

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
DECEMBER 2, 2024**

10,417

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, December 2, 2024, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard. Trustees, Barry Cheney, Thomas McKnight, and Mary Collura. Also, present was Deputy Village Clerk, Jennifer Mante and Village Attorney, Stephen Gaba. Absent was Trustee, Carly Foster. Others present, Bob Krahulik, Brian Singer, Leonard Connors, as well as additional attendees.

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

Acceptance of Minutes

A **MOTION** was made by Trustee Collura, seconded by Trustee Cheney, and carried Acceptance of Minutes: November 18, 2024

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee McKnight, seconded by Trustee Cheney, and carried Authorization to Pay all Approved and Audited Claims in the amount of \$178,634.93.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

1. **Public Hearing on a proposed Local Law No. 7 of the Year 2024 entitled: “A local law amending the Village Code of the Village of Warwick by repealing Article IIA entitled ‘Exemption for Volunteer Fire Fighters and Ambulance Workers’ of Chapter 124 entitled ‘Taxation’ and re-enacting the same in compliance with New York State Real Property Tax Law §466-A”.**

The Deputy Clerk read the legal notice.

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 2nd day of December 2024, at 7:30 p.m., at Village Hall, 77 Main Street, Warwick, NY 10990, on a proposed Local Law No. 8 of the Year 2024 entitled: “A local law amending the Village Code of the Village of Warwick by repealing Article IIA entitled ‘Exemption for Volunteer Fire Fighters and Ambulance Workers’ of Chapter 124 entitled ‘Taxation’ and re-enacting the same in compliance with New York State Real Property Tax Law 466-A”.

The purpose of this Local Law is to promote the public health, safety and welfare by repealing Village Code Article IIA entitled “A local law amending the Village Code of the Village of Warwick by repealing Article IIA entitled ‘Exemption for Volunteer Fire Fighters and Ambulance Workers’ of Chapter 124 entitled ‘Taxation’ and re-enacting the same in compliance with New York State Real Property Tax Law 466-A”.

A copy of the proposed local law is on file in the office of the Village Clerk and is available for inspection by interested persons during Village Clerk’s business hours, and the proposed local law has also been posted on the Village’s website www.villageofwarwick.org.

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 Board must be received by the Board at or prior to the public hearing.

**BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF WARWICK
RAINA ABRAMSON, VILLAGE CLERK
Dated: November 15, 2024**

No comments from the public were made.

Village Attorney Stephen Gaba explained that the proposed measure allows for a 10% reduction in assessed property value for qualifying firefighters and EMS workers. This reduction must be chosen as an alternative to an income-based tax exemption, as it cannot be combined. He noted that for the exemption to fully apply, it must also be enacted by other taxing authorities, such as the Town, County, and School District. If these entities do not adopt the measure, the reduction will not apply to their portions of the tax bill. However, by enacting it at the Village level, residents would at least have access to this option within the Village’s jurisdiction.

The Board believed that both the Town and the School District had adopted the law, ensuring that the 10% reduction in assessed property value for qualifying firefighters and EMS workers would apply to their respective portions of the tax bill in addition to the Village’s.

Trustee McKnight asked whether all taxing entities need to adopt the law for the exemption to take effect or if it could still be applied individually by each entity.

Village Attorney Stephen Gaba clarified that the assessment reduction would only apply to the taxing entities that have adopted the law. If some entities, such as the County or School District, choose not to adopt it, the reduction would not apply to their portion of the tax bill.

Trustee McKnight confirmed his understanding, noting that if only the Village adopted the law, the exemption would apply solely to the Village's tax levy. However, since the Town and School District have already adopted it, the exemption will apply to their tax levies as well.

Local Law No. 7 of the Year 2024, Exemption for Volunteer Fire Fighters and Ambulance Workers – Close the Public Hearing

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight to close the Public Hearing on a proposed Local Law No. 7 of the Year 2024 entitled: “A local law amending the Village Code of the Village of Warwick by repealing Article IIA entitled ‘Exemption for Volunteer Fire Fighters and Ambulance Workers’ of Chapter 124 entitled ‘Taxation’ and re-enacting the same in compliance with New York State Real Property Tax Law §466-A”.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Announcements

1. 2025 Village of Warwick calendar of holidays and meeting dates for the Village Board, Planning Board, Zoning Board of Appeals, and Architectural and Historic District Review Board.

Trustee Cheney noted that Juneteenth had been added to the calendar of holidays and inquired whether discussions had taken place with the Department of Public Works (DPW) regarding amendments to their collective bargaining agreement to incorporate Juneteenth as an official holiday.

