

August 3, 2006

The Town Board of the Town of Warwick held a Public Hearing for the consideration of a Community Preservation Plan as required by the Warwick Preservation Fund legislation. Said public hearing was held on Thursday, August 3, 2006 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the public hearing to order at 7:16 p.m.

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

Town Attorney, John Hicks

**LEGAL NOTICE:** The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on July 19, 2006. (Copy of this legal notice is printed at the end of these minutes.)

**Supervisor Sweeton:** This community preservation project plan is a requirement of the law, the legislation that we had passed in Albany. The law requires us to take a look at the Town and identify by categories of land use or critical areas that we felt needed to be preserved in some form. This plan is extensive, it lists a lot of land, and a lot of acreage, it's classified into several categories, agriculture being the main focus of the bill but it also looks at open space, greenbelts, water sheds, critical environmental areas. It incorporated data and information from the Town's Comprehensive Plan, the County Comprehensive Plan and Open Space Plan, New York State's Open Space Plan, from the biodiversity study that was conducted in Goshen, Chester and Warwick the past two years, input from our own Planning Board and our Conservation Board, and a solicitation from our three villages as to areas that they felt were critical to them. The importance of having this plan is that once this is adopted only parcels that are listed in this plan are eligible for funding if the referendum were to pass. It can't be amended for three years. So it's critical that we have the properties in here that we need to take a hard look at. And that's why the plan is as extensive as it is. In this plan it also talks about all the other tools that Warwick can use, and has used to preserve some of these lands. We understand that all of these lands in here are not going to be preserved through PDR or a transfer tax; that they will be preserved in other ways such as cluster subdivisions, which we are very successful in preserving acreage, as people develop a portion of the land and preserve at least 50% of the remaining portion of it. It also makes provisions for people who willingly put planned into conservation easements for whatever reason, perhaps for tax purposes. So all of those are tools as is this transfer tax if it were to be enacted, and they're all discussed in here and

suggested as ways to accomplish what the Town is trying to accomplish in this plan. So at this point I would open the floor and I only have about six names on here; I'm sure there are other folks who are going to speak. We will try to keep the comments to 3-5 minutes so that everyone has a chance and then we will follow-up and take additional questions. Again, the question should focus on the plan itself and that's what we would like to do. So we will start with Dan Duthie who is first on the list.

**Dan Duthie:** I am Dan Duthie, the Chairman of the Town Conservation Board and we have three other members here tonight along with an exofficio member. If they would stand up so some of the folks could see who does some of this work. Bill Olsen, Bob Vogel, Steve Karas, Cedric Glasper, our exofficio member, who just keeps showing up so often we had to make him some kind of a member. One thing we'd like to start off with is to really thank the leadership of our Town for the extraordinary effort that has gone into getting to where we are. It's not easy to get legislation out of Albany and I know through the leadership of the Town, constantly banging away, who finally got a tremendous opportunity here to extend our ability to preserve open space. I understand that this has been such a success on Long Island, out on the east end, that the folks out there voted again to extend it for ten years. I believe their access fee is like 2%. So that's some of the most valuable residential and agricultural land probably in the state. I think their wisdom looking forward to preserving open space in a very, very tight market, and you're leadership in that area is to be very much commended. We thank you for giving us this opportunity to get us to this point. The Conservation Board completely supports the adoption of this plan. It is extremely comprehensive, it's calling for the identification of at least 15,000 acres of this community, which we need to really identify and preserve. One of the things that I am reminded of is that there was some confusion; this is a voluntary plan. People whose parcels are identified can voluntarily participate in it and there's no obligation to do so. It is hopefully another way that we can leverage the open space protection measures that we already have and hopefully the community will see that this is in their interest. The one objection that I've heard over the course of dealing with this is that it makes real estate more expensive in Warwick. I thought about that and to a certain extent it's true but let's put it in perspective. A \$300,000 house will incur a \$1500.00 access fee for someone who is buying into this wonderful community. Fifteen hundred dollars spread over 30 years is equivalent of 10 cigarette packs a year. I don't think that that is too much to ask people to pay to live in this great community.

**Supervisor Sweeton:** I appreciate that. Again, I would like to get back on track but we appreciate your comments. Thank you very much. We want to speak to the plan itself, so rather than the pros or cons of the whole issue, that we'll save for the 17<sup>th</sup>. Thank you.

