

# TOWN OF WARWICK



132 KINGS HIGHWAY  
WARWICK, NEW YORK 10990

TOWN HALL TELEPHONE (845) 986-1124  
POLICE DEPT. TELEPHONE (845) 986-3423  
RECEIVER OF TAXES (845) 986-1125  
PUBLIC WORKS TELEPHONE (845) 986-3358  
TOWN HALL FAX (845) 986-9908  
SUPERVISOR [supervi@warwick.net](mailto:supervi@warwick.net)  
TOWN CLERK [townclk@warwick.net](mailto:townclk@warwick.net)

TO: Town Board  
FROM: Joanne Wilcox, Bookkeeper  
DATE: May 6, 2015  
RE: Budget Transfer

The Town has received a check from NYS Commission of Forestry in the amount of \$ 500.00 for a Grant to purchase trees for Arbor Day celebration.

Please approve the following budget transfer in order to purchase these trees.

FROM:	Grant Revenues	A00-2372.001
TO:	Shade Tree Grant Expenses	A00-8560.225
AMOUNT:		<u>\$ 500.00</u>

Thank you.

# 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 24, 2015

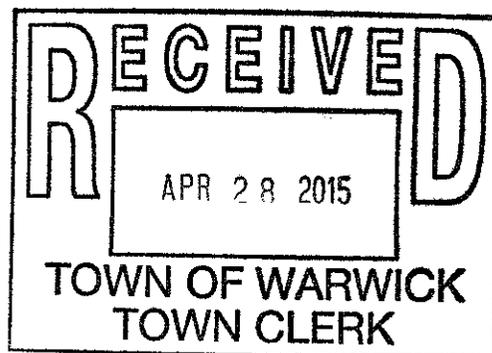
Supervisor/Town Board

RE: 94-8-21  
42 Lindsey Rd

Dear Supervisor/Town Board:

The Building Department request that the Town Board take over the violations on the above parcel due to returned mail from parcel owner.

Enclosed are copies of violation notice, copy of mail returned & inspections.



Sincerely,

Wayne Stevens  
Building Inspector

WS/sw

5926 48E2 0000 0750 4702

Town of Warwick

132 KINGS HIGHWAY  
WARWICK, N.Y. 10990



**CERTIFIED MAIL™**  
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



Avery, Michael & Toro-Avery, Lourdes  
42 Lindsey Rd  
Warwick NY 10990

UTF

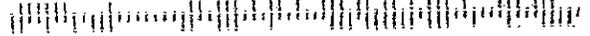
BY NOTICE  
2nd NOTICE

NIXIE 100 7E 1009 0004/12/15

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

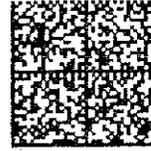
BC: 10990311532 \*1358-05429-08-42

1099003115  
1099040



City of Warwick

132 KINGS HIGHWAY  
WARWICK, N.Y. 10990



UNITED STATES POSTAGE  
FITNEY BOWES

02 1M \$ 00.48<sup>0</sup>  
0004263448 APR 08 2013  
MAILED FROM ZIP CODE 10990

Avery, Michael & Toro-Avery, Lourdes  
42 Lindsey Rd  
Warwick NY 10990

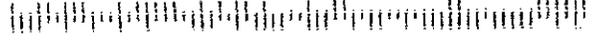
94-8-21

NIXIE 100 7E 1009 0004/12/15

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 10990311532 \*1158-05566-08-40

109903115  
109903115004



# NOTICE OF VIOLATION



Town of Warwick  
132 Kings Highway  
Warwick, NY 10990  
845-986-1127

4/7/2015

Date of Complaint: 4/6/2015

Tax Map ID #: 94-8-21

Complaint No.: 20150021

Location: 42 LINDSEY RD

Owner: Avery, Michael & Toro-Avery, Lourdes  
42 Lindsey Rd

Warwick, NY 10990

Date of Inspection: 4/7/2015

Violation: PROPERTY MAINTENANCE  
REAR DECK IS UNSAFE & VARMINT INFESTATION.

**Ordinance Code:**

PM 107 & 304 - EXTERIOR STRUCTURE & UNSAFE STRUCTURE

**NEXT INSPECTION DATE: 4/23/2015**

**To Resolve:**

REPAIR DECK & SECURE BUILDING.

