

Town of Warwick Farmland and Open Space Preservation Program

132 Kings Highway

Warwick, NY 10990

Phone: (845) 986-1120 x 241

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Dear Landowner,

Thank you for expressing interest in the Town of Warwick's Farmland and Open Space Preservation program. Under our Community Preservation Chapter, your property must be listed in the Community Preservation Project Plan, which can be viewed online at www.townofwarwick.org under Resident, Community Preservation and Sustainability, to be eligible for funding. Please fill out the attached information sheet as completely as you can. In addition, please provide whatever appraisal and survey information you may have. This information will be provided to the Community Preservation Advisory Board for ranking during the next round of funding evaluations.

Sincerely,

**Jesse Dwyer
Supervisor**

JD/ma

WHAT IS PDR?

PDR stands for Purchase Development Rights.

PDR has been in place in Warwick for over 20 years. This \$9.5 million bond issue was embraced by the voters of Warwick in 2000 to save farmland through the voluntary purchase of the development rights of farm properties and open space for recreational use or of historical significance. *The protected lands are deed restricted from all future development in perpetuity, there is some flexibility within the farmland complex for future owners of the protected farms. Farmers receive monies to spend as they wish, to modernize their operations or leave as a legacy.* To date over 5,000 acres have been protected locally in this way. PDR is protecting land across the nation and Warwick is a leading example of its success.

Why PDR?

PDR affords landowners development profits without giving up ownership or operation of their land. The goals are to preserve the rural beauty of Warwick; avoid the overbuilding that has plagued Rockland and Bergen counties; keep an active farming community to protect our source of food security. [An issue highlighted by the recent development in Ukraine] It has the added benefit of helping to keep the tax rates low as school taxes will not be impacted by new housing with young families. These factors will ensure the tourist industry, which supports many businesses in our area, will continue to flourish as Warwick remains a beautiful, historic, rural, unspoiled destination.

What is the PDR process?

If you are interested in exploring this for your farm the first step is to see if your property is eligible. It must be on the Community Preservation Project plan which you can see by going to the TownofWarwick.org website - Click on Residents, then Community Preservation and Sustainability then What is PDR then the PDR map. You can go to Town Hall and talk to the Supervisors office about the eligibility to confirm that your application qualifies for PDR. Then check out the application form, also on the Town website. [The link is right below the PDR Map] *If approved the landowner will receive a payment that is the difference between what the land is worth for development versus its value as farmland. You must obtain a survey of your property, a title report and a review by your attorney of the easement restrictions. The Supervisor's office can help you with this. Survey and title costs are reimbursed 100% to you at closing.*

The value of the land as farmland is evaluated in part by the quality of the soil to assess the agricultural viability of the land. Once determined that it contains 50% or greater soils that are prime or of statewide significance the Town will submit the application to the USDA/NRCS [Natural Resource Conservation Service] or the NYS Department of Agriculture Farmland Preservation program.

Where does the PDR money come from?

The funding comes from a mix of Government funding - Federal and/or State, and local funding from the Town of Warwick generated from the local CPF Fund. [Community Preservation fund]

This is funded by a Town voter approved Real Estate Transfer Tax in Warwick.

Town of Warwick Farmland and Open Space Preservation Program

The Town of Warwick's decision to commit funds to the acquisition of development rights may only be made by the Town Board. This decision is based upon the Community Preservation Project Plan objectives and an advisory opinion from the Community Preservation Advisory Board (CPAB) which is made up of citizens representing all geographic areas of our Town. The basic process is as follows:

- 1) All applications are reviewed by the CPAB and recommendations are submitted to the Town Board.
- 2) Outside funding to support the acquisition are sought. This may take time and involve participation by the applicant.
- 3) Once funds are committed by the Town to an application, both parties will progress the application to conclusion in a timely manner.
- 4) Upon closing of the development rights acquisition, annual monitoring of the Town's as well as its partners easement will be conducted.

