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VILLAGE OF WARWICK

INCORPORATED 1867

Village of Warwick Village Board Meeting – November 16, 2020 Minutes

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

To View the Meeting:

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

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

To Comment - During Privilege of the Floor Only:

FACEBOOK LIVE – Comments may be made during the Village Board Meeting through Facebook Live within privilege of the floor by going to the Village of Warwick's Facebook page: <https://www.facebook.com/VillageofWarwick>

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
NOVEMBER 16, 2020**

8674

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, November 16, 2020 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY via Zoom Videoconference. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, and Corey Bachman. Also, present was Village Clerk, Raina Abramson and Village Attorney, Stephen Gaba. Trustee, George McManus and DPW Supervisor, Mike Moser were absent. Others present via Zoom Videoconference: Lysbeth McAleer, Carly Foster, Jay Myrow, Kirk Rother, Naftali Silberberg, and Benny Silber. In consideration of the current COVID-19 health crises and pursuant to Governor Cuomo's Executive Order 202.1 the public was able view the meeting at the above date and time via Facebook Live on the Village's FB page <https://www.facebook.com/VillageofWarwick>.

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

Acceptance of Minutes

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried for the acceptance of minutes: November 2, 2020

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Acceptance of Reports

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried for the acceptance of reports, October 2020: Clerk's Office & Tax Collection Summary, Justice, and Building.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg, and carried Authorization to Pay all Approved and Audited Claims # 21000861 – 21000954 in the amount of \$ 203,595.97.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Police Report - *Suspended to Streamline Meeting due to COVID-19*

Presentation

1. Warwick Tourism Branding Initiative.

Lysbeth McAleer and Carly Foster from Community2gether presented their Warwick revitalization, tourism, and branding initiative to the Village Board. They explained a new, easy-to-navigate tourism website that would serve as a central communication infrastructure to help the town, its local businesses and non-profit organizations, plus inform local and regional residents of “what’s happening in Warwick this weekend”. Lysbeth McAleer and Carly Foster asked the Village Board to please consider funding a portion of the initiative in order to launch the website during the first quarter of the winter of 2021. Mayor Newhard explained that the Town of Warwick has promised \$6,000 and the Village of Florida is planning to offer \$3,000 to support the initiative.

Correspondence

1. Comments from the Orange County Department of Planning – Local Law #3 of 2020 Repeal and Re-enact Chapter 135 of the Village Code entitled Vehicles and Traffic.
2. Letter from Ira M. Emanuel, P.C. dated November 10, 2020 regarding the Village View Estates Subdivision Petition for Annexation and Application for Special Use Permit.
3. Letter from Wickham Works thanking the Village of Warwick DPW for their assistance with the installation of the public art exhibit, “Words from Warwick.”

Mayor Newhard read the letter aloud since it named the Village’s staff.

4. Letter from Engineering & Surveying Properties regarding the acquisition of Lehman & Getz Consulting Engineers, P.C.

Discussion

1. Village View Estates, LLC Subdivision Petition for Annexation and Application for Special Use Permit – Village View Counsel, Jay R. Myrow.

Attorney for Village View, Jay Myrow of Blustein, Shapiro, Rich & Barone, Kirk Rother, Civil Engineer for Village View, and applicants Mr. Silber and Mr. Silberberg were present via Zoom for the discussion with the Village Board regarding Village View.

Mr. Myrow explained that Village View has two applications pending with the Village Board; a Special Use Permit pursuant to Zoning Law 145-9D4 and Joint Petition for Annexation with the Town of Warwick for a very small sliver of land that cleans up the tax lots. Mr. Myrow provided a history of the project, explaining that the application with the Planning Board was originally filed in 2004 and within years of filing the application there was a preliminary approval granted for a twenty-eight-lot standard subdivision, which continues to be viable because it has been extended repeatedly over the years by the Planning Board. Mr. Myrow further stated that sometime after the village adopted its Cluster Development Regulations, the applicant decided to take another look at the proposed subdivision and came up with a couple of different designs pursuant to the cluster regulations and at one point a forty-five unit plan was presented to the Planning Board and because there was a prior SEQRA determination on the preliminary approval for the twenty-eight lots, since the applicant was changing the plan, they had to revisit SEQRA and get a new approval based on that. Mr. Myrow stated that overtime and through a number of different iterations of the plan, there were changes made periodically, and eventually the SEIS Draft Environmental Impact Statement process on the Supplemental Environmental Impact Statement originally started at the forty-five units and was subsequently reduced to forty-two units. Mr. Myrow said that it has taken two and a half years for the applicant to get through the SEQRA process, the Planning Board finally concluded to the point where the Village Board can now act as an involved agency and can now act based on that SEQRA determination on the two applications that are pending in front of the Village Board. Mr. Myrow stated that the first thing he wanted to do, as he did with the Planning Board, he thanked the Village Board for its efforts over those two and a half years and prior for its work as an involved agency and participating in the SEQRA process. Mr. Myrow said that the basis for the Special Use Permit is based on the section of the code that basically allows for additional units to be approved by a Special Use Permit by the Village Board and basically what is allowed is under the cluster process, the applicant established that they are entitled to twenty-eight units as of right under conventional subdivision regulations, with the density and cluster regulations allowing the applicant to buy additional density subject to the Special Use Permit and the payment of fees pursuant to the Village's fee schedule. Mr. Myrow explained that they are proposing an

