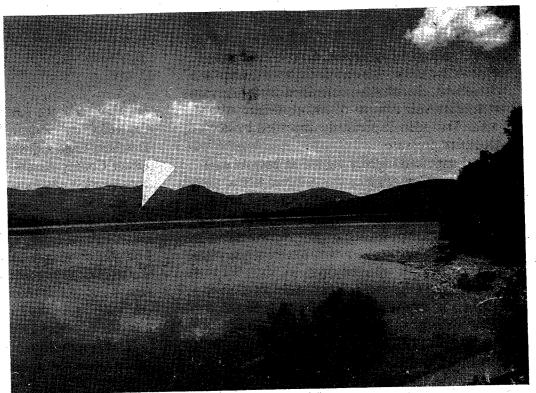


NEWS SUMMER 1 9 9 1

INSIDE:

- RELC Engaged for Conservation Planning
- First Wetland Protection in Marbletown
- Conservancy
 Gains Approval
 for New Office:
 Work Begins!
- Survey Shows
 Rapid Growth of
 Land Trust
 Movement



The arrow marks the land protected in memory of Charles Wiedner

FIRST CONSERVATION EASEMENT IN OLIVE PROTECTS VIEW FROM ASHOKAN

by Bowen Northrup

The Conservancy has signed one of its largest conservation easements yet, a 254-acre mountainside property overlooking the Ashokan Reservoir. It is a pristine wooded site owned by Lois Wiedner Langthorn, a West Shokan resident all her life. "I love this place," Mrs. Langthorn says. "I feel as though it's part of me."

The property reflects that caring. Mrs. Langthorn and her husband Jack motor about the mountain on old logging roads in their battered 1943 Jeep, stashing fallen branches into tidy piles and keeping the paths open.

Mrs. Langthorn is dedicating the easement to her deceased first husband, Charles H. Wiedner, author of "Water For A City," a book about the Ashokan Reservoir. Mr. Wiedner was for many years a chicken farmer adjacent to where Mrs. Langthorn now lives.

The eventual heirs to the property are two nieces of Mrs. Langthorn, one of whom lives in Maine and the other in North Carolina. Both have voiced their approval of the easement banning all future development except for one possible house site that might be used by a close friend of Mrs. Langthorn.

She herself is "really pleased" to have executed the easement. "Now I can pat the trees and say, 'Don't worry, you're taken care of," she comments. "I'm sure this would make wonderful building lots. But it also makes wonderful woods."

Mrs. Langthorn's property, on the west side of the reservoir off Route 28A, is notable for its piney woods and sun-dappled meadows and for an abundance of seasonal streams and springs that criss-cross the mountain

(continued on page 2)



ASHOKAN VIEW (from page 1)

side and run into the reservoir. So this easement is good news for the consumers of Ashokan water and for those who cherish the uncluttered mountain views from the reservoir dam road, and elsewhere around the area. That view is seriously imperiled by new development pressure.

Mrs. Langthorn initially signed an escrow easement with the Conservancy that allowed her to protect her land in the event of her death. An escrow easement is a signed conservation easement held by the Conservancy but not recorded until certain conditions arise. The conservation easement has now been finalized by recording it with the County Clerk.

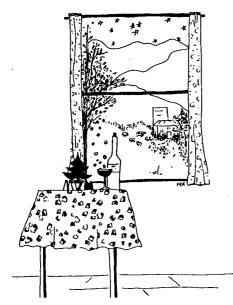
This is the Conservancy's first easement in Olive and its first in the Ashokan vicinity. It is hoped that others in the area will follow.

MANHATTAN GATHERING

On June 3rd, RELC took the show on the road and held a benefit dinner at the Cafe Luxembourg in Manhattan. Over 65 people came out to support the Conservancy and take advantage of being able to meet like-minded people who also spend time in this area.

The Cafe Luxembourg provided a wonderful setting for the exceptional dinner. Donn Palladino, co-owner of the Cafe and an Accord resident, was very generous in making the restaurant available for our use. We look forward to making this an annual event.

The evening included a toast to the now-clean waters of the Rondout and Esopus (which come out of the taps in Manhattan) and a gift of Shawangunk hemlock saplings to all the dinner guests. Thank you for the support!



CONFERENCE ON PROPERTY TAXES BRINGS ASSESSORS AND EXPERTS TOGETHER

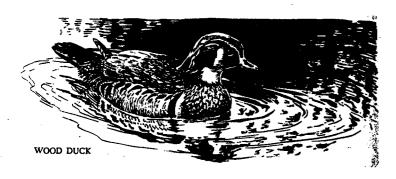
On May 10 at the Radisson Hotel in Poughkeepsie, the RELC co-sponsored a conference with the Dutchess Land Conservancy and the Dutchess and Ulster County Assessors' Associations on the affect of conservation easements on property assessments and the tax base.

One of the most common questions asked by landowners about conservation easements has been: "Will I be able to get my property taxes lowered if I donate a conservation easement?" We thought it was important to get conservation planners, attorneys, appraisers, town assessors and other town and state officials together in one room to discuss this issue.

The program gave an overview of what a conservation easement is, how the restrictions of the easement may affect the value of property, and the overall effects on the town tax base conservation easements could have in the long term.

Attorney Bill Ginsberg, a nationally recognized expert in conservation easements (and a Boiceville resident), started the program with an explanation of conservation easements and made a case for the significant reduction in value that would occur under a restrictive conservation easement. Peter Hubbell, an appraiser with the firm of L.T. Bookhout, Inc., reviewed how to determine any loss in value associated with restricting the future use of property. Scott Chase, the Town Supervisor of Pine Plains in Dutchess County, described his belief (backed up by many recent studies) that the more development that occurs in a town together with the associated loss of open space, the higher the taxes will be to service that development. Put simply, if assessors took into account the restrictions of conservation easements and lowered assessments accordingly, the municipality would benefit by not having to service new development at a loss for the municipality. Conservation easements, he said, could keep taxes lower in a town that encourages conservation by accurately determining any loss in value that is attributable to the gift of a conservation easement.

It was generally agreed that conservation easements must be considered by assessors when determining value. It was also agreed that each individual property and the restrictions in each conservation easement are unique.



RELC ENGAGED FOR CONSERVATION PLANNING

The Conservancy is pleased to announce that we will be involved in two exciting conservation planning projects this year. Both projects involve the Conservancy as consultants to perform land use assessments and conservation plans for over 500 acres of land in the area.

The Sykes Farm in Accord

In Accord, members of the Sykes family have retained the Conservancy to prepare a report and property map that will develop alternative land use plans for the family-owned 150-acre farm. The farm, known as Appledoorn, is located at Route 209 and Airport Road and includes a small airport, prime farmland, wooded areas, stream habitat, and historic structures. The Sykes family is interested in learning how to both accommodate a growing family and continue to be good stewards of the land—a long family tradition at Appledoorn.

