

(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. 2 OF 2015
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 modifications to the Town's Lighting, Sign, Supplementary, Site Plan, Special Use Permit, and Use Regulations. The Local Law adds new uses to the Table of Use Requirements, allowing a Motor Vehicle Laundry in the Community Business (CB) Zoning District, a new educational use for the Office and Industrial Park Zoning District, and commercial solar energy systems in the Rural Zoning District. The Local Law provides for greater flexibility in the lighting of commercial signs, and provides modifications to the Lighting Regulations that recognize consistent lighting between and among adjacent commercial uses. In addition to the commercial solar energy system use in the Rural District, the Local Law provides new allowances for residential solar energy installations in the Town. Corrections to typographical errors that have been identified have been addressed.

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. Definitions

Section 164-22 of the Zoning Law is hereby amended by adding the following new definitions:

SOLAR ACCESS – The access of a solar energy system to ~~direct~~capture sunlight.

SOLAR COLLECTOR – A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM – A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

SOLAR ENERGY SYSTEM, ACTIVE – A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

SOLAR ENERGY SYSTEM, GRID-INTERTIE – A photovoltaic system that is connected to an electric circuit served by an electric utility.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED – An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

SOLAR ENERGY SYSTEM, LARGE-SCALE – An Active Solar Energy System that occupies 40,000 square feet or more of surface area.

SOLAR ENERGY SYSTEM, MEDIUM-SCALE – An Active Solar Energy System that occupies more than 10,000 but less than 40,000 square feet of surface area.

SOLAR ENERGY SYSTEM, OFF-GRID – A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

SOLAR ENERGY SYSTEM, PASSIVE – A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED – An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

SOLAR ENERGY SYSTEM, SMALL-SCALE – An Active Solar Energy System that occupies 10,000 square feet of surface area or less.

SOLAR THERMAL SYSTEM – An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

Section 4. Table of Use Requirements

Section 164-40.M of the Zoning Law is hereby amended by replacing the rows for each numbered use with new rows for each numbered use together with the accompanying columns for each applicable Zoning District as follows:

Agricultural Uses	AI	RU	MT	CO	SL	SM	TNO ■	OI★	LB ■	DS◆ ■	SH-F	LC	CB
14. Commercial agricultural operations: a. Raising of field, greenhouse, and garden crops; sod, vineyard and orchard farming; the maintenance of nurseries. b. Keeping, breeding and raising of cattle (including dairies), sheep, goats, pigs and horses. c. Keeping, breeding and raising of fish or fowl. d. Energy production, primarily for use on the farm and not to exceed 10% of the farm's anticipated electrical energy needs, involving solar, wind, biomass, hydropower or other alternative nonfossil fuel source produced on the farm.	P (bb) (19)	P (d) (19)	P (d) (19)	P (d) (19)	P (d) (19)			P (d) (19)		P (d) (19)			P (d) (19) T1
16. Farm markets and retail establishments of 4,000 square feet or more devoted primarily to the sale or production of farm and food-processing supplies	S (bb) (3) (80) (152)	S (cc) (3) (80) (152)	S (cc) (3) (80) (152)	S (cc) (3) (80) (152)	S (cc) (3) (80) (152)			S (xx) (3) (53) (80) (129) (145) (152)	S (cc) (3) (53) (80) (126) (128- 129) (145) (152)				S (cc) (3) (53) (80) (145) (152) T1
19. Manufacturing, assembling, altering, finishing, converting, fabricating, cleaning or any other processing, packaging or repackaging of agricultural products or materials	S (ll) (3) (84- 86) (133- 134)	S (ll) (3) (81) (84-86) (97) (133- 134)	S (ll) (3) (81) (84-86) (97) (133- 134)	S (ll) (3) (81) (84-86) (97) (133- 134)	S (ll) (3) (81) (84-86) (97) (133- 134)			S (xx) (3) (84- 86) (97)		S (ll) (3) (53) (73-76) (81) (84- 86) (97) (126) (128- 129) (133- 134) (145)			S (ll) (3) (53) (74-75) (81) (84- 86) (97) (126) (128- 129) (133- 134) (145) T1
Business Uses	AI	RU	MT	CO	SL	SM	TNO ■	OI★	LB ■	DS◆ ■	SH-F	LC	CB
27. Bowling alleys, dance halls, physical fitness studios and similar commercial recreation activities in fully enclosed structures							S (53) (129) (145)	S (ww) (53) (81) (87) (97) (124) (127) (131- 137) (145)	S (ee) (53) (83) (87) (129) (145)	S (kk) (53) (87) (73-76) (126) (128- 129) (145)			S (kk) (53) (139) T2
29. Business & professional offices							P (53) (129) (145)	S (xx) (53) (81) (97) (124) (127) (131- 137) (145)	S (ll) (53) (121- 123) (129) (145)	S (kk) (53) (73-76) (126) (128- 129) (145)		S (rr) (53)	S (53) (126) (139) (145) T1
30. Commercial garages or parking lots							S (53) (129) (145)	S (xx) (53) (57) (65) (81) (97) (124) (127) (131- 137) (145)	S (ll) (53) (57) (65) (129) (145)				

