

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JANUARY 23, 2018**

7696

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Tuesday, January 23, 2018 at 9:00 a.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor, Michael J. Newhard, Trustees: Barry Cheney, and George McManus. Trustees William Lindberg and Eileen Patterson were absent. Also present were: DPW Supervisor, Michael Moser, Village Clerk, Raina Abramson. Village Attorney, Stephen Gaba was absent. Others present: Patrick Gallagher, Edward Sattler, Robert Kennedy, Jason McGovern, and Keith Woodruff.

The Mayor called the meeting to order and led in the Pledge of Allegiance.
The Clerk held the roll call.

Acceptance of Minutes

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to accept the Minutes of December 18, 2017. Three Ayes

Acceptance of Reports

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to accept Reports: Building Inspector (December 2017) and Justice (December 2017). Three Ayes

Authorization to pay all Approved and Audited Bills

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to authorize to pay all Approved and Audited Bills in the amount of \$162,216.79. Three Ayes

Correspondence

1. Letter of resignation from Village of Warwick Planning Board member Ryan Denerley.
2. Special Use Permit for a proposed construction of a thirty-six (36) unit apartment building with parking on Forester Avenue.
3. Letter from Lehman & Getz Consulting Engineers regarding the Special Use Permit for the proposed construction of apartments on Forester Avenue.
4. Letter from Tectonic Engineering & Surveying Consultants regarding the compliance schedule for the Village of Warwick Dams.

Privilege of the Floor

(Please limit your comments to five (5) minutes. Please note all remarks must be addressed to the Board as a body and not to individual Board members. Please state your name clearly before speaking). These rules are taken from the Handbook for Village Officials – New York State Conference of Mayors and Municipal Officials.

Patrick Gallagher: Patrick Gallagher, West Street. Hi, how are you all today?

Mayor Newhard: Good.

Patrick Gallagher: Among other things, I will keep it brief. I just want to hold that up for the camera because the application for 16 Elm Street we all feel falls under this. A number of people brought these signs to the Planning Board meeting the other night and the police were called because somehow or another the Planning Board felt threatened. I had a couple of words with the cops and they completely understood that there was no threat, there was no problem. But why this Board has no problem with this sign, the Planning Board chair felt threatened and had to call the police. What's going on with that? The level of bias that we continue to experience from the Planning Board is unacceptable. The applicant was out front, nose to the flagpole, back end of the truck half blocking the crosswalk, there's just a constant stream of old boyism going on here and it's very sad. We've foiled today a request to explain where the two hundred foot boundary used to exist between the residential and the commercial zones and whatever form that commercial zone was prior to the change in zoning. We've foiled to find out really, get to the bottom of that, to really get an answer to that because we never have and I will if it has not already been done, foil in addition to find out if there are any zones of a similar nature with similar setbacks, or with similar, whatever the wording is and see if they are enforced, if they are not enforced, when they were changed, why they were changed. This application should never have come before the Planning Board. It is a prohibited use, on many levels it's wrong. I think everybody knows that. I think it maybe something of an unstoppable train in the minds of the Planning Board and perhaps the Village Board but it's wrong. It's going to disturb the neighborhood. It violates the code. Please, that code was written to protect us as well as to protect the applicant and the applicant has had all of the protection. We have not had complete and valid answers to the public comment, we were allowed once. We've just been railroaded past that point so, thank you for your time and I hope you can do something to stop this because you're heading down the wrong path here.

Mayor Newhard: Thank you Patrick.

Patrick Gallagher: Thank you.

Mayor Newhard: Anyone else?

Edward Sattler: Just two things, Ed Sattler, North Lynn. I'd like to publicly thank Ryan Denerley for his ethical service to the Village.

Mayor Newhard: Thank you.

Edward Sattler: And also voice my support for the special use application for Forester Avenue.

Mayor Newhard: Very good. Thank you.

Motions:

Trustee Cheney's Motions:

Boris Rudzinski – Permanent Building Inspector III / Code Enforcement Officer

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to change Boris Rudzinski's status from provisional Building Inspector III / Code Enforcement Officer to permanent Building Inspector III / Code Enforcement Officer effective December 21, 2017. Three Ayes

Mayor Michael J. Newhard – NYCOM Winter Legislative Meeting

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to grant permission to Mayor Michael J. Newhard to attend the NYCOM Winter Legislative Meeting in Albany, NY from February 11 to February 13, 2018 at a cost of \$240. Three Ayes

Special Use Permit – Construction of an Apartment Building on Forester Ave.

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus to acknowledge the receipt of an application from Robert Kennedy for a Special Use Permit for the proposed construction of a thirty-six (36) unit apartment building with parking on Forester Avenue property section block and lot 211-12-1 and refer the application to the Village's engineering consultant and attorney for review and comment. AMENDED

Discussion: Mayor Newhard: The applicant is here so if you have any questions at this point, this is early on and this is the special use permit to allow it in this zone, which is part of that zoning. Do you guys want to say anything to the Board?

