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TOWN OF WARWICK

LOCAL LAW NO. \_\_\_\_\_ OF 2014

A LOCAL LAW TO AMEND THE ZONING LAW

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

**Section 1. Legislative intent.**

This local law amends Chapter 164 of the Town Code to provide corrections, clarifications and modifications to the Town's Sign Regulations. The modifications are intended to provide increased flexibility to applicant's for signs in residential, Local Hamlet Business, Traditional Neighborhood, Office and Industrial Park, and Community Business districts, while maintaining the important rural, natural, historic and scenic character of the Town. A new section that provides exemptions for historically significant signs has been added. This Local Law will also correct a grammatical error in the Town's Stormwater Management regulations. A minor modification to the Town's Zoning Map for two parcels identified as Section 3, Block 1, Lots 57.1 and 57.3 in the Local Hamlet Business and Suburban Low Density districts will recognize the existing character of the structures and actual use of the lands involved, which predate Zoning.

**Section 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.

**Section 3. Signs.**

Section 164-43.1 of the Code is hereby amended by replacing the section in its entirety with the following new section:

## § 164-43.1. Signs.

The purpose of these sign regulations is to strengthen the identity of the Town of Warwick; to preserve rural, natural, historic and scenic beauty by preventing visual sign clutter; to maintain and enhance the aesthetic environment; to support the local economy, help nurture small businesses, and recognize the needs of various types of businesses; to encourage the creative design of signs in character with the context of the community; and to minimize the possible adverse effect of signs on nearby public and private property. The sign regulations are designed to promote and protect the public health, safety, and welfare by regulating signs of all types. They are intended to encourage the use of signs as a means of communication, protect pedestrian and vehicular safety, protect property values, protect and enhance the aesthetic environment, and enhance the Town's ability to attract sources of economic development and growth. The sign regulations are also designed to implement the Town Comprehensive Plan.

- A. Permit required. A sign, as defined herein, may be erected, constructed, painted, altered, re-located, enlarged, reconstructed, displayed, lit or maintained only as expressly permitted in this chapter and only upon issuance of a sign permit by the Building Inspector. Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign.
- B. Substitution clause. Any sign authorized pursuant to this section may contain a noncommercial message constituting a form of expression in lieu of other copy.
- C. Permit procedures. Any person desiring to procure a permit for a sign shall file with the Building Inspector a written application for approval, including payment of a fee as outlined in Chapter 75, Development Fees, which application shall contain:
  - (1) Name, address, and telephone number of applicant and property owner.
  - (2) Location of the building, structure or land upon which the sign now exists or is to be erected.
  - (3) A full description of the appearance of the proposed sign, including:
    - (a) Type of sign and size.
    - (b) Graphic design, including pictorial matter, letters, materials and colors.
    - (c) The visual message, text, copy or content of the sign.
    - (d) The method of illumination, if any, including type of lamp and wattage, the position of lighting or other extraneous devices.
    - (e) Landscaping, if any, including types of vegetation, location of plantings, and planting and maintenance schedule.
  - (4) If a new sign is to be erected, or an existing sign is to be altered in size or elevation, a plan drawn to scale shall be submitted showing the following:
    - (a) If a freestanding sign, a full description of the placement of the proposed sign, specifically its location on the premises, and its position in relation to adjacent buildings, structures, roads, driveways, property lines, other signs, lighting fixtures, walls, and fences.
    - (b) If an awning, window, wall, or projecting sign, a full description of the placement of the proposed sign, which shall cover location on the awning, window, wall or

building; the size of the awning, total window area of the principal facade, or the building; projection from the building, if relevant; and the proposed sign's position in relation to adjacent signs and lighting fixtures.

- (c) For all signs, written consent, or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.

D. Exempt signs. The following signs are exempt from the permit requirements of this chapter:

- (1) Memorial signs or tablets denoting names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and fixed to a building; emblems installed by government agencies, religious or non-profit organizations, not exceeding two square feet in area per side.
- (2) Nonilluminated secondary window signs communicating accessory information such as hours of operation, no more than one square foot in size.
- (3) Nonilluminated real estate "for sale" or "for rent" signs used for the purpose of selling or leasing land or buildings for which subdivision approval is not required, and displayed on the premises for sale or lease, provided such sign is located on the front wall of a building or, if freestanding, does not exceed eight feet in height and is located not nearer than 15 feet to the edge of pavement or side lot line. All such signs shall not exceed four square feet in sign area per side, shall be limited to one per premises, and shall be removed immediately upon sale or lease of the premises.
- (4) Works of art that do not include a commercial message.
- (5) Any public notice or warning required by a valid and applicable federal, state or local law or regulation such as traffic or other municipal signs, legal notices, railroad crossing signs, danger and similar temporary emergency signs, signs which are solely devoted to prohibiting trespassing, hunting or fishing.
- (6) Political, educational, charitable, philanthropic, civic, professional, and religious signs or banners.
- (7) The sign, poster, flag, pennant or insignia of any government or governmental agency, or any sign reasonably necessary for the exercise of First Amendment rights, provided such sign does not exceed four square feet per side and is located not nearer than 15 feet from edge of pavement.
- (8) One sign advertising the sale of agricultural produce, grown primarily on land that is considered part of the same farming operation and available seasonally, provided such sign does not exceed four square feet per side and is located not nearer than 15 feet from edge of pavement.
- (9) Signs indicating the sale price per gallon and octane rating of petroleum products displayed on fuel-dispensing devices as required by New York State Department of Agriculture and Markets, Division of Bureau of Weights and Measures, 1 NYCRR Part 224.

