

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
JULY 16, 2018**

**7953**

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, July 16, 2018 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Eileen Patterson and George McManus. Also present were: Village Clerk, Raina Abramson and Village Attorney, Stephen Gaba. Trustee, William Lindberg and DPW Supervisor, Michael Moser were absent. Others present: Lt. John Rader, Kathy Gerstner, Katie Bisaro, Robert Kennedy, Ross Winglovitz, and Ron Charlton.

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

**Acceptance of Reports**

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to accept Reports: Justice (June 2018). Four Ayes

**Authorization to pay all Approved and Audited Bills**

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to authorize to pay all Approved and Audited Bills in the amount of \$95,569.30. Four Ayes

**Announcement**

1. Municipal Zero-Emission Vehicle & ZEV Infrastructure Rebate Awarded to the Village of Warwick.

Trustee Cheney: What we are going to use this money for is to replace the charging station in the South Street parking lot which has reached the end of its useful life, so we are going to replace that, and as part of the replacement we are going to begin to charge for the service that it provides through people using their credit cards and being billed on that credit card.

Mayor Newhard: It was a good run.

Trustee Cheney: Yes.

Mayor Newhard: Thank you Barry for doing that and thank you to Linda Smith, she's our grant writer and she wrote that grant and I appreciate all that she did for that.

**Correspondence**

1. Letter from the Village of Warwick Architectural and Historic Review Board regarding the proposed Forester Avenue Apartments, Section 211, Block 12, Lot 1.

2. Letter of resignation from Village of Warwick Architectural and Historic Review Board member Ralph Lucarelli.

Mayor Newhard: I would like to thank Ralph for the work that he did, for his volunteerism and he was a great member on that Board, but I think the time commitment was difficult for him to make many meetings, so alas we have a position that's open and we'll be posting that.

Trustee Patterson: Is there no alternate on that Board?

Mayor Newhard: No, we will probably put an alternate, I think at the same time.

### Discussion

- 1. Draft resolution to establish a requirement for applicants to the Planning Board to make a payment into escrow with their initial application.**

Mayor Newhard: I think Steve, correct me if I'm incorrect, but you looked at what we had in our code and it wasn't really very tight.

Stephen Gaba: No, the issue is that when you get applications in, whether it's to the Planning Board, site plans, sub-divisions, even special use permits really, you have a provision in your code that says that the applicant has to pay off all your consultants fees, all your engineering and all of your legal. They have already a provision in the schedule of fees that says consultant fees, any fees, or charge incurred to the Village including but not limited to consultant fees due to the application to any of the Village's Board's as invoiced by the Village and then separate from the that, there's Planning Board application fees: \$350 for a sub-division, \$450 for a major sub-division, \$350 for site plan, \$450 for major site plans, \$75 for site plan for a home occupation, but clearly those are flat fees. Those aren't meant to pay for your engineering and your legal fees. Now the only other fee, well there's one for additional use for cluster, but that's again not a consultant's fee that's a fee that gets paid to the Village and kept as a flat reimbursement for the lots. It comes under site plan I believe. Subdivision's has a again a bunch of flat fees, sketch plan review \$25, preliminary \$50, major subdivision \$50, final plat \$50 etc. But clearly those aren't meant to offset your consultant's fees. You have some SEQR fees as well but again, they are flat fees, \$100 so that's not what we're talking about here.

Trustee Patterson: So, we have no discussion, no indication in the code book or in the schedule of fees that says that the applicant has to have, I believe 80% right, in escrow? This is like seven years ago with Michael Meth.

Stephen Gaba: I haven't found anything...

Trustee Cheney: I don't think it specified. It called for them to put money in escrow as determined by the Village engineer and the attorney, but this would establish an amount that they

would deposit with their application and then we wouldn't have to worry about a succession of meetings whereby we establish what the fees should be or the Planning Board establish what the fees should be for escrow and I'm not absolutely sure how it's written but I believe that they have to keep putting money back into that escrow account as bills are received against that project.

