

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
NOVEMBER 6, 2023**

9841

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, November 6, 2023, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Carly Foster, Mary Collura, and Thomas McKnight. Also present was Deputy Village Clerk, Jennifer Mante and Village Attorney Steven Gaba. Others present: Melody Brown, Thomas Scot, Keith Murphy, Marge Murphy, Gail Hoffer-Loibl, Patrick Corcoran, Hazel Corcoran, Scot Brown, Bo Kennedy, Donna Douglas, and John Fazio.

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

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$515,881.56.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

- 1. Public Hearing on the application of Patrick Corcoran for a special use permit to establish a three-family dwelling with a total of six bedrooms at 43 Wheeler Avenue in the Village of Warwick (Tax Map Section 207, Block 5, Lot 1).**

The Deputy Village Clerk read the public hearing notice.

**Village of Warwick
Village Board
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Village Board of the Village of Warwick at Village Hall, 77 Main Street, Warwick, New York 10990 on the 6th day of November 2023 at 7:30 p.m. or as soon thereafter as the matter can be heard that day on the application of Patrick Corcoran for a special use permit to establish a three-family dwelling with a total of six bedrooms at 43 Wheeler Avenue in the Village of Warwick (Tax Map Section 207, Block 5, Lot 1)

The Village Board will at the above date, time, and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications addressed to the Village Board must be received by the Village Board at or prior to the public hearing.

BY ORDER OF THE VILLAGE BOARD
VILLAGE OF WARWICK
RAINA ABRAMSON
VILLAGE CLERK

Dated: October 13, 2023

Comments

Keith Murphy of 41 Wheeler Avenue read a letter in support of the project. The petition was signed by every resident on the block except those who were not home at the time. Mr. Murphy suggested approving the residential proposal and for the Board to consider a temporary moratorium on new commercial building requests in the area.

Patrick Corcoran, the applicant, summarized the journey to get to this point and believed he had everything the Board needed and hoped to get a resolution at tonight's meeting.

Village Attorney, Stephen Gaba, explained to Mr. Corcoran the process that must be followed as per the Village code and suggested to Mr. Corcoran to describe the project to the Board.

Mr. Corcoran described the project in detail.

The Village Board posed several questions to Mr. Corcoran regarding setbacks, with parking being the main concern.

A discussion ensued regarding the application process.

Mr. Corcoran asked if there would be a vote at tonight's meeting.

Mayor Newhard replied that there would most likely not be a vote as the Board needed to wait for the findings.

Mr. Gaba read the criteria that the Board needed to consider as per the Village Code; 145.120 and 145.127.

Mr. Corcoran and Hazel Corcoran questioned the review process and why the Village Board hadn't already reviewed the project.

Trustee McKnight said the Board comes prepared and explained that the Board needed to have the discussion with counsel present. It was suggested that the Board could go into executive session with counsel and go through the criteria.

Mr. Gaba did not recommend writing a resolution on the fly and expressed that the usual protocol was for the Board to go over the criteria and let known it's decisions, in which Mr. Gaba would use that dialog to create a resolution to be voted on during the following meeting.

Trustee Cheney felt there was a lot of work that went into each of the instances and did not believe it was a fifteen-minute exercise.

Mayor Newhard suggested moving on to others who wished to speak on the topic and to revisit this discussion at the end.

Melody Brown, who lives across the street from the proposed project site, stated that she was for the project. She expressed concern over the corner located on Wheeler Avenue and how she felt it was dangerous. She added that allowing parking on both sides of Wheeler created a situation where only one car can go at a time. She suggested speed bumps at the corner or possibly a stop sign. Ms. Brown concluded that the Board should look at Wheeler Avenue as a real problem.

Bo Kennedy stated he was in favor of the project, citing the need for middle housing in the Village. He suggested keeping the units at three and not to shrink them to two.

Patrick Corcoran reiterated his thoughts over the process and believed it could be streamlined. He stated that he didn't realize that a decision would not be made by the Board tonight and didn't understand why the public hearing was scheduled if the Board was not ready for it.

The Board explained to Mr. Corcoran that as elected officials they cannot discuss items outside of public meetings, that they must be discussed in the public sphere, and decisions would be based on the findings from the public hearing.

Mr. and Mrs. Corcoran reiterated that they thought final decisions by the Village Board would be made at tonight's meeting.

Mr. Gaba explained that the Board might have questions that would need answering and how it may be at this meeting or at the next meeting.

Parking was again brought up by the Board as a concern, and a discussion ensued.

Melody Brown raised concern whether a new building on the corner would impede site lines for cars traversing the road, a discussion regarding setbacks occurred.

