

# SEQR EAF PART 3

## EVALUATION OF THE IMPORTANCE OF IMPACTS TOWN OF WARWICK COMMUNITY PRESERVATION FUND AUGUST 14, 2006

There are three proposed actions related to the establishment of the *Community Preservation Fund* which includes adoption of the *Town of Warwick Community Preservation Project Plan* and the imposition of a three-quarters of one percent (0.75 %) tax on real estate transfers pursuant to Section 64-g of the New York State Town Law and Article 31-F of the New York State Tax Law. Section 64-g of New York Town Law describes the required components the Town must undertake in order to establish the *Community Preservation Fund*. This includes the creation and adoption of a *Community Preservation Project Plan*, which identifies every parcel that is necessary to preserve community character. Community character is defined as the (a) establishment of parks, nature preserves, or recreation areas; (b) preservation of open space, including agricultural lands; (c) preservation of lands of exceptional scenic value; (d) preservation of aquifer recharge areas; (e) preservation of undeveloped beachlands or shoreline; (f) establishment of wildlife refuges for the purpose of maintaining native animal species diversity, including the protection of habitat essential to the recovery of rare, threatened or endangered species; (g) preservation of unique or threatened ecological areas; (h) preservation of rivers and river areas in a natural, free-flowing condition; (i) preservation of forested land; (j) preservation of public access to lands for public use including stream rights and waterways; (k) preservation of historic places and properties listed on the New York state register of historic places and/or protected under a municipal historic preservation ordinance or law; and undertaking any of the aforementioned in furtherance of the establishment of a greenbelt. The *Plan* also evaluates the land use alternatives available for the identified parcels including existing Town regulations that may be used to achieve preservation.

The *Community Preservation Project Plan* and *Fund* build on the Town's existing efforts to protect farmland in the community. In 2000, the residents of Warwick committed \$9.5 million by voter referendum to fund the Agricultural and Open Space Preservation and Acquisition Program. To date, the Town has leveraged more than \$5 million in outside funding from Federal, State, County and private funds to preserve over 2,300 acres of farmland with this initial bond effort. The Town also made zoning revisions in 2002 that encourages clustering of housing so that a minimum of 50% open space (including active farmland) is protected from future development. Implementation of the clustering tool has or will result in an approximately 1,453 acres of additional protected open space.

The *Community Preservation Project Plan* and *Fund* allow the Town to establish an on-going tool to assist in the preservation of farmland and open space. This is consistent with the stated goals of the Town's adopted *Comprehensive Plan* and serves as an implementation measure to accomplish the objectives. The Town has experienced a 20% increase in population since the 1990 US Census and has grown to approximately 33,000 people. With this increase in population, the Town has also experienced a loss of open space. Between 1986 and 1995, open space lands in Warwick were reduced from 84 percent of the Town's land area to 59

percent, for a loss of over 31 percent. With nearly the entire \$9.5 million bond committed to completed and pending projects, the Town has determined that an on-going source of funding is needed to protect open space and preserve community character to meet the objectives of the *Comprehensive Plan*.

The purposes of adopting the *Plan*, establishing the Fund, and imposition of the transfer tax are also consistent with Article XIV of the New York State Constitution, which states: “*The policy of the state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. The legislature, in implementing this policy, shall include adequate provision for the abatement of air and water pollution and of excessive and unnecessary noise, the protection of agricultural lands, wetlands and shorelines, and the development and regulation of water resources.*”

The following is a discussion of the potential environmental impacts of the actions as identified in the Part 2 EAF. All three actions are addressed herein due to their interrelatedness. **Small to moderate impacts** were identified in the areas of Impact on Land, Impact on Water, Impact on Plants and Animals, Impact on Agricultural Land Resources, Impact on Aesthetic Resources, Impact on Historic and Archaeological Resources, Impact on Open Space and Recreation, and Impact on Growth and Character of Community or Neighborhood. Based upon the discussion that follows, none of these impact categories were determined to be **important**. In fact, all of the impacts identified can be considered either beneficial or benign. A separate SEQR review will be undertaken if and when a project (for which dollars from the *Fund* will be expended or if an alternate land use regulation were employed) is proposed.

## 1. IMPACT ON LAND

**Proposed Action identifies parcels which are to be essentially left in its natural or agricultural state.**

The parcels identified in the *Plan* were selected based upon their contribution to the character of the Town's as defined in Section 64-g of New York Town Law. One goal of preservation is to limit or eliminate development on these lands to ensure continuation of the Town's agricultural and open space character.

The adoption of the *Plan*, the establishment of the *Fund*, and imposition of the transfer tax do not alter the physical landscape in Warwick. However, it empowers the Town to undertake appropriate projects which will have lasting benefits by allowing the parcels to remain either in agriculture or in their natural state in perpetuity.

