

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JANUARY 16, 2024
AGENDA**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY
TIME: 7:30 P.M.**

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

1. Introduction by Mayor Newhard.
2. Acceptance of Minutes: November 20, December 4, & December 18, 2023, and January 2, 2024.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Collura ____
Trustee McKnight ____ Mayor Newhard ____

3. Acceptance of Reports – December 2023: Clerk’s Office, Justice Department, Department of Public Works, and Building Department.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Collura ____
Trustee McKnight ____ Mayor Newhard ____

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

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

Trustee Cheney ____ Trustee Foster ____ Trustee Collura ____
Trustee McKnight ____ Mayor Newhard ____

5. Police Report.

6. **Public Hearing on a proposed Local Law entitled: “A local law to amend the Village Code by enacting a new Chapter 60 entitled ‘Community Choice Aggregation Program.’”**

Correspondence

1. Letter from Village of Warwick Recreation Director, Ron Introini, requesting review of the Summer Recreation Staff age requirement.

Discussion

1. 2024 RAISE Application.

Public Comment - Agenda Items Only

GUIDELINES FOR PUBLIC COMMENT

The public may speak only during the meeting’s Public Comment period and at any other time a majority of the Board allows. Speakers must be recognized by the presiding officer, step to the front of the room/microphone, give their name, residency, and organization, if any. Speakers must limit their remarks to three minutes (this time limit may be changed to accommodate the number of speakers) and may not yield any remaining time they may have to another speaker. Board members may, with the permission of the mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information. The Village Board is not required to accept or respond to questions from the public at meetings but may request that inquiries be submitted in writing to be responded to at a later date. All remarks must be addressed to the Board as a body and not to individual Board members. Interested parties or their representatives may also address the Board by written communications.

Motions

Trustee Cheney’s Motions

1. NYS Drinking Water State Revolving Fund
Bipartisan Infrastructure Law Lead Service Line Replacement Funds
DWSRF Project No. 19370
Lead Service Line Inventory
Village of Warwick, Orange County

WHEREAS, New York State Department of Health (DOH) had completed an evaluation for Federal Fiscal Year (FFY) 2022 Bipartisan Infrastructure Law Lead Service Line Replacement (BIL-LSLR) funding through the Drinking Water State Revolving Fund (DWSRF) for the Lead Service Line Inventory; and

WHEREAS the Village of Warwick was notified by New York State Department of Health (NYSDOH) that the Lead Service Line Inventory project was eligible for a BIL-LSLR grant award of up to \$575,770; and

WHEREAS the 2022 Bipartisan Infrastructure Law Lead Service Line Replacement (BIL-LSLR) funding determination is based on the criteria as described in Amendment No. 4 to the FFY 2023 DWSRF Intended Use Plan (IUP); and

WHEREAS the New York State Environmental Facilities Corporation (NYSEFC) and New York State Department of Health (NYSDOH) requires the Village Warwick to provide authorization to use the grant funding for the amount designated in the funding letter dated June 30, 2023; and

WHEREAS the New York State Environmental Facilities Corporation (NYSEFC) and New York State Department of Health (NYSDOH) requires the Village Warwick to identify the plan of finance for the Lead Service Line Inventory project; and

WHEREAS the Village of Warwick must designate a representative who is authorized to sign the funding agreement and associated documents with the New York State Environmental Facilities Corporation (NYSEFC).

NOW, THEREFORE, BE IT, RESOLVED, that the Village Board of the Village of Warwick recognizes the New York State Department of Health (DOH) has completed an evaluation for Federal Fiscal Year (FFY) 2022 Bipartisan Infrastructure Law Lead Service Line Replacement (BIL-LSLR) funding through the Drinking Water State Revolving Fund (DWSRF) for the Lead Service Line Inventory; and

RESOLVED, that the Village Board of the Village of Warwick endorses and accepts the 2022, Bipartisan Infrastructure Law Lead Service Line Replacement (BIL-LSLR) funding through the Drinking Water State Revolving Fund (DWSRF) for the Lead Service Line Inventory for assistance in the amount up to \$575,770; and

RESOLVED, that the Village Board of the Village of Warwick recognizes the 2022 Bipartisan Infrastructure Law Lead Service Line Replacement (BIL-LSLR) funding determination was based on the criteria as described in Amendment No. 4 to the FFY 2023 DWSRF Intended Use Plan (IUP); and

RESOLVED, that the Village Board of the Village of Warwick authorizes the use the grant funding for the amount designated in the funding letter dated June 30, 2023; and

RESOLVED, that the Village Board of the Village of Warwick plan of finance for the Lead Service Line Inventory project is the BIL-LSLR grant award of up to \$575,770; and

RESOLVED, that the Village Board of the Village of Warwick designates and authorizes the mayor to sign the funding agreement and associated documents with the New York State Environmental Facilities Corporation (NYSEFC).

_____ presented the foregoing resolution which was seconded by
_____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

Carly Foster, Trustee, voting _____

Thomas McKnight, Trustee, voting _____

Mary Collura, Trustee, voting _____

Michael Newhard, Mayor, voting _____

**2. RESOLUTION OF THE VILLAGE OF WARWICK VILLAGE BOARD
DETERMINING THAT THE RELOCATION OF THE MAPLE AVENUE
WATER BOOSTER STATION PROJECT IS AN UNLISTED ACTION AND
WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE
ENVIRONMENT**

WHEREAS, the Village of Warwick Village Board (the “Village Board”) is proposing the Relocation of the Maple Avenue Water Booster Station Project (the “Project”); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations at 6 NYCRR Part 617 (the “Regulations”), the Village Board desires to comply with SEQRA and the Regulations; and

WHEREAS, the Village of Warwick Village Board is identified as the agency directly undertaking the proposed action, and the Village Board is completing an uncoordinated review of the Project under the SEQRA Regulations; and

WHEREAS, pursuant to the Regulations, the Village Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Part 617.7 of the Regulations, and (b) examining the Short Environmental Assessment Form (“SEAF”) for the Project, including the facts and conclusions of Parts 1, 2 and 3 of the SEAF, together with other available supporting information, to identify and thoroughly analyze the relevant areas of environmental concern; and

WHEREAS, the proposed adoption of the Relocation of the Maple Avenue Water Booster Station Project is an Unlisted Action, as defined by 6 NYCRR Section 617.2(al); and

NOW THEREFORE, BE IT RESOLVED, pursuant to and in accordance with the uncoordinated review requirements for Unlisted Actions in the SEQRA Regulations, the Village of Warwick Village Board hereby confirms that the proposed Project meets the criteria for classification as an Unlisted Action; and

BE IT FURTHER RESOLVED, that based upon an examination of the SEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, the Village Board makes the following findings and determinations:

- No significant adverse environmental impacts are noted in the SEAF for the Project and none are known to the Village Board; and
- The Project will not have a significant adverse environmental impact and will not require the preparation of a Draft Environmental Impact Statement (DEIS) with respect to the Project; and

