

# TOWN OF WARWICK



132 KINGS HIGHWAY  
WARWICK, NEW YORK 10990

TOWN HALL TELEPHONE (845) 986-1124  
POLICE DEPT. TELEPHONE (845) 986-3423  
PUBLIC WORKS TELEPHONE (845) 986-3358  
TOWN HALL FAX (845) 986-9908  
SUPERVISOR [supervi@warwick.net](mailto:supervi@warwick.net)  
TOWN CLERK [townclk@warwick.net](mailto:townclk@warwick.net)

Wednesday, January 20, 2016

Michael Sweeton, Supervisor  
Town Board of the Town of Warwick  
132 Kings Highway  
Warwick, NY 10990

Re.: *Local Law Establishing a Right-to-Farm Policy*

Dear Supervisor Sweeton and Members of the Town Board:

The Planning Board is in receipt of your request for comments dated December 29, 2015, on the above proposed Local Law. We thank you for forwarding this to the Planning Board for our comments. The Planning Board supports farming in the Town since we all benefit from this important sector of our local economy. We note that the Comprehensive Plan supports farming in the Town. We also agree that farmers need to have their rights to farm respected by all who benefit from their presence, including their neighbors. So, the Planning Board supports the adoption of a Right-to-Farm Policy in the Town.

We did note a few typographical errors that should be corrected, we have one suggestion for an insertion, and would like to point out one conflict between the proposed Local Law and the Town of Warwick Zoning Law. Each of these are outlined as follows:

1. In the fourth line of the first paragraph, we suggest that the reference to "loss to the County of its agricultural resources" should be changed to "loss to the Town" or "loss to the Town and County."
2. In the seventh line of the first paragraph, change "sound agricultural practices in more" to "sound agricultural practices is more."
3. The definition for "Agricultural Activities" on page one is a more comprehensive definition of what goes on at farms. The Town Board may want to consider amending the Zoning Law's definition of "Farm, Commercial Agriculture" to be consistent with the proposed policy, if adopted. Of greater importance is the conflict these two definitions would present by the proposed Local Law. In the Zoning Law, "Farm, Commercial Agriculture" currently "excludes the raising of fur-bearing and laboratory animals" while the Right-to-Farm Local Law includes "fur bearing animals" in the definition of agriculture.

4. On page two in the first paragraph below item "h," the Board may want to consider the inclusion of a reference to "marketing" the products of agricultural activities, along with "collection, transportation, distribution" and so on, since most farms cannot exist without sale of its products.
5. On page 3 under the definition of "Right To Farm," there is another reference on the fourth line to "within the County" that should be changed to "within the Town" or "within the "Town and County."

For the Town of Warwick Planning Board,



Benjamin Astorino, Chairman

On a motion by Chris Little, seconded by Roger Showalter, and a vote of 5

for, and 0 against, and 0 absent, the Planning Board authorized this letter of

recommendation to the Town Board on January 20, 2016.



Prepared for **January 21, 2016** Town Board meeting

Mr. Michael P. Sweeton, Supervisor  
Town of Warwick Town Board  
132 Kings Highway  
Warwick, New York 10990

**Re: Beautiful People Site Plan**  
**Former Quality of Life Building, 911 Address to be determined**  
**Tax Map Reference: 46-1-39.2**

**Task: PPB046**

**Area = 648.30± acres**

Dear Mr. Sweeton:

**Introduction:** This application is before the Town Board for a site plan for the construction of two baseball fields within a municipal park, along with an upgraded parking area.

**Correspondence:** We have received the following information:

1. Town of Warwick PreApplication Form, dated December 16, 2015
2. Transmittal letter, prepared by Jeremy Havens, Esq.
3. Cover Letter, prepared by Engineering & Surveying Properties, dated 12/04/15
4. Applicant and Checklist for Site Plan and Special Use, dated 11/23/15
5. Short EAF, dated (undated), received 12/16/15
6. Stormwater Pollution Prevention Plan, prepared by Engineering Properties, dated 10/15
7. Three-sheet drawing set, prepared by Engineering Properties, dated 10/16/15

Upon reviewing the materials submitted we have the following comments that identify the comment number, original date of comment, the comment itself, and the current status of the comments (i.e., whether they have been answered or if it is still outstanding).

No.	Date	Comment	Status
1.	01/14/16	Town Board to discuss SEQRA.	Statement.
2.	01/14/16	Applicant to discuss project.	Statement.
3.	01/14/16	Orange County Planning Department: pending submittal	Statement.
4.	01/14/16	Bulk requirements: (Town Planner)	Incomplete.
5.	01/14/16	Adjacent land owners within 300-ft must be shown on the plan, including Section, Block, and Lot.	Incomplete.
6.	01/14/16	A legend shall be added to the plans; there are several line types and shading on the drawing that are not defined.	Incomplete.
7.	01/14/16	An existing conditions/survey map must be included within the plan set.	Incomplete.
8.	01/14/16	An overall plan should be added to the plan set that shows the adjacent roadways and site access.	Incomplete.
9.	01/14/16	The site plan must clearly define what is existing and what is proposed.	Incomplete.
10.	01/14/16	Provide existing contour labels.	Incomplete.

