

PARKS ADVISORY COMMITTEE RECOMMENDATIONS FOR THE TOWN OF ORANGETOWN COMPREHENSIVE PLAN

Recognizing that the Comprehensive Plan now being prepared for the Town of Orangetown will create a vision for the future of Orangetown, and having been appointed by the Supervisor and members of the Town Board to advise on matters relating to parks, the Orangetown Parks Development Advisory Committee (OPDAC) requests the following recommendations be considered for inclusion in the Comprehensive Plan.

Prior to enumerating our recommendations we want to define our purpose and draw a distinction between large scale, heavily regimented, capital intensive facilities and simple open or commonly owned spaces. The word "park" developed in feudal times and generally referred to a fenced in area, usually a hunting preserve, reserved for a King or local royalty. As population increased and habitation encroached in the vicinity of the reserved area, these preserves were often opened to the general population and the "Public Park" was born.

During roughly the same time period, as villages developed, portions of land were often left open and became common areas for the grazing of animals (Town Commons) or gatherings of the public (Town Squares). Although these areas of open space were not typically fenced in or rigorously administered, and were in many respects the antithesis of the original Royal Parks, they also became known as "Public Parks".

A NEW PHILOSOPHY OF PARKS

Parks provide a valuable benefit to residents and we believe the primary focus of the Town in coming years should be to acquire authentic open or common spaces wherever possible, and through whatever equitable means are available. In the modern era of development, opportunities for the creation of parks in Orangetown are disappearing rapidly. It is our opinion that open and common spaces create a sense of community, identity and a shared historical culture available to all. Parks enhance property values, increase community safety and help protect the environment. Such areas need not be devoted to a particular purpose or be of a particular size. They need not be developed. They need not be regimented and administered in a manner which obligates direct governmental supervision. ***They need only to be understood to be commonly held.***

RECOMENDATIONS

- 1. We recommend protection of waterways, assertion of the rights of the public to use our waterways and promotion of their use as public space.**

From the Lanape tribe, to European colonization, to present day Orangetown, our community has been one of farming, fishing and commerce. Once used mostly for fishing, travel and trading, the waterways have remained an important part of our community and now include both sport and recreation. Accordingly, we believe that the Town should make every effort to better maintain, continue to acquire, and/or gain the

use of properties in close proximity to our waters, wherever possible. The public should be encouraged to make full use of all “*navigable in fact*”¹ waters within the Town, including the Sparkill Creek, the Hackensack River and the Hudson River by providing areas in which canoes, kayaks or other small craft, can be launched or recovered, and in addition provide consistent communications (via signage and public statements and master plan) to the public on their rights to so do. On watercourses which are not navigable, such as the Nauraushaun and the Brookside Creek in the hamlet of South Nyack, attempts should be made to secure easements through purchase or tax abatement, to allow the public to walk along their banks. We also strongly support the imposition of a ban on development within a buffer zone of 100 feet of any watercourse. Further, we believe the Town should immediately take steps to promote the launching of small boats into the Hudson at the two waterfront parks (Towt Park and Gesner Park) in the hamlet of South Nyack.



Illustration 1: The Nauraushaun at summer depth. Off Blauvelt Rd. Note invasive trees along the banks.



Illustration 2: The Sparkill also at summer levels along Greenbush Rd.



Illustration 3: The Hackensack at 5th Avenue Blauvelt.



Illustration 4: The Hudson from Gesner Park South Nyack.

2. We recommend acquisition of key currently available properties and those enumerated by OPDAC in previous years.

We believe the Town of Orangetown should immediately dedicate its full efforts to acquiring church owned waterfront property at 157 Piermont Ave in the hamlet of South Nyack. The property, also known as the Olsen Center, is listed on Orangetown tax maps as lot 66.54-2-11 and is described as being of 6.2 acres in size, a portion of which is comprised of river bottom. This parcel could not only provide public access to the river and boat launching, but also includes an existing parking lot capable of accommodating approximately 40 vehicles, an important consideration that this board believes should be taken into account in the creation of any park in a congested area.

The Brookside Creek is channeled through the southern portion of the Olsen Center.

Designation of the property as a park could allow restoration of the Creek's natural watercourse creating a significant environmental benefit. In addition, major storm drainage for the surrounding neighborhoods to the north is routed under the northern portion of the property and residential development over this critical infrastructure could create significant issues with regards to maintenance of the drainage system.

The property at 157 Piermont Ave. is one of the last open, non-residential areas in the lower portions of the hamlet. It allows those transiting the area a spectacular view of the Hudson unimpeded by housing, from Piermont Ave. or Broadway. Allowing development on this site would undoubtedly destroy the view corridor and contribute to a breakdown in the relationship of residents with the river and its history.