BE IT FURTHER RESOLVED, that as a consequence of such determination and in compliance with the requirements of SEQRA and the Regulations, the Village Board directs the Mayor to sign and complete Parts 1 and 3 of the SEAF for the Project, in accordance with the Regulations; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

_____ presented the foregoing resolution which was seconded by
_____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	_____
Carly Foster, Trustee, voting	_____
Thomas McKnight, Trustee, voting	_____
Mary Collura, Trustee, voting	_____
Michael Newhard, Mayor, voting	_____

3. Resolution Granting Permission to Utilize A Private Well For A Residence

WHEREAS, the Village of Warwick provides municipal central water service on a Village-wide basis; and

WHEREAS, Village Code §141-4(B) provides that all dwellings within the Village are required to use the Village's central water service as the source of potable water; and

WHEREAS, Village Code §141-4(B) also allows the Village Board to grant permission for individual properties to utilize private wells as the source of potable water for dwellings in

cases of severe hardship and uniqueness of circumstances where such use would be in the best interests of the Village; and

WHEREAS, the Village Board has received a request from the owner of certain property located at 57 Ball Road in the Village to install a private well on the property to provide water service for a one-family residence on the property; and

WHEREAS, the said property does not front on a Village street and there is no Village water line within a reasonable distance of the property; and

WHEREAS, the cost to create a water line connection to the property would be prohibitive at this time, both for the property owner and for the Village; and

WHEREAS, the property owner has represented that a well which meets all regulatory standards and provides sufficient yield for the dwelling can be established on the property;

NOW, THEREFORE, pursuant to Village Code §141-4(B), the Village Board does hereby find and determine as follows:

(1) That the applicant has established severe hardship and uniqueness of circumstances warranting grant of permission to utilize a private well to provide potable water to the dwelling on the said property. The location of the property on a Town Roadway and in relation to the location of the nearest water mains makes it impracticable to provide water service to the property through the Village's currently existing central municipal water system.

(2) That it is in the best interests of the Village to grant permission to utilize a private well to provide potable water to the dwelling on the said property. The Village has no plans to extend its mains nearer to the subject property. The expense and likelihood of infrastructure problems (such as leaks over time) attendant on having the property owner run an extremely long lateral to its property would present undue oversight/administrative problems for the Village.

(3) That permission is hereby granted to install a private well to provide water service for a one-family residence on the property located at 57 Ball Road, subject to the following conditions:

(A.) The use of the well shall be limited to the existing property and shall be used only for a one-family residence;

(B.) Since the said property is connected to the Village sewer system, the property owners and their successors are required to have installed by the Village, at their cost in accordance with the Schedule of Fees, a water meter on the well to determine sewer usage for the purposes of billing for sewer services;

(C.) In regard to the said water meter, the property owners shall provide access to the property by the Village to check the meter, and installation of the well shall be deemed grant of a perpetual right of entry to the Village for such purpose;

(D.) There shall be no water line tap installed ahead of meter without notification to and consent of Village;

(E.) Sewer usage at the said property must comply with all Village rules and regulations; and

(F.) The Village reserves the right to revoke this grant of permission and require connection of the subject property to the Village's central municipal water service if, at some point in the future, the Village extends its water mains to a reasonably close proximity to the subject property.

_____ presented the foregoing resolution which was seconded by
_____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

Carly Foster, Trustee, voting _____

Thomas McKnight, Trustee, voting _____

Mary Collura, Trustee, voting _____

Michael Newhard, Mayor, voting _____

4. **MOTION** to grant permission to Village of Warwick Employee, Boris Rudzinski, to carry over 5 vacation days.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Collura ____

Trustee McKnight ____ Mayor Newhard ____

Trustee Foster's Motions

5. RESOLUTION INTRODUCING A PROPOSED LOCAL LAW TO REVISE THE VILLAGE CODE'S PROVISIONS REGARDING FILM AND VIDEO PRODUCTIONS

WHEREAS, the Village Board of the Village of Warwick has before it a local law entitled: “A local law amending the Village Code of the Village of Warwick by repealing Chapter 66 ‘Film and Video Productions’, and re-enacting the same with revised provisions”; and

WHEREAS, in order to enact the said local law it is necessary to formally introduce it and to hold a public hearing on it,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the proposed local law, and
2. That a public hearing on the proposed local law be set for February 5, 2024 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	_____
Carly Foster, Trustee, voting	_____
Thomas McKnight, Trustee, voting	_____
Mary Collura, Trustee, voting	_____
Michael Newhard, Mayor, voting	_____

Trustee McKnight’s Motions

6. **MOTION** to return the Planning Board escrow balance of \$1,475 to Todd Rosen for a site plan application requesting an accessory apartment that has been withdrawn. All

invoices have been paid as per the email from Village Engineer, Dave Getz and Planning Board Attorney, Robert Dickover.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Collura ____

Trustee McKnight ____ Mayor Newhard ____

**7. RESOLUTION ADOPTING A LOCAL LAW
ESTABLISHING A COMMUNITY CHOICE AGGREGATE PROGRAM**

WHEREAS, heretofore the Village Board has before it a proposed local law entitled: "A local law to amend the Village Code by enacting a new Chapter 60 entitled 'Community Choice Aggregation Program';" and

WHEREAS, the proposed local law constitutes a Type II Action under the New York State Environmental Quality Review Act; and

WHEREAS, following due notice the Village Board held a public hearing on the proposed local law;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby adopts the local law; and
2. That the local law shall be effective immediately and shall be filed in the office of the Secretary of State in Albany as required by applicable law.

_____ presented the foregoing resolution which was
seconded by _____,

Barry Cheney, Trustee, voting _____

Carly Foster, Trustee, voting _____

Thomas McKnight, Trustee, voting _____

Mary Collura, Trustee, voting _____

Michael Newhard, Mayor, voting _____

Reports

Trustee Cheney's Report: Liaison to Public Works Operations, Engineering and Infrastructure Projects, Veterans, Code Enforcement / Building Department, Emergency Services, Citizens Awareness Panel/Jones Chemical. Alternate liaison to Economic Development, Planning & Zoning / AHDRB / OC Planning, Transportation & Mobility.

Trustee Foster's Report: Liaison to Office of the Clerk, Parks & Recreation, Economic Development & Tourism, Warwick Valley Schools, Government Efficiency / Policy Development, Transportation & Mobility. Alternate liaison to Youth / WYDO / Warwick Valley Community Center / Warwick Valley Prevention Coalition, Engineering and Infrastructure Projects.

Trustee Collura's Report: Liaison to Office of the Treasurer, Youth / WYDO / Warwick Valley Community Center / Warwick Valley Prevention Coalition, Public Health, Historical Society, Public Interface and Outreach, Senior Citizens, Ethics. Alternate liaison to Parks & Recreation, Environmental, Veterans.

Trustee McKnight's Report: Liaison to Planning & Zoning / AHDRB / OC Planning, Environmental, Albert Wisner Library, Town of Warwick Police Department, Technology Oversight / Cybersecurity, Shade Tree Commission, Safety Committee. Alternate liaison to Public Works Operations, Code Enforcement / Building Department, Emergency Services, Government Efficiency / Policy Development.