Trustee Foster suggested to add some kind of outdoor space for the residents.

Trustee Collura brought up a portion of the Village Code where it states that multifamily homes should look like a single-family home. Steven Gaba pointed out how they looked like three individual single-family homes, but the Board could find that unacceptable. It was stated that the aesthetics had been approved by the Architectural Review Board.

Trustee Collura questioned the black windows, as the ARB typically does not approve of such. Mayor Newhard replied that this was a new build and not located in the historic district.

Trustee McKnight commented that the project made sense given the need for more middle housing and thought the Board was in the position to go through the findings and had no further questions for the applicant.

Trustee Collura questioned if it was inappropriate to inquire about rental prices.

Mr. Corcoran replied that it would be whatever the middle ground housing market was at the time, but added that empty lots cost money, and the time it takes to build would be considered a factor as well.

Parking concerns were brought up once again by the Board, and a discussion ensued.

Mr. Gaba suggested the Board impose a condition for a special permit approval with terms allowing no more than two vehicles per owner to be included in the lease agreements.

Mayor Newhard thought it was a good compromise.

Trustee Cheney believed it to be unenforceable, and a discussion ensued.

Trustee Foster asked Mr. Gaba about the construction of this resolution.

Mr. Gaba explained the two ways it could be done, first is that if the Board was unanimous in its approval and there were no conditions, then it could be looked over and voted for approval at tonight's meeting. The second way would be if the Board disagrees or needs to flesh things out, then the considerations would be gone over, taking in everyone's sentiment, and then Mr. Gaba would prepare a draft resolution based on that feedback to be presented at the next meeting where it would be voted on or amended.

Trustee Foster suggested for the Board members to state their perspective on each of those items.

Mr. Gaba said the public hearing must first be closed.

Trustee Cheney suggested to take care of the other public hearings on the agenda and come back to this one at the end in fairness to the others.

Trustee Foster asked if the Board would be able to vote on it tonight.

Mr. Gaba replied that they could but stressed the way special permits were dealt with was by a written resolution. It was suggested that the Board could vote tonight so the applicant knew where they stood, and then the resolution could be drafted and then voted on during the next meeting; a form of two approvals.

Mr. Corcoran said he would like to know where he stood at the end of the meeting.

An unknown speaker asked about the details of the process to move forward with a final resolution.

Mr. Gaba explained that the applicant must meet the criteria for a special use permit, or it would be denied. It was further explained that the Board didn't vote on each criteria, but rather discussed each criteria and a vote would occur at the end, but Mr. Gaba needed to know where the Board stood, which is why they needed to make their findings.

Public Hearing on the application of Patrick Corcoran for a special use permit to establish a three-family dwelling with a total of six bedrooms at 43 Wheeler Avenue

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to close the public hearing.

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

- 2. Public Hearing on the application of Warwick LLC for a special use permit to convert existing first-floor office space into three one-bedroom apartments and to add three additional one-bedroom apartments on the second floor in the building at 8 Forester Avenue in the Village of Warwick (Tax Map Section 207, Block 3, Lot 3).**

The Deputy Village Clerk read the public hearing notice.

**Village of Warwick
Village Board
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Village Board of the Village of Warwick at Village Hall, 77 Main Street, Warwick, New York 10990 on the 6th day of November 2023 at 7:30 p.m. or as soon thereafter as the matter can be heard that day on the application of Warwick LLC for a special use permit to convert existing first-floor office space into three one-bedroom apartments and to add three additional one-bedroom apartments on the second floor in the building at 8 Forester Avenue in the Village of Warwick (Tax Map Section 207, Block 3, Lot 3).

The Village Board will at the above date, time, and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications addressed to the Village Board must be received by the Village Board at or prior to the public hearing.

BY ORDER OF THE VILLAGE BOARD
VILLAGE OF WARWICK
RAINA ABRAMSON
VILLAGE CLERK

Dated: October 18, 2023

Comments

Bo Kennedy presented the site plan to the Board and explained the project in detail. It was explained how the Planning Board had suggested two bedrooms, which Mr. Kennedy

was not sold on yet, but there were alternative plans that included one two-bedroom apartments per floor. It was also explained how there was more than enough parking already available at the site.

Trustee Foster asked how the determination of the one-bedroom verses two-bedroom apartments would be made.

Mr. Kennedy explained he would be going back to the Planning Board for further discussion and to see what they prefer.

Square footage was discussed. The apartments would be smaller with market rent, which Mr. Kennedy believed would be more affordable than other apartments as well as brand new.

SEQR had not yet been completed which meant the Board could not act.