Citibank property in Woodstock

Citibank, N.A. has hired the Conservancy to do a similar study of a 350-acre property on the border of the Towns of Woodstock and Ulster. In this case, Citibank is the trustee of an estate that owns the land and they are interested in knowing the various conservation and land use alternatives available.

The wooded property includes a lake that is host to breeding Great Blue Herons as well as other wildlife found in this type of habitat. Bordering one of Kingston's reservoirs, the property is important conservation land.

RELC is available to perform conservation planning services for landowners on a fee basis. We can devise plans that balance the need for either a good financial return or good family use of land with practical preservation of open space. We can also offer expertise in land management issues and site designs that minimize the loss of open space.

FIRST WETLAND PROTECTION IN MARBLETOWN

Charles and Nancy Sass have donated a conservation easement on their 42-acre parcel on Lapla Road in Lomontville. This donation marks the first wetland placed in conservation easement in the Town of Marbletown.

The wetland is formed by a beaver dam on the Stony Creek, a stream that originates in Hurley and flows through Marbletown on its way to the Esopus Creek at Lomontville. Mr. and Mrs. Sass, who are both avid wildlife observers, have made the gift of the conservation easement to protect the very active habitat of the wetland.

Special restrictions were desired by the Sasses in the easement to achieve maximum habitat protection and enhancement. Only native plant species may be planted on the property to protect from invasion of the habitat. No trees may be cut, to encourage cavity nesting birds and animals. Only part of the meadow that surrounds the wetland can be mown, to maintain both hunting areas for hawks as well as areas for coyotes and their pups and the many breeding deer.

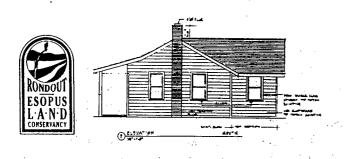
The property is restricted to no further development. As Mrs. Sass has said, "what I see here is God and Nature. You can look, but don't touch. That is what we want."



MORE LAND PROTECTED IN TOWN OF ROCHESTER

The RELC has accepted the donation of a conservation easement from Whitley Strieber on a 12-acre property in the Town of Rochester. The parcel is mostly wooded, is bordered on one side by the Mill Kill, and also includes part of a meadow.

The conservation easement prevents any development from occurring on the parcel, in the interest of preserving the mix of habitat on the site. This gift marks the third conservation easement along the Mill Kill and is especially important because the parcel is located in an area that has seen subdivision activity.



FIRE!

In the early morning hours of June 7th, the RELC office in Accord suffered an electrical fire. Luckily, the building, which has been so generously donated for the Conservancy's use by the Anderson family, was saved from any major damage by the quick action of the Ulster County Sheriff's department that discovered the fire, and the Accord Fire Department.

The Conservancy did lose some equipment (a recently donated laptop computer) and materials, but we were fortunate enough to retain our files and computer records. The fire did, however, force us to leave the Accord building, and we are now using a space in Stone Ridge donated by Debra Goldman, a member of the Conservancy.

CONSERVANCY GAINS APPROVAL FOR NEW OFFICE: WORK BEGINS!

It has been a long, slow process to obtain the former Alligerville Post Office for the Conservancy. Yet, the moment is finally here! The permits are in place and the deed has been gifted to us.

Virginia Schoonmaker has made a tremendous gift to the Conservancy. Besides the suitable building and the fitting beautiful land and stream frontage that goes with it, the Conservancy's ownership of the property guarantees the lowest possible overhead for our operation. Mrs. Schoonmaker has made sure that the money we raise from this point on goes towards land protection and not rent.

In the past few months, architectural plans have been drafted by volunteers Michelle Kolb and Eric Rosenberg. Board member Lewis Waruch has been busy estimating the job and putting together a list of building materials. More than thirty people have volunteered to work on the building, including carpenters, electricians, excavators, restorers and many non-specialists.

Since the Conservancy is a young organization, we do not have a capital budget to finance this renovation. The volunteer labor is a tremendous help to offset the cost and we are now seeking the donation of building materials. People have been combing their barns and garages and we have already received some materials, among them windows, electrical wiring, and flooring.

A copy of the building material list can be obtained by filling out the attached card and mailing it to us to express your interest—we need your donations! We can pick up materials if necessary and be assured that the donation of materials is tax deductible. Every stick of wood, roll of insulation, and box of nails is needed and welcome. This is a good chance to invest in private land preservation since your donation will cut the organization's overhead for years to come.

The building will be a model of energy efficiency and environmentally sound land use. We are investigating various new technologies and seeking funding sources and hope to be able to announce some success in our next newsletter.

Thank you to volunteers Barry Medenbach, Harry Hansen, Bowen Northrup, Howard Osterhoudt, Ira Stern, Eric Hertz, Charles Purvis, Larry Brown and Arthur Markle.



Conservancy office before renovation

NEW DIRECTORS ADDED TO RELC BOARD...

At the RELC's March monthly board meeting, three new Board members were elected to two-year terms. Each new board member brings to the Conservancy different areas of expertise and interests and we are very pleased to have their involvement.

Ms. Marjorie Hasbrouck of High Falls is a well-known member of our community, as she served as the Stone Ridge librarian for 25 years.

Ms. Hilton Purvis is a graphic designer who lives in Accord.

Mr. Roy Carlin is another High Falls resident and a practicing attorney.

Since the last newsletter, three directors have stepped off the board. Phil Davis, Whitley Strieber, and Olive Merrihew were all active members and their valuable contributions will be missed. We would like to thank them for their time and dedication.

...AND NEW ADVISORS

In February, the RELC decided to put together a Board of Advisors to broaden the input we receive. The advisors will participate on committees of the board, assist in making business and landowner contacts for the Conservancy, and assist and advise the Board and staff of issues they are interested in. We plan on expanding the Board of Advisors in the future.

The new advisors are:

Rodney Sage George Elias William Trumpbour Joseph Suarez Dr. Leonard Pickard

THANK YOU!

We have received many sorely needed gifts of furniture and equipment this past winter and spring. Each of these donations added to the efficiency and cost-effectiveness of the office and is extremely appreciated.

Jon Bowermaster donated a laptop computer that solves the inter-office competition for the one computer we had.

Pat and Roy Carlin donated a slide projector and screen to help with educational and promotional efforts.

Charles and Hilton Purvis made a gift of a legalsize file cabinet, a bookcase, and a magazine rack.

Whitley Strieber contributed a laser printer to the office that will enable us to produce the newsletter in-house as well as display graphics and many other special applications.