Mayor Newhard's Report

Public Comment – *Non-Agenda Items*

Final Comments from the Board

Executive Session, if applicable

Adjournment

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clerk@villageofwarwick.org

VILLAGE OF WARWICK

INCORPORATED 1867

LEGAL NOTICE

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 16th day of January 2024 at 7:30 p.m., at Village Hall, 77 Main Street, Warwick, New York 10990, on a proposed Local Law No. 1 of the Year 2024 entitled: "A local law to amend the Village Code by enacting a new Chapter 60 entitled 'Community Choice Aggregation Program'".

The purpose of this Local Law is to promote public health, safety and welfare by establishing a Community Choice Aggregate Program allowing Village residents to incur lower utility costs.

A copy of the proposed local law is on file in the office of the Village Clerk and is available for inspection by interested persons during Village Clerk's business hours, and the proposed local law has also been posted on the Village's website www.villageofwarwick.org.

The Village Board will at the above date, time and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications addressed to the Board must be received by the Board at or prior to the public hearing.

**BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF WARWICK
RAINA ABRAMSON, VILLAGE CLERK**

Dated: December 26, 2023

VILLAGE OF WARWICK

LOCAL LAW NO. 1 OF THE YEAR 2024

A local law to amend the Village Code by enacting a new Chapter 60 entitled "Community Choice Aggregation Program".

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by establishing a Community Choice Aggregate Program allowing Village residents to incur lower utility costs.

Section 2. Amendment of Code:

The Village Code of the Village of Warwick is hereby amended to enact a new Chapter 60 entitled "Community Choice Aggregation Program" which shall read as follows:

§ 60-1 Purpose and Authority.

Under Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law and determinations of the New York State Public Service Commission municipalities, including the Village of Warwick, are empowered to establish Community Choice Aggregation Programs ("CCA"). The purpose of a CCA is to benefit residents of the municipality by reducing energy costs, providing energy cost certainty, and promoting deeper penetration of energy efficiency and renewable energy resources. This Chapter establishes a CCA program that will allow the Village, in partnership with other municipalities, to put out for bid the total amount of natural gas and/or electricity being purchased by Eligible Consumers within the Village. Eligible consumers will have the opportunity to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to help protect the environment.

§ 60-2 Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

AGGREGATED DATA

Aggregated Data shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy

(kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service class.

CCA ADMINISTRATOR

CCA Administrator shall mean the Village of Warwick or its duly authorized CCA Administrator authorized to request aggregated and customer-specific data to competitively solicit suppliers for the aggregated demand for electricity and/or natural gas on behalf of default consumers, and to offer participating consumers additional opportunities to participate or enroll in programs or projects related to distributed energy resources. The CCA Administrator is responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the Public Service Commission Community Choice Aggregation Order (PSC CCA Order), unless otherwise specified.

COMMUNITY CHOICE AGGREGATION (CCA)

Community Choice Aggregation (CCA) shall mean a Village-sponsored program, either alone or in concert with other municipalities, under which the aggregate buying power of individual energy customers within a defined jurisdiction is used in order to secure alternative energy supply contracts on a community-wide basis, while allowing consumers not wishing to participate in the program to opt out.

CUSTOMER-SPECIFIC DATA

Customer-Specific Data shall mean customer specific information, personal data and utility data for all consumers in the Village eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

DATA SECURITY AGREEMENT shall mean an agreement between the Distribution Utility and the Village that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

DEFAULT CONSUMERS

Default Consumers shall mean customers of electricity and/or natural gas within opt-out-eligible service classes (as delineated in the PSC CCA Order) who receive supply service from the distribution utility as of the date the supply contract goes into effect.

DEFAULT SERVICE

Default Service shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the Village that receive Default Service, and have not opted out, will be enrolled in the Program as of the Effective Date.

DISTRIBUTED ENERGY RESOURCES (DER)

Distributed Energy Resources (DER) shall mean local renewable energy projects, community-distributed generation (e.g., shared solar), peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for participating consumers, optimize system benefits, and/or address infrastructure and demand challenges within the geography of the CCA Program.

DISTRIBUTION UTILITY

Distribution Utility shall mean the owner or controller of the means of distribution of the natural gas or electricity in the Village. The distribution utility also serves as the default supplier of electricity and natural gas preceding the establishment of a CCA Program.

ELIGIBLE CONSUMERS

Eligible Consumers shall mean eligible customers of electricity and/or natural gas who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to participate in the Program, at one or more locations within the geographic boundaries of the Village, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Village, as such boundaries exist on the effective date of the ESA.

ENERGY SERVICES COMPANY (ESCO)

Energy Services Company (ESCO) shall mean an entity duly authorized to conduct business in the State of New York as an ESCO.

NEW CONSUMERS

New Consumers shall mean consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into the Village.

PARTICIPATING CONSUMERS

Participating Consumers shall mean default consumers who have not opted out, and non-default consumers of any service class that have voluntarily enrolled in the program.

PSC CCA ORDER

PSC CCA Order shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016, in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."

PROGRAM ORGANIZER

Program Organizer shall mean the group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.

PUBLIC SERVICE COMMISSION (PSC)

Public Service Commission (PSC) shall mean the New York State Public Service Commission.

SUPPLIERS

Suppliers shall mean ESCOs that procure electric power and natural gas for participating consumers in connection with this article or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§ 60-3 Program authorized.

- A. A CCA Program is hereby authorized by the Village, whereby the Village may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The Village may enter into contracts with one or more suppliers for electric and/or natural gas supply and other services on behalf of default consumers.

- C. The Village may enter into agreements and contracts with other municipalities, nonprofits, consultants, and/or other third parties to
 - (i) develop and implement the CCA Program;
 - (ii) act as CCA Administrator, and/or
 - (iii) develop offers of opt-in distributed energy resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. The operation and ownership of the utility service shall remain with the distribution utility. The Village's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Village shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with suppliers on behalf of participating consumers.

§ 60-4 Eligibility.

- A. All consumers within the Village, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program.
- B. All default consumers shall be enrolled on an opt-out basis. Default consumers will have the right to opt out before the supply contract goes into effect, or unenroll any time thereafter with no penalty. Those that do not opt out before the supply contract goes into effect will be enrolled automatically.
- C. All non-default consumers within the Village, regardless of service class, shall be eligible to participate in the CCA Program on an opt-in basis.
- D. New Consumers shall be enrolled on an opt-out basis.

§ 60-5 Opt-out process.

- A. A program notification letter, printed on Village letterhead, shall be mailed to default consumers at least thirty (30) days prior to customer

enrollment. The letter shall include information on the CCA Program and the contract signed with the selected supplier(s), including specific details on rates, services, contract term, cancellation fee, and methods for opting out of the CCA Program. The letter shall explain that consumers that do not opt out will be enrolled in the program under the contract terms and that information on those consumers, including energy usage data, will be provided to the ESCO.

