



TOWN OF WARWICK NEW YORK

# MID-ORANGE ADVISORY COMMITTEE

FINAL REPORT MARCH 7, 2012



Committee Chairman: John S. Hicks  
Committee Vice Chairman: Russell Kowal

*Subcommittees:*

Agency Interaction • Community Outreach  
Facilities • Legal • Records, Reports & Archives

## Preface

On June 30, 2011, Gov. Andrew Cuomo advised the Town of Warwick that the State of New York was closing the Mid-Orange Correctional Facility. This was a devastating blow for the community which had for decades enjoyed employment opportunities provided by the prison and its predecessor, the New York State Training School for Boys. But more than that, the Warwick community had benefited from a positive and personal relationship with many of the State employees who became dedicated community members and volunteers as well.

Very quickly the Town realized that the decision was irrevocable; there was no sense lobbying for a different decision or crying over spilled milk. Under the leadership of Town Supervisor, Michael P. Sweeton, the Town quickly embarked on a path to make the best out of the situation, and figure out how the Town could play a major role in the future development of the site. That became the rallying cry. Scores of phone calls and meetings were initiated by the Supervisor with NYS leaders, community leaders, and business people who might have some interest in the site.

One of the first hopeful signs came when the Town learned that the goals of the State included economic development and job creation at the site, two of the foremost goals that had been driving Supervisor Sweeton's quest for a solution. And, yes, in preliminary conversations with State representatives, the State did seem willing, as well as eager, to work with the Town to find a mutually agreeable way forward. We thank them for that. It has made our job easier and much more enjoyable. In addition to the Supervisor's own personal efforts, phone calls and meetings, the Town Board appointed a sixteen member "Mid-Orange Advisory Committee" to bring public input into the process. The charge to the committee provided by the Town Board was: "To analyze the options which might be available for the site and to make recommendation(s) to the Supervisor and the Town Board for ways to develop the site that will ensure long-term job possibilities for residents of our community in a way that is compatible with the Town of Warwick Zoning Code and enhances the tax ratables within the Town.

Other recreational, historic and/or other ancillary uses should be considered as long as they fit within the overall plan of viable economic development for the site. The hard work of this advisory committee has resulted in this comprehensive report. And we, the members of the Committee, hope that it will be the basis for structuring a plan and agreement between the Town and the State whereby transfer of ownership or control of the site to the Town of Warwick will become a reality. This, we believe, is the only way that the long-term success of the management of the site will benefit all concerned.

The reports of the following subcommittees: Agency Interaction, Community Outreach, Facilities and Legal appear below as those committees submitted their reports to the Records, Reports and Archive Committee. Those four reports represent the views of each of those four committees individually as their work progressed and as they saw their responsibilities. They appear, except for minor editing, as submitted even though some of the conclusions or recommendations made therein might be in conflict with or go beyond the "charge" to each of those committees. The final official report of the MOAC appears in the fifth subcommittee report, the report of the Records, Reports and Archives Committee.

The Mid-Orange Advisory Committee members held eight committee meetings as a whole, as well as a public visioning session, along with countless meetings by the five sub-committees outlined (with their individual charges) on the following page. Without the hard work and dedication of the individual members of the committee, this report would not have been possible. I thank each and every one of them for their efforts. In an effort to acknowledge them, a list of the members with their occupations and areas of expertise appears on the next page.

John S. Hicks, Chairman  
Town of Warwick  
Mid-Orange Advisory Committee  
March 7, 2012

## Mid-Orange Advisory Committee Members

### MID-ORANGE ADVISORY COMMITTEE

|                           |   |
|---------------------------|---|
| John S. Hicks, Chairman   | <i>Attorney</i>   |
| Russell Kowal, Vice Chair | <i>Farmer and Town Board Member</i>   |
| Michael Dunleavy          | <i>Conservationist</i>  |
| Peter Groenendaal         | <i>Real estate developer</i>  |
| Peter Lyons Hall          | <i>Marketing consultant and web designer</i>  |
| Jeremy Havens             | <i>Attorney</i>   |
| Geoffrey Howard           | <i>Management consultant</i>  |
| Richard Hull              | <i>Professor and historian</i>  |
| Elizabeth Hurd            | <i>Retired teacher and media specialist</i>   |
| Margaret Jeffries         | <i>Public advocate</i>  |
| Michael Laplace           | <i>Economist &amp; business manager</i>   |
| Andrew McLaughlin         | <i>Conservancy President</i>  |
| Amy Noteboom              | <i>Dairy &amp; Creamery owner</i>   |
| Karl Roecker              | <i>Landscape architect</i>  |
| Bruce Rohner              | <i>IT Specialist</i>  |
| Pamella Scotto            | <i>20 year resident of the grounds when the Mid-Orange Correctional Facility was NYS Training School for Boys</i> |

## MOAC Subcommittees

**Agency Interaction – Richard Hull, Chair** – Upon meeting with the Town Supervisor to go over a list of agencies recommended by the Supervisor, this subcommittee helped in the task of finding users for the site. Once those contacts had been made, with introductions made by the Supervisor, this committee and the Supervisor stayed in constant touch with these agencies and organizations, while assisting the committee by providing resources to help us in our quest for users.

**Community Outreach – Geoffrey Howard, Chair** - It was important to reach out to the public for its input. Some interesting ideas have emerged from the public and this subcommittee discussed these findings and shared those ideas with other subcommittee chairs and Russ Kowal (Vice Chairman) and John S. Hicks (Chairman). The Community Outreach Subcommittee organized a public meeting on December 7th. Geoff has conducted many of these types of meetings in the past and is a recognized expert in doing so very effectively.

**Facilities – Andrew McLaughlin, Chair** – This subcommittee was charged with arranging for a tour of the facility (Supervisor Sweeton assisted with logistics) and inventorying the assets of the facility – land mass, useable acres, buildings, past use of buildings, possible uses in the future, maps or other configurations of the site that might be useful to any potential user of the site. We inventoried and categorized each building’s square footage for both past and possible future usage. Details on utilities available in each building were investigated. This was a huge undertaking but it was absolutely necessary for us to have this information on hand for briefing possible users of the site.

Working with the Supervisor, the subcommittee tried to take advantage of any information that already existed within the files of the Dept of Corrections or other State agencies that the Supervisor could acquire, saving a lot of duplicative work. The results of the findings of this committee were shared periodically with other Subcommittee chairs as well as the Chairman and Vice Chairman. This information was essential to the work of the Records, Archives and Report Committee in particular.

**Legal – Jeremy Havens, Chair** – The Legal subcommittee was charged with exploring legal opportunities, requirements and impediments for the development of the property in accordance with the Town of Warwick Comprehensive Plan. Due to the size and scope of the Town Comprehensive Plan, the committee has created a summary of the most relevant portions in an effort to provide simplified guidance. The summary of the Town Comprehensive Plan constitutes Part I of the legal subcommittee report. Part II of the report discusses some of the specific legal opportunities and limitations that the Town may face in considering options for development of this property. Portions of Part II of the legal subcommittee report make reference to additional materials and maps which provide a visual image and greater understanding of some of the potential regulations that may or may not apply to given development alternatives for this property. These exhibits have been included as part of a separate appendix for easy reference.

**Records, Archives and Reports – Peter Hall, Chair** – This subcommittee was the repository for information gleaned by the other subcommittees. All such information was organized and filed in an on-line blog in such a way that it can be accessed easily by any of our other subcommittees, the Supervisor, or potential users of the site. In addition, this information formed the basis of the final report that this committee prepared and delivered to the Supervisor and Town Board. It was important for other subcommittees to forward useful information as it was acquired so that the cataloging process could begin as soon as possible. Any such information could then be deleted, modified, or added to as updated or more accurate information was acquired by the other subcommittees.

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## Agency Interaction Subcommittee Report

This report is written within the context of the Town of Warwick Comprehensive Plan whose overall vision is for the municipality to remain primarily a residential and agricultural community. The Plan stresses the protection of streams, wetlands, aquifers, and the preservation of farmlands and historic sites. It enunciates goals that emphasize the viability of farming and the preservation of the agricultural heritage of our town and encourages the consideration of agriculture, including food production, processing, and marketing in local economic development plans.

1. Since the subcommittee's report of December 19, 2011, we have attempted to identify individuals, agencies, and organizations in both the private and public sectors that might be interested in purchasing, leasing, or using all or portions of the Mid-Orange Correctional Facility site. We have come to the conclusion that it is simply too large and complex to be sold in its entirety. We believe that the breakup value is considerably higher than the intact value. Moreover, there are portions of the site that might attract buyers in the near future while other portions might take many months, if not years, to sell off. We have examined a number of other New York State prisons that have been closed over the last five years and have found that the state has been unable to successfully market nearly all of them, despite local community input. Indeed, numerous towns have formed advisory committees only to find that they have failed to attract potential buyers and have eventually atrophied. Meanwhile, the buildings at most of these sites have remained empty, have not been well-maintained by the state and are physically deteriorating. A few municipalities have formed local development corporations (LDCs) to deal with the re-development of closed facilities but with only limited success with the exception of the Griffis Local Development Corporation in Rome, New York. We recommend that the Town Board establish contact with them through its own *reconstituted* LDC, as well as with the Newburgh City LDC and Kingston LDC.

2. In our case, several of the most likely potential users are in circumstances that currently render them unable to engage in such an ambitious and costly undertaking. For example, we have found that with the growth of online distance education few educational institutions are inclined to establish costly physical satellite campuses except in overseas locations. Moreover, vocational educational institutions have shown little interest. Our own BOCES is financially weak and will soon expand into the former Arden Hill Hospital building. Public/private Charter Schools are a possibility, due to decreasing numbers of school age children in our surrounding school districts and to the growth in home schooling. We recommend that the Town and its LDC explore the possibility of acquiring portions, or the entirety, of the Mid-Orange site from the state for \$1 USD.



## Agency Interaction Subcommittee Report, cont'd

3. In light of these realities, we would propose that the Town Board of Warwick and its own, re-constituted Local Development Corporation (LDC) appeal to the Governor to transfer ownership of said site to the LDC upon a determination by the DEC that there are no toxic wastes on the lands. The LDC would then partition, or subdivide, the property into several separate parcels in accordance with specific future uses or purposes indicated below:

Parcel I: Conservation and Historic Preservation (preservation of wetlands, aquifers, biodiversity) Transfer to the Orange County Land Trust (OCLT) approximately 323 acres of freshwater wildlife sanctuary wetlands and aquifers and 150 acres of upland open farmland. Include the historic 1841 Manor House for occupancy by a land steward, OCLT administrative offices, conference, exhibition and seminar rooms. (See: letter of interest we obtained from from OCLT Board of Trustees).

Parcel II: Agriculture: support the economic viability of farming. Transfer approximately 150 acres of organic muckland and upland formerly used by the historic Durland farm plantation to Cornell University's Cooperative Extension Bureau. (We have approached Lucy Joyce, Director of CCES).

OCLT might partner with Cornell Cooperative Extension and the non-profit Glynwood Institute to offer courses in horticultural, agribusiness, and to establish a model farm using existing farm buildings (greenhouse, milk barn and silos, piggery, poultry house, machine shops, tractor garages, etc. Other possible ideas include: New Farmer Development Project, American Farmland Trust, Hudson Valley Agricultural Development Corporation, American Agriculturalist Foundation, Applewood Orchards and Winery, Business Solutions to Rural Poverty International (based in Norwalk, CT), National Young Farmers Coalition, Bellvale Farms Corporation, General's Garden, Sugarloaf Mountain Herbs, TechnoServe, Warwick Valley Winery .:

The Town should also look into Warwick Valley High School Agriculture Program under the direction of Nancy Colgan for farm training and incubation centers. The most successful has been the Prairie Crossing Learning Farm in Illinois. Their Farm Business Development Center has been very successful. Also worth exploring is the Hidden Springs Center in Idaho. These are planned developments which incorporate food production and farm business education within the context of other sectors such as residential housing and commercial establishments.



## Agency Interaction Subcommittee Report, cont'd



Parcel III: Food Processing and Distribution. Approximately five acres.

1. Establishment of a flour mill and bakery, (contact Albert Buckbee, Sr. and Dr. Ken Hamburger of Warwick, respectively);
2. Wine/liquor fermentation/distillation facility (contact Jonathan Hull of Applewood Winery in Warwick);
3. Cheese, ice cream and yogurt establishment. (see: Neil Sandfort of Chobani Corporation, Timothy and Amy Noteboom of Warwick). For yogurt also contact: Fage USA Dairy Industry, Inc. One Opportunity Drive, Johnstown Industrial Park, Johnstown, New York, 12095. Website: [www.fageusa.com](http://www.fageusa.com), Phone: 1-866-962-5912.

Parcel IV: Sustainable Energy Generation. The goal is to render town households and corporate consumers self-sufficient in low-cost electrical energy.

We propose that a significant portion of the Mid-Orange site be used for electric power generation from renewable sources, especially solar. The facility could supply inexpensive power to large areas of our community and reduce our reliance on facilities that currently use coal, oil, and uranium.

If there could be a guarantee of no carbon footprint, we should consider leasing approximately 30 acres to a utility company for the generation of electrical power via solar photovoltaic cells and possibly natural gas. Also, utilize the existing power plant. (cf. Solar-Sun Tech Power Holdings, Real Goods Solar, Inc, American Capital Energy of Massachusetts, Inc., Solartech Renewables of Kingston, New York State Energy and Research and Development Authority. Contact Warwick residents: Dr. William Makofske, Mr. Gallagher, Thom Woglom, Michael LaPlace).

Parcel V: State-of-the-art, innovative, low-security correctional facility.

