

77 Main Street
Post Office Box 369
Warwick, NY 10990
www.villageofwarwick.org



VILLAGE OF WARWICK
INCORPORATED 1867

(845) 986-2031
FAX (845) 986-6884
mayor@villageofwarwick.org
clerk@villageofwarwick.org

Village of Warwick Village Board Meeting – December 7, 2020

Pursuant to Governor Cuomo's Executive Order 202.1, Village of Warwick meetings will be conducted virtually through Zoom Videoconference until further notice.

To View the Meeting:

FACEBOOK LIVE - The public may view the meeting live by going to the Village of Warwick's Facebook page: <https://www.facebook.com/VillageofWarwick>

VILLAGE'S WEBSITE – The public may view the meeting a day or so after its completion by going to the village's website: www.villageofwarwick.org

To Comment - During Privilege of the Floor Only:

VIA EMAIL OR MAIL - Comments may be sent to the Village Board prior to the Village Board Meeting via email to: clerk@villageofwarwick.org or via mail: Village of Warwick, Attn: Village Clerk, P.O. Box 369, Warwick, NY 10990. Please indicate in your correspondence that you wish to have your comments read during privilege of the floor.

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
December 7, 2020
AGENDA**

**Call to Order
Pledge of Allegiance
Roll Call**

1. Introduction by Mayor Newhard.
2. Acceptance of Minutes: November 13, 2020 and November 16, 2020.

The vote on the foregoing **motion** was as follows:

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____
Trustee McManus ____ Mayor Newhard ____

3. Authorization to Pay all Approved and Audited Claims # _____ –
_____ in the amount of \$ _____.

The vote on the foregoing **motion** was as follows:

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____
Trustee McManus ____ Mayor Newhard ____

Announcements

1. 2021 Village of Warwick calendar of holidays and meeting dates for the Village Board, Planning Board, Zoning Board of Appeals, and Architectural and Historic District Review Board.
2. Mayor's Appointments – Ralph Lucarelli, AHDRB Member.

Correspondence

1. Letter from Robert Skallerup regarding his resignation as member of the Village of Warwick Architectural and Historic District Review Board.

2. Report letter from Village Attorney, Stephen J. Gaba, regarding Warwick Feed and Grain – Petition for Zone Change, 15 Elm Street.
3. Report letter from Village Engineer, David Getz, regarding Warwick Feed and Grain – Petition for Zone Change, 15 Elm Street.
4. Letter from Warwick Valley Chamber of Commerce regarding a special Holiday Market in Kuiken Brother's Parking Lot on December 13, 2020 from 9:00 a.m. to 2:00 p.m.
5. Letter from Blustein, Shapiro, Rich & Barone, LLC dated November 25, 2020 regarding Village View Estates Subdivision Application for Special Use Permit, including narrative and excerpts from the SFEIS.
6. Letter from Village Attorney, Stephen Gaba, regarding Warwick Meadows – Gate on Sheffield Drive.

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

Trustee Cheney's Motions:

1. **MOTION** to grant permission to DPW Clerk, Cathy Schweizer, to carry over four (4) vacation days.

The vote on the foregoing **motion** was as follows:

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

2. **MOTION** to grant permission to Building and Planning Secretary, Maureen Evans, to carry over six (6) vacation days.

The vote on the foregoing **motion** was as follows:

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

3. **MOTION** to approve payment #2 in the amount of \$36,575.00 to TAM Enterprises, Inc. for the Vertical Spiral Screen for the Orchard Street Pump Station Project which includes payment for the generator and other stored materials per the recommendation of the Village Engineer, David Getz. Funds are appropriated in budget code G.8120.4950 in the 2020-21 budget.

The vote on the foregoing **motion** was as follows:

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

Trustee Lindberg's Motions:

4. **MOTION** to direct the Village Attorney, in consultation with the Village's Engineering Consultant, to prepare a draft local law for consideration by the Village Board by which the zoning change requested by Warwick Feed & Grain, LLC, may be enacted.

The vote on the foregoing **motion** was as follows:

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

5. **MOTION** to request Warwick Feed & Grain LLC to submit an application for site plan approval to the Village Planning Board, and for the Village Board to request the Village Planning Board to act as Lead Agency in a coordinated review under the State Environmental Quality Review Act on the Warwick Feed & Grain development project.

The vote on the foregoing **motion** was as follows:

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

6. **MOTION** to grant the application of New Cingular Wireless PCS, LLC, ("AT&T") pursuant to Village Code §145-120.1(BB) for renewal of a special use permit for the cellular antenna array on the Saint Anthony's Community Hospital building located at 15 Maple Avenue for a period of five (5) years from July 19, 2020 to July 19, 2025.

The vote on the foregoing **motion** was as follows:

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

Trustee Bachman's Motions:

7. **MOTION** to approve funding in the amount of \$3,000 to Community2gether for the Warwick Tourism Branding Initiative. Funds are appropriated in budget code A.7550.4950 in the 2020-21 budget.

The vote on the foregoing **motion** was as follows:

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

Trustee McManus' Motions:

8. **MOTION** to grant permission to the Albert Wisner Public Library to hold the Children's Book Festival on Railroad Green on Saturday, October 9, 2021 from 11:00 a.m. to 4:00 p.m. including permission to tie balloons on nearby parking meters the morning of October 9, 2021 as per their letter dated November 17, 2020, pending Governor Cuomo's Executive Orders, NYS Regional Phased Reopening Plan, and NYS Department of Health. Completed park permit, security deposit, and proof of proper insurance have been received.

The vote on the foregoing **motion** was as follows:

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

Final Comments from the Board

Executive Session (if applicable)

Adjournment

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
DECEMBER 7, 2020
AGENDA ADDENDUM**

**9. RESOLUTION SETTING JOINT PUBLIC HEARING ON ANNEXATION
PETITION**

WHEREAS, the Village of Warwick has received a petition from Village View Estates, LLC, to annex into the Village certain real property located in the Town of Warwick identified on the Tax Map as Section 43, Block 1, Lot 4.2; and

WHEREAS, in order to process the petition for annexation it is necessary for the Village Board to hold a joint public hearing with the Town Board of the Town of Warwick; and

WHEREAS, the Village has consulted with the Town Board of the Town of Warwick in regard to a mutually convenient date for the said public hearing;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby schedules a joint public hearing with the Town Board of the Town of Warwick in regard to the proposed annexation for January 14, 2021 at 7:00 p.m. o'clock; and

2. That the Village Clerk shall publish, post and mail notice of the said joint public hearing in accordance with the requirements of New York State Law.

_____ presented the foregoing resolution which was seconded
by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

William Lindberg, Trustee, voting _____

George McManus, Trustee, voting _____

Corey Bachman, Trustee, voting _____

Michael Newhard, Mayor, voting _____

Ira M. Emanuel, P.C.

Four Laurel Road, New City, NY 10956

Tel: 845.634.4141 Fax: 845.634.9312

E-mail: Info@EmanuelLaw.com

www.EmanuelLaw.com

Counsel to
Freeman & Loftus, RLLP

Amy Mele, Esq.
Of counsel

November 10, 2020

Mayor Michael Newhard
Village of Warwick
P.O. Box 369
Warwick, NY 10990
E-mail: mayor@villageofwarwick.org

Supervisor Michael Sweeton
Town of Warwick
132 Kings Highway
Warwick, NY 10990
E-mail: msweeton@townofwarwick.com

Re: Village View Estates Subdivision
Petition for Annexation and Application for Special Use Permit

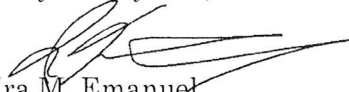
Dear Mayor Newhard and Supervisor Sweeton:

I represent Village View Estates, LLC ("Village View"), in connection with the Town of Warwick portion of the above matter. My colleague, Jay Myrow, Esq., of Blustein, Shapiro, Rich & Barone, LLP, represents the company with respect to the Village of Warwick portion.

A petition for annexation was filed in September 2018. Since that time, the Village Planning Board as lead agency under SEQRA, has completed an SEIS and a Findings Statement has been adopted. This matter is now ripe for a joint public hearing before the Village Board and Town Board on the annexation, and also a concurrent public hearing before the Village Board on the requested special permit.

Please schedule the public hearing at the earliest opportunity.

Very truly yours,


Ira M. Emanuel

Cc (via e-mail, only):

Robert Silber
Steven J. Gaba, Esq.
Kirk Rother, PE
Jay R. Myrow, Esq.
Raina Abramson, Village Clerk
Eileen Astorino, Town Clerk

RECEIVED

NOV 11 2020

**VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE**

BLUSTEIN, SHAPIRO, RICH & BARONE, LLP

ATTORNEYS AT LAW

MICHAEL S. BLUSTEIN
RICHARD J. SHAPIRO ♦
GARDINER S. BARONE
RITA G. RICH
JAY R. MYROW
WILLIAM A. FRANK

10 MATTHEWS STREET
GOSHEN, NEW YORK 10924
(845) 291-0011
FAX (845) 291-0021
www.mid-hudsonlaw.com

DIANA PUGLISI
JEANINE GARRITANO WADESON
BRIAN M. NEWMAN^
MEGAN R. CONROY
STEPHANIE TUNIC
JACOB TUCKFELT^
LYNDA J. MITCHELL*
SUSIE C. SOHN^
ARTHUR SHAPIRO
OF COUNSEL
BURT J. BLUSTEIN
RETIRED

ALSO ADMITTED IN PA*
ALSO ADMITTED IN NJ^
ALSO ADMITTED IN CT*

VIA EMAIL mayor@villageofwarwick.org
and REGULAR MAIL

October 26, 2020

Mayor Michael Newhard
Village of Warwick
PO Box 369
Warwick, New York 10990

Re: Village View Estates, LLC Subdivision
Petition for Annexation and Application for Special Use Permit

Dear Mayor Newhard and Village Trustees:

I represent Village View Estates, LLC. Enclosed please find a copy of the Petition for Annexation and Special Use Permit Application that were filed in September, 2018. It is requested that the matters be set for a joint public hearing with the Town Board of the Town of Warwick on the annexation petition and a concurrent public hearing on the Special Use Permit application per Village Code 145-161. Please confirm that we are on the November 2, 2020 meeting agenda for further proceedings. Thank you for your courtesies.

Respectfully,

BLUSTEIN, SHAPIRO, RICH & BARONE, LLP

JAY R. MYROW

cc: Robert Silber
Steven J. Gaba, Esq. (via email)
Kirk Rother (via email)
Ira Emmanuel, Esq. (via email)
Raina Abramson, Village Clerk (via email)

RECEIVED

OCT 26 2020

VILLAGE OF WARWICK
CLERK

KIRK ROTHER, P.E.
CONSULTING ENGINEER, PLLC

5 SAINT STEPHENS LANE
Phone (845) 988-0620

WARWICK, NY 10990
Email krother@kirkrother.com

August 20, 2018

Village of Warwick Village Board
77 Main Street
Warwick, NY 10990

Town of Warwick Town Board
132 Kings Highway
Warwick, NY 10990

**Re: Annexation Petition for
Village View Estates Cluster Subdivision**

Dear Messrs. Newhard and Sweeton, Trustees and Councilmen:

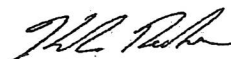
Village View Estates is currently seeking Realty Subdivision approval for a 45 lot cluster subdivision on approximately 21 acres of land fronting on Woodside Drive and Locust Street within the Village of Warwick. Village View Estates is also the owner of adjacent land in the Town of Warwick lying to the north, west and south of the village parcel. The town lands which lie to the south of the village parcel can generally be described as forming an irregularly shaped "wedge" that juts into the village lands from west to east.

In order to create a more desirable subdivision plan, as well as to avoid crossing a Class C stream with a second subdivision access road, the Applicant proposes to annex the aforedescribed wedge of land from the Town of Warwick to the Village of Warwick. The area proposed to be annexed is currently vacant land having a size of approximately 0.6 acres. If annexed approximately 0.10 acres of would be used for a proposed subdivision access road and right of way which would ultimately be dedicated to the Village for use as a public street, approximately 0.25 acres would be used as a single family home site and approximately 0.25 acres would be made a part of the project's permanent open space.

In support of the above, attached herewith please find a Joint Petition for Annexation, a map and legal description of the area proposed for annexation, and an overall map of the proposed Cluster Subdivision with the area in question highlighted in red.

Kindly place this matter on your respective Board's next available agenda for consideration. Should you have any questions, or require any additional materials, please feel free to contact this office.

Respectfully,



Kirk Rother, P.E.

Enclosures
Cc: Client

RECEIVED

AUG 22 2018

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

VILLAGE BOARD OF THE VILLAGE OF WARWICK
ORANGE COUNTY: STATE OF NEW YORK

TOWN BOARD OF THE TOWN OF WARWICK
ORANGE COUNTY: STATE OF NEW YORK

**JOINT PETITION FOR
ANNEXATION**

-----X
IN THE MATTER of the Petition of

VILLAGE VIEW ESTATES, LLC

for the annexation of certain territory from the TOWN
OF WARWICK to the VILLAGE OF WARWICK,
COUNTY OF ORANGE, STATE OF NEW YORK

-----X
**TO: THE VILLAGE BOARD OF THE VILLAGE OF WARWICK, NEW YORK and
THE TOWN BOARD OF THE TOWN OF WARWICK:**

Pursuant to General Municipal Law Article 17, the petitioner VILLAGE VIEW
ESTATES, LLC (hereinafter "Village View") petitions for annexation of territory from the
Town of Warwick, New York (the "Town") to the Village of Warwick, New York (the
"Village"):

1. The petitioner proposes and petitions that Village Board permit and allow to be
annexed to the Village the territory presently located in the Town and described as follows:

Section 43, Block1, Lot 4.2 designated on the Tax Maps of the Town (the "Territory")

2. The petitioner proposes and petitions that your Town Board permit and allow the
Territory to be annexed to the Village.

3. The petitioner herein is the owner of the Territory and the majority of assessed
valuation of the real property in the Territory, assessed upon the last preceding Town
Assessment Roll of the Town.

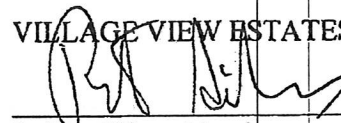
4. The Territory is vacant land and is not inhabited.
5. Annexed hereto and marked Exhibit "A" is an outline map of Territory to be annexed.
6. Annexed hereto and marked Exhibit "B" is a certificate signed by the assessor of the Town responsible for the preparation of the last preceding assessment role of the Town certifying that the petitioner is the owner of a majority in assessed valuation of the real property in the Territory proposed to be annexed to the Village and now situated in the Town as shown on the last preceding assessment role of the Town.

