

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
NOVEMBER 20, 2023**

**9873**

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, November 20, 2023, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Mary Collura, Carly Foster, and Tom McKnight. Also present was Village Clerk, Raina Abramson and Village Attorney, Stephen Gaba. Others present, Thomas Scott, Thomas Brennan, Kendall Kless, Lugene Maher, Scot Brown, Patrick Corcoran, and Keith Murphy.

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

**Acceptance of Reports**

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura and carried for the Acceptance of Reports – October 2023: Clerk’s Office, Tax Collection, Planning and Zoning, Department of Public Works, Building Department Fee Report & September 2023 Building Department Reports.

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

Trustee Cheney Aye    Trustee Foster Aye    Trustee Collura Aye

Trustee McKnight Aye    Mayor Newhard Aye

**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 \$486,025.39.

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

Trustee Cheney Aye    Trustee Foster Aye    Trustee Collura Aye

Trustee McKnight Aye    Mayor Newhard Aye

1. Police Report.

No report was made.

2. **Continuation of the Public Hearing on the application of Warwick LLC for a special use permit to convert existing first-floor office space into three one-bedroom apartments and to add three additional one-bedroom apartments on the second**

3. 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 Clerk read the legal 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 6<sup>th</sup> day of November 2023 at 7:30 p.m. or as soon thereafter as the matter can be heard that day on the application of Warwick LLC for a special use permit to convert existing first-floor office space into three one-bedroom apartments and to add three additional one-bedroom apartments 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 hear all persons interested in the subject matter hereof. 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: October 18, 2023

**Comments**

Village Attorney, Stephen Gaba, provided an update on the continuation of the public hearing, stating that the SEQR Review had been completed and sent to County Planning. He left the decision regarding the preparation of a resolution to the Board's preference, which could either be done at tonight's meeting or wait until a resolution could be formally drafted for the following meeting.

Mayor Newhard opened up comments to the public.

No comments were made.

Mayor Newhard mentioned that the application pertains to the conversion of a historical building that once held doctor's offices, into two floors of one- and two-bedroom apartments that included plenty of parking.

Mr. Gaba added that he believed most of them would be one bedroom.

Kendall Kless said she had a question regarding the building, but it had already been answered. Ms. Kless added that she thought the project was a good idea.

Mayor Newhard included that the location was nice, as it was in the center of the Village and walkable.

No further comments were made.

#### **Close Public Hearing – Warwick LLC, 8 Forester Avenue Special Use Permit Application**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster 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 three one-bedroom apartments and to add three additional one-bedroom apartments 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 Aye    Mayor Newhard Aye

#### **Discussion**

The consensus of the Board was for Mr. Gaba to create a draft resolution to be circulated amongst the Board which would be discussed, and possibly voted on, at the following meeting.

#### **Presentation**

1. Veteran's Memorial Park Master Plan.

Trustee Foster expressed satisfaction with the presence of members from the stakeholder advisory group. The focus of the discussion was on the Veterans Memorial Park master plan. Trustee Foster outlined the development process and key features of the plan. The intention was to present the information to the Board and the public, followed by an opportunity for participants to provide comments. Members of the stakeholder advisory

group were also encouraged to share their thoughts and experiences related to the plan. Hard copies of the plan were available for reference during the discussion.

Trustee Foster provided an overview of the development process and key features of the Veterans Memorial Park master plan. The process involved hiring a landscape architect, Karen Arent, and initiating a public listening session at Veterans Memorial Park. Feedback from the public and stakeholders shaped the plan, and a stakeholder advisory group consisting of diverse community members worked on integrating this feedback. Trustee Foster acknowledged the valuable contributions from the participants, who represented various interests and user groups.

The major plan features were categorized into memorials and arts features, team sports, passive recreation, and active recreation. Notable changes included the addition of memorial features throughout the park, engraved benches and walkways, movement of the helipad, a sculpture park, and a proposed dog park with a canine veteran memorial. Changes to team sports involved transitioning to portable bleachers, reconfiguring parking around the Little League area, and adjusting baseball and football field locations. Passive recreation enhancements included improved and added walkways, increased seating, chess tables, public restrooms, picnic areas, a bird blind near the library, and biking and walking improvements. The plan aimed to improve lighting, signage, introduce a boardwalk through the wetland area, establish pollinator pathways, and a butterfly meadow. For active recreation, additions included a tot lot, exercise pads, pickleball, a new skate park, pump track, bocce ball, bike racks, a kayak launch, and tetherball, among others. For more a more detailed look into the entire process, Trustee Foster suggested referencing the Village's website.

