

APPENDIX B

Town of Philipstown Planning Board
Conservation Findings for Hudson Highland
Reserve Conservation Subdivision, adopted
November 17, 2016

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TOWN OF PHILIPSTOWN PLANNING BOARD
Conservation Findings
for the
Hudson Highlands Reserve Conservation Subdivision

Section 1 - Purpose

The Hudson Highlands Reserve Conservation Subdivision represents the first "conservation subdivision" application presented to the Philipstown Planning Board for its review and approval since the Town's current zoning law was adopted in 2011.

In pursuing a Conservation Subdivision, the applicant is required to submit a conservation analysis as outlined in Section 175-20 A of the Town's Zoning Ordinance. The conservation analysis shall consist of inventory maps, description of the land, and an analysis of the conservation value of various site features to describe the importance and the current and potential conservation value of all land on the site. The conservation analysis shall follow applicable criteria and recommendations in the Philipstown Natural Resources and Open Space Plan. The Planning Board has the final determination as to which land has the most conservation value and should be protected from development by conservation easement.

Since one of the major purposes of a Conservation Subdivision is to preserve open space, the Code mandates that conservation subdivisions shall preserve at least 60% of the land as open space. Within the OSO district, the minimum shall be 80%.

The purpose of this statement of conservation findings is to provide documentation of the rationale for the Planning Board's acceptance of the Conservation Analysis Report, as accepted by the Board's meeting of July 21, 2016, and conditions to be attached to the Planning Board's review of the Hudson Highlands Reserve Conservation Subdivision application. This statement of findings shall provide a record to help explain the Planning Board's evaluation of the Conservation analysis and issues which shall be considered important in the upcoming review of this application.

Section 2 - Description of Property

The property analyzed in the Hudson Highland Reserve's report is a total of 205.6 acres.

The property is located on the east side of Route 9 between Horton Road and East Mountain Road North. The eastern edge of the property has frontage on East Mountain Road South. The following Tax Parcels are included in the overall Hudson Highlands Reserve tract:

- | | |
|----------------|-------------|
| ○ 17.-1-39 | 19.99 acres |
| ○ 17.-1-76.111 | 50.03 acres |
| ○ 17.-1-76.112 | 86.89 acres |
| ○ 17.-1-76.21 | 20.82 acres |
| ○ 17.-1-77.2 | 27.71 acres |

The largest part of the property, 194.5 acres, is located in the "Rural Residential" (RR) zoning district. Of these 194.5 acres, 153.5 acres are also in the "Open Space Overlay" (OSO) district. The remaining 11.1 acres, the most westerly part of the project property with frontage along Route 9, lies in the "Industrial/Manufacturing" (M) zone.

The Hudson Highlands Reserve is located in an area of the State and County known to be rich in both cultural resources and environmentally sensitive lands that provides habitat for a variety of flora and fauna. Most of the property is included in the Town of Philipstown's Open Space Index dated January 8, 2009. The entire tract is part of the Matrix Forest identified on the map entitled "Priority Biodiversity Resource Area, Philipstown, NY" that forms part of the Philipstown Natural Resource and Open Space Plan.

Section 3 - Supporting Findings

The Applicant submitted a Conservation Analysis in accordance with Section 175-20A of the Ordinance. The Board's detailed evaluation of the technical information contained therein, and their determination as to the property's conservation value, is summarized below. The Conservation Value Map and the Tax Map (Maps 2 & 9, respectively from the Conservation Analysis) included in the appendix to this Statement of Conservation Findings. As depicted on the Conservation Value Map, the areas of the tract that have been categorized as having a high or medium conservation value contain most of the steep slopes and significant water ecology.

A. Town Conservation "Goals"

In accordance with the goals and strategies of the Philipstown Comprehensive Plan and the provisions of the Town Code:

- a. The Planning Board is desirous of protecting steep slopes (>20%), and significant portions of the property contain such steep slopes.
- b. The Planning Board is desirous of protecting wetlands, water bodies and water courses. Significant portions of the property contain wetlands, water bodies and water courses.
- c. The Planning Board is desirous of enhancing recreational opportunities in Philipstown. The Hudson Highlands Reserve Property contains a lake that provides a significant opportunity for water related recreation, and the sponsors of the Hudson Highlands Reserve project have indicated a willingness to provide public access to its anticipated trail system.
- d. The Planning Board is desirous of protecting Open Space.
- e. The Planning Board is committed to the protection of flora and fauna.
- f. The Planning Board is committed to protecting the historic nature of the Town.