Besides, the many building materials we are seeking for our office renovation, we would benefit greatly from a fax machine. Perhaps your company is upgrading and can spare the older machine.

The RELC wishes to thank the Nichols Family Foundation for their grant towards the purchase of a new copy machine. We also wish to thank the following persons and businesses for their contributions since the last newsletter:

L. Alpert	A. Altshuler D	. Barthelmes		
H. Bartosik	E. Benedict	P. Biscaye		
E. Boice	Braun/K. Lawson F			
S. Brown	R&P Carlin	H. Chase		
J. Confino	N. Copley B&L	Cunningham		
A. Curtin	M. Daron B&I	D Davenport		
C. Davis	P. Davis	J. Detar		
M. Dickas	B. Dikman E	8&J Drabkin		
D. Duke		G&H Elias		
A&M Embree	A. Egelman S. Feldman	S. Fogden		
L. Friedman	S. Golden			
W. Greene	J. Hakam	C. Hansen		
H. Hansen	D&M Hasbrouck	P. Heidt		
P. Heinrich	S&G Hilsenbeck	R. Herbert		
M. Hertz	E. Hollman	J. Kellar		
T&K Kenny	R. Klaiss	J. Klaiss		
T. Klein	A. Klotz	G. Krajna		
G. Kritzler	A. Klotz K. Krueger	A&P Langer		
B. Lawrence	E. Leary	R. Leon		
E. Lyke		N. Martin		
H. Masonsen	M. Mendola C			
B. Northrup	R. Nyswaner	T. Opler		
T&R Ostheimer	J. Rice	L. Richter		
S. Ronson	S. Rosenberg D&	E Rosenthal		
R. Ruskey	R. Russell	M. Sadowy		
M. Sage	A. Salz	H. Schultz		
R. Silverman	R.Skolnik	R. Smith		
S. Sperber	R. Stevens	H. Suss		
C. Toder	W&E Trumpbour	R. Tulgan		
P. Vidich	C. Waruch			
W. Weber	S. Weber	J&A Weil		
L. Wexler	W. Whitney IIIMrs.	Wilberforce		
S&M Wils	S. Wyant			
Citibank, N.A.	First National Bank of	f Rhinebeck		
Grassroots	IBM Matching Gifts			
Mohonk Preserve	Rockefeller Family Associates			

Rondout Savings Bank

Ulster Savings Bank

SURVEY SHOWS RAPID GROWTH OF LAND TRUST MOVEMENT

Rondout-Esopus Land Conservancy Part of Growing National Movement

Counting over three-quarter million members and operating in every state, America's land trusts increased at the average rate of one new group every five days during the past two years. During the same period, the Rondout-Esopus Land Conservancy and other land trusts helped to safeguard 630,000 acres of wildlife habitat, wetlands, parks, natural areas, recreation and agricultural land.

Jean Hocker, president of the Land Trust Alliance,

the national organization for land trusts, said, "The unprecedented growth of the land trust movement represents a decision by Americans across the country to take direct, positive steps to protect our nation's open space. Working through land trusts, they see a direct connection between their actions and effective, visible results. Land trusts like RELC take community conservation action that produces national impact."

Together, America's land trusts have helped protect a total of over 217 million acres—an area more than twice the size of Delaware. Land trusts own 437,000 acres; hold con-

servation easements on another 450,000 acres; have acquired, protected, and transferred 668,000 acres to other organizations and agencies; and have used other direct methods to help protect another 1,159,000 acres.

The data on growth and achievement came from a new year-long survey by the Land Trust Alliance. In the two years since the last survey the number of land trusts increased by 145. The northeast and west coast led the nation in new land trusts. According to the survey, based on the number of new groups, land trusts continued, as they had been in 1988, to be the fastest growing segment of America's conservation movement.

"The unprecedented growth of the land trust movement represents a decision by Americans across the country to take direct, positive steps to protect our nation's open space."

Hocker continued, "Some land trusts are large conservation organizations with professional staffs; others are small all-volunteer groups. Annual budgets range from under \$10,000 to over \$1 million." The RELC annual budget is around \$65,000. Regardless of size, all land trusts are sensitive to the interests of their communities, as well as the needs of landowners. Because they are problem solvers and efficient at using donated time and money, RELC and other land trusts offer a cost-effective approach to conservation that makes sense today."

Information from the survey showed that about forty percent of the nation's land trusts are operated solely by volunteers.

Wildlife habitat and wetlands headed the list of

properties that land trusts help protect. Community open space was a close third. Forests, farmland, recreation areas, river corridors, trails, historic areas, greenways, coastal areas, and islands rounded out the inventory. RELC holds conservation easements on most of these types of land.

Hocker pointed out that nonprofit land trusts complement government action and work with other organizations and with landowners on a variety of approaches to achieve conservation objectives.

Well known areas protected by land trusts include land on the California coast at Big Sur; in the San Juan Islands of Washington State; at Jackson Hole, Wyoming; along the

Appalachian Trail; in New York's Adirondacks; and at Acadia National Park in Maine. Land trusts now operate in every state in the nation.

RELC was organized in 1987 to seek a balance between growth and land preservation through private action. Over 1500 acres of land have been protected by RELC to date.

Founded in 1982, the Land Trust Alliance is the nonprofit umbrella organization for local and regional land conservation groups. The Alliance provides leadership, services, and training to help land trusts protect land. Over 400 of the nation's land trusts, as well as individuals, government agencies, and other conservation organizations, are members. Offices are in Washington, D.C.



AUTUMN 1991 CALENDAR OF EVENTS

13;

SEPTEMBER 7 MEADOWBROOK FARM

The RELC holds a conservation easement on this 50-acre farm. The property features nine spring-fed ponds, a beautiful stream and woods. After a walk around the property, we can have a picnic lunch by the ponds and take a swim. Meet at Key Bank in Stone Ridge at Route 209 and Leggett Road. Rain date 9/8.

SEPTEMBER 28 ESOPUS GORGE HIKE

The section of the Esopus below the Ashokan Reservoir is a spectacular wildlife habitat and an important ongoing project of the RELC. Come hike protected private lands and swim (weather permitting) in the Esopus. Bring lunch. Meet at Key Bank in Stone Ridge. Rain date 9/29.

OCTOBER 5 PHOTOGRAPHY FOR LAND

Many professional photographers live in this area and they have banded together to contribute to a photography exhibit and auction to benefit the RELC. The works will reflect the area's natural beauty and changing landscape. A reception will precede the auction. Call 626-4849 for location.

OCTOBER 12 WETLAND WILDLIFE

Come explore a 42-acre wetland on Lapla Road that is protected by the Conservancy. Wildlife abounds on the Sass's property and we will keep a special eye out for migratory birds. Meet at the Lomontville firehouse on Hurley Mountain Road at 10 AM. Rain date 10/13.

