

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK**

8717

**JOINT PUBLIC HEARING  
VILLAGE OF WARWICK & TOWN OF WARWICK**

**THURSDAY, JANUARY 14, 2021 - 7:00 P.M.  
TOWN OF WARWICK, TOWN HALL  
132 KINGS HIGHWAY  
WARWICK, NY 10990**

A Joint Public Hearing of the Board of Trustees of the Village of Warwick and Town Board of the Town of Warwick was held on Thursday, January 14, 2021 at 7:00 p.m. at Town Hall, 132 Kings Highway, Warwick, NY.

Present from the Village of Warwick was Mayor, Michael J. Newhard and Village Trustees: Barry Cheney, William Lindberg, George McManus, and Corey Bachman. Also, present was Village Attorney, Stephen Gaba and Village Clerk, Raina Abramson.

Present from the Town of Warwick was Supervisor, Michael Sweeton and Town Councilmen: James Gerstner, Mickey Shuback, Floyd DeAngelo, and Russel Kowal. Also, present was Town Clerk, Eileen Astorino and Town Attorney, Jay Myrow (recused).

Others present: Kirk Rother, Freya Carlbom, John Gruen, Robert Silber, Raymond Maher, Ben Silber, Geoff Green, Nancy Sardo, Kayleigh Malev, Donna Kipp, Guy Kipp and others.

Supervisor Sweeton called the meeting to order and led in the Pledge of Allegiance.

The Town Clerk held the roll call for the Town Board.

Supervisor Sweeton: I will note that Attorney Myrow has recused himself from the likes of this Board on this issue because his firm does represent the applicant. I would ask the Village Clerk to call the roll of the Village Board.

The Village Clerk held the roll call for the Village Board.

- 1. Joint Public Hearing with the Village Board of the Village of Warwick and the Town Board of the Town of Warwick on the annexation petition under Article 17 of the General Municipal Law from Village View Estates, LLC, to annex into the Village of Warwick approximately 0.6 acres of real property identified on the Town Tax Map as Section 43, Block 1, Lot 4.2.**

Supervisor Sweeton: This evening, we are here in a joint meeting to hear the issue of an annexation of a 0.6-acre parcel from the town into the village. We are not really hear to understand or hear the merits of the project, that is the within privy of the Board, the Village

themselves. We are here tonight to consider this annexation of this 0.6-acre parcel. I would like to ask Mr. Rother, who is a representative of the applicant to please to come forward and make a presentation.

Kirk Rother: Good evening Board Members, Kirk Rother, I'm the civil engineer representing the project.

Trustee McManus: Can I ask a question first?

Supervisor Sweeton: Yes, sir.

Trustee McManus: Is there any opportunity for public to respond other than anyone who is here, either by video, or Facebook, or phones.

Supervisor Sweeton: It is not being streamed live at the moment, George, but we will take comment.

Trustee McManus: It is a public hearing.

Supervisor Sweeton: The Town Board is not taking any action this evening.

Trustee McManus: Ok.

Mayor Newhard: And George, we can leave it open for weeks.

Trustee McManus: Until COVID is over and people feel safe? Meaning months.

Mayor Newhard: Well, I don't know about months.

Trustee McManus: Ok, thank you.

Supervisor Sweeton: Mr. Rother.

### **Presentation**

Kirk Rother: So, the Board is aware that I have two maps on this board. This map here is the actual annexation plat prepared by John McGloin that you all have and that is also the map that is on the board over there.

Village Attorney, Stephen Gaba: Kirk, I'm sorry, if I could just make a suggestion. If you could kind of stand sideways so the public can see you, as well the Board.

Kirk Rother: I am going to do this to the public, I'm just showing this board and what it is.

Village Attorney, Stephen Gaba: Ok, good. No, that's fine. Good.