Mayor Newhard responded that no discussions had yet taken place with DPW.

Trustee Cheney expressed his support for Juneteenth as an important holiday but stated his belief that it should replace an existing holiday rather than being added as an additional one. He went on record to affirm his position.

Mayor Newhard acknowledged Trustee Cheney's comment, noted that the holiday dates are listed on the Village website, and suggested that further discussion on the topic could take place.

Discussions

1. Petition for Zone Change – 4 Overlook Drive & 1 Galloway Heights Road.

Bob Krahulik, attorney for Warwick Commercial Properties LLC, introduced himself and Brian Singer, a member of the LLC. He noted that they had received correspondence from the Village Attorney and Village Engineer. He explained that they are currently working with their engineer to develop a more detailed site plan for the property, including architectural renderings, to provide a clearer vision and address many of the points raised in the letters. Mr. Krahulik stated that they had no further updates to present unless the Board had specific questions for them at that time.

Village Attorney Stephen Gaba summarized the applicant's request to change the zoning of their property to General Commercial (GC) for both parcels involved. He explained that such a zoning change would permit all uses allowed in the GC zone, whether as of right, by special use permit, or with site plan approval. While some GC uses are similar to those in the LO (Limited Office) or R (Residential) zones, others are significantly different.

Mr. Gaba stressed that any zoning change would require a SEQR (State Environmental Quality Review) process to evaluate the potential impacts of all possible uses under the GC designation. Additionally, the change must align with the Village's comprehensive plan. He noted that once the zoning is changed, it applies permanently unless changed again, meaning the property could be sold and used for other purposes permitted in the GC zone.

To manage potential risks, Mr. Gaba suggested that the applicant first consider applying for a use variance instead of a zoning change. If that approach fails, a developer's agreement could be explored to limit future uses of the property. He emphasized that the Board must decide whether to proceed with the zoning change at this time or request more information before making a determination.

If the Board chooses to move forward, the next step would be to draft a local law for the zoning change. He recommended requiring the applicant to simultaneously engage with the Planning Board, which could serve as the lead agency for SEQR review. This dual approach, while not always required, would streamline the process by ensuring SEQR is completed before enacting the zoning change.

Mr. Krahulik noted that the Board could consider granting a zoning change for one of the parcels while leaving the other parcel unchanged, offering an alternative approach to the applicant's initial request.

Village Attorney Stephen Gaba acknowledged that while the zoning change petition presents the two parcels as a combined request, it would be possible for the Board to approve a zoning change for one parcel while leaving the other unaffected.

Trustee McKnight expressed the opinion that the two parcels should be treated as separate matters, as they represent entirely different issues. Referring to comments from the Village Engineer, he highlighted item number seven in the letter, which pointed out unresolved matters with the Planning Board dating back to 2020. Trustee McKnight inquired about the status of those outstanding issues.

Mr. Krahulik explained the reasoning behind the zoning change requests for the two parcels. For the parcel on Overlook Drive, he noted that it cannot meet the setback requirements under the current residential district zoning, even though the existing improvements are already in place. This inability to comply with setbacks is the primary justification for the proposed zoning change.

Regarding the parcel on Galloway Heights, he stated that it has ample parking and currently features a simple structure previously used as a professional office. Mr. Singer's vision for this parcel includes creating a structure in a similar architectural style to the existing buildings on the property, which house Anytime Fitness and several other commercial spaces.

Trustee McKnight thanked Mr. Krahulik for his explanation and emphasized the importance of treating the parcels separately. He then addressed Mr. Singer, asking for clarification on how the Overlook Drive parcel came to be part of a larger complex while remaining zoned as residential. He expressed confusion about how this situation developed.

Mr. Krahulik noted that the property has historically been used for commercial purposes, dating back to when it housed a state police barracks.

Trustee McKnight pointed out that despite its historical commercial use, the property is currently zoned residential. He also noted that whatever structure previously existed on the property had been removed.

Mr. Singer clarified that the structure on the Overlook Drive property is original and that he did not demolish or alter the existing footprint. He explained that while he renovated the building, the parking became an issue as the property did not initially have enough parking spaces. To address this, he began the zoning change process in 2020. At the time, he attempted to tie the property's zoning to another building across the street, a motel, but was unable to finalize that process after two and a half years. Instead, he purchased another building at 1 Galloway Heights.

Trustee McKnight addressed Mr. Singer, stating that while he understood the situation with Galloway Heights, his focus was on the Overlook Drive property. He pointed out that Mr.