In light of the reality that our federal government is considering spending tens of millions of taxpayer dollars on new prison construction we should contact potential users. During 2010, the number of persons under supervision of adult correctional authorities declined by 1.3% (91,700 offenders), reaching 7.1 million at year end. It should also be noted that Sullivan County is in urgent need of facility expansion and the Brooklyn House of Detention has reopened its facility to over 450 inmates. Moreover, a recent dramatic rise in drug-related crackdowns in Orange County has resulted in a sudden spike in incarcerations locally.

In light of this new trend, some-but not all-members of our subcommittee propose that we lease the Mid-Orange prison campus currently enclosed by ribbon wire to the Federal Bureau of Prisons or to a private corrections corporation for use as a low security prison for executive private and public-sector felons like Madoff. (see: United States Federal Bureau of Prisons, National Correctional Industries Assn., Management & Training Institute, Corcraft Products, Emerald Companies). Mid-Orange could become a model prison facility much as did the site when it was transformed into a model reformatory in the 1930s. It attracted scores of nationally-recognized professionals as staffers, hundreds of skilled workers, and its land was used to produce fresh food to more than a dozen state hospitals and other public facilities.

## Agency Interaction Subcommittee Report, cont'd



Parcel VI: Open Space and Recreational facilities. Maintain and expand public access to Wickham Lake and environmentally sensitive areas. Acquire approximately 30 acres to the existing Wickham Lake Town Park to include wetlands on the east shore of the lake. Possibly restore the circa 1930s-60s beach, docks, and bathing area. See Orange County Department of Tourism.

Consider attracting a firm interested in opening a spa or facility for physical fitness and rehabilitation. (Contact Wounded Warriors project, Vernon's Mineral Resort & Spa, Project Walk).

Parcel VII: Office/Industrial Park. (Promote employment-generating and taxable commercial development).

If the federal government is not interested in establishing a prison facility, lease the former Educational/Gym block for use as a corporate research center (see Quality Research Technologies, Inc.) or manufacturing facility such as for hybrid gas/electric buses. See Trans-Tech Bus Company/Smith Electric Corporation, Empire State Development Mid-Hudson Office, Orange county Partnership/Office of Economic Development, Hudson Valley Economic Development Corporation, Griffis Local Development Corporation.

Alternatively, use some of the facilities, particularly the gym and pool areas, as a physical fitness and rehabilitation center for disabled individuals, particularly war veterans (see: Wounded Warriors Project, Project Walk) or as a private sports club and spa with space for catered events. (see: Crystal Springs Minerals Sports Clubs of Vernon Inc., NYS Urban Development Corporation)

Parcel VIII: Transportation and Truck/Bus Garages. (to promote public transit and encourage alternatives to automobile travel).

Transfer five major garages on the Mid-Orange site for public transportation and vehicle storage and maintenance by Town DPW, community volunteer ambulance corps, local school districts, for-profit ambulettes, and other emergency vehicles. See Francis Agbo, Gateway Ambulette Corp. ph: 914-443-9698, ngoziv@aol.com. Also: Orange County Planning Dept/ Transit Orange Authority, NYS Department of Transportation. Lease 20 acres adjacent to CSX railroad line to warehouse new cars and trucks awaiting distribution to regional auto/truck dealerships.

## Community Outreach Report

The Community Outreach Sub-committee was formed with one primary purpose: to plan, run, and write up the conclusions of a “community visioning” public meeting. As the subcommittee conceived of it, the visioning session would have three objectives:

- To bring together a reasonably large and diverse group of Warwick residents and business people to brainstorm possible ideas for the Mid-Orange site;
- To create an overall feeling of positive interest in and excitement about this extremely rare opportunity – essentially a once-in-a-lifetime opportunity – within the Warwick community;
- To identify some potential resources and interested parties from among those present (or those who couldn’t be present, but wrote in with their comments) who might be willing to be involved as the process moved forward.

That meeting was held at the Warwick Valley Middle School on Dec. 7, 2011. Roughly 125 people attended including most of Warwick’s civic leaders as well as a large number of “average” residents – farmers, parents, businesspeople, etc.

[Worthy of special mention, among the attendees, were a small number of former Mid-Orange employees who were there out of curiosity and loyalty to a facility in which they had worked collectively for more than 100 years. Their very detailed knowledge of the site was clearly a resource that might be extremely useful to our efforts as we move forward.]

We felt that the visioning meeting was a success in achieving all three objectives and that the results from that meeting (see Appendix A) would – in conjunction with the findings of the Facilities, Interaction, and Legal sub-committees – form a foundation for concrete recommendations for what could be done with the site.

Based on our reading of the outcomes of the visioning meeting and the interim reports of the other sub-committees, we have written up our summary conclusions (see Appendix B) as to what we feel is a possible direction for the development of the Mid-Orange site and, in our advisory capacity, we are making that report available to the Town Board.



## Community Outreach Report, cont'd



### APPENDIX A

#### Overview

Without getting into specific green dot counts – which gets messy very quickly – it is clear that the major themes or concentrations coming out of Wed's meeting were:

- Education: • Higher • Technical/vocational/specialized
- Industrial: • Ag-related • Light industry
- Recreational & Hospitality
- Housing & Residential

#### *Education*

- Probably the single most-cited item was a college or higher ed. facility of some kind:
  - SUNY – Warwick? • College satellite
- A close second, if you aggregate all the sub-categories, is some form of vocational or specialized training:
  - Generalized vocational training, including ag-related, building trades, etc.
  - Vocational training focused on veterans (able-bodied and disabled) • Specialized: culinary, arts, energy, "green," etc. • Continuing ed/GED

#### *Industrial*

- Another major cluster of related ideas revolved around various agriculturally-oriented businesses.
  - Ag products processing - Dairy, meat, fresh produce
  - A food concentration and distribution center for the NYC "foodshed"
    - Possible organic or Free range focus +
    - Possible use of rail access
  - Various specialized ag-related businesses
    - Working research/demonstration farm (the "new farming")
    - Year-round farmer's market
    - Hydroponic farming
    - Fish or aquatic farm
    - Tree farm/wood lot management/sawmill
    - Mushroom farming
    - Wheat mill
    - Vineyard/winery
  - Non-ag-related businesses were also frequently cited
    - Renewable energy/solar farm
    - Light industry corporate park
      - = R & D, data/technology center
      - = "Green" business center
      - = Small business incubator/magnet
      - = High security corp. park/warehousing
  - Biofuel/pellet plant
  - Modular home manufacturer
  - Transportation hub (air/rail)
  - Center for non-profits
  - Aviation repair/restoration
  - Movie studio/film production

## Community Outreach Report, cont'd



### *Hospitality and Recreational*

- Variations on hotel/resort
  - Hotel
  - Spa
  - Golf resort
  - Conference center
  - Agri-tourism/eco-tourism center
  - Yoga/holistic health center/resort
  - Hostel/campground
  - Casino
  
- Variations on restaurants and food-related businesses
  - Restaurant/banquet hall/catering facility
  - Micro-brewery/pub
  - Distillery/Winery
  - Bakery
  
- Parks and recreational uses
  - Public park (lake/beach/fishing/boating)
  - Walking/cycling/x-country skiing paths
    - Wetlands discovery nature trails
    - With a boardwalk?
  - Community center, esp. with pool
  - Health club/gym/YMCA
  - Sports training center
  - Center for the arts
  - Theatre/movie complex
  - Golf course
  - Hunting preserve
  - Preserved open space
  - Audubon bird sanctuary

### *Housing and Residential*

- Housing associated with other uses
  - College or school dorms
  - Faculty housing
  - Veterans Center housing
- Affordable housing
- Senior living campus
- Art colony/artists-in-residence
- Hospital/rehab center
- Shelter for homeless/abused
- Private prison
- Training center for juveniles

### *Miscellaneous*

- Parking lot
- Cold storage
- Flea market/auction site
- County building

## Community Outreach Report, cont'd

### APPENDIX B:

#### SUMMARY OF CONCLUSIONS

Following the Community Visioning of Dec. 7th, the challenge is to find an approach to “putting the pieces together” in a way that is true to the community’s priorities makes sense in terms of the facilities configuration, and might be successfully “marketed” to political/bureaucratic decision-makers and potential private sector investors.

The Community Outreach sub-committee has put together one possible way in which we think the possible uses might tie together into a coherent, marketable whole and we’re putting it out there for you to consider.

#### *Three Key Elements*

##### 1. A Vocational Training Center (VTC)

The educational component of this plan revolves around a state-of-the-art vocational training center. The center would use the classroom and vocational training facilities that already exist on the site, but might also incorporate some other facilities – the barns, the kitchens, the infirmary, etc – as venues where vocational training could take place.

In addition, since the VTC would probably have a significant residential component, the various housing possibilities of the site would also be part of the mix.

The VTC would ideally be operated by one of the private sector (tax-paying) firms that are currently operating in the VT field, but it might be decided that a university or other non-profit institution would be a better fit.

Importantly, the VTC would work in close partnership with the private sector businesses (see #2 below) that were located on site. (It would work with off-site businesses as well.) These businesses would provide training, mentoring, internships, and where possible, employment to the voc-ed students. In other words, classroom instruction and practical experience would be integrated.

##### 2. “A Few Good Businesses”

A major portion of the site would be private sector businesses that would share some common characteristics:

- They would be part of the growth-sector economy – green/energy, technology, health/rehabilitation, the “new” ag/ag support sectors, among others. This would be important because it would mean that the voc-ed students would be headed for sectors with job availability.
- Ideally, they would be partners in the voc-ed process and would be compensated/rewarded for these activities; in other words, doing the right thing would make them more profitable.
- They would provide needed services in Warwick.
- They would all be both employers and tax payers.



## Community Outreach Report, cont'd

### 3. A Strong Tie-in with Veterans

While veterans – able-bodied and disabled – would not necessarily be the sole focus of the VTC, their presence in significant numbers would add immeasurably to the overall prospects for success of the other parts. We feel that the inclusion of veterans in this vision is the one factor which, more than any other, will promote its success.

*Some of the reasons we think a Vet/Vocation Center makes sense:*

- Helping vets is both timely and right.
- Vets makes the entire effort something more than just another redevelopment project.
- It gives politicians/bureaucrats a strong reason to say yes and makes it difficult to say no.
- There is significant funding – public and private – that would be available for a project targeting vets, including start-up and planning money.
- It is a great story for the press and the inclusion of disabled veterans will make an even more compelling story (M-O was known, even as a prison, for being disabled-friendly).
- If some form of rehab center was one of the on-site businesses, the tie to vets would be perfect.
- If some or all of the vet trainees were residents, there would be a need for a hotel/conference center, another source of job training.
- There will be “good-will capital” in the form of people wanting to work with/ contribute to/patronize the Center.

*Looking ahead*

That is nothing more than the bare-bones of an idea:

- a well-designed voc-ed center
- a good mix of businesses to partner in the voc-ed process
- a focus on veterans.

And bare-bones is the easy part.

If these bare-bones seem to hold promise, however, there is the outline of a way forward. Probably the critical initial step is to gauge the receptivity on the part of NYS decision makers.

At that point, we will know if this approach is even worth considering. If it is, we can develop an action plan then.



## Facilities Subcommittee

The Facilities subcommittee was charged with inventorying the Mid-Orange site and making suggestions as to the potential uses of the buildings on the site. A tour of the site was arranged for November 30th and most of members of the Committee were able to attend.

The site is 726 acres and there are 81 buildings, ranging from the very substantial to the inconsequential (e.g. bus stop waiting shelter). The site has its own water system and uses a Town of Warwick sewer plant. Electric service for Mid-Orange Correctional Facility provided by Orange/Rockland County Electric Power is 4800 volts 3 phase power. Each section of power distribution is provided emergency generator back up from the facility diesel stationary generators. There is a storm water sewer system on site. The wetlands are approximately 352 acres.

The committee discussed various ideas for using the site and plotted some of the ideas onto a conceptual plan which divides the site into eleven lots. Obviously, this is a tentative division of the site, but it is a first pass at thinking through the possibilities. Major credit goes to Karl Roecker for using his expertise in mapping to create these eleven lot plans.

In general, it seems clear that the site divides naturally into quite distinct parts. The main prison area holds together as a unit and invites some large institutional style use. The other enclosed prison area is another relatively self-contained area. There are several buildings which are currently used for industrial production and could easily accommodate light industrial use. The Manor house could easily be used by one or more organizations – several nonprofit organizations could share the space. Several other buildings could function as residential units, perhaps connected to the institutional use of the large prison area. Ball fields and one related structure could be used for public purposes. The barn and related structures could be easily adapted to some form of agricultural use. Wickham Lake offers a major recreational opportunity.

Attached are maps of the property indicating one possible way of dividing the site.



## Legal Subcommittee



The Legal subcommittee was charged with exploring legal opportunities, requirements and impediments for the development of the property in accordance with the Town of Warwick Comprehensive Plan. Due to the size and scope of the Town Comprehensive Plan, the committee has created a summary of the most relevant portions in an effort to provide simplified guidance. The summary of the Town Comprehensive Plan constitutes Part I of this report. Part II of this report discusses some of the specific legal opportunities and limitations that the Town may face in considering options for development of this property. Portions of Part II of this report make reference to several maps which provide a visual image and greater understanding of some of the potential regulations that may or may not apply to a given development alternative for this property. These maps have been included as a separate exhibit for easy reference.

