3

Comprehensive Plan

3.1 GOALS AND OBJECTIVES

The Town of Warwick *Comprehensive Plan* is based upon 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 the community's goals and its vision for the future. 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 a second update of the 1987 *Plan* and is based upon the needs and concerns expressed by residents and various community organizations public meetings from 1993 through 1998 and again in 2007 and 2008.

The following section of the *Comprehensive Plan* presents the overall vision expressed by residents of the Town. It also describes the actions that the Town can take to achieve its vision.

The Town's overall vision is to remain primarily a residential and agricultural community. It is the Plan's intent to accommodate new growth with the least impact on the environment, and to preserve Warwick's natural beauty and its rural quality of life.

Photo courtesy John Lewis Stage

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 upon which this *Comprehensive Plan* is focused upon. Essentially, any property within a New York State Agricultural District that is at least seven (7) 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 the Paramus area of New Jersey. The black dirt region is also being seen as a potential source of groundwater. At one time, the Village of Goshen 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 the Purchase of Development Rights (PDR) program continues as a tool to preserve farmland. The Town of Warwick has been successful in preserving several farms since it was authorized by public referendum to borrow and invest $9.5 million for the purpose of acquiring development rights on farmland and other open spaces. This authorization coupled with other farmland protection efforts, through partnerships with other levels of government and with land trusts, has enhanced the Town's efforts of reaching one of our community's main objectives, which is to preserve as many operating farms in the Town of Warwick as possible. After a town-wide vote in November of 2006, a Community Preservation Fund was created and is being funded by a transfer tax charged on all real estate transactions. The funds from this transfer tax will also aid in the funding of PDR. The transfer tax is a 0.75% fee charged to a purchaser at closing on all real estate transactions over $100,000 for dwellings and over $50,000 for land purchase. The Town should continue to aggressively seek county, state and federal funding, as well as land trusts or private donors as financial partners in its PDR program.

An annual letter of interest, also known as a letter of notice, should be sent out from the Town of Warwick notifying property owners whose land qualifies as a potential parcel for open space and farmland preservation. If they're interested in learning more they can approach the Town's Agricultural and Open Space Preservation Board. In the farmland protection efforts, the Town should evaluate and consider the authority necessary to purchase farms in fee simple, in order to place them under conservation easement, and in turn have them re-sold at public auction.

(B) Density Transfer

Another potential farm preservation technique is the use of a Density Transfer of Transfer of Development Rights (TDR) process. The Town should sponsor educational conferences to better explain the Inter-Municipal Agreements that the Town of Warwick currently has with the Villages of Warwick and Florida in order to facilitate transferring development density from the rural farmland areas into or near already settled areas. This Inter-Municipal Agreement is a unique and simplified way of allowing residential growth to take place in already developed areas (i.e. infill development) without serious encroachment into active farmlands (i.e. greenfield development).

(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 conversation 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 and the Town should carefully review the need for additional staff to administer such a program. Criteria should also be developed to ensure important open space lands are included in this program, not just those lands already constrained by sensitive resources, such as steep slopes, floodplains and wetlands. 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. The Agricultural and Open Space Preservation Board and the Conservation Board should have an advisory role in the design of proposed cluster sub-division to assure remaining lands are useful and sellable for agricultural uses.

(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 and Agri-Tainment

The *Comprehensive Plan*, in its efforts to have the Town embrace the agricultural sector, recommends that "Agri-tourism" and "Agri-tainment" be encouraged and local farming operations be promoted. Given Warwick's close proximity to the millions of people who live in the New York Metropolitan area and the growing trend in: 1) vacationing closer to home 2) "staycations;" and 3) volunteer vacations, Warwick's farmers could take advantage of new sources of income and assistance. Examples of such operations might include educational working farms, workcamps (Americans travel around the world to volunteer their time on farms for a vacation), 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.

Also, to enhance the agricultural sector, the Town should allow operating farms to offer seasonal Agri-tainment amenities including, but not limited to, hayrides, corn mazes, and haunted barns. Other agri-tainment amenities may include bird watching, hiking, and cross country skiing. On some larger tracts of farmland where there is limited residential encroachment, consideration should be given to allowing farms to have hunting clubs or to provide hunting opportunities for a fee, like game preserves do. These types of amenities near a suburban or metropolitan area give farmers a new way of earning money and a reason to keep the family farm. In the case of hunting for a fee, a win/win scenario can take place that allows the farmland owner to receive a financial benefit while at the same time controlling some nuisance wildlife species such as White tail deer or Canadian geese. The planning process for agri-tourism and agri-tainment should be a simple process under the control of the Building Department and emphasis should be placed upon property signage, parking, and public safety.

(F) Farm Energy Production

With our community and nation's need to become independent of our dependence on fossil fuels, the Town should encourage owners of agricultural lands to grow or produce energy crops. These crops may include kernel corn, switch grass, soy, or other crops that could be utilized as a fuel source. Research conducted by the Agricultural Research Service of the US Department of Agriculture since 2000, estimates a production cost to farmers of $50-per-ton to grow switch grass, and assuming a conversion efficiency of 80 to 90 gallons per ton, the production cost of cellulosic ethanol from switch grass would be about $0.55 to $0.62 per gallon. There should be allowances for farming operations to modify structures or add structures to which wood pellets, grass pellets, or kernel corn could be used in the production and packaging, for consumers, to use in pellet stoves. Also, the Town should encourage the siting and installation of windmills and/or solar panels to be placed on farms for the production of electrical energy, but when doing so, consideration should be given for the scenic beauty of the landscape.

(G) 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.

(H) 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 decision-making activities must not interfere with or serve to discourage agriculture. In 2007, "A Local Law Establishing A Right-to-Farm Policy in Orange County" became effective. The Town should endorse the County's new policy and consider adoption of a Town "Right-to-Farm" law. 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.

(I) 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.

(J) 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. If resources permit, the Town should consider updating this survey about every ten years.

(K) 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. In 2007 and 2008, the State Department of Agriculture and Markets provided grants of up to $25,000 to municipalities for preparation of local agricultural and farmland protection plans. The Town should take advantage of any State or other funding opportunities to prepare such a plan, when they become available.

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

Photo courtesy John Lewis Stage

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 in adopting the 2002 Zoning Law, strengthened restrictions on unrestrained runoff into black dirt region. This can and should be expanded to extend this protection to other farming areas of the Town. The most effective means to implement this includes consideration of a local stormwater management regulation in the Zoning Law, as recommended by the New York State Department of Environmental Conservation. This could strengthen the Town's ability to more effectively control runoff from new development. Wetland protection, wetland buffer 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 other 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 1999 *Comprehensive Plan*, and this 2008 Update to the Town 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, by implementation of the Community Preservation Plan, and by the recommendations made in this *Comprehensive Plan*. The use of zoning techniques identified herein, such as continuation of Purchase of Development Rights (PDR), Limited Development Subdivision Design, Conservation Density Subdivisions, Overlay Zones, and the continued use of Conservation Subdivision Design 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 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. The residential density recommendations of the 1987 *Master Plan* were implemented in the 1989 zoning amendments. As a result of the 1999 *Comprehensive Plan,* densities were reduced even further as a result of a build-out analysis performed as part of the Quality Communities initiative with the Village of Warwick. The Zoning amendments adopted in 2002 reduced density in the Suburban Residential Low Density (SL), Rural (RU), Mountain (MT), Conservation (CO) and Agricultural Industry (AI) Zoning districts as shown on Table 3.1 below.

The Zoning amendments provided incentives (a bonus) for clustering, that allowed the minimum acreage requirements for single-family dwellings in the residential Zoning districts to be reduced by one acre, if cluster subdivision was proposed by applicants. For example, the

minimum acreage requirement for a single-family dwelling in the RU Zoning District is four (4) acres if a conventional subdivision is proposed. This density can be reduced to only three (3) acres if a cluster subdivision is proposed.

