
RONDOUT VALLEY LAND CONSERVANCY



NEWS

Spring 1989

In September, 1987 the Rondout Valley Land Conservancy (RVLC) opened an office on Main Street in Accord. We greatly appreciate the generous donation of temporary office space made by the Anderson family (Verna, Charles, Sonya) in the stucco house next to the feed mills and across from the Accord train station (626-4849).

RVLC was incorporated as a New York non-profit corporation on August 11, 1987 and received its tax exempt status from the Internal Revenue Service on April 4, 1988. Our activities are being directed by Ira Stern, a professional planner educated at Pratt Institute.

The Board of Directors of the Conservancy presently include:

John L. Schoonmaker, Jr., President
Eric Hertz, Vice President
Paul Downs, Secretary
Harry Hansen, Treasurer
Ira Stern, Executive Director
Nancy Copley
Philip Davis
John Novi
Whitley Strieber
Seward Weber

What Is a Land Trust?

A land conservancy, or land trust, is a local (or regional) non-profit corporation dedicated to the permanent preservation of open space land. Open space lands include agricultural, forest, watershed, and other natural and scenic land. The 700 or so land trusts in the United States share a common commitment to using voluntary initiatives in the protection of open lands. Land trusts work directly with private landowners offering such tools as conservation easements and limited development.

Why a Land Trust in the Rondout Valley?

The natural attributes and rural character which make the Rondout Valley a desirable place to live are being challenged. The Conservancy supports development at a scale which maintains the rural character of the area. We can provide private landowners ways of permanently protecting those natural and scenic parts of their property which contribute to our area's beauty and vitality. The Conservancy is dedicated to economically practical land preservation methods and can combine development with preservation in cases where income must be generated. Private land preservation may help landowners with some of the problems they face in continuing to enjoy their open land.



How Can Land be Permanently Protected?

Conservation Easement

A land trust operates solely in the private sector working directly with private property owners. The backbone of private land preservation is the conservation easement which is a legally binding, voluntary agreement between a landowner and a land trust. This agreement protects the land from future haphazard development by specifying where development can take place (if future development is desired). In this way, natural and scenic features of a property can be preserved while a reasonable amount of development can occur on the part of the property which has the least natural and scenic value.

A conservation easement is given in perpetuity, and runs with the title to the property. It is given to the land trust which monitors the property periodically and can legally enforce its terms. In many cases, the donation of a conservation easement can yield a federal and state income tax deduction. Conservation easements can also provide an effective way to avoid paying very costly estate taxes on family lands. The RVLC can work with individual landowners to develop long-term plans for the preservation and development of a property in a way that maintains the property's value while preserving its character. We can also work with groups of landowners to protect and enhance specific areas so that neighbors determine the future of their area.

Limited Development

A land conservancy can also pursue limited development to preserve important open space land. If a landowner is planning to generate needed cash from the sale of property, RVLC can show how the use of permanent land protection can enhance the value of well-planned house lots. Development of this type requires a much less expensive

investment in roads, engineering, and governmental permit and review demands and delays that conventional subdivisions would involve.

Limited development can effectively protect important land features while providing a good investment opportunity for partners (especially if they are neighbors of the property to be protected). In cases where landowners are selling property and do not wish to restrict future use, the Conservancy can organize a partnership to purchase the property, donate conservation easements to the Conservancy to protect the scenic and natural features, and resell the property.

Conservation Easement and the Estate Tax

We have accepted the donation of a conservation easement on a 127-acre farm owned by Eugene and Rose Gorton located on Rest Plaus Road and Old Kings Highway. The conservation easement forbids the property's further development while encouraging agricultural use and will ensure that this historic and scenic valley with its expansive views of the Shawangunk Ridge will always remain intact.

The Gorton's donated the easement to make sure that the farm, which is used to board horses and grow hay, can be transferred to the next generation as it presently exists. Estate taxes on land are based on the fair market value of the property being transferred, so by restricting future development the value of the land is reduced. By reducing the value of the land, the estate taxes are lowered or eliminated entirely. Whereas before the easement, estate taxes would have been paid on the property's value as developable land, taxes will now be based on the property's value as hay land.