33. Conversion of existing residential structures to hotels or motels, residential hotels or tourist homes							S (xx) (53) (81) (97) (124) (125) (127) (131- 137) (145)	S (dd) (53) (125) (129) (145)				
36. Drive-in theaters							S (xx) (43) (53) (81) (97) (124) (127) (131- 137) (145)		S (kk) (43) (53) (73-76) (126) (128- 129) (145)			
37. Eating & drinking places, but excluding drive-in restaurants and fast-food restaurants						P (53) (129) (145)	S (xx) (53) (81) (97) (124) (127) (131- 137) (145)	S (dd) (53) (129) (130) (145)				
43. Manufacturing, assembling, converting, altering, finishing, fabricating, cleaning or any other processing, packing, packaging or repackaging of products or materials							S (xx) (53) (81) (84-86) (97) (124) (127) (131- 137) (145)					
44. Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products where goods so produced or processed are to be sold primarily on the premises						S (53) (55-56) (84) (97) (129) (145)	S (xx) (53) (55- 56) (81) (84-86) (97) (121- 122) (124) (127) (131- 137) (145)	S (dd) (53) (55-56) (84) (97) (121- 122) (129) (145)	S (kk) (53) (73-76) (84) (84) (126) (128- 129) (145)			S (kk) (53) (84) (126) (128- 129) (139) (145) T2
46. Mortuaries & funeral parlors						P (53) (129) (145)	S (xx) (53) (81) (97) (124) (127) (131- 137) (145)	S (jj) (53) (129) (145) (148)				
48. Motor vehicle laundries							S (xx) (53) (57) (65) (69) (81) (97) (124) (127) (131- 137) (143) (145)	S (hh) (53) (57) (65) (69) (129) (143) (145)				S (kk) (53) (57) (65) (81) (97) (127) (143) (145) T2
49. Motor vehicle repair shop						S (53) (57- 59) (65- 67) (129) (145)	S (xx) (53) (57- 59) (65- 67) (81) (97) (124) (127) (131- 137) (145)	S (gg) (53) (57- 59) (65- 67) (129) (145)				
50. Motor vehicle service stations						S (53) (57- 67) (129) (145)	S (xx) (53) (57- 67) (81) (97) (124) (127) (131- 137) (145)	S (hh) (53) (57- 67) (129) (145)				

53. Clean renewable energy technology businesses devoted to research, education, distribution, or application of technological innovation in alternative energy	S (ll) (53) (81) (97) (124) (127) (131- 137) (145) (154)	S (vv) (53) (81) (97) (154)						S (xx) (53) (81) (97) (124) (127) (131- 137) (145) (154)					S (ll) (53) (81) (97) (124) (127) (131- 137) (145) (154) T1
54. Outdoor sales lot for boats & travel & camping trailers								S (xx) (53) (81) (94) (97) (124) (127) (131- 137) (145)					
56. Printing							S (53) (129) (145)	S (xx) (53) (81) (97) (124) (127) (131- 137) (145)	S (dd) (53) (129) (145)	S (kk) (53) (73-76) (126) (128- 129) (145)			S (kk) (53) (81) (126) (139) (145) T2
57. Research, design & development laboratories, telecommunications businesses, data technology and related software development facilities								S (xx) (53) (81) (97) (124) (127) (131- 137) (145)					S (53) (81) (139) (145) T1
60. Sales & storage of lumber & building materials & equipment								S (xx) (53) (81) (84) (97) (124) (127) (131- 137) (145)					
62. Service establishments furnishing services, other than of a personal nature, including a launderette							S (53) (129) (145)	S (xx) (53) (81) (97) (124) (127) (131- 137) (145)	S (dd) (53) (121- 123) (129) (145) (149)	S (kk) (53) (73-76) (126) (128- 129) (145)			S (53) (81) (126) (139) (145) T2
69. Warehouses								S (xx) (53) (81) (97) (124) (127) (131- 137) (145)					
71. Wholesale sales & storage							S (53) (71- 72) (84) (129) (145- 146)	S (xx) (53) (72) (81) (84) (97) (124) (127) (131- 137) (145)	S (jj) (53) (71- 72) (84) (129) (145) (146)				
General Uses	AI	RU	MT	CO	SL	SM	TNO ■	OI★	LB ■	DS♦ ■	SH-F	LC	CB
83. Indoor recreation establishments and/or sports, such as tennis and skating	S (cc) (83) (87)	S (r) (83) (87)	S (r) (83) (87)	S (r) (83) (87)			P (53) (83) (87) (129) (145)	S (xx) (53) (81) (83) (87) (97) (124) (127) (131- 137) (145)		S (kk) (53) (73-76) (83) (87) (126) (128- 129) (145)			S (53) (74- 76) (83) (87) (126) (128- 129) (139) (145) T1
84. Institutions of higher learning, public libraries, museums, state-accredited private schools		S (k) (25) (104)	S (k) (25) (104)	S (k) (25) (104)	S (k) (25) (104)		P (25) (53) (104) (129) (145)	S (k) (25) (104)				S (k) (25) (104)	S (k) (25) (53) (129) (139) (145) T1

95. Railway or bus passenger station, communications office, express office, transportation terminal										S (ll) (53)(89-91) (129) (145)	S (xx) (53)(81) (89-91) (97) (124) (127) (131-137) (145)				
--	--	--	--	--	--	--	--	--	--	---	---	--	--	--	--

Section 5. Table of Bulk Requirements

Section 164-40.N of the Code is hereby amended by replacing the two Heading Rows with two new Heading Rows as follows:

		Minimum Required										Maximum Permitted			
Use Group	Lot Area (acres)	Lot Area per Dwelling Unit (square feet)	Lot Width ⁶ (Feet)	Lot Depth ⁷ (feet)	Front Setback (feet)	Rear Setback (feet)	Side Setback (feet)	Both Side Setback (feet)	Setbacks Adjacent to Special Areas ⁸	Livable Floor Area per Dwelling Unit (Square feet)	Floor Area Ratio	Lot Coverage (%)	Building Height (feet)	Building Height (stories)	

Section 164-40.N of the Code is hereby amended by adding three new rows beginning with “vv,” “ww,” and “xx” as follows:

		Minimum Required										Maximum Permitted			
Use Group	Lot Area (acres)	Lot Area per Dwelling Unit (square feet)	Lot Width ⁶ (Feet)	Lot Depth ⁷ (feet)	Front Setback (feet)	Rear Setback (feet)	Side Setback (feet)	Both Side Setback (feet)	Setbacks Adjacent to Special Areas ⁸	Livable Floor Area per Dwelling Unit (Square feet)	Floor Area Ratio	Lot Coverage (%)	Building Height (feet)	Building Height (stories)	
vv	4		200	200	100	25	25	50	200 (100)			60%	35	3	
ww	5		200	200	100	30	50	80	200 (100)		0.2	50%	35	3	
xx	2		200	200	50	50 ⁴	50 ⁴	100	200 (100)		0.4	60%	Special ³	3	

Section 164-40.N of the Zoning Law is hereby amended by replacing Note 8 with the following new Note 8:

- Setbacks are required for lots within twenty-five (25) feet of “Special Areas,” which consist of a residential district boundary or an airport and other “Special Areas,” denoted by features in parenthesis, consisting of (active agricultural lands [see § 164-41.1.G(4)], Town-designated protection areas, Federal Jurisdictional Wetlands or State-Protected Freshwater Wetlands and their adjacent areas).

Section 6. Supplementary regulations for residential and nonresidential districts.

Section 164-41 of the Zoning Law is hereby amended by adding a new Subsection 164-41.E. as follows:

E. Solar energy. It is the policy of the Town of Warwick to encourage the use of solar energy and to remove obstacles to the use of such systems. Use of solar energy for space heating, water heating or generating electricity reduces dependence upon non-renewable fossil fuel resources, helps to reduce the amount of pollution resulting from the use of fossil fuels and can reduce carbon dioxide emissions. To the extent practicable, and in accordance with Section 263 of New York State Town Law, the accommodation of solar energy systems and equipment, and the protection of access to sunlight for such equipment, shall be required in the application of the various review and approval provisions of this Zoning Law. This means, for example, laying out new roads and buildings in an east - west direction, where possible, so that south facing windows and solar collectors, whether to be installed immediately or planned for the future, can get direct sunlight.

(1) The installation of small- and medium-scale solar energy systems requires a permit from the Town Building Department using the New York State Unified Solar Permit Application. The following additional provisions apply in residence districts:

- (a) Building or structure alterations and additions. Except as provided herein, alterations and additions to existing buildings for small-scale solar energy systems must conform to lot coverage, height and setback requirements as described in the Table of Bulk Requirements. Small-scale solar energy systems are permitted outright as an accessory use. This means the solar collectors are incidental to and support the principal use of the lot, such as a home or home business.
- (b) Nonconforming Residential Uses. A solar collector may be added to the existing principal building on a nonconforming residential lot without requiring the entire building to be brought up to current Zoning standards.
- (c) Lot Coverage Requirements. Solar collectors do not count as lot coverage if minimum standards are met, including but not limited to height and setback requirements.
- (d) Height Requirements. Solar collectors may be roof-mounted on principal or accessory structures and extend up to four (4) feet above the Zoning district's height limit, or extend up to four (4) feet above the ridge of a pitched roof.
- (e) Setbacks. Special setbacks apply for ground-mounted solar energy systems. Rear and side setbacks shall be 25 feet. Ground-mounted solar energy systems shall be prohibited in front yards.
- (f) Protecting Solar Access of Property to the North. Solar collectors exceeding the Zoning district height limit must be placed so that it does not shade the property to the north on January 21 at noon any more than a structure built to the maximum permitted for

that zone. For assistance in determining solar exposure, a Sun Chart brochure is available from the Town Building Department.

(g) Medium-scale solar energy systems in residence districts are permitted subject to Site Plan approval and § 164-41.E.(1) herein. _

(h) Fencing, six (6) feet in height, shall be placed around the utility meter on all Medium-scale solar energy system installations. Waterproof signage shall be placed immediately adjacent and/or in close proximity to the electric meter that clearly shows the location of the DC disconnect switch. Notification, with a location map, will be sent to the applicable Fire District.

(i) Large-scale solar energy systems may be approved, subject to Section 164-42.G of the Zoning Law.

Section 164-42 of the Zoning Law is hereby amended by adding a new Subsection 164-42.G. as follows:

G. Large-scale Solar Energy Installations. Site Plan and Special Use Permit Approval is required for large-scale solar energy installations, subject to the following additional conditions:

- (1) Large-scale solar energy installations are subject to the use requirements of § 164-40.M.53 of the Zoning Law.
- (2) Ground mounted solar energy installations require delineation and avoidance of primary conservation areas, in accordance with § 164-41.1.E.(3)(a) of the Zoning Law. Secondary conservation areas shall be delineated in accordance with § 164-41.1.E.(3)(a) of the Zoning Law. The Planning Board shall consider such secondary conservation areas, after a site inspection, in the siting of ground-mounted solar energy installations.
- (3) Setbacks for ground mounted solar energy installations are subject to special bulk requirements found in § 164-40.N of the Zoning Law.
- (4) All solar energy installations shall be designed to avoid glare and reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- (5) Landscaping of solar energy installations, capable of providing year-round screening if not already provided, shall be installed along all sides in such a way as to not obstruct solar access.

