

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
OCTOBER 21, 2024
AGENDA**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY
TIME: 7:30 P.M.**

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

1. Introduction by Mayor Newhard.
2. Acceptance of Minutes: October 7, 2024 & October 15, 2024.

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

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

3. Acceptance of Reports – September 2024: Clerk’s Office, Tax Collection, Justice Department, Planning Department, & Department of Public Works.

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

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

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

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

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

5. Police Report.
6. **Public Hearing on a proposed Local Law No. 7 of the Year 2024 to amend the Village Code by enacting Chapter 115 entitled "Short-Term Rental Property."**

Announcement

1. Call to Artists – Mural Project for the New Visitors Center.
2. Please take notice that on-street parking within the Village of Warwick is prohibited between the hours of 2:00 a.m. and 6:00 a.m. from November 1st through April 1st.
3. The Village of Warwick was awarded a grant in the amount of \$734,500 through the Local Community Assistance Program (LoCAP) for the Patriots Path at Veterans Memorial Park.

Correspondence

1. Report from Village Engineer, Jason Pitingaro, on the application by Elite Strategies requesting outside sewer service for 10 Clinton Avenue Extension, Section 52, Block 1, Lots 9 & 10.2.
2. Report from Village Attorney, Stephen Gaba on the application by Elite Strategies requesting outside sewer service for 10 Clinton Avenue Extension, Section 52, Block 1, Lots 9 & 10.2.
3. Report from Village Attorney, Stephen Gaba on the petition for a zone change at 1 Galloway Heights Road and 4 Overlook Drive.

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.

Motions

Trustee Cheney's Motions

1. RESOLUTION ENACTING SHORT TERM RENTAL LOCAL LAW

WHEREAS, the Village Board has before it a proposed local law entitled: "A local law

to amend the Village Code by enacting Chapter 115 entitled 'Short Term Rental Property'; and

WHEREAS, following due notice the Village Board held a public hearing on the proposed local law and heard all persons interested in the subject matter thereof;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby adopts the above local law; and
2. That the said local law shall be published, posted and filed in the office of

the Secretary of State in Albany as required by applicable law.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

Carly Foster, Trustee, voting _____

Thomas McKnight, Trustee, voting _____

Mary Collura, Trustee, voting _____

Michael Newhard, Mayor, voting _____

2. Resolution Approving Outside User Agreement

WHEREAS, the Village Board of the Village of Warwick has received a request from the owner of 10 Clinton Avenue Extension (Tax Map Section 52, Block 1, Lots 9 & 10.2) to enter into an Outside User Agreement to provide municipal central water service to the said property; and

WHEREAS, the said property is located outside of the boundaries of the Village in the Town of Warwick; and

WHEREAS, a proposed Outside User Agreement has been prepared, a copy of which is attached hereto, and

WHEREAS, the Village Board has is willing to enter into the said Outside User Agreement based on the terms and conditions set forth therein;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby agrees to enter into the annexed Outside User Agreement, conditioned upon submission of engineering connection plans acceptable to the Village's engineering consultants, payment of the required the Sewer Service Application fee as well as all other applicable fees and compliance with the terms and conditions recited in the Outside User Agreement; and

2. That the property owner shall submit a TP-584 form and shall be responsible for payment of all fees necessary for recording of the Outside User Agreement in the Office of the County Clerk; and

3. That the Village Board hereby authorizes the Mayor to execute the Outside User Agreement and all documents necessary to effectuate the terms therein.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

Carly Foster, Trustee, voting _____

Thomas McKnight, Trustee, voting _____

Mary Collura, Trustee, voting _____

Michael Newhard, Mayor, voting _____

3. BOND RESOLUTION DATED OCTOBER 21, 2024
A RESOLUTION AUTHORIZING THE ISSUANCE OF \$575,770 BONDS
OF THE VILLAGE OF WARWICK, ORANGE COUNTY, NEW YORK, TO
PAY THE COST OF THE REPLACEMENT OF LEAD SERVICE LINES, IN
AND FOR SAID VILLAGE

WHEREAS, the Board of Trustees of the Village of Warwick hereby finds and determines that the presence of lead in drinking water poses serious health risks to residents of the Village; and

WHEREAS, the Board of Trustees further determines that, in order to protect the public health the Village should undertake a lead service line replacement program within the Village's established water system; and

WHEREAS, the Village is eligible for a zero-percent interest loan in the amount of \$575,770 from New York State Environmental Facilities Corporation ("EFC") Bipartisan Infrastructure Law Lead Service Line Replacement (BIL-LSLR) program for the aforesaid project; and

WHEREAS, the Village will be eligible for a grant from New York State in the amount of \$575,770 to buy out the EFC loan; and

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act (the "Act") to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE, BE IT

RESOLVED, by the Board of Trustees of the Village of Warwick, Orange County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of undertaking a lead service line replacement program including but not limited to inventory, design and replacement of lead service lines within the Village's established water system, and including incidental expenses in

connection therewith, there are hereby authorized to be issued \$575,770 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. The estimated maximum cost of the aforesaid class of objects or purposes is hereby determined to be \$575,770, and the plan for the financing thereof is by the issuance of \$575,770 bonds of said Village authorized to be issued pursuant to this bond resolution, provided, however, that the amount of bonds ultimately to be issued shall be reduced by any Federal or State grant moneys received and applied to pay part of the cost of the aforesaid class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 109 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. The Treasurer shall obtain the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for this purpose for each issuance of bond anticipation notes or renewals thereof, which may be evidenced as provided in Section 6 hereof. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Warwick, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

To the extent not paid from sewer rents or charges, or other available sources, there shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form. All obligations issued hereunder shall be signed in the name of the Village of Warwick, Orange County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk. The Mayor or a delegate of the Mayor may execute said obligations. Such execution by the Mayor or a delegate of the Mayor shall constitute conclusive evidence of the consents referred to in Sections 4, 7 and 8 hereof. If the Mayor is absent or unable to act, the Deputy Mayor may execute said obligations with the same effect as if executed by the Mayor. The Mayor, in lieu of execution of such obligations, may evidence consent to the issuance thereof by a separate writing dated as of the date of delivery thereof.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of said Village; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds, and provided further, however, that the Treasurer shall obtain the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for this purpose, when exercising the powers delegated to the Village Treasurer in this paragraph, which may be evidenced as provided in Section 6 hereof. The receipt of

the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer, with the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for these purposes which may be evidenced as provided in Section 6 hereof. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or

are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in summary in the Warwick Advertiser, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law and Article 9 of the Village Law.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

Carly Foster, Trustee, voting _____

Thomas McKnight, Trustee, voting _____

Mary Collura, Trustee, voting _____

Michael Newhard, Mayor, voting _____

Trustee Foster’s Motions

- 4. **MOTION** to add Erin Bernhardt to the recreation special event staff list at a rate of \$15.00 per hour for the 2024-25 Halloween Parade, Christmas Eve Service, and Easter Egg Hunt per the recommendation of Village of Warwick Recreation Director, Ron Introini.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___

Trustee McKnight ___ Mayor Newhard ___

Trustee McKnight’s Motions

- 5. **MOTION** to return the Village Board escrow balance of \$3,204.40 to Joseph Irace for the 15 Elm Street, Warwick Feed & Grain Petition for Zone Change that was granted in 2021. All invoices have been paid as per the Village Attorney & Engineer.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___

Trustee McKnight ___ Mayor Newhard ___

- 6. **MOTION** to return the Village Board escrow balance of \$3,206.72 to Jane Newman for the Pioneer Farm Outside Water & Sewer Agreements that were filed with the Orange County Clerk’s Office on January 18, 2022. All invoices have been paid as per the Village Attorney & Engineer.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___

Trustee McKnight ___ Mayor Newhard ___

- 7. **MOTION** to return the Village Board escrow balance of \$1,701.50 to Hathorn House, LLC for the 21 Hathorn Road Outside Water Agreement that was filed with the Orange

County Clerk's Office on January 6, 2020. All invoices have been paid as per the Village Attorney & Engineer.

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

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

8. **MOTION** to return the Village Board escrow balance of \$5,000 to St. Anthony Community Hospital for the 15 Maple Avenue Special Use Permit for the Radiology and Operating Room Additions that were approved by the Village Board on December 20, 2021. All invoices have been paid as per the Village Attorney & Engineer.

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

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

9. **MOTION** to return the Village Board escrow balance of \$181.33 to Patrick & Hazelyn Corcoran for the 43 Wheeler Avenue Special Use Permit that was approved by the Village Board on November 29, 2023. All invoices have been paid as per the Village Attorney & Engineer.

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

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

Reports

Trustee Cheney's Report: Liaison to Public Works Operations, Engineering and Infrastructure Projects, Veterans, Code Enforcement / Building Department, Emergency Services, Citizens Awareness Panel/Jones Chemical. Alternate liaison to Economic Development, Planning & Zoning / AHDRB / OC Planning, Transportation & Mobility.