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1 International Boulevard, Suite 1000, Mahwah, New Jersey 07495  
T (201) 335 - 9300 F (201) 335 - 9301

No.	Date	Comment	Status
11.	01/14/16	Existing fencing (location and height) does not appear to be shown on the plan; this information should be added to the plan.	Incomplete.
12.	01/14/16	The limits of disturbance must be shown on the plan and the area of disturbance must be called out in a note.	Incomplete.
13.	01/14/16	The appropriate Town of Warwick Standard notes must be added to the plan: For all projects, Town of Warwick Overlay Protection Districts, Signature Block (replace "Planning" with "Town"), Utilities, Limit of Disturbance, Lighting (or state that no lighting is proposed), Ridgeline, Agricultural, and Aquifer Notes as appropriate, For Projects Proposing Sign (or state that no signs are proposed), for projects with access to a Town Highway.	Incomplete.
14.	01/14/16	§164-43.2 states that the number of required parking spaces is 0.33 persons in the permitted capacity of the proposed use. Applicant to state parking requirements on the plan and show that the site plan complies with this requirement.	Incomplete.
15.	01/14/16	§164-46.E(4): All parking and service areas shall be reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Existing trees 12 inches or more in diameter at breast height (dbh) shall be preserved to the maximum extent practical.	Town Board considering waiving additional landscaping.
16.	01/14/16	Confirm with others that this proposal does not conflict with any future proposed site plan for the former Administrative Building, Manor House, or the small building in-between.	Incomplete.
17.	01/14/16	It appears that the site plan shows that the existing septic system servicing the former Quality of Life building. Applicant to show that this existing system will be able to manage this proposed expanded use.	Incomplete.
18.	01/14/16	The existing water supply for the former Quality of Life Building shall be shown on the plan.	Incomplete.
19.	01/14/16	There is an existing utility pole near the proposed parking lot. Applicant to verify pole is going to be relocated and provide a location for the new pole.	Incomplete.
20.	01/14/16	Provide spot elevations along the exterior of the parking lot to demonstrate ADA-acceptable slopes and positive pitch.	Incomplete.
21.	01/14/16	Provide a guiderail along the edge of the parking lot adjacent to the steep drop-off.	Incomplete.
22.	01/14/16	Applicant to provide separate existing and proposed plans, showing grades, stormwater and erosion control practices, utility locations, etc.	Incomplete.

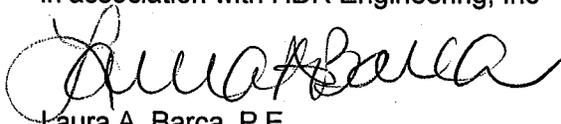
No.	Date	Comment	Status
23.	01/14/16	Applicant must provide responses to questions 1, 16, 36, 40, 42-43 in NOI, including Federal Tax ID for "We are Beautiful People" on coversheet.	Incomplete.
24.	01/14/16	Appx. 10 SWPPP inspection form should be updated to include compliance with latest NSYDEC SPDES GP-0-15-002.	Incomplete.
25.	01/14/16	Applicant to demonstrate limit of disturbance area, and locations for vegetated open swales (per SWM Report Section 5.3), location of sediment traps, seeding areas, and rock outlet protection (per NOI Question #26).	Incomplete.
26.	01/14/16	Applicant to provide proposed seed mix(es).	Incomplete.
27.	01/14/16	Applicant to provide construction sequencing.	Incomplete.
28.	01/14/16	Section 5.3 of the SWM Report mentions the conservation of several wetlands located on site. Applicant to identify their locations and demonstrate protection measures, if necessary.	Incomplete.
29.	01/14/16	A level spreader is identified on sheet C-2. Applicant to provide detail and sizing calculations for this structure.	Incomplete.
30.	01/14/16	Applicant to provide riprap sizing / stone selection calculations for rock outlet protection.	Incomplete.
31.	01/14/16	Recreation Area Improvement is selected on Q#26 in the NOI. Applicant to provide data and details on how to meet the specifications of this standard, including soil amendments and preparation, and grass establishment and maintenance or additional information about the proposed ground surface.	Incomplete.
32.	01/14/16	Applicant to confirm if tree protection will be exercised during site construction.	Incomplete.
33.	01/14/16	Applicant to verify values for WQv and RRv in SWPPP are the same as the values in the NOI.	Incomplete.
34.	01/14/16	The SWPPP states that the infiltration rate for design is to be 2 inches/hour. However, the design report uses 2.5 inches/hour. Please clarify.	Incomplete.
35.	01/14/16	The Short EAF states that 3.5 acres will be disturbed while the NOI states that 3.0 acres will be disturbed. Please clarify.	Incomplete.
36.	01/14/16	Provide the location and results of the soil testing referenced in the SWPPP. The location of the borings and infiltration tests shall be shown on the plans.	Incomplete.
37.	01/14/16	Applicant shall provide an erosion and sediment control plan that outlines ESC practices including but not limited to silt fence, soil stabilization, soil stockpiling, etc.	Incomplete.
38.	01/14/16	Provide construction details for ball field with hard surface.	Incomplete.
39.	01/14/16	Provide construction details for all proposed site features.	Incomplete.