Trustee Foster highlighted potential funding sources for plan implementation, including village labor and resources, capital budget, partnerships, and grant funding. Phase one activities, such as removing bleachers and developing walking paths with crusher dust, were identified, with plans for further phases contingent on final designs.

Trustee Foster discussed the phased implementation of the Veterans Memorial Park master plan. In phase one, efforts would focus on opening bathrooms to the public and implementing improvements such as the dog park, kayaking, bocce enhancements, and improvements to picnic areas. These initiatives were considered manageable in-house tasks without significant additional expense. Phase two would involve capital improvements, including bathroom renovations, major lighting upgrades, and reconfigurations of parking lots to enhance pedestrian areas. Phase three would encompass additional capital improvements, such as permanent walking paths and the construction of a boardwalk. Funding for various features would be sourced from the Village budget and by pursuing grants.

Trustee Foster then invited members of the public to view the visual representations of the plan and share their comments.

Mayor Newhard interjected with praise for Trustee Foster for being an amazing taskmaster for conducting productive meetings with thirty unique individuals.

Tom Brennan, representing the American Legion Post 214 and serving as the commander of the stakeholder advisory group, expressed appreciation for the Mayor's efforts in coordinating the master plan for Veterans Memorial Park. While acknowledging the comprehensive nature of the plan, he noted a concern about the limited mention of veterans in Trustee Foster's presentation.

Mr. Brennan emphasized the importance of recognizing veterans in the park, particularly through individual memorials and acknowledgment of America's participation in various wars. He highlighted the need for careful consideration and planning regarding these aspects. Mr. Brennan stressed that the advisory group's focus was on creating a long-term plan, envisioning its impact well into the future. He underscored the symbolic significance of the park's layout, where the veterans' section would be the first and last thing visitors see as they enter and exit, creating a meaningful tribute to those who served.

Trustee Foster acknowledged a need to revise the memorial policy, pointing out that the current wording limits memorials to Village residents. Recognizing the significance of Veterans Memorial Park and its focus on honoring veterans from the town, she emphasized the importance of updating the policy to align with the broader purpose of the park. Trustee Foster highlighted that the plan includes the hero's walkway, a ceremony space, bricks, and memorial features distributed throughout the park, providing a more dispersed approach rather than concentrating them solely at the entry point.

Mr. Brennan suggested adding more than two kinds of individual memorials than the current options of benches and trees.

Trustee Collura interjected that a star motif had been incorporated as part of the skate park design as well as other elements within the park.

Tom Scott suggested narrowing or shifting the roadway near the entrance in order to create a larger area where the monuments stood to provide better protection for the monuments.

Both Mayor Newhard and Trustee Foster felt that was good feedback.

A discussion ensued based on the Veterans Day ceremony that takes place at the monument.

Trustee Foster acknowledged the comments provided and pointed out specific areas within the plan that address improved pedestrian pathways and the entryway. She highlighted a designated section on the right-hand side as the Memorial pathway and improvements, emphasizing that it's outlined as an area for future development. Trustee Foster noted that the design process for this section would involve its own group, vetting process, and collaboration with engineering and architecture experts.

Mr. Scott inquired about the work that was currently going on in the area, to which Mayor Newhard replied that it was related to drainage.

Mr. Brennan asked if there would be any more meetings for the stakeholder advisory group.

Trustee Foster expressed the intention to gather feedback from the stakeholder advisory group after the adoption of the plan. The feedback will involve considerations for expanding the group's involvement in other park spaces, discussing whether to have periodic meetings during the implementation process, or forming smaller focus groups. Trustee Foster is open to feedback and is considering various options for continued collaboration.

Mr. Scott inquired about a timeline in which work would begin.

Trustee Foster mentions that once the Board adopts the plan, implementation can begin. Some features have already started, and community-based organizations are interested in certain aspects, allowing those to start rolling. The DPW's work will have to be scheduled out. The costing of various elements has already begun, as well as exploring grant opportunities. While it's an ambitious plan that will take time, different pieces can be initiated once the plan is adopted.

