

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JANUARY 2, 2024**

9936

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Tuesday, January 2, 2024, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Carly Foster, and Mary Collura. Also, present was Village Clerk, Raina Abramson. Absent was Trustee Thomas McKnight. Others present, Gail Hoffer-Loibl and Bo Kennedy.

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

Mayor Newhard read the press release in regards to the Village's purchase of 75 Main Street.

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$674,373.02.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

1. **Public Hearing on the application of Warwick LLC for a special use permit to convert existing first-floor office space into two one-bedroom apartments and one two-bedroom apartment and to add two additional one-bedroom apartments and one two-bedroom apartment on the second floor in the building at 8 Forester Avenue in the Village of Warwick (Tax Map Section 207, Block 3, Lot 3).**

To review site plan and special use permit documents for 8 Forester Avenue, please click here: <https://villageofwarwick.org/8-Forester-Avenue/>

The Village Clerk read the hearing notice.

**VILLAGE OF WARWICK
VILLAGE BOARD
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Village Board of the Village of Warwick at Village Hall, 77 Main Street, Warwick, New York 10990 on the 2nd day of January 2024 at 7:30 p.m. or soon thereafter, as the matter can be heard that day on the revised application of Warwick LLC for a special use permit to convert existing first-floor office space into two one-bedroom apartments and one two-

bedroom apartments and to add two additional one-bedroom apartments and one two-bedroom apartment on the second floor in the building at 8 Forester Avenue in the Village of Warwick (Tax Map Section 207, Block 3, Lot 3).

The Village Board will at the above date, time and place here all persons interested in the subject matter here of persons may appear in person or by Agent, all written communications addressed to the Village Board must be received by the village board at or prior to the public hearing.

BY ORDER OF THE VILLAGE BOARD
VILLAGE OF WARWICK
RAINA ABRAMSON
VILLAGE CLERK

Dated: December 6, 2023

Applicant, Bo Kennedy, provided an overview of the project. He mentioned that there wouldn't be substantial modifications to the property or building. The project has undergone review by the Architectural Review Board (ARB), and the plans, including color schemes, have been accepted. Mr. Kennedy noted that they've also presented the project to the Planning Board, which seems supportive, pending final approval contingent on securing a special use designation.

The Board expressed their support for the project.

Trustee Cheney stated there were some issues with the resolution, which references a non-existing accessory building. Trustee Cheney said he made the corrections to the resolution and will read it with the correct language.

Special Use Permit, 8 Forester Avenue – Close Public Hearing

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried to close the Public Hearing on the application of Warwick LLC for a special use permit to convert existing first-floor office space into two one-bedroom apartments and one two-bedroom apartment and to add two additional one-bedroom apartments and one two-bedroom apartment on the second floor in the building at 8 Forester Avenue in the Village of Warwick (Tax Map Section 207, Block 3, Lot 3).

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

Announcement

1. The Village of Warwick Water Billing Department introduces AutoPay - Never miss a water / sewer payment – enroll in AutoPay today!

Trustee Cheney received clarification that there was a processing fee associated with this service due to the Village being a public entity and not a private one, therefore the Village cannot absorb the fee.

Correspondence

1. Letter from Laroe Ridge Developers, LLC regarding 57 Ball Road.

It was explained that the property seeking utility services, located on a Town road within the Village limits, was a considerable distance from the nearest waterline and, if extended, would cost the Village a substantial amount. Trustee Cheney, as well as Water Supervisor, Chris Bennett's suggestion was to consider allowing the property to use a drilled well instead. The discussion involves clarifying the circumstances, ensuring that it's treated as an exception due to the unique situation. The Board planned to craft a resolution with the help of the Village Attorney, emphasizing the extenuating factors. Additionally, the Board would require the property to allow metering of water usage to determine sewer billing, as the property was in proximity to the sewer line and would be available for connection.

Trustee Foster asked for clarification on the impacts a private well could have on the Village's aquifer, of which Trustee Cheney ensured there would probably be none.

Discussion

1. Grand Street parking meters.

Trustee Cheney expressed concern about the current parking situation on Grand Street, where unmetered spaces are being used primarily by hospital employees, causing a lack of turnover. The parking enforcement attendant suggested that installing meters would send a stronger message about the need for turnover and ensure better access to parking for businesses on the opposite side of Grand Street.