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 and Conservation 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 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 1989 to 2001 Zoning (Area/Dwelling)	Maximum Densities Current Zoning (Area/Dwelling)
Suburban Residential Medium Density (SM)	---	21,780 sq. ft. (0.5 ac.)	21,780 sq. ft. (0.5 ac.)
Suburban Residential Low Density (SL)	40,000 sq. ft.	65,340 sq. ft. (1.5 ac.)	130,680 sq. ft. (3.0 ac.)
Agricultural Industry	---	65,340 sq. ft. (1.5 ac.)	65,340 sq. ft. (1.5 ac.)
Rural (RU)	60,000 sq. ft.	87,120 sq. ft. (2.0 ac.)	174,240 sq. ft. (4.0 ac.)
Mountain (MT)	80,000 sq. ft.	130,680 sq. ft. (3.0 ac.)	217,800 sq. ft. (5.0 ac.)
Conservation (CO)	---	174,240 sq. ft. (4.0 ac.)	261,360 sq. ft. (6.0 ac.)

Warwick's Rural, Mountain and Conservation zoning districts can be considered large lot zones requiring four, five and six acre minimum lot sizes respectively. Large lot zoning can consume open space rapidly and leads to sprawl type development unless it is paired with other conservation planning techniques, such as conservation subdivision, which has become the preferred type of subdivision development in Warwick. This and other recommendations are outlined below. 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. The following discusses each technique in more detail:

(1) Cluster or Conservation Subdivision

Cluster subdivision development (also known as conservation subdivision) has been a component of planning in Warwick for many years and the Planning Board has had the authority to mandate clustering when certain environmental resources are present on a site. This authority should be continued and expanded to include additional options for mandatory clustering.

Currently, when a property contains important environmental resources (including farming), the Planning Board has the authority, but is not compelled, to mandate cluster subdivision even when the applicant proposes a conventional subdivision of the land. The Planning Board needs to identify one of the following features on the land in order use its authority to mandate cluster subdivision:

- 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, wetlands, aquifers and aquifer recharge areas, municipal water supply watershed areas, floodprone areas, 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*,
- Publicly owned or designated open space areas, privately owned, designated natural areas, trails and bikeways of Town, county or state significance,
- Mature forests over 100 years old or locally important vegetation.

The Town should expand this authority to include the following additional factors and should consider whether to expand this authority to always mandate cluster subdivision when the current and proposed features are present:

- Any parcels of 30 acres or more,
- Sites where forest management is practiced under § 480-a of the NY Real Property Law,
- Areas of significant biodiversity identified in the Southern Wallkill Biodiversity Plan,
- Historic and pre-historic structures and sites,
- Significant natural areas and features such as habitats of species of conservation concern identified by the New York Natural Heritage Program,
- Sites adjoining lands that have been protected under the Town's PDR and other preservation programs,
- Gateway properties that are located along roads leading to and from the three villages in the Town.

To protect sensitive environments and provide for open space preservation throughout the Town, cluster subdivision development should continue to be encouraged under Section 278

of the New York State Town Law and mandated where appropriate. The Town should continue to cooperate with the villages and surrounding towns in future residential developments close to the village's and the Town's borders. If 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 will be employed. This could include the siting of septic systems on the common open space areas of the cluster subdivision and the use of community septic systems or alternative technologies such as reed beds.

Under New York State Town Law, clustering cannot provide more units than a Conventional subdivision lot layout would allow. When the 2002 Zoning Amendments were enacted, and a bonus was provided for cluster subdivisions, the Town was required to state its intent to supercede Town Law under its Municipal Home Rule Authority in enacting the Zoning Amendments as a Local Law. The Town should now reconsider this provision of the cluster subdivision regulations. The 2008 *Comprehensive Plan* recommends that there be consideration given to other changes in the cluster subdivision process. Since enactment of the 2002 Zoning Amendments, cluster subdivision has been, by far, the predominant form of subdivision sought by applicants due to the bonus granted in the number of lots over a conventional subdivision. The goal sought in the 1999 *Comprehensive Plan* has been achieved and now, nearly all subdivision activity in the Town produces protected open space through the clustering process. The numerous subdivisions approved since 2002 attest to the viability and effectiveness of the cluster subdivision approach. Well over 1,500 acres of land have been protected through the cluster subdivision process; the average amount of open space protected on parcels has been 63 percent, even though the Town only requires that 50 percent be protected.

The Planning Board's authority to require clustering has been available at least since the 1989 Zoning was enacted, when the circumstances warrant. But, prior to enactment of the 2002 Zoning Law, few subdivisions used this technique. It is within the Town's authority to require that all subdivisions meeting specific thresholds use the clustering provisions of §278 of New York State Town Law. Since clustering has been so successful in Warwick since the 2002 Zoning Law was enacted, consideration should be given as to whether a bonus should continue to be granted for no other reason than use of the cluster subdivision technique. Other planning techniques should also be considered. Some communities have subjected conventional subdivisions to issuance of a special use permit, making cluster subdivisions a permitted use. A condition that must be satisfied, to be granted a special use permit, is that the conventional subdivision of the property must be shown to be no less protective of the environment than a cluster subdivision.

To meet the Town's goals of providing for more affordable housing (see below for a further discussion of this issue), the Planning Board could be empowered to approve multi-family housing in single-family Zoning districts as part of a conservation plan, without increasing the number of dwelling units approved. Other factors that could be mandated in these cases is the number of units in a multi-family dwelling being limited to four (4) or six (6), the owner should occupy one of the units and they could also include design requirements, such as the

structure resembling a single-family home, as has been done elsewhere. The photo below of a multi-family structure in Lincoln, MA shows how they can be designed to resemble a traditional rural farmhouse.

Another factor for the Town to consider is elimination of the requirement of having a fully engineered yield plan used as the basis for the calculation of a lot count. This would be especially important to consider if the Town eliminates the bonus provided for cluster subdivision. Some applicants have been willing to go through a multi-year process just to demonstrate that they are entitled to a specified number of lots on a yield plan. Use of a formula method, to calculate the number of lots permissible in a cluster subdivision, would level the playing field and lead to a streamlining of the cluster subdivision approval process, thereby acting as an incentive; especially important if the Town eliminates the cluster subdivision bonus.

The Town should also consider other potential community benefits as part of the cluster subdivision process. For instance, if community septic disposal systems were developed to serve the subdivision, if public access was provided to the open space or if there were trails provided on the site that were accessible to the public, then the Planning Board could be granted the authority to grant density bonuses. There are many ways for the Town to continue to achieve cluster subdivision while also providing for benefits that accrue to the community.

The other significant change in the clustering provisions is the minimum amount of open space to be preserved. Currently, the 50 percent minimum required open space in a cluster subdivision, while admirable, is not sufficient to effectively protect open space in the Town. Subdivisions proposed and approved since 2002 have protected as much as 82 percent of a parcel as permanent open space with the development activity sited on the remaining 18 percent. As noted above, the average amount of open space that has been protected on parcels through the clustering process has been 63 percent since 2002. This has been achieved in spite of the Town's minimum requirement of 50 percent.

