



REPORT

Established Precedents Concerning Town of Woodstock Water System Boundary, Bisected Water District Properties & Tax Parcels Pertaining to Woodstock Commons

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Report of Established Precedents Concerning Town of Woodstock Water System Boundary,
Bisected Water District Properties & Tax Parcels, Pertaining to Woodstock Commons

Excerpts Concerning Municipal Water from Lead Agency Finding Statement

According to the adopted Finding Statement (7/01/2010) of the Woodstock Planning Board, lead agency for the environmental review for Woodstock Commons, “the EIS addresses as follows the probable effects of the proposed development on Municipal and Franchise Utilities:”

“1. Portions of the Project Site lie within both the Woodstock Town Water District and the Woodstock Town Hamlet Sewer District. This circumstance provides the owner of the Project Site legal access to both municipal water and municipal sewer facilities subject to Town Board approval.”

“2. RUPCO intends to meet as an in-district user the water supply and sanitary sewage requirements of Woodstock Commons by installing on-site improvements and off-site connections to the municipal infrastructure.”

“3. The Woodstock Water District operates a Public Water Supply (*NY PWS No. 5503394*) and serves 743 customers (i.e. metered connections) within the hamlet of Woodstock and extending from the vicinity of Bearsville on its west to The Route 375 vicinity on its east. Portions of Project Site are located within the Water District and Woodstock Commons will utilize the Water District as its sole potable water supply source.”

“The Water District secures its water supply from drilled gravel wells in the western portion of the District near the Saw Kill. As indicated in the Engineer’s Report these wells have a reported estimated combined capacity of 575 gallons per minute (GPM) and estimated total safe yield of 400 GPM. On the basis of this estimated total safe yield of 400 GPM and based upon 12 hours, or 720 minutes, of well pumping per day, the estimated daily safe yield of the District’s wells is reported to be 288,000 GPD.”

“The estimated daily safe yield of 288,000 GPD is more than twice the Water District’s reported 2005 estimated average demand of approximately 140,000 gallons per day (GPD), as set forth in the most recent annual drinking water quality statement (2005) for the District.”

“The Project Site lies within the only area of the Town, the hamlet of Woodstock, within which municipal water and/or municipal sewer facilities have been made available through the creation and operation of special utility districts to accommodate the residential, commercial, civic and institutional uses either existing or proposed to be located there in accordance with Town and County land use plans and related land use and development regulations.”

“The Woodstock Commons development will be served by the Woodstock Water District including the District’s water supply wells located near Bearsville and not draw upon the groundwater resources of the Project Site for its domestic water supply. Provision of domestic water service to Woodstock Commons will increase average daily water demand within the

District by 8.2% to 162,500 GPD and consume only 9.1% of the District’s safe yield residual supply of 138,000 GPD.”

Record of Correspondence between Applicant, Town of Woodstock (TOW) and NYSDEC concerning Woodstock Commons

As an involved agency for the environmental review under SEQRA, NYS Department of Environmental Conservation received copies of the SEQRA Scoping Document, Notices of all Public Hearings, and copies of the DEIS and FEIS for review and comment. A map to illustrate the location of the parcel relative to the bounds of the Water District and other infrastructure was provided in the DEIS (see Figure 1, below.)

