

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
NOVEMBER 21, 2022
AGENDA**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY**

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

1. Introduction by Mayor Newhard.
2. Acceptance of Minutes: November 7, 2022

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

Trustee Cheney ____ Trustee Foster ____ Trustee Lindberg ____

Trustee McKnight ____ Mayor Newhard ____

3. Acceptance of Reports – October 2022 Clerk’s Office, Tax Collection, Justice Department, Building Department, Department of Public Works and September and October 2022 Planning and Zoning.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Lindberg ____

Trustee McKnight ____ Mayor Newhard ____

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

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

Trustee Cheney ____ Trustee Foster ____ Trustee Lindberg ____

Trustee McKnight ____ Mayor Newhard ____

5. Police Report.

Privilege of the Floor

Please limit your comments to **three (3)** minutes. If reading a document, please submit a copy to the Clerk. Please note all remarks must be addressed to the Board as a body and not to individual Board members. Please state your name clearly before speaking. These rules are taken from the Handbook for Village Officials – New York State Conference of Mayors and Municipal Officials.

Motions

Trustee Cheney's Motions

1. **MOTION** to return the Village Board escrow balance of \$2,296.90 to Village View Estates, LLC for the application of Village View Estates, LLC, for a special use permit authorizing creation of bonus density lots in a cluster development subdivision pursuant to Village Code 145-29(D)(4). All invoices have been paid as per Village of Warwick Attorney, Stephen Gaba.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Lindberg ____

Trustee McKnight ____ Mayor Newhard ____

2. RESOLUTION INTRODUCING A PROPOSED LOCAL LAW TO AMEND THE VILLAGE ZONING CODE, MAKING REFERRALS, AND SETTING A PUBLIC HEARING

WHEREAS, the Village Board of the Village of Warwick has before it a draft local law entitled: "A local law to amend the Village Code by revising the Table of Uses in the Zoning Code to add 'residential apartments above commercial space' as a permitted use in the Light Industrial ('LI') District conditional upon Planning Board approval"; and

WHEREAS, the Village Board has caused Part 1 of an Environmental Assessment Form ("EAF") under the State Environmental Quality Review Act ("SEQRA") to be prepared; and

WHEREAS, in order to act on the proposed local law it is necessary for the Village Board to introduce the proposed local law, conduct SEQRA review, make certain referrals, and hold a public hearing;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the said proposed local law, a copy of which is attached hereto; and
2. That the Village Board, as the sole involved agency in SEQRA review of the proposed local law, declares itself to be Lead Agency, determines that the proposed local law is an Unlisted Action under SEQRA, and approves the EAF Part 1 and authorizes the Mayor to sign it; and
3. That a copy of this resolution, along with the proposed local law and the SEQRA EAF shall be submitted to the Village Planning Board pursuant to Village Code §145-170 and to the Orange County Planning Department pursuant to General Municipal Law §239-m; and
4. That a public hearing on the proposed local law is set for December 19, 2022 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting; and

_____ presented the foregoing resolution which was
seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	_____
Carly Foster, Trustee, voting	_____
Thomas McKnight, Trustee, voting	_____
William Lindberg, Trustee, voting	_____
Michael Newhard, Mayor, voting	_____

Trustee Foster's Motions

3. **MOTION** to appoint Michael Gurvich as Village of Warwick Assistant Summer Concert

Coordinator.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Lindberg ____

Trustee McKnight ____ Mayor Newhard ____

4. **MOTION** to grant permission to the Warwick Lions Club to ring bells for the Salvation Army at the business locations of 33-37 Main Street on December 3, 4, 17, and 18, 2022 between the hours of 10:00 a.m. and 4:00 p.m. Proof of proper insurance has been received.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Lindberg ____

Trustee McKnight ____ Mayor Newhard ____

Reports

Trustee Cheney's Report: Liaison to Public Works Operations, Engineering and Infrastructure Projects, Veterans, Code Enforcement / Building Department, Transportation & Mobility, Emergency Services. Alternate liaison to Economic Development.