The *Plan*, the *Fund* and transfer tax are not expected to create any adverse environmental impacts on land, and therefore, no mitigation is necessary.

### 3. IMPACT ON WATER

**Proposed Action identifies freshwater wetlands as one of the categories for land preservation. The intent is to protect these valuable resources for habitat, water quality and quantity purposes.**

The *Plan* was developed using existing Town Plans and policies including the *Comprehensive Plan* as well as the *Southern Wallkill Biodiversity Plan*. This assisted the Town in identifying the parcels most crucial to the preservation of the following water resources: Freshwater Wetlands and Biodiversity Conservation Areas (as identified in the *Southern Wallkill Biodiversity Plan*): NY State Department of Environmental Conservation regulated Freshwater Wetland; US Fish & Wildlife Service's National Wetlands Inventory (NWI) mapping; Town Conservation Board wetlands mapping; Wallkill River; Pochuck Creek; Blooms Corners Swamp & adjacent uplands; Atlantic White Cedar Swamp; Eastern Wawayanda Creek/Wickham Lake; Western Wawayanda Creek; Glenmere Lake/Black Meadow Creek; Greenwood Lake, and the Village of Warwick Reservoirs. By preserving key parcels and limiting or eliminating development which can introduce problems such as stormwater runoff, destruction of habitat areas and filling of wetlands, the Town is reducing the adverse consequences to the surface water environment.

The *Plan* and *Fund* allow for beneficial impacts on water resources in the Town. No mitigation is required for beneficial impacts.

### 8. IMPACT ON PLANTS AND ANIMALS

**Proposed Action has identified land to protect habitat areas for a variety of species, including endangered, threatened and species of special concern.**

One of the important ecological functions of open space is the provision of habitats for many species of plants and animals in the Town, some of which are threatened or endangered. Open space can also maintain the ecological connections between different habitats that some species need to successfully survive in the region. Many species use a number of different habitats throughout the year and when the landscape is fragmented by roads and housing developments, these habitats may be destroyed or degraded. What constitutes the most ecologically valuable open space is a complicated subject, but generally, bigger is better. Larger parcels of open space often support a greater diversity of habitats, support larger populations of more species, and are less affected by activities that occur outside of their boundaries than smaller parcels. Warwick has an abundance of wildlife that depends on the various habitats found in the Town, and many of these habitats are sustained by open space.

Through a partnership with the Metropolitan Conservation Alliance and the Towns of Chester and Goshen, a regional biodiversity study of the Southern Wallkill area was conducted. This study identified important biodiversity areas, some of which overlap with wetlands and agricultural lands in the *Plan*. The *Plan* provided recommendations for their long-term protection including the use of public/private partnerships. This scientific information was used as a basis for including parcels in the *Plan* and thus making them eligible for *Community Preservation Funds*.

The *Plan* and *Fund* allow for beneficial impacts on Plants and animals. Therefore no mitigation is necessary.

## 10. IMPACT ON AGRICULTURAL LAND RESOURCES

**Proposed Action indicates the highest priority for preservation is agricultural lands.**

Section 64-g of Town Law requires that the highest priority parcels for preservation are those associated with agriculture. The Town of Warwick's agricultural lands represent a significant share of open space within the Town, and the preservation program for these lands is the cornerstone of the *Plan*. Without farms, the Town would lose its rural character, as defined by its working landscapes and scenic roads. Farms contribute to aquifer protection, local food sources, employment, and economic stability. Ensuring the viability of farming in Warwick will also meet the overwhelming preference of Warwick residents to preserve the Town's rural character and natural beauty.

In addition to the significant contribution agriculture makes to the scenic quality of the Town, it accounts for more than \$35 million per year in sales, according to the Town of Warwick *Agricultural Business Retention & Expansion Plan*, 2003. It has been well documented that dollars spent at local business re-circulate throughout the community creating a multiplier effect. The multiplier effect of the \$35 million translates into a total of approximately \$87 million into the local economy. The combination of scenic quality and economic value are key elements of the *Comprehensive Plan* and all efforts to preserve the resource are beneficial.

The *Plan* and the *Fund* allow for a beneficial effect on the Town's agricultural resources, as well as its rural character and scenic beauty. No adverse effects are expected from the actions. Therefore, no mitigation is required.

## 11. IMPACT ON AESTHETIC RESOURCES

**Proposed Action supports the preservation of scenic quality.**

There is broad consensus in Warwick that scenic beauty and aesthetic resources should be protected. In public opinion surveys and at public meetings conducted during the preparation of the *Comprehensive Plan*, the citizens of Warwick expressed their overwhelming preference to "keep Warwick beautiful." The *Comprehensive Plan* cites protection of the Town's natural beauty and scenic vistas as key goals of environmental protection.