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

### A. Agriculture

- Support the economic viability of farming
- Create incentives for landowners to maintain land in agricultural use, keeping it affordable so new farmers can begin farming
- Preserve as many of the operating farms as possible
- Preserve the agricultural heritage of the Town
- Discourage incompatible nearby land uses which have the potential to place burdensome pressures on farming activities

Agriculture has been and still is a major component of Warwick's economy and a major contributor to the Town's character and its quality of life. In surveys and at public meetings, the people of Warwick have expressed their overwhelming preference to preserve Warwick's rural quality, its natural beauty, and its agricultural heritage. As a ratable, farming is a preferred land use in terms of the cost of community services.

### *Purchase of Development Rights*

The Comprehensive Plan recommends that the Purchase of Development Rights (PDR) program continues as a tool to preserve farmland. This authorization coupled with other farmland protection efforts, through partnerships with other levels of government and with land trusts, has enhanced the Town's efforts of reaching one of our community's main objectives, which is to preserve as many operating farms in the Town of Warwick as possible.

## Legal Subcommittee, cont'd



### *Density Transfer*

This Inter-Municipal Agreement is a unique and simplified way of allowing residential growth to take place in already developed areas (i.e. infill development) without serious encroachment into active farmlands (i.e. greenfield development).

### *Town as Receiver of Conservation Easements*

Many towns in New York State have now established procedures for the municipality to accept conservation easements. Warwick should consider expansion of this mechanism to receive conservation easements on other environmentally sensitive lands as well.

### *Accessory Farm Business*

Farm stands, wineries, food processing facilities, and other low impact endeavors that improve a farmer's prospects for economic success, should continue to be allowed and encouraged by the Zoning regulations.

### *Agri-Tourism and Agri-Tainment*

Given Warwick's close proximity to the millions of people who live in the New York Metropolitan area and the growing trend in: 1) vacationing closer to home 2) "staycations;" and 3) volunteer vacations, Warwick's farmers could take advantage of new sources of income and assistance. Examples of such operations might include educational working farms, work camps (Americans travel around the world to volunteer their time on farms for a vacation), the establishment of a bike tour highlighting farming operations, farm tours, establishing Bed and Breakfasts on the farm, sponsoring or supporting "harvest festivals" and "dairy days," and supporting continued production of an Orange County map listing farm stands and farms available for visits.

Also, to enhance the agricultural sector, the Town should allow operating farms to offer seasonal Agri-tainment amenities including, but not limited to hayrides, corn mazes, and haunted barns. Other agri-tainment amenities may include bird watching, hiking, and cross country skiing. On some larger tracts of farmland where there is limited residential encroachment, consideration should be given to allowing farms to have hunting clubs or to provide hunting opportunities for a fee, like game preserves do. For the last few years, eagles have been seen nesting in the area and frequently noticed flying around the lake.

### *Farm Energy Production*

With our community and nation's need to become independent of our dependence on fossil fuels, the Town should encourage owners of agricultural lands to grow or produce energy crops. These crops may include kernel corn, switch grass, soy, or other crops that could be utilized as a fuel source.

### *Buffer Zones*

Vegetated buffer zones in new subdivisions that become contiguous with farmland should be encouraged to prevent land use conflicts.

### *Right to Farm Stipulations*

"Right to farm" stipulations are included in the Warwick Zoning Code such as the "Ag Notes" which are added to all residential developments affecting farmland within 2000 feet of a farm in the Agricultural Zoning District.

### *Citizens Education*

Educate citizens toward a positive outlook that views farming as the best "ratable."

## Legal Subcommittee, cont'd



### *Farmer Survey*

The Town's Agricultural Advisory Board has conducted an in-depth personal survey of every active farmer in Warwick. This survey was designed to increase farmer involvement in the planning process and it is expected that it will help the Town obtain demographic information pertaining to the farmers and farming operations.

### *Other Farm Preservation Techniques*

In 1992, New York State gave local governments more responsibility to develop plans and strategies to enhance agricultural and farmland protection programs. These new rights were contained within the amended New York State Agricultural Districts Law. The Comprehensive Plan recommends that the Town continue to support the efforts of the Agricultural Advisory Board.

### *Agricultural Advisory Board.*

The proper control of excess water runoff (i.e., Zero Runoff) from new subdivisions in the upland sections of the Town is critical to downstream farmers and residents. Wetland protection, wetland buffer protection and enforcement of proper soil erosion control mechanisms during and after construction will also reduce the increased flooding potential. Finally, the Town should encourage owners of historic barns to take advantage of New York State's investment tax credits for their rehabilitation.

### B. Residential Development

- Protect and enhance the rural character and quality of life in the Town
- Concentrate denser residential development around the villages and the hamlets, and maintain rural densities in the remainder of the Town
- Stimulate a diversity of housing types and increase the stock of affordable homes
- Encourage a mixed-use pattern of development, where appropriate, in and around the hamlets and adjacent to the villages

The Town Comprehensive Plan proposes that the Town of Warwick remain primarily a rural residential and agricultural community. This policy is to be implemented through a concentration of growth around existing development centers, such as the villages and hamlets.

### *Residential Densities*

Warwick's capacity to grow is affected by the special conditions of its natural environment as well as limited road access. The availability of water resources and the need to protect groundwater from potential septic pollution problems are issues concerning residential development throughout the Town.

### *Cluster or Conservation Subdivision*

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

## Legal Subcommittee, cont'd



- Active farmland within a New York State certified Agricultural District,
- Soils classified in group 1 to 4 of the New York State Soil Classification System (prime agricultural soils),
- Critical Environmental Areas,
- Sites bordering designated state, county or local Scenic Roads,
- New York State Protected Streams, wetlands, aquifers and aquifer recharge areas, municipal water supply watershed areas, flood prone areas, or a Town Designated Protection Area,
- Sites where community sewer, community water, or community water and sewer are available,
- “Special Features” identified in the Comprehensive Plan,
- Publicly owned or designated open space areas, privately owned, designated natural areas, trails and bikeways of Town, county or state significance,
- Mature forests over 100 years old or locally important vegetation.

To meet the Town’s goals of providing for more affordable housing, the Planning Board could be empowered to approve multi-family housing in single-family Zoning districts as part of a conservation plan, without increasing the number of dwelling units approved.

### *Other factors*

that could be mandated in these cases is the number of units in a multi-family dwelling being limited to four (4) or six (6), the owner should occupy one of the units and they could also include design requirements, such as the structure resembling a single-family home, as has been done elsewhere. For the Town to most effectively protect open space and farmland, it should ensure that un-buildable lands are not the predominant acreage in a cluster subdivision’s protected open space.

### *Conservation Density Subdivision*

Normally, this involves allowing a developer to construct a private, unpaved or minimally paved road owned and managed by a homeowners’ association in return for a permanent commitment to low density.

### *Overlay Zones*

Overlay zones can be used to protect farmland, historic districts, environmentally sensitive resources, scenic view sheds, and recreational corridors. An overlay zone does not change the underlying zoning regulations of any respective district or preclude development, but it normally imposes additional zoning requirements, usually in the form of specific performance standards. Limited Development Subdivision Plan A developer or landowner sells their land for partial development with restrictions to preserve open space and farmland. Limited development agreements are usually undertaken in conjunction with a land trust when the property can be developed with a limited number of home sites that will not conflict with the resource being protected.

## Legal Subcommittee, cont'd



### *Conservation Subdivision Design*

Conservation subdivision design is a refinement of the cluster subdivision process. (Discussed throughout sections as recommendations.)

### *Mixed Development in Warwick*

Warwick must also provide for its fair share of balanced housing as well as places to work. There are appropriate means to assure that Warwick achieves a balance between commercial enterprises, which provide employment and increase tax ratables, with housing that meets the present and future needs of the elderly, young households, families of moderate income, and small families.

### *Traditional Neighborhood Development*

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

### *Affordable Housing*

A way to create affordable housing is to promote development of two-family or multi-family homes in appropriate locations. While density requirements should be respected, such housing can be designed to appear as if it is a single-family dwelling, and by its very nature, such housing can be more affordable since it usually involves some element of a rental component.

### *Multi-family Housing*

Current zoning in the Town of Warwick does not allow multi-family housing in any zoning district (except for two-family housing).

### *District Boundary Modifications*

The Plan recommends that higher residential densities be considered as part of a TND in the Route 94 Warwick Turnpike area and also concentrated around the existing hamlets of Bellvale, Pine Island, Edenville, New Milford, and Amity.

### *Zoning Enforcement Officer*

In most towns in the region, this activity is the responsibility of a dedicated Zoning Enforcement Officer. With the amount of development activity in the Town, there is a strong need for additional regulatory enforcement.

### *Home Occupations*

Most people agree that home occupations are a good thing as long as they don't create disturbances such as noise, odors, traffic, or parking problems in their neighborhood.

### C. Commercial and Industrial Development

- Assure that the Village and hamlet centers remain as the focus for retail and service industry development.
- Provide for commercial development next to existing commercial and industrial uses.
- Encourage alternatives to typical modern highway oriented commercial development.

## Legal Subcommittee, cont'd



- Support small locally owned businesses and retail centers which are in character with the Town's largely rural environment
- Create a commercial atmosphere friendly to small business and home occupations
- Include agriculture in local economic development plans
- Cooperate with the villages to share the benefits of economic development and future planning

### *Commercial Development*

Warwick will continue to grow and it is important to provide for the orderly development of commercial/retail space to serve the community. The main retail shopping areas should remain in the village and hamlet centers. The Town Board should also undertake a review of the appropriateness of the Office and Industrial (OI) Zoning District, as well as the uses that are currently permitted in the Design Shopping (DS) zone, for consistency. Streetscape improvements could be addressed to ensure community character is preserved and protected.

Site design could be pedestrian friendly incorporating internal walkways or sidewalks, as well as benches and public spaces, shade, covered walkways, arcades, awnings, human-scale lighting, and other amenities that provide a sense of public interest and public space. All parking areas should be at the rear and sides of buildings and developers of large projects could be allowed to postpone full construction of the parking lot until demand is evident. Generous landscaping and tree planting requirements, both inside and at the periphery of the site could be strengthened. Architecture should fit the community. To prevent the degradation of roadside aesthetic quality, the current limitations on signage should be continued and strengthened.

Agricultural farm outlets should continue to be encouraged and allowed with special use permits but, to increase income potential from farming, the outlets should be allowed to sell a greater variety of local farm produce. Landscaping and signage requirements, curb cut limitations and setbacks should be used to limit the visual impacts on the road. Farming as a viable business should be included in any future economic development plans prepared for the Town. Farmers markets and pick-your own operations should also be promoted in the Town.

### *Office/Research/Light Industrial Development*

To encourage industrial development, the 1987 Master Plan recommended an expansion of the old Industrial zone around the Warwick airport. However, no significant development has occurred in this area since that time and none is likely in the near future due to the presence of wet soils and lack of adequate access. Furthermore, recent Plan updates now places that area in a residential zone.

A lack of water and sewer infrastructure and the presence of freshwater wetlands have largely contributed to the lack of development activity in the OI zones. With improving and more readily available technology, the telecommunications and computer services industries may play a growing part of Warwick's development controlling the intensity of Office and Industrial Use. The visual and physical impact of a development and the intensity of activity on a site depend upon both the use of the building and the paved parking areas.

## Legal Subcommittee, cont'd



### *Other Compatible Businesses*

Other kinds of economic activity, which are compatible with public desires for a quiet residential community, include institutions of higher learning, enterprises related to the visual and performing arts, tourism, and home occupations which do not depend on daily high volume customer traffic and do not have other negative effects on the residential neighbors. The Town should utilize the assistance of the County's Office of Economic Development to attract these kinds of compatible businesses. Finally, the physical attractiveness of the local area should be recognized as an economic resource supporting restaurants, recreational sites and tourism.

### *D. Open Space and Recreation*

- Maintain and expand public access to Greenwood Lake and develop access to other water bodies including Cascade Lake and Wickham Lake
- Support preservation of open space especially in environmentally sensitive areas (Wickham Lake)
- Implement the Recreation Plan for providing Town parkland at appropriate locations within the Town
- Prepare an Open Space Plan as an element of the Town's Comprehensive Plan
- Include the public in the setting of Town policies governing the full range of active and passive recreation including greenways and trails

The Town of Warwick, while it does have a rural atmosphere, lacks sufficient active and passive recreational areas for its present and anticipated future residents. The Town should proactively look for opportunities to acquire field space as parkland dedication when approving large-scale subdivisions. The Town should continue to foster recreational opportunities such as privately owned pool club facilities, as well as tennis courts, hockey and ice skating rinks by changes in the zoning to allow these facilities. The Town should consider a possible bonus density when a cluster subdivision includes some method for the public to have access to the open space for hiking, biking, and perhaps horseback riding.

### *E. Transportation*

- Reduce traffic congestion
- Promote public transit
- Encourage alternatives to the automobile such as walking, bicycling and commuter car/van pooling
- Improve coordination between various means of transportation

### *F. Public Facilities*

- Improve Town services and reduce the tax burden on citizens
- Allow infrastructure development in areas targeted for growth while respecting overall density in the Town
- Support the consolidation of appropriate Town and Village services
- Consider the Comprehensive Plan in the design of capital construction projects of the Town of Warwick

## Legal Subcommittee, cont'd



### *Town Government*

All capital activities sponsored or funded by the Town could be submitted to the Planning Board or other appropriate Town agency for design and planning review, as are private construction projects. This would ensure that the Town's public works projects consider the goals of the Plan.

### *Water and Sewer Service*

The Town of Warwick currently has limited centralized water and sewer systems. The Comprehensive Plan encourages areas with high development density on the border of villages or other areas with community water and sewer, to connect to these existing public services if capacity is available.

### *Education*

The location of educational facilities can have a significant impact on Town infrastructure and other land uses nearby. The school districts should be encouraged to consider the wider effects of their development plans when locating facilities.

