

Village of Warwick Zoning Map Discrepancy
2009 – 2025 Zoning Maps

A discrepancy between Village of Warwick Zoning Maps dated [February 17, 2009](#), and [February 22, 2011](#), has been identified. The 2009 map includes Limited Office Overlay & Traditional Neighborhood Design from certain properties and the 2011 removes these designations.

Initially it was unclear how the Zoning Map dated February 17, 2009, was enacted because Village records indicated that Local Law 1 of 2009 replaced the entire Chapter 145 ‘Zoning’ of the Village Code but did not indicate that it also replaced a prior zoning map.

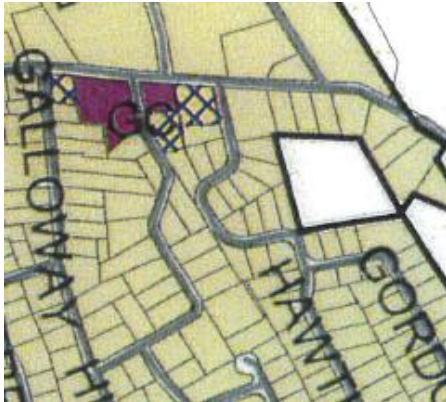
After reviewing the online NYS Local Law Filing Search, it was discovered that LL 1 of 2009 not only replaced the entire Zoning Code **but also replaced an earlier zoning map**. Please see the last page of [LL No. 1 of 2009](#) ...NYS Filed Version that includes Zoning Map Dated 2.17.2009.

The [February 22, 2011, map](#) was enacted through [Local Law 1 of 2011](#) that reads, “A local law modifying the Village of Warwick Zoning Districts Map for S/B/L 205-1-20 otherwise known as 12 Maple Avenue. **The 2/17/09 map is replaced with the superseding map dated 2/22/11 attached hereto.**” The Village produced several of the February 22, 2011, maps, laminated them, etc. and has been using this map as the basis for subsequent amendments. It was also discovered that Orange County also had the February 22, 2011, map marked as ‘official’ in their records.

It was confirmed that between Local Law 1 of 2009 and Local Law 1 of 2011, no other Zoning Map amendments took place.

Please see below for an overview of the discrepancies –

The 2009 map includes the area by Overlook Drive marked as Limited Office Overlay (LO). The 2011 map does not include the LO by Overlook Drive.



2009

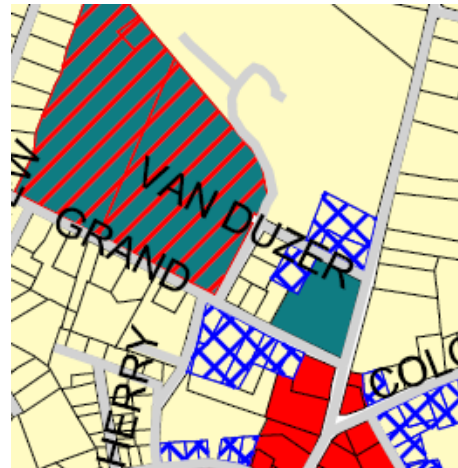


2011

The 2009 map includes the area by Van Duzer marked as Traditional Neighborhood Design (TND). The 2011 map does not include the TND.

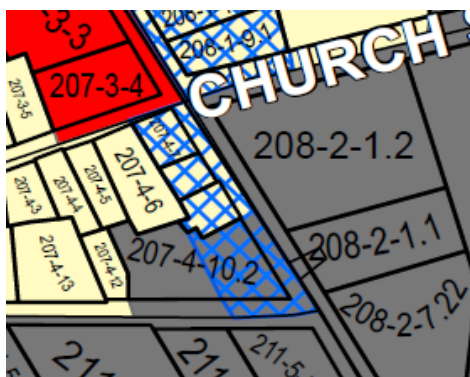


2009



2011

The 2009 map did not include Limited Office Overlay to a certain parcel on Forester Ave. The 2011 map includes Limited Office Overlay.