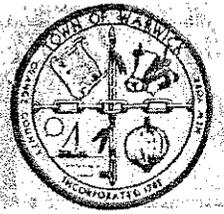
**YOU ARE THEREFORE ORDERED TO CORRECT THIS VIOLATION AND SUBMIT PROOF OF CORRECTION ALONG WITH A MANDATORY \$25.00 ADMINISTRATIVE FEE TO THE BUILDING DEPARTMENT IMMEDIATELY.**

If you have any questions, please contact this department between 8:30 AM and 4:00 PM at (845) 986-1127 ext. 258.

Failure to respond and/or remedy the conditions aforesaid and to comply with the applicable provisions of law may constitute an offense punishable by fine or imprisonment, or both.

That on the day 4/8/15 at 10:00AM Deponent served this notice by mail, or by certified mail with return receipt requested.

Building Inspector



Town of Warwick  
132 Kings Highway  
Warwick, NY 10990  
845-986-1127

4/24/2015

**Owner:** Avery, Michael & Toro-Avery, Lourd

**Complaint Number:** 20150021

**SBL:** 94-8-21

**Address of complaint:** 42 LINDSEY RD

**Status:** NOTICE OF VIOLATION

**Complaint:** PROPERTY MAINTENANCE

MICE ALL OVER. OWNER NOT AT PROPERTY ANYMORE (LAST 5 YEARS).

**Inspections**

-COMPLAINT INVESTIGATION      Status: FAILED      Inspector WHO      Date of Inspection 4/7/2015  
Notes: MICE ALL OVER. OWNER NOT AT PROPERTY ANYMORE (LAST 5 YEARS).  
Results: REAR DECK IS UNSAFE & VARMINT INFESTATION.

-COMPLAINT INVESTIGATION      Status: FAILED      Inspector WHO      Date of Inspection 4/23/2015  
Notes: Failed Previous Inspection: - REAR DECK IS UNSAFE & VARMINT INFESTATION.  
Results: MAILED RETURNED - TURN OVER TO TOWN BOARD.

-COMPLAINT INVESTIGATION      Status: OPEN      Inspector WHO      Date of Inspection 4/23/2015  
Notes: Failed Previous Inspection: - MAILED RETURNED - TURN OVER TO TOWN BOARD.  
Results:



Christopher JP Collins, Architect  
10 Nieland Drive, Warwick, New York, 10990  
T: 845-988-0233 | F: 845-988-0255  
info@cjpcaarchitect.com

Tuesday, April 21, 2015

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

Attn: Marjorie Quackenbush

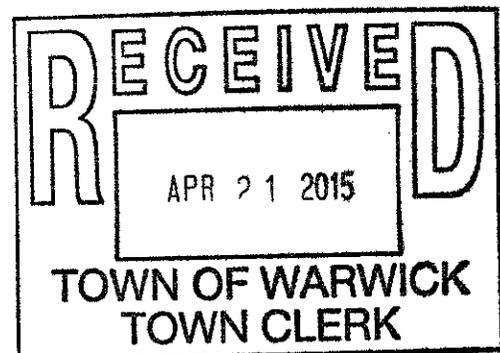
Ms. Quackenbush:

I received a letter noting that my appointment to the Town Architectural Review Board will expire on May 31, 2015.

I am interested in being re-appointed to the board.

Thank you,

Christopher JP Collins, R.A. LEED<sup>AP</sup>  
Registered Architect, NYS License #028679



US  
TB

Marco Pedone

15 Weldon Way  
Warwick, NY 10990

4/8/2015

Town of Warwick  
132 Kings Highway  
Warwick, NY 10990

Attn: Ms. Marjorie Quackenbush, Town Clerk

Dear Ms. Quackenbush,

In response to your letter dated 4/1/2015, referencing reappointment to the Town Architectural Review Board, please accept this correspondence as my request for reappointment.

Please convey to the Town Board my interest and commitment to continue serving as a member of the ARB. Thank you for your consideration.