Trustee Foster inquired about the enforceability of the two-hour time limit.

Trustee Cheney explained that the traffic enforcement officer uses chalk on the tires of parked cars as well as the sidewalk. When the time limit expires, some individuals move their cars slightly or switch spaces with friends to circumvent the restrictions, rather than utilizing the designated parking areas for St. Anthony's employees and the shuttle bus service.

Mayor Newhard expressed his view that the parking situation is part of the transformation of the business district in the Village. Noting that there are professionals on one side of the street, he emphasized the increasing need to address the parking issue in the area.

The Board was in favor of installing the meters and had a discussion regarding the process it would take to do so, which would include a local law.

2. 2024 Grants.

Mayor Newhard highlighted the Village's success in securing approximately \$3 million in grants throughout the year. He expressed the need to understand the requirements and formats for implementing the grants correctly to prevent any potential loss of funds. The Village Clerk, Raina Abramson, was mentioned as working on a spreadsheet to organize and track the various grants, with the intention of sharing relevant information with the Board.

Ms. Abramson provided an update on her efforts to organize and track the various grants received by the Village. She mentioned the following grants:

- Safe Streets for All - Planning and Demonstration Grant
- Consolidated Funding for Strategic Planning and Feasibility Studies (Empire State Development)
- Multi-Use Trail Grant
- Thriving Community Program
- Village Board Lead Line Service Inventory
- Relocation of the Maple Ave Water Booster Station
- Well Number Three Filtration Plant Project
- Clerk's Office Records Inventory and Planning Project
- South Street Sidewalk

Mr. Abramson emphasized the importance of staying on top of emails and action items related to these grants to ensure proper implementation.

Trustee Foster suggested coordinating the discussion on grants that require coordination with the Town and other villages with the conversation about New York Forward. The idea was to explore the possibility of joint applications with other municipalities, which would involve releasing an RFP (Request for Proposals).

Trustee Foster mentioned several other grants the Village could potentially apply for in 2024 as well as the deadlines associated with each.

Discussion turned to dividing up responsibilities among the Trustees as well as the implementation; a work session was suggested.

Mayor Newhard explained that one of the grants the Village was interested in applying for was the DRI (Downtown Revitalization Initiative), which is a \$10 million grant aimed at downtown revitalization projects. While typically awarded to cities, the goal for Warwick is to work townwide, including the three villages and the hamlet of Pine Island. The intention is to showcase the unique aspects of each community within the Town and submit a strong joint application. Mayor Newhard emphasized that this collaborative approach could strengthen their chances of receiving the award. The next steps involve coordinating with the Town and the other villages.

Trustee Cheney added that the deadline for the Bridge New York program was on January 19th. He explained that HVA Engineering has been engaged to work on the application on behalf of the Village. The funding from the Orange County Transportation Council has increased, improving the chances of securing the grant. The focus is on making a compelling argument for the replacement of a culvert, and Trustee Cheney expressed optimism that this third attempt would be successful.

Bo Kennedy inquired if the community trail was part of the comprehensive plan. Mr. Kennedy also brought up a comment from Eric Lohberg about the trail resembling a rail trail, although challenges exist due to streams, the railroad, and easements. Mr. Kennedy expressed the idea of creating a bookend.

Mayor Newhard discussed the future vision for community connectivity. The goal is to establish a connection from the Village to locations like Price Chopper, ShopRite, and Pennings. The envisioned infrastructure goes beyond a traditional sidewalk, resembling something more expansive like the Heritage Trail, accommodating diverse modes of transportation such as biking or small handicap carts. The emphasis is on creating a safe and accessible pathway, particularly contrasting with the perceived danger of individuals walking along Route 94.

Trustee Foster discussed the potential trail connectivity, envisioning its extension to schools and linkage to West Street. She highlighted the Transportation Safety Action Plan, recently funded to reevaluate transportation planning. Traditionally, planning focused on vehicle and freight movement, but the evolving perspective includes the movement of people, incorporating walking, biking, and other modes of transportation. The received grant for this initiative is significant, reflecting a broader approach to transportation planning.