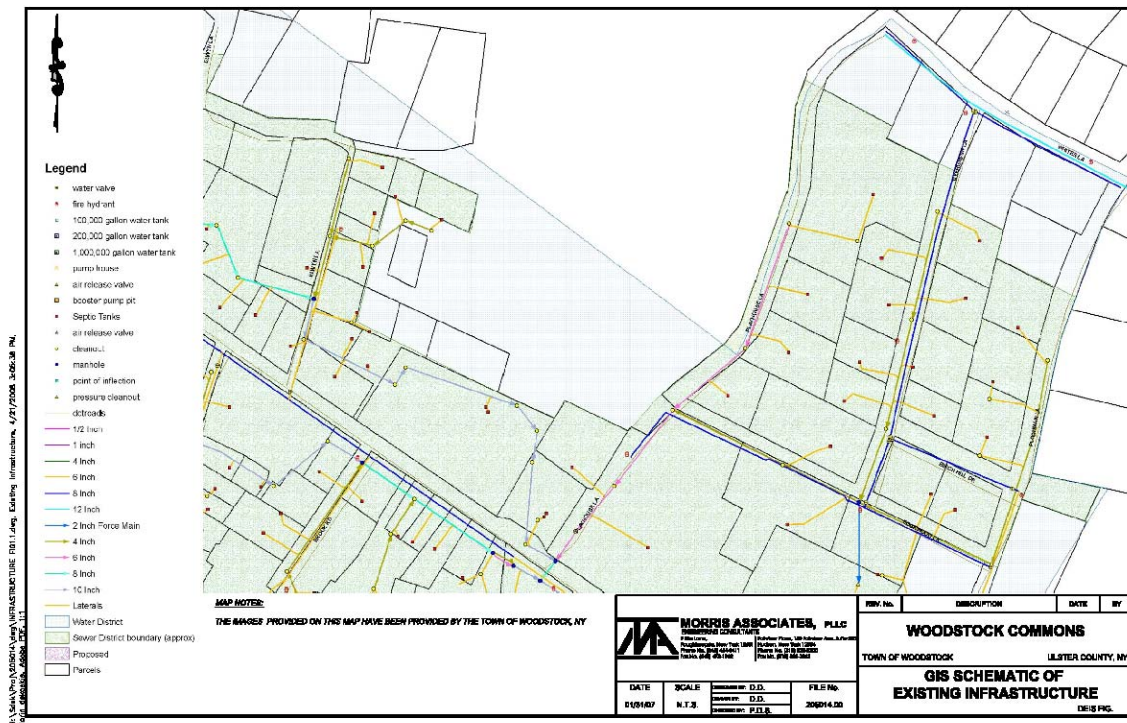


Figure 1 - GIS Schematic of Existing Infrastructure (DEIS Figure 3)

A list of correspondence to and from NYSDEC follows:

- DEIS Exhibit 15 - NYSDEC Letter with Attachments Re: Protection of Waters and Wetland Permits, **April 18, 2005**,
- DEIS Exhibit 16A - NYSDEC Division of Fish, Wildlife and Marine Resources, New York Natural Heritage Program, Letter, **May 3, 2005**
- DEIS Exhibit 16B - Letter from Project Attorney to NYSDEC Division of Fish, Wildlife and Marine Resources, New York Natural Heritage Program, Letter **March 28, 2008**
- DEIS Exhibit 18 - Project Ecologist’s (NCES) Letter to NYSDEC, **March 31, 2008**
- NYSDEC Response to Draft Environmental Impact Statement – Letter to TOW Planning Board (Lead Agency) from Rebecca Crist, **March 24, 2009**
- NYSDEC Additional Comments on Draft Environmental Impact Statement – Letter to TOW Planning Board (Lead Agency) from Rebecca Crist, **May 21, 2009**
- NYSDEC Comments on Department Jurisdiction – Letter to TOW Supervisor from Rebecca Crist, **December 2, 2010**