WHEREFORE, your Petitioners pray that the Village and the Town take such steps and such actions as may be necessary to grant the relief sought in this petition.

Dated: Goshen, New York
July 31, 2018

Respectfully,

VILLAGE VIEW ESTATES, LLC

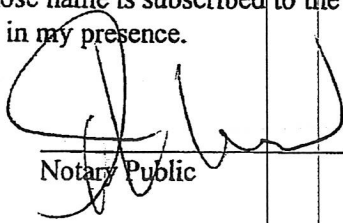


Robert Silber, Member
4 Fosse Court
Airmont, New York 10952
(845) 222-1812

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

I, Jay R. Myrow, being duly sworn, says: I reside at 31 Hawthorne Ave, Wausick
New York; I know each of the person whose name is subscribed to the above sheet having one NY
(1) signature, and he subscribed the same in my presence.

10990



Notary Public

JAY R. MYROW
Notary Public, State of New York
No. 02MY6053208
Qualified in Orange County
Commission Expires January 8, 2019

John A. McGloin

PROFESSIONAL LAND SURVEYOR
P.O. BOX 636 32 COLONIAL AVENUE
WARWICK, NEW YORK 10990
(845) 986-1262 FAX: (845) 986-1577

Village View Estates LLC
Proposed Annexation From
The Town of Warwick to
The Village of Warwick

Beginning at a point in the Lands now or formerly Village View Estates LLC (liber 5663 page 41 where the same is intersected by the Municipal Boundary line between the Town of Warwick & the Village of Warwick and running thence through the lands now or formerly Village View Estates LLC (liber 5663 page 41) and along the Municipal boundary line between the Town of Warwick and the Village of Warwick N76°02'00"E a distance of 525 plus or minus feet to a point; thence through and along the same 184 plus or minus feet to a point; thence along the lands now or formerly Reynolds & Falcinelli (liber 14380 page 27) and in continuation along the lands now or formerly Dasrats (liber 12154 page 1494) S79°14'44"W a distance of 330 plus or minus feet to a point; thence through the lands now or formerly Village View Estates LLC (liber 5663 page 41) N39°40'35"W a distance of 57.82 feet to the point of beginning.

IRACE ARCHITECTURE P.C.

60 MAIN STREET SUITE 3-B
WARWICK, NEW YORK 10990

LIBERTY PROFESSIONAL PLAZA
PARKSVILLE, NEW YORK

P. (845) 988-0198
F. (845) 988-0298

December 4, 2020

Village of Warwick
Attn: Mayor Newhard and Village Board of Trustees
77 Main St. - PO Box 369
Warwick, NY 10990

RE: Warwick Feed and Grain L.L.C.
15 Elm St., Warwick, NY 10990
SBL - 210.7.3

SUBJECT: Feed and Grain Petition for Zone Change

Dear Mayor Newhard and Village Board of Trustees,

I hope all is well and everyone is healthy and safe. I am following up on correspondence from the last village board meeting. I am in receipt of the report letter from Steven Gaba, dated November 13, 2020, and the report letter from Engineering and Surveying Properties dated November 13th, 2020, as well as the original letter from Lehman and Getz engineers from November 21, 2019.

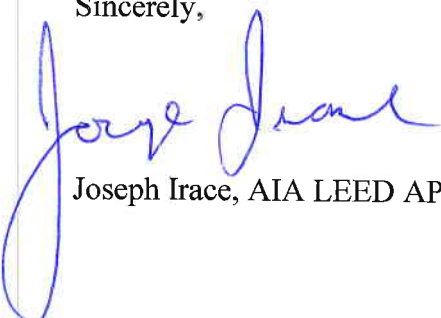
In the village attorney's letter, I need to clarify the scope of work we are undertaking at this point. The renovation of the existing structure, plus the addition is approximately 3500 ft.², not 12,000 ft.² as stated in this letter.

The original apartment project we presented last year was 12,000 ft.². This development is not being considered at this point. We are focusing on simply renovating the existing building and occupying it as soon as possible.

We have in fact submitted a SEQRA EAF for Review.

Thank you for your consideration.

Sincerely,



Joseph Irace, AIA LEED AP



2021 Village of Warwick Board Meetings
Village Hall – 77 Main Street, Warwick, NY

January 4th - 7:30 p.m.
January 19th (Tuesday) - 7:30 p.m.

February 1st - 7:30 p.m.
February 16th (Tuesday) - 7:30 p.m.

March 1st - 7:30 p.m.
March 15th Meeting - 7:30 p.m.

April 5th - 7:30 p.m.
April 19th Meeting – 7:30 p.m.

May 3rd - 7:30 p.m.
May 17th Meeting – 7:30 p.m.

June 7th - 7:30 p.m.
June 21st Meeting – 7:30 p.m.

July 6th – (Tuesday) 7:30 p.m.
July 19th Meeting – 7:30 p.m.

August 2nd – 7:30 p.m.
August 16th Meeting – 7:30 p.m.

September 8th (Wednesday) – 7:30 p.m.
September 20th Meeting – 7:30 p.m.

October 4th – 7:30 p.m.
October 18th Meeting – 7:30 p.m.

November 1st – 7:30 p.m.
November 15th Meeting – 7:30 p.m.

December 6th – 7:30 p.m.
December 20th Meeting – 7:30 p.m.

**VILLAGE OF WARWICK
2021 LIST OF HOLIDAYS**

| Holiday | Date of Holiday | Date Holiday is Observed by Village Hall |
|-------------------------|-------------------------------------|---|
| New Year's Day | Friday, January 1 st | Friday, January 1 st |
| Martin Luther King, Jr. | Monday, January 18 th | Monday, January 18 th |
| Presidents' Day | Monday, February 15 th | Monday, February 15 th |
| Good Friday | Friday, April 2 nd | Friday, April 2 nd |
| Memorial Day | Monday, May 31 st | Monday, May 31 st |
| Independence Day | Sunday, July 4 th | * Monday, July 5 th |
| Labor Day | Monday, September 6 th | Monday, September 6 th |
| Columbus Day | Monday, October 11 th | Monday, October 11 th |
| Veterans' Day | Thursday, November 11 th | Thursday, November 11 th |
| Thanksgiving Day | Thursday, November 25 th | Thursday, November 25 th |
| Day after Thanksgiving | Friday, November 26 th | Friday, November 26 th |
| Christmas Day | Saturday, December 25 th | * Friday, December 24 th |

* In the event a designated holiday occurs on a Saturday, the holiday shall be observed on the preceding Friday. In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday.

DOWNSTAIRS FAX # 987-1215

PLANNING BOARD MEETING

2021 SCHEDULE

2nd TUESDAY OF THE MONTH @ 7:30PM

CHAIRMAN: JAMES PATTERSON

**MEMBERS: BILL OLSEN, JESSE GALLO, KERRY BOLAND & THOMAS
McKNIGHT**

Alternate: Bryan Barber

JANUARY-----12th

FEBRUARY-----9th

MARCH-----9th

APRIL-----13th

MAY-----11th

JUNE-----8th

JULY-----13TH

AUGUST-----10TH

SEPTEMBER-----14th

OCTOBER-----12TH

NOVEMBER-----9th

DECEMBER-----14th

ZONING BOARD OF APPEALS

2021 SCHEDULE

3RD TUESDAY OF THE MONTH @ 7:00PM

CHAIRMAN: JOHN GRANEY

MEMBERS: JOHN PREGO, JONATHAN BURLEY, T.SCOT BROWN & MARGARET POLITOSKI

JANUARY -----19th

FEBRUARY-----16th

MARCH-----16TH

APRIL-----20st

MAY-----18th

JUNE-----15th

JULY-----20th

AUGUST-----17th

SEPTEMBER-----21st

OCTOBER-----19th

NOVEMBER-----16th

DECEMBER-----21st

ARCHITECTURAL AND HISTORIC REVIEW BOARD

2021 CALENDAR

1ST TUESDAY OF THE MONTH @ 4:30PM

CHAIRMAN: MICHAEL BERTOLINI

**MEMBERS: JANE GLAZMAN, ROBERT SKALLERUP, CHRIS DEHAAN &
MATTHEW FINN**

Alternate: Kerri Foley

JANUARY -----4th

FEBRUARY-----1st

MARCH-----1st

APRIL-----6th

MAY-----4th

JUNE-----1st

JULY-----6th

AUGUST-----3rd

SEPTEMBER-----8th (Wed)

OCTOBER-----5th

NOVEMBER-----2nd

DECEMBER-----7th

November 18, 2020

Mayor Newhard and
Village Board of Trustees
77 Main Street
Warwick, NY 10990

Dear Mayor Newhard & Village Trustees:

It is with much regret that I must resign as a member of the Village of Warwick Architecture and Historic Review Board. It has been a privilege to work with such dedicated people and to serve my community.

Thank you for your time and consideration in this matter.

Sincerely,
Bob Skallerup, AIA
Robert Skallerup
Village of Warwick
Architectural & Historic
Review Board

RECEIVED

NOV 20 2020

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Cogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Martens

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

November 13, 2020

ATTN: MAYOR MICHAEL NEWARD
Village Board
Village of Warwick
77 Main Street – P.O. Box 369
Warwick, New York 10990

Re: Warwick Feed and Grain - Petition for Zone Change
15 Elm Street
Our Matter ID: 14562-69600.04

Dear Mayor Newhard and Trustees:

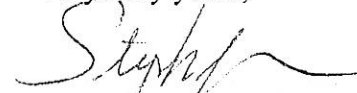
The Village Board has referred to us for review and comment the letter/petition for a zoning change submitted by Irace Architecture in regard to the property located at 15 Elm Street, Warwick, New York. Particularly, Irace is seeking to change the applicable zoning from "Light Industrial" to "Central Business" in order to develop a 12,000 s.f. building containing as a residential apartment and Architect's Office.

Having reviewed the new submission we can report that it is substantially less than the submission made by the property owner last year, and the applicant has not submitted a SEQRA EAF. Allowing for the said changes to the plans, the comments in our report letter on the project dated December 11, 2019, a copy of which is enclosed, remain applicable to the project. We note the Lehman & Getz has submitted a report letter confirming that their comments from last year remain relevant to the application.

If the Village Board wishes to proceed with processing the petition, the next step is to set an escrow amount to be deposited by the property owner (I recommend \$5,000), to direct that a draft local law be prepared for introduction, and to decide whether the Village Board wishes to circulate for lead agency status or ask the Planning Board do so.

If you have any questions or comments just let me know.

Very truly yours,


STEPHEN J. GABA

SJG/ev/910176
Enclosures

DRAKE LOEB PLLC

ATTORNEYS AT LAW

555 Hudson Valley Avenue, Suite 100
New Windsor, New York 12553

Phone: 845-561-0550

Fax: 845-561-1235

www.drakeloeb.com

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Cogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Emily R. Worden
Judith A. Wayne

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

December 11, 2019

ATTN: MAYOR MICHAEL NEWARD
Village Board
Village of Warwick
77 Main Street – P.O. Box 369
Warwick, New York 10990

Re: Warwick Feed and Grain - Petition for Zone Change
15 Elm Street
Our Matter ID: 14562-69600.04

Dear Mayor Newhard and Trustees:

The Village Board has referred to us for review and comment the letter/petition for a zoning change submitted by Irace Architecture in regard to the property located at 15 Elm Street, Warwick, New York. Particularly, Irace is seeking to change the applicable zoning from "Light Industrial" to "Central Business" in order to develop a 12,000 s.f. building containing 12 one-bedroom apartments.

From a legal perspective, the chief concerns with a proposed zoning amendment are consistency with the Village's Comprehensive Plan and avoiding spot zoning or conflicts with other provisions of the Village's Zoning Code.

In regard to consistency with the Village's Comprehensive Plan, the report letter from Lehman & Getz states that "many aspects of the zone change would be consistent with recommendations made in the Village's Comprehensive Plan". We concur in this assessment.

Further, we do not view the proposed zoning change as potentially constituting "spot zoning". While Irace's property is largely surrounded by lands zoned "LI", it borders lands that are zoned "CB" in the north across West Street. Thus, to some extent at least, the petition is requesting an extension of the "CB" District to contiguous property, rather than creating an isolated lot of land zoned "CB".

We are not aware of any conflicts with other provisions of the Village Zoning Code which might be created by enacting the proposed zoning change. The uses allowed on the subject property if the zoning were changed to "CB" would be reasonably compatible with the nearby uses permitted in the "LI" District or, at least, would not be antithetical to them.

The next step to be taken in this matter is for the Village Board to consider whether or not it is willing to introduce a local law by which the proposed zoning change may be enacted. Importantly, this is not to say that the Village Board will -- at this time -- introduce the proposed local law; only that the Village Board will decide if it is willing to introduce it and hold a public hearing on it.

If the Village Board is not willing entertain a local law for a zoning change, it should inform the applicant either informally or by resolution, and the matter will be at an end. On the other hand, if the Village Board is willing to consider enacting the proposed local law for the requested zoning change, then a Trustee should make a motion as follow:

"MOTION to resolve to introduce a local law for enactment of the zoning change requested by Irace Architecture P.C. regarding real property located at 15 Elm Street upon submission by Irace of an application to the Village Planning Board for land use approvals for the subject property along with an Environmental Assessment Form under the State Environmental Quality Review Act".

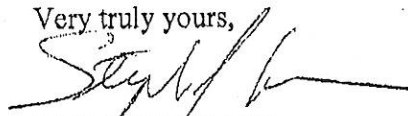
Upon a second, the motion may be adopted upon a simple voice vote by the Village Board.

If the said motion is made and adopted by the Village Board, then Irace would submit an application to the Planning Board for site plan approval along with a completed SEQRA EAF on the project, including both the land development project and the zoning change. The Planning Board would then act as lead agency in SEQRA review on the project and the zoning change.

Once Irace's application has been submitted to the Planning Board, my office will provide the Village Board with a draft local law for the proposed zoning change as well as a resolution introducing it and scheduling a public hearing on it. The Village Board may hold and close the public hearing, but it cannot vote upon the proposed local law until SEQRA review has been completed.

If you have any questions or comments regarding this matter just let me know.