Trustee Cheney: I had a couple of questions, more has to do with procedure. Should the referral also mention the Planning Board?

Mayor Newhard: It wouldn't hurt. I guess you could put that in.

Trustee Cheney: I would like to amend the motion to say to refer the application to the Village's Planning Board, engineering consultant and attorney.

Mayor Newhard: Though, just as a matter of procedure, doesn't it go before all of that group, our Board and once they get a special use permit then they go to the Planning Board.

Trustee Cheney: But we need the input of the Planning Board. They go to the Planning Board for site plan approval. I believe we need the input of the Planning Board prior to help us make a determination.

Mayor Newhard: And I think that is good.

Trustee Cheney: After we deal with the amendment I have another comment along the same lines. In terms of logistics as to how we are going to deal with this, it would seem that it would best be done if both Boards were kind of moving forward at the same pace and doing things because I think it's important in granting the special use permit to know what issues there might be with the site plan.

Mayor Newhard: Very good. I agree. Would you gentleman like to say anything about the project to the Board?

Robert Kennedy: We're excited about the project. We think it's a good fit for the neighborhood and the Village. There's only some minor variances, as the existing plan is drawn so we're hopeful we can get through the process. As far as Mr. Cheney's comment, I think it is important to work together with the Planning Board because we really don't go anywhere without the special use and to spend time and money at the Planning Board level without having that confidence that the special use permit will be here, I don't want to waste anybody's time or money, including my own. So, we're hopeful that we can get that special use permit and move forward in a timely manner. Project seems to fit, we're excited and any questions we're happy to answer.

Keith Woodruff: Do you want a presentation on it?

Mayor Newhard: If you wouldn't mind, just a quick one.

Keith Woodruff: So, the site in question is the old Mechanical Rubber building down on Forester Avenue. So, the VFW is off to the left.

Trustee McManus: American Legion.

Keith Woodruff: Sorry, we're proposing a single, three-story multifamily with thirty-six units with parking in the rear with a central access that will also provide access to the Mechanical Rubber building in the rear. We have it located fairly close to the road only so that it fits with the neighborhood. A lot of the existing dwellings along Forester Avenue, as well as the businesses further up closer to the central village are a lot closer to the road and to the existing sidewalks so to keep with the traditional neighborhood feel with the comprehensive plans and so forth our proposed plan is to bring it as close the road as possible to the front of the property. By doing so we are also going to need a front variance set back in the front yard. We're also going to need...

Jason McGovern: Potentially a height variance.

Keith Woodruff: Yes, so we're still in...we don't have an architectural provided as of yet, so we don't know if we're going to need a variance for the height and as an average height, this is not the rendering for the existing building, but this is essentially the character that the architecture is going to be following so, it's not going to look like a solid face building. It's going to have some dimensions to it so it's going to feel basically like you're still in the village.

Mayor Newhard: Right, the scale is really important. Especially, when you're that close to the road.

Keith Woodruff: Yes, and it's also going to hide the Mechanical Rubber building. You're not going to see it from Forester Avenue. We have adequate parking. We actually have fifty-six spaces in the rear with a garage for the units and then we have an overflow parking area, twenty-seven off to the right there.

Mayor Newhard: And that leaves enough parking for the activities in Mechanical Rubber?

Keith Woodruff: No, that's going to be something separate. They're actually in the Town of Warwick so they have their own employee parking area. They also have an easement to the existing road over to the park. We are going to provide them with access to both sides of the building so we're not going to be alleviating. We're going to have to file a maintenance agreement and a common access agreement for them to continue to access Forester Avenue.

Robert Kennedy: Part of the reason, if I may, to pull the building up front was also to get them a turn around. They're loading dock which they currently use, that one is upfront on the left side of the property, depending on how you're looking at it so that's one of the other reasons we needed to pull the building out front. We also thought that the garages would be a nice amenity that aren't currently available to residents in town that have apartments or in homes that have apartments so it's another amenity that's not existing. We're hopeful that by pulling it up that allows for that structure to be built as well. It's not necessary but I think it's a nice feature.

Mayor Newhard: And market wise, rentals are very desirable so that's good.

Robert Kennedy: Right.

Mayor Newhard: Thank you, gentleman.

Trustee Cheney: I just have one question, right now the property line, it's always existed very close to the American Legion building and the American Legion uses, I know, relies on that area on the property of what is now Mechanical Rubber, for its parking. What's the status of that? Obviously, the parking as it is now goes away with the structure being built there and the parking lot. Is there any discussion ongoing with...?

