



RELC NEWSLETTER

Spring 2009

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A RELC easement on the Hurley/Marbletown line

LTA Stewardship Grant

RELC is the recipient of a \$10,000 grant from the Land Trust Alliance to improve our monitoring and stewardship of easements. The grant will enable us to conduct comprehensive monitoring of conservation easement properties. Several of these baseline reports, which fully document current conditions, have been completed and, through the enlistment of four skilled professionals, we hope to make significant headway in creating updated baseline reports in the coming months.

Easement Monitoring Nearly Complete

In the past several months, our monitoring volunteers have visited nearly all of our easement properties as part of a new annual monitoring campaign. Our goal is to visit 100% of our easements each year. The purpose of these monitoring visits is to compliance with the conservation easement agreement and to identify any changes that might adversely affect those agreements. The benefits of these visits include meeting property owners and learning more about the biological and geographic attributes of the properties as well as the opportunity to keep people informed of our current activities. As an added bonus, we frequently hear of adjacent neighbors who are interested in placing conservation easements on their properties.

Electronic Archiving Now Complete

RELC has recently completed a project to convert all of our records into digital files in an effort to safeguard all of our historical records and to make them more accessible to volunteers working on specific projects.

RELC Monitoring Williams Lake Development

RELC has been closely observing the review process for plans for the development of a 130-room resort hotel and up to 160 homes on the site of the now-closed Williams Lake Hotel in Rosendale. RELC holds a conservation easement on adjacent property that is expected to be sold by the present owner to Hudson River Valley Resorts, the proposed developer. No development is contemplated for the easement property and no such development is permitted. The permit review process is being led by the NYS Department of Environmental Conservation.

Rondout-Esopus Land Conservancy, Inc.

PO Box 144 • Accord, NY 12404 www.relandconservancy.org



Covered bridge at Ashokan Center

RELC AND THE ASHOKAN CENTER

Eighty miles north of Manhattan, the Esopus Creek winds through the Catskills in a series of spectacular gorges and valleys. In 1913, this scenery was dramatically altered by NYC's project to create its largest water supply reservoir by damming the Esopus and creating the Ashokan Reservoir.

In its ongoing mission to preserve valuable natural landscape, RELC had long recognized the unbuilt and pristine southern part of the 374-acre Ashokan Field Campus of SUNY New Paltz, as worthy of protection. In 1996, RELC received a conservation easement from SUNY New Paltz on 66 acres of the Esopus Creek gorge, with a covered bridge and extending into an area known as Cathedral Gorge. The conservation easement, intended to remain in force in perpetuity, would safeguard the natural beauty of the creek and its banks from development.

By 2007, SUNY decided to put the Ashokan Field Campus up for sale. It was then that the internationally-known musical team of Jay Ungar and Molly Mason formed the Ashokan Foundation, with the intention of securing the site that they had loved and performed in for 30 years. Their vision was to maintain the valuable activities that the site supported, as well as to restructure the facilities to exemplify environmental awareness. The site provided the inspiration for their famous song "Ashokan Farewell," used in the PBS series "The Civil War."

The Field Campus contains a collection of camp-type buildings, barns, docks, swimming areas, open spaces, woods and playing fields, which SUNY had used for the last 40 years to provide valuable exposure to nature and the outdoors for school children and adults from the region and other parts of the state. This outdoor activity and education center, believed to be the first of its kind in New York State

and a model for similar facilities, has hosted not only school and scout groups but also special interest events such as Summersongs songwriting camp, the Wayfinder Experience summer youth camps and the Fiddle and Dance Camps run by Jay and Molly.

While RELC observed with keen interest, a three-member partnership was formed to make the purchase: Jay and Molly's Ashokan Foundation, the New York-based Open Space Institute, and the New York City Department of Environmental Protection (DEP). The DEP's interest in this site was for water management of occasional reservoir releases, while OSI's mission to protect scenic and natural landscapes gave it the appropriate mandate to become involved in the continued protection of this site, which was purchased in May 2008.

As exemplified in the case of the recent creation of the Ashokan Center, Jay and Molly seem to have accomplished at least three goals – first, to create a physical focus for harmonious musical and community activities and events, secondly, to rescue a valuable piece of land that was about to be 'orphaned.' The third benefit of the creation of the Ashokan Center was the saving and uninterrupted continuation of the environmental education, living history and outdoor adventure programs that have long been offered at that site and continue to serve over 5,000 school children a year.

