of the development rights from land in exchange for a permanent conservation easement. Typically paid difference between restricted value and fair market value. Land remains in private ownership and on tax rolls. Programs that authorize and manage have a long-term commitment to monitoring easements. | Provides permanent protection of farmland and puts cash into farm and farm economy. | Public cost may be high. Combined with being voluntary, it may be difficult to protect a critical mass of farmland. | Currently there is no purchase of development rights program in Ulster County for agricultural land. Only State funds through Ag and Markets are currently available to conserve lands in the county and town. While farmers have a strong interest in land preservation, a prior history of poor scoring for State PDR funds has created a negative attitude toward PDR programs. In terms of supporting a locally funded option, Shawangunk's farmers do not have strong interest in increasing the local tax base to support such a program. |
| Transfer of Development Rights | Voluntary separation and sale of development rights from land in one part of a jurisdiction to be used to increase density in another part. Conservation easement placed on sending parcel. | Developers compensate farmland owners. Creates permanent protection of farmland and shifts some costs to private sector. | Difficult to establish and administer. Opposition by landowners in receiving areas. Needs to be an integral part of a jurisdiction's growth management strategy at a time that sending area resources are relatively intact and intensification of receiving areas is feasible. | Currently no TDR programs operate in any towns in Ulster County largely due to the dispersed nature of development. Shawangunk's development patterns do not indicate that a local TDR option would be viable. |
| Private Land Trusts | Local non-profit 501(c)(3) corporations designed to identify resources to be protected, accept permanent conservation easements from landowners, and monitor their provisions through time. | Can provide permanent land protection. Can forge public-private partnerships. Greatly facilitates the donation of conservation easements from landowners able to benefit from income tax benefits. | Private land trusts may focus on specific areas and or types of easements. Land trusts may not be able to fund a PDR program and typically prefer to work on projects with a donation component. Unless specifically designed for agricultural protection, farming may be virtually impossible on conservation easements designed for other purposes. | The OSI, Scenic Hudson, and the Walkkill Valley Land Trust are the most active land trusts in the region. These land trusts accept donated easements and provide funding for purchase of conservation easements. These trusts may partner with Towns, such as Shawangunk, to develop and finance easement programs and to provide easement monitoring support. They may also support new farmer and land aggregation programs. |

Recommended Actions

The following recommendations are offered to improve the integration between agricultural and residential land uses in Shawangunk, as well as to improve the general economic conditions facing farming and related land uses. The recommendations build on the needs and tools identified in the preceding subsections. The intent of these recommendations is to outline useful tools that can be incorporated into a series of Town-managed farmland preservation programs that address the unique nature of farming in Shawangunk. Once adopted, along with the recommended actions in Sections 3 and 4, these tools will form the basis for a long-term farmland protection work plan.

Within the farmland protection area, there are three specific recommended actions which will be described in the following pages.

- A. Explore Development of a Town of Shawangunk Agricultural Land Preservation Program
- B. Develop a Formula to Strategically Utilize Farmland Protection Funding
- C. Encourage Ulster County to Update the County's Agricultural and Farmland Protection Program.

Explore Development of a Town of Shawangunk Agricultural Land Preservation Program

Shawangunk currently lacks a formal structure for long-term planning, coordination, and management of farmland preservation efforts. In light of the unique geographic and cultural situations facing Shawangunk, this could present challenges in effectively managing local land conservation efforts, particularly in the context of preserving working farmlands. Given the success of the neighboring Town of Montgomery, the potential to effectively employ a dedicated working lands preservation program at the Town level is a concept that is both well understood and appreciated by local landowners.

The Town of Shawangunk has already taken the vital first step toward establishing such a program by developing this Farmland Preservation Plan. The next step in reaching the goal of protecting vital agricultural lands will involve creating a working committee, or charging an existing committee, to create and manage an ongoing farmland preservation program with the intent of leveraging outside resources to achieve the Town's preservation goals.

The committee's initial work program would include developing a plan to reach the conservation goal of protecting fifty percent of the prime and productive soils within the existing agricultural districts through permanent conservation easements. The committee will be charged with a series of duties and decisions, beginning with landowner outreach and education on existing land preservation options, the coordinated offering of estate planning seminars in cooperation with partners such as Farm Credit, and the creation of local short-term and long-term preservation goals that match the reality of conservation funding in the region.

Farmland Preservation Committee Tasks

- set preservation goals
- provide landowner outreach and education about preservation options
- offer estate planning seminars with partner entities
- develop town-level conservation easement programming

Upon completion of the initial work items, the committee will develop specific town-level conservation easement programming, including both short- and long-term goals.

- Short-term Goals
 - Fund a grant program to provide a portion of match requirements for state PDR grant applicants.
 - Support creation of a County revolving loan fund to provide bridge financing for PDR acquisitions.
 - Encourage private donations of agricultural conservation easements.
- Long-term Goals
 - Study innovative approaches to enhance State and local land trust easement value, such as water recharge overlays, watershed best practice overlays, Option to Purchase at Agricultural Value program, and highway scenic easements.
 - Study Installment Agreements as an option to encourage participation from tax-motivated landowners.
 - Develop a Memorandum of Understanding with the Department of Corrections and not-for-profit organizations related to the disposal of excess agricultural land, encouraging its permanent conservation in agricultural easements.

Once established, this program would serve as a one-stop shop for landowners seeking conservation development options on their farms. The on-going duties of the committee will include serving as the liaison between the Ulster County Farmland Protection Board and the Town Board, preparing grant applications for land owners, and developing conservation funding opportunities.

Develop a Formula to Strategically Utilize Farmland Protection Funding

High levels of interest in Purchase of Development Rights Programs often means that program funds must be rationed to projects that meet or exceed a community's baseline expectations. This recommendation establishes a process for targeting and prioritizing applicants. The recommended targeting approach uses the following formula:

1. Highest priority will be given to parcels that are within Ulster County's Agricultural Districts 1 or 2; that are located in the Town's R-Ag Zoning Districts; that are at least 50 percent in soils classified by NRCS as Prime, Productive, or of Statewide Importance; that are consistent with the Town of Shawangunk Comprehensive Plan Concept;³ and that are in active farming.
2. Second highest priority will be given to parcels that are located in Ulster County's Agricultural Districts 1 or 2; that are located in the Town's R-Ag Zoning Districts; that are at least 35 percent in soils classified by NRCS as Prime, Productive, or of Statewide Importance; and that are in active farming.
3. Third highest priority will be given to parcels that are located Ulster County's Agricultural Districts 1 or 2 or that currently receive an agricultural tax exemption. Parcels must also be located in the Town's R-Ag Zoning Districts and be in active farming.

³ Town of Shawangunk Comprehensive Plan Concept can be found on page 19 of the Town of Shawangunk Comprehensive Plan.

Fully donated easements may be exempt from these criteria at the discretion of the Town Board.

This type of targeted decision making is required when preparing applications for funding or determining the weighted value of competing projects. With this in mind, the *Town should consider developing an objective rating system to evaluate farm parcels that may be considered for permanent protection*. As envisioned, the rating system would be developed based on the experiences and expertise of the to-be-authorized farmland preservation committee, but should include at least the following additional criteria:

- 1) viability for agricultural production (soil suitability; location within the area's Agricultural Districts)
- 2) development pressure (availability of public water and/or sewer; location near hamlets of Walkkill or Pine Bush)
- 3) buffers of environmental resources (contains or adjoins Class 1, 2, or 3 wetlands; contains federally designated wetlands; is within a designated flood hazard zone).

Appendix C recommends an initial ranking formula to be used in support of any landowner applications that may move forward through the Town in the near term. The rating system could also be used to support the inclusion of Town parcels in the Ulster County Agricultural and Farmland Protection Plan when the Ulster County Agriculture and Farmland Protection Board updates the plan. Shawangunk's ranking criteria should be incorporated into any new County plan to assure that the Town's preservation efforts are not orphaned by extra-jurisdictional efforts.

Encourage Ulster County to Update the County's Agricultural and Farmland Protection Plan

Ulster County's Agriculture and Farmland Protection Plan (County Plan) has been in existence for more than a decade and should be updated to reflect changes in the County's agricultural industry and communities. The County Plan is becoming outdated as various Ulster County towns adopt their own farmland preservation plans and implementation tools. In order for the County to effectively integrate its farmland protection programs with the Town of Shawangunk's plan, an update of the County Plan is suggested.

As part of the update process, the Town of Shawangunk should encourage Ulster County to develop a clear policy for evaluating new applicants for inclusion in Ulster County's Agricultural Districts. Shawangunk should encourage Ulster County to specifically address the inclusion of small, non-contiguous parcels of land that exist within a dense suburban development, as well as those which may be included in areas identified for industrial, commercial, and high density residential growth in town comprehensive plans. Westchester County is currently in the process of developing such standards and may provide guidance to Ulster County in this regard.

3



Section 3: Zoning and Land Use Controls for Farmland Preservation

This section of the Shawangunk Farmland Preservation Plan highlights the needs of local landowners and farm operators for access to improved land use controls that permit continued farm production, adhere to the community’s development values, and are within the enforcement capacity of the Town. Section 3 not only identifies needs and tools, but also summarizes possible actions that can be taken to implement solutions.

The Need for Land Use Controls

Comprehensive land use plans set the stage for the development and improvement of land use controls. As such, comprehensive plans present a vision for the community and suggest means for extending this vision into new or refined public policies. The Shawangunk Comprehensive Plan, as summarized below, specifically incorporates the need for environmental and farmland protection, paving the way for the development of new regulatory tools.

The Shawangunk Comprehensive Plan serves as a development policy for the future of the Town of Shawangunk. It is a synthesis of the basic studies and updated reports which surveyed and analyzed existing physical and social conditions and identified fundamental trends and future needs. This plan is a tool to help guide future growth, while protecting the community’s future resources. It is predicated on identifying recommendations that will carry out the values and preferences of the community.

