

TOWN OF HARPERSFIELD

RESOLUTION NO. 007 OF THE YEAR 2011

Councilwoman Catherine Straus offered the following resolution and moved its adoption:

WHEREAS, in December 24, 2010, the New York State Department of Environmental Conservation ("DEC") issued a Water Supply Permit to the New York City Department of Environmental Protection ("DEP") which authorizes DEP (and/or its agents) to purchase land in fee and to purchase conservation easements within the New York City Watershed West-of-Hudson River subject to certain restrictions with a duration of 10 years (with a one five year renewal for a total duration of 15 years). A copy of the Water Supply Permit (Permit No. 0-9999-00051/00001) is available at <http://www.dec.ny.gov/permits/70361.html>;

WHEREAS, under Special Condition 1 of the permit, DEP's acquisition of land in fee and conservation easements under this permit is limited to a cap of 105,043 acres;

WHEREAS, as a willing buyer offering to pay fair market value with no mortgage contingency or real estate commission, DEP's Land Acquisition Program has been very successful in purchasing land and conservation easements throughout the watershed;

WHEREAS, there is a concern that the City's Land Acquisition Program will continue until there is no remaining developable land for purchase;

WHEREAS, DEP is not allowed to purchase land or conservation easements outside of its City boundaries for water quality protection without obtaining approval from DEC under Article 15, Title 5 of the New York State Environmental Conservation Law;

WHEREAS, the Water Supply Permit issued by DEC limits the type of land eligible for City purchases such that there must be a significant water quality benefit to the purchase and the program must not have a significant adverse impact on the community's ability to survive and prosper;

WHEREAS, in the Water Supply Permit, DEC has sought to balance the need for future generations to have access to developable land by restricting from land eligible for acquisition, certain parcels, which from an environmental, social and economic perspective, should be preserved for future residential or commercial development (e.g., access to sewer or other utility infrastructure, road frontage, flat lands, in the hamlet, proximity to the hamlet, dry soils suitable for septic system);

WHEREAS, Special Conditions 7, 8 and 9 of the Water Supply Permit restricts eligibility for land acquisition to land that (i) has certain surface water features and/or steep slopes, (ii) are greater than a certain size and (iii) are vacant. Subject to certain exemptions, parcels that do not meet that criteria are ineligible for acquisition;

WHEREAS, once the City purchases the land and/or the conservation easement, the land becomes forever limited as open space and prohibited from residential and/or commercial development by future generations;

WHEREAS, in order to protect the land that is most amendable for development, Special Condition 10 of the Water Supply Permit identifies two types of areas where the City may not purchase in fee or conservation easements: The 1997 Designated Areas and the 2011 Designated Areas;

WHEREAS, Special Condition 2 of the Water Supply Permit provides as follows:

The City's LAP, the City's Watershed Regulations, and the other programs and conditions contained in the Watershed MOA, when implemented in conjunction with one another, are intended to protect water quality while allowing existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals of each of the Watershed communities. The City's land acquisition goals recognize the importance of ensuring that the availability of developable land in the Watershed will remain sufficient to accommodate projected growth without adverse effects on water quality and without substantially changing future population patterns in the Watershed communities.

WHEREAS, the determination whether the 1997 Designated Area and the 2011 Designated Area is needed to ensure the availability of developable land to accommodate anticipated necessary growth within the community is in the nature of a local land use determination to be made by the Town Board;

WHEREAS, attached as Exhibit A is a listing of tax parcels within the proposed 2011 Designated Area as amended by the Town Board after the public hearing;

WHEREAS, attached as Exhibit B is a map showing the 1997 Designated Area and the 2011 Designated Area as amended by the Town Board after the public hearing;

WHEREAS, the Water Supply Permit allows the local municipality to determine the boundaries of the two Designated Areas and to determine whether parcels in both designated areas should be eligible for purchase by the City;

WHEREAS, under Section 18-39(a)(3) of the New York City Watershed Rules and Regulations, the parcels within the 1997 Designated Area and the 2011 Designated Area are allowed to construct impervious surfaces within 100 feet of a water course subject to an individual stormwater permit from DEP;

WHEREAS, the Town has notified all property owners (based upon the current assessment roll and/or amended as needed to assure the most complete roll of landowners were notified) within the 1997 Designated Area and the 2011 Designated Area notifying them of the opportunity to provide written comment and to provide testimony at a public hearing on the Town's selection of the boundaries of the designated areas and whether such areas are eligible (or ineligible) for City Land Acquisition;

WHEREAS, that the Town Board has complied with the terms set forth under Special Condition 10 of the December 24, 2010 Water Supply permit:

WHEREAS, the Town Board must determine whether to adopt the parcels identified in Exhibit A and noted on Exhibit B as its 1997 Designated Area and 2011 Designated Area;

NOW THEREFORE BE IT RESOLVED,

1. The Town Board adopts as the 2011 Designated Area the parcels identified in Exhibit A and noted in purple on Exhibit B.
2. The Town Board adopts as the 1997 Designated Area the parcels noted in grey on Exhibit B.
3. The Town Board reserves any and all rights under Special Conditions 7, 8, 9 and 10 to make new determinations in 2016 and 2021.

