

Town of Warwick Comprehensive Plan

Orange County, New York

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TOWN OF WARWICK, NY COMPREHENSIVE PLAN

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TABLE OF CONTENTS		PAGE
1.0	INTRODUCTION	
1.1	Development Pressures in Warwick	1
1.2	Regional Planning Efforts	3
1.3	The Warwick Comprehensive Plan Process	4
1.4	Goals of the Community.....	6
1.5	Summary of the Plan.....	7
2.0	WARWICK IN 1998	
2.1	Regional Context	10
2.2	Local Context	12
2.3	Zoning and Land Use.....	16
2.4	Housing.....	20
2.5	Environmental Conditions	21
2.6	Recreation and Open Space	33
2.7	Transportation	34
2.8	Public Facilities.....	37
2.9	Privately Operated Utilities.....	40
3.0	COMPREHENSIVE PLAN	
3.1	Goals and Objectives.....	42
3.2	Agriculture.....	43
3.3	Residential Development.....	49
3.4	Commercial and Industrial Development.....	62
3.5	Open Space and Recreation	67
3.6	Transportation	69
3.7	Public Facilities.....	73
3.8	Environmental Protection.....	76
3.9	Potentially Objectionable Land Uses	79
4.0	IMPLEMENTATION	
4.1	State Environmental Quality Review (SEQR).....	81
4.2	Adopting the Plan	81
4.3	Maintaining the Plan.....	82
4.4	Zoning/Town Regulations.....	83
4.5	Official Town Map	86
4.6	Capital Improvements Program/Land Transaction.....	86
4.7	Recreation/Open Space Fees.....	88
4.8	Real Estate Tax Inducements	88
4.9	Private Development and Philanthropy	89
4.10	Town-Village Cooperation	90
4.11	Summary.....	90

LIST OF FIGURES

1.	Historical Population Growth	2
2.	Regional Location.....	Follows page 9
3.	Orange County Plan.....	Follows page 9
4.	Zoning	Follows page 80
5.	Land Use.....	Follows page 80
6.	Steep Slopes.....	Follows page 80
7.	Agricultural Soils	Follows page 80
8.	Groundwater	Follows page 80
9.	Wetlands/floodplains	Follows page 80
10.	Special Features	Follows page 80

LIST OF TABLES

2.1	Demographic Characteristics Summary	14
2.2	Age Characteristics for Warwick.....	15
2.3	Land Use: 1986 and 1995.....	19
2.4	Trends in Supply of Housing Units.....	20
3.1	Residential Densities	50

LIST OF CHARTS

2.1	Rate of Population Growth: Warwick & Surrounding Towns.....	Appendix A
2.2	Population Density: Warwick & Surrounding Towns	Appendix A
2.3	Warwick & Orange County: Employment by Occupation	Appendix A
2.4	Warwick & Orange County: Employment by Industry	Appendix A
2.5	Warwick & Orange County: Families by Income.....	Appendix A
2.6	Warwick & Orange County Population by Age	Appendix A
2.7	Housing Trends in Warwick & Surrounding Towns.....	Appendix A
2.8	Housing Unit Types: Warwick & Surrounding Towns	Appendix A
2.9	Persons 65+ Years & Persons in Group Quarters.....	Appendix A
2.10	Single-family Building Permits Issued in Warwick.....	Appendix A
2.11	Housing Ownership in Warwick & Surrounding Towns.....	Appendix A

Appendices

- A. Census Data Charts
- B. Historic Properties
- C. Model Conservation Density Subdivision Regulations
- D. Traffic Calming/Walkable Communities Technical Memoranda
- E. Agricultural Advisory Board: Farmer Survey Results
- F. Cost of Community Services Study

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Introduction

1.1 DEVELOPMENT PRESSURES IN WARWICK

Historically, the Town of Warwick was a loosely knit collection of villages and hamlets legally bound together by an act of the 1788 State Legislature. The 107 square mile area (including the villages) is the largest town in Orange County and one of the largest in the Hudson Valley (see Figure 2). Its landscape is characterized by diversity, ranging from mountains in the east to the flat, black dirt farmland in the west. Many of the older communities remain separated by undeveloped open space or farmland, creating the typical rhythm of a rural landscape.

This pastoral environment has been changed by new development patterns largely over the past two decades. Although the eastern and western sections of the Town are mostly protected from intense development, by the severe environmental constraints of steep slopes and black dirt soil respectively, subdivision proposals are scattered throughout central Warwick. Unlike the traditional rural landscape, new housing is focused along the existing road network rather than around the Villages.

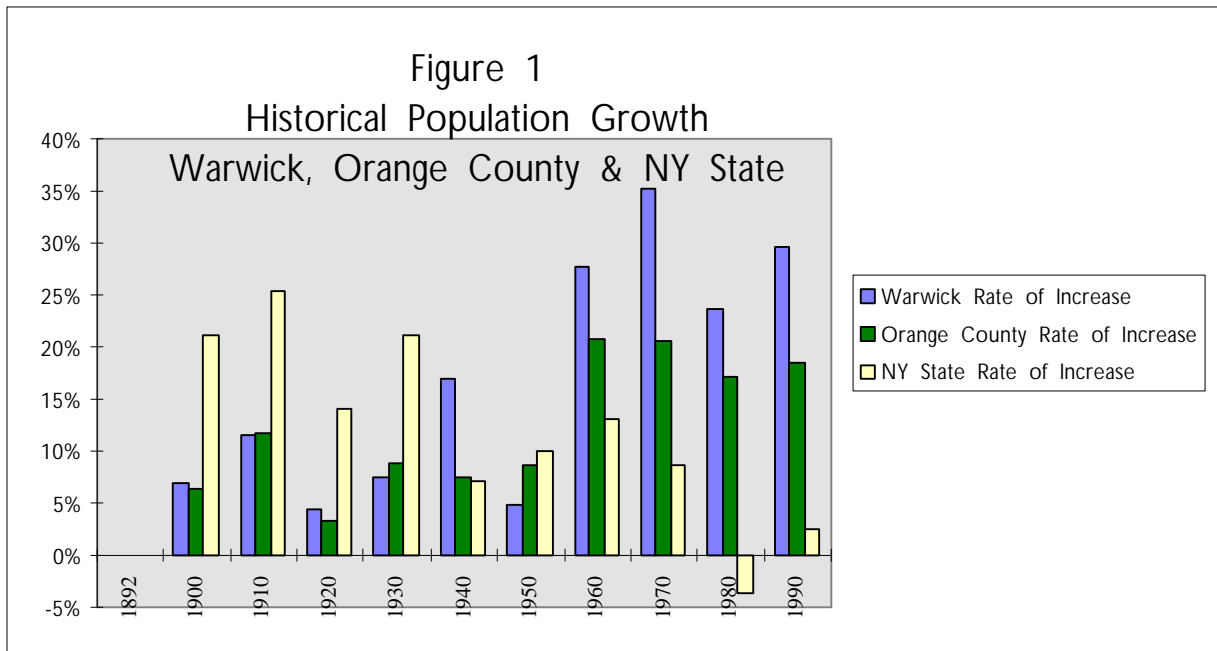
Warwick's new growth is part of a regional pattern. Orange County can be considered the fastest growing county in New York State between 1980 and 1990 when attributed solely to development pressures.¹ It was the fastest growing County in the Mid-Hudson Valley (double the regional rate of growth) and was more than seven times the growth rate of the State. For Warwick this is a relatively new phenomenon. The Town is already the most populous in Orange County but due to its size, actually has a lower population density than the County as a whole. Until recently, the Town of Warwick had not experienced rapid growth because of difficult access from large employment and population centers.

However, new employment centers in New Jersey, Westchester County, and Orange County, are developing closer to Warwick and the New York Metropolitan housing market is expanding farther and farther to find more affordable housing. Warwick has become attractive for housing development and will become more so as a result of improved access to the New York State Thruway from Northern New Jersey. Interstate 287 in New Jersey was completed during 1996; this new highway provides a direct linkage between Rockland County at the Thruway with Interstates 80, 280, and 78 and the large employment centers located near those interstate highways. By the year 2005, Warwick is projected to have about 8,000

more people than in 1990. This represents a growth rate of almost 30 percent over the Town's 1990 population.

Projections of a fast growth rate are not new to Orange County. During the 1960's, population estimations for Warwick in the year 2,000 were over double those now anticipated. Economists think that an increase in gasoline prices combined with a general economic slowdown in the 70's depressed or delayed growth. From 1970 to 1980, Orange County's population grew 17 percent, and from 1980 to 1990 it grew by 19 percent. From 1990 to 1994, population is estimated to have increased an additional 4.2 percent countywide and 5.3 percent in Warwick. Projections by the State Economic Development Department indicate that the population will continue to grow, increasing about 10.3 percent between 1990 and 2000 and about 9.6 percent between 2000 and 2010.

Since much of the current zoning for Warwick is based on higher growth projections from the 1960's and 70's, a new master plan is clearly needed. This plan should not only reflect current population projections, but should focus on the priorities of today's residents. Warwick's (unincorporated areas) population increased by nearly 2,500 people between 1970 and 1980 from 9,416 persons to 11,900 persons, representing an average annual growth rate of 2.63 percent. Between 1980 and 1990, Warwick's population increased an additional 3,600 to 15,506 for an annual growth rate of 2.5 percent. It is expected that Warwick will experience continued population growth through the year 2000 and beyond, based upon population projections by the Orange County Department of Planning. Figure 1 below illustrates historical population growth in Warwick compared with Orange County and New York State.



The highest priority expressed by respondents to a public opinion survey as well as participants in public meetings is to preserve the rural quality and natural beauty of the Town.

Fortunately, much of Warwick is still undeveloped or has an agricultural or open space use. This current status plus the resident's willingness to accept development controls will mean that Warwick has a good opportunity to retain its beauty.

1.2 REGIONAL PLANNING EFFORTS

Orange County maintains an overall comprehensive plan that includes all towns in the County. The most recent update reinforces an "urban-rural" growth concept that was first presented in the 1980 County *Comprehensive Plan*. This concept seeks to limit intensive growth to areas around the villages, leaving those areas that are not near major highways or water and sewer services relatively free of denser development. The intent is to maximize the use of existing facilities, providing the most economical and environmentally sound form of development. Figure 3 illustrates this plan.

In the County Plan, the Town of Warwick is shown to be predominantly rural. Recommended minimum density in rural areas is one unit per two or more acres depending upon soil capabilities and other environmental considerations (such as preservation of places of unusual scenic value). Urban development is shown around the Village of Florida, around the Village of Warwick and extending northward along Kings Highway to the Town of Chester and southward along Route 94, around the Village of Greenwood Lake including all lakefront lands and extending northward along Dutch Hollow Road (County Route 5), and to a more limited extent in Sterling Forest around Sterling Lake and Sterling Forest Lake. According to the County Plan, these areas would serve as focal points for future growth. A wide variety of housing types are intended for urban areas as well as public and commercial services and facilities.

Other recommendations in the Orange County Comprehensive Development Plan and subsequent Updates include:

- Support construction of more low and moderate-income housing using government subsidies that would be sought by the County's municipalities
- Develop more appropriate industrial park sites (as identified in the 1982 Industrial Marketing Study by Arthur D. Little, Inc.) and suitable commercial land for future growth
- Support revitalization efforts for downtown areas
- Adjust subdivision regulations to reduce impact on services, limiting rural densities to 2 acre lots and discouraging the "double" subdividing of large tracts (100 acres or more) that ultimately avoids Health Department approval and does not create a proper road system
- Develop a better countywide water system focusing on the Route 17 and I-84 Urban corridors
- Use sewer service plans as a management tool to control land use and growth, incrementally expanding services to meet needs
- Evaluate the current land fill site and alternatives for future needs

- Improve maintenance and upgrade urban arterials and commercial corridor roads that might face heavy development
- Improve bus transportation in Orange County. Urge MTA to join with New Jersey for direct rail service to Manhattan
- Expand the Orange County airport and develop Stewart Airport property
- Preserve farmland
- Work toward standardization of zoning and subdivision codes at the municipal level
- Protect the best scenic views for the public enjoyment of open space in Orange County
- Neither permit nor encourage the establishment of service districts (such as water and sewer) in the rural areas of the County

It is important to note that the County Plan is considered advisory only. State law gives the County the right only to approve or disapprove certain projects that have been agreed, by both the Town and the County, to have inter-municipal or county-wide significance. A municipality's boards, on the other hand, may overrule the County's decisions by a majority plus one vote.

A September 1986 housing needs study confirmed that most housing being built in the county consists of expensive single family homes and luxury condominiums. These units are being marketed to outsiders who are searching to escape the soaring housing costs of the New York City suburbs. The result is that young families, singles and the elderly are being priced out of both the home buying and rental markets.

The study concludes that Orange County will need an additional 50,000 housing units over the next fifteen years and that 25% of those or 12,500 units will need to be assisted so that they are affordable to families earning less than \$35,000 annually. This would amount to slightly over 800 units of affordable housing annually in order to meet projected housing needs.

The study concludes that some of the best ways for local government to ameliorate these needs is to provide for inclusionary zoning. This would include providing for a balance of multi-family townhouses and single family units as well as accessory units aimed at the young and the old who are being priced out of the housing market.

1.3 THE WARWICK COMPREHENSIVE PLAN PROCESS

Planning for the future has always been an important part of Warwick's heritage. The Town was one of the first in the region to adopt land use controls when its zoning regulations were enacted in 1928. Warwick, in conjunction with the three villages, prepared a *Comprehensive Development Plan* in 1965, with the assistance of Raymond and May Associates.

Prompted by an increase in development pressures, in the winter of 1985, the Town Board of Warwick retained the planning firms of Buckhurst Fish Hutton Katz of New York City and Garling Associates of Goshen, New York to prepare a new Master Plan. A steering committee, whose members included representatives from the Town Board, the Planning Board, the Zoning Board of Appeals, the Conservation Board, and other concerned individuals, assisted the planning team. Input from this committee was sought at each stage of the Plan's evolution through a series of meetings held over the nine month period. Separate public information meetings were held with the Planning Board of both the Town and the Village of Warwick, with invitations extended to the Villages of Florida and Greenwood Lake to assure regional coordination.

The planning process included a substantial amount of public participation. Not only were all steering committee meetings and information meetings open to the public but a community-wide public opinion poll was taken to determine the goals of the citizens. The *Master Plan* was based upon research and fieldwork, information from previous plans or studies by various agencies and organizations, and interviews and meetings with many of those involved in local or regional planning. The *Master Plan* was then adopted by the Planning Board on November 4, 1987.

As was recommended in the 1987 *Master Plan*, the Planning Board has been responsible for conducting an update every three years. This has been accomplished on a regular basis since 1987. In July of 1994 at the request of Community 2000, a Warwick citizen grass-roots organization, the Warwick Town Board started the process of a full-scale study of the existing *Master Plan* by appointing a 17 member Master Plan Review Coordinating Committee to study, gather information, and make recommendations for updating the Plan.

During the previous year, 1993, the Community 2000 organization had conducted six town-wide visioning meetings during which over 500 Warwick citizens had voiced their visions of what they would like the Town of Warwick to be in the year 2000. Highest priority was given to, "Keeping Warwick Beautiful", "Preserving Our Rural Character", and "Saving Our Farms". Task Forces were organized to accomplish these goals and they studied planning, zoning and land use, agriculture, resource conservation and open spaces, and historic preservation. A video on Open Space for Warwick, produced and shown throughout the community, sparked interest among citizens and support by the Town Board for reviewing the Town's vision for the future.

During the next six months, the Master Plan Review Coordinating Committee discussed the *Master Plan* in detail, solicited input from community organizations, Town boards, and committees, and sponsored five Public Forums (involving 16 distinguished speakers) in Town Hall attended by 500 to 600 Warwick citizens. A report was written and submitted to the Town Board in February 1995. The Town Planning Board held two public hearings on March 15 and 29, 1995 to receive additional public input. In the Planning Board's report to the Town Board on the public hearings, Chairman Warren Burger wrote "A consistent theme ran through the oral comments made by speakers at the public hearings; preserve the rural character of the Town and guide development in an orderly; disciplined manner."

The Town Board then determined that the most appropriate means to achieve an update to the *Master Plan*, including the preparation of an open space plan and readoption of the *Master Plan* as a Comprehensive Plan, was to establish a special board as defined in Section 272-a(2)(c) of New York State Town Law consisting of Planning Board members, Town Board members, and membership from other existing boards in the Town as well as residents of the Town at large. This was achieved in early 1997 when the Comprehensive Plan Board, with technical assistance from the Town's Planner, Ted Fink of GREENPLAN Inc., Rhinebeck, NY, embarked upon the preparation of this 1998 *Comprehensive Plan*. The Comprehensive Plan Board's 1998 update to the *Master Plan* was accomplished through a series of regularly scheduled public meetings, research and fieldwork, interviews with staff at local, county and state government agencies, special studies such as the Cornell *Cost of Services Study* and the *Agricultural Producer Survey*, and through other experts who provided technical assistance on new and promising planning techniques.

1.4 GOALS OF THE COMMUNITY

Protection of Warwick's rural quality and its natural environment continue to clearly stand out as the major goals for the residents of Warwick. When asked in 1987 how important certain issues were over the next ten years on a public survey, the highest response was for "maintaining the rural character". This character and the natural beauty of Warwick are what appear to have attracted most residents to the Town. These same qualities are what the people value most and want to protect. These two basic goals were reflected in the results of the *Master Plan* survey, the work of the Master Plan Committee, and the subsequent work of the Town Planning Board, the 1994 Master Plan Review Coordinating Committee, and finally the Comprehensive Plan Board.

In addition to maintaining the rural character of the Town, residents indicated that they want to control the rate of new development. When asked what sort of controls they would support, the response was favorable in all categories listed including densities, restriction of commercial and industrial uses, site plan regulations, design controls, and preservation of vegetation, valuable farmland and historic structures.

Residents do not want rapid growth. New commercial development should be minimal and it is preferable in the existing villages or near existing development. Strip development is not desirable. Industrial development near existing industrial areas or in industrial parks is also supported.

The delicate balance between the need to accommodate growth and the expressed goal to maintain the existing beauty and quality of life is the most difficult problem faced in the *Comprehensive Plan*.

1.5 SUMMARY OF THE PLAN

Warwick is and should remain primarily a residential and agricultural community. Since Warwick is not in the Route 17 or Interstate 84 corridors, Warwick's role in Orange County's growth will be primarily residential development. It is also expected that the villages serving Warwick, (Florida, Greenwood Lake and Warwick Village), will remain the major commercial centers in the Town.

It is the intent of the *Comprehensive Plan* to accommodate new growth with the least impact on the environment. The *Comprehensive Plan* is a reflection of the goal for preservation of the natural beauty of Warwick and its rural quality of life. Key elements of the Plan that will help preserve the natural and agricultural landscape include the following:

AGRICULTURE

- Support the economic viability of farming,
- Create incentives for landowners to maintain land in agricultural use, keeping it affordable so new farmers can begin farming,
- Preserve as many of the operating farms as possible,
- Preserve the agricultural heritage of the Town,
- Discourage incompatible nearby land uses which have the potential to place burdensome pressures on farming activities.

RESIDENTIAL GROWTH

- Protect and enhance the rural character and quality of life in the Town,
- Concentrate denser residential development around the villages and the hamlets, and maintain rural densities in the remainder of the Town,
- Stimulate a diversity of housing types and increase the stock of affordable homes,
- Encourage a mixed-use pattern of development, where appropriate, in and around the hamlets and adjacent to the villages.

BUSINESS DEVELOPMENT

- Assure that the Village and hamlet centers remain as the focus for retail and service industry development,
- Provide for commercial development next to existing commercial and industrial uses,
- Encourage alternatives to typical modern highway oriented commercial development,
- Support small locally owned businesses and retail centers which are in character with the Town's largely rural environment,
- Create a commercial atmosphere friendly to small business and home occupations,
- Include agriculture in local economic development plans,
- Cooperate with the villages to share the benefits of economic development and future planning.

RECREATION AND OPEN SPACE

- Maintain and expand public access to Greenwood Lake and develop access to other water bodies including Cascade Lake and Wickham Lake,
- Support preservation of open space especially in environmentally sensitive areas,
- Develop a long range Recreation Plan for providing Town parkland at appropriate locations within the Town,
- Prepare an Open Space Plan as an element of the Town's *Comprehensive Plan*,
- Include the public in the setting of Town policies governing the full range of active and passive recreation including greenways and trails.

TRANSPORTATION

- Reduce traffic congestion,
- Promote public transit,
- Encourage alternatives to the automobile such as walking, bicycling and commuter car/van pooling,
- Improve coordination between various means of transportation.

PUBLIC FACILITIES

- Improve Town services and reduce the tax burden on citizens,
- Allow infrastructure development in areas targeted for growth while respecting overall density in the Town,
- Support the consolidation of appropriate Town and Village services,
- Consider the *Comprehensive Plan* in the design of capital construction projects of the Town of Warwick.

ENVIRONMENTAL PROTECTION

- Protect the natural scenic quality of the Town and environmentally sensitive areas,
- Ensure that groundwater quality meets Safe Drinking Water Act quality standards and that an adequate amount of water will be available to provide for future needs,
- Protect surface and ground waters from point and non-point source pollution,
- Protect habitats for the diversity of existing flora and fauna in Warwick,
- Protect wetlands as important environmental resources.

This Comprehensive Plan is intended to serve as a guide for long-term policies of the Town of Warwick and other agencies including those of the State of New York, Orange County, and the three villages, controlling and regulating change and growth in the future years. It must be noted that this Plan is not intended to fix precise zoning boundaries or densities but to establish a blueprint for future growth and conservation in the Town.

The recommended planning policies establish a conceptual framework for more detailed development decisions that will follow. The plan also proposes techniques and alternatives for implementing these local planning policies.

6/1/99

¹ Jefferson County on Lake Ontario actually grew slightly faster during the 10 year period between the 1980 and 1990 Census of Population. This faster rate of growth in Jefferson County can be directly attributed to a reassignment of military personnel and their families to Fort Drum.

Warwick In 1998

2.1 REGIONAL CONTEXT

(A) HISTORIC DEVELOPMENT PATTERN

Development in Orange County has traditionally been influenced by transportation routes. In 1841, the first area railroad was built, linking Orange County to the New York Metropolitan Area. In addition to making travel easier to the city, the railroad opened up the New York City produce market to Orange County farmers. Agriculture became a major business. Today, Orange County is the tenth largest agricultural county in New York State with a gross value of products totaling nearly \$75 million. When the 1987 *Master Plan* was prepared, however, Orange County was sixth largest county in New York State in terms of agriculture, with a gross value of crops totaling nearly \$200 million (in 1987 dollars). In 1997, there were a total of 641 farms in the County covering 100,000 acres of land; or one-half of the County's 200,000 acres of open space.

Automobile travel to Orange County was made easier in the 1960's when the New York State Thruway broke through the natural barrier created by the Ramapo Mountains. Since then, communities have developed more rapidly near major multi-lane highways. The arrival of the Quickway (State Route 17) and Interstate 84 have had an enormous impact on development within Orange County since they were constructed in the 1960's. Interstate 287 was more recently completed, linking the large employment centers of New Jersey (i.e., in the Morristown area) around Interstates 80 and 78 with the New York State Thruway (I-87) at Suffern in Rockland County.

The dynamics of growth in the region can be characterized as waves that moved outward from Manhattan. After World War II, growth was focused on Westchester, Bergen and Nassau Counties. In the 1960's, as land in those counties filled up, growth moved on to available land in Rockland and Suffolk Counties. Now, growth has moved on to a new ring of suburbs, located 45 to 70 miles away from Manhattan. Orange County, as well as Putnam, Dutchess and eastern Suffolk Counties are situated within this ring; they are the areas experiencing most of the region's growth through the 1980's and continuing into the 1990's.

The Town of Warwick is now on the edge of two dynamically growing regions for office development. Located in the southern part of Orange County, just below the Route 17

growth corridor and on the New Jersey border north of Sussex and Passaic Counties, Warwick is influenced by changes in both regions.

(B) REGIONAL GROWTH

From 1970 to 1980, Orange County's population grew 17 percent, and from 1980 to 1990 it grew by 19 percent. From 1990 to 1994, population is estimated to have increased an additional 4.2 percent countywide and 5.3 percent in Warwick. Projections by the State Economic Development Department indicate that the population will continue to grow, increasing about 10.3 percent between 1990 and 2000 and about 9.6 percent between 2000 and 2010. Historical growth in Orange County, compared with Warwick, its surrounding communities and New York State is illustrated in Figure 2.1 in Appendix A.

Most of this growth can be attributed to Orange County's own employment growth and its relative proximity to the expanding employment centers in New York City's metropolitan area. New York City is about one and a half to two hours by car from Orange County. Within a more reasonable commuting distance are major office employers in Westchester County as well as in Morris and Bergen Counties in northern New Jersey.