Trustee Patterson: They have to keep it at 80% of what the anticipated costs are going to be.

Trustee Cheney: Oh, ok that's what you meant.

Trustee Patterson: Yes. So, do we have an escrow balance now? Has the procedure been followed?

Stephen Gaba: Well, informally yes. What happens is the application comes in and then Maureen reaches out to Bob Dickover and to Lehman and Getz and they come up an estimate as to what the cost is going to be and that's what they require, a percentage of that as the escrow. It's supposed to be kept at, get replenished when it falls below a certain amount. I do not know what that amount is. It might be that it's supposed to be 80%, but it isn't always followed strictly so what we've done here is we've put together a resolution which will amend the schedule of fees to provide for fixed amounts. Now I ran these amounts by Karen and by Bob and they were fine with them as to the amounts that are listed here. They said that it's certainly in the ball park and they did not have any suggestions to change them. You'll note that I have 50% as the amount that the escrow is supposed to be replenished when it falls below. If you want to up that certainly that's something that you could do to make it 80% or something along those lines but they did not have a problem with this draft resolution and I don't think that it duplicates any of the fees that are currently being charged.

Trustee Patterson: Well, I would like to put it at 80%.

Mayor Newhard: Yes, so would I.

Trustee McManus: Yep.

Trustee Patterson: I also think it's important that, like who's escrow account, or do we have an escrow account that we use or is it the attorney's escrow account? How does that work?

Stephen Gaba: Oh no. This is paid right into the Village. I think it's supposed to go to the Clerk, but I don't know, does Maureen handle the monies that come in?

Raina Abramson: Yes, anything for Planning she handles.

Stephen Gaba: Which is fine if that's how you want to divide it up, but the point is, is that it comes into the Clerk's office or to the Building Department and there's a separate escrow in

there that they're accountable for the bills that come in and they draw on it and then when it gets below a certain amount they have to ask to have it replenished.

Trustee Patterson: Is there a balance in there now?

Stephen Gaba: Well, you have a whole bunch of different...

Trustee Cheney: They are individual accounts.

Trustee Patterson: What I'm asking is Maureen doing this? That's what I'm getting at.

Stephen Gaba: Oh, yes, but from time to time things fall between the cracks. For example, an application comes in and you're going to refer to your engineer and you're going to refer it to your attorney and they're going to do some work on looking over the application. Maybe there will be an initial meeting. They're going to be coming up with an escrow amount at that point while they're doing the work. If the applicant walks away, who pays that bill? And the same thing with the replenishing. You're going to want to have somebody keep an eye on what the amounts are at. It's easy enough if there's established amount and then ask for them to be replenished. I mean you could have the Planning Board do it just in house automatically, that's up to you. Clearly, it's better if it's automatic it seems to me because the Planning Board doesn't meet all that often but...

Trustee McManus: But we need it so that if it drops below the set amount there are not meetings, no business conducted on that project until the money is replenished.

Stephen Gaba: We could add a provision certainly saying that.

Trustee McManus: Everything is stopped until the money is put back.

Stephen Gaba: I could add a sentence that says that sure.

Mayor Newhard: We're not going to act on this tonight if you want some time to really look at this carefully.

Stephen Gaba: I can revise it and send it back out sure.

Trustee Patterson: And these numbers seem appropriate Barry?

Trustee Cheney: Yes, I think they are alright, they vetted them with the attorney and the engineer so...

Trustee Patterson: Did Rob Dickover look at them?

Stephen Gaba: I received the amounts from both him and Karen.

Trustee McManus: I think with those changes, the 80% and if everything stops if it falls below that is...

Stephen Gaba: Alright, I'll do a revised draft. I'll send it for your first meeting in August and if you want to act on it then.

Mayor Newhard: Yes, that would be great.

Trustee Patterson: Can you send it via email and then we will be ready to act on?

Stephen Gaba: I can copy everybody on it.

Trustee Patterson: Ok.

Mayor Newhard: Yes definitely. Thank you, Steve.

