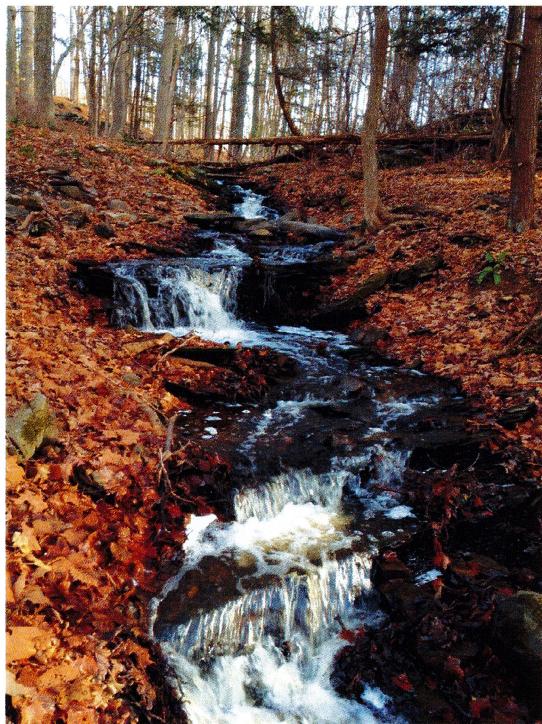


PRESERVATION OF NATURAL FEATURES



Key resources to protect for watershed health:

- Wetlands, including vernal pools
- Stream corridors
- Floodplains
- Farmland
- Ridges
- Trees

An essential component of watershed protection is to preserve intact natural systems, including river and stream corridors, wetlands, and quality uplands including forest and farmland. These features maintain both water quality and water quantity naturally.

Why protect natural features?

Wetlands filter pollutants and capture runoff to recharge aquifers and prevent flooding. Preserving a broad vegetated buffer adjacent to streams and wetlands absorbs pollutants, prevents erosion and provides shade to cool the water.

Protecting quality uplands, including forest and farmland, reduces runoff and maintains infiltration and groundwater recharge.

Preserving these resources yields additional benefits including wildlife habitat and scenic beauty.

TOOLS

Ordinance: Ordinances typically regulate both construction and other activities in protected areas throughout the municipality. They often contain a permitting process to allow disturbance under prescribed conditions.

Conservation Zoning District: Establishing a defined zoning district for a sensitive area allows the municipality to specifically limit land uses in that area.

Overlay District: An overlay district can span parts of multiple zoning districts, adding extra requirements for sensitive areas. This technique is frequently used to protect stream corridors or watersheds.

Subdivision Regulation: Environmental requirements can be incorporated into subdivision regulations if environmental impacts of residential development are a particular concern.

Critical Environmental Area: Municipalities can designate CEAs through a simple process, and subsequent projects in those areas will be required to consider effects on the specified resources. More information: <https://www.dec.ny.gov/permits/6184.html>

LOCAL EXAMPLES

WETLANDS AND STREAMS

Federal and state law provides limited protection of certain wetlands and streams. Municipalities can protect smaller and seasonal wetlands and streams. Protecting the adjacent buffer areas maintains water filtration and habitat functions.

Town of New Paltz – Wetland and Watercourse Ordinance

Chapter 139 – “Wetland and Watercourse Protection”

This comprehensive wetland and stream protection ordinance protects streams, wetlands and vernal pools with buffers of 50-100 feet. It designates a 200-foot buffer for the Walkill River. The ordinance regulates land disturbance, dumping, construction and other activities in regulated areas.

Town of Lewisboro (Westchester County) – Wetland and Watercourse Ordinance

Chapter 217 – “Wetlands and Watercourses”

This broad ordinance protects wetlands and streams townwide with a buffer of 150 feet. It regulates filling and construction activities in protected areas with a permitting program.

Town of Gardiner – Wetland and Watercourse Provisions in Zoning

Section 220-35 – “Wetland and Watercourse Protection” in zoning code

The Town of Gardiner adds some extra protections to state-protected streams, regulating disturbance within 150 feet of Class AA, A, B, and C(t) streams. It also authorizes the Planning Board to require protections for state- or federally-designated wetlands.

Town of Goshen – Stream and Reservoir Overlay

Section 97-26 – “Stream Corridor and Reservoir Watershed Overlay District” in zoning code

Goshen has multiple overlay zones for environmentally sensitive areas. The stream and reservoir overlay applies to land adjacent to the Wallkill River and other streams, as well as throughout the watershed of the water supply reservoir. It requires site plan review and erosion and sediment plans for projects that wouldn't otherwise produce them.

Town of Wallkill – Stream Overlay

Section 249-101 – “Shawangunk Kill Corridor Preservation Overlay District” in zoning code

This overlay district applies immediately adjacent to the Shawangunk Kill and restricts most construction and other uses in the stream corridor.

Town of Chester – Subdivision Regulations

Section 83-24(C) – “Preservation of Natural Features” in subdivision code

Many subdivision codes make general statements about preserving natural features, but Chester's is very specific about preserving stream corridors, wetlands, and other features.

Model Stream Corridor Overlay

The Orange County Water Authority offers model language for a stream corridor overlay as part of its Watershed Design Guide (see Sample Municipal Model Code for Watershed Protection):

http://waterauthority.orangecountygov.com/design_guide.html

FLOODPLAINS

Most municipalities have a basic floodplain law required for participation in the National Flood Insurance Program, but these laws are aimed at reducing property damage, not maintaining floodplain functionality. Some municipalities add additional protections to preserve the integrity of floodplains.