### *Health and Safety*

Fire protection needs, which are provided for by volunteers in four separate fire districts, should be reviewed in the next few years to determine if the system is providing adequate protection.

### *Communication Facilities*

While wireless communication facilities cannot be prohibited, they can be controlled in a number of respects including their design and siting.

### *G. Environmental Protection*

- Protect the natural scenic quality of the Town and environmentally sensitive areas
- Ensure that groundwater quality meets Safe Drinking Water Act quality standards and that an adequate amount of water will be available to provide for future needs
- Protect surface and ground waters from point and non-point source pollution
- Protect habitats for the diversity of existing flora and fauna in Warwick
- Protect wetlands as important environmental resources

### *Water Quality*

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

### *Sensitive Environments*

The Town should also explore all other options to ensure that wetlands and other important water resources are appropriately protected.

### *Vegetation*

Vegetation retards water runoff, thus helping to preserve the water table and to prevent flooding. It stabilizes the slopes and prevents soil erosion and excessive siltation of the stream

## Legal Subcommittee, cont'd



beds. It also reduces air and noise pollution and offers a beautiful scenic resource that is so important to Warwick.

### *Visual Quality*

Existing residential, commercial and industrial development should be encouraged to improve road frontages to reinforce the Town's rural image. The Town should ensure compliance with the existing Lighting Provisions which state to "enhance the town's night time character" and to "reduce atmospheric light pollution"

### *Historic Preservation*

Allowing a wider range of uses might help preserve these structures and could include multifamily housing within an historic structure. In addition, a bed and breakfast or a tourist guesthouse operation would encourage protection of the structure as well as help the tourist industry. Barns provide a visual reminder of our agricultural heritage and a unique architectural style.

### *Critical Environmental Areas*

The State Environmental Quality Review Act (SEQR) provides a means to identify and assess unique or exceptional natural or cultural resources in a community through the designation of Critical Environmental Areas (CEA).

### *Greenway and Wildlife Corridor Development*

A network of greenways and wildlife corridors should be established.

### *Energy*

The Town should consider following the lead of the Orange County Planning Department regarding the US Green Building Council Program or that of LEED (Leadership in Energy and Environmental Design).

### *Noise Control*

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

#### *H. Potentially Objectionable Land Uses*

The U.S. Supreme Court has affirmed the authority of local government to restrict the locations of adult uses based upon their known secondary adverse impacts.

## *II. Legal Limitations and Opportunities*

### *A. Property ownership and management*

1. The Town of Warwick does not own the property comprising the Mid-Orange facility, the State of New York does. The State is likely to be interested in selling the property and would probably prefer to receive top dollar to help with the State budget crisis. In order for the Town to exercise the greatest control over how this property is developed, it would need to have some influence over, if not actual ownership of the property.

## Legal Subcommittee, cont'd



2. The State may be willing to transfer title to the property over to the Town of Warwick for \$1.00 if the property is used for “public use”. Common examples of “public use” include parks & recreation, government facilities, etc. and typically require government funding to maintain. The Town should request that the State provide a detailed list of potential uses that would undoubtedly qualify as “public use,” and perhaps a list of other potential uses that may qualify as a “public use” under the right circumstances. Additionally, the Town could investigate under what other circumstances the State of New York would be willing to transfer ownership of the property to the Town of Warwick.

3. As an alternative to the Town managing the property, the responsibility for the management of the property could be granted to a local economic development corporation, which is a not-for-profit corporation formed to serve public or quasi-public purposes. This local development corporation (“LDC”) could either hold title to the property (or some portion thereof), or lease the property from the Town if the Town held title, and act as administrator for development projects. Under a lease scenario, the leasing income could be used to generate income for the Town in lieu of property taxes. The difficulty here would be trying to identify an ownership and management structure and potential uses that could generate leasing income without creating an obligation to compensate the State full market value for the property.

a) Fortunately, the Town of Warwick already has an established LDC, the Warwick Valley Local Development Corporation (“WVLDC”), which was originally formed in 2008, but has sat dormant since its formation until recently. On January 27, 2012, the WVLDC held its annual meeting, and with the help of the Legal Subcommittee, updated and revised its bylaws, approved the renewal of an application for IRS tax-exempt status, and authorized the use of the WVLDC as a vehicle for the development of the Mid-Orange property, including taking title to, or leasing, any portion of such property as may be deemed desirable and in the best interests of the WVLDC, the Town, and the community.

4. The Legal Subcommittee reviewed the contract for the development and maintenance of the waste water/sewer facility that is sited on the Mid-Orange property. This sewage treatment facility serves all of the current buildings on the State-owned Mid-Orange site as well as several residential neighborhoods around the Mid-Orange site.

a) As mentioned previously, the State owns the land that the sewer treatment facility is currently sitting on. Paragraph 8 of the sewer treatment plant agreement provides the Town with all necessary easements “for the Town to construct the sewer lines and wastewater treatment plant” for \$1.00. No other provision is made in the agreement for ownership of the plant or the land. The agreement only provides that the Town will “construct, operate and maintain” the plant, but the agreement is terminable by either party on 3 years notice.

b) Arguably speaking, the State could claim that the Town does not have a continuing easement beyond the term of the agreement, but they would have to provide 3 years notice to terminate the agreement, leaving the Town without control, much less ownership, of its sewage plant.

## Legal Subcommittee, cont'd



c) As a result, the Legal Subcommittee recommends that the Town seek actual transfer of title to the land surrounding the treatment plant from the State. Perhaps the Town could request transfer of title for \$1 for public use. This would require a new subdivision of the property and issues regarding continuing easements would need to be addressed.

### *B. Subdivision of Property*

1. The Legal Subcommittee investigated the possibility of whether or not the Town could subdivide existing tax lot parcels without a request from the current property owner. Our investigation did not find any authority specifically addressing this issue. Nonetheless, various sections of law could be interpreted as granting the Town the authority to accomplish this.

2. NYS Town Law § 261-c grants the Town legislative authority “to enact, as part of its zoning local law or ordinance, procedures and requirements for the establishment and mapping of planned unit development zoning districts. Planned unit development district regulations are intended to provide for residential, commercial, industrial or other land uses, or a mix thereof, in which economies of scale, creative architectural or planning concepts and open space preservation may be achieved by a developer in furtherance of the town comprehensive plan and zoning local law or ordinance.”

3. NYS Town Law § 262 provides that “the town board may divide that part of the town which is outside the limits of any incorporated village or city into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings, throughout such district but the regulations in one district may differ from those in other districts.” Therefore, arguably speaking, the Town could subdivide a large parcel of land for purpose of creating new and different zoning districts within what is a single large parcel.

4. Additionally, NYS Town Law § 273 grants the Town board authority to change the official Town map. “Such town board is authorized and empowered, whenever and as often as it may deem it for the public interest, to change or add to the official map of the town so as to lay out new streets, highways, drainage systems or parks, or to widen or close existing streets, highways, drainage systems or parks within that part of the town outside the limits of any incorporated city or village.”

5. Finally, NYS Municipal Home Rule Law § 10 grants the local legislative body authority to enact any local law not inconsistent with the Constitution and other existing laws. Therefore, to the extent that there is no law prohibiting the Town from subdividing property

## Legal Subcommittee, cont'd

without the request of the owner, the Town would have the authority to do so if it were deemed to be in the best interest of people of the Town.

6. However, as a practical matter, the time and energy required to plan a subdivision, provide for the requisite notices and referrals, hold the public hearings, etc. may not be a worthwhile endeavor without a very well-defined and specific plan for how each newly created parcel is to be utilized, and by whom, because without the approval of the land owner, no specific use would be allowed, regardless of how the property may be divided. That obvious reality being stated, if and to the extent that such property were owned by the Town or an LDC, such an application could be made by any "Subdivider," which is defined in the Town of Warwick Code § 137-5 as "Any person, firm, corporation, partnership or association who shall make application to lay out any subdivision or part thereof, as defined herein, either for himself or others." Therefore, an LDC could act as the Subdivider applicant on behalf of the Town or itself, depending on who owned the property.

### *C. Zoning Regulations*

1. On August 11, 2011, the Town Board approved a change to the zoning applicable to the State owned property that comprises the Mid-Orange Correctional facility. This change was intended to change the zoning of the State owned property from Rural and Conservation districts to Office and Industrial. The minutes of the Town Board meeting dated Aug 11, 2011 reflect amendment to the following tax parcels: Section 46 – Block 1 – Lots 9.1, 9.2, 16, 9.1, and 9.1 respectively. Please note that the other two contiguous parcels owned by the State of New York, namely, S/B/L 46-1-19; and 46-1-20, were not included in the amendment and therefore remain subject to the prior zoning regulations.

2. There is a significant likelihood that additional modification of the zoning regulations may be required to accommodate proposed new uses depending on the needs of the various development plans that are to be considered; therefore, zoning concerns should not be deemed a complete bar to development possibilities at this early stage.

3. Non-conforming Uses. Existing non-conforming buildings and uses are allowed to continue indefinitely provided such uses are not discontinued for more than one year. (Town Code §164-45). Thereafter, a special use permit or variance, or change in zoning would be required.

4. Transfer of Development Rights. Town Code §164-47.4 provides a mechanism whereby residential density development rights can be transferred from one district to another. This tool could be utilized to allow for some residential zoning, but provide specific limitations on such development beyond those which would ordinarily apply to a given residential zone. A TDR Bank is already established. The Town could collect & sell the development rights for use in other districts, including within the Villages if coordinated with the respective Village(s).

5. Overlay Districts. An overlay zone does not change the underlying zoning regulations of any respective district or preclude development, but it normally imposes additional zoning requirements, usually in the form of specific performance standards. For example, an overlay zone could require clustering to maximize protection of a specific resource (i.e., open space, scenic views, active farmland or prime agricultural soils, an aquifer) and design and performance standards can safeguard the resource.



## Legal Subcommittee, cont'd



- a) The entire site is within the Town of Warwick Aquifer Protection Overlay District and therefore all development proposals will require Aquifer Impact Assessments. See attached (AQ-O) map in appendix.
- b) None of the site falls within the Agricultural Protection Overlay District. See attached (AP-O) map in appendix.
- c) None of the site falls within the Ridgeline Overlay District. See attached (RL-O) map in appendix.
- d) None of the site falls within the Traditional Neighborhood Overlay District. See attached (TN-O) map in appendix.
- e) Significant portions of the site (primarily the lower-lying areas) fall within the Biodiversity Zoning Overlay.

### *D. Wetlands Regulation*

1. The NYS Department of Environmental Conservation regulates wetlands and the immediately adjacent areas around them, which extend 100 feet from the wetland boundary. Due to the extensive wetlands in and around the property, virtually the entire property, and almost ANY development proposal other than existing uses may be subject to DEC regulation requiring a permit application. Application for a permit may require a public hearing and advance notice to surrounding property owners. Therefore, the Legal Subcommittee has put together a comprehensive list of surrounding property owners attached hereto as an exhibit.

2. Some activities requiring a permit include:

- a) Construction of buildings, roadways, septic systems, bulkheads, dikes, or dams;
- b) Placement of fill, excavation, or grading;
- c) Modification, expansion, or extensive restoration of existing structures;
- d) Drainage, except for agriculture;
- e) Application of pesticides in wetlands.

3. The following activities are the most common activities exempted from regulation, for which no DEC permit is required:

- a) Normal agricultural practices, except filling, clear cutting of trees, or construction of non-agricultural structures;
- b) The harvesting of natural products and recreational activities (fishing, hunting, trapping, hiking, swimming, picnicking, or firewood collection);
- c) Continuance of lawfully existing land uses;
- d) Routine maintenance of existing functional structures such as repairing broken docks, repainting structures, or resurfacing paved areas; and
- e) Selective cutting of trees and harvesting of fuel wood (not clear cutting).

## Legal Subcommittee, cont'd

4. See attached Mid-Orange Wetland Map. This is only a partial map, but it highlights the key areas of concern.

### *E. Economic Incentives*

1. As part of the plan to close correctional facilities throughout the State, the Empire State Development Corporation has been provided with \$50 Million dollars to finance Capital projects in addition to other various incentive programs to support development of new businesses and job creation in defined Economic Transformation Areas around the closed facilities. For the Mid-Orange Correctional facility, the Economic Transformation Area is defined as the area encompassing a 5 mile radius from the correctional facility site.

a) This Program will leverage private sector investments to create jobs and support initiatives that will help transform the economies of these communities by providing \$50 million in capital funding to support economic development initiatives in communities impacted by facility closures; and 5 new fully refundable tax credits over a 5 year benefit period to new businesses that locate in or around a closed facility.

b) Economic Transformation funds assist with construction, expansion and rehabilitation of facilities; acquisition of machinery and equipment; working capital; and the training of full-time permanent employees.

c) Funds may be used for:

- Real Estate and Land Acquisition
- Demolition
- Construction and Renovations
- Site and Infrastructure
- Machinery and Equipment
- Inventory
- Construction Related Planning and Design

d) The application deadline is January 1, 2015.

e) See attached Fact Sheet for the ESDC Economic Transformation Program or visit:

<http://www.esd.ny.gov/BusinessPrograms/EconomicTransformation.html>.

2. The Legal Subcommittee did not investigate the availability of any other economic incentive programs that may be applicable or available and therefore, would recommend that such investigation be made.