No.	Date	Comment	Status
40.	01/14/16	Provide conveyance calculations that demonstrate the proposed swale along the south side of the parking lot can convey the stormwater flows to the proposed infiltration basin at a non-erosive velocity without overtopping the swale.	Incomplete.
41.	01/14/16	Provide proper maintenance access to the infiltration basin.	Incomplete.
42.	01/14/16	Site plan and Grading plan should not show trees or vegetation that will be removed.	Incomplete.
43.	01/14/16	Applicant should verify if a curb is proposed along the parking area. If a curb is proposed, grading needs to reflect the curb. If a curb is not proposed, parking stalls should include wheel stops to stop cars from blocking the sidewalk.	Incomplete.
44.	01/14/16	If a sidewalk is proposed, a detail must be included to show the sidewalk and the connection to the existing/proposed parking lot area.	Incomplete.
45.	01/14/16	Sign post, handicap parking space and pedestrian crosswalk details should include a note that signs shall conform to all ADA regulations	Incomplete.
46.	01/14/16	Parking space details note that the spaces are proposed to be 19 feet long, where the site plan notes that spaces are proposed to be 18 feet long. Confirm and update.	Incomplete.
47.	01/14/16	Applicant to clarify the location of the stabilized construction entranceway if the area is already paved.	Incomplete.
48.	01/14/16	Any required declarations shall be noted on the plan.	Incomplete.
49.	01/14/16	Payment of all fees.	Condition of final approval.

**Miscellaneous:** Prior to placing this project on the next Town Board agenda, a written response letter addressing each of the above comments should be submitted. The Applicant's response letter should provide an itemized explanation of how the plans have been revised or modified in order to address these items with specific references to the changes in the plans.

The above comments represent our professional opinion and judgment and do not in all cases reflect the opinion of the Town Board. Please revise your plans to reflect these comments with the understanding that further changes may be required.

Sincerely,  
Henningson, Durham & Richardson  
Architecture and Engineering, P.C.  
in association with HDR Engineering, Inc



Laura A. Barca, P.E.  
Project Manager

CC: Town Board Members  
HDR Project No. 147-272312, Task No. PPB046

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1 International Boulevard, Suite 1000, Mahwah, New Jersey 07495  
T (201) 335 - 9300 F (201) 335 - 9301

**TOWN OF WARWICK TOWN BOARD  
PROJECT TRACKING SHEET**

DATE: Jan-16

TOWN OF WARWICK PROJECT No: PPB046  
 PROJECT NAME: We Are Beautiful People  
 LOCATION: Town Road off of State School Road  
 TYPE: Site Plan  
 APPLICANT: Jan Brunkhorst  
 ATTORNEY: Jeremy Havens  
 ENGINEER: Engineering Properties (Jay)  
 SURVEYOR:  
 PLANNER:

PHONE: (845) 986 - 5944  
 PHONE: (845) 987 - 8500  
 PHONE: (845) 457 - 7727  
 PHONE:

SECTION: 46  
 BLOCK: 1  
 LOT: 39.2  
 TYPE OF USE: Town Park  
 TRACT AREA: 648.3 acres  
 EXISTING LOTS: 1 lots  
 PROPOSED LOTS: 1 lots

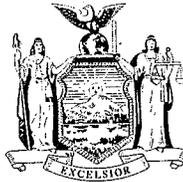
MILESTONES			OTHER DEPARTMENT APPROVALS:			
	Granted	Expired	INDICATE WHETHER OR NOT APPROVAL IS NECESSARY.		GRANTED	
P-0	INFORMAL APPEARANCE					
P-1	INITIAL APPEARANCE	01/21/16				
P-2	SITE INSPECTION					
P-3	SKETCH PLAN APPROVAL					
P-4	CONDITIONAL PRELIM APPROV					
P-5	PRELIMINARY APPROVAL					
P-6	CONDITIONAL FINAL APPROV					
P-7	FINAL APPROVAL					
P-8	CHAIRMAN'S SIGNATURE					
P-9	MAP FILED					
S-1	EAF SUBMITTED	(undated)	short			
S-2	LEAD AGENCY - declare intent					
S-3	DETERMINE SIGNIFICANCE					
S-4	EIS SCOPING FINALIZED					
S-5	SUBMIT DRAFT EIS					
S-6	DRAFT EIS COMPLETE					
S-7	PUBLIC HEARING (SEQRA)					
S-8	PUBLIC HEARING (subdivision)					
S-9	PUBLIC HEARING (site plan)					
S-10	PUBLIC HEARING (special use)					
S-11	FINAL EIS SUBMITTED					
S-12	FINAL EIS APPROVED					
S-13	AGENCY FINDINGS					
E-1	EXTENSION OF PRELIMINARY					
E-2	EXTENSION OF PRELIMINARY					
E-3	EXTENSION OF FINAL					
E-4	EXTENSION OF FINAL					

**NOTES:**  
 Construction of two adaptive baseball fields within an existing municipal park, along with an upgraded parking area