The Hudson River Valley, in White Plains and Dutchess County, have major employment centers with easy access via the New York State Thruway and Interstates 84/684. Interstates 87, 287, and Route 17 bring Orange County residents to major employers in northern New Jersey. The presence of IBM at the Sterling Forest Research Park as well as in East Fishkill and Poughkeepsie provides additional demand for housing in the region, although at reduced levels since the massive layoffs in the early 1990's.¹

Not only are these areas growing because of local job creation, but they have become bedroom communities for employees in older suburbs. Significant increases in housing prices in these suburbs over the last decade and a half has forced many employees and their families to commute to outlying communities for housing they can afford. People working in Westchester and Bergen Counties, for example, seem to be willing to drive an extra hour to Orange County, in order to gain a 30 to 50 percent discount on the price of a house.

Farming has been particularly affected by this new regional growth. As demand for real estate grows, so does the price of farmland. This is one of many reasons why farmers decide to sell their land to real estate developers. As more and more farms are sold, traditional wholesale farming becomes more of an isolated industry. The formidable support system (including feed stores, farm machinery suppliers, and labor) that once existed is now almost gone, leaving farmers more and more dependent on each other for support.

(C) FUTURE ECONOMIC DEVELOPMENT

Orange County is expected to continue to attract new economic development because of the combination of its proximity to New York City and its good transportation system. However, Orange County's economic base is undergoing changes in its structure.

From 1984 to 1989, the number of new employees in Orange County grew by 32 percent, an annual growth rate of over five percent (5 %). However, since 1989, the total number of employees has decreased by four percent (4 %). Almost all of the growth has occurred outside of manufacturing industries. In 1985, fewer than one in five of Orange County's 113,000 jobs, or 20,100 new employment opportunities, were in manufacturing and wholesaling. By 1994, manufacturing jobs had decreased by three percent (3 %), accounting for just one in seven jobs. The largest number of employees now work in the service sector. Prior to 1989, this industrial category commanded a stable 27 percent of those employed. From 1991 to 1994, it represented 32 percent of all employees although growth has slowed somewhat. Jobs in the service sector grew by 46 percent between 1984 and 1990 and by one percent (1 %) between 1990 and 1994. In Warwick, some of the largest employers include the medical facilities in the Village, the Warwick Valley Central School District, the State's Mid-Orange Correctional Facility, and ShopRite. Employment by industry in 1990 is illustrated in Figure 2.4 in Appendix A.

The white collar and service activity most promising to the future development of Orange County is private office development, specifically regional office, research units, and back-office activities of large industrial and financial corporations. The County's most rapid rate of job expansion will likely take place in financial industries. The number of jobs in the finance, insurance and real estate sectors grew by 38 percent between 1984 and 1990 and by 9 percent between 1990 and 1994. Employment by occupation in 1990 is shown on Figure 2.3 in Appendix A.

2.2 LOCAL CONTEXT

(A) POPULATION GROWTH

The Town of Warwick (including its three villages) is the largest municipality in Orange County in total population as well as land area. In 1990, it had a population greater than four of the 62 counties within New York State. However, historically, Warwick's rate of growth has been relatively slower than other Hudson Valley communities with direct access to major transportation routes.

Until recently, Warwick has been bypassed by major development. Warwick's (unincorporated areas) population increased by nearly 2,500 people between 1970 and 1980 from 9,416 persons to 11,900 persons, representing an average annual growth rate of 2.63

percent. Between 1980 and 1990, Warwick's population increased an additional 3,600 to 15,506 for an annual growth rate of 2.5 percent. This far exceeds the annual growth rates of Monroe (0.75 %), Chester (1.6 %), Goshen (1 %), Tuxedo (0.25 %), and Minisink (2.25 %) which are shown on Figure 2.1 in Appendix A. It is expected that Warwick will experience continued population growth through the year 2000 and beyond, based upon population projections by the Orange County Department of Planning. It should be noted that all references to Warwick will be to the unincorporated areas of the Town (i.e. excluding the three villages) unless stated otherwise.

(B) POPULATION DENSITY

Population density provides a measure of the number of people per area of land. It is also a means that New York State uses to determine whether a community can be classified as rural, suburban or urban. In 1980, the unincorporated areas of Warwick had a population density of 125 persons per square mile. The 1990 Census saw that density jump to 162 persons per square mile, just slightly above the New York State Legislative Commission on Rural Resources' designation of 150 persons per square mile threshold for a "rural" town. Population density of the Town, compared with its villages and surrounding towns can be seen in the Figure 2.2 in Appendix A. As demonstrated by Figure 2.2, Warwick's population density is far below that of Orange County as a whole, and is comparable with some of its surrounding rural towns such as Minisink.

(C) DEMOGRAPHIC CHARACTERISTICS

As a whole, Warwick's population is predominantly middle class. According to the 1990 Census, 31 percent of employed persons work in professional and managerial occupations and 25 percent work in sales and administrative positions. While only 3 percent of the employed population are engaged in farming, forestry and fishing occupations, this figure exceeds the numbers of people employed in such occupations in Orange County overall (1.9 %). Figure 2.3 in Appendix A compares employment by industry in Warwick with Orange County as a whole.

In 1990, median household income in the unincorporated areas of the Town of Warwick was \$43,021 as shown in Figure 2.5. This was higher than the county-wide figure of \$39,198 and higher than any of the three villages. Median refers to income levels where 50 percent of the responses are higher and 50 percent are lower. The Census indicates that four percent (4 %) of Warwick's population was considered to be persons living below the poverty level. This contrasts with Orange County as a whole that had approximately nine percent (9 %) of its population living below the poverty level.

Warwick also has a growing commuter population. According to the 1990 Census, 30 percent of the employed population commuted to jobs outside of Orange County. The largest number commute to New York City (about 8 %), with Rockland, Bergen, Dutchess, and Westchester counties also accounting for a large number of commuter destinations.

National trends for smaller household size and higher median age are generally reflected in Warwick as well as the rest of Orange County. Generally there has been an increase in the number of young and middle aged adults and a decrease in the number of children. These trends are expected to be long term and will be reflected in the housing market with a greater demand for smaller homes. Table 2.1 below compares median age, median household income, and median household size for Warwick from 1970 through 1990.

Table 2.1
Demographic Characteristics Summary for Warwick
1970 to 1990

	1970	1980	1990
Median Age	33.6	33.2	33.5
Median Household Size	2.99	2.39	2.83
Median Household Income	—	\$16,833	\$43,021

The distribution of population by age groups in Warwick is important to determine which services are needed most. Figure 2.6 in Appendix A provides an overview of the Town’s population by age, contrasted with Orange County as a whole, and the changes that have occurred between 1980 and 1990. According to the Census data, the pre-school and elementary school age group has remained relatively stable, in terms of percent of total population, while the 10 to 17 and 18 to 20 age group has declined. The age group that registered the greatest increase between 1980 and 1990 was the 35 to 44 age group. The 25 to 34 and the 45 to 54 age groups increased, but less than the 35 to 44 age group. The Town also registered a decline in the 65 to 74 and 75+ age groups.

Table 2.2
Age Characteristics for Warwick 1980 to 1990

Age	Warwick in 1980		Warwick in 1990	
	Number	%	Number	%
0-4	900	7.5	1179	7.6
5-9	903	7.6	1183	7.6
10-17	1804	15.0	1697	10.9
18-20	599	5.0	572	3.7
21-24	584	4.9	795	5.1
25-34	1985	16.7	2821	18.2
35-44	1829	15.4	2928	18.9
45-54	1212	10.2	1853	12.0
55-64	912	7.7	1264	8.2
65-74	797	6.7	747	4.8
75+	366	3.1	465	2.9
Total	11,891	—	15,504	—

According to the latest Local Area Unemployment Statistics from the New York State Department of Labor (as of 12/18/96), Warwick's unemployment rate (including the three villages) remained lower than Orange County's as a whole and substantially less than statewide. The Warwick rate was 2.7 percent with 13,399 persons employed out of a total labor force of 13,767. For Orange County, the unemployment rate was 3.5 percent and for New York State it was 5.7 percent. The trend can be explained by the stability of the construction and retail trade industries in the Town, the increases in service jobs, and the availability of jobs within commuting distance in the New York metropolitan area.

Employment by occupation (Figure 2.3) reveals the character of the workforce in the Town of Warwick. The need for Town services can be determined by referring to this information. The largest single category of workers in the Town are the managers and professionals, accounting for almost one-third of all employed persons. This is greater than Orange County, which has about one-quarter of its employment in the managerial and professional sector. The second largest group are the administrative support and clerical workers. This group makes up almost 16 percent of the employed population. Warwick has fewer workers in retail sales, since there are no large retail malls in the Town and no public transit is available to the several large retail malls in nearby localities.

2.3 ZONING AND LAND USE

(A) ZONING

The intent of zoning is to accommodate new growth in a way that is best suited to both the environment and the existing community. The current zoning is based on a 1974 *Master Plan* that projected a greater number of people in the year 2000 in the unincorporated areas of the Town of Warwick. The 1987 *Master Plan* recommended a number of zoning changes, many of which were implemented by the 1989 Town of Warwick Zoning Law. Current zoning in the Town is shown on Figure 4.

There are currently twelve zoning districts in the Town: five for residential use, one agricultural zone, five for business and industrial purposes, and one planned development zone in Sterling Forest. About 74 percent of the land is zoned for residential use. Commercial and industrial zones occupy only 4 percent of the Town and agriculture 9 percent. The Sterling Forest Planned Development Zone represents the remaining 13 percent of Warwick.

The largest residential zoning district is RR-.5 (Rural Residential). This zoning category covers the areas where neither high growth is planned nor major environmentally sensitive areas are located. Density is at one unit per two (2) or more acres of land. One and two family buildings are considered permitted uses with agricultural uses also permitted. A wide variety of specially permitted uses are allowed in the RR-.5 zone. These are uses that are permitted but subject to certain conditions that assure the use will be in harmony with the Zoning Law and will not adversely affect the neighborhood if certain conditions are met.

The MR-.3 (Mountain Residential) District is the next largest zoning category. This district is intended to preserve primarily mountainous lands by having a density of one dwelling unit per three (3) or more acres. At least 10,000 square feet of the lot area must be on slopes of less than 15 percent. Only single family dwellings are permitted in this zone, but a number of specially permitted uses are allowed, subject to additional special permit conditions. The CR-.25 (Conservation Residence) District is scattered around the Town in areas where environmental sensitivity precludes large scale development; it is the Town's most restrictive zoning district. The largest CR-.25 zone is located along Bellvale Mountain and the Appalachian Trail from the Passaic County, New Jersey border northward to the border with the Town of Chester. Other locations of the CR-.25 zone include Taylor and Warwick Mountains, the large wetland complex east of Wickham Lake (New York State Department of Environmental Conservation Wetland No. WR-27, which is the largest in the Town), the area surrounding Glenmere Lake, a wetland complex associated with the Pochuck Creek, and Mt. Adam and Mt. Eve. Only single-family residential dwellings are permitted on a lot size of four (4) or more acres. Like the MR-.3 zone, at least 10,000 square feet of the lot area must be on slopes of less than 15 percent. A variety of special permit uses are also allowed in the CR-.25 zone.

The Town's Suburban Residential (SR) Districts include those areas designated to receive the highest growth. The SR Districts include the SR-2 zone and the SR-.7 zone. Both zoning districts permit single-family and two-family dwellings. In the SR-2 zone, either dwelling type can be located on lots that are at least one-half (1/2) acres while the SR-.7 zone permits single-family dwellings on one and one-half (1 1/2) or more acre lots and two-family dwellings on lots of two (2) or more acres. The special permit uses allowed in the SR-2 zone are highly restrictive, being confined to parks and playgrounds, single-family to two-family building conversions, nursery schools, and railroad and utility uses. The SR-.7 zone allows a wider variety of special permit uses that are generally consistent with those allowed in the Town's other residential zones. The existing SR Zones surround the Villages of Warwick and Florida, include the remaining lands in the Town south of the Village of Greenwood Lake to the New Jersey border, and provides pockets for development near Wickham Village, Pine Island, Edenville, Amity, Little York, and New Milford.

The Agricultural (A) Zone primarily includes the "black dirt" area in western Warwick. Although single-family development is allowed by special use permit, the existing limitations of the black dirt soils confine most uses to agriculture. A high groundwater table in the black dirt area largely precludes construction of septic disposal systems. The stipulated residential density of one unit per one and one-half acres for a single-family dwelling, has little meaning in realistic development terms even with today's on-site wastewater disposal technologies.

The five commercial business zones include Local Business (LB), Local Business-Hamlet (LB-H), Designed Shopping Center (DS), Office/Research/Industrial Park (ORIP), and Manufacturing (M). The primary differences between the local business zones and the designed shopping center zones are in the minimum acreages (5 acres for the DS zone and 10,000 square feet to 5 acres for the LB zones). A similar difference occurs between the two industrial zones. The Manufacturing District (M) has a minimum lot size of about 2 acres (some uses are allowed on lots as small as 15,000 square feet) up to 100 acres for municipally operated airports. The Office/Research/Industrial Park (ORIP) zone requires 5 acres for most special permit uses. Only agricultural uses are permitted uses in the ORIP zone. .

(B) LAND USE

The high percentage of natural and/or agricultural land gives Warwick the beauty that is so valued by its citizens. When an analysis of land use was conducted for the 1987 *Master Plan*, approximately 90 percent of Warwick was either in a natural state (undeveloped 53.5%; open space or park 7.3%), or in agricultural use (30%), as shown in Table 2.3. Vacant land was most dominant in the eastern portion of the Town where steep slopes make development impractical. In 1995, this percentage had slipped to 67 percent of the Town's land area. Undeveloped lands in 1995 represented 33 percent, open space 7.8 percent, and agriculture 26 percent. Current land use is shown on Figure 5. Figure 5 was developed by the Orange County Water Authority, based upon Town assessment records field checked by Planning Board and Comprehensive Plan Board members.

Agriculture continues to be the only land use that has a clear development pattern in the Town. Moving from east to west, active farming increases steadily until reaching the agricultural dominance of the "black dirt" region. About 58 percent of agricultural land in Warwick is included in the truck farming of this area. General agricultural uses occupy about 40 percent of the farm land, mostly in the central part of the Town. Horse farming is practiced on about 2 percent of agricultural lands.

Residential use in 1987 represented only 6.4 percent of the total land area, but by 1995, this land use had jumped to 27 percent of the total land area. Since homes line a majority of the frontage along major roads, the visual perception of Warwick's residential development is even greater.

The majority of the residential land area is occupied by homes on large lots. Other than a natural attraction to area lakes, larger small lot developments appear to have no clear locational pattern, including any relationship to the existing zoning.

Existing commercial and industrial development in 1987 occupied only 1 percent of the Town but by 1995 occupied four (4) percent of the land. Most development is scattered. Some commercial areas are remnants of earlier hamlet centers or relate to major roads.

Institutional land, dominated by the Mid-Orange Correctional Facility, is the remaining 2.8 percent of Warwick's developed land area.

**Table 2.3: Land Use
1986 and 1995**

Land Use Category	1986 Acres*	% of Town	1995 Acres	% of Town
Residential - Total	4,077	6.4%	16,463.4	26.6%
• Suburban (one acre or less)	2,034	3.2%	7981.4	12.9%
• Rural	1,971	3.1%	6057.6	9.7%
• Multi-family	72	0.1%	2424.4	3.9%
Commercial/Industrial - Total	836	1.2%	2,434.1	3.9%
• Retail Commercial	127	0.2%	208.1	0.3%
• General Commercial	47	0.01%	282.8	0.4%
• Office	25	0.00%	60.4	0.09%
• Industry	190	0.3%	229.4	0.3%
• Warehousing/Storage	290	0.5%	1046.3	1.6%
• Utilities/Transportation	157	0.2%	607.1	0.9%
Institution - Total	1,143	1.7%	1,790.3	2.8%
• Schools	219	0.3%	208.3	0.3%
• Churches	174	0.2%	809.4	1.3%
• State Correctional Facility	750	1.2%	772.6	1.2%
Total Developed Land	6,056	9.4%		
Agriculture - Total	19,213	30.0%	16,281.1	26%
• Truck Farming	6,625	10.4%	9388.3	15.2%
• Horse Farming	985	18.1%	327.4	0.5%
• General Agriculture	11,603	1.5%	6565.4	10.6%
Open Space - Total	4,429	7.0%	4,844.6	7.8%
• Dedicated Parkland	748	1.2%	819.0	1.3%
• Open Conservation Land & Water (Includes Appalachian Trail)	2,984	4.7%	1941.4	3.1%
• Private Recreation Areas	479	0.8%	1866.2	3.0%
• Major Lakes	218	57.4%*	218	0.3%
Undeveloped	34,302	53.6%	20,439.6	33%
Total Town Acreage	64,000		61,821.4	

* Note: This percentage figure for major lakes appeared as a typographical error in the 1987 Plan.

All 1986 figures represented rough approximations of the unincorporated areas in the Town of Warwick based upon measurements on a 1" = 2000' scale land use map developed for the 1987 *Master Plan*. Land use information for 1995 was based upon Town assessment records. The categories and methods used by the Town Assessor to identify land uses in the Town may differ slightly from the method used for the 1987 *Master Plan*. Thus, caution should be used in comparing information to assess changes over the past 10 years.

2.4 HOUSING

The Town of Warwick experienced an increase in housing units in the 1970's. The table below indicates that the number of housing units in the Town of Warwick increased 11 percent between 1970 and 1980. In the same period, a 17 percent rise was experienced by the constituent villages of Warwick, Florida and Greenwood Lake. Orange County's housing stock grew 22 percent during this same period. From 1980 to 1990, the rate of increase in the supply of housing units more than doubled for the unincorporated areas of Warwick, increased slightly in its villages, and decreased in Orange County overall.

Table 2.4: Trends in Supply of Housing Units
1970 - 1990

	1970	1980	% Change	1990	% Change
Warwick*	7,199	8,431	17 %	10,522	25 %
Warwick	4,029	4,465	11 %	5,683	27 %
Orange County	76,753	93,274	22 %	110,814	19 %

* includes villages of Warwick, Florida and Greenwood Lake

Warwick's population growth has been transforming the Town from a predominately rural-agricultural community to a suburban-residential community. The remaining open space lands are facing strong pressure from development activity. The manner in which these demands are addressed, will have a significant effect on the character of the community.

The number of housing units increased in the Town from 8,431 in 1980 to 10,522 in 1990. Warwick fell in the middle of housing growth rates, when compared with the surrounding towns and the three villages (except for Greenwood Lake where the number of housing units declined). However, the rate of new housing units in the Town exceeded Orange County's increase during the same period. Tuxedo, Goshen and Minisink's rates of growth in housing units fell below Warwick's while Chester and Monroe's both exceeded Warwick's, as shown in Figure 2.7 in Appendix A.

The variety of housing available in Warwick and surrounding communities is shown in Figure 2.8 in Appendix A. Warwick is dominated by single family homes. Multi family housing accounts for just 8.5 percent of all dwelling units (and is largely found in the Kings Estates development on Kings Highway), which is less than any of the surrounding Towns, the County or the State as a whole. The numbers of mobile homes is roughly comparable with surrounding towns like Chester, Monroe and Tuxedo, but is less than is found elsewhere in Orange County or the State of New York.

The number of single person households whose members are 65 or older is shown in Figure 2.9 in Appendix A. These figures are significant because they relate to a population group that needs special housing features, such as low maintenance (including costs), access to

community services, and public transportation. Warwick has a smaller percentage of persons 65+ than any of the other towns except for Chester and Monroe, and less than Orange County and New York State as a whole as shown in Figure 2.8 in Appendix A.

With the exception of Goshen, Warwick has a greater percentage of its residents in group quarters than surrounding towns. This can be explained by the presence of the Mid-Orange Correctional Facility in the Town which gives the Town more than twice the Statewide average of persons in group quarters.

The number of new single-family building permits, issued by the Town Building Department, during the past 16 years is shown in Figure 2.10 in Appendix A. This chart illustrates the peak building boom that occurred in the mid-1980's. Since that time, building activity has slacked off to levels comparable to the early 1980's.

The cost of housing in Warwick has been a definite attraction for home owners in the past. According to the 1980 U.S. Census, the median value of a home was estimated to be under \$50,000 while in 1990, it skyrocketed to \$154,500. This is still less than many communities closer to New York City, where the cost of housing is substantially higher than Warwick.

Even though this rise is expected to level off in the future, the percentage of moderately priced housing in the Town will be limited. Thus, Warwick, faces a growing need for affordable housing. Warwick, like many of its surrounding towns, is dominated by single family, owner-occupied homes, as shown in Figure 2.8.

The *Orange County Comprehensive Plan* suggests that affordable housing is the responsibility of each municipality. The *Plan* states that low and moderate income housing requires government subsidies in one form or another. Local communities, however, still must be the applicants for these funds and must encourage local sponsors of these projects. The *County Plan* also indicates that urban areas, such as the villages, are expected to absorb this type of housing. Rural areas should be "only for farm related dwellings and custom built homes on lots in excess of one acre."

2.5 ENVIRONMENTAL CONDITIONS

Warwick's natural environment has been and will be a major force in shaping the Town's development pattern. The steep slopes of the Ramapo Mountains in the east have not only limited development within the mountain range but have made access to the rest of the Town from the east difficult, creating a buffer to intense development pressures. In the western section of the Town, the black dirt soil cannot realistically be built on due to the high water table and resulting soil conditions. In the central region, the rolling hills provide excellent development opportunities, from a topographical standpoint, but the limited availability of centralized water services, concern about environmental quality, and the importance accorded

to maintenance of rural and agricultural character in the Town, restricts the amount of prudent development.

In order to incorporate environmental factors into the *Comprehensive Plan*, it is necessary first to inventory the existing conditions. This section of the Plan summarizes those environmental factors that affect the future development of the Town including:

- Topography and Soils
- Groundwater Resources
- Surface Water
- Environmental Features
- Cultural and Historical Features

(A) TOPOGRAPHY AND SOILS

Warwick's topography and soil types can be divided into three distinct districts: (1) the Ramapo Mountains in the east, (2) the rolling hills of central Warwick, and (3) the black dirt region to the west. Each of these districts are described below:

MOUNTAIN REGION

The Ramapo Mountains rise dramatically to over 1000 feet above the low lying farm lands to the west. The highest peak (Taylor Mountain) reaches 1,417 feet above sea level. Nearly 30 percent of the slopes in the mountain region are characterized by a 20 percent or greater incline, making any sizable development extremely difficult. The maximum slope for an all season road is generally considered to be 10 percent.

Warwick's Ramapo Mountain range is formed by two north/south ridges divided by the Greenwood Lake and Trout Brook drainage basins. Hard metamorphic gneiss, granite, and conglomerate as well as a ridge of sandstone, have resisted both historic glacial action and continual wearing by wind and rain to create today's distinct formations. Attempts at road building and installation of water and sewer systems have proven costly in this hard rock based region. Radon gas and its potential effects on housing in this region has been a concern for both existing and new development.

Soils in this mountainous region are generally glacial till deposits with frequent rock outcrops, especially in the south. Most soils in the mountains are classified by the U.S. Natural Resources Conservation Service (NRCS) as having severe septic limitations due to steep slopes and occasional shallow depth to bedrock or a hard fragipan layer. The variability of soil characteristics suggests that site specific soil analyses are needed for most development.

The agricultural value of the Ramapo Mountain region is limited. Generally speaking, only select soils in the drainage basin between the two ridgelines have value for crops. Some of these soils are productive for grass and alfalfa hay. The rest of this area, except in the steep

slopes or rock outcrop areas, is good for pasture land only. However, there are no remaining active farms in this area.

The high elevations of the mountain slopes have created opportunities for magnificent views of the lands below and from the valley to the mountain ridgeline above. Both ridgelines have hiking trails that take advantage of this scenic beauty. Because of the severe constraints of the steep slopes and prevalent bedrock, development has been generally confined to occasional single family homes (with the exception of a small, but costly, project on Sterling Lake).

The Sterling Forest Corporation, in 1991, proposed extensive development of their land holdings in Warwick, Tuxedo, and Monroe. In Warwick, there had been proposed a total of 4,600 housing units, 1,503,000 square feet of commercial development, 25 acres of community facilities, 98 acres of roads and utilities, and 7,300 acres of protected open space. This project was reviewed under the State's Generic Environmental Impact Statement procedures by the Department of Environmental Conservation, which was the State Environmental Quality Review Act (SEQR) lead agency. Following acceptance of the Draft Generic Environmental Impact Statement and the conduct of several public hearings on the development application, the State of New York announced, on May 13, 1996, that it would help with the purchase of nearly all of Sterling Forest's land holdings in the Town of Warwick for park and open space purposes. Approximately 200 acres have been retained by the corporation in Warwick for future development purposes. Most of the corporation's land holdings in Monroe and Tuxedo were also proposed for acquisition, but at the time this *Comprehensive Plan* was prepared, approximately 2,000 acres of Sterling Forest's lands in the Town of Tuxedo were not subject to acquisition. However, Sterling Forest has publicly stated that they would be willing to sell their remaining lands "On fair terms and for a fair price."