E. Prohibited signs. All signs not specifically permitted are prohibited. Prohibited signs include but are not limited to:

- (1) Off-premises signs (not on the premises of the business they advertise) or billboards except those advertising seasonal rural outdoor recreational facilities.
- (2) Roof signs.

- (3) Portable signs as defined herein, except for temporary signs that have been issued a permit. Signs on vehicles parked and used in the normal course of business shall be parked to the rear of the business and shall be screened and buffered to surrounding properties and public viewing locations.
  - (4) Internally illuminated signs. Commercial Electronic Variable Message Signs (CEVMS), also known as electronic message centers, digital displays or digital signs, are considered internally illuminated and are prohibited in order to protect traffic safety.
  - (5) Signs with flashing, blinking, intermittent, or moving lights, or any artificial light which is not maintained stationary and constant in intensity and color at all times when in use, except signs displaying time and/or temperature.
  - (6) Signs or promotional displays that contain or consist of banners, pennants, ribbons, balloons, streamers, spinners or similar moving, fluttering or revolving devices.
  - (7) Rotating signs, including all signs and devices which are not permanent in their orientation.
  - (8) Signs that advertise by brand name or insignia any particular brands of products except for those establishments which deal exclusively in one brand or make.
  - (9) Signs and obstructions which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection, or extend into the public right-of-way.
  - (10) Mounted or portable search lighting used to project moving or stationary overhead light beams.
- F. Temporary signs. All signs of a temporary nature may be granted a temporary sign permit for a period not exceeding the time limits specified herein, before being displayed, except those specified under the Exempt Signs section<sup>29</sup> of the Zoning Law. The permit shall note the date of the first day the sign may be displayed and the date it must be removed. A security deposit shall be deposited with the Building Inspector to insure removal of the sign(s) upon expiration of the permit period. If any temporary sign is not removed by the expiration of the time limit noted on the application, the Building Inspector, after seven days' written notice to the permit holder to remove such sign(s) (computed from the date of mailing), and after failure of the permit holder to do so, will cause said signs to be removed, and the cash deposit will be forfeited to help defray the cost of removal. The schedule of security deposit fees shall be \$50 per sign up to a maximum of \$500 for 10 or more signs. Temporary signs are allowed for:
- (1) Activities or events. Temporary signs shall be permitted for a period not exceeding six weeks prior to the activity or event nor exceeding four days after the activity or event. Such signs shall not exceed 16 square feet in area in business or industrial districts nor eight square feet in area in residential districts.
  - (2) Temporary real estate signs. Temporary real estate signs are permitted for each subdivision receiving final plat approval by the Planning Board.
    - (a) One such sign may be located on each existing town, county or state highway or street on which the subdivision fronts. Said sign(s) shall be permitted only during

<sup>29</sup> Editor's Note: See Subsection D, Exempt signs, of this section.

the period of active sales and in no case longer than one year from the date of final approval. Upon written application from the subdivider, the Building Inspector may extend this period for one additional year, subject to additional one-year extensions, whenever it deems that the circumstances warrant such extension. The applicant shall post a reasonable bond, as determined by the Town Engineer, as a condition for removal. Applicants that wish to obtain approval for permanent installation of such real estate signs shall file an application for and shall obtain special use permit approval from the Planning Board prior to the end of active sales.

(b) Each such sign shall not exceed eight feet in height, measured from the ground level to the top of the sign, and shall not be located nearer than 15 feet to any street or lot line or any building, unless attached directly to said building. The total area of each sign shall not exceed 16 square feet.

(3) Nonilluminated "garage sale," "yard sale," "barn sale," "tag sale," or similarly descriptive sign is allowed. Said sign is allowed up to four square feet per face in area, located fully on the property on which such sale is being conducted. Such sign shall not exceed one per premises and may be displayed for a period of up to 48 hours in advance of the sale and up to 12 hours after its completion. Any such sign displayed for more than three days out of any month shall be considered a permanent sign and shall require a permit from the Building Inspector.

(4) A sign advertising seasonal rural outdoor recreational facilities (e.g., skiing, equestrian, aquatic activities or sale of farm products) shall meet the standards for permanent signs, but may be located, upon a permit from the Building Inspector, on one off-site location fronting on county or state roads, if the recreational facility itself is located not on a county or state road, but on a Town road. Such permit shall specify the months of the year said sign may be displayed; however, the standards or frame on which said sign is hung may be permanently installed.

G. Permanent signs within residential districts. Within the Mountain, Rural, Suburban Residence, and the Conservation Zoning Districts of the Town, the following signs are permitted:

(1) For each dwelling unit, one nonilluminated nameplate, professional sign, or sign indicating a permitted home occupation, with an area of not over three square feet per face, not nearer than 15 feet to the edge of pavement for the front yard, 15 feet from the side or rear yard property line and, if freestanding, not exceeding four feet in height measured from ground level to the top of the sign. When two home occupations are housed within the dwelling unit and/or accessory building, two signs are permitted, provided the combined area of the two signs does not exceed three square feet per face.

