

X
TBD
~~et~~
MO

February 19, 2013

The Warwick Town Board
Supervisor Michael Sweeton
132 Kings Highway
Warwick, New York 10990

Dear Supervisor Sweeton and The Town Board,

Thank you! Thank you for standing by your oath and defending the State of New York's Constitution and the Constitution of the United States of America with the Town of Warwick's resolution to support the Second Amendment.

The Second Amendment is vital to our Constitution and our freedoms and must be protected. For hundreds of years New York State Citizens, along with citizens from all states have fought and died to defend our rights as written in the Constitution. We cannot allow a few rogue politicians to trample our Constitution nor our Representative form of government. Defending the Constitution is the duty of all government officials and American citizens.

I have spoken with many Warwick residents, and they agree with the resolution to support the Second Amendment.

Sincerely,



Donna Cote
17 Little Brooklyn Road
Warwick, NY 10990
973-202-3069

February 11, 2013

RECEIVED

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

FEB 15 2013

TOWN OF WARWICK
SUPERVISOR'S OFFICE

cu me
TBD

Dear Mr. Sweeton,

After attending the Monday night hearing on fracking I am amazed at the ridiculous claims that fracking will harm the town of Warwick. People are worried about trucks on the road! What about the Shop Rite and Price Chopper tractor trailers that bring food, what about the "dangerous" propane tankers owned by Yankee Propane, or Panco or Suburban Propane. What about the huge, heavy, smelly garbage trucks that pickup our trash. What about the slow moving tractors and farm vehicles that block the traffic.

There is no reason to totally ban fracking. State and Federal regulations on fracking are very strict. All necessary precautions are taken. The companies must follow the regulations to stay in business. Of course there is always a chance for something to go wrong. An airplane full of people (including women and children) could crash in a fiery wreck (and they have!) but we do not ban air travel. People are killed in car accidents every day, we do not ban automobiles. We don't totally ban anything that is good for everyone because of an accident.

Yes, there have been accidents in every industry in America. Improvements always follow in the wake of an accident. Banning fracking would be a great harm to our town, the State of New York and our Country. America's (and New York State) most critical problem is our economy and the serious unemployment problem for past several years. The people in the meeting cried about water being more important than money. What drama! Our nation and state will not be without water. New York State has tremendous water supply. Have these people noticed there are people living and thriving in the desert of Arizona. I would bet all the people at Monday's meeting have a job, have food on the table, can pay their rent or mortgage. They do not realize how many people are going without. They do not realize how many people can't feed their families. Ask the Warwick Food Pantry, they know.

Look at the price of gasoline! The high price of gasoline affects every aspect of our life. Look at the price of food, clothing, and transportation. People can't "sustain" their families.

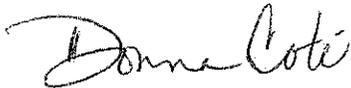
It seems so selfish for anyone to want to ban fracking. Think about the great benefits for everyone that will come to be simply from economic stability.

Money is more important when you don't have any. Economic stability is what New York State (and America) needs. We are so heavily taxed in New York State people are leaving this state to live where they can provide for their families.

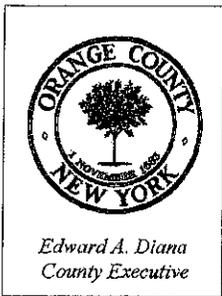
Please don't let the "Sustainable Warwick" group cloud your judgment. Wind and solar are proven ineffective to take over as our energy source. Fracking, just like the oil industry, or coal industry or agriculture or pharmaceutical, is tightly regulated and every step is monitored. Fracking has played an important role in the development of America's oil and natural gas resources for 60 years. Now is not the time to block our country's goal toward energy independence.

There is no need to BAN fracking in Warwick. I trust The Board will use sound judgment for the good of Warwick, New York State, and America.

Sincerely,

A handwritten signature in cursive script that reads "Donna Cote".

