

November 7, 2013

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, November 7, 2013 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.

**ATTENDANCE:** Supervisor Michael Sweeton  
Councilman Floyd DeAngelo  
Councilman Russell Kowal  
Councilman James Gerstner  
Councilman Mickey Shuback

DPW Commissioner, Jeff Feagles  
Lieutenant, Thomas Maslanka

**ACCEPTANCE OF MINUTES**

**1. Regular Meeting, October 24, 2013**

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on October 24, 2013.

Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**FRANK SIMEONE – Attorney, Kornfeld, Rew, Newman & Simeone, 46 Washington Ave., Post Office Box 177, Suffern, NY 10901 – Letter to the Supervisor and Town Board requesting that the town waive fees which would otherwise be due from the fire district in connection with a building permit application, variance review by the Zoning Board of Appeals or engineering fees regarding the proposed emergency communications tower to be constructed on firehouse property at 675 County Route 1 in Pine Island.**

**CONNIE SARDO – Secretary, Town of Warwick Building Department – Letter to the Town Board requesting refund on the remaining balance of their escrow.**

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) - Negative Declaration**

**Notice of Determination of Non-Significance**

**This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.**

**The Town Board of the Town of Warwick, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.**

**Name of Action: Wickham Water District Expansion**

**SEQR Status: Type I**   
**Unlisted**

**Conditioned Negative Declaration:  YES**  
 **NO**

**Description of Action: The Town Board has proposed expansion of the Wickham Water District to annex the former Mid-Orange Prison site. On July 1, 2011, New York State closed the Prison. The State and Town proposed transfer of the property to the Town and possibly others through the Warwick Valley Local Development Corporation (LDC), a not-for-profit 501(c)(3). Currently, the site is served by the Wickham Sewer District and the provision of community water to the site will allow for its redevelopment in accordance with the Town Comprehensive Plan and with the recommendations of a Town Board appointed Mid-Orange Advisory Committee. The Committee conducted an analysis of potential future use of the prison property if it were to be transferred to the Town of Warwick and others. The Committee conducted a visioning meeting with residents and property owners in the Town to reach out to the public on potential future uses of the site. The Town and LDC wish to enable the site's redevelopment. No construction is proposed as part of the action.**

**Location: State School Road, Former Mid-Orange Prison Site  
Town of Warwick, Orange County, NY**

**Related Actions:**

**New York State's former Mid-Orange Correctional Facility encompasses five contiguous parcels of land totaling ±762-acres. On June 30, 2011, the State of New York announced that it would close the Correctional Facility. Declining inmate populations was reportedly the cause of the closure. At the time of the Facility closure, New York State relocated approximately 572 inmates to other prisons and reassigned a total of 309 employees who worked at the Facility.**

**Impacts to the Town of Warwick and surrounding area resulting from the closure of the prison were both significant and severe. The most notable impact was the significant loss of revenue for the Town owned and operated Wickham Sewer District, which provides sewer service to the former prison. The prison closure**

resulted in a loss of approximately one-half of the district's annual operating revenue. Another potential impact is the loss of population in the Town of Warwick. When prison employees, who were residents of the Town, were offered jobs in far-away locations, they moved out of the area. Following the closure of the Mid-Orange Correctional Facility, the Town of Warwick Town Board worked with the State of New York to take title to the facility. Portions of the site that are constrained by wetlands and other environmentally sensitive areas (or where used for recreation) are to be retained by the Town of Warwick while other portions will be held by the Warwick Valley Local Development Corp. and others.

The redevelopment process included public visioning by a Town Board appointed "Mid-Orange Advisory Committee." The Committee undertook a planning process: "To analyze the options which might be available for the site and to make recommendation(s) to the Supervisor and the Town Board for ways to develop the site that will ensure long-term job possibilities for residents of our community in a way that is compatible with the Town of Warwick Zoning Code and enhances the tax ratables within the Town." The Final Report of the Committee dated March 7, 2012, recommended the Town pursue future projects including: 1) conservation and historic preservation; 2) agriculture; 3) food processing and distribution; 4) sustainable energy generation; 5) low security corrections; 6) open space and recreation; 7) office and light industrial development; and 8) transportation alternatives.