Very truly yours,



STEPHEN J. GABA

SJG/ev/804009

cc: Lehman & Getz



Montgomery Office:

71 Clinton Street
Montgomery, NY 12549
phone: (845) 457-7727
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Warwick Office:

17 River Street
Warwick, NY 10990
phone: (845) 986-7737
fax: (845) 986-0245

www.EngineeringPropertiesPC.com

November 13, 2020

**VILLAGE OF WARWICK BOARD OF TRUSTEES
77 MAIN STREET
WARWICK, NY 10990**

**RE: WARWICK FEED & GRAIN PROPERTY
15 ELM STREET
SECTION 210, BLOCK 7, LOT 3
L&G #1803.5**

Dear Mayor Newhard and Trustees:

On November 21, 2019, we provided you a report with our comments on Joe Irace's zone change request for the Warwick Feed & Grain property located at 15 Elm Street.

We have reviewed the following new information submitted by Mr. Irace:

- Cover letters, dated 10/6/20
- Site design plan (Drawing S-1), dated 10/6/20
- Building permit, issued on 2/24/20
- Full Environmental Assessment Form, Part 1, dated 10/6/20
- Deed and survey information.

As before, the applicant requests a zone change from Light Industrial (LI) to Central Business (CB). He states that the scope of his development, however, has been reduced by eliminating the proposed construction of apartment units on the property.

Our comments from last year regarding the zone change remain unchanged; we are supportive of the proposal. We have attached a copy of our report, dated 11/21/19.

We provide the following review comments on the Full EAF:

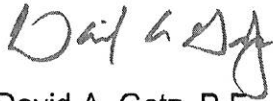
Page 1:

- the proposed action includes a zone change for Tax Lot 210-7-3, not just a change of use of the existing storage building.
- the owner, Feed and Grain LLC, should be listed at the bottom of page.

Page 10: Items "h, iii" should be revised as shown in the attached page. DEC records show a remediated site located at 26 Railroad Avenue. The proposed action will not affect the site.

Page 11: Items "h" (water resources) and "l" (sole source aquifer) should be revised as shown in the attached page.

Sincerely,
Engineering & Surveying Properties, P.C., Village Engineers

A handwritten signature in black ink, appearing to read "David A. Getz".

David A. Getz, P.E.

Enc: EAF attachments
Report dated 11/21/19

cc: file

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): 336061
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
The location of the site for ID #336061 is 26 Railroad Avenue. Remediation of the site is complete.

v. Is the project site subject to an institutional control limiting property uses?

☐ Yes ☐ No

• If yes, DEC site ID number: _____

• Describe the type of institutional control (e.g., deed restriction or easement): _____

• Describe any use limitations: _____

• Describe any engineering controls: _____

• Will the project affect the institutional or engineering controls in place?

☐ Yes ☐ No

• Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site?

☐ Yes ☐ No

If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____

_____ %

_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____ % of site

☐ Moderately Well Drained: _____ % of site

☐ Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site

☐ 10-15%: _____ % of site

☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site?

☐ Yes ☒ No

If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?

☐ Yes ☒ No

ii. Do any wetlands or other waterbodies adjoin the project site?

☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?

☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams: Name Wawayanda Creek Classification C(T)

• Lakes or Ponds: Name _____ Classification _____

• Wetlands: Name _____ Approximate Size _____

• Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?

☒ Yes ☒ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway?

☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain?

☒ Yes ☐ No

k. Is the project site in the 500-year Floodplain?

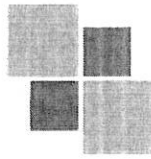
☒ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?

☒ Yes ☐ No

If Yes:

i. Name of aquifer: Principal Aquifer, Sole Source Aquifer Names: Northwest NJ 15 Basin SSA



LEHMAN & GETZ
CONSULTING ENGINEERS

November 21, 2019

Village of Warwick Board of Trustees
77 Main Street
Warwick, NY 10990

Re: Warwick Feed & Grain Property
15 Elm Street
Section 210, Block 7, Lot 3
L&G #1803.5

Dear Mayor Newhard and Trustees:

We have reviewed the following documents prepared by Joe Irace, AIA LEED AP, for the proposed zone change at the Warwick Feed & Grain property located at 15 Elm Street. The applicant requests a zone change from Light Industrial (LI) to Central Business (CB). The attached documents were submitted as part of his petition:

- Letter to the Board requesting a zone change, dated 9/26/19
- Copy of a letter to the Board dated 7/28/19
- Copy of the Owner's Authorization 7/28/19
- A schematic drawing of the property boundaries
- A conceptual site plan, dated 7/29/19.

The property includes approximately 1.1 acres. It has public road frontage along Elm Street and also at a driveway connection at West Street. Its location on the Village's zoning map is shown in Figure 1.

Both the LI and CB zoning districts allow many general, business, and service uses, such as educational facilities, libraries, retail uses, professional offices, restaurants, service stations, hotels, and motels. The proposed zone change from LI to CB would allow a wider variety of uses than what LI currently allows, and specifically, residential uses. The lists provided on the following page provide a summary of the change in allowed uses. Several pages from Article III of the zoning code are attached at the end of this report to provide additional detail on uses and bulk requirements.

ZONE CHANGE FROM LIGHT INDUSTRY (LI) TO CENTRAL BUSINESS (CB)

USES THAT WOULD NOW BE ALLOWED:

Residential Uses

- all residential uses

Mixed Uses

- home occupations
- residences on 2nd and 3rd floors of existing buildings

General Uses

- churches / places of worship
 - annual membership clubs / outdoor recreation
 - fraternal organizations
 - cemeteries
 - volunteer ambulance service facilities
 - hospitals / nursing homes
 - fire stations.
-

USES THAT WOULD NOW BE EXCLUDED:

General Uses

- public utility facilities
- health clubs, spas, fitness centers, gymnasiums
- medical offices / medical facilities

Business & Service Uses

- agriculture
 - manufacturing / assembly / finishing
 - research and design facilities
 - contractor's storage yards
 - indoor recreation
 - warehouses.
-

We provide the following comments on the proposed zone change:

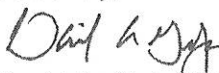
1. The CB zone could expand to include Lot 210-7-3 without being considered "spot zoning", since properties in CB zone are located immediately adjacent to the property.
2. Because both the LI and CB zones allow a wide range of uses, the impacts of the zone change on the local infrastructure, traffic volumes, economics, environment, and other resources cannot be clearly defined. Any proposed development of the property would be subject to SEQR review by the Village on a case-by-case basis. Because the previous uses of the property included several large buildings and paved areas, it is unlikely that any new development would increase the development coverage above previous levels.

3. Much of the property is located within the flood plain. All development must meet FEMA and Village flood plain regulations.
4. It appears that many aspects of the zone change would be consistent with recommendations made in the Village's Comprehensive Plan and Countryside Exchange Report (2000):
 - a. Providing affordable housing for singles and single parents at or below the median income of the region.
 - b. Providing a mix of housing sizes and values to encourage diversity and provide affordable housing.
 - c. Encouraging infill projects where existing but underutilized sites are developed at a scale and mix of land uses complementary to immediate neighboring property.
5. Residents of the site would live within easy walking distance of downtown restaurants, shops, bus stop, etc.

We provide the following comments on the applicant's conceptual site plan:

1. The plan includes a multi-family residence with 12 one-bedroom apartments. In addition, the existing tower would be converted to office space and a possible apartment. All of these uses are allowed in the CB zone. If the zone change is approved and the project moves forward, the applicant will be expected to comply with the code for multi-family residences, and the Village's Design Standards for architectural design, signage, lighting and landscaping.
2. Multiple residences are allowed in the CB zone, but it appears that the current design would require several area variances in addition to the zone change. It appears that variances would be needed for side and rear yards and setbacks, for the number of dwelling units per building, for building length, and for lot coverage.
3. Section 145-127 of the code includes various conditions that would be discussed during the site plan review process. These include providing a suitably fenced children's play area not less than 100 sf of ground area for each dwelling unit. The proposed plan appears to meet the Village's parking requirements for one-bedroom apartments (1.5 spaces/dwelling unit), although setback distances and screening requirements would need to be addressed. Due to the proposed density of development, stormwater management through the use of green infrastructure should be considered to offset impacts from the lot coverage issue.
4. The plan includes the placement of many feet of fill material so that the new buildings would be constructed in accordance with flood plain regulations.

Sincerely,



David A. Getz, P.E.

Lehman & Getz, P.C., Village Engineers

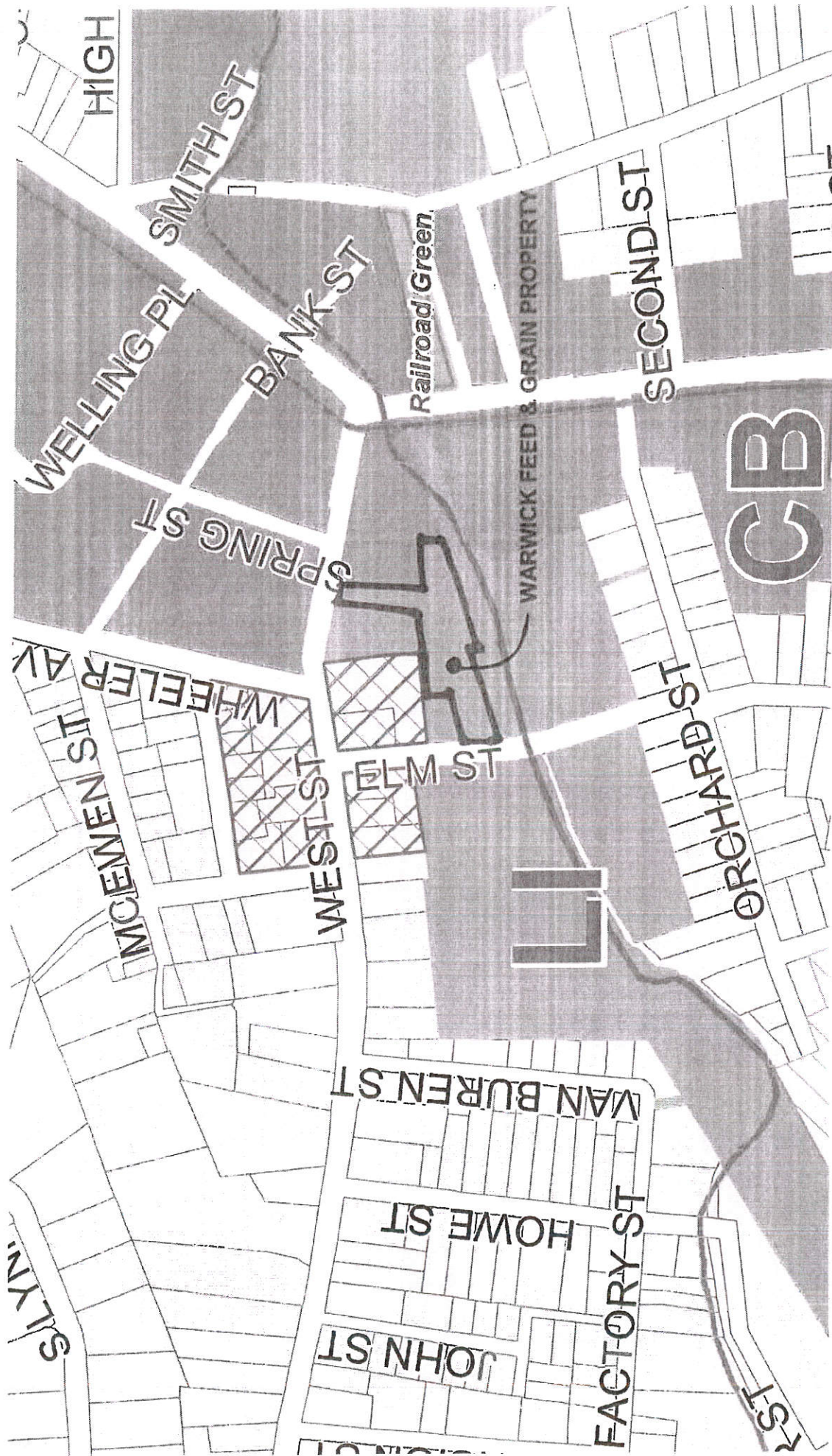


FIGURE 1

ARTICLE III Use Regulations

145-30 General Requirements

The general requirements affecting the use of buildings, structures and land for each of the districts established by Article II are hereby established and set forth in this Article.

145-31 Use Table

The accompanying table entitled "Table of General Use Requirements" shall be deemed part of this chapter and is referred to herein as the "Use Table".

145-32 Utilization of Use Table

- A. The Use Table, included herein, is divided into columns with each column headed by a capital letter(s) represent the respective Zoning Districts for reference. Vertical lines divide the requirements for one (1) district from those of another.

Village of Warwick Zoning Law

- B. In the Use Table, all uses are indicated as follows:
- P Uses permitted by right and subject to the bulk and supplemental requirements as applicable.
 - C Uses permitted only upon approval of the Planning Board and are conditional thereon pursuant to Article XI and Article XII of this Zoning Law.
 - S Special uses permitted on approval of the Village Board in accordance with Article XVI.
 - * All uses denoted by an asterisk (*), including all special permit uses and conditional uses, also require Site Plan approval by the Planning Board in accordance with Article IX.
- C. The uses identified in Structure/Land Use column have a corresponding letter designating a Use Group for reference to the Table of Bulk Requirements. Certain uses do not have respective Bulk Requirements and are designated with "n/a" in the Use Group column. For uses where there is no respective Use Group identified, applicants are encouraged to provide the Planning Board with a proposal for a Use Group related to a similar structure or use as the one being proposed.
- D. Any use not identified in the Use Table shall be deemed prohibited. Any use indicated as conditional shall be deemed prohibited unless approved in a manner specified by this chapter. Where conditional uses are identified by generic word or description, the Planning Board shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Planning Board shall consider to what extent the proposed use is alike, in land use impacts, the class of use indicated in the Use Table.

145-33 Prohibited Uses

The uses which are listed in this section are prohibited in the Village, subject to the qualifications set forth in § 145-23D.

- A. Manufacturing uses involving primary production of the following products from raw materials:
1. Asphalt, cement, charcoal and fuel briquettes.
 2. Chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxilin, rayon yarn and hydrochloric, nitric, phosphoric, picric and sulfuric acids.
 3. Coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and size.
 4. Linoleum and oilcloth; matches; paint; varnish and turpentine.
 5. Rubber (natural and synthetic); soaps, including fat-rendering; starch.