additional fourteen dwelling units and have gone through the design features that show that they can meet all of the bulk regulations and other regulations that will permit the additional fourteen units, therefore they filed the Special Use Permit application early and may have had some discussion with the Village Board and all agreed that they had to complete SEQRA, so that application was filed a while ago, and since the SEQRA is done, it is no longer an impediment for them proceeding at this point. Mr. Myrow stated that the Special Use Permit is for the consideration of the Village Board for approving the additional density under the regulations. Mr. Myrow stated that the annexation petition is not particularly consequential, since it is a very small sliver of land that runs through the road bed that's the entrance that happens to be in the town and the annexation simply cleans up the tax lots to put land into the Village. Mayor Newhard explained to the Board that the annexation is to occur whether it is the twenty-eight units or the forty-five units, and that its going to happen either way as a way to clean up the map. Mayor Newhard also stated that he reached out to Town Supervisor, Mike Sweeton, and are now in the process of getting dates together.

Mr. Myrow inquired if the Village Board received a letter from Ira Emanuel because Mr. Myrow is the attorney for the Town and based on that conflict, he has recused himself from any proceedings being held by the Town. Mr. Myrow stated that it is important to have a clear understanding of how the applicant arrived at the particular plans and asked Kirk to talk during the meeting as to what happened here in terms of ending up with this particular layout. Mr. Myrow also pointed out that the layout was changed through the SEQRA process, and that a lot of the changes occurred as a result of the public comment that they received, which was taken to heart, and changes were made that they felt were justified based on public comment. He stated that it was one of those situations where the process worked and that's how they arrived at the place they are now. Mr. Myrow said that if the Board prefers, he'd ask Kirk to give a brief rundown on how they arrived at the latest design.

Village Attorney, Steve Gaba, asked Mr. Myrow that since the original bonus density lot application was for seventeen bonus density lots, now that the plans appear to have been changed from forty-five lots to forty-two, is that application being amended to fourteen bonus density lots? Mr. Myrow answered yes and stated that he can file it in writing. Mr. Gaba asked Mr. Myrow to write a simple letter.

Mr. Gaba also said that Mr. Myrow referenced the annexation, however he realizes that Mr. Myrow is not representing the applicant on the annexation, but asked if it was .6 of an acre or just a little over half an acre that's being annexed? Mr. Myrow stated that he believed that was correct and that the land does not add to the density and is not creating additional building lots, that it simply is to clean up the tax lots. Mr. Myrow said that he will send a letter amending the application to fourteen lots.

Village View Civil Engineer, Kirk Rother, provided a brief synopsis of the various plans. He stated that the application originally started as twenty-eight lots based on the underlying zoning in the area which requires a minimum lot size of twenty thousand square feet. Mr. Rother explained that the property is roughly twenty-one acres in size and that twenty-eight-lot plan placed development on the entirety of the twenty-one acres except for a portion that is immediately adjacent to Sleepy Valley Road or Locust Street in the village and the associated stream, that was about a two acre swath of land that was not proposed to be disturbed. Mr. Rother explained that the twenty-eight-lot plan had two stream crossings and two wetland impacts and two entrances out to Locust Street. He stated that that plan would have perfected if it were not for the recession where things got put on hold for many years, but once things started to recover the village was in the process of adopting new cluster subdivision regulations, and the Mayor pointed that out to his office, and Mr. Rother sat in on a couple of the village's workshop meetings when they were going through those cluster regulations just to see what direction the village was headed. He stated that when the cluster regulations were adopted they proposed a plan with the cluster provisions with the objective to really preserve primary conservation areas as defined in the cluster regulations which are streams, wetlands, floodplains, and steep slopes. Mr. Rother explained that the first draft of the plan eliminated one of the stream crossings and put a road access out to Woodside Drive, but did still however have a second stream crossing on the higher end of Locust Street because the Village's code requires two means of access for subdivisions of more than twenty lots and the first plan had forty-five single family lots depicted on it, so an increase of seventeen lots from the original twenty-eight lot plan. Mr. Rother said that that plan was fully engineered and they prepared a Draft Environmental Impact Statement, and had public hearings on it and received comments from the public, the Village Board, and other involved agencies and what resulted with that process it worked to result in what they feel is a better plan, so they came up with another alternative in which they removed the second access to Locust Street and the second impact the wetlands and the stream and proposed an alternative way in through adjacent property that's owned by the applicant and lying in the Town of Warwick. Mr. Rother said that they made an application to the Town of Warwick Planning Board and they have reviewed the application once or twice and have done a site visit and they agreed to let the Village of Warwick Planning Board act as Lead Agency for the SEQRA review. He stated that in that second alternative, which they call the Reduced Scale Alternative, they eliminated a few lots and on the Reduced Scale Alternative they have thirty-three lots with one of those lots having ten two-family dwelling units on it, so that plan resulted in less disturbance, less impact to wetlands and a larger diversity of housing because they now have some two-family dwelling units as well as two different lot sizes, similar in size but some there are some single family lots that are a little bit smaller with a little bit smaller home and some lots are that are a little bit larger. Mr. Rother said that that plan was fully engineered and reviewed in a Supplemental Environmental Impact Statement and public hearings were held to ultimately result in a finding statement. He noted that the cluster subdivision regulations require a minimum of twenty percent open space and the latest plan proposes forty-six percent and the additional dwelling unit increase from the original twenty-eight lot plan results in actually a little bit less