CENTRAL ROLLING HILLS

Central Warwick is dominated by rolling hills with two exceptions: (1) the flat, alluvial plain of the Wawayanda Creek to the east; and (2) isolated mountain peaks to the west. Over 70 percent of this central area has slopes of less than 10 percent. Largely because of this characteristic, Warwick's most suitable development sites are located in this region.

Although soils are variable, both in terms of drainage and depth to bedrock, overall they are generally well drained and at sufficient depth for development. Caution is necessary in some areas where deep pockets of sand or gravel deposits can create a pollution hazard for groundwater. Some soils also have limitations where limestone bedrock is close to the surface. Concern has also been raised about Halcyon Lake Calc-Dolomite bedrock as well. Because of the possibility of solution cavities in the bedrock, pollution from septic effluent is a potentially serious hazard.

BLACK DIRT REGION

Historically the "black dirt" region of Warwick was called the Drowned Land. At one time, the black dirt area was covered by a shallow glacial lake. As the last of the glaciers melted away about 10,000 years ago when the climate warmed, lush vegetation grew up, died and sank to the lake bottom. Most of the lake area gradually filled in, forming a large wetland complex where layer upon layer of decaying organic matter built up. When immigrants came to the area about 100 years ago, they quickly realized the value of the soil that lay below "the drowned lands". For years, the new residents toiled to clear the land by hand and construct an extensive system of drainage ditches. Names like Pine Island, Merritts Island, and Black Walnut Island are reminders of this past.

The soil is an extremely deep (usually more than 96 inches) organic soil that is really suitable only for farming. Common crops are onions, mixed vegetables, and lettuce as well as sod farming. The poor strength of the soil, potential problems with frost action, frequent flooding and wetness severely limit development opportunities. Communities are confined to the "islands" and the edges of the black dirt area.

(B) GROUNDWATER

Groundwater resources are critical to future development in Warwick. Since most of the Town relies on well water for domestic needs, it is essential to not only assure that there is an adequate supply for future growth but to protect this supply from potential pollution.

The term groundwater refers to the water below the land surface that fills openings in rock. An aquifer is a water-bearing rock reservoir. They may either exist in openings such as a fracture, or cavity in consolidated (solid) rocks or in intergranular spaces in unconsolidated (broken) rocks such as sand and gravel.

Sand and gravel deposits are generally the best sources of large quantities of ground water in Warwick. Figure 10 shows the location of unconsolidated rocks that have potential for groundwater. Unconsolidated aquifers in Warwick lie mainly in the alluvial plains of the Wallkill River to the west and the Wawayanda Creek in central Warwick. The map also shows fault lines that may yield water deposits in consolidated rock.

Water withdrawn from an aquifer comes from two potential sources: recharge and stored water. The potential yield from unconsolidated rocks will vary greatly with grain size and consistency. A *Regional Groundwater Study: Town of Warwick* was prepared in 1994 by the Town Engineers for the Orange County Water Authority. Some of the information presented below, is excerpted from such *Study*.

Numerous sand and gravel deposits along the Wawayanda Creek have been developed for water supply purposes. Much of the annual recharge enters through sand and gravel deltas at the edge of the main river plain and tributaries during the spring snowmelt. Tributary streams crossing these deltas are primary sources. Thus, the yield of these aquifers can vary seasonally. Figure 10 illustrates deep gravel deposits that may also facilitate this recharge.

Since the permeability of Wawayanda Creek itself is low, it is doubtful that much recharge occurs there. Wells developed within the outwash and alluvial deposits associated with the Creek and its tributaries can yield from 200 to 800 gallons per minute (gpm) at depths ranging from 45 to 75 feet. Recent development along State Route 94 south of the Village of Warwick has revealed additional sizable sand and gravel deposits along the Creek, although such deposits have not as yet been developed for community water supply purposes.

The sand and gravel deposits below the Wallkill River are more difficult to access for recharge. A silt and clay layer below the organic topsoils creates a barrier for direct penetration. Recharge occurs primarily from precipitation falling directly on the limited surface exposures of sand and gravel. Although individual well yield may be high, the slower rate of recharge ultimately limits the safe yield of the aquifer.

A sand and gravel aquifer at the north end of Greenwood Lake supplies water to the Village. A subsurface spring from this aquifer also feeds the Lake itself helping to maintain the water level of the Lake during low periods of precipitation. Since the aquifer is in hydraulic contact with the Lake, the potential for additional recharge from the Lake allows for an increased yield if needed. Well yields range from 200 to 500 gpm at depths from 45 to 90 feet below the surface. Much of the village is built directly over the aquifer which creates a potential pollution problem because there is little or no barrier between the land surface and the aquifer.

Pine Island has a community water supply founded in sand and gravel deposits. These sand and gravel deposits are most likely glacial outwash features associated with the Pochuck Creek. Well depths range from 32 to 66 feet, but well yields are not available. To date, no other significant unconsolidated sand and gravel aquifers have been developed within the Town.

Although a few isolated areas exist within the Town where rock formations do not yield sufficient quantities of groundwater for residential development, for the most part, quality groundwater may be obtained in sufficient quantities for individual home use almost anywhere in Warwick. Fractured consolidated rock is the primary source of this supply. Moderate quantities of water, capable of serving future developments can generally also be obtained from unconsolidated rock aquifers. Because of the small storage capacity in these rocks, wells are quite susceptible to drought conditions.

Bedrock aquifers also contribute to the community water supply systems in the Town. In the central portion of the Town, the Martinsburg Formation (which is primarily heavily folded shale) provides water supplies to wells serving the Wickham Village, Kings Estates, Wickham Knolls, and Eurich Heights developments. Reported yields from these wells range from less than 10 gpm to 100 gpm with an average of approximately 40 gpm. No community water supplies have been developed, to date, in the bedrock aquifers found in the western or eastern portions of the Town.

Groundwater quality in Warwick is generally good. There are some problems with iron-bearing water in the vicinity of and north of Greenwood Lake. Elsewhere in Warwick, isolated instances of stockpiling road salt or heavy use of fertilizers in vulnerable areas may

result in spots of contamination that may effect some nearby local wells. Potential pollution from the use of fertilizers and chemicals in black dirt farming is somewhat mitigated by the clay and silt layer that protects the bulk of the aquifer area. The exposed sand and gravel edges, however, would still be vulnerable to pollution. The Town's *Regional Groundwater Study: Town of Warwick* did not identify any existing groundwater contamination problems. However, a number of possible sources of groundwater contamination exist within the Town based upon an analysis using an available Environmental Risk Database. No further information is available as to the relative risk of such sites. These sites have all been identified in the *Regional Groundwater Study: Town of Warwick*.

Concern has been expressed regarding the potential for groundwater pollution in the limestone or Halcyon Lake Calc-Dolomite areas of the Town. Underground caverns in this highly soluble bedrock can result in rapid movement and mixing of groundwater. One home's septic effluent may more readily contaminate another's well. Although no County or State tests prove that this is now occurring, care should be taken in these regions. Low density residential development, appropriately designed septic systems, and preservation of woodlands are three steps toward protecting the groundwater. Given the nature of water movement, the issue must be dealt with on a regional level.

In the late 1980's, the Town of Warwick Planning Board instituted a plan under the direction of the Town Engineer to monitor existing municipal and utility wells within the Town in order to develop quantitative data that can be used for projecting water reserves. This *Plan* is being coordinated with a similar project that the State of New York is initiating State-wide through Cornell University. The Board has been in contact with Cornell in order to make the information available to them and in return get their analysis and feed-back as to projections on water resources on a quantitative basis.

(C) SURFACE WATER

Warwick's streams and lakes are valuable resources for the Town, not just in terms of water supply but for their contributions to the Town's diverse beauty and recreation potential. There are five major lakes including: Glenmere and Wickham Lakes in central Warwick; and Greenwood, Sterling (Blue), and Sterling Forest Lakes in the mountainous eastern section of the Town.

The Town can be divided into two major drainage basins. The majority of Warwick drains north toward the Hudson River via the Wallkill River, which is a tributary to the Rondout Creek. Greenwood Lake and the Sterling Forest area drain southward toward the Passaic River in New Jersey. Figure 11 shows the individual drainage basins as well as the lakes, ponds, and 100 year floodplains.

Streams are classified by the DEC for the purpose of governing the quality and purity of surface waters and to assign standards in accordance with the best usage of the stream. Class "AA" or "A" streams are the purest, designated for drinking water. A class "B" stream is used for swimming; a class "C" stream is used for fish propagation and secondary recreation.

As an indication of water quality, a classified stream must at least meet the standards of its category. This does not mean, however, that a stream classified as "B" is not in all cases as pure as that classified by "A" or "AA". A "(T)" or "(TS)" designation indicates that it is a trout stream or trout spawning stream respectively. Classified streams are regularly considered for reclassification after public hearing. In some cases, the reclassifications result in a lowering of the stream's class, but most reclassifications are to a higher standard. Classifications of the major streams in Warwick are shown below. Those streams that have been reclassified since the 1987 *Master Plan* was published, are identified by a ↓ for a lower standard and ↑ for a higher standard.

- Wallkill River, Class: "C".
- Pochuck Creek, Class: "C"
- Wawayanda Creek
 - From the NJ State line to the tributary 21 (entering from the Northwest at the northern boundary line of the Village of Warwick), Class "C(T)"
 - From tributary 21 upstream to a point 500 feet below Long House Creek, Class "B(T)"
 - From the above point upstream to tributary 26 (entering from the Northwest at "Wisner", Class "A(T)"
 - Above tributary 26, class: "B(T)"
- Stony Creek, Class: "D" ↓
- Wheeler Creek, Class "D" ↓
- Outlet of Warwick Reservoir, Class: "AA(T)" ↑
- Long House Creek
 - From mouth to tributary 1 (entering from the south approximately 500' from mouth), Class: "A(T)"
 - Upstream from tributary 1, Class "B(T)"
 - Jennings Creek, Class "C"²
- Tributaries to Sterling Forest Lake:
 - inlet, Class "A" ↑
 - outlet, Class "C"
- Double Kill; Class: "C(T)" ↓
- Mistucky, Class: "AA(T)" ↑
- Trout Brook, Class: "C(T)" ↓

In general, stream water quality in Warwick meets the standards set by DEC. There appear to be no chronic major pollution problems in the Town. Some concern has also been expressed about the fertilizer pollution of the Wallkill River. However, according to DEC, the water is still adequate for producing fish. Recent (1995) water quality studies of the Wallkill River by the Stream Biomonitoring Unit of the DEC's Division of Water,³ found water quality at two sampling stations in Warwick (of 11 studied in Orange and Ulster counties) with a "slight to moderate impact". Sampling station one was located four tenths (0.4) of a mile off Oil City Road approximately one-half (½) mile north of the New Jersey border at a distance of 59.8 miles from the stream's mouth. Sampling station two was located in Pine Island at the Pine

Island Road bridge approximately one-quarter (1/4) mile above the confluence with the Rutgers Creek, 55.4 miles from the stream's mouth. For the stream sampling study, DEC looked at different types of impacts that "exert deleterious effects on a waterbody." including: 1) natural communities having minimal human impacts; 2) agricultural, non-point, row crops, and/or livestock; 3) toxic, industrial, municipal, or urban runoff; 4) conventional municipal wastes: domestic/sewage effluent; 5) complex: municipal/industrial CSO; and 6) siltation. In every instance except one, the "Complex: municipal/industrial, CSO" at sampling station one, the water quality was found to be higher than the average of the eleven stations. This is good news for water quality of the Wallkill River in Warwick. However, some concern should exist with regard to "Complex: municipal/industrial, CSO" impacts, which likely originate in New Jersey since the sampling station was located only one-half mile north of the New Jersey border, and most of the land in the area of this station is now part of the Wallkill River National Wildlife Refuge.

Greenwood Lake, in the eastern portion of the Town, is the largest lake in Orange County and is an important environmental, recreational, and economic resource for Warwick. Located in the upper region of the Passaic River watershed, the lake is an important source of clean water to the Monksville and Wanaque Reservoirs. Boating, fishing, and swimming provide recreational opportunities for residents and tourists and income for the many marinas and restaurants located around the Lake.

In the 1970's it was recognized that Greenwood Lake was undergoing rapid eutrophication, or aging. The natural life cycle of a lake includes slow filling of the water body with silts and organic material, changing the lake from clear clean water to a marsh and eventually to solid land. Human activity, such as construction, discharge of septic and sewage effluent, and agriculture speeds up the natural process. Although it still may take thousands of years, algal scums, aquatic weeds, unpleasant odors, and even fish kills can result, degrading the aesthetic and recreational quality of the Lake.

In 1983, the Greenwood Lake Watershed Management District commissioned a study to address this problem. Their findings indicated that in Greenwood Lake fertilizing nutrients which promote aquatic weed and algae growth are generally a result of non point source pollution such as stormwater runoff from roads and excessive use of lawn fertilizers.

Recommendations from the study include a combination of watershed management policies and in-lake restoration. Implementation of many of these recommendations over the last 10 years has lead to a significant improvement in the water quality of Greenwood Lake. The Town of Warwick can aid their effort by: 1) continuing to ensure proper soil erosion and sediment control measures are introduced as part of the site planning and subdivision review processes; 2) enforcement of site plan controls such as use of retention and catch basins for sediment; 3) proper development not only of the lake shore but of the land adjacent to Greenwood Lake tributaries; and 4) where feasible, encourage on-site waste water disposal (septic systems) rather than facilities that require discharge of treated water directly into the lake.

Glenmere Lake currently has good water quality although there is naturally some siltation and weed growth in shallow areas. The lake is an extremely important water supply source in that it provides water for the Village of Florida. The Glenmere Lake dam is in need of repair, and the lake itself needs dredging to help slow the eutrophication process. This however cannot be done unless a substitute water source, such as the proposed Black Meadow Creek Reservoir, is developed for the project period. The majority of the land around and to the east of the lake is owned by the County and is undeveloped.

Wickham Lake has problems with algae. This is thought to be largely caused by sewage treatment plant discharge. Since the new sewage treatment plant does not discharge directly into the lake, this situation should improve over time. About half of the lake is owned by the Mid-Orange Correctional Facility which currently uses the lake as its back-up water supply. There is minimal development to the west of the lake and the Warwick Airport is located to the north. With the relocation of the treatment plant, this area may be more attractive for development in the future, as is evidenced by the proposed Ridge Homes of Warwick and Wickham Lake Homes subdivisions. Both of these projects (which would result in 82 new single family dwellings if approved) have been under review by the Town Planning Board since 1989. The SEQR review process was completed and Preliminary Subdivision approval granted by the Planning Board during 1997.

(D) WETLANDS

Freshwater wetlands are invaluable resources for flood protection, wildlife habitat, open space, and water resources. Wetlands over 12.4 acres (5 hectares) in size, as well as certain smaller but important wetlands, are mapped and protected by the New York State Department of Environmental Conservation (DEC). Any construction activity that might affect these wetlands (excavation, filling, building obstructions, potential pollution sources, etc.) is regulated, whether or not the activities occur in the wetland itself or impinge upon the protected 100 foot adjacent area of the wetland.

The Town of Warwick Conservation Board has refined the DEC map to include all significant wetlands. It should be noted that significant wetlands are located throughout central Warwick, the largest being east of Wickham Lake.

Although the US Army Corps of Engineers has regulated wetlands since the 1960's, it was in 1986 that the Corps of Engineers began to more concertedly apply its jurisdiction over isolated wetlands, under Section 404 of the Clean Water Act. It was in that year that the Corps issued a comprehensive set of regulations on wetlands⁴. Section 404 of the Clean Water Act requires that a permit be obtained for the discharge of dredged or fill material in "waters of the United States." This means that individuals cannot undertake activities involving the filling of a wetland, even on privately owned land, if that land comes within the broad definition of wetlands unless the individual obtains a Corps permit.

Some minor activities, such as the filling of less than one-third of an acre of a wetland, is covered by a Nationwide Permit. A Nationwide Permit is considered a general permit that includes any category of activities where the activities are similar in nature and will have only

minimal individual and cumulative environmental impacts. Such Nationwide Permits do not require that a separate application be made to the Corps as long as certain specified general conditions are complied with. Notification to the Corps is required within 30 days following completion of the fill activity. If more than one-third of an acre but less than three acres of wetland is to be filled, an applicant is required to notify the Corps of the contemplated activity and to wait until the Corps responds (or 45 days have elapsed) as to whether an individual permit must be secured. Any fill activities that exceed three acres requires an individual permit from the Corps as well as compensatory mitigation for the wetland loss (compensatory mitigation is also generally required for wetland fills between one-third of an acre and three acres). Thus, between the DEC, the Army Corps, and the Town Conservation Board, wetland encroachments already require close regulatory scrutiny.

(E) ENVIRONMENTAL FEATURES

Although all of Warwick is beautiful, there are several special areas that either have exceptional views or contain unique environmental features. These include:

- Views from Bellvale Mountain,
- Views from Sterling Forest,
- Little Cedar Pond in Sterling Forest,
- Mounts Adam and Eve,
- The Double Kill Creek and
- All Lakes

Protection of exceptional views is difficult because of the broad view shed that is usually included. Recognition of key points may at least lead to an awareness so that when large developments are proposed in a special view shed, the environmental review process includes consideration of the effects on these views.

Views toward the mountain ridgelines are very important, providing Warwick with a spectacular natural setting that is the Town's most critical visual resource. Although it is less likely that large developments will occur on the mountains because of slope constraints, extreme care must be taken so that these high points are not impacted by radio or telecommunications towers or antennas, that might alter the view of the mountains from the valley. Their greater elevation also makes homes, roads, and other improvements highly visible from the valleys and surrounding areas. Furthermore, since there are no design guidelines or standards in place for controlling siting and other aspects of new residential and non-residential construction, the Planning Board has had little control over the visual appearance of the ridgelines.

Little Cedar Pond is recognized as ecologically significant because it is a large, pristine inland Atlantic White Cedar swamp. The plant community itself is rare, especially at the inland location. Both the size and condition make it even more valuable. The Nature Conservancy has been trying to purchase the pond and its watershed (about 600 acres) in order to preserve

this unusual resource. However, this area is now within the lands that are being acquired by the Palisades Interstate Park Commission for park and open space purposes.

Mount Adam and Mount Eve are unique as both cultural and environmental resources. Standing out as they do from the flat, black dirt area these two peaks provide an important visual focus. They also have yielded a variety of unique and interesting minerals. An area south of Mount Eve is also reportedly a habitat for unusual ferns and mosses. The two mountains (especially Mount Adam) may also have potential sites for archaeological finds.

The Double Kill Creek has in the past been mentioned as a possible candidate for a wild and scenic river in the State of New York. However it is not under active consideration at this time. Its past identification, however, indicates that it is an environmental asset to Warwick.

Warwick's large lakes and ponds also contribute to environmental diversity. The water bodies plus their surrounding environments provide special wildlife habitats as well as adding to Warwick's visual quality.

The Timber Rattlesnake is a New York State Threatened species. This means that such species are likely to become an Endangered species within the foreseeable future within New York State. There are at least nine (9) areas where the DEC's Natural Heritage Program has identified Timber Rattlesnake dens in the Town. The locations of such dens is considered sensitive and is, therefore, not identified on any maps in this *Comprehensive Plan*. The Town also has had reports of the Bog Turtle and Northern Cricket Frog in the past. The Bog Turtle is an Endangered species in New York State while the Northern Cricket Frog is Threatened.

The Appalachian National Scenic Trail is also an important feature in that its designation ensures preservation along the trail. Almost seven miles of this 2,100 mile interstate trail pass through the Town of Warwick. The Trail, which is limited to a footpath, is a unit of the National Park system and has more miles of boundaries, as a ratio of its acreage, than any other park in the nation. When it was added to the National Park system in 1968, Congress established that the trail was *"to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural or cultural qualities of areas through which such trails may pass."* Other trails in the Town include the Allis Trail (\pm 1.3 miles in Warwick) and Sterling Ridge Trail (\pm 5 miles in Warwick), both located in the Sterling Forest area.

The Wallkill River National Wildlife Refuge was authorized by Congress in November of 1991. The Refuge is principally located in Vernon, Wantage, and Hardyston in New Jersey, but a small portion extends into the Town of Warwick. Eventually, the Refuge is expected to protect 4,200 acres of wetlands and 3,300 acres of adjacent upland. Its stated objectives are *"To preserve and enhance lands and waters so that the natural diversity of fish, wildlife, plants, and their habitats will be conserved for present and future generations, to protect and enhance the water quality of aquatic habitats within the Refuge, and to provide opportunities for compatible scientific research, environmental education, and fish and wildlife-oriented recreation."* The Refuge is considered unique in the large number (19) of State Endangered and Threatened species using the area.

(F) CULTURAL RESOURCES

The Town of Warwick is rich in both archaeological and historic resources. It is interesting to note, however, that there are no sites in the unincorporated Town listed on the National Register of Historic Places. Mistucky Village, a former Native American settlement south of the Village of Warwick, is included on the State Register. A thorough historic survey of the Town would probably reveal many properties potentially eligible for listing on the National Register.

Orange County has been a valuable source for prehistoric remains of the mammal called the Mastodon. These remains have been found primarily in the black dirt areas which were once the bogs and lakes of the Pleistocene Period. Several remains have been found in Warwick near the black dirt of the Walkkill River and Wawayanda Creek. Sites have also been located near the Warwick Airport. Future development in this area should proceed with an awareness of the potential for additional finds.

The Dutchess Quarry cave, just outside the Town and north of Florida, is the earliest occupation site of prehistoric man in the northeastern United States. Artifacts date beyond 10,000 BC. Although there have been no significant finds in Warwick, scattered artifacts have been located, even some in other rock shelters.

Native Americans living in the Warwick region were the Minisinks, a division of the Muncee tribe, who were a part of a larger group called the Delawares or the Lenni-Lenapes. Many archaeological sites have been identified throughout the Town. Mistucky Village is a major find. Figure 13 shows broad areas that may include both Indian and other prehistoric and historic remains.

Warwick was settled in the early 18th century. Small hamlets such as New Milford, Bellvale, Edenville, Amity and Pine Island as well as the villages are remnants of this past. New Milford, Bellvale, Edenville, and Amity still have an historic quality that would be beneficial to retain. New Milford is particularly significant in that it has the potential for both prehistoric and historic archaeological remains as well. Because of its potential historic significance, New Milford has been listed as eligible for National and State historic register status. The Village of Warwick has an historic district now on the National Register and the Village of Florida's birthplace of William H. Seward is also listed on the National Register.

In addition to these hamlets, a number of individual structures have historic quality as listed below. Unfortunately, no complete inventory has ever been done for all of Warwick but the New York State Office of Parks, Recreation and Historic Preservation does maintains a database of potential historic properties in the Town, as shown in Appendix A. The properties indicated on the Special Features map represent only the known historic and/or archaeological sites.

Hull House off Four Corners Road	Baird's Mill on Baird's Lane ⁵ off Sanfordville Rd.
Furnace Site in Sterling Forest	New Milford Mill off Iron Mountain Road
Former Site of a Forge in Bellvale	

2.6 RECREATION AND OPEN SPACE

Warwick is fortunate to have significant designated recreation areas within the Town's boundaries. The Town Park on Union Corners Road, the County Park on Route 17A, and the Appalachian Trail running through Warwick along the mountain ridge west of Greenwood Lake provide opportunities for both current recreation activities and future recreation development. Most of the Town's lakes are currently not developed for public recreation. The beach on Greenwood Lake is the only exception to this. In 1994, the Town entered into a lease agreement with Sterling Forest Corporation (now Sterling Forest LLC) for development of a beach and swimming area on the Lake. The Town expects to renew the lease with the successor owner of the Sterling Forest lands. The Palisades Interstate Park Commission acquired almost 14,000 acres of land in Warwick and Tuxedo in February of 1998 and an additional 1,500 acres is expected to be conveyed to the Commission for parkland.

Sterling Forest has retained about 200 acres in the Town of Warwick for development purposes. This includes a parcel that adjoins lands within the Town of Tuxedo that are currently proposed for low density residential development purposes. Sterling Forest LLC envisions applying for a similar approval in Warwick, if and when Tuxedo approves its plans. Also retained by Sterling Forest are lands in the vicinity of the Conference Center on Sterling Lake and lands east of Blue Lake along the Ringwood River. It is not believed that concrete development plans exist for such lands at the time this *Plan* was prepared. Sterling Forest intends to continue to operate its ski facility and has planned two golf courses, tennis and other activities in conjunction with its residential development proposal in the Town of Tuxedo.

The Mt. Peter Ski Area, a private commercial establishment, provides an excellent opportunity for recreation to the Warwick community. It also contributes to open space in the Mountain Residential zoning district.

The presence of the other lakes within the Town provides an excellent opportunity for either outright acquisition or development of access. The Town Park on Union Corners Road is currently only partially developed, and development plans need to be prepared for the Cascade Lake property, acquired by the Town in 1998.