Trustee Foster's Report: Liaison to Office of the Treasurer, Parks & Recreation, Economic Development & Tourism, Public Health, Warwick Valley Schools, Youth / WYDO / Warwick Valley Community Center, Warwick Valley Prevention Coalition. Alternate liaison to Planning & Zoning / AHDRB / OC Planning, Engineering & Infrastructure Projects, Veterans, Emergency Services.

Trustee Lindberg's Report: Liaison to Office of the Clerk, Government Efficiency / Policy Development, Safety Committee, Historical Society, Public Interface and Outreach, Senior Citizens, Ethics, Environmental. Alternate liaison to Parks & Recreation.

Trustee McKnight's Report: Liaison to Planning & Zoning / AHDRB / OC Planning, Citizens Awareness Panel/Jones Chemical, Albert Wisner Library, Town of Warwick Police Department, Technology Oversight / Cybersecurity, Shade Tree Commission. Alternate liaison to Public Works Operations, Code Enforcement / Building Department, Transportation & Mobility, Environmental.

Mayor Newhard's Report

Final Comments from the Floor

Final Comments from the Board

Executive Session, if applicable

Adjournment

Village View - Special Use Permit & Annexation

VILLAGE BOARD
Clerk's Record

ESCROW

Date	Vendor	Date of Service	Date Paid	Check#	Disbursements	Deposits count	Balance
10/18/2018	Escrow Deposit- Warwick Village LLC		10/18/2018	70		2,500.00	2,500.00
11/6/2018	Drake Loeb - Village Attorney: Village View Estates - Annexation & SUP - Invoice # 49388	8/23/18 - 9/27/18			(455.00)		2,045.00
12/4/2018	Drake Loeb - Village Attorney: Village View Estates - Annexation & SUP - Invoice # 49610	10/9/18 - 10/15/18			(158.57)		1,886.43
12/26/2018	Escrow Deposit- Warwick Village LLC		12/26/2018	76		1,866.43	3,752.86
1/14/2019	Drake Loeb - Village View Estates - Annexation & SUP Invoice # 49909	11/6/18-11/7/18			(192.50)		3,560.36
1/23/2019	Drake Loeb - Village View Estates - Annexation & SUP Invoice # 50199	12/11/18 - 12/21/18			(548.84)		3,011.52
2/11/2019	Lehman & Getz - Village Engineer - Annexation & SUP Invoice # 1803.5	1/9/19 & 1/10/19			(600.00)		2,411.52
5/2/2019	Drake Loeb - Village View Estates - Annexation & SUP Invoice # 51028	3/15/19 & 3/29/19			(122.50)		2,289.02
7/9/2019	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 50502	1/2/19 - 1/10/19			(494.80)		1,794.22
8/15/2019	Escrow Deposit- Warwick Village LLC		8/1/2019	1834		705.28	2,499.50
8/15/2019	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 51876	6/13/19 - 6/14/19			(157.50)		2,342.00
9/9/2019	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 52216	7/11/2019			(17.50)		2,324.50
4/2/2020	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 54052	2/6/2020 - 2/24/2020			(420.00)		1,904.50
4/30/2020	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 54283	3/2/2020 - 3/17/2020			(647.50)		1,257.00
6/22/2020	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 54732	5/12/2020 - 5/13/2020			(70.00)		1,187.00
7/21/2020	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 55135				(250.10)		936.90
9/29/2020	Drake Loeb - Village View Estates - Annexation and SUP Invoice #55368	7/22/2020			(35.00)		901.90
9/29/2020	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 55697	8/12/2020 - 8/26/2020			(525.30)		376.60
10/13/2020	Escrow Deposit- Warwick Village LLC		10/9/2020	2130		1,623.40	2,000.00
11/13/2020	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 55985	9/4/2020 - 9/30/2020			(297.50)		1,702.50
12/16/2020	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 56283	10/5/2020 - 10/29/2020			(365.00)		1,337.50
1/19/2021	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 56810	11/10/2020 - 11/25/2020			(717.50)		620.00
2/10/2021	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 56967	12/29/2021			(315.00)		305.00
3/22/2021	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 57208	1/11/2021 - 1/29/2021			(157.50)		147.50
4/10/2021	Escrow Deposit- Warwick Village LLC		3/24/2021	2225		2,352.50	2,500.00
4/10/2021	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 57524	2/25/2021			(105.30)		2,394.70
4/22/2021	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 57797	3/17/21-3/19/21			(157.50)		2,237.20
6/14/2021	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 58147	4/1/2021 - 4/30/2021			(472.80)		1,764.40
6/16/2021	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 58469	5/3/2021 - 5/26/2021			(490.30)		1,274.10
8/11/2021	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 58703	6/1/2021 - 6/21/2021			(297.50)		976.60
10/28/2021	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 59383	8/4/2021-8/30/2021			(861.10)		115.50
12/1/2021	Drake Loeb - Village View Estates - Annexation and SUP Invoice # 59925	9/2/2021-9/16/2021			(143.60)		(28.10)
2/9/2022	Escrow Deposit- Warwick Village LLC		2/9/2022	1013		2,500.00	2,471.90
2/17/2022	Drake Loeb - Village View Estates - Annexation and SUP Invoice #59104	7/22/2021 - 7/29/2021			(175.00)		2,296.90
							2,296.90
							2,296.90
	BALANCE				(9,250.71)	11,547.01	2,296.90