Trustee Foster's Report: Liaison to Office of the Clerk, Parks & Recreation, Economic Development & Tourism, Warwick Valley Schools, Government Efficiency / Policy Development, Transportation & Mobility. Alternate liaison to Youth / WYDO / Warwick Valley Community Center / Warwick Valley Prevention Coalition, Engineering and Infrastructure Projects.

Trustee Collura's Report: Liaison to Office of the Treasurer, Youth / WYDO / Warwick Valley Community Center / Warwick Valley Prevention Coalition, Public Health, Historical Society, Public Interface and Outreach, Senior Citizens, Ethics. Alternate liaison to Parks & Recreation, Environmental, Veterans.

Trustee McKnight's Report: Liaison to Planning & Zoning / AHDRB / OC Planning, Environmental, Albert Wisner Library, Town of Warwick Police Department, Technology Oversight / Cybersecurity, Shade Tree Commission, Safety Committee. Alternate liaison to Public Works Operations, Code Enforcement / Building Department, Emergency Services, Government Efficiency / Policy Development.

Mayor Newhard's Report

Public Comment – *Non-Agenda Items*

Final Comments from the Board

Executive Session, if applicable

Adjournment

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mayor@villageofwarwick.org
clerk@villageofwarwick.org

VILLAGE OF WARWICK

INCORPORATED 1867

LEGAL NOTICE

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 21st day of October 2024, at 7:30 p.m., at Village Hall, 77 Main Street, Warwick, New York 10990, on a proposed Local Law No. 7 of the Year 2024 to amend the Village Code by enacting Chapter 115 entitled "Short-Term Rental Property"

The purpose of this Local Law is to promote the public health, safety and welfare by establishing a municipal registration and permit requirement for all short-term rental units within the boundaries of the Village of Warwick and by enacting regulations for the administration of and enforcement of the Village's permitting requirement.

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: September 26, 2024

**VILLAGE OF WARWICK
LOCAL LAW NO. 7 OF THE YEAR 2024**

A local law to amend the Village Code by enacting Chapter 115 entitled "Short-Term Rental Property"

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by establishing a municipal registration and permit requirement for all short-term rental units within the boundaries of the Village of Warwick and by enacting regulations for the administration of and enforcement of the Village's permitting requirement.

Section 2. Amendment of Code:

The Village Code of the Village of Warwick is hereby amended to enact Chapter 115 entitled "Short-Term Rental Property" which shall read as follows:

"Chapter 115 Short-Term Rental Property

§ 115-1 Purpose.

Short-term rentals of residential property are a potential source of income to property owners and can provide additional housing for visitors to the area, thereby promoting tourism and strengthening the local economy. However, if unregulated, short-term rentals may have detrimental impacts on nearby properties and the neighborhoods in which they are situated as a result of increased traffic, noise, trash, and similar impacts. Moreover, it is in the overall public interest to require that properties offered for public rental are safely maintained and adequately insured. Therefore, the Village Board of the Village of Warwick hereby establishes the registration and licensing requirements and regulations set forth in this Chapter for the purpose of regulating short-term rentals of residential property to ensure safe, responsible and harmonious operation of such uses.

§ 115-2 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Agent

Any person who has written authority from the owner of short-term rental property to enter, care for, and control a building in regard to short-term rentals and act on behalf of the owner in regard to short-term rentals of the building.

Bedroom

A one-person bedroom shall have a minimum of 70 square feet. A two-person bedroom shall have minimum of 100 square feet. A three-person bedroom shall have a minimum of 150 square feet. For bedrooms accommodating more than three-persons, there shall be an additional 50 square feet of space provided for each additional occupant. Bedrooms shall be not less than 7 feet in any plan dimension, and shall have a compliant exterior window as a second means of egress. All bedrooms shall have access to sanitary facilities providing a sink, toilet, potable running water and a shower/tub, and kitchen access. All bedrooms and living space shall adhere to the provisions of the Property Maintenance Code of New York State and the Village Code of the Village of Warwick then in effect.

Building Inspector

The Building Inspector of the Village of Warwick or such person as appointed by the Village Board to enforce Village Code Chapter 53 Unsafe Buildings, and this Chapter.

Daytime

Between the hours of six o'clock a.m. and twelve o'clock a.m. (i.e., "midnight").

Housing or Dwelling Unit

Any single residential living space which is capable of housing one separate household, whether a detached single-family structure or building or part of a multi-household structure or building but not including a hotel, motel or bed and breakfast establishment.

Immediate Family

The immediate family of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents or grandchildren.

Overnight

Between the hours of twelve o'clock a.m. (i.e., "midnight") and six o'clock a.m.

Owner

Any owner of a residence who offers housing in the residence to persons, other than immediate family, in exchange for a fee or compensation, whether monetary or otherwise.

Owner-Occupied

As used in this Chapter the term "owner-occupied" shall mean a residence in which the record owner or the owner's Registered Agent resides for not less than a total of six months in the calendar year.

Residence

Any single residential living space which is capable of housing one separate household, whether a detached single-family structure or building or part of a multi-household structure or building.

Registered Agent

An agent of the property owner who is able to respond and attend at the short-term rental property within at least thirty-minutes of being notified of the need to do so and is identified as the owner's Registered Agent in the short-term rental permit application.

Short-Term Rental Permit

A permit issued by the Village of Warwick stating that the referenced structure or unit conforms to the standards of chapter 49-11, Fire Safety and Property Maintenance Inspections, and other applicable sections of Village Code and that occupancy of that structure or unit is permitted for residential use. Any special circumstances or conditions under which occupancy is permitted may be specified on the permit.

Short-Term Rental Property

Any residence in which overnight accommodations are offered in exchange for a fee or compensation, whether monetary or otherwise, for a period of less than thirty (30) days, including, but not limited to, rentals provided by such companies as Air B&B and Vrbo. Month to month tenancies are not considered short-term rental properties.

Substandard

Any deficiency in a residence that does not meet the standards of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code and applicable sections of Village Code. Substandard conditions shall also include failure to maintain a single-station smoke-detecting alarm device and carbon-monoxide-detector device, or devices, in accordance with New York State standards.

§ 115-3 Regulation of Short-Term Rentals

(1.) Only single-family dwellings, duplexes, and mixed-uses with no more than two dwelling units may be used for short-term rentals. Units in a multiple dwelling may not be used for short-term rentals.

(2) Short-Term Rentals are allowed in all zones in the Village except in Continuing Care Retirement Community (CCRC) and Multiple Residence-Senior Citizen (MR-SC).

(3.) Only owner-occupied properties may be used for short-term rentals. Provided, however, that properties located in the Central Business Zone used for short-term rentals need not be owner-occupied if the Registered Agent is able to respond and attend at the short-term rental property within at least thirty-minutes of being notified of the need to do so.

(4.) For property used for short-term rentals, off-street parking requirements shall be the same as the requirements for the use in which the short-term rental is offered as provided in the Schedule of Uses and Parking Space Requirements in Village Code §145-70 "Off-Street Parking and Loading Requirements."

(5.) Commencing ninety (90) days after the effective date of this Chapter, any person offering short-term rentals within the Village of Warwick shall be required to first register and obtain a permit for short-term rental of the residence under this Chapter.

(6) Home Owner Association policies in developments within the Village shall supersede short-term rental provisions herein, provided that the Home Owner Association policies are more restrictive than the terms hereof.

§ 115-4 Registration of Property for Short-Term Rentals.

A short-term rental registration application, as established by the Building Inspector, shall be submitted to the Village Building Department by the owner of proposed short-term rental property stating that the owner is seeking a short-term rental permit and providing, at a minimum, the following information:

- (i) Name, mailing address, telephone number, and e-mail address, of the owner and of the Registered Agent;
- (ii) In the event that the owner is a corporate entity, such as a corporation, an LLC, a partnership or a DBA, provide the names mailing addresses, telephone numbers, and e-mail addresses of all owners, stock holders, members, or partners with an ownership interest in such corporate entity;

- (iii) In the event that the Registered Agent is a corporate entity, such as a corporation, an LLC, a partnership or a DBA, provide the names mailing addresses, telephone numbers, and e-mail addresses of all owners, stock holders, members or partners with an ownership interest in such corporate entity;
- (iv) The street address of the short-term rental property as well as the tax map section, block and lot;
- (v) The number of rental units in each building on the property;
- (vi) The number of conventional bedrooms in each building on the property.
- (vii) The proposed maximum overnight and daytime occupancy limits of each building on the property;
- (viii) The types and placement of any fire-protection systems located each building;
- (ix) The number and location of all exits;
- (x) A floor plan indicating the placement and size of each bedroom, exit and fire-protection system;
- (xi) A statement of the number of off-street parking spaces provided for the property and a parking plan showing the location of the parking spaces;
- (xii) A certificate of liability insurance for the property with policy limits in an amount of no less than \$1,000,000 with rental endorsement on policy;
- (xii) Copy of a Certificate of Occupancy for each building proposed to be used for short-term rental or a letter stating such dwelling was built prior to 1973;
- (xiv) Acknowledgment of review of and responsibility for compliance with the Code of the Village of Warwick;
- (xvi) A statement that the owner will include the municipal permit number assigned by the Village in all listings for short-term rental of the property; and
- (xvi) The completed Rental Registration Application must be notarized.