JOHN J. BONACIC  
SENATOR, 42ND DISTRICT

CHAIR  
COMMITTEES ON  
JUDICIARY  
RACING, GAMING & WAGERING

DEPUTY REPUBLICAN CONFERENCE LEADER  
FOR STATE/FEDERAL RELATIONS



THE SENATE  
STATE OF NEW YORK

COMMITTEES  
ALCOHOLISM  
BANKS  
CHILDREN & FAMILIES  
CULTURAL AFFAIRS, TOURISM,  
PARKS & RECREATION  
FINANCE  
HOUSING, CONSTRUCTION  
& COMMUNITY DEVELOPMENT  
RULES

*Talbot*  
*TBD*

January 4, 2016

Hon. Michael Sweeton  
Supervisor  
Town of Warwick  
132 Kings Highway  
Warwick, NY 10990

RE: State and Municipal Facilities Capital Program Grant \$100,000  
Town of Warwick – Repair of Jayne Street Bridge over Millers Creek within the Village  
of Florida

Dear Supervisor Sweeton:

I am pleased to inform you that I have selected your project for a grant through the State and Municipal Facilities Capital Program in the amount of \$100,000.

The Governor's office, Dormitory Authority of the State of New York (DASNY), and other appropriate state agencies will review and consent to this grant, provided it meets the Eligibility Criteria for the State and Municipal Facilities Capital Program, which I am enclosing for your reference.

In order for DASNY to begin processing the grant, you **MUST ENTIRELY** complete the enclosed two page application and return it to my District Office. Be advised, you will be notified by DASNY when it has been activated. You **SHOULD NOT** expend any funds toward this project until you receive a signed contract from DASNY.

Be assured, I will continue to work to secure funds for important projects like yours. Please keep me updated on your project's progress.

If you have any questions regarding this funding, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink that reads "John J. Bonacic".

JOHN J. BONACIC  
State Senator

JJB/ajw  
Enclosures

RECEIVED  
JAN 08 2016  
TOWN OF WARWICK  
SUPERVISOR'S OFFICE





**SECTION 3: PROJECT BUDGET, DISBURSEMENT SCHEDULE, & OPERATING COSTS**

<b>A. Use of Funds</b>					Complete the following Project Budget detailing the proposed sources and uses of funds (attach additional sheets if necessary).
<u>USE OF FUNDS</u>		<u>SOURCES</u>			<u>TOTAL</u>
	State	In-Kind / Equity / Sponsor Contribution	Other sources		
Direct Costs:	\$	\$	\$	\$	
Indirect/Soft Costs:					
<b>Total:</b>	\$	\$	\$	\$	

B. Please describe other sources of funds and if they have been secured.

C. Does the project require environmental or other regulatory permits?  No  Yes  NA

Have they been secured?  No  Yes  NA

D. Has any State or local government agency reviewed the project under the State Environmental Quality Review Act (SEQRA) or is such review necessary to obtain any governmental approvals?  No  Yes  NA

E. Please describe the ongoing operating costs required to maintain the proposed project and the sources of these funds.

**SECTION 4: ELIGIBILITY FOR TAX-EXEMPT FINANCING**

1. Do you believe your project is eligible for tax-exempt financing under the Federal Internal Revenue Service code?  No  Yes

2. Has the applicant or proposed recipient of funds previously received financing from the sale of tax-exempt bonds? If yes, attach a schedule describing the details of such financing.  No  Yes

3. Does the applicant or proposed recipient of funds anticipate applying for financing for this project from the sale of other tax-exempt bonds?  No  Yes

4. Have any funds been expended or obligations incurred to date on that portion of the project for which this application is made? If yes, attach a schedule showing details of such disbursements (date, purpose, payee, etc.).  No  Yes

5. Does the applicant or proposed recipient of funds plan to occupy 100% of the project facility? If no, attach a schedule explaining the planned occupancy.  No  Yes

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

# State & Municipal Facilities Capital Program (SAM)

## Eligibility Criteria

(Revised July 23, 2015)

- Minimum project amount of \$50,000
- Have secured or can demonstrate a reasonable expectation of securing total project funding;
- **SAM grants awarded under this program should not cover more than 70 percent of the total costs of the project being funded. The applicant should identify the source of the match funds and how they will be used.**
- Have a clearly identified, recurring source of revenue to support facility operations and maintenance;
- Where applicable, have received all necessary regulatory approvals, or can demonstrate a reasonable expectation that such approvals will be secured;
- Funds shall not be used for projects that are already completed at the time of application;
- All projects must be approved by the Division of Budget and the Executive after completion of the due diligence review process is completed by the Dormitory Authority of the State of New York, (DASNY).

### ELIGIBLE GRANTEES -- **must** be one of the following:

- New York State, (Agency, Authority or Public Benefit Corporations);
- Counties, Legally Incorporated Villages, Towns or Cities;
- Metropolitan Transportation Authority;
- Public Housing Authorities
- Public Libraries and/or Public Library Systems;
- Public School Districts;
- Water or Sewer Districts;
- State University & City University of New York, including Community Colleges;
- *Not for profit Fire Districts, Fire Commissions, Fire Companies, Fire Departments, Volunteer Rescue and Ambulance Squads ;*
- Independent Not-for-Profit Higher Education Institutions; and
- *Public Park Conservancies or not for profit corporations organized for the sole purpose of investing in parks owned by the State or local municipalities.*

### INELIGIBLE GRANTEES -- the following are **not eligible for funding**:

- Not-for-Profit Organizations;
- For Profit Corporations; and
- Industrial Development Authorities, (IDA)
  - A public authority, IDA, or local development corporation would only be able to receive funding under this program if the project being funded is owned by any of the **eligible** entities enumerated above. For example, if a project of a local development corporation involves the construction of a business park, funding could be used for any road improvements, sewer improvements, etc. that are needed and that are located on State or municipal owned property leading up to such business park.