Randall Arendt, the author of *Rural by Design* and the other books identified in Subsection 3.3(A)(5) below, when advising the Town in 2002 about its clustering provisions, recommended that the open space ratio used by the Town of 50 percent was fundamentally

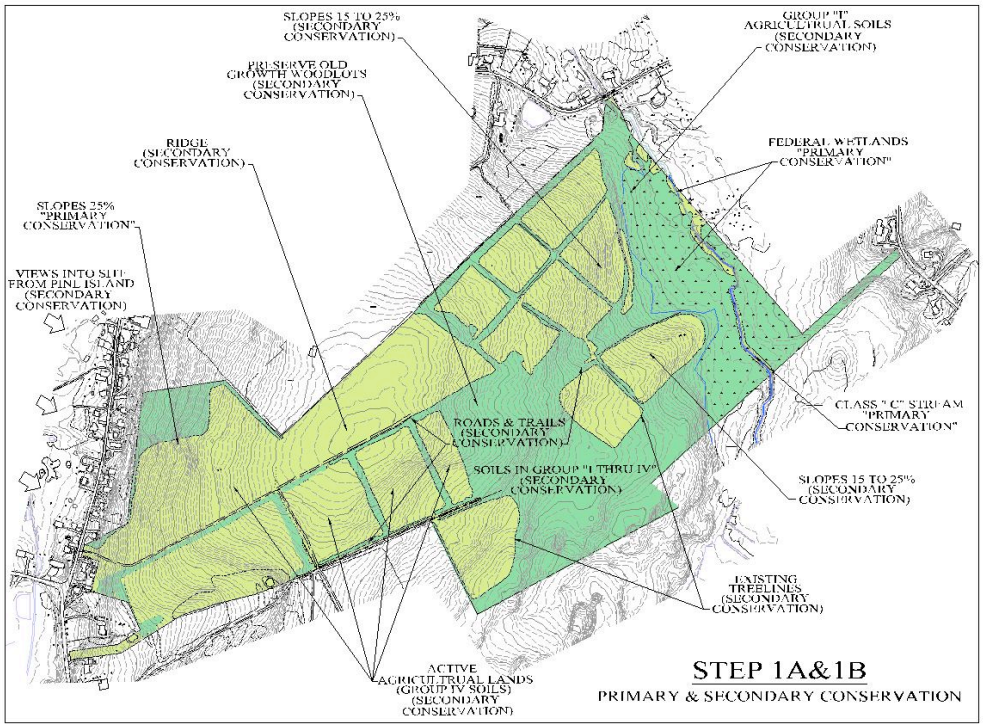
wrong. Mr. Arendt recommended that the amount of open space preserved should be related to the varying densities achievable in the different Zoning districts. All of the conservation examples used in Mr. Arendt's books (i.e. *Rural by Design* and *Growing Greener*) used to introduce the concepts in the 2002 Zoning Law, are far higher than required by Warwick. Mr. Arendt's recommendations are as follows: at the three-acre density, at least 60 to 65 percent of the lot should be protected as open space, at the four-acre density, it should go to 70 to 75 percent and at the five- and six-acre density, the goal should be 75 to 85 percent open space.

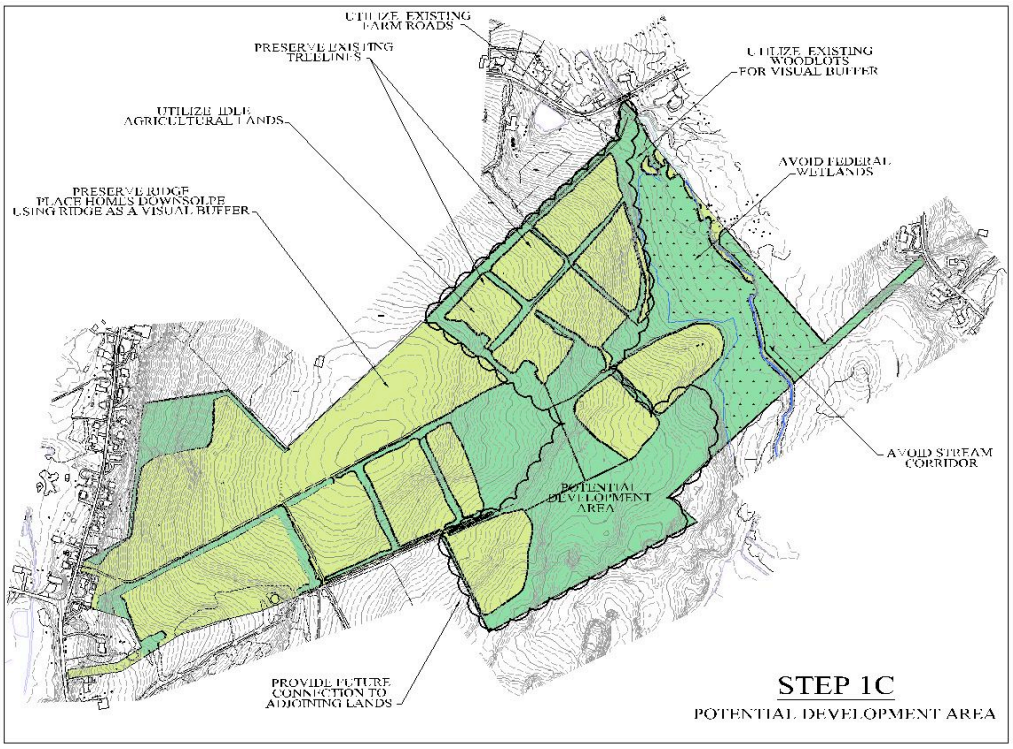
Conservation planning often subtracts, from the buildable area of a site, wetlands, steep slopes, floodplains, and other environmentally sensitive features. While these areas make for fine open space, they are unbuildable anyway and should not count toward the open space in a subdivision. They are not normally counted in conventional subdivisions and should not be counted in cluster subdivisions either. What happens when unbuildable lands are not subtracted is that developers seek out parcels with large areas of unbuildable wetlands and steep slopes, which can presumably be purchased less expensively than other relatively unconstrained lands, and to then designate these areas in the open space. This land would have remained open or "green" space in any event, so the conservation requirements do not achieve all of the goals that the Town has set. For the Town to most effectively protect open space and farmland, it should ensure that unbuildable lands are not the predominant acreage in a cluster subdivision's protected open space.

Where conservation development is used as a tool to help preserve farmland, by allowing the working fields to be considered the "open space" of the development, the Town should continue to ensure that such subdivisions are designed to have the least impact on farmed lands. Consideration should be given to prohibiting any part of the development areas in a conservation plan from removal of prime agricultural soils.

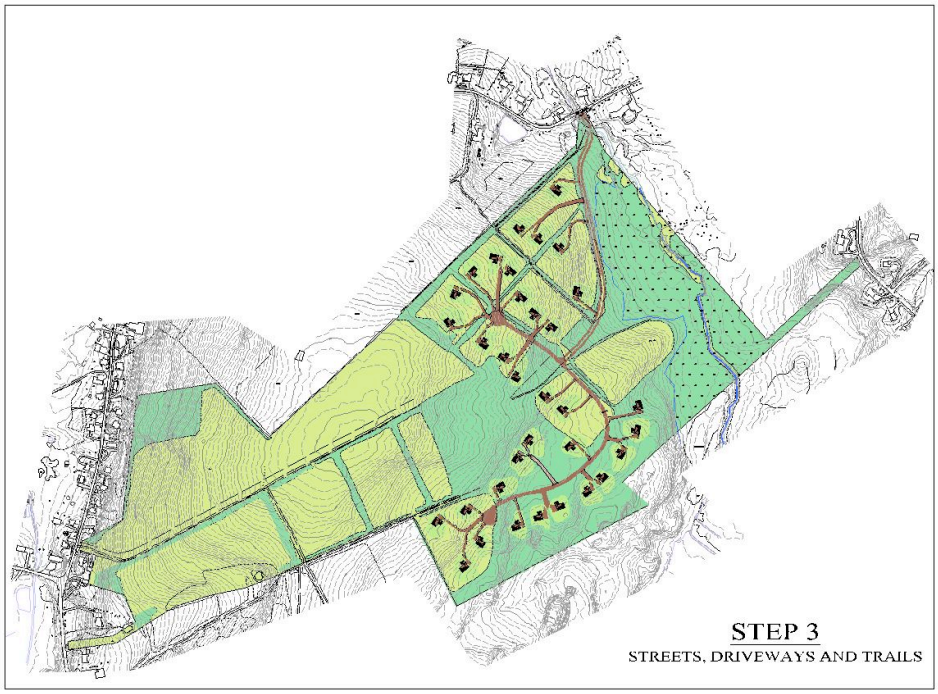
Where conservation development is used as a tool to help preserve biodiversity, as identified in the Southern Wallkill Biodiversity Plan, the Town should ensure that such subdivisions are designed to have the least impact on such identified significant habitat areas. Consideration should be given to prohibiting, to the greatest extent practicable, any part of the development areas in a conservation plan from removal of significant habitat areas.