- B. After the thirty-day opt-out period, all consumers shall have the option to unenroll from the CCA Program at any time without penalty.

§ 60-6 Data protection requirements.

- A. The Village, or CCA Administrator on its behalf, may request aggregated data and customer-specific data from the distribution utility.
- B. Customer-specific data shall be protected in a manner compliant with, collectively:
 - (1) All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Village or its representative's processing of confidential utility information;
 - (2) The utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Village or its representative's processing of confidential utility information; and
 - (3) The PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. For the purpose of protecting customer data, the Village shall enter into an agreement with the distribution utility that obligates each party to meet, collectively:
 - (1) All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual default consumer or participating consumer with respect to the CCA Administrator or its representative's processing of confidential utility information;
 - (2) The distribution utility's internal requirements and procedures relating to the protection of information that identifies or can be used to

identify individual default consumer or participating consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and

(3) The PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

§ 60-7 CCA Advisory Committee.

- A. A CCA Advisory Committee is hereby established.
- B. The CCA Advisory Committee shall develop and review CCA related proposals, report to the Village Board on the same, monitor and report to the Village Board on the Village's progress in establishing a CCA program, and assist in preparation of all agreements related to establishment of the CCA;
- C. The CCA Advisory Committee shall consist of members appointed by resolution of the Village Board; the members shall serve at the pleasure of the Village Board, without compensation; and the Committee and the terms of office of its members shall continue until such time as the Committee is dissolved by resolution of the Village Board;
- D. The CCA Advisory Committee shall meet at such times and on such dates as it determines is appropriate, it shall establish its own rules of procedure, and it shall determine its own Chairman from its membership by majority vote.

§ 60-8 Administration fee.

The Village or CCA Administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA Program.

§ 60-9 Reporting.

- A. Annual reports shall be filed with the Warwick Village Board by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g., installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted out in response to the initial opt-out letter or letters.

- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA Program.

Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.

To: Village of Warwick Board

From: Ron Introini - Recreation Director

Re: Proposal for employment age change

Date: January 5, 2024

I would like to propose a change in the age to be eligible for employment for the Village of Warwick Summer Recreation Programs. Currently, the minimum age is 16. I would like to propose a change to make 15 year olds eligible. Over the past few years our recreation department is having an increasingly difficult time hiring staff for our summer recreation programs. Changing the age to 15 would allow better opportunities to hire more staff. The starting rate of pay is below minimum wage. As such it would be more beneficial in hiring 15 year olds for their first job. Kids can get working papers at 14 years of age so hiring at 15 would help solve our hiring dilemma. We are quickly approaching the threshold where some popular programs may be impacted due to lack of returning employees.

This summer we plan on implementing a change to the registration procedures for the park program by signing up weekly that will increase efficiency and hopeful participation. This addendum would be to insure we have enough staff hired for the park programs per the Department of Health counselor/camper ratio for years to come. We advertise employment for our recreation programs on our website mid January so now would be an optimal time for the change to ensure the highest level of service be provided to our patrons. Thank you for your consideration.

RECEIVED

JAN 05 2024

**VILLAGE OF WARWICK
CLERK'S OFFICE**

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.





Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

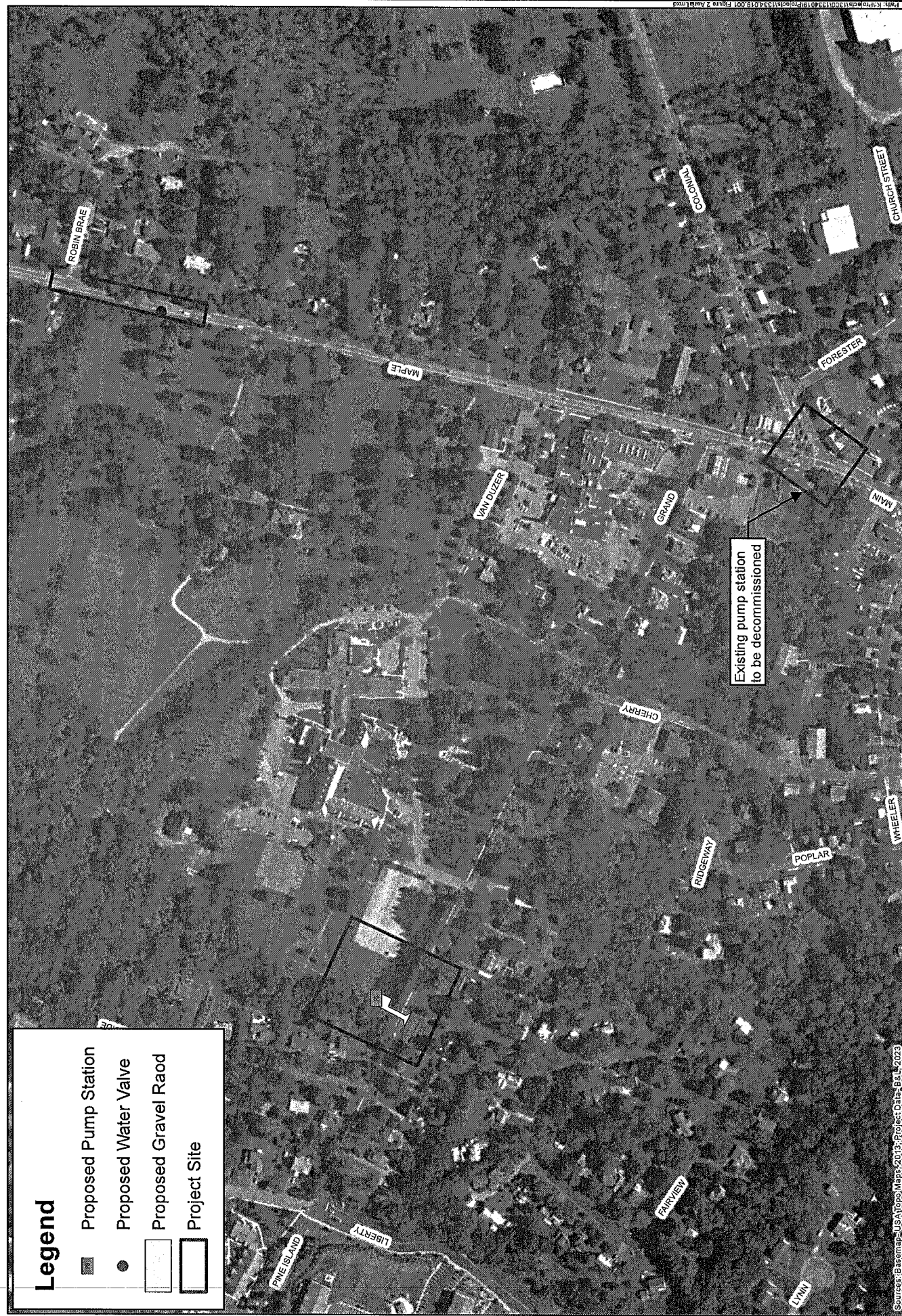
Part 1 – Project and Sponsor Information			
Name of Action or Project: Relocation of the Maple Avenue Water Booster Station			
Project Location (describe, and attach a location map): Village of Warwick, Orange County, NY			
Brief Description of Proposed Action: The New York State Department of Transportation (NYSDOT) has indicated to the Village of Warwick that NYS Route 94 (Maple Avenue) is scheduled to be repaved. The Maple Avenue booster pumping station is located at the intersection of Colonial Avenue and Maple Avenue. The station was identified for relocation in Barton & Loguidice's "Water Storage Tank Consolidation Evaluation Report", dated November 2017 and "Preliminary Engineering Report, Water System Improvements", dated July 2021. The booster pumping station will be moved from Maple Avenue to Grant Street to allow future consolidation of the Chelsea Gardens and Valley View pressure zones. The proposed improvements include installation of a new booster pumping station along Grant Street to replace the existing Maple Avenue booster pumping station and installation of a pressure reducing valve (PRV) on Maple Avenue to maintain adequate service pressures within the Village once the new booster station is in place. The existing Maple Avenue booster pumping station will be decommissioned in place. The proposed improvements are shown on Figure 1, attached.			
Name of Applicant or Sponsor: Michael Newhard		Telephone: 845.986.2031 Ext. 2 E-Mail: mayor@villageofwarwick.org	
Address: 77 Main Street, PO Box 369			
City/PO: Warwick		State: NY	Zip Code: 10990
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: DASNY (funding), NYSDOT(permits), Orange County Health Dept. (approval)			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 3 acres b. Total acreage to be physically disturbed? _____ 0.2 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 3 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ The proposed project will not generate wastewater. _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____ _____ The new pump station and gravel access road will provide a small amount of impervious surface. Stormwater will directed to on and off-site drainage.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Michael Newhard</u> Date: _____		
Signature: _____ Title: <u>Mayor</u>		