The complexity of transferring and redeveloping the former Mid-Orange prison site and returning it to productive use has meant that a number of separate actions needed to be taken by a variety of different State and Local agencies. This has included the following related actions:

- A. When the site was operational as a prison, it consisted of five parcels of land zoned within the Town's Conservation (CO) and Rural (RU) Zoning Districts. Due to the site's location adjacent to the Town's Office and Industrial Park (OI) Zoning District, Kings Highway, and the New York Susquehanna and Western freight rail line, the Town Board proposed and later enacted a rezoning of the subject parcels to the Office and Industrial Park (OI) Zoning District to enable future redevelopment of the site in accordance with the Town Comprehensive Plan. A separate SEQR review process was conducted by the Town Board for the rezoning action. The Board's action concluded with the issuance of a Negative Declaration.
- B. The next related step involved transfer of the site from the State of New York, which declared that it would no longer have a need for the property. In order to effectuate the transfer from the State, the action included an initial subdivision of the site for the following purposes: 1) future development and redevelopment of the prison facilities area; 2) protected freshwater wetlands for transfer to a land trust; and 3) transfer of the remaining lands to the Town of Warwick for park, recreation and other municipal uses. The transfer process included other Involved Agencies: the Office of General Services transfer of the site to Empire

**State Development, Empire State Development transfer of the site to the Warwick Valley Local Development Corporation, and then transfer from the Warwick Valley Local Development Corporation to the Town and others. A separate SEQR review process was conducted by the Town Board, after circulating for Lead Agency status with the above stated Involved State Agencies, for the transfer action. The Town Board's action concluded with the issuance of a Negative Declaration.**

- C. As a pre-condition to closing on the site transfer from the State, New York State agencies required that the existing five site parcels be reconfigured first in the way in which they will be accepted by the Town and LDC. This involved a Re-subdivision of the parcels by the Town Planning Board. A separate SEQR review process was conducted by the Planning Board for the transfer action. The Planning Board's action concluded with the issuance of a Negative Declaration.**
- D. In addition to this SEQR review process on the proposed Water District Expansion, the Town Planning Board is undertaking a separate SEQR review process for a 10 lot commercial development on a ± 48.6 acre parcel on the prison site. Community water supplies are sufficient from the Wickham Water District to supply the 10 lot subdivision with potable water. Annexation of the former prison site into the Wickham Water District will allow for the District's excess capacity to be utilized by future office and industrial development on the site as well as adaptive reuse of the assorted 81 prison buildings.**

**The Planning Board has undertaken an extensive SEQR review process on the 10 lot subdivision involving a number of studies including an assessment of the impacts on agriculture, wetlands (both State and Federal), endangered and threatened species as well as biodiversity, traffic and transportation, and cultural resources. It is expected that the Planning Board will issue a Negative Declaration on the 10 lot subdivision, paving the way for eventual development of a small area of the prison site that is suitable for economic development activities. Both the New York State Department of Environmental Conservation and the Orange County Department of Health are Involved Agencies on the Water District Expansion and they have both consented to the Town Board to act as Lead Agency on this action.**

**Reasons Supporting This Determination:**

- 1. The Town Board of the Town of Warwick has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).**
- 2. After reviewing the Environmental Assessment Form (EAF) for the project dated September 10, 2013, the Town Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).**
- 3. Separate SEQR reviews have been and will continue to be conducted for redevelopment of the former prison site. No construction is proposed in**

association with the Water District expansion action but a related action consisting of a 10 lot commercial subdivision of a 48.6 acre parcel is being conducted by the Town of Warwick Planning Board. The Planning Board's SEQR review has included an extensive assessment of the impacts of construction activities associated with future development of the 10 office and industrial lots.

4. The Town Planning Board's related 10 lot subdivision review under SEQR includes identification of thresholds needed for future development of the site based upon detailed design and review for development of the 10 individual lots by the Town Building and Engineering departments. In addition, future approvals may be necessary from the Town Board, Planning Board, Zoning Board of Appeals and other County, State and Federal agencies. Such approvals are identified within the Planning Board's separate SEQR review process. A series of thresholds have been developed by the Planning Board to guide future development of the proposed 10 lots. Furthermore, the Town Board of the Town of Warwick and the Warwick Valley Local Development Corporation may seek New York State Certification of the subdivision development as a "Shovel Ready Site" by Empire State Development, the State's chief economic development agency. Businesses that decide to locate within the subdivision and that do not exceed the thresholds established by the Planning Board may be eligible to receive expedited Building Permit approvals from the Town Building Department without the necessity of receiving Site Plan and Special Use permit approvals from the Planning Board.
5. The proposed action is consistent with the Town Zoning Law (Office & Industrial Park District), the Town Comprehensive Plan and with the Mid-Orange Advisory Committee Final Report dated March 7, 2012.
6. It is the desire of the Town, its residents, and the WVLDC to provide a "shovel-ready" site to facilitate its redevelopment and to recapture the 400 jobs lost as a result of the Prison closure. Expansion of the Wickham Water District will allow redevelopment of a portion of the site to occur.
7. The Town's Wickham Sewer District currently serves the former prison site and the provision of water supply to the site will compliment the sewer services and will encourage redevelopment in accordance with the Town Comprehensive Plan.