Scot Brown expressed an appreciation for the long-term vision and comprehensive approach in treating the community resource with care. He commends Trustee Foster and the advisory board for their work, expressing gratitude to the trustees for taking good care of the green space, natural resources, and recreation spaces in the community.

Mayor Newhard thanked Mr. Brown and acknowledged Ms. Arent, the landscape architect, for her work on the project.

Trustee Cheney gave thanks to all involved.

Trustee Foster added that additional feedback was given by highschoolers.

Mr. Brennan stated his ideas for landscaping, focusing on the area near the American Legion, and included such suggestions as defined meeting areas for veteran activities.

Mayor Newhard said that the next steps involve breaking down the vision outlined by Ms. Arent, into manageable landscape components to further refine and implement the plan for Veterans Memorial Park.

Trustee Foster highlights the importance of the master plan as a document that outlines the vision and goals for a specific area, serving as a type of transparent roadmap to guide future decisions. While it doesn't provide specific details like the types of trees, it offers a clear direction for desired changes, such as additional trees or landscaping in certain areas.

Mayor Newhard emphasized that the master plan allows for flexibility and adjustments along the way. Details, such as creating private spaces for meetings, will be addressed in the next steps of the planning process.

### **Correspondence**

1. Letter from the Orange County Department of Planning in reference to the proposed project located at 8 Forester Avenue.
2. Letter from the Orange County Department of Planning in reference to the proposed project located at 43 Wheeler Avenue.
3. Letter from the Village of Warwick Planning Board regarding the adoption of a Negative Declaration and scheduling of a public hearing on the proposed project located at 8 Forester Avenue.

### **Discussion**

1. If necessary, the continuation of November 20, 2023, 6 p.m. work session discussion items.

The Board decided to hold off on the discussion until the following meeting choosing instead to talk about issue #2 of the Village Newsletter.

2. Edition #2 of the Village Newsletter

Trustee Collura mentioned that some suggested edits were done to the winter newsletter such as including the Warwick Fire District Commissioner election.

Trustee Collura said it was pointed out to her that if they include this election, then they should also include other local elections like the library and the school district, which Trustee Collura supports, believing that more information would be beneficial.

The Board agreed it would be a good idea to include all the elections.

Trustee McKnight inquired as to what extent the elections would be mentioned, to which, Trustee Collura responded with the time, location, term, voting eligibility, as well as what the election was for. Trustee Collura added that with a Village election, they may add more details.

Trustee Foster stated that the next issue of the newsletter will hopefully have more information about policies the Board would be adopting, grants and certain capital improvements, as well as data regarding Slow Down Warwick.

Trustee Collura pointed out how she incorporated the use of graphics for the newsletter.

Mayor Newhard stated how the newsletter was very well received and was looking forward to its continuation and growth.

There was talk amongst the Board how the first newsletter leaned heavily on municipal news, while the newest issue focused on more hometown activities. Trustee Collura stated during this time of year there are a lot of activities going on and she tries to find the balance between the two. She also stated that in order to include a third newsletter within budget, she needed to keep the pages minimal, but next fiscal year they can budget accordingly to include more pages.

Trustee McKnight suggested that in the next newsletter, the focus should be on infrastructure, specifically mentioning the request for a wastewater treatment plant update. He proposed using the newsletter as a means to communicate with the contractor, emphasizing the need for a detailed description, timeframes, phases, and updates on costs for the project.

The Board thanked Trustee Collura for her work on the newsletter.

3. Sanfordville Elementary first and second grade student ideas for change.



Trustee Collura shared that she and others had a fun experience hanging out with the first and second graders. They were invited by the Sanfordville PIE program to Town Hall, where the students visited different stations to learn about local government. The activities included discussions with a lawyer, a voting station, and various policy-related tasks. The kids wrote letters expressing the changes they wanted to see, and the event involved Town Supervisor, Michael Sweeton.

Trustee Foster discussed the three categories addressed by the students: increased mobility, support for health and safety, and community beautification. Under increased mobility, the students expressed a need for more bus services and public transportation, particularly for those unable to drive or facing car issues. They emphasized the importance of safe places to wait for the bus. Trustee Foster suggested that the Mayor and the Board share updates on conversations with Dial-a-Bus and related initiatives.