## Legal Subcommittee, cont'd



### *F. Other General Considerations*

1. The NYS Department of Corrections actively operated a firing range on the property, resulting in the accumulation of lead in a sand or dirt embankment on the property.

a) The presence of the lead is not in itself an environmental hazard because it could be reclaimed and recycled as scrap metal (CFR 261.6(a)(3)(ii)). However, depending on the circumstances, it may be subject to the authority of Resource Conservation and Recovery Act (RCRA) §7003, which addresses imminent hazards. See attached U.S. EPA Lead Shot Brochure for more information.

b) Federal regulations impose joint and several liability among current and past property owners for the costs associated with the remediation of environmental hazards. Therefore, irrespective of whether or not a current environmental hazard is identified, the Legal Subcommittee recommends that, prior to taking title of any portion of the Stateowned property, the Town and/or LDC should secure a letter of indemnification from the State for any costs associated with the remediation of any environmental hazards attributable to State operations on the property.

2. The Legal Subcommittee identified the following additional considerations regarding specific potential uses identified in the visioning session and how they may relate to the Town Comprehensive Plan:

a) Parking lots, unless ancillary to a conforming use have been deemed sufficiently objectionable and undesirable to warrant elimination pursuant to the Town Code §164-45

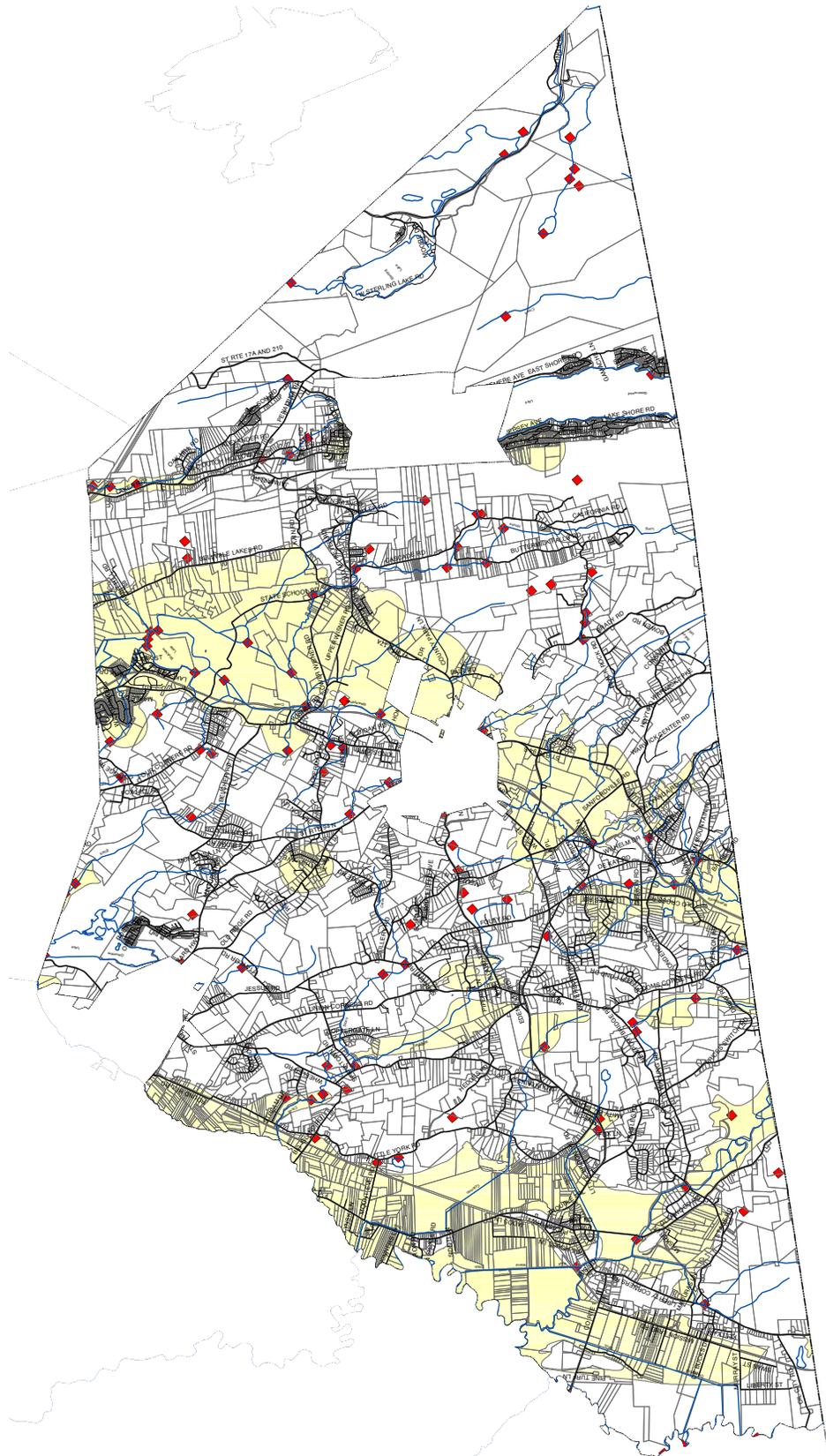
b) A casino is not a permissible use under current NYS law.

c) The Comprehensive Plan encourages development that would provide increased public access to Wickham Lake. (Section 3.5).

### **Exhibit Schedule** (*see Exhibits page*)

- 1- Aquifer Protection Overlay District
- 2- Agricultural Protection Overlay District
- 3- Ridgeline Overlay District
- 4- Traditional Neighborhood Overlay District
- 5- Biodiversity Zoning Overlay
- 6- Adjacent Property Listing
- 7- Mid-Orange Wetland Map
- 8- ESDC Economic Transformation Program
- 9- EPA Lead Shot Brochure

# Legal Subcommittee, cont'd



Orange County Water Authority  
 275 North Main Street  
 Garden State Plaza  
 Garden, NJ 07034  
 908/261-2000  
 www.ocwa.com  
 Created by: Jennifer M. Trone  
 Date: 12/10/2012

## Town of Warwick Aquifer Protection Overlay (AQ-O) District

January 24, 2002

The purpose of the Aquifer Protection Overlay District is to protect, preserve, and maintain the quality and quantity of the Town's irreplaceable groundwater resources.

- Potential location for installing high yielding production well
- AQ-O District
- Streams & Water Bodies
- Municipal Boundary



## Legal Subcommittee, cont'd

| <b>S-B-L</b> | <b>Ac</b>                                | <b>Owner</b>                        | <b>Type</b>   |
|--------------|--|-------------------------------------|---|
| 33-1-10      | 6.6                                      | Norfolk Southern Railway            | No land type  |
| 33-1-11.1    | 20.3                                     | Kings Quartet Corp                  | Primary 10.00 ac<br>Residual 10.30 ac                         |
| 33-1-11.2    | 1.3                                      | County of Orange                    | Rear  |
| 33-1-12      | 16.1                                     | Kings Highway Real Estate LLC       | Undeveloped<br>2.00 ac<br>Residual 14.10 ac                   |
| 33-1-72.32   | 60.3                                     | Manno, Rocco P & Linda              | Primary 2.00 ac   |
| 33-1-9.22    | 9.00                                     | Sticks & Stones LLC                 | Primary 2.00 ac<br>Residual 7.00 ac                           |
| 35-1-13      | 10.2                                     | Norfolk Southern Railway            | No land type  |
| 35-1-40      | 40.0 (tax rolls)<br>or 40.4 (tax<br>map) | Wittels, Bruce R & Segal, Kathryn A | Primary 4.00 ac<br>Residual 11.00 ac<br>Wasteland<br>25.00 ac |
| 35-1-41.2    | 125.3                                    | Town of Warwick (Wickham Lake)      | Wetland   |
| 35-1-42      | 27.1                                     | Wright family (10 members)          | Wasteland 4.00 ac<br>Pasture 10.10 ac<br>Wetland 13.00 ac     |
| 35-1-47      | 307 x 97                                 | Wright, Justin & Margaret           | Primary 0.50 ac<br>Residual 0.20 ac                           |
| 35-1-58      | 62.8                                     | Azhan, Adiban & Shan, Rassul        | Wasteland<br>33.80 ac<br>Wetland 29.00 ac                     |
| 46-1-11      | 115                                      | Buckbee, Judith                     | Pasture   |
| 46-1-12      | 142                                      | Schluter, Rbt J & Curti, Rosemarie  | Primary 2.00 ac   |
| 46-1-13      | 5.9                                      | Norfolk Southern Railway            | No land type  |
| 46-1-15.1    | 2.1                                      | Schluter, Rbt J & Curti, Rosemarie  | Primary 2.00 ac<br>Residual 0.10 ac                           |
| 46-1-15.22   | 63.3                                     | Suduno, John                        | Pasture   |
| 46-1-16      | 25.7                                     | NY State                            |   |
| 46-1-17      | 9.2 (tax rolls) or<br>6.2 (tax map)      | R Land LLC                          | Undeveloped<br>2.00 ac<br>Wasteland 7.20 ac                   |
| 46-1-18      | 3.2                                      | Kress, Francesca M                  | Wasteland   |
| 46-1-19      | 3.4                                      | NY State                            |   |
| 46-1-20      | 3.6                                      | NY State                            |   |
| 46-1-21      | 17.6                                     | Lessor, Audrey Golden               | Wasteland   |
| 46-1-22      | 13.9                                     | Kress, Francesca M                  | Wasteland   |
| 46-1-23      | 6.4                                      | County of Orange                    | Wasteland   |
| 46-1-24      | 1.6                                      | Kress, Francesca M                  | Wasteland   |
| 46-1-25      | 6.7                                      | Kress, Francesca M                  | Wasteland   |
| 46-1-26      | 23.1                                     | Oberman, Issac & Klein, Jerome      | Wasteland   |

Adjacent Property Listing

2/24/2

## The Salesperson's Role

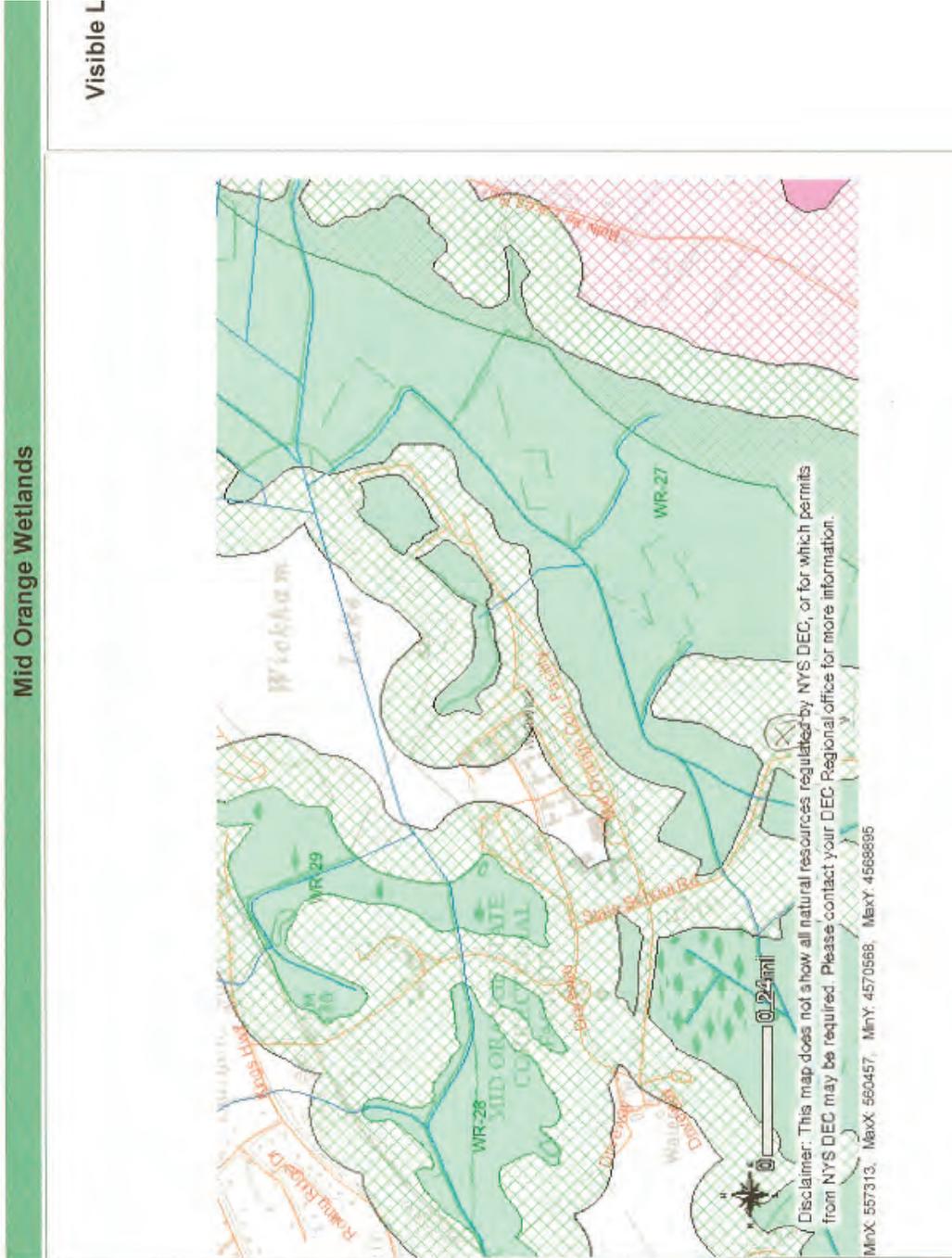
### Adjacent Property Listing

Page 2 of 2

|             |          |                                  |   |
|-------------|----------|----------------------------------|---|
| 46-1-27     | 6.7      | NY State                         | Wasteland   |
| 46-1-28     | 2.3      | Masefield, Gregory C & B Frances | Wasteland   |
| 46-1-9.1    | 733.1    | NY State                         |   |
| 46-1-9.2    | 50 x 100 | NY State                         |   |
| 47-1-108.11 | 7.7      | Delaney, Rbt & Diane             | Primary 2.00 ac<br>Residual 5.70 ac                           |
| 47-1-108.2  | 11.3     | Esposito, Concetta M             | Primary 2.00 ac<br>Residual 9.30 ac                           |
| 55-1-91     | 108.4    | Buckbee III, Albert W            | Primary 2.00 ac   |
| 58-1-1      | 31.1     | Horwitz, Donald & Lola           | Primary 2.00 ac<br>Residual 11.10 ac<br>Wasteland<br>18.00 ac |
| 58-1-112    | 28.5     | Joyce, Timothy J & Christine     | Primary 2.00 ac<br>Residual 16.50 ac<br>Wasteland<br>10.00 ac |

Adjacent Property Listing

# Legal Subcommittee, cont'd



Mid-Orange Wetlands Map

## Legal Subcommittee, cont'd

Empire State Development

### ECONOMIC TRANSFORMATION PROGRAM

General information about the Economic Transformation Program (the "Program") is provided in this Fact Sheet. If you are interested in more details about the Program or have specific questions, please contact the Empire State Development Regional Director for your region. A complete list of the ESD Regional Offices & Directors is included at the end of this Program Fact Sheet.