Table of Use Requirements

| Land Use District | R | LO | MR-SC | CCRC | CB | GC | LI | TND ¹ | PAC ² | AD ³ | Use Group ⁴ (See Bulk Table) | Special Conditions ⁵ |
|---|----|----|-------|------|----|----|----|------------------|------------------|-----------------|--|---------------------------------|
| Residential Uses | | | | | | | | | | | | |
| One family residence | P* | P* | | | P* | | | | | | b | |
| One-family residence semi-attached/lot | C* | C* | | | C* | | | | | | h | \$145-128 |
| Two-family detached residence ⁵ | P* | P* | | | P* | | | | | | g | |
| Community residence facilities ⁶ | P* | P* | | | P* | | | | | | c | |
| Multiple Residence | S* | S* | | | S* | | | | | | g | \$145-127 |
| Senior Citizen Housing Development | C* | C* | C* | | C* | | | | | | i | \$145-124 |
| Accessory Apartment (one) | C* | C* | | | C* | | | | | | b | \$145-120.4 |
| Guesthouse/Servant Caretaker Dwelling Apartment | C* | C* | | | C* | | | | | | n/a | \$145-120 |
| Family/Group Care Facilities | S* | S* | | | S* | | | | | | g | \$145-120 |
| | C* | C* | | | C* | | | | | | c | \$145-120 |
| Mixed Uses | | | | | | | | | | | | |
| Residential Professional Office | C* | C* | | | | | | | | | p | \$145-120 |
| Bed & Breakfast Establishments | C* | C* | | | | | | | | | n/a | \$145-120.2 |
| Home Occupation | C* | C* | | | C* | C* | | | | | b | \$145-120.3 |
| Residences on 2nd & 3rd Floor of existing bldg. | | | | | C* | C* | | | | | j | \$145-120 |
| General Uses | | | | | | | | | | | | |
| Public utility facilities ⁷ | P* | P* | | | | | P* | | | | n/a | \$145-120 |
| Public utility buildings | C* | C* | | | C* | C* | P* | | | | n/a | \$145-110.1 |
| Wireless telecommunication facilities | | | | | S* | S* | S* | | | | n/a | |
| Village of Warwick uses and buildings | P | P | | | P | P | P | | | | n/a | |
| Churches/Places of worship | C* | C* | | | C* | C* | C* | | | | d | \$145-120 |

Table of Use Requirements

| Land Use District | R | LO | MR-SC | CCRC | CB | GC | LI | TND ¹ | PAC ² | AD ³ | Use Group ⁴ (see Bulk Table) | Special Conditions ⁵ |
|---|----|----|-------|------|----|----|----|------------------|------------------|-----------------|---|---------------------------------|
| Educational Facilities | S* | S* | | | S* | S* | S* | | | | d | \$145-120 |
| Annual membership clubs/Outdoor recreation | C* | C* | | | C* | C* | | | | | d | \$145-120 |
| Fraternal Organization | C* | C* | | | C* | C* | | | | | k | \$145-120 |
| Cemeteries | S* | S* | S* | | S* | S* | | | | | e | \$145-120 |
| Volunteer ambulance service facilities | S* | S* | S* | | S* | S* | | | | | b | \$145-120 |
| Hospitals/Nursing homes | S* | S* | S* | | S* | S* | | | | | e | \$145-120 |
| Ambulatory Care Center | S* | S* | S* | | S* | S* | | | | | c | \$145-120 |
| Fire stations | S* | S* | | | S* | S* | | | | | n/a | \$145-120 |
| *Health club, spa, fitness center, gymnasium (*adopted 10/7/13) | | | | | | p* | p* | | | | n | |
| Medical offices/medical facilities | | | | S* | | | S* | | | | c | \$145-120 |
| Skilled Nursing/Rehabilitation Facility | | | | S* | | | | | | | e | \$145-120 |
| Adult home/Assisted living facilities | | | | S* | | | | | | | c | \$145-120 |
| Congregate housing | S* | | | S* | | | | | | | c | \$145-120 |
| Adult day care | | | | S* | | | | | | | c | \$145-120 |
| Libraries/Museum/Art galleries | S* | | | | p* | p* | p* | | | | k | \$145-120 |
| Business & Service Uses | | | | | | | | | | | | |
| Agriculture | P* | P* | | | | | P* | | | | a | |
| Nursery school | C* | C* | S* | | C* | C* | | | | | b | \$145-120 |
| Day care | C* | C* | S* | | C* | C* | | | | | b | \$145-120 |
| Buildings or stands for agricultural product sales ⁶ | P* | P* | | | P* | P* | | | | | n/a | |
| Business/Professional/Government offices | | P* | | | P* | P* | P* | | | | j | |
| Funeral homes/Mortuaries | | P* | | | P* | P* | P* | | | | j | |
| Banks | | P* | | | P* | P* | P* | | | | j | |
| Retail stores | | | | | P* | P* | P* | | | | k | |

Table of Use Requirements

| Land Use District | R | LO | MR-SC | CCRC | CB | GC | LI | TND ¹ | PAC ² | AD ³ | Use Group ⁴ (See Bulk Table) | Special Conditions ⁵ |
|---|---|----|-------|------|----|----|----|------------------|------------------|-----------------|--|---------------------------------|
| Personal service stores | | | | | P* | P* | P* | | | | k | |
| Eating/Drinking establishments | | | | | P* | P* | P* | | | | k | |
| Service establishment other than of a personal nature | | | | | P* | P* | P* | | | | k | |
| Theatres/Cinemas | | | | | P* | P* | P* | | | | k | |
| Outlets for laundries/cleaning | | | | | P* | P* | P* | | | | k | |
| Newspaper printing | | | | | P* | P* | P* | | | | k | |
| Manufacturing for sale on premises | | | | | P* | P* | P* | | | | k | |
| Hotels/Motels | | | | | C* | C* | C* | | | | k | \$145-120 |
| Gasoline service station | | | | | C* | C* | C* | | | | m | \$145-121 |
| Automobile sales and service, including repairs | | | | | C* | C* | C* | | | | o | \$145-122 |
| Car washes | | | | | C* | C* | C* | | | | o | \$145-122 |
| Manufacturing/assembly/finishing | | | | | | C* | C* | | | | o | \$145-123 |
| Research and design facilities | | | | | | | P* | | | | m | |
| Contractor's storage yard | | | | | | | P* | | | | m | |
| Indoor Recreation (e.g. batting cages, tennis courts) | | | | | | | C* | | | | m | \$145-126 |
| Warehouse | | | | | | | P* | | | | m | |
| | | | | | | | S* | | | | m | \$145-120 |

1. For allowable uses in the TND District, please see \$145-28.
2. For allowable uses in the PAC District, please see \$145-26.
3. For allowable uses in the AD District, please see \$145-27.
4. For uses which contain "n/a" in this column, applicants should provide the Planning Board or Village Board with a proposal for a Use Group related to a similar structure or land use.
5. Not more than one principal residential building per lot.
6. Subject to Village Board approval as to site selection pursuant to §41.34 of NYS Mental Hygiene Law.

TABLE OF BULK REQUIREMENTS

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 15A | 16 | 17 | 18 | 19 | 20 |
|-----------|--|-----------------|---------------------|------------------|--------------------|--------------------------|-----------------|---|--------------------|-----------------|---|-----------------------|------------------|--|---|---------------------------|-----------------|-------------------------------|--------------------------------------|----------------------|
| | Minimum Lot Area (sq. ft.) (see also Note 4) | Lot width (ft.) | Front Setback (ft.) | Front Yard (ft.) | Side Setback (ft.) | Total Side Setback (ft.) | Side Yard (ft.) | Side Yard within 25' of Residence (ft.) | Rear Setback (ft.) | Rear Yard (ft.) | Rear Yard within 25' of Residence (ft.) | Street Frontage (ft.) | Max Height (ft.) | Development Coverage (%) (see also Note 4) | Building Coverage (%) (see also Note 4) | Floor Area Ratio (F.A.R.) | Lot Depth (ft.) | Liveable Floor Area (sq. ft.) | Lot Area (sq. ft.) (see also Note 4) | Bedrooms of Lot Area |
| a | 200,000 | 400 | 100 | 100 | 100 | 200 | 75 | 100 | 100 | 75 | 100 | 300 | 35 | 25 | n/a | 0.20 | 500 | n/a | n/a | n/a |
| b | 20,000 | 100 | 35 | 35 | 20 | 50 | 10 | n/a | 35 | 10 | n/a | 80 | 35 | 35 | n/a | 0.25 | 125 | 1,250 | n/a | n/a |
| c | 40,000 | 150 | 50 | 50 | 30 | 60 | 20 | 20 | 30 | 30 | 30 | 100 | 35 | 20 | n/a | 0.20 | 200 | 600 | 4,000 | 12 |
| d | 40,000 | 100 | 100 | 20 | 20 | 50 | 20 | 40 | 45 | 20 | 35 | 100 | 40 | n/a | 25 | 0.20 | 200 | n/a | n/a | n/a |
| e | 80,000 | 200 | 50 | 20 | 20 | 40 | 10 | 10 | 20 | 10 | 10 | 200 | 35 | n/a | n/a | n/a | 200 | n/a | n/a | n/a |
| f | 17,500 | 100 | 35 | 35 | 20 | 50 | 10 | n/a | 35 | 10 | n/a | 75 | 35 | 35 | n/a | 0.25 | 125 | 1,200 | n/a | n/a |
| g | 22,500 | 125 | 40 | 40 | 25 | 60 | 15 | n/a | 35 | 10 | n/a | 90 | 35 | 35 | n/a | 0.25 | 125 | 900 | n/a | n/a |
| h | 40,000 | 20 | 20 | 20 | Note 5 | Note 5 | Note 5 | n/a | 35 | 35 | n/a | 20 | 35 | 20 | n/a | 0.20 | 100 | 500 | 4,000 | 12 |
| i | 40,000 | 150 | 50 | 25 | 30 | 60 | 20 | 20 | 30 | 30 | 30 | 100 | 35 | 40 | n/a | n/a | 200 | 600 | 2,000 | 24 |
| j | 5,000 | 50 | Note 1 | n/a | 10 | 10 | 10 | 15 | 10 | 10 | 20 | 50 | 40 | 80 | 40 | 0.40 | 50 | 600 | n/a | n/a |
| k (see 6) | 5,000 | 50 | Note 1 | n/a | 10 | 10 | 10 | n/a | 10 | 10 | n/a | 50 | 40 | 100 | n/a | n/a | 50 | n/a | n/a | n/a |
| l | 5,000 | 50 | Note 1 | n/a | 10 | 10 | 10 | 20 | 10 | 10 | 20 | 50 | 40 | n/a | 40 | n/a | 100 | n/a | n/a | n/a |
| m | 40,000 | 100 | 40 | 15 | 20 | n/a | 20 | 40 | 40 | 20 | 35 | 100 | 40 | n/a | 40 | n/a | 150 | n/a | n/a | n/a |
| n | 20,000 | 100 | 40 | 15 | 20 | 50 | 10 | 20 | 40 | 10 | 20 | 100 | 35 | n/a | 60 | 0.20 | 200 | n/a | n/a | n/a |
| o | 10,000 | 100 | Note 1 | n/a | 10 | 10 | 10 | 20 | 10 | 10 | 20 | 100 | 40 | 80 | n/a | n/a | 100 | n/a | n/a | n/a |
| p | 20,000 | 100 | 35 | 35 | 20 | 50 | 10 | n/a | 35 | 10 | n/a | 80 | 35 | 70 | n/a | 0.25 | 200 | 700 | n/a | n/a |
| q | 400,000 | 800 | 100 | 50 | 75 | 150 | 50 | 50 | 75 | 50 | 50 | 800 | Note 2 | 40 | 20 | 0.45 | 400 | Note 3 | 2,000 | 24 |

Note 1 - The required front setback need not be greater than the average setback of the two nearest neighboring structures located on the same side of the street within 150 feet of the proposed building.

Note 2 - The maximum building height shall not exceed thirty-five (35) feet, except that new construction may include one building which shall not exceed forty (40) feet in height. Hotels/motels shall not exceed thirty (30) feet in height.

Note 3 - Efficiency - 400 sq ft. One bedroom - 550 sq ft. Two bedroom - 750 sq ft

Note 4 - Lot area shall be defined in § 145-181 for columns 2, 15, 15A, 19 and 20 per Local Law #1 of 2001.

Note 5 - See § 145-128.

Note 6 - 100% development coverage permitted only when project incorporates a "green roof".

February 17, 2009



WARWICK VALLEY CHAMBER OF COMMERCE INC.

25 SOUTH STREET • WARWICK, NY 10990

PHONE: 845-986-2720 • FAX: 845-986-6982

WEB ADDRESS: www.warwickcc.org • E-mail: info@warwickcc.org

November 17, 2020

The Honorable Michael Newhard
Mayor of the Village of Warwick
Village Board of Trustees
PO Box 369
Warwick, New York 10990

Dear Mayor Newhard and Board of Trustees;

The Warwick Valley Chamber of Commerce would like to formally notify the Village of Warwick that the Warwick Valley Farmers' Market will be holding a special Holiday Market in the Kuiken Brother's Lot, located at 33 South Street in Warwick, on December 13, 2020 from 9:00am – 2:00pm with a snow date of December 20, 2020.

This date is an extension of the 2020 Market season and is a celebration of the upcoming holidays. I have requested that WRG Sanford Insurance Company send you the required Certificate of Insurance.

We thank you in advance for all your cooperation over the years with Farmers' Market and hope to see you at the Holiday Market.

Thank you for your attention to this matter.

Very truly yours,

Michael Johndrow, Executive Director
Warwick Valley Chamber of Commerce

RECEIVED

NOV 17 2020

VILLAGE OF WARWICK
VILLAGE OF WARWICK

BLUSTEIN, SHAPIRO, RICH & BARONE, LLP

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ALSO ADMITTED IN NJ^
ALSO ADMITTED IN CT*

VIA EMAIL and HAND DELIVERY

November 25, 2020

Mayor Michael Newhard
Village of Warwick
PO Box 369
Warwick, New York 10990

Re: Village View Estates, LLC Subdivision
Application for Special Use Permit

Dear Mayor Newhard and Village Trustees:

Please consider this letter to amend the Special Use Permit application wherein Kirk Rother's cover letter indicated that the application was for 17 additional units. In fact, the application is for 14 additional units to bring the total dwelling unit count to 42.

Enclosed please find my narrative setting forth the considerations to be had on the Special Use Permit application, along with certain portions of the SFEIS referenced in the narrative.

It is requested that this matter be placed on a Village Board agenda in December to confirm the public hearing on January 4, 2021 and to discuss any issues the Board may have. Thank you for your courtesies.