News Items

- o RVLC has produced a brochure which describes our preservation programs in detail, especially on conservation easements and their tax implications. The cost of producing this brochure was covered by a few concerned people and we appreciate their generosity. Please write or call for a copy.
- o RVLC has joined the Land Trust Exchange, a national coordinating organization for land conservation organizations which provides an excellent quarterly journal, a reporting service on tax law developments affecting conservation and acts as a network of referral and advice.
- o At the National Rally for Land Trusts, organized by the Land Trust Exchange, held in September, 1988 in Estes Park, Colorado, Ira Stern, RVLC Director, spoke at a workshop on limited development.
- o In the Fall 1988 issue of *Exchange*, the Land Trust Exchange's journal, an article was published on our first limited development.
- o RVLC has joined the American Farmland Trust, a national farmland protection organization and the Institute for Community Economics which promotes privately organized and controlled affordable housing opportunities.
- o Ira has participated in and spoken at a number of conferences and has led public programs on private land preservation. He has co-lead a workshop on conservation easements at the Catskill Center for Conservation and Development Conference on land trusts in Saugerties and given public programs at the Mohonk Preserve and Mohonk Mountain House.
- o RVLC has been invited to visit several landowners including farmers to discuss conservation easements and planning for long-term preservation and disposition of their properties.

Nancy Copley Donates Conservation Easement

Area architect and RVLC Board member, Nancy Copley, has donated to the Conservancy a conservation easement on her 75 acre property. Located near the Vly Marsh, one of the largest wetlands in the Rondout Valley, the property is characterized by sloping woods, the Vly Brook, and a large pond. The property has a number of houses on it, all located in the same general area, or clustered, to keep as much of the land open as possible. The conservation easement provides for one additional house. Ms. Copley donated a conservation easement so that she would know that the land which she occupies will never be developed in a way to compromise its value as a wildlife habitat.

1,000 Acres to be Protected!

RVLC is currently drafting conservation easements for property owners throughout the Valley which could result in the protection of about 1,000 acres. These properties include farms, stream and river corridors, wetlands, forest and historic properties.

Please get in touch with us if we can assist you with your land preservation needs. We are a community organization and depend on your interest, advice and involvement.

RVLC Received Two Grants

Two \$5,000 grants were received in 1988 by RVLC. The New York State Council on the Arts, as part of its Architecture and Planning program, is funding the continuation of our preservation work in the Vly Marsh and Rochester Creek area. The Kaplan Fund made a gift towards general operating expenses. We are most appreciative of this help.

Rochester Creek Preservation

RVLC's First Limited Development

RVLC has just completed its first limited development with the sale of two properties with frontage on the Rochester Creek. These properties, which comprise about 56 acres, were threatened by development a year ago which would have resulted in houses overlooking part of the untouched section of the creek between the Doug Road bridge and the Boodle Hole bridge. Since protection of the Rochester Creek is a priority of RVLC, it was decided that these two properties, which were the only speculative properties on the creek in that area, should be purchased, protected by conservation easements and resold.

Since the RVLC did not have the capital to purchase land, a limited partnership was created to purchase the properties. The limited partnership included neighbors of the properties, other people from the Rondout Valley who wanted to invest in the area, as well as people from outside the area interested in a profitable investment while preserving important land features. An investor in a limited partnership can expect to make a profit (or incur a loss) and enjoy any tax advantages (such as through the donation of conservation easements as described earlier) equal to their participation in the project. RVLC served as a consultant to the partnership handling the real estate transactions, land planning, and drafting of the conservation easements.

This part of the Rochester Creek is characterized by high ground on either side of the creek surrounded by a hemlock forest. Untouched by development of any kind between the two bridges, the creek remains in its pristine condition and is favored by trout fishermen and boaters.

