

## **Is Agriculture in Our Future? *Preserving the Quality of Life in Warwick, NY***

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Like many communities in the Hudson Valley, and indeed throughout the country, the Town and Village of Warwick have been grappling with the issue of balancing the increasing demand for housing with the preservation of their traditional farming landscape. The challenges this situation presents are many and varied including supporting the economic viability of farming in the face of global imports and falling commodity prices; respecting the investment and contribution that farmers make in the land and the community while protecting the community from escalating land values and taxes; protecting the landscape and assets that draw tourists to the region and sustain the Village shops while encouraging appropriate development; and overall preserving the quality of life that makes Warwick such a wonderful place to live.

This case study highlights their story and struggle over the last nine years – a story which is still unfolding today, but with a promise that the future will be shaped not by unnamed forces, but by the decisions of the people and leaders in the Town and Village of Warwick.

### **The Setting**

From the mountains of Sterling Forest in the East to the flat black dirt farmland of the Wallkill River Valley in the West, the Town of Warwick is the largest town in Orange County (107 square miles) and one of the largest in the Hudson Valley. The town contains three incorporated villages (Village of Greenwood Lake, Village of Warwick, and Village of Florida) plus several hamlets, each with their own identity.

The Village of Greenwood Lake is located in the eastern part of Warwick and is separated from the rest of the town by Mt. Peter. A once thriving lake community, the Village of Greenwood Lake was a major tourist destination until the 1940's. Uncontrolled development and conversion of many summer cottages on small lots into year-round residences led to the deterioration of the lake's water quality and community aesthetics with the corresponding loss of economic opportunities. Today, the Village has only a few businesses on its main street and very little retail.

The Village of Florida lies along Route 94 and is characterized by its relationship to the black dirt farming region of Warwick. A community of farmers and merchants, Florida has a busy downtown and retains its sense as a small village.

The Village of Warwick, which is located in the center of the Town, is also a vibrant commercial destination, but is struggling to preserve its Main Street economy in the face of strip-mall and shopping center development in the region.

The Town of Warwick is predominantly agricultural with farm uses accounting for 16,281 acres or 26% of the land, with over 94 different farm enterprises. There are over 4,150 acres of black

dirt farmland which produce primarily onions, sod and other vegetables. The uplands account of 11,000 acres, which are used mostly for dairy and horse farms. The remaining acreage is devoted to general agriculture. The average farm size is about 175 acres for upland farms and 134 for black dirt farms. These working farm landscapes give the Town a unique appeal, provide outstanding scenery, draw tourists and buffer other land uses.

## **Growth and Development**

Population increases within the Town of Warwick have been traditionally slower than other Hudson Valley communities because of the lack of access to a major transportation corridor. Between 1970 and 1980, the population increased from 9,416 persons to 11,900 (2.63%); from 1980 to 1990, the population increased another 3,600 persons (2.5%); but from 1990 to 1995, the increase was approximately 5.3%. These increases are minor in comparison to the growth in the County which has averaged 17% over the last three decades.

In the early 1990's, the character and rural quality of Warwick began to change rapidly as farmland was developed for housing. The Town of Warwick has become increasingly attractive for development as prices for land have escalated around the NYC metropolitan region and transportation corridors have been improved and expanded. Growth has also brought new neighbors that do not fully understand and appreciate agricultural practices, which in turn leads to conflict.

## **Comprehensive Planning Process**

The Town of Warwick adopted land use controls in 1928, one of the first Town's in the region to do so. In 1965, the Town, in conjunction with the three Villages, prepared a Comprehensive Development Plan. The Town again revisited the plan in 1985 and a new Master Plan was adopted in 1987. The new Master Plan recommended that the plan be reviewed every three years.