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.

No comments were made.

2024 General Village Election – Location & Polling Hours

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried to hold the General Village Election at the Goodwill Hook & Ladder Company, 25 Church Street Extension, on Tuesday, March 19, 2024. The polls will be open from 9:00 a.m. to 9:00 p.m.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

Village Election – Appointment of Machine Operators

A **MOTION** was made by Trustee Foster seconded by Trustee Cheney and carried to appoint Michael J. Batz, Sr. and Elizabeth Doty as Machine Operators and Noel Thompson as Alternate

Machine Operator for the Tuesday, March 19, 2024, General Village Election at a rate of \$13.00 per hour.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

Village Election – Appointment of Election Inspector Chairperson

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura and carried to appoint Victoria Hague as Election Inspector Chair for the General Village Election on Tuesday, March 19, 2024, at a rate of \$13.00 per hour.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

Village Election – Appointment of Election Inspectors

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried to appoint Mary Singer, Nancy Thompson, and Donald Grenier as Election Inspectors and Debra Sattler as Alternate Election Inspector for the General Village Election on Tuesday, March 19, 2024, at a rate of \$13.00 per hour.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

Village Election – Appointment of Election Poll Clerk/Alternate Election Inspector

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura and carried to appoint Vanessa Mann as Poll Clerk/Alternate Election Inspector for the General Village Election on Tuesday, March 19, 2024, at a rate of \$13.00 per hour.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

**RESOLUTION INTRODUCING AND SETTING A PUBLIC HEARING ON
PROPOSED LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 135,
"VEHICLES AND TRAFFIC", TO ADD TRAFFIC SAFETY REGULATIONS
AND TRAFFIC CONTROL DEVICES**

WHEREAS, the Village Board of the Village of Warwick has a local law before it entitled: "A local law to amend Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices "; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the attached 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.

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

The vote on the foregoing resolution was as follows: **APPROVED**

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Absent

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Rescind Community Choice Aggregation Program Resolution made on Dec. 18, 2023

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to rescind the resolution approved on December 18, 2023, introducing a proposed local law establishing a Community Choice Aggregation Program and scheduling a public hearing for January 15, 2024.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

**RESOLUTION INTRODUCING A PROPOSED LOCAL LAW
ESTABLISHING A COMMUNITY CHOICE AGGREGATION PROGRAM**

WHEREAS, the Village Board of the Village of Warwick has a local law before it entitled: “A local law to amend the Village Code by enacting a new Chapter 60 entitled ‘Community Choice Aggregation Program’”, 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 January 16, 2024 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

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

The vote on the foregoing resolution was as follows: **APPROVED**

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Absent

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

**RESOLUTION GRANTING SPECIAL USE PERMIT FOR A
SIX-APARTMENT MULTIPLE DWELLING AT 8 FORESTER AVENUE**

WHEREAS, the applicant, Warwick LLC, owns certain real property located at 8 Forester Avenue, Warwick, New York (Section 207, Block 3, Lot 3); and

WHEREAS, the said property is located in a Central Business District (“CB”); and

WHEREAS, the applicant has submitted an application proposing to convert existing first floor office space to two one-bedroom apartments and one two-bedroom apartment and to establish two one-bedroom apartments and one two-bedroom apartment on the second floor of the building on the said property;

WHEREAS, under the Village Zoning Code the proposed apartment building constitutes a “Multiple Residence”; and

WHEREAS, the Table of Use Requirements in the Village Zoning Code lists Multiple Residence as a use permitted in the CB District subject to grant of a special use permit from the Village Board and grant of site plan approval by the Planning Board; and

WHEREAS, the Planning Board, as lead agency in review of the project under the State Environmental Quality Review Act, has determined that it is an Unlisted Action and has issued a Negative Declaration; and

WHEREAS, the applicant has now applied to the Village Board for a special use permit pursuant to Village Code §145-127 for establishment of the proposed multiple dwelling; and

WHEREAS, under the Village Code, an application for approval of a multiple dwelling must meet the standards set forth in §145-120 as well as the particular requirements set forth in §145-127; and

WHEREAS, the Village Board has duly noticed and held a public hearing on the application for a special use permit;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby make the following findings pursuant to Village Code §145-120:

A. The proposed development of the subject property is of such location, size, and character that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to adjacent properties. The subject property is an existing building located in a neighborhood in which re-use of it as an apartment building will be consistent with existing uses in the area. Further, it will help increase the Village's stock of entry level housing.