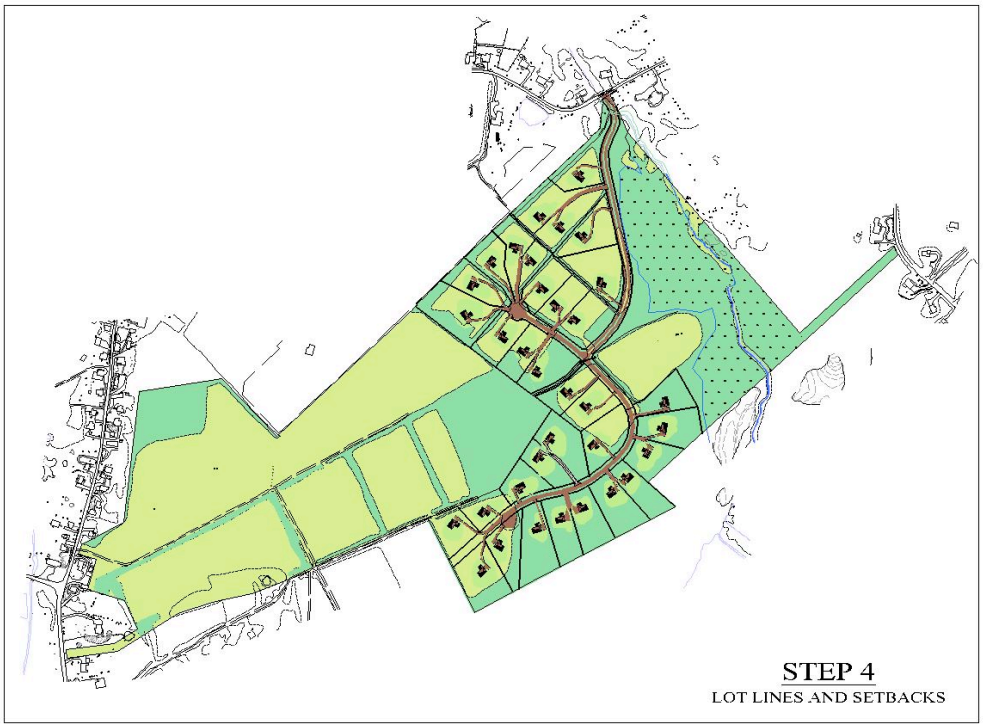
Other Recommendations proposed in Section 3.2 of this *Plan* should be followed to ensure that this would not create strip housing along the roads surrounding the farm. Proposed subdivisions should also be placed behind wooded areas to keep the natural settings of roadsides. Illustrative examples of the cluster subdivision four-step design process are shown below. This subdivision was approved in Warwick using the Zoning Law's standards for cluster subdivision. Its most basic premise is that plans for subdivision development should be based upon and designed around the natural and cultural features of the property, thereby emphasizing and maximizing land conservation, not just development.


SLOPES 15 TO 25% (SECONDARY CONSERVATION)
GROUP "I" AGRICULTRUAL SOILS (SECONDARY CONSERVATION)
PRESERVE OLD GROWTH WOODLOTS (SECONDARY CONSERVATION)
RIDGE (SECONDARY CONSERVATION)
FEDERAL WETLANDS "PRIMARY CONSERVATION"
SLOPES 25% "PRIMARY CONSERVATION"
VIEWS INTO SITE FROM PINE ISLAND (SECONDARY CONSERVATION)
CLASS "C" STREAM "PRIMARY CONSERVATION"
ROADS & TRAILS (SECONDARY CONSERVATION)
SOILS IN GROUP "I THRU IV" (SECONDARY CONSERVATION)
SLOPES 15 TO 25% (SECONDARY CONSERVATION)
EXISTING TREELINES (SECONDARY CONSERVATION)
ACTIVE AGRICULTRUAL LANDS (GROUP IV SOILS) (SECONDARY CONSERVATION)
STEP 1A&1B
PRIMARY & SECONDARY CONSERVATION


UTILIZE EXISTING FARM ROADS
PRESERVE EXISTING TREELINES
UTILIZE EXISTING WOODLOTS FOR VISUAL BUFFER
UTILIZE IDLE AGRICULTURAL LANDS
AVOID FEDERAL WETLANDS
PRESERVE RIDGE PLACE HOMES DOWNSLOPE USING RIDGE AS A VISUAL BUFFER
AVOID STREAM CORRIDOR
POTENTIAL DEVELOPMENT AREA
PROVIDE FUTURE CONNECTION TO ADJOINING LANDS
STEP 1C
POTENTIAL DEVELOPMENT AREA

STEP 2
HOUSE LOCATIONS


STEP 3
STREETS, DRIVEWAYS AND TRAILS



(2) Conservation Density Subdivision

A conservation density subdivision was included in the 2002 Zoning Amendments and it 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 six acre minimum lot size, such as in the Conservation District, a conservation density subdivision requires an average density twice (i.e. 12 acres) what would otherwise be required. The number of lots using the private road still needs to be controlled. 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. The Town should continue to allow conservation density subdivisions, but should reconsider some of the provisions relating to design standards of the subdivision, using the current cluster subdivision 4-step design process for the design of the subdivision.

(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 SEQR, 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.

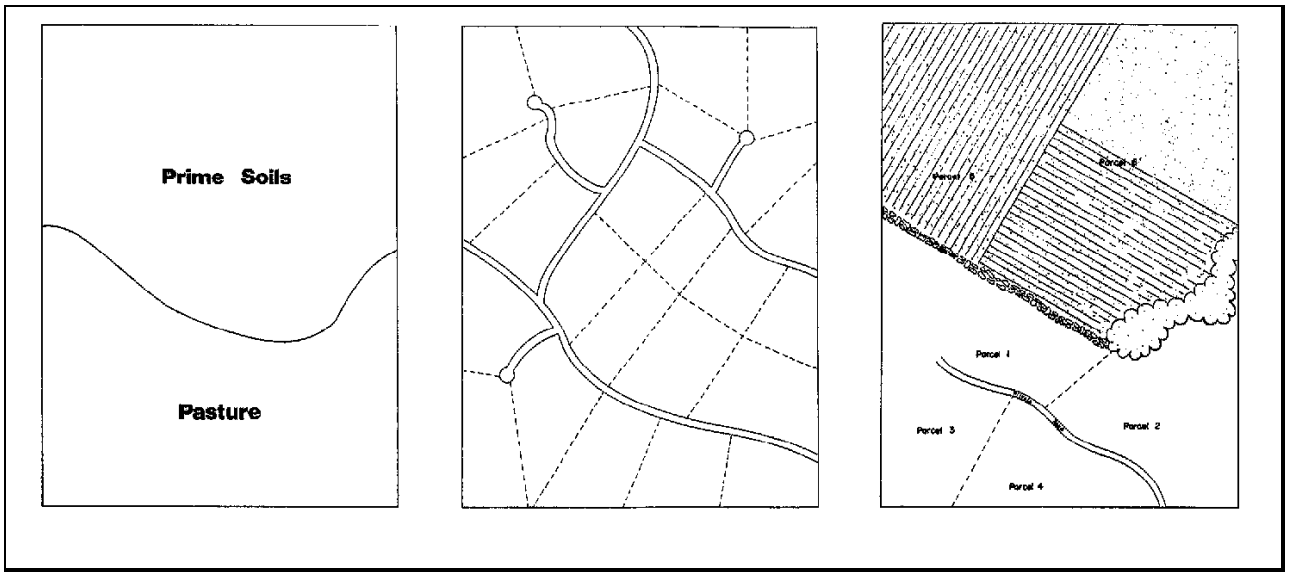
Similarly, a mandatory requirement that subtracts wetlands, floodplains or steep slope areas within a parcel will reduce buildable area or lower the otherwise permitted density and discourage building in those areas. A reduction in buildable area or a restriction on density in these guarded areas does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

Overlay zones are now used to protect certain areas in the Town including groundwater, ridgelines, and agriculture and to encourage intermunicipal cooperation with the Village of Warwick on the protection of farmland and development of traditional neighborhood developments through the annexation process. The Town should continue to use the overlay process to protect such resources.