Donna Cote
17 Little Brooklyn Road
Warwick, NY 10990
973-202-3069 (mobile)



ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845) 615-3840
FAX: (845) 291-2533

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Town of Warwick Board

Applicant: Town of Warwick Board

Project Name: Local Law to Prohibit Brine on Town Roads;
Local Law to Prohibit Heavy Industry

Proposed Action: Adoption of Local Laws to prohibit use of brine on town roads and to prohibit heavy industry as a land use throughout the Town

Reason for County Review: Local Law regarding zoning and/or land use

Date of Full Statement: January 30, 2013

Referral ID #: WRT 01-13M

Tax Map #: townwide

Local File #: none provided

Comments:

The Department has received the above referenced local laws and has found no evidence that significant intermunicipal or countywide impacts would result from their approval. We have no advisory comments regarding these local laws.

County Recommendation: Local Determination

Date: February 15, 2013

Prepared by: Megan Tennermann, Planner

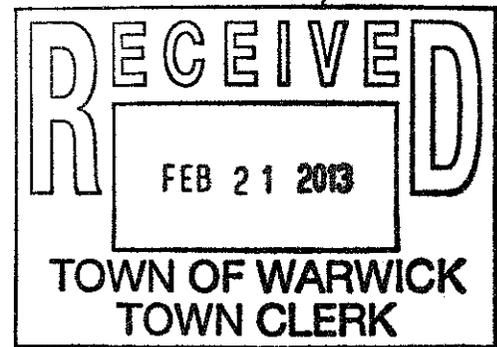
David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.

February 20, 2013

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

Re: Zoning Amendment Referral
Proposed Zoning Local Law to Prohibit Heavy Industry



Dear Supervisor Sweeton and Members of the Town Board:

The Planning Board is in receipt of the Town Board's January 25, 2013 request for a recommendation concerning a Zoning text change that would prohibit heavy industry in the Town. The proposed law includes, as heavy industry, natural gas and/or oil exploration, extraction and support activities.

The Planning Board has completed its review of the proposed Zoning Amendments in accordance with § 164-60.A(1) of the Zoning Law. In completing our review, we were assisted by the Town Planner, who provided background information from his experiences helping Upstate municipalities plan for natural gas development and its environmental, economic and community impacts. The Planning Board is familiar with the Town Conservation Board's (CB) recommendations on Hydraulic Fracturing, which were presented in a Memorandum to the Town Board dated November 19, 2012. The Conservation Board recommended the Town Board consider imposing "*an immediate ban on Fracking.*"

Fracking, as currently practiced, involves the use of "High Volume Hydraulic Fracturing" (HVHF) in combination with horizontal drilling into shale formations.¹ Much of the natural gas that is found in the shale formations is buried one to two miles beneath the surface. New York State permits one well to be drilled for every forty acres of land or up to 16 wells per square mile per formation. Warwick's land area is just slightly less than 100 square miles so a substantial number of gas wells could potentially be developed in the Town. Current technologies favor development of gas wells on well pads consisting of multiple wells in one location. New York State has assumed that about 12 wells would be developed on each well pad. The State requires that all wells on a well pad be developed within three years time, so there is a relatively large amount of gas development activity needed to complete each well pad as quickly as possible.

The Planning Board believes the Town Board is taking a cautious approach to protect the health, safety and welfare of the Town's residents and businesses, based upon what is known about the fracking process and, in particular, its heavy industrial characteristics if it were to become established in Warwick using current technologies. Taking action now is especially important due to the State's imminent actions that appear likely to establish fracking as a new heavy industrial activity throughout the areas of the State where shale gas can be found. The Planning Board has examined the State's maps of the Utica Shale formation and they show portions of it located under Warwick, making demands for shale gas development and related heavy industrial activities (such as gas processing plants, gas storage, chemical plants and other similar operations) possible here in the future.