#### Overview

As part of the 2011-12 State Budget, Governor Cuomo and the Legislature established the Economic Transformation Program to support the economies of communities affected by the closure of certain correctional and juvenile justice facilities. The Economic Transformation Program provides tax credits and \$50 million in capital funding for projects that leverage investments to create jobs and support economic development initiatives in these areas.

The Program will be available to eligible entities within the Economic Transformation Areas detailed below. The Program will be administered in consultation with Regional Economic Development Councils and the affected communities.

The Program will be available for projects in targeted industries. Projects involving retail, real estate development and professional service businesses will be eligible only when located at the site of a closed facility. Tourism destination projects may qualify for capital funding.

#### Tax Credit

The Tax Credit component of the Program provides job creation and investment incentives for new firms that locate in an Economic Transformation Area. Firms in targeted industries that create at least five net new jobs may qualify for up to five new, fully refundable tax benefits:

- A jobs tax credit of 6.85% of the wages of each net new job;
- An investment tax credit of 6% of capital investments with the credit increasing to 10% if it is at the site of closed facility. This credit is capped at \$4 million per firm for investments outside the facility and \$8 million for all investments at the facility;
- A real property tax credit of 25% of eligible property taxes in the first year, phasing down to 5% in year five. The credit is 50% of eligible property taxes for firms located at the facility phasing down to 10% in year 5;
- A job training tax credit of 50% of training expenses, capped at \$4,000 per eligible employee per year. Eligibility for this credit is limited to instances where former facility employees are hired by a new firm; and
- A sales tax refund on tangible personal property used for construction at an eligible site.

ESDC Economic Transformation Program

## Legal Subcommittee, cont'd

### **What is a Best Management Practice and How Does It Apply to Shooting Ranges?**

A Best Management Practice (BMP) is usually based on an approach or technology that has been shown to work and to be effective for the purpose intended. The United States Environmental Protection Agency (EPA) uses BMPs to specify standards of practice where a regulation may not be descriptive enough to do so. A BMP should also be as inexpensive as possible and the equipment or technology should be readily available. A BMP may be adopted based on a survey of practices (shooting ranges in this case) that have had successful experiences with an approach or technology.

BMPs for outdoor shooting ranges are actions that range owners/operators can take to minimize the impact of lead on the environment. Lead at outdoor shooting ranges may pose, in certain situations, a threat to the environment if BMPs, including reclamation and recycling, are not implemented in a timely manner.

### **What is the EPA *Best Management Practices for Lead at Outdoor Shooting Ranges* manual?**

The *Best Management Practices for Lead at Outdoor Shooting Ranges* manual provides owners and operators of outdoor rifle, pistol, trap, skeet and sporting clay ranges with information on lead management at their ranges. The manual explains how environmental laws are applicable to lead management and presents successful BMPs available to the shooting range community. These practices have been proven to effectively reduce lead contamination. Since each range is unique in both the type of shooting activity and its environmental

setting, site-specific solutions are not provided in the manual. Rather, range owners or operators may use the manual to identify and select the most appropriate BMP(s) for a range. The manual does not address range layout or design to meet range safety or competition requirements. It is also not intended for closing ranges. Range owners/operators are directed to other comprehensive reference materials available on that subject, from the National Rifle Association of America, National Shooting Sports Foundation and other shooting associations.

Owners/operators of ranges may want to assign the implementation of this BMP Manual to a specific team or committee if possible. Delegating this responsibility to a specific team or committee helps to assure that the work gets accomplished.

The manual is organized as follows:

Chapter I provides the background on why lead is of concern to human health and the environment. It includes a discussion of how environmental laws impact shooting ranges and the importance of an integrated BMP program to manage lead;

Chapter II discusses range physical and operational characteristics to be considered when selecting a successful BMP program;

Chapter III addresses BMPs for rifle/pistol ranges, trap and skeet ranges, and sporting clay ranges. In this chapter, the manual explores possible solutions to prevent, reduce and/or remove lead contamination for each type of range;

The Appendix provides current (as of May 2000) contacts for lead reclamation and recycling companies, other sources of information on lead

EPA Lead Shot Brochure

## Legal Subcommittee, cont'd

management, bullet trap manufacturers and key RCRA regulatory interpretations.

### How Is Lead Shot Regulated Under the Resource Conservation and Recovery Act (RCRA)?

Lead shot is not considered a hazardous waste subject to RCRA at the time it is discharged from a firearm because it is used for its intended purpose. As such, a RCRA permit is not required to operate a shooting range. However, spent lead shot (or bullets) are subject to the broader definition of solid waste written by Congress and contained in the statute itself. As such, spent shot and bullets are potentially subject to RCRA statutory authority including section 7002 and 7003.

In general, the following points should serve as guidance in understanding RCRA and how it applies to your range.

1. **The lead, if recycled, is considered a scrap metal pursuant to 40 Code of Federal Regulations (CFR) 261.6(a)(3)(ii) and is therefore exempt from RCRA regulation.**
2. **After the removal contractor or reclaimer applies standard BMPs to separate the lead from soil, the soil may be placed back on the range without further treatment.**
3. The collected lead shot or bullets are excluded from RCRA regulation, and need not be manifested, nor

does the range need to obtain a RCRA generator number (i.e., the range is not a hazardous waste "generator"), provided that the leadshot is recycled or re-used. The transporter does not need to have a RCRA I.D. number. However, ranges should retain records of shipments of lead from the range, and the facilities to which they were sent, in order to demonstrate that the lead was recycled.

4. Sections 7002 and 7003 of the RCRA statute allow the USEPA, states or citizens, using a civil lawsuit, to compel cleanup of "solid waste" (e.g., leadshot) posing actual or potential imminent and substantial endangerment. Such action can be sought whether the range is in operation or closed, and is based solely on a determination that real or potential harm is being posed by the range to public health and/or the environment. Since the risk of lead migrating increases with time, ranges that have not removed leadshot are more likely candidates for government action or citizen lawsuits under RCRA Section 7003. Therefore, ranges are advised to maintain a schedule of regular lead removal.

### Benefits of Lead Management

Lead removal and implementation of other BMPs will allow the range to: minimize contamination of the range and potential impacts to human health and the environment; reduce liability with regard to potential agency or citizen lawsuits; possibly benefit economically from the recycling of lead; enhance its role as a good steward of the environment; and increase customer satisfaction.

EPA Lead Shot Brochure

## Legal Subcommittee, cont'd

### Want More Information?

For a copy of the USEPA *Best Management Practices for Lead at Outdoor Shooting Ranges*, please complete the information below and fax or mail to:

Leadshot Coordinator  
 RCRA Compliance Branch  
 U.S. Environmental Protection Agency  
 Region 2  
 290 Broadway - 22nd Fl.  
 New York, NY 10007-1866  
 Fax: (212)637-4949  
 E-Mail: [LeadshotRegion2@epa.gov](mailto:LeadshotRegion2@epa.gov)

The manual will also be placed on the world wide web at [www.epa.gov/region2/waste/leadshot](http://www.epa.gov/region2/waste/leadshot).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_



United States Environmental  
 Protection Agency - Region 2  
 EPA-902-F-00-001

### Do You Use Best Management Practices for Lead at Your Outdoor Shooting Range?

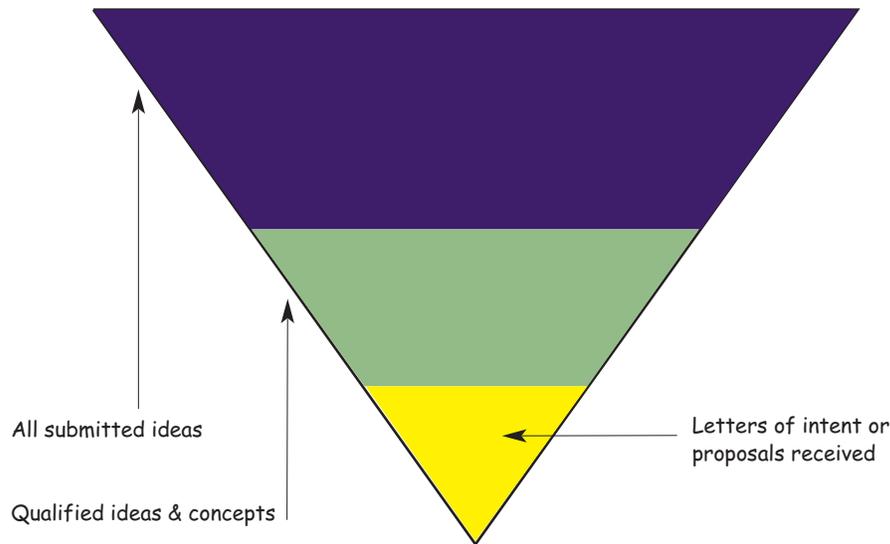


Cover photo by: Mr. Jack Hoyt

EPA Lead Shot Brochure

## Records, Reports & Archives Subcommittee

### A. Collection and Categorization of Public and Private Ideas



From its inception, the MOAC goal was to begin to lay the groundwork for the Town Board to try find a way to cooperate with the State of New York with the end result being that the Town of Warwick would largely, if not completely at some point in the near future, control the destiny of the site. Substantial work was done by each of the subcommittees to be able to put in place some guidance for the Town Board to begin to understand the level of interest of both private and public uses that have a very real possibility of thriving at the prison site.

After the *Community Outreach Subcommittee* organized a public meeting on December 7, 2011 several ideas and patterns began to emerge. Despite many innovative suggestions made during this session at the WV Middle School and during each of the public work sessions by the committee, there remained some serious constraints – legal, financial, environmental, and time – that have influenced our final report. *There has been such a growing demand for the site that there is potentially not enough available space for all the organizations and groups which have expressed interest. Consequently, we will publish a separate report containing a summary of these ideas for later consideration by the Board.*

First we grouped the original ideas and concepts into major categories that included the following: (from Appendix A, page 6) Education, Industrial, Ag-related, Light industrial, Recreational & Hospitality, and Housing & Residential. Next, we arranged the potential users into two categories:

1. Those groups from whom we have received “letters of intent,” including the public uses which the Town of Warwick or other Not for Profit organizations identified as “definite at this point.”
2. Groups of other users and uses for which we have had some expression of interest but for which no letter of intent has yet to be received. Many of these, we believe, will come on board later as soon as they can see that the Town and State have worked out arrangements for moving forward.

*continued*

# Records, Reports & Archives Subcommittee, cont'd

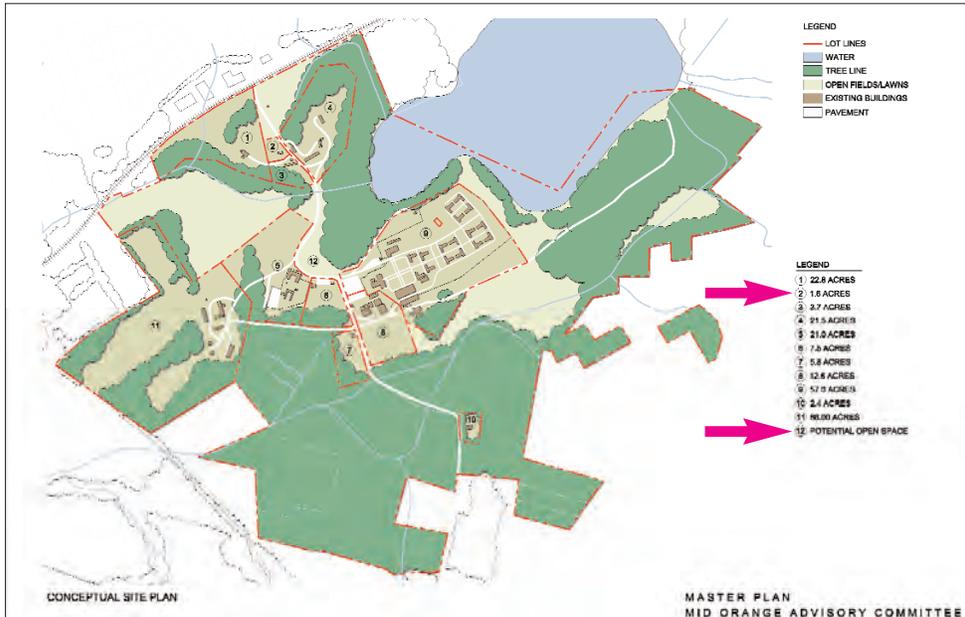


We evaluated each subcommittee recommendation in the framework of our original charge, namely, to identify “ways to develop the site that will ensure long-term job possibilities for residents of our community in a way that is compatible with the Town of Warwick Zoning Code and that enhances the tax ratables within the Town. Other recreational, historic and/or other ancillary uses should be considered as long as they fit within the overall plan of viable economic development for the site.”