In 1993, a citizen group, Community 2000 conducted six town-wide visioning meetings during which over 500 citizens voiced their opinion on what they would like the Town of Warwick to look like in the year 2000. The citizens overwhelmingly sought to "keep Warwick beautiful"; "preserve our rural character", and "save our farms". The group also produced a video on Open Space in Warwick that was shown throughout the town, sparking interest among citizens and the Town Board to carefully consider how the Town would deal with growth issues.

In 1994, at Community 2000's request, the Town Board appointed a 17 member Master Plan Review Coordinating Committee (MPRCC). For the next six months, the MPRCC sponsored public forums featuring distinguished guest speakers and soliciting input from citizens and community organizations. The committee submitted its report to the Town Board in 1995 and several public hearings were held.

Based on public input on the plan, the Town conducted some additional studies including a cost of community services study and an agriculture producers survey. They hired Cornell to conduct a cost of community services analysis which compares the total revenue generated by a land use with its expenditure for public services. The ratio is 1:1 when the revenues equal expenditures.

The study showed that residential property consistently demands more in town and school services than it contributes in tax revenue generally 1:1.4. Industrial/commercial and agricultural land require much less in services. (1:032) This means that if growth in residential housing continued, property taxes would continue to rise as more revenue would have to be generated to accommodate the increasing costs. The increase in taxes makes it harder for farmers to stay in business and requires the Town to attract commercial and retail business to offset the expense of new municipal services. Additionally, the cost of community services does not account for the capital costs of building new schools, playgrounds, etc.

The Town also worked with Cornell and their County Extension service to conduct a survey of agricultural producers to seek guidance on what the Town could do to help agriculture. The farmers suggested the use of conservation design techniques to preserve open space while still allowing development on some land; the creation of a purchase of development rights program; and buffering farms from residential development.

Taking this information into consideration, the Town adopted an updated Master Plan in 1998. In the end, the protection of Warwick's rural quality and its natural environment stood out as major goals for the residents of Warwick.

### **Implementing the Plan**

The next step in the process was to amend the Town's zoning ordinance to effectuate the newly approved Master Plan. The Town convened a Citizens Code Revision Committee, which worked from August 1999 to January 2001 to develop appropriate regulations. At the same time, the Town began to consider how it could raise money to buy the development rights on local farms. They decided to put a \$9.5 million bond issue on the November ballot.

During the fall of 2000, the elected and civic leaders from the Town and Village of Warwick participated in the Community Leadership Alliance, a program developed and delivered by the Glynwood Center and Pace Land Use Law Center. The four day program teaches community leaders about innovated land use practices and collaborative decision-making. Town Supervisor Michael Sweeton says that many of the ideas that Warwick has been able to put in place "started in the living room at Glynwood Center."

In October 2000, the Town also participated in the Countryside Exchange, a program of Glynwood Center. The Exchange helps communities find solutions to local issues through the assistance of a team of voluntary professionals who spend a week in the community, meeting and discussing these issues with a variety of people.

The Community asked the team to help them deal with the following issues:

- Creating a regional identity and sense of community for the Town and its villages;
- Attracting appropriate economic development to the Town and Villages to reduce the tax burden;
- Preserving open space; and
- Overcoming inertia to implementation. The community had a lot of studies and needed to get something done.

The team drafted a report which contained many recommendations for moving forward and continues to guide good decision-making today, but perhaps the most immediate effect of the Exchange visit was the passing of the ballot referendum. This was due in large part to the extensive public outreach and education that the Town had done, both before and during the Exchange.

As with any vote, not everyone was happy, particularly the Village of Greenwood Lake. The Village threatened to sue the Town because they did not see any benefit to them that their taxes would be raised to purchase farm land when they were surrounded by mountains and there were no growth issues in the Village. To resolve this dispute, the Town entered into a mediation with the Village and agreed that of the \$9.5 million, \$2 million would be spent in Greenwood Lake, but on issues of open space and watershed protection rather than farmland preservation.

By January 2001, the Citizens Code Revision Committee had still not produced an appropriate zoning ordinance and was disbanded. The Town Board took over the responsibility of re-writing the code, issued a moratorium on development and disbanded the Planning Board. In the meantime, a new Supervisor and Town Board were elected.