(2) On-site signs:

(a) Signs advertising the sale of agricultural produce available seasonally and seasonal rural outdoor recreational facilities (e.g., skiing, equestrian and aquatic activities) shall obtain a temporary sign permit, but shall meet the standards for permanent signs. Such permit shall specify the months of the year said signboard may be displayed; however, the standards or frame on which said sign is hung may be permanently installed. Such signs may be located on a maximum of two off-site locations fronting on county or state roads, if the farm or the recreational facility itself is located not on a county or state road, but on a Town road.

- (b) Permits for each temporary or seasonal sign may be renewed annually by the Building Inspector if it is found that said sign is in satisfactory condition and otherwise conforms to all zoning requirements.
- (3) Signs for special permit uses in residential zoning districts:
  - (a) Wall signs (with or without borders) may be as large as one square foot per two linear feet of an establishment's front building wall length or a maximum of 20 square feet, whichever is less. Such sign shall be located on the establishment's principal facade, fascia, or eave.
  - (b) One landscaped monument sign shall be permitted in lieu of a wall sign on each road frontage with a principal facade. Said sign may be erected within the required front yard but must be set back 15 feet or more from the edge of pavement, may be no larger than 24 square feet in area consisting of a maximum of 12 square feet in area per face with a maximum height of eight feet from the ground (including the base) to the top of the sign.
  - (c) Projecting signs as large as 20 square feet on each of two sides; maximum projection of six feet from the building face; minimum clearance from the ground eight feet and maximum clearance 10 feet.
- (4) Off-site signs. Signs advertising the sale of agricultural produce available seasonally or approved adaptive reuse of agricultural buildings may obtain a permit for up to two off-site signs, provided that such signs conform with the Town of Warwick's directional sign program. Such signs may be located on a maximum of two off-site locations fronting on county or state roads, if the farm or the adaptive reuse facility itself is located not on a county or state road, but on a Town road. Warwick's directional sign program requires that all off-site signs conform with the following standards:
  - (a) The sign area shall be 18 inches high by 24 inches wide and shall consist of one face.
  - (b) The sign materials shall be metal, as approved by the Town of Warwick Highway Department.
  - (c) The sign shall be located within the highway right-of-way, and a valid sign permit shall be obtained from state or county agencies prior to issuance of the Town of Warwick sign permit.
  - (d) The sign shall be six feet from the ground surface to the top of the sign.
  - (e) Sign lettering shall consist of san serif lettering no more than four inches high on one to two lines and shall include a directional arrow.
  - (f) The sign colors shall consist of yellow lettering and yellow outline on a brown background as shown on the illustration.<sup>30</sup>

H. Permanent signs within other districts.

- (1) Local Hamlet Business and Traditional Neighborhood Districts.
  - (a) Not more than one sign shall be permitted per establishment.

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<sup>30</sup> Editor's Note: Said illustration is included at the end of this chapter.

- (b) Wall signs (with or without borders) may be as large as one square foot per one linear foot of an establishment's front building wall length or a maximum of 25 square feet, whichever is less. Such sign shall be located on the establishment's principal facade, fascia, or eave.
  - (c) Projecting signs as large as twenty square feet on each of two sides; maximum projection of six feet from the building face; minimum clearance from the ground eight feet and maximum clearance 10 feet.
  - (d) Window signs as large as 20% of the total window area of the principal facade, with a maximum of four square feet; lettering up to eight inches high.
  - (e) Awning signs projecting at least five feet into the sidewalk but no more than seven feet. Lettering up to six inches in height and on the valance only. The extent of lettering may cover a maximum of eight feet in width or 50% of the valance width, whichever is less.
  - (f) In the LB District only, one additional freestanding sign shall be located no closer than 15 feet to the edge of pavement, shall not exceed eight feet in height, and shall be no larger than 12 square feet in area.
- (2) Office and Industrial Park District.
- (a) Not more than two signs shall be permitted per establishment. No single sign shall exceed 60 percent of the maximum size permitted.
  - (b) Signs shall be wall or monument signs. Signs (with or without borders) may be as large as one square foot per one linear foot of an establishment's front building wall length.
  - (c) One sign at each point of access to the lot, and internal directional signs shall be permitted, provided that the individual signs are no more than two square feet on each of two sides and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity based on motorist safety and that any such directional sign will be set back at least 15 feet from the edge of pavement.
  - (d) One landscaped monument sign identifying the office and industrial park shall be permitted. Said sign may be erected within the required front yard but must be set back 15 feet or more from the edge of pavement, may be no larger than 40 square feet in area consisting of a maximum of 20 square feet in area per face with a height maximum of eight feet from the mean ground surface (including the base) to the top of the sign.
- (3) Agricultural Industry District.
- (a) Same as Office and Industrial Park District above.
  - (b) Same as residential districts above, as they apply to the residential, agricultural and recreational uses.
- (4) Designed Shopping District.
- (a) Not more than one sign shall be permitted per establishment. Such sign shall be located on the establishment's principal facade.