Mayor Newhard explained how ongoing conversations about establishing a more defined local bus system within the Village have been occurring. There are also discussions about creating a bus system that connects the three villages. The focus is on providing clarity on where the bus will pick up passengers, considering signage, seating, and potential shelters in the future. Conversations have taken place with the Town of Warwick's bus system coordinator as part of these initiatives.

Trustee Foster stated the other suggestions from the students which included the implementation of bike lanes as part of a broader Transportation Safety Action Plan. Their health and safety concerns manifested in calls for first aid kits at parks, the inclusion of AEDs on Main Street, and the installation of emergency phones and charging stations for those without mobile devices. Advocating for the welfare of children, they proposed the addition of "Children at Play" signs throughout relevant areas. The students also envisioned a future dog park in Veterans Memorial Park, blessing boxes providing essential goods, recycling bins on Main Street to address environmental concerns, and signs discouraging littering.

Trustee Foster said the Board could let the students know the items in which the Village was already acting on and then share the other ideas with the DPW.

Trustee Collura thought the Band-Aid box was a good and easy thing to start with in the spring. Trustee Foster and Trustee Collura shared a conversation regarding the topic that occurred with the students, with some being wary that Band-Aids would be stolen, others thought a good solution could include anyone being able to replenish the Band-Aids.

Mayor Newhard thought all the ideas were great and would be passed along to the DPW supervisor, Mike Moser.

Keeping on the AED health topic, the Board discussed how the Village now has Narcan boxes containing devices to administer Narcan in various locations. Each Code Blue site, including Village Hall, now has a climate controlled Narcan box to prevent freezing and ensure its effectiveness. Plans are underway to add Narcan boxes to other Code Blue sites. The intention is to make Narcan readily available, allowing individuals to take the device with them, even in anticipation of potential overdose situations, ensuring it is replenished as needed. Additionally, the Narcan kits include fentanyl testing strips as a standard component.

### **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.

### **Motions**

#### **DPW Laborer, Matthew Hann**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to hire Matthew Hann to the position of Full Time Laborer at the current Collective Bargaining Agreement rate, with the condition of obtaining a CDL within one year of hire date. Start date to be determined by the DPW Supervisor, Mike Moser.

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

Trustee Cheney Aye    Trustee Foster Aye    Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Authorize Payment #5 – TAM Enterprises, Inc. – S. Street Sidewalk Replacement Project**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to authorize Payment #5 in the amount of \$23,578.39 to TAM Enterprises, Inc. for the South Street sidewalk replacement project. The scope of the work covered by this application was included in Change Order #1 which was previously approved by the Village Board on October 2, 2023. Funds are appropriated in budget code A5110.4400 in the FY2023-24 budget.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Adoption of Veterans Memorial Park Master Plan**

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura and carried to adopt the Veterans Memorial Park Master Plan prepared by Landscape Architect, Karen Arent, dated October 11, 2023.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Waive the Reading of the Resolution - 43 Wheeler Avenue**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura and carried to waive the reading of the resolution granting a Special Use Permit for a three-family dwelling at 43 Wheeler Avenue.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**RESOLUTION GRANTING SPECIAL USE PERMIT**  
**FOR A THREE-FAMILY DWELLING AT 43 WHEELER AVENUE**  
**-WITHDRAWN-**

WHEREAS, the applicant, Patrick Corcoran, owns certain real property located at 43 Wheeler Avenue, Warwick, New York; and

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

WHEREAS, the applicant proposes to establish a three-family dwelling on the said property; and

WHEREAS, under the Village Zoning Code a three-family residential dwelling 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 a Type II (exempt) action; and

WHEREAS, by resolution dated April 11, 2023, the Village Zoning Board of Appeals granted variances to certain bulk requirements for the proposed development of the property; 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 three-family home; 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;

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 as a three-family dwelling 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 located in a residential neighborhood and will help increase the Village's stock of entry level housing. Given that the proposed development is a multi-family dwelling, the potential use of the property for short-term rentals presents concerns regarding consistency with the surrounding residential uses, but the applicant has addressed this concern by voluntarily agreeing to accept a prohibition on short term rentals as a condition of approval and a note on the approved site plan.