B. The proposed use and development of the subject property as multiple dwelling does not pose any undue hazards to pedestrian and vehicular traffic. There is ample off-street parking on the property, and sight distances are not a concern for ingress and egress from the property.

C. The location and height of the building on the property is not of such nature, size, appearance or location that it will hinder or discourage use or development of other properties in the neighborhood or the district. Most of the property in the neighborhood is already built out. Thus, the physical dimensions of the building will not hinder or discourage use or development or re-development of other properties in the neighborhood or the district.

D. The proposed development of the property as a multi-family dwelling will not result in a need for additional public facilities or services, or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right under applicable zoning. If the new residential use on the property results in any increase in the need for public facilities or services, or creates a greater fiscal burden upon the Village than the commercial use would create, it will be nominal.

2. That the Village Board does hereby make the following findings in regard to the applicant's ability to meet the "special conditions" criteria set forth in Village Code §145-127:

A. The applicant's property consists of .62 acres, and therefore meets the requirement that the subject property have a minimum lot size of 22,500 square feet.

B. The applicant has satisfied the requirement that the multiple residence must be constructed to resemble a single-family dwelling. The building is being constructed with a single main entrance for the apartments and, overall, it "resembles" a single-family dwelling to extent that it can.

C. The applicant meets the requirement that the multiple residence must be consistent with the character of the immediate surrounding neighborhood on the grounds set forth above.

D. Village Code §145-127 goes on to state additional standards which must be met if the applicant proposes to construct multiple buildings on a lot, but here the applicant proposes to construct a single mixed use commercial and residential structure, so these considerations do not apply here.

3. That the Village Board hereby grants the requested special use permit.

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

The vote on the foregoing resolution was as follows: **APPROVED**

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Absent

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

**RESOLUTION AMENDING SCHEDULE OF FEES FOR THE
ADDITION OF PLANNING BOARD ESCROW FEES**

WHEREAS, Village of Warwick Code §64-1 provides that a comprehensive schedule of fees, including Planning Board fees, be approved by the Village Board; and

WHEREAS, in order to amend the Village's Schedule of Fees to add a Planning Board Application base escrow fee for Subdivision Applications it is necessary for the Village Board to adopt a resolution:

NOW, THEREFORE, BE IT RESOLVED that the Village's Schedule of Fees is hereby amended as follows:

In the Schedule of Fees, under heading "Planning Board Application Fees" the following fee shall be added:

Category	Sub-Category	Type of Fee	Amount	Notes	Code
Planning Board Application Fees	Escrow	Base escrow fee - Preliminary Subdivision Review and Final Subdivision Review.	\$2,500	Base escrow for Preliminary Subdivision Review will be applied toward Final Subdivision Review escrow.	64-3

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

The vote on the foregoing resolution was as follows: **APPROVED**

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Absent

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW TO REVISE THE VILLAGE'S CODE OF ETHICS

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 9 ‘Ethics, Code of’, 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: **WITHDRAWN**

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

Final Comments from the Floor

No comments were made.

Final Comments from the Board

Trustee Cheney issued a reminder about the ongoing Christmas tree pickup for natural trees, emphasizing the exclusion of plastic ones. Residents were instructed to place trees at the curb by 7:00 a.m. on Monday, January 15th, for the final pickup round. To ensure successful pickup, trees must be free of unnatural materials like ornaments, lights, tinsel, and garland. Alternatively, residents have the option to drop off trees at the Town of Warwick chip site on Public Works Drive until January 31st.

Mayor Newhard expressed appreciation for the successful New Year's Apple drop event. He extended thanks to the Warwick Fire Department and the Department of Public Works for their dedicated efforts in organizing and ensuring the event's success.

Adjournment

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried to adjourn the regular meeting at approximately 8:30 p.m.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

Raina M. Abramson, Village Clerk