Legend

-  Proposed Pump Station
-  Proposed Water Valve
-  Proposed Gravel Road
-  Project Site



Sources: Base map - USA Topo Maps, 2013; Project Data - BGL, 2023

Barton & Loguidice



Village of Warwick
 Maple Avenue Water Booster Station
Proposed Improvements
 Orange County 1/8/2024 New York

Figure
 1
 Project
 No.
 1334.019

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

NI= No Impact
SI= Small Impact

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/> NI	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/> SI	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/> NI	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/> NI	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/> NI	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/> NI	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/> SI	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/> NI	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/> SI	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/> SI	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/> SI	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/> NI	<input type="checkbox"/>

Project: Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

An evaluation of the magnitude and importance of project impacts is provided in the attached Part 3 Supporting Information document.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Village of Warwick Village Board

Name of Lead Agency

Date

Michael Newhard

Mayor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

SEQRA Part 3 Supporting Information

Relocation of the Maple Avenue Water Booster Station Project

Village of Warwick, Orange County, New York

Small Impacts Identified in Part 2 of the Short Environmental Assessment Form

2. Will the proposed action result in a change in the use or intensity of use of land?

The project will involve approximately 0.2 acres of ground disturbance associated with the installation of a new booster pumping station and gravel road along Grand Street, as well as the pressure reducing valve installation and pump station decommissioning along Maple Avenue. Temporary increases in erosion may occur during construction due to ground disturbance. Temporarily disturbed areas will be stabilized and restored to pre-construction conditions after installation is complete. The road and building addition will result in a small increase in impervious area at the project area (approximately 0.06 acres). Erosion and sediment control measures will be implemented during construction to prevent disturbed sediments from entering watercourses.

7a. Will the proposed action impact existing: a. public/private water supplies?

The new booster station will replace an existing pump station that is part of the Village's existing water distribution system. No changes to the existing system's water demand or service areas are proposed.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

The project was submitted to the New York State Historic Preservation Office (SHPO) for review through the Cultural Resource Information System (CRIS). The project area is located within the Warwick Village Historic District, listed in the State and National Registers of Historic Places. SHPO issued a letter on December 15, 2023, providing comments regarding the potential impacts caused by the project. Based on that review, it is the OPRHP's opinion that the proposed removal and replacement of the Maple Avenue Water Booster Station and addition of the PRV on Maple Avenue will have No Adverse Impact on historic and archaeological resources.

Construction activities and the resulting booster station infrastructure will result in a permanent visual change to the local viewshed. Deciduous trees and brush are present along the northwest and southwest sides, around the booster station, outside of the project's limits of disturbance. The booster station will be most visible to adjacent houses during the winter months when there is poor foliage. The project will also be visible to citizens at the nearby assisted living center and to patrons enjoying the adjacent public baseball field. Although this is a new structure that will be visible to the public, the structure is a small one story building and will be consistent with existing nearby structures. No significant adverse impacts are anticipated from the proposed action.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

NWI maps are prepared by the U.S. Fish and Wildlife Service (USFWS) and are used to provide an indication of the potential presence of federally regulated wetlands. There are no NWI mapped wetlands within 100 feet of the project area.

The NYSDEC maps the approximate boundaries of wetlands that are regulated under Article 24 of the Environmental Conservation Law. In addition to the mapped boundaries, NYSDEC regulates the 100-foot adjacent area surrounding state-regulated wetlands. No mapped NYSDEC wetlands are located within 200 feet of the project area. A site visit will be conducted during the project's design phase to document the presence of any unmapped resources. Given the developed nature of the project area, the proposed action is not anticipated to impact any wetlands or surface waters.

The disturbance limits for the proposed action will be limited to an open lawn area along Grand Street and the existing road ROW along Maple Avenue. The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database was reviewed to determine whether any federally listed endangered, threatened, or candidate species are reported in the project area. The USFWS reported the Indiana bat (*Myotis sodalis*, endangered), northern long-eared bat (*Myotis septentrionalis*, endangered), bog turtle (*Glyptemys muhlenbergii*, threatened), monarch butterfly (*Danaus plexippus*, candidate), and small whorled pogonia (*Isotria medeoloides*, threatened) for the project area. The NYSDEC Environmental Resource Mapper (ERM) was reviewed to evaluate state listed species records. This search reported "Animals Listed as Endangered or Threatened" for the project area, but species level information was not provided. The ERM also reported "Bats Listed as Endangered or Threatened" for the project area. The NYSDEC New York Nature Explorer database did not report any species records for the project area. Given the developed and disturbed conditions of the project area, no adverse impacts to wildlife habitat are anticipated. A habitat assessment will be conducted during the project's design phase. Further consultation will be conducted with NYSDEC and USFWS to reach final effect determinations for the reported species.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

The construction of the new booster station will result in a slight increase in impervious surface, and temporary increases in erosion may occur during construction due to temporary ground disturbances. Stormwater runoff will flow to existing stormwater drainage, as it does currently. Proper erosion and sediment controls will be implemented during construction to ensure that turbid stormwater runoff is properly treated before entering waterways.