**Richard Hull:** I'll make my remarks very short. I'm very much in favor of this plan for basically two reasons. Number one, some of you may have read the article in the Times Herald Record last week about Goshen. Goshen's aquifers are in danger of being polluted. It's going to cost many, many millions of dollars to

mitigate that problem. It's MTBE, a fuel additive, that's gotten in the aquifers and other elements as well. Goshen has a crisis on their hands. We're very fortunate, we do not yet have a crisis on our hands. Our drinking water is still reasonably potable. But it's absolutely critical that we protect our aquifers and not just our aquifers, but our groundwater resources as well. I feel that this can be accomplished by acquiring land over those aquifers, not just necessarily purchasing land but conservation easements development rights. Much has to be done, there's still a lot of land over our extremely important aquifers that is essential that this land be obtained soon before it's so costly that it would be an enormous burden to the taxpayers. The second aspect of this plan is very good. It has to do with historic preservation and the preservation of historic places in our community. I'm thinking for example of the house of Gen. John Hawthorn, who was one of the founders of the Town of Warwick, our first representative to the New York State Legislature and to Congress; the lands of Henry Wisner, who was one of the leading people in Orange County in the early years of the American Revolution. I'm thinking of William Henry Seward who was one of the greatest Secretary's of State that this country ever had who was born in Florida, NY and who's house still stands on Main St. in Florida, NY. These are just a few of the places that desperately need to be preserved. Indian sites, key Indian sites around our community, that need to be preserved as well. So we must take that into consideration and this fund will address that issue as well. So these two reasons are why I feel that this is an extremely important and timely project.

Supervisor Sweeton: Thank you. Bill Olsen.

Bill Olsen: I am also very supportive of this plan, yes I did help Michael Sweeton and Councilman DeBuck draft some of the plan so I admit that I am a little bit prejudice about supporting the plan. I want to point out a couple things that are already relevant to the plan. One of them is that the Town of Warwick through the years has had surveys put into our Comprehensive Plan for example repeatedly that people want to preserve rural space, rural character of the Town. This is a tool which will give the Town Board the opportunity to preserve some of the very important places which make the Community what it is. Not only open space, not only agricultural land but as Dick Hull just mentioned, historical sites are very important to the community. Property that can be included is active sports properties. The plan allows for it and identifies some properties within the hamlets for example and villages which can be used for active sports activities. In total it's about 15,000 acres that have been identified and the Plan lays out a whole series of things that the Town can do, and Supervisor Sweeton mentioned, allows the Town to take advantage of all the opportunities in the town zoning and building codes to preserve these properties in one way, shape or form. There's a couple of things that I'd like to add onto what Dick Hull was just saying. In addition to aquifers it's extremely important to preserve to protect our water sheds, our surface water sheds. In the Town of Warwick we have three major water sheds. Greenwood Lake, Glenmere and the Village of Warwick water supply are our surface water sheds. One of the categories in the Preservation Plan is to identify properties

around each one of these public supply water sheds. This is a new addition to what the Town of Warwick has been looking to preserve. So the last thing is, you will notice that of these in the eight different categories that have been included, many properties that have been identified are included in two to three different categories. In the tables that are included in the text you'll see that these properties are primarily agricultural, for example, but it's also some of the properties which are water shed, some of the properties which are aquifer recharge areas. So we've tried to identify both and indicate what these properties are most importantly used for. I guess that the last thing to mention is inclusion of a property in this list is by no means saying that this is the way the property has to be used has to be developed. It's providing opportunities for the land owners. Significantly indicating that it is a voluntary contribution by the land owners.

Supervisor Sweeton: Thank you. Luke Gordon.

Luke Gordon: I'll hold my comments until the 17<sup>th</sup>.

Supervisor Sweeton: OK. Andy McLaughlin.

Andy McLaughlin: I would just to second what's been said so far am I'm totally in support of it also. I would like to point out that the plan targets something around 4,000 + acres of farm land that could be preserved if the funds become available. I would just to state for the record how crucial it is for us to preserve farms in Warwick. That's our industry, when you look at the multiplier effect, it's like a 5 million dollar industry in this community and every time a farm falls, because cows don't go to school ...kid's do, every time a farm falls our taxes go up. And that's a bad thing for this community because we are driving people out of the community. So I think this is a serious proposal, we've run out of PDR money. That's why this is a possibility for us and the plan is excellent implementation of it and I congratulate the people who put it together. Thank you.