Sincerely,



Marco Pedone

# TOWN OF WARWICK



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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 275

May 7, 2015

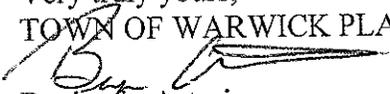
Michael Sweeton, Supervisor  
Town Board of the Town of Warwick  
132 Kings Highway  
Warwick, New York 10990

Re: Planning Board's "Positive" Recommendation to the Town Board  
On the proposed Local Law No. 2 of 2015 – Zoning Amendments

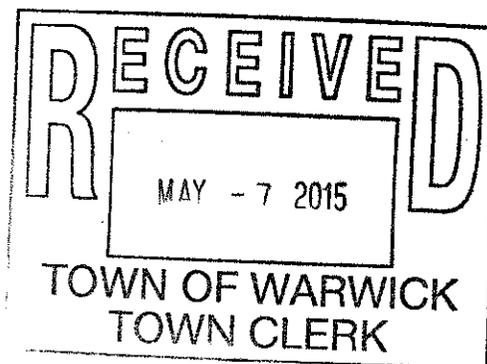
Dear Supervisor Sweeton and Members of the Town Board:

Please be advised at the Planning Board Meeting of May 6, 2015, the Planning Board had come to a consensus on giving the Town Board a "Positive" recommendation on the Zoning Amendments to the proposed Local Law No. 2 of 2015.

Very truly yours,  
TOWN OF WARWICK PLANNING BOARD

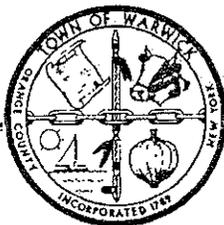
  
Benjamin Astorino  
Chairman

cc: Planning Board  
John Bollenbach, PB Attorney  
Laura Barca, HDR  
Ted Fink, Greenplan



# TOWN OF WARWICK

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SUPERVISOR [supervi@warwick.net](mailto:supervi@warwick.net)  
TOWN CLERK [townclk@warwick.net](mailto:townclk@warwick.net)

May 6, 2015

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

Re: Proposed Local Law No. 2 of 2015 - Zoning Amendments  
Planning Board Comments

Dear Supervisor Sweeton and Members of the Town Board:

As requested, the Planning Board has completed a review of the above proposed Amendments to the Town Zoning Law. The amendments would allow a Motor Vehicle Laundry in the Community Business (CB) Zoning District, educational uses in the Office and Industrial Park Zoning District, would allow commercial solar energy systems in the Rural Zoning District and generally would encourage residential solar energy systems in the Town through additional Code changes. The Local Law also expands sign lighting allowances, among other incidental matters.

Following is the Planning Board's analysis and recommendations, with the Zoning Law's requirements for new Zoning amendments found in Section 164-60.A(1) repeated first in **boldface**:

- (a) ***Whether such change is consistent with the aims and principles embodied in this chapter to the particular districts concerned.*** The proposed amendments to the Zoning Law for solar energy systems apply townwide so all Zoning Districts are affected by these proposed changes. The Planning Board agrees with the new solar provisions to encourage its use in the Town. However, we believe it would be reasonable for the Town to make it clear that an exemption applies for agricultural uses involving the "Medium-scale solar energy systems." We are aware of the New York State Department of Agriculture and Markets guidance on this issue and we

have attached this State agency's official guideline concerning solar facilities and farms. On the other hand, Large-scale solar facilities can be quite large and we do believe that the protections offered by the Site Plan and Special Use Permit review processes on these larger facilities appear reasonable, even for farms.

The changes to the Table of Use Requirements (Section 4) affect new uses in the Office and Industrial Park (OI) Zoning District. Greater coverage allowances for business uses have been proposed. With the exception of the former Mid-Orange Correctional Facility property, the OI District has been largely built-out in the Town or is contains large areas of protected freshwater wetlands. The increase in coverage on the Mid-Orange properties, approved for subdivision and redevelopment in 2014, provides a good example of an area where new development is desirable and should be encouraged. The impacts of larger coverages can be mitigated through effective stormwater pollution prevention plans. We do note that the approved Warwick Valley Local Development Corporation SEQR review process resulted in threshold conditions tied to the current coverage limitations. If the Zoning Amendments are approved, the applicant will need to file for amended Site Plan approvals and a SEQR Amended Negative Declaration in order to achieve the proposed coverage increases.

The addition of Education Facilities in the OI District seems to be a simple addition to this District. We agree that this new use in the OI District would not be objectionable.

Allowing Small-, Medium-, and Large-scale solar energy facilities, through an increasing system of review by the Town Building Department or Planning Board seems to be a logical way to approach the size and scale of these uses. With the exception of a farm exemption noted above for Medium-scale solar facilities, we do not have any concerns with the new requirements. With the recommended changes, the Planning Board believes the proposed Amendments are consistent with the aims and principles of the Zoning Law.