OCTOBER 20 RONDOUT CANOE AND RAFT TRIP

This time we will travel the section of the Rondout from Accord to Alligerville. Bring your canoe or call for a spot on a raft. Meet at Agway in Accord off Main Street. Rain date 10/27.

NOVEMBER 9 SANDERSKILL RIDGE HIKE

Join landowners for a hike on Conservancy-protected lands and Minnewaska State Park near Accord. Clear blue water, white cliffs, pitch pines. Meet at Accord Agway at 10 AM. Rain date 11/10.

All events begin at 9:30 AM unless otherwise noted. Free for members, \$5.00 for non-members. Children under 14 are free and are welcome.

Elinor Boice Roy Carlin Marjorie Hasbrouck John Novi Hilton Purvis Lewis Waruch

Harry Hansen, President Bowen Northrup, Vice President Seward Weber, Treasurer Ita Stern, Executive Director

Board of Directors

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

Non-Profit Organization U.S. Postage PAID Accord, NY 12404 Permit No. 307

JOIN US!

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

	Friend Supporter	\$25 \$50	Benefactor Senior Citizen,	\$1,000 or more	
	Sponsor	\$100	Student	\$10	
	Patron	\$500	Other		·
CHECKS SI	iouid de made paya	_		man your tax-dedt	ections contribution to:
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QUESTIONS AND ANSWERS ON CONSERVATION EASEMENTS

1. WHAT IS A CONSERVATION EASEMENT?

A conservation easement is a voluntary agreement to preserve land in perpetuity. Although filed with the deed, it does not transfer land ownership, but rather spells out a landowner's commitments to protect the existing character of his property. It is a flexible document, and may be written to protect land in accordance with the landowner's wishes.

2. IF I GIVE A CONSERVATION EASEMENT DO I STILL OWN AND CONTROL MY PROPERTY?

Yes. Only the specific use rights that you choose to donate are removed from your property. You can still own, build upon, sell, lease, mortgage, farm or otherwise use your property consistent with the terms of the conservation easement.

3. DOES A CONSERVATION EASEMENT REQUIRE ME TO ALLOW PUBLIC ACCESS TO MY LAND?

No. The conservation easement does not give the public any rights to your land unless you decide to include such rights in the easement.

4. TO WHOM IS A CONSER-VATION EASEMENT GIVEN?

A conservation easement can be given either to a qualified non-profit organization or a public body such as a town, a county or a state agency. The recipient of the easement must accept it in writing and agree to enforce the terms of the conservation easement to assure that future owners of the property abide by it. The Rondout/ Esopus Land Conservancy is a non-profit organization qualified to hold conservation easements that satisfy its preservation criteria.

5. HOW IS A CONSERVATION EASEMENT ENFORCED?

A conservation easement is enforced by the organization or public body to which it is donated, by court action if necessary. Some easements name another entity as a back-up enforcer in case the original donce organization is unable or unwilling to ensure compliance with the easement. If the original donce organization ceases to exist, the easement is transferred to a similar entity which has the powers to enforce it. The organization that holds the easement is responsible for monitoring it on a regular basis to assure that the current landowner is complying with the terms of the easement.

6. WHAT IS THE DIFFERENCE BETWEEN A CONSERVATION EASEMENT AND A "DEED RESTRICTION"?

A deed restriction (also called "a restrictive covenant running with the land") is similar to a conservation easement, but there are some significant differences. Conservation easements, established under Article 49, Title 3 of the Environmental Conservation Law and Section 247 of the General Municipal Law, enjoy a special legal status.

While deed restrictions may in some circumstances be easily eliminated by the mutual consent of landowners or court action, it is much more difficult to amend or remove a conservation easement. Deed restrictions may only be enforced by specified adjoining landowners who directly benefit from them, while conservation easements can be enforced by entities which do not own adjoining land and do not necessarily derive an economic benefit from them. To assure maximum effectiveness, a deed restriction and a conservation easement may be used jointly, since enforcement by neighboring landowners may be advantageous but is only possible through deed restrictions.

7. CAN I DONATE A CONSER-VATION EASEMENT AND STILL DEVELOP MY LAND?

Yes. A conservation easement can be used to control the number, location, and design of buildings, thus assuring that a quality development plan is maintained in perpetuity. Used in this manner, an easement may be able to enhance the value of each lot created.

8. CAN A CONSERVATION EASE-MENT ASSURE THE PROTEC-TION OF OPEN SPACE SET ASIDE IN A "CLUSTER DEVELOP-MENT"?

Yes. One of the biggest concerns that towns have in approving cluster developments is that the land set aside as "open space" today may become developed in the future. Requiring a cluster developer to place a highly restrictive conservation easement on land set aside as open space is the most secure way to protect it from development permanently. It is also a tool that can be used to place the protected open space in the private hands of one or more large estates or farms, rather than in a possibly unwieldy homeowners' association.

Conservation easements can also be used in connection with private roads. Many towns are unwilling to approve private roads or town roads built to minimum specifications because of the concern that as an area develops, the road system will require upgrading at town expense. If towns require perpetual conservation easements limiting the total number of units that can be served by such roads, they can approve these roads without needing to worry about future overdevelopment. The alternative is that eventually a developer will build full-scale suburban roads, resulting in "cookie-cutter" development that will totally destroy the existing open space.

9. WILL CONSERVATION EASE-MENTS REDUCE MY PROPERTY TAXES?

Maybe. Tax assessments are made by local assessors based on the fair market value of property. In fact, much rural land is actually underassessed relative to developed land, in recognition of the fact that undeveloped land does not demand municipal services and that raising the assessments of undeveloped land will tend place to development pressure upon it. Thus, it may be that in some communities land under easement is already being assessed at less than fair market value. Logically, a highly restrictive easement that

reduces a property's market value should be reflected in a lower assessment, but this decision falls within the discretion of the local assessor.

Much land under easement already receives special tax treatment through either the Agricultural Districts Law (Section 25AA of the Agriculture and Markets Law) or the Forest Tax Law (Section 480-a of the Real Property Tax Law). A conservation easement would have little impact on land enrolled in these programs, since assessors are free to use their discretion regarding easements while the agriculture and forestry exemptions are mandatory.