Accordingly, here are the most promising uses for the property parcels **for which we have already received either a letter of intent or a concrete proposal:**

## 1. WETLANDS PRESERVATION

Note: There are 726 acres comprising the Mid-Orange Correctional Facility property, about half (352 acres) designated as wetlands, restricting development. The benefit to the Town that this zone creates, however, is in ownership and maintenance, since transferring this responsibility to a mutually beneficial third party, like the Orange County Land Trust, would reduce the responsibility for maintenance, preserve its wetlands designation, and provide the opportunity for public enjoyment. Its impact would also indirectly enhance nearby business properties by making their landscaping more attractive and their commercial value stronger.



**Conservation and Historic Preservation** (preservation of wetlands, aquifers, biodiversity)  
Transfer to the Orange County Land Trust (OCLT) approximately 323 acres of freshwater wildlife sanctuary wetlands and aquifers and 150 acres of upland open farmland. Include the historic 1841 Manor House for occupancy by a land steward, OCLT administrative offices, conference, exhibition and seminar rooms. (See letter of interest obtained from OCLT Board of Trustees).

continued

# Records, Reports & Archives Subcommittee, cont'd

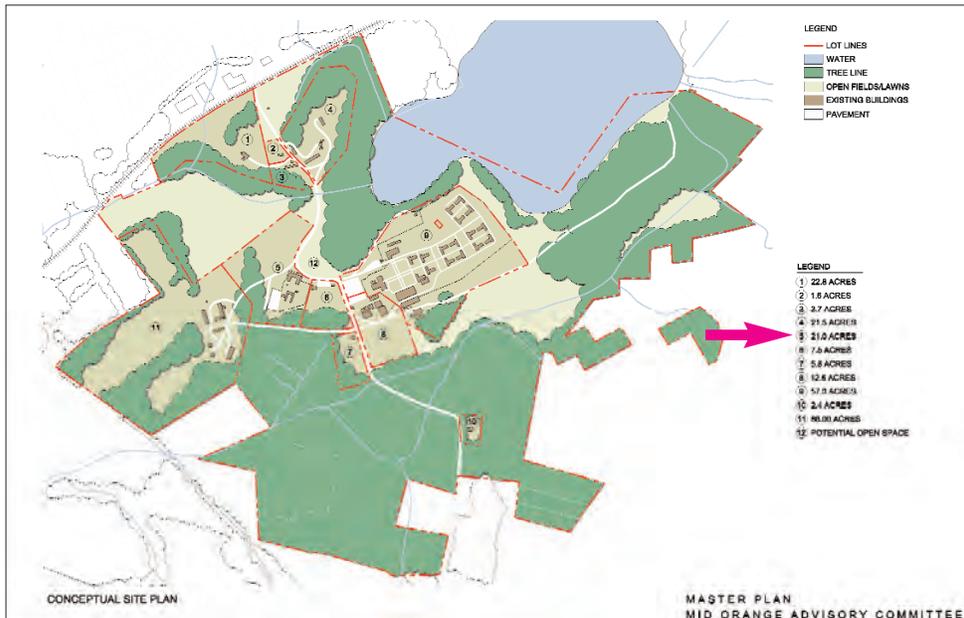
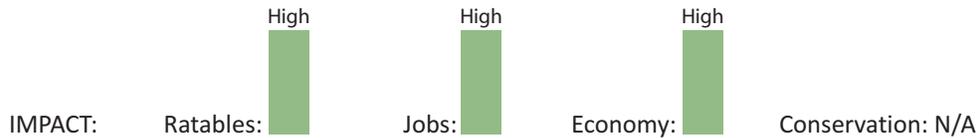


The State Environmental Quality Review Act (SEQR) provides a means to identify and assess unique or exceptional natural or cultural resources in a community through the designation of Critical Environmental Areas (CEA). The safeguarding of this portion of the facility would also address the Town's need to address the following:

- Protect its natural scenic quality and environmentally sensitive areas
- Ensure that groundwater quality meets Safe Drinking Water Act quality standards and that an adequate amount of water will be available to provide for future needs
- Protect surface and ground waters from point and non-point source pollution
- Protect habitats for the diversity of existing flora and fauna in Warwick
- Protect wetlands as important environmental resources

## 2. INDUSTRIAL - LIGHT INDUSTRIAL

*Note: There are 57 acres in which several buildings are located, a well-suited portion for industrial/light-industrial, such as the new home for the **Trans Tech Bus Company**, a local manufacturer of electric buses, who has submitted a letter of intent to relocate here.*



The major benefits to the Town span three parameters: ratables, jobs, and economy. While the company is already doing business in the Town, it would provide a needed area for growth, close to its present location, and an opportunity to position the Town as a center for green manufacturing, with the focus on the manufacture and assembly of electric buses for which there is a growing worldwide demand.

*continued*

## Records, Reports & Archives Subcommittee, cont'd

### 2. INDUSTRIAL - LIGHT INDUSTRIAL, cont'd

In an article published in The Wall Street Journal on December 28 2011, it explained the Warwick, NY company's strong niche:

“

As long as Americans love to drive far and fast, electric cars may never be the perfect answer to the country's green transportation needs. But the routine runs of electric school buses are another thing altogether. Bus maker Trans Tech Bus this year said it would start making an electric school bus in a partnership with Smith Electric Vehicles.

The eTrans bus is one of a new generation of zero-emission electric and hybrid-electric models that are slowly making their way to school districts around the county. It's hard to imagine the bulky, boxy school bus at the forefront of clean-energy and fuel-saving technology. Most buses run on diesel fuel, get mileage in the single digits and have the aerodynamic profile of, well, a school bus.

But school buses are almost ideally suited to be electric vehicles. For one thing, they cover fairly short distances on their daily runs, rarely leaving city limits on the way to and from school. And they follow set, predictable routes. That reduces the chances of a bus accidentally running out of battery power before it finishes its route and returns to the lot.

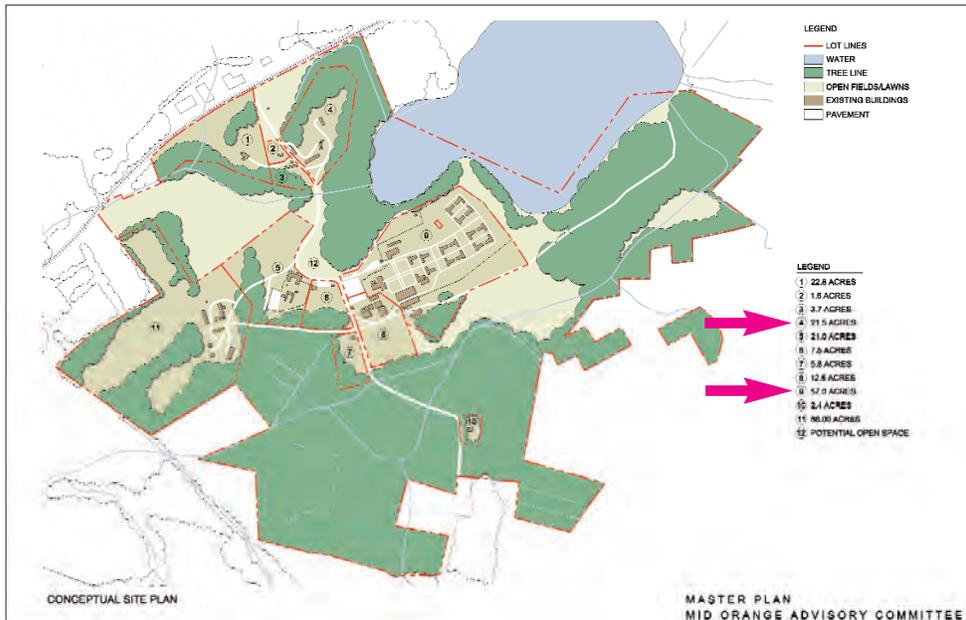
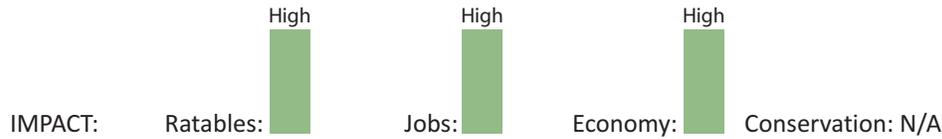
What's more, school buses make frequent stops. While that's bad for fuel-efficiency on a conventional gasoline or diesel vehicle, electric vehicles can capture some of the energy used in applying the brakes to recharge their batteries, extending their range. One big plus: School buses are off the streets sitting in a depot for much of the day, giving them plenty of time to recharge their batteries.



## Records, Reports & Archives Subcommittee, cont'd

### 3. INDUSTRIAL - LIGHT INDUSTRIAL

Note: There are 57 acres in which several buildings are located, a well-suited portion for industrial/light-industrial, such as the new home for **QRT Green Energy Enterprises of NY**, a manufacturer of green solar-voltaic energy, sophisticated LED lighting, and power generation who has submitted a letter of intent to locate here.



Identifying a firm that could provide renewable electric power (via solar photovoltaic cells) supplementing Orange & Rockland Utilities, Inc. requirements, thereby reducing the Town’s power drain on the regional grid, was a conclusion reached by both the Community Outreach and Agency Interaction Subcommittees, and QRT Green Energy Enterprises meets those requirements.

QRT is a value-added Suniva® partner, an American manufacturer of high-efficiency crystalline silicon photovoltaic (PV) solar cells and high-power solar modules. The company uses patented, low-cost manufacturing techniques and industry-leading technology to produce its high-quality products and maintain competitive costs. Headquartered in metro-Atlanta, GA, Suniva sells its high quality PV cells and modules globally. Its world-class team has decades of PV industry experience, a unique development approach and innovative proprietary processes. QRT’s other partner, LED manufacturer Luma Vue®LED, has developed highly innovative lighting panels and boards, and is on the cutting edge of innovative lighting technology.

Finally, QRT’s plan would also upgrade the power generating station by installing a cutting edge gas-powered turbine capable of generating sufficient power to sell back to Orange & Rockland Utilities, Inc., and to share with the Town.

*continued*

## Records, Reports & Archives Subcommittee, cont'd

### 3. INDUSTRIAL - LIGHT INDUSTRIAL, cont'd

In 2011 Suniva® was acknowledged in the Top 10 Venture-Backed, Clean Technology Companies, and in 2010 Suniva was Awarded Commercial Technology of the Year by Platts. Luma Vue® was the first LED manufacturer to achieve UL certification:

“

Suniva took the #2 spot for the second year in a row in the Wall Street Journal's The Next Big Thing ranking of the Top 10 Venture-Backed, Clean Technology Companies. A team from venture-industry tracker VentureSource calculated the rankings based on a strict set of criteria applied to 516 U.S.-based venture-backed businesses in clean technology. The winners were announced at The Wall Street Journal's annual ECO:nomics Conference.

Platts Global Energy's Commercial Technology of the Year Award was awarded to recognize companies that apply new technology in the pursuit of efficiency, business advantage and profit. Suniva CEO John Baumstark accepted this award in New York City at the annual awards ceremony on December 2, 2010. "The awards judges were impressed by Suniva's innovative cells and their contributions to moving solar into the mainstream and making solar sensible for anyone who has power needs and access to sunshine," said Larry Neal, president of Platts. "This year's record number of entries and finalists in the energy efficiency and technology categories underscores the industry's increasing commitment to developing environmentally-conscious solutions to the world's supply needs.

Founded in 2006, Luma Vue first entered the LED scene by developing highly innovative lighting panels and boards. From there, the company evolved to advanced lighting solutions that demonstrate unwavering commitment to quality, innovation and customization. LV backs its products up through extensive testing, warranties and certifications; in fact, the company was the first LED firm to achieve UL certification.

LV success is driven by a highly experienced team of engineering, research, development, and retail professionals who apply the knowledge, resources, connections and expertise they've acquired over years of being the best in the business. Its leadership team comes from best-in-class players like Walmart, bringing exceptional experience in international sourcing, global retail management and senior level sales.