RECEIVED

DEC 19 2023

VILLAGE OF WARWICK
CLERK

Laroe Ridge Developers, LLC

PO BOX 233 Sugar Loaf, NY 10981

Village Of Warwick
Village Board
77 Main St.
Warwick, NY 10990
12/17/23

I purchased the property at 57 Ball Rd. in the Village of Warwick on August 4, 2023 (from Erik Johnson) and prior to the closing I did my due diligence and part of that was to discuss the water and waste connections that existed with respect to the uninhabited home on the property. The sewer was connected, and the house was using water from a well that was drilled across the street for the existing uninhabited house at 62 Ball Rd.

I explained to the Town (Maureen Evans – Planning and Building Secretary and building inspector Boris Rudzinski) that I didn't want to build a new house using water from another house across the street but would need to drill a well since the Village water does not run to the lot.

Attached is a letter from the Village which states the ability and requirements to obtain a building permit for a new home. I have since received a demolition permit and took down the house, and then a building permit and have constructed the house as well as hooked up to the existing sewer line (inspected by the DPW Supervisor) and would like to drill a well for water to the house.

As stated in the letter from the building inspector I need to show severe hardship and the fact that there isn't a village water line a reasonable distance to the project I would please request the ability to drill a well on my property. I have spoken with the building inspector about the need for me to pay a tap fee and have a meter installed and I am in agreement with that.

Please contact me to tell me if there is anything else needed at this point.

Thanks,
Jon Shafran

PO Box 233 Sugar Loaf, NY 10981
O: 845-928-8196 C: 845-234-1321
jkdevelopmentcorp.com
jonshafran@gmail.com

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

July 26, 2023

Mr. Erik Johnson
26 Horton Rd.
Washingtonville, NY 10992

Re: Ball Rd. property – 219-1-1.2

Dear Mr. Johnson:

The Village property located on Ball Rd. Sec. 219-1-1.2 is 0.76 acres. A buildable lot in the Village of Warwick is required to be 20,000 sq. ft. with side yards of 20ft. minimum and a total of 50ft. with front and rear yards being 35ft.

If there is pre-existing non-conforming building on the lot you have one year to re-build if the building has been compromised.

Per the DPW Supervisor, the existing building is connected to the Village of Warwick sewer system and has a pre-existing well for water use.

A new well may be drilled with Village Board approval.

Sincerely,


Maureen J. Evans,
Planning and Building secretary

VILLAGE OF WARWICK
LOCAL LAW NO. __ OF THE YEAR 2024

A local law amending the Village Code of the Village of Warwick by repealing Chapter 66 “Film and Video Productions”, and re-enacting the same with revised provisions.

SECTION 1. PURPOSE

The purpose of this Local Law is to promote the public health, safety and welfare by amending the Village Code to revise the provisions to the Village Code regarding regulation of Film and Video Productions.

SECTION 2. MUNICIPAL HOME RULE LAW:

This law is adopted pursuant to the provisions of the Municipal Home Rule Law § 10(1)(ii)(a)(1) which grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Village Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule.

SECTION 3. AMENDMENT OF VILLAGE CODE:

The Village Code of the Village of Warwick is hereby amended to repeal Chapter 66, “Film and Video Productions”, and to re-enact in its place a new Chapter 66 entitled “Film and Video Productions” which shall read as follows:

“Chapter 66 Film and Video Productions

§ 66-1 Purpose.

It is the purpose and intent of the Village of Warwick to encourage the motion picture and television industries to use the scenic beauty and variety of backdrops afforded in the Village of Warwick as locations for filming and/or videotaping for commercial production. It is the purpose and intent of this chapter to provide the means by which such activities may be reasonably regulated to preserve the public health and safety, to limit any unwelcome community disruption, and provide for the protection of property, to not unduly restrict such activities, and to maintain harmonious relations between the community and those engaged in such activities.

§ 66-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT

The term “applicant” as used in this chapter shall mean both the applicant for a film permit and the individual/entity to whom the film permit is issued.

CHARITABLE FILMS

Commercials, motion pictures, television, or videotapes produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.

VILLAGE-PRODUCED GOVERNMENT ACCESS FILMS

Motion pictures or programs produced by or in association with the Village of Warwick. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.

CONCERT FILMING

The filming a concert event for a not-for-profit or religious entity but shall not include activities occurring for businesses, corporations and for-profit entities that will be distributed, sold and/or broadcast for commercial purposes.

COMMERCIAL PURPOSES

For or contributing to a person or entity receiving a profit.

FILM COMMITTEE

The Mayor of the Village of Warwick, the trustee liaison to economic development and tourism, and a film office representative.

FILM OFFICE

The Mayor's designee responsible for routing and processing film permits.

FILM or FILMING or FILMING ACTIVITY

All activity in preparation of, and attendant to, staging, making, striking, filming or video recording commercial motion pictures, television shows, programs and commercials, including magazines or documentary programs.

NEWS MEDIA

The photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or camera operators.

PERSON

An owner of property or an applicant for a permit under this chapter.

PRIVATE PROPERTY

All areas within the Village of Warwick, including areas zoned for residential as well as business use not otherwise designated as public property.

PUBLIC PROPERTY

Any and every public building, street, highway, sidewalk or square, public park or playground or other public place within the jurisdiction and control of the Village.

STUDENT FILMS

Motion pictures, television programs or commercials produced to satisfy a course or curriculum requirement at an educational institution. The student filmmaker must supply proof that he/she is currently enrolled.

STUDIO

A fixed place of business where filming activities are regularly conducted upon the premises.

§ 66-3 Permit required; exemptions.

(A.) Film permit required. No person shall, for commercial purposes, use any kind of property, facility, or residence herein or portion thereof owned and/or controlled by the Village of Warwick or affecting the general public to cause, direct or conduct filming activities as defined without first applying for and obtaining a film permit from the Mayor or his/her designee.

(B.) Exemptions. The following activities shall not require an application or film permit under the provisions of this chapter:

- (1.) News media: reporters, photographers or camera operators in the employ of a newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting of news events concerning those persons, scenes or occurrences which are

in the news and of general public interest. Reasonable effort should be made to notify the Village of Warwick 2 hours in advance of arrival, whenever possible. Notification should include phone and written notification.

- (2.) Family or personal use video: the filming or videotaping of motion pictures solely for private-family use.
- (3.) Photographers engaged in still photography that requires the use of handheld cameras or cameras with a tripod only.
- (4.) Village-produced government access films.
- (5.) Filming on private property completed inside a privately owned and operated property limit, and is in alignment with other Village of Warwick General Code provisions. All effort should be made to notify the Village of Warwick 2 hours in advance of arrival, whenever possible. Notification should include phone and written notification. The Village of Warwick assumes no liabilities.
- (6.) Productions using hand-held camera, camera on tripod, hand-held props and/or hand-held equipment, not asserting exclusive use of Village property, not using prop weapons, prop vehicles, stunts, actors in police uniform and not requesting parking privileges for production vehicles. Standing on a Village sidewalk, walkway of a Village bridge or within a Village park while using a hand-held camera and not otherwise asserting exclusive use of public property. Such productions must notify the Mayor or designee of film activity. All effort should be made to notify the Village of Warwick two (2) hours in advance of arrival, whenever possible. Notification should include phone and written notification.