§ 115-5 Grant of Permits for Short-Term Rental Property.

(1.) Upon submittal of complete application for short-term rentals, the owner or Registered Agent shall contact the Building Inspector to schedule an inspection of the short-term rental property for the purpose of issuance of a short-term rental permit.

(2.) Upon payment of such inspection and permit fees as the Village Board shall prescribe in the Village's schedule of fee, the Building Inspector shall conduct an inspection of the short-term rental property to determine whether it is substandard and to verify that the residence and the maximum overnight and daytime occupancy limits proposed by the owner are acceptable under the New York State Uniform Fire Prevention and Building Code.

(3.) Upon completion of an inspection of the short-term rental property and ascertaining that the residence is not substandard, the Building Inspector shall issue a short-term rental permit.

(4.) Permits shall be on a form approved by the Building Inspector and shall, at a minimum:

- (i) State the address, section, block and lot of the short-term rental property;
- (ii) List the name of the owner and the Registered Agent;
- (iii) State the number of bedrooms and in the residence and identify any other approved sleeping quarters;
- (iv) List the maximum permitted overnight and daytime occupancy limits;
- (v) State the date of issuance and the date of expiration; and
- (vi) Assign a rental registration permit number to the short-term rental property.

§ 115-6 Duration and Terms of Short-Term Rental Permits.

(1.) All short-term rental permits shall expire one year after the date of issuance, unless sooner revoked.

(2.) The following shall be mandatory terms of every short-term rental permit:

- (i) No illegal conduct shall be carried on the short-term rental property by the landlord, Registered Agent, or short-term rental tenants, their guests or invitees;
- (ii) The short-term rental tenants and their guests or invitees shall not block or otherwise impede ingress or egress over the street on which the short-term rental property is located and/or to or from any driveways of other property on the said street;
- (iii) Trash, refuse and recycling, and the bins or containers therefore, shall not be left stored within the public view, except that covered bins or containers may be left curb side for the purpose of scheduled collection in compliance with Village Code §75-1;
- (iv) No exterior lighting of the residence shall be permitted from midnight to six o'clock a.m., except for such lighting of driveways or walkways as may be necessary for safe ingress and egress of persons entering or exiting the short-term rental property;
- (v) The short-term rental tenants and their guests or invitees shall not engage in any conduct which violates the Village's noise ordinance or which would otherwise constitute disorderly conduct or creation of a public nuisance;
- (vi) In the event that short-term rental tenants plan on using the residence as the site of a party or event involving more than ten (10) guests or invitees, the owner shall require that the tenants disclose such intent as a condition of the rental and shall require the tenants to undertake measures and limitations to prevent unreasonable disturbance of neighboring property owners, such as limiting the hours of outdoor music and assuring adequate parking for guests and any catering or delivery vehicles; and
- (vii) The owner shall prominently display at the short-term rental property the contact names and phone numbers for the Registered Agent if there is one, and if there is no Registered Agent then for the owner, along with a list of emergency services, information relating to garbage, recycling, available parking, winter parking, and noise limitations.

(3.) In the event that there is any change in the information provided by the owner or Registered Agent in the registration application, the owner shall advise the Village Building Department in writing of such change no later than five (5) business days after such occurrence. Failure to timely advise the Village Building Department of a change in the information provided by the Owner in the

registration application constitutes a violation of this Chapter and is grounds for suspension or revocation of the short-term rental permit as provided herein.

(4.) A short-term rental permit may not be transferred or assigned to any person or used by any other person other than the owner to whom it was issued.

§ 115-7 Denial of Short-Term Rental Permits.

(1.) In the event that the Building Inspector determines that a residence is substandard, he shall issue a written denial of the short-term rental permit to the owner or Registered Agent listing all of the substandard conditions identified in the inspection.

(2.) If an application for a short-term rental permit is denied, an owner may re-apply for the permit after correcting such substandard conditions as have been found. Upon such re-application, the owner or Registered Agent must arrange for an additional inspection by the Building Inspector. The owner must pay an additional inspection fee, as specified in the Village's Schedule of Fees, for each inspection.

§ 115-8 Renewal of Short-Term Rental Permits.

(1.) Applications to renew existing short-term rental permits shall be submitted on forms approved by the Village Building Department at least ninety (90) days but not more than one-hundred and twenty (120) days prior to the expiration date of the existing license and must be accompanied by the renewal fee set by the Village Board in the Village's Schedule of Fees.

(2.) Upon receipt of an application for renewal and the prescribed fee, the Building Inspector shall schedule and conduct an inspection of the short-term-rental property using the same criteria as upon an inspection for grant of a permit. In the alternative, upon submission of an application for renewal an Owner may privately have a certified home inspector, engineer, or architect conduct the inspection and provide a written report on its compliance with the criteria for grant of a permit. Renewal shall be granted if the short-term rental property is not substandard.

(3.) Upon grant of renewal, the Building Inspector shall issue a new short-term rental permit which shall expire one year after the date of issuance unless revoked earlier.

§ 115-9 Suspension or Revocation of Short-Term Rental Permits.

(1.) If it is determined by the Building Inspector that the owner or Registered Agent has falsified or otherwise failed to provide accurate information on the registration application for short-term rental property, the owner shall be referred to the Village Board for suspension or revocation proceedings under this Section.

(2.) It is the responsibility of the owner or Registered Agent to comply with all terms and provisions of this Chapter and to ensure that the short-term rental tenants, their guests and invitees to comply with this Chapter and the terms and conditions of the short-term rental permit. Any failure of short-term rental tenants, their guests and invitees to comply with this Chapter and the terms and conditions of a short-term rental permit shall be attributed to the failure of the owner and the owner's Registered Agent to discharge the responsibility to ensure such compliance.

(3.) Upon receipt of a complaint or upon his or her own initiative, the Building Inspector may investigate any property for failure to comply with the terms of this Chapter.

(4.) If, upon investigation, the Building Inspector determines that a violation of this Chapter and/or the terms and conditions of the short-term rental permit has occurred on property for which a short-term rental permit has been issued, he shall issue a written notice of the violation to the owner and Registered Agent via certified mail return receipt requested to the mailing address(es) listed on the registration application and shall provide a copy of the same along with a report regarding his or her factual findings on the violation to the Village Board.

(5.) Upon receipt of such notice and report, the Village Board shall set a date at which the owner shall be heard in regard to the Building Inspector's findings of a violation. Notice of such hearing date shall be mailed to the owner, by certified mail return receipt requested at the address provided in the registration for the short-term rental property no less than ten (10) days prior to the hearing date.

(6.) At the hearing, the Village Board shall consider the report of the Building Inspector and such further information or proof as the Building Inspector may submit. The property owner shall be heard and given the opportunity to contest the alleged violation of this Chapter. Each day that a violation occurs shall constitute a separate violation.

(7.) If, after affording such an opportunity to be heard, the Village Board confirms the existence of the violation of this Chapter, the Village Board shall suspend or revoke the short-term rental permit. For one or two violations within a period of six (6) months, the permit may be suspended for a period of up to six (6) months from the date of the suspension. For more than two violations within a one-year period, the short-term rental permit may be suspended or revoked and, if

revoked, no short-term rental permit will be available for the short-term rental property for a period of up to one year from the date of revocation.

§ 115-10 Appeals.

- (1.) If the Building Inspector denies an application for a short-term rental permit or for renewal of a short-term rental permit, it shall be done in writing, reciting the grounds for the denial.
- (2.) An applicant may appeal from such denial by filing a written request for a hearing before the Village Board of Trustees. Such request shall be filed with the Village Clerk within thirty (30) days after issuance of the denial.
- (3.) Upon receipt of such request, the Village Board shall schedule the appeal to be heard at a Village Board meeting to be held within the next thirty (30) days of receipt of the appeal, affording the owner at least ten days' written notice of the place, date and time of the hearing by certified mail return receipt requested at the address provided in the registration application for the short-term rental property.
- (4.) At the hearing, the applicant shall be afforded reasonable opportunity to be heard. The applicant shall bear the burden of proof by preponderance of credible evidence to show that the determination of the Building Inspector was arbitrary or capricious or in excess of his or her authority.
- (5.) Determinations made by the Village Board on an appeal from denial of a short-term rental permit, denial of renewal, or from suspension or revocation of a short-term rental permit, are subject to review in New York State Supreme Court pursuant to CPLR Article 78.”