GIS Map of Water District Boundary, Tax Parcels, and Woodstock Commons

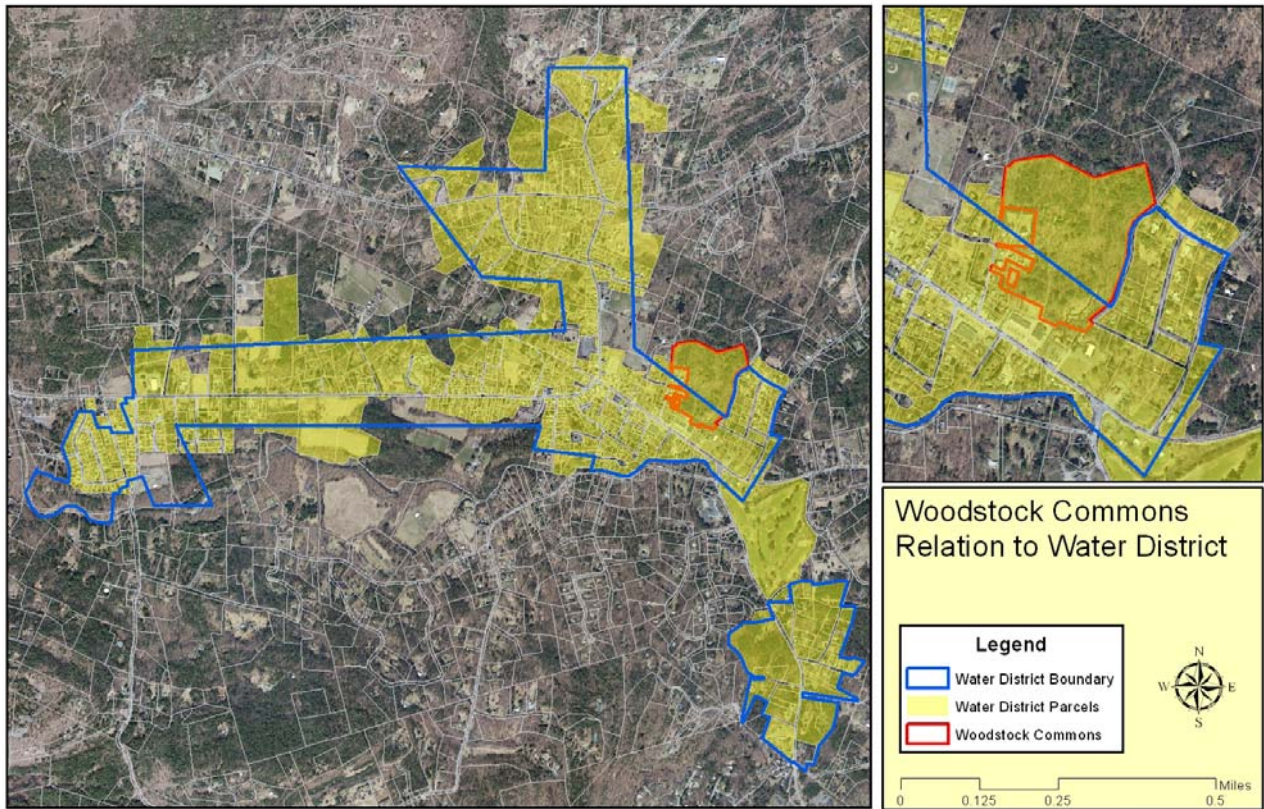


Figure 2 - Woodstock Water Tax District (Overall)

GIS mapping of the the Town of Woodstock Water District provided by the Ulster County Planning Department (see Figure 2) illustrates that there are indeed many parcels located along or entirely outside the bounds of the formal district that are subject to special taxation as if they were included within the district.

Some of these parcels are presently served by the system, while others are not.

Some parcels served by the district are bisected, meaning they are partly within and partly outside the water district boundary.

Some parcels served by the district are located outside the district boundaries, considered “out of district” users, while others are billed as in-district customers.

Illustrations of Precedents for Water Service

Five distinct areas of the system have been studied to illustrate precedents for inclusion in the Town Water District.



Four properties have been identified along the northerly side of Whites Lane, north-east of the proposed Woodstock Commons site (See Figure 3.)

These residences are located entirely outside the bounds of the Water District, yet are taxed and served as if they were located within the district.

Figure 3 - Whites Lane Properties

Yellow Field	– Parcels Taxed in Water District
Blue Line	– Water District Boundary
Red Line	– Boundary of Woodstock Commons

ACT #	Customer Name	Address	SBL	
000495	Criscimagna, Pauline M	2 Whites Lane	27.10-3-17	
000498	Olsen, Virginia	4 Whites Lane	27.10-3-16	
000494	Lazer, Benjamin	6 Whites Lane	27.10-3-15	
000496	Harris, Dwight	16 Whites Lane	37.10-3-13	



Seven residential water customers have homes on Simmons Drive, and Simmons Drive North, located along the district boundary to the north-west of the proposed Woodstock Commons site (see Figure 4.)

Two of these properties have portions of the lot within the district boundaries, but the residential structures are located outside of the district.

These properties are located in or outside the bounds of the Water District, yet each is taxed and served as if they were located within the district.