roadway within the village. Mr. Rother said that they reduce the amount road within the village by about four hundred feet even though they increased the number of dwelling units from twenty-eight to forty-two. Mr. Rother stated that they completed the SEQRA process with the Planning Board and are now back to the Village Board for their consideration of the Special Use Permit which is a necessary component to getting the additional density that is shown on the cluster subdivision plan.

Mr. Myrow pointed out that he believed that the decision to build the five, two-unit houses, ten smaller units was because it was determined that the affordable housing regulations in the village do not apply to this project and they proposed that it was agreed that they would build the two-family concept because that would afford that by nature because it would be a lower priced housing unit, so it gave some diversity to the scale and they voluntarily agreed to provide that. Mr. Myrow also stated that they need action on the Special Use Permit before they can obtain a conditional preliminary approval from the Planning Board, so the Village Board is the next step in the process and once they have a determination they can hopefully go back to the Planning Board to get the conditional final and proceed with the outside agency approvals. Mr. Myrow stated that as far as he was concerned he would like the Special Use Permit regulations that are going to apply to this under section 145-60 and subsequent sections 145-161 has the application procedures, and there is a public hearing required, there are written notices that are required in that section so at this point they are asking that the Board give an indication as to when they are comfortable scheduling the public hearing, and the sooner the better for them, because they feel it's important to get the public comment as early as possible so they can all appropriately respond. Mr. Myrow also said that whatever criteria is set forth in the code, they will prepare an additional narrative and will get that to the Village Board as soon as possible outlining their position regarding the appropriateness of granting the Special Use Permit to spell it all out. He stated that when he looked over the code there wasn't a lot of guidance in the code, a lot of it overlaps with what was already done in SEQRA so they were going to try to put together in the narrative what was actually the findings that remain under SEQRA that would be relative to the Special Use considerations that have to be undertaken.

Mayor Newhard invited the Village Board to ask questions to Mr. Myrow and the developer.

Trustee Cheney said that Mr. Myrow mentioned that there were a number of changes that were based on public comment that occurred during the evolution of the cluster subdivision, and asked if Mr. Myrow and Mr. Rother could go over those as a summary.

Mr. Myrow stated that if he remembers correctly, a lot of those involved traffic and the road layout. Mr. Rother said that the topics brought up during the initial first round of the DEIS, some brought up by the public and some brought up by consultants hired by the public, were traffic and steep slopes and the sheer scale of the project in terms of it being a cluster subdivision. He said there was also tying in the annexation piece, the sliver that is roughly a half-acre in size,

they had a dwelling unit shown in that location, so there were some statements made that the annexation was resulting in the developer getting an additional lot. Mr. Rother said that they eliminated any proposed dwelling units for the annexation space and they have put most of that in open space now and eliminated the second road to Locust Street which minimized the wetland impact and the stream impact and also some impacts to steep slopes in that particular area.

Trustee Cheney asked that on the original forty-five lot project, where were the entrances on the original proposal for that?

Mr. Rother replied that one was on Woodside Drive in the place that the current plan has it and the second entrance came out to Locust Street just south of the Village of Warwick/Town of Warwick boundary. He also recalled that the Village Board had some concerns that it was going to be a twenty or thirty foot fill and there was a culvert there and he was aware that a couple of the Village Board members had said that they were concerned about inheriting that improvement and having to maintain it long term so that was another reason they took another look at getting rid of that section of roadway, about six hundred feet of road that they eliminated. He said that it ends up getting put back in the Town of Warwick, but the benefit to that is that if there is any future development in the Town of Warwick, that road would be utilized so they would not be duplicating roads for the project in the town and the project in the village.