Singer purchased the building knowing it was zoned residential, yet it was occupied by commercial tenants at the time. Trustee McKnight noted that despite being aware of the zoning, Mr. Singer chose to renovate the building and use it for purposes other than residential.

Mr. Singer clarified that the property on Overlook Drive is still set up as residential and could be reverted to residential use if necessary. He stated that he has no issue with removing the current commercial tenants and converting the building back to residential, noting that it would likely be more profitable as a residential property. However, his intention in pursuing the zoning change was to address parking challenges, as there had been an overflow of customers for the property at 2 Overlook Drive, prompting the creation of additional parking.

Trustee McKnight expressed concerns, stating that it appeared Mr. Singer had bypassed the zoning code. He acknowledged that Mr. Singer was now seeking to address the issue through a zoning change but pointed out that the property had been used in a manner not permitted under its current zoning. Trustee McKnight suggested that this situation effectively put pressure on the Board to consider altering the zoning to align with the existing use.

Mr. Singer clarified that he was not trying to pressure the Board but rather addressing a parking issue that arose when overflow customers began parking along Overlook Drive. To alleviate this, he created a parking lot for the property. He reiterated that the building is set up for residential use and could be reverted to apartments without issue. Currently, the tenants consist of only two individuals—a surveyor and a construction company—with no additional employees. He emphasized that parking remains the primary concern, not the building's use as residential or commercial.

Mayor Newhard addressed the parking situation, noting that the existing parking is essential for the second floor and office building. He emphasized that without the current parking lot, the businesses operating in the building would not be able to function effectively.

Mr. Singer responded that without the existing parking lot, vehicles would have to park on the street.

Mayor Newhard questioned if the parking arrangement had been approved by the Planning Board.

Mr. Singer clarified that the Planning Board did not approve the parking specifically, but they did approve the second-story building.

Trustee Cheney noted that the Planning Board had approved the two-story building, with the original plans indicating that the entrance would be located on the lower level, providing access to the entire building through a central staircase.

Mr. Singer responded that he believed the original plans included rear steps providing access to the upper floor of the building.

Trustee Cheney acknowledged this but stated his understanding that there were no entrances directly on the upper floor.

Mr. Singer explained that the original design included an exterior staircase running alongside 4 Overlook Drive, leading to the back of the building. He clarified that there was a sidewalk in that area to provide access and that the design never intended for interior stairs, as that would have required the installation of elevators.

Mayor Newhard inquired about the number of businesses currently operating in the building on Overlook Drive.

Mr. Singer responded that there are six businesses operating in the building on Overlook Drive.

Mayor Newhard clarified that the parking area serves both the six businesses in the building on Overlook Drive and the two-story building on the other lot.

Mr. Singer explained that the parking lot is primarily designated for 2 Overlook Drive. He noted that the two individuals using the building at 4 Overlook Drive utilize two parking spots located on the side of that property, rather than the main parking lot.

Trustee McKnight asked for clarification, noting that Mr. Singer mentioned he would make more money if the property were used as residential. He inquired whether the property was intended for single-family residential use.

Mr. Singer confirmed that the property is currently set up as single-family residential but stated that he would apply to convert it into a two-family residence. He noted that when he purchased the property, it was being used as a three-family residence.

Trustee McKnight reiterated that the property is legally zoned as single-family residential and noted that Mr. Singer purchased it with that understanding. He questioned the decision to place businesses in the property and pointed out that there are currently multiple tenants operating there.

Mr. Krahulik clarified that businesses were already operating in the building when it was purchased. He explained that these were pre-existing, non-conforming uses that had been grandfathered in, dating back to when the property served as State Police Headquarters.

Trustee McKnight asked for clarification on where the designation of the property as a pre-existing, non-conforming use is documented. He inquired whether this information is recorded in the property records, with the county, or elsewhere.

Mr. Krahulik stated that he had not researched the issue of pre-existing, non-conforming use in the Village code but noted that the building has been used for commercial purposes for decades. He acknowledged that he was unsure of when the Village code implemented or modified the zoning for the lot and what the code specifies regarding pre-existing, non-conforming uses. However, he confirmed that the building has operated under that status up until now.

Village Attorney Stephen Gaba explained that the assessor's records should indicate the historical use of the property and whether it was considered a non-conforming use at any point. He noted that when New York State develops land for state purposes, such as the former state trooper barracks, it is not bound by local zoning regulations. He suggested it is possible the property use predated the current zoning code, though this is uncertain.