- (b) ***Which areas and establishments in the Town will be directly affected by such change and in what way will they be affected.*** Residential, non-residential and agricultural land uses will be directly affected by the proposed changes. The sign changes appear to affect only one or two existing signs in the Community Business (CB) Zoning District. Our understanding is that one of the signs was installed at great expense by the business owner. The allowance for a 10 year "amortization" process for the business to recoup its costs, appears to be reasonable.

As far as uplighting of signs is concerned, there may be unusual circumstances that would call for uplighting of a sign. As long as the sign is fully shielded and appropriate for the particular use and its setting, the Site Plan review and approval process of the Planning Board should be sufficient to prevent impacts to the Town's "night-sky."

The light trespass section similarly allows for a clarification when a commercial use is proposed adjacent to a commercial use. In this case, it makes sense to allow for light spillage when it may be desirable for adjoining businesses to provide consistent and overlapping lighting.

Finally, allowing Motor Vehicle Laundries in the CB District seems to be a reasonable new use, given that there are such limited opportunities to develop this type of use in the OI or LB Zoning districts, where it is currently permitted. Requiring that the use employs 100 percent "closed-loop recycling" of wastewater will ensure that impacts to the Town's aquifers and important surface waters are protected.

- (c) ***The indirect effect of such change on other regulations.*** The Planning Board does not expect there to be any indirect effects to other Town regulations as a result of the adoption of the amendments.
- (d) ***The effect of whether such proposed amendment is consistent with and furthers the goals and objectives of the Town of Warwick Comprehensive Plan.*** The proposed Amendments are consistent with and further the goals of the Town's 2008 Comprehensive Plan. The Comprehensive Plan encourages the use of renewable energy and the proposed Amendments will further this goal while ensuring such technologies consider "the scenic beauty of the landscape." [pp. 46 and 62]

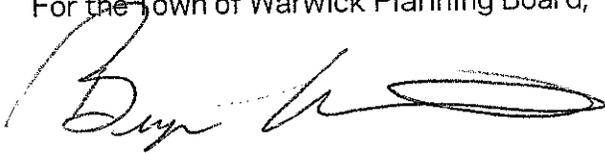
In accordance with Section 164-60 of the Zoning Law, the Planning Board would like to take this opportunity to make a recommendation for a change to the public notice procedures for applications filed. The current requirements for a public hearing involve a newspaper publication of a "public hearing notice at least five days before the date of" the public hearing and the mailing of a "public hearing notice at least five days prior to the public hearing..." [see § 164-46.1(2)(a), (b), and (c)]. Those persons potentially affected by a proposed development often cite to the Planning Board that they had inadequate time to prepare for a public hearing once they are notified.

We would like to make two suggestions. One would be to allow for a ten day period of public hearing notice prior to the hearing. The second would be to provide a simple mailing to affected parties (i.e. the same parties who would be notified for a public hearing) as soon as an application is filed so that neighbors are notified early on in the

review and approval process. We believe that amending the public notification requirements would streamline the review and approval process in the long run and would allow potentially affected parties to become aware of new developments in their neighborhoods at the early stage of the review process, rather than when a project is essentially ready for approval.

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 Local Law No. 2 of 2015 was adopted. The Planning Board's consensus is a positive recommendation to the Town Board to consider adoption of the changes to the Zoning Law.

For the Town of Warwick Planning Board,

A handwritten signature in black ink, appearing to read "Benjamin Astorino", with a large, stylized flourish at the end.

Benjamin Astorino, Chairman

## **Guidelines for Review of Local Laws Affecting Small Wind Energy Production Facilities and Solar Devices**

As energy costs increase and financial assistance becomes more available, an increasing number of farm operators are considering the installation of small wind energy production facilities and solar devices to help offset on-farm production costs. In prior AML §305-a reviews, the Department has considered wind turbines used to supply a portion of a farm's electrical needs (not exceeding 110% of the farm's anticipated demand) to be on-farm equipment. The Department also considers solar devices that do not exceed 110% of the farm's anticipated electrical needs to be on-farm equipment. If the farm is eligible for remote net metering, multiple meters may be combined to determine the electrical needs of the on-farm equipment. The turbine or solar device must be part of a "farm operation" which otherwise meets the AML §301(11) definition of that term.