**For Further Information:**

**Contact Person:** Michael Sweeton, Supervisor  
**Address:** Town Board of the Town of Warwick  
132 Kings Highway  
Warwick, NY 10990  
**Telephone:** 845.986.1124

**BOARD'S DISCUSSION ON CORRESPONDENCE**

Supervisor Sweeton stated that the negative declaration for the expansion of the Wickham Water District is listed but we will not be acting on the expansion this evening but it is there for the Board to accept at such time that it does move on

expanding the district. That was the expansion shown there that would include the Mid Orange Correctional Facility as part of the existing Wickham Water District. The prison has its own water system so it would just be a supplement to it. It's not going to be drawing water from the Wickham District but it expands the district and puts more properties in the district so it can help share the cost and the users in the expanded district would include all of the potential commercial for the Mid Orange Facility. They should help the burden of the residential users of the water district in such time that we do act on it.

**VISITING ELECTED OFFICIALS**

**REPORTS OF BOARDS AND COMMISSIONS**

**COMMITTEE REPORTS**

**ENVIRONMENTAL CONSULTANTS REPORT**

**DEPARTMENT OF PUBLIC WORKS REPORT**

**WORK BEING**

**DONE**

**LOCATION**

**REASON FOR WORK**

CATCH BASINS	Coppergate Ln.	Repair basins
	Sunrise Ridge	Repair basins
DITCH WORK	Upper Wisner Rd.	Clean ditches
	Lower Wisner Rd.	Clean ditches
POT HOLES	Town wide	As needed
ROAD SIGNS	Town wide	As needed
WATER DEPT.	Wickham Knolls	Replace hydrant

**Jeff Feagles – DPW Commissioner – Just a reminder to everybody that the middle of November is approaching and all vehicles must be off the streets for when the inclement weather arrives if people could obey the snow ordinance.**

**Supervisor Sweeton – Maybe the press could publicize it. The snow ordinance for the town is 24 hours prior to a snow event and 24 hours after you're not allowed to park vehicles on a town road and the other aspect of that is plowing. If you have someone who plows your driveway they shouldn't be plowing it into the town road because it costs extra to have to go back and it also could create hazards for your neighbors as they are traveling on the roads. Please have your plow people push the snow off of the side as they do your driveways.**

### **COUNCILMAN DE ANGELO REPORT**

**1. For the month of October the Post Report is as follows: Greenwood Lake had 221 calls, the Town outside the Village had 826 calls, Pine Island 209 calls and the Village of Warwick had 689 calls for a total of 2,045 calls for the month of October.**

**Lieutenant Maslanka – I would just like to remind the public it's that time of year for the deer population; love is in the air. Motorists need to take extra caution because the deer are crossing the roads chasing each other around so just slow down and be cautious.**

**Councilman DeAngelo – The Warwick Valley Humane Society is asking for donations: canned ground cat food pate', paper towels, bleach, paper plates, heavy duty garbage bags, large dog biscuits, spray bottles and natural wood stove pellets which they use for cat litter.**

### **COUNCILMAN KOWAL REPORT**

**1. The temperature is getting below freezing during the night and if you have a catch basin by your front yard and if you think of it please take away the leaves from it if we get some rain so that the water goes down the basin and not into the street making icy spots for people.**

**2. Monday, November 11<sup>th</sup> is Veterans Day and not just one day a year but everyday we should remember our Veterans and what they do for our country.**

### **COUNCILMAN GERSTNER REPORT**

**1. I would like to thank all the candidates that ran in the last election and congratulate those who won.**

**2. As Councilman Kowal said Veterans Day is coming up try to get to a service in your area and always thank a Vet because we wouldn't be here without them.**

### **COUNCILMAN SHUBACK REPORT**

**1. They put lime out in Greenwood Lake on the new baseball field but we couldn't put it on the softball field because of the fence. We couldn't get in so we need to get a spin spreader and use that to spread the lime.**

### **TOWN CLERK'S REPORT**

- Fees Collected – Month of October – Wickham Lake Resident Permit Fees, \$60.00; Film and Video Permit Fee, \$250.00; Copies of Maps, \$25.00; Certified Marriages, \$80.00; Photocopies, \$9.50; Use of Kitchen Fees, \$50.00; Use of Room Fees, \$200.00; Interest in Checking Account for Month of September, \$1.65; Dog Impoundment Fees, \$1,230.00; Town Park Pavilion Fee, \$25.00; Marriage License Fees, \$332.50; Conservation Licenses, \$195.92; Dog Licenses Issued/Renewed, \$1,518.00; Registrar Fees, \$290.00; Town Park Deposits, \$50.00. Total Fees Collected: \$10,950.15**