Mr. Gaba further clarified that once the property ceased being a state trooper barracks, any subsequent owner should have brought it into compliance with the zoning regulations in place at that time. If it was used for a commercial purpose thereafter, it might have been recognized by the Village as a legal non-conforming use. He emphasized that the assessor's card would likely provide valuable information about the property's historical use, although it may not record details dating back to the property's original development.

Mayor Newhard addressed Mr. Krahulik, stating that the request for Overlook Drive appeared to be an effort to resolve and clarify the zoning issues. Mr. Krahulik confirmed this understanding.

Trustee McKnight asked what specific request Mr. Krahulik would make to the Zoning Board of Appeals (ZBA) if he were to pursue a zoning variance instead of a zoning classification change.

Mr. Krahulik explained that if pursuing a variance or an interpretation from the Zoning Board of Appeals, the first step would involve seeking approval to use the property for commercial purposes or confirming its status as a pre-existing, non-conforming use. Additionally, he noted that they would request relief from the setback requirements for the parking lot. Trustee McKnight clarified that the setback issue pertains to the parking lot, not the building. Mr. Krahulik confirmed this understanding.

Mr. Singer expressed his willingness to adapt the building's use based on the Board's preference, whether for residential purposes or for offices such as those currently occupied by surveyors and construction companies, consistent with its historical use. He emphasized that his primary concern is addressing the parking needs for 2 Overlook Drive. He proposed implementing pervious coverage for the parking area to allow water infiltration and mitigate stormwater management concerns, aiming to create a solution that works effectively for all parties.

Mayor Newhard and Mr. Singer discussed the current tenants occupying the buildings. Mr. Singer clarified that the surveyor and Barrett Construction are the primary tenants at 4 Overlook Drive, with Barrett Construction encompassing a single individual and a realtor as part of the same entity. He reiterated that the realtor does not operate under a separate lease.

Further discussion took place regarding the current tenants and their use of the various buildings.

Mr. Singer explained that he was proposing a lot line adjustment to address irregularities with the property at 4 Overlook Drive. He suggested straightening the lot line by aligning it with the sidewalk to create a more logical boundary. He noted that this approach was similar to his efforts with 1 Galloway Heights, where he aimed to resolve inconsistencies in the lot lines cutting through the property.

Trustee Cheney asked Mr. Krahulik about the timeline for providing additional materials, including information on the property's use, layout, a possible site plan, and architectural renderings.

Mr. Krahulik responded that he had aimed to have the additional materials ready for this meeting but confirmed they would be completed by the next meeting. He stated that the materials would include renderings and a full site plan for the entire site. Regarding 1 Galloway Heights, he explained that the proposed structure size would be reduced to decrease the lot coverage from the current 49% to approximately 45%, addressing impervious surface concerns. He assured the Board that all renderings and the full site plan, prepared with Chris Collins, would be ready for presentation at the next meeting.

Trustee Cheney sought clarification, asking if the proposed building for 1 Galloway Heights would no longer include any residential rental units.

Mr. Singer clarified that he would prefer to include residential units in the proposed building for 1 Galloway Heights Road, but he is willing to work with the Planning Board on the decision. He stated that he could go either way—residential or commercial—depending on the outcome. If the building were to be used for commercial purposes, he noted that he already has potential tenants. Regardless of the use, the structure would be similar to what he proposed for 2 Overlook Drive.

Trustee Cheney noted that the GC zone likely does not permit residential uses.

There was a brief discussion whether residential was allowed in the GC zone.

Mr. Singer explained his proposal for the building, stating that it would be positioned parallel to the Anytime Fitness building and moved back to align with the existing parking lot. He noted that the parking lot behind the building would serve as the primary parking area, which

is currently underutilized. Additionally, he proposed adding a handicap parking space and four EV charging stations at the front of the building to extend the parking area.

Trustee Cheney noted that the parking lot was included in the required parking calculation for 2 Overlook Drive. Mr. Singer confirmed this and added that additional parking behind the building at 2 Overlook Drive would match the current lot's size. Trustee Cheney summarized that the development of 1 Galloway Heights Road involved reallocating parking between 4 Overlook Drive and 2 Overlook Drive, with access from Galloway Heights.

Mr. Singer explained that during the 2013 parking calculations, the parking lot at 1 Galloway Heights was intended to serve as employee parking for 2 Overlook Drive and Anytime Fitness. However, it is currently utilized by residents of Galloway Heights, with seven homes in the area using the lot for parking after seeking his permission. He noted that employees have not been using the parking lot as initially planned.