VILLAGE OF WARWICK
LOCAL LAW NO. 1 OF THE YEAR 2023

A local law to amend the Village Code by revising the Table of Uses in the Zoning Code to add "residential apartments above commercial space" as a permitted use in the Light Industrial ("LI") District conditional upon Planning Board approval

Section 1. Legislative Intent:

The purpose of this local law is to promote the public health, safety and welfare by amending the Village Code to add "residential apartments above commercial space" as a permitted use in the Light Industrial ("LI") District conditional upon Planning Board approval on the Table of Uses in the Zoning Code.

Section 2. Municipal Home Rule Law:

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

Section 3. Amendment Of Village Code:

The Table of Use Requirements as set forth in Chapter 145 of Village of Warwick Village Code is hereby amended to add "Residential Apartments Above Commercial Space" under the "Mixed Uses" heading which use shall be listed in the Table as a use permitted in Light Industrial ("LI") Districts conditionally upon approval by the Planning Board ("C*") and within Use Group "j".

Section 3. Severability:

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

Section 4. Effective Date:

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information							
Name of Action or Project: Amendment of Village Code to allow apartments over commercial space in Light Industrial ("LI") Zoning Districts							
Project Location (describe, and attach a location map): LI Zoning Districts in the Village of Warwick							
Brief Description of Proposed Action: The proposed action is to adopt a Local Law amending the Table of Use Regulations in Village's Zoning Code to allow apartments over commercial space as a use permitted in Light Industrial ("LI") Zoning Districts subject to the Planning Board's approval of a site plan..							
Name of Applicant or Sponsor: Village Board of the Village of Warwick		Telephone: 845.986.2031 E-Mail: mayor@villageofwarwick.org					
Address: 77 Main Street							
City/PO: PO Box 369, Warwick		State: New York	Zip Code: 10990				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Village Board of the Village of Warwick</u> Date: <u>November 21, 2022</u> Signature: _____		

Narrative Description Of The Intent Of The Proposed Action

The Table of Use Regulations in the Village of Warwick Zoning Code currently does not permit any residential uses in the Light Industrial ("LI") District. To implement the terms and provisions of the Village's Comprehensive Plan it is proposed to allow residential apartments over commercial uses in the LI District subject to the Planning Board's approval of a site plan.

Warwick Lions Club
P.O. Box 208 Warwick,
NY 10990

RECEIVED

NOV 14 2022

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

November 8, 2022

Village of Warwick
77 Main Street
Warwick, NY 10990

Dear Mayor Newhard & The Board of Trustees

For many years the Warwick Lions Club has supported the Salvation Army during the holiday season by volunteering to ring bells. These funds go directly into our community to help citizens in need.

On behalf of the Warwick Lions we would like to request to ring bells in front of Akinse on the following dates and times:

December 3 and 4th - Between the hours of 10:00 a.m. and 4:00 pm

December 17 & 18 Between the hours of 10:00 a.m. and 4:00 p.m.

Thank you for your consideration of our request. For further information, please feel free to contact me at (845) 325-3244 or foystage@gmail.com

Very truly yours,



Christine F. Stage,
Chairperson