Mr. Kennedy understood the hearing would be kept open and once SEQR had been completed, he would come back to the Village Board.

There was discussion whether the public hearing should be closed or left open.

Mr. Gaba commented that the Board seemed to be in favor of the project and could start drafting a resolution and circulate it as soon as the SEQR was completed.

Trustee Cheney wanted to hear the public's thoughts on the project.

Thomas Scot inquired about elevation.

Mr. Kennedy showed Mr. Scot the site plans and went over the second-floor expansion.

Mayor Newhard asked about windows.

Mr. Kennedy explained where the new windows would be added and told the Board he would be going to back to the AHDRB to finalize the aesthetics.

No further comments were made.

Public Hearing on the application of Warwick LLC for a special use permit to convert existing first-floor office space into three one-bedroom apartments and to add three additional one-bedroom apartments on the second floor in the building at 8 Forester Avenue

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to leave the public hearing open until the Board gets the results of the Planning Board’s environmental review.

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

3. Public Hearing on a proposed Local Law entitled: “The Village of Warwick Temporary Moratorium on the Acceptance and Processing of Applications for Approval of Public Utility Facilities Involving Energy Storage Systems.”

The Deputy Village Clerk read the public hearing notice.

Notice of Public Hearing

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 6th day of November, 2023, at 7:30 o’clock p.m., at Village Hall, 77 Main Street, Warwick, New York, 10990 on a proposed Local Law entitled: ‘The Village of Warwick Temporary Moratorium on the Acceptance and Processing of Applications for Approval of Public Utility Facilities Involving Energy Storage Systems.’”

The purpose of this Local Law is to promote the public health, safety, and welfare by enacting a one (1) year moratorium on acceptance, processing and approval of applications for land use approvals for Public Utility Facilities Involving Energy Storage Systems in order to allow time for the Village Board to research, develop and enact local regulations sufficient to oversee the approval and safe operation of the same. A copy of the proposed local law has been posted on the Village’s website and is on file in the office of the Village Clerk and available for inspection by interested persons during Village Clerk’s business hours.

The Village Board will at the above date, time and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications

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

BY ORDER OF THE VILLAGE BOARD
VILLAGE OF WARWICK
RAINA ABRAMSON
VILLAGE CLERK

Dated: October 19, 2023

Comments

Tom Scot asked if anyone had investigated Halon systems, a system that would extract oxygen out of the air thus putting out fires and asked if the system was still available.

Mayor Newhard explained that a suppressant system did exist within the units but was unsure of the name of the system. It was further explained that the system had failed in the unit at the school district site but had worked in the unit on Church Street.

Mr. Scot stated his concerns as this issue not only affected the Village but all communities across the country and stated the benefits of the Halon system.

Mayor Newhard asked Mr. Scot if he could send information regarding the Halon system to the Board.

A discussion occurred regarding the suppression system and what had occurred during the fires.

Trustee Foster stated there was a meeting in October where Convergent had come as well as Orange & Rockland and a lot of questions were posed; their suppression systems were spoken on at length.

Mayor Newhard added that there was an ongoing conversation with O&R on the system's ability to support the Village's needs in the case of high demand, which was the reason the battery backups were developed.

Scot Brown echoed Mayor Newhard's concerns regarding O&R's ability to cover the Village's energy needs and commented that he felt the moratorium was a good idea in light of the unexpected results.

Trustee Foster believed it was determined that a replacement system would not be possible until late 2024.

Mr. Brown stated that he did hear their presentation and looked forward to hearing more about reducing risk.

Trustee Cheney clarified that this Local Law only dealt with public utility facilities and did not include residential or commercial battery systems that may be attached to solar or other alternative power systems. Trustee Cheney added the Board would still have the latitude as they were developing the regulations relative to public utilities to also look at those other types of uses.

No further comments were made.

Public Hearing on a proposed Local Law entitled: “The Village of Warwick Temporary Moratorium on the Acceptance and Processing of Applications for Approval of Public Utility Facilities Involving Energy Storage Systems.”

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried to close the public hearing.

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

Presentation

1. Veteran’s Memorial Park Master Plan.

The presentation did not take place and would occur at a future meeting.

Announcement

1. Village of Warwick General Election – Tuesday, March 19, 2024.

Correspondence

1. Email from Orange & Rockland Utilities, Inc. stating that an update will be provided to the Village of Warwick sometime in early December regarding their ability to support Warwick's need without battery storage systems.