Kirk Rother: This is a map I prepared today that shows the annexation parcel and particularly the area that is a proposed for road and all the rest of this is open space. So, to the public this is a proposed annexation of approximately six tenths of an acre of land that is associated with the Village View subdivision, which many of you are familiar with. The area in question is this area right here. It's just north of Woodside Drive. This image on this map is a blowup of the area in question. The annexation piece, the bold line, is the current town village municipal boundary. This greyed out area here which is around 1,600 sq. feet is the are that is proposed for roadway to get into the village. The balance of this parcel is proposed as open space.

Supervisor Sweeton: Ok, does anybody have any questions on Mr. Rother's presentation at this point? Mayor Newhard, you have letters, I believe.

### **Written Comments**

Mayor Newhard: I do, I have comments and I'd like to read them for the record. The first one is from Barbara Hilley:

1. 'I feel these public hearings should be postponed for 6-8 months due the spread of COVID in our area. It is not fair to expect the residents to show up and it is unfair to proceed with a decision on this development without the majority of residents that would normally attend. Barbara Hilley'

2. And the next is from Mary Ann Buckley:

'It is my opinion that under the current circumstances of a very serious pandemic, any further decisions on this development should be postponed for at least six months. At that time, it will be safer for the public to attend meetings and we may have a better idea of the true economic impacts that this pandemic is having on potential buyers. Mary Ann Buckley'

3. And the next is a comment from Peter Spsychalski:

'Dear Warwick Village & Warwick Town Board Members,

Thank you for providing a means for hearing the concerns of the community. Thank you, as well, for all your diligence and hard work on behalf of your community. I also hope that all of you and your families are safe during these challenging times.

I wish to express my concerns regarding the proposed Village View Cluster Subdivision. First, this proposed cluster subdivision works in opposition to the Community Preservation Project Plan. The tenants of this plan, in-part, are to:

- Allow for protection of open space, which is vital to the future social, economic, and environmental health.
- Protect and conserve agricultural lands, non-farm open spaces and other open areas.
- Protect the natural scenic quality and environment.
- Protect surface and ground waters from point and non-point source pollution.
- Protect habitats for the diversity of existing flora and fauna.
- Protect wetlands as important environmental resources.

A 3/4% real estate transfer tax is imposed on those purchasing homes in Warwick Village & Town in order to fund this plan. I feel it is a betrayal and slap in the face to allow this cluster subdivision to be approved by a planning board that is already bound by the tenants of the Community Preservation Project Plan.

Second, the width of Sleepy Valley Road, improperly labeled as Locust Street on the plans, is not wide enough to support additional traffic. In many locations it is 18ft wide and in most cases, rarely greater than 20ft in width. A two-lane public road is required to be at least 22ft wide. If this cluster subdivision was to somehow move forward, Sleepy Valley Rd would have to be widened to meet this requirement. This would involve major infrastructure modifications as there are many utility poles from between Woodside Dr to the newly proposed Town Rd that would need to be relocated. Locust St would also have to be widened from Woodside Dr to Route 94. This would create even more complications due to current property boundaries and infrastructure.

Third, none of the proposed plans and/or project documentation refer to any conservation or green building means and methods. At this day and age, given the learning lessons gleaned from similar projects in recent history and regional location, any planning board would be remiss to not require such beneficial strategies. This should be a concern for all of us in order to care for the interests of future generations.

Thank you again for noting these concerns.

Sincerely,  
Peter Spsychalski  
Resident on Sleepy Valley Rd'

Mayor Newhard: I just want to say that the content of this letter has much more to do with potentially the special use permit and tonight we are very much focused on the annexation issue so I hope that the comments that people will bring to our Boards will be specifically on those.

John Gruen: Could you repeat that? I didn't fully understand that what you just said.

Mayor Newhard: What I just said?

John Gruen: Yes.

Mayor Newhard: Tonight's public hearing.

John Gruen: No, the topic of Peter Spychalski's letter pertaining to the special use permit.

Mayor Newhard: Yes, well he has concerns about the layout and the development overall and traffic, which is one of them and these are all things that are addressed in the environmental review of this project and the Village Board has in front of it a special use permit for the project to move forward as a cluster development. That's what I believe Mr. Spychalski is talking about, more so than the annexation issue.