Trustee Cheney asked Mr. Rother to explain the approach that they have taken to deal with stormwater because he knows there was a lot of concerns about the downstream impacts of the project.

Mr. Rother explained that they have looked at the entire watershed that is tributary to that culvert under Woodside Drive and are aware that there are existing issues with downstream drainage, particularly in the area of 17A and Mr. Krasniewicz's house. He said that they have stormwater management features both in the village portion of the property and they also have two stormwater management ponds in the town portion of the property and the analysis done at the culvert was one ten and one hundred year storm events and per the Village's code they are required to show a ten percent decrease in flow rate at that analysis point. Mr. Rother stated that with those three ponds they are able to achieve that ten percent decrease and then also, so as not to result in potential segmentation of SEQRA, the concept plan of the land in the town was prepared as they went through the SEIS process and potential drainage impacts from future development. He stated that the town was also included that analysis and identified in their stormwater pollution prevention plan.

Trustee Lindberg stated that he was looking at a table labeled 'wetland disturbance' and it looked like in the twenty-eight, the disturbance was about forty-three hundred feet and in the forty-five was about nineteen hundred and the forty-two is zero square feet, he assumed that was all along

Locust and inquired if that was on purpose or if it was just the way the layout came about with zero disturbance.

Mr. Rother said that that was the objective of the cluster subdivision plan. He said that when you go through the Village's cluster subdivision regulations, and they are very similar to the regulations that are promulgated in the Town of Warwick, you go through this process called a four step design process with process number one being identifying primary and secondary conservation areas, and the primary conservation area in this particular case would be the stream and the wetlands and slopes over twenty-five percent. Mr. Rother stated that secondary conservation areas are things like stone walls, tree lines, and a couple of other items, the village's and the towns are slightly different. He said that once the primary and secondary conservation areas are identified they can be laid out on a map, and then you try to come up with a plan that avoids those areas to the greatest extent possible. Mr. Rother said that he believes that the code in one instance says that it encourages you to be one hundred feet away in some instances and he believes that it says that the dwelling units shall not be within the primary or secondary conservation areas, but it allows for some of those areas to be on individual lots with restrictions on the deeds. He said that in this particular instance they propose to put all the open space into an HOA. Mr. Rother said that they've seen in other instances where when the open space is segmented into individual lots, enforcing it gets to be an issue, so here it will all be one contiguous parcel of land owned by the Village View HOA not to be disturbed or developed in perpetuity.

Mayor Newhard inquired if the disturbance from the four thousand three hundred and thirty-two feet to zero was because the culvert was removed out of the project plan.

Mr. Rother said that that was correct and that the two road crossings and any associated disturbance with those crossings. Mr. Rother said that this plan not only eliminates the wetland disturbance, there are no proposed improvements, hardscapes, there is a stormwater management pond but roads, sidewalks, buildings, there are none proposed within a hundred feet of the wetlands.

Trustee Bachman stated that with the forty-two lot development and the granting of the Special Use Permit, it looked like there would need to be an upgrade to the Robin Brae Pump Station and inquired if the applicant is willing to should that cost. Mr. Myrow replied, yes. Trustee Bachman further asked if the cost would be shouldered one hundred percent or a percentage. Mr. Myrow stated that there are discussions for the terms of the development agreement where they would undertake that burden and the proposal is that they would pay for the improvement at their expense, one hundred percent.

Mr. Gaba inquired to Mr. Myrow, that his client, if he understands correctly based on negotiations, is looking to pay one hundred percent out of their pocket for the pump station

improvement but believed they are looking for some consideration in regard to fees that would otherwise be applicable as part of that.

Mr. Myrow stated that he believed there were two other aspects to that, one was that they asked for consideration regarding the tap in fees and the second consideration was with respect to the density bonus fee where they are building the lower priced housing and they feel that the application of the full fee to each dwelling unit for the ten lower priced units is not fair and they should be given some consideration on that, but they are not asking for any reduction in fees based on the applicant shouldering the bill for the Robin Brae Pump Station. He stated that there were two other factors that they asked the Board to consider in the development agreement for the reduction of particular fees and those were the two, the tap in fees and the density bonus fees.

Trustee Bachman inquired if there would need to be an upgrade to the Robin Brae Pump Station if it was the originally approved twenty-eight lot development.

Mr. Rother stated that the twenty-eight-lot subdivision plan did have a provision in it that the applicant would make a fair share contribution to whatever improvements are needed with the Robin Brae Pump Station. He stated that the issue as he understands it with the Robin Brae Pump Station is the size of the well that pumps draw the sewage from is small so those pumps jump on and off a lot and that shortens the lifespan of the pump and that was identified as an issue on the twenty-eight lot plan and that remains an issue now. Mr. Rother stated that the only fix, long term solution, is to increase the size of that vessel that holds the sewage so the pumps can operate for a longer period of time when they turn on.