§ 115-11 Fees for permits.

The Village Board shall set such application, review, inspection and renewal fees as it may find appropriate for short-term rental permits by resolution and such fees shall be listed in the Village's Schedule of Fees

§ 115-12 Penalties for offenses.

- (1.) Any person who violates any provision of this Chapter, whether the owner or tenant, shall be guilty of an offense. Each day that the violation continues shall be deemed a separate violation.
- (2.) Conviction of violation of the provisions of this Chapter shall be punished by a fine of \$500 for each violation (i.e., \$500 per day). The Village Board may subsequently change the amount of the fine imposed under this Chapter by resolution.

(3.) The penalties for violation of this Chapter listed in this Section shall be in addition to any suspension or revocation of a short-term rental permit imposed under this Chapter.

(4.) The penalties for violation of this Chapter shall be in addition to any penalties imposed for violation of other provisions of the Village Code and the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code.

(5.) The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate civil action or proceeding to prevent unlawful occupancy of property in violation of this Chapter.

§ 115-13 Civil Remedies for Offenses.

A civil action or proceeding may be instituted by the Village in a court of competent jurisdiction to abate any violation of this Chapter by means of injunctive relief and for collection of civil penalties in the amount of \$500 per day for each violation or such other amount of penalty as the Village Board may subsequently establish by resolution. In the event that the Village successfully commences a civil action for violation of this Chapter, the party found liable for such violation shall also be liable the reasonable attorneys' fees incurred by the Village in prosecuting the action.

Section 3. Severability:

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

Section 4. Effective Date:

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

77 Main Street
Post Office Box 369
Warwick, NY 10990
www.villageofwarwick.org



(845) 986-2031
FAX (845) 986-6884
mayor@villageofwarwick.org
clerk@villageofwarwick.org

VILLAGE OF WARWICK
INCORPORATED 1867

October 11, 2024

Submitted via e-mail

Mayor Michael Newhard and
Village Board Trustees
77 Main Street
Warwick, NY 10990

Re: Planning Board of the Village of Warwick Comments on Amendment of Village Code to Establish a Local Law regarding "Short-Term Rental Property"

Dear Mayor Newhard and Village Board Trustees,

The Planning Board of the Village of Warwick and consultants reviewed the proposed local law regarding "Short-Term Rental Property" during a regularly scheduled meeting on October 8, 2024. Below are a few points the Village Board may wish to consider:

- 1. Owner-Occupant Presence During Short-Term Rentals (Section 115-3):**
A clarification is needed on whether the owner-occupant must be present during the rental period. It is assumed the intent is that the owner-occupant does not need to be present, as long as they occupy the premises as their primary residence when it is not being used as a short-term rental. It would be helpful to clearly state this in the law to avoid any confusion.
- 2. Distinction for Central Business Zone (Section 115-3(3)):**
The local law creates a distinction for properties located within the Central Business Zone. The purpose for this distinction should be clearly articulated, as it is unclear why this provision is specific to the Central Business Zone and does not apply to other districts. Clarifying the rationale behind this will ensure consistency and transparency.
- 3. Homeowners Association (HOA) Consent (Section 115-3(6)):**
The Village Board may want to consider adding a provision that requires HOA consent and proof of approval before a property within a homeowners association can be registered as a short-term rental. This would help avoid potential conflicts between property owners and their associations.
- 4. Workload and Resources for Implementation:**
The Village Board should evaluate the benefits of this regulatory scheme against the costs of implementing it, specifically the additional workload it would place on the Building Department. Careful attention should be given to balancing the goals of the regulation with the resources available to enforce it. Additionally, the registration Fee Schedule should be regularly reviewed and adjusted as necessary.

RECEIVED

OCT 15 2024

VILLAGE OF WARWICK
CLERK'S OFFICE

5. General Consensus on Regulation of Short-Term Rentals:

The general consensus of the Planning Board is that some regulation of short-term rental properties is necessary to ensure safety and to limit the number of such rentals to preserve the availability of housing for residents.

If you have any questions or need further clarification, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse N. Gallo". The signature is stylized with overlapping loops and a long horizontal stroke extending to the right.

Jesse N. Gallo
Village of Warwick
Planning Board

Attn Village Board

10/09/2024

Notice of Public Hearing – Proposed Local Law No. 7 of 2024 to amend the Village Code by enacting Chapter 115 entitled “Short-Term Rental Property”

In the interests of open and good government please post this letter on the village website.

I’m writing regarding the upcoming public hearing referenced on the village website.

Since the hearing is not necessarily a question-and-answer session I’m raising very specific questions prior to the hearing to fully understand the intent and direction of the board’s decision making so that I and can comment appropriately at the hearing.

If I offered my apartment to a long-term lessee or renter there would be no local government oversight. I believe members of the village board may have rental property that does not require local government or any government supervision whether they reside on the premises or not.

I understand that other AB&B hosts throughout the village do not live on the premises and do not personally oversee the wellbeing of the guests and neighbors

Those unsupervised AB&B rentals apparently are going to be allowed a designated individual within a designated distance or time frame who would respond to any problems at the unsupervised location where the owner is not present and living on site. This by definition would be after the fact when a violation has occurred.

How you will know the response time or actual location of this person is a mystery to me. It’s unreasonable to think there will be actual accountability beyond the regular liability/responsibility of the actual owner. The agent is not likely the owner or ultimately responsible.

This seems to be an accommodation or carve out for commercial/corporate entities or LLCs that purchase and operate multiple properties as short term rentals which you have chosen to embed in the proposed law.

We fulltime village residents and homeowners operating a single B&B in our own homes are not the villainous irresponsible cause of long-term rental property

shortages or of housing stock shortages. We are not party houses. We are ultimately responsible and behave accordingly.

The failure of local government to address housing shortages do not fall at our doorstep. We share your frustration.

We will not and do not want to be tarred with the same brush as the corporate operators who disturb neighborhoods, soak up residential homes for use as AB&B party houses and sometimes require a police presence.

I reside full time in my home and offer my downstairs apartment on Air B&B.

My home is a legal two family.

I respect my neighbors and community.

The entire home is up to date with inspections and insurance.

If you check the records, you will find there have never been disturbances requiring any intercession by police, no noise violations or parties are allowed.

As you can see from the attached reviews going back 7 years my guests are safe and happy.

I have off-street parking and no more than two guests ever.

I pay my taxes, overhead and insurance with proceeds from my AB&B.

Taxes are also paid to Orange County through AB&B.

Imposing additional onerous taxes, fees and inspections by outside providers on seniors aging in place is misguided at best.

Do you plan to add village employees to handle the proposed inspections?

I'm almost 67 Years old, I've lived in the village 32 years.

My carefully managed income consists of social security and proceeds from AB&B.

SS Cost of living increases will not cover the additional ever escalating expense you would impose on myself and others with this law.

You offer corporate entities operating a B&B with no on-site owner or supervision and entities in the Central Business District the opportunity to appoint an offsite

“agent” in what appears to be a carve out/exception with no clear rationale except their location and status as a business or business in the CBD.

You do not regulate or require similar measures for a rental property.

You have the clear ability to make categorical exceptions.

I respectfully request your explanation in clear written detail as to why you would not provide exemption from the proposed local law to seniors such as myself with one owner occupied, owner supervised in home apartment with off street parking and a sterling history going back 7 years along with others in the same circumstances within the village.

Thank you for your prompt attention to this inquiry.

I look forward to your thoughtful response prior to the public hearing.

Patrick Gallagher

57 West St

Warwick NY 10990

845 258 0749

gallagrr@warwick.net

Reviews

Overall rating

4.98

Total reviews

372

Check-in

4.98

•

☐ Clear instructions

(28)

☑ ☑ Easy to get inside

(27)

☑ ☑ Felt right at home

(24)

- ☑

Easy to find

(23)

Cleanliness

4.97

-

☑ Pristine kitchen

(21)

☑ ☑ Spotless furniture & linens

(19)

☑ ☑ Free of clutter

(19)

- ☑

Squeaky-clean bathroom

(18)

Accuracy

4.99

-

☑ Looked like the photos

(24)

☑ ☑ Matched the description

(24)

- ☑

Had listed amenities & services

(22)

Communication

4.97

-

☑ Always responsive

(22)

☑ ☑ Friendly

(21)

☑ ☑ Helpful instructions

(20)

- ☑

Proactive

(12)

Location

4.97

-

☑ Walkable

(29)

☑ ☑ Peaceful

(24)

👍 👍 Beautiful surroundings

(21)

- 👍

Great restaurants

(20)

Value

4.9

372 reviews

To the Warwick Village Board.