Respectfully,

BLUSTEIN, SHAPIRO, RICH & BARONE, LLP

JAY R. MYROW

cc: Robert Silber
Steven J. Gaba, Esq. (via email)
Kirk Rother (via email)
Susan Roth (via email)

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NOV 25 2020

VILLAGE OF WARWICK
VILLAGE CLERK'S OFFICE

Excerpts from the Village View Cluster Subdivision SFEIS, dated 7/27/2020 showing Village Board comments and responses

Accepted by the Village Planning Board on August 11, 2020

Village View Cluster Subdivision SFEIS, Last Revised 7/27/2020

Page 7

The SDEIS described four possible alternatives that could provide a long-term solution for improved sewage conveyance within the service area. Of the four scenarios, the **Village Board** has determined that the best alternative would be to completely replace the Robin Brae pump station with a new pump station capable of handling the sewage flows from the existing service area including the Village View subdivision.

*DEIS Comment C.2.1: The **Village Board** asks the Planning Board and applicant to look carefully at the stress of the proposal on existing infrastructures. Although mitigations have been described in the DEIS, we believe they do not address the issues completely. The Village Wastewater Treatment Plant is in poor condition and the Village is in the process at this time, of structuring a*

Village View Cluster Subdivision SFEIS, Last Revised 7/27/2020

Page 28

Comment DEIS C.2.1 continued Village View Cluster Subdivision, Last Revised 7/27/2020, page 29.

redevelopment plan. The cost of this project is estimated to be twelve to fifteen-million-dollars. Systemwide the weakest link is the Robin Brae Pump Station which has major ongoing issues and would be the receiving pump station for the sewage from this development. I have been told by the system operator that this pump station cannot accept much more material than it does now. (V. Warwick, 2)

DEIS Response C.2.1: The Developer has agreed to construct a new operational pump station immediately adjacent to the existing Robin Brae facility and dedicate it to the Village of Warwick. Upon being placed into service the existing pump station will be disconnected from service and removed by the Developer. The new facility will be dedicated to the Village and, prior to the issuance of any certificates of occupancy for the residential units within the subdivision and prior to receiving sewer connection permits for new dwellings within the proposed subdivision, accepted by to the Village. A Developer's Agreement will be executed with the Village of Warwick to memorialize the terms of the agreement including the Developer's agreement to bond construction, construct the facility to Village specifications, and to dedicate the facility. Included would be a provision for securing and delivering a construction/improvement bond for the facility as well as a maintenance bond that would be payable to the Village in the event the improvements are not completed by the Developer.

SEIS Comment C.1.2: Wastewater Management — *The SEIS document mischaracterizes the impact of the Village View project on the sewer collection system as "improvements to operations". While the Robin Brae Pump Station could benefit from routine maintenance replacements, the addition of Village View project would have a negative impact on the function of the pump station at its current size. (VB-9)*

SEIS Response C.1.2: It is understood by the project sponsor that the Robin Brae sewer pump station needs physical improvements, not just improvements to its operations. Four possible conceptual alternatives to improving sewer service via the Robin Brae pump station were presented in the SEIS. **Also see Response C.1.1 above.**

SEIS Comment C.1.3: *In the proposed mitigation section, the stated assumption that costs would be "borne by all users" is presumptive on the part of the applicant. (VB-10)*

SEIS Response C.1.3: The Developer has agreed to construct a new operational pump station immediately adjacent to the existing Robin Brae facility and dedicate it to the Village of Warwick.

*Response C.1.3 continued, Village View Cluster Subdivision SFEIS, Last Revised 7/27/2020
page 27*

Upon being placed into service the existing pump station will be disconnected from service and removed by the Developer. The new facility will be dedicated to the Village and, prior to the issuance of any certificates of occupancy for the residential units within the subdivision and prior to receiving sewer connection permits for new dwellings within the proposed subdivision, accepted by to the Village. A Developer's Agreement will be executed with the Village of Warwick to memorialize the terms of the agreement including the Developer's agreement to bond construction, construct the facility to Village specifications, and to dedicate the facility. Included would be a provision for securing and delivering a construction/improvement bond for the facility as well as a maintenance bond that would be payable to the Village in the event the improvements are not completed by the Developer.

SEIS Comment E.1.1: *Please give clarification on the final topography of the units on the western side of the project. If the plan will be to create level plots with retaining walls, will this lead to greater stormwater and draining issues? Please clarify how this part of the project will be managed. (VB-11).*

Response E.1.1: The lots along the westerly property line are graded to result in approximately two to four feet of elevation change across the foundation of the dwelling. The side yards are then graded to result in eight to ten feet of elevation change between each of the respective structures. The lots are approximately 85 to 90 feet wide in this area. The change in elevation between each lot is accomplished by land grading. There are no retaining walls proposed anywhere within the development.

SEIS Comment E.1.4: *Woodside Culvert: Although the flow of the stream that travels the length of the property is intermittent, during heavy rains, it carries a great quantity of runoff. The stream flows underneath a culvert on Woodside Drive that is potentially in poor condition and under sized. (VB-4)*

SEIS Response E.1.4: The Village View site and areas upstream comprise an approximately 138-acre watershed that is tributary to an existing approximately 4 ft. x 8 ft. concrete box culvert that flows under Woodside Drive. Village of Warwick Code requires that projects provide a stormwater management system that will result in post-developed peak flow rates at least 10% below pre-developed levels. Village View is comprised of approximately 20 acres of land that lie within the Village of Warwick limits. The project sponsor also controls an additional 80 acres of adjacent land in the Town of Warwick. The 80 acres in the Town is not subject to the 10% runoff reduction threshold. In an effort to help address existing downstream flooding problems, the Village View project has been designed to reduce the pre-development peak rate of run-off for both the Town and Village portions of the project by 10%. The Village View subdivision will therefore not result in an increase in impacts to the existing concrete culvert under Woodside Drive and is expected to help alleviate existing downstream flooding problems.

2. Comments from DEIS Public Comment Period

DEIS Comment E.2.1: *The Village applauds the applicant on increasing buffers protecting the stream corridor as well as its storm water management plan. The stream corridor is problematic when heavy intense rain occurs which results in flooding on Woodside Drive and further downstream at a culvert intake near Maple Avenue that is a continual threat of damming due to debris, and results in severe flooding to adjacent properties. (V.Warwick, 4)*

DEIS Response E.2.1: Comment Noted. Also see DEIS Response E.2.2 Below.

SEIS Comment G.1.4: *Sleepy Valley, Woodside and Locust Street are all very narrow roads with no shoulder or sidewalk. The Board remains concerned about both vehicles and pedestrian safety. (VB-1)*

SEIS Response G.1.4: Due to existing traffic concerns of the residents, including the speeds and stop sign violations of vehicles traversing Locust Street and Sleepy Hollow Road, the Village Police have begun to monitor violations along this road and have issued citations. To assist the village in their goals of addressing traffic safety, the applicant has offered to contribute a single electronic speed radar sign on the eastbound lane of Locust Street at a location approved by the Village. This sign is estimated to cost approximately five thousand dollars. The sign is designed to increase driver awareness with real time monitoring of speed along Locust Street. In addition, the applicant will stripe the centerline and edge of the travel lane from the Town/Village border to the intersection of Locust Street and Woodside Drive. The proposed electronic speed radar sign and striping plan have been incorporated onto the plans for this project.

It is also suggested by the Applicant's Traffic Engineer that the Village consider conducting a road use and inventory study, in which the widths and functional use of village streets are assessed. If there is a demand for widening any roads to provide pedestrian and bicycle facilities, a coordinated maintenance program could be implemented. In the case of Locust Street and Sleepy Valley Road, grading onto private property may be necessary subject to the available ROW. Currently, and into the foreseeable future, it is expected that traffic volumes on Locust Street and Sleepy Valley Road will remain relatively low with an estimated 700 to 1000 vehicles a day (vpd), in comparison to Route 94 – 8,350 vpd, and Grand Street – 5,720 vpd, according to NYSDOT counts.

SEIS Comment G.1.25: *The intersection of Woodside and Locust has poor sight distance and the stop sign is often ignored. The intersection of Locust and Maple also has poor sight distance and is narrow. (VB-2)*

SEIS Response G.1.25: Operating an intersection as an all-way stop can mitigate situations of poor sight distance. It doesn't appear that the all-way stop is necessary due to traffic congestion. As such, some drivers may think it is unwarranted. Enforcement and education may help improve traffic law obedience. Clearing vegetation along the ROW on Maple Avenue (Rt 94) could improve sight lines. Due to existing traffic concerns of the residents, including the speeds and stop sign violations of vehicles traversing Locust Street and Sleepy Hollow Road, the Village Police have begun to monitor violations along this road and have issued citations. To assist the village in their goals of addressing traffic safety, the applicant has offered to contribute a single electronic speed radar sign on the eastbound lane of Locust Street at a location approved by the Village. This sign is estimated to cost approximately five thousand dollars. The sign is designed to increase driver awareness with real time monitoring of speed along Locust Street. In addition, the applicant will stripe the centerline and edge of the travel lane from the Town/Village border to the intersection

Statement SEIS Response G.1.25 Continued on Page 63

of Locust Street and Woodside Drive. The proposed electronic speed radar sign and striping plan have been incorporated onto the plans for this project.

SEIS Comment G.1.40: *Although sidewalks are part of the plan, there is no use of a complete street model that would include amenities such as a bicycle lane. It is this type of detail that should be part of any new family friendly development. (VB-5)*

SEIS Response G.1.40 The Plan was designed in accordance to the existing zoning code, which was adopted by the Village in accordance with their current planning documents. The Reduced Scale Alternative shows sidewalks on both sides of the street.

SEIS Comment G.1.42: *The plan calls for predominantly four-bedroom homes. According to the formula that was used, each home would generate two cars. Time has shown us that this equation is incorrect. The true number of cars will probably be double what has been used in this study. Will the new homes allow for enough parking for four cars? If the overall development produces double the expected number of vehicles, how can the traffic studies be accurate? (VB-3)*

SEIS Response G.1.42: See SEIS Response G.1.13.

SEIS Response G.1.13: Trip generation presented in the SEIS was determined using the Institute of Transportation Engineers (ITE) Trip Generation 10th Edition for the Single Family-Detached Housing land use code. This trip generation rate is based on over 150 studies used to develop a regression equation that found each house will generate an average of approximately one trip per home in each of the AM and PM peak hours. This accounts for the fact that while each home may own two or more vehicles, not all will necessarily depart/arrive during the peak hour. Further, not all those trips will exit to Sleepy Valley Road, as some are expected to use Woodside Drive. **See also SEIS Response G.1.1, G.1.2, G.1.5.**

DEIS Comment G.2.1: *The cumulative changes on Town properties that use Sleepy Valley as their main thoroughfare has increased and will continue to increase. The intersection of Woodside and Locust, Locust and Maple are of primary concern due to site distance and general lack of traffic direction clarity due to road width and the unanticipated stop at the intersection of Woodside and Sleepy Valley. The traffic generated by the development will be further intensified by the cluster modification. Most families have three, sometimes four cars, and multiple drivers. We are concerned with additional traffic counts and the wear and tear of roads servicing the development. Although the roads may seem in good condition, the construction phase and additional homeowners will expedite the deterioration of existing roadways. (V.Warwick-5-6)*

DEIS Response G.2.1: The homeowners will be contributing to the tax base of the Village of Warwick, which helps to fund repairs to the public roads in the Village of Warwick. As stated in the DEIS, the traffic study indicated that trip generation will be consistent with the carrying capacity of the existing roads. Due to existing traffic concerns of the residents, including the speeds and stop sign violations of vehicles traversing Locust Street and Sleepy Hollow Road, the Village Police have begun to monitor violations along this road and have issued citations. To assist the village in their goals of addressing traffic safety, the applicant has offered to contribute a single electronic speed radar sign on the eastbound lane of Locust Street at a location approved by the Village. This sign is estimated to cost approximately five thousand dollars. The sign is designed to increase driver awareness with real time monitoring of speed along Locust Street. In addition, the applicant will stripe the centerline and edge of the travel lane from the Town/Village border to the intersection of Locust Street and Woodside Drive. The proposed electronic speed radar sign and striping plan have been incorporated onto the plans for this project. All Road access from Locust Road/Sleepy Valley Road have been eliminated in the Reduced Scale Alternative (Figure 3). Also See DEIS Response G.2.2

DEIS Comment G.2.7: *In January 2016 the Village Board agreed upon a resolution to adopt the tenants of Complete Streets. The purpose of this resolution was to develop zoning principles that would help enhance our community, especially in new developments. The concept is to design streets, pedestrian, and bicycle thoroughfares and connective pathways that are in harmony. The desire is that these added amenities are to be realized as part of the Village View plan. (V.Warwick-7)*

DEIS Response G.2.7: The Plan was designed in accordance to the existing zoning code, which was adopted by the Village in accordance with their current planning documents. The Reduced Scale Alternative shows sidewalks on both sides of the streets that are fronted with new homes..

DEIS Comment H.2.1: Although the cluster provision does not speak of adding a percentage of affordable housing, the Village is appreciative of the effort by the developer to address the need by planning six units of townhouses. The Village is also appreciative of the design and architectural sensitivity of the developer in using a vernacular of architectural design that speaks to the heritage of historic architecture in the Village. We also recognized the added natural buffers in the new plan.

The reduced roadway, the lack of cul-de-sacs, and connective roadway are positive planning features and represent a more sustainable model of development. Although the Planning Board has allowed the applicant to have sidewalks only on one side, we believe in the long run the neighborhood would be better served with sidewalks on both sides of the street. In the spirit of complete streets, a bike lane and street trees would be important additions. (V. Warwick-8-10)

DEIS Response H.2.1: No Response necessary. Affordable housing is no longer offered as part of the Reduced Scale Alternative, but the planned cluster of Town Houses, which will be offered for sale under condominium ownership will be more affordable than the single family home. Street trees have been added to the plan as well as sidewalks on both sides of the street that front homes.

DEIS Comment H.2.2: The Village has championed anti-sprawl zoning and recently rewrote its cluster subdivision code. The Village recognized the use of clustering as a way of creating stronger Village neighborhoods and protecting the natural environment. Clustering allows for this protection but also presents challenges of a greater intensity of use. The Village View cluster proposal replaces the original twenty-eight lot subdivision with forty-five lots, or an additional seventeen lots with little, if any, gain of open space which is normally the positive result of clustering.(V. Warwick-1)

DEIS Response H.2.2: These comments no longer apply since they were based upon the 45-lot Cluster Subdivision Plan (Figure 2), which has been replaced by the Reduced Scale Subdivision Plan (Figure 3) The new preferred plan increases the buffer to the stream and wetland to 100 feet from roads and property lines, and preserves almost 50% of the property.