Seconded by Councilman Morris Riddell Jr..

WHEREUPON, the Resolution was put to a vote, recorded as follows:

James Eisel Sr., Supervisor	Aye.
Morris Riddell Jr., Councilman	Aye.
Robert Reeve Jr., Councilman	Aye.
Harold Bedford, Councilman	Absent.
Catherine Straus, Councilwoman	Aye.

Signed this 17th day of June, 2011.

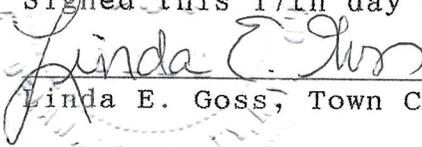
  
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Linda E. Goss, Town Clerk

Exhibit A  
Town of Harpersfield: Designated Area  
Extension Area  
2011

PRINT_KEY	OWNER1	OWNER2	MAIL_1ADDR	MAIL_CITY	MAIL_STATE	MAIL_ZIP
40.-1-19	Fekete, Agnes		176 Terry Rd	Stamford	NY	12167
40.-1-20	Tordai, Laszlo		198 Terry Rd	Stamford	NY	12167
40.-1-22.1	Grosso, Delsey		3555 Olinville Ave., Apt 2F	Bronx	NY	10467
40.-1-22.2	Degala, Rex		5 Laurel Dr	Glenmoore	PA	19343
40.-1-22.3	Grabowski, Ronald J		110 Burlington Blvd	Smithtown	NY	11787
40.-1-23	Page, Elizabeth J		345 Terry Rd	Stamford	NY	12167
40.-1-24.1	Bergstrom, Stanley I		345 Terry Rd	Stamford	NY	12167
40.-1-24.2	Schilling, Jason C		499 Terry Rd	Stamford	NY	12167
40.-1-24.3	Loesel, Robert		549 Terry Rd	Stamford	NY	12167
40.-1-25	Aldrich, Jonathan		PO Box 66	Greenfield	NH	03047
40.-1-26	Stamford Golf Club Inc		PO Box 65	Stamford	NY	12167
40.-1-27.1	Shave, Eric		664 Terry Rd	Stamford	NY	12167
40.-1-27.2	Shave, Eric		664 Terry Rd	Stamford	NY	12167
40.-1-27.3	Shave, Eric		664 Terry Rd	Stamford	NY	12167
40.-1-27.4	Shave, Eric		664 Terry Rd	Stamford	NY	12167
40.-1-28.1	Aragona, Mark		78 Birch Ln	Valley Stream	NY	11581
40.-1-28.12	Nicholson, William F		172 Eagle Ln	Stamford	NY	12167
40.-1-29	Almon, William		245-52 77th Crescent St	Belrose	NY	11426
40.-1-30	Schouler, James R		PO Box 164	Stamford	NY	12167
40.-1-31.1	Veterans Country Club Inc		Jefferson Rd	Stamford	NY	12167
40.-1-31.12	Verizon New York Inc		PO Box 152206	Stamford	TX	750152206
40.-1-31.2	Shenwood, Thomas		PO Box 224	Irving	NY	12167
40.-1-32	Stamford Central School Dist.		1 River St	Stamford	NY	12167
40.-1-33	Nys Dept Conservation		State Hwy 10	Stamford	NY	12167
40.-1-35	Goss, Charles R		PO Box 232	Stamford	NY	12167
40.-1-38	Weishar, Douglas J		PO Box 63	Harpersfield	NY	13786
40.-1-41	Bunger, Charles W		4006 West Gilgo Bch	Stamford	NY	12167
40.-1-42	Keyser, Lawrence R		634 Terry Rd	West Gilgo Beach	NY	11702
40.-1-43	Foulkrod, Thomas P		582 Terry Rd	Stamford	NY	12167
40.-1-44.1	Stavropoulos, Demetrios		21 Stuyvesant Oval 7D	Stamford	NY	10009
40.-1-44.2	Perzan, Vincent		366 Terry Rd	New York	NY	10009
40.-1-44.3	Stavropoulos, Demetrios T		21 Stuyvesant Oval-7D	New York	NY	10009
40.-1-45	Bergstrom, Stanley		345 Terry Rd	Stamford	NY	12167
40.-1-47.1	Degala, Rex		5 Laurel Dr	Stamford	NY	12167
40.-1-47.2	Degala, Rex		5 Laurel Dr	Glenmoore	PA	19343
40.-1-51	Stamford Village Inc		PO Box 68	Glenmoore	PA	19343
40.-1-53	Langsdorf, James Edna		3 Woodcliff Dr	Stamford	NY	12167
40.-1-54	Langsdorf, James Edna		3 Woodcliff Dr	Robbinsville	NJ	08690
40.-1-55	Stamford Health Care Society		3 Woodcliff Dr	Robbinsville	NJ	08690
40.-1-75	Blackburn, Meggie		3410 Remington Run	Stamford	NY	12167
40.-1-76	Birch, Howard		1505 Bruce Hill Rd.	Tallahassee	FL	323121473
40.-1-77	Tordai, Laszlo		198 Terry Rd	Stamford	NY	12167
40.-1-78.1	Eklund Farm Machinery Inc		PO Box 455	Stamford	NY	12167
41.-1-1	Village of Stamford		PO Box 68	Stamford	NY	12167
41.-1-2.1	Kotob, Radwan		48-48 48th St	Stamford	NY	12167
41.-1-2.2	McCormack, Edward		65696 State Hwy 10	Woodside	NY	11377
41.-1-3	Stamford Village Inc		Jeff Rd Box 66	Stamford	NY	12167
41.-1-4	Stamford Village Inc		Jeff Rd Box 66	Stamford	NY	12167

