

FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

Zoning Law Amendments for the Proposed Community Business District

Town of Warwick
Orange County, NY

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

Final Generic Environmental Impact Statement
Zoning Amendments for the Proposed Community Business District

Lead Agency	Town Board of the Town of Warwick Town Hall, 132 Kings Highway Warwick, NY 10990 Contact: Michael Sweeton, Supervisor Phone: 845.986.1120
Date of Draft GEIS Acceptance	February 18, 2010
Date of Public Hearing on DGEIS	March 18, 2010
Written Comments Period Closed	April 1, 2010
Date of Final GEIS Adoption	
Draft and Final GEIS Preparers	GREENPLAN, INC. 302 Pells Road Rhinebeck, New York 12572 Contact: J. Theodore Fink, AICP Phone: 845.876.5775

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A. APPENDIX A: MODIFIED CB DISTRICT ALTERNATIVE ZONING

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List of Interested Agencies

This FGEIS has been filed with and/or a Notice of Completion of the FGEIS has been filed with the following agencies and is available online:

- Town Supervisor Michael Sweeton
 - Town Board of the Town of Warwick: <http://www.townofwarwick.org/>
 - Town of Warwick Planning Board
 - Town of Warwick Conservation Board
 - Town of Warwick Architectural Review Board
 - Village of Warwick Board of Trustees
 - Orange County Planning Department
 - NYS Dept. of Environmental Conservation
 - United States Fish & Wildlife Service
 - Environmental Notice Bulletin: enb@gw.dec.state.ny.us
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FGEIS Summary

The Town Board of the Town of Warwick intends to adopt Zoning Law amendments to implement several recommendations of the Town's 2008 *Comprehensive Plan*. The recommended action addresses an identified need for an alternative pattern of development in the Route 94/Warwick Turnpike area of the Town of Warwick. Much of this area was designated for Designed Shopping (DS) and Office Industrial Park (OI) development in the 1970's and later in the Town's 1987 *Master Plan*. The form of development prescribed for the DS District at that time is considered to be conventional suburban highway strip development. In both the Town's 1999 and 2008 *Comprehensive Plans*, this area was recommended for a review of its continued "*appropriateness*" in light of new recommendations to avoid the proliferation of strip commercial development.

A Draft Generic Environmental Impact Statement (DGEIS) was prepared to address the potential environmental impacts of the adoption of Zoning Law Amendments for a new Community Business (CB) Zoning District to replace the Designed Shopping (DS) District in the Route 94 area of the Town. The DGEIS was subject to a public comment period from February 18, 2010 through April 1, 2010 with a public hearing held on March 18, 2010. Both oral and written comments were received by the Town Board. All comments, including the public hearing transcript, can be found in Appendix B. Each substantive comment has been considered by the Town Board and a response to such comments is provided in this Final Generic Environmental Impact Statement (FGEIS). Following a period of public consideration of this FGEIS, a written Findings Statement will be considered for adoption by the Town Board. Once the Findings Statement has been adopted and filed, the Town Board can consider adoption of the subject Zoning amendments, which can be found in Appendix A.

The majority of the comments on the DGEIS involve eight topics. They can be summarized as follows:

1. The DGEIS underestimated the number of school-age children.
 2. The new CB District will compete with Village businesses.
 3. The market area is an inadequate size to generate demand to justify the CB District.
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4. The CB District will be harmful to Warwick's historic, rural character.
5. The CB District promotes sprawl.
6. The CB District conflicts with smart growth principles.
7. The CB District will increase corridor traffic.
8. There was not enough community input in the Zoning and DGEIS process.

This FGEIS incorporates the DGEIS by reference, provides responses to each of the above eight substantive comments in Chapter 2, and includes modifications to the DGEIS in Chapter 3. A full copy of the written and oral comments can be found in Appendix B.

In response to continued public suggestions for alternatives to the existing Designed Shopping District on Route 94, which spanned at least six years, the Town Board has further modified the proposed Zoning Amendments. This FGEIS presents a Modified CB District Alternative, which can be found in its entirety in Appendix A. The Modified CB District Alternative is responsive not only to resident concerns with the proposed Zoning Amendments presented in the DGEIS, but with the Village of Warwick Board of Trustee's concerns.

The Town of Warwick *Comprehensive Plan* recommends that the Town Board explore the options available for continuing to provide a location for predominantly business activities in the Town, but in a more pedestrian-friendly setting than the DS District and so that a variety of retail, office, agricultural and limited residences can be provided in a traditional form. The Plan also recommends that the variety of uses permitted in this area be expanded. With the exception of the hamlet of Pine Island, there are no real opportunities in the unincorporated areas of the Town for a walkable mixed-use district. Development potential is limited in Pine Island due to its location surrounded by the black dirt agricultural areas, which are generally unsuitable for development due to wetlands, floodplains and the many existing farms that provide employment and other benefits to the community.

Warwick's *Comprehensive Plan* is based upon "state-of-the-art" planning techniques and is generally considered a "smart growth" planning strategy. In fact, in 2005, the New York State Association of Realtors awarded the Town of Warwick its first ever "Smart Growth" award for its forward-thinking planning. New York State's Smart Growth website cites Warwick's Zoning Law as an example of a smart growth success story. Others, such as the Glynwood Center, Pace University Land Use Law Center, American Farmland Trust, New York State Association of Towns and the Smart Growth Network all cite Warwick as an example of smart growth.

One of the hallmarks of smart growth is a high priority on the development of walkable neighborhoods. Warwick's Traditional Neighborhood Overlay (TN-O) District has been designed to provide opportunities in the Town, adjoining the Villages or in the hamlets, where walkable neighborhoods and other smart growth goals can be achieved. The Town currently has an Intermunicipal Agreement with the Village of Warwick for such development, but the TN-O District's potential will only be realized when an applicant or applicants requests an approval from the Town and Village for a new neighborhood development or uses the

voluntary Transfer of Development Rights provisions found in § 164-47.4 of the Zoning Law to create a traditional neighborhood development.

A new Zoning District, entitled the Community Business (CB) Zoning District, has been prepared to also address the need for neighborhoods where mixed land uses can be planned for and, if developed by the landowners, where it will be possible to shop, work, recreate, and (to a lesser extent) live in an attractive walkable environment, where only big-box buildings and asphalt exist today. The current DS District originated in the 1970's when it was thought that the auto was the best way to travel around. To date, about one-half of the DS District has been built-out with mostly retail stores, parking lots and not much else. The District developed in a way where it is not easy to travel from store to store other than to get in your car and drive, even though the stores might be right next to each other. With the new Price Chopper across Route 94 from the ShopRite and other retail stores in that plaza, how many would choose to walk from one shopping center to the other? Today, dependence on cars, traffic congestion, and large expanses of unsightly asphalt parking lots have led many to question whether it is wise to continue to develop communities in a manner where all trips are dependent upon motor vehicles. The CB District is an attempt to create a new form of development in the Town that incrementally moves Warwick in the direction of "smarter growth" than what was created in the 1970's.

The proposed amendments to the Town's Zoning Law, would refine existing uses and regulations and establish new uses and regulations within the area surrounding the intersection of State Route 94 and County Route 21 in the Town. Adoption of the Modified CB District Alternative Zoning amendments would move the Town in the direction of implementing the recommendations of the Town's 2008 *Comprehensive Plan* and would address the need recognized for greater control in the way the Town's primary commercial area is designed and developed.

The Town Board has sole authority to adopt the proposed Zoning amendments. The Zoning amendments, which include both text and map amendments, are proposed for adoption under § 265 of New York State Town Law, Article VI of the Town of Warwick Zoning Law, and Section 10 of the New York State Municipal Home Rule Law.

The general Study Area for the GEIS is shown on Figure 1.1 in the DGEIS, which identifies Zoning Districts in the Study Area and surrounding areas south of the Village of Warwick. Adoption of the proposed Zoning amendments would apply within a new Community Business (CB) Zoning District. The CB district has been designed to supplement the Town's Designed Shopping (DS) Zoning District by replacing those lands that are currently designated for DS, as well as two parcels within the Town's Office and Industrial Park (OI) Zoning District in the Route 94 corridor, with the new CB District. The DS District's current purpose is "to allow community-scale commercial uses that rely heavily on automobile and truck access and that would not be compatible with a traditional hamlet neighborhood area."

The Town *Comprehensive Plan*, adopted on November 20, 2008, recommends that the Town Board consider rezoning the DS and portions of the Office and Industrial Park (OI) Districts

to address the need for a priority growth center as an alternative to the existing “auto oriented suburban style” commercial zones. The Plan notes the need for an examination of mixed uses, neighborhood shopping, specialty stores “with innovative architectural designs fitting into the surrounding community and not disrupting traffic flow.” The configuration of the Modified CB District Alternative is identified on Figure 1.2 in the DGEIS. Following publication, public review and consideration of the DGEIS in early 2010, the Town Board, in response to comments on the DGEIS, determined that it would proceed with creation of a Modified CB District Alternative but with a number of changes and improvements in response to the expressed concerns. This Alternative is discussed fully below.

Adoption of the Zoning amendments will provide for a number of new and revised land use controls to guide growth and development of the Town in the Study Area. Readers are encouraged to consult the full text of the proposed Zoning amendments in Appendix A of this FGEIS to obtain a complete understanding of all the proposed changes. It should be noted that any future development that occurs in the Route 94 Corridor will be required to address water and sewer needs. The recently constructed Price Chopper supermarket has its own well and a package sewage treatment plant. Under the Town’s Code, both of these services must be under the ownership of the Town of Warwick. Expansion of such services in the future by the Town may be possible if State and Federal Permits for such expansion are available. It is not known at present if such permits will be available to serve new development in the Route 94 Corridor. Limitations include the presence of endangered species in the area and the need for a suitable receiving water to discharge treated effluent. However, the Zoning Amendments address the need for future development to provide adequate water and sewer facilities.

A summary of the amendments is as follows:

1. A number of references in several sections of the Zoning Law, to Designed Shopping (DS) District, are modified by adding the proposed Community Business (CB) District to the text.
2. The Zoning Map has been proposed to be amended by replacing the DS District in the Route 94 corridor with the proposed CB District. Two parcels at the northwesterly portion of the intersection of Route 94 and Warwick Turnpike, identified as S-B-L 51-1-28.1 and 51-1-28.222 and which are currently zoned OI, have been proposed to be rezoned to CB. The other locations of the DS District in the Town will remain the same. Some of the changes to the Table of Use Requirements and Table of Bulk Requirements will apply to the existing DS District in its other locations in the Town. The proposed CB District is shown on Figure 1.2 in the DGEIS.
3. The CB District’s purposes would be added to the Zoning Law as follows: “*The purpose of the Community Business District is to provide a place for attractive development of business activities that serve community needs. A limited number of curb cuts along NYS Route 94 are required by the Town’s Marginal Access Road standards, to minimize conflicts with through traffic and to conserve the capacity of the roadway, while providing linkages between business*

establishments on adjacent parcels. Careful review of both site and architectural elements is required in this district to enhance the overall quality of site development and promote architectural design that is compatible with the overall historic character of the Village and Town of Warwick.”

4. The uses permitted in the proposed CB District have been expanded by adding several new uses that are either absent from the current Zoning Law entirely or are not currently permitted in the DS Zoning District: “Country Inn,” “Conference Center,” “Financial Institutions,” “Agri-Tourism Businesses,” “Micro-breweries, wineries, and distilleries,”¹ and a “Medical or dental clinic” as Special Permit Uses. Accessory uses as accessory to specific principal uses would include “An accessory apartment in a structure housing a business use,” “Eating and drinking places” and “Work-Live Units.”
5. Most of the uses within the Modified CB District Alternative would be required to conform with a new Special Condition number 139 (see § 164-46.J of the Zoning Law). This includes the potential for bonuses when proposed projects conform with this GEIS. On the basis of this GEIS, the Town Board has determined that there will be no significant environmentally damaging consequences and that such bonuses are compatible with the development otherwise permitted. The proposed special conditions are as follows:

“The Town Board has determined that the Community Business District is an appropriate place in the community to provide for attractive development of business activities that serve community needs. Incentives are available to applicants for specific uses that meet the special conditions described below in § 164-46.J(139)(a) through (f). The Town Board has determined that it is appropriate to grant such incentives in exchange for the provision of community benefits or amenities. All uses in the CB Zoning District are subject to Subsection (139)(a) through (e) below. All retail uses in the CB District are classified as Tier 1, Tier 2, or Tier 3. Tier 1 uses are encouraged while Tier 3 uses are subject to the full Planning Board review requirements.

Incentives for specified Tier 1 and Tier 2 uses can be found in § 164-46.J(139)(i)-(j).

- (a) All Tier 1, Tier 2, and Tier 3 uses shall fully comply with the Town of Warwick’s Marginal Access Requirements found in § 164-42.F of the Zoning Law.
- (b) For all Tier 1, Tier 2, and Tier 3 uses, the buildings and the site shall be designed to comply with the Town of Warwick’s Design Standards for architecture, building, landscaping, human scale lighting, and a pedestrian friendly environment as illustrated in Appendix A of the Zoning Law.
- (c) All Tier 1, Tier 2, and Tier 3 uses shall be subject to the Town of Warwick’s

¹ Such new uses will be permitted in other Districts in the Town where Farm Markets are allowed by Special Permit.

and/or the United States Environmental Protection Agency's "Low Impact Development" strategies (whichever is more stringent) for the area's stormwater management system to enhance and protect surface and ground water quality, maintain the integrity of aquatic resources, wildlife habitats and ecosystems, and preserve the physical integrity of the District's wetlands and tributaries.

- (d) All Tier 1, Tier 2, and Tier 3 uses within the CB District shall fully comply with the Town's Stormwater Management requirements and proper provisions shall be made for water supply and sewage disposal in accordance with Town of Warwick and Orange County Department of Health requirements. This may include connection to the municipal wastewater treatment system and/or community water supply system if such system(s) exists at the time of approval.
- (e) Special Bulk, Parking and Siting Regulations apply in the CB Zoning District. In the event of a conflict with the Table of Bulk Requirements, this section shall apply as follows:
 - 1. A minimum floor area of 2,000 square feet and a maximum floor area of 60,000 square feet per lot is permitted. Buildings shall be designed in accordance with the Dimensional and other Design Standards found in Appendix A of the Zoning Law. Individual business establishments that exceed 8,000 square feet of floor area shall be designed to exhibit the physical design characteristics of pedestrian-oriented, shopfront-style shopping streets.
 - 2. The minimum lot area shall be three (3) acres unless the Table of Use Requirements specifies a lesser or greater minimum lot area for the use. Multiple special permit uses may occupy a lot without the necessity of establishing the minimum lot area requirement for each use.
 - 3. The maximum lot coverage shall be 30 percent for Tier 2 and 3 uses and 40 percent for Tier 1 uses.
 - 4. The maximum Floor Area Ratio (FAR) shall be 0.2 for Tier 2 and 3 uses and 0.25 percent for Tier 1 uses.
 - 5. Buildings shall have a minimum of two (2) stories and a maximum of three (3) stories or 38 feet, not including the height exceptions allowed by § 164-41.C(3) of the Zoning Law.
 - 6. Retail uses shall not exceed fifty percent (50 %) of the floor area of a building. Business and professional offices, personal service establishments, and service establishments shall not exceed fifty percent (50 %) of the floor area of a building.
 - 7. The Town Design Standards found in Appendix A of the Zoning Law shall be used in determining lot width, lot depth, setbacks and other dimensional requirements applicable to the use(s). The

Planning Board remains responsible for determining the adequacy of such dimensional requirements, taking into consideration the physical design characteristics of pedestrian-oriented, shopfront-style shopping streets.

8. Opportunities for shared parking shall be integrated into the overall plan for parking. Off-street parking spaces shall be located to the rear of the principal building or otherwise screened so as to not be visible from the street(s) or residential zoning districts.
9. Buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
10. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
11. A minimum of 60 percent of the street-facing building facade between two feet and eight feet in height shall be comprised of clear windows that allow views of indoor space or product display areas. The bottom of any window or product display window used to satisfy this requirement may not be more than 4.5 feet above the adjacent sidewalk.

(f) The Town Board has determined, consistent with § 261-b of New York State Town Law and the Town of Warwick Comprehensive Plan, that it is appropriate to make adjustments to permissible density and area requirements for specified Tier 1 uses in the CB District for the purpose of providing a community benefit. The purposes of granting a density bonus include the following:

1. Reclaim an existing auto-oriented shopping strip by incrementally redesigning and transforming the strip into a walkable and bikable commercial area that will always be secondary to the Village of Warwick as the primary retail and civic center for the community.
2. Help to unify the streetscape of Route 94 with generous landscaping, continuous street trees and if possible, planted medians, reminiscent of a boulevard.
3. Fill in the front of the large parking areas wherever possible by replacing them with buildings. Site new buildings back from the road and buffer the buildings with trees, berms, landscaping, and other natural elements to protect the viewsapes and compliment the agricultural and other open spaces surrounding the commercial area as shown on the illustrations in Appendix A.
4. Create pedestrian and bicycle networks through sidewalks, bicycle paths, trails and crosswalks, in order to create connections to shared parking, public transportation and between stores and nearby

housing in the RU and SL districts.

5. Enhance and diversify the local tax base by generating additional revenues to meet the costs of municipal and educational services by encouraging specific retail and other commercial services that are currently underserved in the community.

(g) Additional infill development density for creating new Tier 1 uses, on existing developed properties within the CB District, is available by Special Use Permit from the Town Board, for the expressed purpose of providing a marginal access road on such developed properties, provided the following additional requirements are met. The Town Board has determined that providing a public benefit in the form of marginal access road development on developed properties is consistent with the intent and purposes of the Town of Warwick Comprehensive Plan and provides a public benefit in the form of reduced traffic congestion on State Route 94. For purposes of this paragraph, existing developed properties are defined as those parcels of land for which existing floor area and lot coverage meets or exceeds the maximum bulk requirements for the CB Zoning District found in § 164-46.J(139)(e) herein at the time of enactment of Local Law No. _____ of 2010.

1. Within the CB District, the Town Board may, as a condition of approval, modify the Bulk Regulations found herein at §164-46.J(139)(e) and may impose additional modifications that would have to be incorporated into the proposed action to merit a determination of consistency with the standards and guidelines set forth herein. The Town Board's findings shall include a rationale for any modification granted to a specific standard. The Town Board may, in granting modifications to these standards, incorporate such reasonable conditions as will, in its judgment, substantially secure the objectives of the requirements so waived.
2. Projects deemed consistent with the infill standards are eligible for an increase in density in exchange for the construction of a marginal access road on an applicant's existing developed property. Any increase in density granted shall comply with the Zoning Law's other limitations for such use. Nothing herein shall prevent the development of multiple buildings to achieve the density permitted, provided each individual building complies with the building limitations imposed by the Town Board.
3. The marginal access road shall be constructed and dedicated to the Town of Warwick in accordance with "Figure 2.1: Artist's Illustrative Plan of the Route 94 Corridor" adopted by the Town Board in the February 18, 2010 Draft Generic Environmental Impact Statement for the Community Business District and with

- §164-42.F(3)(c) of the Zoning Law.
4. Projects shall comply with the green building requirements found in § 164-41.1(D)(5)(vi) of the Zoning Law.
- (h) Additional development density for Tier 1 uses is available by a Special Use Permit from the Town Board. The allocation of incentives for mixed uses shall be pro-rated at the discretion of the Town Board. Uses identified as Tier 1 that do not meet the requirements identified herein, shall not be eligible for additional development density and shall be subject to the Tier 3 provisions identified in 164-46.J(139)(n) herein. All subdivisions of land within the CB district shall be subject to the Site Plan requirements of § 164-46 of the Zoning Law.
- (i) Tier 1 uses are encouraged and are eligible for the following incentives, provided the Planning Board finds that the proposed use is in full compliance with this section. Incentives available include:
1. Use of the Town's Generic Environmental Impact Statement (GEIS) for Tier 1 projects proposed in the Community Business District. Projects proposed in accordance with the GEIS and where the Planning Board is acting as Lead Agency under SEQR may require limited SEQR review in accordance with 6 NYCRR 617.10(b) and (c).
 2. Expedited Planning Board review of the application as specified in the GEIS.
 3. Bonus lot coverage and FAR as specified in § 164-46.J(139)(e)(3) and (4) herein, subject to issuance of a Special Use Permit from the Town Board.
 4. Reduced review fees in accordance with Chapter 75 of the Town of Warwick Code, the Development Fees.
- (j) Tier 2 uses are encouraged and are eligible for the following incentives, provided the Planning Board finds that the proposed use is in compliance with this section. Incentives available include:
1. Use of the Town's Generic Environmental Impact Statement (GEIS) for Tier 1 projects proposed the Community Business District. Projects proposed in accordance with the GEIS and where the Planning Board is acting as Lead Agency under SEQR may require limited SEQR review in accordance with 6 NYCRR 617.10(b) and (c).
 2. Expedited Planning Board review of the application as specified in the GEIS.
- (k) Tier 3 uses are subject to the full review requirements of the Town Zoning Law and the State Environmental Quality Review Act (SEQR) where the Planning Board is acting as Lead Agency.”

6. The Town's *Design Guidelines* have been modified and converted into Design Standards to be used by the Planning Board and Town Board for illustrating mandatory architectural, site design and other features that future land use development will be required to adhere to under the Modified CB District Alternative.
7. Special conditions that conference centers will be required to adhere to include the following:
 - a. "The use shall be found to be in harmony with the Town of Warwick *Comprehensive Plan*.
 - b. The minimum lot area shall be ten (10) acres for the first 40 guest rooms, plus an additional one half (½) acre for each additional guest room. The maximum number of rooms in a conference center shall be 80.
 - c. Access shall be from a State or County highway.
 - d. Specific plans for parking shall take into consideration the rural and scenic resources of the site and community. Use of alternative paving materials and alternative transportation, such as grassed parking areas and shuttle services, is encouraged to protect such resources.
 - e. New construction shall be sited so as to have a minimum impact on fields, water features and woodlands. Major regrading, clear cutting or changing of topography shall not be permitted.
 - f. Specific plans for public address systems, amplified music, and/or outdoor lighting shall be submitted to and approved by the Planning Board, including the specific hours of operation for such facilities. Approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on nearby residential properties, will be in compliance with the Town of Warwick Noise Regulations and will be in harmony with the rural and scenic character of the Town. The specific plans for public address systems, amplified music, and/or outdoor lighting shall be subject to such additional restrictions deemed appropriate by the Planning Board."
8. The Planning Board will be authorized to require that parking be provided behind or to the side of all new principal buildings in the LB, CB and TN-O Districts. The requirements for signs in the Modified CB District Alternative would be changed from the current DS District requirements so that future signage is more in keeping with Warwick's rural character.
9. The Planning Board will be authorized to expedite their review procedures for applications that are in conformance with this GEIS and the Special Conditions found in Special Condition 139 described above. These include the following:

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- a. Conducting a Coordinated Review for all Unlisted Actions to relieve applicants from the potential for multiple SEQR reviews by multiple agencies where permits are needed by an Involved Agency outside of the Town of Warwick.
 - b. No further SEQR compliance will be required if a subsequent proposed action will be carried out in conformance with this GEIS or the Findings Statement;
 - c. An Amended Findings Statement will be prepared if the subsequent proposed action was adequately addressed in this GEIS but was not addressed or was not adequately addressed in the Findings Statement for this GEIS;
 - d. A Negative Declaration will be prepared if a subsequent proposed action was not addressed or was not adequately addressed in this GEIS and the subsequent action will not result in any significant environmental impacts;
 - e. A supplement to this FGEIS will be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the GEIS and the subsequent action may have one or more significant adverse environmental impacts.
10. Several definitions have been modified to be consistent with the proposed new uses or to correct inconsistencies that exist without regard to the proposed Modified CB District Alternative. There have also been new definitions provided for “Conference Center” and “Work-Live Unit” which were not previously permitted anywhere in the Town.

PROJECT LOCATION

The proposed Study Area is the Route 94/Warwick Turnpike area of the Town of Warwick, Orange County, New York, as shown in the DGEIS on Figures 1.1 and 1.2 and as shown on the “Artist’s Illustrative Plan for the Route 94 Corridor” in the DGEIS as Figure 2.1.

IMPLEMENTATION

The Town Board of the Town of Warwick has sole authority to adopt the proposed Town of Warwick Zoning Law amendments. Amendments to the Zoning Law are proposed for adoption under §265 of New York State Town Law, §164-60 of the Town of Warwick Town Code, as well as §10 of the New York State Municipal Home Rule Law.

Under §164-60 of the Warwick Town Code, all proposed Zoning amendments must be referred to the Planning Board for an advisory report prior to the public hearing. The Orange

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County Department of Planning has review and recommendation responsibility on the proposed amendments to the Zoning Law, under § 239-m of the General Municipal Law, but no approval authority.