Attached is the ranking criteria used by the CPAB for your consideration. It should be stressed that you can significantly raise the ranking of your farm/property by expressing a willingness to accept a partial or complete time payment in the form of a municipal bond backed by the full faith and credit of the Town of Warwick. It is advisable to discuss this option with your financial advisor.

TOWN OF WARWICK

FARMLAND PRESERVATION PROGRAM

APPLICATION AND OFFER TO SELL A DEVELOPMENT EASEMENT

Note: If the space provided for you to answer a question is insufficient, attach additional sheet(s). Please answer all questions fully.

Applicant(s) Name(s): _____

Social Security #: _____

Date: _____

Eligible Farms: Only those farms which are presently designated in an Orange Co. Agricultural District are eligible to apply for any of the available Farmland Preservation Programs.

Once the easement is sold, the owner agrees to a deed restriction that permanently prohibits residential, commercial or industrial subdivision. He still owns the land, and he may farm it, rent it, sell it or use it any other way that is legal. The intent of the program is to sustain and encourage agricultural use of farmland. This is defined as the use of land for farming, including, but not limited to: crop production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities, and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management and grazing.

PLEASE COMPLETE THE REMAINDER OF THE APPLICATION BY PROVIDING THE FOLLOWING REQUESTED INFORMATION.

1. LANDOWNER INFORMATION:

A. Name, mailing address, and phone number of all landowners who have an ownership interest:

Name	Address	Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Business type: (check one)

Sole proprietor (husband and wife)

Corporation

Partnership

Estate

Trust

C. State the street address for each parcel (if more than one):

D. State when the current owners acquired title to the property

E. State the name, address and telephone numbers of the person who should be contacted concerning this application:

Name:

Address:

Telephone: Day: _____ Night: _____

2. PROPERTY INFORMATION

A. Name the property from which the development easement is to be sold (list each lot separately):

Town/Village

Section

Block

Lot

Acres

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

B. What is the total acreage of the premises? _____ acres

C. State the source of the acreage number:
_____ survey _____ tax map _____ deed _____ tax bill

D. Will any portion of the above tax lots be excepted from the Easement Purchase application:
_____ Yes _____ No

If yes, identify the location, approximate shape and the acreage of the excepted area(s) on the tax map: _____

E. What is the net acreage of the premises to be considered for easement purchase (total acreage minus the excepted acreage)? _____ acres

F. State the date(s) of any previous application(s) made to sell the development rights to this property: _____

G. Has the property been appraised within the year preceding the date of this application?
_____ Yes _____ No

If yes, state the reason the property was appraised: _____

H. State how the property is zoned: _____

I. Is the property assessed as farmland? _____ Yes _____ No

3. PHYSICAL DESCRIPTION AND AGRICULTURAL USE OF PROPERTY

A. Identify the acreage use of the land to be considered for easement purchase. Refer to tax bill or farmland assessment forms. Total should equal acres listed on bill. Please include a copy of your most recent Farmland Assessment form or tax bill with this application.

USE # ACRES

Field Crops _____
Pasture _____
Orchard _____
Dairy _____
Equine _____
Cattle (Beef) _____
Buildings _____
Wet (non-tillable) _____

USE # ACRES

Nursery _____
Woodland _____
Vegetable _____
Number of Head _____
Number of Horses: _____
Number of Cattle: _____
Number of Sheep, Hogs or Goats _____

Other (describe): _____

B. List in order of importance (#1 being the most important) the types of agricultural enterprises on your premises. (i.e. dairy, hay, Christmas trees, field crops, etc.).

(1) _____ (2) _____
(3) _____ (4) _____

C. If you intend to use the property differently from how it has been used over the last year, describe what changes you intend to make: _____

D. Name all roads on which this property has frontage: _____

How many feet on each: _____

E. Describe all bodies of water which are on or adjacent to the property. For any water body on the property, describe its approximate size, depth, location on the property and use (if any).