10. ARE THERE OTHER TAX ADVANTAGES IN DONATING CONSERVATION EASEMENTS?

Yes. The principal advantage is the charitable deduction from state and federal income taxes. A taxpayer may deduct as a charitable donation the difference in value between the land before an easement is donated (unrestricted value) and after it is donated (restricted value). If the easement is highly restrictive, this could amount to a large tax deduction. In order to qualify for the deduction. the land involved must meet certain IRS criteria to establish public benefit, such as scenic enjoyment by the general public, preservation of natural ecosystems or historic sites, or public education or recreation. Under the Alternative Minimum Tax provisions of the Tax Reform Act of 1986, there is a strong possibility that a deduction could be limited to the owner's "basis" (acquisition cost) in the land rather than the full fair market value of the easement. Only a careful review with personal tax advisors will reveal whether or not this will be a problem for individual landowners. Easements can also result in significant estate tax savings as well.



11. WON'T CONSERVATION EASE-MENTS LIMIT THE AVAIL-ABILITY OF NEEDED HOUSING?

No. Good planning dictates that new housing should be concentrated in those areas best able to service it with roads, water and sewer facilities (infrastructure), and employment and shopping opportunities. Conservation organizations do not accept easements on land that should more appropriately be developed for housing. In those areas of the County where large-scale development is appropriate, conservation easements will only be accepted in connection with open space set aside as part of planned cluster developments or to preserve scenic or ecologically sensitive areas such as wetlands, stream corridors and riverbanks, steep hillsides, etc. Most conservation easements are placed on land in sparsely populated rural areas where good planning requires the preservation of open space and the retention of land in large tracts to keep agriculture a viable industry. A conservation easement strategy goes hand-inhand with capital improvements to infrastructure in order to concentrate development in those areas best able to service it. In this way, an adequate supply of housing at high enough densities to be affordable can be created.

12. DON'T CONSERVATION EASE-MENTS ERODE THE TAX BASE?

Generally, conservation easements have little or no impact on the real property tax base, particularly in the Hudson Valley. Easements may, in some instances, actually help stabilize and lower tax rates. One advantage of using conservation easements is that land under easement remains in private ownership and on the tax rolls, unlike publicly-owned land.

In developed communities, open land represents a negligible proportion of the tax base. Even if a conservation easement were to result in a slight tax break for the landowner, the impact on a tax base comprised mostly of residential and commercial buildings would be imperceptible. In rural communities, most land coming under conservation easement already enjoys property tax benefits under either the Agricultural Districts Law or the Forest Tax Law

(see question #9), and the conservation easement adds no further tax reduction.

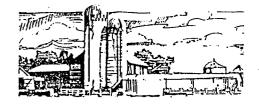
In any area, a small reduction in the taxable valuation of eased property would be more than offset by enhanced taxable value of the surrounding properties. It is common knowledge that property surrounding parks and preserves commands premium prices.

Finally, conservation easements provide important public benefits, not only in the open space amenity they provide, but also fiscally. Keeping haphazard development out of rural areas slows the growth in the property tax rate. It has been documented that increased residential growth always brings higher taxes, since demand for municipal services increases faster than the tax base. Limiting the growth and channeling it toward existing population centers, which can be accomplished using conservation easements, is the best way to stabilize the tax rate.

Providing local property tax relief would therefore create an incentive for landowners to place conservation easements on their land and would, far from eroding the tax base, help to keep local property taxes down.

13. WHERE CAN I GET A SAMPLE CONSERVATION EASEMENT?

The Conservancy has a model easement document designed to be adapted by each landowner to his or her needs and individual circumstances. The document sets forth, in simple English, an approach to land protection that maximizes the landowner's flexibility and minimizes administrative burdens for both the landowner and the Conservancy, keeping protection of the rual character of the land as the paramount goal. Copies of this model easement are available through the Rondout/Esopus Land Conservancy, P.O. Box 245, High Falls, NY 12440. (914) 687-4775.



Rondout-Esopus Land Conservancy News

Winter 1991

Conservancy Protects a Rich Landscape

"We always had this in mind," says Gertrude Suepfle. "We" being Mrs. Suepfle and her late husband William, and "this" meaning the perpetual protection of her 50-acre property achieved by her donation of a conservation easement.

The Suepfles moved to their home on Peak Road in the Vly Atwood section of Marbletown 56 years ago, after emigrating from their native Germany and pausing for a few years in Brooklyn. The area still is notably rural, but Mrs. Suepfle recalls the old days when Peak Road "was still a mudpath" and there were "a few shanties" about.

"I like this place", she said when they first saw the property in 1935. "Hmmm", rejoined Willy. "Does it have a woodlot?" It did, and he went into the lumber business. Some of the buildings from that enterprise still remain across the road from the Suepfle residence.

Mr. Suepfle died in 1987, and Mrs. Suepfle, who will be 80 in May, began considering how to forestall development over time on the property that she and her husband had loved and and worked so hard for. A friend and neighbor introduced her to the Rondout-Esopus Land Conservancy.

Any future purchaser (the Suepfles had no children) will retain full ownership, but the easement limits development to one house in a location chosen by Mrs. Suepfle.

"The protection of Mrs.
Suepfle's property is very exciting because it meets ten of the thirteen criteria that the Conservancy uses to define special and unique lands", says Ira Stern, Executive Director. (see box on page 7 for criteria).

Meadow Brook Farm is a rolling property with a mixture of wooded and cleared land and a complex of nine spring-fed ponds that the Suepfles created from the single

continued on page 7



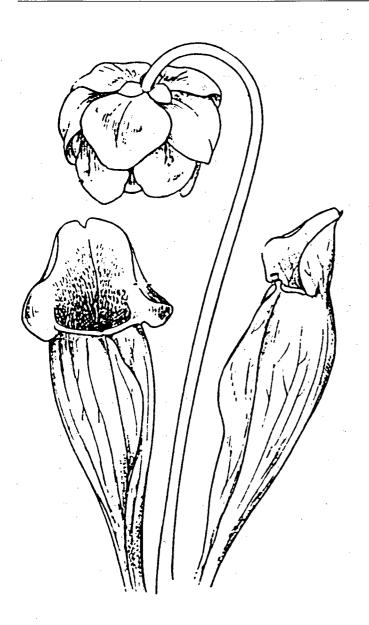
President's Corner

It is my pleasure to being recently elected as the second President of the RELC. I would like to express my appreciation to Jack Schoonmaker, the founding President of the organization, who helped get this effort off the ground.

With the support from those of you who have become members or have protected your land, RELC has quickly gone from an interesting concept to a profesional organization. As many of you know, some early limited development projects, combined with foundation grants, provided the seed money needed to establish an office and hire a small, but dedicated, staff. Since that time, we are proud to say that we have protected over 1,500 acres of land and are currently working on an additional 1,500. Our initial seed money having been spent, we are working to increase the level of local support that is needed to run the organization at the current level. This means more members, business support, and consulting fees that we can rely on to pay for salaries, this newsletter, office overhead, insurance, and project expenses.