Discussion

1. Intersection of Pond Hill and West Street.

Trustee McKnight received comments from residents about visibility issues on Pond Hill, particularly during school bus hours. The problem was caused by cars lining up at the stop sign near West Street, affecting visibility for those turning onto West Street. After consulting with Chief Rader, who sent a sergeant to assess the situation, they agreed that it posed a safety concern. The recommendation was to install no parking signs from the stop sign to a certain distance, with the exact placement to be determined by the Department of Public Works (DPW). The next step involved DPW measuring the area to determine the necessary distance and the number of signs needed. This was considered a crucial measure for addressing visibility and safety concerns in the area.

A discussion occurred amongst the Board and the Village Attorney, Stephen Gaba, with regards to the process needed to implement this local law and the steps that were taken for a similar scenario on Main Street.

Trustee Collura added that she would like to see the same process happen at all the bus stops.

While Mayor Newhard agreed with Trustee Collura, he stated that all the stops would have a different scenario and did not think it could be done generically and instead each stop would have to be individually looked at. Mayor Newhard asked if Trustee Collura had the same issue on her street.

Trustee Collura answered that the cars lined up only for a few minutes toward the business end of Orchard Street and as far as she was aware, there had been no complaints by the business owner. It was stated that since the construction on the sidewalk she did not notice anyone parking there.

Trustee Cheney suggested the Board reach out to the school district as to the locations of the bus stops and then that information could be evaluated by the Board and by the DPW Supervisor.

Trustee Collura thought that was a great idea and volunteered to take on that task but expressed concern that people may ignore the ‘no parking’ signs, thinking that they would only be there for a few minutes.

Trustee Cheney suggested making them ‘no stopping or standing’ signs.

Mayor Newhard stated that Chief Rader will be kept informed on what the Board is doing.

2. Community Choice Aggregation.

Mayor Newhard explained that on tonight’s agenda was a motion to move the concept forward with Community Choice Aggregation, but not to implement it.

Trustee McKnight explained there had been several presentations from a potential provider which helped the Board understand the concept of CCA and the benefits of a pooled purchasing power to help with people’s rates, and to also take advantage of renewable energy.

Trustee Cheney stated his concerns regarding the enrollment process, which had enrollment as the default, and residents who did not wish to participate in the program would have to opt out. Trustee Cheney did not feel the Board should be making those types of decisions for people and expressed it should be the opposite, with residents who would like to participate opting in.

Mr. Gaba stated that the local law would not create a commitment to participate in Community Choice Aggregation but was the first step in the process. Mr. Gaba went on to explain the process, which would include many discussions as well as a public hearing, with the additional option of rewriting anything within the draft document, including the enrollment process for residents.

Trustee Cheney had concerns about the right for residents to choose their power source, a discussion amongst the Board ensued.

The Board concluded that this was a good starting point and other communities who had already enrolled in Community Choice Aggregation would be looked to as examples.

Public Comment - Agenda Items Only

GUIDELINES FOR PUBLIC COMMENT

The public may speak only during the meeting's Public Comment period and at any other time a majority of the Board allows. Speakers must be recognized by the presiding officer, step to the front of the room/microphone, give their name, residency, and organization, if any. Speakers must limit their remarks to three minutes (this time limit may be changed to accommodate the number of speakers) and may not yield any remaining time they may have to another speaker. Board members may, with the permission of the mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information. The Village Board is not required to accept or respond to questions from the public at meetings but may request that inquiries be submitted in writing to be responded to at a later date. All remarks must be addressed to the Board as a body and not to individual Board members. Interested parties or their representatives may also address the Board by written communications.

No comments were made.

Acceptance of Proposal, Barton & Loguidice - Lead Service Lateral Inventory Program

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to accept the proposal for engineering services from Barton & Loguidice dated November 1, 2023, for a Lead Service Lateral Inventory Program and authorize the Mayor to sign the amendment to the Master Services Agreement with Barton & Loguidice at a not-to-exceed cost of \$50,000.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee Cheney explained that the grant received for \$575,770 as part of the bipartisan infrastructure law would allow the Village to indicate any lead service lines within the Village that serve individual homes. It was explained that since 1986 lead has been banned and anything constructed after would not contain lead. Trustee Cheney explained that based on work done throughout the Village, lead pipes had not been found, but there were lead goosenecks, and any galvanized lines were considered lead. It was Trustee Cheney's expectation that the government would continue to provide the necessary funds for the Village to replace service lines and explained that currently the Village only had responsibility up to the curb stop, and it was the homeowner's responsibility from there up to the house. The way the program was structured, the expectation was that the FEDs

would fund the entire length of the service line.

Trustee Foster highlighted a few things, such as that the grant appeared to require a 20% minority and women owned business and was interested how they would be meeting that requirement. The proposal, Trustee Foster explained, also included outreach and engagement to residents, who would be encouraged to take photos of their meters with the pipes. It was suggested to include this request in the Village's December Newsletter.