The State Department of Transportation has stated that "*The potential transportation impacts are ominous*" on the State's highway infrastructure as a result of gas development activities. The number of truck round-trips needed for each well is estimated at 2,400, approximately two-thirds of which are for water and wastewater (flowback) hauling. Local roads and bridges could be especially

¹ There are two principal natural gas bearing shale formations in New York, the Marcellus Shale and Utica Shale. Only the Utica Shale is located under Warwick.

affected by trucks weighing 80,000 pounds; some of the rigs require special overweight permits because they weigh up to 100,000 pounds. The Town's roads have not been built to withstand repeated heavy truck traffic like this. It would increase maintenance and capital costs and will also increase the risk of accidents that result in leakage or spillage of hazardous materials.

Other potential environmental, economic and community impacts have been studied and described from the experiences of fracking in other states, particularly Pennsylvania. But as a new technology, much is still unknown about its effects. HVHF only began to be used in earnest after 2005, when HVHF was exempted from several environmental protection laws including the Safe Drinking Water Act, the Clean Air Act and the Clean Water Act, among others. A scientific consensus (i.e. a significant number of peer reviewed papers on the issue) does not appear to have emerged on the range of impact issues that HVHF presents. Current technologies have not matured enough to provide satisfactory safeguards for the Town's residents' and businesses to allow gas exploration and development to occur in the Town at this time.

The Planning Board recognizes that development of a natural gas industry presents economic opportunities for some. These have been well documented. There are also negative economic impacts associated with HVHF but the extent of those economic impacts are not well understood. The State Department of Environmental Conservation (DEC) studied the issue but has not been definitive to date, concluding that *"local governments would also experience some significant negative fiscal impacts resulting from the development of natural gas reserves in the low-permeability shale."*² There has also been an acknowledgement by the State that there will be negative economic impacts to some local businesses in the DEC's most recent environmental impact statement, referred to as the Revised Draft Supplemental Generic Environmental Impact Statement (Revised dSGEIS). While gas development has the potential to bring jobs, tax revenues, retail sales, service demands, and gas royalties for landowners who lease their land, it also appears that it has the potential to create significant fiscal and economic impacts on the community.

We've learned that there have been a total of 243 other municipalities in New York State that have taken action to adopt prohibitions, moratoria, or other restrictive activities related to gas development. Several counties, including Rockland, Sullivan, Ulster and Westchester, have called on the Governor and the DEC to prohibit fracking until health and other environmental studies have been concluded or to prohibit the application or discharge of fracking wastewaters on county highways and other areas. Some of those studies, such as the US Environmental Protection Agency's (EPA) study of HVHF, will not be finished until 2014. New York State commissioned a Health Impact Assessment but the results of this Assessment have not been presented to date and no date has been announced for when the results will be available. The State has not concluded its SEQR review process of HVHF and has not predicted when this would occur or when permits could be issued.

Until the studies have been completed and the science on HVHF is settled, we believe that the Town should take action as it did in 1980, when the Town Board believed that uranium was in demand in the Town and moved to prohibit the exploration or extraction for fissionable materials. Like gas development, mining for fissionable materials in Warwick was a possible threat to the health, safety and welfare of Town residents and the Town Board took action to enact an Ordinance prohibiting such activities. As with any Zoning amendment, this Local Law could be repealed in the future if it can be demonstrated that gas exploration and development could be done safely without its present heavy industrial characteristics and potential negative fiscal effects on the Town.

Following are the Planning Board's recommendations, with the Zoning Law's analysis requirements repeated first in **boldface**:

² Revised dSGEIS, page 6-262.

- (a) ***Whether such change is consistent with the aims and principles embodied in this chapter to the particular districts concerned.*** Currently, Business Use # 39 allows Extractive operations by Special Permit in the Rural (RU), Mountain (MT) and Office and Industrial Park (OI) Zoning districts. These three Zoning districts comprise more than one-half (approximately 51 %) of the Town's land area. In the Table of Use Requirements, Business Use #39 permits "Extractive operations involving sandpits, gravel banks, removal of topsoil and fill, quarries, mines or other extractive activities excluding fissionable materials." [emphasis added]. There is no definition for extractive operations in the Zoning Law so the clause "or other extractive activities" could be construed to extend to extraction of natural gas using HVHF. The proposed new definition for "Extractive Operations" clearly excludes the use of land for extracting fissionable materials (as the Zoning does at present) as well as for extracting gas, oil and other subsurface hydrocarbons.