Comments and Responses

Chapter 2 presents a summary of the comments received in either written form during the public comment period or in oral form during the public hearing on the DGEIS. As discussed in Chapter 1 above, the comments were grouped into eight subject areas. Two tables are presented below showing the speaker at the public hearing and those submitting written comments. The commenter, the page number in the public hearing transcript or the page number of their letter, and which comment group they have been identified with, can be found below:

NAME OF COMMENTER	1. UNDERESTIMATE OF SCHOOL AGE CHILDREN	2. NEW CB ZONE WILL COMPETE WITH VILLAGE BUSINESSES	3. MARKET AREA IS INADEQUATE SIZE TO GENERATE ENOUGH DEMAND	4. COMMUNITY CHARACTER
Jerry Schlichting, pg 3	See Written Comments			
Jerry Schlichting, pg 4		See Written Comments		
Jerry Schlichting, pg 4			See Written Comments	
Anita Panas, pg 4				See Written Comments
Carol Liantonio, pg 5-6		See Written Comments		See Written Comments
Geoff Howard, pg 7		See Written Comments		See Written Comments
Sharon Roll, pg 9		See Written Comments		See Written Comments
John Christison, pg 10				See Written Comments
Kathryn Lomax, pg 10		See Written Comments	See Written Comments	
Deanne Singer, pg 10-12	See Written Comments	See Written Comments		See Written Comments
Matt Sullivan, pg 13	See Written Comments	See Written Comments		
James Morley, pg 13-15		See Written Comments	See Written Comments	See Written Comments
Penny Steyer, pg 15		See Written Comments	See Written Comments	See Written Comments
Kathy Skatidas, pg 15-17		See Written Comments	See Written Comments	See Written Comments
Terry Coleman, pg 17-19		See Written Comments		See Written Comments
Mark Kurtz, pg 19-20		See Written Comments		See Written Comments
Greg Keys, pg 21-22		See Written Comments		See Written Comments
Thomas Jeffrey, pg 22				See Written Comments
Jerry Schlichting, pg 23		See Written Comments		
NAME OF COMMENTER	5. CB ZONING PROMOTES SPRAWL	6. CONFLICTS WITH SMART GROWTH PRINCIPLES	7. CB ZONING WILL INCREASE CORRIDOR TRAFFIC	8. NOT ENOUGH COMMUNITY INPUT IN ZONING & DEIS PROCESS
Carol Liantonio, pg 5-6	See Written Comments	See Written Comments	See Written Comments	
Geoff Howard, pg 7			See Written Comments	
Alan Lipman, pg. 8			See Written Comments	

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Sharon Roll, pg 9		See Written Comments		
Deanne Singer, pg 10-12		See Written Comments		See Written Comments
Matt Sullivan, pg13-14		See Written Comments		See Written Comments
James Morley, pg 13-15		See Written Comments		See Written Comments
Penny Steyer, pg 15		See Written Comments		
Kathy Skatidas, pg 15-17	See Written Comments	See Written Comments		
Terry Coleman, pg17-19	See Written Comments			
Greg Keys, pg 21-23	See Written Comments	See Written Comments		
Thomas Jeffrey, pg 22		See Written Comments		
Mark Kurtz, pg 23				See Written Comments

Name	Penny Steyer	Jerry Schlichting, CPA	Gregory Keys, PhD future94.org	Mayor M. Newhard & Warwick Village Board
Date of Letter # of Pages	4/1/2010 3 Pages	3/31/2010 7 Pages	3/30/2010 4 Pages	3/18/10 2 Pages
1. UNDERESTIMATE OF SCHOOL AGE CHILDREN		- detailed analysis of school children study & assumptions (conclusion: estimate is too low, thus under- estimates taxpayer burden)		
2. NEW CB ZONE WILL COMPETE WITH VILLAGE BUSINESSES		- detailed analysis of commercial impact study and assumptions (conclusion that commercial component will compete with Warwick Village)	- Warwick's uniqueness is a great economic asset; value of this asset will only grow as the region becomes more similar while we remain unique	- DGEIS not clear how negative impacts on Warwick Village will be prevented - road frontage of CB is potentially greater than that of Warwick Village
3. MARKET AREA IS INADEQUATE SIZE TO GENERATE ENOUGH DEMAND	- market forces have failed to bring significant investment in corridor, under DS for 40 years - for retail component to be sustainable, will be necessary to create viable target market that attracts customers from 2nd and 3rd tier away from CB zone - detailed analysis of retail study	- failure to generate real value to community - further alternatives should be presented		- retail footage has potential to be larger than existing DS (area and footage is particularly large when considering existing retail)
4. COMMUNITY CHARACTER		- loss of strong Warwick "brand" - loss of community character	- Warwick is rare, special place. We should strive for excellence in Rte. 94 zoning. CB doesn't come close to excellence.	- historical resources are overlooked, including Native Amer. & pre-colonial activity
5. CB ZONING PROMOTES SPRAWL	- is there a need for CB as proposed (new residences could be integrated in hamlets, rental units are common, open retail spaces are common)			- should distribute workforce housing in villages & town and not concentrate in CB - DGEIS mentions no other place in Town for similar zone; but similar zone could fit in existing villages & hamlets
6. CONFLICTS WITH SMART GROWTH PRINCIPLES	- is the need to salvage the corridor from the proliferation of auto dealerships and strip mall construction		- goal should be to allow change yet ADD to uniqueness: <i>continue</i> agricultural legacy; make <i>more</i> attractive to visitors; <i>more</i> livable to residents; needs more than CB	- CB does not satisfy smart growth principles, which is the working foundation of the zone - DGEIS describes CB area

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Name	Penny Steyer	Jerry Schlichting, CPA	Gregory Keys, PhD future94.org	Mayor M. Newhard & Warwick Village Board
Date of Letter # of Pages	4/1/2010 3 Pages	3/31/2010 7 Pages	3/30/2010 4 Pages	3/18/10 2 Pages
			- 2 examples of adding to uniqueness (farm-like park/visitor center; incentivize agribusiness, agritourism, local business)	as priority growth zone; results in village-like environment
7. CB ZONING WILL INCREASE CORRIDOR TRAFFIC	- corridor will become auto dependent - will be difficult to create a tight grid of streets in corridor			- road frontage of CB is potentially greater than that of Warwick Village
8. NOT ENOUGH COMMUNITY INPUT IN ZONING & DEIS PROCESS		- working group of community stakeholders should be established to further the rezoning	- Rte 94 rezoning should immediately enter phase 2 & include community stakeholders; goal is to generate innovative & realistic solutions beyond the current work	

1. DGEIS UNDERESTIMATED THE NUMBER OF SCHOOL-AGE CHILDREN

Comment. There were both oral and written comments on the DGEIS, that suggested a more detailed analysis of school-age children was needed because the assumptions used to estimate the number of school children generated by the proposed mixed residential component of the proposed CB District was flawed. The commenter’s believed that the estimates were too low based upon observations of the number of children in moderately priced housing such as Homestead Village. The concern expressed was that the apartment uses aspect of the CB District underestimates the taxpayer burden because it underestimates the number of children that will need to be schooled in Warwick’s schools. A specific question asked was as follows: “I would ask the Board why the School District was not asked to contribute its assessment of the potential impact of the project, as solicited from other Town Agencies such as Police and Fire Departments and Ambulance Corps?”

Response. The Town Board has modified the proposed CB District requirements to eliminate the mandatory 1/3 mix of retail, office and residential development in a Mixed use building. Some residential uses would continue to be permitted in the proposed CB District, but of a much more limited nature. For example, an accessory dwelling would be permitted for commercial agricultural operations (like they are elsewhere in the Town) such as accommodations for tenant and migratory agricultural workers, a single accessory apartment for an Agri-tourism business, country inn, conference center, convalescent or rest home, or a single accessory apartment in a building housing another business use or one Work-Live unit. Each of these residential uses would be much more limited than the prior proposal discussed in the DGEIS and would be expected to generate few if any school-age children than the previous apartments proposal alone. Such units are more likely to attract caretakers, night watchmen, and single or “empty-nester” business owners than families with children.

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Nevertheless, in response to the comment on the DGEIS assumptions, the bedroom mix proposed for the multiple residential dwellings calculated in the build-out analysis (218 one-bedroom and 41 two-bedroom apartments), along with the assumed structure type (second and third story apartments over commercial street level frontage), it is unlikely that many school age children would occupy such a unit. As indicated in the chart below, Homestead Village is not an appropriate example to use in suggesting that more than five percent (5%) of the residents will be school-age children. There are only 8 one-bedroom townhouses found in Homestead Village. On the other hand, in the DGEIS analysis, 218 of the 259 total build-out units would be one bedroom, which are typically occupied by a couple or one single adult. The population estimate in the DGEIS of 456 persons with five percent (5%) assumed to be school age children results in 22 school-age children. With 41 two bedroom units it can be reasonably anticipated that some occupants will be children, but not necessarily school age children. Therefore, the estimate is not too low but may be too high and certainly is not significant enough to warrant a separate study by the School District.

No. of Bedrooms	Unit Mix by Percent	No. of units in the 3 Existing Developments	Homestead Village Dr	Old Wagon Dr	Village Green Dr	DGEIS Build Out Unit Mix
1	5%	8	8			218
2	54%	93	25	48	20	41
3	41%	70	24	24	22	
		171	101	72	42	
BUILD OUT ANALYSIS SQ. FT. EST:			Retail: 232,316	Office : 232,316	Residential: 232,316	

Source: Link to *Property Tax Record Service* from Realtor.com; Chart prepared by GREENPLAN, May, 2010

Modified CB District Alternative: Due to the concerns expressed about generation of school children and the potential for added property tax burdens, apartments have been removed as a Principal Permitted use (i.e. the Two-Story Mixed-Use Building) in the Modified CB District Alternative. The maximum required area for each of the three use categories (i.e. 1/3 retail, 1/3 office, and 1/3 residential) was also removed from the Modified CB District Alternative but no more than 50 percent of a building’s square footage can be devoted to either retail or office uses. The Table of Permitted Uses was revised to include a single apartment as accessory to the following principal uses: Adaptive reuse of nonresidential agricultural structures; Country Inn; Business & Professional Office; Agri-tourism businesses; Tier 1 Retail Stores; and Work-Live Units. Work-Live Units have been defined as “A mixed-use unit consisting of a commercial and residential function. A Work-Live Unit has a substantial commercial component that may accommodate employees and walk-in trade. The unit is intended to function as work space for one individual business establishment with incidental residential accommodations that meet basic habitability requirements.” Businesses that could be accommodated in Work-Live Units include: Adaptive

reuse of nonresidential agricultural structures; Animal hospitals, Veterinary kennels; Country Inn; Business & Professional Office; Conference center; Convenience store; Medical or dental clinic; Agri-tourism businesses; and Tier 1 Retail Stores.

2. CB DISTRICT WILL COMPETE WITH VILLAGE BUSINESSES

Most of the commenter's had concerns that the CB Zoning District would bring businesses that would compete with Village businesses. The primary concerns included the following:

- 1) The CB zone will compete with the Village of Warwick downtown.
- 2) A detailed analysis of commercial impact and assumptions needs to be completed.
- 3) Warwick's uniqueness is a great economic asset; value of this asset will only grow as the region becomes more similar while we remain unique.
- 4) The DGEIS was not clear how negative impacts on Warwick Village will be prevented.
- 5) The Road frontage of the proposed CB District is potentially greater than that of Warwick Village.

These concerns regarding potential impact on existing Warwick businesses and community character were summarized further by Gregory Keys of Future94.org in a letter dated March 17, 2010. Related excerpts from his letter are as follows:

- (1) The planned commercial zone holds a real danger of destroying the economic viability of downtown Warwick (and of nearby hamlets like New Milford). What SPECIFICALLY will be done to guarantee that the new zone "will always be secondary to the Village of Warwick as the primary retail and civic center for the Community" as stated in the DGEIS and discussed in the 2008 Comprehensive Plan (Introduction/Business Development).
- (2) Economic impacts of the new zone on surrounding villages and hamlets are based on one study in the DGEIS. This study has major flaws and assumptions as pointed out in numerous letters (e.g. studies of concentric rings of 1, 3, 5 miles but not further distances which are realistically traveled by car; does not consider the advantages of easy access and parking in the new zone compared to that in existing villages; nor the advantages national chains have accessing large amounts of capital during difficult periods over that for local businesses). If I had a dangerous medical problem I would see another doctor for a second opinion. Shouldn't additional economic studies with evaluation of their limitations be conducted for this critical diagnosis?
- (3) Most public letters state concern that the unique historical and agricultural character of the area will be damaged by the new plan. What will be done to maintain or enhance what makes Warwick special in the region? This special character has great economic and quality of life value and is a major focus of the 2008 Comprehensive Plan.

Response. The CB zone is not intended to compete with existing businesses in Warwick but to augment the existing Village downtown and other developed commercial areas, with an area to accommodate new and expanding businesses, especially those that are not well suited to the Village or are underserved in the community. To alleviate concerns about negative impact on the viability of existing retail in the Village, the Modified CB District Alternative creates incentives for uses that are underserved in the community by expediting their environmental review process. Those retail uses that are well served in the community would be subjected to a full SEQR analysis as well as an examination of their fiscal impacts on the community (see § 164-46.G(5)(a) of the Zoning Law) as part of the Site Plan review process. Each use in the Modified CB District has been classified as Tier 1, Tier 2 or Tier 3 depending on its anticipated impact on the existing business community and character of Warwick and its Villages.

Modified CB District Alternative: Tier 1 uses include those that will enhance the historic agricultural character of Warwick, encourage tourism related uses to develop the tourism industry, and retail goods or services that were identified as undersupplied in the Retail Market Analysis prepared for the DGEIS. The modified proposal can be summarized as follows:

Tier 1 uses will be encouraged by providing expedited review and little or no SEQR requirements as long as it involves a use that has been addressed in the CB Zoning GEIS and is in compliance with the Design Standards. Tier 1 uses are additionally provided with a bonus in the lot coverage and floor area ratio (FAR) subject to issuance of a Special Use Permit by the Town Board based upon a series of conditions that address compatibility with Warwick's unique character.

Tier 2 uses include retail or office uses that assist in meeting demands of an underserved market and comply with the Town Design Standards. Tier 2 uses will have the incentive of a reduced SEQR review process if the Town Planning Board is lead agency.

Tier 3 uses are those uses that will be permitted but not encouraged by any incentives due to their potential impacts on existing businesses and/or community character. Tier 3 uses will be subject to the full SEQR review process.

Appendix A shows the proposed language to implement this provision. The remainder of this response uses excerpts from the Market Analysis submitted as part of the DGEIS to demonstrate the rationale behind the Tiering concept to which each respective use was assigned.

A further measure to protect the community character and existing businesses in Warwick is that Residential uses will not be a principal permitted use but only allowed as an accessory apartment in a structure housing a business use such as retail stores, business or professional offices, agri-tourism business, or country inn or work-live units. Eating and drinking places will only be allowed as accessory to uses such as agri-tourism, business and professional office, retail stores, bowling alleys and other indoor recreation, educational institutions, kiddie lands, convalescent or nursing homes.

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The following chart, modified from the DGEIS, is an excerpt from the Retail Market Analysis and indicates how the various retail goods and services ranked in terms of the estimated gap between supply and demand. Those goods for which supply does not adequately meet estimated demand are negative dollar amounts and are ranked from highest to lowest. The estimated amount of additional square footage that could be supported within the 3 mile and 5 mile radii are shown as well.

For example, Family Clothing had the largest Supply-Demand gap in both the 3 Mile and the total 5 Mile radii. Theoretically, within the 3 Mile trade area unmet demand is an estimated \$15,780,091. When this unmet demand is divided by \$268.71 (Sales per Square Foot) the potential new retail space that the primary trade area could support is 58,725 square feet. The methodology is only meant as a guide because there is obviously some overlap in some of the categories such as Family Clothing, Children’s Wear, and Woman’s Clothing. However, these data do provide some basis in determining which goods or services should be included in each of the 3 Tiers. It should also be noted that where N/A appears in the rank and the potential new Square Feet columns, it indicates that these categories are not being considered. For example, in the case of Food Store and Supermarket, the Price Chopper on the Fairgrounds site has now been built and has opened since the study was done so it is now meeting that demand.

TIER	Retail Category	Sales per Square Foot	Supply–Demand 0-3 Miles	Supply–Demand High to Low 0-3 Mile Rank	0-3 Mile Radius Potential New Square Footage (S-D)/(Sales/SF)	Supply–Demand 0-5 Miles	Supply–Demand High to Low 0-5 Mile Rank	0-5 Mile Radius Potential New Square Footage (S-D)/(Sales/SF)
3	Appliances	\$302.20	(\$1,119,644)	10	3,705	(\$3,638,644)	12	12,041
3	Auto Supply	\$237.92	(\$8,472,543)	N/A	35,611	(\$22,604,543)	N/A	95,009
2	Books	\$246.02	(\$551,179)	12	2,240	(\$4,530,179)	11	18,414
1	Children Wear	\$240.37	(\$2,215,203)	8	9,216	(\$6,929,203)	8	28,827
3	Drug Store	\$429.07	\$997,905	N/A	N/A	(\$25,238,095)	N/A	N/A
3	Eat & Drink	\$278.42	\$5,320,881	N/A	N/A	(\$36,226,119)	N/A	N/A
2	Electronics	\$302.20	(\$8,429,344)	2	27,893	(\$23,232,344)	2	76,877
1	Family Clothing	\$268.71	(\$15,780,091)	1	58,725	(\$53,834,091)	1	200,343
3	Food Store	\$412.21	(\$23,435,159)	N/A	N/A	(\$68,138,159)	N/A	N/A
None	Gas Station	\$1,321.30	\$25,380,400	N/A	0	\$9,540,400	N/A	0
1	Hardware	\$144.44	(\$4,455,137)	6	30,844	(\$13,609,137)	6	94,220
2	Home Furnishings	\$209.28	(\$5,111,479)	4	24,424	(\$16,262,479)	4	77,707
3	Liquor	\$396.27	(\$749,517)	11	1,891	(\$7,287,517)	7	18,390

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TIER	Retail Category	Sales per Square Foot	Supply-Demand 0-3 Miles	Supply-Demand High to Low 0-3 Mile Rank	0-3 Mile Radius Potential New Square Footage (S-D)/(Sales/SF)	Supply-Demand 0-5 Miles	Supply-Demand High to Low 0-5 Mile Rank	0-5 Mile Radius Potential New Square Footage (S-D)/(Sales/SF)
3	Pet Store	\$197.74	(\$2,427,260)	7	12,275	(\$6,336,260)	9	32,043
1	Shoes	\$189.77	(\$2,156,255)	9	11,362	(\$5,936,255)	10	31,281
1	Sporting Goods	\$220.87	(\$7,235,172)	3	32,758	(\$19,144,172)	3	86,676
3	Supermarket	\$485.75	(\$18,759,337)	N/A	N/A	(\$80,313,337)	N/A	N/A
1	Woman's Clothing	\$220.84	(\$4,880,317)	5	22,099	(\$15,664,317)	5	70,931

3. MARKET AREA IS INADEQUATE TO JUSTIFY CB DISTRICT

Comment. Four of the 2010 letter writers believed that the trade area used in the Retail Market Analysis was not large enough to support the proposed commercial square footage, which was 232,316 square feet each of retail and office space. The major comments included the following:

- 1) Market forces have failed to bring significant investment in corridor, under DS for 40 years. For the retail component to be sustainable, it will be necessary to create a viable target market that attracts customers from 2nd and 3rd tier away from CB zone. A detailed analysis of retail study is needed.
- 2) The proposed CB District fails to generate real value to the community; additional alternatives should be presented.
- 3) Retail square footage has the potential to be larger than the existing DS (area and footage is particularly large when considering existing retail). The DGEIS distorts achievements of the proposed CB District by a) comparing to outdated DS zone and not smart growth; and b) only discussing best case scenarios and not providing realistic alternative scenarios

Typical Characteristics of Shopping Centers by Category				
Category	Minimum Population or No. of Households	Typical Radius	Drive Time In Minutes	Type of Retail Establishments
Convenience 10,000 to 30,000 SF	2000 Households	0.5 to 1.5	5	Minimart, Restaurant, Beauty Parlor, Dry Cleaner, Fast Food, Medical/Dental
Neighborhood 70,000 to 90,000 SF	3,000 to 40,000 persons 6,000 to 8,000 households	1.5	5 to 10	Supermarket, Drugstore, Discount Department Store, Restaurant, Furniture, Hardware, Automotive, Bank, Liquor/Wine, Video Rental

Typical Characteristics of Shopping Centers by Category				
Category	Minimum Population or No. of Households	Typical Radius	Drive Time In Minutes	Type of Retail Establishments
Community 250,000 to 350,000 SF	40, to 150,000 persons	3 to 5	10 to 20	Junior or Discount Department Store, Supermarket, Off-Price Superstores, Variety Store, Family Wear, Furniture, Sporting Goods, Drugstore, Office Supply, Cinema
Regional 900,000 SF+	150,000+ persons	8	20	Department Stores, Megaplex, Food Court, Entertainment Center, Large Format Specialty and Off-Price Stores
Super Regional	300,000+ persons	12	30	See Regional

Response. The chart above displays trade area radius, minimum population or number of households needed, drive time and total square foot area for the four major types of shopping centers. These guidelines were developed through years of study published in the biennial “Dollars and Cents of Shopping Centers” by the Urban Land Institute and are broadly used and accepted by the commercial real estate industry (Sources: A Primer on Retail Types & Town Centers, Robert Gibbs; New Urban News, Sept 2007. “Dollars and Cents of Shopping Centers, 2008” Urban Land Institute.)

Some of the comments indicated an opinion that the primary (1 to 3 mile radius) trade area and secondary (3 to 5 mile radius) trade area should be expanded to include a significantly larger market. An expansion of up to a 26 mile radius was suggested in one case because of Warwick’s appeal as a tourist area. The CB Zone is intended to augment existing commercial areas in the Town and Villages with a nearby location in which undersupplied goods and services in the community could be provided. The CB District has also been designed to ensure that development which may occur there in the future is consistent with Warwick’s historic agricultural and rural character. Community shopping center is the category that most closely meets that intent of the CB District and the primary and secondary trade areas were so defined in the Retail Market Study to reflect the 3 to 5 mile radius and a roughly 10 to 20 minute drive-time for Community centers as shown in the chart.

As noted in the Socio-Economic section of the Retail Market Analysis, as of the 2000 Census, the population within the five mile radius of the site was 27,159 in 9,554 households. Estimates of the 2008 and 2013 Population and other socio-economic characteristics were obtained from Neilson/Claritas and used by GREENPLAN to prepare a table for 2008 and one for 2013 that showed these data for each of the three radii (0 to 1 mile, 1 to 3 miles, and 3 to 5 miles) as proportions of the total 5 mile radius. The estimated 2008 population was 28,169 in 10,087 households.

Table 3B from the Retail Market Study follows this paragraph and indicates that the population is expected to increase from 2008 about 3 percent to 28,943 by 2013 with a household count of about 10,448. Although the 2013 population of the primary trade area is

less than half of the total at an estimated 11,378, within that three mile radius are 574 people within one mile of the site with the highest estimated median income (\$100,033) of all three sub-areas. This is nearly 110% of the estimated median income of \$91,493 for the total 5 mile area. The U.S. Census Bureau estimated that 2008 median household income was \$71,678 in Orange County. Therefore, the primary and secondary trade areas include households with incomes considerably higher than the county-wide median.

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Table 3B: 2013 Projected Socio Economic Characteristics of Primary (3 Mile Radius) and Secondary (3 to 5 Mile Radius) Trade Areas of Route 94 at Warwick Turnpike, Warwick, NY

Description	Radius 1	%	Radius 2	%	Radius 3	%	Total
2013 Demographic Totals	0 - 1 miles		1 - 3 miles		3 - 5 miles		0-5 miles
Population	574	1.98%	10,804	37.33%	17,565	60.69%	28,943
Households	199	1.90%	4,048	38.74%	6,201	59.35%	10,448
Families	160	2.10%	2,881	37.78%	4,585	60.12%	7,626
Group Quarters Population	1	0.14%	202	28.13%	515	71.73%	718
Housing Units	209	1.81%	4,188	36.30%	7,139	61.88%	11,536
2013 Average Household Size	2.88		2.62		2.75		2.77
2013 Median Age	40.69		40.22		38.72		39.87
2013 Median Household Income	\$100,033	109.33%	\$86,945	95.03%	\$87,500	95.64%	\$91,493
2013 Median Owner-Occupied Housing Value	\$450,000	112.56%	\$396,537	99.18%	\$352,801	88.24%	\$399,799

Source: Prepared October 1, 2009 by Claritas, Inc.; Site Reports for Town of Warwick, NY as ordered by GREENPLAN, Inc.

Although the 28,943 population is less than the recommended minimum of 40,000 for Community shopping, it is above midway between the 4,000 to 40,000 range for Neighborhood centers. Since other factors such as drive time, square footage of the center and its retail mix must be considered along with demographics in defining trade area, unique communities like Warwick do not always fit neatly into these categories. The *Primer on Retail Types & Town Centers*, describes a new concept that was not included in the “Typical Characteristics of Shopping Centers” table. This concept is referred to as “Lifestyle Centers” and it has features that adapt well to the proposed CB Zoning District. The following excerpt explains the concept:

The newest retail type, the lifestyle center, was created in an effort to offer upscale fashion and home furnishing centers without department stores. These open-air centers have become very successful with busy shoppers who seek specific favorite shops. The centers are built with and without streets; however those with streets tend to be more successful. With a 4 to 6-mile trade area, lifestyle centers can squeeze between regional centers or into tight niche markets that are underserved by retail. Most retailers seek access to at least 75,000 households earning a minimum of \$75,000 per year. However, the lifestyle center format has been proven to work for moderately priced retailers that have a broader consumer base. Developers have recently found that the lifestyle format when combined with residential, office, and community uses can increase traffic and improve overall performance. These new mixed-use centers are often referred to as “town centers.”

(Source: New Urban News, Sept., 2007; Robert J. Gibbs, ASLA, principal of Gibbs Planning Group in Birmingham, Michigan)

Market Area and potential demand were carefully considered in the Modified CB District Alternative, discussed in this FGEIS. As indicated in the discussion above, the defined market area was revisited in relation to the accepted guidelines for the major shopping center categories. This further study confirmed the appropriateness of the primary (3 mile radius) and secondary (3 to 5 mile radius) trade areas, particularly in view of the potential for a “Lifestyle center” which calls for a trade area of 4 to 6 mile radius. The size of the individual stores was reduced from a minimum of 4,000 to 2,000 square feet and the maximum building area was reduced from 75,000 to 60,000 square feet. Furthermore, the Build Out Analysis, which suggested an even split of 232,316 square feet each for retail, office, and residential, has been modified by removing residential as a principal use. In conclusion, the population size, socio-economic characteristics, and geographic location of Warwick indicate that the defined trade area could support a commercial area at the Route 94 location, particularly with the incentives and the design standards that encourage the establishment and expansion of businesses that provide undersupplied goods and services in an area with walkable streets.

4. CB DISTRICT WILL BE HARMFUL TO WARWICK’S CHARACTER

Comment. Several of the commenter’s were concerned that the CB District would be harmful to Warwick’s historic rural character. The major comments included:

- 1) The CB will lead to a loss of a strong Warwick "brand" and loss of community character.
- 2) Warwick is a rare, special place. We should strive for excellence in the Route 94 zoning. The CB District doesn’t come close to excellence.
- 3) Historical resources are overlooked, including Native American & pre-colonial activity.
- 4) Overall square footage of retail is too large.
- 5) An analysis finds major flaws to the residential component of the CB District (creates a form of segregated housing; no amenities like parks; residents will be outpriced from the businesses they live above).

The current DS Zoning District presents more of a threat to community character and historic resources than the proposed CB District due to the insufficient control over the form and type of commercial development that exists and the DS District’s focus on creating new auto-dependent retail development. The intent behind including the residential component was to provide additional housing opportunities, especially for affordable apartments, and to encourage development of a pedestrian friendly center that would enhance the historic, small town character of Warwick rather than continue to allow “big box” retail and commercial strip development, as is currently the case with the DS District. The concerns about the residential

component of Warwick's rural and agricultural heritage have been addressed in the Modified CB District Alternative as described in the following paragraph.