- (b) Such sign shall be a wall or a projecting sign. Freestanding signs may not be displayed by individual establishments located within a center. Wall signs (with or without borders) may be as large as one square foot per one linear foot of an establishment's front building wall length or a maximum of 40 square feet, whichever is less. Such sign shall be located on the establishment's principal facade, fascia, or eave. In the event an establishment exceeds the minimum front yard setback for the District, of 150 feet from Route 94 or Kings Highway, the wall sign may be increased in size using a ratio of 3.7 as applied to the front setback or a maximum of 130 square feet, whichever is less. For example, if an existing building had, or a new building was proposed, with a front yard setback from Route 94 or Kings Highway of 250 feet, the maximum wall sign permitted would be  $250/3.7 = 68$  square feet.
  - (c) A master sign plan is required of establishments that share a lot, parcel or are part of a shopping center. The plan is a sign system to create visual unity among the signs within the plan area and to ensure compatibility with surrounding establishments and structures. The plan shall include specifications to which all signs within the plan area shall conform, including sign size, height, shape, materials, lighting, and location on the establishment. Within these standards, variety of graphic design is encouraged, subject to the design criteria of § 164-43.11(3).
  - (d) One common freestanding sign, monument, post and arm, or pole style, identifying the shopping center, shall be permitted as follows:
    - 1) Monument signs no larger than 40 square feet in area consisting of a maximum of 20 square feet in area per face, with a height maximum of eight feet from the mean ground surface (including the base) to the top of the sign.
    - 2) Post and arm signs may be as large as 18 square feet in area per face, with a height maximum of 15 feet from the ground (including the post) to the top of the sign. The sign must be set back a minimum of 15 feet from the edge of pavement.
    - 3) Pole signs may be as large as 20 square feet per face, with a height maximum of 15 feet from the ground (including the post) to the top of the sign. The sign must be set back a minimum of 15 feet from the edge of pavement.
  - (e) One sign at each point of access to the lot, for internal direction, shall be permitted, provided that the individual signs are no more than two square feet on each of two sides and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity based on motorist safety and that any such directional sign will be set back at least five feet from any public right-of-way or property line.
- (5) Special usage.
- (a) Club or fraternal lodge. No sign shall be displayed advertising any such activity.
  - (b) Mobile home courts. One nonilluminated sign, containing an area of not more than 16 square feet and located not more than eight feet above ground level at its highest point, may be displayed. Such sign shall be set back at least 20 feet from any public road and at least 50 feet from all other property lines.
- (6) Community Business District.

[Added 12-9-2010 by L.L. No. 6-2010]

- (a) Not more than two signs shall be permitted per establishment. No single sign shall exceed 60 percent of the maximum size permitted.
  - (b) Signs shall be wall or projecting signs. Freestanding signs may not be displayed by individual establishments located within a center. Wall signs (with or without borders) may be as large as one square foot per one linear foot of an establishment's front building wall length. In the event an establishment exceeds 150 feet from Route 94, the wall sign may be increased in size using a ratio of 3.7 as applied to the front setback or a maximum of 130 square feet, whichever is less. For example, if an existing building had, or a new building was proposed with, a setback from Route 94 of 250 feet, the maximum wall sign permitted would be  $250/3.7 = 68$  square feet.
  - (c) A master sign plan is required of establishments that share a lot or parcel or are part of a center. The plan is a sign system to create visual unity among the signs within the plan area and to ensure compatibility with surrounding establishments and structures. The plan shall include specifications to which all signs within the plan area shall conform, including sign size, height, shape, materials, lighting, and location on the establishment. Within these standards, variety of graphic design is encouraged, subject to the design criteria of § 164-43.11(3).
  - (d) One common monument or post-and-arm sign identifying the center shall be permitted as follows:
    - 1) Monument signs no larger than 40 square feet in area consisting of a maximum of 20 square feet in area per face, with a height maximum of eight feet from the mean ground surface (including the base) to the top of the sign.
    - 2) Post-and-arm signs no larger than 18 square feet in area per face, with a height maximum of 15 feet from the ground (including the post) to the top of the sign. The sign must be set back a minimum of 15 feet from the edge of pavement.
  - (e) One sign at each point of access to the lot, for internal direction, shall be permitted, provided that the individual signs are no more than two square feet on each of two sides and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity based on motorist safety and that any such directional sign will be set back at least five feet from any public right-of-way or property line.
- I. Design criteria. In reviewing sign applications, the Building Inspector shall determine that the sign will meet the following criteria. If, in the judgment of the Building Inspector, sufficient doubt exists as to whether the application can comply with the criteria, referral shall be made to the Planning Board within five days of receipt of the application. The Planning Board, within 30 days of its receipt of the application, shall then consider the design criteria and approve, approve with modifications, or deny the application for a sign permit and notify the Building Inspector of its decision on this matter.
- (1) General criteria.
    - (a) Signs should be a subordinate part of the streetscape;