2. **Fees Paid – Month of October – New York State Dept. of Health for Marriage Licenses, \$427.50; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$185.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$4,660.08; Village of Greenwood Lake for Registrar Fees, \$170.00; Village of Warwick for Registrar Fees, \$1,190.00. Total Fees Paid to the Supervisor: \$4,317.57**
3. **Unofficial Election Result Totals for County and Town Races (does not include absentee ballots) as Reported by the Board of Elections**

**County Executive (Vote for 1)**

Roxanne L. Donnery (D, HE)	28,532
Steven M. Neuhaus (R, C, I)	36,179 *
Niki Lee Rowe (WF)	826

**District Attorney (Vote for 1)**

Michael S. Isgur (D, WF)	21,005
David M. Hoovler (R, C, I)	40,303 *

**County Clerk (Vote for 1)**

Deborah J. Mulqueen (D, WF)	25,433
Ann G. Rabbitt (R, C, I)	37,385 *

**County Legislator (Vote for 1)**

**3<sup>rd</sup> Leg. District**

**Leg.District**

Harold Ciappa (D, WF) 1,072  
Paul Ruskiewicz (R, C, I) 2,189 \*

**8<sup>th</sup> Leg. District**

Nathan Wolinsky (D, WF) 1,268  
Barry J. Cheney (R, I) 1,931 \*

**10<sup>th</sup>**

Michael J. Mallon (D,WF) 1,366  
John S. Vero (R, C, I) 2,132 \*

**Town Clerk (Vote for 1)**

Marjorie Quackenbush (R, C, I)	4,729 *
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**Town Justice (Vote for 1)**

Peter D. Barlet (R, C, WF, I)	4,389 *
Steven L. Grasso (G)	812

**Councilman (Vote for 2)**

Floyd DeAngelo (R, C, I)	4,453 *
Mickey Shuback (R, C, I)	4,433 *

**Receiver of Taxes (Vote for 1)**

Brenda Faulls (R, C, I)	4,834 *
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**Supervisor Sweeton – I think you guys did a great job in getting those results fed in. I appreciate the Clerks work in that and everyone who came out, it's great.**

### **SUPERVISOR'S REPORT**

**1. Veterans Day Observations - In the Village of Warwick it will be at Memorial Park at the monument at 11:00 a.m. They will start at 10:30 a.m. at the firehouse and march down to our Veterans Park. If you could spend a little time and come out to that I know that they would appreciate it and it's a way for us to thank them. In Greenwood Lake it will be held at the American Legion Post on Lakes Road at 11:00 a.m. and we are trying to get information on Florida but we assume the Legion in Florida is doing something as well for the observance.**

**2. We did receive from attorneys representing the Pine Island Fire District a Legal notice, I will read it. "Please take notice that the Pine Island Fire District located in the Town of Warwick will hold a public hearing on Wednesday, November 20, 2013, at 7:30 p.m., or as soon thereafter as the matter can be heard, at the Pine Island Firehouse located at 675 County Route 1, Pine Island, New York. The Pine Island Fire District and New Cingular Wireless PCS, LLC (AT&T) are proposing to construct a 150 foot tall self-supporting monopole and associated fenced equipment compound for use by both the Pine Island Fire District and AT&T. The proposed tower will be located at the Pine Island Firehouse located at 675 County Route 1, Pine Island, New York (situated on tax parcel SBL# 12-2-24). The Pine Island Fire District will review the proposed site plan and take comments on the same. All interested persons will be given the opportunity to be heard. By order of the Pine Island Fire District, Board of Fire Commissioners Kenneth Gurda, Chairman." The fire district because it is a municipal entity with its own elected board can chose to hold that hearing itself. He does not have to apply to the Towns Planning Board so they will act as their own planning board in this matter. Anyone who is interested should attend the hearing on November 20<sup>th</sup>.**