(C.) Free permits. A film permit application as required by this chapter shall be completed and submitted without a fee for the following activities:

- (1.) Charitable films: projects that qualify under Section 501(c)(3) of the Internal Revenue Code.
- (2.) Student films.
- (3.) Concert film by a not-for-profit or religious entity.

§ 66-4 Application requirements.

The application for such film permit shall be made upon forms prescribed therefor by the Village and require, at minimum, the following information:

- (1.) The name, address, telephone number and e-mail address of the applicant.
- (2.) The name, address and telephone number of the production company and the name, address and telephone number of the production company owner.
- (3.) The name, address, telephone number and e-mail address of the person(s) in charge of the film production as the contact person.
- (4.) The dates and hours during which filming activity will occur.
- (5.) The street address(es) of the location(s) at which filming will take place.
- (6.) An estimated number of persons, including cast and crew, to be involved.
- (7.) A list of equipment and generators, if any, involved in the production.
- (8.) The number and type of vehicles involved in the production.
- (9.) A list of any historic or period vehicles or equipment that will be used in the production.
- (10.) A list of any animals, pyrotechnics, hazardous chemicals, and demolition of buildings or structures proposed for the production and a safety plan to be used by the applicant in the event such items are used during the production.
- (11.) A plan to minimize disruption of community, traffic, and parking.
- (12.) A list of any requests for Village services and/or equipment for the production, including, but not limited to, signs, barricades, and traffic control.
- (13.) Proof that written notice of the proposed filming/production has been provided to the Police Department, and a statement of any assistance which is being requested from the Police Department.
- (14.) Applicants shall execute a hold-harmless agreement as provided by the Village prior to the issuance of a film permit under this chapter under which the applicant shall defend, hold harmless and indemnify the Village of Warwick against any and all claims,

proceedings or action brought in connection with or as a result of the filming and/or recording activities.

§ 66-5 Insurance.

(A.) Applicants for a film permit shall procure, at their sole cost and expense, insurance providing liability coverage to the Village of Warwick for claims for damage to property and personal injury, including death, which may arise from the conduct of the Applicant, its agents, employees, contractors and guests and for the performance of any services performed by the Village in regard to the production.

(B.) Upon submission of a Film Permit Application and, prior to commencement of any activities under the Permit, the Applicant shall provide the Village with a current insurance certificate evidencing an insurance policy naming the Village of Warwick as an additional insured issued by an A.M. Best rated "secure" or better insurer, licensed in New York State, stating that the organization's coverage shall be primary and noncontributory coverage for the Village, its Board, employees and volunteers.

(C.) The insurance coverage provided by an applicant shall be in no less than the following:

- (1.) General Liability Insurance: \$1,000,000 per occurrence/
\$2,000,000 aggregate;
- (2.) Excess Insurance: \$3,000,000 each Occurrence;
- (3.) Property Damage: \$1,000,000 aggregate;
- (4.) Bodily Injury: \$1,000,000 per occurrence;
- (5.) Fire Insurance: \$1,000,000.

(D.) Any activities involving stunts, vehicular damage, pyrotechnics, explosions, etc. may require additional insurance coverage as determined by the Village. Such additional coverage shall be specified by the Village in writing prior to the issuance of the film permit.

(E.) An applicant shall conform to all applicable federal and state requirements for workers' compensation insurance for all persons operating under a film permit.

(F.) Failure of the applicant to obtain and maintain insurance as required herein constitutes a violation of this Chapter and shall subject the applicant to liability for all claims and damages arising from actions taken under the film

permit, including but not limited to all claims, debts, dues, damages, fines, judgments and awards to which the Village may be subjected for issuance of the permit.

§ 66-6 Filing of application; issuance of permit.

(A.) The application for a film permit shall be filed with Village Hall in completed form together with all applicable fees no less than fourteen (14) days prior to the commencement of such filming activities, unless waived by the film committee.

(B.) The issuing authority shall be the Film committee. The Film committee may grant, grant subject to conditions, or deny a permit in its sole and absolute discretion; provided that in the event that a permit is denied a written determination shall be provided to the applicant setting forth the reasons and grounds upon which the decision to deny the application was based.

(C.) Any change in the applicant's planned activities as set forth in the film permit applications shall be submitted to the Mayor or his/her designee at least twenty-four (24) hours in advance of the change and approved or denied in the same manner as the original film permit application.

§ 66-7 Fees.

(A.) Fees applicable to applications for film permits shall be adopted by resolution of the Village Board. The said fees shall compensate the Village for its examination and processing of such application, and oversight of compliance with the terms thereof.

(B.) Each film permit application shall be accompanied by the required fee at the time of its submission. Fees shall not be refundable in whole or in part.

(C.) No film permit shall be issued to an applicant who has failed to pay any outstanding amounts due to the Village in regard to an application for or issuance of prior film permit until such outstanding amounts have been paid.

§ 66-8 Additional restrictions.

(A.) The applicant shall, in the credits of the motion picture or television program, acknowledge the production was filmed in the Village of Warwick, New York.

(B.) All filming activities, including setup and takedown activities, shall take place in the hours specified in the film permit.

(C.) Filming and/or recording activities shall comply with all the requirements

and standards of Chapter 94, Noise and other chapters, as applicable, of the Village Code.

(D.) The applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of shooting at the scene and restored to the original condition before leaving the site.

(E.) Filming on private property must be conducted with the property owner's written permission, consent and/or lease for use of property not owned or controlled by the Village. No filming may take place on a property with open Zoning Code, Building Code, Property Maintenance and/or Fire Code violations.

(F.) Filming and/or recording activities shall comply with all requirements of the New York State Vehicle and Traffic Law and Chapter 135, Vehicles and Traffic, and any other applicable chapters of the Village Code, except as follows:

- (1) The applicant shall obtain permission of the Mayor to park equipment, trucks, and/or cars in "no parking," "no standing" and "no stopping" zones and will provide the signage detailing the date(s) and time(s) of the filming and parking restriction and these signs shall be posted by the applicant at least twenty-four (24) hours prior to parking vehicles or equipment.
- (2) The applicant shall obtain the permission of the Mayor and Department of Public Works Supervisor to string cable across sidewalks, or from generator to service point. Such cable or electrical lines shall be marked, taped and/or secured to avoid creating a hazardous condition.
- (3) The applicant shall furnish and install advance warning signs and any other traffic control devices required in order to take all appropriate safety precautions.
- (4) Traffic may be restricted to one twelve-foot lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the Village, based on location.
- (5) Traffic shall not be detoured across a double line without prior approval of the Village.
- (6) Unless authorized by the Village, camera cars must be driven in the direction of traffic and must observe all traffic laws.

(G.) Any emergency roadwork or construction by Village crews and/or private

contractors, under permit or contract to the appropriate department, shall have priority over filming activities.