B. The proposed use and development of the subject property as a three-family dwelling does not pose any undue hazards to pedestrian and vehicular traffic. The Village Board has traffic safety in regard to sight distances and on-street parking on Wheeler Avenue, but the proposed development should not significantly impact the same. Further, the applicant has voluntarily agreed to limit parking of vehicles to two vehicles per residence as a condition of approval and as a note on the approved site plan. In light of the available off-street parking on the property, this limitation should suffice to ensure that the proposed use and development of the subject property will not pose any undue hazards to pedestrian and vehicular traffic.

C. The location and height of buildings on the property will not be of such nature, size, appearance or location that they 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. The physical dimensions of the proposed construction, as shown on the site plan and the construction rendering, should not hinder or discourage use or development or re-development of other properties in the neighborhood or the district. However, the Village Board has concerns over changing the appearance of the property by removal of the existing bluestone sidewalks. The applicant has addressed this concern by voluntarily agreeing to preserve and maintain the existing bluestone sidewalks as a condition of approval and as a note on the approved site plan.

D. The proposed development of the property as a three-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. The applicant is constructing a three-family but built as, essentially, three attached single-family dwellings. As such, each dwelling unit will not result in a need for additional public facilities or services, or create such fiscal burdens upon the Village greater than those imposed by a single-family dwelling.

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

A. The applicant does not meet the requirement that the subject property provides a minimum lot size of 22,500 square feet, but the applicant has obtained a variance from the ZBA allowing a minimum lot size of 6,800 square feet.

B. The applicant's satisfaction of the requirement that the multiple residence must be constructed to resemble a single-family dwelling is tenuous, but because of the AHDRB's approval of the proposed design the Village Board finds that it has been met. The design is essentially the same as three conjoined single-family homes and, therefore, it "resembles" a single-family home.

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 only to construct a single residential structure with attached garages and on accessory buildings, so these considerations do not apply here.

3. That the Village Board hereby grants the requested special use permit subject to the following conditions:

(i.) Short term rentals of the dwelling units shall not be permitted, and the applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating that short term rentals of the dwelling-units shall not be permitted: and

(ii.) Each dwelling unit shall be limited to parking of two (2) vehicles on Wheeler Avenue, inclusive of the off-street parking spaces on the property and in other off-street parking on Wheeler Avenue. The applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating the same; and

(iii.) The owner(s) of the subject property shall, at its/their own expense, preserve and maintain the existing bluestone sidewalks on the property. The applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating the same.

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

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 \_\_\_\_\_

### **Discussion**

Trustee Cheney raised a couple points for consideration. He suggested adding the word 'concerns' into the "traffic safety in regard to sight distances" section. The second concern referred to the statement about each dwelling unit being limited to parking two vehicles on Wheeler Avenue. The question was raised whether the phrase "other permitted locations" should explicitly include areas beyond Wheeler Avenue, recognizing that parking is not strictly confined to that specific street.

There was a discussion amongst the Boards focusing on the intent to not create further parking issues within the Village, with Trustee Cheney wanting to limit the cars owned per unit to two with a total of three cars parked on property, with three cars to be parked somewhere off property, but not necessarily on Wheeler Avenue.

Village Attorney, Stephen Gaba, emphasized the goal would be to manage parking concerns without restricting the number of vehicles a resident may own.

Trustee Foster sought clarification from Trustee Cheney regarding the concern that residents might exceed the two-vehicle limit within the Village. She asked if Trustee Cheney's concern was about potential parking problems arising from the property itself, emphasizing the intention not to burden the Village with parking issues resulting from inadequate parking spaces on the property and if he feels the goal is to restrict residents to parking only two vehicles within any public Village property. Trustee Cheney confirmed that this was his understanding on this issue and thought that was what the Board discussed.

Mr. Gaba's prior understanding was that the Board was concerned about the traffic impacts on Wheeler Avenue and not necessarily Village-wide but added that the Board could broaden that scope.

There was a discussion amongst the Board and Mr. Gaba regarding how to word the clause to meet the Boards requirements.

Mr. Gaba worked with the Board to amend the resolution.