Modified CB District Alternative: To encourage uses that will highlight Warwick's agricultural heritage and enhance the community character and to discourage those that do not, the Modified CB District Alternative will provide incentives, depending on whether the proposed use is classified as either a Tier 1 or Tier 2 use as described in the response to Comment 2 above. Tier 3 uses will not be eligible to receive incentives and would not be encouraged. In regards to whether the CB District will Compete with Village Businesses, the "Table of Use Requirements" was carefully reviewed and agriculture related uses and those that would encourage tourism and provide currently undersupplied goods and services were designated as Tier 1. To address the concern about the residential component, residential units will only be allowed as an accessory use in the upper floor of the business to which it is accessory, accessory to agricultural uses, or as Work-Live units (see proposed definition in Appendix A).

Retaining Warwick's rural and agricultural character is the defining vision of the Town's *Comprehensive Plan*. The replacement of the DS District with the CB District is a direct action that will move the Town away from a Zoning strategy (i.e. the DS District) that is likely to have significant impacts on Warwick's character if the DS District were to be fully built-out. Adoption of the Modified CB District Alternative will have the opposite effect by helping to move Warwick in the direction of retaining its rural and agricultural character in conformance with the *Plan*.

5. THE CB DISTRICT PROMOTES SPRAWL

Comment. Several of the commenter's were concerned that the CB District would promote sprawl as indicted in the following comments:

- 1) Is there a need for CB as proposed (new residences could be integrated in hamlets, rental units are common, open retail spaces are common).
- 2) Should distribute workforce housing in the villages and town and not concentrate in the CB District. The DGEIS mentions no other place in Town for a similar zone, but a similar zone could fit in the existing villages & hamlets
- 3) Green designs need to be implemented (parks, energy efficiency within units, sustainable, local materials, recycling, and more).
- 4) New growth should be contiguous with the Village of Warwick.
- 5) The Zoning changes altogether fail at smart growth, and could be considered a type of sprawl. The proposed Zoning amendments fail in two important smart growth principles: develop from existing communities and preserve open space.
- 6) Will create Long Island type sprawl.

Response. The idea of including residential uses in the Route 94 Corridor evolved as a means to avoid a proliferation of only single-use auto-dependent retail strip centers that are prescribed in the Zoning Law for the DS District. The intent was to provide smaller scale, pedestrian friendly mixed retail, office, lodging and other uses that would serve the larger Warwick community but also incorporate housing opportunities for potential employees and Warwick residents seeking to “downsize” or “start-up” but stay in Town. The area is relatively close to the Village and its location on Route 94 seemed vulnerable to commercial strip development without the provision for a mixed use “planned community”. Given the concerns expressed above and at the Public Hearing, it was determined that the residential component should be reconsidered and thus, was removed from the Proposed CB Zone as a Principal use. Limited residential would be allowed in the Modified CB District Alternative through the provision of a single accessory apartment per business establishment, through lodging in “Country Inns” and “Conference Centers” and through Work-Live units that are primarily commercial but include a living arrangement for the owner or operator of the business.

Warwick’s hamlets are largely zoned for Local Business (LB). In the existing LB districts, an accessory apartment is already a Special Permit Use to a business use. In terms of the villages, the Town of Warwick has no jurisdiction over the Zoning regulations in effect in any of the three villages within the Town.

The Village of Warwick has, through its Comprehensive Plan, established a policy of creating a greenbelt around the Village and the Town Board is aware of that policy. The concept of targeting new growth contiguous with the Village is, therefore, in conflict with the Village’s established policy.

Recent affordable housing studies of Orange, Ulster and Dutchess counties² have identified a need for providing more opportunities for affordable housing in each community. Every community in New York State has an on-going obligation to provide a diversity of housing for all. The Town of Warwick has had an affordable housing program in place for several years and the prior CB District proposal was an attempt to increase that supply of affordable housing. The Village Board comments had questioned whether the residential component of the prior CB District proposal would work, suggesting that the villages and hamlets may be more suitable for such uses. While the Town Board agrees in principal with this comment, it also raises the issue of whether the Village is willing to accommodate a greater share of the community’s affordable housing needs, that has been identified by others as lacking. As discussed above, the Town’s largest hamlet, Pine Island, is generally not suitable for significantly increasing residential densities due to the lack of suitable infrastructure, access to arterial roads, and available undeveloped land that is not already constrained by agriculture, wetlands, floodplains, or unsuitable soils for building development. The Town Board is

² A Three-County Regional Housing Needs Assessment: Orange, Dutchess and Ulster Counties From 2006 to 2020, April 2009. Orange, Dutchess and Ulster County Planning Departments.

available to meet with the Village Board in an attempt to address the need for greater affordable housing opportunities within the community.

The CB District is not intended to impact or replace the villages as the civic, cultural and retail centers for the Town. All of the 10 smart growth principles that are cited in the DGEIS cannot be achieved given the current state of the DS District and the policies established by the Town and Village of Warwick in their Comprehensive Plans. While the DS District currently meets few smart growth principles, the CB District was intended to meet as many as possible, given the area's past development history, its future as a State highway corridor for the region, and its location remote to most residents in Warwick. Most of Warwick's population lives in rural areas of the Town where they are forced to drive to shop, work and recreate. The CB District therefore, was intended as a District that allowed predominantly auto dependent uses to continue to be served but to also create an area in the Town that could become a desirable "place" for a variety of activities in a pedestrian friendly environment. In *The Smart Growth Manual* by Andres Duany and Jeff Speck (McGraw-Hill, 2010), the authors discuss growth priorities for communities and regions as follows:

Smart growth directs both public infrastructure funding and private development where they will have the greatest economic, environmental, and social benefit. This approach requires a clear prioritization of growth alternatives, from smartest to "dumbest," as follows:

- 1) *Urban revitalization*
- 2) *Urban infill*
- 3) *Urban extension*
- 4) *Suburban retrofit*
- 5) *Suburban extension*
- 6) *New neighborhoods on existing infrastructure*
- 7) *New neighborhoods requiring new infrastructure*
- 8) *New neighborhoods in environmentally sensitive areas*

The proposed CB District area cannot be considered an "urban" area but is more properly described as suburban and should be classified as a "Suburban retrofit," which tends towards one of the "smarter" growth strategies. The specific purposes of the CB District (see Appendix A) are to:

- 1) Reclaim an existing auto-oriented shopping strip by incrementally redesigning and transforming the strip into a walkable and bikable commercial area that will always be secondary to the Village of Warwick as the primary retail and civic center for the community, while strengthening its links to the Village as a complimentary mixed-use area serving a slightly different and more auto-dependent purpose, than the walkable Village.
- 2) Help to unify the streetscape of Route 94 with generous landscaping, continuous street trees and if possible, planted medians, reminiscent of a boulevard.
- 3) Fill in the front of the large parking areas wherever possible by replacing them with buildings. Site new buildings back from the road and buffer the buildings with trees,

- berms, landscaping, and other natural elements to protect the viewsapes and compliment the agricultural and other open spaces surrounding the commercial area as shown on the illustrations in Appendix A.
- 4) Create pedestrian and bicycle networks through sidewalks, bicycle paths, trails and crosswalks, in order to create connections to shared parking, public transportation and between stores and nearby housing in the RU and SL districts as well as the Village.
 - 5) Enhance and diversify the local tax base by generating additional revenues to meet the costs of municipal and educational services by encouraging specific retail and other commercial services that are currently underserved in the community.

Inherent to “Smart Growth” and prevention of sprawl is the idea that providing areas for business expansion near existing communities will assist in maintaining sustainable communities. Economic development, particularly if it is at a scale appropriate to the community it serves, is consistent with smart growth principles because it can result in the following economic cycle:

- Businesses move into the area
- Local residents hired
- Local income, saving and spending increase
- Sustainable economic development occurs
- More assets and quality shopping is created
- A stronger tax base is created
- More jobs in the community are created
- Businesses move into the area ...

Modified CB District Alternative. The residential component was removed as a principal use and will only be allowed as accessory to a commercial use or as Work-Live Units. New uses will be subject to the Town’s Design Standards for the CB District and some uses were refined to require use of “green” building and site design, such as LEED or equivalent certification. The revised CB District also includes a new Tier 1 use to encourage alternative energy research and design and encourage “clean renewable energy technology businesses devoted to research, education, distribution or application of technological innovation in alternative energy.” Retail and other specified uses have been assigned either a Tier 1, Tier 2 or Tier 3 classification. Tier 1 and Tier 2 uses are encouraged because they have been found to be underserved in the community while Tier 3 uses will be subject to the full review requirements of the Town of Warwick and the New York State Environmental Quality Review Act. Retail uses cannot comprise more than 50 percent of the floor area of a building, thereby requiring that there be a mix of uses rather than a uniformity of retail that is exclusive of all other uses, such as is present in the existing DS Zoning District. Furthermore, business and professional offices cannot similarly comprise more than 50 percent of the floor area of a building, again, ensuring that a mix of uses is enabled and encouraged.

6. CB DISTRICT CONFLICTS WITH SMART GROWTH PRINCIPLES

Sprawl and smart growth are considered contradictory planning approaches. Therefore, readers should review the response to “5. CB District Promotes Sprawl” comments above for a discussion of smart growth principles.

7. CB DISTRICT WILL INCREASE CORRIDOR TRAFFIC

Comment. Some commentators suggested that the CB District will create more traffic problems for the Route 94 corridor than the existing zoning will. One commenter suggested that the District be expanded southwestward along Route 94 to encompass additional properties.

Response. The vast majority of transportation in the Study Area is by the automobile. The Traffic Study examined the roadway infrastructure of NYS Route 94/Warwick Turnpike at certain key intersections relative to potential traffic impacts associated with the current Zoning regulations compared to the proposed Zoning Amendments. The build-out estimate used a worst-case assessment with retail as the sole traffic generator. The proposed CB District discussed in the DGEIS required a 1/3 split between retail, office and residential but the traffic study took into account the highest traffic generator as the sole use. The Modified CB District Alternative now largely eliminates residential from the uses permitted, but retail and office uses cannot exceed 50 percent of the floor area of a building.

The analysis focuses on the capacity of Route 94 with the knowledge that this State highway must carry the land-use generation of this immediate area along with the through traffic generated by uses beyond this section of Route 94. The concept discussed in the DGEIS, which has been in place in the Town Zoning Law for more than 20 years, is the marginal access road. This is essentially a parallel Town road that serves as a “service” roadway connecting adjacent land-uses so as to create a secondary path that allows multi-use/destination shopping between and among a series of consumer services. The marginal access roads act as collectors funneling shoppers and others to clearly defined signalized access points to the main thoroughfare, in this case Route 94. Therefore, although the traffic analysis cannot implement or utilize the benefits of such design, it clearly is the proper long-term objective of the Town, ultimately resulting in a lessening of the over-all traffic burden on Route 94. What was presented in the DGEIS’s traffic analysis was a worst-case scenario absent any benefit to be accrued by implementation of reasonable access management in the form of the proposed marginal access roads that will be required of new development and for which incentives (bonus development allowed by Special Use Permit from the Town Board) would be put into place to encourage existing developed properties to construct their share of the marginal access roads. In the absence of bonuses, there would be no incentive for such property owners to

construct this roadway on their existing developed properties. Similarly, although signalization of specific intersections is the mechanism used to increase capacity in this Analysis, it clearly is not the only means of accomplishing that goal. Roundabouts and other forms of intersection improvements may be better alternatives; such issues must be explored when more specific development proposals are advanced.

It is important to understand that two of the four intersections in the study area for the traffic analysis will experience unacceptable operating conditions in the “design year” of 2014 without any further local growth in the Study Area, and are suffering less-than desirable conditions currently. This situation will result simply from the external background growth that will place additional traffic volumes on Route 94, a State highway connecting points in New Jersey with points in New York State north of Warwick. Thus, mitigation will be necessary to maintain safe operating conditions absent any further local controlled growth. Therefore, given these conclusions, the proposed Zoning Amendments do not create infrastructure needs that will not otherwise be necessary with current Zoning regulations as growth occurs in the near term.

The question of extending the Zoning District to the southwest past the intersection of Route 94 and CR 21 will have potential negative impacts on Route 94, with the exception of the two parcels at the intersection of Route 94 and CR 21, which are currently used for non-residential purposes and represent a logical location for terminating the marginal access road at this intersection. First, it will spread commercial growth further from the Town’s historical commercial shopping area with the potential for creating additional sprawl on Route 94. This would be counter to Warwick’s Comprehensive Plan. The second reason for this potential impact is the fact that a service road, to be effective, must funnel traffic flows to a point on the artery that can accept the additional traffic volumes. In this case, the current western terminus of the marginal access road would be as a new leg of the Route 94 and CR 21 intersection...entering the intersection from the north. Since this existing intersection must, under any growth scenarios, be signalized (or reconfigured as a roundabout if feasible) for safe and efficient operation into the future, it is a natural and logical terminus for the marginal access road. For purposes of “access management” this suggested treatment of the marginal access road utilizes an existing intersection and does not introduce a new intersection on Route 94, which would only add to the delays and congestion.

The alternative of extending the zone to the west to allow or encourage the difficult extension of the marginal access road to Sanfordville Road will also mandate that the intersection of Sanfordville Road and Route 94 be signalized to handle the additional traffic. Another signalized location on Route 94 would be detrimental to traffic flow on this important artery. Additionally, Sanfordville Road would likely need to be upgraded to handle the marginal access road traffic volumes.

There simply is no compelling traffic engineering reason to extend the Zoning District to the southwest and based on the above noted issues there are considerable negative impacts associated with such an action.

8. NOT ENOUGH COMMUNITY INPUT IN THE PROCESS

Comment. Several of the commenter's felt that there was not enough community input prior to proposing the zoning change from DS to CB. The major comments are as follows:

- 1) A working group of community stakeholders should be established to further the rezoning efforts.
- 2) The Route 94 rezoning should immediately enter phase 2 and include community stakeholders. The goal should be to generate innovative and realistic solutions beyond the current work.
- 3) The planning process should be open to the community.
- 4) No valid alternatives to the CB District are offered or evaluated.

Response. This proposed rezoning evolved from a multi-year comprehensive planning process including numerous advertised public meetings. As noted in the DGEIS, the Route 94 area was designated for Designed Shopping (DS) and Office Industrial (OI) development in the 1970's and later confirmed to remain as such in the Town's 1987 *Master Plan*. In the Town's 1999 *Comprehensive Plan*, this area was recommended for a review of the continued "appropriateness" of these two Districts. This recommendation was repeated in the Town's 2008 *Comprehensive Plan* because of residents' desires to prevent the proliferation of strip commercial development in the Town, prescribed principally by the DS District. Current development proposals in the DS District, if approved, further perpetuate the DS District's form of development described elsewhere in this FGEIS.

Since 2005 there have been numerous meetings of the Town Board, Planning Board, and Comprehensive Plan Committee in which this issue has been discussed openly and where public involvement has been encouraged. A number of meetings have been organized in an attempt to involve Village residents and business owners in discussion of the DS and CB Districts. Randall Arendt, an acknowledged nationwide planning expert on design and development, was brought into the community for an analysis of the proposed CB District. Mr. Arendt made a presentation to the community at a widely advertised public meeting. Many of the ideas and suggestions expressed by residents and business owners provided the foundation for the proposed CB Zoning District. The proposed Zoning Amendments have been posted on the Town's website for several months, providing further opportunities for public comment and suggestions. The openness of the discussion forums that led to the Modified CB Zoning District Alternative is demonstrated in the following background information that is excerpted from the DGEIS.

Although the first two attempts to review whether or not the DS and OI zones were appropriate for the subject area failed to result in any change, the recommendation was taken seriously enough to incorporate it into the 2004-2005 planning process that evolved into the Town's adopted 2008 *Comprehensive Plan*. The opportunity arose to vigorously pursue this recommendation in 2005 when St. Anthony's Community Hospital presented the Warwick Town Board with conceptual plans for a new hospital complex on three parcels of land,

including the Miller Farm, in the vicinity of Route 94 and Warwick Turnpike. Although this site was viewed as an ideal location by the Hospital, the existing DS zoning would not permit a hospital.

The Hospital's interest in partnering with the Town to explore alternative plans for this Area was viewed as an opportunity to meet the Hospital's expansion needs and to implement the recommendation of the *Comprehensive Plan* to review and possibly amend the area's zoning. The Town Board issued a Positive Declaration in December of 2005 on two actions, amendments to the Town's 1999 *Comprehensive Plan* and the 2002 Zoning Law. Though Scoping for the DGEIS was accomplished in January and February of 2006 and work began on the DGEIS, the St. Anthony's Community Hospital relocation proposal did not advance and plans for a new "Priority Growth Center" on the Miller Farm and adjoining parcels were temporarily shelved. The next opportunity arose after an update to the 1999 *Comprehensive Plan* in 2008 was adopted when the Town Board determined that it would again pursue plans to amend the Zoning districts for the Area to avoid a continued proliferation of sprawl commercial development, which is currently prescribed in the DS Zoning District.

Modified CB District Alternative. In order to alleviate any perception that community input was insufficient and that more alternatives to the proposed CB Zone should be considered, all of the comments from the March 18 public hearing and written comments since have been addressed. This Modified CB District Alternative includes many revisions such as removal of residential as a Principal use; providing Tiers 1, 2, and 3 as a means of managing the synergy of allowable uses; reducing the floor area to a minimum of 2,000 and maximum of 60,000 square feet; refining the Design Standards and other provisions to encourage "green" technology and smart growth; and requiring that no more than 50 percent of the floor area of a building can be devoted to either retail or office and similar uses. In this way, an appropriate mix of uses can be enabled and encouraged.

In fact, many comments from 2009 had been incorporated into the Proposed CB Zoning prior to revising the DGEIS beginning in February, 2010. This FGEIS will be subject to a period of public consideration and will be posted on the Town of Warwick website for downloading, will be available in the Town's libraries and at Town Hall, and will be filed with the Village of Warwick and many other agencies. There will be at least one additional public hearing on the Modified CB District Alternative before the Town Board considers action. Finally, as with all Zoning amendments, if the Town Board approves the Modified CB District Alternative and it appears as if this new approach to development in the Route 94 corridor is not working as expected, then additional Zoning amendments can be entertained in the context of an update to the Town *Comprehensive Plan*. Warwick's *Comprehensive Plan* contains a provision for revisiting its recommendations at regular intervals of every three to five years.

DGEIS Modifications

This section of the FGEIS describes modifications to the DGEIS. The modifications are in response to changes in the assumptions used in the build-out analysis as a result of the Modified CB District Alternative.

Modified Build Out Analysis Summary

The build-out analysis conducted for the DGEIS indicated that the current Zoning would permit the development of approximately 312,385 square feet of new retail space in the Study Area. This analysis was based on an assumption that there were largely three parcels of land that were undeveloped and could be subject to future commercial development, namely the 5.1 acre Homarc site, the 38 acre Miller Farm (DS District area only), and the 11.5 acre Marie Green Realty property (currently in the OI District). The analysis subtracted the known environmental constraints on these four sites (such as wetlands, wetland buffers, and steep slopes) and assumed that such areas would not be used for calculating permissible density. This is often what occurs in the development review process. However, under the current Zoning Law, such environmental resources need not be deducted from the overall parcel acreage in calculating permissible density in the DS District. The Floor Area Ratio (calculated by multiplying the parcel square footage by 0.2) prescribes the amount of building square footage that is potentially approvable on a parcel, without regard to the presence of environmentally sensitive resources. In addition, the existing Zoning Law's DS District requirements prescribes the Floor Area Ratio (FAR) as a "Minimum Required." Thus, the existing build-out analysis understated the potential amount of development that could occur in the existing DS Zoning District. For instance, on the Miller Farm, the 38 acres could yield as much commercial building square footage as 331,056 square feet.

Furthermore, some of the existing developed properties in the existing DS District are not fully developed up to the "Minimum Required" permissible FAR and could be subject to additional commercial square footage development. This includes but is not limited to the Pennings Farm parcels in the DS Zone and the undeveloped portions of the Fairgrounds site. One of the two Fairgrounds parcels was proposed for the relocation of County Chevy, but this proposal has since been dropped. These two parcels alone could result in an additional

260,402 square feet of commercial development in the corridor. While a 30 percent lot coverage limitation prevents more than 30 percent of a parcel to be developed with the building footprint and asphalt areas for parking and access, buildings can be constructed up to three stories or 35 feet and parking accommodations can always be provided underground, as they have been proposed for the Homarc site. All told, it is conceivable that an additional 1.1 million square feet of retail development could occur in the existing DS Zoning District. The Modified CB District Alternative reduces that building square footage to approximately 1.0 million square feet, requires that no more than 50 percent of it be provided in retail or office uses, requires a minimum of two story buildings so that the building footprint is cut in half or thirds if the building is built as three stories. An examination of the use of shared parking will be a requirement of the Special Use Permit process, further reducing the need for excessive parking areas and therefore, lot coverage.³

In the Modified CB District Alternative, the lot coverage will remain at 30 percent to ensure open space on each parcel is retained and the FAR will be modified to a “Maximum Permitted of 0.2. The Town Board will have the ability to grant bonuses to Tier 1 uses in exchange for the provision of community benefits and amenities, such as marginal access road development on existing developed parcels or in exchange for specific underserved uses in the community that adhere to the Design Standards and several other requirements, in order to be eligible for the bonus. Such bonuses would allow for an increase in lot coverage from 30 percent to 40 percent and an increase in the FAR from 0.2 to 0.25. The uses must be Tier 1 uses and each proposal will be subject to Town Board approval of a Special Use Permit for increases in density and Planning Board approval of Site Plans and Special Use Permits for the uses and site development. Other requirements would apply as described in Chapter 1 and as shown in Appendix A of this FGEIS.

An analysis of the DS District’s potential for commercial square footage was conducted for this FGEIS and it was determined that if all properties applied for the CB District bonuses, including existing developed sites, the amount of new commercial square footage would be approximately equal to the existing DS District build-out of approximately 1.1 million square feet, but a maximum of 50 percent of this build-out potential could be provided in the form of retail uses. This is unlike the existing DS District where 100 percent of the build-out could be in retail uses. In addition, under the existing DS District requirements, the Floor Area Ratio (FAR) is mandated at a minimum of 1.1 million square feet due to the Table of Bulk Requirements specifying that the FAR is the “Minimum Required”. Thus the existing DS build-out significantly understates the total amount of retail square footage that would be possible if the buildings were constructed at two or three stories. The Modified CB District

³ Parking is currently calculated by the number of square feet of use with no reduction for mixed use buildings where one auto trip may be made to multiple businesses. Rather, each individual use must establish a minimum number of parking spaces even if a patron were to park once and walk to multiple businesses. This leads to excessive parking requirements with stormwater and water pollution consequences.

Alternative, on the other hand, will amend the Zoning Law's Table of Bulk Requirements to indicate that the FAR is the "Maximum Permitted" further limiting the total build-out potential of the CB District than just the 50 percent retail maximum. The Planning Board has the authority to impose higher planning and design standards than otherwise provided for, when there exists good reason in the nature of the land, including but not limited to topography, location, shape, size, drainage, surface and ground water resources, and other physical features of the site as well as the character of the surrounding community. The Planning Board also has the authority to impose reasonable conditions and restrictions on any development proposal.

If the Town does nothing to refine the DS District, the consequences will likely take the form of additional auto-oriented sprawl development of big box retail stores. This has the potential to change the character of this part of the community for 100 years or more. The proposed build-out, while resulting in additional office, retail and other development, if carried out in accordance with the Design Standards and other planning tools discussed herein, have the potential to create new development that will be consistent with the character that residents desire, while providing goods, services, employment opportunities and limited housing that is desired by the community for decades to come.



Modified CB District Alternative

The proposed Community Business Zoning District amendments have been modified in response to public comments. The entire text of the proposed amendments can be found in this Appendix.

Amendments Proposed to the Town of Warwick Zoning Law August 12, 2010

The following are amendments, proposed by the Town Board of the Town of Warwick, to the *Zoning Law of the Town of Warwick, New York*. Such amendments are being considered in response to the recently updated 2008 Town of Warwick Comprehensive Plan:

Sections (§)	Proposed Modification
164-22	Replace the definition for “Floor Area of a Building” with the following new definition: “The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to habitable use, but including the areas of roofed porches and roofed terraces. All dimensions shall be measured between the exterior faces of walls.”
164-22	Add a new definition for “Conference Center” as follows: “A facility used for in-residence business, cultural or professional programs, conferences, retreats and seminars, often with campus-type accommodations for sleeping, eating and recreation.”
164-22	Replace the definition for “Convenience Store” with the following new definition: “A retail store containing 4,000 square feet or less of gross floor area, designed and stocked primarily to sell food, beverages and household supplies to customers who purchase only a relatively few items. Such establishments shall not include the sale of gasoline, diesel or other motor fuels.”
164-22	Add a new definition for “Financial Institution” as follows: “The premises of a financial services company including a bank, credit union, trust company, insurance company, finance company, mortgage company, pension fund, broker, underwriter or other similar investment company.”
164-22	Replace the definition for “Motor Vehicle Service Station” with the following new definition: “Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle minor accessories, and which may or may not include facilities for lubricating or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment. A motor vehicle service station may include, as an accessory use, a retail store, not exceeding 2,000 square feet, for the sale of a limited number of food and household products.”
164-22	Add a new definition for “Retail Stores” as follows: “An establishment engaged in selling or renting goods or merchandise specified in the Table of Use Requirements, to the general public in small quantities for personal or household consumption or business use and rendering services incidental to the sale of such goods. A “Motor Vehicle Service Station” and an “Eating and Drinking Place” shall not be considered a “Retail Store.”

Sections (§)	Proposed Modification
164-22	In the definition for “Use, Principal” in subparagraph “(C)”, add “Community Business,” after “Traditional Neighborhood” and before “and Designed Shopping Districts.”
164-22	Add a new definition for “Work-Live Unit as follows: “A mixed-use unit consisting of a commercial and residential function. A Work-Live Unit has a substantial commercial component that may accommodate employees and walk-in trade. The unit is intended to function as work space for one individual business establishment with incidental residential accommodations that meet basic habitability requirements.
164-30	Add a new the District Label for “CB Community Business”.
164-31.P	Add a new paragraph “P” as follows: “CB. The purpose of the Community Business District is to provide a place for attractive development of business activities that serve community needs. A limited number of curb cuts along NYS Route 94 are required by the Town’s Marginal Access Road standards, to minimize conflicts with through traffic and to conserve the capacity of the roadway, while providing linkages between business establishments on adjacent parcels. Careful review of both site and architectural elements is required in this district to enhance the overall quality of site development and promote architectural design that is compatible with the overall historic character of the Village and Town of Warwick.”
164-32.A	Amend the “Town of Warwick Zoning Districts” map by adding a new district entitled “CB - Community Business” Zoning District. Add to the “Zoning District Purposes” text on the “Town of Warwick Zoning Districts” map with the following new text: “CB The purpose of the Community Business District is to provide a place for attractive development of business activities that serve community needs. A limited number of curb cuts along NYS Route 94 are required by the Town’s Marginal Access Road standards, to minimize conflicts with through traffic and to conserve the capacity of the roadway, while providing linkages between business establishments on adjacent parcels. Careful review of both site and architectural elements is required in this district to enhance the overall quality of site development and promote architectural design that is compatible with the overall historic character of the Village and Town of Warwick.”
164-40.F and M	In the Table of Use Requirements, amend the Table by adding a new column titled “CB” and add the uses identified by “P” for permitted, “S” for special permit use, and “A” for accessory use with the uses identified in Attachment “A”.
164-40.F and M	Amend the far left column in the Table of Use Requirements by adding the new uses that are identified by a “#.1” on new rows in the Table and amend the existing numbered uses as shown in Attachment “A.”
164-40.H and N	Amend the Table of Bulk Requirements so that the entire column entitled “Floor Area Ratio” appears under the Table’s Subheading “Maximum Permitted” instead of the Table’s Subheading “Minimum Required”.