The community vision represented in the plan was developed through a process that confirmed that local residents strongly identify with the scenic, cultural, and open space attributes of the town. With

this in mind, the Comprehensive Plan Committee adopted a vision of the development of the town and how that development will contribute to the well-being of the community. It includes:

- protection and preservation of important natural resources and views in the Town, particularly those associated with the Shawangunk Ridge and the Shawangunk Kill and Wallkill River corridors
- promotion of the hamlet of Wallkill as a compact and lively community center
- encouragement of appropriate commercial and industrial development in and near the hamlet centers
- promotion of an agriculture and forestry sector in the Town that is economically viable and that also protects the natural environment
- protection of important areas of open space
- encouragement of development that blends in with the natural environment through high-quality, environmentally sensitive design and landscaping
- provision of diversity in housing types so that the Town remains affordable for all of its residents
- protection of historic resources of the Town.

A special focus of the Comprehensive Plan is protecting the historic John G. Borden estate. This site is actively farmed and represents a large concentration of high-quality agricultural resources. It is also historically significant since it served as the centerpiece of the Borden dairy enterprises. According to the 2003 Comprehensive Plan, "The Borden family and its holdings may have exerted the single greatest influence in shaping the physical and cultural development of the Hamlet of Wallkill. In establishing the Borden Home Farm Historic Overlay District, the Town of Shawangunk formally recognized the Borden Home Farm area as 'a unique cultural and scenic resource possessing historic significance and integrity.'"



Based upon an evaluation of the studies and an assessment of the community's goals and values, the Comprehensive Plan makes recommendations in five major sections.

1. Land Use

This element of the plan promotes large areas of open space outside of village centers through cluster subdivision and incentive zoning, while promoting more dense, mixed-use development within hamlets and public service areas. A focus on design standards and enhancing the visual attractiveness of the Town is central to the implementation areas.

2. Natural Features

This element of the plan seeks to protect natural and scenic resources, such as the Shawangunk Ridge, Shawangunk Scenic Byway, and critical watersheds, through conservation subdivision and through a natural resource inventory. Aquifer protection through management of development patterns, such as hamlet-centered development, is also key to this element. Long term, development of a Transfer of Development Rights program is seen as a critical tool for resource protection, particularly in the Ridge Protection Zone.

3. Housing

This element of the plan encourages more concentrated development in and around water and sewer infrastructure and hamlets. It also envisions the creation of diverse housing types, while enhancing community image through the adoption of design standards and façade programs. Future housing development will be encouraged to use “Smart Growth” principles, such as clustered, neighborhood-based development. Housing development patterns that preserve important open-space parcels will be encouraged.

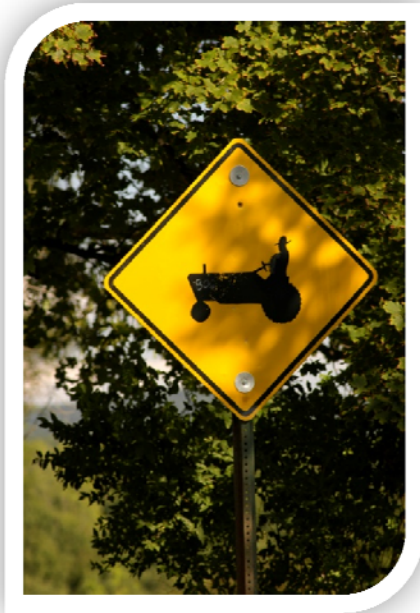
4. Community Infrastructure

This element of the plan covers a wide array of infrastructure needs, ranging from water supply to roads and parks. The intent is to assure that the Town develops a system to monitor and maintain community-appropriate and properly scaled infrastructure that accommodates the type of growth management activities described in other sections of the plan. Particular emphasis is placed on water management and public water and sewer provision.

5. Economic Development

The economic development element of the Comprehensive Plan clearly focuses on leveraging existing industry and community centers to generate wealth, jobs, and tax base. Agriculture is a focal area, as are hamlet-based commercial centers and tourism-related gateways that encourage a greater flow of outside capital. This plan element is closely tied to the Town’s natural assets that include waterways, wildlife habitat, the Shawangunk Ridge, and the existing agricultural marketing infrastructure. Wherever development is to occur, a clear relationship to community appropriate scale is recommended.

Beyond the Comprehensive Plan, the Town of Shawangunk interviewed farmers and convened focus groups in the spring and summer of 2009 to assess current and specific needs for improvements to land use controls. Issues ranged broadly, but generally focused on the fact that farm and non-farm uses are intermixed and often incompatible. The conflict generated by this incompatibility presents itself in conflicts with neighbors over farm operations and is exemplified in zoning and subdivision code which tries to balance the needs of residents with the commercial and industrial nature of agriculture. The issue of integrating small farms within predominately low-density residential areas is of particular concern and highlights the conflict of managing a business operation within a residential setting.



Another issue that surfaced was the ability to develop all of the farm or a part of the farm, either for residential or farm-related commercial uses. The general concern expressed was that current law made it difficult and expensive to develop in a manner that fit the requirements of the farm. This issue was subject to a code review by the New York Planning Federation, which can be found in Appendix A.

The final issue, which was raised almost universally, was the fear of an increased tax burden as the Town expands services to meet the needs of an expanding residential property base. Many farmers felt that increases in taxes were inevitable with growth and feared that the increased tax burden may force a change in operating practices or an outright sale of the land, as they transitioned operations elsewhere or simply ceased farm operations.

Additional planning for the region has been completed that may impact the development of regulations and policies that affect agriculture in Shawangunk. Of particular note is the

Shawangunk Mountains Regional Open Space Plan of 2008, which focuses on those areas of the Town west of the Wallkill River. Generally, land owners felt that the outcome of the plan was positive, but did have concerns that implementation without a focus on working lands may affect the utility of farmlands covered by the plan. Elements of the plan are summarized below.

In December 2008, the Shawangunk Mountains Regional Partnership released its regional open space plan, which provided an assessment of the mountains' resources, such as its natural communities, waterways, farms, orchards, vineyards, and forests. Following the assessment, strategies were formulated to preserve the resources. These include:

1. Partnering with Land Trusts

The Shawangunk Mountains Region is an expansive resource of 134,000 acres. Protection of the resources requires the collaborative efforts of land trusts in the area. There are six active land trusts with different, yet complementary, roles. The Open Space Institute and The Nature Conservancy are the more high-profile trusts in the region. They are responsible for the coordination and execution of larger conservation projects. Other local land trusts, such as the Wallkill Valley, focus on specific geographic features.

2. Conservation Financing

Existing funds should be leveraged for conservation initiatives. Additionally, State legislation should be sought for a real estate transfer fee to the municipalities around the region.

3. Resource-Friendly Growth

At the municipal levels (such as local boards), planning and development should always have a regional perspective because of the area's vast coverage of natural resources. Cooperation between municipalities is vital and beneficial.

4. Conservation Advocacy

At the State and federal level, a voice of advocacy should be sounded to help the region improve its ability to conserve land and resources, while supporting resource-friendly growth.

5. Progress Tracking

Systems should be implemented to monitor the progress of local and regional efforts, so that both achievements and challenges can be properly documented and addressed.

Applicable Tools and Programs

As the regulatory environment at the local, State, and federal levels becomes more complex, compliance becomes more costly across all sectors. Many communities have developed responses to this issue by using their economic development offices as a means for streamlining processes and improving efficiency in both the development process and with on-going corporate outreach. Tools such as one-stop licensing, regulatory ombudsmen, and specialized training of enforcement officers have proven both affordable and effective.

In some areas where recent regulatory enforcement actions exist, it may be necessary to create a buffering system whereby the general community, farm operators, and land owners can seek greater understanding of the law and the relationship of their specific issues to that law. Creating an ombudsman to deal with such issues is often warranted and may be recommended as a regional/county-based effort, particularly as it relates to land use and health code regulations.

Table 7: Land Use Regulation Tools

| Protection Tool | Definition | Benefits | Drawbacks | Applicability/Status-Shawangunk |
|--------------------------------|--|---|--|--|
| Comprehensive Plan | Guiding vision of what a community wants to be in the future and a strategy for achieving it. | An organized way to identify productive farmland and set growth and protection goals. Serves as basis for land use regulations. | Not legally binding. May be changed or ignored by officials as they rule on development proposals. | The Town of Shawangunk adopted its Comprehensive Use Plan in 2003. |
| Differential Assessment | Taxation of farmland based on its agricultural use rather than its development value. New York provides a range of tax benefits to farmers to manage tax burden including the differential tax assessment. | Modest incentive to keep land in commercial farming. | Despite its differential tax assessment, USDA reports that New York farmers consistently rank in the top ten for highest property tax assessments nationally. Differential taxes can also benefit land speculators. | Taxes are a major concern for farmland owners who consider them a challenge to being regionally competitive. |
| Incentive Zoning | A system by which a community can provide incentives to a developer in exchange for physical, cultural, or community benefits. Such a system adds flexibility to local zoning code by allowing the Town and developer to negotiate mutual benefits within the structured rules of the incentive zoning system. | Incentive zoning can be used to protect open space and provide financing for public infrastructure and economic development programming. Benefits can accrue to the agricultural industry. | To be effective, incentive zoning systems generally require complex rules and complicated negotiations. Because of this, there are often high transaction costs that are not envisioned when the initial rules are set. This can make it difficult to implement the expected benefits or can add sufficient cost to a project to disincentive its use. | Shawangunk's code currently includes incentive zoning provisions. To date, incentive zoning has not been applied to a development project. The small scale of most subdivisions in the Town is the likely reason developers have not taken on the additional transaction costs of using the incentive program. |
| Subdivision Regulations | Subdivision regulations allow property owners to divide land into smaller parcels and subsequently develop parcels. These ordinances include minimum requirements for water supply, road construction, setbacks, lot size, as well as other public safety, environmental, and quality-of-life considerations. | Subdivision regulations can be written to protect agricultural operations within rapidly developing areas by allowing sufficient setbacks, establishing design standards, and requiring buffering. Cluster subdivision provisions further enhance protection of soils and open space. | Subdivision regulations regulate how, not if, farmland is developed. In addition, agriculturally supportive regulations may create tension between residential and farm land uses if new neighbors object to the sights, sounds, and smells of commercial farming. Cluster subdivisions may promote open space, but generally they are not designed to support commercial agriculture. | The Town encourages cluster subdivisions with remainder parcels in permanent conservation. Additional incentives and higher development pressure may be necessary to increase use. Subdivision regulations are often not a concern of some farmland owners, except some feel that minor subdivisions were encouraged to be located close to the road frontage and in open fields. Regulatory requirements address some of this, but the cost savings often affiliated with road-side development often encourages this practice. |