The name change from Field Campus to Ashokan Center is not the only change contemplated for the site. The DEP will remove five creekside buildings in 2012 in the way of its plans to periodically discharge reservoir water, providing a challenge and an opportunity for the Ashokan Center. Beginning in 2010, construction will start on replacement buildings, with the goal of creating a new "green" facility, designed with energy self-sufficiency and minimal environmental impact – one that will be fully integrated into Ashokan's vision as a learning Center for sustainable living, artistic expression and community building. While the DEP has provided Ashokan with funds to commence this rebuilding project, more is needed, and the Ashokan Foundation is actively engaged in seeking partners and funding to complete the project within the timeframe.

The spirits of RELC and the Ashokan Center are in complete harmony. Both stem from a common respect for nature and for preserving and being able to pass on to future generations those things of value, such as music and song, and joy in the natural landscape.

*For more information, call 800-292-0905 or visit:
www.ashokanfoundation.org*

HOW DOES EMINENT DOMAIN AFFECT RELC'S WORK?

Eminent domain (ED) is a legal means by which a government can take real estate from an individual owner for public purposes such as creating a highway or installation of power lines. Eminent domain originated in early English law and was adopted into our current legal system. Compared to the rights of English monarchs, however, current governments' powers of eminent domain are dramatically reduced and are generally narrower at the town level than at state and federal levels.

Typically, a government entity must appear before a court to make a case for such 'taking' and must propose fair compensation to the owner. If the court approves, then the exchange is made. However, the land owner has the right to object and to challenge both the taking and the compensation. This has led to a situation in most jurisdictions where a land owner is confronted with a choice between taking what is offered by the government or paying a legal team to fight for better compensation or the taking altogether. This can become extremely complex and very expensive.

In a recent case, the U.S. Supreme Court allowed a city to take several private homes in a neighborhood for the purpose of selling the land to private developers. The developers and the city argued that the redeveloped area would enhance the tax base and thus be good for the city - and, by inference, its citizens - as a whole. Of course, the city proposed to financially compensate the home owners, who were otherwise given little say in losing their homes.

How does this affect RELC's work? In addition to being able to take real property such as land, this law also allows governments to take and potentially invalidate conservation easements. So, if one places a conservation easement on one's land, the possibility exists that a government entity might attempt to take the land for a purpose that is prohibited by the easement such as commercial development or 'infrastructure' development (for example, a road, bridge or road equipment garage). ED allows the taking of the easement as well as the land, potentially abrogating the easement and its original intent.

While this situation has been rare in Ulster County in recent times, it has been widely used in the past. The entire Ashokan and Neversink reservoir system, for example, was built on land acquired by ED a century ago. As more land is placed in conservation easements, potential conflicts between government and property owners could arise.

There is also a larger issue. Many people in positions of power - government employees, judges, and even the engineers involved in infrastructure projects, are often not aware of the public good created by the protection of conservation values, or sometimes even of the existence of an easement on a particular parcel. Some weigh only the value of economic activity when assessing the effect of an ED taking, while in other cases the encroachments seem too small to be of concern. But over time, these 'small' intrusions can seriously degrade the intent of the original easement.

The good news, however, is that government entities are quite sensitive to public sentiment if it is strongly expressed. Some of the main duties of land conservancy and trusts such as RELC are staying alert to such threats by monitoring the easements they hold, developing relationships with government representatives and property owners, and maintaining a fund for legal defense. Additionally, RELC is a member of the Land Trust Alliance, which represents the interests of the conservation community at various levels of government and works hard to keep potentially adverse governmental actions in check.

We all need to be aware of potential threats to our common efforts to preserve valuable open land. RELC is working hard, with other land conservancies in the county, to raise this kind of awareness. We can use all the help we can get from concerned citizens, whom we ask to discuss these conservation issues with elected officials. And lastly, please continue to support RELC and other such efforts with your good will, contributions and interest.

WELCOME NEW BOARD MEMBERS!

We are pleased to welcome Philip Monteleoni and Robert Rominger to our Board.

Philip Monteleoni, who resides in Olivebridge, NY, brings a wealth of experience as an architect who has led projects across the U.S. and abroad, including hospitals in Korea, Israel, China and the UAE. Prior to retiring from Perkins Eastman, he was associated with Skidmore, Owings and Merrill and Architecture for Health Science & Commerce.

Robert Rominger is an experienced financial services executive who has been active in land use and planning issues in Ulster County. He is a member of the Town of Rochester Planning Board and the town's Comprehensive Plan, Zoning Code and Map Task Force. Rob lives on an 18th-Century dairy farm in Accord, NY.



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SPECIAL THANKS:

Art Markle, for all his help in taking care of our headquarters.

Jac Conaway, Philip Monteleoni, and Zali Win for producing this newsletter.

Join us!

Rondout-Esopus Land Conservancy depends upon your support to keep our open country land productive and beautiful.

- | | | | |
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