DEIS Comment H.2.3: The Village grows one neighborhood at a time and we appreciate the steps that the applicant is making to create a new and beautiful addition to our Village. We also recognize some of our limited capabilities due to over stressed infrastructure which remains one of our greatest challenges to future growth. (V. Warwick-11)

DEIS Response H.2.3: No Response Required, Water and Sewer Services more specifically addressed in The SEIS, and in previous Sections of this document.

SEIS Comment J.1.3: *The DEIS discussed this issue referencing the alternative plan. The current plan provides a greater number of "affordable" dwellings similar to the previous alternative plan yet provides no discussion of the nature of those dwellings. Also, by distributing the number of bedrooms by a mix of number of bedrooms in the single-family dwellings can allow for a greater number of "affordable" dwellings. (VB-8)*

SEIS Response J.1.3: The number of bedrooms within the homes is planned to be consistent with the market demand. Although it is true that family size has generally decreased, more people use additional unused bedrooms as a home office, hobby rooms and guest rooms. The homes on the lots are custom built. Even though the exteriors may share a common aesthetic, the interior of the homes will reflect the tastes and budgets of the individual buyers.

SEIS Comment J.1.4: *In J. Fiscal Impacts the applicant failed to recognize the tax implications of the change in housing type from one dwelling on a single lot to the revised layout which includes 10 dwellings on a single lot (resulting in a condominium ownership structure). The tax structure of those two types is calculated differently and would result in a decrease in tax revenue for the 10 dwellings on a single lot. The applicant should calculate the difference in taxes under the new plan and mitigate the loss in taxes and whether there is a resultant decrease in services. A final decision on whether to allow this ownership structure would require the input of the Village Board. (VB-6)*

SEIS Response J.1.4: A reduction of the taxes paid per individual dwelling would help to keep the homes affordable, which the board has shown to be a concern. The Village Board is correct to point out that the condominiums would most likely be assessed at a lower rate. In accordance with data available online for similar condominiums in the area, taxes are assessed by useable square footage, at a rate of about 1/3 to 1/2 of the average new single family home. Therefore the taxes generated by the sale of the homes and condominiums would be correctly reduced by \$4,500-\$7,000 per year for the total taxes for each unit, in which the Village would receive about half (general budget and special districts included). Taxes generated by the homes would average about \$7,000 a year for new units. Our research indicated that taxes were higher for units that were in a townhouse style, and most of the condominiums researched were small units of less than 1500 square feet.

SEIS Comment J.1.5: *The DEIS on page 84 states that the Village "receivers approximately \$89,594,537 raised by property taxes" based on the 2017-18 Adopted Budget, This number is in error and the correct number is \$3,304,264.51 (VB-7)*

SEIS Response J.1.5: The number provided by the Village Board is correct. The first number \$89,594,537 was the combined value of the assessed property reported in the budget for that year. The analysis was based on budgeted items for each taxable service district, and not on total budget, so there is no need for correction of any other section of the DEIS or SEIS, other than the taxes generated by the proposed condominiums in the Village View Project. Even with the reduction of taxes generated from the project, on the whole, the project generates sufficient tax resources to pay for its fair share of residential services.

SEIS Comment Q.1.9: *Please give a history of why the entrance on Woodside was not originally considered in the twenty-eight (28) unit version and why was it changed? (VB-12)*

Response Q.1.9: The initial subdivision proposals for the Village View proposed an entrance to Woodside Drive as the main point of entry. In fact, the initial submittal had a single entrance to Woodside Drive as the only access point with an internally looped road and future stub to adjacent land owned by the project sponsor. Because the Village Code requires two points of access for subdivisions of 20 lots or more, a second access point was provided to Locust Street. Subsequent to multiple iterations of these initial plans which depict the main access point to Woodside Drive, at the request of the Village, the main entrance to Woodside Drive was relocated to Locust Street. Doing so resulted in a second stream crossing and additional wetland impact. The relocation of the proposed Woodside Drive entrance to Locust Street was not due to any environmental constraints as some have claimed. In fact, the change resulted in added environmental impact. The relocation was also not due to traffic safety as the change resulted in the entirety of eastbound project traffic to travel through the Woodside Drive/Locust Street intersection. The change also resulted in the need to make significant improvements to Locust Street in order to improve sight distance.

The RSA that is the subject of this FEIS is proposed as a clustered type subdivision. One of the main objectives of clustering the development is to protect Primary and Secondary Conservation areas as permanent open space. The most significant Primary Conservation Area within the Village View site is the stream and associated wetlands. By returning the proposed entrance to Woodside Drive, and providing a second means of access through the Town property to Sleepy Valley Road, impacts to the stream and wetland are completely eliminated. The Woodside Drive entrance location also offers significantly improved safety with regard to vehicular movements due to the availability of sight distances to the north all the way to the Woodside/Locust intersection, and to the south for a distance exceeding 500 feet. Finally, the Woodside drive location allows for more gentle grading and less cut and fill of the proposed road as compared to the two stream crossings to Locust Street which require substantial fill sections.

Special Use Permit criteria per Village Code
Application of Village View Estates for additional units for cluster subdivision
Dated: November 25, 2020

Applicant has applied for an increase in the number of the dwelling units permitted for its cluster subdivision pursuant to Village Code § 145-29(D)(4) which provides:

“145-29 Residential Cluster Development

D. Density

4. Once initial density is established, the total number of permitted dwelling units may be increased to the maximum number of units that will fit on a parcel while maintaining all setbacks required herein and maintaining a minimum lot area of 10,000 square feet. Additional units over the number which was established by the Yield Plan shall be subject to a Special Use Permit of the Village Board and shall be subject to a fee established by the Village Board as provided in the Village Schedule of Fees. All payments shall be made prior to the signing of the final subdivision plat.”

Applicant’s as-of-right dwelling unit count is 28 lots as established by its initial yield plan as determined by the Planning Board. Applicant now requests an additional 14 dwelling units per the subdivision plan upon which the Planning Board completed the SEQRA process by adopting its Statement of Environmental Findings on September 8, 2020 (the “Findings Statement”) on the SFEIS (Supplemental Final Environmental Impact Statement). The SFEIS was accepted by the Planning Board on August 11, 2020, distributed to other lead agencies and filed with the DEC on August 14, 2020.

The consideration of a Special Use Permit is governed by Village Code § 145-120 and § 145-160 et seq. Specifically, § 145-120 provides that “The Village Board of Trustees are authorized to approve special permit uses in accordance with Article XVI and § 145-160 of this Zoning Law respectively.” § 145-120 then sets forth specific general conditions and standard for special permit approval.

Village Code § 145-160 and following sections set forth the procedures for consideration of Special Use Permit Applications and also provides:

“145-160 Statutory Authorization

A. . . . The Village Board, in considering any application for a Special Use Permit hereunder, shall exercise such discretion reserved for legislative matters so as to ensure that the public health, welfare and safety are protected and the environmental and land resources of the Village are most efficiently utilized.”

1. Specific criteria in Village Code § 145-160

The considerations set forth in this section are that the public health, welfare and safety are protected and that the environmental and land resources of the Village are most efficiently utilized.

In the course of completing the SEQRA process, the Planning Board and all involved agencies considered all elements of the project that would have any impact on the public health, welfare, safety and/or environment. The specific items considered are best outlined by reference to the table of contents for the Findings Statement:

| | |
|--|----|
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| Section 5.16 Effects on Use and Conservation of Energy | 18 |

The breadth and scope of the considerations undertaken by all involved agencies, including the Village Board, in the SEQRA process constitute a thorough review to protect the public and environmental interests. Reference is hereby made to all SEQRA documents that are made part of the record in consideration of the Special Use Permit application. Specifically, filed herewith is a document containing excerpts from the SFEIS setting forth comments of the Village Board and the responses thereto.

As stated at the Village Board meeting on November 16, 2020, the applicant previously received conditional preliminary approval for a 28-lot subdivision. That approval remains in effect pending approval of the pending alternate plan. Of significant importance in comparing the two plans is the elimination of the disturbance of wetlands and a stream crossing that is accomplished by the pending plan. This positive impact on these resources accomplish the stated goal in § 145-160 “that the environmental and land resources of the Village are most efficiently utilized.” The alternate plan also increases the amount of open space from 2.8 to 8.9 acres which is 44% of the parcel and well in excess of the minimum 20% requirement in the Cluster Regulations.

Based on the content of the FSEIS, the Planning Board approved the following in the Findings Statement:

Section 6: Certification of Approval of Findings

After due consideration and pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 6-17 of the relevant environmental impacts, facts and conclusions disclosed in the DEIS, SDEIS and SFEIS for the Village View Subdivision Approval, and in the entire record, and after weighing and balancing the relevant environmental impacts with social, economic, and other considerations set forth in the Findings Statement, and more fully evaluated in the specific findings on the preceding pages, the Planning Board of the Village of Warwick, as Lead Agency, certifies, for the reasons set forth in these Findings, that:

1. The requirements of 6 NYCRR Part 617 have been met and complied with in full;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives, the Proposed Action avoids or minimizes adverse environmental impacts disclosed in the DEIS and SDEIS to the maximum extent practicable.
3. Adverse environmental impacts revealed in the environmental review process will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision, the mitigation measures, which have been identified in this Findings Statement in the previous sections in Section 5 in its entirety.

These Findings and all obligations set forth herein, shall be incorporated in any further approvals related to the Proposed Action of the Village View Subdivision approval and shall be deemed a part of any approvals given to the project.

Based on the foregoing, the pending plan protects the public interest and protects the environmental and land resources of the Village

2. Specific criteria in Village Code § 145-120

The general conditions and standards in § 145-120 are set forth in subparagraphs A-D as follows:

“145-120 General Conditions

A. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and not be detrimental to the site or adjacent properties in accordance with the zoning classification of such properties.

B. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian

and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous.

C. The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings.

D. The proposed use will not require such additional public facilities or services or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right.”

As to each consideration:

A. Essentially this condition requires a showing that the project will be in harmony with the zoning district and will not be detrimental to the site or adjoining properties. As set forth in detail in the SEQRA documents, the proposed plan has evolved over the years to its current design based specifically on the objective of conforming to this consideration. The proposed plan significantly improves on the 28-lot plan by eliminating wetland disturbances and a stream crossing and more than doubles the amount of preserved open space. The applicant has agreed to build 10 lower priced units as townhouses to provide a more affordable housing option. The road systems have been improved as confirmed by the traffic study conducted by the applicant. The applicant has reduced the unit count for the proposed plan from 45 to 42 in order to provide for the best design for the site. Finally, the proposed plan meets all cluster development regulations and other regulations in the R Zoning District.

B. This condition requires a showing that the project will properly accommodate pedestrian and vehicular traffic. The proposed plan provides for sidewalks on both sides of the streets that front dwelling units in order to provide a neighborhood feel and for safety purposes. The traffic flow and impacts were studied in detail by Creighton Manning and set forth in a report dated June 21, 2019 by Kenneth W. Wersted, P.E., PTOE which is part of the SEQRA documents. A copy of this report can be found in its entirety in the text and Appendix of the SEIS that was subject to public review on December 10, 2020. The conclusions in the report are as follows:

5.0 Conclusions

The project includes the construction of a residential subdivision with 42 residential homes. Access to the site is proposed via one full access roadway to Sleepy Valley Road and an additional access road on Woodside Drive south of Locust Street. The proposed project is expected to be completed and fully occupied in 2021. The following is noted regarding the proposed project:

- The proposed project is expected to generate 35 new vehicle trips during the AM peak hour and 44 new vehicle trips during the PM peak hour. This magnitude of traffic does not call for detailed evaluation of off-site intersections based on NYSDOT and ITE guidelines; however, the detailed traffic evaluation for this project included five study area intersections in addition to the proposed site driveway intersections.
- The level of service analysis at the study area intersections indicates that all approaches will operate at the same level of service through Build conditions with no approach experiencing an increase in delay greater than two seconds. The existing traffic control at each intersection will accommodate traffic associated with the proposed site development. No mitigation is recommended.

Mr. Kirk Rother
June 21, 2019
Page 9 of 9

- The Site Driveway on Woodside Drive and the Site Driveway on Sleepy Valley Road are both expected to operate at LOS A during both peak hours. It is recommended that the Site Driveways operate under stop sign control with a single lane entering and exiting the site.
- Given the very low delay increases, traffic from the proposed 42-unit subdivision will have little to no noticeable increase over the approved 28-unit subdivision.
- The road connection through the Town of Warwick parcels will allow for future development of additional lands. The build out of an additional 25 single-family residences will have no significant traffic impact on the surrounding road system. Would-be residents of *Village View* should be advised of the potential for future development.

In addition, Mr. Wersted worked directly with the Village Board to identify any additional traffic control measures to control vehicle speeds along Locust Street and Woodside Drive. As a result, the applicant agreed to off-site installations of an electronic speed radar sign and additional striping which is set forth in the Findings Statement as additional elements of the plan.

- C. This condition requires a showing that the project will properly locate walls and fences on the site, and the nature and extent of landscaping will be appropriate. No issues regarding proposed walls or fences were identified and the Planning Board made the following findings on landscaping in the Findings Statement:

The Planning Board finds that the following mitigation is necessary for this project:

1. The Reduced Scale Subdivision provides more protection of the open space, which reduces the potential for impacts on local fauna that use the site for foraging and shelter. In addition, the higher quality forested wetlands and streams are better protected by the Reduced Scale Subdivision Plan. All other plans that were considered under this SEQRA process will not be included for further consideration and will be considered abandoned once preliminary approval has been granted.

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2. The SWPPP and site plan landscaping plans are required to utilize native species of trees and plants. Use of native species will aid in the restoration of the lands that are protected to their natural vegetative state

3. To protect the endangered species Indiana bat (*Myotis sodalis*) and Northern long-eared bat (*Myotis septentrionalis*) the applicant will be required to cut trees between October and March so that summer roosts known to occur in the general area will be minimally disturbed.