(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. The Town in 2002 put in 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:



120 Acre Farm **Conventional Subdivision** **Limited Development Subdivision**

(5) Conservation Subdivision Design

Conservation subdivision design is a refinement of the cluster subdivision process. Warwick has employed conservation subdivision design since the enactment of the 2002 Zoning Amendments through the 4-step design process. As discussed above, there are a number of recommendations to improve this process.

Warwick based its 2002 cluster regulations on the concept first 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 continue to be used and enhanced as recommended above.

(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. Traditional neighborhood 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 make improvements to its traditional neighborhood development and affordable housing regulations. The *Comprehensive Plan* suggests that the Town further explore the viability of these two issues:

(1) Traditional Neighborhood Development

The Traditional Neighborhood Development (TND) provisions in the current zoning regulations are intended to allow a development of planned communities in conjunction with an Intermunicipal Agreement adopted by the Town and Village of Warwick. Since its 2002 enactment, no projects have been realized under this Agreement. To encourage a greater diversity of housing types and price ranges in the Town, the *Comprehensive Plan* recommends that there be consideration of expanding the TND provisions so they can be used as an alternative to the more suburban-oriented commercial zoning districts located along Route 94 in the vicinity of Warwick Turnpike. To avoid any increases in the overall densities in the Town, the TND regulations should incorporate use of the density transfer or other techniques, so that overall density can be maintained in the Town.

The goal of a TND should always be to provide a variety of walkable mixed-use neighborhoods as an alternative to sterile and monotonous auto oriented suburban style development. Pedestrians and public transit should be the pivot point around which the development should be oriented, not the automobile.

The Town should consider the need for a priority growth center in the Route 94/Warwick Turnpike area such as a TND development. While much of this area is designated for Designed Shopping (DS) and Office Industrial (OI) development, it was also recommended in the 1999 *Plan* for a review of its "*appropriateness.*" This was because of residents' desires to prevent the proliferation of strip commercial development; the 1999 *Plan* instead recommended allowing for neighborhood shopping, village main street specialty stores, and for

"small retail centers with innovative architectural designs fitting into the surrounding community and not disrupting traffic flow." It is not expected that the current DS and OI commercial zoning will result in meeting some of the adopted *Plan* goals. Therefore, the Town should consider whether it will continue to study, analyze and address these issues in the Generic Environmental Impact Statement that was authorized by the Town Board, when it adopted a Positive Declaration to study the issue in 2005 to *"address an identified need for a priority growth center in the Route 94/Warwick Turnpike area of the Town of Warwick."* Other adjoining areas should also be reviewed to determine whether such planning and zoning actions are appropriate outside of the existing OI and DS zones.

(2) Affordable Housing

Like all other municipalities, 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). However, there should be no significant increase in the overall density in the Town, than what is currently in place today under the Town's Zoning Law.

A way to create affordable housing is to promote development of two-family or multi-family homes in appropriate locations. While density requirements should be respected, such housing can be designed to appear as if it is a single-family dwelling, and by its very nature, such housing can be more affordable since it usually involves some element of a rental component. Another way to address affordable housing to be considered is a relaxation of the Town's accessory apartment provisions. Currently, accessory dwellings can only be sited in the Town's Traditional Neighborhood Overlay (TN-O) and Local Business (LB) districts. The scope of the LB zone is very limited in the Town and the TN-O has not been used to date in the Town. The Town should consider the use of the special permit tool to allow for a reasonable expansion of the accessory dwellings within the Town.

To facilitate affordable housing on a lesser scale, allowing accessory units in single-family houses or on larger one-family residential properties in an accessory building, 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) restricting the size of the accessory dwelling to a percentage of the principal unit; b) allowing a maximum number of bedrooms; c) requiring that one unit must be occupied by the owner; and d) establishing design standards for how the accessory dwellings will appear.

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

1. Continue to allow for mixed uses in the commercial zones by permitting the building of apartments connected to or above commercial structures in the Local Business zoning district.
2. Continue to use the special use permit requirement that allows developers to gain an increase in density in exchange for providing ten percent of the units in a subdivision as affordable. Some consideration should be given to use of a sliding scale percentage requirement for larger subdivisions. This might involve, for example, requiring that 15 percent of the units be set aside as affordable for subdivisions of 25 or more units and 20 percent of the units be set aside as affordable for subdivisions of 40 or more units.
3. If the Town proceeds with one or more TND developments in the future, there should be some consideration to mandating that an inclusionary percentage of the units be set aside as affordable, including multi-family dwellings.
4. SEQR has been used to gain affordable housing in some communities, where their comprehensive plan addressees 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.
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. The Town should review the requirements of this Zone to determine whether it can be amended to encourage such housing to be developed in the Town.

(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 such as described above under Cluster or Conservation Subdivisions.

(D) District Boundary Modifications

The previous *Master Plan* and the 1999 *Comprehensive Plan* recommended more concentrated development around the village centers and the current zoning reflects this focus. The *Plan* continues to support the intent of this zoning policy and recommends that higher residential densities be considered as part of a TND in the Route 94 Warwick Turnpike area and also concentrated around the existing hamlets of Bellvale, Pine Island, Edenville, New Milford, and Amity.

(F) Zoning Enforcement Officer

Oversight and enforcement of Zoning regulations and Planning Board decisions require vigilance and enforcement by the office of the Building Inspector. In most towns in the region, this activity is the responsibility of a dedicated Zoning Enforcement Officer. With the amount of 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 Enforcement Officer and the current *Comprehensive Plan* continues to support that position.

(G) Home Occupations

The Town currently regulates many home occupations under the special use permit provisions of the Zoning Law. Home occupations 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. Well crafted regulations, including performance standards, were enacted in 2002. To date, no serious shortcomings have been identified with the current regulations. The *Comprehensive Plan* recommends that the home occupation regulations continue to be used for controlling their negative impacts.

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 and Industrial (OI) Zoning District, as well as the uses that are currently permitted in the Design Shopping (DS) zone, 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 since 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, in Pine Island, and in Merchant's Square north of the Warwick Village. Various new shopping areas have been proposed for the DS zones. As Warwick grows, it will be necessary to provide opportunities for expanded retail facilities; however, members of the community continue to often and strongly express 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:

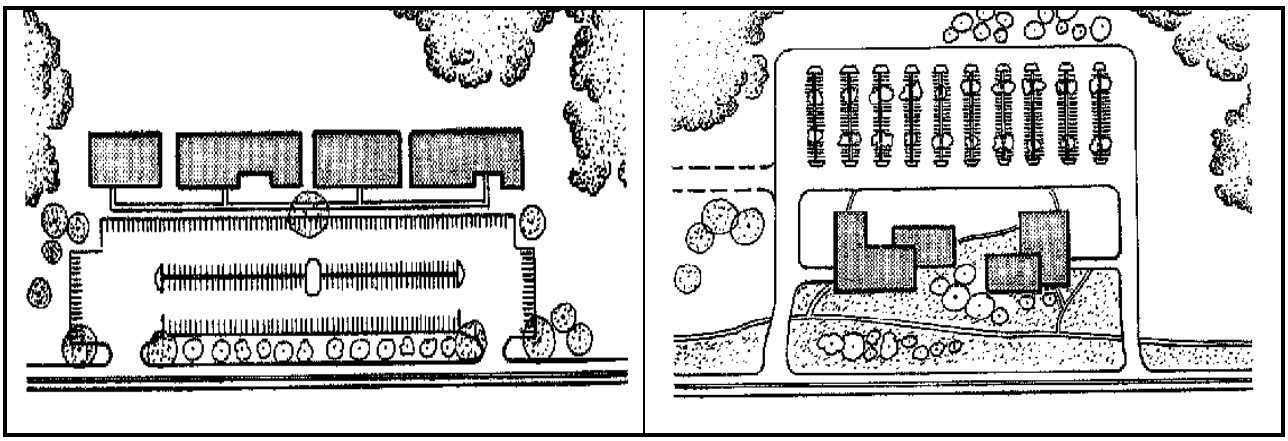
1) With regard to the DS zone on Route 94 south of the Village of Warwick, every effort should be made to continue the viability of the Village of Warwick. Any development in that area should respect, enhance and compliment the economic vitality of the Village. This is especially important if the Town goes forward with any proposal to create a TND in that area.

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 the Town's hamlets where increased business development can be encouraged, but care must be taken to avoid unsightly development. The Planning Board should continue to use the Town Design Guidelines when reviewing applications for development in these areas.

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 incompatible with 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. These were created in the 1989 Zoning Law. However, these OI zones have not attracted any substantial industrial or commercial development to Warwick either. A lack of water and sewer infrastructure and the presence of freshwater wetlands has largely contributed to the lack of development activity in the OI zones. The recently approved Fairgrounds project on Route 94, which consists of a supermarket and an automobile dealership, includes the creation of a sewage treatment plant with the potential for future expansion. The Town should consider the potential for limited growth in this area, afforded by the new infrastructure, and should continue to maintain a dialogue with the Village of Warwick to ensure Village Main Street revitalization efforts are not impeded by commercial development in the DS and OI zones.

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,[1] based upon funding from the New York State Urban Development Corporation,[2] 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, village and Chamber of Commerce, such as the Warwick Development Coalition, could attract appropriate development to Warwick as well. A key determinant to attracting development is cooperation between the communities. The Coalition exists to find, attract and foster new business development in the Town and to facilitate the development process.

(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. Cross access between parcels should continue to be encouraged as a means of reducing the overall number of new curb cuts.

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 continue to be subject to the Town's *Design Guidelines*.

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
- Implement the 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

Development of the 460 acre Cascade Lake property is suggested to provide non-motor boat with fishing and swimming access. Due to the large acreage area, overnight camping sites and hiking trails should be developed, as well as, outhouse facilities. Since Warwick has a large recreational horse riding population, Cascade Lake Park and the Pochuck Mountain areas could provide a limited area for this recreation.

The Town should create an inter-municipal Parks and Recreation Department, under the direction of a Parks Director and staff as needed. The position should begin as part time and expand if and when it becomes necessary. 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 Town should investigate establishing an inter-municipal cooperation and communication mechanism between the local school districts, the Town of Warwick, Villages of Warwick, Florida, and Greenwood Lake as a method by which we can resolve to share resources, staffing and equipment. Particularly, existing school facilities can potentially be used to offset many of Warwick's recreational facility deficits. School facilities should be available to senior citizens for leagues and adult education courses.

Orange County completed an Open Space Plan in 2004. There are a number of parcels that were identified in the County's Plan as the "Highest" priority for open space protection. Warwick should continue to coordinate with Orange County on open space projects identified in the Plan. Warwick should also coordinate with the County for further recreational use of Hickory Hill to identify ways to improve active recreation and perimeter walking trails. Hickory Hill could easily provide multi-use playing fields, as well as, a nature walk/hiking trail and picnic pavilions. In addition, attention should be brought to the Davis property on Ackerman Road as a walking/hiking opportunity.

With a growing population, special emphasis for new parks and recreation programs should be given to the Pine Island, Greenwood Lake and Florida sections of town. Lands of conservation and/or recreational value should be prioritized and targeted for protection. Such lands include mature forests, old field wildlife habitats, prime agricultural lands, locally important trees, viewsheds, and historic resources. The Town should proactively look for opportunities to acquire field space as parkland dedication when approving large-scale subdivisions.

The Town should continue to foster recreational opportunities such as privately owned pool club facilities, as well as tennis courts, hockey and ice skating rinks by changes in the zoning to allow these facilities.

In present and future Town parks the Town should add additional seating, picnic areas, drinking fountains, trash receptacles, lighting, and other amenities. The Town should consider providing Town-run concession stands or leases for them in the Town community parks and beaches to provide the Town parks and recreation Department with an additional revenue source. Also, should be considered an outdoor amphitheater to provide the community with an excellent resource for hosting outdoor plays, concerts, and performances. This might also present an opportunity for the community to partner with a local cultural arts group on facility operations and maintenance.

The Town should continue its efforts to ensure that protected open space connects with open space proposed as part of cluster subdivisions through the 4-step conservation subdivision design process. As recommended above, the Town should consider a possible bonus density when a cluster subdivision includes some method for the public to have access to the open space for hiking, biking, and perhaps horseback riding.

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

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, the incorporated villages of Greenwood Lake, Florida, and Warwick and in cooperation with Orange County 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. Orange County has committed the funds necessary to conduct a traffic study in the Fall of 2008. The Town should ensure this study is completed and the findings considered.

Also, the Town should consider developing and maintaining an Official Town Map showing locations of all present, approved and proposed future roads, rights-of-way, parks (including trails and other linear parks) 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. The Town should consider creation of an advisory committee, composed of members from the Town Board, Planning Board and Conservation Board to prepare this map in conjunction with the Town Engineer and Town Planner.

(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 numbers 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, by discouraging parking, by creating turning lanes at major intersections and by timing traffic lights.
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 in the eastern part of the Town, 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). The needs of users of wheelchairs and other adaptive equipment must be considered. Use of public transit and car pooling, as discussed below, should also be encouraged.

(C) New Roads

To relieve existing and potential future traffic problems along major roads, the Comprehensive Plan, in agreement with the 1987 and 1999 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.

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. Wide shoulders (4') should be incorporated to encourage safe non-auto traffic. Road 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. Where road grades exceed a degree of slope too steep for a wheelchair user to manage (Americans with Disabilities guidelines specify that as greater than 5%), an alternative pathway (or ramp configuration) conforming to ADA specifications should be encouraged. The road and pathway layout should avoid undue hardship to adjoining properties and should respect and preserve the topography, existing stone walls, flora and other natural features.

Specifications for private roads (and shared driveways) 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 Non-Automotive-Friendly Community

The Town Board and Planning Board should consider the potential for pedestrian, bicycle and wheelchair movement when authorizing road building projects, and when specific destination points are involved, such as connecting schools, parks and Town facilities with residential areas. Traffic-calming design elements (such as those outlined in Appendix D) on residential roads can create a friendlier environment for pedestrians, bicyclists and wheelchair users alike. A non-automotive friendly community should have wide four foot (4') shoulders on arterial routes, well demarcated pedestrian crosswalks at major intersections, and signage announcing that non-motorist traffic share the traveled way. Wider shoulders should be planned when road rebuilding, reconstruction, or new construction is proposed.