While the introduction of the Conservancy into the community has been promising, we recognize that the future of our success depends upon educating the uninformed to our goals and the benefits of the Conservancy. Included in this newsletter is a calendar of upcoming events, many of which will be on private lands that landowners have chosen to protect. These landowners have generously offerred to

RELC News 2 Winter 1991



Pitcher Plant

RELC Begins Wetlands Protection

The Conservancy recently received the donation of a conservation easement from Town of Rochester resident John Kander on 35 acres of woodland and marshland.

This conservation easement provides a substantial buffer zone along part of the 350 acre Pacama Vly, the largest wetland in the Town of Rochester. Mr. Kander has restricted the land to no future development, mining, or dumping, and has retained the recreational rights and the ability to harvest timber in a manner that will not affect the water quality of the Vly with erosion or silting.

The Pacama Vly ("vly" is the Dutch word for marsh) is home to many uncommon and threatened plants and exists as an intact ecosystem of wooded land, marsh, and stream. RELC conducted a botanical inventory of the Pacama Vly by Paul Huth, Director of Research at the

Mohonk Preserve, which turned up some enlightening facts. Paul found what he called "a northern complement of plants" at the wetland. He explains that this wetland is a northern bog - "a bog itself is a long-term transitional community, because as the basin is continually filling with organic materials, it is slowly invaded by swamp woods. The plants found are generally quite common farther north in areas of boreal forest (such as the Adirondacks)". While there are other similar bogs in Ulster County, they are clearly unique to the region.

One "northern" plant found here is the Pitcher Plant, a carnivorous species that uses the undigested remains of the insects it catches as its source of nitrogen. The plant produces its own nitrogen because of the nutrient poor soils of the bog. The Pitcher Plant captures insects in its elongated cup that fills with water. The cup has recurved prickers along the side and once the insect lands in the water, the prickers form a roof that cannot be penetrated and the insect drowns.

The Pacama Vly is also host to a healthy community of the mammals that once had the entire Valley as their habitat. Bear, bobcat, red fox, and coyote all are found at the Vly, where human activity is at a minimum.

Wetlands in general provide clean recharge of area groundwater supplies, ensure a measure of flood control, and, through the gases they emit and absorb, help maintain the planet's atmospheric balance.

These important life-giving land areas are vanishing at an alarming rate. The United States Environmental Protection Agency says more than 500,000 acres of wetlands are lost each year. Inland wetlands, such as the Pacama Vly, comprise 95% of the roughly 95 million acres of remaining U.S. wetlands. Two hundred and fifty million acres of wetlands existed when the first European settlers arrived in North America.

Although the Pacama Vly is a protected wetland according to New York State law, the conservation easement adds a greater degree of protection. Under the wetland protection law, development and other activities within 100 feet of a protected wetland are regulated. Permits can be granted, after review by the Department of Environmental Conservation, for roads or other development within the 100-foot buffer. Also, the law could change and the Pacama Vly could be removed from protection status. The conservation easement creates a much more reasonable buffer zone to protect the water quality and wildlife habitat of the bog. It is a perpetual arrangement and will survive changes in the State wetlands law.

This gift marks the first conservation easement in a wetland area for the organization.

— Ira Stern, Executive Director

Conservation Planning Services

The RELC has been assisting landowners with their land planning needs. Our Executive Director, Ira Stern, is a trained land use planner, and has been helping many landowners with limited subdivisions, house siting, estate planning, land management, and, of course, conservation easements.

Please call the office if you have a need for conservation planning services.

Land Preservation Tool: Focus on Bargain Sales

While the backbone of the RELC's work is conservation easements, there are other tools that we can use to secure land for preservation. With the real estate market now in a relatively slow period, there may be opportunities for landowners to purchase that field next door, or the recently subdivided lot that threatens their privacy, at substantially less than the asking price.

A bargain sale is when a landowner sells a parcel of land to a tax-exempt organization, such as the RELC, at below fair market value. The difference between the bargain sale price and fair market value is considered as a gift to the charitable organization and qualifies as a Federal and State income tax deduction. The seller gets cash in the amount of the bargain sale purchase price plus an income tax savings while the purchaser gets the parcel for a price he/she can afford.

Although RELC does not actively purchase land, RELC can act as a pass-through by anyone wanting to make a land purchase for preservation. Here's how it works:

- 1 the purchaser and the RELC negotiate a bargain sale price with the seller
- 2 two purchase contracts are drawn -
 - one between RELC and seller
 - one between RELC and purchaser
- 3 RELC purchases the property using money loaned by the purchaser
- 4 at the same closing, RELC restricts the property with a conservation easement (to bring its value down to the bargain sale price) and then transfers the deed to the purchaser.

Bargain sales can be used in many circumstances. Neighbors can get together and spread the cost of a property among themselves for a fraction of the asking price. There are many subdivisions in the area that gained approval at the height of the real estate market and are now sitting idle. Perhaps the purchase of a few sensitive lots will lessen the impacts of development.

An example: The ten acre property next to Mrs. Marsh was recently subdivided into 5 two-acre lots. One of the lots is right next to her barn and in view from her kitchen window. Mrs. Marsh would love to buy the parcel, but the seller, even in this slow market, still wants \$25,000 for it. The seller paid \$10,000 for the land.

S	TRAIGHT SALE	BARGAIN SALE
Sale Price	\$25,000	\$15,000
Basis	10,000	6,000
Capital Gain	15,000	9,000
Capital Gain Ta	ax 4,500	2,700
Cash Value		
of Tax Deduct	<u>ion _0</u>	3,000
After Tax Gain	20,500	15,300
Broker Fee	<u>1,750</u>	<u>0</u>
Net Gain	<u>\$18,750</u>	<u>\$15,300</u>

In this case, although the seller makes slightly less money, a quick sale with no marketing costs occurs. Additionally, the seller will more than make up the lost income by enhancing the value of the remaining lots by providing open space. Mrs. Marsh protects her view and privacy while enhancing the value of her land.

While these market conditions exist, neighbors and community organizations may be able to negotiate a bargain sale that will suit both buyer and seller.

— Ira Stern, Executive Director

Please contact the office if you are interested in pursuing the use of a bargain sale.

President's Corner (con't.)

make the land accessible for a Conservancy organized trip on a one-time basis, so that people can experience the land we have been protecting. We hope to see you at all of the events!

In order to continue assisting landowners in protecting their land and promoting the ideas of planned development and the preservation of our unique and productive natural features, our need to solidify local support is very important.

If you are already a member, won't you tell a friend? If you haven't joined yet, will you become a part of an organization that is helping your neighbors protect what we all enjoy?