Sections (§)	Proposed Modification
164-40.G	<p>Add the following three new “Use Symbols” to the middle column on the last page of the Table of Use Requirements:</p> <p>T1 - Tier 1 (T1) uses are encouraged in the Town of Warwick and are eligible for incentives in accordance with § 164-46.J(139) of the Zoning Law.</p> <p>T2 - Tier 2 (T2) uses are encouraged and are eligible for an expedited review in accordance with § 164-46.J(139) of the Zoning Law.</p> <p>T3 - Tier 3 (T3) uses are allowable but are not eligible for incentives.</p>
164-42.F(3)(a)	<p>Reword the sentence as follows: “Applicable districts. This provision shall only apply to lands in the Designed Shopping Center and Office and Industrial Park Zoning Districts with frontage on New York State Route 94 and County Route 13 (Kings Highway) and to lands in the Community Business Zoning District with frontage on New York State Route 94.</p>
164-43.1.G(6)	<p>Add a new paragraph (6) in Subsection 164-43.1.H as shown on Attachment C.</p>
164-43.2.A(4)	<p>Replace the third sentence with the following: Within the LB, CB, and TN-O Zoning Districts, the Planning Board is authorized to require that all off-street parking be located behind or to the side of the principal building(s) and to reduce applicable front yard setbacks to allow placement of buildings nearer to the street, when parking is provided wholly at the rear of buildings and to link the site to the street front and sidewalk systems, whether existing or planned. Off-street parking in the CB District shall additionally meet the Design Standards found in Appendix A of the Zoning Law.”</p>

Sections (§)	Proposed Modification
164-46.J(138)	<p>Replace “Reserved” with the following: “Conference Centers in the CB District shall comply with the following special conditions:</p> <ul style="list-style-type: none"> (a) The use shall be found to be in harmony with the Town of Warwick <i>Comprehensive Plan</i>. (b) The minimum lot area shall be ten (10) acres for the first 40 guest rooms, plus an additional one half (½) acre for each additional guest room. The maximum number of rooms in a conference center shall be 80. (c) Access shall be from a State or County highway. (d) Specific plans for parking shall take into consideration the rural and scenic resources of the site and community. Use of alternative paving materials and alternative transportation, such as grassed parking areas and shuttle services, is encouraged to protect such resources. (e) New construction shall be sited so as to have a minimum impact on fields, water features and woodlands. Major regrading, clear cutting or changing of topography shall not be permitted. (f) Specific plans for public address systems, amplified music, and/or outdoor lighting shall be submitted to and approved by the Planning Board, including the specific hours of operation for such facilities. Approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on nearby residential properties, will be in compliance with the Town of Warwick Noise Regulations and will be in harmony with the rural and scenic character of the Town. The specific plans for public address systems, amplified music, and/or outdoor lighting shall be subject to such additional restrictions deemed appropriate by the Planning Board.”
164-46.J(139)	Replace “Reserved” with Attachment “B”.
164-46.J(142)	<p>Replace “Reserved” with the following: “A Country Inn shall include a minimum of six (6) guest rooms and a maximum of twelve (12) guest rooms. Accessory recreational uses for guests may include tennis, swimming pools, and similar low impact facilities.</p>

Attachment A

Agricultural Uses	CB
14. Commercial agricultural operations: Raising of field, greenhouse, and garden crops; sod, vineyard and orchard farming; the maintenance of nurseries. Keeping, breeding and raising of cattle (including dairies), sheep, goats, pigs and horses. Keeping, breeding and raising of fish or fowl. Energy production involving solar, wind, biomass, hydropower or other alternative non-fossil fuel source produced on the farm.	P (d) (19) T1
14.1. Agri-Tourism Businesses	S (139) (152) T1
15. Dormitory accommodations for housing migratory agricultural workers	S (21) (53) (73-76) (126) (128-129) (145) T1
16. Farm markets, micro-breweries, wineries, distilleries and similar retail establishments of 4,000 square feet or more devoted primarily to the production and sale of farm and food-processing supplies	S (cc) (3) (53) (73-76) (80) (126) (128-129) (139) (145) (152) T1
19. Manufacturing, assembling, altering, finishing, converting, fabricating, cleaning or any other processing, packaging or repackaging of agricultural products or materials	S (ll) (3) (53) (73-76) (81) (84-86) (97) (126) (128-129) (133-134) (145) T1
20. Secondary use of agricultural wastes	S (19) T1
21. Storage and sale of seed, feed, fertilizer, manure and other agricultural products	S (h) (19) (73-76) (126) (128-129) T1
23. Use of mobile homes on farms to house tenant & migrant farm laborers	S (20) (73-76) (126) (128-129) (141) T1

Business Uses	CB
24. Adaptive reuse of nonresidential agricultural structures	S (cc) (73-76) (83) (120) (126) (128-129) (139) T1
25. Animal hospitals, veterinary kennels	S (i) (2) (14) (53) (81) (97) (102) (124) (127) (131-137) (145) T2
26. Country Inn	S (hh) (53) (142) T1
27. Bowling alleys, physical fitness studios, ice skating rinks, and similar commercial recreation activities in fully enclosed structures	S (kk) (53) (139) T2
29. Business & professional offices	S (53) (73-76) (126) (128-129) (139) (145) T1
32.1. Conference Center	S (53) (97) (138) T1
32.2. Convenience stores	S (53) (139) T3
38. Eating & drinking places, delicatessen, coffee shop, and luncheonette, but excluding drive-in restaurants	S (53) (73-76) (126) (128-129) (139) (145) T3
39.1. Financial institutions	S (52) (53) (139) T2
44. Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products where goods so produced or processed are to be sold primarily on the premises	S (kk) (53) (55-56) (73-76) (84) (126) (128-129) (139) (145) T3
44.1. Medical or dental clinics	S (53) (73-76) (126) (128-129) (139) (145) T2

Business Uses	CB
45. Miniature golf, golf courses, batting cages & driving range facilities	S (kk) (53) (73-76) (126) (128-129) (145) T2
51. Motor vehicle sales	S (kk) (53) (57-68) (73-78) (126) (128-129) (139) (145) T3
52. Motor vehicle sales, services, accessories, & parts	S (kk) (53) (57-68) (73-78) (126) (128-129) (139) (145) T3
55. Personal service establishments	S (53) (73-76) (126) (128-129) (139) (145) (147) T2
56. Printing	S (kk) (53) (73-76) (126) (128-129) (139) (145) T2
56.1. Public libraries, business services	S (53) (139) T2
57. Research, design & development laboratories, telecommunications businesses, data technology and related software development facilities, and clean renewable energy technology businesses devoted to research, education, distribution or application of technological innovation in alternative energy	S (53) (81) (97) (124) (127) (131-137) (139) (145) T1
58.1. Tier 1 Retail limited to apparel, farm equipment and supplies, hardware, and sporting goods stores	S (53) (139) T1
58.2. Tier 2 Retail limited to bookstores, home furnishings, and electronics stores	S (53) (139) T2
58.3. Tier 3 Other retail stores	S (53) (139) T3

Business Uses	CB
62. Service establishments furnishing services, other than of a personal nature, including a launderette	S (53) (73-76) (78) (126) (128-129) (139) (145) T3
67. Theaters including drive-in	S (kk) (53) (73-76) (126) (128-129) (139) (145) (150) T1

General Uses	CB
79. Community recreational facilities and buildings, club houses, etc.	S (53) (81) (97) (111) (124) (127) (131-137) (139) (145) T1
83. Indoor recreation establishments and/or sports, such as tennis and skating	S (53) (73-76) (83) (87) (126) (128-129) (139) (145) T1
84. Institutions of higher learning, public libraries, museums, state-accredited private schools	S(k) (25) (53) (104) (129) (139) (145) T1
85. Kiddy lands	S (kk) (53) (73-76) (126) (128-129) (139) (145) T2
87. Nursery schools	S (53) (104) (129) (139) (145) T3
89. Rest or Convalescent homes, hospitals or sanatoriums for general medical care	S (g, k) (26) (139) T2
94. Railroad, public utility, rights-of-way & structures necessary to serve areas within the town	S (31) T3
100. Town of Warwick uses & buildings	P T3
101. Wireless telecommunications facility	S (153) T3

Accessory Uses	CB
A31. An accessory apartment in a structure housing a business use	S 24, 26, 29, 58.1 (T1)
A32. Eating and drinking places	S 14.1 16, 24, 27, 29, 41, 45, 58.1, 81, 84, 85, 89 (T3)
A.33. Work-Live Units	S 24, 25, 26, 29, 32.1, 32.2, 44.1, 58.1 (T1)

Attachment B

- (139) The Town Board has determined that the Community Business District is an appropriate place in the community to provide for attractive development of business activities that serve community needs. Incentives are available to applicants for specific uses that meet the special conditions described below in § 164-46.J(139)(a) through (f) below. The Town Board has determined that it is appropriate to grant such incentives in exchange for the provision of community benefits or amenities. All retail uses in the CB Zoning District are subject to Subsection (139)(a) through (e) below. All retail uses in the CB District are classified as Tier 1, Tier 2, or Tier 3. Tier 1 uses are encouraged while Tier 3 uses are subject to the full Planning Board review requirements. Incentives for specified Tier 1 and Tier 2 uses can be found in § 164-46.J(139)(k).
- (a) All Tier 1, Tier 2, and Tier 3 uses shall fully comply with the Town of Warwick's Marginal Access Requirements found in § 164-42.F of the Zoning Law.
 - (b) For all Tier 1, Tier 2, and Tier 3 uses, the buildings and the site shall be designed to comply with the Town of Warwick's Design Standards for architecture, building, landscaping, human scale lighting, and a pedestrian friendly environment as illustrated in Appendix A of the Zoning Law.
 - (c) All Tier 1, Tier 2, and Tier 3 uses shall be subject to the Town of Warwick's and/or the United States Environmental Protection Agency's "Low Impact Development" strategies (whichever is more stringent) for the area's stormwater management system to enhance and protect surface and ground water quality, maintain the integrity of aquatic resources, wildlife habitats and ecosystems, and preserve the physical integrity of the District's wetlands and tributaries.
 - (d) All Tier 1, Tier 2, and Tier 3 uses within the CB District shall fully comply with the Town's Stormwater Management requirements and proper provisions shall be made for water supply and sewage disposal in accordance with Town of Warwick and Orange County Department of Health requirements. This may include connection to the municipal wastewater treatment system and/or community water supply system if such system(s) exists at the time of approval.
 - (e) Special Bulk, Parking and Siting Regulations apply in the CB Zoning District. In the event of a conflict with the Table of Bulk Requirements, this section shall apply as follows:
 1. A minimum floor area of 2,000 square feet and a maximum floor area of 60,000 square feet per lot is permitted. Buildings shall be designed in accordance with the Dimensional and other Design Standards found in Appendix A of the Zoning Law.

Individual business establishments that exceed 8,000 square feet of floor area shall be designed to exhibit the physical design characteristics of pedestrian-oriented, shopfront-style shopping streets.

2. The minimum lot area shall be three (3) acres unless the Table of Use Requirements specifies a lesser or greater minimum lot area for the use. Multiple special permit uses may occupy a lot without the necessity of establishing the minimum lot area requirement for each use.
3. The maximum lot coverage shall be 30 percent for Tier 2 and 3 uses and 40 percent for Tier 1 uses.
4. The maximum Floor Area Ratio (FAR) shall be 0.2 for Tier 2 and 3 uses and 0.25 percent for Tier 1 uses.
5. Buildings shall have a minimum of two (2) stories and a maximum of three (3) stories or 38 feet, not including the height exceptions allowed by § 164-41.C(3) of the Zoning Law.
6. Retail uses shall not exceed fifty percent (50 %) of the floor area of a building. Business and professional offices, personal service establishments, and service establishments shall not exceed fifty percent (50 %) of the floor area of a building.
7. The Town Design Standards found in Appendix A of the Zoning Law shall be used in determining lot width, lot depth, setbacks and other dimensional requirements applicable to the use(s). The Planning Board remains responsible for determining the adequacy of such dimensional requirements, taking into consideration the physical design characteristics of pedestrian-oriented, shopfront-style shopping streets.
8. Opportunities for shared parking shall be integrated into the overall plan for parking. Off-street parking spaces shall be located to the rear of the principal building or otherwise screened so as to not be visible from the street(s) or residential zoning districts.
9. Buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
10. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
11. A minimum of 60 percent of the street-facing building facade between two feet and eight feet in height shall be comprised of clear windows that allow views of indoor space or product display areas. The bottom of any window or product display

window used to satisfy this requirement may not be more than 4.5 feet above the adjacent sidewalk.

- (f) The Town Board has determined, consistent with § 261-b of New York State Town Law and the Town of Warwick Comprehensive Plan, that it is appropriate to make adjustments to permissible density and area requirements for specified Tier 1 uses in the CB District for the purpose of providing a community benefit.. The purposes of granting a density bonus include the following:
1. Reclaim an existing auto-oriented shopping strip by incrementally redesigning and transforming the strip into a walkable and bikable commercial area that will always be secondary to the Village of Warwick as the primary retail and civic center for the community, while strengthening its links to the Village as a complimentary mixed-use area serving a slightly different and more auto-dependent purpose, than the walkable Village.
 2. Help to unify the streetscape of Route 94 with generous landscaping, continuous street trees and if possible, planted medians, reminiscent of a boulevard.
 3. Fill in the front of the large parking areas wherever possible by replacing them with buildings. Site new buildings back from the road and buffer the buildings with trees, berms, landscaping, and other natural elements to protect the viewsapes and compliment the agricultural and other open spaces surrounding the commercial area as shown on the illustrations in Appendix A.
 4. Create pedestrian and bicycle networks through sidewalks, bicycle paths, trails and crosswalks, in order to create connections to shared parking, public transportation and between stores and nearby housing in the RU and SL districts as well as the Village.
 5. Enhance and diversify the local tax base by generating additional revenues to meet the costs of municipal and educational services by encouraging specific retail and other commercial services that are currently underserved in the community.
- (g) Additional infill development density for creating new Tier 1 uses, on existing developed properties within the CB District, is available by Special Use Permit from the Town Board, for the expressed purpose of providing a marginal access road on such developed properties, provided the following additional requirements are met. The Town Board has determined that providing a public benefit in the form of marginal access road development on developed properties is consistent

with the intent and purposes of the Town of Warwick Comprehensive Plan and provides a public benefit in the form of reduced traffic congestion on State Route 94. For purposes of this paragraph, existing developed properties are defined as those parcels of land for which existing maximum floor area and lot coverage meets or exceeds the maximum bulk requirements for the CB Zoning District found in § 164-46.J(139)(e) herein at the time of enactment of Local Law No. _____ of 2010.

1. Within the CB District, the Town Board may, as a condition of approval, modify the Bulk Regulations found herein at §164-46.J(139)(e) and may impose additional modifications that would have to be incorporated into the proposed action to merit a determination of consistency with the standards and guidelines set forth herein. The Town Board's findings shall include a rationale for any modification granted to a specific standard. The Town Board may, in granting modifications to these standards, incorporate such reasonable conditions as will, in its judgment, substantially secure the objectives of the requirements so waived.
 2. Projects deemed consistent with the infill standards are eligible for an increase in density in exchange for the construction of a marginal access road on an applicant's existing developed property. . Any increase in density granted shall comply with the Zoning Law's other limitations for such use. Nothing herein shall prevent the development of multiple buildings to achieve the density permitted, provided each individual building complies with the building limitations imposed by the Town Board.
 3. The marginal access road shall be constructed and dedicated to the Town of Warwick in accordance with "Figure 2.1: Artist's Illustrative Plan of the Route 94 Corridor" adopted by the Town Board in the February 18, 2010 Draft Generic Environmental Impact Statement for the Community Business District and with §164-42.F(3)(c) of the Zoning Law.
 4. Projects shall comply with the green building requirements found in § 164-41.1(D)(5)(vi) of the Zoning Law.
- (h) Additional development density for Tier 1 uses is available by a Special Use Permit from the Town Board. The allocation of incentives for mixed uses shall be pro-rated at the discretion of the Town Board. Uses identified as Tier 1 that do not meet the requirements identified herein, shall not be eligible for additional development density and shall be subject to the Tier 3 provisions identified in 164-46.J(139)(n) herein.

All subdivisions of land within the CB district shall be subject to the Site Plan requirements of § 164-46 of the Zoning Law.

- (i) Tier 1 uses are encouraged and are eligible for the following incentives, provided the Planning Board finds that the proposed use is in full compliance with this section. Incentives available include:
 - (i) Use of the Town's Generic Environmental Impact Statement (GEIS) for Tier 1 projects proposed in the Community Business District. Projects proposed in accordance with the GEIS and where the Planning Board is acting as Lead Agency under SEQR may require limited SEQR review in accordance with 6 NYCRR 617.10(b) and (c).
 - (ii) Expedited Planning Board review of the application as specified in the GEIS.
 - (iii) Bonus lot coverage and FAR as specified in § 164-46.J(139)(e)(3) and (4) herein, subject to issuance of a Special Use Permit from the Town Board.
 - (iv) Reduced review fees in accordance with Chapter 75 of the Town of Warwick Code, the Development Fees.
- (j) Tier 2 uses are encouraged and are eligible for the following incentives, provided the Planning Board finds that the proposed use is in compliance with this section. Incentives available include:
 - (i) Use of the Town's Generic Environmental Impact Statement (GEIS) for Tier 1 projects proposed the Community Business District. Projects proposed in accordance with the GEIS and where the Planning Board is acting as Lead Agency under SEQR may require limited SEQR review in accordance with 6 NYCRR 617.10(b) and (c).
 - (ii) Expedited Planning Board review of the application as specified in the GEIS.
- (k) Tier 3 uses are subject to the full review requirements of the Town Zoning Law and the State Environmental Quality Review Act (SEQR) where the Planning Board is acting as Lead Agency.

Attachment C

- (6) Community Business District
- (a) Not more than one (1) sign shall be permitted per establishment. Such sign shall be located on the establishment's principal facade.
 - (b) Such sign shall be a wall or a projecting sign. Freestanding signs may not be displayed by individual establishments located within a center. Wall signs (with or without borders) may be as large as one (1) square foot per one (1) linear feet of an establishment's front building wall length or a maximum of forty (40) square feet, whichever is less. Such sign shall be located on the establishment's principal facade, fascia, or eave. In the event an establishment exceeds 150 feet from Route 94, the wall sign may be increased in size using a ratio of 3.7 as applied to the front setback or a maximum of one hundred thirty (130) square feet, whichever is less. For example, if an existing building had or a new building was proposed with a setback from Route 94 of 250 feet, the maximum wall sign permitted would be $250/3.7 = 68$ square feet.
 - (c) A Master Sign Plan is required of establishments that share a lot, parcel or are part of a center. The Plan is a sign system to create visual unity among the signs within the Plan area and to ensure compatibility with surrounding establishments and structures. The Plan shall include specifications to which all signs within the Plan area shall conform, including: sign size, height, shape, materials, lighting, and location on the establishment. Within these standards, variety of graphic design is encouraged, subject to the design criteria of § 164-43.1H(3).
 - (d) One (1) common monument or post & arm sign, identifying the center shall be permitted as follows:
 - [1] Monument signs no larger than forty (40) square feet in area consisting of a maximum of twenty (20) square feet in area per face, with a height maximum of eight (8) feet from the mean ground surface (including the base) to the top of the sign.
 - [2] Post & arm signs no larger than eighteen (18) square feet in area per face, with a height maximum of fifteen (15) feet from the ground (including the post) to the top of the sign. The sign must be set back a minimum of fifteen (15) feet from the edge of pavement.
 - (e) One (1) sign at each point of access to the lot, for internal direction, shall be permitted provided that the individual signs are no more than two (2) square feet on each of two (2) sides and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity based on motorist safety and that any such directional sign will be set back at least five (5) feet from any public right-of-way or property line.

Public Comments on DGEIS

Written comments were received during the public comment period on the DGEIS. A public hearing was held on March 18, 2010 and at that time, a number of oral comments were made on the DGEIS. All comments received during the public comment period can be found in this Appendix.

March 18, 2010

The Town Board of the Town of Warwick held a Public Hearing for the Proposed Community Business Zoning District Draft Generic Environmental Impact Statement. Said public hearing was held on Thursday, March 18, 2010 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the public hearing to order at 7:00 p.m.

ATTENDANCE: Supervisor Michael Sweeton
Councilman Floyd DeAngelo
Councilman Leonard DeBuck
Councilman James Gerstner
Councilman Mickey Shuback

Town Attorney – John Hicks
Town Planner – Theodore Fink

LEGAL NOTICE: The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on March 3, 2010. (Copy of this legal notice is printed at the end of these minutes.)

Supervisor Sweeton – I'll introduce our planner Ted Fink from GreenPlan the minute I explain the process. The purpose of tonight's hearing is to get comments on the document so that we can address them and answer them. I noticed there was something in the paper about the forum and not incorporating those ideas. This wasn't the place to incorporate them. Those will be evaluated hopefully and help us define whatever happens as we progress through the process. I just want to make sure people understood that because there were a lot of people that came out in to a great forum in January. Those things have all been compiled and delivered to us for that. Ted, if you would just give everyone a brief rundown of the process and where we are in it and then what follows up.

Ted Fink – Planner, Town of Warwick – Under the New York State Environmental Quality Review Act all actions that are taken by State and local government are subject to an environmental review. There are three different levels of environmental review that agencies have to consider before they can take any action. One is a short environmental assessment form that is just a little two page document that is reserved for minor activities. Then there's a twenty some page full environmental assessment form that addresses a variety of different environmental impacts and the third approach is the full environmental impact statement procedures. Where a particular action may be a controversial action or it may involve a lot of complications and the Town Board has decided that with this particular zoning that they would go through the full environmental impact statement procedures. Those procedures involve four different steps. The first step began about five years ago when the Town Board determined that it wanted to

proceed with some zoning changes within the Route 94 corridor. The Town Board after they cleared their intent then proceed with a preparation of an Environmental Impact Statement, conducted a public scoping session and at that time there was proposal on the books by St. Anthony's Hospital to move from the Village out to that corridor area. The scoping process which identified all of the issues to be studied in the Environmental Impact Statement was based upon that as one of the simple features of any zoning changes that would happen on the Route 94 corridor. As many of you are aware St. Anthony's has decided to stay in the Village, so that part of the proposal went out the window. Nevertheless, the Town Board has been working for the last five years to try and figure out a better approach to zoning in the corridor and we've been preparing a Draft Environmental Impact Statement, which is the subject for the public hearing tonight. This is the second step in the process. The third step in the process, after the public comment period, is to gather all of the comments that are made by members of the public or any other interested party and those include your oral comments tonight or anybody that wants to make written comment. Written comments are encouraged up until the close of the comment period on April 1st. Once all of those comments are assembled and the Town Board has an opportunity to review them the positives and the negatives about the proposal. What they'll then do is decide whether or not to go with the action the way that it has been presented in the Draft Environmental Impact Statement or whether or not to further modify action based upon public comment. All of those considerations and determinations by the Town Board will be contained in a Final Environmental Impact Statement and not only will the Town Board address any possible changes to the proposed zoning amendments, but they will also respond to every comment that is made on the document. If they decide to go with it they will provide a rational for why they went into one particular direction. If they decide to make any changes they will provide a rational in that Final Environmental Impact Statement for why those changes were made, so that is the third step in the process and the fourth and final step in the process before they can take any action is after the final EIS is prepared, it's filed, it becomes a public document, it gets posted on the Town's website and everybody has an opportunity to see what the Town Boards thinking is whether or not to make any further changes. They will then adopt what's called a finding statement and the finding statement will provide a summary of their thinking on this. It will provide a listing of social and economic benefits of making the zoning amendments and once they have done that and once they have filed that with the appropriate agencies and the State they will then be in the position to take action on some form of zoning changes for the Route 94 corridor. That's basically the process and this is really the second step of the process tonight and we have two more to go through in the next few months before the Town Board will be taking any action, so with that Mike that's pretty much the steps that we have in our system.

Supervisor Sweeton – Just as a timeline, the comment period for tonight ends on April 1st and then it's probably going to take at least a month to address the issues and comments before we're in a position to consider a draft of a Final

Environmental Impact Statement. It will be at least that long, so we are looking as Ted mentioned several months yet of work and comment from the public.