# TOWN OF WARWICK



132 KINGS HIGHWAY  
WARWICK, NEW YORK 10990

BUILDING & PLANNING DEPT (845) 986-1127  
FAX NO. (845) 987-9644  
BUILDING DEPT EXT. 258/260  
PLANNING DEPT EXT. 261  
ENGINEER EXT. 259

TO: M. Sweeton & Town Board Members  
FROM: Wayne Stevens, Bldg. Inspector  
DATE: January 12, 2016  
RE: Request for Refund

The building department has received a cancellation request from D & D Communications Enterprises Inc. (**The Home Depot At Home Services**) for a refund of permit #24355 for a roof. The application fee of \$100 is normally withheld (for processing and administrative work) and a refund of the building fee is returned. I am asking for a returned fee to this company for \$80.

WS 1/14/16

WS/jh  
Attachments

Warwick  
**TOWN OF MUNICIPALITY**  
**ASSET CAPITALIZATION POLICY**

1. Scope of Policy

This Asset Capitalization Policy applies to the capitalization of capital assets in all funds of the Town.

2. General Objectives

This Asset Capitalization policy establishes guidelines for determining:

- which expenditures should be capitalized as a capital asset and which expenditures should be expensed.
- how to value capital assets that are reported.
- the estimated useful lives of capital assets.

3. Capital Asset Types

Capital assets are divided between assets that are not subject to depreciation and assets that are subject to depreciation.

Assets that are not subject to depreciation include:

- Land. The amount that should be capitalized for land should include the cost of the land itself; professional fees used to acquire the land (legal, engineering, appraisal, survey fees); costs for excavation, fill, grading, or drainage; demolition of any existing buildings or other improvements; and any other costs that are incurred to acquire the land and make the land suitable for use by the Town. Land is characterized as having an unlimited life and is therefore not depreciated.
- Construction in progress. The costs of assets that the Town is constructing, where expenses are incurred over more than one fiscal year, are accumulated as construction in progress until the asset is placed in service. At that time, the total costs are then transferred to the appropriate asset type and depreciated.

Assets that are subject to depreciation include:

- Land improvements. Land improvements are those improvements, other than ordinary and regular site preparation, which ready the land for its intended use. Such improvements can include parking lots, athletic fields, fencing, paths and trails, and landscaping.
- Buildings and building improvements. Buildings are permanent structures that are intended for shelter of persons, materials or equipment. Building improvements are capital events that extend the useful life of a building or increase the value of a building, or both. Repairs that simply maintain the existing life or restore a building to its original condition do not constitute an improvement.
- Equipment. Equipment is an item of tangible, nonexpendable personal property with a useful life of more than one year, and includes machinery and vehicles.
- Infrastructure. Infrastructure assets are long-lived capital assets that are stationary in nature and can be preserved for a significantly greater number of years than most capital assets. Such assets can include streets and roadways, bridges, sidewalks, water mains and distribution lines, sewer mains and collection lines, and treatment plants.
- Computer Software. Purchased computer programs above the fixed asset capitalization threshold

- Computer Software (continued) will be amortized over an estimated useful life of three to five years. Costs associated with annual maintenance and support are considered current expenditures.

Collections (works of art or historical artifacts) meet the definition of capital assets and ordinarily would be reported in the financial statements. However, the requirement for capitalization of these assets is waived if the collection is held for reasons other than financial gain; the collection is protected, kept unencumbered, cared for, and preserved; and the collection is subject to a policy requiring that the proceeds from sales of collection items be used to acquire other items for collections.

#### 4. Expenditure Types

Repairs are the costs necessary for the upkeep of the property that neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition. These costs should not be capitalized.

#### 5. Capital Asset Valuation

Capital assets should be reported at their historical cost. In the absence of historical cost information, the assets estimated historical cost may be used. Assets donated by parties outside the municipality should be reported at their fair value on the date the donation is made. If capital assets are moved from one fund or activity to another, the recipient fund or activity should continue to report those assets at their historical cost as of the date they were originally acquired.

The historical cost of a capital asset should include ancillary charges necessary to place the asset in its intended location (freight charges, for example); ancillary charges necessary to place the asset in its intended condition for use (installation or site preparation charges, for example); and capitalized interest (only for those assets that are utilized in enterprise funds and internal service funds that are reported as a part of business-type activities).

Estimating the historical cost of capital assets for which invoices or similar documentation of historical cost are not available can use either standard costing or normal costing. Standard costing involves using historical sources, such as old vendor catalogs, to establish the average cost of obtaining the same or a similar asset at the time of acquisition. Normal costing involves establishing the current cost of the same or similar asset and deflating that cost using an appropriate price index.

#### 6. Capitalization Thresholds

By definition, any asset that benefits more than one fiscal period potentially could be classified as a capital asset. As a practical matter, however, governments capitalize only their higher cost assets. Capitalization thresholds are established to determine which assets are capitalized and which assets are expensed when purchased.