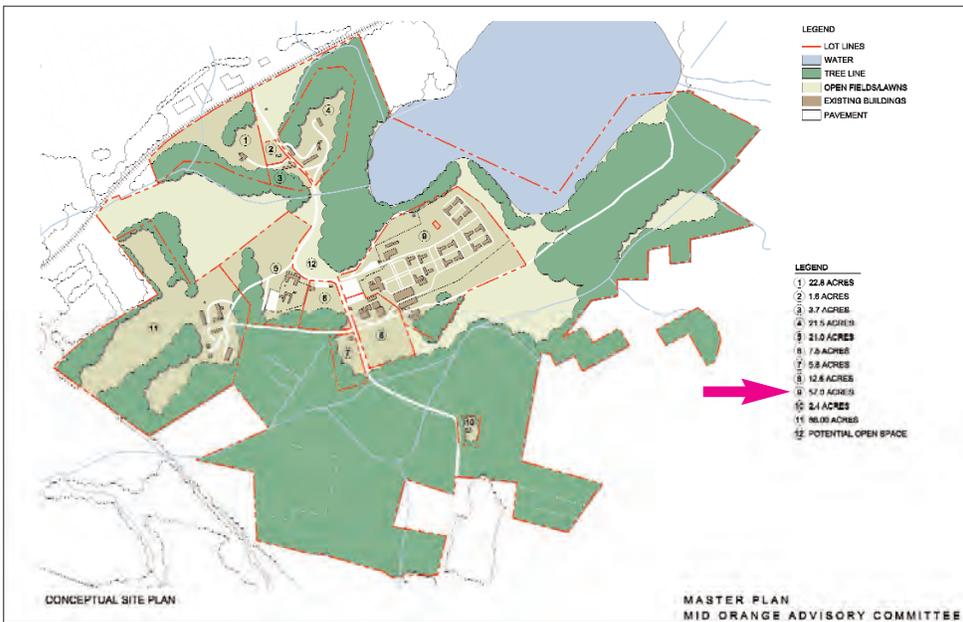
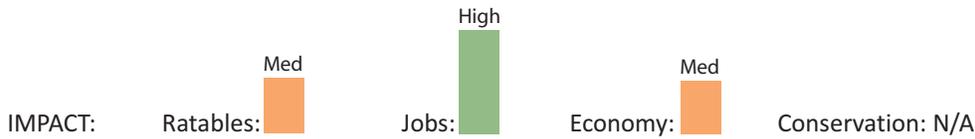
Luma Vue is headquartered in Rogers, Arkansas with offices in Vancouver, Dallas, Atlanta or underway in Greece, Russia, Ireland, the UK, the Philippines, Korea, China and Mexico.



## Records, Reports & Archives Subcommittee, cont'd

### 4. EDUCATION & VOCATIONAL TRAINING

Note: There are several buildings which could provide classrooms, lecture halls, and labs for the training of students who require specialized vocational education. These facilities could also address the needs of the unemployed as well as the businesses who would occupy the campus area adjacent to the educational facility. **SUNY-Orange at Middletown** (the former OCCC), has indicated its support, interest, and involvement in this aspect of the property's development.



SUNY Orange has touched the lives of countless numbers of the county's 350,000 residents through its credit programs, non-credit programming and cultural events. As the needs of the community grow, the college will continue to play a significant role in the county's endeavor to face the challenges and to profit from the opportunities that await it.

SUNY Orange was founded in 1950 as the first county-sponsored community college in the State University of New York system. The college has earned its reputation as a pioneer and innovator in meeting the needs of its students and the area it primarily serves. SUNY Orange was the first two-year college in the nation to offer the associate degree nursing program and studies in electron microscopy; and in 1982, the college was the first community college to plan and co-sponsor with local chambers of commerce a business institute.

Accredited by Middle States Association of Colleges and Schools, academic credits can be earned through full- or part-time study in the day, evening, or both. The college offers three degrees—the Associate in Arts, Associate in Science, and Associate in Applied Science. The college also offers extensive technical programs in career fields (with transfer options) and one-year certificates.

*continued*

## Records, Reports & Archives Subcommittee, cont'd

### 4. EDUCATION & VOCATIONAL TRAINING, cont'd

An article in the October edition of *Harvard Business Review* explains why the kind of training and education that SUNY Orange specializes in is so critical to a successful career:

“

To move from good to much better, you need to engage in the business equivalent of cross-training. If you're technically adept, for instance, delving even more deeply into technical manuals won't get you nearly as far as honing a complementary skill such as communication, which will make your expertise more apparent and accessible to your coworkers.

In this article we provide a simple guide to becoming a far more effective leader. We will see how [Tom] identified his strengths, decided which one to focus on and which complementary skill to develop, and what the results were. The process is straightforward, but complements are not always obvious. So first we'll take a closer look at the leadership equivalent of cross-training.

In cross-training, the combination of two activities produces an improvement—an interaction effect—substantially greater than either one can produce on its own. There's nothing mysterious here. Combining diet with exercise, for example, has long been known to be substantially more effective in losing weight than either diet or exercise alone. . . .



# Records, Reports & Archives Subcommittee, cont'd



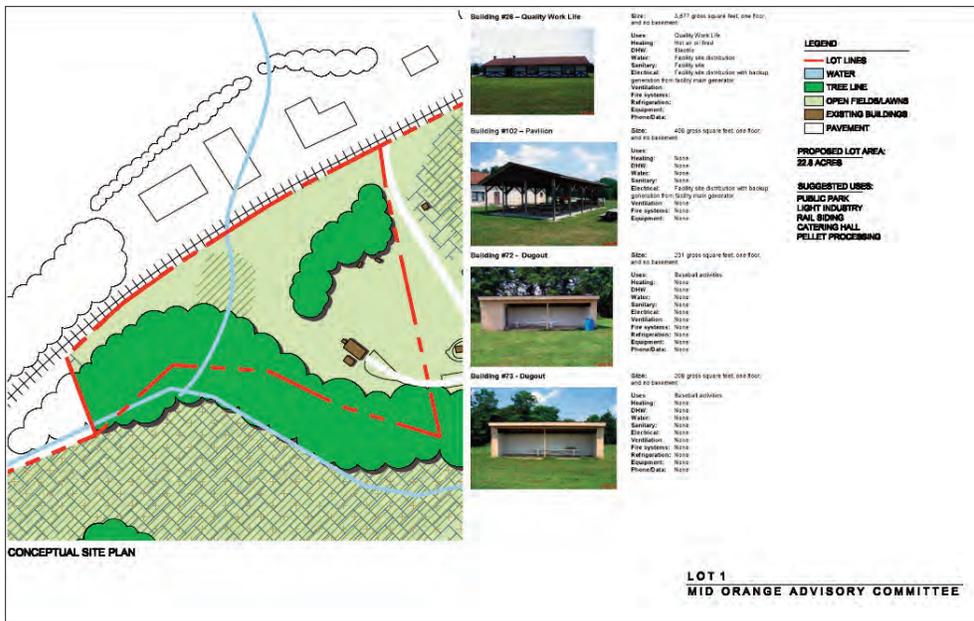
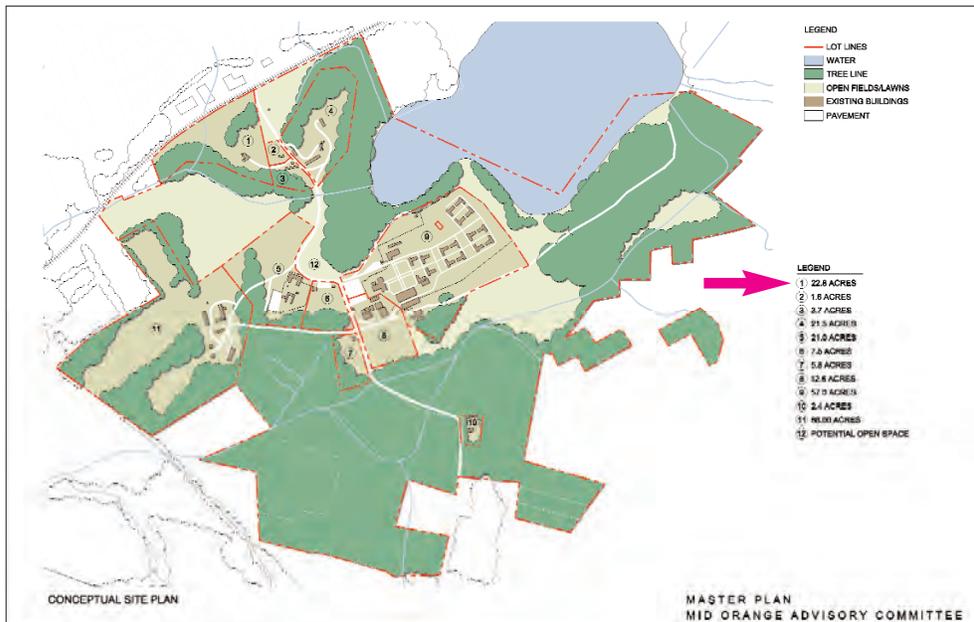
## 5. COMMUNITY RECREATION

Note: The clubhouse building and adjacent baseball field would be a welcomed addition to the growing demand for recreational facilities (including community meeting areas, sports activities, etc.) to be located throughout the Town.

IMPACT: Ratables: N/A    Jobs:N/A    Economy:     Conservation:

High

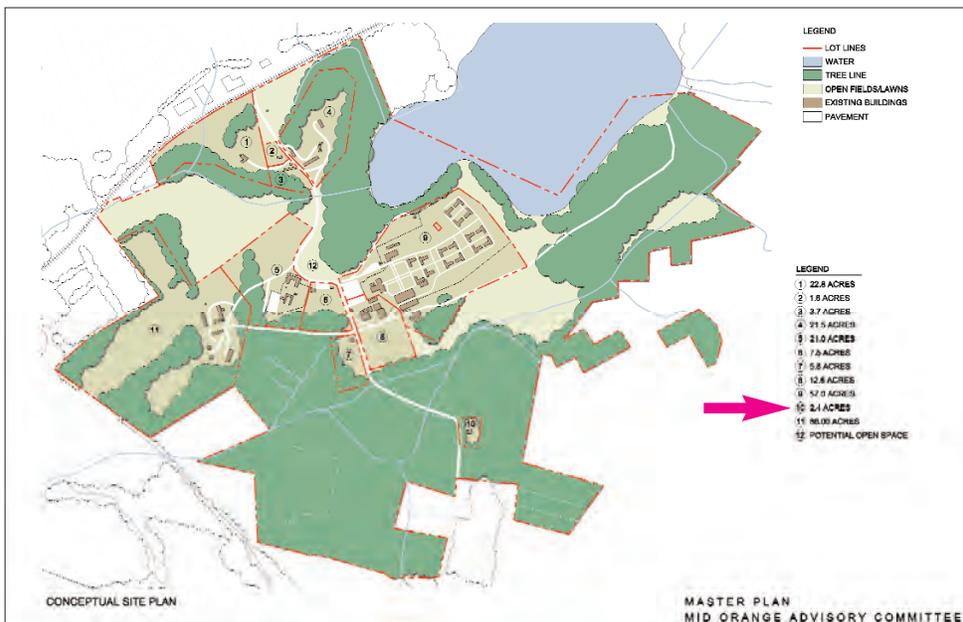
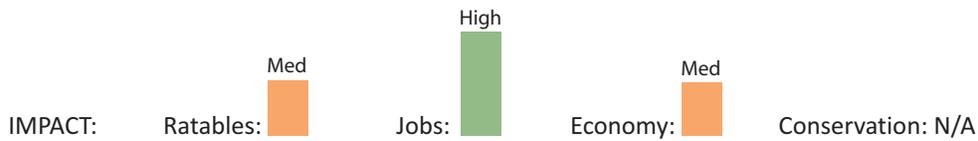
Low



## Records, Reports & Archives Subcommittee, cont'd



*Note: The sewage treatment facility offers a unique opportunity for the Town, which has been maintaining it, in cooperation with the State of New York, for the last 25 years, to provide treatment for the residential neighborhoods of Wickham Village, Wickham Knolls, Kings Estates, and more recently for Ridge Homes, Wickham Lake Homes, and Warwick Airport. The area occupies 2.4 acres and can also act as a repository for area septic pumping companies who typically transport their collections outside the area. Moreover, the facility could also be used as an additional revenue source for both private and commercial enterprises relying upon portable septic systems from RVs and the portable toilet structures used for events and agriculture.*



Although the sewage treatment facility has been a critical component of the Town’s infrastructure for the last 25 years, there exists a unique opportunity to broaden its capability as a revenue source as well. Repositioning the unit as a treatment source for companies that are currently using more distant/more costly solutions is an attractive repurposing pathway for such a structure. Hopefully this idea will be considered and evaluated, assuming there is sufficient treatment capacity still remaining that would not overburden it.

*continued*

## Records, Reports & Archives Subcommittee, cont'd

### 6. SEWER TREATMENT FACILITY, cont'd



In 2008 the **NY State Department of Environmental Protection** published research concluding that “Across New York State there are over six hundred wastewater treatment facilities that serve 1,610 municipalities. The facilities range in size from New York City’s vast system that processes 1.3 billion gallons of wastewater a day through 14 facilities, to small village systems that process less than 100,000 gallons a day. These facilities provide wastewater treatment for more than 15,000,000 people across the state.

While fewer than 40 percent of municipalities have a capital improvement plan for their wastewater collection systems, the Town of Warwick has been actively engaged in the maintenance of this sewage treatment facility for 25 years. Except for transportation infrastructure, water and wastewater infrastructure are the largest municipal assets. Adequate water infrastructure funding is a critical component of urban revitalization, smart economic growth and property tax relief. It is essential for the protection of public health and environment.

## Mid-Orange Advisory Committee: Conclusion



“The future belongs to those who fuse intelligence with faith, and who with courage and determination, grope their way forward from chance to choice, from blind adaptation to creative evolution.”

- Charles Merriam, 1934

As this report attempts to summarize the work of the other four subcommittees, we are struck by the sustained interest in this location by the very kinds of companies that our initial research – as well as public input – suggested could benefit from its resources. The organizations expressing a willingness to invest their time, talent, and energy all share an enthusiasm that could not have been predicted a few short years ago. Until recently, most thought that entrepreneurial spirit had retreated as the Great Recession began to unfold and envelop our region and nation.

Luckily there are companies who view opportunities on a global scale and who, when afforded the chance, will thrive even under the most challenging of conditions. Why? Because they want to. And so, despite the presence of serious constraints – legal, financial, environmental, and time – we face, as we wrote earlier, such a growing demand for the site that there is potentially not enough available space for all the organizations and groups which have raised their hand.

We are confident, therefore, in the indomitable spirit of American ingenuity that has always prevailed in the past and which, with the support of the State of New York, can help us forge a brighter future for all participants.