Exhibit A  
Town of Harkersfield: Designated Area  
Extension Area  
2011

PRINT_KEY	OWNER1	OWNER2	MAIL_1ADDR	MAIL_CITY	MAIL_STATE	MAIL_ZIP
41.-1-6	Maiorano, Diane		PO Box 210	Grover Beach	CA	93483
53.-1-12	Jones, Betty J	Diane Maiorano Living Trust	64231 State Hwy 10	Stamford	NY	12167
53.-1-13	Jones, Betty J		64231 State Hwy 10	Stamford	NY	12167
53.-1-15	Govern, Marion		PO Box 55	Stamford	NY	12167
53.-1-16	Jones, Betty J		64231 State Hwy 10	Stamford	NY	12167
53.-1-17	Rossmann, Barent Victor		64157 State Hwy 10	Stamford	NY	12167
53.-1-18	Coleman, James L		64145 State Hwy 10	Stamford	NY	12167
53.-1-19	Village, Of Stamford		84 Main St	Stamford	NY	12167
53.-1-20	Stamford Village Inc		RR Ave Box 66	Stamford	NY	12167
53.-1-22.1	NYSEG		70 Farm View Dr	New Glouster	ME	04260
53.-1-22.2	Village Of Stamford		84 Main Street	Stamford	NY	12167
53.-1-23	Jones, Betty J		64231 State Hwy 10	Stamford	NY	12167
53.-1-24	Bryant, Emmanuel	Bryant, Emmanuel	63981 State Hwy 10	Stamford	NY	12167
53.-1-26	Eklund Farm Machinery Inc		PO Box 455	Stamford	NY	12167
53.-1-27	Eklund Farm Machinery Inc		PO Box 218	Stamford	NY	12167
53.-1-30	Eklund Farm Machinery Inc		PO Box 218	Stamford	NY	12167
53.-1-40.1	Warner, Raymond J		81 Creamery Rd	Stamford	NY	12167
53.-1-44	Lanigan, Edward F	Lanigan, Chariphine H	1344 August Rd	North Babylon	NY	11703
53.-1-45.1	Barber, David W	Barber, Joyce A	62543 State Hwy 10	Hobart	NY	13788
53.-1-45.2	Barber, David W	Barber, Joyce A	62543 State Hwy 10	Hobart	NY	13788
53.-1-46.1	Durn, Peter J		Bx 381	Hobart	NY	13788
53.-1-47	Eklund Farms Inc		PO Box 665	Parksville	NY	12768
53.-1-48	Gaddis, Constance		64150 State Hwy 10	Oneonta	NY	13820
53.-1-49	Brooks House Of Barbecue Inc	Barbecue Inc	5560 St Hwy 7	Oneonta	NY	13820
53.-1-50	Jones, Betty J		64231 State Hwy 10	Stamford	NY	12167
53.-1-51	Cole, Carl C	cole, Ann M	151 Railroad Ave	Stamford	NY	12167
53.-1-52.1	Hartwell, Darby		193 Railroad Ave	Stamford	NY	12167
53.-1-52.2	Hartwell, Darby		193 Railroad Ave	Stamford	NY	12167
53.-1-53	Village, Of Stamford		84 Main Street	Stamford	NY	12167
69.-1-2	Cirabisi, Leonard F		15 Nemeth St	Malverne	NY	11565
69.-1-3.1	Stalav, Gertrude		PO Box 293	Hobart	NY	13788
69.-1-3.2	Marschilok, James W		61792 State Hwy 10	Hobart	NY	13788
69.-1-5	Perzan, Ugo	Perzan, Judy A	61999 State Hwy 10	Hobart	NY	13788
69.-1-6	Andrus, Robert	Andrus, Linda	62668 State Hwy 10	Hobart	NY	13788
69.-1-7	Barber, David W	Barber, Joyce A	62543 State Hwy 10	Hobart	NY	13788