The Town must maintain adequate control over all assets, including lower-cost capital assets. Capitalization is designed to focus on the Town's financial reporting needs, and is not designed for or particularly suited for the purposes of ensuring control over lower-cost assets. Capitalizing numerous small cost items will actually overburden the overall capital asset management system. Capitalization thresholds are established based on financial reporting needs, and other policies will determine how the Town controls lower-cost assets.

The Town establishes a Capitalization Threshold of \$ 5000.00.

#### 7. Depreciation

Assets that are capitalized will be depreciated over their estimated useful lives. Depreciation will be calculated on the straight-line basis, using estimated useful lives as follows:

Land improvements	10-50 years
Buildings and building improvements	10-75 years
Equipment and vehicles	3-25 years
Infrastructure	20-75 years

Because depreciation is intended to allocate the cost of a capital asset over its entire useful life, it normally is not appropriate to report assets still in service as fully depreciated. Instead, the annual amounts of depreciation expense should be reduced prospectively as soon as it becomes clear that an asset's useful life will be longer than originally estimated.



**Department of  
Public Service**

Public Service Commission  
Audrey Zibelman  
Chair

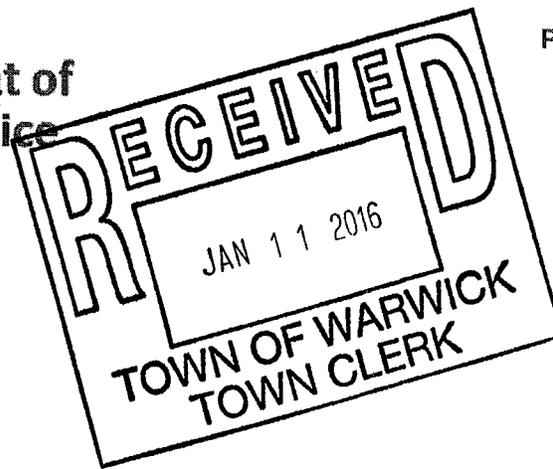
Patricia L. Acampora  
Gregg C. Sayre  
Diane X. Burman  
Commissioners

Kimberly A. Harriman  
General Counsel  
Kathleen H. Burgess  
Secretary

**Office Locations**

3 Empire State Plaza, Albany, NY 12223-1350  
90 Church Street, 4<sup>th</sup> Floor, New York, NY 10007-2929  
295 Main Street, Suite 1050, Buffalo, NY 14203-2508  
125 East Bethpage Road, Plainview, NY 11803

[www.dps.ny.gov](http://www.dps.ny.gov)



January 5, 2016

Dear Community Leader/Elected Official:

The New York State Public Service Commission is sponsoring a series of regional information sessions and public statement hearings regarding a proceeding currently before the Commission. In November 2015, Altice N.V. and Cablevision filed a Joint Petition seeking Commission approval for Cablevision to transfer certain telephone and cable systems to Altice.

To ensure full public participation, the Commission will hold public statement hearings to solicit input and comments from your community on the proposal. At the information session, Department of Public Service Staff will explain the procedure for reviewing the petition and will be available to answer questions. The information session will be immediately followed by a formal public statement hearing where the public is invited to participate and comment on the proceeding. Information received at the public statement hearings will be transcribed and will be included in the case record. The public comments will be considered by the Commission in deciding this case.

The enclosed fact sheet provides detailed information on how to participate in the public statement hearings and available options to submit comments on the proceedings. A copy of the Joint Petition, as well as additional information about the proposed transaction can be found at [www.dps.ny.gov](http://www.dps.ny.gov) web site.

I would appreciate your assistance informing your constituents about the public meetings and encouraging them to provide comments. It is the Commission's intent to facilitate and encourage active and meaningful participation throughout all of its proceedings. We hope you will consider joining us at one of these meetings.

Sincerely,

Michael Corso  
Consumer Advocate and Director,  
Office of Consumer Services

Enc.



**Proposed Transfer of Control Between  
Altice N.V. and Cablevision Systems Corp.  
Case 15-M-0647**

On November 4, 2015, Altice N.V. (Altice) and Cablevision Systems Corporation (Cablevision) filed a Joint Petition with the New York State Public Service Commission (Commission) seeking approval for Cablevision to transfer certain telephone and cable systems, franchises and assets to Altice. Under the proposed transaction, Altice will acquire Cablevision and its New York operating subsidiaries. Altice plans to retain all of Cablevision's existing assets in New York.

If the transaction is approved, Altice will own and/or manage cable systems serving approximately 220 communities throughout the Hudson Valley, Long Island and the boroughs of the Bronx and Brooklyn. According to the petition, the proposed transaction will occur solely at the holding company level and does not seek changes to customers' rates, terms or conditions, nor will it result in the discontinuance, reduction, loss or impairment of service to any customer.

A copy of the petition may be reviewed online at the Commission's [www.dps.ny.gov](http://www.dps.ny.gov) website under Case 15-M-0647.