- (6) A visual analysis shall be provided using line-of-sight profiles, from public viewing locations as defined in § 164-47.1.F(3)(a) of the Zoning Law, to proposed solar energy installation locations.
- (7) Access roads for solar energy systems shall be subject to the driveway specifications in Section A168-19 of the Town Code.
- (8) Fencing six (6) feet in height shall be placed around the utility meter on all Large-scale solar energy system installations. Waterproof signage shall be placed immediately adjacent and/or in close proximity to the electric meter that clearly shows the location of the DC disconnect switch. Notification, with a location map, will be sent to the applicable Fire District.

Section 7. Signs.

Section 164-43.1 of the Code is hereby amended by replacing Subsection 164-43.1.G(3) as follows. Subsections (a) through (c) remain the same:

- (3) Signs for non-residential special permit uses in residential zoning districts (excluding home occupations):

Section 164-43.1 of the Code is hereby amended by correcting a typographical error in the reference to another section of the Zoning Law in the last sentence of Subsection 164-43.1.H(6)(c) as follows:

§ 164-43.1.I(3)¹

Section 164-43.1 of the Code is hereby amended by replacing Subsection 164-43.1.I.(3)(f) with a new Subsection 164-43.1.I.(3)(f) as follows:

- (f) Signs may only be externally illuminated as per the provisions of § 164-43.4 of this Chapter. Downlighting is preferred, however, 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. Internally illuminated signs that were in existence on January 1, 2015, may continue for a period of 10 years from said date. Furthermore, the internally illuminated sign:

- [1] Shall not be altered, enlarged or replaced. Any alteration, enlargement, or replacement shall be subject to § 164-43.1.K of the Zoning Law;

¹ Editor's Note. The correct reference spelled out is: "Section one hundred sixty four, dash, forty-three point one, period, capital i, parenthesis, three, close parenthesis."

- [2] Shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m., unless the sign identifies an establishment open for business during those hours;
- [3] Shall not be brighter than is necessary for clear and adequate visibility;
- [4] Shall not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle; and
- [5] Shall not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.

Section 8. Lighting

Section 164-43.4 of the Code is hereby amended by replacing Subsection 164-43.4.E.(2)(a) with a new Subsection 164-43.4.E.(2)(a) as follows:

- (a) Uplighting that is unshielded is prohibited. Externally lit signs, displays, buildings, structures, streets, parking areas, recreational areas, landscaping, and other objects lit for aesthetic or other purposes shall be illuminated only with steady, stationary, fully shielded light sources without causing glare or light trespass beyond the property line.

Section 164-43.4 of the Code is hereby amended by replacing Subsection 164-43.4.E.(4) with a new Subsection 164-43.4.E.(4) as follows:

- (4) Light trespass. Light trespass from a property shall be designed not to exceed 0.25 footcandles at the property line. An exception may be made for a non-residential use in a non-residential zoning district where light trespass may be allowed up to 3.6 footcandles onto an adjoining property, provided such adjoining property is also a non-residential use in a non-residential zoning district. Light trespass onto a public right-of-way shall not exceed the requirements for roadway lighting found in § 164-43.4.G. Adjacent to residential property, no direct light source shall be visible at the property line at ground level or above. Mitigation to avoid or minimize light trespass may include landscaping and berming.

Section 9. Site Plans and Special Use Permits

Section 164-46.J of the Code is hereby amended by replacing Subsection 164-46.J(127) with a new Subsection 164-46.J(127) as follows. Subsections (a) through (i) of 164-46.J(127) remain the same:

- (127) The following setback requirements shall prevail for parking, loading, fences, and solar panels:

Section 164-46.J of the Code is hereby amended by replacing Subsection 164-46.J(143) (Reserved) with a new Subsection 164-46.J(143) as follows:

- (143) New motor vehicle laundries shall use 100 percent closed-loop recycling of wastewater to prevent discharges to ground or surface waters.

Section 164-46.J of the Code is hereby amended by replacing Subsection 164-46.J(154) with a new Subsection 164-46.J(154) as follows:

- (154) Solar energy installations are subject to Section 164-41.E of the Zoning Law for small and medium solar energy installations or 164-42.G of the Zoning Law for large-scale solar energy installations. Solar panels are encouraged to be placed on building roofs or as solar carports covering designated parking areas and when constructed in this way, they shall be included within the calculation of building and/or parking area coverage. Where solar panels are used independently of a building or parking area, they shall be included in the determination of total lot coverage and shall not exceed the Maximum Lot Coverage permitted by Section 164-40N, the Table of Bulk Requirements. In no case shall solar panels, where used independently of a building or parking area, exceed a maximum of fifteen acres or a maximum of 60 percent lot coverage, whichever is less.