Town Harpersfield  
Village Extension  
Parcel Removed  
2011

PRINT_KE_1	OWNER1	MAIL_1ADDR	MAIL_CITY	STATE	MAIL_ZIP
53.-1-38.33	Sutherland, David C	121 Myra St	Neptune Beach	FL	32266
53.-1-38.34	Sutherland, David C	121 Myra St	Neptune Beach	FL	32266
69.-1-1	Delise, Stephen William	2 Bay 9th St	West Islip	NY	11795

**Town of Harpersfield  
Village of Stamford  
2011 Designated Area  
Village Extension**

Delaware County, New York

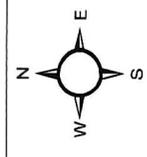
Delination for the purpose of defining regulatory and acquisition status under the New York City Watershed Memorandum of Agreement  
Adopted 2011

**Legend**

-  Streams
-  Roads
-  Parcel Boundaries
-  Waterbodies
-  1997 Designation
-  2011 Designation

Parcel lines, streams, and roads are derived from 1:4,800 scale Delaware County tax maps.

This map is a visual representation of the description adopted by the town resolution. For the purpose of defining a parcel's hamlet status refer to the written resolution and description of the hamlet boundary.



SCALE: 1" = 1,000'  
 0 500' 1,000' 2,000' 3,000' Feet  
 Produced by the Delaware County Planning Department GIS