2009



2011

The question was raised whether Local Law 1 of 2011 was intended to replace the entire zoning map with the above amendments or to just amend the zoning designation for 12 Maple Ave from Residential with Limited Office Overlay to Central Business so the February 22, 2011, minutes were reviewed.

Please see the next page for the February 22, 2011, Village Board meeting minutes –

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
FEBRUARY 22, 2011**

4692

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Tuesday, February 22, 2011, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor Michael Newhard, Trustees: William Iurato, George McManus, Barry Cheney and William Lindberg. Also present: DPW Supervisor, William Schmick, Village Clerk, Jo-Ann Rome and Village Attorney, Michael Meth. Others present: Kurt Emmerich, Jason Makuch, Birgit Bogler and others.

The Mayor called the meeting to order and led in the Pledge of Allegiance.

The Clerk held the roll call.

Continuation of a Public Hearing to address the potential zone change to 12 Maple Avenue pursuant to the zone change petition filed by the property owner to change the zone to "Central Business" from "Residential with Office Overlay". The Public Hearing will also encompass the SEQRA requirements for the zone change:

Mayor Newhard: Has there been any response since our last meeting?

Jo-Ann Rome: No.

Mayor Newhard: Does the Board have anything to add to the public record?

Trustee Cheney: I just wanted to let the Board know just in looking at the Table of Use Requirements there are certain uses that will no longer be allowed if it were changed to Central Business and then there are ones that would be added and the ones that would no longer be allowed would be a Residential Professional Office or Bed and Breakfast establishment. Those would be allowed in the LO, but no longer allowed in the CB. In the CB they would be able to have residences on the second and third floor of an existing building.

Michael Meth: That's conditional and then it's not permitted at all in the Office Overlay. It's conditional I assume and then they would have to go to the Planning Board.

Trustee Cheney: Special Permit is here. The conditional is Planning Board. In the Central Business they would be allowed as permitted uses to have retail stores, personal service stores, eating and drinking establishments, service establishments other than that of a personal nature, theatres and cinemas, outlets for laundries, cleaning, newspaper printing and then conditional manufacturing for sale on premises, hotels/motels, gasoline service station and automobile sales and service including repairs. Now the last three that I mentioned, the hotels/motels and gasoline service station, automobile sales and service, the bulk requirements for those three the minimum exceeds what the property has now. It

Board of Trustees
Village of Warwick
February 22, 2011
Page Two

4693

requires 40,000 square feet and it's only 5,000 that the property has so they wouldn't be able to do that without a variance.

Michael Meth: And the manufacturing for sale on premises - do they need that for the bulk tables?

Trustee Cheney: Yes, it's 5,000 square feet and they're probably between 5,000 and 6,000 square feet although the parcel is very oddly shaped. It's kind of like a pipe because there's a driveway from Colonial Avenue that goes to the back of the property so it's a pretty oddly shaped parcel. If you looked at the bulk of the property where the house sits excluding the road, they're probably under the 5,000 square feet but because the road is there it takes them over the 5,000.

Mayor Newhard: So the advantages I guess if it were to go into CB would be -whatever happens it has to go before the Planning Board and the ARB, but it could be retail or it could be a doctor's office or it could be.....

Michael Meth: A restaurant, a theatre.....

Trustee Cheney: Right now it could be a professional office. Business professional or government offices are allowed under the.....

Michael Meth: It just couldn't be residential. In other words the person couldn't live there full time if it changes to CB. Isn't that what residential professional office means?

Trustee Cheney: No, this is a business and service use. It's business, professional and governmental offices are permitted by right in the LO which is the office overlay and the CB.

Michael Meth: But to have the residency portion of it that's only in the LO not in the CB.

Trustee Cheney: Residential Professional Office yes is only in the LO.

Michael Meth: And it's not permitted at all if they change it to CB.