Please include this in the official record of the next village board meeting currently scheduled for 9/23/2024.

I have a small business that is the engine of my economy.

I have a home I can afford as a result. I live there all year and have since 1992.

It's a legal 2 family home in the village and I am a senior aging in place.

My home and small business are fully compliant with village code and current with electrical inspections (no pun intended).

As I've watched village meetings recently, I see that the unfortunate lack of affordable housing is being largely attributed to the presence of short-term rentals.

While this may be valid in a scenario where corporations are formed to flip a residence from privately owned to short term rental it is not the case for those of us paying our taxes and maintaining our homes with income from an AB&B in our owner-occupied legal primary residence.

The village board has been slicing and dicing the ways you can legally regulate these small businesses. Carve outs for multiple use and mileage requirements for managers of non-owner-occupied B&B sites are being suggested. Time frames for bedtime, what constitutes a guest and how many parking spaces are needed are all under consideration.

I don't know if any of our current board members or the mayor rely upon rental income at their primary residence to pay taxes and maintain their properties.

If you do I doubt you would want intrusive government oversight forced upon you in your own home.

I strongly urge you in your deliberations to carve out or grandfather scenarios such as mine.

Why an existing certificate of occupancy that would be more than sufficient if I was leasing/renting the same space for a year or two is insufficient for my owner-occupied AB&B operation is a mystery to me.

Years ago, at Park Avenue School a forum was held to discuss development along the Rt 94 corridor.

The gym was full, Michael Sweeton and Michael Newhard were present so both the Town and Village were represented.

Among the big concerns were affordable housing for middle income residents which was in very short supply and projected to become even more scarce.

The role of local governments in planning and foresight to develop such homes was a prominent concern expressed by the supervisor and mayor.

Another concern was a fear that expansive commercial development on Rt 94 might pull businesses away from our thriving and much vaunted downtown.

Small business as the engine of our economy combined with affordable housing for middle income families seemed like big concerns that might be addressed going forward.

I look out my south facing kitchen window and see what are very likely illegal storage units where there could be affordable housing units.

I'm simply asking that you apply zoning and enforcement rules and regulations equitably not situationally.

My property is maintained and cleaned constantly including sidewalk repair which is so often referred to by the village board as the owner's responsibility while village tree roots heave and destroy our slates. I see you have stacks of them from South Street and need 3 sturdy ones. I'll trade you for the roots that wrecked mine. **(I'll appreciate an actual timely response to this formal request for replacement slates from village inventory.)**

By now I've had at least 368 guests since 2017 and no problems or parties or complaints from my neighbors.

I have off street parking and a 4.98 out of 5-star rating.

I'm simply asking that the village give as much consideration to my small business, long term residency and ability to age in place as you would go out of your way to give any business on Main Street, Railroad Ave or Elm Street.

Patrick Gallagher

57 West Street Warwick, NY 10990

gallagrr@warwick.net

845 258 0749

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mayor@villageofwarwick.org
clerk@villageofwarwick.org

VILLAGE OF WARWICK

INCORPORATED 1867

CALL TO ARTISTS

MURAL PROJECT FOR THE NEW VISITORS CENTER

The Village of Warwick is excited to announce a unique opportunity for local artists! We have received a grant from the Orange County Legislature for an interior mural to be displayed in the new Visitors Center at 75 Main Street.

Project Details:

- **Theme:** An interpretive map of the Town of Warwick highlighting points of interest, including villages, hamlets, orchards, wineries, breweries, distilleries, and historic sites.
- **Art Style:** We are looking for a whimsical interpretation of these tourist-related and historic sites.
- **Artwork Specifications:** The selected artist will create a piece that will be enlarged to 6 feet high by 8 feet long, reproduced on a vinyl surface, and wall-mounted.

Submission Guidelines:

- Artists may submit up to three samples of their work electronically.
- Please send your submissions to clerk@villageofwarwick.org and include "Mural Project" in the subject line.
- Note: We will not accept physical submissions.

Honorarium: The selected artist will receive a \$2,000 honorarium for their work.

Deadline: All submissions must be received by November 1, 2024.

We look forward to seeing your creativity and celebrating the beauty of Warwick through this mural!

Thank you!

The Village of Warwick

CHAIR
INVESTIGATIONS & GOVERNMENT OPERATIONS

COMMITTEES
CORPORATIONS, AUTHORITIES & COMMISSIONS
ENVIRONMENTAL CONSERVATION
FINANCE
JUDICIARY
LABOR
LOCAL GOVERNMENT



SENATOR
JAMES SKOUFIS
42ND SENATORIAL DISTRICT
STATE OF NEW YORK

ALBANY OFFICE:
ROOM 815
LEGISLATIVE OFFICE BUILDING
ALBANY, NY 12247
OFFICE: 518-455-3290

RECEIVED **DISTRICT OFFICE:**
45 QUAKER AVE., STE. 202
CORNWALL, NY 12518
OFFICE: 845-567-1270

OCT 15 2024

E-MAIL:
skoufis@nysenate.gov

VILLAGE OF WARWICK
CLERK'S OFFICE

October 10, 2024

Michael Newhard
Mayor
Village of Warwick
77 Main Street
Warwick, NY 10990

Dear Mayor Newhard:

Enclosed please find the "Local Community Assistance Program (LoCAP) Preliminary Application" for a Village of Warwick grant in the amount of \$734,500. These funds are for costs associated with the creation of Patriots Path at Veterans Memorial Park and additional improvements. Please return the application by November 10, 2024.

Once we have received the completed project information sheet, we will submit it to New York State Senate Finance. Senate Finance will submit the sheet to the Dormitory Authority of the State of New York (DASNY), who will send you a due diligence package to complete, with a request for specific documentation. As the grant moves through DASNY, it will receive a formal project identification number and move through multiple "desk" audits to make sure all project details are ready for the approval phase. It will then move to the Division of Budget for approval. Once DASNY is notified that the grant has received all the necessary governmental approvals, two copies of the Grant Disbursement Agreement (GDA) will be sent to you. The GDA is the contract between DASNY and the grantee.

It is important to note that, while purchases made during the review process are eligible for reimbursement upon completion of the grant's review, advancing with the project prior to a GDA and final approval is done at your own risk. At a minimum, I strongly recommend no purchases be made with the anticipated funding until the project has received a formal identification number from DASNY. Please be advised that the full review is a lengthy process, often taking up to 18 months from start to end; my office and I will move to expedite the funding as quickly as possible.

If you ever need any status updates, have any questions or need any assistance throughout the grant process, please do not hesitate to contact Christine Rodriguez, my Senior Grants Specialist, at (845) 567-1270. Thank you for your cooperation and patience as well as your partnership on behalf of those we serve.

Sincerely,

James Skoufis
Senator, 42nd District





VILLAGE OF WARWICK OUTSIDE USER SEWER CONNECTION
REVIEW MEMORANDUM

To: Mayor Michael Newhard & Village Board of Trustees
From: Jason A. Pitingaro, PE
Subject: Elite Strategies, 10 Clinton Avenue Extension, Section 52, Block 1, Lots 9 & 10.2
Town of Warwick, Orange County, New York
Date: October 3, 2024

The following items have been provided to our office for review:

- Correspondence from Engineering & Surveying Properties, P.C., dated August 28, 2024
- Plan Set, entitled "Elite Strategies/Hamilton, 10 Clinton Ave. Ext., Town of Warwick, Orange County, New York," prepared by Engineering & Surveying Properties, P.C., revised August 27, 2024
- Short Form EAF, prepared by Daniel Getz, dated June 12, 2024
- Traffic Report, prepared by LaBella Associates, dated September 24, 2024
- Correspondence from Engineering & Surveying Properties, P.C. to the Town of Warwick, dated September 25, 2024
- Public Hearing Notice from the Secretary of the Town of Warwick Planning Board, dated September 26, 2024

Description/Background

The owner is proposing to connect Section 52, Block 1, Lots 9 & 10.2 at 10 Clinton Avenue Extension in the Town of Warwick to the Village of Warwick's sewer system as an outside user. The building is currently served by Village water as an outside user.

Lots #9 and #10.2 will be merged as part of the application. The site provides access to Section 52, Block 1, Lots 8 & 24 via a right-of-way from Clinton Avenue Extension. There are existing sewer manholes within Clinton Avenue Extension and the portion of the property leading to the Village Road.

The lot is heavily encumbered by a NYSDEC wetland, the associated adjacent area and a FEMA regulatory floodway. These features bisect the site and require all development to be confined to the westerly portion of the site.