Section 10. 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 33 of the Code of the Town of Warwick in relation to the Procurement Policy by 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 replacing the current Chapter 33 in its entirety with a new Chapter 33 thereto to read as follows:

CHAPTER 33. PROCUREMENT POLICY

§ 33-1. Purpose.

The Town of Warwick seeks to exercise the local option set forth in § 103, Subdivision 1, of the New York General Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, which amendments authorize the Town of Warwick to award purchase contracts and contracts for services subject to competitive bidding under General Municipal Law § 103 on the basis of either lowest responsible bidder or "best value" as defined in § 163 of the New York State Finance Law. The best value option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder based on factors such as lower cost of maintenance, durability, higher quality and longer product life.

§ 33-2. Award based on low bid or best value.

Purchase contracts and service contracts that have been procured pursuant to competitive bidding under General Municipal Law § 103 by either lowest responsible bidder or best value may be awarded so long as the award process complies with the terms of this article. The Town Board is authorized to undertake a best value analysis of goods and services subject to this article when, in the Town Board's judgment a best value analysis is prudent and advantageous to the Town. Awards based on best value shall be approved by the Town Board and relevant department or division heads.

§ 33-3. Definitions.

Whenever used in this article, the following terms shall mean:

BEST VALUE

The basis for awarding contracts or purchases and/or services to a responsive and responsible offeror and/or bidder who optimizes quality, cost and efficiency for the Town based upon objective and quantifiable analysis whenever possible. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority- or women-owned business enterprises as defined in Executive Law § 310 (1), (7), (15) and (20), as may be amended.

CONTRACTS

Contracts for goods, commodities and equipment, including technology.

SERVICE OR SERVICES

The performance of a task or tasks and may include a material good or a quantity of material goods, and which is the subject of any purchase or other exchange.

TOWN

The Town of Warwick

§ 33-4. Requirements.

A. A best value solicitation shall contain a specific notification that the solicitation will be analyzed and awarded in accordance with this Best Value Law and the relevant provisions of the Town's Procurement Policy. Such solicitations shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted.

B. When the basis for award is based upon a best value offer, the Town Board shall document the evaluation criteria and the process used to make such determination.

C. Whenever possible, the evaluation shall be based upon objective and quantifiable factors and shall not be based solely on cost. The process for procurements based upon best value and general evaluation criteria is identified in this Procurement Policy, a copy of which shall be maintained in the Purchasing Department and be made available to the public.

D. The solicitation documents shall state the minimum requirements and specifications that must be met in order for the vendor and/or offeror to be deemed responsive and responsible and shall identify the general procedure and manner in which the evaluation and selection shall be conducted. All such requirements shall remain consistent with the Town's Procurement Policy.

E. Town Board shall make every effort to ensure that the solicitation of documents, evaluation criteria and procedure for awarding purchase and service contracts on the basis of best value complies with the Town's Procurement Policy, local, state and/or federal rules, regulations and/or laws.

§ 33-5. Applicability.

(a) The provisions of this chapter apply to Town contracts involving an expenditure of more than \$20,000.00 for goods and Town contracts for services involving an expenditure of more than \$35,000.00, but exclude purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and excluding any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

(b) (1) All estimated purchases of less than \$20,000.00 but greater than \$1,000.00 require a written request for a proposal ("RFP") and written/fax quotes from three vendors.

(2) For all estimated purchases of less than \$1,000.00, the source is left to the discretion of the purchaser.

(3) All estimated public works contracts of less than \$35,000.00 but greater than \$3,000.00 require a written RFP and written/fax proposals from at least three contractors.

(4) For all estimated public works contracts of less than \$3,000.00 must be approved by the Town Supervisor.

(5) All contracts \$3,000.00 or more must be approved by the Town Board. Contracts of less than \$3,000.00 must be approved by the Town Supervisor.

§ 33-6. Standards for best value.

Goods and services procured and awarded on the basis of best value are those that the Town determines will be of the highest quality while being the most cost efficient as offered by responsive and responsible bidders and offerors. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: product or service features, quality, durability, reliability, product performance criteria, quality of craftsmanship, cost and extent of maintenance, useful lifespan, availability of replacement parts, availability of maintenance contractors, warranties, proximity to the end user if distance or response time is a significant factor, references, past performance, organization and staffing, and financial capabilities.

§ 33-7. Documentation.

A contract that is awarded on the basis of best value instead of lowest responsible bidder shall be authorized only when the basis for determining best value is thoroughly and accurately documented.

§ 33-8. Obtaining required number of proposals.

A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to their procurement.

§ 33-9. Exceptions.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A. Acquisition of professional services.
- B. Emergencies.
- C. Sole source situations.
- D. Goods purchased from agencies for the blind or severely handicapped.
- E. Goods purchased from correctional facilities.
- F. Goods purchased from another governmental agency.
- G. Goods purchased at auction.

§ 33-10. Annual review.

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

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

A Local Law amending Chapter 33 of the Code of the Town of Warwick in relation to the Procurement Policy by 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 replacing the current Chapter 33 in its entirety with a new Chapter 33 thereto to read as follows:

CHAPTER 33. PROCUREMENT POLICY

§ 33-1. Purpose.

The Town of Warwick seeks to exercise the local option set forth in § 103, Subdivision 1, of the New York General Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, which amendments authorize the Town of Warwick to award purchase contracts and contracts for services subject to competitive bidding under General Municipal Law § 103 on the basis of either lowest responsible bidder or "best value" as defined in § 163 of the New York State Finance Law. The best value option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder based on factors such as lower cost of maintenance, durability, higher quality and longer product life.