Towns of Chester, Goshen & Wallkill – Floodplain Overlay District

Town of Chester – Section 98-26 – “Floodplain and Ponding Area Environmental Subdistrict” in zoning code

Town of Goshen – Section 97-25 – “Floodplain and Ponding Area Overlay District” in zoning code

Town of Wallkill – Section 249-15 – “Floodplain and Ponding Area Subdistricts” in zoning code

These overlay districts allow very limited uses as-of-right (e.g., recreation, agriculture), with discretion for planning board approval of other uses only if they are shown to be appropriate. The Town of Wallkill specifically limits fill along the Wallkill River corridor.

FARMLAND

Multiple methods can be used to preserve rich agricultural soils, providing multiple benefits including protecting open space and farm viability.

Town of Warwick – Farmland Overlay

Section 164-47.3 – “Agricultural Protection Overlay District” in zoning code

Through an overlay district, the Town of Warwick offers opportunities to preserve farmland in the development process. Section 164-47.4 introduces the opportunity for a transfer of development rights program.

Town of Goshen – Farmland Protection Program

Chapter 71 Open Space Preservation and Acquisition

Aimed at preserving farmland and other valuable open space, this program includes land acquisition and purchase of development rights programs.

Town of Red Hook (Dutchess County) – Agricultural Zoning District

Section 143-39.1 – “Agricultural business district”

The Town of Red Hook has planned and zoned with farmland preservation in mind. In the agricultural business district, allowed uses are focused on farms and related enterprises. Limited residential subdivision is allowed, with a purchase of development rights program available.

RIDGES

Sensitive ridge areas can be fragile ecosystems, prone to erosion, and important scenic viewsheds to preserve.

Town of Gardiner – Ridge Protection District

Section 220-16 – “Shawangunk Ridge Protection District” in zoning code

This district maintains low-intensity development in mountainous parts of the town to protect water quality and biodiversity, as well as scenic views.

Town of Shawangunk – Critical Environmental Area

“Shawangunk Ridge” CEA: <https://www.dec.ny.gov/permits/25157.html>

The CEA was designated because of soil type, slope and wildlife habitat.

TREES

Some communities choose to preserve mature trees when land is being developed.

Town of New Paltz – Tree Ordinance

Chapter 130 – “Tree Conservation”

A permit is required to cut any tree over 7" in diameter.

Town of Chester – Subdivision Code

Section 83-24(C) – “Preservation of Natural Features” in subdivision code

Trees greater than 12" in diameter cannot be removed unless allowed by the Planning Board.

Town of Mount Hope – Subdivision Code

Section 210-53(B) – “Preservation of Natural Features” in subdivision code

Trees greater than 8" in diameter cannot be removed unless allowed by the Planning Board.

OTHER SENSITIVE AREAS

Town of Rosendale – Overlay District for Sensitive Area

Section 75-58 – “Binnewater Lakes Conservation Planning Development Area”

For this sensitive lake and forest ecosystem, the Town wishes to preserve ecosystem health while encouraging appropriate redevelopment of a traditional resort area. The code provides for master

planning that will support flexible redevelopment while protecting resources. Open space protection, stormwater management, and other protective measures are required.

RESOURCES

Conserving Natural Areas and Wildlife in Your Community – Hudson River Estuary Program

This guide provides background on the protection of biodiversity in the Hudson Valley and rich resources for local action.

<https://www.dec.ny.gov/lands/50083.html>

Strategies for Sustainable Tributaries – Hudson Valley Regional Council

This guide covers the scientific and legal basis for protecting streams and includes a model law.

<http://hudsonvalleyregionalcouncil.org/wp-content/uploads/2015/11/Strategies-for-Sustainable-Tributaries-A-Guidance-Manual.pdf>

Where Rivers Are Born: The Scientific Imperative for Defending Small Streams and Wetlands – American Rivers

American Rivers' publication covers the reasons to protect headwater streams and small wetlands.

<https://www.americanrivers.org/conservation-resource/small-streams-wetlands/>

Creating a Natural Resources Inventory – Hudson River Estuary Program

Written specifically for Hudson Valley communities, this guide explains how to create a Natural Resources Inventory for your municipality. Documenting sensitive resources is an important step in protection.

<https://www.dec.ny.gov/lands/100925.html>

County-Wide Plans – Ulster and Orange Counties

Ulster County's Open Space Plan features information on water resources and conservation needs specific to Ulster County.

<http://ulstercountyny.gov/planning/open-space-plan>

Orange County's Water Master Plan provides data on water resources and protection needs in Orange County.

<https://www.orangecountygov.com/376/Orange-County-Plans-Documents>

Watershed Design Guide – Regional Plan Association & Orange County Water Authority

This guide provides details on integrating natural resource protection into development design including preserving natural features.

<https://www.orangecountygov.com/DocumentCenter/View/4135>

Mid-Hudson Sustainability and Smart Growth Toolkit – Orange County Planning & Regional Plan Association

Water resource protection and agriculture are among the topics covered in this survey of smart growth practices.

<https://www.orangecountygov.com/DocumentCenter/View/8360>

Gaining Ground Database – Pace Land Use Law Center

This library of local laws contains examples from New York State municipalities.

<https://appsrv.pace.edu/gainingground/>