The remaining proposed definitions also clarify the differences between light industry and heavy industry, and create appropriate exemptions for activities that are encouraged or allowed in the Town and are consistent with the Town Comprehensive Plan. The heavy industry definition draws on recommendations from the American Planning Association.

The proposed amendment to "Prohibited uses" in Section 164-40.I clearly incorporates language prohibiting heavy industry, mining for fissionable materials, and the use of land for the disposal of natural gas and/or oil production byproducts, which has been experienced in some municipalities whether gas development activities occur within their boundaries or in nearby areas.

The Planning Board examined the purposes of the RU, MT and OI Zoning Districts found in Section 164-31 of the Zoning Law. The proposed Zoning amendments are consistent with the purposes of the three Zoning districts, which are as follows:

RU: The purpose of the Rural District is to maintain the Town's historic pattern of rural and agricultural settlements, characterized by large expanses of open space and unspoiled views from the road, a scattering of residences, farms, and small businesses, and clustered development surrounded by open space.

MT: The purpose of the Mountain District is to protect the scenic beauty of Warwick's mountainous lands by restricting development that would mar the scenic landscapes of the Town's higher elevations and by establishing a density of development appropriate to the thin and fragile soil conditions found there.

OI: The purpose of the Office and Industrial Park District is to allow for the continuation of viable agricultural uses and the development of planned office and light industrial uses such as the airport and light industry, that might negatively affect residential areas and are best segregated from other land uses.

- (b) ***Which areas and establishments in the town will be directly affected by such change and in what way they will be affected.*** The Planning Board is not aware of any establishments in the Town that would be directly affected if the Zoning Amendments are adopted. If they are not adopted, then one-half of the Town's land areas could be potentially available for establishment of gas development activities.

The Town's government could be affected if gas development activities were to become established. The State DEC has described negative impacts on public services associated with HVHF in the Revised dSGEIS as "potentially significant adverse impacts on local communities associated with an increase in population and increased demand for housing and community services are tied to the rate of development." The State has made no effort to assess the quantitative fiscal impacts on local governments as a result of the increased demands for

community services as a result of this expected new residential development.

Studies of HVHF, in other areas where shale gas has been developed, show that the impacts to community services as a result of HVHF include a broad range of needs. These include but are not limited to: accelerated road construction, repair and maintenance requirements; traffic congestion from trucks requiring greater police protection; control of oversize truck loads on local roads; enforcement of State stormwater management requirements by building departments; higher public safety costs as a result of spills and accidents; increased demands for health, education, recreation, and solid waste services as a result of population growth; increased demands on public administrative services such as planning and zoning, assessments, and housing assistance; enforcement of noise pollution; permitting for opening town roads for installing pipelines; monitoring seismic testing on town roads; registration of landmen who solicit lease agreements with landowners; water supply permitting for large withdrawals from community water supply systems if required by local regulations; discharge of wastewater if local community sewage treatment plants gain approval for processing of flowback; and new service requirements that may not have been previously needed, such as emergency response capacity and environmental monitoring and remediation. The Planning Board believes it is prudent to make sure that such studies have been completed first, so that the Town is fully aware of the spectrum of community service needs before permitting the types of heavy industrial activities that accompanies HVHF.