The NYS Vehicle and Traffic Law specifically describe 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. The Americans with Disability Act (ADA) specifies design guidelines for accessible public road intersections, for construction width and grade criteria for

sidewalks. The 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 through the Federal Highway Administration's Transportation Enhancement grant program, administered through the State DOT. When funding cycles are announced, the Town should apply for funding to improve Town highways in accordance with the recommendations in the *Plan.* Examples of the types of project that can be funded by this program are the following:

1. Provision of pedestrian and bicycle facilities
2. Provision of pedestrian and bicycle safety and education activities
3. Acquisition of scenic or historic easements and sites
4. Scenic or historic highway programs including tourist and welcome centers
5. Landscaping and scenic beautification
6. Historic Preservation
7. Rehabilitation and operation of historic transportation buildings, structures, or facilities
8. Conversion of abandoned railway corridors to trails
9. Control and removal of outdoor advertising
10. Archaeological planning and research
11. Environmental mitigation of highway runoff pollution, reduce vehicle-caused wildlife mortality, maintain habitat connectivity
12. Establishment of transportation museums

(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. An effective and relatively straightforward means to accomplish this would be designating scenic roads as Critical Environmental Areas under SEQR. This would not create new regulations, but would require that the unique characteristics of such scenic roads be considered during the SEQR reviews of development projects. Specific portions of roads with particularly valuable visual elements and/or historic sites, could also 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 in Appendix A. Also included as scenic roads should be the Village entrances or Gateways as discussed in Section 3.3 (D).

(F) Public Transit

The Town should continue to encourage residents to utilize the various forms of public transportation available to the community. This could be done by better publicizing the multiple transit systems and by implementing a source for current information. This could

include creation of a Transportation Center within the Town. The Center need not be staffed, but would be a convenient location where information is available and disseminated on alternative transportation modes. In conjunction with the Transportation Center, it is recommended that an Transportation Committee be created consisting of interested volunteers from the community. The Committee's task would be to develop and promote programs that support, increase, and facilitate transit (bus), rideshare (carpooling and vanpooling), pedestrian, and bicycle transportation. The Committee could also meet regularly to discuss existing and proposed alternative transportation programs and projects as discussed more fully below.

A local public transit link, Warwick Dial-a-Bus, serves points within the Town and surrounding Orange County during daylight hours at a modest cost. Its services are available to all Town residents. Warwick Dial-a-Bus, gradually providing increased services since its inception in the 1980s, should continue to evaluate additional services both within the Town and within Orange County. A local advisory committee could provide varying perspectives on areas of growth. Existing services should be considered as well as new services, such as evening service and commuter runs to local train stations, to local bus park-and–ride lots and to the increasingly busy Stewart Airport.

New Jersey Transit has a long history of service to the Town, providing bus transportation on both local routes into New Jersey and commuter runs into New York City's midtown bus terminal. Park-and-ride lots have been constructed and/or improved since the publication of the last Comprehensive Plan. This service provides reliable, low-cost transportation to many of the Town's residents. While some parking lots are under-utilized at present, consideration should be given to creating or increasing the size of additional parking lots if the need arises. This is especially important as fuel and transportation costs continue to escalate as dramatically as they have in 2008.

In conjunction with the Orange County Planning Department, additional types of public or public-private mass transit should be investigated. A study to identify where Town residents work, for example, could guide future growth in public transit. While residents, working outside the Town, may historically have found most employment in New York City, Rockland and Bergen Counties, there is evidence to suggest that locations of employment have enlarged.

Technology should be utilized to provide alternatives to commuting and to facilitate travel. A Town sponsored website, for example, could promote car and van pools by matching drivers, locations and travel times. A link to New Jersey Transit could provide schedule and fare information as well as winter weather advisories when bus transportation is not available.

Communication between Warwick Dial-a-Bus and New Jersey Transit (as well as other transit systems) should be encouraged to ensure a safe commute for residents who depend on multiple transit systems.

Public/private partnerships should be encouraged in an effort to reduce traffic and improve safe travel. Weekend visitors who were provided with bus transportation from parking lots at the edges of the Town to local apple orchards or to a seasonal village fair would significantly reduce auto traffic on the Town's major roads.

Subdivision regulations should offer incentives for inclusion of a transit station wherever residential density warrants and, as noted above, developers should be encouraged to create an environment which supports safe walking, wheel-friendly use and other alternatives to auto travel.

(G) Railroad Grade Separations

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. While crossings should be eliminated wherever possible, grade separation of rails and roads costs about $3 to $7 Million at each location, depending on design and the extent of the approach work and right-of-way needed. Federal funds under the TEA-21 program have been used to construct grade separations. But, one difficulty with the funding of grade crossing elimination projects is the provision of matching funds. In the Federal Railroad Administration's "Section 130" program, the state pays a 20% non-federal match. In New York State, this match has been hard to come by. The projects that fare best in the programming process are those that achieve multiple objectives. Cooperative planning efforts between the villages and the Town 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. In 2008, the Town and Village of Greenwood Lake departments of Public Works entered into an agreement for joint services including Building Department inspection services. Other consolidations should be actively explored.

Town Government should also appoint a full-time code enforcement officer, who would monitor construction activity (storm water pollution prevention plans, erosion controls, etc.). Furthermore, the code enforcement officer would be responsible for following through with approved applications to ensure that plans are complied with and monitoring for potential encroachment onto designated open spaces. Ideas to help achieve these goals include photographing baseline and subsequent conditions, annual post construction inspections, and an outreach program to increase awareness in developers, residents and homeowners associations.

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. The Planning Board's practice of soliciting comments from such agencies should be continued to ensure that a dialog is maintained. However, 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 continue to be explored by the Planning Board, as it has been in the Route 94 corridor for non-residential development.

(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. Community septic systems are currently being explored in the SEQR review of several proposed subdivisions in the Town, in an effort to achieve more compact development and greater protection of open space. However, no new sewage treatment plant systems are currently planned or anticipated. Within the limits of the New York and Orange County Public Health Regulations, joint and innovative systems should continue to be encouraged especially where they would allow for the use of more effective conservation planning techniques.

The Comprehensive Plan encourages areas with high development density, on the border of Villages or other areas with community water and sewer, to connect to these existing public services if capacity is available. Community water supply wells for large subdivisions and even those under 50 lots should be encouraged. Community water supplies allow for smaller lot sizes and improved application of cluster development ideals, while Town maintenance and State testing would provide periodic monitoring and improved water quality. If "out-of-village" customers are added to existing systems, a mechanism should be created whereby it would be possible to modify the tax rate of the out-of-village customers to be consistent with the rate of the "within-Village" customers.

As is the case with community water supplies, given that it would not be practical or cost effective to expand a community sewer system throughout the Town, new state of the art community systems should be encouraged to allow for smaller lot sizes and improved application of cluster development ideals.

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 Planning Department. See Section 3.8 (A) for additional details on water quality issues. Future developments should identify alternative methods (to retention ponds) of handling storm water run off.

To protect our environment, private septic systems adjoining lakes, steams, wetlands, reservoirs and other significant surface water bodies should be pumped out as necessary, but no less often than on a three year schedule. The Town should consider enacting special requirements in these cases, such as proof of maintenance being furnished to the Town. In addition, when the Planning Board approves new development on building sites where alternative septic systems are installed, consideration should also be given to requiring a service contract for the

maintenance of these alternative systems and furnished to the Town. The Comprehensive Plan recommends that consideration be given to require a septic system inspection on property transactions. Failing or inadequate systems should be required to be upgraded. Consideration should also be given to requiring systems adjoining lakes, steams and reservoirs to include secondary effluent treatment, if warranted.

(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. School districts do not fall under the jurisdiction of the Town nor do the district boundaries coincide with the Town boundaries. The Comprehensive Plan cannot reasonably suggest the need for, nor the location of, new schools. This is under the purview of the respective districts. 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, and planning performed by, the school districts. The location of educational facilities can 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 adjoining or near the 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. A full time fire inspector within the Town Building Department should be considered as growth continues. Part of the approval process for large subdivisions should include communication with electric and possibly gas utility companies to ensure that adequate infrastructure is in place to make the supply of these needed services available.