New facilities at the 648 acre Hickory Hill County Park were dedicated in 1985. The first step of development included picnic areas, a softball field, nature trails, an 18 hole golf course, and parking facilities. A senior citizens' center was already on the grounds. Future development plans are being formulated at the time of this Comprehensive Plan preparation. The "park-and-ride" lot for commuters which has relieved the car parking congestion near the bus garage in the Village of Warwick, also provides a parking area for golfers and for the adjacent seniors' center.

The Appalachian Trail passes through Warwick on its way from Georgia to Maine. Over 1800 acres of land along the western ridge of the Ramapo Mountains in Warwick is in Federal

ownership. The trail can be accessed from Route 17A, Continental Road, Lakes Road by the Chester border, near Cascade Lake by Taylor Mountain, and Bowen Road by the New Jersey border.

Additional recreation opportunities exist near Glenmere Lake as well. The *Orange County Comprehensive Plan* suggests some of the 1075 acres owned by the County “may now be considered as future park land.” Glenmere Lake provides such a unique opportunity for recreation development. There are currently plans to develop facilities in this area.

2.7 TRANSPORTATION

(A) EXISTING ROAD SYSTEM

The character of Warwick has been greatly affected by the regional transportation network. For the most part, major roads by-pass the Town. The regional multi-laned highways are located in Tuxedo to the east (I-87), and in Goshen, Chester, and Monroe to the north (NYS Route 17). To the south, Interstates 287 and 80 in New Jersey and NJ State Highway 208 provide primary access to employment centers in both New Jersey and the New York Metropolitan area.

Three two-lane State roads in Warwick provide access to this larger regional road network. Route 94 connects Warwick with New Jersey to the south and passes through the Villages of Warwick and Florida, to Route 17 in Chester. Route 17A provides a major east-west link coming south from Goshen, passing through the Village of Florida, passing through Warwick and Greenwood Lake, joining Route 210 to connect to Route 17 going north and south and finally to the New York State Thruway (I-87). From Greenwood Lake, Route 210 travels south to New Jersey.

The 1981 *Orange County Transportation Plan* has designated a hierarchy of roads in the Town. Minor arterials include all state highways and County Road # 1 and # 1A (Pine Island Turnpike). These roads provide the only major east-west route west of the Village of Warwick. The Orange County Newburgh Transportation Organization has also developed a Long Range Plan that should be reviewed for any benefits to the Town of Warwick.

The Pulaski Highway (CR # 6), Kings Highway (CR # 13), and Dutch Hollow/Lakes Road (CR # 5) and Glenwood Road (CR # 26) are major collectors. Blooms Corners Road, Union Corners Road (CR # 41), County Road # 1B, the Warwick Turnpike (CR # 21), Lake Road, Sterling Forest Road (East Shore Road), and County Road # 84 are considered minor collectors.

(B) NEW THRUWAY INTERCHANGE

Proposed changes in the regional road network beyond the Town's boundaries may effect future access and therefore future development patterns in the Town. Potentially the most significant change would be the development of a new interchange with the New York State Thruway (I-87) and State Route 17A/210. This interchange had been proposed during the 1980's and was relied upon by the Sterling Forest Corporation as part of its development plans. Since the announcement of the Sterling Forest sale, it is generally believed that a new interchange at this location is no longer necessary. If it were to be constructed, however, it would likely have far reaching growth inducing impacts in the Town that should be considered.

(C) ISSUES CONCERNING ROADS

Warwick's roads greatly contribute to its visual appearance and rural character. Narrow, tree-lined, curving roads are attractive, and, by limiting driving speed, they also contribute to a desirable quality of life. However, these road features also limit vehicle capacity and efficient traffic movement. Modifying road design is not only contrary to the traditional ambiance of the community, but would also present unrealistic engineering tasks. Therefore, future residential growth must respond to the constraints of the existing infrastructure, since roads cannot respond to the residential growth significantly.

The new residential housing which has appeared in Warwick recently, where not in large subdivisions, has been single units along roadsides to minimize construction costs. The result has been to create "side friction" with the addition of many separate driveways, as well as negatively impacting the roadside scenic quality. These problems can be eased by concentrating additional residential growth in or near villages and hamlets. The Town should promote measures to mitigate negative scenic impacts and roadside friction, such as installation of landscape screening elements. The Town should also explore (where feasible) greater use of shared driveways and private roads, provided that legally binding arrangements and designs are established to ensure future conflicts do not develop and to avoid concerns about emergency access.

Kings Highway exemplifies the traffic problems created by significant new development along a major traffic corridor. Just north of the Town, a bypass around the hamlet of Sugar Loaf has facilitated traffic movement locally, but there is no prospect at present for an extension of the bypass farther south.

The Village of Warwick also has traffic problems that make circulation through the Town in this local area difficult. Recent studies have revealed that one intersection, from Colonial Avenue to Kings Highway turning onto Main Street was operating at Level of Service "E"⁶ which is generally unacceptable. The State has now installed a traffic light at that intersection and a Village Traffic Committee is considering other measures to accommodate pedestrians. The High Street/South Street and Main Street intersection is also receiving attention from the Committee. Traffic flow from South Street onto Main is currently at a Level-of-Service "D". The intersection of Oakland Avenue and Galloway Road (State Routes 94 and 17A) is near

capacity with Levels of Service of “D” on weekdays and “E” on weekends. Traffic signal warrants appear to have been met at this intersection. The County Route # 1A intersection at Route 94 is also operating at Level of Service “E”. A traffic light has been discussed for this intersection, and the Town of Warwick has established a fund from nearby developers to help contribute to the costs of improvements at this intersection.

(D) PUBLIC TRANSPORTATION

New Jersey Transit provides bus service to the Town with stops in the Villages of Warwick and Greenwood Lake, Wickham Village, and Bellvale as well as pick-ups and drop-offs along Route 17A and 210. Express service is able to transport people from the Village of Warwick to the Port Authority Bus Terminal in as little as one and one-half hours time. There are 12 express busses each weekday morning to New York City and 13 returning each afternoon during peak commuter hours. Two of these runs serve Wickham Village via Kings Highway. There are 12 local trips in each direction during off-peak hours when senior citizens can travel at less than half fare. The commuter bus service provided by New Jersey Transit is vulnerable to weather related delays but should be supported by provisions of necessary infrastructure such as convenient and low cost park-and-ride lots.

Dial-A-Bus service has been provided by the Town since 1987 for all citizens at a subsidized fare. Seniors, children, and the disabled travel for half that fare. The usefulness of the service is limited by the requirements for advance bookings on an as-available basis, and limited daytime weekday hours of operation. The Warwick Ecumenical Council also sponsors Operation Wheels, which offers bus trips to high-demand destination points outside the Town on a pre-set schedule, with a fare structure similar to Dial-A-Bus.

Commuter transportation to New York City and northern New Jersey by rail is not feasible. New Jersey Transit is planning to extend commuter rail service to nearby Sussex County locations. These rail stations will make rail commuting more attractive to Warwick residents driving to these stations or using shuttle bus service which could operate from one or more stations.

Pedestrian and bicycle facilities are generally not provided along arterial roads. The exception is West Street Extension, which unlike other major roads, is not under the jurisdiction of the State or County. In 1996, the Town added an adjacent paved four-foot lane for non-motorist use. The Intermodal Surface Transportation Efficiency Act (ISTEA) and the more recently enacted Transportation Equity Act for the 21st Century (TEA21) encourage bicycling and walking transportation. Since these federal funding sources provide 80 percent of the costs of many road rebuilding projects, it is expected that such facilities will become more prevalent in the near future.

(E) RAILROAD SERVICE

The New York Susquehanna and Western Railway has trackage rights to operate four to five freight trains through Warwick per day. ConRail also operates freight trains on the line and it

is expected that the quantity of freight traffic will increase after ConRail's sale to Norfolk-Southern in 1998. With no grade separations in the Town, the daily freight trains often disrupt motor vehicle traffic. However, there is a plan to rebuild the Sanfordville Road bridge as of the date of this *Comprehensive Plan*.

(F) AIRPORT

Warwick has a small airport for private planes located near Wickham Village. Facilities currently include one paved and two grass runways and hangers. The runways are too short for larger planes. It is primarily used for pleasure flying plus student training (on weekends) but could serve as a helicopter landing area for emergency medical use.

2.8 PUBLIC FACILITIES

(A) UTILITIES

Most of the Town of Warwick does not have centralized water or sewer services. Areas that have developed next to the Villages of Warwick and Florida have traditionally been annexed if the development required such services. The Village of Warwick has recently increased the capacity of its wastewater systems and the Village won court approval in 1997 to annex the Welling Farm on State Route 94 at the southern edge of the Village. The Town currently operates the Warwick Sewer District No. 1 and the Warwick Water District No. 1 in the Wickham Lake/Kings Estates area.

Water availability is considered a growth-limiting factor in all of Orange County. The Orange County Water Authority is addressing a number of alternatives to a centralized county water system, which was proposed but never got off the drawing board in the late 1980's.

(B) SCHOOLS

The Town of Warwick is part of four separate school districts. The Warwick Valley Central School District takes in most of central and western Warwick plus some of the Town of Chester. Florida Union Free School District centers around Florida and includes part of Goshen. The Greenwood Lake Union Free School District includes all of the Greenwood Lake area. Most of Sterling Forest is a part of the Tuxedo Union Free School District # 3.

The Warwick Valley Central School District represents the largest school age population of the Town. The 1997-1998 enrollment for kindergarten through high school (K-12) was 3953 students as of October, 1997. The last time enrollment exceeded 3,000 students was the 1972-1973 period when enrollment was 3,017. Future enrollment has been projected to rise

to 4,000 students by the school year 2002-2003, but will likely be reached even earlier than expected based upon the October 1997 enrollment figures.

The increasing enrollments have put the District's elementary and middle schools over 100 percent functional capacity, and have prompted the School District to propose bond referendums for the construction of new facilities. After several failed attempts, on December 3, 1997, voters approved a bond resolution to fund new school construction. It is hoped that such approval will mean the end of school overcrowding for the future.

The Florida Union Free School District had a total enrollment (in October of 1997) of 727 students, grades K-12. Although these schools are thought to be near capacity, it is expected that growth should be accommodated by renovating the S.S. Seward Institute (grades 7-12). The school district anticipates an increasing student population growing to as large as 910 students by 2004.

The Greenwood Lake Union Free School District serves about 850 students in grades K-8. Nearly 285 high school students are provided for on a tuition basis in Tuxedo. Projections indicate that student enrollments will increase to 951 for K-8 by 2001-2002 and 339 for high school students by the same year

In addition to the public educational facilities, there are two private schools in the Town of Warwick. Amity School serves 27 students in grades K-5, St. Stephen's - St. Edward's School, located near the public high school and middle school, provides for 210 students in grades K-8 plus 40 pre-kindergarten children. Kings College has proposed moving into the Town of Warwick at the former International Nickel plant on County Route # 84 in Sterling Forest. Financial constraints facing the College, over the sale of its Briarcliff Manor campus, have prevented any predictions as to if or when this event may occur.

(C) LIBRARY SERVICES

The Town of Warwick shares the public library facilities located in each of the three villages (Warwick, Greenwood Lake, and Florida). These facilities and the book supplies are generally adequate for the community need. The exception is the Albert Wisner Public Library, which has experienced greatly increased demand and is now in need of more space. It is contemplating new construction..

(D) MUNICIPAL SERVICES

Municipal services are provided in the Town Hall located on Kings Highway. The Town of Warwick Justice Court and Police Department are also headquartered here. The Village of Warwick contracts with the Town for police coverage, although they have their own Village Justice Court. The Villages of Greenwood Lake and Florida have their own local Police Departments and Village Justice Courts. All of the Police departments are assisted by the Orange County Sheriff's Department and the State Police on an "as needed" basis.

Fire Protection is provided throughout the Town by volunteers and is supported by local property taxes. The Town is divided into four fire districts: Greenwood Lake, Warwick, Pine Island and the Florida District, which extends into the Town of Goshen. The individual stations have reciprocal mutual aid agreements for help when needed by neighboring organizations. Some portions of Sterling Forest, within the Town, are covered through an agreement with the Town of Tuxedo Fire Department. The entire Town of Warwick is now participating in the Orange County and New York State 911 Emergency System. Although the fire protection services appear to be adequate for the present, future growth may require improvements including:

- Exploring the possibility of new fire stations outside of the Villages, centralized in the Town. Development trends should be monitored to determine when and where to locate;
- Providing for one fire inspector for all new developments within the Town. Arrangements with the three villages should be considered to assure Townwide uniformity and safety;
- Strict enforcement of fire code regulations regarding access to new townhouses or multi-family dwellings.

Emergency medical care and Ambulance services are provided Townwide 24 hours a day by highly trained volunteers from four ambulance districts: Greenwood Lake Ambulance, Inc.; Warwick Community Ambulance Service, Inc.; Pine Island Volunteer Ambulance Corps, Inc.; and Florida Fire Department Volunteer Ambulance Corps. Greenwood Lake, Warwick and Pine Island have become separate Tax Districts through approval and contracts with the Town. The Greenwood Lake, Warwick and Florida Corps are New York State Certified, with Pine Island soon to follow. Most members are EMT-D (Emergency Medical Technician-Defibrillator) trained and the ambulances carry heart defibrillators as normal equipment. All districts participate in the State and County 911 Emergency System and offer reciprocal mutual aid to each other and adjacent towns and counties, including northern New Jersey. Private ground Advanced Life Support (Paramedic level training) is immediately available through ambulance services stationed in this area. Rapid-air Advanced Life Support (Paramedic and Nurse level training) ambulance services are available through the State Police helicopter Life Guard unit stationed at Stewart Airport (manned by Mobile Life) and Stat-Flight services out of Westchester Medical Center. Constant training and testing is required for all ambulance corps members and offered through New York State, Orange County, the individual ambulance districts and St. Anthony's Community Hospital.

(E) MID-ORANGE CORRECTIONAL FACILITY

The Mid-Orange Correctional Facility is a state run, medium security prison. The inmate census as of May of 1997 was 747, slightly above its rated capacity. Located near Wickham Lake, its 750 acres includes the prison farms, open space, and part of the lake as well as the correctional facilities.

(F) HEALTH SERVICES

The only hospital in the Town is St. Anthony Community Hospital in the Village of Warwick. It is now operated by the Tri-State Health System organization, which also operates a hospital in Port Jervis and one in Suffern.

St. Anthony Hospital was established in 1939 and was expanded in 1979. It now has 73 beds and employs 173 full-time and another 80 part-time staff. There are 79 doctors and dentists on staff. The Hospital recently opened a separate community health center at the ShopRite Plaza on Route 94, which serves about 6,000 outpatients per year.

The Schervier Health Care Facility which has 120 beds for long-term care and a day program, is located near the Hospital. The Mt. Alverno Adult Home, also nearby, offers assisted living for its 79 residents.

2.9 PRIVATELY OPERATED UTILITIES

Sterling Forest, east of Greenwood Lake, has centralized water and sewer services in the Town of Warwick at three locations. These facilities are capable of being expanded to provide for future planned development along County Road 84 in the Sterling Forest area. Kings College has been proposed for the former International Nickel site in the Town and it is possible that some additional commercial development will occur in this area by Sterling Forest or others. Current water service comes from existing reservoirs in Sterling Forest. The only other facility in the Town that had been operated as a private enterprise was the Pine Island Water Company, serving a number of users in the hamlet of Pine Island. This Water Company was taken over by the Town in 1997.

Orange and Rockland Utilities distributes electric power throughout the Town using above-ground lines, except in new subdivisions where the Planning Board has required undergrounding. The utility considers its system adequate for future demand except in the Pine Island area where additional distribution lines may be added at some point due to residential growth in this area. Two other utility companies have transmission lines that pass through the Town. Central Hudson has a major transmission line along Kings Highway to deliver power to an adjacent service area in New Jersey. Consolidated Edison also has a trunk carrier that passes through Sterling Forest. The deregulation of electric utilities now beginning is expected to impact on generation facilities but not distribution systems.

Columbia Gas has a gas transmission line that passes through the Town which has been proposed for a major expansion (from a 10" to 12" line to a 36" line). The new pipeline, known as the "Millennium Pipeline" will deliver natural gas from the Midwest to New York City. An expanded right-of-way may offer the potential for trail development.

There is currently a cellular telephone tower located on Mount Peter and one has been proposed on Liberty Corners Road in Pine Island. As personal wireless services expand nationwide, it can be expected that Warwick will see an increase in demands for new towers. In 1996, the federal government eliminated most local control over such towers. Some degree of local control does still exist through special permit review procedures and the Town should consider amendments to its Zoning Law to remain consistent with the 1996 federal legislation, to accommodate the needs of this public utility, and to help protect the scenic beauty of the Town.

6/2/99

¹ IBM reduced its Hudson Valley workforce from almost 30,000 in the late 1980's to 9,800 in 1996. The Corporation has closed its Kingston Facility entirely and relocated or discharged the remainder of its employees from the Poughkeepsie and East Fishkill plants. However, in December of 1997, IBM announced plans for a new \$700 million manufacturing facility in East Fishkill.

² Jennings Creek from the New York-New Jersey border to 100 feet upstream is classified "A(TS)".

³ Bureau of Monitoring and Assessment, Division of Water. Biological Stream Assessment: Wallkill River, Orange and Ulster Counties, New York, September 15, 1995, New York State Department of Environmental Conservation, Albany, NY.

⁴ 51 Fed. Reg. 41,206 (Nov. 13, 1986).

⁵ Baird's Lane is one of only four remaining stretches of Town Road which are not paved.

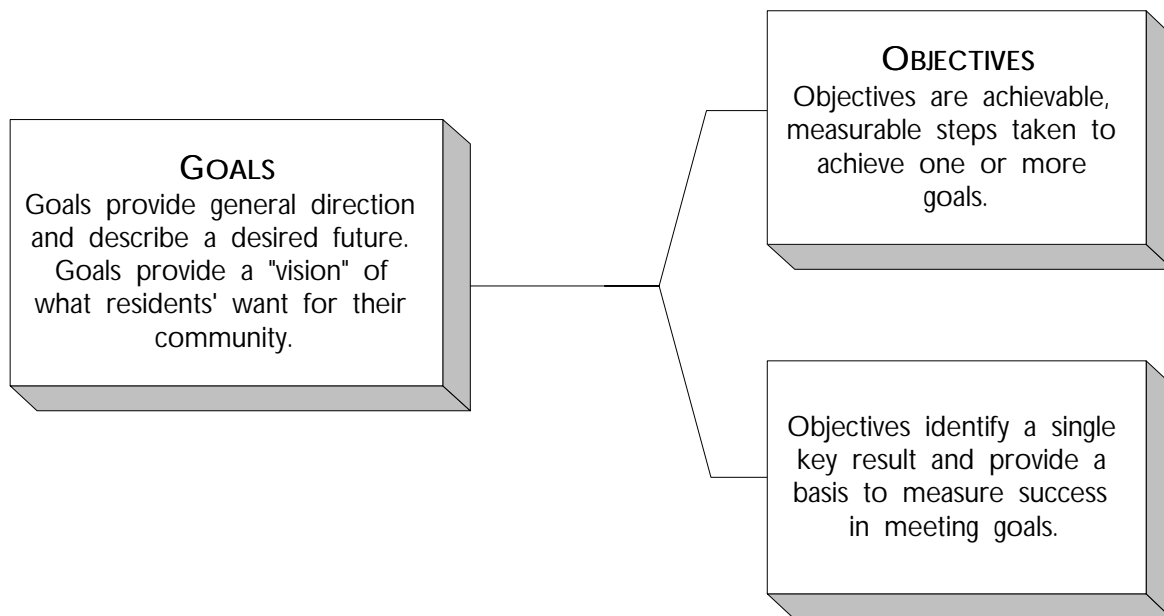
⁶ Levels of Service (LOS) are measures that traffic planners and engineers use to assess current and projected traffic flow through intersections. A LOS of "A" indicates free flow conditions while a LOS of "F" indicates a failed condition, meaning that unacceptable delays occur or have been projected to occur.

Comprehensive Plan

3.1 GOALS AND OBJECTIVES

The *Comprehensive Plan* is based on an analysis of the present situation and an evaluation of probable future events as they are likely to affect the Town. It is also a tool for the community to help shape these future events in order to achieve community goals and aspirations. Prior to drafting the 1987 *Master Plan*, residents of Warwick had a chance to express their goals through a series of meetings open to the public and in their responses to the *Master Plan* questionnaire. This *Comprehensive Plan* is an update of the 1987 *Plan* and is based on the needs and concerns expressed by residents and various community organizations at a series of public meetings from 1993 through 1998.

The following section of the *Comprehensive Plan* presents the goals expressed by residents of the Town. It also describes the objectives and actions that the Town can take to achieve its goals. The graphic below explains the relationship between goals and objectives. Actions are the strategies and policies needed to guide the Town in fulfillment of its goals and objectives.



3.2 AGRICULTURE

Community Goals

- Support the economic viability of farming
- Create incentives for landowners to maintain land in agricultural use, keeping it affordable so new farmers can begin farming
- Preserve as many of the operating farms as possible
- Preserve the agricultural heritage of the Town
- Discourage incompatible nearby land uses which have the potential to place burdensome pressures on farming activities

Agriculture has been and still is a major component of Warwick's economy and a major contributor to the Town's character and its quality of life. In surveys and at public meetings, the people of Warwick have expressed their overwhelming preference to preserve Warwick's rural quality, its natural beauty, and its agricultural heritage. A viable agricultural economy contributes to stable property taxes and local employment, supports the livelihood of local families, provides essential locally grown agricultural products (sometimes referred to as food security), and helps to preserve scenic roads, working landscapes, and historic sites. As a ratable, farming is a preferred land use in terms of the cost of community services. A *Cost of Community Services*' Study, completed by Cornell University's Local Government Program, demonstrates that operating farms in Warwick demand from 25 to 61 cents in services for every dollar of taxes which they pay, depending upon the area of the Town in which they reside. In contrast, residential property requires from \$1.05 to \$1.08 in community services for every dollar in taxes paid. The Study, which is consistent with similar studies in New York and other Northeastern states, can be found in Appendix F. Thus, from a fiscal

standpoint alone, farming is a vital component of the health of Warwick.

Farming activities can take many different forms. However, it is the traditional soil-based farming found in Warwick that this *Comprehensive Plan* is focused upon. Essentially, any property within a New York State Agricultural District that is at least 10 acres in size and is used only for cropland, pasture, orchards, or vineyards to produce agricultural products and produces at least \$10,000 average gross sales value should be classified as a farm. Using these criteria to define a farm is consistent with New York's Agricultural Value Assessment Program, which provides a partial exemption from real property taxation for eligible farmland.

The Town of Warwick does not presently contain any farming operations that could be considered "intensive agricultural uses". These include Concentrated Animal Feeding Operations (CAFO's) and other intensive uses that are generally subject to federal or state water quality regulations. Since the Town has a significant residential land use component, new intensive agricultural uses may not be compatible with housing and should be controlled by special use permits, best management practices, and performance standards.

Historically, the black dirt region has appeared to be immune to development due to the high groundwater table and the lack of suitable soils to accommodate a septic disposal system. But, this is no longer true as other mucklands have seen considerable development, such as the Paramus area of New Jersey. The black dirt region is also being seen as a potential source of groundwater. The Village of Goshen has explored the possibility of developing a municipal well site in the Cedar Swamp Road area of the black dirt region. Regulations restricting land use practices in the area of community wells could impact on agricultural practices. If the extensive aquifer found in the black dirt region is looked to as a potentially significant source of water supply, this could have serious implications for farming in this area. Although Warwick prohibits soil mining in the black dirt area, other municipalities have permitted black dirt soils to be mined. This should be avoided. A potentially detrimental aspect of the black dirt region is its location at the lowest elevation in the Town. As new development occurs upgradient, sedimentation and increased runoff from the new development can have disastrous effects on the black dirt.

Non-intrusive recreational uses could be encouraged to help farmers find new uses that also preserve the soil profile and ensure that agricultural soils are protected for future generations. The Town should explore the potential for allowing certain passive and non-motorized recreational uses in this area.

Farming in Warwick is undergoing a transition from almost exclusively wholesale distribution of milk, produce, and meat to a mix of wholesale and direct consumer marketing, "pick-it-yourself" operations, wineries, road stands, and weekly farmers' markets. This transition, which is enhanced by Warwick's increased population over the past three decades and our proximity to urban markets, is resulting in the growing of more value-added crops and a greater diversity of farm production and sale of product. The *Comprehensive Plan* understands and strongly supports the preservation of farming in the community and a continuation of these important roles.

Agricultural character is also an important part of the Town's heritage. As farms succumb to development pressures, farm buildings are routinely razed. The Town should encourage the preservation of viable and historic farm buildings, such as barns, when development proposals are introduced.

The Town should also ensure that all of its land use and zoning standards are consistent with the agricultural recommendations of this *Comprehensive Plan*. This is to ensure that they do not negatively affect the maintenance of agricultural activities. Such an exercise would also ensure that the Town is in conformity with § 305-a of the New York State Agriculture and Markets Law, which requires that local governments not unreasonably restrict or regulate farm structures or farming practices in contravention of the purposes of the Agricultural Districts Law.