- (c) ***The indirect effect of such change on other regulations.*** The presence of the Millennium and Columbia pipelines in the Town represents a potential advantage to companies that may wish to develop gas resources that are present below Warwick or for heavy industrial development activities that may be induced by the presence in the Town of what is relatively inexpensive natural gas. This inducement could result in demands for an increase in the total zoned residential (and possibly industrial) capacity of the Town. If the Zoning amendments were not adopted and there were demands for HVHF in the Town, there could be new pressures for residential development, which could lead to changes in densities in the residential Zoning districts in both the Town and possibly the three villages. According to Pennsylvania State University's (Penn State) College of Agricultural Sciences, many communities in the Marcellus Shale region are currently experiencing rapid population growth and changes to daily life as natural gas development accelerates. Communities experiencing this growth have been called "boomtowns." Research on these boomtowns by Penn State has documented both positive and negative impacts to economies, communities, families, and individuals. An excerpt from a Penn State report³ on the issue discusses the following:

"The impacts of energy extraction on small towns were extensively studied during the 1970s and 1980s, when rural areas of the western United States underwent a period of significant energy development...A number of social and economic trends emerged from this work and a so-called "Boomtown Impact Model" took shape among researchers studying the development in these rural communities. The model posits that rural communities are often overwhelmed by rapid population influxes associated with the energy development...Local governments are often caught unprepared by the waves of new growth and are at a disadvantage to mitigate potential growth problems...Boomtown research has shown that economic impacts can be mixed, as some sectors or communities will benefit much more than others. Businesses or residents not directly tied to the energy industry may have to deal with inflationary or employment pressures while not seeing gains in revenue...Expectations for economic benefits are often unrealistically high, and while

³ The Northeast Regional Center for Rural Development: The Pennsylvania State University. [Energy Boomtowns & Natural Gas: Implications for Marcellus Shale Local Governments & Rural Communities. NERC RD Rural Development Paper No. 43, January 2009. by Jeffrey Jacquet.](#)

economic and job growth does occur, these expectations are not met...A significant body of literature shows that boomtowns can harbor disproportionate increases in social problems such as crime, mental health problems, community dissatisfaction, education shortfalls, and other indicators."

- (d) **Whether such proposed amendment is consistent with and furthers the goals and objectives of the Town of Warwick Comprehensive Plan.** The Town's adopted 2008 Comprehensive Plan speaks of industry in three contexts. One is its treatment of the Agricultural Industry for which the Plan includes extensive discussion about encouraging this industry. The other two references are to the tourism industry and "light" industry in association with office development in "office and industrial parks." There is no mention of "heavy industry" in the Plan. On the contrary, the Comprehensive Plan is replete with numerous references to carefully protecting the Town's natural, scenic and open space resources.

Heavy industry, like natural gas development using HVHF as it is presently practiced, would be contrary to the Comprehensive Plan's stated goals. To quote from the Town's Plan: *"Protection of Warwick's rural quality and its natural environment continue to clearly stand out as the major goals for the residents of Warwick. When asked in 1987 how important certain issues were over the next ten years on a public survey, the highest response was for 'maintaining the rural character.' This character and the natural beauty of Warwick are what appear to have attracted most residents to the Town. These same qualities are what the people value most and want to protect. These two basic goals were reflected in the results of the Master Plan survey, the work of the Master Plan Committee, and the subsequent work of the Town Planning Board, the 1994 Master Plan Review Coordinating Committee, and finally the Comprehensive Plan Board. In addition to maintaining the rural character of the Town, residents indicated that they want to control the rate of new development. When asked what sort of controls they would support, the response was favorable in all categories listed including densities, restriction of commercial and industrial uses, site plan regulations, design controls, and preservation of vegetation, valuable farmland and historic structures."*

Finally, it should be noted that the New York State Environmental Conservation Law preempts local municipalities from regulating gas and oil development activities. However, three local prohibitions were challenged in the courts and in each case, the right of a municipality to prohibit industrial land uses like gas development, was upheld. The Association of Towns has stated that *"Unless and until these decisions are overturned on appeal, local governments have the authority to adopt zoning laws to determine where natural gas drilling activity will occur within their territory or whether it should be permitted at all."*

In conclusion, the Planning Board has made a careful inquiry and determination in regards to the proposed Zoning Amendments, and has reviewed the potential changes that would result if the Zoning text amendments were adopted as well as what could occur if they were not. The Planning Board's recommendation to the Town Board is to consider adopting the changes to the Zoning Law as proposed at this time.