- (b) Signs in a particular area or district should create a unifying element and exhibit visual continuity;
  - (c) Whenever feasible, multiple signs should be combined into one to avoid clutter;
  - (d) Signs should be as close to the ground as practical, consistent with legibility considerations;
  - (e) A sign's design should be compatible with the architectural character of the building on which it is placed and not cover any architectural features on the building;
  - (f) Shall at all times be maintained in a proper state of repair in full compliance with building code, electrical code, and reasonable property maintenance standards;
  - (g) Shall not attempt or appear to regulate, warn or direct highway traffic or to imitate or resemble public notices or warnings such as official traffic signs, signals or devices;
  - (h) Shall not project over property lines or be located within a public right-of-way;
  - (i) Shall not contain luminous material or sequin-studded lettering with fluorescent paint. An exception is allowed for one internally illuminated window sign per business if its size does not exceed two square feet;
- (2) General rules by sign type.
- (a) Awning signs. Awning graphics may be painted or affixed flat to the surface of the valance and shall indicate only the name and/or address of the enterprise or premises.
  - (b) Freestanding signs. No more than one freestanding pole sign may be located on a lot.
  - (c) Monument sign. Monument signs shall not be placed so as to impair visibility for motorists.
  - (d) Projecting signs. Projecting signs may not extend above the height of the roofline, and shall have no more than two faces. They shall be securely anchored and shall not swing or move in any manner.
  - (e) Wall signs. The visible edge or border of a wall sign may extend up to nine inches from the face of the wall, fascia, or eave to which it is attached, and may not extend any distance beyond or above the building in any direction.
  - (f) Window signs. Permanent window signs must be painted on or attached directly and permanently to the window.
    - 1) Window signs shall not cover more than 20 percent of the total front window area per premises.
    - 2) Are permitted in addition to the maximum number of signs allowed per business premises, but the area of the window sign shall be calculated as part of the total permitted square footage. Temporary window signs are exempt from this calculation.
    - 3) Window signs shall not be placed on glass doors or window areas that will impede pedestrian safety or prohibit view by police.

(3) Specific criteria.

- (a) All signs, with the exception of window signs, shall be constructed of wood, metal or other durable material as approved by the Building Inspector.
- (b) The lettering on any sign may not exceed 60% of the sign area of any one side of the sign, with the exception of signs with no background. The area for lettering shall be computed in accordance with the illustration provided.
- (c) A primary sign should contain no more than six words to maximize detection and recognition.
- (d) The color contrast on all signs should consist of light lettering on a dark background. Each sign should contain a maximum of three colors; black and white are not considered colors. Applicants are advised to use a professional sign designer to determine the best relationship between color and conspicuity, which varies depending upon the sign, the sign's background, and whether it will be externally downlighted. Florescent colors are prohibited. Artwork is exempted from the color restriction.
- (e) The Building Inspector may require that landscaping be used at the base of a free-standing sign if such landscaping will make the sign more compatible with the surrounding area. Required landscaping may include one or more of the following types of vegetation: ivies, grasses, flowers, bushes, small trees or other plant materials. The Building Inspector need not approve a sign application if landscaping is deemed insufficient.
- (f) Signs may only be externally illuminated as per the provisions of § 164-43.4 of this chapter. Uplighting may be permitted by the Planning Board and/or Building Department if fully shielded to prevent off-site light trespass in compliance with § 164-43.4.
- (g) Existing signs meeting all design criteria at the time of adoption of the 2002 Zoning Law, with the exception of color, shall not be required to comply with the color requirements of § 164-43.11(3)(d) above.

(4) Sign design guidelines. The Town Board-adopted design guidelines shall be used as a guideline to applicants and as an aid to the administration of this section.

J. Removal of signs.

- (1) Abandoned signs. Any sign, existing on or after the effective date of this chapter, which no longer identifies an existing business conducted or product sold on the premises, shall be removed by the owner of the premises upon which such sign is located. The Building Inspector, upon determining that such sign exists, shall give written notice to the named owner of the building on which the sign is mounted or, if the sign is free-standing, to the named owner of the land upon which the sign is located, who shall, unless good cause is shown, remove the sign within 30 days from the date of the written notice. If no action is taken by the owner, within said time period, the Building Inspector may issue a violation or cause the sign to be removed and request the Town Board to assess the owner for all costs incurred for such service.
- (2) Unsafe signs. The Building Inspector may cause any sign which is a source of immediate peril to persons or property to be removed immediately and without notice.

(3) Unauthorized temporary signs. Any temporary sign that is not permitted by this section may be removed immediately and without notice by the Building Inspector. The Building Inspector, upon determining that such sign exists, shall remove the sign and may issue a violation to the sign owner and request the Town Board to assess the owner for all costs incurred in accordance with Chapter 75, Development Fees.

K. Nonconforming signs. Any sign which does not conform to the provisions herein shall be deemed a nonconforming sign and shall be taken down and removed by the owner on or before the expiration of five years from the effective date of this Zoning Law, and such lapse of time shall be deemed sufficient to amortize the cost thereof. Nonconforming signs that are the subject of subdivision, special use permit and/or site plan applications, certificates of occupancy, no-violation letters, or other permit, approval, entitlement, or authorization from the Town of Warwick shall comply with the terms and conditions of this section (§ 164-43.1). Any other sign not in conformance with this section shall be deemed an illegal sign and shall be removed within 30 days of notifications by the Town Building Department.

L. Historically Significant Signs. Historically significant signs, which may contribute to the cultural, historic and aesthetic character of the Town, may be exempted from any or all of the requirements of Section 164-43.1 when an applicant files a specific request for exemption and the Town finds that the following conditions exist. Each such request shall be accompanied by a statement outlining the reason for the request, including written or pictorial information documenting the sign's history, original and current purpose, colors and other relevant details which may be helpful in evaluating the request.

(1) The sign is of exemplary technology, craftsmanship, or design of the period in which it was constructed.