Temporary Revocable License Agreement with the Warwick Grove Homeowners Association

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to authorize the Mayor to enter into a Temporary Revocable License Agreement with the Warwick Grove Homeowners Association and their snow removal contractor, Wright Brothers Landscaping, to allow two pieces of motorized equipment to be parked inside the fenced area of the sewage pump station located off Mistucky Circle.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee Cheney explained this was the second year of this request with no issues last year. It was further explained that the license agreement was the same as last year's with only the dates changed.

Trustee Foster inquired if there was any liability associated with this agreement to the Village.

Mr. Gaba replied that this was gone over last year and with proper insurance there was no concern.

Resolution for the Unpaid Village of Warwick FY 2023-2024 Tax Collection

Whereas; according to Real Property Tax Law § 1436, on or before November 1, the tax collecting officer must deliver an account of the unpaid taxes to the Board of Trustees; and

Whereas; attached is an account describing each parcel of real property upon which taxes are unpaid, the person or persons in whose name the property is assessed, and the amount of unpaid tax totaling \$65,643.08 for the FY 2023-2024 Village of Warwick tax collection; and

Whereas; the Village Board of Trustees has compared the Village Clerk's account of the FY 2023-2024 unpaid taxes with the original FY 2023-2024 tax roll, and has determined that the account is accurate; and

Whereas; each member of the Village Board shall execute the attached certificate which recites that the account and the tax roll have been compared and found to be correct and that the total amount of taxes unpaid for FY 2023-2024 is \$65,643.08; and

Whereas; the signed certificate and account describing each parcel of real property upon which taxes are unpaid, the person or persons in whose name the property is assessed, and the amount of unpaid tax totaling \$65,643.08 for the FY 2023-2024 Village of Warwick tax collection will be returned to the Orange County Commissioner of Finance's Office prior to November 15th in the year in which the levy is made; and

Whereas; these facts must also be included in the official minutes of the Village of Warwick; and

Whereas; within 15 days of the tax collecting officer delivering an account of the unpaid taxes to the Board of Trustees, the Board must file the tax roll and warrant in the office of the Village Clerk. A copy of the tax roll must be permanently retained as a public record.

Now, therefore, be it resolved that the facts set forth in the foregoing paragraphs are hereby included in the official minutes of the Village of Warwick and that the Village Board shall undertake the actions described therein.

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

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

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Landscape Master Plan for Veteran’s Memorial Park Cost Increase

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura, and carried to increase the total cost for landscape architectural services from Karen Arent for the preparation of a Landscape Master Plan for Veteran’s Memorial Park to \$15,617.50. The increased project cost of \$15,000 was previously approved on June 20, 2023.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee Cheney asked if this was the final increase.

Mayor Newhard replied that it was and that anything beyond would require a new contract.

Veterans Memorial Park Master Plan Adoption - WITHDRAWN

MOTION to adopt the Veterans Memorial Park Master Plan prepared by Landscape Architect, Karen Arent, dated October 11, 2023.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___

Trustee McKnight ___ Mayor Newhard ___

Facility Use Request - Veterans Memorial Park Pavilion, Woodland Hollow Learning Center

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura, and carried to grant permission to the Woodland Hollow Learning Center to use the Veterans Memorial Park Pavilion for a Family Picnic on Friday, June 7, 2024, from 4:00 p.m. to 7:00 p.m. Request includes use of restrooms and barricades to close the road leading up to the picnic pavilion. Parking for the event will take place in the McFarland parking lot and in the parking lot next to the Over 35 baseball field. Completed park permit and proof of insurance have been received.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee Cheney brought up concerns about parking, with the time of year requested being a busy time for sporting events.

A discussion ensued regarding parking. The Board concluded that the applicant and leagues would be given a heads-up on the increased volume of cars for that day/time so that participants could plan accordingly.

Agreement for Repayment of Water & Sewer Charges – 15 Ridgefield Road

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried to authorize the Mayor to enter into an Agreement for Repayment of Water and Sewer Charges with the property owner at 15 Ridgefield Road, Warwick NY in the amount of \$1482.22 to be paid in 4 quarterly installments of \$370.56 and authorize the Mayor to sign the same.

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

Community Choice Aggregate Program – Draft Preparation

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried to direct the Village Attorney to prepare a draft local law authorizing the Village Board to enter into a Community Choice Aggregate program for the purchase of energy on a Village-wide basis.

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

Budget Modification

A **MOTION** was made by Trustee Collura, seconded by Trustee Cheney, and carried to approve the budget modification request as per the Village Treasurer's memo dated November 1, 2023.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee McKnight received clarification that the modification was a transfer.