For the Town of Warwick Planning Board,

Benjamin Astorino, Chairman

On a motion by Dennis McConnell, 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 February 20, 2013.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF WARWICK

LOCAL LAW NO. ____ OF 2013

A LOCAL LAW TO PROHIBIT BRINE ON TOWN ROADS

BE IT ENACTED by the Town Board of the Town of Warwick as follows:

Section 1: Legislative intent.

This local law prohibits the application of oil and gas mining and drilling byproduct, including brine, on town roads and town property.

§ 2. A new Chapter, Chapter 65, to be known as "Brine Prohibition" is added to the Code of the Town of Warwick by replacing "(Reserved)" to read as follows.

§ 65-1

Title. This Local Law shall be known by and may be cited as the "Brine Prohibition Act."

§ 65-2

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

APPLICATION – The physical act of placing natural gas and oil production byproducts on one or more Town roads or one or more pieces of Town property. Each physical act shall be deemed a separate violation. Each time a person stops the placement of natural gas and oil production byproducts for any reason, including but not limited to stopping a vehicle used in the placement or re-loading or replacing of any material or equipment and then resuming placement shall be deemed a separate application.

NATURAL GAS AND OIL PRODUCTION BYPRODUCTS – Any refuse, sludge, or other waste materials, whether or not recycled or reused or intended to be recycled or reused, including solid, liquid, semi-solid, or contained gaseous material that results

from, is associated with or produced as a byproduct of the exploration, drilling or extraction of natural gas and oil and other subsurface hydrocarbons, including without limitation production brine, produced waters, flowback, flowback fluids or hydraulic fracturing fluids.

ROAD – Any public road, street, or bridge owned, maintained or controlled by the Town of Warwick.

§65-3

Prohibition. The application of natural gas and oil production wastes on any Town road or property, whether as a de-icing substance or for any other purpose, is prohibited.

§65-4

Duty of Town Employees. The Town Supervisor and the Superintendent of Highways are authorized to develop policies to ensure Town employees are familiar with this Chapter and take such steps as are required to ensure that materials supplied to the Town or used on Town roads or properties comply with this Law. This shall not excuse non-compliance by a contractor or vendor of the Town.

§65-5

Penalties for Violations.

1. Violation of this chapter is a misdemeanor and punishable by a maximum fine of \$1000.00 and/or imprisonment of up to one year for each separate offense.
2. In addition, the Town may seek all appropriate civil remedies including penalties not to exceed \$15,000.00 per offense.

§ 3. Severability

The invalidity of any word, section, clause, paragraph, sentence, part of provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

§ 4. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF WARWICK

LOCAL LAW NO. ____ OF 2013

A LOCAL LAW TO PROHIBIT HEAVY INDUSTRY

BE IT ENACTED by the Town Board of the Town of Warwick as follows:

§ 1. Legislative intent.

This local law amends Chapter 164 of the Town Code to expressly define heavy industry and to include natural gas and/or oil exploration, extraction and support activities as heavy industry. Heavy industry is not permitted in the Town because it is inconsistent with the Town's Comprehensive Plan and has the potential to increase traffic, noise and odors, disrupt the aesthetic quality of the Town's landscapes and open spaces, diminish the Town's land values, potentially contaminate the Town's water and air resources, and disrupt the Town's biodiversity.

§ 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

§ 3. Section 164-22 of the Code is hereby amended by adding the following new definitions:

EXTRACTIVE OPERATIONS – The use of land for the purpose of extracting and selling stone, sand, gravel, topsoil or other minerals, but excluding fissionable materials, natural gas, oil and/or other subsurface hydrocarbons.