The site adjoins the Village of Warwick municipal boundary as well as the water and sewer district boundaries. The prior use as a plumbing contractor's business location utilized less water and sewer capacity than the currently proposed use as a preschool and special needs school, which has an estimated water and sewer usage of 1,280 gallons per day

The applicant has requested that the Village provide sewer service to accommodate the increase in flow due to the environmental constraints that exist on the property and limit the ability to provide subsurface treatment for the proposed flow.

Stakeholders

Owner: Etta Hamilton
 Applicant: Elite Strategies LLC
 Consultants: Engineering & Surveying Properties, P.C.

Comments

1. To allow for this connection, the Village is considering entering into an Outside User Agreement for sewer service with the property owner. Should the Village approve this request, details of the proposed water and sewer connections should be updated.
2. The proposed sewer usage of 1,280 gpd represents approximately 0.1% of the Village's 1.0 MGD SPDES discharge permit capacity, which is proposed to be increased to 1.25 MGD through wastewater treatment plant improvements. Even so, the Village's wastewater treatment plant has exceeded the current permitted monthly average flow of 1.0 MGD for three of the past seven months of 2024 and exceeded the plant's proposed average monthly flow of 1.25 MGD for two of the last seven months of 2024.
3. The proposed water service connection tie-in shall be relocated 20 feet north to allow for sufficient separation between the proposed sewer line and the joining to the existing water service.
4. Details of the proposed sewer connection shall be revised to demonstrate the means of connecting the lateral to the existing manhole in the area of the existing lateral connection. Replacement of the entire southerly section of the sewer later shall be considered to eliminate any deficiencies in the existing manhole and lateral, which if present may contribute to I/I in the sewer system, and eliminate any interference with the proposed connection.
5. Executed final copies of the Outside User Agreements shall be provided to the Village and reviewed by the Village Attorney prior to approval, if not already provided.

Our office recommends that the Village allow the connection based on the proposed flow for the project.

The Village should consider a comprehensive sewer evaluation to minimize SPDES permit excursions for flow through reductions in inflow and infiltration (I/I) and modification of the wastewater treatment plant.

The above items represent our professional opinion based on the material submitted. Please do not hesitate to contact me at 845.703.8140 or at pitingaro@panddengineers.com should you have any questions.

G:\Shared drives\Engineering\Warwick (V)\218103 - Pioneer Farm\01 - Admin\20220103 Pioneer Farm Comment Letter

James R. Loeb
Richard J. Drake, retired
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Alana R. Bartley**
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield**
Adam M. Tack
Ivan M. Bonet

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

**Member NJ & NY Bar

October 16, 2024

Village of Warwick Village Board
Village Hall
77 Main Street - PO Box 369
Warwick, New York 10990

Re: Outside User Request – 10 Clinton Avenue Extension
Our Matter ID: 14562-73500

Dear Mayor Newhard and Trustees:

Etta Hamilton is the owner of certain real property located in the Town of Warwick at 10 Clinton Avenue Extension (SBL 52-1-9 & 10.2). She, along with a company called Elite Strategies LLC, have applied to the Town Planning Board for site plan approval to improve and use the existing structure on the property for a preschool for special needs children. The proposed use requires sewer capacity of 1,280 gallons per day ("gpd"). Ms. Hamilton and Elite Strategies propose to provide the required sewer capacity by connecting to the Village's municipal sanitary sewer system.

Although there is no express provision in the Village Code for providing municipal central sanitary sewer service to properties outside of the Village, it is well established that a village board may allow such connections to the village's sewer system on an "outside user basis." That is, under the Village's power to enter contracts, it may enter contracts with the owners of property outside of the Village for provision of municipal central sanitary sewer service.

Parenthetically, I would note that the Village Board may wish to consider amending the Village Code to include a provision requiring outside users to pay an application fee for seeking approval of outside user contracts, including an escrow to defray the Village's engineering and legal fees incurred in reviewing and reporting on the application.

In order to enter into an outside user agreement, the Village Board must adopt a resolution approving the contract, and all parties must sign it. Since the Village is under no legal obligation to enter into a contract, the decision on whether or not to enter an outside user agreement with a property owner is completely discretionary with the Village Board. Of course, in making a decision on the issue, the Village Board should act rationally and avoid any discriminatory action such as might violate Equal Protection.

In deciding whether or not to enter into an outside user agreement, the Village Board needs to consider the issue of whether there is sufficient excess capacity in the Village's wastewater treatment system to accommodate existing and anticipated future sewer capacity needs of properties in the Village, including any existing outside users. As a practical matter, having "excess capacity" (i.e., capacity above and beyond existing and anticipated future sewer capacity needs), is required for grant of an outside user agreement.

Another consideration on requests for outside user agreements is the nature and configuration of the property owner's proposed connection to the Village's sewer lines. The Village's engineering consultant will provide an initial review of the proposed connection to report on whether it is feasible and any technical issues or problems he foresees. Outside user agreements are often approved based on preliminary connection drawings, with the approval of the outside user agreement made conditional on submission of final plans and drawings meeting the approval of the Village's engineering consultant. Later, if the outside user agreement is approved, the Village's engineer will check the actual work done in making the connection to confirm that it conforms to the final approved engineering plans for making the connection and that the work has been done correctly.

Fees for making the connection will be paid based on the Village's Schedule of Fees.

Here, the Village's engineering consultants, Pitingaro & Doetsch, have issued a report stating "Our office recommends that the Village allow the connection based on the proposed flow for the project" but the report also states, in pertinent part:

"The proposed sewer usage of 1,280 gpd represents approximately 0.1% of the Village's 1.0 MGD SPDES discharge permit capacity, which is proposed to be increased to 1.25 MGD through wastewater treatment plant improvements. Even so, the Village's wastewater treatment plant has exceeded the current permitted monthly average flow of 1.0 MGD for three of the past seven months of 2024 and exceeded the plant's proposed average monthly flow of 1.25 MGD for two of the last seven months of 2024." (Italics added).

The report does not expressly opine on whether there is sufficient excess capacity in the Village's wastewater treatment system to accommodate the additional flow from the subject property without exceeding the Village's SPDES permit limitations. Admittedly, the amount of flow from the subject property is quite modest, and very likely will not have an impact on compliance with the Village's discharge permit capacity limitations, but the Village Board should nevertheless obtain a definitive answer from its engineering consultants as to whether

there is sufficient excess capacity in the Village's wastewater treatment system to allow the Village to enter the proposed outside user agreement.

Also, in regard to the proposed connection, the report notes that the connection plans will be somewhat complex, involving a relocation of an existing water service tie in, and that revised details of the proposed sewer connection are required. While not strictly necessary for grant of an outside user agreement, I would recommend that the Village Board require submission of a more detailed plan for the connection for review by the Village's engineering consultants prior to approving the outside user agreement.

If you have any questions or comments just let me know.

Very truly yours,



STEPHEN J. GABA

SJG/1295008

cc: Pitingaro & Doetsch (Attn: Jason A. Pitingaro, PE)

James R. Loeb
Richard J. Drake, retired
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Alana R. Bartley**
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield**
Adam M. Tack
Ivan M. Bonet

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

**Member NJ & NY Bar

October 17, 2024

ATTN: MICHAEL NEWHARD, MAYOR
Village of Warwick
Village Hall
77 Main Street
PO Box 369
Warwick, NY 10990

Re: Petition Zoning Change for 1 Galloway Heights Road and
4 Overlook Drive
Our File No.: 14562-73500

Dear Mayor Newhard:

I have reviewed the petition and supporting documents requesting a zoning change from Limited Office Overlay ("LO") to General Commercial ("GC") for the property located at 1 Galloway Heights Road and from Residential ("R") to GC for the property located at 4 Overlook Drive. Kindly accept this letter as my initial report to the Village Board on the said petition.

The property located at 1 Galloway Heights Road is a lot of .338 acres improved by a vacant structure. The property located at 4 Overlook Drive is a lot of approximately .511 acre improved by a structure which is currently being used as office space for a surveyor and a construction company. The petition does not explain what uses or improvements are intended for these properties going forward (i.e., why a zoning change is being sought). However, it appears that the current use of the property at 4 Overlook Drive is not permitted in the R zoning district and presumably the property owner is seeking the zoning change so that the use can continue on the property. Likewise, it appears that the property owner wishes to use the property located at 1 Galloway Heights Road for some as yet undisclosed purpose allowed in GC District but not allowed in the LO District. The Petitioner should provide further information about the legal status of the existing uses at 4 Overlook Drive and on the intended use of the 1 Galloway Heights Road property before the Village Board takes any further action on the petition.

In regard to both properties, the cover letter submitted with the petition states that "If granted, the Petition [*sic*] will then submit an application to the Planning Board for Site Plan Approval." However, there should be a single SEQRA review of both the proposed zoning change and the site plan applications. So, I recommend that the petitioner submit its site plan applications now so that the Planning Board can review them and act as lead agency in SEQRA review.