John Gruen: Thank you very much.

Mayor Newhard: You're welcome.

4. Mayor Newhard: And also, I do have a letter from Town Attorney, Jay Myrow, in response to a letter that we received from Raymond Maher and that is in the record.

Town Attorney, Jay Myrow: Can I just comment that was not in my capacity as Town Attorney. That was written specifically to the village in my capacity on behalf of the applicant.

Mayor Newhard: Ok, thank you for clarifying that.

Town Attorney, Jay Myrow: You're welcome.

Supervisor Sweeton: Is that the end of the correspondence, Mayor?

Raymond Maher: What is that letter in reference to?

Supervisor Sweeton: I will read it here:

‘We are writing to both Boards as part of the public comment period regarding the above referenced subject. We are opposed to the annexation of the 0.6 acres of Town property into the Village, as owned by Robert Silber. The reasons...’

Raymond Maher: I’m talking about Jay Myrow’s letter.

Supervisor Sweeton: Oh, well in your letter Ray, you reference the potential that if the annexation goes forward it might give some incentive or ability for the applicant to then seek annexation of the Town portion, so Attorney Myrow’s letter says as follows:

‘I am writing in response to the letter of Lugene and Raymond Maher dated January 4, 2021 with respect to potential annexation of the Town parcel adjoining the Village View subdivision. As the Town Board is aware, the applicant submitted a conceptual buildout of the Town parcel showing a maximum build out of approximately 25 single-family home building lots. Since the SEIS was adopted relying on the proposed use of the town parcel, the applicant or any future owner of the town parcel would be bound by its presentation in the SEIS and essentially be precluded from proposing annexation or a substantially different use of the town parcel in the future. The annexation under consideration provides no “added incentive” for the applicant to ever seek annexation of the town parcel which would be contrary to the findings in the SEIS. Thank you for your consideration.’

Supervisor Sweeton: So again, the applicant had appeared previously before the Town Planning Board for that section where the basins are, I believe Kirk, and in that there was SEQRA done.

Raymond Maher: Will I be able to get to speak later?

Mayor Newhard: Yes, absolutely.

Raymond Maher: Thank you.

Supervisor Sweeton: And so, this answers that question. It would be in violation of SEQRA for them to then to try to annex to the village, it would violate that. That’s the end of the correspondence, I believe.

Supervisor Sweeton: Any comments at this point from either the Village Board or the Town Board on this, or do you just want to hear the comments? So, I would ask that anybody who wants to comment to please come forward to the microphone and try to go 3-5 minutes to be sure everybody gets heard.

Mayor Newhard: Mike, we have a list that we've generated.

Supervisor Sweeton: Grab the list and we will bring you up. It's always good to have a list.

**Public Comment**

Village Clerk, Raina Abramson: The first on the list is Freya.

1. Freya Carlbom: I guess I'm having a little bit of trouble understanding how if this meeting is about the annexation of this piece of property, how the other issues that were brought up in Peter's letter aren't relevant. I'm going to read a letter that was submitted before the deadline, which was 4:00 p.m. this afternoon and it was written by my husband, I'm reading it for him, and then I will give you copy. I've been teaching remotely, and I see the blessing of that is that you don't have to wear a mask. All week long, I've been watching Representatives and Senators struggling with this mask so I will do my best to try to talk through it.

Dear Members of the Village and Town Boards:

With reference to your consideration of the Special Use Permit to the Silber Construction Company I would like to say that we are grateful for this opportunity to voice some of our concerns. I am reviewing selected residents' comments on the Village View project contained in the July 26<sup>th</sup> FEIS.

These residents are myself, Stanley Van Duzer, John Sinsebaugh, and Guy Kipp. I am also discussing 'responses' made by the Village Planning Board in that document. They are concerned solely with traffic safety.