Jerry Schlichting – Resident, Village of Warwick, NY 10990 – I live at 62 Homestead Village Drive, Warwick Valley High Class of 1996, my family owns the Frazzleberries Country Store in the Village and I'm a parent of a one year old that was born here in St. Anthony's last year. I mention all of that because my comments on the impact statement are based from three perspectives, that of being a long time resident, that of a current business owner and a young person coming back home to start a family here. From the perspective of starting a family the idea of moderate housing or moderate income housing in this zone could be beneficial and I read that part with great interest. I have a couple of questions about the methodology used in evaluating the impact of that housing and these are questions that I hope could be answered at some point going forward. There was an analysis done on the potential impact to school enrollment if this project were to go through on taxes collected on the units being composed. In that study it assumes a 5% enrollment rate. I live in Homestead Village, which has units that are in comparable size to those being discussed and in my own observation 5% seems very, very low that there is a high concentration of young families with school age elementary age specially that 5% to me would seem very, very low. Are there other benchmarks available to using the study to provide more meaningful analysis such as analyzing enrollment rates in places, such as Homestead Village or Kings Estates? Who have been more moderately priced properties that would appeal specifically to young families and potential retirees looking to downsize? In the analysis of the impact on the enrollment and our school taxes to be able to meet all the costs I also saw no consideration of any impact to state aide cuts. In watching the papers over the last several months as our current school district is trying to come to grips with state aide cuts and Albany might not get better soon, but I don't see any allowance in those projections if we continue to see shortfalls from Albany and we as residents have to kick in more in order to keep our schools at the present quality that we enjoy. As a local business owner initially I was scared about some of the ideas in the project, but I've kind of accepted that competition is good it's made our business stronger and our Village stronger, but I do on the spirit of competition have a couple of questions again about methodology used again to evaluate the impact of a potential zoning change. In the study there is an analysis that reflects a five mile radius of the affected area and it calculates potential spending capacity verses what the current Village provides and it defines a service gap that would seeming suggest that new businesses could come in without any impact to existing businesses. My question is, a five mile radius appears to me as if we're looking at is as an island. We're not giving any consideration to the fact that over the last 20 to 30 years are Villages of Warwick, Florida and Greenwood Lake have been continually been encroached upon by Walkill, Middletown, Monroe, Chester, the Palisades Mall, the Route 23 corridor in New Jersey and I've seen no attention given to the fact if you do circles all around those places that they all come into Warwick already. I feel that in order to evaluate the actual level of business here you really have to consider not only just our small little corner of the world here, but the world that's around us

because you face it everyday. Our businesses were founded before the start of the internet, E-bay, or Amazon.com and they were certainly here before the Galleria and Palisades Mall and other places. I would ask that potentially if there is another methodology that could be used to evaluate the wider regional economy and not just Warwick as its own little island. The other question I have relevant to the methodology in establishing the zone if the zone is basically saying that a building or business can be from 4,000 square feet to 75,000 square feet and in the appendices there were discussions from Arendt who was consulted upon and raised the same objections that I have, that 4,000 square feet is actually quite big. While the perimeters from 4,000 to 75,000 square feet would exclude a Walmart or Home Depot, which is great, but it still leaves plenty of room for many smaller national chains to potentially find a home here. I wondered why after the advice that I've seen, one of the projects that he references is right down Route 1 from our other location in Rhode Island, so I watched this develop, I watched it grow and that particular project has a mix of small businesses and national businesses that seem to coalesce and while I don't like the idea in total I think it's a mistake not to give some chance for a small business to potential if this has to happen that a small business couldn't find an incubation spot there or a place to start to grow. You're basically precluding any small business with a 4,000 square foot footprint. Most small businesses are not going to be able to do that. There are very few businesses in any of our Villages now that have footprints larger than that and I would be curious to see if as this study gets revised if there's any way to engage that consultant to speak a little bit more to the experience maybe gained in Wakefield Rhode Island as a potential example of what may work better. The third point as a long time resident is one more on a personal note; the tenor of the study uses the word need quite a bit and there's no question in my mind that our zoning is outdated and we need to bring it into modern times and we need to create it in such a way that it will benefit our community going forward and I fully agree with that. What I find troubling I guess is that the word need is also being used to suggest that we need another village type format that we need another place to allow people to come together and congregate. I know a lot of local residents and we service them everyday and I've never had a local resident tell me we need a fourth village or another hamlet. We have three that are doing really well right now and are the heartbeat of our Town. The tenor of the study suggests that in my reading and my interpretation it kind of creates like a separation that somehow the village is not the Town and the Town is not Village. I've lived here most of my life and I've never once felt that way and I can't think of many people who do. Who feel that somehow the Village doesn't apply because it's not part of the Town and vice versa? I take a little bit of exception for that and I hope you will consider my comments and I hope that there will be some clarifications of some of the points and I hope you consider the methodologies I've suggested because I think there are some good facts that aren't being considered.

Anita Panas – Resident, Town of Warwick, NY 10990 – Maybe the Board should kind of think of this again, the proposal for apartments there. I've seen this happen. I've escaped from two towns already. I kind of have an overview of what happens.

First of all I agree with what he says about it will definitely impact our taxes. We will have to put more police patrol and we also have to think about the crime rate because we can not discriminate on who rents these apartments in that area. People who don't live in the Village are very vulnerable because your house isn't right next door to the other house. Someone could come up my driveway like what happened to Ethel Ritzer when they pulled in her garage and came to rob her house. A lot of the homes in our area are very vulnerable. I think we really have to consider that. I really don't think that's a good proposal, however I thought again about the office buildings and I thought maybe a couple of small office buildings if they looked like old barns; they would not be intrusive to our landscape. I did kind of consider what you were saying and gave it a second thought if they were made to look like old barns they could blend into the countryside and they wouldn't look so bad. I think we have to be very careful here because so many people like myself moved here because Warwick is what it is and it will not be anymore, but then again I know the Board is in a catch 22 with certain situations that occurred in the purchase of properties. Now you can't say you can't build; you can't do that, but I guess that all has to be thought about.

Supervisor Sweeton – Thank you we appreciate that.

Carol Liantonio – Resident, Town of Warwick, NY 10990 - I have a couple of comments first about what I think is missing and wasn't addressed. I think you mentioned at the meeting that we had a couple of months ago brought out a lot of ideas for the 94 south area. One of the larger ideas was land preservation and I don't think that's addressed at all in here and maybe that's what it's not suppose to be for, but I think that was very much missing. Also the possibility that the Town, and I don't know how or where the money would come from I admit, purchase the Miller Farm and possibly consider it for uses to benefit the Town, either as a solar farm that could have payback in the long term to residents instead of being a drain on it in terms of preservation. The second thing I wanted to mention was that this particular document is in keeping with the Comprehensive Plan doesn't necessarily make it so. That was my feeling as I read through it. The Comprehensive Plan and it was quoted all throughout one of the residential goals was to concentrate denser residential development around the villages and the hamlets and maintain rural densities in the remainder of the town. It states it right here and it's not what this plan is talking about at all. Encourage a mix use pattern of development where appropriate in and around the hamlets and adjacent villages. I felt like all throughout the document it was aspersing what people have been saying in terms of detailing development and trying to keep the rural nature of Warwick, but the plan itself is not doing that. I don't get this contradiction here and I found that a little bit troubling. The actual plan itself one of the points along those lines keeps talking about that it's not water oriented, but yet this plan talks about roundabouts, it talks about cut-ins to Route 94, it talks about alternative access roads and things like that. If it's not water oriented that doesn't make any sense it's another contradiction, so I feel like there's a lot of things like that in here. It talks about protecting use groups and complimenting the agricultural and other open spaces surrounding commercial

areas. In another place it talks about putting in a building in front an existing parking lot, again that doesn't jive. It doesn't make sense that it's protecting the use space. I had some questions about the plan itself; it talks about how it would allow up to a 50% increase in density, but it doesn't explain what would enable builders to take advantage of this 50% increase in density. I'd like to see that in the plan. Besides that case if that's going to be allowed why is this DEIS document not addressing that 50% increase? You should be addressing the worst case scenario instead of the best case scenario. If you're going to allow a 50% increase that's what it should reflect that your effect on police is going to be x, when really it's going to be 2x, same thing on the education, on school systems, on taxes if you're going to allow a 50% increase in density that where the real numbers should be. I had a question about the current capacity or water supply, storm management and sewage treatment. I don't know if the current capacity and what was built on that Fairgrounds covers this. Does it?

Supervisor Sweeton – It'll answer this if it's not in the document.

Carol Liantonio - If it doesn't cover it then the document should talk about anything additional that has to be built like the affect on these additional things. I felt like that was a little bit swept under the carpet and not really fully addressed. I have to admit I didn't get through the entire trade and market section, but I will get to that. Just from a common sense standpoint I think to myself what did we go into the village for? We go for the banks, the post office, get prescriptions, to meet and eat there, buy gifts and the question is if all of these things are also allowed with this new zoning; how does this not compete? Regardless of what you can make numbers say anything. I will look through the whole report, but I feel like the common sense of it is it's going to compete with the village and I don't know if we really need to do that. All throughout the other documents of the Comprehensive Plan the suggestion is let's focus on the village and extend out from there. This takes a completely different approach to that.

Supervisor Sweeton – I will just clarify three things. The build out, I believe Ted, was on the worst case scenario, so in other words 50% pertains to only those parcels where there's a building on it already. The idea behind that is they have to apply for that 50% and they would have to show a reason and a benefit to the Town as to why they would do that and the theory there is to get them to build the travel lane, so the town taxpayers don't have to do it. That's the only place the 50% applied and that was taken into account in terms of how much traffic and all the impacts it would generate. It was part of the full build out.

Geoff Howard – Resident, Village of Warwick, NY 10990 – Let me just make a couple of points. First of all I hope it's clear to everybody that the Town Board did not have to do this. There was zoning in place.

Supervisor Sweeton – That was my other point. Currently there's a threat to the village, so the idea is to try and lessen the threat if we can. That was the theory.

Geoff Howard – With the zoning in place and everybody is pretty much of a same mind that it wasn't really good zoning especially in the long term, so the Town Board opened up this issue and I think I hope it's moving in a positive direction. I just wanted to thank them for taking that step that they didn't have to take. Secondly I think in my mind the way I see it there's key critical questions that are going to determine whether this comes out 20 years from now good and we all look back on it and say ok I can live with that and I feel good about it or not so good. A couple of them are relatively easy I think or maybe I'm underestimating. Can we manage the increased traffic? I think there are ways we can do that. Price Chopper is probably going to be the biggest traffic increaser and that's a done deal, just probably weeks or months away. I think the additional traffic that's going to be added by the other parcels will not tip it into something that's unmanageable. The second one I think we can get right without too much difficulty is can we ensure that the buildings wind up looking good and being energy efficient, ecologically appropriate, green whatever language you want to use. I think we have in the language of the zoning positive steps with the Architectural Review Board and the building code to ensure that happens. Those are two important questions. I don't think they are going to be make or break issues. The two that are tougher can we get the right mix of business out there? Can we get businesses to add to the services that are available to the citizens of the Town of Warwick and that are net plus? One of the reasons that's tough is because you are our controller. It's a free market economy. There's a rental market, there's a development and it's not that you have no power I think you have some power, but that's a very difficult question and that leads into my second question. The tough issue can we do this in a way that doesn't lead to the decline of the Village of Warwick, the decline of the other villages and the decline of the hamlets? That has a lot to do with the kinds of businesses that end up out there. Given the fact that there's zoning in place stuff was going to happen. I think this zoning and you're shining the spotlight on it and the public attention all raises the probability that we will answer all of those questions in the right way. That's all I really want to say and again I compliment you for opening up this discussion for the whole Town.

Alan Lipman, Esq. - I noticed that conspicuously absent were many of the plans, maps, diagrams that you had here, so luckily I brought my own. I told you gentlemen the last time I was here in August that I commend you for this project, the devotion of your time and energy. It's got to be an overwhelming issue that takes a lot of time and energy. My problems are not with your overall plan, but rather with respect to the boundary of the district. I don't think anybody can see what this depicts and particularly because I chose yellow, which now in retrospect is the same as here. What is highlighted in yellow on that plan is the old district, the existing district. The EIS or the draft EIS suggest that there are two parcels that have been added to the district and I think that's in error; there are three pieces. The two that are referenced in the environmental form that you are looking at are both included within this rectangular area and they are both owned by the Greens. This triangle is not mentioned and is part of the Fairground site it's Price Chopper.

Supervisor Sweeton – But it’s in a different zone, currently today.

Alan Lipman – This was in the OI.

Supervisor Sweeton – Correct.

Alan Lipman – And you’re moving it into...

Supervisor Sweeton – I don’t think we proposed to do that.

Alan Lipman – That’s what this document is.

Supervisor Sweeton – Well then that was in error. We’ll look at that. It was not intended to be.

Alan Lipman – I’m confident that it does show it.

Supervisor Sweeton – I’m not going to argue with you.

Alan Lipman – No, I don’t want to argue about it because that’s not the piece I’m interested in. I just wanted to tell you something is wrong with the copy.

Supervisor Sweeton – We will definitely fix that.

Alan Lipman – The boundaries of the new zone exclude this parcel in orange. This is the parcel I addressed back in August. I have thought about traffic considerations. I thought about the planning perspective because directly across the street from that orange parcel and you see I didn’t define this corridor. I think you all know that is a 508 section that goes right just beyond the edge of the parcel in orange. You have had in your zoning law since at least 1989 requirements for marginal access roadways that you and I have debated from time to time as to how they get established, who pays for them and so forth, but that they’re needed has never been a subject of any debate between us. It seems to me that not enough attention has been given under the need for a marginal access road on the northeast side of Route 94. The only thing that shows that something is happening in that respect is a photo rendering on your website showing how you propose this zone to be developed. It’s not clear where the marginal access road would be established. The end of that marginal access road ought to be at the end of a Town highway, so that people can get into that marginal access road and out from it without going onto Route 94 to get onto Sanfordville Road if they’re on Warwick Turnpike and that’s the other side of the road. That is the place where marginal access roads should begin and end at an existing municipal street. Now I don’t think that is the case in the layout on the north side of 94. You do have Warwick Turnpike on the other side of the road and it goes directly into one of these parcels when you cross the highway, but you can’t really get through with anything that I see in the plan, so

there is a need I believe to include that parcel. I have no idea why your Board could have established the westerly end of the zone or the district on this side of the highway one parcel short of Sanfordville Road. That makes absolutely no sense to me. The other side of the coin is that if this strip on the southerly side of 94 is to be developed in accordance with your plan, and as I read the plan, that is the only way that it can be developed once the plan is in place. What is the purpose of having new compatible uses across the street? That parcel in orange is zoned for office or industry. If you're trying to ensure the development of this whole corridor is consistent with your plan that certainly is not help, it hinders. It prevents the development of the entire corridor in accordance with your plan and it doesn't seem to be any rhyme or reason for excluding. I don't think this is the time or the place where questions are going to be answered, but if it were I'd ask you Board members what was behind the absence of that piece from the zone once you've decided to add this parcel in blue. I don't want you to misunderstand; I'm not arguing with you, you shouldn't be including Marie Greens property. I'm simply saying you missed the boat in not including the adjoining piece. Is this the time to get an answer?

Supervisor Sweeton – No. We're going to take your comments and then they'll get answered.

Alan Lipman – Then I was right.

Sharon Roll – Resident, Village of Warwick, NY 10990 – I've lived in Warwick when you could only rent VHS tapes from Larry's Deli. I love Warwick and I love being here. My perspective is I study horticulture, so I'm really interested in the controversy of the energy resource in particular what Carol had already mentioned. It says right here that a future development would cause increase to the non-removable and diminish energy resources which would be needed to be supplied by local energy suppliers. I was just putting it out there for what that might mean if we were to do something with grants to buy property and produce energy in this area meaning the Town Board. In that same section we talk about the EPA's energy star program and green building counseling and leadership and LEED. I don't know exactly what's in all of those things, but I was just wondering if you could look at those things a little bit better and just an idea is green rooms. Do any of those standards when you look at a piece of property how you situate a building on a piece of property have to be energy efficient and also the landscaping around it? It also says in the beginning of this section about using combustable energy to develop the property, but after it's developed to maintain it takes combustable energy. I just thought if you looked at the landscape design where it wouldn't have to be maintained in that way may also help with the carbon foot printing.

John Christison – Resident, Town of Warwick, NY 10990 – My biggest concern technically is what impact its going to have onto our quaint little village? The stores, yes we'll keep out the big ones, but as Jerry mentioned they are big enough where the small chain will come in. That's going to hurt a lot of us downtown and we're struggling as it is and I'm just really concerned why and I'm not just saying

the Village of Warwick, but the Village of Greenwood Lake, the Village of Florida and the little hamlets that are kind of developed and I'm just worried that we're going to become another and God forbid it will never become a 211 thank God, but it's got the potential. If you look at downtown Middletown there are gorgeous stores there that are empty and they can't get the right tenants to vitalize them. I'm afraid once it's done its too late.

Kathryn Lomax – Resident, Town of Warwick, NY 10990 – I own a building at 60 Main Street. My main concern is the same as Johns; it's diluting the downtown. A hobby of mine since buying the building 16 years ago is to find out who is where in the Village of Warwick, how long it's been vacant, what was there, who's going in, and what would be best for the downtown. Right now if you can go online you will find three out of every five buildings are for sale. The Main Street has numerous vacancies. There are vacancies on Railroad Avenue, there are vacancies on Spring Street and I know from my own building when I have a vacancy it takes anywhere from 22 to 26 months to re-rent, which is a very bad financial hardship. If we dilute the downtown and have everybody go out to a new infrastructure on Route 94 I'm afraid what will be left it won't be anyplace anyone wants to go to. With regards to your plan on 94 and 4,000 square feet I don't know if you're going to be able to rent these 4,000 square foot stores or more. You will get restaurants and pizza parlor and so on, but I don't think that the demographics are there for these 4,000 square foot stores.

Deanne Singer – I think I have completely different issues than anybody else. My first issue with the plan is it's interesting to know you've been working on it for 5 years. It was accepted by the Town Board on February 18th. This is one month later and you want the final written comments by April 1st, which is a month and a half. I think this is a very, very serious issue affecting us financially, socially and environmentally and to take such an involved study and give the public one and a half months when it was accepted to the final input for us is a very, very small amount of time. I was not available at the last meeting where I understand the questions were already given out for the people to respond to in small groups, so it wasn't an open forum like this. I would think that time should be extended to have 3 or 4 or 5 or 6 more meetings because I think it's a very serious step and one that we won't be able to reverse in the future. I'm opposed to your time line and I don't know if you can change it at this point, but I'm not happy with that. The study was 184 pages. I only started it a few days ago and I spent 3 or 4 hours on it today reading it and studying and I'm only on page 15. I wouldn't ask you all to tell me if you read it and studied it, but I know the Planning Board members which you mention over and over and over in this study I don't believe they have studied the way the people here have. I wonder and I won't ask you to raise your hand, but I don't think most people have had the opportunity to look at this, to think about and talk to others about it because the timeframe is so narrow. It starts off talking about your smart growth idea. On page 5 it says that 32 organizations voted for or bought into and they all agreed and adopted these 10 personal growth philosophies or principals. They were Homebuilders, the Planning Association, Transportation,

Realtors, Wildlife Federation, Historical Preservation, the US Environmental Protection Oceanic and Atmospheric Administration, State of Maryland and California. Where is New York and do I care about California or Maryland? I care about Warwick. All of those people have said that they agree with these 10 basic philosophies. I won't read them because I'm sure everybody else has, but one of the issues number 4 is creating a walkable neighborhood number 8 is to provide a variety of transportation choices. I'm not sure that we could do either of those. I think Warwick and Orange County as well as Rockland and every place else we depend on our cars. You have the idea of bicycle paths and walking people are going to walk to grocery stores for their groceries or to walk places other than taking a stroll I think that's misleading. I don't think that anybody is going to jump in their car to run over to Price Chopper or to Shop Rite to carry their groceries home to the second or third floor in their apartments. I'm not sure what walking and bicycling means, but in the whole theory wouldn't it be terrific if you had a grocery store like in the city that you could walk to and bring your things home two and three times a week, but that's not the way that we live. We're limited if you want to go to church, if you want to buy a bathing suit or towels or a pair of pajamas there's no place in Warwick and I don't know if there's going to be a place in Warwick to buy these things, so you need a car. The whole idea of walkable or transportation I think is off the wall because that's never going to happen. Let's talk about the apartments and that's my main problem. The bumped out number of apartments that you have is 244 one bedroom apartments this is in the high end and 47 two bed room apartments. I'm worried about school taxes. I'm very worried about school taxes. I spoke to Dr. Bryant who had a meeting about a month ago and he was talking about how he could cut the budget to ensure that we can afford the taxes and the tax rate. He has gone to the extent of asking teachers to unplug their coffee makers and microwave ovens to save electricity. They have turned the thermostats down to save on the heating bills, which I commend him. He and Tim Holmes and the Florida Superintendent gave me some information regarding how many children these apartments are going to put into our school district. One bedroom apartments will generate .75 children. These are not my figures they're superintendents of two districts. The two bedroom will generate 2.5 children that means that there will 183 kids there and 117.5 there. Basically 300 children will come from these 291 apartments that you are proposing. The Town Assessor Rick Hubner has told me for every two bedroom apartment the school tax is about \$1,000. Now use that same figure for the one bedroom just round it off; it's got the egress for the one bedroom because its fewer square feet, so let's say \$1,000 per apartment per year for school tax. That means these 300 children will bring in \$300,000 school tax. The cost to educate a student in our school district and I spoke to Tim Holmes today is \$17,463.00 minus the state aide of \$4,430.00 equals \$13,033.00 per kid to educate in our district. Where am I going with this? If we take this and multiply it by this we come out with \$3,609,900.00. Three million; the difference between this and this is three millions dollars that you taxpayers are going to get to pay, but we have affordable housing in the apartments on 94. Every single year, that's not one shot, so every single year you're going to have to reach into your pocket for \$3,600,000. Yes we'll have some rateables, but it's not going to

be near enough to cover that. Let's talk about who are these people that you think need affordable housing seniors that are downsizing. I'm a senior and I'm not downsizing yet, but I'm certainly not going to carry groceries up to the second or third floor living over a business with one or two bedrooms with kids screaming and yelling. The other thing is where are these kids going to playing? There's no parks. They will be playing in the parking lots or out in front or between the cars that these children are attracting. Somehow the Board thinks that we have an obligation to teachers, firemen and municipal workers in the district to provide affordable housing for them. John Kolesar the personnel director at the Warwick Schools has a pile of applications this high of people that want to work at the Warwick Schools. Some already live in Warwick. I don't see any need that we have to provide affordable housing for our teachers or employees. Call me coldhearted, but I think we have people in Warwick that are hurting for jobs in these economic times that we don't have to provide more housing for them and people will come in. You say well people that live in Warwick and work in Warwick do a better job because they are citizens of the Town. I'd like to disagree with that. I was an employee in Rockland County for 30 years and if you want to assume I did a poor job because I lived in Warwick and commuted I don't think you can prove that. I was a good employee and did all that I could for my job. Those are just a couple of the issues, but this is what really has me fired up because at this point my taxes... we need to address that. In all of these studies it says that we will not be affect I just can't understand how we won't be affected with that. We will have these homes and I know there are 300 or 350 homes being considered or in the process at the Planning Board. In six years we are going to have our schools filled again and I don't want to bring people in where I have to foot the bill for their schooling.

Supervisor Sweeton – Are you going to submit that in writing so we have the numbers?

Deanne Singer – No.

Supervisor Sweeton – We want to get your numbers, so we can answer them.

Deanne Singer – You can have my board.

Supervisor Sweeton – We'll take your board. Thanks very much.

Matt Sullivan – Thanks a lot for the hard work that you guys are doing and paying attention to what the public has to say about this. I probably have a different point of view from people who have already spoke. I think we're over planning this. I think we're over thinking this whole process. I think government has gotten to the point that we've spent untold amounts of money in going over these things over and over and over, when there's some very simple principals that we can consider which really aren't being paid to close attention to and that is the rights of the property owners. I hear everybody out here and I'm sure some people agree with me that believe that people who actually own these properties should have the most say in

what becomes of the properties and how the properties are used. There is an awful lot of thought about we should put this there and we should put that there and there's competition for the village. This former Rockland teacher was saying a moment ago I can understand that. I think that's a real issue. That impacts me personally and yet I don't think it's warranted to compromise our principals for personal gain and our principals are that we should allow those who have property rights maintain their property rights. That's what this country was built on. Now you want to say we bring in more kids into the Town therefore we really can't afford the additional education cost. That's true, but the real issue is that there is an imbalance unfortunately maybe economics will fix it ultimately, but there's an imbalance between the cost of education and what the average taxpayer earns and can afford. That eventually will come back into line, but does that mean keep the children out of our community? Does that mean we keep moderate income people out of our community? I really think that's classicism. I don't think that belongs here in Warwick. I think that we're a little bit more tolerant. I'd like to say to be human to me is to be tolerant. To me to be human is to look at architecture and say that's nice over there. I like that architecture, I kind of like that architecture over there and that builder he thought this was kind of nice to do it this way. That to me is what America is all about that we are the melting pot that accepts different ideas and different ways of doing things. Certainly we should be concerned with the infrastructure and our ability to maintain traffic, sewer and water. All those issues need to be considered. We certainly need more rateables in this Town. We certainly need more employment in this Town. All those are good reasons to allow this sort of thing. The infrastructure is a physical necessity and they have to be considered and those can constrain the rights of property owners in what they can do with their property. I don't think anybody wants a cult generation plant on Route 94, but anything within reason we ought to allow. That's my main point. I don't think that we should succumb to specialty groups. I have a lot of friends who own businesses in the Village of Warwick. I heard one gentleman who owns a business in Warwick and he's concerned though he appreciates competition. Those that fear in the village certainly opening up commercial zoning out on Route 94 is going to bring competition to Warwick. I don't see a lot of developers anxious to get in there and open up a lot of stores in this economy anyway, so to be overly concerned about competition coming from the 94 corridor in this environment I think the people in the village actually have to wake up. You know at one time they were new in the area and others let them in to compete. I think as Americans we have to respect the rights of those property owners that's the main thing that I want to say and I just hope that between the rights of the property owners and the free market place and a little bit of faith and providence things will work out for our Town. We shouldn't get too overwhelmed about this and I think five years is way too long to have to think about how people handle their properties or what they do with their properties.

James Morley – Resident, Village of Warwick, NY 10990 – I want to thank you and I understand the public service that you do and I believe it was with sincerity, you didn't have to do this. You didn't have to just let this become a strip mall, which it

was destined to become. I believe you're sincere in trying to make this into something better. My concern is is this really just a fancy strip mall? I read the document. It's well written and I loved a lot of things especially the smart growth principals their beautiful, but is this just a strip mall with a happy face? This is just a strip mall with trees and bicycle paths. It's just a prettied up strip mall. You don't need me to lecture to you about zoning. You all know very well that since World War II, the automobile and suburbanization there's a kind of biological metaphor here, which is you've got a Ford Town lead to sell, it's intact, its got integrity, but when a sale goes haywire it goes cancerous and it blobs out. It deforms itself into dangerous growth. The cellular metaphor is pretty apt when you look around America and I've lived all over the world. I've lived in ancient cities and medieval towns I've really lived in many places and I've seen healthy towns keep their structural integrity intact. They will have exterior zoning and they have spreading, but they do it very mindfully, slowly and carefully like nature itself. I just worry and I think you guys too are worried that were about to have a cancer outbreak on Route 94 and really the metaphor is cancer. I understand you want to slow it down and I do believe the sincerity of what you're up to here, but my real question is why do you only give us two options? There's the strip mall and the nice strip mall. Why just two options? I'm not a world expert on planning, but I do know about the sustainable planning what you do is you go into the interior, a core natural center and you work with that. There are no bicycle paths in Warwick center. What are you doing talking about bicycle paths out in this kind of moon landing that you're going to have out there and it does look like it's going to be a second town. It won't be a second town, but it does look like a second town. What about the interior Warwick itself? What about the properties there and the negotiations that could be acquired? You could develop the interior core of Warwick and make it better like they do in good towns all over the world that get preserved and saved the absolute heart and soul of what makes Warwick an attractive place to live. We skipped that World War II cancerous explosion. We're an isolated town and that's what makes us special, that's the jewel of Warwick and that is everything beautiful about this town and there's no reason why we can't have another option. What I challenge is your entire paradigms. I challenge the paragons that there's a need to develop a fancy strip mall. I ask you please, there are other paradigms, such as what I'm saying build the interior core center expand it or go up, make a little footprint. Have sustainable parking lots outside of the center of town. Have parking garages. There are so many ways to reuse the river and to develop everything that makes Warwick beautiful instead of going the flophouse way that every other town has gone. Middletown is a classic example of going with the cancer. Look the economy is terrible and it's not going to get better for a long time and we may have the worst of it coming. There is the possibility and have you looked into this and I do ask you to look into this. There is the possibility we could have the same image as Detroit out there empty. The town's people are saying look at the Village businesses are not doing well. Look at the constant turnover in the village. What are we doing? Where's the need? Can you please help us understand the need for this? There are several questions here in this statement and I hope I

made myself clear. Thank you for your time and I hope you will please respond to my questions.