**2. Special Use Permit Application from Robert Kennedy for Forester Avenue  
Apartments property section block and lot 211-12-1 and setting an escrow amount.**

Mayor Newhard: Good evening gentleman.

Ross Winglovitz: Good evening. For the record, Ross Winglovitz with Engineering and Surveying Properties. I'm here with Robert Kennedy, the applicant. We were before you a couple of months ago. I think we actually made an application to the Planning Board with an original concept for this property. We came to the Village Board and presented it, I think Bo was here, I wasn't here that evening. We also met with the ARB. After meeting with the ARB, Bo reached out to me and we talked about what we could do to improve the project. He had some ideas based on his meeting with the ARB. I referred him to an architect that I have done a lot of work with, that does a lot of traditional neighborhood design work in the north Philly area. So, Bo reached out to them and engaged them, and they have prepared a new site concept based on discussions that they have had with the ARB. I think they met twice, right, the initial meeting and then a subsequent meeting we had about a month ago with the ARB to discuss the concept. We also met with the Planning Board at the end of June and we are here before you this evening to discuss this special use permit. The new concept, originally the concept was a building that was engineered with love. It was a rectangle. It was right in front of the site, parking in the rear. A little problem with elevations across the site. You don't probably notice it too much, but if you really look at it does drop quite a bit across the site. So, what the architect did, is try to come up with a building that could work better with the slopes and using that concept, they came up with kind of a street scape that is two story townhouses here and I think you have these color renderings in your packet, but that would be the view from Forester Avenue. On either side is our one-way entrance in and our one-way exit out on the left-hand side. Parking will all be in the

side yard and to the rear of the face of these buildings. So, they would work with stoops down to the existing sidewalk, or probably a new sidewalk would have to be installed by the time we do all of the construction here, and a little entry feature that kind of breaks up the building in the middle to actually allow access into the courtyard. The courtyard will be flanked by two buildings in the rear, two stories on each side. Two residential levels overlooking the courtyard. On the perimeter of course there will be the parking. I think we have eighty-nine parking spots, no, ninety-seven parking spaces where we need eighty, so we have enough parking on the site to serve the use plus an additional overflow. Some of that parking, twenty-seven spaces are actually provided with covered parking underneath the building. Those are here and here, and the rest will be on the perimeter of the building and our overflow parking area to the rear. As I said, one-way traffic flow around the building. The buildings again around the courtyard will be two-story buildings. On either side where the garages are, they will be three story, so there a garage level and two stories above. So, on this side here as you're looking at it from the parking lot and this side here, garage level and then two stories of residential above. So, it actually steps down across this building here and we were able to pick up ten feet that was part of what we needed across this site from the courtyard level down to this lower level.

Mayor Newhard: So, Ross may I interrupt.

Ross Winglovitz: Absolutely.

Mayor Newhard: So, the units of the left, the group on the left is three stories with a parking garage underneath it and then on the right it's two stories with parking?

Ross Winglovitz: So, if you divided the building in half, this side is three stories. This side is two stories.

Mayor Newhard: Oh, I see.

Trustee Patterson: On both sides.

Mayor Newhard: On both sides.

Trustee Patterson: The outside is two stories.

Ross Winglovitz: On this side of the courtyard is two stories and, on that side, this is a walkout condition here, so this is just like a walkout two story house. On this building you're looking at two stories on the front and then the walkout condition of the basement is where they are going to park on this. This here, the garages are on first floor and there are units on the first floor, so you could walk directly from your unit directly, from your parking spot, directly to your unit or you could go upstairs and there are units above on either side, here and here. So, the roofline, to accomplish that on the uphill unit the roofline slopes significantly, the center of the peak is here, then it slopes way down to kind of create that, one unit here, right, and then you got your two

units here, so this is two stories, your garage level and then this is your garage, so that's how we create that two story, three story. And this is just, like I said, much like a traditional house. We have just a normal roofline and apartments here, first floor basically, and this is your courtyard side, and then you have a walkout basement condition where you have your garage and that's that side. So those are hidden behind the townhouses. The townhouses are basically the face of the project. Obviously, we will do a lot of nice landscaping. The courtyard will be inviting. They will shield the building in the rear which is one of the most important features of the project. You can even see the elevation, so just to give you an idea, he's actually drawn in a roofline in the rear, they are not significantly higher than what you're seeing in the front. He's used a pretty high-pitched rooflines on the townhouses, very colonial style so that they shield a lot of what's behind.