Trustee Cheney: Right.

Michael Meth: Not even conditional?

Trustee Cheney: As a mixed use in the CB you're allowed to have residences on the second and third floor of an existing building.

Mayor Newhard: And that's what exists now.

Michael Meth: Conditionally though.

Mayor Newhard: Even though it pre-exists. Right now there are apartments in that building.

Trustee Cheney: I don't know for sure.

Mayor Newhard: There always has been.

Michael Meth: If it stays that way consistently, but once they move out and it becomes like a full on commercial or whatever and then they want to go back to that they would have to come back.

Mayor Newhard: I understand that, but right now it always has been a split mixed use of residential upstairs and commercial on some level downstairs.

Michael Meth: But if you change the zone that is not permitted. It's only permitted conditionally so there are advantages and disadvantages to changing it. I guess it's up to the owner. The owner has obviously indicated by her petition that it's more important for her to get it changed. I think it would better said for the Planning Board as to whether the grandfather works out. I don't think it's for this Board to make that determination. I don't think we have enough information about how long it has been there and such.

Mayor Newhard: It's odd that they would be permitted a movie theatre in that small of a space.

Michael Meth: Well, it's not because they put up to 40,000 square foot parcels in that same zone. I don't know what the bulk table defines for movie theatre. I didn't look at the bulk table.

Trustee Cheney: 5,000 – obviously without parking and probably more along the lines of the movie theatre that did exist here. On these lots you do not have to have a side yard.....

Mayor Newhard: Right, but this is relatively new zoning. Okay, I'll open this up to the floor. Would the floor like to make any comments?

There were no comments from the floor.

A **MOTION** was made by Trustee McManus, seconded by Trustee Iurato and carried to close the Public Hearing. Five Ayes

12 Maple Avenue Zone Change – Tabled:

A **MOTION** was made by Trustee Cheney and seconded by Trustee McManus to change the zoning for 12 Maple Avenue from Residential with Office Overlay to Central Business. **Tabled**

Meth: You have to finish the SEQRA to say that it's a negative declaration or positive declaration.

Meth: The factors as to whether to make it a negative declaration or a positive declaration- so after I read the factors someone will make a motion to either declare the zone change a negative declaration or a positive declaration.

- (1) The substantial increase in the potential for soil, erosion, flooding and drainage problems if the zone is changed.
- (2) The removal of large quantities of vegetation if the zone is changed.
- (3) The substantial interference with natural resources in the area if the zone is changed
- (4) The creation of a material conflict with the community's comprehensive plan if the zone if changed.
- (5) The impairment of the existing character of the community if the zone is changed.

(6) A substantial increase in the intensity of the land use if the zone is changed.

If the answer is yes to the overall gist of those items, then it would be a positive declaration.

Mayor Newhard: I think the answer is no.

12 Maple Avenue – Negative Declaration:

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to declare the potential zone change for 12 Maple Avenue a negative declaration pursuant to SEQRA. Five Ayes

The Village of Warwick Board of Trustees has considered the following factors and makes the following findings: If the proposed Zone change is granted, it would not result in a substantial increase in the potential for soil erosion, flooding, and drainage problems on the property. The proposed zone change does not require the removal of large quantities of vegetation from the property. If the zone change is granted, there would not be any substantial interference with natural resources in the area. If the proposed zone change is granted, it would not create a material conflict with the community's comprehensive plan and the proposed change is consistent with the comprehensive plan. If the proposed zone change is granted, it would not impair the existing character of the community. If the proposed zone change is granted there will not be any substantial increase in the intensity of the land use.

The Village of Warwick Village Board of Trustees, as the lead agency, therefore finds that the proposed zone change should be designated with a negative declaration regarding the environmental impacts of the proposed change, requiring no further action.