A selection of comments: G.1.23. G. 1.34, G 1.55, G.1.58, G.1.59. G.1.7, G 1.8

G.1.55 illustrates our disappointment in a general way. The "traffic" is the main part of HDR's question and, typical of the answers to the comments listed above it is, is not answered. In residents' comments about what they perceive as serious safety matters, the response simply, does not engage the substance of commentator's statement. Well-observed comments, like those of Dr. Mark Tuckfelt concerning Grand Street, are simply ignored.

The July 2020 FEIS, on p. 52, states: "The project will not result in any substantial increase in traffic on either Woodside Drive, Locust Street, or Sleepy Valley Road." The writer is in no position to make this statement. I believe we all know, in truth, there may

be as many as one hundred cars entering the stream of traffic originating from the cluster subdivision and the homes on the adjacent parcel.

We are very disappointed with what we see as the blatant untruth in the assertion on page 52. More importantly, the increasing flow of traffic on Maple Avenue needs serious scrutiny. Everyone in our community agrees that there are many more cars in Warwick now than there were six or seven years ago. Residents agree that the rate of traffic flow on Maple Ave. is increasing. We feel that getting these data is essential.

The intersection of Locust Street and Maple Ave. has a catastrophic sight distancing problem. The potential for a bottleneck on Locust St. between Maple Avenue and Woodside Drive is obvious. A bottleneck would be disastrous to the residents of Elizabeth Street; it is a cul-de-sac. Sweeping this problem under the rug, as many of the responses do, would, potentially, cause harm to a lot of residents in many ways.

The exit road from the Village View residential compound to Sleepy Valley Road does not have any remediation details in the July 2020 FEIS. The exit is on a blind hill. Mr. Ben Astorino and I discussed this true traffic danger yesterday. He sees a clear need to fix this problem, but there is no mention of any remediation in the FEIS!

We also request transparency regarding the new pumping station. What kind of materials will be used with its construction? Who is responsible for paying for its maintenance?

We thank you for your consideration and appreciate your fine efforts.

Supervisor Sweeton: Thank you. If you can just submit that for the record.

Freya Carlbom: I made it through, talking through this mask. Thank you very much.

Town Clerk, Eileen Astorino: Can you also email it to me? [clerk@townofwarwick.org](mailto:clerk@townofwarwick.org)

Freya Carlbom: Sure.

Town Clerk, Eileen Astorino: Thank you.

Village Clerk, Raina Abramson: The next would be Raymond Maher.

2. Raymond Maher: My name is Raymond Maher from 152 Woodside Drive in the Village of Warwick. In light of Mr. Myrow's letter, I didn't see that letter anywhere but I'm going to go with my presentation and address what he has to say. As you can see, this is the property, here is the piece of property in question. Now, there has never been any

problem with this layout. As you see, people on Woodside Drive have their properties in the village and have their properties in the town. No one has had a problem. We have been told that the annexation would clean up the tax map, but I've seen no taxable property there. Originally, there was a home, and the argument would've been good because that property would have had two different tax maps, village and town. So, the developer can do whatever he wants with this. This is his property. He can make a road, whatever he wants to do with it. I don't see why it should be annexed. And as you can see that this is the road coming off of Woodside. This sliver goes right into the town property which would give the developer a perfect way to bring sewer and water in from the village, which would preclude if say, if he wants to develop this in the village. He wants to annex this in the village. The town restrictions are a lot bigger acreage. As you can see, he tries to put a lot of stuff in a one-pound band. So, I'm just trying to say that everything in law is present. If the village and town annex this piece of property, I can see the developer coming back and say, well you did it here and probably the law would be on his side. I know the town and village have said that the town doesn't want to lose the property, the village doesn't want the property, and I trust the powers to be, but as you saw in the last election, we had people that were developers that would have changed that philosophy in the village. So, I'm trying to say, we can prevent a lot of financial, lawyer fees, if we don't set this precedent because this has been no friend to Warwick and I just see that if you set a precedent, you're going to see all this property come out and down. If he doesn't have this sliver, he has to bring the sewer and has to have a pump down here to pump it back up the hill. I'm just saying let's look to the future. Let's not, down the road, have to deal with this with the lawyers. With that, I'd like to ask Mr. Myrow about his letter because I went over the...