Trustee Lindberg stated that this is a package deal where they are all connected, one hundred percent improvement of Robin Brae and cluster fees and tap in fees are the current discussion because they are all tied in.

Mr. Myrow stated that they are all proposed terms of the development agreement, but he said they are not asking for any consideration for the cost of the replacement of the Robin Brae Pump Station in full. He said that his client has committed to that, and it's the other two factors that he spelled out in a correspondence to the Board making an argument to the Board as to why the Board should give some consideration in a fee reduction based on the circumstances that they presented, however Robin Brae is not tied into that. Mr. Myrow said that its in there and it will state that they will build it at their sole cost and expense without consideration and he believes that it is somewhere between \$350,000 and \$400,000 by the time they get done, that will be the cost of building the pump station, in that vicinity. Mr. Myrow inquired from Mr. Rother the number of lots it services right now, and believed it was about a hundred or more lots. Trustee Lindberg said it should be a total of one hundred and thirty-seven after forty-two are done. Mr. Myrow said they would be thirty to forty percent of that usage. Mr. Rother said that they are less than that at about twenty-five to thirty percent of the usage. He also said that with regards to the

price, Dave Getz, received a price from one of the suppliers that the Village has used in the past and just for the hardware it was in the neighborhood of \$175,000 and the general rule of thumb is if you double the price of the hardware, they should be able to have the pump installed, completely replaced.

Mayor Newhard asked that on the twenty-eight-lot development plan, there were two stream crossings which affected that stream corridor, but they had a price tag on them. Mayor Newhard asked Mr. Rother to please give him a sense of what the two of them would have cost plus the road improvements that were dictated along Locust, because he thought that there were some site distance issues and some improvements where the guardrail is going down Woodside, and would like a sense of the value of all of that as a point of reference.

Mr. Rother explained that Mr. Silber had received estimates from Allied Excavating and another company that he didn't recall the name of, a firm he was not familiar with, and they were from about 2012 and the cost of the work, the Locust Street improvement and those two culverts were roughly around \$250,000. He explained that the upper culvert on the twenty-eight lot plan, the one that is closest to the town/village boundary, that is actually just a pipe and is not an arch or a bridge because the stream is really quiet small there and just off the property it flows under Locust Street, just a fifteen or eighteen corrugated metal pipe. Mr. Rother stated that the lower crossing on the twenty-eight lot plan is a little bit more complex and is an arch culvert with an open bottom with concrete wing walls, so that was a little bit more expensive, actually much more expensive, roughly speaking \$250,000 - \$300,000.

Mayor Newhard confirmed that the cost pump station cost was \$175,000. Mr. Rother said that Dave Getz provided him with an email that he received that it was \$175,000 just for the hardware, so it doesn't include workmanship or the pumps, the controls, and whatever other pertinences go in the structure, it does not include labor or excavation, abandoning the existing pump station or the structure that all the pertinences get put in. Mr. Rother said that generally speaking, contractors tell him if he doubles the price of your material costs it gets you in the ballpark.

Mr. Myrow asked if that was with prevailing wage. Mr. Rother stated that he wasn't sure if prevailing wage was really going to be a big issue. Mr. Myrow stated that they are expecting to be billed at prevailing wage.

Mayor Newhard asked if there were any other questions from the Village Board.

Mr. Steve Gaba explained that the Village Board has received an application for a Special Use Permit and as Mr. Myrow correctly stated, the next procedural step would be to hold a public hearing on that. He stated that regarding the annexation, Mayor Newhard would have to speak with Supervisor Sweeton to set up a joint public hearing between the town and the village. Mr.

Gaba stated that with regard to the Special Use Permit, if the applicant is going to be submitting a statement as to how it meets the criteria for grant of Special Use Permit, he felt it would be appropriate to get before holding a public hearing and thought it would also be a good idea to refer the application to at least Dave Getz if you don't want to bring in a planner to discuss the issue of the proposed additional density and how it stacks up with the criteria in the Village Code and also the Village's Comprehensive Plan, and then with all that in hand it can possibly be posted on the Village's website, the Village Board would be ready to move forward with public comment because people would have a better idea of what the issues are as opposed to just, I like this or don't like this, and it can hopefully give some helpful input in with regard to issues that they may proceed.

Mr. Myrow asked the Village Board to please consider setting the public hearing for the second meeting in December and they will present their narrative and if the Village Board wants them back on the first meeting in December, then they can review anything the Board may have, but at least there will be plenty of time to have any internal reviews, get the narrative to the Village Board, and there is still one meeting in between that and when the public hearing would be and there is plenty of time to do the notices that are required under the procedural requirements for the Special Use Permit. Mr. Myrow stated that that really needs to get done because putting it off to even then, he said he would like to hear the public comment as soon as possible, but he felt it was a fairly reasonable plan. Mr. Myrow stated that he felt the meeting on December 21, 2020 gave plenty of time for him to get the information into the Board and gives one more meeting for the Village Board to ask questions if they like to and at least the public hearing will be set and they can do the mailing. Mr. Myrow said that they have to do mailings and some other stuff to.