The limited partnership (Rochester Gorge Limited Partnership) purchased a 22 acre wooded parcel and a 34 acre wooded parcel with a 150 year

old farmhouse (the former Quick house). By separating a 9 acre parcel from the 34 acres and merging it with the 22 acre parcel, the partnership was able to provide for all further development to be across Doug Road from the creek. The new 31 acre parcel (22 acres plus 9 acres) was sold with a conservation easement allowing the construction of one single family house plus appurtenant structures (barns, sheds, garages, etc.) while the farmhouse and 25 acres were sold with a conservation easement permitting no further development.

We are currently assisting landowners in forming partnerships to preserve land in their area.

Thank You!

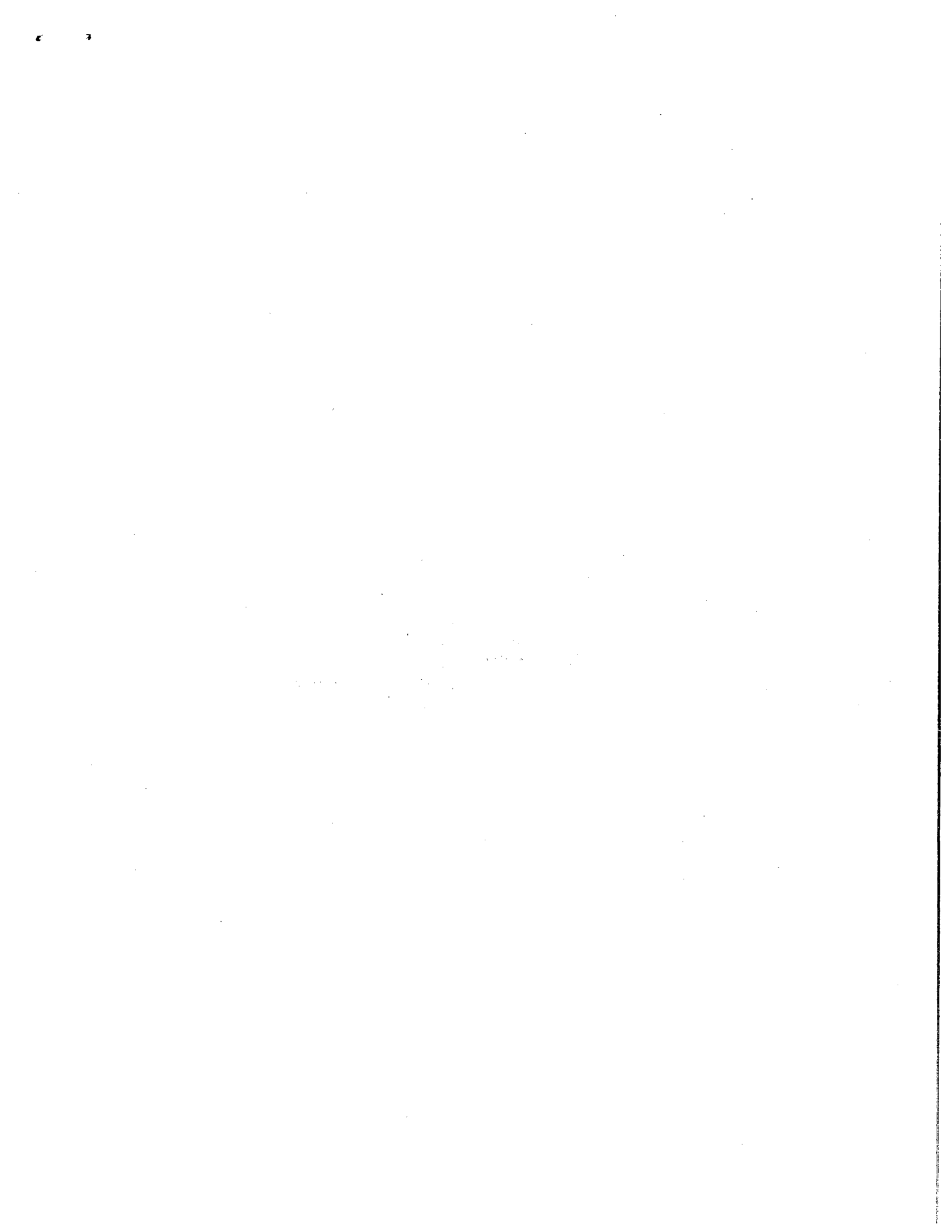
RVLC would like to thank the following people for their recent financial contributions.