2024 DOT and NON-DOT Drug and Alcohol Testing Agreements – Partners in Safety

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura, and carried to authorize the Mayor to execute the 2024 DOT and NON-DOT Drug and Alcohol Testing Agreements with Partners in Safety and to authorize payment in the amount of \$848.00 for the 2024 DOT & NON-DOT Consortium Fees for the Drug and Alcohol Program at a rate of \$53.00 per employee. Funds are appropriated in budget code A 4010-4910 in the 2023-24 budget.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Wave the Reading of - Resolution Amending Schedule Of Fees To Change Building And Planning Fees

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried to wave the reading of the resolution amending the Schedule of Fees.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

RESOLUTION AMENDING SCHEDULE OF FEES TO CHANGE BUILDING AND PLANNING FEES

WHEREAS, Village of Warwick Code §64-1 provides that a comprehensive schedule of fees, including Building Department and Planning Board fees, be approved by the Village Board; and

WHEREAS, in order to amend the Village's Schedule of Fees to change the Building Department Fees and Planning Board fees it is necessary for the Village Board to adopt a resolution:

NOW, THEREFORE, BE IT RESOLVED that the Village's Schedule of Fees is hereby amended as follows:

In the Schedule of Fees, under heading "Planning Board Application Fees" the following fee shall be deleted:

| Category | Sub-Category | Type of Fee | Amount | Notes | Code Section |
|---------------------------------|--------------|--|----------------------------|------------------------|--------------|
| Planning Board Application Fee | | Site Plan Fee | \$350.00 | | |
| Planning Board Application Fee | | Major site plan | \$450.00 | 2 lots or more | |
| Planning Board Application Fees | | Additional dwelling units, Residential cluster development | \$50,000 per dwelling unit | As allowed by § 145-29 | |

; and

In the Schedule of Fees, under heading “Planning Board” the following fee shall be added:

| Category | Sub-Category | Type of Fee | Amount | Notes | Code Section |
|----------------|---|--|----------------------------|------------------------|--------------|
| Planning Board | Cluster Development Bonus Density Units | Additional dwelling units, Residential cluster development | \$50,000 per dwelling unit | As allowed by § 145-29 | § 145-29 |

; and

In the Schedule of Fees, under heading “Planning Board Application Fees” the following fee shall be added:

| Category | Sub-Category | Type of Fee | Amount | Notes | Code |
|--------------------------------|--------------|-------------------------------|----------|--|----------|
| Planning Board Application Fee | Site Plan | Preliminary Site Plan Review | \$350.00 | | § 145-92 |
| Planning Board Application Fee | Site Plan | Supplementary Final Site Plan | \$150.00 | Supplementary Fee in combination with initial Preliminary Site Plan Review Fee will satisfy the Final Site Plan Fee. | § 145-92 |
| Planning Board | Site Plan | Final Site Plan | \$500.00 | | § 145-92 |

| | | | | | |
|--------------------------------|----------------------------------|---|------------|---|----------|
| Application Fee | | | | | |
| Planning Board Application Fee | Site Plan | Amendment to Approved Site Plan | \$350.00 | | § 145-92 |
| Planning Board Application Fee | Escrow | Base escrow fee for Preliminary Site Plan Review, Final Site Plan Review, Amendment to Site Plan. | \$2,000.00 | Base escrow for Preliminary Site Plan Review will be applied toward Final Site Plan escrow. | § 64-3 |
| Planning Board Application Fee | Site Plan Waiver / Change of Use | Change of Use Site Plan Waiver | \$150.00 | | § 145-99 |

; and

In the Schedule of Fees, under heading “Building Department” the following fee shall be added:

| Category | Sub-Category | Type of Fee | Amount | Notes | Code |
|---------------------|--------------|--|---------|--|----------|
| Building Department | Signs | New Sign Application | \$50.00 | Exemption - Sign applications before the Planning Board for site plan application. | § 145-81 |
| Building Department | Signs | Sign Alteration/Relocation Application | \$50.00 | | § 145-81 |

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

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

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Discussion

Trustee McKnight explained that the Cluster Development Bonus Density Unit fee in the amount of \$50,000 per dwelling unit was not a new added fee but was previously miscategorized as an application fee. It was now properly categorized as a Planning Board fee to avoid confusion. Trustee McKnight went on to explain the addition of a formalized escrow for the Planning Board, which funds are drawn from and must be replenished at a certain point, with any leftover amount at the end of the application process being given back to the applicant. Trustee McKnight stated how the application fees contained better clarity and are more clearly itemized.