12 Maple Avenue Zone Change:

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to change the zoning for 12 Maple Avenue from Residential with Office Overlay to Central Business. Five Ayes

Village Attorney's opinion based on February 22, 2011, minutes -

- (1) The zone change that took place at the February 22, 2011, Village Board Meeting was only intended for 12 Maple Avenue.
- (2) The 2011 map may have been created in error since it's clear in the language of the February 22, 2011, motion that the zoning change is for 12 Maple Avenue, with no other location listed.
- (3) The SEQR analysis for the Negative Declaration would likely be more substantial if it was to replace the entire zoning map.
- (4) The title of Local Law 1 of 2011 reflects that the modification of the zoning is for 12 Maple Avenue (S/B/L 205-1-20), with no other location(s) listed.

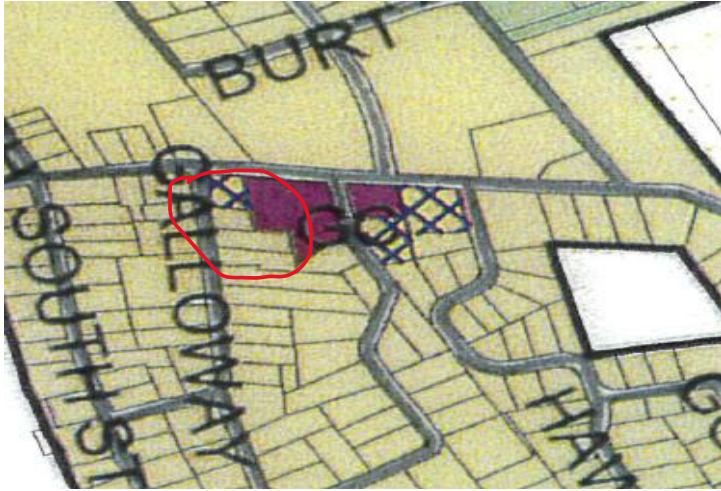
Solution:

The Village to revert to the February 17, 2009, map that was adopted by Local Law 1 of 2009, plus include the (6) six subsequent zoning map amendments that were enacted via local law as follows:

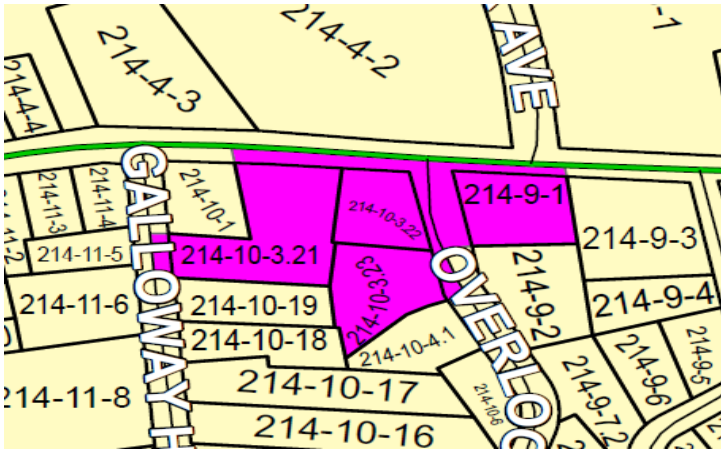
- LL 1 of 2011 -
 - Change the zoning designation of SBL 205-1-20, 12 Maple Avenue, from Residential with Office Overlay to Central Business
- LL 2 of 2017 -
 - Change the zoning designation of SBL 211-10-19, 41 South Street, from Limited Office (LO) Overlay to Central Business (CB)
- LL 2 of 2021 –
 - Change the zoning designation of SBL 210-7-3, 15 Elm Street, from Light Industrial (LI) to Central Business (CB)
- LL 4 of 2025 –
 - Change the zoning designation of 42 Orchard Street, identified as SBL 210-11-5, and more particularly identified as 'Lot 2' as described in Schedule A of the attached Local Law from Residential (R) to Light Industrial (LI).
***Please note, a lot line change occurred after this LL was adopted moving a portion of SBL 210-11-5 to 210-11-16.222.*
- LL 1 of 2026 -
 - Annexation of Village View parcel SBL 43-1-4.2 into V. of Warwick SBL 201-1-2.2
- LL 2 of 2026 -
 - Applying the Residential (R) zoning district designation to the Village View annexed parcel SBL 201-1-2.2