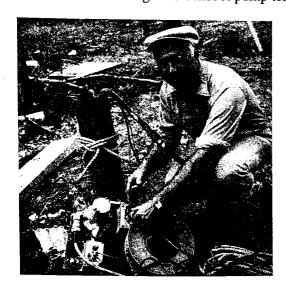
— Harry Hansen, President

Water Study Update

Last summer, RELC and the Mohonk Preserve began a two-year study of the groundwater system of the northern Shawangunk Ridge and how it relates to groundwater use in the Rondout Valley. Out of concern for the effect of increased use of artesian wells in the Valley whose source may be the Ridge itself, springs, wells, streams, rainfall, and geologic formations are being studied to comprise a water budget analysis. The possibility exists that drawdown of the artesian wells could affect springs that keep the Shawangunk streams running cold all summer thereby altering the ecosystem that depends on that water. Over 110 landowners in the study area now are allowing their wells, springs, and streams to be monitored and rain gauges placed on their property.

On November 24, RELC held its first public hike and lecture to explain the water study and the aquifer itself. Over thirty people listened to Jon Caine, the study's field hydrogeologist, describe the components of the confined aquifer system of the Shawangunk Mountains. Using the exposed cliff faces at Minnewaska State Park, Jon explained to the attendees what all those fractures in the rock face meant. He also led a walk to the top of a hill and described the geologic features of the Peterskill drainage and took us to see a few spilling artesian wells at Awosting Falls.

The consultants have begun to conduct pump tests



Dr. Timofeef conducting a pump test

around the study area. Pump tests are the hydrogeologists x-ray of an aquifer. They are done by pumping a well continuously and monitoring the changes in groundwater levels in adjacent observation wells over a long period of time (one to three days). Pump tests will show whether neighboring wells are in the same aquifer system, what



Jon Caine

the effect continuous or heavy use will have on neighboring wells and enables calculations to be made for the recharge rate of wells (how long it takes the wells to regain the water level before the pump test began). We have done the first of a series of pump tests in the study area conducted on Clove Road in the Town of Rochester. Preliminary results showed a clear connection among four wells in a 1,000 foot radius of the test well, significantly depleting the water levels in each well.

New York State Land Trust Network

RELC Executive Director, Ira Stern, has become a member of the Steering Committee that is designing the structure and function of a new organization - the New York Land Trust Network. The goal of establishing a Network is to provide the resources necessary for New York land trusts to operate at a level that best serves their communities. The Network will also create a central lobbying voice in Albany, and will increase general public awareness of land trusts and their functions.

The Steering Committee, made up of representatives from national, regional and local land trusts, has proposed that the New York Network become a state chapter of the Land Trust Alliance. The Land Trust Alliance, based in Washington, DC, is a central information and training clearinghouse for the more than 850 land trusts in the United States. The New York chapter would be the first such chapter of the Land Trust Alliance and could become a model for the many other statewide land trust networks.

The perspective that RELC brings to the Network is an important one. We will try to make sure that the Network serves local land trusts, both staffed and volunteer, in technical assistance and organizational development which are the major needs of new and developing land trusts.

NYS Land Trust (con't)

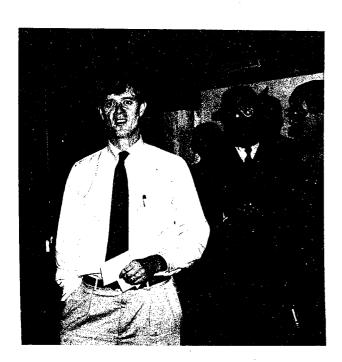
With the failure of the 21st Century Environmental Quality Bond Act this past election, land trusts have become the primary means of protecting the State's natural heritage. A strong New York Land Trust Network will lead to stronger, more effective land trusts at all levels.

What Ever Happened to That New Office?

Last year at this time, we reported that Virginia Schoonmaker had offerred to donate the former Alliger-ville Post Office property to the Conservancy for use as a permanent office. After more than a year of review of our site plan in the zoning permit process, we recently received an area variance from the Town of Rochester Zoning Board of Appeals that clears the way for us to obtain final approval from the Planning Board.

The Conservancy has been operating out of space generously donated by the Anderson family in Accord and we are very excited about having a permanent home. The Alligerville post office is a small wood frame structure set on the edge of a field in the middle of the hamlet and was last used in 1955. Included with the property is a significant amount of frontage on both sides of the Rondout Creek which makes this a fitting home for us.

If we receive final approval, we will be setting up a committee of people with experience in building and fundraising to plan a renovation. Many contractors have already volunteered their time to the project and we



Harry Hansen welcomes reception attendees

welcome anyone who can wield a hammer or paintbrush to join the effort. Also, since the building is relatively small, we hope to make use of donated building materials. If you have leftover materials from a project at home, please consider a donation.

2ND Annual Member Reception

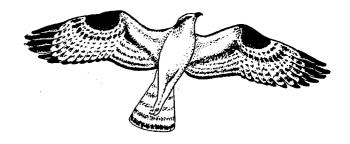
On December 2, about 75 people gathered in the Depuy Canal House's cabaret for an evening of celebration focusing on some of the projects completed and now under way by the Conservancy. This event is one way of thanking members of the Conservancy for their support over the year.

This year, ten area artists and craftspeople donated their wares for a silent auction held at the reception. We want to thank the following artists for their generous donations and those people who participated in the auction by purchasing the items.

Artists:

Tony Barringer Richard McDaniel
Nancy Copley Elizabeth Mowery
Jean Duffy Charles Purvis
Audrey Hemenway
Lorna Massie Jeffrey Shapiro

It was an event that brought together a concerned group of people and the energy in support for the Conservancy's work was inspiring.



A Call for Volunteers

In order for the RELC to meet the increased demand for land preservation services and education, we would like to be able to rely on volunteers instead of increasing our costs. This would free us up to spend more time protecting land.

Volunteers are needed to help organize events, prepare mailings, take photographs of protected land, monitor protected land, and help with fundraising.

Please become involved and help us make a difference.

Calendar of Events

Come and join us! The RELC is pleased to announce that several exciting and informative special events are planned for the coming months. With the kindness of several area landowners, many of the events will take place on land protected in cooperation with the Conservancy. Members are invited to all events free of charge, \$3.00 for non-members. Children 14 and under are free and welcome to all activites. Encourage your friends to come along. Please call the office at 626-4849 for directions and other details.

Saturday, March 9, 10:00 AM - 1:00 PM

The 350 acre Feather Farm will be open for a ski or hiking tour, including its historic gristmill, and an on-site explanation of the conservation easement. Whether we ski or hike depends on the weather.

Saturday, March 23, 1:00 PM - 3:00 PM

"First Annual Public Meeting". Slide show to learn about the RELC's accomplishments and upcoming projects to preserve more of the Rondout and Esopus Valleys. Accord Firehouse. NO CHARGE.