Supervisor Sweeton: Thank you.

Attorney Hicks: Mr. Supervisor could I just interrupt for one second. I realized that when the clerk was reading the notice she read the notice that the public hearing on this second local law that we are proposing tonight would begin at 7:30 p.m. Is that the way the notice was published, at 7:30 p.m.?

Clerk: Yes.

Attorney Hicks: I would suggest since in the interest of accommodating everyone here tonight rather than having a twenty minute lull between the first hearing and the second hearing that we did start early with some comments but I would suggest that since it is now, by my watch, 7:30 p.m., that we re-read the public notice for the second hearing and if you could give your opening comments in a similar way that you gave them prior to the opening of the second hearing. Again, since there are

some people that just came in, at least everyone in the audience will be on the same page.

**Supervisor Sweeton:** OK, that is assuming that I can remember my comments but I'll do my best.

**LEGAL NOTICE:** The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on July 19, 2006. (Copy of this legal notice is printed at the end of these minutes.)

**Supervisor Sweeton:** Ok, and as I did mention earlier, I'll try to be very short with this. This is a three step process; there are three local laws that need to be enacted for this process to move forward toward a referendum in November. The first step is a hearing on the creation of a fund, a bookkeeping mechanism, we held that hearing at 7:00 p.m. as advertised and closed it; there were no comments. We will adopt a resolution creating that fund in all likelihood on August 17<sup>th</sup>. The second step is the hearing that we have begun on the Community Preservation Project Plan, which is a requirement of the legislation and is a product of the Town Board in conjunction with consultants and other volunteers. It lists all of the parcels and all of the mechanisms that can be used to accomplish the goals of the Project Plan. That hearing that we're in the middle of will remain open for 10 days to accept written comment and will probably in all likelihood be closed on the 17<sup>th</sup>. The third step in the process is that the Town Board actually has to pass a resolution enacting the transfer tax or imposing the transfer tax, and that becomes the subject of the referendum in November. So that tax can't be actually imposed until that referendum is held. There's a time period after that, and I believe the earliest the tax can actually be imposed on any transaction is the second quarter of 2007, if it was an affirmative vote in November. This Community Preservation Project Plan was the work of lots of folks, our Planner, our Conservation Board, our Planning Board, Town Board, volunteers, various documents the Comprehensive Plan and the New York State Open Space Plan. It's very extensive and includes a lot of acreage. In reality the transfer tax, and the amount that's estimated to be generated by it, would only in all likelihood at current land values be able to actually preserve in the neighborhood of perhaps two thousand acres. This plan certainly includes a lot more than that but as we mentioned a lot of the tools that we are already using are also preserving critical areas. What this plan does though is show the interconnection and the importance of different parcels before it becomes or even before it becomes a tool for the Planning Board as they work their way through subdivisions and situating open space. That's what we are in the mist of at the moment. I've run through the list of people who actually signed up and I know there are others who would like to speak. I think perhaps Mr. Lipman signed in so he may be the last official speaker this evening so we'll go from there. So again this hearing is on the plan, itself, not on whether the tax is good or bad. That will be happening on the 17<sup>th</sup> of August.

**Alan Lipman:** The hearing that you closed earlier has nothing to do with the method by which the funds are raised?

**Supervisor Sweeton:** That's correct.

**Alan Lipman:** Good. Let me say that I represent some developers, here, there and everywhere, and I am not here for them. I am here for me. I am not here to line my pockets with additional business that might not come my way should this plan be approved. I am here because I have my own general perspective on what is right and what is wrong. I support the Plan. I support the preservation of open space. I believe that it is essential to preserve that space, to maintain the character of the community to the extent that it can be maintained. I don't agree, however, on the basis or the raising of the funds that are to be implemented in the Plan. I do not believe it is fair or appropriate to shift the burden of growth to those who are coming here and perhaps causing some of that growth.

**Supervisor Sweeton:** OK, just again, that is not the purpose of tonight though. The purpose tonight is the adoption of the Plan not the mechanism by which funds are raised. That's going to be subject of the hearing on the 17<sup>th</sup> of August.