Mayor Newhard, referencing Trustee Cheney's comments about the parking trade-off, clarified that the petition pertains to both properties involved.

Mr. Singer confirmed that the petition involves both properties. He explained that the updated overall site plan would incorporate 1 Galloway Heights into the broader development plan, replacing the previous site plan. The revised plan would highlight how the parking areas are currently utilized, with the parking behind 2 Overlook Drive being used and the lot at 1 Galloway Heights not actively utilized. He noted that he is proposing to add 18 parking spaces to meet the requirements for 1 Galloway Heights, as the necessary parking is not currently available on-site.

Trustee McKnight confirmed that the proposal would maintain the property as separate lots rather than consolidating them into a single lot.

Mr. Singer explained that the property currently consists of five separate lots, noting that some diagrams still show outdated information. He clarified that when he initially purchased the property, it included a New Jersey Transit garage, a real estate office, and another structure, all located on a single lot. He subsequently subdivided the property into the current configuration of five separate lots.

Mayor Newhard inquired if the drawings reflecting the proposed lot line changes were available. It was confirmed that the drawings would be ready soon.

Mr. Singer clarified that there would be no additional entrance from Route 17A to the property. For 1 Galloway Heights, the parking lot would remain at the rear, with proposed additions of EV charging stations and a handicap parking spot along 17A if approved. He emphasized that there would be no changes to the access points from Galloway Heights Road, and the existing sidewalk would remain. The building would be reoriented to face Route 17A.

Mayor Newhard confirmed his understanding, stating that the parking lot from the fitness center would essentially be extended to the corner.

Mr. Singer clarified that the parking lot would not extend fully to the corner. He explained that the area in question is 140 feet, but only approximately six additional parking spaces would be needed, each requiring about nine feet. He noted that one space currently sits on the property line, which was not included in the previous calculations. The proposed design would include plantings along the Galloway Heights side to screen the parking area, preserving the large tree and ensuring no new access points are created on Galloway Heights. The parking lot in the back would exclusively serve the structure.

Mr. Singer confirmed that the parking lots already have cross easements in place, allowing shared use between them. He explained that his goal is to clean up the lot lines to better align with the buildings and their associated parking areas. Specifically, the parking lot behind 1 Galloway Heights would serve that building, the gym's parking lot would remain central, and the parking for Galloway Grill and the first level of 2 Overlook would stay as is.

Trustee McKnight inquired about the zoning designation for 1 Galloway Heights, to which Mr. Singer stated it was Limited Office Overlay. Trustee McKnight then asked the Village Attorney for clarification on the implications of this zoning classification.

Mr. Gaba explained that the Limited Office Overlay zoning permits several commercial uses similar to those allowed in the General Commercial (GC) zone, but with more restrictions and fewer allowances.

Mr. Singer shared that in developing another property, he had implemented a developer's agreement to restrict about 80% of the potential General Commercial (GC) uses, such as funeral parlors, car washes, and gas stations. He explained that his intent for this property is to maintain a limited scope of uses, primarily commercial on the first floor, with the option of including residential if permitted.

Mayor Newhard observed that the current map indicates the parcel is zoned residential without any overlay. Trustee Cheney asked if there was a source document confirming its designation as Limited Office Overlay.

Mr. Singer stated that the 2014 zoning map identifies the parcel as Limited Office Overlay and noted that the coloring on the zoning maps confirms this designation.

Trustee Cheney referenced the 2017 zoning map and noted that it would need to be reviewed to confirm the designation.

Trustee McKnight inquired about the current use of the property.

Mr. Singer stated that the property is currently used as residential and is partially vacant. He noted that a real estate office was operating there when he purchased it, along with residential use.

Trustee McKnight asked how many units are currently in the property, to which Mr. Singer responded that there are two units.

Mr. Singer explained the property's history, noting that it was previously purchased by Linda Blake, who used it as an attorney's office in 1980. Subsequently, Regal Homes operated a real estate office there for 18 years, which also included an attorney working alongside them. After their departure, the property transitioned to residential use, with the former lawyer's office space still available.

Trustee McKnight questioned how the property's use aligns with its Limited Office Overlay designation, noting potential inconsistencies with residential use. Village Attorney Stephen Gaba clarified that the zoning allows for a residential component, typically on the second floor above a commercial space. Mr. Singer confirmed the presence of a two-bedroom apartment on the second floor.

Trustee McKnight questioned the compliance of the property's use with its zoning, highlighting discrepancies between its Limited Office Overlay designation and current use, such as residential units on the first floor and second floor. Mr. Singer explained that he purchased the property with existing tenants and leases, including three tenants initially, one of whom moved out. He acknowledged delays in addressing the property's compliance due to personal circumstances and emphasized that he was bringing the matter to the Board for resolution.