§ 33-2. Award based on low bid or best value.

Purchase contracts and service contracts that have been procured pursuant to competitive bidding under General Municipal Law § 103 by either lowest responsible bidder or best value may be awarded so long as the award process complies with the terms of this article. The Town Board is authorized to undertake a best value analysis of goods and services subject to this article when, in the Town Board's judgment a best value analysis is prudent and advantageous to the Town. Awards based on best value shall be approved by the Town Board and relevant department or division heads.

§ 33-3. Definitions.

Whenever used in this article, the following terms shall mean:

BEST VALUE

The basis for awarding contracts or purchases and/or services to a responsive and responsible offeror and/or bidder who optimizes quality, cost and efficiency for the Town based upon objective and quantifiable analysis whenever possible. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority- or women-owned business enterprises as defined in Executive Law § 310 (1), (7), (15) and (20), as may be amended.

CONTRACTS

Contracts for goods, commodities and equipment, including technology.

SERVICE OR SERVICES

The performance of a task or tasks and may include a material good or a quantity of material goods, and which is the subject of any purchase or other exchange.

TOWN

The Town of Warwick

§ 33-4. Requirements.

- A. A best value solicitation shall contain a specific notification that the solicitation will be analyzed and awarded in accordance with this Best Value Law and the relevant provisions of the Town's Procurement Policy. Such solicitations shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted.
- B. When the basis for award is based upon a best value offer, the Town Board shall document the evaluation criteria and the process used to make such determination.
- C. Whenever possible, the evaluation shall be based upon objective and quantifiable factors and shall not be based solely on cost. The process for procurements based upon best value and general evaluation criteria is identified in this Procurement Policy, a copy of which shall be maintained in the Purchasing Department and be made available to the public.
- D. The solicitation documents shall state the minimum requirements and specifications that must be met in order for the vendor and/or offeror to be deemed responsive and responsible and shall identify the general procedure and manner in which the evaluation and selection shall be conducted. All such requirements shall remain consistent with the Town's Procurement Policy.
- E. Town Board shall make every effort to ensure that the solicitation of documents, evaluation criteria and procedure for awarding purchase and service contracts on the basis of best value complies with the Town's Procurement Policy, local, state and/or federal rules, regulations and/or laws.

§ 33-5. Applicability.

(a) The provisions of this chapter apply to Town contracts involving an expenditure of more than \$20,000.00 for goods and Town contracts for services involving an expenditure of more than \$35,000.00, but exclude purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and excluding any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

(b) (1) All estimated purchases of less than \$20,000.00 but greater than \$1,000.00 require a written request for a proposal ("RFP") and written/fax quotes from three vendors.

(2) For all estimated purchases of less than \$1,000.00, the source is left to the discretion of the purchaser.

(3) All estimated public works contracts of less than \$35,000.00 but greater than \$3,000.00 require a written RFP and written/fax proposals from at least three contractors.

(4) For all estimated public works contracts of less than \$3,000.00 must be approved by the Town Supervisor.

(5) All contracts \$3,000.00 or more must be approved by the Town Board. Contracts of less than \$3,000.00 must be approved by the Town Supervisor.

§ 33-6. Standards for best value.

Goods and services procured and awarded on the basis of best value are those that the Town determines will be of the highest quality while being the most cost efficient as offered by responsive and responsible bidders and offerors. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: product or service features, quality, durability, reliability, product performance criteria, quality of craftsmanship, cost and extent of maintenance, useful lifespan, availability of replacement parts, availability of maintenance contractors, warranties, proximity to the end user if distance or response time is a significant factor, references, past performance, organization and staffing, and financial capabilities.

§ 33-7. Documentation.

A contract that is awarded on the basis of best value instead of lowest responsible bidder shall be authorized only when the basis for determining best value is thoroughly and accurately documented.

§ 33-8. Obtaining required number of proposals.

A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to their procurement.

§ 33-9. Exceptions.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A. Acquisition of professional services.
- B. Emergencies.
- C. Sole source situations.
- D. Goods purchased from agencies for the blind or severely handicapped.
- E. Goods purchased from correctional facilities.
- F. Goods purchased from another governmental agency.
- G. Goods purchased at auction.

§ 33-10. Annual review.

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

TOWN OF WARWICK



132 KINGS HIGHWAY
WARWICK, NEW YORK 10990

PLANNING DEPT.
ATTORNEY
ENGINEER
FAX NO.

(845) 986-1127
EXT 261, 259
EXT 239
EXT 275
(845) 987-9644

May 29, 2015

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

Re: Planning Board Applicant, Masanda/Luft Subdivision -Escrow Refund Request

SBL# 26-1-110

Dear Town Board Members:

Enclosed is a letter from Planning Board applicant, Julia Luft, received May 29, 2015 requesting a refund on the remaining balance of her escrow in the amount of \$2,863.75. Mrs. Luft no longer owns the farm it was sold earlier this year. As of today's date there are no outstanding invoices from the Town Professionals.

Town Planner

By: JPB

Ted Fink/Greenplan

Planning Board Engineer

Laura Barca

Laura Barca/HDR

Planning Board Attorney

JPB

John Bollenbach, Esq.

Please release and mail the balance of the escrow back to Mrs. Luft at 84 Blooms Corners Road Warwick, N.Y. 10990.