Shawangunk Farmland Preservation Plan

| Protection Tool | Definition | Benefits | Drawbacks | Applicability/Status-Shawangunk |
|-----------------------------|---|--|--|--|
| Right-to-Farm Laws | In New York State, Right- to-Farm protections are limited to farmland in the Agricultural District in the County, such as: 1. definition of agricultural land use, 2. local ordinance provision 3. notice of intent, 4. sound ag practices determination, and 5. disclosure notices. | Strengthens the ability of farmers to defend themselves against nuisance suits. Shields farmers from excessively restrictive local laws and unwanted public infrastructure. Tied to agricultural district designation. | Not meant to shield from all legal disputes with neighbors. Does not stop complaints from non-farm neighbors. May not protect major changes in farm operations or new operations. | Farmers and landowners in Shawangunk do not feel that State protections offer sufficient protection from nuisance suits at this time. Additional controls at the Town level can be addressed partly through adoption of Planning Federation’s proposed amendments to code, including an update of the definition of agriculture. |
| Agricultural Zoning | Typically low density zoning, such as one unit per 20 acres in a predominantly farming area. | Limits non-farm development in areas intended for agricultural use. Can protect large areas of farmland at low public cost. | Landowners may complain about loss of “equity value” if land values have begun to escalate due to development pressure. May create a “Constitutional Taking.” | There is currently low interest among operating farms for the additional protections offered by large-lot zoning. Farmers are, however, interested in the additional protections afforded to production agriculture within an Agricultural Zoning category. |
| Regulatory Ombudsman | An ombudsman is a designated neutral agent who provides informal assistance for resolving regulatory-related concerns. The ombudsman is independent of the formal regulatory structure. The ombudsman cannot impose solutions, but will identify options and strategies for resolution. | Provides a means for farmers to resolve regulatory disputes in a non-confrontational manner. An ombudsman also allows for improved education and information flow between parties. | Public cost may be high relative to the utilization of the ombudsman position. It is also difficult for the ombudsman to be proficient in all of the regulatory elements of agriculture. | Currently no local or county agency serves the role of regulatory ombudsman for agricultural dispute resolution. The need for such a position was made evident in interviews, but the volume of local issues does not warrant the creation of a position within the Town of Shawangunk. |

Recommended Actions

Update Zoning Code and Subdivision Regulations to Support Agriculture

Local land use policy in the Town of Shawangunk generally treats agriculture as a place holder for residential development in all R-A categories, and thereby encourages the co-mingling of residences with agricultural-industrial activity. The pressure created by the hopscotch pattern of mixed-use development can have varied local impacts on agricultural land value, as well as the operational utility of agricultural lands.

Zoning Updates Needed

- change definition of agricultural land used in production to match Section 301(4) of NY Agricultural and Markets Law 25-AA
- conduct farmer review of land use regulations
- create performance standards to help define agricultural activities

Agricultural operations find it difficult to operate in such an environment, and the opportunity cost of holding land in that situation often outweighs the operational gain. Local ordinances can exacerbate some of the operational effects of farming in these areas. For instance, required setbacks for wells are minimal on a residential lot in a farming area, yet a farmer must yield production ground to keep mandatory setbacks on the application of agricultural inputs. Farmers view these actions as a de facto taking of their right to generate an income from their property. Similarly, certain marketing and distribution activities, such as on-farm slaughter and collective distribution, can be difficult to accommodate under current code.

Tools such as Incentive Zoning and Cluster Subdivision have been adopted to reduce the above-mentioned burden. These tools have not been widely used to date as they apply only to major subdivisions. In large part the pattern and scale of development in the Town has not supported large scale use of these tools, particularly Incentive Zoning. These characteristics make it difficult to apply complicated development schemes and can add significantly to the transaction costs of development. Therefore, modest changes to code may be warranted to increase the effectiveness of the existing code for protecting agricultural operations and preserving open spaces. Examples of incentive zoning and cluster zoning can be found in www.farmlandinfo.org.

The following actions are recommended.

- Update the definition of a farm operation as well as agricultural land use in the zoning code to coincide with Section 301 of Agriculture and Markets Law 25-AA.
- Appoint a farmer-led team, with involvement from elected officials and community members, to review the Town's land use regulations and policy.
 - Review findings of New York Planning Federation (NYPF) zoning updates pursuant to Appendix A.
 - Review permitted uses vis-à-vis current farm industry needs.
 - agriculturally related processing
 - food distribution
 - alternative energy
 - high-intensity agriculture.

- Examine the need to create performance based standards for agriculture and agribusiness activities, including emerging opportunities such as those above.
- Make other recommendations for changes and updates as necessary.
- Develop a regular schedule for review and update.
- Develop an agricultural overlay zone to include revised standards for farmstead housing (farm worker and land owner housing) and agriculturally related outbuildings as a means to streamline on-farm improvements.
- Utilize incentive zoning as a financing tool for land preservation by adding a clear cut fee in-lieu structure for buying into predefined incentives. Fees would be used to support Town-led conservation efforts.
- Improve cluster subdivision to incentivize development away from best quality soils and allow greater flexibility in subdivision design.
 - Alleviate restrictions on road length and frontage requirements to allow for better lot placement.
 - Allow greater development capacity in cluster subdivisions that direct development away from commercially viable areas of Prime, Productive, and Soils of Statewide Importance.
- Work in concert with the Ulster County Planning Department to conduct regularly scheduled workshops with elected officials and agency staff to apprise them of changing market and regulatory conditions.
- Seek grant support, with support from the Ulster County Planning Department, to co-develop a virtual agricultural policy book to keep farmers informed of land-use related development requirements.

Support Improvements to the State Right-to-Farm Provisions

Typical Right-to-Farm protections in New York are designed to protect landowners from inappropriate changes in land-use code. According to farmer interviews, these protections do not go far enough in protecting the producer from the type of neighbor conflicts generated from mixing residential use with the sometimes industrial nature of agricultural operations. This is particularly true in areas like Shawangunk, where a growing number of new farm operations are integrating with residential communities. *Supporting changes to Section 308 of the Agricultural Districts Law may provide additional protection to farmers and their non-farm neighbors, which is important to the continuing success of agriculture.*

- Recommend a review of Section 308 of the Agricultural Districts Law to incorporate a higher level of nuisance suit protection, such as mandatory arbitration or mediation modeled after Carroll County, Maryland.
- Explore local methods to deal with neighbor conflicts, to include:
 - notification of property owners within agricultural areas annually

- creation of a notice of agricultural use for inclusion with closing documents
- creation of a mediation system to review agricultural nuisance claims
- establishment of a Town committee (or sub-committee) that would pro-actively provide information, resources, and public forums for residents to interact with farmers on a variety of agriculture and agriculture-related issues
- creation of an ombudsman function within the EMC or Town Planning Board.

Act on the New York Planning Federation Zoning Review

The Shawangunk Farmland Preservation Plan endorses the development of a process to review the recommendations of the New York Planning Federation Zoning Review that would be overseen by the Shawangunk Town Board and conducted in coordination with other efforts to refine land-use code in compliance with the Town's Comprehensive Plan. Issues recommended for immediate review include:

1. Amending language in Aquifer Protection Overlay District to allow for the application of pesticides and herbicides within Primary Recharge Areas where landowners have a Soil and Water Conservation Plan or Integrated Pest Management system in place.
2. Amending zoning and subdivision code to include a requirement for an Agricultural Data Statement as part of proposed site plan reviews, special use permits, or use variances, as required by Town Law §283-a.
3. Expanding cluster subdivision provisions to include existing farms, prime farm soils, and Soils of Statewide Importance, which may not necessarily be included within Agricultural Districts, as well as lands within and adjacent to Agricultural Districts.

The above items can be implemented quickly and will refine language in the existing code that is problematic for farm and forestland owners. Other important regulatory remedies are recommended in the zoning and subdivision review which can be found in Appendix A.

4



Section 4: Utilizing Agricultural Economic Viability to Sustain Existing Farms and Promote New Farm and Value Added Production Operations

This section encourages farmland preservation by creating profitable farm operations. It addresses possible economic development tools that can be used to create a sustainable and profitable environment for agriculture in the Town of Shawangunk.

Certain “pain points” that were exposed during interviews provide a focus for this section. These pain points include the need for new farmer development; a farmer-to-farmer exchange of ideas, farm products, and equipment; and business assistance to help farmers improve their existing operations, find capital, and attack new market opportunities.

Agricultural Economic Development Needs

The Town of Shawangunk is well armed for competing regionally as an agricultural community. The Town possesses a variety of soil types, including many rich soils on former dairy farms, that are ideal for specialty crop production, particularly market vegetables and small fruits.

Furthermore, a renewed focus on agriculture is possible due to the Town’s unique position within two hours of the New York City market. This market access and the variety of marketing opportunities are attractive and encouraging to new farmers, particularly in organic specialty crop production, which provides for higher revenues per acre.

To effectively preserve its farmland, the Town of Shawangunk should focus on encouraging the economic viability of its existing and new producers. As stated above, the community has numerous

opportunities available to it. Table 8 describes several ways in which the community may further capitalize on those opportunities and build a healthy environment in which farms will thrive.