Trustee McKnight suggested that the Board establish a clear understanding of the property's current and historical zoning to reconcile its use. He stressed the importance of adhering to zoning regulations and expressed concern about the long-standing inconsistencies, questioning whether such patterns should be allowed to continue. Mr. Singer clarified his intention to address the issues and proposed plans to align the property's use with zoning regulations.

Mayor Newhard noted that the purpose of the discussion was to address and resolve the zoning inconsistencies at the Galloway Heights corner property. He highlighted that the property, which is primarily zoned residential, had unclear zoning history regarding an overlay, had been used commercially, and included three apartments.

Mr. Singer stated that he had a Certificate of Occupancy (CO) from when Regal Homes operated their office in the building. He emphasized that he was not trying to perpetuate the current inconsistencies but was committed to resolving the issue. He expressed a desire to construct a high-quality, aesthetically consistent building that aligns with the character of the

area, noting that he avoids using vinyl and other materials that do not match historical accuracy.

Trustee McKnight acknowledged the quality of Mr. Singer's work as commendable but noted that the issue at hand extended beyond the quality of construction.

Mr. Singer emphasized that his intention is not to maintain the buildings in their current state, which have been used for commercial purposes in a residential zone for decades. He expressed his willingness to work with the Board to align the properties with zoning regulations and to ensure that the proposed uses fit well within the neighborhood. He highlighted that he had declined a profitable offer from a large gas station to develop the property, prioritizing the community's character and harmony over financial gain. Mr. Singer reiterated his openness to discussing zoning classifications, including making adjustments to the proposed uses, such as transitioning a property to residential if that is deemed appropriate. His goal is to create properties that are compatible with the area and maintain good relationships with neighbors.

Mr. Singer stated that the comprehensive site plan with all five buildings would soon be available for review. Mayor Newhard expressed support for this approach, emphasizing that it would be beneficial. Trustee Cheney looked forward to seeing it.

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.

Vacation Carry Over – Cathy Schweizer

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to grant permission to Village of Warwick Employee, Cathy Schweizer, to carry over 3 ½ vacation days.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Payment #5 TAM Enterprises, Inc. – Pole Barn

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to approve payment #5 in the amount of \$67,583.29 to TAM Enterprises, Inc. for the Pole Barn DPW Project for work including the completion of the remaining portions of the structure’s metal framing, installation of the spray foam insulation, and the installation of the two (2) overhead doors, per the recommendation of Village Engineer, Keith Woodruff. Funds are appropriated in budget code A1640.2350.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Payment #3 Jorrey Excavating, Inc. – South Street Sidewalk ADA Improvement Phase 3

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to approve payment #3 in the amount of \$10,092.45 for the release of the 5% retainage to Jorrey Excavating, Inc. for the South Street Sidewalk ADA Improvements – Phase 3 project per the recommendation of Village Engineer, Keith Woodruff. Funds are appropriated in budget code A5110.4400. The contracted project work, including demobilization, was completed by the contractor on September 9, 2024.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee McKnight inquired whether the current payment represented the final payment held in escrow, which was confirmed.

Payment #2 TAM Enterprises, Inc. – Well #3

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to approve payment #2 in the amount of \$21,674.25 to TAM Enterprises, Inc. for the Well #3 Water Treatment Project per the recommendation of project Engineer, Pitingaro & Doetsch. As of October 30, 2024, the project is 70% through submittals. Funds are appropriated in budget code F8330.2350.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee McKnight asked for clarification on what it means that the project is "70% through submittals."

Trustee Cheney clarified that the statement refers to the submittal component of the project, meaning 70% of the required submittals have been itemized and submitted, and payment is being made based on that progress. He added that the project itself is not 70% complete and still has a significant amount of work remaining