Stephen Gaba: What's the height ground level to the top of the three-story units?

Ross Winglovitz: They are like forty-two feet, so we've actually done an analysis so that the height limitation is thirty-five feet but that's average grade to average between the peak and the eve, so we've actually submitted to the building inspector a plan showing all the cross sections, showing how we comply because as you can imagine this is only, for the unit right here is only twenty feet, so you've got thirty feet here plus a peak. You average that all around and it's below the thirty-five. We did submit a letter to the building inspector with several cross sections across of the units showing how we comply with that.

Mayor Newhard: And how many units all together?

Ross Winglovitz: A total of forty. There is twelve one-bedroom and twenty-eight two-bedroom.

Trustee Cheney: So, the buildings that front on Forester Avenue are only two-bedroom?

Ross Winglovitz: Correct. Yes, so all of these townhouses will be two-bedroom units.

Mayor Newhard: And two stories.

Ross Winglovitz: And two stories, yes.

Stephen Gaba: Where are you in SERQ review on this?

Ross Winglovitz: The Planning Board declared its intent to be lead agency at their initial meeting. Did they do a circulation? I don't know if they...

Stephen Gaba: I haven't seen anything.

Ross Winglovitz: They haven't circulated anything.

Stephen Gaba: I don't know if they did or not, I just haven't seen anything.

Ross Winglovitz: Oh, ok.

Trustee Patterson: Don't we have to do a special permit before they can declare themselves lead agency?

Stephen Gaba: SERQ comes before any of the (inaudible).

Trustee Cheney: Simultaneously.

Ross Winglovitz: Yes, that's the catch twenty-two we are trying to avoid, I guess, it's that Bo would like to give it some kind of nod from this Board that the special use permit in this use is something that you feel is compatible with this site. Obviously, he's spent a lot of money on architecture, engineering, and surveying at this point. He is trying to get, see how we can work on getting the special permit and I do think they did SEQR and thought they did a coordinated review so you should've gotten something. If they didn't it's an unlisted action, and so if they didn't do a coordinated review you can certainly act.

Stephen Gaba: They like to get their Neg Dec done right out of the box if they possibly can. If there are technical memos from the engineers or something, that would be interesting. I think this Board is going to refer this to probably my office and the engineer tonight for review and comment, or no?

Mayor Newhard: I thought the way it plays out is that we were doing a simultaneous review with the Planning Board for a special use permit. Isn't that the process?

Stephen Gaba: That's what we did last time, yes.

Trustee Cheney: It's suppose to happen simultaneously, independently but semi-independently but simultaneously according to the regs.

Stephen Gaba: I still think you should refer to us and to your planning consultant for comment. I don't know where we are with the Planning Board on this to be honest with you.

Trustee Cheney: We have to hold a public hearing.

Stephen Gaba: Yes, we did a joint one last time.

Trustee Patterson: What are your talking about, last time? When was the last time?

Stephen Gaba: When we did the special use permit for the solar panels. The special permit procedure is the same regardless of what it's for. You don't have to, but...



Trustee Patterson: Didn't you say you presented to the Planning Board in June.

Ross Winglovitz: Yes, we were. Last month. The same plan, yes, the same level of detailed concept to show them where we've come from where we were in March to where we are now. I think it was very well received. I think the ARB thought it was very well received. They were in favor of the plan, we thought based on especially the new concept that Bo presented.

Trustee Patterson: So, my question is if you presented it in June how could you be completed with SEQR by now?

Ross Winglovitz: We're not. So, they did, I believe in March, they did a coordinated review indicating that they would be going to send a request to anybody involved to say, we want to be lead agency.