F. Describe all non-residential improvements which assist in or support agricultural use on the property (i.e. barns, sheds, drainage systems, irrigation systems, etc.)

<u>IMPROVEMENT</u>	<u>SIZE (Sq. ft. or acres served)</u>	<u>USE</u>	<u>DATE OF IMPROVEMENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

G. Does the farm have a current U.S.D.A. Farm Conservation Plan?

_____ No _____ Yes If yes, provide a copy of the plan with this application.

H. Is this farm within an Agricultural District?

_____ No _____ Yes: Date of Creation _____ District # _____

I. Describe any improvements (whether or not for agricultural use) which you plan to make to the property and when you plan to make them. _____

J. Is the property managed or farmed by any person(s) other than the owners? If so, state their names and addresses below.

K. Identify anything special about the property (e.g. historical significance, uniqueness of the agricultural operation, etc.).

L. Liens/Easements/Rights-of-Way - please list any liens, easements, or rights-of way that exist on the premises: (Note: the applicant should receive preliminary approval from current lien, easement and right-of-way holders granting the applicant permission to proceed with negotiations involving the sale of a development easement. Regarding public utility easements, the applicant shall note if any exist. The TOWN will determine if the easement holder should be notified or if a waiver should be granted.

M. Is farm located within 1.0 mile of Black Dirt region? _____

Is farm located within 1.0 mile of existing conservation easement? _____

4. BUILDINGS

A. Describe any structurally sound buildings on the property that are not in use and state the reason for their non-use. _____

B. Describe the type and size of all non-agricultural uses which are operational on the property (e.g. business office, home occupation, etc.). _____

C. Describe each housing unit and its residents on the property. For "interest", state below whether the resident is an owner of the property, a relative of an owner, the farm operator, ag labor or unrelated to the farm.

<u>SIZE (sq ft)</u>	<u>DATE CONSTRUCTED</u>	<u># OF RESIDENTS AND CAPACITY</u>	<u>RESIDENT(S) INTEREST</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. Complete the following:

Number of Single Family Residential Buildings	_____
Number of Multi Family Residential Buildings	_____
Rental Units (Apartments)	_____

5. PROPERTY - LEGAL STATUS

A. Name each person (other than the persons who hold title) who has a legal interest in the property (including, but not limited to a mortgage claim, lease, use easement, access easement, right-of-way) and describe the interest.

Name and Address

Interest

B. Is the property listed for sale? _____ Yes _____ No

C. Within the last year has sale of the property been under negotiation? _____ No
_____ Yes. If yes, describe the negotiations and their status.

D. Is the property under agreement of sale or does any person have an option to purchase?
_____ Yes _____ No

E. Describe any application for development of the property which was filed within the last three years. _____

Date of preliminary approvals _____
Date of final approvals _____
Please provide documentation of approvals.

F. Describe any pending court or arbitration proceedings which concern the property or which might have an impact on the property: _____

6. RESIDUAL DWELLING SITE OPPORTUNITY (RDSO)

A. Each farm in the program may be entitled to one or more Residual Dwelling Site Opportunities (RDSO's) An RDSO is the right to construct a residential unit and other appurtenant structures on the deed-restricted property. The RDSO is to be used for agricultural purposes. The TOWN will decide how many RDSO's to allocate to a farm, but not more than two RDSO will be allocated for each 100 acres of the property. The number of RDSO's which might be allowed include existing residential buildings.

State the number of RDSO's you are requesting. _____

* Submit a tax map (obtainable at Town Assessors office) of all lands you own in Town of Warwick. Lightly color in your land.

7. EXCEPTIONS

If you are not eligible for an RDSO or prefer not to utilize that method, your alternative for excluding a portion of the property from the application would be to request an exception. An exception* is a portion of the applicant's land holdings not to be encumbered by the deed restrictions. The area of the exception should not exceed 5% of the gross land area of the premises. The location of the exception should not negatively impact the agricultural operations. The TOWN will require Right to Farm language on the exception.