Illustration 5: The Olsen Center property at 157 Piermont Avenue South Nyack.



Illustration 6: The Brookside Creek transiting the southern area of the 157 Piermont Ave property. This Creek is tidal in its lower reaches.

3. We endorse seeking state and federal funding for parks and open spaces.

4. We recommend that Orangetown create an organization of volunteer "Trail Rangers" who would be allowed to maintain trails in undeveloped parks and open spaces.

"Trail Rangers" would not have enforcement powers of any sort but would simply be covered by insurance and serve primarily as on the ground observers of conditions in undeveloped open areas. Private groups have been authorized to carry out such activities in some of the state parks² and have functioned effectively, but we feel this sort of an organization would be more appropriately conducted under the direct control of the town.

5. We recommend an extensive study and survey of conditions extant in our eastern forests by qualified professionals who have experience dealing with and eliminating invasive species in our region.

An environmental disaster created by a colonization of invasive trees has occurred in some forested park areas of the town as well as in undeveloped private areas. Fast growing non-native Norway Maples (*Acer Platanoides*) and Tree of Heaven, also known as Chinese Sumac, (*Ailanthus Altissima*) have destroyed the natural balance of the climax forest and largely displaced our native White Oaks (*Quercus Alba*) and Sugar Maples (*Acer Saccharum*) in some of the eastern mountainous areas of the town and along watercourses such as the Brookside Creek³. Much of this disaster has been brought about by misguided and uninformed attempts to protect trees emanating from the waterfront villages. The result has been not only the destruction of the natural forest in some of our park areas, but because of the propensity of the invasives to spread, their fast growing but short-lived nature and their shallow root systems, also a grave risk of property damage and physical danger to residents living in proximity. We recommend an extensive study and survey of conditions extant by competent qualified professionals who have experience dealing with and eliminating invasive species in our region and the formulation of a policy to deal with this disaster.



Illustration 7: Colonization by young Norway maples. They will grow quickly and densely.



Illustration 8: The Norways will reach maturity early and begin seeding the area around them.



Illustration 9: 10-15 years after appearing, the Norway Maples will be the size of 100 year old oaks and will have displaced the native trees by monopolizing the available water and nutrients. The effect will be jungle like. This is a picture of a colonized area of South Boulevard circa 2021.

6. We recommend the protection of “view” in the entirety of our community.

The visual aspect of our joint experience of place is the key component in establishing our identity as a community. For this reason we must re-consider the importance of preserving the physical appearance of our surroundings. People often speak of a "View Corridor" or refer to a specific "viewshed". We believe the entire visual experience of our community has an innate value and should be protected. We assert the collective view is a commonly held asset different in form than a terrestrial park but a commonly held open space none the less. A "park" of a different sort.

We recommend the Town devote its primary legislative focus to developing a view protection structure which would ensure the profound beauty surrounding us continues to be available to all. This would require a new, flexible approach to zoning in some areas. Laws to protect overall view have been successfully implemented in other areas of diverse elevations. Their approach should be studied and put in place here before it is too late.⁴

Dated :14 July 2022
Orangetown, NY

ORANGETOWN PARKS DEVELOPMENT ADVISORY COMMITTEE

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ENDNOTES

1. The COMMERCE CLAUSE of the US CONSTITUTION, (Article 1, Section 8, Clause 3) has been deemed to provide citizens with the right of free navigation upon all US waters which are “navigable in fact”. The courts have defined the term “navigable in fact” to mean any US water upon which a log can be floated from point A to point B. The distance between A and B apparently has no limitation with regards to a minimum of travel. Further, the watercourse does not have to be navigable at all times but only capable of allowing movement of the log at some point during the year.

In the case of Orangetown the Hudson and the Hackensack would be navigable at all times, and the Sparkill would be “navigable in fact” seasonally, which would establish a right to use it for kayaking, etc..

2. The Palisades Interstate Park System has a program in place wherein private groups are authorized to have their membership act as “Trail Rangers” to clear trails, clean up sites and report problems.

3. Multiple New York State agencies have listed Norway Maple and Tree of Heaven as the number one and number two invasive species within the state. In addition, neighboring states such as Connecticut and Pennsylvania have determined these trees are a threat to native forests.

4. Multiple cities and towns throughout the US have enacted view protection ordinances which have withstood court scrutiny. Specific approaches vary, but for comparison examine the statutes of Tiburon, Ca., The City of Rancho Palos Verdes , Ca., Denver, Co., San Antonio, Tx. New York State law explicitly allows all municipalities to protect scenic views under Mun. Home Rule Law Sec. 10(1)(a)(1), which allows them to adopt land use laws to protect and enhance their physical and visual environments. Towns and villages may consider viewshed protection in their definition of open space (N. Y. Env. Cons. Law § 55-0119).