Table 8: Applicable Tools and Programs

| <i>Protection Tool</i> | <i>Definition</i> | <i>Benefits</i> | <i>Drawbacks</i> | <i>Applicability/Status-Shawangunk</i> |
|--|---|--|--|---|
| <p>Regional Agricultural Incubator: <i>Planning, education, and training to support new and existing agricultural enterprises</i></p> | <p>An agricultural incubator serves as a catalyst to attract new agricultural enterprises and to grow existing enterprises. The incubator offers services such as business planning and financing assistance, networking, training, and education. These incubators differ from traditional business incubators by not offering real-estate assistance (office or production space) or high-tech labs. This significantly reduces the operating overhead. Most importantly, agricultural incubators provide specialized ag-industry subject matter experts and professionals.</p> | <p>Incubators are a low-cost tool to increase agricultural revenues and the number of ventures. These entities often serve as the hub for emerging ideas, people, technologies, and marketing techniques. They also provide timely training and education to keep existing production competitive. These are valuable services that producers would not otherwise obtain. They differ from extension agents by focusing on the market aspect of agriculture and are not burdened by research and documented experimentation.</p> | <p>Continuous funding must be available to help the incubator establish a strong presence and program portfolio in the community. Incubators must attract private investors and parties interested in agriculture; without such support, many incubator clients may never grow their businesses to sustainable, scalable, and attractive levels.</p> | <p>Currently, Shawangunk and Ulster County lack any agricultural incubator. New Paltz and Marbletown are also interested in an agricultural incubator. A group effort would provide the greatest chance for success by aggregating funding, the resource pool, and the applicant pool to create effective agricultural cluster development.</p> <p>An incubator is perfectly positioned to jumpstart agricultural development by undertaking the activities listed in the definition and also by sending a signal to the community that agricultural ventures are supported.</p> <p>Examples of incubator services and programming can be found after this chart. These generally include classes and services centered on agricultural business; estate planning and farm continuity; and new farmer, gardener, and cottage industry production methods.</p> <p>Support for such activities may be available from the Hudson Valley Agribusiness Development Corporation (www.hvadc.org).</p> |

| Protection Tool | Definition | Benefits | Drawbacks | Applicability/Status-Shawangunk |
|---|--|--|---|--|
| <p>Create a Virtual “Farm-Mart” for Ag-Resources: <i>Creating a resource guide and peer-review network for producers to find equipment, service providers, land, and advice, including reviews and feedback from their peers.</i></p> | <p>Across the U.S., industry focused “marts” are popping up, particularly in medical technologies. These “marts” serve as a physical hub for innovation, interaction, and commerce for that industry. These facilities can best be compared to a permanent convention center for that industry. They include permanent showrooms for major manufacturers and service providers, revolving displays of the latest research and inventions, and regular conferences to promote inter-profession trade of ideas and research.</p> | <p>Having more perfect data is beneficial to all of the producers. There is a cost to gathering data and making a decision, and if that cost is prohibitive, it will slow or stop farm innovation, investment, and new farmer development. By creating a “farm-mart,” the Town will be simply building the infrastructure in which information can be gathered, stored, shared, and improved for all to benefit. This will reduce the cost of making decisions, improve the success rate of such decisions, and can even spur economic development in cluster-related fields, such as equipment sales and maintenance.</p> | <p>The “farm-mart” will require an initial investment to build the technology and gather the local data. Furthermore, the user base must be aware and educated about the tool. Their participation is necessary to the effectiveness of the tool.</p> | <p>This is a very low-cost and low-risk program that Shawangunk could easily pursue. Web-based technologies, including “wikis” and forums, are often free, open-source technologies that are often able to be configured without a programmer. Initial data collection can be user driven. It is to the benefit of the vendors to submit their data for consideration. They may even pay for such exposure. Regular maintenance of the tool (data-scrubbing) and physical meetings are encouraged to capture the emotional and non-verbal feedback that can be important to the community.</p> |

Shawangunk Farmland Preservation Plan

| Protection Tool | Definition | Benefits | Drawbacks | Applicability/Status-Shawangunk |
|---|--|--|---|--|
| <p>Micro and Small-Farm Education and Marketing Network: <i>Encourage profitability and, therefore, the survival rate for emerging small and micro-farms by bridging the gap between supplier and buyer in terms of production and market access.</i></p> | <p>Urban and micro-farms are one of the fastest growing segments in agriculture today, and the trend is evident in Shawangunk. However, most of these farms net less than \$10,000 per year in revenue and most are losing money. Such enterprises often run out of capital and energy.</p> <p>The proposed solution is to create training and marketing tools to help them be successful. This includes common distribution and marketing technology to reduce transaction costs, training about packaging and food safety, and networking to encourage cooperative crop planning, resource sharing, and marketing.</p> | <p>These enterprises can serve an important role in reviving agriculture. With success, they will grow into larger production methods and generate more local revenues.</p> <p>A considerable benefit to micro-farms is the low start-up costs. They may be started on less productive soils using raised bed gardens, require little equipment, and serve as an immediate proof of concept.</p> | <p>Many of the micro-farms may fail and successful marketing of their products often requires access to direct markets or cooperation to produce a considerable harvest that is meaningful to wholesale networks.</p> <p>Another common drawback of micro-farms is that they are often started as a backyard activity in a residential community. This often puts them in conflict with neighbors and can involve regulatory enforcement where human health and safety become an issue.</p> | <p>In the survey responses, small-scale specialty crop production was of great interest to the farm community and of general interest to the non-farm community.</p> <p>One of the major challenges that Shawangunk needs to overcome is new farmer recruitment. It is easier to recruit individuals into agriculture when the start-up costs are low. Small-scale production on micro-farms will help bring “new blood” into the ag community.</p> <p>These small-scale farm models can help identify qualified talent to lead the next generation of larger scale agricultural production in Shawangunk.</p> |

Shawangunk Farmland Preservation Plan

| Protection Tool | Definition | Benefits | Drawbacks | Applicability/Status-Shawangunk |
|--|---|--|---|---|
| <p>Regional Agritourism Promotion: <i>Create a brand for Shawangunk and its agricultural resources as a destination for families, corporations, and sportsmen.</i></p> | <p>Agritourism allows working farms and attractive forestry lands to generate revenue and market their products by hosting events, offering tours, and providing entertainment and/or education. Winery tours and tastings are a perfect example of agritourism.</p> <p>Successful agritourism efforts often include creating a marketplace for and branding of the area as a destination for families, romantic getaways, and corporate events. This includes promoting quality foods, family entertainment, and unique atmospheres.</p> | <p>This allows for supplementary income for a farm in several positive scenarios: farms with no more land to expand crop production can generate more revenue; the value of farm product brands increases; and, leasing hunting rights can generate revenue and manage pests for working farms and forest owners.</p> <p>Agritourism is complementary to the existing tourism in and around Shawangunk. Promoting agritourism would require branding efforts and education of land-owners on how to start an agritourism business segment.</p> | <p>Developing an agritourism component of a farm can be expensive and tedious. Owners will need public facilities, appropriate access (improved roads), parking, liability insurance, and possibly new construction to get started.</p> <p>Shawangunk will need to leverage existing agritourism opportunities, such as farm festivals, orchards, and forestry, to jumpstart the agritourism industry until new attractions become available.</p> | <p>Shawangunk is perfectly situated for agritourism, particularly when considered as a regional attraction with neighboring towns like New Paltz and Marbletown.</p> <p>Shawangunk is near large urban communities and is surrounded by attractions of interest to a large and diverse part of the population. These other attractions include parks, trails, resorts, skiing, and bed and breakfast establishments.</p> <p>Agritourism would perfectly complement these offerings, share similar existing resources, and even complement the other market viability recommendations, including helping build successful market access for small-scale farms.</p> |

Recommended Actions

Applications of the protection tools described in Table 8 to the Town of Shawangunk are as follows.

Support a Regional Agricultural Incubator

The agricultural incubator serves as a catalyst to create new agricultural ventures and grow existing ones. The incubator does so primarily by providing networking, industry specific consultation, and access to capital and markets.

An attractive option is for Shawangunk to collaborate with the Towns of New Paltz and Marbletown to create a regional agricultural incubator, which would allow access to more funding for the incubator and access to more clients, thereby providing a more thorough depth of services.

As an example, the Hudson Valley Agribusiness Development Corporation has successfully helped ag-entrepreneurs flesh out ideas, network with funders, and receive professional, industry-specific advice to which they would have otherwise not had access. This has allowed them to launch innovative agricultural businesses, such as Local Ocean, an indoor fish farm, and Core, a top-shelf vodka produced from apple drops.



A successful agricultural incubator has very specific staffing needs. Employees must be well versed in business and familiar with relevant land development, building, and regulatory codes for food and agricultural enterprises. Their goal is to help the entrepreneur navigate the possibly deep and confusing waters one must cross to build a profitable and scalable agricultural business.

The incubator is a resource to early-stage entrepreneurs, but can also encourage entrepreneurship through regular educational programs. Below is a hypothetical list of possible programs:

- *New Farm Development Program:* This multi-year program would shepherd qualified interns and applicants from concept to production in agricultural and farm-related businesses. The target sectors are produce, livestock, and equine.

To begin, interns recruited from local schools, market-gardener classes, and the “Small Farm University” (see below) would be placed at established, successful farms. The applicants would be paired with a mentor and business development coach from the incubator. The incubator would help them with financial literacy and in writing a business plan, particularly with finding market access, funding, and access to land. The interns would “graduate” and have the option to pursue their own operations. Regular, new-farmer networking events would be held to share ideas and network new farmers with land owners.

- *Small Farm University:* This program would combine market gardener education (production) with farm business basics, including marketing, distribution, quality control, and general business. The target audience would be individuals with an interest in cottage foods, urban

farming, or small-scale rural production. This would be complementary to the *Micro and Small-Farm Marketing Education and Marketing Network* described below and could serve as a means to identify potential applicants for the *New Farm Development Program*.

- **Ag-Business 101:** This program would help new and existing rural landholders and farmers understand estate planning, utilizing tax incentives, financing an agricultural venture, and deciding whether to buy or lease. It would also cover the basics of employment, insurance, and asset management for a farm business.
- **Ag-Continuity 101:** This program would be geared toward farmers looking to transition into retirement and farmers interested in transitioning out of row-crops and dairy into specialty and value-added production. It would include strategies for intergenerational farm opportunities, conservation, farm planning, and market opportunities for operating farms and agricultural resources, including specialty crops, value-added production, agritourism, direct marketing, and more.
- **Agritourism Opportunities:** This program would help farmers and landowners decide whether or not agritourism presents an opportunity for them. It would help them with the business plan, marketing, and specific requirements of agritourism, including universal accessibility, insurance, hospitality training, and safety procedures.

Create a Virtual “Farm-Mart” for Ag-Resources

In major U.S. cities, industry-specific “marts” are popping up as a resource to the community. These information hubs create a showcase for the area’s talent, attract new business development in that particular industry, and brand the community as leaders in that arena. The industry focus in the “mart” concept is usually medical or information technology.