(2) The sign uses historic sign materials such as wood, metal or paint applied directly to a building and is not significantly altered from its historic period. If the sign has been altered, it must be restored to its historic function and appearance.

(3) The sign is integrated into the architecture of a period building.

(4) A sign not meeting the criteria listed above in Subsections (1) through (3) may be considered historically significant if it demonstrates extraordinary aesthetic quality, creativity, or innovation in design, as determined by the Town.

M. Definitions. The following definitions apply to terms used in this section:

#### AWNING

Any nonrigid material such as fabric or flexible plastic that is supported by a frame that is attached to an exterior wall.

#### PRINCIPAL FACADE

The face of a building which contains the primary entrance to the establishment.

#### SIGN

Any material, structure or device, or part thereof, composed of lettered or pictorial matter displaying an advertisement, announcement, notice or name, and including any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

## **SIGN, AREA**

Includes all faces of a sign measured as follows:

- (1) When any sign is framed or outlined, all of the area of the frame or outline shall be included;
- (2) Sign measurement shall be based upon the entire area of the sign with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including structural supports if they are not used for advertising purposes;
- (3) The area of a sign consisting of an insignia or other device, but without background, shall be calculated as the smallest polygon or circle possible enclosing the insignia.

## **SIGN, AWNING**

Any visual message on an awning.

## **SIGN, FREESTANDING**

Any sign not attached to or part of any building but permanently affixed, by any other means, to the ground. Included are pole, post and arm, and monument signs.

## **SIGN, HEIGHT**

The height of a freestanding sign shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including support structures.

## **SIGN, INTERNALLY ILLUMINATED**

A sign lighted by or exposed to artificial lighting that shines through a plastic or other translucent or transparent covering. Use of neon, electronic variable message signs and other similar signs are considered internally illuminated.

## **SIGN, LIGHTING**

External white light used to illuminate a sign.

## **SIGN, MONUMENT**

A freestanding sign either with a base affixed to the ground or mounted on short poles no greater than two feet high.

## **SIGN, OFF-PREMISES or BILLBOARD**

A sign which does not identify a business or a profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

## **SIGN, POLE**

A freestanding sign with the base of the actual sign area at least five feet above the ground supported by vertical pole(s).

## **SIGN, PORTABLE**

A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not permanently affixed to the ground, a building, structure or another sign. Included are signs and advertising devices which appear on permanent delivery/pickup containers, and commercial vehicles consistently parked in highly visible locations which are obviously po-

sitioned to constitute advertising. This definition does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

**SIGN, POST AND ARM**

A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which the sign hangs.

**SIGN, POSTER**

A sign affixed to trees, other natural vegetation, rocks, or utility poles.

**SIGN, PRIMARY**

An establishment's principal sign, i.e., the sign which identifies the business to passersby, communicating the most pertinent information.

**SIGN, PROJECTING**

A sign attached to a building wall or structure that projects horizontally or at a right angle more than nine inches from the face of the building.

**SIGN, ROOF**

A sign erected on a roof or extending in height above the roofline of the building on which the sign is erected.

**SIGN, SECONDARY**

A sign which communicates accessory information, e.g., hours of operation, different products sold.

**SIGN SETBACK**

The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly from the property line.

**SIGN, TEMPORARY**

Any sign that is displayed only for a specified period of time and is not permanently mounted.

**SIGN, WALL**

A sign that is painted on or attached directly to the outside wall of a building, with the face of the sign parallel to the wall and having a visible edge or border extending not more than nine inches from the face of the wall, fascia, or eave to which it is attached.

**SIGN, WINDOW**

A sign visible from a sidewalk, street or other public place, affixed or painted on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

**Section 4. Stormwater Management.**

Section 164-47.10 of the Code is hereby amended by replacing section 164-47.10E(1) in its entirety with the following new section 164-47.10E(1):

- (1) Notice of Ground Disturbance. No land development activity which exceeds the thresholds in § 164-47.10.C shall be commenced until the Code Enforcement Officer or Planning Board has approved a SWPPP. The Applicant shall submit to the Code Enforcement Officer or Planning Board, on a form to be supplied, a Notice of Ground Disturbance. The Notice of Ground Disturbance shall include the following:

### **Section 5. Zoning Map.**

Section 164-47.32 of the Code is hereby amended by modifying the Zone designation for two contiguous lots, identified as Section 3, Block 1, Lots 57.1 and 57.3, as shown on the Town of Warwick Zoning Districts Map, which is attached hereto and made a part of this Local Law.

### **Section 6. 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



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

April 22, 2014

Supervisor / Town Board

RE: 67 Continental Road  
66-1-82.2

Dear Supervisor/Town Board:

The Building Department has received a letter from Ms. Teresa Thomas from the above noted parcel requesting her Class One Home Occupation fee be returned to her. An application was made to the Building Department for a fitness studio in her dwelling and upon an inspection it was determined that it was not permitted.

The Building Department requests you to refund her application fee of \$100.

Sincerely,

Wayne Stevens  
Building Inspector

c/c: Bookkeeper

WS/sw

Attn: Warwick Town Planning Board

I would like to request my \$100.00 application fee refunded. I have removed the business, Pedal Power Inc., from my home at 67 Continental Rd. in Warwick, NY.

Thank you,

Teresa Thomas

*Teresa Thomas* 4/21/14

**RECEIVED**

APR 21 2014

Town of Warwick  
Building Dept.