Figure 4 - Simmons Drive Properties

Yellow Field	– Parcels Taxed in Water District
Blue Line	– Water District Boundary

ACT #	Customer Name	Address	SBL	
000206	Walker, Peter	40 Simmons Drive	27.10-2-25	
000835	Cole, Matthew C/O Heidi	41 Simmons Drive	27.10-2-20	
000346	McCanna, Benjamin	45 Simmons Drive	27.10-2-19	
000345	Brennan, Sandra	46 Simmons Drive	27.10-2-24	
000350	Reynolds, Theresa T.	107 Simmons Drive North	27.10-2-16	
000742	Ackerman, Rebecca & Ra	109 Simmons Drive North	27.10-2-17	
000348	Handelman, Gail	112 Simmons Drive North	27.10-2-18	



Eleven residential properties located along Forest Drive and Manor Drive (South-West boundary of the district) have been studied.

At least one of these properties has a portion of the lot within the district boundary, but the residence itself is located outside of the district. (see Figure 5.)

These properties are located along, in or outside the bounds of the Water District, yet each is apparently taxed and served as if they were located within the district.

Figure 5 - Forest Drive / Manor Drive Properties

Yellow Field – Parcels Taxed in Water District
Blue Line – Water District Boundary

ACT #	Customer Name	Address	SBL	
000126	Hansen, Maria	1 Forest Drive	26.60-6-16	
000125	Aronson, Joseph H	7 Forest Drive	26.60-6-15	
000124	Disbrow, K	11 Forest Drive	26.60-6-14	
000136	Fried, Jacqueline, Thoma	17 Forest Drive	26.60-6-22	
000123	Bush, Adam	18 Forest Drive	26.20-6-21	
000138	Holdridge, Joseph	20 Forest Drive	26.60-6-24	
000121	Angeloch, Eric	14 Manor Drive	26.60-6-25	
000858	Angeloch, Eric POA Nan	16 Manor Drive	26.60-6-20	
000122	Dinger, Ann /Naoum	19 Manor Drive	26.60-6-19	
000854	Dinger, Ann	21 Manor Drive	26.60-6-19	
000944	Lieberman, Ivan	33 Manor Drive	26.60-6-13	



Five properties have been identified along the Elwyn Drive, north-west of the proposed Woodstock Commons site. (see Figure 6.)

At least two of these properties have portions of the lot within the district boundaries, but the residences themselves are located outside of the district.

Some of these properties are apparently located entirely in or outside the bounds of the Water District, yet each is taxed and served as if they were located within the district.

Figure 6 - Elwyn Properties

Yellow Field	– Parcels Taxed in Water District
Blue Line	– Water District Boundary
Red Line	– Boundary of Woodstock Commons

ACT #	Customer Name	Address	SBL	
000132	Helfenstein, Elaine	202 Elwyn Drive	26.60-6-18	
000864	Buzzeo, Anthony	204 Elwyn Drive	26.60-6-17	
000131	Weinberg, Sylvia	207 Elwyn Drive	26.60-6-9	
000130	Wilber, Rebecca	209 Elwyn Drive	26.60-6-10	
000129	Rowe, Richard & Theodor	215 Elwyn Drive	26.60-6-11	



Property located along West Hurley Road (Route 375) has been implicated in the study.

This property, a former motel, consists of two parcels, one of which is located within the special taxation district, and the other entirely outside the district.

Both parcels are improved, with multi-family rentals on each (see Figure 6.) Both parcels are served by the district as if both were located within the district.

Figure 6 – West Hurley Road Properties

Yellow Field	– Parcels Taxed in Water District
Blue Line	– Water District Boundary

ACT #	Customer Name	Address	SBL	
000860	Avery, Marcia	96 West Hurley Road	27.18-3-24	
000861	Avery, Marcia	96 West Hurley Road	27.18-3-25	

Conclusion

Our research indicates that there are some 49 parcels that are bisected (i.e. located partially inside and out side) the water district boundaries. Of these, some 24 parcels are currently served by the system.

Attachments:

- Town of Woodstock Water District Abbreviated Customer List (01/10/11) Customer List was provided by office of Woodstock Town Clerk.
- Town of Woodstock Water District Tax Parcels Data (01/10/11) provided by Ulster County Real Property Tax Service Agency.