Raina Abramson: And we already sent it out for review to Lehman and Getz. That was done jointly, and the letter was a joint letter about the project.

Ross Winglovitz: There was a letter authored by David.

Raina Abramson: And the initial application to us included a SEQR, we did have that, or a short EAF I mean, sorry.

Stephen Gaba: The question is do we have to do a separate SEQR review or is the Planning Board going to coordinate it? Which they really should've done.

Ross Winglovitz: Yes, I think they did. I thought they did.

Stephen Gaba: Look, they may have I just...

Ross Winglovitz: Yeah, it hasn't got to your desk yet. Because if not, it's an unlisted action, I think there's no type one thresholds.

Trustee McManus: What's been your discussion with the American Legion about parking?

Robert Kennedy: We haven't had any real discussions since the initial conversation which was at least six months ago. We are still trying to figure out how we can work with them from our perspective based on the design changes. We don't have an answer at this time.

Trustee Patterson: Is it going to affect the parking?

Trustee McManus: Yes.

Robert Kennedy: We have extra parking which is nice, more than is required so there is spillover. Right now, they obviously use considerably more than there would be if we built, or

any building went up there, so it makes it pretty tight for them. Not to be confrontational but, if the lots purchased and it goes through, it's owned by the LLC we created and no longer there for that but obviously from the beginning we'd like to work with them as best we can. There's room on their site for additional parking so we want to see how we can help facilitate that possibly and create additional parking on their land there.

Mayor Newhard: You know I was thinking to BO, one of the things that they use that parking lot for was as fundraising for Applefest and it is actually an important thing for them to do.

Robert Kennedy: Sure.

Mayor Newhard: So, that's I'm sure, it's a difficult thing for them.

Robert Kennedy: And we understand that and when we met with them they understood our...what we're trying to do as well. Again, we met with them prior to a lot of this coming forward so we're trying to be proactive and work with them as best we can but again we don't know where it's really going to head. We need to utilize our property the best we can and that doesn't leave much left over so it's more about what can we do to work them on their own existing property and create additional parking in the Village for them.

Trustee McManus: And then Lieutenant what does this do to patrols, getting back to Mechanical Rubber building for safety reasons?

Lt. John Rader: We'd have to look at the...

Trustee McManus: Is there one entrance going back to the building and to this site?

Ross Winglovitz: So, what this has now is a twenty-six-foot-wide access that will go to...and there will be a joint access agreement between the two properties so that they can access the Mechanical Rubber building and the parking lot and gym to the right and side and exit around the project. Twenty-six feet on both sides.

Trustee McManus: It's not that drive-by Forester Avenue and look at the property anymore, it's actually...

Mayor Newhard: You'd have to go in, yes.

Ross Winglovitz: Yes.

Lt. John Rader: That's fine. That's not an issue.

Ross Winglovitz: The good thing here is you'll have forty residents policing the neighborhood in the rear.

Trustee McManus: That's a good thing.

Ross Winglovitz: Well, I mean when there's nobody to see things happening, when there's somebody to see. We've got some eyes on the neighborhood.

Trustee McManus: Ok.

Mayor Newhard: Well, it's quite a transformation...

Ross Winglovitz: Oh yeah.

Mayor Newhard: From when you started.

Ross Winglovitz: Yes, I mean I think we first proposed thirty-six units so there's four more units, but the building has certainly changed and again trying to utilize or maximize the property being that it's in the Village.

Trustee Patterson: And it's all rental?

Ross Winglovitz: It's all rental, yes. Market rate, so no affordable in there specifically so it should be, we think good for the Village. Drive more traffic to downtown Main Street. We're happy with it obviously so we're hoping you guys are as well.

Trustee Patterson: I think it looks really pretty.

Mayor Newhard: Yes, it does.

Trustee Patterson: It's going to be, definitely, an improvement.

Mayor Newhard: So, what did you find?