Writer's Direct: Phone: (845) 458-7310 Fax: (845) 458-7311 Email: sgaba@drakeloeb.com

ATTN: MICHAEL NEWHARD, MAYOR

October 17, 2024

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In regard to the proposed zoning changes, the Village Board should be mindful that if it grants the requested zoning change to GC the following uses could be established on the two properties:

Permitted Uses:

1. Village of Warwick uses and buildings
2. Health clubs, spas and gymnasiums
3. Libraries/Museum/Art galleries
4. Buildings or stands for the display or for sale of products of agricultural products all of which are grown on the same premises
5. Business/Professional/Government offices
6. Funeral homes/Mortuaries
7. Banks
8. Retail stores
9. Personal service stores
10. Eating/Drinking establishments
11. Service establishment other than of a personal nature
12. Theatres/Cinemas
13. Outlets for laundries/cleaning
14. Newspaper printing

Conditional Uses:

1. Home Occupation
2. Residences on 2nd & 3rd Floor of existing bldg.
3. Public utility buildings
4. Churches/Places of worship

5. Annual membership clubs/Outdoor recreation
6. Fraternal Organization
7. Nursery school/day care
8. Manufacturing for sale on premises
9. Hotels/Motels
10. Gasoline service station
11. Automobile sales and service
12. Car wash

Special Uses:

1. Wireless telecommunication facilities
2. Educational Facilities
3. Cemeteries
4. Volunteer ambulance service facilities
5. Hospitals/Nursing homes
6. Fire stations

While some of these potential GC uses may be compatible with development in the neighborhood (e.g., home occupations), and others seem highly unlikely to ever be established on the property (e.g., cemeteries), other uses permitted in the GC District could be detrimental to use and development of other properties in the neighborhood if they were to be established on the subject properties in the future (e.g., gasoline service station, outlets for laundries/cleaning).

Likewise, while a number of uses permitted in LO District overlap with uses permitted in the GC District, there are some significant differences. For example, uses such as gasoline stations, hotels, and car washes are allowed in the GC District, but not in the LO. By changing the zoning designation of the 1 Galloway Heights Road property to GC, the Village Board would be making the property available for establishment of such uses on it.

ATTN: MICHAEL NEWHARD, MAYOR

October 17, 2024

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Rather than opening the Petitioner's two properties up to all of the potential uses allowed in the GC District by granting a zoning change, the Village Board may wish to consider having the Petitioner apply to the ZBA for a use variance allowing only specific proposed uses on each of the two properties before it entertains a petition for a zoning change. A use variance would limit the use of the properties to a single specifically proposed use and development, whereas a zoning change allows development for any use allowed in the GC District. If the use variance is denied, the Petitioner could renew its petition for a zoning change.

It should also be noted that zoning amendments are legislative acts and a governing board has no duty to consider or process petitions for zoning amendments or to reach any particular decision on them. Thus, the Village Board has complete discretion as to whether to consider or ignore the instant petition for a zoning change. The Village Board is not required to consider the petition even if a request for a use variance is denied.

If the Village Board is willing to entertain the petition for a zoning change, the first action to be taken is to review the Village's Comprehensive Plan to determine whether the proposed zoning change is consistent with its terms. This should not be done until the property owner provides further information regarding the proposed uses for the subject properties. If the proposed development of the two properties under GC zoning is not consistent with the Village's Comprehensive Plan, either the zoning changes must be rejected or the Village must amend its Comprehensive Plan before granting the requested zoning changes.

If the Village moves forward with the proposed zoning changes, a draft local law granting the zoning changes will have to be prepared for consideration by the Village Board. SEQRA review will need to be conducted on such a local law and on the proposed site plans for the properties at issue. As was noted above, it is recommended that the zoning change local law and the site plan application be processed simultaneously and that Planning Board serve as lead agency in a coordinated SEQRA review covering both the local law and the site plans at issue.

In regard to processing of the proposed local law for the zoning change, the Village Board would adopt a resolution introducing the proposed local law and, pursuant to Village Code §145-70, referring the local law to the Village Planning Board for a report. Under Village Code §145-70, no further action on a proposed zoning change can be taken by the Village Board until the report from the Planning Board is received or sixty (60) days from the date of the referral elapses (whichever is earlier).

Further, I think that the two properties at issue are within 500' of NYS Route 17A (Galloway Road), which requires a referral of the proposed zoning change to the County Planning Department under General Municipal Law §239-m.

ATTN: MICHAEL NEWHARD, MAYOR

October 17, 2024

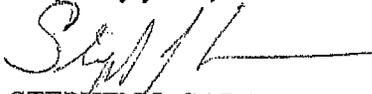
Page 5

After receipt of the Planning Board's report (or expiration of 60 days from the referral), the Village Board would then adopt a resolution scheduling a public hearing on the proposed local law for the zoning changes. Notice of the public hearing would need to be posted, published and mailed to nearby property owners in accordance with the provisions of the Village Code.

After holding and closing the public hearing, the Village Board may adopt a resolution enacting the local law for the proposed zoning changes. However, the resolution could not be adopted until after the completion of SEQRA review. The Petitioner would then return to the Planning Board for completion of its site plan approval proceedings.

If you have any questions or comments, please let me know.

Very truly yours,



STEPHEN J. GABA

SJG/1295140

OUTSIDE SEWER USER AGREEMENT

AGREEMENT made as of the ____ day of October, 2024 between the VILLAGE OF WARWICK, a municipal corporation of the State of New York, with offices at Village Hall, 77 Main Street, Warwick, New York 10990 (hereinafter the "VILLAGE") and ETTA HAMILTON, residing at _____, Warwick, New York 10990 (hereinafter "HAMILTON"),

WITNESSETH

WHEREAS, the VILLAGE has established and presently operates and maintains the Village Sanitary Sewer System for the purpose of providing municipal sewer service; and

WHEREAS, HAMILTON is the owner of certain real property improved by a commercial building located in the Town of Warwick at 10 Clinton Avenue Extension (Section 52, Block 1, Lots 9 & 10.2) (hereinafter the "PROPERTY"); and

WHEREAS, HAMILTON and Elite Strategies LLC are currently before the Town Planning Board for site plan review to remodel the interior and exterior of the building on the PROPERTY and repurpose it as preschool for special needs children; and

WHEREAS, HAMILTON has requested that the VILLAGE provide municipal sewer service to the PROPERTY under an outside user agreement; and

WHEREAS, the VILLAGE, by duly adopted resolution of the VILLAGE BOARD has consented to enter into such an outside user agreement upon the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the provisions hereinafter set forth, the VILLAGE and HAMILTON agree as follows:

1. The VILLAGE shall permit HAMILTON to connect the PROPERTY to the Village Sanitary Sewer System so as to provide municipal sewer service to the PROPERTY.

Provided, however, that HAMILTON must submit all plans for lines and connections to the VILLAGE for review and approval by the VILLAGE and the VILLAGE's engineer prior to undertaking any work on the said connection.

2. The connection to the VILLAGE's existing sewer system shall be made at such a location as the engineer for the VILLAGE shall direct using such lines and means of connection as the engineer for the VILLAGE may approve. All construction of lines and connections shall be subject to review and approval by the engineer for the VILLAGE.

3. HAMILTON agrees to pay to the VILLAGE a connection fee in the amount set by the VILLAGE's Schedule of Fees. Further, HAMILTON shall be responsible for all costs, including engineering and attorneys' fees, incurred by the VILLAGE in the approval of this agreement and in making the connection of the said property to the VILLAGE's Sanitary Sewer System.

4. HAMILTON agrees to pay annually the same charges which would be imposed upon the PROPERTY if it were receiving municipal sewer service within the VILLAGE, which said charges shall include the cost of operation and maintenance as well as payment for the cost of capital improvements including repayment of bonded indebtedness. These annual charges will be sent to HAMILTON, or the successor owner of the PROPERTY, at the address for the PROPERTY and shall be due and payable thirty (30) days after mailing.

5. In the event that HAMILTON or any successor owner fails to make timely payment, the VILLAGE may commence litigation to recover any delinquent amounts plus interest at the legal rate in the State of New York. If the VILLAGE recovers a judgment in litigation for collection of payment on delinquent bills, HAMILTON or the successor owners

shall be responsible for payment of the VILLAGE's legal fees in such litigation. Any such litigation shall be venued in Orange County, New York.

6. This agreement shall inure to the benefit of HAMILTON her successors, heirs and assigns and shall run with the land. Provided, however, that the VILLAGE reserves the right to terminate this agreement on thirty (30) day's written notice service via first class mail to the mailing address for the PROPERTY in the event of failure to timely pay amounts due and owing hereunder and, further, the VILLAGE reserves the right to terminate or suspend this Outside User Agreement in the event that the VILLAGE's wastewater treatment facilities lack sufficient capacity to serve the needs of users within the VILLAGE.