Karl Beard
Sherret Chase
Lila & Walter Croen
Susan De Mouth
Gary Finger
Gary Gilbert
Gayle Grunwald
Barbara Hallam
Harry Hansen
Tang & Jane Hansen
Franny Hertz
Renee Hertz
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John Kander
Betty Kawalchuk

Judith Kirschner
Godfrey Kritzler
Bowen Northrup
Harry & Marge Phillips
Charles & Hilton Purvis
Bruce & Julie Ratner
Steve Reich
Raoul & Susan Ronson
Sanderskill Farms
Kevin & Linda Seecamp
Ruth Silverman
Whitley Strieber
Ralph E. Swenson
Karin Tetlow
Seward Weber

Special thanks goes to Rose Harvey and Elizabeth Byers of the Trust for Public Land, Joel Russell and Glenn Hoagland at Dutchess Land Conservancy and William Ginsberg, Professor of Law at Hofstra University who is a leading authority on conservation easements.

We'd also like to thank Anita Gehrke for volunteering her typing skills, Michele Hertz for her artwork in producing our logo, and Bert Stern for printing our brochure.



Rondout Valley Land Conservancy
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Board of Directors

John L. Schoonmaker, Jr., *President*
Eric Hertz, *Vice President*
Paul Downs, *Secretary*
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Nancy Copley
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Ira Stern, *Executive Director*

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PAID
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Permit No. 307

Rondout Valley Land Conservancy, Inc.
P.O. Box 307, Main Street
Accord, NY 12404

Address Correction Requested

JOIN US:

The Rondout Valley Land Conservancy depends upon your support to keep our open country land productive and beautiful. Please help out by sending your contribution today!

Friend	\$25	_____	Benefactor	\$1,000 or more	_____
Supporter	\$50	_____	Senior Citizen,		
Sponsor	\$100	_____	Student	\$10	_____
Conserver	\$500	_____			

Checks should be made payable to "Rondout Valley Land Conservancy." Please mail your tax-deductible contribution to:

Rondout Valley Land Conservancy
P.O. Box 307
Accord, NY 12404

Name _____ Date _____
Address _____

THANK YOU VERY MUCH!

RONDOUT VALLEY LAND CONSERVANCY



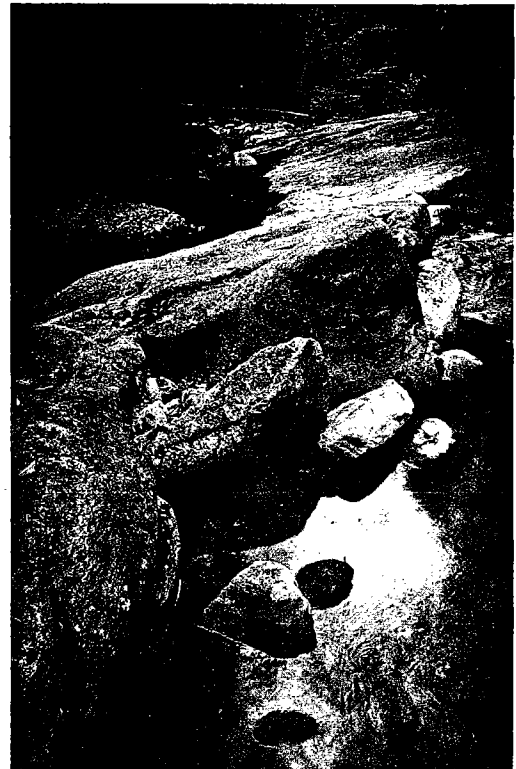
NEWS

Fall 1989

Option Agreement Leads to Protection

RVLC used an option agreement to secure 115 acres with 2,000 feet of frontage on the Millkill and one mile of the Sanderskill in the Town of Rochester to ensure its protection. An option agreement is a legal instrument that allows a potential buyer to negotiate a price for a parcel of land and gives the buyer a specified time period in which to buy it. It is secured with a non-refundable down payment.