If you wish to request an exception from the subject property, state the number of acres you want to exclude and submit with this application form a copy of the tax map on which you have indicated its location, approximate size and shape.

Number of acres (if any) you wish to exclude: _____
Map included: _____ Yes _____ No (map is required)

After all applications are ranked and approved by the Town Ag. Advisory Board and the Town Board, and they are submitted to the Dept. of Ag. and Markets, an independent appraisal must be done for any/all farms that are selected for PDR. The Town of Warwick, and NYS Dept. of Ag. and Markets request that the applicant fill in the blank in the following paragraph so that the Board will know whether the land owner is in the "ball-park" of current fair market values.

As landowner(s) of the premises described above. I/we are willing to make an offer to sell a conservation easement to the Board in the amount of \$ _____ per acre). I/we realize that this figure is non-binding and the final per acre will be determined after an independent appraisal is done on the subject property. (Please note: The amount which an independent appraiser arrives at will be the development value less the agricultural value per acre for the entire property, which will then become the easement value. **The value which you state, should be your close estimate of the development value.**

Please disclose whether any owner or family member serves in a position of public trust, i.e. Town, Village or County official capacity, voluntary or paid. Also, officer in Cornell Ag. Exten. or similar post:

NAME _____	ORGANIZATION _____	POSITION _____
NAME _____	ORGANIZATION _____	POSITION _____

The purpose of this is to avoid any appearance of conflict of interest that might hamper the investigation.

ACKNOWLEDGMENTS AND AUTHORIZATIONS:

A. All persons signing this application certify that the information provided in this form is true. Applicants understand that this application may be disqualified in the event that it is found that the applicant has willfully provided false information.

B. All persons signing this application agree to cooperate in the review of this application and to provide such additional information which the TOWN deems necessary.

C. Because the purpose of this program is to permanently deed restrict your property against residential, commercial or industrial subdivision, it is recommended that you consult with an attorney and/or financial advisor with respect to how this restriction could affect you.

D. Applicant(s)'s signature(s) below shall authorize the Town of Warwick and its agent and employees in the evaluation of this application. All current owners of the property must sign below.

_____	Date _____
_____	Date _____
_____	Date _____

(Landowners' signatures - follow with printed ones)

TOWN OF WARWICK COMMUNITY PRESERVATION FUND PROGRAM

Application Procedures 2010

Attachment B: TOW Community Preservation Plan: Guide for Project Evaluation

Identify the items addressed in the application, and give a number score to each item that applies. Remember this is to assess the open space values and determine the range of resources for each project.

Public Water supply/Aquifer Protection	25 points	_____
<u>Eligible Areas to consider</u>		
Public water supply watershed properties	10 points	_____
Wellhead protection lands too to 1500 ft radius	10 points	_____
New water supply properties	10 points	_____
Properties adjacent to DEC priority water body's list	10 points	_____
Participates in water quality stewardship pgm(e.g. CREP, etc)	10 points	_____
Agricultural Lands	25 points	_____
<u>Eligible Areas to consider</u>		
Prime agricultural soils	15 points	_____
Other agricultural soils	10 points	_____
Active agriculture	10 points	_____
Well-maintained buildings and accessories	10 points	_____
Adjacent to other active/preserved farms	10 points	_____
Village/Hamlet Greens, Parks, Recreation & Open space	20 points	_____
<u>Eligible Areas to consider</u>		
Trail corridors and linkages	10 points	_____
Municipal parks	10 points	_____
Buffers to existing parks	10 points	_____
Public access to stream/lake shoreline	10 points	_____
Nature Preserves	10 points	_____
Management includes public access	10 points	_____
Historic Places and Landmarks	20 points	_____
<u>Eligible Areas to consider</u>		
Scenic byway corridors	10 points	_____
Lands supporting National/State Historic sites or Districts	10 points	_____
Scenic area of County Significance	10 points	_____
Other official historic or cultural recognition	10 points	_____
Freshwater Wetlands & Bio Diversity Conservation Areas	20 points	_____
<u>Eligible Areas to consider</u>		
Presence of Federal endangered species	10 points	_____
Presence of State listed endangered species	10 points	_____
Presence of valuable habitats	10 points	_____
Bordering priority aquatic systems	10 points	_____
Participates in forest management or biological stewardship program	10 points	_____
Supplemental Criteria		
Includes outside funding - 5 pts per 10% funding	10 points	_____
Property is adjacent to presently protected open space land	10 points	_____
TDR banking in support of the Town's TDR laws	10 points	_____
High development potential and/or imminent land use conversion	20 points	_____
Fund request includes full/partial installment payment - 5 pts per 10% funding	10 points	_____
Economic value to the community and region	10 points	_____
Located in a Priority Growth Area	10 points	_____
Total possible points	445 points*	_____