These “marts” serve as physical hubs for innovation, interaction, and commerce for that industry. They can best be compared to a permanent convention center for that industry, featuring permanent showrooms for major manufacturers and service providers, revolving displays of the latest research and inventions, and regular conferences to promote inter-profession trade of ideas and research.



Building a physical “farm-mart” in Shawangunk is not feasible. However, the concept of a virtual “farm-mart” borrows on the idea of a hub as a center for innovation, interaction, and commerce, but on a hyper-local level. The farm-mart would be a living resource with peer reviews of local vendors and service providers, land and capital resources, and discussion forums for relevant current topics. All information would be captured and saved as institutional knowledge, therefore reducing the information barriers.

The proposal is to create a virtual farm-mart using internet technologies. Low-cost technologies called wikis and forums are often available free as open-source software and usually require little or no programming experience to make operational. These web technologies would capture peer-reviews of vendors and serve as a “swap meet” for equipment, parts, and materials; provide a town hall forum for ongoing concerns; and hopefully serve as an interchange for land, tenant farming, and crop sharing.

A virtual farm-mart includes:

- a peer-peer directory of services, vendors, and resources
- forums to share the latest ideas and events
- places to “swap” parts, equipment, soils, fertilizers, and hay
- a connection between landowners and land seekers

Further, vendor-to-vendor marketing of agricultural products, such as grains, hay, and whey, are also possible via the farm-mart model or by combining such marketing with an online transaction system, as proposed under the *Micro and Small-Farm Education and Marketing Network*.

The costs associated with providing a farm-mart could be covered by paid promotion by vendors. For example, if an implement vendor a hundred miles away wants to demonstrate the latest in irrigation technology, he or she could pay to host a live video demonstration and conference call on the website. This event would be recorded, saved, and searchable on the web. Such exposure is of great value to the provider and the recipient.

Support Development of a Micro and Small-Farm Education and Marketing Network

Micro-farms and urban gardens are one of the fastest growing sectors in agriculture today. However, the average net farm revenue is almost always under \$10,000; when asked, many urban farmers admit that their farm is not profitable. Many are organized for another purpose, such as adding urban green space, providing food security, or building community among neighbors, all of which are goals of Shawangunk. Regardless, these entities will run out of capital and energy if these farms cannot become profitable.

Micro-farms should not be dismissed, but rather valued as sprouts for larger agricultural ventures. Helping these farms become more efficient with production and transaction costs associated with getting to market results in more profitable farms, thereby encouraging sustainable growth from small farms to larger specialty crop, livestock, and value-added production operations.

There are three primary obstacles that limit the success of micro-farms: market access, sufficient education/training, and appropriate siting. These farms find it difficult to effectively market their products, particularly in a small community like Shawangunk. They are clearly too small for traditional distribution, and often case, lack the production to support a sizable CSA or to effectively participate in farmers’ markets. Due to their small size, their marketing costs as a percentage of total revenues are exceptionally high.

A micro-farm market access program would provide the tools to reduce sales costs. Such a program would include web-based technology, such as Fresh Fork Market, to facilitate communication with customers. The same technology would also provide a collaboration opportunity as a network of small producers offering their customers larger selection, more availability, and consistency in product availability. It may also encourage farmers to plan, plant, and harvest cooperatively through regular

outreach events (consumer-focused) and networking events for the producers. Furthermore, participants can utilize technology to collaborate on distribution and reduce distribution costs. By reducing distribution and sales costs, prices will be competitive, yet farmers will still be able to put money in their pockets.

The second aspect of the small-farm marketing network is education on customer demographics. What do customers want? By planning production as a whole, this same network of farmers can provide large volumes of products to meet the demands of their clients. They may also stagger their plantings to provide consistent availability and possibly share labor amongst farms. Training through a small-farm network would include food safety standards (Good Agricultural Practices and Hazard Analysis Critical Control Point), packaging and grading, and crop planning. This would provide the producers the knowledge necessary for growing for foodservice professionals and wholesale distribution.

The micro-farm marketing network will provide farmers access to a web-based tool, training on that tool, and education to help bridge the gap between buyers and sellers on food safety, packaging, and selection. This “support network” allows all of the micro-farms to grow together until any individual farmer is ready to grow out of the system and become self sufficient.

The third obstacle of siting is a combination of an education challenge and a land-access challenge. The more challenging of these is land access, since many micro-farmers start as hobbyists in the backyard and grow from there. Helping such hobbyists understand the type of operation they are getting into when they make the decision to turn the hobby into a business is the logical time to educate them about site needs. At the same time, it would also be beneficial to introduce such land owners to land trusts, Cooperative Extension, and the Hudson Valley Agribusiness Development Corporation. These organizations, through both contacts and land holdings, may help place or advise micro and small-farmers on appropriate locations for expanding operations. Such organizations may also have the organizational capacity to support other growth needs, such as financing and counseling.

Support Regional Agritourism Promotion and Development

Agritourism offers family, private, and corporate events, entertainment, and education on existing, operating farms and forestland. Agritourism can range from wine tastings to school tours. Other examples are farm/production festivals (apple butter festival), “u-cut” Christmas tree farms, camping, hunting/fishing, farm-stays (such as bed and breakfast establishments), and trail rides (horseback).

The Shawangunk, New Paltz, Marletown, and greater Ulster County area is well situated to benefit from agritourism. With the region’s proximity to New York City, easy highway access, and existing farm operations, agritourism can be an immediate benefit to the community. A cooperative marketing effort will provide the greatest chance at success.

Agritourism for Shawangunk should build on the existing success of the Shawangunk area as a tourist attraction, including the existing farm venues, trails, parks, festivals/events, and natural assets. Leveraging these assets to create a series of promotions targeted at weekend trips, corporate events, and weddings would sustain existing farm operations or provide cash flow to further develop these businesses into diversified farm operations.

Early agritourism opportunities include utilizing existing “u-picks,” pumpkin patches, wineries, and orchards to market Shawangunk’s agritourism complementary to the operations in the other

communities. Building on the success of bundling agritourism with existing attractions, the Agricultural Incubator can help new agritourism ventures emerge. This opens opportunities for hosting weddings, corporate events, and family get-aways in Shawangunk, all which bring in outside revenue that supports local producers, local retailers, and the local hospitality industry. A successful example of an agritourism destination is Lancaster County, PA, which has used its agricultural heritage to not only market existing farm products, but to create opportunities for new production and the next generation of farmers.

Order of Implementation

ACDS, LLC recommends that the regional agricultural incubator and small-farm marketing networks be created first. The Incubator serves as the backbone for many of the other initiatives, including the education required for the small-farm marketing network, the farm-mart, and development of agritourism businesses. Due to funding requirements and necessary multi-town cooperation, establishing the incubator will be the most time consuming.

The small-farm network accomplishes one of the most pressing issues – recruiting new talent and producers to the agricultural sector in Shawangunk. By providing a means to support low-capital, small operations, Shawangunk may be able to more easily attract new farm operators. Developing these producers' production and marketing capacities take time; therefore, the small-farm marketing network must be developed soon.

The agritourism and farm-mart concepts are smaller, lower cost initiatives. These resources can emerge quickly as data are gathered. Both are likely projects supported by the agricultural incubator. For the agritourism initiative, businesses with existing agritourism operations have already developed marketing channels and a brand for their venue. If the incubator can support development of new agritourism operations on existing farms, the value of additional, regional branding will be realized.

5



Section 5: Implementing the Plan

This section provides recommendations for how to turn the Plan into action steps now and in the future.

Implementing the Plan

Implementing the recommendations included in this Plan and future Plan updates will be at the discretion of the Town Board, as set by the Town’s annual farmland preservation work plan, funds availability, and priority of issues.

With these factors in mind, the following chart sets forth suggestions for implementation in terms of near future to distant future; ranking is based on speed to action, relative costs, and expected impact and/or importance in “setting the stage” for future development.

| Table 9: Implementing Farmland Preservation Recommendations | | | |
|---|------------|-------------|-----------|
| Recommendation | Short Term | Medium Term | Long Term |
| Agricultural Preservation Programs | | | |
| Explore development of a Town of Shawangunk Farmland Preservation Program | | | √ |
| Create a Shawangunk Farmland Map | √ | | |
| Support an update of the Ulster County Farmland Protection Program | √ | | |
| Land Use Regulatory Structure | | | |
| Update zoning code and subdivision regulations to support agriculture | √ | | |
| Support improvements to State right-to-farm provisions | | √ | |
| Act on New York Planning Federation Zoning Review | | √ | |
| Agricultural Economic Development Programs | | | |
| Create regional agricultural incubator | √ | | |
| Create virtual farm-mart | | √ | |
| Create Small-Farm Marketing Network | √ | | |
| Support regional agritourism development | | | √ |

Short-term projects are those that should begin within the next 18 months; medium-term projects should begin within 19 to 36 months; and long-term projects are those that should take shape after 36 months. This chart does not offer projections on the expected useful life of the programs.

While all elements of the Shawangunk Farmland Preservation Plan are considered important to the continuation of agriculture in the Town, not all share the same level of importance at this time. Setting priorities for implementation is necessary for many reasons, including relevance to need, program cost, Town capacity, and funding opportunity.

Developing Long-Term Support and Funding

Success in protecting agricultural resources requires long-term support and funding at town, county, and State levels. Given the large fiscal requirements for programs, like purchase of development rights and agricultural development oriented loan funds, the Town must rely on outside funding support. Typically, this funding would be supported through State and county grant and match programs; however, poor fiscal conditions make this unlikely in the near term. The result is that Shawangunk must rely on non-traditional sources of funding and partnerships to implement its programmatic intent.

| Table 10: Funding Opportunities and Sources | | | | | | |
|--|--|--------------------------|--|--------------------|-------|--------|
| | USDA – Farm and Ranchland Protection Program | USDA – Rural Development | USDA – Farmer Market Promotion Program | Town of Shawangunk | HVADC | Other* |
| Agricultural Preservation Programs | | | | | | |
| Explore development of a Town of Shawangunk Farmland Preservation Program | √ | | | √ | | √ |
| Create a Shawangunk Farmland Map | | | | √ | | √ |
| Support an update of the Ulster County Farmland Protection Program | | | | √ | | √ |
| Land Use Regulatory Structure | | | | | | |
| Update zoning code and subdivision regulations to support agriculture | | | | √ | | |
| Support improvements to State right-to-farm provisions | | | | √ | | |
| Act on New York Planning Federation Zoning Review | | | | √ | | |
| Agricultural Economic Development Programs | | | | | | |
| Create regional agricultural incubator | | | √ | √ | √ | √ |
| Create virtual farm-mart | | √ | | √ | √ | √ |
| Create Small-Farm Marketing Network | | | √ | √ | √ | √ |
| Support agritourism development | | √ | | √ | √ | √ |
| * Other includes privately raised funds, County agency funding, State agency funding, Assembly member items, earmarks, and other grant programs. | | | | | | |

Funding and support must be sought on a project-by-project basis and will require significant investment in grant writing and relationship building.