7. Except as may be provided otherwise herein, the provisions of Village Code Chapter 109 shall be applicable to this Agreement and binding upon HAMILTON her successors, heirs and assigns in regard to provision of sewer service to the PROPERTY

8. The VILLAGE and HAMILTON agree that following execution of this agreement by all parties, a fully executed original shall be recorded in the Orange County Clerk's Office and the terms and conditions, obligations and benefits shall bind the parties to this agreement, their successors and assigns. All costs and expenses of such recording shall be borne by HAMILTON.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date first above written.

VILLAGE OF WARWICK

By: _____
Michael J. Newhard, Mayor

ETTA HAMILTON

STATE OF NEW YORK :
 : ss.
COUNTY OF ORANGE :

On the ____ day of October, 2024, before me, the undersigned, a Notary Public in and for the State, personally appeared MICHAEL J. NEWHARD personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK :
 : ss.
COUNTY OF ORANGE :

On the ____ day of October, 2024, before me, the undersigned, a Notary Public in and for the State, personally appeared ETTA HAMILTON personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
OCTOBER 21, 2024
ADDENDUM NO. 1**

10. MOTION to enter into an Intermunicipal Agreement (IMA) between the Town of Warwick and the Village of Warwick for the joint purchase of an Asphalt Hot Box Trailer and to authorize the Mayor to sign the same, including the approval and authorization of payment to the Town of Warwick in the amount of \$17,405.50, 50% of the shared cost, for the purchase of the Asphalt Hot Box Trailer. The total cost of the Asphalt Hot Box Trailer is \$34,811.00. This is an unbudgeted item. Funds to be allocated in budget code A5110.2350.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Collura ____
Trustee McKnight ____ Mayor Newhard ____

11. MOTION to enter into an Intermunicipal Agreement (IMA) between the Town of Warwick and the Village of Warwick for park fund distributions and authorize the Mayor to sign the same.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Collura ____
Trustee McKnight ____ Mayor Newhard ____

INTER-MUNICIPAL AGREEMENT

THIS AGREEMENT made as of the ____ day of _____. 2024, between the TOWN OF WARWICK, a municipal corporation of the State of New York, with offices located at 132 Kings Highway, Warwick, New York 10990 (hereinafter "Town of Warwick") and the VILLAGE OF WARWICK, a municipal corporation of the State of New York, with offices located at 77 Main Street, Warwick, New York 10990, (hereinafter "Village of Warwick").

WHEREAS, the Town of Warwick and the Village of Warwick have jointly purchased an Asphalt Hot Box Trailer (hereinafter "Asphalt Hot Box"), with the Town of Warwick paying the purchase price of \$34,811.00 and the Village of Warwick reimbursing the Town of Warwick for one-half of the purchase price, totaling \$17,405.50; and

WHEREAS, it is intended that the Asphalt Hot Box shall be used and maintained as needed by the parties, and that the expenses of owning and insuring the Asphalt Hot Box shall be shared equally by the parties, in accordance with the terms of this agreement; and

WHEREAS, the parties believe it is in their best interest to enter into this Agreement to more fully define the respective rights and obligations of the parties;

NOW THEREFORE, for good and valuable consideration, the receipt or existence and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Town of Warwick shall maintain liability insurance relevant for the use and operation of the Asphalt Hot Box with limits of not less than \$5,000,000.00 per occurrence, which limit may be satisfied by liability insurance and/or excess/umbrella liability coverage, or a combination thereof, and all statutory/compulsory coverages shall be included. and shall name the Village of Warwick as an additional insured. The Village of Warwick shall maintain liability insurance relevant for the use and operation of the Asphalt Hot Box with limits of not less than \$5,000,000.00 per occurrence, which limit may be satisfied by liability insurance and or

excess/umbrella liability coverage, or a combination thereof, and all statutory/compulsory coverages shall be included. and shall name the Town of Warwick as an additional insured. Copies of proof of such insurance shall be exchanged by the parties. and each party shall provide prior notice to the additional insured of any cancellation of such policy, pursuant to New York State amendatory policy language.

2. Each party shall look to its own insurance coverage for any claims for property damage, personal injury or wrongful death arising from that party's use of the Asphalt Hot Box, and any deductible shall be paid in full by that party.

3. Each party agrees to indemnify and hold harmless the other against any and all claims, demands, causes of action, lawsuits and judgments arising from, or relating to, that party's use of the Asphalt Hot Box, including reasonable attorneys' fees, and other reasonable costs of defense.

4. The Town of Warwick shall also maintain full physical damage coverage for the Asphalt Hot Box with deductibles no greater than \$2,000.00, for which the Village of Warwick shall equally share in the cost of the relevant premium and deductible. Copies of proof of such insurance shall be exchanged by the parties, and the Town of Warwick shall provide prior notice to the Village of Warwick of any cancellation of such policy, pursuant to New York State amendatory policy language.

5. The Asphalt Hot Box shall be stored at the Town of Warwick Department of Public Works facilities, except when in the possession of the Village of Warwick, pursuant to this agreement. The Village of Warwick shall pick up, and return, the Asphalt Hot Box to the Town of Warwick before, and after, its use of the truck.

6. The Asphalt Hot Box shall generally be maintained and/or repaired by the Town of Warwick, at its sole expense, to include responsibility for costs of any maintenance or repair performed by a third-party.

7. However, notwithstanding any other provision in this agreement, each party shall be solely responsible for the cost of any repairs required as a result of damage to the Asphalt Hot Box caused by the party's negligence.

8. The parties shall coordinate for the use of the Asphalt Hot Box with as much advance notice as may be reasonably given. The parties shall make best effort to avoid, or resolve, any conflicts in scheduling.

9. The Town of Warwick shall not sell the Asphalt Hot Box without the written consent of the Village of Warwick, and in the event of a sale of the Asphalt Hot Box, the net proceeds shall be paid in equal shares to both parties.

10. The parties acknowledge and agree that this Agreement embodies the entire understanding between the parties with respect to the subject matter, and they have entered into same only after independent investigation and without reliance upon any representation or promise not contained herein. The parties specifically disclaim the making of any representations not embodied herein and specifically disclaim reliance thereupon.

11. In the event of the illegality of any portion of this Agreement, the remaining provisions shall remain in full force and effect.

12. This Agreement may only be changed or modified in a writing properly executed in the same manner as the original Agreement.

IN WITNESS THEREOF, the parties hereto have set their hands and seals the day and year first written above.

TOWN OF WARWICK

By: _____
Jesse Dwyer, Supervisor

VILLAGE OF WARWICK

By: _____
Michael J. Newhard, Mayor

INTER-MUNICIPAL AGREEMENT

THIS AGREEMENT made as of the ____ day of October, 2024, between the TOWN OF WARWICK, a municipal corporation of the State of New York, with offices located at 132 Kings Highway, Warwick, New York 10990 (hereinafter “Town of Warwick”) and the VILLAGE OF WARWICK, a municipal corporation of the State of New York, with offices located at 77 Main Street, Warwick, New York 10990, (hereinafter “Village of Warwick”).

WHEREAS, the Town of Warwick has received certain grant funding and will distribute a portion of same to the Village of Warwick; and

WHEREAS, the Village of Warwick agrees to accept such granting funding subject to the restrictions and requirements set forth at length herein; and

WHEREAS, the parties believe it is in their best interest to enter into this Agreement to more fully define the rights and obligations of the parties in accordance with the terms of this agreement;

NOW THEREFORE, for good and valuable consideration, the receipt or existence and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Town of Warwick shall provide to the Village of Warwick the sum of \$150,000.00, in grant funding.
2. The Village of Warwick shall be restricted in only being able to spend these monies for capital improvement to parklands and acquisition of parklands located within the Town of Warwick.
3. The Village of Warwick is specifically precluded from spending these monies on any parklands, for which the user fee charged for Village of Warwick residents differs from the user fee charged for Town of Warwick residents.

4: The Village of Warwick shall maintain these monies in separate bank account segregated from all other monies maintained by the Village of Warwick.

5. The Village of Warwick shall provide to the Town of Warwick an annual report accounting for these monies due no later than the 31st day of the January of the following year.

6. The parties acknowledge and agree that this agreement embodies the entire understanding between the parties with respect to its subject matter, and it has been entered into only after independent investigation and without reliance upon any representation or promise not contained herein. The parties specifically disclaim the making of any representations not embodied herein and specifically disclaim reliance thereon any representations, except for those matters set forth in the Agreement that are not contrary or inconsistent with the provisions herein, and those matters shall at all times remain in full force and effect

7. This agreement may not be changed orally but only by a further agreement in writing.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

TOWN OF WARWICK

By: _____
Jesse Dwyer, Supervisor

VILLAGE OF WARWICK

By: _____
Michael Newhard, Mayor