The health effects from non-ionizing radiation from high-tension electric lines are currently uncertain. As a precautionary measure, schools and other new public buildings should not be

constructed within a distance of these features that is three times what current National Electric Safety Code Table 234-1 allows.

The Comprehensive Plan strongly supports the inspection of all bridges and dams within the Town, including those under the jurisdiction of Orange County and the State, for their safety and structural integrity on a regular basis.

(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). While wireless communication facilities cannot be prohibited, they can be controlled in a number of respects including their design and siting. Since the 1999 Plan was adopted, Warwick has enacted regulations that control the siting, visual impacts and maintenance of wireless facilities. These standards have become a model for a number of other Towns in New York State. Several new wireless facilities have been built since the regulations were enacted. The Town should continue to concertedly use its adopted regulations on any new applications, including the on-going maintenance and reporting requirements for such facilities as well as enforcement of the approved site plans and special permits.

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 was 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. Such areas are now subject to the Town's Aquifer Protection Overlay District regulations. During site plan and subdivision review, these aquifer and aquifer recharge areas should be carefully studied through aquifer impact assessments, so that they are not adversely affected by buildings and other impervious surfaces nor by excessive infiltration and percolation from septic disposal systems. Farmers should also be encouraged to use "Best Management Practices" and "Integrated Pest Management" since large areas of the aquifers are located in the Town's Black dirt region. The Town should also consider the enactment of local stormwater management regulations, as recommended above in Section 3.2, following the preparation of a Townwide Stormwater Management Plan.

Water resources should be one of the primary items to be addressed in each scheduled review of the Comprehensive Plan as noted in the 1999 Plan. To achieve this, the Town Engineer should review information on water resources based on well information from the various water districts, water monitoring in selected subdivisions and Aquifer Impact Assessment

Studies, so that appropriate measures can be taken if it appears that water resources are declining and/or are impacted in any way. This information should be compiled into a report which should be adopted as an Appendix to the Comprehensive Plan. Appropriate conclusions drawn from the reviews should be included as recommendations to the Town Board. All subsequent reviews of the Comprehensive Plan should likewise direct close attention to the state of water resources in the Town.

A Public Water Supply Watershed Overlay District should be developed and considered for adoption. This would provide additional protection from stormwater runoff, nutrients and septic leachate. The district should include the important public water supply watersheds in the Town: Greenwood Lake, Village of Warwick Reservoir System, Glenmere Lake, and Wickham Lake.

The provision of adequate and appropriate sewage treatment facilities that do not harm groundwater 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. The SEQR regulations also require that segmentation of such development is generally contrary to the intent of SEQR. Consideration should be given to defining a time period that would be would be appropriate in these cases.

(B) Sensitive Environments

Steep slopes, significant habitats, wetlands and other water bodies are environmentally sensitive areas that should be protected. Steep slopes are identified through the Town's site plan and subdivision review and approval processes and the Town already has in place provisions for avoiding such areas. There should be a closer examination of the potential for improving these regulations to more concertedly protecting such areas, perhaps through the Town's Ridgeline Overlay District regulations.

Significant habitats have been identified through a comprehensive examination of such areas by the Metropolitan Conservation Alliance, which resulted in the Southern Wallkill Biodiversity Plan (SWBP). The Planning Board is already using the recommendations from such Plan but more can be done. The cluster subdivision regulations should include the recommendations from the Plan in any Zoning amendments that are prepared. Another way to address the SWBP recommendations would be to consider enactment of an Overlay District within which cluster development would be mandatory.

Not all wetlands are afforded outright protection, even though there are both State and Federal regulations governing wetland encroachments. The DEC generally regulates all wetlands over 12.4 acres (or 5 hectares) in size together with a 100 foot regulatory buffer (adjacent) area. The US Army Corps of Engineers regulates what are considered all "waters of the United States." However, since a US Supreme Court ruling in 2002, isolated wetlands that previously were protected, are not now generally afforded any regulatory protection at all. Trained wetland biologists should delineate and verify all wetland areas, in the development approval processes, regardless of whether they are considered "protected." The SEQR review process includes opportunities for assessing the significance of wetland areas, regardless of whether they are considered protected by State and/or Federal rules. The Planning Board should more concertedly use this broad blanket of authority under SEQR to assess potential impacts on all wetlands. The Town should also explore all other options to ensure that wetlands and other important water resources are appropriately protected.

Wetland mapping has been undertaken by the NYS Department of Environmental Conservation as well as the Us Fish and Wildlife Service. The Conservation Board has also mapped wetlands in the Town. If this mapping is in a reproducible form, it should be included as an Appendix to the Plan. However, all of the mapping that has been prepared to date uses aerial photography to illustrate the approximate delineation of the boundaries of water resources. There is a margin of error inherent in such mapping. Thus, detailed on the ground and historical analysis of a site may result in different wetland boundaries than are depicted on the maps. Also, since the location of water resources across the land change over time, due to the perpetual erosion process, some adjustments in any established boundary is required from time to time. This is the reason why wetland delineations performed by either the State of Federal governments have sunset provisions.

(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. To that end, a list of the Endangered and Threatened Plants of NYS and the Protected Native Plant List should be included as an Appendix to the Plan for reference and review. The Town should also consider adoption of a Shade Tree Law and revival of the Shade Tree Commission.

(D) Visual Quality

Visual and aesthetic qualities are of great concern to our residents and essential in maintaining the rural character of the Town. The Planning Board should continue to use the

State's "Assessing and Mitigating Visual Impact" guidelines in all areas of the Town when reviewing subdivision and site plan applications. Then the Town should consider hiring a professional to assist in implementation and mitigation as necessary. Adoption of the Open Space Plan would assist in implementation.
Simple steps which the Planning Board can and should continue to use to improve new business development include:

- underground burial of all utility lines (also in new homes)
- generous landscaping along roads and in off-street parking areas,
- improved design and control of signage and in signage lighting,
- coordination of site layout and design in designated commercial or office/research/light industrial zones,
- use of the Town's Design Guidelines,
- mandatory placement of parking at the rear and sides of the buildings

Existing residential, commercial and industrial development should be encouraged to improve road frontages to reinforce the Town's rural image. The Town should ensure compliance with the existing Lighting Provisions which state to "enhance the town's night time character" and to "reduce atmospheric light pollution" and should amend these regulations as needed to comply with the most recent recommendations of the Illuminating Engineering Society of North America.

(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 (OPRHP) inventory of historic properties and areas throughout the Town, found in Appendix B of the Plan, be verified, supplemented and updated, as necessary. On the basis of this inventory, preservation tools can be implemented through Zoning revisions. In addition to the OPRHP, the Town of Warwick Historical Society could be of great assistance. Allowing a wider range of uses might help preserve these structures and could include multi-family housing within an historic structure. In addition, a bed and breakfast or a tourist guesthouse operation would encourage protection of the structure as well as help the tourist industry.

Barns provide a visual reminder of our agricultural heritage and a unique architectural style. The Town should provide education to the public concerning preservation of these historic structures, and assist in finding the means through the state programs to fund preservation and restoration

(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 by mapping and work to ensure that such designations are accomplished. A list of the proposed CEA's in the Town should be included and updated regularly in the Appendices of the Plan, and referred to as necessary.

(G) Greenway and Wildlife Corridor Development

A network of greenways and wildlife corridors should be established.

(H) Energy

Since energy usage has become a critical concern in the Town and globally, the Town should consider substantially strengthening the Building Code with regards to energy use in both residential and commercial properties. The Town should consider following the lead of the Orange County Planning Department regarding the US Green Building Council Program or that of LEED (Leadership in Energy and Environmental Design).

(I) Noise Control

The Town should adopt Noise Control Regulations to establish standards, variance and enforcement procedures and penalties.

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 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. The Town regulates such uses by Chapter 52 of the Town Code. The Town should review these provisions to ensure they are consistent with recent court rulings.

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[1] 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.

[2] 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.