The *Comprehensive Plan* presents a number of possible strategies that could play a role in preserving farming in the Town. It has been found that no single technique does the whole job; each plays a role in achieving the desired result. In addition, the Town alone cannot

preserve farming without the involvement of farmers, residents, and other agencies. The strategies discussed below should be considered for future implementation:

(A) PURCHASE OF DEVELOPMENT RIGHTS

The *Comprehensive Plan* recommends that a Purchase of Development Rights (PDR) program be instituted in the Town as soon as possible. Although PDR is already available to Warwick's farmers, through the County Farmland Protection Board, it would be more effective if such a program could be developed at the Town level. In Warwick, a PDR program could be a voluntary program, but structured in such a way that it would be economically attractive to both the community and the landowners involved.¹ If a landowner is willing to sell the development rights, the Town would pay, over a period of time, the difference between the farm's development value and its agricultural value as determined by an independent certified appraisal. Interest on the outstanding balance paid to the landowner may be exempt for income taxes. In return the landowner agrees to grant, by deed, a permanent conservation easement on the property. The landowner can use, rent or sell the land only for agricultural and permitted non-development purposes, thus assuring that it remains open space. The source of funds for this program could be a "millage" tax upon the entire assessed valuation of the town real estate, less any grants made available through state or federal funds. The Town should aggressively seek state and federal funding to assist it in developing a successful PDR program.

(B) DENSITY TRANSFER

Another potential farm preservation technique is the use of a Density Transfer process. This is a voluntary means of transferring development rights among two or more property owners, but within the overall density standards of the Town's zoning regulations. The properties do not have to be contiguous. The selling landowner would sell the development rights to the other landowner and place conservation easements on the original property limiting further development. A special permit application for a density transfer would be required from the Planning Board and both property owners would need to sign the application. The selling landowner would first have to demonstrate to the Planning Board the ability to develop the number of lots under the present zoning code on the property for which the development rights will be sold. The receiving property owner would get a density credit for the additional building lots. In addition to the landowners demonstrating to the Planning Board that all of the Town's special permit standards have been met, they would also need to demonstrate that: 1) the transfer of density units to the receiving parcel will not adversely affect the surrounding area; 2) the density transfer will benefit the Town by protecting open space of conservation value; 3) the density transfer is otherwise consistent with the Town *Comprehensive Plan* and Zoning Law; and 4) a conservation easement must be executed on the sending parcel reducing the number of dwelling units by an amount equal to the number of units transferred to the receiving parcel.

(C) TOWN AS RECEIVER OF CONSERVATION EASEMENTS

The Town has put into place a mechanism for receiving development rights and conservation easements from farmers and other property owners who would like to donate these rights to the public. Currently, this is limited to the Purchase of Development Rights program. Many Towns in New York State have now established procedures for the municipality to accept conservation easements. Warwick should consider expansion of this mechanism to receive conservation easements on other environmentally sensitive lands as well. Any mechanisms that may be put into place should include a means for funding the enforcement and administration of the program. Criteria should also be developed to ensure that marginal or “waste” land is not included in this program. The Town should work with local land trusts to ensure that landowners, who wish to place conservation easements on their land, have an entity (either a public body or a not-for-profit conservation organization as per Article 49 of the Environmental Conservation Law) available to acquire or hold the easement.

(D) ACCESSORY FARM BUSINESSES

Farm stands, wineries, food processing facilities, and other low impact endeavors, that improve a farmer’s prospects for economic success, should continue to be allowed and encouraged by the zoning regulations. The *Comprehensive Plan* supports the current Zoning provisions for the Agricultural Industry district, which provide flexibility to farmers in the use of their existing buildings to generate income. Passive and non-motorized outdoor recreational use of farmland for a fee (e.g., fishing, cross-county skiing, hunting, and limited special events) should be allowed. To ensure that new accessory farm businesses are compatible with other land uses, it will be essential to recognize that their impact on the community is more important than the actual use. Thus, any zoning changes that would permit a variety of accessory farm businesses, should also include the development of performance standards in the Town’s Special Use Permit procedures, so that these new uses do not negatively affect their neighbors or the Town.

(E) AGRI-TOURISM

The *Comprehensive Plan*, in its efforts to have the Town embrace the agricultural sector, recommends that “Agri-Tourism” be encouraged and local farming operations be promoted. Examples of Agri-Tourism might include educational working farms, the establishment of a bike tour highlighting farming operations, farm tours, establishing Bed and Breakfasts on the farm, sponsoring or supporting harvest festivals and “dairy days”, and supporting continued production of an Orange County map listing farm stands and farms available for visits.

(F) BUFFER ZONES

Vegetated buffer zones in new subdivisions, that become contiguous with farmland, should be encouraged to prevent land use conflicts. These function to protect the farmer from nuisance complaints by members of the new residential community who do not understand the urgency of time and the procedures used in many farming practices. Buffer zones can serve to

supplement the agricultural notes that are currently placed on subdivision plats in the Town, as described below.

(G) RIGHT TO FARM STIPULATIONS

"Right to farm" stipulations are included in the Warwick Zoning Code such as the "Ag Notes" which are added to all residential developments affecting farmland within 2000 feet of a farm in the Agricultural Zoning District. Cluster subdivisions or plans that apply the clustering concept are also required for such new residential development. The *Comprehensive Plan* supports the continued use of these notes and recommends that this provision be changed in the Zoning to mean all zoning districts where farming is a permitted use. The *Plan* also recommends that such changes clarify that clustering and "Ag Notes" apply to any existing farming operation even though it may not be located in the Town's "Agricultural Zoning District".

The New York State Constitution acknowledges the necessity of agriculture and laws enacted by the Legislature have affirmed that State and local legislative and other decisionmaking activities must not interfere with or serve to discourage agriculture. The Town should consider adoption of local "Right-to-Farm" legislation. Such legislation is encouraged by the New York State Department of Agriculture and Markets and would be designed to protect a farmer against regulations and private nuisance suits that would prevent the farmer from conducting normally accepted agricultural practices. Local Right-to-Farm legislation could also identify the importance of agriculture to the Town's economy and quality of life, its visual appeal, and the manner in which farming generates social well-being in the community. The legislation could make clear that Warwick encourages farming and urges understanding and cooperation with the necessary day-to-day operations involved in farming.

(H) CITIZEN EDUCATION

Educate citizens toward a positive outlook that views farming as the best "ratable." Modern farm practices result in a clean, minimally polluting, vital industry that makes significant economic, social, and cultural contributions to the Town of Warwick. Farming, without a cost to the community, preserves the scenic roads, historic sites, and spectacular views that make Warwick so attractive. Redirecting growth and at the same time preserving agriculture can make Warwick even more attractive while enhancing the value of homes.

The *Comprehensive Plan* encourages the continuation of the Agricultural Education Program in the Warwick Valley Central School District and the incorporation of similar programs in the other school districts serving the Town. This will continue to provide trained people to work in local agriculture and related vocations, helping to maintain the viability of the farming industry.

(I) FARMER SURVEY

The Town's Agricultural Advisory Board has conducted an in-depth personal survey of every active farmer in Warwick. This survey was designed to increase farmer involvement in the planning process and it is expected that it will help the Town obtain demographic information pertaining to the farmers and farming operations. Overall, the survey showed a clear tendency among farmers in Warwick to want to continue farming as long as it remains a viable way to make a living here. Results from the survey, which can be found in Appendix E, will help the Town better understand the farmers and their needs as important stakeholders of the land, users of the land, and as producers of commodities.

(J) OTHER FARM PRESERVATION TECHNIQUES

In 1992, New York State gave local governments more responsibility to develop plans and strategies to enhance agricultural and farmland protection programs. These new rights were contained within the amended New York State Agricultural Districts Law. Warwick should take advantage of this opportunity by preparing an Agricultural and Farmland Protection Plan.

The *Comprehensive Plan* recommends that the Town continue to support the efforts of the Agricultural Advisory Board. The Agricultural Advisory Board should have the primary task of assisting the Town with development of conservation techniques to protect farmland and to sustain agriculture and a secondary role as an active liaison to the agricultural community. The *Comprehensive Plan* supports Orange County's establishment of the position of an Agricultural Economic Development Director. The Agricultural Advisory Board should network with farmers to help them take advantage of available tax opportunities, programs, and land use options.

The adoption and use by the Town of other planning techniques such as Clustering, Conservation Density Subdivision, Conservation Subdivision Design, Limited Development Subdivision, Agricultural Overlay Zones, and Planned Unit Developments which are discussed in detail under Section 3.3 (Residential Development), can also have a positive effect on farmland preservation in Warwick.

The proper control of excess water runoff (i.e., Zero Runoff) from new subdivisions in the upland sections of the Town, as discussed in both Section 3.3 and Section 3.8, is critical to downstream farmers and residents. Frequent flooding of the Pine Island mucklands will lead to deterioration of the black dirt soil quality and farm productivity as well as cause economic damage to residents living near streams, such as the Wawayanda Creek and the Pochuck. The Town's existing restrictions on unrestrained runoff into black dirt regions (found in § 164-41(I)(3) of the Zoning) should be strengthened to extend this protection to other farming areas of the Town. Wetland protection and enforcement of proper soil erosion control mechanisms during and after construction will also reduce the increased flooding potential.

The State Environmental Quality Review Act (SEQR) can be used effectively to help protect the Town's agricultural heritage. Applications for new development, that involve existing farm structures, should consider the effect of the loss of such structures on the Town's

agricultural character. The Town should also consider whether amendments to the Town’s Zoning Law, concerning protection of agricultural character, are appropriate.

Finally, the Town should encourage owners of historic barns to take advantage of New York State’s investment tax credits for their rehabilitation. In 1996, the State Legislature enacted the “Farm Protection and Farm Preservation Act”. This Act allows a credit of 25 percent of a taxpayer’s qualifying rehabilitation expenditures for any barn that is considered a qualified rehabilitated building.

3.3 RESIDENTIAL DEVELOPMENT

Community Goals

- Protect and enhance the rural character and quality of life in the Town
- Concentrate denser residential development around the villages and the hamlets, and maintain rural densities in the remainder of the Town
- Stimulate a diversity of housing types and increase the stock of affordable homes
- Encourage a mixed-use pattern of development, where appropriate, in and around the hamlets and adjacent to the villages

Like the 1987 *Master Plan*, the current *Comprehensive Plan* proposes that the Town of Warwick remain primarily a rural residential and agricultural community. This policy is to be implemented through a concentration of growth around existing development centers, such as the villages and hamlets and by implementation of the Open Space Plan as an element of the *Comprehensive Plan*. Additionally, the use of zoning techniques such as Purchase of Development Rights (PDR), Clustering, Limited Development Subdivision Design, Conservation Density Subdivisions, Overlay Zones, and Conservation Subdivision Design (which are discussed below) can help preserve the rural and agricultural characteristics of the Town.

(A) RESIDENTIAL DENSITIES

Warwick's capacity to grow is affected by the special conditions of its natural environment as well as limited road access. The availability of water resources and the need to protect groundwater from potential septic pollution problems are issues concerning residential

development throughout the Town. In the east, the steep mountain slopes and in the west, the black dirt land also inhibit development potential. In response to these environmental factors, the 1987 *Master Plan* recommended that allowable densities be decreased from that which was in place at that time to the densities shown in Table 3.1 below. The residential density recommendations of the 1987 *Master Plan* were implemented in the 1989 zoning amendments and the current *Comprehensive Plan* supports the continuation of these minimum lot sizes as

the underlying residential densities for each zone. In addition, the 1989 zoning amendments include an Environmental Control Formula for calculation of maximum allowable densities, taking soil types and limitations into consideration. The *Comprehensive Plan* also supports the continued use of the Environmental Control Formula to calculate allowable densities on specific development sites.

Town regulations effectively modify the densities in Table 3.1 according to the amount of each lot (site) considered buildable. The Subdivision Regulations require that the Planning Board “encourage” the preservation of wetlands, flood plains, large trees or groves, steep slopes (>15%) and other natural features. Lots intended for single family purposes in the Town’s Mountain Residential and Conservation Residential zoning districts must have no more than 5,000 square feet of tree growth removed. Proposed lots must also contain a buildable portion of 5,000 or more square feet. This practice can help to assure that environmentally sensitive areas have a lower density of development. This is especially true in the Mountain and Conservation Residential zones where lots must have a 10,000 square foot buildable area with less than a 15 percent slope. The *Comprehensive Plan* recommends that this minimal preservationist practice continue and that future Town Code updates strengthen subdivision and site plan requirements to assure that such regulations maximize environmental protection, especially those pertaining to the use of significant natural buffering.

**Table 3.1
Residential Densities**

Residential Zone	Maximum Densities Prior to 1989 Zoning Change (Area/Dwelling)	Maximum Densities In Current Zoning (Area/Dwelling)
Suburban Residential (SR-.2)	----	21,780 sq. ft. (0.5 ac.)
Suburban Residential (SR-.7)	40,000 sq. ft.	65,340 sq. ft. (1.5 ac.)
Rural Residential (RR-.5)	60,000 sq. ft.	87,120 sq. ft. (2.0 ac.)
Mountain Residential (MR-.3)	80,000 sq. ft.	130,680 sq. ft.(3.0 ac.)
Conservation Zone (CR-.25)	-----	174,240 sq. ft. (4.0 ac.)

Warwick's MR-.3 and CR-.25 zoning districts can be considered large lot zones requiring three and four acre minimum lot sizes respectively. However, taken by itself, large lot zoning can consume open space rapidly and often leads to sprawl type development unless it is paired with other conservation planning techniques. The *Comprehensive Plan*, therefore, recommends that consideration be given to establishing a new Conservation Overlay District (overlay districts are discussed more fully below) where developers would receive an incentive

for the use of one or more of the conservation planning techniques discussed in this *Plan*. The overlay district could encompass all or portions of the MR-.3 and CR-.25 Districts and portions of other zoning districts where carefully planned large scale new development (such as Major Subdivisions) is warranted. The Open Space Component of the *Comprehensive Plan*, once prepared, can suggest appropriate areas that would be subject to any overlay district.

The Planning Board should continue to obtain comments from the Architectural Review Board and the Conservation Board regarding the potential impact of a proposed project near designated protection areas and consideration should be given to expanding this referral mechanism to include recommendations for appropriate types of Conservation Planning Techniques to be employed. If a Conservation Overlay District is enacted, this same referral mechanism should also be put into practice for such an area.

One way that the Town could encourage the use of Conservation Planning Techniques (in the suggested Conservation Overlay Zone) is a requirement that would subtract, from the buildable area of a site, wetlands, steep slopes, floodplains, and other environmentally sensitive features unless one or a combination of Conservation Planning Techniques is used. In other words, if a proposed subdivision in the CR-4 zone contains wetlands, steep slopes, or other areas of environmental sensitivity and a Conservation Planning Technique is not proposed, those features would be deducted so that all proposed lots contain at least four acres of land area that is not constrained by such features. In this way, permitted density is effectively lowered on a parcel unless one of the alternative techniques, which are designed to conserve such features, is selected by the developer. This would create an incentive for the use of appropriate conservation measures in new developments within the Town. The following discusses each technique in more detail:

(1) CLUSTER SUBDIVISIONS

Cluster subdivision development has been a component of planning in Warwick for many years and the Planning Board has been granted the authority to mandate clustering when certain environmental resources are present on a site. This authority should be expanded to include the option to mandate a cluster subdivision when the site involves other important environmental resources (including farming) as well:

- Active farmland within a New York State certified Agricultural District,
- Soils classified in group 1 to 4 of the New York State Soil Classification System (prime agricultural soils),
- Critical Environmental Areas,
- Sites bordering designated state, county or local Scenic Roads,
- New York State Protected Streams or a Town Designated Protection Area,
- Sites where community sewer, community water, or community water and sewer are available,
- “Special Features” identified in the *Comprehensive Plan* including an anticipated Open Space Component,

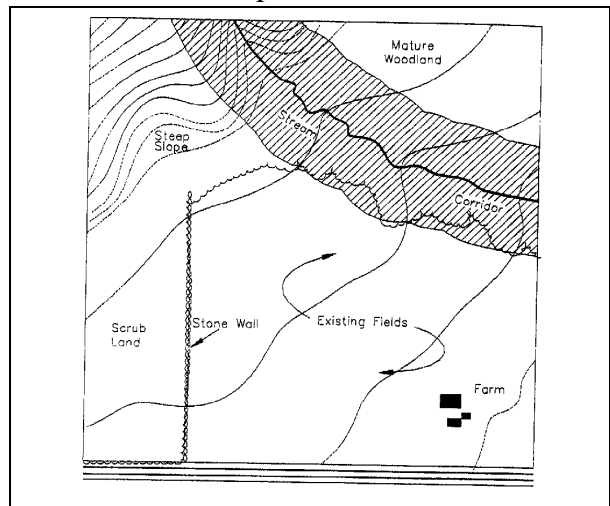
- Publicly owned or designated open space areas or privately owned, designated natural areas,
- Mature forests over 100 years old or locally important vegetation.

To protect sensitive environments and provide for open space preservation throughout the Town, cluster development should continue to be encouraged under Section 278 of the New York State Town Law and mandated where appropriate. This would include areas where community water and sewer are available. The Town should cooperate with the villages in future residential developments close to the village's borders. If such community services are not available and soil conditions are such that a cluster subdivision would be impracticable, other creative engineering and legal techniques can be used to assure that this technique can be employed. This could include the siting of septic systems on the common open space areas of the cluster subdivision so that the required minimum separation distances between a well and septic system can be achieved on small lots.

Clustering cannot provide more units than a Conventional lot layout would allow. The conventional lot layout should include demonstrations of buildability in accordance with the current Town, County, State, and Federal requirements. This would include a demonstration that viable septic systems could be provided for each lot in the conventional layout, road layouts and drainage are attainable given the presence of steep slopes and natural constraints such as wetlands and other important resources, and are economically viable considering regrading that would be necessary to construct Town roads. Although clustering would not change the density that is allowed on the property under regulations for the conventional lot layout, the size of the individual lots would be reduced, thereby preserving open space.

There should be no restriction on the minimum lot size to be used under the clustering concept. For example, assuming a 15 acre parcel in an environmentally sensitive mountain residential zone requiring three (3) acres, it could be possible to have a five (5) unit attached dwelling with a common septic system sited on one acre of the 15 acre parcel or five detached units sited on two acres of the 15 acre parcel. This would have a minimum visual impact and would preserve more open areas. The restrictions in the zones and the clustering should be of a performance type allowing more imaginative use of planning tools that are available.

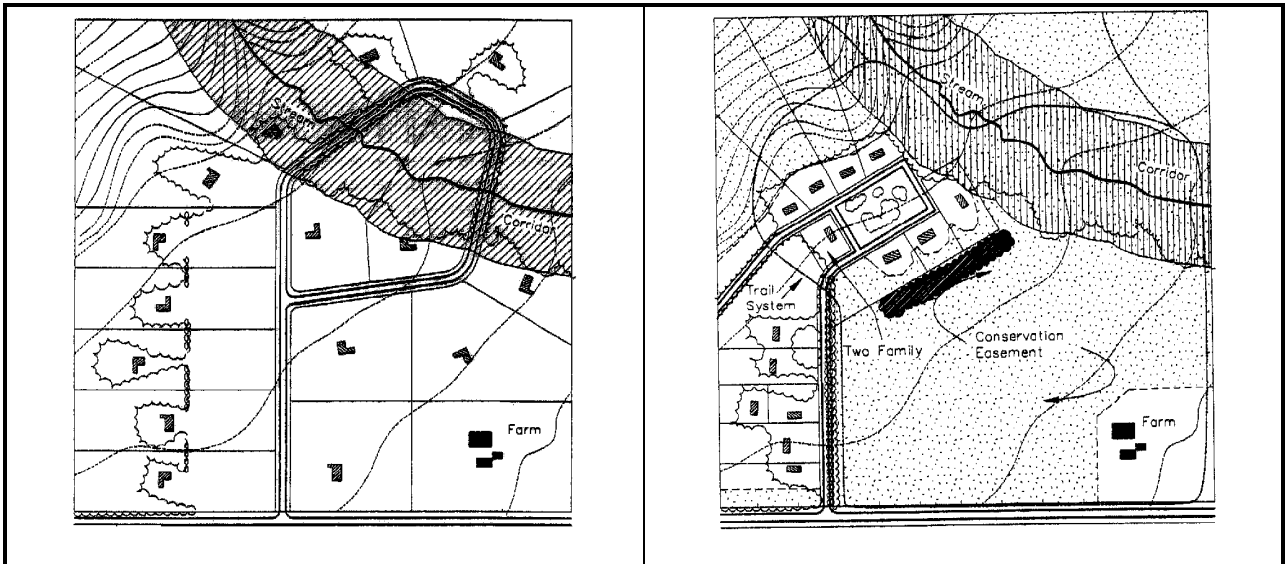
Cluster development can also be used as a tool to help preserve farmland by allowing the working fields to be considered the "open space" of the development; such subdivisions should be designed to have the least impact on farmed lands. Recommendations proposed in Section 3.2 of this *Plan* should be followed to ensure that this would not create strip housing along the roads surrounding the farm. Proposed



Undeveloped Site

An existing 60 acre farm contains open fields, a stone wall, farm buildings, stream corridor, mature woodlands, old field, and steep slopes.

subdivisions should also be placed behind wooded areas to keep the natural settings of roadsides. Illustrative examples of cluster versus conventional subdivision of a figurative site are shown below:



Conventional Subdivision Plan

On the 60 acre site, a conventional subdivision plan is prepared with 3 acre lots. Based upon zoning, each lot has the minimum requirements for a lot count. No conservation lands are protected and previous farming activity is eliminated. This plan requires Planning Board approval, unless an environmental resource permits the Board to mandate a cluster subdivision.

Cluster Subdivision Plan

In a cluster plan (based upon the conventional plan lot count), houses are clustered around a short road, a trail system and a "village green" have been added. The road follows a stone wall, and nearly 80 percent of the land is protected. The small lot sizes required that septic systems be sited on the conservation easement lands.

(2) CONSERVATION DENSITY SUBDIVISION

A conservation density subdivision allows trade-offs in Town road requirements in exchange for reduced development density. Normally, this involves allowing a developer to construct a private, unpaved or minimally paved road owned and managed by a homeowners' association in return for a permanent commitment to low density. For example, if the underlying zoning requires a four acre minimum lot size, such as in the Conservation Residence District, a conservation density subdivision might require an average minimum lot size 5 times larger (i.e. 20 acres) than would otherwise be required, but no less than 10 acres each. The number of lots using the private road would need to be controlled (such as five lots on one access or 10 if there are two access ways). Permanent conservation easements imposed on each of the larger lots must guarantee no further increase in density regardless of whether the private road remains in the homeowners association's hands.

Establishing clear design standards for the private road are essential to ensure conflicts do not develop in the future, one of the greatest problems posed by private roads. Homeowners'

association requirements must also be carefully written and based upon Planning Board requirements as a condition of approval, to avoid burdening the Town in the future. This would include requirements such as having the power to assess each lot owner their share of the maintenance costs, establishing a maintenance fund or bonding as appropriate, ensuring that private roads are accessible to emergency vehicles, and prohibiting an offer of dedication to the Town unless the private road conforms to the Town Highway Specifications. Finally, if private roads are allowed, they must be self-supporting.

(3) OVERLAY ZONES

Overlay zones can be used to protect farmland, historic districts, environmentally sensitive resources, scenic viewsheds, and recreational corridors. An overlay zone does not change the underlying zoning regulations of any respective district or preclude development, but it normally imposes additional zoning requirements, usually in the form of specific performance standards. For example, an overlay zone could require clustering to maximize protection of a specific resource (i.e., open space, scenic views, active farmland or prime agricultural soils, an aquifer) and design and performance standards can safeguard the resource. The regulatory language must be very specific to avoid varying interpretations. Overlay zoning is well established as an innovative zoning technique in New York State. This device has been used to protect certain areas, encourage certain types of development, and discourage certain types of development.

Overlay zoning has been defined in Rathkopf's *Law of Planning and Zoning* as "a mapped overlay district superimposed on one or more established zoning districts [which] may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of density bonus or incentive bonus program." A parcel of land within the overlay zone will, thus, be simultaneously subject to two sets of zoning regulations: the underlying and the overlay zoning requirements.