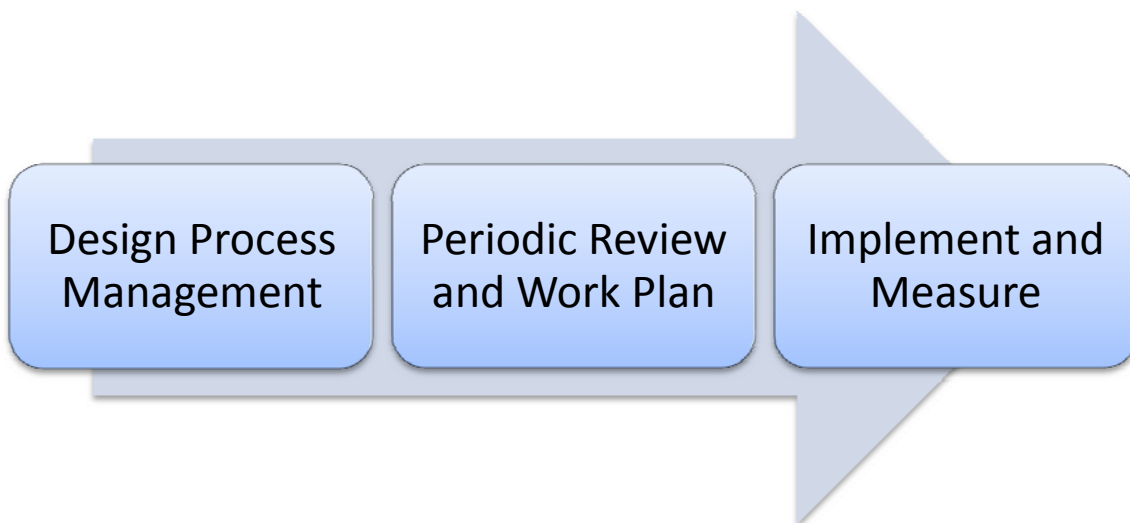
Updating the Plan

The Town of Shawangunk Farmland Preservation Plan provides a guiding vision for agricultural preservation and development in the Town, as well as a strategic direction for achieving those ends. Both the vision and strategy are based on long-held community interests, as well as the current

economic realities of the agricultural industry. Over time, these conditions are likely to change in unexpected ways, which will necessitate amendments to the Plan.

Developing a process to accommodate change while keeping the Plan relevant will, therefore, be critical to the success of farmland preservation efforts in Shawangunk. Developing a farmer-led committee to conduct an annual review of the Farmland Preservation Plan and to prepare an annual work plan for implementing Plan elements is essential to maintaining the relevance of the Plan to the industry and community. This agricultural advisory committee would be officially created and charged with identifying the top two or three initiatives annually to be incorporated into the Town's agricultural preservation work plan. At a minimum, the annual work plan will include specific actions to be taken, a budget note, staffing requirements, and other information as needed. Periodic review of the full Plan is also expected and should follow a schedule similar to that used for comprehensive plan updates.

The graphic below summarizes the update process. It is imperative that the project team spend time establishing a thorough set of process guidelines. For example, there may be standard processes for collecting data, reviewing the data, and determining the critical data point at which action is required. Similarly, there will be a set of policies and processes for the farmer-led reviews and a format for the work plan. Finally, there must be an effective way to implement the work plan.



Concluding Remarks

In order to implement the recommendations encompassed in the Plan, it will be necessary for the Town of Shawangunk to have access to dedicated core of community members, farmers, agribusinesses and other partner agencies, such as the Ulster County Development Corporation, Ulster County Agriculture and Farmland Protection Board, the Ulster County Planning Department, Wallkill Valley Land Trust, and others. The annual work plan, as described above, should reflect the priorities set in the Plan while respecting the roles and needs of partners.

It is also important to note that implementation of an agricultural and farmland protection plan is not unlike launching any other business or program. The process will take time and resources, and outcomes will not be immediate. Early and sustained commitment from farmers and the community is a minimum requirement for successful implementation.

Appendix A: New York Planning Federation Review of the Town's Zoning Structure

MEMO

TO: Shawangunk Agricultural and Farmland Protection Committee
FROM: Katherine Daniels, NYPF
SUBJECT: Review of Zoning and Subdivision Ordinances
DATE: June 16, 2008

I have reviewed the Town's Zoning and Subdivision ordinances both for language that could be problematic for farmers, as well as for opportunities to allow a greater variety of farm-related uses in farming areas.

1. Problematic language that should be corrected or clarified: Zoning Ordinance

S. 177-7. Schedule of Regulations. There are four R-Ag Residential-Agricultural Districts, all of which have a two-acre minimum lot size, except for the R-Ag 1 and 2 Districts, which allow smaller lots when public sewer and water is available. Neither the R-Ag 1, 2 nor 3 Residential-Agricultural District purpose statements note agricultural uses to be one of those purposes. Yet agricultural uses are identified as a special use in the R-Ag 1 District and a permitted use in the R-Ag 2 and 3 Districts. The special use classification of agriculture in the R-Ag 1 District puts farming at a particular disadvantage here, and this is reinforced by the special use permit standards themselves (S. 177-23), which consider all R-Ag Districts to be residential districts, wherein special uses must "serve a community need or convenience," among other standards.

The R-Ag 2 and 3 Districts define permitted accessory uses to include horses and cows subject to density limitations. Neither horses nor cows can be considered to be accessory uses – that is uses that are incidental and subordinate to the principal permitted use of agriculture – they ARE agricultural uses as commonly understood and as defined in §§. 177-16. and 177-41 of the Town's zoning ordinance. What is missing from the accessory use list in the R-Ag 1, 2 and 3 Districts is farm buildings, which are noted to be an accessory use in the R-Ag 4 District.

Other farm-related uses allowed in the R-Ag Districts include: nurseries and greenhouses as a special use in the R-Ag 2 District and as a permitted use in the R-Ag 3 and 4 Districts; and roadside stands and farm labor housing as accessory uses in the R-Ag 4 District. Roadside stands must be "for the sale of agricultural products produced primarily on the premises." This is an overly restrictive standard, as often roadside stands need to be able to sell the produce from a number of farms to be profitable.

There are a number of uses allowed in the R-Ag District that potentially conflict with agriculture because they are either growth-promoting or too intense, including: public and private schools, multiple dwellings and planned development groups. These uses should be considered for removal from the District. The Town should also consider amending the Purpose statement for

the R-Ag District to say that the extension of public sewer and water lines to this District is not allowed.

The number of Residential-Agricultural districts and the variations among them are confusing and make it difficult to determine what the primary purposes of the districts are, especially when the minimum lot sizes for the districts are the same. Clearly, the R-Ag 4 District is intended to be the district most protective of agriculture and the R-Ag 1 District is basically a residential district. The Town should consider whether the other two districts are primarily intended to be residential or agricultural districts, and amend the districts accordingly or fold them into the R-Ag 1 and 4 Districts. The current two-acre minimum lot size and outright permitted use of single family dwellings encourages the conversion of farmland to residential uses and should be reconsidered.

Comparing the Town's zoning map with some of the mapping for the Regional Open Space Plan, there appear to be some areas with working farms in agricultural districts and with good soils that are in R-AG 1 and R-AG 2 zoning that might benefit from inclusion in the R-Ag 4 District. The Town might also consider renaming the R-Ag 4 District to simply Agricultural District and amending the purpose statement to give agriculture priority over residential and other uses. Another possibility is to include a disclosure statement in the district language that conveys that this is an area where normal agricultural practices are undertaken that may conflict with residential uses and that this is to be expected .

The Aquifer Protection Overlay District provisions of subsection I are intended to safeguard the quality of the Town's groundwater resources. The use restrictions are noted not to be intended to supersede NYS Ag and Markets Law, which is good. However, a special use permit is required for the application of pesticides and herbicides within Primary Recharge Areas. While some type of reasonable standards to protect groundwater quality would probably be acceptable to Ag and Markets, the current zoning standards are vague and cumbersome. Must farmers apply to use pesticides each season or just once? The special use permit standards in the ordinance are general and geared to uses rather than land management practices; they do not provide the planning board with useful review criteria. Neither are planning boards typically knowledgeable about farm practices. A better approach would be to require the landowner to work with Cooperative Extension to devise an Integrated Pest Management plan to minimize the need for and use of pesticides. IPM is understood and practiced by a growing segment of the farm community.

S. 177-9. Height regulations. Farm buildings and structures are allowed exceptions from height regulations, but only if they are at least 200 feet from every lot line. This standard may seem somewhat stringent to farmers, especially for a modest height exception.

S. 177-12. General landscaping regulations. This section requires the enclosure by a fence or landscaping of any use that is within 50 feet of a residential district. The vagueness of the language makes it a concern for normal farming practices; it should be amended to exclude agricultural uses.

S. 177-16. Open space uses; agriculture and outdoor and seasonal recreation. This section sets forth supplementary standards that require farm buildings housing animals in any district to be

set back 200 feet from property lines, and accessory buildings to be set back 50 feet from property lines. Setbacks for farm structures should be consistent with setbacks for residences; why should only the farmer have to provide the greater setback? This section also sets density standards for fowl, cows and horses on properties under 10 acres. See the discussion of definitions below.