4. No other mitigation is required for impacts on Flora and Fauna.

D. This condition requires a showing that the project will not require such additional public facilities or services or create such fiscal burdens upon the Village. In general, the Findings Statement considered this condition as follows:

Section 5.10: Fiscal Impact

A fiscal analysis for the Village property appears in the DEIS, Section III-J, Fiscal Impacts, starting on Page 82. It analyzes the projected impacts of providing services to the new residents and the anticipated costs and revenues to each of those taxing districts. Since the decrease in number of units is minor for the Village (42 instead of 43 proposed units) this analysis was not updated for the SEIS. The impact would be nearly the same, and the study concludes that the new Village residents would pay taxes to cover their fair share of municipal services. All service districts have sufficient capacity to serve the residents in the Village and the Town without expansion. The SEIS included a preliminary analysis of the fiscal impact of the maintenance of the road created in the Town to serve the Village residents, since in the beginning properties would not be developed along the road, and tax generation would be at a minimum. It was determined that by the time that the road needed maintenance other than occasionally snow plowing, that the residential units within the Town would be built, and properties would generate sufficient tax revenue to pay for its share of the road. (For more detailed information on the fiscal impact analysis, please refer to the DEIS, Section III-J, Fiscal Impacts starting on page 82, and the SDEIS starting on page 66.)

Commenters questioned whether the costs to provide services would exceed revenue generated. However it was demonstrated in the analysis that the new properties would be assessed at a

15 | Page

higher rate than older housing stock within the Town and Village and all costs of providing services would be sufficient.

The Planning Board finds that the following mitigation is necessary for this project:

1. The Fiscal Impact analysis provided in the DEIS and SEIS provides a sufficient basis for determining the impact on local service districts funded by property taxes.

In particular, the applicant has committed to construct at its sole expense a new pump station, to replace the failing Robin Brae facility, which will be dedicated to the Village. The new pump station will service the applicant's development along with other properties connected to the Robin Brae facility. The applicant agreed to fund this improvement to eliminate this expense as

fiscal burden on the Village. It should be noted that the 28-lot approved plan only calls for the applicant to make a fair share contribution to the improvement of the existing Robin Brae facility.

Other considerations.

At the November 16, 2020 Village Board meeting, the applicant advise that the elimination of the stream crossing infrastructure to access the site off of Sleepy Valley Road that is approved on the 28 lot plan would save approximately \$250,000.00 in expense to the applicant. What was not stated is that the elimination of the Sleepy Valley Road access was replaced with more than 1,000 linear feet of road to be constructed on the adjoining Town parcel. While this roadway may service the development of the Town parcel in the future, the installation of the additional roadway for the Village parcel (costing an estimated \$200,000.00) is a current expense that significantly offsets the above stated savings.

Conclusion:

The applicant has demonstrated that it has met all requirements and considerations for the granting of the Special Use Permit pursuant to Village Code § 145-29(D)(4) and other relevant sections. It should be noted that while the applicant is permitted to apply for the “maximum” number of permitted lots, less than the maximum have been proposed in order to provide the best designed plan as contemplated by the Village Zoning Law. The proposed plan evolved from consideration of the input of the involved agencies in the SEQRA process and public comment. Based thereon, the applicant has established its right to the granting of the Special Use Permit.

RECEIVED

DEC 01 2020

**VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE**

555 Hudson Valley Avenue, Suite 100
New Windsor, New York 12553

Phone: 845-561-0550
Fax: 845-561-1235
www.drakeloeb.com

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Martens

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

November 25, 2020

ATTN: ROBERT J. DICKOVER, ESQ.,
Dickover Donnelly Donovan, LLP
28 Bruen Place
Goshen, New York 10924

Re: Warwick Meadows – Gate on Sheffield Drive
Our Matter ID: 14562-70500

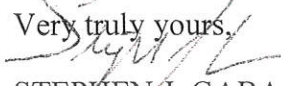
Dear Mr. Dickover:

As requested in your letter of November 12, 2020, I have looked into the issue of the Village's potential liability if it were to accept dedication of Sheffield Drive as a gated Village street. There are two areas of concern in regard to potential liability arising from the proposed gated street.

First, there is the possibility of tort liability if it is eventually determined that the design, construction or maintenance of the gate is defective. The Village has the right to install reasonable traffic control or calming devices on public streets such as medians, curbs, roundabouts, speed humps, speed bumps, lane markings, pedestrian crosswalks, etc. Gates, such as fire gates, limiting road access to vehicles operated by the general public are not uncommon. But, if any of these traffic control or calming devices are dangerously defective in design, construction or maintenance, or if appropriate signage is not posted, then the Village potentially faces liability for any injuries resulting therefrom.

Second, there is the issue of a potential unconstitutional gift of public funds. If Sheffield Drive is gated solely for the purpose of preventing access of through traffic to and from the new community into the existing Ridgefield Meadows development by the general public, it is hard to see how the Village could legitimately use public funds to maintain the gate. Perhaps there is some legitimate traffic safety reason for the gate of which I am unaware?

In closing, I would note that acceptance of a proposed dedication of a street is, of course, discretionary with the Village Board. But the existence of a gate whose purposes is simply stopping through traffic for the benefit of residential development along the street would certainly present questions and difficulties in acceptance of an offer of dedication.

Very truly yours,

STEPHEN J. GABA

SJG/ev/913410

cc: Planning Board
Village Board ✓

Office of the Mayor
Board of Trustees
Village Clerk
Treasurer
Telephone: 845-986-2031
Fax: 845-986-6884

Public Works Supervisor
Telephone: 845-986-2081
Fax: 845-987-1215



OFFICE OF THE CORPORATION
MEETINGS HELD 1ST & 3RD MONDAY OF EACH MONTH

Village of Warwick

77 MAIN STREET
P.O. BOX 369
ORANGE COUNTY

Warwick, NY 10990

Village Justice
Telephone: 845-986-7044
Fax: 845-986-2870

Building, Planning, Zoning
and Historical District
Review Board
Telephone: 845-986-9888
Fax: 845-987-1215

RECEIVED

NOV 20 2020

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

VACATION CARRY OVER

I Cathy Schweizer request to carry-over 4 vacation days.
(Name of employee) (Amount)

The reason time accrued or vacation was not used: Covid Restrictions

under article X sec.2(B) of the Village of Warwick Department of Public Works Collective Bargaining Agreement and the Employee Handbook.

Cathy Schweizer
(Signature of employee)

(Signature of Department Head)

11/20/20
(Date)

(Date)

VILLAGE USE ONLY

____ Approved by Village Board
____ Denied by Village Board

(Time Accrued)

(Time Used)

(Anniversary Date)

Comments: _____

(Board Signature)

(Date)

Office of the Mayor
Board of Trustees
Village Clerk
Treasurer
Telephone: 845-986-2031
Fax: 845-986-6884

Public Works Supervisor
Telephone: 845-986-2081
Fax: 845-987-1215



OFFICE OF THE CORPORATION
MEETINGS HELD 1ST & 3RD MONDAY OF EACH MONTH

Village of Warwick

77 MAIN STREET
P.O. BOX 369
ORANGE COUNTY

Warwick, NY 10990

Village Justice
Telephone: 845-986-7044
Fax: 845-986-2870

Building, Planning, Zoning
and Historical District
Review Board
Telephone: 845-986-9888
Fax: 845-987-1215

RECEIVED

NOV 25 2020

VILLAGE OF WARWICK
VILLAGE CLERK'S OFFICE

VACATION CARRY OVER

I MAUREEN EVANS request to carry-over 6 vacation days.
(Name of employee) (Amount)

The reason time accrued or vacation was not used: COVID RESTRICTIONS

under article X sec.2(B) of the Village of Warwick Department of Public Works Collective Bargaining Agreement and the Employee Handbook.

[Signature]
(Signature of employee)

(Signature of Department Head)

11/25/2020
(Date)

(Date)

VILLAGE USE ONLY

____ Approved by Village Board

____ Denied by Village Board

(Time Accrued)

(Time Used)

(Anniversary Date)

Comments: _____

(Board Signature)

(Date)



Montgomery Office:
71 Clinton Street
Montgomery, NY 12549
phone: (845) 457-7727
fax: (845) 457-1899

Warwick Office:
17 River Street
Warwick, NY 10990
phone: (845) 986-7737
fax: (845) 986-0245

www.EngineeringPropertiesPC.com

November 12, 2020

**VILLAGE OF WARWICK BOARD OF TRUSTEES
77 MAIN STREET
WARWICK, NY 10990**

ATT: MAYOR MICHAEL NEWHARD

Re: Vertical Spiral Screen for the Orchard Street Pump Station
Application for Payment #2
L&G #1800.61

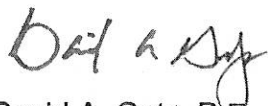
Dear Mayor Newhard and Trustees:

We have reviewed Application for Payment #2, dated 11/11/20, from TAM Enterprises, Inc., which includes payment for the generator and other stored materials. We recommend approval of the requested payment of \$36,575.00.

The balance amount to finish the project, including retainage, will be \$329,400.00.

We have enclosed a signed copy of the payment application form.

Sincerely,
Engineering & Surveying Properties, P.C.


David A. Getz, P.E.

APPLICATION AND CERTIFICATE FOR PAYMENT

A/A DOCUMENT G702

PAGE 1 OF 2

TO Owner: Village of Warwick

PROJECT: Orchard Street Pump Station - Vertical Screen

APPLICATION NO.: 2

FROM Contractor:
TAM Enterprises, Inc.
114 Hartley Road
Goshen, NY 10924

PERIOD ENDING:

10.31.2020

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the contract. Continuation Sheet is attached.

| | |
|---|--------------|
| 1. ORIGINAL CONTRACT SUM | \$375,000.00 |
| 2. Net change by Change Orders | \$0.00 |
| 3. CONTRACT SUM TO-DATE | \$375,000.00 |
| 4. TOTAL COMPLETED & STORED TO DATE | \$48,000.00 |
| 5. RETAINAGE | |
| a. 5 % of Completed Work | \$2,400.00 |
| b. 0 % of Stored Materials | \$0.00 |
| TOTAL RETAINED LESS RETAINAGE | \$2,400.00 |
| 6. TOTAL EARNED LESS RETAINAGE | \$45,600.00 |
| 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT | \$9,025.00 |
| 8. CURRENT PAYMENT DUE | \$36,575.00 |
| 9. BALANCE TO FINISH, INCLUDING RETAINAGE | \$329,400.00 |

The undersigned Contractor certifies that to the best of the Contractor's knowledge, the information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates of Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By:

Date: 11/12/20

State of: New York County of: Orange

Subscribed and sworn before me this 11 day of BRIANCO CUTLER, 2020

Notary Public: S. I. HA NOTARY PUBLIC-STATE OF NEW YORK

My Commission Expires: No. 01CU6307111

6-30-22

Qualified in Orange County

My Commission Expires June 30, 2022

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED:

\$ 36,575.00

By:

Did not sign

Date:

11/12/2020

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under this Contract.

| CHANGE ORDER SUMMARY | ADDITIONS | DELETIONS |
|--|-----------|-----------|
| Total Changes Approved in Previous Months by Owner | | |
| TOTALS | | |
| NET CHANGES by Change Order | | |

CONTINUATION SHEET

AIA DOCUMENT G703A

PAGE 2 OF 2 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing CONTRACTOR'S signed Certification is attached.

APPLICATION NO.: 2

PROJECT NO.: PROJECT: In tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

| ITEM NO. | DESCRIPTION OF WORK B | SCHEDULED VALUE C | WORK COMPLETED | | STORED MATERIALS F | TOTAL COMPLETED AND STORED TO DATE G(D+E+F) | % | BALANCE TO FINISH H(C-G) | RETAINAGE I |
|----------|--|----------------------|----------------------------|-----------------------|-----------------------|--|--------|-----------------------------|-------------------|
| | | | Previous Applications D | This Application E | | | | | |
| 1 | Bonds and Insurance | \$9,500.00 | \$9,500.00 | \$0.00 | \$0.00 | \$9,500.00 | 100.0% | \$0.00 | \$475.00 |
| 2 | Mobilization | \$18,275.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$18,275.00 | \$0.00 |
| 3 | Demolition and prep. | \$28,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$28,000.00 | \$0.00 |
| 4 | New Generator Pad | \$18,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$18,000.00 | \$0.00 |
| 5 | Concrete Channel modifications | \$12,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$12,000.00 | \$0.00 |
| 6 | Steel Beams, hatches and FRP grating -material | \$13,000.00 | \$0.00 | \$0.00 | \$3,500.00 | \$3,500.00 | 26.9% | \$9,500.00 | \$175.00 |
| 7 | Steel beam , Hatches and FRP grating - Labor | \$33,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$33,000.00 | \$0.00 |
| 8 | Flood Door - Material | \$20,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$20,000.00 | \$0.00 |
| 9 | Flood door - Labor | \$3,500.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$3,500.00 | \$0.00 |
| 10 | Vertical screen - Material | \$77,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$77,000.00 | \$0.00 |
| 11 | Vertical Screen - Labor | \$18,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$18,000.00 | \$0.00 |
| 12 | New Generator - Material | \$35,000.00 | \$0.00 | \$0.00 | \$35,000.00 | \$35,000.00 | 100.0% | \$0.00 | \$1,750.00 |
| 13 | New Generator - Labor | \$8,500.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$8,500.00 | \$0.00 |
| 14 | Furnish and install Roofing | \$17,500.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$17,500.00 | \$0.00 |
| 15 | Masonry Modifications | \$10,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$10,000.00 | \$0.00 |
| 16 | New door - Materials | \$11,500.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$11,500.00 | \$0.00 |
| 17 | New door - Labor | \$10,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$10,000.00 | \$0.00 |
| 18 | Electrical Modifications | \$20,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$20,000.00 | \$0.00 |
| 19 | Furnish and install Chain Link Fence | \$7,500.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$7,500.00 | \$0.00 |
| 20 | Gas line modifications | \$2,500.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$2,500.00 | \$0.00 |
| 21 | Punch list - Close out | \$2,225.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.0% | \$2,225.00 | \$0.00 |
| | SUBTOTAL OR TOTAL | \$375,000.00 | \$8,500.00 | \$0.00 | \$38,500.00 | \$48,000.00 | | \$327,000.00 | \$2,400.00 |

77 Main Street
Post Office Box 369
Warwick, New York 10990
www.villageofwarwick.org



(845) 986-2031
FAX (845) 986-6884
mayor@villageofwarwick.org
clerk@villageofwarwick.org

VILLAGE OF WARWICK
INCORPORATED 1867

11/16/2020

RE: AT&T Special Use Permit Renewal for existing equipment
at 15 Maple Avenue aka St. Anthony's Hospital

Honorable Mayor and Village Trustees,

I met an AT&T representative at the noted location to do a visual inspection of the site on November 3rd, 2020 at approximately 2:00pm.