In this case, the landowners, Eva Stein and Rahel Schwartz, had the desire to sell the land, yet wanted to ensure that no more than three houses were to be built on it, away from the two streams. The RVLC gave a down payment to the owners and received a one-year option to purchase the property. During the year, RVLC matched an ultimate buyer for the property -- one who purchased the property for more than the price specified in the option agreement and subject to a conservation easement restricting the land to the construction of only one house away from the streams. We wish to commend Mrs. Stein and Mrs. Schwartz for their commitment to preserving their land and using this creative preservation tool. RVLC executed the conservation easement in memory of their late husbands who were dedicated to the land's well-being.



*Permanently Protected
Photo by Charles Purvis*

Study Documents Higher Taxes

When was the last time that you heard of a growing town's taxes going down? Recently, studies of towns have been conducted to document the amount of revenue each land use provides as related to the cost of services each land use demands. The Dutchess County Cooperative Extension and the American Farmland Trust studied the towns of Beekman and Northeast (April, 1989) in Dutchess County to see what this relationship was. These two towns were chosen for the study because they reflect the changes occurring in Dutchess County. Beekman, in southern Dutchess, is a rapidly growing community with few farms left. The town of Northeast, on the border of Connecticut in northern Dutchess, was selected as an agricultural community beginning to face development (almost 25% of Dutchess County's agricultural industry lies within the town). In the Rondout Valley alone, we seem to have our own Beekman and Northeast.

Using the 1988 town budgets and allocations for the two towns, and property tax information provided by the Dutchess County Real Property Office, a comparison was made between the revenues generated by a land use sector and the expenditures for services required by that land use. In summary, "in Northeast for every dollar taken in as revenue from the Residential category, \$1.36 in services was required. In contrast to this, for the Agricultural category, the ratio was one dollar received for every \$0.21 spent. Similarly, the ratio in the Commercial/Industrial category was one dollar to every \$0.29.

In the Town of Beekman, the Residential category also required more in services than was received. For every dollar in revenue, \$1.12 was spent. The ratio for the Agricultural category was one dollar to \$0.48 and for Commercial/Industrial lands was one dollar to \$0.18."

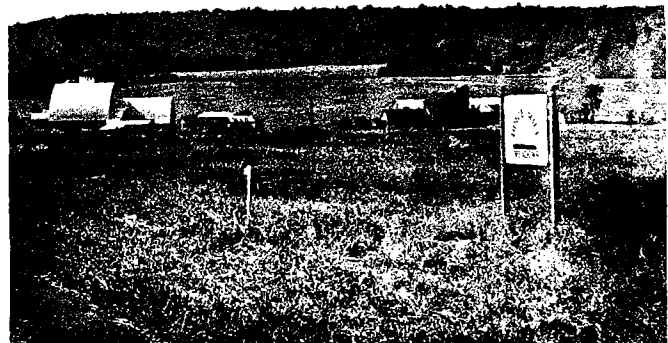
This information shows that in both towns the Residential sector is being subsidized by Agriculture and other open space and the Commercial/Industrial sectors. The report goes on to caution

that Commercial/Industrial development can lead to greater demand for services and residential development, further tipping the scale. On the other hand, farmland and other open space more than pays its way and offers a reasonable alternative to increased development.

Our land conservancy is very concerned about property taxes since they are a major expense for many landowners. If the Rondout Valley begins to lose its farms, forests, and other open space to service-demanding residential development and other large projects, a vicious cycle will take over. As development increases, the landowner on the side of town that has remained rural will begin to subsidize the new development. This landowner, who has been able to pay his fare all along, now is being asked to pay part of someone else's fare. The landowner may be forced to sell his land and it may get developed, further tipping the scale so that taxes must be raised each year.

It is people, not fields, forests, or wetlands that require town and school expenditures. Land restricted by a conservation easement will never create a strain on town budgets and will give communities the amenity of permanently open

(Higher Taxes cont. on p. 3)



*Approved Subdivision Site, Town of Rochester
Photo by Ira Stern*