Penny Steyer – Resident, Town of Warwick, NY 10990 – I'll approach it from a different perspective and like Matt Sullivan I'd like to see some jobs come into town and actually provide a full spectrum of wages. I'm wondering if we're predicating too much of the financial success of this proposal on retail. I have to congratulate Ted I think it's the first DEIS I've ever seen that had a real economic study attempted. I don't know just for your background in the corporate life as director of communications for a company that did home furnishings I was privileged to be able to do a lot of research, which is a good starting point. When I got to Ted's analysis of what we have in home furnishings I was a little taken back at the projections for the extra needs just predicated on what I was able to learn over years of doing it on the ground. There's some thing that you just have to overlay with other research on top of it to prove the financial imperatives for it. I would urge us to go back and take a look at that and maybe there's some way we can bring in other things to compliment it. The other thing that does concern me in here is looking at the need for a different kind of zoning if we're going to move forward with this. What we're looking at is going to require what I call 360 degree design and we're going to need to start looking at some sort of a form base in conjunction with our written code, so that we can look at not just one parcel or one building, but look at what our scope is and how we can make the whole thing work together. The last thing any of us wants to do is start something and end up with it not succeeding.

Kathy Skatidas – Resident, Village of Warwick, NY 10990 – I e-mailed my comments yesterday, so I want to keep it brief and I have a couple of new thoughts after listening tonight. I have read the DEIS in it's entirety and while it's clear that a great deal of work and time has been spent developing and designing this growth center, which also states in it that there's going to be further study proposed for this community business zone. I still feel the location of the zone is well outside the village limits and is a direct threat to the sustainability of our main street village merchants. When I was reading the Comprehensive Plan and the smart growth principals I read a lot of the documents in the eight years that I've been here. I've read in this DEIS there's summaries of some of these principles and I feel like a lot of these principals were put it and again there's residential goals and commercial goals and six of them out of ten or twelve have 50% of the goals for smart growth and residential commercialism don't apply to this zone change, but they're in your document. It's fostering this distinctive attractive community with a strong sense of place it's what Jim Morley just mentioned what's the need and this is a fancy strip mall. This is a fancy strip mall with bicycle paths and things. It doesn't have parks like somebody else said. It doesn't have a community pavilion. Parts of the Master Plan and Comprehensive Plan talk about preserving farmland, critical environmental area and this has already been designated critical lands in the township. You are also supposed to strengthen and direct development toward existing communities and again our existing communities are our villages and hamlets in the community. I see this Shop Rite area, Pennings Farm and the Leo

Kaytes Auto Dealership as something that is an existing area, but I don't see people biking to it or bringing their kids there and walking around. I feel like the types of in expanding the zone and all the uses that you're expanding its going to draw competition to all of the hair salons, the spas, the community center all of the uses that we have in the downtown area and they are struggling. I live right in the village and I do a lot of walking and shopping in the town and I'm worried that what's happening in Middletown, Chester, Newburgh and Monroe they are four big communities in our county and their main streets are struggling. When I worked for Orange Environment my office was on Main Street in Chester. The police station and a couple of little things are there, but everything else is on 17M. The same thing in Monroe when walking through Monroe there's vacancies there. In Newburgh the same problem because everything is away from the waterfront, but then Middletown is having the same problem. It's a really scary proposition. I don't understand not looking at the need. The existing square footage was about 600,000 square feet and what was interesting and the questions that I was asking at the August hearing and some of the other hearings to show us what build out would be when punching the numbers. Now I think its 260,000 square feet for retail and another 260,000 for office space or it was 232,000 I can't remember and then you have the second and third story apartments. I feel like it's happening in a zone as your going from a commercial industrial location and you have that 600,000 square foot density and your taking it and dividing it and now half of it's going to be office retail and half of it's going to be apartments. My concern is that I know you can't rezone the property and take away the zone and make it agricultural. I've done enough planning in my life to know that you can't take it away and give them nothing. You can't take away the zone, but at the same time when all these merchants are concerned about competition and what's going to happen there and you're talking about densities that are as high or higher now in this new zone with competing office space like downtown I really think that we have to look at what's really needed. Maybe we could learn from some of the other communities around who have suffered because I don't really know of more businesses that we need here. I know we need more work, but I just don't know if we need this type of square footage in this priority growth area. What you're proposing here is a big, big cancer. One of the other things to that I put in my comments that I e-mailed the Board was to not necessarily adopt the American Institute of Architect Green Housing Guidelines, but I did put those in my comments because there has been some talk, but I'm not sure if there had been adoption of lead certification. Water conservation in the building and out on the lawns if you require developers once the zone change is in place to do water conservation methods or energy efficiency and you're talking about affordable housing. I've worked on enough developments where the developments were put up poorly and the designs were poor, the materials were poor and then these poor people or these lower income people or affordable housing people are in these homes or apartments and it's costing them thousands of dollars every winter to heat. Warwick is such a green community that I really think we need to start adopting better guidelines whether it's affordable housing or for all of our housing obligations throughout the community. Better ways to not make the expenses more for the developer, but there has been plenty of

revitalization all over the country where it's been totally economical using energy efficiency in homes by using sustainable materials, doing better recycling during construction and post and better air quality. We have had stories all over the country after Katrina and other areas where they used all these other building materials that were poorly made and produced gases that made people very sick. I ask not only in these contexts of this zone, but going forward that some of these guidelines are put to use. I am worried about public services. I did read through the document and we have the demands on the schools that were looked at. The sewers were spoken about that this may become a township sewage STP and I'm concerned with that because that always means that it's going to be maintenance fees. Sewage treatment plants over time can become headaches for municipalities. They're extra expenses and when you try to create a growth area and bring people into it you're also asking for extra services. I don't think this plan actually addressed some of these services especially the schools and sewers. I really try to recommend to municipalities not to take on new sewers make them private ownership. The economy is very bad right now and I just don't know that this is something that is really right for Warwick at this time.

Supervisor Sweeton – Just a clarity point on the sewer thing the Town Code requires the Town to own the package plant behind the Fairgrounds, so whether we want it or not it will be ours.

Kathy Skatidas - Is that for all sewage plants going forward?

Supervisor Sweeton – For any central sewer that serves more than one parcel the code requires the Town to own it and I think that's for oversight like you said.

Kathy Skatidas – Is that in the economics?

Supervisor Sweeton – I believe it is, but we'll look at that.

Kathy Skatidas – It's another expense.

Terry Coleman – Resident, Village of Warwick, NY 10990 – I moved to Warwick in 1978 and I've been in business in the Village of Florida and presently in the Village of Warwick and it's been my experience in these villages both in Florida and Warwick a lot of empty stores and there's definitely no need to build any more stores. I as a landlord have trouble getting rents and I still have empty stores. I have a business in Warwick now a bed and breakfast and the people in Warwick the Warwick Gardeners and all these people and myself included spend a lot of time trying to generate business for the Village of Warwick with the wineries everybody's involved in it. To build that thing out there I don't know what the advantage of that is, but like I said there are already empty stores and half the buildings are for sale. The downtown is struggling my own bed and breakfast is not doing what it used to do and they passed a new law putting a 5% room tax on everything.

Supervisor Sweeton – We didn't do that.

Terry Coleman – You didn't do that, but it's an 1/8 and an 1/8 plus another 5%, so when you tell people your going to give them a 10% discount to stay two nights and the taxes are 13.8% it's a laughable situation, so I have my own problems, which is nothing to do with your plans, but building something out there that's just tightening the screw another day. I've been self employed here for the last thirty something years and every time you turn around somebody else is tightening the screw. You're just going to put all of us out of business. It's been brought to my attention that some of the people who work for the town and village can't afford to live in the town or the village it's my belief that our police department and our town workers are well paid and there's no way they are going to live in low income apartments over storefronts out on 94. They would just drive 30 miles or 20 miles into Sullivan County and buy a whole house why would they live above them.

Supervisor Sweeton – I'm not arguing that point and there's a confusion point on that. The reference to municipal workers, school teachers, healthcare workers etc goes to a part of our zoning code that requires a housing development to add 10% affordable factor for that category of workers. They name municipal workers, school workers and there's a whole hierarchy. That's not what the term affordable is meant to be in these apartments. It's just something less expansive then a condominium or a single family home. There's police who make more than me, so I'm not going to argue with you.

Terry Coleman – What you will get over there is the same problems that Middletown has and Newburgh, just pick up the Record and see what is happening with those places. That's the kind of thing you are inviting in those apartments and as the lady pointed out it will impact the school taxes and we've already been strangled with taxes I just got done telling you about that. Now you're going to add more. The whole thing is an insane idea. Lastly about the peoples property I understand buying the field on 94, sure I would like to make a buck and double my money or whatever, but you have to remember when those people purchased all that land it was farmland and they knew it was farmland. Great if they can make a buck selling it doubling the money with PDR or whoever it is; I love it, that's great, but not at the expense of the people that are struggling in the village. It's an insane idea the whole thing is crazy. There may be a need for it, but I don't think there will be a need for it in my lifetime. Maybe 50 years from now there will be a need to expand out there, but not now.

Supervisor Sweeton – Probably the majority of the landowners out there that we're talking about are actually Warwick families that have been farmers that actually put their sweat into that land, so it's not like it's a guy from Rockland County that came up and bought it and is trying to make a buck.

Terry Coleman - It was farmland when they bought, so it's still farmland.

Supervisor Sweeton – They invested all of their money and profits into that land.

Terry Coleman – I invested my entire life into this town.

Supervisor Sweeton – I agree.

Terry Coleman – And you did too.

Mark Kurtz – Resident, Town of Warwick, NY 10990 – I live next to the proposed development. I read the careful plan that you have all proposed and I have to commend you on it. I think that a lot of the criticism that I've heard here really is from people who may not have read what you're doing. I agree with Geoff Howard who brought up the fact that this is a better plan than currently exists and I commend you for it. I would like to say that I've been here for sixty years or more actually more and when I look around there are not a lot of people in that category and I've seen Warwick as what it was and what it has become. I have to say that the Village of Warwick is about as commercially healthy now as it was 50 or 60 years ago. There are places that don't exist that did business in Warwick and I'm talking about the Village of Warwick. There were businesses on Main Street that are now parks. There was a clothing store on Oakland Avenue and a hotel across from it, change happens. Commercial development has not tremendously increased in the Village of Warwick during my lifetime. There have been some additions to commercial development in Warwick no doubt, but overall I'd say it's kind of about even. No movie store, not in the Village of Warwick. No place to buy shoes any longer, not in the Village of Warwick. If we talk about the village and the town totally in terms of industrial we are way below what were in the 1960's we've lost a lot. We've lost Sterling Forest, we've lost Georgia Pacific I think commercially and industrially we've gone down. I wonder if the people who are complaining about school taxes come with this fervor when there are housing developments being considered by this Board. Housing developments truly do impact the schools. I taught for a few years more than I want to admit to; I love the job, but budgets were continually going down particularly in the last few years. I think it's a reflection of the lack of increase in commercial and industrial development that we've seen during this same period. I agree we do need commercial development and I have to say that this Board has done a fairly poor job at doing commercial and industrial development in the town and so has the village failed. If we're talking about keeping the commercial development near the village then the village should take an effort to attract commercial development. Right now I would have to say a person who is attempting to open a small business in the Town of Warwick is going to have a hard time. The charges are astronomical and the barriers that are set for people to pass over in order to get a business started are immense and in the village I think maybe it's even worse. If the villages are worried about not having competition outside of the village then it should include the necessary items in the village arsenal. There was a plan for a hotel and perhaps a movie theater near an area to the village. I think that's still on the books and looking to happen, but its ground to a halt and who knows why. I think that this idea that somehow competition is going to eat

business away from the village is not really sensible. There's a guy who runs some food stores and clothing stores I think the guys name is Sam something with Walmart chain and what he found was that there's synergy involved in business. If you sell shoes in a shoe store that people looking for shoes come in, but if there are lots of things then lots of people come and they may walk by the shoes and pick up shoes on their way to getting their food. If we have a lot of choices I think people will come to Warwick. If we don't provide choices for consumers then they will go elsewhere. I applaud you. I hope you continue to make our community stronger by allowing people to spend less gas and shop locally in Warwick in a healthy, vital commercial community.

Greg Keys – Resident, Village of Warwick, NY 10990 – I guess I'm a typical person to categorize I'm not politically one way or the other. I don't own a business here. When I drove through the town for the first time and I looked at my wife and we both said we've got to live here. We spent a long time making that happen and we did that because we realized it's a special place. I am not an exclusive person at all. I believe we should bring diversity to the town. I believe we should have a mixed group of people living here and sharing this beauty that we have. Keep in mind everybody shares this beauty. Keep in mind families that drive from Brooklyn to look at the countryside to look at a great place share this beauty, so it's not just about me it's about something special that doesn't exist in too many places and should. I commend the gentleman with his impassion speech which I think showed the human side of this. I'm going to go through the DEIS and I'm not a lawyer that's going to be lawyerlike, but I think he showed very clearly that at the end of the day we have to trust our guts and be humans to. We have to recognize this specialness and what it means to us not as just business owners and not just in terms of all the figures, but in terms of what we leave to other people and the future. I read the DEIS and I was happy to see the smart growth idea beginning. I knew a little bit about smart growth and then I started reading about and I read everything I could get my hands on about it. I was impressed at what a great idea it is because it does do a couple of things. It lays out clear principles, but allows communities to adapt those principles to what is special about those communities. I like the idea of smart growth because it's not your opinion and my opinion it's this set of standards over here that you looked at and we looked at and then we say didn't we do that. I like the fact that the CB is framed in terms of smart growth. I don't like the fact that it didn't get there and I don't want to be too harsh about that. I think that one of the problems is that the distance traveled from the DS to the CB is enormous and it saved a crisis really about what was out there waiting to happen. To me it was almost like you were all firemen showing up at a fire to put it out and you put it out, but I'm returning to smart growth and I'm returning to DEIS and the CB at smart growth. The distance from DS to CB is outstanding. The distance from CB to smart growth is still large. I e-mailed a lengthy document and evaluated and I think very fairly how the CB rates to the 10 smart growth principles. I've said and I don't want to be condescending or anything, but it really was the only word I could find when I searched the thesaurus is that it is a mediocre smart growth solution at best. Again I'm not being condescending at all, but when I went through the smart

growth literature and I found resources were available and the “tools” and the examples of smart growth success stories. I couldn’t place it as exemplary, certainly not and I really had a lot of trouble as placing it with smart growth. I’m going to give some examples of why I think this and again I commend the distance traveled to put out this fire, but I think as I started with framing this specialness to me and other people is that we need to go to the other distance to and sometimes you can’t make that jump in one jump and I don’t think there’s anything wrong with taking a jump and say we have succeeded and now lets take that next jump. Just to give a flavor of what I’m talking about when you read the smart growth principles about the community it is very smart growth like when you read the titles of the principles, but not really think about the community that will be developed there. As I said I’m all for affordable housing. I’m all for different types of people living in the community, but they will not be living in the community they will be living in this commercial district that has housing opportunistically built on top of it. The only organizing principle to that area is the economics of the market force. I’m a capitalist I believe in that, but the market force is not organized to the peoples living needs totally. As I said where are the churches going to be? Where are the playgrounds? The kids are going to play where? In the end I feel that housing element in part is basically a segregated community. It’s sort of like the other side of the tracks. I know that sounds a little harsh, but if you think about it they are not really living in a community and they are not living in our community they are living over there, that’s where they are. I wonder if you would even see them walking around. They are going to be priced at where they can shop that is shown very clearly in a DEIS that the whole economic evaluation is that in this concentric range of miles the average income is higher than average. The people coming to shop there will have far more disposable income then the people living there. The people living there will not be living in a community. Another really big problem that I have in reading the document is that out of 184 pages there are 9 chapters and one of these chapters, chapter 5 is alternatives and there was one paragraph. The paragraph was not valid alternative it really didn’t have to be in there. What I feel about the town’s using smart growth to plan the community is that of all these tools and all the possibilities and all the success stories that I feel we needed to build something quickly to save the DS disaster. To me it would be like going into Home Depot and looking at the toolset and I’ll describe some of the tools that I saw and coming out with a pretty good kit and building something, but I’m looking at Home Depot and I see so much that we can use and I think we should and I think we should claim that we have achieved success. I think we should say that this is the first, but not the final step of the process. I’m sure there are legal discussions to be made about that, but I feel that there could be legal responses to that. I bring up other points about focusing too much on the best case scenario things. We don’t know what’s going to happen when the market decides how things are constructed out there. In the end what strikes me of all the 5 smart growth principles about community it’s really not a community that’s going to be built. We need to incorporate people, but let’s incorporate them to where we live not to their own complex. The other thing that struck me of the two smart growth principles that on ambiguously failed those are the two aspects most special to Warwick, open space,

farmlands and build on what you have. Smart growth is not just using smart growth principles it's using them to adapt to your special community and I don't think we've done that. My proposal is that we consider the CB a successful first, but not a final step to the process. Time is going to flow forward and we don't have to stop.

Thomas Jeffrey – One thing I've seen as I drive down Warwick Turnpike everyday when I come home and I used to totally think when coming into the valley that it was 100% beautiful at no criticism of the architects of Price Chopper, but it really looks like a total eyesore as I come in from that direction. My concern is many, but one is that part of my backyard touches the Miller Farm. The Miller Farm is still farmed and recently in one column that you wrote out of all do respect you mentioned that it isn't being farmed that the largest property is not being farmed, so I just wanted to see if there were some clarification on that statement that the largest property the whole zone is not being farmed. The other thing that I'm concerned about is we just had a lake or pond develop on the Miller Farm with the recent rain storm and if we turn parts of this into asphalt I'm wondering how much it's going to flood the homes near where I live?

Supervisor Sweeton – Those are all issues that we can discuss. We just recently adopted about a month ago a whole section of our code on storm water management that's much more stringent, much more environmentally conscious than previous. It'll deal with instead of those big basins it will make a person that develops treat the water in stages so that you treat it properly. In a commercial zone you would have to have ways of getting it into a center median where it can be recharged as opposed to just running off into a basin. If the site ever gets developed that will happen and I guess in the column question it is being farmed by another farmer at the moment, so I guess that is incorrect perhaps, but I guess the point I was trying to make is it is an isolated farm. It may not be viable necessarily as a farm long term. That was the only point; it doesn't mean it couldn't be it just means it's unlikely that it will. The only thing on the Price Chopper site obviously it's still under construction and they still have work to do. The ARB is working on because that applicant has as second application one of the things that's caused us to get into this whole discussion in the first place for additional buildings on site. I know the ARB and the Planning Board are going to work diligently if that gets far enough along before we do anything here to see if they can fit that in a way that softens the view of the Price Chopper building itself. Does that answer your question ok?

Thomas Jeffrey – Yeah I just worry that it will look like 17M.

Supervisor Sweeton – Obviously again that's why were having the discussion to avoid that scenario.

Jerry Schlichting – Mr. Kurtz and Matt brought up on the concept of need I think this gentleman spoke very openly on the concept of need to protect the landowners rights. There's another gentleman who has a B&B business and the last thing I

would appreciate is somebody telling me what to do with my business, but we also need alternatives. Maybe I would ask the Board to consider have we ever as a community explored a true working group made up of residents, business people, local leaders, economic development experts who could better define what it is that we would want to see out there. If we agree we don't want tons of retail, but we agree the go with the development maybe we could as a community hash it out and bring in what those entities or organizations or uses should be. I think good paying jobs not \$7.75 minimum wage jobs flipping burgers or stocking shelves isn't all were after. We're after some good quality stuff and I wonder if that's ever been done and would the Board consider creating a working committee made up of citizens, residents, business owners, plan experts and I'm sure economic development people from around New York State to review the project to let us as a community work to find the answers so we can get those landlords paid and we can respect their rights and do it in a way that will better define what the community can live with.

Greg Keys – Not to steal the stage, but part of the tool kit that I was describing was 18 methods where that could happen. We have used zero, so I agree completely with him although he's sort of agreeing with my point and I've never met him this is a strange situation. There are 18 ways of what he said that we can do we don't have to invent that wheel we've done zero.

Supervisor Sweeton – We might disagree with you on that point; if we were just talking about the CB zoning, maybe.

Greg Keys – Correct.

Supervisor Sweeton – Ok because this community for more years then I can remember collaboratively tried to come up with the right zoning for our community. The Mayor of the Village of Warwick and I meet once a week with the Chamber and major employers in the area trying to rack our brains to get the commercial development streamline the business development process in both the village and the town to try and make this work.

Greg Keys – I'm speaking specifically of the DEIS and the smart growth.

Mark Kurtz – Jeff suggested that we're at the mercy of the people who come here to open commercial spots and I think maybe what we can do is go out and get people. The way we can do that is if the communities involved were to cut those people who offer the businesses we want to have in Warwick if you guys would cut them unbelievable deals. You don't need all the engineering fees, you don't need all the special legal ramifications if it's a business that we need in this community. Let's go out and get them and let the community pay to bring them in.

Supervisor Sweeton – I want to thank everybody for coming. I heard lots of great stuff and it will all be answered. There is still time to submit written comments and we will carry on.

**CLOSE PUBLIC HEARING: Motion Councilman Gerstner, seconded Councilman DeAngelo, that the public hearing be closed.
Motion Carried (5 ayes, 0 nays) 9:05 p.m.
03-18-10 cp**

Marjorie Quackenbush, Town Clerk

CC
TBD
MQ

March 13, 2010

Re: Proposed Route 94 Community Business Plan, Draft Environmental Impact Statement

Town of Warwick Planning Board
132 Kings Highway
Warwick, NY 10990

Dear Town of Warwick Planning Board Members:

I am writing to voice my concerns and ideas about the proposed Route 94 Community Business Plan. I feel that these changes do not go far enough to preserve the unique historical and rural characteristics of the Warwick area. These characteristics are rapidly disappearing from our region and are a great asset to us all.

Allow me to present a brief background about myself. I have lived in Warwick since 1995, moving here for the wonderful country atmosphere. I wanted my two daughters eight and six years old at that time to be able to grow up in a rural community vs. the congested area of Long Island where we lived previously.

I have the following concerns. I would hate to see Route 94 become a conglomeration of strip malls and box stores, (like I witnessed on L.I.)

and then draw all the business out of the beautiful village. The strip malls on L.I. were built like crazy in the 80's and then they were empty, vandilized, and graffiti ridden. To see this type of progress?? in Warwick would be heart breaking to say the least. We don't need a shopping mecca here in Warwick, we have Woodbury Commons(the incredible traffic jams), we have Middletown(look at all the empty stores there!)do we really want that? I think not!

I have the following specific ideas about the future of Route 94. I would like to see some careful planning, eco-friendly, family fiendly and possibly some educational value in what goes into the Route 94 corridor. We need things business, attractions that will bring people in but at the same time do we need a Dunkin Donuts or a Wendy's?

Thank you for considering my concerns and ideas,
Paul S. Massie

Paul S. Massie

MS
TB

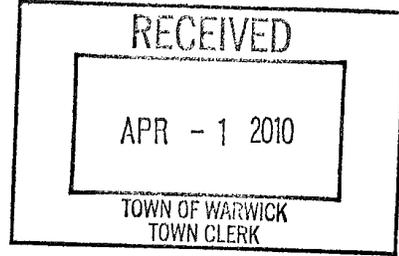
Town of Warwick

Michael Sweeton, Supervisor

132 Kings Highway

Warwick, NY 10990

March 31, 2010



Dear Supervisor Sweeton and Town Board Members:

I am writing today to share my comments regarding the DGEIS that was prepared for the proposed zoning changes to the Rt. 94 South corridor. I would like to start by thanking the Board for its proactive efforts to update the current zoning and to establish a revised framework for any future development in the area.

I have a number of ideas and concerns about the DGEIS that I have outlined as follows:

Table 3.2 Build-Out Assumptions:

This table references that maximum build-out could equate to 284 units with potential for 452 residents, with the assumption of a 5% school enrollment rate. This 5% enrollment assumption is footnoted in Note 19 as: "estimated by GREENPLAN, Inc. because there was no data available for this type of unit in the 1987 or 2003 *American Housing Survey*."

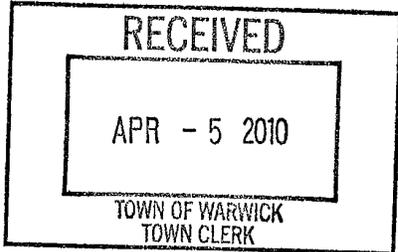
With a young family to support, I would welcome additional modestly priced housing options. However, I am concerned that Table 3.2 and the assumptions used significantly underestimate the potential influx of school-age children into the district and as a result, misrepresent the potential future burden to taxpayers.

I believe that a more appropriate measure would be for the Board to evaluate the project's impact by using enrollment rates for existing Warwick-specific properties such as Homestead Village and King's Estates. These properties represent more modestly-priced residences that are of similar square footage and that each provide over 20 years of enrollment history. I am presently a resident in Homestead Village and my first-hand experience is that there is a far greater enrollment rate than the 5% estimate.

Cost Per Pupil Assumptions – Chapter 3 Page 70:

In evaluating the "Cost-Per-Pupil" assumptions noted on Page 70, the author of the DGEIS indicates that this projection "assumes the additional revenues obtained from state and federal aid remains constant." With its assumption of a 5% enrollment rate, the DGEIS states that there would be no negative impact to the School District budget.

MS
TB



Date: 1 April, 2010

To: Town of Warwick Town Board

Cc: Marjorie Quackenbush, Town Clerk, Ted Fink, Greenplan

Subject: Comments on Route 94 S DEIS

Gentlemen:

I have read the DEIS concerning the proposed CB Zone on Route 94 S. I am both intrigued by the opportunities it presents, as well as puzzled by some of the rationale and some of the assumptions which are used, as well as by some of the disconnections between the visuals and the proposed density bonuses and infrastructure included in the DEIS.

