

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
APRIL 15, 2024, 6:00 P.M.
WORK SESSION**

10,074

A Work Session of the Board of Trustees of the Village of Warwick was held on Monday, April 15, 2024, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard. Trustees: Barry Cheney, Carly Foster, Thomas McKnight, and Mary Collura. Also, present was Village Clerk, Raina Abramson and Village Attorney, Stephen Gaba.

Discussion

1. Draft Short-Term Rental Code.

Village Attorney, Stephen Gaba, provided an overview of the ongoing discussions regarding the Short-Term Rental Code. He highlighted key issues identified by the Board, including the requirement for properties to be owner-occupied and the distance/time limitations for owners or agents from rental properties. Mr. Gaba emphasized the need to determine appropriate response times for rental property incidents and suggested consulting relevant authorities for input, mainly the police department. Additionally, he addressed concerns regarding parking limitations, especially during events or parties, and explored the implications of permitting short-term rentals in different residential districts. Mr. Gaba concluded by offering to address these issues based on the Board's preferences for further discussion or action.

The Board, along with Mr. Gaba discussed the stated topics in depth.

Trustee Foster advocated for the term 'or agent' into the language to satisfy the Dormant Commerce Clause and protect the Village from potential lawsuits.

The Board concluded that Trustee McKnight would reach out to the Warwick Police Chief, John Rader, to discuss a reasonable response time.

The Village Attorney would create a new draft for the Board to discuss at a later date.

2. Warwick Meadows Request for Assistance

It was explained that Warwick Meadows, a private development, had reached out to the Village to be included in the public street sweeping.

Trustee Cheney noted that Warwick Meadow residents pay approximately 40% of the property taxes that Village residents pay, as they are assessed similarly to apartments and condominiums.

Stephen Gaba stated that providing the service for free would be unconstitutional. He cautioned the Board that if one HOA received the service, more private streets could request the same. He referenced the agreement with the Historical Society for lawn mowing as an example of arrangements or payment being required.

A discussion ensued regarding the distinction between private HOA developments and public Village property.

Mayor Newhard highlighted how the increasing costs of maintenance has become an issue as condos age.

Trustee Foster highlighted the distinction between services provided to condominium residents and other Village residents. She pointed out that while other residents contribute financially to these services through assessments, condominium residents, assessed at a lower rate due to their condominium status, do not. Additionally, Trustee Foster noted that condominium developments may have been subject to different regulations during their initial development, leading to variations that affect the Village's liability in maintaining the property.

The Board concluded that the liability and implications would be too significant to grant the request, and Mayor Newhard agreed to communicate this decision to Warwick Meadows.

3. Village View Annexation

Village Attorney, Stephen Gaba, explained the final step in an annexation process, which involves preparing a metes and bounds description of the property to establish the new municipal boundary. However, he encountered challenges as the property owner failed to provide the required description despite numerous attempts. Despite initial cooperation, the attorney ultimately informed Mr. Gaba that the client terminated their services, leaving the task unresolved. Mr. Gaba sought guidance on whether to pursue obtaining the description independently or incur the associated costs.

Trustee Cheney stated that he would reach out to Kirk Rother for a status update.

Adjournment

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried to adjourn the regular meeting at approximately 7:20 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