Bid Award, Maple Avenue Water Booster Station Project – TAM Enterprises, Inc.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura, and carried to accept the bid from TAM Enterprises in the amount of \$1,060,000.00 for the General Construction Contract for the Relocation of the Maple Avenue Water Booster Station Project, and authorize the Mayor to sign any necessary documents regarding the same, as per the recommendation of Village Engineer, Barton & Loguidice. Funds are appropriated in budget code F.8320.4400.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Bid Award, Maple Avenue Water Booster Station Project – Fanshawe, Inc.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura, and carried to accept the bid from Fanshawe, Inc. (dba Rockland Electric) in the amount of \$66,000.00 for the Electrical Construction Contract for the Relocation of the Maple Avenue Water Booster Station Project, and

authorize the Mayor to sign any necessary documents regarding the same, as per the recommendation of Village Engineer, Barton & Loguidice. Funds are appropriated in budget code F.8320.4400.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**RESOLUTION ADOPTING VILLAGE OF WARWICK LOCAL LAW NO. 7 OF
2024 TO REVISE THE VILLAGE CODE'S PROVISIONS REGARDING A REAL
PROPERTY TAX EXEMPTION FOR VOLUNTEER FIRE FIGHTERS
AND AMBULANCE WORKERS**

WHEREAS, the Village Board of the Village of Warwick has before it a proposed local law entitled: "A local law amending the Village Code of the Village of Warwick by repealing Article IIA entitled 'Exemption for Volunteer Fire Fighters and Ambulance Workers' of Chapter 124 entitled 'Taxation' and re-enacting the same in compliance with New York State Real Property Tax Law §466-A"; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby adopts the said local law; and
2. That the local law shall be effective upon filing in the office of the Secretary of State in Albany as required by applicable law.

Trustee Collura presented the foregoing resolution which was seconded by Trustee Cheney,

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

Barry Cheney, Trustee, voting Aye
Carly Foster, Trustee, voting Absent
Thomas McKnight, Trustee, voting Aye
Mary Collura, Trustee, voting Aye
Michael Newhard, Mayor, voting Aye

Chamber of Commerce - Home for the Holidays, Santa

A **MOTION** was made by Trustee Collura, seconded by Trustee McKnight, and carried to grant permission to the Warwick Valley Chamber of Commerce to have Santa visit the sleigh on Railroad Green on Saturday, December 14, 2024, between the hours of 12:00 p.m. and 2:00 p.m. The Village of Warwick DPW to install the sleigh on Railroad Green. Completed park permit, security deposit and proof of insurance have been received. The Home for the Holidays event was previously approved on October 7, 2024.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Recuse
Trustee McKnight Aye Mayor Newhard Aye

Amusement and Exhibition License – 25 Elm Street, Fun N Games Arcade

A **MOTION** was made by Trustee Collura, seconded by Trustee Cheney to grant an annual Amusement and Exhibition License to Fun N Games Arcade located at 25 Elm Street, Warwick, NY 10990, in accordance with Village Code Chapter 34, including permission to operate on Sundays and the allowance of persons under 18 years of age to play the arcade amusement devices.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___
Trustee McKnight ___ Mayor Newhard ___

Discussion

Village Attorney Stephen Gaba explained that the current Village code contains specific

provisions in the amusement section that are distinct from the zoning section. These provisions include restrictions such as prohibiting operation on Sundays and disallowing individuals under 18 from playing arcade games. Mr. Gaba noted that while the Board can impose additional conditions on an amusement license, the code does not permit waiving existing restrictions. Therefore, Mr. Gaba advised the Board that granting the permit would require a rewrite of the code to modify or remove these provisions.

Mayor Newhard asked Mr. Gaba if he would assist in rewriting the local law. Mr. Gaba confirmed that he would and noted that adding the necessary provisions would be straightforward.

Trustee Cheney suggested that it might be easier to repeal the existing law entirely and then create a new law that is more appropriate to the current needs.

Mr. Gaba explained that the Board has the option to either remove the problematic provisions while maintaining the licensing structure in the code or to repeal the entire Chapter 34. He noted that repealing the chapter would leave the Village without any related regulations in the interim.

Mr. Gaba clarified that the existing regulations extend beyond arcades and are intended to encompass broader uses, such as temporary events like a circus coming to town. He questioned whether these uses are already subject to site plan approval.

Trustee Cheney noted that the use in question is within a pre-approved building that has multiple commercial tenants.

Mr. Gaba emphasized that the space would need to comply with its permitted uses. The Board decided to amend the motions to remove the included permissions and work with Mr. Gaba to rewrite Chapter 34.

Amusement and Exhibition License – 25 Elm Street, Fun N Games Arcade AMENDED

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura, to grant an annual Amusement and Exhibition License to Fun N Games Arcade located at 25 Elm Street, Warwick, NY 10990, in accordance with Village Code Chapter 34.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Mayor Newhard addressed the audience, including those involved in the project, stating that the Village would work on amending the local law to accommodate their plans.

Leonard Connors, the applicant, expressed his appreciation for the effort, noting that it provides youth with an activity beyond spending time on their phones.