**3. I want to give information to the board and the public about correspondence that I received from our workmen's compensation carrier Wright Risk Management as probably six years ago now we were forced with continual double digit increases from being a participant in the Orange County Plan. We withdrew and have since saved close to \$850,000 by that activity but what I wanted to point out to you is our renewal for last year was \$481,000 and our renewal for this year will be \$455,000 down by 5.3%. The overall decrease is mainly due to our individual experience modification by 26 points and our payroll only increasing by 1.74%. They write that they are thrilled to present to us this very favorable decrease considering what last few years have given us in the projected New York State rates for 2014 which statewide are indicated to be 13.05% increased. Your experience modifications are one of the lowest at .77 that I can remember seeing in a number of years. Congratulations on this remarkable effort, so again it goes to the departments, the employees who have bought into the idea of working safely and they should all be commended for that and saving the town in this years budget close to \$30,000 and we do appreciate that.**

**4. Last night at the Planning Board hearing the Warwick Valley LDC did receive the final conditional approval for a subdivision to create ten shovel ready sites on a portion of the Mid Orange Correctional Facility. When that transaction is consummated those sites will be approved and will be ready for purchase by**

interested companies that might want to come in there. All they will have to do is come in to the building department and get a permit and they will be on their way. It's very exciting in terms of creating some job opportunities here in the town as well as commercial ratable properties. I think it's a good thing that will benefit the town for the long run.

5. The Supervisors Corner is published each week in the Warwick Dispatch, with excerpts printed in the Warwick Advertiser.

**PRIVILEGE OF THE FLOOR (AGENDA ITEMS)**

There were no comments or questions on the agenda items.

**NEW BUSINESS:**

**#R2013-238 ADOPT 2014 TOWN PRELIMINARY BUDGET**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to accept the 2014 Preliminary Budget as presented.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**#R2013-239 AUTHORIZATION OF ESCROW REFUND – FRANK GRAESSLE**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$362.50, the balance of the escrow for Building Department applicant Frank Graessle as per the recommendation of the Building Department Secretary; letter dated October 28, 2013.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**BILLS:** Motion Councilman Shuback, seconded Councilman DeAngelo to pay the bills as audited. Motion Carried (5 ayes, 0 nays)

**PRIVILEGE OF THE FLOOR (GENERAL)**

Paula Cornine – Resident, Town of Warwick, NY 10990 – It says here the Town Board has determined the proposed action for the expansion of the Wickham Water District will not have a significant effect on the environment and a draft environmental impact will not be prepared. If something impacts the environment or doesn't it's the Boards determination?

Supervisor Sweeton – Under SEQRA, which is the State Environmental Quality Review Act there are a series of actions that you can take and depending on those actions where they are. They are classified in different ways; type 1 or type 2 actions, you can determine if they meet thresholds.

Paula Cornine - The Board can determine?

Supervisor Sweeton – Yes, correct.

**Paula Cornine - Not this agency SEQRA.**

**Supervisor Sweeton – SEQRA is the state regulations that control this so yes the Town Board does it. We look at several factors; we consult with our planner who measures these thresholds against what we are trying to do and then gives us an opinion as to whether we can issue a negative declaration or a positive declaration. If it's a positive declaration, which means it is going to potentially have a significant environmental impact, then we would be required to do a full environmental impact statement. The thresholds for the expansion of this district, since there is no cost to the district users we're not drilling new wells, we're not extending infrastructures because it's already in place, are deemed to have no significant effect on the environment.**

**Paula Cornine – But even if you did decide to drill a new well could you still determine that it's not going to have a major impact on the environment?**

**Supervisor Sweeton – We would have to make that assessment and we could.**

**Paula Cornine – Ok.**

**Supervisor Sweeton – Correct. It is up to whoever the local jurisdiction is. It's up to them to make that decision. Now someone could always challenge it and where this comes into play a lot of times is an application when someone is building and someone objects to it and they say well you've interpreted SEQRA incorrectly and potentially they could challenge you. In Warwick we've done a fairly thorough job in looking at thresholds and the impacts so when a recommendation to issue a negative or positive declaration is made it's very rarely challenged.**

**Paula Cornine - Ok thank you.**

**Supervisor Sweeton – You're welcome.**

**Richard Murtie – Resident, Town of Warwick, NY 10990 – Out of the 762 acres on the prison property how much is going to remain open land and how much is going to be...**

**Supervisor Sweeton – Of the 732 there's 400 that are wetlands, DEC wetlands, so that stays open and that leaves approximately another 300 acres, so about 150 of that will be developed and 150 will remain open. That open land includes where the sewer plant is, where the water systems are, land that goes down to the lake, the pavilion and the ball field area, so all of those are included in that acreage.**

**Richard Murtie – Under that land development corporation there's only about 150 acres.**

**Supervisor Sweeton – Correct.**

**Richard Murtie – Thank you.**

**Supervisor Sweeton – Yup.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:45 p.m.  
11-07-13 CP.**

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**Marjorie Quackenbush, Town Clerk**