**Alan Lipman:** Well then I'll be sure to be here on the 17<sup>th</sup> of August.

**Supervisor Sweeton:** I didn't have any doubt of that. And I will actually look forward to it.

**Alan Lipman:** And what I have to say will be relevant. I did not understand this nuance.

**Supervisor Sweeton:** I know it will. You did go on record as saying you did like the plan?

**Alan Lipman:** I do support the plan.

**Supervisor Sweeton:** OK, thank you.

**Nancy Owen:** I have just a couple of questions, not a pro or con. In the list of eligible properties that in some respects may meet more than one criteria, I'm assuming from the property list that I've looked at that these are only properties that are not in application for subdivisions now, am I correct?

**Supervisor Sweeton:** Well, there were some properties listed that might have an application into the Planning Board. Depending on where they are in the process, because lots of things can happen when a project goes into the planning process. They may find out that they have terrible soils because they have all these wetlands or whatever it is. We don't know. Some parcels were included that met some of the categories we had. If some were one meeting away from a subdivision approval they might not have been included.

**Nancy Owen:** When you say, one meeting away ...?

**Supervisor Sweeton:** Well, I'm just using that as an example.

**Nancy Owen:** Preliminary approval?

PUBLIC HEARING – COMMUNITY PRESERVATION PLAN  
AUGUST 3, 2006

**Supervisor Sweeton:** I don't know that we looked at it that carefully, but if they were close to a final approval I don't believe they were included because in all likelihood by the time this is enacted it will have been approved.

**Nancy Owen:** The second question that I have is because I haven't read the whole plan yet. Has any consideration been given to the possibility of voter approval of properties that this money is going to be spent on?

**Supervisor Sweeton:** No. The legislative act required the Town Board to put this plan together and we tried to reach out to representatives of the community that have been involved in land use planning and get their input to this. The timing doesn't really...we don't have years to do this. That's why we're making it known that the plan is here and we are encouraging you to look at and if there's a parcel that you would like to suggest be included; that's why we will give a ten day written comment period ; you can certainly send it in. The Town Board can look at it in conjunction with the categories and see if it belongs and we'll make that decision.

**Nancy Owen:** Thank you.

**Supervisor Sweeton:** You're welcome. Anyone else who would like to comment on the plan this evening? As I mentioned, we will keep this hearing open until the 17<sup>th</sup>. We'll accept written comment for 10 days. Yes, Mr. Lipman.

**Alan Lipman:** I just wanted to ask you in preparation to Aug. 17<sup>th</sup> , is there any publication that will be distributed in advance of that hearing?

**Supervisor Sweeton:** I'm not sure what you are asking. There will be a copy of the Local Law that will be the subject of that hearing.

**Alan Lipman:** No, it's something that might explain how much good that proposal will do in terms of acquiring open space.

**Supervisor Sweeton:** Well there's obviously a group that's supportive of the concept that has publications. There are members here that would be willing to give you some. I'm willing to talk to anyone or any group at any time. We'll try to continue with the press to get stories into the press about the issue. We've tried to do that in the past. But the town is not going to produce a pamphlet that says that this is a good idea. If that's what you are asking?

**Alan Lipman:** No, I thought that something similar to one that I got yesterday explaining the Community .....

**Supervisor Sweeton:** Yes, this Community Preservation Project Plan, which is the subject of what we are talking about, is available in the Town Clerk's office. It is on the website at [townofwarwick.org](http://townofwarwick.org), under the municipal calendar. If you go to today's date and click on it

PUBLIC HEARING – COMMUNITY PRESERVATION PLAN  
AUGUST 3, 2006

**you get this document. So yes, it is available for people to look at, kick, discuss, burn, whatever they would like to do with it.**

**Alan Lipman: Before closing tonight, in terms of speaking, ....**

**Supervisor Sweeton: Well the hearing will be held open until the 17<sup>th</sup> and I'm sure in that discussion of the third hearing if someone wants to comment on the plan itself they will have that opportunity. So that gives you approximately 14 days to make your notes. Is there anyone else? OK, I thank you all for coming this evening.**

**RECESS PUBLIC HEARING: Motion Councilman Gerstner, seconded Councilman DeAngelo that the public hearing be recessed. Motion Carried (5 ayes, 0 nays) 7:40 p.m.  
08-03-06**

---

**Marjorie Quackenbush, Town Clerk**