Supervisor – Alexander Jamieson

Town Board –

Hugh J. Murray  
Linda Ranni  
Cynthia Smith  
Robert Valentine

Town Justices –

Janet M. Haislip  
Sharon Worthy-Spiegl

# TOWN OF CHESTER

1786 Kings Highway  
Chester, NY 10918

Tel: (845) 469-7000  
Fax: (845) 469-9242

*X* *MQ*  
Town Clerk – Elizabeth A. Reilly

Highway Supt. – Anthony LaSpina

Receiver of Taxes – Vincent A. Maniscalco

Building Inspector – Joseph J. Micoch

Police Dept. – Daniel J. Doellinger, Chief

April 14, 2014

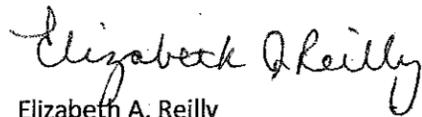
Attn: Commissioner Joe Martens  
NYS DEC  
625 Broadway – 14<sup>th</sup> Floor  
Albany, NY 12233-1010

Re: Comments on Northern Cricket Frog Recovery Plan

Dear Sir:

Enclosed please find a certified copy of a resolution passed by the Town of Chester Town Board at their meeting held on March 12, 2014 with regard to the above captioned matter.

Very truly yours,



Elizabeth A. Reilly  
Town Clerk

Enc.

cc:

Region 3 Regional Director Martin Brand  
Region 3 Biologist Gregg Kenney  
Region 3 Natural Resources Coordinator Bill Rudge  
Hon. Senator William J. Larkin  
Hon. Senator John J. Bonacic  
Orange County Executive Steven M. Neuhaus  
Executive Director Maureen Halahan, Orange County Partnership  
Supervisor Michael Sweeton, Town of Warwick ✓  
Mayor Jim Pawliczek Sr., Village of Florida  
Town Attorney J. Scott Bonacic (Chester)

APR 16 2014

H. SCOTT BONACIC  
SUPERVISOR'S OFFICE

TOWN BOARD OF CHESTER  
MARCH 12, 2014  
7 PM

RESOLUTION: OBJECTION TO DEC RECOVERY PLAN FOR NYS POPULATIONS FO HT  
NORTHERN CRICKET FROG

The following resolution was offered by Councilman Valentine, seconded by Councilman Murray and passed unanimously:

WHEREAS, the New York State Department of Environmental Conservation has drafted and intends to implement a Recovery Plan for New York State Populations of the Northern Cricket Frog (hereinafter "Recovery Plan"); and

WHEREAS, such Recovery Plan identifies the Glenmere Lake Watershed area located in the Town of Chester is one of the breeding grounds for the Northern Cricket Frogs ; and

WHEREAS, such Recovery Plan further states that in an effort to protect and rehabilitate populations of the Northern Cricket Frog in the identified areas, there shall be mandated preservation of areas located within a three-mile radius of known populations of the Northern Cricket Frog; and

WHEREAS, such mandated preservation efforts on the part of the New York State Department of Environmental Conservation will have a dramatic impact upon land owners and economic growth now in the identified areas; now therefore be it

RESOLVED, that the Town Board of the Town of Chester disapproves and objects to the Draft Recovery Plan for New York State Populations of the Northern Cricket Frog in the following respects:

1. The Recovery Plan does not identify the reasons as to why the Northern Cricket Frog population has decreased in southeastern New York. The Recovery Plan speculates as to the potential causes of the decrease in population, but contains no definitive reason. Further, there is evidence and information that would lead to reason that New York is at the end of the habitat range suitable for the Northern Cricket Frog. Populations of the Northern Cricket Frog are plentiful in other areas designated as their habitat. As such, any implementation of the DEC's Recovery Plan with respect to mandated preservation of wide areas around such potential habitats would be premature until more research can be conducted as to more concrete reasons why the populations have decreased.

2. The Recovery Plan does not establish whether the Northern Cricket Frog will re-colonize in the areas within the protection zone and is therefore speculative in nature. However, there is no speculation that the implementation of the Recovery Plan, as it is currently drafted, will to affect landowners, economic growth and quality of life in Orange County, and specifically, within the identified areas of the Glenmere Lake Watershed vicinity.
3. The Recovery Plan includes data on the population of the Northern Cricket Frog from the years 1887 through 2011, but fails to address any changes to the landscape and evolving land uses during that period of time. Further, the Recovery Plan does not acknowledge that areas indicated to be part of the Northern Cricket Frog habitat are now, and have long been, areas for residential, agricultural and commercial activities. The Recovery Plan makes no effort to balance these significant competing interests.

BE IT FURTHER RESOLVED, that Town Board of the Town of Chester shall reconsider its position on and objections to the Recovery Plan as drafted should the New York State Department of Environmental Conservation undertake efforts and conduct further research regarding the issues herein referenced.

STATE OF NEW YORK

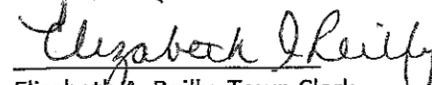
COUNTY OF ORANGE

TOWN OF CHESTER

I, Elizabeth A. Reilly, Town Clerk of the Town of Chester, Orange County, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution made by Councilman Valentine and seconded by Councilwoman Murray and passed unanimously by the Town Board of the Town of Chester at a meeting of said Board held on the 12<sup>th</sup> day of March, 2014, and that the foregoing is a true and correct transcript of said original resolution and of the whole thereof, and that said original resolution is on file in my office.