The Planning Board has reviewed the Conservation Analysis Report for the Hudson Highland Reserve ('Conservation Analysis Report') which consists of inventory maps, descriptions of the land and analysis of conservation value of various site features, as required by the Town Code, Section 175-20. Pursuant to the guidelines contained within the "Conservation Subdivision" section of the Zoning Ordinance, the Planning Board has determined that:

- a. In preparation of the Conservation Analysis Report the criteria and recommendations in the Philipstown Natural Resources and Open Space Protection Plan ("NROSP") were applied.
- b. In preparation of the Conservation Analysis Report the Town's Natural Resources Review Officer, the Philipstown Conservation Board and the Hudson Highlands Land Trust were consulted.
- c. The Conservation Analysis Report describes the importance and the current and potential conservation value of all land on the site and has identified land on the site that has been disturbed, developed and altered in the past.

Concerning issues of cultural and archaeological resources, the conservation analysis determined that:

- a. Based upon topographic characteristics, the property was assessed as having a higher than average potential for encountering prehistoric sites;
- b. Based upon topographic characteristics and proximity to the historic sites, map documented structures, including the road, the property was assessed as having a higher than average potential for encountering European- American historic sites;
- c. During the course of the archaeological field survey no prehistoric artifacts or features were encountered. One possible nineteenth century artifact was encountered within an apparent early twentieth century surface scatter of mostly metal artifacts. An undated field cistern feature was encountered.
- d. A 1920s farm house and an early 19th century barn found on the property are well built and maintain a high degree of integrity. Both would contribute to a local historic district centered on the former Horton Road mill ruin but are not individually eligible for listing on the national register of historic places.
- e. The abandoned section of Horton Road is significant to the history of Philipstown, New York and may be individually eligible for listing on the natural register of historic places in association with the former village which once included grist and saw mill.

The following items address issues under the broad category of 'natural resources':

- a. The conservation analysis identified the following issues regarding connections to off-site natural resources to be maintained and preserved.
 - i. The property is contiguous to forested lands offsite to the east and south including the 14,337 acre Fahnestock State Park. This large contiguous tract of forest is particular ecological and conservation value to the Hudson Highlands region.

- ii. The NROSP identify the property, including a portion of the area designated more suitable for development as an area that is "Visible from a Significant Viewpoint" (see Priority Community Character Resource Areas map).
 - iii. A large part of the property is included on the NROSP's Open Space Index Map which reflects the community's goals for resource conservation.
 - iv. The onsite wetlands and Ulmar pond form part of the headwaters of Clove Creek, which overlies one of four aquifers in the Hudson River basin designated as a Primary-Water Supply Aquifer by the NYSDEC. A Primary-Water Supply Aquifer is a highly productive aquifer presently being utilized as a source of water supply by major municipal water supply systems. Clove Creek the Fishkill Creek/ Sprout Brook Aquifer. These Town-designated resources Aquifers and Clove Creek require protection.
 - v. The lower elevations of the project site are mapped as the Clove Creek Aquifer (CCA) by the Town's Aquifer Overlay District, and therefore must conform to the zoning requirements of this designation.
- b. Issues identified in local and regional open space plans applicable to the property include:
- i. The NROSP encourages conservation subdivisions to preserve the rural character of the landscape.
 - ii. The 2014 Draft New York State Open Space Plan ("NYSOSP") identifies the Highlands, including public parkland and privately owned preserves as a 'Priority Conservation Project'. The Clarence Fahnestock Memorial State Park/Hudson Highlands State Park Preserve/Fishkill Ridge/Scofield Ridge area which contains large blocks of nearly contiguous upland forests is identified as one of the 'most important representative areas' of the Highlands. The NYSOSP states: *"There are significant undeveloped, upland forest tracts adjacent to and in-holdings within both parks that would enhance and expand the natural resource protection objectives of these areas, and establish linkages with other upland parcels..."*
 - iii. The 2010 Master Plan for Clarence Fahnestock Memorial State Park and Hudson Highlands State Park Preserve includes protection of open space 'adjacent to parks through acquisition, conservation easements, designation, and coordination with public and private partners' as one of its 'Resource Goals'.
- c. The conservation analysis identified the following characteristics and locations of Steep Slopes found on the property:
- i. Over 105 acres of land with slopes in excess of 20% exist on the property and are considered too steep for development.
 - ii. The easternmost portion of the site is of higher elevation and predominated by steep slopes and therefore identified as a primary area for conservation.