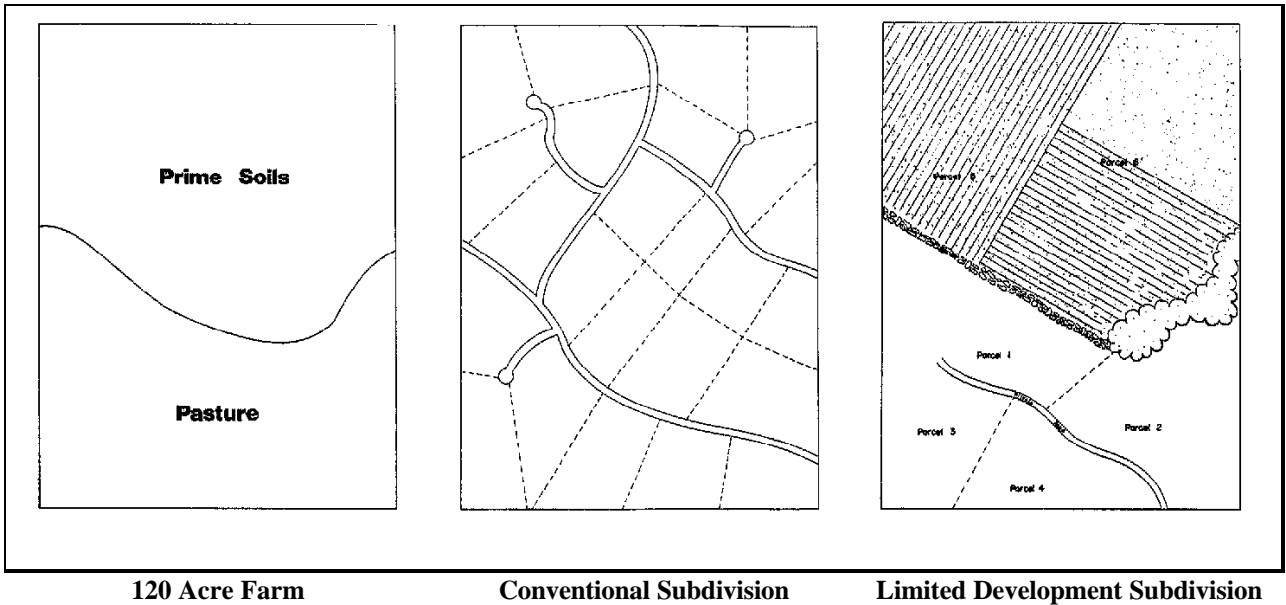
The use of optional or mandatory requirements in an overlay zone can discourage certain types of development. For example, if the Town were to complete a Generic Environmental Impact Statement, under SEQRA, the Town could offer a developer the ability to simply prepare a Supplemental Environmental Impact Statement or an Environmental Assessment Form (EAF), instead of having to do a full Draft Environmental Impact Statement, so long as the developer is willing to follow the plans and designs of the Generic Environmental Impact Statement. By allowing a developer the ability to prepare a Supplemental EIS or even an EAF, instead of requiring a full EIS, an incentive is created such that developers are discouraged from developing beyond the scope of the EIS or in a manner inconsistent with the Town's Generic Environmental Impact Statement.

Similarly, a mandatory requirement that subtracts wetlands, floodplains or steep slope areas within a parcel will reduce buildable area or lower the otherwise permitted density and discourage building in those areas. A reduction in buildable area or a restriction on density in these guarded areas does not mean that development is banned but that limits are placed on the amount of development allowed.

Overlay zones can also be used to protect certain areas. For example, areas designated by the Town as an important resource in need of protection, such as a water feature (like a lake, aquifer, wetland or stream), mature forest, agricultural land, greenway, or historic district, can be subject to protection which restricts building in some way in those designated areas. In this type of overlay zone, development and building are not discouraged, per se, but it must conform to the Town's goal of protecting certain characteristics existing within the overlay zone.

(4) LIMITED DEVELOPMENT SUBDIVISION DESIGN

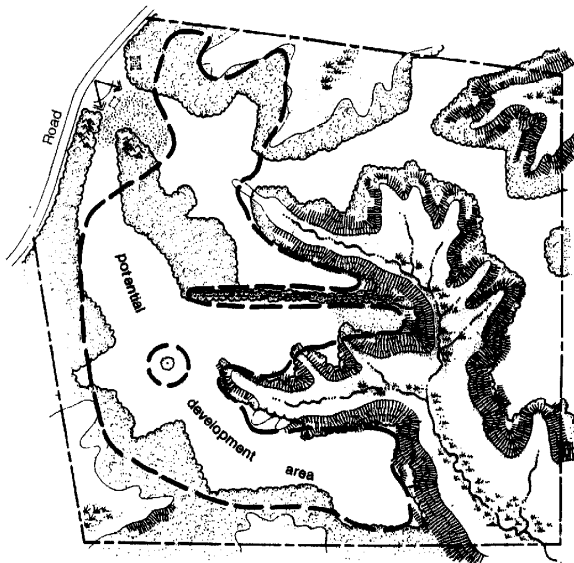
In this voluntary technique, a developer or landowner sells their land for partial development with restrictions to preserve open space and farmland. Limited development agreements are usually undertaken in conjunction with a land trust when the property can be developed with a limited number of home sites, that will not conflict with the resource being protected. The few high value scenic homesites are assured of permanent open space by paying for the open space protections. The protected land is normally encumbered with conservation easements. The easements could be held by a trust or a governmental agency, such as the Town of Warwick. The landowner will benefit from a tax reduction on the land protected by the conservation easement while the Town benefits from the increased assessment on the subdivided building lots (as opposed to vacant land) and the very low density associated with the limited development. As mentioned above, the Town should put into place a mechanism for acceptance of this type of conservation easement provided there are appropriate protections to the Town incorporated therein. An illustrative example of limited subdivision design is shown below:



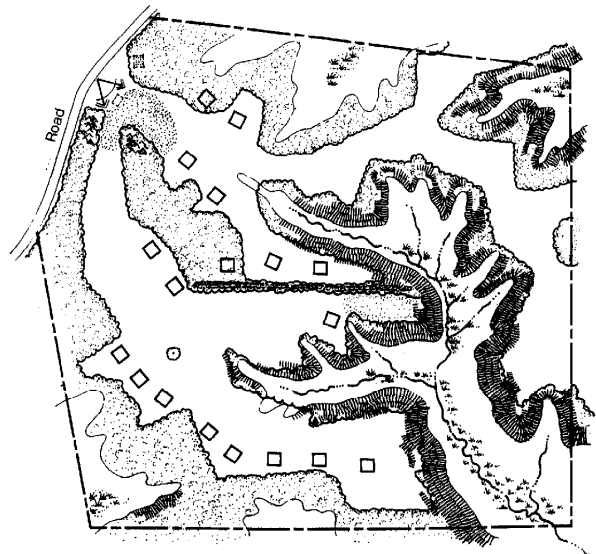
(5) CONSERVATION SUBDIVISION DESIGN

Conservation Subdivision Design refers to residential developments where half or more of the buildable land area is designated as undivided, permanent open space. This is achieved in a density neutral manner by designing residential neighborhoods more compactly, with smaller lots for narrower dwellings or with semi-detached or attached dwellings. The most important step in the process is to identify the land that is to be preserved such as wetlands, water bodies, floodplains, steep slopes, prime agricultural soils, woodlands, critical wildlife habitats, and sites of historic, cultural and archaeological significance. Portions of the site that are not constrained by these features become the potential development areas. Calculations are then made to determine the number of dwellings allowed by zoning on the remaining parts of the site, in the same way that a cluster subdivision lot count is determined.

The permissible number of dwelling units and roads are then located around the unbuildable portion of the parcel in a manner which permanently preserves significant open space. This open space can be farmlands, wood lots, meadows, recreational, and other areas. This concept is explained in detail in the Pennsylvania Department of Conservation and Natural Resources’/Natural Lands Trust publication entitled “Growing Greener” and by Randall G. Arendt in his book "Conservation Design for Subdivisions" (Island Press, Washington, DC, 1996). The *Comprehensive Plan* recommends that this technique be explored in detail for the Open Space Plan. An illustrative example of the process used to create a conservation subdivision design, from the “Growing Greener” publication, is shown below. This process reverses the sequence of steps normally used in designing a conventional subdivision.



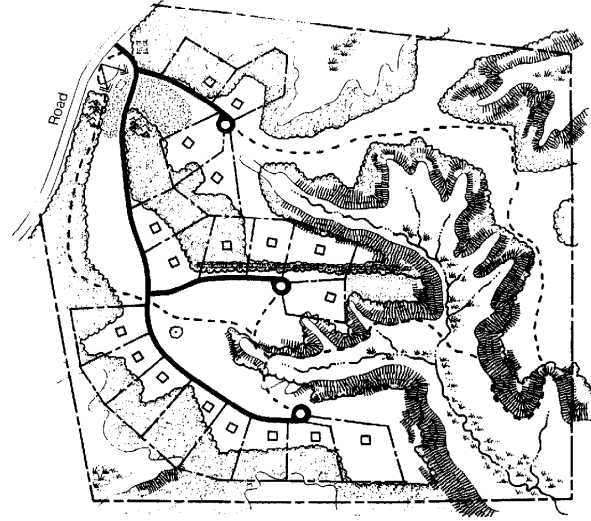
Step one consists of identifying potential development areas by mapping primary conservation areas such as wetlands, steep slopes, and floodplains, and secondary conservation areas such as meadows, woodlands, stone walls and hedgerows, barns, buffers, and views.



Step two consists of locating house sites within the area identified as the potential development areas. House sites are located so views of the open space are maximized. The remaining lands are those that would be permanently protected.



Step three consists of aligning streets and trails to connect the house sites.



Step four consists of drawing in the lot lines.

(B) MIXED DEVELOPMENT IN WARWICK

Protection of Warwick's rural and agricultural character is the defining goal of the *Comprehensive Plan* and the planning techniques described above will help the Town to achieve that goal. But, Warwick must also provide for its fair share of balanced housing as well as places to work. There are appropriate means to assure that Warwick achieves a balance between commercial enterprises, which provide employment and increase tax ratables, with housing that meets the present and future needs of the elderly, young households, families of moderate income, and small families. Warwick also needs to preserve and integrate open space into the community while protecting important natural and cultural resources, and community character. Planned developments can help the town to achieve such a balance, while encouraging phased growth and efficient use of existing infrastructure, allowing complementary uses that reinforce one another and reduce automobile trips, preventing strip commercial development, and flexibility of design and layout to protect environmental resources and create attractive places for people to work, live, and congregate. The Town must also ensure that any new development of this type is compatible with adjoining land uses, with the villages and hamlets, and with the historic landscape and buildings in the Town. To do so, however, the Town must overhaul its planned development and affordable housing regulations. The *Comprehensive Plan* suggests that the Town further explore the viability of these two issues:

(1) PLANNED UNIT DEVELOPMENT

The Planned Unit Development (PUD) provisions in the current zoning regulations are intended to allow a development of planned communities containing both residential and commercial buildings sited on the land in an environmentally sensitive fashion, respecting the

land and the geology and carrying capacity of the property. Currently, this is a floating district and is restricted to lots of 500 acres or more. To encourage a greater diversity of housing types and price ranges in the Town, the *Comprehensive Plan* recommends that the PUD minimum acreage requirement be reduced or eliminated. Recognizing that there are few, if any, parcels left in the Town of that acreage and also in recognition of the Town's intent to protect and enhance the rural character and quality of life in the Town, it is recommended that consideration be given to establishing appropriate minimum and maximum lot sizes for new PUD's. Along with any revised acreage requirements, there is a need to update and strengthen the existing PUD regulations. Furthermore, to avoid any increases in the overall densities in the Town, the PUD regulations should incorporate use of the density transfer technique discussed above, so that overall density can be maintained in the Town.

The goal of a planned unit development should be to provide a variety of walkable mixed use neighborhoods as an alternative to sterile and monotonous auto oriented suburban tract development. Pedestrians and public transit should be the pivot point around which the development should be oriented, not the automobile. This can be accomplished by incorporating appropriate planning principles into the PUD provisions, recognizing such pedestrian orientation. PUD's should be allowed in the hamlets or adjacent to the villages where centralized water and sewer services are available (i.e. the Town's existing water and sewer districts or through cooperation with the villages) or could become available if developers were willing to construct water and sewer improvements. Such a strategy will ensure that more concentrated development will occur where thickly settled areas and infrastructure already exist. A secondary benefit may be to lessen development pressures in other areas of the Town.

The question of compatibility with the existing character of the community is perhaps the most important consideration in a PUD. Therefore, it is recommended that the revised PUD regulations first start with a requirement that a master plan be prepared by the applicant. A PUD master plan should include a narrative description of how the proposed plan will serve to implement the intent and purposes of the Town's *Comprehensive Plan* as well as the specific objectives to be achieved by the plan including such factors as benefits to the Town, watershed protection, conservation of sensitive environmental features, pedestrian and vehicle interconnections with adjoining sites, protection of open space and usability of recreational areas, historic preservation, how the developer is to provide for water and sewer and other infrastructure, as well as other common lands and facilities.

(2) AFFORDABLE HOUSING

The Town has the responsibility as well as an economic need to provide for the development of affordable housing, being defined as lower middle income housing (as defined by U.S. Department of Commerce statistics). Allowing density credits through density transfer, would permit an increase in the number of allowable units in a PUD (within the limits of the Environmental Control Formula) in exchange for inclusion of lower-middle income housing, is supported. However, there should be no increase in the overall density in the Town.

Since the purpose of the density credit is to provide affordable housing, a portion of those units allowed above the conventional lot layout should be required to be priced or rented at a value not exceeding the range for lower middle income families. So as not to discourage developers, this mix should be based on a reasonable economic model for the area. This process should be strengthened and reinforced.

Another way to create affordable housing is to promote development of two-family homes in appropriate locations. This can be encouraged by allowing a reduced minimum lot size if the developer can demonstrate sufficient soil carrying capacity. Current regulations require almost the same acreage for one two-family home as for two single family homes.

Regulations regarding lot size should take into consideration the number of bedrooms in each unit since frequently a unit in a two-family home is smaller than a single family dwelling.

To facilitate affordable housing on a lesser scale, allowing accessory units in certain large, one-family houses or on larger one-family residential properties would provide the opportunity for development of small, rental or owner-occupied housing units. These provisions would encourage a more efficient use of the Town's existing housing stock, help preserve historic and rural structures, and provide an incentive for their maintenance. Guidelines for accessory units should assure that the new unit remains subordinate to the primary living quarters, preserving the single-family character. Limitations may include such factors as: a) allowing only one accessory unit per lot; b) restricting the size to less than 25% of the principal unit but no less than 400 square feet; c) allowing a maximum of only two bedrooms; d) requiring that one unit must be occupied by the owner; and e) permitting accessory units with existing structures that are a minimum of ten years old.

There are a number of other ways to create affordable housing in the Town. These techniques are summarized below:

1. Allow for mixed uses in the commercial zones by permitting the building of apartments connected to or above commercial structures in the Local Business and Local Business-Hamlet zoning districts.
2. A zoning amendment that creates a new special use permit category that would allow developers to gain an increase in density in exchange for providing a certain percentage of the units as affordable (usually protected by deed restrictions on resale) could also be enacted, as long as overall density in the Town is maintained.
3. SEQR has been used to gain affordable housing in some communities, where their comprehensive plan addresses affordable housing and where a "comprehensive housing needs study" has been prepared. This would be a prerequisite to the use of SEQR to gain affordable housing in the Town.
4. Incentive zoning is a relatively new technique, having been added to New York State Town Law in 1992. Incentive zoning involves the granting of a density bonus to a developer in exchange for providing community amenities, such as affordable housing. A study must first be made, through a generic environmental impact statement, of the potential effects of increasing density.

5. The Town already has in place another affordable housing technique, its Senior Housing Floating Zone Local Law. Such Law allows density to be increased at appropriate locations in the Town, only when housing is developed exclusively for senior citizens and only when substantial amenities have been provided.

(C) MULTI-FAMILY HOUSING

Most of the region's multi-family housing is provided for in the Villages where water and sewer services are available. Current zoning in the Town of Warwick does not allow multi-family housing in any zoning district (except for two family housing). The *Comprehensive Plan* recommends that consideration be given to revising this policy as a tool for preserving open space (a form of clustering) and providing affordable housing, but only where it would be consistent with the character of existing neighborhoods. There are also presently inconsistencies in the Zoning Code regarding two-family housing and single-family conversions to two-family. The *Comprehensive Plan* recommends that the Town Board amend the Code to correct these inconsistencies.

(D) DISTRICT BOUNDARY MODIFICATIONS

The previous *Master Plan* recommended more concentrated development around the village centers and the current zoning reflects this focus. The *Comprehensive Plan* continues to support the intent of this zoning policy and recommends that higher residential densities also be concentrated around the existing hamlets of Bellvale, Pine Island, Edenville, New Milford, and Amity. The hamlet of Sterling Forest does not have significant residential growth opportunities.

(E) STERLING FOREST

The *Comprehensive Plan* recommends that the new Palisades Interstate Park Commission park be maintained for minimum impact recreational activities. Higher impact uses such as constructing swimming beaches on the lakes, group camp sites, etc. would both impact the environment of the forest and contribute to increased traffic and congestion in Warwick. To protect this mountainous area from intensive future development, if the ± 200 acres of land that has been retained by Sterling Forest LLC is not acquired by PIPC, the rezoning of the current Planned Development (PD) zoning district should be considered. Any rezoning should recognize the unique characteristics of this area of the Town and contain strict guidelines for clustering of residential development as well as more creative approaches to commercial development, such as the use of design guidelines.

(F) ZONING CODE ENFORCEMENT OFFICER

Oversight and enforcement of zoning regulations and Planning Board decisions are now carried out by the understaffed and overworked office of the Building Inspector. In most

towns in the region, this activity is the responsibility of a dedicated Zoning Code Enforcement Officer. With the increasing development activity in the Town, there is a strong need for additional regulatory enforcement. In 1996, the Planning Board requested that the Town Board establish the position of Zoning Code Enforcement Officer and the current *Comprehensive Plan* fully supports that request.

(G) HOME OCCUPATIONS

The Town currently regulates home occupations, under the special use permit provisions of the Zoning Law. During the past few years, the Planning Board has seen a substantial increase in the number of requests for home occupation special use permits. Much of this demand can be explained by “telecommuting” that is occurring with greater frequency, as well as the mini-boom in self-employment.

Home occupations can provide numerous benefits for both home workers and the Town. They can encourage business growth by eliminating the initial need for some small businesses to rent commercial space, a major obstacle when one is just starting a new venture. If the new venture outgrows the owner’s residence and needs to expand by adding employees and/or additional space, there should be performance standards in place that will ensure the use no longer qualifies as a home occupation.

Home occupations can save commuting costs, cut down on traffic congestion, and the need for parking in commercial areas. Home occupations can create activity in residential neighborhoods that might otherwise be deserted during the day, can save on child care costs, and can also provide an opportunity to earn a living for single parents, the elderly, and the disabled.

Most people agree that home occupations are a good thing as long as they don’t create disturbances such as noise, odors, traffic, or parking problems in their neighborhood. Thus, well crafted regulations, including performance standards, are necessary. The Planning Board has identified a number of shortcomings with the current regulations. The *Comprehensive Plan* recommends that the home occupation regulations be updated to focus on controlling the negative impacts of these occupations. In particular, the regulations related to retail sale are in need of revision to clarify that the sale of consumer goods (as opposed to goods produced or fabricated on the premises as a result of the home occupation) should be prohibited.

3.4 COMMERCIAL AND INDUSTRIAL DEVELOPMENT

Community Goals

- Assure that the Village and hamlet centers remain as the focus for retail and service industry development
- Provide for commercial development next to existing commercial and industrial uses
- Encourage alternatives to typical modern highway oriented commercial development
- Support small locally owned businesses and retail centers which are in character with the Town's largely rural environment
- Create a commercial atmosphere friendly to small business and home occupations
- Include agriculture in local economic development plans
- Cooperate with the villages to share the benefits of economic development and future planning

(A) COMMERCIAL DEVELOPMENT

Warwick will continue to grow and it is important to provide for the orderly development of commercial/retail space to serve the community. As in the 1987 *Master Plan*, the *Comprehensive Plan* recommends that the main retail shopping areas should remain in the village and hamlet centers. The Town Board should also undertake a review of the appropriateness of the Office Research Industrial Park (O/R/IP) Zoning District, as well as the uses that are currently permitted in the Manufacturing (M) and Design Shopping (DS) zones, for consistency with the recommendations of this *Comprehensive Plan*.

The 1987 *Master Plan* reflected public sentiment for the preservation of the rural character of the community, continuing the area's primary identity as agricultural and residential. This popular feeling was reiterated by public input collected by a grass-roots organization, "Community 2000," in 1994. Neighborhood shopping, Village Main Street specialty stores, "Mom and Pop" convenience stores and modest-sized supermarkets are compatible with that public desire.

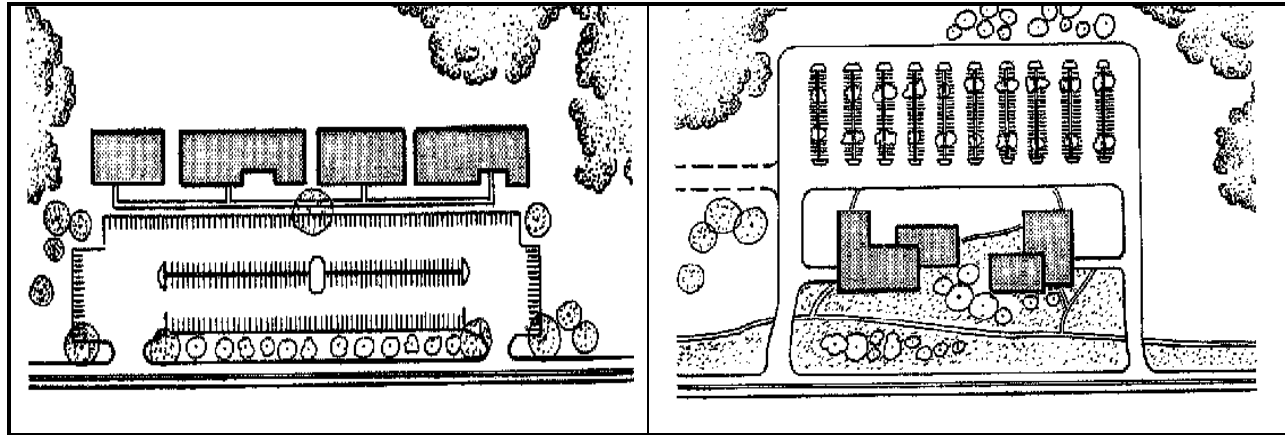
Currently, retail establishments are predominantly located in the Greenwood Lake, Florida and Warwick village centers, at the ShopRite center located south of the Village of Warwick, and in Merchant's Square north of the Warwick Village. A new shopping area has been proposed for the DS zone across from Wickham Village on Kings Highway. Additional shopping opportunities are available in the surrounding communities, such as the malls in Middletown, Chester and Woodbury. As Warwick grows, it will be necessary to provide opportunities for expanded retail facilities; however, members of the community have often and strongly expressed their desire to preserve the economic viability of the villages and to prevent proliferation of strip commercial

development along our scenic and rural highways which contribute much to the character of the Town. Also, as noted above, there is a desire to preserve the green spaces around the villages in order to define the borders of the rural town and the more densely settled villages. To reconcile these needs, the *Comprehensive Plan* recommends:

- 1) Focus retail activity in the DS zone on Route 94 south of the Village of Warwick but stricter requirements (including bonding) should be put in place. Also development should be allowed only with significant natural buffering between the development and the highway.
- 2) An expansion of the LB zone in Pine Island with changes in the permitted uses in that particular zone to encourage increased commercial/retail activity and development of a cohesive village atmosphere. Streetscape improvements including additional landscaping and roadside tree planting in the Pine Island hamlet would encourage more pedestrian activity and help the existing businesses.
- 3) Local Business zones should remain in Pine Island, Edenville and New Milford. An expansion of the LB zones in Amity and New Milford would allow for increased business development in these regions, but care must be taken to avoid unsightly development on Route 94. In the LB and LB-H zones it is proposed that greater flexibility be provided for mixed use of commercial and residential uses within individual structures to provide a variety of housing options and lower business costs.

Since major portions of the retailing areas are located within the incorporated villages, close cooperation with these municipalities is essential, especially since economic activity increases traffic and parking needs, both major issues which should not be addressed in isolation. Harmony of economic planning should be sought. Disagreements over crucial issues, such as annexation, should be negotiated to seek ways of sharing the potential benefits of economic development and prudent future planning.

In all public meetings, opinions have been strongly expressed that alternatives to conventional strip-malls should be developed for all commercial zones. Strip-malls are seen as destructive to the rural character of the community and destroying the scenic beauty of highways. Small retail centers with innovative architectural designs fitting into the surrounding community and not disrupting traffic flow should be encouraged and the Town should consider amending the Zoning regulations to accommodate these factors. Illustrative examples of conventional strip commercial development versus appropriately designed commercial development are shown below:



Strip Commercial Plaza

Parking dominates the site, landscaping is minimal, required open space is at the rear, buildings are monolithic, and no pedestrian amenities exist.

Alternative Plaza Design

While retaining the same building size, parking is at the rear of buildings, landscaping dominates the site, open space enhances site design, and pedestrian amenities are provided.