### **Regulations Affecting Small Wind and Solar Energy Production**

Some local laws currently require building permits, site plan review and/or special use permits for small wind energy production facilities and solar devices. If a town considers a small wind turbine or solar device to be a structure or building under its zoning regulations, the Department also considers the wind turbine or solar device to be an on-farm building. In general, the construction of on-farm buildings and the use of land for agricultural purposes within a county adopted, State certified agricultural district should not be subject to site plan review, special use permits or non-conforming use requirements. The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products as recognized by the New York State Constitution, Article XIV, Section 4. Therefore, generally, agricultural uses and the construction of on-farm buildings as part of a farm operation located within an agricultural district should be allowed uses.

Some current and proposed local laws have included provisions that require a farm operator to complete a Long Environmental Assessment Form (EAF) and visual impact assessments. Such requirements can be expensive and can cause delays in the installation of the wind energy equipment or solar device. Other provisions of local laws that could be considered unreasonably restrictive include height restrictions and excessive setbacks from buildings and property lines.

Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with "generally accepted principles of farming" are designated as Type II actions which do not require preparation of an Environmental Assessment Form (EAF) and are not subject to compliance with State Environmental Quality Review (SEQR). 6 NYCRR §617.5(a), (c)(3). [See *In the Matter of Pure Air and Water*

*Inc. of Chemung County v. Davidsen*, 246 A.D.2d 786, 668 N.Y.S.2d 248 (3<sup>rd</sup> Dept. 1998), for application of the exemption to the manure management activities of a hog farm.] The SEQR regulations require localities to recognize the Type II actions contained in the statewide list.

Many local governments share the Department's view that farm operations should not have to undergo site plan review and exempt farms from that requirement. However, the Department recognizes the desire of some local governments to have an opportunity to review agricultural development and projects within their borders, as well as the need of farmers for an efficient, economical, and predictable process. In view of both interests, the Department developed a model streamlined site plan review process which attempts to respond to the farmers' concerns while ensuring the ability to have local issues examined. Please see the Department's *Guidelines for Review of Local Zoning and Planning Laws* (pages 4-7) for discussion of site plan issues.

### **Provisions that would Generally not be Viewed as Unreasonably Restrictive**

Building permits, if required by local law, are considered by the Department to be a reasonable requirement. If the small wind energy system or solar device uses a shared meter with the residence, the Department recommends an energy audit be conducted to separate the farm's energy requirements from the residential usage. To receive protections under the AML, the electrical output from the wind energy/solar device cannot exceed 110% of the farm's anticipated electrical needs.

The following sets forth a suggested process for review of small wind and solar energy production facilities:

1. Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.

Show the existing features of the site including land and water areas, water or sewer systems, utility lines, and the approximate location of all existing structures on or immediately adjacent to the site.

2. Show the proposed location and arrangement of small wind energy production facilities or the solar device on the site.
3. Include copies of plans or drawings prepared by the manufacturer.
4. Provide a description of the project and a narrative of the intended use of the proposed wind energy production facility or solar device, including any anticipated changes in the existing topography and natural features of the

parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.

5. A legible electrical diagram using unique line characteristics and standard symbols to clearly describe the wind energy system or solar device as it will be installed. The diagram must show all major system components from the wind turbine or the solar device to the utility meter.

**Numbers 6-9 only apply to wind energy production facilities\*:**

6. List safety measures to prevent unauthorized climbing on the tower.
7. Prescribe requirements for automatic braking, governing, or feathering system to prevent uncontrolled rotation of the rotor blades and turbine components.
8. Include a requirement that the wind tower be setback 1.1 times the combined height of the tower and blades from property lines and power lines.
  - o A farm may apply for an exemption with written permission from the neighbor and an indication from the neighbor that the use of land in the vicinity is consistent with the proposed wind energy system. There is no exemption for power lines.
9. Include a requirement that the minimum setback distance between the tower base and any human-occupied building is five times the rotor diameter.
  - o A farm may apply in writing for an exemption from this minimum distance requirement for buildings they own; however, the farm must demonstrate that the possible problems of locating the wind energy system less than the required distance from the building have been addressed.

\* The suggested provisions related to the safe operation of wind turbines is not intended to be an exhaustive list of the measures which may be desirable or necessary. Municipalities should consult with appropriate professionals to determine whether any additional or different measures should be required for small wind energy production facilities.