- d. The conservation analysis identified the following vegetation and plant communities currently existing on the project site to be protected:
 - i. A significant well preserved forest canopy with minimal invasive species, considered medium value, is found on the project site.
 - ii. Upper elevations and steep talus slopes are dominated by native species, and represent higher value natural plant communities.
 - iii. A plateau, with Appalachian Oak-Pine communities
 - iv. Understory invasive species such as Japanese stilt grass and Japanese barberry should be removed from undeveloped areas and should be absent from any landscape plan.
- e. The conservation analysis identified the following wetlands and watercourses to be protected and managed:
 - i. Ulmar Pond: The Conservation Analysis Report indicates that a phytoplankton bloom of Ulmar Pond occurred at the time of sampling affecting parameters such as Chlorophyll a, pH, and clarity. Despite this, fish sampling showed fish condition/health and species assemblage was high value for angling and aquatic plant sampling showed good condition, with only trace density of filamentous algae and invasive curly-leaf pond weed.
 - ii. Clove Creek: macroinvertebrate sampling showed an even mix of species indicative of a generally healthy system. These results speak to the need to protect these aquatic resources when developing the site plan with such measures as wide buffers, limits on clearing/lawn areas, proper stormwater treatment measures, and a clustered lot configuration to achieve a limited footprint.
 - iii. Wetland onsite have been delineated and contribute to the water quality of receiving waters, including Clove Creek. In total 11 acres of wetlands (including the on-site pond) are delineated onsite and have been largely retained in the land proposed to be placed under conservation easement.
 - iv. Onsite seeps contribute to wetland functions and values and must be protected within the conservation easement
 - v. Protecting the wetlands and providing large undisturbed buffers adjacent to seeps, watercourses and surface water will benefit water quality and preserve plant/animal diversity. As recommended in the *Biodiversity Assessment of the North Highlands, Philipstown, Putnam County*, vegetated buffers shall be maximized and required to be wider than 100 feet to preserve the water quality of Clove Creek and Ulmar Pond.
- f. The conservation analysis identified the following issues regarding wildlife habitat and habitat critical to support protected animal species found on the property:
 - i. Based on habitat assessments, the property is used, or likely used, by several NYS and Federally protected animal species, including Indiana bat (*Myotis*

sodalist), northern long-eared bat (*Myotis septentrionalis*), eastern box turtle (*Terrapene carolina carolina*), hognose snake (*Heterodon platirhinos*) and eastern worm snake (*Carphophis amoenus amoenus*) and potentially summer foraging by Timber rattlesnake (*Crotalus horridus*).

- ii. Valuable wildlife habitat is concentrated on areas with higher elevation, steep slopes, and near surface water, wetlands or seeps. These areas must be protected.
- iii. Habitat corridors must be maintained between the site's water and wetland resources and upland habitats to facilitate movement of wildlife through the property and to ensure the long-term protection of valuable plant/animal assemblages.
- iv. Tree removal must be limited to the greatest extent practicable and any such removal be seasonally limited to allow for possible summer roosting of long-eared and Indiana bats. Additional consideration should be given to the preservation of desirable roosting trees, such as dead snags, shagbark hickory and white oak.

B. Determination of Conservation Value

The Planning Board has determined that the Hudson Highland Reserve property contains significant conservation value requiring protection based on the supporting findings outlined above.

The Planning Board has determined that, as established by the analysis documented in the Conservation Analysis Report for the Hudson Highland Reserve, and illustrated by the attached Conservation Value Map:

- o 121.9 acres of the Hudson Highland Reserve property have been determined to be *'high conservation value'*.
- o 31.8 acres Hudson Highland Reserve property have been determined to be *'medium conservation value'*.
- o 51.9 acres of the Hudson Highland Reserve property have been determined to be *'more suitable for development'*.

Based on the provisions of the Town of Philipstown Code and the Goals and Strategies of the Comprehensive Plan, it has been determined that 154.1 acres of the 205.6 acre project property shall be permanently protected by conservation easement. This is based on the Minimum Protection Percentage applying to the property, and calculated in accordance with §175-20.H, as follows:

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Zoning Designation	Parcel Acreage in Zone	Minimum Protection Percentage	Minimum Acreage Required
"OSO" District lands	153.5	80%	122.8
Non "OSO" District lands	52.1	60%	31.3
Parcel Totals	205.6		154.1

The area protected by conservation easement shall include the 153.7 acres determined to be "high" or "medium" conservation value.