Sincerely,

Connie Sardo

Connie Sardo
Planning Board Secretary

cc: Joanne Wilcox, Bookkeeper
Michael Sweeton, Supervisor
Meg Quackenbush, Town Clerk
Jay Myrow, Town Attorney

Encl.

RECEIVED

MAY 29 2015

Town of Warwick

all come

May 27 2015

To Whom it May Concern

I understand I have money
left in the Masonda Supt escrow
account (\$863,75⁰⁰)

I sold the farm to Will Brown
and would like to have the
remainder returned

Thank You

Jules Supt

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

ESCROW LEDGER REPORT

Application #: 2003-100 **Application Date:** 10/31/2003
Master Parcel: 26-1-110 **Type of Project:** SUBDIVISION - MAJOR
Project: Lands of Luft
Location: Newport Bridge & Blooms Corner Rd, Warwick
Applicant: Kenneth Luft

Lands of Luft

Kenneth Luft Escrow Activity for March TAO# 872

--DATE--	--DESCRIPTION--	TRANS	AMT CHG	AMT PAID	BALANCE
10/17/2008	Escrow Ck#2289	PAID		8571.25	
10/29/2008	Tectonic Inv# 0192549	CHG	131.00		
12/5/2008	JDB ATTY INV# 1594	CHG	46.25		
5/4/2009	JDB ATTY INV# 1762	CHG	46.25		
5/5/2010	JDB ATTY INV# 2090	CHG	46.25		
5/5/2010	HDR INV# 195509-H	CHG	185.00		
11/2/2010	JDB ATTY INV# 2243	CHG	46.25		
11/8/2010	HDR Inv# 241663-H	CHG	156.25		
6/8/2011	HDR Inv# 296261-H	CHG	140.00		
6/9/2011	JDB ATTY INV# 2396	CHG	46.25		
12/3/2011	JDB ATTY INV# 2551	CHG	46.25		
12/7/2011	HDR INV# 342100-H	CHG	86.25		
6/9/2012	JDB ATTY INV# 2689	CHG	46.25		
6/13/2012	HDR INV# 386701-H	CHG	115.00		
8/14/2012	Greenplan Inv# 6007	CHG	385.00		
9/5/2012	HDR INV# 388546-H	CHG	851.25		
9/6/2012	JDB ATTY INV# 2752	CHG	462.50		
9/15/2012	Greenplan Inv#5832	CHG	175.00		
11/19/2012	HDR INV# 39-H	CHG	185.00		
12/5/2012	Escrow Ck# 2739	PAID		3196.00	
12/9/2012	JDB ATTY INV# 2818	CHG	46.25		
12/17/2012	HDR INV# 390998-H	CHG	292.50		
6/7/2013	JDB ATTY INV# 2925	CHG	46.25		
6/12/2013	HDR INV# 395787-H	CHG	93.75		
11/15/2013	HDR INV# 40208-H	CHG	93.75		
11/27/2013	JDB ATTY INV# 3017	CHG	46.25		
6/13/2014	HDR INV# 414253-H	CHG	67.50		
TOTAL:			\$45,093.95	\$47,957.70	\$2,863.75

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

ESCROW LEDGER REPORT

Application #: 2003-100 **Application Date:** 10/31/2003
Master Parcel: 26-1-110 **Type of Project:** SUBDIVISION - MAJOR
Project: Lands of Luft
Location: Newport Bridge & Blooms Corner Rd, Warwick
Applicant: Kenneth Luft

Lands of Luft

Kenneth Luft Escrow Activity for March TAO# 872

--DATE--	--DESCRIPTION--	TRANS	AMT CHG	AMT PAID	BALANCE
12/13/2006	Greenplan Inv# 3995	CHG	32.50		
1/11/2007	Greenplan Inv# 4029	CHG	97.50		
1/24/2007	JDB ATTY INV# 680	CHG	450.00		
2/8/2007	Tectonic Inv# 0173597	CHG	30.90		
2/12/2007	Greenplan Inv# 4063	CHG	390.00		
2/23/2007	JDB ATTY INV# 724	CHG	315.00		
5/22/2007	Tectonic Inv# 0178037	CHG	401.00		
7/3/2007	Escrow Ck#2130 TAO-872	PAID		2571.90	
7/18/2007	Greenplan Inv# 4280	CHG	130.00		
8/21/2007	Tectonic Inv#0178834	CHG	611.50		
9/10/2007	Tectonic Inv#0179419	CHG	589.10		
9/10/2007	JDB ATTY INV# 983	CHG	45.00		
10/5/2007	Tectonic Inv# 0180340	CHG	45.00		
11/4/2007	JDB ATTY INV# 1063	CHG	45.00		
2/5/2008	JDB ATTY INV# 1189	CHG	45.00		
2/15/2008	Greenplan Inv# 4552	CHG	385.00		
2/24/2008	JDB ATTY INV# 1222	CHG	45.00		
3/3/2008	Escrow Ck# 2264	PAID		2526.10	
3/4/2008	Tectonic Inv# 185097	CHG	1412.50		
3/8/2008	Greenplan Inv# 4576	CHG	70.00		
3/28/2008	Tectonic Inv# 0185903	CHG	1000.30		
3/31/2008	JDB ATTY INV# 1259	CHG	810.00		
4/10/2008	Greenplan Inv# 4627	CHG	700.00		
4/23/2008	Tectonic Inv.#0187891	CHG	927.30		
4/24/2008	Tectonic Inv. # 0186685	CHG	1971.90		
5/6/2008	Greenplan Inv# 4666	CHG	385.00		
5/8/2008	JDB Attorney Inv # 1304	CHG	786.25		
6/9/2008	JDB ATTY INV# 1347	CHG	92.50		
6/17/2008	Tectonic Inv# 0188805	CHG	93.00		
6/30/2008	JDB Invoice #1390	CHG	277.50		