I discussed with AT&T representative/maintenance person Michael Morreale which equipment belongs to them.

It appears there is AT&T, T-Mobile and Verizon equipment present. Everything in place appears built very strong and secure but I am not experienced with structural steel for this purpose.

I asked rep Mr. Morreale if there are any records for periodic maintenance and/or work order tickets for any appearances for call-in issues.

I received an e-mail from him stating that he does not have the authority to provide those documents but my contact information was sent to Ops manager Brian Canavan who will direct me to the proper channel to acquire the requested information.

I contacted Mr. Gladd and he expedited my request to AT&T.

I received the attached letter regarding periodic maintenance and monitoring of the site.

I feel the information provided in the attached letter clearly indicates that the site is properly monitored and maintained and in accordance with any regulations in place.

Respectfully,

Boris Rudzinski

Village of Warwick Building Inspector/Code Official

RECEIVED

NOV 16 2020

VILLAGE OF WARWICK
VILLAGE CLERK'S OFFICE



Joseph C. D'Alto
*Senior Real Estate and
Construction Manager*

400 Hamilton Avenue
White Plains, NY 10601

T: (516) 702-9195
F: (914) 615-9483

November 13, 2020

Mayor Michael Newhard and Members of the Village Board of
Trustees Village of Warwick
Village Hall
77 Main Street
Warwick, New York 10990

Re: New Cingular Wireless PCS, LLC (AT&T) – Site
OR-003 Renewal of Special Use Permit
Existing Wireless Telecommunication Facility
Premises: St. Anthony Community Hospital, 15 Maple Avenue,
Warwick NY Tax ID: Section 207, Block 1, Lot 3

Dear Mayor Newhard and Members of the Village Board of
Trustees:

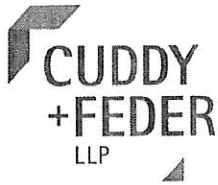
To follow-up on the successful November 3, 2020 site visit with Building
Inspector Rudzinski and in furtherance of AT&T's request to renew its
Special Use Permit for its existing Wireless Telecommunication Facility at
the above identified Premises, AT&T respectfully submits the following
monitoring and maintenance procedures as requested:

- Site OR-003 is under 24/7 remote monitoring.
- AT&T routinely inspects and maintain their sites. AT&T technicians have
visited Site OR-003 six (6) times in past year for routine equipment
inspection and maintenance.
- The site is also a federally licensed wireless telecommunications facility
that is in compliance with all FCC Rules and Regulations.

Sincerely,



Proud Sponsor of the U.S. Olympic Team



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddyfeder.com

Alec R. Gladd, Esq.
agladd@cuddyfeder.com

July 16, 2020

By Email and FedEx

Mayor Michael Newhard
And Members of the Village Board of Trustees
Village of Warwick
77 Main Street
Warwick, New York 10990

Re: New Cingular Wireless PCS, LLC ("AT&T") – Site OR-003
Renewal of Special Use Permit Application
Existing Wireless Telecommunication Facility
Premises: St. Anthony Community Hospital, 15 Maple Avenue
Warwick, New York
Tax ID #: Section 207, Block 1, Lot 3

Dear Mayor Newhard and Members of the Village Board of Trustees:

This letter and enclosures are respectfully being submitted on behalf of New Cingular Wireless PCS, LLC ("AT&T"), in connection with its application requesting relief from the Special Use Permit renewal requirements or in the alternative to renew the previously issued Special Use Permit in accordance with Section 145-120.1(BB) of the Village Zoning Code.

On July 19, 2010, the Village Board granted AT&T's Special Use Permit application and the Building Department issued Building Permit #2010-0099 on August 12, 2010 thereby permitting AT&T to place a wireless telecommunication facility on the rooftop of the existing St. Anthony Community Hospital building located at 15 Maple Avenue in the Village of Warwick (the "Premises"). Subsequent thereto, the Building Department issued two additional permits #2013-0006 and #2016-0071 on February 1, 2013 and June 7, 2016, respectively, permitting AT&T to make minor modifications to its existing facility. AT&T also applied for and received a Special Use Permit renewal in November 2016 for an additional five-year term, which is set to expire July 19, 2020.¹ Copies of the Village Board Resolution, the 2016 renewal and all three (3) Building Permits and the Certificate of Compliance are annexed hereto as Exhibit A.

¹ It is our understanding based on Village correspondence from 2016 that the 2016 renewal was backdated to July 2015 to account for the expiration of the first 5-year term (originally approved in 2010).



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AT&T respectfully submits that its existing co-located facility conforms with the requirements of Section 145-120.1 of the Village Zoning Code. AT&T has submitted herewith a letter certifying to the best of its knowledge and belief that the facility is in compliance with the existing Special Use Permit as well as the terms and conditions thereof and that a Certificate of Compliance has been issued for the existing facility. *See* AT&T Certification Letter annexed as Exhibit B. In addition, AT&T's existing facility provides the requisite signal coverage needed to meet AT&T's current coverage requirements in this area of the Village and is necessary to continue providing AT&T's wireless signal coverage to this area of the Village. Indeed, the existing facility allows AT&T to provide service to its customers living in and traveling through this area of the Village of Warwick, thereby complying with its FCC license requirements as well as other FCC rules and regulations governing wireless facilities. As such and given the provisions of Federal Law, AT&T respectfully requests relief from the Special Use Permit renewal requirements in accordance with Section 145-120.1(BB)(2)(f) or in the alternative that it be renewed indefinitely or at minimum a ten (10) year term.

It should also be noted that this Special Permit renewal request is Type II exempt from the State Environmental Quality Review Act ("SEQRA") and no further environmental review is necessary. *See* 6 NYCRR § 617.5(c)(26).

In support of AT&T's request, please find attached hereto, two (2) copies of the following exhibits:

- Exhibit A: Copies of the July 19, 2010 Village Board of Trustees Resolution granting Special Use Permit Approval for the original installation and the November 7 and November 8, 2016 certified motions of the Village Board of Trustees granting a 5 year renewal as well as copies of Building Permit #'s 2010-0099, 2013-0006 and 2016-0071 and the Certificate of Compliance, dated July 13, 2011;
- Exhibit B: AT&T Compliance Certification Letter, dated July 14, 2020;
- Exhibit C: As-Built drawings prepared by Tectonic Engineering & Surveying Consultants, P.C., dated January 26, 2016, consisting of sheets T-1, A-1 through A-6 and G-1 through G-2. Please note no modification to the site has occurred since 2016.
- Exhibit D: Radio Frequency Safety Survey Report prepared by Waterford Consultants, LLC, dated February 15, 2016, certifying compliance with the FCC standards for wireless telecommunication facilities; and



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Exhibit E: Structural Analysis of Existing Antenna Mounts prepared by Tectonic Engineering & Surveying Consultants, P.C., dated January 12, 2016, certifying that AT&T's existing antenna mounts are adequate to support AT&T's installation.

Please also find enclosed a check made payable to the Village of Warwick in the amount of two thousand five hundred dollars (\$2,500) representing the application renewal fee.

AT&T looks forward to appearing before the Village Board of Trustees at its next available meeting for consideration of this matter. As noted above, and given the provisions of Federal Law, AT&T respectfully requests relief from the Special Use Permit renewal requirements in accordance with Section 145-120.1(BB)(2)(f) or in the alternative that it be renewed indefinitely or at minimum a ten (10) year term. In the interim, should the Village Board or Village Staff have any questions or comments in connection with this application, please do not hesitate to contact me.

Thank you in advance for your consideration of the enclosed.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Alec Gladd'.

Alec R. Gladd

cc: Village Building Inspector
AT&T (via email)

Community2gether
P.O. Box 1270
Warwick NY 10990

November 11, 2020

Dear Board Trustees of the Village of Warwick,

In April, early in the COVID-19 pandemic and the statewide stay-at-home order, Community2gether began convening roundtables with business owners and nonprofits to investigate how we might support our local community through the pandemic. These roundtables resulted in the creation of a subgroup that recognized that while most modern travelers seek their tourism information on the internet and social media, our town does not have a website devoted only to tourism. This group wanted to create a sleek, enticing and easy-to-navigate tourism website to serve as a central communication infrastructure to help position our town, and its local businesses and non-profit organizations, for greater year-round sustainability and success, as it will also appeal to and inform local and regional residents of "what's happening in Warwick this weekend". We are working together to develop a shared platform and identity, including a website, logo, tagline, and color scheme, as well as a long term system for maintenance and marketing. The shared platform and identity would accomplish the following goals:

- Promote all local businesses and nonprofits regardless of ability to pay
- Capture a greater share of regional tourism-related revenue for our local businesses
- Smooth out seasonal peaks and valleys to provide more sustainable support for our local businesses
- Provide a greater sense of awareness of other areas and business types throughout our community
- Encourage more Warwick and Orange County residents to spend their dollars here rather than in neighboring communities
- Create a local information web to connect residents and promote community engagement
- Quickly adapt our marketing to changing circumstances

RECEIVED

NOV 11 2020

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

This initiative pursues actions that bring together and promote the entire community to improve our Town. We have presented this initiative to all four chambers of commerce, the three village mayors and Supervisor Sweeton, with the hopes that all would see the value in such a tool and would support this initiative both through ambassadorship as well as to help us financially so that we can bring it online as soon as possible. We have issued a Request for Qualifications from local graphic designers to work on the logo and branding. Our goal is to have the website up and running by Q1 2021, in order to capture more of the regional off-peak tourism by highlighting all that our town has to offer in the winter, spring and summer as well and helping our local businesses and non-profit organizations survive these difficult economic times.

To fund the initiative, we are seeking sponsorships from local governments and chambers, as well as area businesses. All sponsors will benefit from cross-marketing. We have received commitments from local municipalities and chamber representatives to join the steering committee and be ambassadors for the initiative. As so many businesses are hurting right now and are unable to support their chambers of commerce to the usual extent at this time, we are especially looking to the municipalities to help us pull together these start-up costs to be able to launch this website in a timely fashion. Including the costs of this web-based product and video development, branding, and initial marketing, we need to raise about \$15,000 to get this website up and running. We estimate the annual costs of continued website development, refinement and updates at \$4,000. We hope the Village of Warwick can help us by funding a portion of these total costs.

We thank you for your consideration and look forward to two of our colleagues Carly Foster and Lysbeth McAleer sharing our project with you at your next board meeting. Please let us know if there is any additional information we may provide.

Sincerely,

the members of the
Community2gether Warwick Revitalization Initiative, Tourism & Branding subcommittee



ALBERT WISNER
PUBLIC LIBRARY

November 17, 2020

Village of Warwick
77 Main Street
P.O. Box 369
Warwick, NY 10990

To the Hon. Mayor Michael Newhard and the Village Board of Trustees,

I am writing to request permission to hold the next Warwick Children's Book Festival on Railroad Avenue and Railroad Green on Saturday, October 9, 2021 from 11:00am to 4:00pm. Railroad Avenue itself would need to be closed from 6:00am to 6:00pm that day to allow for tent set-up and removal. We further request permission attach balloons to parking meters in the immediate vicinity of the festival; they will be removed at 4:00pm that day.

I assume that approval of this request will be contingent upon public health conditions being sufficiently safe in October 2021 to hold a large public event, and will also be subject to reevaluation closer to the festival date. My fellow festival coordinator, Judy Pedersen, and I plan to reserve an extra tent in order to create more space for visitors. Additionally, the festival's tents themselves are open-sided, allowing for full air circulation. We expect to require the use of face coverings by all who participate or attend. Hand sanitizer will also be provided at the entrance to the festival.

Enclosed are the signed facility use request, banner request form, insurance certificate from Seely & Durland and a deposit check.

If you require additional information or have any questions before making a decision on this application, please do not hesitate to call me at the Library (986-1047, ext. 2). Judy and I appreciate your continued support, and thank you very much for your consideration.

Sincerely,

Lisa Laico

Lisa Laico
Festival Co-Coordinator

RECEIVED

NOV 17 2020

VILLAGE OF WARWICK
VILLAGE CLERK'S OFFICE

77 Main Street
Post Office Box 369
Warwick, NY 10990
www.villageofwarwick.org



(845) 986-2031
FAX (845) 986-6884
mayor@villageofwarwick.org
clerk@villageofwarwick.org

VILLAGE OF WARWICK

INCORPORATED 1867

FACILITY USE REQUEST

Today's Date: 11/17/2020 Date(s) Requested: 10/9/2021 Time of Event: 11AM - 4PM
Set Up Time: 6AM Break Down Time: 4:30PM

Village Park/Facility Requested: Railroad Avenue + Railroad Green

*Please use attached map to indicate areas to be used.

Name of Event (Purpose of Use): Warwick Children's Book Festival

Name of Organization or Individual: Albert Wisner Public Library / Lisa Laico

Check one: ☒ Non-Profit ☐ 501(c)3 ☐ For Profit ☐ Private Event
Proof of Residency: _____ Designated Contact: Lisa Laico

Mailing Address: 1 McFarland Drive, Warwick Email: llaico@rpls.org

Telephone Day: 845-986-1047 Evening: 845-987-2881 → Cell: 845-987-2881

Total Participants Expected: Adults: 1,000 Children: 1,000

Village of Warwick Participants (Number): _____ Non-Resident Participants (Number): _____

How will event be advertised? newspaper; e-newsletter; posters; social media

Is material or equipment required from the Village of Warwick? ☐ Yes ☐ No

If needed, state type and for what purpose: _____

Is admission fee charged? ☐ Yes ☒ No

If so, what will proceeds be used for? _____

Will food be served? ☐ Yes ☒ No

If yes, please give details: _____

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the Village of Warwick for the use and care of the facilities. He/she, on behalf of Albert Wisner Public Library (Name of Organization) does hereby covenant and agree to defend, indemnify and hold harmless the Village of Warwick from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of Village's property, facilities and/or services by Albert Wisner Public Library (Name Organization).

[Signature]

Signature of Organization's Representative (Must be a Village of Warwick Resident)

Address: 24 Welling Ave Warwick 10990 Telephone: 845-986-2889

Clerk Use Only: Security deposit check # 1001 Certificate of Insurance ☒
Police approval (if applicable) _____ *Items on file in the Clerk's office

09.02.2020

22. In the event of an accident, please notify the Village Clerk before the end of the next business day.

FACILITY USER does hereby covenant and agree to defend, indemnify and hold harmless the Village of Warwick from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of the Village of Warwick property, facilities and/or services.

I have read the Facilities Use Requirements

Lisa Larco

Signature

11/17/20

Date