**RESOLUTION GRANTING SPECIAL USE PERMIT  
FOR A THREE-FAMILY DWELLING AT 43 WHEELER AVENUE**

WHEREAS, the applicant, Patrick Corcoran, owns certain real property located at 43 Wheeler Avenue, Warwick, New York; and

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

WHEREAS, the applicant proposes to establish a three-family dwelling on the said property; and

WHEREAS, under the Village Zoning Code a three-family residential dwelling 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 a Type II (exempt) action; and

WHEREAS, by resolution dated April 11, 2023, the Village Zoning Board of Appeals granted variances to certain bulk requirements for the proposed development of the property; 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 three-family home; 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;

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 as a three-family dwelling 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 located in a residential neighborhood and will help increase the Village's stock of entry level housing. Given that the proposed development is a multi-family dwelling, the potential use of the property for short-term rentals presents concerns regarding consistency with the surrounding residential uses, but the applicant has addressed this concern by voluntarily agreeing to accept a prohibition on short term rentals as a condition of approval and a note on the approved site plan.

B. The proposed use and development of the subject property as a three-family dwelling does not pose any undue hazards to pedestrian and vehicular traffic. The Village Board has traffic safety concerns in regard to sight distances and on-street parking on Wheeler Avenue, but the proposed development should not significantly impact the same. Further, the applicant has voluntarily agreed to limit parking of vehicles to two vehicles per residence as a condition of approval and as a note on the approved site plan. In light of the available off-street parking on the property, this limitation should suffice to ensure that the proposed use and development of the subject property will not pose any undue hazards to pedestrian and vehicular traffic.

C. The location and height of buildings on the property will not be of such nature, size, appearance or location that they 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. The physical dimensions of the proposed construction, as shown on the site plan and the construction rendering, should not hinder or discourage use or development or re-development of other properties in the neighborhood or the district. However, the Village Board has concerns over changing the appearance of the property by removal of the existing bluestone sidewalks. The applicant has addressed this concern by voluntarily agreeing to preserve and maintain the existing bluestone sidewalks as a condition of approval and as a note on the approved site plan.

D. The proposed development of the property as a three-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. The applicant is constructing a three-family but built as, essentially, three attached single-family dwellings. As such, each dwelling unit will not result in a need for additional public facilities or services, or create such fiscal burdens upon the Village greater than those imposed by a single-family dwelling.

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

A. The applicant does not meet the requirement that the subject property provides a minimum lot size of 22,500 square feet, but the applicant has obtained a variance from the ZBA allowing a minimum lot size of 6,800 square feet.

B. The applicant's satisfaction of the requirement that the multiple residence must be constructed to resemble a single-family dwelling is tenuous, but because of the AHDRB's approval of the proposed design the Village Board finds that it has been met. The design is essentially the same as three conjoined single-family homes and, therefore, it "resembles" a single-family home.

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 only to construct a single residential structure with attached garages and on accessory buildings, so these considerations do not apply here.

3. That the Village Board hereby grants the requested special use permit subject to the following conditions:

(i.) Short term rentals of the dwelling units shall not be permitted, and the applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating that short term rentals of the dwelling-units shall not be permitted: and

(ii.) Each dwelling unit shall be limited to parking of two (2) vehicles inclusive of the off-street parking spaces on the subject property and in other off-street parking on Wheeler Avenue, and in other on-street parking in the Village inclusive of municipal parking lots. The applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating the same; and

(iii.) The owner(s) of the subject property shall, at its/their own expense, preserve and maintain the existing bluestone sidewalks on the property. The applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating the same.

Trustee McKnight presented the foregoing resolution as amended 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 Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

### **Reports**

#### **Trustee Cheney's Report:**

Trustee Cheney provided advance notice about the Orange County Mobile Department of Motor Vehicles unit's return visit to the Village on Tuesday, December 12<sup>th</sup>. The unit will be open from 10:00 a.m. until noon, closed from noon to 1:00 p.m., and open again from 1:00 p.m. until 3:30 pm. The location will be the CVS parking lot at the entrance on Main Street.

Trustee Cheney also mentioned the ongoing leaf pickup by the DPW, emphasizing that leaves must be placed at the curb in paper bags. The leaf pickup will continue until the last collection during the week of December 12<sup>th</sup>.