Additionally, I wonder if this might be construed as spot zoning since we have two other DS zones one of which is built out in a quintessential sprawl/strip form, and both have a critical mass of consumers in the immediate area.

- 1) Is there truly a need for the Community Business zone as proposed, particularly with the integration of 250+ residential rental units?
 - a) Population growth has been steady at 1.5- 1.8% per year.
 - b) We have new opportunities for integrating rental units in the hamlets under newly adopted local laws. There are definite benefits to integrating more affordable units throughout neighborhoods rather than segregating them into one or two neighborhoods.
 - c) We have a growing "shadow inventory" of housing at all price points, leading many owners to offer rental units at very competitive prices.
 - d) We have a list of open retail spaces throughout the town, particularly in Pine Island and all three villages.

While taking a new urbanist approach offers many benefits, in this case, it also could potentially significantly alter the very sense of place it is being touted to preserve. It may be wise to look at a hybrid form that offers many of the advantages with a density more in keeping with a rural, exurban area.

- 2) Is the need, more honestly, to salvage the corridor from the proliferation of auto dealerships and strip mall construction?
 - a) Auto dealerships by their very nature create a high-traffic, corridor with little cross-pollination of customers. They tend to segregate themselves due to the way in which care shopping and repair must be done.
 - b) We now have two conventional big-box strip type malls in the area – one having been deserted by the car dealership which originally gained approval for the site.
 - c) We know that both grocery shopping and car shopping are two of the least satisfactory experiences in a consumer's shopping experiences.

- d) Incenting the acquisition and revitalizing of existing sprawl/strip commercial areas into more vernacular and human-scale development is definitely a plus for the entire community.
- 3) The DS zone has been in existence for 40 years, but the “market forces” have failed to bring significant investment to the corridor. The only major investment has been the introduction of a second grocery store as the result of a poorly executed bankruptcy filing. The other proposal which also stirred interest in re-developing the corridor was , again, an incomplete proposal to move St. Anthony’s hospital to the corridor – without necessary due diligence at the State level. While one idea was stillborn and the other has not developed as originally proposed, both have pushed the Town to consider and propose a program for developing the corridor.
- 4) Despite the proposal to create a pedestrian-friendly neighborhood, the physical characteristics of the corridor and the need to attract a critical mass of consumers and patrons to the corridor will necessarily keep the businesses in the corridor auto dependent.
- 5) The same physical characteristics of the land (with established set-backs from wetlands and existing roads as well as proposed infrastructure additions will mean that it will be very difficult to create a tight grid of streets in parts of the corridor, as well as probably limiting the ability to grant double density bonuses for creating a tight street grid throughout the proposed area. A more hybrid approach may be required.
- 6) The DEIS repeatedly talks about the homes with in the 1 mile radius of the CB Zone. While those homes may have an average HHI of \$80,000, they also spend a much higher percentage of their income on fuel and have a lower household disposable income than those in the second and third tiers away from the CB Zone. For the retail component in the proposed CB zone to be sustainable, it will be necessary to create a viable target market that will not only capitalize upon the residents in the first tier, but will also attract customers/patrons from the second and third tier, as well as drawing from Sussex County, NJ, and the towns of Chester and Goshen and Minisink.
- 7) The retail analysis, while a good first step, has some obvious room for improvement –
 - a) The village and Town of Warwick do not at this time have a bookstore, 2 having closed over the past five years. Other than our libraries, we no longer have a book outlet. Since this is a prime area of expressed need and interest by residents, we need to determine what makes current bookstores successful and whether we can determine what/how to capitalize on the very obvious interest.
 - b) The DEIS shows room for several more liquor stores/off-site consumption sales. Still, it shows available dollars for consumption at a level about adequate to support 3 stores – and we already have 7 stores and 4 wineries. In today’s market with current inventory pricing structures, it takes about \$1.5 million in gross sales to remain viable.
 - c) The home furnishings segment also indicates a very large room for expansion. Having done many years of outbound research and consumer research in the field, and having had the benefit of can actually tell you that the available dollars are high, and the interest in purchasing is far higher than what we would normally find in the marketplace. The average cycle for purchase of chairs, sofas, etc., is in the 5 – 7 year range. Longer if the buyer indulges in a long-term research/shopping process. Window coverings are in the 12 – 20

year range; paint in the 3 – 5 year range; floor coverings in the 15 – 21 year range. Soft goods (linens, pillows, bedding) are more frequent. The more of a commodity the item is the more frequent it is in the purchase cycle, and the less the profit margin.

Also, as the population ages, the frequency decreases. Over 55, the likelihood of a major purchase is once more as more is invested in recreation, experiences, travel, healthcare grandchildren, and other less home-oriented spending.

This is part of what makes me suggest that while a portion of any commercial development may have room for retail, we may want to look more actively – prospect – for other types of businesses in the high tech, healthcare, agriculture, green energy, and adult activity areas to create a wider range and more balanced approach to the local economy. This could supplement the jobs base available, increase ratable and help offset property taxes. A broader jobs base will also help create the income levels needed to support housing choices.

Penny Steyer

Given the recently publicized state aid cuts of approx 6% to our district, I would urge the Board to request that the author re-construct his assumption model to present a table of projections that include scenarios where state aid is cut from its present level by at least 6%, 10% and 15% to provide the community with a more realistic basis from which to address the impact of such a project.

I must be clear in stating that I do not wish to prevent the introducing additional students into the district. Rather, I only wish to highlight the potentially negative impact of adding a high number of students to the district in such a tight concentration. Should the impact prove to be too taxing, I would encourage the Board to pursue alternative means of development or a way in which any potential enrollment could be gradually phased-in over time to alleviate an undue burden on the community.

I would also ask the Board why the School District was not asked to contribute its own assessment of the potential impact of the project, as had been solicited from our other town agencies, such as the Police & Fire Departments and the Ambulance Corps?

Chapter 3 – Trade Area Analysis:

The assumptions and methodology used in this analysis support the author's conclusion that there is enough unsatisfied demand within Warwick to support the additional build out of extensive retail operations within the corridor, without negatively impacting existing business. While I do not dispute the accuracy of the raw data used to develop his conclusion, I believe that the author's methodology for applying the data is fundamentally flawed, resulting in a misleading conclusion.

From my perspective, measuring market supply solely within the 5 mile radius of the area is an inherently incomplete approach. Warwick's businesses are operating within a region that offers an ever-expanding variety of shopping resources within a 15-45 minute radius (20-30 miles) from town, such as:

- Rt. 211 Corridor– Middletown & Wallkill
- Rt. 17 Corridor – Monroe –Woodbury
- Woodbury Commons - Monroe
- Rt. 23 Corridor in Sussex County, NJ
- Rt. 17 Corridor – Paramus / Mahwah
- Palisades Mall Corridor – Nyack
- Mattamoras / Milford, PA areas

These areas provide a vast array of reasonably accessible shopping for Warwick residents – primarily from national and chain retailers. The negative impacts of these retailers on the communities in which they operate is well documented and we only have to look at the near-vacant villages of Middletown, Chester, Monroe and Goshen to get a glimpse of the impact that these national retailers will have to

the villages of Warwick, Florida and Greenwood Lake and to our hamlets. Most residents will openly share that they accept having to travel to Middletown or Monroe, because they can leave the traffic, noise and sprawl behind when they leave those places and return to back to the tranquility and open space that are Warwick's true trademark.

I would ask the Board to petition the author of the DGEIS to change his methodology by measuring supply within a 25-mile radius of Warwick. I believe that when Warwick is evaluated as a component within a greater shopping region, the analysis will demonstrate that the region's overall supply of goods far exceeds demand.

Chapter 3 – Surface Water Resources

In three of the last six years, the Village and Town of Warwick have been hit by damaging floods occurring within the Waywanda, Pochuck and Quaker Creek watersheds. These floods which were once called "50-Year Floods," are now occurring with greater frequency and are producing far greater devastation to the region.

While weather patterns are a primary factor, so too is the fact that the increased development throughout town has eliminated valuable open space buffer zones that had previously absorbed rain and run-off. The DGEIS accurately notes that the proposed Rt. 94 development will certainly have a negative impact on the Waywayanda and Pochuck Creeks.

I believe that the impact of this project and other residential and commercial projects within the Town must not be evaluated on an individual basis, but rather should be considered as part of a more comprehensive to ensure that future development does not expand the already the existing floodplain within the valley.

Chapter 4 – Unavoidable Adverse Impacts:

The draft DGEIS indicates that "The Town Board of the Town of Warwick, through the preparation of this Draft GEIS, has not identified any unavoidable adverse environmental impacts that would result from the adoption of proposed amendments to the Zoning Law."

I believe that there are several significant impacts that while not easily quantified, have been completely underestimated by the DGEIS – they are as follows:

1) Loss of strong Warwick "brand"

When compared to other communities within the region and Orange County, Warwick has established itself as perhaps the most desirable community in which to live and do business. Much of this brand strength stems from past and current leadership that have sustained Warwick's ability to maintain its rural and agricultural character – which has become a very valuable commodity. This character is the basis for Warwick's ever-expanding agri-tourism industry and has allowed Warwick residents, businesses and farmers to enjoy higher than average property values.

Add to this mix, the still robust villages of Florida, Greenwood Lake and Warwick, and you have a destination that exudes the small-town charm associated with Vermont or the Adirondacks, less than 60 miles from NYC. In short, a tourism gold-mine.

As the gateway to Warwick and in a larger context, the Hudson Valley, the future development of Rt. 94 has the potential to set in motion a damaging chain of circumstances that may negatively affect the community. At the outset, this development will fundamentally diminish the value of the overall Warwick "brand." This diminished brand will undoubtedly damage the Agri-Tourism industry that is so dependent on our scenic landscapes to attract visitors. Our local farms, orchards, wineries, inns, shops, and attractions would lose tourism dollars that have helped sustain them for nearly 30 years.

2) Loss of Community Character

While the DGEIS has attempted to demonstrate that there will be no measurable impact to Warwick's existing villages, any reasonable person would agree that this assumption is naïve at best. As a long-time resident, we have watched the collapse of the downtown districts in Middletown, Monroe, Chester and Goshen – a demise brought about by the ever-increasing presence of big-box and national retailers within the region. Accordingly, property values in these communities lag behind Warwick, crime in these areas has increased and the "souls" of these communities have disappeared.

Our three existing villages offer ample capacity for a successful blend of commerce and community. Accordingly, we should be looking for ways in which we can further promote their expansion and their ability to function as community centers.

Because our existing villages are mostly comprised of locally owned businesses, these businesses have a vested interest in improving the quality and vitality of the community. Each year our village businesses channel hundreds of thousands of dollars back into the community by supporting our local schools, churches, youth sports leagues, scouts, civic organizations – the list could go on and on. Additionally, our locally owned businesses also shop locally themselves – funneling their profits right back into other local businesses for goods and services.

The inter-connectivity of local businesses is a delicate and vital link that is necessary for any community to survive. In most of the communities around us, this link has been broken by the influx of national retailers, most of whom rarely engage the local community beyond their "grand openings," and who reinvest just a small fraction (if any) of their profits back to the communities in which they operate.

Instead, the business decisions of most national retailers are made at a corporate level and are often blind to the needs and spirit of the communities in which they operate. The profits earned by such businesses who locate themselves in Warwick will be siphoned off to an anonymous corporate headquarters, where well-paid attorneys and accountants work tirelessly to structure their operations to minimize the amount of taxes paid at the local and state levels.

As a former CPA with KPMG Peat Marwick, I worked with clients that included J.Crew, among other national and multi-national businesses and I have seen these strategies implemented first-hand. The proposed zoning on Rt. 94 is inherently geared towards attracting larger national retailers. With proposed developable space that is approximately 30% greater than the capacity currently contained in the Village of Warwick - this will push many locally owned businesses out of the community forever. The playing field will have been forever changed in such a way that will preclude local business from competing with national businesses that out-spend and out-discount their local competition.

3) Failure to generate real value for the community

The Rt. 94 zoning changes are designed to guide the area towards a mixed-use density that will invariably be anchored by national retailers. Most advocates for the expansion of such development will tout numerous economic advantages including the expansion of jobs and growth to the local tax base – such has been done in the DGEIS.

However, there are a growing number of studies that have demonstrated that initial estimates for developments like this (such as the analysis contained in the DGEIS), rarely prove accurate. Studies in a variety of communities across the country have continually demonstrated rather than creating additional value, most national retailers simply cannibalize existing revenue and tax streams that had already been developed by local businesses. These national retailers funnel the vast majority of their earnings outside of both the local community and the state. While sales tax revenues may stay flat or marginally increase, income taxes paid at the state level (and ultimately allocated back to the community) decrease, as these national retailers employ a variety of tax schemes to minimize their local and state obligations.

A variety of national and regional labor studies have also demonstrated that the wages and fringe benefits (such as healthcare) offered by local business are far superior to those offered by national retailers. These higher wages and benefits bring a greater level of prosperity and a better quality of life for those working within the community. With the Rt. 94 development so centered on national retail, I believe our local earning power will be diminished and our citizens will be presented with the few (if any) meaningful opportunities for career growth and improved quality of life.

Additionally, the creation of additional office and retail capacity will further compromise an already large supply of available retail and office space within our existing villages and hamlets. This will hamper each area's ability to grow going forward and will also cause further hardship to property owners already struggling in this unprecedented economy. Unrented space becomes neglected and unsightly and will have a ripple-effect on residential and commercial property values throughout the community – we have ample evidence of this in many of our neighboring communities.

Chapter 5 – Alternatives

As has been echoed by other members of the community, the Board should be commended for having the foresight and willingness to tackle what is a yeoman's task. It is nearly impossible for any government body to satisfy 100% of its constituents and I recognize that there has been a great deal of debate and passion centered on this issue. I believe that the proposed zoning changes should be viewed as a proactive "first-step" initiative, but I am concerned by what I and others perceive to be a lack of clarity on "what happens next."

At the heart of this debate, I have always maintained that existing land owners have the fundamental right to receive fair-market value for the equity they have earned in their property over the years. Many of these landowners have demonstrated tremendous stewardship by keeping Warwick's character intact by not pursuing development sooner and I believe that this is often overlooked. Those land-owners who want to sell should be able to do so without undue interference.

Finding a "special" solution for a "special" community:

If we wish to keep Warwick "special," then as a community, we must assume the responsibility to continue the dialogue to come up with special and unique alternative land uses that will satisfy our obligation to compensate land owners, while preserving our community character. An attractive design and fancy facades will not disguise the inherent impact that a laissez-faire style of development will have on our community.

Across the country, there are countless examples of communities that have proactively worked to recruit and attract the types of businesses they wish to compliment the community, rather than leaving their future up to the whims of developers. I believe that this effort cannot be reasonably thrust upon our already taxed Town and Village Boards. Rather, I believe that the Town Board should establish a working group comprised of existing land-owners, residents, business owners and civic leaders who are committed to creating "special" solutions to this issue.

Having previously been elected to the Town Board in Fairfield, CT, I know first-hand that great accomplishment occurs where passion exists and I believe that there is a wealth of qualified, passionate talent here in Warwick, willing to offer their time and experience to help develop "win-win" ideas that may provide solutions that better reflect the concerns of the community, while also meeting the needs of landowners within the corridor.

While I realize that Warwick does have a "Development Coalition," I am unaware of their involvement in pursuing alternatives to the retail-anchored nature of the Rt. 94 corridor and I believe that the members of this committee are already heavily burdened by the operations of their own businesses and civic responsibilities. By opening up the process to a broader cross-section of the community, I believe that we will be able to indentify ways to help existing land owners find buyers who share Warwick's community values.

What are “special” solutions?

While I do not presume to represent the opinions and ideas of the community at large, I personally believe that an effective working group can work to develop “special” solutions by:

- Engaging the community and land owners in a series of open forums (similar to the 2009 Middle School forum), in which the community and land owners can offer their ideas as to the types of uses that would best reflect its own hopes for the future of the area;
- Engaging local and state leaders, as well as regional economic development experts to review the group’s findings and to establish a mandate and framework to guide the group going forward.
- Establishing a basis (such as the documented Smart Growth principles), by which the working group can evaluate and identify businesses and land uses, whose mission and whose values reflect those shared by the community and by land-owners.
- Identifying and engaging prospective businesses who compliment the working group’s mandate, as potential additions to the community.
- Gaining an understanding of the issues to be considered by prospective businesses when evaluating a community such as Warwick and by working with state and local leaders to adapt existing zoning and tax structures to better meet the needs of businesses that meet the group’s mandate.
- Continually engaging the community to share the group’s findings and progress.

In closing, I believe that as a community, we are very lucky to have such valuable open space left to protect and to guide going forward. Successful programs such as PDR have been created out of a strong sense of stewardship on the part of past and current local leaders and land-owners, who have always shared a belief in keeping Warwick “special.” As a community, we are now tasked with scripting the next chapter in our development and I hope that the decisions and actions made today and going forward will continue this spirit of stewardship for generations to come.

Respectfully yours,

Jerry Schlichting, CPA

CC:

James Gerstner – Deputy Supervisor

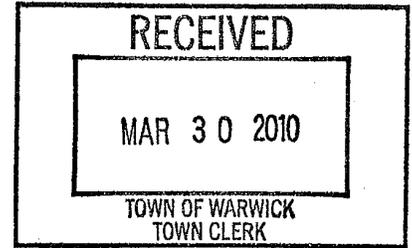
Floyd DeAngelo

Mickey Shuback

Leonard DeBuck

Marjorie Quackenbush – Town Clerk

MS
TB



March 30, 2010

Re: Proposed Route 94 Community Business Plan, Draft Generic Environmental Impact Statement

Town of Warwick Planning Board
132 Kings Highway
Warwick, NY 10990

Dear Town of Warwick Board Members:

This is my second letter for public comment regarding Route 94 South rezoning and DGEIS. In my first letter I showed that the CB is not truly a smart growth solution and could even be considered a form of sprawl, which is the complete opposite of smart growth.

This letter is based partly on an in-person conversation with Supervisor Sweeton on March 29, 2010 and is a greater elaboration of that conversation.

I. Raising the Bar in the Face of Challenge

Warwick is a very special place. There are few places like Warwick left in the region if not the country. From the many dozens of people that I have spoken to about this issue, nearly all accept that Route 94 will change and that the CB zone is an improvement over the DS. At the same time, nearly all expect something far more than the CB, because the CB does not further Warwick as a special place.

Warwick's uniqueness throughout the region and its close proximity to the New York metropolitan area is one of its greatest economic assets. The value of this asset will only increase as the rest of the region grows to become more of the same while Warwick and the important Route 94 corridor does not.

Despite the great challenges in working with the pieces of the Route 94 puzzle, it is a common view of the community that we must set our expectations very high in solving this puzzle. We must reach a solution where Route 94 changes but in a way that *adds* to Warwick's uniqueness. One where the legacy of our agricultural community lives on. One where visitors have even *more* of a reason to spend their weekends here. One where existing businesses *gain* from the changes. One where residents spend *more* time enjoying and treasuring the area.

As mentioned, the CB is an excellent first step toward this future, but we must not fix our minds on the gains of the CB over the DS. We must focus on the distance left between the CB and a future where Warwick is changed yet still unique and special.

I have heard some discussions during the Route 94 debate that what makes America great is nobody can tell individuals what to do. Let's not forget that what makes America great is our ability (like nowhere else in the world) to accomplish great things, to achieve the difficult. Our goal with Route 94 should be to strive for great things. We may not land on the moon but we should reach for it.

II. A Specific Example

I offer the following example of change that would add to Warwick's special character.

The current plans include a bike path from the village to the Route 94 South area. This is a great idea, but a bike path alone does not add too much because there will be no place of interest to bike or walk to. Wouldn't it be great if midway along the bike path one of the plots is developed as a large playground and farm-like open space?

Next to the park is a parking lot where out of town visitors can park their cars after driving an hour or two, unpack their fidgety kids, and let them loose on the play ground. Mom and dad walk to the visitor center pavilion to learn about all the historical sites they can visit in the area, all the wineries or nurseries, all the businesses or things to do, and where they can see cows being milked. They learn when the trolley arrives for transport to the village, or that the bike path/walkway offers a pleasant walk into the village. The kids are in a great mood and the family continues on without a car. At the end of the day, after they drive back home, they tell everyone that they *must* visit Warwick – because there is so much to do and it is so easy to visit with the kids ... because it is a very special place.

Village residents walk or bike out to the same park, and explore nature paths or catch frogs in a pond. Residents from the entire Town do the same. The park has a lighted outdoor ice skating rink for the winter.

The details, of course, can be worked out and experts with experience can be brought in.

How will this be paid for? How will it be written into law? Answering these questions may present challenges but not insurmountable ones. Regarding cost, surely this is an investment with long-term economic returns for the Town. Perhaps all or part of the funding could derive from fees from development of other Route 94 properties. I know that the Smart Growth Resource Library provides a method called Incentive Zoning (<http://www.smartgrowth.org/library/articles.asp?art=1721&res=1280>) that accomplishes this goal. Perhaps such a park is partly subsidized by the Town. At this point, I do not pretend to offer final answers to these questions; I do, however, urge that finding these answers is worth overcoming whatever challenges that are presented. Overcoming these challenges leads to a Route 94 that is changed, yet in a way that allows "special Warwick" to live on into the future and distinguish itself from the rest of the region.

III. Incentivizing

Though rezoning cannot determine the specific businesses that occupy a commercial area, it can incentivize specific *types* of businesses in ways immune from legal disputes. The types of these businesses should be ones that add to the special character of Warwick. These would include agri-business, agri-tourism and businesses that are local to the area, ranging from coffee roasters, farm stands and artisans. These should include businesses that clearly complement and do not compete with existing businesses.

Again, I do not pretend now to have answers on the details of how to incentivize business types. I have been made aware of a "tiered" method to incentivize and it seems that experts on the matter could offer additional methods. Incentivizing may be a challenge but it is not impossible.

IV. Smart Growth as a Goal

The DGEIS clearly premised smart growth as the goal of the Route 94 South rezoning. Over two pages of the beginning of the Executive Summary is devoted to smart growth, including sections titled "What is Smart Growth" and "Smart Growth Principles" and the following statement

Warwick's Comprehensive Plan is based upon "state-of-the-art" planning techniques and is a "smart growth" planning strategy. In fact, in 2005, the New York State Association of Realtors awarded the Town of Warwick its first ever "Smart Growth" award for its forward-thinking planning and the State of New York uses Warwick as a model of a "Quality Community."

It was noted by Supervisor Sweeton during our recent conversation that the mandate of Route 94 South is not necessarily to reach smart growth standards and that this may be a false perception given by the DGEIS. If so, this is an important misperception because the DGEIS (and soon to be finalized document) is the single document serving as the public record of the planned Route 94 rezoning and principles underlying it.

If smart growth is not the explicit goal of Route 94 rezoning, I feel that references to it (and the Town's past successes with it) should be removed from the final documentation: smart growth either is a goal or it is not.

Most importantly, I feel that smart growth *should* be a goal of the Route 94 rezoning process. I feel this for the following reasons:

- smart growth is an established and well-documented set of principles, resources, methods and success stories that lead communities to grow while retaining what is special about those communities.
- smart growth can be seen as a neutral third party by which to guide and judge our rezoning against

V. Route 94: Phase 2

As noted, the CB is an important and necessary improvement over the DS, but the ultimate goal should not be to look at this gain as a measure of success. The goal, rather, is to set our sights on doing great things; for example, of being nationally recognized in our growth planning and achievement. The Town of Warwick has won an award for its past growth implementation; we should strive for the same with

Route 94. The community expects such high outcomes for Warwick and we should accept the challenge of guiding Warwick into a future where it remains as -- if not more -- special and unique.

It seems reasonable to me that Route 94 rezoning should continue in the following steps.

First, the CB should be improved by incorporating important points and ideas of others, as well as those above.

Second, we should move immediately to a phase two of the rezoning process. Phase two should be committed solely to forming a group of community stakeholders who actively participate in the zoning process to generate additional alternatives for consideration as a next phase of rezoning the Route 94 South area. The explicit goal of this group is to arrive at solutions that are creative yet realistic: creative in the sense that growth leads to change that keeps Warwick unique or makes it more unique, and realistic in the sense that it conforms to the goals and methods of the rezoning process.

Phase two should also extend the Route 94 rezoning puzzle to include a greater Town-wide integration of a solution. For example, the Village of Warwick could attempt to find ways to incorporate a greater number of affordable housing residents and thus lighten this burden from Route 94.

I feel that using a smart growth approach specifically -- its principles, methods and resources -- for such a phase two is an excellent approach for reasons stated above. In fact, involving participation of community stakeholders as described above immediately satisfies one of the 10 principles of smart growth, i.e. involve community participation early in the process.

In the end, whether specifically smart growth or not, we should improve the CB and move to a phase two in order to achieve great things for the future of Warwick.

Respectfully,



Gregory Keys, Ph.D.
Resident of Warwick
future94.org



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OFFICE OF THE CORPORATION
MEETINGS HELD 1ST & 3RD MONDAY OF EACH MONTH

Village of Warwick

77 MAIN STREET
P.O. BOX 369
ORANGE COUNTY

Warwick, NY 10990

March 18, 2010

Supervisor Sweeton and Town Board Members
Warwick Town Hall
132 Kings Highway
Warwick, NY 10990

Dear Supervisor Sweeton and Town Board Members:

After careful review of the DGEIS on the proposed Community Business District, the Village Board continues to have concerns about aspects of the new zone and its potential impact on the Village.

The board acknowledges and supports the desire of the town to move away from the DS zone. The DS zone does not fit into the vision set down by the town's Comprehensive Plan. The question is whether the CB zone adequately satisfies this vision and truly embraces smart growth principles.

Based on the ten Smart Growth Principles described in the DGEIS, it seems clear that five out of ten are not supported through this zone. While the rest are potential maybes and not clear, the only straightforward yes is that it allows mixed land use.

I encourage the board to look very carefully at the incongruity since this is the working foundation of the zone.

The Village has true concerns about the size and proximity of the CB zone. Although it is described to be one mile from the Village, the zone actually begins less than one quarter mile. The mile mark is at the center of the zone. The road frontage whether along Route 94 or within a grid pattern created with secondary roads is potentially larger and volumetrically greater than the Village's Central Business District. Although the CB zone on the surface results in less square footage of retail 232,316 from 312,385 in the DS zone, it does add multiple layers of new use as 232,316 of office space and 259 residential apartments. The numbers do change with potential density bonus which would allow for an added 116,158 square feet of retail which combined would be greater than what is now allowed in the DS zone.