Each of the parcels identified in the *Plan* contribute in some way to the scenic quality of the Town regardless of the preservation category it falls into. The *Plan* and *Fund* allow for the creation of beneficial effects on the Town's scenic and aesthetic resources. Therefore, no mitigation measures are necessary.

## 12. IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

**Proposed Action identifies five sites listed on the State and National Registries for long-term preservation efforts.**

Community character is enhanced by the presence of historic structures and other similar unique features. The existence of historic structures and sites evoke the Town's history and cultural heritage. This is particularly true when the structures and sites remain associated within their historical context of surrounding open spaces. Warwick has many historic structures and sites and it is the wish of the community to preserve as many of them as may be possible. The *Plan* identifies five for preservation. This is due to the requirement of Section 64-g that a historic site be listed on the New York State Register of Historic Place.

The *Plan* and *Fund* allow for beneficial effects on the Town's historic resources. Therefore, no mitigation measures are necessary.

## 13. IMPACT ON OPEN SPACE AND RECREATION

**Proposed Action Will Assist in the Protection of Open Space and the Enhancement of Recreation.**

The *Plan* identifies one parcel which is targeted for a park and numerous parcels to create trails and trail connections which will enhance the overall recreational opportunities in the Town. Many of the beneficial impacts of open space preservation have been discussed in this document in the section on the *Impact on Land, Impact on Water, and Impact on Agricultural Resources*.

The *Plan, Fund* and Transfer tax create beneficial effects on the quantity and quality of existing and future open spaces and recreational opportunities. Therefore, no mitigation is required.

## 19. IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

**Proposed Action is Consistent with the Adopted Comprehensive *Plan*.**

The *Community Preservation Fund* is designed to balance growth with preservation which can stabilize population growth, fiscal impacts and protect the character of the community as identified in the Town's adopted *Comprehensive Plan*. The allocation of dollars from the *Fund* will help to implement the objectives of the *Comprehensive Plan*.

No impacts on the Town's *Comprehensive Plan* are anticipated. Therefore, no adverse impacts are expected and no mitigation is required.

## 20. IS THERE, OR IS THERE LIKELY TO BE, PUBLIC CONTROVERSY RELATED TO POTENTIAL ADVERSE IMPACTS?

**Yes, Proposed Action is likely to cause some public controversy.**

There are interests within any community that may cause a controversy related to a Town Board action, such as the establishment of a real estate transfer tax. While the Town Board has not identified any potential adverse environmental impacts, opponents may attempt to raise socio-economic issues as environmental impacts. Socio-economic effects can be summarized as follows:

First, numerous studies have shown that open space provides positive fiscal impacts to a community. In a 1998 Cost of Community Services Study completed for the Town of Warwick, the analysis revealed that for every \$1.00 farmers pay in taxes locally, they receive 43¢ in government provided services. In a typical new housing subdivision, for each \$1.00 paid in taxes, \$1.08 is required in local services. Preservation of open space and agricultural lands helps to moderate the growth in taxes, not increase taxes, over time. The *Community Preservation Fund* does not require additional tax dollars from existing residents unlike the issuance of the bond to acquire open space. The *Community Preservation Fund* is funded from the imposition of a  $\frac{3}{4}$  % real estate transfer tax paid by the buyer, not the community at large.

To ensure there is not a burden on those residents purchasing less expensive homes and properties, the Town has exempted the first \$100,000 of a residential sale price from the transfer fee and the first \$50,000 on land sales. These exemptions are deducted from the sale price and the  $\frac{3}{4}$ % fee is imposed on the remaining amount. Furthermore the fee can roll into the mortgage for the property and can be amortized over a thirty-year period. For example, for a \$250,000 house sale of which \$100,000 is exempted, the transfer fee would be \$1125.00. If this fee were added to a thirty-year mortgage, it would result in approximately \$8.00 additional per month for the purchaser of the home to pay. This equates to 0.4% of the overall mortgage payment. The Town Board does not consider this amount to be a significant economic burden on those attracted to Warwick, where a significant effort is being made to maintain agricultural land and open space in perpetuity, thereby preserving the quality of life treasured by residents and by those who seek to become residents.

Existing taxpayers have paid local taxes for years to build the Town's infrastructure including schools, roads and governmental buildings and Town programs such as the initial open space preservation effort of the \$9.5 million Agriculture and Open Space Preservation and Acquisition Program. New residents are able to reap the benefits of the Town's infrastructure improvements including its green infrastructure (like parks and other preserved open space). The *Community Preservation Fund* requires new residents to make an investment in the future of the Town to preserve what may have attracted them in the first place.