Supervisor Sweeton: Ray hold on one second, you can't ask him questions.

Raymond Maher: Oh, ok.

Supervisor Sweeton: You can ask us questions. One question, I would tell you is we have other council that we will use Jacobowitz and Gubitz , maybe or somebody to get a confirmation on what Attorney Myrow is saying.

Raymond Maher: I looked through the FEIS and SEIS, and in the SEIS my lawyer, Elizabeth Cassidy, the SEIS also indicates that annexation of the larger town parcel is not an option. See SEIS, page 10. Any approval should be conditioned on permanent restriction of future annexation to be recorded against the land records. Failure to include such restrictions only allows a further annexation, entirely negating the analysis contained in the draft environmental impact statement and the supplemental environmental impact statement.

Now, I went to the FEIS, the only thing I saw about annexation was, this discussion relates to previous, this is FEIS, this discussion relates to a previous proposed annexed town property into the village to create a denser layout. In accordance with the Village Zoning Law, this proposal has been rejected by the town and village. I don't see that being a very legal or deed, I just see it as, I don't know if there is more language, as you people know the FEIS' and SEIS' are very difficult.

Supervisor Sweeton: Well, it is under state law SEQRA, I can ask Attorney Gaba if he wants to comment, but from the Town Board's perspective, we will consult an independent attorney on that issue and would be happy to get a response to you.

Raymond Maher: To reassure the public that this won't become another burden on the village sewer, water, forty more homes, when property is annexed into the village does it retain the town or the village?

Supervisor Sweeton: Well, we have an annexation agreement with the Village of Warwick to prevent what used to be the case, which is that when land came from the town into the village it automatically got village zoning. That annexation agreement that we put in place between the town and the village, brings that land in at town zoning.

Raymond Maher: So, the zoning for those would still be 2.5 acres?

Supervisor Sweeton: That is correct.

Raymond Maher: In the village.

Supervisor Sweeton: And there is a process where they could purchase density from the village, but again it's a long process.

Raymond Maher: But there's always a way.

Supervisor Sweeton: Well, there is a way. I'm not going to say not, but I will tell you it gives an added layer of protection for the village because then they control it, they are not giving away their density.

Raymond Maher: I'd just like you to see my point then.

Supervisor Sweeton: I understand your concern but the village piece that's there now surrounded by town land that Mr. Silber owns, right, so he could petition to annex it outside of this SEQRA document which we believe precludes it from that, but the sliver doesn't particularly give an advantage, because he has other land that is adjacent.

Raymond Maher: Are you saying that if it's in the, whatever Elizabeth says, on restrictions and it be recorded, would that be in perpetuity or...?

Supervisor Sweeton: Well, that's what we're going to clarify for you and all the residents on the issue of the SEIS, ok.

Raymond Maher: Thanks, I'm just here to...

Supervisor Sweeton: Absolutely.

Raymond Maher: Thank you for your time.

Supervisor Sweeton: Thank you, Ray.

Mayor Newhard: Thank you, Ray.

Village Clerk, Raina Abramson: No one else who signed in checked off that they would like to speak.

Supervisor Sweeton: Alright, so if there is anyone else who would like to speak, please come forward and give us your name for the record. Ok, seeing no comment there, any comments from the Village Trustees? We will go with the village first since it's dominantly your proposal. None. Town Board Members, any questions for Mr. Rother or anything that you heard tonight? Ok.

Mayor Newhard: The gentleman in the back.

Supervisor Sweeton: Oh, yes sir. Come on up please. Could you come up please so we could get your name and get you on the microphone.