Like the illustration above, new commercial centers in the existing DS zone can be developed so that they have minimal impact on the adjacent existing roads, both in terms of circulation and aesthetic quality, while maintaining overall project density. New commercial development could be set back from the existing road network except in the hamlets, where buildings could be placed near the streets to further conceal the parking and to link the site to the streetfront and sidewalk systems. Streetscape improvements could be addressed to ensure community character is preserved and protected. Site design could be pedestrian friendly incorporating internal walkways or sidewalks, as well as benches and public spaces, shade, covered walkways, arcades, awnings, human-scale lighting, and other amenities that provide a sense of public interest and public space. All parking areas should be at the rear and sides of buildings and developers of large projects could be allowed to postpone full construction of the parking lot until demand is evident. A performance bond can ensure proper compliance. Access could be provided, ideally, by frontage on secondary roads that would limit the number of curb cuts into the highways and provide a visual buffer. Generous landscaping and tree planting requirements, both inside and at the periphery of the site could be strengthened. Architecture should fit the community. Illustrated architectural design guidelines based on Town standards, patterns, and preferences could be developed. To prevent the degradation of roadside aesthetic quality, the current limitations on signage should be continued and strengthened.

Agricultural farm outlets should continue to be encouraged and allowed with special use permits but, to increase income potential from farming, the outlets should be allowed to sell a greater variety of local farm produce. Landscaping and signage requirements, curb cut limitations and setbacks should be used to limit the visual impacts on the road. The *Comprehensive Plan* recommends that farming as a viable business be included in any future economic development plans prepared for the Town. Farmers markets and pick-your own operations should also be promoted in the Town.

To help preserve historic or unique aesthetic structures that merit special attention, utilization of these structures for special commercial operations, such as a bed and breakfast, should be encouraged and allowed by special permit. Special consideration should be given to preserving preexisting farm structures such as barns.

(B) OFFICE/RESEARCH/LIGHT INDUSTRIAL DEVELOPMENT

Large industrial or office development usually occurs along major transportation corridors. The same remote road network that has buffered Warwick in the past, will limit Warwick's economic development in the future. Providing appropriately zoned land without other key locational market factors may result in no growth at all.

To encourage industrial development, the 1987 *Master Plan* recommended an expansion of the old Industrial zone around the Warwick airport. However, no significant development has occurred in this area since that time and none is likely in the near future due to the presence of wet soils and lack of adequate access. In response to the observation that Orange County's economic growth was not occurring in the manufacturing or heavy industrial sectors (and this is still the case), the 1987 *Master Plan* recommended creation of a zone allowing office, research and development, and light industry. However, these new O/R/IP zones have not attracted any industrial or commercial development to Warwick either. A lack of water and sewer infrastructure and the presence of freshwater wetlands has contributed to the lack of development activity in the O/R/IP zones. The Town Board should re-examine the O/R/IP zones, including their continuing appropriateness for the uses allowed and their locations, and update the regulations governing such zone through changes in the Zoning Law and/or Zoning Map as necessary.

The *Comprehensive Plan* recognizes that future business and industrial expansion in Warwick will likely be in the service and retail areas. With improving and more readily available technology, the telecommunications and computer services industries may play a growing part of Warwick's development not requiring the infrastructure associated with industrial and manufacturing facilities.

To provide for economic growth but yet maintain the rural and agricultural quality of residential life important to the residents of Warwick, the *Comprehensive Plan* recommends that the Town consider setting up a joint municipal agency (a Development Corporation), together with one or more of the three villages, to study the communities' needs and recommend means to attract desirable commercial development. The Town and Village of New Paltz cooperatively formed a development corporation and it is actively pursuing attraction of development that is appropriate to both communities. A Generic Environmental Impact Statement was prepared,² based upon funding from the New York State Urban Development Corporation,³ for a specific area of the two communities. This GEIS has now allowed the two communities to attract the type of development that the Town and Village of New Paltz sought for that location.

The formation of a development corporation is beyond the scope of the *Comprehensive Plan*; however, the *Plan* understands the necessity of maintaining a "business friendly" environment in the Town and the impact that land use planning has on businesses. Cooperative undertakings between the Town and villages, such as occurred in New Paltz, could attract appropriate development to Warwick as well. A key determinant in the New Paltz undertaking was cooperation between the two communities. This included sharing of the Village's water and sewer infrastructure into the Town of New Paltz. By working together, Warwick and its villages could more cost effectively hire staff and support the creation of a new office charged with encouraging new commercial development in the Town and villages, while at the same time sharing infrastructure, which is a key locational determinant of non-residential development.

(C) CONTROLLING THE INTENSITY OF OFFICE AND INDUSTRIAL USE

The visual and physical impact of a development and the intensity of activity on a site depend upon both the use of the building and the paved parking areas. Most zoning regulations control just the size and location of the building allowing for minimum setbacks and road frontages. Additional limitations should restrict curb cut width and spacing, reduce the number of entrances onto major roads, as well as eliminate the possibility of continuous paved access. A minimum frontage requirement of up to 300 feet would also facilitate this effort as well as encourage internal road networks to develop.

The negative aesthetic and traffic impacts of office and light industrial structures can be reduced by design requirements related to architecture, parking, and access. Current planning theory supports reducing the minimum parking space formulas. Paved parking areas should be decentralized and placed as far from public view as possible. Approaches should be appealing to those arriving in ways other than in the automobile. Priority parking should be allocated to van pools, bicycles and public transit vehicles. Building development should be subject to building form guidelines or standards, such as those published by the New York Planning Federation.

Minimum parking lot setback requirements with landscaping should be provided to reduce the visual impacts from the road. This should apply to special permit uses on major roads. Landscaping considerations should also be given to existing commercial areas. With proper screening, the impact of industrial/office uses can be minimized.

(D) OTHER COMPATIBLE BUSINESSES

Other kinds of economic activity, which are compatible with public desires for a quiet residential community, include institutions of higher learning, enterprises related to the visual and performing arts, tourism, and home occupations which do not depend on daily high volume customer traffic and do not have other negative effects on the residential neighbors. The Town should utilize the assistance of the County's Office of Economic Development to attract these kinds of compatible businesses. Finally, the physical attractiveness of the local

area should be recognized as an economic resource supporting restaurants, recreational sites and tourism.

3.5 OPEN SPACE AND RECREATION

Community Goals

- Maintain and expand public access to Greenwood Lake and develop access to other water bodies including Cascade Lake and Wickham Lake
- Support preservation of open space especially in environmentally sensitive areas
- Develop a long range Recreation Plan for providing Town parkland at appropriate locations within the Town
- Prepare an Open Space Plan as an element of the Town's **Comprehensive Plan**
- Include the public in the setting of Town policies governing the full range of active and passive recreation including

The main recreation opportunity missing in the Town is public access to water. Considering the number of lakes within the boundaries of Warwick, there is relatively little public access. To rectify this situation, the 1987 *Master Plan* recommended that the remaining open parcel on Greenwood Lake be acquired by the Town for a public beach. Since 1990 the Town leased the property from the owners, Sterling Forest Corporation. This arrangement will continue now that the Palisades Interstate Park Commission has acquired most of the Corporation's land holdings in the Town. The site should also be provided with the addition of a launching site for car top boats.

The Greenwood Lake area relies on lake recreation for support of its economic base. To develop organized lake activities promoting tourism, lake access should be increased. Swimming clubs, sailing clubs, rowing clubs and the like should be permitted by special use permit in zoning districts that do not otherwise allow such uses.

The Town has approved of the acquisition of the Cascade Lake property in the central forested portion of the Town for parkland. This is an approximately 460 acre parcel at the end of Cascade Lake Road running south to the New Jersey border that contains a 5.5 acre

lake behind a dam on the Longhouse Creek. The Appalachian Trail, which formerly passed through the property, has been re-located and now borders it on the east and south. The property is ideal for use as Town parkland and it can be developed for many passive recreational opportunities, especially swimming and hiking. The *Comprehensive Plan* supports these types of park development.

Columbia Gas Transmission has proposed enlargement of its existing gas transmission main through the Town of Warwick. Called the Millennium Pipeline, this project was undergoing Federal Energy Regulatory Commission review at the time this *Plan* was under preparation. The potential opportunities available for passive recreation, such as hiking, bicycling, horseback riding, and cross country skiing, on the Pipeline right-of-way should be explored during the review process. These same type of opportunities should also be explored for other existing and future gas or electric transmission rights-of-way and for old railroad rights-of-way in the Town.

The Town of Warwick, while it does have a rural atmosphere, lacks sufficient active and passive recreational areas for its present and anticipated future residents. The *Comprehensive Plan* recommends an expansion of parks and recreation programs and greater coordination between the Town, the three villages, and three school districts in this area. With a growing population, special emphasis for new parks and recreation programs should be given to the Pine Island and Greenwood Lake sections of the Town. Upon final capping and remediation, the Penaluna landfill site may be an appropriate location for a future Town athletic park. However, to avoid piecemeal land acquisition, an overall long range open space/recreation plan should be developed as part of the Open Space Component to this *Comprehensive Plan*. In particular, lands of conservation and/or recreational value should be prioritized and targeted for protection. Such lands include obvious non-developable areas such as wetlands, floodplains, or steep slopes. Other conservation lands, such as mature forests, old field wildlife habitats, prime agricultural lands, locally important trees, viewsheds, and historic resources are also important to Warwick's rural character and their preservation should be assured through the recommendations discussed herein.

To coordinate the overall strategic planning for town park lands and recreational activities, the *Comprehensive Plan* recommends that the Recreation Commission be further empowered to monitor parkland development. The Recreation Commission should review expenditures from the capital parkland fund and park development to ensure that it is in keeping with the long range Recreation Plan discussed above. The Town should also explore new passive recreation opportunities to balance organized recreational activities. Parkland fees, collected to mitigate the impacts of new residential development on the Town's recreational facilities, should be expended only for use in existing and future Town parks.

3.6 TRANSPORTATION

Community Goals

- Reduce traffic congestion
- Promote public transit
- Encourage alternatives to the automobile such as walking, bicycling and commuter car/van pooling
- Improve coordination between various means of transportation

Transportation is a key factor concerning the Town's quality of life. Roads should serve not only to easily transport people but should make the experience enjoyable as well. Warwick is fortunate to have numerous scenic roads. However, the growing population and increased use of cars has also created problems including:

- Congestion in the Villages of Warwick, Greenwood Lake, and Florida,
- Overloading of a very limited arterial highway system,
- Loss of rural and scenic quality which is associated with the community

While some upgrading can be done on the existing winding lanes in order to increase sight distances, grades, drainage, etc., any attempt to turn these country lanes into through highways would

essentially destroy the character of much of Warwick, and in fact, this would be contrary to the expressed wishes of the residents and this *Comprehensive Plan*.

(A) TOWN-WIDE TRANSPORTATION/TRAFFIC STUDY

The 1987 *Master Plan* discussed the possibility of developing a hierarchy of new roads in the Town to facilitate automobile circulation and relieve pressure on the heavily traveled state and county roads. Over the years it has not been feasible to accomplish this due to the existing road networks and the pattern of past and present private development. And, in fact, this *Comprehensive Plan* views the construction of new through highways in Warwick with the necessary associated taking of land and open space as potentially destructive to the Town's rural character.

The *Comprehensive Plan* recommends that, in conjunction with the steps described below, the Town and the incorporated villages of Greenwood Lake, Florida, and Warwick cooperate in an inclusive town-wide traffic and transportation study using professional traffic engineers and planners to evaluate factors impacting traffic in the Town and to propose reasonable long term solutions which fit the Town's goal of maintaining and improving our quality of life and the Town's rural character. Also, the Town should develop and maintain an Official Town Map showing locations of all present, approved and proposed future roads, rights-of-way, and drainage facilities. Such a base map would be an aid to the Town Board, Planning Board, and the Zoning Board of Appeals during their review of applications to determine if proposed new

roads and drainage fit the existing network or are designed to provide for new connector roads.

(B) ROAD TRAFFIC

The increased volume of local and through traffic, both auto and commercial, in recent years has created considerable congestion on roads which were originally intended to move smaller quantities of vehicles primarily between local points. Redesigning these roads to handle higher volumes is neither advisable nor feasible; inadvisable because it would attract even more through traffic and negatively impact scenic aspects and the quiet rural character of the community, and not feasible due to the existing pattern of new growth and unavailability of suitable rights-of-way. Rather, priority should be given to utilizing the present road structure more efficiently by minimizing roadside "friction", and promoting alternative modes of travel. "Friction" on arterial roads can be minimized by limiting the number of driveways and side road entries, and by discouraging parking. Reduction in roadside friction however should not suggest a recommendation for increased automobile speed on the state and county roads. On the contrary, due to increased traffic and safety concerns especially in the eastern part of the Town from Route 94 east, the *Comprehensive Plan* supports current efforts by the Town to persuade the NY State Department of Transportation to reduce speed limits on several of these heavily traveled arterial roads. Alternatives to auto travel include non-motorized local travel (walking or bicycling), and public transit. Car pooling should also be encouraged.

To relieve existing and potential future traffic problems along major roads, the *Comprehensive Plan*, in agreement with the 1987 *Master Plan*, recommends that development fronting on these major roads should be avoided or discouraged through the zoning requirements, subdivision regulations and site plan controls including larger minimum frontages, minimum lot widths, and other factors. These requirements should encourage developers to create internal road networks and other alternatives.

(C) NEW ROADS

New roads should be located and designed to conform to the *Comprehensive Plan's* goal of preserving the rural appearance of the community. Wherever possible, construction elements usually associated with suburban subdivisions such as wide asphalt roads and concrete curbing should be avoided. Width should be no greater than necessary for safe movement of motor vehicles and should incorporate traffic calming techniques to encourage safe driving and pedestrian use. The road layout should avoid undue hardship to adjoining properties and should respect and preserve the topography, existing stone walls, flora and other natural features.

In the past, local policy and regulations have discouraged the establishment of new residential roads which are not to be dedicated to the Town or at least suitable for future public take-over. There is now an increasing recognition that permitting private roads in some subdivisions could have public benefits. Additional road maintenance by the Town would be

avoided and school districts would save school bus mileage. A further benefit would be a reduction of the number of separate driveways opening onto public roads when small subdivisions are being constructed.

Specifications for private roads should assure that the road maintenance burdens on the homeowners are not excessively costly and are appropriately shared by the drafting of legally-binding and recorded documents. But these private road specifications should permit less expensive construction, offering more options on road surface materials and road-edges, while retaining high standards for the underlying foundation of the road bed.

Living on a private road has the added appeal to some people of a quality of life which allows the residents to control the use of their road. New home purchasers must be informed through recorded road maintenance agreements that in choosing to reside on a private road they will have to assume the burden of road maintenance including the costs of any aid or assistance rendered by the Town.

(D) A PEDESTRIAN AND BICYCLE-FRIENDLY COMMUNITY

The Town Board and Planning Board should consider the potential for pedestrian and bicycle movement when authorizing road building projects, and when specific destination points are involved, such as connecting schools and parks with residential areas. Traffic-calming design elements (such as those outlined in Appendix D) on residential roads can create a friendlier environment for pedestrians and bicyclists alike. While the *Comprehensive Plan* is not advocating the construction of wider shoulders on existing Town roads, a pedestrian and bicycle friendly community should have wide paved shoulders on arterial routes, well demarcated pedestrian crosswalks at major intersections, and signage announcing that bicycles share a roadway. Wider shoulders should be planned when road rebuilding, reconstruction, or new construction is proposed. The NYS Vehicle and Traffic Law specifically describes the rights and responsibilities of bicyclists and pedestrians on public highways. The State Department of Transportation has issued design standards which prescribe a four-foot wide paved shoulder on newly constructed or reconstructed State routes. Addition of non-motorist amenities makes the roads safer for all users and may reduce liability exposure for local government following an accident.

The Town should take advantage of the financial opportunities afforded to pedestrians and bicyclists by the Transportation Equity Act for the 21st Century (TEA-21). TEA-21, as did its predecessor Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) emphasizes the need to incorporate all types of transportation into the planning and programming processes of government. When the DOT or the Orange County Department of Public Works propose rebuilding or new construction projects, the Town should work with these agencies to ensure the development of wider shoulders. When this addition is included in reconstruction/modification projects, the total project cost is not raised significantly.

(E) SCENIC ROAD CORRIDORS

The Town of Warwick boasts many miles of unusually attractive roadways. To preserve their visual quality, scenic corridors should be designated to require increased setbacks and natural screening around new developments. This buffer space would not only help preserve the road's visual quality but would allow added space for walkways and non-motorized traffic. Specific portions of roads with particularly valuable visual elements and/or historic sites, should receive protection by formal designation. The scenic roads would include the most attractive portions of Route 94, Route 17A, Pulaski Highway, County Road 1 including 1A and 1B, and others as shown on Figure 10. Also included as scenic roads should be the Village entrances or Gateways as discussed in Section 3.3 (D). An Open Space Component to the *Comprehensive Plan* should be developed which includes a section detailing appropriate policies for assuring the preservation of scenic roads.

(F) PUBLIC TRANSIT

Local public transit links, responsive to specific needs, could serve points within the Town and also connect with transit links to destination points in nearby localities. Subdivision regulations should offer incentives for inclusion of a transit station wherever residential density warrants and developers should be encouraged to create an environment which supports safe walking, bicycle use and other alternatives to auto travel.

(G) RAILROAD GRADE SEPARATIONS

The rail line through Warwick has experienced heavier freight traffic and there is presently no grade-separated crossings in the Town. The movement of emergency vehicles is jeopardized and severe backups of vehicle traffic are inevitable each time a freight train passes through Town, currently at least five times a day.

A grade separated crossing on Sanfordville Road is scheduled for completion in 1999. However, this is far from the usual emergency vehicle routes. Installation of traffic calming elements along its approaches hopefully will minimize the quantity of additional though traffic attracted to this residential and agricultural neighborhood, an area which is highly regarded for its rural character.

Design and construction of a grade separation within the Village of Warwick would facilitate emergency vehicle response to the hospital, from the firehouses and the ambulance garage. Cooperative planning efforts between the incorporated villages and the Town on traffic management will benefit both Town and Village residents.

3.7 PUBLIC FACILITIES

Community Goals

- Improve Town services and reduce the tax burden on citizens
- Allow infrastructure development in areas targeted for growth while respecting overall density in the Town
- Support the consolidation of appropriate Town and Village services
- Consider the Comprehensive Plan in the design of capital construction projects of the Town of Warwick

(A) TOWN GOVERNMENT

The *Comprehensive Plan* supports the continued consolidation of Town and Village services, where appropriate, to improve service, maximize the utilization of infrastructure, ease public confusion over jurisdictional boundaries, and reduce the tax burden on residents. This has been demonstrated with the consolidation of the police services between the Town and Village of Warwick. The Village and Town Departments of Public Works also share equipment from time to time. Other consolidations should be actively explored.

To attain the *Comprehensive Plan's* goals of maintaining the rural and agricultural atmosphere and character of the Town, all capital activities sponsored or funded by the Town could be submitted to the Planning Board or other appropriate Town agency for design and planning review as are private construction projects. This would ensure that the Town's public works projects consider the goals of the *Plan*.

To provide locations for future public services, the Planning Board should be given greater authority to encourage, where need is demonstrated, land-set-asides in large acreage subdivisions for the future location of facilities such as schools and fire houses. Advice and agreement as to the need and location for public facilities should first be obtained from the appropriate School Board, Fire District or other service provider. Since development exactions are generally limited to recreational land by New York State Town Law, the use of this tool for mitigation of impact in the SEQR review of projects should be explored by the Planning Board.

(B) WATER AND SEWER SERVICE

The Town of Warwick currently has limited centralized water and sewer systems. The large size of the Town, the spread out nature of development, and the expressed desire of residents to maintain low densities, mean that a centralized system throughout the Town is not practical. No new systems are currently planned or anticipated. However, within the limits of the New York and Orange County Public Health Regulations, joint and innovative systems

should be encouraged especially where they would allow the use of conservation planning techniques. However, the proliferation of small package sewer plants is not encouraged nor advisable.

The majority of Town residents, especially those outside the incorporated villages, will continue to rely on well water. All future developments should pay careful attention to the location of aquifer recharge areas and surface waters as shown on the most recent mapping of the Orange County Water Authority. See Section 3.8 (A) for additional details on water quality issues.

(C) EDUCATION

The Town of Warwick is part of four separate school districts, with the majority of the land area and population in the Warwick Valley Central School District, which was recently proposed and received voter approval to buy land and construct a new school building. School districts do not fall under the jurisdiction of the Town nor do the district boundaries coincide with the Town boundaries and the *Comprehensive Plan* cannot reasonably suggest the need for, nor the location of, new schools. However, the *Comprehensive Plan* recognizes the large role that zoning and planning play in determining population densities, commercial activities, and, by extension, real estate tax rates. Therefore, it is important to be sensitive to the future needs of these school districts. The location of educational facilities can also have a significant impact on Town infrastructure and other land uses nearby. The school districts should be encouraged to consider the wider effects of their development plans when locating facilities.

In general, the *Comprehensive Plan* supports the overall community goal of concentrating future residential development near villages and hamlets. The Zoning should also favor those locations for new educational facilities. The present five acre minimum for educational facilities should be evaluated with this goal in mind.

As mentioned in Section 3.2(H) to continue to support our important farming industry, the *Comprehensive Plan* recommends the continuation of the Agricultural Education Program in Warwick Valley Central School District and its expansion into the other districts in Warwick.

(D) HEALTH AND SAFETY

The *Comprehensive Plan* strongly supports continued quality law enforcement, fire protection and emergency services in the Town. Fire protection needs, which are provided for by volunteers in four separate fire districts, should be reviewed in the next few years to determine if the system is providing adequate protection. The possibility of a new fire house in the central Warwick area should be identified in cooperation with the Fire Department. A full time fire inspector within the Town's building department should be considered as growth continues.

(E) COMMUNICATION FACILITIES

In 1996, federal legislation limited the ability of local governments to restrict the establishment of wireless communication facilities, such as transmission towers by cellular phone companies and personal communications systems (PCS). Neighboring towns are already considering local laws on the subject and it is very important that Warwick move swiftly to establish standards, guidelines and procedures for these facilities. In the first four months of 1998 alone, two new applications for wireless facilities have been received by the Planning Board.

While wireless communication facilities cannot be prohibited, they can be controlled in a number of respects including their design and siting. Adverse visual effects can be minimized and overbuilding can be prevented. The Town should consider a study of appropriate locations for siting towers to minimize visual impacts while also providing adequate coverage for the multitude of wireless carriers. The Town could also require the use of existing towers, church steeples, water towers, and camouflaged (stealth) towers where feasible.

3.8 ENVIRONMENTAL PROTECTION

Community Goals

- Protect the natural scenic quality of the Town and environmentally sensitive areas
- Ensure that groundwater quality meets Safe Drinking Water Act quality standards and that an adequate amount of water will be available to provide for future needs
- Protect surface and ground waters from point and non-point source pollution
- Protect habitats for the diversity of existing flora and fauna in Warwick
- Protect wetlands as important environmental resources

Environment is a term which encompasses both natural and man-made elements. Protection of the natural environment involves efforts to maintain proper water quality standards, and to avoid degradation and depletion of the Town's other natural resources. Objectives include the protection and preservation of wetlands, of ground water and surface water systems, of vegetation and wildlife habitats, the prevention of erosion and flooding, the preservation of agriculture and of the scenic and rural character of open spaces, and the architectural and historic character of buildings and places. Methods to achieve these objectives have been discussed in other parts of the *Plan*, and are implicit in all of the *Plan's* recommendations.

(A) WATER QUALITY

Care has been taken in the 1987 *Master Plan* and the current *Comprehensive Plan* to locate commercial/industrial land uses and denser residential zones in areas that are less sensitive to ground water

pollution. Figure 8 indicates the locations of important aquifer recharge areas. These are located in zoning districts with low densities but which would allow higher densities under specific circumstances (e.g., clustering). During site plan review, the location of these aquifer recharge areas should be considered so that they are not adversely covered with buildings and other impervious surfaces. The use of the overlay zoning technique, discussed above in Section 3.3A(3) should be explored by the Town for protection of aquifers. Farmers should also be encouraged to use "Best Management Practices" and "Integrated Pest Management". The Town should also consider the enactment of a Town-wide erosion control regulation.

Water resources should be one of the primary items to be addressed in each scheduled review of the *Comprehensive Plan*. This review should examine the well data that the Planning Board and Town engineer are collecting with the intent to monitor water resources so that appropriate measures can be taken if it appears that the existing aquifers may be declining.

The provision of adequate and appropriate sewage treatment facilities that do not harm ground water is essential in Warwick's sensitive environment. Regulatory and enforcement agencies such as the Orange County Department of Health and the New York State Department of Environmental Conservation are involved in efforts to abate and control pollutant discharges through regulations for large developments or for uses requiring environmental impact statements.

The practice of subdividing large acreages into large lots with the possible intent to again subdivide these lots into smaller parcels, in order to avoid review under the Health Department regulations, should be prohibited. Future zoning revisions should consider techniques such as minimum time limitations between subdivisions of the same property. The *Comprehensive Plan* suggests that a five year period might be appropriate.