(2) REVISION MADE TO 2025 MAP -

The 2009 map reflects –



The current 2025 map reflects -



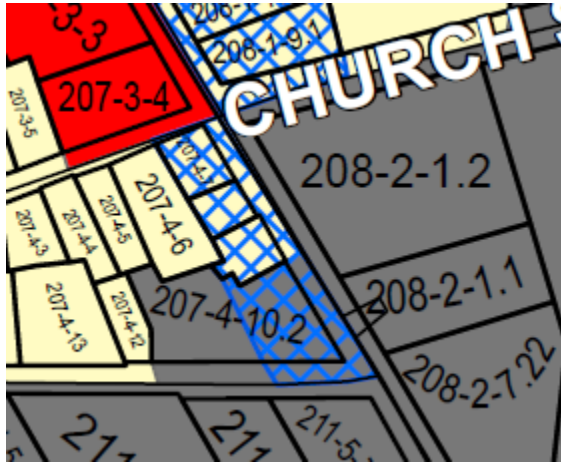
To the current 2025 map –

- Add Limited Office Overlay to:
 - 214-10-1
 - 214-9-3
 - 214-9-2

Please note, the 2009 map appears to be incorrectly depicting 214-10-3.21. After reviewing Village records, there was a lot line change to 214-10-3.2 around 1997-1998 that subdivided 214-10-3.2 into 3 parcels: 214-10-3.21, 214-10-3.22, 214-10-3.23. It appears that the current 2025 map for 214-10-3.21 is correct according to tax maps. Lot line changes are filed with Orange County, including deed transfers.

(3) REVISION MADE TO 2025 MAP -

The current 2025 map reflects -



The 2009 map -



To the current 2025 map -

- Remove Limited Office Overlay from:
 - 207-4-10.2

The following 4 Local Law changes are ALREADY reflected on the current 2025 zoning map-

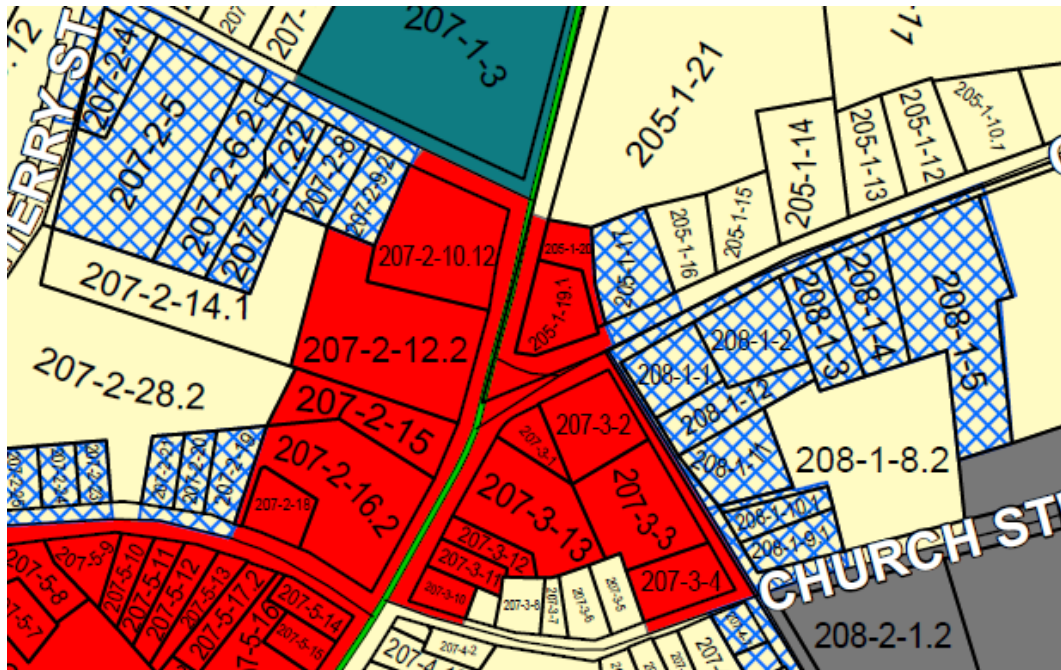
(1) Local Law 1 of 2011:

Change the zoning designation of SBL 205-1-20, 12 Maple Avenue, from Residential with Office Overlay to Central Business

The 2009 map –



The current 2025 map reflects -



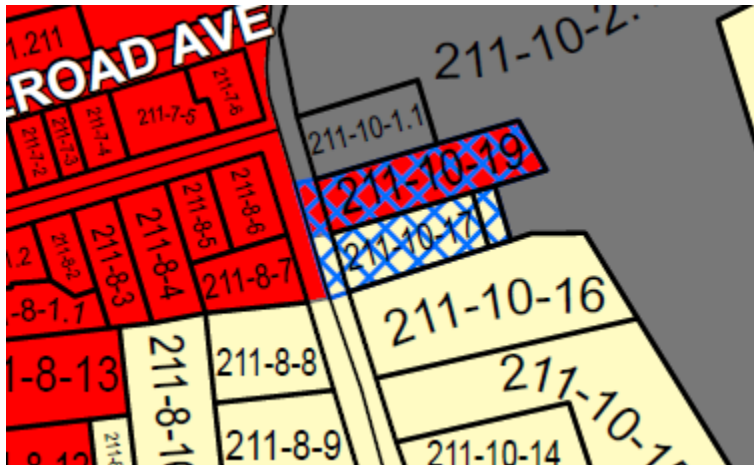
(2) Local Law 2 of 2017:

Change the zoning designation of SBL 211-10-19, 41 South Street, from Limited Office (LO) Overlay to Central Business (CB)

The 2009 map –



The current 2025 map reflects -



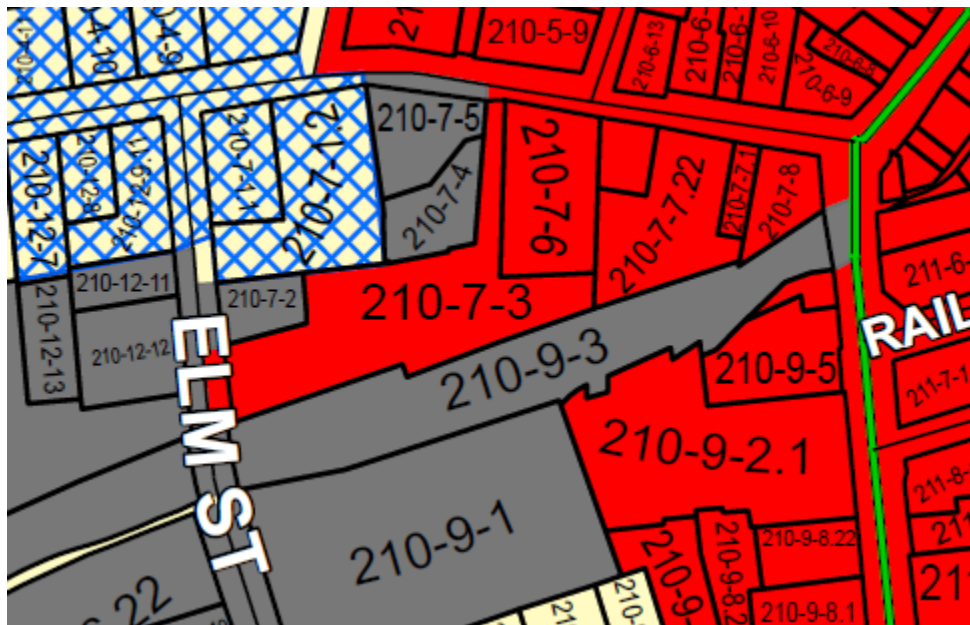
(3) Local Law 2 of 2021:

Change the zoning designation of SBL 210-7-3, 15 Elm Street, from Light Industrial (LI) to Central Business (CB)

The 2009 map reflects –



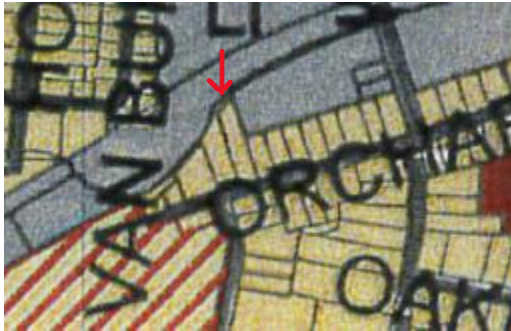
The current 2025 map reflects -



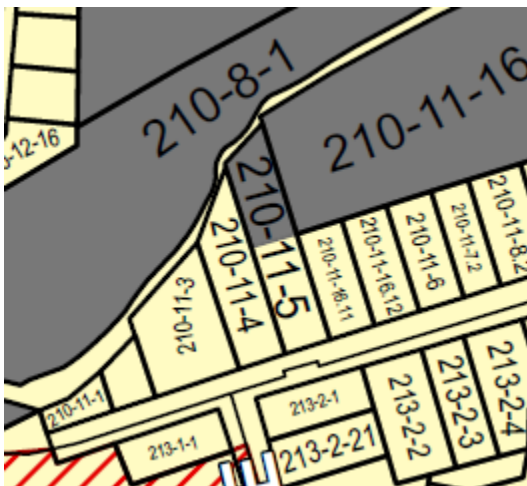
(4) Local Law 4 of 2025:

Change the zoning designation of 42 Orchard Street, identified as SBL 210-11-5, and more particularly identified as 'Lot 2' as described in Schedule A of the attached Local Law from Residential (R) to Light Industrial (LI).

The 2009 map reflects –



The current 2025 map reflects -



***Please note, a lot line change occurred after this LL was adopted moving a portion of SBL 210-11-5 to 210-11-16.222.*

(5) Local Law 1 of 2026 & Local Law 2 of 2026 were added to the current 2025 zoning map-

- LL 1 of 2026 -
 - Annexation of Village View parcel SBL 43-1-4.2 into V. of Warwick SBL 201-1-2.2
- LL 2 of 2026 -
 - Applying the Residential (R) zoning district designation to the Village View annexed parcel SBL 201-1-2.2

The new 2026 map was amended to also reflect the proper zoning district names as adopted by Local Law 1 of 2009 (the current 2025 map key states ‘Office Overlay’ instead of ‘Limited Office Overlay’):

ARTICLE II - Zoning Districts and Zoning Districts Map

145-20 Districts Established

The zoning districts listed below are hereby established, and the Village of Warwick is divided into the districts listed and as illustrated on the Village of Warwick Zoning Districts Map.

Symbol	Title
R	Residential
CB	Central Business District
GC	General Commercial District
CCRC	Continuing Care Retirement Community
LO	Limited Office Overlay
LI	Light Industrial District
MR-SC	Multiple Residence - Senior Citizen
PAC	Planned Adult Community Floating Zone
TND	Traditional Neighborhood Design Overlay District
AD	Annexation District Floating Zone

Proposed 2026 Zoning Map

To view the proposed map that correlates to the ‘Village of Warwick Introductory Local Law Corrections to Zoning Map’ as detailed on the May 4, 2026 Village Board agenda, please go [**HERE**](#).