**Information Sessions and Public Statement Hearings**

The Commission is seeking public comment on the Joint Petition filed by Altice and Cablevision. Interested members of the public are invited to attend a series of public statement hearings and provide comments before an Administrative Law Judge. The hearings will be preceded by an information session, during which staff from the New York State Department of Public Service (DPS) will provide an overview of the procedure for review of the petition. The presentation will be followed by an opportunity for members of the public to ask questions about the proposed transaction.

In order to speak at the hearing, it is not necessary to make an appointment in advance or to present written material. All comments given at the hearings will be transcribed and become part of the Commission's formal record. The hearings will remain open until everyone wishing to speak has been heard or other reasonable arrangements have been made.

Disabled persons requiring special accommodations should contact the DPS Human Resources Management Office at (518) 474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711 to reach the Human Resource number. Individuals with difficulty understanding or reading English are encouraged to call the Commission at 1-800-342-3377 for free language assistance services regarding this factsheet.

January 5, 2016

Town of Warwick  
Town Board  
132 Kings Highway  
Warwick, New York 10990

Re: Planning Board Applicant, Doss & McMahon Lot Line Change. -Escrow  
Refund Request

SBL# 58-2-1.21 & 47-1-18.2 (TAO # 683)

Dear Town Board Members:

Enclosed is a letter from Planning Board applicant, Wesley Doss, dated 12/26/15 and received on December 26, 2015 requesting a refund on the remaining balance of their escrow in the amount of \$1,036.25. The Applicant has completed their planning process and Final Maps were signed by the PB Chairman on May 6, 2015. As of today's date, there are no outstanding invoices from the Town Professionals. The balance of the escrow can be returned back to the applicant.

Town Planner BY JPB  
Ted Fink/Greenplan

Planning Board Engineer [Signature]  
Laura Barca/HDR

Planning Board Attorney JPB  
John Bollenbach, Esq.

Please release and mail the balance of the escrow back to Wesley Doss, 390 Nelson Road, Monroe, NY 10950

Sincerely,

[Signature]

Connie SarDO  
Planning Board Secretary

cc: Joanne Wilcox, Bookkeeper  
Michael Sweeton, Supervisor  
Eileen Astorino, Town Clerk  
Wesley Doss, Applicant

Encl.

**LOCAL LAW INTRODUCTORY NO. 1 OF 2016**

**A LOCAL LAW ESTABLISHING A RIGHT-TO-FARM POLICY IN THE TOWN OF  
WARWICK, NEW YORK.**

**BE IT ENACTED**, by the Town Board of the Town of Warwick, State of New York as follows:

**SECTION 1. LEGISLATIVE INTENT AND PURPOSE.**

It is the declared policy of the Town of Warwick to conserve, protect and encourage the use of its agricultural land for the production of food and other agricultural products. When nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance suits. It is the purpose of this policy to reduce the loss to the County of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance. It is expressly found that whatever nuisance may be caused to others by such uses and activities so conducted with sound agricultural practices is more than offset by the benefits from farming to the Town economy by the production of local food and products, and to neighborhood and community and to society, in general, by the preservation of open space by maintaining the inherent beauty of the countryside and by the preservation and continuance of farming operations in the Town of Warwick.

**SECTION 2. DEFINITIONS.**

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

**AGRICULTURAL ACTIVITIES** – Those activities involved in the production of crops, livestock, and livestock products by farm operations, all as defined in Section 301 of Article 25-AA of the New York Agriculture and Markets Law of New York, including but not limited to the following:

- a. Field crops including corn, wheat, oats, rye, barley, hay, potatoes, dry beans and sod;
- b. Vegetables including tomatoes, snap beans, cabbage, carrots, beets, onions and corn;
- c. Fruits including apples, berries, cherries, peaches and pumpkins;
- d. Horticultural ornamental specialties including nursery stock, shrubs, ornamental trees, flowers and vegetables;

- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites such as ostriches, emus, rheas, kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs;
- f. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump;
- g. Aquaculture products, including fish, fish products, water plants and shellfish;
- h. Forestry products such as short rotation woody crops used for bio-energy and maple syrup products.

Further, agricultural activities shall include an activity engaged in, by, or on behalf of a farmer in connection with any furtherance of the business of agriculture or farming and shall include without limitation, the collection, transportation, distribution, composting, cooling, drying and storage of animal and poultry waste; storage, transportation and use of equipment for tillage, planting, harvesting and marketing; transportation, storage and use of legally permitted fertilizers and limes, insecticides, pesticides, herbicides, and fungicides; construction of farm structures and facilities, including farm wineries and other on-farm food processing as permitted by local and State building code regulation; construction and maintenance of fences and other enclosures; and the use and/or maintenance of related pastures, idle or fallow land, woodland, wetland, farm ponds, farm roads and certain farm buildings and other structures related to agricultural practices.

DISPUTE RESOLUTION CENTER – shall mean the Dispute Resolution Center presently located at 210 East Main Street, Middletown, New York serving Orange, Putnam, Sullivan and Ulster Counties.

FARMLAND – Land within an agricultural district created pursuant to Section 303 or land used in agricultural production subject to an agricultural assessment pursuant to Section 306 of Article 25-AA of the New York Agriculture and Markets Law, used primarily for bona fide agricultural production, for commercial purposes, of all those items and products defined in the New York Agriculture and Markets Law, Section 301.