Stephen Gaba: The Planning Board did circulate for lead agency, I think in January, and Barry made a motion to allow them to be lead agency which, is acquis, so they are lead agency as far as SEQR review goes. It's on tonight for you to set an escrow amount, for review by this Board and its consultants. I think you should add to that, that resolution, to set an escrow amount and refer it to my office, Lehman and Getz for comment, and then you could probably even set it for a public hearing if you had a mind to already, if you're satisfied with the application. Or you could wait and have our comments and then set it for a public hearing, that's up to you. It's either going to be a one-step or a two-step, and then you'll be in a position to act on the criteria for a special permit. Either you will, or you won't.

Mayor Newhard: And that public hearing is jointly with the Planning Board?

Stephen Gaba: You can hold it jointly with the Planning Board or you can allow them to hold their own. We did it jointly last time because you only wanted to make them go through one public hearing. I don't know, on a project like this maybe you want to have a separate public hearing for the Planning Board.

Trustee Patterson: I think that we do. I think that with other recent applications it was frustrating that people could not speak until the public hearing before the site plan approval. I don't think we want to go down that path. And allow the public hearing before.

Mayor Newhard: But this is just for the special use permit.

Trustee Patterson: No, understood but if what Steve is saying is that would mean there's only one public hearing for the project that would take away the site plan approval public hearing. Am I right?

Stephen Gaba: Well, it would all be done at one time is what would happen.

Trustee Patterson: So, it would be at the beginning is my point.

Stephen Gaba: It doesn't matter which one goes first. Either of them could go first, it makes sense to me to have this special permit one first, because if they can't get the special permit, they can't go and get their site plan. So, you can either say we're going to hold a special permit and site plan all at one time and one public hearing, or you can say we're going to hold a special permit public hearing and then a site plan public hearing.

Trustee Patterson: I'd like to do the latter. I think it's a better idea.

Stephen Gaba: Ok.

Trustee Patterson: And then the Planning Board gets their whole process.

Mayor Newhard: That's true.

Trustee Patterson: And that people who are invited to the public hearing get the opportunity to speak.

Stephen Gaba: There will be two bites at the apple so to speak.

Trustee Patterson: Right. For two reasons, too.

Stephen Gaba: Two separate reasons, absolutely right.

Mayor Newhard: Very good. So, we'll make that motion then to refer to your office and set an escrow.

Stephen Gaba: And Lehman and Getz too. They sent a preliminary memo when it was first handed in but all it really says is this is what the project is, and we'll provide you more information as the process continues. I think what you want is them to take a look at it and comment on the special permit criteria and whether or not it meets that. So, if you do that now, you have that resolution, or that memo in hand next time around and of course from us too.

Mayor Newhard: Ok.

Stephen Gaba: And the only question is do you want to wait until you have that in hand before you decide to set the public hearing, or do you want to set a public hearing now, for next time, just anticipating having that stuff.

Trustee Patterson: I think we should set a public hearing.

Ross Winglovitz: We would ask that the Board is going to consider two separate public hearings. That you would have your hearing sooner rather than later.

Mayor Newhard: Yes, that makes sense.

Trustee Patterson: But then is it on the applicant to send the letters to the property owners within five hundred feet?

Ross Winglovitz: Or whatever it is. I'm sure there's a statute for that.

Stephen Gaba: Yes, it's in our code.

Trustee Cheney: Three hundred.

Trustee Patterson: Ok, you keep changing it though Barry.

Trustee Cheney: These are the procedures specific for the special use permit.

Trustee Patterson: Oh, ok.

Trustee Cheney: We have to do it, it says within sixty-two days from the date a completed application is received. So, should we also be deeming the application complete?

Stephen Gaba: Yes, I think that would be appropriate, absolutely. I mean the only thing that's outstanding is SEQR review. You can hold your public hearing, but you can't take action until SEQR is done. Again, the Planning Board tends to act pretty quickly on that though, so I just don't think that's going to hold you up.

Mayor Newhard: Ok, well we're going to then move on to motions and while we're doing that, you're going to figure out the resolution.

Stephen Gaba: Ok.

Mayor Newhard: Any more comments from the Board though?

Stephen Gaba: Oh, one thing...this is on Forester's just a local road or is it a county road?