* can be higher depending on outside funding percentage

TOWN OF WARWICK
 AGRICULTURAL LANDS CRITERIA
 EVALUATION AND RANKING SYSTEM

Name of Site: _____ Date: _____

Prepared By: _____

AGRICULTURAL SITE EVALUATION FACTORS
 Point Values & Explanations

Factor 1. Land in agriculture or a compatible land use within 0.5 miles of site boundary.

	<u>Point Value</u>
75% or more	20
50% to 74%	16
25% to 49%	10
Under 25%	6

Explanation: This factor gives a higher value to agricultural parcels that are surrounded by other agricultural land or other compatible land uses. Farmland adjacent to agricultural land is less pressured than farmland surrounded by non-agricultural land uses. Compatible land uses include woodland, open land, certain types of wetlands and other land beneficial to agricultural land.

Factor 2. Percentage of land in agriculture or compatible land use adjacent to site.

	<u>Point Value</u>
66% to 100%	20
33% to 65%	16
0% to 32%	4

Explanation: This factor gives a higher point value to those parcels of land that have land in agriculture or a compatible land use adjacent to the site. "Adjacent to the site" means the percent of adjacent property boundary lines (in linear feet) that is shared by the site and another land use.

Factor 3. Percentage of site in crop land (hay, row crops, managed pasture).

	<u>Point Value</u>
75% to 100%	20
50% to 74%	14
25% to 49%	8
Under 25%	4

Explanation: This factor gives a higher point value to those parcels that have a high percent of ready-to-farm land as opposed to woods or lands that would require greater investment to prepare for farming.

Factor 4. Number of farm operations within 0.5 miles of site boundary.

	<u>Point Value</u>
5 or more	20
4	16
3	12
2	8
1	4
0	0

Explanation: A "cluster" of operating farms provides a setting that may be more likely to support agricultural land use on a long-term basis - for support services, retailing, agri-tourism, etc. This factor complements factors 2 and 3 - surrounding land may be a "compatible" land use, but the existence of active farms should further elevate the parcel's ranking. A farm operation means a separate independently managed farm entity. Farms related to another would not be considered an additional farm operation.

Factor 5. Does the farm containing the site have a substantial number of on-farm investments, such as barns, other storage buildings, fruit trees, irrigation, tile drainage, waterways, or other soil and water conservation measures?

	<u>Point Value</u>
High level of on-farm investments	20
Average level of on-farm investments	10
Low level of on-farm investments	6

Explanation: This factor assumes that a parcel with agricultural operation investments will be easier to keep in agriculture than a parcel where substantial investments would be needed to start an agricultural operation.

Factor 6. Size of the site economically feasible for farming.

	<u>Point Value</u>
20 acres plus	20
5 to 20 acres	10
Under 5 acres	4

Explanation: Future agriculture may be on smaller tracts involving high value specialty crops. There may also be more part-time farmers who will not rely on farming as the major portion of their income. Thus 5 to 20 acre parcels will be important and are feasible and profitable to farm.

Factor 7. Size of site as a viable "farmland black" in acres.