Exhibit B

Created: 04/16/2011  
 1:4,800 Scale  
 1:1,000 Scale  
 1:250 Scale  
 1:500 Scale  
 1:1,000 Scale  
 1:2,000 Scale  
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 1:278,759,274,416,813,582,853,419,448,448,000,000 Scale  
 1:557,518,548,833,627,165,706,838,896,896,000,000 Scale  
 1:1,115,037,097,667,254,331,413,677,792,792,000,000 Scale  
 1:2,230,074,195,334,508,662,827,345,584,584,000,000 Scale  
 1:4,460,148,390,669,017,325,654,690,568,568,000,000 Scale  
 1:8,920,296,781,338,034,651,309,381,137,137,000,000 Scale  
 1:17,840,593,562,676,069,302,618,274,274,000,000 Scale  
 1:35,681,187,125,353,138,605,236,548,548,000,000 Scale  
 1:71,362,374,250,706,277,211,493,096,096,000,000 Scale  
 1:142,724,748,501,412,554,422,986,192,192,000,000 Scale  
 1:285,449,497,002,825,107,845,972,384,384,000,000 Scale  
 1:570,898,994,005,650,215,691,944,768,768,000,000 Scale  
 1:1,141,797,988,011,300,431,383,888,153,153,000,000 Scale  
 1:2,283,595,976,022,600,862,767,776,306,306,000,000 Scale  
 1:4,567,191,952,045,201,725,535,552,612,612,000,000 Scale  
 1:9,134,383,904,090,403,451,071,104,122,122,000,000 Scale  
 1:18,268,767,808,180,806,902,142,224,244,244,000,000 Scale  
 1:36,537,535,616,361,613,804,284,448,488,488,000,000 Scale  
 1:73,075,071,232,723,227,608,568,896,976,976,000,000 Scale  
 1:146,150,142,465,446,455,216,113,792,195,195,000,000 Scale  
 1:292,300,284,930,892,910,432,227,584,390,390,000,000 Scale  
 1:584,600,569,861,785,820,864,455,168,780,780,000,000 Scale  
 1:1,169,201,139,723,571,641,728,910,360,156,156,000,000 Scale  
 1:2,338,402,279,447,143,283,456,180,720,312,312,000,000 Scale  
 1:4,676,804,558,894,286,566,912,361,440,624,624,000,000 Scale  
 1:9,353,609,117,788,573,133,824,722,880,124,124,000,000 Scale  
 1:18,707,218,235,577,146,267,648,144,248,248,000,000 Scale  
 1:37,414,436,471,154,292,515,288,288,000,000 Scale  
 1:74,828,872,942,308,585,030,576,576,000,000 Scale  
 1:149,657,745,884,617,171,061,153,153,000,000 Scale  
 1:299,315,491,769,234,342,126,306,306,000,000 Scale  
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 1:1,197,261,967,076,937,368,504,126,126,000,000 Scale  
 1:2,394,523,934,153,874,736,100,252,252,000,000 Scale  
 1:4,789,047,868,307,749,472,200,504,504,000,000 Scale  
 1:9,578,095,736,615,498,944,400,100,100,000,000 Scale  
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 1:38,312,382,946,461,995,776,160,400,400,000,000 Scale  
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 1:153,249,531,785,847,983,104,640,160,160,000,000 Scale  
 1:306,499,063,571,695,966,208,320,320,000,000 Scale  
 1:612,998,127,142,391,932,416,640,640,000,000 Scale  
 1:1,225,996,254,284,783,864,832,128,128,000,000 Scale  
 1:2,451,992,508,569,567,728,166,256,256,000,000 Scale  
 1:4,903,985,017,139,135,456,332,512,512,000,000 Scale  
 1:9,807,970,034,278,270,912,664,102,102,000,000 Scale  
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 1:78,463,760,274,226,167,296,528,816,816,000,000 Scale  
 1:156,927,520,548,452,334,592,105,632,632,000,000 Scale  
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 1:5,021,680,657,550,474,688,190,200,200,000,000 Scale  
 1:10,043,361,315,100,949,376,380,400,400,000,000 Scale  
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 1:40,173,445,260,403,797,504,150,160,160,000,000 Scale  
 1:80,346,890,520,807,595,008,300,320,320,000,000 Scale  
 1:160,693,781,041,615,190,016,600,640,640,000,000 Scale  
 1:321,387,562,083,230,380,032,120,128,128,000,000 Scale  
 1:642,775,124,166,460,760,240,256,256,000,000 Scale  
 1:1,285,550,248,332,921,520,480,512,512,000,000 Scale  
 1:2,571,100,496,665,843,040,960,102,102,000,000 Scale  
 1:5,142,200,993,331,686,080,194,204,204,000,000 Scale  
 1:10,284,401,986,663,372,168,388,408,408,000,000 Scale  
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 1:82,275,215,893,306,976,136,312,312,000,000 Scale  
 1:164,550,431,786,613,952,272,624,624,000,000 Scale  
 1:329,100,863,573,227,904,544,124,126,126,000,000 Scale  
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 1:1,316,403,454,292,911,616,216,504,504,000,000 Scale  
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 1:10,531,227,634,343,292,928,170,400,400,000,000 Scale  
 1:21,062,455,268,686,585,856,340,800,800,000,000 Scale  
 1:42,124,910,537,373,171,712,681,600,600,000,000 Scale  
 1:84,249,821,074,746,343,424,136,120,120,000,000 Scale  
 1:168,499,642,149,492,686,848,272,240,240,000,000 Scale  
 1:336,999,284,298,985,373,696,544,480,480,000,000 Scale  
 1:673,998,568,597,970,747,392,108,960,960,000,000 Scale  
 1:1,347,997,137,195,941,484,784,216,192,192,000,000 Scale  
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 1:5,391,988,548,783,765,936,312,768,768,000,000 Scale  
 1:10,783,977,097,567,531,872,624,153,153,000,000 Scale  
 1:21,567,954,195,135,063,744,306,306,000,000 Scale  
 1:43,135,908,390,270,127,492,612,612,000,000 Scale  
 1:86,271,816,780,540,254,984,124,126,126,000,000 Scale  
 1:172,543,633,561,080,509,968,248,252,252,000,000 Scale  
 1:345,087,267,122,160,101,936,504,504,000,000 Scale  
 1:690,174,534,244,320,203,872,100,100,000,000 Scale  
 1:1,380,349,068,488,640,407,744,200,200,000,000 Scale  
 1:2,760,698,136,977,280,815,488,400,400,000,000 Scale  
 1:5,521,396,273,954,561,630,976,800,800,000,000 Scale  
 1:11,042,792,547,909,122,262,194,160,160,000,000 Scale  
 1:22,085,585,095,818,244,524,388,320,320,000,000 Scale  
 1:44,171,170,191,636,488,104,776,640,640,000,000 Scale  
 1:88,342,340,383,2