Mayor Newhard: It's a Village road.

Trustee Cheney: But, well the property behind this, that the building is on is in the Town.

Ross Winglovitz: This is in the Town, so we are within five hundred feet of a municipal boundary.

Stephen Gaba: Ok, so you have to give notice to the Town. How close are you to Memorial Park?

Ross Winglovitz: It's right on the other side of building behind us so that's probably, yes, within five hundred feet. If this is two hundred sixty feet, yes, it's probably another two hundred sixty feet to the back.

Trustee Patterson: No, Memorial Park is the frontage of the American Legion, so it's right on the side of that.

Stephen Gaba: So, it's not a state or a county park.

Mayor Newhard: No, it's Village.

Stephen Gaba: Yes, I don't know that you need a 239-m referral so, we could send it.

Ross Winglovitz: The municipal boundary doesn't kick in? I'm trying to remember.

Trustee Cheney: I thought it did.

Stephen Gaba: Let's do a 239-m referral because if you don't do it, it's fatal and if you do it...

Ross Winglovitz: I'm surprised the Planning Board didn't do it.

Trustee Cheney: Maybe they forgot the property...

Mayor Newhard: That it was the town.

Ross Winglovitz: Yeah, because we had come back with a change plan, so it's been a little bit...

Trustee Cheney: That is the town line.

Mayor Newhard: It's our little island.

Ross Winglovitz: Little island in the town.

Stephen Gaba: \$2,500 for escrow, is that acceptable. I mean I know our fees are not going to go over that. I'm just trying to anticipate Lehman and Getz.

Mayor Newhard: That would be just for the special use permit?

Stephen Gaba: Yes.

Mayor Newhard: Yes, I think so.

Ross Winglovitz: Even if the Planning Board did do it, you'd have to do your own because it's two separate actions.

Mayor Newhard: Right. Any more comments to the Board?

Ross Winglovitz: Nope.

Mayor Newhard: Ok, great. Thank you very much. Thank you, gentlemen.

### **Privilege of the Floor**

(Please limit your comments to **five (5)** minutes. If reading a document, please submit a copy to the Clerk. 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.

### **Motions**

#### **Forester Ave. Apartments Special Use Permit, Referral, Escrow, and Setting a Public Hearing**

**MOTION** to acknowledge the receipt of an application from Robert Kennedy for a Special Use Permit for the proposed construction of a forty (40) unit apartment building with parking on Forester Avenue property section block and lot 211-12-1. – **AMENDED**

### **Discussion**

Trustee Cheney: Should we do the first motion?

Stephen Gaba: I can pronounce it for you and then if you are so inclined to adopt that, would that be alright?

Trustee Cheney: Yes.

Stephen Gaba: Ok.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to acknowledge the receipt of a complete application from Robert Kennedy for a Special Use Permit for the proposed construction of a forty (40) unit apartment building with parking on Forester Avenue, property section block and lot 211-12-1, to set an escrow of \$2,500, to refer the application to the Village Attorney and the Village Engineering Consultant, to refer the application to the County Planning Department pursuant to GML §239-m and, further, to set a public hearing on the application for August 20, 2018 at 7:30 p.m. Four Ayes

**Bid – Installation of a Valve in the 18” Water Line from the Reservoir Filtration Plant**

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to receive bids for the installation of a valve in the 18” water line which comes from the Reservoir Filtration Plant. The valve will be installed north of the Grove Street main. Four Ayes

**Award of Chemical Bid to Slack Chemical**

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to accept the Bid Proposal from Slack Chemical Company for Sodium Hydroxide Dry Beads, Sodium Hydroxide Liquid Caustic 25%, Sodium Bisulfite 38% and Citric Acid 50% as per the DPW Supervisor and Keith Herbert, Chief Operator of JCO. The contract will be from July 11, 2018 to May 31, 2019. Four Ayes

**Facility Use Request for Basketball Tournament at Stanley Deming Park**

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson to grant permission to Terrell Hester to hold a three on three basketball tournament at the basketball courts in Stanley Deming Park on August 5, 2018 from 12:00 p.m. to 6:00 p.m., with a rain date of August 12, 2018. Completed park permit, proof of proper insurance and \$100 security deposit has been received. – **AMENDED**

**Discussion**

Trustee Patterson: Is Mountainside Road in the Village?