Mayor Newhard acknowledged the importance of the initiative, noting that in a small village laws can become outdated. He expressed gratitude for the applicant's patience and assured that efforts would be made to expedite the process.

There was discussion about the timeline for changing the code. Mayor Newhard explained that at the next meeting, a public hearing would likely be scheduled, followed by a required time allowance, indicating the process could be completed by January.

**RESOLUTION APPROVING A STREETLIGHT POLE ATTACHMENT
AGREEMENT FOR THE VILLAGE OF WARWICK'S PURCHASE OF STREETLIGHT
HEADS**

WHEREAS, the Village of Warwick has undertaken to purchase the streetlight heads in the Village; and

WHEREAS, as part of the streetlight head purchase project, the Village Board has before it a proposed contract with Archtop Fiber, LLC, for maintaining the streetlight heads on the streetlight poles in the Village; and

WHEREAS, the Village Board finds the contract acceptable and wishes to enter into it;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the streetlight head purchase project, including the streetlight head attachment contract, constitutes a Type II Action under SEQRA: and

2. That the Village Board hereby approves the said contract, a copy of which is annexed hereto; and

3. That the Mayor is authorized to execute the said contract and all documents necessary for carrying out the terms and provisions thereof.

Trustee Cheney presented the foregoing resolution which was seconded by Trustee Collura,

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

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Absent

Thomas McKnight, Trustee, voting Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Discussion

Mayor Newhard expressed his gratitude to Trustee Cheney, acknowledging his diligence and efforts. He remarked on Trustee Barry's perseverance and described his work as essential and appreciated.

Trustee Cheney expressed gratitude to the Village Attorney for the quick response, enabling the streetlight project to be included on the agenda. He explained that this step was critical for finalizing the purchase of the streetlights from Orange and Rockland Utilities. Trustee Cheney highlighted the significant progress, noting that a grant secured through Senator Skoufis would cover nearly half of the \$203,000 purchase cost. He confirmed that there were no issues with the grant and that proceeding would not jeopardize funding. He also shared that the project manager and contractor were prepared to move forward, with an installation schedule expected within the next few weeks.

Trustee McKnight expressed appreciation to Trustee Cheney for his work on the project.

Mayor Newhard highlighted the fortunate timing of securing funds to cover half the cost, describing it as the most remarkable aspect of the project.

Trustee Cheney noted that the delay in the project ultimately worked in their favor, as it allowed them to become eligible for the funding.

Public Comment – *Non-Agenda Items*

No comments

Final Comments from the Board

Trustee Collura -

Trustee Collura mentioned that the Village newsletter would be released soon, acknowledging a slight delay due to the holiday and recent updates. She highlighted that the newsletter would feature a comprehensive list of all the awards and grants received to date.

Mayor Newhard remarked that the list of awards and grants was quite impressive.

Trustee Collura noted that the newsletter's delay was partially due to the continuous additions of awards and grants to the list. She mentioned the need to update the calculations and encouraged residents to look for the newsletter in their mailboxes the following week.

Trustee McKnight -

Trustee McKnight shared positive news that the Village received confirmation from NYSERDA for \$197,500 in grants. Of this amount, \$187,500 will support the DPW solar project, enabling the installation of a 100-kilowatt solar panel system on the DPW garage. This system is expected to offset approximately 17% of the Village's annual electricity consumption. The bidding process for this project is currently underway, with the deadline for responses set for December 15. Following this, the Board will meet to select a winning bidder.

Additionally, Trustee McKnight explained the grant's reimbursement structure, noting that 25% of the funds will be reimbursed after the planning phase and the remaining 75% upon completion. A separate \$37,500 grant will be directly deposited to the Village, and two smaller \$5,000 grants—totaling \$10,000—will fund tree planting projects.

Trustee Collura stated that she would do her best to include the newly announced funding in the list of grants featured in the upcoming newsletter.

Trustee McKnight explained that while the Village would not receive all the grant funding until the solar project is completed, the goal is to offset the entire project cost through grants.

Trustee Cheney –

Trustee Cheney provided an update on the water situation, noting that recent rain events have helped stabilize the reservoirs, but water levels remain low. He urged residents to continue conserving water by avoiding unnecessary use, such as watering landscaping, ensuring

dishwashers and laundry machines are run with full loads, and checking for leaks. He emphasized that addressing leaks not only benefits the Village but also saves residents money on their water bills.

Adjournment

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura, and carried to exit Executive Session, resume the regular Village Board meeting and adjourn at approximately 8:40 p.m.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Jennifer Mante, Deputy Village Clerk