INDUSTRY, HEAVY – A use characteristically employing some of, but not limited to the following: smokestacks, scrubbing towers, waste-treatment or storage lagoons,

reserve pits, derricks or rigs, whether temporary or permanent. Heavy industry has the potential for large-scale environmental pollution when equipment malfunctions or human error occurs. Examples of heavy industry include, but are not limited to: steel manufacturing, drilling of oil and gas wells, oil refineries, natural gas processing plants and compressor stations, petroleum, coal and other hydrocarbon processing. Without limiting the foregoing, natural gas and oil exploration, natural gas and oil extraction and natural gas and oil support activities constitute heavy industry. Generic examples of uses not included in the definition of "heavy industry" are such uses as: milk processing plants, dairy farms, light manufacturing facilities, woodworking and cabinet shops, auto repair shops, wineries and breweries, warehouses, equipment repair and maintenance structures, office and communications buildings, parking lots, and parking garages and water wells serving otherwise allowed uses of the property. Agriculture and extractive operations involving sandpits, gravel banks, removal of topsoil and fill, quarries, and mines shall not be considered heavy industry.

INDUSTRY, LIGHT – A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding Heavy Industry as defined herein and excluding any Prohibited Use, as defined in § 164-40.I.

NATURAL GAS AND/OR OIL EXPLORATION – The use of land for geological or geophysical activities related to the search for natural gas, oil or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, oil or other subsurface hydrocarbon deposits.

NATURAL GAS AND/OR OIL EXTRACTION – the use of land for digging or drilling a well for the purposes of exploring for, developing, or producing natural gas, oil or other subsurface hydrocarbons. Natural gas and oil extraction includes a storage or construction staging yard associated with an oil or gas extraction operation, and gas pipelines, water lines and other gathering systems and components including but not limited to drip stations, vent stations, chemical injection stations and valve boxes associated with an oil or gas extraction operation.

NATURAL GAS AND/OR OIL SUPPORT ACTIVITIES – the construction, use or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or oil storage facility, or a natural gas or oil gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or oil.

NATURAL GAS AND/OR OIL PRODUCTION BYPRODUCTS – any refuse, sludge, or other waste materials, whether or not recycled or reused or intended to be recycled or reused, including solid, liquid, semi-solid, or contained gaseous material that results from, is associated with, or produced as a byproduct of the exploration, drilling or extraction of natural gas, oil, and/or other subsurface hydrocarbons, including without

limitation production brine, produced waters, flowback, flowback fluids or hydraulic fracturing fluids.

§ 4. Section 164-22 of the Code is hereby amended by replacing the existing text in its entirety with the following new text:

MANUFACTURING – Any process whereby the nature, size or shape of articles or raw materials are changed, or where articles are assembled or packaged in quantity, but excluding any use explicitly prohibited by §164-40I.

STORAGE, BULK – The accumulation of wholesale quantities of raw or finished materials (solids, liquids and gases) preparatory to use in a manufacturing process or to retail sales, a permanent reserve being maintained. Bulk storage excludes underground and/or above ground reservoirs for storage of natural gas, liquefied petroleum gas, oil, petroleum products or natural gas and/or oil production byproducts. Junk and scrap materials do not qualify for inclusion in this category.

§ 5. Section 164-40.I of the Code is hereby amended by the addition of a new sentence at the end of the paragraph to read as follows:

Without limiting Section 164-40I, heavy industry, mining for fissionable materials, and the use of land for the disposal of natural gas and/or oil production byproducts are expressly prohibited in the Town.

§ 6. Section 164-40.M of the Code, the Table of Use Requirements, is hereby amended by the addition of the following text at the end of Business Use 39 “Extractive Operations” to read as follows:

Extractive operations involving sandpits, gravel banks, removal of topsoil and fill, quarries, mines or other extractive activities, excluding fissionable materials and natural gas, oil or other subsurface hydrocarbons.

§ 7. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.

TOWN OF WARWICK
INTRODUCTORY LOCAL LAW
AMENDING THE CODE OF THE TOWN OF WARWICK

A Local Law amending Chapter 95 of the Code of the Town of Warwick in relation to Junk Dealers by changing Section 95-5 A. to Chapter 95, as more fully set forth below:

Be it enacted by the Town Board of the Town of Warwick, Orange County, New York, as follows:

Section 1 –TOWN CODE AMENDED:

The Town of Warwick Town Code is hereby amended by changing Section 95 A to read as follows:

Section 95 A .Fee. The fee for the license will be based on the Schedule of Fees as adopted by the Town Board, on file with the Town Clerk.