(B) SENSITIVE ENVIRONMENTS

Steep slopes, wetlands and water bodies are environmentally sensitive areas that should be protected. Cluster development should be mandated on properties that include these sensitive areas. For wetlands, those areas that have been mapped by the Town of Warwick Conservation Board should be considered as well as the DEC designated wetlands and Federal jurisdictional wetlands.

(C) VEGETATION

Vegetation retards water runoff, thus helping to preserve the water table and to prevent flooding. It stabilizes the slopes and prevents soil erosion and excessive siltation of the stream beds. It also reduces air and noise pollution and offers a beautiful scenic resource that is so important to Warwick. Future development should be carefully planned and controlled to avoid the destruction of this valuable natural resource. Environmental methods in the current subdivision regulations should be reinforced and their effectuation made a top priority during construction.

(D) VISUAL QUALITY

The visual and aesthetic quality of man-made structures is a matter of concern to Warwick residents. The appearance of commercial and residential development in large part determines the perceptual quality of the Town and should reflect the quality of life desired by its residents.

Simple steps which can improve new business development include:

- Underground burial of all utility lines,
- Generous landscaping along roads and in off-street parking areas;
- Improved design and control of signage and signage lighting,

- Coordination of site layout and design in designated commercial or office/research/light industrial zones;
- Use of design guidelines, such as those published by the New York Planning Federation;
- Placement of parking at the rear and sides of buildings.

Existing residential, commercial, and industrial development might be encouraged to improve road frontages to reinforce the Town's rural image. For example, landscaping in the commercial zone, like Route 94 and Merchants Square on Kings Highway, could greatly enhance a very visible part of Warwick.

(E) HISTORIC PRESERVATION

Historic structures greatly contribute to the visual appearance and quality of life in Warwick. The *Comprehensive Plan* recommends that the New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) inventory of historic properties and areas throughout the Town be verified and supplemented, if necessary. The OPRHP has completed a database on all identified cultural resources in the Town. A listing of the identified resources can be found in Appendix B. On the basis of this inventory, preservation tools could be implemented through zoning revisions. Allowing a wider range of uses might help preserve the structures. This might include:

- Multi-family housing within an historic structure,
- A bed and breakfast or a tourist guest house operation that would encourage protection of the structure as well as help the tourist industry.

(F) CRITICAL ENVIRONMENTAL AREAS

The State Environmental Quality Review Act (SEQR) provides a means to identify and assess unique or exceptional natural or cultural resources in a community through the designation of Critical Environmental Areas (CEA). Any agency that regularly reviews and approves development projects, such as the Planning Board, can designate a CEA after a public hearing. Once designated, all SEQR reviews must include an assessment of the CEA and ensure that the development project does not create an environmental impact that would harm or destroy the exceptional or unique resource. The Town should identify areas that meet the criteria for CEA designation and work to ensure that such designations are accomplished.

3.9 POTENTIALLY OBJECTIONABLE LAND USES

At the time this *Plan* was prepared, Warwick did not have any land uses that could be classified as “adult uses”. Examples of adult businesses include adult bookstores, adult video and/or novelty stores, topless/bottomless bars, adult hotels and motels, adult movie theaters, escort agencies, massage parlors, peep shows, and the like.

The concerns with adult uses are the secondary effects that these businesses could have on the residents of the Town and the character of Warwick’s neighborhoods, often referred to as “secondary impacts”. Numerous studies, conducted by a wide variety of municipal planning departments across the nation, have found a direct relationship between the presence of adult uses in a neighborhood and secondary adverse effects such as increased crime rates and depreciated property values. Local governments have used land use controls, based on the planning studies, to regulate the locations of adult uses in order to minimize secondary adverse effects and the courts have sanctioned the use of land use regulations that are directed at those secondary impacts.

Adult uses are appearing with increasing frequency in Hudson Valley communities, and the Town should consider the land use issues associated with adult uses before it is faced with an actual proposal. At present, adult uses could “fit” into a variety of special uses in the Town’s residential and commercial zoning districts without any restriction. However, local governments may set specific minimum distances between locations of adult uses (to prevent the concentration of adult uses in any one neighborhood) and between adult uses and land uses that are particularly sensitive to their secondary impacts, such as residential developments and places where children congregate like schools, parks, churches, and playgrounds. The U.S. Supreme Court has affirmed the authority of local government to restrict the locations of adult uses based upon their known secondary adverse impacts.

6/2/99

¹ A successful program in the Town of Pittsford, Monroe County NY could become the basis for Warwick’s program. In Pittsford, the program began with a recommendation in their 1995 *Comprehensive Plan Update* to protect up to 2,400 acres of land for agriculture and open space uses (primarily ecologically important lands) through a combination of different approaches. This included a voluntary conservation easement program, sliding-scale incentive zoning (where small-scale developments are permitted a higher density than larger projects), a voluntary transfer of development rights program, and a purchase of development rights program. Of particular interest for agriculture in Warwick is their PDR program. Pittsford’s *Comprehensive Plan* identified approximately 1,200 acres of important agricultural lands in the Town and then studied what the tax consequences of purchasing the development rights on those lands would be if funded through the issuance of bonds. The Town of Pittsford concluded, through a Fiscal Impact Analysis, that over the twenty year repayment of the bonds, each homeowner in the Town could save approximately \$5,000 in decreased property taxes when compared with the costs of servicing new development (on those 1,200 acres) that would have occurred without the PDR Plan. This was calculated to provide a net savings of \$5 to \$7 million town-wide. Pittsford’s PDR funding program was approved by the voters in the Town and it is currently being implemented.

² The Generic EIS analyzed the desirability of the Putt Corners Road corridor (adjacent to the New York State Thruway) for commercial and industrial development, disclosed the environmental impacts and required mitigation for such development, and established performance criteria for future development in the corridor to facilitate appropriate development.

³ The Regional Economic Development Partnership Program (REDPP) is a state program designed to foster economic growth and development opportunities at the regional level. Under this program, Economic Development Assistance Grants (EDAG) are available to communities to help finance economic development projects that will benefit the region. The New York State Urban Development Corporation (UDC) works with the New York State Department of Economic Development (DED) and the Mid-Hudson Regional Economic Development Council in selecting grant recipients for the Mid-Hudson Region.

Implementation

4.1 STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

The first step that the Town must take toward implementing the *Comprehensive Plan* is to comply with the requirements of the New York State Environmental Quality Review Act (SEQR). This State law requires that government agencies identify the environmental effects of their actions, including adoption of community comprehensive plans. This action, which is under the sole jurisdiction of the Town Board, is classified as a Type 1 Action. The SEQR regulations require that the Town Board, as lead agency, identify any potential areas of environmental concern related to the action, thoroughly analyze the identified areas of environmental concern to determine whether an Environmental Impact Statement will be prepared, and then to set forth its determination of significance or non-significance in a written form.

4.2 ADOPTING THE PLAN

The next step in putting the *Comprehensive Plan* to work is for the Town Board to adopt it as its recommendations for the future growth and improvement of the Town. Once adopted, there are many strategies that the Town and citizens can use to implement the *Comprehensive Plan*. Many of these are already in use within the Town and County. These and other techniques are described below.

Prior to adopting the *Plan* and after conducting its SEQR environmental review, the Town Board should follow the requirements of § 272-a of New York State Town Law. This enabling act requires that the *Plan* be referred to the Orange County Planning Department under § 239-m of the General Municipal Law for their comment and that a public hearing be held by the Town Board. Historically, Warwick's Planning Board had been responsible for preparation and review of the previous *Master Plan*. While not required by New York State Town Law or the Town's Code, the Comprehensive Plan Board recommends that the *Plan* be referred to the Planning Board for their comments prior to adoption.

CITIZEN PARTICIPATION

A community's implementation of its plans for its future rest largely in the hands of the local government. The local government in turn, can enlist the participation of private citizens to supplement the work of elected and appointed town officials. Organized groups of individuals participate in Warwick in the form of several bodies which have invested in them specific powers by State statute. Other bodies are endowed only with the particular mission created for them by the Town Board.

A. STATUTORY BODIES

The Assessment Board of Review, the Planning Board, and the zoning Board of Appeals, have statutory authority. The citizens named to these bodies by the Town Board conduct their business according to prescribed procedures, and must perform as required by State law.

B. ADVISORY GROUPS

The Town Board has from time to time created official bodies which focus on particular areas of concern and perform the duties specified by local governmental resolution. The Town of Warwick currently has constituted: an Agricultural Advisory Board, Architectural Review Board, Conservation Board, Recreation Commission, Recycling Committee, and Shade Tree Commission. All of these bodies have made valuable contributions to the local community.

4.3 MAINTAINING THE PLAN

Frequent review of the *Plan*, to make sure that it meets any new conditions arising subsequent to its adoption, is one of the most important elements of the planning process. The *Plan* must reflect current Town planning goals and policies if it is to be respected and regularly used. A reexamination of the plan should continue to be undertaken at least once every three years (as it has since the Town's adoption of its 1987 *Master Plan*) Future amendments to the *Plan* can be accomplished by means of meeting minutes, resolutions, studies, reports, and other descriptive materials that may be adopted as part of the *Comprehensive Plan* or through a comprehensive revision process, such as occurred for the preparation of this 1998 *Comprehensive Plan*.

4.4 ZONING/TOWN REGULATIONS

Zoning controls the way in which land is used. While such controls cannot require that land be developed for uses proposed in the *Plan*, they can prevent land from being developed contrary to the *Plan*.

Following adoption of the *Comprehensive Plan*, a revision of the Zoning Regulations should be considered in order to ensure that its provisions remain in accordance with the Town's development policies, as established in the *Plan*. Zoning regulations serve as a major instrument in carrying out the recommendations of the *Plan*, and the *Plan* acts as a firm foundation on which to base specific provisions of the Regulations. New York State Town Law also requires that all land use controls must be adopted in accordance with a comprehensive plan.

Zoning can be expected to change, as it has in the past, to meet changing objectives of the Town and its residents. Such changes should be made in accordance with the Town *Plan*. Special zoning and regulatory controls are often used to accomplish public purposes. They might be formulated to promote design zoning, protection of sensitive environmental areas, preservation of historic structures, appropriate conversion to accessory apartments, etc. These possibilities are discussed in further detail below.

Strict enforcement of zoning regulations is needed to ensure realization of the Town's goals. Ways also need to be found to increase the effectiveness of the Building Department's enforcement efforts, such as by adding an enforcement officer and instituting tight follow-up monitoring. Performance bonding is a tool that can be used to ensure that proposed site plan improvements, etc. are indeed carried out.

(A) ZONING AND OTHER LAND USE CONTROLS

ZONING REGULATIONS

This *Comprehensive Plan* has recommended consideration of a number of revisions to the Town of Warwick Zoning Law. To ensure consistency and comprehensiveness, it is recommended that any amendments be devised, considered, studied under SEQOR, and enacted into law at the same time.

SUBDIVISION REGULATIONS

While zoning regulates the use of land, subdivision regulations guide the layout and design of new roads and help to ensure that all improvements required within subdivisions are properly accomplished. Each subdivision, whether residential or commercial, should be designed so that it will fit into the planned overall pattern of roads, pedestrian, bicycle and other related facilities. The Town Subdivision Regulations have not been updated in 10 years. During that time, there have been a number of amendments to New York State Town Law affecting subdivision review procedures and substantive matters. To ensure that the subdivision

regulations are compatible with the goals and objectives of this *Plan* as well as New York State enabling laws, it is recommended that the Planning Board and Town Board consider amendments to the Subdivision Regulations as soon as possible.

CLUSTER SUBDIVISION

In cluster subdivisions, the number of building lots permitted cannot exceed the number that would have occurred in a conventional subdivision under current zoning on the site. Those areas which are of greatest environmental, scenic or recreational value can be permanently preserved. Reserved land can also be used to form an open space buffer around the subdivision. The potential exists, through the use of cluster subdivisions, to preserve significant amounts of open land proportionate to how tightly the dwellings are clustered. This *Plan* recommends specific changes to the Town's cluster subdivision regulations. Such changes can help ensure that Warwick's scenic and open space lands are conserved for future generations.

(B) AFFORDABLE HOUSING

This *Plan* discusses the use of PUD's, accessory apartments, mixed uses, incentive zoning, floating zones, and SEQR as potentially appropriate to gain an increase in affordable housing in the Town. Density incentives can be used as a tool to encourage affordable housing. The Town's PUD Regulations and other techniques, as appropriate, should be carefully developed to assure that the use will be as intended. Prices or rental agreements should be controlled based on national criteria or standards for lower to middle income families. The developer should be required to provide proof to the satisfaction of the Planning Board attorney that the sale of the lower-middle income housing is in fact a real sale and not a sham to circumvent this provision by re-sale. In addition, proof guaranteeing that long term leases or assurance that rents on the rental units will maintain their position in regard to lower-middle income statistics for a period of ten (10) years should be provided.

While it is acknowledged that the prices of the lower-middle income homes provided under these density credits will increase rapidly as the homes are re-sold, it is anticipated that homeowners will take the opportunity to use the home as a starter home or maintain the home as their primary residence for a reasonable period of time. This will assure that as sale prices are increasing, there is a continuing stock of new lower-middle income housing coming on the market to take the place of the older units as their values increase. The same holds true for the rental units after the ten (10) year period at which time the rents would go to current market rates or the units might be sold.

(C) NATURAL RESOURCE PROTECTION REGULATIONS

Land use controls, dealing with natural resource protection, are now firmly established in the State enabling acts and use of such measures by local government have been increasingly upheld by the courts. These controls include:

WETLANDS, LAKES, AND STREAM BUFFER AREA PROTECTION:

Special application procedures can be required whenever a development proposal involves construction adjacent to a water body. Buffer areas can be utilized as a means of keeping development away from areas such as a wetland, lake, pond, or stream and out of flood prone areas and as a means of protecting water quality, recreational access, and scenic beauty.

AQUIFER PROTECTION:

Densities and land uses in aquifer recharge areas should be regulated to permit maximum recharge and also to protect water quality. The use of the overlay zoning technique and Critical Environmental Area designation are recommended.

DRAINAGE CONTROLS:

"Zero Runoff" is a relatively recent concept in drainage control which requires that the rate of water runoff from any land tract should be the same or less after the completion of development as it was before construction began. The use of this technique is presently limited to areas that directly affect the black dirt. This should be expanded to other areas of the Town together with appropriate enforcement mechanisms.

STEEP SLOPE PROTECTION:

Means for controlling development in steep slope areas could involve complete prohibition or, alternatively, a program of regulation wherein the degree of development permitted is related to the amount of slope involved, construction techniques, soils data and vegetation cover and runoff.

EROSION AND SEDIMENTATION CONTROLS:

Approval of erosion control plans by the Town Planning Board or Building Inspector should continue before building permits are issued. Erosion control plans are currently submitted by potential developers along with their applications for subdivision or site plan approval. Ideally, the Town should encourage designs which will avoid potential difficulties and preserve natural drainage to the greatest extent possible rather than devising expensive engineering solutions. These controls are particularly important in areas like Greenwood Lake and Wickham Lake where eutrophication is threatening the water quality.

Controls over the mining of native topsoil should also be put into place. Topsoil can take hundreds of years to develop. Once lost, the productive capacity of land is removed. The Town should consider controls on topsoil removal.

(D) EXISTING NON-CONFORMING USES

As the zoning revision process moves forward, some existing uses may become non-conforming. Special studies should be made of these uses and areas with the intent of preserving such uses, and where desirable and with appropriate protection to surrounding areas, allowing such uses to expand. The reasonable use and reuse of these facilities should be the prime consideration for any rezoning.

(E) ENVIRONMENTAL IMPACT STATEMENTS

The State Environmental Quality Review (SEQR) process requires the preparation of Environmental Assessment Forms (EAF) at a minimum before approving any land use development project. The Town may require a full Environmental Impact Statement (EIS) to be completed where a development has the potential to cause one or more environmental impacts. The SEQR review process can be exceedingly helpful in identifying and resolving the environmental and planning issues which affect the proper development of a major or environmentally sensitive site.

4.5 OFFICIAL TOWN MAP

The Official Town Map is a foundation for the Town to base decisions and policies upon; such as reserving rights-of-way in subdivisions, providing appropriate locations for parks, drainage facilities, or providing new roads. Once adopted by the Town Board, an applicant for a subdivision or other development cannot develop within such proposed areas without giving the Town the opportunity to develop the land as indicated on the Official Map. The Town Board may also require developers to locate roads or provide rights-of-way for future roads that connect to adjacent parcels.

4.6 CAPITAL IMPROVEMENTS PROGRAM/LAND TRANSACTIONS

The ways and the places in which Warwick spends money for public improvements — parks, recreational facilities, open space, schools, roads, municipal buildings, etc. — and the standards to which they are built have a major effect upon the development of the Town. The Town may undertake what is known as a public or capital improvement program. This is a systematic scheduling and projecting of various public works and land acquisitions that will be needed over a period of years as the Town grows and develops. Six years is a common projection period in use by many municipalities. Projects scheduled for the first year should be incorporated into the Town's proposed budget for the next fiscal year. Each year the

program would be restudied and revised in light of the changes in priorities, which may be needed due to changing conditions, and extended another year into the future.

Such a program would provide a continuously updated picture of estimated future improvement needs and costs facing the Town. It could also help to give greater stability to the tax rate by spreading improvement costs systematically over a period of years.

Although the Town has no direct control over the various school districts, the County, or the State, cooperation by these units of government should be requested and encouraged. This will benefit these agencies, as well as the Town. It is also now required that such units of government consider the policies and recommendations made in this *Comprehensive Plan* in all their capital projects.

Acquisition is one category of a Capital Improvements Program. The following delineates ways that this might occur.

(A) DIRECT ACQUISITION

Direct acquisition is the simplest and most effective method of obtaining open space. It is also the most expensive. However, the *Comprehensive Plan* supports the Cascade Lake purchase for a new Town Park.

(B) FIRST REFUSAL OPTIONS

A first refusal option is the right to purchase a property before it is released for public sale, in the event that a decision is made to sell it. An approach such as this would be of great value in gaining some control over the disposition of lake front lands and other properties now held for private recreational purposes. If the Town were ultimately to benefit from this approach, it would need to begin securing such options now, either as gifts or as purchases.

(C) EASEMENTS

An easement is a right in property that is less than full ownership. In conveying a conservation easement to the Town, the owner of property gives up the right to use and enjoy the property in any way that is not consistent with its natural or historic character in perpetuity. The owner continues to pay taxes on the land but the real estate taxes could be adjusted downward to reflect any reduction in the development value of property. Easements are particularly appropriate for preserving open space, agricultural lands, historic buildings, stream corridors, wetlands, steep slopes, and other sensitive environmental features while permitting them to remain in private ownership.

If property owners establish easements and covenants on their property, as described above, assessors can take such agreements into account when establishing the tax rate on this property. Fair market value is the basis of property assessment and easements or covenants

on a parcel of land or building usually reduce market value and, thereby, total assessment. For historic structures, reducing assessed valuation can be made conditional on undertaking restoration or other improvements.

4.7 RECREATION/OPEN SPACE FEES

Residential developments are required to provide recreation areas (10% of the land cover) or fees contributed to a general park fund. The fees currently charged by the Town of Warwick are low. These should be adjusted upward to reflect the actual costs of providing recreational land and services to new development in the Town. A fee of \$5,000 per unit has been upheld by the courts elsewhere in the Hudson Valley. Before the Town can adjust its recreational fees, however, it must first evaluate present and anticipated future needs for park and recreational facilities in the Town, based on projected population growth.

The Planning Board has suggested that the fee might be linked to the land value, i.e. 10% of the value of the portion of the land to be developed or an equivalent acreage equal to 10% of the equivalent value of the developed land in the subdivision. This value would be determined by the tax assessor. This procedure could presumably result in two acres of developable land being equaled to ten acres or more of wet land or mountain terrain of equal value. This technique has been utilized successfully in other communities and may be appropriate for Warwick.

Recreation fees could be used to provide opportunities beyond those in the Town Park. As noted in the *Comprehensive Plan*, opportunities for open space preservation and recreation access should be included as well. This requires that an overall long term recreation plan be developed to help define desirable acquisitions and easements as well as set priorities.

4.8 REAL ESTATE TAX INDUCEMENTS

In communities such as Warwick, the pressures of rapid growth and the steady demand for more and improved services have combined with inflation to keep the level of property taxes continually rising. Owners of large land holdings frequently find that these increasing costs become prohibitive, and are forced to sell their land for development purposes sooner than they might otherwise have. Farms, with their large expanse of land are usually ideal for development, are particularly susceptible to these pressures, as are large, historic buildings. Means of reducing burdensome real estate taxes are described below;

(A) AGRICULTURAL DISTRICTS

Under the New York State enabling legislation, Orange County farmers can, as a group, petition the County legislature to form an Agricultural District. Over 30,000 acres in Warwick are currently part of Agricultural Districts. The primary benefits of an Agricultural District designation include an agricultural value assessment for a net real estate tax break, stipulations that agricultural uses cannot be restricted, and an agreement that agricultural uses cannot be required to pay for development of utility services. Minimum requirements must be met to qualify. In addition, if the land is sold for another use, the owner must pay a rollback tax.

(B) HISTORIC DISTRICTS OR PROPERTIES

The Tax Act of 1986 provides incentives for the rehabilitation and restoration of old or historic buildings. These include a 20 percent investment tax credit for the rehabilitation of historic commercial, industrial or income producing residential buildings and a 10% allowance for nonresidential buildings in service before 1936. These credits are not available to the normal homeowner who may rehabilitate his own home.

To qualify for the historic tax credit, properties must be listed on the National Register for Historic Places or be a contributing element in a Historic District. There are currently no properties on the Register in the unincorporated Town of Warwick. However, several are considered to be eligible. It is recommended that a survey of historic structures be undertaken as a follow-up to the *Comprehensive Plan*.

The Town also has the right to create local historic districts or recognize historic properties. Local incentives, land use allowances, etc. may be implemented to help preserve these unique features.

4.9 PRIVATE DEVELOPMENT AND PHILANTHROPY

The great bulk of development in Warwick has been and will continue to be carried out by private individuals and organizations. Therefore, it is private action that is the most important element in developing the community, guided and regulated by the Town as described above.

Neither the *Comprehensive Plan*, zoning or subdivision regulations, nor the Town agencies which administer these regulations, can force any private individual or agency to develop a particular piece of land for a particular use. But where there is a good *Comprehensive Plan*, and it is followed on a continuing basis, private enterprises have a more reliable foundation upon which to plan and build. This encourages good development, as well as helps to accomplish some of the specific recommendations of the *Comprehensive Plan*.

The active solicitation of donations of conservation easements to a municipality's private trust is an increasingly successful open space and landmark preservation implementation device. For many landowners, such donations can be the source of a significant tax benefit. Current federal income tax regulations permit the write-off of up to the full market value of the donation or easement. However, any such regulations devised will have to be reviewed in terms of the changing tax laws. Also, many property owners have come to love and appreciate the open space or historic quality of their property. Donation can guarantee that their property will be preserved as they desire.

Private organizations such as the Orange County Land Trust, Trust for Public Land, Open Space Institute, The Nature Conservancy, and the Audubon Society have played an active role in open space and landmark preservation by seeking land or easement donations or, alternatively, by purchasing properties. Several local examples include the Open Space Institute, Trust for Public Land, and The Nature Conservancy working together to preserve Sterling Forest, the Audubon Society working with the developer of the Stony Creek Subdivision, and the Trust for Public Land's involvement in the Cascade Lake property acquisition.

4.10 TOWN-VILLAGE COOPERATION

The Town Board was prudent when it requested a representative from each of Warwick's three Villages to sit on the Town's Comprehensive Plan Board. That recognition of the close interrelationship between the life of the Town and the life of its incorporated localities, must continue during the implementation of this *Comprehensive Plan*. Every available mechanism should be used to maximize the coordination among local governments with regard to land use planning, transportation infrastructure, economic development, provision of recreational facilities, expansion of water and sewer systems, purchase of goods and services, sharing of governmental equipment and facilities, regulation of utility, communication and power franchises, solid waste disposal, and all other aspects of community life with which local governments participate materially. Several mechanisms already exist and they include the Governmental Efficiency Committee, the Traffic Committee of the Village of Warwick, and the on-going working relationship between Commissioners of Public Works.

4.11 SUMMARY

The *Comprehensive Plan* in itself does not change the zoning or other land use control regulations of the Town nor assure implementation of the proposals which it recommends. A community is developed over the years by hundreds of individual and group decisions —

decisions by private citizens to build houses, by corporations to locate in the Town, by Town officials to create new public facilities and so on. The ultimate accomplishment of the *Comprehensive Plan*, as modified from time to time, requires the cooperative action of many people and agencies. All interests, whether public or private, have a stake in an attractive, orderly, and environmentally sound community. The *Comprehensive Plan* is designed to be a guide for achieving this shared goal.

6/2/99