3. Merrick Guy Kipp: I just want to make a point, ok, my name is Merrick Guy Kipp, and I live on 25 Locust Street and the village has put up speed signs and we were, like recording temperatures, letting you know what the speed was coming down the hill and everything and it has not in any way diminished the speed at which cars come down Locust Street. It's horrendous. You can look out, I walk it all the time with my dogs and everything, and they are coming down 45 miles an hour. And, what's going to happen when we increase the number of cars? That's all I want make. It's a horrible thing to conceive of. My kid's road their bicycles down Locust Street, ok, and it was safe as it could be and today, I'm worried about walking the dogs, that's how scary it is.

Supervisor Sweeton: Well, we do know that we have more houses here then we have when both you and I were having kids so, walking on the street, that's for sure.

Merrit Guy Kipp: Yes, ok, but I just wanted to make that point. It's dangerous. Plain, one word, dangerous and somebody is going to get hurt bad.

Supervisor Sweeton: Thank you, sir. I appreciate it.

Town Clerk, Eileen Astorino: Can you say your name again?

Merrit Guy Kipp: I'm Merrit Guy Kipp.

Town Clerk, Eileen Astorino: Can you spell the last name?

Merrit Guy Kipp: Kipp.

Town Clerk, Eileen Astorino: Thank you.

Merrit Guy Kipp: Thank you very much.

Supervisor Sweeton: Ok, thank you very much for your time. Is there anyone else who would like to make a comment this evening? Alright, so Mayor, what is your pleasure? Do you want to keep this hearing open?

Mayor Newhard: Yes, I would like to keep it open for at least fifteen days so that if anybody would like to make more comments that they have the capability to do that.

Village Attorney, Stephen Gaba: Well, if that's what you want to do Mr. Mayor, I suggest rather than coming back and adjourning in fifteen days, what the Board would like to do is close the public hearing except for the acceptance of written comments within 15 days from today.

Mayor Newhard: Ok, very good.

Village Attorney, Stephen Gaba: So, you don't have to come back and close it.

Mayor Newhard: Right.

Supervisor Sweeton: So, do you want a motion from the Village Board and the Town Board on that?

Village Attorney, Stephen Gaba: Well, there has to be two, if that's the way you want to handle it then both Boards vote separately so the one on the village would have to make a motion to close the public hearing with the exception of accepting written comments for 15 days and then there would be a second and the Village Board would vote or vice versa then the Town Board would vote, and if the two Boards agree, it will be so.

Trustee McManus: I would rather keep the hearing open then closing it with a time limit. It's a public hearing, we've had two people speak. It's not live, limited capacity, tough for people to get out. It's not the right time to have a public hearing and make decisions. We need to have it when the public can really attend and make comments. So, that's my theory.

Supervisor Sweeton: Could you clarify, Attorney Gaba, is there a timeclock?

Village Attorney, Stephen Gaba: Once the public hearing is closed there is a ninety-day timeclock but until the public hearing is closed the ninety-day timeclock doesn't begin to run. If the Board wants, it can hold the public hearing open. I don't know the public hearing can be held open indefinitely. Proper procedure would be perhaps a month and then reconvene and then hopefully close it at that time, that's (inaudible).

Supervisor Sweeton: Well, the Town Board doesn't meet again until February 11th, which approximately thirty days from now. I would say, the Board members, we could keep our portion of this open apparently for at least that time. Give the public opportunity to send in further comment. I don't know what your pleasure is.

Town Councilman Gerstner: For the public on the annexation?

Supervisor Sweeton: On the annexation itself. I have one question more for Mr. Rother. In your applicants mind or purpose, what is his purpose for that annexation?

Kirk Rother: So, the area in question to be annexed, we have our proposed road crossing this little sliver of it, the area that is shaded in grey. It's around 1,600 square feet. And actually, when we were in front of the Planning Board, the discussion of annexation or not came up and we told the Village Planning Board it's up to..., we will do either or, it doesn't matter. The alternative would be, we would subdivide this parcel off and dedicate it to the village, so it genuinely was just a cleanup of this finger of land that juts into this area in which we would have a cleaner right of way to the gate to the village and all the rest of it is proposed as open space so, our logic being no harm, no foul.