Section 2. – This Local Law will take effect upon the filing of same with the New York State Secretary of State.

X

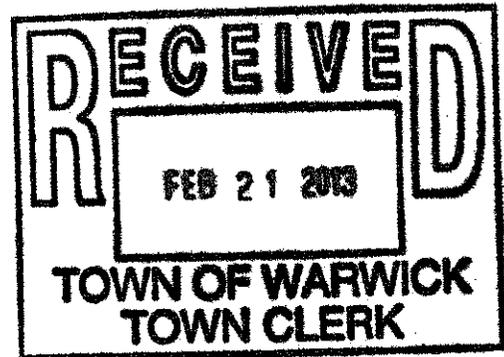
HDR ONE COMPANY <i>Many SolutionsSM</i>		Memorandum	
To:	Michael P. Sweeton, Town Supervisor		
From:	Laura A. Barca, PE	Project:	Hurricane Sandy
cc:			
Date:	February 21, 2013	Job No.	TB000-007

In accordance with the Town of Warwick's procurement procedures, the Town requested competitive bids from three local companies to grind the large pile of wood, brush, and stumps generated by fallen trees following Hurricane Sandy that is currently located at Union Corners Park (please see attached). The pile is estimated to be 210-ft long by 100-ft wide and approximately 18-ft tall.

It is my recommendation that the Town select the lowest qualified bidder of Material Processing, Inc. of \$22,250.

If the Town Board approves, please sign and date the attached proposal from Material Processing so that the work can begin.

Thank you very much.





280 State School Road
Phone (845)986-1366

www.materialprocessors.com

Warwick NY 10990
Fax (888)270-4572

Town of Warwick
65 Public Works Drive
Warwick, NY 10990
Ben Astorino Deputy commissioner
Jeff Feagles Commissioner
845-986-3358 fax. 845-987-1442

1/11/2013

As per our meeting find our proposal below.

Scope of work:

Grinding of wood, brush and stumps generated from super storm Sandy located at Union Corners road.

Grinding into mulch and leaving finished product on site.

Equipment used and costs:

1. Diamond Z 1460 Tub Grinder with 1000 HP for processing tree parts into mulch
2. Komatsu PC200-7 Excavator and Caterpillar 950 loader

Cost: \$22,250

Material Processors provides all equipment, equipment transportation, fuel
And operators to complete the necessary services.

Thank you for the opportunity to bid your job. If you have any further questions,
please let me know.

Regards,

Jeffrey B. Sapanaro
Material Processors, Inc.

*****ACCEPTANCE of PROPOSAL*****

Signature: _____ Date: _____

Project: Union Corners Debris Pile	Project No:
Date: 01/27/13	Subject:
Call to: Bob Schreiber's	Phone No: (845) 651-7765.
Call from: Ben Astorino	Phone No:

Discussion, Agreement and/or Action:

Schreiber's Trucking & Excavating
55 Maple Road
Florida ny

Do not wish to bid on project; usually bid work out to subcontractors. Thank you for the opportunity.



1/16/2013

71 Waterbury Road
Warwick, NY 10990
Phone (845) 986-3516
Fax (845) 986-5843

Ben Astorino
Town of Warwick
132 Kings HWY
Warwick, NY 10990

Re: Warwick Park Brush Removal

Thank you for inviting us to bid the grinding & removal of the brush at Warwick Park, unfortunately we will not be bidding on this project. The reason being is we do not own a tub grinder and we sub-contract that work. We feel we will not be able to offer competitive pricing.

Please keep in mind if you do need chipping of brush or trees we do own a 24 inch chipper.

Thank You,
Gary Dean

If there are any questions please contact Gary Dean.

Contact Info:

Gary Dean
Mobile: (845) 784-6528
Fax: (845) 726-9950
Email: Gdean@alliedexcavating.com

Thank You for this Opportunity