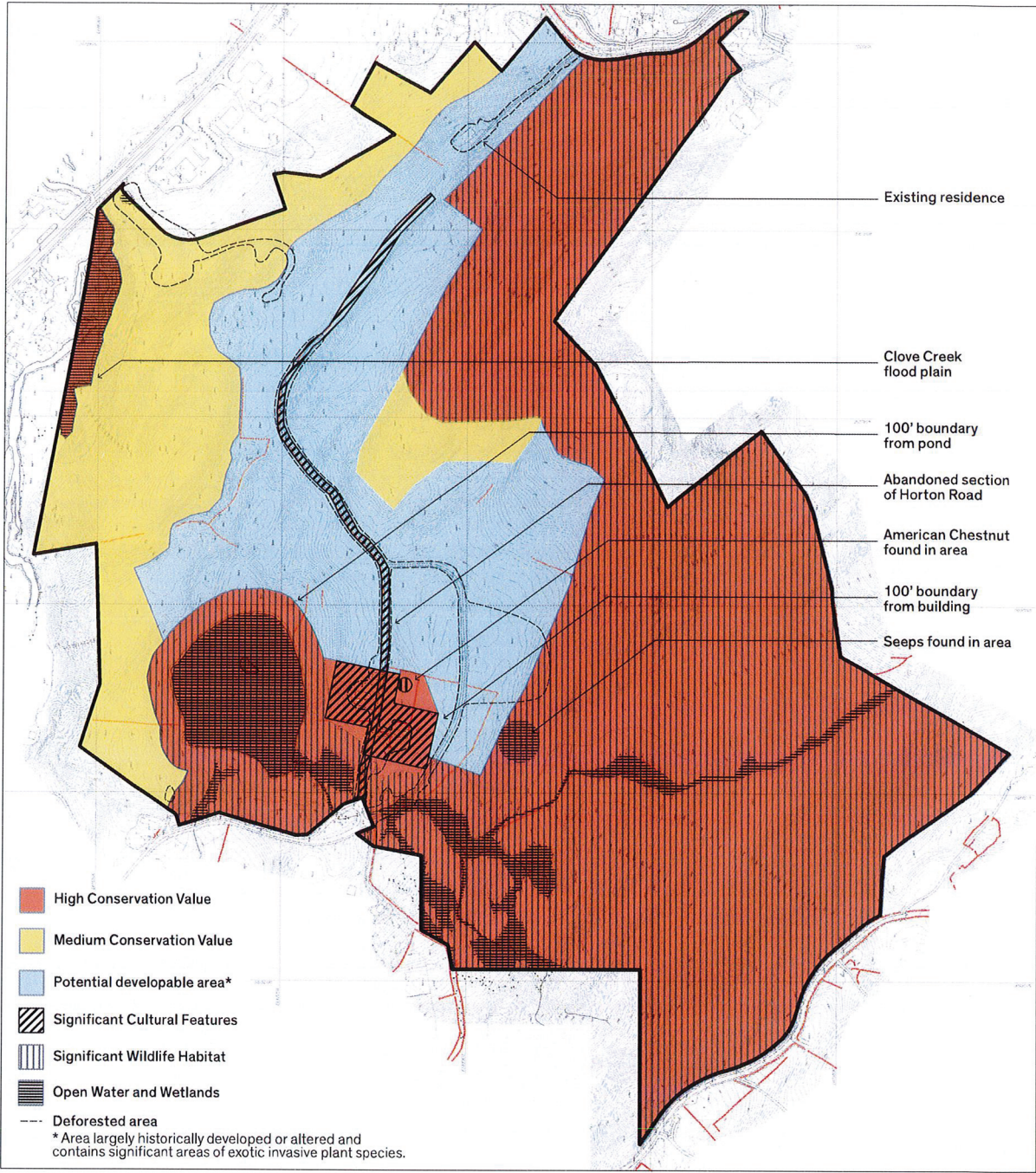
Tax Map of Site with Parcel Numbers

M Zone

— RR Zone Within

RR Zone Without

Putnam County IT/GIS



Conservation Impact Map

Fractal Group, LLC

Fig 1
Hudson Highlands Reserve
NTS
09 September, 2015

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