Mayor Newhard said that he knows his client is eager to get this matter determined because it has been on the Village's docket for a long time but he wanted to mention that as far as a public hearing goes, and doing it four days before Christmas may not be appropriate so he suggested holding the public hearing in the beginning of January would be a more appropriate time.

Mr. Myrow asked the Village Board if they were comfortable holding the public hearing on the 4th of January and asked if there was a reason why a date couldn't be picked now and if the 4th is the earliest that the Board is comfortable with.

Trustee Cheney said that Mr. Gaba mentioned that there are a number of things that the applicant has to produce and based on those items being delivered, the Village Board has to turn them over the village's professionals for their review, and asked what Mr. Myrow's sense to the time it will take him to produce the documentation that is requested. Mr. Myrow replied that it would take a week to ten days at the most from now, or before Thanksgiving. Trustee Cheney said that his concern is that when the Village Board sets the public hearing they do it on the basis of having all of the documents in place including the review by the village's professionals so he said he would be reluctant to commit to something tonight but sees that the first Monday meeting in

January seems to be something that would be achievable. Mr. Myrow stated that if it was a two week period he wouldn't ask, but pushing it out that far, gives the ability to at least calendar the mailings that have to be done and the village has to make referrals under their procedures and he felt that it was far enough out that the Village Board could easily accommodate getting the needed input assuming they provide the documents next week. Mr. Myrow asked if the Village Board wanted to wait until the 30th put the matter back on for the 30th and if the Village Board doesn't have the paperwork back by then. Trustee Cheney explained that the Village Board won't meet until December 7th. Mr. Myrow said he would have the paperwork to the Village Board by the beginning of next week. Mr. Myrow felt there was no harm in picking a date that far out.

Mayor Newhard said that that matter would be tentative. Mr. Myrow said that would be fine assuming that they get the information to the Village Board gives the village's professionals enough time to review and inquired if that was the tentative part. Mr. Myrow said that if he provides the documents to the Village Board next week, then they should know by December 7th if they are good to go. Mayor Newhard confirmed that that was correct. Mr. Myrow agreed to that plan.

Mr. Myrow asked if Mayor Newhard gave any thought to holding the annexation public hearing separate. Mayor Newhard said yes, and that it the Village Board was looking at, depending on Mr. Gaba's calendar, the second Monday in December. Mr. Gaba stated that he is not available on Monday's. Mayor Newhard stated that he would speak with counsel to pick a date. Mr. Myrow said that it seems like the Village Board will get the annexation done before getting the Special Use Permit public hearing done. Mayor Newhard said that he believes so because it's a technical matter. Mayor Newhard asked if a mailing had to happen on the public hearing for the annexation. Mr. Myrow said he doesn't believe so. Mayor Newhard explained that the timing on the mailing is critical for the applicant and any of the parties. Mr. Myrow said that he didn't believe there were any mailings but deferred to Mr. Gaba. Mr. Gaba said that his understanding is that the notice goes to the property owners on the land to be annexed and didn't believe the notice goes to the neighbors, however there is a publication notice as far as the annexation. Mr. Myrow stated that the Special Use Permit does require notice to landowners within 300 feet. Mr. Gaba said that this permit is a whole other kettle of fish and that it is going to have to go to County Planning as well. Mr. Myrow said that it does, but he didn't believe it was for comment but felt they just have to be mailed a copy of the notice. Mr. Gaba stated that he wasn't so sure about that, but he will look into it. Mr. Myrow said that they do have County referral comments in the SEIS. Mr. Rother stated that it went to County Planning because they are within 500 feet of a municipal boundary, so they have seen it. Mr. Gaba stated that he understands that but that it has to go before every approval that you get it doesn't just go for one to cover all. Mr. Myrow said if a public hearing will be held on the 4th and there is going to have to have 30 days pass before that, then the mailing has to be mailed 30 days in advanced, they have 30 days to respond. Mr. Gaba said it is 30 days and the Board can't grant the approval until they hear from them so

he stated it would be better for the notice to go to County Planning 30 days before the anticipated date of the public hearing, but it's possible that the public hearing would be held open and it is possible that the public hearing will be closed and the Board won't be in a position to adopt a resolution that night. Mr. Gaba said that he doesn't see it as that big of a deal one way or the other, but it would be something they could try to do.

Privilege of the Floor

VIA EMAIL OR MAIL - Comments may be sent to the Village Board prior to the Village Board Meeting via email to: clerk@villageofwarwick.org or via mail: Village of Warwick, Attn: Village Clerk, P.O. Box 369, Warwick, NY 10990. Please indicate in your correspondence that you wish to have your comments read during privilege of the floor. Please limit your comments to **three (3) minutes**.