	<u>Point Value</u>
Over 300	20
201 - 300	15
101 - 200	10
51 - 100	5
0 - 50	0

Explanation: This factor gives a higher point value to large parcels simply because the larger the block of land being preserved, the more options there will be for maintaining viable commercial agriculture activities in the future. This factor is meant to be compatible with #6. Smaller parcels may be viably farmed with higher-value crops and, as such, receive a ranking in this context. The larger the parcel, though, the more points are received. The two factors could almost be combined, but keeping them separate helps to clarify the two criteria being considered - viability for a small, high value project farm vs. a large block with its associated large-scale ag potential and open space values.

Factor 8. PDR applied for in previous year:

1 year ago:	4 points
2 years ago	6 points
3 years ago	8 points
4 years ago	10 points

Explanation: This factor rewards somewhat, in cases of close scores, the patience and forward attitude exercised by early applicants.

Factor 9. Farmland adjacent to or proximate (within 0.5 mile) of other farms already approved and protected by an agricultural conservation easement.

Number of owners: One – 5 points

Two – 10 points

Three – 15 points

Four – 20points

Explanation: This factor is aimed at building a critical mass or community of neighboring farmland owners, and reduces the potential of nuisance claims by non-farm neighbors.

Factor 10. Evaluation Committee “Discretionary Points”

This factor recognizes the collective knowledge of the Evaluation Committee and the inability of any land ranking system to include all relevant factors.

(This page, and the ones following, to be completed by the Evaluation Committee. They are included in this package for your information, and your assistance may be needed in completing this section before, during or after the farm site visit by the Evaluation Committee.)

AGRICULTURAL LANDS EVALUATION AND RANKING SYSTEM

II Agricultural Site Evaluation Factors

Assigned Points

1. % of area in agriculture or compatible land use within 1.0 mile of site boundary.
2. % of agriculture or compatible land use adjacent to site.
3. % of site in cropland (hay, row-crops, managed pasture, Veg. Crops)
4. Number of farm operations within 0.5 mile of site boundary
5. Level of on-farm investments (within 5 yrs past)
6. Size of site for economically feasible farm
7. Size of site as a viable "farmland block"
8. Applied in a previous year for PDR
9. Land adjacent to or proximate to (within 0.5 mile) of other farm(s) already approved or protected by a conservation easement.
10. Evaluation Committee "discretionary" points (see next page For explanation)
11. Percentage of soils on total acreage of the site that is of prime and/or statewide importance.

TOTAL ASSIGNED POINTS

DISCRETIONARY POINTS

(Item #10 explained)

It allows the Board, through discussion and consensus, to assign a value based on consideration of the information provided in the "Application and offer to Sell a Development Easement."

This factor assigned a maximum total of 50 points.

Suggested criteria are as follows:

- 0-4 pts. _____ A. Are useable buildings such that could be used in an array of agricultural businesses on the premises?
- 0-4 pts _____ B. Are there local streams, ponds, a lake, or a river on this farm?
- 0-4 pts _____ C. Is the quality of these waters in a state to which they support wildlife?
(In other words, clean water)
- 0-4 pts _____ D. Are there wood lots, and do they support wildlife, or are they a portion of a wildlife corridor?
- 0-8 pts _____ E. Is this farm part of a remarkable scenic view-shed?
- 0-8 pts _____ F. Is this farm located on a scenic road?
- 0-10 pts _____ G. Because of the current ownership, or the operating set-up (such as a farm operator that is now renting, but willing to purchase), does it appear that this farm will be operated by the next generation into the future (the next 20 to 30 years).
- 0-8 pts. _____ H. Because of this farm's soils, natural resources, and location, does this farm exhibit economic viability into the future regardless of the type of farming carried on?

_____ TOTAL DISCRETIONARY POINTS

A. Average relative soils valued (from Orange County and soil and water) _____

B. Total assigned site evaluation points (from Part II) _____

C. COMBINED VALUE _____

TOTAL COMBINED VALUE _____