RIGHT TO FARM – The right to farm shall apply to farmers as well as those employed or otherwise authorized to act on behalf of farmers and shall also include, subject to the provisions of Section 3 of this Local Law, the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, cooling and drying, transporting large, slow-moving equipment over roads within the Town, and the employment of farm laborers, all for the purpose of producing from the land agricultural products such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds.

This “right to farm” shall also include, subject to the provisions of Section 3 of this Local Law, the right to use land for grazing by animals, subject to the restrictions for intensive fowl or livestock farms. The foregoing uses and activities included in the “right to farm”, when reasonable and necessary for the particular farming, livestock or fowl production and when conducted in accordance with sound agricultural practices, as determined in accordance with Section 3 of this Local Law, may occur on holidays, Sundays and weekdays, any time of night or day, and the noise, odors, dust and fumes that are caused by them are also specifically incorporated in the right to farm. In addition to the factors set forth in Section 3 of this Local Law for determining whether an agricultural practice is sound, and in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to traditional customs and procedures in the agricultural industry, advances resulting from increased knowledge or improved technologies and whether or not the practice is legal and not causing off-site property damage or bodily harm.

**SECTION 3. RESTRICTIONS ON PRIVATE NUISANCE ACTIONS AGAINST  
AGRICULTURAL OPERATIONS.**

Notwithstanding any other provision of this Local Law, agricultural activities conducted on farmland, if consistent with sound agricultural practices as may be determined by the New York State Commissioner of Agriculture and Markets and with Federal, State, and local laws, regulations or ordinances, are deemed to be reasonable and shall not constitute a nuisance.

#### **SECTION 4. NOTICE TO PROSPECTIVE NEIGHBORS/NOTICE OF FARM USE.**

For the purpose of giving due notice of agricultural activities to proposed new residential areas adjacent to unimproved land being farmed or suitable, this Local Law authorizes the Town Planning Board requirement that any applicant for an adjacent major or minor subdivision, as a condition of approval of such application, include a provision in each and every deed conveying all or any portion of the lands thereby subdivided, as well as on filed final subdivision maps, the following record notice to and waiver by grantees of such present or future proximate farming uses, which provision shall be made to run with the land:

Agricultural Notes: Being that this project is located within 2,000-feet of an agriculturally zoned district or within the AP-O District, it may have active farming operations in the vicinity. Be advised of the following:

1. Farming is encouraged in the Town; it does not only occur between 8:00 a.m. and 5:00 p.m. and is dependent on Mother Nature. Residents should be aware of noise from agricultural machinery being operated in nearby fields in both early morning and evening hours and noise from crop drying fans, which run 24 hours a day during harvest season.
2. The roads leading to and from the subdivision are frequently traveled by farmers and their slow moving vehicles and equipment.
3. Farmer neighbors very often spray their crops with pesticides in accordance with accepted practices of the New York State Department of Environmental Conservation (6 NYCRR Part 325).
4. Existing agricultural operations may create both unavoidable odors and unsightliness commonly associated with farming operations in the area.
5. There are dangers in letting children and pets roam into any adjacent agricultural fields, which is private property.

6. Residences for seasonal farm laborers are an accessory use to farming activities in the agricultural zone.
7. Be advised of the nuisance of blowing black dirt caused by wind storms in the area.
8. In accordance with §164-46.J (23) of the Town Code, no Building Department permit for a new residence shall be issued and no lot shall be sold or conveyed in the Agricultural Industry and Agricultural Protection Overlay Districts unless the Applicant/Purchaser of such residence/lot files a statement with the Town Clerk that he or she understands that the lot lies within the Agricultural Zoning District within which the primary activity is farming.
9. A declaration referencing the Agricultural Notes has been recorded in the Orange County Clerk's Office at Liber \_\_\_\_\_ and Page \_\_\_\_\_ on \_\_\_\_\_.

#### **SECTION 5. REAL PROPERTY DISCLOSURE.**

In accordance with New York State Real Property Law, Section 333-c and Real Property Tax Law, section 574 and Agriculture and Markets Law Section 310, prior to the sale, purchase, or exchange of any real property located partially or wholly within an Orange County Agricultural District established pursuant to the provisions of New York State Agriculture and Markets Law Article 25-AA, the prospective grantor shall deliver to the prospective grantee a notice which states the following:

“It is the policy of New York State and The Town of Warwick to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors.”

Failure of the grantor to provide such information to the grantee shall not prevent the recording officer from filing such deed.

**SECTION 6. RESOLUTION OF DISPUTES.**

Should any controversy arise regarding any agricultural operation or practice, the aggrieved parties may submit the controversy to the Dispute Resolution Center (“Dispute Resolution Center”) for mediation under the New York State Agricultural Mediation Program.

**SECTION 7. CERTAIN ACTIONS NOT AFFECTED.**

The provisions of this Local Law shall not defeat the right of any person, firm or corporation to recover damages for any injuries or damages sustained by them on account of any pollution of, or change in condition of, the waters of any stream or on account of any overflow of lands of any such person, firm or corporation.

**SECTION 8. SEVERABILITY CLAUSE.**

If any part of this Local Law is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law.

**SECTION 9. EFFECTIVE DATE.**

This Local Law shall become effective on \_\_\_\_\_.