(H.) An applicant shall be required to personally deliver or to mail a copy of the film permit or a letter of intent to film to all owners of real property located within one hundred (100) feet of the property line of the filming and/or recording site as shown on the latest assessment roll of the Town of Warwick assessor and to all owners of real property located on the same street as the filming and/or recording site who are located within three hundred (300) feet of a property line of such site at least two (2) days for personal delivery or four (4) days of postmarked delivery days for mailing prior to the first day of filming and/or recording. The Mayor may require notice to additional owners of real property in the vicinity if conditions of the filming and/or recording so require.

§ 66-9 Authority to promulgate regulations; waiver of provisions.

(A.) The Film Committee may require additional information and impose conditions in furtherance of the findings and purpose of this chapter.

(B.) The Film committee may grant a waiver of a part or parts of this chapter for a particular filming and/or recording event on the committee's written finding that such waiver would be in the public interest of the surrounding neighborhood and/or Village as a whole.

§ 66-10 Permit revocation or suspension; appeals.

(A.) Permit revocation. A film permit may be revoked by the Village film office if the applicant, or any agent, employee, or contractor of the applicant fails to comply with the requirements set forth in this chapter, or in the film permit, or if it is determined that the film permit application was false in any material detail.

- (1) Notice of the grounds for revocation of the film permit shall be provided, in writing, to the permit applicant or person in charge at the location of the filming activity.
- (2) Appeals of the film permit revocation shall be conducted in the manner specified in this chapter.

(B.) Permit suspension. The Town Police Department and/or Fire Department officers assigned to supervise the filming activity site may suspend the film permit if at any time the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the officer. The grounds for the film permit suspension shall be provided, in writing, by the Village film office to the applicant within two working days of the suspension.

(C.) Appeals. The applicant may appeal a denial of a film permit, or a revocation, suspension, or permit condition. Such appeal shall be filed with the Village film office not later than five (5) working days after the date written notice of the decision is made. Failure to timely file an appeal shall result in a waiver to the right to appeal. The appeal shall be reviewed by the Village Board of Trustees. The decision of the Village Board of Trustees shall be subject to judicial review pursuant to Article 78 of the New York Civil Practice Law and Rules.

§ 66-11 Penalties for offenses.

(A.) Each and every violation of this chapter shall be punishable by a fine of not less than \$250 and/or imprisonment not exceeding 15 days for each and every day a violation of this chapter is found to exist.

(B.) The imposition of such fine and/or imprisonment shall not be the Village's exclusive remedy in the event of a violation and the Village shall have the right to pursue any and all other legal and equitable remedies available to it in connection with any violation of this chapter.”

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.

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

Building and Planning Department

Escrow Release Request for Balance of Funds

December 22, 2023

Requested Payee- Todd Rosen
93 Maple Ave
Warwick, NY 10990

Re: Site Plan – Accessory Apartment – Applicant took no further Action as of 11/16/21

Total Balance: **\$1,475.00**

According to Sec. 64-3 of the Village of Warwick Local Law E: In the event that an applicant shall withdraw his application at any stage of the proceedings or when the application review and approval process has been completed, the balance of funds in the applicant's account after all current outstanding fees are paid shall be either remitted to the applicant with 60 days of final action by the board or, if so directed by the applicant shall remain on deposit as the applicant's initial payment toward post-approval inspection requirements (if required).

Best regards,

Kristin Bialosky
Planning Board Secretary

Village Treasurer Approval: _____

Todd B. Rosen

93 Maple Avenue, Warwick NY 10990

January 2, 2024

Kristin Bialosky
Planning Board Secretary

Dear Ms. Bialosky:

Per your recent letter, regarding our balance on file, at this time you can withdraw the application and refund the balance of \$1475.00. We will just start over if we decide to move ahead. If you should have any questions or concerns, please feel free to contact me at 201.312.1023 otherwise you can mail the check to my address on file of 93 Maple Avenue, Warwick NY 10990.

Sincerely,

Todd B. Rosen

Todd B. Rosen

PLANNING BOARD

E.9999.0054

OPENED 07/27/2021

ESCROW

Sterling Bank Acct# 6700023972

[illegible]

Planning

From: Robert J. Dickover <Robert.Dickover@DDDLLPLaw.Com>
Sent: Thursday, December 21, 2023 4:24 PM
To: Planning
Subject: RE: Warwick Commercial Properties; Tod Rosen; ESCROW RETURN AUTHORIZATION

* Escrow can be returned. *

Rob D

From: Planning <Planning@villageofwarwick.org>
Sent: Thursday, December 21, 2023 3:57 PM
To: David Getz <Dave@ep-pc.com>; Robert J. Dickover <Robert.Dickover@DDDLLPLaw.Com>
Subject: Warwick Commercial Properties; Tod Rosen; ESCROW RETURN AUTHORIZATION

Good afternoon,

I am confirming that you both do not have any open invoices for:

* 1. 93 Maple Ave – Tod Rosen *

2. Warwick Commercial Properties

Please also confirm you agree that the escrow can be returned to the above.

Maureen sent an email out in August regarding the above. I wanted to follow up as it has been 4 months and would like to return the escrow.

Thank you so much! Any questions please don't hesitate to reach out.

Happy holidays!

Best regards,
Kristin

Kristin Bialosky
Secretary to Building, Planning, Zoning & AHDRB
77 Main Street/P.O. Box 369
Warwick, NY 10990
Phone: (845) 986-2031 x108
Fax: (845) 986-6884
planning@villageofwarwick.org
www.villageofwarwick.org



Planning

From: David Getz <Dave@ep-pc.com>
Sent: Friday, December 22, 2023 9:24 AM
To: Planning
Subject: RE: Warwick Commercial Properties; Tod Rosen; ESCROW RETURN AUTHORIZATION

Yes, we have no objection that the escrow funds be returned.

David A. Getz, P.E.
Engineering & Surveying Properties, PC
www.EngineeringPropertiesPC.com
Dave@ep-pc.com

From: Planning <Planning@villageofwarwick.org>
Sent: Friday, December 22, 2023 8:57 AM
To: David Getz <Dave@ep-pc.com>
Subject: RE: Warwick Commercial Properties; Tod Rosen; ESCROW RETURN AUTHORIZATION

Hi Dave,

Can you please confirm Escrow can be returned.

Thank you so much!

Best regards,
Kristin
Kristin Bialosky
Secretary to Building, Planning, Zoning & AHDRB
77 Main Street/P.O. Box 369
Warwick, NY 10990
Phone: (845) 986-2031 x108
Fax: (845) 986-6884
planning@villageofwarwick.org
www.villageofwarwick.org



From: David Getz <Dave@ep-pc.com>
Sent: Friday, December 22, 2023 8:19 AM
To: Planning <Planning@villageofwarwick.org>; Robert J. Dickover (Robert.Dickover@DDDLLPLaw.Com)
<Robert.Dickover@DDDLLPLaw.Com>
Subject: RE: Warwick Commercial Properties; Tod Rosen; ESCROW RETURN AUTHORIZATION