S. 177-18. Residential Uses. Subsection B allows the creation of cluster subdivisions in order to preserve open space and notes that one of the types of areas that can be protected is lands within or adjacent to a NYS Agricultural District. This description of qualifying lands should be expanded to additionally seek the preservation of existing farms and prime farm soils/ soils of statewide importance, which may not necessarily be included within Agricultural Districts.

S. 177-20. Off-street parking and loading. This section does not identify required parking spaces for farm road stands, but rather states that where parking requirements for uses are not identified, the opinion of the Zoning Board of Appeals shall apply in determining what is required for a similar use. This is a problem because the ZBA may not offer opinions, but rather only adjudicates appeals either through variances or judgments of the interpretations of the zoning officer. It would be better for the zoning officer to make the determination and have that decision appealable to the ZBA if the applicant desires.

S. 177-22. Site plan review. This section states that no building permit shall be issued for any permitted use, accessory use or special permit use other than a one- or two-family dwelling without site plan review. This language needs to exempt agricultural uses and structures.

S. 177-41. Definitions; word usage. Agriculture is defined as:

“ The cultivation of the soil for food products or other useful or valuable growths of the field or garden and also dairying and the breeding and keeping of horses.”

This is a very narrow and out-of-date definition of agriculture that seems to exclude the raising of fowl and other types of livestock, as well as nurseries, tree farming, aviaries, aquaculture and other types of farming.

The definition of farm in the Town’s ordinance is:

“Any parcel of land ten or more acres used principally in the raising or production of agricultural products and the necessary or usual dwellings, farm structures, storage and equipment.”

The 10-acre minimum is at odds with the State’s requirement of seven acres for agricultural assessment, as well as with the fact that some commercial farms can be smaller than 10 acres. As defined by AML §301(11), a farm operation is:

“...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise...”

Finally, I don't see any requirement for an Agricultural Data Statement as part of proposed site plan reviews, special use permits or use variances, as required by Town Law §283-a. - coordination with agricultural districts programs.

The separate Incentive Zoning provisions of local law #10 allow would allow for higher densities in all but the RS zoning districts in exchange for various community benefits. This provision should also exempt the R-Ag 4 District, in which additional density, as well as some of the benefits (public sewer, water, highway) would be inappropriate and harmful to agriculture.

Subdivision Ordinance

§152-4. Terms defined. The definition of subdivision is “the division of any parcel of land into two or more lots, plots, sites or other divisions of land for the purpose...of transfer of ownership...” This definition could be understood to include lot line adjustments, even where no new lot is created. There is also no minor and major subdivision process, but rather a single process for all subdivisions that includes preliminary and final plat reviews. This could impose a very cumbersome, expensive, long and unnecessary process on farmers seeking a lot line adjustment.

The Town's cluster subdivision provisions should be amended as for the zoning ordinance to consider not just lands within and adjacent to Agricultural Districts, but also existing farms and prime farm soils/ soils of statewide importance, which may not necessarily be included within Agricultural Districts.

Finally, I don't see any requirement for an Agricultural Data Statement as part of proposed subdivisions, as required by Town Law §283-a. - coordination with agricultural districts.

2. Opportunities for new farm-related uses:

There is great potential for the introduction of a number of farm-related uses in the Town's R-AG districts that could help farmers stay on the land by providing options for supplemental means of income. Only a very few types of farm-related business uses are now allowed in the R-AG districts. Other uses would likely either be judged not allowable by the zoning officer or be required to go through an unpredictable variance process. Below is a partial listing of a number of potential agri-tourism, farm-support and farm-compatible businesses that the Town could consider allowing in the R-Ag districts. They could be allowed as either outright permitted uses, accessory uses or uses requiring a special use permit or siting review.

Agri-tourism: u-picks, CSAs, expanded road stands, corn mazes, hay rides, pumpkin patches, seasonal events, school programs, weddings and parties, farm markets, dairy barns, bakeries, farm stores and restaurants, bed and breakfasts, farm stays

Farm support businesses: slaughterhouse, community kitchen

Farm-compatible businesses: expanded home occupations, child or adult care center, riding academy, outdoor recreation.

Appendix B: Summary of Landowner Survey

Town of Shawangunk Farm Survey

1. Please identify the part of the town in which you farm or own land.

| | | Count | Respondent |
|---|-------|------------|------------|
| | Count | Percentage | Percentage |
| A. Walker Valley | 2 | 6.25% | 8.00% |
| B. Wallkill | 10 | 31.25% | 40.00% |
| C. Awosting | 1 | 3.13% | 4.00% |
| D. Brunswick | 1 | 3.13% | 4.00% |
| E. Dewart | 2 | 6.25% | 8.00% |
| F. Galeville | 0 | 0% | 0% |
| G. New Hurley | 1 | 3.13% | 4.00% |
| H. Pine Bush | 7 | 21.88% | 28.00% |
| I. Red Mills | 0 | 0% | 0% |
| J. Rustonville | 0 | 0% | 0% |
| K. Ulster | 2 | 6.25% | 8.00% |
| L. Other | 3 | 9.38% | 12.00% |
| Other Text Responses | 3 | 9.38% | 12.00% |
| | | Count | Respondent |
| Top 3 Text Responses | Count | Percentage | Percentage |
| Hoagerty | 1 | 3.13% | 4.00% |
| Really in Shawangunk but mailing address is Pine Bush | 1 | 3.13% | 4.00% |
| Town of Montgomery | 1 | 3.13% | 4.00% |

2. Please include your Section/Block/Lot number(s) from your survey or tax bill.

| | Total | Responses | Average |
|------------|---------|-----------|---------|
| A. Section | 1026.90 | 11 | 93.35 |
| B. Block | 21.00 | 11 | 1.91 |
| C. Lot | 352.15 | 11 | 32.01 |
| D. Section | 521.40 | 5 | 104.28 |
| E. Block | 10.00 | 5 | 2.00 |
| F. Lot | 83.52 | 5 | 16.70 |
| G. Section | 310.90 | 3 | 103.63 |
| H. Block | 6.00 | 3 | 2.00 |
| I. Lot | 49.10 | 3 | 16.37 |
| J. Section | 107.30 | 1 | 107.30 |
| K. Block | 1.00 | 1 | 1.00 |
| L. Lot | 12.20 | 1 | 12.20 |
| M. Section | 0.00 | 0 | |
| N. Block | 0.00 | 0 | |
| O. Lot | 0.00 | 0 | |
| P. Section | 0.00 | 0 | |
| Q. Block | 0.00 | 0 | |
| R. Lot | 0.00 | 0 | |
| S. Section | 0.00 | 0 | |
| T. Block | 0.00 | 0 | |
| U. Lot | 0.00 | 0 | |
| V. Section | 0.00 | 0 | |
| W. Block | 0.00 | 0 | |
| X. Lot | 0.00 | 0 | |

3. How many acres do you own in the Town?

| | Count | Percentage |
|-----------------------|-------|------------|
| A. Less than 20 acres | 7 | 28.00% |
| B. 20 to 39.9 acres | 4 | 16.00% |
| C. 40 to 59.9 acres | 3 | 12.00% |
| D. 60 acres or more | 11 | 44.00% |

4. How many parcels do you rent for agricultural pursuits? Note the number of parcel for each acreage category.

| | | Count | Respondent |
|-------------------------------------|-------|------------|------------|
| | Count | Percentage | Percentage |
| A. Less than 20 acres | 8 | 36.36% | 53.33% |
| B. 20 to 39.9 acres | 2 | 9.09% | 13.33% |
| C. 40 to 59.9 acres | 2 | 9.09% | 13.33% |
| D. 60 acres or more | 6 | 27.27% | 40.00% |
| Other Text Responses | 4 | 18.18% | 26.67% |
| | | Count | Respondent |
| Top 4 Text Responses | Count | Percentage | Percentage |
| A 2 parcels | 1 | 4.55% | 6.67% |
| A 6 parcels | 1 | 4.55% | 6.67% |
| A 1 parcel B 1 parcel | 1 | 4.55% | 6.67% |
| B 1 parcel, C 1 parcel, D 2 parcels | 1 | 4.55% | 6.67% |

5. How do you use your land? (Check as many as apply)

| | | Count | Respondent |
|---|-------|------------|------------|
| | Count | Percentage | Percentage |
| A. I farm all or most of my land | 19 | 43.18% | 76.00% |
| B. I rent additional land to farm | 8 | 18.18% | 32.00% |
| C. I rent all or most of my land out to others to farm | 3 | 6.82% | 12.00% |
| D. My land was formerly farmed, but is no longer farmed | 1 | 2.27% | 4.00% |
| E. I manage part or most of my lands for timber | 0 | 0% | 0% |
| F. I manage part or most of my lands for mining | 0 | 0% | 0% |
| G. I manage part or most of my lands for aggregate use | 0 | 0% | 0% |
| H. I manage part or most of my lands for fish habitat | 0 | 0% | 0% |
| I. I manage part or most of my lands for wildlife habitat | 0 | 0% | 0% |
| J. My land is kept open/undeveloped but not managed to produce income | 1 | 2.27% | 4.00% |
| K. Other | 6 | 13.64% | 24.00% |
| Other Text Responses | 6 | 13.64% | 24.00% |

6. Please list the number of acres under cultivation (versus acres owned)

| | Total | Responses | Average |
|--|-------|-----------|---------|
| | 1729 | 16 | 108.09 |

7. If you farm, what type(s) of farming do you practice? (Check as many as apply)

| | Count | Percentage | Respondent Percentage |
|-----------------------------|-------|------------|-----------------------|
| A. Dairy | 3 | 6.98% | 12.50% |
| B. Livestock | 14 | 32.56% | 58.33% |
| C. Poultry | 2 | 4.65% | 8.33% |
| D. Pasture/hay | 18 | 41.86% | 75.00% |
| E. Vegetable/grain crops | 2 | 4.65% | 8.33% |
| F. Orchard | 0 | 0% | 0% |
| G. Nursery/greenhouse | 0 | 0% | 0% |
| H. Specialty crops/organics | 0 | 0% | 0% |
| I. Other | 2 | 4.65% | 8.33% |
| Other Text Responses | 2 | 4.65% | 8.33% |
| | Count | Percentage | Respondent Percentage |
| Top 2 Text Responses | | | |
| Vineyard | 1 | 2.33% | 4.17% |
| Horses | 1 | 2.33% | 4.17% |