#### **Trustee Foster's Report:**

Trustee Foster mentioned the anticipation of hearing back about the Safe Streets for All grant, which was submitted in the summer. They expect to receive feedback next month. Additionally, Trustee Foster noted that the Notice of Funding Opportunity for the RAISE grants would be released in November. Last year, the Village did not receive the RAISE grant but received a highly recommended rating. Trustee Foster expressed the intention to work on these grants and suggested having preliminary conversations about potential projects. The focus will become more serious once they receive feedback on the Safe Streets for All grant.

#### **Trustee Collura's Report:**

Trustee Collura provided a few announcements from the Warwick Historical Society. The Warwick Historical Society will be hosting its annual Wassail Party on Sunday, December 10, from 5:00 p.m. to 7:00 p.m. at the Buckbee Center. Tickets are \$25 for society members and \$30 for non-members. Tickets are currently on sale, and more information can be obtained by calling 845-986-3236 or visiting the website at [WarwickHistory.org](http://WarwickHistory.org).

Additionally, Trustee Collura mentioned her work on the layout of a book that compiles stories from the former Village Historian, Jean Beattie May. The book includes 28 stories with numerous photographs, offering a fascinating collection of historical content. Trustee Collura expressed pleasure in working with Jean Beattie May and is excited to be part of the project that brings these stories together in one format. The final edits have been completed, and the book is expected to be available early in the new year.

**Trustee McKnight's Report:**

Trustee McKnight mentioned a service called U-Audit Associates, which specializes in municipal audits related to areas such as gross tax receipts and franchise fees for utility companies. This service is contingency based, meaning their fee is contingent on finding savings, and if successful, they receive compensation from the recovered funds. Trustee McKnight suggested considering this service for a full audit, and he directed the matter to the Mayor for further consideration by the Board.

Mayor Newhard responded that the Village used the service before, and considerable things were found. Mayor Newhard mentioned that the service is approved by NYCOM.

Trustee McKnight suggested that if there are any proceeds coming back from the audit-related efforts, the Board should consider allocating them towards the long-term digitization project in the Clerk and Treasurer's Offices. He emphasized the need for this allocation to aid in the effort to digitize records spanning decades and bring the office to a modern state.

There was a brief discussion amongst the Board as to the potential funds going towards the park, but no decisions were made.

An additional discussion involving Trustee Cheney clarifying how tax revenue is collected from gross receipts occurred.

**Mayor Newhard's Report:**

Mayor Newhard reported that a sidewalk project on South Street is beginning, extending from Lawrence Avenue to Galloway. This project is significant as it could lead to the potential installation of a pedestrian crosswalk at Galloway.

Additionally, he mentioned receiving the 2023 Award from the Chamber of Commerce for Commitment to the Community, specifically recognizing efforts made to facilitate outdoor dining during the COVID-19 pandemic. The Mayor expressed gratitude to all those involved in this initiative and described how much effort it took to work with the New York State DOT and the New York Liquor Authority.

Mayor Newhard acknowledged the Warwick Valley Gardeners for their excellent work, particularly in the tree lighting ceremony with a Nutcracker theme.

Recognition was given to the Shade Tree Commission and its members for their recent work in restoring the tree line on Cottage Street by planting 13 trees. Special thanks were extended to the DPW for their support in these activities.

Mayor Newhard also congratulated Melissa Shaw-Smith for receiving an award from the Orange County Arts Council for her contributions to Wickham Works and the Warwick Valley Community Center. Finally, he wished everyone a happy Thanksgiving on behalf of the Board.

Trustee Cheney commended Mayor Newhard for his communication with local restaurants and his perseverance in overcoming obstacles during the outdoor dining initiative. He also acknowledged Village Clerk, Raina Abramson, for her continuous support throughout the process.

Trustee Collura shared that after the outdoor dining initiative was successfully implemented in Warwick, she received a phone call from the village mayor of Monroe, who wanted to be connected with Mayor Newhard to learn from their experience and implement a similar initiative.

Mayor Newhard thanked the Board and stated how the outdoor dining was a lifeline for Village businesses.

#### **Public Comment – Non-Agenda Items**

No comments were made.

#### **Final Comments from the Board**

No comments were made.

#### **Adjournment**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to adjourn the regular meeting at approximately 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 Aye Mayor Newhard Aye