Robert Kennedy: Yes, Jason and I have met the Legion a few months back, prior to even really going to far into the project and we're willing to work with them as best we can to provide them with parking that's why, as Keith mentioned there is additional parking already built into the plan from what is required by the apartment use so there is spillover already for them and it's right off of their building. Then they have a pretty substantial piece of property behind them that can be converted into parking as well, so we would be willing to work together to make that happen depending on cost etc., but we're here to work with them to make everybody happy at the same time.

Trustee Cheney: Since it's part of the park it becomes a decision of this Board relative to the additional parking in there so, we need to be thinking about that.

Jason McGovern: Well, their property goes further back. It's actually their property.

Trustee Cheney: Oh, I'm sorry, is that separate? Oh, ok.

Jason McGovern: So, they have this flat area right about here and they have access. It doesn't really show the limit of it.

Mayor Newhard: It looks like there's a fair amount, I guess the topography, I'm not really sure about back there but I think anything can be done because it looks like there's enough room.

Jason McGovern: Yes, Jason and I walked it. It was pretty flat.

Mayor Newhard: Oh, it was? Ok.

Jason McGovern: It looks like it was leveled out and they just grassed it, so it really just needs the gravel and it can be made into a parking area really.

Mayor Newhard: Very good.

Jason McGovern: There's definitely room back there.

Mayor Newhard: Yes, because the Mason's actually rent out the top floor for events and activities and you want enough parking to happen there.

Robert Kennedy: We're hopeful to accommodate everybody and make it work.

Jason McGovern: We have fifteen extra spaces over and above what we need so we're trying to put as many in as we can.

Mayor Newhard: Very good. So, this is the first step. Thank you for bringing this to our attention and I believe we have a motion.

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to acknowledge the receipt of an application from Robert Kennedy for a Special Use Permit for the proposed construction of a thirty-six (36) unit apartment building with parking on Forester Avenue property section block and lot 211-12-1 and to refer the application to the Village's Planning Board, engineering consultant and attorney for review and comment. 3 Ayes

Waive Reading of Parking Lot Lease Extension with JP Morgan Chase

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to waive the reading of the Resolution Approving the JP Morgan Chase Bank Parking Lot Lease Extension. Three Ayes

RESOLUTION APPROVING PARKING LOT LEASE EXTENSION

WHEREAS, in 1989 the Village of Warwick entered into an agreement with the Bank of New York under which the Bank leased certain portions of the parking area at 21-27 South Street to the Village for nominal consideration, and

WHEREAS, the said lease agreement was thereafter extended multiple times on essentially the same terms as the original lease; and

WHEREAS, the current lease agreement will expire on January 1, 2018; and

WHEREAS, JPMORGAN CHASE BANK, NA, as the successor in title to the said property of the Bank of New York, has offered to enter into the further extension of the lease agreement, a copy of which is attached hereto, on essentially the same terms as the existing agreement;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the further extension of the lease agreement proposed by JPMORGAN CHASE BANK, NA, constitutes a Type II Action under SEQRA;
2. That the Village Board approves and accepts the further extension of the lease agreement proposed by JPMORGAN CHASE BANK, NA; and
3. That the Village Mayor is authorized to sign the lease agreement extension and any documents necessary to put the same into effect.

Trustee Cheney presented the foregoing resolution which was seconded by Trustee McManus,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

George McManus, Trustee, voting Aye

Discussion: Trustee Cheney: I just wanted to mention, I had looked at it and item number two, I believe it was item number two in the document itself talks about that, “The Village share ensure that any vehicles parked in PARKING SPACES shall not be ticketed or cited by municipal police or other authorities” and so I raised this question with the attorney and the attorney got back to me and sent me the base document and in the base document parking spaces is defined as those that Chase has so it cleared it all up. And I also had a question about there was also an item

about the Code of Conduct and the attorney reviewed the Code of Conduct and he said it's pretty simple and straight forward and it's nothing we should be concerned about accepting.

Mayor Newhard: No road rage.

Trustee Cheney: No, nothing out of the ordinary.

Waive Reading of Resolution Accepting Deeds to the Streets within Warwick Grove

A MOTION was made by Trustee Cheney, seconded by Trustee McManus and carried to waive the reading of the Amended Resolution Accepting Deeds to the Streets Within the Warwick Grove Development. Three Ayes

AMENDED RESOLUTION ACCEPTING DEEDS TO THE STREETS WITHIN THE WARWICK GROVE DEVELOPMENT

WHEREAS, Warwick Grove Company, LLC has constructed a residential subdivision called "Warwick Grove" within the Village of Warwick; and

WHEREAS, Warwick Grove Company, LLC has made an offer of dedication of the streets within Warwick Grove to the Village has requested that the Village accepted the deeds to the streets and assume ownership and responsibility for the streets as public roadways; and