Mayor Newhard read the following comments that were submitted prior to the Village Board meeting:

1. Raymond and Lugene Maher, 52 Woodside Drive

We ask the Board to take into consideration the open, ongoing questions:

1. The status of Elizabeth Cassidy's legal infirmity which could stop the development from moving forward. Will there be a response forthcoming?
2. Improvements to the intersection of Woodside/Locust.
3. Retention pond in the wetland buffer zone.
4. What is the current status of the Robin Brae pump station? Is the developer paying for it in part or in whole? The taxpayers should not take on the burden of the expense for the benefit of the developer. There would not be an upgrade needed at this time for a 28-home development.
5. The developer does not want to pay the full cost of the water and sewer hook-ups for the development thus pushing the financial burden on to the taxpayers.
6. The developer has requested a reduction in lot fees, another burden to the taxpayer.
7. The annexation is a concern because it sets a precedent and it is a concern when the developer wants to develop the Town property, for example, with sewer and water access and possibly annex the Town property.

8. No public access, no proper buffers between 51 Woodside and the new access road.

2. Angela Murphy

Good evening,

Our current market has people coming to Warwick from all areas of our country. As everyone knows, including the board, we have a shortage of homes on the market in Warwick as well as Orange County.

The subdivision Village View has undergone many changes to accommodate safety to the environment, the residence of our community and improve the water system to all involved and provide eco-friendly homes to our community. This has been a 3-year project and time is of the essence due to our current market.

I implore the board to vote in favor of this beautiful subdivision and to assist new buyers to reside in our community.

Respectively,
Angela Murphy

3. Geoffrey Green, President of Green Team Realty, Inc.

I would like to submit these comments prior to tonight's meeting regarding the new residential subdivision called Village View.

For the past 10 years, I have known Robert Silber, the developer of Village View. Robert is an excellent builder and a good man. You can see a prime example of his work and the type of homes he wishes to build for this new subdivision simply by driving by 75 Sleepy Valley Rd. That is a newly constructed home which was built by Robert and sold by our Agency, Green Team New York Realty. This sale took place earlier this year.

Our very own Agent Nancy Sardo has been working very diligently with Robert as part of his team for this subdivision. Nancy has spent countless hours with Robert's team of engineers, architects, sub-contractors and the like. Along with me, Nancy is supremely confident in Robert's ability to deliver a first-class new construction neighborhood at Village View. Such a neighborhood is what our special community deserves and will get if Robert can simply get permission to do so.

Right now, we have the right market and the right builder to get the kind of first-class new construction our community needs. The time to strike is now! Robert is a great guy and he has

been exceptionally patient and diligent through the planning process with the Village of Warwick. Village view represents positive progress for our community.

Let's give a great builder the chance to build a great neighborhood.

Thank you for including me in the discussion.

Motions

Waive 30 Day Notice Requirement – NYS Liquor License, 28 McEwen Street

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to waive the 30 Day Notice requirement of the filing of a New York State Liquor License Application for Andi-Ana-Arber Ltd. affecting property owned by 28 McEwen Street, LLC, located at 22 Spring Street, Warwick, NY and known as Fratellos.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

PK Songer Plumbing – WWTP UV Disinfection Project Payment Application #3

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to make payment to PK Songer Plumbing in the amount of \$53,675 for the Wastewater Treatment Plant UV Disinfection Project per Payment Application #3 as certified by Barton & Loguidice. Funds are appropriated in budget code G.8120.4950 in the 2020-21 budget.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

RESOLUTION ADOPTING VILLAGE OF WARWICK LOCAL LAW NO. 3 OF 2020

WHEREAS, the Village Board has before it a proposed local law entitled "A local law to repeal and re-enact Village Code Chapter 135, 'Vehicles and Traffic' to add certain traffic safety regulations and provisions for traffic control devices"; and

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

WHEREAS, the proposed local law constitutes a Type II Action under SEQRA;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby adopt the proposed local law, a copy of which is attached hereto;
2. That the Village Clerk is hereby requested and directed to publish, post, and file the same in the Office of the Secretary of State in Albany; and
3. That the said local law shall be effective upon filing with the Secretary of State.