To get a clearer picture of build out, the pre-existing retail footage should be added as well. That would include the Shop Rite and auxiliary stores, Price Chopper, the Dodge dealership, Meadowcrest and Pennings. The numbers are portrayed as limited as possible and do not give a complete or clear picture.

The size of the zone and allowed square footage of density remains a concern of the Village Board.

The DGEIS describes the area as a priority growth zone and to do so is attempting to create a village-like environment. It is the board's feeling that the Village of Warwick is a priority growth zone and not a disembodied unit that is not an integral part of the town. The DGEIS mentions that there is no available locations in the town for the type of zone, yet based on the walkable model presented, it would easily fit the three villages and existing hamlets.

The Villages and Town face the challenge of creating workforce housing. Ideally, this housing should be integrated into a mixed neighborhood. To allow for this type of housing in this zone, is commendable, but does it work? Wouldn't this housing be better suited throughout the town in the existing villages and hamlets? Doesn't this create a level of intensity of use that may be detrimental in the long run – greater stress and building of necessary infrastructures, more emergency services needs, a greater urban, suburban quality depending on densities?

Throughout the entire DGEIS document is language about the concern of any negative impacts on the Village's business vibrancy, yet there is no description of how that care will be defined or when or with whom. Instead after a lengthy analysis that is difficult to follow we are blithely told there are no adverse impacts.

The environmental aspects of either zone DS or CB are still in question. Although aspects of CB are better, are they the best? When development happens lot by lot, the cumulative environmental impact can be far greater than immediately recognized. There is no reference to green building or land stewardship or natural environments.

The historical resources are still being overlooked. The DGEIS document addresses only Native American and pre-colonial activity, when this area has great historical significance during the 18th and 19th centuries.

As mentioned before in prior meetings and conversations, the board remains concerned about the potential density and intensity of the zone. As much as the desire for the CB zone to be the silver bullet of smart growth, it needs much further work. The DGEIS document uses the DS as the backdrop of poor zoning principles, which may be true. The question is left whether the CB zone is the right zone or that there are alternatives yet to be realized. We believe there are.

Thank you for your attention to this difficult issue. We remain positive that a resolution and consensus will form through the continued dialogue and input of the community.

Very truly yours,



Mayor Michael Newhard
and Village Board of Trustees

March 17, 2010

Warwick Town Board
132 Kings Highway
Warwick, NY 10990

Re: Rt 94 Community Business Zone Change

Dear Supervisor Michael Sweeton and Town Board Members,

I have thoroughly reviewed the Rt. 94 DEIS and while it is clear that a great deal of work and time has been spent developing and designing the priority growth center proposed to be revised as a "Community Business Zone", I still feel that the location of the zone change, well outside of the village limits, is a direct threat to the sustainability and health of our main street Village merchants and contrary to many stated goals of the town's Comprehensive plan and Smart Growth Principals.

COMPETING SHOPPING ZONE

Growth should always be directed and redirected to our centers to protect our environs. You are potentially creating a shopping zone to compete with downtown Warwick. You will be stunting any hopes of redeveloping Pine Island or New Milford or the redevelopment of other areas in the Village of Warwick like Forrester Avenue (Georgia Pacific and Rubber factory site) if the zone changes are adopted as is. The creation of a competing shopping zone with better parking could very well destroy Warwick's beautiful downtown and turn it into a lower use area with more vacancies; like those already seen downtown and in neighboring communities like Chester, Middletown and Newburgh. Once this happens, the rural character we feel, the welcoming greenways we love, and the feeling of a well established and thriving main street will be lost forever. It is the Town Board's responsibility to protect the welfare of our villages and hamlets, and find ways of enhancing them, not diminishing their very existence.

BIG BOX RETAIL OR A PRIORITY GROW AREA THAT IS BIGGER THAN WHAT WARWICK NEEDS AND CAN SUPPORT

I understand the need to remove the big box retail square footage from the zone, but the newly proposed uses: 232,316 sq ft of retail and then another 232,316 sq ft of office space will compete with downtown – mainstreet Warwick. Maybe by removing the 80,000 -100,000 sq ft building criteria from the current zone and only allow 30,000 to 50,000 sq ft building sizes, **and** further limiting the amount of office space reducing the total square footage currently estimated at 232,316 in half **and** only allowing 2- story apartments, not a 3rd story, could help to cap this over zealous – special interest- plan that is not good for the Village, but great for the property owners within the zone. The DEIS mentions in Chapter 2 that dialogue will take place between the town and village to protect mainstreet. But once the new planning is in place and an application is before the town, the town's hands are tied. What really should be happening is that there is no zone change and if there is an applicant who wants more than what the zone allows, he goes to the Zoning Board to change the use.

SMART GROWTH, RESIDENTIAL AND COMMERCIAL GOALS ARE IGNORED

I feel there is such an overwhelmingly large number of people against this large, high density plan versus the few that support it; and the towns DEIS tries to use Smart Growth Principals to support the proposed zone changes, but it does so very poorly.

Here are 3 DEIS Smart Growth Principals that just don't fit with this zone proposal:

1. Foster distinctive, attractive, communities with a strong sense of place-

I do not get a sense of great connectivity when reviewing this plan. It seems like a commercial area with little community life for onsite residents, possibly with children. I.e. Community pavilion and park.

2. Preserve open space, farmland, natural beauty and critical environmental area-

This is a critical area and even though there are no current funds available for preservation; the process of actually making an unnecessary priority growth area in the township is unsettling.

3. Strengthen and direct development towards existing communities-

Again, with emphasis of an entirely new unsustainable growth area, outside of the village boundaries where growth is expected to occur is unacceptable.

And the 1st and 3rd Residential Goals in Chapter 3 also do not apply to this zone:

1. Concentrate denser residential development around villages and hamlets and maintain rural densities in the remainder of the town- Again this is not being done.
2. Encourage a mixed-use pattern of development, where appropriate, in and around the hamlets and adjacent villages- Again, this location is well beyond any adjacent village, it is part of the township environs.

And one of the three Commercial goals does not apply:

1. Assure that the Village and Hamlet centers remain as the focus for retail and service industry development- It is very clear from the proposed uses: i.e. Coffee shops, etc, that any business that moves in here, will directly compete with Village shops.

WALKABLE AND BIKEABLE

Throughout the DEIS it mentions that this will be a walkable and bikeable shopping district. There isn't enough residential homes in the vicinity to support this concept. I believe that driving will unfortunately be the highest use of travel to this remote location.

SMART GROWTH DESIGNS NEED TO ALSO BEEN GREEN

The proposed zone was promoted as being a sustainable design, but again it is in direct competition with Village mainstreet and has no sustainable green designs as far as I am concerned.

Here are the American Institute of Architects (AIA) Green Housing Guidelines that should be incorporated into all 2010 planning and beyond. I also give some examples or point out deficiencies (in bold):

- Community context- **community pavilion and park**
- Site design and building design- **Leed Certified criteria needs to be incorporated into all Warwick planning codes. I do see that Low Impact Development Planning criteria have been adopted recently. This is a good step for Warwick (vegetative buffers, unpaved parking)**
- Water conservation and management- **LIDP was mentioned above, but water conservation was not mentioned within units (office, business spaces or apartments). Also an important element for affordable housing to keep costs- bills low.**
- Energy efficiency -efficiency features and low utility bills- **No mention in DEIS and this is important for affordable housing to keep costs-bills low.**
- Sustainable material use- **No mention. Buying locally is also important too!**
- Recycling during construction and post-occupancy- **No mention, but very important!!**

- Indoor environmental quality healthy buildings-good indoor air quality- using air quality safe materials in the home with little or no off gasing- **No mention and important for anyone regardless of income.**
- Quality assurance/commissioning- **No mention**
- Other innovative design strategies- **only found the LIDP criteria mentioned above. Will have to read through again to see if I missed anything.**

INCREASED TRAFFIC AND MORE DEMANDS FOR PUBLIC SERVICES

Build and they will come. There are always increased expenses versus leaving the land as currently zoned and waiting to see what the market will bring. Fire, police, new traffic light costs, more demands on municipal services in Town Hall, with the road department, all need to be figured into the towns budget, but most often, are not or are under estimated.

Using Smart Growth Strategies to Reduce Greenhouse Gas Emissions

On Wednesday, March 31, 2010, from 2-4 PM EDT, EPA will host this webcast to provide an introduction to federal programs and resources related to smart growth. The webcast will discuss how smart growth strategies can help communities use energy more efficiently, reduce greenhouse gas emissions, and provide other environmental, economic, and social benefits.

Two communities will showcase how they successfully developed and implemented programs that integrate smart growth policies into community design. To register for this webcast, visit the link below.

Resource(s): <https://www2.gotomeeting.com/register/803751010>

Let us Protect Warwick from Unnecessary Sprawl and Promote Sustainable Building Concepts. Lets Slow Down the Process and Come up With A Plan that the Entire Town Likes and Needs.

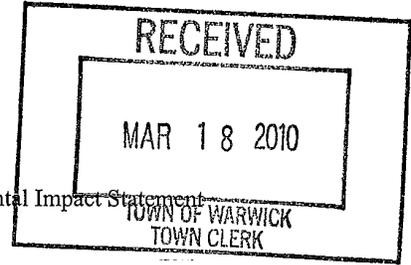
The feeling that I get when visualizing build-out under the proposed zone change is that this section of town will be disconnected with the rest of town, still car dependent with no real connection to down town Warwick. This is just another high-density sprawl concept disguised as a mixed use - affordable housing plan. And with the downturn in the economy as of late, I see no rush in voting on this until the community really defines what they would like to see in this location.

I thank you for your time and consideration.

Sincerely,

Kathy Skafidas

MS
TB
Cynthia
Burr



March 17, 2010

Re: Proposed Route 94 Community Business Plan, Draft Environmental Impact Statement

Town of Warwick Planning Board
132 Kings Highway
Warwick, NY 10990

Dear Town of Warwick Planning Board Members:

I am writing to voice my concerns and ideas about the proposed Route 94 Community Business Plan. I feel that these changes do not go far enough to preserve the unique historical and rural characteristics of the Warwick area. These characteristics are rapidly disappearing from our region and are a great asset to us all.

Allow me to present a brief background about myself. Our family of four moved into the Village ten years ago. We have grown to love this Village, our neighbors and the friends we have made. It has become apparent to us how unique Warwick is with its thriving downtown area - not just antique shops and restaurants, but a lumber yard, hardware store, realtors, attorneys, banks, insurance agents, a TV store and bicycle shop - nearly everything we need, we can get in the Village. Understanding the economics involved, we support our local merchants whenever we can.

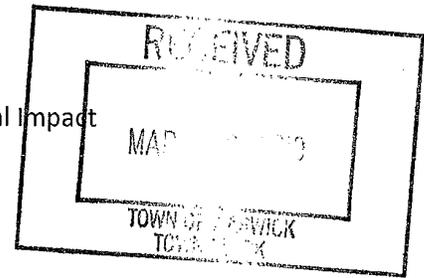
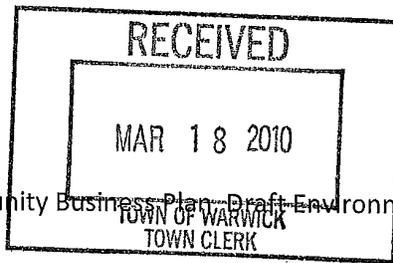
I have the following concerns. Despite our best efforts to keep this area attractive, any retail growth down Route 94 and away from the Village, I fear, will certainly be to the detriment of our Main Street merchants. Any growth of this sort should be contiguous to the Village to be successful and of benefit to all.

I have the following specific ideas about the future of Route 94. A zoning change that would ensure growth that would be different from, but enhance, our current Village, I feel would be the best outcome. Perhaps zoning that would allow an Inn or an interactive-style museum attraction that would draw families for a day or weekend. I cannot offer any clear solution as I am not fully familiar with our zoning laws or choices, but I consider it worthwhile to voice my opinion.

Thank you for considering my concerns and ideas,
Tracey Brooker

March 17, 2010

Re: Proposed Route 94 Community Business Plan Draft Environmental Impact Statement



Town of Warwick Planning Board
132 Kings Highway
Warwick, NY 10990

Dear Town of Warwick Planning Board Members:

In this letter I argue the following:

- the Community Business (CB) plan aims to follow Smart Growth principles in accordance to the Town of Warwick 2008 Comprehensive Plan
- CB is a mediocre smart growth solution for the Town of Warwick at best, and could be considered sprawl at worst:
 - of 10 smart growth principles, only three are fully achieved by CB; two fail, and the remaining five are marginal, uncertain, or moderate successes in best case scenarios, and less so under the vagaries of market forces
 - altogether, the two failures (i.e. failure to direct development from existing communities and failure to preserve open space/farmland) occur in aspects that make Warwick particularly unique in the region (i.e. as an historic village surrounded by agricultural setting)
 - the residential community the CB allows has important flaws as a community and is in contrast with smart growth goals
 - the fact that new infrastructure must be built to support a new commercial and residential area arising from mostly undeveloped land and disconnected from existing development can be considered a form of sprawl
- The DEIS distorts the smart growth achievements the CB will allow by (a) comparing the gains it has over the outdated Designated Shopping (DS) and not by comparing it to exemplary smart growth communities, by (b) consistently referencing a best case result (consistent with the artist rendition which ignores the uncertainty of market forces), and by (c) not explicitly providing realistic alternatives to the best case scenario, i.e. alternative outcomes that may result from the vagaries of market forces.
- No valid alternatives to the CB are offered or evaluated

I conclude that:

- CB is a mediocre smart growth solution (compared to other smart growth possibilities and achievements of exemplary communities) at best and no alternatives have been proposed.

It is asked that:

- The CB be considered as one alternative smart growth solution and therefore a necessary and important first but not final step in the rezoning process.
- The community be encouraged to participate in the rezoning process (one of the smart growth principles) in an attempt to arrive at alternative, more innovative, smart growth solutions; specifically, participation should use several of the many methods offered in the smart growth literature (details provided below).

I. CB plan aims for Smart Growth principles

The DEIS states that:

Warwick's Comprehensive Plan is based upon "state-of-the-art" planning techniques and is a "smart growth" planning strategy (pg 5).

II. CB is a mediocre smart growth solution at best

I have analyzed the DEIS against smart growth literature (see references in end of document) and as a result have categorized the CB as either (A) succeeding, (B) failing, or (C) achieving uncertain or partial success, in striving for each of the 10 smart growth principles listed on DEIS page 6.

A. Successes

The DEIS shows that the CB achieves the following smart growth principles:

- Takes advantage of compact building design
- Provide a variety of transportation choices
- Make development decisions predictable, fair and cost effective

B. Failures

The DEIS shows that CB fails to achieve the following smart growth principles, for the reasons shown:

principle	reason for failure
Preserve open space, farmland, natural beauty and critical environmental areas.	Open space, farmland and natural beauty will be destroyed. In particular, this occurs on a main gateway and (unprotected) greenbelt to the Village and Town of Warwick and the Hudson River Valley National Heritage Area.
Strengthen and direct development towards existing communities	Development under CB would include large amounts of undeveloped land, which is separated from the historic Village of Warwick. CB attempts to create a community <i>de novo</i> , i.e. from no existing neighborhood.

C. Marginal, moderate or uncertain successes

The DEIS shows that CB achieves, marginal, moderate or uncertain partial success for the following smart growth principles. Note that the goal of the CB focuses mostly on the first

four of these principles. The reasons the CB falls short of succeeding in these principles is summarized here and elaborated subsequently in the letter.

principle	reason for partial success
Mixed land uses	One goal of mixed land use is to create communities in which residents work and shop where they live, and in which automobile traffic is reduced. This is uncertain to occur in the community proposed by the CB as discussed below.
Create a range of housing opportunities and choices	Smart Growth literature states that diversity of housing should occur within a community. By creating only apartments (primarily single bedroom apartments) above commercial buildings and separated from other neighborhoods, the CB creates a form of segregated housing.
Create walkable neighborhoods	By creating only apartments above commercial buildings, and not guaranteeing services and amenities such as libraries, playing fields and parks, the CB does not create a true neighborhood. It is primarily a <i>walkable commercial district</i> . Apartments above commercial building clusters separated by parking lots does not make a neighborhood.
Foster distinctive, attractive communities with a strong sense of place	Smart growth “seeks to create interesting, unique communities which reflect the values and cultures of the people who reside there, and foster the types of physical environments which support a more cohesive community fabric”. http://www.smartgrowth.org/about/principles/principles.asp It is shown below that this is marginally true.
Encourage community and stakeholder collaboration in development decisions	This has been marginal as detailed later in this letter.

D. Type of community that will be developed following CB

CB outcomes will be driven primarily by commercial needs and not by residential needs. Thus, CB must be viewed primarily as a commercial district and secondarily as a community. As a community, it is lacking in the fundamentals of what a community is.

- *It will not be diverse*
There will be only apartments above businesses: 218 one-bedroom and 41 two-bedrooms. There are expected to be only 21 children. (One wonders what will be in the water of the new infrastructure to prevent 259 adult bedrooms from producing 21 or fewer children; is an expected 21 children correct?).
- *Besides businesses, there will be few or no community needs and amenities*
What will guarantee a library, playing field, or playground amongst the parking lots. Where will the 21 children play (hide and seek amongst trash dumpsters, parked cars and parking islands)?
- *It will be disconnected from established communities and thus insular*

This lack of true community may be exaggerated under the vagaries of market forces.

- *This is not a planned community; it is opportunistic housing above and adjacent to businesses that appear and disappear by market forces.*
What those businesses will be is unpredictable. Where among the parcels and existing development those businesses will be is unpredictable. Will this community be dominated by an allowed "railroad, public utility, rights-of-way and structures necessary to serve areas within the town?" Or perhaps a "secondary use of agricultural wastes?" Both usages are permitted by the CB.

The CB goal of having residents shop and work in this new community, and to reduce car traffic, is uncertain and unlikely.

- *pp 88-89 of the DEIS state that the area surrounding the CB will be relatively high income and thus "indicates strong consumer demand" for businesses in the CB.*
This means that residents of the community will be lower income (the apartments are affordable housing) who will be living amongst businesses aimed at relatively high income outsiders. This is incongruous to the needs of the residents. Moreover, because of this residents likely will travel away from the community to shop and outsiders arrive at the community to shop. Most or all outsiders will be using cars to arrive; many residents likewise will use cars to depart. This counters the more self-contained notion of a smart growth development and suggested for the CB in the DEIS.

Community Overview

The uniform (mostly one-bedroom apartments above businesses) and separated (not adjacent to other neighborhoods) nature of such a community essentially makes it a segregated community, a mild form of “the other side of the tracks.” The fact that businesses in the CB zone will result from market forces responding mostly to the “higher than the national average per household expenditures” (pg 85) of outsiders makes the affordable housing residents mostly priced out of shopping in their own neighborhood. With the additional fact that it likely will lack community amenities like playing fields, the CB will not result in a smart growth community. More so, will we be proud of this community, or ignore it in our minds eye? Besides pleasing architecture and design principles (which are an excellent goal), is this an “interesting, unique communit(y) which reflect(s) the values and cultures of the people who reside there, and foster the types of physical environments which support a more cohesive community fabric” (from reference for sense of goal principle in table above) that smart growth, or we, have in mind?

Balance of CB achievement among all 10 smart growth principles: CB equals mediocre solution at best

The Town of Warwick is known regionally as a unique place of historic villages in an agricultural setting. The fact that the CB (a) will not strengthen and direct development towards existing communities and (b) will not preserve open space, farmland and natural beauty of a main corridor, and yet (c) will result in a non-diverse (in terms of housing type and resident income), segregated community where residents have few non-commercial amenities and are mostly financially disconnected from the business they live amongst, means that the CB is a mediocre and uninspired growth solution for the Town of Warwick. Many may view it as significantly less than mediocre.

Smart growth strives for established principles as adapted to the shared vision of a community. It is not clear that CB is the best solution for the Town of Warwick. This is true especially in light of the fact that no alternatives are being presented (as will be discussed below).

III. CB can be considered a form of sprawl

Smart growth is based on a set of principles as listed in (II) above and DEIS page 6, but each community adapts how these principles are to be met for their unique shared vision. Consider the smart growth vision of the Wisconsin Historical Society:

Sprawl is the opposite of Smart Growth. Smart Growth recycles existing buildings and land, conserves historic downtowns and residential neighborhoods, preserves farmland and maintains local community character to promote a sense of community and protect the environment for future generations. By contrast, Sprawl devours open space and wastes public and private investments made in existing communities.

Similarly, if the Town of Warwick treasures the unique heritage of its historical villages set amongst an agricultural backdrop, CB could be considered a form of sprawl: it ignores attempts to develop existing infrastructures and communities and allows development of special and prominent open spaces and farmlands directly adjacent to an historic village.

IV. DEIS distorts the smart growth achievements of CB

Comparison to DS

Most comparisons of CB in the DEIS are against the existing DS. Compared to the DS, the CB makes large growth planning gains that are closer to contemporary standards that strive to reduce auto-centric and aesthetically unpleasant shopping areas. This is a benefit to the community.

In terms of smart growth, however, the comparison of CB must be made directly against smart growth principles and better yet, against real examples of communities that have achieved success with smart growth. The result of the latter comparison is not as stellar as that against the DS, as I have shown in the analysis above.

The DEIS states that

Warwick's Comprehensive Plan is based upon "state-of-the-art" planning techniques and is a "smart growth" planning strategy. In fact, in 2005, the New York State Association of Realtors awarded the Town of Warwick its first ever "Smart Growth" award for its forward-thinking planning and the State of New York uses Warwick as a model of a "Quality Community." (pg 16).

If the goal of developing Route 94 South is to do so with smart growth principles to achieve an award-winning level as suggested above, CB (or an alternative) must be judged against the accomplishments of award-winning smart growth communities. The smart growth literature is full of such high-achieving examples (including references shown at the end of the document).

The gains of CB when compared to DS, though large, are significantly reduced when CB is compared to good examples of smart growth.

Best case scenario (artists rendition)

The DEIS either explicitly or implicitly frames the CB in a best case scenario, typically as shown in the Artist's Illustrative Plan (pg 20) yet acknowledges that actual outcomes are subject to market forces. In short, the Artist's Illustrative Plan is one possibility alone; the Artist's Illustrative Plan may not be the Plan of future market conditions.

The CB has no regulations on what (within a permitted range of usage) has to be built when and where within the zone. For example, it does not state such things as any development must occur adjacent to existing an development in order to guarantee a single (vs. scattered) community as per the notion of the CB. Or, that development can occur only if the occupancy rate of the previous developed area is above a certain level thus warranting the new development.

Imagine three parcels developed, all separated from each other, with one a “secondary use of agricultural wastes.” Or imagine three parcels developed, mostly by national chain stores who gamble on success in the area but fail: no large impact on the national chain corporations but Warwick is left with For Lease signs in dark windows and grass growing from cracks in the parking lot. This is not the Artist’s Illustrative Plan (nor the plan of the CB) but it is realistically possible under the CB plan.

The Artist’s Illustrative Plan, and the discussion of the CB in general, distorts the view that the CB will be smart growth because they suggest that the community intended by the CB will be organized in some way, whereas the main organizing force will be that of the capricious market.

V. No valid alternatives to the CB are offered and evaluated

The DEIS is 184 pages long. Exactly one paragraph (paragraph, not page) is devoted to alternatives. This single paragraph is sole text in Chapter 5 (of 9 chapters) titled Alternatives. This paragraph addresses one, unrealistic alternative of No Action in which nothing is done. This is a bit of a straw man.

Surely there are smart growth alternatives to be offered and explored.

The smart growth literature provides plenty of alternatives for multiple aspects of smart growth planning and outcomes. The document “Local Tools for Smart Growth: Practical Strategies and Techniques To Improve Our Communities” (published by Smart Growth Network , The National Association of Counties and other organizations, found at www.naco.org/Content/ContentGroups/.../1528LocalTools.pdf) provides detailed resources, procedures, and examples for planning according to smart growth principles. This document, for example, shows 18 specific techniques that can be used to zone for affordable housing.

VI. Community Participation to Create Innovative Alternatives

One goal of smart growth is described below.

Citizen participation is essential to the success of any growth management or smart growth approach. Citizen participation can lead to creative solutions, speedy resolution of development disputes, and greater community understanding of the importance of good planning and investment. ("Local Tools for Smart Growth", pg 20).

Further, the same document lists 18 ways for citizens to participate formally in the smart growth planning of a community. The Route 94 South rezoning process has not truly opened the rezoning process to citizens in the way described above, i.e. in a full and meaningful way. There was one informational meeting, with no participation by the audience. There was one meeting when the Town of Warwick Planning Board received feedback from groups who met for an hour or two to brainstorm possibilities of rezoning Route 94 South. Letters to the Town Board are welcome regarding the issue. There is a public meeting to review the DEIS. These are marginal attempts to encourage citizen participation as stated above. This is marginal citizen participation in the planning process.

The CB is only one growth planning solution and as argued above is mediocre when we should be striving for exemplary results: the CB does not enhance what is unique about the area (historic villages in agricultural setting) but rather diminishes this; and the community it builds has important problems.

The Town of Warwick Planning Board should consider the CB as a necessary first but not final step in creating a smart growth plan. The Town of Warwick Planning Board should advance to a next step and open the planning process to the community as discussed and referenced above. The goal of this next step is to create alternatives to the CB to evaluate for selection of a plan that will make Warwick an exemplary smart growth community and satisfy its 2008 Comprehension Plan goals.

Respectfully,



Gregory C Keys, Ph. D.
Future94.org

Warwick, NY

Supporting Literature

Smart Growth Online, <http://www.smartgrowth.org/> and sub-links.

Local Tools for Smart Growth: Practical Strategies and Techniques To Improve Our Communities, published by Smart Growth Network , The National Association of Counties and other organizations, can be found at http://www.google.com/url?sa=t&source=web&ct=res&cd=1&ved=0CAkQfjAA&url=http%3A%2F%2Fwww.naco.org%2FContent%2FContentGroups%2FPrograms_and_Projects%2FEnvironmental1%2FSources%2F1528LocalTools.pdf&ei=9figS5_gloO1tgei-tnyBw&usq=AFQjCNGG8VJFUzhoE_d2REujA4eVC0GdXw&sig2=OTLepTVZ6Zga1YtMS9cx8Q

A Guide to Smart Growth and Cultural Resource Planning, Wisconsin Historical Society, Found at http://www.wisconsinhistory.org/hp/smartgrowth/smart_manual.asp

This Is Smart Growth, published by Smart Growth Network, found at www.smartgrowth.org/pdf/this_is_smart_growth.pdf.

Smart Growth at the Frontier: Strategies and Resources for Rural Communities, Northeast-Midwest Institute, found at www.plannersweb.com/sprawl/reports/rep-smart-frontier.html.