Mayor Newhard mentioned the Village Clerk, Raina Abramson, had a lot to do with the reorganization.

Trustee Cheney questioned whether the same level of review was required for a new sign verses an alteration of a sign, as the fee was the same for both. Trustee Cheney thought the amount of review time of a new sign would be more than an alteration to a sign.

Mayor Newhard replied that the amount of time was almost the same, as both were really starting from scratch.

A discussion ensued amongst the Board and the Village Attorney with Mr. Gaba informing the Board that a \$50.00 fee was justifiable.

Trustee Foster was less concerned over the amount but rather with consistency and stated that any adjustments to fees should be based on the actual cost to the Village, rather than based on what other municipalities charge.

Trustee McKnight felt the changes were an improvement, highlighting how the final site plan process now encouraged applicants from going back multiple times and incurring more fees and how the sections in the code were a much clearer guidebook that will help people through the process.

RESOLUTION ENACTING A LOCAL LAW
IMPOSING A ONE-YEAR MORATORIUM ON LAND USE APPROVALS
FOR PUBLIC UTILITY FACILITIES INVOLVING
ENERGY STORAGE SYSTEMS

WHEREAS, heretofore the Village Board has considered the adoption of a local law entitled: "The Village of Warwick Temporary Moratorium on the Acceptance and Processing of Applications for Approval of Public Utility Facilities Involving Energy Storage Systems"; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board determines that the adoption of this local law is a Type II Action under SEQRA; and
2. That the Village Board hereby adopts the local law; and
3. That the local law shall be effective immediately and shall be filed in the office of the Secretary of State in Albany as required by applicable law.

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

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

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Devon Fox, Office Intern

A **MOTION** was made by Trustee Collura, seconded by Trustee Foster, and carried to hire Devon Fox for the position of Village of Warwick Office Intern at a pay rate of \$16.50 per hour at 32.5 hours per week for the period of December 28, 2023, to January 17, 2024.

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

Public Comment – *Non-Agenda Items*

No comments were made.

Executive Session

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura, and carried to enter into Executive Session to seek the confidential advice of counsel.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee McKnight stated that the Board would be back to talk about the findings.

In Executive Session

Michael Newhard, Mayor, and Trustees Barry Cheney, Carly Foster, Mary Collura, and Tom McKnight. Also present, Village Attorney Stephen Gaba.

Exit Executive Session and Resume the Regular Meeting

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney, and carried to exit Executive Session and resume the regular meeting.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Mr. Gaba listed the Special Use Permit requirements discussed by the Board.

A discussion ensued amongst the Board relating to the earlier public comment regarding safety concerns at the bend on Wheeler Avenue. It was decided that the Board would investigate whether street parking was currently allowed on either side of the road near the curve and brought up the possibility of prohibiting parking along that stretch if needed.

The Board discussed the need for middle housing which was largely missing in the Village.

Traffic impacts were discussed; the Board did not have any major concerns.

The third criteria, which included the location, building height, nature and landscaping of the site were discussed. The Board concluded that the area was already built up and caused no major impact to the surrounding properties.

Mr. Gaba read part of the Village Code regarding special and conditional permits and elaborated on certain points.

A discussion ensued amongst the Board, the Village Attorney, and the applicant concerning the lack of outdoor space. The Board concluded that they would like to see

an outdoor space added, but as per Mr. Gaba's guidance, it could not be part of the conditions but could be given as a recommendation to the applicant.

Parking was discussed. The Board decided to limit the parking to two cars per unit. Mr. Gaba recommended listing the condition on the site plan as a note since the Village would not be overseeing the leases. If it was to be found that limited parking was not listed on the lease, it would then be considered a site plan violation. Mr. Gaba added that it would be difficult to enforce.

Trustee Cheney did not want to see the units become short-term rentals due to the already limited availability of middle housing. Mr. Corcoran did not have an issue with the condition but brought up concerns how it could affect resale value if down the road he decided to sell. A discussion amongst the Board, Village Attorney, and Mr. Corcoran ensued regarding short-term rentals and whether the condition should also be placed on the site plan as a note. Mr. Gaba stated that the Board could make this a recommendation but not a condition; Mr. Corcoran was willing to accept the recommendation.

Trustee Cheney expressed his appreciation to Mr. Corcoran for respecting the bluestone sidewalks and stated how the Board lacked authority to prevent owners from removing them. Trustee Cheney wanted to see the preservation of the bluestone sidewalks as a note on the site plan.

Mr. Gaba moved on to the next criteria, which regarded lot size for multi-residents, which was met. Also discussed, how multiple residences should be constructed to resemble a single-family dwelling as per the Village Code.