Trustee McManus: No, it's not.



Trustee Patterson: It's not a big deal. I'm totally in support of the tournament, it's great but it actually says that it must be a Village resident on the application.

Raina Abramson: I'm sorry, of course.

Trustee Patterson: No need for apologies. If we could just update that I guess with a Village resident?

Mayor Newhard: Do you want to make it pending correction.

Trustee Patterson: I'll vote for it now, I'm just asking to update it.

Trustee McManus: I will not vote as pending.

Mayor Newhard: What's the date on it.

Trustee Patterson: It's August 5<sup>th</sup> so we don't have another meeting, right.

Mayor Newhard: Right.

Trustee Patterson: So, can we make it pending?

Trustee McManus: Not in my book.

Trustee Cheney: I'm ok.

Trustee Patterson: I'm ok with it.

Mayor Newhard: So, am I so, who made the motion originally?

Trustee Patterson: George.

Mayor Newhard: Oh no, George.

Trustee Cheney: I'll make a motion to amend the motion to include pending a revised application signed by a Village resident.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson to grant permission to Terrell Hester to hold a three on three basketball tournament at the basketball courts in Stanley Deming Park on August 5, 2018 from 12:00 p.m. to 6:00 p.m., with a rain date of August 12, 2018 pending a revised application signed by a Village resident. Completed park permit, proof of proper insurance and \$100 security deposit has been received. Three Ayes, One Nay (Trustee McManus)

**New York State Retirement Days Worked per Month – Trustee William Lindberg**

**MOTION** to report 1.5 days worked per month to New York State Retirement for retirement reporting purposes for Trustee William Lindberg for the term of office beginning April 2, 2018 through April 4, 2022. - **WITHDRAWN**

**Mayor Newhard's Report**

I just wanted to mention that with the heat that we've been experiencing and the lack of rain, this is the time to conserve water. We are not in a water emergency at this point, but if we conserve water now we may not be, so please think about how you use water and use it carefully.

I just want to mention that the Warwick Summer Arts Festival has begun and this past weekend they did a wonderful event that used the Village of Warwick basically as their canvas. It was called Wonder Wander Warwick and it was six sites, and each site had many artists that were part of those sites and it was interactive, and it was very successful, so it was a wonderful way of actually showcasing our Village. Coming up there's a number of events, but if you go to their website, [www.warwicksummerarts.com](http://www.warwicksummerarts.com) you can find the whole schedule because the events are running July and August. One of the events is part of the Hudson Valley Jazz Festival which is starting on August 9<sup>th</sup> at 7:30 p.m. with a concert on Railroad Green and it's the New York Swing Exchange and so if you want more information on the Hudson Valley Jazz Festival, which a lot of that activity happens here in the Town of Warwick, it's [www.hudsonvalleyjazzfest.org](http://www.hudsonvalleyjazzfest.org)

I just wanted to make an announcement on those two very wonderful events that happen right in our own backyard.

**Executive Session**

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to go into executive session for the medical, financial, credit or employment history of a particular person or corporation, or matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and to seek the confidential advice of counsel. Five Ayes

Mayor Newhard: And we will not be making any motions when we return. We will be closing the meeting at that time.

**Return to Regular Meeting & Adjournment**

In closed session. Present: Mayor Michael Newhard, Trustee Eileen Patterson, Trustee George McManus.

A **MOTION** was made by Trustee Patterson to exit executive/closed session, resume the regular Village Board meeting and adjourn at approximately 9:30 p.m. Seconded by Trustee McManus.

The vote on the motion was as follows:

Trustee George McManus	Aye
Trustee Eileen Patterson	Aye
Mayor Michael Newhard	Aye

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Raina Abramson  
Village Clerk