8. Is farming the primary source of your household's income?

| | Count | Percentage |
|--------|-------|------------|
| A. Yes | 5 | 20.00% |
| B. No | 20 | 80.00% |

9. Do you believe that new residential subdivisions should be allowed in areas where there is active farm use?

| | Count | Percentage |
|--------|-------|------------|
| A. Yes | 8 | 34.78% |
| B. No | 15 | 65.22% |

10. Which of the following do you believe are or would be beneficial in keeping agriculture viable in farming areas in Town? (Check as many as apply)

| | Count | Percentage | Respondent Percentage |
|---|-------|------------|-----------------------|
| A. Farm stands | 17 | 13.71% | 70.83% |
| B. Farmers markets | 16 | 12.90% | 66.67% |
| C. Farm stores/restaurants | 7 | 5.65% | 29.17% |
| D. Agri-tourism | 11 | 8.87% | 45.83% |
| E. Expanded home occupations | 2 | 1.61% | 8.33% |
| F. Bed and breakfasts | 10 | 8.06% | 41.67% |
| G. Horse stables and riding | 18 | 14.52% | 75.00% |
| H. Mining | 7 | 5.65% | 29.17% |
| I. Welding and machine shops | 5 | 4.03% | 20.83% |
| J. Private contractors | 7 | 5.65% | 29.17% |
| K. Slaughterhouse | 12 | 9.68% | 50.00% |
| L. Independent truckers | 4 | 3.23% | 16.67% |
| M. Privately-run outdoors recreation facilities | 4 | 3.23% | 16.67% |
| N. Other | 2 | 1.61% | 8.33% |
| Other Text Responses | 2 | 1.61% | 8.33% |
| | Count | Percentage | Respondent Percentage |
| Top 2 Text Responses | Count | Percentage | Percentage |
| easement and PDR'S | 1 | 0.81% | 4.17% |
| Supporting business | 1 | 0.81% | 4.17% |

11. Do you believe there is potential in Town for agriculture that could supply local restaurant, grocers, schools and institutions?

| | Count | Percentage |
|--------|-------|------------|
| A. Yes | 18 | 78.26% |
| B. No | 5 | 21.74% |

12. Would you consider an arrangement to sell your development rights and /or agree to a conservation easement? This would involve your receiving the development value of your land in cash without the land being developed, yet you would retain ownership of the land and not have to provide public access

| | Count | Percentage | Respondent Percentage |
|--------------------------------|-------|------------|-----------------------|
| A. Would consider | 14 | 50.00% | 63.64% |
| B. Not sure | 3 | 10.71% | 13.64% |
| C. Would not consider | 4 | 14.29% | 18.18% |
| D. Would like more information | 7 | 25.00% | 31.82% |

13. Would you favor the Town supporting such a program described in #12 before? (Check as many as apply)

| | | Count | Respondent |
|---|-------|------------|------------|
| | Count | Percentage | Percentage |
| A. Whether or not you personally participate | 16 | 50.00% | 69.57% |
| B. If you learned more about it | 6 | 18.75% | 26.09% |
| C. If your neighbors also supported it | 1 | 3.13% | 4.35% |
| D. I am opposed because: | 5 | 15.63% | 21.74% |
| Other Text Responses | 4 | 12.50% | 17.39% |
| | | Count | Respondent |
| Top 4 Text Responses | Count | Percentage | Percentage |
| It would eventually cause the loss of the farm due to the non payment of taxes. | 1 | 3.13% | 4.35% |
| I don't own enough land to participate. I understand you need large parcels. | 1 | 3.13% | 4.35% |
| Deer | 1 | 3.13% | 4.35% |
| Very difficult because of individual needs | 1 | 3.13% | 4.35% |

14. Over the next 10 years, I would like to: (Check as many as apply)

| | | Count | Respondent |
|--|-------|------------|------------|
| | Count | Percentage | Percentage |
| A. Still be farming | 19 | 30.65% | 76.00% |
| B. Have a member of my family continue farming the land | 15 | 24.19% | 60.00% |
| C. Sell/rent my land for someone else to farm | 6 | 9.68% | 24.00% |
| D. Still be managing my lands as woodlands | 5 | 8.06% | 20.00% |
| E. Still be managing my lands as woodlands for mining | 1 | 1.61% | 4.00% |
| F. Still be managing my lands as woodlands for aggregate use | 1 | 1.61% | 4.00% |
| G. Still be managing my lands as woodlands for fish habitat | 0 | 0% | 0% |
| H. Still be managing my lands as woodlands for wildlife habitat | 1 | 1.61% | 4.00% |
| I. Keep my land open/undeveloped but not managed to produce income | 1 | 1.61% | 4.00% |
| J. Sell a few or several building lots for development | 4 | 6.45% | 16.00% |
| K. Sell all of my land for development | 1 | 1.61% | 4.00% |
| L. Sell my development rights and continue farming | 8 | 12.90% | 32.00% |

15. What else should the Town local government be doing to promote local agriculture?

| Top 9 Responses | Count | Percentage |
|--|-------|------------|
| Forget the sale of the development rights. The farm should be totally tax exempt as long as it is farmed + kept green where would be a pay back of 2 years taxes if sold for development. | 1 | 8.33% |
| What about co-ops | 1 | 8.33% |
| Keep people informed about farming open space and generally awareness of farms and farms practices. Use caution when behind or passing equipment on the roads. | 1 | 8.33% |
| Allow farmers to obtain extended sources of income such as those suggestions in #10. Most real full time farms are gone because they couldn't expand properly in our town. Too many people and too expensive land. hope to keep the part time farm | 1 | 8.33% |
| Help preserving farm building | 1 | 8.33% |
| get rid of school taxes replace with consumer tax if you want to buy something you must pay extra tax for schools or support schools with an income tax same rate for all on AGI taxable income | 1 | 8.33% |
| An educational campaign about conservation easements, plus a reliable procedure for baseline + monitoring | 1 | 8.33% |
| Help in some way with taxes to keep the farm here | 1 | 8.33% |
| Recognize small scale farms and the importance of the production of value added from product production | 1 | 8.33% |
| Other Responses | 3 | 25.00% |

Appendix C: Farmland Strategic Map, Ranking Formula for Land Value

Developing criteria for ranking farmland can be a useful tool for identifying areas with highly productive farmland and for evaluating individual farmland protection projects. The following criteria are intended to meet both of these objectives by giving broad guidance to Shawangunk efforts to map productive farmland and assist the county in prioritizing individual properties.

These criteria focus heavily on agricultural productivity as these criteria are intended identify productive farmland that has the greatest potential to be farmed successfully in the future. However, these criteria do not predict farm profitability. Rather, they can identify farmland that has better potential to be farmed profitably if it is well managed under supportive economic and political conditions.

Agricultural Productivity Categories

- *Soil Quality* - Productive agricultural soils provide higher yields and greater potential for profitable farming.
- *Agricultural Districts* – Farms located within agricultural districts benefit from local designations identifying them as locally important agricultural areas and from state “right to farm” protections.
- *Proximity to Other Productive Farmland* – Farms with other farms nearby have greater potential for avoiding non-farm neighbor conflicts and minimizing the movement of farm equipment on busy roadways.
- *Farm Size* – Larger parcels are generally preferred to smaller parcels as they provide greater opportunities for large commercial agricultural equipment and provide more opportunities for different types of land-intensive agricultural businesses.
- *Infrastructure Investment* – Infrastructure investment often reflects the long-term commitment of a farm business to its future in agriculture as well as greater potential for profitability.
- *Compelling Project Characteristics* – The preceding categories identify important characteristics of productive farmland in Shawangunk. However, they do capture all of the nuances of individual farm projects. This last category would award discretionary points to projects with compelling project characteristics such as:
 - ✓ Project facilitates an intergenerational farm transfer
 - ✓ Property likely to be sold and possibly developed in the near future
 - ✓ Property in close proximity to important natural resources or public land
 - ✓ Special or unique farming operation

Ranking Criteria

Soil Quality (Up to 30 Points)

| | |
|-----------|---|
| 30 Points | Applicant farm has 75% or more of farmland acreage in NYS DAM Mineral Soil Groups 1-5 and/or NRCS Land Capability Classes 1-4 |
| 20 Points | Applicant Farm has 50 – 74% of farmland acreage in NYS DAM Mineral Soil Groups 1–5 and/or NRCS Land Capability Classes 1-4 |
| 10 Points | Applicant Farm has 25-49% of farmland acreage in NYS DAM Mineral Soils Groups 1-5 and/or NRCS Land Capability Classes 1-4 |

Agricultural Districts (Up to 20 Points)

| | |
|-----------|--|
| 20 Points | Applicant farm is in a certified New York State Agricultural District |
| 5 Points | Applicant farm is not in an Agricultural District but is receiving Agricultural Assessment |

Proximity to other Productive Farmland (Cumulative, Up to 20 Points)

| | |
|----------|---|
| 5 Points | 1-4 farm parcels are active in a 1-mile radius of the applicant farm boundary |
| 5 Points | 5 or more farm parcels are active in a 1-mile radius of the applicant farm boundary |
| 5 Points | Applicant farm is contiguous to other farm parcels |
| 5 Points | A farm parcel protected by a permanent conservation easement exists within 1 mile of the applicant farm |

Farm Size (Up to 10 Points)

| | |
|-----------|--|
| 10 Points | Applicant farm consists of 100 or more acres |
| 5 Points | Applicant farm consists of less than 100 acres |

Infrastructure Investment (Up to 10 Points)

| | |
|-----------|---|
| 10 Points | High level of farm investment in infrastructure such as farm buildings, fruit trees, drainage and irrigation systems or processing facilities |
| 5 Points | Average level of farm infrastructure investment |

Compelling Project Characteristics (Up to 10 Points)

| | |
|-----------|---|
| 10 Points | Up to 10 points may be awarded to a farm project that demonstrates compelling reasons why the farm property should be protected. Some of these reasons could include: <ul style="list-style-type: none">✓ Project facilitates an intergenerational farm transfer;✓ Property is in close proximity to a significant natural resource or public land✓ Property supports goal of Shawangunk viewshed protection✓ Project is in a designated scenic area |
|-----------|---|