I DO FURTHER CERTIFY that each of the members of said Town Board had due notice of said meeting, and that Alex Jamieson, Supervisor, and Jerry Murray, Linda Ranni, Cynthia Smith, and Robert Valentine, Councilpersons were present at such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the seal of the Town of Chester, this 14<sup>th</sup> day of April, 2014.

  
Elizabeth A. Reilly, Town Clerk

MS/B X

*Ron Nowak*  
44 Juniper Circle  
Middletown, NY 10940

April 8, 2014

Marjorie Quackenbush  
Warwick Town Clerk  
132 Kings Hwy.  
Warwick, NY 10990

Dear Mrs. Quackenbush,

Thank you for your letter regarding my appointment to the  
Warwick Recreation Board.

Since I am no longer a Village of Greenwood Lake/Town of  
Warwick resident, I am not seeking reappointment.

Please convey to Supervisor Sweeton and the town board my  
thanks for giving me the opportunity to serve.

I wish the town well in meeting its future recreation needs.

Sincerely,



Ron Nowak



Steven M. Neuhaus  
County Executive

## Orange County Department of Planning

124 Main Street  
Goshen, NY 10924-2124  
Tel: (845) 615-3840  
Fax: (845) 291-2533

David E. Church, AICP  
Commissioner

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

### 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

**Referral ID #:** WRT 09-14M

**Applicant:** Town of Warwick

**Tax Map #:** townwide

**Project Name:** Amend Zoning Code for Sign Regulations Et Al

**Local File #:** none provided

**Proposed Action:** Local Law to amend sign regulations and make minor corrections to stormwater regulations and zoning map

**Reason for County Review:** Local Law amending zoning or land use law

**Date of Full Statement:** March 31, 2014

#### Comments:

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

**County Recommendation:** Local Determination

**Date:** April 4, 2014

**Prepared by:** Megan Tennermann, AICP, 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 on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).

RECEIVED  
APR 10 2014  
TOWN OF WARWICK  
SUPERVISOR'S OFFICE

Town Board of the Town of Warwick

132 Kings Highway  
Warwick, NY 10990  
TELEPHONE (845) 986-1120



Statement Number \_\_\_\_\_  
Date Received \_\_\_\_\_  
Date Referred to Town Board \_\_\_\_\_  
Public Hearing Date \_\_\_\_\_  
Date to OCWA \_\_\_\_\_  
Effective Date of Map Amendment \_\_\_\_\_

Above For Official Use

**Request for Participation**  
**Town of Warwick Agricultural Protection Overlay District**  
(Please type or print)

- Name of Landowner Dennis P. McConnell and Virginia L. Pastor
- Address 115 SANFORDVILLE RD WARWICK NY 10990  
(Street No. & Name) (Municipality) (State) (Zip Code)  
Phone Number (845) 987-7937
- Location of property 115 SANFORDVILLE ROAD WARWICK  
Section 41 Block 1 Lot(s) 100.2
- Acreage of Parcel(s) ±15.4 ACRES Zoning District(s) RU
- Describe current farm use of property Dog Training

The undersigned respectfully requests participation in the Town of Warwick Agricultural Protection Overlay (AP-O) Zoning District. This request is being made in accordance with § 164-47.3B(5) of the Town of Warwick Zoning Law. The undersigned acknowledges that this statement is to be filed with the Town Clerk, who will certify this statement and refer it to the Town Board within 14 days of its receipt for action.

Once included in the AP-O District, landowners may take advantage of the District's special benefits including a density bonus for participation in the Town's Transfer of Development and Purchase of Development Rights programs, qualified participation in the Town's Open Space Leasing Program, Farm Market development on lands considered part of the same farming operation, and subdivision of one additional residential lot under the Town's 1989 Zoning Law.

Applicant Name: Dennis P. McConnell  
(Please print name)

Applicant Signature: Dennis P. McConnell

Date: 4/10/14

Attached hereto is the deed indicating the legal owner(s) of the property. In the event of corporate ownership, a list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION, CONTAINED IN THE SUPPORTING DOCUMENTS ATTACHED HERETO ARE TRUE.

Sworn before me this

\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_  
Landowner's Signature

\_\_\_\_\_  
Notary Public Title

Dennis P. McConnell  
115 Sanfordville Road  
Warwick, NY 10990

Michael Sweeton, Supervisor  
The Town Board off the Town of Warwick, NY  
132 Kings Highway  
Warwick, New York 10990

Re: The Lands of McConnell and Pastor  
SBL: 41-1-100.2  
Town of Warwick

Ladies and Gentlemen:

With regard to the above referenced tax parcel within the Town of Warwick, please accept the enclosed request for inclusion in the Agricultural Protection Overlay. This parcel lies within the District Qualifying Area.

The reason for this request is to allow utilization of the 2 acre zoning pursuant to the 1989 Zoning code. The property contains meadows that are maintained for wildlife habitat, including a pond. Furthermore, we utilize the property for the training of dogs for hunting to conserve game.

Should you require any additional information for this Petition, please contact this office.

Very truly yours,



Dennis P. McConnell