WHEREAS, by resolution dated July 3, 2017, the Village Board accepted the deeds to the said streets; and

WHEREAS, it is now necessary to adopt an amended resolution to satisfy the requirement of the New York State Department of Transportation that additional information regarding the streets be included in the Village Board's acceptance resolution in order for the streets to be included in the Local Highway Inventory;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board's resolution of July 3, 2017 is hereby superseded and replaced by this resolution; and

2. That the streets for which the Village hereby accepts title are shown on the attached map and are described as follows:

- (I) Hudson Street, which consists of approximately .27 miles beginning at McFarland Drive and ending at Longhouse Street;
- (II) Cropsey Street, which consists of approximately .29 miles beginning at McFarland Drive and ending at Hudson Street;
- (III) White Oak Street, which consists of approximately .10 miles beginning at McFarland Drive and ending at Bridges Street;
- (IV) Bridges Street, which consists of approximately .11 miles beginning at Hudson Street and ending at White Oak Street;
- (V) Aske Street, which consists of approximately .10 miles beginning at Hudson Street and ending at Longhouse Street;
- (VI) Sly Street, which consists of approximately .04 miles beginning at Longhouse Street and ending at Cropsey Street;
- (VII) Cornbury Street, which consists of approximately .085 miles beginning at Cowdrey Street and ending at Cowdrey/Mistucky Street intersection;
- (VIII) Mistucky Street, which consists of approximately .10 miles beginning at Cowdrey Street and ending at Cornbury Street;
- (IX) Coe Circle, which consists of approximately .066 miles beginning at Cowdrey Street and ending at Cowdrey Street;
- (X) Swift Street, which consists of approximately .05 miles beginning at Cropsey Street and ending at Longhouse Street;
- (XI) Longhouse Street, which consists of approximately .35 miles beginning at Aske Street and ending at Cowdrey Street;
- (XII) Road E, which consists of approximately .02 miles beginning at Hudson Street and

ending at Cropsey Street;

- (XIII) Cowdrey Street, which consists of approximately .278 miles beginning at Longhouse Street and ending at Coe Circle;
- (XIV) McFarland Drive, which consists of approximately .73 miles beginning at Forester Avenue and ending at White Oak Street.

2. That the Village hereby accepts title and assumes ownership and responsibility to maintain and repair the aforesaid streets as public roadways subject to the following conditions:

- (I) That Warwick Grove Company, LLC, pays to the Village or reimburses the Village for searches of title or title policy, surveys, engineering charges and legal fees in connection with the acceptance of the aforesaid streets; and
- (II) That the acceptance of the deeds is subject to a certification from the Village Attorneys that title to the streets is vested in the Village free and clear of all title objections including, but not limited to, mortgages, assignments of rents and leases, security agreements and unpaid real property taxes, including the special transfer tax applicable to the properties within the Town of Warwick if the same applies to the deed transfers referred to above; and
- (III) That Warwick Grove Company, LLC, shall post maintenance security on the aforesaid streets in the amount of \$60,000.00 which shall be in the form of cash paid into escrow with the Village; and
- (IV) That the Village Engineer and the Public Works Supervisor shall approve the conditions of the streets; and
- (V) That Warwick Grove Company, LLC, shall provide a title insurance policy to the Village insuring to the Village that when it accepts the street by accepting the deeds to the streets, that the Village will have good and insurable title which shall be confirmed by a letter from the Village Attorneys.

Trustee Cheney presented the foregoing resolution which was seconded by

Trustee McManus,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

George McManus, Trustee, voting Aye

Trustee McManus' Motions:

American Legion – Memorial Day Parade

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to grant permission to the Nicholas P. Lesando Jr., Warwick Township Post #214 of the American Legion to hold their annual Memorial Day Parade on Monday, May 28, 2018 at 11:00 a.m. as per their letter dated December 26, 2017. The proper insurance has been received. Three Ayes

Warwick Valley Gardeners – Annual Garden Tour on Railroad Green

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to grant permission to the Warwick Valley Gardeners to hold their Annual Garden Tour on Railroad Green on Friday, July 6, 2018 from 4:30 p.m. to 6:30 p.m. Completed park permit, \$100 security deposit and proof of proper insurance has been received. Three Ayes

Community 2000 – Too Good To Toss Event at Stanley Deming Park

MOTION to grant permission to Community 2000 to use the basketball court and surrounding area in Stanley Deming Park from 1:00 p.m. Friday, April 20, 2018 through 11:00 a.m. Monday, April 23, 2018 for the Too Good To Toss Event. Completed park permit, security deposit and proof of proper insurance have been received. TABLED

Adjournment

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to adjourn the meeting. 3 Ayes

Raina M. Abramson
Village Clerk