Supervisor Sweeton: Ok. Yes, George.

Trustee McManus: There's an approved plan for twenty-eight homes that did not include any annexation, so somewhere along the way, for some reason besides cleaning up your lot lines, you have a reason for that annexation. Because you have an approved plan for twenty-eight homes.

Kirk Rother: Right, and that plan has two proposed entrances to Locust Street.

Trustee McManus: Correct.

Kirk Rother: Now, the clustering plan, the spirit of this plan is to try to avoid wetlands or impacts to primary conservation areas which are the stream and the wetlands. So, that is the reason why our proposed access is on Woodside Drive and our second access now comes all the way out in the Town of Warwick.

Trustee McManus: Again, I would like to see the public hearing held open so more people can attend, more people can make comments and if I'm limited to thirty days, I'll take thirty days. If I'm not limited to thirty days, I will say ninety days. So, that I leave up to Mr. Gaba.

Village Attorney, Stephen Gaba: Well, you're not limited to any particular amount of time. You couldn't, I believe, just say you're holding it open indefinitely. If you want to make a motion to hold it open for ninety days, we can.

Trustee McManus: Well, then why don't we say we will hold it open for ninety days. I'd like to make a motion that we hold the public hearing open for ninety days.

Village Attorney, Stephen Gaba: That would be limited to the Village Board.

Trustee McManus: I understand.

Village Attorney, Stephen Gaba: Both Boards would vote separately, so you would see if there was a second or not, and if there isn't then the motion dies and if there is then you continue to vote on it.

Mayor Newhard: Is there a second?

**Public Hearing Open for Ninety Days**

A **MOTION** was made by Trustee McManus, seconded by Trustee Bachman that we hold the public hearing open for ninety days.

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

Trustee Cheney Nay Trustee Lindberg Nay Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Nay

Village Attorney, Stephen Gaba: So, the motion fails.

Trustee McManus: Ok.

Village Attorney, Stephen Gaba: So, now the Board what it would like to do beyond that.

Mayor Newhard: I think thirty days would be more appropriate.

Village Attorney, Stephen Gaba: You want to hold it open and then reconvene in a joint public hearing or are you going to hold it open for thirty days from now?

Mayor Newhard: I'd hold it up for (inaudible).

Trustee Cheney: I'll make that motion.

Supervisor Sweeton: Before you make that motion.

John Gruen: Is that publicly shareable to the people sitting here because I can't hear.

Supervisor Sweeton: Before you make that motion, Mr. Mayor and the Village Board, I would ask that you do until the second meeting in February which would be...

Village Attorney, Stephen Gaba: Do you have a specific date?

Supervisor Sweeton: Which would be February 25<sup>th</sup> if I'm not mistaken. Does anybody have an issue with that? Trustees? Could you make that motion?

### **Public Hearing Open Until February 25, 2021**

#### **Village Board:**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to leave the public hearing open until February 25<sup>th</sup> at which time this joint public hearing would reconvene.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Nay Mayor Newhard Aye

**Town Board:**

A **MOTION** was made by Supervisor Sweeton, seconded by Town Councilman DeAngelo, and carried to keep the public hearing open until February 25<sup>th</sup> at which time we will reconvene with the Village Board in a published joint public hearing and we will take comments through that time until the 25<sup>th</sup>.

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

Councilman Gerstner Aye Councilman Shuback Aye Councilman DeAngelo Aye

Councilman Kowal Aye Supervisor Sweeton Aye

**Discussion**

Town Councilman Gerstner: And we will take anybody comments up until the 25<sup>th</sup>.

**Adjournment**

Supervisor Sweeton: Any other comments? Thank you, folks. We are not adjourning it, are we?

Village Attorney, Stephen Gaba: I think since you both passed that resolution, for just a matter of course, your adjourned.

Supervisor Sweeton: Thank you, Village Board.

Mayor Newhard: Thank you, Town Board.

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Raina M. Abramson, Village Clerk