Town of Warwick

132 Kings Highway

Warwick, NY 10990

845-986-1127

ESCROW LEDGER REPORT

Application #: 2003-100 **Application Date:** 10/31/2003
Master Parcel: 26-1-110 **Type of Project:** SUBDIVISION - MAJOR
Project: Lands of Luft
Location: Newport Bridge & Blooms Corner Rd, Warwick
Applicant: Kenneth Luft

Lands of Luft

Kenneth Luft Escrow Activity for March TAO# 872

--DATE--	--DESCRIPTION--	TRANS	AMT CHG	AMT PAID	BALANCE
10/31/2003	New Lg. Escrow	PAID		3550.00	
12/5/2003	Tectonic Inv#80538	CHG	157.50		
12/8/2003	Greenplan Inv#2341	CHG	472.50		
12/22/2003	Tectonic Inv#81084	CHG	45.00		
2/29/2004	Greenplan Inv#2444 TAO-872	CHG	115.00		
3/9/2004	Tectonic Inv#82114	CHG	130.00		
3/31/2004	Tectonic Inv#82415	CHG	25.00		
4/7/2004	Greenplan Inv#2460	CHG	201.25		
4/7/2004	Tectonic Inv#82688	CHG	162.50		
5/4/2004	Tectonic Inv#83152 TAO-872c2	CHG	260.00		
5/24/2004	Tectonic Inv#83926	CHG	337.50		
6/7/2004	Greenplan Inv#2561	CHG	172.50		
6/22/2004	Tectonic Inv#84530	CHG	1685.00		
6/28/2004	Escrow Ck.#1289. TAO-872	PAID		2100.00	
7/26/2004	Tectonic Inv#85205	CHG	150.00		
8/23/2004	Tectonic Inv#86248	CHG	130.00		
12/16/2004	Tectonic Inv#90006	CHG	65.00		
5/6/2005	Escrow Ck#1519 TAO-872	PAID		2008.75	
5/27/2005	Tectonic Inv#94063	CHG	603.20		
6/6/2005	Greenplan Inv#3113	CHG	406.25		
6/21/2005	Tectonic Inv#94509	CHG	544.70		
7/14/2005	Greenplan Inv#3141	CHG	187.50		
7/20/2005	Tectonic Inv#0095234	CHG	1451.50		
8/10/2005	Escrow Ck#1318 TAO-872	PAID		3193.15	
10/15/2005	Greenplan Inv# 3333	CHG	187.50		
10/20/2005	Tectonic Inv# 97696	CHG	91.00		
11/14/2005	Tectonic Inv# 97760	CHG	2392.90		
11/20/2005	Greenplan Inv#3418	CHG	375.00		
12/5/2005	ESCROW Ck#1480 TAO-872	PAID		2671.40	
12/12/2005	Tectonic Inv#98975	CHG	770.00		

TOWN OF WARWICK

DEPARTMENT OF POLICE

132 KINGS HIGHWAY
WARWICK N.Y. 10990
(845) 986-5000

THOMAS F. MCGOVERN, JR. N.A.
CHIEF OF POLICE

4th June 2015

MEMO

To: Supervisor Michael Sweeton, Town Board
From: Chief Thomas F. McGovern, Jr.
Re: Budget Line Transfer 

Please acknowledge and accept the attached check from the Orange County District Attorney's Office, in the amount of \$615.00 and transfer funds into the Drug Seizure Line.

If you have any other questions, do not hesitate to contact me.

Thank you.

cc: Joanne Wilcox & Meg Quackenbush

TM/km

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
TOWN CLERK townclk@warwick.net

TO: Town Board
FROM: Joanne Wilcox, Bookkeeper
DATE: June 4, 2015
RE: Budget Transfer

The Town has received a check from The Warwick Yard, LLC in the amount of \$ 2,400.00 to reimburse the Town for the Generator at the old state prison well site that was purchased from TAM Enterprises.

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

FROM:	Revenues from Other Governments:	H24-2389
TO:	Equipment:	H24-8340.200
AMOUNT:		\$ 2,400.00

Thank you.

TOWN OF WARWICK

ASSESSMENT DEPARTMENT
Deborah A. Eurich, IAO, Assessor

132 Kings Highway
Warwick, New York 10990
845.986.1123

Memorandum

DATE: June 8, 2015
TO: Warwick Town Board
FROM: Deborah Eurich, IAO, Assessor 
RE: Training Request

I respectfully request the Board's approval to attend the Institute of Assessing Officer's Seminar on Appraising held at Cornell University July 12-16, 2015.

This seminar is important in fulfilling the State's annual recertification requirement and to further enhance appraisal skills.

The necessary funds for attending were previously approved by the Town Board in the current budget. Additionally, I have been asked to assist with one of the courses. Consequently, most of my expenses will be paid by the New York State Assessors' Association, so the expense to the Town should be minimal.

Please contact me with any questions.