Trustee Lindberg 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

William Lindberg, Trustee, voting Aye

Corey Bachman, Trustee, voting Aye

George McManus, Trustee, voting Absent

Michael Newhard, Mayor, voting Aye

RESOLUTION AMENDING VILLAGE OF WARWICK SCHEDULE OF FEES

WHEREAS, the Village of Warwick maintains an official Schedule of Fees duly adopted by the Village Board; and

WHEREAS, from time to time the Village Board finds it necessary and appropriate to amend the said Schedule of Fees; and

WHEREAS, the Village Board has just adopted a local law amending Village Code Chapter 135, "Vehicles and Traffic", the terms and provisions of which require changes to the Village's Schedule of Fees as set forth on the "Statement of Proposed Changes to the Village Schedule of Fees", a copy of which is attached hereto; and

WHEREAS, amendment of the Village's Schedule of Fees constitutes a Type II Action under SEQRA;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby amend the Village's Schedule of Fees to incorporate the changes set forth in the Statement of Proposed Changes to the Village Schedule of Fees attached hereto; and

2. That the Village Clerk is hereby requested and directed to update and revise the Village's Schedule of Fees to reflect the changes required by the said Statement of Proposed Changes to the Village Schedule of Fees.

Trustee Lindberg 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

William Lindberg, Trustee, voting Aye

Corey Bachman, Trustee, voting Aye

George McManus, Trustee, voting Absent

Michael Newhard, Mayor, voting Aye

Civil Service Position - Full-Time Temporary Account Clerk

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg, and carried to create the position of one (1) full time, temporary, Account Clerk for the Village of Warwick and

authorize the Mayor to sign form MSD222 in accordance with Civil Service requirements.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Appointment of Sadie Becker – Temporary Full Time Account Clerk

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg, and carried to appoint Sadie Becker to the temporary position of full time Account Clerk effective November 30, 2020.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Extension of Retirement Date – Village Treasurer, Cathy Richards

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to extend the retirement date of Village Treasurer, Cathy Richards, from December 31, 2020 to January 21, 2021 to allow for use of the 21.25 accumulated vacation days and to allow for a three (3) week training period of the incoming Treasurer from November 30, 2020 – December 18, 2020.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Reports: *Suspended to Streamline Meeting due to COVID-19*

Final Comments from the Floor – no comments were made

Final Comments from the Board

Trustee Lindberg:

Trustee Lindberg thanked the Warwick Fire Department for their effort in putting and repairing all the lights on the tree at Lewis Park. He stated that even though the fire department has a ninety-five foot ladder truck, it is still difficult to put the lights and the star on the top of the tree based on the conditions on High Street and the cable wires. Trustee Lindberg explained that the fire department will be coming up with a 'plan B' for next year.

Trustee Lindberg also stated that Mayor Newhard and the President of the Warwick Fire Department, Melissa Stevens, and himself met and reviewed Governor Cuomo's latest Executive Order regarding the limit of people that are allowed to congregate outside, which is fifty or fewer, so the fire department had to make the decision to hold the tree lighting virtually this year. He stated that the virtual tree lighting will take place on November 27th at 6:00 p.m. and will be posted on the Warwick Fire Department's Facebook page. Trustee Lindberg explained that the tree lighting is a great tradition in Warwick, so it will be kept going as best as they can, but it will be limited to fifty people. He also stated that Mayor Newhard, Town Supervisor, Mike Sweeton, and Melissa Stevens will be in attendance and taped holiday music will be playing.

Mayor Newhard:

Mayor Newhard stated that Railroad Green is glorious with beautiful lights and seasonal display installed by the Warwick Valley Gardeners. He explained that normally they have a tree lighting as well, but this year that has been changed and the lights are on. Mayor Newhard said that it was exciting and gives everyone a sense that things will continue and that there is hope out there. He stated that the holiday season is just beginning and that it's exciting in the Village and that hopefully everything will be ok that everyone can have a shopping season that is healthy and happy.

Trustee Cheney:

Trustee Cheney reminded residents with the advent of daylight savings time and that it is getting darker earlier that there may be some streetlights that residents may notice that are out entirely, flickering on and off, or may be on during the day. Trustee Cheney explained that if residents wanted to address those streetlights to please contact the Village Hall DPW at 986-2031 ext. 6 and to please provide the DPW with the ten digit number that is on the pole that is in yellow, the closest street address and the nature of the problem and they will be able to contact Orange and Rockland and have it be addressed. He stated that residents can also go to Orange and Rockland's website, but that the website is a bit difficult to navigate. Trustee Cheney asked residents that if they notice streetlights that are out, to please contact Village Hall so the Village can get it taken care of.

Mayor Newhard:

Mayor Newhard stated that the Shade Tree Commission and the Village DPW have started plantings throughout the village as part of a joint effort with the town and the Warwick Valley Gardeners who had a wonderful Arbor Day Ceremony, which is normally in the Spring, but because of COVID-19 it couldn't happen this past Spring. He explained how an event was organized in the town and they planted some trees, so in correlation, the village will be planting many trees, which is part of the connection the village and town has as part of being a Tree City. Mayor Newhard stated that something like a tree is part of a legacy that can be given to future generations.

Adjournment

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to adjourn the regular meeting at approximately 9:30 p.m.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Raina M. Abramson, Village Clerk