The new zoning ordinance was finally adopted in January 2002. It is truly innovative. It preserves open space, encourages good design, supports farming and encourages intermunicipal cooperation. In 2002, Town received the first ever Governor's Quality Communities Award for Excellence for developing such an innovative code.

Perhaps the most controversial provision of the code related to the reduction of development density. In most residential districts, it doubled the size of the parcel that was needed for development, thereby halving the development potential. For example, the 1989 code required a minimum 2 acres in a RU (rural) zone; the 2001 code required four acres.

What was taken away, however, was balanced through incentives for better development and design. For example, to protect open space, the code requires cluster development, where lots are grouped closer together than in a conventional subdivision. The open space that is created is protected by a conservation easement. Density bonuses are given for Traditional Neighborhood Developments on sites over 40 acres but less than 200 that contain a mix of residential and main street uses. The code contains specific design instructions regarding placement of buildings, landscaping for housing, streetscaping, lot size diversity and housing diversity.

The code also includes a transfer of development rights provision that protects farmland and open space within the Town, while allowing the Village to grow appropriately. The provision allows additional density on identified properties that are contiguous to the Village. The developer can receive up to a 50% density bonus by purchasing additional development rights, which are calculated at \$50,000 per unit. The money is divided between the Town and the Village, but must be used to purchase conservation easements on land within the Town.

The proposed development is reviewed by the Village Planning Board and if approved, is annexed into the Village for services where there is capacity in the schools and sewer and water.

Previously, the Village had received and approved requests for annexation, however, the developer was never required to pay for the additional density that was received under the Village zoning.

The Town is also currently partnering with several neighboring municipalities to enact a real estate transfer tax to raise additional money for agricultural land preservation. They are proposing a 3/4% transfer tax be imposed on any property that is sold in the four municipalities, the proceeds of which will be used to purchase conservation easements on farmland. The municipalities are in the process of getting the necessary special legislation from the State to put the issue on their local ballots for a vote.

In response to farmers' concerns that the Town might again reduce the development densities on their land, the Town is considering amending their zoning ordinance to include an Agricultural Advancement District Regulation for parcels over 10 acres. Under this new provision, a farmer can opt into the new district for ten years. During that time, the farmer is guaranteed the current density of development and the Town will calculate the number of units that can be built on the land. In return, the farmer gives the Town the right of first refusal (to match any offer on the property) or guarantees that the land will remain in agricultural use for the duration of the agreement.

### **Lessons Learned:**

- Citizen engagement and education is key. The Town and Village of Warwick would not have been able to take these bold strides without an active and informed public.
- Leaders must know when to facilitate discussion, but they must also know when to act. When necessary, the elected officials in Warwick took charge of the situation and put the plan that the citizens had designed into effect.
- Education and training of elected and civic leaders is extremely important. Land use controls and community process are specialized fields of expertise and community leaders must take the time to learn the best practices and processes to effectuate community change.
- Most successful initiatives require innovation, persistence and thick skin. Success is often not achieved without controversy or conflict and the process often takes a substantial period of time.
- More can be achieved through regional cooperation than by acting alone. The Town can more effectively protect its farmland with the assistance of the Village and the Village can maintain its density.

### **Conclusion:**

It's been nine years of hard work and over 250 meetings, but the Town and Village of Warwick have taken bold new steps in shaping the future of their region and declaring that agriculture is part of the future – and not just our past!

References:

Town of Warwick Comprehensive Plan, Orange County, NY, Adopted August 19, 1999.

Town of Warwick Zoning Law, Orange County, NY, Adopted January 24, 2002.

Town of Warwick Countryside Exchange Report, Bringing the Communities of Warwick Together, October 2000.

Interviews with Town Supervisor Michael Sweeton, Village Mayor Michael Newhart and Village Trustee Bill Olsen.