The Board discussed the single-family dwelling criteria at length. The Board considered separating the front doors, each to different side of the house, to more resemble a single-family home, but concluded the current rendering resembling row houses met the criteria.

A discussion ensued amongst the Board and Mr. Gaba whether to vote on the resolution for 43 Wheeler on the spot or to wait until the next meeting. Mr. Gaba expressed his concerns about the Board voting on something that was not written down and stressed his preference for the Board to wait until he had time to properly prepare a resolution, as was typical protocol.

Mayor Newhard agreed with Mr. Gaba and preferred to follow the process correctly.

It was decided that the Board would wait until the following meeting to vote on a prepared resolution.

Preparation of a Resolution for a Special Use Permit – 43 Wheeler Ave

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to direct the Village Attorney to prepare a resolution granting special use permit for a three-family dwelling at 43 Wheeler Avenue based on the discussions by the Board this evening.

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

Final Comments from the Board

Trustee Collura recapped her Halloween experience stating she had over 1,500 trick-or-treaters visit her street. Trustee Collura thanked Track 7 for having a candy drive and all those who donated. Also thanked were the DPW, the Recreation Department, the Lions Club, and the local police department.

Trustee Collura stated that the Warwick Historical Society would be having their annual Veterans Day Eve Storytelling. This year would be hosted by Historical Society Trustee, Thomas Brennan, a retired Navy Officer, and Vietnam Veteran. A guest U.S. Army Lieutenant Colonel, John Miscavige, would also be in attendance. Trustee Collura stated how she had learned so much from Mr. Brennan about the Vietnam War and valued his perspective and experience. The event was set to occur on Friday, November 10th at 7:00 p.m. at the Buckbee Center and Trustee Collura encouraged everyone to attend.

Trustee Cheney added how Lieutenant Colonel Miscavige had spent a considerable amount of time in the Middle East and had taught Middle Eastern History at West Point.

Trustee Collura promoted the Veterans Day Parade, which would be on Saturday, November 11th with kickoff at 11:11 a.m.

Mayor Newhard added that the lineup would be on High Street at 10:30 a.m. The parade route was then discussed.

Trustee Collura announced the Warwick Valley Gardener's Lighting of the Green would take place on Saturday, November 18th at 6:00 p.m. on Railroad Green.

Trustee Foster stated several announcements involving the Chamber of Commerce, such as the annual Member Gala at the Red Tail Lodge on November 16th, and how additional information was available on the Chamber's website. November 17th was a local everything celebration where residents are encouraged to do their holiday shopping locally. A reusable tote bag would be available for purchase for \$15.00 at either BFree or Etched in Time. The tote would contain about \$300.00 in coupons from the area merchants which would be active for just that one day.

Trustee Collura added that the tote bags had a limited stock of 100 and along with Trustee Foster, encouraged residents to participate.

Trustee Foster went over the schedule for the Home for the Holidays event which would include the horse and buggy rides on November 19th, December 9th, 10th, 16th, and 17th.

Trustee Foster spoke about Winding Through Warwick, a self-guided holiday house tour, which would occur on December 2nd. Trustee Collura added that all proceeds from the event would benefit St. Anthonys Community Hospital and the Bon Secours Warwick Health Foundation.

The Chamber of Commerce will have a Holiday Mixer on December 5th at the Stagecoach Inn. Trustee Foster suggested checking out Hello, Warwick Valley, and the Chamber's website for additional information.

Trustee Cheney reminded residents about the fall leaf pickup, which began on November 1st and would end on December 12th. Trustee Cheney explained how leaves must be in paper bags and placed at the curb and not be raked or blown to the curb or into the street, which was not allowed. Trustee Cheney asked residents to keep a watchful eye for the catch basins along property lines as they could become blocked by leaves and potentially cause flooding if a major rain event occurred. It was explained how the DPW makes a point to clear any blocked catch basins but how it is not always possible to do everything needed prior to a rain event.

Trustee McKnight stated that the Village was currently undergoing a records retention reorganization. It was explained that the Village had received a grant to enlist records management specialists to search through the archives to identify documents that had surpassed their legally required retention date. Around 180 boxes had been tagged for shredding. Trustee McKnight thanked the Clerk and the Deputy Clerk for their work on the project and further explained how the goal was to move toward a digitized system to lessen the use of paper. The project started in the Clerk's and Treasurer's office and

would then go through the other departments, a process that would take several years.

Adjournment

A **MOTION** was by Trustee Foster, seconded by Trustee McKnight, and carried to adjourn the regular meeting at approximately 10:20 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

Deputy Clerk, Jennifer Mante