Saturday, April 13, 10:00 AM - 1:00 PM

Come hike the Davenport Farm in Kerhonkson, 2 1/2 miles along the Rondout Creek, and view the Conservancy's farmland preservation project.

Sunday, April 21, 12:00 noon - 2:00 PM

"Workshop on Conservation Easements". A "How-to" workshop explaining the process of executing a conservation easement. Will include a presentation by RELC staff and a participating landowner. Emphasis on questions and answers. Ulster County Community College, Burroughs Building, Room 420. NO CHARGE.

Saturday, April 27, 11:00 AM - 2:00 PM

"Rondout Creek Canoe Trip". Bring your own canoe, life jacket and picnic lunch and enjoy the beauty of land and waterways protected by conservation easements. For those that do not have a boat, call the office for a seat on an expedition-quality raft.

Hope to see you.

Preview of Upcoming Events

Spring Bird Migration Hike Landowner-led Wildflower Walk

Thank You!

The RELC wishes to thank the Wallace Genetic Foundation for their support with the Davenport Farm project. Campmor, an outdoor recreation outfitter in Paramus, NJ, has also donated to our work. We greatly appreciate their contributions. We also wish to thank the following persons who have contributed since our last newsletter.

A. Altshuler J. Hoover A.& E. Quinn D Baker R.B. Hoveling S. Reich K.& N. Beard J. Iapoce S. Roos E. Benedict E Juliano D. Rosenblum J.& W. Blair M.& B. Johnson J. Rubin S. Blum M. Johnston A. Saks A. Brendel M.& A. Jones S.& N. Savitz R. Carlin J.& L. Klaiss L. Schnee J. Carlson T. Klein V. Schoonmaker A. Klotz K. Cotton M.& B. Seaman B.& L. Cunningham M. Koltuv R.& S. Silverman A. Curtin K. LaBudde G. Sirchia J.& L. Eddy R. Larsen M.& D. Slatkin L. Effress J. Levy M. Steinlauf M. Elder S. MacDonald A.& B. Stern A. Falk D.& M. Maffia W. Streiber F.& G. Finger G. Martin C.J. Styles L.& R. Friedman H. Masonson J. Suggs K. & L. Massie P. Gordon T. Tetlow W. Greene B. Mullins R.& V. Toan A. Greenhouse L. Neaman P. Vidich J. Hardy C.& F. Noble C. Waruch-Pettine D.& M. Hasbrouck D.& C. Nichols S.Weber M. Hertz L. Pickard J.& D. Wilkie R. Hertz C.& H. Purvis

We would also like to thank Dr. Myron Koltuv and Nancy Copley for donating file cabinets for our office and to Hilton Purvis for her donation of a light table for slides.

We are still in need of a laser printer, a self-correcting typewriter and a map case. Donations of equipment, as are donations of land and stocks, are tax-deductible.

Please help us build our membership by telling your friends of the benefits of the Conservancy. As a gift idea, why not make a friend a member of the Conservancy?

If you have been receiving this newsletter, but have not yet joined as a member, please join and help us defray the cost of this newsletter and of private land preservation.



For Sale

RELC is pleased to offer two special books for sale. Since our organization combines expertise in the technical areas of land use and taxation with an appreciation for the natural beauty of this area, these two publications capture the essence of the organization.

Preserving Family Lands, by Steven Small (a Boston tax attorney), is an easy to read account of the estate tax dilemma many landowners unknowingly find themselves in. Leaving your estate to your children in this day and age could lead to the sale and development of the family property — lost to exorbitant estate taxes. Take heed! Full of examples, learn what steps you can take to protect the family lands.

\$4.50 for members, \$6.50 for non-members.

Catskill Mountain Drawings, an exquisite book of pencil drawings by Cottekill resident Richard McDaniels, captures the natural beauty of many of the views and scenes we are all so familiar with. Containing more than 50 selected drawings, included is a text by McDaniels that explains his evolution from an abstract painter to a landscape artist as well as quotations from writers including Burroughs, Emerson, Thoreau and Irving. The Woodstock Times said that "McDaniel's talent in provoking this self-realized appreciation makes his contribution to the art of the Catskills momentous on classical and historical levels."

\$10.00 for members, \$12.00 for non-members.

Please add \$2.00 per book for shipping and handling.



From Catskill Mountain Drawings

RELC Criteria for Acceptance of Conservation Easements

- 1. The property is in, or capable of, active agricultural or forestry use.
- 2. The property buffers agricultural land, wetlands, wildlife habitats, or other sensitive natural areas.
- 3. The property includes important wildlife habitats and/or known migration routes.
- 4. The property is in a relatively natural undisturbed condition.
- 5. The property is visible by the public from roadways, waterways, or recreation areas.
- The property shares a common boundary with publicly or privately preserved land or other significant open space areas.
- 7. The property is in close proximity to private land which is already preserved or likely to be perma nently protected.
- 8. The development of the property would diminish scenic views or interfere with views across protected open space.
- The property affects the integrity of a significant watershed area, creek, pond, wetland, river, other body of water, or aquifer.
- 10. The property is of sufficient size that its significant features are likely to remain intact in spite of adjacent development.
- 11. Public access will be permitted for education or recreation on the property.
- 12. The easement would set an important precedent for restricting land in an area of interest to the RELC.
- 13. The property is of significant historic landscape value.

Conservancy Protects ... (con't.)

pond they had in 1935. One of the ponds, ringed by cattails, has a dock and serves for swimming. The Gladt-Klipt Kill, a state-protected stream that drains from the Scarawan Swamp into the Esopus Creek, borders one side of the property.

"We used to skate on the pond out front," Mrs. Suepfle recalls. At various times they had dairy cows, chickens and beef cattle. Now the pace has eased and she is content in the knowledge that the place will be kept beautiful, just as she and her husband wanted.

— Bowen Northrup, RELC Board member

Elinor Boice Mancy Copley Olive Merrihew John Movi Whitley Strieber Lewis Waruch

Board of Directors Harry Hansen, President Bowen Northrup, Vice President Seward Weber, Treasurer Ita Stern, Executive Director

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

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JOIN US!

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

	Friend	\$25	Benefactor	\$1,000 or more	
	Supporter	\$50	Senior Citizen,		
	Sponsor	\$100	Student	\$10	
	Patron	\$500	Other		
<i>a</i>					
Checks she	ould be made payabl	e to "Rondout-Esopus Land		il your tax-dedu	ictible contribution to:
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		P.O. Box 307		•	
		Accord, NY 124	404		
Please con	tact me regarding pr	eservation of land in my are	ea		
Name				Date	
Address _					

THANK YOU VERY MUCH!